

Last updated: 13 February 2025 CPM 06 Absence Parental Leave and Neonatal Care Leave and Pay

Parental Leave – Based on Government recommendations.

1. Overview

Eligible employees can take unpaid parental leave to look after their child's welfare, for example, to:

- Spend more time with their children
- Look at new schools
- Settle children into new childcare arrangements
- Spend more time with family – for example, visiting grandparents

Their employment rights (such as the right to pay, holidays, and returning to a job) are protected during parental leave.

2. Entitlement

Parental leave is unpaid. The child must be under 5 years old (or 18 in special circumstances).

Child Entitlement:

- For each child: 18 weeks up to their 5th birthday
- For each adopted child: 18 weeks up to their 18th birthday or 5th anniversary of their adoption, whichever comes first
- For each child who qualifies for Disability Living Allowance: 18 weeks up to their 18th birthday

The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless the employer agrees otherwise).

Parental leave must be taken as whole weeks (e.g., 1 week or 2 weeks) rather than individual days, unless your employer agrees otherwise or if your child is disabled. You do not have to take all the leave at once.

A 'week' equals the length of time an employee normally works over 7 days.

Example: If an employee works 3 days a week, one 'week' of parental leave equals 3 days. If an employee works irregular weeks, the number of days in a 'week' is the total number of days they work a year divided by 52.

Carrying leave over from a previous job: Parental leave applies to each child, not to an individual's job.

Example: An employee is entitled to 18 weeks. They have used 10 with a previous employer. They can use up to 8 weeks with their new employer if they are eligible.

3. Eligibility

Employees qualify if all of these apply:

- They have been in the company for more than a year
- They are named on the child's birth or adoption certificate
- They have or expect to have parental responsibility
- They are not self-employed or a 'worker' – e.g., an agency worker or contractor
- They are not a foster parent (unless they have secured parental responsibility through the courts)
- The child is under 5 (or 18 in special circumstances)

Employers can ask for proof (such as a birth certificate) as long as it is reasonable to do so.

Employers can extend parental leave to those groups who are not eligible. Employees can check this in their staff handbook.

4. Notice period

Employees must give 21 days' notice before their intended start date. If they or their partner are having a baby or adopting, it is 21 days before the week the baby or child is expected.

Employees must confirm the start and end dates in their notice. Unless an employer requests it, this does not have to be in writing.

5. Delaying leave

Leave cannot be postponed (delayed) if:

- The employer does not have a 'significant reason' – e.g., it would cause serious disruption to the business
- It is being taken by the father or partner immediately after the birth or adoption of a child
- It means an employee would no longer qualify for parental leave – e.g., postponing it until after the child's 5th birthday

If leave is postponed, the employer:

- Must write explaining why within 7 days of the original request
- Suggest a new start date – this must be within 6 months of the requested start date
- Cannot change the amount of leave being requested

Neonatal Care Leave and Pay

Effective from 6 April 2025, eligible employees are entitled to Neonatal Care Leave (NCL) and Statutory Neonatal Care Pay (SNCP) under the Neonatal Care (Leave and Pay) Act 2023.

Eligibility:

- **Neonatal Care Leave (NCL):** Available as a day-one right to employees who are the parent, adopter, intended parent (in cases of surrogacy), or partner of the baby's mother/adopter. The baby must be born on or after 6 April 2025 and require neonatal care within 28 days of birth for a continuous period of at least seven days.

- **Statutory Neonatal Care Pay (SNCP):** To qualify, employees must have at least 26 weeks of continuous service with the company and meet the minimum earnings threshold.

Entitlement:

- **Duration:** Eligible employees can take up to 12 weeks of NCL, in addition to other parental leave entitlements such as maternity, paternity, or adoption leave. The leave must be taken within 68 weeks of the child's birth.
- **Pay:** Eligible employees will receive SNCP during their NCL period, paid at the statutory rate or 90% of their average weekly earnings, whichever is lower.

Notice Requirements:

- **During Neonatal Care:** Employees should inform the company of their intention to take NCL as soon as reasonably practicable.
- **After Neonatal Care:** Employees are required to provide at least 15 days' notice for a single week of leave or 28 days' notice for multiple weeks.

Additional Information:

- NCL can be taken in blocks of one or more weeks, either consecutively or non-consecutively, depending on the timing and duration of the neonatal care.
- Employees are protected from dismissal or detriment for taking or seeking to take NCL.

For more detailed information, please refer to the official government announcement: gov.uk