

FREQUENTLY ASKED QUESTIONS

FAMILY FRIENDLY

Q: With changes to maternity leave protections, what happens if there is a restructure where two roles become one and an employee is on maternity leave?

A: An employee on maternity leave can be made redundant only if the redundancy is genuine and unrelated to maternity. Employers must run a fair consultation process, use objective selection criteria, and offer any suitable alternative roles as priority to the employee on maternity leave.

Q: Under what circumstances would it be justifiable to dismiss someone during protected parental leave?

A: Only in limited situations such as genuine redundancy, gross misconduct, or business closure. Any dismissal linked to maternity or parental leave would be automatically unfair.

FLEXIBLE WORKING

Q: Flexible working can be requested twice per year. Are there limits on duration?

A: There is no statutory limit. Requests can be temporary or permanent. Employers must respond within two months and can only refuse for valid business reasons. In light of the new rules on 'fire and rehire' and 'restricted variations', you may wish to consider granting requests with trial periods and reviews rather than granting them for an indefinite period of time.

Q: Can an employee request full Working from home (WFH) to care for a toddler?

A: An employee has the right to request it. The employer must consider the request reasonably but can refuse it for one or more permitted business reasons (e.g. impact on performance, customer service, team collaboration, or inability to reorganise work). Therefore, if the care for a toddler would prevent the employee from fulfilling their duties during working hours the employer can reasonably refuse full WFH on that basis.

HYBRID WORKING

Q: Can employers cancel hybrid working arrangements?

A: If contractual, agreement is required to amend certain terms and conditions. Please be aware however that this can depend on individual circumstances. For instance, the law around 'custom and practice', which may apply if this is something that has been ongoing for a period of time and there are no clear policy arrangements.

SICK PAY

Q: Are employees now paid for day-one sickness?

A: Yes, from the 6th of April 2026, Statutory Sick Pay (SSP) is payable from day one of sickness.

Q: What if an employee works a half day or leaves early?

A: Detailed guidance on the impact of the new SSP rules is still awaited. In the meantime, think about how you currently treat a 'part day' absence for sick pay, i.e. do you pay for all or part of the day? We don't see why you should not carry on with your current approach, just making sure that the employee receives at least their SSP entitlement, as it will probably be treated as Day 1 of the absence.

Q: We pay Company Sick Pay from Day four. What about days one to three?

A: SSP must be paid for days one to three, then Company Sick Pay applies from day four unless the policy is updated.

ZERO-HOURS & BANK STAFF

Q: Are zero-hours workers and/or bank staff entitled to SSP?

A: Yes, zero hours workers will be entitled to SSP, but the variable nature of hours, pay and days of work make it impossible to provide a definitive answer. Each case needs to be considered based on its own facts. Please contact us for further advice.

HARASSMENT & CONTRACTORS

Q: How does harassment law apply to contractors?

A: Under the Equality Act 2010, protection from harassment applies. Employers may be liable if they fail to prevent harassment of contractors.

CONTRACTS & POLICIES

Q: Do contracts need updating when laws change?

A: Statutory rights override inferior contractual terms, but policies and contracts should be reviewed to avoid inconsistencies.

Q: What if contracts conflict with the handbook?

A: The contract takes precedence, but inconsistencies increase legal risk so please ensure that your contract terms and conditions align with your handbook where possible.

TRIBUNAL COMPENSATION

Q: Are there insurances for unlimited compensation?

A: Employment Practices Liability Insurance may offer protection, subject to policy terms. Please contact your insurance provider for clarification.

Q: Does the unlimited cap apply to existing ET claims?

A: No, it applies only to claims submitted after implementation.

HOSPITALITY CHANGES

Q: Are there hospitality-specific updates?

A: Yes, tips must be fairly allocated under the Employment (Allocation of Tips) Act. Also given zero hours contracts are widely used it will be important to keep updated with the Zero hours changes due in 2027. You may find [this](#) article useful.

