

Neonatal Care Leave Policy

Version number: 1.0

Status: Published

Department/Team: People Services

Relevant policies: Maternity Leave and Pay Policy and Procedure, Secondary Carer Leave and Pay Policy, Adoption Leave Policy, Shared Parental Leave Policy and Procedure

Distribution: Internal

Author/Owner: People Services

Consultees: Trade unions and EDI networks

Approved by: Sam McVaigh, Director of People Services

Application date: 06 November 2025

Review date: 06 November 2028

Security classification: Official

Key messages

The ICO understands that having a baby in neonatal care is a stressful and challenging experience. This policy is designed to support parents and to ease the pressures of this sensitive period. It aims to:

- Detail the neonatal care leave and pay available to eligible employees.
- Explain how neonatal care leave interacts with other family leave entitlements, including maternity, paternity, adoption and shared parental leave.
- Ensure that all employees are treated fairly and consistently, in a way that recognises the emotional and practical challenges of a neonatal care admission.

Does this policy relate to me?

All employees of the Information Commissioner's Office have the right to Neonatal Care Leave provided they meet the eligibility criteria and notification requirements set out in this policy.

Table of Contents

Introduction	2
2. Eligibility	3
3. Entitlement and pay	4
4. Taking neonatal care leave	5
5. Giving notice	6
6. Changes affecting your entitlement	8
7. Employment rights during and returning from neonatal care leave ...	9
8. Support	9
Feedback on this document.....	10
Version history	10

Introduction

- 1.1. Neonatal care is a legal entitlement for eligible parents whose baby or babies, from the same pregnancy, are admitted to neonatal care for seven full continuous days or more within 28 days of their birth. The day on which care starts is not counted.
- 1.2. Eligible parents are entitled to take up to 12 weeks of leave before their child reaches 68 weeks of age. This is in addition to other statutory family leave entitlements.
- 1.3. The law relating to neonatal care leave and pay is complex. This policy aims to outline the neonatal care leave and pay that is available to you, and explain how to access it. You should not hesitate to contact People Services if you have any questions.
- 1.4. This policy is non-contractual and we may amend it at any time.

1.5. For the purposes of this policy, a 'parent' includes:

- A biological parent.
- An adoptive parent where the child is placed within the first 28 days of birth.
- An intended parent through a surrogacy arrangement
- The partner of any of the above.

[Back to the top](#)

2. Eligibility

2.1. To be eligible for neonatal care leave and pay, you must:

- Be an employee.
- Have a baby admitted to neonatal care within 28 days of birth who remains there for at least seven consecutive days. This 'qualifying period' starts the day after admission and includes any transfers between places of neonatal care.

There are three types of neonatal care to which the right applies:

- medical care received in hospital;
- medical received in another setting but as a result of an inpatient stay in hospital, that is under a consultant, including ongoing monitoring and visits by healthcare professionals arranged by the hospital; or
- palliative or end of life care.
- Have shared or sole parental responsibility for your baby, as either:
 - the biological parent or intended parent if having a baby through a surrogacy arrangement;
 - an adoptive parent (including fostering to adopt); or

- the partner of any of the above.
 - Provide the required notice as set out in section 5.
- 2.2. For adoptive parents, the first seven days of neonatal care need to start after the adoption placement date for neonatal care leave to apply. For overseas adoption, the baby must have entered Great Britain before receiving neonatal care.
- 2.3. In all cases, the leave must be taken for the purpose of caring for the baby.

[Back to the top](#)

3. Entitlement and pay

- 3.1. You will be able to access neonatal care leave from day one of your employment, provided you meet the eligibility criteria and qualifying period in section 2.
- 3.2. You are entitled to one week of paid neonatal care leave for every seven consecutive full days your baby receives neonatal care up to a maximum of 12 weeks. These seven days will begin the day after your baby is admitted to neonatal care. A week's leave will match your usual working hours.
- 3.3. Where you have more than one baby from the same pregnancy who receives neonatal care, you will be entitled to one week's paid leave for every seven continuous full days your babies are in neonatal care at the same time. If your babies receive neonatal care at different times, you will be entitled to one week's paid leave for each seven continuous full days one baby receives neonatal care, up to the 12-week maximum entitlement.
- 3.4. You will receive your normal rate of pay (excluding any overtime pay during any neonatal care leave taken, inclusive of any statutory pay entitlement).
- 3.5. If your baby is discharged from neonatal care, but later begins receiving neonatal care again, you may accrue further neonatal care leave, provided the second period of care still

meets the definition of neonatal care set out in section 2 of this policy.

[Back to the top](#)

4. Taking neonatal care leave

4.1. **When you can take neonatal care leave**

The qualifying period for neonatal care leave is seven consecutive days, starting the day after your baby first receives neonatal care. The earliest you can start your neonatal care leave is the day after this qualifying period ends.

All neonatal care leave must be taken within 68 weeks of your child's date of birth or placement, provided this policy is complied with. For overseas adoptions, the 68-week period runs from the date your child enters Great Britain.

4.2. **How you can take neonatal care leave**

Whether you can take your neonatal care leave as separate weeks or as a single block depends on when you take it.

- **Tier 1** - If you take your neonatal care leave whilst your baby is in neonatal care, or within seven days of their neonatal care ending, you can take it in one continuous block or in several different blocks, up until 68 weeks after your baby's birth. Each block must be at least one week.

If you have more than one baby from the same pregnancy who received neonatal care, the Tier 1 period begins on the day that one baby starts receiving neonatal care, but only ends seven days after the last of your babies to receive neonatal care stops receiving it.

- **Tier 2** - If you take your neonatal care leave eight days or more after the neonatal care ends for your baby, you must take it in one continuous block (up until 68 weeks after your baby's birth).

Please see below – during a Tier 2 period, you will not be permitted to schedule a period of neonatal care leave that you know will be interrupted by another period of family leave.

4.3. **How it fits with other types of family leave**

Neonatal care leave is in addition to other family leave entitlements for which you may be eligible. You cannot take two different forms of leave at the same time.

Since neonatal care leave can be taken up to 68 weeks after your baby's birth, it will generally be taken after other types of family leave.

- **Maternity and adoption leave** - If you qualify for maternity or adoption leave, you must take this first. Maternity or adoption leave starts automatically when your baby is born or placed with you for adoption, if it hasn't already begun.
- **Secondary carer, shared parental, and parental bereavement leave** – If you qualify for any of these leave types, you can choose whether to take your neonatal care leave first. You can take paternity or shared parental leave at any time within 52 weeks of your baby being born or placed with you for adoption.

If you are on neonatal care leave on the day that your secondary carer or shared parental leave is booked to begin, your neonatal care leave will be interrupted while you take that other family leave. You will not lose the rest of your neonatal care leave, but when you can take it will depend on whether you are in the Tier 1 Period or the Tier 2 Period when your paternity or shared parental leave ends.

[Back to the top](#)

5. Giving notice

- 5.1. We recognise that having a baby in neonatal care is an incredibly difficult time. Please be assured that, if you are unable

to meet the notice timeframes below, your people manager will discuss this with you and may accept later notice.

5.2. When and how you must give notice, depends on when you're taking the leave.

If your leave starts while your baby is in neonatal care, or within seven days of this care ending (Tier 1):

- Try to let your people manager know before your leave starts, for each week of neonatal care leave you wish to take. If that's not possible, tell them as soon as reasonably practicable.
- Notice does not have to be in writing in the first instance, you can give it by phone, text or in person.
- If you are already at work on the day that you would like your neonatal care leave to start, and you give notice on that day, you will be allowed to leave work straight away, but your neonatal care leave will officially begin on the following day.
- Let your people manager know as soon as possible when neonatal care ends.
- Upon your return to work, please complete a Neonatal Care Leave Form retrospectively. The form can be found in the '[Self-service forms](#)' area of the People and EDI Hub on Iris.

If you are taking neonatal care leave eight days or more after neonatal care ends (Tier 2):

- For a single week of neonatal care leave and pay, you should let your people manager know at least 15 days before you want your leave to start
- For two weeks or more of neonatal care leave and pay, you should let your people manager know at least 28 days before you want your leave to start.
- Notice must be in writing and requests for leave should be made using the Neonatal Care Leave Form which can be

found in the '[Self-service forms](#)' area of the People and EDI Hub on Iris.

- 5.3. Any information you provide to us about your baby's health will be processed in accordance with our Staff Privacy Notice. We recognise that this data is sensitive and will handle it in a confidential manner.

[Back to the top](#)

6. Changes affecting your entitlement

Please let your people manager know as soon as you can if one of these events occurs.

- 6.1. If your baby leaves neonatal care earlier than expected, you can still take any leave and pay that accrued while your baby was in neonatal care.
- 6.2. If you are adopting your baby, including fostering to adopt, and the placement is not successful, you can take the neonatal care leave that accrued before the placement was disrupted.
- 6.3. If you are adopting from overseas and your baby stops living with you, you can take any leave that accrued before they ceased to live with you.
- 6.4. If you are the intended parent and the parental order does not proceed (or is not granted), you can take any leave and pay that accrued before the process ended.
- 6.5. If, sadly, you suffer the loss of your baby, you remain entitled to take any neonatal care leave and pay that accrued whilst your baby received neonatal care in addition to other family leave entitlements. You may also be entitled to parental bereavement leave. Please see section 8 for details of the support available to you, we would encourage you to discuss this with your people manager.

[Back to the top](#)

7. Employment rights during and returning from neonatal care leave

- 7.1. You are protected from suffering any detriment, including dismissal, as a result of taking neonatal care leave. You will remain an employee of the ICO during your neonatal care leave and be entitled to the same benefits which would have accrued had you been at work. You will be entitled to any pay awards during the period of your neonatal care leave and to return to work on terms and conditions no less favourable than the ones that would have applied had you not been absent.
- 7.2. You will usually return to the role that you held before going on leave unless this is not reasonably practicable, for example your role no longer exists due to restructuring. Should there be any proposed restructuring or redundancy process during your neonatal care leave which may affect your role, you will be fully consulted in accordance with the ICO Restructuring and Redeployment guidance.
- 7.3. We understand that returning to work can be difficult, particularly if you have experienced a difficult time seeing your baby in a neonatal ward. If you want to change your hours or other working arrangements on a longer-term basis on your return from neonatal care leave, you should make a request under our Flexible Working Policy and Procedure. It is helpful if such requests are made as early as possible.
- 7.4. If you are unable to come back to work because of sickness, your absence will be treated as sickness absence and our usual Managing Sickness Absence Policy will apply.

[Back to the top](#)

8. Support

- 8.1. Seeing your baby in a neonatal care unit can be a stressful and challenging experience. You may find the following external organisations helpful for additional support:

- Bliss: For babies born premature or sick – <https://www.bliss.org.uk>
- Rainbow Trust: Supporting families with a seriously ill child – <https://www.rainbowtrust.org.uk>

You may also benefit from our Employee Assistance Programme.
Please see People Services Help for further information.

Feedback on this document

If you have any feedback on this document, please [use this form](#) to provide it.

[Back to the top](#)

Version history

Version	Changes Made	Date	Made by
1.0	New policy created.	November 2025	Policy Manager, People Services

[Back to the top](#)