

SALISBURY CITY COUNCIL

Subject : Employment Rights Act 2025 and Trans Inclusion policy
Committee : Governance Policy & HR Committee
Date : 23 March 2026
Author : Tracy Adams, Head of Human Resources

1. Report Summary

- 1.1. The Employment Rights Act 2025 (ERA) represents the most significant overhaul of employment law in recent times. Changes are being introduced in phases throughout 2026 and 2027, with the first tranche coming into force on 6 April 2026.
- 1.2. This report gives Councillors an overview of what is changing, what it means for the Council as an employer, and what HR are doing to ensure the Council is compliant.
- 1.3. This report also covers a separate matter, raised by a Councillor, regarding the Council's trans inclusion policy and toilet provision.

2. Background

- 2.1. As an employer, the Council has a legal duty to comply with employment law.
- 2.2. The impact on the ERA changes in April 2026 for Salisbury City Council introduces new rights for employees relating to family-friendly leave. Although there are other changes (for example changes to sick pay and some changes to Trade Union legislation), this report covers the areas where there is a change from current practice in SCC.
- 2.3. The Council's existing HR policies were last reviewed by our external employment law provider. That contract ends in April 2026. Upon closer inspection by Head of HR, a number of policies particularly those covering family-friendly rights such as paternity and shared parental leave contained outdated information. However, for the purpose of updating the ERA changes, this means the policy update task is larger than simply adding the ERA changes on top of existing documentation. The policies need to be updated to reflect previous changes and then updated to reflect the new ERA changes.
- 2.4. HR is managing this carefully and systematically. New policies will be brought to Committee in July 2026 for noting. In the meantime, staff will not be left without access to the rights they are entitled to. There will be regular communication to staff.

Employment Rights Act 2025 - Changes effective April 2026

Change	Effective	Impact on SCC	SCC Action Required
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<p>Paternity leave becomes a day-one right employees</p>	<p>Apr 2026</p>	<p>Low, most SCC staff already meet the service threshold. Paternity leave can now also be taken after a period of shared parental leave.</p>	<p>Update paternity leave policy.</p>
<p>Parental leave (unpaid) becomes a day-one right</p>	<p>Apr 2026</p>	<p>Low-medium staff may now request unpaid parental leave earlier than previously (one years' qualifying service)</p>	<p>Update parental leave policy to remove service requirement.</p>
<p>Sexual harassment becomes a 'qualifying disclosure' under whistleblowing law staff who raise sexual harassment concerns gain explicit whistleblowing protection.</p>	<p>Apr 2026</p>	<p>Low-medium. Staff and managers need to be aware.</p>	<p>Update whistleblowing policy.</p>

2.5. A Councillor has requested that the Council review its trans inclusion policy. This section confirms the current position, explains the legal context, and sets out what the Council will be doing.

2.6. This is a genuinely complex and fast-moving area of law.

2.7. The Council's trans inclusion policy applies to staff only.

2.8. On workplace toilets specifically: the relevant legislation for employers is the Workplace (Health, Safety and Welfare) Regulations 1992, the Council can confirm that there are workplace toilet facilities at SCC premises that consist of fully lockable, self-contained rooms. This means the Council's provision already meets the requirements under the 1992 Regulations and does not require structural changes.

2.9. The trans inclusion policy is currently under review. The Head of HR is working through all relevant guidance including EHRC guidance, the Supreme Court judgment, the February 2026 High Court ruling on workplace facilities, and any further statutory guidance when it is published and will take legal advice where necessary.

2.10. This is an area where the legal position is still developing and where there is, some tension between different legal obligations. The Council wants to get this right both in terms of legal compliance and in terms of treating all staff with dignity and respect.

3. Recommendation:

3.1. It is recommended that the Committee:

3.1.1. Notes the contents of the report.

4. Wards Affected: All

5. Background papers: None

6. Implications:

Financial: None

Legal: Compliance with change to Employment Rights Act 2025 and Equality Act 2010 and H&S Regulations 1992.

Personnel: Policies to be applied to all staff.

Environmental Impact: None

Equalities Impact Statement: The policy around trans toilet provision will have a bigger impact on trans employees than on non-trans employees.