# Parental Bereavement Leave Guidance

Parental bereavement leave is available to all working parents who suffer the loss of a child under the age of 18, or a still birth after 24 weeks of pregnancy. It provides two weeks of statutory leave.

Employees with 26 weeks' WBC continuous service are entitled to two weeks of paid leave at the statutory rate; other employees without this length of service are entitled to unpaid leave, but may still qualify for compassionate leave as stated in the school’s Leave of Absence policy.

## **Eligibility**

As well as birth parents, the entitlement is available to:

* adoptive parents
* intended parents under a surrogacy arrangement
* the partner of a bereaved parent
* a "parent in fact" who had day-to day responsibility for the child's care and in whose home the child lived, for a continuous period of at least four weeks up to the day they died e.g. most foster parents

## **Parental Bereavement Leave**

Parental bereavement leave operates in units of one week, and is not available as individual days. Bereaved parents are able to take the leave as:

* a single block of two weeks, or
* two separate blocks of one week at different times, within 56 weeks of the date of the death of the child.

The 56 week time period allows for parents, if they wish, to take parental bereavement leave at a particular time e.g. first anniversary of their child's death or their child’s birthday.

Where a bereaved employee is already taking maternity leave or sickness absence, their parental bereavement leave can be added on to the end of their maternity or sick leave.

To take parental bereavement leave, the employee should tell their manager:

* the date of the child's death
* the date on which they are beginning their parental bereavement leave, and
* if they intend to take one or two weeks' parental bereavement leave.

Managers need to bear in mind that there is no requirement for:

* the notice to be in writing, nor
* for the employee to provide any evidence of their child's death.

This means that informal notification, such as a phone call or email, is sufficient to take parental bereavement leave. Managers should obtain the necessary information in a discreet and sensitive manner.

The manager must document the request and email it to **School Business Manager / HR / HR Enquiries / etc** so that it is saved on the employee’s personnel file.

In the event of the death of more than one child, the employee is entitled to two weeks' parental bereavement leave for each child.

## Notice for Taking Parental Bereavement Leave

The length of notice that employees have to give depends on how soon after the child's death leave is being taken. There are two timeframes with differing notice:

* **Period A: the first 56 days (or 8 weeks)** - If an employee is beginning leave within 56 days of the child's death, they are able to take the leave straightaway, without having to give a period of notice. In practice, this means that the employee needs to tell their manager of their intention to take parental bereavement leave as soon as it is reasonably practicable to do so.
* **Period B: after 56 days (or 8 weeks)** - If an employee is beginning leave more than 56 days after the child's death, the bereaved parent should give their manager at least one week's notice of their intention to take parental bereavement leave.

## Cancellation of Parental Bereavement Leave

An employee can cancel or rearrange a period of statutory parental bereavement leave that has not yet started.

If an employee wishes to cancel parental bereavement leave scheduled within the first 56 days of the date of the child's death, they should let their manager know no later than the time they would have been due to start work if they were not taking the leave.

If an employee wishes to cancel parental bereavement leave scheduled more than 56 days after the child’s death, they should give their manager at least one weeks notice before the leave is due to begin.

The employee can rearrange the parental bereavement leave for another time by providing the required notice.

## **Parental Bereavement Pay**

To be eligible for statutory parental bereavement pay, employees who are on parental bereavement leave must have:

* at least 26 weeks' WBC continuous employment ending with the week before the week in which their child dies, and still be employed by WBC 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 no less than the lower earnings limit for national insurance contribution purposes.

The statutory rate of parental bereavement pay is as set by the government for the relevant tax year, or 90% of average weekly earnings if this is lower. A non-eligible employee's parental bereavement leave is unpaid.

## Notice for Taking Parental Bereavement Pay

Employees taking parental bereavement leave must give their manager notice of the weeks during which they wish to claim statutory parental bereavement pay.

The parental bereavement pay notice should be within 28 days of the first day for which they are claiming statutory parental bereavement pay. However, as this may not be feasible, notice can be given as soon as it is reasonably practicable to do so.

At the same time as the employee gives notice, they must provide evidence of entitlement to statutory parental bereavement pay. They must provide to the business manager:

* their name,
* the date of the child's death, and
* a declaration in writing that their relationship with the deceased child entitles them to claim statutory parental bereavement pay.

To ensure that the school can pay statutory parental bereavement pay, the business manager should document these details, confirm the request with the employee, and advise payroll so that the payments can be made.

## **Rights During Parental Bereavement Leave**

During parental bereavement leave, all terms and conditions of the employee’s contract (except normal pay) will continue. Their salary will be replaced by statutory parental bereavement pay if they are eligible for it.

All other benefits will remain in place e.g. holiday entitlement will continue to accrue, pension contributions will continue to be paid.

## **Return to Work After Parental Bereavement Leave**

An employee will generally return to the same job after some time on parental bereavement leave.

However, a slightly different rule applies if they return from time on bereavement leave that follows on immediately from maternity, adoption, paternity leave or shared parental leave (taken in relation to the child who has passed away), and their total time on leave is more than 26 weeks.

In these circumstances, they have the right to return to the same job, unless this is not reasonably practical - in which case they have the right to return to a suitable and appropriate job on the same terms and conditions.

This rule also applies if their leave includes more than four weeks of ordinary parental leave (taken in relation to any child), regardless of the total length of the leave.

## **Further Information and Advice**

Further help and advice can be obtained through emailing **HR /** **hrenquiries@wokingham.gov.uk** **/ School Business Manager**