Jack's Law: Employee Bereavement Leave

AUTHOR / KEY CONTACT

Emma Starmer
Senior Employment Law and HR Advisor

emma.starmer@la-law.com
01202 786276

Employees who suffer the devastating loss of a child under the age of 18, or have a stillbirth from 24 weeks of pregnancy, will be entitled to two weeks statutory leave irrespective of how long the employee has worked for their employer.

Mother Lucy Herd tirelessly campaigned for a change in the law, following the death of her 23 month old son in 2010. At that time Jack's father was only able to take two days leave from work following Jack's death, one of which was to attend his son's funeral.

This new law will come into force on 6 April 2020, subject to Parliamentary approval of the legislation.

The right will apply to parents and other primary carers, such as adopters, a parent's partner who lived with the child, foster parents and certain relatives.

Employees will be able to take the leave as either a single block of two weeks or as two separate blocks of one week each, and leave must be taken during the 56 week period following the child's death. This means they can match their leave to the times they need it most.

For those who have been employed in a job for 26 weeks or more, they will be able to claim statutory pay for this period if they meet the minimum earnings criteria.

This is the most generous offer on parental bereavement pay and leave in the world, and although this is welcome news, it is clear that in many cases parents will need far more than two weeks before they feel ready to return to work after such a tragic event. Employers should consider this when reviewing absence policies, and may choose to offer a longer period of leave beyond the two week statutory entitlement. In such circumstances, it may also be helpful to discuss additional support that can be provided to the employee, such as mental health support and employee assistance programs.

If you would like more information on parental employment rights, please contact our employment solicitors.

Tel: 0344 967 0793 | Email: info@LA-Law.com | www.lesteraldridge.com

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