



Employment Tribunals Act 1996

1996 CHAPTER 17

^{F1}PART I

[^{F1}EMPLOYMENT TRIBUNALS]

Conciliation

[^{F1}18A Requirement to contact ACAS before instituting proceedings]

- (1) Before a person (“the prospective claimant”) presents an application to institute relevant proceedings relating to any matter, the prospective claimant must provide to ACAS prescribed information, in the prescribed manner, about that matter.

This is subject to subsection (7).

- (2) On receiving the prescribed information in the prescribed manner, ACAS shall send a copy of it to a conciliation officer.
- (3) The conciliation officer shall, during the prescribed period, endeavour to promote a settlement between the persons who would be parties to the proceedings.
- (4) If—
 - (a) during the prescribed period the conciliation officer concludes that a settlement is not possible, or
 - (b) the prescribed period expires without a settlement having been reached,the conciliation officer shall issue a certificate to that effect, in the prescribed manner, to the prospective claimant.
- (5) The conciliation officer may continue to endeavour to promote a settlement after the expiry of the prescribed period.
- (6) In subsections (3) to (5) “settlement” means a settlement that avoids proceedings being instituted.

Changes to legislation: Employment Tribunals Act 1996, Section 18A is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (7) A person may institute relevant proceedings without complying with the requirement in subsection (1) in prescribed cases.

The cases that may be prescribed include (in particular)—

- cases where the requirement is complied with by another person instituting relevant proceedings relating to the same matter;
- cases where proceedings that are not relevant proceedings are instituted by means of the same form as proceedings that are;
- cases where section 18B applies because ACAS has been contacted by a person against whom relevant proceedings are being instituted.

- (8) A person who is subject to the requirement in subsection (1) may not present an application to institute relevant proceedings without a certificate under subsection (4).

- (9) Where a conciliation officer acts under this section in a case where the prospective claimant has ceased to be employed by the employer and the proposed proceedings are proceedings under section 111 of the Employment Rights Act 1996, the conciliation officer may in particular—

- (a) seek to promote the reinstatement or re-engagement of the prospective claimant by the employer, or by a successor of the employer or by an associated employer, on terms appearing to the conciliation officer to be equitable, or
- (b) where the prospective claimant does not wish to be reinstated or re-engaged, or where reinstatement or re-engagement is not practicable, seek to promote agreement between them as to a sum by way of compensation to be paid by the employer to the prospective claimant.

- (10) In subsections (1) to (7) “prescribed” means prescribed in [^{F2}regulations made by the Secretary of State].

- (11) The Secretary of State may by ^{F3}... regulations make such further provision as appears to the Secretary of State to be necessary or expedient with respect to the conciliation process provided for by subsections (1) to (8).

- (12) [^{F4}The regulations] may (in particular) make provision—

- (a) authorising the Secretary of State to prescribe, or prescribe requirements in relation to, any form which is required by [^{F5}the regulations] to be used for the purpose of providing information to ACAS under subsection (1) or issuing a certificate under subsection (4);
- (b) requiring ACAS to give a person any necessary assistance to comply with the requirement in subsection (1);
- (c) for the extension of the period prescribed for the purposes of subsection (3);
- (d) treating the requirement in subsection (1) as complied with, for the purposes of any provision extending the time limit for instituting relevant proceedings, by a person who is relieved of that requirement by virtue of subsection (7)(a).]

Textual Amendments

- F1** Ss. 18A, 18B inserted (25.4.2013 for specified purposes, 6.4.2014 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 7\(1\), 103\(1\)\(i\)\(3\)](#); S.I. 2014/253, art. 3(a)(b) (with arts. 4, 5)

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- F2** Words in s. 18A(10) substituted (25.4.2024) by [Judicial Review and Courts Act 2022 \(c. 35\), s. 51\(4\), Sch. 5 para. 15\(2\)](#); S.I. 2024/568, reg. 2(b)(iii)
- F3** Words in s. 18A(11) omitted (25.4.2024) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\), s. 51\(4\), Sch. 5 para. 15\(3\)](#); S.I. 2024/568, reg. 2(b)(iii)
- F4** Words in s. 18A(12) substituted (25.4.2024) by [Judicial Review and Courts Act 2022 \(c. 35\), s. 51\(4\), Sch. 5 para. 15\(4\)\(a\)](#); S.I. 2024/568, reg. 2(b)(iii)
- F5** Words in s. 18A(12)(a) substituted (25.4.2024) by [Judicial Review and Courts Act 2022 \(c. 35\), s. 51\(4\), Sch. 5 para. 15\(4\)\(b\)](#); S.I. 2024/568, reg. 2(b)(iii)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7A(2F) inserted by [2022 c. 35 Sch. 4 para. 1\(2\)](#)
- s. 29A(11) inserted by [2022 c. 35 Sch. 4 para. 1\(3\)](#)
- s. 30A inserted by [2022 c. 35 Sch. 5 para. 19](#)
- Sch. A1 para. 21A inserted by [2022 c. 35 Sch. 4 para. 1\(4\)](#)