

Employment Committee

Meeting to be held on Monday, 7 September 2020

Electoral Division affected: N/A;

Parental Bereavement Leave Policy and Procedure

(Appendix A refers)

Contact for further information:

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Executive Summary

Government regulations introduced the right to parental bereavement leave and statutory parental bereavement pay to employed parents in circumstances where a child died on or after 6 April 2020.

The council is required to comply with the new regulations and a policy, setting out the council's parental bereavement provisions for its employees and the arrangements for requesting such leave and pay, has been drafted.

The policy proposes to apply normal pay that employees receive during the parental bereavement leave period rather than apply the lesser statutory provisions set out in the regulations and the details and reasons for this are set out in the report.

Recommendation

The committee is asked to approve the proposed Parental Bereavement Leave Policy and Procedure, set out at Appendix A.

Background and Advice

The right to parental bereavement leave (that has been referred to as "Jack's Law") came into effect on 6 April 2020. Subject to meeting the qualifying criteria, it applies to bereaved parents if their child under the age of 18 dies, or is stillborn after 24 weeks of pregnancy, on or after this date.

The regulations set out a right to two weeks' parental bereavement leave that can be taken as a single block of two weeks, or as two separate blocks of one week at a time, within 56 weeks of the date of the child's death. The right to take parental bereavement leave is a 'day one' right, meaning that an employee does not need to have a continuous period of service with their employer in order to be entitled to this leave. The two weeks will reflect the employee's normal contracted working hours and days.

The government provisions in respect of parental bereavement pay are more complex. These require employees to have at least 26 weeks' continuous employment with their employer and meet weekly earnings over a set period, which exceed the lower earnings limit for national insurance contributions. The employee would then qualify for statutory parental bereavement pay of £151.20 (or 90% of an employee's weekly earnings where this is lower than the government's set weekly rate) for each week of leave that is taken. Where an employee does not meet the eligibility criteria to qualify for statutory parental bereavement pay, the parental bereavement leave they take will be unpaid.

Proposed Parental Bereavement Leave Policy and Procedure

In order to comply with the new regulations a proposed policy and procedure has been drafted for approval.

The proposed policy and procedure aligns to the statutory provisions in terms of the amount of parental bereavement leave that can be taken, and how this can be taken, but the timescales for cancelling a period of leave is more flexible than is set out within the regulations.

However, it is proposed that the council's policy in respect of what an employee be paid during parental bereavement leave be more generous than the statutory provisions allow. The council policy allows for employees to be paid their normal pay for both weeks' leave, with no minimum service criteria applying to qualify for payment, instead of receiving statutory parental bereavement pay (at the rate set out above) that requires employees to evidence they have continuously worked for their employer for at least 26 weeks in order to qualify for payment. As a compassionate employer, wanting to support its employees through a devastating life event, it is considered that these proposals would encourage, rather than dissuade, employees to take the leave at the time that is right for them.

In addition, it would be administratively less burdensome and remove the need to verify service and calculate average pay over the required pay period.

Consultations

The proposed Parental Bereavement Leave Policy and Procedure will be shared with the recognised trade unions at the Joint Negotiating and Consultative Forum on 20 August 2020 and any comments will be reported orally to the committee.

Implications:

This item has the following implications, as indicated:

Risk management

The council is legally required to ensure that its parental Human Resources policy complies with current employment legislation. The council has no choice about whether or not it chooses to act on these regulations. The only choice is whether the council decides to apply the more generous proposal or to adopt the statutory pay

provisions including the continuous service criteria to qualify for parental bereavement pay.

Financial

The financial implications of these regulatory changes are not expected to be material to the authority as a whole and will be managed within service budgets.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A