Guide to Completing the Penalty Enforcement Form

## When to apply

1. You should complete this form if:
* The Employment Tribunal Judgment was given on or after 6 April 2016 and you have not received the Employment Tribunal award: or
* You agreed an Acas Conciliated settlement on, or after, 6 April 2016 which has not been paid.
1. For Tribunal awards, a complaint cannot be made until 42 days after the Tribunal judgment was made. This is to allow time for an appeal to be submitted against the judgment, if the employer disagrees with it.
2. For Acas Conciliated settlements (COT3), you can submit a complaint if payment has not been received by the date agreed as part of the settlement.

## Completing the form

1. The form can be completed on your computer or laptop or can be printed off and completed by hand.
2. If you are completing by hand, please use black ink and block capitals.
3. Please complete all sections. If we have all the information, we will be able to process your complaint more quickly.
4. **PART 1:** Please complete your contact details. We will use this information to contact you. If you include an e-mail address we will usually contact you by e-mail.
5. **PART 2:** The judgment reference can be found on the top of the judgment and is marked as **‘case number’**. If you are not sure, please provide us with the date of your hearing and the Tribunal Office where your case was heard. The Acas Conciliated settlement reference is the reference at the top of your COT3 settlement agreement.
6. It is important that we know how much the Tribunal awarded to you. Please put the EXACT amount in the box provided.
7. It is also important that we know of ANY payments made to you by the employer. Please provide us with the EXACT amount that has been paid to you in total by the employer since the judgment was made.
8. **PART 3:** This section asks you if you want to register your employer with the new BEIS naming scheme. This means that they may be added to a government list for naming online if they fail to pay your award.
9. Naming is only applicable to employment tribunal (ET1) claims to the value of £200 and above. If your claim is for an unpaid Acas conciliated settlement (COT3) naming does not apply.
10. Though employment tribunal judgments are publicly available through Gov.uk it is possible that the publication of the name of the employer and the amount awarded may make you more readily identifiable online.
11. **PART 4:** It is important that we know who has failed to pay the award due to you. The respondent details should be completed with the details of the employer who owes you money. These details MUST MATCH the name and contact details of the respondent named on your judgment or on the Acas Conciliated settlement.
12. **When you have completed the form, please e-mail it to us** at ETPenalties@beis.gov.uk or print it and send it to us at Department for Business, Energy and Industrial Strategy, ET Penalties Team, Spur 2, 1st Floor, 1 Victoria Street, LONDON SW1H 0ET – **along with** a copy of the Employment Tribunal judgment or Acas Conciliated Settlement (COT3).
13. If your form is not accurately completed, or copies of the documents are not supplied, it may delay the processing of your claim.

## What happens next

1. We will need to contact the employer and let them know that you have notified us that they have failed to pay the Employment Tribunal award or Acas conciliated settlement.
2. By submitting this form – **you are agreeing to the ET Penalties Team contacting the employer regarding the outstanding payment of the award.**
3. We will issue a Warning Notice to the employer to let them know that you have contacted us and that they may have to pay a financial penalty to the Government if the award is not paid within 28 days.
4. Most employers will be prompted to pay the award due, in order to avoid incurring a Government Penalty. If they pay the award, they will not be issued with a Penalty Notice.
5. If the employer does not pay the money that is owed to you, we may issue them with a Penalty Notice. The Penalty will be equal to half the award that is outstanding at the time the notice is issued, subject to a minimum of £100 and a maximum of £5,000. The Penalty will be payable to the Government, but they must still pay the award to you.
6. If the employer does not pay the money that you are owed, you can seek enforcement through the courts. Further information can be found here: [www.gov.uk/employment-tribunals/if-you-win-your-case](http://www.gov.uk/employment-tribunals/if-you-win-your-case)

PENALTY ENFORCEMENT FORM

Please read the attached guide for further information on how to complete this form. Items marked with an \* must be completed.

**1.**

**Your Details**

1.1Title\* [ ] Mr [ ]  Mrs [ ]  Miss [ ]  Ms Other (*please specify)*

1.2 Last Name\* Click here to enter text.

1.3 First Name\* Click here to enter text.

1.4 Address\* First line Click here to enter text.

 Second line Click here to enter text.

 Town Click here to enter text.

 County Click here to enter text.

 Post code Click here to enter text.

1.5 Telephone\* Click here to enter text.

1.6 Mobile *(If different)* Click here to enter text.

1.7 E-Mail Address Click here to enter text.

**Your Tribunal Award or Acas Conciliated Settlement Details**

**2.**

2.1 Do you have a Judgment or an agreement? a judgment [ ]  an Acas agreement [ ]

2.2 Judgment / agreement reference Click here to enter text.

2.3 Date of your judgment / agreement Click here to enter a date. Tribunal Office Click here for list

*Please use the drop down menus*

2.4 If this was an agreement, what was the agreed date for payment? Click here to enter a date.

2.5 The amount of your award/settlement £ Click here to enter text.

2.6 Were costs awarded? Yes [ ]  No [ ]  If yes, what was the amount? £Click here to enter text.

2.7 Has the respondent paid any of the award? [ ] Yes [ ] No If, ‘Yes’, how much have they paid? £Click here to enter text.

**BEIS has introduced a naming scheme for unpaid tribunal awards.**

**3.**

3.1 If the respondent fails to pay your award 42 days after your claim is verified with an enforcement officer, they can be placed onto a naming list. This means their name will be published next to the corresponding award they have failed to pay, alongside other respondents who have also not paid, in a press release on Gov.uk.

3.2 Respondents will be able to make representations to BEIS after they have been notified that they could be named. If they submit proof that they have paid your award within 14 days of receiving a naming notification letter, then they will not be named.

3.3 Do you agree for your employer to be named if your financial award remains unpaid? [ ] Yes [ ] No

\*Naming is only applicable to employment tribunal (ET1) claims to the value of £200 and above. If your claim is for an unpaid Acas conciliated settlement (COT3) naming does not apply, so please leave this question blank.

\*\* Though employment tribunal judgments are publicly available through Gov.uk it is possible that the publication of the name of the employer and the amount awarded may make you more readily identifiable online.

**Respondent Details** *– This is the employer or organisation who should have paid the award*

**4.**

***The respondent name and address details MUST be the same as they appear on your Tribunal judgment or COT3 settlement***

4.1 Respondent name Click here to enter text.

4.2 Respondent address First line Click here to enter text.

 Second line Click here to enter text.

 Town or City Click here to enter text.

 County Click here to enter text.

 Post Code Click here to enter text.

4.3 Telephone Click here to enter text.

4.4 E-Mail Address (*if known)* Click here to enter text.

4.5 What employment sector does the respondent operate in? Click here to enter text.