

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE – 10 MARCH 2020

PARENTAL BEREAVEMENT LEAVE AND PAY POLICY

**REPORT BY SHARON FAULKNER,
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ABSTRACT

This report advises the introduction of a new workplace policy relating to Parental Bereavement Leave and Pay.

1. RECOMMENDATION(S)

It is recommended that the Committee approves this new policy.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- More opportunities for people to achieve success;
- A skilled and adaptable workforce;
- Improved physical, mental and emotional health and wellbeing;

3. BACKGROUND

3.1 The Parental Bereavement (Leave and Pay) Act 2018 comes into force on 6 April 2020 and is the first law of its kind in the UK to support those affected by the tragedy of the death of a child.

4. CURRENT POSITION

4.1 There is currently no specific council policy to support parental bereavement. An employee requiring time off in these circumstances would be advised to refer to their manager for support and refer to existing policies and procedures relating to leave of absence and bereavement.

5. PROPOSALS

5.1 The proposed policy (Appendix 1) meets and exceeds the forthcoming change in legislation. The Parental Bereavement (Leave and Pay) Act 2018 will give all employed parents a day-one right to 2 weeks' leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy. The definition of a 'bereaved parent' extends to 'primary carers' (including adopters, foster carers, guardians and kinship carers) where the relationship with the child was "parental" in nature. The leave can be taken up to 56 weeks following the date of death (or date of birth for a still born child).

5.2 A statutory payment can be claimed for this period, subject to the employee meeting eligibility criteria (i.e. 26 weeks continuous service and average weekly earnings calculations). It is proposed that the statutory payment is enhanced to full pay to reflect the council's commitment to support employees who are bereaved parents.

6. FINANCIAL IMPLICATIONS

Payment for eligible employees would be inclusive of the annual statutory parental bereavement pay rate in force (currently £148.68 per week or 90% of average weekly earnings if less). As with other statutory parental payments, 92% can usually be reclaimed from HMRC.

7. OTHER IMPLICATIONS (IF APPLICABLE)

Human Resources Implications

Managers and Human Resources will provide support to employees to whom the Parental Bereavement Leave and Pay Policy applies.

Human Rights Implications

There are no Human Rights implications arising from this Report.

Equalities Implications

No equalities issues are expected from this Report and an Equalities Impact Assessment is attached (appendix 2).

8. CONSULTATION (IF APPLICABLE)

The Chief Executive, Depute Chief Executive and all Service Directors have been consulted on the terms of this report. All unions recognised by the Council have also been consulted.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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List of Appendices:

Parental Bereavement Leave and Pay Policy
Equality Impact Assessment

PARENTAL BEREAVEMENT LEAVE AND PAY

Introduction

The Parental Bereavement (Leave and Pay) Act 2018 provides rights for employees who are bereaved parents of a child under 18, or who suffer a stillbirth from 24 weeks of pregnancy.

Principles

The council recognises that grief following the loss of a child is an extremely difficult and sensitive situation and that bereavement can affect people in different ways. A bereaved parent is entitled to two weeks' leave in the 56 week period following the loss of a child. Leave will be granted with pay where eligibility requirements are met.

Parental bereavement leave is a separate entitlement to other council policies that an employee may access relating to bereavement.

Definitions

For the purposes of this policy 'parent' is widely defined as a 'primary carer' whose relationship with the child was 'parental' in nature. As well as birth parents, this could extend to step-parents, adoptive parents, long term foster carers and kinship carers. It can also apply to a person who in practice had parental responsibilities for the child but did not have the legal status of a 'parent'. Managers should be mindful of this extended definition and seek further guidance from [Human Resources](#) if required.

'Child' is defined as a person under the age of 18.

The policy also applies where a stillbirth occurs from 24 weeks of pregnancy. See ['Links to Other HR Policies'](#) for other relevant guidance in these circumstances.

If the loss of more than one child is experienced, parental bereavement leave and pay can be granted for each child.

Scope and Eligibility

Parental bereavement leave

There is no qualifying service criteria for parental bereavement leave.

Bereaved parents are entitled to take two weeks leave. The leave must be taken either in a consecutive two week period or in two blocks of one week. It is not possible to take this leave in individual days. The leave can commence any time to be taken within 56 weeks from the date of the death of the child.

Where unpaid leave is not a feasible option, other policies relating bereavement provisions, flexible working or buying of annual leave scheme can be explored.

Parental bereavement pay

Entitlement to parental bereavement pay is subject to qualifying conditions. To be eligible, an employee will be required to have:

- at least 26 weeks' continuous employment ending with the week before the week in which the child dies, and still be employed by Angus Council on the day on which the child dies; and
- normal weekly earnings in the eight weeks up to the week before the child's death that are not less than the lower earnings limit for national insurance contribution purposes.

Payment is inclusive of statutory parental bereavement pay and will be enhanced to normal weekly earnings.

Parental Bereavement Leave and Pay - Notice and Notification Requirements

Notice requirements are split into two timeframes:

- **Leave taken in the initial period:** Where an employee wishes to commence parental bereavement leave within 3 weeks of the date of the child's death, there is no requirement for the employee to provide a period of notice.
- **Leave taken at a later date:** Where an employee wishes to commence parental bereavement leave from 3 weeks after the date of the child's death, a notice period of at least one week is required.

For parental bereavement leave only, an employee will be required to let their manager know they are exercising their right to parental bereavement leave and confirm the dates they wish to take. Informal notification by the employee to their manager, such as a discussion, phone call or email, will be sufficient.

If the employee also wishes to claim parental bereavement pay, a written declaration must be submitted to their manager to confirm they are a bereaved parent and:

- they meet the qualifying conditions for parental bereavement pay;
- the date of the child's death (or date of birth for a stillborn child) and;
- the date (or dates) of parental bereavement leave and pay

There is no requirement for the employee to present a death certificate, or evidence of their relationship to the child.

Manager's Responsibilities

- Where an employee confirms their intention to take parental bereavement leave only, the manager should notify [Central Staffing](#), confirming the dates of the unpaid leave. If it is not possible to process unpaid leave in the month that the leave is taken, the salary amendment will be made in the following payroll.
- Where an employee confirms their intention to take parental bereavement leave **and** parental bereavement pay, the manager should notify [Central Staffing](#) by submitting a copy of the employee's written declaration. As parental bereavement pay is inclusive of a statutory payment, it is essential that this is processed formally. For employees in the flexi-time scheme, an amendment will also be required to be requested via the etarmis system.

Links to other HR Policies

Information on the following related policies and guidance can be found on [Employee Matters](#):

Leave of Absence

Flexible working procedure

Time off For Dependents

Buying and banking leave scheme

Stillbirth – Further Guidance

In addition to statutory parental bereavement leave and/or pay rights, where a child is stillborn 24 weeks or more into the pregnancy, the employee will also retain their entitlement to maternity leave and pay provided that they meet the qualifying conditions.

- [Maternity Leave/and or Pay – Employee Guide](#) (Local Government Employees)
- [SNCT Handbook Part 2 Section 7 Family Leave](#) (Teachers and associated educational professionals)

Further Support

A bereaved employee may benefit from additional support at the time or at a later stage. Bereavement can be the most distressing experience we ever face. There is no 'normal' or 'right' way to grieve and individuals should seek advice from a GP if appropriate.

Confidential support, advice and counselling is available to all council employees 24/7 through PAM Assist, our [Employee Assistance Programme](#).

National/Local Support

- [Cruse Bereavement Care Scotland](#)
0845 600 2227
- [Sands](#) is a stillbirth and neonatal death charity which supports those affected by the death of a baby before, during or shortly after birth.
0808 164 3332 or helpline@sands.org.uk

Data Protection

When managing and processing an employee's application for statutory parental bereavement leave and pay, the council processes personal data collected in accordance with its data protection policy, human resources data protection policy and employee privacy notice. Data collected from the point at which the council receives an application for statutory pay is held securely and is accessed by, processed by and disclosed to, individuals only for the purposes of approving and managing the request for leave. Further information can be found at Employee Matters - [Human Resources – Data Protection](#) or contact [Human Resources](#).

February 2020