

HUMAN RESOURCES & COUNCIL TAX COMMITTEE

24 FEBRUARY 2020

REPORT OF HEAD OF PEOPLE, PERFORMANCE AND PROJECTS

A.5 THE PARENTAL BEREAVEMENT (LEAVE AND PAY) ACT 2018

(Report prepared by Pauline Lifton & Anastasia Simpson)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update Human Resources & Council Tax Committee on The Parental Bereavement (Leave and Pay) Act 2018 which comes into effect on 6th April 2020.

EXECUTIVE SUMMARY

From 6th April 2020, Statutory Parental Bereavement Leave (SPBL) will be available to all employees who are 'bereaved parents' (which means they were the primary carer for a child who has died under the age of 18).

Two week's statutory leave will be available for all employees from Day 1 (there is no minimum service needed).

Statutory Parental Bereavement Pay (SPBP) will be available to employee's with 26 weeks continuous employment with their employer (*at the week before the week in which the child dies; as long as they are still employed by the employer on the day on which their child dies*) and where their normal weekly earnings in the 8 weeks up to the week before the child's death are not less than the lower earnings limit for National Insurance contributions purposes.

This entitlement will also be available to adults with parental responsibilities for children, who are not their birth parents, i.e. for adoptive parents, those who are fostering to adopt, legal guardians and most foster parents (*except those in short-term fostering arrangements*).

It also applies to parents who have suffered a stillbirth 24 weeks or more into pregnancy.

Where more than one child dies, the parent will have a statutory entitlement to leave and pay in respect of each child.

The leave must be taken in units of 1 week (*it cannot be taken as individual days*) – so it can be taken as a single block of 2 weeks, or 2 separate blocks of 1 week at different times.

The leave can be taken at any time up to 56 weeks from the date of the death of the child. (*This timescale is deliberate as, for example, it would allow an employee to take leave at the first anniversary of the child's death; and the bereavement leave can be added onto to the end of a 52 week maternity leave*).

Bereavement leave can be taken straight away after the death of the child. If this leave is not taken straight away (*or all of it is not taken straight away*), then employee's will be required to give 1 weeks' notice to their employer that they will be taking this leave.

RECOMMENDATION(S)

It is recommended that:

(a) the content of this report be noted as a statutory requirement.

(b) the People, Performance and Projects Team be requested to update internal policies and procedures to include this statutory entitlement.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

This update in employment legislation contributes to upholding the values as outlined in our Corporate Plan 2020-2024, as follows:-

- Innovative, flexible, professional staff committed to delivering excellence
- Recognising the diversity and equality of individuals.

The following Council Policies will need to be updated to meet this statutory requirement. They are:

- Leave Policy
- Time off for Dependents/Parental Leave Policy
- Maternity/Paternity Policy

In addition the Staff Handbook will also be updated to reflect the change in law.

FINANCE, OTHER RESOURCES AND RISK

The Council has a statutory obligation to adopt The Parental Bereavement (Leave and Pay) Act 2018. As this is a statutory payment the council can reclaim 92% of any payments made in relation to this act.

LEGAL

The Council has an obligation to implement The Parental Bereavement (Leave and Pay) Act 2018 as part of the terms and conditions of employment.

OTHER IMPLICATIONS

None.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The new Parental Bereavement Leave and Pay Act 2018 (*also known as Jack's Law*) received Royal Assent in September 2018 and becomes law on 6th April 2020. The law is in memory of Jack Herd, whose mother campaigned on the issue following the tragic death of her son aged 23 months.

BACKGROUND PAPERS FOR THE DECISION
N/A
APPENDICES
N/A