**<<cs\_t16\_1>>**

**<<## 16.1 EQV – Notice of Stage 1 hearing ##>>**



**EMPLOYMENT TRIBUNALS**

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| --- | --- | --- | --- | --- |
| To: | <<claimant\_full\_name>>,  <<claimant\_addressUK>>  <<claimant\_email\_address>>  or    <<respondent\_full\_name>>,  <<respondent\_addressUK>>  <<respondent\_email\_address>>  delete as applicable | | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_Email>>** |
| Your Ref | |  |  | |
| Date | | <<TODAY\_DATE>> |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  <<Claimant>> | **v** | **Respondent**  <<Respondent>> |

**NOTICE OF HEARING**

**INCORPORATING NOTICE OF STAGE 1 EQUAL VALUE HEARING**

**Employment Tribunals Rules of Procedure 2013**

**Employment Tribunals (Equal Value) Rules of Procedure 2013**

A Stage 1 equal value hearingwill be heard by an Employment Judge at **<<Hearing\_Address>>** commencing on **<<Hearing\_Date\_Time>>** or as soon after this as the Tribunal can hear it. It has been given a time allocation of **<<Hearing\_Duration>>.** If you feel that this is insufficient, please inform us in writing within 7 days of the date of this letter. [The Tribunal may transfer your case at short notice to be heard at another hearing centre within the region.] Unless there are exceptional circumstances, no application for a postponement will be granted. Any such application must be in writing.

1. At the Stage 1 equal value hearing, the agenda will be:

1.1 To consider whether, having regard to the time limit contained in section 129 of the Equality Act 2010, a Tribunal has jurisdiction to make a determination on the complaint under the Act.

1.2 To consider whether the work done by the claimant and the work done by the comparator(s) have been rated as equivalent on a job evaluation study complying with Section 131(6) of the Equality Act 2010 and, if so, to strike out the claimant’s equal value claim (or relevant part).

1.3 On prior application by either party, to hear evidence and decide whether the difference in pay between the claimant and the comparator(s) is genuinely due to a material factor (other than the difference of gender).

1.4 To consider whether the Tribunal should appoint a member of the panel of independent experts to prepare a report as to whether, in terms of the demands made on the claimant (e.g. under such headings as effort, skill and decision-making), the work done by the claimant is of equal value to the work done by the comparator(s).

1.5 Alternatively, to direct that such issue shall be determined by the Tribunal at a subsequent hearing without such an independent expert’s report.

1.6 To identify and record:

1.6.1 the name(s) of all comparator(s);

1.6.2 the question to be decided by the Tribunal (and, if relevant, as to which the independent expert will be required to report).

1.7 To make such orders as the Tribunal considers appropriate to ensure that the case proceeds to an expeditious hearing of the claim, including:

1.7.1 ***Such standard orders as set out in rule 4 of the Employment Tribunals (Equal Value) Rules of Procedure 2013 as the Tribunal considers appropriate (a copy of rule 4 is set out at the end of this Notice).***

1.7.2 (If the Tribunal has decided to appoint an independent expert to prepare a report):

1.7.2.1 to make an order for the parties to provide copies to such expert of all information which the parties are required to disclose or agree between each other, and

1.7.2.2 fix a date for the Stage 2 equal value hearing.

1.7.3 (If the Tribunal has decided not to appoint an independent expert to prepare a report) to fix a date for the hearing of the case.

1.8 To make such other orders as the Tribunal is empowered to make, which may include striking out the whole or part of the claim or response on any of the grounds listed in rule 37 of the Employment Tribunals Rules of Procedure 2013.

It is your responsibility to ensure that any relevant witnesses attend the hearing and that you bring sufficient copies of any relevant documents.

You may submit written representations for consideration at the hearing. If so, they must be sent to the Tribunal and to all the other parties not less than 7 days before the hearing. You will have the chance to put forward oral arguments in any case.

If you or anyone coming with you to the Hearing has a disability that makes coming to the Hearing or communicating difficult, please tell the Tribunal office dealing with your case as soon as possible. We will make reasonable adjustments to the way we deliver our service where we can.

When the Hearing Clerk comes to record details of your attendance and collect bundles or information from you, please talk to them about any disability issues so they can arrange for a Personal Emergency Evacuation Plan (PEEP) to be set up in case there is an emergency evacuation of the building. In some offices the Hearing rooms might be more than 3 floors from ground level. If that will be a problem for you, please call the hearing centre/office as soon as possible to discuss alternative arrangements.

**Representatives**

Representatives are responsible for informing those they represent of the place, date, time and duration of the hearing.

You must comply with any case management order(s) issued in relation to this case.

Enclosures

A copy of the booklet ‘The hearing’ can be found on our website at [www.gov.uk/government/collections/employment-tribunal-forms](http://www.gov.uk/government/collections/employment-tribunal-forms)

A location map for the office can be found at

[www.gov.uk/guidance/employment-tribunal-offices-and-venues](http://www.gov.uk/guidance/employment-tribunal-offices-and-venues)

If you do not have access to the internet, paper copies can be obtained by telephoning the Tribunal office dealing with the claim.

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| Yours faithfully,  <<Clerk**>>**  For the Tribunal Office |

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***Extract From Employment Tribunals (Equal Value) Rules of Procedure 2013***

***Rule 4***

Standard orders for stage 1 equal value hearing

1. — At a stage 1 equal value hearing a Tribunal shall, unless it considers it inappropriate to do so, order that—
   * 1. before the end of the period of 14 days the claimant shall—
        1. disclose in writing to the respondent the name of any comparator, or, if the claimant is not able to name the comparator, disclose information which enables the respondent to identify the comparator; and
        2. identify to the respondent in writing the period in relation to which the claimant considers that the claimant’s work and that of the comparator are to be compared;
     2. before the end of the period of 28 days—
        1. where the claimant has not disclosed the name of the comparator to the respondent under sub-paragraph (a) and the respondent has been provided with sufficient detail to be able to identify the comparator, the respondent shall disclose in writing the name of the comparator to the claimant;
        2. the parties shall provide each other with written job descriptions for the claimant and any comparator;
        3. the parties shall identify to each other in writing the facts which they consider to be relevant to the question;
     3. the respondent shall grant access to the respondent’s premises during a period specified in the order to allow the claimant and his or her representative to interview any comparator;
     4. the parties shall before the end of the period of 56 days present to the Tribunal an agreed written statement specifying—
        1. job descriptions for the claimant and any comparator;
        2. the facts which both parties consider are relevant to the question;
        3. the facts on which the parties disagree (as to the fact or as to the relevance to the question) and a summary of their reasons for disagreeing;
     5. the parties shall, at least 56 days before the final hearing, disclose to each other, to any independent or other expert and to the Tribunal written statements of any facts on which they intend to rely in evidence at the final hearing; and
     6. the parties shall, at least 28 days before the final hearing, present to the Tribunal a statement of facts and issues on which the parties are in agreement, a statement of facts and issues on which the parties disagree and a summary of their reasons for disagreeing.
   1. The Tribunal may add to, vary or omit any of the standard orders in paragraph (1).

**<<else\_t16\_2>>**

**<<## 16.2 EQV - Notice of Stage 2 Hearing ##>>**



**EMPLOYMENT TRIBUNALS**

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| To: | <<claimant\_full\_name>>,  <<claimant\_addressUK>>  <<claimant\_email\_address>>  or    <<respondent\_full\_name>>,  <<respondent\_addressUK>>  <<respondent\_email\_address>>  delete as applicable | | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_Email>>** |
| Your Ref | |  |  | |
| Date | | <<TODAY\_DATE>> |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  <<Claimant>> | **v** | **Respondent**  <<Respondent>> |

**NOTICE OF HEARING**

**INCORPORATING NOTICE OF STAGE 2 EQUAL VALUE HEARING**

**Employment Tribunals (Equal Value) Rules of Procedure 2013**

A Stage 2 equal value hearing will be heard by a full Tribunal at **<<Hearing\_Address>>** commencing on **<<Hearing\_Date\_Time>>** or as soon thereafter on that day as the Tribunal can hear it. The Tribunal may transfer your case at short notice to be heard at another hearing centre within the region. It has been given a time allocation of **<<Hearing\_Duration>>**. If you feel that this is insufficient, please inform us in writing within 7 days of the date of this letter.

Unless there are exceptional circumstances, no application for a postponement will be granted. Any such application must be in writing.

1. At the hearing, the Tribunal may:

1.1 Determine such facts as the parties cannot agree and which relate to the question.

1.2 Require the independent expert to prepare a report on the basis of the facts which have been agreed between the parties or determined by the Tribunal.

1.3 Make the standard Orders as set out in rule 7 of the Employment Tribunals (Equal Value) Rules of Procedure 2013, as follows:

(1) At a stage 2 equal value hearing a Tribunal shall, unless it considers it inappropriate to do so, order that—

(a) by a specified date the independent expert shall prepare his report on the question and shall (subject to rule 13) send copies of it to the parties and to the Tribunal; and

(b) the independent expert shall prepare his report on the question on the basis only of the facts relating to the question.

(2) The Tribunal may add to, vary or omit any of the standard orders in paragraph (1).

1.4 Make any such other Orders as the Tribunal considers appropriate.

1.5 Fix a date for the hearing.

2. The Tribunal may make an Order that no new facts shall be admitted in evidence, unless they have been disclosed to the other party(ies) before a date specified by the Tribunal.

It is your responsibility to ensure that any relevant witnesses attend the hearing and that you bring sufficient copies of any relevant documents.

You may submit written representations for consideration at the hearing. If so, they must be sent to the Tribunal and to all the other parties not less than 7 days before the hearing. You will have the chance to put forward oral arguments in any case.

If you or anyone coming with you to the Hearing has a disability that makes coming to the Hearing or communicating difficult, please tell the Tribunal office dealing with your case as soon as possible. We will make reasonable adjustments to the way we deliver our service where we can.

When the Hearing Clerk comes to record details of your attendance and collect bundles or information from you, please talk to them about any disability issues so they can arrange for a Personal Emergency Evacuation Plan (PEEP) to be set up in case there is an emergency evacuation of the building. In some offices the Hearing rooms might be more than 3 floors from ground level. If that will be a problem for you, please call the hearing centre/office as soon as possible to discuss alternative arrangements.

**Representatives**

Representatives are responsible for informing those they represent of the place, date, time and duration of the hearing.

You must comply with any case management order(s) issued in relation to this case.

Enclosures

A copy of the booklet ‘The hearing’ can be found on our website at [www.gov.uk/government/collections/employment-tribunal-forms](http://www.gov.uk/government/collections/employment-tribunal-forms)

A location map for the office can be found at

[www.gov.uk/guidance/employment-tribunal-offices-and-venues](http://www.gov.uk/guidance/employment-tribunal-offices-and-venues)

If you do not have access to the internet, paper copies can be obtained by telephoning the Tribunal office dealing with the claim.

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| Yours faithfully,  <<Clerk**>>**  For the Tribunal Office |

**<<else\_t16\_3>>**

**<<## 16.3 EQV- Order - Independent Expert ##>>**



**EMPLOYMENT TRIBUNALS**

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| --- | --- | --- | --- | --- |
| To: | <<claimant\_full\_name>>,  <<claimant\_addressUK>>  <<claimant\_email\_address>>  or    <<respondent\_full\_name>>,  <<respondent\_addressUK>>  <<respondent\_email\_address>>  delete as applicable | | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_Email>>** |
| Your Ref | |  |  | |
| Date | | <<TODAY\_DATE>> |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  <<Claimant>> | **v** | **Respondent**  <<Respondent>> |

**ORDER**

1. A member of the panel of independent experts designated by the Advisory Conciliation and Arbitration Service for the purposes of section 131(8) of the Equality Act 2010 be required to prepare a report.
2. The question to be considered by such expert to be:

“whether the work performed by the claimant ***[as at ]* *[between ]*** was of equal value (in terms of the demands made on the claimant) to the work performed by any (and if so, which) of the comparator(s) and whether that situation continues”.

1. Before **[insert date]** the claimant shall:
   1. disclose in writing to the respondent the name of any comparator, or, if the claimant is not able to name the comparator, the claimant shall instead disclose such information as enables the comparator to be identified by the respondent; and
   2. identify to the respondent in writing the period in relation to which the claimant considers that the claimant’s work and that of the comparator are to be compared.
2. Before**[insert date]**
   1. where the claimant has not disclosed the name of the comparator to the respondent, if the respondent has been provided with sufficient detail to be able to identify the comparator, the respondent shall disclose in writing the name of the comparator to the claimant;
   2. the parties shall provide each other with written job descriptions for the claimant and any comparator;
   3. the parties shall identify to each other in writing the facts which they consider to be relevant to the question.
3. The respondent is required to grant access to the claimant and the claimant’s representative (if any) to the respondent’s premises during the period **[insert period]** in order for the claimant or representative to interview any comparator.
4. The respondent is required to grant the independent expert access to the respondent’s premises during a period specified by the Tribunal or Employment Judge in order for the independent expert to conduct interviews with persons identified as relevant by the independent expert.
5. The parties shall before **[insert date]** present to the Tribunal a joint agreed statement in writing of the following matters:
   1. job descriptions for the claimant and any comparator;
   2. facts which both parties consider are relevant to the question;
   3. facts on which the parties disagree (as to the fact or as to the relevance to the question) and a summary of their reasons for disagreeing.
6. The parties shall before **[insert date]** disclose to each other, to any independent or other expert and to the Tribunal written statements of any facts on which they intend to rely in evidence at the Hearing.
7. The parties shall before **[insert date]** present to the Tribunal a statement of facts and issues on which the parties are in agreement, a statement of facts and issues on which the parties disagree and a summary of their reasons for disagreeing.
8. The parties shall copy to the independent expert all information which they are required by the above to disclose or agree between each other.
9. The Stage 2 equal value hearing is listed with the agreement of the parties for hearing at **<<Hearing\_Address>>** on **<<Hearing\_Date\_Time>>.** No postponement of that hearing date will be granted, unless there are exceptional unforeseen circumstances.

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Employment Judge **[Judge surname]**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ORDER SENT TO THE PARTIES ON [**insert date]**

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| Yours faithfully,  <<Clerk**>>**  For the Tribunal Office |

**NOTES: (1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.**

**(2) Under rule 6, if this Order is not complied with, the Tribunal may take such action as it considers just which may include (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party’s participation in the proceedings; and/or (d) awarding costs in accordance with rule 74-84.**

**(3) You may apply under rule 29 for this Order to be varied, suspended or set aside.**

**<<else\_t16\_4>>**

**<<## 16.4 EQV - Requirement – Expert Report ##>>**



**EMPLOYMENT TRIBUNALS**

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| To: | <<claimant\_full\_name>>,  <<claimant\_addressUK>>  <<claimant\_email\_address>>  or    <<respondent\_full\_name>>,  <<respondent\_addressUK>>  <<respondent\_email\_address>>  delete as applicable | | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_Email>>** |
| Your Ref | |  |  | |
| Date | | <<TODAY\_DATE>> |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  <<Claimant>> | **v** | **Respondent**  <<Respondent>> |

**REQUIREMENT TO EXPERT TO PREPARE A REPORT**

1. This requirement is addressed to [Name of independent expert] of [organisation/address], being a member of the panel of independent experts nominated by the Advisory Conciliation and Arbitration Service for the purpose of section 131(8) of the Equality Act 2010 to prepare a report in these proceedings.

2. Pursuant to an Order of the Tribunal made on **[insert date]** (a copy of which Order is annexed to this document) you are hereby required to prepare a report as required by that Order.

1. The following are the particulars relevant to this requirement ascertained to date:

**[Please complete sections 3.1 to 3.5]**

* 1. **The [first] claimant is:**

**of:**

**and is/was employed at:**

**as a**

**on pay scale/grade:**

* 1. **The [first] claimant’s representative is:**

**of:**

**reference: telephone:**

* 1. **The respondent is**

**of:**

**telephone:**

* 1. **The respondent’s representative is:**

**of:**

**reference: telephone:**

* 1. **The [first] comparator with reference to whose work the question arises**

**is:**

**employed as:**

**at:**

**on pay scale/grade:**

* 1. The question to be the subject of your report is as set out in the attached Order.
  2. Your report should be sent to the Tribunal office at <<Court\_Address>> quoting the case number in the heading to this document, by no later than **[insert date]**.

1. You have the following duties to the Tribunal:
   1. Assist it in furthering the overriding objective in rule 2 of the Employment Tribunals Rules of Procedure 2013;
   2. Comply with the requirements of these Rules and any Orders made by the Tribunal or an Employment Judge in relation to the proceedings.
   3. Keep the Tribunal informed of any delay in complying with any Order in the proceedings, with the exception of minor or insignificant delays in compliance;
   4. Comply with any timetable imposed by the Tribunal or Employment Judge insofar as this is reasonably practicable;
   5. Inform the Tribunal or an Employment Judge on request of progress in the preparation of the independent expert’s report;
   6. Prepare a report on the question based on the facts relating to the question and (subject to rule 13) send it to the Tribunal and the parties;
   7. Make yourself available to attend hearings in the proceedings.
2. You have the right to make an application to the Tribunal for any Order or for a hearing to be held as if you were a party to the proceedings.
3. You are requested to acknowledge receipt of this requirement by return.

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| Yours faithfully,  <<Clerk**>>**  For the Tribunal Office |

NOTE

A copy of this requirement is sent to all of the parties or (as appropriate) their representative.

**<<else>>**

**<<## 16.5 EQV - Receipt of Expert Report ##>>**



**EMPLOYMENT TRIBUNALS**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| To: | <<claimant\_full\_name>>,  <<claimant\_addressUK>>  <<claimant\_email\_address>>  or    <<respondent\_full\_name>>,  <<respondent\_addressUK>>  <<respondent\_email\_address>>  delete as applicable | | | <<Court\_Address>>  <<Court\_Telephone>>  <<Court\_Fax>>  <<Court\_DX>>  **e-mail: <<Court\_Email>>** |
| Your Ref | |  |  | |
| Date | | <<TODAY\_DATE>> |

**Case Number:** <<Case\_No>>

|  |  |  |
| --- | --- | --- |
| **Claimant**  <<Claimant>> | **v** | **Respondent**  <<Respondent>> |

Dear Sir / Madam,

**RECEIPT OF INDEPENDENT EXPERT’S REPORT**

**Employment Tribunals (Equal Value) Rules of Procedure 2013**

Enclosed with this letter is a copy of the report of the independent expert.

The hearing has already been fixed for **[insert date]**. The Employment Judge directs the parties to inform the Tribunal, in writing, within 21 days of the date of this letter whether:

1. A party intends to argue that the report of the independent expert should not be received into evidence and, if so, the basis for such argument.

2. A party requires the attendance of the independent expert to give evidence.

3. They have any written questions for the independent expert and, if so, what those questions are and why they need to be put.

4. A party intends to call a witness to give expert evidence (if so, the Employment Judge draws your attention to rule 11 of the Employment Tribunals (Equal Value) Rules of Procedure 2013).

5. The respondent intends to call evidence in support of a genuine material factor defence.

6. In the light of the enclosed report, a party intends to concede any matter and, if so, the nature of that concession.

7. The parties consider that a preliminary hearing with a view to making case management orders is desirable prior to the hearing and, if so, for what purpose.

|  |
| --- |
| Yours faithfully,  <<Clerk**>>**  For the Tribunal Office |

**<<es\_>>**