



Employment Tribunal Respondent Fact sheet

Responding to a claim

We will advise you on how to address a claim which has been brought against you. You must take action quickly as the deadline for responding to a claim is within 28 days of the date the claim was sent to you. We will advise you on the strength of your defence and any relevant legal issues. We will attend to the drafting of your response. We will also advise you on the merits of making an offer to settle the claim and the tactics of negotiating a settlement.

It is your responsibility to provide us with your full and timely instructions so that we may provide the most appropriate advice and enable you to take action in time.

How long do I have to respond to the claim?

You must reply within 28 days of the date that the claim was sent to you. The Tribunal may, in limited circumstances, grant an extension of time. If you do not reply within the time limit or if you fail to supply the necessary information, your response will not be accepted. In these circumstances a default judgment will be issued if an Employment Judge considers it appropriate to do so.

What is the procedure?

Please see the Claim Process Summary. The Employment Tribunal will provide detailed leaflets at each stage as your case progresses.

What should I do if the claim settles?

You should let us know immediately if your case settles before the hearing. The conciliation officer will let us know if your case is settled through ACAS. We will attend to the drafting of the appropriate documents to ensure that the settlement is final and binding and the case is properly concluded.

What about costs?

The general rule is that each party to an Employment Tribunal Claim bears its own costs, regardless of the outcome. The Tribunal may consider an application for costs in limited circumstances, for example, if a party has behaved unreasonably or brought an unmeritorious or frivolous claim or pursued an unmeritorious defence.

We are usually instructed on the basis that you pay our costs on the basis of time spent on your file. Other funding options may be available. You should read the enclosed leaflet carefully.

Key Responsibilities

Our responsibilities

We will:

- ⊕ attend to the drafting of relevant Tribunal documentation
- ⊕ keep you updated on the progress of your matter
- ⊕ provide the best possible costs information throughout
- ⊕ advise you on the issues involved and the options available to you
- ⊕ advise you on the law and investigate the facts of the case
- ⊕ consider with you whether the potential outcomes will justify the expense and risk involved
- ⊕ advise on negotiation tactics and settlement offers
- ⊕ assist with conciliation
- ⊕ prepare your case and arrange representation for the hearing

Your responsibilities

You must:

- ⊕ provide us with full, accurate and timely instructions
- ⊕ ensure that you safely guard documents, correspondence (including emails), real evidence, etc. which is or may be relevant to your case
- ⊕ provide us with details of any potential witnesses of facts which are relevant to your case
- ⊕ help us to comply with any orders or directions of the Tribunal
- ⊕ keep us informed of any dates on which you will be unavailable for a hearing
- ⊕ address any tax or accountancy issues relating to settlement or award