



How to Win Your Employment Tribunal Case - 10 top tips

The number of employment tribunal claims has risen dramatically since the abolition of fees in 2019. Many cases are settled during the obligatory one month ACAS conciliation period and of those cases that go to tribunal only around 10% of employers lose. There is a huge amount of work to do with an employment tribunal case and it can take months to get to a hearing. Orders issued by the employment tribunal have to be complied with especially specific dates. An organisation's reputation can be at greatly at risk in this public arena and the outcome of cases are readily available to read online. It is important to do things right from the start with your in house processes. You may also find these top ten tips useful.

1. Before taking disciplinary action undertake a full investigation. Do not pre-judge; check relevant documentation. Interview all witnesses and leave no stone unturned. Type up all the statements, get them dated and signed.
2. Follow a fair disciplinary procedure bearing in mind the ACAS Code of Practice. Inform the employee of the disciplinary issue by letter including evidence inviting them to a hearing with the right to be accompanied. Ensure everyone has a fair chance to have their say. Take full notes of proceedings.
3. If you have good grounds for dismissal, possibly on grounds of redundancy, provide a list of job vacancies in the company. Know the skills your employee has and if they could be used elsewhere and offered suitable alternative employment. Ensure you keep supporting documentation of your actions.
4. If you decide to dismiss provide the employee with reasons in writing. Offer the employee the chance to appeal against any decision.
5. Let a, totally impartial, more senior manager/director handle the appeal process. If mistakes have been made during the original hearing have a complete re-hearing at appeal stage and overturn the original decision if appropriate. If there is no relevant senior manager consider bringing in an experienced independent HR consultant to hear the appeal instead.
6. If the employee submits an employment tribunal claim you will be contacted by an ACAS conciliator to try and resolve the case through a series of telephone calls. If conciliation fails the employee will be issued with a certificate. You will then receive a copy of the ET1.
- 7, Submit your ET3 (tribunal response) on time as indicated in the letter sent to you the employment tribunal. Get expert help with this if you don't know how to complete this.

8. Prepare thoroughly for the tribunal hearing. If you are inexperienced, get expert help, ensuring all key timescales are met and orders complied with. Ensure all the points in your case are covered with supporting documentation and your key witnesses will be attending.

9. If you are defending the case yourself know the trial bundle inside out so you can put your hands on key documents to get your points across. The tribunal judge will not look favourably on you fumbling around.

10. Ensure you give a clear and consistent account of your version and include documents that support this; contradictory documents will trip you up and blatant lies will come out. Do not fog the issues related to the dismissal. At all times be professional and courteous both in person and in writing. Treat the tribunal judge with respect addressing them as sir or madam depending on their gender.

If you need expert assistance with an employment tribunal claim call 07762 771290. We have over ten years' experience in successfully representing claims.



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