How early conciliation works

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.