

# Brachers Bitesize Employment Rights Bill Update Family Leave

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Presented by:

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Brachers LLP

A close-up photograph of a person's hands writing on a document. The person is wearing a dark red sweater. The left hand holds a silver pen, and the right hand is positioned near the writing. The background is a plain, light-colored wall.

# Welcome

# Presenter



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# Today's Webinar

- 01** Current Entitlements – an overview
- 02** Employment Rights Bill changes
- 03** Government Review



# Family Leave – current entitlements

# Statutory Family Leave

- Maternity leave
- Paternity leave
- Adoption leave
- Parental leave (unpaid)
- Shared Parental leave
- Neonatal Care leave
- Parental Bereavement leave
- Carer's leave



# Maternity Leave

# Statutory maternity leave – eligibility

- No minimum service requirement for leave, available to all pregnant employees provided notification requirements followed.
- At earliest can start up to 11 weeks before the expected week of birth of the child
- Automatically triggered first day after birth or if the mother is absent (wholly or partly) for pregnancy-related reasons in the four weeks before the expected week of childbirth.
- No entitlement if a mother experiences a stillbirth or miscarriage after 24 weeks of pregnancy.

# Statutory maternity Leave – entitlement

- Entitlement is up to 52 weeks leave
- 26 weeks OML and 26 weeks AML
- 2–4 weeks Compulsory Leave post-birth
- Must give 8 weeks' notice to return early.
  
- Benefit of terms and conditions of employment continue, except remuneration
- Enhanced protections on return.
  
- Statutory Maternity Pay (SMP) payable if criteria satisfied
- Up to 39 weeks
- First 6 weeks: 90% of average weekly earnings
- Remaining weeks: flat statutory rate.



# Paternity Leave

# Statutory paternity leave- eligibility

- Available for eligible employees, men and women, in relation to birth or adoption, where they are parent of the child, spouse, partner or civil partner of the child's mother or adopter.
- Must have completed 26 weeks of continuous service before the end of the “qualifying week”.
- Must satisfy number of conditions:
  - Have one of the specified relationships with either the child, the child's mother, or the adopter.
  - Must have (or expect to have) a sufficient degree of responsibility for the child's upbringing
  - Must not have already taken shared parental leave in respect of the same child
  - Must give necessary notice and evidence of entitlement

# Statutory paternity leave- entitlement

- Up to 2 weeks
- Taken within the first 52 weeks after the child's birth or placement for adoption
- Single period of 1 or 2 weeks, or
- Two non-consecutive periods of leave of 1-week
  
- Benefit of usual terms and conditions of employment continue, except remuneration
- Right to return to same job as employed to do immediately prior.
  
- Statutory Paternity Pay (SPP) payable if criteria satisfied
- Prescribed rate or 90% of average weekly earnings (whichever is lower)



# Adoption Leave

# Statutory adoption leave- eligibility

- No minimum service requirement for leave, available to employees including single adopters, married couples, civil partners, same-sex and unmarried couples
- Coverage includes: adoption via UK adoption agency, overseas adoption with UK government approval, fostering for adoption arrangements, qualifying surrogacy arrangements.
- Conditions of entitlement apply; modified for overseas adoption and surrogacy arrangements.
- Leave begins on date child placed for adoption, or predetermined date no earlier than 14 days before date on which child is expected to be placed with the employee.

# Statutory adoption leave- entitlement

- Entitlement is up to 52 weeks leave
- 26 weeks OAL and 26 weeks AAL
- Benefit of terms and conditions of employment continue, except remuneration
- Enhanced protections on return.
- Statutory Adoption Pay (SAP) payable if criteria satisfied
- Up to 39 weeks
- First 6 weeks: 90% of average weekly earnings
- Remaining weeks: flat statutory rate.



# Shared Parental Leave

# Shared parental leave

- Qualifying employees can take SPL in first year of child's life or after child is placed for adoption
- In birth cases – mother entitled to statutory maternity leave or SMP may curtail entitlement to share the balance of the leave and pay with the other parent
- In adoption cases – a “primary adopter” entitled to statutory adoption leave or pay may curtail their entitlement so that they and child's other adoptive parent may share the balance of the leave or pay period as SPL
- Curtailment notice must be served, along with notice of entitlement and intention to take SPL

# Shared parental leave

- SPL can be taken consecutively or concurrently
- Up to 50 weeks of SPL and 37 weeks of shared parental pay available for eligible parents
- Leave can be requested as a continuous block or as discontinuous periods.



# Parental Leave

# Parental leave (unpaid)

- Available to employees who have, or expect to have parental responsibility for a child.
- Each person with parental responsibility is entitled in their own right
- Eligibility requirements at the time the leave is taken:
- Employees must have been continuously employed for at least one year unless the child is entitled to a disability living allowance
- Parental responsibility
- Take the leave for the purpose of caring for a child
- Take the leave prior to child's 18<sup>th</sup> birthday

# Parental leave (unpaid)

- Up to 18 weeks unpaid leave per qualifying child
- Max four weeks can be taken per year, in weekly blocks (unless child is entitled to a disability living allowance)
- Flexible arrangements can be agreed between employer and employee
- 21 day's notice to be given; employer can postpone
- No pay/benefits unless contractually agreed



# Statutory Neonatal Care Leave and Pay

# Statutory Neonatal Care Leave

## Neonatal Care (Leave and Pay) Act 2023

- In effect from 6 April 2025
- Day one right - up to 12 weeks of leave for parents of babies who are admitted into neonatal care up to 28 days old
- Eligible parents can take up to 12 weeks of leave on top of other leave, which must be taken in weekly blocks
- Leave must be taken within 68 weeks of birth or placement
- Tier 1 and Tier 2 leave dependent on when taken
- Compliance with notice requirements

# Statutory Neonatal Care Pay

## Neonatal Care (Leave and Pay) Act 2023

- Statutory Neonatal Care Pay - same rate as SPP
- Eligibility requirements
- Employees will have the right to not be dismissed or subjected to detriment for requesting or taking a period of NCL.
- Special redundancy protection with the employee to be offered a suitable alternative job – right remains for 18 months after the baby's birth

# Statutory Neonatal Care Leave

## ACAS Guidance

- Update policies to include NCL/SNCP eligibility and entitlements
- Ensure process for requesting NCL/SNCP is straightforward for employees
- Allow flexibility in reporting requirements
- Support employees with sensitivity and confidentiality providing some flexibility

[What the law says - Neonatal care leave and pay - Acas](#)

# Parental bereavement leave

# Parental bereavement leave

- Available to employees
- No length of service qualification
- Right to one or two weeks off work on the death of a child (including a stillbirth after 24 weeks of pregnancy)
- Can be taken at any time in 56 weeks following the death of a child
- Paid at a statutory rate subject to qualifying conditions (including 26 weeks' service requirement).



# Employment Rights Bill

# Employment Rights Bill

## Paternity Leave

- To become a **day-one right** (no 26-week service requirement).
- Applies to biological fathers, adoptive parents, civil/unmarried partners.
- Expected to come into force **April 2026**.

## Parental Leave

- Unpaid parental leave to become a **day-one right** (no 1-year service requirement).
- Aligns with maternity, adoption, and paternity leave.
- Expected to come into force **April 2026**.

# Employment Rights Bill

## Pregnancy loss before 24 weeks

- New bereavement leave entitlement for miscarriage, ectopic pregnancy, and IVF loss.
- Previously only available after 24 weeks or child death under 18.
- Amendment announced July 2025; part of wider support for grieving families.
- Planned implementation in **2027** following consultation.

## Bereavement Leave

- Expanded to cover broader bereavement situations.
- **Day-one right** for eligible employees.
- One week per bereavement (non-child losses); unpaid but protected.
- Statutory pay remains for child deaths only.
- Planned implementation in **2027** following consultation.

# Employment Rights Bill

## Maternity Dismissals

### Current Law:

- Employees who are pregnant, on maternity leave, or within 18 months of childbirth have priority for suitable alternative roles in redundancy situations.

### New Provisions in the Bill:

- Will make it unlawful to dismiss pregnant women or new mothers (up to 6 months after return to work) except in specific circumstances.
- Applies to all types of dismissal, not just redundancy.
- Aims to reduce maternity-related discrimination and job insecurity.
- Protections may be extended to those returning from Adoption Leave, Shared Parental Leave, and other statutory family leave.
- Planned implementation in **2027** following consultation.



# Government Review

# Government Review

- Parental Leave & Pay Review (Launched July 2025)
- 18-month review
- Initial public call for evidence closed 25 August 2025

[Parental leave and pay review - GOV.UK](#)

## Objectives

- Define clear goals for a modern parental leave system
- Expand evidence base on what works for families and employers
- Explore international models and stakeholder input
- Identify low-cost reform options for business and government
- Develop a roadmap for reform within fiscal constraints

# Government Review

What should employers do?

- Keep up to date with implementation of ERB
- Unlikely to see proposed reforms as a result of review until 2027
- Review current workforce – paternity leave and SPL uptake?
- Identify any barriers
- Review leaving rates of new parents
- Monitor use of flexible working by working parents.

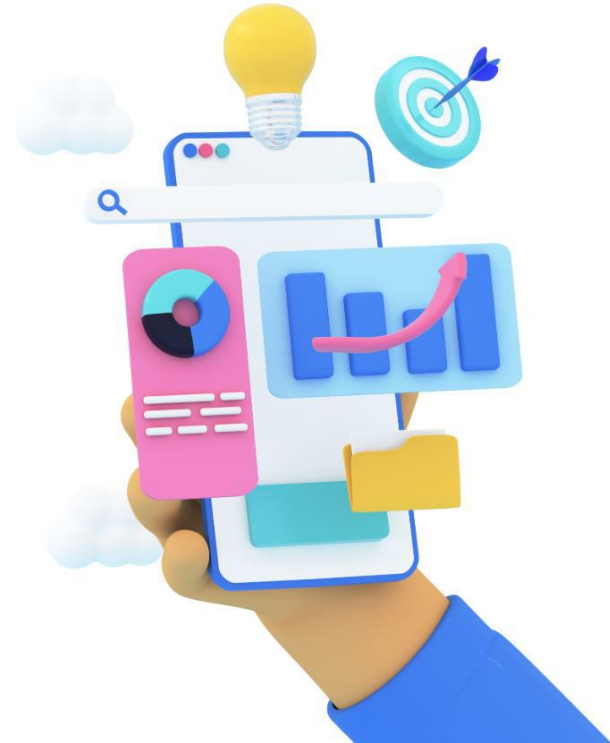


Questions?

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