

Extension of Employment Tribunal time limits from 1 October 2026

What is happening?

Regulations have been made bringing into force the provisions of the Employment Rights Act 2025 which extend time limits for most employment tribunal claims from three to six months. They will come into force on 1 October 2026.

What is the current position?

Currently, employees have three months within which to bring most employment tribunal claims including unfair dismissal and discrimination (although some claims already have a six-month time limit, for example equal pay claims and statutory redundancy payment claims).

What will change?

From 1 October 2026 all new claims in the Employment Tribunal will have a time limit of six months (in reality six months minus one day). The change will apply to claims where the cause of action – the act, conduct or failure complained of or, where there is a series of acts or failures, the date of the last act or failure in that series occurs on or after 1 October 2026. Claims based on a relevant date before 1 October 2026 remain subject to the previous limitation rules.

The provisions on 'stopping the clock' running on the time limit for a claim once ACAS has been contacted regarding early conciliation are not affected by the new time limits and neither is the tribunal's existing power to extend time in appropriate cases.

The change is intended to encourage early conciliation and settlement discussions.

What will this change mean for employers in practice?

Where settlement agreements are used the longer time frame to commence proceedings may facilitate agreements being finalised without the individual filing a protective claim.

Where a settlement agreement is not used, the longer time limit will mean that employers will not have the certainty that no litigation is pending until the expiry of six months (plus any extension due to ACAS early conciliation) rather than three. Employers should therefore take care to continue to preserve relevant documentation in case it is needed in the context of a future dispute.

This change, together with last year's increase to the maximum ACAS early conciliation period (now 12 weeks) and the ongoing backlogs in the Employment Tribunal system) is likely to mean that a final Employment Tribunal hearing may be scheduled a long time after the act, omission or dismissal which is the subject of the dispute. This may negatively affect witness evidence due to fading of memories and also the risk that witnesses have moved on to new employment by the time the hearing takes place.

BDBF is a law firm based at Bank in the City of London specialising in employment law. If you would like to discuss any issues relating to the content of this article, please contact Knowledge Lawyer Sophie Cameron (sophiecameron@bdbf.co.uk) or your usual BDBF contact.