

Understanding October's extended tribunal time limit



From 1 October, the time limit for most employment tribunal claims has doubled from three months to six months.

This is a big change. Every dismissal, disciplinary, grievance outcome and management decision you make from that date onwards gives the employee twice as long to decide whether to bring a claim against you.

If you're used to the old three-month window, where things either escalated quickly or went quiet, that comfort zone is about to get a lot wider.

Here's what you need to know and what to do about the changes.

What's changing

Before, most employment tribunal claims had to be submitted within three months (less one day) of the incident. So, if you dismissed someone or treated them unfairly on 12 June, they have until 11 September to lodge a claim.

From 1 October 2026, that deadline extends to six months less one day.

It's the same calculation, but the window has doubled. Dismiss someone on 12 October and the deadline for lodging a claim becomes 11 April the following year.

There's an important cut-off to be aware of too.

The new six-month rule only applies to incidents that happen on or after 1 October 2026. Anything that happened before that date still falls under the old three-month limit. So, if you dismissed someone in September 2026, the old rules apply. If you dismiss someone in October 2026, the new rules kick in.

Where a claim is based on a series of events, such as ongoing deductions from wages, the new time limit applies if the last event in that series falls on or after 1 October.



Which claims this covers

The extended time limit covers the majority of claims a small business is likely to face. That includes:

- Unfair dismissal
- Discrimination (all types)
- Whistleblowing
- Wrongful dismissal and breach of contract (in England and Wales)
- TUPE-related claims
- Working Time Regulations breaches
- Deduction from wages
- Part-time worker and fixed-term employee claims

In short, if it's an employment tribunal claim, it's very likely covered.

Why this changes the risk profile of everyday decisions

Under the old three-month limit, you'd usually know fairly quickly whether an ex-employee was going to take things further. If three months passed and nothing landed, you could reasonably assume the matter was done.

That assumption no longer works.

Six months is a long time. Long enough for someone to settle into a new job, get legal advice they didn't initially seek, compare notes with former colleagues or simply change their mind about whether the way they were treated was acceptable.

Issues that felt resolved at the time can resurface well after you've moved on.

And something else that not many business owners are aware of:

On top of the six-month time limit, employees must go through ACAS early conciliation before submitting a claim. That process can last for up to 12 weeks and pauses the clock on the time limit while it's running.

So, in practice, you might not hear about a tribunal claim for nine months or more after the original incident.

That's a long time to rely on memory, informal notes or a belief that things were handled properly.



What your documentation needs to look like from October

From October, you need to be confident that your records can hold up months after the event.

This means that you must get into the habit of documenting:

- The reason for any dismissal and how that reason was communicated
- Disciplinary outcomes, including what was discussed and what was decided
- Grievance responses and the steps taken to investigate
- Performance management conversations, with dates and agreed actions
- Absence management decisions and return-to-work discussions

You don't need to write an essay every time you speak to an employee. A short, factual note with the date, who was present, what was discussed and what was agreed is enough.

The key is consistency. If you document some decisions and not others, the gaps become the problem.



What to do now so you're not left exposed

Even though the new time limit is already in effect, getting on top of it doesn't need to be complicated.

Start by looking at your current record-keeping. Are disciplinary and grievance outcomes being documented properly? Are managers recording performance conversations? Could you produce a clear paper trail for a decision you made four months ago?

Focus there first.

Then brief your managers on the change. They need to understand that the decisions they make now carry a longer tail of risk. Anything like an informal chat that goes wrong, a dismissal without proper process or a grievance that gets brushed aside; those things all now sit in a wider window where a claim can appear.

Make sure that your disciplinary and grievance procedures are being followed consistently. The process itself is your protection. When it's followed properly and documented, defending a claim becomes significantly easier.

And don't assume that silence after a departure means that the issue is closed. Under the new rules, you may need to hold onto records for longer than you're used to and stay prepared for questions that arrive months down the line.



We're here to help

If you'd like support with reviewing your processes and record-keeping before October, an HR consultant can help you to identify where the gaps are and close them before the new rules take effect.

Get in touch for a confidential conversation.



Get in touch



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