

Medway Council

Bereaved Partner's Paternity Leave Policy

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1.0 Introduction

- 1.1 This policy outlines the Council's statutory obligations and employee entitlements relating to Bereaved Partner's Paternity Leave (BPPL).
- 1.2 BPPL is a statutory right to unpaid leave following the death of the child's primary carer (for example, the mother or primary adopter) within 52 weeks of the child's birth, adoption, or surrogacy parental order.
- 1.3 This right applies to bereavements occurring on or after 6 April 2026.

2.0 Scope

- 2.1 This policy applies to all employees of the Council and contractors. It does not apply to school-based staff unless separately adopted by a school governing body.

3.0 Equality Statement

- 3.1 The Council is committed to ensuring that no service user, employee, job applicant, those with care experience, partner, contractor, supplier or member of the public will be unlawfully discriminated, harassed or victimised on the grounds of race; ethnicity; nationality; ethnic or national origin; colour; disability; gender reassignment status; marital or civil partnership status; maternity or pregnancy; family and caring responsibilities; sex; sexual orientation; age; HIV status; religion or belief; political beliefs; social class; trades union activity; carer or cared-for status; or irrelevant spent convictions.

4.0 Core Values and Council Objectives

- 4.1 This policy supports the Council's Our Values and Behaviours. The Council believes that a consistent approach to employee management and wellbeing is fundamental to the delivery of quality services, one of the aims of the policy is to support this belief.

5.0 Eligibility Criteria

- 5.1 Employees can take BPPL if, at the time of the death, they are:
 - for a birth: the child's father, or the spouse, civil partner or partner of the child's mother;
 - for an adoption: the spouse, civil partner or partner of the primary adopter;
 - for surrogacy (parental order): the spouse, civil partner or partner of the primary parental order parent.

Employees must also have (or expect to have) the primary responsibility for the child's upbringing and must be taking the leave to care for the child.

- 5.2 BPPL is a day-one employment right. There is no minimum qualifying service requirement.

6.0 Leave Entitlement

- 6.1 Employees may take one continuous period of up to 52 weeks' unpaid leave.
- 6.2 The leave must begin and end within 52 weeks of the child's birth, adoption placement, or surrogacy parental order.
- 6.3 If the bereavement happens in the final 14 days of that 52-week period, employees may take up to 14 days of BPPL even if this runs past the end of the 52-week period.

7.0 Notification Requirements

- 7.1 If the leave starts within 8 weeks of the bereavement, employees may give oral or written notice to their manager before their first day of absence.

Employees must confirm in writing the length of leave and their intended return date within 8 weeks of starting leave, and at least 1 week before the intended return date.

- 7.2 If the leave starts after the first 8 weeks of the bereavement, employees must provide at least 1 weeks' written notice.
- 7.3 In both cases, the written notification must include the following details:
 - the date of bereavement
 - the child's birth/placement/parental order date
 - a declaration that you are taking leave to care for the child
 - confirmation of the relationship to the child
 - and the proposed or actual start date of leave
- 7.4 All written notification should then be supplied to HR via Service Desk by the manager.
- 7.5 Employees may be asked to provide supporting evidence, such as a MATB1 form, death certificate, or other paperwork to confirm the details provided. The Council recognises that it can be emotionally challenging to have to provide these details, and due care will be taken to treat these cases with sensitivity. As such, a further 4-week grace period will be given for this evidence to be submitted.
- 7.6 Access to Optima Health (formerly CareFirst), our employee support service, is available to support employees during this time.
- 7.7 Managers should prioritise urgent handover, confirm the leave in writing to the employee once HR has been notified (including the intended return date if known), and remind the employee that they may wish to access Optima Health.

8.0 Pay and Other Leave Entitlements

- 8.1 BPPL is an unpaid statutory entitlement.

- 8.2 However, if eligible and not already taken, you may still be able to claim statutory paternity pay separately in line with the Maternity and Paternity Policy. Please contact HR via Service Desk to confirm this.
- 8.3 BPPL operates separately from other forms of leave, including:
- [Statutory Paternity Leave](#),
 - [Shared Parental Leave \(SPL\)](#),
 - [Unpaid Parental Leave](#),
 - [Parental Bereavement Leave](#),
 - [Neonatal Care Leave](#)

Employees should speak to their manager about how they may wish to sequence these leave types in the way that best supports the child's care.

9.0 Keeping in Touch (KIT) Days

- 9.1 During BPPL, you may agree up to 10 KIT days with your manager. KIT days are optional and must be mutually agreed.

10.0 Employment Protection and Returning to Work

- 10.1 All contractual terms and conditions continue during BPPL, except for pay.
- 10.2 You are protected from detriment or dismissal for taking or seeking BPPL.
- 10.3 On return to work, you have the right to return to the same job or, where this is not reasonably practicable, to a suitable alternative on no less favourable terms.
- 10.4 Redundancy protection during BPPL and priority status for redeployment mirrors the position during maternity/adoption leave.
- 10.5 Managers must contact HR before placing an employee taking or seeking BPPL at risk of redundancy.

11.0 Legal Framework

- 11.1 This policy is underpinned by the Bereaved Partner's Paternity Leave Regulations 2026 and associated statutory guidance.

10.0 Data Protection and Privacy

- 10.1 Medway Council will manage records efficiently and systematically, consistent with the General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA18) and the Lord Chancellor's Code of Practice on Records Management, supporting the business objectives of the Council and meeting legislative, regulatory, funding and ethical requirements.

Version history

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Appendix A: Manager and Employee Guidance

Appendix B: Bereaved Partner Paternity Leave FAQs