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**Preparing for an employment tribunal**

23 January 2023

Preparing for an employment tribunal

These notes contain general information and guidance. They do not give legal advice.

Birkett Long LLP will not be held responsible for any errors or any consequences arising from the use of these notes or information given during the associated presentation.

You should obtain specialist and detailed advice before acting in any individual case.

If you have any queries or wish to discuss any of the matters on an employment tribunal case or an employment law of HR matter please get in touch with any member of the team.

We’d be delighted to hear from you and to provide advice, guidance and support. We offer a free, no obligation, chat for up to 15 minutes so don’t delay.

How can we help?

Birkett Long’s HR specialists and employment law solicitors provide advice, guidance and representation on HR and employment related issues to individuals and businesses. We know these can be challenging and time consuming for both and we understand the importance of getting the best out of the investment individuals put into their work and businesses put into their workforce.

Birkett Long’s Human Resources is a unique service consisting of HR experts and specialist employment lawyers and provides advice and guidance to senior managers in the absence of in-house HR knowledge or will work with and support the existing HR team. Our straight to the point, expert, commercial and pragmatic approach fulfils needs and budget. We understand commercial priorities, and look beyond the obvious when seeking solutions. Our comprehensive service provides hands-on expertise as and when you require it.

However you choose to engage us, whether as an individual or business, we will use our extensive and specialist experience, including of the employment tribunal and High Court judicial systems, and will fight and protect your corner. Our HR and employment specialists solicitors can, for example, advise you on:

* Redundancies, Reorganisation and Restructuring
* Transfer of Undertakings (TUPE)
* Industrial Relations and Action
* Discrimination and Equal Opportunities
* Grievance and Disciplinary Proceedings
* Discrimination including disability and age
* Recruitment
* Maternity and other family friendly rights, leave and pay
* Long term sickness and absence
* Appraisals
* Flexible working
* Employment tribunal claims

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* Enforcement of restrictive covenants or other breach of contract disputes (from the point of suspicion of breach)
* Settlement agreements
* Directors, shareholders, shareholders’ agreements and directors’ service agreements.
* Complex employment law issues, including complex discrimination, whistleblowing, TUPE, holiday pay, national minimum wage, equal pay and job evaluation schemes, GDPR and other data protection matters

# HR Forum

Our HR Forums, held in Colchester, Chelmsford and Basildon, are a great opportunity to keep up to date with recent developments in HR & employment law. You can discuss any HR issues you’re facing in a relaxed roundtable environment with other HR professionals and managers in business. Our experts are on hand to provide advice and ideas drawn from their extensive experience.

You can find the dates of our HR Forums at:

<https://www.birkettlong.co.uk/site/about/birkett_long_events/>

To book and find out more please contact Katie Robertson on 01206 217334 or by email to [katie.robertson@birkettlong.co.uk](mailto:katie.robertson@birkettlong.co.uk)

# Birkett Long HR Chat

Birkett Long host a group on LinkedIn where we post updates and points of interest from the news. It is a safe space, not dissimilar to the HR Forum, where you can discuss these as well as HR issues you’re facing with other HR professionals and managers in business and we will be on hand to chip in with advice and ideas.

To keep the group as ‘safe’ as we can, the group is closed so please indicate on the feedback form (at the end of these notes) if you would like to become part of Birkett Long’s HR Chat or ‘LinkIn’ with Julie Temple and we will send you an invite.

# Keep in touch and up to date?

If you’re interested in receiving future updates from the BLHR and Employment team at Birkett Long please email [katie.robertson@birkettlong.co.uk](mailto:katie.robertson@birkettlong.co.uk) and she will ensure you receive relevant updates and information.

# Questions?

If you have any questions or would like to discuss how the BLHR and Employment team at Birkett Long can help you or any of your clients do not hesitate to contact Julie Temple, Head of the team, on 01206 217318 or by email [julie.temple@birkettlong.co.uk](mailto:julie.temple@birkettlong.co.uk) or any other team member. They would be delighted to hear from you.

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Glossary

|  |  |
| --- | --- |
| Acas | Advisory, Conciliation and Arbitration Service |
| Claimant/s | the party/ies who are bringing the claim |
| EAT | Employment Appeal Tribunal |
| ET1 | Employment tribunal claim form |
| ET3 | Employment tribunal response form |
| Respondent/s | the party/ies against whom the claim is made |

# Anatomy of an employment tribunal claim

# Employment tribunal layout (in person hearings)

Lay member

Lay member

Judge

Witness stand

Clerk desk

Respondent table

Claimant table

Public seating

Public seating

Public seating

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Most employment tribunal cases are anticipated by employers. It is very rare for a claim to come completely out of the blue.

## Before a claim

### Following termination

Often a claim is made by a former employee; their employment has ended because they resigned or were dismissed; they may or may not have raised a grievance or appealed against a decision to dismiss them.

### During employment

Sometimes, mostly claims for discrimination, claims are made by an individual who is still employed. For obvious reasons, this can make the relationship with the employer and colleagues difficult and requires careful handling; the employer and any individually named Respondents should be extra careful to minimise the risk that anything they do (or don’t do) after the claim has been brought lead to further claims, for example, for victimisation.

## Acas

Claimants, in most employment tribunal claims, must comply with the requirement to undertake mandatory Acas early conciliation before they can proceed with a claim. Acas is an independent and impartial organisation that is required to liaise between the parties to try to facilitate settlement prior to a claim being made.

Whether, as an organisation, you feel you have done wrong, the claim is merited or you are minded to settle or not, there are benefits to engaging with the early conciliation process. There are also benefits to agreeing a settlement. They include:

* settlement through Acas is straightforward.
* Acas is neutral and can calm relations especially if one or both parties are not represented.
* there is no fee involved and settlement can save time and costs.
* in most instances the communications with Acas may not be used as evidence in any employment tribunal hearing without the consent of the other party; **if you wish to rely on an offer made with the assistance of Acas to support an application for costs you should expressly say so.**
* exploration of the merits of the claim and testing of the respective cases at an early stage.

You can find out more about early conciliation at <https://www.acas.org.uk/early-conciliation> or get in touch with any of Birkett Long’s employment law specialists.

## Submitting the claim

If early conciliation is unsuccessful a certificate will be issued to the Claimant and generally copied to the Respondent/s. The Claimant will need to enter the certificate number on the claim form (or ‘ET1’) which they submit to the employment tribunal.

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## Notification of claim

Once a claim has been submitted the employment tribunal will send a copy of the claim to the Respondent/s along with a notice of claim, instructions for responding to the claim and a blank response form (or ‘ET3’).

## Collecting relevant information and confidentiality

A Respondent employer should notify any individuals involved in a case at an early stage that a claim has been received. They should be asked to **collate and preserve any relevant notes, emails, letters, messages of any kind and other evidence**. They will often, also, be told that any discussions about the case must be limited to those involved in the case, are confidential and not to be shared.

If there is a risk of the press becoming interested, you should consider giving instructions about how to respond to any enquiries and requests for comment or who to direct them to.

## Deadline to submit response

Each Respondent must submit a response within 28 days of the date of the notice of claim; this date will be stated in the letter from the employment tribunal. **The date should be diary noted so it is not overlooked.** The response must be submitted no later than midnight on this date but ideally before.

The date to respond can be extended by the employment tribunal on application by a Respondent; any application should be made in advance of the deadline but can be made after the deadline is passed. If made before we are finding it rare that the application will be considered before the deadline has passed so it is recommended a response of some sort is submitted.

## Preparing the response

The response should set out a summary of the Respondent’s version of events.

The response can be prepared by an internal party, third party consultant or a specialist employment solicitor.

Whichever approach you take, to properly prepare a response, you should:

1. Ask any and all potential witnesses to summarise their involvement and what they can remember (or make notes of what they if you speak with them directly).
2. Ask them to send you any and all relevant or potentially relevant evidence (of any type).

From this information you can prepare a summary of the events and decide if you should:

1. **admit** an allegation made by the Claimant. The Claimant might allege a manager said something to them. If the manager accepts they said, admit it.
2. **deny** an allegation made by the Claimant. If the manager is very clear they did not say what is alleged, deny it. If the manager says they said something else, include what they say they said in the response.
3. 'put the Claimant to proof' or make **no admission** – in other words adopt a neutral position and make the Claimant prove the allegation. This might be the approach adopted if the manager doesn’t remember what they said or there is no witness or evidence the Respondent can rely on one way or another.

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In limited circumstances you may be able to make amendments to the response submitted (as might the Claimant make amendments to their claim). If the need arises a prompt application should be made to the employment tribunal along with the draft amended response.

## If you instruct a third party

Whether you instruct a third party will depend on several factors, ranging from in-house experience and confidence to deal with the case, costs and complexity.

If you intend to instruct someone to act for you it is sensible to involve them early and make an early decision whether a barrister will be instructed to assist or represent you at the final hearing. The longer you leave involving someone the less choice you might have.

If you name a third party as representing the Respondent in the response, the employment tribunal will write to them about the claim.

## Discrimination questionnaires and written questions

If the claim involves allegations of discrimination, the Claimant may send a questionnaire or written questions. This now quite rare. The Respondent has no legal obligation to answer any questions but an employment tribunal can consider the absence of an answer or the answers themselves when making their decision. For this reason alone, it is recommended you take specialist legal advice before responding to any questionnaire or written questions.

## Preliminary hearings

In complex cases and almost all discrimination cases, a Preliminary Hearing is held to review the claim, response and to give case management orders.

Preliminary Hearings can also determine a ‘preliminary issue’, for example whether a claim is out of time or the Claimant was a ‘disabled person’.

More than one Preliminary Hearing may be held throughout the lifetime of a case.

The parties are often required to submit an agenda in advance of the Preliminary Hearing, ideally agreed between the parties, which will include a list of the issues that the employment tribunal must determine at any final hearing. A word version of the agenda can be downloaded at: <https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

There can be a delay between the Preliminary Hearing and receiving written confirmation of the discussion and any orders. **It is, therefore, important to make a careful note of the discussions and orders so that they can be referred to if needed.**

Preliminary Hearings generally take place by telephone, but they can also take place by Cloud Video Platform or ‘CVP’ or in complex cases (or where the case has proved difficult for some reason) in person. An agenda and list of issues will need to be agreed, if possible, and submitted to the employment tribunal ahead of the Preliminary Hearing.

CVP hearings will only be facilitated where both parties have access to a stable internet connection and also appropriate computer equipment. **It is not advised to attend any type of CVP hearing using a mobile phone!**

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## Judicial mediation

Judicial mediation is offered by the employment tribunal in some cases. As the name suggests, it is a mediation that is facilitated by a Judge of the employment tribunal. A mediation is not a review of the case but an attempt to facilitate settlement without a hearing.

A mediation must be agreed to by both parties and can take place in person or remotely by CVP.

## Case management orders

In straight forward cases (not involving claims of discrimination) employment tribunals tend to send case management orders at the same time as sending the notice of claim to the Respondent or shortly after.

In more complex cases, case management orders are made at a Preliminary Hearing (or varied where a Preliminary Hearing is held after they have been issued).

Case management orders set the timetable for steps to be taken by the parties to prepare the case for final hearing. A timetable will usually be set for the following (although there may be others depending on the type of case):

1. Statement of remedy/schedule of loss
2. Disclosure/list of documents
3. Expert evidence
4. Bundle for the hearing
5. Witness Statements
6. Cast list and chronology
7. The hearing

**Diarise the dates and make sure anyone involved in complying with them is aware of them.** If, for any reason, the date cannot be complied with, it is generally permissible to agree an extension with your opponent (as long as any hearing date is not jeopardised) but it may be necessary, either because your opponent won’t agree or because the employment tribunal has specifically stated an application must be made, to make an application to the employment tribunal for a case management order to be varied.

### Statement of remedy/schedule of loss

The Claimant will be ordered to produce a statement of remedy (or schedule of loss); in other words what they want the employment tribunal to award if they are successful in their claim/s. Often, this is a statement of the financial loss the Claimant says they have suffered as result of the alleged actions of the Respondent.

If orders are made at the same time as sending the claim to the Respondent this is generally required to be completed by the same date as the response must be sent to the employment tribunal. If you appoint a representative to represent you in the claim, you should send a copy of this to your representative if you receive it directly.

### Disclosure/lists of documents

The parties will generally be ordered to prepare and exchange with the other party either a list and/or copies of all documents they have. Sometimes, one party will be asked to send theirs and the other party will then review and send any which have not been provided or which only they have. **Practice varies between employment tribunals and sometimes Judges so make a note of any**

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**order given at a Preliminary Hearing and/or read the written order of the employment tribunal carefully.**

Evidence should be included (or disclosed) that is relevant to the issues in the case, including any which is not helpful or which supports the opponent’s case.

Parties and witnesses should make a reasonable search for evidence, including any archive or deleted items and items on mobile devices and other chat software.

Relevant documents ‘may include documents which record events in the employment history: for example, a letter of appointment, statement of particulars or contract of employment; notes of a significant meeting, such as a disciplinary interview; a resignation or dismissal letter; or material such as emails, text messages and social media content (Facebook, Twitter, Instagram, etc). The claimant may have documents to disclose which relate to looking for and finding alternative work’ (Presidential Guidance). They also include any deleted ‘documents’ and those stored on servers and back-up systems as well as information stored and associated with electronic documents, known as metadata.

Exchanges with your solicitor or in anticipation of legal proceedings should not be included as they are ‘privileged’.

The Respondent’s list of documents should include:

1. Recent payslips.
2. Contract of employment.
3. Relevant policies and procedures.

Once disclosure has taken place, both parties have an ongoing duty to disclose documents that come to light.

### Inspection and specific disclosure

You should review the Claimant’s list or documents carefully; if only lists have been exchanged and you do not have a copy of a particular document, ask for it. The employment tribunal may say how quickly copies should be provided. This is known as ‘inspection’.

You should also think about any documents which you know (or suspect) exist but have not been disclosed as well as documents identified as existing within those provided. For example, the Claimant may have made notes at a hearing or you suspect they exchanged messages with a colleague but these are not listed. A message might refer to an earlier message but the earlier message has not been provided. If you identify any missing document, ask for it to be provided. This is known as ‘specific disclosure’. If it is not provided voluntarily or you are not satisfied with the response, you may need to make an application to the employment tribunal for an order that it is disclosed.

### Expert evidence

Expert evidence might be necessary in some cases. Commonly, this will be medical evidence in a claim for disability discrimination and to assist with determining whether a Claimant was a ‘disabled person’ or capability case.

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Experts are often appointed jointly but can be appointed by just one party.

### Bundle of documents

Often the Respondent will be ordered to prepare the bundle and provide a copy to the Claimant and enough copies to be used at the hearing.

The bundle should be prepared in accordance with the employment tribunal’s order, which will generally mean in chronological order, paginated and indexed.

Employment tribunals now frequently ask for electronic and hard copy bundles. Again, read the order carefully and ensure the dates for receipt are complied.

### Witnesses and witness statements

The order will give a date on which witness statements should be exchanged between the parties. Rarely, an employment tribunal will order one party to send their witness statements and the other to send theirs at a later date.

**As soon as you receive a claim, you should consider who can give evidence to support the Respondent’s case as well as who should give witness evidence to respond to the Claimant’s case.**

All potential witnesses should be asked to give their version of events as early on as possible. This will minimise issues connected with memories fading overtime, particularly as hearings can be many, many months away, including some taking place a year or more after the events occurred. It also ensures versions are captured before individuals move on or relationships sour.

**All potential witnesses should ensure the hearing date is in their diary (including location and start time) and keep the dates free.** Once listed, an employment tribunal will rarely change the hearing date and it is important to remember the unavailability of a witness to give evidence in person could be the difference between success and failure of the response.

Each witness will be required to submit a written statement. The statement will detail their version of events and role in the case. Any witness statement should:

* have numbered paragraphs.
* be in chronological order.
* deal only with the facts.
* refer to documents in the bundle.

A witness statement should not:

* give opinion (unless they contemporaneous thoughts or feelings).
* argue legal points.

It is a good idea for any witness who has not given evidence in an employment tribunal before to watch an employment tribunal hearing. This will give them a better idea of what happens during a hearing and should make giving evidence a little less daunting.

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Most hearings are public and some can now be accessed online. You can register for free and access the list of cases each day at: <https://www.courtserve.net/courtlists/current/ets/indexv2et.php> If

attending in person to view an employment tribunal hearing, you should ring in advance to check a hearing is actually taking place.

Each witness should be given (or be able to access) copies of:

* All the Respondent and Claimant witness statements.
* The hearing bundle.

They should read through them and familiarise themselves with the contents of all of it before the hearing and particularly their own statement and the documents they refer to in it.

## The hearing

The dates of the main or ‘substantive’ hearing will be given by the employment tribunal. The number of days required will depend on the complexity of the claim/s, the number of witnesses anticipated by the parties and any anticipated reading time.

The substantive hearing may be postponed at short notice if there are insufficient Judges. If you have or will incur considerable costs for the hearing, for example, because a witness must travel you should notify the employment tribunal so they can take this into account when considering if the hearing should go ahead.

The hearing will be chaired by the Judge. If the case involves allegations of discrimination or is complex, they will be accompanied by two lay members. The Judge is legally qualified whereas the lay members will have practical experience in industry (one in an employer/business background and one with an employee/union background).

Witnesses should bring to the hearing (if it is in person) or have ready access, using a different device to the one they are using to ‘attend’ the hearing (if by CVP’), to a copy of:

* all the Respondent witness statements
* all the Claimant witness statements
* the hearing bundle

Witnesses should have a means to communicate with their representative; this can be post-it notes if in person or an agreed means to communicate if the hearing is taking place by CVP – this could be email or, for example, Whatsapp.

When attending in person, witnesses should be aware that there may be members of the press or public in the building, at the hearing and in public areas as well individuals with some relationship to the Claimant. For this reason, **always be careful about being overheard**.

Employment tribunals tend to be laid out in a standard way. See

Employment tribunal layout (in person hearings) above.

Although employment tribunal hearings are less formal than hearings in the High Court or County Court, when attending in person, everyone should stand when the tribunal members enter or leave. From 1 December 2022, **Judges in the employment tribunal should be referred to as Judge and any lay-members referred to a Sir or Madam**.

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Employment tribunal hearings generally start at 10 am but some may start at 9.45 am(or earlier). **Always double check the notice of the hearing for the start time and location of the hearing**.

There are likely to be several breaks during the day with lunch generally around and 1pm and 2pm and the hearing day finishing from 4 pm an 5 pm.

There may also be breaks for representatives to take instructions, to speak with each other or so the employment tribunal panel can confer.

Often, before any evidence is heard, the Judge will cover housekeeping matters with the representatives, including the order of witnesses, a timetable for the hearing and documents for them to read before the hearing starts. There might also be some preliminary applications or disputes about documents or issues that need to be considered. Sometimes no evidence is given at all on the first day and the parties may even be sent away (or not have been required to attend).

Who starts first depends on the claim/s and who has the 'burden of proof'. Generally, the Respondent will give evidence first in a claim for unfair dismissal and the Claimant will start in a claim for discrimination.

Statements are not usually read out loud by witnesses as they will have been read in advance. Bar any points of clarification or additions arising from the witness statement (known as **evidence in chief**) , the opposing representative will ask questions. This is known as **cross-examination**. Once they have finished asking questions their own representative will have an opportunity to ask questions (known as **re-examination**) as will the Judge and any lay members. The Judge can interrupt and either representative may interrupt if, for example, they think the question is not relevant, is unclear or they want to clarify or ask further questions about the evidence a witness has just given. This will be repeated for each witness for both parties.

Giving evidence is outside the remit of these notes. Any member of our specialist team would be happy to ask any questions or assist - just get in touch. Our details and ways we can help are set out below.

### Closing or written submissions

Once the evidence has been given there will often be a break before the representatives give ‘closing submissions’. This is a summary of the issues of the case and the evidence that supports the party’s case in respect of each of them.

Closing submissions are given verbally at the end of the hearing or the parties might be asked to return the following day. Where given verbally, the party who went first will be the last to make their submissions.

If there is not enough time at the end of the hearing or the case is complex, the parties will be ordered to prepare written submissions. The employment tribunal will give a date by which they must be sent to the employment tribunal and exchanged with the other party.

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## The tribunal’s decision

If verbal submissions have been given, the case is quite straightforward and there is still enough time at the end, the employment tribunal will give its decision verbally after a period of deliberation.

If the case is more complex and/or there is not enough time left, the employment tribunal will ‘reserve’ its decision and send its judgment in writing. This can often take in excess of six weeks and, in most instances, months.

## Reconsideration appeal

Any party can apply to the employment tribunal for a reconsideration of the decision (or part of it) verbally at the hearing or within 14 days of the date of the judgment or written reasons for the judgment were sent. A reconsideration will take place where it is ‘in the interests of justice’ and the reconsideration can confirm, vary or revoke the original decision.

## Appeal

As well as a reconsideration (or alternatively) an unsuccessful party can appeal to the Employment Appeal Tribunal (or EAT) within 42 days of receiving written reasons. Appeals are much more restrictive and will only be allowed to proceed on a point of law or where the judgment was one which no reasonable tribunal could have reached.

If a decision has been given verbally at the end of a hearing, the party will need to request written reasons. This can be done at the hearing or in writing within 14 days of the date on which the written record of the judgment was sent.

## Remedy hearing

If the Claimant is successful in their claim, and the hearing did not consider what the Claimant should receive by way of compensation, a further hearing will be listed to consider this. This is known as a remedy hearing; they are often not required as agreement is reached before a hearing solely for this purpose.

## Costs

The general rule in the employment tribunal is that each party is responsible for their own costs. Costs can only be awarded in the employment tribunal in limited circumstances, including where:

* a party has breached an order
* a party or their representative ‘has acted vexatiously, abusively, disruptively, or otherwise unreasonably in the bringing or conducting of the proceedings, or a part of them’ or
* any ‘claim made in the proceedings by a party had no reasonable prospect of success’

Although the number of costs awards are increasing it remains the exception rather than the rule. Respondents should proceed on the basis they will not be awarded any contribution to their costs by the Claimant. This, along with the risk of a costs award against the Respondent, should be regularly reviewed.

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A detailed consideration of costs awards in the employment tribunal is outside the remit of these notes, but any member of our specialist team would be delighted to hear from you and answer any questions you might have – how to get in touch is below.

## Settlements

Defending employment tribunal cases can be expensive both in terms of time and money. The more complex the case the more likely it is you will need to engage with legal experts to assist you with preparing the case and/or a barrister to represent you at the final hearing (if not any Preliminary Hearing).

For this reason, cases often settle on an economic and commercial basis to save the time, money and stress. Settlement also provides certainty and can be the most appropriate route if, for example, the Respondent recognises the defence is weak, witnesses are no longer available or the press coverage could be detrimental even if the case is successfully defended.

Settlements often, but not always, include the payment of some financial compensation to the Claimant (and, on occasion, the Respondent) in return for the Claimant withdrawing their claim. The settlement will often include non-financial items such as a commitment by both parties to keep the settlement confidential and an agreed reference. This can be appealing to a Claimant (and Respondent) as an employment tribunal will rarely order the parties to keep aspects of the case confidential and cannot order a Respondent to provide a reference.

Settlement should always be considered and kept under review; settlement in the early stages, when costs are low and the parties are less emotionally invested, is often the best option.

Once there is an agreement in principle the settlement should be recorded in writing either in the form of a settlement agreement (on which the Claimant must take independent legal advice) or a COT3 agreement negotiated with the assistance of Acas.

## Aggravated penalty

For completeness, an employment tribunal has the power to order a Respondent to pay a penalty to the Secretary of State of between £100 and £20,000 if the case has ‘one or more aggravating features’. Such a penalty award is also an exception rather than the rule but something to keep in mind.

Useful websites

<https://www.acas.org.uk/early-conciliation/requesting-early-conciliation-as-an-employer>

<https://www.judiciary.uk/wp-content/uploads/2013/08/presidential-guidance-general-case-management-20180122.pdf>

<https://www.courtserve.net/courtlists/current/ets/indexv2et.php>

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# Employment tribunal statistics

In statistics published in December 2022, covering quarter 2 for 2022/2023 (July to September):

| **Single claims** | **Q2 2022/23** | **Q2 2021/22** | **Q2 2020/21** | **Q2 2019/20** |
| --- | --- | --- | --- | --- |
| Receipts | 7,808 | 7,349 | 10,317 | 9,808 |
| Disposals | 7,107 | 7,480 | 3,533 | 6,173 |
| Outstanding | 44,504 | 41,134 | 40,463 | 33,204 |

| **Multiple claims** | **Q2 2022/23** | **Q2 2021/22** | **Q2 2020/21** | **Q2 2019/20** |
| --- | --- | --- | --- | --- |
| Receipts | 10,014 | 14,667 | 20,180 | 15,660 |
| Disposals | 5,501 | 4,433 | 3,533 | 8,808 |
| Outstanding | 448,158 | 465,777 | 432,679 | 390,953 |

**A single claim is one individual against their employer and a multiple claim is two or more individuals against a common employer.**

Our experience is that unfair dismissal claims alone are taking in excess of one year from presentation to hearing and we are receiving listings for multi-day discrimination cases across the country into 2024. On the plus side we are yet to receive any listing for 2025!

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Employment and BLHR team

ADVICE FROM BIRKETT LONG LLP

Birkett Long’s Human Resources team offer a unique service. Consisting of both HR experts and specialist employment lawyers, we can provide advice and guidance to senior managers in the absence of in-house HR knowledge or work with your existing HR team. Our straight to the point, expert, commercial and pragmatic approach fulfils your needs and budget. We understand commercial priorities, and look beyond the obvious when seeking solutions. Our comprehensive service provides hands-on expertise as and when you require it and covers:

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* Recruitment
* Maternity and other family friendly rights, leave and pay
* Long term sickness and absence
* Appraisals
* Flexible working

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Description automatically generated with low confidence

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HR Forum

Our HR Forums, held in Colchester, Chelmsford and Basildon, are a great opportunity to keep up to date with recent developments in HR & employment law. You can discuss any HR issues you’re facing in a relaxed roundtable environment with other HR professionals and managers in business. Our experts are on hand to provide advice and ideas drawn from their extensive experience.

You can find the dates of our HR Forums at: <https://www.birkettlong.co.uk/site/about/birkett_long_events/>

To book and find out more please contact Katie Robertson on 01206 217334 or by email to [katie.robertson@birkettlong.co.uk](mailto:katie.robertson@birkettlong.co.uk)

Birkett Long HR Chat

Birkett Long host a group on LinkedIn where we post updates and points of interest from the news. It is a safe space, not dissimilar to the HR Forum, where you can discuss these, as well as HR issues you’re facing, with other HR professionals and managers in business and we will be on hand to chip in with advice and ideas.

To keep the group as ‘safe’ as we can, the group is closed so please indicate on the feedback form (at the end of these notes) if you would like to become part of Birkett Long’s HR Chat or ‘LinkIn’ with Julie Temple and we will send you an invite.

Keep in touch and up to date?

If you’re interested in receiving future updates from the BLHR and Employment team at Birkett Long please email [katie.robertson@birkettlong.co.uk](mailto:katie.robertson@birkettlong.co.uk) and she will ensure you receive relevant updates and information.

Questions?

If you have any questions or would like to discuss any of the issues we speak about in this presentation or how the BLHR and Employment team at Birkett Long can help you or any of your clients do not hesitate to contact Julie Temple, Head of the team, on 01206 217318 or by email to [julie.temple@birkettlong.co.uk](mailto:julie.temple@birkettlong.co.uk)

You can also contact any other team member who would be delighted to hear from you.

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