

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Sixth Delegated Legislation Committee

## DRAFT PARENTAL BEREAVEMENT LEAVE AND PAY (CONSEQUENTIAL AMENDMENTS TO SUBORDINATE LEGISLATION) REGULATIONS 2020

*Monday 23 March 2020*

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**Friday 27 March 2020**

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**The Committee consisted of the following Members:**

*Chair:* SIR DAVID AMESS

Ali, Tahir (*Birmingham, Hall Green*) (Lab)  
 † Bradley, Ben (*Mansfield*) (Con)  
 Davies, Geraint (*Swansea West*) (Lab/Co-op)w  
 Esterson, Bill (*Sefton Central*) (Lab)  
 † Fletcher, Katherine (*South Ribble*) (Con)  
 † Fletcher, Nick (*Don Valley*) (Con)  
 † Hayes, Helen (*Dulwich and West Norwood*) (Lab)  
 † Mackinlay, Craig (*South Thanet*) (Con)  
 † Newlands, Gavin (*Paisley and Renfrewshire North*)  
 (SNP)  
 Osamor, Kate (*Edmonton*) (Lab/Co-op)  
 Reeves, Rachel (*Leeds West*) (Lab)

† Scully, Paul (*Parliamentary Under-Secretary of State  
 for Business, Energy and Industrial Strategy*)  
 † Smith, Royston (*Southampton, Itchen*) (Con)  
 † Stewart, Iain (*Lord Commissioner of Her Majesty's  
 Treasury*)  
 † Sunderland, James (*Bracknell*) (Con)  
 † Timpson, Edward (*Eddisbury*) (Con)  
 † Whittaker, Craig (*Calder Valley*) (Con)

Anne-Marie Griffiths, *Committee Clerk*

† **attended the Committee**

## Sixth Delegated Legislation Committee

Monday 23 March 2020

[SIR DAVID AMESS *in the Chair*]

### Draft Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2020

6 pm

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Paul Scully):** I beg to move,

That the Committee has considered the draft Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2020.

It is a pleasure to serve under your chairmanship, Sir David. The regulations, which were laid before the House on Tuesday 10 March 2020, support the implementation of a new entitlement to paid leave for employees who lose a child under the age of 18 or whose baby is stillborn. I am pleased that the main regulations, which contain provisions to implement the new entitlement to parental bereavement leave and pay, and which will apply to child deaths and stillbirths on or after 6 April 2020, were approved by a resolution of both Houses on 5 March.

The parental bereavement leave and pay policy will ensure that there is a statutory minimum provision in place on which all working parents can rely in the event of the death or stillbirth of a child. The policy will also establish a clear baseline of support for employers managing bereavement in the workplace.

Fortunately, the number of child deaths is relatively small: every year in Great Britain, there are around 7,500 child deaths, including stillbirths. Obviously, behind every one of those deaths, a family is hurting and needs space and time to grieve, so it is right that we are doing this. I am grateful to many the hon. Members from both sides of the House who have raised the issue in really constructive debate, both on the Floor of the House and in Committee.

The Parental Bereavement Leave Regulations 2020 give all employees the right to a minimum of two weeks off work in the event of their child's death or stillbirth, regardless of how long they have worked for their employer. The Statutory Parental Bereavement Pay (General) Regulations 2020 implement new statutory payments for parents taking time away from work following their bereavement, subject to the same eligibility criteria as all other statutory family need payments. An impact assessment was published alongside the Parental Bereavement (Leave and Pay) Act 2018, setting out that the impact on business is small, at approximately £1.2 million a year. That is unchanged by the contents of the regulations, including the statutory instrument for which I seek approval today.

The SI we are considering amends other pieces of secondary legislation to reflect the introduction of parental bereavement leave and pay. The Government's intention is that parental bereavement leave and pay are treated consistently with other family-related statutory leave and

pay entitlements when calculating entitlements to certain other rights or benefits. The SI essentially makes it clear how those other rights or benefits are calculated when an individual takes parental bereavement leave or statutory parental bereavement pay. That is also beneficial to employers, who expect the new entitlement to align with the existing framework of family-related leave and pay entitlements.

In addition, the amendments made by the SI will ensure that parental bereavement leave and statutory parental bereavement pay are afforded the same status and importance in the eyes of an employer as other family-related leave and pay entitlements, which are usually associated with the birth or adoption of a child. That sends the right message to employers about the importance and value of recognising bereavement and of providing adequate support for parents in those circumstances.

As I have said in other debates, although the purpose of the parental bereavement leave and pay policy is to set a statutory minimum, that should in no way prevent employers from going further if they can. The Government encourage all employers to support their employees in whatever way they can. It is my hope that the new provisions will act as a catalyst for improving workplace bereavement support across the board.

I reiterate my thanks to the many Members of the House who supported the passage of this legislative package. Special thanks go to my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake), who sponsored the Parental Bereavement (Leave and Pay) Bill, and to my hon. Friend the Member for Colchester (Will Quince) for his work to raise the profile of this issue in Parliament. I also thank many former Members of Parliament.

This SI will play an important part in providing bereaved parents with the space to grieve following the death or stillbirth of their child and in sending the right signal to employers and colleagues about the value of compassion and support at such a tragic time. I commend the regulations to the Committee.

6.4 pm

**Helen Hayes (Dulwich and West Norwood) (Lab):** It is a pleasure to serve under your chairmanship, Sir David. I rise on behalf of the Opposition to support the regulations. Earlier this month, Opposition Members supported the Statutory Parental Bereavement Pay (General) Regulations 2020 and the Parental Bereavement Leave Regulations 2020, following Royal Assent for the Parental Bereavement (Leave and Pay) Act 2018, otherwise known as Jack's law in memory of Jack Herd. Jack's mother, Lucy, campaigned tirelessly to bring us to this point. I pay tribute to her for all her work.

We note that a number of consequential changes to other pieces of legislation are now required to ensure that parents have complete support at such a difficult time in their lives. The regulations seek to achieve that by making changes to a range of employment and social security legislation to bring it in line with measures for other forms of statutory recognised absences. The changes seek to protect a parent's position, income and pension while they take bereavement leave, in much the same way as other forms of family-related leave and pay are handled in law. No parent should be financially worse off or lose out on future benefits as a result of taking statutory parental bereavement leave, whether in

work or supported by the social security system through measures such as working taxcredits, or in terms of future pension entitlements.

I am sure that all Members welcome the introduction of these measures. I thank Members from all parties who advanced the need to establish bereavement leave and pay. The measures are due to come into force on 6 April 2020, which will be with the full support of Opposition Members.

6.6 pm

**Gavin Newlands** (Paisley and Renfrewshire North) (SNP): It is a pleasure to see you in the Chair, Sir David. I rise simply to reiterate the SNP's support for this measure. I served on the Bill Committee for the 2018 Act, alongside my hon. Friends the Members for North Ayrshire and Arran (Patricia Gibson) and for Glasgow East (David Linden). I record our thanks and support to the Members outlined by the Minister. I also thank the hon. Member for Swansea East (Carolyn Harris) for her dogged work in this area, following her own personal tragedy. I must also commend my hon. Friend the Member for North Ayrshire and Arran, who has spoken movingly on this issue following her own personal tragedy.

I echo the Minister in saying that this measure is about setting a minimum. I urge employers to go further where possible and necessary. No parent should lose out financially in the worst and most stressful moment of their lives.

6.7 pm

**Paul Scully:** I thank all hon. Members, and especially the right hon. Member for Hayes and Harlington (John McDonnell) and the hon. Member for Paisley and

Renfrewshire North for their words in support of what we seek to achieve—*[Interruption.]* I am so sorry, I meant to refer to the hon. Member for Dulwich and West Norwood. For some reason I went from south London to west London. The hon. Lady, who comes from south London, as I do, brought a valuable contribution to the debate.

I echo the tribute paid to Lucy Herd. Jack's law was such an important law to bring to this place. I am sorry for the slight delay caused through the need to come back with these regulations, when we had done the majority of the work in the Chamber.

I hope the Committee agrees that the regulations are essential to completing the implementation of parental bereavement leave and pay and to support the objectives of the policy when it comes into effect—finally—on 6 April. Without them, we would be calling into question the status of the new entitlement, compared with existing entitlements, which would be confusing for employers and employees and undermine the policy's objective to send that clear signal to employers on the importance of recognising bereavement in the workplace.

The Government are committed to supporting working parents and making this country the best place to work and grow a business. The regulations will ensure consistency between parental bereavement leave and pay and other entitlements, with regard to calculations of other rights and benefits, which is a fair and helpful outcome for employees and their employers. I therefore hope that the Committee will approve the regulations.

*Question put and agreed to.*

6.9 pm

*Committee rose.*





