



Department
for Business
Innovation & Skills

PAYMENT OF TRIBUNAL AWARDS

2013 STUDY

IFF RESEARCH

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Chapter 1: Executive Summary

This report summarises the findings of a study of claimants who had been successful at Employment Tribunal and were awarded sum of money by the Tribunal. The survey covered award payment and reasons for non-payment, as well as the use of different enforcement routes available in England/Wales and Scotland. This report allows comparisons to be made with a similar study carried out in 2008 which covered England/Wales.

Context

This survey was completed prior to the changes to the employment tribunal process that came into effect on the 29th July 2013. Payment of the award is due once the judgment is given; at the time of the survey the situation was that if payment was not made within 42 days interest started to accrue. In England and Wales, should the employer default on payment the claimant could choose to pursue enforcement options at any point; in Scotland this generally needed to be after the 42 day period had passed¹.

In England and Wales, individuals can choose to pursue enforcement of their award through applying to their local county court for an enforcement order after which enforcement officers will seek to secure payment from the employer. In addition, since 2010, a Fast Track scheme was introduced which was specifically designed to speed up and simplify the process of enforcing employment tribunal awards and Acas settlements through the county courts. In Scotland, individuals wishing to enforce their tribunal award need to make an application to the tribunal office for an extract registered decree arbitral. This 'extract', which is issued by the administration, acts like a court order which a sheriff's officer can use to try to force the employer to pay. This is the only option available in Scotland.

This survey was completed with the aim of updating figures on the proportion of claimants receiving payment both before and after the use of enforcement from the 2008 survey. Throughout this report the term "claimant" is used to refer to these successful claimants. The survey was also designed to make it possible to compare the situation in England and Wales with that in Scotland. Claimants were asked questions about their award, and were not asked to distinguish between an award for their claim and any other cost orders that were made in their favour.

This survey consisted of 1,200 interviews conducted via telephone with claimants in England/Wales and Scotland. The survey population in England/Wales was broadly comparable to that in 2008 (Scotland was not covered in 2008). The overall response rate was 81%.

¹ From 29th July 2013 interest accrues from the date of judgment, but is not applied if the award is paid within the 14 day period following judgment.

Award payment

The majority of successful claims were brought against small employers (under 50 staff) in the private sector. Unpaid wages and breach of contract claims were the most common jurisdictions. The average (median) award value was £2,600.

Overall, around half (49%) of claimants had been paid in full, and a further 16% had been paid in part. This amounts to 64% of all claimants, and leaves 35% who had not received any money at all².

The proportion of claimants receiving full payment in England and Wales was slightly lower in 2013 than it was in 2008, however the proportion that had received part payment was larger than in 2008. As a consequence of this the overall proportion receiving any part of their payment had slightly increased overall.

Just over a half of claimants (53%) received full or part payment without having to resort to enforcement.

The lowest value awards (under £500) were most likely to be paid in full without requiring enforcement; however it was not the case that lower value awards were more likely to be paid overall.

Claimants who had received assistance from lawyers, unions or informal arrangements either before, during or after their initial hearing were more likely to receive payment without needing enforcement (58% compared to 53% overall).

The most common reason for non-payment were that the employer against whom the claim was made was now insolvent (37%); however over half of claimants giving this as the reason believed that the company they had worked for was now trading again under a different name or at a different location.

Seeking enforcement

Almost half of claimants who were not paid without taking action to enforce their award (46%) then pursued enforcement. In England/Wales this was the same proportion as in 2008. However, where claimants had opted to attempt enforcement action, they were more likely to use the Fast Track scheme than to access the county court direct. A third (34%) of claimants who weren't paid their award initially used the Fast Track scheme to pursue enforcement compared to 19% using county court directly (although there was some overlap in this figure with some saying they had taken both approaches).

The proportion of unpaid claimants pursuing enforcement in Scotland was far lower than in England and Wales: just 26% of those who were not paid without enforcement pursuing their claim through engaging a sheriff's officer (although more – 39% - had taken the initial step of applying to the Secretary of Tribunal for their certificate³).

Of those who pursue enforcement, around half are successful in receiving some or all of their payment.

² Figures do not add up to 100% due to rounding and a handful saying they did not know if they had received full or part payment.

³ Note that the changes to the tribunals system on 29th July 2013 mean that now claimants apply to the "Employment Tribunal" directly rather than via the "Secretary of Tribunal".

The main reason given for not using enforcement to pursue an award is lack of awareness. Overall, only 41% of claimants agreed that they were aware of the options open to them if their employer did not pay their award (falling to only 28% of those who did not use enforcement).

When comparing results for England/Wales with those from 2008, the overall number agreeing they knew the options available to them is not significantly higher in 2013, and the proportion saying they 'strongly agree' rather than simply 'agree' has actually decreased.

Overall 54% of claimants in England and Wales were aware of at least one of the enforcement options available – 38% were aware of Fast Track and 42% the county court. Awareness was higher in Scotland where 61% were aware that they could engage a sheriff's officer to enforce their award.

Other reasons for not using enforcement action were the perceived hassle it would involve, the expense (particularly if the award was lower than £500) and the perception that it would be too time consuming.

Conclusions

The key conclusions that can be drawn from this research are that:

- As was the case in 2008, there is an even chance that individuals who receive a monetary award at an employment tribunal will not receive payment of their award without the use of enforcement. This is perhaps a particular concern in light of the forthcoming changes to the Employment Tribunal process where individuals will need to pay an "issue fee" to file a case with the Employment Tribunal and a further "hearing fee" if the claim proceeds to a hearing.
- Compared to 2008, individuals were more likely to receive part payment in 2013 (although cases ending in part payment remain a minority of cases they were twice as common in 2013 than 2008). This increase in part payment comes partially from a small but significant reduction in non-payment, and partially from a slight non-significant reduction in full payment. This might reflect a higher proportion of claims being settled through the Redundancy Payments Office (since payments are capped). It may also reflect the impact of the recession which may have left more employers in a situation where they are unable to pay the full amount.
- The overall proportion of individuals who do not receive payment who then go on to use one of the official enforcement channels has remained at the same level as in 2008. There is therefore no evidence to suggest that the introduction of the Fast Track system in England and Wales has encouraged more people to access enforcement.
- Given there has been no overall difference in the use of enforcement, the Fast Track system has largely migrated individuals away from the route where individuals apply directly to the county court themselves.
- In England/Wales, the use of enforcement increases the proportion of individuals receiving full or part payment from 53% to 66%. This represents a slight increase in the impact of enforcement on payment than was the case in 2008 (when use of enforcement increased the proportion receiving at least part payment from 51% to 61%) but this is a very small change. The proportion receiving no payment remains high.
- The current methods of explaining enforcement options to claimants seems to have had limited impact on awareness of the options open to claimants if their employer does not

pay. There is clearly work to be done to communicate the options available more effectively.

- Levels of payment prior to the use of enforcement are lower in Scotland. A considerably larger proportion apply for their extract registered decree arbitral (issued by the administration to act like a court order) than go on to engage a sheriff's officer; expense and concerns about how effective it would be were cited as reasons for this but base sizes were too small for robust analysis of reasons.
- Where claimants gave the reason for non-payment as insolvency, half believed that the company was now trading again. This suggests that the issue of 'phoenix companies' is worth exploring in more detail as this phenomenon has the potential to damage the reputation of Employment Tribunals in the eyes of claimants/potential claimants.

Chapter 2: Background and Context

In 2008 IFF Research carried out a study on behalf of the Ministry of Justice exploring the extent to which individuals awarded a monetary payment at an Employment Tribunal go on to receive their award. This report, commissioned by the Department for Business, Innovation and Skills, summarises the findings of a follow up study, five years on, to explore the effect of changes introduced around award enforcement following the initial study. This 2013 study also includes findings from Scotland (whereas the 2008 research covered only England and Wales).

Context

This survey was completed prior to the changes to the employment tribunal process that came into effect on the 29th July 2013. At the time of the survey, the process was as follows:

- a judgment was made, either at a hearing or as a default judgment that did not require a hearing;
- the claimant was sent a letter outlining the judgment that had been made, and information covering what to do should the award not be paid;
- payment of the award was due once the judgment was given; if payment was not made within 42 days (14 days for discrimination cases) interest started to accrue;
- should the employer default on payment the claimant could choose to pursue enforcement options. In England and Wales this could occur at any point; in Scotland this generally needed to be after the 42 day period had passed⁴.

In England and Wales, individuals can choose to pursue enforcement of their award through applying to their local county court for an enforcement order after which enforcement officers will seek to secure payment from the employer. This process involves completing an application to the county court and there is a fee of £40 for the process. In 2010, a Fast Track scheme was introduced which was designed to speed up and simplify the process of enforcing an award. Under this scheme, a High Court Enforcement Officer will act on the claimant's behalf to file the claim with the county court, issue a writ and attempt to recover the money. The fee for using this service is slightly higher at £60 but it means that users do not then need to deal with the court themselves. To tackle issues of awareness around enforcement options identified in the 2008 study, individuals receiving an award at a tribunal are sent information with their written confirmation of the judgment stating what their options are should the employer decide not to pay.

In Scotland, individuals wishing to enforce their award need to make an application for an extract registered decree arbitral. This acts like a court order which a Sheriff's Officer can use to try to force the employer to pay. This is the only option available in Scotland.

One of the aims of the 2013 survey was to determine the impact that the Fast Track Enforcement Scheme and the leaflet on enforcement options have had. It considered both awareness levels of enforcement options and the number of people pursuing enforcement action in England and Wales. It also sought to update figures on payment and the process

⁴ As of 29 July 2013, in all GB nations the interest accrues from the date the judgment is received but is waived if the employer pays within 14 days.

more generally. The study was also designed to make it possible to compare the situation in England and Wales with that in Scotland.

The findings from this study sit in a context of ongoing change to the employment tribunal process. From 29th July 2013 it has been necessary to pay an “issue fee” to file a case with the Employment Tribunal and a further “hearing fee” if the claim proceeds to a hearing (unless you are eligible for a full or partial remission from the fee). The employment tribunal rules were also updated at the same time, following a review of the effectiveness of the system by Lord Justice Underhill, alongside changes to the charging of interest on awards, designed to encourage respondents to pay more promptly. And from April 2014, it will become necessary to contact Acas and consider using their free conciliation service to resolve a dispute before a claim will be allowed to proceed to an employment tribunal.

Method

The methodology was designed to replicate the approach for the 2008 survey as far as possible.

The sampling frame was supplied by Her Majesty’s Court and Tribunal Service (HMCTS) and consisted of 4,891 unique claimants in England, Wales and Scotland. All claimants had been successful at their Tribunal hearing or had received a default judgment, resulting in a monetary award, between 5 and 20 months prior to the date the sample was drawn (i.e. between September 2011 and November 2012) and represented the full population of claimants who had received an award within this period. The 2008 sample was similarly drawn from a 15 month period.

From this sampling frame, a sample of 2,493 claimants was drawn. Within England and Wales, the sample was drawn at random. Within Scotland a census approach was adopted where by all the available sample was selected.

All those in the starting sample were sent an introductory letter about the survey. This was to provide reassurances about discussing their experiences, which have the potential to be quite sensitive, and also provided them with the opportunity to opt out of the survey.

A total of 1,200 interviews were achieved from this sample between 13 May and 13 June 2013. 1,000 of these interviews were completed with claimants who went through the Tribunal system in England and Wales and the remaining 200 with claimants who went through the Tribunal system in Scotland. Interviews were conducted by telephone using Computer Assisted Telephone Interview (CATI) technology and lasted approximately 15 minutes on average.

Cognitive and pilot tests were conducted to inform questionnaire design.

At the request of claimants, two interviews were carried out over the phone in Polish and one in Spanish.

Overall a response rate of 81% was achieved; information on how this was calculated can be found in the technical appendix to this report.

To correct for slight variations in the response rate by jurisdiction, a non-response weight was applied at the analysis stage to ensure the spread of jurisdiction in the data analysed matched that of the population. In addition a weight was applied to correct for the over-sampling of Scottish records in the total number of interviews. The table below shows the impact of this weighting. It is reasonably common for individual cases to cover more than one jurisdiction and

hence the columns in this table sum to more than the total sample. A full description of the weighting calculations can be found in the technical appendix to this report.

Table 2.1: Impact of weighting by jurisdiction

	Total population	Interviews achieved	Weighted total
Jurisdiction			
Unfair dismissal	1,472	367	390
Wages claims	3,257	885	880
Breach of contract	2,191	648	596
Redundancy pay and consultation	1,233	391	336
Written statement	273	77	75
Other	496	87	131
Country			
England/Wales	4,446	1,000	1,097
Scotland	422	200	103

Data treatment

Responses to each question were compared and any differences tested for statistical significance. Throughout this report where difference are noted between sub-groups, they are statistically significant at the 95% level (unless otherwise stipulated).

As mentioned above, the majority of individuals had made claims in multiple jurisdictions. Consequently, all analysis by jurisdiction involved comparing individuals who had a claim within a specific jurisdiction with all other individuals (rather than comparing individual jurisdictions between each other).

About this report

The report is structured as follows:

Chapter 3: Profile of claimants

This chapter provides an overview of the claimant population, including their demographics, working status before and after making the claim, relationship with the respondent employer and their confidence in dealing with legal issues. Where possible the England and Wales population has been compared to that in 2008, at the time of the previous study.

Chapter 4: Nature of claims

This chapter builds on the context of the claimant profile by looking at the specific claims covered by the survey. This includes the nature of the respondent employer, jurisdiction, value of the claims and the details of the case such as the time it took and whether legal help was used. Where possible the England and Wales figures have been compared to those in 2008.

Chapter 5: Award payment and reason for non-payment

This key chapter covers whether the award has been paid in full or in part, and by whom. This is broken down by payment received before and after the effects of enforcement, allowing analysis of those who received their award without enforcement as well as payment at an overall level. It looks at factors that help predict which awards will and will not be paid. Chapter 5 also looks at timelines of payment, and where awards have not been received it looks at reasons for this.

Chapter 6: Seeking enforcement

This chapter looks at the proportion of claimants who sought enforcement, and which groups are most likely to have pursued payment through these routes. It examines which enforcement methods were used and why, a comparison of the success rates between these methods and how satisfied claimants were with the process and outcome of using them. The chapter also looks at claimants' awareness of the different enforcement options and reasons for not opting to use enforcement in instances where the award still is not paid.

Chapter 7: Conclusions

This chapter brings together the findings from the survey to make observations on the effectiveness of the changes to the enforcement processes and how these might be looked at in the future. It does this in the context of the recent and ongoing changes to the employment tribunal system, including the introduction of fees to bring a case.

Chapter 3: Profile of claimants

This chapter looks at the demographic profile of claimants who were successful at employment tribunal and were awarded a monetary sum. This provides important context to the findings in later chapters.

Significant differences in the profile of claimants between England/Wales and Scotland are indicated in the tables with an asterisk. Significant differences in the profile of England/Wales claimants surveyed in 2008 and the profile of England/Wales claimants surveyed in 2013 are highlighted in the text.

Age and gender

Over half of claimants (57%) were male and 43% were female. As in 2008 the largest number of claimants fell in the 30-44 years age band (33%). Twenty-one per cent were under the age of 30, 24% were aged 45-54, and the remaining 22% were aged 55 or over.

Table 3.1: Age and gender of claimants

	All (1,200)	England/ Wales (1,000)	Scotland (200)
Gender			
Male	57%	57%	58%
Female	43%	43%	42%
Age			
Under 30	21%	21%	21%
35-44	33%	32%	38%
45-54	24%	24%*	18%
55+	22%	22%	24%

* denotes figure for England/Wales significantly higher than for Scotland

Marital status, disability status and social grade

As in 2008, the majority of claimants were in a partnered relationship (63% married/civil partnership, cohabiting, or living with a partner). Eight per cent were widowed, separated or divorced and just over one quarter (28%) were single.

Nine per cent of claimants considered themselves to have a disability. In England and Wales, this represents a significant reduction from the situation in 2008 when 14% of claimants had a disability.

The social grade profile varied little from 2008 with 13% social grade AB, 36% social grade C1, 29% social grade C2 and a further 19% social grade DE. The profile of claimants was similar in

England/Wales and Scotland, although significantly fewer claimants in Scotland were in social grades A or B (7% vs. 14% England/Wales).

Table 3.2: Marital status, disability status and social grade of claimants

	All (1,200)	England/ Wales (1,000)	Scotland (200)
Marital status			
Married/ civil partner	47%	46%	52%
Single	28%	28%	29%
Cohabiting or living with a partner	16%	16%	12%
Separated/ divorced	7%	7%	5%
Widowed	1%	1%	1%
Disability			
Has a disability	9%	9%	8%
Does not have a disability	91%	91%	92%
Social grade			
AB	13%	14%*	7%
C1	36%	36%	37%
C2	29%	29%	31%
DE	19%	19%	22%

* denotes figure for England/Wales significantly higher than for Scotland

Ethnicity and first language

89% of claimants classified themselves as “White”, 4% as “Asian/Asian British” or “Black/Black British” and 1% as “mixed”. This is a similar profile to 2008.

The majority (91%) of claimants spoke English as their first language. Two per cent spoke Polish and the remaining languages reported each accounted for less than 1% of all claimants.

Table 3.3: Ethnicity and first language of claimants

	All (1,200)	England/ Wales (1,000)	Scotland (200)
Ethnicity			
White	89%	89%	95%*
Mixed	1%	2%	0%
Asian/Asian British	4%	5%*	2%
Black/Black British	4%	4%	2%
Chinese	<1%	<1%	1%
Other	<1%	<1%	0%
Language			
English	91%	91%	88%
Polish	2%	1%	4%*
Other	8%	8%	8%

* denotes figure for significantly higher

Income

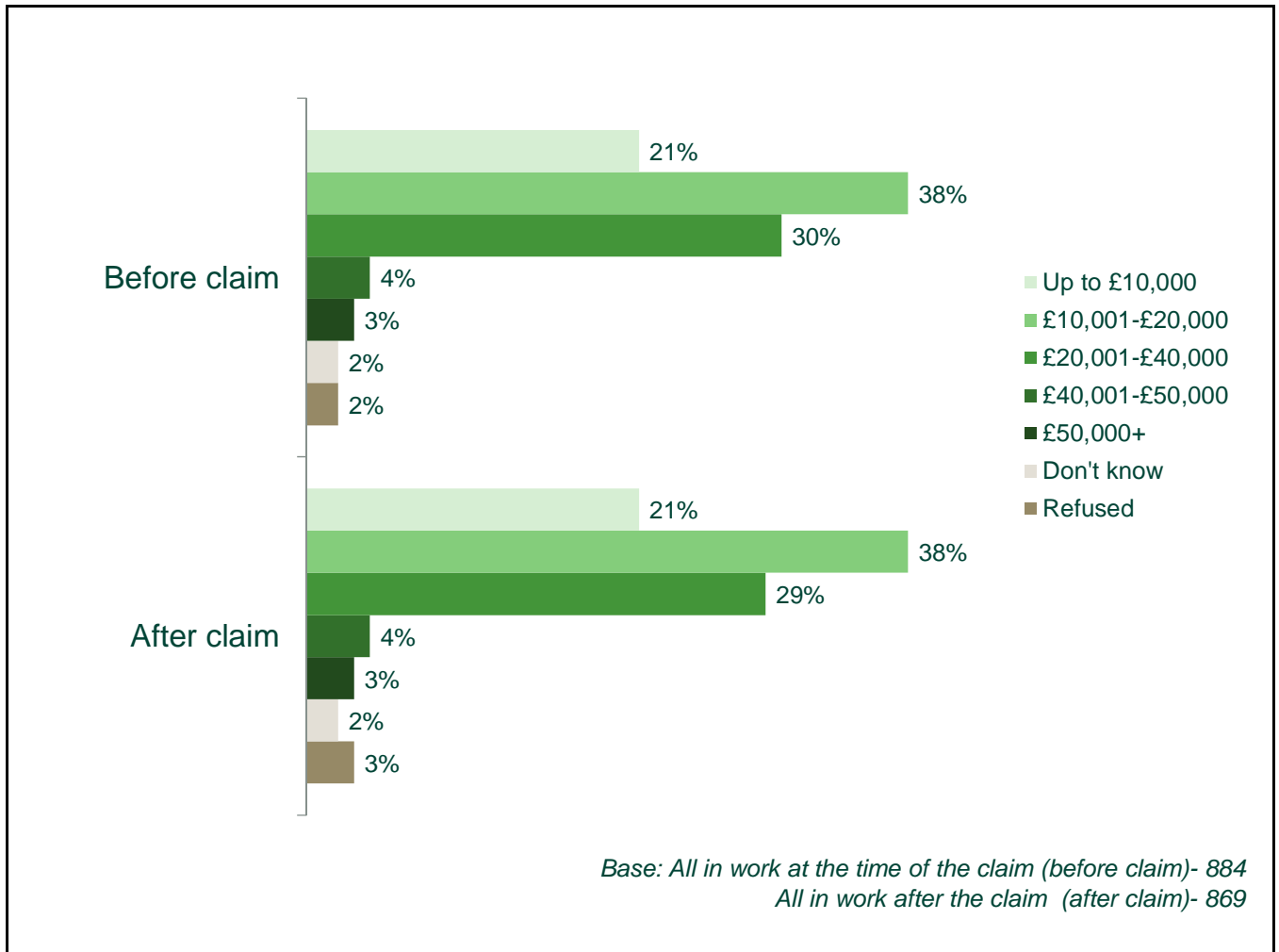
At the time of the interview 72% of claimants were in employment (and the proportion in work at the time of their claim was similar at 74%). Before filing with the Tribunal 16% were earning up to £10,000, 29% between £10,001 and £20,000, 25% were earning £20,001 to £40,000 and 5% over £40,000.

There was some difference in income across England/Wales and Scotland claimants, most marked in income patterns after the claim:

- Before making their claim, those in England/Wales were more likely to be earning over £50,000 (4% vs. 1% in Scotland). Four per cent of claimants in England/Wales were earning between £40,001 and £50,000 while no claimants in Scotland fell into this category; and
- After the claim the difference between those earning £40,001 and £50,000 in England/Wales and Scotland remained significant (4% England/Wales vs. 1% Scotland) and those claiming in England/Wales were much more likely to be earning between £20,001 and £40,000 (30% vs. 22% in Scotland).

As in 2008, claimant income after the claim followed a similar pattern, but it is important to note that the overall personal salary across all claimants decreased as the number in employment decreased (74% to 72% overall).

Figure 3.1: Personal Income before and after claim



Looking on an individual basis just over half of claimants (58%) who had been in work prior to their claim and were working at the time of the interview were earning at a similar level to that which they were before the Employment Tribunal (i.e. their income falls into the same broad salary band). Whilst a fifth (18%) of these claimants were earning more at the time of the interview than they were at the time of their claim, a further fifth were earning less (18%). (The remainder did not answer one or both questions).

Of those who had been in full-time work prior to filing a claim, 66% were in full-time work at the time of the survey, and a further 12% in part-time work; 13% were unemployed (around half of these were on benefits and half not), 3% had moved into self-employment and the remaining 6% were not working or looking for work (e.g. retired, in education, looking after the home). Those who had been in part-time work prior to filing their claim were less likely to still be in work, with 47% in part-time and 22% in full-time work; 17% were unemployed, 2% self-employed and 12% not working or looking for work.

Role and working status

The majority of claimants were working full-time (58%) or part-time (16%) before filing their claim. (The remainder were not in work).

The occupational profile of claimants in England/Wales and Scotland was very similar.

Table 3.4: Role and working status of claimants

	All (1,200)	England/ Wales (1,000)	Scotland (200)
Role			
Manager or senior officials	15%	15%	15%
Professional	7%	7%	4%
Associate professional or technical	11%	11%	10%
Administrative or secretarial	12%	12%	11%
Skilled trades	19%	19%	23%
Personal service	8%	8%	5%
Sales and customer service	7%	8%	6%
Process, plant and machine operatives	8%	7%	10%
Elementary	14%	14%	17%
Working status			
Full-time	58%	58%	57%
Part-time	16%	17%	14%
Unemployed	21%	21%	23%

Length of tenure and working relationship

Almost one third of claimants had worked for the company they filed against for less than 1 year (31%). Thirty-six per cent had worked for their employer for 1-5 years, 17% for more than five year but less than 10 years and 16% for over 10 years.

The majority (86%) of claimants were not working for the employer against whom they made their claim at the time of filing their claim (but had worked for them previously) while 13% were working for the employer at the time of their claim and 1% had never worked for the employer at all.

There were no significant differences in the profile of claimants in England/Wales and Scotland in terms of either length of tenure or whether they were working for the employer at the time when the claim was filed or not.

Table 3.5: Length of tenure and working relationship

	All	England/ Wales	Scotland
	(1,200)	(1,000)	(200)
Length of tenure before claim			
Less than 1 year	31%	31%	26%
More than 1 year but less than 2 years	15%	15%	20%
More than 2 years but less than 3 years	8%	8%	6%
More than 3 years but less than 4 years	6%	6%	7%
More than 4 years but less than 5 years	6%	7%	4%
More than 5 years, less than 10 years	17%	17%	22%
10+ years	16%	17%	15%
Whether working for employer at time of claim			
Yes	13%	12%	15%
No –But had worked for previously	86%	86%	85%
No- Had never worked for employer	1%	1%	0%

Experience and confidence with legal issues before the claim

Claimants were asked how confident they felt they were before making their claim in dealing with legal issues and, as in 2008, half of claimants (50%) stated that they were either very confident or fairly confident. In line with 2008 again, 39% stated they were either not confident or not confident at all, the latter accounting for 14%.

Those claiming against the smallest companies (1-9 employees) and the largest companies (250+ employees) were the most likely to lack confidence in dealing with legal issues (43% and 45% vs. 31% of those claiming against companies with 50-249 employees).

Consistent with results in 2008, men were more likely to be confident in dealing with legal issues (55% vs. 42%) as were older claimants; 57% of those aged 55+ and 49% of those aged 30-54 were either very or fairly confident while only 43% of those under the age of 30 indicated a degree of confidence.

Consistent with results in 2008, only 7% of claimants had made a claim/appeal prior to their current Employment Tribunal case and those with a disability were significantly more likely to have done so (13%). Those with the smallest claims (under £500) were also more likely to have claimed previously (11%).

Summary

Generally the profile of claimants was fairly consistent with 2008 and across England/Wales and Scotland and hence differences between years and between England/Wales and Scotland are unlikely to be the result simply of differences in the profile of claimants.

Chapter 4: Nature of claims

While the previous chapter compared the demographic profile of claimants between England/Wales and Scotland and, for claimants in England/Wales between 2008 and 2013, this chapter makes similar comparisons regarding the nature of the claims themselves (in terms of the employers against which the claims were brought and the jurisdiction of the claim). Again this is important context to the findings in later chapters. This chapter also covers the length of time taken for claimants to receive written confirmation of their judgment and also the use of representation.

As with the previous chapter, significant differences between England/Wales and Scotland are indicated in the tables with an asterisk and differences in the profile of claimants in England/Wales between 2008 and 2013 are highlighted in the text.

Employers involved in claims

The majority of employers involved in the claims filed were small employers; 33% of claimants filed their cases against micro employers with up to nine staff, and a further 35% against small employers with between ten and 49 staff. One in ten claimants (11%) filed their case against medium-sized employers with 50 to 249 staff, and the same proportion against large employers with over 250 staff. Employers in Scotland were on average slightly smaller than in England/Wales; in particular claimants with cases against large (250+) employers accounted for a small proportion of the claimant population in Scotland (6% compared with 11%). Around a tenth of claimants (11%) overall did not know how many staff the respondent employer had.

In comparison with the 2008 study, the employers involved in claims in England/Wales were slightly more likely to be small employers with 10-49 staff (35% compared with 30%), and less likely to be large employers with 250+ staff (15% compared with 11%). There was no difference in the proportions of micro or medium sized employers.

Table 4.1: Size of employers involved in claims

	Total	Scotland	England/Wales 2013	England/Wales 2008
<i>Base (unweighted):</i>	<i>(1,200)</i>	<i>(200)</i>	<i>(1,000)</i>	<i>(1,002)</i>
Micro (1 to 9)	33%	36%	32%	32%
Small (10-49)	35%	37%	35%	30%*
Medium (50-249)	11%	9%	11%	11%
Large (250+)	11%	6%	11%	15%*

The vast majority of employers (93%) were operating in the private sector. One in twenty (4%) were public sector organisations, and 2% were charity or not-for-profit organisations. There were no significant differences between England/Wales and Scotland.

The proportion of private sector employers in England/Wales was somewhat higher than that seen in 2008 (93% compared with 84%), while the proportion operating in the public sector was correspondingly lower (4% compared with 12%).

Jurisdiction

The jurisdiction of the claim was taken from the tribunal records supplied by HMCTS of those who had been successful at tribunal. The majority of claimants had claims covering multiple jurisdictions. Figure 4.1 shows the proportion of claimants who had an element of each jurisdiction in their claim.

Wages claims were the most common type of claim overall (73%) among the sample of successful claims. Around half of claims contained an element of breach of contract (50%) and a third contained an element of unfair dismissal (33%). There was minimal variation between claims in England/Wales and those in Scotland.

The profile of jurisdictions in England/Wales differed somewhat from that seen in the 2008 study. In particular, successful claims relating to redundancy were twice as common in 2013 (28% compared with 12%). There were also significantly more claimants in 2013 with an element of wages claims (73% vs. 42%), or breach of contract (49% vs. 39%). By contrast, claimants in 2008 were more likely to have an element of unfair dismissal (50% vs. 33%); this may reflect changes to the law in April 2012, by which unfair dismissal can only be claimed after two years of service.

Table 4.2: Jurisdiction (after weighting)

	Total	Scotland	England/ Wales 2013	England/ Wales 2008
<i>Base (unweighted):</i>	<i>(1,200)</i>	<i>(200)</i>	<i>(1,000)</i>	<i>(1,002)</i>
Wages claims	73%	77%	73%	42%
Breach of contract	50%	56%	49%	39%
Unfair dismissal	33%	27%	33%	50%
Redundancy pay/consultation	28%	31%	28%	12%
Written statement	6%	8%	6%	n/a
Disability	2%	1%	2%	4%
Sex discrimination / equal pay	2%	1%	2%	6%
Working time directive	2%	2%	2%	24%
Race	1%	1%	1%	2%
National minimum wage	1%	1%	1%	n/a
Pay and rights	1%	1%	1%	n/a
Other	2%	2%	2%	n/a

There were some variations in the characteristics of claimants under different jurisdictions. Those claiming for unfair dismissal were more likely than other types of claimant to have worked for large employers with 250+ staff (20% compared with 6% of other claimants), and to

have worked in the public or third sector (9% compared with 4%). These claimants were also older than the average (27% aged over 55, compared with 20% of other claimants), and had typically worked for the employer for longer (21% for more than ten years, compared with 14% among other claimants).

By contrast, wages claims were more likely to be directed at small employers with up to 9 staff (37% compared with 21% of cases that did not involve wages claims, and at employers in the private sector (95% compared with 88%). Those making wages claims were likely to be younger (25% aged under 30, compared with 10% of other claimants). Two-fifths (40%) of those making wages claims had worked for the employer for a year or less.

Those claiming for breach of contract were more likely to have worked for small employers (39% compared with 27%), and to be older (26% aged over 55 compared with 19% of other claimants). They were also more likely to be from a white background (90% compared with 86%) and to have English as their first language (93% vs. 88%).

Those claiming for redundancy pay or consultation were more likely to have worked for small employers (51% compared with 26%), and to be aged over 55 (33% compared with 18%). In line with their age, they were more likely to have worked for their employer for over 10 years (33% vs 10%). Again, they were more likely to be white (94% vs. 86%) and speak first-language English (95% vs. 89%).

Award value

Claimants were asked for the total value of their award (across all applicable jurisdictions). Responses given had a median value of £2,600. This is a slight decrease from the median values recorded in 2008 (£3,000), and might reflect the slight differences in the balance of jurisdictions across the claimant profiles. As shown in Table 4.3 below, the ranges of responses given by claimants in England/Wales and in Scotland were similar, although the median value in Scotland (£2,471) was slightly lower than in England/Wales (£2,600).

Table 4.3: Award value by country

	Total	Scotland	England/ Wales 2013	England/ Wales 2008
Base (unweighted):	(1,200)	(200)	(1,000)	(1,002)
£1 to £499	11%	11%	11%	11%
£500 to £1,999	31%	37%	30%	27%
£2,000 to £4,999	23%	20%	24%	22%
£5,000 to £9,999	19%	19%	19%	16%
£10,000 to £49,999	14%	13%	15%	19%*
£50,000 +	1%		1%	2%
Median	<i>£2,600</i>	<i>£2,471</i>	<i>£2,600</i>	<i>£3,000</i>
Don't know/refused	1%	1%	1%	3%*

Claims involving unfair dismissal received the highest value awards on average and wages claims received the lowest. 59% of claims with an element of unfair dismissal were awarded over £5,000, compared with 46% of redundancy claims, two-fifths of claims involving breach of contract (40%) or written statements (39%), and just 29% of wages claims.

Claimants' seniority, tenure and age all had an effect on the value of the award. Those more likely to receive higher award values (£5,000 or more) included:

- Those working at management, professional or associate professional level (49%);
- Claimants with a longer tenure (54% over five years);
- Older claimants (50% of over 55s and 41% of 45-54s);
- Male claimants (38% compared with 29% of female claimants).

All of these factors are related to claimant income, which naturally has an impact on award value in some jurisdictions such as wages claims and redundancy.

Additionally, claims against larger employers with 250+ staff were more likely to receive larger awards (53%), although there was no significant difference by employer sector.

There were no variations by ethnicity or first language.

Length of time for confirmation

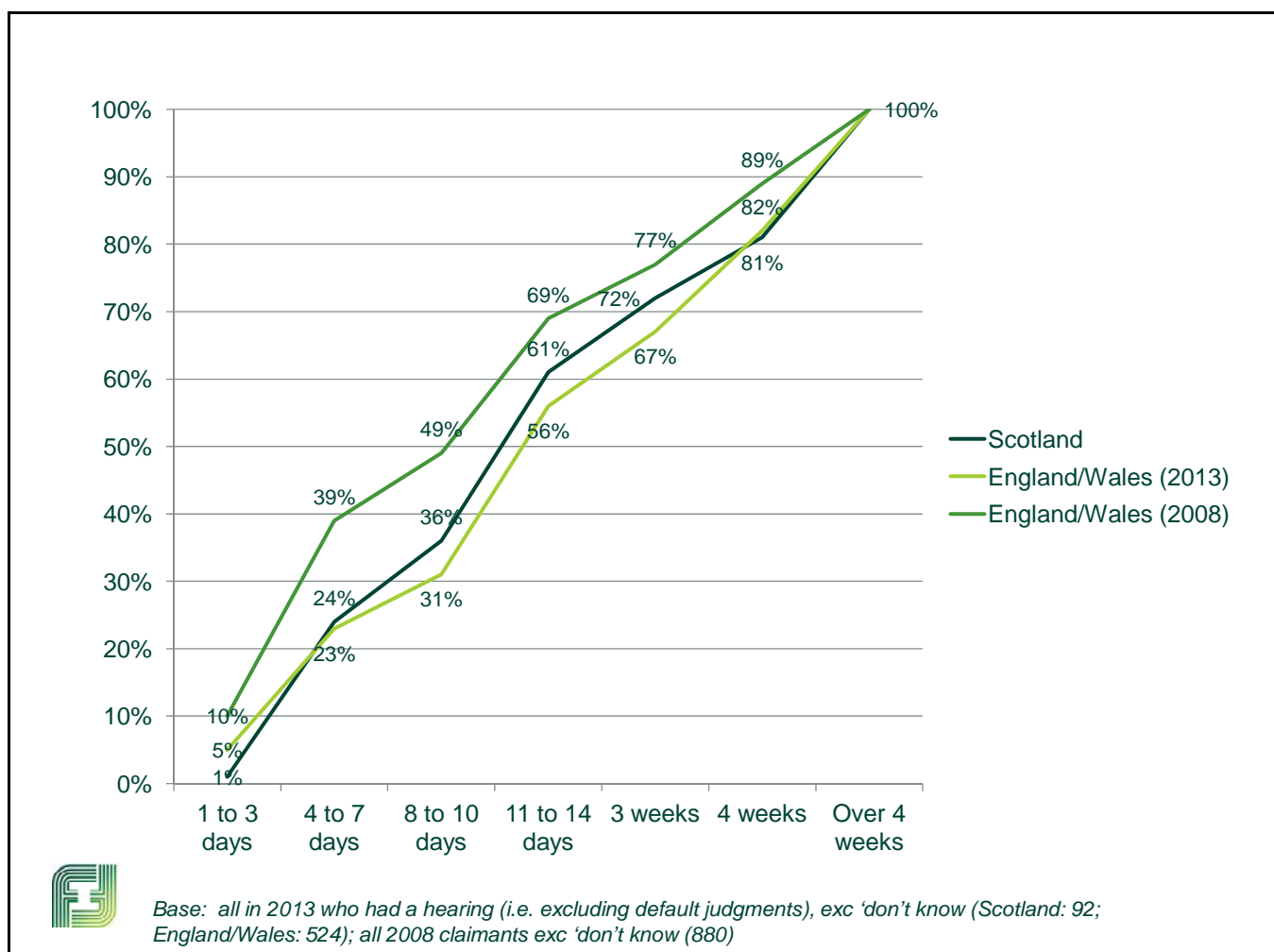
In the majority of cases (57% overall), claimants received written confirmation of their award within two weeks from the date of the final hearing.

The proportion receiving confirmation within two weeks appears slightly lower than in the 2008 study (56% in England/Wales compared with 69% in 2008), although the results are not directly comparable since, in 2013, claimants who received a judgment in default were excluded from this question.

By the four-week mark, 82% (83% in England/Wales and 82% in Scotland) had received written confirmation. This is close to the target set out in the Charter Statement (specifying that 85% of judgments should be issued within four weeks), although slightly lower.

Eleven per cent of claimants could not recall how long it took for their written confirmation to arrive; these have been excluded from the percentages shown in Figure 4.2.

Figure 4.1: Time taken for written confirmation of judgment to arrive



As seen in the 2008 study, claimants with lower value awards tended to receive their confirmation more quickly. In England/Wales, a quarter (25%) of claimants with awards of over £5,000 waited for over four weeks, compared with only 12% of those with awards under £5,000. In Scotland, there was little difference in the proportion waiting more than four weeks, but a third (33%) of those with larger awards reported that it took between three and four weeks for the confirmation to arrive, compared with only 10% of those with smaller value awards.

Legal assistance and advice

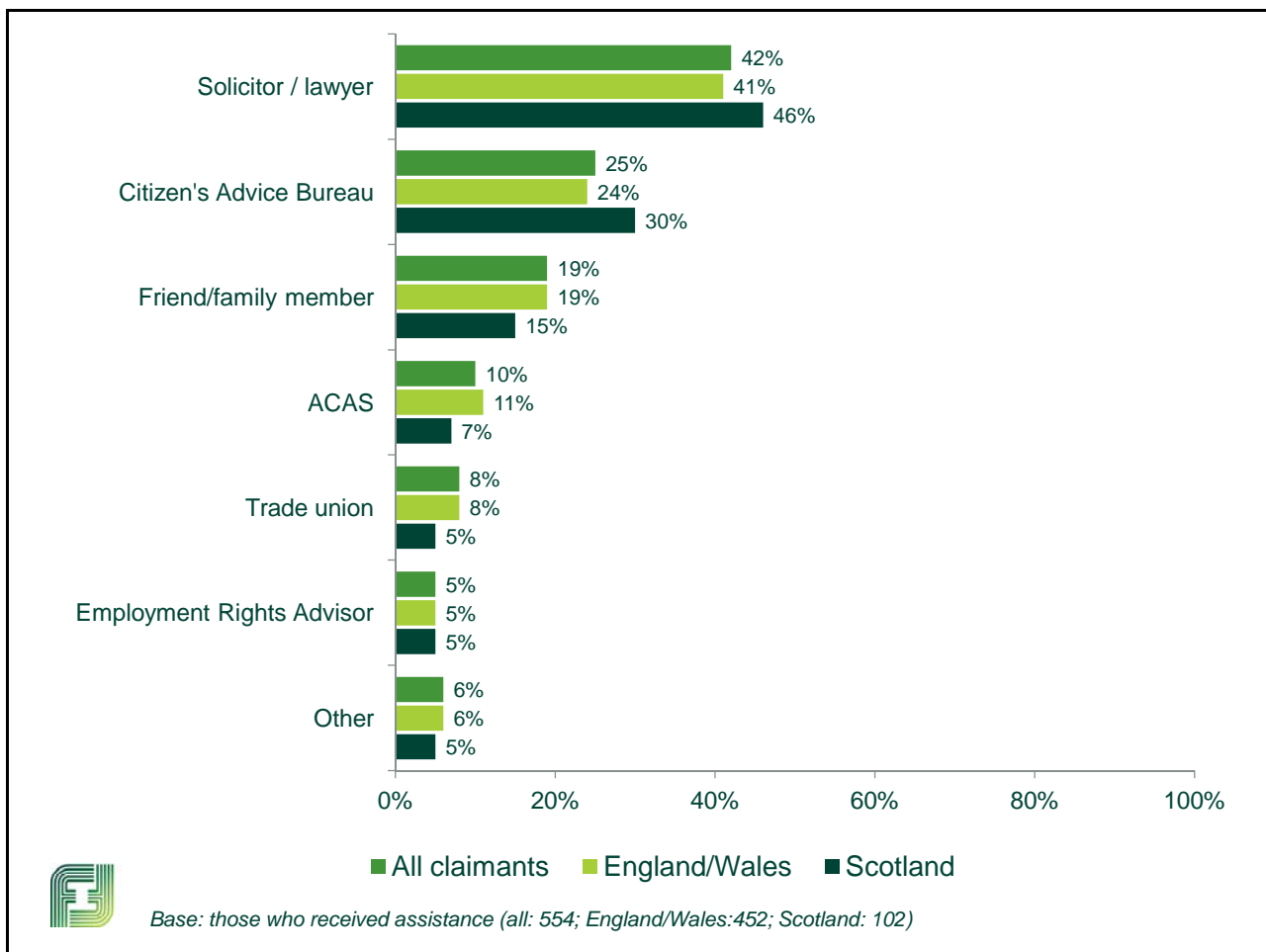
Almost half (47%) of claimants received help to prepare their case or to speak during the hearing, with no significant difference between England/Wales (46%) and Scotland (52%).

Claimants were particularly likely to seek assistance in cases of unfair dismissal (67%) and those involving written statements (71%). By contrast, only 46% sought assistance in cases involving breach of contract, 43% for wages claims and 41% in cases involving redundancy. Claimants were more likely to have received assistance in cases that involved higher value awards: 57% of claimants that were awarded over £5,000 sought advice, compared with only 41% of those with awards under £5,000. This might indicate that claimants are more likely to seek assistance in cases with the potential for higher value awards, but it also might suggest that the assistance received can have an impact on the award value.

Those whose claims related to larger employers were more likely to seek assistance (59% for claims involving 250+ employers, compared with 43% for claims involving the smallest employers). Older claimants were also more likely to seek assistance (52% of claimants aged over 55, compared with only 40% of those aged under 30).

Claimants who received assistance were most likely to have consulted a solicitor or other legal professional (42%). A quarter (25%) had received assistance from the Citizen's Advice Bureau, and a fifth (19%) from friends or family members. There was no significant variation between claimants in England/Wales and those in Scotland as is shown in Figure 4.3 below.

Figure 4.2: Sources of assistance to prepare for or speak at the hearing



The question was intended to cover less formal sources of advice and assistance as well as formal legal representation. As such, there is a difference of emphasis from the question used in the 2008 study, which focussed more specifically on legal representation, and the results from the two studies cannot be directly compared.

Claimants whose case included an element of unfair dismissal were significantly more likely to have received assistance from solicitors (57% compared with 28% among other claimants), whereas those bringing wages claims were more likely to have used the Citizen's Advice Bureau (30% compared with 14%), and ACAS (12% compared with 6%). There were otherwise few differences according to the jurisdiction of the claim.

The size of the employer involved in the claim also had an impact on the source of advice or assistance claimants used. Among those who received assistance, 60% used a solicitor in relation to claims against employers with 250+ staff, compared with only 34% with claims against the smallest companies. Cases involving larger award values were also more likely to involve professional assistance; 57% of claimants who were awarded over £5,000 (and received assistance) used a solicitor, compared with 30% among those receiving under £5,000.

Chapter 5: Award payment and reasons for non-payment

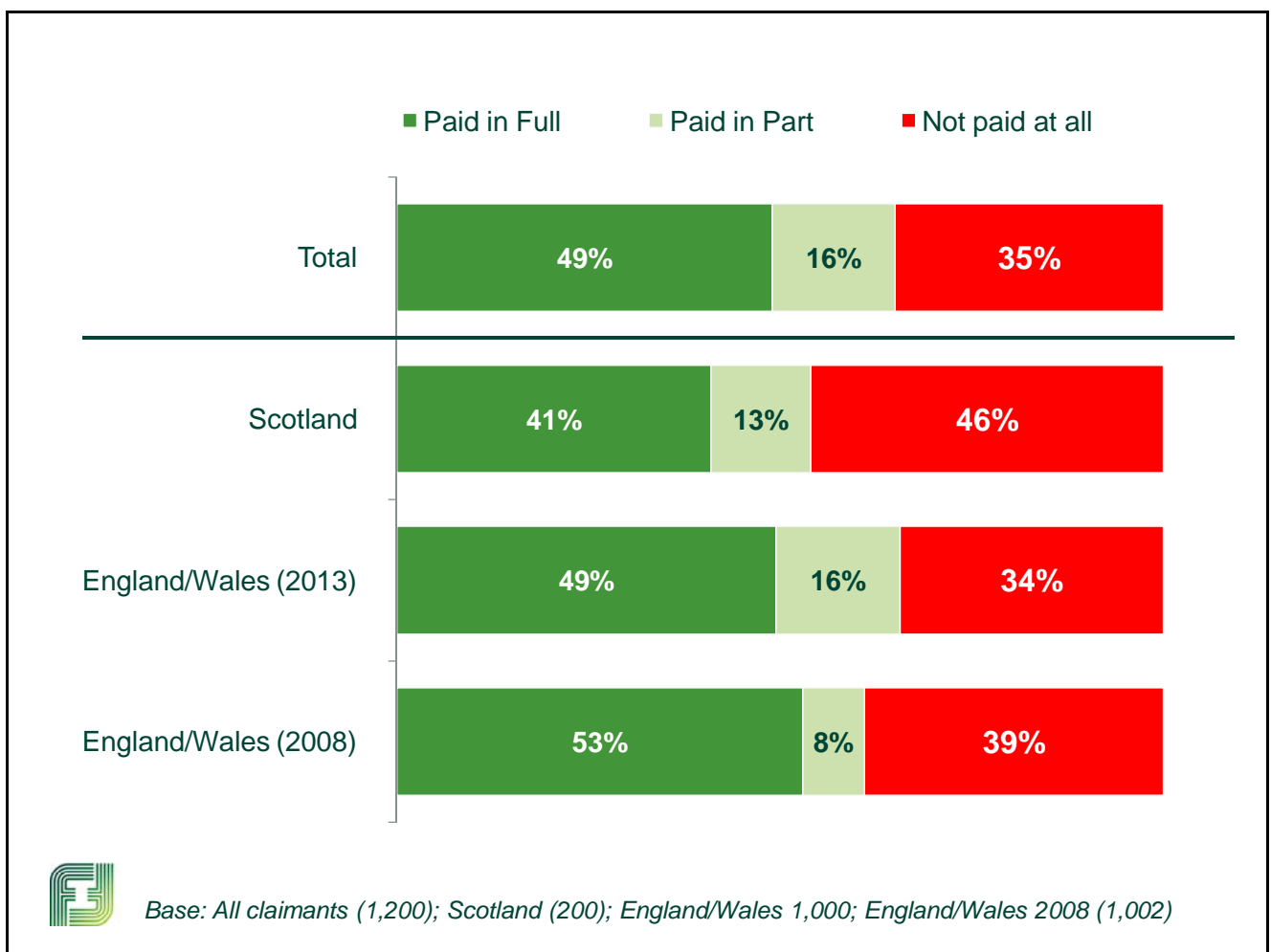
This chapter explores whether claimants received full or part-payment of their award (both before and after taking account of the outcomes of enforcement action). It looks at how this varies by different sub-groups relating to nature of the claim. Later sections of the chapter look at the timelines for receiving payment and perceived reasons for non-payment.

Payment outcome overall

Overall, half of respondents (49%) had been paid their award in full at the time of the interview, and a further 16% had been partially paid. Claimants in Scotland were less likely to report that they had been paid in full (41% compared with 49% in England/Wales).

Comparing the results in England and Wales with those from 2008, there has been a slight although significant increase in the proportion of claimants receiving at least partial payment of their award (from 61% to 66%). However, the proportion receiving full payment has reduced slightly while the proportion receiving partial payment has doubled, from 8% in 2008 to 16% in 2013.

Figure 5.1: overall payment outcome – by country and year



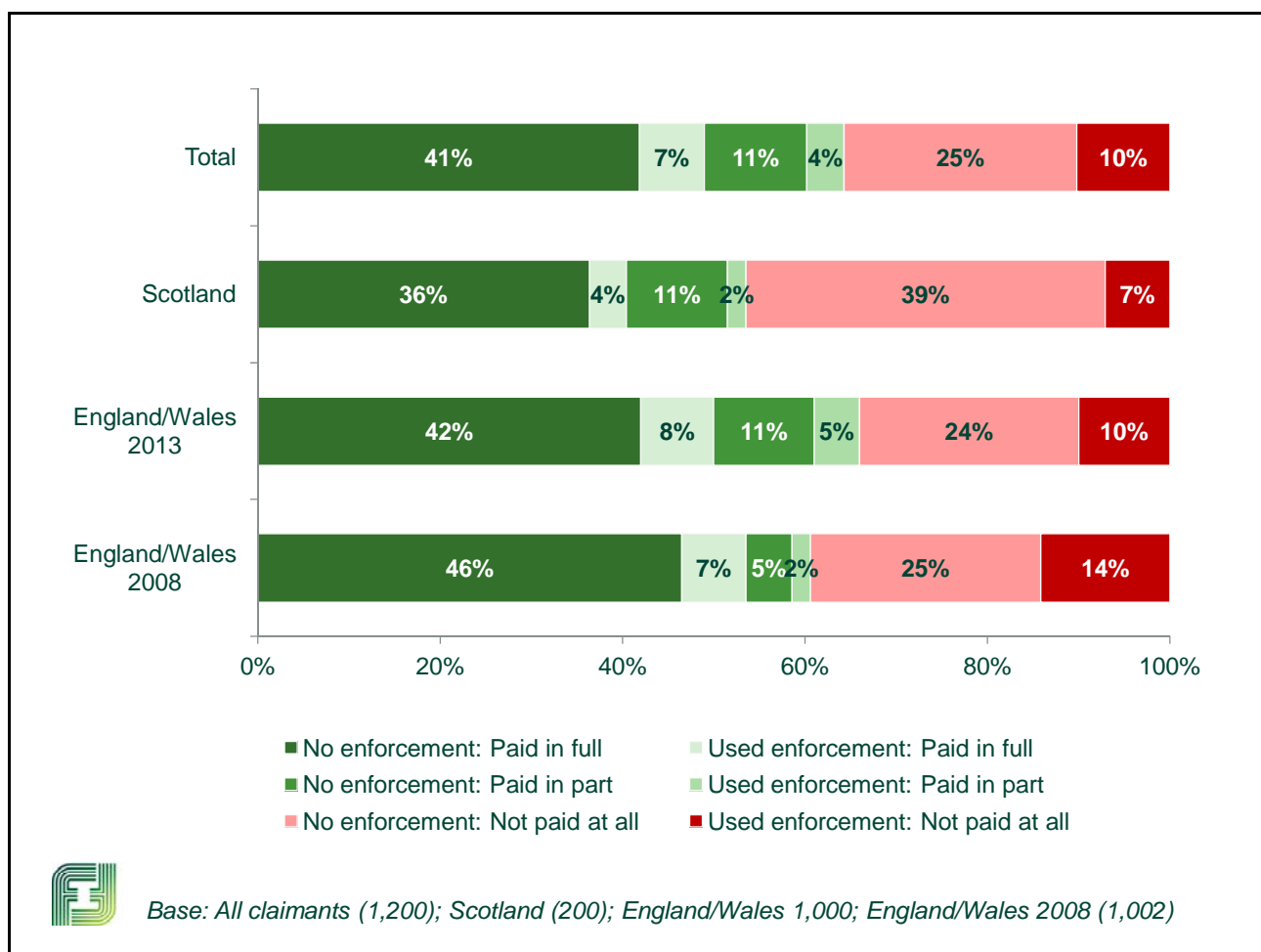
The figures shown above include payments that were secured through the use of enforcement channels (the Fast Track scheme or county court route in England and the Sheriff Officer route in Scotland). As shown in Figure 5.2, half (53%) of claimants overall (and the same proportion in England/Wales) received full or partial payment without resorting to enforcement, while in Scotland, only 48% received any payment without enforcement.

A further 12% overall, and the same proportion in England and Wales, were able to secure full or partial payment by using an enforcement route, while in Scotland, a further 6% secured payment by using enforcement.

The difference in the proportions receiving payment of their award between England/Wales and Scotland are evident prior to the use of enforcement but become more marked once the effects of enforcement are taken into account.

Similarly there is a slight (although not significant) difference in the proportions receiving payment in England/Wales between 2008 and 2013 prior to taking into account the impact of enforcement. However, the proportion securing payment through enforcement is greater in 2013 than in 2008.

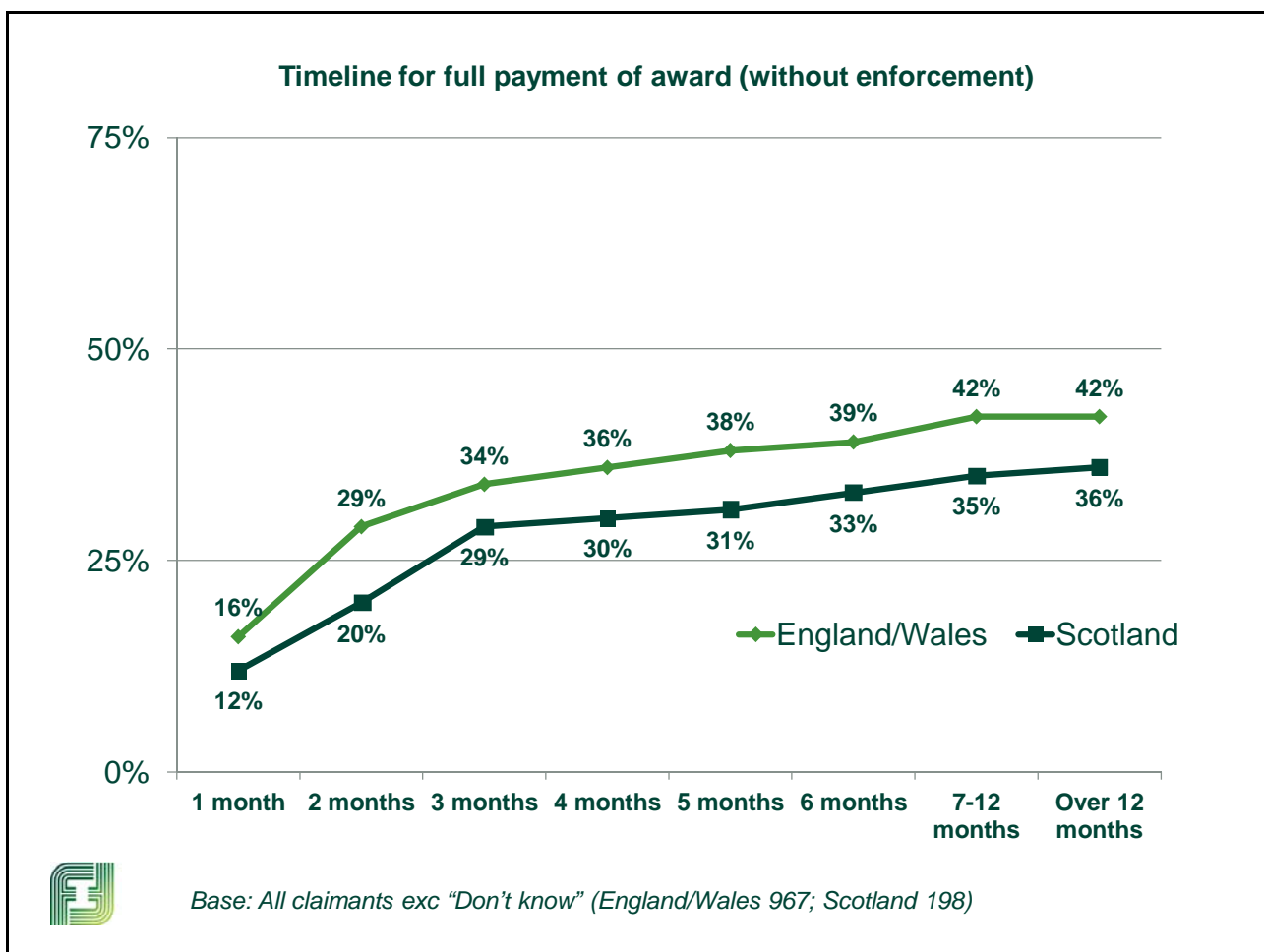
Figure 5.2: payment outcome and enforcement – by country and year



Payment outcome by time elapsed from judgment

Figure 5.3 shows the percentage of claimants that had received full payment (without using enforcement) by the number of months elapsed since the judgment. This shows that the majority of those who receive full payment receive it within the 3 months after the judgment. After this point the proportion receiving payment increases by only a few percentage points per month. No claimants in England/Wales, and just 1% in Scotland, were paid their award without using enforcement after more than 12 months had elapsed. The pattern of payment over time was very similar in England/Wales and Scotland (albeit that the proportion receiving full payment was lower in Scotland).

Figure 5.3: Payment timeline – by country



Payment outcome by jurisdiction

Claims with an element of redundancy pay or consultation were most likely to be paid (in full or in part) without enforcement (69%), although it is worth noting that two-thirds of such claims (65%) were paid by government sources (e.g. the Redundancy Payments Office / Insolvency Service) and not by the employer. As a result, redundancy claims were also most likely to be paid in part without enforcement (22%), since government payments via the Insolvency Service are capped at maximum amounts.

Claims relating to unfair dismissal were most likely to be fully paid without requiring the use of enforcement (49% compared with 37% of other claims); a further 11% were partially paid without enforcement. Overall, three-fifths (61%) of unfair dismissal claims were at least partly paid without enforcement, compared with 49% of other claims).

By contrast, only 32% of wages claims were paid in full without enforcement. Once partial payments are included this rises to 44% of such claims receiving any payment without enforcement; compared with 75% among cases that did not involve an element of wages claims).

The least likely jurisdiction to result in payment without enforcement was claims relating to written statements⁵; only 30% of such claims were paid at all without enforcement, and only 23% were paid in full without enforcement. However, claims in this jurisdiction were the most likely to have received any payment *after* enforcement (23% compared with 11% of other claims).

Table 5.4 Payment outcome by jurisdiction

	Total	Unfair dismissal	Redundancy	Breach of contract	Wages claims	Written statement
<i>Base (unweighted):</i>	(1,200)	(367)	(391)	(648)	(885)	(77)
No enforcement: paid in full	41%	49%*	46%*	36%*	32%*	23%
Used enforcement: paid in full	7%	8%	4%*	7%	7%	16%*
No enforcement: paid in part	11%	11%	22%*	16%*	12%	6%
Used enforcement: paid in part	4%	4%	7%	6%*	5%	7%
No enforcement: not paid at all	25%	19%	15%*	24%	31%	33%
Used enforcement: not paid at all	10%	8%	5%*	11%	13%*	14%
<i>Any payment without enforcement</i>	53%	61%	69%	52%	44%	30%*
<i>Any payment after enforcement</i>	12%	12%*	11%	13%	12%*	23%*
<i>Any payment overall</i>	64%	73%	80%	65%	56%	52%

⁵ Small base, the result needs to be treated with caution

Payment outcome by value of award

Table 5.2 shows the variation in payment levels by size of award. As the table shows, the lowest value awards (under £500) were the most likely to have been paid in full without requiring enforcement (55%, compared with around two-fifths of other award values). This is in line with the pattern identified in the 2008 study.

It was not the case, however, that lower value awards were more likely to be paid at all (i.e. either fully or partly). In fact, 58% of awards over £5,000 were at least partly paid without enforcement, compared with only half (50%) of awards under £5,000. This difference is largely driven by partial payment; 17% of awards over £5,000 had been partially paid without enforcement, compared with only 8% of awards under £5,000, while the proportion that had been fully paid was the same in both cases.

This finding is a variation from the 2008 survey, which found the opposite trend, and reflects the increase in redundancy claims since the previous study. Such claims were typically paid by the government rather than the employer (and often partially paid due to capped payment rates).

Table 5.2: Payment outcome by size of award

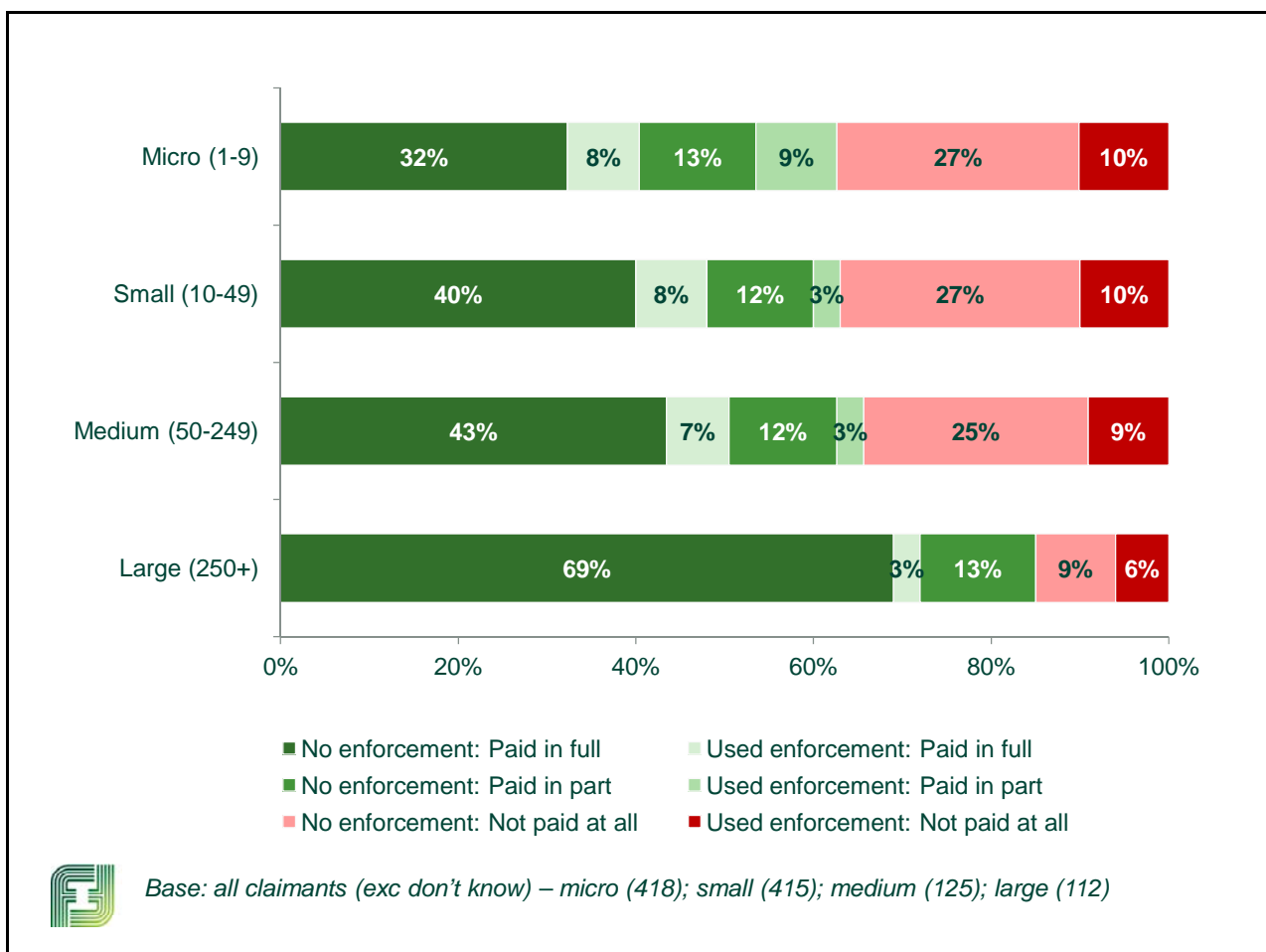
	Total	Under £500	£500- £1,999	£2,000- £4,999	£5,000- £9,999	£10,000 +
<i>Base (unweighted):</i>	(1,200)	(122)	(375)	(279)	(233)	(175)
No enforcement: paid in full	41%	55%	40%	38%	41%	40%
Used enforcement: paid in full	7%	5%	10%	7%	7%	7%
No enforcement: paid in part	11%	1%	7%	13%	18%	16%
Used enforcement: paid in part	4%	3%	3%	5%	6%	7%
No enforcement: not paid at all	25%	30%	28%	25%	23%	19%
Used enforcement: not paid at all	10%	5%	13%	12%	5%	11%
<i>Any payment without enforcement</i>	53%	56%	46%	51%	59%	56%
<i>Any payment after enforcement</i>	12%	7%	13%	11%	12%	14%
<i>Any payment overall</i>	64%	64%	59%	62%	71%	70%

Payment outcome by organisation size

Claimants who filed their claim against larger organisations were significantly more likely to have been paid their award than those whose claims involved smaller employers. As shown in Figure 5.4, 82% of claims against employers with 250+ staff were fully or partially paid without enforcement (69% fully and 13% partially), compared with only around half of claims involving other sizes of business.

Claims involving micro employers (with up to 9 staff) were the least likely to have been paid without enforcement; just 45% of such claims were fully or partially paid without enforcement (32% fully paid and 13% partially paid). Claims against micro businesses were, however, the most likely to have been paid *with* enforcement (17%, compared with 11% of claims involving small-medium businesses and just 3% of those relating to large businesses), and also the most likely overall to have been partially paid. There were no significant differences between small and medium businesses.

Figure 5.4: payment outcome and enforcement – by size of employer



Payment outcome by tenure

The length of time claimants had worked for their employer seems to have an impact on the likelihood of payment. Among those who had worked for their employer for a year or less, only 29% had been fully or partially paid without resorting to enforcement. This rises to half (54%) of claimants who had worked for their employer for between two and five years, and 72% of those who had been in post for over five years. This continues the pattern seen in the 2008 study.

Table 5.3: Payment outcome by tenure

	Total	Up to 1 year	2-5 years	Over 5 years
Base (unweighted):	(1,200)	(354)	(413)	(422)
No enforcement: paid in full	41%	25%	42%	55%
Used enforcement: paid in full	7%	11%	7%	5%
No enforcement: paid in part	11%	4%	13%	17%
Used enforcement: paid in part	4%	3%	5%	6%
No enforcement: not paid at all	25%	40%	23%	14%
Used enforcement: not paid at all	10%	17%	11%	4%
Any payment without enforcement	53%	29%	54%	72%
Any payment after enforcement	12%	14%	11%	11%
Any payment overall	64%	43%	66%	82%

Payment outcome by assistance

As discussed in Chapter 4, the survey covered informal assistance and advice as well as formal legal representation.

Claimants who had assistance from any source, either before the hearing, during the hearing or in both situations, were slightly more likely to have received any payment without enforcement (58% compared with 48% of claimants who did not have any such assistance).

Breaking this down among the various sources of assistance used by claimants, the results show that those receiving assistance from solicitors/lawyers were more likely to have received any payment without enforcement (61%). This is in line with the 2008 study, which showed that claimants with legal representation were more likely to receive payment.

Perhaps more surprisingly, claimants who received assistance from friends or family members were also more likely to have been paid without enforcement (64%); on a par with those receiving professional advice from solicitors. This could perhaps reflect a trend for claimants to seek advice from friends and family in relation to more straightforward claims which are more likely to be paid, and to seek professional advice in relation to more complex or challenging claims. However it is not possible to prove this from the survey findings.

Table 5.4 also shows that the likelihood of payment was similar for claimants receiving assistance from Citizen's Advice Bureau (CAB) as it was among claimants who did not receive any assistance. Again this may reflect the nature of claims about which claimants approach CAB.

Table 5.4: Payment outcome by assistance

	Total	NONE	ANY	Solicitor	CAB	Friend/ family
<i>Base (unweighted):</i>	<i>(1,200)</i>	<i>(645)</i>	<i>(554)</i>	<i>(228)</i>	<i>(140)</i>	<i>(101)</i>
No enforcement: paid in full	41%	37%	46%*	49%*	38%	52%*
Used enforcement: paid in full	7%	8%	7%	6%	10%	6%
No enforcement: paid in part	11%	11%	12%	12%	9%	12%
Used enforcement: paid in part	4%	4%	5%	4%	7%	5%
No enforcement: not paid at all	25%	27%	23%	21%	25%	20%
Used enforcement: not paid at all	10%	13%*	7%*	6%	10%	4%*
<i>Any payment without enforcement</i>	53%	48%*	58%*	61%*	47%	64%*
<i>Any payment after enforcement</i>	12%	12%	12%	11%	17%	12%
<i>Any payment overall</i>	64%	60%	69%*	72%*	64%	76%*

Relative importance of factors affecting award payment

As the discussion in this chapter so far has shown, there are a number of different factors that might be associated with the likelihood of receiving payment for a tribunal award. In addition to the bivariate analysis that has been discussed so far, Chi-squared automatic interaction detector (CHAID) analysis was conducted to explore the relative impact of these different factors on payment or non-payment of award.

CHAID attempts to partition the data into segments of respondents such that the means of the dependent variable (in this case, award payment) between the clusters are as different as possible. This analysis proceeds in stages. At stage 1 the predictor variable with maximal differentiation is used to split the population, and two or more clusters are formed, producing branches of a statistical tree. At stage 2 each branch is examined separately and the process of partitioning continues, until the chi-squared test produces non-significant results. The CHAID tree produced by this analysis is included in the appendix to this report.

The analysis showed that the factor with the strongest association with likelihood of payment was whether or not the claim was a wages claim (with those in this jurisdiction being less likely to result in payment than other types of claims). Within wages claims, the factor with the greatest influence over payment was length of tenure with those who had worked for their employer for longer periods more likely to receive payment.

The CHAID analysis divided the claimant population into 17 segments which are described in Table 5.5 below. In the table the segments are ordered on the basis of the proportions receiving payment (from highest to lowest). The group most likely to have received payment had a claim outside the wages jurisdiction, had claims involving breach of contract, were higher earners and did not use enforcement. Those least likely to receive payment were claiming in relation to Wages claims, had worked for their employer for under a year, were awarded £2,000 or more and received their award via a default judgment rather than at a hearing.

Table 5.5: CHAID segments

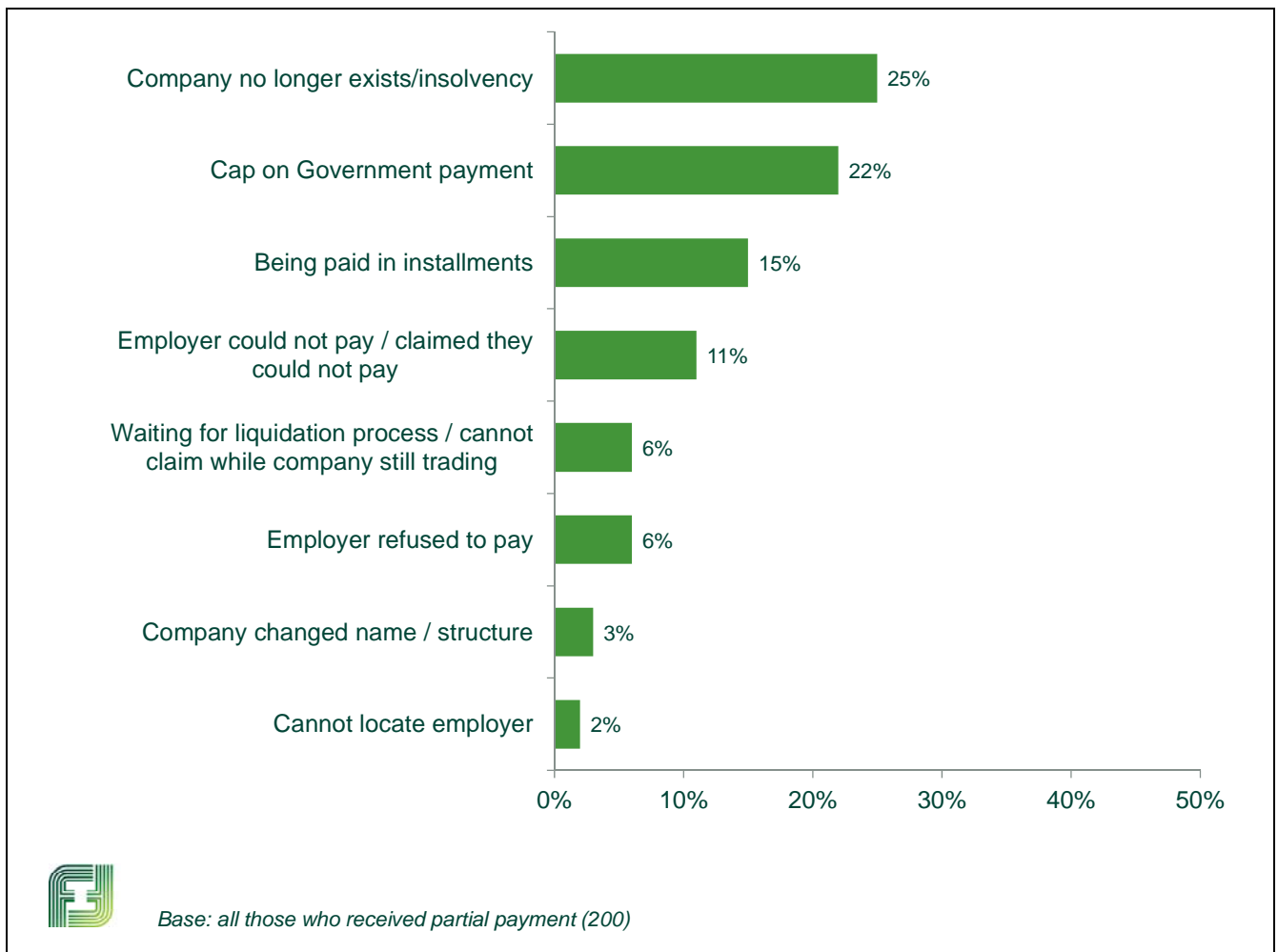
Segment (see appx A)	% of claimants in segment	Likelihood of receiving payment	Proportion receiving payment			Characteristics				
			None	Partial	Full	Layer 1	Layer 2	Layer 3	Layer 4	Layer 5
3	8.2	Most ↓ Least	5%	10%	85%	Not wage claim	Not used any enforcement	Current gross household income is greater than £20,000	Claim related to breach of contract	
16	2.8		6%	22%	72%	Wage claim	Claimant worked for employer for over 4 years	Age group: 45+	Married/Living with partner	
2	5.1		15%	11%	74%	Not wage claim	Not used any enforcement	Current gross household income is greater than £20,000	Claim not related to breach of contract	
1	9.6		17%	13%	70%	Not wage claim	Not used any enforcement	Current gross household income is less than or equal to £20,000		
10	2.9		25%	3%	72%	Wage claim	Claimant worked for employer for 1-4 years	Not used any enforcement	Total value of award - less than £500	
12	5.1		28%	16%	56%	Wage claim	Claimant worked for employer for 1-4 years	Not used any enforcement	Total value of award - £500 to £4999	Gender - Female
4	3.7		20%	34%	46%	Not wage claim	Used enforcement			
17	10.4		24%	27%	50%	Wage claim	Claimant worked for employer for over 4 years	Age group: 45+	Not married nor living with partner	
6	9.1		42%	5%	53%	Wage claim	Claimant worked for employer for <1 year	Total value of award - less than £2,000	Country - England & Wales	Not married nor living with partner
15	7.1		30%	32%	38%	Wage claim	Claimant worked for employer for over 4 years	Age group: 16-44		
11	5.4		44%	21%	35%	Wage claim	Claimant worked for employer for 1-4 years	Not used any enforcement	Total value of award - £500 to £4999	Gender - Male
13	4.9		47%	28%	25%	Wage claim	Claimant worked for employer for 1-4 years	Not used any enforcement	Total value of award - £5000 or more	
5	8.1		63%	7%	30%	Wage claim	Claimant worked for employer for < 1 year	Total value of award - less than £2,000	Country - England & Wales	Married/Living with partner
8	5.5		65%	8%	27%	Wage claim	Claimant worked for employer for <1 year	Total value of award - greater than or equal to £2,000	Successful at hearing)	
14	5.9		57%	23%	20%	Wage claim	Claimant worked for employer for 1-4 years	Used enforcement		
7	1.6		71%	3%	26%	Wage claim	Claimant worked for employer for <1 year	Total value of award - less than £2,000	Country - Scotland	
9	4.7		Least	76%	15%	9%	Wage claim	Claimant worked for employer for <1 year	Total value of award - greater than or equal to £2,000	Default judgment

Reasons for part payment of award

Overall one in six claimants (16%) indicated that they had been paid only part of their award. As discussed earlier in this chapter, the proportion receiving partial payment in England and Wales (16%) is an increase from that seen in the 2008 study (8%).

Among these claimants, the most common reason given for the partial payment was that the company no longer existed / had become insolvent or otherwise ceased trading (25%). A fifth (22%) reported that they had pursued payment via the Redundancy Payments Office or Insolvency Service, but that caps on such payments meant they had not been able to receive the full amount owing, and 6% stated that they were waiting for a liquidation process to be completed. Combining these three responses together, it is of note that around half (49%) of cases where partial payment had been received were related to insolvency. The full range of reasons given is shown in Figure 5.5 below.

Figure 5.5: Reasons for part-payment



Of those receiving partial payment, 15% reported that they were being paid in instalments over time (a decrease from the 25% recorded in 2008); among these claimants, the majority (22 out of 29 claimants) confirmed that the instalment payments were still ongoing.

The number of claimants only partially paid their award in Scotland was too low to gather robust data as to the reasons why; figure 5.5 therefore shows only data for the UK as a whole.

Reasons for non-payment of award

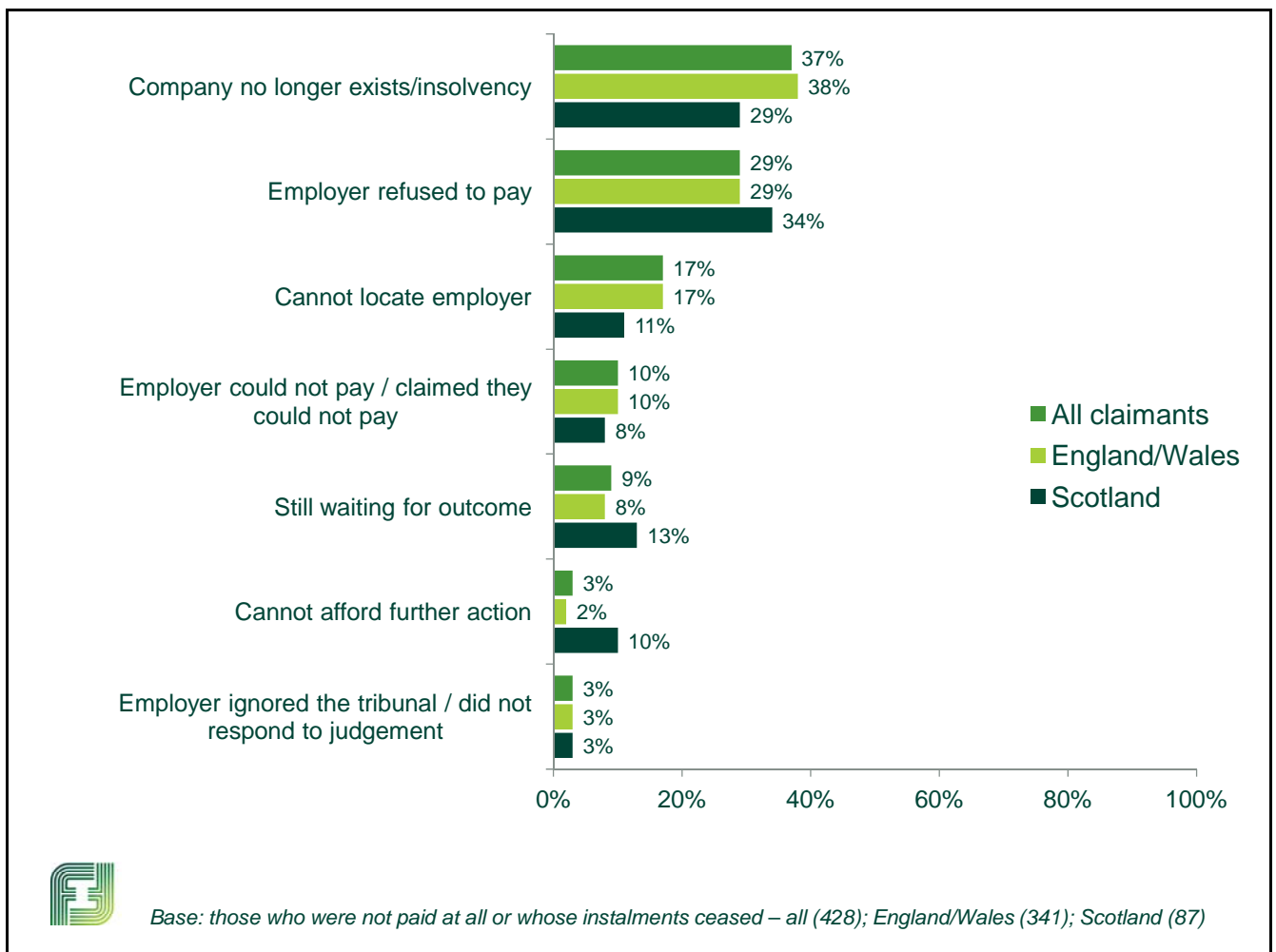
Claimants who had not been paid at all (or who had been paid instalments which had ceased before full payment was made) were also asked the reasons for non-payment (Figure 5.6)

Again, the reason most commonly given for non-payment was that the company no longer existed / had become insolvent or otherwise ceased trading (37%). One in three claimants (29%) stated that the employer had refused to pay, and 17% were unable to locate the employer.

The differences between England/Wales and Scotland were mostly not statistically significant. However claimants in Scotland were significantly more likely to state that they could not afford further action to try to recover their award (10% compared with only 2% in England/Wales).

In Scotland, the cost of using a sheriff officer depends on the value of the claim being enforced, as well as other factors, and ranges between £58 and £125 (compared with £60 for the Fast Track scheme and £40 for the county court). This may explain why the cost of enforcement appears to be more of a consideration for claimants in Scotland.

Figure 5.6: reasons for non-payment – by country



Claimants with larger award values (over £5,000) were more likely to report that the company had become insolvent or ceased trading (46% compared with 35% of those with awards under £5,000). They were also more likely to state that the employer was unable to pay (15% compared with 8%). Those with smaller award values were more likely to report that the employer had refused to pay (32% compared with 22% of those with awards over £5,000), or that they could not locate the employer (20% compared with 9%).

Among those claimants who stated that their employer was insolvent or had ceased trading, over half (56%) believed that the company was now trading again, perhaps under a different name. This equates to 7% of all claimants.

Chapter 6: Seeking Enforcement

If an employer does not pay the claimant the full value of the award claimants may seek to enforce the award via the courts. In England and Wales there are two main options available to claimants – for a fee of £40 they can file a case with the county court themselves, or for a fee of £60 they can, via the Fast Track scheme, use the services of a High Court Enforcement Officer to act on their behalf for this process. In both cases the enforcement claim goes through the county court. In Scotland, claimants must first apply to the Secretary of the Tribunals for the issue of a certificate setting out how much the Tribunal has ordered the employer to pay, before engaging a Sheriff Officer to enforce the award.

This chapter looks at claimants' usage of the different enforcement methods available, and their awareness of their options should the employer not pay. It also examines the effectiveness of enforcement and reasons for not taking enforcement action.

It is worth noting that a handful of claimants reported that they used a form of enforcement other than those described above, for example a solicitor or a private bailiff or debt collection agency – for the purposes of this analysis these have not been included and analysis has been conducted simply of enforcement through the court processes.

Overall use of enforcement

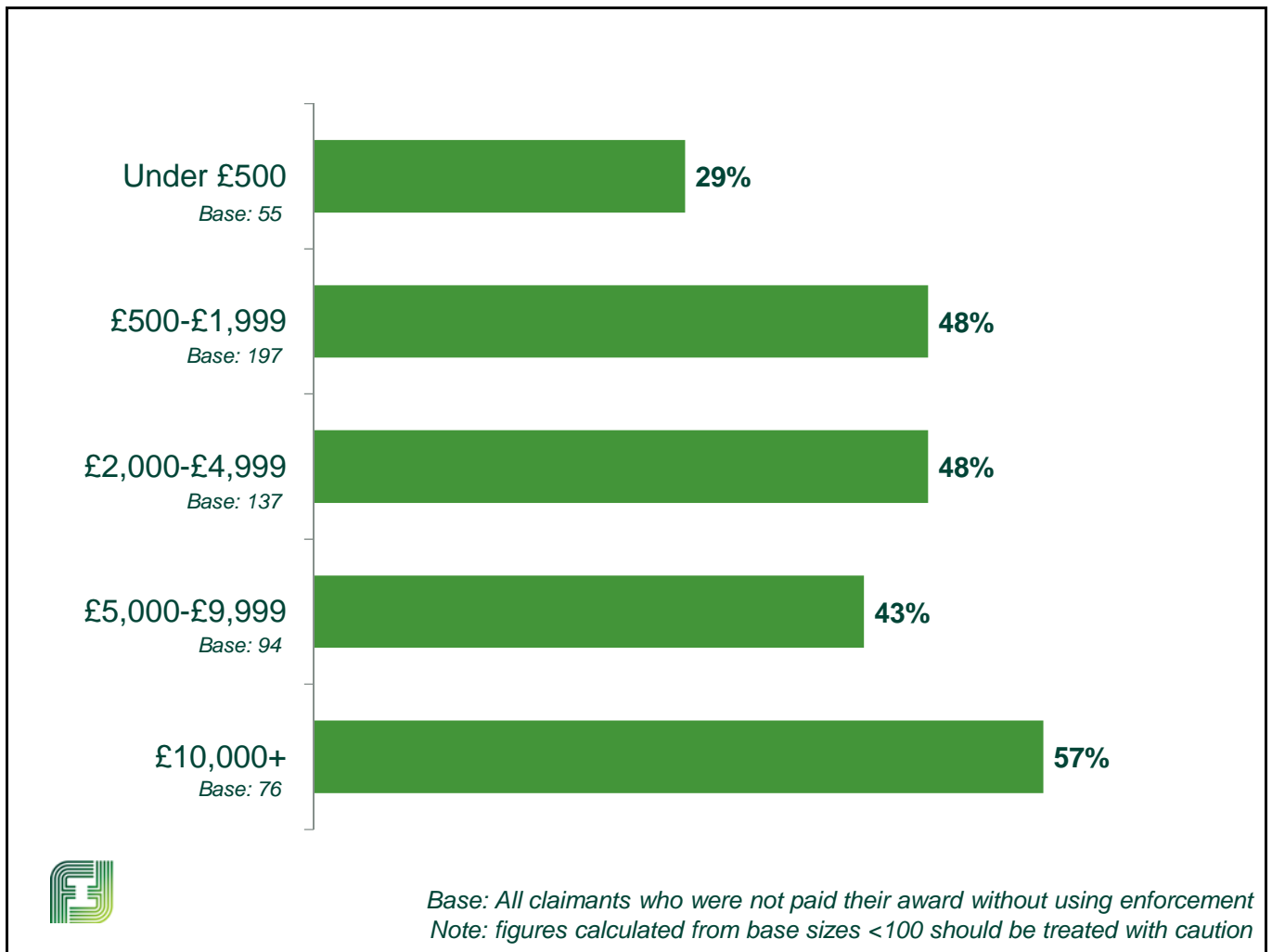
Of those who were not paid their award without resorting to enforcement, almost half (46%) pursued enforcement through the courts; this equates to 22% of all claimants.

Use of enforcement in Scotland was far lower than it was in England and Wales, with just 26% of those who had not been paid without using enforcement taking the step of engaging a Sheriff's Officer to enforce their award (compared to 48% of unpaid claimants in England and Wales). More (39%) had taken the initial step of applying to the Secretary of Tribunal for a certificate setting out the amount the employment tribunal had ordered the employer to pay. However, only half of these had then gone on to engage the Sheriff Officer. Reasons for this are explored later in this chapter.

In England and Wales the figure of 48% unpaid claimants pursuing enforcement action is exactly the same as in 2008. This would suggest that the introduction of Fast Track has not led to an increase in the number of claimants pursuing enforcement action.

Claimants who were pursuing higher value awards were more likely to use enforcement than those whose awards were smaller. As figure 6.1 shows, those with a claim of under £500 were far less likely than those with larger claims to pursue enforcement, and those with a claim of £10,000 or more were the most likely to use enforcement.

Figure 6.1: Use of enforcement by value of award



There were some differences in likelihood to use enforcement by claimant demographics:

- Claimants who considered themselves to have a disability were significantly more likely to have pursued enforcement than those who did not (60% had done so).
- Older claimants were more likely than younger claimants – only 42% of claimants aged 16-24 had done so, compared to 58% in the 55-64 age group (the age group most likely to pursue enforcement).

Enforcement channels used

In England and Wales, claimants have the option of using the Fast Track service or dealing with the county court directly when attempting to enforce their award. In Scotland there is only one route available.

In England/Wales, claimants pursuing enforcement action were more likely to use the Fast Track scheme than to apply to the county court themselves, with around a third (34%) of claimants who weren't paid choosing to use Fast Track to enforce their award and around a fifth stating that they went to the county court direct. There was some degree of overlap, with a small proportion of claimants claiming to have used both channels.

When claimants in England/Wales were asked about their reasons for choosing their enforcement channel, the main reason given was simply they were not aware of the alternative option.

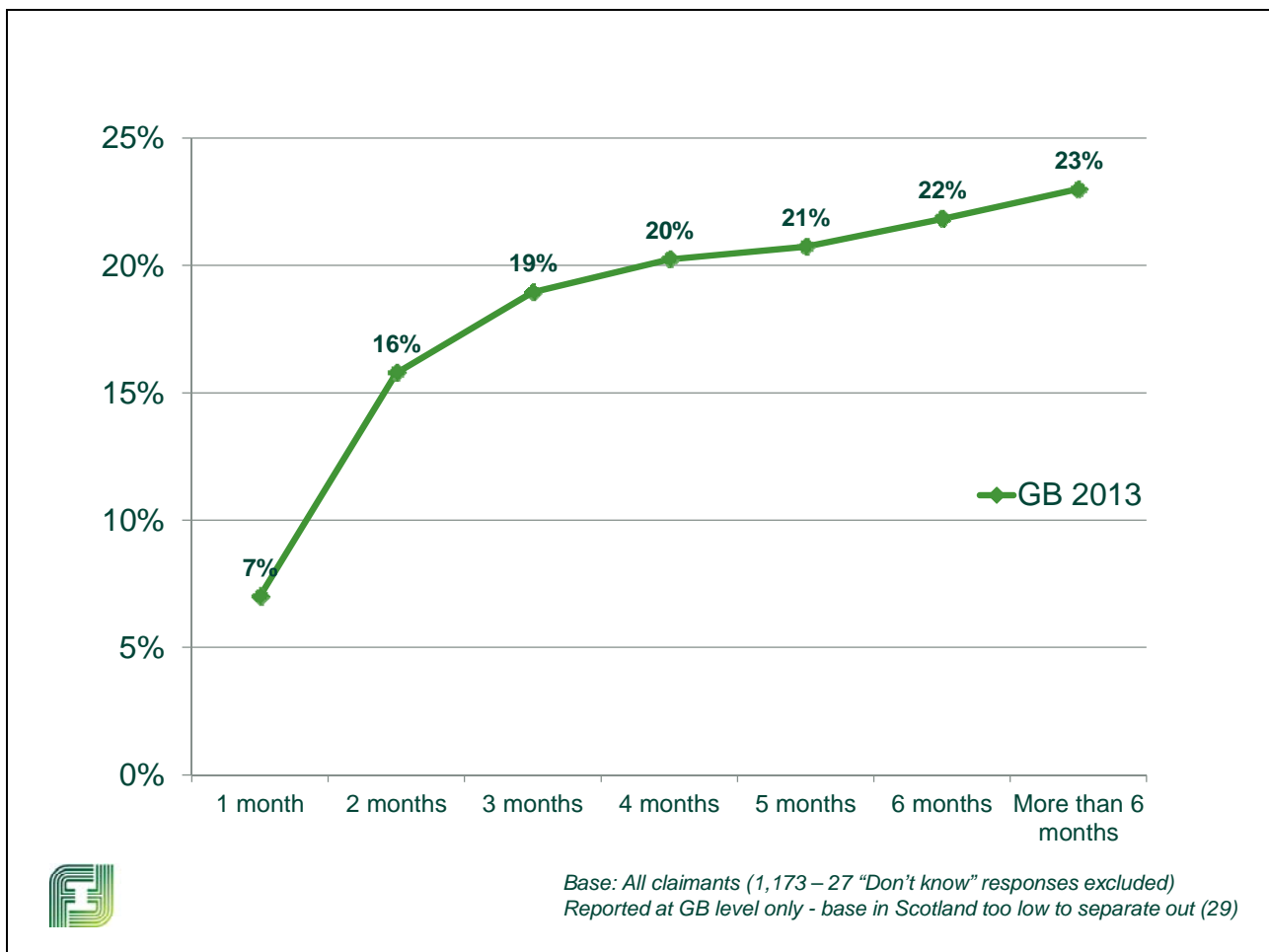
Claimants choosing to use Fast Track who were aware of the county court route said they chose to use Fast Track because it was the quickest (27%) or easiest (23%) option; many also said they were advised to by a third party for example ACAS, Citizen’s Advice Bureau, a solicitor, the Tribunals office (either at the Tribunal or through contacting them afterwards) or the court.

Only a handful of people had chosen to use the county court over Fast Track, and cost was the most commonly mentioned reason⁶.

Timeline of using enforcement

Most claimants who used enforcement did so relatively quickly – within the first three months of the award being made. After this initial period, the proportion using enforcement increased by only one percentage point per month (Figure 6.2).

Figure 6.2: Time between judgment and initiation of enforcement methods

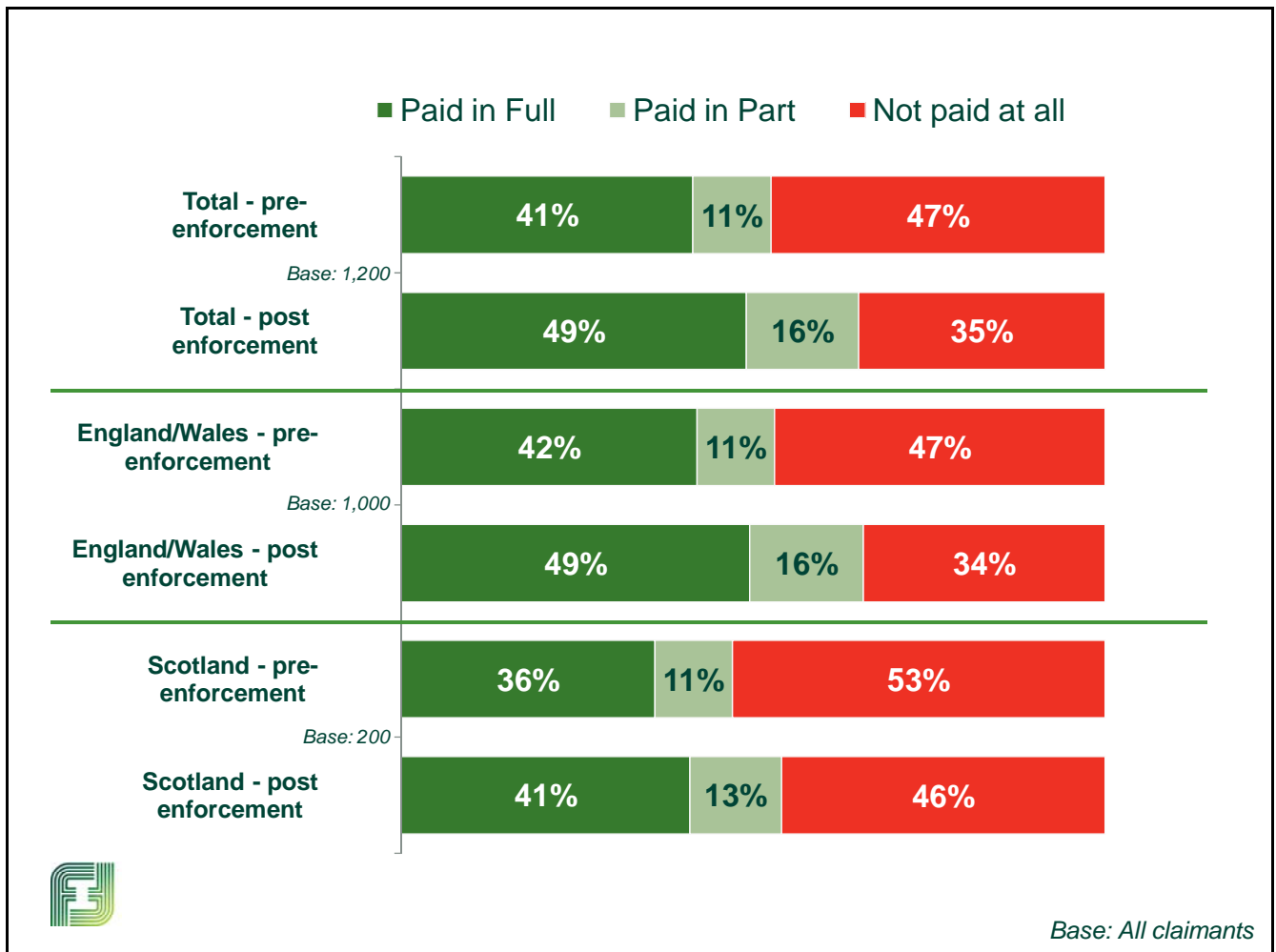


⁶ The base size of those choosing county court over Fast Track is just 16 people – too low to support robust analysis of reasons. In both cases the base size is too low to support robust sub group analysis.

Effectiveness of enforcement

As seen in the previous chapter, the use of enforcement increased the overall payment rate from 53% to 64% of claimants receiving full or part payment of their award. This increase is concentrated in England and Wales – the proportion receiving payment in England/Wales increases from 53% to 65% as a result of use of enforcement, an increase of 12 percentage points, whereas in Scotland it increases from 48% to 54%, an increase of just 6 percentage points (Figure 6.3).

Figure 6.3: Effect of enforcement on payment levels



In 2008 in England and Wales the use of enforcement increased the overall total being paid at all by 10 percentage points, compared to 12 percentage points this year. This suggests a slight increase in the effect of enforcement on the claimant population as a whole (although this accounts for only part of the overall difference in payment levels with some of the difference evident prior to the use of enforcement).

Of those that use enforcement action, around half are successful in receiving some or all of their payment. There were some slight differences in the level of success by channel but these were not statistically significant. Of those who took their claim to the county court directly, 59% ended up with a successful outcome (38% were paid in full and 21% in part). Of those using Fast Track, 50% had a successful outcome (30% were paid in full and 20% in part). Of claimants in Scotland who had used a Sheriff's officer to enforce their claim, 47% had received any payment (32% were paid in full and 15% in part).

Reasons for enforcement action not being successful do not differ from the general picture of reasons for non-payment: most commonly the company no longer exists (38%), or the employer refuses to pay (32%).

Satisfaction with the outcome and process of using enforcement

Those who had used enforcement were asked to provide a rating for their satisfaction levels with both the process and the outcome. Only those whose enforcement procedure had reached a conclusion by the time of interview were asked about their satisfaction with the outcome (16% of those who pursued enforcement were still mid-way through the process at the time of interview).

Satisfaction with the enforcement **process** was lower among users of Fast Track than among those accessing the county court direct (Table 6.1). This is perhaps surprising given the intention to develop the Fast Track process as a simpler more straightforward alternative. Base sizes in Scotland were too small at this question for robust analysis.

Unsurprisingly satisfaction with the process was higher among those who had a successful outcome, with 79% among those who were paid in full as a result stating that they were satisfied. Almost half of those paid in part (48%) or not paid at all (47%) were very or fairly dissatisfied. The number of people answering the question on satisfaction levels for each enforcement method was not sufficient for detailed analysis.

Table 6.1: Satisfaction with outcome and process of enforcement

<i>Bases in brackets</i>	Fast Track	County Court
PROCESS	(158)	(88)
Very satisfied	28%	43%
Fairly satisfied	21%	18%
Neither / nor	10%	10%
Fairly dissatisfied	12%	9%
Very dissatisfied	24%	20%
SATISFIED	49%	60%
DISSATISFIED	37%	29%

Awareness of enforcement options

Claimants varied in the extent to which they understood the enforcement options available to them should the employer not pay (Figure 6.4). Overall, 41% agreed but another 41% disagreed that they understood their options. More claimants in Scotland said they agreed, but this difference was not statistically significant.

Figure 6.4: Claimants' agreement that they understood the options available to them should the employer decide not to pay



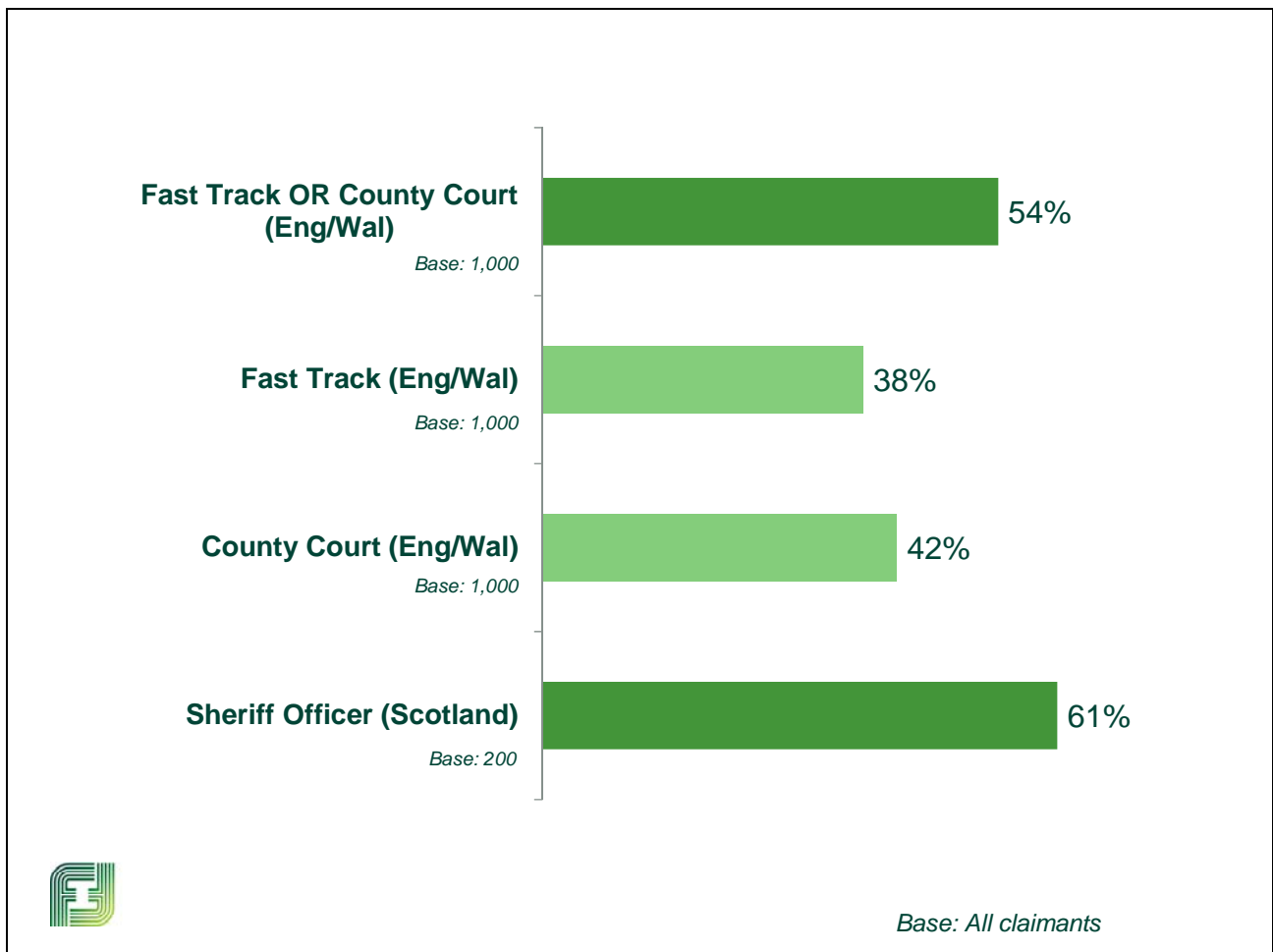
Claimants who were not paid their award but did not use enforcement action were the least likely to agree that they understood the options open to them (28%) and most likely to disagree (58%). This suggests that when claimants do not use enforcement this is often due to a lack of awareness/understanding.

Claimants who considered themselves to have a disability were less likely to agree that they were aware of the enforcement options available (26%). However, as detailed in the previous section, claimants with a disability were actually *more* likely to have pursued enforcement than those without.

As mentioned earlier in this report, information explaining enforcement options is sent in England/Wales with the notification of judgment. It was hoped that this would increase awareness of enforcement channels. However, comparing results from 2008 with those from 2013 would seem to indicate that this has had limited impact – while the number of people agreeing they understood the options has increased slightly overall, this difference is not statistically significant. Furthermore, the proportion saying they “strongly agree” that they understood their options has decreased by 6 percentage points. The introduction of the Fast Track scheme means that more options have become available to claimants since the survey was run in 2008, and this perhaps makes the explanation of options available a more challenging task which could explain these lower agreement levels.

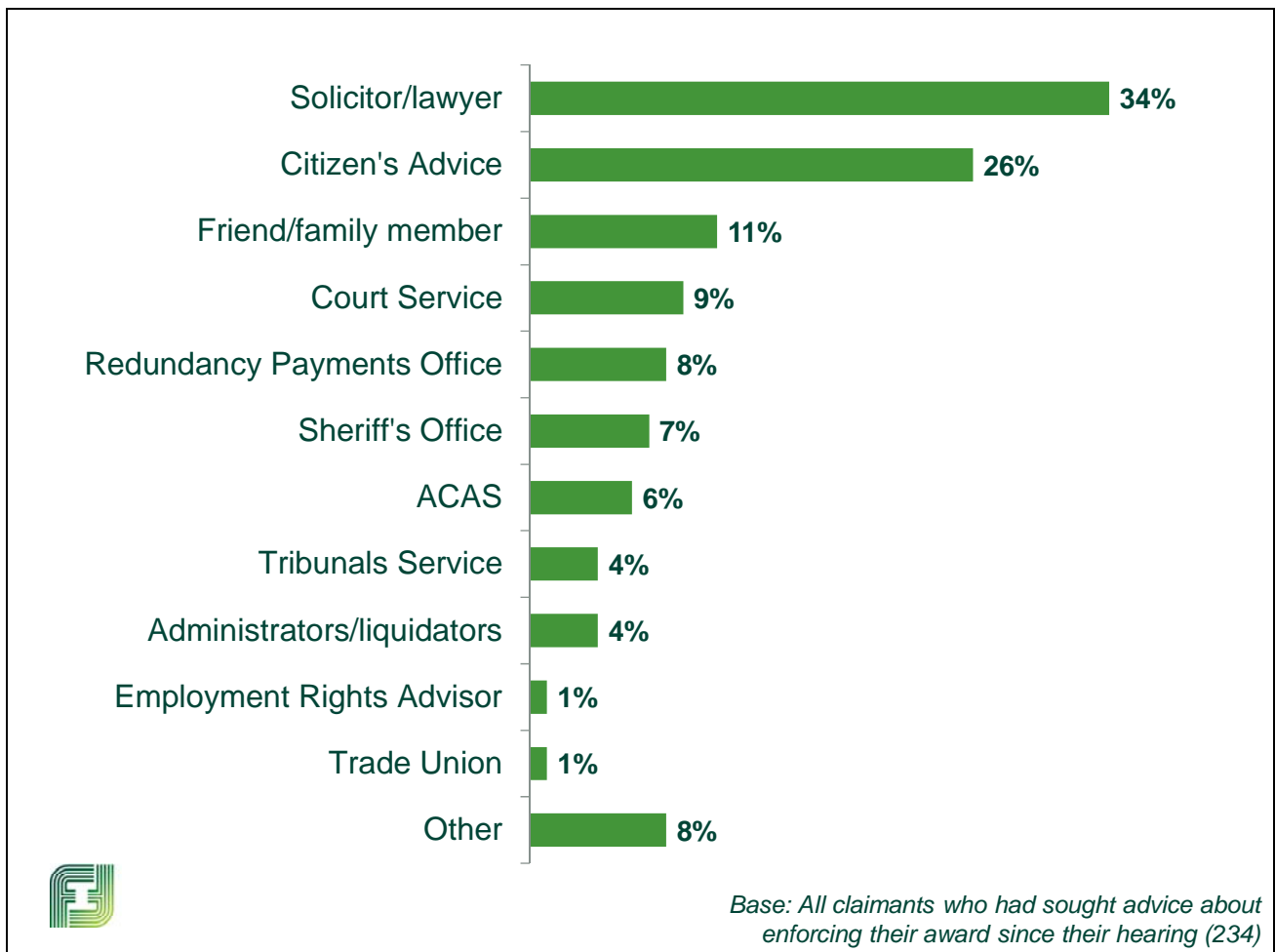
When prompted directly, over half of claimants in England and Wales stated that they had heard of at least one of the enforcement options available (38% had heard of Fast Track and 42% of the county court), and 61% of claimants in Scotland were aware they could take their case to a Sheriff’s Officer (Figure 6.5).

Figure 6.5: Awareness of different enforcement options



Around one-fifth (19%) of claimants had sought advice about enforcing their award (Figure 6.6). This was more common in Scotland (28%) than in England and Wales (18%). Advice most commonly came from a solicitor or lawyer, Citizen’s Advice and, in Scotland, the Sheriff’s office (27% of claimants in Scotland).

Figure 6.6: Source of advice on enforcing the award



Reasons for not using enforcement

Those who had not received their full award and not used enforcement were asked about their reasons for not taking this step.

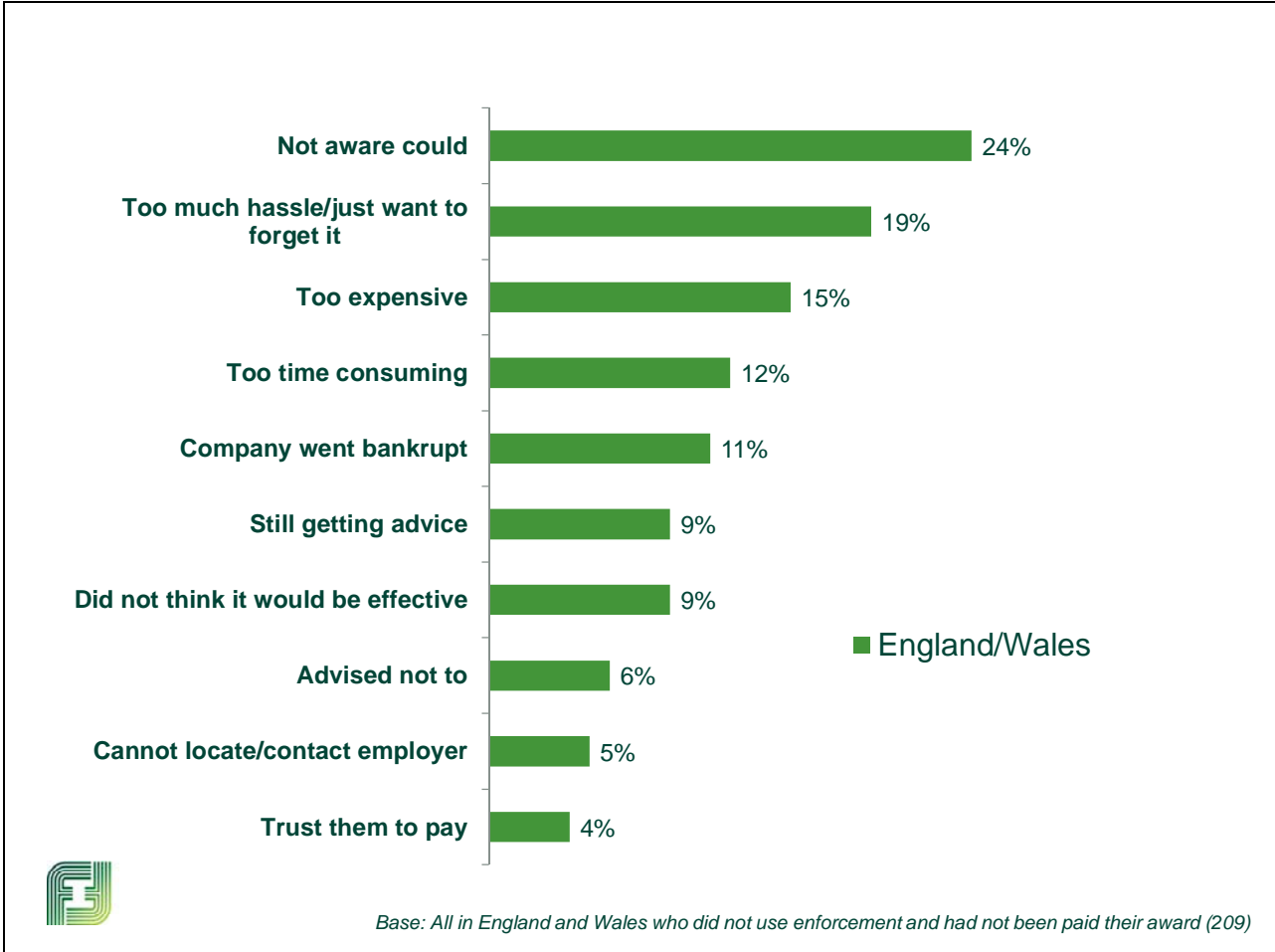
In England and Wales, the most common reason for not seeking enforcement was lack of awareness – 24% of those who were not paid in full and did not seek enforcement stated they were not aware they could do so. Other key reasons were related to the time and work involved: 19% said it was too much hassle and 12% said the process would be too time consuming. These issues were particularly prominent for the under 30s, 28% of this group said it was too much hassle and 22% that it was too time consuming.

Expense was an issue for 15% - enforcement costs £60 for Fast Track and £40 for the county court direct – this was particularly true for those whose claims were under £500, (41% of this group cited expense as a reason for not pursuing enforcement).

A few responses related to the situation of the respondent employer: 11% said the company had gone bankrupt so there was no money to claim, and 5% that they could not locate the employer so there was nobody to file the claim against.

Around one-in-eleven claimants were still seeking advice (9%), however 6% said they had actually been advised not to take out enforcement.

Figure 6.9: Reasons for not using enforcement in England and Wales



The pattern in Scotland was similar with awareness the most common reason by far, however the base size in this group is too small to support any further robust analysis.

Chapter 7: Conclusions

As was the case in 2008, individuals who receive a monetary award at an employment tribunal are more likely to remain unpaid than they are to receive full payment, unless they go on to use enforcement to retrieve their award payment. Only half of individuals receive any payment prior to engaging any form of enforcement (and there has been no statistically significant change in this proportion since 2008). This is perhaps a particular concern in light of the forthcoming changes to the Employment Tribunal process where individuals will need to pay an “issue fee” to file a case with the Employment Tribunal and a further “hearing fee” if the claim proceeds to a hearing (unless they are eligible for remission).

Of those receiving payment without enforcement, some receive payment through Government sources (e.g. the Redundancy Payments Office / Insolvency Service) rather than through their employer. If these payments were excluded, then **the proportion of awards that are honoured by the employer against which they are made would be even lower.**

Although the proportion receiving any payment has remained more or less the same as in 2008, **individuals were more likely to receive part payment** in 2013 (although cases ending in part payment remain a minority of cases they were twice as common in 2013 than 2008). This might reflect a higher proportion of claims being settled through the Redundancy Payments Office (since payments are capped). It may also reflect the impact of the recession which may have left more employers in a situation where they are unable to pay the full award.

In England and Wales, of those who do not receive payment, around half attempt enforcement (either using the Fast Track system or the county court route). Of these around half have some success in securing payment. The overall proportion of individuals who do not receive payment who go on to use one of the official enforcement channels has remained at the same level as in 2008 and **hence there is no evidence to suggest that the introduction of the Fast Track system has encouraged more people to access enforcement.**

The Fast Track system however is now more likely to be used than accessing the county court direct in England/Wales. Given there has been no overall difference in the use of enforcement, **the Fast Track system has largely migrated individuals away from the direct county court route.** This could be a positive development if there was evidence of individuals finding the process either more satisfactory or more likely to result in a positive outcome. However, there does not currently appear to be the case (and if anything the indications are that the Fast Track scheme performs worse on both of these measures). This would suggest that difficulty navigating the county court enforcement process is not a reason why people do not enforce their awards.

In England and Wales, the use of enforcement increases the proportion of individuals receiving full or part payment from 53% to 66%. This represents a slight increase in the impact of enforcement on payment than was the case in 2008 (when use of enforcement increased the proportion receiving at least part payment from 51% to 61%) but this is a very small change. When combined with the slight increase in the proportion receiving some payment prior to the use of enforcement, this makes a difference in the proportion of individuals receiving payment in England/Wales that is statistically significant. However, it is still a small increase and the proportion receiving no payment remains high.

The current approach of including a link to guidance on enforcement options in the judgment letter in England/Wales seems to have had limited impact on awareness of the options open to claimants if their employer does not pay. Claimants' level of agreement that they understood the options open to them have not increased in England/Wales since 2008 (although it is worth noting that the situation – with two possible routes – is now more complex than was the case in 2008). Nonetheless, lack of awareness was the most common reason given for not seeking enforcement (and also the reason given for choosing one route over another) so there is clearly **work to be done to communicate the options available more effectively.**

Levels of payment prior to the use of enforcement are lower in Scotland. Coupled with this, the levels of use of enforcement are lower in Scotland with respondents who do not receive payment being half as likely to seek enforcement than is the case in England/Wales (only around a quarter do so compared with half in England/Wales). There is some indication that levels of success in securing payment through enforcement are lower in Scotland. Ultimately these factors mean that **levels of payment of award are considerably lower in Scotland than in England/Wales.**

There are a number of features of the claim that might impact on likelihood of being paid which include:

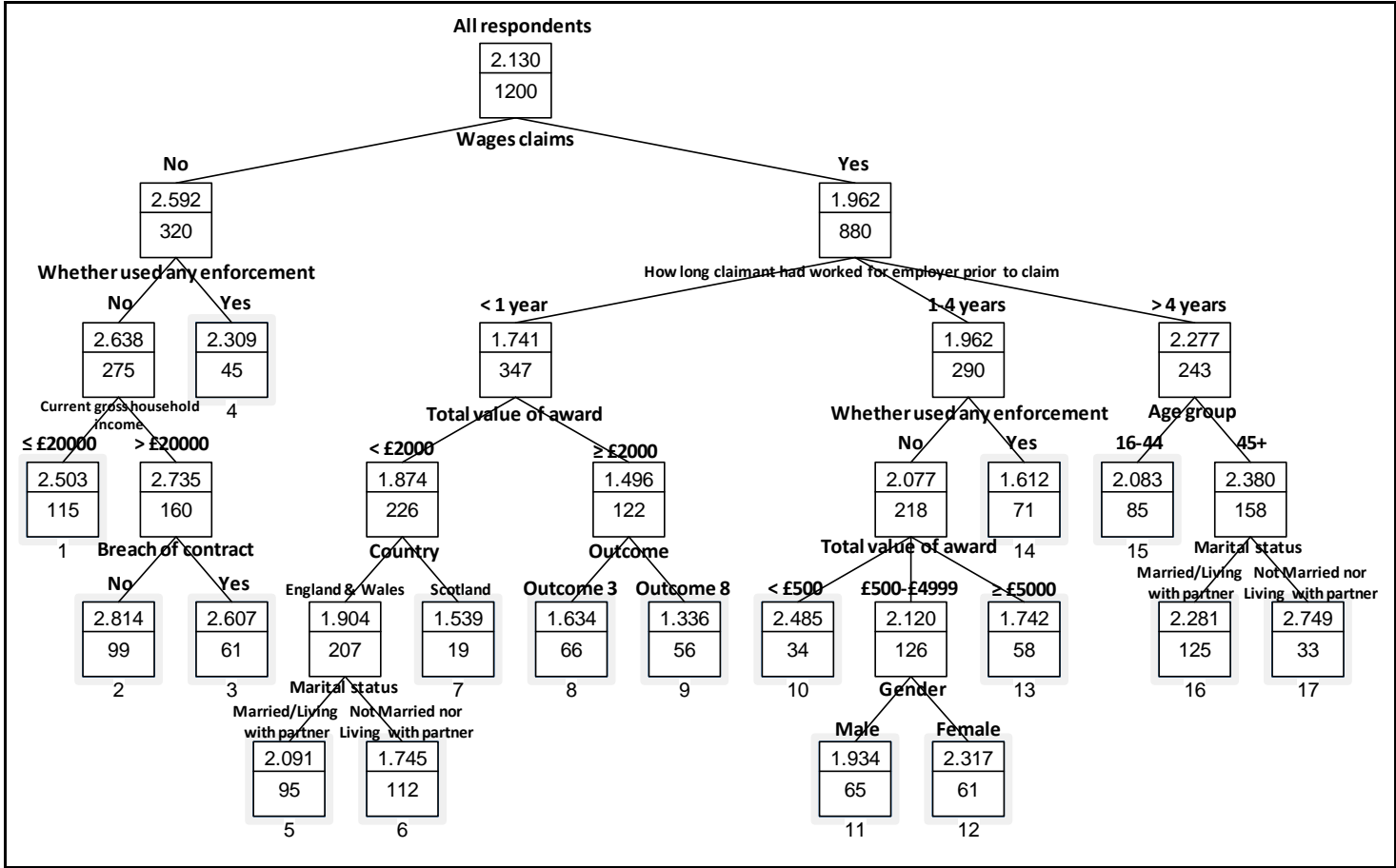
- jurisdiction;
- level of award (with smaller awards more likely to be paid in full without the use of enforcement);
- the size of employer against which the claim is made (with claims against larger employer more likely to result in payment);
- length of tenure (with individuals who have worked for their employer for longer being more likely to receive payment), and
- the use of assistance (with claims where individuals had advice/support being more likely to result in payment).

Multivariate analysis indicates that the **factor that is most likely to determine payment is jurisdiction** with cases involving a wage claim being less likely to result in payment than other claims. If the claim is a wage claim, then the factor most likely to determine payment is the length of service with the employer.

The most common reason for non-payment were that the employer against whom the claim was made was now insolvent (37%); however over half of claimants giving this as the reason believed that the company was now trading again. This is obviously based simply on claimants' perception of the situation which may well be flawed. However, this does suggest that **the issue of 'phoenix companies' might be worth exploring in more detail** as this phenomenon has the potential to damage the reputation of Employment Tribunals in the eyes of claimants/potential claimants.

Other reasons for non-payment centred around employer refusal to pay (29%), and 17% were unable to locate the employer. Claimants in Scotland were significantly more likely to state that they could not afford further action to try to recover their award (10% compared with only 2% in England/Wales). Lack of awareness of the options (24%) and the hassle involved (19%) were the main reasons why those who had not been paid had not sought enforcement suggesting **the existence of and simplicity of the Fast Track system needs to be better communicated.**

Appendix A: CHAID Analysis



Each box represents a subgroup of the sample.

The number in the top of each box represents the mean score on the Payment of Award variable (a 1..3 scale where 1 is no payment, 2 is partial payment and 3 is full payment).

The number in the bottom part of each box represents the sample size of that group

Outcome 3 refers to cases that were settled at a hearing while Outcome 8 refers to cases that had a default judgement.

Appendix B: Technical information

The purpose of this technical appendix is to provide a record of the methodology used in the 2013 research into enforcement of employment tribunal awards in England, Wales and Scotland. This was designed to replicate the approach for the 2008 survey as far as possible.

Fieldwork

The design of the fieldwork questionnaire was informed by cognitive and pilot testing and was developed by IFF Research in conjunction with the department of Business, Innovation and Skills (BIS) and Her Majesty's Court and Tribunal Service (HMCTS). A copy of the questionnaire can be found in Appendix C.

All claimants were sent a letter pre-notifying them about the research and providing them with the opportunity to opt out of the study. This can be found in appendix D.

A total of 1,200 telephone interviews were conducted using a Computer Assisted Telephone Interviewing programme (CATI) between 13 May and 13 June 2013.

Where required, claimants had the option of completing their interview in a foreign language; two were carried out in Polish and one in Spanish.

While claimants were also able to request for the questionnaire to be provided in a paper format, no such requests were made.

An overall response rate of 81% was achieved.

Sampling

HMCTS supplied IFF with a database consisting of 4,881 unique claimants in England, Wales and Scotland. This sampling frame reflected the full population of claimants who had received an award between 5 and 20 months prior to the date the sample was drawn (i.e. between September 2011 and November 2012). This was similar to the 2008 survey in which sample was drawn from a 15 month period.

A starting sample of 2,672 claimants was drawn from the sampling frame. A census approach was adopted within Scotland i.e. all available sample was selected. Within England and Wales, sample was drawn at random.

A total of 2,304 of these had telephone numbers, and tele-matching provided a further 189 numbers giving a total of 2,493 records with telephone numbers.

Once loaded into the IFF CATI system, claimants were selected at random for interview. At the analysis stage, those in certain jurisdictions were collapsed into the 'Other' category due to a small proportion of achieved interviews in these areas. These were the Working Time Directive, Sex Discrimination, Disability, Race, National Minimum Wage, Previous Award, Government and/or Pay Rights jurisdictions.

	Total cases sampled	Interviews achieved
Unfair dismissal	671	367
Wages claims	2,428	885
Breach of contract	1,163	648
Redundancy pay and consultation	716	391
Written statement	136	77
Other	251	87

Response rates

In total 1,200 interviews were completed, from a total of 2,131 contacts with a definite outcome.

The table below shows the breakdown of calls for all contacts.

	Total	England/Wales	Scotland
Complete interview	1,200	1,000	200
Interview terminated by claimant	72	56	16
Refused	218	179	39
Unobtainable number	437	365	72
Fax / business	66	50	16
Did not receive monetary award	69	57	12
Case still ongoing	69	63	6
Total contacts with a definite outcome	2,131	1,770	361

The response rate for this study is calculated by dividing the total number of interviews achieved by the total number of in-scope contacts, to give the response rate as shown in the calculation below.

$$\begin{array}{r}
 1,200 \text{ (completed interviews)} \\
 \hline
 72 \text{ (interview terminated) +} \\
 218 \text{ (refused) +} \\
 1,200 \text{ (completed interviews)}
 \end{array}
 = 80.5\% \text{ response rate}$$

The refusal rate for this study was 14.6%.

Data weighting

Since a census approach was taken in Scotland, while sample was drawn at random within England/Wales, it was necessary to apply a weight by country to ensure the proportions reflected those in the original database of all cases. Data were therefore weighted as shown in the table below. The weight applied was 1.1 in England/Wales and 0.52 in Scotland.

	Total population		Interviews achieved		Interviews weighted	
	Count	%	Count	%	Count	%
England/Wales	4,458	91%	1,000	83%	1097	91%
Scotland	423	9%	200	17%	103	9%

As claimants' experiences differ by jurisdiction, it was also important to avoid any imbalance in the proportions of different jurisdictions represented in the data. To ensure representativeness, data were therefore weighted to be equivalent to the proportions of jurisdictions as shown in the original database.

Within each country, data were weighted by jurisdiction as shown in the table below. The minimum weight applied was 0.44 and the maximum was 1.53.

	Total population		Interviews achieved		Interviews weighted	
	Count	%	Count	%	Count	%
England						
Unfair dismissal	1,472	33%	313	33%	362	33%
Wages claims	3,257	73%	737	74%	801	73%
Breach of contract	2,191	49%	524	52%	538	49%
Redundancy pay and consultation	1,233	28%	319	32%	304	28%
Written statement	273	6%	60	6%	67	6%
Other	496	11%	79	8%	121	11%
Scotland						
Unfair dismissal	116	27%	54	27%	28	27%
Wages claims	324	77%	148	74%	79	77%
Breach of contract	236	56%	124	62%	58	56%
Redundancy pay and consultation	131	31%	72	36%	32	31%
Written statement	32	8%	17	9%	8	8%
Other	28	10%	8	4%	10	10%

Statistical testing

Statistical t-testing was applied within each cross break at the 95% confidence level.

Social grading

In its standard form, Social Grading is a household classification. The NRS social grades consist of six grades which are labelled A, B, C1, C2, D and E. All members of a household receive the same grade, which in the first place is based on the chief income earner's current occupation, if working, or previous occupation (if applicable), if not working. Apart from occupation, there are additional criteria, which are taken into account, such as qualifications and number of people responsible for at work. For this research, the following was asked of all claimants:

D4: Before filing your claim with the Employment Tribunal, what was the occupation of the chief income earner?

Job title.....

Industry.....

Whether they are responsible for any staff.....

How many staff they are responsible for.....

Any job related qualifications.....

Grade	Description	Typical occupation
A	Professional people – very senior managers in business or commerce or top-level civil servants.	doctor, solicitor, barrister, accountant, company director
B	Middle management executives in large organisations, with appropriate qualifications/ principal officers in local government and civil service/top management or owners of small business concerns, educational and service establishments.	teacher, nurse, police officer, probation officer, librarian, middle manager
C1	Junior management, owners of small establishments and all others in non-manual positions.	junior manager, student, clerical/office workers, supervisors
C2	All skilled manual workers and those manual workers with responsibility for other people.	foreman, agricultural worker, plumber, bricklayer
D	All semi-skilled and unskilled manual workers, apprentices and trainees to skilled workers.	manual workers, shop worker, fisherman, apprentices
E	All those entirely dependent on the state long-term, through sickness, unemployment, old age or other reasons / those without a regular income	casual labourers, state pensioners

Appendix C: Survey questionnaire

Private & Confidential
Payment of Tribunal Awards 2013

J5205
Telephone

Date 29/10/13

S Screener

ASK PERSON WHO ANSWERS PHONE

S1 **Good morning / afternoon / evening. My name is NAME and I'm calling from IFF Research. Please can I speak to NAME?**

Respondent answers phone	1	CONTINUE
Transferred to respondent	2	
Hard appointment	3	MAKE APPOINTMENT
Soft Appointment	4	
Refusal	5	CLOSE
Not available in deadline	6	
Engaged	7	
Fax Line	8	
No reply / Answer phone	9	
Business Number	10	
Dead line	11	

WHEN THROUGH TO CORRECT INDIVIDUAL

S2 **Good morning / afternoon. My name is _____ and I am calling from IFF Research, an independent research agency, on behalf of the HM Courts and Tribunals Service.**

We are talking to people who have been awarded monetary compensation by the Employment Tribunal to find out whether employers make their payment. You would have received a letter from HM Courts and Tribunals Service and IFF explaining this research, do you recall seeing this letter?

Yes	1	GO TO S3
No/ don't know	2	ASK S2A

S2a IF LETTER NOT RECEIVED (S2=2)
The letter explains that we are carrying out the research on behalf of the HM Courts and Tribunals Service to understand more about the experience of the process of receiving awards made in Tribunal cases. The conversation should take around 10 to 15 minutes. Would you like for me to arrange for the letter to be resent to you, either as an email or through the post?

Yes	1	ASK S2B
No	2	GO TO S3

S2b IF WOULD LIKE LETTER RESENT (S2A=1)
Would you prefer to receive the letter by email or in the post?

Email	1	ASK S2email
Post	2	GO TO S2C

IF PREFER EMAIL (S2B=1)
S2email Could I please take your email address?

WRITE IN EMAIL ADDRESS

CONFIRM EMAIL ADDRESS – RETYPE AND READ BACK TO THEM AS YOU DO

[LOGIC CHECK IF ADDRESSES DO NOT MATCH]

AUTO-SEND EMAIL AND GO TO APPOINTMENT

IF PREFER POST (S2B=2)
S2c I have your address as [address from sample] – is that correct?

Yes	1	GO TO APPOINTMENT
No	2	ASK S2D

IF SAMPLE ADDRESS NOT CORRECT (S2C=2)
S2D Please could we take your postal address?

GO TO APPOINTMENT

ASK ALL

S3 As outlined in the letter, IFF have been commissioned by the HM Courts and Tribunals Service to conduct a short interview with people who have been through the Employment Tribunal system. The interview should take about 10 minutes of your time to complete.

Would it be OK to conduct this interview now or should I call back at a time that is more convenient for you?

Yes	1	CONTINUE
Hard appointment	2	MAKE APPOINTMENT
Soft appointment	3	MAKE APPOINTMENT
Refusal	4	THANK AND CLOSE
Not available in deadline	5	THANK AND CLOSE
Needs reassurances	5	CONTINUE
Respondent would prefer to complete survey in another language	6	RECORD LANGUAGE AND GO TO S3a.
Respondent has other communication needs or needs to complete survey in alternative format	7	RECORD REQUIREMENTS AND GO TO S3b

REASSURANCES TO USE IF NECESSARY

- The research will be used to help the HM Courts and Tribunals Service to understand the details of how and when claimants may receive their awards from employers
- This survey is for research purposes only, and your participation will **not** have any impact on the payment of your award.
- We are conducting independent research - nothing you say to us will result in any sort of sales follow-up. IFF have been contracted by HM Courts and Tribunals Service.
- IFF Research is an independent market research company. All of our work is carried out according to the strict Code of Conduct of the Market Research Society, which means that everything you tell us will be treated in the strictest confidence and results will only be presented as aggregate statistics. If you would like to check IFF's credentials, you can call the Market Research Society on 0500 39 69 99. If you would like more information about the research we are conducting, please call Briony Gunstone or Sarah Coburn at IFF on 0800 0147 352.
- HM Courts and Tribunals Service has provided us with your name and phone number, in accordance with their data policy. If you would like to verify that the study is genuine, you can call Richard Boyd at the Department for Business, Innovation and Skills (BIS) at Richard.Boyd@bis.gsi.gov.uk. BIS are working in partnership with HMCTS on this study.
- The interview will take around 10 minutes to complete.

A1

ASK IF S3=6

S3a **We will try our best to call back soon with an interviewer who can speak this language and help you complete the survey.**

GO TO APPOINTMENT

ASK IF S3=7

S3b **We will be in touch soon to arrange an interview.**

GO TO APPOINTMENT

ASK ALL

S4 **This call may be recorded for quality and training purposes only.**

ASK ALL

S5 **Before we begin, can I just confirm that within the last [DATE FROM SAMPLE], you have had a case heard at an Employment Tribunal and that you were awarded monetary compensation by the tribunal?**

PROMPT IF NECESSARY: **By monetary compensation we mean that you were awarded a cash payment from the employer by the tribunal.**

PROMPT IF NECESSARY: **We would like to speak to you whether or not you have actually received the payment you were awarded.**

DO NOT READ OUT - SINGLE CODE

Yes	1	CONTINUE
No	2	THANK AND CLOSE
Don't know/can't remember/refuse to comment	3	

ASK ALL

S6 **And could I just check that the case is now closed and there is no appeal process still ongoing?**

PROMPT IF NECESSARY: **We would like to speak to you whether or not you have actually received the payment you were awarded.**

Yes – case is closed	1	CONTINUE
No – still ongoing	2	THANK AND CLOSE
Don't know/can't remember/refuse to comment	3	

A Background of Organisation and Claimant

ASK ALL

A1 **The first few questions are about the organisation about which your claim in the Employment Tribunal referred to, and if relevant the type of work you were doing there.**

So, thinking about the company or organisation involved in your claim, was this an organisation that:

READ OUT AND SINGLE CODE

You were working for at the time of the claim	1
You had worked for previously, but were no longer working there at the time of the claim	2
You had not worked for at all	3

ASK ALL

A2 **Was this company/organisation...**

READ OUT AND SINGLE CODE

A local-government or central government body ADD IF NECESSARY: such as a school, the Civil Service, part of the NHS, a college or university, the Armed Services etc.	1
A charity or voluntary sector organisation	2
A private sector firm or company (IF NECESSARY: one that seeks to make a profit)	3
DO NOT READ OUT: Other (SPECIFY)	4

IF PRIVATE SECTOR ORGANISATION (A2=3)

A3 **What did the firm/ organisation mainly make or do?**

DESCRIBE FULLY - PROBE MANUFACTURING OR PROCESSING OR DISTRIBUTING ETC. AND MAIN GOODS PRODUCED, MATERIALS USED, WHOLESALE OR RETAIL ETC

WRITE IN. TO BE CODED TO 2 DIGIT SIC 2007. ALLOW REFUSED.

ASK ALL

- A4 **Is the organisation a single site organisation, or does it operate over a number of different sites?**
INTERVIEWER NOTE: CODE AS "MULTISITE" IF OTHER SITES ARE IN OTHER COUNTRIES

DO NOT READ OUT. SINGLE CODE.

Single site	1
Multisite	2
Don't know	3

ASK ALL

- A5 **Approximately how many full or part time staff does this organisation employ in the UK, including all contracted, non-contracted, agency, freelance and temporary workers?**

INTERVIEWER NOTE: IF THEY ARE UNSURE A 'BEST GUESS' HERE IS FINE – WE NEED A BASIC INDICATION OF SIZE SO IT DOES NOT NEED TO BE EXACT.

INTERVIEWER NOTE: IF COMPANY IS A FRANCHISE, RECORD FIGURE FOR THE FRANCHISE RATHER THAN THE ORGANISATION AS A WHOLE.

DO NOT READ OUT. PROMPT IF NECESSARY. SINGLE CODE.

1-9	1
10-19	2
20-24	3
25-49	4
50-99	5
100-249	6
250-499	7
500+	8
DO NOT READ OUT - Don't know	9

A6 ASK IF MULTIPLE SITES IN UK (A4=2) AND HAD WORKED FOR ORGANISATION (A1=1 OR 2)
And how many full or part time staff were employed at the site you worked at in the UK, including all contracted, non-contracted, agency, freelance and temporary workers?

INTERVIEWER NOTE: AGAIN, IF THEY ARE UNSURE A 'BEST GUESS' HERE IS FINE – WE NEED A BASIC INDICATION OF SIZE SO IT DOES NOT NEED TO BE EXACT.

DO NOT READ OUT. PROMPT IF NECESSARY. SINGLE CODE.

0-9	1
10-24	2
25-99	3
100-249	4
250+	5
DO NOT READ OUT - Don't know	6

A7 ASK IF HAD WORKED FOR ORGANISATION (A1=1 OR 2)
Now thinking about your role at that organisation...

What was your job? What did you mainly do in your job?

INTERVIEWER PROBE FOR FULL DETAILS.

E.G. IF RESPONDENT WAS "SUPERVISOR" ASK WHAT KIND OF ACTIVITIES THEY SUPERVISE, IF 'ASSISTANT, WHAT SORT OF ASSISTANT?

INTERVIEWER NOTE: REMIND IF NECESSARY THAT WE ARE TALKING ABOUT THE ORGANISATION WHICH WAS THE SUBJECT OF THE EMPLOYMENT TRIBUNAL CLAIM

WRITE IN. TO BE CODED TO 1 DIGIT SOC 2010. ALLOW REFUSED.

ASK ALL WHO WERE PREVIOUSLY WORKING FOR THE EMPLOYER (A1=1 OR 2)

A8 **Before making your claim to the Employment Tribunal, how long had you worked for this employer?**

DO NOT READ OUT. PROMPT IF NECESSARY. SINGLE CODE.

Less than 1 year	1
More than 1 year but less than 2 years	2
More than 2 years but less than 3 years	3
More than 3 years but less than 4 years	4
More than 4 years but less than 5 years	5
More than 5 years but less than 10 years	6
10 years or more	7
Don't know	8
Refused	9

B Claim Specifics

ASK ALL EXC 'DEFAULT JUDGMENT' ON SAMPLE (OUTCOME=3 ONLY)

B1 The next few questions are about your claim at the Tribunal.

Please can you tell me the month and year of your final hearing, at which the monetary award was made?

DO NOT READ. SINGLE CODE

MONTH

January	1
February	2
March	3
April	4
May	5
June	6
July	7
August	8
September	9
October	10
November	11
December	12
Don't know/ can't remember	13

YEAR

2012	1
2011	2
Other (specify)	3
Don't know/ can't remember	4

ASK ALL EXC 'DEFAULT JUDGMENT' ON SAMPLE (OUTCOME=3 ONLY)

B2 **After the final hearing, how long did it take for the written confirmation of the judgment to arrive?**

PROMPT AS NECESSARY. SINGLE CODE

1-3 days	1
4-7 days	2
8-10 days	3
11-14 days	4
3 weeks	5
4 weeks	6
Over 4 weeks	7
DO NOT READ OUT: Don't know/ refuse	8

ASK ALL

B3 **What was your claim in relation to?**

PROMPT AS NECESSARY. MULTICODE

Unfair Dismissal	1
Working Time Directive	2
Wages claims	3
Sex discrimination and/or equal pay	4
Breach of contract	5
Redundancy pay and consultation	6
Disability discrimination	7
Race discrimination	8
National Minimum Wage	9
DO NOT READ OUT: Other (specify)	10
DO NOT READ OUT: Don't know	11

ASK ALL

B4 **And can you tell me what your total award from the Tribunal was in pounds? By total award I mean the total value awarded to you for your claim, whether or not this has currently been paid.**

WRITE IN £		
Don't know/refused	1	

IF REFUSE/DON'T KNOW EXACT NUMBER (B4=1) – PROMPT WITH RANGES

B4b **Can you tell me which of the following value bands your total award from the Tribunal falls into?**

PROMPT AS NECESSARY. SINGLE CODE

£1-£499	1	
£500-£1,999	2	
£2,000-£4,999	3	
£5,000-£9,999	4	
£10,000-£49,999	5	
£50000+	6	
Don't know/refused	7	

ASK ALL

B5 **Did you receive any help to prepare your case or to speak on your behalf during the hearing?**

INTERVIEWER NOTE: IF YES – PROBE TO IDENTIFY IF THIS WAS DURING THE PROCEEDINGS, DURING THE HEARING OR BOTH

DO NOT READ OUT. PROMPT AS ABOVE. SINGLE CODE

Yes – in the run up to the hearing	1	
Yes – at the hearing	2	
Yes – in the run up to and at the hearing	3	
No	4	
DO NOT READ OUT: Refused	5	

Enforcement of Tribunal Awards

ASK IF HAD ADVICE/REPRESENTATION (B5=1-3)

B6 **Who did you receive assistance from?**

DO NOT READ OUT. PROMPT AS NECESSARY

Solicitor / lawyer	1
Trade union	2
Citizen's Advice Bureau (CAB)	3
Employment Rights Advisor	4
Friend/Family member	5
Other (specify)	6
Don't know	7

ASK ALL

B7 **Before this claim in the Employment Tribunal, had you made a claim/appeal to a court or tribunal previously?**

DO NOT READ OUT. SINGLE CODE

Yes	1
No	2
Don't know/ refuse	3

ASK ALL

B8 **And before this claim in the Employment Tribunal, how confident would you say you were about dealing with legal issues?**

READ OUT. SINGLE CODE

Very confident	1
Fairly confident	2
Neither confident nor unconfident	3
Not very confident	4
Not at all confident	5
DO NOT READ OUT: Don't know	6

C Award Payment

ASK ALL

C1 **The next questions are about the payment of your award.**

Has your award...

READ OUT. SINGLE CODE

Been paid in full	1
Been paid in part	2
Not been paid at all at this stage	3
DO NOT READ OUT: Don't know/ Refused	4

ASK IF PAID IN FULL OR PART (C1=1,2)

C1A **And was your award paid by the employer or by some other organisation?**

Paid by employer	1
Paid by other organisation (SPECIFY FROM WHOM)	2
DO NOT READ OUT: Don't know/ Refused	3

Enforcement of Tribunal Awards

ASK ALL WHOSE AWARD HAS BEEN FULLY PAID (C1=1)

- C2 **Within how many weeks / months from the date the judgment was made was your award fully paid?**
INTERVIEWER NOTE: THIS IS FROM THE FINAL DAY OF THE HEARING.

DO NOT READ OUT. SINGLE CODE

4 weeks (1 month)	1
5 weeks	2
6 weeks (1 and a half months)	3
7 weeks	4
8 weeks (2 months)	5
3 months	6
4 months	7
5 months	8
6 months	9
7 months	10
8 months	11
9 months	12
10 months	13
11 months	14
12 months	15
More than 12 months	16
Don't know/refused	17

ASK ALL WHOSE AWARD IS ONLY PART PAID (C1=2)

- C3 **Why has only part of your award been paid?**

Being paid in instalments/paid off over time	1
Other (RECORD VERBATIM)	2
Don't know/refused	3

ASK IF BEING PAID INSTALMENTS (C3=1)

C4 **And are these instalments ongoing?**

DO NOT READ OUT. SINGLE CODE

Yes	1
No	2
Don't know	3

ASK ALL WHOSE AWARD HAS BEEN PARTLY PAID (C1=2)

C5 **Within how many months from the date of the judgment did you start receiving the payment?**

DO NOT READ OUT. SINGLE CODE

4 weeks (1 month)	1
5 weeks	2
6 weeks (1 and a half months)	3
7 weeks	4
8 weeks (2 months)	5
3 months	6
4 months	7
5 months	8
6 months	9
7 months	10
8 months	11
9 months	12
10 months	13
11 months	14
12 months	15
More than 12 months	16
Don't know/refuse	17

ASK ALL WHOSE AWARD NOT PAID AT ALL OR WHERE INSTALMENTS STOPPED (C1=3 OR C4=2)

C6 **Why have you not been paid your award (IF PART PAID C1=2: in full)?**

DO NOT READ OUT. CODE ALL MENTIONED.

NOTE TO INTERVIEWER: 'COMPANY NO LONGER EXISTS / INSOLVENCY' SHOULD ONLY BE CODED IF THE WHOLE COMPANY HAS CEASED TRADING, NOT IF AN INDIVIDUAL SITE HAS CLOSED DOWN.

Cannot locate employer	1
Cannot afford further action	2
Company no longer exists / insolvency	3
Employer could not pay	4
Employer refused to pay	5
Still waiting for outcome	7
Other (specify)	8
Don't know	9

ASK IF COMPANY NO LONGER EXISTS (C6=3)

C7 **As far as you are aware, is this company now trading again, perhaps under a different business name?**

Yes	1
No	2
Don't know	3

D Enforcement

ASK ALL ENGLAND/WALES (COUNTRYX=1 OR 2)

D1 **Did you pursue enforcement of your award payment via any of the following routes?**

READ OUT; MULTICODE

The Fast Track scheme (where, for a fee of £60, a High Court Enforcement Officer acts on your behalf to file the award with the county court, issue a writ and attempt to recover the monies owed from the employer)	1
By filing a case in the county court directly (where, for a fee of £40, the claimant registers the case with the county court, and a court-appointed bailiff is engaged by the county court to attempt to recover the monies)	2
Other (specify)	3
None of these	4
DO NOT READ OUT: Don't know	5

ASK ENGLAND/WALES IF DID NOT USE EACH ROUTE (D1 NOT 1 OR D1 NOT 2)

D2 **Were you aware that these ways of trying to enforce payment were available?**

ASK FOR ALL NOT MENTIONED AT D1

	Yes	No	Don't know
[IF D1 NOT 1] The Fast Track scheme (where, for a fee of £60, a High Court Enforcement Officer acts on your behalf to file the award with the county court, issue a writ and attempt to recover the monies owed from the employer)	1	2	3
[IF D1 NOT 2] By filing a case in the county court directly (where, for a fee of £40, the claimant registers the case with the county court, and a court-appointed bailiff is engaged by the county court to attempt to recover the monies)	1	2	3

ASK ALL WHO USED COUNTY COURT INSTEAD OF FAST TRACK AND WERE AWARE OF FAST TRACK (D1=2 AND D1 NOT 1 AND D2_1=1)

D3 **And why did you choose to use the county court instead of the Fast Track scheme to enforce your award payment? PROBE FULLY**

WRITE IN

ASK ALL WHO USED FAST TRACK INSTEAD OF COUNTY COURT AND WERE AWARE OF COUNTY COURT (D1=1 AND D1 NOT 2 AND D2_2=1)

D4 **And why did you choose to use the Fast Track scheme instead of the county court to enforce your award payment? PROBE FULLY**

WRITE IN

ASK ALL SCOTLAND (COUNTRYX=3)

D5 **Were you aware that, in Scotland, unpaid employment tribunal awards may be enforced by a sheriff officer if he/she has a certificate issued by the Secretary of the Tribunals which sets out how much the tribunal has ordered the employer to pay?**

Yes	1
No	2

ASK ALL AWARE IN SCOTLAND (D5=1)

D6 **Did you make an application to the Secretary of the Tribunals for the issue of a certificate setting out how much the tribunal has ordered the employer to pay?**

Yes	1
No	2
Don't know	3

IF SCOTLAND AND APPLIED FOR CERTIFICATE (D6=1)

D7 **Did you engage a sheriff officer to enforce the award?**

Yes	1
No	2
Don't know	3

ASK ALL (ENG, WALES, SCOT) WHO PURSUED ENFORCEMENT (D1=1 OR 2 OR D7=1)

D8 **How long was it, from the date of receiving your judgment, before you commenced any enforcement action?**

DO NOT READ OUT. SINGLE CODE

4 weeks (1 month)	1
5 weeks	2
6 weeks (1 and a half months)	3
7 weeks	4
8 weeks (2 months)	5
3 months	6
4 months	7
5 months	8
6 months	9
7 months	10
8 months	11
9 months	12
10 months	13
11 months	14
12 months	15
More than 12 months	16
Don't know/refused	17

ASK ALL (ENG, WALES, SCOT) WHO PURSUED ENFORCEMENT AND WHO HAVE NOT BEEN PAID AT ALL OR INSTALMENTS HAVE STOPPED (D1=1 OR 2 OR D7=1) AND (C1=3 OR C4=2)

D9 **Is the process of attempting to enforce payment still ongoing or has it finished?**

SINGLE CODE

Ongoing	1
Efforts have finished	2
Don't know	3

ASK IF CASE NOW CLOSED (D9=2 OR ((D1=1 OR 2 OR D7=1) AND C1=1))

D10 **How satisfied are you with the outcome of pursuing your award through the [IF D1=1 Fast Track scheme][IF D1=2 county court][IF D7=1 sheriff officer]?**

READ OUT. SINGLE CODE

Very satisfied	1
Fairly satisfied	2
Neither satisfied nor dissatisfied	3
Fairly dissatisfied	4
Very dissatisfied	5
DO NOT READ OUT: Don't know	6

ASK ALL (ENG, WALES, SCOT) WHO PURSUED ENFORCEMENT (D1=1-2 OR D7=1)

D11 **And aside from the outcome of your case, how satisfied are you with the way your case was handled by the [IF D1=1 Fast Track scheme][IF D1=2 county court][IF D7=1 sheriff officer]?**

READ OUT. SINGLE CODE

Very satisfied	1
Fairly satisfied	2
Neither satisfied nor dissatisfied	3
Fairly dissatisfied	4
Very dissatisfied	5
DO NOT READ OUT: Don't know	6

D12 **DELETED**

IF SCOTLAND AND ENGAGED SHERIFF OFFICER (D7=1)

D13 **How much did you have to pay the sheriff officer for attempting to enforce payment of the award?**

WRITE IN		
Don't know	1	
Refused	2	

IF ENG/WALES AND NO ENFORCEMENT ACTION TAKEN AND NOT PAID AT ALL OR INSTALMENTS HAVE STOPPED (D1=4 AND (C1=3 OR C4=2))

D14 Why have you not taken any action to try to enforce the payment of your award?

DO NOT READ OUT. MULTI CODE – PROBE TO ‘NOTHING ELSE’

Did not know I could	1
Award made within 42 days so no need to at this stage	2
Too expensive	3
Too much hassle/just want to forget it	4
Too time consuming	5
Still getting advice	6
Advised not to	7
Trust the employer to pay/employer told me they will pay	8
Other (SPECIFY)	9
Refused	10

SCOTLAND - IF WAS AWARE BUT DID NOT APPLY FOR CERTIFICATE (D5=1 AND D6=2 AND (C1=3 OR C4=2))

D15 Why did you not apply to the Secretary for the issue of a certificate of this kind?

DO NOT READ OUT. MULTI CODE – PROBE TO ‘NOTHING ELSE’

Did not know I could	1
Award made within 42 days so no need to at this stage	2
Too expensive	3
Too much hassle/just want to forget it	4
Too time consuming	5
Still getting advice	6
Advised not to	7
Trust the employer to pay/employer told me they will pay	8
Other (SPECIFY)	9
Refused	10

SCOTLAND - IF APPLIED FOR CERTIFICATE BUT DID NOT ENGAGE SHERIFF OFFICER (D6=1 AND D7=2 AND (C1=3 OR C4=2))

D16 **Why did you not engage a sheriff officer to enforce the award?**

DO NOT READ OUT. MULTI CODE – PROBE TO ‘NOTHING ELSE’

Did not know I could	1
Award made within 42 days so no need to at this stage	2
Too expensive	3
Too much hassle/just want to forget it	4
Too time consuming	5
Still getting advice	6
Advised not to	7
Trust the employer to pay/employer told me they will pay	8
Other (SPECIFY)	9
Refused	10

ASK ALL

D17 **And how much do you agree or disagree that, at the time of your hearing, you understood the options available to you should the employer decide not to pay your award?**

READ OUT. SINGLE CODE

Agree strongly	1
Agree	2
Neither	3
Disagree	4
Disagree strongly	5
DO NOT READ: Don't know/not sure	6

ASK ALL

D18 **Since your hearing, have you sought any advice about enforcing your award from any organisation or person?**

DO NOT READ OUT. SINGLE CODE

Yes	1
No	2
DO NOT READ OUT: Refused	3

ASK IF HAD ADVICE (D18=1)

D19 **Who did you receive assistance from?**

DO NOT READ OUT. PROMPT AS NECESSARY

Solicitor / lawyer	1
Trade union	2
Citizen's Advice Bureau (CAB)	3
Employment Rights Advisor	4
Friend/Family member	5
Other (specify)	6
Don't know	7

E Demographics

ASK ALL

Finally, I just have a few questions about you to ensure that we have a good cross section of people in our survey.

E1 Which of the following age groups do you fit into?

READ. SINGLE CODE

16-24	1
25-29	2
30-34	3
35-44	4
45-54	5
55-64	6
65 +	7
DO NOT READ OUT: REFUSED	X

ASK ALL

E1a Before filing your claim with the Employment Tribunal, what was the occupation of the chief income earner of your household?

INTERVIEWER PROBE FOR

- Position, rank or grade
- Industry or type of company
- Type of qualifications, degrees, apprenticeships needed for job
- No. Of staff employed by the whole organisation

IF UNEMPLOYED / RETIRED – PROBE FOR DETAILS OF MOST RECENT JOB

WRITE IN: ALLOW REFUSED.

ASK ALL

E2 **Before filing your claim with the Employment Tribunal, was your employment situation...**

PROBE TO PRECODES. SINGLE CODE.

Working full time (31 hours plus per week)	1
Working part time (under 31 hours per week)	2
Retired	3
Unemployed, on benefit	4
Unemployed, not on benefit	5
Looking after the home or family	6
Not working because of sickness or disability	7
In education or training	8
Other (SPECIFY)	9
Refused	10

ASK ALL WHO WERE IN WORK (E2/1 OR 2)

E3 **Before filing your claim with the Employment Tribunal, which of these bands did your personal annual salary fall into?**

IF NECESSARY ADD: **this is before any deductions e.g. tax or national insurance deductions.**

INTERVIEWER: TRY TO GET ESTIMATE OF ANNUAL SALARY

Up to £10,000	1
£10,001-£20,000	2
£20,001-£40,000	3
£40,001-£50,000	4
Over £50,000	5
DO NOT READ OUT: Don't know	6
DO NOT READ OUT: Refused	7

ASK ALL

E4 **And what is your current employment situation?**

PROBE TO PRECODES. SINGLE CODE.

Working full time (31 hours plus per week)	1
Working part time (under 31 hours per week)	2
Retired	3
Unemployed, on benefit	4
Unemployed, not on benefit	5
Looking after the home or family	6
Not working because of sickness or disability	7
In education or training	8
Other (SPECIFY)	9
Refused	10

ASK ALL IN WORK (E4/1 OR 2)

E5 **And which one of these bands does your current personal yearly income fit into?**

IF NECESSARY ADD: **this is before any deductions e.g. tax or national insurance deductions.**

IF NECESSARY: **Again this is just to ensure we have a good mix of people in our survey.**

INTERVIEWER: TRY TO GET ESTIMATE OF ANNUAL SALARY

Up to £10,000	1
£10,001-£20,000	2
£20,001-£40,000	3
£40,001-£50,000	4
Over £50,000	5
DO NOT READ OUT: Don't know	6
DO NOT READ OUT: Refused	7

ASK ALL

E6 **Do you consider yourself to have a disability?**

Yes	1
No	2
Refused	3

ASK ALL

E7 **And which one of these bands does your household's total yearly income fit into? Please include all the incomes of all household members before any deductions, e.g. tax or national insurance deductions.**

IF NECESSARY: **Again this is just to ensure we have a good mix of people in our survey**

INTERVIEWER NOTE: THIS IS DIFFERENT FROM PERSONAL INCOME UNLESS THEY ARE THE ONLY PERSON EARNING IN THEIR HOUSEHOLD, IN WHICH CASE CLARIFY INCOME.

SINGLE CODE

DP: ONLY ALLOW BANDS LARGER OR EQUAL TO RESPONSE GIVEN AT E5

Up to £10,000	1
£10,001-£20,000	2
£20,001-£40,000	3
£40,001-£50,000	4
Over £50,000	5
DO NOT READ OUT: Don't know	6
DO NOT READ OUT: Refused	7

E8 **DELETED**

ASK ALL

E9 **And how would you describe your ethnic origin?**

SINGLE CODE

White	
White British	1
White Irish	2
Other White (specify)	3
Mixed	
White and Black Caribbean	4
White and Black African	5
White and Asian	6
Other Mixed (specify)	7
Asian or Asian British	
Indian	8
Pakistani	9
Bangladeshi	10
Other Asian background (specify)	11
Black or Black British	
Caribbean	12
African	13
Other Black background (specify)	14
Chinese	15
Other (specify)	16
Don't know	17
Refused	18

ASK ALL

E10 **Are you currently...**

READ OUT. SINGLE CODE ONLY

Married / Civil Partner	1
Cohabiting or living with a partner	2
Single	3
Separated/ divorced	4
Widowed	5
Other (specify)	6
DO NOT READ OUT: Refused	7

ASK ALL

E11 **And what is your first language?**

English	1
Other (specify)	2
Refused	3

ASK ALL

E12 **INTERVIEWER – DO NOT READ OUT. Code gender**

Male	1
Female	2

ASK ALL

E13 **Thank you very much for taking the time to speak to us today. Would you be willing for us to call you back regarding this study – if we need to clarify any of the information?**

Yes	1
No	2

ASK ALL

E14 **If the Government wishes to do any further research in this area as a follow up to this study, would you be willing to be contacted?**

Yes	1
No	2

IF CONSENT TO RECONTACT (E13 OR E14=1)

E15 **And could I just check, is [NUMBER] the best number to call you on?**

Yes	1
No - write in number	2

ASK ALL

THANK RESPONDENT AND CLOSE INTERVIEW

Finally I would just like to confirm that this survey has been carried out under IFF instructions and within the rules of the MRS Code of Conduct. Thank you very much for your help today.

Appendix D: Prenotification letter

[NAME]
[ADDRESS 1]
[ADDRESS 2]
[ADDRESS 3]
[POST CODE]

Ref: [KEY NUMBER]

Dear [SALUTATION] [NAME],

Research into Employment Tribunal awards

Our records show that within the past year you were successful at your Employment Tribunal hearing and as a result you were awarded a monetary payment (which you may or may not have received yet). The Tribunals Service is interested in understanding more about your experience of the process in receiving your award and has commissioned IFF Research, an independent research agency, to conduct research into this.

IFF Research will conduct a survey by telephone between 7th May and 7th June 2013. They will be contacting claimants who have been awarded monetary compensation, as randomly provided by us. The interview itself will take between 10 and 15 minutes to complete and IFF will want to speak to you regardless of whether you have actually received your award at this stage, or whether you are still awaiting payment.

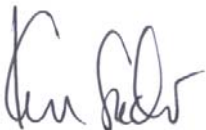
Your response will play a key part in our monitoring of the payment of awards. Therefore, if you are contacted by IFF Research I do hope you will take the opportunity to contribute. **Any answers you give will remain completely confidential** and we will only see overall results, not individual replies.

Please note that this survey is for research purposes only, and your participation will **not** have any impact on the payment of your award.

If you have any questions at all about this research, then please don't hesitate to contact Sarah Coburn at IFF Research on 0800 0147 352 or email EmploymentTribunalSurvey@iffresearch.com.

Once again, we do feel that this is an important piece of research and hope you will participate if called.

Yours sincerely,



Kevin Sadler

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