



Parental Bereavement Leave and Pay Policy

Introduction

From April 2020, parental leave and pay rights have been introduced in the UK. Employees are entitled to leave and pay for the death of a child under 18 years of age, or a still birth from the 24th week of pregnancy.

Scope

This policy outlines the statutory entitlements and eligibility for employees relating to parental bereavement leave and pay.

Eligibility

To qualify for parental leave, you must be an employee who is one of the below:

- the child's parent
- the child's natural parent, where the child has been adopted but there is a court order for the child to have contact with you as the natural parent
- a person with whom the child has been placed for adoption by a UK adoption agency, or under a fostering for adoption scheme, provided that the placement has not been disrupted or terminated
- a person living with the child, following the child's entry into Great Britain from overseas in connection with or for the purposes of adoption, and who has received official notification in respect of the child
- an intended parent of the child under a surrogacy arrangement where it was expected that the court would make a parental order under sections 54 or 54A of the Human Fertilisation and Embryology Act 2008
- the child's parent in fact, i.e. a person who, for a continuous period of at least four weeks ending with the date of the child's death, was living with the child in their own home and had day-to-day responsibility for the child's care, e.g. a guardian – it does not include a paid carer, nor does it apply if the child's parent, or anyone with legal parental responsibility for the child, is also living in that home with the child
- the partner of any of the above – for these purposes, a partner means a person (whether of a different sex or the same sex) who lives with the child and the parent in an enduring family relationship, but who is not the parent's parent, grandparent, sister, brother, aunt or uncle.

Notifying the employer of your intention to take Statutory Parental Bereavement Leave (SPBL)

When notifying the School about your intention to take SPBL, you must state the below in writing;

- the date of the child's death
- the date on which you choose your period of SPBL to start
- whether you intend that period of SPBL to be one or two weeks



Length of notice to take SPBL;

The length of notice that you must give to the School depends on how long after the child's death your SPBL is due to start:

- for SPBL commencing within 56 days from the date of the child's death, you must notify the School before you are due to start work on the day you want your SPBL to begin (and, if this is not reasonably practicable, you must give notice as soon as is reasonably practicable)
- for SPBL commencing after 56 days from the date of the child's death, you must give the School at least one week's notice, i.e. you must give notice at least one week before your leave is due to start. SBPL must be taken within 56 weeks from the date of the child's death.

Your parental bereavement leave will then begin on the date specified in your notice, unless you subsequently cancel your leave. However, where you have already started work on a particular day and you give notice of your intention to begin parental bereavement leave on that same day, your leave will officially start the next day.

Cancelling bereavement leave

You can cancel a period of parental bereavement leave. For parental bereavement leave that is due to commence within the period of 56 days beginning with the date of the child's death, you can cancel it by giving the School notice no later than the time you would have been due to start work (had you not been taking leave) on the day you previously notified that leave would start. For SPBL that is due to commence after the end of the period of 56 days beginning with the date of the child's death, you can cancel it by giving the School notice at least one week before the day the leave was due to commence. A period of parental bereavement leave cannot, however, be cancelled once it has already commenced.

Notice to take, or cancel, SPBL does not need to be given in writing; informal notification, such as a telephone call or an email, will suffice. However, you are required to complete and sign a self-certification form as evidence of your entitlement to statutory parental bereavement pay. A SPBL and pay form can be found at Appendix A of the policy.

Once completed it should be returned to the School Bursar. You can use this form to provide the required information for both leave and pay purposes. If necessary, this form can be completed after your return from parental bereavement leave, particularly where leave has been taken immediately after the child's death, but in any event it must be returned to the School Bursar before the end of the period of 28 days beginning with the first day of the period in respect of which any statutory parental bereavement pay is to be paid to you (see Statutory Parental Bereavement Pay below), unless this is not reasonably practicable, in which case you must return this form as soon as is reasonably practicable.

Leave entitlement

Assuming you are eligible, you are entitled to take either one whole week, two consecutive weeks or two separate weeks of PBL. PBL can only be taken in weekly blocks. For example, you might choose to take one week off at the time of the child's death and then take the second week off around the time of the child's birthday or the anniversary of their death.



You can choose to take your parental bereavement leave at any time within the period of 56 weeks beginning with the date of the child's death and it can start on any day of the week.

If you are eligible to take SPBL as a result of the death of more than one child, you are entitled to parental bereavement leave in respect of each child.

During the period of SPBL, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary. In particular, any benefits-in-kind will continue, contractual annual leave entitlement will continue to accrue and pension contributions will continue to be made.

Salary will be replaced by statutory parental bereavement pay if you are eligible to receive it.

Statutory Parental Bereavement Pay (SPBP)

SPBP is payable for up to two weeks of parental bereavement leave and you can choose for SPBP to be paid in respect of a single period of either one or two weeks or discontinuous periods of one week each.

You are entitled to SPBP if:

- you are a bereaved parent (see Entitlement to SPBL above)
- you have been continuously employed by the School in employed earner's employment for at least 26 weeks ending with the week immediately before the one in which the child died, and you are still in employment on the day on which the child died
- your average weekly earnings in the eight weeks ending with the week immediately before the one in which the child died are not less than the lower earnings limit for National Insurance contributions.

You must also provide the School with information about, and evidence of, your entitlement to SPBP. You must give the School written notice of the week(s) in respect of which SPBP payments are to be made to you, and you must do this before the end of the period of 28 days beginning with the first day of the period in respect of which SPBP payments are to be made to you, unless this is not reasonably practicable, in which case you must give the notice as soon as is reasonably practicable. In addition, as evidence of entitlement, you must, at the same time, provide the School with the following information in writing:

- your name
- the date of the child's death
- a declaration that you meet one of the statutory criteria of being a bereaved parent.

The parental bereavement leave and pay form can be used to provide all the information and evidence that you need to supply for SPBP purposes.

The weekly rate of SPBP is paid at a rate set by the government for the relevant tax year, or 90% of your average weekly earnings if this is lower than the government's set weekly rate.

SPBP is treated as earnings and is therefore subject to PAYE and National Insurance deductions.



SPBP can start from any day of the week in accordance with the date you start your parental bereavement leave.

Rights when returning to work

On resuming work after parental bereavement leave, you are generally entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

If, however, you took SPBL consecutively either with a period of parental leave of more than four weeks, or with other statutory family-related leave in relation to the same child where the total amount of statutory leave taken in relation to that child was more than 26 weeks, your right is to return to the same job or, if it is not reasonably practicable for you to return to that job, to another job which is both suitable and appropriate for you to do in the circumstances.

In either case, your seniority, pension and similar rights will be the same as they would have been if you had not been absent and your terms and conditions will not be less favourable than those which would have applied if you had not been absent.



Appendix A

Parental Bereavement Leave and Pay Form

You can use this form to give notice of your intention to take parental bereavement leave and receive Statutory Parental Bereavement Pay (SPBP) under the right provided in law to take time off work following the death of a child under the age of 18, including a child stillborn after 24 weeks of pregnancy.

Before completing this form, you should first check that you are eligible to take parental bereavement leave and receive SPBP in line with the detail of this policy.

If any week in which you intend to take parental bereavement leave commences within the period of 56 days beginning with the date of the child's death, you must give most of the information provided in this form to the School before you are due to start work on the day you want your leave to begin, or, if that is not reasonably practicable, as soon as is reasonably practicable. In this case, you can provide the information in this form verbally in the first instance and then complete this form on your return to work.

If any week in which you intend to take parental bereavement leave commences after the end of the period of 56 days beginning with the date of the child's death (but within the period of 56 weeks beginning with the date of the child's death), you must give most of the information provided in this form to the School at least one week before the start of your parental bereavement leave. If you wish, again you can provide the information in this form verbally in the first instance and then complete this form later.

In either case, this form must be returned before the end of the period of 28 days beginning with the first day of the period in respect of which any SPBP payments are to be made to you, unless this is not reasonably practicable, in which case you must return this form as soon as is reasonably practicable.

Once you have completed the form, it should be sent to the School Bursar and you should keep a copy for your own records.

Name of employee:
The date of the child's death or stillbirth:
The date on which you choose your period of parental bereavement leave (and our liability to pay you SPBP, if applicable) to start:



<p>Do you wish to take one week or two weeks parental bereavement leave starting on the above date?</p>	<p>One week/Two weeks* (*delete as appropriate)</p>
<p>Please provide your personal email address and personal mobile phone number so that we can contact you about any important business developments that may take place in your absence on parental bereavement leave:</p>	

I intend to take parental bereavement leave and receive SPBP if I qualify for it. I confirm that, at the date of the child’s death, I am one of the following:

- the child’s parent
- the child’s natural parent, where the child has been adopted but there is a court order for the child to have contact with me as the natural parent
- a person with whom the child has been placed for adoption by a UK adoption agency, or under a fostering for adoption scheme, provided that the placement has not been disrupted or terminated
- a person living with the child, following the child’s entry into Great Britain from overseas in connection with or for the purposes of adoption, and I have received official notification in respect of the child
- an intended parent of the child under a surrogacy arrangement where it was expected that the court would make a parental order under sections 54 or 54A of the Human Fertilisation and Embryology Act 2008
- the child’s parent in fact, i.e. I was living with the child in my own home and I had day-to-day responsibility for the child’s care for a continuous period of at least four weeks ending with the date of the child’s death, but I was not a paid carer and neither is the child’s parent, or anyone with legal parental responsibility for the child, also living in my home with the child
- the partner of any of the above (whether of a different sex or the same sex), i.e. I am living with both the child and the parent in an enduring family relationship, but I am not the parent’s parent, grandparent, sister, brother, aunt or uncle.

I declare that the information I have given on this form is true. I understand that it is a serious disciplinary offence to provide false information on this form.

Signed:

Date

Print name: