



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



PARENTAL BEREAVEMENT LEAVE POLICY

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Background

- 1 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. This policy reiterates our commitment to supporting employees through their grief by ensuring that bereaved parents can take parental bereavement leave.

Purpose Statement

- 2 The purpose of the policy is to outline the rules and procedures of the parental bereavement leave, and to provide employees with information and options for taking leave for those who have suffered the loss of a child.

Applicability and Scope

- 3 This policy applies to employees who have suffered the loss of a child under the age of 18, on or after 6 April 2020. The policy also applies to parents who suffer a stillbirth after 24 weeks of pregnancy.
- 4 This policy applies to all University employees and atypical workers. It will not normally apply to contractors or agency workers.

Responsibilities

- 5 It is the responsibility of **Employees** to communicate to their Line manager or the HR department no later than when they are due to start work, or, if that is not feasible, as soon as is reasonably practicable. Employees also need to be aware of the *Parental Bereavement Leave Policy*.
- 6 It is the responsibility of **Line Managers** to ensure that employees are aware of the *Parental Bereavement Leave Policy* and to communicate to the HR department when the employee suffers a loss of their child. Managers should only request the most necessary information from the employee in this difficult time and keep the communication at the minimum (see **Appendix 1**). Managers should ensure that appropriate leave is granted in accordance with the policy and accurate records are kept. Line Managers will need to ensure that if there are any salary adjustments they inform Human Resources to make any changes. Managers should notify and seek support from the HR department as appropriate.
- 7 The **HR department** will record the parental bereavement leave and liaise with the Payroll department. The HR department be available to provide further advice and guidance on the application of this policy.

Entitlement to Parental Bereavement Leave

- 8 There is no qualifying period for entitlement to leave under this policy.
- 9 The employee can take parental bereavement leave if an employee is one of the following:
 - parent of a child who has passed away; or
 - 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
 - adopter of a child who has passed away.
- 10 An employee is not a parent in fact if the child's parent or someone else with parental responsibility for the child is also living in the home, or if they are entitled to receive remuneration in respect of the child's care. Fees or allowances paid to local authority foster parents, payments wholly or mainly intended to reimburse expenses arising from the child's care, or payments made pursuant to a will, trust or similar instrument making provision for the child's care are not regarded as remuneration. This means that, while a local authority foster parent caring for a child could be regarded as a parent in fact (because fees and allowances for foster parents are not regarded as remuneration), a childminder would not be regarded as a parent in fact (as their pay for caring for a child amounts to remuneration).
- 11 If an employee has suffered a bereavement, but is unsure if they are entitled to parental bereavement leave, they should contact the Human Resources department for clarification.

Parental Bereavement Leave

- 12 For each child who has passed away, a bereaved parent can take one or two weeks' parental bereavement leave. Parental bereavement leave is not available as individual days.
- 13 The employee is able to take the leave as a single block of two weeks or two separate blocks of one week at different times.
- 14 The leave must be taken within 56 weeks of the date of the death of the child. The University understands that this is a difficult time for the employee, and this lengthy period recognises that, as a bereaved parent, an employee may need some flexibility as to when to take the leave. For example, an employee may already be on another type of leave, such as maternity leave or sickness absence.

Support available to grieving parents

- 15 The employee is able to access support during this difficult time. The University offers free access to a 24/7 confidential counselling service via our Employee Assistance Programme that can be accessed [here](#). This service is also available to the employee's partner or spouse. There is also several other support available, such as The Big White Wall (www.bigwhitewall.co.uk), the University's internal counselling service (counselling@bucks.ac.uk) and the University's Multi-Faith Chaplaincy listening service (multifaithchaplaincy@bucks.ac.uk). Support can also be provided by Child Bereavement UK (<https://www.childbereavementuk.org/>).

Entitlement to Parental Bereavement Pay

- 16 The University recognises the need to provide bereaved parents with support, therefore the University will continue to pay normal pay to employees during parental bereavement leave. The parental bereavement leave pay for atypical workers is different and is covered under *Entitlement to Statutory parental bereavement pay* in this policy below.
- 17 There is no qualifying period for entitlement to parental bereavement pay under this policy.
- 18 Parental bereavement pay is treated as income and is therefore liable for income tax and National Insurance in the same way as normal pay.
- 19 During parental bereavement leave, all terms and conditions of your contract will continue. All benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid.
- 20 Parental bereavement pay can start from any day of the week in accordance with the date the employee starts their parental bereavement leave.
- 21 The employee must give the University notice of the weeks during which they wish to claim parental bereavement pay. They must normally give the parental bereavement pay notice within 28 days of the first day for which they are claiming parental bereavement pay. However, if that is not feasible, they can provide the notice as soon as is reasonably practicable.
- 22 At the same time as the employee gives notice, they must provide evidence of entitlement to parental bereavement pay. To ensure that the University can pay parental bereavement pay, the employee's line manager or the HR department will ask them to sign and return a Parental bereavement Form (**Appendix 1**) to provide notice and evidence of entitlement to parental bereavement pay.

Entitlement to Statutory Parental Bereavement Pay

- 23 The University recognises the need to provide bereaved parents with support, therefore the University will pay statutory parental bereavement pay (SPBP) during parental bereavement leave to eligible atypical workers.

- 24 To be eligible for statutory parental bereavement pay, atypical workers who are on parental bereavement leave are required to have:
- at least 26 weeks' continuous employment with the employer by the week before the week in which the child passes away, and still be employed by that employer on the day on which the child passed away; and
 - normal weekly earnings in the eight weeks up to the week before the child's death that are no less than the lower earnings limit for national insurance contribution purposes.
- 25 If an atypical worker takes parental bereavement leave and qualifies for statutory parental bereavement pay, they will be paid at the rate set by the Government for the relevant tax year, or 90% of their average weekly earnings where this figure is lower than the Government's set weekly rate. A non-eligible worker's parental bereavement leave will be unpaid.
- 26 Parental bereavement pay is treated as income and is therefore liable for income tax and National Insurance in the same way as normal pay.
- 27 During parental bereavement leave, all terms and conditions of your contract, except normal pay, will continue. Salary will be replaced by statutory parental bereavement pay if the atypical worker is eligible for it.
- 28 Parental bereavement pay can start from any day of the week in accordance with the date the employee starts their parental bereavement leave.
- 29 The atypical worker must give the University notice of the weeks during which they wish to claim statutory parental bereavement pay. They must normally give the parental bereavement pay notice within 28 days of the first day for which they are claiming statutory parental bereavement pay. However, if that is not feasible, they can provide the notice as soon as is reasonably practicable.
- 30 At the same time as the atypical worker gives notice, they must provide evidence of entitlement to statutory parental bereavement pay. To ensure that the University can pay statutory parental bereavement pay, the employee's line manager or the HR department will ask them to sign and return a Parental bereavement Form (**Appendix 1**) to provide notice and evidence of entitlement to statutory parental bereavement pay.

Notification of parental bereavement leave

- 31 The employee can notify the University with informal notification, such as a phone call or email to their line manager or the HR department (humanresources@bucks.ac.uk).
- 32 If the employee decides to take parental bereavement leave within the first 56 days after their child's death, they can take the leave straightaway. They do not have to provide a period of notice. This means that the employee can begin parental bereavement leave by letting their line manager or the HR department know no later than when they are due to start work, or, if that is not feasible, as soon as is reasonably practicable.

- 33 If the employee intends to take parental bereavement leave more than 56 days after their child's death, they have to give their line manager or the HR department at least one week's notice of their intention to take parental bereavement leave.
- 34 If the employee has asked to begin parental bereavement leave within the first 56 days of the date of their child's death, they can cancel their parental bereavement leave, as long as they let their line manager or the HR department know before they would have been due to start work.
- 35 If the employee has asked to begin parental bereavement leave more than 56 days after their child's death, they can cancel their parental bereavement leave, as long as they let their line manager or the HR department know at least one week in advance.
- 36 The employee is not allowed to cancel any week of parental bereavement leave that has already begun.

Returning to work following parental bereavement leave

- 37 The employee has the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (*typically maternity leave, paternity leave, adoption leave, or shared parental leave*) in relation to the same child, is 26 weeks or less.
- 38 The employee is entitled to return to another job that is suitable and appropriate for them, rather than the same job, if:
 - the period of leave taken is more than 26 weeks, when added to most other periods of statutory leave taken in relation to the same child; and
 - it is not reasonably practicable to return the employee to the same job.
- 39 When dealing with parental bereavement leave, line managers and the HR department will process any personal data collected in accordance with the [University's Data Protection policy](#). In particular, line 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.

Appendix 1 Form for Parental bereavement pay

Statutory parental bereavement pay for: _____	
We are very sorry for your loss and our thoughts are with you. We would like to express our sincere condolences. To ensure the smooth payment of your statutory parental bereavement pay, please sign and date this form and return it to your line manager or the HR department.	
Date of child's death: <i>(This field should be filled in by the line manager or HR department in advance)</i>	
Weeks of parental bereavement leave for which I am claiming statutory parental bereavement pay: <i>(This field should be filled in by the line manager or HR department in advance)</i>	
I meet one of the conditions of entitlement to claim statutory parental bereavement pay (see below for details of the conditions).	
Employee's signature:	
Date:	
Please try to sign and return this form to your line manager/the HR department by [<i>date that is 28 days from the first day for which the employee is claiming statutory parental bereavement pay</i>]. You must meet one of the conditions of entitlement below to claim statutory parental bereavement pay. Please sign and return this declaration if any one of the following statements applies to you:	
<ul style="list-style-type: none"> • I am the parent of the child. • I am the partner of the child's parent. I lived in an enduring family relationship with the child and their parent. • I am the "parent in fact" of the child. I was, for a continuous period of at least four weeks before the child passed away, living with the child and had "day-to-day responsibility" for the child, but I was not paid to care for the child. • I am the child's adopter within the UK. The child was placed with me for adoption within the UK and the placement has not been disrupted. • The child was living with me following their entry into the UK for the purpose of adoption and I have received official notification in respect of the child. • I am the "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. 	
I am the "intended parent" of the child (i.e. a parent using a surrogate).	