



University of Strathclyde  
**LAW CLINIC**

# 10A Internal and external processes

A guide for the general public

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# Outline

- ▶ What's the difference?
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- ▶ Outline of external processes
- ▶ Which process should I use?
- ▶ Examples of when to use each process
- ▶ Advantages of resolving things internally

# What's the difference?

Dealing with issues internally means dealing with them within the workplace. For example by speaking to your line manager or a member of the Human Resources department, or by raising a formal grievance (more on this later).

Dealing with issues externally means getting ACAS involved and/or bringing a claim at the Employment Tribunal.

This slideshow will set out the advantages and disadvantages of these two different ways of dealing with disputes.

# Outline of internal processes



## Informal chat with line manager/HR

Hopefully your employer will be able to resolve the issue at this stage.



## Formal written grievance

If an informal chat does not resolve things, you might want to make a formal written grievance. You should consult your employer's grievance policy for information on how to raise a grievance and who to send it to. Make sure your concerns are set out clearly and professionally. Get someone else to read over your grievance before you submit it. If you are in a trade union they should assist you.



## Appeal outcome of grievance (if it is not upheld)

If your employer decides not to uphold your grievance, they should provide you with information on how to appeal their decision and any time limits for doing so. If they do not provide this, you should write to them to make it clear that you wish to appeal the outcome.



## Mediation

Mediation involves the parties to a dispute meeting to discuss things with the help of a mediator (neutral person to facilitate the discussion) and agree an outcome which works for everyone. It might be worth considering mediation depending on the facts of your particular case.

# Outline of external processes

## Speak with ACAS (Early Conciliation)

ACAS will see whether you and your employer will be able to resolve the issue at this stage. (This step is essential before submitting a claim to the ET).

## Lodge claim with Employment Tribunal

This means submitting an ET1 claim form. For more on how to do this, see slideshows 3A and 10D.

## Employer responds to claim

The employer will send the Tribunal their ET3 form, which sets out the details they will use to defend the claim.

## Preliminary Hearing(s)

Every case will have a case management preliminary hearing to help everyone prepare for the final hearing. The Tribunal might also decide to hold a preliminary hearing on a specific issue, for example whether or not the Claimant has a disability, before the case proceeds to the final hearing.

## Judicial Mediation

The Tribunal might recommend that you try to resolve your case by way of judicial mediation. For more information on what judicial mediation involves and how to prepare for it, see slideshow 10F.

## Final Hearing

At the final hearing, the Tribunal will hear all the evidence related to the claim and decide whether your claim is successful.

# Which process should I use?

If you are having problems at work related to your disability, you should speak to your line manager at the earliest opportunity to let them know there is a problem and see if they can help you resolve it.

If your problem involves the line manager and you do not feel comfortable raising it with them, you might want to raise the issue with a relevant person from the HR department or the person responsible for supervising your line manager.

The Employment Tribunal will expect you to try and resolve the issue with your employer before you raise a claim. If you have tried to resolve things internally but the problem is still there, you should then consider contacting ACAS to resolve the issue externally. See slideshows 1A-1D for more information on what ACAS do.

**Be aware of the time limits in your case: these will apply even if you are still trying to resolve matters internally it may be necessary to contact ACAS or raise a claim in the Tribunal while the internal process is ongoing. See slideshow 10C on Time Limits.**

## Examples of when the internal process would be appropriate

- A colleague has been making offensive comments about you which relate to your disability.
- You are struggling to manage your workload.
- Your disability makes it difficult to complete a particular task which you have been assigned.
- Your disability makes it difficult for you to continue working in your current shift pattern.
- You are finding it difficult to negotiate reasonable adjustments.

## Examples of when the external process would be appropriate

- You have tried to resolve things internally but your employer has failed to resolve them with you.
- You are still trying to resolve matters internally but the legal time limit is approaching and you need to protect your position.

# Advantages of resolving things internally

- ▶ Saves money
- ▶ Avoids the Employment Tribunal process, which is often stressful and time consuming.
- ▶ Gives your employer an opportunity to resolve the problem at an early stage.
- ▶ Keeps the relationship between you and your employer positive, so that hopefully you will feel comfortable asking them for support again in the future.
- ▶ Shows that you are being proactive about resolving things and don't want to cause them any difficulties.
- ▶ Avoids conflict with colleagues, which should keep the work environment comfortable for you.