FOR LAWYERS

Get these in writing before you resign

From our article: **Moving jobs when unfair dismissal protection starts after six months**

Read it in full, with the sources for every figure: https://www.wilsonmannion.co.uk/insights/unfair-dismissal-six-months-moving-jobs-2027

Checked 22 October 2026. General information, not legal advice.

IN SHORT

From 1 January 2027, an employee in England, Scotland or Wales can claim ordinary unfair dismissal after six months in the job, instead of two years. Probation periods, notice periods and a firm's right to dismiss fairly stay as they are, and discrimination and whistleblowing protection already need no minimum service. For a lawyer thinking of moving, the written terms matter more than the date.

Key takeaways

- From 1 January 2027, ordinary unfair dismissal protection starts after six months in a job, not two years.
- The test is the day your employment ends, not the day you joined.
- Probation, notice and a firm's right to dismiss fairly all stay. Discrimination and whistleblowing protection need no minimum service.
- Get probation length, notice during probation and review dates in writing before you resign.

Get these in writing before you resign

- [ ] Probation length and what the conditions are.
- [ ] Notice during probation, both ways.
- [ ] Review dates in the first six months, and who holds them.
- [ ] The name of your day-to-day supervisor.
- [ ] What happens at the end of probation, in writing.
- [ ] Role, practice area, pay and working pattern, matching the advert.

A move, in order, with the dates that matter

1. **22 October 2026: today**
   The six-month rule is enacted but not yet in force. Acas still says January 2027. Check GOV.UK for any change.
2. **Before you resign**
   Get the written offer. Check probation, notice, reviews and the supervisor's name. Think about a counter-offer in advance. Our guide on whether to accept a counter-offer will help.
3. **Resignation**
   Serve notice as your contract says. In this example, three months' notice from early November 2026 ends in early February 2027.
4. **1 January 2027**
   Section 25 comes into force. It applies where employment ends on or after this date, in England, Scotland and Wales.
5. **Your start date**
   Your new firm's six-month count begins. In this example, that is early February 2027.

6 **Six months in**
Ordinary unfair dismissal protection applies. In this example, early August 2027. Probation may end earlier or later, depending on your contract.

Does the date change your plan?

QUESTION	IF YES	IF NO
Do you have a signed offer with a start date before 1 January 2027?	Your six months run from that start date. The six-month rule applies once your employment ends on or after 1 January 2027.	Your six months run from your 2027 start date. The window is six months whichever month you start.
Is the new role on a fixed-term contract?	Ask about renewal. Not renewing counts as a dismissal, so the rule can matter at the end of the term.	Check the probation and notice terms in the written statement.
Is the extra protection your main reason to move or to wait?	Weigh supervision, caseload, pay and progression first. Those decide whether a move works.	Good. Weigh the offers on those reasons.