



MacIntyre Academies

Neonatal Care Leave Policy

Version 1

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Neonatal Care Leave Policy

Contents

1. Purpose.....	2
2. Scope.....	2
3. Schedule of Responsibilities.....	2
4. Policy Statement	3
5. Entitlement	3
6. Procedure.....	3

1. Purpose

This policy sets out the Neonatal Care Leave entitlements and responsibilities for employees in accordance with relevant employment legislation and best practice.

2. Scope

This policy applies to all employees of MacIntyre Academies Trust (MAT) in either a permanent, fixed term or temporary post. This policy does not form part of any contract of employment and may be amended from time to time. Your entitlement to time off on the loss of a child is set out in our policy on Parental Bereavement Leave, including details of eligibility, pay during time off, and other support available.

If you wish to make a request for parental leave to care for a child, you should read our Parental Leave Policy.

We have separate policies that explain your entitlements to Maternity Leave, Adoption Leave, Paternity Leave and Shared Parental Leave, and Pay during these types of leave.

3. Schedule of Responsibilities

The Senior Executive Leader of MacIntyre Academies Trust takes overall responsibility for the implementation of policies and procedures, and to provide reports as appropriate to Trustees in relation to this policy.

Principals of MacIntyre Academies and their Senior Leadership Teams will take active steps to promote good practice under this policy, and review and monitor the management and implementation of this policy and practice in their Academy. They will identify training needs, ensuring competence in those staff who are responsible for and involved in the operation of this policy and associated guidance.

MacIntyre Academies Human Resources are responsible for providing advice and training under this policy and reviewing and updating the policy as required; ensuring continuing

relevance and effectiveness in line with any developments in employment legislation, good employment practice and other MacIntyre Academies policies.

4. Policy Statement

Employees have a statutory right to neonatal care leave from day one of employment where they are responsible for a baby receiving neonatal care. We recognise that this can be a difficult and worrying time, both physically and mentally.

This policy explains your rights to time off, pay during time off and other support offered. Employees will not be subject to detriment for taking neonatal care leave.

5. Entitlement

You are entitled to take one week of neonatal care leave for each consecutive seven-day period that your baby is receiving neonatal care, up to a maximum of 12 weeks.

You may take neonatal care leave if you have parental or other prescribed responsibility for a baby who is receiving, or who has received, neonatal care. This will apply if you are:

- the child's parent, intended parent, or partner of the child's mother at the date of birth;
- in cases of adoption, the child's adopter, prospective adopter, or the partner of either, at the date the child is placed.

"Neonatal care" is defined in law as care of a medical or palliative kind lasting for at least seven consecutive days which starts within 28 days beginning with the day after the child's birth. The medical care may be received in hospital, or out of hospital providing the child was originally an inpatient and the care is under the direction of a consultant. Neonatal care also covers babies receiving palliative or end of life care.

We recognise that people other than those listed above in relation to whom the statutory right applies may want time off in these circumstances. Requests for time off in relation to these people should be made to your Principal/SBM but these will be considered separately to time off for statutory neonatal care leave.

6. Procedure

You must give us notice in writing if you want to take neonatal care leave.

The notice must specify:

- your name;
- the child's date of birth and date of placement if adoption;
- the date(s) the child started receiving neonatal care;
- the date neonatal care ended if the child is no longer receiving it;
- the date you want the leave to begin;
- the number of weeks' leave you want to take;
- the declaration that you are taking the leave to care for the child;

- the declaration that you meet the eligibility requirements.

You can take neonatal care leave during two periods:

- a) “tier one period” — starts from the day the child starts receiving neonatal care, ending with the seventh day after the child stops receiving neonatal care. Leave taken in this period:
 - a. cannot be taken before the day after the first 7-day uninterrupted period of neonatal care;
 - b. can be taken in non-consecutive weeks;
- b) “tier two period” — any period which is outside of tier one but you are entitled to neonatal care leave. Leave taken in this period must be taken consecutively.

If you wish to take neonatal care leave in the tier one period you must give us the required notice before you are due to start work on the first day of absence, unless it is not reasonably practicable to do so, to prevent any delays in accessing your entitlement.

If you wish to take neonatal care leave in the tier two period, you must give us the required notice no later than 15 days before the first day of leave when taking a single week, or no later than 28 days before the first day of leave when taking two or more weeks.

If you change your mind about taking neonatal care leave, you can withdraw your notice by following the same notice periods as above.

Your neonatal care leave will start on the day specified in your notice unless the leave is due to start on the same day as the notice is given, or you are at work on that day, then it will start the day after.

Taking leave

You must take the leave before the end of a period of 68 weeks beginning with the child’s date of birth or date of placement in cases of adoption.

If you accrue neonatal care leave after already starting another period of statutory family leave, such as maternity or paternity leave, then you can take the neonatal care leave after the end of the statutory family leave, providing it is within 68 weeks beginning on the child’s date of birth or placement.

Pay during leave

You are entitled to Statutory Neonatal Care Pay during neonatal care leave if you:

- are eligible for statutory neonatal care leave;
- have 26 weeks’ continuous service by the week immediately preceding the one in which neonatal care starts;
- earn at least the lower earnings limit on average calculated over the period of eight weeks ending with the week before neonatal care starts;
- are still in employment in the week before neonatal care starts.

If you are eligible, you are entitled to a maximum of 12 weeks' Statutory Neonatal Care Pay, paid at one week per every seven uninterrupted days of care the child receives.

The weekly rate of Statutory Neonatal Care Pay is the lower of:

- the current statutory rate;
- 90% of your normal weekly earnings.

If you are eligible for Statutory Neonatal Care Pay, you need to give us notice in writing of your intention to claim it alongside your notice of intention to take neonatal care leave.

Where you are claiming Statutory Neonatal Care Pay in the tier one period, you must provide notice before the end of 28 days after the first day of the pay week the notice refers to.

If you are claiming Statutory Neonatal Care Pay in the tier two period, you must provide notice no later than 15 days before the first day of the relevant pay week when taking a single week, or no later than 28 days before the first day of the first relevant pay week when taking two or more weeks.

The notice must include:

- your name;
- the child's date of birth and date of placement if adoption;
- the date(s) the child started receiving neonatal care;
- the date neonatal care ended if the child is no longer receiving it;
- the declaration that the week you are claiming pay for was taken to care for the child;
- the declaration that you meet the eligibility requirements.

Returning to work

You have the right to return to work to the same job unless you return after a specific point at which you will have the right to return to a similar job on no less favourable terms if it is not practicable for you to return to the same job. Your manager will explain how this affects you based on your individual circumstances.

Employee assistance programme (EAP)

We would like to remind you that you have access to a 24-hour telephone counselling service and we would like to encourage you to use it if you feel you would like to talk to someone about your situation. The service can be accessed on 01773 814403.

Appendix 1

Neonatal Care Leave Notification Form

- Employees do not have to give notice in writing for leave during the tier one period.
- If the employee is taking neonatal care leave in the tier two period, this form should be used alongside the “Statutory Neonatal Care Pay notification form” (available as a separate download) if the employee wishes to claim entitlement to Statutory Neonatal Care Pay.

Please ensure you read our Neonatal Care Leave Policy before completing this form to ensure you qualify for neonatal care leave and understand how it can be taken. A copy of the policy is available on the shared drive.

Employee name:

Department:

Child's date of birth (and date of adoption where relevant):

Date(s) the child started receiving neonatal care:

Date(s) the child stopped receiving neonatal care:

Start date of proposed neonatal care leave:

Number of weeks leave to be taken:

Please note that you are required to give notice of your intention to take neonatal care leave. If the child is no longer receiving care, this is either 15 days for one week of leave or 28 days for two or more weeks of leave.

Declaration

I am entitled to take neonatal care leave because I am either:

☐

- at the date of birth:
 - the child's parent;
 - the child's intended parent;
 - the partner of the child's mother;
- at the date of placement:
 - the child's adopter;
 - the child's prospective adopter;
 - the partner of either of the above;
- have, or expect to have, responsibility for the upbringing of the child.

I am taking the leave to care for the child in question

☐

I have not exceeded my entitlement to neonatal care leave

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I have given at least the required amount of notice.

☐

I understand that if I knowingly misuse neonatal care leave, eg request or take neonatal care leave for a purpose other than that intended by the statutory right to take neonatal care leave, I may be subject to disciplinary proceedings.

Signed:

Date: