

**Committee: Cabinet**

**Date: 22 June 2021**

Wards: ALL

## **Subject: Inclusion of miscarriage and stillbirth as specified categories into the Bereavement/Special Leave Policy**

Lead officer: Caroline Holland

Lead member: Councillor Tobin Byers

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### **Recommendations:**

- A. Cabinet to note the inclusion of miscarriage and stillbirth as specified categories into the Bereavement/Special Leave Policy. This would allow those staff members suffering the grief of miscarriage or stillbirth to have up to 5 days (10 with Directors discretion) paid leave.

### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

Cabinet are asked to note the implications and benefits of introducing miscarriage and still birth as a specified category to Merton's Bereavement/Special Leave policies. This would allow those staff members suffering the grief of a miscarriage or still birth to have up to 5 days (10 with Director approval) paid leave in order to allow them the opportunity to grieve.

### **2. DETAILS**

- 2.1 In February 2020 it was agreed that staff members who were suffering from the birth of a premature baby (a baby born less than 36 weeks before it's due date) would be able, under the special leave policy, to have up to 5 days (10 days with Director approval) paid leave. This was to recognise that these premature babies were likely to suffer from on-going medical problems and it would allow our staff members to have additional time to care and bond with their babies once they were released from hospital.
- 2.2 Barking and Dagenham announced on the 12<sup>th</sup> May that they are the first London Council to allow 5 days paid leave for their staff members who may be suffering from miscarriage or stillbirth. Recognising that the grief that these staff members will feel will be significant.
- 2.3 This is also a policy that is widely recognised in New Zealand.
- 2.4 The reality is that any staff members suffering from miscarriage or still birth are very likely to be absent from work under the sick pay policy. Legitimising miscarriage and stillbirth as a reason for paid leave will demonstrate Merton's care and consideration for their staff who are suffering a genuine bereavement.

This would apply to either partner and the miscarriage could occur at any stage of the pregnancy.

- 2.5 Barking and Dagenham are also offering support to these staff to enable them to return to the workplace by offering a buddy system.
- 2.6 Under UK law there is no obligation for employers to give someone bereavement leave if they or their partner loses a baby before the 24<sup>th</sup> week of pregnancy. If a staff member experienced a miscarriage after 24 weeks this would be referred to as a premature stillbirth if the baby did not survive. The staff member would be required to take 2 weeks leave under the maternity policy as there is a requirement to take 2 weeks leave after delivery. This however, would not be extended to the partner of the pregnant woman.
- 2.7 The proposal has been agreed at senior management level and this will be proactively communicated to staff as a positive initiative and as part of a suite of initiatives that are aimed at supporting the mental health and wellbeing of our staff.

### **3. ALTERNATIVE OPTIONS**

- 3.1 The Council could have decided not to adopt this criteria amendment to the Special Leave Policy. However, the reality will be that if a staff member is genuinely bereaved at having a stillbirth or miscarriage they would probably be absent under the sick leave policy

### **4. CONSULTATION UNDERTAKEN OR PROPOSED**

The Trade Unions will see this as a positive move to Merton supporting the health and wellbeing of our staff.

### **5. TIMETABLE**

This initiative will be immediately introduced.

### **6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

It is difficult to tell what the financial impact of this initiative might be as it is unknown how many staff might have experienced miscarriage or stillbirth or where their partners have experienced stillbirth and miscarriage in any year. To our knowledge there was only one staff member who experienced a stillbirth in 2020.

### **7. LEGAL AND STATUTORY IMPLICATIONS**

Whilst there is no legal obligation to provide any form of bereavement leave to a pregnant woman or their partner who is less than 24 weeks pregnant, the addition of this criteria to the Special Leave Policy, if introduced, would extend a

bereavement provision to any miscarriage or stillbirth and not only to the pregnant woman but also their partner.

**8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1 N/A

**9. CRIME AND DISORDER IMPLICATIONS**

9.1 N/A

**10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1 Miscarriage, particularly where it happens early on in the pregnancy is often overlooked as a bereavement but the prospective parents will no doubt feel genuine grief at their loss, this will magnify itself as the pregnancy progresses and to a situation where the birth results in a stillbirth. The health and wellbeing of our staff is a high priority and legitimising their need for some time away from the office, as opposed to them having to claim sick leave demonstrates the organisation's empathy for a very genuine bereavement. The amount of time required may depend on how far the pregnancy has developed but the Manager would have the discretion of allowing up to 5 days (up to 10 with Director approval).

**11. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

N/A

**12. BACKGROUND PAPERS**

N/A

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