

Committee	Dated:
Establishment Committee – For decision	12/03/2020
Subject: Parental Bereavement (Leave and Pay) Act 2018	Public
Report of: Director of Human Resources	For Decision
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Summary

This report outlines the requirements under the Parental Bereavement (Leave and Pay) Act 2018 which comes into effect on 6 April 2020 (subject to Parliamentary approval) entitling parents to two weeks Parental Bereavement Leave (PBL). This entitlement will be added to the Special Leave Policy.

During PBL there is no statutory right for employees to be paid their normal salary. Members are asked to decide what level of pay should be made for employees.

Recommendations

Members are asked to:

- Note the requirements under the Parental Bereavement (Leave and Pay) Act 2018 and the proposed amendments to the Special Leave Policy;
- To approve 2 weeks paid PBL for all employee's regardless of length of service (paid at normal pay);
- To approve paid PBL for a child of any age.

Main Report

Background

1. The City of London Corporation understands the personal nature of bereavement and grief and is committed to supporting employees in practical and reasonable ways.
2. According to www.gov.uk there are c7,500 child deaths, which includes c3,000 still births in the UK every year.
3. The Parental Bereavement (Leave and Pay) Act, which is known as Jack's Law in memory of Jack Herd, is due to come into effect on 6 April 2020 (subject to Parliamentary approval) and will help support thousands of parents each year.

Current Position

4. The current provisions within the Special Leave Policy allow Chief Officers to grant all employees (regardless of length of service) a maximum of 5 days paid compassionate leave (for the death and funeral of a member of their immediate family). Payment is based on normal pay.
5. The legal requirements under the Parental Bereavement Leave and Pay Act is for employee's who lose a child under the age of 18, including stillbirths from 24 weeks of pregnancy (for those not covered by the maternity leave policy), to receive two weeks statutory leave regardless of length of service, known as PBL.
6. The leave may be taken either as a single block of 2 weeks, or as 2 separate blocks of one week. The leave must be taken within 56 weeks of the death of the child.
7. PBL applies to the biological parent; partner of the biological parent; adopted parent; foster parent; guardian; and / or as defined in the regulations
8. Employees with over 26 weeks continuous service by the date of the child's death will be entitled to receive Statutory Parental Bereavement Pay (SPBP) (currently £148.68 per week). This is in line with other parental entitlements and will be administered in the same way as existing family-related statutory payments, which the City Corporation enhance.
9. Appendix 1 shows the proposed wording which will be added to the Special Leave Policy and will replace the current provision of bereavement leave for a child.

Option

10. Under the current provisions for compassionate leave all employees, regardless of length of service, can be granted up to 5 days compassionate leave (paid as normal pay).
11. During PBL there is no statutory right for employees to be paid their normal salary. The entitlement is to receive Statutory Parental Bereavement Pay (SPBP) (currently £148.68 per week) for those with over 26 weeks continuous service by the date of the child's death.
12. Members will recall that in 2016 the Establishment Committee approved that paternity pay would be paid at normal pay for both weeks (for those with 26 weeks continuous service) instead of statutory pay. In 2017 the maternity, adoption and shared parental leave payments were enhanced further to extend the number of paid weeks leave.
13. As we already enhance the family friendly provisions, to bring this new statutory provision in line with these, it is proposed that we top up the statutory payment, regardless of the employee's length of service, to normal pay for both weeks and apply this provision to the loss of a child of any age.

14. This approach is fully supported by the senior leadership team as it demonstrates that we value staff and wish to support them during difficult times.

Corporate & Strategic Implications

15. Although this will sit within the Special Leave Policy, this will link with our suite of family friendly policies. It also links with the Responsible Business Strategy.
16. It links to the Corporate Plan aim of contributing to a flourishing society.

Implications

17. Legal implications have been fully considered through consultation with the Comptrollers and City Solicitor's Department. They have provided advice and guidance on the Parental Bereavement (Leave and Pay) Act and the associated regulations to ensure our policy meets the legal requirements.
18. It is not possible to estimate financial implications as we do not currently record compassionate leave based on relationship to the employee. However, there will only be one additional week's leave in these particular circumstances in addition to the current provision of 1 week. It should also be noted that as the government is introducing a statutory payment this can be recouped in the same way as other family friendly statutory payments.
19. There are no security or additional resourcing implications.
20. A test of relevance, as required by the Public Sector Equality Duty (PSED) was undertaken at the start of the review of the Parental Bereavement (Leave and Pay) Act and identified that the proposed option would be positive in its approach.

Conclusion

21. The introduction of the Parental Bereavement Act into law sets out the minimum requirements required by organisations. Whilst it is not a legal requirement to pay employees with less than 26 weeks continuous service for their period of PBL, by doing so this would support our continued drive to have attractive terms and conditions of service and would demonstrate that we value staff and wish to support them during difficult times.

Appendices

- Appendix 1 – Special Leave Policy: Proposed Parental Bereavement Leave wording

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Appendix 1: Special Leave Policy: Parental Bereavement Leave wording

Parental Bereavement Leave

1. The City Corporation understands the personal nature of bereavement and grief and is committed to supporting employees in practical and reasonable ways.
2. Chief Officers may grant two weeks paid parental bereavement leave per child. This applies to stillbirths after 24 weeks of pregnancy (for those employees not covered by the maternity leave policy). The leave must be taken within 56 weeks of the date of the child's death, it can be taken as two separate weeks or as one two-week block.
3. Parental leave applies to the:
 - biological parent;
 - partner of the biological parent;
 - adopted parent;
 - foster parent;
 - guardian;
 - and / or those as defined in the regulations.
4. Employees are required to put the request in writing and provide evidence of the death of the child.
5. During parental bereavement leave employees have no statutory right to be paid their normal wages or salary during their leave period. However, the City Corporation will pay the first and second week at normal pay.