

# Subject: Proposed Premature Birth and Neonatal Care Policy

Report to: GLA Oversight Committee

Report of: Assistant Director Human Resources & Organisational Development

Date: 17 October 2018

This report will be considered in public

## 1. Summary

- 1.1 This report sets out a proposed new Human Resources (HR) policy, Premature Birth and Neonatal Care Policy, which will be applicable to employees of the GLA.

## 2. Recommendation

- 2.1 **That the Committee responds to the proposed new Human Resources policy and provides any feedback.**

## 3. Background

- 3.1 Every year, more than 95,000 babies are cared for in neonatal units in the UK because they have either been born prematurely (before 37 weeks of pregnancy), or full term (at or after 37 weeks) but are sick<sup>1</sup>. Parents can wait weeks for their new-born baby to be allowed to come home, often having to travel back and forth from hospital.
- 3.2 Waltham Forest Council led the way in January 2018, by being the first council in the UK, and they believe the first organisation, to launch a premature birth policy. Sony Music followed in July 2018. The GLA HR unit have worked collaboratively with Waltham Forest Council, to understand their experience of implementing their premature birth policy.
- 3.3 It was recognised by the GLA HR unit and the Women's Policy group led by Leah Kreitzman, that such a policy on premature birth, to support working parents, would be a positive addition to the GLA employee policies, supporting the overall diversity agenda of the organisation. The policy would strengthen the support given to working parents and strongly align to the #BehindEveryGreatCity campaign. It is planned that it will also be included in the 'The Good Work Charter', with the Mayor calling on other employers across the UK to match this policy.

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<sup>1</sup> Bliss Neonatal care: <https://www.bliss.org.uk/research-campaigns/research/neonatal-care-statistics>

- 3.4 Early internal feedback and research identified that a proposal to launch a premature birth policy was hugely welcomed, but that this policy should be extended to support all babies who require neonatal care, including those born at full term. A policy which encompasses both premature babies and those born full term that require neonatal care, will be a leading employee policy in the UK and put the GLA at the forefront.
- 3.5 A recent review of the GLA's current maternity and shared parental leave policies confirmed that the policies are fully compliant with legal requirements. The introduction of the new Premature and Neonatal Care policy will complement the existing policies. A further piece of work to improve the quality of the guidance available to line manager and employee before, during and after a period of leave will conclude the piece of work in this area.

#### **4. Issues for Consideration**

- 4.1 The charity Bliss<sup>2</sup> states that 12.5% of all babies born (regardless of the gestation of the baby at birth) require neonatal care. As of July 2018, there were 22 employees on maternity leave, and 7 employees on paternity leave, on this basis an informed estimate may be that approximately 3-4 members of staff a year may need to access this policy and additional paid leave.
- 4.2 The policy will provide significant and important support to the small number of parents who may be eligible.

#### **5. Legal Implications**

- 5.1 Under section 70(1) of the Greater London Authority Act 1999 (as amended) ("the Act"), a person appointed under section 67(1) shall be employed on such terms and conditions as the Mayor thinks fit, within the financial resources available to the Authority.
- 5.2 Under section 70 (2) of the Act, a person appointed under section 67(2) of the Act shall be employed on such terms and conditions as the Head of Paid Service, after consultation with the Mayor and the Assembly, thinks fit. The Assembly has delegated its powers of consultation on staffing matters to the Assembly's staffing committee, currently the GLA Oversight Committee.
- 5.3 The terms and conditions of employees incorporate several of the GLA's policies and procedures. Therefore, the introduction of a new policy is a change to the terms and conditions of employees. In order for such changes to be effective, employees must agree the proposed change to their employment contracts.
- 5.4 It is a contractual term of the employees' contracts that UNISON is able to negotiate terms and conditions on behalf of employees and any changes to such terms can be made further to agreement between UNISON and the Greater London Authority. As set out below, the GLA will be consulting with UNISON to obtain their agreement to the introduction of the new Premature Birth and Neonatal Care Policy before it is implemented.

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<sup>2</sup> Bliss Neonatal care: <https://www.bliss.org.uk/research-campaigns/research/neonatal-care-statistics>

## **6. Financial Implications**

- 6.1 The cost implications are hard to quantify, however there would not appear to be a significant cost to the organisation, based on the estimate of employees who may need to access this policy under 'Issues for consideration'.
- 6.2 Cost relating to Premature Birth and Neonatal Care will be met from within existing budgets (more specifically, the budget where the employee's salary is usually charged).

## **7. Details of the proposed policy**

- 7.1 The full proposed policy is attached in **Appendix 1**, however the key points to highlight are:
- Premature Baby Leave and Pay**
- 7.2 The birth parent of a baby born before 37 weeks will be entitled to have their Maternity leave and pay extended by the number of days their baby was born prior to their due date, regardless of whether the baby is required to stay in hospital during this time. They will receive Premature Baby leave and pay for this period.
- 7.3 For a parent who would be entitled to Paternity leave, if their baby is born before 37 weeks, they will be entitled to:
- 2 weeks of Premature Baby leave and pay; or
  - A day's Premature Baby leave and pay for every day their premature baby spends in hospital up until their due date, whichever is greater.

### **Neonatal Care Leave and Pay**

- 7.4 Parents of babies who are born at or after 37 weeks but requiring neonatal care during their first 28 days of life, will be granted Neonatal Care leave and pay for every day their baby spends in Neonatal Care during their first 28 days.
- 7.5 Both types of additional leave and pay will be added to the end of the employee's Maternity/Paternity Leave period after the Maternity/ Paternity Leave entitlement has been exhausted.

## **8. Consultation**

- 8.1 Consultation with employees via UNISON and the staff networks was commenced on 3 October 2018 for a period of 2 weeks.
- 8.2 In accordance with the GLA Staffing Protocol, formal consultation with the Mayor and the Assembly is required as this proposed new policy is a change to terms and conditions of employment for staff. The Assembly has delegated its consultation response to the GLA Oversight Committee.

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**List of appendices to this report:**

Appendix 1 - Proposed Premature Birth and Neonatal Care Policy

Appendix 2 - Equalities Impact Assessment

<b>Local Government (Access to Information) Act 1985</b>	
List of Background Papers: None	
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**Proposed, subject to formal consultation**  
**GREATERLONDONAUTHORITY**

## **Premature Birth and Neonatal Care Policy**

### **1. Purpose and Scope**

This policy sets out support available to staff in dealing with the premature birth of their baby or if their baby is born full term and requires neonatal care. The policy is available to all employees, including those in a same sex relationship and is available regardless of gender identity or gender expression.

### **2. Premature Baby Leave and Pay**

The GLA recognises that premature birth is a stressful and difficult experience that any parent can face and wants to take proactive measures to assist its employees.

Therefore, with effect from 1 November 2018, the birth parent of a baby born before 37 weeks will be entitled to have their Maternity leave and pay extended by the number of days their baby was born prior to their due date, regardless of whether the baby is required to stay in hospital during this time.

For the parent entitled to Paternity leave, if their baby is born before 37 weeks, they will be entitled to:

- 2 weeks of Premature Baby leave and pay; or
- A day's Premature Baby leave and pay for every day their premature baby spends in hospital up until their due date, whichever is greater.

Premature Baby leave and pay will be added to the end of the employee's Maternity/Paternity leave period after the Maternity/Paternity leave entitlement has been exhausted. It is important to note that the employee's normal entitlement to Maternity/Paternity pay will continue to apply and will not be affected by this scheme. Therefore, any Premature Baby pay will be paid on top of any Maternity/Paternity pay an employee is entitled to receive.

### **3. Neonatal Care Leave and Pay**

The GLA also recognises that parents with babies who are born at full term, requiring Neonatal Care, for the same reasons listed above, should be supported.

Therefore, with effect from 1 November 2018, parents of babies who are born at or after 37 weeks but requiring Neonatal Care during their first 28 days of life, will be granted additional Neonatal Care leave and pay for every day their baby spends in Neonatal care during their first 28 days.

Neonatal Care leave and pay will be added to the end of the employee's Maternity/Paternity Leave period after the Maternity/Paternity Leave entitlement has been exhausted.

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. Therefore, any Neonatal Care pay will be paid on top of any Maternity/ Paternity pay an employee is entitled to receive.

#### **4. Guidance**

Employees are eligible for the Premature Baby leave and pay or Neonatal Care leave and pay, if they are the birth parent, the biological parent of the child, adoptive parent or the birth parent's partner.

For both the Premature Baby leave and pay Neonatal Care leave and pay, it is important that line managers advise HR of the birth, so that the necessary arrangements can be made for additional pay and leave to be implemented. Parents should retain a copy of the discharge papers that they received when their baby leaves hospital. Any queries regarding this scheme can be discussed with HR.

#### **5. Supporting employees**

Premature birth and/or having a sick new born baby is one of the most stressful experiences a new parent can face. Although congratulations may not feel appropriate, it is important that the line 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 GLA 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.
- Discuss the best method of and regularity of contact to be maintained between the GLA 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.
- It is important to understand that parents of premature and sick babies are likely to experience a range of emotions caused by their babies' health; these emotions could include anxiety, depression, isolation, stress and fear. Through the GLA's Employee Assistance Programme employees can access information and support.

#### **6. Support available from the Employee Assistance Programme (EAP)**

The GLA's Employee Assistance Programme 'Be Supported' is hosted by AXA PPP Healthcare. Be Supported is available on a confidential basis 24/7 to all GLA employees and their family members who reside at the same address. They offer high quality information, support and counselling for all aspects of life.

Employees can speak directly to 'Be Supported' nurses, midwives and pharmacists for information and support. These professionals are not able to diagnose or prescribe, but can provide valuable information which may reduce the stress of your medical worries.

Employees may contact the EAP by telephone, email or use their website tools and resources. The services are confidential and free to the employee and their household members, having been pre-paid by the employer.

Further information is available on the internal intranet - <http://intranet.london.gov.uk/node/9078>

### **Equalities Impact Assessment (EqIA)**

An EqIA has been conducted to consider the impact of the proposed change on categories of employees that fall within the Equalities Act legislation. All nine protected characteristics have been considered.

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The proposed new policy is available to all employees, including those in a same sex relationship and is available regardless of gender or gender identity. Gender neutral language has been used to ensure that the policy is inclusive. In the case of premature baby leave and pay, the additional paid leave for the birth parent is potentially longer than the additional paid leave for the second parent. However, this is in line with the difference between paid maternity and paternity leave.