



Department for  
Business, Energy  
& Industrial Strategy

# NAMING SCHEME FOR UNPAID EMPLOYMENT TRIBUNAL AWARDS

Policy on Department for Business, Energy and Industrial Strategy's naming scheme for employers who fail to pay employment tribunal awards

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# Section 1: Background

- 1.1 The Taylor Review of Modern Working Practices recommended that employers who do not pay employment tribunal awards within a reasonable time should be named publicly. The Department for Business, Energy and Industrial Strategy (BEIS) announced a naming scheme on 17 December 2018. Awards registered with BEIS on or after 18 December 2018 are in scope for naming.
- 1.2 The scheme is structured similarly to the existing scheme for National Minimum Wage underpayment and will name employers, along with the unpaid employment tribunal award, approximately quarterly in a press release on Gov.uk.
- 1.3 The objective of the naming scheme is to increase the rates of timely payment of employment tribunal awards through creating a new deterrent to employers for not paying.
- 1.4 BEIS' naming scheme runs in parallel to the Department's already existing employment tribunal penalty scheme. The penalty scheme was established in April 2016 as a free route for individuals to chase outstanding employment awards and can impose additional penalties on employers of 50% of the original award amount if the award remains unpaid.
- 1.5 The naming scheme provides a new incentive, alongside any financial penalty, for employers to settle outstanding employment tribunal awards quickly.

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## Section 2: Naming details and eligibility

- 2.1 For administrative purposes, claimants must register with both the penalty scheme and the naming scheme for their employer to be eligible for naming.
- 2.2 Employment tribunal awards registered with the schemes from 18 December 2018 onwards are in scope for naming. Awards registered before 18 December 2018 will not be eligible for naming.
- 2.3 Only employment tribunal awards of £200 or more are in scope to be considered for naming.
- 2.4 The scheme does not currently extend to Acas conciliated settlements.
- 2.5 A naming round will take place approximately every quarter, featuring a list of employers who have failed to pay an employment tribunal award within the required time. The award amount will be published alongside the name of the employer.
- 2.6 Though employment tribunal judgments are publicly available through Gov.uk, it is possible that the publication of the name of the employer and the amount awarded will make the claimant more readily identifiable online. On the penalty enforcement form, claimants are asked to agree whether their employer can be named if the award remains unpaid.
- 2.7 The employer will have 14 days from the date of the naming notification letter to make written representations to BEIS outlining whether they fall under any of the exceptional circumstances for not being named under the scheme. Representations may be accepted if they meet the following criteria:
  - Naming carries a risk of personal harm to an individual, their family or other employees;
  - There are national security risks associated with naming in this instance;
  - Other factors which suggest it would not be in the public interest to name the employer (employer to provide details);
  - Where the employment tribunal has been paid in full and proof is submitted and verified
- 2.8 In all cases where an employer makes representations to BEIS, the employer will need to provide evidence in support of their case for not being named. If BEIS is satisfied that the representations are valid through meeting one or more of the above criteria, the employer will be notified and will not be named under the naming scheme.
- 2.9 Representations should be sent to [et.naming.scheme@beis.gov.uk](mailto:et.naming.scheme@beis.gov.uk), or alternatively by post to:

Department for Business, Energy and Industrial Strategy  
ET Naming Scheme Team  
Spur 2, 1st Floor  
1 Victoria Street  
London  
SW1H 0ET

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- 2.10 If no acceptable representations are received within 14 days, the employer's name will be automatically named in the next naming round under the scheme via a BEIS press release.
  - 2.11 BEIS will send letters to the employers on the list prior to the naming round taking place to notify them of the impending press release.

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## Section 3: BEIS penalty scheme background

- 3.1 Individuals can register their unpaid award free of charge with the BEIS penalty scheme 42 days after the date of an employment tribunal judgment.
- 3.2 Once an enforcement officer has verified the claim, a warning notice is sent to the employer, warning them that if they do not pay the award they will face a penalty and public naming. If the award remains outstanding after 28 days, the employer is sent a penalty notice, ordering them to pay a penalty to the value of 50% of the original award amount and 8% interest per annum.
- 3.3 At the penalty notice stage employers will be sent a naming notification letter warning that they will be named unless they submit valid representations within 14 days and the representations are accepted. This letter is only sent if the claimant has agreed for their employer to be named.
- 3.4 BEIS will send letters to employers on the list prior to the naming round taking place. The naming round will take the form of a press release on Gov.uk.
- 3.5 Employer names will appear on a list alongside the outstanding award after a minimum of 42 days following a warning notice.

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