

Additions to Family Leave - Pregnancy Loss Pledge and Fertility Treatment Leave**Report by Gary Fairley, Chief Officer Corporate Solutions****Report for Decision****1 Recommendations**

The Council is recommended to

- i. Consider committing to the Miscarriage Association's Pregnancy Related Pledge, also
- ii. to further providing paid time off up to 5 days (pro rata) for any employee who has suffered a miscarriage and for their partner too, and
- iii. to provide support to employees who have decided to go through the in-vitro fertilisation (IVF) process and allow 2 days paid leave (pro rata) per cycle of treatment up to a maximum of 5 days (pro rata) in a leave year for the employee and their partner.

2 Purpose of Report/Executive Summary

The Miscarriage Association is urging employers across the UK to commit to supporting their staff through the distress of miscarriage.

They are encouraging businesses and organisations to meet their new 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.

To date, amongst others, the British Army, Fife Council, West Dunbartonshire Council, East Renfrewshire Council and Inverclyde Council have signed up for the Pregnancy Loss Pledge.

The standard asks employers to understand and implement the rules around pregnancy-related leave, create a supportive work environment, to have a policy or guidance in place, to ensure line managers have access to resources to help them manage a difficult situation and to support people, including partners, back to work by showing flexibility wherever possible.

2.1 Fertility Treatment

Becoming a parent is one of the biggest steps in life and one of the most rewarding experiences in the world. For those who cannot conceive naturally, IVF can quite literally deliver miracles. Sadly, one in six couples will experience trouble conceiving.

There is currently no statutory right to paid time off to undergo fertility treatment, however as a family friendly employer offering a number of options to working parents, the Council is requested to consider introducing 2 days paid leave (pro rata) per cycle of fertility treatment, up to a maximum of 5 days (pro rata) in a leave year for the employee and their partner.

As a reminder, the Council currently provides family leave under the following headings – maternity leave/adoption leave/shared parental leave/paternity leave/parental leave/surrogacy leave/parental bereavement leave/foster care and kinship care leave.

For information; neonatal leave and pay is expected to become legislation soon as it had its second reading in Parliament on 15 July 2022. This will provide up to an additional 12 weeks statutory leave whilst a premature baby remains in neonatal care.

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3 Background

3.1 Pregnancy Loss Pledge

The pain of miscarriage impacts countless lives: One in four pregnancies will result in this reality. While the emotional and physical ramifications can be incredibly hard to go through.

By taking the Miscarriage Association Pregnancy Loss Pledge the Council agrees 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 staff 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 on how to support someone experiencing pregnancy loss;
- Support people back to work by being responsive to their needs and showing flexibility wherever possible.

If we agree to take the Pledge, we will be issued with marketing information by the Miscarriage Association to enable us to share this with staff and/or on social media.

Campaigning is ongoing by Angela Crawley, SNP MP for Lanark and Hamilton East to introduce miscarriage leave.

However, in the meantime as well as taking the Pledge, we request that the Council introduces 5 days of paid leave (pro rata) for any employee who suffers a miscarriage and to extend this leave to her partner too. This is a family friendly approach consistent with all the other family friendly offerings the Council already has in place.

3.2 Fertility Treatment

Employees struggling with fertility problems or going through fertility treatment should be better supported by the Council. There is currently no statutory right to take time off work to undergo IVF treatment; however, Fertility Network UK recommended employers treat fertility issues in the same way as any other medical issue and provide employees the flexibility they require around treatments.

Investigations regarding infertility, consultations exploring treatment options and medical interventions aimed at assisting conception should be regarded as medical appointments and entitlement to time off to attend such appointments is covered by the Council's usual procedures.

In order to support employees who are going through fertility treatment, the Council is suggesting to grant 2 days paid leave (pro rata) per cycle of IVF up to a maximum of 5 days (pro rata) in a leave year. This will allow the individual some time to deal with the physical and emotional effects of fertility investigations or interventions.

4 Report Implications (Resource, Digital, Risk and Equalities)

4.1 Resource

Additional paid time off for individuals if these two categories would be applicable. This would clearly have an impact on staffing, this needs to be weighed up with the wellbeing of staff.

4.2 Digital

There are no direct IT implications as a result of this report.

4.3 Risk

Whilst there are no direct risks associated with this report, adopting this guidance should in turn encourage individual's experiencing miscarriage or going through the In Vitro Fertilisation (IVF) to feel better supported and in turn could reduce sickness absence levels if there is now specific leave for these purposes.

4.4 Ensuring Equalities

Providing appropriate support within an individual's place of work will better enable equality of opportunity. These interventions have been identified as having a positive impact on those with protected characteristics i.e. pregnancy and maternity

4.5 Additional Report Implications (See Appendix A)

Appendices

Appendix A – Additional Report Implications

APPENDIX A – Additional Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Midlothian Council and its Community Planning Partners have made a commitment to treat the following areas as key priorities under the Single Midlothian Plan:-

- Reducing the gap in economic circumstances
- Reducing the gap in learning outcomes
- Reducing the gap in health outcomes
- Reducing the impact of climate change

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☒ Modern
- ☐ Sustainable
- ☐ Transformational
- ☒ Preventative
- ☐ Asset-based
- ☐ Continuous Improvement
- ☒ One size fits one
- None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious

A.4 Delivering Best Value

The guidance does not directly relate to the delivery of best value.

A.5 Involving Communities and Other Stakeholders

Trade Union colleagues will be notified if approval is received to proceed.

A.6 Impact on Performance and Outcomes

Adopting and implementing the guidance will positively impact on the working lives of Council's employees and partners who have experienced miscarriage or are going through fertility treatment.

A.7 Adopting a Preventative Approach

Adopting and implementing the guidance will help to support employees in fulfilling their duties.

A.8 Supporting Sustainable Development

Adopting and implementing this supportive time off will contribute to our employee's wellbeing and inform sustainable development.