

Making a claim to an Employment Tribunal

Please note We Are Group do not offer any legal or financial advice and guidance to the claimant and respondent.

This is a summarised version of the full training pack and is intended to be used as a handy reminder.

If you are new to delivering this service or have had an extended break away, we would **HIGHLY** recommend referring to the full training pack that includes a full breakdown of the process and screenshots of each page of the form.

You can find the link [here](#).

We recommend working on an offline document for any large passages of text. This will safeguard against losing your progress in the event you experience Internet connectivity problems, website drop outs, or other technical problems.

Please note that this is a non-proxy form-fill service so you CANNOT fill the form in on behalf of the user. If your session has been booked as remote, you can walk the user through the form, but they **MUST** complete it on their own device.

If the user wants to make a claim to an employment tribunal go [here](#). During this process, the user is referred to as a “claimant”, and the employer is referred to as the “respondent”

For more information, visit:

<http://www.gov.uk/employment-tribunals/make-a-claim>



Making the claim – before you start

If the claimant (employee) is employed, they should try to settle matters with the employer using an informal meeting or the company's grievance procedures. The claimant does not have to do this, but the tribunal may reduce their compensation **by up to 25%** if it finds it unreasonable of them not to do this.

Claimants usually have to make a claim within 3 months of their employment ending or the problem happening. If it concerns redundancy or equal pay, they have 6 months. If they are outside these time limits, they should seek guidance from [Acas](#). Acas gives users the option of seeking conciliation, where Acas speaks to both parties separately to reach agreement to avoid going to a tribunal. If conciliation is not possible, Acas will give the claimant an early conciliation certificate with a reference number which they should bring to the appointment. There are a few exceptions to this, and if the claimant has not got a reference number, the system will ask which of them applies.

Users must notify Acas before [starting a claim](#), doing so will pause the clock on the time limit.

Completing the form

The user should bring documentation such as their contract and payslips, as these can be useful when completing the online form. They can have someone represent them (like a solicitor), although it is common for people to represent themselves. The system will ask which of these they intend to do.

Broadly speaking, the application screens cover three areas:

- the claimant's details
- the employer's details and details of employment,
- details of the claim and expected compensation.

The user is likely to need a lot of time to explain the circumstances or events that led them to make the employment tribunal application. The system may time out during this period – previous answers will be saved, but the current screen may be lost, so it is a good idea to save the applicant's comments in a Word document and then paste them into the relevant boxes. **If the claimant changed jobs as a result of TUPE [Transfer of Undertakings (Protection of Employment)] their date of employment starts with their first employer.**

Responding to the employer's response

The employer (respondent) has **28 days** to respond to the claim explaining why they think what happened was lawful.

The claimant will be updated when the response is filed. You will need to help them open their Employment Tribunal account to read and/or print off the response. This can be accessed via '**The Response**' link and notes should be made around anything they disagree on. The claimant should keep these notes safe until the tribunal. It is important to remind the user to check their email and/or post regularly for any updates on their application.

Preparing for the hearing

There are several downloadable guides on [Advicenow.org.uk](https://www.advicenow.org.uk) offering guidance. **Here is a list of resources the claimant can read to prepare for their hearing:**

- [How to get free legal advice about employment problems](#)
- [Evidence and witness statements for employment tribunals](#)
- [Representing yourself during an employment tribunal](#)

On the lead-up to the hearing date, the claimant may become nervous and want to withdraw their application. **In this instance, it is important you make them aware that if they do this:**

- They will probably **not be able to restart** their application
- They **may be liable for their employer's legal costs**. If the case has progressed quite far, there is a chance that the respondent (employer) could ask that the user pay their legal costs, which may run into thousands of pounds unless the respondent has agreed not to do this.

If the claimant wants to inform the tribunal that the respondent has not followed an order set by the tribunal, they should log in and use the **“Contact the tribunal about my case”** link, then the **“Tell the tribunal the respondent has not complied with an order”** link.

If they have come to an agreement with their employer and want to terminate their claim, they can do this by logging in to their Employment Tribunal account and clicking the **“Contact the tribunal about my case”** link, then **“Give notice that I want to withdraw all or part of my claim”**. You should advise the claimant that the agreement should be in writing before they do this.

After the appointment

Once the appointment has taken place, it is important to remind the applicant what you have supported them to do during the appointment such as including how you supported them to submit the claim or view any updates on their progress.

Remind them what happens next:

1. The respondent must reply to the application within 28 days
2. The respondent may offer conciliation/mediation
3. The tribunal may make an order
4. The claimant should work out what compensation is being sought if not done already.