



The hearing – guidance for claimants

Introduction

This publication has been specifically written for claims such as yours and explains what happens at a hearing at an Employment Tribunal, how to prepare for it and what can happen afterwards.

Please contact a tribunal office or the Customer Contact Centre if you would like a copy of this publication in an alternative format:

England and Wales: 0300 323 0196

For Welsh speakers: 0300 303 5176

Scotland: 0300 790 6234

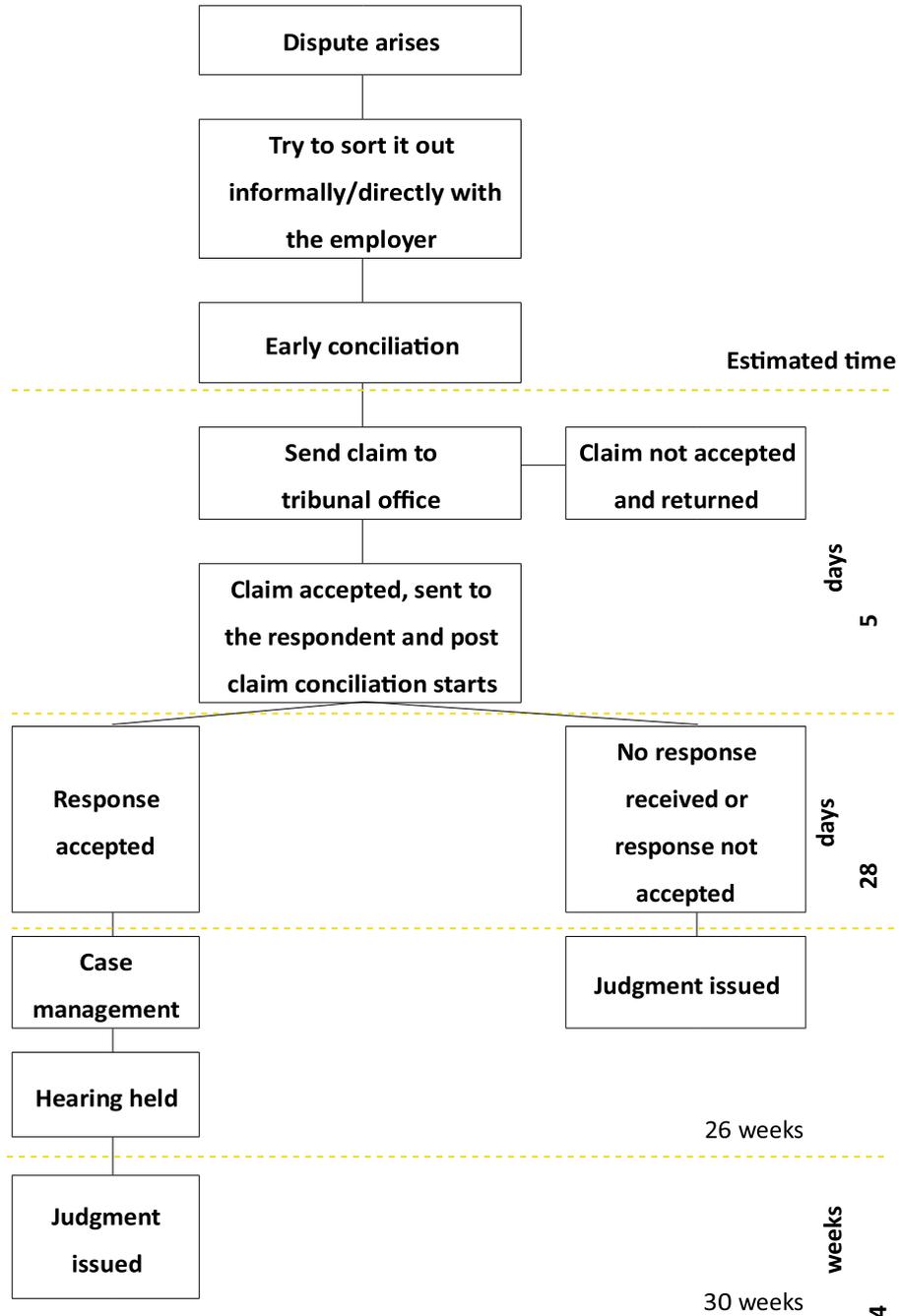
Presidential Guidance

Under the Employment Tribunal Rules the Presidents of the Employment Tribunals in England and Wales and Scotland may issue Presidential Guidance. The aim of that guidance is to improve consistency in the way Employment Tribunals manage cases and enable the parties to better understand what is expected of them and what to expect. It is not binding but should be followed where possible.

The Presidential guidance issued by both Presidents may be found at:

<https://www.judiciary.gov.uk/subject/employment/>

Claim process summary



Please note: Judgments issued to parties from February 2017 are published on the online public register at <https://www.gov.uk/employment-tribunal-decisions>

What does the tribunal do now it has received my claim?

We have accepted your claim and given it a case number which you should quote when you contact the tribunal office by phone or in writing.

We have also sent a copy of your claim to the respondent (or respondents if you are claiming against more than one) together with a response form on which they must provide certain information and say whether they do not agree with (resist) your claim and, if so, why.

How long does the respondent have to respond to my claim?

The respondent must complete and return the response form within 28 days of the date that we sent the copy of your claim to them, or longer, if an extension of time is granted by the tribunal. If the respondent does not reply within the time limit or fails to supply the necessary information, their response will not be accepted and the claim is likely to be treated as one to which no defence has been submitted.

In those circumstances an Employment Judge can decide the claim without the need for a hearing although a hearing to determine compensation may sometimes be required.

Acas's role

In most cases we will send a copy of your claim form and the respondent's response form to Acas, (Advisory, Conciliation and Arbitration Service) an independent, impartial organisation. An Acas conciliator will contact you and try to help you to reach a settlement without the need to go to a tribunal. This step is required by law even though you have already been through early conciliation. There is no charge for this service and all discussions with Acas are confidential.

The hearing

You will find the date, time and place of the hearing, and the estimated time it will take on the notice of hearing issued by the local office. Please contact the tribunal office if you are not sure about where and when the hearing is to be held. Make sure that you arrive at the hearing centre at least 30 minutes before the hearing is due to start, making allowances for possible travel delays. You may find that on arrival you are asked to wait until the tribunal completes other hearings.

Can I ask for the hearing to be postponed?

If you have a good reason to ask for the hearing to be postponed, you must make your request in writing as soon as possible giving full reasons for your request. You should also send a copy of your request to the respondent so that they are aware of it.

An Employment Judge will decide whether it is in the interests of justice to grant a postponement and they may want the views of the respondent before reaching a decision. You should not assume that your request has been granted.

We will inform you if it has. If you or the respondent (or somebody else acting for you or the respondent) fail to appear at a hearing, the tribunal may decide the case in your or their absence.

Preliminary Issues

You will be notified if there are any preliminary issues which the tribunal will need to decide, for example whether your claim has been submitted to the tribunal within the required time limit. Where such issues arise they will be dealt with at the hearing and you should be prepared to give evidence about them.

Preparing for a hearing

It can be useful to watch a hearing at a tribunal so you understand the procedure and what happens. You can do this by contacting any tribunal office and asking if there is a suitable hearing for you to observe.

What documents are necessary for the hearing?

You may have documents (e.g. your pay slips) which support your case and want to put them before the tribunal as evidence. If you do, you must make sure the respondent has reasonable notice of your intention (at least seven days before the hearing).

Security in our buildings

You will be asked to pass through a security arch, or to be scanned with a hand held detector before entering our building. Please tell security staff if you have any medical implants (such as a pacemaker) which may be affected or detected by the scanner.

You will also be asked to allow officers to conduct a visual search of the contents of any bags, and you may have prohibited items taken from you.

Any offensive weapons found by search procedures will be confiscated and you will be reported to the police.

If you refuse to be searched, you may be removed from or not let in the building.

What will happen at the hearing?

The tribunal will decide whether your claim succeeds or fails and if it succeeds what should be awarded to you.

It is usual in claims such as yours for the Employment Judge to sit alone and for cases to be allocated a hearing of one hour. If you think it should be heard by a full tribunal, please inform the tribunal in writing, giving your reasons. The

Employment Judge will make sure that you take the steps described below in a calm and measured way. However, he or she may have to be firm in moving the case on to ensure that it proceeds at a pace which enables it to be dealt with within the time set aside.

You will normally give evidence and call any witnesses first. However, there is no absolute rule as to which side starts. You and your witnesses will have to give evidence on oath or affirmation. If you lie after swearing an oath or affirmation you could be convicted of perjury. In England and Wales you may give evidence by reading a prepared written statement if you want.

The respondent or their representative can then ask you or your witness questions (this is called 'cross examination'). Finally, the Employment Judge may ask some questions. The same procedure is then usually followed in respect of the other witnesses and then with the respondent. Once all the evidence has been heard, the Employment Judge will usually announce the judgment and give reasons for it.

Publication of Employment Tribunal Judgments

Regulation 14(1) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations (S.I. 2013/1237) (the Regulations) requires the Lord Chancellor to maintain a register of all judgments (including written reasons) issued by Employment Tribunals. **The contents of the register are made available for public inspection.**

The vast majority of judgments issued to parties must be published on the register which is available online at <https://www.gov.uk/employment-tribunal-decisions>.

The Employment Tribunal Rules of Procedure (the Rules) are set out in Schedule 1 of the Regulations. An Employment Tribunal has the power, under Rule 50 to make an order with a view to preventing or restricting the public disclosure of any aspect of the tribunal proceedings **but it can only make such an order if one or more very strict conditions are met.** (Rule 50 gives more detail about these conditions.)

Under Rule 50 it is possible for an Employment Tribunal to make an order which places restrictions on what may be published in the register. This can include, for example, an order which anonymises the name of one or more individuals referred to in the judgment. Anyone who wishes to apply for an order under Rule 50 should do so **as early as possible in the tribunal proceedings.** Any application of this type can be made in writing or at any hearing.

What happens next?

Wherever possible you or your representative will be given a copy of the tribunal's judgment on the day of the hearing. If this is not possible you or your representative

will be sent a copy of the written judgment as soon as possible after the hearing. You must abide by the Employment Tribunal judgment as it is legally binding.

Written reasons for the judgment will also be given if you ask for them at the hearing or make a written request within 14 days of the date that the judgment was sent to you.

What should I do if my case settles or I wish to withdraw my claim?

You should let us know immediately if your case settles before the hearing. The conciliation officer will let us know if your case is settled through Acas. You must write to us if you want to withdraw either all or part of your claim. You must also tell the respondent that you are withdrawing your claim. You must do this as soon as possible.

If your claim settles through Acas the claim will be removed from the list for hearing (if listed) and the case file will be destroyed in accordance with our destruction policy 12 months from the date of settlement.

Can I claim expenses?

No expenses or allowances are payable to parties, witnesses and volunteer representatives (other than where the person attending the hearing has been called by the tribunal to give medical evidence) for attending an employment tribunal hearing of any type if the hearing relates to a claim made to an employment tribunal on, or after, 6 April 2012. Where a witness is being called to give medical evidence the party must seek prior authorisation of the expense from the tribunal administration.

If the claim was made on, or before 5 April 2012, then you, your witnesses and volunteer representatives (for example, unpaid representatives from a citizens' advice bureau) may be entitled to travelling costs and other allowances when going to a tribunal hearing. You can download a copy of the guidance - 'Expenses and allowances payable to parties and witnesses attending an Employment Tribunal', to see what you are entitled to.

We will not pay legal costs.

Disability or special needs

If you or anyone coming to a tribunal with you has a disability or a particular need, you should contact the tribunal office dealing with your case to discuss the matter. Examples of the help we can provide include converting documents to Braille or larger print, and paying for foreign – or sign language interpreters. We can also provide hearing-induction loops in the room where the hearing is held if you need

them. Please contact us as soon as possible so that suitable arrangements can be made.

Standards of service

If you are unhappy with our service, please contact any tribunal office or Customer Contact Centre for a copy of our publication **EX343 - Unhappy with our service - what can you do?** This explains our complaints procedure.

Customer Contact Centre details can be found on page 1 .

Employment tribunal offices

Aberdeen	Ground floor, AB1, 48 Huntly Street, Aberdeen AB10 1SH	t. 01224 593 137 e. aberdeenet@justice.gov.uk
Bristol	Bristol Civil and Family Justice Centre, 2 Redcliff Street, Bristol BS1 6GR	t. 0117 929 8261 e. bristolet@justice.gov.uk
Dundee	Ground Floor, Endeavour House, Greenmarket, Dundee, DD1 4BZ	t. 01382 221578 e. dundeeet@justice.gov.uk
East London	2nd Floor, Import Building, 2 Clove Crescent, London E14 2BE	t. 020 7538 6161 e. eastlondon@justice.gov.uk
Edinburgh	54-56 Melville Street, Edinburgh EH3 7HF	t. 0131 226 5584 e. edinburghet@justice.gov.uk
Glasgow	The Glasgow Tribunals Centre, 3 Atlantic Quay, 20 York Street, Glasgow G2 8GT	t. 0141 204 0730 e. glasgowet@justice.gov.uk
Leeds	West Gate, 6 Grace Street, Leeds, LS1 2RP	t. 0113 245 9741 e. leedset@justice.gov.uk
London Central	Victory House, 30-34 Kingsway, London WC2B 6EX	t. 020 7273 8603 e. londoncentralet@justice.gov.uk
London South	Montague Court, 101 London Road, West Croydon CR0 2RF	t. 020 8667 9131 e. londonsouthet@justice.gov.uk
Manchester	Alexandra House, 14-22 The Parsonage, Manchester M3 2JA	t. 0161 833 6100 e. manchesteret@justice.gov.uk
Midlands (East)	Nottingham Justice Centre, Carrington Street, Nottingham NG2 1EE	t. 0115 947 5701 e. midlandseastet@justice.gov.uk
Midlands (West)	Centre City Tower, 7 Hill Street, Birmingham B5 4UU	t. 0121 600 7780 e. midlandswestet@justice.gov.uk
Newcastle	Newcastle Civil Family Courts and Tribunal Centre, Barras Bridge, Newcastle Upon Tyne NE1 8QF	t. 0191 205 8750 e. newcastleet@justice.gov.uk
Wales	Cardiff and the Vale Magistrates Court, Fitzalan Place, Cardiff, South Wales CF24 0RZ	t. 029 2067 8100 e. waleset@justice.gov.uk
Watford	3rd Floor, Radius House, 51 Clarendon Rd, Watford WD17 1HP	t. 01923 281 750 e. watfordet@justice.gov.uk

Our offices are open from 9.00am to 5.00pm Monday to Friday.

We will direct you to a map showing the location of the office where the hearing has been arranged.
