BEREAVEMENT POLICY

V1.0

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AYTHORPE RODING PARISH COUNCIL BEREAVEMENT POLICY

Contents

Purpose and scope	3
Eligibility	3
Leave entitlement	3
Providing notice	4
Parental bereavement pay	4
Changing your mind about taking parental bereavement leave	4
Returning to work after parental bereavement leave	5
The bereaved partner's paternity leave	5
Paternity notification requirements	5
Cancelling leave	6
Right to return to work	6
Notice for returning to work	6
Special circumstances	7
Contact during leave	7
Terms and conditions of employment	8
Redundancy	8

Purpose and Scope

The purpose of this Bereavement Policy is to provide support, compassion, and clear guidance to employees who experience the loss of a partner, child, or pregnancy during or shortly after becoming a parent.

This policy applies to all staff of the Council, regardless of employment status.

Eligibility

Statutory parental bereavement leave (PBL) is available to staff who were the primary carers for a child under the age of 18 who has recently passed away. This also applies to babies who are stillborn after the 24th week of pregnancy.

This is a "day one" right, meaning that staff are entitled to statutory parental bereavement leave regardless of their length of service.

In most cases, this will allow birth parents whose child has died to take leave, unless they were not the child's primary carers (for example, if their child had been subsequently adopted, the previous carers would not be entitled to leave). The entitlement will be focused more on who has responsibility as the "primary carers" for the child and less on the legal status between the adult and the child.

As well as birth parents, leave will also be available to adults with parental responsibility for children in "non-traditional family structures". This means that entitlement will cover:

- adoptive parents
- individuals who are fostering to adopt
- legal guardians
- most foster parents (although short-term arrangements, such as emergency foster care, may not be covered).
- Pregnant staff who suffer a stillbirth 24 weeks or more into pregnancy will still be entitled to take up to 52 weeks of statutory maternity leave (and any related statutory maternity pay), in addition to parental bereavement leave. Similarly, those who would have been eligible to take adoption leave, shared parental leave or paternity leave in respect of a child who is stillborn from 24 weeks or more into pregnancy, will still be entitled to take these statutory leave periods as normal and in addition to parental bereavement leave. In such cases, PBL will normally be taken after the other period of statutory leave.
- Statutory parental bereavement leave will be applicable for each child in situations involving multiple deaths.

Leave entitlement

Staff may take up to two weeks of parental bereavement leave.

The leave can be taken as one block of two weeks or two blocks of one week. Leave may not be taken as individual days.

The leave must be taken within 56 weeks from the date of the death of the child. This will allow flexibility regarding when the leave is taken. For example, one week can be taken immediately following the child's death, and the second week could be taken around the first anniversary of the child's death.

The 56-week timeframe also allows for staff who are entitled to other types of statutory family leave, such as maternity leave, to use this in conjunction with parental bereavement leave.

Where a staff member is taking a period of parental bereavement leave, and this is to be interrupted by another statutory leave entitlement (such as maternity, paternity or parental leave), the PBL will end immediately before the start of the other leave. Any remaining entitlement to PBL may then be taken at the end of the other period of leave and must be taken in a single consecutive period.

Providing notice

Staff will not be required to give notice for taking statutory parental bereavement leave immediately following the loss of a child.

Staff should give at least one week's notice for taking statutory parental bereavement leave if they intend for this to begin after 56 days of the date the child passed away.

Staff are not required to evidence the death by producing a death certificate or a letter from a GP. A written declaration may be required for statutory parental bereavement leave taken after the initial period and not immediately following the child's death.

Parental bereavement pay

To be eligible for statutory parental bereavement pay, the staff must have:

- at least 26 weeks' continuous employment ending with the week before the week in which the death occurred, and still be employed on the day on which the death occurred; and
- normal weekly earnings in the eight weeks up to the week before the child's death that are not less than the lower earnings limit for National Insurance contribution purposes.

Within a reasonable timeframe, staff will be required to provide a written declaration confirming that they meet the eligibility requirements to receive statutory parental bereavement pay.

The need to provide a written declaration for statutory parental bereavement pay is separate to the right to statutory parental bereavement leave.

Statutory parental bereavement pay will be the lesser of either 90% of average gross weekly pay or the flat rate of statutory parental bereavement pay for each of the two weeks.

Changing your mind about taking parental bereavement leave

You can cancel your planned leave and take it at a different time (within the 56 weeks after your bereavement). Where your planned leave was due to begin during the first 56 days after your bereavement, please let your line manager know you no longer wish to take it before your normal start time on the first day of the planned leave.

Where your leave was due to begin more than 56 days after your bereavement, please let your line manager know at least one week in advance that you wish to cancel it.

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

Returning to work after parental bereavement leave

When you return to work after parental bereavement leave, you generally have the right to return to the same job. However, if you return from time on bereavement leave that follows on immediately from some adoption, maternity, paternity leave or shared parental leave (taken in relation to the child who has passed away), and your total time on leave is more than 26 weeks. In these circumstances, you have the right to return to the same job, unless this is not reasonably practical – in which case you have the right to return to a suitable and appropriate job on the same terms and conditions.

The bereaved partner's paternity leave

Staff who are fathers or partners are entitled to a period of up to 52 weeks of unpaid leave where:

- The child's primary carer dies and
- You are either the child's father, a civil partner of the child's mother/adopter, or married to the child's mother/adopter, and
- You have the main responsibility for the upbringing of the child.

Staff are entitled to leave, regardless of their length of service, and it must generally be taken within 52 weeks of the child's birth, date of placement for adoption, or date of entering Great Britain in an overseas adoption.

In the situation of the bereavement occurring within 13 days of the expiry of the 52-week leave window, you will be entitled to take up to 14 days of leave, regardless.

Notification requirements

Staff wishing to start bereaved partners' paternity leave within 8 weeks of the bereavement date can notify their manager either orally or in writing. We do not require any specific period of notification, provided that we are informed before the time that the staff is due to start work on the first day of leave.

Staff may wish to start their leave more than 8 weeks following the bereavement date, in which case, we ask that notice be given in writing at least one week before the leave starts.

Notice must include:

- The bereavement date;
- The leave start date; and
- The child's date of birth/date of placement for adoption/date of entering Great Britain (in the case of an overseas adoption).

For requests proposing to start more than eight weeks after the bereavement date, the notice must, in addition to the above information, include:

- The intended return date;
- A declaration that the leave is being taken to care for a child; and

- A declaration of the staff's relationship with the child.

Varying the start date

Staff are able to vary the start date as follows:

- If the new start date is no more than eight weeks after the bereavement date, it can be varied either orally or in writing before the original leave start date. No notice is required for this new date, as long as notice is given before the date itself.
- Where the new start date is more than eight weeks after the bereavement date, then notice of variation must be made in writing at least one week before the last notified start date, and at least one week before the new leave is proposed to start.

Cancelling leave

Staff can cancel a period of leave after notification, which must be given in writing. If the leave had been due to start in the first eight weeks following the bereavement, then there are no notice requirements for any cancellation. If the leave had been due to start more than eight weeks following the bereavement date, then one week's notice is required to cancel it.

Right to return to work

When returning from a period of BPPL, you are entitled to take up the same job with the same employment terms you had before going on BPPL. However, in certain circumstances, it may not be reasonably practical for you to resume your previous role, and we may place you in another appropriate post with no less favourable terms and conditions. We are only able to do this in the following cases:

- Where you have taken a period of BPPL consecutively with a period of parental leave of more than four weeks; or
- Where you have taken BPPL consecutively with periods of other statutory leave taken in relation to the same child, which, when added together with the period of BPPL, means that the total amount of statutory leave taken in relation to that child is more than 26 weeks.

If you are absent on BPPL for a period of 26 weeks or less, you are generally entitled to return to the same job. If more than 26 weeks' leave is taken, then you are entitled to return to the same job or, if that is not reasonably practicable, to another job which is both suitable and appropriate for you to do in the circumstances.

We will not subject you to any detriment or dismiss you because you take or seek to take a period of BPPL (or we believe you might do so).

Notice for returning to work

Staff can vary their return to work date by notifying us in writing as follows:

- If your original return date was within 8 weeks of the bereavement date, you must give at least one week's notice before:
    - The date you were originally supposed to return; and

    - The new date you intend to return.

- If your original return date was more than eight weeks after the bereavement date, you must give at least eight weeks' notice before:
    - The last notified intended return date and
    - At least eight weeks before the new intended return date.

If you return to work without providing the required notice or properly notifying us of a date change, we reserve the right to postpone your return until the full notice period has been met. We will confirm any such postponement in writing.

Please note that we cannot delay your return beyond the day after your eligibility period ends.

Special circumstances

If you are the secondary carer and the child's primary carer dies, but the child also dies or is no longer in your care (known as a "relevant event"), your leave entitlement changes. This includes cases where an adoption placement ends, or a surrogacy parental order is denied or withdrawn.

- If you haven't yet started your leave when, you can still take time off. Your leave will end at whichever of these comes first:
- 8 weeks after the week the event happened
- The one-year anniversary of the child's birth or placement.

You must notify us of the event (and the date it happened) before you start your leave. You can do this by speaking to your manager or sending a written notice, following the standard notice procedures.

While this leave is for the tragic situation of a staff losing the child's primary carer, the rules do also apply when something also happens to the child themselves, and the rules apply therefore in the following situations (relevant events):

a. The child dies; or

b. In a domestic adoption case, the child is returned after being placed for adoption; or

c. in an overseas adoption case, the child ceases to live with you; or

d. in a parental order case, you either do not apply for an order in respect of the child under section 54 of the Human Fertilisation and Embryology Act 2008 within the time limit set, or your application for an order in respect of the child under that section is refused, withdrawn or otherwise terminated without the order being granted and any time for an appeal or a new application has expired.

Contact during leave

We may contact you from time to time during your absence, for example, to discuss arrangements for your return to work, possible internal job vacancies or qualification expiry dates.

You may be offered up to 10 days' work, known as 'Keeping In Touch' days (KIT days). KIT days are sometimes used for purposes such as keeping a qualification valid or attending key meetings, training days, appraisals or consultation meetings. You are not obliged to make use of these days. Your decision about whether you use some or all of these days will not affect your right to leave and pay.

Terms and conditions of employment

You will continue to accrue holiday entitlement during your leave. If you are due any holiday before your leave begins and/or if your period of holiday entitlement is likely to span two holiday years, you should try to take all accrued leave before your leave starts, where practical.

Your employment contract will continue to apply during a period of paternity bereavement leave, except for terms relating to pay, all your normal terms and conditions will continue to apply.

Redundancy

You will, during your leave, and (provided your leave is for six weeks or more) for a total period spanning 18 months from the child's birth/date of match for adoption, have the right, in a redundancy situation, of first refusal on any suitable alternative vacancies that are appropriate to your skills.