

Key Considerations When Responding to an Employment Tribunal Claim

Gathering the relevant information quickly can help your solicitor assess the claim, protect your position and ensure important Tribunal deadlines are met.



The Response Deadline

Check the date on the Tribunal correspondence immediately. An employer must normally submit its ET3 response within 28 days of the date the Tribunal sent the claim, unless an extension is granted.



The ET1 Claim Form

Review exactly what the claimant is alleging and the legal claims being brought. The ET3 response should address the relevant allegations clearly rather than relying on a general denial.



The Relevant Documents

Preserve contracts, policies, correspondence, meeting notes, emails and other records connected with the dispute. Relevant documents may later need to be disclosed even where they do not support the employer's case.



The Key Decision-Makers

Identify the managers, HR professionals and other individuals involved in the events giving rise to the claim. Their evidence may become important when witness statements are prepared.



A Clear Chronology

Prepare a timeline of the main events, decisions and communications. This can help identify gaps in evidence and make the initial assessment of the claim more efficient.



The Potential Value of the Claim

Consider the compensation being sought and any schedule of loss provided by the claimant. Understanding potential financial exposure is important when deciding how the case should be defended or settled.



Internal Procedures

Gather the policies and procedures followed during the underlying employment matter. Evidence that the employer followed a fair and consistent process may be important to the defence.



Acas and Settlement

Consider whether resolving the dispute commercially remains an option. Acas conciliation can continue during Tribunal proceedings until judgment, and an agreed COT3 settlement is legally binding.



Business and Reputational Impact

Think about the wider effect of the proceedings on management time, employees and reputation. Employment Tribunal hearings are generally public, which may be relevant when assessing litigation and settlement strategy.



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