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BARRISTERS

EMPLOYMENT

FACT 13

EARLY CONCILIATION

Since 6 May 2014 it has been mandatory to attempt Early Conciliation via Acas (the Advisory, Conciliation and Arbitration Service) before bringing a claim in the Employment Tribunal. This new rule applies to most types of employment claim.

Here's how it works in outline:

⇒ It's free.

⇒ Potential claimants will first need to submit an Early Conciliation Form. This can be done over the phone with Acas, online or by post.

⇒ Acas will contact the claimant to discuss the options and explain the process.

⇒ If both employee and employer are willing to participate, Acas will then try to help the parties resolve their issue or dispute. There is, however, no obligation to participate.

⇒ Parties may be represented during conciliation.

⇒ The time allowed for Early Conciliation is one month (extendable by a further 14 days if the parties agree and settlement looks likely).

⇒ The strict time limit for bringing an Employment Tribunal claim is paused during Early Conciliation.

⇒ Early Conciliation concludes when:

- ◆ The parties reach settlement;
- ◆ Either party refuses to participate;
- ◆ Conciliation fails; or
- ◆ The time allowed for conciliation runs out.

⇒ If Early Conciliation doesn't succeed, Acas will issue an Early Conciliation Certificate.

⇒ The time limit for bringing a claim in the Employment Tribunal then starts to run again. The claimant will have no less than one month, but exact timings should be checked carefully.

It is important to remember that without the Early Conciliation Certificate and unique reference number, the claim will be rejected. For further information go to the ACAS website or speak to one of our experts who can advise?