

Unfair Dismissal:

Know Where You Stand

Who is protected, what makes a dismissal fair, notice, and the short time limits.

 Last reviewed: October 2026

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 England, Wales & Scotland, with Northern Ireland differences

ukworkrights.co.uk

Length of service matters

- England, Wales and Scotland: you currently need at least 2 years of continuous employment to claim ordinary unfair dismissal.
- If your employment ends on or after 1 January 2027, you need at least 6 months.
- No minimum service is needed for an automatically unfair reason, such as whistleblowing, pregnancy, or raising a health and safety concern.
- Workers who are not employees are not usually protected against unfair dismissal.

⚡ THE KEY POINT

A dismissal because of a protected characteristic (such as disability, race, sex or age) is a discrimination claim, and needs no minimum length of service.

How a tribunal looks at it

- It is for your employer to show the reason for dismissing you, and that it was a fair kind of reason.
- The tribunal then decides, looking at all the facts, whether dismissing you for that reason was reasonable, including how your employer went about it.
- It might be unfair if there was no fair reason, the reason was not enough to justify dismissal, or your employer did not follow a fair procedure.
- For misconduct or poor performance, the fair procedure should follow the Acas Code of Practice on disciplinary and grievance procedures.
- You can appeal through your employer's appeal process.

Dismissal and long-term illness

- You can be dismissed if a persistent or long-term illness makes it impossible to do your job.
- Before taking any action, your employer should look for ways to support you, and give you reasonable time to recover.
- Acas says dismissal because of long-term illness should be a last resort.
- The Acas Code does not apply to a dismissal for genuine ill health with no misconduct or poor performance (Holmes v Qinetiq Ltd, 2016), but your employer must still follow a fair procedure.

What you're owed when you go

- Dismissed while pregnant, or on maternity or adoption leave: your employer must give the reasons in writing, even if you do not ask.
- Otherwise, with at least 2 years' service (GB) you can ask for written reasons, and your employer must give them within 14 days of you asking.
- Statutory notice for employees with at least 1 month's service: 1 week (1 month to 2 years); 1 week per full year (2 to 12 years); 12 weeks (12 years or more). Your contract can give more, not less.
- No notice is owed if your employer is entitled to dismiss without notice because of your conduct, for example gross misconduct.

Act fast

- England, Wales and Scotland: 3 months less 1 day from the act, or 6 months less 1 day where it happened on or after 1 October 2026.
- In Scotland, breach of contract claims (such as unpaid notice pay) stay at 3 months less 1 day for now.
- Before most claims you must notify Acas for early conciliation. It is free, and pauses your time limit — but only if you notify Acas within the time limit.

▲ WATCH OUT

Your exact date depends on your facts. The tribunal deadline guide explains how to count.

Different service, different deadlines

- You need at least 1 year of continuous employment to claim ordinary unfair dismissal. The GB change to 6 months from January 2027 does not apply.
- With 1 year's service you can ask for written reasons; your employer must give them within 14 days.
- Dismissal for using one of your legal employment rights (such as a written statement, payslip, minimum notice or a flexible working request) is automatically unfair. Being unfairly selected for redundancy is also unfair dismissal.
- Most claims, including unfair dismissal: 3 months less 1 day. Notify the LRA first; if you do so within your time limit, the clock stops for up to 1 calendar month, plus up to 14 more days if both sides agree.

Frequently asked questions

Q I've worked here 18 months and was dismissed in November 2026. Can I claim?

In England, Wales and Scotland, not for ordinary unfair dismissal — you need 2 years where the employment ends before 1 January 2027. Automatically unfair reasons and discrimination need no minimum service. In Northern Ireland, 1 year is enough.

Q Do I have to appeal first?

You can appeal through your employer's process. Check your tribunal time limit at the same time — it keeps running.

Q I'm a worker, not an employee. Am I covered?

Workers are not usually protected against unfair dismissal. Discrimination and whistleblowing protections are separate.

FREE RIGHTS GUIDANCE

Check your *dismissal rights*

Get plain-English guidance on your rights and your employer's legal duties.

ACAS

0300 123 1100

[acas.org.uk](https://www.acas.org.uk)

LRA (NORTHERN IRELAND)

03300 555 300

[Labour Relations Agency](https://www.lra-irl.com)

EQUALITY ADVISORY AND SUPPORT SERVICE

0808 800 0082

[equalityadvisoryservice.com](https://www.equalityadvisoryservice.com)

EQUALITY COMMISSION NI

028 9050 0600

[Northern Ireland](https://www.equalitycommissionni.com)

CITIZENS ADVICE / ADVICE NI

Free advice

[citizensadvice.org.uk](https://www.citizensadvice.org.uk)

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**Employee Rights (England,
Wales and Scotland)**

ukworkrights.co.uk/guide-employee-rights-gb.html

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