

## Acas Early Conciliation

On 6 April 2014 a mandatory Acas Early Conciliation (EC) procedure was introduced for tribunal claims. Before issuing a claim in the Employment Tribunal, claimants are now required to contact Acas and complete an EC form. Once this form has been received by Acas, the clock will stop on the three month deadline for lodging a claim. If both parties agree to attempt conciliation, Acas will offer pre-claim conciliation to the parties for one month. If either party refuses conciliation, or if any conciliation does not result in a settlement, the claimant can proceed to issue the Employment Tribunal claim. If EC is successful, a legally binding settlement agreement will be entered into by both parties and no claim will be brought.

The following issues may arise for employers:-

- there is no guarantee that employers will receive advance notice of claims if the claimant is not contactable or does not wish to pursue EC. Acas will only be required to make reasonable attempts to make contact.
- the claimant is not required to specify the nature of the claim in the EC form and Acas may therefore have little information about it.
- the rules relating to the extension of the time limit for lodging claims are complex and employers will therefore need to check carefully that claims have not been issued in time before asserting this.
- the claimant may bring claims in the tribunal that have not been raised during EC.
- settlement agreements need to compromise all claims even if they have not been raised during EC.

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