



Parental Bereavement Policy and Procedure

1. Introduction

Dover District Council (“the Council”) recognises that grief following the loss of a child is an extremely personal issue which people deal with in different ways. The Council is committed to supporting employees through their grief by ensuring that they can take parental bereavement leave after suffering the loss of a child.

Further, the Council is committed to supporting its employees by identifying additional steps that may be taken to help employees during a period of bereavement. This may include signposting for support to any relevant organisations including but not limited to those set out in Appendix 1 and providing access to support via its Employee Assistance Programme, or any alternative provision, or via its flexible working policy.

This policy sets out the obligations and responsibilities of both the Council and employees where a period of time away from work is required following the loss of a child and gives effect to the Parental Bereavement Leave Regulations 2020 and the Statutory Parental Bereavement Pay (General) Regulations 2020.

It is the intention of the Council that, in implementing this policy, a manager will work closely alongside the bereaved employee to agree the specifics of the leave and pay entitlements on a case by case basis.

In recognition of the highly personal nature of the situation the Council may, at its discretion, allow further time off work for bereaved parents after careful and sympathetic consideration has been given to the individual circumstances.

For the purposes of this policy a child is anyone under the age of 18 and includes a baby that is stillborn after at least 24 weeks of pregnancy.

The policy applies to all employees (including those on zero hours) of the Council, irrespective of grade and regardless of their length of service.

Where this policy conflicts with an employee’s statutory entitlement, and this has the effect of causing detriment to the employee, the statutory entitlement will prevail.

Employees continue to be employed during any period of parental bereavement leave and, therefore, this period counts towards continuous employment for the purpose of calculating any entitlements based on length of service.

2. Scope

This policy applies to all employees of the Council.

Employees are eligible for the entitlements under this policy if they qualify as a “bereaved parent”. A bereaved parent will include those employees who fall into the following categories:-

- A parent of the child, which includes an adoptive parent and a person who has become a parent under the various statutory provisions on surrogacy and fertility.
- A natural parent of the child, where the child has been adopted but there is a court order for the child to have contact with the natural parent;
- A person with whom the child has been placed for adoption by a British adoption agency, or under a fostering for adoption scheme, as long as that placement has not been terminated.
- Where the child has entered Great Britain from overseas for the purposes of adoption, a person living with the child who intends to adopt them and has received “official notification” from the British authorities that they are eligible to adopt.
- An intended parent under a surrogacy arrangement where it was expected that the court would make a parental order under section 54 or 54A of the Human Fertilisation and Embryology Act 2008.
- A “parent in fact”, defined as someone in whose home the child is living and who has had day to day responsibility for the child’s care for at least the four weeks prior to death.
- The partner of any of the above. “Partner” means a person living with another person and the child in an enduring family relationship.

3. Parental bereavement leave

From day one of their employment, and subject to correctly notifying the Council, eligible employees will be entitled to parental bereavement leave which is a period of one or two weeks’ leave that may be taken at any time within 56 weeks of the death of a child.

In the case of stillbirth, the date of death is taken to be the date the child is stillborn.

The leave may be taken as:

- One whole week.
- Two consecutive weeks.
- Two separate weeks at different times.

If different arrangements to the above are requested, the Council will work with the employee to ensure that their individual needs are taken into consideration, which could include providing leave in units of days, or less than a week and over a longer period.

Where more than one child has died or been stillborn, the bereaved parent is entitled to a separate period of leave in relation to each child.

4. Parental Bereavement Pay

Periods of parental bereavement leave will be paid at the employee's normal basic pay rates. This applies regardless of an employee's length of service.

Where an employee is eligible for statutory parental bereavement pay, which is paid in accordance with the applicable rates in force at the time, such payments will be deemed to be included in the payment of the employee's normal remuneration during a period of parental bereavement leave.

5. Notification requirements

Given the circumstances, the Council adopts a sensitive approach to the notification requirements and therefore employees are not required to provide notice in writing. Informal notification, such as a phone call, text message, voicemail or email, is sufficient notification to enable an employee to take parental bereavement leave.

Notification should include the date of the child's death, the date on which the employee chooses leave to start, and whether the leave is to be taken in one or two week periods.

An employee can begin the leave by letting their line manager know before they would have been due to start work or, if that is not feasible, as soon as is reasonably practicable.

Where the employee has already started work on a particular day but gives notice to start parental bereavement leave on the same day, then the leave will formally start on the next day even in circumstances where the employee is permitted to go home on the same day.

If an employee wishes to take parental bereavement leave within the first 8 weeks of a child's death, they will need to notify their line manager and the leave can be taken straight away.

To cancel or change leave that is due to start within the first 8 weeks after a child's death, the employee can cancel or change the date by giving notice before the time they are due to start work on the day that they previously notified that the leave would start. If this is not practicable, the employee must notify the employer as soon as reasonably practicable.

If an employee wishes to take parental bereavement leave more than 8 weeks after the child's death, the employee is required to give the employer one week's notice of their intention to take the leave. If providing a week's notice is not possible the Council will attempt all reasonable options to enable leave at shorter notice.

If an employee wishes to cancel or change the date of leave, they can do so by giving the same notice that is required in respect of the leave itself.

To cancel or change leave that is due to start more than 8 weeks after the child's death, the employee can cancel or change the date by giving notice at least a week before the day the leave was due to start.

A period of leave cannot be cancelled once it has started.

6. Return from Leave

At the end of a period of parental bereavement leave that is not taken consecutively with a period of parental leave of more than four weeks, or other statutory family-related leave such as maternity, paternity, adoption or shared parental leave, employees have the right to resume working in the same job when they return.

If parental bereavement leave is taken consecutively with a period of parental leave of more than 4 weeks, or with other statutory family-related leave (such as maternity, paternity, adoption or shared parental leave) in relation to the same child where the total amount of leave taken is more than 26 weeks, the employee's right is to return to the same job or, if it is not reasonably practicable for the employer to permit the employee to return to that job, to another job which is both suitable and appropriate for the employee to do in the circumstances.

7. Rights and obligations during Parental Bereavement Leave

During a period of parental bereavement leave, all of the employee's terms and conditions of employment (including status and pension rights) continue.

Employees cannot suffer detriment as a result of taking or seeking to take parental bereavement leave.

8. Additional time off following a bereavement

If an employee requires additional time off they should contact their line manager to request this who will then consult with Human Resources. Any additional time off following a bereavement must be authorised by the employee's line manager and the specific arrangements (including pay) for that additional time off will be agreed by the line manager with the employee once careful consideration of the individual circumstances has been given.

9. Other statutory rights for bereaved parents

There are already a number of statutory rights available to bereaved parents at work in certain circumstances, potentially allowing a greater amount of leave than would otherwise be available under the Council's parental bereavement leave policy.

Therefore this policy should be considered in conjunction with these other statutory rights, such as:-

- Time off for dependants
- Maternity and paternity leave for stillbirths and neonatal deaths

- Adoption leave and paternity leave where the child has died
- Shared parental leave where the child has died

Appendix one

The following organisations may be able to offer support and advice to employees whose lives have been affected by the loss of a child and to line managers and colleagues with whom they work.

National Bereavement Alliance (<https://nationalbereavementalliance.org.uk/>)

Cruse Bereavement Care (<https://www.cruse.org.uk/>)

SANDS (Stillbirth and Neonatal Death Charity) (<https://www.sands.org.uk/>)

Bliss (for babies born premature or sick) (<https://www.bliss.org.uk/>)

Together for Short Lives (<https://www.togetherforshortlives.org.uk/>)

Working Families (<https://www.workingfamilies.org.uk/>)

The Lullaby Trust (<https://www.lullabytrust.org.uk/>)