

Model Schools' Parental Bereavement Leave Policy

This policy is applicable for Oxfordshire County Council (OCC) maintained schools. It is provided as advice for schools where the Governors are the employer. Academies may adapt this policy should they wish to.

This Oxfordshire model policy has been drawn up following consultation with the recognised trade unions and associations: ASCL, NEU, NAHT, NASUWT, and Unison. Advice and support on the application of this policy is available from Educational Personnel Service (EPS- for maintained schools) and HR.

1. Introduction

The Council recognises there are times when employees have to deal with difficult personal events. This policy sets out the arrangements for parental bereavement leave, which is a type of compassionate leave intended to help employees deal with the death of a child or a stillbirth after 24 weeks of pregnancy.

This scheme applies to all Oxfordshire County Council employees including those in OCC maintained schools.

By law, employees are entitled to unpaid time off to deal with an emergency involving a dependant. It is the council's policy to support employees in these circumstances by allowing some paid time off under the emergency leave scheme to allow the employee to deal with the immediate situation and put other arrangements in place. See the separate [Emergency leave scheme for employees in schools](#).

2. Who is entitled to parental bereavement leave?

The Parental Bereavement (Leave and Pay) Act 2018 allows time off for employed parents, and adults with parental responsibility, who have suffered the loss of a child under the age of 18 on or after 6th April 2020 or if a child has been stillborn after 24 weeks of pregnancy.

The law uses a wide definition of parent. The right applies to parents, adoptive parents, intended parents, parents-in-fact and the partner of any of these individuals as well as foster carers, and employees who expect to be granted a parental order in respect of the child. See annex 1 for a full definition of a bereaved parent under this legislation.

Entitlement to maternity leave and pay is not affected if a child has died or been stillborn. Maternity leave can be taken in addition to parental bereavement leave. See separate [Maternity Scheme for Teachers](#) and [Maternity Scheme for Support Staff](#).

Employees may be entitled to adoption leave and pay as a result of a child being placed with them for adoption, or because they are an intended parent under a surrogacy arrangement (see our [Adoption Leave Policy](#)). If the child has died or been stillborn, adoption leave entitlement runs for another eight weeks from the end of the week in which the child died (unless it would already have ended sooner). This is in addition to parental bereavement leave.

Employees may be entitled to paternity leave and pay as a result of the birth of a child (including a birth to a surrogate mother), or the placement of a child with them for adoption (see our [Paternity Leave Policy](#)). If a child has died or been stillborn eligible employees can take paternity leave in addition to parental bereavement leave.

3. What leave are employees entitled to?

Parents and adults with parental responsibility will be entitled to two weeks paid leave at their normal rate of pay, regardless of their length of service. This will be offset against any entitlement to statutory parental bereavement pay.

The two weeks leave can be taken either in one block of two weeks, or as two separate blocks of one week each.

The leave can be taken at any time during the first 56 weeks after the child's death.

In the event that an employee loses more than one child, they will be entitled to take a separate period of leave for each child.

4. Process for requesting leave

If the leave is to start within 56 days of the child's death, there is no need to give advance notice to take parental bereavement leave. The employee is asked to notify their manager/headteacher before they are due to start work on their first day of absence or, where that is not possible, as soon as is reasonably practicable. If the leave is to start after that 56-day period, at least one week's notice should be given.

The manager/headteacher must email the following details to hradvisedesk@oxfordshire.gov.uk who will arrange for the leave to be recorded on IBC:

- Name and personnel number of the employee;
- Date of absence and whether they are taking one or two weeks leave;
- Child's date of birth;
- The employee's relationship to the child;
- Date the child died or was stillborn.

Employees will not be required to provide a copy of the child's death certificate as evidence of the employee's right to the entitlement.

5. Support for bereaved employees

It is important for managers and employees to be aware that people recover from bereavement at different rates, and it is important to be supportive and sensitive to employees needs during this difficult time.

Employees of OCC and maintained schools should be reminded of the council's [Employee Assistance Programme](#) which offers free, confidential advice and support including individual counselling for employees. Find more information online or phone the 24 hour, 365-day confidential helpline on 0800 111 6387.

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, the manager/ headteacher must discuss with EPS and refer the employee to Occupational health where necessary.

6. Confidentiality

Managers should be 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 their wishes are respected.

7. Further support

Lullaby Trust – www.lullabytrust.org.uk

Care for the family – www.careforthefamily.org.uk

SANDS (Stillbirth and Neonatal death charity) – www.sands.org.uk

Education Support Helpline- www.educationsupport.org.uk

VARIATION OF PROCEDURES

This procedure is not contractual, and it may be varied by the Council from time to time. Examples of variation include the need to comply with new legislation or best practice guidance. Should the Council decide not to apply the procedure, either in its entirety or in part, that will not amount to a breach of contract. Changes to the procedure will be made in line with the relevant consultation process and through raising employee awareness.

VERSION CONTROL

Date approved and published: November 2021 (Version 1.0)

Date to review policy: November 2023 (unless subject to legislative change)

Appendix 1

Definition of a Parent under the Parental Bereavement Pay and Leave Act (2018)

The employee must be a 'bereaved parent', which means that at the date of the child's death they were any of the following:

- the child's parent
- the child's natural parent who has lost their legal status as parent following an adoption or parental order but in whose favour a contact order has been made
- a person with whom the child had been placed for adoption
- an adopter with whom the child was living, following the child's entry into Great Britain from outside the UK, and who had received official notification in respect of the child
- an intended parent of the child - someone who had applied, or intended to apply during the period of 6 months beginning with the day of the child's birth for a parental order in respect of the child and who expected the court to make such an order
- the child's parent in fact - someone who for the previous 4 weeks lived with the child in the child's home and had day-to-day responsibility for the child's care
- the partner of any of the above who was living in an enduring family relationship with that person and the child.