

**Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd**

**Democratic Services
Gwasanaethau Democrataidd**

Decision Notice

PERSONNEL - URGENCY ACTION , MONDAY, 27TH APRIL, 2020

Please see below approval of decision as follows:

1. **Parental Bereavement Leave Policy - 21TD - Urgency Action
(Pages 3 - 22)**

Parental Bereavement Leave Policy.

That approval be granted to implement the Parental Bereavement Leave Policy, as detailed in the attached report.

For Immediate Implementation

Yours sincerely

Tammie Davies

p.p Chief Executive

This page is intentionally left blank



NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

PERSONNEL COMMITTEE

REPORT OF THE HEAD OF HUMAN RESOURCES – SHEENAGH REES

Matter for Decision

Wards Affected: All wards

Introduction of a Parental Bereavement Leave Policy

1. Purpose of Report:

The purpose of this report is to seek Member approval to introduce a Parental Bereavement Leave Policy to support employees who suffer the bereavement of a child.

2. Background:

The Parental Bereavement Leave Regulations 2020 and the Statutory Parental Bereavement Pay (General) Regulations came into force on 6th April 2020. The Regulations cover deaths or stillbirths occurring on or after 6th April 2020.

Neath Port Talbot Council recognises that, whilst dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.

This policy sets out our commitment to supporting bereaved parents through their grief by ensuring they can take parental bereavement leave.

The key provisions of these regulations are to provide two weeks leave to employees who have suffered a bereavement with no service eligibility. The Parental Bereavement Leave may be taken at any time within 56 weeks of the date of the death of the child.

The rationale behind this extended period is that it is anticipated that parents may wish to take their second week of leave around the date of the first anniversary of the death.

In addition to this, is the right to statutory parental bereavement leave pay for the two weeks, at the statutory rate. In order to receive pay, employees must have 26 weeks continuous service with the Council at the date of the child's death.

This Council however, recognises the need to provide bereaved parents with as much support as possible, so if they qualify for statutory parental bereavement pay, we will pay them their full contractual pay during the parental bereavement leave period of two weeks. This will include the statutory parental bereavement pay. The Policy is attached as Appendix One.

3. Development of the Policy

The Policy was developed by the HR Team in line with the Regulations. The Trade Unions have been consulted and, subject to Member approval have agreed the Policy. The Trade Unions applauded the sensitive way in which it has been drafted.

4. Communication of the Policy

As this is a new policy, it is important that it is communicated widely across the Council. We will do this by including an article in the Council's newsletter In The Loop, we will place it on the HR Intranet, we will send an email to all Heads of Service requesting them to cascade details of the new policy to all their service areas.

5. Financial Impacts:

There are no financial impacts associated with this report.

6. Integrated impact assessment:

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016). The first stage assessment, attached at appendix 1 has indicated that a more in-depth assessment is not required. A summary is included below:

“A full impact is not required as there is no impact on any protected group. It also has no negative impact on bio-diversity or the Welsh Language”.

7. Valleys Communities Impacts:

No Implications

8. Workforce Impacts:

The introduction of this policy will have a positive impact on those employees across our workforce who suffer the bereavement of a child.

9. Legal Impacts:

No implications.

10. Risk Management Impacts:

No implications.

11. Consultation:

There is no requirement under the Constitution for external consultation on this item. The proposed changes have been communicated with the Trade Unions who were fully supportive of the introduction of this policy.

12. Recommendations:

It is **RECOMMENDED** that Members **APPROVE** the introduction of the Parental Bereavement Leave Policy.

FOR DECISION

Implementation of Decision: The decision is for immediate implementation.

13. Appendices:

Appendix 1 – Parental Bereavement Leave Policy

Appendix 2 – First Stage Integrated Impact Assessment

14. List of background papers:

None.

15. Officer Contact

Sheenagh Rees, Head of Human Resources, Email: s.rees5@npt.gov.uk or tel. 01639 763315.



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Polisi Absenoldeb Profedigaeth Rhieni

Parental Bereavement Leave Policy

www.npt.gov.uk

Version	Date	Action
Version 1	April 2020	New Policy

1. Introduction

Neath Port Talbot Council recognises that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.

This policy sets out our commitment to supporting bereaved parents through their grief by ensuring they can take parental bereavement leave.

The policy applies to employees who suffer the loss of a child under the age of 18 on or after 6 April 2020. This includes parents who suffer a stillbirth after 24 weeks of pregnancy.

The Maternity Scheme and Special Leave Policy highlights other support available to help bereaved employees.

2. Scope

This Policy applies to all employees of the Council with the exception of those employed by schools operating under fully delegated personnel powers.

3. Who can take Parental Bereavement Leave?

Whatever your length of service, you can take this type of leave if you are the parent of the child who has passed away, or the partner of the child's parent. In general, you can take this type of leave if you have parental responsibility for the child. This includes adoptive parents. Further details (taken from the Regulations) are provided below:-

'Bereaved parents' include:

- parents and adoptive parents and those who become parents under statutory provisions on surrogacy and fertility treatments,
- a child's natural parent in situations where the child has been adopted, but there is a court order for the child to have contact with the natural parent
- a person whom a child has been placed for fostering or adoption
- a person living with a child who has come from overseas and has received official notification that they are eligible to adopt the child and who intend to do so

- an intended parent under a surrogacy arrangement where a parental order is expected to be made
- a 'parent in fact' who is a person who has day-to-day responsibility for a child, for a continuous period of four weeks before the death and includes legal guardians, as well as informal kinship groups such as close relatives of family friends who have taken responsibility for the child's care in the absence of parents.

However, if you have suffered a bereavement, but are unsure if you are entitled to parental bereavement leave, please contact your designated HR Officer for clarification.

4. What leave a bereaved parent can take?

You can take two weeks of parental bereavement leave. You can take the leave as:

- a single block of two weeks; or
- two separate blocks of one week at different times.

Parental bereavement leave should be taken in whole weeks (which is defined as a period of seven days) and the regulations state that even if you take fewer than seven days leave, this would still count as a whole week against your statutory entitlement.

You can take the leave at the time(s) you choose within the 56 weeks after your bereavement and it may start on any day of the week. You might choose, for example, to take it at a particularly difficult time such as your child's birthday.

If you have lost more than one child, you have a separate entitlement to bereavement leave for each child who has passed away.

5. Notice required to take Parental Bereavement Leave

If you need to take parental bereavement leave within the first 56 days after your bereavement, you can take the leave straight away. You do not have to provide any notice. Notification to your line manager may be verbal, or in writing, or even by a friend or family member or trade union representative. We **do need** to know the date the child's death, as we need to understand when you are entitled to take the leave, i.e. when the 56 week period commences. We **do not** however need a copy of any official documentation confirming the bereavement.

To take leave more than 56 days after your bereavement, we would ask that you would give your line manager at least one week's notice, in writing, if possible. Again this can be via email if you prefer.

6. **Changing your mind about taking parental bereavement leave**

You can cancel your planned leave and take it at a different time (within the 56 weeks after your bereavement).

Where your planned leave was due to begin **during the first 56 days after your bereavement**, please let your line manager know you no longer wish to take it before the first day of the planned leave.

Where your leave was due to begin **more than 56 days after your bereavement**, please let your line manager know at least one week in advance that you wish to cancel it.

You are unable to cancel any parental bereavement leave that has already begun.

Taking bereavement leave will not affect entitlement to maternity or paternity leave, which is available to employees in the event of a stillbirth from 24 weeks of pregnancy. Please see Maternity Scheme for more details.

7. **Pay during parental bereavement leave**

Although all employees are entitled to parental bereavement leave, in order to receive statutory parental bereavement pay, you must have:

- at least 26 weeks' continuous employment with us by the week before the one in which your child passed away (and still be employed by us on the date of the bereavement); and
- normal weekly earnings in the eight weeks up to the week before your bereavement of at least the lower earnings limit for national insurance contribution purposes.

However, the Council recognises the need to provide bereaved parents with as much support as possible, if you qualify for statutory parental bereavement pay, we will pay you your contractual pay during your leave not the statutory amount. However, in order for this to be actioned, you need to give us notice of the weeks for which you wish to

claim parental bereavement pay, by signing the form attached as **Appendix 1**.

You must normally sign and return the form to the HR team or your line manager within 28 days of the first day for which you are claiming. However, if that is not possible, please sign and return the form as soon as you can. You can scan it in or take a photo and send to jobs@npt.gov.uk if that is easier for you.

If you are unsure if you are entitled to statutory parental bereavement pay, please contact your line manager or email jobs@npt.gov.uk, or ring 01639 686837 who will be able to advise you.

8. Rights during parental bereavement leave

During your leave, all the terms and conditions of your contract will continue. For example, holiday entitlement continues to accrue and pension contributions will continue to be paid.

9. Support for Employees

Bereavement leave is intended to support employees in the immediate period around the death of a relative. However, the process of grief, the natural reaction and adjustment to loss and change may take a significant time and will be personal to each individual.

If you have any concerns about the grieving process impacting on your work performance should discuss this in confidence with your line manager, to ensure that any reasonable adjustments that may be necessary are discussed and put in place.

It is important at this time that managers support you in your return to the full range of duties and responsibilities or to adjust your duties and responsibilities (if required).

Consideration can also be given at this time to you accessing the Council's Flexible Working Policies which are available to access on the HR Intranet.

If you feel that you need more support to enable you to return to your full duties, you can also ask your manager to make a referral for you to visit the Council's Occupational Health Unit.

In addition to this, there are various organisations and websites which may be able to support you at this time:-

Cruse Bereavement Care

www.cruse.org.uk

Tel: 01792 462845

Email: morgannwg@cruse.org.uk

Care for the Family

www.careforthefamily.org.uk

Tel: 02920 810800

Email: mail@cff.org.uk

2 Wish Upon A Star

www.2wishuponastar.org.uk

Tel: 01443 853125

Email: info@2wishuponastar.org.uk

Child Bereavement UK

www.childbereavementuk.org.uk

Tel: 0800 0288841

10. Culture and Diversity

The Council recognises that different cultures respond to death in significantly different ways. If you observe any particular practices or need to have any special arrangements which necessitate you being off work at a particular time, please do not assume that your line manager is aware of any such requirements either personally or via a family member, colleague or your trade union.

Line managers who are unsure of how to respond to a bereaved employee from a different culture should ask the bereaved employee or someone else from their cultural group about what is appropriate. If in doubt they should contact their designated HR Officer.

11. Review

This policy will be reviewed in 2 years, or sooner should any operational or legislative changes arise.

APPENDIX ONE

PARENTAL BEREAVEMENT PAY FORM	
<p>We are very sorry for your loss and our thoughts are with you. We would like to express our sincere condolences. To ensure the smooth payment of your parental bereavement pay, please sign and date this form and return it to either your line manager or the HR Team at the address below. You can scan it in or take a photo of it if this is easier and email it to jobs@npt.gov.uk</p> <p>HR Team, The Quays, Brunel Way, Baglan Energy Park, Neath. SA11 2GG</p> <p>Please try to sign and return this form 28 days from the first day for which you are claiming parental bereavement pay.</p>	
Employee Name:	
Pay No:	
Job Title:	
Directorate / Section:	
Date of Child's Death:	
Weeks of parental bereavement leave for which I am claiming statutory parental bereavement pay:	
I meet one of the conditions of entitlement to claim parental bereavement pay contained in the Notes section below.	
Employee's signature:	
Date:	
<p>Notes</p> <p>You must meet one of the conditions of entitlement below to claim statutory parental bereavement pay. Please sign and return this declaration if any one of the following statements applies to you:</p> <ul style="list-style-type: none"> • I am the parent of the child. • I am the partner of the child's parent. I lived in an enduring family relationship with the child and their parent. • I am the "parent in fact" of the child. I was, for a continuous period of at least four weeks before the child passed away, living with the child and had "day-to-day responsibility" for the child, but I was not paid to care for the child. • I am the child's adopter within the UK. The child was placed with me for adoption within the UK and the placement has not been disrupted. • The child was living with me following their entry into the UK for the purpose of adoption and I have received official notification in respect of the child. • I am the "natural parent" of a child who has passed away who is named in a court order, ie where a court orders some contact for an adopted child's birth parent. • I am the "intended parent" of the child (ie a parent using a surrogate). 	

This page is intentionally left blank

Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: Introduction of a Parental Bereavement Leave Policy
Service Area: All Council Employees other than those employed directly by School's operating under fully delegated powers
Directorate: All

2. Does the initiative affect:

	Yes	No
Service users		X
Staff	X	
Wider community		X
Internal administrative process only	X	

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		X				
Disability		X				
Gender Reassignment		X				
Marriage/Civil Partnership		X				
Pregnancy/Maternity		X				
Race		X				
Religion/Belief		X				
Sex		X				

Sexual orientation		X				
--------------------	--	---	--	--	--	--

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		X				
Treating the Welsh language no less favourably than English		X				

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		X				
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment,		X				

such as air quality, flood alleviation, etc.						
--	--	--	--	--	--	--

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	x		Introducing a Parental Bereavement Leave Policy will support our employees who suffer a bereavement of their child. Whilst a devastating event, this policy is a positive addition to our suite of policies which may help with long term well-being.
Integration - how the initiative impacts upon our wellbeing objectives	x		As above. The introduction of the Parental Bereavement Leave Policy will be an aid to ensuring the wellbeing objectives are met.
Involvement - how people have been involved in developing the initiative	x		This policy has been developed as a result of the introduction of new legislation. The Council's Joint Trade Unions have also been consulted with. All parties have been extremely supportive of the Policy and its sensitivity..
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions		x	N/A – this is a Neath Port Talbot Council Policy.
Prevention - how the initiative will prevent problems occurring or getting worse	x		It will enhance our current suite of policies which are in place to support employees across the Council.

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	<input checked="" type="checkbox"/>
Reasons for this conclusion	
A full impact is not required as there is no impact on any protected group. It also has no negative impact on bio-diversity or the Welsh Language.	

A full impact assessment (second stage) is required	<input type="checkbox"/>
Reasons for this conclusion	

--

	Name	Position	Signature	Date
Completed by	Diane Hopkins	Principal HR Manager	<i>D B Hopkins</i>	23/4/20
Signed off by	Sheenagh Rees	Head of HR	S Rees	23/4/20

This page is intentionally left blank