**Private and confidential**

[Insert name]

[Insert address]

[Insert date]

Dear [insert name],

Firstly, I would like to express my sadness at hearing your news. I am aware that this will be a very difficult time for you and your family and I extend my deepest sympathy to you all.

I would like to put your mind at rest regarding your continued entitlement to maternity leave in these circumstances. You are under no obligation to change your maternity leave plans because, as the stillbirth occurred after the 24th week of pregnancy, you remain entitled to take your full maternity leave of 52 weeks, which has commenced from the day after your loss. You will also continue to receive statutory maternity pay for a maximum of 39 weeks. Your return to work date is [insert date].

[Select from the paragraphs below and delete as appropriate]

[EITHER]

Unfortunately you are not entitled to receive Statutory Maternity Pay as you do not meet the qualifying conditions. The attached SMP1 form provides more information on this.

However, you may be eligible to receive State Maternity Allowance (SMA) and I would advise that you contact your Job Centre Plus to clarify this. The attached SMP1 form will assist in your claim.

[OR]

You are entitled to receive Statutory Maternity Pay (SMP) for a maximum 39 weeks. Generally speaking, the first six weeks of SMP is paid at 90% of your average weekly earnings, which is [insert amount]. The remaining maximum 33 weeks is paid at the standard rate [insert amount], however, if 90% of your average weekly earnings is less than the standard rate, you will receive 90% of your average weekly earnings for the entire maternity pay period. The average weekly earnings are taken from the eight weeks up to and including the ‘qualifying week’. Your qualifying week is [insert date].

I must inform you that any entitlement to SMP may be affected if you work for another employer whilst you are receiving SMP. Please therefore inform us if this happens.

[OR]

We operate a Company maternity pay scheme which is subject to qualifying criteria. The details of this scheme are as follows [insert details].

During your maternity leave, you may work for up to 10 days without losing your entitlement to maternity leave and [delete as appropriate – SMP/MA]. These are called Keeping in Touch days (KIT days). You may not work a KIT day within the [delete as appropriate - two weeks/four weeks (period is four weeks if employee works in a factory environment)] after the stillbirth. KIT days are intended to help you keep in touch with us and allow you to do some work during your maternity leave for which you will receive your normal rate of pay offset against [delete as appropriate – SMP/MA]. KIT days may only be taken where the dates are mutually agreeable for us both.

If you wish to return to work early, please give us eight weeks’ notice in writing of your new return date. If you decide not to return to work, this will be a resignation and therefore you will need to give us written notice in accordance with your contract of employment. In these circumstances, your entitlement to SMP/MA is not affected and you will continue to receive your full amount. I would like to reassure you that if you have already booked a period of shared parental leave, you will still be entitled to take it when your maternity leave has ended in accordance with notifications we have already received from you.

If you return to work early while there is an outstanding amount of SMP/MA payable, you will no longer be entitled to receive the outstanding SMP/MA.

I would like to let you know that employees who suffer a loss of this nature have the legal right to take parental bereavement leave. This allows you to take a period of two weeks’ leave within 56 weeks following your loss. This can be taken in periods of one or two weeks. For example, if you choose to, you will be able to take two separate periods of leave both lasting for one week.

Although you are on maternity leave until [date], please be reassured that being on this leave does not remove your additional entitlement to take parental bereavement leave. You are free to consider taking a period of bereavement leave within the first 56 weeks following your loss.

[select from the paragraphs below and delete as appropriate]

[EITHER]

You will be entitled to receive statutory parental bereavement pay during this leave if you meet the qualifying criteria:

• You have 26 weeks’ service with us counted from shortly before the death

• You are still employed by us on the date of the death

• You have normal weekly earnings of no less than the lower earnings limit in force at the time.

If you qualify for this payment, it will be paid at the rate of [£insert current rate] or 90% of your normal earnings (whichever is lower) for the duration of your leave.

[OR]

We operate a Company parental bereavement pay scheme which is subject to qualifying criteria. The details of this scheme are as follows: [insert details].

For more information on your rights to time off, please refer to our policy on parental bereavement leave which is [delete as appropriate – set out in the employee handbook/set out in the staff handbook/attached to this letter].

If taking a period of parental bereavement leave is something that you wish to explore, please let us know. As set out in the policy, if you want to take leave within the first 56 days of the death, you don’t need to give us any advance notice. You just need to notify us that you are taking leave by your normal start time on the day you wish leave to start. You can do this by telephone, text message or email to your line manager.

[Optional] I would like to remind you that, as an employee of [insert Company name] you have access to a confidential counselling service in case you would like to speak to a trained counsellor about what has happened. This service is strictly confidential and no details will be passed to the Company of the content of any call you make. You can access this service at any time on [insert phone number].

Once again, I am very sorry for your loss. Please do not hesitate to contact me if there is any further support I can offer you.

Yours sincerely,

[Insert name]

[Insert job title]