



SUAT Parental Bereavement Policy

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The Parental Bereavement (Leave and Pay) Act 2018 provided for at least two weeks' leave for employees following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy. The Parental Bereavement Leave Regulations 2020 (SI 2020/249) introduced parental bereavement leave and the Statutory Parental Bereavement Pay (General) Regulations 2020 (SI 2020/233) introduced parental bereavement pay.

Introduction

The Parental Bereavement (Pay and Leave) Bill was first presented to Parliament on 19 July 2016, with the Parental Bereavement (Leave and Pay) Act receiving royal assent in September 2018. The legislation later adopted the name Jack's Law in memory of Jack Herd, a 23-month-old who tragically drowned in a pond in 2010. At the time, the infant's mother, Lucy Herd, discovered she was only entitled to three days off to work, one of which had to be the funeral.

This legislation came into force in April 2020. SPBP will be administered by employers in the same way as existing family-related statutory payments such as Statutory Paternity Pay.

The Parental Bereavement Leave and Pay Regulations implement a statutory right to a minimum of 2 weeks' leave for all employed parents if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy, irrespective of how long they have worked for their employer. Parents will be able to take the leave as either a single block of 2 weeks, or as 2 separate blocks of one week each taken at different times across the first year after their child's death. This means they can match their leave to the times they need it most, which could be in the early days or over the first anniversary.

SUAT is totally committed to supporting bereaved staff. The key highlights of our policy are:

- Our commitment to supporting employees through their grief by ensuring that bereaved parents can take parental bereavement leave.
- SUAT and its Academies will help staff during times of bereavement, for example, via flexible return to work.
- SUAT is committed to ensuring that all staff understand the new entitlements and how we can provide flexible support for bereaved staff.

Who is entitled to paid parental bereavement leave?

- Employed parents and adults with parental responsibility who have suffered the loss of a child under the age of 18.
- Adults with 'parental responsibility' include adopters, foster parents and guardians. It also applies to those classed as 'kinship carers', who may be close relatives or family friends that have assumed responsibility for looking after a child in the absence of parents.
- The entitlement applies to parents who suffer a stillbirth after 24 weeks of pregnancy. In this instance, female employees are still entitled to up to 52 weeks of maternity leave and/or pay, as will a mother who lost a child after it was born.
- Parents and primary carers must have been employed for a continuous period of at least 26 weeks before the child's death to be eligible for paid parental bereavement leave. All employees have a 'day one' right to unpaid bereavement leave.

What are SUAT employees entitled to?

- In law, parents and primary carers who have been employed for a continuous period of at least 26 weeks prior to when the child dies, and have received pay above the lower earning limit for the previous eight weeks, are entitled to at least two weeks' statutory paid leave or 90% of average weekly earnings, where this is lower. In SUAT the Trust Board has agreed that all our employees will remain on full pay for this two-week period.

- The law states that workers who have not been employed for a continuous period of at least 26 weeks are entitled to two weeks' unpaid leave. In SUAT the Trust Board has agreed that all our employees will remain on full pay from day one of their employment.
- The two weeks' leave can be taken either in one block of two weeks, or as two separate blocks of one week each. It must be taken within 56 weeks of the date of the child's death. This is to allow for time to be taken off for difficult events such as birthdays or anniversaries
- Notice requirements for taking the leave will be flexible, so it can be taken at short notice.
- Nationally the pay rate for bereavement leave is similar to the statutory rate for maternity/paternity leave. In SUAT the Trust Board has agreed that all our employees will remain on full pay for this two-week period.
- If an employee loses more than one child, they will be entitled to take a separate period of leave for each child.

What else should staff be aware of?

- Under the new legislation, SUAT is not entitled to request a copy of the child's death certificate as evidence of an employee's right to the entitlement.
- SUAT will be able to recover an amount equivalent to statutory parental bereavement pay, while larger organisations will be able to reclaim almost all of it.
- SUAT recognises that different religions have their own bereavement traditions and funeral rites that must be followed and that to refuse to allow an employee to observe their beliefs and customs could amount to religious discrimination.
- SUAT is aware that, under the Data Protection Act 2018, employees have the right to keep details of their child's death confidential. It is vital for HR and line managers to be clear on how much detail employees would like their colleagues to know, and ensure that their wishes are respected.
- SUAT believes that it is important to be aware that people recover at different rates. As an employer we want to be flexible, supportive and sensitive to our employee's needs during this difficult time. SUAT delegates, to its Academy Principals and Local Academy Councils, the power to offer additional paid leave to grieve for an immediate family member.
- SUAT understands that employees who suffer a loss may experience mental health issues such as depression, anxiety or post-traumatic stress disorder (PTSD), which could constitute a disability under the Equality Act 2010. In these cases, we will seek medical advice and make reasonable adjustments. Counselling will always be offered to bereaved parents on their road to recovery.

We are totally committed to compassionately managing bereavement in the workplace. Treating employees with kindness and compassion at such a traumatic time is beneficial to all.