

JOHN TAYLOR MULTI ACADEMY TRUST



Parental Bereavement Leave Policy

Policy owner: Barbara Mahoney, JTMAT COO

Implementation date: April 2020
Reviewed on: July 2020
Next review date: September 2022

1. Purpose

As an organisation we are committed to supporting employees, particularly during difficult life events, such as the loss of a child or children. Following the introduction of the Parental Bereavement Leave Regulations on 6th April 2020, this policy sets our commitment to supporting bereaved parents.

2. Scope

This policy applies to employees including temporary, fixed term staff, and apprentices regardless of length of service (unless otherwise specified in the relevant section of the document) who have suffered the loss of a child or children (under the age of 18) on or after 6th April 2020. The policy also applies to parents who suffer a stillbirth after 24 weeks of pregnancy.

This procedure does not form part of your contract of employment and may be varied from time to time. The procedure does not apply once you have left the organisation.

3. Responsibilities

Any reference to 'the organisation' refers to JTMAT.

The appropriate level of authority will be determined according to the employer's decision-making structure.

4. Accountabilities

The Principal/Headteacher is accountable for ensuring that managers are trained to implement this policy, understanding the entitlements and have the appropriate skills to manage sensitive conversations during an employee's time of grief.

5. Guiding Principles

The following guiding principles will apply:

Equitable and Fair – We are committed to equality and diversity and will make reasonable adjustments to the application of this policy and procedure in line with our equal opportunities commitment.

Consistent and Objective – All managers have a duty to ensure that they and all of the colleagues they are responsible for are aware of, and comply with, the organisation's policies and procedures.

Wellbeing – We are committed to ensuring that employees are supported and can access policy provision, which provides them with appropriate time away from the workplace when needed.

6. Link with Other Policies and Procedures

Time off Policy – other time off provision may also be applicable to your circumstances e.g. compassionate leave.

Managing Attendance at Work Policy - Where you are absent due to sickness during a time of bereavement, the managing attendance at work procedure will apply as normal.

As appropriate we may arrange for you to see Occupational Health to assess your fitness for work and understand how best to support you on your return to work. We may also discuss access to counselling services if that will help you.

You can also self-refer to both Occupational Health and the counselling service.

7. Eligibility

Regardless of your length of service, you can take parental bereavement leave if at the time of the child's death, you are:

- a) the child's parent
- b) adopter of a child providing the placement has not been disrupted
- c) the 'intended parent' having applied, or intended to apply during the period of 6 months beginning with the day of the child's birth for a relevant parental order
- d) 'parent in fact' where for a continuous period of at least four weeks ending with the day the child dies, you have been living with the child and had day to day responsibility for the child. You are not a 'parent in fact' if:
 - The parent of the child or any individual with responsibility for the child lives with you; or
 - You have been paid to look after the child
- e) partner of the parent, whether of a different sex or the same sex, who lives with the child in an enduring family relationship but you are not a relative. A relative (full blood or half blood) is defined as parent, grandparent, sister, brother, aunt or uncle.

8. Amount of Parental Bereavement Leave

The minimum amount of parental bereavement leave that may be taken is one week; leave cannot be taken as individual days. You may take either one or two week's leave at any time within the period of 56 weeks beginning on the date of the child's death. This entitlement applies to each child that dies.

If you take two weeks' leave, the weeks do not have to be consecutive.

9. Taking Parental Bereavement Leave

You must provide notice to take parental bereavement leave which includes the following information:

- Date of child's death;
- Date on which you intend parental bereavement leave to commence; and
- Whether you are taking one or two weeks.

If you begin parental bereavement leave within 56 days beginning with the date of the child's death, notice must be provided:

- Before commencing work on the first day of absence for parental bereavement leave in that week; or
- As soon as is reasonably practicable

Notice can be in the form of a phone call or email to your line manager.

If you begin parental bereavement leave after 56 days of the child's death (but within 56 weeks), you must give at least one week's notice of your intention to take parental bereavement leave.

10. Cancelling Parental Bereavement Leave

If you have asked to begin parental bereavement leave within the first 56 days of the date of the child's death, you can cancel the leave, as long as you inform your line manager before the commencement of the parental bereavement leave.

If you have asked to begin parental bereavement leave more than 56 days after the child's death, you can cancel the leave by giving your line manager at least one week's notice.

You cannot cancel parental bereavement leave that has already commenced.

11. Commencement of Other Statutory Leave

If you have commenced a period of parental bereavement leave and before it is due to end, you begin another period of statutory leave e.g. maternity or paternity leave, the parental bereavement leave ends immediately before the start of the other period of statutory leave. Any remaining entitlement to parental bereavement leave may be taken:

- After the end of the other statutory period of leave (but within the permitted period for bereavement leave); and
- Must be taken in a single consecutive period.

You should inform your line manager when you intend to take the remaining period of parental bereavement leave giving notice as set out in paragraph 9. Where any remaining entitlement to bereavement leave includes part of a week as a result of another period of statutory leave commencing, it will be deemed to be a week for the purpose of notice requirements.

12. Parental Bereavement Leave Pay

Recognising the need to provide bereaved parents with support, we will continue to pay normal pay during parental bereavement leave.

13. Rights during parental bereavement leave

During parental bereavement leave, all terms and conditions of your employment will continue.

14. 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 if the period of leave, when added to any other period of statutory leave (e.g. maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.

You are entitled to return to another job that is suitable and appropriate for you, rather than the same job, if:

- the period of leave taken is more than 26 weeks, when added to most other periods of statutory leave taken in relation to the same child; and
- it is not reasonably practicable to return you to the same job.

15. Data Protection

The organisation will comply with the provisions of the Data Protection Act 2018. Employee data will be processed by the organisation in accordance with the principles of that legislation, as necessary for the performance of the employee's contract of employment and/or the conduct of the organisation's business. The organisation will ensure that personal information about an employee, including information in personnel files, is securely retained.