

AGE UK EXETER

Controlled Document

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Owner (Responsibility) CEO

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Document Description

The purpose of this policy is to outline the statutory rights of employees who have experienced stillbirth or neonatal loss, and to set out the arrangements for maternity leave and pay as well as any subsequent return to work.

Implementation and Quality Assurance

Implementation is immediate and this policy shall stay in force until any alterations are formally agreed.

The policy will be reviewed every three years by the Board of Trustees, sooner if legislation, best practice, or other circumstances indicate this is necessary.

All aspects of this policy shall be open to review at any time. If you have any comments or suggestions on the content of this policy, please contact the CEO on info@ageukexeter.org.uk or at Age UK Exeter, The Sycamores, Mount Pleasant Road, Exeter, EX4 7AE, 01392 202092.

Stillbirth and Neonatal Loss Policy

1. About this policy

We recognise the distress, both physical and emotional, that may result from stillbirth and neonatal loss, and the impact this may have on employees.

The purpose of this policy is to outline the statutory rights of employees who have experienced stillbirth or neonatal loss, and to set out the arrangements for maternity leave and pay as well as any subsequent return to work. The legal position of employees who have experienced stillbirth or neonatal loss differs from the position of employees who have experienced pregnancy loss (for example, miscarriage before 24 weeks of pregnancy, abortion, or ectopic or molar pregnancy). For information on our leave and pay provisions for employees who have experienced pregnancy loss before 24 weeks, please see our Pregnancy Loss Policy.

In this policy:

Stillbirth means the loss of a pregnancy after 24 weeks.

Neonatal loss means where a child is born alive at any stage of the pregnancy but then does not survive.

This policy is also intended to signpost other types of leave and pay an employee, including partners of individuals, may be entitled to following stillbirth or neonatal loss, including but not limited to parental bereavement, paternity and adoption leave and pay. While the focus of this policy is an employee's maternity leave and pay entitlements, information on other types of leave can be found in paragraph 0.

If your child received a week or more of qualifying neonatal care in the weeks before their death, you may be eligible for neonatal care leave and pay in addition to other family-related leave and pay. For more information, please see our Neonatal Care Leave Policy.

We appreciate that no situations will be identical and that baby loss can result in a grief unlike other types of grief. We therefore encourage individual employees to discuss with their line manager or the HR and Finance Manager what support they may need.

We also encourage all employees affected by baby loss to speak with their line manager or the HR and Finance Manager about what terminology they would like to be used in relation to their baby loss.

If you are affected by baby loss but were not the carrier of the baby, the partner of the individual carrying the baby or the intended parent in a surrogacy or adoption arrangement, please speak with your line manager or the HR and Finance Manager about how we can support you.

This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.

2. Who does this policy apply to?

This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns. If you are not an employee but have experienced stillbirth or neonatal loss, we encourage you to speak with your normal point of contact in our organisation. They will be able to discuss with you what support is available or to put you in contact with someone who knows this.

3. Who is responsible for this policy?

The Board of Trustees has overall responsibility for the effective operation of this policy. The Board has delegated responsibility for overseeing its implementation to the HR and Finance Manager.

Any questions you may have about the day-to-day application of this policy should be referred to your line manager or the HR and Finance Manager in the first instance.

4. Experiencing stillbirth at work

If your stillbirth starts while at work, we encourage you to speak with your line manager or a trusted colleague. They can then arrange for your preferred contact to be notified and find a suitable place for you to remain while any medical care is organised or arrangements are made for you to leave the workplace. We recognise how traumatic the experience may be, both physically and emotionally.

Consequently, we want to ensure that no individual feels that they have to go through the experience on their own or continue with their work. Your line manager or colleague should agree with you how your absence will be communicated to others, if needed.

If you are the preferred contact of an individual experiencing stillbirth, we will allow you to leave work at short notice to provide support.

5. Entitlement to maternity leave following stillbirth or neonatal loss

All the legal consequences of childbirth (including the right to maternity leave) apply where a child is stillborn after 24 weeks of pregnancy, or where a child is born alive at any stage of the pregnancy but then does not survive.

Provided you have complied with the notification requirements set out in our Maternity Policy, you will be entitled to 52 weeks' maternity leave which is divided into:

- (a) Ordinary maternity leave of 26 weeks (OML).

- (b) Additional maternity leave of a further 26 weeks immediately following OML (AML).

6. Starting maternity leave

In the event of stillbirth or neonatal loss, your maternity leave will start the day after you give birth, if it has not already started, assuming you notified us of your pregnancy in accordance with our Maternity Policy.

If you give birth before your maternity leave was due to start, you must let us know the date of the birth in writing as soon as possible. We recognise that you may not be able to notify us immediately following a stillbirth or neonatal loss.

The law prohibits you from working during the two weeks following childbirth.

At an appropriate time, and if necessary, we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave. We acknowledge the challenges that you may face following a stillbirth or neonatal loss and that the amount of contact preferred will vary from employee to employee. Please tell your line manager or the HR and Finance Manager how and when you would like to be contacted, so we can accommodate your preferences.

7. Maternity pay

Statutory maternity pay (SMP) is payable for up to 39 weeks. SMP will stop being payable if you return to work (except where you are simply keeping in touch in accordance with paragraph 0). Qualifying Week means the 15th week before the week that you expect to give birth. Expected Week of Childbirth means the week, starting on a Sunday, in which your doctor or midwife expects you to give birth. You are entitled to SMP if:

- (a) you have been continuously employed for at least 26 weeks at the end of the Qualifying Week and are still employed by us during that week;
- (b) your average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the government;
- (c) you provided us with a doctor's or midwife's certificate (MAT B1 form) stating your Expected Week of Childbirth;
- (d) you gave us at least 28 days' notice (or, if that was not possible, as much notice as you could) of your intention to take maternity leave; and

- (e) you experience stillbirth or neonatal loss.

SMP is calculated as follows:

- (a) First six weeks: SMP is paid at the Earnings-Related Rate of 90% of your average weekly earnings calculated over the Relevant Period.
- (b) Remaining 33 weeks: SMP is paid at the Prescribed Rate which is set by the government for the relevant tax year, or the Earnings-Related Rate if this is lower.

SMP accrues from the day on which you start your OML and thereafter at the end of each complete week of absence. SMP payments are made on the next normal payroll date and income tax, National Insurance and pension contributions are deducted as appropriate.

You are still eligible for SMP if you leave employment for any reason after the start of the Qualifying Week (for example, if you resign or are made redundant). In such cases, if your maternity leave has not already begun, SMP starts to accrue in whichever is the later of:

- (a) the week following the week in which employment ends; or
- (b) the 11th week before the Expected Week of Childbirth.

If you become eligible for a pay rise before the end of your maternity leave, you will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

8. Terms and conditions during OML and AML

All the terms and conditions of your employment remain in force during OML and AML, except for the terms relating to pay. In particular:

- (a) annual leave entitlement under your contract shall continue to accrue (see paragraph 0); and
- (b) pension benefits shall continue (see paragraph 0).

9. Annual leave

Our holiday year runs from 1 April to 31 March. In many cases, a period of maternity leave will last beyond the end of the holiday year. Holiday entitlement continues to accrue during maternity leave and can be carried over to the next holiday year where necessary as set out in our Contracts.

You should discuss your holiday plans with your line manager. All holiday dates are subject to approval by your line manager.

10. Pensions

If you are a member of the pension scheme, we shall make employer pension contributions during OML and any period of paid AML, based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any maternity pay you are receiving, unless you inform the Finance Department that you wish to make up any shortfall.

11. Redundancies during or after pregnancy and maternity leave

If your role is affected by a redundancy situation occurring during your leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to redundancies.

If your role is affected by a redundancy situation and you have notified us of your pregnancy, are on maternity leave, or have returned to work from maternity leave and are within 18 months of the date of birth (or the start of the EWC if you have not told us the date of birth), you shall be offered a suitable alternative vacancy that is appropriate to your skills, if one is available. If you are not entitled to maternity leave, the protected period applies from when you notify us of your pregnancy until two weeks after the end of your pregnancy. Similar protection applies to employees who are taking or have recently returned from, other types of family leave.

12. Keeping in touch

We may make reasonable contact with you from time to time during your maternity leave. However, we will always be sensitive to the loss you have experienced. Please tell your line manager or the HR and Finance Manager how and when you would like to be contacted.

You may ask (or be asked to work, including attending training) for up to ten "keeping-in-touch" days (KIT days) during your maternity leave without bringing your maternity leave or SMP to an end. This is not compulsory and must be discussed and agreed with your line manager or the HR and Finance Manager. You do not

have to work any KIT days if you do not want to. In any case, you must not work in the two weeks following birth.

You will be paid at your normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any maternity pay entitlement. Alternatively, you may agree with your line manager or the HR and Finance Manager to receive the equivalent paid time off in lieu.

13. Returning to work

We recognise that returning to work after baby loss may be challenging and the preferred support will vary from employee to employee. With this in mind, we encourage you to speak with your line manager about how we can support your return to work. If you have any suggestions for steps we can take as your employer to support you during this time, please discuss these with your line manager. For example, you may want to discuss the possibility of regular check-ins, a phased return to work (see paragraph 0), or temporarily sitting away from pregnant colleagues. You may also have suggestions about how we can sensitively communicate pregnancy and baby news in the workplace. If you feel unable to speak with your line manager for any reason, please speak with the HR and Finance Manager.

If you had already notified us in writing of the date on which you wanted to start your maternity leave (Intended Start Date), we will have sent a letter to you to inform you of the date we expected you to return to work (Expected Return Date). If your start date has been changed (either because you gave us notice to change it, or because maternity leave started early due to illness or premature childbirth), we will have written to you within 28 days of the start of your maternity leave with the revised Expected Return Date.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person, or by telephone or a video conference) about the arrangements for your return. This may cover:

- (a) discussing any suggestions you have about how we can support your return;
- (b) updating you on any changes that have occurred during your absence;
- (c) any training needs you might have; and
- (d) any changes to working arrangements.

If you are eligible to take and have accrued neonatal care leave in respect of any qualifying neonatal care your child received, you may have chosen (or subsequently choose) to add any neonatal care leave to which you are entitled onto the end of

your maternity or other family leave period. You must take neonatal care leave within the first 68 weeks after your child's birth and comply with the relevant notice requirements. For more information, please see our Neonatal Care Leave Policy or speak with the HR and Finance Manager.

14. Changing your return date

If you wish to return to work earlier than the Expected Return Date, you must normally give us eight weeks' notice. It is helpful if you give this notice in writing. If you do not give enough notice, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner. However, we will try to accommodate your return wherever possible.

If you wish to return later than the Expected Return Date, you should:

- (a) request parental bereavement leave under our Parental Bereavement Leave Policy;
- (b) request compassionate leave under our Compassionate Leave Policy; or
- (c) request paid annual leave in accordance with your contract, which will be at our discretion.

In the case of neonatal loss, you may also be able to take any neonatal care leave you have accrued in accordance with our Neonatal Care Leave Policy to delay your Expected Return Date.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

15. Phased returns to work following stillbirth or neonatal loss

If you would like to complete a phased return following the end of your maternity leave, please speak with your line manager or the HR and Finance Manager. We will then arrange a meeting with you to discuss a phased return. While we will have to consider the needs of the business, we will work with you to attempt to facilitate your phased return. You may, for example, wish to take annual leave you have accrued during your maternity leave to reduce the number of days you initially have to work each week. If you have decided not to take your full maternity leave entitlement (meaning that you have not accrued significant annual leave), we will explore alternative options with you to support your phased return.

We recognise that how you feel may change during any phased return, and we will discuss with you any changes to your needs during your return.

You may be able to benefit from other temporary changes to your normal working arrangements, including under our Flexible Working Policy, or Hybrid Working Policy on returning to work. For information on sources of other support, see paragraph 0.

16. Deciding not to return

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return, you should give notice of resignation in accordance with your contract. The amount of maternity leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period. Where you have experienced a stillbirth or neonatal loss, we will always take these circumstances into account when deciding whether a return to work would be appropriate.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

This does not affect your right to receive SMP.

17. Your rights when you return

You are normally entitled to return to work in the same position as you held before starting leave. Your terms of employment shall be the same as they would have been had you not been absent.

However, if you have taken any period of AML, and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

18. Switching to shared parental leave in cases of neonatal loss

In some neonatal loss cases, you and your spouse or partner may be eligible to opt into the shared parental leave scheme which gives you more flexibility to share the leave and pay available in the first year after birth. Your partner should check with their employer if they are eligible.

To be eligible, you must already have given us a notice of entitlement and a period of leave notice before your child died. For more information, please speak with the HR and Finance Manager.

19. Sickness resulting from stillbirth or neonatal loss

If you need to take time off due to sickness caused by stillbirth or neonatal loss and are not on maternity leave, this time off will be treated as sickness absence in accordance with our Sickness Absence Policy. If you are sick during any period of

maternity leave, you will continue to receive any maternity pay due to you. You will not be able to claim statutory or contractual sick pay during the maternity pay period.

Sickness absence resulting from stillbirth or neonatal loss will be recorded separately from other sickness absence and disregarded in any future employment-related decisions.

20. Time off and pay for medical appointments relating to stillbirth or neonatal loss

You may take paid time off to attend, or to accompany your partner, surrogate or adoption parent to, a medical appointment relating to a stillbirth or neonatal loss at a time when you would otherwise be working.

Please give us as much notice of any medical appointment as possible. However, we recognise that this may not always be possible and that an appointment may need to take place during the working day.

21. Entitlements to paternity and other types of leave following stillbirth or neonatal loss

Depending on your relationship with the child and the child's mother and whether you meet the relevant eligibility criteria, you may be entitled to paternity leave and pay in accordance with our Paternity Policy. You will be treated as eligible if you would have had the requisite responsibility for the child's upbringing had the child not been stillborn or died.

In cases where the intention was to place a child with you for adoption, or you were an intended parent under a surrogacy arrangement, you may be entitled to adoption leave and pay in accordance with our Adoption Policy.

If your child, or intended child in an adoption or surrogacy arrangement, is stillborn or dies shortly after birth, you will be entitled to parental bereavement leave in addition to any maternity, paternity or adoption leave to which you are entitled. If you meet the relevant eligibility criteria, you will be entitled to parental bereavement pay in accordance with our Parental Bereavement Leave Policy. Parental bereavement leave can be one week, two consecutive weeks, or two separate weeks. It can be taken at any time during the first 56 weeks after your child's death or stillbirth.

If your child received qualifying neonatal care before their death, you may be entitled to neonatal care leave and pay in accordance with our Neonatal Care Leave Policy. As detailed in paragraph 13, you may have chosen (or chose) to add any neonatal care leave to which you are entitled onto the end of your maternity or other family leave period. However, any neonatal care leave must be taken within the first 68 weeks after your child's birth, and you must comply with the relevant notice requirements set out in our Neonatal Care Leave Policy.

You may take dependants' leave in accordance with our Time Off for Dependents Policy immediately following the death of a child (for example, to deal with funeral arrangements).

22. Talking about your loss

We are conscious that it is entirely your decision whether or how much to talk about your loss. We will endeavour to provide an open and welcoming environment in which you can do so. You should never feel discouraged from discussing your loss.

Equally, we appreciate that there may be circumstances in which you want to limit the number of individuals who know about your stillbirth or neonatal loss, to the extent this is possible in the circumstances. If you choose to discuss your loss with your line manager, we encourage you to speak with them about how you would like your absence from work to be communicated to colleagues. If you would prefer to do so, you may speak with the HR and Finance Manager in the first instance.

Any information you provide to us about your health will be processed in accordance with our Data Protection Policy. We recognise that this data is sensitive and will handle it in a confidential manner.

23. Other support

Stillbirth and neonatal loss can be extremely challenging and result in considerable distress. For support, you may find the following external organisations helpful:

Sands is a UK-based charity dedicated to supporting anyone affected by the death of a baby and working to prevent baby loss. www.sands.org.uk. You may also benefit from our Employee Assistance Programme.

We expect all staff to be supportive of colleagues who have experienced stillbirth or neonatal loss and to recognise that employees may deal with their loss in different ways. Staff should feel able to discuss stillbirth and neonatal loss in the workplace without fear of being disadvantaged or discriminated against in any way. Bullying or harassment in connection with stillbirth or neonatal loss will be dealt with under our Anti-harassment and Bullying Policy, which may result in disciplinary action being taken against the perpetrator. Any employee who considers that they have suffered a detriment following stillbirth or neonatal loss (for example, being overlooked for a promotion) should contact the HR and Finance Manager.

Revision history

Revision date	Summary of Changes	Other Comments
July 2026	New policy with HR Express recommendation and template	