**LEGAL FRAMEWORK**

*Governed by the Employment Tribunals Act 1996*
*Constitution and procedure contained in the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004*
*Statutory claims (such as unfair dismissal and discrimination) can only be brought at the ET*
*Contractual claims (e.g. wrongful dismissal) can be brought at both the ET (under £25,000) and the County Court. Usually claims have to be brought within 3 months (discrimination, UD, WD), or 6 months (equal pay).*
*Extend time limit when not reasonably practical (out the country, postal strike) – UD, breach of contract, TUPE. For extending time limit is discrimination it has to be just and equitable.*

**NOT REASONABLE PRACTICABLE TEST:** Cambridge & Peterborough Foundation NHS Trust v Crouchman/ Palmer v Southend-On-Sea BC/ Times Newspapers v O’Reagan; but see Union Cartage Co Ltd v Blunden

**JUST AND EQUITABLE:** Department of Constitutional Affairs v Jones/ Berry v Ravensbourne NHS Trust/ Cohan v Derby Law Centre

**COMMENCING PROCEEDINGS AND ACAS**

*Dispute arises *Try sort it out *Get advice *Send Claim to tribunal office (claim not accepted if in complete, without merit, out of time, etc) *Claim accepted, sent to the R and conciliation starts. Form ET3 includes whether intends to resist application and upon what grounds. Copies of completed ET3 sent to employee and ACAS. *within 28 days response accepted. If no response received/response not accepted so default j’ment entered. The 28 days can be extended upon a successful application. *After this within 26wks there is case management directions and a hearing is held *a Further 4wks after this allows j’ment to be issued.

*Role of ACAS: promote agreement without need for a hearing; produce ACAS Code and Guidance.*

*Compromise Agreement: S203 ERA 1996: prevents the voluntary surrender of statutory rights. Any attempt will be void (Council of Engineering Institutions v Maddison). *Unless: ACAS or a representative who has authority to negotiate; collective agreement; A compromise agreement.*

**RULES AND COMPOSITION OF THE ET**

*Less formal than cts – procedural governed by statute (Rules of Procedure); can hold Case Management Discussions (for Directions); can hold Pre-hearing Reviews to get more info re what the case is about.*

*Disclosure: there is no automatic disclosure (to give up documents). It is usual to make voluntary disclosure, but ET can make an order.*

*At tribunal, there is an Employment Judge and two lay members with employment law background.*

*Person on whom burden of proof rests goes first eg UD cases it is employer, and in constructive UD it is employee.*

*The parties usually state their cases each, then cross-examination, with finally each giving a summation.*

*There is a 42-day time limit to appeal the decision on a point of law.*