

5 July 2021		ITEM: 5
General Services Committee		
Paid Leave for Miscarriage		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Mykela Pratt, Strategic Lead HR, Resourcing and Improvement		
Accountable Assistant Director: n/a		
Accountable Director: Jackie Hinchliffe, Director of HR, OD and Transformation		
This report is public.		

Executive Summary

The purpose of the Council's 'Holiday, Time Off and Special Leave Policy' is to support staff with appropriate time off, to achieve an effective work-life balance and to provide support during periods of bereavement.

Currently in place to support staff is 'Special Leave' entitlement which is 1 week in any 12 month period at full pay (pro rata for part time employees) and up to 30 days unpaid leave for staff which can be granted by management on compassionate grounds. Also in place is 'Parental Bereavement Leave' which provides two weeks paid leave for staff who lose a child under the age of 18 including circumstances of stillbirth beyond 24 weeks of pregnancy.

There is currently no specific provision that provides employees with paid leave when they may sadly experience a miscarriage before 24 weeks of pregnancy.

This report sets out the recommended approach to apply a paid leave provision for employees who experience a miscarriage.

1. Recommendation

1.1 General Services Committee support the proposal to provide a paid leave provision for employees who suffer a miscarriage.

2. Introduction and Background

2.1 The purpose of the Council's 'Holiday, Time Off and Special Leave Policy' is to support staff with appropriate time off to achieve an effective work-life balance and to provide support during periods of bereavement.

3. Issues, Options and Analysis of Options

- 3.1 The current provision of paid special leave that is available to staff is 1 weeks paid leave (pro rata for part time employees) in any 12 month period. In addition staff can access up to 30 days off unpaid. This is detailed in section 28 of the policy at Appendix 1.
- 3.2 Within the policy there is a specific provision regarding Parental Bereavement Leave which provides 2 weeks paid leave (pro rata for part time employees) in the event of a death of a child under the age of 18 or for those that experience a stillbirth beyond 24 weeks of pregnancy. This is detailed in section 29 of the policy at Appendix 1.
- 3.3 There is not currently a provision in place for individuals, or the spouse or partner of individuals, who experience a miscarriage before 24 weeks of pregnancy. This means for staff who do experience a miscarriage that subsequently require time to recover or support their spouse / partner they are likely to take time off sick, use annual leave or special leave entitlement or return to work early without having recovered.
- 3.4 Recently the provision of paid leave for individuals who experience a miscarriage has received media attention with a number of organisations putting a supportive provision in place. Comparable examples including London Borough of Barking and Dagenham who have made the provision of up to 5 days paid leave (pro rata for part time employees) for their workforce following a miscarriage. This leave provision is available after each circumstance of a miscarriage.

4. Reasons for Recommendation

- 4.1 By implementing this provision, the Council will be supporting the wellbeing of our staff by allowing them to take appropriate time away from work. The Council will be recognised as a supportive employer and may also result in a reduction in sickness absence taken.
- 4.2 The recommended policy amendment is set out in section 29.7 of Appendix 1.

5. Consultation

- 5.1 The Trade Unions formally recognised by the Council – Unison, Unite and GMB – have been consulted on this proposed change and are supportive of the recommendation made.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The recommendation, if agreed, would require a change to the Holiday, Time Off and Special Leave Policy as shown in appendix 1. Amendments will also be made to other relevant policies where this change needs to be referenced.

7. Implications

7.1 Financial

Implications verified by: **Dammy Adewole**
Senior Management Accountant

Financial implications will be variable depending upon the number of employees who experience a miscarriage and choose to take the provision of paid leave entitlement.

7.2 Legal

Implications verified by: **Paul Field**
Senior Employment Lawyer

It is important to note that while there is no legal requirement to offer paid miscarriage leave per se, any sickness absence by an employee who is experiencing a miscarriage or recovering physically or emotionally from a miscarriage is arguably protected under section 18(2)(b) of Equality Act 2010. This provides that an employer discriminates against a woman if it treats her unfavourably because of a pregnancy or because of illness suffered by her as result of a pregnancy. Accordingly, miscarriage related sick leave should be paid, recorded as sickness absence in the 'pregnancy-related' category and should not count towards sickness absence trigger points or be used for appraisal or attendance management purposes.

7.3 Diversity and Equality

Implications verified by: **Becky Lee**
Team Manager - Community Development and Equalities

In supporting the recommendation the Council would be ensuring the Holiday, Time Off and Special Leave policy enhances the support on offer to employees who experience a miscarriage. In providing this, the Council will be displaying a commitment to best practice in terms of supporting their workforce.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

The proposed recommendation would be an enhanced benefit to staff employed at the Council.

8. Appendices to the report

- Appendix 1 – Holiday, Time Off and Special Leave Policy

Report Author:

Mykela Pratt

Strategic Lead HR, Resourcing and Improvement

HR, OD and Transformation