

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PARENTAL BEREAVEMENT (LEAVE AND PAY) BILL

First Sitting

Wednesday 31 January 2018

CONTENTS

Sittings motion agreed to.

CLAUSES 1 AND 2 agreed to.

New clause considered.

SCHEDULE under consideration when the Committee adjourned till
Wednesday 7 February at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Sunday 4 February 2018

© Parliamentary Copyright House of Commons 2018

This publication may be reproduced under the terms of the Open Parliament licence, which is published at www.parliament.uk/site-information/copyright/.

The Committee consisted of the following Members:

Chair: JAMES GRAY

- | | |
|--|---|
| † Antoniazzi, Tonia (<i>Gower</i>) (Lab) | † Masterton, Paul (<i>East Renfrewshire</i>) (Con) |
| † Argar, Edward (<i>Charnwood</i>) (Con) | † Newlands, Gavin (<i>Paisley and Renfrewshire North</i>) (SNP) |
| † Gibson, Patricia (<i>North Ayrshire and Arran</i>) (SNP) | † Pidcock, Laura (<i>North West Durham</i>) (Lab) |
| † Griffiths, Andrew (<i>Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy</i>) | † Prentis, Victoria (<i>Banbury</i>) (Con) |
| † Harris, Carolyn (<i>Swansea East</i>) (Lab) | † Quince, Will (<i>Colchester</i>) (Con) |
| † Hollinrake, Kevin (<i>Thirsk and Malton</i>) (Con) | † Sandbach, Antoinette (<i>Eddisbury</i>) (Con) |
| † Johnson, Diana (<i>Kingston upon Hull North</i>) (Lab) | † Soames, Sir Nicholas (<i>Mid Sussex</i>) (Con) |
| † Jones, Andrew (<i>Harrogate and Knaresborough</i>) (Con) | † Yasin, Mohammad (<i>Bedford</i>) (Lab) |
| † Linden, David (<i>Glasgow East</i>) (SNP) | Farrah Bhatti, <i>Committee Clerk</i> |
| | † attended the Committee |

Public Bill Committee

Wednesday 31 January 2018

[JAMES GRAY *in the Chair*]

Parental Bereavement (Leave and Pay) Bill

2 pm

The Chair: I welcome the Committee to this stage of the hon. Member for Thirsk and Malton's private Member's Bill. My inclination is to apply the same rules on general behaviour in Committee as we do in the main Chamber as regards dress, not drinking coffee and all those things, as well as the normal procedures and courtesies, if that is all right by everybody.

Before we do anything else, we need to deal with the sittings motion, which stands in the promoter's name.

Resolved,

That, if proceedings on the Parental Bereavement (Leave and Pay) Bill are not completed at this day's sitting, the Committee shall meet on Wednesdays while the House is sitting at 2.00 pm.—
(*Kevin Hollinrake.*)

The Chair: On the basis of that motion, and given that the required notice period for amendments in Public Bill Committees is three working days, amendments should be tabled by the rise on the House on Fridays for consideration on Wednesdays. Therefore, the deadline for any amendments for consideration next Wednesday is this coming Friday. If possible, submit amendments prior to that. As a general rule, I will not call starred amendments that have not been tabled with adequate notice. If you want amendments to be discussed next Wednesday, get them tabled by Friday.

We come to line-by-line consideration of the Bill. As neither clause 1 nor 2 is to be amended, my inclination is to have a stand part debate on them both, rather like a Second Reading debate, and then move on to the more detailed stuff.

Clause 1

PARENTAL BEREAVEMENT LEAVE AND PAY

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss clause 2 stand part.

Kevin Hollinrake (Thirsk and Malton) (Con): It is a pleasure, as always, to serve under your chairmanship, Mr Gray. I will set out briefly the purpose of the Bill. No one would doubt that losing a child is the most harrowing experience for any parent. It is the thing we dread most. As a father of four, I know that is every mother or father's worst fear, and one that never goes away.

First, I pay tribute to members of the Committee, in particular, my hon. Friends the Members for Banbury and for Eddisbury and the hon. Member for North Ayrshire and Arran—and, of course, I pay tribute to my hon. Friend the Member for Colchester for his incredible work in this area. I am fortunate to have the opportunity hopefully to carry the Bill through to its final stages, and I am keen to do so as quickly as possible to ensure that we get it over the line. So much good work has

been done in this Parliament and the previous one to ensure that this important piece of legislation comes forward.

Many charities have been in touch to express their support for the Bill, such as Child Bereavement UK, Bliss, Together for Short Lives and Jack's Rainbow, as well as the all-party parliamentary group on baby loss, the all-party parliamentary group for children who need palliative care, and my constituents, Annika and James Dowson, who first drew my attention to their terrible tragedy with their daughter, Gypsy, who was stillborn. They—like many people in such situations—have found a way to channel their grief by using their efforts to alleviate the suffering of others in the same situation. In their case, they have raised much money for the bereavement suite at Scarborough hospital.

I am also grateful for the cross-party co-operation we have seen—we are all keen for the Bill to progress. Many other people have been involved, including the parliamentary digital outreach team, who helped us to get in touch with many people who have suffered these terrible tragedies and let us learn of their experiences.

The Bill puts on the statute book for the very first time that parents will have a day-one entitlement to two weeks' leave if they should suffer this tragedy. We talked to many people about this Bill, and when we explain its provisions, people say, "Why is that not the case already?" That is a good start to introducing new legislation; there is clearly something wrong when such legislation does not exist already.

The entitlement is for a child below the age of 18. I know that there are some amendments that we will debate, which ask whether we have all the provisions in the Bill in the right place. I am very keen to hear from members of the Committee about whether the current qualifying criteria are correct.

There is also the rate of pay for this leave. After 26 weeks, there is an entitlement to statutory pay—£141 a week, or 90% of earnings. There is also flexibility in taking the leave—those two weeks over the first eight-week period. Again, I know that is something we need to discuss in this Committee.

We will also consider eligibility. Is the leave for biological parents, or for a wider group of people who come under that umbrella term, "parents"? These days, of course, people tend to have a number of parental figures in their life and we need to take time to consider such points properly.

I think that we are all aware of the fragility of the private Member's Bill process. We are delighted to have Government support for this Bill, but we are very keen to ensure that we get it through at the earliest opportunity, so that those people who have lost children receive the support they need.

On examination of the Bill, all hon. Members will have noticed, of course, that clause 1 is uncontroversial and simply allows for consideration of the substance of the Bill—the schedule that is referred to. Clause 2 is just a procedural clause, which provides for the date on which the Bill will come into force, the extent of any amendment or appeal as set out in the schedule, and the short title of the Bill.

With your agreement, Mr Gray, I propose that we do not dwell on clause 2 and instead move on to the substance of the Bill, which is in the schedule, once we have considered the proposed new clause.

The Chair: I call Laura Pidcock to speak. It would be helpful if Members who wish to speak stand up.

Laura Pidcock (North West Durham) (Lab): Thank you very much, Mr Gray, for calling me to speak. It is a pleasure to come to this Committee and work on this Bill, which is the first Bill that I will consider in my new role. The hon. Member for Thirsk and Malton has outlined what the clauses do; I will not repeat that. I will just say that I support the purpose of the clauses.

The hon. Gentleman also said that the fact that this legislation does not exist already is almost unbelievable; I cannot believe that it has taken until 2018 to table such a measure, and create the right to parental leave and pay. I am therefore pleased that, through this private Member's Bill, we will create such legislation. I give thanks to the hon. Gentleman. By the way, we agree that everything is better up north; that is one of the few things we agree on. We also agree on the purpose of this Bill and we will use this Committee not only to improve the Bill—potentially—but to ensure that it is passed.

I have to say that I am humbled to speak in this debate alongside people who unfortunately have first-hand experience of losing a child, and I place on the record how much I admire all of them and all their strength.

The principle should be that if someone is in work—whatever type of work they do and for however long they have done it—when catastrophe strikes and their child dies, either as a result of a long-term health condition, a freak accident, or anything in between, they should have time off to recover and there should be no financial detriment to their taking that period of recovery. I just cannot imagine the pain and grief that someone experiences when they lose the closest person to them, and the fact that they need to function so quickly after they have felt such grief is impossible to comprehend.

As has been mentioned in previous debates, there are of course employers who will be very understanding and who will make time for people to grieve and to make arrangements. However, we also have to acknowledge, as I think this Bill does, that there are employers who do not show the same compassion at this most dreadful time.

All the statistics tell us something. For example, the National Council for Palliative Care says that a shocking 31% of people who have been bereaved in the last five years felt that they had not been treated with compassion by their employer. In my view, that is an astounding statistic and it is also proof that the Government must take action, and rightly are taking action, to provide protection for these people.

Will Quince (Colchester) (Con): It is a pleasure to serve under your chairmanship, Mr Gray.

This is, indeed, a very exciting day, and the culmination of nearly three years' work. I fully support the Bill, amending the Employment Rights Act 1996 and giving parents who sadly suffer the loss of a child the statutory right to two weeks' paid leave. I first introduced a Bill on this matter in the previous Parliament. The issue was, and remains, one of the burning injustices that I wanted to address during my time in Parliament, which is why I am so supportive of this Bill and the work of my hon. Friend the Member for Thirsk and Malton.

Why is this issue so important to me? It is important because it is personal. Having gone through the experience of losing a child in 2014, I saw the impact that it had on not just me but the wider family, and my wife in particular. We had all the protections that come with a stillbirth: the full rights of maternity and paternity, which do not exist for those who lose a child after six or seven months.

When I joined Parliament I started researching this subject and looking at why there was this gap in provision and no statutory protection. I came across a similar Bill that was introduced back in 2013 by the former Member for Glasgow South, Tom Harris. He recognised that there was an issue here, based on a personal case in his constituency. I have been liaising with Tom, who has been hugely helpful and supportive of my Bill coming back before the House as a ten-minute rule Bill and its continuation in this Bill. I also met a lady called Lucy Herd who set up an organisation and charity called Jack's Rainbow. She sadly lost her child who I believe was around two years old, and she has campaigned tirelessly on this issue for several years.

Although Tom did not get as far as starting to draft his Bill, he presented a ten-minute rule Bill that kicked off the process of getting Parliament to think about the gap in provision. With the help of the Table Office, we then drafted a Bill that was an initial variant or incarnation of what we see in front of us today. Sadly, the Session timed out and we were not able to take it through to get it on the statute book.

Along with a number of colleagues from across the House who care passionately about this issue, we campaigned as hard as we could on a cross-party basis, and as a result managed to get this policy in all the four main parties' manifestos, which was no mean feat. I will be eternally grateful to my hon. Friend the Member for Thirsk and Malton for picking up the baton and running with this Bill. When a Member comes high up in the ballot for private Members' Bills, they are inundated with requests from charities, different organisations and local, constituency cases from people who want them to take on their cause and campaign. Within about 20 to 30 seconds of a phone call with my hon. Friend the Member for Thirsk and Malton when I knew that he had come up high up in the ballot for private Members' Bills, he did not hesitate to say yes. That is a credit to him and shows how passionate he is too about addressing this issue.

I also thank the Government for their support for the Bill, and in particular the former Minister, my hon. Friend the Member for Stourbridge (Margot James), who has been so supportive. From the point at which my Bill fell in the last Parliament, we had a number of meetings in the Department to work out ways in which we could thrash this issue out and bring it forward again.

I also welcome the new Minister to his place. Knowing him as well as I do, and from the work that we have already done on this important issue, I know that he is as passionate as we all are about getting the Bill over the line and on to the statute book. I thank all Members from across the House who have supported this campaign and the Bill, and, as my hon. Friend the Member for Thirsk and Malton said, all the different charities and organisations that have been so supportive of the Bill and have fed into the process with their different ideas. We will not agree with all of them—some of them are

[Will Quince]

not entirely practical—but we might agree with some of them, and the point is that they have been very forthcoming with their ideas and views.

Why is the Bill needed? Why is it so important? To put it bluntly, it is because there can be few more distressing life events than the loss of a child. I know that a number of hon. Members across the Committee have experienced that loss. Personally, I can only speak having gone through a stillbirth. I cannot imagine what it would be like to lose a child at one, three, five, 15 or 17. Up to 5,000 children die every year in the UK, which means that thousands of parents have to go through that personal tragedy.

2.15 pm

Having gone through our experience of losing a baby through stillbirth, I must stress how important it is to have the time to come to terms with the huge loss. Often, by their very nature, an infant or child death is a sudden one. People need the time to come to terms with what has happened, and to make those necessary arrangements.

We have spoken a bit, and I have seen correspondence with different charities, about the age limit. The age limit of 18 is partly because there has to be an arbitrary figure, and also because up to that point there is no person other than the parents, who have the sole responsibility for making arrangements such as registering a death, organising a funeral and letting the wider family know. That responsibility falls almost exclusively on the parents, which is why the Bill is entitled Parental Bereavement (Leave and Pay). It is specifically aimed at dependants.

The hon. Member for North West Durham pointed out that the vast majority of employers are already brilliant and act with compassion, kindness and huge amounts of sympathy. The vast majority bend over backwards to make it as easy as possible for their employees to come to terms with what is a most horrific life event. But sadly, some do not. That is why this statutory protection is so important. I mentioned that when a child is stillborn—after 24 weeks—parents are entitled to full maternity and paternity rights. That is the same if parents lose a child neonatally. However, if parents lose a child after that point, technically they are entitled to nothing. Why should parents who lose a child in the first few weeks and months of life not have the same type of statutory protection? It cannot be right, and that is why we have to address the matter in law.

The position of the law as it stands, under the Employment Rights Act 1996, is that people are entitled to time off for dependants. There is a rather vague definition of a reasonable amount of time. To be frank, what is reasonable to one person is not necessarily reasonable to another—it is purely at the employer's discretion. Although the vast majority of employers are brilliant, some have not even allowed their staff to have the time off to attend a funeral. That is simply unacceptable and it is why we need this statutory protection.

There are countless cases of employees being pressurised into going back to work. At the moment, we have that theoretical right of a vaguely defined reasonable amount of time, but there is no statutory right at all for that time

off to be paid. Many employers will keep their staff on full pay during that period, but some do not. I am aware of the pressures on business—we should take their needs and requirements into consideration. We do not want to put unnecessary burdens on business, but the Bill is good for business because it creates an element of certainty.

The Bill was never intended to state what must be provided in every case, but rather the bare minimum that must be provided under statute. Most employers will go much further and we all encourage them to do so, because if they take care of their employees at the most difficult time in their lives, that buys a huge amount of loyalty. Those individuals will respect that hugely. The statutory provision on pay, which my hon. Friend the Member for Thirsk and Malton outlined, means that businesses will be able to recoup some of that money, so there will be a financial incentive for businesses to do the right thing.

Every bereaved parent is different. Some will want this Bill and some will not. Some will choose to take parental bereavement leave and some will choose not to. Some will want to take it immediately and some will want to take it later. There is a strong argument that fathers in particular want to go straight back to work as a coping mechanism. I will not say whether that is right or wrong—it is entirely up to them—but we want to ensure that the legislation is as flexible as possible and that it is a fair and reasonable compromise between the employee and the employer.

The Bill is about statutory protection. There are some European and worldwide precedents for such measures, but it is important to say that if we pass this Bill, or a variant thereof with a few minor amendments and tweaks, we will have some of the best workers' rights in this area in Europe, and indeed in the world, which is something that we can be hugely proud of.

The hon. Member for North West Durham pointed out that the Bill is not perfect. We will no doubt, I suspect, have minor disagreements about what we want the Bill to include, in particular perhaps about the length of time when the leave can be taken and about the eligibility criteria. Indeed, I have tabled amendments of my own. However, I repeat what I said at the beginning: the Bill is the result of more than two years' work, so please let us not make the perfect the enemy of the good. This Bill must pass. We have to get it on to the statute book. It is a hugely important first step that gives thousands of parents up and down the country the statutory protection that they rightly deserve and the time and peace to grieve.

Patricia Gibson (North Ayrshire and Arran) (SNP): I want to echo some of what has been said. I most sincerely and profoundly thank the hon. Member for Thirsk and Malton for introducing this very important Bill and for all the work he has done to ensure that we reach this point, building on the work of the hon. Member for Colchester and the former Member for Glasgow South.

The anomaly of bereaved parents and the injustice they face of not having any protection in employment law is finally being addressed. This is a good day for Parliament. The Bill is warmly welcomed by every one of my Scottish National party colleagues and has support across the House, as we would expect. As has been said,

most employers are perfectly decent, but we all understand—perhaps this is where the Bill arises from—that such an important matter cannot be left to the good will of individual employers.

Many of us have had the tragic and life-changing experience of having to bury our own child, but the Bill is not for us. It is for all those men and women who will have to undergo that agony in future. We in public life, especially those of us who have gone through that traumatic experience, have a duty—a desire by which we are often driven—to improve the situation for those who in the coming years will suffer the same terrible fate of losing a child.

It is important that we all approach the Bill in a non-partisan manner, which is always a pleasure because it happens so infrequently in this House. Some things are just too important to be considered party political and go well beyond the realms of party affiliation, which is why I am hugely encouraged by the tone of hon. Members' opening remarks. My regret is that in the run-up to the Bill, I was not insightful or prepared enough to work with other hon. Members to table cross-party amendments. That would have given the important signal that this is not a party political issue. I hold my hands up to that.

Many people who have not undergone the experience of losing their child will not understand that there is no protection—they have never had any reason to make inquiries into that. It has taken us so long to get to this point because it is so difficult to even broach the subject of the death of a child. It has been taboo for too long, and thankfully, that is changing.

For too long, parents have had no formal protection under employment law. Together, today, we can seek to put that right. By passing some of the amendments, I hope we can put it right in a way of which we can be truly proud.

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Andrew Griffiths): Like the hon. Member for North West Durham, this is my first appearance in a Bill Committee. It is a pleasure to serve under your chairmanship, Mr Gray.

The Chair: You are doing well so far.

Andrew Griffiths: I know you have a reputation for being a hard taskmaster, and that you do not suffer fools gladly, but I hope you will be at least a little gentle with the Front-Bench Members as we proceed in this important debate.

As a Minister with the vast experience of some two weeks in the Department for Business, Energy and Industrial Strategy, it is actually very humbling to be here and to take part in this important debate. We come into public life and into politics to help people and to make a difference. As a child of the '80s, I am reminded of the M People song:

“What have you done today to make you feel proud?”

My hon. Friend the Member for Thirsk and Malton and everybody involved with the Bill can feel proud that we have reached this point. The Bill will change the lives of those affected by the death of a child. It really will make a massive contribution, and I congratulate my hon. Friend on making such significant progress with

this important Bill. I also congratulate my hon. Friend the Member for Colchester on the work that he has done.

I have been in the House since 2010, and Bills and debates have come and gone. Sometimes they stick in our minds, sometimes they pass us by and the amount of time and energy given to them in our thoughts is fleeting. One thing that I remember incredibly vividly in this place was listening to the Adjournment debate led by my hon. Friend the Member for Colchester, I think back in November 2015—and, of course, the contribution from my hon. Friend the Member for Eddisbury. The raw emotion in the Chamber during those speeches was incredible. I do not think a single Member was not moved almost to the point of tears, and beyond that in some cases, by the devastating human story that we heard play out and the desire that no other parent should have to go through that. It is an old adage that no parent should ever bury their child.

The hon. Member for North Ayrshire and Arran spoke about this being almost a taboo subject—something that we do not wish to talk about. That reminded me of my own experience. I am delighted to say that Mrs Griffiths is with child. When I became a Business Minister, the first thing they told me on the day I walked through the door of the Department was that the next day I would be answering Women and Equalities questions, and that the first question would be on flexible paternity. I had to declare an interest, as I intend to take my full paternity leave.

I therefore look at this through the lens of a dad-to-be. I am reminded of the other evening. We were sat at home in Burton, and my wife, who is now getting bigger by the day, was on the sofa. She was enthralled by “Dancing on Ice” and I was deep in my red box, doing my ministerial work. She shouted out because she had her mobile phone resting on her belly and the baby—we do not know yet whether it is a boy or a girl—had kicked the mobile phone off her belly. We are just going through those emotions of realising that there is a little person in there; there is a little Andrew or a little Kate growing inside my wife, and it is hugely exciting and emotional. To think that the unthinkable could happen, that all the potential of that little child inside my wife might come to nothing, that it might all be wasted, is something that none of us want to talk about.

From my perspective, I am very proud of what I do as a Member of Parliament, but my wife is even prouder. Normally, whatever I am doing in the Chamber or in the House, I will text her, particularly if it is something that might be visible and that she can see on TV. She loves to sit at home in Burton and turn on the Parliament channel and watch my wonderful oration. It just dawned on me that I had not told her about this debate, and it was a deliberate thing. I deliberately chose not to tell her that I was taking part in this debate, because I did not want her to have to think about it. I did not want to plant that seed in her mind at a time when she is excited, nervous, apprehensive—all those things. I did not want to plant the seed that something could go wrong.

2.30 pm

It is for all of us, particularly us in this place, to come to terms with these things and address them, and to plan. None of us wants to be in that situation; as I said, we have heard such moving speeches setting out the

pain, devastation and anguish that come with the loss of a child. It is right that we are tackling it in this Bill. I am grateful that we have cross-party support to take it forward. I am mindful of what my hon. Friend the Member for Colchester says. I congratulate my hon. Friend the Member for Thirsk and Malton on the dexterity he has shown so far in getting the Bill to this point.

In a previous life, however, I was a Government Whip. I learned a great deal as a Government Whip, not just about our colleagues and how reliable or unreliable they can be but about the vagaries of this place and the way that the system works for private Member's Bills. It is a precarious process. There are so many twists and turns and dead ends that a private Member's Bill can find itself in, and it takes great skill, great perseverance and a great deal of luck to get such a Bill over the line and have it become legislation.

We must all recognise the precarious nature of the Bill and how important it is that, as my hon. Friend the Member for Colchester says, the perfect should not be the enemy of the good. That is a wonderful phrase. This Bill will do great good, but we must ensure that we get it on the statute books. As we have heard, with the skilful drafting of my hon. Friend the Member for Thirsk and Malton, this is a framework Bill. It allows and enables the Government to come forward with legislation through secondary legislation, but it is important that we get it on the statute books. That is the one thing I would try to impress on all parties in this room today: we must make progress.

I am the new face of the Government in relation to this Bill. I pay tribute to my hon. Friend the Member for Stourbridge (Margot James). Her brief—my new brief—is a massive one. I am the small business Minister, but I am also the Minister for the labour market, the postal service, competition, insolvency, unions and the retail sector. When she did her handover to me when she left the Department and I took over, she had to impart knowledge and bring me up to speed as regards what was happening in the portfolios on a whole host of issues. But the most important thing she talked about, the one thing she impressed on me more than anything else, was the necessity of getting this Bill through and delivering. She cares about it in the same way as hon. Members have demonstrated, and as I do.

As the new face of the Government, I can confirm that the Government stand resolutely behind the Bill. We want to see it enacted and benefiting all those people who are so terribly affected by the loss of a child or by stillbirth. It is an important measure and we want to see it in place. I agree with my hon. Friend the Member for Thirsk and Malton that clauses 1 and 2 are the means to give effect to the schedule and the relevant procedural information. We should therefore progress towards consideration of the schedule, which is where the detail and the meat of the Bill is.

Kevin Hollinrake: I thank all members of the Committee for their wonderful contributions. I am delighted to see cross-party support for this very important Bill, and I am keen to move on to the substance of the Bill at the earliest opportunity.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

New Clause 2

PARENTAL BEREAVEMENT LEAVE AND PAY: REVIEW OF EXTENSION OF ENTITLEMENT

'The Secretary of State must, within three months of this Act being passed, lay a report before Parliament reviewing the extension of entitlement to parental bereavement leave and pay to people who are self-employed or are employed on zero-hours contracts.'⁷—
(*Patricia Gibson.*)

This new clause would require the Secretary of State to review the extension of parental bereavement leave and pay to self-employed people and those on zero-hours contracts.

Brought up, and read the First time.

Patricia Gibson: I beg to move, That the clause be read a Second time.

Parental bereavement leave is a contributory benefit. As set out, those bereaved parents who are envisaged to be eligible for leave under the Bill will need to meet the minimum requirements relating to continuity of employment—they will need at least 26 weeks with their current employer. During that leave, earnings will be paid at the statutory flat rate, which is set at £140.98 a week or 90% of average earnings, whichever is lower. Later, under other amendments, we can have a debate about how far short those provisions fall of what we want, but I urge the Minister to consider how these entitlements for bereaved parents will be extended to those in precarious work, such as those on zero-hours contracts.

That is important because, as we have all agreed, the Bill is about supporting parents who suffer the awful experience of having to bury their own child. This surely cannot and should not be reduced to a matter of work contracts. Our starting principle is the loss of a child, so I urge Minister to include as many bereaved parents as possible within the Bill's remit. Remember, many people on precarious contracts are on them because it is so difficult for them to find the permanent, secure employment that we would all wish to have. Many of them are struggling because there are too few employment protection rights anyway. If they do go through the awful nightmare of losing their child, they will continue to lose out.

I remind the Minister that the loss of a child can often lead to the complete breakdown of a marriage. Sadly, in the ordinary course of events, 50% of marriages end in divorce, but some studies show that the death of a child makes the bereaved parents eight times more likely to divorce than other couples. There is a social cost to divorce, and it is often borne by the state as well as the families. Bereaved parents are more likely to develop depression and other mental health issues. Some turn to drink or other forms of self-medication; some even drop out of the workplace altogether and become economically inactive. I say that to the Minister because apart from the compassion that the Bill should show to bereaved parents who might be excluded from it under its current terms, from a purely financial perspective—leaving the compassion behind—it makes sense to offer that monetary support during the critical early days following a bereavement.

I urge the Minister to give serious consideration to including these provisions in the Bill, so that parents who are doing their best and working hard, but do not enjoy the security of a permanent contract and all the rights that it confers, do not miss out should they face this awful tragedy. We should extend the rights to them as well.

Kevin Hollinrake: I have a great deal of sympathy with many of the hon. Lady's arguments. The world of employment is changing rapidly. We are in a new world. Although I have been self-employed virtually all my life and I see self-employment as a wonderful opportunity for people to get on in life, there is no doubt that some companies are using another kind of opportunity to circumvent the employment laws that have been developed over centuries, so that it is easier and cheaper for them to employ people. The concern is that that is also being done to avoid the other obligations that employers have to employees, which is the point the hon. Lady was getting at.

Truly self-employed people tend to have more flexibility in their work, so they have other means of taking the time off that is required in these tragic circumstances, but we do not want future employers to use that to circumvent legislation. We need to look at that, and the Government are looking at it in the form of the Taylor review, which considers modern working practices. In July, as the hon. Lady knows, it reported on the overall context of legislation, including its impact on self-employed people and whether the gig economy is being abused to get round employment rights. The provisions in the Bill generally mirror other parental entitlements. The Taylor review may well recommend that some other parental provisions apply in these circumstances, which may affect this legislation in future. We need to look at the difference in entitlement between employed and self-employed people.

Throughout the process, we were keen to engage with charities and to listen to how we might improve the legislation based on their experiences. I mentioned some of them in my opening remarks. They include Elliot's footprint, Together for Short Lives, the National Bereavement Alliance, the Rainbow Trust and Bliss. Other bodies such as Unison have submitted points to consider; people will be familiar with many of them. Charities suggested that we look at the issues around self-employment. We and the Government should consider that in the context of wider employment legislation.

Another matter that I do not have much influence over in this Committee, and which would complicate things in a way that none of us wants, is the impact on the Exchequer. It is important to state that we are spending taxpayers' money. The financial context is that under the new clause, the Exchequer would pay the statutory pay for people in these circumstances. We have to take that into account. That amount has not been calculated, so that could cause more delays.

Patricia Gibson: I remind the hon. Gentleman that there may well be a social cost if people do not get the support that they need. The statistics around bereaved parents do not make for comfortable reading.

Kevin Hollinrake: The hon. Lady makes a very good point, and I would not argue against that for a minute. My hon. Friend the Member for Colchester talked about the impact of the employer treating his workforce properly and how that can lift morale, or certainly does not damage morale, and how treating people with consideration can get people back to work more quickly. I am sure that that applies in a wider social context.

My point was that for any legislation, we look at the impact assessment, including the obvious hard-cash impact. In this case, that would require a revisitation of

the assessment, which could cause delays in the Bill process. At this point, it is probably fairer to let the Minister have his say, because he is best placed to respond to those points.

2.45 pm

Laura Pidcock: I agree strongly with the hon. Member for North Ayrshire and Arran. When we think of any of the provisions in the Bill, it is quite easy to think about who is entitled, but much harder to think about who is not. Morally, the disqualification of people who have been through such a horrendous experience does not sit well with any of us.

There are 4.5 million self-employed people in the UK. As the hon. Member for Thirsk and Malton rightly said, working practices in this nation are becoming less secure. I do not say that in a judgmental sense, but there is more fracture, there are more self-employed people and nearly 9,000 people in the UK are on zero-hours contracts. The Bill will be meaningless for them unless the extensions are included.

Let us be honest: most people across the nation do not have the option of not working. People take whatever work is available in their area, whether it is secure or not. Many people cannot choose their hours or their income, but when bereaved, they face exactly the same pain and grief. We have discussed how the Bill mirrors other entitlements, but I think the whole Committee would agree that it deals with exceptionally painful circumstances, so it is right that exceptional provision should be made.

I agree that a saving for the Treasury in one place could mean a cost in another. As has been mentioned, the TUC is gravely concerned about zero-hours contracts and self-employed people. Until greater rights and freedoms are established in law to allow precarious workers to organise, it is up to the Government to extend entitlements to them. Thankfully, we are not talking about a huge pool of people nationally, so including agency workers and people on zero-hours contracts would be a small extension to the Bill. Unfortunately, the number of childhood deaths per year has stayed the same on average.

I do not think that it is beyond the Government to make this commitment. I support the new clause.

Andrew Griffiths: I thank the hon. Member for North Ayrshire and Arran for tabling the new clause and for focusing on the social cost, which is very important. We can get caught up in the amount of money involved or the cost to the Exchequer, which I will come back to, but this is fundamentally about the cost to human lives, relationships and happiness. As she rightly says, the grief that ensues after the loss of a child can easily cause family breakdown or divorce.

One issue that I have tried to tackle in my time as a Member of Parliament is drug and alcohol addiction. I do a great deal of work with a rehab organisation in my constituency, the Burton Addiction Centre. I regularly go there to talk to people in various stages of recovery. There is often a trigger in somebody's life that can tip them into alcohol or drug abuse, domestic violence or any of a whole host of things that make their life spiral down. Putting those people back together again and dealing with the consequences of crime and antisocial behaviour brings about a cost to society that the Government are aware of and are working to address.

Antoinette Sandbach (Eddisbury) (Con): The Government have made some important progress with the national bereavement care pathway. The lack of support given to parents at the point of loss often means that they turn to legal or illegal medication that may not be good for them. The 11 pilots being rolled out will mean that every parent, whatever loss they suffer, will get some kind of bereavement support. I hope that that support, going hand in hand with the Bill, will make a real difference to parents' lives and minimise the risk of that path being followed.

Andrew Griffiths: There have been and there continue to be many occasions in this House when I listen to a debate and think, "Crikey! There are so many people who know so much more about this thing than I do." The biggest example of that is the experience of some hon. Members in this Committee room today. I am in awe of and humbled by it. My hon. Friend has been a beacon in trying to change the Government's approach to this issue. She speaks so powerfully, and with such emotion and passion, and it is understandable why she does so. She has been hugely successful in making the Government sit up and notice these things, and do something about them.

There has not been a lack of desire to tackle these issues on the part of the Government. It is just that within Government, in the daily work, pressures and all the other things come across Ministers' desks, sometimes these things can get forgotten. What my hon. Friend has been brilliant in doing is making sure that we do not forget; she has been a voice for people affected in this way. She is absolutely right that the Government have done many things that we should be proud of and that will make a massive contribution, and I thank her for the role that she has played.

Fundamentally, new clause 2 deals with those people who are in irregular work—those people who are either on zero-hour contracts or in some way working in what is often called the gig economy. The Government have to be aware of the changes in the way that people are working.

I am sure, Mr Gray, that you are an avid user of Uber.

The Chair: I would lose that illusion, if I were you. Black cabs for me, thanks.

Andrew Griffiths: And you are always ordering your takeaway on the app on your mobile phone.

The Chair: Again, I think you should be cautious about what you predict.

Andrew Griffiths: But it is absolutely right that the way in which people work and are employed, and the way in which consumers engage with services and contractors, has changed dramatically because of technology and the way that our lives are developing. As my hon. Friend the Member for Thirsk and Malton said, the Government have instigated the Taylor review. Matthew Taylor was commissioned to undertake an in-depth, detailed review last year of modern working practices. The question around the balance of rights and benefits between the employed and the self-employed has become much more relevant as we move away from conventional employment relationships, and there is a greater prevalence of new business models and employment practices.

I met Matthew Taylor just last night to talk about his review and his aspirations. It became clear from that discussion that his review is a stepping stone, and that these kinds of employment practices will continue to change and develop.

Will Quince: Many of us, me included, are broadly sympathetic to the points that the hon. Member for North Ayrshire and Arran is making. The concern on the Government side—certainly it is my concern—is about overcomplicating the Bill, thereby putting it in jeopardy. My hon. Friend the Minister mentioned the Taylor review, which is particularly interesting. Could he give me comfort by confirming that this Bill, if it remained unamended in this regard, would fall under the scope of the Taylor review and its recommendations?

Andrew Griffiths: My hon. Friend is absolutely right, and I hope that I can give him the comfort he seeks. The Taylor review made a number of recommendations, including some relating specifically to the self-employed and those on zero-hours contracts, as has been said. It might be helpful for the Committee if I clarified the position on the employment status of people who are engaged on zero-hours contracts.

There is a perception that individuals who have flexible work contracts—or who work on zero-hours contracts, as they are termed—automatically have fewer employment rights. That is not the case and an individual's employment status is established by the reality of their working relationship. An employer cannot and must not remove statutory rights for an individual simply by getting them to sign up to a contract with flexible hours of work. That means that individuals who are on zero-hours contracts, part-time contracts or any other type of flexible arrangement can still be eligible for the same statutory employment rights as any full-time employee doing the same work. An individual on a zero-hours contract might already qualify for parental bereavement leave under the terms of the Bill. It is important to ensure that that point is not lost in these important discussions.

The Government's response to the Taylor review is long awaited. We hope we can publish that review very shortly. I cannot at this stage give a definitive time, but I think the term "imminent" is—

Kevin Hollinrake: Very ministerial.

Andrew Griffiths: Yes. There is a great expectation that in the very near future, the response to the review will come from the Government, and I think it will address such issues. The review included comments about the approach to tax, parental leave and pay entitlements for self-employed people. I suggest that this is not the time to include the new clause in the Bill. I think it is presumptive for us to talk unilaterally about this issue when in a short period of time, wider employment rights—

Patricia Gibson: I just want to be clear that I understand the Minister correctly. Is he assuring us that when the Taylor review reports, and the Government reflect on it, any concerns raised in new clause 2 will be addressed by the Government?

Andrew Griffiths: I can reassure the hon. Lady that the Government's response to the Taylor review will, I am sure, specifically address the points made by Matthew

Taylor in relation to flexible working, zero-hours contracts and parental benefits. I think I can give her some comfort that those are exactly the kind of things that Matthew Taylor is passionately promoting and that the Government are keen to respond to in the near future.

It would be easy for us to get caught up in the wider discussion about employment rights and what will happen in response to the Taylor review. It is worth remembering the drivers behind the Bill, and the previous Bill brought forward by my hon. Friend the Member for Colchester. I understand his nervousness about over-complicating what is in effect a framework Bill.

My hon. Friend the Member for Thirsk and Malton, whose Bill this is, makes the clear point that the Bill has to be properly costed. All Members of the Committee will understand. We have among us an eminent colleague with ministerial experience at the Treasury who is looking at me. I understand what is going through his mind. He wants to ensure that there are rigorous numbers attached to this. Accepting the new clause would make the process much more complex and should be avoided.

The Bill and its predecessor have come about because, at a time of tragedy, time away from the workplace was either not allowed or extremely limited. That is the issue we are trying to address, and I do not want to lose sight of that as we debate these important issues.

Laura Pidcock: I just want to be absolutely sure about the Taylor review. The Minister mentioned that matters such as self-employment will be discussed. Would the Bill, if enacted, retrospectively cover those people? Would it be stated in detail that the Bill would be covered by the Taylor review? The same goes for precarious work. I just want a guarantee.

3 pm

Andrew Griffiths: I can absolutely reassure the hon. Lady that the response to the Taylor review will consider the issue of flexible working, those on zero-hours contracts and their access to benefits. It will be covered; I can reassure the hon. Lady of that.

With those reassurances, I hope we can agree that it will be best to consider issues of rights and entitlements for the self-employed and those working on zero-hours contracts in the round, rather than in isolation as we would be doing with the new clause. Since those issues are being actively considered elsewhere, the Bill is not the right place to address them. On that basis and with those reassurances, I hope the hon. Lady will withdraw her new clause.

Patricia Gibson: In the light of the Minister's assurances, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

Schedule

PARENTAL BEREAVEMENT LEAVE AND PAY

Victoria Prentis (Banbury) (Con): I beg to move amendment 16, in schedule, page 2, line 15, at end insert—

“Such relationship with the child may include—

- (a) the mother as identified on the child's birth certificate,
- (b) the father as identified on the child's birth certificate,
- (c) the step-parent of the child, by virtue of marriage or civil partnership with the mother or father at the time of birth, and
- (d) the adoptive parent of the child.”

This amendment would give specific examples in the definition of a 'bereaved parent' for the purposes of taking parental bereavement leave.

The Chair: With this it will be convenient to discuss the following:

Amendment 21, in schedule, page 2, line 15, at end insert—

“Such relationship with the child may include—

- (a) a person with parental responsibility, as defined by section 3 (Meaning of “parental responsibility”) of the Children Act 1989, for the child, and
- (b) a person who is the child's foster parent.”

This amendment would give examples in the definition of a 'bereaved parent' for the purposes of taking parental bereavement leave. This would include foster parents.

Amendment 22, in schedule, page 2, line 15, at end insert—

“(2A) For the purpose of this section “foster parent” means—

- (a) a local authority foster parent within the meaning of the Children Act 1989,
- (b) a person with whom a child has been placed by a voluntary organisation under section 59(1)(a) of that Act, or
- (c) a private foster parent within the meaning of section 53 of the Safeguarding Vulnerable Groups Act 2006.”

This amendment is consequential to Amendment 21 and provides a definition of foster parent.

Amendment 17, in schedule, page 5, line 26, at end insert—

“Such relationship with the child may include—

- (a) the mother as identified on the child's birth certificate,
- (b) the father as identified on the child's birth certificate,
- (c) the step-parent of the child, by virtue of marriage or civil partnership with the mother or father at the time of birth, and
- (d) the adoptive parent of the child.”

This amendment would give specific examples in the definition of a 'bereaved parent' for the purposes of taking parental bereavement leave.

Amendment 23, in schedule, page 5, line 26, at end insert—

“Such relationship with the child may include—

- (a) a person with parental responsibility, as defined by section 3 (Meaning of “parental responsibility”) of the Children Act 1989, for the child, and
- (b) a person who is the child's foster parent.”

This amendment would give examples in the definition of a 'bereaved parent' for the purposes of taking parental bereavement leave. This would include foster parents.

Amendment 24, in schedule, page 5, line 26, at end insert—

“(3A) For the purpose of this section “foster parent” means—

- (a) a local authority foster parent within the meaning of the Children Act 1989,
- (b) a person with whom a child has been placed by a voluntary organisation under section 59(1)(a) of that Act, or
- (c) a private foster parent within the meaning of section 53 of the Safeguarding Vulnerable Groups Act 2006.”

This amendment is consequential to Amendment 23 and provides a definition of foster parent.

Victoria Prentis: Given that this is the first opportunity I have had to speak, I pray your indulgence, Mr Gray, as, like other Members, I thank people for the enormous work that has gone into the Bill. I thank the Government for their support. I also thank the Treasury in the form

[Victoria Prentis]

of a former Minister who is sitting here. Some of my happiest moments during my time as an MP have been when I see “money resolution” attached to a Bill and think, “This is really going to happen.”

The Bill is very exciting for those of us who started the all-party parliamentary group on baby loss in the middle of the night in the Tea Room during our first months in this place, along with the hon. Member for Washington and Sunderland West (Mrs Hodgson), who is not here. It was lovely to be joined later on in our journey by the hon. Member for North Ayrshire and Arran. We were glad to have her on board. The Bill is an exhibition of what we have been trying to achieve. In some cases, that has gone on for many years outside this place. It is exciting to be here and to have got this far.

The amendments are simple. They merely seek to identify a parent. One might have thought that was obvious, Mr Gray. I do not need to explain it further. I had a brief conversation with the hon. Members for Swansea East and for Gower earlier. It is nice to see Swansea so well represented on this Committee. My grandmother, like Mrs Griffiths, is an avid follower of parliamentary proceedings. She and the Gower will be very proud that we are all here. She feels very strongly about this issue, too.

The hon. Ladies from Swansea make a powerful point that foster parents should possibly be included in the definition of a parent. I am happy to leave that to the Government. This is a framework Bill, and I am happy for the definitions in it to mirror those in other such Bills. I say that as the very proud Member for Banbury, who has Adoption UK in her constituency. I am particularly live to the issues faced by adoptive and foster parents, and it is important that we include those who should be properly included in the Bill. I, too, am sorry that we did not have the discussion far enough in advance to ensure that we had one amendment on the amendment paper. With that in mind, I ask that you consider the amendments together, Mr Gray.

The Chair: The answer to the hon. Lady is that amendment 16 is being considered alongside amendments 21, 22, 17, 23 and 24. They are all grouped together, which is practical.

Carolyn Harris (Swansea East) (Lab): It is a pleasure to serve under your chairmanship, Mr Gray. First, may I say how passionate I am, as a bereaved parent and a campaigner to get as much support as possible for bereaved parents at the darkest and most painful time of their parental lives, to see the Bill come to successful fruition?

The amendments would extend the definition of a bereaved parent to include foster parents for the purposes of taking parental leave. The latest figures from March 2016 show that there were 51,805 children and young people in foster placements, and that evidences the vast number of families that the amendments would account for. While local authorities may on paper be the legal parent of children in the care system, it is the foster parent or carer who delivers the parenting in their homes as a family. Although many foster placements are short-term interventions, a huge number of children are placed with families for much longer periods of time. Currently 47% of all

independent fostering agencies households and 38% of local authority households are offering either long-term or permanent placements.

Irrespective of whether children are being fostered in the short term or the long term, foster parents and carers form very strong bonds, often in the most difficult circumstances. The strength of that bond is highlighted by the growing numbers of young people choosing to stay with their foster families after their placement has ended.

We are now seeing more and more foster carers reporting that they are having to take on paid employment to subsidise their allowances, if indeed they have any allowances to start with. They are just as much working parents as anyone else and therefore deserve the same recognition.

To finish, I will use the words of Marie, a foster carer from Leeds and former member of GMB, the union for foster carers:

“Foster carers feel too, we are not super humans and go through the same grieving process as everyone else. To provide our young people with the emotional support they deserve from us, we need to be afforded the time as every other worker is to come to terms with the loss of a loved one.”

Kevin Hollinrake: This is a place of debate and discussion, but there are no words that could possibly describe or give comfort when people talk of their personal experiences of losing a child. We have all heard stories in the Chamber and are humbled by them. It is important that we hear the personal experiences and tragedies to make sure that we consider the points around the legislation and to connect us to the wider world of other people who have suffered terrible experiences.

Defining a parent is without a doubt one of the toughest jobs we have here. In the world we live in, there are lots of different people who would consider themselves parents and lots of children who might define that in different ways than we might. Through the engagement we have had through Facebook and with charities on the issue, stories about all kinds of different elements that need to be properly considered have been relayed.

On Facebook, Mandy Ruston told us about her partner, not a biological parent, who, after they lost their child in a hit-and-run accident, was told by his employer to return to work in the early days after that tragedy. That is a situation that I am sure we would want to cover. Nicky Clifford talks about the child’s grandparents, who felt they suffered a double loss when Mrs Clifford’s son died. Together for Short Lives, along with Holly Simon, who contacted us on Facebook, believe that leave should be extended to legal guardians, working grandparents, aunts and uncles. The Rainbow Trust, which does such fine work providing support for families where children are diagnosed with life-threatening or terminal illnesses, felt we should extend the leave and pay to legal guardians such as foster carers, a point covered by the amendment. Unison, which represents 1.3 million trade union members, proposes the definition of a parent be set as wide as possible, including legal guardians and those with formal parenting responsibility.

I do not think we have time in this Committee to look at such matters in their totality. There is much debate and, although it is useful to consider the issues and it is very good to hear different perspectives from Committee members, I return to the point about the fragility of the

Bill and the time we have to consider it in Committee and the Chamber. As my hon. Friend the Member for Banbury stated, this is a framework Bill that allows the powers to be debated and discussed properly and to go through consultation to ensure we get this right.

Will Quince: There are all sorts of amendments before us today and lots of us would like the Bill to go further than it does. There are many reasons why that is not practical or necessarily the right thing to do at the moment. Will my hon. Friend confirm that this is the beginning of the process? As we have seen with many other pieces of legislation, they get amended over time to increase the scope, bring more people in and provide further rights, but it has to start with a statute.

Kevin Hollinrake: My hon. Friend makes a good point. We all want to see this legislation on the statute books. To borrow a phrase I heard the Minister use, the perfect should not be the enemy of the good. We need to get this legislation through, so I entirely agree with my hon. Friend.

This is not only an enabling framework piece of legislation, but a signal to employers. It gives the minimum possible standard that employers should give to their employees. I am an employer outside this place—as well as inside it, as we all are. I am sure if one of our team members suffered a tragedy such as this—whether they were a grandparent, a brother, an uncle, or, obviously, a parent—we would all be considerate and give time off. I imagine we would give time off at full pay, rather than statutory pay. That is what we expect.

Today we are setting the signal and framework, not just in the legislation but for employers to recognise the terrible tragedies and the impact on their workforce. I do not want to agree to amendments at this stage because of issues around timing and proper consideration. We could end up in ping-pong with the other place, with redrafting and other ideas about the definition of a parent, which would take time.

My hon. Friend the Member for Banbury made some very good points about examples of parents—biological parents, step-parents by virtue of marriage or civil partnership, the mother or father at the time of birth, and adoptive parents. It is absolutely right to consider all of those. The concern would be about who we are missing, as that is probably not an exhaustive list. We need to consider this properly.

I have often heard the hon. Member for Swansea East speak with passion about these issues. I accept many of her arguments, such as including a person with parental responsibility or a foster parent. It is absolutely right that we should consider those. I have those same concerns but I am also concerned to ensure that the legislation gets through in good shape and good time, and that we have a parallel process for consultation on the definition of a parent in order to get it absolutely right.

I would be in favour of widening that as much as possible but we clearly need to have consideration for employers as well, to ensure that we get this right. I know that the Minister has officials from his Department looking at consultation on the definition of a qualifying parent. It is important to consider the outcome of that consultation. I am sure the Minister and his Department's officials will do that. We will make sure that we properly consider these issues.

I encourage all Members to continue to input into the process to ensure that we get this right, without making a firm decision at this point. I hope my hon. Friends and the hon. Member for Swansea East agree it is sensible not to press the amendments. To ensure we get this right, we will give it proper further consideration to ensure we have a proper, systemic approach to define accurately a parent in this regard.

Laura Pidcock: The anxiety with which hon. Members want the Bill to go through is almost palpable. There is twitching, nudging and a few sweat beads in case any of us might wreck it. Of course I understand that and would not want to be the person who—two weeks into a job—ruins the Bill. However, it is imperative that we question the Government and the Bill's promoter, because all the time, we are saying, "That can come later; that can be considered later," but that is not an assurance or a warm signal to people who are in precarious work, are foster carers or are not directly mentioned in the Bill. The Bill is to be celebrated, but it leaves lots of people out. I come back to the point that was very helpfully—

3.15 pm

Andrew Griffiths: The hon. Lady says that the Bill leaves lots of people out. It does not leave people out at all. The question is whom we put in. That is what we need to get right—not whom we leave out, but whom we put in, to ensure that they are covered.

Laura Pidcock: I understand that, but at the moment, for the purposes of this Bill, the argument is not for foster carers, self-employed people or people on zero-hours contracts. I understand the concerns, because it would be hard to convince the Treasury that what we propose could be financed at this time, but I would just like to ask, quite humbly, how hon. Members should proceed. If my hon. Friend the Member for Swansea East wanted to push this issue on Report, would she be pushing at an open door? Would we be able to include all those people? It has taken two years to get to this point. This place can be quite frustrating. It would allay the fears and worries of people who might be bereaved in the future to know that they might be included in some provision. I would just like some assurances in that respect. Sometimes I am not that confident about guarantees, and I am very anxious to include as many people as possible and to hear that foster carers would be considered on Report.

Andrew Griffiths: My hon. Friend the Member for Banbury moved the amendment in her own inimitable style—the style that we would expect. She is, I think, a force of nature. Whatever she is doing in this place, whether she is campaigning on this issue or harring us all to support Singing for Syrians, we either get with the programme or get out of the way, it appears to me. I am delighted that she has committed herself so totally to delivering this provision for bereaved parents. I understand exactly her intentions in tabling the amendment.

The hon. Member for Swansea East spoke about her amendment with great dignity and perfect intentions. We talk about bravery, and we see many different types of bravery—in our military, in our public servants, in the police and so on—but it takes great bravery to suffer a personal tragedy, something that is so private and raw as it was with the hon. Lady and her son, Martin, and to lay all that pain bare for everyone to see. That takes

[Andrew Griffiths]

real bravery, but because we all understand that, it makes it so much more valuable; it has so much more force behind it. I have the utmost respect for what the hon. Lady has done, and continues to do, for people in such miserable and desperate positions and I congratulate her on it.

The hon. Member for North West Durham gets, I think, the level of sensitivity in this room today. There was laughter when she said what she did, but it was nervous laughter, because everyone wants to make sure that nothing goes wrong. Unintended consequences are something that a Government have to deal with all the time—if only we could plan for all unintended consequences. With the known unknowns, or the unknown unknowns, lots can go wrong. We need to ensure that nothing goes wrong with the Bill.

Bereaved parents, at an already heartbreaking time, should not be put in the difficult position of needing time away to grieve while being required to be at work because their employers will not agree to their taking leave. On Second Reading and at the evidence sessions, we heard about all the brilliant employers that offer fantastic, compassionate support for their employees at the worst of times. That is to be commended, but some employers do not do that—there are some that put profit ahead of people. It is those that we wish to address.

Supporting the Bill was therefore a natural decision to make. More needs to be done on such an important topic, and the Bill provides a minimum standard—this is not the benchmark or the gold standard, but the minimum standard, which will protect employees who do not have the security of the reasonable and compassionate employer we have discussed.

Defining exactly who is eligible as a “parent” is not as easy as I first thought. When I heard that I was dealing with this Bill, I thought that defining a parent would be the easiest thing—a parent is a parent; we all know what a parent is—but then I read the responses and about the different perspectives and points of view, from people who have the right intentions, the best of intentions. The hon. Lady asked why people should be left out, and I understand why she talked about that, but I honestly assure her that we want not to leave people out but to ensure that we do not leave anyone behind. We want to get this right first time.

As my hon. Friend the Member for Thirsk and Malton stated on Second Reading:

“As a society, we have clearly moved on from mum, dad and 2.4 children.”—[*Official Report*, 20 October 2017; Vol. 629, c. 1161.]

Family units are now hugely varied, and extending this provision to the biological parents alone would be too simplistic. People’s lives are different and more complicated. Society has changed and we all need to get with that and to support those new family units as they develop.

Antoinette Sandbach: Approximately 25% of all parents in the country are single parents, but the fact remains that they may have, or have had, a partner while still married to someone else, because they have not sorted out their divorce. Legally, the husband would automatically be assumed to be the parent, without actually being so. That is the kind of complication that the Minister is

alluding to, and why there is a need for much greater investigation. We now live in a society of hugely extended families in which it is not uncommon for someone with one or two children to have a partner with another one or two children.

Andrew Griffiths: My hon. Friend is right. Facebook used to be a thing for young people—kids used to do Facebook—but now old people like me use it. Someone’s Facebook status may say “Married”, “Single” or even “It’s complicated”, and life is complicated. People’s personal arrangements are much more complicated than they have ever been before. If I tried to define some of my mates, my friends, and the complicated personal lives they lead, that would be a heck of a consultation. We have to be aware that there are a number of potential groups to extend this provision to beyond the biological parents. That is the point—more time and work is needed to identify which of those are the right groups to include.

Officials from my Department recently met their counterparts from the Department for Education, which has responsibility for adoption policy, for example. During that meeting, they discussed the different situations in which a person can have some form of parental responsibility for a child, and which of those groups of people should be considered parents for the purpose of this policy. It was clear from that meeting that there is a bewildering range of arrangements in which a person can be seen to be acting, to some extent, as a parent to a child. Thankfully, the majority of those arrangements, such as adoption, are legally recognised, and so considering such groups when thinking about eligible parents is straightforward.

However, there are arrangements in which a person is not legally responsible for the child but still has a connection with them and would benefit from time away from work if the unthinkable happened and the child died. It is important that such arrangements are properly considered when we define a bereaved parent. That is why officials from my Department are in the process of preparing a consultation—the hon. Member for Swansea East will be interested in this—to discuss how we will approach that definition. It will form part of a wider consultation on the other parts of the Bill covered by secondary legislation.

Amendments 16 and 17 require examples of groups that should be included within the definition of bereaved parents to be specified. Furthermore, amendments 21 and 22 propose specific examples that should be included, yet the examples proposed in those amendments are different from those proposed in amendments 16 and 17. That contradiction illustrates how complex defining a bereaved parent for the purpose of this Bill is. Although I understand why some of those amendments were tabled, I do not think it is right to specify types of parent at this point. My hon. Friend the Member for Thirsk and Malton set out a sensible and cogent argument for taking time to consider the definition of parenting through a consultation.

Amendments 22 and 24 follow from amendments 21 and 22, and provide a similar definition of a foster parent. I said that officials from my Department recently had discussions with the Department for Education about that subject. One type of parent they discussed was foster parents. Amendments 22 and 24 include private

foster parents within the wider definition of foster parents. Concerns were raised in that meeting about private foster parents and about the fact that such arrangements are often not made known to local authorities. They are private arrangements, and it is therefore difficult to identify those foster parents. It is even possible that people acting as private foster parents do not realise that that is what they are. They are just looking after somebody, and they do not realise that they are defined as a foster parent.

As I said, we need to identify qualifying parents in a straightforward way, based on clear facts, and we must provide clarity and certainty to them and to employers. Further thought is required to correctly define bereaved parents. We should make a decision only once we have given this matter the right consideration, based on evidence and representations. I do not want to rush the decision and risk making a mistake. As I think everybody recognises, there are clear time pressures in relation to the passage of this private Member's Bill, which makes it impossible to produce the right answer at the moment. We must not allow the Bill to be derailed.

With that in mind, I hope my hon. Friend the Member for Banbury and the hon. Member for Swansea East agree that now is not the right time to try to define a bereaved parent, and that it is sensible not to press their amendments. I give them both a guarantee that the consultation will take place during the passage of this Bill,

so they will have plenty of opportunity to take part in it and see what it contains. I hope that that satisfies my hon. Friend the Member for Banbury, and that she will withdraw the amendment.

Carolyn Harris: In the interests of the Bill, I will not press my amendment to a vote.

Victoria Prentis: I will withdraw my amendment, but I ask the Minister to consider carefully the complicated lives that people now lead, and to consult the relevant agencies, such as Adoption UK and fostering organisations, about the proper wording that should be included in the Bill.

Andrew Griffiths: I am very happy to make that commitment.

Victoria Prentis: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ordered, That further consideration be now adjourned.
—(Kevin Hollinrake.)

3.30 pm

Adjourned till Wednesday 7 February at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PARENTAL BEREAVEMENT (LEAVE AND PAY) BILL

Second Sitting

Wednesday 7 February 2018

CONTENTS

SCHEDULE agreed to, with amendments.
Bill, as amended, to be reported.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Sunday 11 February 2018

© Parliamentary Copyright House of Commons 2018

This publication may be reproduced under the terms of the Open Parliament licence, which is published at www.parliament.uk/site-information/copyright/.

The Committee consisted of the following Members:

Chair: JAMES GRAY

† Antoniazzi, Tonia (*Gower*) (Lab)
 † Argar, Edward (*Charnwood*) (Con)
 † Gibson, Patricia (*North Ayrshire and Arran*) (SNP)
 † Griffiths, Andrew (*Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy*)
 Harris, Carolyn (*Swansea East*) (Lab)
 † Hollinrake, Kevin (*Thirsk and Malton*) (Con)
 † Johnson, Diana (*Kingston upon Hull North*) (Lab)
 † Jones, Andrew (*Harrogate and Knaresborough*) (Con)
 † Linden, David (*Glasgow East*) (SNP)

† Masterton, Paul (*East Renfrewshire*) (Con)
 † Newlands, Gavin (*Paisley and Renfrewshire North*) (SNP)
 † Pidcock, Laura (*North West Durham*) (Lab)
 † Prentis, Victoria (*Banbury*) (Con)
 † Quince, Will (*Colchester*) (Con)
 † Sandbach, Antoinette (*Eddisbury*) (Con)
 † Soames, Sir Nicholas (*Mid Sussex*) (Con)
 Yasin, Mohammad (*Bedford*) (Lab)

Farrah Bhatti, *Committee Clerk*

† **attended the Committee**

Public Bill Committee

Wednesday 7 February 2018

[JAMES GRAY *in the Chair*]

Parental Bereavement (Leave and Pay) Bill

2 pm

The Chair: I welcome the Committee back to line-by-line consideration of the Bill. Before anyone asks the question, the two microphone recording devices are not spies or anything else; they are in fact *Hansard* picking up voices from that end of the Committee Room, so they are perfectly legitimate.

Schedule

PARENTAL BEREAVEMENT LEAVE AND PAY

Patricia Gibson (North Ayrshire and Arran) (SNP): I beg to move amendment 10, in the schedule, page 2, line 22, at end insert

“, including arrangements for taking the entitled leave at different points within the period specified in subsection (6).”

This amendment would ensure that regulations on parental bereavement leave provide flexibility on when the entitled leave can be taken.

The Chair: With this it will be convenient to discuss the following:

Amendment 11, in the schedule, page 2, line 25, at end insert—

“(5A) Provision under subsection (4)(a) must secure that an employee’s entitlement to leave under this section will not be required to be taken consecutively and may be taken in blocks of one day at a time.”

This amendment would allow flexibility in the parental bereavement leave arrangements.

Amendment 3, in the schedule, page 2, line 27, leave out “56 days” and insert “52 weeks”.

This amendment would extend the period of time within which parental bereavement leave must be taken from 56 days to 52 weeks.

Amendment 20, in the schedule, page 2, line 27, leave out “56 days” and insert “26 weeks”.

This amendment would extend the minimum period of time within which parental bereavement leave must be taken from 56 days to 26 weeks.

Patricia Gibson: I wish to speak in support of amendment 10, because it is important that there be flexibility on when parental bereavement leave is taken. The loss of a child, if it is anything, is hugely traumatic. The first reaction is shock and disbelief, especially in the case of a sudden death. A parent may initially refuse to accept the loss and try to continue as normal, blocking out the experience, which is a common feature of trauma. Going on as far as possible as though the death is not real will be a reaction that helps some parents to cope. Keeping busy is a coping strategy that many use and one that, to a great extent, my own husband used when our baby was stillborn at full term.

Other people cope with the devastation of losing a child in a variety of ways. There is no right or wrong way to do so. I fear that if the amendment is not accepted, we will in effect, even if we do not wish to, be saying to bereaved parents, “We recognise the trauma of

your loss and its life-changing nature, but it is important that you take your bereavement leave between these particular weeks, from this date to that, as set out in the Bill.” I honestly think we can do better.

It is not appropriate or desirable to set an early timeframe as to when bereavement leave should be taken. Some parents may feel the need of leave only some months later, when the enormity and the reality of the loss have truly sunk in. Others may prefer a phased return to work instead of taking the leave in one set block.

Much of the discussion that I have seen on the Bill seems to be predicated on the loss of a child after illness, and it is true that far too many children are lost in that way. Far too many families are devastated by watching a child ravaged by an unforgiving disease against which the child has few or no resources to defend itself. There is no doubt that to watch a child go through that—to watch your own child go through that—is beyond heartbreaking and beyond horrific, but we cannot forget that many children also die in a variety of other circumstances.

The sudden and unexpected loss of a child is no less traumatic when the parent had no idea when they last saw their child that that would be the last time they saw their child alive. There may be a car accident or some other horrific accident. A child is knocked down perhaps, and in a moment a family is destroyed by grief and the random cruelty of events.

I therefore believe that flexibility is needed not just to allow parents to grieve in their own way and in their own time, but because, depending on the circumstances, there might be a fatal accident inquiry following the death or, in England, a coroner’s inquiry. There might be a court case and perhaps even a trial. There might be a significant gap between the loss of the child and the burial. There is a host of reasons why leave for bereaved parents must be flexible. It should be remembered that not all bereaved parents will necessarily take any or all of this leave, but they must have the option, and the option must be flexible. I fear that if it is not, bereaved parents who work for the minority of employers who are not as sympathetic as we might wish them to be might face losing their job as well as their child. Bereaved parents need the full protection of the law. I urge the Minister to consider the amendment carefully, as we try to put on the statute book the best Bill possible for parents.

Kevin Hollinrake (Thirsk and Malton) (Con): It is a pleasure to serve under your chairmanship once again, Mr Gray. I understand the hon. Lady’s argument on making leave arrangements more flexible and I have much sympathy with it. Certainly, we heard such arguments from many different sources, including people who have been bereaved who contacted us through social media. Many charities, such as Cruse Bereavement Care, Elliot’s footprint, Together for Short Lives and the National Bereavement Alliance also made the point that the period of 52 days was too short and they wanted longer. That was for a number of reasons, some of which the hon. Lady outlined, such as autopsies and inquests, which can often happen well beyond those first 52 days.

There are substantive reasons why we might want to look at a longer timescale. We need to strike a balance, of course, between the needs of the employee and the

understanding of the employer. We have said throughout consideration of the Bill in Committee that we expect these to be the minimum standards that employers might follow. It would be sensible to consult further on those measures.

Will Quince (Colchester) (Con): That is certainly something I gave due consideration to when drafting the first incarnation of the Bill. I have huge sympathy with the points that the hon. Member for North Ayrshire and Arran made about flexibility. We have heard lots of very good representations from charities and different organisations in the field, but we have not heard from business. We have always said that we have to be fair to business and to those who have suffered this tragic loss.

Kevin Hollinrake: My hon. Friend makes a good point: we need to engage with all the stakeholders in the consultation to ensure we get it right. I heed the calls of many hon. Members, especially the hon. Members for Lincoln (Karen Lee) and for Washington and Sunderland West (Mrs Hodgson), who have made such points in previous debates.

If the hon. Member for North Ayrshire and Arran agrees to withdraw the amendment, I ask that she and other hon. Members work closely with officials and the Department to feed into the consultation, which will be held later this year to consider some of these points in more detail, including the period in which leave may be taken and how flexibly it may be taken. I am very sympathetic to a longer period, but I ask that we deal with it in that way.

Laura Pidcock (North West Durham) (Lab): I echo the comments of the hon. Member for North Ayrshire and Arran. It is right that flexibility be given. Having listened to those comments, another consultation seems like a frustration. This is quite a simple ask. Grief can affect people in many different ways. It can manifest and culminate at different times for different people depending on their support network, what has happened to them and their child, and the delay of the trauma.

As noted in amendment 11, it is crucial that the parent or carer should not have to take those days concurrently, but could use them as they wished, in agreement with their manager. That is where we would achieve balance: the right would exist, but a manager would have to agree to those times.

When I was a team manager, one of my members of staff found out that her daughter had diabetes. We worked week by week on what the needs of the child were for getting to grips with that disease. That is where the balance could come. It is not too much of an imposition, just an ask for some flexibility.

Flexibility would undoubtedly be beneficial for the employer, because the employee would not just take a two-week block within two months of the trauma, after which they would be expected to return to work. The time could be used as a phased return, as has been mentioned, or stored up for when a particularly bad period arose, which would otherwise probably, and understandably, be taken as a sick day by that employee. I therefore think that this is a very reasonable amendment.

Will Quince: I thank the hon. Lady for kindly giving way on her very last word. Does she agree that this is quite a large change? We are introducing one of the best workers' rights in the world, so it will be a big change

for business and will therefore come as somewhat of a shock. We want this to be an absolute bare minimum that businesses provide, so it is therefore really important that we take the business community with us and absolutely sell why this is such an important thing to do and why, as she rightly says, it will be beneficial to their businesses. That is why consulting is probably the right way forward.

Laura Pidcock: I know that all this comes, as we mentioned last week, from a place of anxiety of wanting to make sure the Bill passes with ease. I have to politely disagree: I am not sure that this would be a massive shock to business. When I was a manager of a team, albeit within a charity, I still had to make sure that there was enough money in to pay the wages. We very much had to operate like a business.

I hope the new legislation never has to be used, but where does the entitlement will still be two weeks' bereavement leave. That is not a considerable time in people's working lives. Using the time flexibly would have positives for the employer because members of staff, if they were unable to use the entitlement, would often have to call in sick because they were so down and were unable to come in to work.

Antoinette Sandbach (Eddisbury) (Con): It is a pleasure to serve under your chairmanship, Mr Gray. I extend my thanks to my hon. Friend the Member for Thirsk and Malton for introducing the Bill. This is my first opportunity to speak on it. I know it has so much support from across the House.

My amendment 20 would extend the period in which parental bereavement leave must be taken from at least 56 days to 26 weeks. That is an important extension, for many of the reasons that the hon. Member for North Ayrshire and Arran spoke about. There are particular days and events that happen, such as inquests, and it may be very important for a parent to be able to attend an inquest relating to their child.

As people will know, I speak from personal experience. The inquests relating to my own son were carried out very quickly—in fact, within 24 hours of his death—but I did not get the results for more than two months. That was the time at which I found out the cause of death. It took two months for me to get that information, which effectively flagged it up as a streptococcal infection, whereas it had been assumed that it had been sudden infant death syndrome. That pointed very strongly to the actions of the midwives, who had not picked it up. I then had to raise issues with the NHS hospital trust in relation to how it had reacted to various telephone calls and things that I had made prior to my son dying. That flexibility, and extending that period, is really important.

My hon. Friend the Member for Thirsk and Malton has already praised Elliot's Footprint, Bliss, Together for Short Lives, the National Bereavement Alliance and the Rainbow Trust. They all make incredibly important points, as did the hon. Member for North Ayrshire and Arran. It simply cannot be predicted how events will play out, and therefore that flexibility over when the leave may be taken is incredibly important. I am conscious that many parents qualify for bereavement leave through statutory parental leave, but for those who do not, this is a really important protection.

Grief comes in waves, and we do not know when it will hit us. I had a child who was also bereaved, because she had lost her brother. Support for a sibling is there in

[Antoinette Sandbach]

other legislation, where parents are entitled to ask for flexible working or to take time off. Again, the flexibility of knowing that leave can be more than a day and that people can devote their attention and time to coping with grief suffered by other family members, rather than their own grief, is really important. More than that, it helps fathers, who may find going back to work a comfort.

Sometimes, being able to go back to one's job quite quickly gives people security and routine, which perhaps allows them to cope with grief in a different way at a slightly later stage. It also means that parents can stagger arrangements, so that mum can be at home at one point and dad at others. The amendment would introduce a degree of flexibility, which, to an extent, covers issues that the Opposition spokesman, the hon. Member for North West Durham, and the hon. Member for North Ayrshire and Arran both spoke about. This is an important amendment that would add to the legislation, and I urge my hon. Friends and the Minister to consider it because of the extension of time that it would bring to parents.

2.15 pm

David Linden (Glasgow East) (SNP): It is a pleasure to serve under your chairmanship, Mr Gray. I warmly commend the hon. Member for Thirsk and Malton for proposing this Private Member's Bill. I also pay tribute to the hon. Member for Colchester, who proposed a similar Bill in the last Parliament. I am glad to see that the Bill has finally got Government support. I congratulate the Minister on his appointment to his post—we have had an exchange in the Chamber only this afternoon.

I rise to speak to amendments 3 and 10 in the name of myself and the hon. Members for North Ayrshire and Arran and for Paisley and Renfrewshire North. I also support amendments 11 and 20 in the names of the hon. Members for North West Durham and for Eddisbury. As the hon. Member for North Ayrshire and Arran set out, we in the SNP believe that this is fundamentally a good Bill. We welcome it, although we feel it could be strengthened to go even further.

Before speaking to the amendment, I pay tribute to Shaun Walsh of Together for Short Lives and Priyanka Patel of CLIC Sargent, who were both kind enough to brief me about the Bill and other issues, particularly those relating to children's palliative care. I have been fortunate to visit CLIC Sargent's social work team at Southern General Hospital in Glasgow, in my constituency.

Broadly, my interest in the Bill stems from two reasons. First, I have a longstanding interest in children's palliative care policy. I declare an interest, as my mother is a children's palliative carer for Icare Scotland. My second reason stems from my personal experience of becoming a father. Originally, my wife Roslyn and I were led to believe that having children would be very difficult, if it was possible at all. In February 2015, after some blood tests, we were told that Roslyn was in fact 19 weeks pregnant, and that due to her Type I diabetes it would be an incredibly complex pregnancy. Essentially, every time my wife injected insulin, which is required to keep her alive, our baby grew bigger; and as a result, so did his chances of dying. A couple of weeks later we were

called in to Southern General Hospital and told that, due to the increasing size of our son, we had to brace ourselves for the possibility of a stillbirth. It was the hardest conversation we have ever had with anybody in the medical profession and as a married couple; it felt as though a train had hit us.

In the end, our son Isaac was born, almost two months premature and significantly overweight. He spent the first two weeks of his life in intensive care at Southern General Hospital, before moving on to special baby care. The doctors, nurses and staff at Southern General could not have been more loving and supportive. I know that all of us in this room have nothing but admiration and respect for the national health service staff who look after us. Many Members of this Committee have already shared their own deeply personal experiences of losing a child and I am incredibly mindful of the fact that our wee boy pulled through. For that I am nothing but thankful to God. It was during the darker times of being told to prepare for a stillbirth, and when Isaac was whisked away to intensive care after his birth without us, that we were left in shock and contemplating what losing a child could be like, on every level possible—be that practical or emotional. It is for that reason that we have come together on the Committee to ensure that a good Bill becomes an even better law.

Amendment 3, in my name and those of my hon. Friends the Members for North Ayrshire and Arran and for Paisley and Renfrewshire North, would extend the period within which bereavement leave must be taken from 56 days to 52 weeks. The rationale behind the amendment is to give more flexibility to parents who lose a child. Through my fundraising work with children's hospices across Scotland, I have had the opportunity to visit Robin House in Balloch and meet parents whose children have a life-shortening or life-limiting condition. I have also spoken to families who have experienced the loss of a child. One of the clear messages and asks they have of us as policy makers and legislators is to allow more flexibility in when they can take bereavement leave.

My friend, Maria McGill, the chief executive of Children's Hospices Across Scotland, often speaks of the importance of marking a child's birthday and other such anniversaries, which is a significant part of the grieving process. If the Committee agrees to the amendment, parents would have more flexibility in the first year, rather than the first month or two, following their child's death. In the grand scheme of things it would not cause a lot of difficulty to employers, but it would make a massive difference to families who have experienced bereavement.

The amendments in this group seek to make a good Bill and a better law. I ask the hon. Member for Thirsk and Malton, and all right hon. and hon. Members, to support amendment 3 in particular.

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Andrew Griffiths): Thank you for your continued chairmanship of this important Committee, Mr Gray. As I was listening to hon. Members debate these issues, I was thinking about how in this Committee it feels like we are never more than a word away from a tear. The palpable emotion we all feel in the room is powerful. I strongly commend all hon. Members who lay themselves bare by talking about their personal experiences; I know it is not easy at all.

From the hon. Member for North Ayrshire and Arran, it is easy to see the pain that remains. My hon. Friend the Member for Eddisbury introduced me to this issue when she spoke so movingly in the Chamber, as have my hon. Friends the Members for Banbury and for Colchester. Even last week, we saw the emotion of the hon. Member for Washington and Sunderland West (Mrs Hodgson) when, in the debate on the Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill, she spoke about the loss of her child.

As you know, Mr Gray, my wife is seven months pregnant. We are overjoyed at that prospect, although Mrs Griffiths is getting slightly more uncomfortable and is daunted by the imminent arrival of Griffiths Jr. This debate makes us think about things we do not want to contemplate, and it is brave of hon. Members to lay themselves open to that. As Members of Parliament, we have little privacy these days. We regularly feel as though our every movement is laid bare to the public—we cannot even fall asleep in a hotel without someone taking a picture and putting it on Twitter.

To the point of the matter, I understand what colleagues are trying to achieve in the amendments. The period of time in which leave is taken, which amendments 3 and 20 seek to address, is key to getting the framework right. The time needed by each individual will vary according to their own way of dealing with the grief that comes from the loss.

As my hon. Friend the Member for Thirsk and Malton said, there is a balance to be struck, and I understand my hon. Friend the Member for Colchester when he says that we need to strike a balance between flexibility and certainty. I believe his approach to the Bill has been always to mirror existing provisions in legislation so that we do not create precedents, to ensure a smooth passage for the Bill. That is the right approach. It eliminates a lot of difficulties that might be the unintended consequence of what we agree in Committee. It also makes it easier for officials, business and the general public to understand the marrying of rights. In that respect, I agree that maintaining the suggested timeframe of at least 56 days, to maintain consistency with the other provisions, is a sensible approach.

However, I recognise that it would not be right if sticking to 56 days meant that the provision in this Bill did not do what we intend it to. The reason we are here today is to ensure that the leave suits and supports the bereaved parents and allows them what they need to grieve properly. For that reason, it is absolutely correct that we consult on this matter.

I know that the hon. Member for North West Durham would point to the fact that this is yet another consultation; pursuant to my urgent question earlier we had some exchanges on the merits or otherwise of consultation, but I want to be clear with members of the Committee about what the consultation is. It is our intention to launch the consultation in May, and I make a pledge to the members of the Committee that if they agree to it, it will report before Third Reading of the Bill, so that all members of this Committee and all Members of the House will be able to assess the consultation and see the range. Even in this room today we have a range of different views about how long the time should be.

We want to get it right and ensure that the time we put on the face of the Bill is the right time. Within that consultation, we will be able to talk to all the groups

that have been mentioned today, and others, to get a proper understanding of the best timescale in which to deliver this.

Laura Pidcock: I know we are not talking about new clause 2, because that is gone and it would be terrible, but last week there were assurances following the Taylor review, which is relevant to the amendments we are talking about now, that the Taylor review would respond to a lot of the concerns contained in new clause 2. Now there is a suggestion that there will be a consultation on this group of amendments. If the consultation comes back and says that, yes, flexibility is needed and it needs to be over six months rather than two months, will the Minister give us assurances now that the Government will accept those consultation findings?

Andrew Griffiths: I am sure the hon. Lady will accept that, obviously, I cannot write a blank cheque. If the consultation came back and suggested something that was simply unworkable or impracticable, of course I could not commit to that. What I can commit to is that the process will be open and transparent, and that all hon. Members will be able not only to contribute, but to see the evidence that is presented. It will be open and transparent.

David Linden: Given what the Minister is saying about the consultation process, will he give us a timeline on that, particularly for those members of the Committee who have been asked to withdraw amendments?

Andrew Griffiths: As I say, we will launch the consultation in May and it will report well in advance of Third Reading. If, at Third Reading, hon. Members are not satisfied with what we have agreed to on the consultation, they will be able to table amendments and we can have the debate on the Floor of the House. We can have a Division, and the whole House in its entirety can decide which of those dates—

The Chair: Order. To clarify, if the Minister will forgive me, I think he means on Report rather than at Third Reading.

Andrew Griffiths: I do indeed, Mr Gray; thank you for your sage advice.

Victoria Prentis (Banbury) (Con): As always.

Andrew Griffiths: “Elders and betters” is the phrase that springs to mind.

Clearly, at that stage hon. Members will be able not only to question me, as the Minister at the Dispatch Box, about the content of that consultation, but if they so wish, to table their own amendments and make their case to the House. I think that is the most equitable way for us to proceed and it shows an understanding of the real and positive intentions behind the amendments tabled today. I am just getting some divine inspiration; I need to clarify something I said. The consultation will actually be launched on Third Reading in May, so the Government’s report will be published before the Bill completes its passage through the House. I hope that is clear, and that I have clarified my position.

The Chair: Order. If the consultation is launched on Third Reading, it is not possible for its outcome to be considered before the completion of the Bill’s consideration. I suspect that the Minister means the Bill’s passage through both Houses.

2.30 pm

Andrew Griffiths: That is exactly what I mean. I also commit to revisit this, and to see if there is a way that we can publish the consultation earlier and allow it to report before Third Reading. I will do my level best and I will talk to officials and see if that is possible. I want as wide a consultation as possible.

Patricia Gibson: For clarity—I ask the Minister to forgive me if he has already said this—is he saying that although he will not accept the amendments today, he is not closing the door and is vowing to return to them?

Andrew Griffiths: The hon. Lady hits the nail on the head. I want to make sure that we get this right. We have already heard that we have a number of different views on the number of days, so I want to allow everybody to consider, in a very calm way, the best advice possible and to come to a definitive decision about the days. I am closing nothing down. I am saying that all these options are on the table, and I am happy to consider all of them, should they be recommended by results of the consultation.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): It is a pleasure to see a fellow west coast Scot in the Chair, Mr Gray.

The Chair: A wee while ago, though.

Gavin Newlands: Hear, hear. I thoroughly commend the hon. Member for Thirsk and Malton for bringing forward a very commendable Bill, which Scottish National party Members have no problem whatever in supporting.

I will speak briefly to amendments 3 and 10 in the names of my hon. Friends and me. However, before I do, I am pleased to hear that the Minister is in listening mode. Given the exchange that just took place, I urge him to try to bring that consultation forward, so that we in the elected body can perhaps influence those decisions. Obviously, the SNP does not have any Members in the House of Lords, so we would like to influence the Bill on this side of its passage, if at all possible.

Andrew Griffiths: We can negotiate on that.

Gavin Newlands: Well.

I pay tribute to all Members who have shared their experiences of the tragic loss of a child, and who are using those painful experiences to make such a traumatic and tragic period just a little bit easier for those who follow them. Sadly, just under a fortnight ago, along with hundreds of others in Renfrew, I attended the funeral of little Layla Greene, who at just three years old was one of the latest victims of the scourge of childhood cancer. The Minister was obviously correct earlier on. Her parents had been told that she had weeks and months to live, so as a community we fundraised to help make memories for Layla and her family. Sadly, she was only to live for just one more week, but we will continue to fundraise in her memory.

Anything that we can do to reduce any unnecessary stress on families such as Layla's is not only something that we should do but something that we must do. I speak to amendments 3 and 10 not only because I think they are the right thing to do, but because of my experience as both an employer and a friend. I obviously

cannot speak as powerfully, or share deeply painful and personal experiences, as my hon. Friend the Member for North Ayrshire and Arran and others have.

Similar to my hon. Friend the Member for Glasgow East, my interest in this issue stems from a close-run thing. My wife had to give birth to my oldest daughter six and half weeks prematurely, by emergency caesarean. We were the lucky ones because thankfully, they are healthy, but since then I have been interested in trying to advance these issues.

Having said that, unfortunately I have shared the pain of friends who have had to go through this experience. One of those friends was an employee. I struggled to separate my roles of friend and boss. I was somewhat constrained in the paid support that I could technically offer within the company's employment regulations at the time. I could offer her as much unpaid leave as I saw fit at my discretion, but ultimately, that does not pay the bills.

In many ways, if we are honest, two weeks is a totally inadequate period of time in which to recover from the death of a child sufficiently to return to work. I tried to find ways around it, whether through holiday pay or sick pay, which from memory was £85 a week—it is not much more now. She was signed off for periods as well, although she did not want to do that. Financial distress is the last thing that anyone needs on top of the most traumatic experience of their life, so the premise of paid leave is a very good thing.

To address the flexibility issue raised in amendments 10 and 3, I would say that people deal with trauma in different ways. No one will ever forget such a traumatic experience, but I am told by my friend that after a time, it was possible to compartmentalise, to work and to concentrate on the job at hand. Others will go through periods of struggling to cope after returning to work and might need time off as a result. Flexibility about the period in which people can take any leave might suit a lot of parents in this situation.

As has already been outlined, another reason is to ensure that paid leave can be taken around significant dates. For example, my friends visit the grave marker at specific points every year. Anything that helps to make those difficult journeys that bit easier is to be welcomed.

The compassionate leave policy at my old employer has significantly improved, and that is the case at many employers in the UK now, but it is our job in Parliament to ensure that everyone is covered appropriately.

David Linden: In the light of what the Minister has said, and of the consensus and good will on both sides of the Committee—this is the first time I have served on a private Member's Bill Committee, although I have served on Government Bill Committees before—I will not press amendment 3. I look forward to the Minister coming back with the consultation.

Patricia Gibson: As has already been said this week and last week, we are all treading very carefully on broken glass. We are terrified to do or ask for the wrong thing, in case it upsets the whole apple-cart. I draw comfort from the fact that the Minister is not saying no. From what I understand, he is saying not yet.

Andrew Griffiths: I think maybe.

Patricia Gibson: I am really hopeful that we are still in the process of shaping the final Bill, and I draw great comfort from my sense that the Minister and everybody here wants this to be the best Bill possible. There is nothing to be gained by passing a Bill with which we and bereaved parents are not happy. In the light of that, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

David Linden: I beg to move amendment 2, in schedule, page 2, line 25, leave out from “to” to end of line and insert—

“(a) at least two weeks’ leave, and

(b) at least one day’s leave for the day on which the child’s funeral takes place.”

This amendment would ensure that the minimum period of parental bereavement leave is two weeks plus an additional day for the day of the child’s funeral.

I will not detain the Committee for too long. Amendment 2, in my name and those of my hon. Friends the Members for North Ayrshire and Arran and for Paisley and Renfrewshire North, would provide two weeks’ paid bereavement leave and one additional day dedicated for the child’s funeral. I am particularly grateful to CLIC Sargent, which has lobbied me and countless other hon. Members to table the amendment.

When I spoke to amendment 3, I referred to the sheer range of circumstances faced by parents. Amendment 2 was tabled in the knowledge that if the death of a child is unexplained, for example, there can be a longer period between death and burial or cremation. In Glasgow, there have been delays in post mortems due to hold-ups with the Crown Office and Procurator Fiscal Service.

Amendment 2 would give a bit more flexibility and acknowledge that the day of the funeral can be particularly stressful, busy and difficult. The funeral is in itself a milestone in the grieving process and should, in our view, be treated differently and more flexibly. To conclude, a number of charities, including CLIC Sargent, allow for an additional day for the funeral. On that basis I seek the support of the Committee.

Kevin Hollinrake: The point made by the hon. Member for Glasgow East is well made. What employer would ever refuse to allow a parent time off for their child’s funeral? Clearly, most employers will; we know that through the research we have done. Nevertheless, we accept that we need to do more, because we accept that some employers are not reasonable and not compassionate.

I have great sympathy for the hon. Gentleman’s amendment. Clearly, in law all employees are allowed a day one right to take reasonable leave in whatever circumstance. These measures in the Bill are in addition to that basic right. We have said a number of times in this Committee that this is a signal to employers; it does not give all the answers for employers. People’s needs are different in such circumstances.

This is such a personal issue that we expect employers to be compassionate and considerate. We expect them to give the bereaved parents of a child time off for the funeral. Putting that into legislation would be difficult at this point, because of the fragility of private Member’s Bills. I politely ask the hon. Gentleman to withdraw his amendment and, at this point, we will leave it at two weeks.

Laura Pidcock: Forgive my ignorance—I have not been in the House that long. I cannot imagine anybody objecting to this provision, so I am not sure how not allowing it at this stage would scupper it at other stages. I ask that question humbly. Why would allowing it now make things difficult further along the line?

Kevin Hollinrake: The difficulties would be in redrafting legislation and ensuring consideration of the needs of employers. There are issues with HMRC to do with how payments are made and the ability to look at a single day, rather than two single-week blocks or a two-week block. It makes things more complicated for both the provisions and the regulations. I go back to the point about employers—the Bill is a signal to employers, although I absolutely accept what the hon. Lady is saying. Would any reasonable employer give their employee time off for a funeral? The answer has to be yes.

Will Quince *rose*—

The Chair: Order. The hon. Member for Thirsk and Malton is intervening on the hon. Member for North West Durham.

Laura Pidcock: Thank you, Mr Gray. It is all getting a bit confusing.

Let me say a few tiny words in response to that answer. I understand that it would take a very brave employer to come forth and say that they would not agree with this. I also think we have to bear in mind that although this is painful to every single individual, we are talking about a minority of people who will have a child who dies, and a minority of employers who would be abusive by not allowing a day off for a funeral, so this is about small numbers.

Will Quince: The vast majority of employers are rightly compassionate enough to give their staff a day’s leave for a funeral. That is paid, ordinarily, at their full pay rate. If this measure is included in the Bill, the danger is that that would only be at the equivalent of statutory paternity or maternity pay, so we might actually be penalising the people we are trying to protect.

2.45 pm

Andrew Griffiths: I thank my hon. Friend the Member for Colchester for that important point. We want to ensure that we get the best deal for bereaved parents and that through all these deliberations we come out at the end giving as much support as possible. There are unintended consequences, as he has pointed out, that we need to take into consideration.

It may help the Committee if I explain that consultations with employers’ groups took place last summer. Those groups indicated that the majority of their members already had a bereavement leave policy in place. That is great; we are all very pleased about that. The Chartered Institute of Personnel and Development’s survey found that two thirds of businesses that responded already provide bereavement leave—that would be at the full pay that my hon. Friend alluded to—and that 40% give five days paid, and 25% give three days paid. Businesses also often provide more generous unpaid leave entitlement. At the discussions, employers’ groups also gave reassurances that employers welcome the introduction of the Bill.

Patricia Gibson: I just wanted to suggest to the Minister that if employers are already quite generous and understanding in such tragic circumstances, it shows that there is a recognition that such space should already be provided by the law, rather than employers having to make up policy for their own businesses. As a Parliament we should be taking a lead in saying that we recognise that employers, on the whole, realise and understand that this has to be done, so let us enshrine it in law because we all seem to agree. If there is the odd rogue employer that does not—you know?

Andrew Griffiths: What we would not want though is a situation where employers say that they do not need to have a policy in place because there is already a statutory requirement. In other areas, such as maternity, there is a statutory pay period and some businesses enhance that, but the vast majority do not. We need a consultation to properly understand, because I would hate for this to be the minimum and for that to be what is expected, rather than businesses stepping up to the plate and offering the generous terms that they already do. The hon. Member for North West Durham is itching to—

Laura Pidcock: I am not—I was just stretching!

Andrew Griffiths: I was about to say that the hon. Lady is itching to intervene, but actually she was just itching.

We all know too well that the realities of bereaved parents are sometimes very different. The fact is that those who work for less accommodating employers need this Bill the most. I understand the point that is being made. My hon. Friend the Member for Thirsk and Malton also pointed out existing leave provisions, which are already helpful and should not be ignored. The Bill will provide an important statutory minimum that employers must adhere to, giving key legal protections to parents who suffer a tragic loss. This policy sets an important benchmark without preventing employers from enhancing it if they wish. We know that the majority of employers try to do the right thing.

I hate to use the defence that I have used at other times during this debate, but a consultation is being held. This will be part of the consultation, which will report before the end of the Bill's passage. With that in mind, and bearing in mind the points that have been made, I ask that the amendment be withdrawn.

David Linden: I find myself in a difficult position. I am minded to press the amendment to a vote, but it would be the first time I have divided the Committee, which in the light of my earlier comments is not something that I want to do. A lot has been said about the fragility of the Bill and the difficulty of getting it through Parliament, but one thing that has not been acknowledged is that we are in a two-year Parliament, so it is not as if we have to get the Bill passed before Prorogation in March.

Antoinette Sandbach: I hear the note of concern in the hon. Gentleman's voice, but I think my hon. Friend the Member for Colchester raised a valid point: a parent may well be in a better position in which they already have an entitlement to a paid day without it being taken out of their leave. I ask the hon. Gentleman to consider whether that is a valid argument that should be addressed.

David Linden: That is at the forefront of my mind, but as the hon. Member for North West Durham said, we seek to protect the very small number of people who could be exploited in the situation. On that basis, I ask the Committee to accept the amendment.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 8.

Division No. 1]

AYES

Gibson, Patricia	Newlands, Gavin
Johnson, Diana	
Linden, David	Pidcock, Laura

NOES

Argar, Edward	Masterton, Paul
Griffiths, Andrew	Quince, Will
Hollinrake, Kevin	Sandbach, Antoinette
Jones, Andrew	Soames, rh Sir Nicholas

Question accordingly negated.

Patricia Gibson: I beg to move amendment 6, in schedule, page 2, line 35, leave out from “means” to end and insert

“a son or daughter of any age”.

This amendment would change the definition of “child”, for the purpose of parental bereavement leave, to a son or daughter of any age.

The Chair: With this it will be convenient to discuss the following:

Amendment 12, in schedule, page 2, line 35, at end insert

“, or a person with a lifelong disability and a recognised dependency over the age of 18”.

This amendment would extend the definition of “child”, for the purposes of parental bereavement leave, to those over the age of 18 with a lifelong disability and recognised dependency.

Amendment 14, in schedule, page 2, line 35, at end insert

“, or in full time education, or both”.

This amendment would extend the definition of “child” for the purposes of parental bereavement leave, to those over the age of 18 who are in full time education.

Amendment 19, in schedule, page 2, line 35, at end insert

“, or a person under the age of 25 with a lifelong disability and a recognised dependency.”.

This amendment would extend the definition of “child” for the purposes of parental bereavement leave, to those under the age of 25 with a lifelong disability and recognised dependency.

Amendment 7, in schedule, page 9, line 18, leave out from “means” to end and insert

“a son or daughter of any age”.

This amendment would change the definition of “child”, for the purpose of parental bereavement pay, to a son or daughter of any age.

Amendment 13, in schedule, page 9, line 18, at end insert

“, or a person with a lifelong disability and a recognised dependency over the age of 18”.

This amendment would extend the definition of “child”, for the purposes of parental bereavement pay, to those over the age of 18 with a lifelong disability and recognised dependency.

Amendment 15, in schedule, page 9, line 18, at end insert

“, or in full time education, or both”.

This amendment would extend the definition of “child” for the purposes of parental bereavement pay, to those over the age of 18 who are in full time education.

Amendment 18, in schedule, page 9, line 18, at end insert

“, or a person under the age of 25 with a lifelong disability and a recognised dependency.”.

This amendment would extend the definition of “child”, for the purposes of parental bereavement pay, to those under the age of 25 with a lifelong disability and recognised dependency.

Patricia Gibson: Previous discussions in this Committee have made me fearful of asking for much, but amendments 6 and 7 are really important. They refuse to put the loss of a son or daughter on a sliding scale of grief, which I know is not the intention behind the Bill, but I fear may be its unintended consequence. The loss of a son or daughter is traumatic and life-changing, no matter how old they are. It is clear from our sittings last week that we all understand that it is against the natural order of events for any parent to bury their own child. We have the opportunity to recognise that in the Bill. I am sure that no Committee member would accept or even suggest that losing a son or daughter aged 17 is a tragedy that should be treated differently from losing a son or daughter aged 19, 21 or 23.

Amendments 14 and 15 address the Bill’s distinction between offspring who are and are not in full-time education. Such distinctions are artificial, and I do not think that they are appropriate in the context of the death of a son or daughter. Loss is loss, whether or not someone’s son or daughter is their dependant. I ask the Committee to keep in mind that the Bill’s focus—its starting point—is parents, not the circumstances or the age of the child lost.

When a son or daughter is lost at an older age, the discussion becomes more academic—the older they are, the more likely it is that their parents will be retired anyway and will therefore not be covered by the Bill. But imagine losing a daughter aged 24 who has a young child of her own and is perhaps even bringing up that child on her own. As the Bill stands, her bereaved parents will not have the support that the Bill could offer, even though there may be 1,000 reasons why they will need bereavement leave, given the support that their grandchildren may need.

The parents of, say, a son aged 25 years old would not be covered by the Bill. Let us say that that son is serving abroad in the British Army in a fragile area, doing a tour of duty in an area of instability. Do his parents not deserve to be covered by the provisions in the Bill, because he happens to be 25 and not a dependant? I do not think that that is the intention of the Bill, which is why I tabled the amendment.

Will Quince: This question was always at the forefront of our minds in preparing and drafting all incarnations of the Bill. The hon. Lady raises a very good question about why we focus on an arbitrary limit—18, in this case, although I think we are coming on in a moment to amendments that consider that in more detail. The question that I would pose back to her is: why then stop at parents? Why are we not including spouses? She

rightly raises the example of a 25 or 28-year-old. In such instances, a spouse would be equally traumatised by the death as a parent.

Patricia Gibson: I would not want to diminish in any way the loss of a husband or wife, but the Bill was introduced in the first place because of the particularly unnatural order of circumstances in which someone buries their own child. It is entirely different. I do not pretend to judge whether one grief is worse than the other, but it goes against nature for someone to bury their own child. It does not necessarily go against nature to bury a husband or wife. That is in the normal scheme of things that we ultimately all have to face, but nobody expects to bury their own children. A child is a person’s investment in the future. I really do not see the equivalence; otherwise, we could have a Bill about bereavement, not a parental bereavement Bill. It is a parental bereavement Bill because we, as a Parliament, recognise the particular circumstances of someone burying their own son or daughter. I hope that I have answered the question that the hon. Gentleman put to me.

I really hope that the Minister and the whole Committee will reflect on this matter, and consider my amendment a worthy addition to the Bill. As I said last week, the benefits, both social and emotional, will surely outweigh any financial costs, which I really do not think will be significant in terms of overall Treasury spend. The Minister will no doubt want to correct me on that.

Andrew Griffiths: The hon. Lady says she does not think it will be significant. Does she have any evidence or figures to back up her amendment?

Patricia Gibson: I would simply refer the Minister to what I said last week: we know that people who lose sons or daughters are eight times more likely than their peers to divorce. We know that there is a social cost of divorce. There is also a cost to the Government in terms of economic activity if people fall out of the workforce because they are not coping. That is why support is so important at that critical stage of vulnerability and grief.

Laura Pidcock: I asked the Library to do an academic exercise on extending the entitlement to those between the ages of nought to 40, which would pull in 29,918 people, based on the figures for nought to 18. Obviously, that is a very crude exercise, and not incredibly accurate, but it gives us some idea that it is not a huge increase. Of course, not all 40-year-olds who die will have parents in employment.

Patricia Gibson: I thank the hon. Lady for that very helpful intervention. I already said that the older the son or daughter is when they die, the more likely it is that the parents will be retired anyway and will not need the protection of the Bill. I am sure that the Minister will know far better than I that there is a social cost, and a financial cost to the Treasury, when families break down. There is a cost to the country when people become economically inactive. We are talking about £140 per week, not lottery wins.

Paul Masterton (East Renfrewshire) (Con): My understanding is that one of the reasons for having a fairly arbitrary age range was to recognise that, at that

[Paul Masterton]

point, the parents are the sole people responsible for that individual. However, beyond the age of 18 it is not completely unreasonable to think that the person would have a spouse, a partner or other individuals who would also take on responsibility for them, perhaps in funeral planning arrangements.

3 pm

Patricia Gibson: The hon. Gentleman tempts me to say what he is perhaps arguing for, although I am not: that those who do not have a significant other or spouse should be covered by this Bill, no matter what age they are. He is suggesting that they would have somebody else to make the arrangements for them.

It is perfectly possible for somebody to be over the age of 18 and to be responsible for themselves, but not to have a significant partner to take on that responsibility. That is a huge assumption. Many people live on their own; we know that single occupancy is rising, even amongst young people. It is at record levels. We cannot assume that people are always attached. I again draw the Committee's attention to the example I gave, which is not beyond the bounds of possibility: a young man or woman serving as a British soldier in foreign lands facing a traumatic and awful death, and the impact that would have on the parents if that soldier were over 18 and did not have a significant other. These are the situations we need to think about if we are trying to get this Bill right.

Given the economic cost to the country of family breakdown, the Bill should cover people who are not married or in a significant relationship. The reason why it is called the Parental Bereavement Bill is that we are talking about parents and the unnatural experience of having to bury your child. That loss is not tempered if your child is older; I do not see a distinction there.

David Linden: In response to what the hon. Member for East Renfrewshire said, I should say that the national health service does not stop treating people at 18 for teenage cancer. There is an issue of consistency here. The NHS does not recognise at just 18. Is my hon. Friend aware of that?

Patricia Gibson: That is an important point. Maybe it is a failure in myself, but I do not understand why the issue should be about the age of 18 or financial dependency. This is ultimately a Bill about grief—about losing a son or daughter. The focus is on parents, not the financial circumstances or marital status of the person who is being buried. I cannot get my head round that. It is difficult to choose, but perhaps of all the amendments this one means the most to me because it is making a statement about the enormity of the loss of burying a child, and how that goes against the natural order.

Will Quince: The hon. Lady is making a powerful case. She rightly says that the amendment would make a statement, but passing this Bill in itself would make a far greater statement. It has taken a long time to get to this position and my worry is that her request to increase the cost sixfold compared with the Treasury's current modelling will kill this Bill; the Government would have to withdraw their support, and we would move into the

next Parliament. It could come back, but I would feel sad if there was such a delay just because of this amendment.

Patricia Gibson: The hon. Gentleman brings me back to earth with a bump; as everybody knows, nobody wants to be responsible for signing this Bill's death warrant. I do feel strongly about this issue, but I will not do anything to jeopardise the Bill: the important thing is to get it on the statute books—if we have to have a bunfight later, we can.

I urge everybody to reflect on the value of this issue. I am an eternal optimist: if every single one of us agreed to the amendment, I would hope that the Treasury would look at it and say, "Well, this is the right way to go," because of the weight of that agreement. Maybe I am an eternal optimist. I am walking on glass; I will not do anything to destroy the Bill. However, I would be very sad if the measure was not in the Bill—if not today, then at the end of the process. That is all I have to say.

Kevin Hollinrake: Like everybody in the room, I was moved by the fine speech and impassioned words of the hon. Member for North Ayrshire and Arran. A family that includes one of my closest friends lost their daughter, sister, niece and granddaughter in the most horrific of circumstances only a couple of years ago. I spent a lot of time with them through that process. Their child was 30, and their grief was no different from how it would have been at any other point in that child's life. I quite understand what the hon. Lady is saying.

I have children either side of the line: a 21-year-old and 20-year-old, and a 14-year-old and 10-year-old, so I can see it from both sides. If I look at my own children—I would never want to contemplate the circumstances—there is a slight difference in dependency; I feel more responsible for the ones under 18. The hon. Lady spoke about everyone in the room, and we were all moved by what she said, but it is not just everyone in the room we have to consider. It is sad to say, because these things are not about money, but we have to consider the taxpayer.

The hon. Member for North West Durham cited some interesting figures that I was not aware of, but on a raw calculation the amendment would increase the cost to the taxpayer five or sixfold—the cost would go from £2 million up to about £12 million. Despite the fact that the taxpayer is picking up the tab for the statutory pay, there is a cost to employers because they have to cover the time off for the person. That is £1.4 million or £1.5 million, and it would go up to £15 million. Members may well argue—I might well agree—that that is a drop in the ocean compared with the grief that might be mitigated by the changes, but the amendment would mean going back to the drawing board and talking to the Treasury. It would fundamentally and fatally stop the Bill in its tracks, and we might not have time to bring it forward again.

I say to the hon. Member for North Ayrshire and Arran that the Bill is a signal to employers, as my hon. Friend the Member for Colchester said. That is key. The Bill does not do everything we would expect. I would expect any employer to give someone as much time off as they needed on full pay. That is what we have done in our business. With the Bill, we are trying to send a signal to the small minority of employers that are not compassionate, fair or understanding.

We have had a lot of engagement already with charities. None of them has said, “There should be no limit.” Some have suggested a slightly higher limit in certain circumstances, but no one has suggested having no limit, although we should not take that as read. That is an interesting point on some of the feedback we have had.

We have to consider employers in terms of cost and logistics. Members have understandably tabled a number of amendments. The hon. Member for North West Durham has tabled one on lifelong disability, and there are many different ways in which the legislation could be changed to improve it or to cover different circumstances. The amendment of my hon. Friend the Member for Colchester talks about children in full-time education. There are problems with the cut-off point and how the legislation would cater for that. The amendment would complicate the legislation.

I understand why Members have tabled the amendments, and I have a great deal of sympathy with many of them, but given the fragility and complexity of taking a private Member’s Bill through this House and the other place, I politely and respectfully ask them to withdraw their amendments so we can move the Bill forward.

Laura Pidcock: I just want to point out that the Library said in bold that these are “very crude” figures on the extension of age—otherwise it might not provide me with any research ever again. It has been pointed out before that not all those parents of children between 18 and 40 would be in employment, so there would be some mitigation there. Perhaps an exercise can be done to work out on average how many people who die are of working age and have parents in the workforce, but that is not for now.

This strikes at the morality of the Bill. It has been mentioned that the Bill is about the tasks that need to be carried out after the death of a child or in that grieving period, but I agree with the hon. Member for North Ayrshire and Arran—I do not want to sound like a broken record—that this is about the recognition of grief, not just tasks, although grief can be exacerbated and it can be more difficult to heal and recover if people are not able to do the tasks that are part of the journey to recovery. I also agree that a child never ceases to be a child in their parents’ eyes.

I want to make a political point in what has, so far, not been a very political Committee: it seems so hard to get such things through the Treasury. We are scrabbling around, arguing and making the case for a 60-year-old worker to have two weeks off if their child is 30, but it seems so easy for the Treasury to do other things at the stroke of a pen. That is not the fault of the Bill or necessarily of this Government, but it seems that the system values some things much more than others, including employment rights.

Antoinette Sandbach: This is a very important Bill. As the Minister and my hon. Friend the Member for Thirsk and Malton have pointed out, this is the first time that an extension in this area has been considered. There is an argument that goes, “If the parents, why not the siblings? And if the siblings, why not the aunts and uncles or other close family members?”

Much like my hon. Friend, I have reservations, but I do not want to jeopardise the Bill because the principle that it sets out is so important. There is no doubt that if

one of my sisters died, I would be devastated. We have to strike a balance between rights and responsibilities, which is very difficult to do in relation to grief.

Laura Pidcock: The point has been well made that the Bill is about parental bereavement. Back-Bench Members may want to introduce Bills about other forms of grief, but we are concentrating on parental bereavement in all its forms. I would imagine that when a child dies, grief is pronounced, raw and painful irrespective of age. My intention is for those people to be included—not, of course, at the expense of the complete destruction of the Bill.

Amendment 12 recognises that some people have to care for dependent children for much longer than 18 years—I am sure my father would argue that I am still dependent, and I am 30. Full-time carers have to care for their children because they have a lifelong disability and a recognised dependency. I urge hon. Members to support amendment 12 if they cannot support amendment 6.

3.15 pm

Will Quince: I will speak to amendments 14 and 15. One of the hardest elements of the Bill is the definition of a child. Amendments 14 and 15 would define a child as a person under the age of 18 or in full-time education, or both. These are probing amendments and I do not intend to press them to a vote, for all of the reasons that I have set out in our previous sessions.

In my ten-minute rule Bill, I defined a child as a person under the age of 18, in compulsory full-time education, or both. I think my amendments are fundamentally flawed, because they say, “in full-time education, or both” but of course somebody can go back to full-time education at a later stage—they could be a mature student. Somebody in their 30s, 40s or 50s could be caught under the scope of the amendments, and that is certainly not the intention.

What I want is to get us all talking about where we should set the legal definition. The hon. Member for Glasgow East referenced teenagers in his points about teenage cancer, but of course teenagers are pre-18 and post-18, because someone who is 19 is also a teenager. The age of 18 is the point at which we all accept that there is a legal responsibility for dependents, and it is also when we can leave full-time education. However, as we all know from our days at school, people can be old for their class—they could be 18 and still in secondary school doing their A-levels. We have to consider that.

I hope the Minister can take the amendments away and look at them. There is that element of “compulsory”—those who are still at school; that would not catch people who are at university. However, there is an argument for doing so, because many students are still wholly dependent on their parents. There is also the issue of apprenticeships and so on, which are not necessarily compulsory post-18; nevertheless, students are on a relatively low income, so will be dependent on their parents. They are often living at home.

I hope the Committee will consider the amendments in more depth, so that we can work out what the right age is. Certainly, considering compulsory full-time education might be one of the potential solutions.

Antoinette Sandbach: I shall speak to amendments 18 and 19, which would add the words

[*Antoinette Sandbach*]

“or a person under the age of 25 with a lifelong disability and a recognised dependency.”

The Bill applies to children under the age of 18, for all the reasons raised by my hon. Friend the Member for Colchester. Amendments 18 and 19 would extend the definition of “child” for the purposes of parental bereavement leave and pay to those under the age of 25 with a lifelong disability and recognised dependency.

From my own experience with the children’s hospices that work in my area, they have a cut-off of around the age of 25 for those with disability or illness—they are classified as still entitled to attend the children’s hospice as opposed an adults’ hospice up to that point.

Therefore, there should be an extension to cover disability and dependency. We know that the care offered by parents to those with a disability or a recognised dependency is very often very high, and they will have provided extensive love and support to their child. There are many parents who have children with a disability or a lifelong dependency who, sadly, do not make it to the age of 25. I question whether my amendment should be limited to 25 for such cases—

Laura Pidcock: How about the hon. Lady supporting my amendment, which does not cap this at 25?

Antoinette Sandbach: I saw the hon. Lady’s amendment and given that the Minister is consulting on a number of matters, I hope he might consider extending the consultation to the amendments. Where there is a high level of recognised dependency, the bond between parent and child is very high, largely because parents in the main, although it is often women who do this, have been carers at a level not necessarily offered in other circumstances.

I am not saying that the grief is any less, but that level of contact with the child will extend beyond the age of 18, whereas in other circumstances many children will have left home and be living independent lives. This is a probing amendment, but one the Government would do well to address, because I suspect there will be easily-available figures from Government data for the number of people covered. The Minister should be able to find that information fairly easily, although there might be implications for that extension.

Andrew Griffiths: This has been a very thoughtful and interesting debate. I draw the Committee’s attention back to the first speech by my hon. Friend the Member for Colchester. I think he used the phrase “do not let the perfect be the enemy of the good”.

Members new to the House might not realise that this is the third time that an hon. Member has tried to take through a Bill on parental bereavement leave. The first attempt by Tom Harris was unsuccessful, as was the next by my hon. Friend the Member for Colchester. This is the first time not only that such a Bill has got to this stage, but that any Government have given it backing.

Many Members will say it is outrageous that in 2018 we do not have those rights in statute. I would agree, but the reality is that we do not. There are many reasons for that, given by many Governments of many colours and of different make-up, and for why such a Bill has been resisted. We have an opportunity this time to get a Bill

across the line. I politely say to the hon. Member for Glasgow East that, although I understand his desire to press his amendment, he will risk the passage of the Bill if it is used as a Christmas tree on which to hang all our aspirations.

The Bill provides the minimum that we would like to see for bereaved parents in this area, but we need to get it on the statute book. We can have as many lofty aspirations as we wish and we can desire to set the bar as high as we like, but we need to make this real. Various Governments of various colours have been unable to commit to do that, and this is the first time that a Government have committed to support the legislation and make it law. I politely and gently encourage hon. Members to think about that before they decide to press amendments that could risk the Bill’s potential.

To speak to the substance of the amendments, where to draw a line on age was always going to be difficult. I recognise why hon. Members suggest the dates they do. A lost life is always terrible, even more so when a child has not had the chance to live to adulthood. The loved ones who survive that child are left rebuilding and coping in a way that is difficult to imagine for those of us who are fortunate enough never to have been in that position.

Amendments 6 and 7 propose to extend this provision to parents of children of any age. The Bill applies to parents of children under the age of 18. Much as I agree with my hon. Friend the Member for Thirsk and Malton, and would like the Bill to cover parents of all children who have passed away irrespective of age, to do so would have financial implications that cannot be ignored. I draw the Committee’s attention to the Exchequer estimate that the annual cost of statutory bereavement pay would be between £1.2 million and £2 million, with a best estimate of £1.77 million. The estimated cost to business—the employer—is £1.45 million and we estimate that, as drafted, the Bill will cover 5,600 parents.

The hon. Member for North West Durham sheepishly proposes the numbers in the Library note that she has received, and I do not disagree with those: she estimates 29,000 parents for children up to the age of 40. Look at the magnitude of the change from 5,600 to 29,000, when the cost is £2 million for the lower figure. We see how the cost of the Bill suddenly begins to increase dramatically. I urge caution, because there are other things to consider when we look at the Bill’s viability and future. The broader the Bill’s coverage, the more it will cost both the state and employers, in terms of absence costs. I therefore believe that the right balance is to ensure that parents of children up to the age of 18 are covered by the Bill.

I do not for one second underestimate the devastation of a parent losing a child at any age. I look to my own experience. My Auntie Ann had a seriously mentally and physically handicapped daughter called Margaret, who died at the age of 56. She had never been out of a wheelchair in her life, and my Auntie Ann was by then a widow in her late 70s. She was absolutely devastated by the loss of Margaret. As a family, we had always assumed that Auntie Ann would go and we would make provision to care for Margaret. The shock when Margaret was diagnosed with cancer and died very quickly hit the whole family. I do not for one minute underestimate the loss of a child at any age, but, for the sake of securing the Bill, I think we have to draw a line.

Laura Pidcock: I do not wish to use the other side's argument against myself, and perhaps I could have done this in a slightly different way, but the point has been made that there might be someone who has only their parents to sort out all the arrangements after that person's death. Does the Minister acknowledge that that may be the case with someone who has had a lifelong dependency on their parents and that that requires consideration?

Andrew Griffiths: I understand the hon. Lady's premise. I understand that, looking from the outside, it is easy to make bespoke cases for bespoke situations. All those are valid and have strong reasoning behind them, but I return to the point made by my hon. Friend the Member for Colchester: we cannot let the perfect be the enemy of the good. Unfortunately, we have to draw a line in the sand.

3.30 pm

I agree that resisting amendments 12 and 13 is not a decision to be taken lightly. I understand the genuine and heartfelt feelings on both sides. My intention and that of the Government is not to disregard the parents of a child with a lifelong disability or to ignore their needs, but to ensure that the Bill stays practical, focused and deliverable.

On amendments 14 and 15, I thank my hon. Friend the Member for Colchester for his tireless efforts in keeping this important issue firmly on the radar and acknowledge the courage with which he speaks. I continue to be impressed by the tenacity of hon. Members in all parts of the House in sharing their personal experiences. It would be remiss of me not also to highlight the efforts of the all-party parliamentary group for children who need palliative care, which other hon. Members have mentioned. I know that the hon. Member for Glasgow East feels very passionately about this and does a great deal of work in this area. I also pay tribute to organisations such as Sands, the Lullaby Trust, Together for Short Lives, the Rainbow Trust and the National Bereavement Alliance in championing the needs of bereaved parents and taking forward important decisions on this issue.

With regard to the definition of child, establishing a cut-off for the purpose of the Bill has been very difficult. We have all deliberated long and hard about it. Emotions and personal experiences clearly come into play. There have been many discussions on the issue, and I am grateful to everybody for making their points about the number that is chosen with such passion and clarity. We recognise the devastation that the loss of a child of any age causes, and understand that for some, any maximum age is undesirable. I understand that there will be many people watching this debate who have suffered the loss of a child over 18 who will feel the pain with huge sensitivity as we discuss this matter, but as my hon. Friend the Member for Thirsk and Malton has said, it is essential that the legislation makes it immediately clear to both the parent and their employer what the eligibility criteria are for taking parental bereavement leave and pay.

We are all working towards the same aim, I believe, which is to make matters clear and make it easy for parents for take leave from work to grieve following the loss of a child. Making the change proposed in amendments

14 and 15 could undermine that intention. Not only would broadening the definition in that way make eligibility less clear to parents, but it would run the risk in some cases of being no better off than we are now. It is hard to comprehend bereaved parents being challenged by their employer and having to negotiate with them for time off at such a difficult time; equally, we could place employers in the very difficult position of having to make this challenge as a result of a lack of clarity. We need this to be understandable on all sides. We need to ensure that we minimise the risk of challenge and confusion over who is, and who is not, able to take parental leave and pay.

I therefore agree that setting the definition of a child as someone under the age of 18 is logical for the provisions of this Bill. As I said, we are not disregarding the needs of parents with dependent children over 18, but we must ensure that the focus of the Bill is clear. I believe that the definition as drafted goes far enough in setting a minimum level of protection that employers that must adhere to when engaging with bereaved employees.

Mention has been made of ACAS and the support that it offers to employers managing bereavement in the workplace. I think there is also more to be achieved through further work with ACAS to explore the best ways of promoting the message that all employers should act sympathetically in respect of requests for leave for any bereavement. ACAS has already established guidance on managing bereavement in the workplace and has supporting content on its website; it also has a number of resources relating to parental rights. Officials from my Department recently met representatives of ACAS to discuss the guidance and the work that needs to be done to promote it further. Should the Bill receive Royal Assent, we will work further with ACAS to ensure that its content fully reflects the new provisions. The Government will consider how best we can work with ACAS to help raise awareness of the new rights and ensure that existing guidance on bereavement is updated, and that all employers feel confident in offering the appropriate support to their employees in all situations involving bereavement. Although death is something we all have to encounter in some way during the course of our lives, the Bill will provide support for those encountering death in the most challenging situation as a result of the loss of a child.

We do not for one moment underestimate the devastation that the loss of a child at any age can cause, but the Government are committed to supporting the Bill and so I ask hon. Members to withdraw their amendments and engage with ACAS and officials in my Department to establish better practices for all employers in supporting all bereaved parents.

Patricia Gibson: The words that we started out with at the beginning of this process—perfect must not be the enemy of good—ring in all our ears, I am sure. I know that the Minister and the hon. Member for Thirsk and Malton understand that all anybody wants is to make the Bill the best that it can be. Absolutely nobody wants to kill it. It is important—we know it is fragile—that this Bill can proceed to the Chamber as soon as possible. However, I know the Minister will not be surprised to hear me say that in the light of what he has said and the fragility of the entire process, we will withdraw—not happily, but we will do it—amendments 6 and 7, but

[Patricia Gibson]

when the Bill reaches the Floor of the House, and I hope to God it does, some of the amendments will resurface. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 12, in the schedule, page 2, line 35, at end insert

“, or a person with a lifelong disability and a recognised dependency over the age of 18”.—(Laura Pidcock.)

This amendment would extend the definition of “child”, for the purposes of parental bereavement leave, to those over the age of 18 with a lifelong disability and recognised dependency.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 9.

Division No. 2]

AYES

Antoniazzi, Tonia
Gibson, Patricia
Johnson, Diana

Linden, David
Newlands, Gavin
Pidcock, Laura

NOES

Argar, Edward
Griffiths, Andrew
Hollinrake, Kevin
Jones, Andrew
Masterton, Paul

Prentis, Victoria
Quince, Will
Sandbach, Antoinette
Soames, rh Sir Nicholas

Question accordingly negated.

Will Quince: I beg to move amendment 25, in the schedule, page 2, line 35, at end insert

“(see also section 80EE for the application of this Chapter in relation to stillbirths)”.

This amendment is consequential on Amendment 26.

The Chair: With this it will be convenient to discuss the following:

Amendment 26, in the schedule, page 4, leave out lines 29 to 35 and insert—

“80EE Application in relation to stillbirths

In this Chapter—

- (a) references to a child include a child stillborn after twenty-four weeks of pregnancy, and
- (b) references to the death of a child are to be read, in relation to a stillborn child, as references to the birth of the child.”

This amendment extends the provisions about parental bereavement leave to bereaved parents of stillborn children.

Amendment 8, in the schedule, page 4, line 30, leave out “may” and insert “must”.

This amendment would give the Secretary of State a duty, rather than a power, to extend parental bereavement leave to cases where a child is stillborn after twenty-four weeks of pregnancy.

Amendment 27, in the schedule, page 4, line 37, leave out “, 80EE”

This amendment is consequential on Amendment 26.

Amendment 28, in the schedule, page 9, line 18, at end insert

“(see also section 171ZZ15 for the application of this Part in relation to stillbirths)”

This amendment is consequential on Amendment 29.

Amendment 29, in the schedule, page 10, leave out lines 40 to 46 and insert—

“171ZZ15 Application in relation to stillbirths

In this Part—

- (a) references to a child include a child stillborn after twenty-four weeks of pregnancy, and
- (b) references to the death of a child are to be read, in relation to a stillborn child, as references to the birth of the child.”

This amendment extends the provisions about statutory parental bereavement pay to bereaved parents of stillborn children.

Amendment 9, in the schedule, page 10, line 41, leave out “may” and insert “must”.

This amendment would give the Secretary of State a duty, rather than a power, to extend parental bereavement pay to cases where a child is stillborn after twenty-four weeks of pregnancy.

Amendment 30, in the schedule, page 11, leave out line 3

This amendment is consequential on Amendment 29.

Will Quince: It seems greedy to table so many amendments on such an important subject: the inclusion of bereaved parents of stillborn babies. The amendments are probing because I want the Committee to give the subject due consideration. For Members who are not aware, a stillbirth is defined as a child stillborn after the 24th week of pregnancy. Anyone who suffers a stillbirth after 24 weeks is entitled to full maternity or paternity leave in the same way that any parent that loses a child who is technically born, who draws breath, is entitled to the same statutory paternity or maternity leave.

As the Bill is drafted, the parents of babies that draw breath would be entitled to statutory parental bereavement leave in addition to their statutory paternity and maternity leave, whereas the parents of stillborn babies would not. The Bill by its nature must have arbitrary cut-offs. We have just debated eligibility in terms of definition, and to some extent this is no different. There is currently a disparity between parents of a child who drew breath and those of a child who did not. Luckily, parents of all babies, whether stillborn or those who die neonatally, would be entitled to those rights afforded at present as part of the statutory maternity and paternity; the discrepancy is between a stillbirth and a live birth. There is a piece of work to be done on including parents of stillborn children, because at the moment there is an unfairness between them and those who lose a child neonatally.

There would be a financial implication from including parents who suffer a stillbirth as well as those who suffer a neonatal death, but it is worth considering nevertheless. For parents who lose a child neonatally, some would say, “Why should they get statutory paternity leave, because they are already entitled to their maternity or paternity rights?” I would argue that it would be bolted on in any event, but do not forget that a lot of parents—men in particular—may take paternity leave and lose their child after those two weeks. It is therefore right that fathers in particular should be entitled to those additional two weeks, and it should also be afforded to mothers in addition to their maternity leave. We should seriously consider including those parents who suffer a stillbirth in the scope of the Bill.

Kevin Hollinrake: I am not entirely clear about the protocol, so I will ask your advice, Mr Gray. At various stages of the Bill, we have heard moving stories about

lives lost of both children who have lived and those who were stillborn. Of course, many of those stories have come from members of the Committee, such as my hon. Friends the Members for Eddisbury and for Banbury and the hon. Member for North Ayrshire and Arran. My hon. Friend the Member for Colchester made an impassioned contribution. If I may, I would like to listen to further remarks before I make my contributions and we decide on any amendments.

The Chair: Yes, it is perfectly in order to speak more than once.

Patricia Gibson: I will be brief. Scottish National party Members have tabled amendments 8 and 9, but I begin by agreeing with everything the hon. Member for Colchester said. There should not be any differentiation between stillbirths and babies who are lost to their parents shortly after birth.

We tabled amendments 8 and 9 because we too are concerned about stillbirth. As the hon. Gentleman said, stillbirths are currently covered by maternity and paternity leave, but will the Minister respond with thoughts on when and why regulations regarding stillbirths will need to be made under the Bill, as the hon. Gentleman pointed out? I ask him—I am really probing him—in the schedule, page 4, line 30, to leave out “may” and insert “must” so that we can all be assured that, as the hon. Gentleman set out eloquently, the relevant regulations to ensure provision for cases of stillbirth are every bit as robust as those for the death of any other child covered in the Bill.

We all know—many in the room know to their cost—that a stillbirth is every bit as traumatic as losing a child at any other age. It casts a shadow over bereaved parents for the rest of their lives. I think it is essential, as I hope we all do, that all aspects of employment law that the Bill covers take full cognisance of that, for the sake of the thousands of parents bereaved in this particular way every year.

3.45 pm

Andrew Griffiths: I hope I can give some comfort to the Committee. I begin by echoing the sentiments of my hon. Friend the Member for Thirsk and Malton and pay tribute to those who have had the strength and courage to share with us some very moving experiences. Any death is difficult to comprehend, and stillbirth is no different.

My hon. Friend included in the Bill a power to extend the entitlement to include the parents of stillborn children, and explained, very clearly, the rationale for doing exactly that. I have thought about this long and hard, and I am supportive of the rationale and the position. The reasoning, to my mind, was clear, coherent and sound. I just add that, by including stillbirth—which affects 3,300 children a year—more than 6,000 additional parents will be covered by the provisions in the amendment.

My hon. Friend the Member for Colchester was right to ask whether a line should exist in terms of the provision for a child who has been born still and a child who has taken a single breath and then died. What a conundrum, what a decision—to differentiate between the griefs of a parent whose child has taken a breath and one whose child has not. I speak as somebody who is eagerly awaiting that first breath. I cannot imagine the anguish and devastation that would come.

My hon. Friend was right to recognise that in asking that question. He did not have the answer, and therefore a delegated power was the most sensible option—I understand that. However, amendments have been tabled, and we have had the chance to further debate this, and I thank my hon. Friend in particular for the constructive way in which he has engaged with me, as the Minister, on the Bill, together with my hon. Friend the Member for Thirsk and Malton.

I have to say that the Government have changed their mind, and I have changed my mind. We have come to the point where we agree with my hon. Friend's conclusion. Whether parents take time off is not a decision for any of us in this room to take; it is to be made by those in that position at the time. If they require the time, they should have the option to take that time. If they do not require that time, they do not have to take the time off. Following the decision of my hon. Friend the Member for Thirsk and Malton to accept the amendment, the Government accept it as well.

Kevin Hollinrake: I am very grateful to the Minister for his consideration. This is something that we have discussed much in our deliberations, both with Committee members and in the House at various stages.

Stillbirth was first brought to my attention because of my constituents Annika and James Dowson—my hon. Friends the Members for Banbury and for Eddisbury are very aware of their case—and their little daughter, Gypsy. They said they had never heard their baby cry, which must be a desperate state of affairs for anyone who has been through those tragic events. They directed their grief into a very positive campaign to raise money to fund a bereavement suite at Scarborough hospital. It is tremendous to see the resilience and determination that people show in these circumstances; I am not sure I could do the same.

Luke and Ruthie Heron are also constituents of mine. Their little son, Eli, was brought into this world at 23 weeks and six days. He lived for two days. He was stillborn. Had he not lived for those two days, it would have been defined as a miscarriage. This is being discussed in relation to legislation going through the House at the moment. I have constituents who have experience of this.

I am delighted that the Government have agreed to support the amendments. The hon. Member for North Ayrshire and Arran was the first hon. Member to table an amendment on the matter. I am sure that the Government's support for the other amendment is a purely technical decision, not a political one—it is about drafting. They have done a tremendous job of ensuring that we get the legislation right, so that we do not suffer any negative consequences later on. I ask the hon. Members for North Ayrshire, for Glasgow East and for Paisley and Renfrewshire North not to press their amendments and instead to support the amendment tabled by my hon. Friend the Member for Colchester.

Will Quince: I place on record my huge thanks to my hon. Friend the Member for Thirsk and Malton. It is actually a bit of a surprise that the Government support my amendment, which I tabled relatively speculatively because there was a debate to be had. However, the fact that the Government have accepted the argument will be of huge benefit to the parents of the circa 3,000 children who are stillborn every year in this country. I

[Will Quince]

hope that that number will go down year on year; the all-party group on baby loss is certainly working on that. I thank the Minister for his support and the hon. Member for North Ayrshire and Arran for her amendments, which are in a similar vein to mine and would have largely the same effect. We are all on the same page, so I thank all hon. Members for their cross-party support.

Amendment 25 agreed to.

Amendments made: 26, in schedule, page 4, leave out lines 29 to 35 and insert—

“80EE Application in relation to stillbirths

In this Chapter—

- (a) references to a child include a child stillborn after twenty-four weeks of pregnancy, and
- (b) references to the death of a child are to be read, in relation to a stillborn child, as references to the birth of the child.”

This amendment extends the provisions about parental bereavement leave to bereaved parents of stillborn children.

Amendment 27, in schedule, page 4, line 37, leave out “, 80EE”.—(Will Quince.)

This amendment is consequential on Amendment 26.

David Linden: I beg to move amendment 4, in schedule, page 5, leave out lines 10 to 12.

This amendment would remove the condition that an employee needs to be with an employer for a continuous period of 26 weeks in order to receive parental bereavement pay.

The Chair: With this it will be convenient to discuss amendment 5, in schedule, page 6, leave out lines 15 to 21.

This amendment is consequential to Amendment 4.

David Linden: We are coming to the end, so I will not detain the Committee for long. The amendments, which I tabled with my hon. Friends the Members for Paisley and Renfrewshire North and for North Ayrshire and Arran, address how long someone needs to have been with an employer to fall within the scope of the Bill. I understand the position of the hon. Member for Thirsk and Malton that employment eligibility provisions for bereavement pay should mirror those for paternity pay and leave. However, today of all days, when the Government’s response to the Taylor report has acknowledged that people are in precarious and short-term work, I would like to hear the Minister’s thoughts on reducing the eligibility requirement.

It strikes me that rather than introducing a provision that mirrors existing legislation, we have a unique opportunity not just to send a message, but to give ultimate protection, including to people who have not been with their employer for a continuous 26-week period. The Committee has already discussed cut-off points. We know that a number of things can happen to children; in the event of a sudden death, it would be a crying shame if the parent had been with their employer for 25 weeks and six days. I ask the Committee to accept our amendments.

Kevin Hollinrake: The hon. Gentleman makes a good case for why the circumstances he describes are different from most others. However, consistency is important from an employer’s perspective and certainly from a legislative perspective. Of course, grief cannot be measured in pound notes, but part of our responsibility when

introducing legislation is measuring the cost. His amendment would mean our having to revisit the cost and impact for the taxpayer and the employer.

The hon. Gentleman put his case well. The proposal in the Bill is, in any case, a minimum signal; we would expect an employer to be just as sympathetic to someone in this situation in their first 26 weeks of employment as afterwards. We would expect employers to be sympathetic, and I ask the hon. Gentleman to be sympathetic to the most important task, which is getting the Bill through the House.

Laura Pidcock: I want to echo the sentiments of the hon. Member for Glasgow East and probe a bit further on this issue. I am obviously not going to talk about the Taylor review, but we want to think about day one rights. I am still not clear who will qualify for what. Were the amendment agreed, it would provide an exceptional right that could not be applied to other bits of legislation. I completely understand why holiday has to be accrued, but the provision is exceptional.

To ground the Committee, the right would apply to such a small amount of people in the grand scale of the population. It seems morally absurd that someone employed for 24 weeks, 18 weeks or even four weeks could not qualify. No one plans for their child to die. People take a job in the good faith that they can do that job. It would be remiss of us not to include the amendment. That is my feeling.

Andrew Griffiths: I thank my hon. Friend the Member for Thirsk and Malton again for his comments on the amendments. I agree with the points he made. It is right that the Government maintain a consistent approach across employment rights, because that reduces familiarisation costs for employers and ensures that they are operating within a framework they understand. Let us keep it simple and straightforward.

The hon. Members for Glasgow East and for North West Durham are right. They mentioned the Taylor review. I am proud that this Government are trying to enhance the protections for workers and their eligibility to rights within the workplace. We are looking at day one rights within the work of the Taylor review. Taylor is looking at extending the break-in-service provisions from one week to four weeks, but the 26-week qualifying period will remain. Within Taylor we are consulting and looking to bring forward greater rights, but when dealing with this Bill it is important that we do not reference a Bill that is behind us in the sausage machine. We have to have consistency now. We can only be consistent with the legislation as it stands; we cannot look over the horizon at what might be coming.

Gavin Newlands: I understand the Minister’s point, but can he clarify one thing for me? A situation not dissimilar to this happened before I came to this place. If an employee happens to work for 15 years for one employer without a single day off—they are an exemplary employee—and then seeks to advance through employment elsewhere and works for that new employer for 25 weeks, they would not fall into the scope of bereavement leave. Another employee, who has been in employment for 27 weeks with an entirely blemished record—perhaps they have received verbal warnings or taken days off here and there without permission—would be covered by the Bill. Will the Minister clarify that that that would be the case?

Andrew Griffiths: I understand the point that the hon. Gentleman makes, but he also must understand that there are costs involved with all these things. While in an ideal world—funds permitting—we would wish to extend all these kinds of benefits to allow greater access, we have to cut our cloth. While I understand his point, the qualifying periods are long established for many of these benefits. I hope he understands that.

In my capacity as the Minister responsible for small business, I keep on getting speeches that say I am the small business Minister. I told the Secretary of State for Wales that he was better qualified for that title than I, but he did not see the joke either. Because I talk to organisations such as the FSB on a daily basis, and to small and medium-sized enterprises up and down the country, I am particularly aware and conscious of, and attuned to, the effects that these amendments may have on small business. I think everybody in the room will be attuned to those too.

4 pm

My hon. Friend the Member for Thirsk and Malton raised an important point: that bereavement can be difficult for employers to deal with, especially those who have not had to manage it before. That is even more acutely felt in small businesses. Where there is a small team of two or three people, if that happens it can be devastating on the whole workforce. As a consequence, complicating employment law by making these amendments could make it harder for employers to deal with child bereavement in the workplace by making the provisions inconsistent with other paid leave entitlements.

My hon. Friend the Member for Eddisbury asked on Second Reading what steps had been taken to ensure that employers were ready for this impending legislation. As with all measures, we will communicate the changes in good time, consulting the relevant stakeholders where appropriate, and provide as much support and guidance as possible. Officials from my Department have already met with representatives from ACAS to discuss how Government can better support employers when dealing with employees who are struggling with the loss of a child. ACAS already has established guidance and supporting content on its website on managing bereavement in the workplace. It also has a number of resources relating to parental rights. Once the Bill receives Royal Assent, we will work with ACAS to ensure that its content fully reflects the new provisions and will consider how to best promote the updated guidance.

First and foremost, my hon. Friend the Member for Thirsk and Malton has just mentioned that the policy is designed to support grieving parents. Mirroring existing legislation can also be of benefit to the employee. That is an important point. An inconsistent approach across family-related leave and pay entitlements could result in confusion over eligibility. It is essential to make it clear, to both the employee and their employer, who is entitled to take parental leave and receive parental bereavement pay. That clarity is essential, helping to avoid disagreements and challenges over eligibility at a sensitive and raw time. Otherwise, they could lead to a rise in employment tribunal claims—a situation that we all want to avoid, particularly at such a difficult time for the parents. Keeping family leave entitlements consistent will go some way to avoiding that confusion and conflict.

Ultimately, as my hon. Friend and I have said, the aim of the Bill is to make life a little easier for parents who have lost a child and are in the grieving process. We believe that providing them with a minimum of two weeks' leave does that, which is why the leave entitlement in the Bill is a day-one right. It is about providing parents with time away from work if that is what is needed. Again, it is important to recognise that the Bill does not prevent employers from providing their own enhanced bereavement support for employees if they are able to do so. I believe the argument for withdrawal of the amendment has been well made, and I urge the hon. Member for Glasgow East to withdraw it.

David Linden: I have listened to what the Minister and the hon. Member for Thirsk and Malton have said. At this stage, after consultation with my hon. Friends the Members for Paisley and Renfrewshire North and for North Ayrshire and Arran, I will not press amendments 4 and 5. We may return to this on Report, but for the purposes of getting the Bill through Committee, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

David Linden: I beg to move amendment 1, in the schedule, page 7, leave out lines 4 to 6 and insert—

“(1) Statutory parental bereavement pay is payable at an employee’s full rate of pay.”

This amendment would remove the power to set in regulations the rate of parental bereavement pay. Instead, the employee would be entitled to parental bereavement pay at their full pay rate.

We come to the last amendment in this Bill Committee. I know that, as my hon. Friend the Member for North Ayrshire and Arran said, we have all been walking on glass to try to get to this point, and I will be brief. Amendment 1 would set statutory parental bereavement pay at the full rate rather than 90%. I am particularly grateful to CLIC Sargent, with which I have worked closely on this amendment. If hon. Members have not already seen it, I recommend the document “Cancer Costs: The financial impact of treatment on young cancer patients and their families”. There is a copy in the Library.

Currently, as we know, the Bill makes provision for parental bereavement leave pay to be the statutory flat rate or 90% average earnings, whichever is lower. We know from reading the report that having a child with cancer costs parents and they often struggle to meet those costs, particularly for funerals. Therefore it is my belief, and that of CLIC Sargent, that they should be entitled to full pay. I am particularly keen to hear what the Minister has to say about that. I guess this is probably more of a probing amendment, but it is just to say that we recognise that the exceptionally traumatic circumstances of the death of a child are really challenging. We often focus on the emotional aspect of that time, but particularly in the case of families where a child has had a life-shortening or life-limiting condition, there are costs to be borne after that as well. On that basis I seek the support of the Committee for amendment 1.

Kevin Hollinrake: I am grateful for the hon. Gentlemen’s submissions and the opportunity to debate this matter fully. As drafted, the Bill allows the rate of parental bereavement pay to be set in regulations at a fixed or earnings-related weekly rate. This secures the flexibility to change or increase the rate of pay in the future. Of

[Kevin Hollinrake]

course, the main aim of the Bill is to ensure that bereaved parents who need time away from work are able to take that time without fear of suffering detriment from their employer as a result. A survey has shown that businesses that responded already provide bereavement leave and most of these companies offer more generous terms than we are stipulating in this Bill, as we have said a number of times before.

As I was asked before, I will not revisit all the arguments I made before about trying to move this Bill forward as much as we can in its original form, to prevent the need for us to go back and revisit some of the calculations that inevitably have to be made to determine effects on the taxpayer and employers, which clearly are important considerations. In the interest of consistency and cost, and also continuity, in that we would like this Bill to continue its progress through this Committee and through the other stages that it needs to go through, to get through the House as quickly as possible, I politely and respectfully ask the hon. Gentleman to withdraw his amendment.

Laura Pidcock: I shall be brief. I probably will not speak again, so I want to place on record again my thanks to the hon. Member for Thirsk and Malton for this Bill and the passion and discipline that has been shown to try to get it through Parliament. I agree that something is better than nothing—for those in the grieving period, £148.98 is definitely better than £0 in a week—but I want to place on record that we must acknowledge that for the lowest paid, taking that time, just like going on to statutory maternity pay, has a financial impact and that exacerbates the difficult situation people may already be in. We also have to acknowledge that in the worst case situation, some people might not actually take that entitlement at all, because they could not afford the impact on their pay in that week. We have to acknowledge that, however brilliant the premise and skeleton of this is, it will exclude some people on the lowest pay for financial reasons.

Andrew Griffiths: My hon. Friend the Member for Thirsk and Malton raised a good point about mirroring existing legislation in order to make the familiarisation process for employers more straightforward. We have heard that time and time again throughout this Bill. It is

an important point and one I agree with. Managing bereavement in a workplace is not an easy task, so keeping it simple, stupid, is a good mantra. The Bill should be viewed as a base-level right for those who find themselves in this position. My hon. Friend said quite clearly that this Bill does not prevent employers from enhancing their offer, if they would like to make full pay. I hope that hon. Members will agree that this amendment should not be pursued and that the hon. Member for Glasgow East is content to withdraw it.

David Linden: I have listened to what the hon. Member for Thirsk and Malton and the Minister have said. On that basis I am happy to withdraw the amendment. This is probably the last contribution that I will make in this Committee. I found serving on this Committee a challenging experience for a number of reasons, but I want to pay tribute to all members of the Committee. This has been an incredibly difficult topic to go through and on the whole it has been done with a degree of courtesy on all parts. I look forward to the Bill returning to the House. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: 28, in the schedule, page 9, line 18, at end insert

‘(see also section 171ZZ15 for the application of this Part in relation to stillbirths)’

This amendment is consequential on Amendment 29.

Amendment 29, in the schedule, page 10, leave out lines 40 to 46 and insert—

‘171ZZ15 Application in relation to stillbirths

In this Part—

- (a) references to a child include a child stillborn after twenty-four weeks of pregnancy, and
- (b) references to the death of a child are to be read, in relation to a stillborn child, as references to the birth of the child.’

This amendment extends the provisions about statutory parental bereavement pay to bereaved parents of stillborn children.

Amendment 30, in the schedule, page 11, leave out line 3.—(*Will Quince.*)

This amendment is consequential on Amendment 29.

Schedule, as amended, agreed to.

Bill, as amended, to be reported.

4.11 pm

Committee rose.