

**DERBYSHIRE COUNTY COUNCIL****APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE****7 February 2020****Report of the Director of Organisation Development & Policy****Parental Bereavement Leave****1. Purpose**

To seek approval for the implementation of a Parental Bereavement Leave and Pay scheme, with effect from 1 April 2020.

**2. Information and Analysis**

Following the Parental Bereavement (Leave and Pay) Act 2018 a new type of leave and pay is due to be introduced with effect from 1 April 2020. This is a new, statutory entitlement and provides for 'bereaved parents' of a child to be absent from work with pay for up to two weeks.

'Bereaved parents' includes anyone classed as the primary carer for a deceased child under the age of 18.

The entitlement also includes parents who suffer a still birth 24 weeks or more into pregnancy. The entitlement to leave is a day one right, which means employees will not require a minimum period of service. There are statutory requirements that an employee has 26 weeks service and meets the lower earnings limit to benefit from statutory pay during such an absence. However, due to the nature of this absence, it is proposed that employees continue to receive their basic pay, rather than statutory pay only and for this to be a day one right for all employees who experience such a bereavement regardless of their service and earnings.

The two week entitlement may only be taken as one block of two weeks or two blocks of one week, and may be taken up to 56 weeks from the bereavement. There is scope to agree for Parental Bereavement Leave be taken in single days, but this would prevent the authority from reclaiming the statutory entitlement. It is unlikely that under the circumstances Parental Bereavement Leave is used, employees would request leave to be taken in single days. It is therefore recommended that the statutory provision is agreed. There is no requirement for employees to provide notice for leave taken initially following the bereavement although it is proposed one weeks' notice be provided for leave taken at a

later date. In addition there is no requirement to provide evidence of a bereavement, although a written declaration from the employee may be requested at some point.

We are currently awaiting further detailed guidance on the parental bereavement (leave and pay) regulations from the Government. Once this is available, amendments will be made to the policy clarifying any requirement for written declarations or other amendments that the guidance may identify.

A draft of the policy wording that will be appended to the Leave Schemes and Flexible Working Policy and is attached at appendix 1.

### **3. Financial Considerations**

Although this is an additional entitlement, it is accepted that employees suffering such a bereavement are currently likely to cover any absence either by sickness absence or special leave, and therefore there are no additional costs anticipated.

### **4. HR Considerations**

As contained within the body of the report, officers have engaged with the Trade Unions via the appropriate work stream regarding these changes who were supportive of the new leave entitlement. Trade unions made representations that the Council increase the statutory payment to payment at full basic pay and that entitlement to pay is a day one right.

### **5. Legal Considerations**

As contained within the body of the report.

### **6. Officer Recommendation**

That ACOS agree to implement the Parental Bereavement Leave and Pay scheme as per the policy wording (Appendix 1) with effect from 1 April 2020.

**Emma Crapper**  
**Director of Organisation Development & Policy**

## Parental Bereavement Leave & Pay

The Parental Bereavement (Leave and Pay) Act 2018, provides an entitlement for bereaved parents of a child to be absent from work for up to two weeks.

### Entitlement to Parental Bereavement Leave

Employees who are primary carers for a deceased child under the age of 18 are entitled to parental bereavement leave. This is a day one right i.e. there is no service requirement for parental bereavement leave.

This entitlement is available to any employee with parental responsibility for the child, for example:

- Birth parent
- Adoptive parent;
- Legal guardian;
- Current foster parents (not short term) – *(will need some rewording but awaiting regulation/guidance).*

This entitlement also applies to those parents who suffer a still birth 24 weeks or more into pregnancy, although it does not affect a woman's maternity leave entitlement which would be taken prior to any parental bereavement leave.

Bereaved parents will be able to take the leave as one block of two weeks or two blocks of one week. The leave may be taken up to 56 weeks following the death of the child.

This entitlement does not affect other leave entitlements as it is an additional entitlement.

### Notice period

There is no notice period required for leave taken immediately following the bereavement. There is no requirement to provide evidence as informal notification will suffice, although at some point employees will be required to provide a written declaration that they are entitled to parental bereavement leave / pay. Managers should contact HR for advice prior to contacting the employee.

Specifically, employees are **not** required to provide either a copy of the death certificate or medical evidence.

For leave taken after the initial bereavement, one weeks' notice will be required.

**Parental Bereavement Pay**

Parental Bereavement Pay is payable for a maximum of two weeks, at full basic pay, regardless of service and earnings.