



October 2026 Update

Welcome to this month's update - where we discuss the latest guidance and legislation.

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Autumn review

Employees return from summer holidays. Projects regain momentum. Recruitment plans restart. Managers begin looking towards year end.

This can also be the point when the people concerns that were easier to postpone during the summer come back into focus.

A probation review is overdue. Managers have concerns about performance but have not addressed them. Changes to employment rights are approaching, but nobody is quite sure what needs to happen first.

You do not need to resolve everything at once. Start With an Autumn People Review
Before the final part of the year becomes too busy, take a step back and look at what is happening across your business.

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You may want to ask:

- Are there any performance or conduct concerns managers have been avoiding?
- Are probation reviews, one-to-ones and annual reviews taking place when they should?
- Are absence levels or patterns causing concern?
- Do employees and managers understand current priorities and expectations?

Employers: remember now employees can claim unfair dismissal after 6 months, so make sure probation reviews are carried out well before this.

Contact us: we can help with supporting your business.

Trade union right of access

On 30 October 2026, trade unions will gain new rights to access workers. This represents the most important change to UK trade union law in years.

A trade union will be able to request physical and/or digital access to workers for the purpose of meeting, supporting, representing, recruiting and organising them.

Key to these changes are that unions will be able to make requests even where they are not recognised and have little or no existing presence within the workforce.

Duty to Inform employees

The duty to inform workers of their right to join a trade union, which was originally due to come into effect on 30th October, has been pushed back to January 2027.

Key points:

- There will be a standardised statement for employers to issue, set out in regulations. No amendments will be allowed.
- The written statement will need to include a brief explanation of union functions, a list of and information on recognised trade unions and/or statutory access agreements (where applicable) and a summary of statutory rights.

The written statement will provide 'clear, neutral' information on the right to join a trade union as well as a brief explanation of union functions, a link to the Certification Officer's list of trade unions and a summary of statutory rights.

- For new workers, the statement will need to be provided directly at the same time as their written statement of particulars.

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- For existing workers, the statement can be delivered directly or indirectly – but must be reasonably accessible.
- Where existing workers are informed directly, this must be repeated annually by 5th April.
- Where indirect methods are used, the employer needs to make sure the statement remains continuously available – and issue an annual reminder of where to find it.

Employers: only businesses with less than 21 workers are exempt from these rules.

Contact us: we can advise on these new changes.

Right to work checks extended

From 1 October 2026, Right to Work obligations will extend beyond traditional employers to businesses using contractors, agencies, subcontractors and certain platform or matching services.

With civil penalties of up to £60,000 per illegal worker, businesses should review their contracts, checking processes and supply chains to ensure these checks are carried out.

If businesses use an agency, ensure they complete the checks and provide a signed pro forma or contractual confirmation. Retain proof of the check (such as online share code results or document copies) for the duration of the engagement and for an additional two years after their engagement ends.

For manual checks, clear copies of the original documents alongside a recorded confirmation of the exact date the check took place is needed. For online checks, a downloaded PDF copy of the official Home Office "profile" page showing the individual's photograph work conditions and the check date should be stored.

Employers: review your Right to Work procedures.

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Caroline has a wealth of experience supporting business clients with practical hands on HR and Employment Law advice. Caroline's pragmatic approach helps businesses of all sizes deal with complex HR situations. She qualified as a Solicitor in 1999 and now acts as a specialist Human Resource / employment Law Consultant to business.

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