

## Interim relief

In some cases, an employee can apply for 'interim relief' alongside their main employment tribunal claim. This applies in specific situations involving automatically unfair dismissal.

Interim relief is used to prevent financial difficulty in the time before the employee's case has its full employment tribunal hearing.

Employment tribunals will only award interim relief if they decide the dismissal is likely to have been for the reason the employee is claiming.

### Types of interim relief

There are 3 types of interim relief award:

- reinstatement of employment – when an employee gets their job back
- re-engaging an employee – when an employee returns to work in an alternative role with terms that are no less favourable than their previous job
- continuing the employee's contract – when the person who's been dismissed gets payments equivalent to full pay until the employment tribunal deals with their claim

### Who can apply for interim relief

Only people with the [legal status of employee](#) can apply for interim relief.

Someone is not likely to be an employee if they're:

- an agency worker
- a casual worker
- on a zero-hours contract

### Time limits

Important: An application for interim relief must be made within 7 days of the 'effective date of termination'.

In almost all cases, this means either:

- the last day of the employee's notice period
- the date they were dismissed if their employer did not give them notice

For example, an employee is dismissed without notice. The interim relief application must be made within 7 days of their last day of work.

## Before applying

If you're an employee and want to apply for interim relief, you should get advice before making an application. You can:

- [contact the Acas helpline](#)
- talk to a trade union representative, if you're a member

## When someone can apply for interim relief

An employee can only make an application for interim relief alongside certain unfair dismissal claims.

These are if the employee has been dismissed because they:

- made a protected disclosure under whistleblowing legislation
- carried out duties as a health and safety representative or a pension scheme trustee
- were appointed as an employee representative for collective redundancy, TUPE or working time legislation – or stood as a candidate
- took part in duties or activities as a trade union representative
- took part in activities relating to trade union recognition
- asked for a companion in a disciplinary or grievance meeting – or acted as a companion
- asked for a companion in a meeting to consider a request for training or study – or acted as a companion
- were on a trade union 'blacklist'

## How to apply for interim relief

To apply for interim relief, an employee should complete [form ET1 on GOV.UK](#). This is a form for making an employment tribunal claim.

If an employee is making other claims at the same time, for example a discrimination claim, they must also [notify Acas about making a claim to an employment tribunal](#).

If an employee is applying for interim relief alongside an unfair dismissal claim only, they do not need to notify Acas. They only need to complete form ET1.

## What happens after applying

After an employee has made an interim relief application, the employment tribunal will set a date to hear the claim.

The employment tribunal will notify the employer of the hearing date. The employer can attend the hearing and present their side. However, the tribunal will only take evidence about the reason for the dismissal.

At the hearing, the employment tribunal will:

- look at the facts of the employee's claim
- decide whether they're likely to win at the full hearing

Likely to win means having a 'pretty good chance', not just 'more likely than not'. Interim relief applications are usually about complex issues, so meeting the 'pretty good chance' threshold can be difficult.

If successful, the employment tribunal will protect the employment contract until the full hearing.

The employment tribunal will normally start with an order to reinstate an employee's job or re-engage them in an alternative role. The employer can object to this.

If the employer objects, the employment tribunal is likely to make an order to continue an employee's contract until the final hearing. This means giving the employee an interim relief payment equivalent to their full pay, even though they are not working.

## Example of an unsuccessful interim relief application

Alex is dismissed from work for poor performance. Alex believes the dismissal is actually because they made a whistleblowing disclosure about financial misconduct in their organisation.

Alex makes a claim for unfair dismissal and applies for interim relief. The employment tribunal judge considers:

- whether Alex made a protected disclosure under whistleblowing legislation
- whether it's likely the dismissal was because of the disclosure

The judge decides there is not enough evidence for Alex's claim to have a good chance of success. The application for interim relief fails and the tribunal sets a date to hear the unfair dismissal claim.

## Example of a successful interim relief application

Robin and Jessie campaign for their employer to recognise a trade union. When they're suddenly made redundant, they believe their activity on behalf of the trade union is the reason.

They make unfair dismissal claims and apply for interim relief. They bring documentary evidence which shows:

- there was no redundancy situation at their organisation
- senior managers described them as 'troublemakers' for supporting the trade union

The employment tribunal judge decides that it's likely they were dismissed for activities relating to trade union recognition. The tribunal orders their employer:

- to reinstate them until the unfair dismissal claims are heard
- to give them back pay for the time they have been out of work

## Get more advice and support

If you have any questions about interim relief, you can [contact the Acas helpline](#).

If you're not sure whether you can make an application for interim relief, you might need to [get legal advice](#).