

Public Agenda Pack



Notice of Meeting of

HUMAN RESOURCES COMMITTEE

Wednesday, 9 April 2025 at 10.00 am

Luttrell Room - County Hall, Taunton TA1 4DY

To: The members of the Human Resources Committee

Chair: Councillor Theo Butt Philip

Vice-chair:

Councillor David Fothergill
Councillor Andy Kendall
Councillor Graham Oakes
Councillor Faye Purbrick
Councillor Tony Robbins
Councillor Sarah Wakefield

Councillor Mark Healey
Councillor Liz Leyshon
Councillor Emily Pearlstone
Councillor Leigh Redman
Councillor Mike Stanton
Councillor Tony Grimes

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services: democratic@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democratic@somerset.gov.uk by **5pm on Thursday, 3 April 2025**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by the Proper Officer on Tuesday, 1 April 2025

AGENDA

Human Resources Committee - 10.00 am Wednesday, 9 April 2025

Public Guidance Notes contained in Agenda Annexe (Pages 5 - 6)

Click here to join the online meeting (Pages 7 - 8)

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes from the Previous Meeting (Pages 9 - 12)

To approve the minutes from the previous meeting.

3 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Public Question Time

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

5 Neonatal Care Leave Policy (Pages 13 - 34)

To consider and approve the new Neonatal Care Leave Policy as a result of the new Neonatal Care (Leave and Pay) Act 2025, due to be implemented on 6th April 2025.

6 Workforce Update

To receive a verbal update on workforce matters.

7 Committee Work Programme (Pages 35 - 38)

To receive a verbal update on the Committee's forward work plan as amended.

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Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

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Minutes of a Meeting of the Human Resources Committee held in the Luttrell Room - County Hall, Taunton TA1 4DY, on Monday, 17 March 2025 at 2.00 pm

Present:

Cllr Theo Butt Philip (Chair)

Cllr David Fothergill
Cllr Andy Kendall
Cllr Graham Oakes
Cllr Faye Purbrick
Cllr Mike Stanton

Cllr Mark Healey
Cllr Liz Leyshon
Cllr Emily Pearlstone
Cllr Leigh Redman
Cllr Tony Grimes

60 Apologies for Absence - Agenda Item 1

Apologies were received from:

Councillor Sarah Wakefield
Councillor Tony Robbins

61 Minutes from the Previous Meeting - Agenda Item 2

It was resolved that the minutes of the Human Resources Committee held on 13th January 2025, being proposed by Councillor Emily Pearlston and seconded by Councillor Andy Kendell to be a true record of the meeting.

(Vote: unanimous)

62 Declarations of Interest - Agenda Item 3

There were none.

63 Public Question Time - Agenda Item 4

There were none.

64 Pay Policy Statement 2025/26 - Agenda Item 5

The Strategic Manager HR Business Partner introduced the report and highlighted:

- The annual pay policy statement is a legal requirement, effective from April 1, 2025, for the 2025-2026 financial year.
- The key amendments in the pay policy were:

1. **Corporate Leadership Restructure:** Changes to senior leadership roles

(Section 2).

2. **Clarification of Legal Definitions:** Inclusion of deputy chief officers (Sections 3, 4.3, and 12).
3. **Legal Reference Update:** Correction of outdated legislation date (Section 6).
4. **Salary Pay Data Update:** Reflecting the 2024-2025 pay award (Sections 7, 8, and 9).
5. **Professional Subscriptions Exceptions:** Clarifications for lawyers and employee retention cases (Paragraph 10.4).
 - The proposed amendments were shared with trade unions and no feedback had been received.
 - The national pay awards for 2025-2026 were pending.

It was confirmed that where it stated in section 5 of the pay principles, that Somerset Council was being compared with Councils of similar size, such as Cumbria, that this referred to spend. It was explained that salaries were compared with the market. It was further confirmed that when the Local Government Association (LGA) share their data at the end of this financial year, a more realistic comparison could be done.

It was pointed out that primarily Councils that were previously County Councils of similar size were the basis for comparison as the data set still had not been updated. That would take about 2-3 years.

Additionally, Somerset Council compared with similar Councils within their Family Group, such as Buckinghamshire, Dorset, and Wiltshire, to assess comparable pay levels. Once the new data set was obtained, the Council would have their new family group and then they would have the ability to compare against that too.

It was confirmed that if the pay award was agreed, section 8 (or any other section that related to pay) of this policy would be updated but this would depend on the timing of the pay award. The redundancies that would be coming into being from the 1st of April or a little while after that, would change the median salary points. Legally this only had to be done once a year but it would still be determined at a later stage when this would happen but when it did the change would be made.

After further deliberations around the benchmark from LGA regarding salaries and the direction of travel in relation to the gap between the lowest paid employee and the Chief Executive, Councillor Theo Butt Philip proposed to approve the Pay Policy Statement, noting it would have effect from 1 April 2025, which was seconded by Councillor Graham Oakes, to:

1. Recommend that the Chief Executive submit the Pay Policy Statement for 2025-26, to Full Council for approval subject to the deletion of the second paragraph of 10.4, as well as incorporating information relating to the direction of travel between the highest and lowest paid members of staff in future versions of the report.

2. Note that the Pay Policy Statement will require in-year amendments to reflect the 2025/26 pay awards once agreed.

Resolved:

To:

2. Recommend that the Chief Executive submit the Pay Policy Statement for 2025-26, to Full Council for approval subject to the deletion of the second paragraph of 10.4, as well as incorporating information relating to the direction of travel between the highest and lowest paid members of staff in future versions of the report.
2. Note that the Pay Policy Statement will require in-year amendments to reflect the 2025/26 pay awards once agreed.

(Vote: Unanimous)

(The meeting ended: 14:42)

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CHAIR

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Decision Report

Committee: HR Committee

Meeting Date – 09/042025

Key Decision – No



Somerset Council HR Policy for Approval

Executive Director: Alyn Jones, Executive Director Resources, Strategy & Transformation

Executive Summary

This report covers the proposed new Neonatal Care Leave Policy, which is presented in response to the Neonatal Care (Leave and Pay) Act 2025, due to be implemented on 6th April 2025.

It must be noted that while the Act has been brought into force, the Government is yet to introduce secondary legislation in the form of regulations for the amended rights in the Act to be fully operational. The following draft regulations have been laid before Parliament and are due to come into force on 6 April 2025:

- Neonatal Care Leave and Miscellaneous Amendments Regulations 2025 &
- Statutory Neonatal Care Pay (General) Regulations 2025

The attached policy is written on the basis that the draft regulations will be passed without modification. However, there may be further changes to the regulations before they are finalised. Consequently, further revisions to this policy may be necessary.

Recommendations

The members of the HR Committee are asked to:

1. Approve the attached new Neonatal Care Leave Policy with effect from 6 April 2025.
2. Delegate authority to the Service Director HR & OD in consultation with the Head of Legal, to make any minor amendments required prior to publication.

Reasons for Proposals

To ensure that Somerset Council meets its legal obligations under the Neonatal Care (Leave and Pay) Act 2023.

Somerset Council recognises the stress, anxiety and mixed emotions associated with having a child born who requires neonatal care and wish to demonstrate clearly, via a policy and associated guidance, our commitment to supporting affected employees through this period.

Report Author: Sarah Welland, Service Manager HR Policy & Projects, HR&OD
Service
Contact Details: 01823 359882 / sarah.welland@somerset.gov.uk

Background and purpose of report

Background

- 1 The Neonatal Care (Leave and Pay) Act 2023 comes into effect on 6th April 2025. It introduces a new statutory right to between one and twelve weeks' neonatal care leave for new parents of a baby (or babies in the case of a multiple birth), who receives neonatal care within the first 28 days after being born, and where the neonatal care lasts for longer than seven days. The right to neonatal care leave applies from day one of employment.
- 2 As detailed in the policy, the term 'parent' has a broad definition, including birth parents, adoptive parents, partners of the child's birth/adoptive parent who have main responsibility for the upbringing of the child/children and those having a child through a surrogacy arrangement. The policy provides more detail on these and relevant qualifying criteria.
- 3 In addition, for those who meet certain eligibility criteria, there is also an entitlement to statutory neonatal care pay to cover the period of neonatal care leave.
- 4 It is proposed that Somerset Council should enhance the statutory neonatal leave pay so that eligible employees receive full pay for the duration of their neonatal care leave. To be eligible for this, employees will need to have one year's continuous service by the 11th week before the Expected Week of Childbirth/date of adoption. This is consistent with eligibility for contractual maternity pay/contractual adoption pay. Please see Financial and Risk Implications and HR / Workforce Implications below (paragraphs 12-17 & 10-21) for the rationale and approximate costings regarding this proposal.
- 5 Further detail is contained in the policy at appendix 1.

Links to Council Plan and Medium-Term Financial Plan

- 6 One core function and priority of the HR Policy team is to ensure that HR policies are legally compliant. Another is to help to develop and maintain a culture where employees feel valued and supported through traumatic and difficult times.

- 7 Providing support above and beyond the statutory minimum can create a strengthened psychological contract between the employee and the Council often resulting in enhanced commitment and slower rates of turnover.

Other options considered

- 8 An alternative option would be to not implement a policy. This option is discounted for two reasons. Firstly, having a policy sets out clearly that the Council has recognised and implemented the legislation. Secondly, it supports consistent and fair application of neonatal care leave and pay, assisting employees in understanding the support that is available to them and how to access this.

Key considerations for the Council

Scrutiny comments / recommendations:

- 9 N/A

Consultation and feedback

- 10 This policy is currently out for consultation with Trade Unions. Should this result in any proposed changes or significant feedback, HR Committee will be updated.
- 11 Informal feedback has also been received from a small group of employees with lived experience of this subject.

Financial and Risk Implications

Financial

- 12 The rate of statutory neonatal care pay is set by the Government (£187.18 per week from 6th April 2025), or at 90% of an employee's average weekly earnings (whichever is lower). This amount is recoverable from the Government.
- 13 This policy proposes that the Council enhances this figure to provide full pay for the duration of an employee's neonatal leave (subject to meeting eligibility criteria set out in the policy). It is estimated that this would cost the Council an additional £28,667.10 per annum. This is calculated as follows:
- Bliss - the UK charity for babies born prematurely or sick, state that 1 in 7 babies born in the UK require neonatal care.

- There have been 291 relevant leave instances in the Council over the last 5 years. Applying the Bliss figure of 1 in 7 of these instances involving a child that requires neonatal care equates to a probable number of 42 instances of neonatal leave per annum.
 - The average stay in a neonatal unit is 7 days so that would be one week of full time pay for each of the 42 employees.
 - The average salary is SOM 11, SCP 21 £32,115 per annum. On a weekly basis (including on-costs) this is £869.73 x 42 instances = £36,528.66.
 - The statutory payment of £187.18 per week from April 2025 x 42 instances = £7861.56 and subtracting this from the overall payment is **£28,667.10 per annum**.
- 14 The cost of enhanced neonatal pay for each eligible employee (less the statutory payment) would be met by the relevant service's salary budget.
- 15 It is acknowledged that there are caveats and points to consider regarding this data. Firstly, the figures are calculated using average salary figures only. Secondly, whilst one weeks' entitlement is the most likely scenario, some employees will inevitably be eligible for more leave, up to and including the maximum of 12 weeks. In addition, as a large employer, Somerset Council will have instances where both parents work for us and are therefore entitled to the payment.
- 16 Conversely however, some employees will not be eligible for any payment, either because they do not have the required length of service, or because their baby does not require more than seven days of neonatal care.
- 17 It is also recognised that employees may take increased absences through other available options at such times, such as sickness absence. This also has a financial cost and falsely inflates sickness figures.

Legal and Procurement Implications

- 18 The Neonatal Care Leave Policy demonstrates how Somerset Council is implementing the provisions inserted into the Employment Rights Act 1996 by the Neonatal Care (Leave & Pay) Act 2023 and exercising its discretion in terms of additional support.

HR / Workforce Implications

- 19 Having a clear policy on the Council's approach to neonatal care leave and pay ensures that employees understand their entitlement and the support available to them.
- 20 This proposal supports our work towards being an employer of choice, with a family friendly and supportive culture which can only assist with recruitment and retention. Within the local area, most other Local Authorities are enhancing the statutory pay provision (including Devon, Dorset, Stroud and Gloucester).
- 21 It is also noted that the decision to pay neonatal pay at an enhanced rate is likely to increase the number of employees who can benefit from neonatal care leave, on the basis that for some, receiving only statutory pay means they cannot afford to take the leave to which they may be entitled. Offering enhanced pay for this period therefore enables neonatal leave to be accessible to more employees.

Equalities Implications

- 22 The Council's duty under Section 149 of the Equality Act 2010 is to have "due regard" to the matters set out in relation to equalities when considering and making decisions. An equalities impact assessment has been completed for this policy.

Community Safety Implications

- 23 There are no community safety implications. This is a HR policy applying to employees only.

Climate Change and Sustainability Implications

- 24 There are no climate change and sustainability implications. This is a HR policy applying to employees only.

Health and Safety Implications

- 25 There are no health and safety implications. This is a HR policy for employees.

Health and Wellbeing Implications

- 26 The proposed policy has positive implications for health and wellbeing. The policy provides additional support to employees with a child/children needing neonatal care. This will help ensure that employees' mental and physical health is supported in the provision of permitted time to be away from the workplace, and subject to eligibility, financial support for this time too.

Social Value

- 27 This proposed policy develops the support Somerset Council offers its employees facing difficult and challenging situations in their personal lives, demonstrating clearly that it is a caring and supportive employer

Background Papers

- 28 None

Appendices

- Draft Neonatal Care Leave Policy
- Equalities Impact Assessment

Report assurance

| | Officer Name | Date Completed |
|----------------------------|----------------------------------|----------------|
| Governance Implications | Scott Wooldridge | 01/04/2025 |
| Legal Implications | Jill Byron | 31/03/25 |
| Finance & Procurement | Nicola Hix | 31/03/25 |
| Workforce (*) | Dawn Bettridge | 31/03/25 |
| Asset Management (*) | Simon Lewis | N/A |
| Executive Director | Relevant Executive Director | 27/03/2025 |
| Executive Lead Member | Relevant Lead Member | 31/03/25 |
| Consulted: | Councillor Name | |
| Local Division Members | List local members | N/A |
| Opposition Spokesperson(s) | Relevant Opposition Spokesperson | N/A |
| Relevant Scrutiny Chair(s) | Relevant Chair | N/A |

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**Somerset
Council**

Neonatal Care Leave Policy

| | |
|----------------------------|---|
| Organisation | Somerset Council |
| Title | Neonatal Care Leave Policy |
| Owner | HR Policy Team |
| Primary Legislation | Neonatal Care (Leave and Pay) Act 2023 Neonatal Care Leave and Miscellaneous Amendments Regulations 2025 Statutory Neonatal Care Pay (General) Regulations 2025 |

1 Policy Statement

- 1.1 Somerset Council recognises that having a child in neonatal care is an extremely difficult and challenging time and is committed to supporting employees who experience this.
- 1.2 The Neonatal Care Leave Policy provides employees caring for a child who has received neonatal care within the first 28 days after birth up to 12 weeks' leave as a day one right.
- 1.3 Employees are entitled to Statutory Neonatal Care Pay if they have at least 26 weeks of continuous service before the relevant week and earn above the Lower Earning Limit.
- 1.4 Employees with at least one year's continuous service by the 11th week before the Expected Week of Childbirth or employees with one year's continuous service at the time of adoption will be eligible for full contractual pay for the period of neonatal care leave.
- 1.5 This policy applies to all employees of Somerset Council with the exception of those employed in Local Authority maintained schools where alternative HR policies, which have been subject to consultation and agreement with recognised professional associations and trade unions, are recommended for adoption by the individual school's Governance Board.
- 1.6 This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.
- 1.7 In the event of a conflict between the provisions of the Policy and the provisions of the Employment Rights Act 1996, the provisions of the Act will Prevail.

2 Neonatal Care

- 2.1 Neonatal care refers to:
- medical care that a child receives in a hospital.
 - medical care that a child receives in any other place providing:
 - the 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.
- palliative or end-of-life care.

3 Eligibility

3.1 Neonatal leave is a day one right meaning that all employees are entitled to this as long as they meet one of the following criteria:

- they are the child's parent or adoptive parent and have or expect to have responsibility for the upbringing of the child.
- they are the partner of the child's birth parent or adoptive parent and have main responsibility for the upbringing of the child.
- Employees adopting from overseas are entitled to neonatal leave if at the date the child enters Great Britain, they are the adoptive parent or partner of the adoptive parent.

3.2 Employees having a child through a surrogacy arrangement are entitled to neonatal care leave if at the date of the child's birth:

- they have applied or intend to apply for a parental order within a period of six months,
- they expect the parental order to be granted, and
- they have or expect to have responsibility for the upbringing of the child.

3.3 Additionally, the following conditions must be satisfied:

- the child was born on or after 6 April 2025.
- the child started receiving neonatal care within 28 days after the date on which they were born (the 28 days are counted from the day after the child is born).
- the neonatal care has lasted seven days or longer without interruption (the seven days are counted from the day after the neonatal care started).
- the employee is taking the leave to care for the child (apart from in cases of bereavement which are outlined later in the policy).
- the employee complies with the relevant notice and declaration requirements set out in the policy.

4 Entitlement

4.1 Neonatal care leave is provided as one week for every week the child has spent in neonatal care without interruption, up to a maximum of twelve weeks. A week is defined as a period of seven days starting from the day after the neonatal care began.

4.2 In cases where the child is adopted the entitlement begins either after the child has been placed for adoption (for adoptions within the UK) or after the child has entered Great Britain (for adoptions from overseas).

- 4.3 Neonatal care leave must be taken in blocks of at least one week.
- 4.4 Employees can take only up to 12 weeks' neonatal care leave, even if multiple children from the same pregnancy require neonatal care.

5 Taking Neonatal Care Leave

- 5.1 Neonatal care leave can start on any day on or after the child has received eight days of uninterrupted care and must be taken within 68 weeks of the child's date of birth.
- 5.2 The right to neonatal care leave is in addition to any other statutory leave that the employee may be entitled to, such as maternity, adoption, paternity, parental bereavement, or shared parental leave.
- 5.3 Neonatal care leave can be taken in two tiers:
 - Tier 1 - The tier 1 period begins when the child starts receiving neonatal care and ends on the seventh day after the child is discharged. Employees taking neonatal care leave in the tier 1 period can take it in one continuous block or several non-continuous blocks of a minimum of one week at a time.
 - Tier 2 - The tier 2 period is any remaining period (within 68 weeks after the child's date of birth) that is not part of the tier 1 period. Employees taking neonatal care leave during the tier 2 period must take the leave in one continuous block.
- 5.4 Further information and guidance on the tiered leave system can be found in the Neonatal Care Leave Guidance.

6 Notice of Neonatal Care Leave

- 6.1 Although this section outlines clear notification requirements, it is understood that this is a challenging time for employees and as such discretion on provision of notice will be given.
 - Tier 1 Notice
- 6.2 An employee taking tier 1 leave should notify their line manager before the first day of absence in that week.
- 6.3 The Neonatal Care Leave Form will also need to be completed by the employee, although there is no expectation for this to be completed immediately. However, it is requested that the form is sent to the line manager within 28 days of the first day of neonatal care leave.
 - Tier 2 Notice
- 6.4 An employee taking tier 2 leave should provide notice in writing of their intention and entitlement to take neonatal care leave using the Neonatal Care Leave Form, sending this to their line manager.
- 6.5 If the employee is taking a single week of neonatal care leave, their notice should be received at least 15 days before the commencement of leave.

- 6.6 If the employee is taking two or more consecutive weeks of neonatal care leave, their notice should be received at least 28 days before the commencement of leave.

Changing Neonatal Care Leave

- 6.7 In cases where an employee has submitted a notice to take neonatal care leave during the tier 2 period but wishes to cancel this, they must inform their line manager.
- 6.8 If the employee intended to take a single week of neonatal care leave, they must submit the cancellation form at least 15 days before the commencement date.
- 6.9 If the employee intended to take two or more consecutive weeks, they must submit the cancellation form at least 28 days before the commencement date.

7 Other Statutory Leave

- 7.1 Employees are entitled to take neonatal care leave in addition to any other statutory leave that they may be entitled to, including maternity, adoption, paternity, parental bereavement, and shared parental leave
- 7.2 If the employee has already started a period of statutory leave, but subsequently becomes eligible for neonatal care leave, they can take the neonatal care leave after completing the other statutory leave, provided that the neonatal care leave is taken within 68 weeks of the child's birth date.
- 7.3 If the employee has already started a period of neonatal care leave during the tier 1 period but needs to begin another type of statutory leave, their neonatal care leave will be temporarily paused immediately before the other statutory leave begins. They can then resume the remaining weeks of neonatal care leave in one of two ways:
- if they are in the tier 1 period - immediately after the end of the other period of statutory leave, or
 - if they are in the tier 2 period - immediately after any other neonatal care leave taken during the tier 2 period.
- 7.4 An employee cannot take neonatal care leave in the tier 2 period if, at the time of giving notice, they are aware that the leave will overlap with another type of statutory leave.

8 Neonatal Care Pay

Statutory Neonatal Care Pay

- 8.1 The rate of statutory neonatal care pay is set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings (whichever is lower).

8.2 Statutory neonatal care pay is payable during the neonatal care leave period, provided that the employee meets the eligibility criteria below:

- they are entitled to take neonatal care leave.
- they have at least 26 weeks' continuous employment at the end of the relevant week.
- they 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).
- their average weekly earnings are not less than the lower earnings limit for national insurance contributions.
- they have complied with the relevant notice and evidential requirements and are able to provide the declarations as set out in this policy/relevant payroll form.
- they have confirmed when they wish to start receiving statutory neonatal care pay within the Neonatal Leave Form providing notice of intention and entitlement to take neonatal care leave.

8.3 Relevant week refers to the 15th week before the expected week of childbirth if the employee is entitled to statutory maternity or paternity pay. If the employee is entitled to statutory adoption pay, the relevant week is the week in which the employee is notified that they have been matched with a child for adoption purposes. In all other cases, it is the week before the neonatal care begins.

8.4 Neonatal care pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Enhanced Neonatal Care Pay

8.5 Employees will continue to be paid their normal contractual rate of pay while taking neonatal care leave provided:

- they are entitled to take neonatal care leave.
- they have at least one year's continuous service by the 11th week before the Expected Week of Childbirth (or in the case of adoption, the employee must have one year's continuous service at the time of the adoption)
- they 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).
- their average weekly earnings are not less than the lower earnings limit for national insurance contributions.
- they have complied with the relevant notice and evidential requirements and are able to provide the declarations as set out in this policy/relevant payroll form.

8.6 All neonatal care pay is treated as earnings and is therefore subject to PAYE and national insurance deductions. Enhanced Neonatal Care Pay will be offset by Statutory Neonatal Care Pay.

- 8.7 If the employee does not return to work for a minimum of three months following the period of leave, they may be asked to repay their Enhanced Neonatal Care Pay.

9 Changes Affecting Entitlement

- 9.1 The employee must make their line manager aware of any changes regarding the child's neonatal care as soon as is reasonably practicable. For example, if the neonatal care ends, or they are readmitted.

10 Placement Disruption or Bereavement

- 10.1 Employees who have accrued entitlement to neonatal care leave will still ordinarily be entitled to take their neonatal care leave if the placement is disrupted or their child passes away - [Parental Bereavement Leave](#). Please seek HR advice in such situations.
- 10.2 A placement is disrupted where the child is returned after having been placed for adoption, ceases to live with the overseas adopter, or in the case of a surrogacy arrangement, the parental order does not proceed.

11 Rights during Neonatal Care Leave

- 11.1 During neonatal care leave all terms and conditions of the employee's contract will continue (with the exception of pay, subject to entitlement as set out above).

Annual Leave

- 11.2 Employees will continue to accrue holiday entitlement during neonatal care leave. Any holiday entitlement that has not been taken because of neonatal care leave may be carried over into the next holiday year.

Pension

- 11.3 If the employee is a member of the Local Government Pension Scheme, deductions for pension will be made automatically on all Statutory & Enhanced Neonatal Care Pay received.
- 11.4 If the employee is a member of the Local Government Pension Scheme, they can elect to pay contributions for an unpaid period of Neonatal Care Leave when they return to work in order that this period can be counted for pension purposes. Further information on this can be found in the Pensions Policy or by contacting Peninsula Pensions.
- 11.5 If the employee is a member of any other pension scheme, they should contact HR for advice regarding their options.

Returning to Work

- 11.6 Employees 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.
- 11.7 When returning from a period of neonatal care leave that follows immediately from another period of statutory leave and the total time on leave is more than 26 weeks, the employee has the right to return to the same job wherever possible. However, if this is not reasonably practicable, Somerset Council will offer a suitable alternative job on terms and conditions that are no less favourable.

12 Support Mechanisms

- 12.1 Employees requiring support may wish to contact the Employee Assistance Provider, [Care First](#), which offers free confidential counselling services. Employees may also wish to join the employee [Parenting Network](#) to meet other parents, gain support, and share experiences.




Links to specialist external support services can be found on the Neonatal Care Leave page in the HR A-Z.

Version History

| Revision Date | Author | Version | Description of Revision |
|---------------|---------------|---------|-------------------------|
| 31/03/2025 | Sarah Welland | 1 | New Somerset Policy |
| | | | |
| | | | |

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

| | | | | | | |
|--|---|--|--|-----------------------------|--|--|
| Organisation prepared for (mark as appropriate) |  Somerset Council | |  NHS Somerset | |  NHS Somerset NHS Foundation Trust | |
| Version | 1 | | Date Completed | 28 th March 2025 | | |
| Description of what is being impact assessed | | | | | | |
| <p>Neonatal Care Leave Policy for use at Somerset Council. The policy has been created ahead of the legislative changes due to come into force on April 6th 2025, wherein all UK employers must offer Neonatal Care Leave of up to 12 weeks with statutory pay where eligibility is met. The legislation outlining this includes Neonatal Care (Leave and Pay) Act 2023, Neonatal Care Leave and Miscellaneous Amendments Regulations 2025, and the Statutory Neonatal Care Pay (General) Regulations 2025. The policy clearly defines what is meant by neonatal care leave, who is eligible for this, how the leave can be taken, its interaction with other forms of family leave, employee rights during leave and on return from leave, and links to support.</p> | | | | | | |
| Evidence | | | | | | |
| <p>What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the Office of National Statistics, Somerset Intelligence Partnership, Somerset's Joint Strategic Needs Analysis (JSNA), Staff and/ or area profiles, should be detailed here</p> | | | | | | |
| <p>Bliss – The UK charity for babies born premature or sick have data that states 90,000 babies a year are cared for in neonatal units, that means that 1 in every 7 babies born in the UK require neonatal care, on average a baby will spend 7 days in a neonatal unit.</p> | | | | | | |

On average there are 291 instances of maternity or paternity leave each year (adoption has been left out of this calculation as the average age of a child at adoption is 3 years and 4 months), if 1 in 7 of these instances involves a child that requires neonatal care there is a probable number of 42 instances of neonatal care leave at Somerset Council per annum.

The [National Maternity and Perinatal Audit](#) of the NHS in 2018 found that cases of babies being born small or early – and therefore more likely to require neonatal care, were significantly more likely if the birthing parent is Black or South Asian, or if they have a low income.

Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?

In creating this policy, the Brightmine draft policy was used as a basis, Devon County Council’s policy was also considered. A discussion group of employees with lived experience in having a child in neonatal care was formed. This group considered the policy providing personal insight with changes made to simplify wording and consider the additional support that could be provided.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

| Protected group | Summary of impact | Negative outcome | Neutral outcome | Positive outcome |
|-----------------|---|------------------|-----------------|------------------|
| Age | <ul style="list-style-type: none"> Age as a protected characteristic considered, and no impact found. | □ | ⊗ | □ |
| Disability | <ul style="list-style-type: none"> Disability as a protected characteristic considered, and no impact found. | □ | ⊗ | □ |

| | | | | |
|---------------------------------------|---|---|---|---|
| Gender reassignment | <ul style="list-style-type: none"> Gender Reassignment as a protected characteristic considered, and no impact found. | □ | ⊗ | □ |
| Marriage and civil partnership | <ul style="list-style-type: none"> Marriage and civil partnership as a protected characteristic considered, and no impact found. | □ | ⊗ | □ |
| Pregnancy and maternity | <ul style="list-style-type: none"> Two tiers of leave have been created in the legislation to best support the employees and the employer. Tier 1 is likely to be taken by an employee who are also taking paternity leave whereas Tier 2 is likely to be taken by those employees who are also taking maternity/adoption leave. This is because maternity/adoption leave starts when the child is born/placed with the adopter whereas paternity leave can be started at any time within the first 52 weeks of the birth/placement – there is more flexibility. As maternity/adoption leave cannot be put on hold the neonatal care leave (as taken in tier 2) is added to the end of the maternity/adoption leave. In cases where the baby passes away or the adoption is disrupted the employee that takes paternity leave will likely have taken neonatal care leave as tier 1 (at the time of the child being in neonatal care) and will then be able to take paternity leave and then parental bereavement leave. It therefore seems appropriate that in the situation of the child’s death/placement disruption that the employee taking maternity/adoption leave should be able to take the neonatal care leave after their maternity even though the child is no longer with them as they were unable to take it earlier without disrupting and therefore ending their maternity/adoption leave. This has been written into the policy. | ⊗ | □ | □ |

| | | | | |
|--|--|---|---|---|
| Race and ethnicity | <ul style="list-style-type: none"> Race as a protected characteristic considered, and no impact found. | □ | ⊗ | □ |
| Religion or belief | <ul style="list-style-type: none"> Religion or belief as a protected characteristic considered, and no impact found. | □ | ⊗ | □ |
| Sex | <ul style="list-style-type: none"> Sex as a protected characteristic considered, and no impact found. | □ | ⊗ | □ |
| Sexual orientation | <ul style="list-style-type: none"> Sexual orientation as a protected characteristic considered, and no impact found. | □ | ⊗ | □ |
| Armed Forces (including serving personnel, families and veterans) | <ul style="list-style-type: none"> Armed Forces as a protected characteristic considered, and no impact found. | □ | ⊗ | □ |
| Other, e.g. carers, low income, rurality/isolation, etc. | <ul style="list-style-type: none"> Carers and rurality/isolation considered, and no impact found. Those with low income have been noted in the evidence section as being more likely to have a baby who require neonatal care. The legislative requirements are to pay statutory minimum during any period of Neonatal Care Leave – this may be off-putting for those who already have a low income as they will have their pay further reduced and may therefore choose to return to work rather than take this leave. Options for enhanced pay are to be considered. | ⊗ | □ | □ |

| Negative outcomes action plan Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take. | | | | |
|--|-------------|--------------------|---------------------------|-------------------------------------|
| Action taken/to be taken | Date | Person responsible | How will it be monitored? | Action complete |
| Pregnancy & Maternity - writing into the policy - Employees taking tier 2 leave whose child passes away or the placement is disrupted (in cases of adoption) are able to take the neonatal care leave after their maternity/adoption leave as they did not have the opportunity to do so at the time. This provides equity between employees taking tier 1 and tier 2 leave. | 11/03/2025 | Policy Team | N/A | <input checked="" type="checkbox"/> |
| Low Income – full pay offered to those with 1 years service – this will support employees to take leave without financial concern. | 28/03/2025 | Policy Team | N/A | <input type="checkbox"/> |
| | Select date | | | <input type="checkbox"/> |
| | Select date | | | <input type="checkbox"/> |
| | Select date | | | <input type="checkbox"/> |
| | Select date | | | <input type="checkbox"/> |
| | Select date | | | <input type="checkbox"/> |
| | Select date | | | <input type="checkbox"/> |
| If negative impacts remain, please provide an explanation below. | | | | |
| (Empty space for explanation) | | | | |

| | |
|--|-----------------------------|
| Completed by: | Mollie Puttock-Jones |
| Date | 28/03/2025 |
| Signed off by: | |
| Date | |
| Equality Lead sign off name: | |
| Equality Lead sign off date: | |
| To be reviewed by: (officer name) | |
| Review date: | |

HR Committee Work Programme 2024/25

| Meeting Date | Agenda Item | Officer |
|--------------|--|----------------|
| 9 OCT 24 | Health and Safety Policies Policies Work Equipment Young Persons Fire Manual Handling Volunteers Training Asbestos | Daniel Thomas |
| | HR Policies | Sari Brice |
| | Workforce Update | Dawn Bettridge |
| | Committee Work programme - The committee and officers will discuss and make suggestions with what they would like to come to future committees. | Dawn Bettridge |
| 13 JAN 25 | Health and Safety Policies Please click here to see the health and safety policies that are being brought to this committee. | Daniel Thomas |
| | HR Policies | Sari Brice |
| | Workforce Update | Dawn Bettridge |
| | Committee Work programme - The committee and officers will discuss and make suggestions with what they would like to come to future committees. | Dawn Bettridge |
| 9 APR 25 | HR Policies | Sari Brice |
| | Workforce Update | Dawn Bettridge |
| | Committee Work programme - The committee and officers will discuss and make suggestions with what they would like to come to future committees. | Dawn Bettridge |
| OCT 25 | Health and Safety Policies Please click here to see the health and safety policies that are being brought to this committee. | Daniel Thomas |

**HR Committee
Work
Programme
2024/25**

| <u>Policies to be scheduled to come to committee</u> | <u>Intended for HR Committee meeting (tbc)</u> |
|---|---|
| Work Equipment | 09/10/24 |
| Young Persons | 09/10/24 |
| Fire | 09/10/24 |
| Manual Handling | 09/10/24 |
| Volunteers | 09/10/24 |
| Training | 06/01/25 |
| Asbestos | 06/01/25 |
| Serious Incident Follow-up | 06/01/25 |
| Reporting Health and Safety Incidents | 06/01/25 |
| Investigating H&S Incidents | 06/01/25 |
| Involving employees in H&S, Safety Reps and Committees | 06/01/25 |
| Health and Safety Responsibilities | 06/01/25 |
| Personal Protective Equipment | 01/07/25 |
| Workplace Health, Safety, and Welfare | 01/07/25 |
| Managing Contractors | 01/07/25 |
| Partnerships | 01/07/25 |
| Audit | 01/07/25 |
| Electricity | 01/10/25 |
| Management of Construction Tasks | 01/10/25 |
| Noise | 01/10/25 |
| Work Related Violence | 01/10/25 |
| First Aid | 01/10/25 |
| Hazardous Substances | 01/01/26 |
| Risk Assessment | 01/01/26 |
| Infection Control and Blood-borne Viruses | 01/01/26 |
| Water and Open Spaces | 01/01/26 |
| Working Outside in the Sun and Extremes of Heat and Cold | 01/01/26 |

**HR Committee
Work
Programme
2024/25**

| | |
|---------------------------|----------|
| New and Expectant Parents | 01/01/26 |
| Working at Height | 01/01/26 |
| Confined Spaces | 01/01/26 |
| Safety Action Notices | 01/01/26 |
| Statement of Intent | 01/04/27 |
| Legionella | 01/04/27 |
| Slips, trips, and falls | 01/04/27 |
| Food Safety | 01/04/27 |

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