

PARENTAL BEREAVEMENT LEAVE

The following determination, “Annex TA – Parental Bereavement Leave”, is made by the Secretary of State under regulation 33 of the Police Regulations 2003 (S.I. 2003/527), following consultation in accordance with regulation 46 of those Regulations. This determination was made on 19 March 2021 and comes into force on 6 April 2021.

Eligibility for leave

- 1) These provisions apply on the death of a child under the age of 18, or a stillbirth after at least 24 weeks of pregnancy, where the date of death has occurred on or after 6 April 2021. In the case of stillbirth the date of death is taken to be the date the child is stillborn.
- 2) These provisions apply to any officer, regardless of length of service, who is a ‘bereaved parent’. For these purposes, a bereaved parent is any of the following to the child at the date of death:
 - a) A parent¹
 - b) A natural parent of a child who has been adopted, but there is a court order providing for contact with the child
 - c) A person with whom a child has been placed for adoption, for so long as that placement has not been disrupted²
 - d) A prospective adopter who is living with the child following the child’s entry into Great Britain from overseas for adoption purposes, and has received official notification of their eligibility to adopt
 - e) An intended parent under a surrogacy arrangement
 - f) A parent in fact³; or
 - g) The partner⁴ of any of the above.

Entitlement to leave

- 3) An officer is entitled to be permitted by their chief officer or police force to take a period of leave, known as ‘parental bereavement leave’, which may be taken either as one week, two consecutive weeks or two separate weeks at different times. A ‘week’ is any period of seven calendar days and the leave must be taken as whole weeks.⁵
- 4) Parental bereavement leave can be taken at any time in the period of 56 weeks beginning with the date of death.

¹ This does not just include natural parents but also others treated as parents by law, including adoptive parents or persons who have become parents under provisions relating to surrogacy or fertility treatment.

² A placement has been disrupted if the child has been returned under adoption legislation, or the child’s placement with a prospective adopter, or foster parent who is also a prospective adopter, has been terminated.

³ This applies if the person has, for a continuous period of at least four weeks ending with the date of death, lived with the child in their own home and had day to day responsibility for their care. No account is to be taken of absences of a temporary or intermittent nature. So for example this could include foster carers, guardians, or others who are not parents of the child but are their main carer. However this does not apply if the child is in the care of a person in premises in which any parent or other person with parental responsibility for the child is living, or if the person was or is entitled to receive wages or other remuneration in respect of the child’s care.

⁴ This means a person who lives with the child and the parent in an enduring family relationship, but is not a relative (parent, grandparent, sibling, aunt or uncle, including half-blood relatives such as half-siblings/aunts/uncles, or adoptive parents) of the parent.

⁵ As these are calendar weeks, there is no need for pro-rata arrangements for officers working part-time or compressed hours.

- 5) Where more than one child has died or been stillborn, the officer is entitled to a separate period of leave in relation to each child.

Notification of leave

- 6) An officer must give their chief officer or police force notification (which does not have to be in writing) of their intention to take any absence from duty as parental bereavement leave, specifying:
 - a) The date of the child's death;
 - b) The date on which the officer chooses that any period of leave to start; and
 - c) Whether the officer intends that period of absence to be for one or two weeks.
- 7) For parental bereavement leave starting within the first 56 days or 8 weeks of the period starting with the date of death, the officer must give notification no later than the time they are due to start work on the day that they start parental bereavement leave.⁶ However if this is not reasonably practicable, the officer must give notification as soon as reasonably practicable afterwards. If an officer is already at work during this period and they give notification of their intention to begin their leave on the same day, the period of parental bereavement leave begins on the next day.
- 8) For parental bereavement leave starting after this period (weeks 9 to 56 after a child's death) the officer should give at least one week's notice of their intention to take parental bereavement leave wherever possible, or as soon as reasonably practicable otherwise.
- 9) Officers can change or cancel their weeks of parental bereavement leave within the same periods of notice as set out above⁷. However a week of parental bereavement leave cannot be cancelled if it has already commenced. A period of parental bereavement leave commences on the date specified in the notice, unless cancelled, or the exception referred to above at 7) applies.

Terms and conditions before, during and after leave

- 10) Parental bereavement leave shall be treated as duty.
- 11) The provisions above are in addition to any existing allowances under Annex T or other determinations, including in relation to bereavement or other parental leave⁸.

⁶ So for example if an officer is due to start work at 9:00am on a Monday they should give notice no later than 8:59am on the Monday.

⁷ So for example if an officer wishes to cancel a period of leave within weeks 9-56 of the child's death, they may do so by giving notice at least seven days/one week before their leave is due to start.

⁸ So for example an officer may be entitled to take periods of leave under both Annex T and these provisions.