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Bereaved Partner's Paternity Leave Policy

Metanoia Institute

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People policies online

Family friendly policies can be found online on the [People Hub](#).

External Reference

GOV.UK: <https://www.gov.uk/holiday-entitlement-rights>

ACAS: <https://www.acas.org.uk/checking-holiday-entitlement>

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Bereaved Partner's Paternity Leave Policy

1. Policy statement

Eligible employees have a statutory right to bereaved partner's paternity leave from day one of employment in circumstances where a child's primary carer dies. This policy explains your rights to time off and other support offered. Employees will not be subject to detriment for taking bereaved partner's paternity leave.

2. Purpose

This policy aims to inform you of your entitlement and how you may use your bereaved partner's paternity leave entitlement.

This policy does not form part of your employment contract. Nothing in this policy alters, replaces, or overrides the terms and conditions of your existing contract of employment.

3. Eligibility

In a birth case, you may be entitled to take leave if the child's mother has died and you are the father of a child or you are not the child's father but, immediately before the death of the child's mother, was married to, or was the civil partner or the partner of, the child's mother.

In an adoption case, you may be entitled to take leave if you were married to, or were the civil partner or the partner of, the child's adopter on the date on which the child was placed for adoption or immediately before the death of the child's adopter. In an overseas adoption case, you must have been married to, or the civil partner or the partner of, the child's adopter on the date on which the child's adopter received the official notification, or immediately before the death of the child's adopter.

In a parental order case, you may be entitled to take leave if you were married to, or were the civil partner or the partner of, the child's primary parental order parent on the date on which the child was born, or immediately before the death of the child's primary parental order parent.

You must have main responsibility for the upbringing of the child, and the purpose of the leave must be to care for the child.

4. Commencement and duration of leave

Eligible employees may take a single period of up to 52 weeks' leave. Leave can only be taken after the bereavement date and within the 52-week paternity leave eligibility period, which begins from either:

- a. the day after the child is born
- b. the day after the child is placed for adoption (for adoption in Great Britain)
- c. the day after the child enters Great Britain (for overseas adoption).

Where the bereavement date occurs within the last two weeks of the paternity leave eligibility period, the eligibility period will be extended, and you will be entitled to a maximum of two weeks' leave.

During bereaved partner's paternity leave you are entitled to the benefit of your normal terms and conditions of employment, except wages/salary, and you are bound by any obligations arising under those terms and conditions except in so far as they are inconsistent with the right to bereaved partner's paternity leave.

Where possible, you should book and take your annual leave entitlement in the current holiday year. However, if you are unable to take all your statutory minimum entitlement to annual leave because you were on bereaved partner's paternity leave, you are entitled to carry over untaken annual leave into the following leave year.

5. Pay during leave

Time off for bereaved partner's paternity leave is unpaid.

6. Notice requirements

You must give notice of your intention to take bereaved partner's paternity leave.

If you wish to start the leave within the first eight weeks following the bereavement date, you must give us notice before you are due to start work on your first day of absence. You can give notice orally or in writing. The notice must set out:

- a. the bereavement date
- b. the date you want your leave to start
- c. the date on which either the child was born, placed for adoption, or entered Great Britain for adoption.

If you wish to start the leave after the initial eight-week period following the bereavement date, you must give us at least one week's notice in writing.

This must include the information set out above in addition to:

- a. the date you intend to return to work
- b. a declaration that the leave will be for the purpose of caring for the child and that the child's mother or main adopter has died
- c. a declaration that you have an eligible relationship with the mother or main adopter.

If you start your leave within eight weeks of the bereavement date and you give us notice of your intention to take leave orally, you must also give us notice in writing of the date you intend to return to work. If your intended return date is more than eight weeks following the bereavement date, the written notice must also include the above declarations. You must give us the written notice no more than eight weeks after the bereavement date and at least one week before your intended return date.

7. Amending leave start date

You may change your mind about the date you want your leave to start, provided you notify us.

If you intended to start the leave within the first eight weeks following the bereavement date, you must give us notice that you wish to vary the start date of your leave before the last notified leave start date and, where the new leave start date is no more than eight weeks after

the bereavement date, before the new leave start date. Where the new leave start date is more than eight weeks after the bereavement date, you must give us notice before the last notified leave start date and at least one week before the new leave start date.

If you intended to start the leave more than eight weeks following the bereavement date, you must give us notice that you wish to vary the start date of your leave at least one week before the last notified leave start date and at least one week before the new leave start date.

Where the new leave start date is no more than eight weeks after the bereavement date, you can give the notice orally or in writing. Where the new leave start date is more than eight weeks after the bereavement date, you must give us notice in writing.

8. Cancelling leave

You may cancel your leave by giving us notice in writing.

Where the last notified leave start date is no more than eight weeks after the bereavement date, you must give us notice that you wish to cancel your leave before that date.

Where the last notified leave start date is more than eight weeks after the bereavement date, you must give us notice that you wish to cancel your leave at least one week before that date.

9. Amending your return to work date

You may change your intended return date by giving us notice of your new intended return date in writing.

Where the last notified intended return date is no more than eight weeks after the bereavement date, you must give us the notice at least one week before that last notified intended return date and at least one week before the new intended return date.

Where the last notified intended return date is more than eight weeks after the bereavement date, you must give us the notice at least eight weeks before that last notified intended return date and at least eight weeks before the new intended return date.

10. Postponing your return to work

If you want to return to work but haven't notified us as set out above, we may postpone your return to work to a date when you would have returned if you had followed the notice requirements. We will always give you notice in writing of the postponement.

We will not postpone your return to work past the end of the paternity leave eligibility period.

If we postpone your return to work, you will not be entitled to your usual remuneration until the date set out in the notice of postponement if you return to work before that date. This will apply unless we have revoked the notice of postponement in writing.

11. Entitlement when the purpose of caring for the child can not be met

You may still be entitled to leave where you would be eligible but for a "relevant event" happening. These events are:

- a. the death of the child
- b. the child being returned after being placed for adoption
- c. the child ceasing to live with you (overseas adoption).

In these circumstances, you are entitled to take bereaved partner's paternity leave until the earliest of:

- eight weeks following the end of the week the relevant event occurred in
- the end of the 52-week paternity leave eligibility period.

Where this situation arises, in addition to following the notification requirements set out above, you must inform us of the date and nature of the relevant event before your first day of bereaved partner's paternity leave following the relevant event. You can do this orally or in writing

12. Keeping in touch days

You may by mutual agreement work for up to 10 days during your leave.

For this purpose, any work carried out on any day, even just an hour's work, is deemed to constitute "a day's work". Any days' work done under this provision will not have the effect of extending the total duration of the bereaved partner's paternity leave period.

Payment in respect of these "keeping in touch" days will be agreed beforehand.

13. Returning to work

If you return to work after a period of 26 weeks or less of bereaved partner's paternity leave, you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence.

If you return to work after a period of more than 26 weeks' bereaved partner's paternity leave, you are entitled to return to the same job in which you were employed before your absence or, if that is not reasonably practicable, to another job which is both suitable and appropriate for you in the circumstances on terms no less favourable. Your manager will explain how this affects you based on your individual circumstances.

14. Monitoring and review

The People & Culture team will monitor this leave use as part of family friendly policies. You should read this policy alongside the other relevant policies, for example parental leave and parental bereavement leave, and the Staff Handbook.

Employees who take time off under this policy for reasons other than those for which the statutory right to bereaved partner's paternity leave is intended may be subject to investigation and subsequent disciplinary proceedings.