Dinnington St John's Town Council

# BEREAVEMENT, COMPASSIONATE AND DEPENDANTS LEAVE POLICY

## June 2026

## 1. Purpose and scope

The purpose of this policy is to provide support, compassion and clear guidance to employees who experience bereavement, the loss of a child or pregnancy during or shortly after becoming a parent, or an unforeseen emergency involving a dependant.

This policy applies to all staff of Dinnington St John's Town Council, regardless of employment status, unless a particular statutory entitlement has its own eligibility requirements.

This policy brings together the Council's arrangements for:

- statutory parental bereavement leave and pay;
- bereaved partners' paternity leave;
- compassionate leave following a bereavement; and
- emergency unpaid time off for dependants.

## 2. General principles

- The Council will treat requests under this policy with sympathy, compassion, understanding and confidentiality.
- Employees should speak to the Town Clerk as soon as reasonably practicable. If the request concerns the Town Clerk, or the Town Clerk is unavailable, the employee should contact the Chair of the Council.
- The Council accepts that these circumstances can arise at very short notice and will not expect employees to follow normal absence procedures where this is not reasonably practicable.
- Where more than one statutory or contractual right may apply, the Council will discuss the most appropriate form of leave with the employee.
- This is a non-contractual policy and will be reviewed from time to time.

## 3. Statutory parental bereavement leave

### 3.1 Eligibility

Statutory parental bereavement leave is available to staff who were the primary carers for a child under the age of 18 who has died. It also applies where a baby is stillborn after the 24th week of pregnancy.

This is a day-one right, meaning staff are entitled to statutory parental bereavement leave regardless of their length of service.

The entitlement is focused on who had responsibility as a primary carer for the child, rather than only on the legal status between the adult and the child. It may include:

- birth parents;
- adoptive parents;
- individuals who are fostering to adopt;
- legal guardians; and
- most foster parents, although short-term arrangements such as emergency foster care may not be covered.

Statutory parental bereavement leave applies separately for each child in situations involving multiple deaths.

### 3.2 Interaction with other statutory family leave

Pregnant staff who suffer a stillbirth 24 weeks or more into pregnancy will still be entitled to take up to 52 weeks of statutory maternity leave, and any related statutory maternity pay, in addition to parental bereavement leave.

Similarly, staff who would have been eligible to take adoption leave, shared parental leave or paternity leave in respect of a child who is stillborn from 24 weeks or more into pregnancy will still be entitled to take those statutory leave periods as normal and in addition to parental bereavement leave.

In such cases, parental bereavement leave will normally be taken after the other period of statutory leave.

Where a period of parental bereavement leave is interrupted by another statutory leave entitlement, such as maternity, paternity or parental leave, the parental bereavement leave will end immediately before the start of the other leave. Any remaining entitlement may then be taken at the end of the other statutory leave and must be taken in a single consecutive period.

### 3.3 Leave entitlement

- Staff may take up to two weeks of parental bereavement leave.
- The leave can be taken as one block of two weeks or two separate blocks of one week.
- Leave may not be taken as individual days.
- The leave must be taken within 56 weeks from the date of the child's death.

This allows flexibility. For example, one week may be taken immediately following the child's death and the second week around the first anniversary of the child's death.

### 3.4 Notice

Staff will not be required to give notice for statutory parental bereavement leave taken immediately following the loss of a child.

Staff should give at least one week's notice if they intend statutory parental bereavement leave to begin more than 56 days after the date the child passed away.

Staff are not required to evidence the death by producing a death certificate or a letter from a GP. A written declaration may be required for statutory parental bereavement leave taken after the initial period and not immediately following the child's death.

### 3.5 Statutory parental bereavement pay

To be eligible for statutory parental bereavement pay, staff must have:

- at least 26 weeks' continuous employment ending with the week before the week in which the death occurred, and still be employed on the day on which the death occurred; and
- normal weekly earnings in the eight weeks up to the week before the child's death that are not less than the lower earnings limit for National Insurance contribution purposes.

Within a reasonable timeframe, staff will be required to provide a written declaration confirming that they meet the eligibility requirements to receive statutory parental bereavement pay.

The need to provide a written declaration for statutory parental bereavement pay is separate from the right to statutory parental bereavement leave.

Statutory parental bereavement pay will be the lesser of either 90% of average gross weekly pay or the flat rate of statutory parental bereavement pay for each of the two weeks.

### 3.6 Changing or cancelling planned parental bereavement leave

Employees may cancel planned parental bereavement leave and take it at a different time within the 56 weeks after the bereavement.

- Where planned leave was due to begin during the first 56 days after the bereavement, the employee should tell the Town Clerk before their normal start time on the first day of the planned leave.
- Where planned leave was due to begin more than 56 days after the bereavement, the employee should give at least one week's notice that they wish to cancel it.
- A week of parental bereavement leave that has already begun cannot be cancelled.

### 3.7 Returning to work after parental bereavement leave

When an employee returns to work after parental bereavement leave, they generally have the right to return to the same job.

If the bereavement leave follows immediately from adoption leave, maternity leave, paternity leave or shared parental leave taken in relation to the child who has passed away, and the total time on leave is more than 26 weeks, the employee has the right to return to the same job unless this is not reasonably practicable. In that case, they have the right to return to a suitable and appropriate job on the same terms and conditions.

## 4. Bereaved partners' paternity leave

### 4.1 Eligibility and entitlement

Staff who are fathers or partners are entitled to a period of up to 52 weeks of unpaid leave where:

- the child's primary carer dies;
- the employee is either the child's father, civil partner of the child's mother or adopter, or married to the child's mother or adopter; and
- the employee has the main responsibility for the upbringing of the child.

Staff are entitled to this leave regardless of length of service. It must generally be taken within 52 weeks of the child's birth, date of placement for adoption, or date of entering Great Britain in an overseas adoption.

Where the bereavement occurs within 13 days of the expiry of the 52-week leave window, the employee will be entitled to take up to 14 days of leave.

### 4.2 Notification requirements

Staff wishing to start bereaved partners' paternity leave within eight weeks of the bereavement date may notify the Council orally or in writing. No specific period of notification is required, provided the Council is informed before the time the employee is due to start work on the first day of leave.

Where staff wish to start leave more than eight weeks following the bereavement date, notice should be given in writing at least one week before the leave starts.

Notice must include:

- the bereavement date;
- the leave start date; and
- the child's date of birth, date of placement for adoption, or date of entering Great Britain in the case of an overseas adoption.

For requests proposing to start more than eight weeks after the bereavement date, the notice must also include:

- the intended return date;
- a declaration that the leave is being taken to care for a child; and
- a declaration of the employee's relationship with the child.

### 4.3 Varying the start date

- If the new start date is no more than eight weeks after the bereavement date, it can be varied orally or in writing before the original leave start date. No notice is required for the new date, provided notice is given before the date itself.
- Where the new start date is more than eight weeks after the bereavement date, notice of variation must be made in writing at least one week before the last notified start date and at least one week before the new leave is proposed to start.

### 4.4 Cancelling bereaved partners' paternity leave

Staff can cancel a period of leave after notification, provided notice is given in writing. If the leave had been due to start in the first eight weeks following the bereavement, there are no notice requirements for cancellation. If the leave had been due to start more than eight weeks following the bereavement date, one week's notice is required.

### 4.5 Right to return to work

When returning from bereaved partners' paternity leave, the employee is entitled to take up the same job with the same employment terms they had before the leave.

In certain circumstances, where it is not reasonably practicable for the employee to resume their previous role, the Council may place them in another appropriate post with no less favourable terms and conditions. This may apply:

- where the employee has taken bereaved partners' paternity leave consecutively with a period of parental leave of more than four weeks; or
- where the employee has taken bereaved partners' paternity leave consecutively with other statutory leave taken in relation to the same child, and the total statutory leave taken in relation to that child is more than 26 weeks.

If the employee is absent on bereaved partners' paternity leave for 26 weeks or less, they are generally entitled to return to the same job. If more than 26 weeks' leave is taken, they are entitled to return to the same job or, if that is not reasonably practicable, to another job which is both suitable and appropriate.

The Council will not subject an employee to any detriment or dismiss them because they take or seek to take bereaved partners' paternity leave, or because the Council believes they might do so.

### 4.6 Notice for returning to work

Staff can vary their return-to-work date by notifying the Council in writing as follows:

- If the original return date was within eight weeks of the bereavement date, at least one week's notice must be given before both the date the employee was originally supposed to return and the new intended return date.
- If the original return date was more than eight weeks after the bereavement date, at least eight weeks' notice must be given before both the last notified intended return date and the new intended return date.

If an employee returns to work without providing the required notice or properly notifying the Council of a date change, the Council reserves the right to postpone the return until the full notice period has been met. Any postponement will be confirmed in writing.

The Council cannot delay a return beyond the day after the employee's eligibility period ends.

### 4.7 Special circumstances

If an employee is the secondary carer and the child's primary carer dies, but the child also dies or is no longer in the employee's care, known as a relevant event, the leave entitlement changes.

Relevant events include:

- the child dies;
- in a domestic adoption case, the child is returned after being placed for adoption;
- in an overseas adoption case, the child ceases to live with the employee; or
- in a parental order case, the employee does not apply for an order under section 54 of the Human Fertilisation and Embryology Act 2008 within the time limit set, or the application is refused, withdrawn or otherwise terminated without the order being granted and any time for an appeal or new application has expired.

If the employee has not yet started their leave when the relevant event occurs, they can still take time off. Their leave will end at whichever comes first:

- eight weeks after the week the event happened; or
- the one-year anniversary of the child's birth or placement.

The employee must notify the Council of the event and the date it happened before starting leave. This may be done orally or in writing, following the standard notice procedures.

### 4.8 Contact during leave and keeping in touch

The Council may contact the employee from time to time during their absence, for example to discuss arrangements for returning to work, possible internal job vacancies, or qualification expiry dates.

The employee may be offered up to 10 days' work, known as Keeping in Touch days. These may be used for purposes such as keeping a qualification valid or attending key meetings, training days, appraisals or consultation meetings. The employee is not obliged to use these days, and their decision will not affect their right to leave and pay.

### 4.9 Terms, conditions and holiday during leave

Employees will continue to accrue holiday entitlement during leave. Where holiday entitlement is likely to span two holiday years, employees should try to take accrued leave before their leave starts where practical.

The employment contract will continue to apply during bereaved partners' paternity leave, except for terms relating to pay. All normal terms and conditions will continue to apply unless stated otherwise.

### 4.10 Redundancy protection

During leave, and provided the leave is for six weeks or more, for a total period spanning 18 months from the child's birth or date of match for adoption, the employee will have the right, in a redundancy situation, of first refusal on any suitable alternative vacancies appropriate to their skills.

## 5. Compassionate leave

The Council aims to extend sympathy, compassion and understanding should employees suffer a bereavement. At all times, the Council will try to assist employees to come to terms with their loss.

Application for compassionate leave should be made to the Town Clerk. If the request concerns the Town Clerk, or the Town Clerk is unavailable, it should be made to the Chair of the Council.

The Council will normally grant up to five days' paid leave in the event of the death of an immediate relative. For this purpose, immediate relative includes:

- spouse or partner;
- parent or step-parent;
- grandparent;
- brother or sister;
- child; and
- mother-in-law or father-in-law.

Any time off in addition to this should be discussed with the employee's manager, the Town Clerk or, where appropriate, the Chair of the Council. Reasonable unpaid compassionate leave may be granted, taking into account factors such as the relationship with the deceased person and the timing and location of the funeral.

The Council accepts that the need to take compassionate leave can arise at very short notice. Employees should discuss their requirements before taking any time off where possible and, in any event, at the earliest opportunity. Requests for compassionate leave will be dealt with confidentially.

There is no statutory entitlement to paid compassionate leave. The Council may decide whether to offer paid or unpaid compassionate leave, provided its approach is consistent with employees' contracts of employment and this policy.

## 6. Emergency dependants leave

### 6.1 Purpose and scope

All employees with dependants may take reasonable unpaid time off to deal with unforeseen emergencies. This is unlikely to amount to more than a day or two a year.

This section covers unplanned absence needed to attend to urgent or serious situations affecting dependants where no alternative provision is available.

Emergency dependants leave is designed to allow carers time to make alternative arrangements for the care of dependants. It is not intended to allow employees to look after dependants on an ongoing basis, although time off may be available under other policies.

### 6.2 Dependants

Dependants may include parents, husband, wife, partner, civil partner, children, individuals living as part of the family for whom the employee is the main carer, or an individual who depends on the employee for care, such as an elderly neighbour.

### 6.3 Circumstances covered

Emergency dependants leave is intended to cover unplanned absence to attend to urgent or serious situations affecting an employee's immediate family or dependants. It is not possible to provide a complete list of circumstances, but common examples include:

- to provide assistance when a dependant falls ill, gives birth, is injured or is assaulted;
- to make arrangements for care for a dependant who is ill or injured;
- as a result of the death of a dependant;
- because of the unexpected disruption or termination of arrangements for the care of a dependant; or
- to deal with an incident involving an employee's child which occurs unexpectedly while the child is at school.

### 6.4 Notification

As soon as reasonably practicable, the employee should contact the Town Clerk by telephone to explain the circumstances and, if possible, give an indication of how much time off is likely to be needed to make alternative arrangements.

If the Town Clerk is unavailable, or where the request concerns the Town Clerk, the employee should contact the Chair of the Council. If the Chair is unavailable, another councillor should be contacted.

### 6.5 Ongoing care

If the employee needs to stay and care for a dependant on an ongoing basis, they may agree with the Town Clerk, or where appropriate the Chair of the Council, to take annual leave or a period of unpaid leave. Alternatively, they may be able to take parental leave where the care is for their child.

## 7. Pay and discretion

Unless this policy states otherwise, leave under this policy is unpaid except where statutory pay is due or the Council agrees otherwise.

If the Council chooses to exercise discretion and pay for emergency dependants leave or compassionate leave on a case-by-case basis, it should be aware that repeated decisions may set a precedent or, over time, create a contractual right through custom and practice even where the policy or contract states that leave is unpaid.

## 8. Adoption and review

**Adopted date:** 08/06/2026

**Minute reference:**44/27 (E)

**Review cycle:** Annually

**Next review date:** June 2026