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Anticipating Changes in Employment Tribunals: What to Expect and How to Adapt

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Anyone who has been involved in an Employment Tribunal case recently will know that the Tribunals are under incredible pressure.

Whereas five years ago we may have advised a client that they could expect a case to reach final hearing within six to 12 months currently many Tribunals are listing their hearings well into 2026. Expert lawyers in our Employment team analyse how these trends may develop over the coming years and offer strategies for employers to navigate these challenges effectively.

What changes could we see?

If Labour win the election next week, they propose sweeping changes to employment rights, as detailed in our Future Workspaces insight series. We expect this will lead to a significant rise in the number of Tribunal claims in the coming years. In addition, there are proposals to increase the time limit for commencing a claim from the current three months to six months, further increasing claim volume.

Currently, there are limited details on how this rise in claims will be managed. At present, the proposals are limited to some vague expectations that digitisation will deliver significant efficiencies.

In the short term, we can expect to see a rise in claim numbers alongside continued delays in hearings and responses to correspondence. Over the long term, the effectiveness of these changes will depend on whether significant funding and structural reforms are implemented to meet future ambitions for employment law.

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Employers should plan for this now

Many employment disputes are already lengthy, and even longer delays before hearing can cause a significant headache. This is particularly the case because manager memories fade far more quickly than those of the employee (because for one side it is personal) and the longer the timescale, the more likely key witnesses are to move job.

What steps can employers take to prepare:

- **Records of key meetings**

Ensuring that notes are kept of meetings and conversations about any sensitive issues like pay, working hours or performance

- **Potential dispute audit**


Think about including a potential dispute audit into your leaver process. Once a manager has left, their inclination to assist with a dispute at their former place of employment is low. Gathering information as part of the exit process, including witness statements if necessary, will help plug this gap

- **Settlement agreements**


If you are entering a settlement agreement with a departing employee (for example on an enhanced redundancy) include a clause requiring assistance with future litigation or investigations

- **Data retention policies**

Think about data retention policies and use of workspace collaboration apps such as Microsoft Teams. It can be particularly frustrating if an employee has screenshot selected sections and you do not have the context from the messages surrounding it.



In the coming months and years, significant changes are anticipated, ushering in a period of transition for both employers and employees.





Long Tribunal delays could create increased opportunities for settlement. When a dispute arises, emotions can run high, and employees often have very high expectations for the value of a settlement. Over time, these expectations may soften, but as the final hearing approaches, parties might feel that, having already invested in preparation, they should proceed with the hearing.

Extended waits for a final hearing may provide a window for settlement, especially for an employee who is out of work and may find immediate compensation far more valuable than waiting many months for a potentially larger sum.

In the coming months and years, significant changes are anticipated, ushering in a period of transition for both employers and employees. Staying informed about these changes will help you stay ahead.



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