

## Consultation on leave for bereavement including pregnancy loss UNISON response

### Introduction

UNISON is the UK's largest public service trade union with 1.3 million members, 1 million of them women. Our members are people working in the public services and private contractors providing public services, including essential utilities. They include frontline staff and managers working in local authorities, the NHS, the police, colleges and schools, the electricity, gas and water industries, transport and the voluntary sector. Many of them are part-time and low paid, working in traditionally low paid sectors like care, catering, security and cleaning.

UNISON is committed to achieving equality in workplaces, in the union, and across society. Equality is a high priority for UNISON in our negotiating and campaigning work.

We welcome this government's commitment to equality as set out in its Make Work Pay plan, the Employment Rights Bill and the forthcoming Race and Disability (equalities) Bill. We are pleased to respond to the consultation on leave for bereavement including pregnancy loss.

### Questions

**Question 1 – Which relationships between the employee and the person who has passed away should qualify for the bereavement leave entitlement?**

**Please select all that apply.**

- a) Immediate family members (including biological, adopted, step, half), for example, spouses, civil partners and partners in a committed long-term relationship, parents, adult children, siblings
- b) Grandparents and grandchildren
- c) Extended family members, for example, in-laws (mother/father/sibling/child), aunts, uncles and cousins, niece/nephew
- d) Title doesn't matter, it should be based on the importance that person played in their life (for example, foster carers or "chosen family" including close friends, kinship caregivers)**
- e) Another type of relationship not listed above

According to the result of the survey of UNISON members carried out from 7 – 14 November 2025; when asked this question:

- 80% say immediate family
- 70% include grandparents/grandchildren
- 60% include extended family
- 75% support leave based on the importance of the relationship, not just legal/family status

We recommend that bereavement leave entitlement should apply to a broad and inclusive range of relationships. Specifically, the following relationships should qualify:

This approach reflects a growing recognition that the impact of bereavement is not solely determined by legal or biological ties, but by the depth and significance of personal relationships. We therefore support a flexible and compassionate bereavement leave policy that allows employees to identify the relationships that matter most to them in times of loss.

**Question 2 – [if yes to option E] Please describe the types of relationships or roles that should be eligible**

Not applicable.

**Question 3 – Should bereavement leave for pregnancy loss be restricted to the person who has physically experienced the pregnancy loss?**

a) Yes

**b) No**

**Question 4 – If your answer is no, who else should be able to take leave? Please select all that apply and/or suggest others:**

**a) A spouse, civil partner, the other parent, or partner (who is in a committed long-term relationship) with the person who physically experienced the pregnancy loss**

**b) The intended co-parent of the child who was expected to be born (who may not live with or be in a committed relationship with the pregnant woman or person) This could include ex-partners.**

**c) Intended parents in a surrogacy arrangement**

**d) Another type of relationship not listed above (please specify)**

UNISON's view is that bereavement leave for pregnancy loss should not be restricted solely to the person who physically experienced the loss. While 41% of survey respondents supported leave only for the individual directly affected, a significant proportion acknowledged the emotional impact on others closely connected to the pregnancy and advocated for extending bereavement leave to them as well.

In addition to the person who experienced the loss, bereavement leave should be available to:

- Their partner,
- Intended parents, such as those involved in surrogacy or adoption arrangements,

- Other close family members, where the loss has a significant emotional impact,
- And others, including those with a meaningful connection to the pregnancy or the individuals affected.

These findings highlight the need for a compassionate and inclusive approach that recognises the diverse ways pregnancy loss can affect individuals and families.

**Question 5 – Do you agree that all the types of pregnancy loss listed above by the Government should be eligible for bereavement leave?**

**a) Yes**

b) No

c) Not sure

*Please explain your answer, including any suggestions for clarification.*

All types of pregnancy loss listed should be eligible for bereavement leave. Each of these experiences involves a significant emotional and physical toll, regardless of the clinical terminology or circumstances.

Miscarriage, ectopic and molar pregnancies often involve unexpected trauma and medical intervention, while IVF loss and medical termination can carry complex emotional and psychological impacts, including grief, disappointment, and distress.

The survey results demonstrate that respondents recognise the need for compassionate support across all forms of pregnancy loss. A fair and inclusive bereavement leave policy should reflect the reality that grief is not limited to specific types of loss, and that all individuals affected deserve time to process and recover.

**Question 6 – Are there any additional forms of pregnancy loss that should be included?**

**a) Yes (please describe)**

b) No

c) Not sure

*Please explain your answer.*

UNISON’s survey responses strongly support the inclusion of all forms of pregnancy loss in bereavement leave entitlement. Many participants emphasised that “a loss is a loss, no matter how it happened”, and that “all should be covered as they all lead to the same thing.” Others noted that “every type of pregnancy loss should be considered” and that “any loss that creates a level of grief and distress that impacts on work and well-being should be considered.”

There was also a clear call for flexibility and compassion, with comments such as “It should be dependent on individual circumstances” and “Rather than label,

consideration must be given to circumstances and support available. One size does not fit all.”

These views reflect the diverse and deeply personal nature of pregnancy loss and reinforce the need for an inclusive bereavement leave policy that supports all affected individuals, regardless of the type or cause of the loss.

**Question 7 – How long should unpaid bereavement leave be?**

a) One week

b) Two weeks

**c) An alternative leave length (please describe).**

Please explain your answer.

UNISON’s survey responses show strong support for a minimum of two to four weeks of bereavement leave, with flexibility to extend based on individual circumstances. While two weeks was the most suggested duration, many respondents suggested for up to four weeks or more, particularly in cases of close relationships or traumatic loss. Some suggested up to six months for immediate family bereavement, emphasising that “grief is personal and cannot be measured by a fixed timescale.”

In terms of payment, most respondents supported paid bereavement leave, mentioning the emotional and financial strain that bereavement can cause.

Comments included:

- “Bereavement is not a holiday. It’s a time of grief, trauma, and adjustment.”
- “People should not have to choose between grieving and paying bills.”
- “Paid leave is essential to allow people to process their loss without financial pressure.”

Given this feedback, UNISON recommends that bereavement leave be offered as paid leave for a minimum of two weeks, with the option to extend to unpaid leave where necessary. Employers should also consider case-by-case flexibility, allowing additional paid or unpaid time off depending on the nature of the loss, the relationship to the deceased, and the employee’s emotional and practical needs. This approach ensures a compassionate, inclusive, and supportive policy that reflects the realities of grief and loss.

**Question 8 – Do you think employees should be offered the same amount of leave for all types of scenarios, and all relationships to the deceased, that you have selected above?**

a) Yes

**b) No**

**Question 9- If you have selected “no”, what types of bereavement might require different leave arrangements? Please select all that apply and/or suggest others:**

a) Bereavement leave for other loved ones should vary depending on the type of relationship (e.g. longer for close family than for grandparents or extended family)

b) Bereavement leave for other loved ones should be different from bereavement leave for pregnancy loss

c) Bereavement leave for pregnancy loss should vary depending on the relationship of the bereaved person to the child who had been expected to be born

**d) Other**

Please give options for longer or shorter leave durations.

Survey responses highlighted that certain types of bereavement may require longer or more flexible leave arrangements due to the emotional, practical, or traumatic nature of the loss. These include:

- Loss of a partner, child, or parent, which was frequently cited as requiring extended leave due to the depth of grief and disruption to daily life.
- Pregnancy loss, including miscarriage, ectopic pregnancy, IVF loss, and medical termination, where both physical recovery and emotional support are needed.
- Sudden or traumatic deaths, such as suicide or fatal accidents, which may involve shock, trauma, and complex grieving processes.
- Bereavement involving caregiving responsibilities, where the employee had a significant role in end-of-life care or is responsible for funeral arrangements and estate matters.
- Deaths requiring travel, especially overseas, which may necessitate additional time off.
- Non-traditional or chosen family relationships, where the emotional impact may be significant even if not legally recognised.

While 56% of respondents supported equal leave for all bereavement scenarios, 44% suggested differentiated arrangements, emphasising that “grief is not one-size-fits-all” and that leave policies should reflect the individual’s relationship to the deceased and the nature of the loss, rather than applying a uniform entitlement. Respondents also stressed that policies should be flexible and person-centred.

**Question 10 – For Bereavement leave, which of the following options for the leave entitlement to begin would be most appropriate?**

a) From the date of death or pregnancy loss

b) The date of knowledge of the death or pregnancy loss

**c) An alternative arrangement (please describe).**

[For options A and B] Please explain your answer.

Survey responses show that the most appropriate time for bereavement leave to begin is flexible depending on individual needs (52%), which was the most

frequently selected option. This reflects a strong preference for a person-centred approach, allowing employees to decide when they need time off - whether immediately after the loss, around the time of the funeral, or later as grief unfolds.

Other commonly supported options included:

- From the date of death or pregnancy loss (29%)
- From the date of knowledge of the death or pregnancy loss (18%)

Respondents emphasised that grief is not always immediate and that practical responsibilities, cultural customs, and emotional readiness vary. One respondent noted, “People grieve differently and accept the news differently. Some have to travel for funeral arrangements. It's better to take leave within a certain period and depending on what suits the employee.”

Another shared, “Trying to pin a date on it and saying that's when bereavement leave starts isn't real life for many women.”

Given this feedback, we recommend that bereavement leave policies:

- Allow employees to choose when their leave begins, within a reasonable timeframe following the loss.
- Recognise that bereavement may not be immediate, and flexibility is essential to accommodate individual, cultural, and practical circumstances.
- Include guidance for managers to support employees in making these decisions collaboratively and compassionately.

This approach ensures that bereavement leave is responsive to the diverse ways people experience and manage grief.

**Question 11 – Which of the following options for taking bereavement leave would be most appropriate?**

- a) Leave must be in one continuous block
- b) Leave can be taken discontinuously, in blocks of one week
- c) Leave can be taken discontinuously, in units of one day
- d) An alternative arrangement (please describe).**

*Please explain your answer.*

Survey response indicates that no single option suits all circumstances, but the overwhelming theme from respondents is flexibility. Respondents consistently emphasised that bereavement is highly individual and influenced by factors such as funeral timing, cultural practices, administrative tasks, and emotional well-being.

Main options considered:

- Leave must be taken in one continuous block. (50%)
- Leave can be taken discontinuously in units of one day. (21%)

- Leave can be taken discontinuously in blocks of one week. (19%)

Key findings:

- Flexibility and individual choice were the most frequent responses, with comments such as “*depends on circumstances,*” “*case by case,*” “*whatever suits the bereaved,*” and “*should be agreed with the manager.*”
- Many respondents suggested a hybrid approach: an initial continuous block for immediate grief, followed by additional days or weeks as needed for funerals, anniversaries, or delayed arrangements.
- Discontinuous leave (by day or week) was widely supported to accommodate practical needs like funeral arrangements, travel, and administrative tasks.
- A minority preferred a strict continuous block for simplicity and planning, but even these responses often acknowledged exceptions for delayed funerals or phased returns.
- Several comments highlighted that grief could resurface later, so policies should allow leave to be taken within a reasonable timeframe after the loss.

Recommendation: The most appropriate option is a flexible, individualised policy that:

- Allows bereavement leave to be taken as a continuous block or discontinuously (in days or weeks).
- Enables employees to tailor leave to their needs, with guidance for manager-employee discussions.
- Recognises that bereavement may require time off at different stages, not just immediately after the loss.

This approach balances compassion with practicality and reflects the strong consensus that “one size does not fit all.”

**Question 12 – Which of the following windows for taking bereavement leave would be most appropriate?**

- a) Eight weeks (56 days)
- b) 52 weeks (one year)
- c) 56 weeks

**d) Other – please specify.**

Please explain your answer.

The survey responses show two main options were considered most often:

- Eight weeks (56 days) (60%)
- 52 weeks (one year) (23%)

There were also a small number (6%) of suggestions for longer periods - 56 weeks or shorter periods (e.g., 4–12 weeks; (14%)), and many comments emphasised flexibility based on individual circumstances.

## Key Findings

- Eight weeks (56 days) was the most frequently chosen option (60%). Many respondents felt this was a reasonable timeframe to cover funeral arrangements and immediate needs.
- 52 weeks (one year) was the second most common choice (23%), often justified by the unpredictability of grief and practical delays such as inquests, cultural practices, or anniversaries.
- Numerous comments highlighted that bereavement does not follow a fixed timeline, and rigid windows could disadvantage employees facing complex or delayed arrangements.
- A recurring theme was that policies should allow flexibility, enabling leave to be taken when needed within a broader window rather than imposing a strict limit.

## Recommendation

The most appropriate approach is to adopt a flexible window of up to 52 weeks (one year) from the date of bereavement, within which the allocated bereavement leave can be taken. This:

- Accommodates cultural and practical variations in funeral timing.
- Recognises that grief can resurface later (e.g., anniversaries, delayed inquests).
- Provides clarity while allowing individual discretion and manager agreement.

This recommendation reflects the strong consensus that bereavement leave should be compassionate and adaptable rather than prescriptive.

### ***Question 13 – Do you think employees should be required to provide notice they intend to take bereavement leave to their employer?***

***I. If the leave is taken very soon after the bereavement (e.g. within the first few days or weeks)***

**a) Yes**

b) No

***II. If the leave is taken at a later period (e.g. several weeks or months after the bereavement):***

**a) Yes**

b) No

**Please explain your answer.**

**I. If the leave is taken very soon after the bereavement (e.g., within the first few days or weeks):**

- Survey finding: Responses were almost evenly split, with a slight majority saying No (around 51%) and a significant minority saying Yes (around 49%).
- Interpretation: Most respondents do not support a mandatory notice requirement for bereavement leave taken immediately after a loss, likely

reflecting the need for flexibility and sensitivity during the initial grieving period.

**II. If the leave is taken at a later period (e.g., several weeks or months after the bereavement):**

- Survey finding: Overall, a slight majority (around 54%) supported requiring notice for bereavement leave taken at a later period, while about 46% opposed it.
- The overall trend suggests that respondents are more open to notice requirements when the leave is planned rather than taken immediately after the bereavement.

UNISON's view is that it is employees should inform their employer as and when they are practically able to. Any notice requirement should be light touch in recognition of the traumatic and potentially sudden reason for the need to take leave.

**Question 13a – (For those that answered ‘yes’ to I): How much notice should employees be required to give to their employer that they intend to take bereavement leave straight away?**

- a) **Before the employee starts work on the day they intend to take leave, or as soon as is reasonably possible thereafter YES**
- b) Other

**Please explain your answer.**

Based on the survey responses, the overwhelming consensus is that employees should give notice before they start work on the day they intend to take bereavement leave, or as soon as is reasonably possible thereafter. This reflects the practical reality that bereavement is often sudden and unpredictable, making advance notice difficult.

A small minority suggested longer notice periods (e.g., one week or two weeks), but these were exceptions and generally related to planned leave for funerals rather than immediate bereavement leave. Other comments emphasised flexibility, noting that grief can be “*opaque and startling*,” so notice should be given as soon as the employee is able.

**Question 13b – (For those that answered ‘yes’ to II): What is a reasonable notice period employees should give for leave taken at a later period?**

- a) Before the employee starts work on the day they intend to take leave, or as soon as is reasonably possible thereafter
- b) One week's notice before the leave is due to start
- c) Two week's notice before the leave is due to start
- d) **Other**

**Please explain your answer.**

A reasonable approach is to require one week's notice for planned leave, while also allowing flexibility for employees to give notice as soon as reasonably practicable when advance planning is not possible.

**Question 14 – If you think that notice should be given for bereavement leave, in what form should it be given?**

- a) *The same as Parental Bereavement Leave (any form of notice is acceptable)*
- b) *Any form of written communication (e.g., text, WhatsApp, Teams, Slack, but not a phone call)*
- c) *Formal written notice should be sent via e-mail*
- d) *Other (please state)*

Notice should be given in any form that the employee can manage at the time, with a preference for written confirmation (email or digital message) when practical. Employers should remain flexible and empathetic, allowing verbal notice initially and supporting follow-up documentation later.

Survey responses show a strong consensus for flexibility in how notice is provided. The most common view was that any form of notice is acceptable (55%), reflecting the need for compassion and practicality during bereavement.

However, several themes emerged:

- Allow any reasonable form of notice (15%) (e.g., phone call, text, email, messaging apps) to minimize stress for the bereaved.
- 26% of respondents recommend formal written notice via email, particularly for record-keeping or if the leave is planned in advance.
- 15% of respondents accept digital written communication (e.g., text, WhatsApp, Teams, Slack), often excluding phone calls as sufficient on their own.
- Others (15%) suggest an initial verbal or informal notice (phone or message), followed by formal written confirmation when possible and some propose following existing absence or sick leave procedures for consistency.

**Question 15 – For bereavement leave do you think that employees should be required to provide evidence of a bereavement to their employer?**

- a) *Yes, for the death of a loved one*
- b) *Yes, for pregnancy loss*
- c) *Evidence should not be required but an employer should have the right to request evidence if they feel it is necessary*
- d) *No, but they should be required to sign a declaration that they are eligible to take bereavement leave, and the reason they are taking leave is due to a bereavement or pregnancy loss*
- e) *No*
- f) *Not sure*

**g) Another option not listed here**

Please explain your answer.

We do not support a blanket requirement for mandatory evidence. Instead, we recommend a flexible, compassionate approach that balances trust with accountability:

- Evidence should not be routinely required, but employers should have the right to request it in exceptional circumstances (aligns with option c).
- A simple employee declaration confirming eligibility and reason for leave is a reasonable safeguard (aligns with option d).
- Mandatory evidence for all cases (option a or b) is not supported by the majority and risks adding distress during bereavement.

Our preferred approach is to combine option (c) and option (d) and to allow employer discretion to request evidence if necessary and require employees to sign a declaration confirming the reason for leave.

Survey findings:

- The majority of respondents oppose mandatory evidence for bereavement or pregnancy loss leave.
- The most common preference (42%) is:  
“No, but an employer should have the right to request evidence if they feel it is necessary.”
- 31% of respondents also support:  
“No, but employees should sign a declaration confirming they are taking leave due to a bereavement or pregnancy loss.”
- 10% of respondents favour mandatory evidence for the death of a loved one or pregnancy loss.
- A small number (8%) said “No” (no evidence or declaration required), and 8% of respondents were “Not sure.”
- Comments highlight:
  - Sensitivity and privacy concerns—requiring proof can be distressing and impractical (e.g., delays in obtaining death certificates, early pregnancy loss).
  - Trust-based approaches preferred, with minimal administrative burden.
  - Some suggest combining declaration with employer discretion as a balanced solution.
  - A few raised concerns about potential misuse if no verification exists.

**Question 16 – If you think an employee should provide evidence, or an employer should be allowed to request it, in order to take bereavement leave, what evidence would it be reasonable for an employee to provide?**

Survey responses show strong support for flexibility and sensitivity when requesting evidence. The most frequently suggested and generally accepted forms of evidence include:

### **Primary Evidence Types**

- **Death certificate** (most common but often delayed and not always accessible).
- **Medical documentation** such as:
  - GP or doctor's note/letter.
  - Hospital letter or discharge summary.
  - Medical certificate or fit note (especially for pregnancy loss).

### **Alternative or Supplementary Evidence**

- **Funeral-related documents:**
  - Funeral notice, order of service, or confirmation from a funeral director.
- **Pregnancy loss evidence:**
  - Midwife or consultant letter, hospital paperwork, scan/photo, MATB1 form, or baby loss certificate.
- **Other reasonable options:**
  - Signed declaration from the employee.
  - Verbal or written confirmation to the manager.
  - Social media obituary or announcement (mentioned occasionally).
  - Confirmation from a trusted professional (e.g., undertaker, religious leader).

### ***Please explain your answer.***

Evidence should be proportionate to the circumstances and limited to what is practically available. Requests should be sensitive and avoid causing distress. Some respondents to UNISON's survey suggest no evidence for close family bereavement or only requesting it where there is suspicion or repeated absences. Certificates can take weeks to obtain, so delayed evidence or simply viewing documents (rather than taking copies) may be more appropriate. Avoid asking for intrusive medical details, only request what is strictly necessary. Possibly a declaration rather than evidence like neonatal

### ***Question 17 - Do you have a view on timescales in which an employee should be required to provide evidence?***

Timescales for providing evidence should be flexible and proportionate to the circumstances. Certificates or formal documents can take weeks to obtain, so employees should not be penalised for delays outside their control. A reasonable approach is to allow evidence to be provided after the absence, within a timeframe

agreed between the employee and employer. In urgent or sensitive situations such as bereavement evidence should not be required immediately, and in some cases may not be appropriate at all. It's important to keep things practical and understanding, rather than sticking to strict deadlines that could add unnecessary stress.

**Question 18 - Do you have views on other steps the Department could take to help employers implementing the new statutory bereavement leave and support their employees?**

Clear, accessible guidance should be provided, including practical examples and FAQs to ensure consistency and understanding.

Training and awareness resources for managers are essential to promote sensitive and inclusive handling of bereavement situations.

This is particularly important in cases where a baby is alive only for a few minutes, hours or days or is still born. Often, in these circumstances, while parents have a birth and death certificate, they are refused maternity/paternity leave because employers try to separate out bereavement leave and maternity/paternity leave.

UNISON considers that the Government should also undertake a review in relation to pregnancy loss related sick leave and the application of s18(6)(b) Equality Act 2010 as it sometimes leaves women who experience early miscarriages particularly vulnerable to discrimination, if they need to take a longer amount of sick leave than two weeks.

The Department should encourage flexibility in evidence requirements and timelines, emphasising compassion and practicality over rigid rules. In addition, signposting employers to specialist support services such as bereavement charities and mental health resources would enable them to provide full support beyond the statutory minimum.

Offering template policies and forms would reduce administrative burden and help employers comply with the law.

Finally, monitoring and evaluation mechanisms should be introduced to ensure compliance and to identify areas for improvement.

Overall, the Department should prioritise clarity and sensitivity to help employers meet their obligations while supporting employees through difficult circumstances.