



Tudhoe Learning Trust

Parental Bereavement Leave

Policy and Procedure

Approved by: Trust Chief Executive Officer **Date:** February 2020

Last reviewed on: February 2020

Next review due by: September 2021

Introduction

The Trust recognises that the loss of a child is an extremely personal issue which people deal with in different ways. Undoubtedly, bereaved parents will need to take time off work to grieve and may also require support with the management of their grieving upon their return to work.

The Parental Bereavement Leave Regulations 2020 apply in respect of a parent with a child under the age of 18 years old who has died on or after 6th April 2020 and entitle all eligible employees, irrespective of their length of service to upto two weeks parental bereavement leave. The regulations also apply to parents of children that are stillborn after twenty-four weeks of pregnancy.

The Trust has developed this Parental Bereavement Leave Policy and Procedure which outlines our leave, pay arrangements and return to work provisions for employees who lose a child.

In applying this policy, the Trust will not unlawfully discriminate in respect of any of the protected characteristics as defined under the Equality Act and specified below:

- Age
- Disability
- Gender reassignment
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage and civil partnership

The policy is applicable to all employees of the Trust, including those on temporary contracts who meet the eligibility criteria, regardless of the number of hours worked. Part-time employees also receive the same entitlement as full-time employees - where appropriate this will be on a pro-rata basis.

Entitlement to Parental Bereavement Leave

An employee is entitled to be absent from work to take parental bereavement leave if at the date of a child's death they are a primary carer whose relationship with the child is parental in nature. This includes:-

- The child's parent who has had day to day responsibility for caring for the child who has lived with them in their own home and has done so for a continuous period of at least four weeks ending at the date of the child's death
- The child's natural parent who is named in a parental order and the order has not been revoked or discharged
- An adopter with whom the child has been placed and the placement has not been disrupted in accordance with the Adoption and Children Act 2002
- An adopter; with whom the child was living following the child's entry into the United Kingdom with the purposes of adoption; who has received official notification in respect of the child
- A legal guardian who had obtained a court order giving the responsibility of caring for the child
- An intended parent who has applied for an order, intended to apply for an order during the period of 6 months beginning with the day of the child's birth, or expected an order to be made under Section 54 of the Human Fertility and Embryo Act 2008

- A prospective adopter who has been approved as suitable to adopt a child and has been notified of that decision or has received official notification of the placement of a child
- The partner of the child's parent who lives with the child and their parent in an enduring family relationship but is not a relative of the parent.
- A foster parent

In accordance with the Parental Bereavement Leave Regulations a person is not to be regarded as a parent in fact if:-

- The child is in the care of that person in premises where the person is living and has responsibility for the child
- That person was or is entitled to receive remuneration in respect of the care for the child (this excludes allowances/expenses paid to a person which have arisen as a result of the persons care for the child e.g. foster parent or amounts received pursuant to the terms of a will, trust or similar instrument which makes provision for the child's care).

Parental Bereavement Leave

The minimum period of parental leave that can be taken by an eligible employee is one week.

An eligible employee can take up to two weeks' Parental Bereavement Leave. Where an employee chooses to take two weeks' parental bereavement leave, the weeks need not be consecutive.

Parental Bereavement Leave can be taken at any time within the period of 56 weeks beginning with the date of the death of the child.

Parental Bereavement Pay

Where an employee has completed 26 weeks continuous service with the Trust, they are eligible to receive Parental Bereavement Pay during their period of Parental Bereavement Leave.

This will be paid either the current statutory rate of £151.20 per week or 90% of the employees normal weekly earnings. The weekly rate of payment received will be the smaller of the two amounts.

Notification Requirements

Some parents who experience the loss of a child may need immediate time away from work, while others may need time off at a later date.

Given the unpredictable nature of death and the subjective nature of grief, this means that it may not be practical for the employee to give notice before taking parental bereavement leave. Therefore an employee is not required to give notice of parental bereavement leave that is taken immediately after the date of the death of the child. However, employees must comply with normal absence reporting procedures and as such are required to inform the Head Teacher that they are exercising their entitlement to parental bereavement leave. The employee must advise the Head Teacher whether they are taking one or two weeks parental bereavement leave and complete a Notification Form retrospectively as soon as this is practicably possible. (See Appendix 1).

In the event that the employee is at work on the day the period of parental bereavement leave commences, the period of the employee's period of parental bereavement leave will commence on the following day.

If leave is taken after the initial period following the death, for example, following another type of family leave, a notice requirement of one week will apply. Notice must be provided using the Notification Form at Appendix 1.

Parental Bereavement Leave will commence on the date specified unless the leave arrangements are cancelled by the employee.

Cancellation of Parental Bereavement Leave

Where Parental Bereavement Leave is taken within a 56 day period beginning after the date of the child's death and the employee wishes to rescind this, no notice is required before the employee can return to work.

Where an employee wishes to take Parental Bereavement Leave after a 56 day period which began after the date of the child's death and wishes to cancel the leave notification, the employee must provide their Head Teacher with at least one week's notice before the date that the leave was due to start. Notice should be provided to the Head Teacher in writing.

Commencement of other Statutory Leave

Where an employee's period of parental bereavement leave has commenced and, before that period is due to end the employee begins another period of statutory leave the parental bereavement leave ends immediately before the start of the other period of statutory leave.

Any remaining entitlement to parental bereavement leave may be taken after the end of the other period of statutory leave and must be taken in a single consecutive period. Separate notice in respect of the remaining entitlement must be given using the Notification Form at Appendix 1.

Where any remaining entitlement to parental bereavement leave includes part of a week as a result of commencing another form of statutory leave, the portion of the remaining entitlement comprising part of a week will be deemed to be a week.

Right to Return to Work

An employee who returns to work after a period of parental bereavement leave is entitled to return from leave to the job in which the employee was employed before the absence.

If it is not reasonably practicable for the employee to be permitted to return to that job they are entitled to return to another job which is both suitable and appropriate for the employee to do in the circumstances.

An employee is entitled not to be subject to any detriment because they took, sought to take or made use of the benefits of, parental bereavement leave.

The Head Teacher should arrange an informal meeting with the employee upon their return to work, in a confidential setting, which aims to welcome the employee back to work, update them

on work issues and identify whether the employee requires any support with the management of their grieving upon their return to work as appropriate.

The Head Teacher must give consideration to any requests for temporary adjustments to their role and remind the employee that they may contact the Trust's FREE 24 hour telephone counselling service, for support, they can be contacted on 0800 716017 (Employee Assistance Programme).

Further advice may be sought from the Trust HR Manager.

Further Information

If you would like any further information or advice in relation this Policy and Procedure please contact the Trust HR Manager on 01388 811 765 or office@tudhoelearningtrust.co.uk



TUDHOE LEARNING TRUST
Notification of Parental Bereavement Leave

If you wish to exercise your entitlement to parental bereavement leave you must provide your Head Teacher with one weeks notice. Where this is not possible, the leave must be recorded retrospectively on this form as soon as practicable.

| PART A: Employee Details | | | |
|---|--------------------------|---|--------------------------|
| Name | | Job Title | |
| School | | Dates on which leave has/is likely to commence: | |
| In accordance with the Parental Bereavement Leave Policy, I am (Please tick one of the below): | | | |
| The child's parent/Adopter | <input type="checkbox"/> | The child's adopter and the placement has not been disrupted | <input type="checkbox"/> |
| The child's natural parent and named in a parental order | <input type="checkbox"/> | A legal guardian who had obtained a court order giving the responsibility of caring for the child | <input type="checkbox"/> |
| The child intended parent/Prospective adopter | <input type="checkbox"/> | The partner of the child's parent | <input type="checkbox"/> |
| Foster parent | <input type="checkbox"/> | Other (Please state): | <input type="text"/> |

| PART B: Parental Bereavement Leave Details (Must be taken within 56 weeks of the date of the child's death) Please complete as indicated: | |
|--|--------------------------|
| Number of weeks of parental bereavement leave / pay you intend to take | <input type="text"/> |
| I wish to take the maximum parental bereavement leave entitlement of two weeks consecutively | <input type="checkbox"/> |
| I wish to take the minimum parental bereavement leave entitlement of one week and take one week at a later date | <input type="checkbox"/> |

The above dates are not binding at this stage. However if you wish them to be please indicate: Yes / No
 Note: If you indicate "No", you must notify the Head Teacher at least 1 week before you require your period of parental bereavement leave to start.

| PART C: Employee Declarations (Please confirm your eligibility by signing below where appropriate): | | |
|--|------------|-------|
| I meet the eligibility criteria for parental bereavement leave | Sign here: | Date: |
| I meet the eligibility criteria for parental bereavement pay | Sign here: | Date: |
| I consent to you retaining and processing the information contained in this form | Sign here: | Date: |

HR USE ONLY

| Actioned: | Finance | Salaries/Portal | Confirmation letter issued | Personal File |
|-----------|---------|-----------------|----------------------------|---------------|
| Initials: | | | | |
| Date: | | | | |