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Attwaters' Employment Update

In April 2010 the Ministry of Justice ("MoJ") unveiled the "fast track" enforcement of employment tribunal awards scheme. Tribunal awards have always been notoriously difficult for Claimants to enforce. A Claimant would effectively have to go through two separate claims; one to obtain a successful judgment and a second to pursue it through the County Court. In May 2009 the MoJ published findings that only 53% of Claimants had obtained their award in full and 39% of Claimants never recovered any payment towards their award at all. Justice Minister Bridget Prentice has stated;

"The Government is determined to ensure people are not denied access to justice by a small minority of unscrupulous individuals or companies who refuse to respect the award. The fast track will ensure all recipients can pursue their awards with ease."

The new form [N471](#) simplifies the process and allows a Claimant to make an application to enforce a judgment by way of a High Court Enforcement Officer ("HCEO"). Provided that the award is over £600 and no older than 6 years a Claimant need only complete the form along with a payment of £50 which is added to the amount owed. The HCEO is then able to pursue the judgment debt against the business and if necessary seize assets to cover the award outstanding. In addition businesses who fail to make payment of any award against them will be placed on a database that is run by Registry Trust which is accessible by any for a small fee. This is potentially embarrassing and may effect how other businesses or potential employees see the business. Richard Dunstan, social policy officer for Citizens Advice has commented;

"We warmly welcome this measure, which we hope will give the Employment Tribunal system the teeth it needs to ensure that rogue employers actually pay the awards made against them. All too often at present, a successful claim to the tribunal proves to be a hollow victory. That is unfair to the claimants, to the taxpayer, and to the great majority of employers who abide by the law."

At present the scheme only relates to Tribunal awards and not ACAS settlements however the scheme will be reviewed in 2 years and is likely to include ACAS settlements depending on its success.

Should you wish any further information concerning this article or any other employment matters

please contact Tim Carter by clicking on the button below.

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