



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Compassionate Leave Policy

DOCUMENT CONTROL

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DOCUMENT APPROVALS

This document requires the following committee approvals:

| Committee | Date of meeting pending approval |
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| CDC Personnel Committee | 31 January 2023 |

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District

DATE FOR REVIEW

No later than 1st February 2026 but sooner if impacted by legislative changes.

REVISION HISTORY

| Version | Revision date | Summary of revision |
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This policy covers:

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1 Who the scheme applies to

Cherwell District Council's compassionate leave scheme applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

This policy does not form part of any contract of employment or other contract to provide services, and the Council may amend it at any time

2 Compassionate leave

The Council recognise that adopting a compassionate leave policy supports employees who are going through bereavement and grief following the death of a close family member. The Council is sympathetic to any employee when they lose a close member of their family and are committed to treating the individual with sensitivity and compassion.

The purpose of this policy is to ensure that compassionate leave is granted in a fair and equitable manner whilst, at the same time, recognising that compassionate leave arrangements need to be flexible in individual circumstances. The aim is to set down clear guidance in the use of and application of compassionate leave.

The compassionate leave policy should not be confused with the statutory right to time off for dependants which is covered in the family friendly policy.

In circumstances where an employee is required to care for a critically or terminally ill family member the councils will be as flexible as possible. Examples of this may include granting short notice annual leave or flexi time, allowing the employee to work from home or authorising a period of unpaid leave.

3 Entitlement

Employees are entitled to request compassionate leave regardless of their length of service.

Up to ten days paid compassionate leave will usually be granted in the event of the death of an employee's:

- Spouse or partner
- Child (under the age of 18)*
- Daughter / Son (including step-children) *
- Parent (including step-parent)
- Parent-in law
- Sibling (including step-sibling)
- Grandparent
- Grandchild

* please see Parental Bereavement Leave below

This list is not exhaustive and will be reviewed in individual circumstances where Senior Management has discretion, in consultation with the HR Business Partner.

An employee must request compassionate leave as soon as is practicably possible given the circumstances of the situation; this may, however, be after the employee has returned to work.

If a manager wishes to approve a period of compassionate leave, (up to ten days), employee will add this to the HR/Payroll system under paid leave.

Managers will consider requests sympathetically, reasonably, in confidence and in consultation with his/her HR Business Partner. The Manager should authorise this leave request as quickly as possible.

Where five days compassionate leave is insufficient, consideration should be given to other leave options including annual leave, flexitime, parental leave and time off for dependants leave if applicable.

Further compassionate leave may be granted at the discretion of a member of Senior Management.

4 Refusing a request

A manager will not unreasonably refuse a request for compassionate leave. If the manager feels they are unable to grant a request they must seek guidance from their HR Business Partner.

5 Ongoing support

Managers are encouraged to discuss on-going additional support whilst the employee is taking compassionate leave and upon their return to work. Such consideration could include short-term flexibility in working arrangements and a referral to Occupational Health for counselling or other well-being advice.

It is important for managers to remember those special or significant days such as the inquest, anniversary of the death or the birthday of the person who has died can also be particularly difficult times for employees.

Grief does not have predicted stages and phases. Everyone reacts differently to bereavement, and this should be understood and respected by both managers and colleagues.

6. Parental Bereavement Leave (PBL)

The Parental Bereavement Leave Regulations 2020, introduce statutory parental bereavement leave and pay for parents in respect of children who die on or after 6th April 2020.

The primary beneficiaries of statutory parental leave are employees who are the parents of a deceased child under the age of 18 years. This includes adoptive parents, foster parents and guardians and intended parents under a surrogacy agreement as well as more informal groups such as close relatives or family friends who have taken responsibility for the child's care in the absence of parents for a continuous period or at least 4 weeks before the death.

6.1 Eligibility for Leave

Parental bereavement leave is a "day one" employment right, meaning that employees do not require a minimum period of service for the leave. Eligibility extends to cover individuals with caring responsibility for a deceased child who has died providing that the individual has, for a continuous period of at least four weeks before the child dies, been living with the child and has day-to-day responsibility for the child. Parents who suffer a stillbirth 24 weeks or more into the pregnancy are also entitled to parental bereavement leave.

6.2 Taking Parental Bereavement leave (PBL)

PBL may be taken at any time within 56 weeks of the death of the child.

The statutory entitlement is to two weeks leave. This leave must be taken in blocks of one week and is not available as individual days.

Parents may take leave in a single block of 2 weeks or in two separate blocks of one week each. The weeks need not be consecutive.

Where more than one child dies, the employee is entitled to two weeks' parental bereavement leave in respect of each child.

Where a bereaved employee is already on maternity leave then they can add the parental bereavement leave to the end of their maternity leave. The PBL must then be taken in a single consecutive period.

6.3 Notification

To take parental bereavement leave, an employee must confirm to the HR Department or the line manager that they will take this leave and provide the following information:

- The date of the child's death
- Their relationship to the deceased child that entitles them to statutory parental bereavement leave
- The date they are beginning their parental bereavement leave

- If they intend to take one or two weeks' parental bereavement leave

6.4 Length of Notice requirements

If the employee is taking leave within 56 days of the child's death then they are able to take the leave straightaway without having to give a period of notice.

To cancel this week's parental bereavement leave, the employee must give notice by no later than the time on the first day of that week at which the employee would have been due to start work.

If the employee is taking leave more than 56 days after the child's death then at least one weeks' notice of their intention to take parental bereavement leave is required.

To cancel this week's parental bereavement leave, the employee must give notice to the employer at least one week before the start of that week.

An employee may not cancel any week of parental bereavement leave which has already commenced.

6.5 Statutory Parental Bereavement Pay

To be eligible for statutory parental bereavement pay, employees who are on parental bereavement leave are required to have:

- At least 26 weeks' continuous employment with their employer ending with the week before the week in which their child dies and still be employed by that employer on the day on which their child dies; and
- Normal weekly earnings in the eight weeks up to the week before the child's death that are no less than the lower earnings limit for national insurance contribution purposes