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## Bereavement & Special Leave Policy

Moulton Parish Council acknowledges the personal nature of emergencies, bereavement and grief and in line with its duty of care as an employer, is committed to supporting its employees in practical and reasonable ways.

### 1. Purpose and Scope

The purpose of this policy is to provide guidance, security and support to employees during periods of bereavement or emergencies.

This policy explains:

- the legal implications
- the terms used and what they mean
- processes and procedures
- how we will support employees

### 2. Legal Responsibility & Policy Support

Moulton Parish Council recognises its duty of care to its employees and its legal obligation to support time off for bereavement and special leave under the terms of:

[The Health and Safety at Work Act \(1974\) \(legislation.gov.uk\)](#)

[The Management of Health and Safety at Work Regulations \(1999\) \(legislation.gov.uk\)](#)

[Human Rights Act \(1998\) \(legislation.gov.uk\)](#)

[Data Protection Act \(1998\) \(legislation.gov.uk\)](#)

[Special Educational Needs and Disability Act 2001 \(legislation.gov.uk\)](#)

[Equality Act \(2010\) \(legislation.gov.uk\)](#)

[Employment Rights Act 1996 \(legislation.gov.uk\)](#)

[Section 57A](#) of the [Employment Rights Act 1996](#) gives employees the right to have “reasonable” time off work to deal with an emergency or bereavement involving a close family member or a dependent. A dependant is a includes a spouse, civil partner or partner (including a same sex partner), child, grandchild, parent, step-parent, sibling or a person with whom the employee is in a relationship of domestic dependency or someone who depends on that staff member for care. “Reasonable” is not defined in the legislation.

The rules are slightly different if your child dies before they turn 18, or if you have a stillbirth after 24 weeks of pregnancy. You can take 2 weeks' leave from the first day of your employment for each child who has died or was stillborn if you're eligible. For more information see: <https://www.gov.uk/parental-bereavement-pay-leave>

Please also refer to our related policies outlined in Section 13.

### **3. Paid Leave**

Bereavement and/or special leave is paid leave that allows an employee time off to deal with their personal distress and related practical arrangements when dealing with an emergency situation or death of a dependant.

### **4. Unpaid Leave**

Unpaid leave on compassionate grounds may be granted after an emergency or bereavement (each case will be considered on an individual basis). An employee must consult with the Executive Officer, or in the case of the Executive Officer by Chairman of the Council, before starting unpaid leave.

### **5. The Need for Speed**

The Council recognises that in many cases, in the event of an emergency or bereavement, employees will need to arrange to take leave at very short notice. Employees should therefore notify the Executive Officer of the situation as soon as possible so that necessary arrangements can be made. The Council recognises that it will not be possible in most cases for applications for leave to be considered by the Council, given the frequency of Council meetings. The Executive Officer therefore has delegated authority to exercise discretion and grant applications on behalf of the Council.

In the event of the Executive Officer needing to apply for bereavement leave, such discretion to grant an application will be exercised by the Chairman of the Council or in his absence, by the Vice Chair. The Council recognises that it has a duty of care to its employees and in situations of this nature it is the policy of the Council to put the needs of the employee first.

### **6. Bereavement**

Moulton Parish Council recognises that bereavement impacts individuals differently. The Council acknowledges that not all employees will need to take the full allowance and some employees will need additional time, depending on their relationship with the person who has died and the circumstances of the death.

In the event of the death of an immediate relative 5 working days paid leave will be granted. For part time employees the paid leave will be pro rata. An immediate relative is a includes a spouse, civil partner or partner (including a same sex partner), child, grandchild, parent, step-parent, sibling or a person with whom the employee is in a relationship of domestic dependency.

The leave need not be taken in consecutive days.

In the event of the death of a child before they turn 18, or if you have a stillbirth after 24 weeks of pregnancy. You can take 2 weeks' leave for each child who has died or was stillborn.

In exceptional circumstances for example where the employee is responsible for funeral arrangements, has to travel abroad to attend the funeral or where the death occurs on holiday overseas, additional paid leave may be granted at the discretion of the Council. Employees should discuss such matters with the Executive Officer as soon as possible so that applications can be considered.

## 7. Employee Bereavement Support

Moulton Parish Council acknowledges bereavement leave is intended to support employees in the immediate period around the death of a relative. However, the process of grieving, the natural reaction and adjustment to loss and change may take a significant time and will be personal to each individual.

Any employee with any concerns about the grieving process impacting on their work performance should discuss this in confidence with the Executive Officer (or in the case of the Executive Officer with the Chairman of the Council) to ensure that any reasonable adjustments that are necessary can be put in place.

Moulton Parish Council recognises that the majority of people do not require counselling to cope effectively with their grief. However, for any employees whose performance is affected and who need professional help in coming to terms with a significant or possibly traumatic loss, the Council will permit time off in working hours to attend up to 6 sessions with an independent counselling practice and will cover the cost of such sessions.

Bereaved employees who consider that they might need bereavement counselling or other support should also be aware of the support, advice and information that is available from Cruse Bereavement Care, a national charity for bereaved people <http://www.cruse.org.uk/>. Cruse Bereavement Care is one of the voluntary bodies supported by the Council.

## 8. Special Leave

### Adoption Appointments

Employees are entitled to paid time off to attend adoption appointments.

### Ante-natal Care

Employees are entitled to paid time off to attend ante-natal appointments.

### Compassionate Leave

A request for compassionate leave (leave that does not encompass any of the statutory guidelines) will be considered on an individual basis by the Executive Officer, or in the case of the Executive Officer by Chairman of the Council.

### Emergency Dependents Leave

Employees are permitted time off to deal with an emergency involving a dependant: A dependant is a includes a spouse, civil partner or partner (including a same sex partner), child, grandchild, parent, step-parent, sibling or a person with whom the employee is in a relationship of domestic dependency or someone who depends on that staff member for care.

An emergency is defined in the government advice by the following examples – staff may request unpaid time off when a dependant is involved in the following emergencies:

Illness, injury or assault (of a dependant) – This includes mental or physical illnesses and it does not need to be life threatening. It could be that they have an existing health condition that has got worse. Staff can also take time off to arrange longer term care for a dependant.

The failure of a normal carer to turn up for work.

An incident with a dependent child at school.

Staff can also take time off if a dependant goes into labour, if you are the person they are relying on to take them to hospital.

Staff are permitted a 'reasonable' amount of time to deal with an emergency, but there is no set amount of time as it depends on the situation. The Executive Officer will be responsible for agreeing the amount of time.

Examples of where employees do not automatically qualify for time off include:

home emergencies including fire, flooding, burglary or broken boiler.

taking dependants to a planned medical appointment.

dealing with a pet emergency or taking a pet to the vet.

dealing with a personal crisis (relationship breakdown).

However, employees may request unpaid leave for the above. This will be granted at the discretion of the Executive Officer (or in the case of the Executive Officer with the Chairman of the Council). Staff may, of course, use their annual leave allowance to deal with emergencies.

### **Extreme weather**

During severe weather, all drivers should only travel if absolutely essential. They are encouraged to follow all travel warnings and follow Met Office and Highways England advice.

During extreme weather conditions the Executive Officer will advise staff on local conditions. If employees make a genuine effort to get to work in exceptional circumstances are unable to reach the workplace safely, they should advise the Executive Officer as soon as reasonably practicable and work flexibly; changing shifts or working from home if possible.

### **Funeral**

One day's (pro rata) paid leave to be given to attend funeral of:-

A Dependant (as defined in Dependants Care Leave); or A close relative. This is defined as: brother, sister, parent, parent-in-law (including parents of employee's partner), grandparent, grandchild.

### **Trade Union Activity**

An employee who is also an employee representative for a trade union is entitled to take reasonable time off during the employee's working hours in order to perform their functions as an employee representative or candidate.

### **Magistrate, Jury Service and other Public Duties**

Paid leave of absence will be granted for employees undertaking public duties. Where an allowance is claimable for loss of earnings, the employee should claim this and pay the allowance to the Council.

### **Medical Screenings/Hospital Appointments**

Where possible employees should try to schedule medical appointments in their own time or make the time up under our flexible working policy. However, Moulton Parish Council are aware that this is not always possible and will support staff, allowing them to take the time for medical appointments when necessary.

### **Basic Statutory Entitlements – Time off for dependants**

There is no statutory entitlement to pay if staff do take time off for an emergency. However, Moulton parish Council is committed to supporting their staff when dealing with unforeseen life events and will assess each case on an individual basis and where reasonable time can be made up under the Flexible Working Policy.

Employees dealing with a personal emergency must consult with the Executive Officer to discuss the options available. These arrangements will always be at the discretion of the Council and will depend on the circumstances of the case and the impact that any absence

on your part may have on the organisation. However, the Council will be sympathetic to your need for time off (which may be paid or unpaid at our discretion) to deal with the situation and make any arrangements that may be necessary.

## **9. Return to work**

In certain circumstances a full return to work may not be possible following an emergency event or the death of an immediate relative – for example when the employee's grief is likely to impact on their ability to perform their role or where new childcare arrangements need to be put in place or where the care of an elderly parent has transferred to the employee. In such cases the Council will consider a short-term phased return to work or, as appropriate, a short term or permanent flexible working arrangement. Such an arrangement would need to be agreed in advance with the Council and would be managed in accordance with the Council's flexible working policy.

## **10. Health and safety**

Emergency events and bereavements can have a significant impact on concentration, sleep and the quality of decision making. Any employee who is concerned about their ability to conduct their duties properly in the weeks following a bereavement must discuss the issue with the Executive Officer (or in the case of the Executive Officer with the Chairman of the Council).

## **11. Application to contractors**

Moulton Parish Council takes the view that those individuals who provide services to the Council under contract and who are not employees of the Council are equally deserving of consideration and support. They shall be treated as if they were employees with regard to attendance and the timing of the provision of their services. The Executive Officer has delegated authority to make such arrangements on behalf of the Council as the Executive Officer shall deem appropriate.

## **12. Equality, culture and diversity**

The [Equality Act \(2010\) \(legislation.gov.uk\)](http://legislation.gov.uk) protects employees with protected characteristics and therefore Moulton Parish Council will ensure that all requests are treated equally and that the Council does not treat some employees less favourably than others.

Moulton Parish Council recognises that different cultures respond to life events in significantly different ways. The Executive Officer will check whether the employee's religion or culture requires them to observe any particular practices or make any special arrangements which would necessitate them being off work at a particular time.

Employees should not assume that the Council is aware of any such requirements and should draw this to the attention of the Executive Officer (or in the case of the Executive Officer with the Chairman of the Council) as soon as possible.

## **13. Resources**

There are a number of specialist organisations which can offer help and advice in dealing with specific problems such as bereavement. Please note that the majority of these sites are created and maintained by parties external to Moulton Parish Council. Moulton Parish Council does not endorse or promote any advice, products or external organisations featured on external websites.

- [Home - Cruse Bereavement Support](#)
- [Home – The Good Grief Trust](#)
- [AtaLoss.org is the UK's signposting and information website for bereaved people](#)

## **14. Related Policies**

This policy applies to all employees of Moulton Parish Council and should be read in conjunction with our other policies and procedures covering attendance. These policies have been written with the needs of the employee at the centre, and the Council recognises that employees who are happy and well at work will perform at their best. Please refer to additional workplace policies:

- Managing Ill Health and Absence Policy
- Dignity at Work Policy
- Equality, Diversity and Inclusion Policy
- Flexible Working Policy
- Working from Home Policy
- Maternity, Paternity and Adoption Policy

**This policy is reviewed annually by the Executive Officer and submitted to the full council for approval.**

**Last Reviewed: Jan 2023**  
**Review Due: Jan 2024**