

The judgment

Employment Tribunals

This booklet is also available in the following languages: **Bengali, Hindi, Gujarati, Urdu, Punjabi, Cantonese, Gaelic, Welsh and Polish.**
For a copy please contact the tribunal office or the Enquiry Line on **0845 7959775**. Please note this booklet is for information only.

Introduction

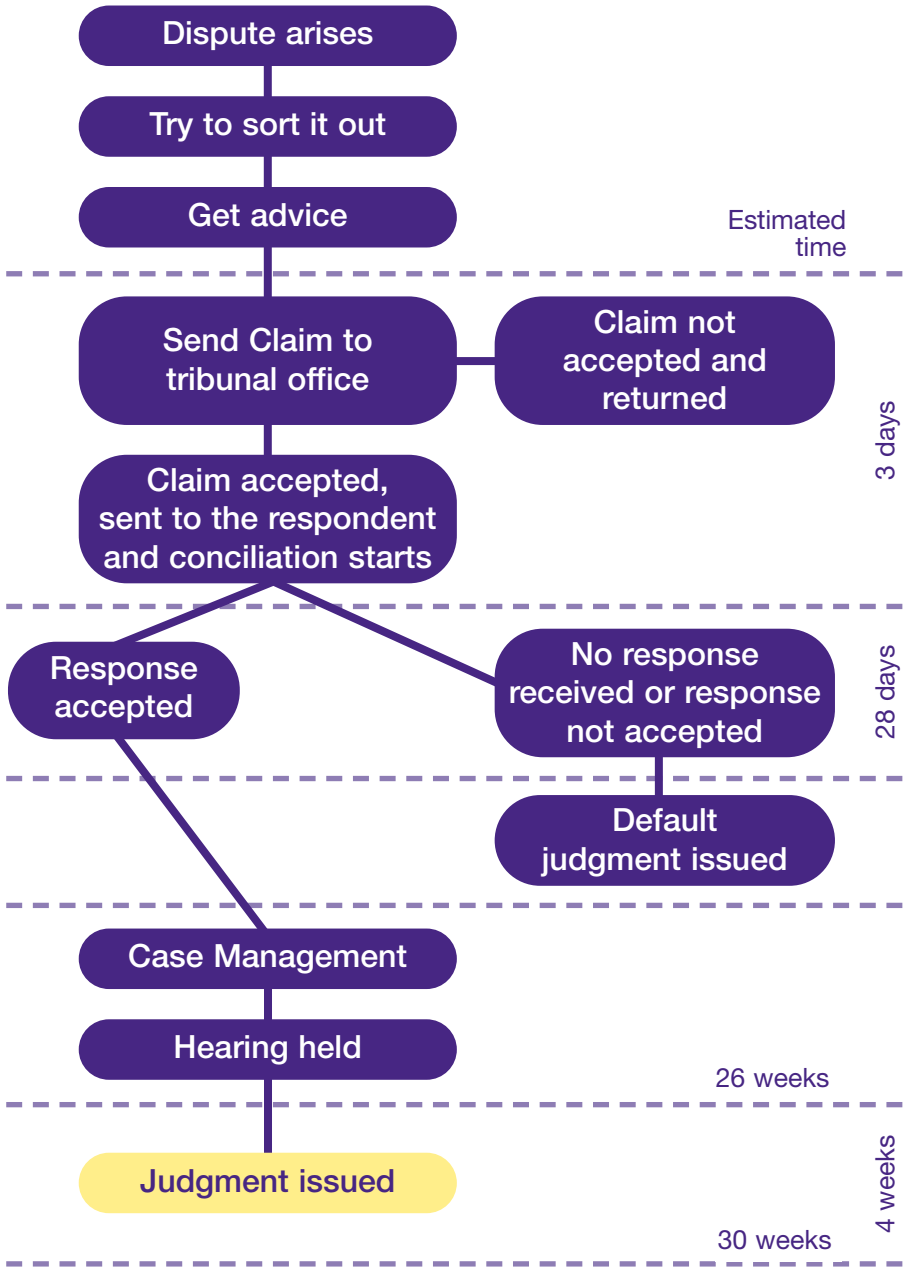
Please read this booklet carefully. It explains how to enforce the Employment Tribunal judgment and how you can challenge the judgment either by applying for a review or appealing to the Employment Appeal Tribunal.

Please contact a tribunal office or the Employment Tribunals Public Enquiry Line on 0845 795 9775 if you would like a copy of this booklet in Braille, large print or on disc.

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Claim process summary



How can I challenge the tribunal's judgment?

Employment Tribunal judgments and decisions may be changed only:

- if the tribunal decides, at the request of either side or on its own initiative to **review** the judgment; or
- after an **appeal** by one of the sides involved in the judgment (see page 6).

How can I get the tribunal to review a default judgment?

You can apply to the tribunal to ask it to review a default judgment. You must apply in writing within **14 days of the date the judgment was sent, or given to you, by the tribunal office.** (An Employment Judge may extend the time limit for reviewing a default judgment but only if they think it is just and equitable to do so). You must say why you believe the default judgment should be changed or withdrawn.

When it is the **respondent applying for a review** of a default judgment, **the application must include:**

- the respondent's response to the claim;
- an application to extend the time limit for presenting the response; and
- an explanation of why a response containing the necessary information or an application to extend the time limit for response was not received within the time limit for responding.

The tribunal has the power to refuse the application for a review, to vary the default judgment, to revoke all or part of the default judgment or to confirm the default judgment. An application for review does not change the time for making an appeal. You may appeal while waiting for the result of the application.

How can I get the tribunal to review other judgments and decisions?

You can apply to the tribunal to ask it to review a decision not to accept a claim or response, or to review a judgment other than a default judgment. You apply orally at the hearing in relation to a judgment or in writing within 14 days of the date the judgment was sent or given to you by the tribunal office. (An Employment Judge may extend the time limit for reviewing a

judgment but only if they think it is just and equitable to do so).

Judgments and decisions can be reviewed for the following reasons:

- The judgment was wrongly made as a result of an administrative mistake.
- One side did not receive notice of the proceedings leading to the judgment.
- The judgment was made in the absence of one side.
- New evidence has become available since the end of the hearing to which the judgment relates, provided its existence could not have reasonably been known at that time.
- It is in the interests of justice to carry out a review.

The tribunal may only review the decision **not to accept a claim or response** because it did not contain the required information or it has not been presented in the relevant time limit if the decision was wrongly made as a result of an administrative mistake or if it is in the interests of justice.

The interests of justice do not mean a judgment or decision will be reviewed just because you disagree with it. Something must have gone wrong at or in connection with the hearing or something has happened since the hearing which makes the judgment or decision unjust. If you

apply for a review based on new evidence you must explain why the evidence was not available before and include a full statement of the evidence which you want to introduce.

The tribunal has the power to refuse to review the judgment or decision, confirm it, change it or revoke it. An application for review does not change the time limit for making an appeal and you may appeal while waiting for the result of the application.

How can I appeal against the tribunal's judgment?

If you believe that the tribunal has reached the wrong judgment because it has made an error of law, you can appeal to the **Employment Appeal Tribunal (EAT)**.

The grounds for appeal may be:

- that the tribunal has made a mistake in the application of the law; or
- that the judgment was one which no reasonable tribunal could have reached.

However, a notice of appeal will not be accepted unless it sets out full particulars of the points relied on in support of the grounds of appeal.

You can get an appeal form from:
Employment Appeal Tribunal
Audit House
58 Victoria Embankment
London
EC4Y 0DS.

Or, in Scotland from:
Employment Appeal Tribunal
52 Melville Street
Edinburgh
EH3 7HS.

If you have any questions about the appeal you should address them to the registrar. **You can also get appeal forms and general information** about the EAT and how to appeal from their website at **www.employmentappeals.gov.uk** You must send a copy of any claim and response, the tribunal judgment and the written reasons for the judgment with your notice of appeal or an explanation as to why none is included. See the section on page 8 if you wish to ask for written reasons for the judgment.

You must serve a valid notice of appeal on the EAT at:

Audit House
58 Victoria Embankment
London EC4Y 0DS.

Or, in Scotland from:
52 Melville Street
Edinburgh
EH3 7HS.

There are strict time limits, which you must observe, for making any appeal.

Where the judgment contains written reasons you must appeal within 42 days of the date on which the judgment was sent to you.

Where the judgment does not contain written reasons you should request them from the tribunal within 14 days of the date on which the judgment was sent to you and you must then appeal within 42 days of the date on which the written reasons are sent to you.

Where the judgment does not contain written reasons and you do not request them within 14 days of the date on which the judgment was sent to you, you must appeal within 42 days of the date on which the judgment was sent to you with an explanation as to why you have not obtained written reasons.

For example, if this date was a Wednesday, you must lodge your notice of appeal **no later than 4pm on the Wednesday 42 days (six weeks) later if you lodge the appeal in person.** You **should** get your appeal to the Employment Appeal Tribunal **(not the employment tribunal office)** before the end of the 42-day period, particularly if you choose to send your notice of appeal by post as you must allow for postal delays.

If you have not received an acknowledgement from the EAT within seven days of posting the notice of appeal, you should contact the EAT by phone.

In England and Wales phone 0207 273 1041, fax 0207 273 1045 or e-mail

Londoneat@tribunals.gsi.gov.uk to confirm they have received your appeal.

In Scotland phone 0131 225 3963, fax 0131 220 6694 or e-mail

Edinburgheat@tribunals.gsi.gov.uk to confirm they have received your appeal.

Relationship between application for review and appeal

An application for review **does not** change or extend the 42-day time limit for appealing. If you apply to the tribunal to review its judgment, you may also appeal to the Employment Appeal Tribunal. You must also lodge with the Employment Appeal Tribunal a copy of the application for review and, if such application has been heard and determined, then also a copy of the tribunal's judgment on the review application.

When you have made an appeal, the Employment Appeal Tribunal may want to examine documents or other exhibits produced in evidence at the hearing.

The tribunal normally destroys files within one year of sending the judgment to the people involved.

Asking for written reasons for the judgment

You should make your request for written reasons for your judgment **within 14 days** of the date the judgment was sent to you to the tribunal office which sent the judgment.

Legal advice (on appeals and reviews) and legal representation

Depending on your financial situation, you may be able to get free or reduced cost legal advice about reviews and appeals. You may also be able to get representation free or at a reduced cost for an appeal before the Employment Appeal Tribunal.

You will need to show:

- that according to a test of your income and savings, you cannot afford to pay for representation yourself; and
- that your case is strong enough to make it worthwhile for you to be represented out of public funds.

In England and Wales

The Legal Services Commission has contacts with Citizens Advice, law centres, advice agencies and solicitors' firms who will be able to give you advice. To find an agency or firm with a contract to do this in your area, ask for the Community Legal Services Directory at your local library. Ring the directory line on **0845 608 1122** or minicom **0845 609 6677**. Or, you can use the Community Legal Service website at **www.clsdirect.org.uk** or look for the CLS logo in the window of local agencies and solicitors' firms.

To find out more about public funding for legal services, see the Legal Services Commission's website at www.legalservices.gov.uk

In Scotland

Legal aid is available if you meet certain conditions. If you have questions about legal aid or advice, contact a solicitor or the Scottish Legal Aid Board, 44 Drumsheugh Gardens, Edinburgh EH3 7SW (phone 0131 226 7061).

To find out more about public funding for legal services, see the Scottish Legal Aid Board's website at **www.slab.org.uk**.

What to do if you have not received the money which the tribunal has awarded you

Employment Tribunals are not responsible for the enforcement of their own awards. If you do not receive the money which the tribunal has awarded you will need to pursue it through one of the enforcement methods available.

In **England and Wales**, you can ask the county court to enforce payment as soon as you have received the written judgment.

The county court will need to see your copy of the tribunal's judgment.

A leaflet (EX328) is available, either at the county court or online, which explains how to enforce your judgment.

If you are unsure which court to send your Tribunal award to, or where to get court forms from, please contact the Customer Service Unit of Her Majesty's Courts Service on 0845 456 8770, or alternatively you may wish to access the relevant forms and leaflets on the following website: www.hmcourts-service.gov.uk

If you need a certified copy of the judgment, you can get one free of charge by writing to:

**The Secretary to the Tribunals
First Floor
100 Southgate Street
Bury St. Edmunds
IP33 2AQ**

In Scotland, you should write to the office in which your case was heard asking for an extract of the judgment. The Secretary will issue an extract to you which a Sheriff Officer may use to enforce the payment. Once the extract has been issued by the Secretary, the tribunal can do no more to help you with enforcement. Do not ask for an extract until the end of the time allowed for appeal to the Employment Appeal Tribunal, that

is, 42 days from the date on which the judgment was sent to you.

What happens if you do not comply with the tribunal's judgment

This applies to the Respondent in England and Wales. You must abide by the tribunal's judgment. If you have been ordered to make a payment to the other party/parties and you fail to do this, within the directed timescale, the following consequences will apply:

- Enforcement action for the amount outstanding can be issued against you in the county court or High Court.
- All methods of Court enforcement (including execution, distress, bankruptcy and insolvency) will be available to the other party/parties.
- If enforcement action is taken against you, the county court or High Court in which this action is taken will provide the following details of the award to Registry Trust Ltd, and the details will be automatically entered in the Register of Judgments, Orders, Fines and Tribunal Decisions:

- your full name
 - your address
 - your date of birth (if known)
 - the amount of the award
 - the case number
- This Register is maintained by Registry Trust Ltd. The Register can be searched by members of the public and is often consulted by banks, building societies and credit companies when considering applications for credit and other actions.
 - Once entered, your personal details and the details of your debt will remain on this Register for a period of 6 years unless paid within one month of registration.

Please remember any enforcement action will result in additional costs, which will be added to the amount outstanding and for which you will be responsible.

Enforcing orders for reinstatement, re-engagement and recommendations

If the tribunal has ordered your employer either to reinstate or re-engage you or, in a discrimination case, made a recommendation, and the order or recommendation has not been carried out or complied with you should write to the tribunal office handling your case. You must do this as soon as the date for your employer to comply with the order has passed. The tribunal will then arrange a further hearing before the same tribunal and it may order your employer to pay you extra compensation.

Redundancy and other payments and insolvent employers

If the tribunal has decided that you are entitled to a redundancy payment and you are having difficulty getting your former employer to pay you, or it made an award for unpaid wages, holiday pay, notice pay or guarantee pay and your employer is insolvent, you should contact the Redundancy Payments Service at one of the following addresses.

Redundancy payment office	Areas covered
7th-9th Floor Hagley House 83-85 Hagley Road Birmingham B16 8QG	Birmingham, Cambridgeshire, Cheshire, Cornwall, Derbyshire, Devon, Dorset, Essex, Gloucestershire, Hampshire, Herefordshire, Isle of Wight, Lancashire, Leicestershire, Lincolnshire, Manchester, Norfolk, Northamptonshire, Nottinghamshire, Oxfordshire, Rutland, Shropshire, Somerset, Staffordshire, Wales, Warwickshire, West Midlands, Wiltshire and Worcester.
PO Box 15 Exchange House 60 Exchange Road Watford WD1 7SP	Bedfordshire, Berkshire, Buckinghamshire, Hertfordshire, Kent, London, Suffolk, Sussex and Surrey.
Ladywell House Ladywell Road Edinburgh EH12 7UR	Cleveland, Cumbria, Durham, Merseyside, Northumberland, Scotland, Teesside, Tyne and Wear and Yorkshire.

Employment Tribunal offices: E-mail addresses

Aberdeen	aberdeenet@tribunals.gsi.gov.uk
Ashford	ashfordet@tribunals.gsi.gov.uk
Bedford	bedfordet@tribunals.gsi.gov.uk
Birmingham	birminghamet@tribunals.gsi.gov.uk
Bristol	bristolet@tribunals.gsi.gov.uk
Bury St Edmunds	buryet@tribunals.gsi.gov.uk
Cardiff	cardiffet@tribunals.gsi.gov.uk
Dundee	dundeet@tribunals.gsi.gov.uk
East London	eastlondon@tribunals.gsi.gov.uk
Edinburgh	edinburghet@tribunals.gsi.gov.uk
Exeter	exeteret@tribunals.gsi.gov.uk
Glasgow	glasgowet@tribunals.gsi.gov.uk
Leeds	leedset@tribunals.gsi.gov.uk
Leicester	leicesteret@tribunals.gsi.gov.uk
Liverpool	liverpoolet@tribunals.gsi.gov.uk
London Central	londoncentralet@tribunals.gsi.gov.uk
London South	londonsouthet@tribunals.gsi.gov.uk
Manchester	manchesteret@tribunals.gsi.gov.uk
Newcastle	newcastleet@tribunals.gsi.gov.uk
Nottingham	nottinghamet@tribunals.gsi.gov.uk
Reading	readinget@tribunals.gsi.gov.uk
Sheffield	sheffieldet@tribunals.gsi.gov.uk
Shrewsbury	shrewsburyet@tribunals.gsi.gov.uk
Southampton	southamptonet@tribunals.gsi.gov.uk
Watford	watfordet@tribunals.gsi.gov.uk

For full office address details see back cover

Employment Tribunal offices

Aberdeen	Mezzanine Floor, Atoll House, 84-88 Guild Street, Aberdeen AB11 6LT	☎01224 593137
Ashford	1st Floor, Ashford House, County Square Shopping Centre, Ashford, Kent TN23 1YB	☎01233 621346
Bedford	8-10 Howard Street, Bedford MK40 3HS	☎01234 351306
Birmingham	Phoenix House, 1-3 Newhall Street, Birmingham B3 3NH	☎0121 236 6051
Bristol	The Crescent Centre, Ground Floor, Temple Back, Bristol BS1 6EZ	☎0117 929 8261
Bury St Edmunds	100 Southgate Street, Bury St Edmunds, Suffolk IP33 2AQ	☎01284 762171
Cardiff	2nd Floor, Caradog House, 1-6 St Andrews Place, Cardiff CF10 3BE	☎029 2067 8100
Dundee	Ground Floor, Block C, Caledonian House, Greenmarket, Dundee DD1 4QX	☎01382 221578
East London	2nd Floor, Anchorage House, 2 Clove Crescent, London E14 2BE	☎020 7538 6161
Edinburgh	54-56 Melville Street, Edinburgh EH3 7HF	☎0131 226 5584
Exeter	2nd Floor, Keble House, Southernhay Gardens, Exeter EX1 1NT	☎01392 279665
Glasgow	Eagle Building, 215 Bothwell Street, Glasgow G2 7TS	☎0141 204 0730
Leeds	4th Floor, City Exchange, 11 Albion Street, Leeds LS1 5ES	☎0113 245 9741
Leicester	5a New Walk, Leicester LE1 6TE	☎0116 255 0099
Liverpool	1st Floor, Cunard Building, Pier Head, Liverpool L3 1TS	☎0151 236 9397
London Central	Victory House, 30-34 Kingsway, London WC2B 6EX	☎020 7273 8603
London South	Montague Court, 101 London Road, West Croydon CR0 2RF	☎020 8667 9131
Manchester	Alexandra House, 14-22 The Parsonage, Manchester M3 2JA	☎0161 833 6100
Newcastle	Quayside House, 110 Quayside, Newcastle Upon Tyne NE1 3DX	☎0191 260 6900
Nottingham	3rd Floor, Byron House, 2a Maid Marian Way, Nottingham NG1 6HS	☎0115 947 5701
Reading	4th Floor, 30-31 Friar Street (entrance in Merchant's Place), Reading RG1 1DY	☎0118 959 4917
Sheffield	14 East Parade, Sheffield S1 2ET	☎0114 276 0348
Shrewsbury	Suite 7, 2nd Floor, Prospect House, Belle Vue Road, Shrewsbury SY3 7NR	☎01743 358341
Southampton	3rd Floor, Duke's Keep, Marsh Lane, Southampton SO14 3EX	☎023 8071 6400
Watford	3rd Floor, Radius House, 51 Clarendon Rd, Watford, WD17 1HP	☎01923 281 750

Our offices are open from 9.00am to 5.00pm Monday to Friday.
We will send a map showing the location of the office where the hearing has been arranged and giving details of local car parking and facilities for refreshments and phones.

For office e-mail addresses see the inside back cover

Enquiry Line: 0845 7959775 Minicom: 0845 7573722