

Mediation and Negotiations



Clients often ask us for legal advice and assistance before disciplinary action is taken against them or during a grievance process.

Whilst solicitors are not generally permitted to accompany employees to grievance or disciplinary meetings, we are able to advise on the relevant procedures and we can give guidance on the best tactical approach and the sort of arguments to advance in meetings.

In our experience, our clients feel much more comfortable in presenting their arguments and dealing with the process, with the benefit of advice up front. We can even help draft your complaints or disciplinary appeal letters.

Disciplinary and grievance processes can also lead to negotiations with the employer to settle the complaints before the employee receives any formal decision. We offer advice about settlement value and can help you take the right steps to try to get the best outcome.

Employers can hold 'protected conversations' (essentially off the record discussions) with their employees to try to negotiate a deal without going through the usual procedures. These discussions cannot be referred to in a Tribunal claim if later pursued. You need to know when a conversation is protected, and whether you can challenge its status at a later date.

We can also advise and assist with ACAS Early Conciliation. A period of ACAS Conciliation is now mandatory before it is possible to pursue an Employment Tribunal claim. It gives the parties an opportunity to settle their disputes via an ACAS Conciliator, who speaks to both parties' representatives and tries to broker a deal.

We can take charge of discussions with that conciliator and advise on settlement terms. Settlements can take the form of a 'Settlement Agreement' (see our Settlement Agreement Factsheet) or by way of a 'COT3' Agreement drawn up by ACAS. We can advise you about the right agreement for your personal circumstances.

Seeking advice and assistance at an early stage can help save legal costs. There are now Employment Tribunal fees to pay to lodge any claim and your own legal costs generally cannot be recovered even if you win your case. An early settlement can mean significant savings.

We offer competitive rates for our negotiation, advice and mediation services and, where possible, we operate on fixed fees so you know exactly where you stand. Your employer will be getting legal advice about your case; it pays to do likewise.

If you need advice about mediation and negotiation, please contact us.

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This Fact Sheet is for information only and is not intended to be a substitute for legal advice.