

Early conciliation

1 . If you want to make a claim

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.

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 6 weeks.

2. Requesting it as an employer

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

Acas early conciliation support

Telephone: 0300 123 1122

Textphone: 18001 0300 123 1122

Monday to Friday, 9am to 5pm

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

3. How the process works

Early conciliation is when Acas talks to both you and the respondent about your dispute. It gives you the chance to come to an agreement without having to go to an employment tribunal.

Time limits for making a claim

There are strict time limits for making a claim to an employment tribunal. In most cases, you have 3 months minus 1 day from the date the problem at work happened.

[Find out more about employment tribunal time limits](#)

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 an employment tribunal.
4. We'll send you a confirmation email or letter with your reference number.
5. We'll review the information you have provided – if we need to check anything or get more information we'll call you.
6. If you've told us you cannot use a telephone we'll email you.
7. Once we have all the information we need, we'll assign your case to one of our conciliators.
8. Your conciliator will speak with you or your representative to understand your dispute and how you want it to be resolved.
9. If you agree, they'll contact your employer to see if they're willing to take part in talks.
10. If they are, your 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.

Important: 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 conciliators do

Acas is impartial, which means we're not on either side. We're there to help resolve the dispute without it going to an employment tribunal.

A conciliator will:

- explain the conciliation process
- discuss the issues with both sides
- give an overview of the law
- discuss how employment tribunals have considered cases similar to yours
- help both sides explore the strengths and weaknesses of the case
- discuss possible options without making any recommendations
- remain independent of the dispute – they will not take sides or tell you what to do
- outline the employment tribunal process

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 the respondent 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

After 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 after early conciliation

You 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, you 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 your responsibility to make sure you make your claim to the tribunal in time. Only a tribunal can decide whether the claim is in time or not. Acas conciliators cannot decide or advise on this point.

Talks up to and during the tribunal claim

You and the respondent 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').

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

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

Find out more about what happens at [employment tribunals on GOV.UK](#).

4. Conciliation up to and during tribunal

'Conciliation' is when you and the respondent talk through Acas to try to reach agreement up to and during an employment tribunal.

Conciliation will not affect the outcome of a tribunal. If you and the respondent still do not reach agreement, the tribunal will continue until the judge makes a final decision.

What happens in conciliation

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.

Acas conciliators 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

Conciliators are not 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

We will not share anything with anyone else without your permission.

If you reach an agreement

Once you and the respondent reach an agreement, the employment tribunal hearing will not go ahead, or will end if it's started.

We'll write up what you have both agreed in a settlement form called a 'COT3'.

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

We'll send the COT3 to both you and the respondent to sign.

5. Using a representative

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.

6. Representing someone

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.

Representing more than 1 person

If you're representing more than 1 person making a claim, this is called a group claim and you'll need to contact us.

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7. If you're being taken to tribunal

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.

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.

8. Getting paid as part of an Acas settlement

If you reached a conciliation agreement (COT3), the respondent might have agreed to pay you some money. Contact us if you do not get paid.

Acas conciliators cannot force the respondent to pay, but they can:

- explain your options
- contact the respondent to remind them what they agreed

Important: Tell us if you do not have a copy of your COT3. You will need this later. We do not keep a copy for longer than 9 months.

If the respondent does not pay, you can:

- use the free penalty enforcement scheme
- get a court to force them to pay

Use the free penalty enforcement scheme

The government provides a free service called the 'employment tribunal penalty enforcement and naming scheme'. It's not just for employment tribunal awards – you can use it for your COT3.

[Download the employment tribunal penalty enforcement form on GOV.UK](#)

The respondent will get a warning notice giving them 28 days to pay you. If they still do not pay, they'll be fined, and you can go to court to force them to pay.

Get a court to force the respondent to pay

How you do this depends on which country the respondent is in.

England and Wales

For most Acas settlements, you can use the Acas and Employment Tribunal Fast Track scheme. A high court enforcement officer will be assigned to you.

[Download form EX728 \(to use the Fast Track scheme\) on GOV.UK](#)

Alternatively, you can apply directly to the court by using form N322B. You can find [form N322B \(to enforce an Acas settlement\) on GOV.UK](#).

If you have a conditional settlement, you cannot use the Fast Track scheme and must use form N322A. A conditional settlement is when you have agreed to do something before the money is paid. You can find [form N322A \(to enforce a conditional Acas settlement\) on GOV.UK](#).

Scotland

Tell your conciliator you are taking the respondent to court in Scotland. They will send you a letter which confirms that settlement was reached.

Send the conciliator's letter and a copy of your COT3 to a sheriff officer. They will enforce the settlement through a sheriff court.

[Find a sheriff officer on the SMASO website](#)

Costs, fees and interest

It costs money to take the respondent to court. However, if enforcement is successful you should get back:

- the money they owe you
- the fees you paid to take them to court
- interest on the money they owe you

Help and advice with enforcement

Acas cannot help you take the respondent to court, but you can get advice from other organisations.

[Find out about getting legal advice](#)