

As detailed in our review of likely legislative changes in 2023 (see [UK Employment Law – Where Do We Currently Stand?](#)), a number of proposals originally expected to form part of a new Employment Bill will now make their way onto the statute book as Private Members’ Bills instead.

On 24 May, three such bills expanding the current rights and protections for parents and carers received Royal Assent (see further details below). However, it is worth noting that “Royal Assent” only means they have been passed, not put into force. Indeed, each act requires secondary legislation before then, none of which is expected for at least 12 months. And therein lies the rub – recent history has shown us that a lot can change in politics in that time.

**Practical advice:** Given the inevitable time lag before these acts are implemented (if at all – we will forgive some level of cynicism in light of the damp squib of what had been heralded as a bonfire of EU red tape, as detailed [here](#)), there is no need to take action yet. Do keep a watching brief on the passage of any implementing legislation, as, once passed, this will almost certainly require a change to your internal policies and procedures.

Of course, there is nothing to stop employers from bringing these rights in sooner as issues of contract or (more sensibly) policy. For employers particularly concerned by environmental, social or governance (ESG) factors, this may be worth considering. However, ensuring that this particular good deed goes unpunished will need careful crafting to ensure that the new policies interact effectively with the statutory position once enacted and do not lead to unnecessary confusion or conflict.

## The Neonatal Care (Leave and Pay) Bill – Becoming the Neonatal Care (Leave and Pay) Act 2023

- The Neonatal Care (Leave and Pay) Act creates a new statutory right to leave and pay for working parents whose child is receiving, or has received, neonatal care.
- The government has issued a press release about the act declaring that employed parents whose children are admitted to neonatal care “will be eligible for up to 12 weeks of paid neonatal care leave ... so that they can spend more time with their baby at what is a hugely stressful time. This is in addition to other leave and pay entitlements such as maternity and paternity.”



- In the government’s words: “Up to 12 weeks of paid leave provided by the Neonatal Care (Leave and Pay) Act makes the UK a world leader in this area, allowing parents to be with their babies instead of worrying about work.”
- That being said, whether by accident or design, the act does not actually specify this length of leave, but instead includes the far less headline-grabbing provision for “at least a week’s leave”, which by itself would not make the UK a leader of anything. However, the government is obliged to introduce regulations to implement these new rights and provide more details on the entitlement and circumstances in which the leave may be taken, which will presumably contain that 12-week commitment.
- Eligible employees would be entitled to be paid at the usual statutory rate of pay for family-related leave, provided they meet the standard minimum earnings test and the provisions for qualifying service.
- As per other family-friendly schemes, employees will be protected from dismissal or detriment for exercising their right to this leave.
- The government has not committed to when the secondary legislation required to bring these changes into force will be enacted – merely stating it will be in “due course.” On 22 May, Kevin Hollinrake MP (in [written responses to questions raised by Luke Hall MP](#)) estimated that as many as seven statutory instruments would be required to bring the new entitlements into effect, plus changes to HMRC’s IT systems and the provision for guidance for employers and employees, among other things, meaning that delivery of these changes is currently planned for April 2025.

## The Protection From Redundancy (Pregnancy and Family Leave) Bill – Becoming the Protection From Redundancy (Pregnancy and Family Leave) Act 2023

- This new act will afford greater protection to pregnant women and new parents in a redundancy situation, by giving them the right to be offered (as opposed to merely having the opportunity to apply for) a suitable available vacancy where one is available. This is the same protection that is currently afforded to women who are put at risk of redundancy while on maternity leave.
- The act also specifically covers miscarriage situations so that an employee whose pregnancy has ended prior to her telling her employer would be able to access the protections as if she had informed her employer prior to the pregnancy ending.
- The specifics of the new rights will be set out in the regulations, once issued. However, the government's commentary to date suggests that protection will extend from when a woman informs her employer that she is pregnant until 18 months after the birth. This new right will also cover employees on adoption leave and shared parental leave.
- Again, the government has not yet committed to a time frame, other than "in due course".

## Carer's Leave Bill – Becoming the Carer's Leave Act 2023

- In accordance with this new act, eligible employees with caring responsibilities will be able to take one week's unpaid leave per year to enable them to provide, or arrange care for, a dependant with a long-term care need – an acknowledgement that currently those with caring responsibilities are often obliged to rely on other sorts of care, e.g. parental leave, time off for dependants or using flexible working arrangements, which were designed for other situations, so are often not appropriate.
- The government's intention is that this "will enable carers to better balance their caring and work responsibilities, supporting them to remain in employment".
- This will be a day-one right, and employees will be protected from dismissal or detriment for exercising their right to this leave.
- Again, the government must lay down secondary legislation "in due course" to implement these new entitlements. It has been reported that this will not be before April 2024.

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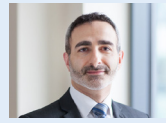
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