Employment Tribunals: Understanding the Risks for Employers

Employment tribunal claims can concern dismissal, discrimination, unpaid wages, holiday pay and other workplace rights. A fair decision supported by contemporaneous records is easier to explain than an account reconstructed months later.

1. Know the kinds of claims that arise

Claim area	Records worth maintaining
Dismissal or disciplinary action	Allegations, investigation notes, hearing invitations, statements, reasons and appeal.
Discrimination or harassment	Policies, complaints, risk assessment, investigation, adjustments and actions taken.
Pay and holiday	Hours, pay calculations, payslips, entitlement history and corrected records.
Contract disputes	Written terms, agreed changes, communications and versions in force.

2. Understand the new claim time limits

For most relevant employment tribunal claims concerning events on or after 1 October 2026, the usual limitation period increased to six months; earlier events generally retain the preceding three-month limit. There are claim-specific exceptions, and Acas early conciliation affects how time is calculated. For employment-contract breach claims in Scotland, the new timing takes effect on 9 November 2026. Always check the facts and claim type rather than assuming one deadline applies universally.

3. Prevent process failures before a claim arises

Explain allegations clearly, investigate appropriately, let employees respond, consider relevant statutory protections and provide a genuine appeal where required. For grievances, respond promptly and keep evidence of the steps taken. Where medical conditions or protected characteristics are involved, consider adjustments and discrimination risks.

Example A | A dismissal based on unrecorded complaints

A manager dismisses an employee after several alleged incidents but cannot identify dates, witnesses or earlier warnings.

Employer response: The employer will struggle to demonstrate a reasonable investigation and process. Consistent written evidence and an opportunity to respond would have materially reduced uncertainty.

4. Preserve evidence carefully

Retain accurate versions of policies, contracts, attendance and pay evidence, correspondence and management notes. Keep medical and other sensitive records restricted; do not indiscriminately circulate case files. If a dispute is reasonably anticipated, review normal deletion arrangements so relevant material is not lost.

5. Use early resolution where appropriate

Internal discussion, a grievance, mediation or Acas early conciliation may resolve some disputes before a hearing. A tribunal may also scrutinise whether an employer followed the Acas Code in relevant disciplinary and grievance cases.

How Assyst helps employers maintain an evidence trail

Assyst brings together HR records, policies, employee communications, working patterns, time and attendance, holiday and payroll calculation information. Its disciplinary and grievance case facilities allow authorised HR users to retain investigation material, statements, hearing documents, outcomes and related correspondence in one controlled employee record.

Discuss your workforce requirements with Assyst

Assyst Workforce Management is a workforce management platform for multi-site employers, bringing together HR and paperless onboarding, time and attendance, workforce scheduling, payroll calculations, task management and a mobile staff app. To find out more or discuss how Assyst could support your business, visit www.assyst.uk and contact us through the website.

Useful official sources

GOV.UK — Employment tribunals
https://www.gov.uk/employment-tribunals

GOV.UK — Check if you can make a claim
https://www.gov.uk/employment-tribunals/check-you-can-claim

Acas — Early conciliation
https://www.acas.org.uk/early-conciliation

GOV.UK — Employment Rights Act implementation timetable
https://www.gov.uk/government/publications/implementing-the-plan-to-make-work-pay-and-employment-rights-act/plan-to-make-work-pay-and-employment-rights-act-timeline-update

General guidance for employers in Great Britain, reviewed November 2026. Contract terms and individual circumstances may require professional advice.