EXPLANATORY MEMORANDUM TO

THE TRIBUNAL PROCEDURE AND EMPLOYMENT TRIBUNAL PROCEDURE (AMENDMENT) RULES 2026

2026 No. 115

AND

THE EMPLOYMENT APPEAL TRIBUNAL (AMENDMENT) RULES 2026

2026 No. 114

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Sarah Sackman MP, Minister of State for Courts and Legal Services at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

2.2 Rawfiah Choudry, Deputy Director for Tribunals, Fees and Irregular Migration Policy at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Vijay Parkash at the Ministry of Justice can be contacted by email at the following address with any queries regarding these instruments: Vijay.Parkash@justice.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instruments

What does the legislation do?

The Tribunal Procedure and Employment Tribunal Procedure (Amendment) Rules 2026 ("the Amendment Rules")

4.1 The Amendment Rules make amendments to the rules of procedure that apply to each chamber of the First-tier Tribunal (other than the Social Entitlement Chamber) and the Employment Tribunal Procedure Rules 2024 ("ET Rules"), which applies to the employment tribunals ("ET").

4.2 Broadly, the Amendment Rules make the following changes:

(a) in the First-tier Tribunal ("FtT"),

- in all chambers (other than the Social Entitlement Chamber), reduces the time limits for when an application to the tribunal can be made to request written reasons for its decisions;
- in the Health, Education and Social Care Chamber ("HESC"), enables the tribunal to dispose of proceedings concerning specified decisions without a hearing;

- in the Tax Chamber ("TC"), amends the time limits for the tribunal to provide a decision notice and reasons, and changes the circumstances in which a decision notice can be provided without reasons or a summary of them;
- in the General Regulatory Chamber ("GRC"), enables the tribunal to re-allocate cases to a different track at any time, following an initial allocation made by practice direction, and sets out when written reasons must, or a written summary of reasons may, be given by the tribunal according to the track a case is allocated. ;

(b) in the ET,

- clarifies the availability of dispute resolution appointments and judicial assessments as a means of alternative dispute resolution;
- enables the tribunal to reject the whole or part of a claim, response or reply, if no grounds are set out for it;
- enables the tribunal, if it considers it in the interests of justice, to disapply rule 22 (effect of non-presentation) if it does not receive a reply to an employer's contract claim in the specified period;
- enables the tribunal to provide summary reasons for a judgment orally at a hearing and subsequently in writing where requested;
- enables the tribunal to direct a party to provide a draft of a case management order to the tribunal or the other party;
- provides that any written summary of reasons and certain judgments do not have to be entered on to the Register of Judgments and Written Reasons ("the Register");
- consolidates and aligns the requirements to provide copies of decisions to a referring court;
- homogenise references in the rules to written records.

The Employment Appeal Tribunal (Amendment) Rules 2025 ("the EAT Amendment Rules")

4.3 The EAT Amendment Rules make amendments to the rules governing the procedure in the Employment Appeal Tribunal ("EAT") as a consequence of amendments made to the ET Rules by the Amendment Rules, enabling an employment tribunal to provide summary reasons for a judgment orally at a hearing and subsequently in writing where requested.

4.4 The EAT Amendment Rules require that an appeal from a judgment of an ET must be accompanied by written full reasons and clarifies when the time limit for instituting an appeal begins.

Where does the legislation extend to, and apply?

The Amendment Rules

4.5 The territorial extent of the Amendment Rules (that is, the jurisdiction(s) in which the instrument forms part of the law) is England and Wales, Scotland and Northern Ireland.

4.6 The territorial application of the Amendment Rules (that is, where the instrument produces a practical effect) is the same as the application of the instruments to which the amendments relate. Practically, the amendments that effect the War Pensions and

Armed Forces Compensation Chamber ("WPAFC"), HESC and Property Chamber apply to proceedings in England and Wales. The amendments that effect the TC, GRC and Immigration and Asylum Chamber ("IAC") apply to proceedings in England and Wales, Scotland and Northern Ireland. The amendments that effect the ET apply to proceedings in England and Wales and Scotland.

The EAT Amendment Rules

4.7 The territorial extent and application of the EAT Amendment Rules is England and Wales and Scotland.

5. Policy Context

What is being done and why?

Amendments to the provision of written reasons for decisions disposing of proceedings and other related changes

5.1 In December 2023, the Tribunal Procedure Committee ("TPC") received a request from the former Senior President of Tribunals ("SPT") to consider changing the rules for specific chambers of the FtT and the Upper Tribunal ("UT") relating to the provision of decisions and reasons that dispose of proceedings. These changes were intended to improve the speed and efficiency of the tribunal, whilst ensuring that cases are dealt with fairly and justly.

5.2 The TPC initially sought views from the Chamber Presidents of the FtT, the UT and the Presidents of the ET and the EAT on whether the changes proposed were needed or desirable. The majority of those who responded did not support the proposed changes, and consequently the TPC decided not to consult further on the former SPT's proposal. In response, the former SPT agreed to conduct further engagement with the judiciary to clarify issues.

5.3 In January 2024, the former SPT submitted revised proposals for rule change to the TPC. The revised proposals were supported by Chamber Presidents of the FtT (for those chambers affected by the proposal) and the Presidents of the ET, who viewed the changes as key to improving tribunal efficiency, whilst maintaining accessibility and fairness in proceedings before the tribunal.

5.4 The TPC carried out a public consultation on the proposals ("the Written Reasons Consultation"), which took place between 30 July to 22 October 2024[1].

5.5 A total of 28 responses were received. There was strong opposition to a number of proposals in the consultation document, in particular to those concerning limiting the right to request written reasons to unsuccessful parties only. This included opposition from the Transparency and Open Justice Board[2] whose purpose is to promote transparency and open justice across the courts. Further details in respect to the consultation and its outcome are set out at paragraphs 7.1 to 7.46.

5.6 In November 2024, the former SPT informed the TPC that he wished to reconsider aspects of the proposals in light of the concerns raised by respondents. The TPC agreed to defer any further consideration until the former SPT had the opportunity to return to the TPC, following further reconsideration and engagement (including

[1] https://www.gov.uk/government/consultations/changes-to-the-procedure-rules-on-the-provision-of-written-reasons-for-decisions

[2] https://www.judiciary.uk/transparency-and-open-justice-board/

further engagement with relevant members of the senior judiciary and the Transparency and Open Justice Board) on the proposals.

5.7 In January 2025, the former SPT made further representations that in light of the concerns expressed by respondents and the TPC, he no longer wished to pursue rule changes that would limit the right to request written reasons for decisions of the tribunal to unsuccessful parties.

5.8 However, with respect to the other rule changes proposed by the consultation, the former SPT's view remained that there were good principled arguments for those changes and therefore should be taken forward by the TPC. Following the outcome of the consultation, the former SPT's revised position and the continued support of the current SPT, the TPC considered that it was appropriate to take forward the rule changes set out in paragraphs 5.9 to 5.28.

Reducing the time limits to request discretionary written reasons

5.9 The Amendment Rules reduce the time limits for parties to request discretionary written reasons in certain chambers and proceedings in the FtT as set out in the table below. These amendments reflect that requesting written reasons is straightforward and requires little effort. Longer time periods to make such requests can unnecessarily prolong the disposal of proceedings and increase the judicial time involved.

First-tier Tribunal Chamber	Current time limit for requesting written reasons	New time limit for requesting written reasons
Immigration and Asylum Chamber ('in country' cases other than asylum or humanitarian protection cases)	28 days.	14 days.
Property Chamber (in cases relating to rent)	1 month.	14 days.
Tax Chamber	28 days.	14 days.
War Pensions and Armed Forces Compensation Chamber	42 days.	28 days.

5.10 The Amendment Rules do not amend the 28-day time limit for a party to request discretionary written reasons where the appellant is outside the United Kingdom. This maintains consistency and avoids confusion, as appellants who are abroad currently have 28 days to lodge their appeal or permission to appeal application against the tribunal's decision. In contrast, appellants in-country are given 14 days. This longer period reflects that appellants abroad will not have attended the hearing either in person or remotely, they will not have had the benefit of seeing how the appeal progressed at the hearing, how well witnesses withstood cross-examination, or the questions from the judge and final submissions. The 28-day period therefore reflects that such appellants require more time, frequently with the aid of an interpreter, to provide instructions and decide whether to pursue an appeal.

5.11 In addition, the Amendment Rules do not make changes to asylum or humanitarian protection cases in the IAC, or to proceedings in the Property Chamber (other than

cases relating to rent), for which the tribunal must always provide written reasons (see rule 29(3)(a) of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014, and rule 36(2)(b) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013).

Removing the requirement for a decision notice in the TC to be provided within 28 days

5.12 Rule 35(2) of the Tribunal Procedure (First-tier Tribunal) (Tax Chamber) Rules 2009 requires the tribunal to provide a decision notice which disposes of proceedings within 28 days of making a decision, or as soon as practicable thereafter. Although the 28-day period is not a fixed deadline, it nevertheless sets an expectation that this period will normally be met. The TPC considered that it was not necessary for an indicative deadline to be provided, as there will be cases where it is reasonable for a decision notice to be provided much earlier, however in more complex cases a 28-day period is unrealistic. The Amendment Rules therefore amend rule 35(2) to remove reference to the 28-day period but retain a requirement for a decision notice to be provided "as soon as reasonably practicable". For consistency, rule 35(6) is also amended so that written full reasons must be provided "as soon as reasonably practicable" after an application is received.

Removing the requirement for the parties' consent to issue a decision notice in the TC without written reasons, where oral reasons have been given at a hearing

5.13 The Amendment Rules remove the requirement for the tribunal to obtain the consent of each party before issuing a decision notice without reasons where an oral decision, with reasons, has been provided at a hearing. As parties will already have been provided with oral reasons, obtaining consent for the tribunal to give a decision notice without reasons is an unnecessary procedural step. This change promotes more efficient use of judicial time and brings the TC Rules in line with other chambers, which permit decision notices to be issued without written reasons and without the need for the parties' consent.

Allocation of cases in the GRC to 'tracks' by practice direction and the provision of summary reasons

5.14 The Amendment Rules specify that cases in the GRC are to be automatically allocated by practice direction to either the 'standard track' or the 'open track', with discretion for the tribunal to re-allocate a case to a different track at any time, where it is in the interests of justice to do so. This avoids the need for any judicial decision to be made when proceedings are begun. The current SPT has issued the *Practice Direction: Allocation of Cases to Track in the First-tier Tribunal (General Regulatory Chamber)*[3], which allocates proceedings falling within the category of cases listed in the Schedule to the standard track and all other proceedings to the open track. The Practice Direction comes into effect at the same time as the Amendment Rules.

5.15 In standard track cases, the tribunal may give either written reasons or a written summary of its reasons; in open track cases, written reasons must always be given. The Amendment Rules also introduce an indicative 21-day period for issuing decision notices in standard track cases, reflecting that such cases are intended to be less complex and capable of being determined more quickly. By contrast, in open track cases the tribunal must provide its decision notice "as soon as reasonably practicable" recognising that these cases will generally be more complex and not suited to an

[3] https://www.judiciary.uk/courts-and-tribunals/tribunals/first-tier-tribunal/general-regulatory-chamber/general-regulatory-chamber-guidance-and-information/

indicative timeframe. These amendments are intended to ensure that cases are dealt with promptly and in a manner proportionate to, and commensurate with, their complexity.

Enabling provision of summary reasons in the ET

5.16 The Amendment Rules enable the ET to provide 'summary' reasons for its decisions orally at a hearing. Summary reasons are intended to be shorter than 'full' reasons, crafted specifically with the parties in mind, as parties will already be familiar with the case and capturing the essential reasoning of the ET. Where summary reasons are given orally, parties may first apply for written summary reasons, and once provided, may apply for written full reasons. Where a request for written summary reasons is received, the ET may instead where appropriate, provide written full reasons. These changes aim to encourage the ET to provide summary reasons orally at a hearing in suitable cases, reduce the need for written full reasons in every case, thereby saving judicial time and speeding up case resolution.

Special Educational Needs and Disability Refusal to Assess Appeals ("Refusal Appeals")

5.17 In April 2024, the TPC received a request from the Ministry of Justice ("MoJ"), proposing amendments to rule 23 of the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 ("HESC Rules"), concerning Special Educational Needs and Disability ("SEND") appeals, specifically appeals where a local authority has refused to carry out an Education, Health and Care ("EHC") needs assessment ("Refusal Appeals"). Rule 23 of the HESC Rules specifies the circumstances where the Tribunal can determine a case without a hearing. Specifically, rule 23(1)(a) of the HESC Rules requires both the appellant and the respondent to consent to the case being decided without a hearing.

5.18 The MoJ's request for amendment was prompted by the significant increase in SEND appeal volumes, long waiting times for hearings and the low proportion of cases decided on the papers (14.5%). Decisions made on paper are significantly quicker than hearings and could improve access to justice for children and young people requiring timely EHC assessments. Evidence indicates that appellants succeed in the majority of Refusal Appeals, and the current consent requirement may allow local authorities to delay proceedings.

5.19 To address judicial and administrative pressures and to improve access to justice, MoJ proposed two options: (1) removing the requirement for the parties' consent for a Refusal Appeal to be determined on the papers and leaving the decision entirely to judicial discretion; or (2) removing only the local authority's consent requirement, allowing appellants and the Tribunal to determine whether a hearing is necessary.

5.20 The TPC noted that the proposals had support from the Chamber President of HESC and the Deputy Chamber President responsible for SEND appeals. The TPC agreed to undertake a public consultation on the proposals noting its aims to reduce delays, ease pressure on the tribunal and provide faster outcomes for children and young people. The consultation on the proposals ran from 12 September to 5 December 2024 and invited views on the suitability of the proposals ("Refusal Appeals Consultation"). Having considered the outcome to the consultation, the TPC concluded that it was appropriate to take forward the rule changes as proposed by Proposal 1. Further details of the consultation and its outcome are set out at paragraphs 7.47 to 7.56.

5.21 The Amendment Rules remove the requirement for the parties to consent for a Refusal Appeal to be determined on the papers, leaving to the tribunal's discretion on whether to decide the matter without a hearing.

Amendments to the ET Rules (other than the provision of summary reasons)

5.22 The TPC conducted a consultation on changes to the ET Rules that ran from 24 March to 19 May 2025 ("the ET Consultation"). The ET Consultation was largely based on changes requested by the ET Presidents, either to update the rules to reflect more accurately current ET practice, improve tribunal efficiency and reduce administrative and judicial burdens. Having considered the outcome to the consultation, the TPC concluded that it was appropriate to take forward the rule changes set out in paragraphs 5.23 to 5.28. Further details in respect to the consultation and its outcome are set out in paragraphs 7.57 to 7.88.

Dispute resolution appointments ("DRAs")

5.23 The ET rules require the tribunal, where appropriate, to encourage parties to engage in alternative dispute resolution ("ADR"). Dispute resolution appointments ("DRAs") are a type of ADR held as a form of preliminary hearing without the need for parties' consent, at which a judge provides an impartial evaluation of the parties' prospects. However, DRAs are not explicitly recognised by the rules. The Amendment Rules amend rules 4 and 52 of the ET Rules to refer to DRAs, formalising existing practice and increasing awareness of the tribunal's power to conduct them.

Requiring grounds for bringing or defending a claim to be set out

5.24 The ET Rules do not expressly require that a claim or a response to a claim must set out the grounds on which a claim is respectively brought or defended. Although rule 13(1)(b) allows the tribunal to reject a claim where it 'cannot be sensibly responded to', there is no equivalent provision enabling the tribunal to reject a response that contains no grounds of defence. The Amendment Rules therefore introduce a requirement for parties to state the grounds for bringing or defending a claim. This change is intended to support effective case management, reduce delays caused by inadequate pleadings and reduce the need for the tribunal to make orders requesting further information.

Waiving the consequences of not providing a reply to an employer's contract claim

5.25 Where an employee brings a contract claim, the respondent may bring a contractual counter claim ("an employer's contract claim"). Where a claimant does not reply to an employer's contract claim, the ET Rules impose strict consequences similar to default judgment. Sometimes employer's contract claims are overlooked and only become apparent at the final hearing. This creates a number of issues, including that the claimant will be out of time to provide a reply against the claim. This risks creating unfairness, particularly for unrepresented parties who often have not realised the potential consequences of not replying in time and have not had this highlighted to them. The Amendment Rules address these issues by enabling the tribunal to waive the consequences of a failure to provide a response where it is in the interests of justice to do so.

Directing a party to draft a case management order

5.26 Tribunals currently draft most case management orders, but in some cases, parties are better placed to prepare draft orders. The Amendment Rules give the tribunal greater flexibility to direct a party to supply a draft case management order, where appropriate, to the tribunal or to another party. This change reflects that drafting a case management order can help clarify the nature of the order sought and encourage agreement between the parties, thereby potentially saving judicial time and improving the quality of the resulting order.

Excluding written summary reasons and certain judgments of the ET from being entered onto the Register

5.27 The ET Rules allow ET judgments to be reconsidered. A refusal of a reconsideration application is itself a judgment, and that judgment is susceptible to further reconsideration, with each refusal treated as a separate judgment that must be placed on the Register. In a small number of cases, this results in multiple refusal decisions being published on the same matter, creating a significant administrative burden. The Amendment Rules therefore remove the requirement to publish judgments made under rule 70(2) that refuse a reconsideration application, on the grounds that substantially the same application has already been made and refused. This aims to reduce the administrative burden without affecting the rights of the parties to apply for reconsideration. For similar reasons, written summary reasons are also excluded from the requirement to publish, although the tribunal retains discretion to publish them where appropriate.

Minor drafting improvements

5.28 During the drafting exercise it became clear that there was an opportunity to consolidate and align the requirements of rules 59 and 66, which make provision in cases that have been referred by the courts, for a copy of the ET's decision to be sent to that court. The Amendment Rules remove the requirement from rule 56 and make minor changes to rule 66 so that the requirement to provide a copy of an ET decision sits entirely within that rule. The amendment to rule 66 also makes it clear that the requirement applies to both case management orders and judgments. In addition, the Amendment Rules homogenise references in the rules to written records to improve clarity and consistency.

Amendments to the EAT Rules (consequential amendments)

5.29 Rule 3 of the EAT Rules currently requires an appeal against a judgment of the ET to be instituted by serving a notice of appeal with a copy of the ET's judgment and written reasons. The time limit for instituting an appeal begins, from the date that written reasons were sent to the parties, or if these were not requested in time, from the date judgment was sent to the parties. Due to the introduction of summary reasons in the ET (see paragraph 5.16), reference in the EAT Rules to "written reasons" could be read as including "written summary reasons". This is undesirable as it may give rise to appeals being brought prematurely, without parties having the benefit of written full reasons, which the EAT requires written full reasons to determine appeals. To avoid any change to appeal requirements, the EAT Amendment Rules amend rule 3 and Form 1 in the Schedule, to substitute various references to "written reasons" with "written full reasons".

5.30 In addition, reference to "other decisions" in paragraph 6 of Form 1 has been removed. This phrase reflected terminology used in the 2013 Rules and is a legacy from those rules (see paragraphs 6.2 to 6.3) for legislative context). Under the current ET Rules, ET decisions are now clearly defined as being either case management orders or judgments and only judgments of the ET can be reconsidered under Part 12 of the ET Rules. Accordingly, the earlier reference to "other decisions" is no longer necessary.

6. Legislative and Legal Context

How has the law changed?

6.1 Part 1 of the Tribunals, Courts and Enforcement Act 2007 ("the 2007 Act") created a two-tier tribunal system into which existing tribunals can be transferred, or new appeal rights directed. Section 3 of the 2007 Act establishes the FtT and the UT, which together make up this two-tier system. Both tribunals are divided into chambers which deal with different areas of jurisdiction e.g. health, immigration and asylum, and education. In addition to statutory appeals, the UT also deals with certain kinds of judicial reviews.

6.2 Section 22 of, and Schedule 5 to, the 2007 Act establishes the TPC and confers the function for making the Tribunal Procedure Rules. By virtue of section 34(4) of the Judicial Review and Courts Act 2022 ("the JRCA"), the TPC's rule-making responsibility now extends to the Employment Tribunals, save for national security proceedings, for which the Lord Chancellor is responsible (see section 10 of the Employment Tribunals Act 1996).

6.3 The TPC and the Lord Chancellor (for national security proceedings), in exercise of their rule-making powers made the ET Rules,[4] which came into force on 6 January 2025. At the same time the 'old' rules of procedure for the ET as contained in Schedules 1 to 3 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the 2013 Rules") were revoked by regulation 4 of the Employment Tribunals (Procedure Rules) (Consequential Amendments) Regulations 2024.

6.4 Presently, the rules that govern the EAT are the EAT Rules. These are currently the responsibility of the Lord Chancellor, but responsibility will transfer to the TPC once section 34(3) of the JRCA is commenced.

6.5 The Amendment Rules amend the following instruments:

- the Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008 ("the WPAFCC Rules");
- the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 ("the HESC Rules");
- the Tribunal Procedure (First-tier Tribunal) (Tax Chamber) Rules 2009 ("the TC Rules");
- the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 ("the GRC Rules");
- the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ("the PC Rules");
- the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 ("the IAC Rules");
- the Employment Tribunal Procedure Rules 2024 ("the ET Rules").

6.6 The Amendment Rules make the amendments set out in paragraphs 5.9 to 5.28, for the reasons given in those paragraphs.

6.7 The EAT Amendment Rules make amendments to the EAT Rules as set out in paragraph 5.29, for the reasons given in that paragraph.

[4] https://www.legislation.gov.uk/uksi/2024/1155/made

Why was this approach taken to change the law?

6.8 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcomes

The Written Reasons Consultation

7.1 The TPC publicly consulted on proposals to amend the provision of written reasons for decisions disposing of proceedings and related changes ("the Written Reasons Consultation"), which ran from 30 July to 22 October 2024[5].

7.2 In summary, the Written Reasons Consultation proposed the following rule changes:

(a) in all chambers of the FtT (other than the Social Entitlement Chamber):

- reducing the time limit within which discretionary written reasons may be requested by a party in some cases before the FtT, usually to 14 days, from the current time limit of 28 days or longer;

(b) in the TC:

- removing the obligation on the tribunal to provide a decision notice within 28 days but retaining the requirement for a decision notice to be provided 'as soon as practicable';
- removing the requirement for the tribunal to require the consent of parties to provide a decision notice without reasons, where an oral decision and reasons have been given at a hearing;
- restricting the right to apply for full written reasons to the unsuccessful party or the party with a right of appeal, with a power for the tribunal to provide full written reasons to another party where it is in the interest of justice to do so;

(c) in the GRC:

- introduction of a 'track' system, with simpler appeals allocated to the 'standard track' and all other cases to the 'open track' by practice direction, with discretion for the tribunal to reallocate a case to a different track at any time, and the discretion to provide a written summary of its reasons for a decision given in standard track cases and a requirement to provide written reasons in open track cases;

(d) in the ET:

- enabling the tribunal to provide 'short-form' or 'full' reasons, with short-form reasons directed solely to the parties who are familiar to the case and without requiring compliance with the requirements in rule 60(7) of the ET Rules (previously rule 62(5) of the 2013 Rules);
- restricting the right to apply for written 'short form' or 'full' reasons to the unsuccessful party, and only for that part in which they were unsuccessful, with a discretion for the tribunal to provide written full reasons, where it is in the interests of justice to do so;

[5] https://www.gov.uk/government/consultations/changes-to-the-procedure-rules-on-the-provision-of-written-reasons-for-decisions

- removing the requirement for the written record of decisions to be signed by an Employment Judge.

7.3 As the Written Reasons Consultation was published before the ET Rules came into force, references to the 'ET rules' in the consultation were to the rules contained in Schedules 1 to 3 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the 2013 Rules"). The 2013 Rules have since been revoked and replaced by the ET Rules (see paragraph 6.2 and 6.3 for further details). Accordingly, the proposals and consultation outcome are considered by reference to the equivalent provisions in the ET Rules.

7.4 A total of 28 responses were received from a mix of professional bodies, judiciary, representative organisations and individuals. Further details as to the TPC's Reply to the Consultation can be found here[6]:

Proposal One

7.5 Stakeholder views were sought on the following questions with a request to indicate whether the answer focuses on a particular chamber, or the proposals as a whole:

- Question (1): (All Chambers except Social Entitlement) Do you agree that the time limit for requesting discretionary written reasons should, in general, be reduced to 14 days?
- Question (2): (All Chambers except Social Entitlement) Do you agree with the proposed exceptions? Should there be any other exceptions for other classes of case, and if so, why?
- Question (3): (All Chambers except Social Entitlement) Do you have any other observations about this proposal?

Question 1

7.6 For question 1, 6 respondents supported, 6 opposed and 16 neither supported nor opposed the proposal.

7.7 Supporters of the proposal considered that 14 days was appropriate and consistent with other tribunal rules.

7.8 Opponents of the proposal argued that 14 days was too short and would increase applications for extensions of time, that it would potentially disadvantage unrepresented or vulnerable taxpayers, and raised practical issues in certain jurisdictions.

7.9 The respondents who neither supported nor opposed the proposal, either provided no comments or provided general observations without addressing the question. This includes a response from the Transparency and Open Justice Board who emphasised that the provision of written reasons must be viewed through the wider lens of open justice.

7.10 The TPC concluded that the proposal should be taken forward, noting that no significant operational difficulties have arisen from the existing 14-day time limit for requesting written reasons in the ET and was not persuaded that the same time would be unworkable in other chambers of the FtT. It considered that deciding to request written reasons is a simple step that required no legal advice and that a shorter

[6] https://www.gov.uk/government/consultations/changes-to-the-procedure-rules-on-the-provision-of-written-reasons-for-decisions

timeframe supports better quality written decisions as judge's recollections are fresher allowing cases to conclude sooner.

Question 2

7.11 For question 2, 4 respondents supported, 4 opposed and 20 neither supported nor opposed the proposal.

7.12 Supporters of the proposal agreed with the proposed exceptions with suggestions that further exceptions should be included to cover complex cases.

7.13 Opponents of the proposal argued that exceptions should be on a case by case basis as opposed to classes of case and that there should be exceptions towards more complex cases.

7.14 The respondents who neither supported nor opposed the proposal, either provided no comment or provided general observations without addressing the question.

7.15 The TPC concluded that it should take forward the proposal with the exceptions specified by the consultation. The TPC was not persuaded that further exceptions were necessary as the request for written reasons was easily made and did not vary across case complexity.

Question 3

7.16 For question 3, 7 respondents provided comments and 21 did not comment. Of those who provided comments these were general observations around exploring options to reduce the costs of administering justice and the possibility that parties may request written reasons out of panic due to the shorter time limits, which may have the opposite desired effect. The TPC acknowledged these observations but this did not alter its view that the proposal should be implemented.

Proposal Two

7.17 Stakeholder views were sought on the following questions:

- Question (4): (Tax Chamber) Do you agree that rule 35(2) of the Tax Chamber rules should be amended to remove the obligation to provide the notice of decision within 28 days?

- Question (5): (Tax Chamber) Do you agree that the consent of the parties should not be required in the Tax Chamber for an unreasoned written decision to be given provided sufficient oral reasons have been provided?

- Question (6): (Tax Chamber, GRC, ETs)

  (a) Do you agree that full written reasons should be restricted to the unsuccessful party, where oral reasons have been given at a hearing?

  (b) Do you agree that such reasons should be limited to the issues upon which the party was unsuccessful?

  (c) Do you agree with the proposed definition of "unsuccessful party"?

- Question (7): (Tax Chamber, GRC, ETs)

  (a) Do you agree that an "interests of justice" test will be sufficient to address any concerns raised by the TPC above (and any other observations you may have)?

  (b) Are the proposals consistent with the principle of open justice or nonetheless

desirable to achieve greater efficiencies in the system?

Question 4

7.18 For question 4, 7 respondents supported and 21 neither supported nor opposed the proposal as no comments were provided. Supporters of the proposal observed that the current 28-day period did not reflect the reality of work in this chamber and was not appropriate in many of the more complex cases.

7.19 The TPC concluded that the proposal should be taken forward.

Question 5

7.20 For question 5, 3 respondents supported, 2 opposed and 23 neither supported nor opposed the proposal.

7.21 Supporters of the proposal broadly agreed noting that the change would make it easier for a short decision to be provided in suitable cases as it was often difficult for an unsuccessful party to engage on the issue at the end of the hearing.

7.22 Opponents of the proposal considered that an unreasoned decision should not be permitted without parties' consent, arguing that it should only be allowed where an approved transcript of the oral decision is available. Others were concerned that it would reduce the number of published decisions, noting that whilst FtT decisions are not binding they can nevertheless be helpful to others.

7.23 The majority of the respondents who neither supported nor opposed the proposal provided no comment. Those who commented noted that transcripts are not always available and considered that written reasons should always be provided.

7.24 The TPC concluded that the proposal should be implemented and remained of the view that the proposal was not problematic, particularly in light of its conclusion (set out below) that rules should not limit the right to apply for written reasons to unsuccessful parties. This ensures that any party who has received an oral decision with reasons, followed by an unreasoned written decision, would still be able to obtain a written reasons for the tribunal's decision.

Questions 6 and 7

7.25 For question 6(a), 2 respondents supported, 15 opposed, and 11 neither supported nor opposed the proposal. For question 6(b), 3 respondents supported, 14 opposed, and 11 neither supported nor opposed the proposal. For question 6(c), 5 respondents agreed, 6 disagreed and 17 neither agreed nor disagreed with the proposed definition of 'unsuccessful party'.

7.26 For question 7(a) 4 respondents supported, 13 opposed, 11 neither supported nor opposed the proposal. For question 7(b), 2 respondents supported, 13 neither supported nor opposed the proposal.

7.27 Supporters for the proposals generally did not provide any further explanation for their support.

7.28 Opponents for the proposals, were strongly opposed in particular with the proposal at question 6(a) to limit the right to apply for written reasons to an unsuccessful party. Respondents emphasised that any party should have an absolute entitlement to obtain full written reasons, irrespective of the outcome. Many regarded the proposal as inconsistent with the principles of natural justice and open justice, noting that written reasons are essential to ensure transparency, equality of arms and public confidence in the tribunal process. Respondents also highlighted practical and substantive reasons

why successful parties may also require full written reasons. These included the need to understand findings relevant to future disputes or related proceedings, to assist with internal organisational decision-making, or to vindicate an individual where allegations of misconduct had been made. The Transparency and Open Justice Board also considered that it would be paradoxical for non-parties to have greater potential access to written reasons than a successful litigant. Overall, respondents viewed the proposals at questions 6 and 7 as unlikely to achieve the intended efficiency gains and potentially counterproductive in its wider impact on fairness, transparency and the administration of justice.

7.29 In addition, the TPC subsequently received representations from the former SPT that in light of the concerns raised he no longer wished to pursue the rule changes proposed by questions 6 and 7.

7.30 The TPC having considered all representations concluded that the proposals set out in questions 6 and 7 should not be taken forward. The TPC agreed that, as a matter of principle, both successful and unsuccessful parties should be entitled to request written reasons, and it acknowledged the significant practical reasons identified by respondents as to why successful parties may require such reasons.

Proposal Three

7.31 Stakeholder views were sought on the following questions:

- Question (8): (GRC) Do you agree with the introduction of the "standard track" and the "open track" in proceedings before the General Regulatory Chamber?
- Question (9): (GRC) Do you agree:

  (a) that the rules should make provision for the GRC to identify the "principal issues" in standard track cases; and

  (b) that reasons in a standard track case may focus on its conclusions on the principal issues in the proceedings?

7.32 Respondents neither supported nor opposed this proposal as no comments were received.

7.33 The TPC therefore concluded that the proposal should be taken forward. However, amendments were required to the indicative drafting to ensure that it properly implemented the intended policy. Although the consultation drew comparisons with, and sought to align the drafting to, the TC Rule (under which the Tribunal must allocate cases on receipt of a notice of appeal), further engagement with the GRC President confirmed that the intended policy was for case allocation to occur automatically by practice direction, rather than for initial allocation to be made by the tribunal. Accordingly, the new rule 5B to the GRC Rules reflects that position and enables the tribunal to reallocate a case to a different track following initial allocation.

Proposal Four

7.34 Stakeholder views were sought on the following questions:

- Question (10): (Employment Tribunals) Do you agree with the introduction of short-form and full reasons in the Employment Tribunals?
- Question (11) (Employment Tribunals) Should the time limit for requesting short-form reasons be 7 or 14 days?
- Question (12): (Employment Tribunals) Do you agree with the omission of rule

61(3) of the ET Rules?

Question 10

7.35 For question 10, 5 respondents supported, 6 opposed and 17 neither supported nor opposed the proposal.

7.36 Supporters of the proposal considered that full written reasons in every case can impede efficiency and the administration of justice, noting that drafting full written reasons is time consuming and often requested for reasons unrelated to bringing an appeal, thereby placing unnecessary pressure on judicial resources.

7.37 Opponents of the proposal considered that rule 62(5) (now rule 60(7) of the ET Rules) already provides an appropriate and proportionate standard for written reasons and introducing short-form reasons would add unnecessary complexity, risk duplication of judicial work and create delay. Respondents warned that parties dissatisfied with short-form reasons would inevitably request full reasons, prolonging proceedings and potentially complicating appeals. They also highlighted the increased risk of confusion and out-of-time applications, particularly for unrepresented parties and noted that partial reasoning could generate satellite litigation where issues overlap or factual findings apply across several causes of action. Overall, respondents questioned whether the proposals would achieve the intended efficiencies, and many considered that they risked creating additional burdens, reducing clarity and complicating both first-instance and appellate processes.

7.38 The TPC recognised the concerns raised by respondents but nevertheless concluded that the proposal should be implemented. The TPC acknowledged that short-form reasons would be unsuitable in many cases, such as those with significant public interest, or where a party's disability would make it more difficult for them to understand if full written reasons are not provided. However, the TPC did not consider that these concerns justified preventing the use of short-form reasons. Since proposals to restrict the right to apply for written reasons to unsuccessful parties was not being implemented, concerns around satellite litigation or barriers to obtaining full written reasons were not justified. The TPC considered that there were benefits to short-form reasons, as it may allow more judgments to be given orally, thereby reducing the need for reserved judgments and enabling the parties to know the outcome of their cases much earlier.

7.39 In the process of drafting the rules, the TPC concluded that adopting the terminology of 'summary reasons' was preferable to 'short-form reasons' as it is simpler and more accurate recognising that, the length of such reasons will depend on nature of the case and the issues involved, summary reasons might be quite lengthy, whilst in appropriate cases, full reasons might be very short. The term 'short-form reasons' was therefore potentially misleading.

Question 11

7.40 For question 11, 12 respondents supported, 4 opposed and 12 neither supported nor opposed the proposal.

7.41 The majority of respondents who supported the proposal favoured a 14-day time limit, rather than a 7-day time limit, noting that the current 14 day-time limit for requesting written reasons does not produce difficulties, a shorter period is likely to provoke requests out of an abundance of caution.

7.42 The TPC concluded that a 14-day time limit is appropriate, whilst acknowledging that requesting short-form reasons is not difficult nor does it require legal advice, this

would align with the time limit for (14 days) requesting written reasons in most chambers of the FtT.

Question 12

7.43 For question 12, 10 respondents supported, 3 opposed and 15 neither supported nor opposed the proposal.

7.44 Supporters of the proposal considered that if it was clear that the final version of the judgment has been sent (either through a seal/mark) it was suitable to dispense with the requirement for an Employment Judge to sign the written record.

7.45 Opponents to the proposal did not consider adding a digital signature as an onerous requirement and was seen by many as adding gravitas to the decision,

7.46 This proposal was addressed by the TPC at the point that it made ET Rules. The TPC concluded that it was right to remove the requirement for the written record of decisions to be signed by an Employment Judge. That requirement was replaced with the requirement in rules 59 and 60 that the written record be 'approved by the presiding member'. This point is dealt with in more detail in paragraphs 15 to 17 of the TPC's Reply to Consultation on remaking and possible changes to the Employment Tribunal Rules[7].

Refusal Appeals Consultation

7.47 The TPC's Refusal to Appeal Consultation[8] took place between October to November 2024, seeking views on two alternative proposals for amendments to rule 23 of the HESC Rules, with the aim of improving judicial and administrative efficiency and providing speedier decisions on Refusal Appeals.

7.48 The two proposals were:

- Proposal 1: to allow the tribunal full discretion to decide whether a Refusal Appeal should be determined on the papers; or
- Proposal 2: to remove the right for the local authority (the respondent in Refusal Appeals) to refuse to consent for a decision to be made on the papers. The effect would be that an appellant's consent for a Refusal Appeal to be determined on the papers would be necessary alongside the tribunal's consideration that it can make a decision without a hearing.

7.49 Stakeholder views were sought on the following questions:

- Question 1: Do you agree with either of the proposed changes to Rule 23? Please give reasons for your answer.
- Question 2: Do you consider that one of the two proposals is more desirable than the other? If so, please explain your reasons
- Question 3: Do you consider Proposal 1, to leave a decision on whether a refusal to assess case should be made on the papers or at a hearing entirely to judicial discretion, is appropriate?
- Question 4: Do you consider Proposal 2, to remove the requirement for the respondent in Refusal Appeals to consent to a decision being made without a

[7] https://assets.publishing.service.gov.uk/media/67405d4902bf39539bdee840/tpc-employment-consultation-response.pdf
[8] https://www.gov.uk/government/consultations/possible-amendments-to-the-health-education-and-social-care-chamber-rules-2008

hearing (Rule 23(1)(a)) meaning that the appellant's consent for the decision to be made on the papers, alongside the Tribunal's agreement, would determine whether an appeal could proceed without a hearing, to be appropriate?

7.50 A total of 40 responses were received. 25 supported change, 8 opposed both proposals, 5 expressed generalised support in favour of both proposals, and 2 explained their reasons for non-participation.

7.51 Of the 25 responses that supported change, 7 preferred Proposal 1 and 18 preferred Proposal 2. Therefore, the majority of respondents preferred Proposal 2.

7.52 Supporters of Proposal 1 considered this proposal would enhance efficiency, fairness, and consistent decision-making. Supporters considered judicial discretion would provide flexibility to consider factors such as case complexity, the quality of written evidence and the specific needs of the parties involved. It would also place parties on a more equal footing. Supporters commented that there would need to be clarity around the mechanism for seeking review of any tribunal decision to proceed on the papers, if needed.

7.53 Supporters of Proposal 2 preferred removing local authority consent, citing imbalances in power and resources between parents and authorities, delays caused by local authority refusals, and potential benefits in reducing backlogs and prompting local authorities to reconsider their decisions at an earlier stage. Some noted risks of appellants struggling to fully articulate their case on paper.

7.54 Opponents of both proposals argued that changes should occur only as part of wider SEND reforms, that mutual consent protects fairness and trust, and that removing it risks undermining confidence, increasing adversarial tensions, and disadvantaging local authorities. They stressed the importance of oral hearings for full evidence examination.

7.55 After considering the responses, the TPC determined that both proposals would promote efficiency but concluded that Proposal 1 was preferred. The TPC considered Proposal 1 fairer, preserved equality of arms, avoided perceptions of bias, and relied on judicial expertise to determine when an oral hearing is necessary. The TPC rejected concerns about lack of safeguards, reiterating that both parties may still request an oral hearing and provide evidence up to deadlines.

7.56 The TPC concluded that rule 23 of the HESC rules should be amended in accordance with Proposal 1, leaving to judicial discretion whether a Refusal Appeal should be heard on the papers or at an oral hearing. Further details on the TPC's position is set out in its Response to the Consultation[9].

The ET Rules Consultation

7.57 The TPC consulted on changes to the ET Rules that ran from 24 March 2025 to 19 May 2025 ("the ET Consultation") [10], to update the rules to reflect more accurately current ET practice, improve tribunal efficiency, and reduce administrative and judicial burdens.

7.58 In summary, the ET Consultation proposed the following rule changes:

- an amendment to rule 4 and 52 to refer to the holding of a preliminary hearing for

[9] https://assets.publishing.service.gov.uk/media/67f64c82b7e44efc70acc3ca/send-consultation-response.pdf
[10] https://www.gov.uk/government/consultations/potential-further-changes-to-the-employment-tribunal-rules

the purpose of conducting a dispute resolution appointment.

- an amendment to rules 13 and 18 to clarify that both a claim form and a response form must contain the grounds on which the claim is respectively brought or defended;
- an amendment to rule 26 (which deals with replying to an employer's contract claim), to allow the ET to waive the consequences that would normally arise under rule 22 (which provides the consequences for not responding to a claim in time) where it is in the interests of justice to do so;
- an amendment to rule 30 to allow the ET to direct a party to supply a draft of a case management order to the tribunal or another party;
- an amendment to rule 65 to exclude from the requirement to enter copies of judgments into the Register of Judgments and Written Reasons ("the Register"), decisions made under rule 70(2) where a decision is made to refuse an application for reconsideration, on the grounds that substantially the same application for reconsideration has already been made and refused.

7.59 Stakeholder views were sought on the following questions:

- Question 1: Do you agree with the proposed changes to rule 4 and the proposed rule 52(1)(f)? If not, why not?
- Question 2: Do you agree with the proposed changes to rule 13(1)(b) and rule 18(1)? If not why, not?
- Question 3: Do you agree with the proposed amendment to rule 26? If not, why not?
- Question 4: Do you agree with the proposed rule 30(4)? If not, why not?
- Question 5: Do you agree with the proposed change to rule 65? If not, why not?

7.60 A total of 12 responses were received from a mix of professional bodies, judiciary, representative organisations and individuals.

Question 1

7.61 For question 1, 9 supported the proposal, 1 opposed, 1 did not respond and 1 neither supported nor opposed the proposal.

7.62 Supporters of the proposal considered that the changes would clarify the ETs powers in respect of dispute resolution, bringing greater awareness of DRAs and other forms of dispute resolution and make it more straightforward for the ET to exercise those powers.

7.63 The respondent who opposed the proposal cited concerns that DRAs do not occur in Scotland and the amendment may empower Scottish judges to conduct DRAs without presidential guidance.

7.64 One respondent who neither supported nor opposed the proposal considered that the proposal was largely cosmetic.

7.65 The TPC disagreed that DRAs were likely to occur in Scotland without approval of the President of Employment Tribunals (Scotland). The power to conduct DRAs already exists and the proposal was a minor change to clarity existing practice. These

concerns were also shared with the President of the Employment Tribunals (Scotland), who did not believe the changes would cause difficulty in Scotland.

7.66 The TPC agreed to proceed with the proposal but determined that it should be implemented by including reference to judicial assessment and DRAs to rule 52(1)(e), alongside the existing reference to judicial mediation, rather than as a new rule 52(1)(f). It also decided to amend rule 4 to signpost to the ET's powers to hold a preliminary hearing for dispute resolution purposes, thereby raising awareness of this power earlier in the rules.

7.67 This approach ensures that the three common dispute resolution hearings are dealt with coherently in the same provision. In addition, definitions of judicial assessment and DRAs are included in a new paragraph (4), highlighting that the key procedural distinction is that DRAs do not require the parties' consent.

Question 2

7.68 For question 2, 6 respondents supported the proposal, 1 opposed, and neither supported nor opposed the proposal.

7.69 Supporters of the proposal agreed that requiring grounds to be stated would improve clarity and consistency with how claims are brought and defended. It may improve efficiency by reducing the need for orders or preliminary hearings to identify issues under challenge, which in turn could speed case progression. The requirement could also help filter out claims or responses that are unmeritorious at an earlier stage.

7.70 The respondent who opposed the proposal raised concerns that it is likely to create a barrier for unrepresented litigants, who generally lacked understanding of the issues in their claim and were likely to produce unordered statements perceived to be relevant. The respondent argued that such claims should not be rejected as they had not met the standards expected of qualified lawyers.

7.71 The respondents who neither supported nor opposed the proposal commented on whether "no grounds" was appropriate and whether "no reasonable grounds" was a more suitable alternative. They also argued that "cannot sensibly responded to" should be retained as it enabled claims that were manifestly too long or dense to be rejected.

7.72 The TPC concluded that the proposal should be taken forward but implemented with some changes. The TPC rejected amending rule 13 to include a "no reasonable grounds" test as this would set too high a hurdle for presenting a claim. The TPC noted that rule 13 concerns the initial acceptance of a claim, which is intended to deal with fundamental flaws, while rules 27–29 permit dismissal, following the initial acceptance stage, where a claim has no reasonable prospect of success, so the tests at each stage should remain distinct.

7.73 While recognising that litigants in person may struggle to provide detail, the TPC nevertheless considered that rule 13 should be amended to require grounds, noting that it was not excessively burdensome to require all claimants to state the grounds of claim, and adding this element clarifies, rather than raises, the threshold for bringing a claim. The TPC agreed that the "cannot sensibly be responded to" element in rule 13 should be retained as a procedural tool for rejecting a small number of cases in which the pleadings are too voluminous or presented in a manner that is extremely difficult to understand, which would otherwise consume disproportionate resources.

7.74 For responses, the TPC determined that assessing whether a respondent has stated its grounds is a nuanced judicial exercise best undertaken at initial consideration, and so the requirement should be located in rule 29, rather than the administrative acceptance

stage in rule 18. This approach preserves symmetry as both claims and responses must set out grounds, whilst recognising that rule 13 governs whether a claim may come into existence, whereas rule 29 governs whether a respondent should be permitted to defend a claim. Locating the requirement in rule 29 also captures replies to employer's contract claims, ensuring that the same obligation to set out grounds applies to both responses and replies.

Question 3

7.75 For question 3, 10 respondents supported the proposal, 1 opposed and 1 didn't respond.

7.76 Supporters of the proposal agreed that this change would allow greater flexibility to the tribunal to manage cases more justly and efficiently, avoiding adjournments and delays and prevent undue hardship where claimants (often those unrepresented) have overlooked or do not appreciate the requirement to reply to an employer's contract claim.

7.77 The respondent who opposed the proposal argued that employer's contract claims can be of significant value and should therefore require a properly pleaded defence. The TPC acknowledged that many employer's contract claims do require or would benefit from a fully pleaded reply, however it would be a matter for the ET to determine whether waiving the requirement for a reply is in the interests of justice.

7.78 Having considered the responses the TPC concluded that the proposal should be taken forward, but implemented as a separate provision, rather than as an additional sub-paragraph to rule 26(2), to improve clarity.

Question 4

7.79 For question 4, 10 respondents supported and 2 opposed the proposal.

7.80 Supporters of the proposal noted that requiring a party to provide a draft order may help parties to focus on the precise terms sought and may save judicial time, thereby advancing the overriding objective.

7.81 Opponents of the proposal argued that providing a draft should be on a purely voluntary basis, with potential risks of one party unduly influencing case management (particularly where the other party is unrepresented), or a represented party being faced with excessive costs as a result of efforts to agree a draft.

7.82 The TPC were not persuaded by the arguments opposing the proposal, noting that the ET should remain alive to equality of arms issues and should be trusted to exercise its powers appropriately. The TPC concluded that the proposal should be taken forward but with additional wording to make it clear that the ET may order the draft order to be provided to either the ET or the other party.

Question 5

7.83 For question 5, 9 respondents supported the proposal, 1 opposed and 2 neither supported nor objected.

7.84 Supporters of the proposal agreed that providing an exception to the requirement to publish repeated refusals of substantially identical reconsideration applications would be sensible and proportionate measure reducing unnecessary administrative burden without undermining open justice.

7.85 The respondent who opposed the proposal argued that repeated refusals may highlight vexatious conduct that ought to remain publicly recorded and suggested that concerns

about resourcing impact would be better addressed through more robust powers to manage such behaviour.

7.86 Of the respondents who neither opposed nor objected, one made general observations rather than address the question and the other considered that the proposal was unnecessary as they did not believe that many judgments involved refusal of applications for reconsideration.

7.87 The TPC noted that although only a very small number of cases would fall within the scope of the proposed amendment, those cases can generate a disproportionate administrative burden because repeated identical reconsideration applications require multiple judgments to be placed on the public register. The TPC observed that the majority of respondents agreed with its preliminary view that the proposal would not undermine the principle of open justice, since the substantive written reasons for the original outcome would remain available on the Register. Having considered all responses, the TPC concluded that it was appropriate to proceed with the amendment.

7.88 Further details on the TPC's position is set out in its Response to the Consultation[11].

8. Applicable Guidance

8.1 His Majesty's Courts and Tribunals Service produces guidance for each Tribunal jurisdiction which is issued to parties at key stages of the appeals process and is available here [12].

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 An Impact Assessment has not been prepared for these instruments as its impact is expected to be minimal and well below the threshold of £5 million per annum at which an assessment must be prepared.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies.

9.3 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The MoJ and the TPC approach the monitoring of the impact of changes to the Tribunal Procedure Rules, ET Rules and the EAT Rules by way of feedback received from the Tribunal, His Majesty's Courts and Tribunals Service and tribunal users.

10.2 The Amendment Rules and the EAT Amendment Rules do not include a statutory review clause. The legislation applies to activities that are undertaken by small businesses in so far as they may be appellants in proceedings before the FtT, ET and the EAT.

[11] https://www.gov.uk/government/consultations/potential-further-changes-to-the-employment-tribunal-rules
[12] https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 There are no matters of special interest to Parliament.

12. European Convention on Human Rights

12.1 As both the Amendment Rules and the EAT Amendment Rules are subject to the negative resolution procedure and do not amend primary legislation no statement is required.

13. The Relevant European Union Acts

13.1 The Amendment Rules and the EAT Amendment Rules are not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").