

To: **Employment Committee**
8 July 2020

Parental Bereavement Leave
Director of Resources

1 Purpose of Report

- 1.1 To outline to the Employment Committee and recognised trade unions, the new legislation introduced in April 2020 in relation to the death of a child.

2 Recommendations

- 2.1 That the Employment Committee consider the options outlined below regarding support for staff experiencing loss of a child and to approve the recommendation to pay an enhanced rate of Parental Bereavement Leave for two weeks for all staff, rather than the statutory minimum amount for qualifying staff.**

This would be consistent with other employment rights where an enhanced rate has been applied rather than the statutory minimum, i.e. annual leave, parental leave, maternity leave.

3 Reasons for Recommendation

- 3.1 The bereavement of a child is a significant loss to an employee. The legislation has been introduced to allow employees a statutory right to time off. The right to be paid is dependent on length of service with an organisation. However, the Council's current policy is to pay for up to one-week compassionate leave on full pay. Therefore, to enhance the policy to pay for two weeks would ratify Bracknell Forest as a supportive employer and also enhances the employment package/branding which has been reviewed recently to reflect the changing demands which millennials expect from an employer.
- 3.2 It is not anticipated that there will be a high level of child bereavements and the statutory element of pay for those people with over 26 weeks' service can be reclaimed from the HMRC.
- 3.3 Whilst the regulations differentiate between an employee with less than/more than 26 weeks' service and whether they should receive pay or not, it is recommended that Bracknell Forest do not introduce a tiered Parental Bereavement leave system and should allow all employees the same level of benefit. This would be a particularly stressful time for staff and the employee may otherwise be forced to be absent through sick pay if they are not awarded two weeks full pay – regardless of length of service. It would be anticipated that a large number of employees who lose a child would not be fit to return to work, shortly after their passing, and reducing pay would very likely increase the level of stress experiences by the employee.
- 3.4 The recommendations above are also made to enable a more efficient process in terms of recording and payment of these two weeks. Currently compassionate leave is recorded on the iWorks@BFC system as one block of leave which payroll know to pay as full pay. To introduce a new process to split compassionate leave into one week full pay and one week Parental Bereavement leave paid at statutory rate could

be an additional administrative burden for Managers and the payroll team. A new category would be set up as Parental Bereavement leave thereby passing the information to payroll, that an element of the pay may be reclaimed as a statutory element. Whilst this is arguably the least important reason for the recommendation, it is an area that should be considered especially at a time where process efficiencies are paramount to business.

4 Alternative Options Considered

- 4.1 Pay the two weeks' parental leave pay at the statutory rate as set out in the legislation, however Bracknell Forest Council already offers one week (five days for a full-time employee) at full pay so it would be unreasonable to remove that now. This would also not be in line with other enhanced leave policies and would involve separate consultation with Unions and staff to remove and it therefore it is not recommended.
- 4.2 Pay one week at full pay in line with the current compassionate leave policy and one week at statutory rate as set out in the legislation. This is commensurate with other policies offered under the Green Book NJC conditions for Maternity Support Leave. This leave pays one week at full pay and one at the statutory rate. This would be the second most reasonable option if CMT decided against two weeks full pay, however, it could potentially add to the administrative burden of managers and payroll.

5 Supporting Information

- 5.1 In brief Parental Bereavement Leave is as follows:
 - Available to all employees from day one of employment, for the death of a child under age 18, including still births after 24 weeks
 - Paid time off is an entitlement to employees who have been employed for 26 continuous weeks at Statutory rate of £151.60 per week. Employees with less than 26 weeks are entitled to time off unpaid.
 - Applies to all parents, foster parents, adoptive parents and partners of those people
- 5.2 Full details of the Parental Bereavement Leave are attached in [Appendix A](#) which will be available to all employees and Managers on the intranet.
- 5.3 As the Bracknell Forest Compassionate Leave policy already allows employees from the commencement of employment, the right to take one working week as compassionate leave for the death of a child, it would be unreasonable to remove that entitlement. However, a decision needs to be made whether the second week of Parental Bereavement Leave is made at the statutory rate of £151.60 per week or at full pay.

- 5.4 The table below shows the legislative requirements in relation to what an employee should be paid, what Bracknell Forest currently pay and the proposed recommendations for the Employment Committee:

	Employees with less than 26 weeks' service	Employees with more than 26 weeks' service
New Legislative requirements	No pay for 2 weeks	Statutory weekly pay for 2 weeks
BFC current policy	Up to 1 working week full pay	Up to 1 working week full pay
The recommendations	Full pay for 2 working weeks – Statutory pay CANNOT be reclaimed	Full pay for 2 working weeks – Statutory pay CAN be reclaimed

- 5.5 Whilst compassionate leave is recorded on iWorks@BFC, it does not specify which family member has passed away. Therefore, there are no statistics to provide the Employment Committee to indicate the number of children who have passed away to enable financial costings.

6 Consultation and Other Considerations

Legal Advice

- 6.1 The statutory basis for the recommendations are set out in the report and accompanying draft policy. Whether the Authority seeks to implement a policy which provides affected employees with an entitlement beyond that set out in the legislation is a matter for local discretion.

Financial Advice

- 6.2 There are no significant financial implications arising from this report.

Other Consultation Responses

- 6.3 None

Equalities Impact Assessment

- 6.4 N/A no detriment proposed to staff

Strategic Risk Management Issues

- 6.5 None

Background Papers

Gov.UK website
Acas Website
CIPD Website

Contact for further information

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**BRACKNELL FOREST COUNCIL'S
PARENTAL BEREAVEMENT LEAVE POLICY**

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BRACKNELL FOREST COUNCIL'S PARENTAL BEREAVEMENT LEAVE

From 6 April 2020 new legislation applies to all employees from their first day of employment, to enable them to take 2 weeks statutory compassionate leave for the death of a child - Parental Bereavement (Leave and Pay) Act 2018.

Who does the legislation apply to

The legislation applies to parents losing a child under the age of 18, or a baby stillborn at 24 weeks or later. This new Act recognises the effect that the loss of a child can have on parents and ensures that all primary caregivers in this situation are entitled to a minimum period of bereavement.

This right applies to the:

- biological parent
- adoptive/foster parent, if the child was living with them
- 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

Biological parents of the child or baby will not be eligible for Parental Bereavement Leave and Statutory Parental Bereavement Pay after an adoption or parental order was made, unless there was a contact order in place.

Further and more extensive details in relation to eligibility can be seen on the [Gov.Uk website](#)

The employee is entitled to 2 weeks' Statutory Parental Bereavement Leave for each child.

When can the leave be taken?

Parents will be able to take the leave as either a single block of 2 weeks, or as 2 separate blocks of one week each taken at different times across the 56 weeks following the child's death. This means there is the ability to match the leave to the times that parent's need it most, which could be in the early days or over the first anniversary of their loss.

Salary payment during Parental Bereavement leave

The right to the statutory leave will be a 'day one' right for all Bracknell Forest employees, which means that all employees will be entitled to take and be paid their full contractual pay for the two weeks leave, regardless of how long they have been employed in the company.

Bracknell Forest Council are committed to supporting all staff experiencing such a tragic loss, and as such the policy goes beyond the statutory minimum requirements for Parental Bereavement Leave. Further information on the statutory guidance can be found using the following link to the Government website [Gov.Uk website](#)

Notice required for taking Parental Bereavement Leave

Notification should include the date of the child's death, the date an employee wishes to take their chosen period of absence and whether the absence will be for one or two weeks.

Notice can be in writing, but it is not a specific requirement.

The rules for giving notice depend on how long it's been since the child died:

Within eight weeks of the death

The regulations set out that if an employee is to take statutory Parental Bereavement Leave within eight weeks of their child's death, they will need to inform their manager by the first day of the intended leave. In practice, the notice requirements are like those which are expected when an employee calls in sick.

The same short notice provisions apply if the employee wants to change the date on which they want to start leave.

Following the initial eight week/56-day period

Where possible, employees should provide at least a week's notice to take leave after the initial eight-week period. The employee would also need to provide a week's notice to cancel previously booked parental bereavement leave.

How should the absence be recorded?

It is the line managers responsibility to record the leave on iWork@BFC and it should be classified as Parental Bereavement leave.

Parental Bereavement leave and other policies

It should be noted that Parental Bereavement Leave does not replace any existing statutory leave provisions. For example, employees retain the right to take time off to deal with emergencies involving dependants such as children, which can include the sudden death of a child.