



Neonatal Care Leave – changes coming in 6th April 2025

Following a government press announcement last week, we are pleased to see the Labour Government is looking to press ahead with the introduction of neonatal care leave under the Neonatal Care (Leave and Pay) Act 2023 from 6th April this year. This legislation was originally passed by the previous Conservative Government.

Who will be eligible to take neonatal care leave?

This will be a day one right that will be available to those employees whose child receives neonatal care before they are 28 days old, and the care lasts for at least seven days without interruption. The employee will need to have a parental relationship with the child receiving neonatal care, taking the leave to care for the child. It will only apply to those whose child is born on or after 6 April 2025.

How much leave will they be entitled to?

Eligible employees will be entitled to a minimum of one week's leave, up to a maximum to 12 weeks leave depending on the length of neonatal care received. Because the neonatal care must last for at least seven days, there is no entitlement to this leave during the first week of care.

When can this leave be taken?

Whilst the child is receiving neonatal care and for seven days after it stops leave can be taken in non-consecutive blocks, but each block must be a minimum of one week. Any remaining unused entitlement thereafter must be taken consecutively. The leave must be taken within 68 weeks of the child's birth and can be added onto the end of any other statutory family leave such as maternity leave or shared parental leave.

Notice requirements will apply, although this can be waived by agreement.

Is this leave paid or unpaid?

Those employees who qualify in the usual way for statutory maternity, paternity or adoption leave pay (so have 26 weeks continuous service at the relevant date) will also be entitled to statutory neonatal care pay. This will be paid at the same rate as statutory paternity pay.

What counts as neonatal care?

This includes medical care received in a hospital as well as ongoing medical care received elsewhere following the child's release, where the care is under the direction of a consultant or where care includes ongoing monitoring of the child by healthcare professionals arranged by the hospital. It also includes palliative or end of life care.

Is there anything else employers need to know?

As with other family leave there will be certain rights and protections given to parents taking neonatal care leave such as:

- The right to continue to benefit from all their terms and conditions of employment (other than pay) whilst absent from work;
- When the leave ends, the right to return to the same role or, in certain circumstances, an alternative suitable role;
- Protection from redundancy both during any period of leave and for up to 18 months following the birth of the child as per the additional protections introduced in April 2024 for those on / returning from shared parental leave; and
- The right not to be treated unfavourably or dismissed because the employee takes or seeks to take neonatal care leave.

For those employers with existing policies covering other family leave, we recommend updating / adding to those policies ready for April's changes.

Any questions please do not hesitate to get in touch.

Your Employment Team



Louise Nunn

Partner/ Head of
Employment Law
01844 268 316
lnunn@lightfoots.co.uk



Charlotte Coles

Solicitor
01844 212 305
ccoles@lightfoots.co.uk