

Department for Business and Trade Consultation on Leave for Bereavement including Pregnancy Loss

GENERAL COMMENTS

1. NASUWT welcomes the opportunity to respond to the Department for Business and Trade (DBT) *Consultation on Leave for Bereavement including Pregnancy Loss*.
2. NASUWT – The Teachers' Union – represents teachers and headteachers across the United Kingdom.
3. NASUWT recognises the need to ensure that employment rights are fit for a modern economy and provide better protections and support for workers through every stage of their working life, including in situations when someone experiences the profound grief that comes of bereavement or pregnancy loss.
4. It is therefore right that the Government should look at addressing this as part of its *Make Work Pay* plan,¹ through the introduction in the Employment Rights Act 2025 of a new statutory right to bereavement leave for employees who experience the loss of a loved one, including pregnancy loss before 24 weeks.²
5. The Union welcomes attempts by the Government to create a level playing field that should help employers keep and retain staff, '*leading to a happier more*

¹ <https://www.gov.uk/government/collections/make-work-pay>

² <https://www.legislation.gov.uk/ukpga/2025/36/enacted>

*secure and productive workforce,*³ especially given that the absence of a statutory framework has meant that support has been inconsistent for some workers at a time when they are at their most vulnerable and fragile.

- Indeed, the consultation recognises that, *'this is not just the right thing to do - it is essential for creating workplaces that truly value human dignity and wellbeing.'*⁴

SPECIFIC COMMENTS

Please indicate whether you are responding as:

- As an individual
- As an academic, or on behalf of an academic or research organisation
- An employer
- A legal representative
- A business representative organisation (please specify)
- A trade union or staff association (please specify) – The National Association of Schoolmasters Union of Women Teachers (NASUWT – The Teachers' Union).
- A charity or interest group
- Other – please specify

Which region are you located in?

- North-East
- North-West
- Yorkshire and The Humber
- East Midlands
- West Midlands
- East of England
- London
- South-East
- South-West
- Wales
- Scotland
- Northern Ireland

³ <https://assets.publishing.service.gov.uk/media/6928700bce50d215cae96164/make-work-pay-consultation-on-leave-for-bereavement-including-pregnancy-loss.pdf>

⁴ Ibid.

What sector are you based in?

- Accommodation and food service activities
- Activities of households as employers; undifferentiated goods and services-producing activities of households for own use
- Administrative and support service activities
- Arts, entertainment and recreation
- Agriculture, forestry and fishing
- Construction
- **Education**
- Electricity, gas, steam and air conditioning supply
- Financial & insurance activities
- Human health and social work activities
- Information and communication
- Manufacturing
- Mining and quarrying
- Production
- Professional, scientific and technical activities
- Public administration and defence; compulsory social security
- Real estate activities
- Services Sector
- Transportation and storage
- Water supply; sewerage, waste management and remediation activities
- Wholesale and retail trade; repair of motor vehicles and motorcycles
- Other service activities

7. It is recognised that all of us will experience grief through the course of our lives. The loss of a loved one is one of the most profound and emotionally intense experiences that any one of us has to deal with, requiring time, space and compassion to process and heal.
8. Estimates suggest that one in ten employees may be affected by bereavement of any type each year,⁵ whereas others have suggested that 7.9 million people in employment – equivalent to 24% of all employees – have experienced a bereavement in the last 12 months.⁶

⁵ <https://assets.publishing.service.gov.uk/media/69286ed29c1eda2cdf03420f/options-assessment-for-new-rights-to-unpaid-bereavement-leave-including-pregnancy-loss.pdf>

⁶ <https://www.sueryder.org/blog/sue-ryder-calls-for-statutory-paid-bereavement-leave/>

9. In the UK, it is estimated that one in four pregnancies end in loss during pregnancy or birth.⁷ Irrespective of the circumstances, pregnancy loss can have a big impact on the personal and professional lives of those who have the misfortune to experience it, as well those close to them.
10. Whilst the emotional toll of a pregnancy loss varies from person to person, for many it is felt and described as a bereavement, regardless of how early the pregnancy ends. Indeed, 89% agree that the loss of a baby at any stage of pregnancy can be felt as a bereavement.⁸
11. Those experiencing a bereavement may be impacted in different ways, ranging from difficult and unexpected emotions, such as shock, anxiety, depression, anger and profound sadness, to more intense grief and physical symptoms including breathing difficulties, muscular pain, loss of sleep, loss of appetite and the inability to think clearly. Cultural and/or religious traditions can also dictate how and when grieving can take place.
12. The emotional impacts of a bereavement are changeable over time, often lasting for many months or years in different forms. For some, they are able to continue with their existing responsibilities after a period of time, whereas for others the intense emotional pain does not go away.
13. Irrespective, grief can have an impact on work and impair the ability of a worker to perform their job effectively, especially if they are unable to take time away in order to grieve.
14. Those who are bereaved can find the workplace to be a source of support, stability and compassion, when an employer permits them time off when it is needed and supports their return and reintegration into work, thereby helping them process their loss.

⁷ <https://www.tommys.org/baby-loss-support/pregnancy-loss-statistics>

⁸ <https://www.mis miscarriageassociation.org.uk/blog/mis miscarriage-association-launches-leave-for-every-loss-campaign-calling-for-bereavement-leave-reform/>

15. For example, 43% of respondents to the UK Commission on Bereavement (UKCB) in 2021 felt very well supported by their employer, whereas a third of respondents felt not at all or only a little bit supported by their employer.⁹

16. Indeed, it has been suggested that 56% of employees would consider leaving their employer if they were treated badly following a bereavement.¹⁰

17. Furthermore, research has shown that supportive workplaces can help the process of grieving and make an employee's return to work easier,¹¹ with the result that they are likely to feel more valued and show increased commitment. This is whilst employers benefit from increased morale and engagement of their employees.¹²

18. Disappointingly, a report by Marie Curie shows that only one in three employers have a bereavement policy – with many employers underestimating the impact of bereavement on the workforce.¹³

19. The same report found that one in four employees surveyed could not access a bereavement policy, and almost one third were not clear about their entitlements to time off.

20. Furthermore, 54% of those surveyed reported that they were worried that taking time off would affect their job security, whereas 43% felt pressured to return to work before they were emotionally or physically ready.¹⁴

21. The UKCB noted that: '*across and even within organisations, there were often not clear policies about bereavement leave, who was entitled to it and how long they could be away from work. This left people feeling unsure about the amount of time that they could take off, which created extra pressures.*'¹⁵

⁹ <https://bills.parliament.uk/publications/57119/documents/5425>

¹⁰ https://www.mariecurie.org.uk/globalassets/media/documents/how-we-can-help/bereavement-hub/respecting-and-supporting-grief-at-work_sep-2021.pdf

¹¹ <https://www.sciencedirect.com/science/article/abs/pii/S002239903000424?via%3Dihub>

¹² <https://publications.parliament.uk/pa/bills/bill/2017-2019/0105/Impact%20Assessment%20-%20Parental%20Bereavement%20-%20amended%20200113.pdf>

¹³ https://www.mariecurie.org.uk/globalassets/media/documents/how-we-can-help/bereavement-hub/respecting-and-supporting-grief-at-work_sep-2021.pdf

¹⁴ Ibid.

¹⁵ <https://bills.parliament.uk/publications/57119/documents/5425>

22. Estimates put the cost of bereavement to the UK economy at £23 billion a year, in lost Gross Value Added (GVA). It is also believed to cost the UK Treasury an estimated £8 billion in reduced tax revenues, increased healthcare costs and income support payments.¹⁶

23. Evidence suggests that pregnancy loss, specifically, may lead to reduced earnings and employment. For example, the Office for National Statistics (ONS) shows that after a spontaneous miscarriage, earnings remain significantly lower five years after the event, compared with levels one year before the event.¹⁷ This equates to an average total loss of earnings of £4,101 over this period.

24. The Trade Unions Congress (TUC) Equality Audit 2024 found that only 35% of union representatives stated that their employer had policies and procedures in place relating to leave for miscarriage and child loss above the statutory minimum.¹⁸

25. As a consequence, many workers are forced to rely on sickness absence or annual leave, and this can result in the triggering of sickness and absence management procedures, particularly when many schools and colleges have extremely restrictive indicators that encourage and promote presenteeism.

26. This often means that workers must rely on sickness or annual leave, which is wholly unacceptable and can lead to the triggering of sickness and absence scrutiny and disciplinaries.

27. The Union contends that the lack of provision for those experiencing bereavement, including families experiencing pregnancy loss, leaves many struggling with little or no support to deal with their grief.

28. Indeed, NASUWT has been campaigning on this issue through Conference resolutions passed at both the Union's own Annual Conference¹⁹ and through the auspices of the TUC.²⁰

¹⁶ https://media.sueryder.org/documents/Sue_Ryder_Grief_in_the_workplace_report_0_rW0nAiA.pdf

¹⁷ <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandwellbeing/bulletins/theimpactofadversepregnancyeventsonmonthlyemployeearningsandemploymentengland/april2014todecember2022>

¹⁸ Equality audit/survey of national TUC affiliates. Forty-three of the TUC's 48 affiliates replied. The survey was completed by unions at the end of 2023.

¹⁹ <https://www.nasuwt.org.uk/article-listing/mps-backing-for-miscarriage-campaign-welcomed.html>

²⁰ [https://congress.tuc.org.uk/motion-09-miscarriage-leave/#\\$hash.ANqmlu4B.dpbs](https://congress.tuc.org.uk/motion-09-miscarriage-leave/#$hash.ANqmlu4B.dpbs)

29. Therefore, the Union welcomes the fact that the Government is looking to address this by introducing a day-one right for employees to a period of statutory leave to deal with a bereavement, including pregnancy loss.

Statutory pay

30. Nevertheless, NASUWT believes that the commitment to offer bereavement leave, including for pregnancy loss, without any level of statutory payment is deeply concerning and runs the risk of undermining the policy intent of giving people time off to grieve. Employees will be unable to access bereavement leave due to concerns over further financial hardship.

31. Bereavement affects the whole household and brings significant additional costs, such as payment for the funeral, the settlement of any outstanding debts and/or adjustment to a different financial situation, together with the impact this can have on costs associated with energy, transport and childcare. There can also be issues associated with short-term cash flow if bank accounts are difficult to access. As such, Marie Curie estimates that around 111,000 people a year die in poverty.²¹

32. Lower income groups are particularly susceptible, as having to take unpaid leave to deal with a bereavement presents them with the additional challenge of a drop in income at a time when extra funds are required to cover the aforementioned costs.

33. Indeed, Marie Curie finds that financial pressures relating to bereavement can lead to employees returning to work prematurely. For example, 49% of employees reported that they couldn't afford to stay off work and had to return to the workplace before they were ready.²²

²¹ <https://bills.parliament.uk/publications/57119/documents/5425>

²² https://www.mariecurie.org.uk/globalassets/media/documents/how-we-can-help/bereavement-hub/respecting-and-supporting-grief-at-work_sep-2021.pdf

34. A report by the Chartered Institute of Personnel and Development (CIPD) found that only 25% of employees receive paid parental bereavement leave following baby loss.²³

35. In addition, low-paid workers are at higher risk of experiencing persistent grief – not only because of the relatively higher impact of financial losses post-bereavement, but also because they face greater barriers in accessing appropriate services and information to help them cope with their grief.

36. Furthermore, those in low-paid work are at greater risk of being dismissed from work by their employer for taking time off, or for presenteeism and performance-related issues, when they should be grieving.²⁴

37. Bereavement leave should be paid so people can mourn without worrying about ending up in further hardship. Indeed, Sue Ryder finds that the security of paid leave is integral in giving people the time and space they need to come to terms with their loss.²⁵

38. The Chartered Institute of Management finds that 90% of managers agree that paid bereavement leave should be a legal entitlement for employees, and that 28% of managers feel that employees should be entitled to between six and 15 days of paid bereavement leave.²⁶

39. Furthermore, the CIPD finds that 75% of human resources (HR) professionals would support employees to take paid time off work following the death of a close relation, with 80% reporting that they already provide paid bereavement leave (commonly up to five days) to employees,²⁷ whereas NHS England's new National Policy Framework encourages employers to offer up to ten days' paid special leave to staff who experience a miscarriage.²⁸

²³ https://www.cipd.org/globalassets/media/knowledge/knowledge-hub/reports/pregnancy-baby-loss-report_tcm18-111699.pdf

²⁴ https://www.mariecurie.org.uk/globalassets/media/documents/how-we-can-help/bereavement-hub/respecting-and-supporting-grief-at-work_sep-2021.pdf

²⁵ https://media.sueryder.org/documents/Sue_Ryder_Bereavement_Leave_July_2021.pdf

²⁶ <https://bills.parliament.uk/publications/57119/documents/5425>

²⁷ <https://www.cipd.org/uk/about/press-releases/030322extending-paid-bereavement-leave/>

²⁸ <https://www.england.nhs.uk/2024/03/paid-leave-for-nhs-staff-experiencing-pregnancy-loss/>

40. With the well-documented issues around the woefully inadequate rates of statutory pay,²⁹ the Union maintains that there is a real risk that the right to bereavement leave, including for pregnancy loss, will be seen as no right at all for vast swathes of workers.

41. For example, the research from Carers UK shows that 56% of working carers cannot afford to take their entitlement, despite the introduction of unpaid carer's leave in April 2024.³⁰

42. Indeed, the Government's own Options Assessment for the new rights to unpaid bereavement leave, including for pregnancy loss, references the fact that lower paid workers face the challenge of unpaid leave because they are less able to absorb the losses caused by unpaid leave and the financial burden associated with this.³¹

43. The Union is concerned that the failure to provide any form of paid bereavement leave could not only cause confusion for workers, but could also create a hierarchy of bereavement, especially when compared to parental bereavement leave, which is a paid entitlement.

44. As stated above, if 80% of HR professionals already indicate that they provide paid bereavement leave, then how is the introduction of a day-one right to unpaid statutory bereavement leave, including pregnancy loss, going to provide security and choice and create a level playing field by incentivising employers?³²

45. Indeed, a converse argument could be made in the sense that an entitlement to a period of unpaid leave could create a 'race to the bottom' or risk distorting the situation between different-sized employers.

²⁹ <https://www.nasuwt.org.uk/static/87886d67-e8a2-40d9-bc1c000c9b42d550/Consultation-Response-DBT-and-DWP-Parental-Leave-and-Pay-Review.pdf>

³⁰ <https://www.carersuk.org/media/qlsly1mc/state-of-caring-employment-web-2024.pdf>

³¹ <https://assets.publishing.service.gov.uk/media/69286ed29c1eda2cdf03420f/options-assessment-for-new-rights-to-unpaid-bereavement-leave-including-pregnancy-loss.pdf>

³² Ibid.

46. As such, NASUWT wants to see a commitment to the monitoring and review of the take-up and extent to which employers offer enhancements,³³ under the auspices of a statutory review.

Employee status

47. NASUWT maintains that the interplay between low-paid, intermittent and insecure work and employment status cannot go unnoticed and must be given serious consideration as part of this consultation.

48. Providing the entitlement to bereavement leave, including for pregnancy loss, to only those who are classed as 'employees' means that those who are not classed as employees, such as supply teachers as agency workers, will not be eligible and will therefore miss out on taking such leave.

49. Poverty is associated with low income *and* employment status and can be compounded by a number of other significant factors, including gender, ethnicity and disability. Those taking on insecure, intermittent and precarious work such as supply teaching, and who are therefore in receipt of variable earnings and hours of work, are particularly vulnerable to issues associated with eligibility.

50. This further impacts on those who already suffer a labour market detriment, many of whom are particularly vulnerable when consideration is given to the fact that they may not qualify for other employment rights and entitlements.

51. As such, NASUWT maintains that serious consideration has to be given to simplifying the UK system to ensure that *all* those who suffer a bereavement, including pregnancy loss, are protected, irrespective of employment status.

Part One: Eligibility for Bereavement Leave for the loss of other relationships

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.

³³ Ibid.

- 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

52. NASUWT contends that it is right that the consultation recognises the fact that family structures in modern Britain are diverse and evolving, and that the Government is committed to ensuring the law reflects this reality.³⁴

53. As such, any eligibility criteria should be broadly defined in order to be compassionate and flexible, as well as to recognise the complex nature of the relationship between those involved and the bereaved person.

54. In addition, the Union maintains that if the Government is genuinely committed to capturing the diverse nature of relationships in modern Britain, then it must ensure that carers are included in the scope of relationships covered by the legislation.

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

Not applicable.

Part One: Eligibility for Bereavement Leave for pregnancy loss

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

³⁴ <https://assets.publishing.service.gov.uk/media/6928700bce50d215cae96164/make-work-pay-consultation-on-leave-for-bereavement-including-pregnancy-loss.pdf>

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

55. NASUWT contends that, as well as those groups identified above, serious consideration should be given as to whether other family members or significant others who may be affected by pregnancy loss should be entitled to leave, such as grandparents.

Question 4 – If your answer is no, who else should be able to take leave?

Not applicable.

Part One: Types of pregnancy loss

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

- a) Yes
- b) No
- c) Not sure

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

- a) Yes (please describe)
- b) No

c) Not sure

56. NASUWT maintains that medical terminations conducted in accordance with the Abortion Act's supplementary provision³⁵ should be included within the scope of the legislation.

57. This provision was introduced to clarify the legality of selective termination and foetal reductions where one or more foetus or embryo is terminated in a multiple pregnancy. This can be in cases of foetal anomaly or where it is necessary to maximise the viability of a pregnancy going to term, or to safeguard the parent or existent sibling's health.

58. It is unclear if selective terminations and foetal reductions qualify for pregnancy loss leave if the Government bases its proposal for eligibility solely on Section 1 of the Abortion Act 1967.³⁶

59. In addition, the Union believes that it is important that pregnancy loss situations that do not necessarily result in the loss of the entire pregnancy should also be explicitly covered.

Part Two: When and how Bereavement Leave can be taken – duration of leave

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.

60. NASUWT believes that there should be a minimum of two weeks' paid leave for those who experience a bereavement, including pregnancy loss, in recognition of not only the grief, but also the many practical tasks accompanying bereavement, such as planning and attending the funeral.

³⁵ <https://www.legislation.gov.uk/ukpga/1967/87/section/5>

³⁶ <https://www.legislation.gov.uk/ukpga/1967/87/section/1>

61. In addition, bereavement leave should be flexible enough to enable workers to have the time off they need to recover, including using this alongside other types of leave (e.g. sickness absence) in order to provide access to the leave and time they need to recover.

62. For parents who experience pregnancy loss pre-24 weeks, the Union believes that they should have the same rights to two weeks of paid bereavement as those who suffer pregnancy loss after 24 weeks.

63. It cannot be right that those who suffer pregnancy loss after 24 weeks (stillbirth) are entitled to two weeks' statutory bereavement leave, whereas those who have had the tragic experience of a miscarriage before 24 weeks have no right to bereavement leave and are ineligible for maternity or paternity leave.

64. The Union is clear that there is no hierarchy of grief in which someone's loss is seen as less profound or 'easier' to recover from. Indeed, every worker who experiences pregnancy loss should be given the time and space they need to deal with their loss and bereavement and recover and recuperate.

65. NASUWT's engagement with schools and colleges shows that many employers are sympathetic to the idea of at least two weeks' paid leave, with the ability to access paid sickness absence leave if further time away is required as recommended by a health care professional.

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?

Not applicable.

Part Two: When and how Bereavement Leave can be taken – the date from which leave can be taken

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.

66. NASUWT believes that the date of the knowledge of the death or pregnancy loss seems the most appropriate option, as there may be circumstances where the bereaved does not become aware of the death until after the date of death.

67. Given this, the Union maintains that it is appropriate that the entitlement comes into effect when the person starts experiencing grief.

Part Two: When and how Bereavement Leave can be taken – flexibility to take the leave

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.

68. NASUWT believes that bereavement leave, including pregnancy loss, should be available to be taken in discontinuous blocks in units of one day, as this provides the greatest level of flexibility for an employee to deal with their grief and loss as and how they wish.

69. For example, someone may recover physically and return to work after a few days of bereavement leave, only to experience further grief and trauma later on that requires further access to bereavement leave. Just as there is no hierarchy of grief, there is no clock on grief, or physical and emotional recovery.

70. Blocks of discontinuous leave in units of one day would allow for leave to be taken to attend a funeral, mark an anniversary or attend an inquest related to the death.

71. Furthermore, as there are currently no provisions for statutory payment, then there is no reason why bereavement leave should only be permissible in minimum one-week blocks, as this is only a requirement imposed on other types of entitlements that attract statutory pay.

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.

72. NASUWT notes that the times when bereavement leave is required can be seen to fall into five broad categories, including at the time of the death or its immediate aftermath, around dates associated with religious or cultural observances (e.g. the funeral), around dates associated with the administration or investigation of the death (e.g. registering the death, attending an inquest), fixed dates in the calendar (e.g. the birthday of the person who died or the anniversary of their death), and when someone is simply struggling with their loss and needs time to grieve.³⁷

73. As such, greater flexibility over a longer duration may be required to deal with situations involving lengthy probate processes, inquests, or other inquiries which may take place over years where bereaved parties may have to give

³⁷ <https://bills.parliament.uk/publications/57119/documents/5425>

witness statements or evidence, such as in the case of the UK Covid 19 Public Inquiry.

74. Given this, the Union believes that there should be no limit to time over which the leave can be taken and there should be more flexibility over the ‘window’ for individuals to take bereavement leave, such as that provided by 104 weeks (two years).
75. Extending the ‘window’ during which bereavement leave, including pregnancy loss, can be taken would not have a significant impact on employers as the exact timing of most deaths is not expected, so whatever the length of the ‘window’, many bereavement absences will be managed at very short notice.
76. Furthermore, it has been suggested that the benefits to those who are bereaved of extending the ‘window’ within which leave can be taken far outweighs the implications for employers.³⁸

Part three: Notice and Evidence Requirements

Questions 13 – 14: Notice requirements

77. Given the nature and extent of the grief felt following a bereavement, including pregnancy loss, NASUWT maintains that the obligation to provide any notice period should be light touch and permit workers to inform their employer as soon as it is reasonably practicable for them to do so.
78. This is ever more prescient when dealing with the unpredictability and emotional impact of the onset of pregnancy loss.
79. As such, the Union believes that the format of any notice period should be oral rather than written, and the onus should be on the employer to maintain a record of the notice being given.

³⁸ Ibid.

80. Whilst the situation may be different for notice taken some time after the bereavement has occurred, NASUWT contends that it should not be a requirement to give notice, particularly when considering the immediate and devastating impact that periods of grief and associated mental health issues have on the ability of someone to provide notice.

81. Given this, the Union maintains that the Government should look to replicate the approaches taken with other similar employment rights, such as the right to statutory parental bereavement leave, the right to time off for dependants, and the right to neonatal care leave.

82. For example, the right to statutory parental bereavement leave states that the worker can give oral notice on the day they wish to take the leave,³⁹ whereas the right to neonatal care leave states that the worker gives notice ideally before the time they usually start work or *as soon as they can* afterwards.⁴⁰

83. Furthermore, the NHS national pregnancy and baby loss people policy framework⁴¹ establishes a light touch notice procedure for employees. This has not proved to be problematic for either employer or worker.

Questions 15 – 17: Evidence

84. NASUWT believes that there should be no requirement to provide evidence of bereavement or pregnancy loss, particularly as this could risk heightening the distress experience of those suffering bereavement.

85. Furthermore, any requirement to provide evidence would mean the leave is harder to access, exhausting to get and, for early pregnancy losses, potentially impossible to provide.

86. Asking for evidence to be provided for a pregnancy loss pre-24 weeks of gestation would also risk being inequitable in comparison to pregnancy loss

³⁹ <https://www.acas.org.uk/time-off-for-bereavement/parental-bereavement-leave-pay#:~:text=This%20notice%20does%20not%20have.their%20employer%201%20week's%20notice>

⁴⁰ <https://www.acas.org.uk/neonatal-care-leave-and-pay/telling-an-employer#:~:text=the%20child's%20birth-Tier%201.will%20be%20on%2014%20April>

⁴¹ <https://www.england.nhs.uk/long-read/national-pregnancy-and-baby-loss-people-policy-framework/>

post-24 weeks (stillbirth), where there is currently no requirement or expectation to produce evidence for having to take leave.

Other policy steps

The vital role of trade unions

87. Trade unions have a vital role to play in ensuring that workers are better informed and empowered in respect of their employment rights, including those relating to parental leave and pay.
88. NASUWT believes that measures should be introduced to promote and support collective bargaining/collective agreements and the right of trade unions to access workplaces and enhance contractual leave through collective bargaining.
89. Evidence suggests that the involvement of trade unions is crucial in negotiating improved terms and conditions, and putting in place mechanisms to remedy breaches of these terms and conditions.⁴²
90. For example, analysis of collective agreements held by the Labour Research Department shows that the highest number of days at full pay offered specifically in a miscarriage agreement is at Virgin Money, which provides for ten days, plus another ten days at the manager's discretion.⁴³
91. In education, NASUWT and other recognised trade unions have an agreement with Oasis Community Learning that provides anyone who loses a child under the age of 18 with ten days' leave on full pay and a further 15 days' leave unpaid.

⁴² https://www.employment-studies.co.uk/system/files/resources/files/Parental_Rights_Survey%202019.pdf

⁴³ <https://www.lrd.org.uk/free-read/bereavement-leave-miscarriage-must-be-implemented#:~:text=The%20TUC%20Equality%20Audit%202024,TSB%20and%20Virgin%20Media%20O2>

Bereavement leave policy

92. NASUWT believes that it is crucial that employers have a bereavement leave policy in place that has been the subject of consultation with staff and recognised trade unions.

93. The Union believes that this would help the way in which bereavement is talked about between employers and workers, as well as ensuring that employers support bereaved workers proactively and consistently.

94. Furthermore, a bereavement leave policy would mean that employers are more likely to invest in guidance and training for managers and workers, thereby fostering a more compassionate working environment.

95. This would place the onus on employers to clearly demonstrate how they deal with bereavement, whilst raising the awareness and understanding of how grief impacts individuals, both in their daily lives and at work.

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