

## Time off for bereavement

Most people will experience the death of a person close to them (a bereavement) during their working lives.

Every person will deal with a death differently. It's important for employers to:

- be sensitive to what each person might need at the time
- consider the person's physical and emotional wellbeing, including once they've returned to work

During the coronavirus (COVID-19) pandemic, employees have the same rights to time off when someone dies.

### 1. The right to time off

Anyone [classified as an employee](#) has the right to time off if:

- a 'dependant' dies, for example their partner, parent, child, or someone else who relied on them
- their child is stillborn or dies under the age of 18 – read more about the [right to parental bereavement leave](#)

### If an employee's dependant dies

Anyone [classified as an employee](#) has the right to time off if a dependant dies, including:

- their partner
- their parent
- their child (if under 18)
- someone else who relied on them

There's no legal right for time off for dependants to be paid, but some employers might offer pay. Check your contract or workplace's policy.

#### How much leave can be taken

The law does not say how much time can be taken off if a dependant dies. It simply says the amount should be 'reasonable'.

This time off is for dealing with unexpected issues and emergencies involving the dependant, including leave to arrange or attend a funeral.

Read more about the right to [time off for dependants](#).

## If an employee's child dies

From 6 April 2020, employees have a right to 2 weeks off if their child dies under the age of 18 or are stillborn after 24 weeks of pregnancy. This is called 'parental bereavement leave'.

Employees and workers might also be eligible for 'parental bereavement pay'.

Anyone classed as an employee also has the right to unpaid time off if their child (a 'dependant') dies under the age of 18.

Read more about:

- [parental bereavement leave and pay](#)
- [time off for a dependant](#)

## If an employee or their partner has a stillbirth or miscarriage

If a child is stillborn after 24 weeks of pregnancy, the:

- birth parent can get up to 52 weeks of statutory maternity leave or pay
- father or partner can get up to 2 weeks paternity leave or pay

They will both be entitled to 2 weeks parental bereavement leave after they finish their maternity or paternity leave.

Read more about:

- [parental bereavement leave and pay](#)
- [maternity and paternity leave and pay](#)

If a miscarriage happens in the first 24 weeks of pregnancy, there's no entitlement to maternity or parental bereavement leave. But an employer should still consider offering time off.

Employers should also:

- consider what's best for their employee, depending on their specific circumstances and needs
- [support their employee in the same way they would support them after a death](#)

## Time off for a funeral

An employee has the right to time off for a funeral if the person who died was a dependant. For example, their partner or parent.

There's no legal right for this time off to be paid, but some employers might offer pay. Check your contract or workplace's policy.

If your workplace does not offer paid time off for a funeral, the employee and employer could agree on using:

- holiday or annual leave
- unpaid leave

Employers should not discriminate against employees when deciding on time off. For example, not allowing an employee to attend a religious ceremony after a death could be indirect religious discrimination. Employers and employees should agree together how an employee takes time off for both religious and non-religious funerals.

## Pay during bereavement

There is no legal right to paid time off for bereavement, unless someone is eligible for parental bereavement pay when a child dies.

There are exceptions for agricultural employees – you can find out more by [calling the Acas helpline](#).

Many employers choose to offer pay during bereavement. An employer might call this 'compassionate', 'bereavement' or 'special' paid leave. The amount they offer is up to them so check your workplace's policy or contract.

The employer and employee could agree for time off to be taken as:

- sick leave
- holiday
- unpaid leave

If the employee takes the time off as sick leave or holiday, they should get their usual [sick pay](#) or [holiday pay](#).

## If the person who died was not a child or dependant

There's no legal right to time off in these circumstances. Regardless of whether an employee has a right to time off, employers should be compassionate towards a person's individual situation.

### Check your bereavement policy

If your workplace has a bereavement policy, it should say:

- when leave for bereavement could apply
- how much leave your workplace provides
- if leave is paid, and the amount of pay

This might be called 'compassionate', 'bereavement' or 'special' leave.

[Read more about what should be in a bereavement policy.](#)

## If there's no policy

Employers can treat time off for bereavement as sick leave or holiday leave, depending on the individual circumstances. It's best for the employer and employee to discuss the options for taking time off.

[Employers can read about the benefits of a bereavement policy.](#)

Parental bereavement leave is time off to deal with the death of a child, if they die under the age of 18 or are stillborn. Parents will also have a right to [time off for dependants](#).

Eligible parents have a right to 2 weeks':

- Statutory Parental Bereavement Leave, if they're an employee
- Statutory Parental Bereavement Pay, if they're an employee or worker

'Statutory' means the legal minimum an employer must give.

This right will apply to the:

- biological parent
- adoptive parent, if the child was living with them
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

## 2. Parental bereavement leave

Parents have a right to take Statutory Parental Bereavement Leave if:

- they're [classed as an employee](#)
- their child dies under the age of 18 or is stillborn after 24 weeks' pregnancy

Employees have this right from the day they start their job.

Statutory Parental Bereavement Leave can be taken in the 56 weeks following their child's death.

If more than 1 child dies, the employee is entitled to 2 weeks' Statutory Parental Bereavement Leave for each child.

Anyone [classed as a worker](#) is not entitled to Statutory Parental Bereavement Leave. But they might be entitled to 2 weeks' Statutory Parental Bereavement Pay for time they take off.

## Parental bereavement pay

[Employees and workers](#) are entitled to 2 weeks' Statutory Parental Bereavement Pay if:

- their child dies under the age of 18 or is stillborn after 24 weeks' of pregnancy
- they were employed when their child died
- they'd worked for their employer for at least 26 weeks, on the Saturday before the child's death
- they earn on average at least £120 per week, before tax

## How much is Statutory Parental Bereavement Pay

Statutory Parental Bereavement Pay is the minimum amount employers must pay eligible staff.

Eligible employees and workers will get one of the following, whichever is lower:

- £151.20 a week
- 90% of their average weekly earnings

## Enhanced parental bereavement pay

Some employers offer enhanced ('contractual') bereavement pay that's more than Statutory Parental Bereavement Pay. It cannot be less.

The amount and how long you get it for should be clearly set out in your workplace's [bereavement policy](#) or your [contract's written terms](#).

## Taking Statutory Parental Bereavement Leave

An employee can choose to take either 1 or 2 weeks' leave.

If an employee takes 2 weeks, this can be taken in one go, or as 2 separate weeks. For example, they could take 1 week immediately after the death, and take the other week later on.

The leave must end within 56 weeks of the child's death. The date of the child's death is the first day of the 56 weeks.

## Giving notice to take leave

An employee must tell their employer (give 'notice') to use Statutory Parental Bereavement Leave.

To give notice, the employee must tell their employer:

- when they want the leave to start
- whether they want to take 1 or 2 weeks leave
- the date their child died

This notice does not have to be in writing.

The rules for giving notice depend on how long it's been since their child died.

## Taking leave in the first 8 weeks

If it's within 8 weeks (56 days) of their child dying, an employee can start their leave as soon as they give notice.

They must tell their employer before they start their leave. This can be on the first day of leave as long it's before they're due to start work. For example, if they've started work and give notice to start their leave straight away, Statutory Parental Bereavement Leave must start the following day.

They can also cancel the leave, as long as they tell their employer before their leave starts. This can be on the day their leave is due to start, as long it's before they're usually due to start work. Any cancelled leave can be taken later by giving notice again.

### **Taking leave after the first 8 weeks**

If leave will be taken more than 8 weeks (56 days) since their child died, the employee must give their employer 1 week's notice:

- to take the leave
- if they want to cancel the leave

Any cancelled leave can be taken later by giving notice again.

## **Claiming Statutory Parental Bereavement Pay**

Employees and workers must ask their employer in writing (give 'notice') to receive Statutory Parental Bereavement Pay. They must confirm:

- their name
- their entitlement to Statutory Parental Bereavement Pay
- the start and end dates of the leave they want to claim the pay for
- the date of their child's death
- their relationship with the child

Notice must be given within 28 days of starting leave. If someone takes the 2 weeks off separately, they must give notice in writing for each week.

Employees can give notice for their leave and pay in one document.

If someone close to you dies, you might need to take time off work unexpectedly.

Depending on the circumstances, you might:

- need time off immediately
- decide to continue to work
- take time off later on

## **3. If you need time off**

It's best to let your employer know as soon as you can if you need time off work.

You should try to follow your workplace's usual process for telling them. If you feel unable to contact them, you could ask someone else to do it for you. For example, a family member or close friend.

## If you've had a miscarriage

You do not have to tell your employer you've had a miscarriage. But it's a good idea to tell them, if you feel able to, so they can offer you any support that's available, including time off.

## What you should tell your employer

It's a good idea to let your employer know:

- how you'd like to be in contact while you're off, for example if phone or email is best, and how often you want to be in touch
- if you want others at work to know, and if they can contact you
- if you need any information or support from your manager or employer

It's up to you how much you tell them about the death, and whether you want others at work to know.

It might be difficult to know how long you'll need off work at first. Keeping in touch with your employer can help:

- update your employer
- plan your return to work when you're ready

[Find out more about keeping in touch during absence from work.](#)

## Leave and pay

Check your contract or workplace's policy to see if your workplace offers leave or pay for bereavement.

Your workplace's bereavement policy, should say:

- how much leave your workplace provides
- if it's paid
- if it depends on your relationship to the person who died

If you're not sure what you're entitled to, check with your manager, employer or someone in HR.

### **If your employer does not offer leave for bereavement**

By law, you might be entitled to time off if:

- the person who died is your 'dependant'
- your child was stillborn or died under the age of 18

If you're not well enough to work, you might get [sick pay](#) if you take sick leave.

You can talk to your employer about other options for taking time off, including [holiday](#) and unpaid leave.

[Find out more about time off and pay for bereavement.](#)

## Returning to work

It's a good idea to talk to your employer before you return to work to discuss:

- when you think you'll be ready to return
- anything you're concerned about when you return
- if the death has changed anything that might affect your work, for example if you now have more caring responsibilities outside of work and want to discuss flexible working options

[Find out about the procedure your workplace might follow when you return to work.](#)

## Help and support

If you need support at work, it can help to:

- talk to your manager to see what support or adjustments might be possible
- use your workplace's employee assistance programme (EAP), if there's one available

You can also get help and support from the following organisations:

- [Child Bereavement UK](#) if your child or baby dies
- [Cruse Bereavement Care](#) for advice on coping with a death
- [Dying Matters](#) for help talking about dying, death and bereavement
- [Miscarriage Association](#) for miscarriage support and advice

## If you're unhappy about how your employer has handled your bereavement

You can raise the problem with your employer. [Find out how to raise a problem at work.](#)

Employers should consider that everyone deals with death differently, and each employee's needs will be different.

Supporting an employee can help:



- them feel valued
- reduce their stress or anxiety
- avoid or reduce sick leave
- keep a good working relationship
- keep the workplace productive

## 4. When an employee tells you about the death

When an employee tells you about the death, it's good practice to:

- offer your condolences
- assure them they do not need to come to work if they do not want to, and make it clear that work should come second
- ask how they'd like to keep in touch
- ask if there's any important work they need someone else to cover, if appropriate

If someone is upset they might not be able to talk for long, or someone else might contact you on their behalf. If this happens, it can help to follow up with an email, or call them a few days later.

Communicating in a calm, empathetic way can help employees feel supported, and help ease their anxiety about work.

## Keeping in touch while an employee is off

In the first few days after a death it's important to communicate with the employee.

When you get in touch, it's good practice to ask:

- how they are
- how they'd like to be in contact while they're off, for example by phone or email, and how often
- if they want you to let others know about the death
- if they want to be contacted by others from work, for example to offer their support or condolences
- if they need any information or support from you, and signpost to any support that's available to them
- if they've thought about returning to work, if appropriate

Be careful not to pressure them into making any decisions before they're ready.

[Read more about keeping in touch with an employee during absence.](#)

## If they need time off

Check your workplace's bereavement policy to see how much leave your workplace can provide.

If your workplace does not have a policy, it's good practice to talk to your employee and:

- check their [legal right to time off](#) during bereavement, for example parental bereavement leave
- consider their personal circumstances, including different religious and cultural practices

- look at what you've offered other bereaved employees, to make sure you're treating everyone fairly
- offer some paid time off for bereavement if possible (you might call this 'compassionate', 'bereavement' or 'special' leave)
- talk about using sick leave, holiday or unpaid leave to cover their time off, if you're unable to offer other paid leave for bereavement
- ask if they need other support

It's a good idea to have a bereavement policy if you do not have one. [Read more about the benefits of a bereavement policy.](#)

## Returning to work

It might not be appropriate to talk about returning to work in the first days of bereavement. But keeping in touch can allow you to have an open discussion about:

- how the employee is coping
- when they might be ready to return to work
- your workplace's policy on bereavement
- any adjustments that might help with their return, for example a phased return or a temporary change in duties

How quickly someone returns to work will be different for everyone. Someone might be unsure or not be able to judge how they'll feel when they return. Keeping in touch and talking about adjustments can help plan their return.

[Find out about the procedure you should have when someone returns to work.](#)

## Ongoing support

Once they've returned to work, the employee might still need extra support or time off.

This might be because of developments following a bereavement, such as:

- grief symptoms affecting their performance, for example not being able to sleep, think or concentrate
- depression or another mental health condition
- extra responsibilities, for example helping a dependant

How your workplace deals with requests for extra support or time off depends on its bereavement or absence policies.

Even if you do not have a policy, you must follow the law by:

- not discriminating, for example if the employee's mental health condition is classed as a disability
- making '[reasonable adjustments](#)' to support an employee who has a disability

You should talk to the employee and discuss what's best for your employee's physical and mental health in the long term.

Doing things proactively can help prevent problems. For example:

- encouraging an open and supportive working environment for everyone
- signposting staff to your workplace's employee assistance programme (EAP), if there's one available
- sharing other support that's available outside your workplace, for example [Cruse Bereavement Care](#)

It's also likely the employee will be more productive if they feel they're getting the right support.

## Mental health

Mental health conditions like anxiety and depression are common for anyone who's experienced a death.

If someone has a mental health issue after a bereavement, it's a good idea to talk to them to find out what support they might need at work.

[Find out how to support someone at work with signs of a mental health issue.](#)

### If a mental health condition is a disability

As some mental health conditions are treated as disabilities under the law, you should make sure you:

- do not discriminate against someone with a disability
- make '[reasonable adjustments](#)' for an employee who has a disability

## More advice and support

You can get more advice and support from:

- [Cruse Bereavement Care](#) on handling bereavement, including training for employers
- [Dying Matters](#) on talking about dying, death and bereavement
- [Miscarriage Association](#) on handling miscarriage and stillbirth

If an employee or co-worker dies, it can affect other employees and the workplace.

The employer should:

- tell others at work the person has died, in a sensitive and personal way
- offer support to staff affected by the death
- contact the person's family or next of kin to offer condolences
- let staff know how they can give their condolences
- share details of the funeral or ceremony, if staff have been invited

## 5. Offering support

It's a good idea to:

- talk to staff regularly to see how they're coping
- signpost staff to any support that's available to them

[Find out more on supporting staff during bereavement.](#)

It might be appropriate to honour the person who died with others at work. For example, you might consider:

- organising a book of condolence for staff to share their memories of the person who died
- holding an event or service to honour the person who died, inviting the family or next of kin as well, if appropriate

## Finalising an employee's affairs

The employer of the person who died should put their family or next of kin in touch with someone who works in HR or a senior manager and can answer any questions about:

- the employment contract
- pay
- their pension
- other benefits
- returning any personal belongings

It's a good idea for your workplace to have a policy that covers time off and pay for bereavement.

A policy helps make clear:

- how much time off and pay staff are entitled to
- how managers can respond and support staff after a death

Even if there is a policy, employers should make some allowances. For example, a recently bereaved person may not be in the right frame of mind to check it straight away.

[Download an example bereavement policy.](#)

## 6. What a bereavement policy should include

A bereavement policy should cover:

- how soon the bereavement should be reported
- who can report it, for example, a member of the employee's family if the employee is not able to do it themselves
- who it should be reported to, for example, the employee's line manager
- what happens if the person who died is not a child or dependant
- how much leave is provided

- how much pay is provided
- how the leave is classed by the employer, for example 'compassionate' or 'bereavement' leave
- what happens if an employee needs more time off than stated in the policy
- how the employee's [return to work](#) is managed, for example whether they can return on reduced hours if they're not ready to return full time

## If there's no policy

If there's no bereavement policy, the employer must follow the law. They should also try to be as fair as they can.

For example, they can look at how bereavement has been managed previously to help decide how it should be managed now or in the future.

It's good practice to [support your employee as much as you can](#).