

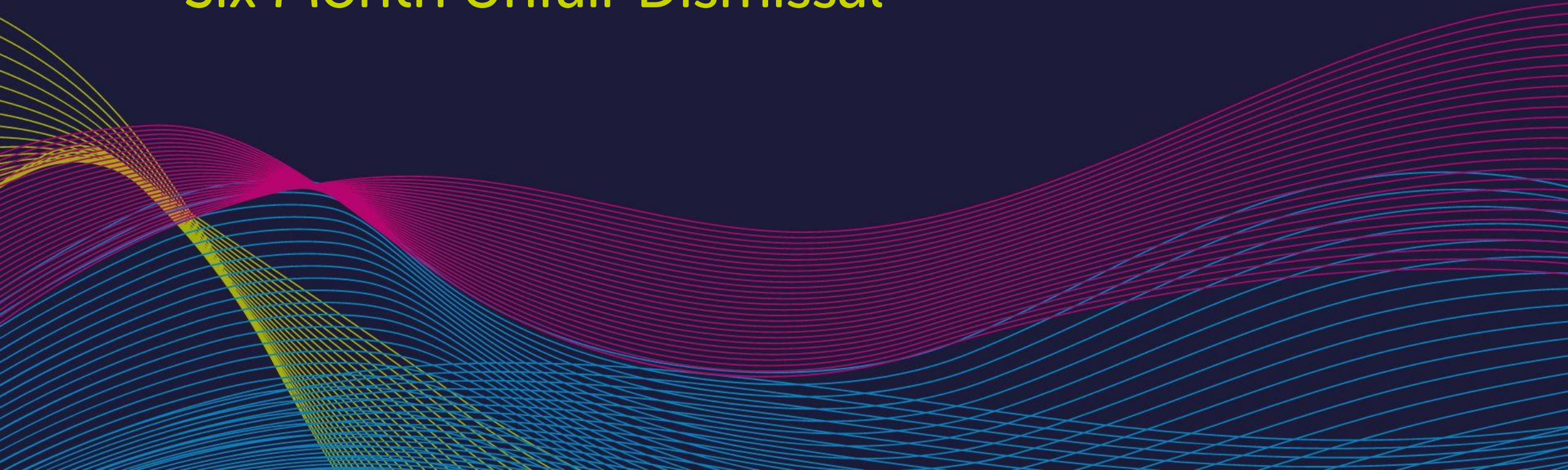
Coffee Break Briefing 03 December 2025

End of the Year
Looking back
Looking ahead



~~Day One Unfair Dismissal~~

Six Month Unfair Dismissal





What did last week mean?

- Day one plans abandoned
- Two year qualifying period reduced to six months
- Likely to scrap the IPE/Statutory Probation Period
- Possible changes to the award regime




Impact on Implementation

- Some slight confidence on the recruitment front
- Could be implemented quicker - no suggestion of this yet
- May have also seen the extension to 12 weeks Acas EC Period

Case Law 1





Signify to me that you are still paying
attention



When is agreement not an agreement?

- WhatsApp message to all staff about training courses
- Stated that costs were recoverable from wages if they left before the end of the training
- Staff asked to signify they agreed with a thumbs-up
- Claimant did so



Unlawful Deduction

- Deductions from pay must be either permitted by law or
- Agreed “in writing”
- Interpretation Act 1978 did not envisage emojis and requires in writing to be:
typing, printing, lithography, photography and other modes of representing or reproducing words in a visible form



**Mrs A Rothwell v Gray's Inn Medical Group
Ltd and Dr P N Fard**

Key Changes In 2025





Key Changes This Year

- The Employment Rights Bill
- Rolled-up holiday pay became legal
- HR1 Forms have just gone digital
- Worker Protection Act preventative duty (Oct 2024) but enforcement started this year
- Neonatal Care Act as of 06 April

Case Law 2





Perception of Harassment

- Claimant brings harassment claim based on age
- Failure to deal with grievances raised about the noisy fun her junior colleagues were having while she was working
- Found it difficult to watch “extreme time wasting and low productivity” from “noisy and boisterous” younger colleagues



Harassment

- Unwanted conduct
- Connected to a protected characteristic
- Which has purpose or effect as required under the Act
- Section 26(4):
 - (a) the perception of B;
 - (b) the other circumstances of the case;
 - (c) whether it is reasonable for the conduct to have that effect.



C Ritchie v Groom Electrical Limited

Looking Ahead to 2026





Early 2026

- Consultations on bereavement leave and enhanced dismissal protections during pregnancy and maternity
- Day-one family friendly rights in April: paternity and unpaid from day one
- SSP Reform in April: removal of waiting period and LEL
- Start of changes to TU rules – initially balloting and recognition

Festive Case Law





Festive Caution

- Reminder the Christmas parties can be “extensions of the workplace”
- The preventative duty does still apply
- Good news: data from 2024 showed office Christmas parties featured in *fewer* claims



Secret Santa harassment?

- Cochrane v Neerock Limited
- Homework: look up what happened
- New employee not present at time image posted but saw it later when he was added to the chat
- Employee resigns in response and initially tries CUD and adds sexual harassment claim
- In evidence said he saw the post “as a laugh”

Any Questions?



Next Session

Wednesday 14 January

