



Remote participation in Hearings in the Employment Appeal Tribunal

1. Introduction

- 1.1. This guidance concerns the arrangements for participation in hearings in the Employment Appeal Tribunal in Scotland, England and Wales. It follows the general principles on remote participation issued by the Lady Chief Justice, the Lord President and the Senior President of Tribunals, set out below:
 - a) [Remote Participation Overarching Guidance](#)
 - b) [Remote Participation Judicial Principles](#)
- 1.2. This guidance supersedes the Employment Appeal Tribunal protocol on remote hearings dated January 2025.
- 1.3. In this guidance, the expression “participant” means a party to the appeal, a representative of any such party, or any other person nominated by a party to observe the proceedings.
- 1.4. Separate guidance is available on the EAT’s website for remote observers who are not participants: [Remote Observation Guidance - 08 January 2025](#)
- 1.5. The following link provides guidance on what to expect when joining a hearing remotely: [What to expect when joining a telephone or video hearing.](#)

2. Rules of Procedure

- 2.1. This guidance should be read with the Employment Appeal Tribunal Rules 1993 and the Employment Appeal Tribunal Practice Direction 2024.

3. Hearings

- 3.1 A hearing in the EAT may take place in person or remotely.
- 3.2 A remote hearing may be fully remote (where none of the participants is present in the hearing venue) or partly remote (where some participants are present at a hearing venue and others join remotely).
- 3.3 Remote hearings may use video or, where the use of video is not reasonably practicable, telephone.

4. The default approach

The default approach in the Employment Appeal Tribunal (EAT) is that all hearings will take place by the attendance of participants in person at the designated hearing venue unless otherwise directed by the Registrar or a judge.

5. Departure from the default approach

- 5.1 A party may apply for a hearing to be fully or partly remote. Further guidance may be found at section 8.14 of the EAT's Practice Direction 2024.
- 5.2 The application should be made at the earliest opportunity and using the application form appearing at Annex 2 of the Practice Direction.
- 5.3 Decisions about whether or not to hold a remote hearing and as to the method of participation in such a hearing are taken on a case-by-case basis having regard to the interests of justice (see section 6 below).
- 5.4 Any decision whether or not a hearing should be partly or fully remote is a matter of judicial discretion and will be determined according to the interests of justice.

6. Factors of relevance to departure from the default approach

- 6.1 What accords with the interests of justice in each case will depend on the circumstances of the case and available resources.
- 6.2 The following (non-exhaustive) factors may be relevant when a judge or the Registrar is considering whether to depart from the default approach and, if so, what form any remote participation should take. It will be for the judge / Registrar to decide how they weigh these (or other) factors in the balance in the circumstances of each case. Relevant factors may include:
 - 6.2.1 The views and preferences of the parties.
 - 6.2.2 The availability of enough space in suitable premises, having regard to the health, safety and security of all participants.
 - 6.2.3 The availability of technical facilities that enable a hearing to take place fully or partly remotely.
 - 6.2.4 Whether the choice as to mode of hearing is likely to speed up or delay the progress of the case.
- 6.3 Where an appellant has been granted the assistance of an ELAAS (or, in Scotland, SEALAS) advisor at a rule 3(10) or preliminary hearing, the ELAAS or SEALAS representative will usually be permitted to participate in the hearing remotely.
- 6.4 A judge or the Registrar may, whether on the application of a party or otherwise, and having considered any oral or written representations of the parties, change the permitted method of participation either before or during

a hearing in accordance with section 11.10 of the EAT Practice Direction 2024. In particular, a judge or the Registrar may:

- 6.4.1 convert an in person hearing to a remote hearing;
- 6.4.2 convert a remote hearing to an in person hearing; or
- 6.4.3 change the permitted form of participation in a remote hearing.

7. Providing details of who will attend a remote hearing

- 7.1 Where a hearing has been listed to take place remotely, each party must advise the EAT by email of the names of every participant who will be attending the hearing remotely, and the capacity in which they will participate in the hearing. Individual email and telephone contact details must be provided for each remote participant. The contact telephone number provided for each participant must be one to which they will continue to have access throughout the course of the hearing. Unless a judge or the Registrar orders otherwise, all of the information referred to in this paragraph should be provided to the EAT by no later than 10.00 am two working days before the day (or first day) of a remote hearing.
- 7.2 Each party to a remote hearing must identify the person who will present their case (whether as a litigant in person, or as a barrister / advocate, solicitor, or another chosen lay or professional representative). All other people who attend remotely may see and / or hear the proceedings but will not be permitted to speak unless a request is made to speak explaining why the person wishes to speak and the person is permitted to speak by the judge.
- 7.3 Invitations to join the hearing remotely will be sent by email to all participants whose details have been given to the EAT in accordance with this guidance. For hearings lasting more than half a day, separate invitations may be sent for morning and afternoon sessions. Any participant who has not received an invitation to the remote hearing by 2.00 pm on the working day before the hearing should contact the EAT.
- 7.4 All remote participants must be available to be contacted from 30 minutes before the start time of the hearing, so that any connection issues can be addressed before the hearing is due to begin.
- 7.5 Emails providing details of who will attend a remote hearing or requesting an electronic invitation to join, should be sent to the following addresses. For appeals in England & Wales: LondonEAT@Justice.gov.uk. For appeals in Scotland (with the letters SCO in the case number): edinburgheat@justice.gov.uk.

8. Documents for the hearing

- 8.1 The parties to a remote hearing must co-operate in ensuring that all necessary documents for the hearing are made available to the EAT in electronic form.
- 8.2 The electronic hearing bundle(s), chronology, skeleton arguments and authorities bundle should all be filed on the respective dates directed in the case, by CE-file or by email to the EAT.

9. Participation in a remote hearing

- 9.1 Remote hearings may be joined by video or telephone as directed in the individual case by a judge or the Registrar of the EAT.
- 9.2 At a fully remote hearing, no participant will be able to attend the hearing at a hearing venue. The date and time of all fully remote hearings will be made public in advance on the EAT's Cause List, which will be published on the EAT's website in the normal way.
- 9.3 All remote hearings will be either audio or audio-visually recorded by the EAT. Any hearing that is conducted fully or partly remotely is a public court hearing to which the rules and formalities of in person hearings apply. In particular, no participant is permitted to make an audio, video, photographic or other visual recording of the hearing, or any part of it (save where the judge or panel has expressly permitted the making of a designated recording). Breach of this prohibition amounts to a contempt of court. Further guidance (including in relation to an application for exceptional permission to record) may be found in the EAT's Practice Direction 2024 at sections 11.11 (partly remote hearings) and 11.12 (fully remote hearings).