

# Employment Rights Act 2025: What schools and MATs in England need to know and do to prepare

**Audience:** Schools, academies, and trusts in England.

**Action required:** Understand what's changing and when in relation to the Employment Rights Act timeline, so that you stay prepared and legally compliant.

**EPM support:** Contact your EPM Adviser for further advice and support.

## Summary

The Employment Rights Act 2025 represents one of the most wide-ranging packages of employment law reform in a generation. It introduces significant changes across industrial relations, family leave, statutory sick pay, enforcement, harassment duties, contract change and unfair dismissal.

While these reforms apply to all employers, schools and multi-academy trusts face particular exposure because of workforce size, union presence, safeguarding contexts, third-party interaction with parents and visitors, and the pace at which early employment issues often arise.

**A key message at the outset:** Royal Assent does not mean everything changes immediately. The Act provides a framework, with many provisions phased in between 2026 and 2027 and supported by further regulations and guidance. The right approach is practical readiness - starting the "no regrets" work now so schools are not reacting under pressure later.

EPM is closely tracking all consultations, regulations and guidance, and is updating model policies, templates, payroll processes and customer briefings in step with the phased roll-out.

## Why this matters for schools and MATs

The Act matters particularly in education because it directly affects:

- **Operational resilience**, especially in the context of industrial action
- **Workforce flexibility**, including casual staff, working patterns and contract change
- **Early employment risk**, as probation and performance issues often surface quickly in schools
- **Third-party interaction**, with parents, carers, visitors and contractors increasing harassment exposure
- **Leadership capacity and reputation**, where disputes escalate or are poorly evidenced.

These reforms are not abstract legal changes. They go to the heart of how schools recruit, manage, support and, where necessary, exit staff.

## Why the Act took longer than expected

The Bill was published in October 2024 and received Royal Assent in December 2025. The length of the process reflects:

- The scale of the reforms,
- the complexity of implementation, and
- the controversial nature of several high-impact provisions.

Final Parliamentary debate focused on a small number of issues, but ones with the greatest implications for employer risk and cost - including unfair dismissal rights, industrial action and contract change.

## The phased timeline: What's changing and when

### What has already changed? - December 2025

The following took effect at Royal Ascent:

- **Repeal of the Strikes (Minimum Service Levels) Act 2023**

This confirms a policy shift away from statutory minimum service levels during strike action.

#### Why this matters for schools:

Schools should plan on the basis that lawful industrial action may involve full withdrawal of labour, rather than expecting statutory minimum cover.

### February 2026 - industrial relations reforms

From **18 February 2026**, a significant package of trade union and industrial action reforms takes effect, including:

- Repeal of most of the **Trade Union Act 2016**, simplifying requirements on trade unions.
- Removal of the 10-year ballot requirement for political funds.
- Simplification of industrial action and ballot notices.
- Strengthened protection against dismissal for taking industrial action.
- Enabling notice to be given for new **day-one paternity leave and unpaid parental leave** entitlements.

#### Why this matters for schools:

Industrial action will be easier to authorise and harder to derail on technical grounds. Disputes may also become more persistent. In MATs, inconsistent handling between schools significantly increases legal and operational risk.

#### Actions for schools and MATs

- Refresh industrial action protocols (attendance, payroll deductions, communications, safety).
- Standardise approach trust-wide to avoid inconsistency.
- Prepare template communications for staff and parents.
- Train leaders on lawful boundaries (avoiding detriment or pressure).
- Scenario-plan for single-day, rolling, and partial action.

### 6 April 2026 - day-one rights, SSP and enforcement

From **6 April 2026**, several key changes take effect;

- **Day-one paternity leave and unpaid parental leave.**
- **Statutory Sick Pay:** Removal of the Lower Earnings Limit and waiting days.
- Doubling of the maximum collective redundancy protective award.
- Strengthened whistleblowing protections relating to sexual harassment.
- Simplified trade union recognition process.
- Voluntary action plans on gender equality and menopause support.

From 7 April 2026, the **Fair Work Agency (FWA)** will be formally established.

#### Why this matters for schools:

Although many staff benefit from contractual sick pay, these changes affect casual and variable-hours staff, lower-paid roles, cover planning and payroll accuracy. The Fair Work Agency is expected to bring **more proactive and consistent enforcement**, particularly

around **National Minimum Wage, SSP** and **holiday pay**.

### Actions for schools and MATs

- Update forms and guidance that reference service thresholds.
- Train managers and admin teams to handle requests consistently.
- Check payroll workflows for day-one SSP triggers.
- Map SSP-reliant staff groups and tighten day-one absence recording.

EPM payroll customers can be reassured that system changes are being implemented in line with commencement dates

### 7 April 2026 - Fair Work Agency: enforcement risk increases

The **Fair Work Agency (FWA)** brings together enforcement functions and expands state enforcement of key rights, including National Minimum Wage, holiday pay and SSP.

#### Why this matters for schools:

The obligations are not new, but enforcement is expected to be more proactive, with increased record requests, targeted checks, and faster follow-up when risk is identified.

Two areas are particularly relevant to education:

#### National Minimum Wage (NMW)

Salaried status does not remove NMW obligations. Risk in schools often arises from working time, not headline pay rates - for example, unrecognised additional duties, term-time staff working extra days, salary sacrifice arrangements, or apprentices moving beyond the apprentice rate.

#### Holiday pay for casual and variable-hours staff

Inconsistency and weak records are common risk factors, particularly for exam invigilators, lunchtime and wraparound staff, casual TAs and premises staff.

### Actions for schools and MATs

- Introduce an annual NMW review for staff close to NMW.
- Be explicit about mandatory duties and TOIL arrangements.
- Standardise holiday pay methodology trust-wide.
- Strengthen timesheets, approvals, payslips and audit trails.

### August 2026 - Electronic and workplace balloting

From **no earlier than August 2026**, electronic and workplace balloting will be introduced for statutory trade union ballots.

#### Why this matters for schools

This is likely to increase participation in ballots and reduce practical barriers to lawful action.

### October 2026 - Harassment, union access and tribunal time limits

From **October 2026**, further high-impact changes are expected, including:

- A strengthened duty to take **"all reasonable steps"** to prevent sexual harassment.
- An obligation not to permit harassment of employees by third parties.
- The power for regulations to specify what counts as **'reasonable steps'**.
- Strengthened trade union rights of access and a duty to inform workers of their right to join a union.
- Extensions to protections against detriment for taking industrial actions.
- Extension of **Employment Tribunal time limits** from three to six months - Though this may slip.

#### Why this matters for schools:

Schools regularly interact with parents and visitors, and informal approaches to harassment or complaints will be harder to defend. Longer tribunal time limits increase the importance of record-keeping and timely action.

## Actions for schools and MATs

- Strengthen harassment prevention systems and training records.
- Review parent and visitor behaviour expectations and escalation routes.
- Tighten investigation timelines and documentation.
- Prepare for union access and information duties once regulations are finalised.

### 1 January 2027 - unfair dismissal rights after six months

From **1 January 2027**:

- The qualifying period for unfair dismissal reduces from two years to **six months**.
- The cap on compensatory awards for unfair dismissal is removed.
- **Fire and rehire protections** also come into force.

#### Why this matters for schools:

Many employees will gain protection within their first academic year. Probation and early performance decisions will carry significantly greater legal risks.

## Actions for schools and MATs

- Standardise probation processes across the Trust.
- Build in early review points with documented support.
- Train managers on early intervention and fair process.
- Avoid "wait and see" approaches - concerns must be addressed promptly and clearly.

## How EPM supports you

Below you will find a checklist, listing the policies we believe schools and MATs should review as a priority.

**We'll be amending relevant EPM model policies over the coming weeks to support you with this process, so keep an eye out for updates.**

EPM is actively monitoring the roll-out of the Employment Rights Act and will continue to:

- track consultations, regulations and codes of practice,
- update model policies, templates and guidance,
- implement payroll changes in line with commencement dates, and
- keep customers informed through briefings, bulletins and training.

If you would like support with a policy audit, MAT-wide standardisation, or targeted sessions for senior leaders, business managers or HR teams, please contact your usual EPM adviser.

**Preparation now is an investment in resilience later.**

## Policy review checklist

Schools and MATs should review the following policies as a priority:

<input type="checkbox"/>	<ul style="list-style-type: none"><li>• <b>Probation and induction</b> to ensure that the new parameters around unfair dismissal are observed and employees are managed effectively in the first six months of employment</li></ul>
<input type="checkbox"/>	<ul style="list-style-type: none"><li>• <b>Capability, conduct and attendance</b> to ensure that the new parameters around unfair dismissal are observed and employees are managed effectively in the first six months of employment</li></ul>
<input type="checkbox"/>	<ul style="list-style-type: none"><li>• <b>Family leave and sickness absence (including SSP)</b> to ensure that day-one rights are accurately reflected</li></ul>
<input type="checkbox"/>	<ul style="list-style-type: none"><li>• <b>Harassment and third-party conduct</b> to demonstrate proactivity and “all reasonable steps”</li></ul>
<input type="checkbox"/>	<ul style="list-style-type: none"><li>• <b>Organisational change and consultation</b> to reflect stricter legislation around “fire and rehire”</li></ul>
<input type="checkbox"/>	<ul style="list-style-type: none"><li>• <b>Flexible working</b> to demonstrate the requirements for refusals to requests to be reasonable and explained in writing</li></ul>
<input type="checkbox"/>	<ul style="list-style-type: none"><li>• <b>Industrial action protocols</b> in response to the changes to access rights, balloting and thresholds</li></ul>

Watch out for amendments to EPM’s relevant model policies, which will be shared over the next few weeks to support you with this process.