

Medway Council

Parental Bereavement Leave

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1.0 Introduction

- 1.1 From 6th April 2020 the Government introduced a new workplace right to parental bereavement leave and pay for parents who lose a child under the age of 18, including those who suffer a stillbirth from 24 weeks of pregnancy. This is known as 'Jack's Law'.
- 1.2 This policy forms part of the framework of Family Friendly Policies and its purpose is to support employees going through this traumatic time.
- 1.3 This leave is in addition to the two weeks compassionate leave, under the special leave policy, are available in the event of a bereavement.

2.0 Who will be eligible for Parental Bereavement Leave?

- 2.1 Employees who have parental responsibility for a child who has died.
- 2.2 'Parent' is defined widely. As well as birth parents, it includes step-parents, adoptive parents, long term foster carers, kinship carers and any person who in practice has caring responsibilities for a child.
- 2.3 'Child' means someone under the age of 18. This includes a [stillborn child](#) born after 24 weeks of pregnancy, [miscarriage](#) and [ectopic pregnancy](#) under 24 weeks.

3.0 Entitlement

- 3.1 Any bereaved parent is entitled to take two weeks leave. They will receive their full contractual pay during this period.
- 3.2 Leave can be taken flexibly over a period of 56 weeks from the date of death, however, it must be taken in one-week blocks.
- 3.3 If a parent suffers the death of more than one child; they are entitled to separate periods of leave for each child.

4.0 Rights during Parental Bereavement Leave

- 4.1 Employees have certain rights whilst on Parental Bereavement Leave:
- 4.2 To remain 'employed', i.e. the contract of employment continues during the Parental Leave period and all contractual rights,
- 4.3 To return to his/her own job or, if this is not possible, to a job with the same or better status, terms and conditions.
- 4.4 To be treated as though they are at work should redundancies be proposed.

5.0 Requesting Parental Bereavement Leave

- 5.1 If an employee wishes to take leave during the 6 weeks after the date of death, they do not need to give advance notice. However, they must advise their line manager that they are taking the leave.

- 5.2 Employees should, as soon as reasonably practicable, complete a Parental Bereavement Leave Application Form confirming their entitlement to receive leave under this policy.

6.0 Sickness whilst on Parental Bereavement Leave

- 6.1 Should an employee fall sick during Parental Bereavement Leave, sick pay will apply from the date of the Fit-Note and Parental Bereavement Leave will be suspended from that date for the period of the Fit Note. However, where the sickness commences part way through a week, the whole of that week will count for Parental Bereavement Leave purposes (see 3.1).

7.0 Disciplinary Procedure

- 7.1 Dishonestly claiming Parental Bereavement Leave may result in action being taken against the employee under the Council's Disciplinary Procedure.

8.0 Documents

- 8.1 [Parental Bereavement Leave Form](#)

Further Support and Guidance

- [Care first](#) for employees and managers
- Contact [HR support](#) via ServiceDesk or call: 01
- [Child Bereavement UK](#): provides one-to-one or group support for families.
- [SLOW Group](#): Offers support for bereaved parents and siblings through face-to-face and Zoom support groups, workshops, and events.
- [The Compassionate Friends](#): Provides a helpline, online support, retreats, and various resources for bereaved parents.

9.0 Version History

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