

Parental Bereavement Policy

Underlying Principles

- The Learning Trust acknowledges the personal and devastating nature of bereavement and grief and is committed to supporting its employees in all practical and reasonable ways.
- The Learning Trust acknowledges that bereavement impacts individuals differently and the guidance below is intended to show what leave an employee is entitled to in different circumstances.
- However, we acknowledge that some employees may choose not to take the full allowance and some employees may need additional time; therefore each case will be different and will be reviewed individually on a case by case basis by the Headteacher or Line Manager.

Wellbeing Support

- The Learning Trust fully understands and appreciates that experiencing a miscarriage or other parental bereavement is extremely difficult for all those involved. Therefore, a supportive workplace environment will be fostered to ensure staff members feel able and comfortable to discuss, should they so wish, their pregnancy and bereavement with their colleagues, line manager and headteacher.
- The staff member's line manager will keep in contact with the staff member throughout any period of absence and will ensure the necessary support is put in place for their return to work.
- The line manager and staff member will discuss what reasonable adjustments can be put in place to support the staff member at work, and who, if anyone, the staff member would like to be informed about the situation.
- The staff member's line manager will ensure the staff member is aware of the wellbeing support available both in school and externally.

Parental Bereavement Leave

Definitions

All employees are entitled to 2 weeks Statutory Parental Bereavement Leave if their child:

- dies under the age of 18.
- is stillborn after 24 weeks of pregnancy.

- is aborted after 24 weeks – in very limited circumstances an abortion can take place after 24 weeks if the mother's life is at risk or the child would be born with a severe disability.
- the bereavement of a baby who only lives for a short time after birth – this can be at any stage of pregnancy

Parental Bereavement Leave should be fully used within 56 weeks of the date of the death or stillbirth. It can be taken as either:

- two consecutive weeks.
- two separate weeks.
- one week only.

In order to take Parental Bereavement Leave, the member of staff, when they feel comfortable to do so, should discuss with their line manager:

- when they want their Parental Bereavement Leave to start.
- whether they want to take one or two weeks' leave.
- the date of their child's death.

To take or cancel Parental Bereavement Leave, the member of staff should also give their line manager the appropriate notice; however, the Trust accepts the overriding consideration will be when the member of staff feels comfortable so to do. Below is guidance as to when:

- if within 8 weeks of the death or stillbirth – notice should be given before the employee would usually start work on the first day of leave.
- if more than 8 weeks after the death or stillbirth – notice should be given at least 1 week before the start of the planned leave.
- If a staff member is taking another type of statutory leave (e.g. maternity leave or compassionate leave following a stillbirth) when the child dies or the stillbirth happens, their parental bereavement leave will start after the other leave has ended, but does not have to be taken immediately after.

Eligibility for leave

To be eligible for leave, the staff member may have been, at the time of the child's death or stillbirth, one of the following:

- The child's biological parent, where no adoption or parental order was made, unless there was a contact order in place.
- The child's adoptive parent, after the adoption order was granted, or before if the child was already placed with them and that placement was not interrupted. If the child was adopted from abroad, parental leave can be granted if the child was living with the staff member after entering Great Britain or they have an 'official notification' confirming the adoption.
- A parent of the child where the child was born to a surrogate, where a parental order was made, or before if they had applied or intended to apply for a parental order within six months of the child's birth and expected it to be granted.
- The partner of the child's parent.
- Taking care of the child, i.e. the child was living with them at their home for at least four continuous weeks ending with the date of death.

- The individual that had day-to-day responsibility for the child at the time of the child's death.
- The natural parent of a child who has since been adopted by someone else when there is a court order allowing them or their partner to have contact with the child.

Staff members who were being paid to look after the child prior to their death will not be eligible for Parental Bereavement Leave unless they were:

- A foster parent being paid a fee or allowance by an LA.
- Reimbursed for expenses related to caring for the child.
- Getting payments under the terms of a will or trust for the child's care.

Notifying the school

- When it is between zero and eight weeks after their child's death or still birth, a staff member will, when they feel comfortable, be expected to notify the school prior to the time they would normally start work on the first day of the week or weeks they want to take off from work.
- When it is between nine and 56 weeks after their child's death or still birth, a staff member, when they feel comfortable, will be expected to notify the school at least one week prior to the start of the week or weeks they want to take off from work.
- The school will not require notifications of parental bereavement leave to be submitted in writing; however, it requires that all notifications include:
 - The date of the child's death or stillbirth.
 - When the staff member intends parental bereavement leave to begin.
 - How much leave they are planning on taking, i.e. either one or two weeks.

Eligibility for statutory parental bereavement pay (SPBP)

- To qualify for statutory parental bereavement, pay (SPBP), staff members must have been continuously employed at the school for at least 26 weeks up to the end of the relevant week, i.e. the week immediately before the week of the death or stillbirth, ending with a Saturday. Contact your HR Officer for more details.

Miscarriages

An employee or their partner has a miscarriage in the first 24 weeks of pregnancy, The Learning Trust recognises many people will consider this a bereavement. Below are options that can be considered but each case will be reviewed on an individual basis.

- If a staff member's baby is stillborn before the end of the 24th week of pregnancy, it is treated as a miscarriage. In these cases, the staff member or a partner would not be eligible for maternity or paternity leave or pay; however, other options are available.
- If the staff member is not well enough to work following a miscarriage, they will be entitled to statutory sick leave and pay. The staff member will be able to self-certify their sick leave for the first seven days of their absence and will need a doctor's note for any time period beyond that.

- Any time off required as a result of a miscarriage will be treated as a pregnancy-related sickness. There is no time limit on sickness absence following a miscarriage – if the staff member's GP has certified their sickness as pregnancy-related, this will apply for as long as their sick leave lasts.
- Staff members who have experienced a miscarriage will also be entitled to time period compassionate leave. This can be taken after any period of sick leave.
- If a staff member's partner has experienced a miscarriage, they will not be entitled to pregnancy-related leave or sickness absence; however, they will be entitled to time period compassionate leave. The staff member will need to discuss their leave options with their line manager.

If an employee or their partner has a stillborn after 24 weeks of pregnancy:

- the birth mother can get up to 52 weeks of statutory maternity leave or pay
- the birth father or partner can get up to 2 weeks of paternity leave or pay
- the birth mother, birth father or partner will be entitled to 2 weeks of parental bereavement leave after they finish their maternity or paternity leave.

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