

Employment and Workforce



21 March 2025

New right to Neonatal Care Leave and Pay

This Update covers the following policy topics: *Employment and Workforce*

To: *Heads of Institution, HR Directors and all recipients of Employment and Workforce*

Executive summary

[The Neonatal Care \(Leave and Pay\) Act 2023](#) comes into force on 6 April 2025 in England, Wales and Scotland, and will apply to employees in respect of children who are born on or after this date.

On 20 January 2025, draft Regulations were published to accompany the Act. The UK Government has now published the final versions of the regulations supporting the introduction of this new right. The Neonatal Care Leave and Miscellaneous Amendments Regulations 2025 set out the details of eligibility, notification requirements and entitlement. In addition, the Statutory Neonatal Care Pay (General) Regulations 2025 set out the regime for payment during periods of neonatal leave. This Update summarises the provisions of both sets of Regulations.

Action for UCEA members

- Members should familiarise themselves, HR teams, and managers with the new rights prior to their introduction.
- Introduce a new Neonatal Care Leave and Pay policy or update existing family leave policies to account for neonatal care leave and pay, and communicate these to staff.

Introduction

As notified in the [UCEA Bulletin for February 2025](#), the [Neonatal Care \(Leave and Pay\) Act 2023](#) comes into force on **6 April 2025**. It will only be available to employees in respect of children who are born on or after 6 April 2025. On 20 January 2025, draft Regulations were published to accompany the [Neonatal Care \(Leave and Pay\) Act](#). The *Neonatal Care Leave and Miscellaneous Amendments Regulations 2025* set out the details of eligibility, notification requirements and entitlement. In addition, the *Statutory Neonatal Care Pay (General) Regulations 2025* set out the regime for payment during periods of neonatal leave. The government has now published the final regulations and guidance supporting the introduction of this new right.

The right applies in England, Wales and Scotland. However, proposals to introduce neonatal care leave in Northern Ireland, which largely mirror the right planned for the rest of the UK, are contained in the [consultation on the Good Jobs Employment Rights Bill](#) (which closed on 30 September 2024), and an implementation timetable for this separate legislation is anticipated.

What is Neonatal Care?

Neonatal care means:

- Medical care received in a hospital (which includes a maternity home, as well as clinics and outpatient departments).
- Medical care received in any other place providing the child was an inpatient in hospital and needs continuing care after leaving the hospital (provided that the care is under the direction of a consultant and includes ongoing monitoring by/visits from healthcare professionals arranged by that hospital).
- Palliative or end of life care.

Eligibility

The new rights are available to both parents. To be eligible, the individual must:

1. Be an employee;
2. At the date of birth, be the child's parent, the child's intended parent (applicable to surrogacy) or the partner of the child's mother (unrelated and living with them in an enduring family relationship), or be the child's adopter or prospective adopter (or partner of the same);
3. Have or expect to have responsibility for the upbringing of the child;
4. Take leave to care for the child (although this requirement is disapplied where the baby dies or an adoption placement ceases after NCL has been accrued); and
5. Comply with the notice requirements.

It should be noted that evidence that the child is receiving neonatal care is not required.

NCL will be a '**day one**' employment right and will apply to parents of babies who are admitted into hospital up to the age of 28 days (counted from the day after the child is born), and who have a continuous/uninterrupted, stay in hospital of seven full days or more (counted from the day after the neonatal care started).

Neonatal Care Leave in further detail

The Neonatal Care Leave and Miscellaneous Amendments Regulations 2025 implement a new entitlement to up to **12 weeks' extra leave** in addition to other family leave the employee may be entitled to, such as maternity, paternity, adoption and shared parental leave. Generally, employees will tag NCL onto the end of their family leave, given that they will likely be on some other form of family leave at the time their baby is in neonatal care (i.e. maternity or paternity leave). The entitlement applies to parents of children born on or after **6 April 2025**.

Eligible employees can take a minimum of one week's leave for each week that the baby receives neonatal care, without interruption, capped at 12 weeks. NCL can be taken only after the child has received seven days of uninterrupted care, counted from the day after the neonatal care started (i.e. days 2-8 are the qualifying period for NCL, and an employee is able to start NCL from day 9). NCL must be taken within **68 weeks of the baby's birth** (or placement/entry into Great Britain for adoption cases).

NCL cannot be claimed twice by the same employee in respect of multiple births where the babies are receiving care at the same time - the maximum amount of leave remains at 12 weeks.

Other than the employee's normal pay, which is replaced by statutory neonatal care pay (SNCP) if they are entitled to it, all terms and conditions of employment remain in place during Neonatal Care Leave (NCL), including the accrual of annual leave and pension rights. The protections for employees taking NCL are similar to those which apply to employees taking other types of family leave entitlements, including, for example, enhanced redundancy protection, and protection against dismissal and detriment. The employee will also have the right to return to the same job after a

period of NCL (or a combined period of NCL and another form of qualifying family-related statutory leave, e.g. maternity leave) if they are absent from work for a total period of 26 weeks or less. An employee who returns to work after a longer period of absence is entitled to return to the job in which they were employed before the absence or, if this is not reasonably practicable, to another job that is both suitable and appropriate for the employee to do in the circumstances.

NCL is classified under the NCL Regulations as either 'Tier 1' or 'Tier 2', based on when it is taken, as follows:

- **Tier 1 (during neonatal care):** this is the period which begins when the child starts receiving neonatal care and ends on the seventh day after the child stops receiving neonatal care (i.e. one week after discharge). An employee can take tier 1 leave in continuous or non-continuous blocks of at least one week at a time (but only after the first seven days of neonatal care). Any remaining entitlement to NCL may be taken in the tier 2 period.

In practice, NCL is only likely to be taken in the tier 1 period by the child's father or mother's partner, since the mother is likely to be on maternity leave during this period. It might, for example, be used by the father or partner where paternity leave has run out whilst the baby is still undergoing neonatal care. In adoption cases, it is only likely to be taken during the tier 1 period by the parent who is not taking adoption leave.

- **Tier 2 (after neonatal care ends):** this is the period after the tier 1 period ends during which the employee is entitled to NCL, i.e. up to 68 weeks after the child's birth. It must be taken in one continuous block.

In practice, Tier 2 leave is likely to be taken where someone on maternity or adoption leave tags on NCL to the end of their maternity or adoption leave, where they are able to give advance notice, but it must be taken within 68 weeks of the child's birth.

The tier 1 and tier 2 periods of leave have different notification requirements as follows:

Notice requirements

- **Tier 1:** Requirements during this period reflect the fact that leave will often be needed due to unforeseen and emergency circumstances. During the tier 1 period, notice only needs to be given by the time the employee is due to start work on the first day of each week of leave, or as soon as reasonably practicable, and it does not need to be in writing.
- **Tier 2:** There is less flexibility for this period. In this period, employees must give 15 days' notice of one week's leave, or 28 days' notice of two or more weeks' leave.

It should be noted that employers can mutually agree to waive notice periods in both the tier 1 and tier 2 periods.

Neonatal Care Pay in further detail

The *Statutory Neonatal Care Pay (General) Regulations 2025* implement a new entitlement for parents of children who are born after 6 April 2025 and who receive neonatal care to receive Statutory Neonatal Care Pay (SNCP). Although NCL is a day one right, to qualify for SNCP an employee will need a **minimum of 26 weeks'** continuous employment with an employer prior to the leave being requested and have met a minimum earnings threshold of, on average, at least £125 a week (from 6 April 2025). This mirrors the entitlement to maternity and shared parental leave pay.

SNCP is paid at the statutory prescribed rate (initially £187.18 from April 2025) or 90% of average weekly earnings if lower. The weekly rate increases annually every April in line with other family-related statutory payments. Employees may choose for SNCP to be paid for a single week or for a number of weeks (although these must be consecutive weeks in a tier 2 period). In line with NCL, the maximum possible SNCP entitlement is also 12 weeks.

Notice requirements

The required length of notice differs depending on whether the pay applies to leave during the tier 1 or tier 2 period as follows:

- **Tier 1:** where the statutory pay week begins in a tier 1 period, notice must be given within 28 days of the date to which the notice relates.
- **Tier 2:** where the statutory pay week begins in a tier 2 period, 15 days' notice must be given for a single week of statutory pay, but 28 days' notice must be given for two or more consecutive weeks of statutory pay.

Where it is not reasonably practicable to give such notice, the employee must give notice as soon as reasonably practicable.

Interaction with other family leave

As mentioned above, NCL is in addition to other statutory family leave such as maternity, paternity, adoption and shared parental leave. Where other statutory leave has already started, NCL should be taken at the end of that period e.g. at the end of maternity leave. Where NCL has started before the employee starts another type of statutory leave, their NCL comes to an end when the other statutory leave begins, and any remaining entitlement can be taken after the other statutory leave ends.

Next Steps

The government and ACAS are expected to publish guidance to assist both employers and employees in understanding the new right.

Members are advised to familiarise themselves with how this new right operates, prepare Neonatal Care Leave and Pay policies as soon as possible and communicate these to staff (including how the policy interacts with other family leave); and ensure managers are trained in how to implement these.

When developing these policies, members should consider whether to:

- Enhance the statutory payment scheme, whether in terms of pay or duration, particularly if this is the case for other types of parental leave.
- Decide how notice requirements will operate given that the Regulations expressly provide for an employer to operate separate notice provisions for tier 1 and tier 2 periods; and what flexibilities could be allowed during this difficult time.
- Acknowledge that this is a traumatic time for parents, communicate sensitively, and remind staff of any wellbeing support available, such as access to an EAP or mental health first aid to help to deal with any mental and/or physical health impacts of having a child who requires neonatal care. Consider what other leave or arrangements could be offered in the employee's particular circumstances (e.g. compassionate leave, a phased/flexible return to work etc.), and ongoing flexibility following their return to work if needed (e.g. hospital appointments may still be required).

Enquiries

If you have any queries about this Update, please email the Employment Policy Advice team at epa@ucea.ac.uk.

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