Working Out the Dates

How the tracker works out the protected-from date and the last day to give notice, with worked examples.

This explains the dates in the tracker and the timing check. They are planning dates on a cautious count, not a legal ruling. If a decision turns on a single day, get advice.

The five dates

- Start date: the day the person's continuous employment began.
- Six-month date: the same day of the month, six months later. If that day does not exist (for example 31 August plus six months), use the last day of that month.
- Protected from: the day before the six-month date, or 1 January 2027 if that is later. This is the cautious count described on the Law Facts Sheet. If the person will have two years' service sooner than that, the tracker shows the two-year date instead.
- Last day to give notice: the protected-from date, minus one day, minus the notice period. A notice that ends before the protected-from date means the effective date of termination falls before it. The tracker uses the longer of your notice period and 7 days, because the law treats the end date as at least a week after you act (sections 97(2) and 86). "Give" means the day the employee receives the notice and has had a reasonable chance to read it, not the day you write or post it: hand it over and keep a record.
- Suggested final review: 14 days before the last day to give notice. This is our suggestion, so there is time to write to the person and hold the meeting.

Source: Employment Rights Act 1996, section 108 (qualifying period of employment); Employment Rights Act 1996, section 97 (effective date of termination); Employment Rights Act 1996, section 86 (rights of employer and employee to minimum notice); The Employment Rights Act 2025 (Commencement No. 4 and Transitional and Saving Provisions) Regulations 2026 (SI 2026/559), regulations 3 and 4

Worked examples (notice of 7 days)

Start date	Six-month date	Protected from	Last day to give notice
01/06/2026	01/12/2026	01/01/2027	24/12/2026
01/07/2026	01/01/2027	01/01/2027	24/12/2026
15/07/2026	15/01/2027	14/01/2027	06/01/2027
15/08/2026	15/02/2027	14/02/2027	06/02/2027
02/09/2026	02/03/2027	01/03/2027	21/02/2027
01/10/2026	01/04/2027	31/03/2027	23/03/2027
31/07/2026	31/01/2027	30/01/2027	22/01/2027
31/08/2026	28/02/2027	27/02/2027	19/02/2027
04/01/2027	04/07/2027	03/07/2027	25/06/2027

Source: Employment Rights Act 1996, section 108 (qualifying period of employment); The Employment Rights Act 2025 (Commencement No. 4 and Transitional and Saving Provisions) Regulations 2026 (SI 2026/559), regulations 3 and 4

The last day to give notice and the suggested review date may fall on a weekend or bank holiday. Plan to act on the working day before.

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> For anyone who started before 1 July 2026, the protected-from date is 1 January 2027 (unless they have two years already). Under the transitional rule, a dismissal whose effective date is on or after 1 January 2027 is covered by the new rule. Where the effective date is close to 1 January, the tracker flags it: take advice before you act.

Source: The Employment Rights Act 2025 (Commencement No. 4 and Transitional and Saving Provisions) Regulations 2026 (SI 2026/559), regulations 3 and 4

What a late probation review means

Many employers set a probation of six months. A six-month probation that ends on the six-month date ends after protection has started, so a decision at the end of it is made when the person can already claim unfair dismissal. The tracker shows this in the column "Probation ends after protection starts?" It is not a reason to rush: it is a reason to hold reviews earlier, on evidence, and to decide whether a shorter probation or an earlier final review suits your business.

Source: Employment Rights Act 1996, section 108 (qualifying period of employment)

Using the timing check

The Dismissal Timing Check shows, for a planned dismissal, the date it takes effect for the service count, which rule applies (two years or six months), and whether the person has enough service to claim ordinary unfair dismissal on the cautious count. It says nothing about discrimination, automatically unfair dismissal, or notice pay. A result of "No" does not mean you can dismiss without a reason or a fair process.

Source: The Employment Rights Act 2025 (Commencement No. 4 and Transitional and Saving Provisions) Regulations 2026 (SI 2026/559), regulations 3 and 4; Employment Rights Act 1996, section 97 (effective date of termination); Employment Rights Act 1996, section 108 (qualifying period of employment); Equality Act 2010, section 39 (employees and applicants, including dismissal)

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