



We recognise that employment law is changing rapidly and are pleased to offer Help to Grow alumni **a complimentary 15-minute consultation**, subject to availability.

No	Question	Response
1	Can I extend the probation period, with shorter notice and no disciplinary process, beyond 6 months if contract allows?	You may extend probation beyond six months if the contract allows, but probation does not postpone statutory rights. From 1 January 2027, employees will qualify for ordinary unfair dismissal protection after six months' continuous service, including existing employees who have reached that threshold. Employers should confirm any extension in writing before probation expires, stating the reason, length, required improvements, support and review arrangements. A dismissal after the qualifying period must be for a potentially fair reason and follow a fair procedure. Shorter contractual notice or a modified probation process cannot override statutory notice, discrimination protections or automatically unfair dismissal rights.
2	What happens if someone appeals termination within probation? Does that need to wrap up within the 6 months too?	The appeal does not have to be completed within six months. Qualifying service is generally assessed at the effective date of termination, although the statutory minimum notice period may be added when calculating service. If an appeal fails, the dismissal usually remains effective from the original termination date. If it succeeds, the dismissal will normally be treated as overturned and continuity restored.
3	What is your thoughts on ever increasing submission of AI generated claims to acas/tribunal?	The increasing use of AI to draft grievances, ACAS notifications and Employment Tribunal claims is creating practical challenges. AI can help individuals organise and articulate their concerns, but it can also produce lengthy or formulaic submissions, include inaccurate legal assertions, or obscure the underlying facts and the outcome being sought. Employers should therefore avoid making assumptions about the merits of a complaint merely because AI appears to have been used. The appropriate approach is to identify the material factual allegations, seek clarification where necessary and respond to the substance of the case. Ultimately, a claimant remains responsible for the accuracy of their case and must be able to explain and evidence the allegations made. Tribunals are increasingly alert to the risks associated with AI-generated material, including inaccurate or misleading content. Similar issues can arise where legal service providers rely heavily on automated processes, particularly if this results in unrealistic valuations or makes meaningful conciliation more difficult. In those circumstances, it is sensible to request a clear breakdown of the claims and alleged losses, test the legal and factual basis of each element, and continue to engage constructively through ACAS where appropriate.
4	Just to clarify does the legislation kick in for employees appointed post January or would it affect someone	The change applies to existing employees as well as new starters. From 1 January 2027, employees with at least six months' continuous service will qualify for ordinary unfair dismissal protection. Someone starting in September 2026 would therefore qualify when they reach six months' service in March 2027.

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	employed in September for example	
5	If you pay company sick pay can you still enforce a three day waiting period?	Yes, but only for enhanced company sick pay. Since 6 April 2026, SSP has been payable from the first full day of sickness, so statutory pay cannot be withheld for three waiting days. A company scheme may delay any payment above SSP if its contractual terms permit this and existing contractual rights are respected.
6	Can we challenge actually sick vs couldn't be bothered to come in?	An employee can self-certify for the first seven calendar days of sickness and is not required to provide medical evidence during that period. However, any genuine concerns about the reason for the absence can be explored sensitively during a return-to-work meeting. The employee should be given an opportunity to explain the circumstances, and any further action should be based on evidence rather than assumption. Holding a return-to-work meeting consistently after each absence also reinforces that attendance is monitored and may discourage casual or avoidable absence from recurring.
7	If there was no appeal or objection within internal processed can they still go to tribunal	Yes. An employee can still bring an Employment Tribunal claim even if they did not appeal or raise an objection through the internal process. However, where the ACAS Code applies, a tribunal may take an unreasonable failure to appeal into account and could reduce any compensation awarded by up to 25%. An internal appeal does not extend the deadline for notifying ACAS, so the employee must still act within the applicable tribunal time limit.
8	Is a UK passport sufficient for right to work checks?	A UK passport is an acceptable right to work document, including where it has expired, provided it shows that the holder is a British citizen. However, simply seeing the passport is not enough to establish a statutory excuse. The employer must complete a prescribed right to work check before employment begins, either by carrying out and retaining a compliant manual document check or by using a registered third-party Digital Verification Service Provider. The current requirements are set out in the Government's right to work checks guidance . Our recommendation would be to use a registered third-party checking service, as this provides a consistent and reliable audit trail and is a relatively small expense in the wider context of protecting the business against the risks and potential penalties associated with an inadequate check.
9	How can people take passports to work especially if you are working as an agency person. Where does	Since 1 October 2026, right to work requirements also cover certain workers and individual subcontractors, including some agency arrangements. Individuals do not need to carry a passport routinely: the appropriate manual, Home Office online or registered digital check should be completed before work starts. Where an agency supplies the worker, responsibility and potential extended liability depend on the

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	confidentiality and privacy lie	contractual arrangement. The end-user should obtain written confirmation that compliant checks have been completed and consider appropriate warranties, evidence and audit rights. Right to work records are personal data and must be restricted, stored securely and retained in line with Home Office requirements and the organisation's data protection policy. Further detail is available in the Government's right to work checks guidance .
10	For RTW ID Check Do we have any alternative? Digital ID Check are still Cost bases	Yes. Depending on the individual's status and documents, you may carry out a manual document check, use the free Home Office online service where the individual has a share code, or use the Employer Checking Service where applicable. A paid registered digital verification provider is not mandatory. However, a manual check may be difficult to arrange for remote workers because the employer must examine the original document with the individual present. The increasing sophistication of fraudulent passports can also make it challenging for staff to determine whether a document is genuine. A registered digital verification provider may therefore offer a more practical and consistent process, particularly for remote recruitment, while providing a clear audit trail. Failure to complete the correct check may leave the business without a statutory excuse and exposed to a civil penalty of up to £60,000 for each illegal worker.
11	Can we update contracts without employees agreeing to the changes?	Generally, no. Contractual terms should normally be changed by agreement after genuine consultation, with the agreed change confirmed in writing. A clear flexibility clause may permit limited reasonable changes, but it will be interpreted narrowly and is unlikely to justify a fundamental change. Imposing changes may lead to claims for breach of contract, unlawful deduction from wages or constructive dismissal. If agreement cannot be reached, dismissal and re-engagement should be considered only as a last resort, following meaningful consultation, exploration of alternatives and the applicable statutory Code. Any change to the statutory written particulars must be confirmed in writing within one month.

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