

Committee: **Council**

Date of Meeting: **23<sup>rd</sup> July, 2020**

Report Subject: **Statutory Parental Bereavement Leave**

Portfolio Holder: **Councillor Nigel Daniels Leader of the Council/Executive Member – Corporate Services.**

Report Submitted by: **Andrea J Prosser – Head of Organisational Development.**

Report Written by: **Keira Smith – Senior HR Business Partner.**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
X	25/2/20& 02/07/20						23/07/20	

## 1. Purpose of the Report

- 1.1 The purpose of this report is to advise Council of the legislative changes that the Authority are required to implement as a result of the introduction of the Parental Bereavement Leave and Pay Regulations 2020; and to seek approval to offer a provision that is above the statutory minimum requirement.

## 2. Scope and Background

- 2.1 The UK Government has introduced ‘Jack’s Law’ which is a new legal right to paid parental bereavement leave. This is the first in a number of employment reforms as set out in the Government’s Good Work Plan, with the aim of making ‘*the UK the best place in the world to work*’.

### 2.2 The Law

- 2.2.1 With effect from 6<sup>th</sup> April 2020, parents who suffer the loss of a child under the age of 18 or those who suffer a stillbirth from 24 weeks of pregnancy, irrespective of how long they have worked for their employer, will be entitled to 2 weeks’ statutory leave.
- 2.2.2 Parents will be able to take the leave as a single block of 2 weeks or 2 separate blocks of one week each, taken at different times across the first year after their child’s death. This means they can match their leave to the times they need it the most, which could be in the early days or over the first anniversary (must be taken within 56 weeks of child’s death). This provision can also be added to the end of maternity leave.

- 2.2.3 Parents with at least 26 weeks' continuous service with their employer and weekly average earnings over the lower earnings limit will also be entitled to Statutory Parental Bereavement Pay (SPBP), paid at the statutory rate of £151.20 per week, or 90% of average weekly earnings where this is lower. Employers will not be required to request 'proof' from an employee requesting to take leave i.e. birth or death certificate.
- 2.2.4 As well as birth parents, the entitlement also extends to adults with parental responsibility, e.g. adoptive parents, those fostering to adopt, legal guardians and many foster parents. This includes those who have lived with the child for a period of at least 4 weeks before the child dies and has day to day responsibility for the child; and a parents partner if they live together in an 'enduring family relationship'. If more than one child dies, the parental bereavement leave is in respect of each child.
- 2.3 The Government acknowledges in its consultation response that statutory parental bereavement leave and pay is the minimum employers will have to provide and encourages employers to enhance their offering.
- 2.4 This provision will be applicable to Corporate and School based staff.

## 2.5 Council's Current Provision

- 2.5.1 The Council currently offers 5 days bereavement leave (pro rata) for the loss of a son or daughter, irrespective of age, on full pay, to be taken at or around the time of the bereavement. The leave can be taken in a block or as separate days. The leave also extends to step, half and in-law relatives.
- 2.5.2 There is no data that we can analyse to accurately determine the number of times this provision has been utilised by staff in circumstances where they have lost a son or daughter however, anecdotally, it is felt that this is a fairly low number and it is not often used.

## 3. Options for Recommendation

Organisational Development (OD) outlined a number of options for implementation which were considered by Corporate Leadership Team (CLT). OD and CLT endorse the implementation of Option 1 (preferred option) as detailed below. Unison and GMB have also confirmed their support for Option 1.

- 3.1 **Option 1 (preferred option)** – Council approves the implementation of Option 1, with effect from 6<sup>th</sup> April 2020, on the basis that it meets the legislative requirements whilst putting us ahead of the statutory minimum requirement, which is encouraged by the Government, is consistent with what we offer in other provisions, would incur minimal additional cost and we would be seen to be a modern employer of choice which is linked to the proposals for the new Workforce Strategy.

Option 1	Considerations	• Benefits
<p>Amend our entitlement to 2 weeks leave on full pay, irrespective of age or length of service, or those who suffer a stillbirth after 24 weeks' of pregnancy</p> <p>That the provision is extended to include in-law and step relatives to ensure consistency with our other provisions of leave (which we would be unable to reclaim in respect of the SPBP).</p>	<ul style="list-style-type: none"> <li>• Will incur an additional cost for the Authority (minimal but exact amount unknown)</li> <li>• Above what is required by the Act.</li> <li>• Front line staff will need to be covered for the additional leave.</li> </ul>	<ul style="list-style-type: none"> <li>• Links to Workforce Strategy of being a modern employer of choice which promotes the wellbeing of our employees.</li> <li>• Would expect additional cost to be minimal given the frequency this provision is utilised and that the statutory payment can be reclaimed for the two weeks.</li> <li>• Consistent Provision for all employees (regardless of age) which would mean fairness in the entitlements for all staff.</li> </ul>

3.2 **Option 2** – Council declines to approve option 1 and the statutory minimum requirement is implemented with effect from 6<sup>th</sup> April 2020.

3.3 In terms of other Local Authorities, Newport have confirmed that they are reviewing their policy and are likely to pay two weeks full pay. Monmouthshire, Bridgend and Powys all confirmed that they are in a similar position as Newport; whilst Torfaen and Caerphilly have confirmed that they will pay full pay for 2 weeks and will not be including a qualifying period.

3.4 This approach will also be recommended to Governing Bodies for adoption in Schools.

3.5 For the purposes of meeting the statutory effective date as set out in the Regulations, this report has been progressed straight to Council and has not be presented to Scrutiny for consideration.

#### 4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 Statutory changes required by legislation but adopting option 1 would link to our Corporate Plan and Workforce Strategy of being a modern employer of choice.

#### 5. **Implications Against Each Option**

5.1 Implications of the preferred option are outlined in the above table.

6. **Supporting Evidence**

6.1 N/A – Statutory changes required by legislation. Supporting evidence relating to Option 1 is outlined in table above.

7 **Monitoring Arrangements**

7.1 The revised policy will be monitored regularly and reviewed in line with OD's Policy Schedule.