

SCHEDULE

ACAS ARBITRATION SCHEME

XIX. AWARDS

Form of the award: English/Welsh arbitrations

114EW. The award in an English/Welsh arbitration shall be in writing, signed by the arbitrator.

115EW. The award (unless it is an agreed award) shall:

- (i) identify the reason (or, if more than one, the principal reason) for the dismissal (or, in a redundancy case, the reason for which the employee was selected for dismissal);
- (ii) contain the main considerations which were taken into account in reaching the decision that the dismissal was fair or unfair;
- (iii) state the decision(s) of the arbitrator;
- (iv) state the remedy awarded, together with an explanation;
- (v) state the date when it was made.

116EW. If the award contains an order for the payment of money the award shall—

- (i) order the Employer to pay the Employee the amount of the award of compensation; and
- (ii) order the Employer to pay interest thereon in accordance with paragraph 186 of the Scheme.

Form of the award: Scottish arbitrations

117S. The award in a Scottish arbitration shall—

- (i) be in writing;
- (ii) state the date upon which it was made;
- (iii) specify the arbitrator's order;
- (iv) be signed by the arbitrator;
- (v) be signed by a witness to the arbitrator's signature; and
- (vi) specify the name and address of the witness.

118S. If the award contains an order for the payment of money the award shall—

- (i) ordain the Employer to pay to the Employee the amount of the award of compensation; and
- (ii) ordain the Employer to pay interest thereon in accordance with paragraph 186 of the Scheme.

119S. The arbitrator shall issue with his award (unless it is an agreed award) a Note, which shall—

- (i) identify the reason (or, if more than one, the principal reason) for the dismissal (or, in a redundancy case, the reason for which the employee was selected for dismissal);
- (ii) contain the main considerations which were taken into account in reaching the decision that the dismissal was fair or unfair;

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- (iii) state the decision(s) of the arbitrator;
- (iv) state the remedy awarded, together with an explanation;
- (v) state the date when the Note was issued; and
- (vi) be signed by the arbitrator.

Awards on different issues

120. The arbitrator may make more than one award at different times on different aspects of the matters to be determined.

121. The arbitrator may, in particular, make an award relating:

- (i) to an issue affecting the whole claim, or
- (ii) to a part only of the claim submitted to him or her for decision.

122. If the arbitrator does so, he or she shall specify in his or her award the issue, or the claim or part of a claim, which is the subject matter of the award.

Remedies

123. In the event that the arbitrator finds that the dismissal was unfair:

- (i) if the Employee expresses such a wish, the arbitrator may make, in an award, an order for reinstatement or re-engagement (in accordance with the provisions below); or
- (ii) if no such order for reinstatement or re-engagement is made, the arbitrator shall make an award of compensation (calculated in accordance with the provisions below) to be paid by the Employer to the Employee.

124. In cases where the arbitrator finds that the dismissal was unfair by reason of the operation of EC law, the arbitrator shall in an English/Welsh arbitration apply the relevant provisions of English law and shall in a Scottish arbitration apply the relevant provisions of Scots law with respect to remedies for unfair dismissal, in so far as these may differ from Parts XX and XXI of the Scheme.