CARE ENGLAND
The voice of care

Trade union reforms

What adult social care providers need to know

A Briefing for Care England Members

November 2026

MEMBER BRIEFING · November 2026

Trade union law has changed significantly throughout 2026, with further reforms due in 2027. Changes to industrial action and union recognition are already in force, and new statutory rights allowing independent trade unions to request access to workplaces took effect on 30 October 2026. These are accompanied by additional protections for workers and trade union representatives, alongside changes to the recognition process. From January 2027, employers are also expected to have a separate duty to inform workers of their right to join a trade union. [6,7]

These reforms matter whether or not a provider currently recognises a union. This briefing sets out when each change applies, explains the difference between workplace access and formal recognition, and considers how care providers can make practical arrangements while respecting residents' privacy and maintaining safe care. [1,2,3,4,6,7]

01 Implementation timeline

December 2025	Act received Royal Assent; the Strikes (Minimum Service Levels) Act 2023 was repealed. In force
18 February 2026	Most Trade Union Act 2016 provisions repealed; industrial action and related rules changed. In force
6 April 2026	First recognition changes, including simpler support tests, took effect. In force
25 August 2026	Electronic and workplace balloting became available for specified statutory trade union ballots, including industrial action ballots, alongside postal voting. In force
30 October 2026	General union access, further recognition provisions, representatives' facilities and time off, and detriment protection took effect. In force Workplace-access regulations and the statutory access, recognition and Acas time-off codes have taken effect.
1 January 2027	Employer duty to give new workers the standard statement of their right to join a trade union is expected to begin. Planned Regulations pending

5 April 2027	Expected deadline to provide or make the statement accessible to workers already engaged when the duty starts. **Planned** Regulations pending
August 2027	Electronic balloting is scheduled to become available for statutory trade union recognition and derecognition ballots. **Planned**

Position checked as at November 2026. The reforms scheduled for 30 October have now taken effect, including the workplace-access regulations and the statutory Codes of Practice covering workplace access, recognition and derecognition, and time off for trade union duties and activities. The separate duty to inform workers of their right to join a trade union is scheduled to commence on 1 January 2027, with further regulations and guidance expected in November 2026. [2,3,6,7,11,15,17,18]

02 What has already changed

Industrial relations rules from February 2026

The repeal of most of the Trade Union Act 2016 reduced the notice unions must give of industrial action from 14 to 10 days, extended the duration of a ballot mandate from six to 12 months for ballots opened from 18 February, and removed the additional 40% support threshold in specified important public services. It simplified ballot papers and the information in union notices to employers, removed the statutory picket supervisor requirement, and removed the 12-week limit on automatic unfair dismissal protection for employees taking protected industrial action. These changes affect how employers respond to disputes even though many of the immediate procedural duties fall on unions. Existing ballots and notices can be subject to transitional rules. [6,8,14]

Changes to union political funds, public-sector check-off and publication of facility-time information took effect at the same stage. They will usually have little direct effect on independent care providers; publicly controlled organisations should check whether the public-sector rules apply to them. [8,13]

Recognition reforms and changes to union balloting

A statutory recognition application no longer has to pass the former “likely majority” test at the application stage. Where the Central Arbitration Committee (CAC) orders a recognition ballot, a simple majority of votes cast now suffices without the former additional requirement for support from 40% of the bargaining unit. Recognition of a non-independent union in response to a request from an independent union no longer necessarily blocks the latter’s statutory application. If approached, identify the proposed bargaining unit and take timely advice rather than assuming that a low current level of union membership ends the matter. [6,9,13]

Since 25 August 2026, electronic and workplace voting have been available for specified statutory trade union ballots, including industrial action ballots, alongside postal voting and subject to the relevant safeguards. Electronic balloting for statutory recognition and derecognition ballots is scheduled for August 2027. These reforms primarily affect the conduct of union ballots rather than creating a new routine employer filing requirement. [7,14]

03 Changes in force from 30 October 2026

Workplace access

WHO CAN REQUEST ACCESS AND WHAT IT PERMITS

- **Who can request access.** A trade union with a certificate of independence can make a statutory request. Access is distinct from formal recognition for collective bargaining. A request to facilitate bargaining does not itself make the union recognised. Organising industrial action is expressly outside the access purposes. [1,2]
- **Which employers are in scope.** The Central Arbitration Committee (CAC) must refuse statutory access where the employer, together with any associated employers, employs fewer than 21 workers both on the day the request is received and on average over the preceding 13 weeks. A small care home within a larger organisation is not automatically outside scope. The proposed group of workers at a particular location can itself be smaller than 21. [2,3]
- **What access can involve.** It may be physical, digital or both. An employer cannot reject physical entry solely because it has offered digital contact, or vice versa. The starting point is access without unreasonable interference with the business, with reasonable steps to facilitate it. Complete refusal requires a reasoned case. [1,2]
- **Existing arrangements.** Where an independent trade union is already recognised for the workers concerned, this may prevent the CAC from granting a statutory access request from another union for those workers. However, recognition arrangements do not automatically exempt an entire organisation where different workers, services or bargaining units are involved. Existing voluntary arrangements may also continue, and recognised unions can seek additional access under the statutory framework. Providers should therefore establish the precise scope of existing recognition and access arrangements when responding to a request. [2]

WHAT HAPPENS WHEN A REQUEST ARRIVES

Nominate a central contact so requests reach the right person immediately. The response clock runs from when the request is given to the employer, not from when it reaches HR or a senior manager. Keep the request, delivery date, response and proposals. The government code includes specimen request and response notices. [2,3]

- **Response to a valid statutory access request: up to 15 working days after the day the request is given.** State whether the proposed terms are accepted. If disagreeing, identify the parts disputed,

give reasons and propose workable changes, including any existing recognition or access arrangement affecting the same workers. The parties may agree an extension. [2,3]

- **Negotiation: ordinarily 25 working days after the day the employer gives its response notice to negotiate terms in good faith.** The parties can keep negotiating beyond that period. The legislation and code include circumstances in which referral can be made earlier, so do not assume that every case must wait the full period. [2,3]
- **CAC referral: where terms cannot be agreed, either side can seek a determination.** The normal deadline is the 55th working day after the original request was given. The CAC may allow up to the 70th working day if it was not reasonably practicable to apply in time. These are referral deadlines, not a promise that the CAC will decide by then. [2,3]

An agreement reached through the statutory process is notified jointly to the CAC and recorded. The CAC can also determine terms where negotiation fails. A statutory access agreement will ordinarily last no more than two years unless the parties agree an extension. The first access must have at least five working days' notice. The code describes a minimum of two working days' notice for later physical or digital visits. [2,3]

VOLUNTARY ACCESS AND EXISTING UNION RELATIONSHIPS

Providers and unions can agree access voluntarily outside the statutory route, and established satisfactory arrangements can continue. A voluntary agreement can define sites, notice, rooms, shift coverage, digital channels, confidentiality, safeguarding procedures and a named contact for problems. A union need not first seek a voluntary agreement before using the statutory process. Avoid presenting voluntary discussion as a way to delay or displace a valid request. [2]

ENFORCEMENT AND PENALTIES

The CAC can hear complaints that an employer, union or relevant third party has breached a statutory access agreement. An initial well-founded complaint can lead to directions or changes to the agreement. Financial penalties arise through the further statutory complaint process following breach of an access agreement, not simply because an employer receives a request, negotiates its terms or raises a justified objection. [1,2]

1st	2nd	3rd+
£75,000	**£150,000**	**£500,000**
First penalty order	Second penalty order	Third or subsequent order, each

Under the workplace-access regulations, a first penalty order can be up to £75,000, a second up to £150,000, and a third or subsequent order under the same agreement up to £500,000 each. The CAC determines whether and how much to impose. Separate breaches across sites can produce cumulative penalties. The figures are maxima, not standard fines. The CAC decides whether to impose a penalty and its amount in accordance with the statutory criteria, which include the nature and duration of the breach, its effect on workers and relevant organisational resources. [2,3]

Recognition applications remain a separate route

The reforms introduced on 30 October 2026 brought unfair-practice controls and potential union access to workers forward to the point at which the Central Arbitration Committee (CAC) accepts a recognition application. Following acceptance of a statutory recognition application, the union has five working days to request access. The statutory negotiation period runs for 20 working days from the day after the CAC gives notice of acceptance, ordinarily leaving 15 working days for negotiation where the union uses the full request window. Where agreement cannot be reached, the CAC will ordinarily have a further 10 working days to determine the access terms, subject to the relevant statutory provisions. The bargaining unit is protected against tactical changes at the relevant stage, and the time to allege unfair practice following a ballot increased from one to five working days. The CAC no longer has to decide whether the unfair practice affected the ballot result. The revised statutory Code of Practice describes digital access and suggests meetings at least once every five working days for at least 45 minutes. These arrangements arise in recognition or derecognition proceedings and must not be confused with general workplace access. [6,9,10,17,19]

Representatives, facilities and protection during industrial action

In the relevant recognised-union setting, officials and union learning representatives gain stronger entitlement to reasonable facilities; new provisions for union equality representatives include reasonable paid time off for qualifying duties and access to facilities. The revised Acas code addresses reasonable time off and accommodation. Managers should agree workable arrangements around shift cover and continuity of care, document requests and reasons, and avoid treating staffing pressure as an automatic refusal of a statutory right. These representative entitlements have different qualifying conditions from the general access right available to independent unions without recognition. [6,9,11]

New protections against detriment for workers taking protected industrial action took effect on 30 October 2026, where the employer's sole or main purpose is to prevent, deter or penalise that participation. Proportionate withholding of pay for time spent taking action remains possible. Decisions about shifts, training, hours or progression should be based on documented operational reasons and checked carefully if they concern participants in action. The existing employee protection against dismissal for protected action was strengthened in February 2026. [6,9]

Applying workplace access in care settings

CARE ENGLAND'S CONSULTATION WORK AND ACCESS IN CARE SETTINGS

> Care England argued during the consultation that a care home is both a workplace and a person's home. The revised code now expressly requires access arrangements to respect residents' privacy, confirms that private dwellings are exempt from physical entry, and allows for meetings away from the premises in exceptional circumstances where a suitable room is unavailable. These provisions are consistent with protections Care England called for in its consultation response and give providers a clearer basis for agreeing access that works in a care setting. [2]

Residential care homes remain within scope: the exemption for private dwellings must not be treated as an exemption for an entire care home. The government code envisages access in staff offices or meeting rooms, or other suitable areas that are not private dwellings, using routes that respect residents' privacy and minimise disruption. For home care and supported living, discuss a workable combination of staff meetings at an appropriate workplace, off site arrangements and digital contact without assuming a right to enter a person's home. [2]

Where no suitable room is available, the code says that in exceptional circumstances meetings may need to take place away from the premises. The union would then need to consider finding an off site venue at its own expense unless it agrees otherwise with the employer. This is not an automatic right for providers to require external meetings whenever a room is inconvenient: explain the site constraints, consider realistic alternatives and help notify staff of an agreed external meeting. [2]

The proposed time, place and method should take account of shift patterns, medication rounds, intimate care, infection prevention, visitor procedures, security and safe staffing. Explain specific concerns in the response and offer alternatives. A general statement that care is busy or that residents need privacy will not, by itself, answer whether practical access can be arranged. The code says meetings should usually occur during working hours with minimal unreasonable disruption and that staff attending agreed meetings during work time should be paid. Employers should respect the privacy of union meetings. [2]

Union officials can be expected to follow reasonable visitor instructions, including identification, signing in and relevant safety procedures. Discuss safeguarding requirements case by case. The code says a DBS check will generally not be needed where the official has no contact with vulnerable adults. Employers should not attend private union meetings uninvited or track which workers open union communications. [2]

04 What is planned from January 2027

The statement of trade union rights

Section 58 of the Act inserts section 136A into the Trade Union and Labour Relations (Consolidation) Act 1992. It requires employers to give workers, including workers who are not employees, a written statement informing them of their right to join a trade union. This applies even where no union is recognised and is separate from access and collective bargaining. The duty is scheduled to take effect on 1 January 2027. The Government has confirmed that further regulations setting out the detailed requirements are expected to be laid in November 2026, with updated guidance to follow. [6,7,12]

The Government intends to prescribe a neutral, standard statement that employers may amend only as required or permitted for workplace information. It should explain union functions and membership rights, identify recognised unions and the worker groups and locations covered where applicable, give relevant contacts, identify unions holding statutory access agreements, and refer to the Certification Officer's list. New workers should receive it directly when they receive their written statement of employment particulars. Providers can gather the necessary union information now, but should await the final prescribed text and guidance before issuing it. [9,12]

By 5 April 2027, the Government expects employers to give the statement to workers who were already engaged on 1 January and remain engaged on 5 April, or to make it continuously and reasonably accessible and tell them where to find it. Direct delivery, such as email, post or in person, would be repeated annually by 5 April. With an accessible intranet or handbook route, the employer would instead issue an annual reminder by 5 April; it would also tell workers if the location changes. The consultation response expects reissue within one month when the identity of a recognised union or access-agreement union changes. Confirm all details against the final regulations. [9,12]

05 How the different rights interact

A worker may join an independent union without employer recognition. A union with a statutory access agreement may meet or contact workers without becoming their recognised collective bargaining representative. Recognition enables collective bargaining for a defined bargaining unit through a separate voluntary or CAC process and can bring further representative rights. The section 58 statement tells workers about membership; it does not endorse a union or create recognition or access. One provider may have different unions, bargaining units and access arrangements across sites, and can have an access agreement with a union other than the one it recognises. [6,9,10]

What this means across a care organisation

A provider without a recognised union may still receive an access request and will still need to give workers the January statement. A provider with a recognised union may also have obligations concerning collective bargaining, representatives and facilities. An access agreement with one union can sit alongside recognition of another, while coverage may differ between services and worker groups. The most useful first step is to map those arrangements across the whole organisation. [6,7]

06 What providers should do now

- [ ] Identify one route for receiving requests across the organisation and a lead with authority to coordinate HR, operations and local managers.
- [ ] Map recognition and existing voluntary or statutory access arrangements, including which workers and sites they cover.
- [ ] Identify appropriate rooms and digital channels, shift patterns and any site specific restrictions. For care homes, plan routes that protect residents' privacy. For services in people's homes, consider how staff can be contacted without physical entry into the dwelling.

- [ ] Prepare to respond with specific reasons and practical alternatives within the 15 working day period for a valid statutory request. Record dates and get legal advice promptly where coverage, overlapping unions, data sharing or a proposed refusal is disputed.

- [ ] Check the final published regulations and statutory code, and seek advice where appropriate, before relying on this briefing for a live request. [2,3,4]

- [ ] Brief service managers on the changes, their responsibilities and the information they should communicate to staff.

- [ ] Check the 21-worker test at organisation and associated-employer level, and confirm that managers understand how to escalate a recognition application, union approach or access request without delay.

- [ ] Review HR and industrial-relations policies against the February and April changes already in force, including industrial action notices, recognition requests and protections for employees taking protected action.

- [ ] Agree how qualifying representatives request paid time off and access to facilities, record the staffing arrangements offered, and identify who can approve reasonable alternatives where care delivery would otherwise be affected.

- [ ] Gather the names and contact details of recognised unions and unions holding statutory access agreements, along with the workers and sites covered, so that the prescribed union-rights statement can be completed when published.

- [ ] Consider whether existing workers could receive the statement directly or through a continuously accessible staff handbook or intranet, and prepare onboarding systems for direct issue to new workers from January if the timetable is confirmed.

- [ ] Avoid drafting a substitute statement before the Government publishes its standard wording, and seek legal advice where recognition, competing unions, a proposed refusal, industrial action or enforcement becomes contentious.

07 Communicating these changes with managers

Managers at service level will play an important role in ensuring the organisation is prepared for the trade union reforms and responds appropriately.

WHAT MANAGERS NEED TO KNOW

- **Managers should be made aware that the reforms are being introduced in stages and that some changes are already in force.**

WHAT THE ORGANISATION SHOULD PUT IN PLACE

- **The organisation should set a clear procedure for managers to follow, consistent with statutory rights and response deadlines.** Workers have the right to join a trade union, while qualifying independent unions may request access through the statutory process. That process does not give unrestricted access to every part of a care setting.

WHAT MANAGERS NEED TO DO

1. **Managers should immediately refer any trade union approach, including requests for workplace access or recognition, to the organisation's designated lead.** They should not independently accept or reject statutory requests, as the statutory response period begins when the request is received by the employer, regardless of when it reaches the central team.
2. **Brief their teams on the changes and ensure they understand the organisation's guidance.**
3. **Identify practical arrangements for their service.**

08 What providers do not need to do

Receiving an access request does not require a provider to recognise the union, create collective bargaining rights or pay a penalty. A union does not acquire unrestricted entry into residents' private living spaces. A provider can raise genuine operational, privacy or safeguarding constraints and suggest workable alternatives. The separate statement duty is planned for January 2027, and employers should wait for the prescribed wording and final regulations before issuing it. [6,7,9]

09 How Care England can help

Members who would like to start a constructive conversation with a union can contact Care England. We have helped providers make introductions where requested, including to UNISON and GMB, and can discuss an introduction to UNISON, GMB or Unite where a member does not already have the relevant relationship. We can also hear about practical problems arising under the new access process and use members' evidence in our engagement with government. An introduction is optional and does not itself create a recognition or access agreement.

Care England will use members' experience of implementation to inform discussions with Government. Care England will keep this briefing under review as further regulations and guidance are published.

This briefing provides general information based on legislation and official guidance available as at November 2026 and does not constitute legal advice. The trade union reforms introduced on 30 October 2026 are now in force, alongside the relevant statutory regulations and Codes of Practice. Further regulations and guidance are expected ahead of the planned introduction of the employer duty to inform workers of their trade union rights in January 2027. Providers should consult the latest official guidance and seek appropriate legal advice where individual circumstances require it. The reforms described apply in England, Scotland and Wales, with separate arrangements in Northern Ireland. ***[2,3,6,7,8,9, 10,11,12,15,16,17,18]***

10 Sources and further reading

[1] Employment Rights Act 2025, section 59, inserting the workplace access framework: https://www.legislation.gov.uk/ukpga/2025/36/section/59

[2] Government Code of Practice on trade union right of access: https://www.gov.uk/government/publications/right-of-trade-unions-to-access-workplaces-code-of-practice

[3] Trade Unions (Right to Access Workplaces) Regulations 2026 (SI 2026/1101): https://www.legislation.gov.uk/uksi/2026/1101/contents/made

[4] Government implementation timeline and consultation outcome: https://www.gov.uk/government/consultations/make-work-pay-draft-code-of-practice-on-trade-union-right-of-access

[5] Acas, Employment Rights Act 2025 changes: https://www.acas.org.uk/employment-rights-act-2025

[6] Employment Rights Act 2025, Part 4 and Schedule 6: https://www.legislation.gov.uk/ukpga/2025/36/contents

[7] Government implementation timetable: https://www.gov.uk/government/publications/implementing-the-plan-to-make-work-pay-and-employment-rights-act/plan-to-make-work-pay-and-employment-rights-act-timeline-update

[8] Government transition guidance on changes already in force: https://www.gov.uk/guidance/trade-union-law-transition-to-employment-rights-act-2025

[9] Business.gov.uk guidance for employers on trade union reform: https://www.business.gov.uk/campaign/employment-changes/employers/trade-union-reform/

[10] Final Code of Practice on recognition and derecognition: https://www.gov.uk/government/publications/code-of-practice-access-and-unfair-practices-during-the-recognition-and-derecognition-process

[11] Revised Acas Code of Practice on time off for trade union duties and activities: https://www.acas.org.uk/acas-code-of-practice-on-time-off-for-trade-union-duties-and-activities

[12] Government response on the duty to inform workers of union rights: https://www.gov.uk/government/consultations/make-work-pay-duty-to-inform-workers-of-right-to-join-a-union/outcome/government-response-to-the-consultation-on-duty-to-inform-workers-of-their-right-to-join-a-trade-union-executive-summary

[13] Government guidance on changes to recognition from April 2026: https://www.business.gov.uk/campaign/employment-changes/employers/trade-union-requirements/

[14] Updated industrial action ballot code: https://www.gov.uk/government/publications/code-of-practice-industrial-action-ballots-and-notice-to-employers--2

[15] Employment Rights Act 2025 (Commencement No. 6 and Transitional and Saving Provisions) Regulations 2026 (SI 2026/1065): https://www.legislation.gov.uk/uksi/2026/1065/contents/made

[16] Acas workplace-access guidance: https://www.acas.org.uk/trade-union-access

[17] Recognition Code commencement Order (SI 2026/1129): https://www.legislation.gov.uk/uksi/2026/1129/contents/made

[18] Workplace-access required information regulations (SI 2026/756): https://www.legislation.gov.uk/uksi/2026/756/contents/made

[19] Central Arbitration Committee, Statutory Recognition: Guidance on Part I of Schedule A1: https://www.gov.uk/guidance/statutory-recognition-guidance-on-part-i-of-schedule-a1

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