

Response ID ANON-XAXQ-VFT1-3

Submitted to **Consultation on parental bereavement leave and pay**

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Introduction

P1 What is your name?

Name:

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P3 Are you:

Representing an industry or employer association

If other please specify :

Definition of Bereaved Parent

1a Who else do you think should be included within the definition of 'bereaved parent'?

Please type answer in the box below:

Together for Short Lives would like to see the following groups explicitly included within the definition of 'bereaved parent':

- Biological parents
- Step-parents
- Adoptive parents
- Foster parents
- Kinship carers (this would need to include caring for a child in informal arrangements as well as those who hold a Special Guardianship Order, a Child Arrangements Order or are kinship foster carers. The definitions on pp5-7 of the Statutory Guidance for Local Authorities on Family and Friends Care may be helpful here https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/288483/family-and-friends-care.pdf)

Some parents will be resident, others will be non-resident, and this should not affect entitlement.

We would like the possibility of others with caring responsibilities for a child (for example grandparents, older siblings) to be included in the definition.

We would also like parents of adults over the age of 18 to be recognised in the bill.

Finally, we have concerns for self-employed people, those on zero hours contracts and those who had been employed for less than 26 weeks (the qualifying period for pay in the Bill). In particular, we feel that it is unfair that those parents who have opted to become self-employed to enable them to care for a child with a long-term disability should not receive a period of paid statutory leave if their child dies. As such, we would like to see the protections offered by the bill extended to these groups.

1b Please provide reasons for your answer:

We believe that the spirit of the bill is to provide for those who have a caring responsibility towards the child.

We would also like parents of adults over the age of 18 to be recognised in the bill. All bereaved parents need time to grieve away from work, regardless of the age of their child. We would like all to have a right to paid statutory leave. As such, amending the bill to change the definition of "child" to a son or daughter of any age would bring about our ideal system of bereavement leave.

However, as a minimum, we ask that the upper age threshold in the bill is increased to 25.

There are several good reasons for this: when the worst happens, parents forced to come to terms with the impact of losing their child must also contend with a number of other issues. If the young person dies with a long-term disability, parents may also have to endure significant short-term financial hardship caused by the immediate loss of their income. This could be due to the end of benefits such as carer's allowance, disability living allowance and child benefit. This can often compound the debt legacy which families of children with life-limiting or life-threatening conditions may have incurred as a result of the additional costs of caring for their child over a long period of time.

In addition to the extra financial pressures of caring for a child with a life-limiting or life-threatening condition, parents must also pay for a funeral for their child. Royal London have found that the average funeral in 2017 cost £3,784 compared to £3,675 in 2016. This was a rise of 3%, which was above the average increase in Consumer Price Index (2.6%) for the same period (<https://www.royallondon.com/Documents/PDFs/2017/Royal-London-National-Funeral-Cost-Index-2017.pdf/>). We welcome the Child Funeral Fund for England recently announced by the government (<https://www.gov.uk/government/news/childrens-funeral-fund-for-england>), which will mean that parents will no longer have to meet the costs of burials or cremations. While we await detail on how this will be made available, we recognise that parents are still likely to incur many

other costs resulting from the death of their child, including funeral director's fees where these are not waived. We also recognise that no equivalent to the Child Funeral Fund is in place in Northern Ireland, where this bill also applies (though we welcome the recent announcement of a similar scheme in Scotland).

We recognise that this amendment would incur a greater cost to the taxpayer. 4,505 babies, children and young people up to the age of 17 died in the UK in 2016 (<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/datasets/deathregistrationssummarytablesenglandandwalesdeathsbyingleyear>). As the bill is currently worded, we would expect that all those with parental responsibility for this number of children to be given the option of paid statutory parental bereavement leave. 2,127 young people in the UK aged between 18 and 24 died in 2016. As a result of our amendment, their parents would also have access to statutory bereavement leave. This would represent an increase of 47% of the number of parents who were eligible for the leave - and therefore a 47% increase in the costs.

While this is significant, we strongly believe that the cost of this investment would be outweighed by the benefits to bereaved parents and siblings, employers, public services and the taxpayer. The relative security of a period of paid leave would give parents bereaved of young people the time and space they need to grieve. If they do not have access to this, their grief may well manifest in poor physical or mental health at a later stage, necessitating a longer period away from work and interventions from public services.

Existing legislation differentiates between those aged under and over 25 in relation to income-related benefits, recognising that most young people are not independent at the age of 18, but most are independent by the age of 25. The special educational needs and disability (SEND) system in England also extends to 25, recognising that many young people continue to need support during their transition to adulthood. We ask that this bill reflects this existing precedent.

How and when 2 weeks of Parental Bereavement Leave and Pay can be taken

2a Which of the following options for leave-taking would be most appropriate?

iv) An alternative arrangement

2b If you selected alternative arrangement please describe::

Two weeks, but parents should not have to take the leave in one-week blocks. We ask that bereaved parents have the opportunity to take leave in single days throughout the period - when the parent felt it was needed - and for this to invite statutory payment.

2c Please set out reasons for your response::

It would be much more beneficial to parents bereaved of a child to have the flexibility to take individual days off. This would reflect the unpredictable process of grief which can worsen and improve unpredictably and without notice.

The times when parents may need to take leave fall into four broad categories:

- At the time of death or in its immediate aftermath.
- Around dates associated with the administration or investigation of the death (eg the inquest or funeral). Although these dates are likely to be known in advance, it is important to know that inquests may be postponed the day before or even on the day itself.
- Around particular, fixed dates in the calendar. These could include (but are not limited to): the child's birthday; Mothers' Day/Father's Day; Christmas or other religious festivals; the anniversary of the child's death.
- When a parent is simply struggling with their loss and needs time to grieve.

This flexibility may also be beneficial to the employer; compelling bereaved parents to take a whole week off, when perhaps they only require a day or two, is potentially disruptive to both employee and employer.

We recognise that payments such as the one proposed by the bill can only be taken in multiples of one-week because of the payment systems operated by Her Majesty's Revenue and Customs (HMRC). However, we ask that the Treasury consider what can be done to enable HMRC to offer more flexible, daily payments.

2d Please set out potential difficulties you consider may exist with any of the options::

Together for Short Lives understands that a lack of predictability around when leave is taken can be challenging for a business and that there are administrative difficulties in leave taken in less than one-week blocks. However, we feel that a supportive and flexible policy is ultimately the most appropriate option for an employer. Additionally, if leave is allowed over a 56-week period, the number of days to incorporate as bereavement are relatively low.

3a The Bill sets a minimum window of 56 days (8 weeks (pro-rated for part time)) from the date of the death of the child within which Parental Bereavement Leave and Pay can be taken. However, regulations can extend the length of this window. What do you think is the optimal length for the window?

Other

If other please specify::

56 weeks

3b Please provide reasons for your answer::

Ideally, we would like to see no limit to the time in which the leave can be taken, in recognition of the ongoing impact of grief on parents.

However, as a starting point we would prefer the minimum window of opportunity to be extended, to give parents greater choice about when they take their leave. An extension to 56 weeks would include all key dates in the first year following the death, including the anniversary of the death itself.

Bereaved parents have told us that they would have valued flexibility in being able to decide when to take parental bereavement leave; the impact of losing a child affects parents in different ways and at different times.

While we appreciate that employers need to be able to plan and to know in advance when employees are likely to need to take leave from work, we note that there will be scenarios in which parents will need to take leave where their child's death is sudden or unexpected. In these circumstances, employers will have little or no time to plan for the bereavement leave which parents will need. As such, we believe that the potential impact of employers having to accommodate parental bereavement leave up to and just over one year following the death of an employee's child as opposed to eight weeks will be a disproportionately small extra burden on them compared to the significant benefit that the added flexibility will give to bereaved parents.

We have consulted with stakeholders including the Confederation of British Industry (CBI), the FSB, the FPB and TUC on the extension of the period to 56 weeks. None of these organisations oppose it and recognise that it is a reasonable amendment which balances the needs of bereaved employees and their employers

Notice required to take Parental Bereavement Leave and Pay

4a Do you agree that parents should be required to provide notice to their employer:

Do you agree that parents should be required to provide notice to their employer? - If leave is taken very soon after the death of the child?:

No

Do you agree that parents should be required to provide notice to their employer? - If leave is taken at a later period?:

No

4b Please provide reasons for your answer::

Bereavement follows no pattern and is unpredictable. Parents bereaved of a child will not know when they will find the process most challenging; it could be around birthdays, Mother's Day/Father's Day, Christmas or other important dates and anniversaries through the year. Grief can be unexpected and sudden, therefore we think it's important that this is reflected in the support that they receive at work and provides an opportunity for parents to grieve in their own way, without the added stress of inflexibility.

There is also a lack of predictability around timings of events such as inquests, which can be arranged and rearranged at short notice, making planning very challenging for parents. Perhaps leave could be associated with an 'event' rather than a 'date' eg the employee could give notice of wanting to take leave for the inquest, rather than wanting leave on a specific date. The flexibility around leave for maternity and paternity leave may be worth exploring as a model, as again the exact date is unpredictable.

5a What is a reasonable notice period:

i) Where leave is taken very soon after the death of the child?:

None

ii) Where leave is taken at a later period?:

None

5b Please provide reasons for your answer::

It will, in some cases, be possible for parents to anticipate when they will want leave and be able to notify their employer. However, some parents bereaved of a child will be afflicted suddenly and unpredictably with grief as the result of a number of potential triggers. When this happens, we believe it is beneficial to both the employee and employer for the employee to be allowed the time off they need within the two weeks' allowance, without providing notice. This is both compassionate and fair.

6a How should this notice be given:

i) If leave is taken very soon after the death of the child?:

Verbal or email notice should be adequate

ii) If leave is taken at a later period?:

Verbal or email notice should be adequate

6b Please provide reasons for your answers:

Sudden manifestations of grief can be distressing and debilitating. In such situations the priority should be care and compassion from the broader support network of the bereaved. Therefore, the kindest requirement would be a simple phone call, message, or email.

Evidence required for Parental Bereavement Leave and Pay

7a Should evidence requirements for this provision mirror those of existing family leave, i.e. that evidence is not required unless requested by the employer?

Yes

Please explain your reasons::

The death of a child is a traumatic and tragic event. By placing the burden of proof on parents bereaved of a child employers risk compounding the stress of what is already an extremely challenging time.

We believe the intent of the bill is to provide some guidance to employers and improve the relationship between employee and employer at what is an extremely challenging time. To place more burden on the employee by requesting the supply of evidence undermines the spirit of the Bill.