

Neonatal care leave and pay

1 . What the law says

A baby might get neonatal care if they:

- are born early
- are ill or injured when they are born
- have a low birth weight

Neonatal care leave allows parents to have additional time off to be with a baby who is receiving neonatal care. It can be used when the baby is no longer receiving neonatal care, for example, at the end of maternity leave.

The law is the Neonatal Care (Leave and Pay) Act 2023. It came into effect on 6 April 2025.

The right to take neonatal care leave applies from the first day of work. The baby must be admitted to neonatal care in the first 28 days after birth. Eligible parents can take neonatal care leave once their child has been in neonatal care for at least 7 consecutive days.

Parents might be eligible for 1 week of leave for each week spent in neonatal care. They could take a maximum of 12 weeks of leave. This includes fathers and partners of birth parents.

What neonatal care includes

Neonatal care could include:

- medical care received in a hospital
- palliative or end-of-life care
- care or monitoring under the direction of a consultant but away from the hospital

Neonatal care might not take place in a neonatal unit. If a baby under 28 days starts receiving neonatal care, parents will be eligible to take neonatal care leave.

Neonatal care pay

To be eligible for neonatal care pay, parents must have 26 weeks of continuous service.

Eligible employees are entitled to whichever is lower:

- £187.18 a week (£194.32 from 6 April 2026)
- 90% of their average weekly earnings

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

How much leave parents can take

The baby must be in care for at least 7 consecutive days before parents can take neonatal care leave. Parents will be able to take a minimum of 1 week, and a maximum of 12 weeks' leave. This will depend on how long their baby is getting neonatal care.

Parents will get 1 week of leave for each week the baby is in care, up to a maximum of 12 weeks.

For example, if the baby is in neonatal care for 3 weeks, parents can take 3 weeks neonatal care leave. If a baby is in neonatal care for 8 weeks, the parents can take 8 weeks neonatal care leave.

Example of calculating neonatal care leave entitlement

Im's baby is born on 7 April and needs neonatal care straight away. Their baby is in neonatal care until 22 April.

The 7 consecutive days starts on 8 April and ends on 15 April. The baby has been in neonatal care 2 complete weeks including the first qualifying days. Im has accrued 2 weeks of neonatal care leave in total.

If parents have not already booked leave

Employees can start their neonatal care leave only after the first 7 days of neonatal care have finished.

Employees might need to use another type of leave for those first 7 days if they are not already on planned leave. For example, time off for dependants.

For example, Sam has booked 2 weeks of paternity leave at the end of May. Sam's baby was born early and taken into neonatal care on 14 April. The baby is in care until 2 May. Sam cannot take neonatal care leave until 22 April. Sam's neonatal care leave will last until 6 May. Sam takes the first 7 days as [time off for dependants](#).

[Find out more about how much leave parents can take in the employers' technical guide on GOV.UK](#)

When parents can take leave

Neonatal care leave is in addition to other types of time off such as statutory:

- maternity leave
- paternity leave
- adoption leave
- shared parental leave
- parental bereavement leave

Parents must take leave before the end of 68 weeks from the date of birth. Neonatal care leave can be added to the end of statutory parental leave that has already been booked. It can also be used before other statutory parental leave.

Employees cannot take 2 types of leave at the same time.

For example, an employee has requested 2 weeks of paternity leave when their child is born. Their child is taken into neonatal care immediately. The employee can still take neonatal care leave, but it will be added to the end of the paternity leave.

2 tiers of leave

Leave can be taken in 2 tiers. These are split by when leave is taken to support the child in neonatal care:

- leave when the child is still receiving care, also called tier 1 includes the period when the child is receiving neonatal care, and 1 week after the care has ended
- leave after the child has stopped receiving care, called tier 2 includes the period outside tier 1 and before the end of 68 weeks from the date of the child's birth

Example of tier 1 leave when the child is still receiving care

Pat's baby is born early and is in neonatal care for 4 weeks in total from birth. Pat takes 2 weeks of paternity leave straight after the birth. They then take a further 2 consecutive weeks of neonatal care leave when their paternity leave ends. Pat has 2 more weeks of neonatal care leave accrued to take at a later time.

Example of tier 2 leave after the child has stopped receiving care

Pat's baby is now at home after 4 weeks in total in neonatal care. Pat gives notice to take the remaining 2 weeks of neonatal care in 1 month's time. This allows Pat to take time off as soon as they can to continue the baby's at home care.

2. 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](#)

3. Telling an employer

Any parent with the [legal status of employee](#) can ask for 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

People with the [legal status of worker](#) can still stop working to care for their child. They will need to tell the employer or the agency but won't need to provide the same information.

Who can tell the employer

When a baby needs care it can be upsetting and stressful for parents, especially in the first few weeks.

Employers should be flexible and compassionate. They could allow for someone else to tell them what has happened straight away. For example, a friend or family member.

Formal notice for neonatal care leave must be given by the employee themselves.

When parents must give notice

When employees must give notice to the employer depends on whether their baby is still in neonatal care or not.

If the baby is still receiving neonatal care

If employees want to take neonatal care leave when their baby is still receiving care, or during the first week after they left care, it is called tier 1 leave.

For tier 1 leave, employees need to tell their employer before they are due to start work on the first day of leave. If they are not able to do this, they can inform the employer as soon as possible after.

This will be after the child has already had 7 consecutive days of neonatal care.

Tier 1 leave notice does not have to be in writing.

For example, an employee's baby goes into care on 6 April. The employee should inform their employer before their first day of leave, which will be on 14 April.

For tier 1, employees need to give notice at the start of each week of leave they are taking.

For example, if the baby is in neonatal care for 3 weeks, the employee must give notice at the start of each week they take leave.

If it is more than 1 week after the baby left neonatal care

Tier 2 leave is when the child has stopped receiving neonatal care.

For tier 2 leave, if employees are taking 1 week off, they need to tell their employer at least 15 days before the start date. This week would be after the child has already had 7 consecutive days of neonatal care.

If they are taking 2 or more weeks' leave, the employee must tell the employer 28 days before the leave starts.

Tier 2 leave notice must be in writing, for example in a letter or email. Some employers might allow employees to give notice without putting it in writing.

Employees should check contracts or policies when giving notice.

Tier 2 leave must be taken as consecutive weeks. This means the time off must be taken in one block and cannot be split.

What employees need to tell their employer

Employees must tell their employer:

- their name
- the date of the child's birth
- the date the child started to receive neonatal care, or each date if the child received neonatal care on 2 or more separate occasions
- the date that the care ended if the child is no longer receiving neonatal care
- if applicable, the date of the child's placement with the adopter or prospective adopter
- if applicable, the date of the child's entry into Great Britain to live with the overseas adopter
- that they meet the parental relationship criteria (if it is the first time they are requesting neonatal care leave) – this means confirming they are the parent of the child rather than a grandparent, sibling or extended family
- that during the time the child was in neonatal care, they have cared for or intend to care for the child

If employees are taking leave when their baby is still in neonatal care, they can tell their employer this information in writing or verbally. If notice is given verbally, employers might want to confirm this in writing. For example, in a letter or email.

If they are taking leave after their baby has stopped receiving neonatal care (also known as tier 2 leave), notice must be given in writing.

Employers should make the process for requesting neonatal care leave clear in contracts or policies.

If statutory leave pauses neonatal care leave

If parents take neonatal care leave when their baby is still receiving care or for one week after, it is called the tier 1 period. If this leave interrupts another statutory leave, such as paternity leave, the neonatal care leave will pause straight away. This is sometimes called an interruption.

The neonatal care leave which has not been taken will be added to the end of the leave it interrupted. This will only be if it's still in the tier 1 period.

If the baby has not been receiving care for a week or more at the end of the interrupted leave, the leave period is now in tier 2. Tier 2 includes the period 1 week after the baby stops receiving care and before the end of 68 weeks from the date of the child's birth. Any remaining neonatal care leave plus the interrupted leave must be taken together.

If notice has been given for tier 1 leave, no extra notice is needed for the remaining amount that will be used as tier 2. Employees must avoid giving notice to take neonatal care leave if they already know they have other leave booked.

4. Managing leave

When parents are on neonatal care leave, managers should make sure they:

- keep in touch
- keep shared information confidential
- provide support during neonatal care leave

Any parent with the [legal status of employee](#) might be entitled to 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

People with the [legal status of worker](#) are not eligible to take statutory neonatal care leave. They can still stop working to care for their child.

Workers should still talk to their employer during any time off. This could include what to share with people they work with.

Keeping in touch

When an employee is caring for a sick child, keeping in touch with their employer might not be the main priority.

With permission from the parent, employers may find talking to a close friend or family member easier. The employer should arrange to talk to their employee directly when it is appropriate.

Employers might find it helpful to share web links with an employee to support their mental health.

For example:

- your organisation's employee assistance programme (EAP), if there's one available
- [Bliss](#) for support and information for parents with a baby in neonatal care
- [Mind](#) for mental health information and support

[Find out about supporting mental health at work](#)

Confidentiality

Employers must keep information about a baby needing neonatal care confidential. They should only tell others if the parent makes it clear they can share with other employees, clients or customers.

In some situations, an employee might want their employer to tell other people they work with. This might help others respond sensitively to the situation. Employers must agree with the parent when it's appropriate to share the information.

This conversation will probably not take place immediately. But employers should find an appropriate time to talk about this.

The first 7 days

A parent cannot take neonatal care leave for the first 7 days of neonatal care. Employers should be flexible and understanding during this time.

Parents may be able to take unpaid [time off for dependants](#). An employer might decide to paid time off as special leave.

If parents are not eligible for neonatal care leave

Some parents might not be eligible for neonatal care leave. For example, if a baby needs neonatal care for less than 7 consecutive days.

Employees might instead ask for unpaid time off work to care for this child. This is called ordinary parental leave.

Employers should be flexible and caring towards any parent who has a young child needing hospital care.

[Find out more about ordinary parental leave](#)

Contact the Acas helpline

If you have questions about neonatal care leave, [contact the Acas helpline](#).

5. Pay

Parents who have a baby in neonatal care might be eligible for up to 12 weeks of neonatal care pay. Pay cannot be for less than a full week.

Entitlement to pay

To be eligible for neonatal care pay, parents must have 26 weeks of continuous service. The 26 weeks must be completed before the 'relevant week'. They must still be in employment in the week before the neonatal care pay period.

Parents must have earned at least £125 a week (£129 from 6 April 2026) on average for 8 weeks before the relevant week.

Relevant week

The relevant week is a specific week that is used to define eligibility for neonatal care pay.

The timing of the relevant week for neonatal care pay depends on any other pay a parent qualifies for.

If a parent is also taking statutory maternity or paternity pay, the relevant week is the 15th week before the week the baby is due.

If a parent is taking statutory adoption pay or paternity pay for adoption, the relevant week is when they are notified of being matched with the child.

For any other pay for family leave, the relevant week is the one immediately before the week that neonatal care starts.

The legal minimum for statutory neonatal care pay

Eligible employees are entitled to whichever is lower:

- £187.18 a week (£194.32 from 6 April 2026)
- 90% of their average weekly earnings

Some employers offer more than statutory neonatal care pay. This can be called 'enhanced' or 'contractual' neonatal care pay.

Workers not eligible for leave but eligible for pay

Workers are not usually eligible for neonatal care leave. This is because they can tell an employer they will not be working during that time so they can care for their baby. However, some workers could be eligible for neonatal care pay.

Entitlement to Statutory Neonatal Care Pay depends on someone's employment status for tax rather than employment law.

Those entitled include:

- employees
- apprentices
- agency workers
- some workers

Workers who pay their own tax are not eligible to receive Statutory Neonatal Care Pay.

[Check employment status for tax on GOV.UK](#)

Telling the employer

Parents must provide employers with notice to receive neonatal care pay. When employees should tell the employer depends if their baby is still receiving care.

If the baby is still receiving neonatal care

If parents are giving notice for neonatal care pay when the child is still receiving care, this is called the tier 1 period.

The tier 1 period:

- starts when the child has had 7 consecutive days of neonatal care
- includes 1 week after the care has ended

For tier 1, pay notice must be given within 28 days starting with the first day that the neonatal care pay is being claimed. This will be after the child has already had 7 consecutive days of neonatal care.

This means parents do not have to give notice for pay at the same time they take leave. This might be helpful for parents who are not sure how long neonatal care will be for.

Parents might give notice for both pay and leave at the same time.

For example, an employee's baby goes into care on 6 April. The first day of the week neonatal care pay is being claimed would be 14 April. The employee should give notice for pay before 12 May.

Tier 2

If parents are giving notice for neonatal care pay more than a week after the child has stopped receiving care, this is called the tier 2 period. The tier 2 period covers up to the end of 68 weeks from the date of the child's birth.

Giving notice for tier 2 pay depends on how long the pay is for.

Pay notice for 1 week's leave must be given at least 15 days before the first day.

Pay notice for 2 weeks or more of leave must be given at least 28 days before the first day.

What employees need to tell their employer

Employees must tell their employer:

- their name
- the date of the child's birth
- the date the child started to receive neonatal care, or each date if the child received neonatal care on 2 or more separate occasions
- the date that the care ended if the child is no longer receiving neonatal care
- if applicable, the date of the child's placement with the adopter or prospective adopter
- if applicable, the date of the child's entry into Great Britain to live with the overseas adopter
- if it is the first time they're requesting neonatal care leave, a declaration that the employee meets the parental relationship criteria
- that during the time the child was in neonatal care, they have cared for or intend to care for the child

Employers should make the process for requesting neonatal care pay clear in contracts or policies.

An employer can make a policy with less complicated requirements for notice.

6. Rights during and after leave

By law, anyone with the [legal status of employee](#) is protected whilst on neonatal care leave and when returning to work.

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

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

Protection from dismissal

Employees cannot be dismissed because they:

- planned to take neonatal care leave
- are taking neonatal care leave

Protection from detriment

An employer must not cause an employee 'detriment' for taking, or planning to take, neonatal care leave.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- they experience [bullying](#)
- they experience [harassment](#)
- the employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities
- their employer reduces their hours without good reason

If an employee believes they've experienced detriment because of neonatal care leave, they can raise this with their employer.

It's usually best to first raise the problem informally by [talking with their employer](#).

If this is not possible or it does not resolve the problem, they can [raise a grievance](#). This is where they make a formal complaint to their employer.

If the problem still does not get resolved, they could make a claim to an [employment tribunal](#).

Returning to the same job

If an employee returns to work after taking only neonatal care leave, they have the right to return to the same job.

Employees might return after taking neonatal care leave with another type of leave. An employee's right to return to the same job as before depends on how much total leave they've taken.

If an employee has taken 26 weeks or less

An employee has the right to return to the same job if they have taken one of the following:

- 26 or less consecutive weeks of neonatal care leave and other periods of statutory leave
- 12 weeks or less of neonatal care and less than 4 weeks of [ordinary parental leave](#)

If an employee has taken more than 26 weeks

Employees have the right to return to their job on the same terms as before they left. This includes neonatal care leave and other periods of statutory leave.

If there have been significant changes to the organisation, they might be offered a similar job. In that case they have the right to return to a job that is suitable, appropriate and on the same terms.

For example, it must have the same:

- pay
- benefits
- holiday entitlement
- seniority
- location

Getting legal advice

The law on returning to the same job can be complicated. It's important for employers to understand their legal responsibilities. If it is not clear whether employees have the right to return to the same job, it can be a good idea to [get legal advice](#).

Protection from redundancy

An employee's role is protected while they are on neonatal care leave. A role cannot be selected for redundancy because the person:

- has taken neonatal care leave
- plans to take neonatal care leave

If the employee has taken 6 consecutive weeks of neonatal care leave they will have additional protection from redundancy.

This redundancy protected period is for:

- 18 months from birth for birth parents and intended parents in a surrogacy
- 18 months from the day the child is placed for adoption
- 18 months from the day the child enters Great Britain for overseas adoptions

Employees are entitled to be offered suitable alternative roles that are available:

- when they are on a period of neonatal care leave
- during the redundancy protected period if they have taken 6 consecutive weeks or more of neonatal care leave

[Find out more about redundancy protection for pregnancy and new parents](#)