

Change in the definition of Paternity leave - from 1 April 2026



Following the Government's Access and Fairness Consultation in May 2025 which looked to address fairness and equalisation in the scheme across multiple areas, the LGPS regulations have now been changed with effect from **1 April 2026**. The changes will impact both the pension fund and employing authorities.

In this update, we have provided more detail on the changes that employers need to make to be compliant with the new regulations.

Description of change

The definition of paternity leave in the 2013 Regulations is changed to refer to Section 80A or 80B of the Employment Rights Act 1996 instead of the Paternity and Adoption Leave Regulations 2002.

Effective date of the change

1st April 2026

However, the change will only have an effect once The Bereaved Partner's Paternity Leave Regulations 2026 come into force on 6 April 2026.

Impact of the change

Paternity leave is included in the definition of child-related leave in Schedule 1 of the 2013 Regulations. Therefore, assumed pensionable pay (APP) applies during paternity leave, which is usually limited to two weeks.

The right to take bereaved partner's paternity leave of up to 52 weeks is introduced from 6 April 2026. This type of leave will be available in certain circumstances to the partner of a child's primary carer when that primary carer dies after 5 April 2026 and within one year of a child's birth or adoption.

Bereaved partner's paternity leave is a type of paternity leave. It includes same-sex partners. APP will therefore apply throughout any period of leave of this type, whether the period is paid or unpaid.

APP will apply during these periods in the same way as it applies during any other period of child-related leave:

- the member pays contributions on any pay that they receive.
- the employer pays contributions on APP.
- the employer reports APP as the member's pensionable pay to the Fund for the period.

Under the current rules, some members who are in the 50/50 section immediately before they start paternity leave are moved to the main section. This would happen if some or all the paternity leave was unpaid and the unpaid part spanned two pay periods.

Members in the 50/50 section immediately before they take a period of bereaved partner's paternity leave should move to the main section if the leave is unpaid. They should join the main section from the start of the pay period after the date they go onto nil pay.

Absence due to Paternity leave - Forms for the employer to complete

Standard version - [LGPS 5B - Notification of amendments form \(eastsussexpensionfund.org\)](https://eastsussexpensionfund.org/LGPS-5B-Notification-of-amendments-form)

Editable version - [LGPS 5B - Notification of amendments form \(eastsussexpensionfund.org\)](https://eastsussexpensionfund.org/LGPS-5B-Notification-of-amendments-form)

- Send form LGPS 5B again to notify the Fund when the employee returns to work.

Other information

LGPC bulletin 276 – [Bulletin 276 Access and Fairness changes](#)

LGPS member website – [If you are away from work](#)

Further support

Email: employer.engagement@eastsussex.gov.uk

This factsheet is one of a series produced to support employers with processing key tasks.

You can view the full employer toolkit at:

[Employer Toolkit | East Sussex Pension Fund](#)