

## **Parental Bereavement Leave**

### **Report by Dawn Farquhar, HR Manager**

#### **1 Purpose of Report**

The UK government has confirmed the introduction of parental bereavement leave with effect from 6 April 2020. Until recently, there has been no legal obligation for employers to provide paid time off for grieving parents.

#### **2 Background**

In accordance with the Employment Rights Act 1996, until recently employees had the legal right to take reasonable unpaid time off to 'deal with an emergency' e.g. in the event of the loss of a child, but does not necessarily allow for a longer time off to grieve. This changed with the introduction of the Parental Bereavement Leave and Pay Regulations – known as “Jack’s Law” – on 6 April 2020.

The introduction of “Jack’s Law” requires parents and primary carers to have been employed for a continuous period of at least 26 weeks before the child’s death to be eligible for parental bereavement leave paid at the statutory rate of £148.68 per week (2019/20 values) or 90% of average weekly earnings, where this is lower. All employees will have a ‘day one’ right to unpaid bereavement leave.

#### **3 Proposal**

We recognise the unimaginable trauma faced by bereaved parents and propose that employees applying for Parental Bereavement Leave receive the two weeks leave at FULL PAY (rather than the statutory rate) irrespective of their length of service. It is also recommended that employees will also be entitled to request an additional five days paid leave via the ‘bereavement leave’ provision within the Time Off Policy. Full details of the provision and sources of further support will be made available to employees within the Family Leave Policy and Bereavement Guidance Note available on the intranet.

## **4 Report implications**

### **4.1 Resource**

A majority of the statutory element of the payment will be recoverable from HRMC.

### **4.2 Risk**

There is no significant risk attached to this report.

### **4.3 Single Midlothian Plan and Business Transformation**

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☒ None of the above

### **4.4 Key Priorities within the Single Midlothian Plan**

Putting Midlothian on the map is a key priority of developing the local economy therefore, improving opportunities for people in Midlothian is key to this taking cognisance of the significant number of Midlothian residents who work for the authority.

### **4.5 Impact on Performance and Outcomes**

Midlothian Council will continue to evidence itself as an employer which values its staff through the introduction of enhanced statutory provisions.

### **4.6 Adopting a Preventive Approach**

There are no implications arising from this report.

### **4.7 Involving Communities and Other Stakeholders**

Not relevant for this report as it is recommended to enhance the statutory provisions allowed for under the Regulations.

### **4.8 Ensuring Equalities**

If adopted this enhanced provision will apply to all staff.

### **4.9 Supporting Sustainable Development**

There are no implications arising from this report.

### **4.10 IT issues**

There are no IT implications arising from this report.

## 5 Recommendations

Whilst the introduction of a statutory entitlement to two weeks' parental bereavement leave is a positive step forward, Midlothian recognise that at such a traumatic time in people's lives, showing compassion and kindness goes a long way to make staff feel valued and supported. With this in mind,

Cabinet is asked to agree:

- Extending the right to leave and pay to all employees regardless of length of service; and
- Enhancing the payment to two weeks at full pay instead of the statutory values.

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