

# Employment Rights Act (ERA) 2025

## Action Checklist for Dental Practices - April 2026

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generation.



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# Employment Rights Act 2025

## Action Checklist for Dental Practices — April 2026

Use this checklist to ensure your practice is compliant with the first wave of changes now in force.

### 1. Statutory Sick Pay (SSP)

- Update your payroll system to pay SSP from day one of absence (not day four). *The three-day waiting period has been abolished from 6 April 2026.*
- Remove the lower earnings limit from your SSP eligibility rules. *Employees earning below £129/week now qualify — at 80% of average weekly earnings or flat rate (whichever is lower).*
- Identify any part-time or variable-hours staff who are newly eligible for SSP. *Confirm payroll is set up to calculate their entitlement correctly.*
- Update your absence management process and communicate changes to line managers. *Any absence from day one may now trigger SSP — managers must know not to apply the old waiting period.*

### 2. Paternity Leave & Unpaid Parental Leave

- Remove qualifying service requirements from your paternity leave policy. *Paternity leave is now a day one right — previously required 26 weeks' service.*
- Remove qualifying service requirements from your unpaid parental leave policy. *Previously required one year's service — now applies from the first day of employment.*
- Brief reception and management teams: new starters can request parental leave and paternity leave immediately. *Including during probationary periods.*
- Factor potential early parental leave[BH2.1] and paternity leave into staffing and onboarding planning. *Consider cover arrangements for new hires who may request leave within their first weeks.*
- Note the new Bereaved Partner's Paternity Leave right (also from 6 April). *Where a child's primary carer dies within the first year of birth or adoption, the surviving partner has a day one right to up to 52 weeks' unpaid leave.*

### 3. Whistleblowing Protections

- Update your whistleblowing policy to include sexual harassment as a qualifying disclosure. *Staff who raise concerns about sexual harassment are now explicitly protected from detriment or dismissal.*
- Brief managers on the change — sexual harassment disclosures must be handled through formal channels. *This includes harassment by patients, not just colleagues.*

- Review your harassment prevention policy ahead of October 2026. *The sexual harassment duty strengthens further in October — now is a good time to review procedures proactively.*

## 4. Holiday Pay Records

- Confirm your practice has a formal system for recording annual leave taken. *Informal or inconsistent record-keeping is no longer sufficient.*
- Ensure records capture: leave taken, payments made in lieu of untaken holiday, and how holiday pay was calculated. *This applies to all staff including those on irregular or part-year hours.*
- Set up a retention policy — holiday and holiday pay [BH3.] records must be kept for six years.
- Be aware: failure to comply is a criminal offence, enforceable by the Fair Work Agency. *The Fair Work Agency launched on 7 April 2026 with enforcement powers in this area.*

## 5. Collective Redundancy (if applicable)

- If any restructuring or redundancies are on the horizon, take legal advice before proceeding. *The maximum protective award for failure to consult has doubled — from 90 to 180 days' pay per affected employee.*
- Ensure your redundancy procedure is documented and up to date. *Applies when 20+ employees at a single establishment are proposed for redundancy within 90 days.*

## 6. Fair Work Agency Awareness

- Familiarise yourself with the Fair Work Agency's remit as it develops. *It consolidates existing enforcement bodies (including NMW enforcement) and will expand its powers over time.*
- Conduct an internal review: pay, records, and employment practices should be in order. *Enforcement is no longer solely through individual tribunal claims — proactive inspections are part of the FWA mandate.*

## 7. Prepare for What's Coming Next

- October 2026: Strengthen your sexual harassment prevention measures. *The duty moves from 'reasonable steps' to 'all reasonable steps', including harassment by third parties such as patients. Tribunal time limits also double to six months.*
- January 2027: Address any unresolved performance or conduct concerns now. *The unfair dismissal qualifying period drops from two years to six months. The compensation cap on awards is removed. Act on issues now while the current framework is still in place.*
- January 2027: Review fire and rehire procedures. *New restrictions come into force — if any contracts are under review, seek advice in advance.*
- 2027: Plan for statutory bereavement leave, enhanced maternity protections, and further zero-hours reforms. *Details are still being finalised through secondary legislation — monitor updates.*