

# **PARENTAL BEREAVEMENT LEAVE**

## **1.0 Purpose**

1.1 The purpose of this policy is to set out the Council's policy employee entitlements to parental bereavement leave. The Council is committed to providing support to employees who experience loss in their lives and, in particular, understands that the death of a child, or a stillbirth, can be one of the most harrowing experiences of someone's life. This policy explains rights to time off, pay during time off and other support offered.

## **2.0 Eligibility**

2.1 Parental bereavement leave is available from day one of employment. It is available to employees on the death of a child under the age of 18. Parental bereavement leave may be taken if an employee falls into any one of the following categories:

- A 'natural' parent
- An adoptive parent, and those with whom a child has been placed under the 'foster to adopt' scheme, provided the placement is ongoing
- A 'natural' parent where the child has been adopted, but a Court Order exists to allow the 'natural' parent to have contact with the child
- An employee who is living with a child who has entered Great Britain from overseas and has received official notification that they are eligible to proceed to adopt
- An intended parent under a surrogacy arrangement where it was expected that a parental order would be made
- A 'parent in fact' which is someone in whose home the child has been living for a period of at least four weeks before the death and has had day to day responsibility for the child, subject to exceptions. This category includes guardians and foster parents but does not include paid carers
- The partner of anyone who falls into the above categories, where they live in an enduring family relationship with the child and their parent.

2.2 In addition, parents who suffer a stillbirth after 24 weeks of pregnancy are entitled to take parental bereavement leave.

## **3.0 Length of leave and how it may be taken**

3.1 A total of two weeks may be taken as parental bereavement leave and you may choose to take leave as:

- a single block of one week
- a single block of two weeks
- two separate blocks of one week

3.2 Leave may start on any day of the week and must be taken in whole weeks. It may be taken at any time in the 56-week period following the death.

3.3 If an employee has suffered a stillbirth after 24 weeks of pregnancy, they are still entitled to take their full entitlement to maternity and paternity leave, provided they were eligible to take maternity or paternity leave in the first place, in addition to parental bereavement leave. Parental bereavement leave cannot be taken at the same time as maternity or paternity leave.

3.4 Where more than one child dies or is stillborn, you are entitled to two weeks of parental bereavement leave in relation to each child.

#### **4.0 Notification requirements**

*Leave to be taken within the first 56 days of the death*

4.1 An employee does not need to give any advance notice of taking parental bereavement leave. The Council asks that an employee contact the Clerk by the time they were due to start work on the day they wish leave to begin, or if this is not possible, as soon as is reasonably practicable, giving the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

*Leave to be taken later than the first 56 days since the death*

4.2 Employees must give one week's advance notice of taking parental bereavement leave to the Clerk giving the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

#### **5.0 Cancelling or changing leave dates**

5.1 An employee can cancel a period of leave which was to begin within the first 56 days following the death.

5.2 To cancel leave which was to begin later than 56 days after the death, the employee should inform the Clerk no later than one week prior to the intended start date.

5.3 An employee can also change the start date of leave by following the notice requirements above.

#### **6.0 Payment during leave**

6.1 An employee will qualify for statutory parental bereavement pay during leave if they meet the following criteria:

- they have been continuously employed by the Council for at least 26 weeks by the week prior to the week in which the child dies
- their normal average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes
- they are still employed by the Council on the date the child dies.

6.2 Payment will be made at the rate set by the Government each year or 90 per cent of your average weekly earnings (whichever is lower).

6.3 In order to receive statutory parental bereavement pay, an employee must provide the Clerk with notice of this and the following information within 28 days, or as soon as is reasonably practicable, of the first day of parental bereavement leave:

- the child's name
- the date of the death or stillbirth
- a declaration that they fall into the one of the categories listed under 'Eligibility' above.

#### **7.0 Terms and conditions during leave**

7.1 During parental bereavement leave, employees remain entitled to receive their other contractual terms and conditions of employment that they would have received had they been at work.

## 8.0 Right to return

8.1 Upon return to work, an employee is entitled to return to the same job, with the same terms and conditions, in which they were employed before their absence unless the period of leave they have taken is more than 26 weeks when added to any other period of statutory leave including maternity, paternity, adoption leave etc in relation to the same child, and it is not reasonably practicable for them to return to the same job.

8.2 On the first day back to work the Clerk will hold an informal meeting with the employee to discuss any arrangements regarding their return to work and any additional support the Council may be able to offer you, such as counselling or a period of flexible working.