

**HR** Elite



# Parental Bereavement Leave

## Parental Bereavement leave

### Introduction

On 6th April 2020 new legislation comes into force giving employees the right to take time off in the unfortunate event that they lose a child. This applies to employees who suffer the death of a child who was under the age of 18 years.

### Eligibility

Definitely not a leave that employees would ever want to take, but to be eligible for parental bereavement leave there is no qualifying continuous service period for the leave itself, there is a qualifying period of 26 week continuous service for payment for Parental Bereavement Leave. This however, is only applicable to employees, not workers.

Criteria for being a 'parent' in its most obvious form is where the employee is the biological parent or an adoptive parent. There are also other categories of parent, three relate to adoption:

- i. if the child was being adopted but still have post adoption contact with the biological parent/s
- ii. after a child has been placed for adoption but before they're formally recognised as the child's parents
- iii. parents who are adopting from overseas where the child was living with them and they have received official notification that they are approved as an adoptive parent
- iv. the intended parent/s in a surrogacy arrangement
- v. a 'parent in fact' which means the child has got to be living in the employee's home. There mustn't be a parent or someone else with parental responsibility for the child who's also living in the home. The employee has got to have had day-to-day responsibility for the child for at least four weeks before the date of the child's death. And finally, they mustn't receive remuneration for the child's care.

Step parents will also be entitled to the leave so long as they are living with the child and are not already one of the child's relatives.

If more than one child dies at the same time the employee would get parental bereavement leave for each child.

## Leave Entitlement

Entitlement is for two weeks which can be taken in single blocks or in one full block. The entitlement has to be taken within 56 weeks of the death of the child, this allows for time for the anniversary of the death as well as this can be a traumatic experience for the bereaved.

## Notice Period

This is broken down into two time period:

- i. Period A which is within the first 56 days of the death of the child
- ii. Period B which is the remaining time thereafter up to the 56 weeks

To take leave in period A the employee needs to notify the employer of the following:

- i. The date of the death of their child
- ii. When they want to take the leave from
- iii. If they want one or two weeks

They need to notify their employer before they were due to start work on the day they want the leave to start from, the notice doesn't have to be in writing. If the death occurs whilst the employee is at work, even though they will probably leave work on that day the parental bereavement leave will start the following day.

If the employee wishes to take the leave in period B they have to provide the same information but at least a week before they wish to take the leave. Again, this doesn't have to be in writing.

## Cancelling Leave

If the employee wishes to cancel the leave they can do this in period A so long as the leave hasn't started and it has to be cancelled before the employee would have started work. For period B a weeks notice of cancellation has to be given.

## Conflict with Other Statutory Leave

If a parent is due to go off on other statutory leave e.g maternity leave, then the parental bereavement leave needs to end first for them to be eligible to take the next statutory leave. If the employee is on other statutory leave e.g maternity leave then this needs to finish first before parental bereavement leave can be taken. In this case the parental bereavement leave needs to be taken in one block.

## Parental Bereavement Pay

An employee will only be eligible for parental bereavement pay where they have 26 weeks continuous service with their employer. Parental bereavement pay is currently set at £151.20 per week or 90% of the employees average earnings whichever is the lower.