

Worcester City Council

PARENTAL BEREAVEMENT LEAVE & PAY POLICY

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Version	Date	Description
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0.2	10.9.20	Updated following CLT comments
0.3	10.9.20	CLT comments
1.0	14.10.20	P&GP approved subject to discretion over payments included
1.1	15.4.21	Revised wording included in section 8 for payments discretion.
1.2	8/2/24	Review of policy due.
1.2a	6/3/24	Minor updates following JCSC

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1. Introduction

The Council recognises 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 is based on Statutory Parental Bereavement Leave and Pay which the council has chosen to enhance and reiterates our commitment to supporting employees through their grief by ensuring that bereaved parents can take Parental Bereavement Leave. It also provides guidance on other support available which may help employees during times of bereavement.

2. Scope

This policy applies to employees who suffer the loss of a child under the age of 18 on or after 6 April 2020. This includes parents who suffer a stillbirth or abortion after 24 weeks of pregnancy.

There are different legal entitlements to Parental Bereavement Leave and Parental Bereavement Pay and employees may be entitled to one or both. An employee who meets the eligibility rules is entitled to Parental Bereavement Leave from day one and Parental Bereavement Pay after 26 weeks.

Workers such as casuals are legally not entitled to Statutory Parental Bereavement Leave (because they do not have fixed hours in which to take leave) but they might be entitled to 2 weeks' Statutory Parental Bereavement Pay for time they take off.

3. Support for Employees

The Council provides a range of employee health and wellbeing resources that bereaved parents can access. These include:

- A free confidential Employee Assistance Programme (EAP) for employees which is available 24 hours a day, 7 days a week, 365 days a year, to help them deal with personal and professional issues that could be affecting their home life or work life, health and general wellbeing. This service can either be accessed online or by phone.
- Access to a Counselling Service. Employees can either arrange this through their line manager / HR or they can self-refer in confidence through the Employee Assistance Programme.
- A full range of Occupational Health Services for employees which can be accessed through a referral from their line manager/ HR.
- The Learning Lounge, which offers a range of e-learning and wellbeing resources that can be accessed online.

Further information about the full range of resources can be found on STAFF ROOM under [Human Resources](#).

4. Who is Eligible for Parental Bereavement Leave and Pay?

To qualify for Parental Bereavement Leave and Statutory Parental Bereavement Pay, you must meet the criteria both as a parent (including if you had day to day responsibility) and an employee. You might not be eligible for both, depending on your circumstances.

This right will apply to the:

- birth parent
- natural parent (the person who gave birth to the child who has since been adopted, but has a court order to allow them to continue having access to the child)
- adoptive parent:
 - if the child was living with them;
 - after the adoption order was granted;
 - before the adoption order was made, if the child was placed with you and the placement was not disrupted (for example, being temporarily placed elsewhere) or stopped;
 - If adopting a child outside the UK and the child was living with you in the UK and you have the 'official notification' confirming you were allowed to adopt
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

If you or your partner were being paid to look after the child or baby, you do not qualify for leave or pay unless you were:

- a foster parent being paid a fee or allowance by a local authority
- reimbursed for expenses related to caring for the child or baby
- getting payments under the terms of a will or trust for the child or baby's care

Where both parents of the child who dies are employees of the Council, each is entitled to Parental Bereavement Leave.

If an employee has suffered a bereavement but is unsure if they are entitled to Parental Bereavement Leave, they should contact HR for clarification.

5. What Leave a Bereaved Parent can Take

To get Parental Bereavement Leave you must be classed as an Employee. This is a day one right regardless of how long an employee has worked for the Council.

Entitlement is for two weeks of Parental Bereavement Leave. Although legislation limits this to be taken as blocks of weeks, the Council has taken a more flexible and compassionate approach whereby up to a maximum period of 2 weeks may be taken in blocks of time or as individual days.

If an employee has lost more than one child, they will have a separate entitlement to bereavement leave for each child who has died.

Parental Bereavement Leave can be taken at the time(s) an employee chooses during the 56 weeks after the bereavement. Leave can be taken immediately after the bereavement or an employee can choose to take it later, for example to enable them to deal with a significant event such as the anniversary of their child's birthday.

6. Notice to take Parental Bereavement Leave

Informal notification such as a phone call or email, is sufficient to take Parental Bereavement Leave.

The employee must confirm the following:

- When they want the leave to start
- The period of leave (1 or 2 weeks or individual days)
- The date their child died

If an employee needs to take Parental Bereavement Leave within the first 56 days (eight weeks) following the bereavement, they do not need to provide advance notice and can take the leave straight away. This means that they can begin Parental Bereavement Leave by letting their line manager / HR know, no later than when they were due to start work or, if that is not feasible, as soon as reasonably practicable.

If an employee intends to take Parental Bereavement Leave more than 56 days after the child's death, they must give their line manager/ HR at least one week's notice of their intention to take Parental Bereavement Leave.

7. Cancellation of Parental Bereavement Leave or Pay

Parental Bereavement Leave

If an employee has asked to begin Parental Bereavement Leave within the first 56 days of the date of the child's death, they can cancel the Parental Bereavement Leave, as long as they let their line manager / HR know no later than the time they would have been due to start work on the first day of planned leave.

If an employee has asked to begin Parental Bereavement Leave more than 56 days after the child's death, they can cancel the Parental Bereavement Leave, as long as they let their line manager / HR know, at least one week in advance that they wish to cancel it.

Statutory Parental Bereavement Pay

If Statutory Parental Bereavement pay was due to start within 8 weeks of the child's death or stillbirth, written notice must be given on the first day of the week to be cancelled.

If Statutory Parental Bereavement pay was due to start 9 weeks or later after the child's death or stillbirth, written notice must be given one week before the pay was due to start.

8. Pay during Parental Bereavement Leave

Employees and casual workers are entitled to 2 weeks' Parental Bereavement Pay if:

- their child dies under the age of 18 or is stillborn after 24 weeks of pregnancy
- they were employed when their child died or was stillborn
- they had worked for their employer for at least 26 weeks, on the Saturday before the child's death
- Employees and casual workers must ask for Statutory Parental Bereavement Pay in writing within 28 days of taking Statutory Parental Bereavement Leave, starting from the first day of the week they're claiming the payment for. Each time you claim you must include your name, dates of the period being claimed and the date of the child's death or stillbirth along with a declaration of your eligibility (HR can provide a relevant form to complete).

The Council recognises the need to provide bereaved parents with as much support as possible. During any period of Parental Bereavement Leave, the Council will enhance Statutory Bereavement Pay to ensure employees continue to receive their basic pay.

In addition, discretion is given to the relevant Corporate Director to enhance sickness pay to 100% where applicable for longer term parental bereavement absence.

Casual workers are eligible for Statutory Parental Bereavement Pay.

9. Rights during Parental Bereavement Leave

All the terms and conditions of the employee's contract will continue during Parental Bereavement Leave.

10. Returning to Work Following Parental Bereavement Leave

An employee has the right to return to the same job when returning to work from Parental Bereavement Leave if the period of leave, when added to another period of statutory leave (typically maternity leave, paternity leave, adoption leave or shared parental leave) in relation to the same child, is 26 weeks or less.

An employee is entitled to return to another job that is suitable and appropriate for them, rather than the same job, if:

- the period of leave taken is more than 26 weeks, when added to most other periods of statutory leave taken in relation to the same child; and
- it is not reasonably practicable to return to the same job.

11. Related Policies, Documents and Guidance

[Family Friendly Employment Policy](#) for a summary list of other family friendly Council policies.