

18 April 2023

Weekly Blog

By Rob Tice



DR DETAIL

A reform to the Employment Tribunal system you say?

Dr Detail does some diggings

Hello there – Doctor Detail checking in (aka Rob Tice). This week it is my turn to tell you a little bit about myself and share my (often random) legal thoughts. So, where do I start. Well, Precept was my brain child...something in the making for years whilst I ran a large employment department at a traditional law firm. I wanted to build a firm offering THE best service from the best lawyers around, but focusing on being personable and friendly and most importantly building a business that my staff wanted to work in. When my wife Emma said that she wanted to join, I knew that I had achieved that (she has VERY high standards!) Nowadays, the fee earning team tend to look after themselves, freeing me up to take on a more managerial role.

Doctor Detail by name and by nature, that is me! I will be sharing with you my findings and thoughts on the potential reform of the tribunal system below, but before I do a little bit about me – I LOVE cars and anything to do with them. My happy place is on the drive cleaning the cars on a Saturday morning, not that that happens very much as my girls keep me busy with their hectic social lives...I guess I get to spend quite a long time in "Dad's Taxi." My dream is to own a classic car and/or a VW Camper van one day and be able to get away to the beach often. I have a real hankering to be by the seaside, and all of our family holidays revolve around us getting on the beach as much as possible. I don't think you can beat the sights, sounds and smells of the seaside – doughnuts, fish and chips, seagulls, the waves crashing...heaven! Before I zone out completely, back to it ...

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Now apart from doing this blog for you to find out more about me, as per our weekly blog promise, I am also going to give you a little insight into some changes that are in the works currently, interestingly of which, are to do with the Employment Tribunal and the practicalities of their systems.

As you might know, when it comes to the Employment Tribunal, the only thing that is usually done online is at the point of either submitting a claim (form ET1) or defending a claim (form ET3). The only other time we have come across any other online function is when sometimes we have to upload our bundle, or relevant documents, to the Tribunal's upload centre in readiness for a Preliminary Hearing or Final Hearing. However, in Emma and Robyn's experience, this never seems to go to plan and always involves some sort of headless chicken mad panic to figure out if things have uploaded or not. Then in terms of how documents are then dealt with, the usual process would be that they would just be emailed to the relevant Tribunal email address.

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Well... this could, at some point, be a thing of the past, because in the background the HMCTS has been working on a Tribunal Digital Reform programme and on 3 April 2023, the Employment Tribunals National User Group received an update from the HMCTS about the details of the project. Some of the things that have been proposed are as follows:

- Litigants in person will be able to submit their claim, review the status of their case and submit correspondence through what is called the CitizenUI portal.
- Legal representatives will have access to a similar system via what is called the MyHMCTS portal.
- Updates on the progress of the case will be received via email notifications.
- HMCTS, judges, representatives, litigants in person and Acas will have access to digitally stored tribunal documents, meaning there will no longer be a need for paper files.
- The new case management system will exchange limited information with Acas, including early conciliation numbers and details of any claim resolutions.
- ETIs and ET3s will be lodged online. As referenced above, we obviously know that this is already currently the case, however, the new reform promises that this will be a more sophisticated system which will also contain greater guidance for those completing the forms.
- Applications will be made online and automatically sent by email to the other side.
- Judges will review applications digitally and make their decisions online (at least, where no hearing is required).

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Now if the above does come to fruition, I do think a lot of people may be jumping for joy (including Emma and Robyn) as it will significantly assist when it comes to the practicalities of the litigation process.

Testing of the above reform is currently underway at Glasgow, Leeds, Bristol and Nottingham Tribunals. Within the next month or so, it is expected that the enhanced ET3 and ability make online applications will be rolled out to all users, with further enhancements expected to be rolled out later this year. So be sure to watch this space!

Here at Precept, one of the things we will toot our own horn about is that fact that we have some amazing litigators within the team. So, if you are in the tough position where a claim has landed on your desk or you are worried about the potential risks there could be for an employee to claim then please do give us a shout.

That is me signing off for now.