

Early conciliation

Before you make an employment tribunal claim, it's a good idea to try to resolve your workplace problem ('dispute') by:

- [raising the problem informally](#), for example with your line manager
- [raising a formal grievance](#)

You do not need to do this to make an employment tribunal claim, but it could help you. This is because:

- you may resolve your dispute informally so you no longer need to make a claim
- it could affect how much compensation you're awarded if you do make an employment tribunal claim

If you raise the problem with your employer first, the [time limits](#) to make an employment tribunal claim do not change.

1. Tell Acas first before making a claim

You must tell Acas first before making a claim to an employment tribunal about a workplace dispute.

When you tell us you want to make a claim to an employment tribunal you're 'the claimant'.

The other person in the dispute who will respond to the claim, for example your employer, is 'the respondent'.

When you tell us you want to make a claim, we'll offer you 'early conciliation'. This is when we talk to both you and the respondent about your dispute. It gives you the chance to come to an agreement without having to go to tribunal.

Acas is not part of the tribunal service and we will not discuss any matter with the tribunal.

The benefits of using early conciliation are:

- it's free
- it's confidential
- it's quicker than going to tribunal
- it's easier – there's a lot of paperwork to prepare for a tribunal
- it's voluntary – you or the respondent can refuse talks
- you can agree outcomes – including outcomes that you cannot get from a tribunal, for example a job reference

During early conciliation, if you agree, we'll contact the respondent. Our conversations are confidential and you decide what we can

and cannot share with them.

Talks take place over the phone for up to one month. That period can be extended by 2 weeks if you're close to an agreement.

[Tell Acas you intend to make an employment tribunal claim.](#)

Most of the time you must tell us you intend to make a tribunal claim. You do not need to tell us if you're part of a group claim or if the respondent has already contacted us to ask for early conciliation.

2. Time limits

A claim to an employment tribunal must usually be made within 3 months less 1 day. This is known as the 'limitation date'.

For example, if an employee wants to claim for unfair dismissal, they have 3 months less 1 day from the date their employment ended to make the claim.

If it's a claim about redundancy pay or equal pay, the claim must be made within 6 months.

Acas must receive your early conciliation notification before the end of the limitation date, including during the coronavirus pandemic.

When we receive your early conciliation notification, the limitation date gets extended so that there's enough time for early conciliation to take place.

Some types of claim do not have to go to (are 'exempt' from) early conciliation. We cannot advise whether your claim is exempt.

[Find out about exemptions from early conciliation on legislation.gov.uk.](#)

Stages of early conciliation

1. When you tell us you intend to make a claim we'll ask if you want early conciliation
2. If you do, we'll ask for some details about the dispute
3. If you do not, we'll give you a certificate so you'll be able to go to tribunal
4. We'll send a confirmation email or letter with our number to call
5. If you've told us you cannot use a telephone we'll email you
6. When you call, we'll check some details and ask questions about your claim
7. The conciliator will speak with you or your representative to understand your dispute and how you want it to be resolved
8. If you agree, they'll contact your employer to see if they're willing to take part in talks
9. If they are, the conciliator will talk with each of you to see if you can reach an agreement

Tell your conciliator if you've changed address or do not want it shared with your employer.

If we do not hear back from you, we'll send you the certificate you need to take to an employment tribunal.

If a respondent declines early conciliation

We'll give you a certificate with a number on it. This is the number you need for form ET1, which you use if you decide you still want to [make a claim to an employment tribunal](#).

What a conciliator does

Acas is impartial, which means we're not on either side. We're there to see if an agreement can be reached without a tribunal.

An Acas conciliator can:

- explain the conciliation process
- talk through the issues with both sides
- talk through possible options
- discuss how you may be able to solve the dispute without going to tribunal

A conciliator will not be able to:

- take sides
- represent either side
- tell you whether to agree on a settlement
- say how strong or weak your case is
- help you prepare your case for tribunal
- make a judgement on how your case could turn out

If you reach an agreement

Once you and the respondent reach an agreement, we'll write up what you agree in a 'settlement form' called a COT3.

It's important that it's right for you. Once you and the respondent agree to it, you'll have to keep to it – even if you have not signed it yet. A settlement is legally binding.

We'll send it to both you and your employer to sign.

You will not be able to take your case to tribunal if the case is settled in early conciliation, even if you've made a tribunal claim. The case will be closed and there will be no hearing.

If you do not reach an agreement

At early conciliation, we'll give you a certificate with a number on it. You need to put the number on employment tribunal [form ET1](#), which you use if you decide to make a claim.

Time limits

A claimant will have a minimum of 1 calendar month from the date of receipt of the certificate to [make a claim to the employment tribunal](#).

In some cases, a claimant might have longer than 1 month to make a claim to the employment tribunal. Working out the exact time limit can be complicated. You might want to [get legal advice](#).

It's the claimant's responsibility to make sure that their claim is made to the tribunal in time. Only a tribunal can decide whether the claim is in time or not. The conciliator cannot decide or advise on this point.

Talks up to and during the tribunal

You and your employer can still talk through Acas up to and during the tribunal, until a judgment is made. This is known as 'conciliation' (rather than 'early conciliation'.) Normally, you'll get the same conciliator you had for early conciliation.

Conciliation will not affect the outcome of a tribunal and Acas will not share anything you discuss with anyone else without your permission.

If conciliation does not resolve your dispute and the tribunal goes ahead, your case will be heard in public and a decision will be made by a judge.

You can [read more about tribunals on GOV.UK](#) and [Citizens Advice](#).

If the respondent breaks the agreement

Acas settlements are legally binding contracts. Most COT3 agreements are kept but if the respondent does not keep to the agreement, there are ways the courts can enforce it.

[Find out more about enforcing an Acas settlement.](#)

Acas will not act as your representative. We cannot take sides. But you can ask someone to represent you in early conciliation if you do not want to represent yourself.

They can be a friend, relative or someone you work with. Or they can be someone experienced, such as a union official, lawyer or

someone from a law centre.

Your representative will take part in talks, make decisions and agree a settlement on your behalf.

We will not talk with you, which means you need to:

- be sure your representative knows what you want
- get regular updates from them

You can add or remove a representative at any time during the process.

You do not have to be experienced to represent someone in a claim to an employment tribunal or in talks to get an agreement. You can be a friend, someone they work with or a relative doing it for the first time.

As a representative you'll talk to the conciliator directly. You'll need to:

- understand what the person you represent wants to get out of talks
- keep in contact with them to update them on your progress

You can agree a settlement on behalf of the person you're representing. This will be legally binding, which means they must keep to what's been agreed.

You'll need to make sure they're happy with the agreement before you accept it on their behalf.

If you're representing more than one claimant (a group claim), you'll need to call to tell us.

We're experiencing high demand due to coronavirus. We'll try to answer your call as quickly as we can.

Acas early conciliation support

Telephone: 0300 123 1122
Textphone: 18001 0300 123 1122
Monday to Friday, 8am to 6pm

If you're being taken to an employment tribunal and are responding to a claim, you're 'the respondent'.

The other person in the dispute who has made the claim, for example one of your employees, is 'the claimant'.

If the claimant has told us they intend to make a claim to tribunal against you or your company, we'll contact you to offer 'early conciliation' if the claimant agrees.

This is when we talk to both you and the claimant about your dispute. It gives you the chance to come to an agreement without having to go to tribunal.

Acas is not part of the tribunal service and we will not discuss any matter with the tribunal.

You do not have to take part in talks, but there are advantages if you do. Avoiding an employment tribunal can save time and money. It also means the dispute remains confidential – a tribunal is a public hearing.

The time limit for a claimant to make a claim is put on hold during early conciliation talks.

3. If you reach an agreement

If you can come to an agreement, we'll write what's been agreed in a 'settlement form' (COT3). The agreement is legally binding and both you and the claimant must keep to what you've agreed.

The claimant will not be able to make a claim to an employment tribunal about the same dispute in the future.

If you do not reach an agreement

At early conciliation, we'll give the claimant a certificate with a number on it. They'll put the number on an employment tribunal [form ET1](#), which they'll use if they decide to make a tribunal claim.

You will not receive a copy of the certificate if the claimant did not consent to Acas speaking to you or we were unable to make contact with you.

The clock will start again on the time limit for a claimant to make a claim to an employment tribunal.

You and the claimant can still talk through Acas up to and during the tribunal process, until a judgment is made. This is known as 'conciliation' (rather than 'early conciliation'). Normally, you'll have the same conciliator you had for early conciliation.

Conciliation will not affect the outcome of a tribunal and Acas will not share anything you discuss with anyone else without your permission.

If conciliation does not resolve the dispute and the tribunal goes ahead, the case will be heard in public and a decision will be made by a judge.

You can [read more about tribunals on GOV.UK](#) and [Citizens Advice](#).

If an agreement is broken

Acas settlements are legally binding contracts. Most COT3 agreements are kept but if either side does not keep to the agreement, there are ways the courts can enforce it.

[Find out more about enforcing an Acas settlement.](#)

You can call us to request talks if you think a dispute with an employee could lead to a tribunal claim.

We're experiencing high demand due to coronavirus. We'll try to answer your call as quickly as we can.

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The tribunal time limit is not put on hold if you're the one to notify Acas.