

ALTERNATIVE DISPUTE RESOLUTION IN EMPLOYMENT TRIBUNALS

OUR HANDY SHORT-FORM TABLE SETS OUT THE KEY ESSENTIALS

Method of ADR	Which cases does it apply to?	When will it take place?	Must the parties consent?	Facilitative or Evaluative
ACAS conciliation	All cases	Ongoing throughout the life of the claim	Yes	Facilitative
Judicial assessment	All cases	Likely at the end of a preliminary hearing Usually takes place by video or telephone but may take place in person	Yes	Evaluative
Judicial mediation	Cases listed for three days or more	Generally listed for one day early in the proceedings Usually takes place by video or telephone but may take place in person	Yes	Facilitative (unless parties agree it can be evaluative)
Dispute resolution appointment	Cases listed for six days or more	Generally listed for 2-3 hours after witness statements have been exchange Usually takes place by video or telephone but may be held in person.	No - the Tribunal can order this without the parties' consent	Evaluative

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