

SCHEDULE

ACAS ARBITRATION SCHEME

XXI. AWARDS OF COMPENSATION

Internal appeal procedures

162. Where an award of compensation is to be made, and the arbitrator finds that:

- (i) the Employer provided a procedure for appealing against dismissal; and
- (ii) the Employee was, at the time of the dismissal or within a reasonable period afterwards, given written notice stating that the Employer provided the procedure and including details of it; but
- (iii) the Employee did not appeal against the dismissal under the procedure (otherwise than because the Employer prevented him or her from doing so),

the arbitrator shall reduce the compensatory amount included in an award of compensation by such amount (if any) as he or she considers just and equitable.

163. Where an award of compensation is to be made, and the arbitrator finds that:

- (i) the Employer provided a procedure for appealing against dismissal; but
- (ii) the Employer prevented the Employee from appealing against the dismissal under the procedure,

the award of compensation shall include a supplementary amount, being such amount (if any) as the arbitrator considers just and equitable.

164. In determining the amount of a reduction under paragraph 162 above or a supplementary amount under paragraph 163 above, the arbitrator shall have regard to all the circumstances of the case, including in particular the chances that an appeal under the procedure provided by the Employer would have been successful.

165. The amount of such a reduction or supplementary amount shall not exceed the amount of two weeks' pay (for the definition of "week's pay", see paragraph 143 above).