

# Employment Tribunals

January Breakfast Briefing

# Agenda



- Background of Employment Tribunal
- Early conciliation
- ET process
- Top tips

# The Employment Tribunal



- Employment Tribunals deal with legal disputes between the employee and their current, ex or potential employer
- Common claims include unfair dismissal, discrimination and unlawful deductions
- Designed to be ‘less formal’
- Parties can represent themselves

# Early Notification



- **Why you've received this email**

Acas has received an early conciliation notification about a workplace dispute.

The person making the notification, Joe Soap (the claimant) has made it against Your Company (the respondent).

The notification is the first stage in the legal process before a claim can go to an employment tribunal.

# Early Conciliation



- A 6 week period of ‘early conciliation’ commences
- A claimant cannot raise a claim without informing ACAS
- The claimant can determine whether or not they want ACAS to contact the employer – in practice most do
- ACAS will contact the employer if instructed to do so and advise
- This provides an opportunity for both parties to settle in advance of a tribunal hearing
- ACAS will generally act as a go between, but do not act for either party – they do not negotiate or suggest a resolution.

# Raising a claim



- Generally 3 months to raise a claim to the Tribunal after last act (likely to raise to 6 months soon)
- Clock stops for any period spent in EC
- Need the EC certificate
- Claimant fills out and submits an ET1 claim form

# Responding to a claim



- Tribunal will issue a Notice of Claim alongside a copy of the ET1 form
- Respondent completes ET3 response form with its defense
- 28 days from date notice of claim is given to lodge a response or face default judgement
- If represented, solicitor will submit via the online my HMCTS system

# Preparing



- Preliminary hearings
- Case management orders
- Gathering evidence for the bundle of documents
- Witness statements?



# The final hearing



- Can be heard by a judge sitting alone, or for more complex cases a judge with two lay panel members (likely to move to EJ only for most claims soon)
- Examination of witnesses
- Cross-Examination
- Legal submissions

# Top tips



- Follow internal policies and procedures
- Keep accurate records
  - Minutes of meetings
  - Letters
  - Correspondence
  - Training records
- Document informal management conversations
- Seek legal advice

# Employment Tribunal Workshop



- Half day course
- In depth presentation about the employment tribunal process and how to avoid claims
- Watch a mock tribunal and see our solicitors cross examine witnesses
- Group activities based on a mock employment tribunal pack
- Register interest by emailing [amietrainor@scottishengineering.org.uk](mailto:amietrainor@scottishengineering.org.uk)