

East Herts Council Report

Human Resources Committee

Date of Meeting: 5 August 2020

Report by: Head of Human Resources and Organisational Development

Report title: Updated General Leave Policy

Ward(s) affected: None

Summary

RECOMMENDATIONS FOR Human Resources Committee:

- (a) To approve the update to the general leave policy to reflect legislation changes from 6 April 2020 regarding statutory parental bereavement leave & pay**
- (b) To approve the proposal to enhance the second statutory week of bereavement pay to full pay as requested by Unison and agreed by LT and then LJP.**
- (c) To approve the removal of the statutory qualifying period of 26 weeks for the second week of full pay in line with LJP's agreed proposal.**

1.0 Proposal(s)

- 1.1 The proposals are set out in the recommendations above. The General Leave Policy has been updated (see Section 6: 6.3) and published on the intranet with Unison agreement to ensure it is clear and up to date with legislation changes on statutory parental bereavement leave and pay.

1.2 The main proposal is to agree to further update the policy to enhance the second week of statutory parental bereavement pay to full pay.

2.0 Background

2.1 The General Leave Policy was previously taken to Local Joint Panel on 5 February 2020 and HR Committee on 12 February 2020 following updates to the section on dependency leave and to add further sources of support for carers/staff with dependents.

2.2 Legislation introducing Statutory Parental Bereavement Leave and Pay came into effect from 6 April 2020. The bereavement section of the General Leave policy was therefore updated to incorporate the required statutory changes. The statutory changes were agreed with Unison and the Leadership Team and implemented in line with the legislation.

2.3 Once the policy was updated and published to reflect the statutory provision in line with the 6 April 2020 effective date, Unison contacted the Chief Executive and the Head of HR to request that East Herts Council enhance the second week of statutory parental bereavement pay to full pay in addition to the enhancement already provided by the existing policy for the first week (5 days) to be full pay. The Chief Executive on behalf of LT has agreed to the proposed enhancement and it was then for LJP to consider.

2.4 At Local Joint Panel on 1 July 2020, it was proposed that the requirement for employees to have 26 weeks continuous service to qualify to receive statutory bereavement pay and therefore the enhancement to full pay should be removed. This was supported.

3.0 Reason(s)

3.1 The council's General Leave Policy already includes a provision for bereavement leave and pay for employees in the event of the death of their child (and other immediate family members) of up to 5 days paid leave. Leave may be taken at/or around the time of bereavement at the employees request (there is no qualifying period for the EHC 5 day provision). Where an employee requires more than the 5 days leave the employee can discuss with their manager regarding taking additional annual leave or accrued flexi time.

3.2 From 6 April 2020, employees who satisfy certain eligibility criteria are entitled to take up to two weeks parental bereavement leave (with statutory pay where applicable – see below). Employees can take leave as a single two-week period or take one or two separate periods of leave of a week each (it cannot be taken as single days) within 56 weeks of the child's death.

The right to parental bereavement leave and pay applies to parents of a child under the age of 18 who dies, or parents of a child who is stillborn after 24 weeks of pregnancy, on or after 6 April 2020.

3.3 The bereavement section of the council's General Leave Policy has been amended to include the provision for statutory parental bereavement leave and pay. It has been made clear in the policy that it is not intended that parental bereavement leave is taken in addition to the existing 5 days paid bereavement leave that can be taken for the loss immediate family members (referred to in 3.1 above). At the Local Joint Panel meeting on 1 July 2020, support was given for the removal of the requirement for employees to have at least 26 weeks' continuous service to be entitled to receive statutory bereavement pay.

3.4 Initially it was proposed that the council would pay for parental bereavement leave as follows:

- first week to be paid at full pay (the policy already had a provision for 5 days paid bereavement leave for the loss of immediate family members)
- second week to be paid at the statutory rate (e.g. £151.20 for 2020/21)

3.5 Following consultation with Unison it was agreed to change the second week to be paid at full pay subject to approval by LJP which has been achieved and then HR Committee. This means therefore that both weeks would be paid at full pay.

4.0 Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

Yes – the General Leave Policy support a number of equality areas i.e. those with dependents, career breaks, religious events.

Environmental Sustainability

No

Financial

LT agreed which includes section 151 Officer as well as all Heads of Service.

Health and Safety

No

Human Resources

Yes as set out this is an employment matter and the report has been produced by HR

Human Rights

No

Legal

As set out in the report statutory parental bereavement leave is required to comply with legislation and therefore the legal requirements have been met.

Specific Wards

No

5.0 Background papers, appendices and other relevant material

5.1 The updated General Leave Policy is attached at Appendix 1.

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