

PARENTAL BEREAVEMENT LEAVE AND PAY BILL - REQUEST TO DfE FROM THE ECONOMY COMMITTEE

At its meeting on 6 October, the Committee asked officials to clarify with OLC if amendments could be made to the Parental Bereavement Leave and Pay Bill which would allow regulations for miscarriage, a day 1 entitlement to pay and taking leave in days, not weeks, to be introduced at some point in time after the main body of the Bill has been introduced.

RESPONSE

In response to the Committee query of 6 October, officials have clarified with the Office of the Legislative Counsel (OLC) that, in theory, it would be technically possible for amendments to be made to the Parental Bereavement Leave and Pay Bill which would allow regulations to be introduced at some point in time after the main body of the Bill has been introduced. OLC advised that making this work in practice would depend on what the amendment is and/or what the amendment says.

It is important to note, however, that the Department's advice on these issues remains unchanged: in particular, that the HMRC charges associated with making the pay element a day 1 right and taking the leave in days, not weeks, render them economically unviable. The costs would be disproportionate to the number of people who would benefit from the change, particularly in the case of a day 1 right to pay, which we estimate would affect a maximum of 41 parents per year.

The potential miscarriage amendment is different in that the HMRC charges are unlikely to be as disproportionate to the overall costs and benefits of what is proposed: however, miscarriage affects a much larger proportion of the population than child death and the associated recurring costs would be many times higher. Miscarriage leave and pay would in effect be a new policy rather than a variation on Parental Bereavement Leave and Pay.

The Minister's view is that there would be merit in exploring this issue to ascertain what type of statutory provision could be provided, but the Department would need to scope this fully, consult, assess the impacts and follow the required policy and legislative development processes. This will take time and should be done with due care and consideration.

As indicated in the Minister's previous letter to the Committee Chair, our intention is to include the issue of miscarriage in a forthcoming review of employment law which the Department envisages commencing in the next mandate.

Reply prepared by: Colin Jack
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