

Paid time off for parents to grieve

In the know

The Parental Bereavement (Leave and Pay) Bill has recently been published, giving us an idea of how the new right to time off to grieve will be implemented. It will be the first time that time off to grieve will be placed in the statute books; it has until now been down to an employer to make its own rules. Here, we take a look at the contents of the Bill.

No legal minimum time off to grieve

- By 2020, the Government intends to create a legal right to paid time off for parents in England, Wales and Scotland who suffer the death of a child;
- Currently, there is no standalone right for any employee to take time off to grieve when a loved one dies. There is a statutory right to unpaid time off for employees to handle emergency situations involving dependants which can include the death of a dependant but it does not cover time to grieve;
- Many organisations offer their staff compassionate leave, although the length and payment of this leave will differ from company to company because there is no statutory minimum.

Entitlements to leave and pay

- The Parental Bereavement (Pay and Leave) Bill gives parents the right to take two weeks' bereavement leave in the event that their child, aged under 18, dies;
- The employee will have to satisfy conditions specified in regulations as to their relationship with the child and it is expected these will relate to the caring responsibilities of the child;
- Parental bereavement leave will have to be taken within 56 days of the death and all employees will be entitled to take two weeks' leave;
- The entitlement to leave is in respect of each child that dies. If two children die at the same time, the employee will be entitled to two lots of two weeks' leave;
- There will be rules around notification procedures for employee to follow in order to take statutory bereavement leave, and on the evidence to be produced;
- Although all employees will be entitled to take leave, only those with 26 weeks' continuous service will be entitled to be paid

- during their leave. In addition, employees will have to earn at least the Lower Earnings Level which currently stands at £113 per week but is likely to have increased by the time the new entitlement becomes law;
- Currently, there is no indication as to the rate of pay during bereavement leave. It is likely to be set, as a minimum, at the same rate of statutory maternity pay which is currently £140.98 per week;
 - Employers will be able to claim the pay back from the Government;
 - It is also likely that employees will be protected from being dismissed when the principle reason is that the employee has taken statutory bereavement leave.

Croner Tips

- **Although it may be some time until the concept of statutory bereavement leave for parents is introduced, employers should begin now to review any bereavement leave policies they have to ensure they are ready to make any changes when the new leave becomes law, meaning employers will be required to provide at least two weeks' leave for parents of children under the age of 18 if the child dies.**

The content of this briefing is correct at the time of publishing.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this article