

Police Federation  
Of England and Wales



Ffederasiwn Heddlu  
Lloegr a Chymru

Established by Act of Parliament

Federation House, Highbury Drive, Leatherhead, Surrey KT22 7UY  
Telephone 01372 352021 Fax 01372 352078  
Email GenSec@polfed.org www.polfed.org

FROM THE DEPUTY GENERAL SECRETARY'S OFFICE

SS/sg

9 July 2013

**JBB CIRCULAR NO : 016/2013**

To: The Chairman and Secretary  
All Branch Boards  
Equality Liaison Officers

Dear Colleagues

**IMPLEMENTATION OF EMPLOYMENT TRIBUNAL FEES**

As you will be aware, following a lengthy consultation in 2011 (Resolving Workplace Disputes), the Government has decided to introduce a fee structure to the Employment Tribunal (ET) system from 29 July 2013. The intention is to require users of the tribunal system to bear more of the cost burden than they are at present, and to deter unnecessary claims.

As per the proposed fee structure the claimant will be required to pay a fee at the issuance of their claim (ie, an issue fee) and if the claim proceeds to a full tribunal hearing, the claimant will be required to pay a subsequent fee (ie, a hearing fee) on a date that will be specified in the notice of final hearing from the ET, which is provisionally expected to be around four to six weeks before the hearing date.

For the type of claims our members can take to an ET, ie, mainly discrimination claims and whistleblowing claims, the issue fee is £250 and the hearing fee is £950. The fees are higher for claims with multiple claimants. In the Employment Appeal Tribunal (EAT) the fees are £400 to lodge an appeal and £1200 for a full hearing. Further, there are other application specific fees.

Although the ET fee structure appears to be akin to the county court system, there is a substantial difference that in Civil claims the costs follow the event which unfortunately is not the default position with the ET claims. Tribunal judges will have only discretionary power to order the unsuccessful party to reimburse the fees paid by the successful party at

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the end of the hearing. Any claim to ET or appeal to EAT submitted before 29 July 2013 will not attract any fee payments.

In the light of above changes and considering the impact this would have on our members, the Joint Central Committee (JCC) agreed the following:

1. When Employment Tribunal Fees are introduced those fees will be paid by or on behalf of the Police Federation of England and Wales (PFEW) once the relevant decision maker of the separate central committee has authorised funding in the particular case.
2. The PFEW will try to recover the costs incurred through costs applications to the ET or Force, wherever possible, provided that this is separate from the actual award or settlement to the member.

It is essential therefore, that C2 applications are submitted in good time in order for the application to be suitably assessed for funding. In cases of late C2 applications or protective claim to the ET, the member will need to pay the fees themselves which can later be recovered from the Police Federation if the C2 application for funding is successful.

Please be aware that it remains the responsibility of the individual Claimant member to make sure that the claims are submitted to the ET within the time limit. The PFEW will not be responsible for any costs where a member, Joint Branch Board (JBB) or Representative have instructed a solicitor direct without prior approval of the respective rank central committee.

If you have any queries with regard to this circular, please do not hesitate to contact me.

Yours sincerely



**STEPHEN A. SMITH**  
**Deputy General Secretary**