
Report To:	Policy & Resources Committee	Date:	21 June 2022
Report By:	Head of Organisational Development, Policy and Communications	Report No:	HR/05/22/BMcQ/GO
Contact Officer:	Barbara McQuarrie/Gillian O'Neill	Contact No:	01475 712845
Subject:	Pregnancy Loss Pledge		

1.0 PURPOSE

- 1.1 The purpose of this report is to ask the committee to note the content of the Miscarriage Association's Pregnancy Loss Pledge and to recommend that the Council "enhance the support" it provides to employees dealing with grief by signing the Pledge. It also recommends the committee approves an increase of the Parental Bereavement (Leave and Pay) Act 2018 from two weeks statutory paid leave to 2 weeks full paid leave, regardless of service.

2.0 SUMMARY

- 2.1 The Miscarriage Association is a register charity and it launched a new Pregnancy Loss Campaign in September 2021. Its aim is to introduce paid leave for families who experience a miscarriage before 24 weeks and to improve support for parents who experience miscarriage by encouraging work environments where employers show empathy and understanding towards people and their partners experiencing pregnancy loss.
- 2.2 Employers who make the pledge commit to a higher pregnancy loss standard to ensure that employees going through what can be a very difficult or traumatic time get the support and time off they need. The pledge also encourages workplaces to introduce a pregnancy loss policy or guidance, which is included in sickness, bereavement or other workplace policies.
- 2.3 Currently, the Parental Bereavement (Leave and Pay) Act 2018 provides parents with 2 weeks statutory leave, regardless of service. They are entitled to the 2 weeks' pay element if they have more than 26 weeks service and earn on average £123 a week before tax (gross) over an 8 week period. This applies to those parents following a death of a child under 18 years old or if they suffer a stillbirth from 24 weeks of pregnancy. Inverclyde currently provides this as well as bereavement leave.
- 2.4 Other councils are currently offering enhanced rates of Parental Bereavement (Leave & Pay), for example, Fife Council currently offers 2 weeks full pay, for all parents, regardless of service and/or earnings, for loss of a baby at any time during a pregnancy, up until the age of 18 years old.
- 2.5 Inverclyde Council could enhance the support it provides to employees and parents dealing with grief by signing the Miscarriage Association's Pregnancy Loss Pledge. If Inverclyde commits to the pledge and enhances the Parental Bereavement Leave they will follow the example of Fife Council by offering all parents 2 weeks leave fully paid, if they suffer a pregnancy loss at any time during their pregnancy and/or they loss a child up to the age of 18 years old.

3.0 RECOMMENDATIONS

3.1 It is recommended that the Policy & Resources Committee

- a) note the Miscarriage Association's Pregnancy Loss Pledge and agree that the Council enhance the support it provides to employees dealing with grief by signing up to the Pledge;
- b) enhance our current provisions under Parental Bereavement Leave and Pay and the Conditions of Service to offer all parents 2 weeks full pay, if they suffer a pregnancy loss at any time during their pregnancy and/or they lose a child up to the age of 18 years old; and
- c) note that a review will be undertaken of wider HR policies and procedures related to support for employees experiencing bereavement.

Steven McNab
Head of Organisational Development,
Policy and Communications

4.0 BACKGROUND

- 4.1 The Miscarriage Association is a register charity and it launched a new Pregnancy Loss Campaign in September 2021. Its aim is to introduce paid leave for families who experience a miscarriage before 24 weeks and to improve support for parents who experience miscarriage by encouraging work environments where employers show empathy and understanding towards people and their partners experiencing pregnancy loss.
- 4.2 The Miscarriage Association found that due to the stigma around miscarriage and the lack of support available, many in this position feel they are unable to grieve adequately. Many workers find themselves in a dilemma: to use sick leave or annual leave; or to return to work during a time of grief. Employers who make the pledge commit to a higher pregnancy loss standard to ensure that employees going through what can be a very difficult or traumatic time get the support and time off they need.
- 4.3 The Miscarriage Association's Pregnancy Loss Pledge requires employers to agree to:
- Encourage a supportive work environment where people feel able to discuss and disclose pregnancy and/or loss without fear of being disadvantaged or discriminated against
 - Understand and implement the rules around pregnancy-related leave, ensuring employees feel able to take the time off they need
 - Show empathy and understanding towards people and their partners experiencing pregnancy loss
 - Implement a pregnancy loss policy or guidance, or ensure it is included in sickness, bereavement or other workplace policies – being mindful of the needs of partners, too
 - Encourage line managers to access in-house or external guidance (such as that available on the MA website) on how to support someone experiencing pregnancy loss
 - Support people back to work by being responsive to their needs and showing flexibility wherever possible
- 4.4 Inverclyde Council could “enhance the support” it provides to employees dealing with grief by signing the Miscarriage Association's Pregnancy Loss Pledge. If Inverclyde commits to the pledge and enhances the Parental Bereavement Leave they will follow the example of Fife Council by offering all parents 2 weeks leave fully paid, if they suffer a pregnancy loss at any time during their pregnancy and/or they loss a child up to the age of 18 years old.
- 4.5 Currently, the Parental Bereavement (Leave & Pay) Act 2018 provides that parents will be entitled to at least 2 weeks statutory paid leave following the death of a child under 18 or if they suffer a still birth from 24 weeks of pregnancy. If the pregnancy is lost before 24 weeks, it is known as a miscarriage and parents are not entitled to maternity leave or pay or Parental Bereavement Leave.

5.0 INVERCLYDE CURRENT PROVISIONS

5.1 Statutory

The Parental Bereavement (Leave and Pay) Act 2018 known as 'Jack's Law' came in to force in April 2020. Two weeks statutory leave entitlement applies to parents who suffer the loss of a child from a stillbirth after 24 weeks of pregnancy up to the age of 18 years old and two weeks statutory pay entitlement applies for those with over 26 weeks service and with above average earnings.

5.2 Inverclyde Council Conditions of Service

Clause 17.6.1 of our Conditions of Service provides leave with pay for bereavement in the following circumstances:

“In the case of a near relative, such as a husband, wife, civil partner, partner, child, parent or

dependent reasonable paid time off as necessary. In dealing with such cases it is expected that managers will be sympathetic to the situation faced by the employee. In these circumstances the provisions do not specify a minimum or maximum period which may be allowed, it being expected that managers will liaise and agree with the employee “reasonable time off as necessary” having regard to all the circumstances.”

5.3 Inverclyde Council provides employees with access to a counselling service which provides support to employees for both work-related and personal problems and covers issues such as personal or emotional difficulties, relationship or family concerns, dealing with change, stress, bereavement, etc. Our Health & Wellbeing Hub on the Inverclyde Council Website provides information and resources to fully support employee wellbeing in day to day life, and useful resources to help employees focus on their wellbeing and find the support they need.

6.0 PROPOSALS

6.1 It is recommended that the Policy & Resources Committee consider the content of this report and agree the recommendations made in Section 3.

7.0 IMPLICATIONS

7.1 Finance

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if Applicable)	Other Comments
N/A					

7.2 Legal

All Legal issues are included in the report.

7.3 Human Resources

All Human Resources issues are included in the report.

7.4 Equalities

Equalities

(a) Has an Equality Impact Assessment been carried out?

X	YES – is available on the Equality Impact Assessment 2022 webpage on the Council website: https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments/equality-impact-assessments-2022
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NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

X	YES –
	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES
X	NO

7.5 Repopulation

n/a

8.0 CONSULTATIONS

8.1 Trade Unions have been consulted and are in support of the recommendation.

9.0 BACKGROUND PAPERS

9.1 n/a