

Employment Tribunal and Employment Appeal Tribunal Fees Stakeholder factsheet

SECTION 1 – how to submit your claim and pay your fee

What fees are payable for

To lodge a claim in an employment tribunal, you will need to pay a fee, or apply for fee remission. That fee (or fee remission application) has to be sent at the same time as you send us your claim. This factsheet summaries key information you'll need to know in order to send us that fee or remission application together with your claim or appeal.

Certain other fees may also be payable once your claim has been accepted. A fee will also be payable in respect of any appeal to the Employment Appeal Tribunal. Where the fee is for something other than the issue fee in the employment tribunal, the tribunal office will tell you what is payable, and when and how the fee should be paid.

Information on these other fees will be available in our booklets online from 29 July. This factsheet focuses mainly on the issue fee for an employment tribunal claim.

Legal challenge

A legal challenge has been made in relation to the introduction of fees. This does not affect the introduction of fees on 29 July 2013 and applicable fees must be paid from this date. However, should the legal challenge be successful HM Courts & Tribunals Service will make arrangements to reimburse any fees that have been paid.

Start date for fees

Claims made to the employment tribunals or appeals made to the Employment Appeal Tribunal on or after **29 July 2013** will attract fees.

Any claim/case/appeal in the system before fees are implemented will not attract any fee payments. This means that a claim presented to a tribunal (i.e. received by the tribunal) before fees are introduced will not attract, for example, a hearing fee – even though the point at which the hearing may be listed takes place after 29 July.

However should an appeal be made to the Employment Appeal Tribunal after the implementation date, fees will be payable.

PLEASE NOTE: The current online submission service (available [here](#)) will no longer be able to accept claims from 4pm on Friday 26 July 2013. A new online submission service, with the new ET1 form, will be available from Monday 29 July.

If you want to submit a claim when the online submission service is not available, you can:

- complete and submit by fax or email up to 23:59 on Sunday 28 July, or;
- send by first class post on or before Friday 26 July.

In both cases your claim will be accepted without a fee. Any subsequent claim can only be accepted if accompanied by a fee or remission application.

How to send your claim/appeal and fee (or fee remission application) after 29 July

From Monday 29 July, there will be three ways to submit a claim to an employment tribunal:

- (1) online
- (2) by post
- (3) by hand

If you complete the **online** ET1 claim form (which will be available [here](#) from Monday 29 July), you can pay the fee (via credit or debit card) or complete an electronic version of the remission application form to print and post to us with the necessary evidence.

Alternatively, you can send us your claim by **post**. The address to send your claim to is set out below. When you post us your ET1 form, you will need to send us a cheque or postal order to pay the required fee, or complete and send a remission application.

The central office addresses are:

Employment Tribunal Central Office (England & Wales),
PO Box 10218
Leicester
LE1 8EG

Or:

Employment Tribunals Central Office (Scotland)
PO Box 27105
GLASGOW
G2 9JR

If you want to **hand deliver** your ET1 form and fee (or remission application), you can do so to one of our designated tribunal offices which are listed in Annex A at the end of this leaflet.

Note: do not send your claim and fee by post to these offices – please use the central office address above.

SECTION 2 – Fee levels and types of fees payable

Claim types and fee levels

In the employment tribunals there are two fee levels based on the type of claim, reflecting that generally some types of claims take more of our resources to deal with. In broad terms Wages Act/refusals to allow time off/appeals etc will be defined in the Order as Type A claims, and attract the level 1 fee, as stated in the consultation response. Discrimination / detriment / dismissal claims will be defined in the Fees Order as Type B claims and consequently allocated to the higher level 2 fees.

The fee levels are:

Fee Type	Type A claims	Type B claims
Issue fee	£160	£250
Hearing fee	£230	£950

For the application specific fees the levels are:

	Review Default Judgment	Application to dismiss following settlement	Mediation by the judiciary	Counterclaim	Application for review
Type A	£100	£60	-	£160	£100
Type B	£100	£60	£600	-	£350

Claimants who submit their claim on the same form will be designated as “fee groups” and have access to a cheaper fee structure if they chose to split the fee between them. They will also have access to our remission scheme.

For Type A claims the following fees are payable:

	Number of claimants in fee group		
	2-10 (2 x the single fee)	11-200 (4 x the single fee)	over 200 (6 x the single fee)
Issue fee	£320	£640	£960
Hearing fee	£460	£920	£1380

For Type B claims the following fees are payable:

	Number of claimants in fee group		
	2-10 (2 x the single fee)	11-200 (4 x the single fee)	over 200 (6 x the single fee)
Issue fee	£500	£1000	£1500
Hearing fee	£1900	£3800	£5700

In the Employment Appeal Tribunal the fees are £400 to lodge an appeal and £1200 for a full hearing.

How a fee is charged on a claim with different types of complaint

The fee payable will be that which relates to the highest level claim. For example, a claim containing a complaint of unpaid wages (Type A) and a complaint of unfair dismissal (Type B) would be charged one fee at the Type B rate.

Methods of Payment

Fee payments can be made via our online service by either credit or debit card payment. Any other payment (cheque or Postal Order) will be collected through centralised processing facilities (one in England & Wales, and one in Scotland).

Remission applications will also be centralised within the centralised processing facilities.

Her Majesty's Courts & Tribunal Service Fee Remission Scheme

Her Majesty's Courts & Tribunal Service remissions scheme (which currently applies to proceedings in the civil courts in England & Wales) will be extended to protect access to the tribunal for those who cannot afford to pay a fee. As a general rule, everyone is deemed to be able to pay unless they demonstrate (by way of an application through our remissions scheme), that they are unable to do so. In the event that a remission application is successful, the whole (or any part of) the fee will be waived.

Application fees

The main types of fees paid will be a fee at issue of the claim or appeal and a fee before hearing. In the employment tribunals there are also application specific fees namely:

- Application for a review (reconsideration) of default judgment
- Application to dismiss following withdrawal
- Application for a counter-claim (which will become known as an 'Employer Contract Claims' after the new 'Underhill' rules are implemented)
- Application for review of final decision
- Judicial mediation

For any fee other than the issue fee (which must be sent with the ET1 claim form), you only need to pay the fee once asked to do so by the tribunal. Where a fee is required, the tribunal will issue a Notice To Pay, telling you how to pay (or apply for remission), and by when.

Section 3 – Background

Why fees are being introduced in the employment tribunal and Employment Appeal Tribunal

The aim of introducing fees is to transfer some of the approximate £74m cost of running the employment tribunals and the Employment Appeal Tribunal from the taxpayer to those who use the system.

The Government believes that users of the employment tribunal system, who can afford to pay, should contribute to its running cost, particularly because the taxpayer already provides for free Acas conciliation and will continue to do so.

Who pays the fees

The basis of the fee structure is that fees are paid in advance by the party seeking the order. This means that the claimant or appellant will pay the issue and the hearing fee, but the respondent will pay fees for any applications they make. The tribunal will have the power to order the unsuccessful party to reimburse the fees paid by the successful party. The fee for judicial mediation will be paid by the respondent, reflecting the practice where mediation is entered into privately to resolve employment disputes.

Time-limits for making claims

There is no extension to the existing time-limits for making claims because paying a fee or completing a remission form should not cause parties to fail to meet existing time-limits. We will make it clear in guidance that fees are payable, ensuring that everyone is aware of this obligation.

The new business model

Claimants will create a new employment tribunal claim by entering details through a new online interface, which will allow fee payments to be taken online via a debit/credit card. If a claimant wishes to submit their claim by post, they can send their ET1 to the appropriate central processing facility by post with appropriate payment by cheque or Postal Order or submit an application for remission for processing.

Only once the fee has been paid, or remission approved, will the ET1 be routed to the appropriate office for vetting, service and processing.

Payment for all other fee types in the employment tribunal will be notified by the tribunal office, who will issue a Notice to Pay with the amount payable and due date for payment. The payment can be made either online by debit or credit card or manually through the Central Processing Facility by cheque or Postal Order.

Because there is no online capability to lodge an appeal to the Employment Appeal Tribunal, appeals will continue to be sent to the Employment Appeal Tribunal office (without payment), and a notice to pay will be issued, which may be paid online or by cheque or Postal Order to the Central Processing Facility.

Section 4 – Further information

Her Majesty's Courts & Tribunal Service will be providing clear written guidance that will set out what fees may be due, at what stage, in what amount; and how remission applications can be made.

The Public Enquiry Line will also answer questions on general queries on fees and remissions for the employment tribunal and the Employment Appeal Tribunal and will liaise with local offices where queries relate to specific proceedings.

Here are some links to pages with additional information:

- BIS Resolving Workplace Disputes consultation package:
<http://wearchive.nationalarchives.gov.uk/+http://www.bis.gov.uk/Consultations/resolving-workplace-disputes?cat=closedwithresponse>
- MoJ Fees consultation package:
<https://consult.justice.gov.uk/digital-communications/et-fee-charging-regime-cp22-2011>
- Draft Added Tribunals Order:
<http://www.legislation.gov.uk/ukdsi/2013/9780111538647?view=plain>
- Draft Fees Order:
<http://www.legislation.gov.uk/ukdsi/2013/9780111538654>
- MoJ Remissions consultation:
<https://www.gov.uk/government/consultations/fee-remissions-in-the-courts-and-tribunals>
- Existing remissions guidance: <http://www.justice.gov.uk/courts/fees>
- Future announcements: <http://www.justice.gov.uk/>

Annex A - Designated Employment Tribunal Offices

England & Wales

Office	Address
Birmingham	9 th Floor Centre City Tower 7 Hill Street Birmingham B5 4UU
East Anglia	Walden Road Huntingdon Cambridgeshire PO29 3DW
East Midlands	3 rd Floor Byron House 2A Maid Marian Way Nottingham NG1 6HS
Leeds	4 th Floor City Exchange 11 Albion Street Leeds LS1 4ES
London Central	Victory House 30-34 Kingsway London WC2B 6EX
London East	2 nd Floor Anchorage House 2 Clove Crescent London E14 2BE
London North & West	3 rd Floor Radius House 51 Clarendon Road Watford Hertfordshire WD17 1HP
London South	Montague Court 101 London Road West Croydon CR0 2RF
Newcastle	Quayside House 110 Quayside Newcastle Upon Tyne NE1 3DX
North West	Alexandra House 14-22 The Parsonage Manchester M3 2JA
South West	First Floor Crescent Centre Bristol BS1 6EZ

Wales	Caradog House 1-6 St Andrews Place Cardiff CF10 3BE
-------	--

Scotland

Office	Address
Aberdeen	Mezzanine Floor Atholl House 84-88 Guild Street Aberdeen AB11 6LT
Dundee	Ground Floor Block C Caledonian House Greenmarket Dundee DD1 4QB
Edinburgh	54-56 Melville Street Edinburgh EH3 7HF
Glasgow	Eagle Building 215 Bothwell Street Glasgow G2 7TS