

TRAFFORD COUNCIL

Report to: Employment Committee
Date: 29 June 2020
Report for: Decision
Report of: Sara Saleh, Corporate Director of People

Report Title

Parental Bereavement Leave & Pay Policy

Recommendation(s)

It is recommended that Employment Committee notes the content of this report and approves the new Parental Bereavement Leave & Pay Policy so that it can be implemented.

Contact person for access to background papers and further information:

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Relationship to Policy Framework/Corporate Priorities	This proposal aligns with the council's Corporate Priority 'Successful and Thriving Places'.
Financial	Minimal as use of the policy is likely to be low.
Legal Implications:	None.
Equality/Diversity Implications	None.
Sustainability Implications	None.
Staffing/E-Government/Asset Management Implications	Improved provision of support for staff at a very difficult time.
Risk Management Implications	None.
Health & Wellbeing Implications	Supportive of mental wellbeing.
Health and Safety Implications	None.

1.0 BACKGROUND

- 1.1 Trafford Council recognises that, whilst dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face. The Council is fully committed to supporting employees through their grief by ensuring that bereaved parents can take parental bereavement leave.
- 1.2 The Parental Bereavement Leave Regulations came into force on 6th April 2020. These regulations provide a statutory right to a minimum of 2 weeks' leave for all employed parents if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy, irrespective of how long they have worked for their employer.
- 1.3 Under the regulations parents with 26 weeks service are entitled to statutory pay for this period in line with the approach to other parental entitlements, such as maternity pay and paternity pay.

2.0 THE POLICY

- 2.1 The Policy aims to support bereaved parents and ensure compliance with the statutory duty placed upon the Council to provide statutory parental bereavement leave to all employees who meet the criteria and all statutory parental bereavement pay to all eligible employees. The Council has taken the decision to top up pay to full pay in order to take a more supportive approach at such a difficult time for staff. Thus instead of 2 weeks of leave at the statutory rate staff would receive 2 weeks at normal pay and this is regardless of length of service.
- 2.2 The policy details eligibility to parental bereavement leave and pay, leave entitlement and when the leave can be taken.

3.0 BENEFITS

- 3.1 The policy will allow bereaved parents the opportunity to take time away from the workplace, in addition to any time they are entitled to take off under the Special Leave, Dependents, Emergencies and Bereavement Policy.
- 3.2 The Policy will ensure the Council meets its statutory obligations in relation to bereaved parents plus providing enhanced financial support for the period of leave.

4.0 IMPLEMENTATION PLAN

- 4.1 The statutory provision was effective from the 6th April and in light of the policy and supporting GMP process still needing to be finalised, an intranet page was created so that if any staff met the criteria from this date, they could access the entitlement. The process to request the leave and the ITrent build to calculate entitlements through GMSS is currently being finalised. Once it has been finalised the process will be added into the policy.
- 4.2 Once the policy has sign-off, the existing intranet page will be amended with a link to the new policy and the relevant forms will be available on the GMSS portal.

4.3 We will promote the new policy with a six boxes announcement and inclusion in the manager's bulletins.

5.0 RECOMMENDATIONS

5.1 This policy will enable the Council to provide additional support to parents who find themselves in the devastating position of having to deal with their own grief, the grief of their wider family, as well as dealing with a vast amount of administrative paperwork and arrangements.

5.2 CLT is recommended to support the introduction of the Parental Bereavement Leave and Pay Policy. See Appendix 1 for the policy.



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PARENTAL BEREAVEMENT LEAVE & PAY POLICY

Author
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Human Resources
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V1.0	February 2020	Kate Sturman	First version

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PARENTAL BEREAVEMENT LEAVE & PAY POLICY

1. Introduction

- 1.1 The Council supports the principle that employees should enjoy a good work-life balance and acknowledges that all individuals at all stages of their career work best when they are able to achieve an appropriate balance between work and other aspects of their lives.
- 1.2 We recognise 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.
- 1.3 This policy reiterates our commitment to supporting employees through their grief by ensuring that bereaved parents can take paid time away from the workplace. The Council offers other forms of support for bereaved employees under the Special Leave, Dependents, Emergencies and Bereavement Policy. The entitlement to leave and pay) within this policy are available in addition to the Special Leave, Dependents, Emergencies and Bereavement Policy.
- 1.4 The period following the death of child will be very difficult and we appreciate that staff are likely to need some time away from work. The Council will deal with such instances sensitively and respectfully, and time off with pay will be given so that employees can be away from the workplace to grieve and deal with any immediate administrative matters which may be necessary.
- 1.5 At such a difficult time employees may find they need additional support which can be accessed through the confidential free of charge Employee Assistance Programme the Council offers its employees. There are also other resources to support Mental Wellbeing that can be accessed.
- 1.6 In the unfortunate event of stillbirth this policy should be read in conjunction with the Council's Maternity Leave Policy which sets out entitlement to maternity leave and pay where a stillbirth occurs.

2. Purpose

- 2.1 The Parental Bereavement Leave & Pay Policy supports employees by providing leave, and pay, at a very difficult time. This policy details eligibility, entitlement, the application process and other information.

3. Scope

- 3.1 This policy covers all employees of Trafford Council with the exception of Teaching and Support Staff employed by Schools.
- 3.2 The scope of this policy fully complies with statutory provision which becomes effective from 6 April 2020. It applies to employees who have suffered the loss of a child under the age of 18 or a still birth after 24 weeks pregnancy, on or after 6 April 2020.

4. Equality, diversity and inclusion considerations

4.1 Managers are responsible for ensuring that they operate the policy in line with the Council's Equality and Diversity and Inclusion principles and the Equality Act 2010. The Council is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any particular group, however with particular regard given to the protected characteristics of: age; disability; gender reassignment; race; religion or belief; sex; sexual orientation; marriage and civil partnership, and; pregnancy and maternity. This procedure will be applied fairly to all employees irrespective of their background or membership of a particular group. Where an employee has a disability, reasonable adjustments should be considered as appropriate.

5. Eligibility for Parental Bereavement Leave & Pay

5.1 Employees are entitled to Parental Bereavement Leave and Pay from day one of employment.

5.2 To qualify for Parental Bereavement Leave and Pay the employee must meet the criteria of a parent. A parent is defined as:

- The parent of a child who has passed away; or
- The partner of the child's parent, where you live in an enduring family relationship with the child who has passed away and their parent; or
- "parent in fact" of a child who has passed away, which means that, for a continuous period of at least four weeks before the child died, you have been living with the child and had "day-to-day responsibility" for the child (but you have not been paid to look after the child);
- "intended parent" of a child who has passed away, i.e. a parent using a surrogate;
- "natural parent" of a child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent; or
- Adoptive parent of a child who has passed away.

5.3 Employees who fulfil the criteria referred to at paragraph 5.3 will be referred to within this policy as the 'Parent'.

6. Leave Entitlement

6.1 For each child who has passed away or each child who was stillborn, as a bereaved parent, you can take one or two weeks' Parental Bereavement Leave.

6.2 The leave must be taken as whole weeks (e.g. 1 or 2 weeks) and cannot be taken in individual days. If you as the parent take less than one or two week's leave, a full week (or a full two weeks) will be deducted from your entitlement.

6.3 For part-time parents, the length of Parental Bereavement Leave is pro-rata. For part-time staff, a 'week' is a normal working week – for example, if you normally work 3 days per week and you take those 3 days off as parental bereavement leave, one week will be deducted from your entitlement.

6.4 Parental Bereavement Leave must be taken within 56 weeks of the date of death of the child or date of still birth of the child. This lengthy period recognises that

bereaved parents may need some flexibility as to when Parental Bereavement Leave is taken. For example:

- Bereaved parents may want to take leave around the first anniversary of the child's death or at another particular time that is special, such as the child's birthday; or
- They may already be using another type of leave, such as maternity leave or sickness absence after the loss.

7. Notice to take Parental Bereavement Leave

- 7.1 The amount of notice eligible employees must provide depends on when the leave is being taken and is detailed below.
- 7.2 Parental Bereavement leave taken during the first 56 days after the child's death or stillbirth can be taken straight away. In such circumstance the employee or someone acting on their behalf, must contact their manager, prior to their normal start time if possible, on the first day of the week or weeks the employee is taking Parental Bereavement Leave.
- 7.3 Where Parental Bereavement Leave is taken anytime from 9 to 56 weeks after the child's death or stillbirth, employees must give their manager at least one week's notice before the start of the week or weeks they want to take off work.
- 7.4 Eligible employees will need to provide their manager with the date of the child's death or stillbirth, the date they want the parental bereavement leave to commence and how much leave is being taken i.e. 1 or 2 weeks.
- 7.5 Informal notice, such as a phone call, voicemail message, or email is fine. If, for any reason, your manager is unavailable, you should speak to, or email, another manager within your team/department.
- 7.6 If you have two or more posts with the Council, contact should be made with each of your managers to advise them of the leave.

8. Entitlement to Parental Bereavement Pay

- 8.1 Employees taking parental bereavement leave will receive their normal contractual pay for each week of leave taken.

9 Cancellation of Parental Bereavement Leave

- 9.1 Employees requesting cancellation of a period of parental bereavement leave within the first 56 days of the date of the child's death or stillbirth, must notify their manager before they would have been due to start work on the first day of the leave.
- 9.2 Employees requesting cancellation of a period of parental bereavement leave which was due to begin later than 56 days after the child's death or stillbirth must give their manager at least one week advanced notice.
- 9.3 Employees cannot cancel any week of parental bereavement leave which has already begun.

10. Employment and terms and conditions

- 10.1 During parental bereavement leave, all the terms and conditions of employment will continue. This means that, for example, holiday entitlement continues to accrue and pension contributions will continue to be paid.

11. Returning to work following Parental Bereavement Leave

- 11.1 Employees have the right to resume working in the same role after taking a period of parental bereavement leave. This is also the case if the period of leave, when added to any other period of statutory leave such as, maternity leave, paternity leave, adoption leave, or shared parental leave in relation to the same child, is 26 weeks or less.
- 11.2 Where a period of leave taken exceeds 26 weeks due to parental bereavement leave being taken immediately following a period of statutory leave in relation to the same child, as detailed in 11.1 above, the employee has a right to return to the same job or a suitable and appropriate job on the same terms and conditions. This also applies if the leave includes more than four weeks of ordinary parental leave (taken in relation to any child), regardless of the total length of the leave.

12. Data protection

- 12.1 When dealing with parental bereavement leave, managers will process any personal data collected in accordance with GDPR. In particular, managers and HR will record only the personal information required to deal with a request for parental bereavement leave and keep this information only for as long as necessary to deal with the request and provide the necessary support.

13. Review

- 13.1 This policy will be periodically reviewed in order that that it remains appropriate to the Council's operation, is best practice and meets legal requirements.