



Department for
Business & Trade

Neonatal Care Leave and Pay

Employers' technical guide

August 2025

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Employers' technical guide to Neonatal Care Leave and Pay

Eligible parents (including adoptive parents) have a statutory entitlement to Neonatal Care Leave and Pay for babies born on or after 6 April 2025. This entitlement is only available to employees in England, Scotland and Wales. This is technical guidance for employers to support them with implementing Neonatal Care Leave and Pay. A summary of the key points is also available on [gov.uk](https://www.gov.uk).

Employers must manage the process for this entitlement and work with their employee to determine their eligibility, and how they can take Neonatal Care Leave and Pay. Employers must therefore use this guide to help determine their employee's eligibility, how much leave and/or pay they have accrued, and to help their employee decide how they should take their leave and/or pay.

Introduction

Eligible parents can take a minimum entitlement of one week and a maximum of 12 weeks of paid leave in addition to other statutory leave entitlements such as maternity, paternity and shared parental leave.

Neonatal Care Leave is a 'day one' right, meaning it is available to employees from their first day in a new job, and applies to parents of babies who are admitted into neonatal care up to the age of 28 days, and whose neonatal care lasts 7 full continuous days or more.

To qualify for Statutory Neonatal Care Pay, an employee is required to be employed for a minimum of 26 weeks prior to the time off being requested and must earn on average at least the Lower Earnings Limit in force at the time.

Around 40,000 babies spend over 1 week in neonatal care each year, and we estimate that around 60,000 parents will be eligible and around 34,000 parents will take up paid Neonatal Care Leave every year.

What this guide includes

This guidance covers the following areas:

- Summary: Neonatal Care Leave and Pay
- Eligibility criteria - Knowing whether your employee qualifies for Neonatal Care Leave and Pay
- Information your employee must provide
- How to calculate how much Neonatal Care Leave and Pay your employee has accrued
- When Neonatal Care Leave can be taken
- How to fit Neonatal Care Leave and Pay around other statutory leave and pay
- How to calculate the relevant week and average earnings
- Information you are required to provide to HMRC
- How you can support your employees

What is neonatal care?

As set out on page 10, neonatal care is defined broadly, and covers care provided in a hospital setting as well as some care provided outside of hospital.

Most of the parents who will benefit from this entitlement will have a baby admitted to neonatal care shortly after they are born. One in seven babies born in the UK receives neonatal care. This is either because they have been born prematurely (before 37 weeks of pregnancy) or at full-term but are unwell. For example, they might have an infection, difficulty breathing or a genetic condition. Babies who are part of a multiple birth pregnancy (e.g., twins or triplets) are more likely to require neonatal admission after birth.

A neonatal admission is often unexpected, either because the pregnancy has been healthy with no complications up until birth, or because a baby has been born prematurely without any previous indication that this might happen. However, some families will know before their baby is born that neonatal admission is likely. For instance, if the mother, or their baby, have been diagnosed with a condition during pregnancy.

How long a baby spends in hospital, or subsequently needs continued care once home, varies widely—some will only need care for a few days, others for many months. For babies who are born prematurely, the earlier in pregnancy they are born, the longer they will likely need to receive neonatal care.

Summary: Neonatal Care Leave and Pay

Neonatal Care Leave and Pay is available to eligible employees whose baby was born on or after 6 April 2025. It is available to eligible parents of babies who are admitted into neonatal care up to the age of 28 days, and whose neonatal care lasts 7 full continuous days or more.

The entitlements are available to a broad range of parents: the baby's biological parents, adopting parents, intended parents in a surrogacy arrangement, partners, and surrogate birth mothers. Further details can be found on this in the eligibility criteria section of this guide.

Neonatal Care Leave and Pay can be taken in addition to other entitlements to parental leave and pay that are available to parents. For example, any Maternity, Paternity, Shared Parental Leave and Pay and Unpaid Parental Leave that the employee has. Neonatal Care Leave and Pay can be taken in two tiers to offer parents maximum flexibility and the ability to take leave and pay around their existing parental entitlements, such as Maternity Leave and Pay.

Neonatal Care Leave eligibility conditions

Neonatal Care Leave is a 'day 1 right' which is available to employees from the first day of their employment. Leave can be taken in blocks of seven days and eligible parents can take a maximum of 12 weeks of Neonatal Care Leave. For eligible parents to qualify for Neonatal Care leave, they must have responsibility for the baby who is receiving the care and meet the criteria for parental or other personal relationship with the baby set out in the regulations. They must also be caring for the baby at the time of taking the leave.

Statutory Neonatal Care Pay eligibility conditions

Statutory Neonatal Care Pay is available to employees who meet the eligibility conditions for Neonatal Care Leave as outlined above, and in addition must also meet continuity of service and minimum earnings tests. They must also be caring for the baby at the time of taking the pay.

Eligible employees must have worked for their employer for at least 26 weeks ending with the relevant week (more information can be found on page 33 on the relevant week, which is also sometimes known as the qualifying week), and earn on average at least the lower earnings limit at the time.

Businesses can recover specific proportions of the statutory payments from HMRC; small businesses can recover 108.5% of the statutory payment, and larger employers can recover 92%, so will incur 'wage-like costs' equivalent to 8% of the statutory payments they make. Further details on knowing how much of the payment you can recover will be explained in this guide.

This guide provides you with an overview of how Neonatal Care Leave and Pay works in practice and sets out the standard which all employers must adhere to. Should an employee not be eligible for Neonatal Care Leave and Pay, we expect employers to act flexibly and compassionately to enable them to be with their family in this difficult time. Further information on supporting employees can be found on page 39.

Eligibility criteria

Neonatal Care Leave and Pay

For parents to be eligible to take leave:

- the baby must enter neonatal care within 28 days after their date of birth and;
- spend at least 7 full and continuous days in care, and;
- the baby must have been born on or after 6 April 2025.

To also qualify for Statutory Neonatal Care Pay, employees must meet the criteria above and also meet continuity of service and minimum earnings tests as set out below.

For eligible parents to qualify for both Neonatal Care Leave and Pay, they must also have responsibility for the baby who is receiving the care and meet the criteria for parental or other personal relationship with the baby as set out below. They must also be caring for the baby at the time of taking the pay. Caring for a baby can refer to a number of different situations which consider the different circumstances of a range of families. This can mean caring for and visiting the baby while they are in hospital. If an employee's baby has died, the adoption placement has been disrupted or the parental order does not proceed, they are exempt from meeting this criteria and will be able to take any leave and pay already accrued.

If the baby is discharged at any point before midnight at the end of the 7th day, the employee will not accrue the entitlement from the baby's time in neonatal care because the 7 days must be full and continuous.

Types of parents

The entitlement will be available to a broad range of 'parents', including;

- the biological mother; and their partner;
- the biological father;
- the adopter; and their partner;
- the prospective adopter; and their partner;
- The overseas adopter; and their partner;
- the intended parent(s) (in a surrogacy arrangement);
- the surrogate birth mother (if they retain or regain responsibility for the baby).

Biological mother and father

If the employee is the biological mother or father of the baby, then the entitlement can be accrued from the baby's date of birth.

Partners

Neonatal Care Leave and Statutory Neonatal Care Pay is available to the partner of the baby's biological mother, adopter, prospective adopter or overseas adopter providing they fulfil other eligibility criteria. The entitlements are not available to the partner of the baby's biological father unless they apply or intend to apply for a parental order as part of a surrogacy arrangement in respect of the child and fulfil the remaining eligibility criteria.

The partner of the baby's mother, adopter, prospective adopter or overseas adopter is defined as a person who lives with them in an enduring family relationship but must not be related to them.

If your employee is the partner of:

- the baby's biological mother, they must have been their partner since the baby's birth to be eligible. For example, if Leonie's baby is 8 weeks old and has been in hospital since birth, and her relationship with her partner started when the baby was 2 weeks old, her partner would not be eligible for the entitlement;
- the baby's adopter or prospective adopter, they must have been their partner since the baby was placed with them;
- the baby's overseas adopter, they must have been their partner since the baby entered Great Britain.

It is possible for the baby's biological mother, biological father and the biological mother's partner to be eligible for Neonatal Care Leave and Pay provided they all meet the eligibility criteria for taking the leave and pay.

If the employee or their partner is an adoptive parent

An adopter refers to an individual who has a baby placed with them for adoption and the individual would be expected to apply for an Adoption Order in respect of the baby. An overseas adopter is a person who the baby is living with following entry into Great Britain from outside the United Kingdom for the purpose of adoption, and who has received an official notification from the UK authority confirming the parent is allowed to adopt the baby.

A prospective adopter refers to a person who has been approved as suitable to adopt a baby, has been notified of that decision and with whom the baby has been placed. For example, the individual may be fostering with the intention to adopt, meaning the baby currently lives with them while the adoption process is ongoing. The prospective adopter will be approved as suitable to adopt a child in accordance with the Adoption Agencies Regulations 2005 or the Adoption Agencies (Wales) Regulations 2005 and the child has been placed with them in accordance with the Children Act 1989 or the Social Services and Well-being (Wales) Act 2014.

The adoptive parent will be eligible to start to accrue the entitlement from the date the baby is placed with them for adoption (or in the case of overseas adoption, the date the baby entered Great Britain). Any time the baby spends in neonatal care after the placement/entry to Great Britain will count towards their accrued leave provided that period they spend in neonatal care lasts for a minimum of 7 full and continuous days and starts on or before the baby is 28 days old. Any period spent in neonatal care prior to the placement would not count towards eligibility. If the baby is already in neonatal care at the date of placement, the 7 full continuous days would need to start from the date of placement, not the date of the placement notification.

Bobby is adopting a baby, and he is notified on the 10th of November that the date of placement will be on the 21st of November. The baby is born on the 8th of November and goes straight into neonatal care. Bobby starts to accrue Neonatal Care Leave and Pay from the 21st of November because the entitlement can be accrued from the date of placement and not the adoptive baby's birth or the date of placement notification.

Your employee may be eligible if either:

- The baby has been placed with them;
- The baby is living with them, and they have the 'official notification' confirming they're allowed to adopt (if they're adopting a baby from overseas).

If an employee is adopting a baby from overseas, their baby must be receiving neonatal care in Great Britain in order to be eligible for the entitlement.

If the employee had the baby with the help of a surrogate

Intended parents involved in a surrogacy arrangement may be eligible for Neonatal Care Leave and Statutory Neonatal Care Pay if they both:

- Have responsibility for the upbringing of the baby, and;
- Apply or intend to apply for a parental order within 6 months of the baby's birth.

If the employee meets both of the above points, they as the intended parent would become eligible for Neonatal Care Leave and Pay after the baby has spent 7 full and continuous days in neonatal care.

Your employee may be eligible for adoption pay and leave or paternity pay and leave if they use a surrogate.

Surrogate birth mother

If your employee is a surrogate, they have the right to 52 weeks' maternity leave and to return to their job after this. What a surrogate does after the baby is born does not affect their right to maternity leave.

If the employee is the surrogate birth mother, then they would only become eligible for Neonatal Care Leave and Pay if the intended parent's Parental Order application is unsuccessful or the intended parent does not apply within the time limit. In this instance, the employee (as the surrogate birth mother) would only start to accrue the entitlement from the day after the Parental Order application fails, if they have responsibility for the baby at this point and are caring for the baby while they are in neonatal care. If the baby is no longer in neonatal care at that point, then the employee would be unable to accrue Neonatal Care Leave and Pay.

Employees

Neonatal Care Leave and Pay is for [employees](#) only, so it does not apply to self-employed workers. For a parent to be eligible, they must meet the definition of an employee. An employee is someone who works under an [employment contract](#). Neonatal Care Leave is only available to employees who are employed in England, Scotland and Wales. If the individual does not meet the criteria for an employee, they will be ineligible for Neonatal Care Leave and Pay.

An individual may be eligible for Statutory Neonatal Care Pay without Neonatal Care Leave if they are classed as an employed earner, such as an agency worker. There is [further information](#) available on how different employment types affect Statutory Neonatal Care Pay.

The baby

The baby must be admitted to neonatal care within 28 days of birth. The first day of the 28-day period should be counted as the first full day after the baby was born. For example, if the baby was born at 2pm on Monday the 1st of May, the first day of the 28 days would be Tuesday the 2nd of May and the final day of the 28 days would be midnight on Tuesday the 29th of May. The baby must be admitted to neonatal care for 7 full, continuous days, with the first day of the 7 days counted as the first full day after the baby is admitted into neonatal care. In order to calculate 7 full days, the first full day will start counting from midnight following the baby's admission.

For example, if a baby is admitted on Sunday the 20th of April 2025 during 28 days since its birth, the 7 full days will be completed at midnight on Sunday 27th April 2025 and the first day that the parent could take Neonatal Care Leave would be Monday the 28th of April 2025, and the parent would be eligible for one week of leave on that day.

Types of care

Neonatal care can include:

- Medical care received in a hospital;
- Medical care given to the baby after leaving hospital, under the direction of a consultant and which includes ongoing monitoring by and visits from healthcare professionals arranged by the hospital;
- Palliative or end-of-life care.

Neonatal care might not take place in a neonatal unit and as outlined above, it can include care provided in another hospital ward (such as a general children's ward) and the home setting under outpatient care. The care of a baby must take place in Great Britain (not in Northern Ireland).

Transfers between facilities where neonatal care is received by the baby should not be treated as a break in the baby's stay in neonatal care. Where a baby is moved from one hospital to another or from one neonatal care facility within a hospital to another, this should be treated as a continuous period that can contribute to the 7 full and continuous days of care.

If the baby is receiving neonatal care outside of the hospital;

- The baby must have been discharged from the hospital (must have formerly been an inpatient);
- The care being received in another setting (such as at home) must be at the direction of a consultant;
- The care must include monitoring at home which must be arranged by the hospital from which the baby was an inpatient, so there is continuity between the care from the hospital as an inpatient and the care anywhere else.

Therefore, if a baby was admitted to hospital and has been discharged from hospital to be cared for at home, still under the direction of a consultant and receives ongoing monitoring arranged by the same hospital, their parents can be eligible for Neonatal Care Leave and Pay. Should the care (including outpatient care) continue for 7 full continuous days or more, provided the above criteria continue to be satisfied, then this care would be included in the 12-week maximum time frame for Neonatal Care Leave and Pay.

If a baby is transferred between hospitals or from a hospital to outreach or palliative care, then this will not break the continuity of care for the baby. Transfers, whether by a hospital transfer unit or another vehicle, will not disrupt the baby's continuity of care.

Outpatient care is included in eligibility for this entitlement because some hospitals and NHS Trusts provide outreach care services outside of the hospital. Eligibility covers babies who would normally remain in hospital inpatient care if the hospital or NHS Trust did not offer a neonatal outreach care programme.

Maddy is in neonatal care in a hospital for 2 weeks. She is sent home from hospital on oxygen under the direction of a consultant. Once home from hospital, Maddy receives visits from the community neonatal team for an additional 4 weeks under the direction of a consultant and arranged by the same hospital she stayed in. Her parents can accrue Neonatal Care Leave and Pay for the duration of her care at home because it fulfils the necessary criteria for neonatal care.

Anthony is in neonatal care for two weeks. He is sent home on a course of antibiotics; he does not receive any monitoring or visits once he is back at home. Once his course is finished, his parents decide to take him to the GP. His appointment at the GP does not constitute as outreach care because it was not arranged at the instruction of a consultant, therefore Anthony's parents only accrued Neonatal Care Leave and Pay while he was in neonatal care, and their entitlement stopped being accrued once he left.

Statutory Neonatal Care Pay

To qualify for Statutory Neonatal Care Pay, employees must also meet continuity of service and minimum earnings tests. Eligible employees must have worked for their employer for at least 26 continuous weeks ending with the qualifying week and earn the Lower Earnings Limit as a minimum. Employees must also remain employed up to the week before they claim Statutory Neonatal Care Pay to be eligible. More information on calculating the qualifying week and average earnings can be found on page 33.

Information your employee must provide

Your employee must give notice for Neonatal Care Leave and Pay:

- For Neonatal Care Leave in Tier One, your employee is not required to give written notice, however there is certain information that your employee should set out to you which they can do over the phone, or other methods as set out below.
- For Neonatal Care Leave in Tier Two and Statutory Neonatal Care Pay in both Tier One and Two, your employee is required to give written notice. Further information on this can be found below.

If eligible and where possible they should give notice for both Neonatal Care Leave and Statutory Neonatal Care Pay at the same time. You may wish to consider an informal arrangement for giving notice if your employee anticipates their baby will be in neonatal care for an extended period, such as if their baby is born very premature.

In the case of multiple births (including twins and triplets), employees should provide this information for each baby.

The way in which your employee will need to give notice for Neonatal Care Leave and Statutory Neonatal Care Pay depends on when they are taking their leave and pay:

- While the baby is in neonatal care, or in the first week after the baby has left neonatal care (this is sometimes called 'Tier 1')
- A week or more after the baby has left neonatal care (this is sometimes called 'Tier 2')

It is expected that mothers and parents taking maternity leave will take their accrued Neonatal Leave and Pay in Tier 2 only. It is a legal requirement for a mother to take at least two weeks maternity leave, and this is triggered by the birth of a baby. Once maternity leave has started, it cannot be stopped and restarted. If your employee, who is taking maternity leave, attempts to take Neonatal Leave in Tier 1, it is important that this is explained to them, so they do not lose their entitlement to maternity leave.

- For Tier 1, notice must be given before the end of the period of 28 days which begins with the first day of the first statutory pay week to which the notice relates. For example, if an employee has taken two weeks of Neonatal Care Leave between the 6th and 20th of July and they want to give notice for pay for those two weeks, then they have 28 days from the 6th of July to give written notice for pay.
- For a single statutory pay week in the Tier 2 period, notice must be given no later than 15 days before the first day of the statutory pay week to which the notice relates. For example, if an employee has one week of Neonatal Care Leave that they have booked to take once their maternity leave finishes, then they need to give notice for pay at least 15 days before the first day of the week of Neonatal Care Leave that they want to request pay for.
- For two or more consecutive weeks of Statutory Neonatal Care Pay in the Tier 2 period, notice must be given no later than 28 days before the first day of the first statutory pay week to which the notice relates.

Employers cannot refuse an eligible employee's request for leave or pay, provided the correct notice is given. As an employer, you may choose to waive the requirement to give the required notice for Neonatal Care Leave.

Retrospective application of Statutory Neonatal Care Pay

If an employee informs their employer that their baby is unwell and is receiving neonatal care, and the employer compassionately allows the employee to take time off without initially being aware of the statutory entitlement to Neonatal Care Leave and Pay, then the employer may retrospectively claim Statutory Neonatal Care Pay.

Provided the employee meets the eligibility criteria and submits the required written declaration, the employer can make amendments to their payroll report and reclassify previously paid leave as Statutory Neonatal Care Pay and claim reimbursement from HMRC. Similarly, if the leave was initially unpaid, the employer may retrospectively pay the employee under Statutory Neonatal Care Pay and submit the

appropriate payroll information to HMRC to claim the statutory pay. HMRC systems allow for amendments to be made within the same tax year or for a few years afterward. Employers can update “Year to Date” (YTD) figures to reflect the correct classification and amounts. Therefore, employers can retrospectively apply Statutory Neonatal Care Pay where it was not previously claimed.

Giving notice for Neonatal Care Leave in Tier 1 - If your employee is taking leave and pay while their baby is in neonatal care (or in the first week after)

To give notice for leave, employees must give notice before they are due at work on the first day of Neonatal Care Leave, or as soon as possible after that point. If your employee needs to continue leave for another week and you require them to give notice, then they must continue to provide notice on a weekly rolling basis and they should do this before the end of the previous week. If your employee's baby is likely to be in neonatal care for a long time, then as an employer you may agree that your employee can contact you less frequently. For pay, employees can give notice up to 28 days after the first day of the first statutory pay week to which the notice relates.

Employees should give notice for leave in writing, for example by email or letter. Your employee can also give notice by phone, voicemail, or other online methods including email or WhatsApp instead. Notice for pay should always be in writing, as the employee must give the declaration.

Employees must tell you the date their baby leaves neonatal care and notify you if they are readmitted as soon as possible.

Giving notice for Statutory Neonatal Care Pay in Tier 1 - If your employee is taking leave and pay while their baby is in neonatal care (or in the first week after)

To give notice for pay, your employee must provide a written declaration that states they have a parental relationship with the baby and that they have cared for the baby or intend to care for the baby during the period that pay is claimed for. Further information on what to include in their written declaration is set out in the section below on Neonatal Care Leave and Statutory Neonatal Care Pay information requirements.

If your employee has an adopted baby, then they will need to confirm with you the date of the baby's placement (the date the adopted baby joined their family) or if they have adopted the baby from overseas, the date the baby entered Great Britain to live with them.

Giving notice for Neonatal Care Leave and Pay in Tier 2 - If your employee is taking leave and pay more than a week after their baby has left neonatal care

If your employee is taking one week of leave and pay, then they will need to tell you 15 days before the first day they want their leave and pay to start. If they are taking 2 or more weeks' leave and pay, they will need to tell you 28 days in advance.

Employees should also tell you:

- when they want their neonatal care leave to begin
- how many weeks of leave they are taking

Further information on what information your employee must provide is set out in the section below on Neonatal Care Leave and Statutory Neonatal Care Pay information requirements.

Neonatal Care Leave and Statutory Neonatal Care Pay information requirements

Employees must submit the below information in writing to their employer for Tier 2 leave and for any pay requests under either Tier 1 or 2. The below information should be provided by employees under Tier 1 leave, but it doesn't need to be in writing.

- the employee's name
- the date of the baby's birth
- if applicable, the date of the baby's placement with the adopter or prospective adopter
- if applicable, the date of the baby's entry into Great Britain to live with the overseas adopter
- the date the baby started to receive neonatal care, or each date if the baby received neonatal care on 2 or more separate occasions
- if the baby is no longer receiving neonatal care, the date that the care ended
- if it is the first time a notice is being given, a declaration (pay) or confirmation (leave) that the employee meets the parental relationship criteria
- that the employee has cared for or intends to care for the baby during the week or weeks to which the notice relates
- the date the employee chooses the period of absence to begin, and the number of weeks leave that notice is being given for.

No documentary evidence (such as a hospital discharge letter or birth certificate) is required to take leave or pay. You should not ask or compel your employee to share medical information about their baby's condition or treatments they are receiving.

How much Neonatal Care Leave and Pay has your employee accrued?

Employees can get one week's leave and pay for every 7 full and continuous days their baby is in neonatal care provided the care starts within 28 days beginning with the day after the day the baby is born. Employees may only take leave and receive pay in blocks of 7 days.

For example, if a baby spends one full week in neonatal care, the employee would be eligible for one week of leave (and, if the relevant criteria were met, for pay too). If a baby spends 10 days in neonatal care, the parent would still only be eligible for only one week of leave and pay. This is because the leave and pay entitlement is accrued in 7-day blocks, and not in days.

Leave and pay is accrued in arrears

The entitlement is accrued one week in arrears which means that when the baby has been in neonatal care for one week, the employee becomes entitled to one week's leave (and, if eligible, pay). Employers can only pay for an entitlement already accrued and not in anticipation.

The employee will need to wait for one week before any eligibility for Neonatal Care Leave comes into effect. The birth mother would likely already be on maternity leave during that time and the father/partner may be on paternity leave, but if not and they did not feel they could work, they could choose to take annual leave, [unpaid parental leave](#), emergency time off for dependents, or any other form of leave to cover that period. The employee will need to discuss with you to find an arrangement where they can be with their baby while they receive care in the first week. Employers should act compassionately and flexibly to help parents to be with their baby during this first week.

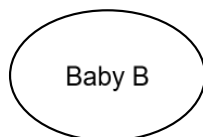
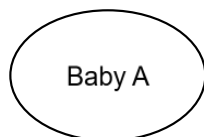
Bertie has just had a newborn baby and has returned to work after two weeks of paternity leave which he started the day his baby was born. Bertie's newborn baby is admitted to hospital for 9 full and continuous days after Bertie's paternity leave has finished. While his baby is in hospital for the first 7 days, Bertie has not accrued any additional Neonatal Care Leave. Bertie therefore agrees with his manager that he can take one week of unpaid parental leave to be with his baby in hospital. Once his baby has been in hospital for 7 full days, Bertie accrues a period of 7 days of Neonatal Care Leave and Pay which he then takes.

Where there are multiple births within a pregnancy

If your employee has multiple births within the same pregnancy (such as twins and triplets), any (or all) of those babies could have stays in neonatal care which accrue Neonatal Care Leave and Pay. Any or all of the babies may also have multiple admissions, provided they fulfil the eligibility criteria. If there is an overlap in admission between two or more of the babies, any overlap of 7 or more days will trigger an entitlement which will be attributed to one of the babies and not to each of them separately. This is because the parent would spend the same period caring for the babies whose stay in neonatal care overlaps, so a stay of one week for the babies at the same time in neonatal care would lead to one week of Neonatal Care Leave and Pay entitlement for the parent.

Where a non-birthing employee has multiple babies from different pregnancies

If a father or partner has multiple babies from different pregnancies and their babies are in neonatal care at the same time, they will accrue two separate counts of the entitlement, and the periods of neonatal care would be counted separately. For example, if each of the father or partner's babies from different pregnancies spent 7 full and continuous days in neonatal care, they would accrue one week of leave and pay per baby (a total of 2 weeks) as the entitlement can only be accrued per pregnancy.



Birth date - 10th June

Birth date - 10th June

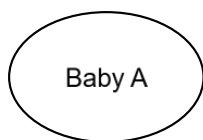
Where there is a crossover in care in multiple birth pregnancies

Jasmine gives birth to twins (Baby A and Baby B) on the 10th of June. Baby A is admitted into neonatal care straight from birth and spends 15 full and continuous days in neonatal care, before they are discharged on the 26th of June.

Baby B is admitted to hospital on the 16th of June while Baby A is still in neonatal care. They are admitted to hospital for 12 full and continuous days before they are discharged on the 28th of June. There is a crossover of 10 days in this example. Where there is an overlap in care, Jasmine only accrues one week of Neonatal Care Leave and Pay in respect of one baby. Jasmine therefore accrues a total of two weeks of Neonatal Care Leave and Pay.

The first day of neonatal care is counted as the day after the baby was admitted as each day needs to be full and continuous in the 7-day period.

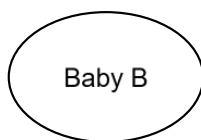
	Baby A	Baby B
	Birth date - 10th June	Birth date - 10th June
11th	Day 1 - Neonatal Care	Home
12th	Day 2 - Neonatal Care	Home
13th	Day 3 - Neonatal Care	Home
14th	Day 4 - Neonatal Care	Home
15th	Day 5 - Neonatal Care	Home
16th	Day 6 - Neonatal Care	Day 1 - Neonatal Care
17th	Day 7 - Neonatal Care	Day 2 - Neonatal Care
18th	Day 8 - Neonatal Care	Day 3 - Neonatal Care
19th	Day 9 - Neonatal Care	Day 4 - Neonatal Care
20th	Day 10 - Neonatal Care	Day 5 - Neonatal Care
21st	Day 11 - Neonatal Care	Day 6 - Neonatal Care
22nd	Day 12 - Neonatal Care	Day 7 - Neonatal Care
23rd	Day 13 - Neonatal Care	Day 8 - Neonatal Care
24th	Day 14 - Neonatal Care	Day 9 - Neonatal Care
25th	Day 15 - Neonatal Care	Day 10 - Neonatal Care
26th	Home	Day 11 - Neonatal Care
27th	Home	Day 12 - Neonatal Care
28th	Home	Home



Baby A



Birth date - 7th
November



Baby B



Birth date - 7th
November

Where there are separate periods of care in multiple birth pregnancies

Patrick becomes a father to twins (Baby A and Baby B) who were born on the 7th of November. Baby A is admitted to neonatal care from birth, where they stay for 8 continuous days before being discharged on the 16th of November. Baby B goes home after being born, however they fall ill and are admitted to hospital on the 17th of November. Baby B stays in hospital for seven full and continuous days. Patrick accrues separate entitlements from each baby as they have separate periods of care with no overlap.

From each baby's stay in neonatal care and hospital, Patrick has accrued 1 week of leave each, giving him a total of 2 weeks of leave. This is because each of the babies spent seven or more days in neonatal care at different times, so those periods of neonatal care are counted separately.

	Baby A	Baby B
	Birth date - 7th November	Birth date - 7th November
8th	Day 1 - Neonatal Care	Home
9th	Day 2 - Neonatal Care	Home
10th	Day 3 - Neonatal Care	Home
11th	Day 4 - Neonatal Care	Home
12th	Day 5 - Neonatal Care	Home
13th	Day 6 - Neonatal Care	Home
14th	Day 7 - Neonatal Care	Home
15th	Day 8 - Neonatal Care	Home
16th	Home	Home
17th	Home	Home
18th	Home	Day 1 - Neonatal Care
19th	Home	Day 2 - Neonatal Care
20th	Home	Day 3 - Neonatal Care
21st	Home	Day 4 - Neonatal Care
22nd	Home	Day 5 - Neonatal Care
23rd	Home	Day 6 - Neonatal Care
24th	Home	Day 7 - Neonatal Care
25th	Home	Home

Where there have been multiple admissions into neonatal care

An employee would be entitled to multiple periods of Neonatal Care Leave and Pay in cases where one baby has multiple qualifying admissions into neonatal care in the 28 days after the baby's date of birth. There can be more than one qualifying period for the entitlement provided that the baby returns to care for seven or more continuous days and the first of those days in that period falls within 28 days after the date of birth.

Leuca was born on the 1st of May and was admitted straight into neonatal care for 12 days, so Leuca's parent accrued 7 days of Neonatal Care Leave and Pay. Leuca was readmitted into hospital on the 30th of May for an additional 7 days. Leuca's parent only accrued Neonatal Care Leave and Pay from Leuca's first admission into neonatal care because during the second admission, more than 28 days had passed since Leuca's birth.

It is important that your employee makes a record of all periods of their baby's admissions to neonatal care. The accrued overall entitlement will be the total number of full weeks spent in neonatal care during the first admission into neonatal care and the number of full weeks spent during any period of re-admission.

To be eligible for Neonatal Care Leave and Pay, there needs to be 7 full days of continuous care. The continuous care is broken when the baby leaves neonatal care and the counting of days therefore stops. When the baby is re-admitted, another round of counting of days starts.

Ben was admitted to neonatal care when he was 2 days old and spent 7 full and continuous days there. He was discharged for 2 days, then was admitted to neonatal care for a further 4 days before being discharged. Ben's parent was only eligible for one week of Neonatal Care Leave which they accrued during Ben's first admission to hospital. Ben's parent did not accrue any further leave from his second admission into neonatal care because he spent less than 7 full and continuous days there.

The days spent in neonatal care during both periods of admission are separate and cannot be added together to create a 7-day period. Each period of admission and discharge must be recorded separately. For example, if a baby spends 3 weeks and 2 days during the first period of admission and 2 weeks and 5 days during the second period, the employee will be eligible for 5 weeks of entitlement.

When can Neonatal Care Leave and Pay be taken?

Employees must take Neonatal Care Leave and Pay during the 68 weeks following the baby's birth. The entirety of the period of Neonatal Care Leave and Pay must start and finish within 68 weeks from the baby's birth. Any accrued Neonatal Care Leave and Pay that is not taken within 68 weeks of the baby's date of birth will be forfeited. Neonatal Care Leave can be taken in two Tiers to offer employees maximum flexibility and the ability to take leave and pay around their existing parental entitlements, such as paternity leave and pay.

- Tier 1 leave can be taken when the baby is receiving neonatal care and for one week after they stop receiving care. This leave can be taken at short notice in blocks of a week or more at a time, allowing parents to act flexibly in an emergency;
- Tier 2 leave can be taken after the baby has left neonatal care in one continuous block to care for the baby.

Ideally, your employee will take the leave and pay at the same time in Tier 2, but in Tier 1 the employee may go on Neonatal Care Leave and receive Statutory Neonatal Care Pay at different times. This is because for Tier 1 Statutory Neonatal Care Leave Pay, your employee may provide their written declaration to give notice for pay after they have taken their leave. As covered in page 13, notice for pay in Tier 1 must be given before the end of the period of 28 days which begins with the first day of the first week of leave that the pay relates to. Therefore, if your employee does not provide written declaration for 28 days after the leave, then they might get paid later and this pay will be backdated because of the delay in giving the declaration and notice. This is also dependent on the timing of payroll.

It is the decision of the employee whether they choose to take their leave and pay in Tier 1 or Tier 2. However, it is expected that mothers who have already started their maternity leave at the point where the baby goes into neonatal care would take their Neonatal Care Leave in Tier 2 because maternity leave cannot be stopped and restarted. Employers should clarify this understanding with their employee if they request to stop their maternity leave to take Neonatal Care Leave instead because they would lose their remaining entitlement to maternity leave should they stop it.

Tier 1 - If your employee is taking leave and pay while their baby is in neonatal care (or in the first week after the care ends)

Tier 1 refers to the period while the baby is still receiving neonatal care or during the first week after the baby leaves neonatal care. This leave can be taken at short notice, allowing employees to act flexibly in an emergency.

During this time, employees can take leave in flexible blocks of at least one week at a time. Employees do not need to take all leave accrued at the same time.

This type of leave can be interrupted by other types of pre-booked parental leave (such as Paternity or Shared Parental Leave). Once your employee has taken their pre-booked parental leave, the remaining period of Neonatal Care Leave can then be tagged immediately onto the end of the period of other parental leave.

Tier 1 leave is only flexible around other pre-booked family-related statutory leave (maternity, paternity, adoption, shared parental, parental leave or parental bereavement leave). If your employee has other types of leave pre-booked, such as annual leave, this must be amended for Tier 1 leave to be taken.

Where a parent is on neonatal leave, the leave can be stopped mid-week to allow employees to take their other pre-booked parental leave, however pay cannot be stopped mid-week. Therefore, payment for the full week will be made once the employee has given notice.

If ongoing Neonatal Care Leave is interrupted by another type of statutory leave in Tier 1, the payment for the week of Statutory Neonatal Care Pay would need to be made in full, and no further payment would be made when the outstanding duration (days) of leave is then taken.

Please refer to information on paternity leave and pay in the next section for further information on employees taking Neonatal Care Leave and Pay in Tier 1.



Birth date - 1st December		
Baby admitted to neonatal care 9 days	Unpaid leave 7 days	
	Neonatal Care Leave and Pay 5 days	
	Paternity Leave 14 days	
		Neonatal Care Leave and Pay 2 days

Tier 1 Leave and Paternity Leave

Leo’s baby was due to be born on the 14th of December which is when his paternity leave was booked to start. His baby was born prematurely on 1st December and admitted straight into neonatal care for 9 days. On the 8th of December, Leo had accrued 7 days of Neonatal Care Leave and Pay which he decided to take from the 9th, with his paternity leave still starting on the 14th of December. He was able to take five days of Neonatal Care Leave and Pay between the 9th and 13th, then start his Paternity Leave as planned on the 14th, then tag on the remaining two days of Neonatal Care Leave onto the end of his Paternity Leave. Leo received 7 days of Statutory Neonatal Care Pay too which he received when he started his first period of leave (between the 9th and 13th).

Tier 2 - If your employee is taking leave and pay more than a week after their baby has left neonatal care

Tier 2 leave can be taken from the week after the baby has left neonatal care.

If leave is being taken later than the first week after the baby leaves neonatal care, then an employee would need to take their Neonatal Care Leave and Pay in Tier 2 which means the pay and leave must be taken in one continuous block, either before or after any other existing parental leave entitlement or other types of statutory leave (including annual leave). For example, if your employee becomes eligible for Neonatal Care Leave and Pay while their baby is in hospital, but they are already on parental leave (such as Maternity or Paternity Leave), then they must take their Neonatal Care Leave and Pay in Tier 2 at the end of their parental leave period.

Please refer to information on Maternity Leave and Pay in the next section for further information on employees taking Neonatal Care Leave and Pay in Tier 2.

Cancelling leave and pay

Cancelling Neonatal Care Leave

Employees cannot cancel notice for Tier One Neonatal Care Leave, which is taken while the baby is in neonatal care (or in the first week after).

If your employee is taking their Neonatal Care Leave in Tier Two (where it has been more than a week since the baby left neonatal care), an employee can cancel leave by giving written notice:

- for one week of leave - at least 15 days before the leave was due to start
- for 2 or more weeks of leave - at least 28 days before the leave was due to start

Cancelling Statutory Neonatal Care Pay

Employees cannot cancel notice for pay if the baby is in neonatal care (or in the first week after their baby has left neonatal care).

If it's more than a week since the baby left neonatal care, an employee can cancel pay by giving written notice:

- for one week of pay - at least 15 days before the pay period was due to start
- for 2 or more weeks of pay - at least 28 days before the pay period was due to start

Fitting Neonatal Care Leave and Pay around other types of statutory leave

Neonatal Care Leave is designed to fit around other family related leave entitlements, as set out below. It is not designed to fit around other types of leave, including annual leave. Your employee can accrue Neonatal Care Leave and Pay while they are on annual leave, sick leave, or a career break.

If the parents' leave is triggered by the baby's birth or placement and the baby receives neonatal care, then the employee will accrue Neonatal Care Leave and Pay while the baby is in care, and their entitlement will be taken at the end of their maternity, paternity, or adoption leave. Where adoption leave or paternity leave is due to start on a specified date and the baby receives qualifying neonatal care during that time, their entitlement can be taken after the other statutory leave.

Maternity Leave

- Employee birthing mothers are entitled to 52 weeks of [Maternity Leave](#) if they give birth (or have a stillbirth after 24 weeks of pregnancy).
- It is a 'day one' right – meaning there is no qualifying period, and mothers are entitled from their first day with a new employer.
- Maternity Leave can start up to 11 weeks before the expected week of childbirth, and must start the day after the mother gives birth if they are not already on Maternity Leave at the time of giving birth.
- Maternity Leave is a legal requirement. Mothers must take at least two weeks of leave after giving birth (four weeks if they work in a factory or workshop) due to health and safety: mothers need time off work to recover from childbirth, bond with their baby and establish breast feeding (where they choose to do so). This is called Compulsory Maternity Leave which starts immediately after a child is born. Therefore if a mother gives birth prematurely, Compulsory Maternity Leave will start immediately after the birth because she may not already be on Maternity Leave if she did not anticipate giving birth.

Where the birth is early, Compulsory Maternity Leave commences the day on which childbirth occurs, then Ordinary Maternity Leave (and Pay) will start the day after birth. Therefore, if a baby is born prematurely, then the mother's Maternity Leave and Pay will start the day the baby is born.

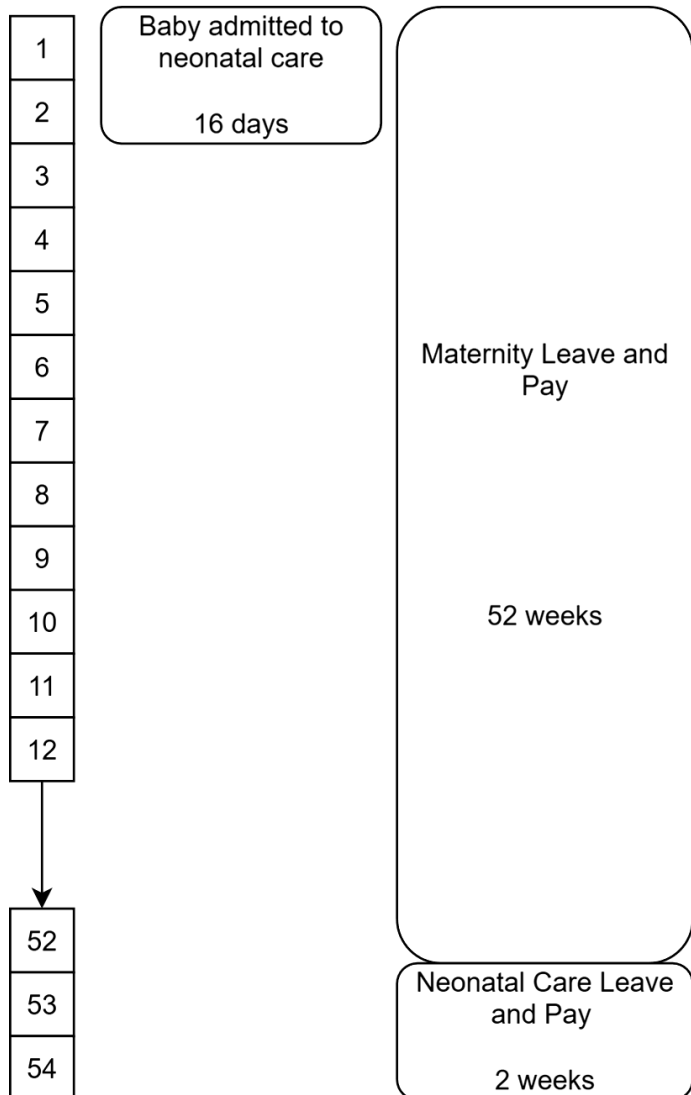
Maternity leave cannot be stopped and restarted; the mother will need to take all the maternity leave she intends to take before taking any other leave, including Neonatal Care Leave. Any accrued Neonatal Care Leave and Pay will be taken at the end of maternity leave, and this can be at any time until 68 weeks following the birth of the baby. For example, Ella is on Statutory Maternity Leave and her baby is admitted into neonatal care for 56 full days. Ella's Statutory Maternity Leave cannot be stopped then restarted, so instead of losing the 56 days (8 weeks) of Neonatal Care Leave and Pay she has accrued, she decides to add the Neonatal Care Leave to the end of her 52 weeks of Statutory Maternity Leave as Tier 2 leave.

Employers should double check their employees' understanding should they request to end their Maternity Leave to start a period of Neonatal Care Leave.



Tier 2 Leave and Maternity Leave

A mother's baby is admitted into neonatal care from birth and stays for 16 days which she accrues two 7-day periods of Neonatal Care Leave and Pay for. Her Maternity Leave starts on the day the baby is born, and continues for 52 weeks. She then tags on 2 weeks of Neonatal Care Leave and Pay at the end of her Maternity Leave.



Another example might include a mother who is on Maternity Leave and her baby spends 6 weeks in neonatal care. The mother had planned to take 39 weeks paid Maternity Leave followed by 13 weeks unpaid Maternity Leave, but now as she has accrued 6 weeks paid Neonatal Care Leave, she wants to take this in a single block at the end of her 39 weeks paid leave – delaying the time before she goes on unpaid leave. She then wants to take the remaining 13 weeks unpaid Maternity Leave. Is the employee allowed to pause her unpaid Maternity Leave and take the remaining 13 weeks after the block of Neonatal Care Leave?

A mother can take up to 52 weeks of Maternity Leave; and this cannot be stopped or paused and then restarted, even if some of it is unpaid. Therefore, she will lose any remaining entitlement to Maternity Leave if she stops the Maternity Leave after 39 weeks in order to take Neonatal Care Leave. She would need to rely on another type of leave after her Neonatal Care Leave (or take her paid Neonatal Care Leave after her unpaid Maternity Leave).

Maternity Pay

- [Statutory Maternity Pay](#) is a separate entitlement to Maternity Leave.

- To qualify for Statutory Maternity Pay an employee birthing mother must meet certain eligibility criteria, including having been continuously employed by their employer for at least 26 weeks up to any day in the 'qualifying week' i.e. the 15th week before the expected week of the baby's birth.
- Qualifying employee birthing mothers receive 39 weeks of Statutory Maternity Pay: an "enhanced" rate of 90% of average weekly salary for the first six weeks, and then the statutory rate (currently £187.18) or 90% of average weekly earnings (whichever is lower) for the remaining 33 weeks. Employers can pay more than the statutory rate if they wish.

Paternity Leave and Pay

Employed fathers or partners may be entitled to two weeks of [Paternity Leave and Pay](#) in the first year following their baby's birth or adoption.

Currently they must have been continuously employed by their employer for at least 26 weeks up to any day in the 'qualifying week' (the same qualifying week as for Statutory Maternity Pay) and meet an earnings test. Statutory Paternity Pay is paid at the statutory rate (currently £187.18 a week).

If the baby is born prematurely, then your employee's paternity leave may start on the original date his paternity leave was meant to start (such as the baby's birth), or another date as agreed with you. You may also agree with your employee that their paternity leave can start straight away.

Changes made to Paternity Leave and Pay in April 2024 mean that fathers and partners can:

- Take their leave and pay in two non-consecutive weeks.
- Give 28 days' notice for each period of leave.
- Take their leave and pay at any point in the first year after the birth or adoption of their baby (rather than only within the first eight weeks). Employers can pay more than the statutory rate if they wish.

Shared Parental Leave and Pay

The [Shared Parental Leave and Pay](#) scheme gives working families much more choice and flexibility about who cares for their baby in the first year, and when.

Your employee may be entitled to Shared Parental Leave and Pay where they can share up to 50 weeks of leave and up to 37 weeks of pay with their partner. They will need to share the pay and leave in the first year after their baby is born or placed with their family. You can agree a pattern of leave with your employee. They can take leave and pay in up to three blocks, returning to work between periods of leave, if they wish.

Shared Parental Leave and Pay requires:

- A mother to end her Maternity Leave and/or her statutory Maternity Pay or Maternity Allowance early to 'create' leave and pay which she can share with the baby's father or her partner.
- Your employee who plans to take leave and/or pay must tell you as their employer that they are entitled to Shared Parental Leave and/or Pay. They must provide you with a signed declaration from themselves and the other parent. If both parents plan to take leave and/or pay, each must separately notify their own employer.
- Your employee must provide you with a non-binding indication at the outset of when they expect to take Shared Parental Leave and to give at least eight weeks' notice of any leave they will actually be taking.

As an employer, you may also wish to refer to the [employers' technical guide](#) to Shared Parental Leave and Pay for further information on the entitlement.

Shared Parental Leave and Pay and Neonatal Care Leave and Pay can be taken around each other. For example, an employee has booked a block of 4 weeks Shared Parental Leave immediately after their partner has taken their compulsory Maternity Leave. After the 4 weeks of leave, they can then take any

Neonatal Care Leave and Pay accrued after that. They could then still take a later block of Shared Parental Leave after this, such as for 6 weeks at week 40 of their baby's life.

Adoption Leave

- Employed adopters who are matched with a baby for adoption may be eligible for Adoption Leave and Pay.
- Adoption Leave is a “day one” right and mirrors the arrangements for Maternity Leave, enabling employed parents to take up to 52 weeks off work when they are planning to adopt a baby.
- In line with arrangements for Statutory Maternity Pay, individuals who qualify for Statutory Adoption Pay will receive 90% of their average weekly earnings (with no upper limit) for the first 6 weeks, followed by 33 weeks of pay at the statutory rate (worth up to £187.18 a week). Employers can pay more than the statutory rate if they wish.
- Neonatal Care Leave must be taken within 68 weeks of the adoptive baby's birth, not placement.

Where a baby is matched for adoption, Adoption Leave and Pay will start either on the date the baby is placed, or on another pre-determined date. Similarly to Maternity Leave, once Adoption Leave has been stopped, it can't be restarted. Therefore, if an employee wishes to return to work before their entitlement ends, they will sacrifice their remaining entitlement to Adoption Leave and Pay.

Employers should clarify this understanding with their employee if they request to stop their Adoption Leave to take Neonatal Care Leave instead, because they would lose their remaining entitlement to Adoption Leave should they stop it.

There is a condition in the eligibility criteria that requires employees to be caring for their baby at the time of taking Neonatal Care Leave and Pay. If the adoption placement is disrupted or the parental order does not proceed before your employee takes their accrued Neonatal Care Leave and Pay, then there isn't an expectation for your employee to use their time off work on Neonatal Care Leave to care for their baby. However, employees are expected to fulfil the remaining eligibility criteria for Neonatal Care Leave and Pay, including on parental relationships and must have also had responsibility for the baby while they were receiving neonatal care.

Robyn is adopting a baby. The baby went straight into neonatal care at birth and is receiving neonatal care at the point they are placed with Robyn for adoption. The baby is placed with Robyn when they are 8 weeks old, and they go on to spend a further 12 weeks in neonatal care. Robyn accrues Neonatal Care Leave and Pay for the 12 weeks after the baby is placed with her. While Robyn wants to take the full 52 weeks of Adoption Leave with the 12 weeks of Neonatal Care Leave, this will not be possible. Neonatal Care Leave must be taken within 68 weeks of the baby's birth date, not placement date. Robyn must consider the best way to take her Adoption Leave and Neonatal Care Leave, and at which point to end her Adoption Leave to start her Neonatal Care Leave.

Parental Bereavement Leave - Death of a baby in neonatal care

- [Parental Bereavement Leave](#) gives parents who lose a baby under the age of 18 or who suffer a stillbirth after 24 weeks of pregnancy a right to take up to 2 weeks off work in the 56 weeks following the death of their baby. This entitlement is a 'day 1' right - meaning there is no qualifying period, and parents are entitled from their first day with a new employer.
- If your employee qualifies for Statutory Parental Bereavement Pay, they will receive the lower of 90% of their average weekly earnings or the statutory flat rate (currently £187.18 a week). Employers can pay more than the statutory rate if they wish.
- In the event an employee's baby dies, they may be eligible for both Parental Bereavement Leave and Pay and Neonatal Care Leave and Pay providing they fulfil the necessary criteria. If eligible for both entitlements, the employee must take their Parental Bereavement Leave within 56 weeks of the baby's death and they have up to 68 weeks following the birth of the baby to take their Neonatal Care Leave. This must be taken into account if for example, your employees' baby dies at 50 weeks old and they have accrued 12 weeks of Neonatal Care Leave and are also eligible for Parental Bereavement Leave. In this instance, the employee would need to take their

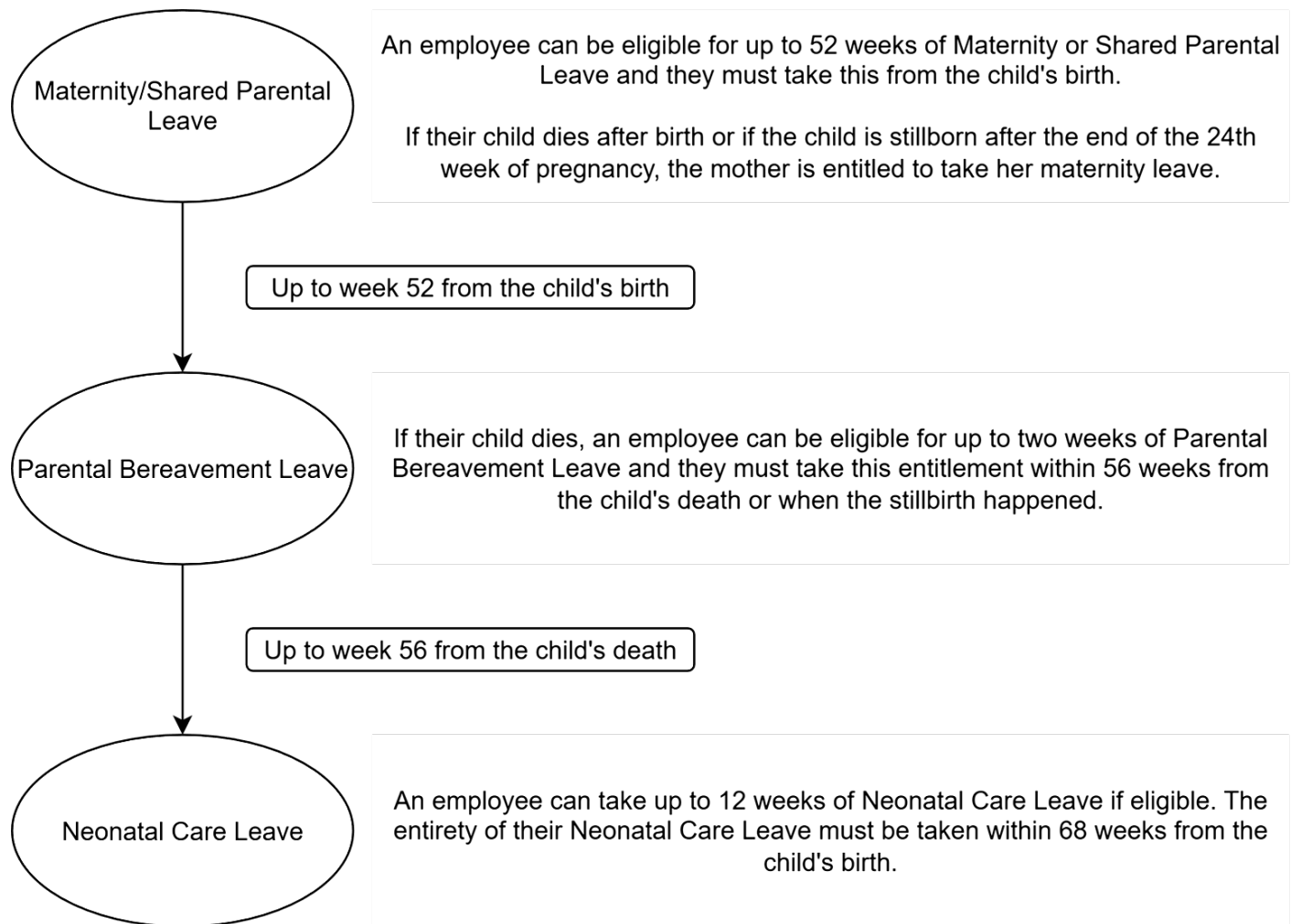
Parental Bereavement Leave after their Neonatal Care Leave has finished. This is because there is a greater window of time from the baby's death to take the Parental Bereavement Leave than there is to take Neonatal Care Leave where the window starts with the baby's birth.

There is a condition in the eligibility criteria that requires employees to be caring for their baby at the time of taking Neonatal Care Leave and Pay. If your employee's baby dies before your employee take their accrued Neonatal Care Leave and Pay, then there isn't an expectation for your employee to use their time off work on Neonatal Care Leave to care for their baby. However, employees are expected to fulfil the remaining eligibility criteria for Neonatal Care Leave and Pay, including on parental relationships and must have also had responsibility for the baby while they were receiving neonatal care.

Angie's baby is born very unwell at 41 weeks and is transferred immediately to a Neonatal Intensive Care Unit. After 7 weeks, the decision is made to move from active care to palliative care. Angie's baby receives 3 weeks of palliative care before they die. Angie has accrued a total of 10 weeks Neonatal Care Leave, and she is also entitled to 2 weeks Parental Bereavement Leave. Angie has 56 weeks from the death of her baby to take her 2 weeks of Parental Bereavement Leave and she has 68 weeks from the birth of her baby to take her 2 weeks of Neonatal Care Leave. Angie's Maternity Leave starts on the baby's date of birth and lasts for 52 weeks.

She decides to take her entitlement to Neonatal Care Leave first to avoid any risks with the timelines, because there is a smaller window of time for her to take her 10 weeks of Neonatal Care Leave (which is counted from the baby's birth) than there was for her to take her 2 weeks of Parental Bereavement Leave (where the window to take this leave is counted from the baby's death).

If Angie had, instead, chosen to take 39 weeks of Maternity Leave instead of 52 weeks, she would have had a greater time period to choose which entitlement to take first, and could have chosen to take her Parental Bereavement Leave before her Neonatal Care Leave if preferable to her.



If your employee is eligible for Neonatal Care Leave and they are taking Maternity Leave or Shared Parental Leave, and their baby dies

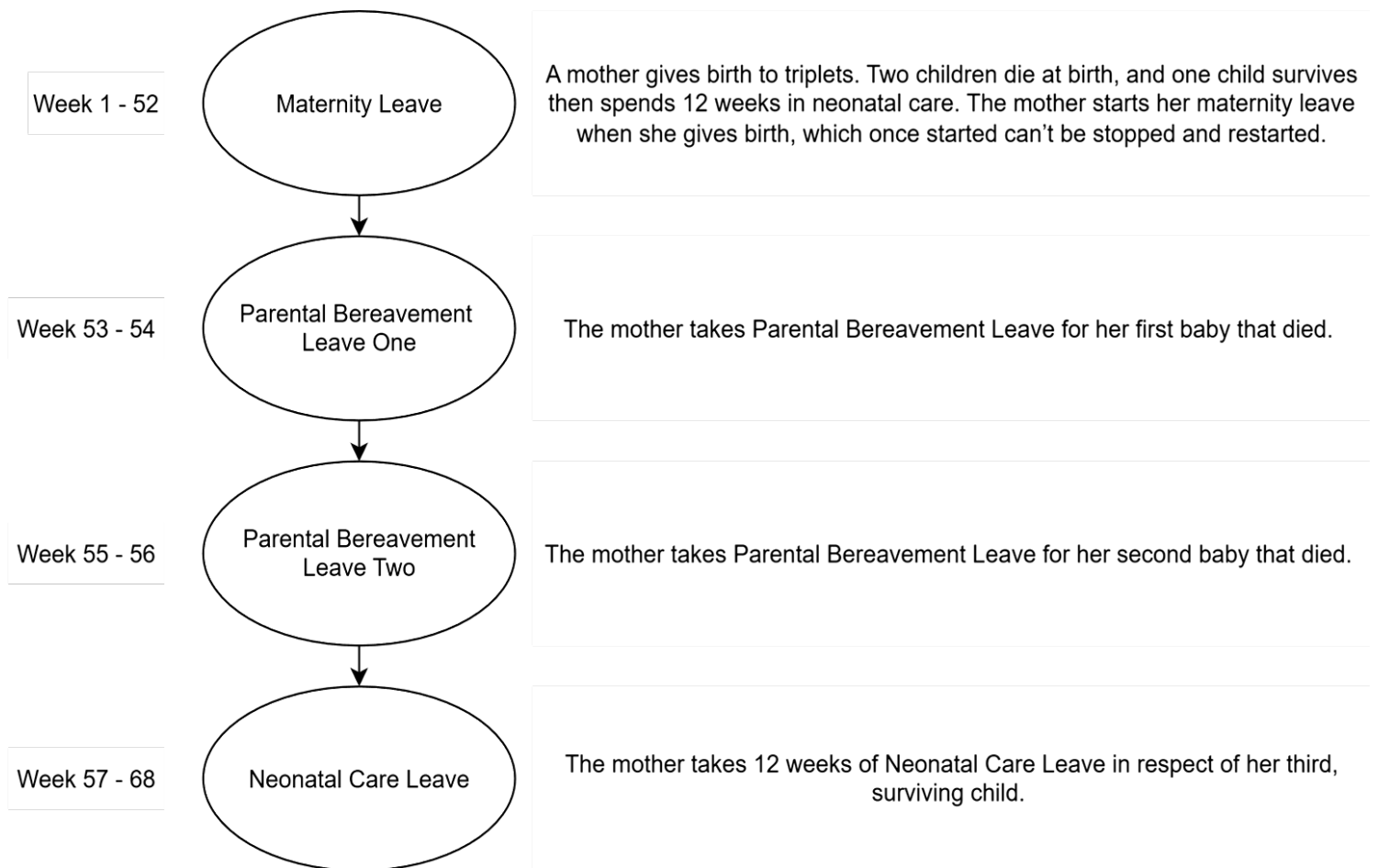
If your employee is taking Maternity Leave or Shared Parental Leave, and their baby dies, and before they died, they received neonatal care which your employee accrues Neonatal Care Leave from, then you may need to consider how your employee can take three entitlements together (Maternity Leave or Shared Parental Leave, Parental Bereavement Leave, and Neonatal Care Leave).

An employee may therefore be eligible for all three statutory entitlements if:

- Their child was admitted to neonatal care for a minimum of 7 full and continuous days, and the first day of that care falls within 28 days since they were born, and;
- Their child died after birth.

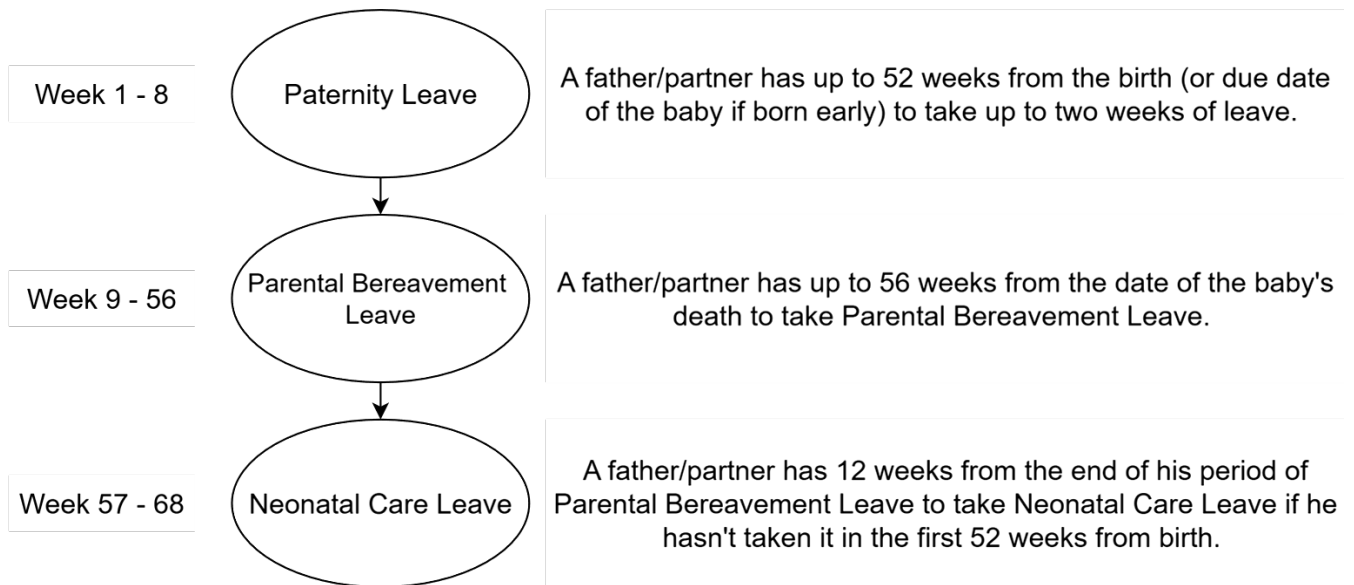
If your employee is eligible for Neonatal Care Leave and they are taking Maternity Leave or Shared Parental Leave, and their two babies die

If your employee is taking Maternity Leave or Shared Parental Leave, and their two babies die, and your employee is also eligible for Neonatal Care Leave from the care of their third baby, then you may need to consider how your employee can take three entitlements together (Maternity Leave or Shared Parental Leave, two periods of Parental Bereavement Leave, and Neonatal Care Leave).



If your employee is eligible for Neonatal Care Leave and they are taking Paternity Leave, and their baby dies

If your employee is taking Paternity Leave, and their baby dies, and before they died, they received neonatal care which your employee accrues Neonatal Care Leave from, then you may need to consider how your employee can take three entitlements together (Paternity Leave, Parental Bereavement Leave, and Neonatal Care Leave).



Calculating the relevant week and average earnings

To be eligible for Statutory Neonatal Care Pay, the employee must have been employed for at least 26 weeks up to the end of the 'relevant week'. This is also sometimes referred to as the 'qualifying week'. We have set out below how to calculate the relevant week.

The employee must also earn the lower earnings limit at the time as a minimum during the 8-week relevant period (separate to the qualifying week/relevant week). This is called the lower earnings limit.

Relevant week

If your employee is already eligible for other family-related statutory entitlements, including Maternity, Paternity and Adoption Pay, then the qualifying week for Statutory Neonatal Care Pay matches the week used to calculate the relevant week in their other family-related statutory entitlement:

- For Maternity and Paternity Pay, the relevant week (also known as the qualifying week) is the 15th week before the baby is due;
- For Adoption Pay, the relevant week is the week the employee was told they had been matched with the baby for adoption.

The requirement does not depend on whether a period of Maternity, Paternity or Adoption Pay is in place or booked; the requirement depends on whether the employee meets the eligibility criteria for these entitlements.

Employees who are not eligible for any other statutory pay

Some employees may not be eligible for any other statutory pay because they do not meet the 26 weeks of continuous service requirement for the other statutory pay. If this is the case, the relevant week for Statutory Neonatal Care Pay is the week immediately before the baby enters neonatal care. As the week immediately before the baby enters neonatal care is later than the relevant week for any other birth related statutory pay, the neonatal parent may qualify for neonatal pay even though they did not qualify for any other statutory pay entitlements, if by the week before their baby enters neonatal care they have been continuously employed for 26 weeks.

Where there are multiple births in the same pregnancy

There can only be one relevant week per pregnancy. For example, if a baby is readmitted into neonatal care, the 'relevant week' is calculated from the first admission into neonatal care and this would still be the relevant week if there was a later readmission into neonatal care. Therefore, if the parent is not entitled to any other statutory parental pay, the relevant week for any subsequent admission will be the week before the week of the baby's first admission into neonatal care.

Another example may include if there are multiple births within a pregnancy and the first baby has a separate birth date from the second or third baby. If more than one baby is admitted into neonatal care from the same pregnancy, the relevant week is calculated in respect of the first baby in that pregnancy and it will not be recalculated in respect of the second or third baby in that same pregnancy.

Where the baby is born prematurely

If a baby is born prematurely, then the calculation of the 26-week continuous employment requirement and the calculation for the qualifying week can be adjusted. If an employee was due to be eligible for Statutory Neonatal Care Pay (because they were due to meet the 26-week continuous service requirement and the earning requirement by the qualifying week on the baby's estimated due date, which is sometimes referred to as their EDD), and if due to the fact their baby was born prematurely they no longer meet this criteria, then the relevant week can be adjusted to be based on the baby's due date rather than the actual birth date to ensure the parents of premature babies are not disadvantaged in qualifying for pay. Additionally, the lower earnings limit will be adjusted in these cases so that it is assessed for the period of 8 weeks ending with the week immediately preceding the week that their baby was born.

It is the 24th of December. Jenny's baby was born on their due date, the 15th of December, and once born, her baby was admitted straight into neonatal care. Jenny's employer now needs to work out if Jenny is eligible for Neonatal Care Leave and Pay. Her employer already knows Jenny is entitled to Statutory Maternity Pay. Her employer works out that her relevant week is the week commencing with the 1st of September (as the qualifying week for Maternity Leave and Pay is the 15th week before the baby is due) and needs to check that Jenny has been employed for 26 weeks. To work out if Jenny has been employed for 26 weeks, he sets the relevant week (1st September) as the 26th week and counts back 25 weeks and confirms she has been employed for all 26 weeks continuously. The employer therefore determines that Jenny meets the minimum service requirement for Neonatal Care Leave and Pay.

It is the 20th of August and Charlie's baby was admitted into neonatal care on the 12th of August. Charlie's employer needs to determine if Charlie is entitled to Neonatal Care Leave and Pay. Charlie's employer has already determined he is not eligible for Statutory Paternity Pay because Charlie recently started a new job while his partner was pregnant. To work out if Charlie is eligible for Neonatal Care Leave and Pay, his employer sets the qualifying week as the week immediately before his baby enters neonatal care which is the 5th – 11th of August. His employer then counts back 25 weeks and confirms Charlie has been employed for all 26 weeks (ending with the qualifying week continuously), meaning Charlie is eligible for Neonatal Care Leave and Pay.

Average earnings

Average weekly earnings must include all gross earnings on which Class 1 National Insurance contributions:

- are due
- would be due (if the employee's earnings were high enough, or they were old enough to pay them)

Your employee's entitlement to Statutory Neonatal Care Pay depends on their average weekly earnings in the relevant period. The relevant period is usually the 8-week period before the relevant week.

The start of the relevant period is the day after the last normal payday, falling at least 8 weeks before the end of the relevant period.

The end of the relevant period is the last normal payday on, or before the Saturday of the relevant week.

Their average weekly earnings in the relevant period cannot be less than the lower earnings limit.

Find the [lower earnings limit \(LEL\) for Class 1 National Insurance contributions for the relevant tax year](#).

Monthly-paid employees

To calculate your employee's average weekly earnings:

- add up all their gross earnings in the relevant period
- divide all their gross earnings by the number of calendar months in the relevant period (if that isn't a whole number, round to the nearest whole number)
- multiply the figure by 12 (number of months in the year)
- then divide the figure by 52 (number of weeks in the year)

Employees not paid monthly

To calculate your employee's average weekly earnings:

- add up all their gross earnings in the relevant period
- divide all their gross earnings by the number of days in the relevant period

- then multiply the figure by 7 (days in a week)

Paid weekly without full weeks

You might bring forward your employee's normal payday because of bank holidays (such as Easter or Christmas).

To calculate your employee's average weekly earnings:

- add up all their gross earnings
- divide all their gross earnings by the number of weeks that they were actually paid, not the number of weeks in the relevant period

Paid in multiples of a week

To calculate your employee's average weekly earnings:

- add up all their gross earnings in the relevant period
- divide all their gross earnings by the number of whole weeks in the relevant period

Paid monthly without full months

First, work out the number of rounded months as follows:

- count the number of whole months
- count the numbers of odd days

Then, round up or down as follows:

- for any month except February — 15 days or less round down, 16 days or more round up
- for February — 14 days or less round down, 15 days or more round up

To calculate your employee's average weekly earnings:

- add up all their gross earnings in the relevant period
- divide all their gross earnings by the number of rounded months in the relevant period
- Multiply the figure by 12 (number of months in the year)
- Divide by 52 (number of weeks in the year)

Not paid a regular pay pattern

To calculate your employee's average weekly earnings:

- add up all their gross earnings in the relevant period
- divide all their gross earnings by the number of days in the relevant period
- then multiply the figure by 7 (days in a week)

Mistimed pay

This applies if your employee is contractually paid on the same date, but you pay them earlier or later than their contractual payday because it might fall on a weekend or a bank holiday.

To calculate your employee's average weekly earnings:

- add up all their gross earnings in the relevant period
- divide all their gross earnings by the number of weeks' wages that they were actually paid

Do not use this calculation if your employee has been underpaid due to a payroll error.

Underpayments or overpayments of earnings

Only use all the gross earnings paid to your employee within the relevant period to calculate their average weekly earnings.

If there's an over or underpayment of earnings within the relevant period, include the amount in their average weekly earnings calculation to check if they're entitled to Statutory Neonatal Care Pay.

Salary sacrifice

If your employee has a salary sacrifice arrangement with you, use the amount of earnings actually paid to them during the relevant period to work out their average weekly earnings.

Do not include the value of the salary sacrifice.

Contractual benefits

Your calculation for Statutory Neonatal Care Pay should only be based on earnings which are subject to Class 1 National Insurance contributions.

Do not include any benefits which are exempt from Class 1 National Insurance contributions.

Earnings affected by a backdated pay rise

If your employee receives a backdated pay rise which increases the amount of earnings already paid in the relevant period, you need to recalculate their average weekly earnings to include this amount.

You should do this if the employee was either:

- not entitled to Statutory Neonatal Care Pay; or
- entitled to Statutory Neonatal Care Pay at less than the standard rate

Find the [standard rate for Class 1 National Insurance contributions for the relevant tax year](#).

You must recalculate their average weekly earnings to check if they're:

- now entitled (and pay any Statutory Neonatal Care Pay due)
- entitled to an increase (and pay any extra Statutory Neonatal Care Pay due)

Information you are required to provide to HMRC

You must keep records of Statutory Neonatal Care Pay for HM Revenue and Customs (HMRC), including:

- the start date for any period it was paid
- the payments you've made and the dates they were paid
- details of any weeks the employee claimed Statutory Neonatal Care Pay but you did not pay and the reason why

You'll also need to keep records of:

- the employee's written declaration, stating their caring responsibilities for the baby and their relationship with them
- the date (or dates) they began neonatal care
- the date (or dates) they left neonatal care (this can be provided later if the baby was still in neonatal care at the time of completing the declaration)

You must keep records for 3 years from the end of the tax year they relate to. You can use HMRC's record-keeping form (NEO2) or your own.

Supporting your employees

Looking after a baby in neonatal care is difficult for all parents. You should consider what additional support is available internal to your organisation that may be helpful for your employees (such as Employee Assistance Programmes or flexible working arrangements). Below, we also include a list of some resources that may be helpful to signpost, to further support employees during this period:

[Bliss](#) – is a UK-based charity for babies born premature or sick. Bliss provides a wide range of free information and support services for families of premature and sick babies, including a video call support service.

[The Smallest Things](#) – a charity which promotes good health of premature babies and their families.

[Working Families](#) – a charity that provides online guidance and a helpline for working parents and carers on their employment rights — including leave entitlements, access to flexible working, childcare, and benefit entitlements. The charity's legal advice is free, and it also offers a Family Friendly Workplaces certification scheme for employers.

[PANDAs Foundation](#) - supports individuals, their families and carers suffering pre and postnatal mental illnesses via helpline, email, online community and support groups.

[Mind](#) – a mental health charity.

[ACAS](#) - provides free and confidential advice to employers, employees and their representatives on employment rights, best practice and policies. In addition to guidance for employers on neonatal care, they also provide best practice guidance for managers.

Department for Business and Trade

The Department for Business and Trade is an economic growth department. We ensure fair, competitive markets at home, secure access to new markets abroad and support businesses to invest, export and grow. Our priorities are the industrial strategy, make work pay, trade and the plan for small business.

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