



Parental bereavement leave - New rights to leave and pay

By **Hannah Mahon** and **Kate Potts** - 31 October 2018

The new Parental Bereavement (Leave and Pay) Act 2018 was enacted recently meaning that from implementation in 2020 parents who experience the unfortunate loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy will be entitled to two weeks' leave (if they have 26 weeks' continuous service with their employer).

Bereavement pay

Eligible employees will be entitled to statutory pay only, currently set at £145.18 per week. As with other types of family leave which are paid at this statutory rate (for example, shared parental leave), it may be that take up of the new right is low given that there is a financial disincentive to take the leave for most families. However, some employers may of course choose to offer enhanced pay in line with their compassionate leave policy, particularly given the infrequent and traumatic circumstances in which this leave and pay will operate. In practice, employers may already be allowing employees to take paid leave on the death of a child by exercising discretion under their compassionate leave policy, so the new rules may in fact make little difference.

Other maternity rights

Employers should remember that where mothers lose a child after 24 weeks of pregnancy, or during maternity leave, they will not lose their entitlement to maternity leave and pay and the mother will still be prohibited from returning to work for at least two weeks after the birth. Rights to paternity leave and shared parental leave will also generally be maintained.

Practical steps for employers

So what does this mean in practice? We recommend that employers review and update their family and compassionate leave policies and practices ahead of expected implementation in 2020. As part of the policy review employers may want to review ACAS's newly

published [guidance](#) which contains some helpful information about dealing with bereavement in the workplace generally.