

# National Bereavement Alliance

Parental Bereavement (Leave and Pay) Bill 2017-2019

Briefing for House of Lords Second Reading

29 June 2018

## Introduction

- 1. The National Bereavement Alliance brings together over 35 national, regional and local organisations supporting bereaved people and those caring for them.**
- 2. We broadly welcome the bill, which has potential to introduce a crucial right to a minimum two weeks' statutory paid leave for all employed parents in the UK bereaved of a child. We recognise and thank Kevin Hollinrake MP, Will Quince MP and campaigners including Lucy Herd for progressing the bill to this point.**
- 3. We believe that the bill could be improved by allowing bereaved parents more flexibility over when they take their leave. We also think that parents bereaved of young people up to the age of 25 should be eligible to take the leave. In this briefing, we suggest amendments which could have these effects. By making these improvements, we believe that the Bill could bring about a more compassionate system which better balances the needs of bereaved parents and their employers.**
- 4. We ask peers to support the amendments we propose in our briefing. In drafting them, we have consulted with stakeholders including the Federation of Small Businesses (FSB), the Forum of Private Business (FPB) and the Trades Union Congress (TUC). None are opposed to the improvements we suggest; they believe that the system they would bring about would balance the needs of bereaved parents and their employers.**

## About the National Bereavement Alliance

- The National Bereavement Alliance brings together over 35 national, regional and local organisations supporting bereaved people and those caring for them. Many of these organisations have a specific focus on supporting families when a child has died: including Child Bereavement UK, Together for Short Lives, Care for the Family, Rainbow Trust Children's Charity, the Bereaved Parents Support Organisations Network, SANDS, The Compassionate Friends. For an up to date list of our members, please visit <http://nationalbereavementalliance.org.uk/core-members/>.

2. Our vision is that all people have awareness of and access to support and services throughout their bereavement experience. All members of the Alliance contribute to this vision through their own aims and objectives, in various ways and at various times. While we are highly diverse in the primary focus of our work, we share a common interest in support for bereaved people. Recognising one another's contribution to our vision, Alliance members collaborate strategically to provide a collective voice representing the needs of bereaved people and those supporting them.
3. In our 2014 report [Life After Death](#), we campaigned for better bereavement support at work. We supported ACAS in their development of guidance for employers. Many of our members provide bereavement awareness training and support for employers as well as for bereaved parents.
4. We produced briefings for MPs for their consideration of the bill, and also responded to the recent BEIS consultation on some of the detailed points in it.
5. We see the Bill as a very helpful starting point to improve support for bereaved employees. However, we would expect most employers to go further than the Bill provisions in their individual policies and procedures.

## The window in which bereaved parents must take their period of leave

6. We welcome the bill's recognition of the diverse circumstances in which bereaved parents may find themselves, and that the Bill does not require parents to take their leave immediately following the death.
7. The times when parents may need to take leave fall into four broad categories:
  - a. At the time of death or in its immediate aftermath.
  - b. 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.
  - c. 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.

In the year following the death, parents have to face these dates for the first time without their child. In the second year, these dates can be just as painful, as the reality begins to sink in that this is how life will be.

- d. When a parent is simply struggling with their loss and needs time to grieve.

8. Ideally, we would like to see no limit to the time over 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. We would like to see the window extended from the current proposed eight weeks to 56 weeks, to include all key dates in the first year following the death, including the anniversary of the death itself.
9. We are conscious that employers need to plan to cover their employees' absence. However, we do not believe that extending the window during which leave can be taken would have a significant impact on employers. Many child deaths are unexpected and so whatever the length of the window, many parental bereavement absences will be arranged at very short notice.
10. We believe that the benefits to bereaved parents of extending the window outweigh the implications for employers. Extending the window would incur no extra cost to the taxpayer.
11. The actual window will be set out in regulations. However, the bill sets out the provisions that those regulations must contain. **On that basis, we propose the following amendment:**

Schedule, page 2, line 27, leave out "56 days" and insert "56 weeks"

12. In drafting this amendment, we have consulted with stakeholders including the Confederation of British Industry (CBI), the FSB, the FPB and TUC. None of these organisations oppose it and recognise that it is a reasonable amendment which balances the needs of bereaved employees and their employers.
13. We ask members of the House to consider parents whose child's death is subject to inquest or other proceedings or investigations, which may be delayed beyond this 56-week period. These parents may need a longer window in which to take their leave. **Please consider what provision is being made for families in these circumstances.**

## The age of the child or young person who dies

14. 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.
15. However, as a minimum, we ask that the upper age threshold in the bill is increased to 25.
16. 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.

17. 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 now costs £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<sup>1</sup>. We welcome the Child Funeral Fund recently announced for England, Scotland and Wales recently announced by the government<sup>2</sup>, 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.
18. 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<sup>3</sup>. 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.
19. 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.
20. 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.

---

<sup>1</sup> Royal London. 2017. A FALSE DAWN: Funeral costs rise again after a one year respite. Available to download at: <https://www.royallondon.com/Documents/PDFs/2017/Royal-London-National-Funeral-Cost-Index-2017.pdf/>

<sup>2</sup> Prime Minister's Office, 10 Downing Street. 2018. Children's Funeral Fund for England. Available to download at: <https://www.gov.uk/government/news/childrens-funeral-fund-for-england>

<sup>3</sup>

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/datasets/deathregistrationsummarytablesenglandandwalesdeathsbyingleyearofagetables>

21. In drafting this amendment, we have again consulted with stakeholders including the CBI, the FSB, the FPB and TUC. None of these organisations oppose it and recognise that it is a reasonable amendment which balances the needs of bereaved employees and their employers.

22. **On that basis, we propose an amendment, which reads:**

Schedule, page 3, line 1, leave out “18” and insert “25”

## Other issues in the Bill

23. We are conscious that the Bill has limited time, and so we are not proposing further amendments at this stage. However, peers may be interested to know the other points of concern to our members

24. **Definition of a parent.** We have suggested wording to BEIS wording which would ensure that all those who have a parental relationship to the child would be eligible, including foster carers and recognized kinship carers. 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 (eg grandparents, older siblings) to be included in the definition.

25. **Greater flexibility in taking the leave.** Ideally, we would like parents to be able to take their leave in shorter blocks than one week, and to be entitled to pay for these shorter periods. As outlined above, there are many different circumstances in which parents may wish to take leave, and being obliged to take a week to protect their statutory pay when they would prefer to take one or two days may be more disruptive to them and to their employers. We recognise that there may be complexities for HMRC administering the statutory pay associated with leave being taken in blocks of less than one week, but we urge government to explore the potential for this. For example, could employers draw down the statutory pay in one-week blocks, but administer it more flexibly to the employee?

26. **Producing evidence to support a request.** We believe it would be very unhelpful for parents and for employers if there was a requirement to produce evidence. We believe that the spirit of the Bill, and the wider change it is seeking to encourage, is to improve the relationship between employees and employers at a time of terrible loss. To request evidence would undermine this relationship and go against the policy intent of the Bill.

27. **Consultation on other forms of bereavement.** Many people suffer greatly at the death of another family member such as a partner, parent or sibling, and their bereavement necessitates them taking time off work. The costs of this to society are hidden as many people will be signed off with stress, depression or anxiety rather than bereavement. We would like to see a consultation opened on the wider circumstances in which employees should be entitled to leave and pay following a close family bereavement.

28. **Self-employment and zero hours contracts.** Our members raised 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.

Alison Penny  
Project Coordinator – National Bereavement Alliance  
[apenny@ncb.org.uk](mailto:apenny@ncb.org.uk)  
[www.nationalbereavementalliance.org.uk](http://www.nationalbereavementalliance.org.uk)