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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 in the workplace. As an employee, it is important to understand what these are.

This factsheet looks at rights relating to maternity and paternity leave and pay, shared parental leave and employment policies which can help give you flexibility to care for your dependants, 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. Always check your contract and staff handbook to see what these are.

Maternity rights

If you are pregnant you are entitled to time off (maternity leave) regardless of how long you have been employed. You may also be entitled to maternity pay depending on your length of service. Some of the maternity leave can be shared with your partner under the shared parental leave (SPL) provisions. See below.

Antenatal appointments

You are 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 your GP. Where requested you should show your 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.

If you want to learn more about this subject you can do so here.

Sickness absence

Being pregnant can sometimes cause significant sickness requiring time off work. In these circumstances you will receive either Statutory Sick Pay (SSP) or Contractual Sick Pay (CSP) depending on your entitlement.

Any absence for pregnancy-related illness should be disregarded for any absence management policy. You should not suffer a detriment or be disadvantaged in any way for the time you 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. This depends on your employment terms and conditions.

Ordinary Maternity Leave (OML) lasts for 26 weeks and cannot commence earlier than 11 weeks before the week you 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. The difference between OML and AML is around your rights to return to your previous role. See the information below on returning to work for further information.

Notifying your employer

You should notify your employer of your pregnancy before the end of the 15th week before your expected due date, unless it was not reasonably practicable to do so, or at least 21 days before you intend to take the leave. Your employer may request a copy of your MAT B1 form. This is provided by your 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 your employer to undertake a risk assessment to assess any workplace risk to you and your baby. If any risks are identified your employer will be required to take reasonable steps to remove them or, if necessary, offer alternative work or change your working hours. You can find out more about risk assessments on the HSE website here.

To calculate the start date of your maternity leave you can use the online calculator found here on the .GOV website.

Returning to work

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

If you return to work after OML you are entitled to return to the job you were doing prior to maternity leave. After AML you have the right to return to a job on terms and conditions no less favourable than those which you would have had if you had not been absent. You should retain seniority, pension rights and benefits. If for any reason you can't return to your old job, you should be able to return to a similar role with no loss of benefits or status.

Keeping in touch days (KIT days)

You are entitled to a maximum of ten optional KIT days during maternity leave. Neither you nor your employer can insist on these days being worked. Where it is agreed that you 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 with your employer. Good practice recommends you are paid your full salary but this will include any amounts you would have received for maternity pay. In other words, you will not receive more than your salary and maternity pay.

While you are on maternity leave you are still an employee and entitled to be kept informed of any important changes in the workplace. You must be informed about anything that may affect your 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 you 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 £194.32 or 90 per cent of average weekly earnings, whichever is lower, for the remaining 33 weeks.

If you earn less than £123 a week you will qualify for Maternity Allowance, provided that you:

- 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 payble for 39 weeks.

Paternity leave

However, you remain entitled to paternity leave of either one or two weeks paternity leave (your choice) to be taken within one year of the birth of your child. The leave can be taken in non-consecutive blocks.

To qualify you 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. However whilst you may qualify for the leave (see below) you will need 26 weeks service to qualify for the statutory paternity pay.

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.

To qualify in this period both of the following conditions must apply for a parent to be eligible:
- You become newly eligible for paternity leave on 6 April 2026
- Your 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 a paid at £194.32 per week 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 you wish to take SPL you must have worked for your 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. You must provide the correct notice, including a declaration your 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 you are adopting a child, the entitlement to adoption leave and pay is similar to maternity and paternity leave and pay, though there are some differences. You can find more information here.

Time off to care for dependants

You are 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 you to make proper arrangements for the continued care of the dependant and not for you 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

You are entitled to this time off even if you have not worked for your employer for very long , but there is no entitlement for the time off to be paid, unless this is stated in your 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, so check your employment terms and conditions.

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 you usually work three days, one week of parental leave will amount to three days of leave.

You are required to give 21 days' notice to your employer of the date you would like your leave to start. You can be asked by your employer to alter the proposed leave dates if there is a business need for you to do so. If your employer writes to postpone your leave dates this must be done within seven days of your original request and your employer must suggest alternative dates within six months of the requested start date. They cannot request a change in the amount of leave requested.

Neonatal Care Leave

Neonatal Care Leave is a right given to you if your baby is receiving, or has received, neonatal care.
At the birth of the baby, you 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

Your 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 your 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 any other family leave you may take (such as maternity leave, paternity leave or shared parental leave) so that the time your baby spent in neonatal care is compensated for. 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 the very sad circumstances your baby dies after Neonatal Care Leave has been accrued, you are still able to take the leave.

In some circumstances, Neonatal Care Leave may be paid.

Eligibility for paid Neonatal Care Leave:

- You 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).
- You must earn on average £123 per week over an eight week period

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

Parental bereavement leave

If you have 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.

If you wish to take Parental Bereavement Leave within 56 days of the child's death, you must notify your employer on the first day of your absence or where this is not possible, as soon as is reasonably practicable. If you wish to take Parental Bereavement Leave between 56 days and 56 weeks of the bereavement, then you must give your employer one weeks' notice. In some circumstances, Parental Bereavement Leave may be paid.

Eligibility for paid Parental Bereavement Leave:
Parental Bereavement Leave will be paid at either £187.18 or 90% of your 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, you may be eligible have to take bereaved partner's paternity leave should your partner die 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 You may qualify where:

- Your partner (the child's mother or primary adopter) has died within 12 months of birth or adoption
- You are the child's father or the partner/spouse/civil partner of the deceased
- You 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 your employer 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 By taking this leave you 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)

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.

Flexible working

All employees have the right to request flexible working, provided they have not made more than two previous requests in the last rolling twelve month period. Flexible working means working different hours than the usual hours you are expected to work. For example, rather than doing five days a week 9am until 5pm you could ask to work five days a week 7am until 3pm, or you could ask to take a 20 minute lunch break rather than one hour to enable you to leave work earlier.

Your employer must deal with within two months. The 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

It is the duty of your employer to give a flexible working request full and proper consideration and to do so through a reasonable process. A reasonable process will normally consist of a request from you in writing, a meeting with the employer, consideration of the request, informing you of the decision and allowing you to appeal the decision. The employer may change their decision as a result of an appeal. ACAS have produced a code of practice and guidance on how to deal with flexible working requests which you can see here.

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.

You 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

You must give their employer at least three days

notice if you want to take a day, or half days leave. If the request is longer than a day, you are required to give their employee 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.

Your employer cannot refuse the request for carers leave, but is able to ask you to take it at a different time (within one month of the requested date of leave) if the absence would cause serious disruption to the business. If your employer refuses the request, they need to write to you with the reason for the delay and the new date of the leave. The employer must do this within seven days of the request and before the new start date of the leave.

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

Pregnancy and Maternity Leave And Redundancy

If you are pregnant or on maternity leave and you 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 your employer **must** offer them to 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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