

SCHEDULE

Regulation 5

THE EARLY CONCILIATION RULES OF PROCEDURE

Starting early conciliation

Satisfying the requirement for early conciliation

1. To satisfy the requirement for early conciliation, a prospective claimant must—
 - (a) present a completed early conciliation form to ACAS in accordance with rule 2; or
 - (b) telephone ACAS in accordance with rule 3.

- 2.—(1) An early conciliation form which is presented to ACAS must be—
 - (a) submitted using the online form on the ACAS website; or
 - (b) sent by post to the ACAS address set out on the early conciliation form.

(2) An early conciliation form must contain—
 - (a) the prospective claimant’s name and address; and
 - (b) the prospective respondent’s name and address.

(3) ACAS may reject a form that does not contain the information specified in paragraph (2) or may contact the prospective claimant to obtain any missing information.

(4) If ACAS rejects a form under paragraph (3), it must return the form to the prospective claimant.

- 3.—(1) A prospective claimant telephoning ACAS for early conciliation must call the telephone number set out on the early conciliation form and tell ACAS—
 - (a) the prospective claimant’s name and address; and
 - (b) the prospective respondent’s name and address.

(2) ACAS must insert the information provided under paragraph (1) on to an early conciliation form.

4. If there is more than one prospective respondent, the prospective claimant may provide the name of only one prospective respondent on an early conciliation form presented under rule 2 or in a telephone call made under rule 3.

The early conciliation process

Contact between ACAS and the parties

- 5.—(1) ACAS must make reasonable attempts to contact the prospective claimant.
- (2) If the prospective claimant consents to ACAS contacting the prospective respondent, ACAS must make reasonable attempts to contact the prospective respondent.
- (3) If ACAS is unable to make contact with the prospective claimant or prospective respondent it must conclude that settlement is not possible.

Period for early conciliation

- 6.—(1) For up to one calendar month starting on the date—
 - (a) of receipt by ACAS of the early conciliation form presented in accordance with rule 2; or

Status: This is the original version (as it was originally made).

(b) the prospective claimant telephoned ACAS in accordance with rule 3, the conciliation officer must endeavour to promote a settlement between the prospective claimant and the prospective respondent.

(2) The period for early conciliation may be extended by a conciliation officer, provided that the prospective claimant and prospective respondent consent to the extension and the conciliation officer considers that there is a reasonable prospect of achieving a settlement before the expiry of the extended period.

(3) An extension under paragraph (2) of the period for early conciliation may only occur once and may be for up to a maximum of 14 days.

Early conciliation certificate

7.—(1) If at any point during the period for early conciliation, or during any extension of that period, the conciliation officer concludes that a settlement of a dispute, or part of it, is not possible, ACAS must issue an early conciliation certificate.

(2) If the period for early conciliation, including any extension of that period, expires without a settlement having been reached, ACAS must issue an early conciliation certificate.

8. An early conciliation certificate must contain—

- (a) the name and address of the prospective claimant;
- (b) the name and address of the prospective respondent;
- (c) the date of receipt by ACAS of the early conciliation form presented in accordance with rule 2 or the date that the prospective claimant telephoned ACAS in accordance with rule 3;
- (d) the unique reference number given by ACAS to the early conciliation certificate; and
- (e) the date of issue of the certificate, which will be the date that the certificate is sent by ACAS, and a statement indicating the method by which the certificate is to be sent.

9.—(1) Where ACAS issues an early conciliation certificate, it must send a copy to the prospective claimant and, if ACAS has had contact with the prospective respondent during the period for early conciliation, to the prospective respondent.

(2) If the prospective claimant or prospective respondent has provided an email address to ACAS, ACAS must send the early conciliation certificate by email and in any other case must send the early conciliation certificate by post.

(3) An early conciliation certificate will be deemed received—

- (a) if sent by email, on the day it is sent; or
- (b) if sent by post, on the day on which it would be delivered in the ordinary course of the post.