



SEVENOAKS DAY NURSERY

SDN Parental Bereavement Leave Policy

The purpose of this policy is to set out the Nursery's stance on employee entitlements to parental bereavement leave which is effective from 6 April 2020. The Nursery understands that the death of a child, or a stillbirth, can be one of the most harrowing experiences of someone's life and is committed to providing support to employees who go through this experience.

Eligibility

Parental bereavement leave is available from day one of employment. It is available to employees on the death of a child under the age of 18. Employees may take parental bereavement leave if they fall into any one of the following categories:

- a. a "natural" parent
- b. an adoptive parent, and those with whom a child has been placed under the "foster to adopt" scheme, provided the placement is ongoing
- c. a "natural" parent where the child has been adopted but a Court Order exists to allow the "natural" parent to have contact with the child
- d. an employee who is living with a child who has entered Great Britain from overseas in relation to whom has received official notification that they are eligible to adopt
- e. an intended parent under a surrogacy arrangement where it was expected that a parental order would be made
- f. a "parent in fact" which is someone in whose home the child has been living for a period of at least four weeks before the death and has had day to day responsibility for the child, subject to exceptions; this category includes guardians and foster parents but does not include paid carers
- g. the partner of anyone who falls into the above categories, where they live in an enduring family relationship with the child and their parent.

In addition, parents who suffer a stillbirth after 24 weeks of pregnancy are entitled to take parental bereavement leave.

Length of Leave and How It May Be Taken

A total of two weeks may be taken as parental bereavement leave and the employee may choose to take leave as:

- a. a single block of two weeks

- b. two separate blocks of one week

Leave may start on any day of the week and must be taken in whole weeks. It may be taken at any time in the 56 week period following the death.

If the employee has suffered a stillbirth after 24 weeks of pregnancy, they are still entitled to take the full entitlement to maternity and paternity leave, provided they were eligible to take maternity or paternity leave in the first place, in addition to parental bereavement leave. Parental bereavement leave cannot be taken at the same time as maternity or paternity leave.

Where more than one child dies or is stillborn, the employee is entitled to two weeks of parental bereavement leave in relation to each child.

Notification Requirements

a. Leave to be taken within the first 56 days of the death

The employee does not need to give any advance notice of taking parental bereavement leave. The employee must contact the Manager by the time they were due to start work on the day they wish leave to begin, or if this is not possible, as soon as is reasonably practicable, giving the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

b. Leave to be taken later than the first 56 days since the death

One week's advance notice of taking parental bereavement leave is needed, and the employee must provide the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

Cancelling or Changing Leave Dates

The employee can cancel a period of leave that has been notified, as long as the period of leave has not already started. If the employee wishes to cancel a period of leave which was to begin within the first 56 days of the death, the employee must let us know by their normal start time on the day that leave was originally due to start.

To cancel leave which was to begin later than 56 days after the death, one week's notice of the intended start date is required.

Employees may also change the start date of leave by following the notice requirements above.

Payment During Leave

To qualify for statutory parental bereavement pay, the employee must:

- a. have been continuously employed with us for at least 26 weeks by the week prior to the week in which the child dies
- b. have normal average weekly earnings of not less than the lower earnings limit relevant for National Insurance purposes

c. still be employed by us on the date the child dies.

Payment will be made at the rate set by the Government each year or 90% of the employee's average weekly earnings (whichever is lower).

In order to receive statutory parental bereavement pay, the employee must provide the Nursery with notice of this and the following information within 28 days, or as soon as is reasonably practicable, of the first day on which the employee wishes to receive statutory parental bereavement pay:

d. the child's name

e. the date of the death or stillbirth

f. a declaration that the employee falls into the one of the categories listed under Eligibility above.

Terms and Conditions During Leave

During parental bereavement leave, the contract of employment continues as normal, except for any terms relating to remuneration.

Right to Return

An employee returning to work after parental bereavement leave has the right to return to the same job as the one they had before they commenced leave unless the period of leave taken is more than 26 weeks when added to any other period of statutory leave including maternity, paternity, adoption leave etc in relation to the same child and it is not reasonably practicable for them to return to the same job. In this case the Nursery is obliged to offer them a suitable alternative job on terms and conditions that are just as, or more, favourable to them as those of the previous job.

On their first day back to work, the Nursery Manager will set time aside to hold an informal meeting with the employee to discuss any arrangements regarding their return to work and any additional support the Nursery may be able to offer them.

This policy was adopted by the Trustees of Sevenoaks Day Nursery CIO on 3rd May, 2020.



Susan Dreksler
Chair