

Amendment to the Practice Direction issued by the Employment Tribunal Presidents on 19th March

Amendments to the Practice Direction issued by the the Presidents of the Employment Tribunals on 19th March have been issued today - 24th March 2020. The full text is set out below.

The Presidents of Employment Tribunals (England and Wales) and (Scotland) are conscious that it is impossible to be certain about how long special measures may need to be taken in response to the Covid-19 pandemic. In these circumstances, they have decided it is appropriate to amend the Direction they issued on 19th March 2020 so as to introduce a review mechanism and provide some clarity in connection with the timescale over which their Direction applies, in the first instance. The Direction is therefore amended as follows: -

1) After the words "all in-person hearings (hearings where the parties are expected to be in attendance at a tribunal hearing centre)" the following words are added "listed to commence on or before Friday 26th June 2020".

2) Before the words "The parties remain free to make any application to the tribunal at any time" the following is inserted "In-person hearings listed to commence on or after 29th June 2020 will remain listed, in the meantime, and will be subject to further directions in due course".

3) After the words "The parties remain free to make any application to the tribunal at any time" the following words are added "This Direction will be subject to ongoing review and in particular will be reviewed on 29th April 2020 and 29th May 2020 to take into account the circumstances as they then stand in connection with the Covid-19 pandemic".

For the purposes of clarity, the amended direction is set out in full below: -

"In view of the rapidly changing circumstances created by the Covid-19 pandemic, the Presidents of the Employment Tribunals in England & Wales and in Scotland have directed that from Monday 23rd March 2020 all in-person hearings (hearings where the parties are expected to be in attendance at a tribunal hearing centre) listed to commence on or before Friday 26th June 2020, will be converted to a case management hearing by telephone or other electronic means which will take place (unless parties are advised otherwise) on the first day allocated for the hearing. This will provide an opportunity to discuss how best to proceed in the light of the Presidential Guidance dated 18th March 2020, unless in the individual case the President, a Regional Employment Judge or the Vice-President directs otherwise. If the case is set down for more than one day then parties should proceed on the basis that the remainder of the days fixed have been cancelled. For the avoidance of doubt, this direction also applies to any hearing that is already in progress on Monday 23rd March 2020 and, if not already addressed before then, the parties may assume that the hearing on that day is converted to a case management hearing of the kind referred to above. In person hearings listed to

commence on or after 29th June 2020 will remain listed, in the meantime, and will be subject to further direction in due course. The parties remain free to make any application to the Tribunal.

This Direction will be subject to ongoing review and in particular will be reviewed on 29th April 2020 and 29th May 2020 to take into account the circumstances as they then stand in connection with the Covid-19 pandemic".

NOTE TO READERS: Employment Cases Update will continue to operate as normal. Where we have news of changes to ET procedure we will bring them to your attention as soon as possible.