



Senior President of Tribunals

Practice Direction

Panel composition in the Employment Tribunals and Employment Appeal Tribunal

1. This practice direction sets out the determinations of the Senior President of Tribunals under the Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2024.
2. In this practice direction:
 - “appointed member” has the same meaning as in section 22 of the Employment Tribunals Act 1996;
 - “employee member” means a member of the panel referred to in regulation 8(2)(b) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013;
 - “employer member” means a member of the panel referred to in regulation 8(2)(c) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013;
 - “judge” means a member of a panel referred to in regulation 8(2)(a) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, and includes a leadership judge;
 - “leadership judge” means the President of Employment Tribunals (England and Wales) or a Regional Employment Judge in respect of tribunals in England and Wales, or the President of Employment Tribunals (Scotland) or Vice President in respect of tribunals in Scotland.
3. Subject to paragraph 5, in respect of matters that fall to be decided at or following a final hearing, a judge will decide, having regard to the interests of justice and the overriding objective, whether an Employment Tribunal is to consist of:
 - a. a judge sitting alone; or
 - b. a judge, an employee member, and an employer member;unless a leadership judge decides that it should consist of two judges for the purposes of training and development.
4. In respect of matters that fall to be decided at a preliminary hearing, an Employment Tribunal is to consist of a judge sitting alone unless:
 - a. a judge decides that, having regard to the interests of justice and the overriding objective, it should consist of a judge, an employee member, and an employer member; or

- b. a leadership judge decides that it should consist of two judges for the purposes of training and development.
5. In respect of matters that fall to be decided at a hearing in proceedings in which the person (or, where more than one, each of the persons) against whom the proceedings are brought does not, or has ceased to, contest the case, an Employment Tribunal is to consist of a judge sitting alone unless:
 - a. a judge decides that, having regard to the interests of justice and the overriding objective, it should consist of a judge, an employee member, and an employer member; or
 - b. a leadership judge decides that it should consist of two judges for the purposes of training and development.
6. In respect of any other matter an Employment Tribunal is to consist of a judge. This includes consideration of whether a party's application for reconsideration discloses a reasonable prospect of a judgment being varied or revoked.
7. The Employment Appeal Tribunal is to consist of a judge sitting alone, unless having regard to the interests of justice and the overriding objective, a judge decides that it should consist of a judge and two appointed members.
8. Where the Employment Appeal Tribunal consists of three people, one of the appointed members must be a person whose knowledge or experience of industrial relations is as a representative of employers, and the other appointed member must be a person whose knowledge or experience of industrial relations is as a representative of workers.
9. Where a leadership judge exercises the power to have an Employment Tribunal consist of two judges, the leadership judge must choose a judge to be the presiding member of the tribunal. In any other instance where a tribunal consists of more than one person, the judge will be the presiding member.
10. This practice direction applies to any matter that falls to be decided on or after 29 October 2024, save that if that matter was listed for a hearing before that date, and the hearing takes place partly or wholly on or after that date, the tribunal may be constituted in accordance with the law as it stood before this practice direction was made.

This Practice Direction is made by the Senior President of Tribunals after consulting the Lord Chancellor, pursuant to sections 7A(2E) and 29A(8) of the Employment Tribunals Act 1996.

Sir Keith Lindblom
Senior President of Tribunals
29 October 2024