

## SCHEDULE 1

### THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL RULES OF PROCEDURE 2020

## PART 11

### JUDGMENTS, CASE MANAGEMENT ORDERS AND REASONS

#### **Judgments and case management orders made without a hearing**

55. Judgments and case management orders made without a hearing shall be communicated in writing to the parties, identifying the employment judge who has made the judgment or order.

#### **Judgments and case management orders made at or following a hearing**

56.—(1) Where there is a hearing the tribunal may announce a judgment or case management order in relation to any issue at the hearing or reserve it to be sent to the parties as soon as practicable in writing.

(2) If the judgment or order is announced at the hearing, it shall be provided to the parties (and, where the proceedings were referred to the tribunal by a court, to that court) as soon as practicable in writing.

(3) Each judgment or order provided in writing shall be signed by the employment judge unless rule 58 (absence of employment judge) applies.

#### **Reasons**

57.—(1) The tribunal shall give reasons—

- (a) for any order (which includes a case management order) on its own initiative, if it considers it appropriate to do so, or if requested by any party;
- (b) for any judgment (including any judgment on an application for reconsideration or for orders for costs, preparation time or wasted costs).

(2) If a judgment or order for which reasons are given under paragraph (1)(a) is announced at a hearing, the reasons may be given orally at the hearing or reserved to be sent to the parties as soon as practicable in writing.

(3) Reasons given in writing may be included in the relevant judgment or order but if they are provided separately they shall be signed by the employment judge.

(4) Reasons given orally need only be provided in writing if requested by any party—

- (a) at the hearing; or
- (b) within 14 days of the date on which judgment or order was sent.

(5) If no request under paragraph (4) is received, the tribunal shall provide written reasons only if requested to do so by a court.

(6) The reasons given for any judgment or order shall be proportionate to the significance of the issue.

(7) The reasons given for a judgment shall—

- (a) identify the issues which the tribunal has determined;
- (b) state the findings of fact made in relation to those issues;

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- (c) concisely identify the relevant law;
- (d) state how that law has been applied to those findings in order to decide the issues; and
- (e) where the judgment includes a financial award identify, by means of a table or otherwise, how the amount to be paid has been calculated.

#### **Absence of employment judge**

58. If it is impossible or not practicable for a judgment, case management order or reasons to be signed by the employment judge as a result of death, incapacity or absence, that document shall be signed by the other member or members of the tribunal (if any) or by the President or the Vice-President (in the case of an employment judge sitting alone).

#### **Consent orders and judgments**

59. If the parties agree in writing or orally at a hearing upon the terms of any order or judgment a tribunal may, if it thinks fit, make such order or judgment, in which case it shall be identified as having been made by consent.

#### **When a judgment or order takes effect**

60. A judgment or order takes effect from the day when it is given or made, or on such later date as specified by the tribunal.

#### **Entry of judgments and reasons in the register**

61. Subject to rule 44 (privacy and restrictions on disclosure) and rules 91 and 92 (national security), a copy shall be entered in the register of any judgment and of any written reasons for a judgment.

#### **Copies of judgment for referring court**

62. Where the proceedings were referred to the tribunal by a court a copy of any judgment and of any written reasons shall be provided to that court.

#### **Correction of clerical mistakes and accidental slips**

63.—(1) An employment judge may at any time require corrections to be made to any clerical mistake or other accidental slip or omission in any order, judgment or other document produced by a tribunal.

(2) If such a correction is made, any published version of the document shall also be corrected.

(3) If any document is corrected under this rule, a copy of the corrected version, signed by the employment judge, shall be sent to all the parties.