

Q. *My claim has been rejected because it is an abuse of the Tribunal's process. What does this mean and what can I do about it?*

A. The letter telling you that your claim has been rejected includes a brief summary of the Judge's reasons for saying that it is an abuse of the Tribunal's process. This is a defect which cannot be overcome by submitting a fresh claim form unless the Judge has misunderstood what your claim is about because of the way you have explained it. If that is the case, before you send in a fresh claim form you should consider getting advice e.g. from the Citizens Advice Bureau, a Law Centre, your trade union or a solicitor. In all other cases your only recourse is either to ask for a reconsideration of the decision or to appeal to the Employment Appeal Tribunal – see below for how to do this.

Q. *There are time limits for starting Tribunal proceedings. Is the original time limit still running?*

A. Yes. The Tribunal has no power to extend time limits for starting claims and only in very limited circumstances will a claim which is presented after the time limit has expired be allowed to proceed.

RECONSIDERATIONS

Q. *I disagree with the reason for rejection – can I ask for the rejection to be re-considered?*

A. Yes. If you wish to apply for a reconsideration of the decision you must apply in writing within 14 days of the date of the letter rejecting your claim, quoting the pre-acceptance number in the letter. You must explain why you believe the decision not to accept your claim is wrong and say whether you require a hearing if the Employment Judge still considers that your claim should be rejected. The only ground on which the decision can be changed is if an Employment Judge is satisfied that it is in the interests of justice to do so. If you believe that the decision not to accept your claim is wrong in law, you may also appeal to the Employment Appeal Tribunal provided you do so in writing within 42 days of the date of this letter.

APPEALS

If you believe that the Tribunal has reached the wrong decision because it has made an error of law, you can appeal to the **Employment Appeal Tribunal (EAT)**. You must serve a valid notice of appeal on the EAT **within 42 days** of the date of the letter rejecting your claim (or part of your claim). You should send your appeal to:

Employment Appeal Tribunal
Second Floor
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

The notice of appeal must follow the official appeal form. The grounds for appeal may only be:

- that the Tribunal has made a mistake in the application of the law; or
- that the decision was one which no reasonable Tribunal could have reached.

Your notice of appeal should set out full particulars of the points you are relying on in support of the grounds of appeal. With your appeal you **must** enclose a copy of the letter rejecting your claim. You should also send a copy of the claim form.

If you have any questions about the appeal you should address them to the EAT registrar. Appeal forms and general information about the EAT and how to appeal can be found on their website at www.justice.gov.uk/tribunals/employment-appeals. You can also obtain forms from the EAT office at the above address.