

# Parental & Paternity Bereavement Leave

**This document outlines the Scottish Prison  
Service Policy in relation to Parental  
Bereavement and Bereaved Partner Leave**

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**Unlocking Potential - Transforming Lives.**

**Policy Number:**

**HR098/001**

**Directorate Owners:**

**Organisational Development**

**Policy Scope:**

**All SPS employees**

**Links to Other Policies:**

[Maternity & Parenting Policy](#)

[Shared Parental Leave Policy](#)

[Special Leave Policy](#)

[Wellbeing Policy](#)

[Attendance Management Policy](#)

[Equality, Diversity & Human Rights Statement](#)

[Data Protection & GDPR Privacy Notice](#)

**Approved by:**

**Director of Organisational Development**

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**Review Date:**

**This policy will be reviewed as and when required to reflect changing business and legislative requirements.**

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## 1.0 Introduction

The Scottish Prison Service (SPS) recognises that any bereavement is difficult, and that the loss of a partner or a child can be one of the most devastating moments in a person's life. As an organisation, we are committed to supporting colleagues during this incredibly difficult time and will do what we can to help them through their grief.

This policy brings together support for both parents and bereaved partners who have recently had a child, in one place, so that employees can easily understand what support is available to them.

This policy reflects relevant legislation including the Parental Bereavement (Leave and Pay) Act 2018, the Parental Bereavement Leave Regulations 2020 and the Bereaved Partner's Paternity Leave Regulations 2026.

This policy should be read alongside other family-friendly provisions, including Maternity, Paternity, Adoption and Shared Parental Leave recognising employees may need to access a combination of support depending on their individual circumstances.

## 2.0 Aim

The aims of this policy are to:

- To provide a clear and supportive framework for employees who experience the death of a child or a partner following childbirth, ensuring they understand their entitlements and options available to them
- To ensure colleagues are treated with compassion and dignity during period of bereavement.
- To enable employees to take appropriate time away from work to grieve the loss of a child or care for a child following the loss of a partner, and adjust to changes in their personal circumstances.
- To promote a culture where employees feel they can seek support and have conversations about their needs during difficult times.

## 3.0 Policy Statement

The SPS recognises the importance of supporting its employees in a way which promotes and sustains positive, productive, and safe working environments

We encourage supportive environment where colleagues feel able to take time they need following a bereavement. While certain processes are required to administer leave, we will approach these with flexibility and understanding whenever possible

## 4.0 Scope

This policy applies to employees who suffer the loss of a child under the age of 18. This includes parents who suffer a stillbirth after 24 weeks of pregnancy.

It also applies to employees who have experienced the death of a partner in the 12 months following childbirth, recognising the significant impact this can have, especially when they have responsibility to care for a child.

Colleagues who suffer a bereavement that does not fall under these specific categories will be able to request bereavement leave via the SPS Special Leave Policy.

## 5.0 Roles and Responsibilities

### 5.1 Governors and Management

Have the responsibility to:

- Ensure that they understand the policy and know how to apply it in a sensitive and supportive way
- Are able to respond to a colleague's bereavement with compassion and respect recognising each employee may experience grief in a different way
- Supporting employee with information and advice on their entitlements and access to support available
- Maintaining supportive and appropriate communication, which is employee driven, agreeing preferred methods and levels of contact during their leave
- Apply flexible notification requirements recognising the circumstances employees may be facing

- Consider any additional support that may be appropriate, e.g. temporary adjustments of duties or flexible working arrangements
- Respect colleagues privacy and handle conversations sensitively and confidentially

## 5.2 Employees

Have the responsibility to:

- Inform their line manager as soon as possible if they need to take leave under this policy
- Provide relevant information to support leave arrangement
- Engage with discussions around return to work and what support they may need
- Seek support when needed including their line manager, HR colleagues or Employee Assistance services

## 5.3 Human Resources

Have the responsibility to:

- Monitor and review this policy, and associated procedure, in consultation with Trade Unions Partners.
- Provide advice to managers on handling bereavement cases, particularly when cases are complex and require discretion.
- Provide advice and guidance to all employees in relation to their entitlements
- Ensure that all related paperwork is processed promptly once the employee has submitted it.
- Maintain appropriate records in line with data protection requirements, ensuring all information is handled confidentially and sensitively

# 6.0 Parental Bereavement Leave

Following the Parental Bereavement (Leave and Pay) Act 2018, the Parental Bereavement Leave and Pay (Regulations) 2020 came into effect on 6 April 2020. The regulations aim to support employees who have suffered a stillbirth or the loss of a child under the age of 18, by providing access to Parental Bereavement Leave, and for those who qualify, Statutory Parental Bereavement Pay.

## 6.1 Eligibility for Parental Bereavement Leave

Whatever your length of service, you can take this leave if you are the parent of the child who has passed away, the partner of the child's parent, adoptive parents, or if you have parental responsibility for the child in general (as detailed in section 5). If you have suffered a bereavement but are unsure if you are entitled to parental bereavement leave and pay, please contact your local HR team for clarification.

You can take two weeks of parental bereavement leave, which can be taken as:

- a single block of two weeks; or
- two separate blocks of one week at different times.

You cannot take the leave as individual days. However, you can take the leave at the time(s) you choose within 56 weeks after the death of your child or stillbirth. You may wish, for example, to take it at a particularly difficult time such as your child's birthday or the first anniversary of their death.

If you have lost more than one child, the entitlement to parental bereavement leave applies for each child who has passed away.

## 6.2 Notification of Leave

If you need to take parental bereavement leave within the first 56 days after your bereavement, you can take the leave straight away. You do not have to provide any notice. However, please let your line manager know, who will inform your local HR department, no later than when you are due to start work on the first day on which you wish to take leave or, if that is not feasible, as soon as you can.

To take leave more than 56 days after your bereavement, please give your line manager, who will inform your local HR department, at least one week's notice.

## 6.3 Changing your mind about taking Parental Bereavement Leave

You can cancel your planned leave and take it at a different time (within 56 weeks after your bereavement). Where your planned leave was due to begin during the first 56 days after your bereavement, please let your line manager know you no longer wish to take it before your normal start time on the first day of the planned leave.

Where your leave was due to begin more than 56 days after your bereavement, please let your line manager know at least one week in advance that you wish to cancel it. You cannot cancel any week of parental bereavement leave that has already begun.

## 6.4 Notice to take Parental Bereavement Leave

To take parental bereavement leave, you must inform your line manager of:

- the date of the child's death;
- the date on which you are beginning your parental bereavement leave; and
- if you intend to take one or two weeks' parental bereavement leave.

The timeframe for giving notice to take parental bereavement leave depends on how soon after the child's death leave is being taken as detailed above in section 5.2.

## 6.5 Parental Bereavement Pay

To be eligible for statutory parental bereavement pay, employees who are on parental bereavement leave are required to have:

- at least 26 weeks' continuous employment with the SPS ending with the week before the week in which their child dies, and still be employed by the SPS on the day on which the child dies; and
- normal weekly earnings in the eight weeks up to the week before the child's death that are no less than the lower earnings limit for national insurance contribution purposes.

Similar to maternity and adoption pay, the statutory parental bereavement pay weekly rate is set by the Government, or paid at 90% of normal weekly earnings where this figure is lower.

We recognise the need to provide bereaved parents with as much support as possible, therefore SPBP will be topped up by the SPS to equal full pay.

## 6.6 Notification for Parental Bereavement Pay

To receive Parental Bereavement Pay (PBP), please provide SPS with notice of the weeks you wish to claim PBP, by submitting the **Notification of Parental Bereavement Pay** form to your line manager who will send the form to your local HR department for processing.

If you wish to take parental bereavement leave immediately following your bereavement, your line manager can complete the form on your behalf to ensure payment of PBP is processed in your absence. However, please sign the form on your return to the workplace.

The parental bereavement pay notice must normally be signed before the end of a period of 28 days, starting on the first day for which you are claiming PBP. However,



the legislation recognises that this is often not feasible, in which case notice can be given as soon as it is "reasonably practicable" to do so.

To provide notice for parental bereavement pay, please complete and submit the **Notification for Parental Bereavement Pay** form to your line manager (or provide the details below if your line manager is completing the form on your behalf) who will forward to your local HR team for processing. This form will provide confirmation of the following:

- your name;
- the date of your child's death; and
- a declaration in writing of the relationship you have with the deceased child, to qualify for statutory parental bereavement pay, such as:
  - You are the parent of the child.
  - You are the partner of the child's parent and lived in an enduring family relationship with the child and their parent.
  - You are the "parent in fact" of the child. You were, for a continuous period of at least four weeks before the child passed away, living with the child and had "day-to-day responsibility" for the child, but were not paid to care for the child.
  - You are the child's adopter within the UK. The child was placed with you for adoption within the UK and the placement has not been disrupted.
  - The child was living with you following their entry into the UK for the purpose of adoption and have received official notification in respect of the child.
  - The child has been placed with you with the intention of fostering to adopt the child, and the placement has not been disrupted.
  - You are the "natural parent" of the child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent.
  - You are the "intended parent" of the child (i.e. a parent using a surrogate).

## 7.0 Bereaved Partner's Paternity Leave (BPPL)

From 6<sup>th</sup> April 2026, [Bereaved Partner's Paternity Leave \(BPPL\)](#) provides an extended period of up to 52 weeks' statutory paternity leave for employees where the child's mother or primary carer dies within the first year of the child's birth.

## 7.1 Eligibility

You will be eligible for the BPPL if:

- Your partner (the child's mother or primary carer) has died within the first year of child's life or adoption
- You have responsibility for child's upbringing

## 7.2 Bereaved Partners Paternity Leave & Pay

If you meet the eligibility criteria you will be able to take:

- Up to a maximum of 52 weeks unpaid leave, depending on when the bereavement occurs.
- All leave must be taken within the first 52 weeks following the child's birth or placement for adoption. For example, if the bereavement occurs when the child is 12 weeks old, you may take up to 40 weeks of leave.
- Leave must be taken in one continuous block to ensure that you have time to grieve and focus on the child's needs without the distraction of multiple leave requests.

## 7.3 Notification

There are different notice periods depending upon when you wish to commence BPPL

### ***BPPL commencing within 8 weeks of the date of bereavement***

If you wish to commence your leave within 8 weeks of the bereavement occurring, you can do this immediately. You will need to contact your line manager by phone, text or email, to let them know of your intention to take leave. You will be asked to provide some basic information including:

- the date of the bereavement;
- the intended start date of the leave; and
- the child's date of birth, placement for adoption, or entry into Great Britain (for overseas adoptions)

These details will be recorded by you line manager using this form (add link) to be recorded on the HR System.

SPS recognises that it may not be possible to provide written confirmation of the information straight away and will take a flexible and supportive approach. The requirement to complete formal written documentation (notification of BBL form) will be arranged at a later stage. Your line manager or local HR team will support this.

### ***BPPL commencing more than 8 weeks after the date of bereavement***

You may choose to begin your leave more than 8 weeks after the bereavement. You will be required to give one week's notice by submitting the ***Notification of BPPL*** form. Your notice should include:

- the date of the bereavement;
- the intended start date of the leave;
- the child's date of birth, placement or adoption details
- the intended return date;

You will be asked to confirm that you meet the eligibility criteria for the bereaved partner leave and that the leave is to care for the child.

## **7.4 Notification of Return to Work Date**

When returning to work from a period of leave you will be required to provide one week's notice.

## **7.5 Variation and Cancellation**

Employees may cancel or change their leave dates subject to meeting the notice requirements. Those requirements depend on whether the employee is cancelling their leave or changing their start or return date, the timing of the leave in relation to the bereavement and whether the change moves their leave inside or outside the first eight weeks after the bereavement date. Please refer to the ***BPPL Cancellation or Variation Notice*** form for further details.

## **7.6 Protection during BPPL**

Employees taking BPPL are protected in the same way as employees on other types of family leave with all the terms and conditions of their contract of employment continuing except normal pay. Annual leave will continue to accrue as normal.

## **7.7 BPPL Keeping in Touch Days**

Employees have the right to take up to 10 keeping-in-touch days without bringing their BPPL to an end.

## **7.8 Entitlement due to unexpected circumstances**

If the child sadly passes away, or if the adoption comes to an end following the death of the mother or primary adopter, employees may be eligible to take up to eight weeks

of BPPL as long as they have not already taken a period of BPPL before the child's death or end of adoption.

## 7.9 Interaction with other Leave Entitlements

Employees may take a period of BPPL alongside other leave, if eligible, such as Statutory Paternity Leave, Shared Parental Leave, Unpaid Parental Leave, Special Leave (bereavement), Annual Leave. Please contact your local HR team to discuss options that may be available.

## 8.0 Support

### 8.1 Support for you

Death and bereavement are subject's that are very rarely talked about. The loss of your baby, child or baby's mother will have devastating effects – emotionally, physically and practically. How you respond after the loss of a loved one is very personal. It's important to remember that there is no right or wrong way to grieve.

Experiencing this bereavement is one of the greatest personal challenges an individual may face. We recognise the significant impact this may have on you and understand you may require additional support from your manager.

It may be also helpful to speak with your GP, if you are feeling overwhelmed. They may suggest that you speak with a counsellor, or access other talking therapies, to help you process your feelings and begin to adjust to what's happening.

### ***Support for SPS Employees***

The SPS has several support services and tools, which you can also access outside of work:

- You can contact our Employee Assistance Programme (EAP) [www.sps.helpeap.com](http://www.sps.helpeap.com) on 0800 854 562 anytime of the day or night, 356 days of the year, to access confidential counselling sessions or advice.
- The Charity for Civil Servants (<https://www.cfcs.org.uk>) provides help to you and your financial dependants, including practical information on money and benefits and, in some circumstances, financial support for funeral and other expenses. The [Grief Works app \(https://www.cfcs.org.uk/help-advice/bereavement/grief-works-app/\)](https://www.cfcs.org.uk/help-advice/bereavement/grief-works-app/) can also help you manage your experience of grief.

### ***External sources of support***

There are lots of charities and other specialist support groups who offer information and support about baby and child loss. Here are some organisations and information that you may find helpful:

- Cruse – emotional support for bereavement – [www.crusescotland.or.uk](http://www.crusescotland.or.uk) or telephone 0808 802 6161
- NHS support around death – [www.sad.scot.nhs.uk/bereavement](http://www.sad.scot.nhs.uk/bereavement)
- Child Bereavement UK provides support for grieving for a child of any age – <https://www.childbereavementuk.org/>
- Petals - provides specialist support and counselling after pregnancy loss - <https://www.petalscharity.org/>
- Sands - for support following the death of a baby before, during or shortly after birth <https://www.sands.org.uk/>

### ***Information on practicalities – what to do after a death***

- [www.gov.uk/register-a-death](http://www.gov.uk/register-a-death)
- [www.rbs.co.uk/life-moments/bereavement/bereavement-guide.html](http://www.rbs.co.uk/life-moments/bereavement/bereavement-guide.html) - you may find this guide to bereavement helpful.

### ***Looking after your health and wellbeing***

In addition to the EAP, all SPS employees have access to Shout, who offer anonymous, round-the-clock mental health support by text message. SPS staff can text the word 'BLUELIGHT' to 85258 to be connected to a trained volunteer.

## **8.2 Managers – what can I do to support the individual**

Grieving is a natural process for coming to terms with a loss and an individual's reactions may vary enormously. There may well be a period where nothing feels normal and it's your role to offer them the time and understanding they need. You should make sure the individual has access to the information in this policy. There are also many additional bereavement resources you can access through the [The Spare Room](#). It is also important to:

**Acknowledge their grief** - bereavement can be very isolating, it's important to find ways to connect and better support an individual who has lost someone close to them.

**Agree appropriate arrangements for staying in contact** - when someone is grieving, they might not be able to talk for long, or someone else might contact you on their behalf. It may also be useful to know if they:

- would like you to let colleagues know about their bereavement
- wish to be contacted by work colleagues - to offer their support or condolences
- require any further information and support from you

It's not always appropriate to talk about returning to work at the very early stages of bereavement when the focus should be on support. How quickly someone returns to work will be different for everyone. Further guidance for line managers is set out in the [Wellbeing Policy Guidance](#).

The SPS also recognises that supporting a colleague through this devastating time can be difficult for managers. Information and support for the manager of an individual who may be dealing with a very difficult bereavement is available through the local HR team, the [Employee Assistance Programme](#) and the [The Spare Room](#).

## Further Information:

SPS recognises that from time-to-time employees may have questions or concerns relating to maternity and parenting. In certain situations, employees' rights and obligations regarding maternity and parenting may change. In these circumstances SPS will abide by any statutory obligations.

SPS wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to seek clarification on any issues with the appropriate line manager in the first instance.

## Sustainability

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices.

In line with the SPS Sustainable Policy and to demonstrate compliance with the Scottish Government's commitment to improving environmental and sustainable development performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

## Equality Statement

SPS is an equal opportunities employer where all employees are treated with dignity and respect. We are fully committed to equality, diversity, and human rights and to ensuring our culture, working environment, policies, processes, and practices are free from bias. This policy applies to all employees regardless of protected characteristics, and, subject to any eligibility criteria, length of service, grade, working pattern or operational status.

## GDPR

This Policy has been subject to a Data Protection Impact Assessment to ensure compliance with GDPR.

## Inclusive Communications

It is our ambition to ensure that SPS documents are readable, accessible, and engaging for staff.

In formatting this document, good practice principles around engagement and inclusive communications have been adhered to.

If you require this document in an alternative format, please contact Human Resources.

## Review and Monitoring

This policy will be reviewed as and when required to reflect changing business and legislative requirements.

## Human Resources Policy and Guidance in SPS

SPS policies consider current legislation, rules, regulations, and best practice guidance from a range of professional and public bodies, including the following:



UK Civil  
Service  
Management  
Code



UK Legislation



EU  
Legislation



ACAS



CIPD Best  
Practice