

What changes has the Act made to the law?

Bereavement Leave

The Employment Rights Act establishes an entitlement to Bereavement Leave. This is a day one unpaid right to protected time off for employees to grieve the loss of a loved one, including pregnancy loss. It will provide a clear baseline for employers and protect those employees who might not have otherwise received time off from their employer.

The Act sets out that the leave duration must be a minimum of one week, and that the bereaved person must have at least 56 days to take the leave, although both of these could be extended further in regulations. It also provides protection around redundancy and dismissal.

Paternity Leave and Unpaid Parental Leave

The Employment Rights Act makes Paternity Leave and Unpaid Parental Leave “day one” rights for all employees, subject to them providing their employer with the correct notice. This means that employees will be eligible for these leave entitlements without needing to have worked for their employer for any particular timeframe. The 26-week qualifying period for Paternity Pay is unchanged.

Regulations will make the day one right to Paternity Leave available to employed parents of babies with an Expected Week of Childbirth (EWC) on or after 5 April 2026, born on or after the 6 April 2026, or children placed for adoption on or after 6 April 2026. Parents will benefit from the day one right to take Unpaid Parental Leave from 6 April onwards. Neither leave may be taken by newly eligible parents before this date.

To support families to access their entitlements as soon as possible, the Government is introducing a transition period for newly eligible parents taking Paternity Leave, temporarily shortening the notice period to 28 days so that they can take leave from 6 April 2026. Newly eligible parents will be able to give notice of their intention to take leave from 18 February 2026. The notice period for parents who are already eligible will be unchanged, as will the 21-day notice period to take Unpaid Parental Leave.

The Act also removes the restriction on taking Paternity Leave and Pay after taking Shared Parental Leave and Pay. This will provide more flexibility for employees to take advantage of the different types of leave available to them to care for their child.

How is this different from the previous legislation?

Bereavement Leave

There is currently no statutory right for employees to take bereavement leave following a death (except for parents who lose a child aged under 18, or stillborn from 24 weeks). While most employers respond compassionately to requests for time off in these circumstances, the absence of legislation means there may be instances where employees are not provided appropriate time off to grieve.

The Employment Rights Act introduces a new statutory right to unpaid Bereavement Leave – available from day one of employment and covering a wider range of than before, including

pregnancy loss. The measures in the Act set a framework for establishing the details of Bereavement Leave and require the Secretary of State to make regulations giving an entitlement to protected time off for bereaved employees.

Paternity Leave and Unpaid Parental Leave

Currently an employee must work for their employer for 26 weeks before they are eligible for Paternity Leave, and for a year before they are eligible for Unpaid Parental Leave. This means parents lose access to these entitlements if they leave their job to work for another employer and must build back up these weeks of service with a new employer before they qualify to take the leave.

Currently the law doesn't allow for Paternity Leave and Pay to be taken after Shared Parental Leave and Pay, which risks fathers and partners losing their right to Paternity Leave and Pay due to a misunderstanding of the rules. The changes introduced by the Act increase flexibility in how parents choose to take their leave.

When will these changes come into force?

Measure	Expected Commencement
Day 1 Paternity Leave	By 18 February, enabling leave to be taken from 6 April 2026
Day 1 Unpaid Parental Leave	By 18 February, enabling leave to be taken from 6 April 2026
Extended Bereavement leave (including pregnancy loss)	2027

What further detail will be consulted on and when?

Bereavement Leave

The consultation package covering the leave for bereavement including pregnancy loss was launched in **October 2025**. You can submit your response here: [Make Work Pay: leave for bereavement including pregnancy loss - GOV.UK](#).

The Government is seeking views on the details to be set out in secondary legislation, ensuring that the entitlement is shaped with the needs of employees and employers at the forefront.

The Act sets out that the leave duration must be a minimum of one week, and that the bereaved person must have at least 56 days to take the leave. The consultation seeks views on whether these should be extended further, and if so, by how much.

It also asks questions about who should be eligible for bereavement leave, including specific questions on different types of pregnancy loss that should be eligible. The consultation also asks for views on how the leave can be taken and what else the Government can do to support employers to implement the new entitlement to bereavement leave, such as guidance. Lastly, the consultation asks for views on what notice and evidence requirements an employee may be

required to give to an employer to allow us to balance the needs of bereaved individuals with the needs of their employers to manage staff absence with minimum disruption.

This consultation will close after 12 weeks on 15 January 2026.

Paternity Leave and Unpaid Parental Leave

No consultation will take place on these reforms as they are straightforward changes which Government can move forward with implementing.

Key Stats

Bereavement Leave

Bereavement causes nearly two million working people to suffer from intense grief each year¹. Additionally, it is estimated that 1 in 5 women in the UK experience a miscarriage throughout their lifetime². Introducing statutory bereavement leave will help support these employees and give them time to grieve. Intense grief impairs an employee's ability to work and puts individuals at risk of related physical and psychological conditions.

Charities have estimated that bereavement costs the UK economy an estimated £23 billion a year in lost Gross Value Added (GVA) and costs the UK Treasury an estimated £8 billion in reduced tax revenues, increased healthcare costs and income support payments³2020).

Paternity Leave and Unpaid Parental Leave

Approximately 30,000 additional fathers and partners will be brought into scope of Paternity Leave each year.⁴

Approximately 1.5 million parents will be newly brought into scope of Unpaid Parental Leave each year.⁵

Common questions

Bereavement Leave

What will the Bereavement Leave entitlement look like?

The detail of the new Bereavement Leave entitlement will be set out in secondary legislation. This will include who will be eligible to take Bereavement Leave based on their relationship to the deceased, what type of pregnancy loss scenarios are in scope, and how the leave can be taken. It will also include the length of leave, which must be a minimum of one week, and the period of time that the leave must be taken within, which must be a minimum of 56 days.

¹ [Grief in the workplace](#), Sue Ryder, 2020

² [Government response to the independent Pregnancy Loss Review: care and support when baby loss occurs before 24 weeks' gestation - GOV.UK](#), DSHE, 2023

³ [Grief in the workplace](#), Sue Ryder, 2020

⁴ <https://assets.publishing.service.gov.uk/media/65c100dac4319100141a4593/paternity-leave-and-payimpact-assessment.pdf>

⁵ https://assets.publishing.service.gov.uk/media/67c5741416dc9038974dbd3f/Impact_assessment_day_1_right_to_paternity_leave_and_unpaid_parental_leave.pdf

Due to the sensitive and personal nature of bereavement, we are consulting stakeholders on the details of the entitlement. This will ensure the entitlement is constructed with the needs of employees and employers at the forefront.

Are you extending Bereavement Leave to include pay?

The Bill deals with the introduction of leave only. This is the minimum entitlement. It would be at employers' discretion to enhance the entitlement in length or offer pay, as a number already do.

Paternity Leave and Unpaid Parental Leave

When will these changes come into force?

We expect changes to come into force by the 18 February, enabling employees who become newly eligible to provide sufficient notice to take Paternity Leave and Unpaid Parental Leave from the 6th April 2026.

Does this give a 'day one' right to Paternity Pay too?

Statutory Paternity Pay will remain conditional on having 26 weeks of prior service with an employer, in line with other statutory parental payments.

Are there plans to make other changes to parental leave?

In the Plan to Make Work Pay, the Government committed to a Review of the parental leave system. This review launched on 1 July 2025 and will explore how the system can better support working families and reflect the realities of modern work and childcare, while still balancing the needs of businesses, and the Exchequer. More information on the review can be found on [gov.uk](https://www.gov.uk).