

Maternity scheme & neonatal care scheme

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Section 1: Maternity scheme

1. Introduction

1.1 If you're expecting a baby (this includes if you are carrying a child you are not genetically related to – a surrogate arrangement) this document is designed to let you know what you're entitled to and what you should do to get what you're entitled to.

If you're the line manager of an employee who is expecting a baby we have developed guidelines (Pregnancy & Maternity – a guide for managers) with checklists to help you navigate your way through the requirements, entitlements and timescales associated with maternity pay and leave which will help you to plan effectively.

2. Maternity leave - general

2.1 In order to receive statutory maternity leave you must:

- give the correct notice and
- be classed as an employee

2.2 All employees, regardless of length of service, have a right to:

- 26 weeks of ordinary maternity leave (OML)
- 26 weeks additional maternity leave (AML)
- 52 weeks leave in total

AML runs immediately from the end of OML and there must be no gap between the two.

2.3 You do not have to take 52 weeks maternity leave but you **must** take two weeks maternity leave immediately after your baby is born (compulsory maternity leave).

3. Before you begin maternity leave

3.1 As soon as you find out that you're pregnant you should inform your manager and the HR and Payroll Transactions team on x6629 or email [LBC HR Services](#).

3.2 You should inform your manager and the HR and Payroll Transactions team in writing, **no later than the 15 week** before your expected date of childbirth of the following:

- the date on which you intend to begin maternity leave
- the expected date of childbirth - a certificate of expected childbirth (form MAT B1) will be required to support this information

3.3 The maternity plan will be completed at a meeting with a member of the HR and Payroll Transactions team.

4. MAT B1 (maternity certificate)

4.1 Form MAT B1, which is confirmation of the expected date of childbirth, will be given to you by your doctor or midwife approximately 20 weeks before your baby is due. This should be brought to the HR and Payroll Transactions team when you have your maternity meeting with them.

4.2 Failure to provide a MAT B1 form can affect your right to statutory maternity pay and maternity leave.

5. Maternity leave

- 5.1 You'll be able to take a period of maternity leave commencing no sooner than the beginning of the 11 week before the expected week of childbirth and extending to no later than 52 weeks in total.
- 5.2 You may choose to continue working right up to the expected date of childbirth.
- 5.3 Maternity leave will begin either:
- on your chosen start date
 - the day after the birth if the baby is early
 - automatically the day after any day you fall sick within the four weeks leading up to your expected date of childbirth, with a pregnancy related illness

6. Maternity pay

If you qualify for maternity leave you **may** also be entitled to maternity pay. There are two forms of pay

- statutory maternity pay
- local government occupational maternity pay

6.1 Statutory maternity pay (SMP)

6.1.1 SMP is paid in two rates, standard or higher.

6.1.2 The amount and length of time you receive the higher rate is dependent on average earnings. [See section 6.4 for more details.](#)

6.2 Qualifying for SMP

6.2.1 To qualify for SMP you must:

- earn on average at least the lower earnings limit a week
- give the correct notice
- provide proof that you are pregnant (MAT B1)
- have worked for your employer continuously for at least 26 weeks up to the qualifying week

6.2.2 If you've less than 26 weeks' continuous service by the end of the qualifying week or if your earnings are below the national insurance lower earnings limit, you will not be entitled to SMP.

6.2.3 If you do not qualify for SMP the HR and Payroll Transactions team will provide you with SMP1 form outlining why you are not eligible. You may be entitled to maternity allowance - [details of maternity allowance can be found on GOV.UK.](#)

6.3 Qualifying week

6.3.1 The qualifying week is the 15 week before the week in which the baby is due (the expected week of childbirth).

6.3.2 The 'expected week of childbirth' means the week, starting on a Sunday, during which your doctor or midwife expects you to give birth.

6.4 Statutory maternity pay - the details

6.4.1 The standard rate of SMP is reviewed annually – [see the latest standard rates on GOV.UK.](#) SMP begins at the same time as your maternity leave and runs for a maximum period of 39

weeks in total. SMP is paid in two rates, standard or higher, dependant on average earnings and is as follows:

- first six weeks at 90 per cent of your average weekly earnings (higher rate)
- further 33 weeks at the standard statutory maternity pay rate

OR

- 90 per cent of the full earnings for 39 weeks if your earnings are less than the standard statutory maternity pay rate

6.4.2 SMP is subject to PAYE (pay as you earn) and NI (national insurance) deductions and is paid on the usual salary pay day.

6.4.3 SMP is not payable in the following circumstances:

- in a week in which the person receives statutory sick pay
- following the death of the person receiving SMP
- where the person claiming SMP is detained in custody or in prison following sentence.

6.4.4 If you have one year of continuous local government service you also qualify for occupational maternity pay for:

- 12 weeks at 50 per cent of your average weekly earnings

6.5 Occupational maternity pay (OMP)

6.5.1 To be eligible for this payment, you must:

- have at least one year of continuous local government service at the eleventh week before the expected week of childbirth
- return to work with Luton Council after your maternity leave for a qualifying period of three months. If you opt to take shared parental leave, by ending your maternity leave, any periods of work in between shared parental leave will count toward the three-month qualifying period

6.5.2 OMP is payable as long as the eligibility at 6.5.1 is met. Therefore it will still be payable even if you do not meet the average earnings criteria to qualify for SMP.

6.5.3 OMP is half of your normal weekly pay and is payable for a period of 12 weeks. However, in exceptional circumstances, as an alternative the same sum (six weeks at full pay) may be spread over any other mutually agreed distribution.

6.5.4 It should be noted that payment of OMP and SMP cannot exceed your normal weekly wage.

6.5.5 Failure to return to work for the qualifying period of three months with this authority will result in you being required to repay the full amount of OMP. HR and Payroll Transactions will make the necessary arrangements for this repayment.

6.5.6 If you worked full time before your maternity leave and only return to work part time, you'll need to work a longer qualifying period in order to make up the hours to the equivalent of three months' full time.

6.5.7 If you take a career break or parental leave immediately following the end of your maternity leave, the three-month qualifying period commences upon your return to work after the career break/parental leave.

7. Total scheme entitlement

- 7.1 For employees with one year of service, regardless of hours of work, the scheme provides 52 weeks maternity leave with 39 weeks' pay as follows:
- first six weeks at 90 per cent average earnings (higher rate SMP) with SMP offset
 - then 33 weeks at SMP (standard rate) dependent on entitlement
 - 12 weeks occupational maternity pay at half pay (paid during weeks seven to 18)
- [see section 6.5 for more details](#)
- 7.2 Employees with more than 26 weeks continuous service at the 15 week before the week in which the baby is due, regardless of hours of work will have an entitlement to:
- 52 weeks maternity leave
 - 39 weeks statutory maternity pay (dependent on entitlement)
- 7.3 Employees with less than 26 weeks continuous service at the 15 week before the week in which the baby is due:
- 52 weeks maternity leave

8. Antenatal appointments

- 8.1 During the time that you're pregnant and continuing to work, you're entitled to paid time off in order to attend antenatal appointments and parent craft classes. An appointment card may be required as proof of an appointment. Please give your manager as much notice as possible of your appointments.
- 8.2 The right to unpaid time off to attend two antenatal appointments exists for the child's father or the expectant mothers spouse or civil partner. The unpaid time off is limited to six and a half hours for each appointment.
- 8.3 See the [compassionate and special leave procedure](#) for more details.

9. Annual leave entitlement

- 9.1 Whilst you're on maternity leave you continue to accrue your contractual annual leave entitlement. This includes bank holidays.
- 9.2 In planning your maternity leave you should consider how you will manage your annual leave. Should you wish to carry over leave from one leave year to the next this should be discussed with your line manager, who may seek advice from the HR and Payroll Transactions team **prior** to the commencement of your maternity leave.
- Before commencing maternity leave, wherever possible, you should ensure that you've taken the appropriate amount of annual leave. You're reminded that where possible annual leave must be taken in the year in which it is earned. Full details can be found in the [Annual Leave Scheme](#).
- 9.3 Requests will be considered to use outstanding leave entitlement to return to work on a flexible basis for an agreed period of time following maternity leave.
- 9.4 If you resign and do not return to work, and have not taken all of your accrued annual leave, you'll be entitled to a payment in lieu of any accrued leave up to the date of termination.
- 9.5 If you do not return to work and have taken in excess of your annual leave entitlement, you'll be required to repay a sum of money equating to the excess annual leave taken.

10. Work during maternity leave / keeping in touch days

10.1 Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Undertaking any paid work whilst on maternity leave, with the exception of keeping in touch (KIT) days, can affect your maternity pay and maternity leave. You must consult your manager and the HR and Payroll Transactions team prior to undertaking any work during your maternity leave period.

10.2 You will be able to undertake ten days work during your maternity leave without bringing your maternity leave to an end. You will also not lose any SMP for working up to ten days. Your period of maternity leave will not be extended due to the fact that you may have carried out some work during this period.

10.3 Any work undertaken will be agreed mutually between you and your manager. Please note that you do not have to undertake any such request and you are not able to insist on being given any work to do.

10.4 The KIT days may be used consecutively, singularly or in blocks. It is for your manager and you to agree how they should be used if you wish to do some work. Any amount of work carried out on any one day (even as little as an hour) will count as one KIT day and will be reduced from your overall allocation of ten days.

10.5 During a KIT day you're entitled to receive your normal rate of pay and will be paid for the hours that you work. Your manager will contact the HR and Payroll Transactions team to advise them of the number of hours you have attended work for, so that payment can be made.

You may not exceed a normal days pay when working a KIT day. Any statutory maternity pay will be deducted from the amount due.

10.6 Your manager should contact the HR and Payroll Transactions team for advice if they have any queries about the arrangements for a KIT day.

11. Returning to work

11.1 You'll be expected to return to work on the expiry of the maternity leave period. If you intend to return to work at the end of the maternity leave period you are not required to give any notice.

11.2 If you wish to return to work **before** the expiry date of your maternity leave you should write to your line manager and send a copy to the HR and Payroll Transactions team, giving 21 days' notice of your date of return. The presumption is that you will take all 52 weeks of maternity leave unless you notify the council that you intend to return early.

11.3 If you do not give 21 days' notice, your manager is entitled to postpone your return to work for a period of 21 days, although it cannot be postponed to a date later than the end of your maternity leave period.

11.4 You may not return to work within two weeks of the date of birth of the child.

11.5 When returning to work from OML (the first 26 weeks) you have the right to resume working in the same job. When returning to work after a period of AML (weeks 27 to 52) you're entitled to return to either the same job or, if this is not reasonably practicable from the council's perspective, to another suitable job which is on terms and conditions not less favourable.

- 11.6 All terms and conditions in relation to you returning to work from maternity leave must be no less favourable than those that would have applied if you had not been absent.
- 11.7 If you decide not to return to work after maternity leave you should give notice of termination of your employment in accordance with your contract of employment.

12. Reduced hours / flexible working

- 12.1 You do not have an automatic right to return to work on reduced hours. However, all employees have access to the council's flexible working arrangements. See [flexible working request guidelines for more information](#).

13. Career break

- 13.1 Subject to certain eligibility criteria you may be able to access the council's [career break scheme](#). You're able to request a career break that could be added on to the end of your period of maternity leave.

14. Parental leave

- 14.1 Parental leave is available to all parents of children under 18 years old. Parents include people with parental responsibility [as defined by section 3 of the Children's Act 1989](#).
- 14.2 You must have one year's continuous service with the council by the time you wish to take the leave in order to qualify.
- 14.3 Parental leave is a maximum of 18 weeks unpaid leave (in total) for parents for each child.
- 14.4 Entitlement is a maximum of four weeks unpaid leave per annum. Therefore managers may consider a request to extend your maternity leave for a period not exceeding four weeks.
- If parental leave is granted following a period of maternity leave, this period will not count towards the required return to work period of three months for occupational maternity pay purposes.
- 14.5 Full details of parental leave and urgent family leave can be found in the [compassionate and special leave procedure](#).

15. Shared parental leave and shared parental pay

- 15.1 Shared parental leave (SPL) enables parents to choose how to share the care of their child during the first year of birth. See the councils [shared parental leave scheme for more details](#).

16. Paternity leave and paternity pay

- 16.1 Your partner may be eligible for paternity leave and paternity pay. See the [paternity scheme for more details](#).

17. Sick pay during pregnancy

- 17.1 When you're pregnant you are not always entitled to statutory sick pay (SSP).
- 17.2 Your loss of entitlement to SSP lasts for a 39 week period from the dates below.
- The beginning of the week in which you first receive SMP or maternity allowance.
 - If you fall sick within four weeks of the expected week of childbirth for a pregnancy related sickness (any sickness due wholly or partly to pregnancy after the fourth week will automatically trigger both SML and SMP). It is your

responsibility to notify your manager as soon as is practicable that you are absent because of pregnancy.

18. Pension contributions during maternity leave

18.1 If you're a member of the Local Government Pension Scheme you're required to continue pension contributions for the paid period of your maternity leave. After this period the contributions are optional.

Contributions stay at the same level during maternity leave as when you were working for instance 5.5 per cent or 6.5 per cent of what you are receiving in the form of OMP or SMP.

18.2 It's left to your discretion as to whether or not you wish to pay contributions in respect of the remainder of the unpaid period of absence. If you opt to pay contributions these will be based upon the very last day of actual maternity pay that you receive regardless of the amount and how it is calculated.

If you decide not to make payment, the period of absence beyond the period of paid maternity absence will not count towards any future pension benefits.

18.3 A decision to pay contributions must not be made later than thirty days after your return to work. You may, however wish to notify the HR and Payroll Transactions team of your decision as soon as possible so that arrangements can be made for the payment of contributions if this is your decision.

If you wish to receive further information before making your decision, please contact [HR services](#).

19. Priority status in redundancy situations

19.1 Pregnant employees and those who have recently returned from maternity leave are afforded special protection in redundancy situations which gives priority access to redeployment opportunities over other redundant employees.

19.2 This protection starts when you have notified us of your pregnancy and ends 18 months from your child's date of birth.

19.3 Should you suffer a miscarriage before 24 weeks, this protection will come to an end two weeks after the end of the pregnancy.

Full details are set out within the organisational change toolkit

20 Lease car benefit during maternity leave

20.1 When you're on maternity leave and you have a lease/benefit car you have a range of options that you may take. You may:

- return the car and pay any penalty and excess mileage charges
- before you begin maternity leave notify the HR and Payroll Transactions team if you intend to return to work

If you do return to work, you're then entitled to keep the car for the period of your maternity leave providing the lease does not expire during this time. If the lease does expire then you must either return the car on this date or renew your lease.

20.2 If you originally keep your car and then decide not to return to work you should notify the HR and Payroll Transactions team and then you may either:

- purchase the car
- return the car and pay:
 - the leasing charges
 - excess mileage charge
 - full insurance cover

20.3 If you make contributions to your lease/benefit car and you keep your car during your period of maternity leave, you must keep up these contributions whilst on maternity leave. While you're receiving maternity pay your contributions will automatically be deducted from your pay.

During the time in which you are receiving no pay you will be required to continue these contributions by sending a cheque to the HR and Payroll Transactions team.

21. Car benefit cash option during maternity leave

21.1 If you've taken the cash option instead of a car you'll still receive this money but as part of your maternity pay. As this cash payment is usually included as part of your normal wage, it is simply included when calculating your 12 weeks' half pay to be paid as OMP and when calculating your SMP.

22. Essential car user allowance during maternity leave

22.1 From the date of commencement of maternity leave, if you receive essential car user allowance you'll continue to receive the lump sum element throughout the period of maternity leave.

23. Childcare vouchers

23.1 **The council's childcare voucher scheme** - if you use an Ofsted registered childcare provider you're able to apply for salary sacrifice childcare vouchers which receive tax and NI relief to help towards the cost. Conditions apply.

23.2 The council's scheme is now closed to new entrants. However if you're already within the scheme you can continue as long as you remain an employee and the scheme is in operation.

23.3 If you haven't joined the council's childcare voucher scheme, you could be eligible for a new government scheme. [See details on Tax-Free Childcare on GOV.UK here.](#)

23.4 Further information is available by calling the HR and Payroll Transactions team on (54) 6629.

23.5 Should you become entitled to maternity or paternity leave whilst participating in the council's child care voucher scheme, you're advised to seek advice from the HR and Payroll Transactions team regarding the implications of salary sacrifice on maternity pay calculations.

This is because the salary sacrifice element of the scheme will have an impact on the calculation for your higher rate SMP (the first six weeks are paid at 90 per cent of your gross average earnings – [see section 6.4](#)) and OMP.

Your average earnings calculation which is used to assess this payment will be based on your salary after salary sacrifice deductions are made and **not** therefore on your full salary prior to those deductions.

23.6 You have a choice between two options.

1. You may claim and/or continue to claim vouchers for the entirety of the pregnancy, which would result in a reduced entitlement to statutory maternity/paternity pay, but would entitle you to continue to receive childcare vouchers either during paternity leave or during both ordinary and additional maternity leave.

2. Cease to claim vouchers for the eight week SMP calculation pay period which is between the 17 and 25 week of the pregnancy which would result in an entitlement to statutory maternity/paternity pay based on pre salary sacrifice earnings. Therefore, you'll have **no entitlement** to receive childcare vouchers either during paternity leave or during both additional or ordinary maternity leave.

- 23.7 This variation to your terms and conditions of employment may not apply for pay periods in which you do not purchase childcare vouchers. However, should your pay fall below the level required to pay national insurance contributions, this may affect your entitlement to benefits, either within the current tax year or over a number of tax years and/or period of time. It's your responsibility to investigate the impact to yourself of taking childcare vouchers.
- 23.8 If you take childcare vouchers during your maternity leave where you are not in receipt of any pay, should you not return to work for the qualifying period, you'll be required to repay the cost of the vouchers you have received during the nil pay period.
- 23.9 You can choose to take a break from getting childcare vouchers and start again as long as the following apply:
- you re-start within 52 weeks of the date they stopped
 - you're still employed with us
 - you want to keep using our childcare scheme and not the government scheme Tax-Free Childcare
- 23.10 If you start using the government scheme, Tax-Free Childcare, you must stop using the council's childcare voucher scheme. You cannot be in both schemes.

24. Health & safety for new, expectant and breastfeeding mothers – risk assessments

- 24.1 In accordance with the management of Health and Safety at Work regulations, a 'protection of pregnant women' checklist needs to take place of any employee's job, upon notification by her to her manager that she is pregnant. It is the line manager's responsibility to undertake the assessment.
- 24.2 The aim of the regulations are to ensure that the health and safety of employees matching the criteria below is not put at risk:
- anyone who is pregnant
 - anyone who has recently given birth
 - anyone that is breastfeeding

This requires both the provision of rest facilities for pregnant and breastfeeding mothers, and the assessment of risks in the workplace where particular attention is given to risks that could affect the health or safety of new or expectant mothers or their babies.

- 24.3 Where unavoidable risks are identified, firstly the employee's working conditions will be looked at to see if they can be altered. If this is not practicable then the possibility of

suitable alternative work will be explored. As a last resort paid leave will be given in accordance with legislation.

- 24.4 An employee should inform their line manager prior to their return to work from maternity leave if they are breastfeeding so that provisions can be put in place for their return. Due care should be given to the sensitivity an employee may feel when discussing these matters.
- 24.5 The Health and Safety Executive (HSE) recommends that it's good practice for employers to provide a private, healthy and safe environment for breastfeeding mothers to express and store milk. The toilets are not suitable to use for this purpose.
- 24.6 Managers should consider allowing lactation breaks (about two 30-minute breaks during an eight hour shift) for expression of breastmilk for at least one year after childbirth, and to adopt a flexible approach thereafter.

25. Employee car parking

- 25.1 Should there be mobility issues due to your pregnancy Occupational Health may support the temporary provision of car parking closer to your workplace. Please note that parking is limited and this provision will be allocated based on need.

26. Back-to-back maternity leave

- 26.1 If whilst on maternity leave you notify the council via your manager that you are pregnant and wish to take a second period of maternity leave the manager must contact the HR and Payroll Transactions team who will first need to establish with you:
- will you be returning to work between the periods of maternity leave?
 - did you opt to take OMP during the first period of maternity leave?
 - do you wish to take OMP for the second period of maternity leave?
 - what is the expected date of birth for the second baby?
 - what is the SMP calculation period for the second period of maternity leave?

SMP qualifying period for back-to-back maternity leave

- 26.2 When you first inform the council of the situation your manager should ask what your expected due date is. At this stage the council can only go by your anticipated due date as it may be too early for a MAT B1 certificate to have been issued to you.
- 26.3 From your expected due date, the council will work out when the SMP calculation period falls.
- 26.4 If you are not receiving any pay during this period, or your pay is less than the lower earnings limit for NI contributions, then you will not qualify for SMP for the second period of maternity leave. Consult with the HR and Payroll Transactions team for advice on this.
- 26.5 If you do not qualify for SMP your manager should explore with you and the HR and Payroll Transactions team if you are able to:
- end your first period of maternity leave and instead take any annual leave you have owing to you
 - start your second period of maternity leave following your annual leave

The first period of maternity leave would have to end the day before the qualifying period for the second period of maternity leave. For example, should the second SMP qualifying period begin on 24 April, the first period of maternity leave would have to end on 23 April.

OMP qualifying period for back-to-back maternity leave

- 26.5 OMP is paid subject to you returning to work at the end of the second period of maternity leave. To receive OMP for the second period of maternity leave, you're required to indicate whether or not you intend to return to work.
- 26.6 If you're able to confirm your intention then the second OMP payment would be paid.
- 26.7 If you're unable to indicate your intention to return to work at that point, then you would receive the second parent as a lump sum payment, on your return to work – subject to completing the necessary three months.

Returning to work after back-to-back maternity leave

- 26.8 If you've received OMP for your first pregnancy, second pregnancy or both, you're required to work a qualifying period on your return or you will be required to refund all OMP payments received.
- 26.9 You will be required to work three months (based on your working pattern before maternity leave) for each period of maternity leave and OMP received. These periods cannot be worked simultaneously.

You'd therefore be required to complete one three month period before starting the next three month period, therefore working for six months in order that OMP does not have to be repaid.

27. Premature birth

- 27.1 When a baby is born prematurely consideration will be given to any action required. Each case will be examined individually on its merits.

28. Death of a baby and stillbirths

- 28.1 If a baby dies or is still-born after 24 weeks of pregnancy then the scheme still applies. Where death occurs before 24 weeks (miscarriage) sympathetic consideration will be given to the circumstances and special leave or sick leave may be granted. Each case will be examined on its merits.
- 28.2 The [compassionate and special leave procedure](#) can be found on the intranet or a copy can be obtained from your line manager.

29. Useful contact details

HR and Payroll Transactions team
3rd Floor Town Hall
Luton

Tel: 01582 (54) 6629
Email: [LBC HR Services](#) (internal email address)
hrrservices@luton.gov.uk (external email address)

Section 2: Neonatal care leave & pay scheme

1. Introduction

1.1 We understand that having a child in neonatal care is an extremely stressful and challenging experience. We are committed to supporting you and doing what we can to help ensure that you are able to be by your child's side while looking after your own health and wellbeing.

2. Who is eligible?

2.1 Neonatal care leave (NCL) is intended to support you if your baby is receiving, or has received, neonatal care. You can benefit from NCL from day one of your employment

2.2 At the birth of the baby, you must be one of:

- the baby's parents,
- the baby's intended parents (applicable to surrogacy)
- partner to the baby's mother (unrelated to the baby's mother and living with them in an enduring family relationship) with the expectation that you will have responsibility for raising the child.

If adopting, similar principles to the above apply.

3. What counts as "neonatal care"?

3.1 Neonatal care must have taken place or begun within the first 28 days of birth (counting from the day after the baby is born) and care must continue for a period of at least seven continuous days (beginning on the day after neonatal care starts).

There are three categories of medical care which count as 'neonatal care':

- medical care that your child receives in a hospital.
- medical care that your child receives in any other place providing:
 - your child was previously admitted to a hospital as an inpatient and needs continuing care after leaving the hospital.
 - the care is under the direction of a consultant; and
 - the care involves ongoing monitoring and visits from healthcare professionals arranged by the hospital where your child was an inpatient;or
- palliative or end-of-life care

If your situation does not fit into any of these criteria you are encouraged to speak to your line manager and/or refer to the compassionate and special leave procedure for other forms of leave and support.

4. Amount of neonatal care leave?

4.1 The length of neonatal care leave will be dependent on how long the baby received neonatal care but is capped at a maximum of 12 weeks.

4.2 Parents will be able to take one week of leave in respect of each week the baby receives neonatal care without interruption. A week is defined as a period of seven days starting from the day after the neonatal care began.

- 4.3 You can take only up to 12 weeks' neonatal care leave, even if multiple children from the same pregnancy require neonatal care.

5. Timing of neonatal care leave

- 5.1 You can start your leave on any day after your child has received seven days of uninterrupted neonatal care. Any leave must be taken within 68 weeks of the baby's birth (or placement or entry into Great Britain in the event of adoption).
- 5.2 However, NCL will usually be tagged onto the end of any family leave that you may take. This is because you are highly likely to be on some other family leave at the time your baby is admitted for neonatal care – typically maternity or paternity but could also be adoption, ordinary parental, parental bereavement or shared parental leave. The NCL would be added to the end of the planned family leave so that the time your baby spent in neonatal care is compensated for.
- 5.3 To provide flexibility and reduced notice requirements, there is a distinction between the time the leave is used, referred to as Tier one or Tier two periods.

5.3.1 Tier one: If NCL is taken whilst the baby is receiving care (and up to a week post discharge) this will be classed as a tier one period. Tier one leave can be taken in either a continuous block or non-continuous blocks of a minimum of one week at a time.

5.3.2 Tier two: All other leave falls within the tier two period and must be taken in one continuous block.

6. What are the notice requirements?

- 6.1 In line with other types of parental leave, you are expected to provide notice of your intention to take NCL. The required length of notice differs depending on when the leave is taken

6.1.1 Notice during the tier one period

For each week of neonatal care leave that you wish to take in tier one, you should notify your line manager by telephone or email, preferably before your first day of absence in that week. However, we understand that this is likely to be a challenging time for you, so please give notice as soon as is reasonably practicable for you to do so.

You are also required to give notice of your intention and entitlement to take neonatal care leave using the form at appendix 1 ([Form to provide notice of intention and entitlement to take neonatal care leave \(birth\)](#)). There is no expectation on you to complete this form straightaway while your child is receiving neonatal care. However, we do request that the form is sent to your line manager within 28 days of the first day of your neonatal care leave, or if this is not possible, as soon as it is reasonably practicable. Your line manager will countersign and forward the form to [HR Services](#) so it can be recorded on iTrent and adjustments can be made to pay.

6.1.2. Notice during the tier two period

If you wish to take neonatal care leave in the tier two period, you will need to give notice in writing using the form at appendix 1 ([Form to provide notice of intention and entitlement to take neonatal care leave \(birth\)](#)).

If you are taking a single week of neonatal care leave, your notice should be received by your line manager at least 15 days before the first date that you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.

If you are taking two or more consecutive weeks of neonatal care leave, your notice should be received by your line manager at least 28 days before the first date that you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.

Your line manager will countersign and forward the form to [HR Services](#) so it can be recorded on iTrent and adjustments can be made to pay.

7. Changing your neonatal care leave plans

- 7.1 If you have submitted a notice of intention and entitlement to take neonatal care leave during the tier two period but wish to cancel your leave, you must inform your line manager and the [HR Services team](#) in writing.

8. Late notice

- 8.1 We understand that having a child in neonatal care is an incredibly difficult time for parents. Please be assured that if it is not possible for you to meet the timeframes for giving or withdrawing notice as set out in this scheme, we will accept later notice than this and, in some cases, we may waive the requirement for you to give notice altogether.

9. Starting your neonatal care leave

- 9.1 Your neonatal care leave will start on the date that is specified in your notice.
- 9.2 If you give notice on the same day that you want to begin your leave and you are already in work on that day, your neonatal care leave will start on the following day.
- 9.3 If we have agreed to waive the notice requirements, your neonatal care leave will begin on a day that is mutually agreed between us.

10. Other statutory leave

- 10.1 You are entitled to take neonatal care leave in addition to any other statutory leave that you may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement and shared parental leave
- 10.2 If you have already started a period of statutory leave, but subsequently become eligible for neonatal care leave, you can take your neonatal care leave after completing the other statutory leave, provided that your neonatal care leave is taken within 68 weeks of your child's birth date.
- 10.3 If you have already started a period of neonatal care leave during the tier one period but need to begin another type of statutory leave, your neonatal care leave will be temporarily paused immediately before the other statutory leave begins. You can then resume the remaining weeks of your neonatal care leave in one of two ways:
- if you are still within the tier one period - immediately after the end of the other period of statutory leave: or
 - if you have transitioned into the tier two period - immediately after any other statutory leave taken during the tier two period.
- 10.4 You cannot take neonatal care leave in the tier two period if, at the time of giving notice, you are aware that the leave will overlap with another type of statutory leave.

11. Neonatal care pay

- 11.1 Employees who are eligible for neonatal care leave may also be entitled to statutory neonatal care pay (NCP).
- 11.2 Statutory NCP is payable during your neonatal care leave period, provided that you are entitled to it.
- 11.3 The rate of statutory NCP is set by the Government for the relevant tax year, or at 90 per cent of your average weekly earnings (whichever is lower).
- 11.4 You will qualify for statutory NCP if:
- you are entitled to take neonatal care leave.
 - you have at least 26 weeks' continuous employment with us at the end of the relevant week.
 - you remain in continuous employment from the end of the relevant week (or from the child's birth if they were born before the relevant week).
 - your average weekly earnings are not less than the lower earnings limit for national insurance contributions.
 - you have complied with the relevant notice and evidential requirements as set out within this scheme
 - you have confirmed when you wish to start receiving statutory NCP within your [form to provide notice of intention and entitlement to take neonatal care leave \(birth\) \(appendix 1\)](#)
- 11.5 In this scheme "relevant week" means the 15 week before the expected week of childbirth if you are entitled to statutory maternity or paternity pay. In all other cases, it means the week before the neonatal care begins.
- 11.6 NCP is treated as earnings and is therefore subject to PAYE and national insurance deductions.

12. Changes affecting your entitlement to NCL and NCP

- 12.1 You must keep your line manager and [HR Services](#) informed about the date that your child's neonatal care ends as soon as reasonably practicable after the care has ended.
- 12.2 If your child starts receiving neonatal care again, after you have informed us that the care has ended, you must keep your line manager and [HR Services](#) informed of the new start and end dates.

13. If you suffer a bereavement

- 13.1 Employees who have accrued entitlement to neonatal care leave can still take the neonatal care leave that they have accrued if their child passes away.
- 13.2 Employees may also be entitled to parental bereavement leave in these circumstances, details can be found in our compassionate and special leave procedure.
- 13.3. If you have suffered a bereavement, please contact your line manager so that we can discuss other support that we may be able to offer you.

14. Your rights during neonatal care leave

- 14.1 During neonatal care leave, all the terms and conditions of your contract except normal pay will continue. Your pay will be replaced with statutory neonatal care pay if you are eligible

for it. Other benefits such as holiday entitlement will continue to accrue and pension contributions will continue as set out below.

15. Holiday entitlement

- 15.1 You will continue to accrue your holiday entitlement during your neonatal care leave.
- 15.2 Any holiday entitlement that has not been taken because of neonatal care leave can be carried over into the next holiday year.

16. Pension contributions

- 16.1 We will continue to make pension contributions based on the normal contribution rates during any period of paid neonatal care leave. The contributions that you make will be based on the actual pay that you receive during your neonatal care leave.
- 16.2 The organisation's pension contributions will cease during any period of unpaid neonatal care leave.

17. Contact during neonatal care leave

- 17.1 We reserve the right to maintain reasonable contact with you during your neonatal care leave. This may be to discuss your plans for taking leave, to discuss any special arrangements to ease your time away from work, or to update you on developments at work during your absence.

18. Returning to work after neonatal care leave

- 18.1 You have the right to resume working in the same job and on the same terms and conditions if returning to work from a period of isolated neonatal care leave.
- 18.2 If you return from a period of neonatal care leave that follows on immediately from another period of statutory leave (such as maternity, adoption, paternity, parental bereavement or shared parental leave) and your total time on leave is more than 26 weeks, you have the right to return to the same job wherever possible. However, if this is not reasonably practicable, we will offer you a suitable alternative job on terms and conditions that are no less favourable.
- 18.3 This also applies if you have taken neonatal care leave consecutively with a single period of more than four weeks of ordinary parental leave.

19. Support and flexibility

- 19.1 If you are finding it difficult to cope at work because your child is in neonatal care you are encouraged to discuss this with your line manager to identify any additional support or accommodations you may need during this period.

We realise that this may not be an easy subject to talk about. However, we urge you to be as open as possible about any issues that you are experiencing to ensure that you are provided with the right level of support.

Any information disclosed by you during discussions with your line manager will be treated sensitively and in strict confidence.

You are also reminded that all staff, and members of their immediate family can access free and totally confidential counselling and support via our Employee Assistance Programme.

Appendix 1 – Neonatal care leave application form

Neonatal care leave: notice of entitlement and intention (birth)	
Name of employee:	
Job title:	
I hereby give notice of my intention and entitlement to take neonatal care leave as well as the required declarations.	
Section A: information to be provided by employee	
My child was born on:	
My child started receiving neonatal care on:	
My child's neonatal care has continued without interruption:	
My child's neonatal care ended on (if applicable):	
I choose to start and end my neonatal care leave on the following dates (leave in tier one may be taken in number of non-continuous blocks of a minimum of one week at a time and leave in tier two must be taken in one continuous block - see scheme for more information)	
I intend to take neonatal care pay on the following dates (if applicable):	

Section B: declaration to be completed by employee

I [satisfy/will satisfy] the following eligibility requirements to take neonatal care leave

I am the child's parent and at the date of the child's birth [I have/expect to have] responsibility for the child's upbringing
OR

I am the partner of the child's mother and at the date of the child's birth [I have/expect to have] main responsibility for the child's upbringing (apart from the mother)

AND

I [am taking/have taken] the leave to care for my child

I [satisfy/will satisfy] the following eligibility requirements for neonatal care pay (if applicable)

I [have/will have] 26 weeks' continuous employment by the end of the week immediately before the one in which my neonatal care leave starts **OR**

I am entitled to statutory maternity or paternity pay and have 26 weeks' continuous employment ending with the 15 week before the expected week of childbirth

AND

I remain in continuous employment from the end of that date (or from the child's date birth if they were born before that date)

I will immediately inform the council of any changes affecting my entitlement to neonatal care leave and pay.

Signed:		Date:	
Line manager signature:		Date:	

Completed form to be forwarded to HR Services