

**Report for:**                **Staffing & Remuneration Committee 26<sup>th</sup> March 2018**

**Item number:**        **7**

**Title:**                    **Report on proposed changes to the family friendly policies on the birth of premature babies**

**Report  
authorised by :**    **Richard Grice**

**Lead Officer:**        **Liz Hammond**

**Ward(s) affected:** **None**

**Report for Key/  
Non Key Decision:** **Decision**

**1        Describe the issue under consideration**

- 1.1    This report makes recommendations to introduce additional paid leave to staff who experience premature births for each week that a baby is born prematurely (before 37 weeks gestation). The additional paid leave will be for each week that the baby is born prematurely to the point that the baby leaves hospital or reaches their due date (whichever is the earlier).

**2        Cabinet Member Introduction**

N/A

**3        Recommendations**

- 3.1    That Haringey will extend their maternity and paternity policies to include a provision for parents who experience premature births. With paid leave for each week that the baby is both prematurely (before 37 weeks gestation). The additional paid leave will be for each week that the baby is born prematurely to the point that the baby leaves hospital or reaches their due date (whichever is the earlier).

**4        Reason for Decision**

- 4.1    Parents who suffer from premature births are likely to be at risk of severe anxiety, postnatal depression and delayed ability to bond with their babies. The baby is likely to be at risk of ongoing medical problems that continue after the baby has been released from full time hospital care. The recommendations aim to support these parents by providing additional paid or unpaid leave (to be agreed).

**5        Alternative Options Considered**

5.1 To remain as we currently are with no additional provision for parents of premature babies.

## **6      Background:**

6.1 Haringey Council remain committed to providing a total reward package for staff that takes into account the differing lifestyles of our workforce with a view to producing a variety of benefits that will have an appeal to all its employees.

Haringey currently offers:

- A generous final salary pension scheme (either through LGPS, Teachers or NHS) with additional benefits of life and ill health cover
- Holiday trading – the ability to purchase annual leave
- Tax free childcare vouchers
- Cycle to work loan scheme
- Retail discounts (entertainment, health, finance, motoring, shopping and travel)
- Employee Assistance Programme (advice and emotional support to employees and their families)
- Long Service Award (20 years)
- Savings – London Capital Credit Union
- Health Cash Plan
- Free eye tests
- Subsidised leisure and gyms
- Local deals

In addition Haringey offer their permanent staff a generous annual leave allowance, sickpay provision, enhanced maternity, parental leave and paternity leave, enhanced redundancy and flexible working.

In order to enhance the benefits Haringey has on offer this report focuses on the often-distressing time that parents can experience when a baby is born prematurely, with a proposal to provide additional leave for those parents who experience a premature birth.

Waltham Forest Council were featured in the Evening Standard on the 2 January 2018 as the first Council to provide additional leave, either maternity or paternity leave, to parents who have a baby born prematurely. A premature birth is classified by the NHS as a baby being born before 37 weeks gestation.

Waltham Forest have adopted a policy whereby a mother or father are entitled to an additional 7 days leave (one week) for every week that a baby is born prematurely (before the 37<sup>th</sup> week of gestation/3 weeks before the expected due date). The calculation is based from the date the baby is born up to the date the baby is discharged from full time hospital care or has reached the original due date (whichever is the earlier). The additional leave is paid.

Official statistics from an 'Action Research' report that there are 61,000 (approximately 1 in every 8 babies) premature births in the UK each year, of which 1,000 of these babies will die.

In the UK maternity leave is triggered the day a baby is born, irrespective of when the original due date is. Normally the earliest maternity leave can start is 11 weeks before the expected week of childbirth. If an employed mother is off work for a pregnancy-related illness in the 4 weeks before the week that the baby is due, her maternity leave and pay will start automatically. If a baby is born prematurely their development can be severely affected and these babies often spend weeks, up to their due date and beyond, in a special care unit in hospital where their parents have limited access to be able to hold, bond and care for their baby. In many of these cases when these babies are released from full time hospital care they are still under hospital care, with many outpatient appointments and with continuing medical problems.

A Charity called 'The Smallest Things' was launched in 2014 by Catriona Ogilvy, a Children's Occupational Therapist whose son was born at 30 weeks. The Charity has been seeking support from government to make a policy change to family friendly policies on premature births.

The key aims of the charity are to:

- Promote the good health of premature babies and their families
- Raise awareness of premature birth and the needs of families following intensive care.
- Promote high quality care for mothers affected by postnatal depression, anxiety and symptoms of post-traumatic stress disorder associated with premature birth.

Appendix 1 sets out the aims of the Charity. As a compassionate employer Haringey wishes to support the Charity's aims and lead by example by extending maternity and paternity provision for parents of premature babies.

## **6.2 The impact of premature birth on society**

- Premature Baby Charity Bliss estimates that the average cost to parents of spending time with their premature baby in neonatal care is £2,256.
- Specialist care is usually provided for premature or sick babies in a specialist newborn (neonatal) unit. Babies may be transferred to a different or specialist hospital if the treatment or specialist care they require is not available in the area where they were born.
- 40% of mothers develop postnatal depression following neonatal intensive care, compared to 5-10% of mothers who deliver without complication at full-term.
- More than half of mothers report anxiety and symptoms of Post-Traumatic Stress Disorder following neonatal intensive care.
- 1 baby in 8 is born prematurely and will remain in hospital until its due date.
- Parents are often unable to spend any quality time with their premature babies for a substantial period of their maternity/paternity leave.

Haringey currently has approximately 130 maternity leaves per annum (average over the last 3 years) but it is not possible to say how many of these have experienced premature births. National statistics suggest this is likely to affect 16 individuals per annum.

## **6.3 Financial Impact**

It is difficult to put an exact number on the potential financial impact of this decision but in order to provide an estimate the following rationale has been used:

- If we take the national average of premature births, divided by the average number of females per annum taking maternity leave in Haringey = 16 females are likely to experience a premature birth.
- We do not have any figures for how many men currently take paternity leave and we have a lower percentage of males than females so for the purpose of this exercise it has been assumed that 10 staff whose partners give birth to a premature baby will request taking Premature baby leave as additional paternity leave.
- We assume that any baby born at 28 weeks or later could be a viable birth.
- We know that a premature birth is a baby born at 37 weeks or earlier
- We can therefore take the average number of weeks born premature to be 33 = an average of 6 weeks additional paid leave
- The average salary paid across the Council is £34,500 – Weekly £663
- The calculation would therefore be (females)  $16 \times 6 \times £663 = £60,768$ , (males)  $10 \times 6 \times £140.98$  (Statutory paternity pay) = £8,458.80. **Total estimated cost = £69,226.**

**Note: the above calculation is very much an estimate, based on worst case scenario, has been based on base salary only, does not include on costs and it should be noted that not all premature babies will necessarily remain in hospital until their original birth date.**

#### **6.4 Recommendation**

It is recommended that Haringey will commit to all 3 aims of the ‘Smallest Things’ campaign recommendations as follows:

- **Extend maternity leave for mothers who give birth prematurely** (before 37 weeks gestation) by the number of weeks a baby was born prior to their due date, up to the point of discharge from hospital or reaches their original due date (whichever is the earlier). We will pay extended premature baby leave at full pay and this may be classed as compassionate leave.
- **Give dads 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. Fathers may wish to save or split their paternity 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. As in point 1 the leave will be limited to the date of the baby’s discharge from hospital or reaches its original due date (whichever is the earlier).
- **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.

Haringey’s Maternity Employee Information Pack currently states:

##### *Premature Birth*

*Where a baby is born prematurely the amount of maternity leave may be affected. Each case will be considered according to the circumstances.*

It is **recommended** that Haringey's maternity employee information pack should be updated to include the following additional section.

### **Smallest Things campaign: Premature Baby Leave and Pay**

The Council wants to take a proactive step to assist its employees, dealing with the premature birth of their baby which is why it has adopted one of the 'Smallest Things' campaign recommendations to provide additional Premature birth leave and pay for the parents of babies who are both prematurely. Consideration will also be given to enabling parents of premature babies to operate flexible working patterns to enable them to meet the ongoing needs of hospital appointments and check-ups.

With effect from 1 April 2018, parents of babies born at or before 37 weeks gestation will be entitled to ***receive an extra week's Premature Baby Leave and Premature Baby Pay for every week their premature baby spends in hospital before their due date.***

#### **Birth Mothers:**

For premature birth, maternity leave commences on the day after the baby is born. However, arrangements will be made for any Premature Baby leave to be added to the end of the maternity leave period so that the time lost while in hospital can be enjoyed when the baby is at home. In relation to Premature Baby Pay, an additional full week's payment for the applicable weeks that the baby spends in hospital up to the point of discharge or reaches its original due date (whichever is the earlier) will be made to the employee at the end of their Maternity Pay period. This payment will not affect their normal entitlement to Statutory Maternity Pay, Occupational Maternity Pay or Maternity Allowance, as applicable. As a manager you must remind the parent that they must complete the Premature Baby Special Leave form. No claim will be accepted without the required supporting documentation.

**Partners:** Arrangements will be made for any Premature Baby leave to be added to the employee's entitlement so that the time lost while in hospital can be enjoyed when the baby is at home. In relation to Premature Baby Pay, an additional full week's payment for the applicable weeks while the baby remains in hospital up to the point of discharge or reaches its original due date (whichever is the earlier) will be made to the employee once the claim and supporting documentation has been authorised. This payment will not affect their normal entitlement to Maternity Support Leave or Paternity leave, as applicable. As a manager you must remind the parent that they must complete the Premature Baby Special Leave form. No claim will be accepted without the required supporting documentation.

It is important that the parent of the premature baby advises the HR SSC of the premature birth by completing the Premature Baby Special Leave form and attaches the required supporting documentation so that the necessary arrangements can be made for the Premature Baby Pay and leave to be implemented. Once the form has been completed please forward to your manager for authorisation before passing to the SSC for processing. Any queries regarding this scheme or extending an employee's entitlement can be discussed with Human Resources.

It is important to note that the employee's normal entitlement to maternity pay will continue to apply and will not be affected by this scheme.

It is **recommended** that the maternity leave guidance for managers be updated to include the following wording:

## **“Supporting employees dealing with premature birth**

Premature birth is one of the most stressful experiences a new parent can face. Although congratulations may not feel appropriate, it is important that the manager acknowledges the birth of the baby and approaches all conversations regarding the situation with compassion and sensitivity.

To support employees during this difficult time the Council asks that the line manager:

- Ensures that employees have provided documents required to commence their maternity leave payments. Due to the unexpected nature of premature birth this may not have happened. If this is the case employees should be reminded of the requirements to ensure that their Statutory and Occupational Maternity payments can commence as quickly as possible following the birth. Managers should bear in mind that this is a very stressful time for parents and any communication regarding this or other matters should be approached sensitively and compassionately.
- Parents are to be reminded to complete the Premature Baby Special Leave form in order to claim additional paid leave.
- Discusses the best method of and regularity of contact to be maintained between the Council and the employee or their nominated representative during this time, respecting the employee's right to privacy if the employee would prefer to be left alone during this difficult time.
- Discusses with the employee the information that they would like their colleagues to be told about the situation.
- Understand that parents of premature babies are likely to experience a range of emotions caused by their babies' health; these emotions could include anxiety, depression, isolation, stress and fear.
- Reminds the employee of the Council's Employee Assistance Programme (run by People at Work) which offers free confidential advice and counselling. This is a free and fully confidential service available 24 hours per day / 7 days a week, 365 days a year, provided by an external provider. Employees and their household members can contact the provider free of charge for advice and support for:
  - counselling services;
  - Information and guidance similar to that provided by the Citizens Advice Bureau;
  - Free legal and financial advice.

The EAP is run by People at Work and they can be contacted 24/7 as follows

Phone: 020 3286 1545

Email: [support@peopleatwork.co.uk](mailto:support@peopleatwork.co.uk)

Website: [peopleatwork.co.uk](http://peopleatwork.co.uk) (to access our pages click the My EAP link on top right of home page, enter Organisation Haringey and Password Support10.

- When the employee does return to work that, if requested, consideration will also be given to enabling parents of premature babies to operate flexible working patterns to enable them to meet the ongoing needs of hospital appointments and check-ups if this is required.

## **7 Contribution to strategic outcomes**

Haringey are keen to be viewed as a good and inclusive employer and implementing this recommendation would support that aim.

## **8 Statutory Officers' comments**

### **8.1 Chief Finance Officer**

If it is agreed that this policy change is introduced as paid leave the relevant service areas (on a pro rata basis) will need to build into their budget forecasts an appropriate amount as they will be responsible for the additional cost.

### **8.2 Assistant Director of Corporate Governance**

In September 2017, ACAS published new advice to help support working parents with premature babies. ACAS state that there are 95,000 premature or sick babies born each year in the UK.

The proposed changes to the maternity employee information pack go beyond the legal minimum requirements of the council as required in the Maternity and Parental Leave etc Regulations 1999 and Employment Rights Act 1996.

By ensuring that the baby's father/mother's partner is treated equitably with the birth mother the risk of a claim for sex discrimination is reduced.

## **9 Use of Appendices**

Appendix 1 – Information on Charity “The Smallest Things”

Appendix 2 – Premature baby additional paid leave request form

## **10 Local government (Access to Information) Act 1985**

Not applicable.



## APPENDIX 1

### Charity – The Smallest Things

#### Our Aims

- Promote the good health of premature babies and their families
- Raise awareness of premature birth and the needs of families following intensive care.
- Promote high quality care for mothers affected by postnatal depression, anxiety and symptoms of post-traumatic stress disorder associated with premature birth.

#### Key Details:

- Premature Baby Charity Bliss estimates that the average cost to parents of spending time with their premature baby in neonatal care is £2,256
- 40% of mothers develop postnatal depression following neonatal intensive care, compared to 5-10% of mothers who deliver without complication at full-term.
- More than half of mothers report anxiety and symptoms of Post-Traumatic Stress Disorder following neonatal intensive care.

#### Alison Johnstone MSP's motion to the Scottish Parliament

##### **Extending Maternity and Paternity Leave for Parents of Premature Babies**

That the Parliament notes the campaign, The Smallest Things, which is calling on the UK Government to extend maternity and paternity leave and statutory maternity pay for parents of babies who are born prematurely; understands that, according to research by Bliss, there are an estimated 5,800 babies born every year in Scotland who require specialist neonatal hospital care; further understands that this extended period of care can have a serious impact on the health, wellbeing and financial security of the families concerned, including those in Lothian, and notes the introduction of the Maternity and Paternity Leave (Premature Birth) Bill in the House of Commons, which is a private member's bill that seeks to extend leave in these circumstances.

#### **The Smallest Things charity asks organisations to adopt the 3 following recommendations:**

- **Extend maternity leave for mothers who give birth prematurely** (before 37 weeks gestation) by the number of weeks a baby was born prior to their due date, up to the point of discharge from hospital or reaches their original due date (whichever is the earlier). We will pay extended leave at full pay and this may be classed as compassionate leave.
- **Give dads 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. Fathers may wish to save or split their paternity 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

# HARINGEY COUNCIL SPECIAL LEAVE REQUEST FORM – Premature births

This leave form applies to mothers who experience a premature birth (a baby born before 37 weeks gestation). This form must be completed in order to claim additional weeks paid leave from the date of the birth to the date that the baby either (a) is discharged from hospital or (b) reaches the expected normal due date – whichever is the earlier.

This form also applies to the partner of the birth mother who wishes to apply for additional paternity leave.

The additional payment and leave will only apply to whole weeks.

<b>NAME:</b>			
<b>Directorate and Service:</b>		<b>SECTION:</b>	
<p>I wish to apply for special additional premature baby leave from the date of my baby's birth (Please insert the date your baby was born).....</p> <p>To – either the date the baby was discharged from hospital or the normal due date – whichever is the earlier .....</p>			
<p>Evidence of the baby's date of birth and date of discharge from hospital must be attached to this form</p> <p>Annual leave card</p>			
<b>Reason(s):</b>			
<b>Signed:</b>		<b>Dated :</b>	

<b>Comments/Recommendations Of Line Manager</b>			
<b>Signed:</b>		<b>Dated:</b>	

<b>C. Approval - Head of Service</b>			
<b>Signed:</b>		<b>Dated:</b>	

**Pass to Line Manager**

<p>NOTE FOR LINE MANAGER: Please record this Approved Special Leave on the employees Annual leave Card and on the employees SAP Record (Manager or appointed deputy) This form can be kept by the Manager or returned to the individual for them to keep as reference. PLEASE TREAT IN A CONFIDENTIAL MANNER.</p>
---