



## **Consortium for the Regional Support for Women in Disadvantaged and Rural Areas**

### **Response to: Parental Bereavement Leave and Pay**

**Issued by: Department for the Economy**

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Foyle Women's  
Information  
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## **Women's Regional Consortium: Working to Support Women in Rural Communities and Disadvantaged Urban Areas**

### **1. Introduction**

**1.1** This response has been undertaken collaboratively by the members of the Consortium for the Regional Support for Women in Disadvantaged and Rural Areas (hereafter, either the Women's Regional Consortium or simply the Consortium), which is funded by the Department for Communities and the Department of Agriculture, Environment and Rural Affairs.

**1.2** The Women's Regional Consortium consists of seven established women's sector organisations that are committed to working in partnership with each other, government, statutory organisations and women's organisations, centres and groups in disadvantaged and rural areas, to ensure that organisations working for women are given the best possible support in the work they do in tackling disadvantage and social exclusion.<sup>1</sup> The seven groups are as follows:

- ♀ Training for Women Network (TWN) – Project lead
- ♀ Women's Resource and Development Agency (WRDA)
- ♀ Women's Support Network (WSN)
- ♀ Northern Ireland's Rural Women's Network (NIRWN)
- ♀ Women's TEC
- ♀ Women's Centre Derry
- ♀ Foyle Women's Information Network (FWIN)

**1.3** The Consortium is the established link and strategic partner between government and statutory agencies and women in disadvantaged and rural areas, including all groups, centres and organisations delivering essential frontline services, advice and support. The Consortium ensures that there is a continuous two-way flow of information between government and the sector. It also ensures that

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<sup>1</sup> Sections 1.2-1.3 represent the official description of the Consortium's work, as agreed and authored by its seven partner organisation

organisations/centres and groups are made aware of consultations, government planning and policy implementation. In turn, the Consortium ascertains the views, needs and aspirations of women in disadvantaged and rural areas and takes these views forward to influence policy development and future government planning, which ultimately results in the empowerment of local women in disadvantaged and rurally isolated communities.

**1.4** The Women's Regional Consortium appreciates the opportunity to respond to the Department for the Economy's consultation on Parental Bereavement Leave and Pay and broadly welcome these proposals to introduce these new rights and entitlements to families who experience such a terrible tragedy.

## **2. General comments**

*"The death of a child is the ultimate tragedy faced by parents."*<sup>2</sup>

The death of a child is undoubtedly one of the most difficult experiences a person can go through. A parent never expects to bury their child no matter how old they are at the time of their death. This type of loss brings with it the loss of the future, the hopes, dreams and potential that can never be fulfilled and is therefore a deeply complicated and traumatic loss.

The impact of this type of loss is very deeply felt and can manifest itself in many different ways. Grief is a very individual experience and one which everyone copes with differently. Grief may not just involve emotions but may result in physical illness also. Grief, in all its forms, can cause difficulties in focusing and motivation levels which has clear implications for the world of work.

Each year throughout the island of Ireland 2,650 families experience the sudden or expected death of a son or daughter (aged 0 – 44 years).<sup>3</sup> 750 families experience

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<sup>2</sup> AnamCara Annual Report for 2018, AnamCara  
[https://anamcarani.co.uk/wp-content/uploads/AnamCara\\_AnnualReport\\_10Sep2018-1.pdf](https://anamcarani.co.uk/wp-content/uploads/AnamCara_AnnualReport_10Sep2018-1.pdf)

<sup>3</sup> Ibid

the devastating loss of a child every year in Northern Ireland.<sup>4</sup> Official figures show that in 2018, there were 79 stillbirths and 97 infant deaths registered in Northern Ireland.<sup>5</sup>

In 2018, MPs voted to support a Bill known as ‘Jack’s Law’ which introduced a new legal right to paid parental bereavement leave. Jack’s Law was introduced in England, Scotland and Wales on 6 April 2020.

We acknowledge the Minister Diane Dodd’s comments in the consultation that she was *“truly saddened to discover that in Northern Ireland we do not have a statutory provision that can help bereaved parents when they find themselves having to cope with such a difficult loss whilst struggling to secure even the most basic of rights from their employer.”*<sup>6</sup> We therefore welcome the Department’s plans to introduce statutory protections in this area and we believe that it is right and proper to provide a minimum level of support for bereaved parents and to bring Northern Ireland’s laws into line with what is available in Great Britain.

However we want to acknowledge that we see the proposals in the consultation as a minimum entitlement and we would expect that employers should be even more flexible and generous to employees in this difficult situation. This could include longer amounts of leave, more flexible leave periods and full pay during any leave. The consultation does not mention flexible working and we would like to see employers offering temporary changes to employment arrangements through flexible working to help parents cope with the impact of a child’s death and in dealing with their grief over time.

In a case described to the BBC<sup>7</sup> bereaved mother Julie Flaherty described how the introduction of such laws would have benefited her family. Her son Jake died when

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<sup>4</sup> <https://www.belfastlive.co.uk/news/health/bereaved-parents-invited-safe-comfortable-15237233>

<sup>5</sup> Stillbirth and Infant Death Numbers, NISRA, February 2020

<https://www.nisra.gov.uk/publications/stillbirth-and-infant-death-numbers>

<sup>6</sup> Parental Bereavement Leave and Pay Public Consultation, Department for the Economy, June 2020  
<https://www.economy-ni.gov.uk/sites/default/files/consultations/economy/parental-bereavement-leave-and-pay-consultation-paper.pdf>

<sup>7</sup> <https://www.bbc.co.uk/news/uk-northern-ireland-51401477>

he was two years old from a congenital heart defect. While her husband Wayne's employer was supportive allowing him time off after Jake's death it still remained the case that "*bills still needed paid.*" Julie said that the introduction of these laws "*would have meant my husband and I had that fortnight just to be with each other and not to have to worry about the realities of what was ahead. It was an awful and unexplained road – two weeks' grace could be worth months in someone's own mind.*"

Julie's story powerfully highlights the potential benefits of having access to this paid leave for parents already coping with such a traumatic event. It is clear that in these circumstances there is a need for compassionate and understanding employers who do not add to the distress and worry of their employees at a very difficult time.

The impact of the Coronavirus pandemic has brought issues of bereavement to the fore. Many more people have been touched by death and grief as a result of the pandemic. It has shown the need for employers to be flexible and compassionate and to have policies in place to deal with these situations. The ability to take leave and financial hardship should not be added to the list of considerations of those who are bereaved regardless of how they experience loss – as a parent, a child, partner, sibling, etc. We therefore believe that the right to bereavement leave and pay should be extended to all employees experiencing close family bereavement.

Given the nature of this leave and the fact that in some of these cases the parents will not have known they would need access to this leave because of the unexpected death of a child there is a real need to provide extra support to these parents. This is likely to have a serious impact on their emotional, financial and working lives. We would argue that these rights should also be available to those who are self-employed for the same reasons.

### **3. Specific Comments**

#### **1. Definition of “Bereaved parent”**

We welcome the broader definition used in the GB provisions which ensures that those who have a legally recognised parental relationship with a child will also be eligible and that they have included other groups such as kinship carers.

We would like to see the Northern Ireland provisions reflecting this broader definition including legal parents, biological parents, adoptive parents and others who are not the child’s legal parents but who have a long-term relationship with a child which is parental in nature and who have provided day to day care in place of the child’s legal parents.

We do wish to highlight that a child’s death is very much a family loss. Everyone in the family is affected including mothers, fathers, sisters, brothers, grandparents, aunts and uncles. As previously stated we believe that the right to bereavement leave and pay should be extended to all employees experiencing close family bereavement.

We also wish to suggest that Government should consider changing the definition of a child in this proposed legislation so that it is not only available to those with children under the age of 18 who tragically die. Changing the definition to son or daughter would allow all bereaved parents time to grieve away from work. The loss of a child is keenly felt no matter what age your child is when they die.

#### **2. Flexibility around consecutive/non-consecutive weeks**

As previously described each person’s grief is unique and everyone reacts differently to it and therefore has different needs. This grief is likely to be compounded at specific times such as birthdays, anniversaries and other special occasions. We therefore believe that there should be maximum flexibility around how this leave is taken. Providing access to this right as flexibly as possible can help bereaved parents to make the transition back to work in the way that best suits them.

We would ideally like to see this leave offered in smaller blocks such as units of a day without losing pay. The consultation only offers this possibility without pay.

We do not think that bereaved parents should have to worry about money at this time so we are strongly of the opinion that this leave should be paid. In terms of the options for paid leave outlined in the consultation we would suggest providing two weeks discontinuously, eg, a week, then a further week taken at a later date. However to reiterate we would prefer to see maximum flexibility around how this leave is taken and would like to see it offered in smaller blocks which are paid.

### **3. The window in which to take 2 weeks of leave and statutory pay**

We believe that the optimal length in which to take the two weeks of leave should be 56 weeks. As grief re-emerges over significant events such as birthdays this would provide sufficient time to access this leave.

As previously stated people experience grief individually and not everyone's experience is the same. While some people may benefit from the two weeks immediately after the death of a child others might find it more beneficial to have some leave to be taken at a later date perhaps at another time where the loss may be significantly felt such as a birthday or anniversary of the death.

### **4. Notice required to take parental bereavement leave and pay**

We do not believe that parents should be required to provide notice to their employer if the leave is to be taken very soon after the death of a child. Parents will be consumed by grief at this time and it would be unreasonable and insensitive to expect them to provide notice in these cases. In some cases the death of a child will be totally unexpected and there will be no warning that this is going to happen.

Where leave is to be taken at a later period it may be more reasonable to require notice especially if the leave is taken to coincide with a planned event but this should

be as light touch as possible. Employers should be flexible and compassionate in all these circumstances.

### **5. What is a reasonable notice period?**

To repeat we do not believe that parents should be required to give notice to their employer if the leave is to be taken very soon after the death of a child.

We advocate maximum flexibility around notice requirements if the leave is to be taken at a later period. If notice is required in these circumstances it should not be a legal requirement and employers should be as flexible as possible.

### **6. How should this notice be given?**

To repeat we do not believe that parents should be required to give notice to their employer if the leave is to be taken very soon after the death of a child.

If the leave is to be taken at a later period employers should be as flexible as possible as to how this notice should be given and this should not be a legal requirement.

### **7. Evidence required for parental bereavement leave and pay**

We do not believe that there should be any evidence requirements for parental bereavement leave and pay. In these circumstances parents will be in shock and consumed by grief. It would therefore be insensitive for the employer to require evidence. We believe that many employers would be uncomfortable in asking an employee for evidence in these circumstances also.

We do not believe that there is a need for evidence requirements for this provision to mirror those of existing family leave. This type of leave is not comparable with many of the existing types of family related leave many of which are more associated with happy times.



## **8. Parental bereavement statutory provision for payment**

We do not believe that there is a requirement for a qualification period for payment of parental bereavement pay. We firmly believe that this should be a 'day one' right.

The loss of a child is an extremely traumatic event in anyone's life regardless of how long they have been working for their employer. It is cruel and unfair to deny someone the access to this pay simply on the basis of how long they have worked for their employer. This is especially the case given the relatively low numbers of people affected by a child's death in Northern Ireland. We therefore believe this is not a major issue for employers and should be provided to all employees regardless of their length of service.

We believe that financial hardship should not be added to the list of concerns that parents have at this difficult time so we would ideally like to see the leave paid more generously than the statutory rate. It is likely that parents will have additional bills to be paid at this time over and above their normal bills.

The cost of a funeral is a substantial outlay with a basic funeral package in Northern Ireland costing £2,982 according to SunLife's Cost of Dying report.<sup>8</sup> This figure only relates to the actual cost of the burial and does not take into account additional costs. Current Government help for funeral costs is completely inadequate to cover the cost of even a basic funeral. The existing level of help available through a Social Fund Funeral Expenses Payment (for those on low incomes) is up to £700 if the person died on or before April 2020 and up to £1,000 if the person died on or after April 2020.<sup>9</sup>

We are of the view that Government should provide a more generous financial contribution considering the nature of this leave and the relatively low numbers involved. If Government do not provide more generous financial support than the

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<sup>8</sup> <https://www.belfasttelegraph.co.uk/news/northern-ireland/cost-of-a-funeral-bill-in-ni-drops-slightly-but-average-is-still-3000-36133107.html>

<sup>9</sup> <https://www.nidirect.gov.uk/articles/funeral-expenses-payment>

statutory minimum we would like to see employers being more generous and offering this leave with full pay.

As previously stated we believe that there should be no notice periods or evidential requirements for claiming payment of bereavement pay in Northern Ireland. No parent wants to be in the position where they will need this time off. This leave and pay is for those who really need it to cope with an extremely traumatic and difficult time.

## **9. Strategic vision for Employment Regulation in NI**

Northern Ireland is a small business economy. Small businesses account for 99.9% of all businesses in Northern Ireland and employ more people than all the larger businesses and the entire public sector combined.<sup>10</sup> It can be more difficult for small businesses to provide flexible working opportunities and to provide enhanced leave as they can experience more problems with disruption to their business. Given that Northern Ireland is a small business economy this should be given special consideration so that these small business have access to greater levels of support. Small businesses must be provided with greater levels of help and support in the provision of these policies so that these rights do not simply exist on paper and employees have realistic access to them.

Employees must feel that they truly have access to these rights. Some employees experience negative attitudes from their employers when trying to exert their rights in relation to the full range of family friendly and parental leave rights. Employees report “*feeling guilty*” about asking for their rightful entitlements or feeling like they “owe” their employer if they are “*allowed*” to take leave or are given flexible working arrangements.

Many of the family friendly employment rights depend on genuinely supportive employers so that these policies go beyond words and are committed to in practice.

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<sup>10</sup> <https://yeti.fsb.org.uk/standing-up-for-you/national-offices/northern-ireland>

All employers must be informed and supported around the provision of these rights so that employees can access them without fear or favour.

Lack of knowledge of rights and entitlements is a big issue and information must be available in ways that people can easily understand. This is true for both employers in understanding and implementing the rights available but also for employees in terms of exerting their rights. It is therefore vital that these statutory rights are supported by clear, comprehensive and timely guidance that supports both employers and employees to understand these rights. Information and advice around these policies must be provided in a format that is accessible and easily understood.

The benefits to employers of providing flexible, family-friendly and compassionate workplaces are well documented. There is no doubt that working parents feel more goodwill towards their employer if they feel valued and respected within their working environment. This helps to increase loyalty and retention rates. It helps to reduce employee turnover and associated costs, potential reductions in sick leave and helps to boost employee wellbeing and productivity. It can also help organisations to attract new staff and diverse workforces.