



# **PARENTAL BEREAVEMENT LEAVE AND PAY GUIDANCE**

This guidance applies to all Aberdeen City Council employees with effect from 6 April 2020.

## Table of Contents

	Section	Page
1	Introduction	3
2	What is Parental Bereavement Leave (PBL)?	3
3	When can PBL be taken?	3
4	How can PBL be taken?	3
5	What about eligibility for PBL?	3
6	What notification is required to take PBL?	4
7	What about cancelling or changing a period of PBL?	4
8	What pay applies during PBL?	4-5
9	What about terms and conditions during PBL	5
10	What employment rights apply following PBL?	5
11	What employment protection applies during PBL?	5
12	Process for applying for and authorising requests for PBL	6
13	Maternity, adoption and paternity leave	6

- Appendix 1 - Application form for PBL and pay
- Appendix 2 - Letter acknowledging application and granting PBL and pay
- Appendix 3 – Letter acknowledging change to start of PBL and pay
- Appendix 4 – Letter acknowledging cancellation of period of PBL and pay

## **Note to the users of this guidance – please read before proceeding.**

To prepare users of this guidance in advance, we wish to make you aware that the document makes reference to bereavement, and the accompanying form asks some sensitive questions about bereavement. We regret having to make these references in the document and to request this information at such a difficult time, but we hope you understand that the details in this guidance and the gathering of the necessary information will ensure that we can best support you through the statutory process for administering Parental Bereavement Leave and Pay.

### **1. Introduction**

This guidance provides details on the Council's Parental Bereavement Leave and Pay provision, including the process for applying for and authorising the leave. Parental Bereavement Leave and Pay is part of the Council's Special Leave policy which can be found on the People Anytime portal on the Intranet.

### **2. What is Parental Bereavement Leave (PBL)?**

The Parental Bereavement (Leave and Pay) Act 2018 came into force on 6 April 2020 giving employees a statutory entitlement to a period of one or two weeks' leave that may be taken following the death of a child. A child is regarded as being under 18 years of age, including a baby that is still born after at least 24 weeks of pregnancy. In the case of a still birth, the date of death is taken to be the date the child is stillborn.

Where more than one child has died or been still born, the bereaved parent is entitled to a separate period of leave in relation to each child.

Further discretionary unpaid leave may be available in addition to parental bereavement leave. Please see the Council's Special Leave Policy and Authorised Unpaid Leave Process for further details (in the case of teachers and SNCT employees, see the Leave of Absence policy). These can be found on the People Anytime portal on the Intranet.

### **3. When can PBL be taken?**

PBL can be taken at any time within 56 weeks of the death of a child.

### **4. How can PBL be taken?**

The leave may be taken as one whole week, two consecutive weeks, or two separate weeks at different times.

## **5. What about eligibility for PBL?**

There is no qualifying period for PBL, it being a day one employment right.

PBL is only available to employees. It is not available to other workers, such as casual/relief workers, self-employed, contractors or agency workers.

The right applies to the child's parent(s), which includes an adoptive parent, prospective adopter, intended parent under a surrogacy arrangement, a parent 'in fact' (someone looking after the child in that person's own home for the last 4 weeks which would include foster parents), or the partner of any of the above. The right excludes paid carers.

## **6. What notification is required to take PBL?**

The employee requires to give their employer notification of the date of the child's death; the date on which the employee chooses the leave to start; and whether the employee intends the period of leave to be one or two weeks.

The length of notice an employee required to give to their employer depends on how long after the child's death the leave is due to start.

For PBL starting within the first 56 days (7 weeks) from the date of the death the notice period is minimal, with the employee notifying their employer before the time they are due to start work on the day they want leave to start. If this is not practicable, the employee must notify their employer as soon as reasonably practicable.

To take leave after the end of the first 7 weeks, i.e. in weeks 8 to 56 after the child's death, the employee must give at least 7 days' notice of their intention to take PBL.

## **7. What about cancelling or changing a period of PBL?**

The employee can cancel PBL or change the start date, as follows.

For leave that is due to start in the first seven weeks after the child's death, this can be cancelled by giving notice before the time they are due to start work on the day they previously notified that leave would start. If this is not practicable, the employee requires to notify their employer as soon as reasonably practicable.

For leave that is due to start in weeks 8 to 56 after the child's death, the employee can cancel it by giving notice at least a week before the day the leave was due to start.

If the employee wants to change the start date of their leave rather than cancel it, again, they require giving notice as detailed in the two paragraphs above.

A period of leave cannot be cancelled once it has started.

## **8. What pay applies during PBL?**

The Council offers employees normal contractual pay for both weeks of Parental Bereavement Leave.

Statutory pay would only apply where the employee's contractual pay was below the rate of Statutory Parental Bereavement Pay (SPBP), and where all the qualifying conditions for SPBP were met, including the employee providing the relevant notifications and evidence (otherwise contractual pay would apply).

To qualify for SPBP an employee:

- requires to have 26 weeks' continuous service with the Council or a public authority (listed on the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Orders, which cover local authorities and related bodies), ending on the Saturday before the child's death, and
- their earnings in the 8 weeks before the 'relevant week' must be not less than the Government's lower earnings limit in force at the end of the relevant week, and
- they must be a 'bereaved parent' satisfying the legislative conditions regarding their relationship to the child (see section 5 above).

## **9. What about terms and conditions during PBL?**

During PBL, the employee will benefit from all their terms and conditions of employment.

For those employees in the pension scheme, pension contributions will continue to be payable during the period of PBL on the pay the employee receives, with pension service counted as normal.

## **10. What employment rights apply following PBL?**

In most cases the employee will have the right to return to the job in which the employee was employed before the period of leave.

However, the right differs where the PBL is taken consecutively with a period of Parental Leave of more than 4 weeks or other statutory family related leave, e.g. maternity or adoption leave, taken in relation to the same child, where the total amount of statutory leave taken in relation to that child is more than 26 weeks.

In such cases the employee's right is to return to the same job or, if that is not reasonably practicable, to another job which is both suitable and appropriate for the employee to do in the circumstances.

In either case the employee's status, pension and similar rights will be the same as they would have been if the employee had not been absent, and their terms and conditions will not be less favourable than those which would have applied if the employee had not been absent.

### **11. What employment protection applies during PBL?**

A dismissal will be automatically unfair if the reason or principal reason is connected to the fact that the employee took, sought to take or made use of the parental bereavement leave provision, or that their employer believed that the employee was likely to take PBL.

### **12. Process for applying for and authorising requests for PBL**

The employee will complete and submit an application for PBL and pay to their line manager (see form at appendix 1). This will indicate the date they wish their PBL and pay to begin, the duration of the leave (i.e. 1 or 2 weeks), the date of death of the child, or date the baby was stillborn, whichever applies, and their relationship to the child or baby. Where the leave and pay are to commence within the first 7 weeks from the date of death, the form can be submitted by the employee within 21 days.

On receipt of the form the line manager will check the content of the form to confirm that it complies with the guidance.

Assuming this is the case, the line manager will then pass the completed form to the HR Service Centre for processing.

The HR Service Centre will check the details on the form, including the pay entitlement and arrange for a letter to be sent to the employee confirming the granting of PBL and pay (see appendix 2), as applicable. A copy of the letter will be placed in the employee's personal file.

Where an employee wishes to change the start date of PBL and pay they should inform their line manager in writing, giving the required notice in accordance with the guidance. The line manager will pass the letter/e-mail to the HR Service Centre, who will then issue the letter at appendix 3 to the employee.

Where an employee wishes to cancel a period of PBL and pay they should inform their line manager in writing, giving the required notice in accordance with the guidance. The line manager will pass the letter/e-mail to the HR Service Centre, who will then issue the letter at appendix 4 to the employee.

### **13. Maternity, adoption and paternity leave.**

In addition to Parental Bereavement Leave, an employee may still be eligible for maternity leave, adoption leave and paternity leave if they meet the qualifying

conditions. Please refer to the Maternity Guidance, Adoption Guidance and Paternity Guidance which can be found on the People Anytime portal on the Intranet.

Date of update	Summary of updates
January 2023	A note to the users of the guidance was added at the beginning of the document to prepare them for the fact that the document refers to bereavement but indicating that this relates to the statutory process for administering Parental Bereavement Leave and Pay. A similar note was added to Appendix 1, the Application for Parental Bereavement Leave and Pay, to prepare the user in advance that the form asks some necessary sensitive questions about bereavement.

## Application for Parental Bereavement Leave and Pay

**(Note to the user:** Please read the accompanying guidance before completing this application. To prepare you in advance, we wish to make you aware that this form includes asking sensitive questions about your recent bereavement. We regret having to do this at such a difficult time, but we hope you understand that gathering this necessary information will ensure that we can best support you through the statutory process for administering Parental Bereavement Leave and Pay).

### Information required

I wish my Parental Bereavement Leave (PBL) and pay to begin on \_\_\_\_\_

I wish to apply for PBL and pay for a period of (tick one box): - 1 week ☐

2 weeks ☐

(Please note that the leave may be taken as one whole week, two consecutive weeks or two separate weeks at different times. A separate form should be completed for the second week, if taken as two separate weeks).

The date of death of my child, or date my baby was stillborn, whichever applies, was \_\_\_\_\_.

Please indicate by ticking one option below whether you are applying for PBL and pay as the:

Child's parent ☐

Adoptive parent ☐

Prospective adopter ☐

Intended parent under a surrogacy arrangement ☐

Parent 'in fact' (see guidance for definition) ☐Partner of any of the above ☐

Other relationship to the child (please state) \_\_\_\_\_

## Employee details

Employee name: \_\_\_\_\_ Pay number: \_\_\_\_\_

Cluster/Function: \_\_\_\_\_ Location: \_\_\_\_\_



Job title: \_\_\_\_\_ Name line manager: \_\_\_\_\_

### **Declaration and signature**

I declare that I am applying for Parental Bereavement Leave and Pay in accordance with the accompanying guidance.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Once completed, this form should be submitted to your line manager.

### **FOR HR SERVICE CENTRE USE**

Eligibility for Parental Bereavement Leave and Pay verified by HRSC

Initials \_\_\_\_\_ Date \_\_\_\_\_

Council start date\* \_\_\_\_\_

Public Authority Start Date\* \_\_\_\_\_

\*Continuous service means continuous service with Aberdeen City Council or a public authority as listed in Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Orders, which cover local authorities and related bodies.

Tick box that applies (for Payroll purposes)

- a) Employee qualifies for normal contractual pay, which includes SPBP. ☐  
See section 8 of guidance for details of qualifying criteria for SPBP.
- b) Employee does not qualify for SPBP and hence is paid normal contractual pay i.e. does not meet the qualifying criteria as detailed in section 8 of the guidance. ☐
- c) Employee qualifies only for SPBP i.e. their weekly pay is less than the SPBP rate, but they meet the qualification criteria for SPBP as detailed in section 8 of this guidance. ☐

Letter sent to employee by HRSC

Initials \_\_\_\_\_ Date \_\_\_\_\_

Our Ref  
Your Ref  
Contact  
Direct Dial  
Direct Fax  
E-Mail

Date

**PERSONAL**

(Employee Name)

(Job Title)

(Cluster)

(Function)

(Location)

Dear (Employee Name)

**PARENTAL BEREAVEMENT LEAVE AND PAY**

I acknowledge receipt of your application for Parental Bereavement Leave and Pay in accordance with the Council's Parental Bereavement Leave and Pay guidance.

I confirm that you are granted ?? weeks Parental Bereavement Leave from your post of *(job title)* within *(Cluster/Function)* from *(date)*.

You will receive your salary and other conditions of service as normal whilst you are on Parental Bereavement Leave.

Yours sincerely

**HR Service Centre**

Cc – Personal File

To insert the following wording in place of the last paragraph in the letter, in applicable cases: -

*As your contractual rate of pay is below the rate of Statutory Parental Bereavement Pay (SPBP) and you meet the qualifying conditions for SPBP, you will be paid SPBP during your period of Parental Bereavement Leave. You will receive all your other conditions of service as normal during this period.*

Our Ref  
Your Ref  
Contact  
Direct Dial  
Direct Fax  
E-Mail

Date

**PERSONAL**

(Employee Name)

(Job Title)

(Cluster)

(Function)

(Location)

Dear (Employee Name)

**PARENTAL BEREAVEMENT LEAVE AND PAY**

I acknowledge receipt of your letter/e-mail of ?? requesting a change to the start date of your Parental Bereavement Leave and Pay in accordance with the Council's Parental Bereavement Leave and Pay guidance.

I confirm that this change is granted. Your ?? weeks Parental Bereavement Leave from your post of (*job title*) within (*Cluster/Function*) will now be from (*date*).

You will receive your salary and other conditions of service as normal whilst you are on Parental Bereavement Leave.

Yours sincerely

**HR Service Centre**

Cc – Personal File

To insert the following wording in place of the last paragraph in the letter, in applicable cases: -

*As your contractual rate of pay is below the rate of Statutory Parental Bereavement Pay (SPBP) and you meet the qualifying conditions for SPBP, you will be paid SPBP during your period of Parental Bereavement Leave. You will receive all your other conditions of service as normal during this period.*

Our Ref  
Your Ref  
Contact  
Direct Dial  
Direct Fax  
E-Mail

Date

**PERSONAL**

(Employee Name)  
(Job Title)  
(Cluster)  
(Function)  
(Location)

Dear (Employee Name)

**PARENTAL BEREAVEMENT LEAVE AND PAY**

I acknowledge receipt of your letter/e-mail of ?? requesting to cancel your period of Parental Bereavement Leave and Pay in accordance with the Council's Parental Bereavement Leave and Pay guidance.

I confirm that this cancellation is accepted.

If you wish to apply for Parental Bereavement Leave and Pay in future, then you should do so by completing the application in accordance with the guidance.

Yours sincerely

**HR Service Centre**

Cc – Personal File