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PRESIDENT
EMPLOYMENT TRIBUNALS
(SCOTLAND)

JUDGE BARRY CLARKE
PRESIDENT
EMPLOYMENT TRIBUNALS
(ENGLAND & WALES)

To: All members of the ET (E&W) and ET (Scotland) national user groups

16 April 2025

Dear user group members

We write to update you in respect of several matters.

Presentation of Claims, Responses and Statutory Appeals

The Lord Chancellor has now approved our respective Practice Directions on the Presentation of Claims, Responses and Statutory Appeals.

As previously advised, there will be a five-week period between promulgation of the Practice Directions (today) and the point at which they take effect (which will be immediately after midnight on 20 May 2025). To be clear, this means that our respective Practice Directions on the presentation of claims (dated [2 March 2020](#) in England and Wales and [21 April 2021](#) in Scotland) and the joint interim Practice Direction on the presentation of responses (dated [6 April 2024](#) in both jurisdictions) continue in operation until midnight on 20 May 2025. From 00:00:01 on 21 May 2025, the new Practice Directions take effect.

The new Practice Directions are now online: [here](#) for England and Wales and [here](#) for Scotland.

The first main effect of the Practice Directions is to remove email as a means of entering ET3 responses. This will bring to an end the longstanding practice by which respondents' professional representatives send pdf version of ET3 response forms to individual ET offices. Emailed responses will be accepted only in exceptional and evidenced circumstances and, even then, only where sent to dedicated email addresses created for this purpose (one for each of the two ET jurisdictions).

The second main effect is to introduce email (to the same dedicated addresses) as a means of presenting claims in the same exceptional or evidenced circumstances.

The aim of the Practice Directions, which have been prepared in agreement with HMCTS, is to funnel as much work as possible through the new digital portals available for interaction with the ETs and which were introduced by the HMCTS reform programme. The portal for represented respondents is known as “MyHMCTS”, while unrepresented parties use the “Citizen” portal.

The reform programme officially closed at the end of March 2025 (confirmed [here](#)). The ET judiciary will continue collaborating with HMCTS to enhance and improve the digital system.

Unrepresented respondents: applications functionality

As an example of the latest enhancement, HMCTS last week released the functionality that enables unrepresented respondents to submit digital applications via the Citizen portal to the Employment Tribunals.

This means that all represented and unrepresented parties can now interact with the ETs on a fully digital basis when making applications.

Special joint national user group meeting

Both Presidents are aware of concerns in the user community about how the MyHMCTS and Citizen portals are operating. Some of these concerns were discussed at the Scottish national user group meeting last week. The Presidents are monitoring the situation.

In the meantime, the Presidents have agreed that the next meeting of the national user group for England and Wales, taking place at 3pm on Wednesday 14 May 2025, will now be a **special joint national user group meeting** for both ET jurisdictions. It will focus on digital practices including the use of the portals. Representatives of the HMCTS Digital and Technology Team will be available to answer questions. The last time such a meeting was held, on [16 June 2023](#), was at a much earlier stage of the HMCTS reform programme.

The meeting will also be an opportunity for HMCTS to share their “road map” of future enhancements.

For those joining in person, details will follow in due course. For those joining remotely, a link will be circulated.

Recording

When the President in England and Wales wrote to user group members on [6 November 2023](#) and [8 November 2023](#), when announcing the joint Practice Direction on the recording of ET hearings taking effect on [20 November 2023](#), he

expressed the view that there was “*the capability for all fully remote and hybrid hearings to be recorded, and for hearings held in approximately 75% of the physical estate in England and Wales to be recorded. This translates to 80-90% of all ET hearings in England and Wales*”.


The [accompanying Presidential Guidance](#) noted, at paragraph 5.4, that HMCTS had agreed “*to investigate other recording alternatives to give full effect to our Practice Direction*”. HMCTS has recently installed additional recording equipment in over 30 Employment Tribunal hearing rooms throughout England and Wales. As a result, HMCTS and the judiciary are now confident that facilities are in place to record all ET hearings.

No new equipment has been installed in ET venues in Scotland, but HMCTS remains confident that the facilities are already in place to record all hearings in Scotland.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Barry Clarke', with a stylized flourish at the end.

Judge Barry Clarke
President

A handwritten signature in dark ink, appearing to read 'Susan Walker', in a cursive style.

Judge Susan Walker KC (Hon)
President