

# Neonatal Care (Leave and Pay) Act 2023

6th April 2025

## Neonatal Care Leave (NCL) Key Facts:

Neonatal Care (Leave and Pay) Act 2023 comes into force 6th April 2025.

This legislation ensures that parents can focus on their newborns' health without the added stress of work-related concerns, providing much-needed support during a critical time.

- NCL will be a day 1 right.
- Parents of babies born on or after 6th April who are admitted to neonatal care within the first 28 days of birth, with a continuous hospital stay of seven full days or more, are eligible. Where care is given at any other location after the child has been an inpatient, under the direction of the consultant, and is monitored by the hospital staff visiting the child at this location, leave is also available.
- NCL is available if the baby is receiving palliative or end-of-life care.
- Neonatal Care Leave can be a minimum of one and a maximum of 12 weeks long, and is in addition to existing parental leave rights.
- Leave must be taken within 68 weeks of birth.
- There are 2 tiers:
  - **Tier 1:** Starts when the child begins receiving neonatal care, and ends on the seventh day after care ends. Leave during this tier can be taken in *non-continuous* blocks (minimum of 1 week)
  - **Tier 2:** Any time after tier 1, and before the cut-off time of 68 weeks after birth. Leave must be taken in a *continuous* block.
- To qualify for *pay* during this leave, parents must meet certain criteria, including a minimum of 26 weeks of continuous service with their employer and meeting minimum earnings requirements (at least £123 a week). NCL will be paid at the same rate as statutory paternity pay (£187.18 from April)
- Protection for employees on NCL:
  - The right to return to the same or another suitable role.
  - Redundancy protection during NCL and for a period afterwards.
  - Protection from detrimental treatment and being dismissed because they took or sought to take NCL.
  - The right to keep their existing terms and conditions during NCL except for pay.
- NCL is also available for adoptive parents (both in UK and abroad) and also through surrogacy arrangements.

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## Employer Actions:

To prepare for the Neonatal Care (Leave and Pay) Act 2023, employers should take several key steps to ensure compliance and support employees effectively. Here's what they should do:

### 1. Update HR Policies & Employee Handbooks:

- Revise policies to include Neonatal Care Leave as a distinct entitlement.
- Ensure policies clarify eligibility, duration, and pay entitlements.
- Make sure employees are aware of their employment protections during this leave.

### 2. Communication & Employee Awareness:

- Notify employees about the upcoming Neonatal Leave & Pay rights.
- Provide guidance on how to apply for leave and what documents (e.g., medical evidence) may be required.

### 3. Training for Managers and HR Teams:

- Train line managers, HR personnel and payroll teams to handle requests for NCL and answer any questions.

### 4. Communication & Employee Awareness:

- Notify employees about the upcoming Neonatal Leave & Pay rights.
- Provide guidance on how to apply for leave and what documents (e.g., medical evidence) may be required.

### 5. Foster a Supportive Workplace Culture:

- Encourage a family-friendly workplace where employees feeling comfortable taking leave.
- Offer additional support such as Employee Assistance Programmes (EAPs) or flexible work options for affected parents.

Note:

This factsheet is based on draft regulations. These may change as they pass through parliament.

## Further resources:

<https://www.legislation.gov.uk/ukdsi/2025/9780348268041/regulation/10>