



Parental Bereavement Leave Policy

Policy lead:	Director of People
Last review date:	31 August 2022
Next review date:	31 August 2023
Approval needed by:	Finance and Staffing Committee

History of most recent policy changes

Date	Page / Section	Change	Origin of change e.g. Legislation, TU request
07 December 2021	Whole document	Change to The Learning Alliance	Merger into new organisation
31 August 2022	New section	EIA	Reflect good practice

Policy Equality Impact Screening

Date of screening: 08 November 2022						
Name of person completing screening: Allan Howells						
	Does this policy have the potential to impact on people in any of the identified groups?		What is the expected impact of this policy on any of the identified groups			Notes
	Yes	No	Positive	Neutral	Negative	
Age		X		X		
Disability		X		X		
Gender Reassignment		X		X		
Race or Ethnicity		X		X		
Religion or Belief		X		X		
Marriage		X		X		
Pregnancy/ Maternity		X		X		
Sex		X		X		
Sexual Orientation		X		X		
Should the policy have a Full Equalities Impact Assessment? No						

POLICY STATEMENT

The Learning Alliance recognises 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.

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.

The policy is complemented by the Trust's Wellbeing Policy that supports a number of health and wellbeing policies and initiatives promoting the wellbeing of its staff, and our health and safety policies that reflect the School's duty of care to ensure health at work.]

WHAT YOU CAN EXPECT FROM THE TRUST

We will:

- Seek to ensure that your mental health and wellbeing is always treated as a priority, and make sure that you are supported if you are facing such issues. Access to the Trust's Occupational Health Provider will be available if required.
- Ensure that you are fully aware of your entitlement regarding parental bereavement leave.
- Agree and maintain an appropriate amount of contact during parental bereavement leave.
- Ensure that you will not be discriminated against or subjected to a detriment for taking leave in accordance with this policy.
- Listen, respond and act appropriately and in a timely manner when you tell us about something that is inappropriate or wrong.
- Respect the confidentiality of all information relating to parental bereavement leave in line with the Data Protection Act 2018.

Your Headteacher is key to enabling the Trust's commitment to you.

WHAT THE TRUST EXPECTS FROM YOU

We expect you to:

- Inform your Headteacher if you intend to take parental bereavement leave in accordance with this policy.
- Agree and maintain an appropriate amount of contact with your Headteacher during your parental bereavement leave.
- Tell your Headteacher if you see or experience anything that is inappropriate or wrong so that the issue or your complaint may be properly investigated in a timely manner and, if appropriate, action taken. And in the event that you are not satisfied with the outcome and response from your Headteacher, you should refer the issue to the Chair of Governors.
- Comply with the requirements of the Parental Bereavement Leave Policy.

PARENTAL BEREAVEMENT LEAVE

Entitlement to Parental Bereavement Leave

Whatever your length of service, a bereaved parent can take one week, two consecutive weeks or two separate weeks' parental bereavement leave (for each child who has passed away) if you are the:

- parent or foster parent of a child who has passed away;
- partner of the child's parent, where you live in an enduring family relationship with the child who has passed away and their parent;
- "parent in fact" of a child who has passed away, which means that, for a continuous period of at least four weeks before the bereavement, 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 order allows contact with 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.

If you have suffered bereavement, but are unsure if you are entitled to parental bereavement leave, you should contact your Headteacher

What leave a bereaved parent can take

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

- one week;
- a continuous block of two weeks; or
- two separate blocks of one week at different times.

You cannot take the leave as individual days.

The leave must be taken within 56 weeks after your bereavement.

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 bereavement 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.

If you have lost more than one child, you have a separate entitlement to bereavement leave for each child who passed away.

Notice to take Parental Bereavement Leave

If you intend to take parental bereavement leave within the first 56 days after your bereavement, you can take the leave straightaway. You do not have to provide any notice. This means that you can begin parental bereavement leave by letting your Headteacher know no later than when you are due to start work or, if that is not feasible, as soon as is reasonably practicable. Informal notification, such as a phone call or email to your line manager, is sufficient in this regard.

If you intend to take parental bereavement leave more than 56 days after your bereavement, you need to give your manager at least one week's written notice of your intention to take parental bereavement leave.

Changing your mind about taking Parental Bereavement Leave

If you have asked to begin parental bereavement leave within the first 56 days after your bereavement, you can cancel your parental bereavement leave, as long as you let your Headteacher know before your normal start time on the first day of the planned leave.

If you have asked to begin parental bereavement leave more than 56 days after your bereavement, you can cancel your parental bereavement leave, as long as you let your manager know at least one week in advance.

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

Pay during Parental Bereavement Leave

The first week of parental bereavement leave is paid at full pay.

The second week is paid at statutory parental bereavement pay if you qualify. To be eligible for statutory parental bereavement pay, you must have:

- at least 26 weeks' continuous employment by the week before the one in which your child passed away (and still be employed by the Trust on the date of the bereavement); and
- normal weekly earnings in the eight weeks up to the week before your bereavement of at least the lower earnings limit for national insurance contribution purposes.

If you take parental bereavement leave for the second week and qualify for statutory parental bereavement pay, you will be paid at the rate set by the Government for the relevant tax year, or 90% of your average weekly earnings where this figure is lower than the Government's set weekly rate. If you do not qualify for statutory parental bereavement pay, the second week will be unpaid.

You must give us notice of the week during which you wish to claim statutory parental bereavement pay, via a form that your Headteacher will ask you to sign. You must normally sign and return the form within 28 days of the first day for which you are claiming statutory parental bereavement pay. However, if that is not possible, please sign and return the form as soon as you can.

Rights during Parental Bereavement Leave

During parental bereavement leave, you will benefit from the contractual and implied terms and conditions which would have applied had you been at work, except for those concerning remuneration, specifically wages and salary.

This means that all other benefits will remain in place. For example, for full year support staff employees contractual annual leave as per your contract of employment during parental bereavement leave including entitlement to bank holidays will continue to accrue. If you are in the Cheshire/ Teachers' Pension Scheme, pension contributions will continue to be paid.

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. However, if the period of parental bereavement leave is taken consecutively with a period of:

- Ordinary parental leave of more than four weeks; or
- Other statutory family-related leave (maternity, adoption, paternity leave or shared parental leave) taken in relation to the child who passed away, and your total amount of statutory leave taken is more than 26 weeks.

In such cases your right is to return to the same job or, if it is not reasonably practicable to another job which is both suitable and appropriate for you to do in the circumstances

External Support

External sources of help and support for bereaved employees include:

Child Bereavement UK: www.childbereavementuk.org

Cruse Bereavement Care: www.cruse.org.uk

Marie Curie: <https://www.mariecurie.org.uk/help/support/bereaved-family-friends>

ORDINARY PARENTAL LEAVE

You may request a period of Ordinary Parental Leave, details of which can be found in the Ordinary Parental Leave Policy and Procedure available within school from the HR Team.

DATA PROTECTION

When dealing with parental bereavement leave, the Trust processes personal data collected in accordance with its data protection policy. Data collected from the point at which you inform the Trust that you are taking parental bereavement leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing your parental bereavement leave and pay. Inappropriate access or disclosure of your data constitutes a data breach and should be reported in accordance with the Trust's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's disciplinary procedure.

EQUALITY

The Trust is committed to promoting equal opportunities in employment. You (and any job applicants) will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation or caring responsibility. This means that the application of the policy may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

MONITORING AND REVIEW

The Trust will monitor this policy to ensure that it is operating fairly, consistently and effectively. The policy will also be reviewed in the light of operating experience and/or changes in legislation.