



Courts and
Tribunals Judiciary

Judge Barry Clarke
President
Employment Tribunals
(England & Wales)



Tribunals
Judiciary

Judge Susan Walker
President
Employment Tribunals
(Scotland)

Presidential Practice Direction

Presentation of Responses

1. In this joint Presidential Practice Direction, “Regulations” means the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 and “Rules” means the Employment Tribunals Rules of Procedure as set out at Schedule 1 to the Regulations.
2. Regulation 11 allows the President to make Practice Directions about the procedure of Employment Tribunals in the area for which the President is responsible. This joint Practice Direction concerns the available methods for the presentation of responses to the Employment Tribunals (Scotland) and the Employment Tribunals (England and Wales).
3. Rule 16(1) has been amended by The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2024 S.I. 2024/336 and now provides that a response must be on a prescribed form and presented “*in accordance with any practice direction*”.
4. Rule 17(1) provides the minimum information that must be included in a response.
5. Forms are prescribed in accordance with Regulation 12(1) of the Regulations. Regulation 12(2) sets out exceptions where a prescribed form is not required, such as where an Employment Tribunal is exercising its statutory appellate jurisdiction; see paragraph 11 below.
6. This Practice Direction (“the Interim PD”) preserves the current methods of presenting a response until the new digital case management system is being used by all Employment Tribunal offices. A new Practice Direction for the Presentation of Claims and Responses will then be issued that will take account of the new digital processes. **That new Practice Direction will remove email as a method of presentation of a response other than in exceptional circumstances. We strongly encourage users of the Employment Tribunal system in both jurisdictions to use the online submission service in the interim period to ensure that they do not encounter any difficulties when the new Practice**

Direction is introduced. The expected date for that new Practice Direction is 1 October 2024.

7. In the meantime, under the Interim PD, a response may be presented using one of the following four methods:
 - **Method one:** online, using the online submission service provided by HM Courts and Tribunals Service as accessible at [Introduction - Response to Claim - MoJ \(employmenttribunals.service.gov.uk\)](https://www.gov.uk/guidance/introduction-response-to-claim-moj-employmenttribunals.service.gov.uk).
 - **Method two:** by post to any Employment Tribunal office.
 - **Method three:** by hand to any Employment Tribunal office.
 - **Method four:** by email to any Employment Tribunal office.
8. A full list of the postal and email addresses of all Employment Tribunal offices can be found at www.gov.uk/guidance/employment-tribunal-offices-and-venues. It is recommended that if methods two, three or four are being used, the response is sent or delivered to the Employment Tribunal office dealing with the claim.
9. For methods two, three and four, the relevant prescribed form can be downloaded at the following link: www.gov.uk/government/publications/respond-to-a-claim-made-to-an-employment-tribunal-form-et3.
10. Method one is available in both English and Welsh. The forms to be downloaded for methods two, three and four are also available in both English and Welsh.
11. In the case of a statutory appeal, where there is no requirement to use a prescribed form, presentation of a response may be effected by any of the methods specified at paragraph 7 (albeit use of the online submission service will necessitate the use of a prescribed response form).
12. This Practice Direction has been approved by the Senior President of Tribunals and the Lord Chancellor under section 7A(2C) of the Employment Tribunals Act 1996. It has effect from 6 April 2024.



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