**PARENTAL BEREAVEMENT LEAVE AND PAY POLICY**

Drafted by: HR in consultation with Judicium   
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**Introduction**

This policy outlines the arrangements for leave and pay for an employee who sadly suffers the loss of a child, including stillbirth.

This policy applies to employees of the school only (who, for the purposes of this policy will be referred to as “you”) and therefore does not apply to casual workers, agency workers or the self-employed. However, workers including agency workers who meet certain qualifying criteria may be entitled to Statutory Parental Bereavement Pay. Please contact the HR Manager for further details.

This policy is provided to all employees for guidance only. It does not form part of any individual’s contract of employment with the school and is not intended to have contractual effect. Subject to minimum statutory requirements from time to time in force, the school reserves the right to vary and amend this Policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practical.

Parental Bereavement Leave is in addition to any other types of statutory leave you may be entitled to such as time off for dependants or parental leave.

**How we will support you**

If you suffer the loss of a child, we will seek to do what we can to support you. In particular:

* we will identify a key point of contact within the school during any leave you take and following your return to work;
* if you take leave, certain people within the school will need to know that you have suffered a bereavement. It may also be helpful for your immediate work colleagues and others to know, so that they can be sensitive to your feelings and provide support if needed when you return to work. The key point of contact can discuss with you at the appropriate time what you would like people at work to know, and we will try to ensure that only that information is passed on;
* the key point of contact will also liaise with you during your leave, keep the school informed and explore with you what we can do to help and support you;
* the statutory right to parental bereavement leave and pay is set out in this policy. However, if you feel that you are not ready to return to work at the end of your parental bereavement leave, there are a number of other possibilities that we can discuss with you, e.g., taking sick leave or unpaid leave, or staging your return to work;
* we will consider the need for more formal support, e.g., access to an employee assistance scheme;
* your line manager will seek to maintain good communication, with an ‘open-door’ policy and regular meetings with you to offer support and monitor progress over time.

**What is Parental Bereavement Leave (PBL)?**

PBL applies to employees of the school only and applies irrespective of your length of service.

If eligible, you will be entitled to take two weeks’ PBL in the event you lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy on or after 6 April 2020.

**Duration of Parental Bereavement L****eave**

If eligible, you may take either one or two weeks’ PBL. If you opt to take two weeks, the weeks do not need to be taken consecutively.

A week is any period of seven days (including weekends). PBL may be taken at any time within 56 weeks from the date of the child’s death. This means you can match your leave to the times you need it most (for example, in the early days or over the first anniversary).

Where the school offers enhanced bereavement leave under another policy which is more generous than that offered within this policy, you may choose to take the greater overall amount of leave, rather than being bound by the statutory limit set out below. However, you cannot exercise the statutory right and the corresponding contractual right separately.

**Eligibility to****Parental Bereavement Leave**

Regardless of length of service, if you are an employee, you will be eligible for PBL following the death of a child if you:

* have a parental relationship with the child (or are the partner of the person who has a parental relationship) (see below); and
* comply with the notice requirements (see below).

For the purposes of this leave, a child is considered to be a person under the age of 18, or a child stillborn after 24 weeks of pregnancy.

**Eligible Relationships under this Policy**

You will potentially have the right to PBL if you are an employee and have a parental relationship which falls within one of the following categories:

* 1. you are the child’s parent;
  2. you are the child’s natural (or birth) parent, where:
     1. an adoption order has been made in respect of the child where someone else has adopted them; and
     2. an order has been made allowing the child to stay with you, or for you to have contact with the child; and
     3. that order has not been revoked or discharged.
  3. the child has been placed for adoption with you (unless the child has returned or the placement has been terminated);
  4. you are the adopter with whom the child was living, following the child’s entry into GB from outside the UK, provided you have received official written notification in respect of the child by or on behalf of the relevant domestic authority that it has issued, or is prepared to issue, a certificate of eligibility and suitability to adopt;
  5. you are an ‘intended parent’ in that you have applied, or intended to apply, jointly or solely, during the period of six months beginning with the day of the child’s birth for a parental order under the Human Fertilisation and Embryology Act 2008 in respect of the child;
  6. you are the child’s ‘parent in fact’ i.e., you lived with the child continuously for at least four weeks before the child’s death in your own home and had day to day responsibility for the child’s care, unless:
     1. the child’s parent (or person with parental responsibility for the child) was also living there; or
     2. you were or are entitled to receive wages or other remuneration for caring for the child (unless you fall within a specific exception, including paid foster carers).

You may also be entitled to PBL if you are the partner of person who meets the above criteria (the ‘partner’ in this context means a person of the same or a different sex who lives with the child and the other person in an enduring family relationship (excluding the employee’s parents, adoptive or former adoptive parents, grandparent, sibling or half-sibling, aunt or uncle)).

**Notification Requirements for Parental Bereavement Leave**

As well as meeting the eligibility criteria above, you must also give notice to the school of the following:

* the date of the child’s death;
* the date on which you want your PBL to start; and
* whether you want to take one week or two weeks’ PBL.

Where possible we ask that you put any request for PBL in writing to your line manager/Headteacher.

The length of notice required to book and cancel PBL will vary depending on whether the period of leave you intend to take falls within 8 weeks of the child’s death or later.

Leave intended to begin within 8 weeks

If you want to take your PBL within 8 weeks of the child’s death, you must give notice to the school of your intention to take leave:

* before you are due to start work on your first day of your intended PBL; or
* where it is not reasonably practicable to give notice at that time, as soon as is reasonably practicable.

Leave intended to begin 9 weeks or later

If your intended period of PBL will start 9 weeks or more after the date of the child’s death, you must give one weeks’ notice of your intention to take PBL.

**Cancelling Parental Bereavement Leave**

You can cancel a period of PBL which has not already started by notifying the school in writing in accordance with the timescales below. The amount of notice of cancellation you need to give will depend on when the intended PBL falls.

Leave intended to begin within 8 weeks

If your leave is due to start within 8 weeks of the date of your child’s death, you need to give us notice of cancellation no later than the time you would have been due to start work on the first day of the leave.

Leave intended to begin 9 weeks or later

If your leave is due to start 9 weeks or later after the date of your child’s death, you need to give us notice of cancellation at least one week before the start of that leave.

If you do not notify the **s**chool that you wish to cancel your leave within the required time frame, you will not be able to cancel any period of leave and your leave will instead begin on the date specified in your notice of intention to take PBL unless the school agrees otherwise.

Regretfully, you cannot cancel any week of PBL which has already begun.

**Leave Interrupted by another type of Statutory****Leave**

If you begin another period of statutory leave below during a period of PBL, the period of PBL will end immediately before the start of the other period of statutory leave.

The other types of statutory leave referred to here, are:

* maternity leave;
* adoption leave;
* shared parental leave;
* parental leave; and
* paternity leave.

If you have any remaining untaken period of PBL, this leave:

* may be taken after the end of the other period of statutory leave (if that is within the 56-week period beginning with the child’s death); and
* must be taken in a single consecutive period.

If, in these circumstances, you choose to take your remaining entitlement to PBL after the end of the other period of statutory leave, you must provide written notice in respect of that remaining entitlement (regardless of whether your remaining entitlement to PCL is less than one week) in line with the notification requirements set out above (except that it does not have to state whether you intend to take one or two weeks’ leave).

**Contractual benefits during Parental Bereavement Leave**

During PBL you are entitled to enjoy your normal terms and conditions of employment with the exception of pay. You may, however, be entitled to Statutory Parental Bereavement Pay and/or Enhanced Parental Bereavement Pay, further details are set out below.

**Annual Leave**

During any period of PBL, annual leave will continue to accrue at the rate provided under your contract.

**Pension**

During any period of paid PBL, the school will continue to make employer pension contributions into your Teachers’ Pension Scheme, or the Local Government Pension Scheme (as applicable) based on your normal salary in accordance with the pension scheme rules. Any employee contributions will be based on the amount of any SPBP you are receiving. If you want to make up any shortfall in employee contributions, you should contact Payroll.

**Returning to Work**

You are normally entitled to return to work in the same position you held before commencing PBL. Your terms of employment shall be the same as they would have been had you not been absent.

However, if you took PBL consecutively with more than four weeks of parental leave, or if your PBL and any other statutory leave you have taken consecutively in relation to the child adds up to more than 26 weeks’ in total, and it is not reasonably practicable for us to allow you to return into the same position we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

**Statutory****Parental****Bereavement Pay**

If you meet the eligibility criteria below, you are entitled to receive up to two weeks Statutory Parental Bereavement Pay (SPBP).

SPBP is paid at a weekly rate set by the government each year or, if lower, 90% of your average earnings. The HR /Payroll Department can advise you of the current lower earnings limit and the current rate of SPBP.

In order to qualify for SPBP, you must have a parental relationship with a child(see above) and satisfy the following conditions:

* you must have at least 26 weeks continuous service at the end of the week immediately before the week in which the child dies;
* you remained in employment with us at the date of the child’s death; and
* your average weekly earnings must be no less than the lower earnings limit set by the Government at eight weeks ending with the week immediately before the child’s death.

SPBP will be paid in the same way and at the same time as you would normally be paid.

**Notification Requirements for Statutory Parental Bereavement Leave Pay**

If you are eligible and you wish to claim SPBP, you must give the school written notice as soon as practicably possible, using the [Parental Bereavement Pay Form], which can be obtained from HR.

Alternatively, if you do not give us written notice at that time, you must give us written notice within 28 days of the first day SPBP is being claimed for, or where this is not reasonably practicable, as soon as is reasonably practicable.

When giving notice, you must provide:

* your name;
* the date of the child’s death;
* a declaration that you have a parental relationship with a child; and
* the week(s) in which SPBP is being claimed.

**Enhanced Parental Bereavement Pay**

The school offers employees Enhanced Parental Bereavement Pay (**EPBP**) at the full rate of your normal basic salary for the duration of PBL, inclusive of any SPBP due.