

## Checking eligibility for leave

A parent with the [legal status of employee](#) has the right to take up to 12 weeks of neonatal care leave.

Someone is not likely to be an employee if they're:

- an agency worker
- a casual worker
- on a zero-hours contract

Someone with the [legal status of worker](#) may be entitled to neonatal care pay.

[Find out more about neonatal care pay](#)

## Entitlement to leave

Employees have the right to neonatal care leave from their first day of starting a job.

How much leave parents can take depends on how long their baby needs neonatal care for. They can take a maximum of 12 weeks' leave and pay.

For example, if a baby is in neonatal care for 4 weeks, they are eligible for 4 weeks. If the baby is in neonatal care for 2 weeks, they are eligible for 2 weeks.

Parents must take leave before the end of 68 weeks from the date of birth.

Some employers may have enhanced neonatal care leave entitlement. For example, some employers might allow employees to take neonatal care leave from the first day the baby is in care.

## Eligible employees

Parents who have shared or sole responsibility for a child are eligible. This includes if they are:

- the mother or birth parent
- the father
- married to, the civil partner of or partner of the mother or birth parent – this includes same-sex partners
- adopting a child, including fostering to adopt

- intended parents in a surrogacy

Each eligible parent will be entitled to a separate amount of leave. This includes parents who work for the same employer.

This is additional to other types of parental leave and pay.

## Criteria for neonatal care leave

To be eligible for neonatal care leave, an employee's baby must begin receiving neonatal care within 28 days of their birth. This will start from the day after birth.

The care must be for at least 7 consecutive days. After this, the employee can start to take their neonatal care leave.

## Multiple births

Parents can take the same amount of neonatal care leave even if more than 1 baby is taken into neonatal care. For example, twins taken into neonatal care at the same time.

If there are multiple but separate births, then leave can be taken for each child. For example, if there is another baby born within the 68 weeks of the first baby. The parents will be entitled to two separate periods of neonatal care for each birth.

## Example of multiple births and neonatal care leave

For example, Adi has given birth to triplets. Two of the triplets are taken into neonatal care immediately for 2 weeks. This means Adi will be able to take 2 weeks of neonatal care.

Three weeks after their birth, the third baby is taken into neonatal care for a week. Adi is now eligible for 3 weeks of neonatal care. Adi gives notice for all 3 weeks to be added onto the end of their maternity leave.

## Adoption

Both primary and secondary adopters or single adopters are eligible for neonatal care leave.

The first 7 days of neonatal care need to start after the adoption placement date.

Parents need to take the leave before the end of 68 weeks from the date of the child's birth.

## Overseas adoptions

For overseas adoptions, the leave needs to be taken before the end of 68 weeks from the date of the child's birth.

## Adopting more than 1 child

Parents can take the same amount of neonatal care leave even if they adopt more than 1 baby in the same placement who is taken into neonatal care. For example, twins taken into neonatal care at the same time.

If there are multiple but separate adoption placements, then leave can be taken for each child up to a maximum of 12 weeks.

## If an employee has a disrupted adoption

If an employee has a disrupted adoption, they might still be eligible to take neonatal care leave.

They would be eligible if:

- their child was in neonatal care for 7 consecutive days or more from the date of placement
- they provided notice for neonatal care leave before or after the disruption

## Surrogacy

Intended parents in a surrogacy will be eligible for neonatal care leave if they:

- have applied for a parental order
- intend to apply for a parental order within 6 months of the child's birth

Both intended parents are eligible for neonatal care leave.

The first 7 days will start from the date of birth. Parents need to take the leave before the end of 68 weeks from the date of birth.

[Find out more about surrogacy rights at work](#)

## If an employee's application for a parental order fails

If an employee's application for a parental order fails, they might still be eligible to take neonatal care leave.

They would be eligible if:

- their child was in neonatal care for 7 days or more
- they provided notice for neonatal care leave before or after the order fails

## If the baby dies after being in neonatal care

If an employee's child dies, they might still be eligible to take neonatal care leave.

They would be eligible if:

- their child was in neonatal care for 7 consecutive days or more
- they provided notice for neonatal care leave before or after the death

The neonatal care leave can start the day after the child dies. If other leave has already been booked, for example maternity, adoption or paternity leave, that must be taken first.

This will be in addition to [parental bereavement leave](#) and other leave they are entitled to.

## Help and support

If employees need support at work, it can help to:

- talk to their manager to see what support or adjustments might be possible
- use their organisation's employee assistance programme (EAP), if there's one available

Employees can also get help and support from the following organisations:

- [Bliss](#) for support and information for parents with a baby in neonatal care, including information on bereavement support

- [Child Bereavement UK](#) if their child or baby dies
- [Cruse Bereavement Support](#) for advice on coping with a death
- [Hospice UK](#) for help talking about dying, death and bereavement
- [Mind](#) for mental health information and support
- [Sands](#) for support following the death of a baby before, during or shortly after birth
- [Sue Ryder](#) for advice on coping with a death

[Find out more about if an employee's child dies](#)