

Research Briefing

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Legal advice and help in employment matters



Summary

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Summary

This briefing provides information about sources of legal advice and representation in employment law matters.

Legal advice should ideally be given by a suitably qualified person with professional liability insurance. There are some places where professional legal advice can be obtained free of charge and others where more general free advice and information about legal matters can be obtained.

In most cases, the Advisory, Conciliation and Arbitration Service (Acas) is the most appropriate initial source for anyone in need of external advice about a workplace dispute – their [confidential helpline for free advice](#) is 0300 123 1100.

Where appropriate, the employer's disciplinary or grievance procedure should be used prior to starting legal proceedings. If dismissal has already taken place enquiries should be made as to whether there is an internal appeal process.

If an employer's internal appeal process is exhausted without success the employee may decide to bring a claim to an employment tribunal. There are strict time limits for this. In general, claims will not be accepted once three months have passed following the event which gave rise to the claim. It is a legally required first step before bringing any claim to [notify Acas](#), so that they can offer early conciliation before the claim proceeds to a tribunal.

For more information about the employment tribunal process itself, see the Library's constituency casework article [Making a claim to an employment tribunal](#).

1 Introduction

In the event of a workplace dispute, the employer's disciplinary or grievance procedure should be used in the first instance. If dismissal has already taken place enquiries should be made as to whether there is an internal procedure offering an appeal against this decision.

The Advisory, Conciliation and Arbitration Service (Acas) webpage, [Disciplinary and Grievances Procedures](#), outlines employment rights in relation to disciplinary and grievance procedures.¹ There is also a statutory Code of Practice which outlines the minimum standards employers must follow when handling these issues.² General employment rights advice may be sought either from Acas or one of the organisations detailed in this note.

Where an employer's internal procedures do not resolve a workplace dispute, the dispute may lead to a claim to an employment tribunal. In some cases one party, normally the employee, will not be represented; a so-called 'litigant in person' (this means a person who represents himself in court).³ The Ministry of Justice's (MoJ) employment tribunal statistics record that, in the period 01 April 2021 to 31 March 2022, there were 90,056 claims accepted by employment tribunals.⁴ 66.6% of claimants were represented by a lawyer whilst 2.1% used a trade union representative to help with their case. This indicates that almost one-third of claimants go unrepresented.

When they were originally set up, employment tribunals, then known as 'industrial tribunals', were intended to provide "an easily accessible, speedy, informal and inexpensive procedure" for resolving employment disputes.⁵ They were intended to be used by litigants in person. However, whilst tribunals still aim to be accessible to litigants in person, the reality is that procedural and substantive legal points may be confusing or hard to grasp for an unrepresented litigant, as discussed in *Struck Out*, a 2012 book on employment tribunals:

Tribunals are supposed to be accessible courts [...] Yet many litigants find Tribunals closed and off-putting places. The language of the court is highly formal. The procedure of Tribunals is fixed. Parties address the court in a fixed order. Factual submissions are made before legal submissions. To be most effective in putting their case, even an unrepresented claimant will be

¹ Acas, [Disciplinary and Grievance Procedures](#) (accessed 11 May 2023)

² Acas, [Code of Practice on disciplinary and grievance procedures](#), 11 March 2015

³ BIS, Findings from the Survey of Employment tribunal Applications 2008, March 2010; Ministry of Justice, [Litigants in person: a literature review](#), June 2011

⁴ Ministry of Justice, [Employment Tribunal and Employment Appeals Tribunal Annual Tables - 2021/22](#), 9 March 2023

⁵ Royal commission on Trade Unions and Employers' Associations 1965-1968: Report, Cmnd 3623; (1968), para 578

expected to copy some of the mannerisms of an experienced barrister addressing a higher court.⁶

Therefore, if an employment dispute has reached the possibility of a claim in a tribunal, the parties may wish to obtain legal advice and possibly representation. This briefing provides information about where such advice and representation can be obtained, the funding of it and the time limits within which employment tribunal claims may be made.

For more information about the employment tribunal process itself, including the steps to be followed, how the hearings work and what happens afterwards, see the Library's constituency casework article [Making a claim to an employment tribunal](#).⁷

For more information about finding and paying for legal advice in general, see the Library's briefing paper [Legal help: where to go and how to pay](#).⁸

⁶ David Renton, *Struck Out: Why Employment Tribunals Fail Workers and What Can be Done*, Pluto Press, 2012

⁷ House of Commons Library, [Making a claim to an employment tribunal](#), 28 April 2023

⁸ House of Commons Library, [Legal help: where to go and how to pay](#), 24 September 2021

2 Funding and time limits

2.1 Funding

As a result of the [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#)⁹ civil legal aid is no longer available for either advice or representation in employment law matters, except in discrimination claims under the [Equality Act 2010](#).¹⁰ This means that, in employment matters that do not involve discrimination, people who wish to be represented by legal professionals such as solicitors and barristers may have to pay for this privately. However, there are many sources of free legal advice and it may be possible to obtain free representation.

Another way in which parties can access legal services for tribunal proceedings is through conditional fee agreements.¹¹ This allows lawyers to operate on a 'no win no fee' basis. The client may be required to pay a sum up front to cover a legal expenses insurance premium. The most common type of agreement is a hybrid agreement where the client pays fees up to an agreed maximum, with the rest of the fees after that point being conditional on the success of the case.

Legal aid in discrimination cases

Unlike in other employment law cases, in discrimination claims brought under the Equality Act 2010, legal aid is still available from the government. For more information including how to apply, see the [Gov.uk page on Legal aid](#).¹²

Insurance

Some insurance policies include legal cover, which might allow people to get a solicitor or other legal representation, including in employment tribunal cases. People who need representation should check the details of any insurance policies they have in case legal cover is included.

⁹ [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#)

¹⁰ [Schedule 1, Part 1, paragraph 43](#)

¹¹ [The Conditional Fee Agreements Order 2000, SI 2000/823](#)

¹² GOV.UK, [Legal aid](#) (accessed 30 May 2023)

2.2

Employment tribunal time limits

There are [strict time limits to making a claim](#), with very few exceptions. These are:

- three months for most claims
- six months for claims about redundancy pay or equal pay¹³

It is the responsibility of the employee (or claimant) to make sure their claim against their employer (or respondent) is made in time. If the time limit passes, [a claimant can still register a claim](#).¹⁴ An employment tribunal judge will then decide whether to accept it but may decide that the claim cannot proceed due to being out of time. In most cases, unless there is a good reason for the delay, time limits are strictly enforced.

These time limits are paused during the early conciliation process – for more details see the Library’s constituency casework article [Making a claim to an employment tribunal](#).¹⁵

Appeals of employment tribunal decisions to the Employment Appeal Tribunal are subject to different time limits. In general, this is six weeks from the date that the original judgment was sent to the parties.¹⁶

¹³ Acas, [Employment tribunal time limits](#), 18 October 2022

¹⁴ As above

¹⁵ House of Commons Library, [Making a claim to an employment tribunal](#), 28 April 2023

¹⁶ Ministry of Justice website, [Appeals guidance - Employment Appeal Tribunal](#) (accessed 10 May 2023)

3 Sources of employment rights advice

3.1 Solicitors and barristers

The Law Society offers assistance to people who want to engage a solicitor specialising in employment law. A searchable database of solicitors is available [here](#).¹⁷

Barristers are generally ‘instructed’ by a solicitor, which means the client deals primarily with the solicitor, and the solicitor asks the barrister to provide detailed legal advice and representation. Clients do not normally deal directly with barristers. However, some barristers take on ‘public access’ work. This means they accept work directly. An [online directory of public access barristers](#) is available on the Bar Council’s website.¹⁸

For further information on finding solicitors and barristers see the Library briefing: [Legal help: where to go and how to pay](#).¹⁹

3.2 Trade unions

Trade unions often provide legal advice and representation for their members. Some union representatives personally represent union members in employment tribunal proceedings, while others will engage lawyers to act on behalf of the union member. The union representative at a given organisation should be able to advise members on the services that the union provides.

Some unions offer a 24-hour helpline, although these are usually reserved for legal advice on non-work-related matters. As a general rule, union workplace representatives act as gatekeepers to the union’s employment law services.

3.3 The Advisory, Conciliation and Arbitration Service

¹⁷ Law Society website, [Find a solicitor](#) (accessed 11 May 2023)

¹⁸ The Bar Council website, [Direct Access Portal](#) (accessed 11 May 2023)

¹⁹ Commons Library Briefing sn03207, [Legal help: where to go and how to pay](#), 24 September 2021

The [Advisory, Conciliation and Arbitration Service](#) (Acas) is a non-departmental public body funded largely by the Department for Business and Trade (DBT). Its main function is to provide employers and employees with advice to try and prevent or resolve employment disputes. As part of this, Acas operates a free, impartial and confidential helpline which provides information on employment rights. They also publish authoritative guidance on a wide range of employment issues, available [here](#).²⁰

Full details of the helpline are available on the Acas [website](#).²¹ The telephone contact details:

- 0300 123 1100
- Monday-Friday, 8am-6pm

Acas must also [legally be notified](#) before bringing any claim to an employment tribunal, so that they can offer both parties the option of early conciliation.²²

3.4

Equality and Human Rights Commission and the Equality Advisory Support Service

The [Equality and Human Rights Commission](#) (EHRC) is a non-departmental public body, established under the [Equality Act 2006](#),²³ sponsored by the Government Equalities Office. It has a statutory mandate to challenge discrimination and protect and promote human rights. It publishes authoritative guidance on these issues, available on its [website](#).²⁴ It also provides free advice on equality law issues.

The EHRC has run a Legal Support Scheme since 2017 which provides funding and legal assistance to people to pursue discrimination claims specifically. The EHRC itself also takes on itself some “landmark cases that make the law clearer and set a precedent”.²⁵

The EHRC refers people with discrimination claims in need of legal advice to the [Equality Advisory and Support Service \(EASS\)](#), an independent service for people who need advice on discrimination or human rights law. The EASS does not provide legal advice itself but may help people find a solicitor who can then apply to the EHRC’s Legal Support Scheme for funding.

The contact details are:

²⁰ Acas website, [Advice](#) (accessed 11 May 2023)

²¹ Acas website, [Contact us](#) (accessed 11 May 2023)

²² Acas website, [Find a solution to an employment dispute](#) (accessed 30 May 2023)

²³ [Equality Act 2006](#)

²⁴ EHRC website, [Your Rights Under the Equality Act 2010](#) (accessed 11 May 2023)

²⁵ EHRC website, [Legal Support Scheme](#) (accessed 30 May 2023)

Phone: 0808 800 0082

Textphone: 0808 800 0084

You can email using the [contact form on the FASS website](#).

Opening hours:

9am to 7pm Monday to Friday

10am to 2pm Saturday

closed on Sundays and Bank Holidays

3.5 Disability Law Service

The Disability Law Service provides a free advice line for persons who feel they might have been subject to disability discrimination.²⁶ The advice line can be contacted on:

- 020 7791 9800 (Monday to Friday, 10am – 1pm, 2pm – 5pm), selecting option 3 for employment matters.

Under their [employment service](#), the Disability Law Service notes that they cannot represent everyone and that their services are limited outside of London, saying:

Current funding means we can only provide full support, including tribunal appearances, for those in the London area. But we provide basic support for callers wherever you are located.²⁷

The Disability Law Service also offers a digital legal information platform called [WorkRights](#) which can provide guidance on reasonable adjustments in the workplace, including providing a template letter disabled workers can send to their employer.

3.6 Citizens Advice

Citizens Advice provides free face-to-face and telephone advice on a range of issues, including employment rights.

A local Citizens Advice bureau can be found by entering a postcode into the “Find your nearest Citizens Advice” form on their [Contact us](#) page.²⁸ Although Citizens Advice operates primarily through individual local bureaus it also

²⁶ [DLS website](#) (accessed 11 May 2023)

²⁷ Disability Law Service website, [Our Services/Employment](#) (accessed 30 May 2023)

²⁸ Citizens Advice website, [Contact us](#) (accessed 11 May 2023)

operates a [web chat service](#) and a [national helpline](#).²⁹³⁰ In England, the number for this is 0800 144 8848. In Wales, the number is 0800 702 2020. The helpline is open 9am to 5pm, Monday to Friday.

In Scotland, there is a separate organisation, [Citizens Advice Scotland](#), which fills the same function. Their helpline is 0800 028 1456.

3.7 Law Centres

Law Centres work within local communities and provide free face-to-face legal advice, casework and representation. They specialise in social welfare law, but will generally also cover [employment law](#).³¹ A list of local Law Centres is available on the Law Centres Network [website](#).³²

3.8 LawWorks

LawWorks is a charity that provides free legal help to individuals and community groups who cannot afford to pay for it and who are unable to access legal aid.³³ It acts as a clearing house to connect eligible individuals with solicitors that are willing to act for them for free.

LawWorks' website states that it provides assistance through free legal advice clinics and offers a [search function to find the nearest clinic](#) on any legal area such as employment law.³⁴

3.9 Protect

Protect (formerly known as Public Concern at Work) is a charity established in October 1993 which offers legal advice about whistleblowing.³⁵ It is important that individuals who want to whistleblow about a public interest concern do so in accordance with the statutory procedure, otherwise they may not be protected by whistleblowing law. Protect operate a free advice line, managed by lawyers and subject to lawyer-client privilege (confidential). The advice line can be reached on: 020 3117 2520.

²⁹ Citizens Advice website, [Chat with an advisor online](#) (accessed 30 May 2023)

³⁰ Citizens Advice website, [Contact us](#), (accessed 11 May 2023)

³¹ Law Centres website, [I am looking for advice](#) (accessed 11 May 2023)

³² Law Centres Network website, [Law Centres](#) (accessed 11 May 2023)

³³ [LawWorks website](#) (accessed 11 May 2023)

³⁴ LawWorks, [Find a legal advice clinic near you](#) (accessed 30 May 2023)

³⁵ [Protect website](#) (accessed 11 May 2023)

3.10

Employment Tribunal Customer Contact Centre

While they cannot give legal advice or help with the subject matter of cases, the Employment Tribunal Customer Contact Centre can provide information about how the employment tribunal system works and answer questions about the procedure and processes involved.

Telephone: 0300 123 1024

4 Representation in employment tribunals

4.1 Solicitors and barristers

Either solicitors or barristers can represent litigants at an employment tribunal. For details of how to find a solicitor or barrister see above (section 3.1).

4.2 Pro bono representation

Pro bono legal services provide legal advice and/or representation free of charge. Individuals unable to afford to pay for representation at an employment tribunal, but who desire professional assistance, may wish to enlist the help of such services.

The main pro bono service providers that can assist with representation at an employment tribunal are set out below.

Advocate

[Advocate](#) is a charity that provides free legal assistance from volunteer barristers in all areas of law, including employment law, where the individual is unable to pay or obtain legal aid. Advocate works with over 4,500 volunteer barristers and in 2019 they received over 2,000 applications for support.³⁶

Individuals can complete an application form online once they have checked they can apply via the eligibility checker on the Advocate website. The documents that must be included with the application in employment cases are set out on pages 7-8 of [Advocate's full document list](#) (PDF).³⁷ Applications must be submitted at least **three weeks** before help is needed.

Advocate can be contacted on:

- 020 7092 3960 (voicemail only service) or via their [online 'contact us' form](#).

³⁶ Advocate, '[Our history](#)', (accessed 10 May 2023)

³⁷ Advocate, [Documents to be included with an application](#), pages 7-8 Employment cases (accessed 10 May 2023)

Free Representation Unit (FRU)

The FRU provides free representation in employment tribunals for some people who are not eligible for legal aid and cannot afford lawyers. Most of their work is done by law students or early career legal professionals. FRU mostly only takes cases referred to them by [one of their referral agencies](#), including Citizens Advice and several other organisations listed above.³⁸

However the FRU also operate a self-referral scheme where members of the public can get in touch directly to ask for representation at a short tribunal hearing. To be eligible the claim must be:

- An Employment Tribunal claim
- Listed for a final hearing of one or two days
- Being heard in London or the South East³⁹

Tel: 020 7611 9555, open Monday to Friday between 2pm and 4pm.

4.3 Self-representation

As noted at the beginning of this paper, in the majority of employment tribunals one party will represent him or herself, and this party will typically be the employee. People who represent themselves in court are referred to as 'litigants in person'.⁴⁰ Litigants in person unfamiliar with legal procedure, advocacy and the law find it difficult to present their case in its best light.

The Bar Council has produced [A Guide to Representing Yourself in Court \(PDF\)](#), which is intended to assist litigants in person.⁴¹ Pages 35-37 deal with employment tribunals.

[The Bar Standards Board has some information](#) online for people representing themselves in court, which includes links to further resources.⁴²

As part of the Litigant in Person Support Strategy, the Central England Law Centre have produced guidance on [How do I represent myself at an Employment Tribunal?](#)⁴³

³⁸ FRU website, [Referral Agencies](#) (accessed 30 May 2023)

³⁹ FRU website, [Employment Self-Referral](#) (accessed 30 May 2023)

⁴⁰ Bar Standards Board, [Information for people representing themselves in court](#) (accessed 10 May 2023)

⁴¹ The Bar Council, [A Guide to Representing Yourself in Court](#), April 2013

⁴² Bar Standards Board, as above.

⁴³ Central England Law Centre, [How do I represent myself at an Employment Tribunal?](#)

The [government's website GOV.UK](#) also has some information about how someone can represent themselves in legal proceedings.

[Advicenow](#)

Advicenow is an independent not-for-profit website, run by the charity Law for Life: the Foundation for Public Legal Education. Their website contains [guides to help people go to court or a tribunal without the help of a lawyer](#).⁴⁴

⁴⁴ Advice Now, [Going to a tribunal](#) (accessed 11 May 2023)

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