

**Employment Tribunal Changes Coming Into Force on 29 July 2013**

Later this month the new Employment Tribunals Rules of Procedure will come into force governing practice and procedure in Tribunals in England, Scotland and Wales. The new Rules are shorter and clearer and should provide greater clarity for all parties embroiled in the Tribunal process.

We set out below 5 key changes to note:

- 1. What claims do they apply to?** The new Rules will apply to all claims from **29 July 2013**, even those presented at the Tribunal before this date. The main exception is employer contract claims (i.e. counterclaims). If an employer wants to bring a counterclaim against a claimant and it received the Claim Form before 29 July 2013, the old Rules will govern such a claim. There will also be new Claim and Response forms but these have not yet been issued.
- 2. New initial sift stage:** After receipt of the Claim and Response Forms an Employment Judge will consider all the papers to consider whether there are arguable complaints and defences and what Orders need to be made to manage the case, e.g. a preliminary hearing. This is one of the most significant changes to the Rules and the aim is to ensure that weak cases which should not be allowed to proceed are identified early on.
- 3. New "preliminary hearings":** Currently there are two types of interlocutory hearing, case management discussions and pre-hearing reviews. Under the new Rules these will be combined into a new "preliminary hearing" at which the Judge will be able to deal with either or both procedural matters and/or substantive issues.
- 4. Withdrawal of claims:** The new Rules introduce a simpler procedure for withdrawing and dismissing claims. A respondent will no longer be required to apply for a claim to be dismissed – this will happen automatically, save in certain limited circumstances.
- 5. Costs:** The new Rules remove the £20,000 cap on costs awards that can be made by Tribunals, so it will not be necessary (but still possible) to go to the County Court in such circumstances.

**Employment Tribunal Fees:** From **29 July 2013** claimants will have to pay a fee to bring a claim in the Employment Tribunal. They will have to pay one fee in order to bring a claim and a further fee to proceed to a full hearing, with the level of fee payable dependent on the type of claim and stage in the proceedings.

There will be two types of claim for these purposes: (a) "Type A" claims (generally the more simple and straightforward ones, e.g. unauthorised deduction from wages, breach of contract, etc.); and (b) "Type B" claims (everything else).

A summary of the fee structure for these claims is set out below:

Fee type	Issue fee	Hearing fee	Total cost
Type A claims	£160	£230	£390
Type B claims	£250	£950	£1,200

Furthermore, and this will be of more relevance to employers, there will be fees payable for certain subsidiary applications to the Employment Tribunal. These range from £60 up to £600 for mediation by the judiciary. These fees will be payable by the party making the application. A failure to pay the fee means that the application will not be dealt with.

Not all claimants will be required to pay a fee. There will be exemptions for those who cannot afford to pay the full fee. Furthermore, Tribunals will have the power to order the unsuccessful party to reimburse any fees paid by the successful party.

There will also be fees to pursue an appeal before the Employment Appeal Tribunal.