
Report to Clackmannanshire Council

Date of Meeting: 6 October 2022

Subject: HR Policies

Report by: Strategic Director – Partnership and Performance

1.0 Purpose

- 1.1. This paper seeks Council approval of the new Pregnancy Loss Policy / Procedure

2.0 Recommendations

Council are asked to:

- 2.1. **Challenge** and **comment** on the paper as appropriate.
- 2.2. **Approve** the Pregnancy Loss Policy and Procedure which is attached at Appendix 1.
- 2.3. **Note** that the Policy group met on the 23 August 2022 and extensive discussions took place with both Trade Unions and Management at this meeting in the formation and development of this Policy and procedure.
- 2.4. **Note** that following these discussions, minor revisions/amendments were made and agreed by those policy group members who had been in attendance.
- 2.5. **Note** that on 14 September 2022 the Tripartite agreed that the Pregnancy Loss Policy and Procedure be presented to Council for approval.

3.0 Considerations

- 3.1. Pregnancy loss is sadly more common than many people think. An estimated one in four pregnancies ends in miscarriage (source: The Miscarriage Association); one in every 200 births in the UK each year is classed as stillborn. Given these statistics and that Clackmannanshire Council's workforce is predominantly female (75.36%) it is anticipated that there are likely to be employees who will experience pregnancy loss.

- 3.2 Clackmannanshire Council aims to facilitate an open, understanding working environment and has introduced the Pregnancy Loss policy and procedure.
- 3.3 The Pregnancy Loss policy and procedure is designed to provide guidance and a compassionate response to employees who experience pregnancy loss.
- 3.5 We recognise our responsibilities under the Equality Act 2010 and this policy enhances the support and assistance available to employees coping with pregnancy loss. In addition, this policy recognises that pregnancy loss is a bereavement, and one not isolated to women or heterosexual couples.
- 3.6 This policy makes no assumptions about how employees suffering a loss feel, or how they want to be treated. Instead it aims to outline the support that is available, and advice that may be useful, should an employee need it.
- 3.7 This policy will complement the provisions of the Special Leave Policy, the Family Friendly Policy and the Work Life Balance & Flexible Working Policy.

4.0 Sustainability Implications

- 4.1. None

5.0 Resource Implications

5.1. Financial Details

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

- 5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.4. Staffing

6.0 Exempt Reports

- 6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all	<input checked="" type="checkbox"/>
Our families; children and young people will have the best possible start in life	<input type="checkbox"/>
Women and girls will be confident and aspirational, and achieve their full potential	<input type="checkbox"/>
Our communities will be resilient and empowered so that they can thrive and flourish	<input type="checkbox"/>

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

1. Pregnancy Loss Policy
2. Pregnancy Loss Procedure
3. EQIA

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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Sarah Farmer	Team Leader – Policy and Operations	01259 452172

Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director – Partnership and Performance	



Pregnancy Loss Policy

2022



DOCUMENT CONTROL SHEET

Key Information

Title	Pregnancy Loss Policy
Date Issued	July 2022
Date Effective From	
Version Number	0.2
Document Type	Policy
Document Status	Final
Author	Human Resources - Policy and Strategy
Owner	Partnership and Performance - HR and Workforce Development
Approver	Council
Approved by and Date	Council and date
Contact	HR and Workforce Development

Revision History

Version	Date	Summary of Changes	Name	Changes Marked
0.1	July 2022	Draft	Human Resources – Policy and Strategy	N/A
0.2	August 2022	Policy Group Members Review	Human Resources – Policy and Strategy	N/A

PREGNANCY LOSS POLICY

1.0 Policy Statement

- 1.1 Clackmannanshire Council recognises the sensitive and often very distressing nature of pregnancy loss and is aware of the importance that bereaved parents are given the time to grieve properly.
- 1.2 The Pregnancy Loss policy and procedure is designed to provide guidance and a compassionate response to employees who experience pregnancy loss.
- 1.3 The Council is committed to supporting all employees who suffer the loss of a pregnancy, whether it happens directly to them, their partner or their baby's surrogate mother, regardless of the nature of the loss and the employee's length of service.
- 1.4 In recognition of our commitment to supporting our valued workforce, our policies are based on the relevant statutory requirements and National Conditions of Service for family related leave and pay.
- 1.5 This policy will support Clackmannanshire Council's commitment to Equal Opportunities and in keeping with our Core values.
- 1.6 We recognise the implications of, and our responsibilities under, the Equality Act 2010 and this policy enhances the support and assistance available to employees coping with pregnancy loss.

In addition, this policy recognises that pregnancy loss is a bereavement, and one not isolated to women or heterosexual couples.
- 1.7 This policy makes no assumptions about how employees suffering a loss feel, or how they want to be treated. Instead it aims to outline the support that is available, and advice that may be useful, should an employee need it.
- 1.8 Ensuring effective support early on and continued intervention will likely contribute to the bereaved employee's overall mental health and wellbeing, theoretically reducing the potential for ongoing or future absence.
- 1.9 This policy will complement the provisions of the Special Leave Policy, the Family Friendly Policy and the Work Life Balance & Flexible Working Policy.

2.0 Scope

- 2.1 This policy is for all employees who suffer a pregnancy loss, whether it happens directly to them, their partner or their baby's surrogate mother; line managers of employees who are experiencing or have experienced such losses; and colleagues who wish to support fellow employees through pregnancy loss.

3.0 Principles of the Policy

- 3.1 The principles of the Pregnancy Policy are to:

- Ensure that the Council adhere to all of its statutory responsibilities with regard to family related employment legislation;
- Help staff come to terms with their loss;
- Inform employees of their entitlements to leave and pay in times of bereavement and pregnancy loss;
- Ensure that managers and staff understand their role and responsibilities and support them to do this;
- Encourage managers to have sympathetic discussions and to adopt a flexible approach to support the employee to cope with their loss and to balance work;
- Contribute to employees mental health and wellbeing overall;
- Ensure that every effort is made to ensure that all staff are treated in a fair, consistent, sympathetic and understanding manner in decision making with regard to pregnancy loss, including IVF and Fertility treatments; and
- Ensure that all staff are aware of the support measures in place which can support a return to work.;
- Maintain confidentiality.

- 3.2 Where employees feel that they have not been treated with dignity and respect, fairly or sensitively during or after pregnancy loss, they should speak with their Line Managers manager in the first instance, Service HR Business Partner or Trade Union Representative.

4.0 Monitoring & Review

- 4.1 Both Senior Management and Trade Union Representatives will monitor the effectiveness of this policy on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised Trade Unions.

5.0 Equality Impact Assessment

Policy Name	Pregnancy Loss
Department	Partnership and Performance – HR and Workforce Development
Policy Lead	Human Resources – Policy and Strategy
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes
Date Approved	
Review Date	





Pregnancy Loss Procedure

2022



DOCUMENT CONTROL SHEET

Key Information

Title	Pregnancy Loss Procedure
Date Issued	July 2022
Date Effective From	
Version Number	0.2
Document Type	Procedure
Document Status	Final
Author	Human Resources - Policy and Strategy
Owner	Partnership and Performance - HR and Workforce Development
Approver	Council
Approved by and Date	Council and date
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0.1	July 2022	Draft	Human Resources – Policy and Strategy	N/A
0.2	August 2022	Policy Group Members Review	Human Resources – Policy and Strategy	N/A

PREGNANCY LOSS PROCEDURE

1.0 Introduction

- 1.1 Pregnancy loss is sadly more common than many people think. An estimated one in four pregnancies ends in miscarriage (source: The Miscarriage Association); one in every 200 births in the UK each year is classed as stillborn; and it is estimated that one in three women will have an abortion in their lifetime. Given these statistics and that Clackmannanshire Council's workforce is predominantly female (75.36%) it is anticipated that there are likely to be employees who will experience pregnancy loss.
- 1.2 The experience of pregnancy loss is poorly understood due to the silence surrounding it. It varies from person to person, but it can be an incredibly painful event that has a lasting physical and emotional impact on those experiencing it and their families, no matter the nature of the loss or when it happens.
- 1.3 Getting the right support at work is crucial and we are committed to supporting all employees who suffer the loss of a pregnancy, whether it happens directly to them, their partner or their baby's surrogate mother, regardless of the nature of their loss, and whatever their length of service.
- 1.4 Clackmannanshire Council aims to facilitate an open, understanding working environment.
- 1.5 The Council will ensure it meets its obligations under the Equality Act 2010.
- 1.6 This procedure should be read in conjunction with the Pregnancy Loss Policy.

2.0 Purpose

- 2.1 The purpose of this procedure is to ensure that we are there to support our staff and to help them come to terms with their loss and assist them to return to work by:-
 - Promoting and supporting employees to discuss individual arrangements to support them through their loss with their line manager;
 - Ensuring that all staff are aware of the support measures in place, and their entitlements to pay and leave within the different policy provisions;
 - Making reasonable adjustments where ever possible;

- Supporting staff who have experienced pregnancy loss through Occupational Health Support, PAM Assist counselling and any other appropriate means; and
- Providing line managers with guidance on how to provide a fair and consistent process when dealing with such devastating experiences.

2.2 To try to give a better understanding of pregnancy loss, the different types of loss have been detailed below with definitions and links added to provide further information. When reading, please bear in mind that every individual's experience is unique.

Please note: it can be hard to find the right language to use when describing pregnancy loss. Clackmannanshire Council has chosen to use the most widely-used and accepted terms within this procedure but welcomes feedback.

2.3 The term 'Pregnancy loss' includes but is not limited to:

Miscarriage	The spontaneous loss of pregnancy until 24 weeks of gestation. This includes those women affected by loss through fertility treatment from the point of embryo transfer.	Learn more about miscarriage: https://www.nhs.uk/conditions/miscarriage/
Stillbirth	The loss of a baby after 24 weeks, before or during birth.	Learn more about stillbirth: https://www.nhsinform.scot/illnesses-and-conditions/pregnancy-and-childbirth/stillbirth
Abortion	A medical or surgical procedure to end a pregnancy.	Learn more about abortion: https://www.nhsinform.scot/tests-and-treatments/surgical-procedures/abortion
Ectopic pregnancy	When a fertilised egg implants and grows outside of the main cavity of the uterus.	Learn more about ectopic pregnancy: https://www.nhsinform.scot/illnesses-and-conditions/pregnancy-and-childbirth/ectopic-pregnancy
Molar pregnancy	A rare form of pregnancy in which a non-viable fertilised egg implants in the uterus and will fail to reach full term.	Learn more about molar pregnancy: https://www.nhs.uk/conditions/mo

		lar-pregnancy/
Neonatal loss	The loss of a baby within the first 28 days after they are born, often caused by premature births or genetic disorders.	Learn more about neonatal loss: https://www.tommys.org/baby-loss-support/neonatal-death-information-support#:~:text=What%20does%20neonatal%20death%20mean,is%20known%20as%20a%20stillbirth.

3.0 Supporting Employees after Pregnancy Loss

- 3.1 We are committed to supporting anyone experiencing pregnancy loss, regardless of their length of service, and whether they are in the office or working remotely. Everyone’s experience is different, and an employee is entitled to discuss bespoke arrangements with their line manager and Service HR Business Partner if needed, based on their individual circumstances.
- 3.2 Emotional and physical recovery from a pregnancy loss varies for each individual. We appreciate that it does not have a time limit and employees may find they need to take further sickness leave after having returned to work, which is understood. Employees should feel supported when requesting time off to recover from loss.
- 3.3 It’s important that you contact your line manager as soon as possible if you are affected by pregnancy loss, so that they know what’s happening and how they can support you. While we would encourage you to let your line manager know so that they can support you during this difficult time and help you return to work, if you would prefer not to tell anyone, you may find it helpful to have a confidential conversation with:-
- Your Trade Union Representative;
 - Your Service HR Business Partner;
 - PAM Assist;
 - A trusted colleague; OR
 - A Mental Health First Aider.
- 3.4 Pregnancy loss is a challenging often emotional time for all involved. For any employees experiencing domestic abuse linked to pregnancy loss our Domestic Abuse policy may provide additional support.

- 3.5 For absence management purposes, any sickness absence that is recorded as pregnancy related does not count towards absence triggers.
- 3.6 However, if someone is off longer term, we do need to manage the employee's absence in line with absence management. In these situations, line managers are encouraged to carry out a long term informal support and guidance meeting with an employee to ascertain what adjustments may be required to help support the employee return to work following their loss. This meeting is purely a supportive measure to ensure that we have considered adjustments and employee needs as an employer. This meeting will also provide an opportunity to discuss what the employee would like their line manager to tell their work colleagues.

3.7 Pregnancy Loss after 24 weeks (Stillbirth and Neonatal loss)

Employees who sadly experience a stillbirth after the 24th week of pregnancy, or a neonatal loss (the loss of a baby within the first 28 days after they are born), will still retain their right to full maternity leave of up to 52 weeks and maternity pay where eligible. In these circumstances, employees should refer to the Family Friendly procedure, Section 1, Maternity Leave Guidance on Connect for more information.

All employees who experience the loss of child under 18 (including stillbirth and neonatal loss) are entitled to Parental Bereavement Leave and Pay, which is incorporated into Clackmannanshire's Special Leave policy. Further information is available on Connect - Special Leave, Section 6, Bereavement.

3.8 Contact following pregnancy loss after stillbirth or neonatal loss

If an employee does choose to take maternity leave following pregnancy loss after 24 weeks (stillbirth) or a neonatal loss, line managers should maintain reasonable contact with employees to communicate any changes that may be taking place within the organisation, discuss the employee's plans for returning to work, or update them with any developments at work, job vacancies or training during leave, unless the employee requests otherwise.

3.9 Pregnancy Loss before 24 weeks (Miscarriage)

In the sad event that an employee loses their baby on or before the 24th week of pregnancy, you are not entitled to maternity leave or pay but may be eligible to sickness absence leave and pay. Normal certification and notification procedures will apply here and a GP Medical certificate will be required. For further information please visit our Maximising Attendance & Employee Wellbeing procedure which can be found on Connect.

3.10 Special Leave (Pregnancy Loss)

The Council recognises the need to provide immediate support to employees in times of bereavement and loss. Therefore in addition to any other leave entitlement, all parents regardless of the age of the child they have lost, including parents who suffer a pregnancy loss at any point in the pregnancy will be entitled to and granted 2 weeks paid Special Leave.

This leave can be taken by the child's birth parent, adoptive parent, the partner of the child's parent or adoptive parent – anyone with parental responsibility for the child.

This leave can be taken by all employees, regardless of their length of service.

This leave can be taken at the end of the maternity leave period or paternity leave.

4.0 Returning To Work

4.1 Returning to work after pregnancy loss can be incredibly challenging. Employees are encouraged to have an ongoing discussion with their line manager about necessary adjustments (see Work Life Balance & Flexible Working on Connect for further information).

4.2 We acknowledge that everyone's experience is different, and an employee is entitled to discuss bespoke arrangements to best support them with their line manager, and Service HR Business Partner if needed, based on their individual circumstances.

5.0 Work Life Balance & Flexible Working

5.1 Clackmannanshire Council recognises that flexibility is a key support to anyone suffering a pregnancy loss, and aims to facilitate flexible working wherever possible. Clackmannanshire Council has an established Work Life Balance & Flexible Working Policy that can be found on Connect. Employees can request a permanent change to their contract or a more temporary/flexible change to help them cope with their pregnancy loss.

5.2 Some examples of Flexible Working that could be considered following a pregnancy loss include:-

- A phased return to work;
- More time working from home, subject to role requirements;

- More breaks and time away from their computer;
- Flexibility to work in other areas of the building when in the office;
- Earlier start times and finish times to avoid peak travel times when travelling into the office;
- A request to reduce working hours on a temporary basis; and
- Turning their camera off when on video calls.

5.3 Please note that this list is not exhaustive, rather it highlights some of the different ways that we can support employees. An employee's specific requirements should be discussed and agreed between them and their line manager. Any adjustments or Flexible Working arrangements agreed should be reviewed on a regular basis to ensure they continue to meet the needs of the employee.

6.0 Medical Appointments and Support

6.1 Employees are encouraged to speak to their GP when they are experiencing pregnancy loss or have experienced pregnancy loss if not already done.

6.2 For employees experiencing symptoms of pregnancy loss whilst in the office, they can contact their nominated First Aider who may be able to respond to certain aspects or symptoms of pregnancy loss.

You can request a female first aider if preferred.

6.3 Employees are entitled to paid time off to attend medical appointments (or to accompany their partners) relating to pregnancy loss which do not fall within an agreed period of leave, including but not limited to medical examinations, scans and tests, and mental health-related appointments. For more information, please see the Special Leave Policy on Connect.

6.4 Line Managers should recognise that it will not always be possible for employees to arrange these appointments around the demands of their work due to the nature of pregnancy loss, and should support employees in managing the impact of time away from work.

6.5 Time to attend necessary appointments will normally be paid in line with the Council's Special Leave provisions.

6.6 Employees can access free, professional and confidential counselling through PAM Assist. For further details, please go to the 'Internal/External Support and Related Information' section at the end of this document.

6.7 Employees may also find it most useful to speak to someone who is specially trained in their specific type of pregnancy loss. Clackmannanshire Council therefore recommends speaking to one of

the specialist organisations recommended under the ‘Internal/External Support and Related Information’ section at the end of this document.

- 6.8 Before returning to work and as part of informal long term support and guidance, your line manager will discuss with you whether or not you wish to be referred to Occupational Health.
- 6.9 In situations where an employee who has suffered pregnancy loss after 24 weeks decides not to take maternity leave but rather, to return to work early, it is the line manager’s responsibility to contact the Health & Safety Team to discuss a risk assessment in these circumstances i.e. an employee who has expressed a desire to return to the workplace following a stillbirth or a neonatal loss may require a private area to express milk.

7.0 IVF and Fertility

- 7.1 If pregnancy loss occurs after the employee or their partner have had fertility treatment from the point of embryo transfer onwards please note this procedure still applies.

8.0 Roles and Responsibilities

- 8.1 The following table identifies and outlines our responsibilities as employees, colleagues, line managers and Clackmannanshire Council when dealing with pregnancy loss.

<p>Employees</p>	<ul style="list-style-type: none"> ➤ Are encouraged to educate themselves about pregnancy loss and become familiar with the terms of this procedure; ➤ Understand what information is available, and seek advice and guidance when needed; ➤ Be as open and honest as possible with line managers – reviewing and working through the available options together to ensure appropriate measures that support your needs are in place, which also allows their line manager to make any necessary arrangements; ➤ Agree to keep their line manager informed to ensure that the right support is being provided; and ➤ If unable to speak to their line manager, or if their line manager is not supportive, speak to their Service HR Business Partner, Trades Union or any of the individuals listed under Appendix 1 ‘Internal/External Supports and Related Information’ for further advice if needed.
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<p>Colleagues</p>	<ul style="list-style-type: none"> ➤ Are encouraged to support colleagues who suffer pregnancy loss, contacting their Service HR Business Partner or any of the individuals listed under Appendix 1 'Internal/External Supports and Related Information' for advice if needed. This guide may help you understand more about the support you can offer.
<p>Line Managers</p>	<ul style="list-style-type: none"> ➤ Review available resources on Connect to support employees through pregnancy loss, when one of their direct reports is in need of support; ➤ Ensure they are aware of the support Clackmannanshire Council provides and the terms of this procedure; ➤ Ensure all members of their team are aware of this policy and know where to find information and seek support; ➤ Treat all parents and partners equally; ➤ Provide a compassionate response, referring to the management guide which provides useful advice on how to discuss pregnancy loss with an employee; ➤ Ensure they listen to the needs of each employee individually and are open and willing to have discussions about pregnancy loss, ensuring confidentiality where requested by the employee; ➤ Work together with the employee to ensure that the right support is provided that satisfies the employee and Clackmannanshire Council needs; and ➤ Agree a suitable time and date to check-in with an employee before they return to work after pregnancy loss, and put in regular follow up check-ins to review any support and make any necessary adjustments that an employee may need. These regular check-ins are particularly important when working remotely, as it can be harder to spot when an employee is suffering.
<p>Clackmannanshire Council :</p>	<ul style="list-style-type: none"> ➤ Will ensure it reviews its health and wellbeing policies and practices on a regular basis; ➤ Ensure we have provisions to support employees experiencing pregnancy loss; and ➤ Listen to and work with employees to support and drive change in relation to pregnancy loss.

9.0 Data Protection

- 9.1 The Council processes personal data collected during Pregnancy Loss in accordance with its Data Protection Policy. In particular, data collected as part of the Special Leave, Family Friendly and Work Life Balance & Flexible Working procedure is held securely and accessed by, and disclosed to, appropriate individuals in the management of the Pregnancy Loss process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

10.0 Monitoring & Review

- 10.1 Both Senior Management and Trade Union Representatives will monitor the effectiveness of this policy on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.

11.0 Equality Impact Assessment

Policy Name	Pregnancy Procedure
Department	Partnership and Performance – HR and Workforce Development
Policy Lead	Human Resources – Policy and Strategy
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes
Date Approved	
Review Date	

Clackmannanshire Council
Pregnancy Loss Procedure



Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Pregnancy Loss
Service:	Partnership and Performance
Team:	HR and Workforce Development

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

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APPROVAL

NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

Purpose of the proposed policy or changes to established policy

The Pregnancy Loss policy is a new policy which is being introduced to Clackmannanshire Council.

Pregnancy loss is sadly more common than many people think. An estimated one in four pregnancies ends in miscarriage (source: The Miscarriage Association); one in every 200 births in the UK each year is classed as stillborn; and it is estimated that one in three women will have an abortion in their lifetime. Given these statistics and that Clackmannanshire Council's workforce is predominantly female (75.36%) it is anticipated that there are likely to be employees who will experience pregnancy loss.

The experience of pregnancy loss is poorly understood due to the silence surrounding it. It varies from person to person, but it can be an incredibly painful event that has a lasting physical and emotional impact on those experiencing it and their families, no matter the nature of the loss or when it happens.

Getting the right support at work is crucial and we are committed to supporting all employees who suffer the loss of a pregnancy, whether it happens directly to them, their partner or their baby's surrogate mother, regardless of the nature of their loss, and whatever their length of service.

Clackmannanshire Council aims to facilitate an open, understanding working environment and has introduced the Pregnancy Loss policy and procedure.

The Pregnancy Loss policy and procedure is designed to provide guidance and a compassionate response to employees who experience pregnancy loss.

In recognition of our commitment to supporting our valued workforce, our policies are based on the relevant statutory requirements and National Conditions of Service for family related leave and pay.

This policy will support Clackmannanshire Council's commitment to Equal Opportunities and in keeping with our Core values.

We recognise the implications of, and our responsibilities under, the Equality Act 2010 and this policy enhances the support and assistance available to employees coping with pregnancy loss.

In addition, this policy recognises that pregnancy loss is a bereavement, and one not isolated to women or heterosexual couples.

This policy makes no assumptions about how employees suffering a loss feel, or how they want to be treated. Instead it aims to outline the support that is available, and advice that may be useful, should an employee need it.

This policy will complement the provisions of the Special Leave Policy, the Family Friendly Policy and the Work Life Balance & Flexible Working Policy.

Clackmannanshire Council intend to sign up to the Miscarriage Association's Pregnancy Loss Pledge which demonstrates our commitment to supporting our staff through the distress of miscarriage and agree 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 (such as that available on the [MA website](#) on how to support someone experiencing pregnancy loss; and Support people back to work by being responsive to their needs and showing flexibility wherever possible.

Special Leave (Pregnancy Loss)

The Council recognises the need to provide immediate support to employees in times of bereavement and loss. Therefore in addition to any other leave entitlement, all parents regardless of the age of the child they have lost, including parents who suffer a pregnancy loss at any point in the pregnancy will be entitled to and granted 2 weeks paid Special Leave.

Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?

General Equality Duty -

➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct

The provision of the new pregnancy loss policy and procedure should assist with the elimination of discrimination for protected characteristics as individuals who have a protected characteristic have a mechanism to support them should they feel they have been treated inconsistently or unfairly. The particular characteristics this would remove any potential discrimination from in particular would be sex and pregnancy.

➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not

Having due regard for advancing equality involves removing or minimising disadvantages suffered by people due to their protected characteristics. The Council's proposals for the introduction of the Pregnancy policy and procedure should assist with minimising disadvantages for employees who share protected characteristics.

➤ Fostering good relations between people who share a protected characteristic and those who do not.

This element of the Duty is more relevant to the Council's role as service provider, and there is relatively limited direct relevance to this particular policy/procedure.

Fairer Scotland Duty -

➤ Reducing inequalities of outcome caused by socioeconomic disadvantage

This policy and procedure should assist with the retention of staff given that they can see that the organisation ensure that employees are treated in a fair and consistent way and can raise concerns regarding without fear of retribution.

To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	No	This policy and procedure is intended to ensure fair treatment for all employees, irrelevant of their age, who suffer the loss of a pregnancy.
Disability	No	Applies equally to all employees.
Gender Reassignment	No	This policy and procedure will be implemented consistently in its approach to the support provided regardless of the employee's gender.
Marriage and civil partnership	No	This protected characteristic is not directly relevant to this procedure and it is not anticipated that there could be any differential impact on people on the grounds that they are married or in a civil partnership. The Council is committed to supporting all employees who suffer the loss of a pregnancy, whether it happens directly to them, their partner or their baby's surrogate mother, regardless of the nature of the loss.
Pregnancy and Maternity	Yes	Clackmannanshire Council's workforce is predominantly female (75.36%) and it is anticipated that there are likely to be employees who will experience pregnancy loss. There is a separate Family Friendly policy and procedure in place.
Race	No	This policy and procedure will be implemented consistently in its approach to the management of pregnancy loss regardless of the employee's race.
Religion and Belief	No	This policy and procedure will be implemented consistently in its approach to the management of pregnancy loss regardless of the employee's religion/belief. It can be noted that 1.2% of staff indicated that they affiliate with a minority religion.
Sex	Yes	There may be more of an impact of this procedure from a gender perspective such as individuals working part time for example, as in Scotland 86.9% of men in employment are in full time employment compared to 57.5% of women. Any concerns can be raised through the grievance procedure.
Sexual Orientation	No	This characteristic is as relevant as others in terms of individuals could raise any concerns through the grievance procedure.

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

The evidence referred to above includes evidence from Scotland's Census Results, the Equality and Human Rights Commission, regional employment patterns, publications on poverty and income inequality, the Scottish Health Survey and statistics published by Police Scotland.

In terms of internal evidence, reference has been made to the most recently published staff equality data.

Which equality groups and communities might it be helpful to involve in the development of the policy?

The procedure has been developed in consultation with recognised trade unions, along with elected manager representatives will be involved in the review of the draft policy and procedure at policy group. Discussion have taken place at policy group on the content or the policy procedure and suggested amendments/additions have been agreed collectively.

Next steps

The council will take steps to ensure that this procedure is understood and applied fairly by managers. In addition, advice, guidance and support will be provided from Service HR Business Partners on the application of the procedure.

Encouraging managers to be mindful of the Council's commitment to support staff and to take into account the needs of protected groups.

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
<p>The evidence highlights that the introduction of this policy/procedure may have a positive impact on protected groups.</p> <p>This new procedure however ensures there is a removal of potential for discrimination against females employees experiencing pregnancy loss.. The overall commitment to support employees should assist the Council in demonstrating that is has paid due regard to the General Equality Duty.</p>		
Details of engagement undertaken and feedback received		
<p>This procedure has been developed in consultation with recognised trade unions who, along with Council Management, form the Council's Policy Group. In addition, the policy/procedure will be considered by Tripartite (Elected Members, Unions and Management). It will also be reviewed and hopefully formally adopted, by the Partnership and Performance Committee on behalf of the Council.</p>		
Decision/recommendation		
<p>Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:</p>		
Tick	Option 1: No major change	
√	<p>The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>	
	Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.	
	Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.	
	Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.	
Justification for decision		
<p>This assessment finds no indication that the procedure will unlawfully discriminate against protected groups, and that a systematic approach has been taken to ensure that he procedure does not discriminate and takes into account the diverse needs and circumstances of individuals. Steps to monitor the equality impact have been agreed, along with practical to promote fair use.</p>		
APPROVAL		
NAME	DESIGNATION	DATE