

EMPLOYMENT LAW

FAMILY FRIENDLY RIGHTS

Please Note:
The Employment Rights Act 2025 is now law but the changes are planned to roll out gradually throughout 2026 and 2027. Changes will be incorporated into our documents and contracts as and when they are implemented and more detail is available. The documents reflect the law as it currently stands.

There are many family-friendly statutory rights available to employees in the workplace. As an employer, it is important to understand what these are.

This factsheet outlines those rights relating to maternity and paternity leave and pay, shared parental leave and employment policies, after any leave following the birth, has ended.

These rights are a basic entitlement for all employees and may be enhanced by additional contractual rights.

Maternity rights

Any pregnant employee is entitled to time off (maternity leave) regardless of how long they have been employed. They may also be entitled to maternity pay depending on their length of service. Some of the maternity leave can be shared with their partner under the shared parental Leave (SPL) provisions. See below.

Rights prior to maternity leave

Antenatal appointments

A pregnant employee is entitled to reasonable time off with pay for any antenatal care advised by a registered medical practitioner. This may include parenting classes if these are recommended by a GP. Where requested, the employee should show their employer an appointment card or other documents showing an appointment has been made. Fathers and partners of pregnant women are entitled to unpaid time off to attend two antenatal

appointments. Employers may allow this time off with pay under the terms and conditions of their employment.

Intended parents in a surrogacy case who meet the conditions set out under the Human Embryology and Fertilisation Act 2008 will also have the right to unpaid leave to attend up to two antenatal appointments.

Sickness absence

Being pregnant can sometimes cause significant sickness requiring time off work. In these circumstances an employee will receive either Statutory Sick Pay (SSP) or contractual sick pay depending on their entitlement.

Any absence for pregnancy-related illness should be disregarded for absence management. An employee should not suffer a detriment or be disadvantaged in any way for the time they are absent as a result of a pregnancy-related illness.

Maternity leave

A female employee must take at least two weeks off work, or four weeks if they work in a factory, after they have a baby.

Generally, however, most employees will want to take an extended period of maternity leave. All pregnant employees are entitled to 52 weeks of maternity leave. The first 26 weeks are known as Ordinary Maternity Leave (OML) and the second 26 weeks are known as Additional Maternity Leave (AML). Statutory Maternity Pay or Maternity

Allowance, whichever the employee is entitled to, is payable for the first 39 weeks. The remaining weeks, if taken, may be unpaid.

Ordinary Maternity Leave (OML) lasts for 26 weeks and cannot commence earlier than 11 weeks before the week they are expected to give birth - known as the Expected Week of Confinement (EWC) - and no later than the day after the birth.

Additional Maternity Leave (AML) commences on the day after the last day of OML and continues for a further period of 26 weeks.

Notifying the employer

An employee should notify their employer of their pregnancy before the end of the 15th week before the expected due date, unless it was not reasonably practicable to do so, or at least 21 days before they intend to take the leave. The employer may request a copy of the MAT B1 form. This is provided by the health practitioner at about 20 weeks gestation and confirms the baby's due date.

Although there is no legal obligation to do so, it is good practice for an employer to undertake a risk assessment to assess any workplace risk to the employee and the baby. If any risks are identified the employer will be required to take reasonable steps to remove them or, if necessary, offer alternative work or change their working hours. Find out more about risk assessments on the HSE website [here](#).

Returning to work

There is a presumption in law that an employee will take the full maternity leave entitlement of 52 weeks. To return earlier than 52 weeks, they must give their employer eight weeks' notice. If they do not intend to return at all they should give contractual notice terminating their contract of employment.

If an employee returns to work after OML they are entitled to return to the job they were doing prior to maternity leave. After AML they have the right to return to a job on terms and conditions no less favourable than those which they would have had if they had not been absent. They should

retain seniority, pension rights and benefits. If for any reason they can't return to their old job, they should be able to return to a similar role with no loss of benefits or status.

Keeping in touch days (KIT days)

An employee on maternity leave is entitled to a maximum of ten optional KIT days during their time off. Neither they nor their employer can insist on these days being worked. Where it is agreed that they spend time in the workplace this can include training sessions, staff meetings or project work.

Payment for the KIT days will depend on the agreement between the employer and the employee. Good practice recommends an employee is paid their full salary but this will include any amounts they would have received for maternity pay. In other words, they will not receive more than their usual salary including any maternity pay. While on maternity leave an employee is still entitled to be kept informed of any important changes in the workplace. They must be informed about anything that may affect their return to work, such as redundancy consultations.

Maternity pay

There are two types of maternity pay - Statutory Maternity Pay (SMP) and Maternity Allowance (MA). To qualify for SMP an employee must:

- have 26 weeks service by the 15th week before the week the baby is due (EWC)
- have ceased work (be on maternity leave)
- earn at least an average of £125 per week
- have given correct notice and have produced medical evidence of pregnancy and the due date

SMP is payable for 39 weeks. It is paid at a rate of 90 percent of salary for the first six weeks and either £187.18 (Increasing to £194.32 from April 2026) or 90 per cent of average weekly earnings, whichever is lower, for the remaining 33 weeks.

If the employee earns less than £125 a week they will qualify for Maternity Allowance, provided they:

- have been employed (or self-employed) for at least 26 weeks (including partial weeks) within the 66 weeks up to and including the week in

which the baby is due to be born

- have earned at least £30 a week in at least 13 of those weeks
- have reached the 11th week before the expected week of childbirth
- are not receiving statutory maternity pay (SMP)

Maternity Allowance is the same weekly payment as SMP and is payable for 39 weeks.

Paternity leave

Paternity leave has generally been replaced by Shared Parental Leave (SPL). However, employees remain entitled to paternity leave of either one or two weeks paternity leave (their choice) to be taken within one year of the birth of their child. The leave can be taken in non-consecutive blocks.

To qualify they must:

- be employed
- be the biological father or the child's adopter
- be involved with the care of the child

Paternity leave is paid at the same rate as SMP/MA and is subject to tax and National Insurance deductions.

From 6 April 2026, employees will be able to take paternity leave from their first day of employment.

Because the law changes partway through the year, the government has introduced a temporary reduced notice period. From 18 February 2026, eligible parents can give just 28 days' notice of their intention to take paternity leave. This is a reduction from the usual 15 weeks before the due date.

Both of the following conditions must apply for a parent to be eligible at this time:

- they become newly eligible for paternity leave on 6 April 2026
- their baby's expected due date is between 5 April and 25 July 2026

Shared parental leave (SPL)

Shared Parental Leave (SPL) enables eligible parents to share time off work after their child is born or adopted. These regulations apply to all children including those placed for adoption.

SPL is paid at £194.32 or 90 per cent of an employee's average weekly earnings, whichever is lower. It is given for 39 weeks, with the remaining 13 weeks of entitlement, if taken, being unpaid.

Qualifying requirements:

1. The mother must qualify for Statutory Maternity pay, Maternity Allowance or Statutory Adoption Pay.
2. The father must qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory pay as above.
3. If an employee wishes to take SPL they must have worked for their employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child) and remain employed in the first week that SPL is to be taken.
4. The other parent has worked for 26 weeks in the 66 weeks leading up to the due date and has earned above the Maternity Allowance threshold of £30 a week in 13 of the 66 weeks. If the other parent does not qualify they will not be able to have SPL.
5. The employee must provide the correct notice, including a declaration that their partner meets the employment income, to allow them to have SPL.

SPL may be taken at any time beginning on the date the child is born, or date of the adoption placement, and ends 52 weeks after that date. Leave must be taken in complete weeks and may be taken either in a continuous period, which an employer cannot refuse, or in a discontinuous period, which the employer can refuse.

Adoption leave

If the employee is adopting a child, the entitlement to adoption leave and pay is similar to maternity and paternity leave and pay, though there are some differences. More information can be found [here](#).

Time off to care for dependants

An employee is entitled to reasonable time off to care for a dependant in an emergency. A dependant is defined as husband or wife, child, parent or

someone living in the same household. The amount of time allowed off is to enable the employee to make proper arrangements for the continued care of the dependant, not to care for them on a longer term basis. Examples of an emergency include:

- a dependant being ill or injured
- a disruption in childcare arrangements
- a disruption to a child's schooling
- the death of a dependant

They are entitled to this time off even if they have not worked for their employer for very long, but there is no entitlement for them to be paid, unless this is provided in their contract of employment.

Parental leave

From 6 April 2026 parental leave becomes a day one right and each parent, is entitled to take up to a maximum of 18 weeks' leave for each child they have responsibility for up until the child is aged 18. This is generally unpaid, but some employers will provide a better entitlement than the legal minimum.

Parental leave must be taken in blocks of a week - unless the child is disabled - for up to four weeks in any year, although employers can agree to longer periods. A week is defined as the usual length of time an employee works in one week, so if they usually work three days, one week of parental leave will amount to three days of leave.

An employee is required to give 21 days' notice to their employer of the date they would like their leave to start. They can be asked by their employer to alter the proposed leave dates if there is a business need for them to do so. If the employer writes to postpone the leave dates this must be done within seven days of the original request and the employer must suggest alternative dates within six months of the requested start date.

Neonatal Care Leave

Neonatal Care Leave is a right given to employees where their baby is receiving, or has received, neonatal care. At the birth of the baby, the employee must be one of:

- the baby's parents,
- the baby's intended parents (where a surrogacy),
- partner to the baby's mother (who are unrelated and living with them in an enduring family relationship) with the expectation they will have responsibility for raising the child

The baby must be born on or after 6 April 2025.

Neonatal care must have begun, or taken place, within the first 28 days of birth (counting from the day after the baby is born) and care must continue for a period of at least 7 continuous days (beginning on the day after neonatal care starts). The following qualifies as neonatal care:

- any medical care received in a hospital
- medical care received elsewhere following discharge from hospital. Such care must be under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals.
- palliative or end of life care

The length of Neonatal Care Leave will be dependent on how long the baby receives neonatal care, but is capped at a maximum of 12 weeks. The idea is that the Neonatal Care Leave will be added on at the end of the employee's family leave (such as maternity leave, paternity leave or shared parental leave) so that the time their baby spent in neonatal care is compensated for. In the very sad circumstances where the baby dies after Neonatal Care Leave has been accrued, employees are still able to take the leave. Any leave must be taken within 68 weeks of the baby's birth (or placement or entry to Great Britain in the event of adoption).

In some circumstances, Neonatal Care Leave may be paid. Eligibility for paid Neonatal Care Leave:

- the employee must have been employed for 26 weeks ending with the relevant week (which is the 15th week before the week in which the baby is due (approximately the 25th week of pregnancy).
- they must earn on average £123 per week over an eight week period.

If the employee meets the eligibility criteria, Neonatal Care Leave will be paid £194.32 a week or 90% of the average weekly earnings (whichever is lower). If the employee is not eligible but their baby has still required neonatal care, they are still entitled to unpaid Neonatal Care Leave.

Parental bereavement leave

If an employee has suffered the loss of a child under the age of 18 years old or suffered a pregnancy loss you will be entitled to bereavement leave. This leave must be a minimum of one week.

Anyone wishing to take Parental Bereavement Leave must do so within 56 days of the child's death. Employers must be notified on the first day of absence or as soon as practicably possible. Parental Bereavement Leave to be taken after 56 days of the bereavement requires the employee to give the employer one week's notice.

In some circumstances, Parental Bereavement Leave may be paid.

Eligibility for paid Parental Bereavement Leave: Parental Bereavement Leave will be paid at £194.32 or 90% of the average weekly earnings (whichever is lower).

Bereaved Partner's Paternity Leave

Guidance Note: Bereaved Partner's Paternity Leave (UK, from April 2026)

This guidance explains the statutory right to bereaved partner's paternity leave, introduced in April 2026, which applies where an employee's partner (the child's mother or primary adopter) dies. The leave is specifically intended to enable the surviving partner to assume primary care of the child following the death of the mother or primary adopter

1. Overview of the Right From 6 April 2026, eligible employees have a statutory right to take bereaved partner's paternity leave where their partner dies during childbirth or within the first year of the child's birth or adoption. This entitlement is designed to allow the surviving partner to care for the child.

2. Eligibility Criteria An employee will qualify where:

- Their partner (the child's mother or primary adopter) has died within 12 months of birth or adoption
- They are the child's father or the partner/spouse/civil partner of the deceased
- They have (or will have) main responsibility for the child's upbringing

There is no minimum service requirement (a "day one" right).

3. Amount of Leave

- Up to 52 weeks of leave may be taken
- Leave must generally be taken within 52 weeks of the child's birth or placement
- The exact duration depends on when the bereavement occurs

4. Nature of the Leave

- The leave is unpaid in law (although employers may offer pay contractually)
- It is typically taken as a single continuous period
- The employment contract continues during leave (except for pay)

5. Notice Requirements

- If leave begins within 8 weeks of the bereavement, notice can be given flexibly (including orally)
- For later leave, written notice is usually required

6. Employment Protections Employees taking this leave are entitled to:

- Protection from dismissal or detriment
- The right to return to work (usually to the same job)
- Protection in redundancy situations

7. Interaction with Other Rights This entitlement is separate from:

- Standard paternity leave (which is also a day-one right from April 2026)
- Parental bereavement leave (which relates to the death of a child, not a partner)

Flexible working

All employees have the right to request flexible working, provided they have not made more than

two requests in the previous 12 months. Changes in the law mean this is now a 'day one' right and the employee does not need to have worked for the employer for a certain period of time before they can make a request. Flexible working means the employee will work different hours than the usual hours they are expected to work. For example, rather than doing five days a week 9am until 5pm, an employee could ask to work five days a week 7am until 3pm, or could ask to take a 20 minute lunch break rather than one hour to enable them to leave work earlier.

An employee can make two written requests every 12 months. The requests cannot be made concurrently (meaning the employee cannot raise two requests at the same time to deal with differing flexible working options). Once a request has been made, it must be dealt with within two months.

An employer can refuse the request on any of the eight business grounds set out in the legislation:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to the business

An employer must give a flexible working request full and proper consideration and must consult with the employee about their request. In the [Acas draft Code Of Practice](#), it states that during the formal consultation meeting 'the employer and the employee should carefully consider and discuss any alternative flexible working options that may be available and suitable for both the business and the employee'.

Statutory carers leave

Carers leave is a right that all employees and workers are entitled to as soon as they begin employment. The entitlement is to one week of

unpaid leave in a twelve month rolling period. It can be taken as a continuous week, individual days or half days.

An employee will be able to take carers leave to provide, or arrange, care for a dependant with a long term care need.

A dependant is:

- a spouse, civil partner, child or parent
- any person living in the same household as you, although this does not include a lodger or tenant
- any other person who would reasonably rely on you to provide or arrange care

The dependant will need to have a long term care need which is defined as:

- illness or injury (either physical or mental) that requires, or is likely to require, care for more than three months
- a condition amounting to disability under Equality Act 2010
- care required for a reason connected to old age

An employee must give their employer at least three days notice if they want to take a day, or half days leave. If the request is for longer than a days leave, the employee is required to give twice as much notice as the amount of leave requested for example, if the request is for 2 days, the notice period must be at least 4 days.

An employer cannot refuse the request for carers leave but can ask the employee to take the leave at a different time (within one month of the requested date of leave) if the absence would cause serious disruption to the business. Where an employer refuses the request for the dates requested by the employee, they need to write to the employee with the reason for the delay and the new date of the leave. This must be done within seven days of the request and before the new start date of the leave.

An employer cannot ask for evidence of the dependant's care needs.

Pregnancy and Maternity Leave And Redundancy

If an employee is pregnant or on maternity leave and they have:

- notified you of their pregnancy or start of maternity leave after April 2024
- been on maternity leave on 6 April 2024

Then they will benefit from extended redundancy protection. This “protected period” starts when an employee tells their employer that they are pregnant and ends 18 months from the exact date the baby is born.

If there are any suitable alternative roles you must offer them to the employees who have this redundancy protection. Anyone who has this redundancy protection has priority over other employees. This applies even if other employees are also suitable. Further guidance can be found [here](#).

NOTE: Please be aware there are links contained within this factsheet that may take you to external sites, we are not responsible for their content. This is a general advice and information factsheet only and should not be treated as a definitive guide and does not constitute legal or professional advice. We are not a law firm and information is not intended to create a solicitor client relationship. Law Express does not accept any responsibility for any loss which may arise from relying on information contained in this factsheet. This is not a substitute for legal advice and specific and personal legal advice should be taken on any individual matter. If you need more details or information about the matters referred to in this factsheet please seek formal legal advice. This factsheet is correct at time of going to print. The law set out in this factsheet applies to England and Wales unless otherwise stated.

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