



<b>Subject:</b>	Notices of Motion – Neonatal Leave
<b>Date:</b>	23 August 2024
<b>Reporting Officer:</b>	Christine Sheridan, Director of Human Resources
<b>Contact Officer:</b>	Eamonn Neeson, Principal HR Advisor (Employee Relations)

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.</b>	
Insert number <input type="checkbox"/>	
<ol style="list-style-type: none"><li>1. Information relating to any individual</li><li>2. Information likely to reveal the identity of an individual</li><li>3. Information relating to the financial or business affairs of any particular person (including the council holding that information)</li><li>4. Information in connection with any labour relations matter</li><li>5. Information in relation to which a claim to legal professional privilege could be maintained</li><li>6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction</li><li>7. Information on any action in relation to the prevention, investigation or prosecution of crime</li></ol>	
<b>If Yes, when will the report become unrestricted?</b>	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	At the SP&R committee on 24 March 2023 the Committee was advised that the Standards and Business Committee, at its meeting on 21 February 2023, had referred the following

1.2	<p>motion which had been proposed by Councillor Spratt and Seconded by Councillor Bunting:</p> <p><i>“This Council will amend maternity leave provision for mothers of babies defined as premature so that maternity leave will not commence until the certified due date of the child. All/any leave required from delivery date of a premature baby by parents will be considered compassionate leave and not reduce an employee’s right to standard parental leave.”</i></p> <p>The SP&amp;R Committee adopted the motion, and it was forwarded to The Director of Human Resources to review / action.</p> <p>This report informs Committee of the outcome of the consultation with the trade unions and the development of a proposed Neonatal Leave and Pay Policy which will be implemented in September 2024.</p>
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> <li>• Note the agreed Neonatal Leave and Pay Policy and to agree to the implementation of the policy for all staff with immediate effect.</li> </ul>
<b>3.0</b>	<b>Main report</b>
3.1	<p><b>Commencement of Maternity Leave</b></p> <p>As maternity leave and pay provisions are a statutory right and the entitlement to maternity leave and pay is enshrined within legislation, including when maternity leave must begin, i.e. no later than the day of the birth (regardless if the child is born prematurely), Council are unable to amend the commencement date of a new mother’s (or the equivalent for an adopter/ surrogate) maternity leave to that of the expected due date as opposed to the date of the birth. However, there is no restriction upon the Council providing another form of leave which can be added on to the end of maternity leave to enhance the time a mother has to spend with her new-born child.</p> <p>On 24 May 2023 a new Neonatal Care (Leave and Pay) Bill became law and will come to effect in 2025 in England, Scotland and Wales. This is not applicable in Northern Ireland.</p> <p>In addition, Neonatal Leave is included within the current consultation on the Department for the Economy’s <i>“Good Jobs” Employment Rights Bill</i>.</p> <p>Despite this, there is no restriction upon the Council developing its own policy to allow for the provision of this additional leave and therefore consultation was commenced with the</p>

trade unions through the Council's Industrial Relations Framework to seek to develop a policy which would offer this provision to staff.

### 3.2 **Neonatal Leave and Pay Policy**

Following consultation between management and trade unions a Neonatal Leave and Pay Policy was agreed by JNCC on 20 June 2024.

The policy provides additional leave for staff, whereby they have a newborn child who has spent time in a neonatal care unit following birth. This will ensure such parents have the opportunity to spend the same amount of time at home with their newborn child, as would be the case had the child not spent time in neonatal care.

The proposed entitlements are based upon the statutory entitlements that will be provided to employees in England, Scotland and Wales as part of the Neonatal Care (Leave and Pay) Act 2023 and will create an additional family related leave over and above that which is already provided by the Council through its various work life balance entitlements.

Furthermore, the same entitlements will apply to mothers, fathers/non birthing parents, adoptive parents and the intended parent (if having the baby through surrogacy arrangements).

### 3.3 **Entitlement to Neonatal Leave**

The policy provides additional leave for Council employees whose newborn child has had to spend a minimum of seven consecutive days in a neonatal care unit within the first 28 days following birth.

The amount of leave will be dependent upon how long the baby spends in neonatal care and will be based upon full weeks only. The minimum period of leave will be one week (i.e. one period of seven consecutive days), with the maximum being 12 weeks.

The leave can be taken at any time up to 68 weeks following the birth of the baby. However, for the mother of the child it must be taken following her maternity leave (this will also apply to the main adopter of the child – i.e., it can only be taken at the end of the adoption leave). This is because, once maternity leave has commenced it cannot be ended and then restarted again.

For the father or non-birthing parent the leave can be taken at any time up to the 68 weeks and does not impact upon the entitlement to paternity leave.

3.4	<p><b>Entitlement to Neonatal Pay</b></p> <p>Payment for a period of neonatal leave will be paid at the same rate as the weekly rate of statutory maternity pay, maternity allowance, statutory paternity pay, statutory shared parental pay, statutory adoption pay and statutory parental bereavement pay. Currently, this equates to £183.03 per week.</p> <p>While entitlement to the leave is a day one right, entitlement to the pay will require the employee to have completed 26 weeks of continuous service. This is in line with the current requirements for other types of paid “family leave” and mirrors the legislation to be introduced in GB.</p>
	<p><b>Financial &amp; Resource Implications</b></p>
3.5	<p>Based upon UK average numbers of newborn babies who spend time in neonatal care following birth, and using the numbers of Council employees who were on maternity leave during 2021 – 2023 the estimated costs to the council would range from £497.84 (one weeks leave) to £5,974.09 (12 weeks leave).</p>
3.6	<p>Following ratification at council, we will work with colleagues in External Affairs, Communications and Marketing to deliver both external and internal communications around the benefits of the policy.</p>
3.7	<p><b>Equality or Good Relations Implications/Rural Needs Assessment</b></p> <p>There are no equality or good relations implications with the Neonatal leave policy.</p>
3.8	<p>The introduction of the enhanced leave provisions should have a positive impact on equality and good relations as it will ensure that the parents of children born premature or sick, requiring a longer hospital stay, will have the same amount of time to spend at home with their newborn child as those employees whose child is born healthy.</p>
3.9	<p>This policy has undergone equality and rural needs screening and has been screened out.</p>
4.0	<p><b>Appendices – Documents Attached</b></p>
	<p>Appendix 1: Agreed Neonatal Leave and Pay Policy</p>