

### **Basic procedures for issuing a claim in the Employment Tribunal:-**

1. Your Application (Form ET1) should be sent to the Employment Tribunal by your limitation date. If you miss this date you will probably not be able to bring your case against your employer even if you have a good case.
2. The Tribunal will confirm when this has been issued and sent to the Respondent.
3. The Respondent has 28 days in which to file their response on Form ET3. (the Tribunal often take a further 7 days to send this to us)
4. An ACAS Officer is assigned to the matter – the ACAS Officer often conducts negotiations between the parties.
5. List of Documents are prepared by both parties – this list includes all documents you have about the case, whether they help your case or not. You should include all the documentary evidence you have including any electronic documents e.g. e-mails. We are then able to request copies of any documents on the Respondent's list we have not previously seen.
6. A Schedule of Loss is prepared and sent to the Respondent. The Schedule of Loss details your basic award for statutory redundancy, any contractual payments, current and future net losses and an indication of the amount of the award you are seeking for injury to feeling if you have a discrimination claim. Deduct state benefits. You must keep us informed if you find further work which reduces your losses.
7. Witness Statements will be prepared and exchanged with the Respondent. The Witness Statements form the basis of the hearing. You are usually required to read this out. All witnesses must attend the hearing, a Witness Statement alone will not be sufficient.
8. Mitigation details need to be provided by you (see below).
9. Trial Bundle prepared for Hearing. This incorporates both parties evidence, included in their List of Documents.

Please note that not all matters reach a final hearing and negotiation and settlement can sometimes be reached between the parties & their legal representatives at an earlier stage.

### Mitigation Checklist

It is important when issuing an application in the Employment Tribunal to prove that you have attempted to mitigate your losses. It is essential that you keep a record of all job search you have undertaken and details of what resources you have used i.e. Newspapers, Internet, Agencies etc. You should record all attempts you have made to look for work including making telephone calls. If you include the cost of looking for work e.g. postage, mileage, train fares and keep records you may also be able to recover this cost.

If the matter proceeds to a final hearing it will be necessary for us to provide copies of evidence to show your job search and details of any interviews you have been to. An example of how to set this out is as follows:-

Date applied for position	Position	Company	Where you saw details of job	Comments

Also keep copies of back up documents e.g. job ads and job application letters/online applications.

**NB. Please note that if the Tribunal find in your favour at the hearing any award you may receive may be reduced if you have not reasonably mitigated your loss.**