

Bereavement and Compassionate Leave Policy and Procedure

1. Scope

- 1.1 The bereavement and compassionate leave policy applies to **all employees**, excluding casual workers.

2. Definitions

- 2.1 **Immediate family** is defined as spouse, partner, child, mother, father, brother and sister. Managers are however granted discretion to assess the circumstances and diversity of guardianship, for example where a staff member may have been raised by their grandparent or other guardian

- 2.2 **Critical illness** refers to an emergency, life threatening illness.

3 Bereavement Leave

- 3.1 Employees, regardless of length of service, may be granted **Bereavement Leave of up to five days (pro-rata) with pay** as a result of the death of an **immediate family** member.

- 3.2 Employees may also be granted one days leave with pay for attendance at a funeral of a close family member, not included in the above immediate family definition. Examples of this include a grandparent, cousin, aunt or uncle.

- 3.3 Employees, regardless of length of service may also be granted **Parental Bereavement Leave** of an additional week (up to 2 weeks leave in total) (pro rata) if they are:

- The bereaved parent of a child under 18, or have a stillbirth from the 24th week of pregnancy.
- The partner of a deceased child or stillbirth as above, as long as they live in an “enduring family relationship” with the child and their parent.
- A “parent in fact”, someone who, for a continuous period of at least four weeks before the child died, lived with the child and had “day-to-day responsibility” for the child (but who is not being paid to look after the child).
- Adoptive parents, the parents of children born through a surrogate and the “natural parents” of adopted children who have been granted some court-ordered contact.
- In addition, parents who suffer a stillbirth after 24 weeks of pregnancy can take parental bereavement leave.

3.4 **Parental Bereavement Leave** can only be taken as a two week block or 2 blocks of 1 week

3.5 Where more than one child has passed away, the employee is entitled to two weeks' **Parental Bereavement Leave** in respect of each child.

3.6 Employees with at least 26 weeks' continuous service and weekly average earnings over the lower earnings limit will also be entitled to **statutory parental bereavement pay** (SPBP) for this second week of leave, paid at the statutory rate for SPBP, or 90% of average weekly earnings if this is lower.

3.7 To claim SPBP employees should notify their service manager in writing within 28 days of the leave starting, or if this isn't possible as soon as you can. In the notification it is important to include your name, the date of your child's death (or date of birth for a stillborn child) and the date that you wish the periods of leave and pay to start and finish.

3.8 Service managers should inform Human Resources as soon as they are aware of a requirement to claim SPBP.

4. Compassionate Leave

4.1 Employees may be granted **Compassionate Leave of up to five days** (pro-rata) **with pay** as a result of:

- the **critical illness** of a member of their **immediate family**.

4.2 Senior Service Managers will have discretion in whether an employee's situation fulfils the criteria to be granted Compassionate Leave. HR may be contacted for guidance.

5. Approval process

5.1 A request for Bereavement or Compassionate Leave must receive approval from the relevant Senior Service Manager before commencement. Managers may request evidence before or after the request is received.

5.2 However, the Council is aware that this may not be feasible in an emergency, in which case the employee should receive approval from their line manager or another available manager before commencement of the leave. The employee is then responsible for ensuring approval is received from a Senior Service Manager as soon as practicably possible.

5.3. Employees are entitled to choose when they take Parental Bereavement Leave up to 56 weeks after the bereavement. For the first seven weeks following, an employee only needs to inform their line manager before they start work on the first day of absence. After this you will be required to provide your line manager with at least one week's notice. It may be taken in a single block of two weeks, or two blocks of one week taken at different times within the 56 weeks.

5.4 Compassionate Leave will only be available for an emergency, life threatening critical illness and therefore, at the point where this definition is no longer met, it is expected that employees will return to work or request another type of leave, for example Unpaid Leave.

- 5.5** In exceptional circumstances, Directors have discretion to approve greater amounts of Bereavement and Compassionate leave than outlined, having considered the circumstances of the case. HR should be approached for guidance in these cases.
- 5.6** When approving Compassionate Leave, the aim is to assist the employee in remaining in work. HR should be approached for guidance to ensure that appropriate support measures and flexibility, which may include an additional period of Unpaid Leave for the employee, are in place.
- 5.7** If approved, the line manager must ensure that any absence approved under the Bereavement and Compassionate Leave Policy is correctly recorded onto the MyView system.
- 6. Review**
- 6.1** This Bereavement and Compassionate Leave Policy will be reviewed two years after implementation or earlier in the event of further changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	May 2008	Provisions contained within Family Leave Scheme	
2.0	02.02.2016	Policy agreed by Personnel Committee	02.02.2018
3.0.	01.04.2020	'Jack's Law' has come into force	01.04.2022