

Document Control Sheet

Document title	Parental Bereavement Leave Policy and Procedure
Summary of purpose	This policy sets out our commitment to supporting bereaved parents through their grief by ensuring they can take parental bereavement leave.
Prepared by	Human Resources Specialist
Status	DRAFT
Version number	1
Approved by	
Approval date	
Date of implementation	April 2020
Review frequency	
Next review date	As required by legislative changes
Circulation	All Staff

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

Accessibility Help

Zoom in or out by holding down the Control key (CTRL) and turning the mouse wheel.



Contents

	Page
Section one – Procedure Overview	
1 Statement	3
2 Links to other policies / procedures	3
Section two	
3 Roles and responsibilities	4
Section three - Procedure	
4 Eligibility to take parental bereavement leave	5
5 What leave a bereaved parent can take	5
6 Notice to take parental bereavement leave	6
7 Cancellation of parental bereavement leave	6
8 Pay during parental bereavement leave	7
9 Rights during parental bereavement leave	7
10 Returning to work after parental bereavement leave	7
Section four – Additional information	
11 Sickness absence due to bereavement	8
12 Data protection	8
13 Support	8
Appendix 1 – Parental bereavement leave: Record of employees notice to take leave	9
Appendix 2 – Letter to an employee confirming they are taking parental bereavement leave	11

Section One – Procedure Overview

1 Statement

We recognise that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.

This policy sets out our commitment to supporting bereaved parents through their grief by ensuring they can take parental bereavement leave.

The policy applies to employees who suffer the loss of a child under the age of 18 on or after 06 April 2020. This includes parents who suffer a stillbirth after 24 weeks of pregnancy. It sets out an employees' entitlement to parental bereavement leave and pay.

Law relating to this document

Leading statutory authority

[Parental Bereavement \(Leave and Pay\) Act 2018](#)

[Parental Bereavement Leave Regulations 2020 \(SI 2020/249\)](#)

[Statutory Parental Bereavement Pay \(General\) Regulations 2020 \(SI 2020/233\)](#)

Parental bereavement leave, sometimes referred to as "Jack's Law", is an entitlement for bereaved parents to be absent from work (in most cases, with pay at a statutory minimum rate) for up to two weeks. It is available to the parents of a child who dies on or after 6 April 2020.

2 Links to other policies/procedures

2.1 [Compassionate Leave – See Leave Procedure](#)

2.1.1 Compassionate leave of up to five days with pay may be granted to employees at the discretion of their Line Manager – such circumstances would typically be approaching the death of a close family member or friend. This can be granted retrospectively.

2.1.2 To have this agreed please search Special/ Compassionate leave request on Freshservice.

2.2 [Paternity leave policy and procedure](#)

2.3 [Maternity / adoption leave and pay policy and procedure](#)

2.4 [Shared parental leave policy and procedure](#)

2.5 [Managing attendance policy and procedure](#)

Section Two

3 Roles and responsibilities

- 3.1 Line managers are expected to ensure the application of this policy within their area by:
- Deal promptly and sensitively with employees suffering from bereavement
 - Maintain confidentiality where possible
 - Limit initial conversations with the employee to offering condolences and addressing immediate matters, but leave detailed discussions until a later date
 - Take into account the employee's particular circumstances and recognise that employees may need additional time off (options can be discussed with an HR Specialist)
 - Ensuring that work pressures are removed to allow the employee to deal with their bereavement without additional pressures of work
 - Consult with a human resources specialist where necessary, avoiding any conflicting or wrong information being communicated to the employee where ever possible
 - Place a Freshservice ticket (if the employee is not able) for any parental bereavement leave to be taken so that pay can be correctly reflected at the appropriate time and a record of absence can be kept
 - Ensure the employee has access to the Employee Assistance Programme (EAP) details at Section 12
 - Discuss with the employee any temporary changes that they may need to their hours or role to enable them to return to work
 - Be aware that bereavement can have a long-lasting impact and that the employee may need ongoing flexibility and support
 - Complete the form shown at Appendix 1 as soon as you are aware of the bereavement.
- 3.2 Employees are expected to:
- Liaise with their line manager as soon as reasonably practicable so that
 - To give the due notice required to take and/or cancel any parental bereavement leave
 - Where able, to place a Freshservice ticket for any parental bereavement leave to be taken so that pay can be correctly reflected at the appropriate time and a record of absence can be kept
- 3.3 Human resources will:

- Provide support to managers in the use of this policy
- Discuss cases with individuals in confidence when and where appropriate

Section Three – Procedure

4 Eligibility to take Parental Bereavement Leave

- 4.1 Whatever your length of service, you can take this type of leave if you are the parent of the child who has passed away, or the partner of the child's parent. In general, you can take this type of leave if you have parental responsibility for the child.
- 4.2 The partner of a deceased child's parent also qualifies, as long as they live in an "enduring family relationship" with the child and their parent.
- 4.3 The legislation includes the concept of a "parent in fact", which means someone who, for a continuous period of at least four weeks before the child died, lived with the child and had "day-to-day responsibility" for the child (but who is not being paid to look after the child).
- 4.4 Adoptive parents, the parents of children born through a surrogate and the "natural parents" of adopted children who have been granted some court-ordered contact also qualify for parental bereavement leave.
- 4.5 In addition, parents who suffer a stillbirth after 24 weeks of pregnancy can take parental bereavement leave.
- 4.6 If you have suffered a bereavement but are unsure if you are entitled to parental bereavement leave, please contact an HR Specialist for clarification.

5 What leave a bereaved parent can take

- 5.1 Parental bereavement leave operates in units of one week and is not available as individual days. You can take two weeks of parental bereavement leave. You can take the leave as:
- a single block of two weeks; or
 - two separate blocks of one week at different times.
- 5.2 You can take the leave at the time(s) you choose within the 56 weeks after your bereavement. You might choose, for example, to take it at a particularly difficult time such as your child's birthday.
- 5.3 You can take parental bereavement leave within 56 weeks of the date of the death of the child.
- 5.4 If you have lost more than one child, you have a separate entitlement to bereavement leave for each child who has passed away.
- 5.5 Compassionate leave can be granted for up to five days with pay at the discretion of the line manager. This can be granted retrospectively. Any right to parental bereavement leave is in addition to compassionate leave. Compassionate leave when granted is given at full pay.

6 Notice to take parental bereavement leave

- 6.1 **If you need to take parental bereavement leave within the first 56 days after your bereavement**, you can take the leave straight away. You do not have to provide any notice. Please let your line manager know no later than when you are due to start work on the first day on which you wish to take leave or, if that is not feasible, as soon as you can.
- 6.2 **OR To take leave more than 56 days after your bereavement**, please agree this with your line manager, providing at least one week's notice.
- 6.3 When taking this leave, ensure you put a Freshservice ticket through, so it can be recorded; this can be completed by your line manager in your absence.
- 6.4 To take parental bereavement leave, you must provide:
- the date of the child's death;
 - the date on which you are beginning parental bereavement leave; and
 - if you intend to take one- or two-weeks' parental bereavement leave.
- 6.5 The timeframe for giving notice to take parental bereavement leave depends on how soon after the child's death leave is being taken.
- 6.6 **During "period A", which is the first 56 days beginning with the date of the child's death, you can take the leave straight away.**
- 6.6.1 You do not have to provide a period of notice, meaning that you must let your line manager know of your intention to take parental bereavement leave no later than when you would have been due to start work on the first day of the leave. However, the legislation recognises that this is often not feasible, in which case notice can be given as soon as it is "reasonably practicable" to do so.
- 6.7 **OR During "period B", which is more than 56 days after the child's death, you must give your line manager at least one week's notice of your intention to take parental bereavement leave.**
- 6.7.1 You do not have to provide any evidence of your child's death (such as a copy of a death certificate or a letter from the child's doctor). Line managers and HR professionals should not, under any circumstances, require an employee to provide evidence that their child has died.
- 6.8 Where more than one child dies, you are entitled to two weeks' parental bereavement leave in respect of each child.

7 Cancellation of parental bereavement leave

- 7.1 You can cancel your planned leave and take it at a different time (within the 56 weeks after your bereavement). **Where your planned leave was due to begin during the first 56 days after your bereavement**, please let your line manager and the HR department know you no longer wish to take it before your normal start time on the first day of the planned leave.
- 7.2 **Where your leave was due to begin more than 56 days after your bereavement**, please let your line manager and the HR department know at least one week in advance that you wish to cancel it.
- 7.3 You cannot cancel any week of parental bereavement leave that has already begun.

8 Pay during parental bereavement leave

- 8.1 While parental bereavement leave is a day one right, with no requirement for employees to have a continuous period of service, entitlement to statutory parental bereavement pay is subject to continuous employment and minimum earnings requirements.
- 8.2 To receive statutory parental bereavement, pay, you must have:
- at least 26 weeks' continuous employment with us by the week before the one in which your child passed away (and still be employed by us on the date of the bereavement); and
 - normal weekly earnings in the eight weeks up to the week before your bereavement of at least the lower earnings limit for national insurance contribution purposes.
- 8.3 If you are unsure if you are entitled to statutory parental bereavement pay, please contact an HR Specialist who will be able to advise you.
- 8.4 If you qualify for statutory parental bereavement pay, you will be paid during your leave at the rate set by the Government, or at 90% of your average weekly earnings where this figure is lower. If you are not eligible, your leave will be unpaid.
- 8.5 You need to give us notice of the weeks for which you wish to claim statutory parental bereavement pay.
- 8.6 We will send a letter to you, template as shown at Appendix 2. The enclosed form must normally be returned by email to your line manager within 28 days of the first day for which you are claiming. However, if that is not possible, please complete and return the form as soon as you can.

9 Rights during parental bereavement leave

- 9.1 During your leave, all the terms and conditions of your contract, except for normal pay, will continue. Salary will be replaced by statutory parental bereavement pay if you are eligible for it.
- 9.2 This means that while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement continues to accrue. Pension contributions will continue to be paid.
- 9.3 In summary, during a period of parental bereavement leave, you are entitled to the benefit of all the terms and conditions of employment that would have applied but for your absence, except for terms and conditions regarding remuneration.

10 Returning to work after parental bereavement leave

- 10.1 When you return to work after some time on parental bereavement leave, you generally have the right to return to the same job.
- 10.2 However, a slightly different rule applies if you return from time on bereavement leave that follows on immediately from some maternity, adoption, paternity leave or shared parental leave (taken in relation to the child who has passed away), and your total time on leave is more than 26 weeks. The council has a separate policy for each of these leave rights. See links at Section One above.

- 10.3 In these circumstances, you have the right to return to the same job, unless this is not reasonably practical - in which case you have the right to return to a suitable and appropriate job on the same terms and conditions.
- 10.4 This rule also applies if your leave includes more than four weeks of ordinary parental leave (taken in relation to any child), regardless of the total length of the leave. The council has a separate policy outlining your right to unpaid ordinary parental leave. See link at Section One above.
- 10.5 If you are taking parental bereavement leave, but are unsure where you stand on your return, please contact a Human Resources Specialist for clarification.

Section Four – Additional information

11 Sickiness absence due to bereavement

- 11.1 Some employees in bereavement may find themselves unable to work due to ill health brought about by the bereavement. They may not be sleeping, may be extremely fatigued and/or could develop depression or anxiety. In these instances, the employee may be signed off sick by their doctor.
- 11.2 Should this arise, we will manage this absence under the normal Managing Attendance Policy and Procedure, considering the sensitivity of the case of the absence.
- 11.3 The line manager or if agreed otherwise, a contact within the HR Specialists, should be responsible for keeping in touch with the employee and ensuring that they are aware of, and can access, the support available to them through the Employee Assistance Programme.

12 Data protection

- 12.1 When dealing with parental bereavement leave, we will process any personal data collected in accordance with our data protection policy. This information is stored securely and accessed by, and disclosed to, individuals only for the purposes of managing the parental bereavement leave. 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 Council's disciplinary procedure.

13 Support

- 13.1 To support employees, the Council offers a free and confidential Employee Assistance Programme (EAP) to all staff. This service is delivered by Workplace Options, an independent provider of employee support services.
- 13.2 To access the website, go to www.workplaceoptions.com click on 'Member Login' then enter; User name: **Maldon** / Password: **employee**

Appendix 1 – Parental bereavement leave: Record of employees notice to take leave

<p>For the attention of line managers</p> <p>This form is for a line manager to record that an employee has provided notice that they are taking parental bereavement leave.</p> <p>This form contains the information that you need to gather from the employee for them to take parental bereavement leave. You should not, under any circumstances, give the employee this form to complete themselves. Please see the notes below for further guidance on filling in this form.</p>	
Name of employee:	
Date of child's death:	
Date on which the employee is beginning parental bereavement leave:	
Does the employee wish to take one or two weeks' parental bereavement leave?	One week/Two weeks (delete as appropriate)
Completed by:	
Dated:	
<p>Please now attach this to a Freshservice request so it can be processed.</p>	

Notes

Who should complete this form

This form should be completed by a line manager or an HR professional - it is not appropriate to require the bereaved employee to complete this form.

Informal notification, such as a phone call or email, is sufficient to take parental bereavement leave. Please ensure that you obtain the necessary information from the employee in a sensitive manner.

When to complete this form

Complete this form when an employee is taking one or two weeks' parental bereavement leave. Where more than one of an employee's children loses their life (for example in an accident involving multiple fatalities), the employee is entitled to two weeks' parental bereavement leave for each child - in these circumstances, please complete a form for each child who has passed away.

It is important that you allow a bereaved parent to take parental bereavement leave as it is a legal entitlement for bereaved parents of a child who passes away on or after 6 April 2020.

There is no minimum service requirement, meaning that parental bereavement leave is available to employees from day one of their employment with us.

Evidence to take parental bereavement leave

The employee does not have to provide any evidence of their child's death. You should not, under any circumstances, require the employee to provide you with evidence that their child has passed away.

Appendix 2 – Letter to an employee confirming they are taking parental bereavement leave

Use this letter to follow up an employee's notice that they are taking parental bereavement leave. This letter is designed to be send together with Appendix 3.

Dear []

We are very sorry for your loss and our thoughts are with you. We would again like to express our sincere condolences [to both you and your [wife/partner]].

Following our conversation on [date], I thought it might be helpful to you if I confirmed the details of your parental bereavement leave and let you know what other support we can provide you with.

[You let us know that you are taking [one week's/two weeks'] parental bereavement leave. Your leave runs from [date] until [date].

OR

You left work during the day on [date], meaning that your [one week's/two weeks'] parental bereavement leave starts the next day. Your leave runs from [date] until [date].]

[During your parental bereavement leave, you will be paid statutory parental bereavement pay at the rate of [£151.20/insert amount that is 90% of the employee's average weekly earnings where this figure is less than £151.20] per week. To ensure that we can pay your statutory parental bereavement pay, please sign the attached form for you to provide notice and evidence of entitlement to parental bereavement pay and return it to [me/your line manager] when you can.

OR

Recognising the need to provide you with support, we will [continue to pay you your normal pay during your parental bereavement leave].]

[You are taking one week's parental bereavement leave, but please bear in mind that you are entitled to take a second week's parental bereavement leave later on if you find this helpful. You can take the second week's leave between now and [date that is 56 weeks after the date of the death of the child].]

As you will be aware, we provide an Employee Assistance Programme for employees, which is entirely confidential. To support employees, the Council offers a free and confidential Employee Assistance Programme (EAP) to all staff. This service is delivered by Workplace Options, an independent provider of employee support services. The service is available to staff in respect of both work-related issues and personal matters.

To access the website, go to www.workplaceoptions.com click on 'Member Login' then enter; User name: **Maldon** / Password: **employee**

In due time, we can discuss any other steps that we can take to help you make your return to work easier at this difficult time. This could include returning to work on reduced hours initially or working from home for a period before returning to the workplace. We can also discuss what you would like your colleagues to know about the situation.

Please feel free to contact me at any time if you have any queries, if you would like to discuss any of the above, or if you would just like to talk about any other ways in which we can help.

Yours sincerely

Enclosed: Statutory parental bereavement pay form

Name:	
<p>We are very sorry for your loss and our thoughts are with you. We would like to express our sincere condolences. To ensure the smooth payment of your statutory parental bereavement pay, please complete and date this form and return it to your line manager.</p>	
Date of child's death:	<p>[Since the employer will already have this information from the employee's parental bereavement leave notice, this field should be filled in by the line manager or HR department in advance of sending it to the employee to sign.]</p>
Weeks of parental bereavement leave for which I am claiming statutory parental bereavement pay:	<p>[Since the employer will already have this information from the employee's parental bereavement leave notice, this field should be filled in by the line manager or HR department in advance of sending it to the employee to sign.]</p>
<p>I meet one of the conditions of entitlement to claim statutory parental bereavement pay:</p> <p>Please date and return this declaration by email through Freshservice where possible.</p> <p>Please specify which of the following statements applies to you:</p> <ul style="list-style-type: none"> • I am the parent of the child. • I am the partner of the child's parent. I lived in an enduring family relationship with the child and their parent. • I am the "parent in fact" of the child. I was, for a continuous period of at least four weeks before the child passed away, living with the child and had "day-to-day responsibility" for the child, but I was not paid to care for the child. • I am the child's adopter within the UK. The child was placed with me for adoption within the UK and the placement has not been disrupted. • The child was living with me following their entry into the UK for adoption and I have received official notification in respect of the child. • I am the "natural parent" of a child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent. • I am the "intended parent" of the child (i.e. a parent using a surrogate). 	
Date:	