

Statutory Parental Bereavement Leave

EP32 / June 2020

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Version control

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1	Head of HR	Chief Executive	June 2020

The purpose of this policy is to inform Parents wishing to take Statutory Parental Bereavement Leave (SPBL) of their statutory rights and entitlements and additional

enhancements offered by the Transport for the North (TfN). The policy incorporates the procedure to be followed in the event of a bereavement to allow for time and space to grieve when experiencing the distressing loss of a child. Please note that Parents will be entitled to 2 weeks' pay, which can be taken at once or in two single blocks of one week each within 56 weeks of the child's death.

Definition of Parent

Someone who has the responsibility as a Primary Carer, whose relationship with the child is 'substantively' Parental in nature.

1. Introduction

Statutory Parental Bereavement Leave (SPBL) is the right for all Parents who lose a child under the age of 18 or suffer a stillbirth (from 24 weeks of pregnancy), irrespective of how long they have been with their employer, to take a period of leave (the leave is a 'day-one' employment right).

Parents with at least 26 weeks' continuous service with TfN and weekly average earnings over the lower earnings limit are also entitled to Statutory Parental Bereavement Pay (SPBP), paid at the statutory rate or 90% of average weekly earnings where this is lower.

This policy sets out the statutory rights and responsibilities of Parents who wish to take SPBL and SPBP.

Bereaved Parents can use this leave to allow them time and space to grieve in the aftermath of a child's death and give bereaved Parents the support that they need.

This policy should be read and used in conjunction with TfN's policy on Maternity Leave, Paternity Leave, Adoption Leave, Shared Parental Leave, Leave of Absence and other Family Friendly policies where appropriate.

The content of this policy has been considered with due regard for The Parental Bereavement (Leave and Pay) Act 2018, and associated Jack's Law provision due effective 6th April 2020.

2. General Principles

Parents will not be treated less favourably because they are on or wish to take SPBL.

Parents will not be discriminated against on grounds of SPBL in the areas of training, selection, promotion, job security or in any other terms and conditions of employment.

Parents will not be excluded from communication and consultation unless they request to, because of absence due to SPBL. Line Managers are responsible for ensuring that Parents on SPBL are kept informed of developments, training opportunities and consulted with where appropriate, as if they were still at work.

Parents will not be dismissed for a reason connected with the appropriate use of SPBL.

These provisions apply to full time and for part time Parents regardless of hours worked.

TfN will ensure that the SPBL provisions available to Parents are publicised through internal communication channels and Intranet.

3. Eligibility

Parents have the right to take paid SPBL provided:

- They have primary responsibility
- They suffer a still birth from 24 weeks of pregnancy

In addition to SPBL, Parents with at least 26 weeks' continuous service and weekly average earnings over the lower earnings limit will also be entitled to SPBP.

TfN recognises that:

Parents may require additional leave following loss or over poignant dates such as birthdays or the first anniversary. Therefore, consideration will be given to other related family friendly policies such as Leave of Absence for Bereavement/Compassionate Leave and Maternity policy in cases of stillbirth. Some of this leave, for example Compassionate Leave may be unpaid.

Line Managers should record the granting of Compassionate/Bereavement Leave and inform the HR & Skills Representative.

The right to take SPBL lasts until 56 weeks after the death of a child.

Emergency foster care will not be covered by this policy.

4. Length of Leave

The maximum of 2 weeks can be taken under SPBL. The leave can be taken as one block of two weeks or two separate weeks.

- A maximum of two weeks SPBL can be taken within 56 weeks
- This policy will be used in addition to the Leave of Absence Policy Paragraph 7 where bereavement rules will also apply.

5. Rate of Pay

The appropriate payment will be made to Parents' salary during the month in which they have taken SPBL or as soon as possible after the leave has been taken if the leave was arranged at short notice.

Parents with at least 26 weeks' continuous service will also be entitled to SPBP, paid at the statutory rate or 90% of average weekly earnings if this is lower.

6. Procedure

Notification

To apply for SPBL, parents must confirm the following details in writing to their line manager:

- the date they wish to start leave
- the date that they wish to return from leave
- If they wish to take the leave as one single block or two separate blocks

SPBL Request Form can be found on TfN Intranet or from the HR and Skills Team.

Written request must be submitted to Parents' immediate Line Manager with a copy sent to HR & Skills Representative as and when leave is taken, within 56 weeks of the loss of a child. In cases where more than one application has been submitted or where both parents affected work for TfN in the same directorate, TfN will make a fair and reasonable decision based on individual needs and circumstances.

7. Return to Work

After SPBL, parents will be entitled to return to the same job after their leave.

8. Conduct Whilst on Parental Bereavement Leave Policy

A Parent who is found to have falsely claimed any payments from the TfN may be liable to disciplinary action under the Disciplinary Policy.

9. Additional Information

Job Opportunities

TfN does not wish Parents to miss out on opportunities for promotion or progression. All internal job advertisements can be sent to a home email account or posted to Parents' home address.

Staying in Touch

During the period of leave, TfN wishes to respect Parents' time given the distressing circumstances, so we will not contact them if we can avoid it. However, if there are any significant changes in the business area in which they work, their Line Manager will contact them to make sure that they are kept up to date with our current business position.

Employee Assistance Programme

TfN has an Employee Assistance Programme providing support as part of its on-going commitment to employee welfare. Employees are actively encouraged to take advantage of the support services.

Telephone Counselling Services

A confidential free telephone counselling service with unlimited access 24 hours, 365 days per year, is available to all employees. The service is managed by trained Counsellors and Chartered Counselling Psychologists aims to provide confidential and impartial support covering a range of issues such issues such as:

- work-related stress
- emotional problems
- relationship problems
- anxiety and depression
- substance and alcohol abuse
- customer, legal and financial information and advice

Pensions/Health Care Contributions

Periods of paid leave do count as reckonable service for the purposes of the pension scheme; therefore, periods of Parental Bereavement Leave will count towards Parents' pensionable service.

Employees following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy are now entitled to at least two weeks' leave.

Employees with 26 weeks' continuous service will be entitled to two weeks of paid leave at the statutory rate and other employees will be entitled to unpaid leave.

LGPS Regulations 2013 are amended as a result of the above from 6 April 2020 which means where pay received is less than normal then assumed pensionable pay (APP) will apply during an absence of this type.

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