



Guide to Early ACAS Conciliation

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Since 6 May 2014, any individual who wishes to bring an Employment Tribunal Claim **must** contact ACAS and provide certain information using a prescribed form before they can file a claim at the Employment Tribunal. This is a legal requirement (unless an exemption applies).

If an individual does not contact ACAS then their claim will not be accepted by the Employment Tribunal.

ACAS requires an individual who wishes to bring a claim to notify them of their intention to claim themselves (ACAS will not speak to a legal adviser in the first instance).

When should an individual contact ACAS

An individual usually has three months to bring a claim at the Employment Tribunal. In dismissal cases, the three month period begins from the date the individual's employment ends. In discrimination cases or complaints relating to non-payment of wages or holiday pay, the three month period begins when the matter the individual is complaining about happened.

Individuals must contact ACAS before the deadline to file their claim at the Employment Tribunal has passed.

Once ACAS has been contacted, the "clock will stop" on the time period for raising a claim at the Employment Tribunal. ACAS will then contact the parties to try to assist them to reach a resolution without the need to bring a claim.

The process

The prescribed form to start Early Conciliation can be submitted online or by post and only requires basic details of the parties involved. Details of the nature of the potential claim(s) are not needed at this stage. The form can be found on the ACAS website at: <https://ec.acas.org.uk/>

Once the form has been submitted, ACAS will have one month from the date of submission of the form to contact the parties and attempt to promote settlement.

Where the prospective claimant wishes to pursue conciliation, ACAS must contact the respondent(s) and attempt to settle the matter. The one month time period for achieving settlement can be extended by up to 14 days where both parties consent and where the conciliation officer considers that there is a reasonable prospect of achieving settlement before expiry of the extended period.

If settlement cannot be achieved, such as where the parties cannot be contacted or where it looks unlikely to succeed at any stage of the process, ACAS will close the matter and issue a certificate containing a unique reference number. This certificate is an essential part of the process as it will confirm that the prospective claimant has complied with their obligation to contact ACAS and it will enable them to submit a claim form to the Employment Tribunal.

Claimants will have to insert their unique reference number onto their Employment Tribunal claim form to prove that they have complied with the early conciliation process.

Once the certificate has been issued, the clock will start again in terms of the time in which the Claimant must bring their claim at the Employment Tribunal. There are special rules regarding when the Claimant must submit their claim and these need to be considered carefully as out of time claims will be rejected by the Employment Tribunal in all but the most exceptional circumstances.

If you would like to discuss Early ACAS Conciliation further, please do not hesitate to contact a member of our Employment department.

Dated: June 2015