

<b>Committee(s)</b>	<b>Dated:</b>
Establishment Committee	5 September 2019
<b>Subject:</b> Premature Baby Leave Scheme	<b>Public</b>
<b>Report of:</b> Chrissie Morgan, Director of HR	<b>For Decision</b>
<b>Report author:</b> Colette Hawkins, Strategic HR Projects Manager	

### Summary

The City of London Corporation strives to be an employer of choice for all individuals. As such the City Corporation has a range of family friendly policies which aim to support employees to create a work-life balance and allow us to meet our statutory duties, which we actively promote to both potential employees and our existing employees. As part of an on-going review of family friendly policies this report sets out options for the introduction of a Premature Baby Paid Leave Scheme where babies are born before 37 weeks. The report also asks Members to consider whether to approve a scheme which would enable the City Corporation to sign the Employer with Heart Charter.

### Recommendations

Members are asked to:

- Approve the implementation of a Premature Baby Paid Leave Scheme for inclusion in the maternity and paternity policies
- Approve the signing of the Employer with Heart Charter if option 2 is approved

### Main Report

#### Background

1. The City of London Corporation has a duty of care to ensure that all employees are adequately supported and not disadvantaged through various stages in their personal and professional lives. As such the City Corporation has a range of family friendly policies which aim to support employees to create a work-life balance and allow us to meet our statutory duties.
2. In December 2017 the Establishment Committee approved changes to the maternity, adoption and shared parental leave schemes enhancing the rate of pay for staff with over 52 weeks service. This is for 16 weeks at full pay and 24 weeks at half pay, inclusive of statutory payments.
3. There is currently no additional provision in terms of paid or unpaid leave for staff where babies are born prematurely.

## **Current Position**

4. Each year there are over 95,000 premature or sick babies born in the UK. This is an emotional and difficult time for families and the City Corporation wishes to support staff who may be affected.
5. The cost of an average stay in neonatal care will cost a family in excess of £2,000, this includes travel costs, food, parking charges, unpaid leave from work and childcare costs for siblings (*Bliss, 2014: It's not a game: the very real costs of having a premature or sick baby*).
6. A number of other organisations already offer additional paid leave for employees whose baby is born before 37 weeks. Examples include: Croydon Council, Financial Services Compensation Scheme (FSCS), London City Hall, London Energy Company, Southwark Council, University College London Hospital, Waltham Forest Council and Westminster Council.
7. The maternity leave and paternity leave policies will be updated to provide practical guidance on steps managers should take, focussing on communication with the employee during this time and signposting employees to other policies which may be applicable.
8. A review of all employment policies is in progress to ensure that they all include gender neutral language and are fully inclusive in their approach.

## **Options**

9. In order to minimise financial pressures for employees at this time, it is proposed to extend the paid leave for employees whose baby is born before 37 weeks.

### Maternity Policy

10. Option 1: Employees will be entitled to receive an extra day of Premature Baby Paid Leave for every day their premature baby spends in hospital before their expected due date. The leave entitlement will be added to the end of the employee's Maternity Leave period after this leave entitlement has been exhausted.
11. Option 2: Employees will be entitled to receive an extra day of Premature Baby Paid Leave for every day between the date their baby is born and the expected date of birth. The leave entitlement will be added to the end of the employee's Maternity Leave period after this leave entitlement has been exhausted.
12. In the financial year 2018/19 there were 59 maternity leave occurrences, and we are aware that 3 employee's babies were born prematurely. Data is not held on how long the babies were kept in hospital therefore potential costs for option 1 cannot be provided. However, costs for option 2 would have resulted in a total of 124 days additional paid leave, costing approximately £13,000.

### Paternity Leave Policy

13. It is recommended that the paternity leave policy is also enhanced to allow employee's in the same situation with a premature baby born before 37 weeks an additional 2 weeks Premature Baby paid leave. This is in line with other employers who have introduced a premature baby leave scheme. Data is not held on when babies are born prematurely for employees who are eligible to claim paternity leave.

### **Recommendations**

14. If option 2 above is agreed this will enable us to sign the Employer With Heart Charter (appendix 1). This will demonstrate to not only our employees, but also externally, our commitment to supporting our employees. There is no cost attached to signing the charter.

### **Implementation Plan**

15. If the Premature Baby Paid Leave schemes are agreed the scheme will apply to all premature babies born from the date the committee makes the decision.
16. The maternity and paternity leave policies will be amended with the wording shown in appendix 2.

### **Corporate & Strategic Implications**

17. The maternity and paternity leave policies are part of our suite of family friendly policies. It also links with the responsible business strategy.
18. It links to the Corporate Plan aim of contributing to a flourishing society.

### **Implications**

19. Financial implications associated with implementing a Premature Baby Paid Leave scheme will be small, as research has shown that only 7% of births end in pre-term labour, with the majority (85%) of premature births happening between 32 – 37 weeks. In the City Corporation there are 3 known cases of a baby being born prematurely in the financial year 2018/19.
20. Legal implications have been fully considered through consultation with the Comptrollers and City Solicitors. The Trade Unions have been consulted on this proposal and are supportive of these measures. Views have been sought through the development on this proposal from the HR community, managers and the staff networks.
21. There are no security or additional resourcing implications.
22. A test of relevance, as required by the Public Sector Equality Duty (PSED) was undertaken at the start of the initial review and identified that the actions identified would be positive in their approach. This has been reviewed and the actions remain a positive impact.

## **Conclusion**

23. Implementing a scheme to allow the small number of employee's whose babies are born prematurely with additional paid leave, supports our drive to have attractive terms and conditions of service and in particular family friendly policies. Such initiatives demonstrate that we value our staff and can also aid recruitment and retention.
24. When considering any new employment policy, full equality reviews will continue to be undertaken to ensure that no group is treated detrimentally.

## **Appendices**

- Appendix 1: Employer With Heart Charter
- Appendix 2: Wording to be added to the Maternity and Paternity Leave Policies

## **Background Papers**

- Test of Relevance – Maternity, Paternity, Adoption and Shared Parental Pay
- London Council's Maternity Pay survey results

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## **Appendix 1: Employer with Heart Charter**

This is run by the charity The Smallest Things, which campaigns for better support for the families of premature babies.

### **We agree to**

**Extend maternity leave for mothers who give birth prematurely** (before 37 weeks gestation) by the number of days a baby was born prior to their due date. We will pay extended leave at full pay and this may be classed as compassionate leave.

**Give partners the time they need to be with their baby in hospital**, receiving at least two weeks' paid compassionate leave on the birth of their premature baby. Partners may wish to save or split their parental leave, being there when their baby comes home from hospital. We understand that plans may change depending upon the baby's medical needs, that additional compassionate leave may be required and that the date a baby will come home from hospital is rarely set in stone.

**Support parents returning to work following the birth of a premature baby.** We understand that returning to work can be a difficult time for parents of premature babies and that babies born too soon can have ongoing medical needs, requiring regular hospital appointments and check-ups. We therefore follow the [ACAS best practice guidance](#), considering formal and informal flexible working patterns and offering additional paid or unpaid leave.

## Appendix 2: Policy Wording

### Maternity Policy

#### Support for Parents with Premature Babies

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1. The NHS defines premature babies as those born before 37 weeks. The City Corporation wishes to support parents when their baby is born prematurely and needs neonatal care in hospital. Communication between the employee and their manager or HR representative is more important and will be undertaken with care.
2. If the baby has been born prematurely, before the MAT B1 form has been provided, managers will remind the employee in their early conversations to forward the MAT B1 form or another form of medical evidence confirming the date of birth and expected due date ensuring it is signed by a doctor or midwife, to them as soon as possible to ensure that the employee does not incur any financial hardship during this stressful time for the employee.
3. Managers will also discuss with the employee what they would like their colleagues to be told about the situation, and what contact they may / may not want.
4. In order to minimise financial pressures for employees whose baby is born before 37 weeks they are entitled to receive a day's Premature Baby Leave and Premature Baby Pay for every day their premature baby spends in hospital before their expected due date OR for every day between the date their baby is born and the expected due date.
5. The additional paid Premature Baby Leave must be taken following the end of the maternity leave period.

*Note: Paragraph 4 will be amended following the Establishment Committee's decision*

### Paternity Policy

#### Support for Parents with Premature Babies

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1. The City Corporation wishes to support parents when their baby is born prematurely (the NHS defines premature babies as those born before 37 weeks). In order to minimise financial pressures for employees whose baby is born before 37 weeks they are entitled to receive two additional week's paid Premature Baby Leave. Employees can choose if they wish this period of leave to run consecutively with their period of paternity leave or if they wish to have two separate periods of leave.

2. If the baby has been born prematurely, before the correct HMRC form is completed managers will remind the employee in their early conversations to forward this to them as soon as possible. Managers will also discuss with the employee what they would like their colleagues to be told about the situation, and what contact they may / may not want.