

Government sets out plans for statutory right to bereavement leave from April 2027

The Government has published its response to the *Consultation on Leave for Bereavement including Pregnancy loss* which ran from 16 October 2025 to 15 January 2026.

Current entitlement to statutory bereavement leave and what is changing

Currently, only employees who lose a child have a statutory entitlement to time off from work for bereavement. Parental Bereavement Leave and Pay is available to bereaved employees if they or their partner lose a child up to the age of 18 or have a stillbirth after 24 weeks of pregnancy, provided they meet certain eligibility criteria. This entitlement provides up to two weeks of paid leave that can be taken in one-week blocks, either consecutively or separately, within 56 weeks of the child's death.

The Government has confirmed that a statutory, day-one right to bereavement leave which will be introduced via secondary legislation in April 2027. The right will include a protected period during which employees can take time away from work following a bereavement.

Key elements of the entitlement will include:

- **Pregnancy loss:** Leave will be available to employees who experience all types of pregnancy loss before 24 weeks (including terminations and IVF embryo transfer loss). Leave will be available to the person who experienced the pregnancy loss, the other biological parent, partners, and intended parents in a surrogacy arrangement.
- **Other bereavements:** Leave will be available to employees who experience a bereavement of their spouse, partner (cohabiting and non-cohabiting), parents, adult children, siblings (biological, adopted, step and half), and equivalent parental relationships for those raised in kinship arrangements or by foster carers.
- **Length and timing of leave:** Employees can take up to two weeks of unpaid leave, based on their average working pattern. Leave can be taken within 56 weeks of the bereavement, and it can be taken in discontinuous, single days. The leave period starts from the date of death or pregnancy loss, or the date of knowledge of the loss.

- **Notice and evidence requirements:** Notice can be given as soon as reasonably practicable, the same day if taken within the first eight weeks of bereavement, and one week's notice thereafter. Any form of notice is acceptable. There are no evidence requirements.

Pay entitlement: There will be no entitlement to statutory pay, unless the bereavement falls under the Parental Bereavement Leave and Pay rules (i.e. where a child under 18 has died or there has been a stillbirth after 24 weeks) in which case statutory pay at a flat rate of £194.32 per week is payable (and this rate is increased each April).

Additional measures

The Government recognises that creating a new statutory entitlement alone is not enough to encourage better bereavement support and outcomes for both employees and employers. Guidance will be published alongside the secondary legislation to support employers to implement bereavement leave, support their staff, and to help individuals understand and access their rights.

The Government will also continue to explore how it can support bereaved people in employment by working with stakeholders.

The Government acknowledges the calls for bereavement leave to be paid but confirms that as it is intended to introduce a

statutory minimum entitlement it will be unpaid. Employers will be encouraged to enhance the leave with increased length or pay.

What does this mean for employers?

Many employers already offer unpaid or paid bereavement leave but it is sometimes managed in an ad hoc fashion depending on the nature of the bereavement and the length of the employee's service for example. The new statutory right will introduce rules around how bereavement leave is managed and provide protections for those taking the leave. Employers will need to revise their bereavement leave policy and employment contracts in due course and will also need to consider whether to enhance the right and offer paid leave.

BDBF is a law firm based at Bank in the City of London specialising in employment law. If you would like to discuss any issues relating to the content of this article, please contact Knowledge Lawyer Sophie Cameron (sophiecameron@bdbf.co.uk) or your usual BDBF contact.