

Parental Bereavement (Leave and Pay) Act 2018

December 2018

On 13 September 2018, a new workplace right to paid leave for bereaved parents was implemented.

This new [entitlement](#) is expected to come into force in 2020 and will give all employed parents a right to two weeks' leave if they lose a child under the age of 18 or suffer a still birth from 24 weeks of pregnancy.

In the past, there has been no legal right to paid leave and it has fallen to the discretion of the employer.

Employed parents will be able to claim statutory parental bereavement pay for the period of leave, if they meet the eligibility criteria.

In summary, the qualifying criteria for statutory bereavement pay is similar to that of [statutory paternity pay](#). The employee must:

- be a bereaved parent;
- be employed continuously for at least 26 weeks ending with the week immediately before the one in which the child died; and
- have received normal weekly earnings for the period of eight weeks ending the week immediately before the one in which the child died (subject to limitations).

The new parental bereavement leave must be taken within 56 days of the date of the child's death.

Employees currently have the right to take a reasonable amount of unpaid time off work to make arrangements following the death of a child (or any dependant). Usually the amount of time off would be limited to a day or two at most, apart from exceptional circumstances.

This change in the law is therefore a first in the UK and reflects support for parents dealing with the tragedy of losing a child.

Coping with grief in the workplace is difficult for both the employee and employer and it is hoped that the new right will afford a small amount of grace which did not previously exist.

Small employers should be able to recover such payments from the Government, with larger employers being able to recover the bulk of it.

If you've been affected by any of the issues in this article, speak to employment lawyer [Christine Slevin](#) today.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

