

Neonatal Care Leave and Pay Policy

Committee Personnel

Date of meeting 7 November 2025

Date of report 9 October 2025

Report by Director of Finance & Corporate Support

1. Object of report

To request the Committee approve the Neonatal Care Leave and Pay Policy, which has already been subject to formal consultation with the recognised Trade Unions.

2. Background to report

- 2.1 The Neonatal Care (Leave and Pay) Act 2023 came into force in Scotland, England and Wales on 6 April 2025.
- 2.2 SPT's Neonatal Care Leave and Pay Policy complies with the Neonatal Care (Leave and Pay) Act 2023.
- 2.3 SPT's recognised Trades Unions have been consulted on the new Neonatal Care Leave and Pay Policy and Guidance prior to implementation.

3. Outline of proposals

- 3.1 The Neonatal Care Leave and Pay Policy confirms that it applies to all employees of Strathclyde Partnership for Transport.
- 3.2 The Neonatal Care Leave and Pay Policy does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.
- 3.3 The policy confirms that neonatal care leave is available once a child has received neonatal care for an uninterrupted period of 7 days.
- 3.4 The policy confirms that employees are entitled to one week of neonatal care leave for each qualifying week, up to a maximum of 12 weeks. In the case of multiple births from the same pregnancy, the maximum is still 12 weeks.
- 3.5 SPT has considered how it can further support its employees who take Neonatal Care Leave and has proposed a £100 enhancement per week to the Statutory Neonatal Care rate. This is in line with SPT's Paternity Pay policy.

- 3.6 SPT's Family Friendly Policies including Adoption Leave, Maternity Leave, Parental Bereavement Leave, Parental Leave, Paternity Leave and Shared Parental Leave have been updated to reflect Neonatal Care and Leave.

4. Committee action

The committee is recommended to approve the attached Neonatal Care Leave and Pay Policy, which has already been subject to formal consultation with the recognised Trade Unions.

5. Consequences

Policy consequences	<i>The Neonatal Care Leave and Pay Policy and Guidance documents to be implemented to ensure SPT complies with the Neonatal Care (Leave and Pay) Act 2023.</i>
Legal consequences	<i>Neonatal Care Leave and Pay Policy and Guidance comply with legislation.</i>
Financial consequences	<i>None.</i>
Personnel consequences	<i>HR to ensure the changes are communicated to all SPT employees.</i>
Equalities consequences	<i>None envisaged.</i>
Risk consequences	<i>Not introducing revised Neonatal Care Leave and Pay Policy and Guidance may result in non-compliance with the Neonatal Care (Leave and Pay) Act 2023.</i>
Climate Change, Adaptation & Carbon Consequences	<i>None directly.</i>

Name Lesley Aird

Title **Director of Finance & Corporate Support**

Name Valerie Davidson

Title **Chief Executive**

For further information, please contact *Lesley Aird, Director of Finance & Corporate Support*, on 0141-333 3380 or *Janice Morgan, Head of HR*, on 0141-333 3414.

APPENDIX 1

STRATHCLYDE PARTNERSHIP FOR TRANSPORT

NEONATAL CARE LEAVE AND PAY POLICY

Version Number	Purpose/Change	Author	Date
0.01	Introduction of new policy for Neonatal Care Leave	Rochelle Watt HR Advisor	09/04/2025

1. Introduction

- 1.1.** This Policy sets out Strathclyde Partnership for Transport's Neonatal Care Leave and Pay policy. This policy complies with relevant legislation.
- 1.2.** The purpose of this policy is to set out the arrangements for neonatal care leave, which is intended to help employees whose baby or babies require specialist neonatal care after birth.
- 1.3.** All employees have the right not to be subjected to a detriment by exercising their rights under this policy.
- 1.4.** This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.
- 1.5.** Further information can be found in SPT's Neonatal Care Leave and Pay Guidance which is available on the intranet or from HR.

2. Who does this Policy Apply To?

This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

3. Reckonable Service

SPT complies with the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Orders with regards to reckonable service.

4. Neonatal Care

Neonatal care is medical care of a child that starts within 28 days of birth. This covers any hospital treatment, including treatment in a special care baby unit (SCBU), local neonatal unit (LNU) or neonatal intensive care unit (NICU), as well as treatment in a maternity home, clinic or hospital outpatient department. It also includes ongoing monitoring and home visits from healthcare professionals directed by a consultant and arranged by the hospital where the child was an inpatient. It can include palliative or end of life care.

5. Entitlement to Neonatal Care Leave

- 5.1.** Neonatal care leave is available once a child has received neonatal care for an uninterrupted period of 7 days, not counting the day on which the neonatal care starts. Each uninterrupted week of neonatal care is a qualifying week. Part weeks are not included.
- 5.2.** In adoption cases, a qualifying week only includes time spent in neonatal care after the date the child was placed with you or, for adoption from overseas, after the date the child entered the UK.
- 5.3.** You are entitled to one week of neonatal care leave for each qualifying week, up to a maximum of 12 weeks. In the case of multiple births from the same pregnancy, the maximum is still 12 weeks.

6. Eligibility for Neonatal Care Leave

6.1. Neonatal care leave is a day-one right.

6.2. You may be eligible for neonatal care leave if you are:

- (a) The child's parent;
- (b) Their intended parent under a surrogacy arrangement;
- (c) Their adopter or prospective adopter via a UK adoption agency or an adoption from overseas;
- (d) The partner of any of the above at the date of birth or (in the case of adoptions) at the date of placement by a UK adoption agency or the date the child entered the UK if adopting from overseas;

and you have or expect to have responsibility for the child's upbringing (or, if you are the partner of the child's mother, the main responsibility apart from any responsibility of the mother).

7. Taking Neonatal Care Leave

7.1. Neonatal care leave cannot be taken during the waiting period which is the first week of neonatal care. In many cases you may already be on maternity, paternity, adoption or shared parental leave during the waiting period. If not, please talk to your line manager if you need time off, which may be available as paid holiday or unpaid time off for dependents leave.

7.2. Neonatal care leave can be taken any time after the waiting period, up to 68 weeks after the date of birth. In the case of multiple births resulting from the same pregnancy, the 68-week period in which neonatal care must be taken begins with the date on which the first child is born.

7.3. The rules for notifying your intention to take neonatal care leave depend on whether neonatal care leave is being taken in a Tier 1 period or a Tier 2 period. The rules are more flexible during a Tier 1 period.

7.4. The Tier 1 period starts after the waiting period and lasts until 7 days after neonatal care has ended. If you want to start neonatal care leave during a Tier 1 period:

- (a) Please notify HR on or before the day you want to start your neonatal care leave. If you are giving notice on the day, this should be before the time you are due to start work. If you have already started work, you will start neonatal care leave on the following day. You may be able to take the rest of the day off under our Time Off for Dependents Policy where necessary.
- (b) You must tell HR the child's date of birth, the date neonatal care started and, if it has ended, the date it ended. You must give all the information required under paragraph 8. in writing within 28 days of the start of neonatal care leave.
- (c) You can take neonatal care leave in one continuous period or split into multiple periods of one or more whole weeks.

- (d) Where you intend to remain on neonatal care leave for more than one week, please notify HR as soon as possible and in any case by the start of each subsequent week of neonatal care leave.
- 7.5.** The Tier 2 period lasts from the end of the Tier 1 period until 68 weeks after the date of birth. If you want to start neonatal care leave during a Tier 2 period:
- (a) You must give 15 days' notice to take one week of neonatal care leave, or 28 days' notice to take two or more weeks of neonatal care leave.
 - (b) The notice must be in writing and must contain the information set out at paragraph 8.
 - (c) Neonatal care leave must be taken as one continuous period of a whole number of weeks.
- 7.6.** If your child is discharged from neonatal care, but neonatal care starts again within the first 28 days after birth and continues for a further qualifying week or more, the Tier 1 period will resume until 7 days after the neonatal care ends.
- 7.7.** Where neonatal care is ongoing when you give the notice required by paragraph 7.4 or paragraph 7.5, please notify HR once the neonatal care ends. If your child starts to receive the neonatal care again, please notify HR of the start and end dates of the further period of neonatal care as soon as possible in each case.

8. Written Information Required

- 8.1.** You must provide the following information in writing:
- (a) Your name.
 - (b) The child's date of birth.
 - (c) In UK adoption cases, the date of placement, or in overseas adoption cases, the date your child entered Great Britain.
 - (d) The start and end dates (if known) of any period(s) of neonatal care.
 - (e) The date the period of neonatal care leave started or will start.
 - (f) The number of weeks of neonatal care leave you intend to take or have taken.
 - (g) A declaration that the purpose of the neonatal care leave is to care for your child.
 - (h) If it is the first notice in respect of your child, a declaration that you meet the eligibility requirements set out in paragraph 6 of this policy.

9. Cancelling Neonatal Care Leave in the Tier 2 Period

You can cancel a planned period of neonatal care leave that is due to start in a Tier 2 period by telling us at least 15 days before the leave starts (for a single week of neonatal care leave) or 28 days before the leave starts (for two or more consecutive weeks of neonatal care leave).

10. Neonatal Care Pay

- 10.1.** You will qualify for statutory neonatal care pay during neonatal care leave if you have already qualified for statutory maternity pay (SMP), statutory paternity pay (SPP) or statutory adoption pay (SAP) in respect of the child.
- 10.2.** If you have not qualified for SMP, SPP or SAP, you can still qualify for neonatal care pay if your average earnings are not less than the lower earnings limit set by the government each tax year, and you have at least 26 weeks' continuous employment by the end of the week before the neonatal care starts.
- 10.3.** Neonatal care pay is only payable in respect of whole weeks of neonatal care leave, at the same rate as statutory paternity pay plus one hundred pounds per week. The rate is set by the government each tax year.

11. Interaction with Other Family Leave

- 11.1.** Taking neonatal care leave does not affect your entitlement to other family leave and pay, such as maternity leave and pay (see our Maternity Leave Policy and Guidance), adoption leave and pay (see our Adoption Leave Policy and Guidance), paternity leave and pay (see our Paternity Leave Policy and Guidance), shared parental leave and pay (see our Share Parental Leave Policy and Guidance) or parental leave (See our Parental Leave Policy and Guidance).
- 11.2.** If you are taking maternity, adoption, paternity, parental or shared parental leave at the time your child starts neonatal care, you can take your neonatal care leave after that leave ends. You must give the relevant period of notice and written information set out above.
- 11.3.** If your neonatal care leave is interrupted by the start of another pre-booked period of family leave (such as paternity leave, parental leave or shared parental leave) then the interrupted neonatal care leave will resume straight away after the other leave, provided you are still in the Tier 1 period (that is, if neonatal care is still ongoing or has ended within the last week). If you are now in a Tier 2 period (that is, the neonatal care ended more than a week ago) the remainder of the interrupted neonatal care leave must be added onto any further period of neonatal care leave that you are intended to take.
- 11.4.** Alternatively, if we agree, you may delay the start of the other leave until immediately after the end of your neonatal care leave.
- 11.5.** When booking a period of neonatal care leave in the Tier 2 period you must ensure it will not be interrupted by the start of another period of family leave that you have booked.
- 11.6.** For information about time off and other support for neonatal loss, please see our Parental Bereavement Leave Policy and Guidance.

12. Redundancies during or after Neonatal Care Leave

- 12.1.** If your role is affected by a redundancy situation occurring during your neonatal care leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to redundancies.
- 12.2.** If your role is affected by redundancy while you are on neonatal care leave or after you have returned from a period of at least 6 consecutive weeks of neonatal care leave and are within 18 months of the child's date of birth or placement for adoption, you shall be offered a suitable alternative vacancy that is appropriate to your skills, if one is available. Similar protection applies during pregnancy and some other types of family leave.

13. Data Protection and UK GDPR

SPT will comply with the principles for processing personal data in line with its Data Protection Policy and applicable Data Protection legislation. Any data collected from the point at which an employee informs the organisation that their child is receiving, or has received, neonatal care, will be held securely and accessed by, or disclosed to, individuals only for the purpose of managing their neonatal care leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with SPT's Information Security Incident reporting process immediately.

12. Review and Update

This policy will be reviewed and updated as appropriate by the Director of Finance & Corporate Support.

13. Approval (Signature and Date)

Sign: _____

Date: _____

Print: **Lesley Aird**

Designation: **Director of
Finance & Corporate
Support**