

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – People & Technology****Corporate Services Committee: 1 February 2023**

Subject: Pregnancy Loss Scheme**1. Purpose**

- 1.1** The purpose of this report is to inform the committee of the development of a Pregnancy Loss Scheme and gain approval for implementation.

2. Recommendations

- 2.1** The Committee is asked to approve the Pregnancy Loss Scheme (attached at Appendix 1).

3. Background

- 3.1** West Dunbartonshire Council is committed to supporting its' employees and, in line with the People First Strategy, putting people and good people practice are at the heart of the organisation. The Pregnancy Loss Scheme is a new scheme, which aims to support employees and their partners, and has been designed to provide guidance and a compassionate response to employees who experience pregnancy loss.

- 3.2** The Scheme is applicable to Local Government Employees, Teachers, Chief Officers and Craft/Quasi-craft workers.

- 3.3** The Pregnancy Loss Scheme recognises the implications of, and responsibilities under, the Equality Act 2010 and enhances the support and assistance available to employees coping with pregnancy loss. It also adopts the principal and commitment of Article 8 of European Convention on Human Rights, which "protects your right to respect for your private and family life."

4. Main Issues

- 4.1** It is the intention of the scheme to fully encompass statutory entitlements for employees who experience pregnancy loss. The scheme outlines the support available, and advice that may be useful, should an employee need it at a difficult time. Due to the nature of the topic, it is appropriately sensitive to keep this separate from other family related policies.

- 4.2** The scheme is in line with relevant employment legislation including the Employment Right Act 1996 and the Maternity and Paternity Leave

Regulations 1999. Further occupational entitlements under the Scheme for noting are:

- Employees who suffer neo-natal loss even at any point will be entitled to Maternity rights and benefits;
- Employees who have been affected by pregnancy loss (including partners subject to discretionary Manager approval and those affected by loss through fertility treatment from the point of embryo transfer) will be eligible for paid leave under this scheme if they are not able to access either Maternity or Parental Bereavement Leave. Although this is not currently a legislative requirement for pregnancy loss under 24 weeks, as a guide the Council will give up to 5 days paid leave pro-rata. There is no limit to the number of times this leave can be taken to support employees at this difficult time.

4.2 A guidance note for managers will accompany this scheme to ensure effective implementation of the Scheme. The Guidance Note for Managers will include:

- Key information and definitions to ensure understanding of Pregnancy Loss;
- The support mechanisms available for all employees going through pregnancy loss; and
- Supporting information to guide managers in implementing the scheme.

5.0 Key change drivers

5.1 West Dunbartonshire Council signed up to the Pregnancy Loss Pledge on 3rd March 2022 and is therefore a driver for implementing a pregnancy loss scheme. The Council was delighted to commit to the Pregnancy Loss Pledge and welcomed the opportunity to highlight the work already undertaken and further developing to support employees who are affected by pregnancy loss.

5.3 A benchmarking exercise across Scottish Local Authorities was undertaken to review similar policies/schemes. None were identified from those that replied so there is also an opportunity to share our good practice more widely in Local Government. Further research explored Schemes currently offered in organisations such as Channel 4 and the CO-OP. This scheme has been developed based on these best practice example schemes including employee supports, leave entitlements (for all employees) and support when returning to work.

5.4 Further changes are expected should the Neonatal Care (Leave and Pay) Bill be enacted in relation to additional leave for parents of neo-natal babies. This may not be implemented until 2024-25.

6.0 Next steps

6.1 On approval of this scheme the Maternity Scheme, Paternity and Maternity Guidance, Bereavement Scheme and Special Leave Policy will be updated accordingly to reflect these provisions and links to this Scheme. Although not all policies/schemes will require material changes in policy there may be a change to the special leave policy to incorporate the paid leave for pregnancy

loss prior to 24 weeks and Maternity Scheme & Guidance in relation to neo-natal loss including that shared parental can only be taken following neo-natal loss where this was already booked in advance. Policies will be bought back to Committee should there be material changes in line with the Policy development framework.

- 6.2** The new scheme will be communicated through workforce updates, newsfeed articles, Trickle – the Council’s engagement platform and briefing notes provided for managers to share at team meetings. Wellbeing Advocates will also be used as a critical communication channel. The HR team will use email signature messaging to promote the scheme in all of their correspondence. TU Convenors and Representatives and Chief Officers will be asked to also circulate the introduction of the new scheme ensuring it reaches all employees.

7. People Implications

- 7.1** The introduction of this Scheme will promote awareness in relation to Pregnancy Loss and will ensure effective processes are available to support employees who have suffered such a loss.
- 7.2** The Scheme for employees is accessible on the Council intranet.

8. Financial and Procurement Implications

- 8.1** Any financial implications associated with this Scheme will be in relation to the provision of paid leave for this purpose. However, the benefits of supporting employees at this difficult time, mitigating the need for other leave to be taken such as sick leave is in support of our People First Strategy and family friendly policies.

9. Risk Analysis

- 9.1** Application of the new scheme will support employees going through a very difficult time and confirm available entitlements.

10. Equalities Impact Assessment (EIA)

- 10.1** An EIA was conducted and approved on 16th March 2022. Please see Appendix 2. Due to the delay in this coming forward for agreement this has been reviewed and its contents remain relevant with no further amendments required.

11. Consultation

- 11.1** The formulation of The Pregnancy Loss Scheme was informed by feedback from Human Resources, employees and Trade Unions.

11.2 Agreement to the Scheme has been provided by Unite, GMB and Unison and EIS on behalf of the Education Trade Unions.

12. Strategic Assessment

12.1 This report directly supports the Council's People First Strategy ensuring this Scheme is aligned to the ethos in providing meaningful and tangible support to employees.

Victoria Rogers
Chief Officer – People and Technology
Date: 16th January 2023

Person to Contact: Ilene McCollum HR Advisor, Church Street, Dumbarton
Tel: 07909 520457
Email: ilene.mccollum@west-dunbarton.gov.uk

Appendices: Appendix 1 – Pregnancy Loss Scheme
Appendix 2 – Equality Impact Assessment

Background Papers: None

Wards Affected: None