STATUTORY INSTRUMENTS

2026 No. 1144

EMPLOYMENT TRIBUNALS

The Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) (Amendment) Regulations 2026

Made - - - -	*27th October 2026*
Laid before Parliament	*4th November 2026*
Coming into force - -	*26th November 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 18A(1), (4), (11) and (12)(b) of the Employment Tribunals Act 1996(**a**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) (Amendment) Regulations 2026.

(2) These Regulations come into force on 26th November 2026.

(3) These Regulations extend to England and Wales and Scotland.

Amendment of the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014

2. The Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014(**b**) are amended in accordance with regulations 3 to 10.

Amendment to regulation 2

3. In regulation 2—

(a) after the definition of "early conciliation form", insert—

> ""employed" has the meaning given by section 230(5) of the Employment Rights Act 1996(**c**);";

(b) omit the "and" after the definition of "respondent";

(**a**) 1996 c. 17. See section 18A(10) of the Employment Tribunals Act 1996 for the definition of "prescribed". By virtue of section 1 of the Employment Rights (Dispute Resolution) Act 1998 (c. 8) industrial tribunals were renamed employment tribunals and references to "industrial tribunal" and "industrial tribunals" in any enactment were substituted with "employment tribunal" and "employment tribunals". Section 18A was inserted by section 7 of the Enterprise and Regulatory Reform Act 2013 (c. 24) and amended by paragraph 15 of Schedule 5 to the Judicial Review and Courts Act 2022 (c. 35).

(**b**) S.I. 2014/254, which was amended by S.I. 2014/847, 2020/1003, 2021/1037, 2024/1156 and 2025/1153.

(**c**) 1996 c. 18.

(c) at the end of the definition of "requirement for early conciliation" (before the full stop) insert—

"; and

"settlement" has the meaning given by section 18A(6) of the Employment Tribunals Act".

Amendment to rule 1

4. In the Schedule, in rule 1 (satisfying the requirement for early conciliation)—

(a) the existing text becomes paragraph (1);

(b) after that paragraph, insert—

"(2) Where there is more than one matter, a prospective claimant may—

(a) complete an early conciliation form regarding those matters together in accordance with rule 2; or

(b) telephone ACAS regarding those matters together in accordance with rule 3.".

Amendment to rule 2

5.—(1) In the Schedule, rule 2 (early conciliation form requirements) is amended as follows.

(2) For paragraph (2), substitute—

"(2) An early conciliation form must—

(a) contain the prospective claimant's name;

(b) contain—

(i) an address;

(ii) a telephone number, if any; and

(iii) an email address, if any,

at which the prospective claimant can be contacted;

(c) contain the prospective respondent's name;

(d) contain an address at which the prospective respondent can be contacted; and

(e) confirm whether or not the prospective claimant wishes to reach a settlement.".

(3) After paragraph (2), insert—

"(2A) Where the prospective claimant wishes to reach a settlement, an early conciliation form must also—

(a) contain, where known to the prospective claimant, a telephone number and email address at which the prospective respondent can be contacted;

(b) confirm whether or not the prospective claimant consents to ACAS contacting the prospective respondent about the matter;

(c) provide an indication of what the matter is;

(d) confirm if the matter is, or is alleged to be, ongoing or, if not, provide an indication of how long ago the matter occurred or finished occurring, or is alleged to have occurred or finished occurring;

(e) confirm whether or not the prospective claimant raised the matter with the prospective respondent; and

(f) confirm whether or not the prospective claimant is or was employed, or alleges that they are or were employed, by the prospective respondent.

(2B) Where there is more than one prospective respondent—

(a) the reference to "the prospective respondent" in paragraph (2A)(e) is to be read as a reference to at least one prospective respondent; and

(b) otherwise, references to "the prospective respondent" in this rule are to be read as references to each prospective respondent.

(2C) Where the prospective claimant wishes to satisfy the early conciliation requirement in respect of more than one matter in accordance with rule 1(2)—

(a) the reference to "the matter" in paragraph (2A)(e) is to be read as a reference to at least one matter; and

(b) otherwise, references to "the matter" in this rule are to be read as references to each matter.".

(4) In paragraph (3), for "paragraph (2)", substitute "paragraph (2) or, where applicable, (2A)".

Amendment to rule 3

6. In the Schedule, in rule 3(1) (telephoning ACAS), for the words "tell ACAS" to the end, substitute "tell ACAS the information specified in rule 2(2) and, where applicable, (2A).".

Omission of rule 4

7. In the Schedule, omit rule 4 (cases where there are multiple prospective respondents).

Amendment to rule 5

8. In the Schedule, in rule 5(2) (contact between ACAS and the parties), at the end, insert ", unless it concludes that settlement is not possible.".

Amendment to rule 8

9. In the Schedule, in rule 8 (early conciliation certificate requirements)—

(a) for sub-paragraph (a), substitute—

"(a) the name of the prospective claimant and an address at which they can be contacted;";

(b) for sub-paragraph (b), substitute—

"(b) the name of the prospective respondent and an address at which they can be contacted;".

Amendment to rule 9

10. In the Schedule, for rule 9(2) (service of early conciliation certificates) substitute—

"(2) Where an email address at which the prospective claimant or the prospective respondent can be contacted has been provided, ACAS must send the early conciliation certificate to that person by email and in any other case must send the early conciliation certificate by post.".

Kate Dearden
Minister of State
27th October 2026 Department for Business, Innovation, Science and Trade

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014 ("the 2014 Regulations") to add to the information that prospective claimants must provide to ACAS in order to comply with the requirement to contact ACAS before instituting proceedings in section 18A of the Employment Tribunals Act 1996. These Regulations also clarify the 2014 Regulations and make further provision regarding the early conciliation procedure.

Regulation 3 inserts definitions into regulation 2 of the 2014 Regulations.

Regulations 4 to 10 then amend the Schedule to the 2014 Regulations, which contains the Early Conciliation Rules of Procedure.

Regulation 5 amends rule 2 to require additional information to be provided in early conciliation forms and to clarify existing requirements. Regulation 6 amends rule 3 to require the same information to be provided if the prospective claimant contacts ACAS by telephone. Regulation 7 omits rule 4 regarding cases where there are multiple prospective respondents as this is now covered by the amended rule 2.

Regulation 8 amends rule 5 to provide that ACAS does not need to contact prospective respondents where it concludes that settlement is not possible.

Regulations 4, 9 and 10 make clarificatory amendments to rules 1, 8 and 9.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. A de minimis impact assessment is published alongside these Regulations on www.legislation.gov.uk or is available on request from the Department for Business, Innovation, Science and Trade, Old Admiralty Building, Admiralty Place, London, SW1A 2DY.

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ISBN 978-0-34-828845-2

£6.40

http://www.legislation.gov.uk/id/uksi/2026/1144

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