Community Counts
Milnbank
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TO:	Governance Sub-Committee
PREPARED BY:	Linda Sichi (Deputy CEO)
SUBJECT:	BEREAVED PARTNER'S PATERNITY LEAVE POLICY
DATE OF MEETING:	07 September 2025
APPROVED BY:	Paul Martin (CEO)

BEREAVED PARTNER'S PATERNITY LEAVE POLICY

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BEREAVED PARTNER'S PATERNITY LEAVE POLICY

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1. MILNBANK HOUSING ASSOCIATION (MHA) STRATEGIC OBJECTIVES

MHA's mission is to provide excellent homes and services in a thriving community. We believe that people living in the MHA community should:

- Have warm, safe, and affordable homes, and receive excellent services from MHA.
- Live in neighbourhoods that are clean and well cared for, with real community pride.
- Have access to opportunities and services that promote a good quality of life.

2. MHA's VALUES

Working as 'One Milnbank' so that we offer the same quality of services, support and housing to all tenants and residents.

3. LEGAL & REGULATORY COMPLIANCE

The Board leads and directs MHA to ensure good outcomes for its tenants and other service users. MHA adheres to the Scottish Housing Regulator's Regulatory Framework Financial & Regulatory and to all relevant legal employment requirements associated with this policy. This is a statutory entitlement from the Bereaved Partner's Paternity Leave Regulations 2026.

4. POLICY INTRODUCTION

MHA recognises that bereavement is a difficult time and that managing along with the caring responsibilities for a child brings further challenges. To support with this, eligible employees, have a statutory right to bereaved partner's paternity leave from day one of employment in circumstances where a child's primary carer dies. This policy explains the rights to time off, other support offered and how employees can access this.

5. OVERVIEW OF THE LEAVE

5.1 Bereaved partner's paternity leave is unpaid leave for the partner of the mother, main adopter or main intended parent of a child who has died. The leave can be used when the bereavement is within the first year of the child's life or adoption.

The person who's died must be either:

- The mother or parent who gave birth
- The primary adopter
- An intended parent having a baby through surrogacy

If they are eligible the father or partner can take up to 52 weeks' unpaid leave to care for their child from the day after the bereavement. The leave must be taken in one continuous block, and the employee can choose the amount of time.

The leave must finish by either:

- The child's first birthday
- The anniversary of the child's adoption placement (or arrival in Scotland in the UK if they are from overseas)

The exception is if the bereavement happens less than 14 days before the child's first birthday or anniversary for adoption. The employee can then only take up to 14 days leave and it must end within 14 days of the bereavement.

If the child dies while the employee is on leave the leave must come to an end within 8 weeks from the Sunday after the child's death.

If your adopted child is no longer in your care the leave must end within 8 weeks starting from the Sunday after the child stopped being in the care of the employee.

Employees can take Bereaved Partner's Paternity Leave before or after any other parental leave and pay they are eligible for, such as, Paternity Leave, Shared Parental Leave, Neonatal Care Leave and Unpaid Parental Leave.

5.2 Eligibility

The employee must have the main caring responsibility for bringing up the child and be one of the following:

- the child's father
- married to, the civil partner or partner of the mother or parent who gave birth
- married to, the civil partner or partner of the primary adopter or intended parent

This includes same sex partners. Employees who have separated from their partner can still take this leave. The purpose of the leave must be to care for the child.

5.3 Giving Notice to Start the Leave

Within 8 Weeks of the Bereavement Date - If an employee wishes to start the leave within the first eight weeks following the bereavement date, they must let their line manager Know before they are due to start work on their first date of absence. You can give notice verbally or in writing. The notice should include;

- The bereavement date
- The date the employee wants the leave to start
- The date on which either the child was born, placed for adoption or entered the UK for adoption.

The employee can either confirm how much leave they intend to take when they first notify their line manager or confirm in writing within 8 weeks of starting the leave.

If the notice is given verbally, the line manager will confirm this with the employee in writing.

More than 8 Weeks after the Bereavement Date - If an employee wishes to start the leave after the initial eight-week period following the bereavement date, they must give their line manager at least one week's notice in writing before the start of the leave. The notice should include the details set out above in addition to;

- their relationship with the child
- that they intend to care for the child
- the date they plan to return to work

5.4 Changing or Cancelling Leave

To Change the Start Date**:**

- If it's less than 8 weeks after the bereavement – the employee should tell their line manager, the new start date either verbally or in writing.
- If it's more than 8 weeks after the bereavement – the employee must tell their line manager in writing and give at least 1 weeks' notice before the new start date.

To Change the Return Date:

If an employee wishes to change the date to return to work to either earlier or later, they must tell their line manager in writing.

- If they are due to return to work in the first 8 weeks after the bereavement and want to return to work on an earlier date – they need to tell their line manager at least a week before the new date.
- If they want to return to work on a later date they need to tell their line manager at least a week before the original return date.
- If they are due to return to work more than 8 weeks after the bereavement and want to return to work on an earlier date – they should tell their line manager at least 8 weeks before the new return date.
- If they want to return to work on a later date, they should tell their line manager at least 8 weeks before the original return date.

To Cancel the Leave

If an employee wishes to cancel the leave they must tell their line manager in writing.

- If the leave is due to start within the first 8 weeks after the bereavement they must tell their line manager before the first day of planned leave.
- If the leave is due to start more than 8 weeks after the bereavement, they must tell their line manager at least a week before the planned leave is due to start.

6. CONTACT DURING BEREAVED PARTNERS PATERNITY LEAVE

The method of contact will be discussed and agreed with the employee, this will include how often the line manager will communicate with the employee during the leave. The line manager will also share details regarding possible job opportunities and developments at work during the leave.

7. KEEPING IN TOUCH DAYS

If agreed with the line manager an employee can work up to 10 Keeping in Touch days (KIT) days during bereaved partner's paternity leave. These days are paid at the employee's normal rate.

8. CONFIDENTIALITY

MHA will keep information about the employee's situation confidential. MHA will only tell other employees if it is made clear that they can share the information, out with those employees who require the information (e.g. to process payroll).

9. EMPLOYMENT RIGHTS DURING THE LEAVE PERIOD

Employment rights are protected while an employee is on leave. This includes the right to accrue annual leave, public holidays and receive pay rises that happen during the leave period. Employees cannot take holiday or get holiday pay while on bereaved partner's paternity leave, but they can arrange with their line manager to take it before or after the leave period.

10. PENSION

The line manager will notify the employee of the impact of the leave on pension and options to consider.

11. RETURNING TO WORK

If you return to work after a period of 26 weeks or less of bereaved partner paternity leave, you are entitled to return to the same job, with the same terms and conditions on which you were employed before the leave.

If you return to work after a period of 26 weeks you are entitled to return to the same job in which you were employed before the leave or, if that is not reasonably practicable, to another job which is both suitable and appropriate in the circumstances on terms no less favourable.

12. EMPLOYEE SUPPORT

MHA recognises that bereavement can be an incredibly distressing experience and employees are able to access support from the following resources;

- Cruse Scotland - **https://www.crusescotland.org.uk/**
  Free Helpline: 0808 802 6161

13. EQUALITY & HUMAN RIGHTS

MHA's commitment to equal opportunities and we will respond to the different needs and service requirements of individuals, and we will not discriminate against any individual for any reason outlined in Equality & Human Rights Legislation.

14. DATA COLLECTION

MHA will manage all personal data in accordance with our obligations under the GDPR regulations and the Association's Policy.

15. POLICY MONITORING & REVIEW

The Bereaved Partners Paternity Leave Policy will be reviewed by the Governance Sub-Committee every 5 years or in line with EVH updates, or as otherwise deemed necessary.