



Courts and
Tribunals Judiciary

JUDGE BARRY CLARKE

PRESIDENT | EMPLOYMENT TRIBUNALS (ENGLAND & WALES)

To: All judges of the Employment Tribunals in England and Wales
All members of the national user group

8 September 2023

Dear all

Important: ET1 online submission service

HMCTS has been experiencing technical difficulties with the ET1 online submission service. It has been unavailable since the afternoon of Wednesday 6 September. The HMCTS digital and technology team is working hard to resolve the matter. It is not yet known when the problem will be rectified.

Please note that HMCTS, not the judiciary, bears responsibility for the effective operation of the presentation platform.

The Practice Direction on the presentation of claims is available on the judiciary website at [this link](#). This prescribes the three ways by which claims to the Employment Tribunals in England and Wales can be submitted:

- **Online**, by using the HMCTS online submission service;
- **By post**, to Employment Tribunal Central Office (England & Wales), PO Box 10218, Leicester, LE1 8EG; or
- **By hand**, to an Employment Tribunal Office as listed in the schedule to the Practice Direction.

These options were originally prescribed in 2013 to facilitate the collection of fees for issuing claim forms. With the online service down, and until the service can be resumed, the only prescribed methods available are **by post** and **by hand**. The Practice Direction **does not permit claims to be presented by email to a regional office**.

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Website | <https://www.judiciary.uk/courts-and-tribunals/tribunals/employment-tribunal>

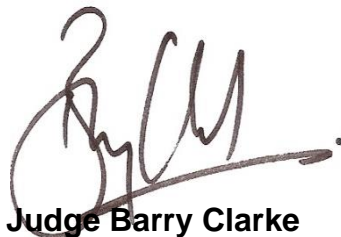
The technical fault only affects the legacy online submission service for ET1 claim forms. It does not affect the new portal being used, as part of the HMCTS reform programme, in the early adopter locations of Leeds, Bristol and Nottingham (which is presently limited to open track claims brought by unrepresented parties). The remedial efforts of HMCTS are currently focused on expanding the new portal to accommodate all claim types.

I do not yet consider it practicable or desirable to amend the Practice Direction, due to the time-consuming nature of the governance steps described at section 7A of the Employment Tribunals Act 1996. However, this will be kept under review depending upon how long it takes HMCTS to rectify the problem.

Recognising the difficulties that the technical fault may cause to those approaching the expiry of a limitation period for presentation of a claim, the following recommendation is made: a screenshot should be taken of the error message generated by the online submission service (showing its time) and a printed copy should accompany the posted or hand-delivered ET1, alongside any other evidence that may demonstrate when a party attempted unsuccessfully to present a claim. This is only necessary where a party considers there is a risk of missing the deadline for presenting a claim. Without intending in any way to impinge upon judicial independence, the tribunal's judiciary and the parties and their representatives are reminded of the importance of giving effect to the overriding objective of the Employment Tribunals Rules of Procedure, which is to enable cases to be dealt with fairly and justly.

A further update will be provided when available.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Clarke', with a long horizontal stroke extending to the right.

Judge Barry Clarke
President