



Employment Rights Act 2025

Employment Tribunal Employer Records Checklist

Purpose

From 1 October 2026, the time limit for bringing most Employment Tribunal claims increases from three months to six months.

Good record keeping can be crucial if an employer later needs to explain or defend a workplace decision.

Use this checklist to review whether important employment records are being created and retained appropriately.

Employee Documentation

- Contract of employment
- Contract variations
- Relevant policies
- Job description
- Pay records
- Working arrangements

Employee Relations

Where relevant, retain appropriate records of:

- Disciplinary processes
- Grievances
- Investigations
- Performance management
- Absence management
- Flexible working requests
- Reasonable adjustment discussions
- Complaints
- Informal management conversations where appropriate

Decision Making

Records should make clear:

- What happened?
 - What information was considered?
 - Who made the decision?
 - Why was the decision made?
 - Was the employee given an opportunity to respond?
 - Were alternatives considered?
 - Was the process consistent with relevant policies?
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Redundancy

Where applicable:

- Business rationale
 - Pooling decisions
 - Selection criteria
 - Scoring
 - Consultation notes
 - Alternatives considered
 - Suitable alternative vacancies
 - Outcome correspondence
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Communications & Evidence

Consider relevant:

- Emails
 - Letters
 - Meeting notes
 - Witness evidence
 - Messages
 - Supporting documents
 - Employee responses
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Data Protection

Longer Employment Tribunal time limits do not mean employers should retain every piece of employee information indefinitely.

- Have clear retention periods
 - Only retain information that is necessary
 - Keep records securely
 - Restrict access appropriately
 - Dispose of records securely when no longer required
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Good Practice

- Make records contemporaneously
 - Keep notes factual and professional
 - Avoid inappropriate comments in emails/messages
 - Record the reasoning behind important decisions
 - Seek advice early where risk is identified
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Need Help?

Our HR experts can help you prepare for the October Employment Rights Act changes, review your HR documentation and provide practical support with implementation.

Contact HR:4UK today if you would like help preparing your business.



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FINAL NOTE

Good record keeping is about more than preparing for a potential Employment Tribunal claim. Clear, accurate and timely records can help demonstrate how decisions were reached, support consistent people management and enable workplace concerns to be dealt with effectively. Records should always be retained and managed in accordance with your organisation's data protection and retention requirements.

Disclaimer

This checklist is intended as general guidance only and does not constitute legal or data protection advice. The records that should be created or retained, and the appropriate retention period, will depend on the circumstances and applicable legal requirements. Employers should not retain personal data indefinitely solely because a potential Employment Tribunal claim may arise and should seek advice where appropriate.

