

The New ACAS Early Conciliation Procedure

With effect from 6 May 2014 employees will not be able to bring a claim for unfair dismissal or discrimination in the employment tribunal without first having notified ACAS (Advisory Conciliation and Arbitration Service) of the proposed claim. The intention of the new procedure is to provide a window of opportunity of up to one month during which the employer and the employee have the opportunity to resolve their dispute through ACAS, in the hope that proceedings in the employment tribunal might be avoided.

If the employee uses the procedure then the time limit for bringing a tribunal claim is frozen for up to one month until either the dispute is settled or, if not, ACAS provides an Early Conciliation Certificate stating that conciliation has failed.

The employment tribunal will reject any claim that does not contain the Early Conciliation Certificate number.

With effect from 6 April 2014 the early conciliation procedure is available, but voluntary. However, if the employee decides to use it, he will get the extension of the time limit for bringing a claim. Employers may also refer a dispute to ACAS but the extension of an employee's time for bringing a claim only applies if the employee notifies a potential claim to ACAS.

Employers and employees should be aware that whilst ACAS officers will try to assist the parties to resolve their disputes they will not give advice to either party on the merits of their arguments. From an employer's perspective there may well be tactical considerations involved in how to handle conciliation and both employer and employee would be well advised to seek legal advice on the merits of a potential claim as well as the likely amount of any award before embarking upon early conciliation.

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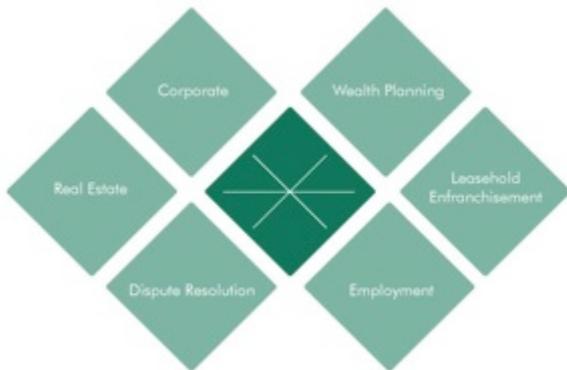
If you would like more information on the above, or any related matter, please contact a member of Rooks Rider Solicitors' Dispute Resolution and Employment team.



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