

Practical Issues for Employment Tribunal Claims



NICK FRY
BINDMANS LLP

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Bindmans LLP | www.bindmans.com | info@bindmans.com
236 Gray's Inn Road, London, WC1X | tel: 020 7833 4433 | fax: 020 7833 9792



Tribunal claims: Practical Issues

Institute for
Employment Rights

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1. Pre-claim issues



Settlement

- ACAS early conciliation
 - ✦ Time limit to start
 - ✦ Obtaining the 'certificate'
- Using without prejudice discussions
 - ✦ Relevant factors
 - ✦ Subject to contract save as to costs

1. Pre-claim issues



Time Limits

- Unfair dismissal / constructive unfair dismissal
- Breach of contract claims
- Discrimination claims (continuing act)
- Whistle blowing detriment claims
- Significance of internal procedures

2. Pleading claims



The Facts

- Identifying what is relevant
- How much detail?
- Style of drafting

2. Pleading claims



The Law

- Identifying the unlawful acts
- Choosing the heads of claim
- Applying the law to the facts
- Protective claims
- Further particulars / ‘Scott Style Schedule’

3. Settlement



- Obstacles to settlement during proceedings
- ACAS conciliated vs direct without prejudice discussion
- Judicial mediation
- Remedies / Re-assessing settlement position
- Costs issues

Discussion / questions



NICK FRY
ASSOCIATE
BINDMANS LLP

EMAIL: N.FRY@BINDMANS.COM

TEL: 020 7833 5386



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