

# SUMMARY OF CHANGES FOR SCHOOLS AND MATS

This table sets out the main changes introduced by the ERA 2025 in chronological order. It highlights the key impacts and risks for schools and MATs and suggests practical steps to support compliance and effective implementation.

This handout has been prepared in April 2026 and is correct as at the date of publication. Please be aware that many of the changes summarised below are subject to ongoing Government consultation and secondary legislation and so there may be further changes made prior to final implementation.

For advice on any of the issues discussed in this update, or any other employment or HR related matter for schools, please contact Winckworth Sherwood’s dedicated Schools HR helpdesk on [SchoolsHR@wslaw.co.uk](mailto:SchoolsHR@wslaw.co.uk) or 0345 026 8690.

*This briefing is not intended to be a definitive statement of the law and is correct at the time of publication. It should not be taken as a substitute for professional legal advice.*

STATUTORY CHANGE	TIMELINE	IMPACT	ACTION POINTS
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## TIME LIMITS FOR EMPLOYMENT TRIBUNAL CLAIMS

<p>Standard length of Acas Early Conciliation period increase from 6 weeks to 12 weeks.</p> <p>Standard time limit for most employment tribunal claims will increase from three months to six months.</p>	<p>Requests made on or after 1 December 2025 (in force) (the Government has confirmed it will review the change in October 2026 to determine whether the 12 week period should remain in place.</p> <p><b>October 2026</b></p>	<p>Increased number of early conciliation requests and employment tribunal claims.</p> <p>Increased delay until hearings which may make it more challenging to defend claims if, for example, key witnesses have left.</p>	<ul style="list-style-type: none"> <li>• Ensure good contemporaneous notes are taken of key events and kept on file.</li> <li>• Take statements from key witnesses at an early stage when you receive a claim, instead of waiting for a hearing date.</li> <li>• Promptly act on HR issues and ensure your policies are robust and up to date to allow you to do so.</li> <li>• Ensure you have adequate insurance/RPA cover in place to cover any claims.</li> </ul>
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## TRADE UNIONS AND INDUSTRIAL ACTION

<p><b>DISMISSAL</b></p> <p>Dismissal for taking part in industrial action became ‘automatically unfair’. This removed the previous 12-week limit on the period during which protection from unfair dismissal applies.</p>	<p><b>18 February 2026 (in force)</b></p>	<p>There may be an increase in union activity on site and increased union membership, although it is recognized that union engagement tends to be high in the education sector.</p> <p>There is also a risk of more strike action.</p>	<ul style="list-style-type: none"> <li>• Implement a Trade Union Facilities Time Agreement if you do not already have one.</li> <li>• Keep abreast of developments and be ready to respond to requests for access within relevant timescales.</li> <li>• Review Acas Code of Practice on time off for union representatives.</li> <li>• Review policies in relation to time off for trade union representatives to carry out their duties.</li> <li>• Build positive relationships with unions and union colleagues now.</li> </ul>
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STATUTORY CHANGE	TIMELINE	IMPACT	ACTION POINTS
<p>Trade union activity in respect of:</p> <ul style="list-style-type: none"> <li>the time needed to give notice of industrial action reduced to 10 days, instead of 14 days.</li> <li>picket supervisors are no longer required.</li> <li>industrial action mandates last for 12 months, instead of 6 months.</li> <li>industrial action and ballot notices simplified.</li> </ul>	<p><b>18 February 2026 (in force)</b></p>		
<p><b>BALLOTS – PART 1</b></p> <ul style="list-style-type: none"> <li>support threshold rule has been removed – this rule required at least 40% of the total eligible votes to support action. Public and private sector ballots now follow the same requirement – they only need more votes in favour of industrial action than against.</li> <li>the turnout threshold rules for industrial action ballots will remain until at least August 2026 – they require at least a 50% turnout for industrial action ballots.</li> </ul>	<p><b>18 February 2026 (in force)</b></p>		
<p><b>RECOGNITION</b></p> <ul style="list-style-type: none"> <li>how a trade union can be recognised in a workplace has been simplified.</li> <li>an updated Code of Practice on trade union recognition supporting this is expected to come into force in October 2026.</li> </ul>	<p><b>6 April 2026 (in force)</b></p>		
<p><b>BALLOTS – PART 2</b></p> <ul style="list-style-type: none"> <li>trade union members will be able to vote electronically or in-person in ballots for industrial action, union elections and other statutory ballots – if the employer and trade union agree.</li> <li>after that, the removal of the requirement for a 50% turnout for industrial action ballots can begin – this had originally been expected in April 2026.</li> </ul>	<p><b>August 2026</b></p>		

STATUTORY CHANGE	TIMELINE	IMPACT	ACTION POINTS
<p><b>FURTHER ANTICIPATED CHANGES</b></p> <ul style="list-style-type: none"> <li>• a new duty for employers to inform workers of their right to join a trade union.</li> <li>• updated rules on a trade union’s right of access to the workplace.</li> <li>• a new right to reasonable accommodation and facilities for trade union representatives carrying out their duties.</li> <li>• a new right to time off for union equality representatives to carry out their duties.</li> <li>• an updated Code of Practice on trade union recognition.</li> </ul>	<p>October 2026</p>		
<p><b>INCREASED PROTECTION FROM DETRIMENT FOR INDUSTRIAL ACTION</b></p> <p>Workers taking part in industrial action will be protected against detriment, in addition to unfair dismissal. ‘Detriment’ could include non-payment of wages.</p>	<p>October 2026</p>		
<p><b>STATUTORY SICK PAY</b></p> <p>Removal of “waiting days” with SSP now payable from day one of sickness instead of day four; removal of Lower Earnings Limit.</p>	<p>6 April 2026 (in force)</p>	<p>For schools and MATs who adopt Burgundy Book and Green Book terms and conditions this will not have a huge impact as the occupational sick pay scheme in the sector is already generous.</p> <p>Staff who are entitled to SSP will now have increased sick pay entitlements, resulting in additional costs for schools.</p>	<ul style="list-style-type: none"> <li>• Amend contracts of employment and sickness absence policies to remove “waiting days”, reflect day-one entitlement and remove lower earnings limit.</li> <li>• Ensure necessary adjustments to payroll.</li> <li>• Budget for increased absence costs.</li> </ul>
<p><b>FAMILY LEAVE</b></p> <p>Paternity leave and unpaid parental leave to become a Day 1 right for eligible employees. Previously, 26 weeks’ service was required for paternity leave and 1 years’ service was required for unpaid parental leave.</p> <p>Restriction on taking paternity leave after shared parental leave has been removed.</p>	<p>Expected week of childbirth on or after 6 April 2026 (in force)</p>	<p>All eligible employees entitled to paternity leave and unpaid parental leave irrespective of length of service, which could result in additional costs for schools and MATs, as well as the logistical side of arranging cover.</p>	<ul style="list-style-type: none"> <li>• Update policies to reflect the changes and remove minimum service requirements.</li> <li>• Budget for increased costs.</li> <li>• Plan for absences.</li> </ul>

STATUTORY CHANGE	TIMELINE	IMPACT	ACTION POINTS
<b>BEREAVEMENT LEAVE</b>			
<p>New right to up to 52 weeks’ unpaid bereaved partner’s paternity leave (BPPL) if the mother, main adopter or main intended parent dies before the child is one years old, or within a year of adoption, until the child’s first birthday or first anniversary of their placement. Leave must be taken within 52 weeks of the child’s birth (including surrogacy), adoption placement, or entry to Great Britain for overseas adoptions.</p> <p>Please note that this is not part of the ERA and is separate legislation but is seen as part of current family leave reforms.</p>	<p><b>6 April 2026 (in force)</b></p>	<p>This will enable schools to support bereaved partners in these difficult circumstances. Cover will need to be arranged.</p>	<ul style="list-style-type: none"> <li>Update the relevant family friendly and special leave policies relating to unpaid leave.</li> </ul>
<b>HOLIDAY PAY</b>			
<p>New statutory obligations to keep records demonstrating compliance with statutory holiday entitlement and holiday pay requirements, including pay in lieu of untaken holiday on termination of employment, for 6 years.</p> <p>Fair Work Agency to have enforcement powers in relation to workers’ rights to statutory holiday and holiday pay.</p> <p>The maximum penalty is likely to be unlimited fines. Other enforcement action might include:</p> <ul style="list-style-type: none"> <li>demands for underpayments of holiday pay.</li> <li>additional financial penalties.</li> </ul>	<p><b>6 April 2026 (in force)</b></p>	<p>Will be most relevant to support staff. Ensure accurate record keeping of:</p> <ul style="list-style-type: none"> <li>holiday taken.</li> <li>holiday carried over from previous years.</li> <li>holiday pay.</li> <li>any payments in lieu of holiday – for example, pay for unused holiday when someone leaves a job.</li> </ul> <p>The records may be created, maintained and kept in such a manner and format as the employer reasonably thinks fit, giving employers flexibility in how they store the information (digitally or on paper), but the records must be complete, accurate and retained for at least six years.</p>	<ul style="list-style-type: none"> <li>Review holiday pay calculations and the approach you take to calculating holiday for support staff/term time only workers e.g. 12.07% approach or something different.</li> <li>Ensure leave records are sufficient to demonstrate compliance.</li> </ul>
<b>COLLECTIVE CONSULTATION</b>			
<p>The maximum protective award for breaches of collective consultation requirements in a redundancy has doubled from 90 days to 180 days’ pay per employee.</p>	<p><b>For dismissals taking effect on or after 6 April 2026 (in force)</b></p>	<p>Higher financial exposure in restructures/redundancies involving collective consultation.</p>	<ul style="list-style-type: none"> <li>Ensure compliance with collective consultation requirements.</li> <li>Update policies as required.</li> <li>Refresher training for HR and MAT and school leaders on collective consultation and union engagement.</li> </ul>

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**WHISTLEBLOWING**

<p>A disclosure of sexual harassment is now a qualifying disclosure for whistleblowing purposes.</p>	<p><b>6 April 2026 (in force)</b></p>	<p>Increased risk of whistleblowing claims if disclosures are not dealt with appropriately.</p>	<ul style="list-style-type: none"> <li>Update whistleblowing policies.</li> <li>Review reporting mechanisms for sexual harassment complaints and how they should be handled.</li> </ul>
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**EQUALITY ISSUES**

<p>MATs with 250 or more employees must publish equality action plans, including action taking to tackle gender pay gaps and menopause support.</p> <p>New requirement for gender pay reports to include names of providers of outsourced workers.</p>	<p><b>7 April 2026 (Voluntary publication of equality action plan, to be made mandatory in 2027)</b></p> <p><b>TBC (inclusion of outsourced workers)</b></p>	<p>Greater accountability and public awareness about what steps MATs are taking to tackle gender pay gap issues and menopause support.</p>	<ul style="list-style-type: none"> <li>Consider whether to publish equality action plans on a voluntary basis this year if you have over 250 employees in readiness for mandatory change next year and to show commitment to equality / public sector equality duty.</li> <li>Review gender pay gap figures and take steps to address any gaps.</li> <li>Consider implementing a Menopause Policy and consider what support can be provided to staff affected by menopause.</li> </ul>
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**FAIR WORK AGENCY**

<p>The Fair Work Agency established to:</p> <ul style="list-style-type: none"> <li>bring together existing enforcement bodies and centralise powers including those previously held by HMRC.</li> <li>take on enforcement of other employment rights, such as holiday pay and statutory sick pay.</li> </ul>	<p><b>7 April 2026</b></p>	<p>Greater regulation, fines and compliance checks including rights to inspect workplaces, bring proceedings on behalf of workers, penalties and cost recovery.</p>	<ul style="list-style-type: none"> <li>Audit payroll and correct any inadvertent errors or underpayments.</li> <li>Prepare for NMW audits.</li> <li>Ensure accurate record keeping.</li> <li>Ensure compliance with new rules around keeping accurate holiday and holiday pay records for six years.</li> </ul>
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STATUTORY CHANGE	TIMELINE	IMPACT	ACTION POINTS
<b>HARASSMENT AND SEXUAL HARASSMENT</b>			
<p>The current duty to take reasonable steps to prevent sexual harassment in the workplace will be extended to a duty to take “all reasonable steps” to prevent sexual harassment.”</p> <p>Liability for harassment in the workplace will extend to third party harassment which means that employers will become directly liable for harassment of workers by third parties, includes members of the public, parents, visitors of the school, contractors on site, even potentially pupils. This will apply to all types of harassment not just sexual harassment.</p> <p>The law will specify what ‘reasonable steps’ means when preventing sexual harassment, following earlier changes in October 2026.</p>	<p><b>October 2026</b></p>	<p>Increased risk of sexual harassment claims.</p> <p>Potential for EHRC enforcement action.</p> <p>Increased risk of harassment claims, given pupil, parent and visitor interaction with staff.</p> <p>Greater impact on staff if they are the subject of harassment.</p>	<ul style="list-style-type: none"> <li>• Undertake a sexual harassment risk assessment – essential to demonstrate compliance. Involves actively assessing the risk of sexual harassment for staff, including by third parties, and reviewing what steps can be taken to prevent these incidents from happening. Review risk assessment at regular intervals and after incidents or allegations.</li> <li>• Implement reasonable preventative measures, taking into account size, resources and risks identified in the sexual harassment/ harassment risk assessment.</li> <li>• Ensure training, policies and reporting mechanisms are up to date.</li> <li>• Ensure a zero-tolerance approach to any form of harassment in the workplace.</li> <li>• Address any workplace culture issues particularly around workplace banter, jokes and innuendos.</li> <li>• Set clear expectations around workplace behaviour for all levels of staff.</li> <li>• Revisit staff wellbeing strategy.</li> </ul>
<b>TUPE</b>			
<p>There will be new measures for public sector outsourcing. This is to avoid having different terms and conditions for ex-public sector employees and private sector employees.</p>	<p><b>October 2026</b></p>	<p>Impact on insourcing/outsourcing arrangements e.g. catering and cleaning contracts, and academy transfers and duty to provide parity of terms.</p>	<ul style="list-style-type: none"> <li>• Keep abreast of anticipated changes.</li> <li>• Budget for the impact of this in any tenders / costings of contracts.</li> </ul>

STATUTORY CHANGE	TIMELINE	IMPACT	ACTION POINTS
<b>UNFAIR DISMISSAL</b>			
<p>Qualifying period for unfair dismissal (including constructive dismissal) to reduce from 2 years to 6 months.</p> <p>Cap on compensatory award removed (currently capped at the lower of 52 weeks’ gross pay or £123,543).</p>	<p><b>1 January 2027</b></p>	<p>Anyone hired on or before 1 July 2026 who is dismissed on or after 1 January 2027 will acquire protection by the time the law changes.</p> <p>This will likely increase the number of unfair dismissal claims brought as more employees will be eligible.</p> <p>There is also the potential for increased awards if employees succeed in their claims and higher settlement expectations.</p>	<ul style="list-style-type: none"> <li>• Review recruitment processes and ensure robust procedures are in place before employment commences.</li> <li>• Reduce the fixed term period of your standard FTCs and include provisions to allow for earlier termination.</li> <li>• Consider shortening probation periods to 3 months to allow for timely decision-making.</li> <li>• Ensure managers proactively manage probation and that they act promptly where performance concerns arise.</li> <li>• Update contracts and policies, particularly in relation to probation clauses, dismissal procedures (performance, conduct and attendance) and internal HR guidance.</li> <li>• Provide training to people managers and key recruitment decision makers.</li> <li>• Reduced notice periods during probation including for teachers.</li> <li>• PILON clauses should become standard.</li> <li>• Updates to contracts and policies need to be happening now and in good time for 1 July 2026 particularly if you plan on consulting on any changes.</li> </ul>
<b>FIRE AND REHIRE</b>			
<p>Automatically unfair to dismiss and re-hire an employee in order to impose contractual changes unless the limited exception applies where the employer can demonstrate severe financial difficulties and that a change of conditions is being carried out to avoid business closure.</p>	<p><b>1 January 2027</b></p>	<p>A diminished ability to use fire and rehire to impose changes to contractual terms.</p>	<ul style="list-style-type: none"> <li>• Consider implementing changes to contractual terms before the change comes into force and take legal advice as this can be a high-risk area of law.</li> <li>• Undertake a contract review and review level of flexibility.</li> </ul>

STATUTORY CHANGE	TIMELINE	IMPACT	ACTION POINTS
<b>ZERO AND LOW HOURS STAFF</b>			
<p>Workers on zero-hour and low- hours contracts will gain the right to be offered a guaranteed hours contract to reflect the hours they usually work over a defined reference period (likely 12 weeks).</p> <p>Workers can reject the offer and remain on their existing contracts if they would prefer.</p> <p>Agency workers will be given similar rights.</p> <p>Regulations to set out details of how the new right will operate.</p> <p>Right to reasonable notice of shifts and compensation for short-notice cancellations for workers on zero or minimum hours contracts, workers with no set working pattern and workers who are offered shifts outside their set working pattern.</p> <p>Regulations to set out details of how the new right will operate, including what is reasonable notice.</p>	<p>2027</p>	<p>Changes could impact the type of contract used for exam invigilators, lunchtime supervision, wrap-around care, holiday camps, cleaners or supply teachers and any members of staff who have irregular hours.</p> <p>Extra administrative burden of tracking hours worked of zero hour and low hours workers, and offering guaranteed hours contracts.</p> <p>Additional cost of using irregular hours workers, if non-compliant short notice is given of shifts or changes to them.</p> <p>Administrative burden of giving longer notice to schedule or rearrange shifts.</p>	<ul style="list-style-type: none"> <li>• Audit current use of zero-hours, low hours contracts and use of agency workers and terminate them where the individual has not been engaged for some time.</li> <li>• Put in place systems to track hours worked of zero hour and low hour workers.</li> <li>• Audit how much notice is given when rostering irregular workers.</li> <li>• Budget for late-notice payments.</li> </ul>
<b>FLEXIBLE WORKING</b>			
<p>Flexible working rights will be extended. Schools will be permitted to refuse a flexible working request for the existing permitted reasons. However, in addition to the current regime, they will also need to set out in writing why the refusal is reasonable.</p> <p>Regulations may specify light touch process for considering a request.</p>	<p>2027</p>	<p>Bar for refusing flexible working requests will be higher.</p> <p>Potential for increased litigation about reasonableness of any refusal.</p> <p>Possible increase in flexible working.</p>	<ul style="list-style-type: none"> <li>• Update policies and ensure HR professionals follow the process outlined as to how to accept/refuse a request for flexible working.</li> <li>• Track requests and outcomes and assess operational impact at school level in order to assist evidence-based decisions.</li> </ul>

STATUTORY CHANGE	TIMELINE	IMPACT	ACTION POINTS
<b>PROTECTION FOR PREGNANT EMPLOYEES</b>			
<p>New protection from other types of dismissal (expanding current protection related to redundancy dismissals only) for pregnant women and those on, or returning from, maternity leave or potentially from other types of family leave (details awaited).</p> <p>It will remain possible to dismiss an employee lawfully within 6 months of returning from maternity leave in narrowly defined circumstances, which will likely include gross misconduct and school closure.</p>	<p>2027</p>	<p>Increased barriers to dismissing employees returning from maternity and potentially other family leave.</p>	<ul style="list-style-type: none"> <li>Keep up-to-date with developments, as the scope of this new protection becomes clearer.</li> </ul>
<b>COLLECTIVE CONSULTATION</b>			
<p>Threshold for collective consultation will include proposed redundancies across an entire business, not just at a single establishment. The specific test of which proposed redundancies count will be set out in regulations.</p> <p>It is, however, thought that the number of proposed redundancies will need to be between 250 to 1,000 across an entire organisation in order to trigger collective consultation across the entire business so unlikely to apply even to very large MATs.</p>	<p>2027</p>	<p>Proposed redundancies across the entire MAT within a 90-day period, rather than individual schools, will be taken into account when deciding whether collective consultation obligations are triggered.</p> <p>Collective consultation may be triggered more often.</p> <p>Schools must also consider the two-pronged risk posed by the reduction to the qualifying service requirement for unfair dismissal, as collective consultation means a set minimum of consultation period which could take employees over the six-month mark by the time consultation closes.</p>	<ul style="list-style-type: none"> <li>Consider bringing forward any plans to restructure.</li> <li>Refresher training for HR and school leaders on collective consultation and union engagement.</li> <li>Stagger redundancies.</li> </ul>

STATUTORY CHANGE	TIMELINE	IMPACT	ACTION POINTS
<b>BEREAVEMENT LEAVE</b>			
<p>The right to unpaid bereavement leave to be expanded to cover a wider range of relationships (not just a child) and to include leave for pregnancy loss. Length of unpaid bereavement leave is at least 2 weeks when a child has died, and one week in other cases.</p>	<p>2027</p>	<p>Possible increased requests for leave or longer leave than under current compassionate leave policies.</p> <p>For pregnancy loss, employees likely to also be entitled to (paid) sick leave.</p> <p>Schools able to better support bereaved staff.</p>	<ul style="list-style-type: none"> <li>Update compassionate leave/time off policies.</li> </ul>
<b>NON-DISCLOSURE AGREEMENTS (NDAS)</b>			
<p>NDAs will be void if they seek to prevent someone from making allegations or disclosures about unlawful discrimination or harassment, or an employer’s response to such allegations or disclosures.</p>	<p>2027</p>	<p>Settlement agreements (including COT3s) and confidentiality clauses in contracts of employment will no longer be able to prevent disclosure of allegations.</p> <p>Increased reputational risk connected to allegations of harassment and discrimination.</p> <p>Reduced risk of complaints being 'brushed under the carpet'.</p>	<ul style="list-style-type: none"> <li>Take preventative measures to reduce risk of harassment and discrimination occurring and deal with complaints promptly, thoroughly and sensitively.</li> <li>In due course, update confidentiality clauses in settlement agreements and contracts of employment, as necessary.</li> </ul>