

How to Win Your Employment Tribunal Case - 10 top tips

Alarming, the number of employment tribunal claims related to unfair dismissal cases has increased by 22% in the last twelve months according to the ACAS annual report 2008-09. Only around 10% of employers lose at tribunals, however, two thirds of cases are settled before the hearing with the amount of work involved to prepare and attend a tribunal huge. A company's reputation can be at greatly at risk so learn how to do things right from the beginning in 10 top tips.

1. Before taking disciplinary action undertake a full investigation. Do not pre-judge; check relevant documentation. Interview all witnesses and leave no stone unturned. Type up all the statements, get them dated and signed.
2. Follow a fair disciplinary procedure bearing in mind the ACAS Code of Practice. Inform the employee of the disciplinary issue by letter including evidence inviting them to a hearing with the right to be accompanied. Ensure everyone has a fair chance to have their say. Take full notes of proceedings.
3. If you have good grounds for dismissal, possibly on grounds of redundancy, provide a list of job vacancies in the company. Know the skills your employee has and if they could be used elsewhere. Ensure you keep supporting documentation of your actions.
4. If you decide to dismiss provide the employee with reasons in writing. Offer the employee the chance to appeal against any decision.
5. Let a, totally impartial, more senior manager/director handle the appeal process. If mistakes have been made during the original hearing have a complete re-hearing at appeal stage and overturn the original decision if appropriate.
6. Submit your ET3 (tribunal response) on time – 28 days timescale for submission. Get expert help with this if you don't know how to complete this.

7. Prepare thoroughly for the tribunal hearing with expert help, if you are inexperienced, ensuring all key timescales are met and orders complied with. Ensure all the points in your case are covered with supporting documentation and your key witnesses will be attending.

8. If you are defending the case yourself know the trial bundle inside out so you can put your hands on key documents to get your points across. The tribunal panel will not look favourably on you fumbling around.

9. Ensure you give a clear and consistent account of your version and include documents that support this; contradictory documents will trip you up and blatant lies will come out. Do not fog the issues related to the dismissal.

10. At all times be professional and courteous both in person and in writing. Treat the tribunal panel with respect.

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