EMPLOYMENT TRIBUNALS
England & Wales

EMPLOYMENT TRIBUNALS
(SCOTLAND)

JOINT MEETING OF NATIONAL USER GROUPS

Minutes of the Joint National User Group meeting for England & Wales and Scotland Held at Victory House, London and also via Microsoft Teams on 14 May 2025

Attendance:

The meeting was co-chaired by Judge Barry Clarke, President of Employment Tribunals (England & Wales), and Judge Susan Walker KC (Hon), President of Employment Tribunals (Scotland).

There were presentations and contributions from Mark Lewis (HMCTS, Employment Tribunals Service Manager), Dan Thompson (HMCTS, Employment Tribunals Product Manager) and Tom Hart (HMCTS, Employment Tribunals Product Manager).

Unfortunately, no list of attendees was taken on this occasion, but there were representatives present from almost all institutional and organisational members of both national user groups.

1.   Welcome & Introductions

Judge Clarke welcomed members of both national user groups to this special joint meeting focusing on new digital working practices. The last joint meeting had been held on 16 June 2023 (minutes here), which had focused on the introduction of the HMCTS reform programme.

2.   Background

The first Employment Tribunal offices to begin using the reform products (known as early adopter regions) were Scotland (administered from Glasgow), the Leeds office within the NE England region, Midlands East (administered from Nottingham) and SW England (administered from Bristol). This allowed for the new digital processes to be subjected to the appropriate stress-testing before wider roll out. The judiciary and HMCTS worked together to agree the remaining order in which other regions would move to the digital platform. Rollout to the remaining locations in England and Wales took place through the summer of 2024.

All ET offices across Great Britain are now using the same unified system. In Scotland, cases entering via the new portal have a case number beginning with "8" while those in England and Wales begin with a "6".

The word "reform" is now a dated expression, linked to the particular programme running under the direction of HMCTS. This closed in early 2025; details can be found online here

and [here](). The continued work to improve Employment Tribunal processes is now best described as modernisation and/or digitisation. Improvement to those processes will continue outside of the reform programme. Work is ongoing to enhance and improve parts of the system. This will involve collaboration between the judiciary and HMCTS, and continued engagement between HMCTS and system users.

3.   Presentation of claims and responses

Judge Walker confirmed that the two new Practice Directions on the Presentation of Claims, Responses and Statutory Appeals (one for [England and Wales]() and one for [Scotland]()) come into effect just after midnight on 21 May 2025. They are identical save for the former dealing with the Welsh language, and with each having different schedules of office addresses for hand delivery purposes.

After this date, it will no longer be possible to present a response by email, except in very limited circumstances and then only to a dedicated email address (one for each jurisdiction) as specified in the Practice Directions. The exceptional circumstances must arise from a system malfunction and requires evidence of that malfunction to be provided. <u>There is no ability to present a response by email to a regional office</u>.

It has never been possible to present a claim by email, so this represents an additional route for presentation albeit in only exceptional circumstances.

4.   HMCTS – Mark Lewis

Mark Lewis provided an update on the next phase of work. He confirmed that, now the reform programme has officially closed, further enhancements and improvements will be delivered by the HMCTS Digital & Technology Services (DTS) team, as represented at the meeting by Dan Thompson and Tom Hart.

DTS has recently launched the litigant-in-person respondent journey, which allows unrepresented respondents to submit applications via the "Citizen User Interface" of the online portal. The team is also working on improvements to the ET1 and ET3 online journeys, to include new questions in relation to panel composition.

The team will then focus on improving the functionality of the MyHMCTS system (the interface with the portal for legal professionals) and seeking to respond to user feedback.

Functionality for employer contract claims is in development and should go live later this year. The team is also working on the design and development of functionality for multiples (that is, group claims).

New digital recording equipment has been installed across the estate. Every Employment Tribunal hearing which should be recorded under the terms of the [relevant Practice Direction]() and [Presidential Guidance]() can now be recorded.

The team is working on identifying and filling journey gaps in the online system. An example concerns users who are neither claimants nor respondents (such as the Insolvency Service in an appropriate case) or who do not meet the criteria to register for MyHMCTS.

HMCTS is working with the Department of Business and Trade to produce a new Survey of Employment Tribunal applications (SETA). There also needs to be a significant amount of preparation in advance of the Employment Rights Bill.

5.   Questions

The rest of the meeting was dedicated to a question and answer session, split by topic. The remainder of these minutes records the Q&A exchanges.

5.1   Presentation of Claims and Responses

Where there is a fault with the online portal but the deadline to submit a claim or response is not yet imminent, can a user submit it via email (as per the PD) or must they continue to attempt to submit via the portal right up to the deadline?

The Presidents' view is that there is no need to wait until the end of the deadline. If the system malfunctions on the date that a user wishes to submit their claim or response, they can use the exception as set out in the Practice Direction to submit it.

When a response is submitted via the portal, the system auto-populates the email address for the individual submitting it. Have steps now been taken to allow the person submitting a claim or response to use a generic departmental email address?

The DTS team is currently working on adding functionality for users to add additional email addresses when submitting a claim or response via the online portal.

Once added, every email address listed would receive notifications about activity on the case.

The current Notice of Change process currently defaults to individual email addresses. Will it be possible in future to use a shared mailbox? At present, when a case is shared with a colleague, that colleague does not receive notifications.

The DTS team is exploring the use of generic, shared mailboxes and will take this point away. However, the team is limited by the parameters of the common components used across HMCTS services.

Claims are being received which do not include the 16-digit HMCTS case number.

If users are receiving paperwork for a new digital claim (a case number beginning with "6" or "8") and which does not include the 16-digit number, they should contact the relevant regional ET office administering the case to request it.

Mark Lewis will remind operational staff to ensure that the correct letters are being issued, which should include it automatically.

Without the 16-digital number, users can still submit an ET3 online via the legacy portal.

Users in England and Wales may find it useful to read the page on the judiciary website "How should I communicate with the Employment Tribunals?" here.

When submitting a claim or response via the legacy portal, attachments can only be submitted in .rtf (Rich text format). Are there plans to allow other file types to be uploaded?

No. There are no current plans to make improvements to the legacy online portal. This is because the numbers of legacy claims will continue to reduce over time.

However, the team will explore whether it is possible to add a note to the legacy portal explaining this, so users are aware.

When an ET3 is uploaded, the grounds of resistance/paper apart does not immediately show up in the case documents. Will this now happen automatically?

This will shortly be automated. In the meantime, once a user has submitted an ET3 response, they can find all relevant documents (including the grounds/paper apart) under the respondent tab.

How will future system changes or updates be communicated to users?

Future updates will be circulated via the membership of the national user group.

Is there a way to direct litigant-in-person users to the need to take a screenshot of any system malfunction so that they can submit by email?

When there is a planned system outage, the team will consider adding a message to signpost users to the Practice Direction and alternative ways of submitting a claim/response.

The Presidents would like a reference to the Practice Direction added to the landing page for users to see, before they submit a claim or response.

Is there a risk that a partially-completed claim or response form may be lost if the system malfunctions?

Yes. To avoid this, it is recommended that users type large volumes of text in a separate document, outside of the portal. This can then be copied into the relevant boxes before the claim or response is submitted.

Why are challenge questions required in addition to the 16-digit reference when submitting a response via the portal?

The challenge questions are required for two reasons:

1) It prevents a user accessing the wrong case if they mistype the number.
2) Where there are multiple respondents to a claim, it ensures the response is being completed on behalf of the correct one.

Is it possible for the system to provide email notification of the successful submission of an ET3 response?

The team will take this point away to consider.

How soon after an ET3 is submitted is the claimant notified?

The claimant will immediately see on their portal that a response has been submitted, but they will not be able to view the response itself until the relevant ET internal administrative processes have completed (by which a response is accepted).

Are individual responses required in cases with multiple claimants?

No. A single response, covering all claims in a multiple, can be submitted via the legacy portal. Users are encouraged to identify in their response the claims to which it applies.

Where a claim has been brought against multiple respondents, are individual response forms needed for each respondent?

The current portal allows for individual responses to be submitted for each respondent but this is not necessary. This design allows for different respondents to be represented by different representatives.

The Presidents confirmed that the Rules permit the submission of one response for more than one respondent.

If a user wishes to submit a response on behalf of more than one respondent on a reform claim, they should select a single respondent from the drop-down menu but specify in the response the respondent(s) to which (or to whom) the response applies.

There is a requirement to confirm the details for each respondent (name, address), but the remainder of the response can be applied to multiple respondents to a claim.

If a user receives an error message when attempting to enter the 16-digit reference number to submit an ET3 response, would that meet the exceptional circumstances which would allow presentation by email?

The Presidents confirmed that taking a screenshot of the fact that a user has been told the 16-digit number is not recognised would be a gateway to the exceptional circumstances route.

Users are also reminded that they can submit the ET3 response via the legacy online portal without the 16-digit reference number.

5.2   Case progression

If a claimant has brought a claim as a litigant in person and subsequently becomes represented, can the representative use the "Notice of Change" function to come on record?

Not yet. The team is currently working to enhance this function. This is being treated as a priority. In the meantime, to change the representative details of a claimant, users should contact directly the ET office that is administering the claim.

How does a user mark an application urgent?

There is no specific functionality which allows a user to mark an application urgent. However, users are encouraged to use the word "urgent" in the body of their application. This will be noticed when HMCTS staff triage incoming applications.

The system does allow for some automated prioritisation of incoming applications, but this is based on the proximity of the hearing. If there is an imminent hearing, incoming correspondence will be prioritised.

What are the circumstances in which a dismissal judgment is not issued following a claim that has settled via Acas?

A judgment dismissing a claim is only issued when a claim has been withdrawn. If a claim has been settled by Acas but not withdrawn, then the claim is closed and no judgment is issued.

It remains a judicial decision whether to issue a dismissal judgment, as it is sometimes in the interests of justice not to do so (for example, if a claim has been withdrawn with a view to continuing proceedings in the civil jurisdiction).

Users are also reminded that it is often Legal Officers who sign dismissal judgments, and due to other pressures on their time there may be a delay in issuing these.

What, if any, retention period applies to the data on the portal?

The [Record Retention and Disposition Schedule for the Employment Tribunals](#) sets out the retention period for claims (both legacy and reform). Cases are retained for 12 months following closure, except where an appeal has been lodged (where cases are retained for 30 months from the date the decision was sent to parties or the appeal process has been completed, whichever is longest).

If a user's case number begins with a "6" or an "8", can they still communicate with the Tribunal via email or is it mandatory that they use the portal?

General communication via email remains possible, but where the portal is available it should be the principal means of communicating with the Tribunal.

What is the timeframe for migrating legacy claims to the reform system?

Legacy cases in two offices (Leeds and Glasgow) were migrated to the reform platform earlier this year, but migration for the remaining offices has been paused while some management information anomalies are investigated. It will hopefully recommence shortly.

Users are reminded that, once migration happens, validation work will be required before those migrated cases can begin to make use of the portal's full functionality. It is hoped that this can take place this year, but no date is confirmed.

Has the system been subject to resilience testing in anticipation of a surge in demand?

Extensive performance and resilience testing has taken place. At the last performance test, the team ran 40,000 updates concurrently (which is far beyond any expected surge in demand). The team confirmed that the system is therefore resilient enough to cope with a surge in demand.

How can users find additional information about the Employment Tribunals and the new digital cases?

Users can find more information about the Employment Tribunals on the judiciary.uk website [here](#) (for England and Wales) and [here](#) (for Scotland).

There is further information and guidance found at the following links:

Guidance

Legal representatives intranet guidance, including **how to register** for the 'MyHMCTS' portal is [Register for MyHMCTS: online case management for professionals - GOV.UK (www.gov.uk)](#)

Legal representatives internet guidance, **submitting an ET1** claim form [MyHMCTS: Make a claim to an Employment Tribunal - GOV.UK (www.gov.uk)](#)

Legal representatives internet guidance, **responding to an ET1** claim form [Respond to an Employment Tribunal claim using MyHMCTS - GOV.UK (www.gov.uk)](#)

Legal representatives internet guidance, **case administration guidance (sharing/access for colleagues)** [Complete case administration tasks in MyHMCTS - GOV.UK (www.gov.uk)](#)

YouTube videos

How to **register** and find your ET case on MyHMCTS: [Employment Tribunal Reform Project – Bitesize on how to Register and find your ET case on MyHMCTS (youtube.com)](#)

How to **submit an ET1** on MyHMCTS: [Employment Tribunal Reform Project – How to submit an ET1 via MyHMCTS (for legal/professional users) (youtube.com)](youtube.com)

How to **submit an ET3** on MyHMCTS: [Employment Tribunal Reform Project – Bitesize on how to submit an ET3 on MyHMCTS (youtube.com)](youtube.com)

How to **submit an application** on MyHMCTS: [Employment Tribunal Reform Project - How to submit an application on MyHMCTS (youtube.com)](youtube.com)
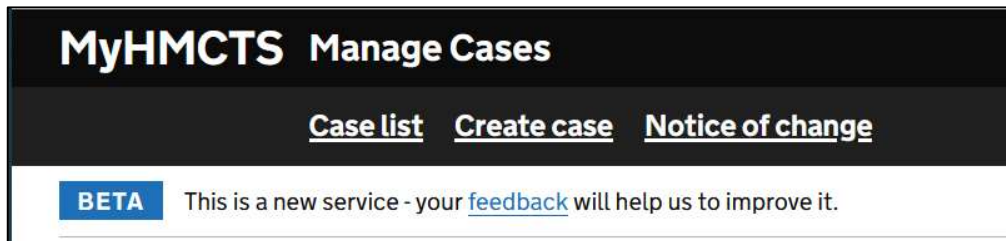
How can users provide feedback about the new system?

In the top left-hand corner of the window, you can select the feedback link which will open an Online Portal Feedback Form in a new window.

For users of the Citizen Portal:
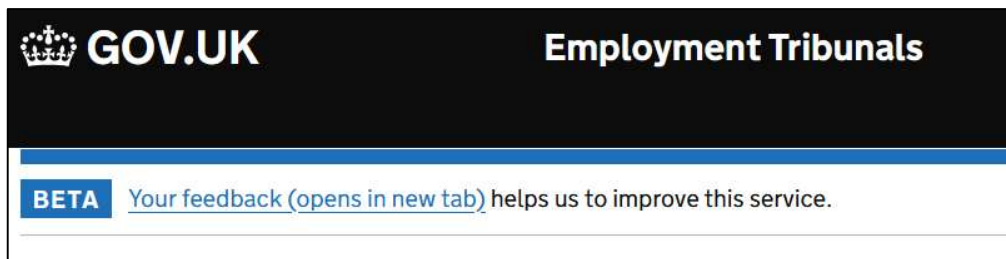
For users of MyHMCTS:

6.   Close

The Presidents thanked Mark Lewis, his team and the DTS team for their hard work. They acknowledged the high level of collaboration between members of the national user group, HMCTS and the judiciary on this project.