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Monday Morning Dispatch

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MONDAY MORNING DISPATCH
BY Chadwick Lawrence

YOUR WEEKLY EMPLOYMENT LAW NEWSLETTER FROM CHADWICK LAWRENCE LLP

Coming up this week...

- This week on the Legal Alternative Sam gives an update on coming changes to unfair dismissals and what to consider when navigating probation periods going forward.
- James Lockwood explores the upcoming reforms to Trade Union Access Rights under the Employment Rights Act 2025 taking effect on 30th October 2026.
- Our final event of the year, the mock tribunal, takes place tomorrow! With a few spots still left to grab, secure your place now...

The Legal Alternative Podcast

This week on the Legal Alternative Sam gives us a brief employment rights update and delves into changes coming to unfair dismissals.

If you have a topic you would like to discuss or fancy a spot on the pod please reach out to emilyshepherd@chadlaw.co.uk



In the News

[Changes to Trade Union Access Rights: What Employers Need to Know from 30 October]





Previously employers and trade unions have largely relied upon voluntary discussions and agreements regarding workplace access. However, as of 30 October for organisations with over 21 employees, a trade union will no longer be required to finish those voluntary discussions before commencing with a formal statutory process.

The introduction of enforceable statutory rights enabling trade unions to access the workplace represents a significant change in direct access, but what will the change in access look like, what responsibilities will the employer have and how can employers prepare?

What is the change in access?

Going forward when seeking direct access into the workplace trade unions can now proceed via a statutory request instead of seeking voluntary access. Once a statutory request has been made the employer will have a strict 15 day window to respond to the request, confirming whether it agrees or disagrees to access setting out its reasons for the decision. Correspondence will be communicated using the standard response forms issued by Acas.

The employer's response will then initiate a strict 25 day negotiation window for access terms between the organisation and the trade union to be agreed upon. If an agreement cannot be reached during the 25 day period, the trade union can then apply to the Central Arbitration Committee (CAC) to enforce the access request.

In the event a trade union has to go to the CAC, they can issue a declaration that a breach has occurred during the negotiation period, stating that the organisation has unreasonably prohibited the trade union access. In the event a breach does occur the CAC can issue a compliance order. If another breach occurs within 12 months of the compliance order, the organisation can then be subject to a fine ranging from £75,000 to £500,000.

What will direct access look like?

The regulations set out that trade unions will be able to request both physical and digital access to the workplace, which may be requested upon a weekly basis. Physical access will look like the union coming into the workplace for meetings, presentations and general recruitment whereas digital access will allow trade unions access to messaging systems, online meetings and emails. Effectively, the aim is to provide train unions with the communication opportunities that are available to employees.

How should organisations prepare?

Given the strict statutory process that is now in place, organisations should prepare a clear process to handle a request should they receive one, to ensure that they remain compliant. Key things to consider in the process will include:

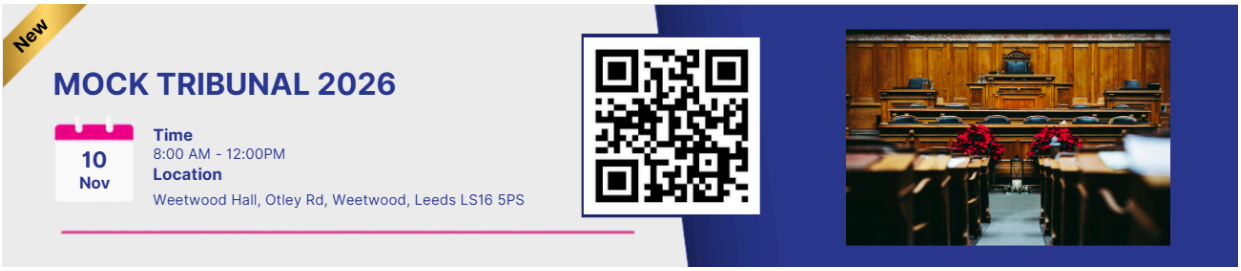
· Creating a designated email address for access requests.

· Appointing a designated person to manage and respond to requests.

· Having a system in place that is ready to record, monitor and store requests to ensure that all requests are acted upon in the required time limits.

The new trade union direct access rights represent a huge shift in an organisations requirement to formally correspond with trade unions. By introducing enforceable rights, the legislation ensures that trade union requests are dealt with promptly and access is only refused when there are genuine reasons for doing so. Employers should ensure that they are prepared to respond to any access requests, with clear processes in place to maintain compliance with the new requirements.

Upcoming Seminars & Events



Mental Health Awareness Sessions

We're partnering with Tailored Learning Solutions to offer two day, in person, accredited Mental Health First Aid courses at our Wakefield office.

Accredited by MHFA England® and the Royal Society for Public Health, MHFAiders will improve knowledge and develop skills to support someone who may struggling and what to do with crisis support.

🔗 More info on MHFA and ND courses can be found here:
https://www.tailoredlearningsolutions.co.uk/mental-health-first-aid

Contact Us



For questions, feedback, article ideas, or story contributions, email boxhr@chadlaw.co.uk and we'll be in touch.

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