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Maternity Support, Neonatal, and Paternity Leave Policy

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1. **OBJECTIVE**

Rhondda Cynon Taf Council is committed to helping working parents. This policy provides guidance and information on Maternity Support, Neonatal leave and Parental Leave.

Shared Parental leave and Adoption and Surrogacy leave Policies are also available.

2. **MATERNITY SUPPORT LEAVE**

Maternity Support Leave of 5 days with pay shall be granted to the child's father or the partner, adoptive father, intended parent or nominated carer of an expectant mother at or around the time of birth and must be taken within 14 days of the placement of the child or of the birth or of the child coming home from hospital, it must be taken in a block of 5 days only.

There is no qualifying period for Maternity Support Leave.

The 5 days of Maternity Support Leave will be at full pay. If an individual who meets the eligibility criteria for Paternity Leave wishes to take a second week, it will be paid at Statutory Paternity Pay rate (SPP).

2.1. **Nominated Carer**

A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth within the time period set out in Section 2 above.

It should be noted that only one person can access Maternity Support Leave and that it is expected that in the first instance this will usually be the child's father, adoptive father, intended parent or the partner of the mother.

However if circumstances are such that none of these are available to support the mother then she can nominate another person as the nominated carer.

2.2. **Eligibility for Maternity Support Leave**

Employees will need to satisfy the following conditions in order to qualify for maternity support leave.

They must:

Be the biological father of the child, adoptive father, intended father or the mother's husband or partner (including same sex partners) or if none of these are available, the nominated carer of an expectant mother at or around the time of the birth.

Maternity support leave can only be granted to one person.

2.3. Notification for Maternity Support Leave

Employees will be required to give their line managers 28 days notice of their intention to take Maternity Support Leave. They will need to confirm:

- The week the baby is due or the expected date of the child's placement in the case of adoption
- They are the biological father of the child adoptive father, intended father, or the mother's husband or partner (including same sex partners) or the nominated carer of an expectant mother at or around the time of the birth.
- When the leave will start (it must be taken within 14 days of the placement of the child, or of the birth or of the child coming home from hospital).
- They are the only person who is applying for Maternity Support Leave and that no other person has been identified as the nominated carer.

2.4. Application for Maternity Support Leave

The employee will be required to complete an application form entitled 'Application for Maternity Support Leave' The application form includes a declaration that the employee meets the eligibility conditions and is the only person applying for maternity support leave.

2.5. Maternity Support Leave: Adoption/Surrogacy

Maternity support leave of 5 days with pay shall be granted to the child's adoptive father or the partner or nominated carer of an adoptive mother at or around the time of adoption and must be taken within 14 days of the child being placed.

A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the placement. It is expected that in the first instance this will be the adoptive father, intended parent or partner, however if circumstances are such that none of these are available to support the mother then she can nominate another person to be the nominated carer.

There is no qualifying period for Maternity Support Leave.

In the case of surrogacy the maternity support leave shall be granted around the time of the birth and must be taken within 14 days of the birth or the placement with the intended parents.

The five days Maternity Support Leave will be at full pay. If an individual who meets the eligibility criteria for Paternity Leave wishes to take a second week, it will be paid at the Statutory Paternity Pay rate.

2.6. Notification of Maternity Support Leave: Adoption

In the case of an adoption employees will be required to inform their line managers of their intention to take maternity support leave within seven days of being informed by their adoption agency that they have been matched with a child, unless this is not reasonably practicable.

They will need to inform their manager:

- When the child is expected to be placed
- They are the adoptive father or the partner or nominated carer of an adoptive mother.
- When the leave will start (it must be taken within 14 days of the child being placed).
- They are the only person who is applying for Maternity Support Leave and that no other person has been identified as the nominated carer.

2.7. Notification of Maternity Support Leave: Surrogacy

In the case of surrogacy, employees will be required to give their line managers 28 days notice of their intention to take Maternity Support Leave. They will need to confirm:

- The week the baby is due
- They are an intended parent under a surrogacy arrangement and expect to have parental responsibility for the child
- When they want their leave to start (it must be taken within 14 days of the birth or the date the child comes home from hospital, or the placement of the child with the intended parents)
- They are the only person who is applying for Maternity Support Leave and that no other person has been identified as the nominated carer.

2.8. Application for Maternity Support Leave for Adoption/Surrogacy

The employee will be required to complete an application form entitled 'Application for Maternity Support Leave and Pay'. The application form includes a declaration that the employee meets the eligibility conditions and is the only person applying for maternity support leave.

3. PATERNITY LEAVE

The right to paternity leave is available to the biological father of a child or to a person who is married to, the civil partner of, or the partner of, the child's mother. It is also available where a couple jointly adopt a child or enter into a surrogacy agreement to the parent or partner who does not take adoption or surrogacy leave. The definition of partner includes same sex partners.

To qualify for paternity leave the employee, must have, or expect to have, responsibility for the child's upbringing and be taking the leave to care for the child.

3.1. Main Provisions of Paternity Leave

Eligible employees are entitled to choose to take either one week or two consecutive weeks' Paternity Leave (N.B. odd days cannot be taken).

Eligible employees may choose to start their leave:

- From the date of the child's birth (whether this is earlier or later than expected) or
- From any day of the week on or following the child's birth but must be completed:
- Within 56 days of the actual date of birth of the child, or
- If the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

N.B. One week paternity leave may be substituted for one week maternity support leave on full pay providing the eligibility criteria set out above in point 2.2 is met. It should be noted that Maternity Support Leave has to be taken within 14 days of the child's placement at adoption, or of the child's birth or the child coming home from hospital and can only be granted to one person.

3.2. Eligibility for Paternity Leave

Employees will need to satisfy the following conditions in order to qualify for paternity leave.

They must:

- Have or expect to have responsibility for the child's upbringing
- Be the biological father of the child or the mother's husband or partner (including same sex partners)

- Have worked continuously for the council for 26 weeks leading into the fifteenth week before the baby is due or by the week in which the adoption is notified.

3.3. Notification for Paternity Leave

Employees will be required to give their line managers 28 days notice of their intention to take Paternity Leave. They will need to confirm:

- The week the baby is due
- Whether they wish to take one or two weeks' leave
- When they want their leave to start.

3.4. Application for Paternity Leave

The employee will be required to complete an application form entitled 'Application for Paternity Leave' as evidence of their entitlement to SPP. The application form includes a declaration that the employee meets the eligibility criteria.

3.5. Statutory Paternity Pay (SPP)

Statutory Paternity Pay will be paid at the same rate as the standard rate for Statutory Maternity Pay.

3.6. Paternity Leave: Adoption/Surrogacy

Paternity Leave is available for adopters, and employees who have entered in to a surrogacy agreement/arrangement. The employee can take either one-week's leave or two consecutive week's leave.

It must be taken within 56 days of the child being placed.

Eligibility

The leave is available for the purpose of caring for the child or supporting the child's adopter or surrogate parent. To be eligible the employee must:

- Have 26 week's continuous service by the end of the notification week (the week the adopter is notified as being matched with a child)
- Be married to or the partner of the child's adopter/surrogate parent; and
- Expect to have responsibility for the upbringing of the child
- Employees are only entitled to one period of leave regardless of the number of children adopted or the number of surrogate children born

Taking Leave

In the case of adoption the employee may choose to begin the leave on:

- The date the child is placed with the adopter
- A certain number of days after the child is placed; or
- On a predetermined date later than the date the child is expected to be placed

In the case of surrogacy the employee may begin the leave on:

- The date the child is expected
- A certain number of days after the expected date
- On a predetermined date later than the expected date

Notification

In the case of adoption, employees will be required to inform their line managers of their intention to take ordinary paternity leave within seven days of being informed by their adoption agency that they have been matched with a child, unless this is not reasonably practicable.

They will need to inform their manager:

- When the child is expected to be placed
- Whether they wish to take one or two weeks' leave
- When they want their leave to start

In the case of surrogacy employees will be required to give their line managers 28 days notice of their intention to take ordinary Paternity Leave. They will need to confirm:

- The week the baby is due
- Whether they wish to take one or two weeks' leave
- When they want their leave to start.

Employees will be able to change their mind about the date on which they want their leave to start providing they tell their employer 28 days in advance (unless this is not reasonably practicable). Employees will have to tell their managers the date they expect any payments of SPP to start at least 28 days in advance, unless this is not reasonably practicable.

Application For Paternity Leave For Adoption/Surrogacy

The employee will be required to complete an application form entitled 'Application for Ordinary Paternity Leave and Pay' as evidence of their entitlement to SPP. The application form includes a declaration that the employee meets the eligibility conditions.

4.0 **NEONATAL CARE LEAVE AND PAY**

The Neonatal Care Leave and Pay Act 2023 provides employed parents with a statutory right to Neonatal Care Leave (NCL) and if eligible, Neonatal Care Pay (NCP) if their baby is admitted to neonatal care for seven continuous full days or more within the first 28 days of birth.

The right will allow employed parents to take up to 12 weeks of Neonatal Care Leave (this will be in addition to their normal statutory parental leave entitlements). This can be taken as a minimum of one week and for a maximum of 12 weeks.

This applies to babies born on or after 6 April 2025.

4.1 **What is neonatal care?**

- Medical care received in hospital.
- Medical care received elsewhere as long as the child was an inpatient in hospital and needs continuing care; care under the direction of a consultant and involves ongoing monitoring and visits from healthcare professionals arranged by the hospital where the child was an inpatient.
- Palliative or end of life care.

4.2 **Who does it apply to?**

Leave and Pay will be available to a broad range of 'parents', including adoptive parents, parents who are fostering to adopt and the intended parents in surrogacy arrangements.

You must be an employee and have a qualifying relationship with the child;

- Child's parent, intended parent or partner of child's mother at date of birth; or
- Child's adopter, prospective adopter, or partner of either at date of placement.
- The partner must not be the other parent's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

4.3 **Is there Eligibility criteria?**

Neonatal Care **Leave** is a day **one** right.

Statutory Neonatal Care **Pay** will also apply for employees who meet the continuity of service requirement (26 weeks continuous employment) and who meet a minimum earnings threshold of normal weekly earnings over an 8-week period ending with the 'relevant week' of not less than the lower earnings limit for NIC (national insurance contribution in full) purposes.

The relevant week is either;

- If entitled to SMP (in full) or SPP (in full) (birth), 15th week before the expected week of childbirth.
- If entitled to SAP or SPP (adoption) it is the week in which they are notified of being matched with the child for adoption.
- If neither of the above apply, it is the week immediately before the week in which the neonatal care begins.

4.4 What leave or pay is available?

Leave

Eligible employees will be entitled to one weeks' neonatal care leave for every uninterrupted week that the baby receives neonatal care.

This will begin after the child has received 7 days uninterrupted care, counted from the day after the neonatal care starts.

Each week of leave is taken in arrears.

The minimum period you can take is one weeks' neonatal care leave and the maximum is 12 weeks.

Neonatal care **leave** can be taken up to 68 weeks following the baby's date of birth.

Example of Neonatal Leave entitlement

Imi'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. Imi has accrued 2 weeks of neonatal care leave in total.

Pay

Neonatal care **pay** starts **after** the child has been receiving care for 7 days or more. Pay is either;

- The equivalent to family related statutory payments.
- 90% of average weekly earnings where the average weekly earnings are less than the statutory payment.

4.5 Adoption and Surrogacy

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 the child is placed with the adopter.

Overseas Adoptions

For overseas adoptions, the leave needs to be taken before the end of 68 weeks from the **date the child enters Great Britain**.

Adopting more than 1 child

Parents can take the same amount of neonatal 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.

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.

4.6 How much leave is available for multiple births?

The total amount of leave remains the same however it can be taken for each child.

For example, Adi has given birth to triplets. 2 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.

3 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.

4.7 When can I take it?

Leave and pay can be taken in two Tiers, Tier 1 and Tier 2;

Tier 1 — is a period when the baby is still receiving neonatal care, and including one week after the care has ended.

Leave during tier 1 can be taken in non-continuous blocks of a minimum of one week.

Example of tier 1 leave

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 neonatal care leave accrued to take at a later time.

Tier 2 — is the period outside the Tier 1 period and before the end of 68 weeks from the date of the baby's birth.

Leave in tier 2 must be taken in one continuous block.

Example of tier 2 leave

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.

4.8 Impact on other Statutory leave/payments?

Neonatal Leave is in addition to statutory:

- Maternity leave
- Paternity leave
- Adoption leave
- Shared parental leave

Two types cannot be taken at the same time.

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.

Parents not already on leave may need to take another form of leave for the first 7 days. Each week of leave is taken in arrears.

Parents not on leave may need to take another form of leave for the first 7 days.

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 leave will last until 6 May. Sam takes the first 7 days as carers leave.

Neonatal care leave ends if it is interrupted by any other statutory leave. Unused care leave can be resumed as long as it is still within either Tier 1 or Tier 2 period;

- In Tier 1 the remaining leave must be taken immediately after completing the other period of statutory leave.
- In Tier 2 the remaining leave must be taken consecutively with other neonatal leave.

The employee cannot begin neonatal care leave in Tier 2 if it will be interrupted by any other statutory leave.

Following an interruption in taking the leave, no new notice is required.

4.8 Do I have to give notice to take leave?

An employee will need to give notice to take Neonatal Care Leave (NCL). The length and format of notice for leave will vary depending on whether the employee intends to take leave in Tier 1 or Tier 2. When a child needs neonatal care it can be a very upsetting time and so it is acceptable for notice to be given by a friend or relative especially in Tier 1.

Tier 1

The employee will need to notify their employer before they would be due to start work on the first day of absence, or as soon as possible and within 28 days of the first week if claiming pay. The notice does not need to be written.

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

Tier 2

To take a single week the employee will need to provide notice at least 15 days before the start of a period of leave. For a period of 2 or more weeks of leave, the employee will need to provide notice at least 28 days before the start of the leave. The notice **must** be written.

The Council recognises that in some circumstances it may not be possible to provide the full notice and so we would encourage managers to be flexible and demonstrate understanding during such a difficult time. You can therefore mutually agree to waive or agree late notice periods.

To receive leave and/or pay for leave taken in either Tier 1 or Tier 2, an employee must provide the following information to the employer via the form in appendix 3;

- the employee's name
- the date of the child's birth
- 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
- the date the child started to receive neonatal care, or each date if the child received neonatal care on 2 or more separate occasions
- if the child is no longer receiving neonatal care, the date that the care ended
- if it is the first time a notice is being given, a declaration that the employee meets the parental relationship criteria
- The date, or dates they intend to take neonatal care leave (and pay)
- that they, the employee, has cared for or intends to care for the child during the week or weeks to which the notice relates.
- Confirmation that the employee is eligible for the leave (and pay).

There is **no requirement** to evidence that the child is receiving neonatal care.

Other considerations

Information shared about a child requiring neonatal care is confidential and should not be shared with others without permission from a parent.

During the first 7 days of neonatal care, there is no right to leave and so the Council would expect that managers are compassionate and understanding about finding alternatives for these days whether paid or unpaid. Advice may be sought from your HR representative.

If a baby requires less than 7 consecutive days neonatal care then the parent is not entitled to any neonatal care leave or pay. Again, the Council expects managers to be understanding and flexible in finding a solution within the Council's family friendly policies.

4.9 Bereavement

If an employee's child dies and has been in neonatal care for more than 7 consecutive days they may still be able to take neonatal care leave following any other booked leave such as maternity, adoption or paternity leave.

Refer to Parental Bereavement Leave (Leave of Absence Policy)

References

ACAS

CIPD

Brightmine

Your dates for pay and leave:

The expected date of placement of the baby is:

Or, the baby is due on:

If the baby has been born, enter the actual birth date:

I would like my 5 days maternity support leave (at my full pay rate) to start on:

.....

Surname:

First Name(s):

Division/Department:

Payroll Number:

I declare that:

I am the child's father/adoptive father/intended parent/partner/nominated carer of an expectant mother. (A nominated carer is defined as the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth).

In the case of the 'nominated carer' please give brief details of the reason you require this leave (for example no husband or partner is available and I am the nominated carer for the expectant mother.)

.....
.....
.....

That I am the only person who has been identified as the nominated carer for the child.

I will take time off work to support the mother or care for the child

I agree that I will notify my Line Manager in writing of the date the child is born.

Signature: Date:

Mothers Declaration

I confirm that _____ named above is the only person identified as nominated carer for the child and that I have no other support to assist with the care of the child.

Signature: Date:

Your dates for pay and leave:

Expected date of placement of child:

Or, the baby is due on:

If the baby has been born, enter the actual birth date:

I would like to take 5 days maternity support leave (at my full pay rate) to start on:

..... (this must be within 14 days of the placement of the child or birth or the baby coming home from hospital)

I would like to take 1-week Statutory Paternity Pay rate to start on*

*delete if not applicable

Surname:

First Name(s):

Division/Department:

Payroll Number:

I declare that:

I am the child's father/ adoptive father/ surrogate father/ partner/ nominated carer of an expectant mother. (A nominated carer is defined as the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth). That I am the only person who has been identified as the nominated carer for the child

I agree that I will notify my Line Manager in writing of the date the child is born.

Signature: Date:

If you wish to apply for the Paternity Leave you must comply with the following statements to be entitled to Statutory Paternity Pay (SPP) and Leave.

I declare that I am:

The baby's biological father/adoptive father/ surrogate father/married to the mother/civil partner to the mother/living with the mother in an enduring family relationship but am not an immediate relative

I have responsibility for the child's upbringing

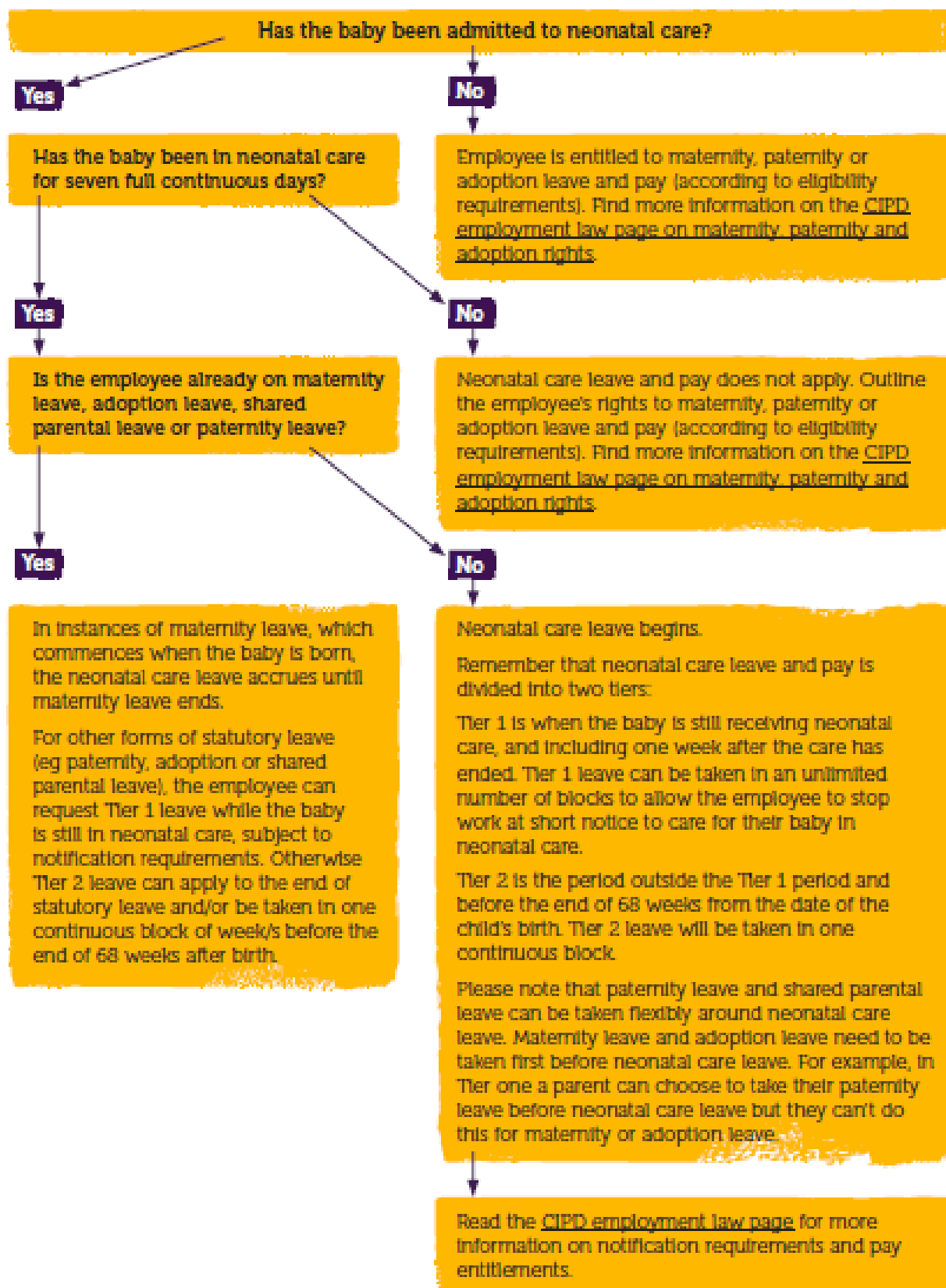
I will take time off work to support the mother or care for the child

Signature: Date:

NEONATAL CARE LEAVE / PAY FORM

Employees Name.	
Employees Staff Number.	
Either: 1. Child's birth date- or 2. Date of placement with the adopter or prospective adopter. or 3. Date of the child's entry into Great Britain to live with the overseas adopter-	
Has the child started neonatal care?	Yes/No
If yes, please state the date the child started to receive neonatal care.	
Has the neonatal care ended?	Yes/No
If yes, please state the date it ended.	
Has the child had to receive neonatal care on more than on occasion?	Yes/No
If yes, please list all start and end dates of the neonatal care.	
Please state the dates you intend to take neonatal care leave (and pay).	
If this is the first time a notice has been given, please sign to declare that you as an employee, meet the parental relationship criteria. (Refer to the Neonatal Care Leave provisions within the policy)	Sign: Date:
Please sign to declare that you have cared for or intend to care for the child during the week or weeks to which the notice relates.	Sign: Date:
Please confirm that you are eligible for the leave?	Yes/No
Please confirm whether you are eligible for the pay.	Yes/No
Signed:	
Dated:	

Flowchart: Understanding if neonatal care leave applies



Please note: While every care has been taken in compiling this content, the CIPD cannot be held responsible for any errors or omissions. These notes are not intended to be a substitute for specific legal advice.

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