

# **Parental Bereavement Leave and Pay Policy**

## **Introduction**

This document sets out our current Parental Bereavement Leave and Pay Policy which is intended to reflect the statutory parental bereavement provisions and provides guidelines only. If there is any conflict between this Policy and the statutory provisions, the latter will prevail. This policy applies to employees only and does not apply to agency workers or self-employed contractors. This policy does not form part of any employee's contract of employment and may be amended at any time.

These notes are for guidance purposes only. They include a summary of complex law which may change from time to time. The notes deal with issues which commonly affect employees but may not be applicable to all personal circumstances.

If you have any queries concerning your parental bereavement benefits, please contact your Manager.

## **Parental Bereavement Leave**

Provided the conditions under Eligibility and Notification Requirements (see below) are satisfied, employees are entitled to take parental bereavement leave on the death of a child. The death of a child includes a child who is stillborn after 24 weeks of pregnancy. In the case of a stillborn child the date of death will be the date of the birth of the child.

Parental bereavement leave is taken as a block of one or two weeks' leave, which do not need to be taken consecutively. The earliest that parental bereavement leave can start is the date of the child's death and it must be taken within 56 weeks of that date.

## **Eligibility**

Employees are entitled to take parental bereavement leave if, at the date of the child's death, they are:

- The birth parent of the child; or
- The adoptive parent of the child; or
- The intended parent of the child under the Human Fertilisation and Embryology Act 2008, or
- The person with current, for a period of at least 4 weeks, (unpaid, save for foster care or expenses payments) parental responsibility for the child, who also lives in their home; or
- The partner of any of the above (i.e. who lives with this person in an enduring family relationship, but is not a relative, other than their spouse).

The legislation in this area is complex, so if you are unsure as to whether or not you meet the eligibility requirements for parental bereavement leave, please speak to your Manager.

## **Notification Requirements**

In order to qualify for parental bereavement leave, you should notify your Manager of your intention to do so. Your notice should state:

- The date of the child's death;
- The date on which you intend your absence to begin; and
- Whether you want to take one or two weeks' leave.

Please use the Notification of Intention to Take Parental Leave Form

Where you are intending to take parental bereavement leave within 56 days of your child's death this notice should be provided to us prior to your leave commencing. However, we recognise that in these circumstances it may not always be possible to do so. Where this is not possible you should inform us as soon as it is reasonably practicable for you to do so.

Where you are intending to take parental bereavement leave later than 56 days following your child's death (which can be taken up to 56 weeks following the death) then you are required to submit this notice at least 1 week prior to the week in which your leave commences.

By completing the Notification of Intention to Take Parental Leave Form you will be complying with the notification requirements both for taking parental bereavement leave and for receipt of SPBP, if this is something you are entitled to as set out below.

### **Statutory Parental Bereavement Pay (SPBP)**

If you:

- have been employed for at least 26 weeks as at the end of the week immediately preceding the death of the child;
- your average earnings exceed the lower earnings limit; and
- you comply with the notification requirements by completing the Notification of Intention to Take Parental Leave Form.

you will be entitled to be paid SPBP. SPBP is paid at 90% of your average weekly earnings or the current statutory rate, whichever is lower.

Parental bereavement pay is subject to Income Tax and National Insurance deductions in the same way as your normal pay.

### **Annual Leave Entitlement**

Annual leave entitlement will accrue during parental bereavement leave.

For the avoidance of doubt, please note that you will not be able to take annual leave whilst on parental bereavement leave.

### **Other Benefits**

All contractual benefits (except for salary) will continue to be provided during parental bereavement leave.

### **Rights After Return to Work**

On return to work after parental bereavement leave you are entitled to return to the same job on the same terms and conditions as if you had not been absent. However, if you have taken

parental bereavement leave after a period of parental leave of more than four weeks, and it is not reasonable practicable for you to return to the same job, we will offer you a suitable and appropriate alternative.

You will not be subject to any form of detriment for taking parental bereavement leave or receiving SPBP.