

SCHEDULE

Regulation 5

THE EARLY CONCILIATION RULES OF PROCEDURE

Starting Early Conciliation

Satisfying the requirement for early conciliation

1. To satisfy the requirement for early conciliation, a prospective claimant or their representative must—

- (a) present a completed early conciliation form to the Agency in accordance with rule 2; or
- (b) telephone the Agency in accordance with rule 3.

2.—(1) An early conciliation form which is presented to the Agency must be—

- (a) submitted using the online form via the Agency’s website; or
- (b) sent by post to the Agency address provided on the early conciliation form.

(2) An early conciliation form must contain—

- (a) the prospective claimant’s name and address; and
- (b) the prospective respondent’s name and address.

(3) The Agency may reject a form that does not contain the information specified in paragraph (2) or may contact the prospective claimant or their representative to obtain any missing information.

(4) If the Agency rejects a form under paragraph (3), it must either return the form or notify the prospective claimant or their representative that the form is rejected.

3.—(1) A prospective claimant or their representative telephoning the Agency for early conciliation must call the telephone number provided on the early conciliation form and inform the Agency of—

- (a) the prospective claimant’s name and address; and
- (b) the prospective respondent’s name and address.

(2) The Agency must insert the information provided under paragraph (1) on to an early conciliation form or on to the Agency’s electronic case management system.

4. If there is more than one prospective respondent, the prospective claimant or their representative must present a separate early conciliation form under rule 2 in respect of each prospective respondent or, in the case of a telephone call made under rule 3, must name each prospective respondent.

The Early Conciliation Process

Contact between the Agency and the parties

5.—(1) The Agency must make reasonable attempts to contact the prospective claimant or their representative.

(2) If the prospective claimant consents to the Agency contacting the prospective respondent, the Agency must make reasonable attempts to contact the prospective respondent or their representative.

(3) If the Agency is unable to make contact with the prospective claimant or prospective respondent or their respective representatives it must conclude that settlement is not possible.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Period for early conciliation

- 6.—(1) For up to one calendar month starting on the date—
- (a) of receipt by the Agency of the early conciliation form presented in accordance with rule 2; or
 - (b) the prospective claimant or their representative telephoned the Agency in accordance with rule 3,

the conciliation officer must endeavour to promote a settlement between the prospective claimant and the prospective respondent.

(2) The period for early conciliation may be extended by a conciliation officer, provided that the prospective claimant and prospective respondent consent to the extension and the conciliation officer considers that there is a reasonable prospect of achieving a settlement before the expiry of the extended period.

(3) An extension under paragraph (2) of the period for early conciliation may only occur once and may be for a maximum of 14 days.

Early conciliation certificate

7.—(1) If at any point during the period for early conciliation, or during any extension of that period, the conciliation officer concludes that a settlement of a dispute, or part of it, is not possible, the Agency must issue an early conciliation certificate.

(2) If the period for early conciliation, including any extension of that period, expires without a settlement having been reached, the Agency must issue an early conciliation certificate.

8. An early conciliation certificate must contain—
- (a) the name and address of the prospective claimant;
 - (b) the name and address of the prospective respondent;
 - (c) the date of receipt by the Agency of the early conciliation form presented in accordance with rule 2 or the date that the prospective claimant telephoned the Agency in accordance with rule 3;
 - (d) the unique reference number given by the Agency to the early conciliation certificate; and
 - (e) the date of issue of the certificate, which will be the date that the certificate is sent by the Agency, and a statement indicating the method by which the certificate is to be sent.

9.—(1) Where the Agency issues an early conciliation certificate, it must send a copy to the prospective claimant and, if the Agency has had contact with the prospective respondent during the period for early conciliation, to the prospective respondent.

(2) If the prospective claimant or the prospective respondent has provided an email address to the Agency, the Agency must send the early conciliation certificate by email and in any other case must send the early conciliation certificate by post.

- (3) An early conciliation certificate will be deemed received—
- (a) if sent by email, on the day it is sent; or
 - (b) if sent by post, on the day on which it would be delivered in the ordinary course of the post.