

# Parental Bereavement Leave - Payment Scheme Guidelines

## 1. Parental Bereavement Leave Payment Scheme

- 1.1. The Minister for Social Security has decided to make payments to parents (including step-parents) who suffer the death of a child under 18 years of age (including children stillborn after 24 weeks gestation) and are taking unpaid parental bereavement leave under the Employment law or are self-employed. There can be up to 4 parents involved in one set of payments, the total period of unpaid leave that can be taken under the law is two weeks.
- 1.2 The scheme will commence at the point that the relevant Employment legislation is in place.
- 1.3 This scheme is non-statutory and will be established by Ministerial Decision.
- 1.4 Customer and Local Services (“CLS”) or “the Department”) will administer the scheme.
- 1.5 Other stakeholders include: HCS - Child Death Overview Panel, Safeguarding Partnership Board, The Office of the Superintendent Registrar (OSIR), the Maternity Unit at the Jersey General Hospital (JGH) and local Funeral Directors.
- 1.6 Relevant forms/established systems and processes include: Tell Us Once (TUO), an Application to Register Birth (ARB), a Medical Certificate of the Fact and Cause of Stillbirth (MCFCS) and the new PBL Form.
- 1.7 Further detail on OSIR (and other) processes are included in the Appendix of this document.
- 1.8 The cost of the payments will be met by Departmental Income Support budgets.
- 1.9 Payment values are linked to the mean average weekly wage, as published by Statistics Jersey in the annual “Average Earnings Report” and are paid to support potential lost wages when taking a period of unpaid leave. Parents must be employed or self-employed to be able to receive a payment.
- 1.10 Payments will not be subject to tax or impact other benefit entitlement.
- 1.11 Payments will be made using the vires of Article 8 of the Income Support law, via Ministerial Decision.

## **2. Application for payment**

- 2.1 There is no formal “application process” that parents need to go through. A short, simple form has been created (PBL Form) in order to process payments. This form will be held by the Department and relevant agents. This process should be “invisible” to parents, however the Child Death Overview Panel will include details of the payment scheme in their communication material to ensure that parents are aware of the scheme
- 2.2 The PBL Form will be completed by the Department, (or other agency) following receipt of a notification of death from the Child Death Overview Panel or other agency. The PBL Form can also be completed by the Child Death Overview Panel or other agency e.g. local Funeral Directors.
- 2.3 On some occasions, it may be necessary to obtain information that is required to make payments to parents. In these situations, the Department will liaise with relevant agencies. A single point of contact within the Department will deal with all payment processing.
- 2.4 Flow charts setting out the process are included at the end of these guidelines.

## **3. Payments**

- 3.1 Payments will be made directly to eligible parent’s bank accounts.
- 3.2 Where possible, the Department will use information already held to make these payments.
- 3.3 Payments will be a one-off lump sum, equal to up 2 weeks (per parent) of the Jersey Mean Average weekly earnings for a full-time equivalent (FTE) employee. Data to be taken from the Average Earnings Report published each year by Statistics Jersey. In 2023, this value was £920 per week.
- 3.4 Payments will be the same value for all parents that receive them and will be paid regardless of whether or not a parent’s employer decides to pay them while they are taking parental bereavement leave, or not.
- 3.5 Payments will be finalised via a Ministerial Decision, using Ministerial powers under Income Support legislation.

- 3.6 Payments will also be made to self-employed parents.
- 3.7 A record of payments will be held by the Department. The process of making payments will be manual i.e. outside of the usual CLS system (NESSIE).

#### **4. Eligibility**

##### **4.1 Parent**

A parent is eligible for a payment if they:

- a) have a Jersey address i.e. live in Jersey.
- b) have worked in Jersey and paid social security contributions at any time.
- c) are taking unpaid parental bereavement leave – under Part 5A, Article 55A of the Employment Law or are self-employed.
- d) have suffered the death of a child age 18 or under (including stillbirth at 24 weeks) as confirmed by the Child Death Overview Panel Unit, OSIR or other recognised agency.
- e) are a biological, adoptive, surrogate or step-parent of the child that has died or has been stillborn.

4.2 The scheme will come into force at the same time as the changes to the Employment law are enacted (by Order) by the Minister for Social Security.

4.3 Payments can be processed as soon as the death/stillbirth has been notified to the Department by the Child Death Overview Panel, OSIR or other agency e.g. local Funeral Director.

#### **5. Payment value and changes**

5.1 Payment values will be updated in-line with the Average Earnings Report published by Statistics Jersey at the end of August each year.

#### **6. Further information**

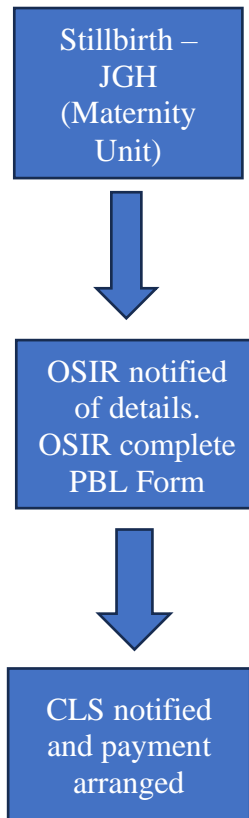
6.1 Please contact:

- Customer and Local Services – Work and Family Team
- By email: [HZSeniorAdvisor@gov.je](mailto:HZSeniorAdvisor@gov.je)

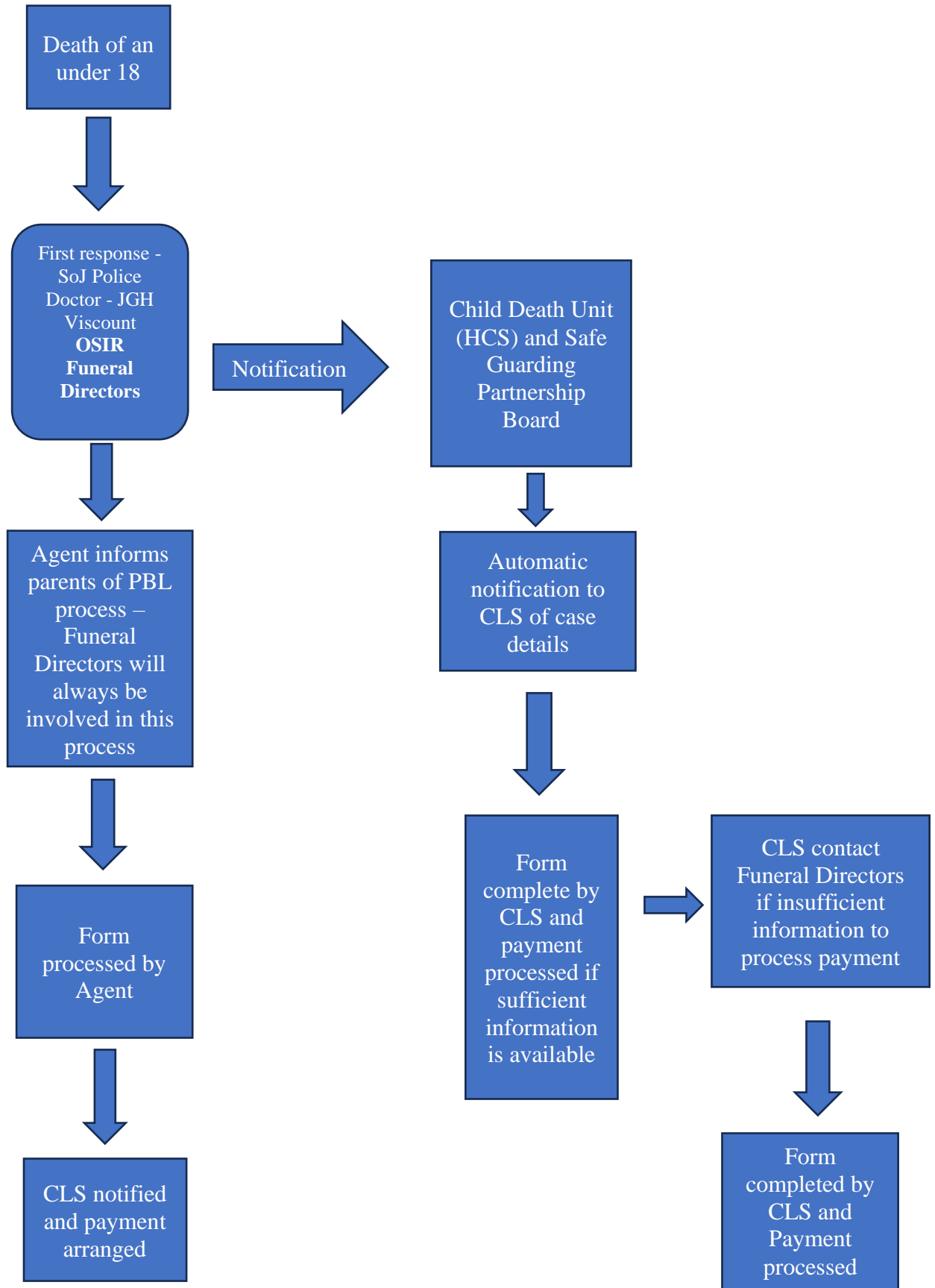
- By phone: +44 (0) 1534 447308
- In person: La Motte Street, St. Helier, JE4 8PE

**Process flow charts**

**Still-birth in hospital**



## Death in Community or Hospital



## **Appendix – Detailed notes on process**

### **Child Death Overview Panel**

The newly established HCS based Child Death Overview Panel and the Safe Guarding Partnership Board have an established process of receiving priority notification of any death that involves a child in Jersey. In many cases, these two groups will get notification before any other stakeholder. As such, working with the Child Death Unit Lead Nurse, we have established a process whereby the CLS Work and Family Team are included in the reporting cascade that happens in the event of a child death. This will mean that in the majority of cases, payments will be able to be processed quickly and efficiently without the need to involve parents at all.

If there is information or detail that is needed – CLS will contact the relevant local Funeral Director to get the information that is needed to make payment.

### **OSIR process**

#### **Stillbirths**

With stillbirths the identity of the parent/s is known, the Maternity Unit inform the OSIR of the occurrence of a still birth and at the earliest opportunity the SIR or a Deputy visit the unit (alternatively, this can take place at their home or at the Registry office at a later date) and register the stillbirth in the still birth register and issue - at the appointment or shortly after – a still birth certificate.

An ARB is usually partially completed by the Maternity Unit, in lieu of any other formal documentation and some ID is required to confirm the identity of the parent/s but it is not as formal a process as the registration of live birth for obvious reasons.

An MCFCS is issued to the OSIR by a registering physician who has examined the child.

There is an existing, but not robust, process already in place that follows, which is for the SIR to inform CLS of the still birth and who the parent/s are in order that any benefit payments can be made quickly and sensitively. This process will need to be formalised as part of the establishment of this payment scheme.

Nothing is registered via TUO and no other process is undertaken following this.

#### **Biological parents**

Biological parents' details could be sourced via TUO or the OSIR's records. Adoptive parents similarly, as long as the adoption took place in Jersey, if not, there will not be a central record of this.

Surrogate parents is more complex. For avoidance of doubt, surrogate parent is as defined in legislation and refers to parent/s that have responsibility for the upbringing of the child.

There is an amendment (pending) to Jersey legislation to clarify surrogacy in Jersey, but currently a Parental Responsibility (PR) order would be required for the parent who intends to raise the child, this construction would not currently be recorded on TUO after the birth registration.

Stepparents would not be recorded on TUO. Thought will also need to be given going forward to same sex parents when the law is changed to allow mother/second parent or similar on registrations rather than Mother/Father.

### Notification of death

The OSIR is usually informed of a death in two ways:

- 1) If the death occurs in an **HCS facility** (usually JGH) this is reported via the TUO process which in turn feeds into CLS systems shortly after the death. This is added to the system by the mortuary team, essentially there is a dashboard accessible by the OSIR team that shows all unregistered and registered deaths in Jersey, the mortuary team access the individual's record and tick a box to 'decease' them. The OSIR team then get to work on the registration.
- 2) **Community death** if an individual dies at home, or for instance in Jersey Hospice Care, in many instances a police call out is initiated and the body moved to the mortuary, this has been the case with a number of recent child deaths, this can be for expected or unexpected deaths. The mortuary then completes the process on TUO as above.

Alternatively, the OSIR is informed directly of the death by the funeral director in charge of the body, or the registering physician, via the email submission of an Application to Register a Death (ARD) from the funeral director and/or Medical Certificate of the Fact and Cause of Death (MCFCD) from the doctor. Both documents are required to register a death and required by law to be submitted within 5 days of the death or finding of the body. In this instance the OSIR team access the system and 'decease' the individual, they then appear on the relevant dashboard and the registration process begins.

### Viscount

The Viscount's Department involvement comes when either an inquest is required and/or the registering physician has indicated on the MCFCD that they want to escalate the death to the Viscount, this can be for a number of reasons. In the instance of an inquest, the death may not be registered for months, even years, and an Interim Death Certificate is issued by the Viscount in order that a funeral service and subsequent burial or cremation can take place. The OSIR will always have oversight of this process and be aware of all island deaths.

The Viscount may also issue a "Fact of Death" certificate prior to more formal documentation being processed.

### **Death Grant**

Currently the Death grant is issued to the relevant funeral director. The OSIR send the ARD to the Pensions Team at CLS to stop benefits, pension allocation etc. (it is

not an automated process triggered by “deceasing” a person on this system) and they also issue the death grant to the relevant FD and this is off set against the cost of the funeral at source, a death certificate is not required for this process. This process was formalised during the covid-10 pandemic.

If a death takes place outside the Island – for instance when the family are on holiday or seeking medical care in the UK, the OSIR will not be made aware of the death at any time, but it is likely that CLS would – but not to a set timeline.

The challenge here is associating a parent/s with the child. Currently births are registered on TUO in a similar process to death registration with an equivalent dashboard managed by the Maternity Unit for live births and accessed by the OSIR. Community births are added to the system by the maternity unit as well, as they will have ultimately knowledge of these having taken place.

Within 21 days the parent/s must register the death with the OSIR.

Despite the system being used to create a birth certificate and ‘person record’ for the child, and the parent/s records being linked in order to add them to the certificate, to my knowledge the records of these parties are not formally linked via TUO, therefore the child’s record could be accessed after death by either the OSIR or a CLS team member and the registered parent/s details extracted – if their details are up to date with current contact information then the team would possibly have full name, residential address, phone number, email address etc. for the parent/s but possibly not sufficient information to issue a payment – assuming the information is correct and up to date.

Contact information and current residential address for parent/s are recorded on the ARB, but not updated by the OSIR team on TUO, so the contact information on TUO may be years out of date and even when updated will only be accurate for as long as that information does not change.

They could be asked to do this going forward but it would not be possible for historic records, it would only represent a few minutes max of extra data inputting per birth. Some discussion was had with CLS when I was in post to develop a process to link parents more formally as part of the Transform project, but the SIR was not mindful at the time to support this is I do not know where it landed.