

Employment Matters Committee

1 May 2025

Maternity and Paternity Policy

Parental Bereavement Leave Policy

Report from: Sam-Beck Farley, Chief Organisational Culture Officer

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Summary

This report outlines the review and amendments to the council's current Maternity and Paternity Policy and subsequent changes required to the Parental Bereavement Leave policy to support these amends.

This review includes the provision of neonatal leave and pay, a new right for parents of babies born on or after 6 April 2025 into the Maternity and Paternity Policy.

1. Recommendations

- 1.1 The Committee is asked to agree to adopt the revised Maternity and Paternity Policy and the revised Parental Bereavement Policy set out at Appendices A and B respectively to the report, to ensure adherence with new legislation regarding neonatal leave.
- 1.2 The Committee is asked to adopt the enhancement of Neonatal Leave in relation to pay. This enhancement would mean pay, as well as leave, is a day one right. This would mean that employees would not have to have met the qualifying period of 26 weeks continuous service to receive pay.
- 1.3 The Committee is asked to adopt the proposed enhancement to eligibility to Parental Bereavement Leave to include miscarriage and stillbirth before 24 weeks.

2. Budget and policy framework

- 2.1 The adoption of the revised policy is within the purview of the Employment Matters Committee and the decision is within the Council's policy and budget framework.
- 2.2 The Maternity and Paternity Policy does not have a direct impact on the overall Council frameworks and strategies. However, the policy does support the relevant strategies indirectly as the adoption of the policy will help to

support the aim of being an employer of choice, making sure that our employees are aware of and receive not only what they are entitled to as a statutory right but improving the offer where possible.

3. Background

- 3.1 The overall policy contents have been reviewed in collaboration with the Public Health team. This has resulted in improved references being introduced to assist across several relevant areas to support new mothers and parents.
- 3.2 Neonatal leave entitlement has been added (section 7 of Appendix A to the report) where eligible parents will have a day one right to take up to 12 weeks of leave, fully paid, on top of any other leave they may be entitled to including maternity and paternity leave.
- 3.3 The day one right does have a qualifying period of 26 weeks with the employer before there is an entitlement to pay. It is proposed that this is made a true one day right to leave and pay at Medway Council. Any financial impact of this is predicted to be very low and would not impact the maternity entitlement but this proposal would allow employees who have likely only just started employment to understand our values and commitment to supporting them.
- 3.4 Miscarriage and still birth has been included in the policy. This has resulted in an amendment to the parental bereavement leave policy which has been updated to include a new eligibility for miscarriage or still birth before 24 weeks. This has been put forward as a change to legislation in 2026 and expanding eligibility improves the support for our employees.
- 3.5 Reference to be able to use compassionate leave (up to 10 days) has also been included for clarity on entitlement as per sections 11.3 and 12.2 within the policy.
- 3.6 A further check and review of the policy has been made to make sure the policy aligns with 2024 legislation regarding reorganisation and redundancies.
- 3.7 To summarise, all areas of the policy have been reviewed with the aim to improve the policy for parents and help to support the aim of the council to be an employer of choice.

4. Options

- 4.1 To adopt the revised policy which would be in line with legislation that came into force in April 2025.
- 4.2 To adopt the revisions to the Maternity and Paternity Policy to include the legislative requirement of Neonatal Leave but not enhance Parental Bereavement Leave to include miscarriage or stillbirth before 24 weeks.

4.3 To not adopt any revisions which would lead to noncompliance with new legislation.

5. Advice and analysis

5.1 This is a revised policy which will be communicated to all employees through the HR newsletter and through a global email to managers to make sure they are aware of the changes.

5.2 A Diversity Impact Assessment (DIA) has been undertaken in relation to any changes that are made because of this policy and is attached as Appendix B to the report.

5.3 The policy has been reviewed in line with recommendations from the council's Public Health team. This has led to a number of improvements regarding the consideration of the employee's wellbeing and support provided. ACAS and GOV.UK have been the main benchmarks for best practice and ensuring the policy is aligned with statutory regulations.

6. Risk management

6.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community. Using the following table this section should therefore consider any significant risks arising from your report.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Policy is not adopted	The council would not be complying with legislative changes	Adopt the policy which includes the right to neonatal leave	CII
Awareness of support available to employees is not communicated effectively.	Following the adoption of the policy communication is required across the organisation to employees and managers.	Comms through HR newsletter and direct to managers through email. Training to be developed to cover these areas as part of a manager's hub.	CIV
Amendment to parental bereavement leave not extended to miscarriage and	It is expected that this will be part of the Employment Rights Bill in 2026 so being an early adopter would not only future proof	Adopt the amendments to the parental bereavement policy to support the Maternity and	CIV

Risk	Description	Action to avoid or mitigate risk	Risk rating
stillbirth before 24 weeks.	the relevant policies, but also show the support that we provide to employees - not only when there is legislative change but when it is the right thing to do.	Paternity policy changes.	

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

7. Consultation

- 7.1 To inform the revision of the Maternity and Paternity Policy and resulting change to the Parental Bereavement Leave drafts were shared with the Trade Unions, Public Health, and the Medway Makers.
- 7.2 During these consultations, feedback was sought on the revised policies. This feedback has been incorporated into the policy where appropriate and has helped to inform the subject matter of the further requirements such as bitesize training and improvement to Medspace pages.

8. Climate change implications

- 8.1 There are no climate change implications directly arising from this report.

9. Financial implications

- 9.1. The improvement on the regulations to offer pay as a day one right for neonatal leave is not expected to have a significant financial impact.
- 9.2. The amendment of the Parental Bereavement Leave policy is not expected to have a significant financial impact as sickness absence would have been likely been used alongside compassionate leave in these circumstances. It may be that sickness absence is still required but enhancing the current policy would not have a significant impact in relation to cost.

10. Legal implications

10.1. The legal implications of not adopting the element of neonatal leave would leave the council open to non-compliance with the Neonatal Care (Leave and Pay) Act 2023.

10.2. Other related legislation includes:

- The Maternity and Parental Leave etc. Regulations 1999
- The Paternity and Adoption Leave Regulations 2002
- Employment Rights Act 1996 (Employment Act 2002)
- Statutory Paternity Pay and Leave
- Parental Bereavement Leave (Jack's law) 2020.

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Appendices

Appendix A: Revised Maternity and Paternity Policy

Appendix B: Revised Parental Bereavement Leave Policy

Appendix C: Diversity Impact Assessment

Background papers

Legislation: [Neonatal Care \(Leave and Pay\) Act 2023](#)