

## **General Welfare Requirement: Suitable People**

Providers must ensure that adults looking after children, or having unsupervised access to them, are suitable to do so.

## **Employment**

### **2.1.6 Bereavement Leave**

#### **Policy Statement for St Joseph's Pre-school**

Most people will experience the death of a person close to them (a bereavement) during their working lives.

Every person will deal with a death differently. St Joseph's Pre-school acknowledges the personal nature of bereavement and grief and is committed to supporting its staff in practical and reasonable ways. The Pre-school will:

- be sensitive to what each person might need at the time; and
- consider the person's physical and emotional wellbeing, including once they have returned to work.

When bereavement leave is taken – in which ever form – the individual's line manager will ensure that the Pre-school's committee is notified accordingly.

#### **Paid leave**

Bereavement leave is paid leave that allows an employee time off to deal with their personal distress and related practical arrangements, primarily, but not limited to, when a member of their family dies.

St Joseph's Pre-school acknowledges that bereavement impacts all individuals differently and the guidelines below are intended to show the minimum paid leave an employee is entitled to in different circumstances. St Joseph's Pre-school acknowledges that not all employees will need to take the full allowance, and some employees will need additional time, depending on their relationship with the person who has died and the circumstances of the death.

In the event of the death of an immediate relative, up to 10 working days paid leave in any one year may be granted.

- An immediate relative includes a spouse, civil partner or partner (including same sex partners)<sup>1</sup>, child<sup>2</sup>, parent, step-parent, sibling or a person with whom the employee is in a relationship of domestic dependency.

Up to 5 Days leave may be allowed on the death of a mother/father-in-law, grandparents, grandchildren, and son/daughter in law.

One day of leave may be allowed on the death of an uncle/aunt to facilitate attendance at the funeral but up to 5 days may be granted in line with travel needs set out below.

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<sup>1</sup> Partner includes someone with whom the employee is co-habiting but is not the employee's spouse or civil partner

<sup>2</sup> Child includes children in respect of whom the employee is the adoptive parent and legal guardians and carers

It is recognised that members of staff who suffer a bereavement of an immediate relative who lives abroad may require more than 5 days bereavement leave in order to travel. In such cases, the line manager may authorise, after discussion with the Chair of St Joseph's Pre-school committee, additional days of bereavement leave.

In exceptional circumstances, up to 5 days leave may be granted on the death of someone who is not an immediate relative. These circumstances would include (but are not limited to) situations where the employee is responsible for funeral arrangements and has to undertake significant travel arrangements either in the UK or abroad.

In all such cases stated in this policy, the line manager may authorise, after discussion with the Chair of St Joseph's Pre-school committee, the additional days of bereavement leave.

An employee should notify their line manager of their need to take leave as soon as possible or, at latest, on the first day of absence. In exceptional circumstances, applications for leave will be considered after the first day of absence. Line managers have the right to exercise discretion in exceptional circumstances as outlined above. Leave days do not have to be taken consecutively.

### **Bereavement whilst on holiday**

Employees of St Joseph's Pre-school work term time only, as such if an employee suffers a family bereavement whilst on holiday then no bereavement leave entitlement exists. Bereavement leave may only be granted during term time, whilst at work in line with the guidance above.

Where there is an overlap in any holiday and term time, then it must be discussed with the line manager and the Chair of St Joseph's Pre-school committee, who will decide the number of days permitted.

### **Parental bereavement leave and pay when a child dies**

St Joseph's Pre-school employees have a statutory<sup>3</sup> right to Parental Bereavement Leave and Pay for parents who lose a child under the age of 18, including those who suffer a stillbirth from 24 weeks of pregnancy. The death or stillbirth must have happened on or after 6 April 2020.

Eligible parents (i.e. employees) have a right to 2 weeks<sup>4</sup>:

- Statutory Parental Bereavement Leave, if they are an employee; and/or
- Statutory Parental Bereavement Pay, if they are an employee or worker.

This right applies to the:

- biological parent;
- adoptive parent, if the child was living with them;
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died;
- 'intended parent' – due to become the legal parent through surrogacy; and
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship.

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<sup>3</sup> 'Statutory' means the legal minimum an employer must give

<sup>4</sup> See [www.gov.uk](http://www.gov.uk) for more information (click this link [here](#))

### *Parental bereavement leave*

St Joseph's Pre-school employees have a right to take Statutory Parental Bereavement Leave if:

- they are classed as an employee<sup>5</sup> - it does not matter how long the employee has worked for the Pre-school;
- their child dies under the age of 18 or is stillborn after 24 weeks' pregnancy

Pre-school employees have this right from the day they start their job;

- this leave can be taken in the 56 weeks following their child's death;
- if more than 1 child dies, the employee is entitled to 2 weeks' Statutory Parental Bereavement Leave for each child.
- they earn on average at least £123 per week, before tax

Anyone classed as a worker<sup>6</sup> is not entitled to Statutory Parental Bereavement Leave. But they may be entitled to 2 weeks' Statutory Parental Bereavement Pay for time they take off.

An employee can choose to take either 1 or 2 weeks' leave. If an employee takes 2 weeks, this can be taken in one go, or as 2 separate weeks. The leave must end within 56 weeks of the child's death. The date of the child's death is the first day of the 56 weeks.

If the 56 weeks are split into 2 periods:

- from the date of the child's death or stillbirth to 8 weeks after;
- 9 to 56 weeks after the date of the child's death or stillbirth.

The employee must give the Pre-school reasonable notice before taking Parental Bereavement Leave.

St Joseph's Pre-school member of staff must inform their line manager (ie. give 'notice'<sup>7</sup>) to use Statutory Parental Bereavement Leave advising:

- when they want to start the leave;
- whether they want to take 1 or 2 weeks leave; and
- the date their child died.

There are certain rules for giving notice dependent on how long it has been since the child died. Please refer to [www.gov.uk](http://www.gov.uk). Proof of death or stillbirth is not required.

### *Parental bereavement pay*

Employees and workers are entitled to 2 weeks' Statutory Parental Bereavement Pay if:

- their child dies under the age of 18 or is stillborn after 24 weeks' of pregnancy;
- they were employed when their child died;
- they had worked for their employer for at least 26 weeks up to the end of the 'relevant week'. The 'relevant week' is the week (ending with a Saturday) immediately before the week of the death or stillbirth.

Statutory Parental Bereavement Pay is the minimum amount St Joseph's Pre-school must pay eligible staff. Thus, eligible employees and works will get one of the following, whichever is the lower:

- £184.03 a week; or

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<sup>5</sup> They have an employment contract formed when they accepted the job

<sup>6</sup> Employment is more casual. They have a contract for services to do work for a payment/reward. The individual has very little obligation to receive or do work (eg. a zero hours contract when you are offered work on an 'as and when' basis), but should do the work you agree to.

<sup>7</sup> By phone, leave a voicemail, send a text message or an email

- 90% of their average weekly earnings (whichever is lower).

This money will be paid the same way as your wage, i.e. monthly, along with deductions for tax and National Insurance.

Employees and workers must ask St Joseph's Pre-school in writing (give 'notice') to receive Statutory Parental Bereavement Pay. They must confirm:

- their name;
- their entitlement to Statutory Parental Bereavement Pay;
- the start and end dates of the leave they want to claim the pay for;
- the date of their child's death; and
- their relationship with the child.

Notice must be given within 28 days of starting leave. If an employee takes the 2 weeks off separately, they must give notice in writing for each week.

Employees can give notice for their leave and pay in one document.

An employee's employment rights are protected whilst on Parental Bereavement Leave, i.e. pay rises and return to work.

### **Cancelling Parental Bereavement Leave or Parental Bereavement Pay**

#### *Parental Bereavement Leave*

If parental bereavement leave due to start within 8 weeks of the death or stillbirth, the employee must let St Joseph's Pre-school know about the cancellation no later than the time they would normally start work on the first day of planned leave.

If the leave is due to start 9 weeks or later after the death or stillbirth, then the employee must let your employer know no later than one week before the start of the planned leave.

If you cancel your leave, you can rebook it if you give your employer the correct notice.

#### *Parental Bereavement Pay*

If an employee's pay was due to start within 8 weeks of the child's death or stillbirth, the employee must give St Joseph's Pre-school notice on the first day of the week you want to cancel.

If an employee's pay was due to start 9 weeks or later after the child's death or stillbirth, the employee must tell the Pre-school that they want to cancel one week before their pay was due to start.

### **Unpaid leave**

Unpaid leave on compassionate grounds up to a maximum of 28 days may be granted after bereavement. An employee must consult with their line manager before starting unpaid leave.

### **Return to work**

In certain circumstances a full return to work may not be possible for an employee following the death of an immediate relative – for example, when the employee's grief is likely to impact on their ability to perform their role, or where new child care arrangements have to be sourced or responsibility for the care of an elderly parent has transferred to the employee.

In such instances St Joseph's Pre-school will allow a phased return to work on a reduced hour's basis where practicable. Alternative duties may also be considered. Any such arrangement would need to be agreed in advance by the line manager, would be subject to an agreed maximum number of days and would be managed in line with St Joseph's Pre-school's Sickness and Absence policy<sup>8</sup>.

### **Employee support**

St Joseph's Pre-school acknowledges that bereavement leave is intended to support employees in the immediate period around the death of a relative. However, the process of grief, the natural reaction and adjustment to loss and change may take a significant time and will be personal to each individual.

An employee with any concerns about the grieving process impacting on their work performance should discuss this in confidence with their line manager, to ensure that any reasonable adjustments that may be necessary are discussed and put in place and that the employee is supported in their return to the full range of duties and responsibilities that they had prior to the bereavement or their duties and responsibilities are adjusted (as necessary) with the prior agreement of line manager.

St Joseph's Pre-school recognises that the majority of people do not require counselling to cope effectively with their grief. However, for employees wishing to avail themselves of professional help in coming to terms with a significant loss, the Pre-school will support the individual by giving [paid/unpaid] time off to attend counselling sessions if they occur during working hours. This needs to be discussed with their line manager prior to the first session.

### **Health and safety**

Bereavement can have an impact on concentration, sleep, and decision-making. A risk assessment will be undertaken to consider the impact of bereavement on the individual, their duties and responsibilities, and impact on their fellow workers. This will be completed in the 'return to work' meeting, with input from the individual and line manager.

Any employee who is concerned about their ability to conduct their duties safely in the weeks following a bereavement must discuss this with their line manager.

### **Culture and diversity**

St Joseph's Pre-school recognises that different cultures respond to death in significantly different ways.

Line managers will check whether the employee's religion or culture requires them to observe any particular practices or make special arrangements which would necessitate them being off work at a particular time. Employees should not assume that their line manager is aware of any such requirements and should draw this to their line manager's attention as soon as possible.

Line managers who are unsure of how to respond to a bereaved employee from a different culture should ask the bereaved employee or someone else from their cultural group about what is appropriate.

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<sup>8</sup> Policy 2.1.3

## Further Guidance

- [www.gov.uk](http://www.gov.uk): Statutory Parental Bereavement Pay and Leave
- [www.acas.org.uk](http://www.acas.org.uk): Parental Bereavement Leave and Parental Bereavement Pay

## Associated policies and procedures

- 2.1.3 Sickness and absence
- 2.1 Employment and staffing
- 2.6 Staff Wellbeing

Version Number	Author	Purpose of change	Date
1.0	K Coupe and T Clapp	Bereavement leave extracted from Policy 2.1.3 Sickness and Absence, and updated with regards to if a child dies (as per statutory requirements from 6 April 2020)  Updated days and timescales for leave allocation after thorough discussion by committee.	12 Jan 2022 Cttee mtg – (A Shipton)
2.0	K Coupe	Reviewed and updated • removal of mention of COVID-19 pandemic; • update re Parental Bereavement Leave and Parental Bereavement Pay • new section re cancelling Parental Bereavement Leave and Parental Bereavement Pay • new “Further guidance” section and hyperlinks	7 June 2024 Cttee Mbr (G Ind)