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Policy Document

Parental Bereavement Leave Policy

# Parental Bereavement Leave Policy

**Confidentiality - Low**

## Parental Bereavement Leave Policy

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## 1. Introduction

- 1.1 These provisions apply to all employees within Interserve ('the Company'). This policy does not apply to agency workers, consultants or self-employed contractors.
- 1.2 Some employees are employed under a National/Collective Agreement. Should an occasion arise where the provisions of this policy differ from such a National/Collective Agreement, the National/Collective Agreement will take precedence.
- 1.3 This policy does not form part of an employee's terms and conditions of employment. It will be reviewed and duly amended by the Company from time to time.
- 1.4 This policy sets out employees' entitlement to parental bereavement leave and pay, which is available to the parents of a child who dies on or after 6 April 2020. This policy also sets out the arrangements for parental bereavement leave to deal with the death of a child or a stillbirth after at least 24 weeks of pregnancy.

## 2. Purpose

- 2.1 The Company recognises that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face. This policy sets out our commitment to supporting bereaved parents through their grief by ensuring they can take parental bereavement leave.
- 2.2 The policy applies to employees who suffer the loss of a child under the age of 18 on or after 6 April 2020. This includes parents who suffer a stillbirth after 24 weeks of pregnancy.
- 2.3 Any employee, irrespective of their length of service, can take this type of leave if they are the parent of the child who has passed away, or the partner of the child's parent. In general, an employee can take this type of leave if they have parental responsibility for the child. This includes adoptive parents.

## 3. What leave a bereaved parent can take

- 3.1 An employee can take two weeks of parental bereavement leave, which can be taken as a single block of two weeks or two separate blocks of one week at different times. However, the leave cannot be taken as individual days.
- 3.2 An employee can take the leave at the time(s) they choose within the 56 weeks after the bereavement. They may choose, for example, to take it at a particularly difficult time such as the child's birthday.
- 3.3 If a parent has lost more than one child, they have a separate entitlement to bereavement leave for each child who has passed away.

## 4. Eligibility

- 4.1 An employee qualifies for parental bereavement leave if they are the bereaved parent or foster parent of a child under 18 years old. The partner of a deceased child's parent also

qualifies, as long as they live in an “enduring family relationship” with the child and their parent.

- 4.2 The right extends to a “parent in fact”, which means someone who, for a continuous period of at least four weeks before the child died, lived with the child and had “day-to-day responsibility” for the child (but who is not being paid to look after the child) is entitled to parental bereavement leave
- 4.3 Adoptive parents (who have had the child placed with them for adoption, whether by a UK adoption agency or from overseas) qualify. The parents of children born through a surrogate and the “natural parents” of adopted children who have been granted some court-ordered contact also qualify for parental bereavement leave.
- 4.4 In addition, parents who suffer a stillbirth after 24 weeks of pregnancy can take parental bereavement leave.
- 4.5 There are additional eligibility requirements for an employee to receive statutory parental bereavement pay.

## 5. Taking parental bereavement leave

- 5.1 The timeframe for giving notice to take parental bereavement leave depends on how soon after the child’s death leave is being taken.
- 5.2 To take parent parental bereavement leave within the first 56 days of the bereavement (i.e. in the first seven weeks after a child has died) an employee does not have to provide any prior notice. The employee should advise their line manager when they are due to start work on the first day on which they wish to take leave or, if that is not feasible, as soon as possible. To take leave more than 56 days after the bereavement, one week’s notice must be provided to the line manager.
- 5.3 To take parental bereavement leave, an employee must inform their line manager:
  - the date of the child’s death or still birth;
  - the date on which they are beginning their parental bereavement leave;
  - if they intend to take one- or two-weeks’ parental bereavement leave;
  - their relationship with the child.

## 6. Cancelling Bereavement Leave

- 6.1 An employee can cancel planned bereavement leave and take it at a different time (within the 56 weeks after the bereavement). Where this was due to begin during the first 56 days after the bereavement (i.e. the first seven weeks after a child had died), the employee must advise their line manager that they no longer wish to take it, before their normal start time on the first day of the planned leave.
- 6.2 Where the bereavement leave was due to begin more than 56 days after the bereavement, one week’s advance notice should be given to cancel the leave. Parental bereavement leave can be cancelled with a week’s written notice, and can be re-booked by giving a week’s written notice.

6.3 An employee cannot cancel any week of parental bereavement leave that has already begun.

## 7. Pay during parental bereavement leave

7.1 To qualify for statutory parental bereavement pay, an employee must have:

- at least 26 weeks' continuous employment with the Company by the week before the one in which their child passed away (and still be employed by the Company on the date of the bereavement); and
- normal weekly earnings in the eight weeks up to the week before the bereavement of at least the lower earnings limit for national insurance contribution purposes.

7.2 Any employee qualifying for statutory parental bereavement pay is entitled to receive statutory pay at the rate set by the government, currently £151.20 per week or 90% of their average weekly earnings, where this is lower. However, the Company recognises the need to provide bereaved parents with as much support as possible and will therefore continue to pay normal pay during the period of parental bereavement leave, by topping up the statutory pay. For salaried employees, normal pay is based on their basic pay and for hourly-paid employees, it is based on an average of their pay over a three-month period.

7.3 An employee needs to give the Company notice of the weeks for which they wish to claim statutory parental bereavement pay, via a completed form submitted to HR Operations or the line manager. This will ask the employee to confirm the following information in writing within 28 days of starting any period of parental bereavement leave: a) the employee's name; (b) the date the child died or was stillborn; (c) the dates of paid or unpaid parental bereavement leave taken; and (d) your relationship to the child.

7.4 If an employee is not eligible to receive statutory parental bereavement pay, the Company will continue to pay normal pay for bereavement leave, again in recognition of the need to provide bereaved parents with as much support as possible at a difficult time.

## 8. Rights during parental bereavement leave

8.1 During parental bereavement leave, all the terms and conditions of employment will continue. Part of salary will be replaced by statutory parental bereavement pay for those employees who are eligible.

8.2 All contractual benefits will remain in place during the period of leave. This means that holiday entitlement will continue to accrue, and pension contributions will continue to be paid.

## 9. Returning to work after parental bereavement leave

9.1 When returning to work after a period of parental bereavement leave, an employee generally has the right to return to the same job.

9.2 However, a slightly different rule applies where an employee returns from time on bereavement leave that follows on immediately from some maternity, adoption, paternity leave or shared parental leave (taken in relation to the child who has passed away), and the total time on leave is more than 26 weeks. In these circumstances, the employee has 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.

9.3 This rule also applies where leave includes more than four weeks of ordinary parental leave (taken in relation to any child), regardless of the total length of the leave. The Company has a separate policy outlining the right to unpaid ordinary parental leave.

## 10. Stillbirths, neonatal deaths, adoptions and surrogacy

10.1 The taking of bereavement leave will not affect entitlement of an employee to maternity, which should be available to employees in the event of a stillbirth from 24 weeks of pregnancy. An employee can take maternity leave in addition to parental bereavement leave.

10.2 Any employee may be entitled to adoption leave and pay as a result of a child being placed with them for adoption, or because they are an intended parent under a surrogacy arrangement. If the child has died or been stillborn, adoption leave entitlement runs for another eight weeks from the end of the week in which the child died (unless it would already have ended sooner). This is in addition to an employee's right to parental bereavement leave.

10.3 An employee may be entitled to paternity leave and pay as a result of the birth of a child (including a birth to a surrogate mother), or the placement of a child with them for adoption. If their child has died or been stillborn the employee can take paternity leave in addition to parental bereavement leave.

## 11. General

11.1 An employee's right to receive paid compassionate leave under the Special Forms of Leave policy is affected by the taking of leave under this policy. An employee would **not** be entitled to take parental bereavement leave and pay in addition to paid compassionate leave.

11.2 When dealing with parental bereavement leave, the Company will process any personal data collected in accordance with the data protection policy. In particular, the Company will record only the personal information required and keep the information only for as long as necessary.

11.3 No employee will be subject to any detriment or be dismissed for taking parental bereavement leave.

## 12. Associated policies

- Family leave - Maternity, Paternity, Adoption leave policies
- Special Forms of Leave



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### 13. Advice

Help and advice about this policy may be obtained from HR Operations:

Address: Ingenuity House  
Elmdon Trading Estate  
Bickenhill Lane  
Birmingham  
B37 7HQ

Tel: 0345 602 2288



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### Version History

Version	Date of Issue	Author	Change Summary
1.0	01/04/2020	H Ihsan	New policy created to reflect the new statutory right