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| **17b** |  | **PARENTAL BEREAVEMENT LEAVE:** **MODEL POLICY FOR SCHOOLS** |

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1. **Introduction**

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. Schools have long been able to use their discretionary leave polices in these difficult situations. Changes to the law mean that certain rights are now statutory, and this policy is in relation to those rights.

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

This policy applies to employees who have suffered the loss of a child (i.e. 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.

The school will continue to consider requests for bereavement leave under the Discretionary Leave Policy, but this policy applies to the very specific circumstances outlined above and is in response to the Parental Bereavement Leave Regulations 2020 and the Statutory Parental Bereavement Pay (General) Regulations 2020.

1. **Who can take parental bereavement leave?**

Whatever your length of service, you can take parental bereavement leave if you are the:

* 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.

In practice, this means that most employees with parental responsibility for a child who passes away on or after 6 April 2020 can take parental bereavement leave.

1. **What leave a bereaved parent can take**

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.

1. **Timing of parental bereavement leave**

If you are a bereaved parent, you are able to take the leave as:

* a single block of two weeks; or
* two separate blocks of one week at different times.

The leave must be taken within 56 weeks of the date of the death of your child.

This lengthy period recognises that, as a bereaved parent, you may need some flexibility as to when you take the leave. For example, you may:

* wish to take leave around the first anniversary of your child's death or at another particular time that is special, such as your child's birthday; or
* already be on another type of leave, such as maternity leave or sickness absence.
1. **Notice to take parental bereavement leave**

Informal notification, such as a phone call or email, is sufficient to take parental bereavement leave.

If you intend to take parental bereavement leave within the first 56 days after your child's death, you can take the leave straightaway. You do not have to provide a period of notice. This means that you can begin parental bereavement leave by letting [school to state whom] know no later than (school to add detail) or, if that is not feasible, as soon as is reasonably practicable.

If you intend to take parental bereavement leave more than 56 days after your child's death, you have to give [school to state whom] at least one week's notice of your intention to take parental bereavement leave.

1. **Cancellation of parental bereavement leave**

If you have asked to begin parental bereavement leave within the first 56 days of the date of your child's death, you can cancel your parental bereavement leave, as long as you let [school to state whom] know before you would have been due to start work.

If you have asked to begin parental bereavement leave more than 56 days after your child's death, you can cancel your parental bereavement leave, as long as you let [school to state whom] know at least one week in advance.

You cannot cancel any week of parental bereavement leave that has already begun.

1. **Pay during parental bereavement leave**

To be eligible for parental bereavement pay, you must have at least 26 weeks' continuous employment with by the week before the week in which your child passes away, and still be employed by the school on the day on which the child passed away.

Recognising the need to provide bereaved parents with support, we will continue to pay normal pay during parental bereavement leave.

1. **Rights during parental bereavement leave**

During parental bereavement leave, all terms and conditions of your contract will continue.

1. **Returning to work following parental bereavement leave**

You have 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.

You are entitled to return to another job that is suitable and appropriate for you, 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 you to the same job.
1. **Data protection**

When dealing with parental bereavement leave, line managers and (school to state who eg school office/headteacher/HR) will process any personal data collected in accordance with our [data protection policy](https://www.xperthr.co.uk/policies-and-documents/data-protection-policy/162690/). In particular, line managers and HR will record only the personal information required to deal with a request for bereavement leave and keep this information only for as long as necessary to deal with the request and provide the necessary support.

1. **Additional support**

Schools to provide detail of ongoing support e.g. EAP, Mental Health First Aiders

Education Support Partnership:

<https://www.educationsupport.org.uk>

08000 562 561 This helpline is available 24 hours a day, 7 days a week, 365 days a year.