

## **Making a claim at an Employment Tribunal**

### **What do Employment Tribunals do?**

Employment Tribunals hear cases and make decisions on matters to do with employment and working, such as claims involving; unfair dismissal, redundancy payments, discrimination and a range of claims relating to wages and other payments.

**If you have a discrimination claim you may be eligible for Legal Aid – Please call the Civil Legal aid Advice Line Tel: 0345 345 4345. Also advice can be given about discrimination and human rights by Equality Advisory and Support Service (EASS) on 0808 800 0082.**

### **Who are ACAS?**

ACAS, the Arbitration and Conciliation Service, can help you try and resolve your complaint without the need for making an Employment Tribunal claim. ACAS will also try to settle claims once issued without the need to proceed to a hearing.

**It is mandatory for most claims to go through the ACAS Early Conciliation Scheme before bringing a Tribunal claim.**

Call the ACAS enquiry line on 0300 123 1100 which is open from 08:00 to 20:00 Monday – Friday and 09:00 to 13:00 on Saturday. Or visit their website [www.acas.org.uk](http://www.acas.org.uk) you will need to register for Early Conciliation. Make sure that you have the correct legal identity of the company ready, you can check this on the Company's House website: <https://www.gov.uk/get-information-about-a-company>

### **How do I bring a claim in an Employment Tribunal?**

You start a claim to an Employment Tribunal by filling in the claim form. This is called an ET1. The form is available for you to complete online at <https://www.gov.uk/employment-tribunals/when-you-can-claim>

Alternatively, you can download or request and complete a hard copy and post the form to;

**Employment Tribunals Central Office (England and Wales), P.O. Box 10218, Leicester, LE1 8EG**

A helpline for general enquiries is available by calling 0300 123 1024

### **Is there a Time Limit to Bring a claim?**

Yes, most claims will need to be made within three months, less one day, of the act complained of, for example if the claim is unfair dismissal, you will need to bring a claim three months less one day from the date of dismissal. An exception to this is redundancy payments, where there is a six month, less one day time limit.

You will first need to go through the ACAS Early Conciliation process, this freezes your time limit and you will then have a new time limit after this process finishes if the matter is not resolved. .

### **Is there a fee to bring a claim?**

You must either pay a fee or make an application to have the fee waived. There are both Issue fees and Hearing fees in all cases. The level of fee you need to pay will depend on the type of claim you are making.

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For 'Type A' claims ie. Unpaid wages, payment in lieu of notice, redundancy, holiday pay etc. the issue fee is £160 and if the case proceeds to a hearing the hearing fee is £230.

For 'Type B' claims ie. unfair dismissal, discrimination claims etc. The issue fee is £250 and the hearing fee is £950.

### **How do I complete an ET1 Claim Form?**

The ET1 claim form provides space for you to write a statement about your claim. Once lodged, this claim form will be sent to the other side in your case, the Respondent who will then have 28 days within which to submit their response to your claim to the Tribunal, this response is done on an ET3 form.

If the case proceeds to a hearing this is the first document the Tribunal will read. You therefore need to give a clear account of what your complaint is about and keep to the point as much as possible.

You should try to write about events in the same order they happened. If you miss something out it might be hard to add it later, so you should mention every key event you are complaining about. You don't need to use legal language or quote the law, on the other hand you must make sure that your complaint is about something that is covered by the law.

### **Some Key Points on Completing the ET1 Claim Form**

If you are completing the ET1 form online, ensure that you have enough time to complete the form, you can start a claim and save it to complete later on. Making the claim will take approximately 45 minutes depending on the type of claim you are bringing. Check the details are accurate before you submit it.

Ensure that you are able to make payment at the time of completing your form, or if you are going to apply for a fee remission, make sure that you have the required evidence ready to send off to the Employment Tribunal. This may include benefit award letters, three months bank statements and payslips, for you and your partner if you have one.

Do note that if you need to submit your form due to a pressing time limit you will usually have 7 days to lodge your fee remission application, however, if you do not have the required evidence your claim will not be processed. You may therefore need to pay the claim issue fee, but you will have up to three months to make a claim for this fee to be refunded if you are eligible for remission, by making the application for fee remission within that time with the required evidence.

### **How can I apply to get the fee waived?**

However, if you are on income related benefits or a low income you may be entitled to have the fee waived.

When you lodge your claim with an Employment Tribunal you need to complete the application for fee remission at the same time. Guidance on fee remission can be found in the form EX160 hard copies can be requested from your local Court, or downloaded from <https://www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees>

### **What happens next?**

When you have submitted your ET1 form, and either paid the fee or applied for fee remission, you should check that the Tribunal have received it. Make sure that you check before the time limit runs out so that you can send it again if you need to. You should get an Acknowledgment of Claim soon after you send in your ET1 Claim form after it has cleared the fee remission process.