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Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\* MERGEFORMAT }

{ MERGEFIELD "LINKNAME\_SURNAME\_1" }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Dear { MERGEFIELD LINKNAME\_TITLE\_2 }{ MERGEFIELD LINKNAME\_SURNAME\_2 }

**Re: { MERGEFIELD MATTER MATTER DESCRIPTION }**

### **Employment Claim**

Thank you for instructing me to act on your behalf in this matter. I am { MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }, { MERGEFIELD CALCULATION\_STATUS\_DESCRIPTION } in the Employment Department. I am supervised by { MERGEFIELD CALCULATION\_EXECUTIVE\_NAME } who will be aware of your matter.

### **Employer's Response – Form ET3**

The Claimant has submitted their ET1 claim form to the Tribunal, and you are now obliged to return a form ET3 to the Tribunal, which sets out your replies to the allegations made. The ET3 must be sent to the Tribunal by DATE.

Following our discussion, I understand the issues in respect of your case are as follows:

*Insert issues here*

If there are other issues which I am not aware of, please contact me to discuss these further. It is extremely important to ensure all relevant information to your case is contained within your ET3 form.

Once the Tribunal has received the ET3 from your Employer, both forms will be passed to an Employment Judge for consideration. The Judge will then send both parties a Case Management Order which will detail the next steps to be taken. The Judge may list a Preliminary Hearing where both parties will attend the Tribunal (in person or by telephone) and the Judge will set out a timetable of actions after hearing from both parties' representatives. It is possible, however, that the Judge will decide a Preliminary Hearing is not necessary to put in place a timetable, and this will be included within the Case Management Order by the Judge himself.

Usually, the Case Management Order will contain the following directions:

- For each party to compile and share with the other a list and copies of documents which are relevant to the case.

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- Obtain any experts reports (if necessary).
- For both parties to exchange written witness statements.
- For the Claimant to prepare a schedule of loss, detailing any financial compensation they are claiming, which will be served upon you.

If the Judge decides a Preliminary Hearing is not necessary, then a date for the Final Hearing will be confirmed in the Case Management Order. Please note that the Tribunal are very strict regarding hearing dates, so you should ensure you are available to attend. The Tribunal are unlikely to move a hearing date unless they believe there is a very good reason to do so.

### **Evidence**

During the Final Hearing, you will be required to give evidence as a witness. It may be necessary for us to consider whether you will require any witnesses to support your defence, however I will discuss this with you in due course. If you believe you will require additional witnesses, I should be grateful if you would please let me know who these people are as I will need to get in contact with them as soon as possible (if they are willing to do so).

I should be grateful if you would please provide me with copies of the following documents:  
*List documents here.*

I would strongly advise you not to discuss this case with anyone, other than those who have to be involved. The reason for this is to prevent feedback of information or my advice about this case to the Claimant, as this could be detrimental.

### **The Decision of the Tribunal**

Usually, the Tribunal do not give their judgment at the Final Hearing, rather preparing it after the hearing and sending a written judgement to the parties. This can take weeks or months, depending on the workload of the Tribunal Judges.

Once the judgement has been received, the unsuccessful party has 14 days to apply to the Tribunal to reconsider its decision, and 42 days to appeal. It is only possible to appeal a decision 'on a point of law' – this means it is not possible to appeal based solely on the unsuccessful party disagreeing with the Tribunal's decision.

If the Tribunal has not included compensation in the Judgement, it is likely a further separate hearing will be listed to consider how much you should be awarded.

### **Settlement**

It is possible to settle a case, even if an application has been made to the Tribunal. Often, cases do not go to Final Hearing because they have settled. There are many advantages to settling, such as reduced cost and stress, reduced bad publicity etc.

If a settlement is reached, it will usually include a compensation payment paid by you to the Claimant.

Settlement can be reached either by both parties' representatives negotiating on their client's behalf, or through Acas (even where pre-claim conciliation has not worked).

### **Costs**

Even where a defence is successful, the Tribunal is highly unlikely to make a costs order against the unsuccessful party. Therefore if your defence was successful, the Claimant would not usually have to pay your legal costs.

I estimate my costs in this matter to be:

*Insert costs estimate here*

In my experience, I estimate this matter will conclude in:

*Insert time estimate here*

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

{ MERGFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGFIELD PRACTICEINFO\_PRACTICE\_NAME\*UPPER }