

BEREAVEMENT AND THE WORKPLACE (including Bereavement Leave)

1. Purpose

A tragic event is likely to affect every employee at some point during their working life and Hackney is committed to supporting employees in reasonable and practical ways.

This guidance is based on ACAs guidance. Further information is available from ACAS in the Managing Bereavement in the Workplace – a Good Practice Guide. This can be found at [ACAS.org.uk](https://www.acas.org.uk).

2. Who is covered?

This policy applies to all employees of Hackney Council, except those working in schools.

All employees are covered, regardless of their length of service or hours worked.

3. Bereavement Leave Entitlements

3.1 Bereavement Leave is paid leave that allows an employee time off to deal with their personal distress and related practical arrangements, primarily but not limited to, when a member of their family dies.

Bereavement impacts all individuals differently and the guidance below is intended to show the paid leave an employee is entitled to in different circumstances.

Not all employees will need to take the full allowance, and some employees will need additional time depending on their relationship with the person who has died and the circumstances of the death.

3.2 In the event of the death of an immediate relative, 10 working days paid leave will be granted.

An immediate relative includes a spouse, civil partner or partner (including same sex partners)*, child**, parent, step parent, sibling or a person with whom the employee is in a relationship of domestic dependency.

*Partner includes someone with whom the employee is co-habiting but is not the employee's spouse or civil partner.

**child includes children in respect of whom the employee is the adoptive parents, legal guardians and carers.

3.3 Employees may take up to 3 days paid Bereavement Leave where someone other than a close relative has died. The manager must be satisfied that this is reasonable given the employee's relationship with the person. This could include the death of a mother/father-in-law, grandparents, grandchildren, son/daughter-in-law.

3.4 One working day will be allowed to facilitate attendance at the funeral for example on the death of an uncle/aunt.

3.5 More than 1 and up to 10 days may be granted on the death of someone outside the immediate family. These circumstances would include (but are not limited to) situations where the employee is responsible for funeral arrangements or has the travel abroad to attend the funeral. The Head of Service can exercise discretion.

3.6 Leave does not have to be taken consecutively. For example, some matters such as registering the death and arranging the funeral will happen fairly quickly. Others may happen later, such as probate.

4. Notification

The employee should notify their manager of their need to take leave as soon as possible or, at least on the first day of absence. In exceptional circumstances, applications for leave will be considered after the first day of absence. Line managers may exercise discretion.

5. Annual Leave

In the event of bereavement, and employee will be able to take unpaid leave or annual leave at short notice to supplement their bereavement leave. Requests will be given sympathetic consideration by the employee's line manager.

Where the death happens while the employee is on annual leave they can convert their annual leave into bereavement leave and take their annual leave at a later date.

6. Unpaid Leave

Unpaid leave on compassionate grounds may be granted after bereavement. An employee must consult their line manager before starting unpaid leave. Further information is available in policies related to flexible working.

7. Return to Work

In certain circumstances, a full return to work may not be possible for an employee following the death of an immediate relative – for example, when the employee's grief is likely to impact on their ability to perform their role or where childcare arrangements have to be sourced or responsibility for the care of an elderly parent has transferred to the employee.

A phased return to work on a part-time or reduced hours basis will be allowed where practicable. Alternative duties may also be considered. Any such arrangement would need to be agreed in advance by the line manager, and would be subject to an agreed

maximum. The employee will continue to receive full-pay of the phased return to work that lasts no longer than 4 weeks.

8. Employee Support

Bereavement leave is intended to support employees in the immediate period around the death of a relative. However, the process of grief, the natural reaction and adjustment to loss and change may take significant time and will be personal to each individual.

An employee with any concerns about the grief process impacting on their work performance should discuss this in confidence with their line manager. This is to ensure that any reasonable adjustments that may be necessary are discussed and put in place and that the employee is supported in their return to the full range of duties and responsibilities that they had prior to the bereavement or their duties and responsibilities are adjusted as necessary with the prior agreement of their line manager.

The Council will cover the cost of up to six counselling sessions, as part of the core service of the Employee Assistance Programme. Additional counselling sessions may be agreed subject to management approval.

9. Health and Safety

Bereavement can have an impact on concentration, sleep and decision-making. A health and safety assessment of the workplace will include consideration of the impact of bereavement on employees, their duties and responsibilities, and the context in which they are working e.g. do they operate heavy machinery?

Any employee who is concerned about their ability to conduct their duties safely in the weeks following a bereavement must discuss this with their line manager.

The Council reserves the right to request an employee to meet the Occupational Health Physician (at the Occupational health Service) before resuming duties.

10. Culture and Diversity

Different cultures respond to death in significantly different ways.

Line managers will check whether the employee's religion or culture requires them to observe any particular practices or make specific arrangements which would necessitate them being off work at a particular time. Employees should not assume that their line manager is aware of any such requirements and should draw this to their manager's attention as soon as possible.

Line managers who are unsure of how to respond to a bereaved employee from a different culture should ask the bereaved employee or someone else from their cultural group about what is appropriate.

FAQs for MANAGING BEREAVEMENT AND THE WORKPLACE (including Bereavement Leave)

Q1 Is there a limit to how many times an employee can take bereavement leave in any one year?

No. However, if you think the time off is affecting the service you can speak to the employee. If you suspect the employee has not been honest, then you can investigate further. Abuse of the Bereavement Leave Policy can amount to gross misconduct.

Q2 How should I approach the management of sickness absence where an employee hits sickness triggers following a bereavement?

Bereavement can cause some employees to be unwell physically and emotionally and you might expect an employee to take more than the usual amount of sickness in the year following the loss of someone close. When managing the absence, the bereavement should be taken into account. However, where the absence is causing service difficulties, the sickness absence management procedure will apply.

Q3 How should I deal with the notification, and the immediate aftermath, of death?

An employee, making an initial call, may feel numb or distressed. In this case, a follow up call or email may be appropriate.

It is best to take a calm empathetic approach to ensure the employee feels supported and to minimise anxiety about returning to work. In the early days following the bereavement, it is good practice to:

- Offer condolences
- Ensure the bereaved employee knows they are not expected at work on the day the death has taken place. They need to hear that work comes second and that they must take what time out is needed.
- Begin a dialogue with the employee, asking how they would like to stay in contact. Is phone or email contact preferred? Are there particular times to avoid? Be aware that during the first few days they may not want to speak to anyone as they may be in shock. Be careful not to pressurise the person into making decisions at this point.
- Ask how much information they wish their co-workers to have about the death and remember that this information is private under data protection legislation and to stick strictly to the facts.
- Consider what action needs to be taken if the death is in the media; particularly if the press contact the workplace or co-workers for interview. All press enquiries should be directed to the press office.
- Ask if the employee wishes to be contacted by employees.
- Be conscious of diversity in the workforce and the impact this may have on, for example, days taken to allow employees to fulfil religious or cultural expectations such as mourning rituals.

- Be open to revising and reviewing the situation with the employee. Keep the dialogue open.

A conversation about when the employee anticipates returning to work may not be appropriate in the first days of bereavement. However, it is important to start a dialogue which will allow an open discussion around how the employee is coping, the policy on bereavement, when they might be ready to return to work, and any adjustments that might help with this.

Remember every bereavement is different. Some employees may be able to return more quickly while others may need more time. The relationship with the person who died, and the circumstances of the death will all have an impact on the employee, particularly if the death was sudden or traumatic. It is often difficult for the person to judge how they will feel in the workplace. A swift return does not necessarily mean they will not need support.

Q4 How should I approach a colleague whose child has died?

For parents, the loss of a child will be devastating and it is important to recognise that the whole family may be affected. For example, is the employee a single parent? Was the child an only child or are there siblings involved? A single parent with other children will possibly need more flexibility (e.g. time off, flexible working). Some bereaved parents may need longer term changes to their working hours.

A couple grieving may also need flexibility in working hours, especially if one parent is not coping as well as the other. They may need to leave work at short notice to support their partner.

Q5 What if a colleague dies?

In some situations, death may have an impact on a number of employees or across a whole workforce. Examples are where a co-worker has died, where the death occurred at or near the place of work, or where a number of the dead person's family and friends are employed at the same place.

The principles of flexibility and empathy still apply.

Communicating news of the death is key. The method should be personal and sensitive. Particular teams or team members may need more support.

Q6 Could it be discrimination to not allow a bereaved employee time off to attend a funeral? What if the funeral is abroad?

Funeral requirements vary across cultures, and some communities may require that these are carried out promptly. Refusing to allow an employee to attend religious rites after a death could be considered indirect religious discrimination. It is good practice to accommodate requests to attend funeral rites wherever possible.

Where a funeral is abroad, it is good practice to allow time off where possible. This can include a combination of bereavement leave, annual leave and unpaid leave. The employee should be allowed to choose between annual and unpaid leave.