

Employment Matters Committee

30 April 2026

Implementing Family Leave Reforms

Report from: Sam Beck-Farley, Chief Organisational Culture Officer

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Summary

This report seeks to inform the Committee of the April 2026 statutory reforms we must implement to the Council's family policies, this includes: (i) Paternity Leave and Unpaid Parental Leave becoming day-one rights, (ii) the lifting of the restriction on taking Paternity Leave after Shared Parental Leave, and (iii) the introduction of a new statutory Bereaved Partner's Paternity Leave. It also clarifies the continued distinction between entitlement to leave and entitlement to statutory pay. These updates ensure the Council is compliant with the Employment Rights Act reforms and associated regulations coming into force in April 2026, while supporting our ambition to be a family-friendly employer. The report also requests a delegated authority to make minor, non-material amendments to any policies affected by statutory changes under the Employment Rights Act 2025 until such time as the Act has been fully implemented, as due to the quarterly nature of the Committee and rapidly changing landscape of legislative implementation, it is not always practicable to report on such changes before they must be implemented and it is not always possible to hold additional meetings.

1. Recommendations

1.1. The Committee is asked to:

- 1.1.1. review and approve the statutory updates to the Council's Maternity and Paternity Leave, Parental Leave and Shared Parental Leave set out in this report (policy wording provided at Appendix A);
- 1.1.2. approve the new Bereaved Partner's Paternity Leave Policy set out at Appendix B to the report, with its appendices (Appendix C and D to this report);
- 1.1.3. endorse the delivery of manager briefings, payroll and HR system updates, and staff communications to be rolled out alongside these updates; and
- 1.1.4. delegate authority to the Chief Operating Officer, to make minor, non-material amendments to any policies affected by statutory changes

under the Employment Rights Act 2025 until such time as the Act has been fully implemented. This delegation is limited to amendments required to maintain legal compliance and does not extend to substantive policy changes, which will remain subject to Committee approval. Any use of this delegation will be reported to the next meeting of the Committee.

2. Budget and policy framework

- 2.1. The decision aligns with the Council's policy framework and supports the One Medway Council Plan by providing employees with a modern, supportive and legally compliant working environment.
- 2.2. There are no significant direct budgetary implications anticipated. Some one-off activity (manager training, policy revisions, HR Systems/payroll configuration and comms) will be delivered within existing budgets. Any impact from increased uptake will be managed through workforce planning and local resourcing.

3. Background

- 3.1. From 6 April 2026, the [Employment Rights Act 2025](#) enables employees to give notice to take Paternity Leave and Unpaid Parental Leave from their first day of employment. The restriction that previously prevented taking Paternity Leave (and pay) after Shared Parental Leave will be removed. Statutory Paternity Pay (SPP) qualifying conditions are unchanged (the leave right is day-one, however pay still depends on existing service/earnings rules).
- 3.2. The day-one Paternity Leave change applies for babies with an Expected Week of Childbirth on or after 5 April 2026 (or birth/adoption from 6 April 2026). Unpaid Parental Leave becomes a day-one right on 6 April 2026, with the statutory entitlement otherwise unchanged (18 weeks per child up to age 18, normally up to 4 weeks per year unless the employer agrees otherwise).
- 3.4. [The Bereaved Partner's Paternity Leave Regulations 2026](#) introduces a new day-one right for the child's father/partner (or equivalent in adoption/surrogacy scenarios) to take up to 52 weeks of unpaid leave where the mother/primary adopter dies within the first year; taken within 52 weeks of birth/placement. The policy intent mirrors protections around maternity/adoption leave (e.g., protection from detriment/dismissal and redundancy protections) and permits immediate leave on oral notice if leave starts within 8 weeks of the bereavement.
- 3.5. Furthermore, the policy provides a 4-week grace period for submitting evidence of the birth/placement/parental order, and death certificate associated with the bereavement. The Council recognises that these circumstances are exceptionally distressing, and the grace period is intended to ease the practical and emotional pressures faced by the newly bereaved.
- 3.6. These reforms aim to improve baseline protections and flexibility for working families, extend access particularly to new starters and those in insecure

work, and simplify sequencing with Shared Parental Leave, supporting retention, talent attraction and inclusion. By updating our policies to reflect these reforms, we maintain legal compliance and support the Council being an employer of choice.

- 3.7. Further statutory changes from the Employment Rights Act 2025 must be reflected in the Council's policies as they come into force. Due to the quarterly nature of Employment Matters Committee and rapidly changing landscape of legislative implementation, it is not always practicable to bring such changes to the Committee before they must be implemented. Therefore, it is requested that minor, non-material amendments policy updates can be made, under the delegation to the Chief Operating Officer with use of the delegation reported to the Committee.

4. Options

- 4.1 These are statutory changes so no options can be provided.

5. Advice and analysis

- 5.1. These changes support the Council's family-friendly ambitions and ensures compliance with statutory changes taking effect from April 2026.
- 5.2. Appendix E to the report is a Diversity Impact Assessment (DIA) which has been undertaken.
- 5.3. To summarise, no detrimental equality impacts are identified. The reforms are expected to advance equality and foster good relations for employees with caring responsibilities and for bereaved families.

6. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Non-compliance with April 2026 family leave statutory provisions.	Failure to update policies/processes could lead to refusals based on outdated service thresholds or incorrect notice rules, creating legal and employee relations risk.	Implement policy updates; issue guidance on day-one eligibility and SPL sequencing removal; deliver manager briefings and HR Systems/payroll updates by 6 April.	A II
Confusion/lack of familiarity from managers over new rights	Managers unfamiliar with a rare but sensitive new right (up to 52	Provide simple guidance via staff/HR newsletter and	B III

Risk	Description	Action to avoid or mitigate risk	Risk rating
	weeks' unpaid leave; day-one; oral notice if within 8 weeks) may give inconsistent advice.	create a staff intranet news item that explains the new rights.	

For risk rating, please refer to the following table:

Likelihood	Impact:
A Very likely	I Catastrophic
B Likely	II Major
C Unlikely	III Moderate
D Rare	IV Minor

7. Consultation

- 7.1 Consultation has not been sought for these policy changes due to them being statutory rights that the Council has a legal obligation to implement.

8. Climate change implications

- 8.1 There are no climate change implications regarding this report and policy changes.

9. Financial implications

- 9.1 No direct financial implications arise from the statutory changes themselves. Any additional HR/payroll configuration, communications, and training will be met from existing revenue budgets. Clearer processes and guidance may reduce the risk of grievances/claims.

10. Legal implications

- 10.1 The Employment Rights Act reforms confirm that from 6 April 2026, Paternity Leave and Unpaid Parental Leave are day-one rights, with temporary notice easements from 18 February 2026 and removal of the restriction on taking Paternity Leave after Shared Parental Leave. SPP qualifying rules are unchanged. Implementing these changes ensures the Council's policies reflect statutory requirements.
- 10.2 Bereaved Partner's Paternity Leave introduces a day-one right of up to 52 weeks' unpaid leave where the child's mother/primary adopter dies within the child's first year (or within 52 weeks of placement), with associated protections (detriment/dismissal and redundancy protections). Draft regulations laid before Parliament confirm commencement on 6 April 2026. Policy updates will signpost eligibility and process.

10.3 Due to the statutory nature of these changes, there are no significant legal implications arising from these policies.

Lead officer contact

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Appendices

Appendix A: Policy Wording Changes for Family Leave

Appendix B: Bereaved Partner's Paternity Leave (BPPL) Policy

Appendix C: BPPL: Manager and Employee Guidance

Appendix D: BPPL: FAQs

Appendix E: Diversity Impact Assessment

Background papers

None