



# Bereaved Partner's Paternity Leave

Honiton Town Council

## 1 Introduction

The Bereaved Partner's Paternity Leave Regulations 2026 provide entitlement for an extended period of leave for bereaved partners in a situation where the primary carer has died. They take effect on 6 April 2026 and apply where the primary carer (the mother or the child's primary adopter) dies on or after that date.

## 2 Other Contractual Leave Rights

During a period when they could take Bereaved Partner's Paternity Leave, which is unpaid, an employee may also have a right to take other types of leave. They could, for example, be entitled to Paternity Leave, and/or Neonatal Care Leave.

These would be separate entitlements with separate eligibility requirements. Where they apply, the law does not specify in which order different types of leave should be taken.

However, regardless of the order in which different types of leave are taken, the Paternity Leave Eligibility period or PLEP (set out below) is not extended. Taking other types of leave during the PLEP will therefore reduce the total amount of Bereaved Partner's Paternity Leave available.

## 3 Extent of Bereaved Partner's Paternity Leave Entitlement

An eligible employee is entitled to a single period of up to 52 weeks' leave.

The period during which leave can be taken, which is called the paternity leave eligibility period (PLEP), starts on the day after the child is born or placed for adoption and ends 52 weeks after that day. Leave cannot start until after the bereavement date.

If the bereavement occurs less than a fortnight before the end of the 52 weeks, the eligibility period ends 14 days after the bereavement date.

## 4 Pay During Bereaved Partner's Paternity Leave

Bereaved Partner's Paternity Leave is unpaid.

## **5 Eligibility Criteria for Bereaved Partner's Paternity Leave**

Bereaved Partner's Paternity Leave is a 'day one right', which means that employees are eligible from the first day of their employment.

A person is entitled to a period of bereaved partner's paternity leave (BPPL) for the purpose of caring for a child where the child's primary carer (the mother or the child's primary adopter) dies, if they have the main responsibility for the upbringing of the child and:

In a birth case:

- They are the child's father

Or

- Immediately before the mother's death, they were married to or were the civil partner or partner of the child's mother.

In the case of an adoption from within the UK:

- They were married to, or were the civil partner or the partner of, the child's adopter –
  - (i) on the date on which the child was placed for adoption, or
  - (ii) immediately before the death of the child's adopter

In the case of an adoption from within the UK the child must be under the age of 18 when they were placed for adoption with the adopter.

The Regulations also apply to overseas adoption and parental order (surrogacy) cases.

## **6 Notice of Taking Bereaved Partner's Paternity Leave**

Different notice requirements apply depending on when the employee intends to start their leave.

### **6.1 Starting Leave No More Than Eight Weeks After Bereavement**

If leave is to start no more than eight weeks after the bereavement date, notice can be given either orally or in writing.

The employee must tell the employer:

- the bereavement date
- the date they intend to start their leave.
- the date of the child's birth or placement for adoption

The notice must be given before the employee is due to start work on the first day of their leave. This could allow, for example, an employee to phone their employer before they would be expected to start work to say that they are going to take bereavement leave.

Subsequently, the employee must provide the employer with a written notice setting out:

- the length of time for which they intend to be absent
- their intended return date, which can be no later than the day after the final day of the PLEP
- if the intended return date is more than eight weeks after the bereavement date, confirmation of the date the child was born or placed for adoption and a declaration that they are taking the leave to care for the child and that they satisfy the relationship conditions for taking leave.

This notice must be provided no more than eight weeks after the bereavement date and at least one week before the intended return date.

## **6.2 Starting Leave More Than Eight Weeks After Bereavement**

If the employee wants to start their leave more than eight weeks after the bereavement they must give written notice at least one week before the first day of their absence on leave.

The notice must set out:

- the bereavement date
- the date they intend to start their leave
- the date of the child's birth or placement for adoption
- their intended return date, which can be no later than the day after the final day of the PLEP
- a declaration that they are taking the leave to care for the child and that they satisfy the relationship conditions for taking leave.

## **7 Varying the Start Date of Leave**

An employee can vary the date on which they start their leave. The amount of notice required depends upon whether or not the last notified start date was no more than eight weeks after the bereavement date (BD), as follows:

### Last notified start date is no more than eight weeks after bereavement date

If the new date remains within the eight weeks after the BD, notice can be given orally and the employer must be informed of the change before whichever is the earlier of the new or the last notified start date. If the employee subsequently wants to push their start date back so that it is more than eight weeks after the BD, they must inform the employer in writing before the last notified date and at least one week before the new date.

### Last notified start date is more than eight weeks after bereavement date

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Version: April 2026

Checked by South West Councils: April 2026

Approved by Full Council June 2026

If the last notified start date is more than eight weeks after the BD, notice must be given in writing at least one week before whichever is the earlier of either the new or the last notified start date.

## **8 Varying the Intended Return Date**

The employee can also vary the date they intend to return. If the last notified intended return date is no more than eight weeks after the BD, they must give written notice at least one week before whichever is the earlier of the new and the last notified return date.

If the last notified intended return date is more than eight weeks after the BD, they must give written notice at least eight weeks before whichever is the earlier of the new and the last notified return date.

If an employee attempts to return to work without having correctly notified their employer of their intended return date, or variation of that date, the employer can give them a written notice of postponement to ensure that it has the notice that it is entitled to as set out above. The return date cannot be postponed beyond the day immediately following the end of the PLEP. An employer who legitimately postpones an employee's return is under no contractual obligation to pay an employee who returns to work before the postponed return date.

## **9 Cancelling Leave**

An employee can also cancel their leave. If it was due to start no more than eight weeks after the BD, they can cancel by giving notice before the last notified start date. Otherwise at least one week's notice before this date is required.

## **10 Where the Child Also Dies or (In the Case of Adoption) Is Returned**

### Bereaved Partner's Paternity Leave in this situation

If the child also dies, or in the case of adoption is returned, the employee will no longer be able to fulfil the purpose of the leave, which is to care for the child.

However, in these situations an employee will be able to take the greater of eight weeks' Bereaved Partner's Paternity Leave (starting with the Sunday following the week in which the child died or was returned) or to the end of the PLEP. This entitlement applies to the birth of a stillborn child after 24 weeks of pregnancy.

As well as complying with the notice provisions set out above, the employee must inform the employer of the date of the child's death or return; this notification must be given either orally or in writing before the first day of

absence following this occurrence. An employee who has already returned to work from Bereaved Partner's Paternity Leave does not have a statutory entitlement to further leave under the Regulations due to the death or return of the child.

### Other Entitlements

In addition to Bereaved Partners Paternity Leave, employees may also be entitled to Parental Bereavement Leave and, where eligible, pay. This leave must be taken within 56 weeks of the child dying. Details of this are set out in the Leave Policy.

Employees may also still qualify for paternity leave and, where eligible, pay. This leave must be taken within 52 weeks of the child's birth. This includes if the baby is either stillborn from 24 weeks of pregnancy or is born alive at any point in the pregnancy but later dies. For details of this entitlement please refer to the Paternity Leave Policy.

## **11 Keeping in Touch**

An employee can work up to 10 days' during their Bereaved Partner's Paternity Leave, in agreement with their manager, without bringing their leave to an end. Working for part of a day will count as one day.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employees whilst they are on Bereaved Partner's Paternity Leave. If the employee does not wish to be contacted, then they should notify their line manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on leave.

## **12 Pension**

The following information relates to employees who are members of the Local Government Pension Scheme.

Relevant child-related leave in the Local Government Pension Scheme means:

- ordinary maternity or adoption leave – normally the first 26 weeks
- paid additional maternity or adoption leave – normally weeks 27 to 39
- paid shared parental leave
- paternity leave
- paid parental bereavement leave and
- paid neonatal care leave

During a period of relevant child-related leave, the employee's pension is usually worked out using their Assumed Pensionable Pay. Assumed

Pensionable Pay is a notional figure that is used to make sure their pension is not affected by the pay reduction. They would continue to build up a pension in the LGPS as if they were working normally and receiving normal pay.

Assumed Pensionable Pay does not apply during:

- **unpaid** additional maternity/adoption leave (normally from week 40–52)
- **unpaid** shared parental leave
- **unpaid** parental bereavement leave
- **unpaid** neonatal care leave
- **unpaid** carers leave
- parental leave, which is always **unpaid**
- bereaved partner's paternity leave, which is always **unpaid**

These unpaid periods of leave will not count for pension purposes unless the employee pays extra pension contributions to buy the pension they have 'lost'. The extra contributions are known as Additional Pension Contributions or APCs. If an employee elects to pay APCs to buy 'lost' pension, they must notify the Town Clerk of this in writing. If they do so **within 30 days** of returning to work, the cost will be split between the employee and employer.

Employees can use the 'Buy Lost Pension Calculator' on the LGPS Member website to find out more about this option. To do so, they would need some information about the amount of pay 'lost' in the unpaid period. This can be requested from the Town Clerk.

## **13 Continuous Service**

Bereaved Partner's Paternity Leave counts as continuous service for statutory and contractual purposes.

## **14 Leave During Bereaved Partner's Paternity Leave**

### **14.1 Annual Leave**

Annual leave continues to accrue during Bereaved Partner's Paternity Leave

### **14.2 Bank/Public Holidays**

Bank/public holidays continue to accrue during Bereaved Partner's Paternity Leave.

### **14.3 Carry Forward of Annual Leave**

Where circumstances allow, the employee and their manager should review annual leave arrangements before the start of Bereaved Partner's Paternity Leave and before the employee's return to work.

Where taking Bereaved Partner's Paternity Leave means that the employee is unable to take their full annual leave entitlement in the current annual leave

year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

## **15 Treatment of Leave Where an Employee Changes Their Hours after Bereaved Partner's Paternity Leave**

If an employee changes their hours after taking Bereaved Partner's Paternity Leave maternity leave, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated on their new hours.