



Employment Rights Act 2025

Trade Union Reforms -

What do you need to know (and do)

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Summary

Ailsa explores how changes under the Employment Rights Act are impacting trade union law, outlining what's already changed, and what's still on the way.

Actions

Download our Model Policy pack, updated to reflect the latest changes for trade unions.



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"The Employment Rights Act 2025 brings some of the biggest changes to trade union law in recent years. For most sectors, this is important, but for schools and Trusts, it's even more significant."

Why?

Education has traditionally high union membership. With disputes coordinated nationally and immediate safeguarding responsibilities when industrial action does take place.

For academy trusts, there's the increased risk of reputational damage that comes with managing union actions across multiple sites, making it vital to keep things consistent.

This means that a change in the rules is going to be practical, not just theoretical, with the emphasis now being less on technical challenges and more on preparation, consistency and evidence.

So what's changed? What's coming? And what does this mean for you?

What's already changed?

From 18 December 2025



Minimum Service Levels have gone

Now that the Strikes (Minimum Service Levels) Act 2023 has been repealed, employers can no longer issue 'work notices' requiring named staff to work during strikes.



Fewer procedural barriers for unions

Many restrictions introduced under the Trade Union Act 2016 have been removed or relaxed, meaning that there are fewer technical hurdles in the way of industrial action.



Stronger protections from detriment

Protections for workers involved in trade union activity has been strengthened and extends beyond dismissal to wider 'unfavourable treatment'.

What does this mean for you?

These changes place more power in the hands of those taking industrial action.

This doesn't necessarily mean more disputes, or even more strikes are on the way, but it does mean that fewer are likely to fall away on technical grounds.

If you've found yourself relying on procedural defects to prevent action in the past, you should now prepare for actions to proceed once balloted.

If your contingency plans assume minimum cover might be enforced, lawful industrial action could involve a full withdrawal of labour- Now is the time to revise them.

During disputes, even informal decisions can be scrutinised. Consistency and careful documentation are critical in order to demonstrate that no unfavourable treatment has taken place.

What count as 'unfavourable treatment' risk areas?

- Allocation of duties
- Timetabling decisions
- Access to CPD or opportunities
- Treatment after strike participation

From 18 February 2026

Industrial action becomes easier to organise and sustain. Here's how:



Less scope to block action on technicalities

Industrial action notices and ballot notices no longer need to meet rigid precision requirements. Minor errors are far less likely to invalidate action.



Further rollbacks of 2016 requirements

You'll now need to be wary of assumptions around thresholds, notice technicalities or administrative requirements.



Strike mandates extended to 12 months

Successful ballot mandates now last 12 months without employer consent. Disputes could now span multiple terms or academic years, so scenario plans should now cover long-term disruption.



Stronger protection from dismissal

Dismissals or disciplinary action linked (even indirectly) to strike participation carry heightened tribunal risk.

What should schools and MATs do?

Our advice? Focus on operational readiness and consistency by reviewing the following:

Your Trade Union Law Action Checklist



Refresh your industrial action protocols (attendance, payroll deductions, communications).



Standardise approaches across the trust to avoid school-by-school inconsistency.



Scenario plan for single-day strikes, rolling action and partial performance.



Train leaders on lawful boundaries – especially around detriment and pressure.



Audit record-keeping so decisions and pay deductions are clearly evidenced.

Still to come...

Bearing in mind that timelines are ever shifting, here's what we anticipate is on the way in 2026.

From April 2026 Simplification of trade union recognition

The Employment Rights Act is also making it for unions to secure statutory recognition for collective bargaining.

While we're awaiting detailed regulations, there are set to be fewer technical hurdles for a more streamlined process overall.

As with the wider reforms, emphasis is shifting from technicality to substance.

If a union is formally recognised, the employer must negotiate with it on specified matters – usually pay, hours and holidays for the agreed bargaining unit.

Many schools and MATs already have recognition arrangements in place. However, we may see new recognition requests at trust level, applications in previously non-recognised academies or even greater scrutiny of existing arrangements.

You'll still have a say, but resisting recognition on technical grounds is likely to get harder.

Reforms are expected to:

- Simplify parts of the Central Arbitration Committee (CAC) process.
- Reduce procedural barriers that previously delayed or blocked applications.
- Relax certain thresholds or technical requirements.

How to prepare for the changes



Know your position: Be clear what recognition arrangements already exist and at what level.



Think trust-wide: Inconsistent approaches across MATs can create risk and complexity.



Engage early: A streamlined process may leave less time to react once an application is made.



Avoid reactive decisions: Actions during recognition campaigns will be scrutinised under strengthened detriment protections.

From October 2026 Statutory right of union access to workplaces

Subject to confirmation, trade unions are expected to gain a formal legal right of access to workplaces.

Access agreements still need to be reasonable and proportionate- With a proposed framework on the way to govern how and when access can take place.

You won't lose control of your school sites. In fact, you'll still be able to set reasonable parameters to meet safeguarding, health and safety and operational needs. However, outright refusal becomes harder to justify.

Under right of workplace access, Union members can:

- Meet with members (and potentially non members)
- Discuss representation matters
- Support collective bargaining
- Recruit and organise.

Your protocols should...



**Protect
safeguarding and
site security**



**Ensure consistency
across schools within
trusts**



**Avoid inadvertently
obstructing lawful
access**

Statements to confirm workers rights to join a union

Most schools already reference freedom of association in policies- So while this isn't a major administrative burden, it will shift from best practice to statutory requirement.

Failing to provide statutory statements of workers rights to join a union could now lead to tribunal awards, and reputational risk - Particularly if combined with wider allegations of anti-union treatment.

Done well, this should be a nice, straightforward update. Overlooking it could create unnecessary exposure.

As a statutory requirement, schools should

- Review their offer packs and onboarding documentation
- Ensure union wording surrounding union membership is accurate and up to date
- Align messaging across all schools if in a MAT

The overall message

In summary, industrial action is now:



Easier to organise



Harder to stop on technical grounds



Subject to longer timelines



Higher risk for employers as responses are inconsistent or poorly documented

What it means for schools and trusts

Your focus must move away from procedural challenges and towards planning, consistency and evidence-based decision-making.

If you would like support with any of the issues covered here, your usual EPM Advisor will be happy to talk you through the changes so reach out if you need us!

Your Trade Union Policy Pack

Looking to refresh your policies? Here's one less thing to worry about, we've done the hard work for you!

Sign in to our Customer Hub for updated model protocols and guidance to reflect the latest frameworks.



- **Model Industrial Action Protocol**
- **Model Industrial Action Checklist**
- **Model Union Access Agreement**
- **Model Staff Communication on Industrial Action**
- **Model Parents and Carers Communication on Industrial Action**
- **Payroll Deduction Guidance for Schools and MATs**
- **Partial Performance Decision Flow Chart**
- **Model Statement of Trade Union Rights**