

## 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.