

Early conciliation

1 . What early conciliation is

Early conciliation is a legal process.

You must notify Acas if you want to make a claim to an employment tribunal. We will then offer early conciliation.

During early conciliation, an Acas conciliator tries to help you reach a legal agreement with your employer. This can help you avoid going to an employment tribunal.

What Acas cannot do

Early conciliation is only for people who are considering making a claim to an employment tribunal.

During early conciliation, Acas cannot:

- represent you – we are not a trade union
- take your or your employer's side
- help you prepare your case for employment tribunal
- tell you if you have a valid case
- give you legal advice

[Find out how to get legal advice](#)

Before you notify Acas

Early conciliation should not be your first step. It is usually easier and quicker to try to solve things informally.

Before you notify Acas, you should try to:

- [raise the problem informally](#)
- [raise a formal grievance](#) – this is making a formal complaint to your employer
- [appeal to your employer](#) – if you feel your disciplinary or grievance outcome was wrong or unfair

At an employment tribunal, the judge will usually expect you to show that you tried to resolve the dispute yourself. If you do not, it could affect how much compensation you get if your claim is successful.

Important: If you raise the problem with your employer first, this does not change the [time limits to make an employment tribunal claim](#).

Notify Acas about making a claim

You should only notify Acas if you are considering making a claim to an employment tribunal.

When you notify us, we'll offer you early conciliation. Early conciliation is voluntary. You and your employer can choose whether to take part.

[Notify Acas about making a claim to an employment tribunal](#)

2. Requesting it as an employer

You can contact us to request talks if you think a dispute with a worker could lead to a tribunal claim.

The tribunal [time limit](#) is not put on hold if you're the one to notify Acas.

Contact Acas early conciliation support

Phone: 0300 123 1122

Textphone: 18001 0300 123 1122

Monday to Friday, 9am to 5pm

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.

By law, early conciliation can only last for a limited time. This is called the early conciliation period. Early conciliation can last up to 12 weeks.

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.

It is important to notify Acas within your employment tribunal time limit. It is up to you to make sure you notify Acas in time.

Some types of claim are 'exempt' from (do not have to go to) early conciliation. We cannot advise whether your claim is exempt.

Find out more about:

- [employment tribunal time limits](#)
- [exemptions from early conciliation on 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

We are impartial. This means we're independent of the dispute. We're there to help resolve the dispute without it going to an employment tribunal.

Conciliators can:

- explain their role and the conciliation process
- discuss the issues with both sides
- give an overview of the relevant law
- explore how both parties could resolve the dispute without going to tribunal
- discuss how employment tribunals have considered similar cases

Conciliators are not able to:

- 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

For this, you might want to [get legal advice](#).

If you reach an agreement

Once you and the respondent reach an agreement, we'll write up what you agree in a conciliation agreement (COT3). This is a legally binding agreement.

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.

We'll send you the COT3 to sign. Once you have signed it, you'll send it to 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

If you've notified us within your time limit, you'll have at least 1 month from the date you received the certificate to make your 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 judgement 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

We are impartial. This means we're independent of the dispute. We're there to see if an agreement can be reached without a tribunal decision.

Conciliators can:

- explain their role and the conciliation process
- discuss the issues with both sides

- give an overview of the relevant law
- explore how both parties could resolve the dispute without a tribunal decision
- discuss how employment tribunals have considered similar cases

Conciliators are not able to:

- 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

For this, you might want to [get legal advice](#).

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

Respect during conciliation

Respectful communication helps create a safe environment for everyone.

[Find out more about our commitment to respect during conciliation](#)

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 conciliation agreement (COT3). This is a legally binding agreement.

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.

We'll send you the COT3 to sign. Once you have signed it, you'll send it to 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 2 or more people

If you're representing 2 or more people who are making the same claim against their organisation, this is called a group claim. You'll need to contact early conciliation support.

Acas early conciliation support

Phone: 0300 123 1122

Textphone: 18001 0300 123 1122

Monday to Friday, 9am to 5pm

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 conciliation agreement (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 judgement 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 COT3 agreements are legally binding. 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](#)