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**Findings from the Survey of
Employment Tribunal Applications
2013**

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Glossary

Abbreviations	Description
Acas	The Advisory, Conciliation and Arbitration Service
APS	Annual Population Survey
BIS	The Department for Business, Innovation and Skills
ET1	Employment tribunal claim form 1
ET3	Employment tribunal claim form 3
HMCTS	Her Majesty's Courts and Tribunals System
JSA	Job Seekers Allowance
SETA	Survey of Employment Tribunal Applications
SOC	Standard Occupation Group

Executive Summary

About the survey

The 2013 Survey of Employment Tribunal Application (SETA) is the sixth in a series. The first SETA was undertaken in 1987, with subsequent surveys undertaken in 1992, 1998, 2003 and 2008. The series aims to provide information on the characteristics of the parties in, and the key features of, employment tribunal (ET) cases. The headline aims of the 2013 study were:

- To obtain information on the characteristics of employment tribunal claimants and employers.
- To assess the costs of going to tribunals for claimants and employers;
- To monitor the performance of the employment tribunal claim process;

The overall design follows a very similar approach to that employed in SETA 2008.

The sample frame was supplied by Her Majesty's Court and Tribunal Service (HMCTS) and consisted of single claims disposed of between 3rd January 2012 and 4th January 2013. Two random samples were drawn, one for employers and one for claimants. The sample for each survey was drawn across all jurisdictions. As in 2008, the data were collected using Computer Assisted Telephone Interviewing. A total of 3,999 interviews were carried out, 1,988 interviews with claimants and 2,011 with employers. The average interview length in the claimant survey was 33 minutes and in the employer survey 27 minutes.

The findings presented in this report are statistically representative of single claims disposed of in the above period. This report presents the main descriptive findings from 2013 SETA and updates the findings from the 2008 survey. It should be noted that the samples are not matched by employment tribunal case, although findings are sometimes reported from the combined sample.

Event leading up to the claim

The issuing of written terms and conditions, alongside workplace rules and procedures, is recognised as playing an important role in clarifying the basis of the employment relationship, and to avoid workplace grievances and disputes escalating. Discussions between the employer and the employee before an employment tribunal claim takes place may also help grievances to be resolved informally before they escalate.

Oral discussions between parties prior to the claim being submitted took place in around 56 per cent of cases according to both **claimants** and **employers**. In comparison to 2007, the incidence of oral communication rose slightly: the **combined** findings indicate that such discussion rose by five percentage points, from 51 per cent in 2007 to 56 per cent in 2012. The proportion of cases where a formal meeting took place rose by six percentage points,

from 33 per cent to 39 per cent. These rises occurred despite the repeal of the statutory dispute regulations in the intervening period.¹

The proportion of **claimants** reporting that they had been provided with a written statement of terms of conditions has increased since 2007 (70 per cent compared with 64 per cent in 2007), as has the proportion reporting written procedures were in place (in 2012, 54 per cent said both written disciplinary and grievance procedures existed, compared with 50 per cent in 2007). The findings for **employers** have remained in line with 2007 (with 90 per cent reporting that they provided the claimant with a written statement of their terms and conditions and 92 per cent reporting that both written disciplinary and grievance procedures existed).

As in 2007, there was a relationship between the provision of written statements and the outcome of cases that go to a full tribunal hearing. Among both **claimants and employers**, survey respondents were more likely to say written statements were in place where the claimant was unsuccessful at the tribunal hearing, compared with cases where the claimant was successful.

At the time of the interview (according to the **combined** findings) over nine in ten claimants (92 per cent of those who had originally worked for the employer) were no longer working for the same employer that they had brought the employment tribunal claim against. Of these **claimants**, two in five (40 per cent) said that they were dismissed, while 25 per cent were made redundant or laid off, and 24 per cent resigned. In line with 2007, where claimants were dismissed, this was most likely to be because of misconduct or misbehaviour.

Claim process and fees

Among **employers** in the survey, almost two in five (39 per cent) have been involved in employment tribunal claims in the past two years. Involvement in previous claims varied by employer size, with larger organisations more likely to have been involved with a greater number of claims in the past compared with smaller organisations. For example:

- In organisations employing fewer than 25 staff, 78 per cent had not dealt with any previous claims, 11 per cent had dealt with one and nine per cent with two to five claims.
- In comparison, in organisations employing 250 or more employers, seven per cent had not dealt with any claims in the past, six per cent with one, 21 per cent with two to five claims and 48 per cent with six or more claims.

When **claimants** were asked about the various sources of information they had used to help them with their case, the use of websites had increased from 2007, and the use of

¹ In April 2009, the regulations requiring all employers and employees in Great Britain to follow statutory minimum dispute resolution procedures (the “three-step” dispute resolution procedure) in the event of an employment dispute were repealed by the Employment Act 2008.

leaflets and publications had decreased. About 57 per cent of claimants had used the Acas website in 2012. The next most commonly used websites were HMCTS and Direct Gov, used by 43 and 42 per cent of claimants respectively.

Since 29th July 2013, claimants who make a new employment tribunal claim have been required to pay a fee when doing so. The claims covered by the SETA 2013 survey were **not subject to fees**, however, claimants were asked about whether a fee of £250 for making the application would have influenced their decision to go to tribunal. The perception of about half of **claimants** (49 per cent) was that a claim fee of £250 *would* have influenced their decision. Multivariate analysis showed that:

- Claimants aged 20-24 and 25-34 were more likely to be influenced by the payment of a fee than those aged 65 or older.
- Claimants in cases where their job was temporary were more likely to be influenced by the payment of a fee than those whose jobs were (permanent) full time and (permanent) part time.
- Claimants in jobs with lower salaries were more likely to be influenced by the payment of a fee compared to those in jobs with higher salaries.
- Claimants in Wages Act were more likely to be influenced by the payment of a fee compared to those in cases classified into the 'Other' jurisdiction category.² This may be related to the value of wages act claims, which on average receive the lowest awards.
- Claimants who did not have a day to day representative were more likely to be influenced by the payment of a fee than those who did have a day to day representative.

It is worth noting that the outcome of the case and claimant's overall satisfaction with the employment tribunal system did not remain significant, when controlling for other factors, suggesting that the claimant experience of the employment tribunal did not have a significant effect on the results.

If **claimants** said that the presence of a fee would not have influenced their decision to go to a tribunal, they were asked how they would have met the cost of a £250 fee. Most **claimants** said that they would have paid the fee out of their personal income or savings (82 per cent), while around one in six (17 per cent) would have borrowed the amount from friends or family. Younger claimants and those on a lower salary were more likely to say that they would have borrowed from friends or family.

² About 10 per cent of claims in the SETA 2013 sample were made in the 'Other' jurisdiction. This jurisdiction includes claims that were not either unfair dismissal, breach of contract, wages act, redundancy payments, or discrimination. This includes less common jurisdictions such as failure to allow time off for trade union activities.

Advice and representation

Access to professional advice and representation is considered important in informing parties about the merits of a case and subsequent action that should be followed. This report makes a distinction between advice and representation. In the former, parties talk to someone about the case, while representation is seen to go beyond the provision of advice and is defined as giving help with the case, for example handling paperwork.

Parties can seek advice and representation during different stages of the claim process:

- Three in ten **claimants** (31 per cent) nominated a representative on the ET1 tribunal claim form, compared to five in ten (49 per cent) of employers on the ET3 tribunal response form.
- Three in five **employers** (60 per cent) used a day-to-day representative to help them with their case, which is line with 2007. Among **claimants**, around half (52 per cent) used a day-to-day representative which is an increase on the 2007 figure of 46 per cent. Interestingly, in SETA 2003, 55 per cent of claimants used a day-to-day representative, and so the 2012 results suggest representation levels are reaching similar levels to 2002, and may suggest that the 2007 survey results were a blip in the trend data of the series.
- If the case progresses to a tribunal hearing, then this is another critical stage of the process where representation might be sought. In line with 2007, **employers** were much more likely than **claimants** to be represented at the hearing (67 per cent compared with 33 per cent). Among both claimants and employers when they went to a tribunal hearing, there were two main reasons given by both **claimants** and **employers** for not using a representative at a tribunal hearing: not being able to afford legal representation (27 per cent of claimants and 11 per cent employers) and thinking that they could handle the hearing on their own (24 per cent of claimants and 11 per cent of employers)

Among **claimants**, 27 per cent had both a representative nominated on the ET1 form and a day-to-day representative. However, one in four (24 per cent) had no advice or representation at all. Among **employers**, 36 per cent had both a representative nominated on the ET3 and a day-to-day representative, while only 15 per cent had no advice or representation at all. Reflecting the 2007 findings, where a representative was used, the most common source of advice and representation at all stages of the case was lawyers among both **claimants** and **employers**.

Interestingly, **claimant** use of any representation and advice at the different stages of the claim did not vary by salary. However, the use of a *legal* representative or advisor did, with claimants with larger salaries more likely to use a legal representative or advisor. This would therefore imply that **claimants** with lower salaries are more likely to use other, less costly forms of representation and advice. Examination of the data suggests that this is generally the case. For **employers**, larger employers were more likely than smaller employers to have had a legal representative or advisor at some stage of the claim.

Day to day representation

In line with 2007, where representatives gave advice on how to proceed with the claim, they were more likely to advise parties to settle rather than go to a hearing. This applied to both claimants and employers: 48 per cent of claimants said that the main advisor advised them to settle, compared with 15 per cent who advised going to a hearing, while the equivalent figures for employers were 45 per cent and 18 per cent.

Use of a day-to-day representative was most common in cases that were settled (either privately or by Acas) and least common in cases which were dismissed at a preliminary hearing or disposed of otherwise. Whilst these findings are largely similar to 2007, the proportion of Acas settled cases which involved a day-to-day representative has increased (from 48 per cent to 59 per cent). Among **employers**, a similar increase in the use of a day-to-day representative in Acas-settled cases since 2007 was also evident (from 59 per cent to 67 per cent). There was not a similar increase in use of day-to-day representative among privately settled cases.

The use of a day-to-day representative also varied by primary jurisdiction, being used least in Wages Act cases (33 per cent of **claimants** and 30 per cent of **employers**). This may be related to the relative value of the case, since these cases attract lower awards on average at tribunal. There were also some changes since 2007. **Claimants** in unfair dismissal cases were more likely to use representation in 2012 than they were in 2007 (55 per cent compared with 47 per cent), as were those in use Breach of Contract cases (51 per cent compared with 44 per cent).

Attempts at resolution, offers and withdrawn claims

According to the **combined samples of claimants and employers**, an offer of settlement was made in 68 per cent of cases. Conditional of an offer being made, the final offer resulted in a settlement in four fifths of cases (79 per cent). This translates into a settlement rate of around 54 per cent of all cases in 2012.

In cases where an offer of settlement was made, the **combined samples of claimants and employers** indicate it was mostly the employer (35 per cent) or an employer representative (26 per cent) who made the first offer. In line with 2007, financial reasons (51 per cent) and saving time (26 per cent) were the main reasons cited by **employers** for offering a settlement. Among those employers who did not propose an offer, reasons for not doing so focused around the employer believing that they had a strong case.

Reflecting the findings in 2007, 91 per cent of cases that were settled consisted of a financial offer, according to the **combined analysis of claimants and employers**. In such cases, the median amount finally offered was £2,500. In line with the findings observed in 2007, in almost all settled cases (95 per cent), the employer had complied with the agreed settlement in full by the time of the survey.

Amongst **claimants** who withdrew their cases, reasons for withdrawing were mixed. The most commonly cited reason was that there was too much expense involved in continuing (29 per cent).

Acas

Acas conciliators have a statutory duty to promote a settlement through conciliation. When a complaint to the employment tribunal is made, Her Majesty's Courts and Tribunals Service sends a copy of the completed claim and response forms to nearest Acas regional office with any correspondence relating to the case. Acas then uses this information to contact both sides to offer conciliation. The Acas conciliator discusses the issues of the case with parties, explains the employment tribunal process, the law and case law where appropriate. They provide both parties with information on the options available to them and pass information between the parties, including details of any offers of settlement. By encouraging each party to consider the strengths and weaknesses of their case, the conciliator seeks to narrow the gap between them and bring them to a stage where a settlement can be negotiated.

The majority of **claimants** (59 per cent) reported that they had personal contact with an Acas officer, and 20 per cent reported that a representative had this type of contact. This represents a marked increase of nine percentage points in personal contact by the claimant since 2007, where 48 per cent reported having contact. Levels of contact amongst claimant representatives have remained in line (18 per cent in 2007).

In the **employer** survey, 41 per cent of respondents said that they had some form of contact with an Acas officer, and 28 per cent said that a representative had this type of contact. Personal contact between employer representatives and Acas increased by nine percentage points, from 19 per cent in 2007 to 28 per cent in 2012. However, personal contact between employers and Acas has remained in line with 2007.

The majority of claimants and employers where they or their representative (21 per cent claimants and 31 per cent employers) did not have contact with an Acas officer, did not know why this was. Reflecting the 2007 findings, **employers** were less likely than **claimants** to see Acas involvement as important:

- 54 per cent of **employers** who had contact with an Acas officer in cases that were settled reported that it would have been settled without Acas' involvement compared to 32 per cent of **claimants**. This pattern has become more pronounced since 2007; while the figures for claimants have remained the same, employers in 2012 were more likely to say the case would have been settled without Acas than they were in 2007 (54 per cent compared with 48 per cent).
- Among **claimants** who had personal contact with an Acas officer, the majority (61 per cent) said that Acas involvement was important in helping them to decide how to proceed with the case. Among **employers** the equivalent figure was 43 per cent.

The majority (68 per cent) of **claimants** who had personal contact with an Acas officer reported that they were satisfied in general with the service they had received from Acas in their case, however, levels of satisfaction were lower than in 2007 (when 77 per cent were satisfied). Satisfaction levels were higher among employers, with 75 per cent being satisfied, similar to 2007. Among the 29 per cent of claimants and 20 per cent of employers who were dissatisfied, the most common reason reported by both was the view

that Acas did not do anything or did not help (40 per cent of **claimants** and 45 per cent of **employers**).

Outcomes

The outcomes of employment tribunal claims in 2012 broadly reflect those in 2007, with the exception of the proportion of claims that were privately settled, which fell by six percentage points from 19 per cent in 2007 to 13 per cent in 2012 according to the **combined samples**.

The outcome of employment tribunal claims varied significantly by jurisdiction. Redundancy cases were less likely than other jurisdictions to result in settlements, and Wages Act cases were more likely than other jurisdictions to be settled privately. Whilst the overall pattern is largely consistent with 2007, a fall in the number of cases which were privately settled was evident, which was driven by a reduction in the private settlement rate in breach of contract cases (from 21 per cent to 11 per cent) and unfair dismissal cases (from 17 to 10 per cent). This is based on the combined samples of **claimants and employers**.

In the claimant data, 17 per cent of all claims went to a full tribunal hearing. Multivariate analysis of the claimant data showed that:

- Claimants aged 65 or over were *more* likely to go to a tribunal hearing than those aged under 25.
- Claimants who did not say they were hoping to get an apology at the time of the application were *more* likely to go to a tribunal hearing.
- Claimants who were advised that it was better not to settle and keep going for a hearing (by their day to day representative/main advisor) were *more* likely to go to a hearing.
- Claimants who received help preparing for hearings (by their day to day representative/main advisor) were *more* likely to go to a tribunal hearing.
- Claimants who were a member of a trade union or staff association at the time they brought the application were *less* likely to go to a hearing.
- Claimants who were informed about the pros and cons of settling a case without going to a tribunal (by their day to day representative/main advisor) were *less* likely to go to a tribunal hearing.
- Claimants in cases where an offer of settlement was proposed were *less* likely to go to a tribunal than those in cases where no offer was made. In particular, those in cases where the employer made the offer were least likely to go to a tribunal followed by those when an offer was made by someone other than the employer.

Reflecting the findings in 2007, in 90 per cent of the cases which went to tribunal and where the tribunal decided in favour of the claimant, the award involved money (according to the **combined samples of claimants and employers**).

The data indicate that the median sum of money awarded at tribunal was lower than the median amount that **claimants** initially hoped to receive at the very start of their case:

- The median amount initially hoped for by **claimants** was £4,000. In comparison to 2007, the median has doubled from £2,000.
- For claimants who had been successful at employment tribunal and were awarded a sum of money, this had a median value of £3,000 according to the **combined samples of claimants and employers**, in line with results from the payment of tribunal awards 2013 study (BIS, 2013).

Responses varied significantly between the two parties about whether claimants received the payment of their award, with 63 per cent of **claimants** reporting that they had received it, compared with 87 per cent of **employers** who said that the money had been paid. These figures are in line with those reported in 2007.

Receipt rates reported by claimants were also in line with the results from the payment of tribunal awards 2013 study (BIS, 2013)¹, where 65 per cent of **claimants** reported they were paid in full or part, with a small but statistically significant decrease in the proportion of awards being paid. It is worth noting that a higher proportion of claimants received their settlement in cases which were settled (95 per cent), compared with the proportion of claimants who had received their awards following a tribunal hearing.

According to the **combined sample of claimants and employers**, in over half of cases where the claimant was awarded a sum of money by the employment tribunal, the money was paid to claimants in four weeks or less (54 per cent of cases). Claimants used enforcement channels, for example an application to a local country court for an enforcement order, in 18 per cent of cases.

Claimants were usually not awarded costs or expenses by the employment tribunal; claimants were only awarded costs in 14 per cent of cases (according to the **combined sample of claimants and employers**).

Cost and benefits

Just over six in ten **claimants** (62 per cent) reported that they had incurred personal financial costs as a result of the case. This figure represents an increase from that reported in 2007 (55 per cent). Claimants may face several different types of cost:

- 42 per cent of claimants incurred communication costs, an increase of five percentage points from 37 per cent in 2007. Of the 42 per cent that faced these costs, the mean communication cost was £81 (median £20);
- 31 per cent incurred travel costs, an increase of five percentage points from 26 per cent in 2007. Of the 31 per cent that faced these costs, the mean travel cost was £98 (median £50);
- 31 per cent suffered a loss of earnings, which is unchanged from 2007. Of the 31 per cent that faced these costs, the mean loss of earnings was £17,227 (median £6,000). Loss of earnings was most likely to be reported by **claimants** in cases that were unsuccessful at tribunal (41 per cent), or dismissed at a preliminary hearing or disposed of otherwise (41 per cent).
- 65 per cent of claimants who had legal or professional day-to-day representation or advice (i.e. excluding friends, family or work colleagues) said that all of the help or advice they received was free. The main source of free help or advice was lawyers (49 per cent). Among those claimants that paid for legal or professional day-to-day representation or advice, the median amount paid was £2,000.

In terms of the time spent on the case, the mean number of days spent by **claimants** was 30, although the median was only six (compared with 42 and seven respectively in 2007).

As in 2007, the most commonly mentioned non-financial impacts for **claimants** were stress or depression, or that the claimant had found the case emotionally draining (mentioned by 63 per cent).

Among **employers**, the mean number of people who were involved and spent time on the case was four and the median was three. In line with 2007, the mean number of days spent by all staff on the case was thirteen, whilst the median was five. Most time was spent by **employers** in cases where the claimant was unsuccessful at tribunal hearing, a median of 13 days, compared with four days in cases that were withdrawn or the claimant was successful. The mean number of days incurred by just directors and senior management on the case was nine, whilst the median number was three.

In terms of costs of advice and representation, only 20 per cent of **employers** who had legal or professional day-to-day representation or advice (i.e. excluding friends, family or work colleagues) said that all of the help or advice they received was free. The main source of free help or advice was lawyers (46 per cent). Among those employers that paid for legal or professional day-to-day representation or advice, the median amount paid was £3,000.

One third (33 per cent) of **employers** felt that the case had negative effects on the organisation that were not financial. **Employers** in smaller organisations were more likely than those in larger ones to report negative impacts (46 per cent of employers with fewer than 25 employees compared with 22 per cent of those with 250 or more employees).

Employers were prompted with a list of possible changes and asked if they had made any of them as a result of their experience dealing with the claim. The most common action **employers** had taken was to ensure that existing procedures were followed (41 per cent said this). This figure is lower than that reported in 2007 (51 per cent). Just under half (49 per cent) reported that they did not make any of the prompted changes. Larger employers were more likely than smaller employers to report not making any changes (64 per cent of those with 250 or more employees compared with 26 per cent with fewer than 25 employees).

Impact and Satisfaction

Three in four **claimants** (77 per cent) thought that it was worthwhile bringing the case against the employer, while one in five (20 per cent) did not think it was worthwhile. **Claimants** were more likely to think it was worthwhile if the case was privately settled (88 per cent) or settled by Acas (87 per cent), and these proportions were higher than among those who were successful at tribunal (78 per cent). In comparison to 2007, claimants were less likely to say that they felt it was worthwhile bringing the case (77 per cent in 2012 compared with 83 per cent in 2007).

When asked in general how satisfied they were with the workings of the employment tribunal system, the majority (72 per cent) of **claimants** said that they were satisfied, including 36 per cent who were very satisfied. Around one in four (24 per cent) were dissatisfied. This level of dissatisfaction is higher than in 2007, when 20 per cent were dissatisfied. Satisfaction was higher amongst younger claimants (84 per cent of those aged under 25 were satisfied compared with between 70 and 75 per cent in older age bands).

Amongst the 24 per cent of **claimants** who were dissatisfied, a quarter (25 per cent) said that the tribunal system is unfair, while 14 per cent felt that they did not receive any help or support. One in nine (11 per cent) said there needs to be a quicker timescale of events, while 10 per cent said that communication was poor.

Two in three **employers** (64 per cent) said that that they were satisfied with the workings of the tribunal system, while around one in four (28 per cent) were dissatisfied. Amongst the 28 per cent of employers who were dissatisfied, the most commonly mentioned reasons were that the tribunal system is unfair (34 per cent), and that the costs of going to tribunal are too high (17 per cent).

Two thirds (66 per cent) of **claimants** whose cases went to a hearing, believed that the employment tribunal hearing gave each party a fair chance to make their case. This is broadly in line with 2007. Claimants aged 25 to 44 were more likely than those aged 45 to 64 to feel the hearing gave each party a fair chance. These attitudes are clearly related to the case outcome: claimants who were successful at tribunal were considerably more

likely to say that the hearing gave each party a fair chance (80 per cent) than claimants who were unsuccessful at the hearing (49 per cent).

Nearly three-quarters (73 per cent) of **employers** whose cases went to a hearing believed that the employment tribunal hearing gave each party a fair chance to make their case. Agreement was higher amongst employers in cases where the claimant was unsuccessful compared with cases where the claimant was successful at the hearing (91 per cent compared with 56 per cent). It was also higher among larger organisations (85 per cent of those with 250 or more employees compared with between 63 and 69 per cent in smaller organisations).

Characteristics of parties

The key characteristics of claimants involved in employment tribunals were as follows:

- The age profile of claimants is similar to that found in 2007. In comparison with the workforce as a whole, employment tribunal claimants are more likely to be aged 45 or over (52 per cent of all employment tribunal claimants, against 39 per cent of all employees) and less likely to be aged 16-34 (22 per cent versus 38 per cent).
- Just under three fifths (57 per cent) of claimants were men. This is slightly less than that reported in 2007 (60 per cent) but is still somewhat higher than the proportion of the employed workforce as a whole (51 per cent).
- While the proportion of those with a long standing illness or disability is in line with employee population (26 and 27 per cent respectively), the proportion whose illness or disability is limiting is higher in the claimant population. Nineteen per cent had a long-standing illness, disability or infirmity that limited their activities in some way, nearly double the proportion of those in the employee population (11 per cent).
- Eighty-two per cent of claimants were white; lower than the 86 per cent reported in 2007. This is also significantly lower than the workforce in general (90 per cent).
- Two thirds of claimants regarded themselves as belonging to a religion (67 per cent). The religious profile broadly matches that of the workforce in general.
- Forty eight per cent of claimants were married at the time of the employment tribunal claim and 63 per cent were living as part of a couple. This broadly reflect the working population; half of employees are married (50 per cent) and two thirds (66 per cent) are living together as part of a couple
- The majority of claimants identified themselves as heterosexual (94 per cent), while two per cent identified as gay/lesbian and one percent as bisexual.
- Three in ten claimants (31 per cent) received some sort of state benefits at the time of their claim. The equivalent figure amongst the working population is 27 per cent. The most common benefit received amongst claimants was Job-Seekers Allowance (JSA), with 16 per cent of all claimants receiving this.

The key characteristics of employers involved in employment tribunal cases were as follows:

- The private sector accounted for 72 per cent of employment tribunal cases, the public sector for 17 per cent and the non-profit sector for ten per cent. These figures remain broadly in line with 2007. In comparison, Annual Population Survey data indicates that 69 per cent of employees work in the private sector.
- A comparison of the employer survey data with those from the Annual Population Survey indicates that employment tribunal cases were disproportionately found in the following industries: construction, administrative and support service activities and human health and social work activities.
- In line with 2007, employment tribunal cases are disproportionately found in workplaces with fewer than 25 employees.

1 Introduction

1.1 Background to the SETA series

The origins of this study can be traced back to Courtney's survey of Unfair Dismissal applications, commissioned by the then Department of Employment (1975). This was followed by a survey of Unfair Dismissal applications carried out by the ESRC Industrial Relations Unit, University of Warwick (1978). The initiation of this series of surveys of employment tribunal applications (SETA), however, can be traced back to a Rayner Efficiency Review in the mid 1980s. The Review recommended that it would be more cost effective to collect information on items such as the characteristics of claimants and employers using sample surveys rather than collecting them through administrative means. The Scrutiny also pointed out that sample survey methods would provide an opportunity to collect other relevant information for policy research purposes.

The first SETA was undertaken in 1987, with subsequent surveys undertaken in 1992, 1998, 2003 and 2008. Over the lifetime of the SETA series, changes have been made to the survey design, driven by the increasing number of jurisdictions and of multi-jurisdiction cases, changing policy needs and methodological and cost considerations.

Among these changes have been:

- increases in the number of jurisdictions covered in the survey;
- a shift from simple random sampling to stratified sampling in 1992 and a disproportionate sample in 1998;
- a move in 1998 from a matched case sampling approach to independent sampling of claimants and employers;
- a focus on 'primary jurisdiction' as the principal unit of analysis;
- the introduction of Computer Assisted Telephone Interviewing (CATI) and the adoption of a modular questionnaire design in 1998.
- a simplification of design in 2003, focusing on all employment tribunal cases rather than five main jurisdictions, and the use of a generic research instrument rather than one tailored according to jurisdiction.

1.2 Aims and objectives of the study

The sixth Survey of Employment Tribunal Applications (SETA 2013) retained the core objective of the SETA series to provide information on the characteristics of the parties in, and key features of, employment tribunal cases for the purposes of developing and evaluating policy in this area.

The headline aims of the study were:

- To obtain information on the characteristics of employment tribunal claimants and employers.
- To assess the costs of going to tribunals for claimants and employers;
- To monitor the performance of the employment tribunal claim process;

and in so doing:

- To provide evidence to evaluate existing policies relating to employment tribunals;
- To provide baseline data for evaluating future policies relating to employment tribunals;
- To provide information to help assess the costs and benefits of different options for regulatory change.

1.3 Methodology and Fieldwork

1.3.1 Design of SETA 2013

The SETA 2013 design largely followed the approach employed in SETA 2008. However, in terms of the sample design there were no 'matched' cases³, and the sample design was modified slightly to be a stratified random samples of cases⁴, one for employers and the other for claimants. The research instrument used in 2008 was largely similar to the one used in 2003. The most notable differences to the research instrument included:

- A reduction in length, with the target interview length being 30 minutes for both the claimant and employer interviews (from a 38 minute claimant interview and a 32 minute employer interview in SETA 2008). Time savings were made from the deletion of: questions evaluating the use of mediation prior to the submission of the claim, some of the questions evaluating the role of Acas, and a small number of individual questions throughout the questionnaire.
- Addition of two new questions in the claimant questionnaire evaluating whether the introduction of a fee would have influenced a claimant's decision to go to an employment tribunal.
- The update of some of the classification questions to the Office for National Statistics (ONS) current [harmonised questions](#).

³ In SETA 2008 a small sample of potential 'matched' cases – those bought under the jurisdiction of unfair dismissal but with no element of discrimination was incorporated into the design.

⁴ There were some small adjustments made to the sampling design to improve it without impacting on comparability. Full details can be found in the technical report.

1.3.2 Details of the sample, data collection and analysis

The sample frame was supplied by Her Majesty's Court and Tribunal Service (HMCTS) and consisted of a subset of single claims disposed of between 3rd January 2012 and 4th January 2013,⁵ with a small number of exclusions.⁶ The sample for each survey was drawn across all jurisdictions.

Prior to the main stage of the survey an initial stage of cognitive testing was conducted, followed by a pilot stage to inform questionnaire design.

As in SETA 2008, the data were collected using Computer Assisted Telephone Interviewing (CATI). In total, 1,988 interviews were carried out with claimants (achieving a response rate of 53 per cent⁷) and 2,011 with employers (achieving a response rate of 51 per cent⁸). The fieldwork was conducted between 13th May 2013 and 22nd September 2013. The average interview length in the claimant survey was 33 minutes and in the employer survey 27 minutes.

The findings presented in this report are based on a random sample of 3,999 employment tribunal cases (1,988 claimant and 2,111 employer cases). The findings are statistically representative of single claims disposed of in Great Britain during the period noted above. Full details of the survey sampling, methodology and weighting are provided in the technical report, which will be deposited at the [UK Data Archive](#). This also provides commentary on the development and piloting of the survey instruments, analysis of response rates, copies of the questionnaires, a data dictionary and the syntax files for derived variables presented in this report.

As with the previous surveys in the series, the Department for Business, Innovation and Skills (BIS) will place a copy of the SETA 2013 dataset in the UK Data Archive for use by academics and researchers.

⁵ Claims in employment tribunals can be classified into either single or multiple claims. Single claims are made by a sole employee/worker, relating to alleged breaches of employment rights. Multiple claims are where two or more people bring proceedings arising out of the same facts, usually against a common employer. This survey excluded multiple claims, which in 2012 accounted for around 47 per cent of all disposed cases.

A disposal is the closure of a case when work is complete. This can be through a claim being withdrawn, settled, dismissed or being decided at a hearing (either orally or on paper).

⁶ Full details of the exclusions are provided in the technical report. Prior to data processing and cleaning, the sample frame consisted of about 53,200 single claims. This is around 4,400 fewer cases fewer than the total number of single claims reported in Tribunal Statistics over a similar period (57,600 in 2012). Cases that were sensitive, transferred, entered in error, or involved multiple outcomes were excluded.

⁷ This response rate is based on the proportion of interviews within in the sample that was established as being 'valid'.

⁸ As previous footnote.

This report presents the main descriptive findings from SETA 2013 and updates the findings from the 2008 survey. It is hoped that this report will inform the on-going discussion on dispute resolution in Britain.

1.3.3 Notes on the report

- Significance testing has been carried out in the report and only differences which are statistically significant at the 95 per cent confidence interval or above are described in the report (unless otherwise stated).
- Percentages are rounded to the nearest whole number.
- When comparisons are made between SETA 2013 and SETA 2008, findings from SETA 2013 are referred to as being from 2012, and findings from SETA 2008 are referred to as being from 2007.⁹ This is to more accurately reflect the time period the sampling frames were from.
- When interpreting the analysis presented in this report, issues around the correspondence of variables should be borne in mind. There is a key distinction between a correlation relationship and a causal relationship; a correlation between two variables does not imply that one causes the other, and therefore assumptions should not be made about causality.

1.4 Limitations of the methodology

In presenting the findings from the 2013 SETA, some important methodological caveats need to be recognised. These are in line with those evident in the 2008 SETA data.

There are limitations associated with asking parties to talk about the dispute that led up to the employment tribunal application and the subsequent progress of the case. When people are asked to talk about social processes that happened in the past, they have a tendency both to post-rationalise their behaviour and to forget details of their experience. Their responses may therefore be subject to selective recall or social desirability effects. This problem is generic in research that requires people to recall past events, but is exacerbated in this study, because parties involved in employment tribunals can find the experience highly emotive and traumatic. This is especially true for claimants, but can be so for both parties, particularly where they are engaging with the employment tribunal system for the first time or feel dissatisfied with the outcome of the case.

Problems of recall are likely to be exacerbated for parties who are represented, because they have had less direct involvement in the tribunal process than unrepresented parties. Again, this is particularly likely to be a problem for claimants who are, arguably, less likely

⁹ The SETA 2008 samples of claimants and employers were drawn from tribunal cases across all jurisdictions with a promulgation date (date when the case was actually closed) from the start of February 2007 to the end of January 2008

than employers to be consulted by their representatives about the legal, administrative and procedural detail involved in conciliation and dispute resolution.

1.5 Employment tribunal system

1.5.1 Origins

Employment tribunals are independent juridical bodies that aim to provide timely access to justice. They play an integral part in the enforcement of employment rights, when other methods fail, allowing employment disputes to be finally resolved. Decisions of the employment tribunal are legally binding upon the parties. Appeals to the employment appeal tribunal can be made on a point of law and will not normally re-examine issues of fact.

Employment tribunals acquired their present role – to adjudicate on disputes arising between individual employers and employees – with the Redundancy Payment Act in 1965. Previously, legislation to safeguard the rights, duties and obligations of employees at work was limited to the common law of the contract of employment, where the only legal remedy was to the County Court. However, with the Industrial Relations Act (1971), employment tribunals acquired jurisdiction over Unfair Dismissal, which in terms of the volume of applications has proved to be the most important jurisdiction.

The introduction of statutory protection against Unfair Dismissal followed up a recommendation by the Royal Commission of Inquiry into Trade Unions and Employers Associations, under the chairmanship of Lord Donovan (1968). The Commission, asked to analyse the state of industrial relations and what was required to reform them, focused on the role of collective bargaining and the rights of trade unions. Its work followed increasing public concern about workplace disruption brought about by largely unofficial industrial action. However, in its report, the Commission acknowledged that there were large numbers of employees who were not trade union members and that disputes relating to individual contracts (and statutory rights) do not easily lend themselves to settlement through collective bargaining. In this context it accepted the principle that employment tribunals should be expanded: to provide a procedure which is easily accessible, informal, speedy and inexpensive: this, it was felt, would give the parties the best possible opportunity of arriving at an amicable settlement to resolve their differences.

1.5.2 Employment tribunal structure

Employment tribunals are independent judicial bodies supervised by a President, and supported by Regional Judges. Employment Judges have an important dual role: to ensure due legal process and to ensure that people without legal representation are given full opportunity to present their case in an investigative non-adversarial setting.

Employment tribunals are supported by Her Majesty's Courts and Tribunal Service (HMCTS), which is an executive agency of Ministry of Justice that provides premises and administrative support. Until recently the cost of the employment tribunal was fully borne by the Exchequer. However, since 29th July 2013 claimants who make a new employment tribunal claim have been required to pay a fee when doing so. The **claims covered by this survey were not subject to fees** as the cases were completed prior to the introduction of employment tribunal fees.

1.5.3 Employment tribunal claim process

A party making an employment tribunal claim has to present a valid claim form – known as an **ET1 form** – to one of the local employment tribunal offices within a specified period of time after the alleged event. The time limit is generally three months, but this period can be longer. For example, there is a six month time limit in redundancy payment and equal pay claims. The ET1 form can be presented electronically or in hard copy, or by fax.

On the basis of the information provided on the ET1,¹⁰ the tribunal service then determines both whether the claim meets judicial requirements, and the jurisdiction under which the case will be heard. This information is then registered on the employment tribunal administrative database (ETHOS).

A copy of the ET1 is then sent to the employer with a blank response form – known as an **ET3 form**.¹¹ The employer has to present the completed response form to the employment tribunal office handling the claim within 28 days of the form being sent to them. If a respondent fails to present a valid ET3 form within that time limit, a default judgment may be issued. This means that an Employment Judge can issue a decision without the claimant having to attend a hearing. Copies of the completed ET3 are sent to the claimant by the employment tribunal.

1.5.4 Employment tribunal outcomes

The flow chart at Figure 1.1 illustrates how employment tribunal claims progressed through the system at the time of the survey. This diagram shows that once a claimant has entered the system, the possible outcomes are:

- the claimant withdraws the application – this may follow contact with Acas or advice from a legal representative;
- the claim is dismissed because it is not within the scope of employment law or because a Pre-Hearing Review found that there was insufficient evidence to progress the case;
- the parties reach a conciliated settlement, where Acas is involved in ratifying the final settlement;
- the parties reach a private settlement outside Acas, either on the basis of a legally binding Compromise Agreement (now known as a settlement agreement) or an “informal agreement”;
- the case is disposed of by way of a default judgment; or

¹⁰ A completed ET1 form provides details of the claimant, employer, employment status, the dispute, and contact details of their representative where they are represented.

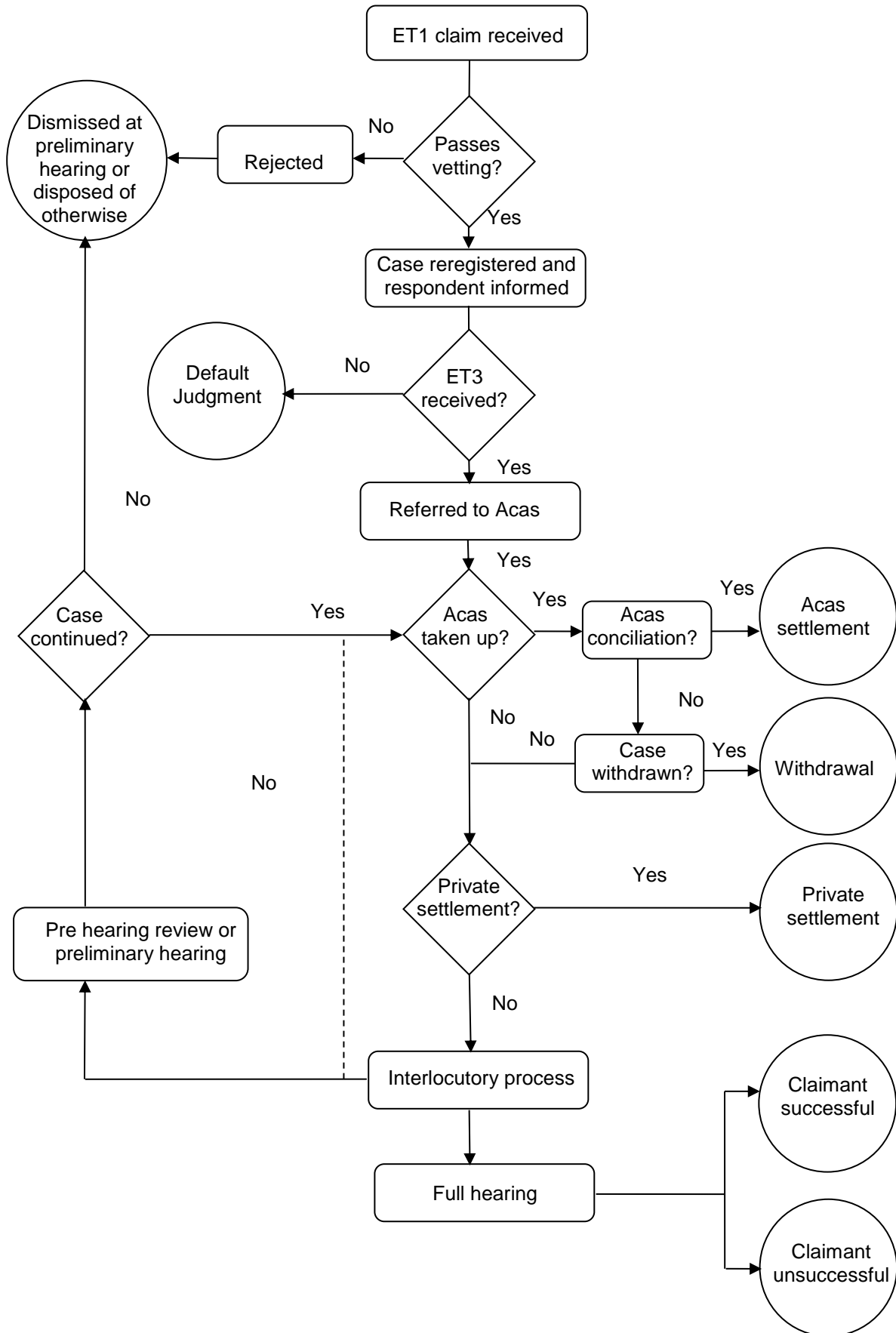
¹¹ A completed ET3 response form provides details of the employer, employment status of the claimant, their defence of the claim, and contact details of their representative where they are represented.

- there is a full employment tribunal hearing, at which the claim may be upheld (claimant wins) or dismissed by the employment tribunal (claimant loses).

In the case of private settlements, there is no requirement on either party to inform the employment tribunal of the outcome beyond the claimant withdrawing the case. [Tribunal Statistics](#) therefore record these cases as having been withdrawn. This survey collects information from the parties about private settlements, which means the proportion of cases that have been withdrawn but were actually privately settled can be estimated.

Throughout this report and in the accompanying tables, default judgments have been included in the claimant successful category for consistency with previous waves of this survey. However, Table 5.1 includes a breakdown of outcomes that presents default judgments as a separate category.

Figure 1.1 Employment Tribunal Flow Analysis



1.6 Acas

The Advisory, Conciliation and Arbitration Service (Acas) is an integral part of the employment tribunal system. Acas is an independent tripartite body, which was created in 1974 and put on a statutory footing in 1975 under the [Employment Protection Act 1975](#). Acas has a statutory duty to provide conciliation in actual and potential individual disputes¹². This duty is carried out by Acas conciliators who try to help parties to settle their dispute, if they wish to, without going to a full employment tribunal hearing.

When a claim to the employment tribunal is made, HMCTS sends a copy of the completed ET1 and ET3 response forms to the nearest Acas regional office with any correspondence relating to the case. Acas then uses this information to contact both sides to offer conciliation. The Acas conciliator discusses the issues of the case with parties, explains the employment tribunal process, the law and case law where appropriate. They provide both parties with information on the options available to them and pass information between the parties, including details of any offers of settlement. By encouraging each party to consider the strengths and weaknesses of their case, the conciliator seeks to narrow the gap between them and bring them to a stage where a settlement can be negotiated¹³. Acas officers¹⁴ can help to clarify issues, but they do not give advice. Acas is not part of the employment tribunal service and conciliation cannot be used as evidence at a tribunal hearing.

Acas policy requires that information given to conciliators by a party or their representative is in confidence and is not divulged to the other party or their representative without permission. Where the party is represented, Acas conciliators liaise directly with the representative. In these cases, Acas Officers will not necessarily have any direct contact with the party. Again, it is important to bear this in mind when it comes to interpreting represented parties' sometimes restricted views of the workings of employment tribunal system, especially Acas involvement (see Chapter 4).

¹² The duty to conciliate in individual rights cases is contained in section 18 of the [Employment Tribunal Act 1996](#): it states that it is the duty of the conciliation officer "to endeavour to promote a settlement of the proceedings without their being determined by an (employment tribunal)." The [Employment Act 2008](#), which took effect from April 2009, removed time restrictions on Acas' duty so that conciliators would be able to exercise the power at any time.

¹³ Acas conciliated settlements (known as COT3s) are legally binding and commit parties to an agreed course of action; issues that are subject to the COT3 cannot subsequently be brought to a tribunal.

¹⁴ The term "Acas Officers" is used in the survey because it has been found that many ET claimants/respondents don't understand the term conciliator. In this document, any reference to 'Acas Officers' should be taken to refer to conciliators.

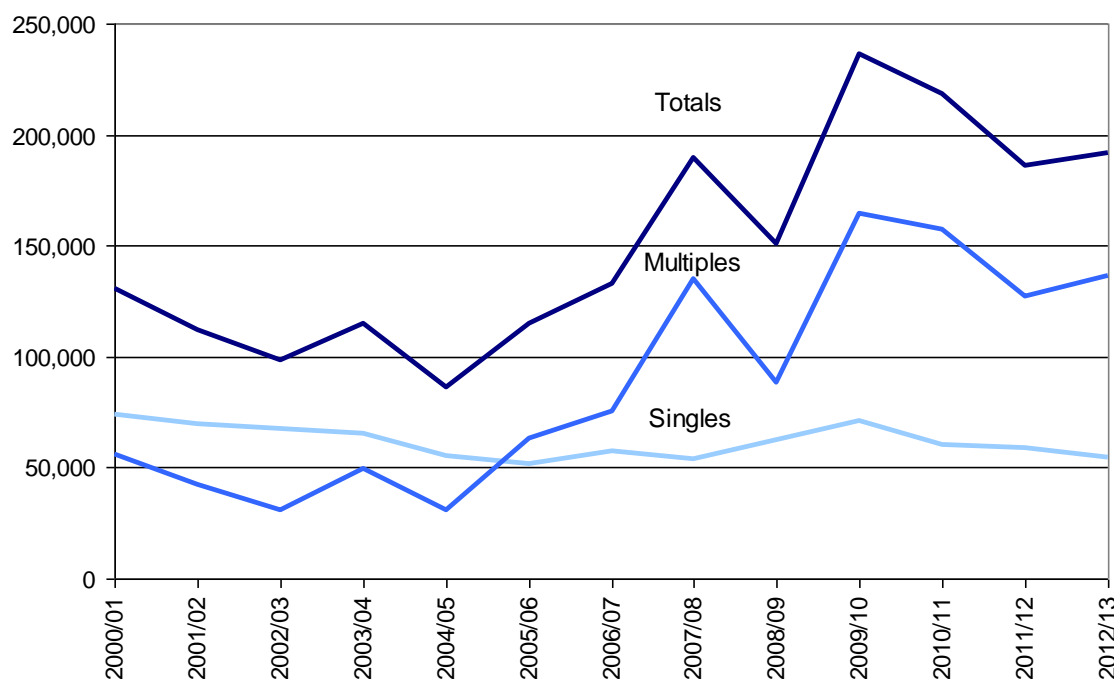
1.7 Policy context

1.7.1 Employment tribunal receipt volumes

The workload of employment tribunals grew rapidly in the 1990s, with a threefold increase in claims to tribunals between 1991 and 2001, when the number of applications peaked at over 130,000.¹⁵ Between 2000/01 and 2004/05 there was a gradual decline in employment tribunal receipts to 86,000 in 2004/05, followed by over a twofold increase in receipts to around 236,000 receipts in 2009/10. Employment tribunal receipts fell slightly in the period between 2009/10 and 2012/13, and reached 192,000 receipts in 2012/13.

There are a number of reasons for the increases to the number of claims. They reflect the increasing complexity of employment legislation, the introduction of new jurisdictions and changes in the structure of the economy and composition of the labour market. However, there is also evidence that they reflect an increase in problems occurring in the workplace and in the propensity of employees to resort to litigation when workplace disputes arise.¹⁶ The significant growth in claims between 2004/05 and 2009/10 is explained largely by an increase in the number of multiple claims, which are excluded from this survey. Multiple claims are those taken by two or more claimants usually against a common employer, and made up 71 per cent of claims received in 2009/10, compared with 36 per cent in 2004-05. This increase has been to a large extent occasioned by a huge rise in equal pay claims against the NHS and local authorities.

Figure 1.2 Employment tribunal multiple and single claim receipts



Source: Tribunal Statistics Quarterly and Employment Tribunal Service Annual Report and Accounts

¹⁵ Routes to Resolution, Government Consultation Paper, DTI, 2001

¹⁶ Dispute Resolution in Britain – A background paper, DTI, 2001

The trend in single claims, which are the focus of this survey, was in general decline between 2000/01 and 2005/06. Single claims then increased by about 20,000 between 2005/06 and 2009/10, peaking at about 71,000 in 2009/10. This was followed by a period of declining claims, with single claims falling to around 55,000 in 2012/13.

1.7.2 Employment tribunal reform

Employment tribunals provide access to justice for most employment-related disputes and as such, play a critical role in protecting employment rights and ensuring fairness at work. However, the costs that tribunal cases impose on both claimants and employers, as well as on the taxpayer, mean that there is a continuing policy focus on encouraging and enabling employment disputes to be resolved before they go to tribunal.

There have been significant changes to employment dispute resolution since 2004, which are summarised in Figure 1.3. When interpreting the findings of this report, it is important to bear in mind that the fieldwork for SETA 2013 took place before the introduction of fees in July 2013 and early conciliation in April 2014.

Figure 1.3 Key reforms and reviews of the employment dispute resolution process 2004 - 2008

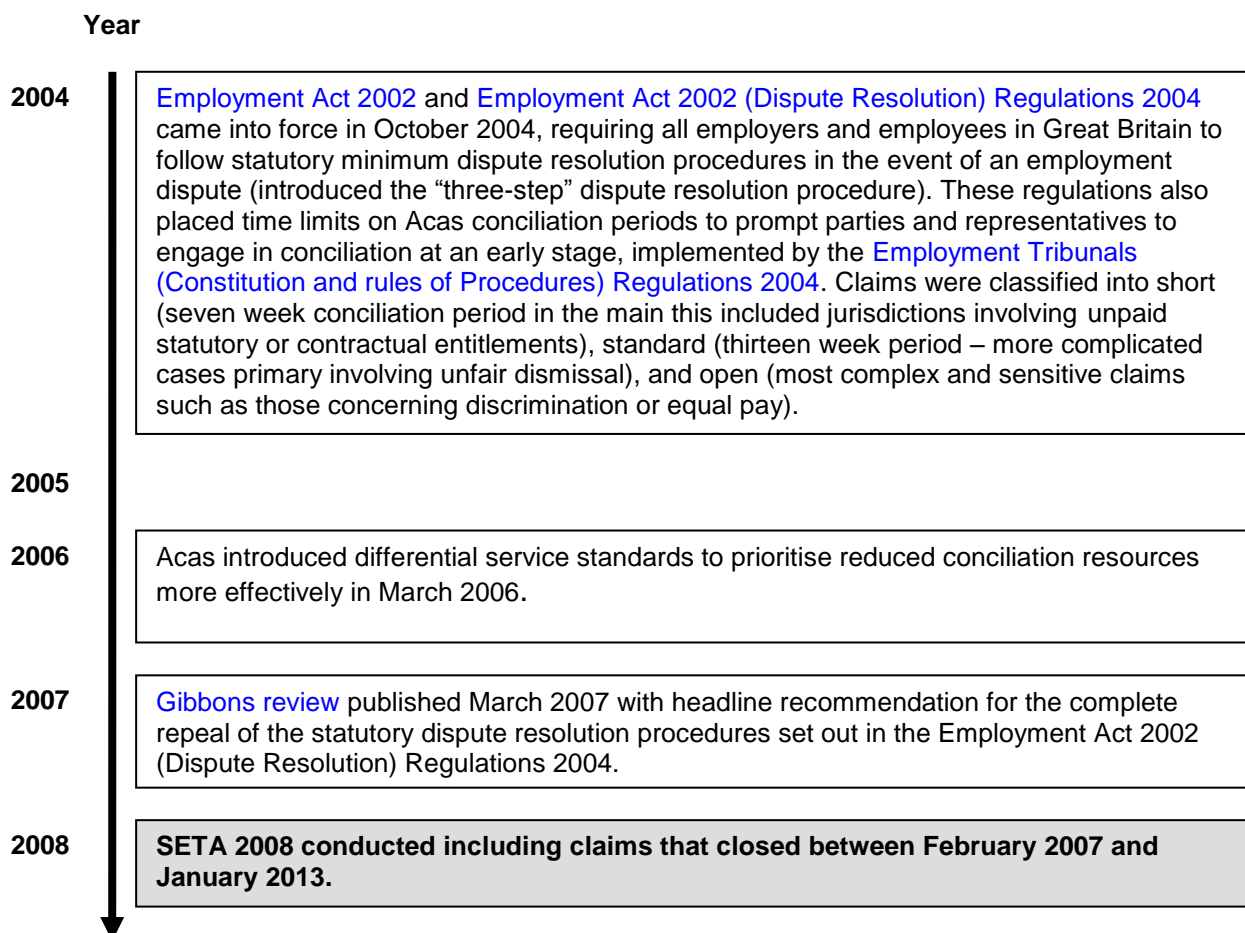


Figure 1.4 Key reforms and reviews of the employment dispute resolution process 2009 - 2014

2009	<p>Employment Act 2008 came into force on 6 April 2009, repealing the mandatory “three-step” dispute resolution procedure and replacing it with a new framework based on the provisions of the Employment Act 2008 in Great Britain. As a result of these measures, employees and employers have greater flexibility to deal with workplace discipline and grievance issues in a way which suits them best. A new Acas statutory Code of Practice on discipline and grievance was introduced and extra resources were used to enhance the Acas helpline and to offer employers and employees pre-claim conciliation for problems which have potential to lead to employment tribunal claims. Discretionary powers were also conferred on employment tribunals to adjust awards if parties failed to comply with the Acas Code; employment tribunal claim forms were simplified; and tribunal powers were amended to enable them to reach a determination without a hearing. The Government also announced its intention of working closely with the workplace mediation community to encourage the use of mediation, where appropriate.</p>
2010	
2011	<p>The Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011 came into force in April 2011 abolishing the default retirement age of 65.</p> <p>Red Tape Challenge launched April 2011, asking for comments on specific employment law regulations, aiming to identify those that should stay, be abolished, or simplified.</p>
2012	<p>Underhill review published June 2012 with recommendations to shorten and simplify the existing employment tribunal rules of procedure to ensure judges can manage cases in the most effective, efficient and thereby cost effective manner possible.</p> <p>The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2012 came into force April 2012. Increasing the maximum amount an Employment Judge or tribunal may order under a deposit, costs, expenses or preparation order, and giving a power to Employment Judges and tribunals to order a party to pay the expenses incurred by a witness in attending a tribunal to give evidence. These Regulations also provided for witness statements being taken as read.</p> <p>The Employment Tribunals Act 1996 (Tribunal Composition) Order 2012 came into force in April 2012 providing for unfair dismissal cases to be heard by an employment judge sitting alone.</p> <p>The Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 2012 came into force in April 2012 extending the qualifying period of continuous employment needed to acquire the right to not to be unfairly dismissed from one to two years.</p>
2013	<p>SETA 2013 conducted including claims that closed between January 2012 and January 2013.</p> <p>The Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013 came into force 29th July 2013, introducing fees for claims made to an employment tribunal and appeals to the Employment Appeal Tribunal. The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 came into force July 2013 simplifying the employment tribunal rules of procedure. Whistleblowing provisions in the Enterprise and Regulatory Reform Act 2013 came into force June 2013, introducing a power to amend the definition of worker for the purposes of whistleblowing, and extend the scope of protections available for whistleblowing. The Unfair Dismissal (Variation of the Limit of Compensatory Award) Order 2013 came into force July 2013, introducing a cap on the compensatory part of unfair dismissal awards to £74,200 or 12 months pay whichever is the lowest.</p>
2014	<p>Provisions in the Enterprise and Regulatory Reform Act 2013 will come into force on 6 April 2014, providing employment tribunals the discretionary power to impose a financial penalty on employers when their behaviour in committing a breach had one or more aggravating features</p> <p>The Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations will come into force on 6 April 2014, requiring all potential employment tribunal claims to be lodged with Acas in the first instance, known as early conciliation.</p>

2 Events leading to the claim

This chapter presents findings on the events leading up to the claim, including:

- help and advice obtained by claimants prior to the claim;
- communication between claimants and employers before the claim;
- resources available to employers for dealing with employment issues;
- the provision by employers of written statements of terms and conditions of employment, including details of grievance and disciplinary procedures and the use of workplace procedures in trying to resolve employment rights disputes;
- details of people that can accompany employees in grievance and disciplinary meetings; and
- circumstances around claimants leaving their job.

2.1 Whose idea was it to apply for the employment tribunal

Around one in three **claimants** (35 per cent) said that it was their own idea to apply for the employment tribunal, while 14 per cent said the idea came from family or friends (Table 2.1). In some cases, people within the organisation prompted them to make the claim: either a trade union or worker representative (11 per cent) or work colleagues (six per cent). Other claimants were influenced by professional sources: 12 per cent said the idea came from a lawyer, 10 per cent from a Citizens Advice Bureau and seven per cent from Acas (an Acas officer or the helpline). This broadly reflects the findings observed in 2007.

Among trade union or staff association members, 36 per cent said that the idea came from their trade union or worker representative, a higher proportion than said that they had the idea themselves (31 per cent).

There were differences between full-time and part-time employees, with full-time employees more likely to say it was their own idea (37 per cent compared with 28 per cent) or that of work colleagues (six per cent compared with three per cent) or a lawyer (13 per cent compared with eight per cent). Part-time employees were more likely to have had the idea from a Citizens Advice Bureau (15 per cent compared with nine per cent).

2.2 Initial help and advice sought by claimants

Claimants were asked about the sources of information and advice that they sought *before* they made the claim (Table 2.2). A range of sources was used with claimants able to opt for multiple responses. The most common sources were family or friends (56 per cent) or an Acas officer or the Acas helpline (50 per cent). Other common sources were a lawyer (47 per cent), Citizens Advice Bureau (39 per cent) and a trade union or worker representative (28 per cent). The main change since 2007 is the increase in the proportion

who sought advice from a trade union or worker representative (up from 14 per cent to 28 per cent)¹⁷.

Among trade union or staff association members, over four fifths (83 per cent) sought advice from a trade union or worker representative, and members were less likely to seek advice from Acas (37 per cent) and the Citizens Advice Bureau (23 per cent), compared with non-members (of whom 55 per cent sought advice from Acas and 45 per cent from the Citizens Advice Bureau) (Table 2.3).

Differences in sources of information and advice sought were also apparent between claimants who were permanent employees and those who were non-permanent. Claimants employed on a permanent basis were more likely than non-permanent claimants to have sought advice from family or friends (56 per cent compared with 47 per cent), a solicitor, barrister or some other kind of lawyer (48 per cent compared with 27 per cent) or a trade union or worker representative (29 per cent compared with 19 per cent) (Table 2.3). Differences between permanent and non-permanent employees in the use of lawyers for advice may reflect salary disparities and therefore the different sources of advice the claimant could afford to seek.

2.3 Communication prior to the employment tribunal claim

Both claimants and employers were asked a series of questions to establish what oral and written communication had taken place between the parties before the employment tribunal claim was submitted. Findings in this section are generally reported separately for claimants and employers. These suggest that claimants and employers have different perceptions about the communication that occurred in a particular case. However, as these findings are not based on matched cases where claimants and employers talk about the same case, it is not possible to establish whether these differences are due to actual differences in practice between the claimant and employer samples or differing perceptions of the parties involved in the case. Where appropriate, combined figures are also given, which represent an approximate 'average' between the perceptions of the two party types.

Employers were much less likely to say that they were informed by the claimant that they were considering a claim. Just one in five employers (21 per cent) said they were informed, compared with 58 per cent of **claimants** who recalled informing the employer (Table 2.4 and 2.5). Again, these findings are similar to those seen in 2007.

Larger **employers** were more likely to say that claimants had made their concerns known to them in writing (64 per cent of those with 250 or more employees, falling to 40 per cent of those with fewer than 25 employees). The proportion was also higher among public

¹⁷ However, it should be noted that the questions between the 2008 and 2013 surveys were not identical, and the differences could contribute to this apparent difference. The question was amended to add an "anyone else" prompt to seek additional responses, while the list of pre-coded responses read out during the question was also amended to include a trade union representative/ worker answer.

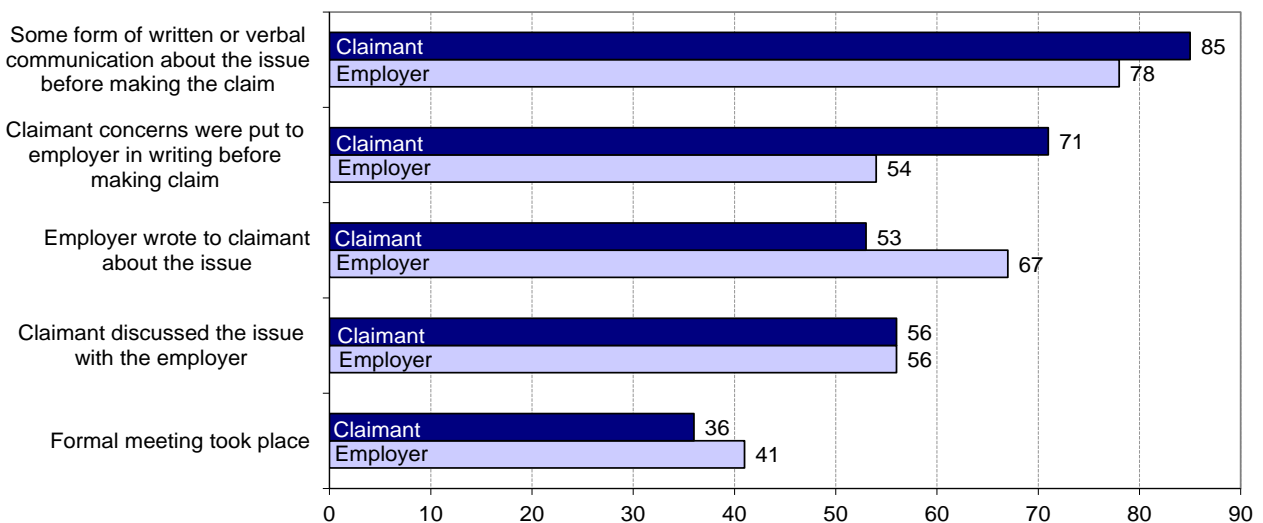
sector employers (69 per cent) than private sector employers (49 per cent) or those in the non-profit or voluntary sector (60 per cent) (Table 2.5).

The perceptions of claimants and employers about the oral communication that occurred before the claim was submitted were similar. Oral discussions took place in around 56 per cent of claims, according to both employers and claimants (Tables 2.4 and 2.5). The **combined** findings indicate that oral discussion rose by 5 percentage points, from 51 per cent in 2007 to 56 per cent in 2012 (Table 2.6)..

The proportions that cited formal meetings taking place to discuss the issue were similar amongst claimants and employers, about 36 per cent of claimants stated a formal meeting took place, compared with 41 per cent of employers (Table 2.4 and 2.5). The proportion of cases where a formal meeting took place rose by 6 percentage points, from 33 per cent to 39 per cent, according to the **combined** findings (Table 2.6). Use of formal meetings were more likely to be reported by **claimants** who were a member of a trade union (according to those in the claimant's survey), or by larger **employers** or those in the public or non-profit voluntary sectors (according to those in the employers' survey) (Tables 2.4 and 2.5).

Figure 2.1 Communication prior to the claim

Per cent



Base: All employers (2011) and all claimants (1988)

The perceptions of claimants and employers differed on the level of written communication that took place prior to the claim. Claimants were more likely than employers to say that the claimant's concerns were put in writing to the employer, while claimants were less likely to state that the employer wrote to the claimant about the issue before the claim. These findings are in line with those reported in 2007.

Larger **employers** were more likely to recall writing to the claimant about the issue (75 per cent of those with 250 or more employees, compared with 55 per cent of employers with fewer than 25 staff) and those in the public or non-profit voluntary sectors (both 78 per cent compared with 63 per cent in the private sector) (Table 2.5). **Claimants** who were members of a trade union or staff association were more likely to recall that the employer

wrote to them about the issue (61 per cent versus 50 per cent among non-members) (Table 2.4).

Overall the proportion of **claimants** recalling some written or oral communication about the issue before the claim was submitted was about 85 per cent, compared to 78 per cent of **employers** (Table 2.4 and 2.5).

2.4 Resources available to employers

About 83 per cent of **employers** had an internal department that dealt with human resource or personnel issues or sought advice from an external source. At this aggregated level, this represents a small increase from 2007 (79 per cent) (Table 2.7). The presence of any kind of human resource or personnel function increased with organisation size (from 53 per cent of organisations with fewer than 25 employees to 99 per cent in organisations with 250 or more employees), and was higher in public sector organisations (96 per cent) followed by non-profit or voluntary sectors (89 per cent) and lowest in the private sector (79 per cent).

Larger **employers** were more likely to have an internal department (rising from 18 per cent of those with fewer than 25 employees to 97 per cent of those with 250 employees or more), and the proportion was also higher among public sector employers (90 per cent), who are typically larger than employers in the private or non-profit or voluntary sectors (Table 2.8). Use of advice from an external source was highest in enterprises with 25 to 49 employees (60 per cent), or medium sized enterprises with 50-249 employees (59 per cent) compared with those with fewer than 25 employees (45 per cent) or 250 or more employees (24 per cent). It was also higher among organisations in the private (42 per cent) and non-profit or voluntary sectors (48 per cent) compared with the public sector (21 per cent) (Table 2.8). As might be expected, employers without an internal department that dealt with human resource issues were more likely than those with such a department to seek advice from an external source on human resource issues (51 per cent compared with 33 per cent). However, interestingly the main exception to this was amongst small organisations (those with less than 25 staff), where those with an internal department were more likely to seek external advice than those without (56 per cent compared with 43 per cent).

Around one in four **employers** (23 per cent) said they had an internal legal department that deals with personnel or employment issues; this is largely in line with the proportion observed in 2007 (20 per cent) (Table 2.7). Public sector employers (48 per cent) were again more likely than those in the private (18 per cent) or non-profit or voluntary (12 per cent) sectors to have an internal department. The proportion was also much higher among employers with 250 or more employees (38 per cent) than among smaller employers; the proportion was similar for medium sized enterprises (with 50-249 employees) as for small enterprises (fewer than 50 employees) (Table 2.8).

2.5 Written statements and procedures

An employer must give employees a '[written statement of employment particulars](#)' if their employment contract lasts at least a month. The written statement need not cover workplace procedures for sick pay, grievances, disciplinary, and dismissals, but it must say

where the information can be found. The issuing of written terms and conditions, alongside workplace rules and procedures, is recognised as playing an important role in clarifying the basis of the employment relationship, and to avoid workplace grievances and disputes escalating. Together they codify employers' and employees' mutual expectations and obligations in relation to the performance of the employment contract.

Grievance procedures, in theory, provide a mechanism for employees to raise any concerns they have about their contractual terms and conditions, unreasonable employers' expectations with respect to the performance of their contract, management or other worker behaviour, or any other relevant workplace issue. Disciplinary procedures fulfil a similar set of functions for employers.

Acas provides advice and guidance on the design and operation of disciplinary and grievance procedures. Employment tribunal judgments take the existence and use of workplace procedures into account. For example, if the tribunal feels that an employer has unreasonably failed to follow the guidance set out in the [Acas code of practice](#) they can increase any award they make by up to 25 per cent.

Both claimants and employers were asked questions around the existence of written statements and the use of workplace grievance and disciplinary procedures. The findings for claimants and employers are presented in Tables 2.9 to 2.19. Similarly to the discussion earlier around communication prior to the claim, it is likely these findings show differing perceptions, rather than actual differences about the events that occurred in a particular case. Dennison and Corby (2005)¹⁸ and Latreille (2007)¹⁹ found similar differences in perception. The latter study based on matched cases, where both parties are from the same case, concludes that these differences largely relate to matters the tribunal takes into account, such as written statements and procedures, rather than factors they do not.

2.5.1 Presence of written statements and procedures

As shown in Figure 2.2, employers were more likely than claimants to say that the employee had been provided with a written statement of terms and conditions after joining the organisation. Nine in ten **employers** (90 per cent) reported that the employee had been provided with such a statement, compared with 70 per cent of **claimants** (Tables 2.9 and 2.10).

Similarly, employers were more likely than claimants to say that written procedures were in place, and followed. Almost all **employers** claimed that they had written disciplinary procedures and grievance procedures (94 per cent and 93 per cent respectively), and 92 per cent said that they had both (Table 2.10). By contrast, just two in three **claimants** (64 per cent) said that disciplinary procedures had been in place and 60 per cent that

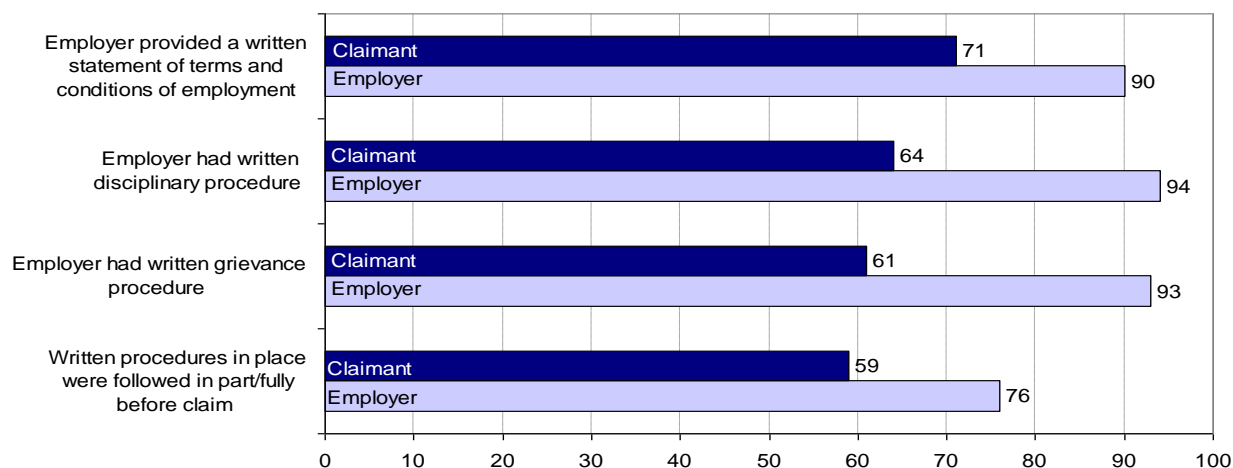
¹⁸ Dennison, P. and Corby, S. (2005). 'Images in the Adversarial Mirror: a Study of the Employment Tribunal System in Britain', *International Employment Relations Review*, 11, 21-36.

¹⁹ Latreille, P (2007). 'Further reflections on images in the adversarial mirror: some historical matched sample evidence'.

grievance procedures had existed, with 54 per cent saying both types of procedure had been in place (Table 2.9).²⁰

Figure 2.2 Presence of written statements and procedures

Per cent



Base: Rows 1-3: All employers where the claimant was a former or current employee (1933) / All claimants who were former or current employees (1940)

Row 4: All employers who said that written disciplinary or grievance procedures were in place (1626) / All claimants who said that written disciplinary or grievance procedures were in place (1354)

The figures for **claimants** have increased since 2007 (Table 2.9). This applies to the proportion saying they had a written statement of terms and conditions (70 per cent in 2012 compared with 64 per cent in 2007), and the proportion who said written procedures were in place (in 2012, 54 per cent said both written disciplinary and grievance procedures existed, compared with 50 per cent in 2007). The findings for **employers** have remained unchanged (Table 2.10).

Of the 54 per cent of **claimants** who acknowledged that written procedures were in place, six in ten (58 per cent) said that the procedures had been followed to some extent (Table 2.16). This includes 34 per cent who said that procedures had been followed all the way through. The figures for **employers** were higher: of the 92 per cent of employers who acknowledged that written procedures were in place three in four (76 per cent) said that the procedures had been followed at least to some extent, with 67 per cent saying they had been followed all the way through (Table 2.16). These findings (for both claimants and employers) were similar in 2007.

As in 2007, there was a relationship between the provision of written statements and the outcome of cases that go to a full tribunal hearing. Among both **claimants and employers**, respondents were more likely to say written statements were in place where claimants were unsuccessful at the tribunal hearing, compared with cases where the claimant was successful. For example, 80 per cent of claimants who were unsuccessful at the tribunal hearing said they had a written statement of terms and conditions, compared

²⁰ Please note that the presence of procedures is based only on the respondent's knowledge and recall; evidence of the existence of procedures was not asked for.

with 56 per cent of those who were successful (Table 2.11). Similarly, according to **employers**, 93 per cent of the claimants who were unsuccessful and 80 per cent of those who were successful had been issued a written statement of terms and conditions (Table 2.12). **Claimants** who were successful at tribunal were less likely to say that written procedures were in place and had been followed to some extent (41 per cent), compared with those who had been unsuccessful at tribunal (67 per cent) (Table 2.16). However, this relationship between success at tribunal and the presence of written procedures was not evident for **employers**.

Findings also varied by primary jurisdiction. Among both **claimants and employers**, the proportion who said that written statements or procedures were in place and followed was highest in discrimination and unfair dismissal cases (Tables 2.9 and 2.10 and 2.17). The figures for unfair dismissal cases were higher in 2012 than in 2007. For example, the proportion of claimants in unfair dismissal claims who said they had a written statement of terms and conditions was 78 per cent in 2012 compared with 69 per cent in 2007 (Table 2.9); the proportion of employers who said they had both written disciplinary and grievance procedures was 96 per cent in 2012 compared with 92 per cent in 2007 (Table 2.10).

In addition, in the **claimant** survey:

- Claimants who worked full time were more likely than those who worked part time to say they had a written statement of terms and conditions (72 per cent compared with 64 per cent), and that both written disciplinary and grievance procedures were in place (56 per cent compared with 49 per cent) (Table 2.13).
- The proportion who said they had written statements and procedures in place was also higher for claimants in permanent jobs, compared with those in non-permanent jobs; for example, the proportion who said they had a written statement of their terms and conditions was 71 per cent among permanent employees and 60 per cent among non-permanent employees (Table 2.13). However, this could be related to length of service, as non-permanent employees are less likely to have accumulated a month in employment which triggers the requirement to provide a written statement.
- Members of a trade union or staff association were more likely than non-members to say that they had a written statement of terms and conditions (83 per cent compared with 65 per cent) and that both written disciplinary and grievance procedures were in place (68 per cent compared with 48 per cent) (Table 2.13). However, this may be related to organisation size, as employees in larger organisations are more likely to be trade union members.
- Claimants in Professional (82 per cent) and Associate Professional/Technical (83 per cent) occupations were more likely to have been provided with a written statement than those in other occupations. The lowest figure was among those in skilled trades (56 per cent) (Table 2.14).
- Among **claimants**, members of a trade union or staff association were more likely than non-members to say that written procedures had been followed to some extent (67 per cent compared with 54 per cent) (Table 2.18).

In the **employer** survey:

- Smaller enterprises (with fewer than 25 employees), were less likely to say that they had issued written terms and condition to the claimant (77 per cent compared with over nine in ten amongst the larger sized enterprises) and to have both written disciplinary and grievance procedures (76 per cent compared with over nine in ten amongst the larger sized enterprises) (Table 2.15).
- Private sector employers (91 per cent) were less likely than those in the public (99 per cent) or non-profit/voluntary (95 per cent) to say that both written disciplinary and grievance procedures were in place (Table 2.15).
- Among **employers**, smaller enterprises (with fewer than 25 employees) were less likely to say procedures were followed to some extent (68 per cent compared with 79 per cent or 80 per cent in the larger size bands) (Table 2.19).

2.6 Accompaniment of workers in disciplinary meetings

Employers were asked whether the organisation normally allows workers to be accompanied in grievance and disciplinary meetings. Virtually all employers (96 per cent) said that a work colleague could accompany an employee. Nine in ten (90 per cent) said that a trade union or worker representative could accompany an employee, and 85 per cent said a supervisor or line manager could do so (Table 2.20). This reflects the findings observed in 2007.

Looking at people outside of the organisation, 41 per cent said that a family member or friend could accompany an employee, and 36 per cent said a solicitor or legal representative could do so (Table 2.20). These have decreased from 2007, where 46 per cent of organisations reported that a family member or friend could accompany an employee, and 41 per cent said a solicitor or legal representative could do so.

In line with 2007, the larger the employer, the more likely they were to allow someone else in the organisation (e.g. a work colleague or a trade union or worker representative) to accompany an employee. Conversely, the larger the employer the less likely they were to allow someone from outside the organisation (e.g. a lawyer or a family member or friend) to attend (Table 2.20).

Private sector employers (88 per cent) were less likely than those in the public (98 per cent) or non-profit (94 per cent) sectors to allow a trade union or worker representative to accompany an employee. However, they were more likely than public sector employers to allow a solicitor or other legal representative to accompany (40 per cent compared with 20 per cent in the public sector) (Table 2.20). This reflects the pattern observed in 2007.

2.7 Circumstances surrounding the claimant leaving their job

At the time of the interview over nine in ten claimants (92 per cent of those who had originally worked for the employer) were no longer working for the same employer that they had brought the employment tribunal claim against (Table 6.18). In these cases a series of questions was asked (of both claimants and employers) about the reasons for departure and the timing relative to the employment tribunal claim.

Reflecting the pattern evident in 2007, of the 92 per cent who were no longer working for the employer in most cases they left before putting in the employment tribunal claim (according to 79 per cent of **claimants** and 88 per cent of **employers**). Even where claimants did not leave until after the claim had been made, the majority left before the case had finished (58 per cent according to claimants, 57 per cent according to employers) (Table 2.21).

Of the 92 per cent who were no longer working for the employer two in five **claimants** (40 per cent) said that they were dismissed, while 25 per cent were made redundant or laid off, and 24 per cent resigned. These findings correspond closely to those given by **employers** (Table 2.21) and also closely mirror the findings observed in 2007. However, it is worth noting that the proportion of **employers** who reported that the claimant was dismissed has increased (from 36 per cent in 2007 to 40 per cent in 2012) as has the proportion of claimants who were made redundant or laid off (16 per cent in 2007 compared with 20 per cent in 2012).

In line with 2007, where claimants were dismissed, this was most likely to be because of misconduct or misbehaviour (as stated by 52 per cent of claimants and 63 per cent of employers) (Table 2.21).

Claimants who had been made redundant were more likely than those who had been dismissed to say that they had received a warning (46 per cent compared with 25 per cent). As in 2007, the figures were very different among **employers**. About 85 per cent per cent of employers said they had provided this warning in redundancy cases, compared with 75 per cent in dismissal cases (Tables 2.22 2.23).

Among those who were not dismissed or made redundant, most **claimants** said it was their own decision to leave (72 per cent), with 21 per cent saying they were told they had to leave. **Employers** were less likely to say that the claimant was told they had to leave (10 per cent) (Table 2.21).

3 Claim process, and advice and representation

This chapter presents the findings around the employment tribunal claim process, and the use of advice and representation within it.

The first part of the chapter examines awareness and previous experience of the employment tribunal system, sources of information used to help with the case, and whether claimants would have been influenced by a £250 fee for making their claim. It is important to note that **claims covered by this survey were not subject to fees**, as the cases preceded the introduction of [employment tribunal fees](#) in July 2013.

The second part of the chapter examines the use of advice and representation at different stages of the tribunal process. This includes advice sought before the claim was made²¹, representatives named on the tribunal form to handle the claim, use of day-to-day help as the claim progressed, and the use of representatives at tribunal hearings. In addition the characteristics of those using representatives are examined, as well as the reasons for the use of representatives, the types of advice given by them, and the outcomes of cases that involved representation. Finally, the chapter presents estimates of the costs of advice and representation.

3.1 Awareness and previous experience of employment tribunal system amongst claimants

All **claimants** were asked whether, before the dispute with their employer arose, they were aware that a worker could apply to an employment tribunal if they believed an employer was not respecting their employment rights. Three-fifths (60 per cent) of all claimants said that they were aware of this (Table 3.1). This is in line with 2007 (58 per cent of claimants reported that they were aware of this).

In line with 2007, awareness was lower among younger claimants. While 44 per cent of those aged 20-24 were aware of the tribunal system, this increased to 54 per cent among 25-34 year olds, and 63 per cent among those aged 35 or over (Table 3.1).

Seven per cent of claimants said that they had made a previous employment tribunal claim (Table 3.1). Once again, this was lower among younger claimants (one per cent of 20-24 year olds and three per cent of 25-34 year olds) and reflects the findings observed in 2007. Among claimants who had made a previous claim, the majority (81 per cent) had made just one previous claim (Table 3.1).

3.2 Previous experiences of employment tribunal cases amongst employers

²¹ Before the employment tribunal claim means the period before the submission of the claimant's [ET1 claim form](#) and the employer's [ET3 response form](#). Both the claimant's claim and employer's response can now be completed [online](#), however, the claims in this survey predated the online service.

Among **employers** in the survey, almost two in five (39 per cent) have been involved in employment tribunal claims in the past two years. Involvement in previous claims varied by employer size, with larger organisations more likely to have been involved with a greater number of claims in the past compared with smaller organisations (Table 3.2). For example:

- In organisations employing fewer than 25 staff, 78 per cent had not dealt with any previous claims, 11 per cent had dealt with one and nine per cent with two to five claims.
- In comparison, in organisations employing 250 or more employees, seven per cent had not dealt with any claims in the past, six per cent with one, 21 per cent with two to five claims and 48 per cent with six or more claims.

3.3 Sources of information

Respondents were asked about the various sources of information they had used to help them with their case, either before or after submission of the claim, or when they were filling in the form itself.

The most commonly used information source among **both claimants and employers** was the Acas website (57 per cent of claimants and 36 per cent of employers). Among both groups, the next most common sources were the HM Courts and Tribunal Service (43 per cent of claimants and 23 per cent of employers) and the Direct Gov website (42 per cent and 24 per cent respectively). In general, claimants were more likely than employers to use sources of information to help with their case (at all) and to use multiple sources. The average number of sources used by claimants was three and by employers two (Table 3.3).

Claimants were more likely to source information from websites than in 2007, and have decreased their use of leaflets and publications. **Claimants** were more likely to use the Acas website in the 2012 survey than they were in 2007 (up from 47 per cent to 57 per cent), but there was no change among **employers**. Among both groups, there was a decrease in the use of publications and leaflets in 2012 compared with 2007; this applied both to those produced by Acas and by the HM Courts and Tribunal Service (Table 3.3).

3.4 Would fees have influenced decisions?

Since 29th July 2013, claimants who make a new employment tribunal claim have been required to pay a fee when doing so. The amount of the fee varies depending on the type of claim. The most common types are listed in the table below.

Type of case	Claim fee	Hearing fee
Unpaid wages	£160	£250
Redundancy pay	£160	£250
Breach of contract	£160	£250
Unfair dismissal	£250	£950
Equal pay	£160	£250
Discrimination	£250	£950
Whistleblowing	£250	£950

If claimants have a low income or are in receipt of certain types of benefits, then can apply for this fee to be waived or reduced. This is known as a fee remission. The **claims covered by this survey were not subject to fees**. However, claimants were asked about whether a fee of £250 for making the application would have influenced their decision to go to a tribunal. The £250 fee was chosen as it is applicable in unfair dismissal and discrimination claims, which combined account for about 49 per cent of single claims in 2012. The question on influence of a £250 fee was asked following a brief introduction talking about fees being charged in some parts of the justice system and the availability of fee waivers for people on low incomes.

The perception of about half of claimants (49 per cent) was that a claim fee of £250 *would* have influenced their decision to go to tribunal. (Table 3.4).

There were variations according to claimant characteristics (Tables 3.4):

- Younger claimants were more likely to say that the fee would have influenced their decision to go to a tribunal; the proportion was 69 per cent among those aged 20-24, falling to 39 per cent of 55-64 year olds and 42 per cent of those aged 65 or over.
- In relation to employment status, temporary staff (72 per cent) were most likely to say that a fee would have influenced their decision, and full-time permanent staff were least likely to say this (45 per cent).
- Those with a lower annual salary at the time of the claim were more likely to say their decision to go to a tribunal would have been influenced by a fee (ranging from 65 per cent of those with a gross annual salary of under £10,000, to 24 per cent of those with a gross annual salary of £40,000 or more).
- Another way of looking at salaries is in relation to eligibility for a fee remission²², those eligible for a full remission, which includes people on lower incomes, were more likely to

²² Note eligibility for a fee waiver or reduction was not established in the survey, so a proxy has been calculated from the gross income and characteristics of the family unit. As of October 2013, capital resources have also been taken into account to establish eligibility for fee waiver or reduction, but these are not taken into account when establishing eligibility in this survey. Disposable capital limits vary between £3,000 and £16,000, depending on the individual's circumstances and the amount of the fee involved. If the individual

report that the fee would have influenced their decision (63 per cent) than those not eligible (45 per cent).

- There were also variations by whether claimants lived with someone as part of a couple or had dependent children (table 3.4). However these characteristics did not remain statistically significant when controlling for other factors in a regression analysis.

There were also variations according to case characteristics (Table 3.5):

- In terms of jurisdiction, claimants in Wages Act cases were most likely to say that a fee would have influenced them (70 per cent).
- Claimants in cases who had day to day representative were less likely to reported being influenced by a fee (41 per cent) than those who did not have a day to day representative (58 per cent).
- However, analysis by outcome shows that claimants were most likely to say that a fee would have influenced them where the case was dismissed at a preliminary hearing or disposed of otherwise (61 per cent). The lowest proportions were in cases where the claimant was unsuccessful at hearing (39 per cent) and where the case was privately settled (43 per cent). Controlling for other characteristics, using a regression analysis, found that outcome was not a significant factor when examining all factors simultaneously (see section 3.4.1).

There were also variations according to the size of the workplace involved in the case, claimants' overall satisfaction with the employment tribunal system, and whether the claimant still worked for the employer at the time of the survey interview (Table 3.5 and 3.6). However, these characteristics did not remain statistically significant when controlling for other factors in a regression analysis:

3.4.1 Understanding the factors associated with whether a claimant would have been influenced by fee payment

Many of the characteristics which were found to be linked to whether a claimant's decision to go to a tribunal would have been influenced by the payment of a £250 fee (discussed above) are *not* mutually exclusive. For example 76 per cent of claimants with dependent children aged under 18 also reported that they lived with a partner. Due to this overlap in the composition of these two groups it is unsurprising that claimants who lived with a partner held very similar views to those with dependent children aged under 18.

In order to more fully understand the factors associated with whether a claimant would have been influenced by the payment of a fee, a logistic regression model was built. Logistic regression is a widely used and well established technique for more advanced statistical analysis, which comprehensively searches to identify relationships within the data when examining the data simultaneously. It works by examining the relationships

has disposal capital within the limits, then they are entitled to a full fee waiver if in receipt of certain income-related benefits. A full fee waiver is also available based on gross income; the limits for this vary depending on whether the claimant is in a couple or has dependent children. If gross income exceeds these limits, a partial waiver may be available depending on the amount of the fee involved.

between a 'dependent' variable (such as whether someone would have been influenced by the introduction of a fee) and 'independent' variables (factors which might influence the dependent variable, such as income). Given the usage of complex weighting due to sampling designs, a Complex Logistic Regression was used.

The results of this analysis are summarised in the following section. The full details of the multivariate analysis are discussed in Annex B.

All the characteristics in Tables 3.4, 3.5 and 3.6²³ which were found to have a relationship with whether the claimant would have been influenced by the payment of a £250 fee, were entered together into the logistic regression model to identify characteristics that continued to have a significant effect after controlling for all other variables. In this model²⁴, only the following variables were found to have a significant effect on whether the claimant's decision would have been influenced by the introduction of a fee:

- Age of the claimant: claimants aged 20-24 and 25-34 were more likely to say they would be influenced by the payment of a fee than those aged 65 or older.
- Employment status of job related to the employment tribunal claim: claimants in cases where their job was temporary were more likely to say they would be influenced by the payment of a fee than those whose jobs were (permanent) full time and (permanent) part time.
- Salary of the job related to the employment tribunal claim: claimants in jobs with lower salaries were more likely to say they would be influenced by the payment of a fee compared to those in jobs with higher salaries.
- Case jurisdiction: claimants in Wages Act were more likely to say they would be influenced by the payment of a fee compared to those in cases classified into the 'Other' jurisdiction category.²⁵ This may be related to the value of wages act claims, which on average receive the lowest awards.²⁶
- Whether the claimant had a day to day representative: claimants who did not have a day to day representative were more likely to say they would be influenced by the payment of a fee than those who did have a day to day representative.

²³ Plus also salary of the job at the time of the interview, and household income at the time of the interview which are not included in the tables.

²⁴ Model A in Annex B.

²⁵ About 10 per cent of claims in the SETA 2013 sample were made in the 'Other' jurisdiction. This jurisdiction includes claims that were not either unfair dismissal, breach of contract, wages act, redundancy payments, or discrimination. This includes less common jurisdictions such as failure to allow time off for trade union activities.

²⁶ BIS, Payment of tribunal awards, 2013 study. Available at: <https://www.gov.uk/government/publications/payment-of-employment-tribunal-awards>

It is worth noting that the outcome of the case and claimant's overall satisfaction with the employment tribunal system did not remain significant, when controlling for other factors, suggesting that the claimant experience of the employment tribunal did not have a significant effect on the results. This was also the case for whether the claimant belonged to a couple, which did not remain significant when controlling for other factors.

3.4.2 How would the claimant pay the fee?

If **claimants** said that the presence of a fee would not have influenced their decision to go to a tribunal, they were asked how they would have met the cost of a £250 fee. Most respondents said that they would have paid the fee out of their personal income or savings (82 per cent), while around one in six (17 per cent) would have borrowed the amount from friends or family (Table 3.7).

Younger claimants and those on a lower salary were more likely to say that they would have borrowed from friends or family (Table 3.7).

3.5 Help completing ET3 form

Employers defending an employment tribunal claim must complete and return an **ET3 response form** to the tribunal office within 28 days from the date that they were sent a copy of the claimant's claim form. More than half of **employers** (56 per cent) said that the response form was completed by them or by somebody else in their organisation, while 40 per cent said that they got someone from outside the organisation to complete it (Table 3.8). These findings are consistent with those reported in 2007.

Where the form was completed internally by someone other than the interviewee, in-house lawyers or legal specialists completed it in 36 per cent of cases. This is an increase from 2007, where the equivalent figure was 24 per cent. There was variation by the size of the organisation, with a legal specialist used most frequently by organisations with 250 or more employees (54 per cent). Among the organisations with 25-49 and 50-249 employees the form was most commonly completed by a senior or general manager (44 per cent and 43 per cent respectively), and for smaller organisations (those with fewer than 25 employees) by the owner (39 per cent) (Table 3.8)

Among **employers** who got the form completed externally, reflecting the 2007 findings, 80 per cent used a lawyer and 12 per cent used an employment rights advisor or employment consultant (Table 3.8). There were again differences by organisation size, with the use of solicitors, barristers and lawyers more widespread among larger organisations (90 per cent of organisations with 250 or more employees decreasing to 69 per cent of those with fewer than 25 employees), and use of an employment rights advisor or employment consultant more prevalent among smaller organisations (20 per cent of those with fewer than 25 employees decreasing to six per cent of those with 250 or more employees).

3.6 Preliminary hearings

In some cases the employment tribunal will hold a preliminary hearing to decide how the case will be handled. The tribunal also has the power to dismiss claims at this preliminary hearing. Around a quarter of all cases included preliminary hearings (24 per cent); this figure combines the findings for **both claimants and employers** (Table 3.9). Preliminary hearings were most common in discrimination cases, with 50 per cent of all discrimination cases involving preliminary hearings. In relation to case outcome, preliminary hearings were most likely to have taken place in cases where the claimant was unsuccessful at the hearing, with 38 per cent of these cases involving preliminary hearings.

3.7 Advice and representation

3.7.1 Help and advice at different stages of the claim

Access to professional advice and representation is considered important in informing parties about the merits of a case and subsequent action that should be followed. This report makes a distinction between advice and representation. In the former, parties talk to someone about the case, while representation is seen to go beyond the provision of advice and is defined as giving help with the case, for example handling paperwork.

Questions were asked about advice and representation at various stages in the employment tribunal process including:

- Whether a representative was named at the start of the claim on the claimant's claim form or employer's response form;
- Whether a representative helped with the day-to-day handling of the case;
- Whether the claimant or employer was represented at the tribunal hearing (if applicable); and
- Whether the respondent went to someone for additional advice of guidance after the claim was submitted.

3.7.2 Initial representation

Around a third (31 per cent) of **claimants** nominated a representative on the [ET1 tribunal claim form](#), compared with 49 per cent of **employers** on the [ET3 tribunal response form](#). This represents a decrease for employers from 2007 when 54 per cent nominated a representative; there was no change in the figure for claimants (Table 3.10).

3.7.3 Day-to-day representation

Claimants and employers were asked whether they received any help with the day-to-day handling of the case, defined as 'handling paperwork, answering letters, dealing with the employment tribunal, dealing with the other party and so on'. They were asked not to include any assistance they may have had from Acas, as it is not possible for Acas to act in the role of formal representative.

Three in five **employers** (60 per cent) used a day-to-day representative, the same proportion as in 2007 and 2003. Around half of **claimants** (52 per cent) used a day-to-day

representative to help with their case, an increase on the 2007 figure of 46 per cent. (Table 3.10). Interestingly, in SETA 2003, 55 per cent of claimants used a day-to-day representative, and so the 2012 results suggest representation levels among are reaching similar levels that they were in in 2002, and could suggest that the 2007 survey results were a blip in the trend data of the series.

Characteristics of cases with day-to-day representation

Claims were more likely to be settled, through Acas or privately, where either the claimant or employer had a day-to-day representative. Where a day-to-day representative was not used by the party, claimants were more likely to have their case dismissed at a preliminary hearing or disposed of otherwise, while employers were more likely to lose at a full employment tribunal hearing. The greater likelihood of settlement where a day-to-day representative was involved in the case may be a reflection of the type of advice given by day-to-day representatives, who were more likely to give advice to settle rather than take the case to a full tribunal hearing.

Among **claimants** use of a day-to-day representative was most common in cases that were settled, either privately (61 per cent) or by Acas (59 per cent). The lowest proportions were where the case was dismissed at a preliminary hearing or disposed of otherwise (34 per cent). These findings are similar to those seen in 2007, although the proportion of Acas settled cases that involved a day-to-day representative has increased (from 48 per cent to 59 per cent) (Table 3.13), and is in line with that evident in 2003 (62 per cent).

Among **employers**, the use of a day-to-day representative was also higher in Acas settled cases (67 per cent) and, as with claimants, this represents an increase from 2007 (from 59 per cent). Employers were also more likely to have a day-to-day representative in cases where the claimant was unsuccessful at tribunal (68 per cent). By contrast, in cases where the claimant was successful at tribunal, employers were much less likely to have a day-to-day representative (30 per cent), and this is a decrease from the 2007 figure (52 per cent) (Table 3.13).

The primary jurisdiction of the case is another factor that one might expect to impact on the use of representation (Table 3.14). Representation was most common in discrimination cases, both among **claimants** (61 per cent) and **employers** (74 per cent). In addition, a relatively high proportion of employers used day-to-day representation in unfair dismissal cases (67 per cent). Among both groups, the proportions using day-to-day representation were lowest in Wages Act cases (33 per cent of claimants and 30 per cent of employers). This may be related to the relative value of the case, BIS research on 2012 tribunal awards has found that claims involving unfair dismissal received the highest value awards on average, 59 per cent of claims with an element of unfair dismissal were awarded over £5,000, compared with just 29 per cent of wages claims.²⁷ There were no changes since 2007 for **employers**, however, there were for **claimants**. **Claimants** in unfair dismissal cases were more likely to use day-to-day representation in 2012 than they were in 2007 (55 per cent compared with 47 per cent in 2007), but still less likely than they were in 2003

²⁷ BIS, Payment of tribunal awards, 2013 study. Available at: <https://www.gov.uk/government/publications/payment-of-employment-tribunal-awards>

(64 per cent). There was also an increase for **claimants** in Breach of Contract cases from 2007 (51 per cent compared with 44 per cent in 2007) with levels similar to those evident in 2003 (52 per cent) (Table 3.14).

Characteristics of the parties with day-to-day representation

Older **claimants** were more likely than younger claimants to have had a day-to-day representative; the proportion increased steadily from 41 per cent of 20-24 year olds to 62 per cent of those aged 65 or over (Table 3.15).

The use of day-to-day representation was also higher among claimants with a disability – either limiting (60 per cent) or non-limiting (63 per cent) – compared with claimants without a disability (49 per cent). This finding may be connected to the complexity of disability related claims (Acas, 2012)²⁸, with claimants needing to demonstrate eligibility in terms of their disability (Taylor and Proud, 2002²⁹; Woodhams and Corby, 2003³⁰).

Analysis by occupation shows that both managers and senior officials (60 per cent) and those in professional occupations (58 per cent) were most likely to have day-to-day representation.

Employers with fewer than 25 employees were less likely than larger employers to have a day-to-day representative (Table 3.16). The proportion was 49 per cent among those with fewer than 25 employees, compared with at least 60 per cent in the larger size bands. Related to this, employers in the private sector (typically smaller) were less likely to be represented than those in the public or non-profit sectors (58 per cent compared with 65 per cent and 73 per cent respectively).

Types of advice given by day-to-day representatives

Parties who had a day-to-day representative or who received advice in the case were asked what type of advice or help they were given (Table 3.22)³¹.

A large proportion of both **claimants** (85 per cent) and **employers** (92 per cent) said that they received advice on the strengths and weaknesses of the case. Claimants were more likely than employers to say that they received general advice on how the tribunal process worked (82 per cent compared with 70 per cent). However, employers were more likely than claimants to have received other types of advice on aspects of the case: the advantages and disadvantages of settling the case (86 per cent compared with 78 per cent); what the tribunal might award (78 per cent compared with 60 per cent); and help in

²⁸ Buscha, F., Urwin, P., Latreille, P. (2012) 'Representation in Employment Tribunals: analysis of the 2003 and 2008 Survey of Employment Tribunal Applications (SETA)'. Available at: http://www.acas.org.uk/media/pdf/5/t/0612_Analysis_of_2003_2008_SETA_v2-accessible-version-Mar-12.pdf

²⁹ Taylor, A.S. and Proud, S. (2002) 'Medical Evidence: Crucial in Employment Tribunals', *Business Law Review*, 23, 209-211.

³⁰ Woodhams, C. and Corby, S. (2003) 'Defining disability in theory and practice: a critique of the British Disability Discrimination Act 1995', *Journal of Social Policy*, 32, 159-178.

³¹ This excludes the types of advice that Acas conciliators gave.

preparing for hearings (71 per cent compared with 57 per cent). These findings broadly reflect those observed in 2007.

In line with 2007, where day-to-day representatives gave advice on how to proceed with the claim, they were more likely to advise parties to settle rather than go to a hearing. This applied to both claimants and employers: 49 per cent of **claimants** said that the main advisor advised them to settle, compared with 15 per cent who advised going to a hearing, while the equivalent figures for **employers** were 45 per cent and 18 per cent (Table 3.22). In line with these results, both parties were more likely to have their case resolved by settlement, rather than at tribunal when they had a day-to-day representative (Table 3.13).

3.7.4 Representation at hearing

If the case progresses to a tribunal hearing, then this is another critical stage of the process where representation might be sought. This could be either a new representative or someone used in earlier stages of the process. **Employers** were much more likely than **claimants** to be represented at a full tribunal hearing (67 per cent compared with 33 per cent). These findings have not changed significantly since 2007 (Table 3.10).

3.7.5 Additional help and guidance

Around one in four **claimants** (27 per cent) said that they had additional help and guidance; that is, excluding help from a day-to-day representative or at the full tribunal hearing. The proportion was lower among **employers** (16 per cent). There has been an increase since 2007 in the proportion of claimants using additional help or guidance (from 20 per cent to 27 per cent), while the figure for employers has decreased (from 20 per cent to 16 per cent) (Table 3.10).

3.7.6 Representation patterns

[Flow chart 3.1](#) summarises the use of advice and representation among **claimants** across the claim process. This shows that 27 per cent of claimants had both a representative nominated on ET1 form and a day-to-day representative. However, one in four claimants (24 per cent) had no advice or representation at all.

A similar summary is shown for **employers** in [Flow chart 3.2](#). This confirms that employers were more likely than claimants to have some form of advice or representation: 36 per cent of employers had both a representative nominated on ET3 and a day-to-day representative, while only 15 per cent had no advice or representation at all.

Further analysis of these findings is shown in Table 3.11, which shows that similar proportions of claimants and employers had neither a day-to-day representative nor additional advice or guidance (31 per cent and 29 per cent respectively).

3.7.7 Reasons for use and non-use of representatives

The main reason why **claimants** chose to use either a day-to-day representative or representative at a tribunal hearing was their own lack of expertise or knowledge (67 per cent). The second most common reason was being a member of a union (12 per cent) (Table 3.19).

Among **both claimants and employers** who went to a tribunal hearing, there were two main reasons for not using a representative at a tribunal hearing: not being able to afford legal representation (27 per cent of claimants and 11 per cent employers) and thinking that they could handle the hearing on their own (24 per cent of claimants and 11 per cent of employers) (Table 3.20).

3.7.8 Sources of help and advice

Reflecting the 2007 findings, the most common source of advice and representation at all stages of the case was lawyers among both claimants and employers (Table 3.12). In addition:

- Some **claimants** used a trade union representative, either as their nominated representative on the ET1 form (24 per cent) or as a day-to-day representative (18 per cent). Family or friends were also used by claimants, either as their nominated representative on the ET1 (10 per cent), as a day-to-day representative (18 per cent) or at the full tribunal hearing (13 per cent). There was also a role for Acas (22 per cent) or a Citizens Advice Bureau (18 per cent) in providing additional advice and guidance for claimants (Table 3.12)³².
- For **employers**, the main alternatives to a lawyer were an employment rights advisor (used by between seven per cent and 11 per cent of employers at various stages) and a company legal specialist (nominated as the representative on ET3 form by 10 per cent of employers) (Table 3.12).

3.7.9 Characteristics of the parties with a legal representative or advisor

It is also possible to look at the characteristics of claimants and employers who had a legal representative or advisor, such as a solicitor or lawyer at any stage in the claim.

As was the case with representation in general, older **claimants** were more likely than younger claimants to have a legal representative or advisor, ranging from 21 per cent among 20-24 year olds to 48 per cent among 55-64 year olds (Table 3.17). Claimants with a disability were more likely than those without a disability to have a legal representative/advisor, and this applied specifically to those with a limiting disability (44 per cent).

Claimants with a larger salary were more likely to have a legal representative or advisor. The proportion ranged from 27 per cent of those with a gross annual salary of under £10,000, to 58 per cent of those with a gross annual salary of £40,000 or over. Interestingly, use of any representation and advice at the different stages of the claim did not vary by salary, and therefore these findings would suggest that claimants with larger salaries are more likely to seek legal representation and/or advice, and therefore claimants with lower salaries are more likely to use other, less costly form of representation and advice. Examination of the data suggests that this is generally the case. For example,

³² In addition to Table 3.12, further analysis of the types of representative used at the tribunal hearing is shown in Table 3.21.

claimants with lower salaries were more likely than those with higher salaries to have a member of their family or a friend, or the Citizen's Advice Bureau acting as their day to day representative. Similarly, claimants with lower salaries were more likely to seek additional advice from the Citizen's Advice Bureau. However, it should be noted that there were no differences in the use of advice from friends and family by salary.

Related to salary, the use of a legal representative/advisor also varied by occupation: 50 per cent among managers and senior officials and 50 per cent among those in professional occupations, compared with 24 per cent of those in elementary occupations. Finally, claimants in Scotland were more likely than those in England and Wales to use a legal representative (48 per cent compared with 38 per cent).

Larger **employers** were more likely than smaller employers to have had a legal representative or advisor. While 59 per cent of those with 250 or more employees had legal representation or advice, this was lower among those with fewer than 25 employees (41 per cent) and those with 25-49 employees (48 per cent). Employers in the non-profit sector (68 per cent) were more likely to have had a legal representative or advisor than those in either the private sector (50 per cent) or public sector (54 per cent) (Table 3.18).

3.7.10 Free advice and representation

The majority of **claimants** who had a day-to-day representative or had additional help and guidance (excluding friends, family or work colleagues) said that all of the help or advice they received was free (65 per cent). The remainder either paid for all the help and advice (26 per cent) or just some of it (eight per cent). **Employers** were much less likely to get free help or advice: 20 per cent said that all of the help and advice was free, while 70 per cent paid for all of it and eight per cent paid for some of it (Table 3.23). This reflects the findings observed in 2007.

For **claimants**, the main sources of free help or advice were lawyers (49 per cent), followed by trade union or worker representatives (22 per cent) and a Citizens Advice Bureau (21 per cent). **Employers** were also most likely to use lawyers for free help or advice (46 per cent), followed by employment rights advisors (16 per cent), personnel or human resources specialists (15 per cent) and company legal specialists (12 per cent) (Table 3.24).

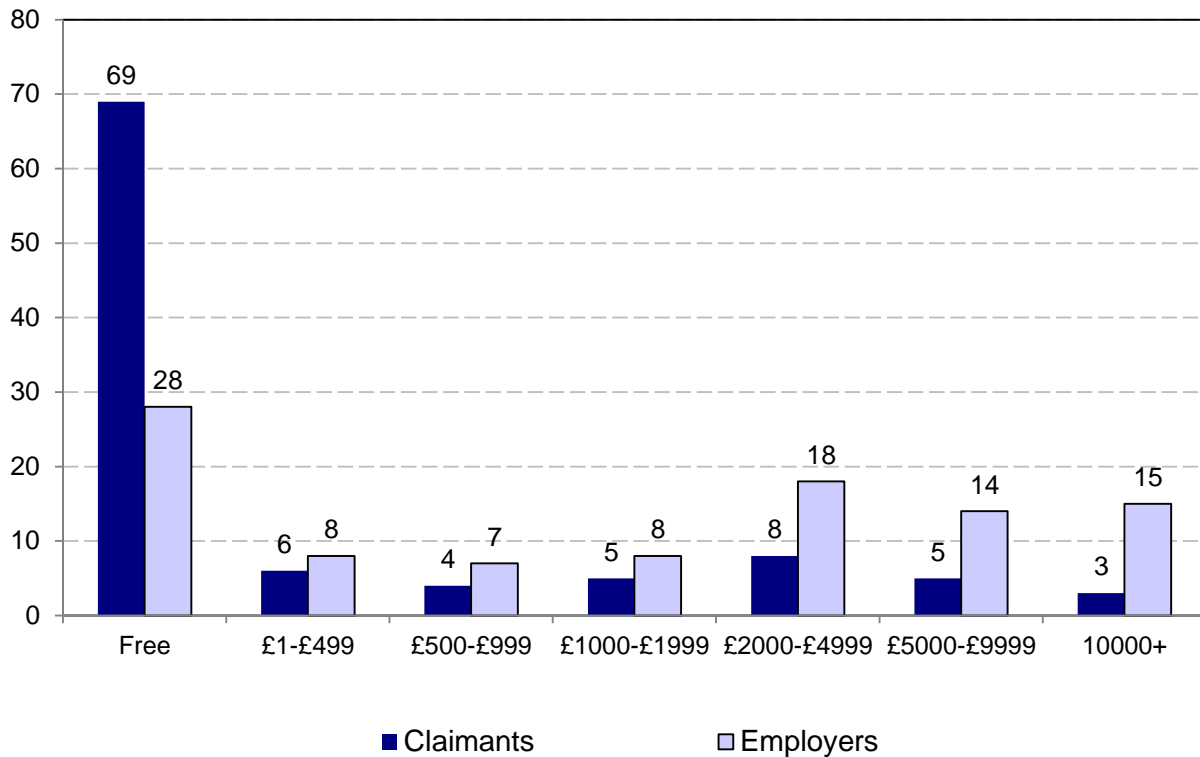
Small **employers** were more likely than their larger counterparts to receive free advice: 32 per cent of employers with fewer than 25 employees received their advice all free of charge, compared with no more than 19 per cent in larger size bands (Table 3.25).

3.7.11 Total costs of professional advice and representation

Claimants and employers were asked to state how much they had to pay personally for the day-to-day representation or additional advice and guidance (excluding friends, family or work colleagues) they received in the case³³. Figure 3.1 below shows the distribution of the amount paid amongst those claimants and employers who received day-to-day representation and/or additional advice and guidance.

Figure 3.1: Distribution of total costs of day-to-day advice and representation

Per cent



Base: All claimants who had day to day advice or representation (excluding those who did not know the amount paid or used friends, work colleagues, or family) (1128) / All employers who had day-to-day advice or representation (excluding those who did not know the amount paid or used friends work colleagues, or family) (719)³⁴

Among those who paid any fees, the total amount paid was higher for employers than claimants. Among **employers** the median was £3,000. For **claimants** the median was £2,000 (Tables 3.26 and 3.27). In 2007 the equivalent figures were: employers a median of £2,500; and for claimants a median of £1,000. The median gives a better indication than the average (mean) of the typical amounts paid, as the mean values vary due to a few

³³ Respondents were asked to include all of the legal and professional fees that were paid, but exclude any fees paid by third parties such as insurance companies, trade unions or any kind of legal aid. The mean and median figures exclude 'don't know' responses.

³⁴ Please note, the percentage figures for claimants and employers who received free advice and representation do not match those in the previous section (Section 3.7.11) or Table 3.23. This is because this chart is only based on those claimants and employers who knew the amount paid. Claimants and employers who do not know the amount paid are excluded from the base figure of this chart.

large amounts paid in certain jurisdictions. The full breakdown can be seen in Tables 3.26 and 3.27.

3.7.12 Employers' insurance and cover

Employers were asked whether, at the time of the case, they were insured to cover legal expenses, or whether they were a member of an organisation that would cover the costs of advice and representation in a tribunal claim (Table 3.28).

Three in ten employers (30 per cent) said they were insured to cover legal expenses, while a further 10 per cent said that they were a member of an organisation that would cover costs.

The main sub-group variation was by sector. Non-profit employers were most likely to say that they were insured (47 per cent), while the proportion was lowest among public sector employers (23 per cent). However, private sector employers were more likely than other employers to say that they had membership of an organisation that would cover costs (11 per cent compared with seven per cent). There was also some variation by employer size, with the organisations with between 25 and 249 employees more likely to be insured to cover legal expenses than smaller or larger employers. The full breakdown is shown in Table 3.28.

Findings are broadly similar to those seen in 2007, although changes to question wording prevent a direct comparison (Table 3.28).

3.7.13 Unsolicited approaches made by third parties

Among **employers** with 50 or more employees, 15 per cent said that they received unsolicited calls or letters offering legal services after the claim (Table 3.29). This is similar to the proportion observed in 2007 (14 per cent).

The proportion that said they received unsolicited approaches was much lower among public sector employers (two per cent) than those in either the private or non-profit sectors (19 per cent and 18 per cent respectively) (Table 3.30).

4 Attempts at resolution, offers and Acas

This chapter examines attempts to settle cases before going to a tribunal hearing. Firstly, it looks at any offers that were proposed to settle the case, the amounts of these offers and how these compared with initial expectations. It then provides information about the parties' contact with and experience of Acas.

4.1 Offers of settlement

4.1.1 Was a settlement offered?

According to the **combined samples of claimants and employers**, an offer of settlement was made in 68 per cent of cases ([Flowchart 4.1](#)). The proportion of cases where an offer of settlement was made has not changed in comparison to 2007 (69 per cent) (**according to the combined samples of claimants and employers**).

Analysis by primary jurisdiction shows that a settlement was least likely to be offered in redundancy payment cases (53 per cent) and most likely to be offered in cases with a primary jurisdiction of 'other' (76 per cent),³⁵ followed by discrimination at 72 per cent (Table 4.1).

Conditional on offer being made, the **combined samples of claimants and employers** show that the final offer resulted in a settlement in four fifths of cases (79 per cent) ([Flowchart 4.1](#)). This translates into a settlement rate of around 54 per cent of all cases in 2012, **according to the combined samples of claimants and employers** (Table 5.1).

4.1.2 Who made the offer?

In cases where an offer of settlement was made, it was mostly the employer (35 per cent) or an employer representative (26 per cent) who made the first offer. It was less likely that the claimant (13 per cent) or a claimant representative (12 per cent) made the first offer. In four per cent of cases the perception was the first offer came via Acas, however, it should be noted that Acas does not make offers, it relays proposals and offers from one side to the other (Table 4.2). These findings are based on the **combined responses of claimants and employers**. This overall pattern is in line with 2007. However, small increases in the proposals from claimants and their representatives are evident, with 11 per cent of claimants making the first offer in 2007, and 10 per cent of claimant representatives.

Analysis by primary jurisdiction indicates that initial offers were most likely to come from the employer side in Wages Act cases (71 per cent) (Table 4.2). Redundancy payment cases also had a relatively high proportion of initial offers from the employer side (64 per cent) rather than the claimant side (17 per cent). Unfair dismissal cases had a relatively high proportion of initial offers from an employer representative (29 per cent) rather than

³⁵ About 10 per cent of claims in the SETA 2013 sample were made in the 'Other' jurisdiction. This jurisdiction includes claims that were not either unfair dismissal, breach of contract, wages act, redundancy payments, or discrimination. This includes less common jurisdictions such as failure to allow time off for trade union activities.

the employers themselves (28 per cent). However, this is likely to reflect the relatively high use of employer representatives in these types of cases (67 per cent of **employers** reported having a day to day representative in unfair dismissal cases, compared with an average of 60 per cent) (Table 3.14).

Despite data being of a factual nature, it is interesting to note that examination of the separate responses from claimant and employers suggests that the parties had differing accounts of who made the initial offer. However, these findings are not based on matched cases, where claimants and employers talk about the same case:

- **Claimants** were more likely than employers to report that the initial offer was made by the employer (44 per cent compared with 29 per cent).
- **Employers** were more likely than claimants to report that it was made by the claimant's representative (16 per cent compared with seven per cent) or to report a 'don't know' response (11 per cent compared with three per cent) (Table 4.3 and 4.4).

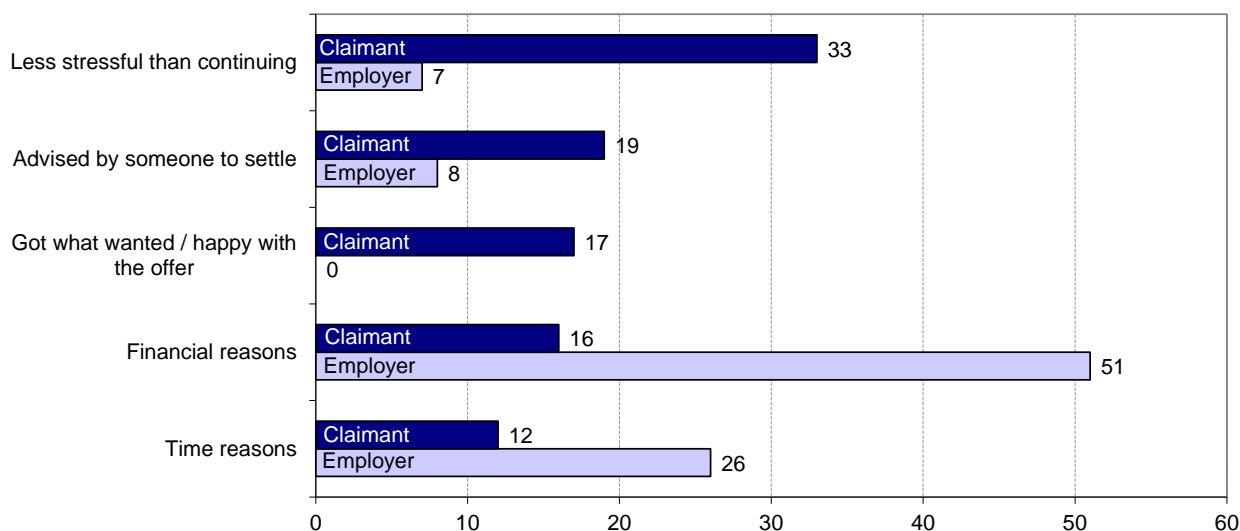
4.1.3 Motivations for settlement

Claimants were motivated to settle their case due to a mix of reasons, while the majority of employers were motivated by financial or time considerations:

- **Claimants** who decided to settle the case were asked why they did this. The most common answer was that a settlement was less stressful than continuing with the claim (33 per cent). Other reasons were: they were advised by someone to settle (19 per cent), they got what they wanted from the offer (17 per cent), financial reasons (16 per cent) and time reasons (12 per cent) (Table 4.5).
- The same question was put to **employers** who either settled or made an offer of settlement. For employers, financial reasons (51 per cent) and saving time (26 per cent) were the main reasons for offering a settlement (Table 4.5). These reasons are consistent with those observed in 2007.

Figure 4.1: Most common reasons given by employers and claimants for not proposing an offer to settle the case

Per cent



Base: All claimants in cases which were settled (1106) / All employers with personal responsibility for the case, who made an offer of settlement to the claimant (1227)

Employers who did not propose an offer to settle the case were asked why this was. In line with 2007, reasons tended to focus around the employer believing that they had a strong case. The three most common reasons cited were:

- that they did not think the claimant had a case (23 per cent);
- that they felt they were right (17 per cent); and
- because they believed they could win the case (16 per cent).

A range of other reasons were given, however, each was mentioned by five per cent of employers or less. There were no differences by primary jurisdiction (Table 4.6).

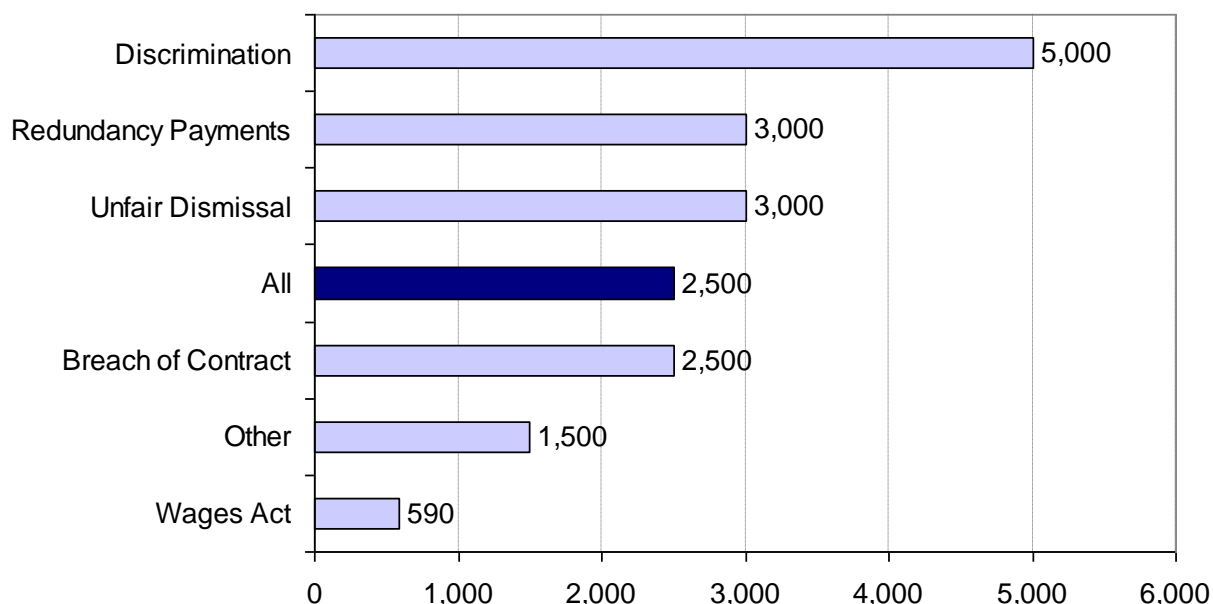
4.1.4 Settlement details

Settlements can consist of more than one element. Reflecting the findings in 2007, 91 per cent of cases that were settled consisted of a financial offer according to the **combined analysis of claimants and employers**. References from the employer were the next most common element, involved in 20 per cent of settlements. There were some minor differences by primary jurisdiction (Table 4.7): financial offers were particularly common in Wages Act cases (96 per cent), while a reference was most likely to be included in unfair dismissal (26 per cent) and discrimination cases (24 per cent). As might be expected the request of reference was higher in cases where the claimant no longer worked for the employer against whom they were making their claim (21 per cent compared with just three per cent in cases where the claimant still worked for the employer).

In cases which were financially settled the median amount finally offered was £2,500.³⁶ The median final offer was highest in discrimination cases at around £5,000, compared with the lowest in Wages Act cases of around £600 (Table 4.8). Once again, these findings are based on the **combined samples of claimants and employers**.

Figure 4.2: Median value of the final offer to settle

£



Base: All claimants and employers in cases which were financially settled and the amount of money offered was known (1790).

According to **combined** responses, financial offers could either consist of money owed to the claimant (29 per cent), compensation (39 per cent) or 'a bit of both' (21 per cent). This breakdown is in line with 2007. As might be expected, Wages Act cases were more likely to consist of money owed (82 per cent), while unfair dismissal and discrimination cases were more likely to involve compensation (55 per cent and 54 per cent respectively) (Table 4.8).

4.1.5 Most claimants receive their money settlement

In line with the findings observed in 2007, in almost all settled cases (95 per cent), the employer had complied with the agreed settlement in full by the time of the survey, and this was consistent by primary jurisdiction (Table 4.9). These findings are based on **combined responses from claimants and employers**. It is worth noting that a higher proportion of claimants received their settlement in cases which were settled, compared with the proportion of claimants who had received their awards in cases which went to tribunal. As reported in section 5.4, only three quarters (74 per cent) of claimants involved

³⁶ The median gives a better indication than the average (mean) of the typical financial offers, as it is less affected by a few high or low offers. The median is the middle value when all the values are ordered by size, which means it does not take into account the value of high or low outliers.

cases where they had been successful at tribunal and money was awarded had received the amount awarded by the time of the survey.³⁷

4.1.6 How settlement offers compared with claimant expectations and outcomes

Claimants whose case was settled were asked whether at the time of the offer they thought a different outcome would have been achieved if the case had gone to a tribunal. Around half of claimants (47 per cent) thought that they would have got more than they did through settlement, while 22 per cent thought the outcome would have been the same. Just five per cent thought they would have got less by going to a tribunal, while the same proportion (five per cent) thought they would have lost the case under a tribunal (Table 4.12).

There has been a small decrease in the proportion of claimants who thought the outcome would be the same, a fall of six percentage points from 28 per cent in 2007 to 22 per cent in 2012.

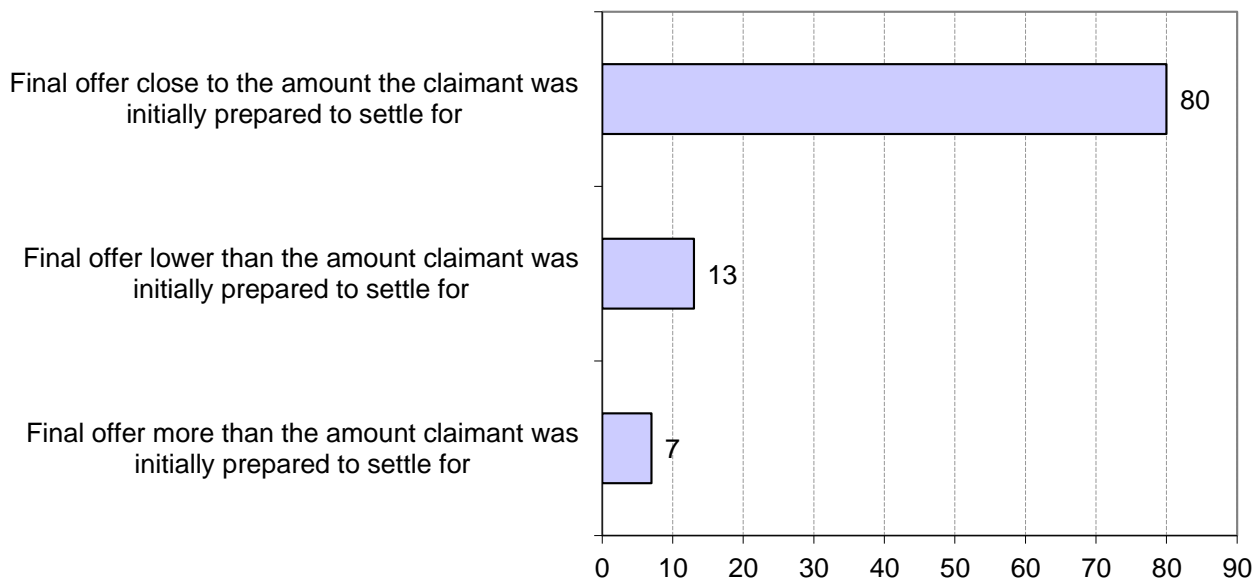
The significant proportion of claimants who felt that they would have got more if they had gone to a tribunal but decided to settle would seem to confirm the earlier finding that claimants were not primarily motivated by financial considerations when deciding to accept a settlement. When the reasons for settling are examined for this group of claimants, the most frequently mentioned reason, for about 40 per cent was that it was less stressful than continuing. This compared with 18 per cent cited financial reasons, 19 per cent who were advised by someone to settle, and 11 per cent who settled for time reasons. (Table 4.13)

In cases where a financial offer was actually made, we can compare the actual final amount offered with the lowest amount that **claimants** said they would have been prepared to accept at the start of the claim. This indicates whether claimants typically ended up getting offered a similar amount to that which they would have been prepared to settle for initially. This analysis indicates that, in most cases, the actual amount of the final offer is similar to the lowest amount that claimants said they would initially have settled for (Table 4.15 and illustrated in Figure 4.3 below). However, where there is a difference, the actual amount offered tends to be lower than the initial expectation.

³⁷ Sixty three per cent of claimants said that they had received their tribunal award, compared with 87 per cent of employers who said that the money had been paid. These figures are in line with those reported in 2007 (Table 5.8).

Figure 4.3: Comparison of the final offer received by the claimant with the amount they were initially prepared to settle for at the start of the case

Per cent



Base: Claimant in cases who hoped to win money at the start of the case where a financial offer was made (430).

Figure Note: This figure uses the banded amounts shown in Table 4.15.

4.1.7 How settlement offers compared with initial employer expectations

Employers were asked to estimate the maximum amount of money they would have been prepared to settle for at the very start of the claim.³⁸ More than half (56 per cent) of these employers said that they would not have been prepared to settle for any sum of money at the start of the case. Where a settlement was an option, the median for the maximum amount they would have been prepared to pay was £2,000 (Table 4.16). This maximum amount was considerably lower than the minimum amount being considered by claimants of £3,000 (Table 4.14). However, it must be borne in mind that because SETA does not adopt a matched design approach between the claimant and employer samples, this finding must be treated with caution.³⁹

In cases where a financial offer was actually made, we can compare the actual amount offered with the maximum amount that **employers** said they would have been prepared to pay at the start of the claim. This indicates whether employers ended up paying more or less than they were considering paying initially. This analysis indicates that, in many cases, employers who were initially not prepared to settle for any amount of money ended up making a financial offer (37 per cent), and these cases are evenly distributed according

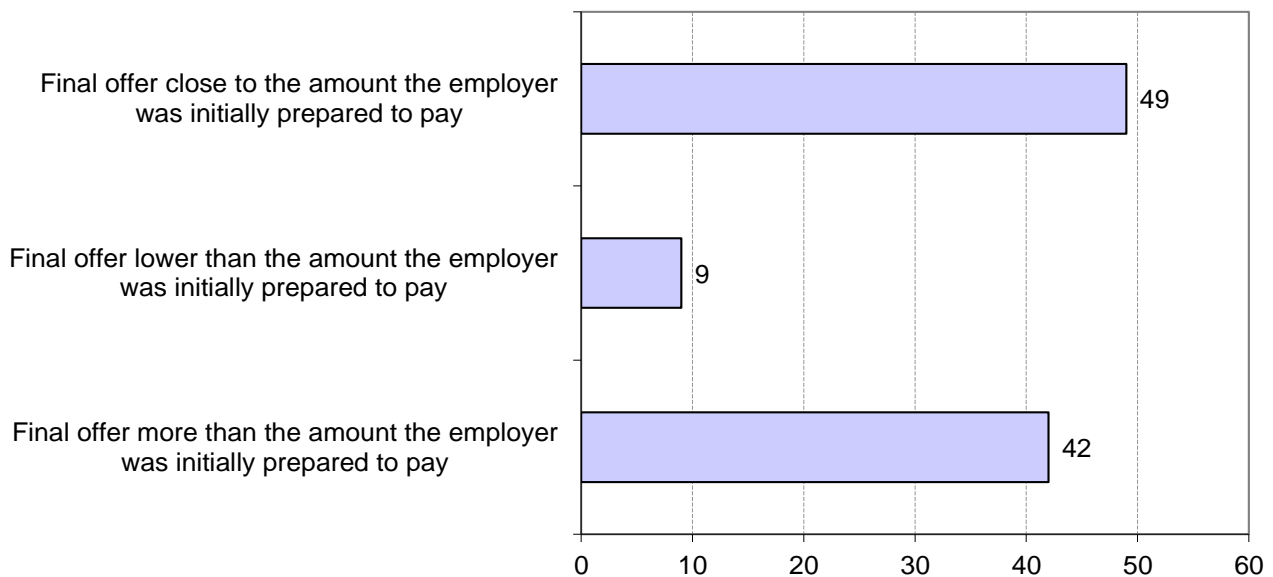
³⁸ This question was asked if employers thought that claimants were hoping to receive money when they first put in their claim.

³⁹ There also may be an element of employers post rationalising their behaviour.

to the size of offer finally made. Otherwise, there is generally a close match between what was actually paid and what employers said they were initially prepared to pay. Where there is a difference, the actual amounts tend to be lower than what was initially considered a maximum amount (Table 4.17).⁴⁰

Figure 4.4: Comparison of the final offer made by the employer with the amount they were initially prepared to pay at the start of the case

Per cent



Base: Employers in cases who thought claimants were hoping to receive money at the start of the case where a financial offer was made (714).

Figure Note: This figure uses the banded amounts shown in Table 4.17.

The proportion of claimants who withdrew their case or were unsuccessful at the tribunal hearing was relatively high among cases where no offer was made to settle the case. This may support the employer's view that the claimants did not have a case (Table 4.6). Nearly two fifths of cases (37 per cent) where no offer was made resulted in the case being withdrawn and 28 per cent of cases resulted in the claimant being unsuccessful at tribunal, compared with 15 per cent of cases where the claimant was successful at tribunal (Flowchart 4.1). These findings are based on **combined responses from claimants and employers**.

⁴⁰ When people are asked to talk about social processes that happened in the past, they have a tendency both to post-rationalise their behaviour and to forget details of their experience. There may be an element of respondents not recalling the amounts offered correctly or adjusting them in line with the amount of settlement they actually received.

4.2 Reasons for withdrawing

Claimants withdrew their cases for a mix of reasons. The main reasons cited (Table 4.18) were because there was too much expense (29 per cent) or too much stress (12 per cent) involved in continuing, because they were advised by someone to do so (19 per cent), or because they thought they could not win the case (14 per cent). The proportion that cited financial reasons was higher in 2012 than in 2007 (29 per cent compared with 19 per cent); otherwise, figures are very similar to those seen in 2007.

4.3 Acas

This section examines the parties' contact with and experience of Acas.

Acas conciliators have a statutory duty to promote a settlement through conciliation, as detailed in the introduction. When considering these findings, it is important to bear in mind that parties who had a representative acting for them will have had little or no direct contact with the Acas conciliator who was dealing with their case. Their knowledge and evaluation of Acas will be limited by the amount their representative involved them and kept them up to date with what was happening during the case, especially the part played by the Acas conciliator in trying to facilitate a settlement.

When a complaint to the employment tribunal is made, HMCTS sends a copy of the completed claim and response forms to nearest Acas regional office with any correspondence relating to the case. Acas then uses this information to contact both sides to offer conciliation.

4.3.1 Introductory letter

A large majority of **claimants** (84 per cent) recalled receiving the introductory letter from Acas explaining the service that they offered, which has been sent to all parties and their representatives named on the employment tribunal claim forms since 2003. This has increased slightly from 2007, where 76 per cent recalled receiving the letter. Eight in ten **employers** (80 per cent) recalled the introductory letter from Acas, and this has not changed since 2007 (78 per cent) (Table 4.19). However, these responses may be subject to recall issues as the interview took place at least five months after the case was closed.

4.3.2 Contact with Acas

Personal contact with Acas officers among employer representatives and claimants has risen since 2007. Other levels of contact are similar to 2007.

The majority of **claimants** (59 per cent) said they had personal contact with an Acas officer, and 20 per cent said that a representative had this type of contact (Table 4.22). This represents a marked increase of nine percentage points in personal contact by the claimant since 2007, where 48 per cent reported having contact. Levels of contact amongst claimant representatives have remained in line (18 per cent in 2007).

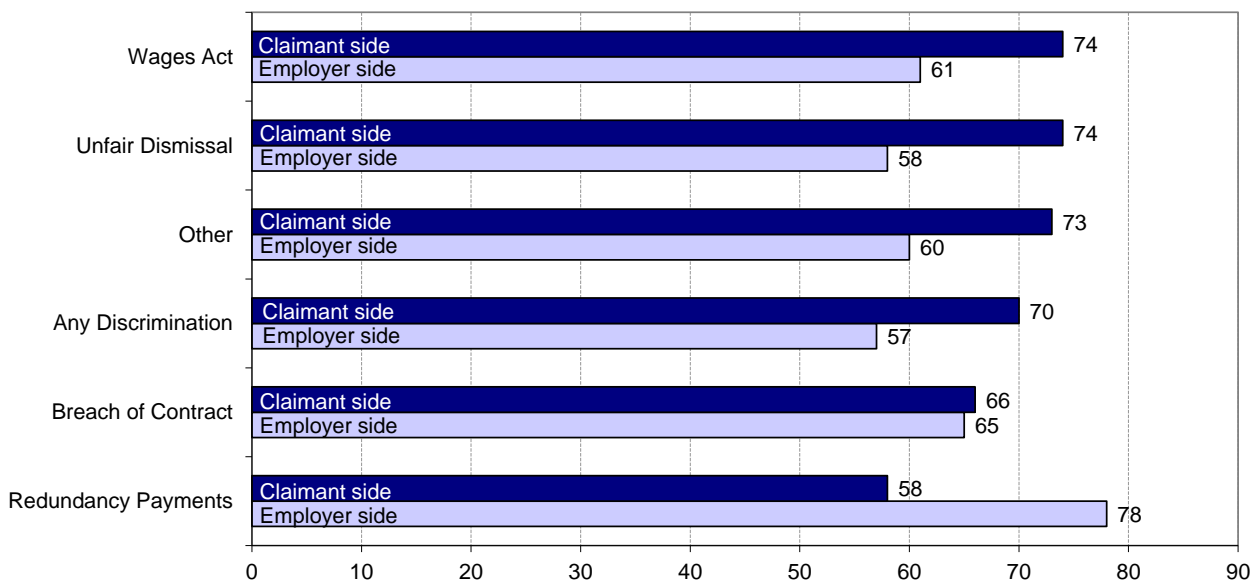
In the **employer** survey, 41 per cent of respondents said that they had some form of contact with an Acas officer, and 28 per cent said that a representative had this type of contact (Table 4.23). Personal contact between employer representatives and Acas

increased by nine percentage points, from 19 per cent in 2007 to 28 per cent in 2012. However, contact between employers and Acas has remained in line with 2007.

The claimants' side was more likely than employers' to have personal contact with an Acas officer in Wages Act, unfair dismissal, 'other',⁴¹ and discrimination jurisdiction cases. For example, in unfair dismissal cases the proportion of claimants who said that they or their representative had personal contact with an Acas officer was 16 percentage points higher than the equivalent figure for employers.

Figure 4.5: Personal contact with Acas officer by the claimants' side and the employers' side

Per cent



Base: All claimants (1988) / All employer with personal responsibility for the case (1776)

4.3.3 Where Acas isn't involved, most people don't know why

If **claimants** had no contact with an Acas officer, either personally or through a representative, they were asked why Acas were not involved in the case. The majority of claimants did not know why Acas did not get involved (74 per cent); otherwise, claimants were more likely to say that it was because the employer did not want Acas involved (12 per cent) than because they themselves did not want this to happen (six per cent). A further eight per cent said that neither side wanted Acas to be involved. In comparison with the 2007 figures, claimants were more likely to say that they did not know why Acas weren't involved (74 per cent in 2012 compared with 68 per cent in 2007) and were less

⁴¹ About 10 per cent of claims in the SETA 2013 sample were made in the 'Other' jurisdiction. This jurisdiction includes claims that were not either unfair dismissal, breach of contract, wages act, redundancy payments, or discrimination. This includes less common jurisdictions such as failure to allow time off for trade union activities.

likely to say that it was joint decision by the claimant and employer (eight per cent compared with 13 per cent) (Table 4.24).

Similarly, the majority of employers **either personally or through a representative** said that they did not know why this was the case (68 per cent), again an increase on the 2007 figure (61 per cent). In the 2012 survey, employers were more likely to say that it was the claimant's preference only not to involve Acas (15 per cent) rather than their own preference (three per cent); this is the opposite of what the 2007 survey showed. In 15 per cent of cases employers who did not have any contact with Acas said that neither side wanted them involved.

4.3.4 Acas involvement

In settled cases which included personal contact with an Acas officer, respondents were asked how likely they thought it was that they would have settled the case without involvement from Acas. **Employers** were more inclined to say that they would have settled the case without involvement from Acas (54 per cent said this was very or fairly likely), compared with 32 per cent of **claimants** (Table 4.25). This pattern has become even more pronounced since 2007: while the figures for claimants have remained the same, employers in 2012 were more likely to say the case would have been settled without Acas than they were in 2007 (54 per cent compared with 48 per cent).

Among **claimants** who had personal contact with an Acas officer, the majority (61 per cent) said that Acas involvement was important in helping them to decide how to proceed with the case, including 38 per cent who said it was very important. One in three (33 per cent) said that it was not very or not at all important (Table 4.26). This reflects the pattern found in 2007. Attitudes varied by primary jurisdiction, claimants found the involvement of Acas was important in 76 per cent of Wages Act and redundancy payment cases, compared with 51 per cent of discrimination cases.

Reflecting the 2007 findings, **employers** were less likely than claimants to see Acas involvement as important. Among employers who had contact with Acas, 43 per cent said that their involvement helped them decide how to proceed, but more than half (55 per cent) said it was not very or not at all important (Table 4.27). This reflects the pattern found in 2007. Small and medium sized enterprises were more likely than large enterprises to see Acas involvement as important (48 per cent compared with 35 per cent). Unlike claimant attitudes, employer attitudes did not vary by primary jurisdiction.

4.3.5 Satisfaction with Acas

The majority (68 per cent) of **claimants** who had personal contact with an Acas officer reported that they were satisfied in general with the service they had received from Acas in their case (Table 4.29). This level of satisfaction is lower than in 2007 (when 77 per cent were satisfied). **Employers who had personal contact with an Acas officer** expressed higher levels of satisfaction than claimants: 75 per cent were satisfied with the service they received from Acas, and this was similar to the 2007 figure (Table 4.29).

Fewer **claimants** were satisfied in unfair dismissal and discrimination cases than other jurisdictions. Just over four in five (82 per cent) of **claimants** in Wages Act cases were

satisfied with the service they received from Acas, compared with 64 per cent in unfair dismissal cases and 62 per cent in discrimination cases (Table 4.30).

Respondents who were dissatisfied with the Acas service in general were asked why this was. The reasons given were largely in line with those recorded in 2007. The most common reason among both claimants and employers was the view that Acas did not do anything or did not help (40 per cent of **claimants** and 45 per cent of **employers who were dissatisfied**). Other common reasons were the perception that Acas did not give enough information or advice (27 per cent of claimants and 28 per cent of employers) or that there was not enough contact (26 per cent and 29 per cent respectively) (Table 4.32).

5 Outcomes

This chapter analyses the outcome of employment tribunal claims, which can be resolved through a claim being:

- withdrawn;
- settled (through Acas or privately);
- decided at tribunal (either in favour of the claimant or employer);
- decided through a default judgment (where a party fails to respond to the tribunal about the claim); or else
- dismissed at a preliminary hearing or disposed of otherwise.

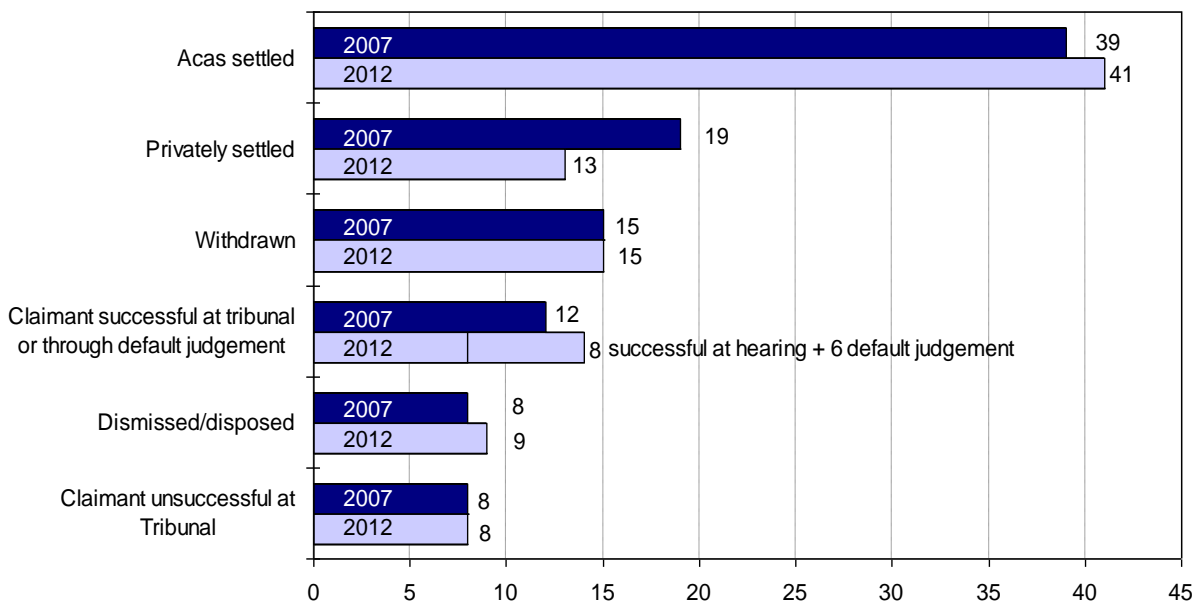
In addition to looking at outcomes by primary jurisdiction, this chapter also analyses the awards made by the tribunal, whether awards are paid, enforcement of awards via the courts, and appeals against tribunal decisions.

The main variable used in this chapter is 'SETA outcome'. This is the outcome confirmed by the survey interviewees, rather than the outcome from the employment tribunal administrative database (ETHOS) which is used in the published employment tribunal statistics. This distinction is explained in more detail in the introduction to this report, while a separate technical report contains further details on the derivation of SETA outcome and how this compares with published statistics.

Many aspects covered in this chapter are of a factual nature, particularly the overview of outcomes and awards. The analysis in this chapter is therefore primarily based on **combined employer and claimant data**, which is in line with the SETA 2008 report.

5.1 Overview of SETA Outcome

The outcomes of employment tribunal claims in 2012 broadly reflect those in 2008, with the exception of the proportion of claims that were privately settled which fell by 6 percentage points from 19 per cent in 2007 to 13 per cent in 2012 according to the



combined samples (Table 5.1).

Figure 5.1: The

outcomes of employment tribunal claims

Per cent

Base: All Claimants and employers (3999 interviews)

It should be noted that default judgments in favour of the client were previously included in the 'claimant successful' category in the preceding waves of this survey. However, a separate category has been created for the 2012 results.⁴² More information about this change can be found in the technical report.

The **combined samples** show that over half of cases were settled in 2012 (54 per cent) (Table 5.1). Around three quarters of settled cases (76 per cent) were concluded through Acas conciliation, with the remaining 24 per cent being settled privately. Only half of those claimants whose claims went to a full tribunal hearing were successful, with half of claims reaching a hearing proving unsuccessful (both eight percentage points).

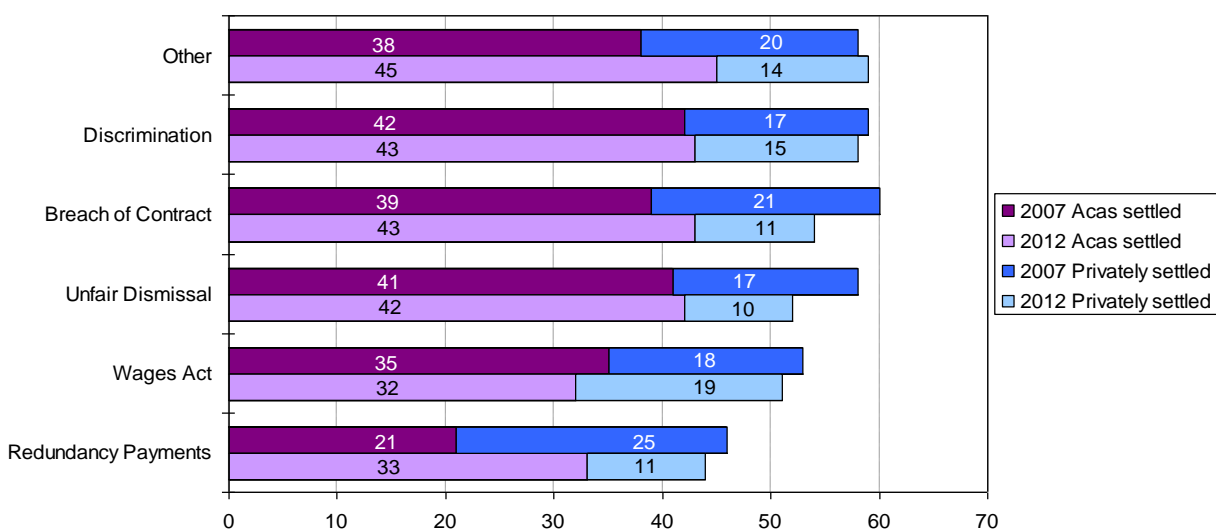
This factual question should be looked at on a case level basis. However Table 5.1 also presents the breakdown by claimants and employers. It shows that responses do not vary significantly between the two parties.

5.1.1 Outcome by Primary Jurisdiction

The outcome of employment tribunal claims vary significantly by jurisdiction, according to the **combined samples of claimants and employers**. Redundancy payment cases were less likely than other jurisdictions to result in settlements, while wages act cases were more likely than other jurisdictions to be settled privately (Table 5.2).

Figure 5.2: The proportion of claims resulting in settlement by primary jurisdiction

Per cent



⁴² Unless otherwise stated, default judgments in favour of the claimant are included in the claimant successful at hearing outcome in this report so that results are comparable to the Survey of employment tribunal Applications 2008.

Base: All Claimants and employers (3999 interviews)

The overall findings are largely consistent with the pattern in 2007. However, a notable difference is the fall in the number of cases which were privately settled, driven by a reduction in the private settlement rate in breach of contract cases (from 21 per cent to 11 per cent) and unfair dismissal cases (from 17 to 10 per cent)⁴³ (Table 5.2).

Although overall claimants were equally likely to be successful or unsuccessful at a hearing, there was some variation by primary jurisdiction. Claimants were most likely to be successful at tribunal in Wages Act cases (14 per cent) and least likely in discrimination cases (three per cent). Employers were most likely to be successful at tribunal in unfair dismissal cases (12 per cent) and least likely in Wages Act cases (4 per cent). There was also variation in default judgments by primary jurisdiction. About 22 per cent of redundancy payment cases were resolved through a default judgment, compared with just one per cent of unfair dismissal and discrimination cases (Table 5.2).

5.2 What influences whether a case goes to tribunal

There are a number of different factors that might be associated with whether or not a case involves a decision at a tribunal hearing. In order to examine this within the survey data, bivariate analysis was initially carried out, which identifies relationships between two variables. This was followed by logistic regression in order to identify relationships within the data when examining all factors simultaneously. The analysis has been carried out separately for claimants and employers to examine which factors are specific to each party.⁴⁴

The results of this analysis are summarised in the following section. The full details of the multivariate analysis are discussed in Annex B.

5.2.1 Claimants

In the claimant data, 17 per cent of cases involved a decision at a tribunal hearing. Bivariate and logistic regression analysis was carried out on the claimant survey data to examine what factors are associated with these cases going to a tribunal hearing. As described in Chapter 3, logistic regression is a widely used and well established technique which seeks to identify multivariate relationships within data. It works by examining the relationships between a dependent variable (such as whether a case goes to a tribunal hearing) simultaneously with independent variables (factors which might influence the dependent variable, such as whether an offer of settlement was made). Given the usage of complex weighting due to sampling designs, a Complex Logistic Regression was used.

⁴³ The proportion of redundancy payment case that were privately settled also fell 14 percentage points, from 25 per cent in 2007 to 11 per cent in 2012, while the proportion of these cases settled by Acas rose 12 percentage points, from 21 per cent in 2007 to 33 per cent in 2012. However, this did not drive the overall settlement rate as this jurisdiction is less common than the other jurisdictions.

⁴⁴ The analysis scope is limited by the availability of variables in each survey. For example, ethnicity of the claimant is not available in the employer survey.

All the characteristics identified as significant in the bivariate analysis (this is all variables shown in Table 5.3)⁴⁵ were entered into the logistic regression model as dependent variables. In the final model⁴⁶ the following variables were found to have continued to have a significant effect on whether the case went to a tribunal when controlling for other variables:

- The age of the claimant. Claimants aged 65 or over were *more* likely to go to a tribunal hearing than those aged under 25.
- Whether the claimant was hoping to achieve an apology at the time they put in the application. Claimants who did not say they were hoping to get an apology at the time of the application were *more* likely to go to a tribunal hearing.
- Whether the claimant was advised that it was better not to settle and keep going for a hearing (by their day to day representative/main advisor). Claimants who were advised that it was better not to settle and keep going for a hearing (by their day to day representative/main advisor) were *more* likely to go to a hearing.
- Whether the claimant received help preparing for hearings (from their day to day representative/main advisor). Claimants who received help preparing for hearings (by their day to day representative/main advisor) were *more* likely to go to a tribunal hearing.
- Whether the claimant was a member of a trade union or staff association at the time they brought the application. Claimants who were a member of a trade union or staff association at the time they brought the application were *less* likely to go to a hearing.
- Whether the pros and cons of settling the case without going to a tribunal were outlined to the claimant (by their day to day representative/main advisor). Claimants who were informed about the pros and cons of settling a case without going to a tribunal (by their day to day representative/main advisor) were *less* likely to go to a tribunal hearing.
- Whether an offer of settlement was made and who it was proposed by. Claimants in cases where an offer of settlement was proposed were *less* likely to go to a tribunal than those in cases where no offer was made. In particular, those in cases where the employer made the offer were least likely to go to a tribunal followed by those when an offer was made by someone other than the employer.

It is worth noting that the size of the claimant's workplace and primary jurisdiction did not remain significant, when controlling for other factors, suggesting that the workplace size or

⁴⁵ A wider range of variables was included in the initial bivariate analysis, however, only those which were significant are shown in Table 5.3.

⁴⁶ Model B in Annex B.

primary jurisdiction did not have a significant effect on whether the case went to a tribunal hearing.

5.2.2 Employers

In the employer data, 16 per cent of cases involved a decision at a tribunal hearing. A very similar process was undertaken using the employer data to examine what factors are associated with these cases going to a tribunal hearing. Initial bivariate analysis was conducted examining a broad range of variables. These were largely the same as those examined for the claimant data, and any differences are due to variations in questionnaire content between the claimant and employer interviews (e.g. not all claimant demographic questions are asked in the employer interview).

All the characteristics identified as significant in the bivariate analysis (this is all variables shown in Table 5.4)⁴⁷ were entered into the logistic regression model as dependent variables. Overall, across the claimant and employer logistic regression models very similar characteristics emerge as being significantly related to whether the case went to a tribunal. Where there are differences, these are largely due to the differences in variables being available in the claimant and employer data (e.g. size of organisation). In the final logistic regression model⁴⁸ the following variables were found to have to continue to have a significant effect on whether the case went to a tribunal when controlling for other variables:

- The size of the organisation. Employers with fewer than 25 employees were *more* likely to go to a tribunal hearing than employers with 250 or more employees.
- Whether the employer received help preparing for hearings (from their day to day representative/main advisor). Employers who received help preparing for hearings (from their day to day representative/main advisor) were *more* likely to go to a tribunal hearing.
- Whether the claimant still worked for the organisation at the time of the interview. Employers in cases where the claimant still worked for the organisation at the time of the interview were *less* likely to go to a tribunal hearing.
- Whether the pros and cons of settling the case without going to a tribunal were outlined to the employer (by their day to day representative/main advisor). Employers who were informed about the pros and cons of settling a case without going to a tribunal (by their day to day representative/main advisor) were *less* likely to go to a tribunal hearing.
- Whether the employer was advised to settle the case without going to a tribunal hearing (by their day to day representative/main advisor). Employers who were advised to settle

⁴⁷ A wider range of variables was included in the initial bivariate analysis, however, only those which were significant are shown in Table 5.4.

⁴⁸ Model C in Annex B.

the case without going to a tribunal hearing (by their day to day representative/main advisor) were *less* likely to go to a hearing.

- Whether an offer of settlement was made and who it was proposed by. Employers in cases where an offer of settlement was proposed were *less* likely to go to a tribunal than those in cases where no offer was made. In particular, those in cases where they made the offer were least likely to go to a tribunal followed by those when an offer was made via someone other than themselves.

Again it is worth noting that primary jurisdiction did not remain significant, when controlling for other factors, suggesting that the jurisdiction not have a significant effect on whether the case went to a tribunal hearing.

5.3 Tribunal Orders and Awards

5.3.1 Tribunal Orders

All claimants and employers involved in cases where the claimant was successful at tribunal were asked what the employment tribunal ordered. The order can consist of more than one element. Reflecting the findings in 2007, about 90 per cent of cases involved an award of money according to the **combined samples of claimants and employers** (Table 5.5). Only in two per cent of cases was re-engagement in the claimants' old job ordered and only in one per cent of cases was re-engagement in another job within the organisation ordered.

There were some differences by primary jurisdiction (Table 5.5). Money was least likely to be awarded in unfair dismissal cases (76 per cent) and was most likely to be awarded in breach of contract (97 per cent) and Wages Act (98 per cent) cases. Again these results are consistent with findings in 2007.

5.3.2 Initial Expectations

The vast majority (89 per cent) of **employers** said they thought claimants were hoping to receive money when they first put in their claim (Table 5.6). Nine per cent of employers said they thought claimants were hoping to get their old job back.

The motivations given by **claimants** themselves were more varied (Table 5.6). Although money was the most common answer (57 per cent), this was less likely to be mentioned by claimants than by employers. One in five claimants (19 per cent) said they were hoping to get their old job back, while the other things mentioned by claimants were less tangible: an apology, having their case proven, or 'justice' (each of these was mentioned by 15 per cent of claimants).

All claimants were asked what they hoped to receive at the very start of their case. On average, **claimants** hoped to receive £13,113. There was a divide in the amount **claimants** initially hoped to receive. A quarter (24 per cent) hoped to receive less than £1,000 and 37 per cent hoped to receive £10,000 or more, whilst the rest of the claimants were spread between these values. The full break down is shown in Table 5.7. In line with 2007, it should be noted that the mean figure is inflated by claimants who gave particularly

high figures and the median amount of £4,000 may provide a more reliable indicator of initial expectation.

Table 5.7 shows that the amount **claimants** initially hoped to receive varied by primary jurisdiction:

- The median amount **claimants** hoped to receive was highest in discrimination and unfair dismissal cases, £15,000 in both jurisdictions.
- In discrimination cases, 69 per cent of claimants hoped to receive over £10,000 and eight per cent under £1,000.
- In unfair dismissal cases 68 per cent hoped for over £10,000, and six per cent for under £1,000.
- The median amount hoped for was lowest in Wages Act cases at around £800. In these cases, only nine per cent of claimants hoped for over £10,000 whilst 55 per cent hoped for under £1,000.
- These differences are also reflected in the mean values.

The mean amount initially hoped for is broadly in line with the 2007 data; £14,600 in 2007 compared with £13,113 in 2012. However the median has doubled from £2,000 in 2007 to £4,000 in 2012 (Table 5.7)⁴⁹.

In 2007 there was a similar pattern in claimants' expectations with groups clustering at the higher and lower ends of the spectrum. Similarly, 30 per cent of claimants hoped to receive less than £1,000 (26 per cent in 2012). However, more claimants now expect higher sums at the start of their case; only 23 per cent expected £10,000 or more in 2007 compared with 37 per cent in 2012.

The most notable change since 2007 within jurisdiction was in unfair dismissal cases, where the median amount claimants expected has tripled from £5,000 in 2007 to £15,000 in 2012. In addition, the median value in Breach of Contract cases has doubled from £2,000 to £4,000 and in discrimination cases rose from £10,000 to £15,000 between 2007 and 2012.

5.3.3 Awards

Claimants who had been successful at employment tribunal and were awarded a sum of money were asked for the total value of their award. Responses given had a median value of £3,000 according to the **combined samples of claimants and employers** (Table 5.8),

⁴⁹ It should be noted in SETA 2008 an outlier of £5,000,000 was included in the analysis. When this is removed the mean value is £9,414, and the median £2,000.

in line with results from the payment of tribunal awards 2013 study (BIS, 2013).⁵⁰ Table 5.9 provides a breakdown of amount awarded by primary jurisdiction; these findings should be treated with some caution as the base sizes are small.

The data from **the combined samples of claimants and employers** indicates that the median sum of money awarded at tribunal was lower than the median amount that **claimants** initially hoped to receive at the very start of their case. The median amount hoped for initially was £4,000, compared with the median award at tribunal of £3,000. Whilst this reflects the pattern evident in 2007, in 2007 the difference between claimants' expectations and the amount awarded was less marked. In 2007 the median amount claimants hoped for was £2,000, and the median award was £2,000 (Table 5.8).

5.4 Receiving Awards

Responses varied significantly between the two parties about whether claimants received the payment of their award, with employers more likely to say that the award had been paid. Sixty three per cent of **claimants** said that they had received their tribunal award, compared with 87 per cent of **employers** who said that the money had been paid. These figures are in line with those reported in 2007 (Table 5.10).

The findings of the claimants survey are also in line with the results from the payment of tribunal awards 2013 study (BIS, 2013)⁴, where 65 per cent of **claimants** reported they were paid in full or part, with a small but significant decrease in the amount of awards being paid.⁵¹

In terms of claimant characteristics, the receipt of money did not vary significantly by the sex of claimant; however, it did so by the age of claimant, according to the **combined samples of claimant and employers**. The full breakdown is shown in Table 5.11. Whether money had been received did not vary significantly by whether the employer was from the public, private, or non-profit sector (Table 5.12).

5.4.1 Obtaining Awards

In over half of cases, money was paid to claimants in four weeks or less (54 per cent of cases). It took nine weeks or more in 14 per cent of cases. This is an improvement from 2007 when money was paid in four weeks or less in 43 per cent of cases and took nine weeks or more in 22 per cent of cases (Table 5.12). This is based on the **combined samples of claimants and employers**.

In England and Wales, individuals can choose to pursue enforcement of their award through applying to their local country court for an enforcement order. After this enforcement

⁵⁰ Available at: <https://www.gov.uk/government/publications/payment-of-employment-tribunal-awards>

⁵¹ The questions asked in the payment of tribunal awards 2013 study differ from the Survey of Employment Tribunal Applications. The study asks claimants whether their award has been paid at all, paid in part, or not paid at all at this stage. While the Survey of Employment Tribunal Applications asks claimants whether they have been paid the money yet, which does not specify whether it has been paid in part.

officers will seek to secure payment from the employer. In 2010, a Fast Track scheme was introduced which was designed to speed up and simplify the process of enforcing tribunal awards and Acas settlements. 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.⁵² 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.

Claimants used enforcement channels in 18 per cent of cases where they were awarded a sum of money by an employment tribunal (Table 5.14). This is in line with findings from 2007. These figures did not vary significantly by whether the employer was from the private, public, or non-profit sector.

5.5 Appeals

Appeals about decisions made at tribunals were made in 11 per cent of cases and were not made in 85 per cent of these cases, with four per cent of interviewees saying they did not know whether an appeal was made (Table 5.15). Appeals were made more often by claimants than employers. In the cases in which an appeal was made, 61 per cent of appeals were made by claimants and 39 per cent were made by employers (Table 5.16). These findings are based on **combined responses from claimants and employers**.

Of the cases where an appeal was made, the **combined responses** indicated that there was nearly an equal chance as to whether the tribunal held a review hearing about decisions made: in 43 per cent of cases a review hearing was held and in 44 per cent of cases one was not, with 13 per cent reporting that they did not know (Table 5.17).

5.6 The cost regime

The employment tribunal can award costs (in Scotland, expenses) against parties to recompense the other party for the costs they have incurred. The number of costs awarded each year has historically been relatively low. Published employment tribunal statistics show about 650 instances where costs were awarded in the 2012/13 financial year with the majority being awarded to the employer. Claimants were usually not awarded costs or expenses; claimants were only awarded costs in 14 per cent of cases (Table 5.19).

In the survey, employers were more likely than claimants to be aware that costs could be awarded, while 70 per cent of **employers** said they were aware that costs could be awarded, this applied to only 47 per cent of **claimants** (Table 5.20). The broadly reflects the findings observed in 2007.

⁵² The fee for using the Fast Track scheme is slightly higher at £60, compared with £40 for an application to the county court.

In the survey of **claimants**, there were differences by primary jurisdiction: awareness was highest in discrimination cases (55 per cent) and the 'other' jurisdiction (54 per cent), this is about 10 percentage points higher than alternative jurisdictions (Table 5.21). There were also differences by outcome: awareness was highest where the claimant was unsuccessful at the tribunal hearing (51 per cent) and where the case was settled, either by Acas (54 per cent) or privately settled (55 per cent). Awareness was lowest where the claimant was successful at the tribunal hearing (33 per cent) or where the case was dismissed at a preliminary hearing or disposed of otherwise (27 per cent).

There were no differences in awareness between **claimants** who had a day to day representative and those who did not, but there were differences between **claimants** who had sought advice and guidance and those who had not. Awareness was higher among **claimants** who sought additional advice and guidance after submitting their claim compared with those who did not (53 per cent compared with 45 per cent), and among those who sought information from any 'passive' sources such as websites, information leaflets etc. (50 per cent compared with 47 per cent) (Table 5.22).

In the survey of **employers**, awareness was also higher among those involved in discrimination cases (78 per cent) and unfair dismissal cases (76 per cent). In relation to outcome, awareness was again lowest in cases where the claimant was successful at the tribunal hearing (48 per cent) (Table 5.23).

Table 4.16 explores the effect of awareness of these cost regimes on whether claimants and employers settled or withdrew their cases without going to tribunal. The table shows that whether **employers** were more or less likely to settle did not vary with awareness. However **claimants'** likelihood to settle or withdraw their cases did vary significantly by awareness (Table 5.24).

The survey investigated whether parties were warned that the tribunal may order them to contribute to the other party's costs (Table 5.18):

- Most parties were not warned by the other party that a tribunal might order them to recompense them for the costs they have incurred: only 24 per cent of employers and 30 per cent of claimants said they were warned by the other party.
- Similarly, most parties did not warn the other party that they might have to pay towards their costs: only 21 per cent of claimants and 29 per cent of employers said they warned the other party that a tribunal may order them to recompense them for their costs.

6 Costs and benefits

In this chapter the costs and consequences of the claim to parties are examined. In particular, the focus is on time spent on the case by claimants and employers, any monies paid to cover the other party's costs and other non-legal costs to the parties. Non-financial costs, for example stress to claimants, are also discussed, as well as impacts on the employer's workplace and the claimant's future employability⁵³.

6.1 Costs incurred

6.1.1 Types of costs incurred

Just over six in ten **claimants** (62 per cent) reported that they had incurred personal financial costs as a result of the case. This figure represents an increase from that reported in 2007 (55 per cent). Claimants may face several different types of cost, over two-fifths (42 per cent) had incurred communication costs (telephone calls etc.), three in ten (31 per cent) suffered loss of earnings and three in ten (31 per cent) incurred travel costs (Table 6.1). In comparison to 2007, there has been an increase in the proportion of **claimants** who have incurred communication costs (from 37 per cent to 42 per cent) and travel costs (from 26 per cent to 31 per cent).

The financial costs incurred by **claimants** varied by primary jurisdiction and SETA outcome (Table 6.2):

- The loss of earnings was most commonly reported by **claimants** in unfair dismissal cases (35 per cent) and discrimination cases (35 per cent). Travel costs were also most prevalent among claimants in both of these types of cases (both 35 per cent).
- **Claimants** in redundancy payments cases were the least likely to report experiencing *any* personal financial costs (52 per cent reported that they did not incur any personal financial costs).
- Interestingly, when examining personal costs incurred by SETA outcome, **claimants** in cases where they were unsuccessful at tribunal were the most likely to report experiencing some kind of cost, as only a quarter (25 per cent) of these claimants reported that no personal financial costs had been incurred.
- As might be expected, travel costs were most likely to be incurred by **claimants** in cases which went to tribunal. However, it is noteworthy that travels costs were much more likely among claimants in cases where they were unsuccessful at tribunal (60 per cent), compared with those where they were successful (38 per cent).

⁵³ As in 2007, SETA 2013 collects estimates of costs and time, and therefore will inevitably contain some reliability biases (particularly amongst the claimant data), as respondents are asked to recall information at least six months after the event. Therefore findings regarding cost and time estimates must be interpreted with caution and treated as indicative only.

- Loss of earnings was most likely to be reported by **claimants** in cases where they were unsuccessful at tribunal (41 per cent), or dismissed at a preliminary hearing or disposed of otherwise (41 per cent).

6.1.2 Amount of costs incurred

All **claimants** who incurred travel or communication costs or loss of earnings were asked to specify the amounts concerned. The mean communication costs were £81, loss of earnings £17,227 and travel costs averaged at £98. The corresponding median values were £20, £6,000 and £50 respectively (Table 6.3).

Claimant travel costs did not vary between jurisdictions; costs were generally in line across all primary jurisdictions. They did vary between SETA outcomes, with such costs highest in cases that were privately settled (mean of £137, median £50), withdrawn (mean £111, median £50) and settled by Acas (mean £107, median 50) (Table 6.3).

Claimant communication costs were highest in discrimination cases (mean £138, median £30)⁵⁴, and lowest in Wages Act cases (mean £29, median £15). When considering outcome, communication costs were highest in privately settled cases (mean £204, median £25) and lowest when the claimant was successful at hearing (mean £30, median £20) and when the case was dismissed at a preliminary hearing or disposed of otherwise (mean £40, median £20) (Table 6.3).

Similarly to communication costs, **claimant** loss of earnings were highest in discrimination cases (mean £25,507, median £9,000) and lowest in Wages Act cases (mean £2,511, median £1000). In terms of SETA outcome, they were highest in privately settled cases (mean £34,398, median £10,000)⁵⁵ and lowest in cases where the claimant was successful at tribunal (mean £7,052, median £2,500) (Table 6.3). It is interesting to note the relatively high loss of earning median figure in comparison to the estimations of the time spent on the case by claimants and the median earnings of claimants. This may suggest that when claimants were answering this question, they did not just include earnings lost from the time they spent managing the claim, but also a loss of earning for other reasons, for example, claimants who no longer worked for the organisation may have included the loss of earnings incurred between finishing their employment with the organisation and starting their next period of employment.

6.2 Time spent on the case

6.2.1 Claimants

⁵⁴ Redundancy Payments had the highest communication costs (mean £298, median £25) however the base size is only 19.

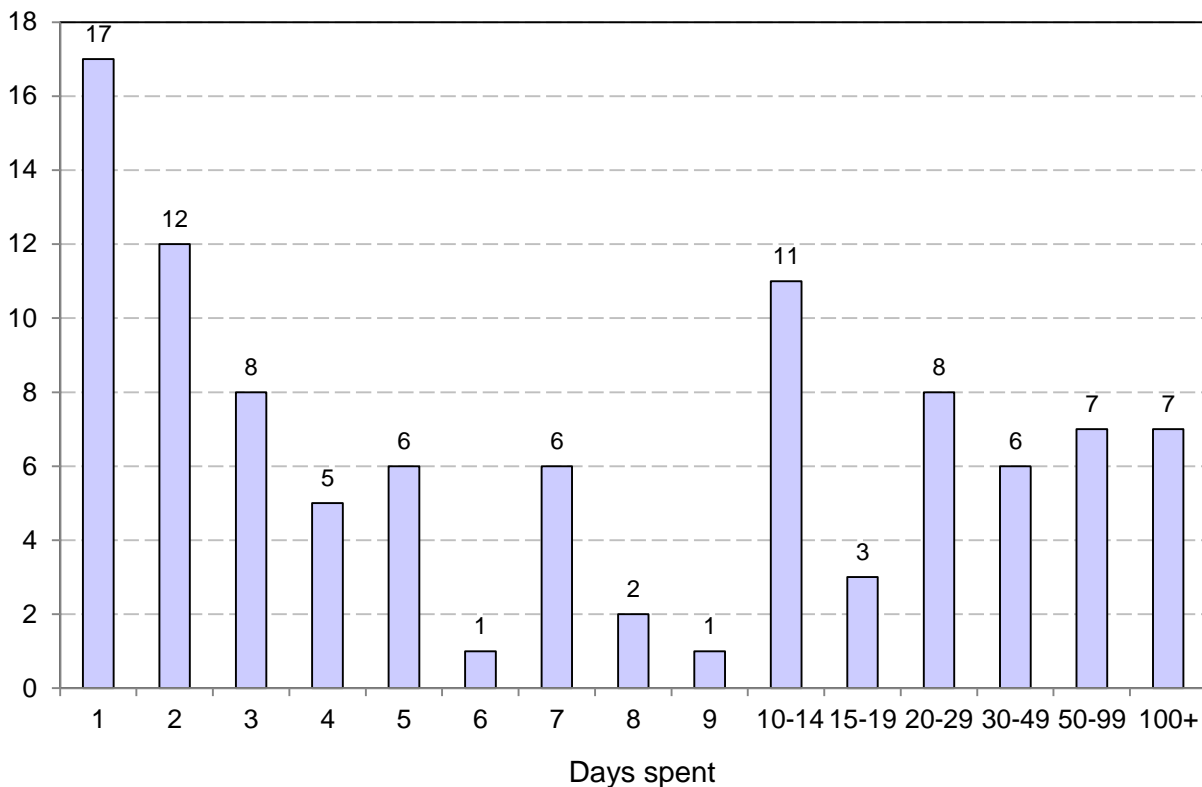
⁵⁵ Note: small base size (47) – treat with caution.

Claimants were asked to estimate the total time that they spent on the case, from when they started the claim form until when the case was finished⁵⁶. They could give this time in hours or days. For the purposes of analysis, all responses have been converted to days using the assumption that one day represents eight hours.

Figure 6.1 shows the distribution of days spent on the case amongst **claimants**. The mean number of days spent on the case by **claimants** was 30, although the median was only six (compared with 42 and seven respectively in 2007).

Figure 6.1: Number of days spent on the case by claimants

Per cent



Base: All claimants who were able to give hours or days spent on the case (1579)

The mean figure is inflated by survey respondents who gave particularly high figures. More specifically, 115 claimants said that they spent 100 or more days on the case. The analysis below therefore focuses on median values, which provide a more reliable indicator when looking at sub-group differences here.

The main variation was found to be by primary jurisdiction of the case. As in 2007, cases where a discrimination claim was the primary jurisdiction involved more time than other

⁵⁶ Claimants were asked to include time spent travelling, at the hearings, on the telephone or writing letters. They were prompted to give the time actually spent on the case, not the total length or duration of the case.

cases (median of 13 days). This contrasted with Wages Act and Redundancy Payment cases where the median number of days was three (Table 6.5).

6.2.2 Employers

Employers were also asked about the time they spent on the case, from when they received the ET3 response form until the point at which the case finished. Firstly, they were asked how many people were involved and spent time on the case⁵⁷. The mean number of people who were involved and spent time on the case was four and the median was three (Table 6.6). In a small minority of cases (four per cent), ten or more people were involved in and spent time on the case. These figures are consistent with those found in 2007.

Cases where the primary jurisdiction was discrimination or unfair dismissal produced the highest mean and median number of people involved in and who spent time on the case (both four people).

Employers were next asked to break down the time spent on the case so that a total figure could be derived. Time could be given in days or hours and, for the purposes of analysis, answers have been converted to days. In line with 2007, the mean number of person days spent on the case was thirteen, whilst the median was five (Table 6.7). As with the claimant data described above, the median figures are perhaps a more reliable guide for looking at sub-group differences. In line with 2007, there were a small minority of **employers** (four per cent) who spent 50 or more days.

The sub-group differences highlighted in the **claimant** data are relevant again here and the similar patterns were observed. Most time was spent by **employers** in cases where the claimant was unsuccessful at tribunal hearing, a median of 13 days, compared with four days in cases that were withdrawn or the claimant was successful. (Table 6.7) Cases where a discrimination claim was the primary jurisdiction involved more **employer** time than other cases, a median of nine days, whilst Wages Act cases involved the least time, a median of two days (Table 6.8).

Employers with 25-49 and 50-249 members of staff spent the most time on the case, both spending a median of six days, while employers with fewer than 25 members of staff and those with 250 or more members of staff spent less time (median of five and six days respectively) (Table 6.9).

The mean number of days incurred by just directors and senior management on the case was nine, whilst the median number was three. The same differences in relation to tribunal outcome and primary jurisdiction were found (Table 6.7 and 6.8). These sub-group differences again largely reflect those observed in 2007.

⁵⁷ They were asked to include themselves, other directors and senior managers and any other staff. They were also asked to only include staff in the organisation and not any time spent by representatives or advisers who may have helped with the case.

In cases where a decision was made at tribunal the large majority of **employers** (84 per cent) reported that someone had attended the hearing for the organisation, whether it was the respondent interviewed or someone else in the organisation. Interestingly this does mean that 16 per cent of employers had no one attend the hearing. Attendance was highest in unfair dismissal and discrimination cases (93 and 92 per cent respectively)⁵⁸. When considering the SETA outcome, hearing attendance was higher among those **employers** where the claimant had been unsuccessful at tribunal (97 per cent) compared with those where the claimant has been successful (71 per cent) (Table 6.10).

The **combined samples of claimants and employers** show that the average length of the tribunal hearing in days was broadly in line with 2007 (mean 1.5, median 1). One in five tribunal hearings lasted more than an hour but less than a day (20 per cent). A quarter lasted a day (26 per cent) and another quarter lasted two or more days (27 per cent) (Table 6.11).

6.3 Non-financial costs for claimants

All **claimants** were asked what non-financial negative effects they had experienced as a result of the case (Tables 6.12 and 6.13). They were not prompted with a list, but allowed to express this in their own words. As in 2007, the most commonly mentioned impacts were stress or depression, or that the claimant had found the case emotionally draining (mentioned by 63 per cent). However, unlike 2007 there was very little variation by jurisdiction, gender or age.

The next most commonly mentioned negative effects on **claimants** were: loss of confidence/self-esteem (10 per cent); financial problems (nine per cent) and adversely affected career (nine per cent).

6.4 Impact of the employment tribunal on claimant's employment and career

Three quarters of **claimants** (76 per cent) reported that they had had a paid job since leaving the employer that they had brought the claim against (Table 6.14). Where **claimants** had moved into new work, the mean length of time it had taken them to find new work was 19 weeks, whilst the median was twelve weeks. The length of time was longest amongst **claimants** involved in discrimination and unfair dismissal cases (mean 23 and 21 weeks respectively, median 13 weeks for both) (Table 6.15).

When asked to compare the pay of a new job to the one they had at the time of putting in the claim, a third of **claimants** (33 per cent) said that their current job paid better and 14 per cent said the two jobs paid a similar amount. Half of **claimants** (50 per cent) said that it was more poorly paid (Table 6.16).

⁵⁸ 'Other' jurisdictions had the highest attendance (97 per cent) however the base size is only 31.

If the **claimant** brought a Wages Act case they were more likely than average to move into a job that paid more (53 per cent). **Claimants** involved in unfair dismissal and discrimination cases were most likely to be paid less (61 and 60 per cent respectively) (Table 6.16).

Reflecting the 2007 findings, **claimants** whose job at the time of the claim was as a manager or senior official were more likely than others to say they were on less money (41 per cent). Those who were in elementary, administration and secretarial, and skilled trade occupations were more likely than others to say that their new job paid more (45, 42 and 43 per cent respectively) (Table 6.17).

The median current gross pay for **claimants** who had a new job was £19,000. The median was highest amongst **claimants** in cases that were withdrawn (£21,840) and privately settled (£21,000) and lowest where the claimant was successful at hearing (£16,000) (Table 6.16).

6.5 Employment characteristics of claimants post-tribunal

At the time of making their claim, nearly all **claimants** (98 per cent) reported that they were former or current employees of the organisation against which they made their claim (Table 8.4). At the time of the interview eight per cent were still working for the employer against which they had made their claim. This is in line with the 2007 profile. **Claimants** involved in discrimination or Wages Act cases were most likely to still work for the employer (16 and 14 per cent respectively), while those involved in unfair dismissal, breach of contract and redundancy payment cases were least likely to still work for the employer (five, one and two per cent respectively) (Table 6.18).

At the time of interview, seven in ten **claimants** (69 per cent) were in work, 15 per cent were unemployed and looking for work and two per cent were unemployed and not looking for work. Thirteen per cent were economically inactive. This included those who were retired (seven per cent), permanently sick or disabled (two per cent), temporarily sick or disabled (two per cent), looking after the home (one per cent) or studying (one per cent) (Table 6.19).

As in 2007, **claimants** involved in discrimination cases were less likely (62 per cent) than average to be working at the time of the interview (including temporary workers). Similarly claimants from discrimination and unfair dismissal cases were more likely to be unemployed and looking for work at the time of the interview (19 per cent for both).

6.6 Non-financial costs for employers

One third (33 per cent) of **employers** felt that the case had negative effects on the organisation that were not financial (which is the same proportion as was observed in 2007) (Table 6.21). There was some variation by primary jurisdiction, **employers** involved in breach of contract cases were most likely to say the case had a (non-financial) negative impact (36 per cent) while those in Wages Act and redundancy payment cases were less likely than average to say so (24 and 22 per cent respectively). As in 2007, there was a correlation between negative effects and size of the organisation: **employers** in smaller organisations were more likely than those in larger ones to report negative impacts (46 per

cent of employers with fewer than 25 employees versus 22 per cent of those with 250 or more employees). Table 6.21 shows the detailed findings.

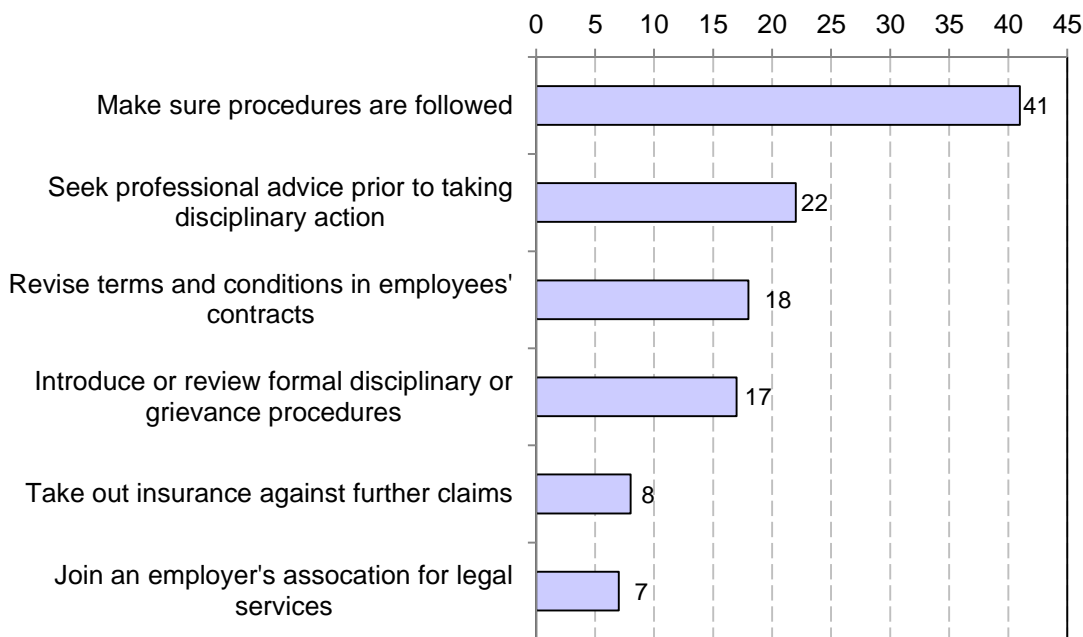
Among those who said that their organisation had suffered non-financial negative effects, the most commonly mentioned were time wastage (seven per cent of all employers), interrupted business/increased stress levels (six per cent of all employers), distraction/distracted from work/business (six per cent of all employers) and low staff morale (five per cent of all employers) (Table 6.22).

6.7 Impact of the employment tribunal on employer's workplace

Employers were prompted with a list of changes and were asked if they had made any of them as a result of their experience of dealing with the employment tribunal claim. Some, but not all, **employers** reported changing a policy or saying that they would do things differently in future. Across the changes prompted, in general small employers were more likely to report making each of the changes, as were those involved in breach of contract cases and those where the claimant was successful at tribunal.

Figure 6.2 shows all the changes employers were prompted with and the proportion that reported making each change as a result of their experience. The most common action **employers** had taken was to ensure that existing procedures were followed (41 per cent said this). This figure is lower than that reported in 2007 (51 per cent), however the same pattern emerges. This was more likely than average among **employers** in breach of contract cases (53 per cent) and smaller organisations (59 per cent of organisations with fewer than 25 employees). Fifty five per cent of **employers** who were unsuccessful at tribunal (claimant was successful) reported this change. **Employers** were least likely to say that the case would affect whether procedures were followed in the future in Wages Act cases (31 per cent), cases that were withdrawn (30 per cent) or if they were large in size (31 per cent of those with 250 or more employees) (Table 6.23, 6.24 and 6.25). The sub-group patterns by SETA outcome and enterprise size closely resemble those observed in 2007; however, in 2007, only limited variation by primary jurisdiction was evident.

Figure 6.2: Employer changes made as a result of employment tribunal
Per cent



Base: All employers (2011)

Across each of the other changes shown in Figure 6.2, each was more likely than average to be reported by smaller employers, those involved in breach of contract cases, and those where the claimant was successful at hearing (Table 6.23, 6.24 and 6.25). These findings largely reflect those observed in 2007.

Just under half (49 per cent) of **employers** did not make *any* of the changes prompted about in the survey:

- When examining employer size, large **employers** were least likely to have made any of these changes, which may be related to greater presence and use of formal procedures before the employment tribunal claim (see section 2.5.1). Nearly two thirds (64 per cent) of those with 250 or more employees reporting they had not made any of these changes (compared with 26 per cent of organisation with fewer than 25 employees) (Table 6.23).
- When considering primary jurisdiction, **employers** involved in unfair dismissal cases were least likely to report making any of these changes as six in ten employers in this jurisdiction (58 per cent) had made none of these changes (Table 6.24).
- Finally, **employers** in cases where the claim was withdrawn were the least likely to make any of these changes, with two thirds of these employers not making any of the listed changes (64 per cent) (Table 6.25).

7 Impact and Satisfaction

The first part of this chapter presents information around what the initial expectations of the case were; focusing on what claimants were hoping to achieve by bringing the case, and what they expected the outcome would be.

The second part explores perceptions at the end of the case; examining parties' satisfaction with both the employment tribunal hearing and the system as a whole, and how worthwhile claimants felt bringing the case was. Analysis is based on the separate data from the claimant and employer surveys.

7.1 Initial expectations

Claimants' expectations about the outcome of the case at the point of initiating their claim were generally positive (Table 7.1). Nearly all claimants (92 per cent) thought that they had at least an even chance, of which 45 per cent thought that they were very likely to be successful. These positive views were widespread, even where the outcome turned out to be unsuccessful; for example only four per cent of those whose claim turned out to be unsuccessful at tribunal expected this to be the case at the start of the claim (Table 7.1).

Claimants' expectations about the outcome of their case were similar to those seen in 2007, although expectations were slightly less positive in the 2012 survey (45 per cent thought they were very likely to be successful, compared with 48 per cent in 2007).

Employers were slightly less sure than claimants about their likelihood of success (Table 7.1). Although most (85 per cent) thought they had at least an even chance of which 41 per cent thought they were very likely to be successful, nine per cent thought they were likely to be unsuccessful when they first received the notification form. Employers' expectations varied to some extent in relation to the eventual outcome: employers were more likely to say they were very likely to be successful where the case was withdrawn (62 per cent), dismissed at preliminary hearing or disposed of otherwise (58 per cent), or where the claimant was unsuccessful at tribunal (51 per cent). This suggests that employers were more realistic than claimants about their chances of success. These findings for employers are in line with those observed in 2007.

Claimants had mixed views as to whether (at the start of the case) they would be able to resolve their case without going to a full tribunal hearing (Table 7.2). Two in five (40 per cent) thought it likely, but a similar proportion (37 per cent) thought it unlikely that this would happen. These findings were very similar to those seen in 2007.

Employers had slightly higher expectations of resolving the case without going to a full tribunal hearing (Table 7.2). Around half (48 per cent) thought it likely, while one in three (33 per cent) thought it was unlikely. To some extent, employers' expectations reflect what actually happened; for example in cases which were privately settled, most employers (65 per cent) said that they had expected to resolve the case before it went to a tribunal. Once again, this suggests that employers appear to be more realistic than claimants in their expectations. Compared with the 2007 findings, employers were much more likely to think the case could be resolved without going to a tribunal (48 per cent in 2012 compared with 35 per cent in 2007).

7.2 Was the claim worthwhile?

Three in four **claimants** (77 per cent) thought that it was worthwhile bringing the case against the employer, while one in five (20 per cent) did not think it was worthwhile (Table 7.3).

As might be expected, case outcomes affected opinions on this issue, with those whose case was dismissed at a preliminary hearing or disposed of otherwise (51 per cent), withdrawn (57 per cent) or unsuccessful at tribunal (65 per cent) less likely to say it was worthwhile bringing the case. Claimants were more likely to think it was worthwhile if the case was privately settled (88 per cent) or Acas settled (87 per cent), and these proportions were higher than among those who were successful at tribunal (78 per cent).

Claimants were less likely to say that the case was worthwhile in 2012 than they were in 2007 (77 per cent compared with 83 per cent).

7.3 Satisfaction with employment tribunal system

7.3.1 Claimants

When asked in general how satisfied they were with the workings of the employment tribunal system (Table 7.4), the majority (72 per cent) of claimants said that they were satisfied, including 36 per cent who were very satisfied. Around one in four (24 per cent) were dissatisfied. This level of dissatisfaction is higher than in 2007, when 20 per cent were dissatisfied.

As might be expected, satisfaction varied according to the outcome of the case. Satisfaction was highest where the claimant was successful at tribunal (82 per cent) or where the case was Acas settled (80 per cent) or privately settled (79 per cent).

While there were no differences in satisfaction by gender, satisfaction did vary by age (Table 7.5). Claimants aged under 25 were more likely than older claimants to be satisfied (84 per cent compared with between 70 and 75 per cent in older age bands).

Claimants who were dissatisfied with the workings of the employment tribunal system were asked why this was (Table 7.7). A variety of answers was given. A quarter (25 per cent) of claimants said that the tribunal system is unfair, while 14 per cent felt that they did not receive any help or support. One in nine claimants (11 per cent) said there needs to be a quicker timescale of events, while 10 per cent said that communication was poor.

7.3.2 Employers

Employers were less likely than claimants to be satisfied with the workings of the employment tribunal system (Table 7.4). Two in three employers (64 per cent) said that they were satisfied, while around one in four (28 per cent) were dissatisfied. These findings are similar to those observed in the 2007 survey. Employers' satisfaction varied according to case outcome. Satisfaction was highest where the claimant was unsuccessful at tribunal (76 per cent), followed by withdrawn (73 per cent), and dismissed at preliminary hearing or disposed of otherwise (70 per cent).

There were also variations by sector and size (Table 7.6). Satisfaction was highest among public sector employers (83 per cent), while those in the private sector were least likely to be satisfied (60 per cent). In terms of size, satisfaction was higher among larger employers, with the proportion satisfied ranging from 50 per cent among those with fewer than 25 employees, to 76 per cent among those with 250 employees or more.

Employers who said that they were dissatisfied with the workings of the employment tribunal system were asked why this was (Table 7.8). Employers were most likely to say that the tribunal system is unfair (34 per cent), while 17 per cent said that the costs of going to tribunal are too high. One in seven (13 per cent) said that the case should not have gone to a tribunal, while 12 per cent said that it is too easy for an employee to take a company to court.

7.4 Fairness of employment tribunal hearing

7.4.1 Claimants

Claimants whose case involved a decision at a tribunal were asked whether they felt that the tribunal gave each party a fair chance to make their case (Table 7.9). Two in three claimants (66 per cent) believed that the employment tribunal hearing gave each party a fair chance. Where this was not the case, claimants were more likely to say that the hearing was more favourable to the employer (23 per cent) than to the claimant (one per cent). These findings are similar to those seen in 2007.

Attitudes are clearly related to the case outcome. Claimants who were successful at tribunal were considerably more likely to say that the employment tribunal hearing gave each party a fair chance to make their case (80 per cent) than claimants who were unsuccessful at the hearing (49 per cent). This was also the case in 2007.

Analysis by demographic characteristics (Table 7.10) shows that claimants aged 25 to 44 were more likely than those aged 45 to 64 to say that the employment tribunal hearing gave each party a fair chance to make their case (75 per cent compared with 62 per cent).

7.4.2 Employers

Nearly three-quarters (73 per cent) of **employers** believed that the employment tribunal hearing gave each party a fair chance to make their case (Table 7.9), while one in six (17 per cent) felt that the hearing was more favourable to the claimant. There were no employers that said that the process favoured their organisation. These proportions are similar to those recorded for employers in 2007.

In cases where the claimant was unsuccessful at the hearing, employers were more likely to feel that the employment tribunal hearing gave each party a fair chance to make their case (91 per cent), compared with cases where the claimant was successful at the hearing (56 per cent).

Employers with 250 or more employees were more likely than those with fewer than 250 employees to feel that the employment tribunal hearing gave each party a fair chance to make their case (85 compared with between 63 and 69 per cent in smaller size bands). This was also the case in 2007 (Table 7.11).

8 Characteristics of parties

In this Chapter, information is provided about the characteristics of the parties involved in employment tribunal cases. Where possible, characteristics are compared with those found in the 2008 SETA and with the profile of the employed workforce in Great Britain, based on data from the 2012 Annual Population Survey (APS) (January to December).

The characteristics covered for claimants (Tables 8.1 to 8.5) include:

- sex
- ethnicity
- age
- disability
- religion
- marital status
- having children
- caring responsibilities
- sexual orientation
- educational qualifications
- and a range of employment-related characteristics.

The characteristics covered for employers (Table 8.6 and 8.7) include:

- sector
- the size of the workforce and workplace
- whether they are single or multi-site organisations
- and previous experience in dealing with employment tribunal cases.

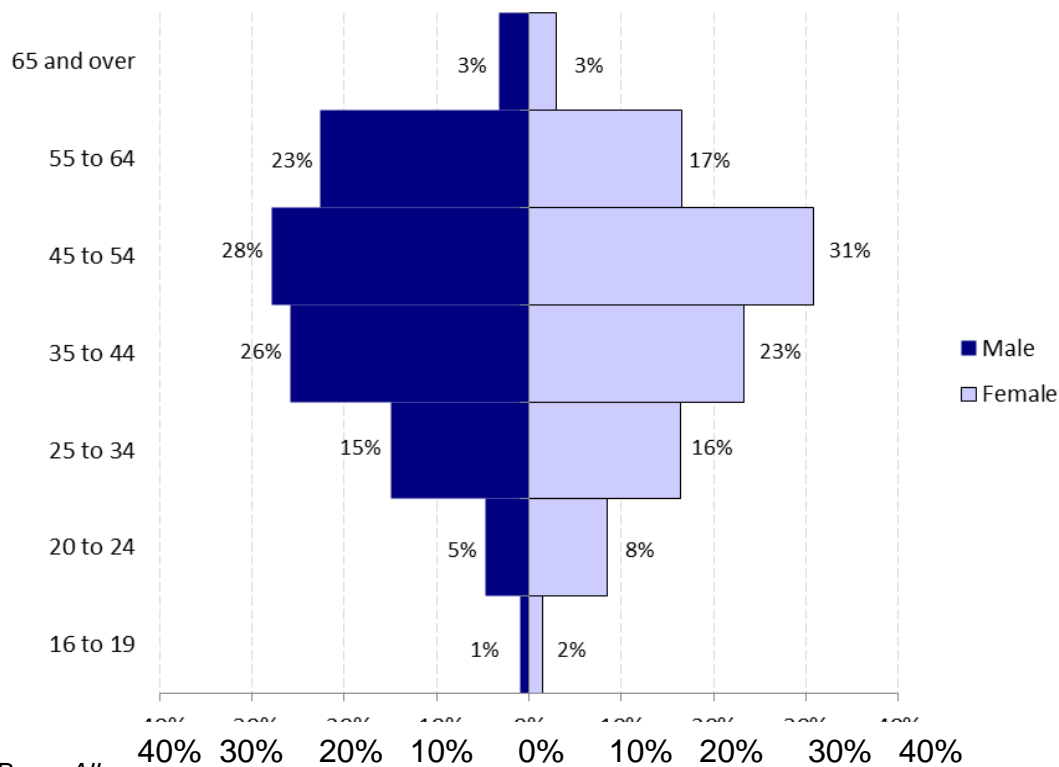
Data for the employed workforce of Great Britain, based on data from the 2012 Annual Population Survey, are shown in Tables 8.3, 8.8 and 8.9.

8.1 Personal characteristics of claimants

- The age profile of claimants, shown in Figure 8.1 is similar to that found in 2007. In comparison with the workforce as a whole, employment tribunal claimants are more likely to be aged 45 or over (52 per cent of employment tribunal claimants, against 39 per cent of all employees) and less likely to be aged 16-34 (22 per cent versus 38 per cent) (Table 8.1 and 8.3).
- Just under three fifths (57 per cent) of claimants were men. This is slightly less than that reported in 2007 (60 per cent) but is still somewhat higher than the proportion of the employed workforce as a whole (51 per cent). Men brought the majority of employment tribunal claims across most jurisdictions with the exception of discrimination cases. As in previous years this is likely explained by the proportion of sex discrimination cases brought forward by women (Table 8.1 and 8.3).

Figure 8.1 Age distribution of claimants by gender

Per cent



Base: All claimants excluding missing values (1,000)

- The age profile varies by jurisdiction. The Redundancy Payments jurisdiction had the highest proportion of older respondents (61 per cent over 45 compared to 52 per cent for all cases). The Wages Act had a larger range of ages, with a higher proportion of claimants aged under 35 compared to other jurisdictions. This profile differs slightly from that observed in 2007, while previously those aged 25-34 were disproportionately more likely to have brought a case under the Wages Act (29 per cent): this is now spread more evenly between those aged between 20-34 (16 per cent of those aged 20-24 and 13 per cent of those aged 25-34) (Table 8.1).
- Just over a quarter (26 per cent) of claimants had a long-standing illness, disability or infirmity at the time of their claim, which matches the proportion among employees in general (27 per cent), but is slightly higher than in 2007 (22 per cent). While the proportion of those with a long standing illness or disability is in line with employee population, the proportion of claimants whose illness or disability is limiting is higher in the claimant population. Nineteen per cent had a long-standing illness, disability or infirmity that limited their activities in some way, compared to eleven per cent of the employee population. This is also a higher proportion than in 2007 (15 per cent) (Table 8.1 and 8.3).
- As in previous years, the proportion of claimants who had a long-term disability was highest in discrimination cases (52 per cent) and lowest in Wages Act cases (16 per cent) (Table 8.1).

- The profile of claimants is more ethnically diverse compared to previous years. Eighty-two per cent of claimants were white, lower than the 86 per cent reported in 2007. This is also significantly lower than the workforce in general (90 per cent). The proportion was much lower in discrimination cases, where only 73 per cent of claimants were white. There has been a significant increase between 2007 and 2012 in the proportion of claimants who identify themselves as Black African/Black Caribbean/Black British (5 to 7 per cent) (Tables 8.1 and 8.3).
- Two thirds of claimants regarded themselves as belonging to a religion (67 per cent), this is considerably higher than in 2007 (46 per cent), although it should be noted that the question wording has changed between years⁵⁹ so the data are not directly comparable. The large majority of these (58 per cent of all claimants) regarded themselves as Christian. Nine per cent of all claimants regarded themselves as belonging to a religion other than Christianity, although this proportion rises to 13 per cent among those involved in discrimination cases. Thirty per cent of claimants reported that they do not belong to any religion. This religious profile broadly matches that of the workforce in general (33 per cent 'no religion', 60 per cent 'Christian', seven per cent 'other religion') (Tables 8.1 and 8.3).
- Forty eight per cent of claimants were married at the time of the employment tribunal claim and 63 per cent were living as part of a couple. The wording of these questions changed between 2007 and 2012 so the figures in these survey years are again not directly comparable. However, this does broadly reflect the working population; half of employees are married (50 per cent) and two thirds (66 per cent) are living together as part of a couple (Tables 8.1 and 8.3).
- The majority of claimants identified themselves as heterosexual (94 per cent), while two per cent identified as gay/lesbian and one per cent as bisexual. A further one per cent answered that they did not know, and two per cent refused to answer (Table 8.1).
- Thirty-two per cent of claimants had dependent children aged under 16 at the time of their employment tribunal claim which is in line with the equivalent figure in 2007 (35 per cent) (Table 8.1).
- At the time of their employment tribunal claim, one fifth (20 per cent) of claimants looked after family members or friends who had a long-term illness or had problems related to old age. This is higher than the 14 per cent reported in 2007 (Table 8.1).
- Twenty-nine per cent of claimants were qualified to degree level or higher at the time of their employment tribunal claim, and just under half (49 per cent) had an 'other' qualification. While the question wording has changed between years broad comparisons can be made and the proportion of claimants with a qualification of degree level or higher has increased (from 22 per cent). One fifth (21 per cent) of

⁵⁹ The question has been updated to match the Office for National Statistics [harmonised question](#). From: Do you regard yourself as belonging to any particular religion. To: What is your religion?

claimants had no qualification at all. This is higher than among the employed population generally (8 per cent), although as in previous years this may reflect the older age profile of employment tribunal claimants. Discrimination cases had the largest proportion of claimants educated to degree level (38 per cent), while Redundancy Payments cases had the largest proportion of claimants with no qualifications (30 per cent), but again this may be linked to the age profile of claimants within this jurisdiction (Table 8.1 and 8.3).

8.2 Employment-related characteristics of claimants

- Almost all claimants (98 per cent) were current or former employees of the organisation against whom they brought their employment tribunal claim. This is in line with 2007. One per cent were job applicants, although this proportion rose to four per cent in discrimination cases (Tables 8.4 and 8.5).
- Of cases involving claimants who were current or former employees, 94 per cent were brought by claimants who were employed in permanent jobs. Seventy eight per cent of cases were brought by full-time permanent employees and 16 per cent by part-time permanent employees. Six per cent were temporary employees. The proportion of claimants working in permanent part-time positions (16 per cent) is lower than in the workforce as a whole (24 per cent) and the proportion of those in full-time permanent positions (78 per cent) is higher than in the workforce (70 per cent) (Table 8.4 and 8.8).
- The most common occupation group amongst claimants was associate professional and technical occupations, with 17 per cent of claimants falling into this category. When compared with employees in the workforce as a whole, claimants were more likely to be managers, directors and senior officials (14 per cent of claimants compared to 9 per cent of all employees) and less likely to be in professional occupations (12 per cent of claimants compared to 20 per cent of all employees) (Tables 8.4 and 8.8).
- Professional, and associate professional and technical occupations, accounted for 29 per cent of all cases, compared with 39 per cent of discrimination cases. This is broadly in line with the pattern found in 2007. Manager, director and senior official occupations accounted for 14 per cent of all cases, although they only accounted for 5 per cent of Wages Act cases. Similarly to 2007, skilled trade occupations accounted for 11 per cent of all cases but 24 per cent of Redundancy Payment cases, and were also disproportionately involved in Wages Act cases, where they accounted for 17 per cent of claims (Table 8.4 and 8.8).
- Just under half (46 per cent) of claimants reported that they had formal responsibility for supervising the work of other employees (Table 8.4).
- The median annual pay for claimants in full-time permanent jobs was £23,600 compared with £20,000 in the 2007 survey, an increase of 18 per cent. Labour market statistics indicate that average earnings of full-time employees increased by around 9 per cent between 2008 and 2012. Claimants' median pay was slightly

lower than for full time permanent employees nationally (around £25,000). This was also found to be the case in 2007, where the median annual pay for SETA respondents was £20,000 and for full time permanent employees nationally was roughly £23,000 (Table 8.4 and 8.8).

- Three in ten claimants (31 per cent) received some sort of state benefits at the time of their claim. The equivalent figure amongst the working population is 27 per cent. The most common benefit received amongst claimants was Job-Seekers Allowance (JSA), with 16 per cent of all claimants receiving this. The proportion of claimants receiving JSA was highest amongst unfair dismissal cases, with about a quarter (24 per cent) of claimants within this jurisdiction receiving JSA (Table 8.4 and 8.8). Three per cent of all claimants received Disability Living Allowance, however this increased to 10 per cent amongst those with discrimination cases (Table 8.4).
- Twenty eight per cent of claimants were members of a trade union or staff association at the time of their employment tribunal claim, in line with employees nationally (26 per cent). As in 2007, discrimination cases had the highest proportion of claimants who were members of a trade union or staff association (44 per cent). The proportion was lowest in redundancy cases (14 per cent) and breach of contract cases (14 per cent) (Table 8.4 and 8.8). When considering outcome, the proportion of trade union membership was highest in cases which were withdrawn, with 43 per cent identifying as members and lowest where the claimant was successful at tribunal where only 14 per cent of claimants were members of a trade union (Table 8.5).
- Twelve per cent of claimants had previously made an employment tribunal claim, this is in line with 2007 (Table 8.4).

8.3 Characteristics of employers

- The private sector accounted for 72 per cent of employment tribunal cases, the public sector for 17 per cent and the non-profit sector for ten per cent. These figures remain broadly in line with 2007. In comparison, APS data indicates that 69 per cent of employees work in the private sector, 27 per cent in the public sector and 3 per cent in the non-profit sector. However, differences in the way in which sector is established in APS and SETA means that these findings should be treated with caution (Table 8.6 and 8.9).
- The private sector had a lower share of discrimination cases (56 per cent) than their share of employment tribunal cases as a whole (72 per cent), and the public sector a higher share of these cases (30 per cent compared with their 17 per cent share of claims). While this pattern is the same as that found in 2007, the distribution between the two groups has changed between years, and the proportion of discrimination cases in the private sector has increased from 51 per cent in 2007. Conversely, the public sector had a disproportionately low share of breach of contract (10 per cent) and Wages Act cases (9 per cent) compared with their share of employment tribunal cases as a whole (17 per cent) (Table 8.6).

- A comparison of the employer survey data with that from the APS indicates that employment tribunal cases were disproportionately found in the following industries: construction, administrative and support service activities and human health and social work activities. Comparisons to 2007 findings cannot be made as SIC2007 has been used in SETA 2012 while previously SIC2003 was used (Table 8.6 and 8.9).
- As in 2007, two fifths (40 per cent) of employers had single workplaces in the UK and three fifths (60 per cent) had multiple workplaces (Table 8.6).
- Again as in 2007, employment tribunal cases are disproportionately found in workplaces with fewer than 25 employees. Just under half (46 per cent) of claims in the employer survey were found in workplaces with fewer than 25 employees, while according to the APS 33 per cent of employees were in workplaces with fewer than 25 employees.. As in previous years, workplaces with 250 or more employees had a lower share of employment tribunal claims: nineteen per cent of claims in the employer survey were from workplaces with 250 or more employees, while according to the APS 29 per cent of employees were in these workplaces (Table 8.6 and 8.9).
- Employers were asked how many people worked for the whole organisation in the UK, in addition to workplace level. Twenty-seven per cent of cases from the employer survey were from organisations with fewer than 25 employees in the UK. Eight per cent had 25-49 employees, 17 per cent 50-249 and 47 per cent with 250 or more. These findings are in line with those found in 2007 (Table 7.6).
- In line with previous years, large employers were disproportionately involved in discrimination cases. Forty-seven per cent of all cases were brought against employers with 250 or more employees in their organisation, compared with 63 per cent of discrimination cases. Smaller employers were disproportionately involved in redundancy (44 per cent), breach of contract (41 per cent) and Wages Act cases (40 per cent), compared to the 27 per cent of all cases which were brought against employers with fewer than 25 employees (Table 8.6)

Annex A: Data Tables

The tables in this Annex present the findings in a table format.

Notes on the Data Tables:

- The figures cited refer to (column) percentages unless otherwise stated.
- The percentage in the table columns do not always add to 100 per cent due to rounding.
- 'Shaded rows' indicate differences are statistically significant at 95 per cent confidence interval or above.
- A * symbol in a table signifies a value between 0 and 0.49, while a – symbol signifies a zero.
- Some tables and figures display data based on a very small number of respondents. Where the base size is 30 or less this is indicated by the use [] around the figure, and such data must be treated with caution.
- The names of the variables used in each table are listed in brackets after the variable description.
- When comparisons are made between SETA 2013 and SETA 2008, data from SETA 2013 are referred to as 2012 in the column headings, and data from SETA 2008 are referred to as 2007. This is to more accurately reflect the time period the sample frames are from.
- The 'Table notes' indicate the comparable tables in the SETA 2008 report (where applicable).

Chapter 2: Events leading to the claim

Table 2.1 Claimants' survey: Whose idea was it to apply for the employment tribunal

Per cent, bases are counts

	Full time / Part time [CQA35]			Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]		All
	Full-time	Part-time	Varied	Permanent	Non-Permanent	Member	Non member	
Whose idea it was to apply for employment tribunal [AQB6]								
Own idea	36	29	30	34	38	31	37	35
Family or Friends	13	18	12	14	17	10	15	14
Solicitor, barrister or some other kind of lawyer	13	8	12	12	7	8	14	12
Trade Union or worker representative	11	11	10	12	7	37	1	11
Citizens Advice Bureau	9	15	11	10	10	4	13	10
ACAS officer or ACAS helpline	7	9	7	7	9	2	9	7
Work colleagues	6	3	3	5	8	4	6	6
Other	4	5	11	4	4	4	4	4
Don't know	1	3	4	2		1	2	2
<i>unweighted base</i>	1540	336	64	1824	116	535	1441	1988

Table source: SETA 2013: All Claimants

Table weight: Claimant Weight

Table 2.2 Claimants' survey: Sources of information and advice sought before the claim by year

	Per cent, bases are counts	
	2007	2012
Sources of information/advice sought before claim [AQB51 – AQB517]		
Family or friends	48	56
Acas help-line or an Acas officer	45	50
Solicitor, barrister or some other kind of lawyer	41	47
Citizens Advice Bureau	40	39
Trade Union/Worker representative	14	28
Employment Rights Advisor or Employment Consultant	9	12
Colleague	8	9
Manager/boss	2	6
Personnel/human resources officer	3	4
Other person at workplace	1	1
Equality and Human Rights Commission	6	4
Other	7	6
Don't know	*	-
None used	4	3
<i>unweighted base</i>	2020	1988

Table source: SETA 2008 and SETA 2013: All Claimants

Table weight: Claimant Weight

Table 2.3 Claimants' survey: Sources of information and advice sought before the claim by personal characteristics

Per cent, bases are counts

	Full time / Part time [CQA35]			Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]		All
	Full-time	Part-time	Varied	Permanent	Non-Permanent	Member	Non member	
Sources of information/advice sought before claim [AQB51 – AQB517]								
Family or friends	56	57	48	56	76	53	56	56
Acas help-line or an Acas officer	49	54	37	50	45	37	55	50
Solicitor, barrister or some other kind of lawyer	48	43	45	48	27	45	48	47
Citizens Advice Bureau	38	44	45	39	4	23	45	39
Trade Union/Worker representative	29	29	19	29	19	83	7	28
Employment Rights Advisor or Employment Consultant	11	14	7	12	9	12	12	12
Colleague	10	8	5	10	6	10	9	9
Manager/boss	6	8	3	6	11	6	6	6
Personnel/human resources officer	5	3	1	4	2	4	4	4
Other person at workplace	2	1	1	1	4	2	1	1
Equality and Human Rights Commission	4	3	2	4	1	6	3	4
Other	5	5	11	5	10	3	6	6
Don't know	*	-	-	*	-	-	*	-
None used	3	3	4	3	8	3	3	3
<i>unweighted base</i>	1540	326	64	1824	116	535	1441	1988

Table source: SETA 2013: All claimants**Table weight:** Claimant Weight

Table 2.4 Claimants' survey: Communication prior to the claim by personal characteristics and year

Per cent, bases are counts

	Full time / Part time [CQA35]						Permanent / Non-Permanent [CQA36B]				Trade union or staff association [AQA316B]				All	
	Full-time		Part-time		Varied		Permanent		Non-Permanent		Member		Non member		2007	2012
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012		
Whether claimant concerns were put to employer in writing before making claim [CQD471]																
Yes	70	71	69	69	69	79	69	71	74	76	76	76	67	69	69	71
No	29	29	28	31	31	21	29	29	25	24	22	24	32	30	29	29
Don't Know	1	*	3	*	-	-	2	*	1	-	2	-	1	*	2	*
Whether employer wrote to claimant about the issue [CQD472]																
Yes	48	54	41	50	58	45	47	53	36	50	58	61	43	50	47	53
No	50	46	54	49	40	55	50	47	63	50	39	39	55	49	50	47
Don't Know	2	*	5	*	2	-	3	*	1	-	4	-	2	*	3	*
Whether claimant discussed the issue with the employer [CQD473 / CQD2]																
Yes	52	58	50	53	54	46	52	56	47	58	60	62	49	54	52	56
Face to Face	34	39	32	37	29	23	34	39	22	22	42	45	30	34	33	37
Telephone	8	7	9	5	13	11	8	6	18	20	6	4	9	8	8	7
Both	10	11	9	10	12	10	10	10	7	11	13	12	9	10	10	10
Unspecified	-	2	-	1	-	2	-	1	-	4	-	2	-	2	-	2
No	46	42	48	47	46	54	46	43	53	42	38	38	50	46	47	44
Don't Know	2	*	2	*	-	*	2	*	-	-	2	-	2	*	2	*
Whether a formal meeting took place [CQD21]																
Yes	31	38	27	36	18	16	31	37	14	22	42	45	26	33	30	36
No	69	62	72	64	80	84	69	62	86	78	58	55	74	67	69	64
Don't Know	*	*	1	*	2	-	*	*	-	-	*	*	*	*	*	*
Some form of written or verbal communication about the issue took place before making claim [CQD471/ CQD472/ CQD473]																
Yes	84	86	84	83	89	83	84	85	86	85	89	92	82	82	84	85
No	15	14	13	17	11	17	15	15	14	15	9	8	17	17	15	15
Don't Know	1	*	3	*	-	-	1	*	-	-	2	-	1	*	1	*
Whether employer was informed by claimant about claim beforehand [CQD101 - CQD107]																
Yes	60	58	61	57	79	68	60	58	67	66	60	57	61	59	60	59
No	34	39	35	34	21	27	34	40	31	29	64	39	35	39	35	39
Don't Know	5	2	5	4	-	5	5	2	3	5	6	4	4	2	5	3
<i>unweighted base</i>	1648	1540	275	336	39	64	1878	1824	83	116	515	535	1493	1441	2020	1988

Table source: SETA 2008 and SETA 2013: All Claimants

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight

Table notes: Table 3.9 in SETA 2008 (modified)

Table 2.5 Employers' survey: Communication prior to the claim by employer characteristics and year

Per cent, bases are counts

	Sector [CQA313]						Enterprise Size (whole organisation in the UK) [ESIZEE]								All	
	Private sector		Public sector		Non-profit/ voluntary		Less than 25		25 to 49		50 to 249		250+			
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether claimant concerns were put to employer in writing before making claim [CQD471]																
Yes	51	49	72	69	77	60	46	40	46	46	52	53	67	64	57	54
No	43	49	22	26	23	39	48	58	49	53	43	46	27	33	38	44
Don't Know	6	2	7	5	1	1	75	2	45	1	6	1	6	3	6	2
Whether employer wrote to claimant about the issue [CQD472]																
Yes	41	63	63	78	76	78	55	55	64	66	62	66	74	75	67	67
No	38	35	32	17	17	20	38	43	32	33	30	33	20	21	28	31
Don't Know	21	2	6	5	7	1	7	2	4	1	5	1	6	3	6	2
Whether claimant discussed the issue with the employer [CQD473 / CQD2]																
Yes	53	52	42	67	38	62	62	42	52	57	50	52	42	65	50	56
Face to Face	29	34	41	49	40	44	21	23	30	43	31	35	40	46	32	38
Telephone	7	7	4	2	8	3	8	7	10	4	7	6	5	4	7	6
Both	11	10	12	14	15	12	9	11	9	8	12	9	14	13	12	11
Unspecified	-	2	-	1	-	3	-	1	-	1	-	2	-	2	-	2
No	46	46	31	28	34	37	57	56	48	43	44	47	31	31	43	42
Don't Know	7	2	11	5	3	1	4	2	4	1	6	1	10	3	8	2
Whether a formal meeting took place [CQD21]																
Yes	34	37	45	53	49	49	23	27	34	44	35	40	47	50	37	41
No	65	61	50	42	50	50	76	72	65	56	64	59	51	47	61	57
Don't Know	1	1	5	5	1	1	1	1	1	-	2	1	2	3	2	2
Some form of written or verbal communication about the issue took place before making claim [CQD471/ CQD472/ CQD473]																
Yes	75	76	84	84	90	85	71	71	76	78	76	79	83	83	78	78
No	20	22	11	11	8	14	24	27	22	22	19	20	11	14	17	19
Don't Know	5	2	5	5	1	1	5	2	2	1	4	1	5	3	5	2
Whether employer was informed by claimant about claim beforehand [CQD101 - CQD107]																
Yes	22	20	16	19	25	25	24	23	19	19	22	19	19	21	21	21
No	69	71	62	65	63	66	67	72	71	74	71	72	65	66	67	70
Don't Know	9	8	22	16	12	9	9	5	9	7	7	8	16	13	12	10
<i>unweighted base</i>	1525	1442	269	335	186	224	653	528	225	180	420	388	605	879	2007	2011

Table source: SETA 2008 and SETA 2013: All Employers.

Table weight: SETA 2008: Weight / SETA 2013: Employer Weight

Table notes: Table 3.10 in SETA 2008 (modified)

Table 2.6 Claimants' and employers' surveys combined: Communication prior to the claim by year

	Per cent, bases are counts	
	2007	2012
Whether claimant concerns were put to employer in writing before making claim [CQD471]		
Yes	63	62
No	33	37
Don't Know	4	1
Whether employer wrote to claimant about the issue [CQD472]		
Yes	57	60
No	39	38
Don't Know	4	1
Whether claimant discussed the issue with the employer [CQD473 / CQD2]		
Yes	51	56
<i>Face to Face</i>	33	38
<i>Telephone</i>	8	6
<i>Both</i>	11	11
<i>Unspecified</i>	-	2
No	44	43
Don't Know	5	1
Whether a formal meeting took place [CQD21]		
Yes	33	39
No	66	60
Don't Know	1	1
Whether employer was informed by claimant about claim beforehand [CQD101 - CQD107]		
Yes	41	38
No	51	55
Don't Know	8	7
<i>unweighted base</i>	4027	3999

Table source: SETA 2008 and SETA 2013: All claimants and employers

Table weight: SETA 2008: Weight / SETA 2013: Case Weight

Table notes: Table 3.14 in SETA 2008 (modified)

Table 2.7 Employers' survey: Resources available to organisation for dealing with Human Resources and Personnel issues by year

	Per cent, bases are counts	
	2007	2012
Whether organisation has an internal Human Resources or Personnel department that deals with personnel issues [EQA312B]		
Yes	62	65
No	38	35
Don't Know	-	*
Whether organisation uses external person or company for Human Resources or Personnel issues [EQA312D]		
Yes	38	39
No	62	61
Don't Know	-	1
Whether organisation has either internal department that deals with Human Resources / Personnel issues or receives advice from external person or company [EQA312B/ EQA312D]		
Yes	79	83
No	21	17
Don't Know	-	*
Whether organisation has internal legal department that deals with personnel/employment issues [EQA312E]		
Yes	20	23
No	80	77
Don't Know	-	*
<i>unweighted base</i>	2007	2011

Table source: SETA 2008 and SETA 2013: All Employers.

Table weight: SETA 2008: Weight / SETA 2013: Employer Weight

Table 2.8 Employers' survey: Resources available to organisation for dealing with Human Resources and Personnel issues

Per cent, bases are counts

	Sector [CQA313]			Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Private sector	Public sector	Non-profit/ voluntary	Less than 25	25 to 49	50 to 249	250+	
Whether organisation has an internal Human Resources or Personnel department that deals with personnel issues [EQA312B]								
Yes	59	90	67	18	36	66	97	65
No	41	10	33	81	64	34	3	35
Don't Know	*	-	-	1	-	-	-	*
<i>unweighted base</i>	1442	335	224	528	180	388	879	2011
Whether organisation uses external person or company for Human Resources or Personnel issues [EQA312D]								
Yes	42	21	48	45	60	59	24	39
No	58	79	52	54	40	41	75	61
Don't Know	1	1	-	1	-	-	*	1
<i>unweighted base</i>	1442	335	224	528	180	388	879	2011
Whether organisation has either internal department that deals with Human Resources / Personnel issues or advice from an external person or company [EQA312B/ EQA312D]								
Yes	79	96	89	53	76	91	99	83
No	21	4	11	46	24	10	1	17
Don't Know	*	-	-	1	-	-	-	*
<i>unweighted base</i>	1142	335	224	528	180	388	879	2011
Whether organisation has internal legal department that deals with personnel/employment issues [EQA312E]								
Yes	18	48	12	6	8	11	38	23
No	82	52	88	93	92	89	62	77
Don't Know	*	*	-	1	-	-	-	*
<i>unweighted base</i>	1442	335	224	528	180	388	879	2011
Whether a main person/few people deal with personnel issues [EQA312C]								
One main person	61	53	49	68	49	48	[21]	60
A few people	31	38	41	25	45	40	[62]	32
Personnel issues are dealt with as they arise by different people	7	3	6	6	5	10	[17]	7
Some other arrangement	1	5	1	1	2	3	[-]	2
Don't know	*	-	3	1	-	-	[-]	*
<i>unweighted base</i>	601	37	76	431	117	127	29	719

Table source: SETA 2013: All employers / All employers who do not have an internal Human Resources or Personnel Department [EQA312C]

Table weight: Employer Weight

Table 2.9 Claimants' survey: Written statements and procedures by primary jurisdiction and year

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]														
Yes	69	78	59	62	53	59	64	63	78	82	54	61	64	70
No	27	19	39	36	43	37	35	36	18	16	44	34	33	27
Don't Know	3	3	2	2	4	4	2	1	4	2	2	4	3	2
Whether employer had written disciplinary procedure [CQDA320]														
Yes	68	77	48	51	48	49	47	49	74	76	53	60	59	64
No	27	18	44	41	43	39	35	44	21	20	39	31	34	30
Don't Know	5	4	9	7	9	12	9	7	5	4	8	9	7	6
Whether employer had written grievance procedure [CQDA321]														
Yes	65	71	44	46	44	47	45	51	74	75	48	58	56	60
No	31	21	50	47	48	40	46	38	21	21	47	37	38	32
Don't Know	5	8	6	8	8	13	9	11	5	4	5	5	5	7
Organisation had both written disciplinary and written grievance procedures [CQDA320/ CQDA321]														
Yes	57	65	38	40	37	40	36	37	67	66	43	52	50	54
<i>unweighted base</i>	568	516	512	580	250	184	54	73	356	368	222	219	1962	1940

Table source: SETA 2008 and SETA 2013: All claimants who were former or current employees

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight

Table notes: Table 3.1 in SETA 2008 (modified)

Table 2.10 Employers' survey: Written statements and procedures by primary jurisdiction and year

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]														
Yes	93	94	86	87	88	85	76	78	92	95	83	82	89	90
No	5	3	12	9	7	10	25	18	5	3	15	16	9	7
Don't Know	2	3	2	3	5	5	-	4	3	1	2	2	3	3
Whether employer had written disciplinary procedure [CQDA320]														
Yes	94	97	88	90	94	92	95	81	97	99	90	89	93	94
No	5	3	11	8	5	3	6	19	3	1	10	11	7	5
Don't Know	1	*	1	1	1	4	-	-	1	*	1	*	1	1
Whether employer had written grievance procedure [CQDA321]														
Yes	93	96	88	89	93	93	95	81	97	99	91	89	92	93
No	6	3	11	10	5	3	3	19	3	1	9	11	7	6
Don't Know	1	*	1	1	2	4	2	-	*	*	1	-	1	1
Organisation had both written disciplinary and written grievance procedures [CQDA320/ CQDA321]														
Yes	92	96	86	87	93	92	92	81	96	98	89	86	91	92
<i>unweighted base</i>	615	610	556	544	153	135	22	43	363	411	230	190	1939	1933

Table source: SETA 2008 and SETA 2013: All employers where the claimant was a former or current employee

Table weight: SETA 2008: Weight / SETA 2013: Employer Weight

Table notes: Table 3.2 in SETA 2008 (modified)

Table 2.11 Claimants' survey: Written statements and procedures by SETA outcome and year

Per cent, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]														
Yes	48	56	69	80	66	70	71	71	71	77	35	71	64	70
No	47	44	29	18	32	28	28	27	26	21	59	24	33	27
Don't Know	5	3	2	3	3	2	2	2	3	2	7	5	3	2
Whether employer had written disciplinary procedure [CQDA320]														
Yes	43	45	66	76	59	66	62	64	69	73	58	59	59	64
No	50	46	29	19	33	28	30	27	24	24	37	34	34	30
Don't Know	7	8	6	5	8	6	8	9	7	3	5	7	7	6
Whether employer had written grievance procedure [CQDA321]														
Yes	38	42	65	71	56	62	59	62	68	69	57	52	56	60
No	58	50	31	20	39	31	35	30	27	26	35	37	38	32
Don't Know	4	8	4	9	5	7	6	8	6	5	8	11	5	7
Organisation had both written disciplinary and written grievance procedures [CQDA320/ CQDA321]														
Yes	32	37	55	65	50	56	53	54	61	64	48	40	50	54
<i>unweighted base</i>	298	317	135	148	781	843	514	238	300	288	134	106	1962	1940

Table source: SETA 2008 and SETA 2013: All claimants who were former or current employees**Table weight:** SETA 2008: Weight / SETA 2013: Claimant Weight**Table notes:** Table 3.1 in SETA 2008 (modified)

Table 2.12 Employers' survey: Written statements and procedures by SETA outcome and year

Per cent, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]														
Yes	81	80	91	93	87	90	88	90	94	94	89	93	89	90
No	12	15	6	5	10	7	10	6	5	5	9	3	9	7
Don't Know	7	5	3	2	2	2	2	5	2	1	3	4	3	3
Whether employer had written disciplinary procedure [CQDA320]														
Yes	90	84	97	97	91	95	90	95	97	96	97	95	93	94
No	10	14	3	3	8	4	9	4	4	4	2	5	7	5
Don't Know	-	2	*	-	1	1	1	1	-	*	*	-	1	1
Whether employer had written grievance procedure [CQDA321]														
Yes	89	83	96	96	90	95	91	93	97	96	97	95	92	93
No	10	14	4	4	9	5	8	6	3	4	3	5	7	6
Don't Know	1	3	-	*	1	*	1	1	*	*	-	-	1	1
Organisation had both written disciplinary and written grievance procedures [CQDA320/ CQDA321]														
Yes	88	83	96	94	89	93	89	92	96	95	97	94	91	92
<i>unweighted base</i>	161	116	161	204	806	890	419	268	243	281	149	174	1939	1933

Table source: SETA 2008 and SETA 2013: All employers where the claimant was a former or current employee

Table weight: SETA 2008: Weight / SETA 2013: Employer Weight

Table notes: Table 3.2 in SETA 2008 (modified)

Table 2.13 Claimants' survey: Written statements and procedures by employment related characteristics

Per cent, bases are counts

	Full time / Part time [CQA35]			Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]		All
	Full-time	Part-time	Varied	Permanent	Non-Permanent	Member	Non member	
Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]								
Yes	72	64	53	71	60	83	65	71
No	26	32	43	27	38	14	33	27
Don't know	2	3	5	2	2	3	2	2
Combined disciplinary and grievance procedure [CQDA320/ CQDA321]								
Yes	56	49	28	55	39	68	48	54
<i>unweighted base</i>	1540	336	64	1824	116	527	1401	1940

Table source: SETA 2013: All claimants who were former or current employees**Table weight:** Claimant Weight**Table notes:** Table 3.3 in SETA 2008

Table 2.14 Claimants' survey: Written statements and procedures by employment related characteristics (continued)

Per cent, bases are counts

	Standard Occupation Classification 2010 of the claimant involved in the case [SOC2010ClaimB]									
	Manager/ Senior Officials	Professional	Associate Professional/ Technical	Admin/ Secretarial	Skilled Trades	Personal Service	Sales/ Customer Service	Process, Plant, Machine Operatives	Elementary	All
Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]										
Yes	72	82	83	66	56	69	72	60	65	70
No	27	17	15	32	42	27	24	36	32	27
Don't know	1	1	2	2	1	3	4	3	4	2
Combined disciplinary and grievance procedure [CQDA320/ CQDA321]										
Yes	65	69	68	56	32	43	52	46	36	54
unweighted	273	225	313	208	230	166	133	187	202	1940

Table source: SETA 2013: All claimants who were former or current employees**Table weight:** Claimant Weight**Table notes:** Table 3.3 in SETA 2008

Table 2.15 Employers' survey: Written statements and procedures by employer characteristics

Per cent, bases are counts

	Sector [CQA313]			Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Private sector	Public sector	Non-profit/ voluntary	Less than 25	25 to 49	50 to 249	250+	
Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]								
Yes	88	93	95	77	93	95	95	90
No	8	5	3	18	5	2	3	7
Don't Know	3	2	2	5	3	3	2	3
Combined disciplinary and grievance procedure [CQDA320/ CQDA321]								
Yes	91	99	95	76	96	98	100	92
<i>unweighted base</i>	1389	322	213	506	175	370	847	1933

Table source: SETA 2013: All employers where the claimant was a former or current employee

Table weight: Employer Weight

Table notes: Table 3.4 in SETA 2008

Table 2.16 Claimants' and employers' survey: Whether procedures were followed by SETA outcome and year

Per cent, bases are counts

Claimants' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether written procedures were followed before claim [CQD9]														
Yes, all the way	27	21	43	40	37	36	45	29	41	38	31	37	38	34
Yes, part of the way	18	15	23	23	20	18	18	22	19	15	14	8	19	18
Yes, don't know how far	7	5	3	4	4	7	4	8	6	7	8	5	5	6
ANY YES	52	41	69	67	61	62	66	58	67	60	53	51	62	58
No, not at all	38	48	20	24	30	32	27	34	25	28	32	37	29	33
Don't know	10	11	12	9	9	7	7	8	9	12	14	12	9	9
<i>unweighted base</i>	146	160	101	122	508	607	217	169	228	222	90	75	1290	1354
Employers' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether written procedures were followed before claim [CQD9]														
Yes, all the way	61	57	75	73	64	67	63	64	63	71	65	72	64	67
Yes, part of the way	14	12	8	7	13	8	17	9	10	5	9	3	13	8
Yes, don't know how far	2	-	2	1	2	2	2	2	1	1	1	4	2	2
ANY YES	77	69	86	81	78	77	83	75	74	76	75	79	78	76
No, not at all	16	27	12	14	16	18	11	19	14	18	16	14	14	18
Don't know	7	4	3	5	6	5	6	6	13	6	10	8	7	5
<i>unweighted base</i>	119	91	143	76	626	754	327	217	199	233	122	152	1536	1626

Table source: SETA 2008 and SETA 2013: Based on all claimants/employers who said that written disciplinary or grievance procedures were in place**Table weight:** SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants)/Employer Weight (Employers)**Table notes:** Tables 3.5 and 3.6 in SETA 2008 (modified)

Table 2.17 Claimants' and employers' survey: Whether procedures were followed by primary jurisdiction and year

Per cent, bases are counts

Claimants' survey	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether written procedures were followed before claim [CQD9]														
Yes, all the way	37	37	31	28	39	33	[37]	33	47	38	35	34	38	34
Yes, part of the way	19	18	19	16	18	16	[6]	8	20	21	20	17	19	18
Yes, don't know how far	7	6	4	7	2	7	[3]	-	5	7	4	6	5	6
ANY YES	63	61	54	50	60	56	[47]	41	72	66	60	56	62	58
No, not at all	27	30	36	39	32	34	[47]	44	20	25	33	39	29	33
Don't know	10	9	10	10	9	10	[7]	15	8	8	8	5	9	9
<i>unweighted base</i>	430	431	273	326	136	101	30	46	292	307	129	143	1290	1354
Employers' survey	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether written procedures were followed before claim [CQD9]														
Yes, all the way	69	75	63	62	47	56	[51]	62	69	72	63	61	64	67
Yes, part of the way	10	6	12	10	13	4	[25]	12	16	6	13	10	13	8
Yes, don't know how far	2	1	2	3	1	1	[2]	-	1	1	3	1	2	2
ANY YES	81	82	77	75	61	61	[79]	74	86	79	79	72	78	76
No, not at all	13	13	16	21	32	32	[3]	21	9	14	10	21	14	18
Don't know	6	5	7	4	7	7	[12]	6	6	6	11	8	7	5
<i>unweighted base</i>	494	521	426	451	124	118	17	34	294	348	181	154	1536	1626

Table source: SETA 2008 and SETA 2013: Based on all claimants/employers who said that written disciplinary or grievance procedures were in place**Table weight:** SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants)/Employer Weight (Employers)**Table notes:** Tables 3.5 and 3.6 in SETA 2008 (modified)

Table 2.18 Claimants' survey: Whether procedures were followed by employment related characteristics

Per cent, bases are counts

	Full time / Part time [CQA35]			Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]		All
	Full-time	Part-time	Varied	Permanent	Non-Permanent	Member	Non member	
Whether written procedures were followed before claim [CQD9]								
Yes, all the way	35	33	[26]	35	30	41	31	35
Yes, part of the way	17	19	[18]	18	14	18	17	17
Yes, don't know how far	6	6	[9]	6	6	9	5	6
ANY YES	58	58	[53]	59	50	67	54	59
No, not at all	33	32	[39]	32	39	23	38	32
Don't know	9	9	[8]	9	11	10	9	9
<i>unweighted base</i>	1117	208	29	1296	58	444	907	1354

Table source: SETA 2013: All claimants who said that written disciplinary or grievance procedures were in place**Table weight:** Claimant Weight**Table notes:** Table 3.7 in SETA 2008 (modified)

Table 2.19 Employers' survey: Whether procedures were followed by employer characteristics

Per cent, bases are counts

	Sector [CQA313]			Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Private sector	Public sector	Non-profit/ voluntary	Less than 25	25 to 49	50 to 249	250+	
Whether written procedures were followed before claim [CQD9]								
Yes, all the way	65	74	74	56	69	72	73	67
Yes, part of the way	8	7	7	11	9	5	7	8
Yes, don't know how far	2	1	2	1	1	2	1	2
ANY YES	74	81	83	68	79	79	80	76
No, not at all	20	13	14	26	17	17	14	18
Don't know	5	7	3	6	4	4	5	5
<i>unweighted base</i>	1171	271	177	400	160	321	721	1626

Table source: SETA 2013: All employers who said that written disciplinary or grievance procedures were in place.

Table weight: Employer Weight

Table notes: Table 3.8 in SETA 2008

Table 2.20 Employers' survey: Who the organisation normally allows a worker to be accompanied by in grievance and disciplinary meeting by sector and enterprise size

Per cent, bases are counts

	Sector [CQA313]			Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Private sector	Public sector	Non-profit/ voluntary	Less than 25	25 to 49	50 to 249	250+	
Whether employer normally allows workers to be accompanied by in disciplinary meeting [EQD611 - EQD619]								
Work Colleague	95	98	98	88	98	99	100	96
Trade Union representative/shop steward/worker representative	88	98	94	73	92	92	99	90
Supervisor/Line manager / Foreman	85	84	85	78	91	91	85	85
Friend or family member	42	36	44	67	55	40	24	41
Solicitor or other legal representative	40	20	34	70	61	38	11	36
Anyone of their choosing	11	5	9	18	18	10	3	9
No answer	2	1	-	4	*	-	-	1
Other	1	2	1	1	1	1	2	1
Don't know	2	*	1	5	-	*	-	1
<i>unweighted base</i>	1442	335	224	528	180	388	879	2011

Table source: SETA 2013: All Employers.**Table weight:** Employer Weight**Table notes:** Table 3.15 in SETA 2008

Table 2.21 Claimants' and employers' survey: Circumstances surrounding the claimant leaving their job

	Per cent, bases are counts	
	Claimants	Employers
How claimant came to leave job with employer [CQC11-CQC121]		
Dismissed	40	40
Made redundant/ Laid off	25	20
Resigned	24	23
Left without resigning/Walked out	3	7
Other	9	8
Don't know	1	1
<i>unweighted base</i>	1800	1837
Main reason given by employer for dismissal [CQC6]		
Misconduct/ Misbehaviour (eg. dishonesty, theft, violence or threatening behaviour, disobedience, rule breaking etc)	52	63
Poor performance	10	16
Prolonged ill health	7	5
Unsatisfactory attendance record	1	4
Other (specify)	20	6
No answer	5	*
Don't know	4	5
<i>unweighted base</i>	688	753
Whether left employer before or after putting in employment tribunal claim [CQA45]		
Before	79	88
After	19	10
Don't know	2	2
<i>unweighted base</i>	1800	1837
Whether left employer before or after case finished [CQA45b]		
Before	58	57
After	38	38
Don't know	4	5
<i>unweighted base</i>	347	185
When claimant left employer [WHNLEF]		
Before putting in employment tribunal claim	79	88
Before case finished	11	6
After case finished	7	4
Don't know but after putting in employment tribunal claim	1	*
Don't know	2	2
<i>unweighted base</i>	1800	1837

	Per cent, bases are counts	
	Claimants	Employers
Whether claimant was told to leave or left of own accord [CQC5]		
Was told has to leave	21	10
Could have continued to work	71	85
Don't know	8	5
<i>unweighted base</i>	658	745

Table source: SETA 2013: Claimants who no longer worked for the organisation (against which they took out the employment tribunal application) at time of interview

Table weight: Claimant Weight (Claimants) / Employer Weight (Employers)

Table 2.22 Claimants' survey: Whether employer warned claimant that they might be dismissed or made redundant by reason for job separation

Per cent, bases are counts

	Whether dismissed (How claimant came to leave job with employer) [CQC11]		Whether made redundant / Laid off (How claimant came to leave job with employer) [CQC12]		All
	Dismissed	Not dismissed	Made redundant	Not made redundant	
Whether employers gave claimant any prior warning that might be dismissed/ made redundant [CQC3]					
No warning	73	52	52	73	65
Verbal warning	5	9	9	5	7
Written warning	11	13	14	11	12
Both	9	23	23	9	14
Don't know	2	3	3	2	2
<i>unweighted base</i>	688	454	457	685	1142

Table source: SETA 2013: All claimants who no longer worked for the organisation

Table weight: Claimant Weight

Table notes: Table 3.11 in SETA 2008

Table 2.23 Employers' survey: Whether employer warned claimant that they might be dismissed or made redundant by reason for job separation

Per cent, bases are counts

	Whether dismissed (How claimant came to leave job with employer) [CQC11]		Whether made redundant / Laid off (How claimant came to leave job with employer) [CQC12]		All
	Dismissed	Not dismissed	Made redundant	Not made redundant	
Whether employers gave claimant any prior warning that might be dismissed/ made redundant [CQC3]					
No warning	21	11	11	21	17
Verbal warning	9	9	9	9	9
Written warning	21	6	6	21	16
Both	45	70	70	45	53
Don't know	5	4	4	5	4
<i>unweighted base</i>	753	339	339	753	1092

Table source: SETA 2013: All Claimants.**Table weight:** Case Weight**Table notes:** Table 3.12 in SETA 2008

Chapter 3: Claim process, and advice and representation

Table 3.1 Claimants' survey: Awareness and previous experience of employment tribunal system and employment rights by claimant age

		Age of claimant [CQA22B]							Per cent, bases are counts	
		16 to 19	20 to 24	25 to 34	35 to 44	45 to 54	55 to 65	65 and over	35 and over (NET)	All
Whether aware that a worker could apply for tribunal if believed employer not respecting legal rights, before claim [AQB41]										
Yes	[41]	44	54	63	62	65	61	63	60	
No	[59]	52	44	35	37	33	39	35	38	
Don't know	[-]	3	2	2	1	2	-	2	2	
<i>unweighted base</i>		27	131	304	481	578	399	63	1521	1988
Whether ever made a claim to an employment tribunal, at any workplace, before claim [CQB1]										
Yes	[-]	1	3	8	8	11	9	9	7	
No	[100]	99	97	92	92	89	91	91	93	
<i>unweighted base</i>		27	131	304	481	578	399	63	1521	1988
How many claims had made to an employment tribunal, before this claim [AQB7]										
1										81
2										12
3										2
4										1
5										1
10										1
12										1
Don't Know										1
<i>unweighted base</i>										142

Table source: SETA 2013: All claimants / All claimants who had previously made a claim to an employment tribunal before current claim [AQB7]

Table weight: Claimant Weight

Table 3.2 Employers' survey: Previous experience of employment tribunal system by enterprise size

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Less than 25	25-49	50-249	250 +	
Whether personally EVER had to deal with/made a claim to employment tribunal [CQB1]					
Yes	23	42	63	91	64
No	77	58	37	9	36
<i>unweighted base</i>	582	180	388	879	2011
Number of cases the organisation has been involved in over the last 2 years (Banded) [EBB12]					
None	78	63	52	7	39
One	11	19	20	6	11
Two to five	9	14	20	21	17
Six to ten	*	1	2	15	7
More than ten	*	1	1	33	16
Don't Know				17	10
<i>unweighted base</i>	528	180	388	879	2011

Table source: SETA 2013: All employers**Table weight:** Employer Weight**Table notes:** Table 7.6 in SETA 2008

Table 3.3 Claimants' and Employers' survey: Passive sources of information used by year

	Per cent, bases are counts			
	Claimants		Employers	
	2007	2012	2007	2012
Sources used to find out information to help with case [CQE6B1 – CQE6B24]				
Acas website	47	57	39	36
The HM Courts & Tribunal Service website	44	43	26	23
Direct Gov website*	-	42	-	24
Acas publications or leaflets	37	30	27	19
Other internet sites	24	28	19	18
Gov UK website*	-	23	-	11
HM Courts & Tribunal Service publications or leaflets	36	22	20	10
Books	10	9	13	7
Business Link website*	-	6	-	8
BIS website	2	7	11	7
Equality and Human Rights Commission	9	7	-	-
A library	7	5	5	2
Other	6	3	3	5
Don't know / None used	22	20	33	42
Average number of sources used	2.2	2.8	1.4	1.5
Average number of sources used (excluding those who did not use any)	2.9	3.5	2.6	2.9
<i>unweighted base</i>	2020	1988	1736	1776

Table source: SETA 2008 and SETA 2013: All claimants / All employers with personal responsibility for case

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)

Table notes:

*These items were not prompted for in SETA 2008

Table 5.12 in SETA 2008 (modified)

Table 3.4 Claimants survey: Whether paying a fee of £250 for making the claim, would this have influenced the decision to go to an employment tribunal by claimant demographics

Per cent, bases are counts									
	Sex [CQA21]		Age of claimant [CQA22B]						
	Male	Female	16-19	20-24	25-34	35-44	45-54	55-64	65 & Over
Whether fee of £250 for the claim would have influenced the decision to go to the employment tribunal [AQP18]									
Yes	48	51	[66]	69	61	49	46	39	42
No	48	46	[27]	29	35	47	50	59	52
Don't Know	4	3	[7]	2	4	3	4	2	6
<i>unweighted base</i>	1125	863	27	131	304	481	578	399	63

	Ethnicity [AQQA23]					Disability [DISAB]			Highest Qualification [AQQA25]	
	White	Black	Asian	Mixed	Other	Yes, Limiting	Yes, Not Limiting	No	Degree Level or Above	Another Kind
Whether fee of £250 for the claim would have influenced the decision to go to the employment tribunal [AQP18]										
Yes	48	59	48	51	[58]	46	43	51	45	51
No	49	37	48	44	[35]	51	52	46	53	46
Don't Know	3	4	5	5	[6]	3	5	3	2	3
<i>unweighted base</i>	1645	137	100	42	28	359	134	1458	561	983

	Employment Status [CQA35/ CQA36B]			Gross claimant annual salary at time of claim (Banded) [CBA38]						
	Full-Time Permanent	Part-Time Permanent	Temporary	Under £10,000	£10,000 - £14,999	£15,000 - £19,999	£20,000 - £24,999	£25,000 - £29,999	£30,000 - £39,999	£40,000 or over
Whether fee of £250 for the claim would have influenced the decision to go to the employment tribunal [AQP18]										
Yes	45	56	72	65	54	56	52	48	39	24
No	52	39	23	29	41	42	45	51	58	74
Don't Know	3	5	5	6	5	2	3	1	3	3
<i>unweighted base</i>	1479	307	116	279	290	339	262	191	232	265

Per cent, bases are counts									
	Benefits Received at time of claim [AQQA52]		Living with someone as a couple at time of claim [AQQA57]		Dependent children under the age of 18 [DEPENDENTC]				
	Yes	No	Yes	No	Yes	No	No		
Whether fee of £250 for the claim would have influenced the decision to go to the employment tribunal [AQP18]									
Yes	50	49	46	55	48	51	51		
No	46	48	51	41	50	46	46		

	3	3	3	4	3	4
Don't Know	3	3	3	4	3	4
<i>unweighted base</i>	600	1370	1256	721	742	1232
Eligibility for fee remission (proxy) [FEEREMIS]						All
	Yes	No	Don't know			
Whether fee of £250 for the claim would have influenced the decision to go to the employment tribunal [AQP18]						
Yes	63	45	61		49	
No	33	52	31		48	
Don't Know	4	3	8		3	
<i>unweighted base</i>	400	1505	83		1988	

Table source: SETA 2013: All claimants

Table weight: Claimant Weight

Table 3.5 Claimants survey: Whether paying a fee of £250 for making the claim, would this have influenced the decision to go to an employment tribunal by characteristics of the case / case experience

Per cent, bases are counts

	Primary Jurisdiction [CJURM]							
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other		
Whether fee of £250 for the claim would have influenced the decision to go to the employment tribunal [AQP18]								
Yes	45	50	70	51	46	49		
No	55	47	26	47	51	48		
Don't Know	4	3	4	2	3	3		
<i>unweighted base</i>	519	595	188	74	390	222		
	SETA Outcome [CSVOUT]						Whether made a previous employment tribunal claim [CQB1]	
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	Yes	No
Whether fee of £250 for the claim would have influenced the decision to go to the employment tribunal [AQP18]								
Yes	54	39	49	43	51	61	49	46
No	43	57	48	52	47	36	48	51
Don't Know	3	4	3	5	2	3	3	3
<i>unweighted base</i>	322	152	867	240	299	108	142	1057
	Whether had a day to day representative (not ACAS) [CQE5]		Overall satisfaction with working of the employment tribunal system [CQP10]					All
	Yes	No	Very satisfied	Quite satisfied	Not very satisfied	Not at all satisfied	Don't know	
Whether fee of £250 for the claim would have influenced the decision to go to the employment tribunal [AQP18]								
Yes	41	58	50	51	45	49	42	49
No	56	38	47	46	51	47	47	47
Don't Know	3	3	3	3	4	4	11	3
<i>unweighted base</i>	1028	956	737	716	235	214	86	1988

Table source: SETA 2013: All claimants

Table weight: Claimant Weight

Table 3.6 Claimants survey: Whether paying a fee of £250 for making the claim, would this have influenced the decision to go to an employment tribunal by characteristics of the employer

Per cent, bases are counts

	Whether still work for the employer [CQA32B]		Sector [CQA313]			Workplace size [ASIZEW]				All
	Yes	No	Private sector	Public sector	Non-profit/voluntary	Less than 25	25-49	50-249	250+	
Whether fee of £250 for the claim would have influenced the decision to go to the employment tribunal [AQP18]										
Yes	57	48	49	48	51	53	45	45	45	49
No	42	48	48	48	45	43	52	51	53	47
Don't Know	1	4	3	4	4	4	3	3	1	3
<i>unweighted base</i>	140	1800	1375	377	117	866	266	400	331	1988

Table source: SETA 2013: All claimants**Table weight:** Claimant Weight

Table 3.7 Claimants' survey: How the claimant would have met the cost of the £250 fee

	Sex [CQA21]		Age of claimant [CQA22B]							Highest Qualification [AQQA25]		
	Male	Female	16-19	20-24	25-34	35-44	45-54	55-64	65 & Over	Degree Level or Above	Another Kind	
										Per cent, bases are counts		
How the claimant would have met the cost of the fee [AQP191-AQP197]												
Paid from your personal income or savings	84	79	[42]	68	78	83	84	85	77	87	81	
Borrowed from friends and family	14	22	[58]	28	25	19	15	12	19	13	18	
Taken out a loan	4	4	[28]	2	3	5	4	3	3	3	5	
Spent less on solicitors/ representation	3	4	[29]	-	4	4	3	3	-	4	3	
Other	3	2	[-]	-	3	2	3	3	-	3	2	
Don't Know	3	2	[-]	8	3	2	2	2	3	2	3	
<i>unweighted base</i>	538	399	7	38	106	227	292	234	32	296	450	
	Gross claimant annual salary at time of claim (Banded) [CBA38]						Living with someone as part of a couple [AQQA57]		Dependent children under the age of 18 [DEPENDENTC]			
	Under £10,000	£10,000 - £14,999	£15,000 - £19,999	£20,000 - £24,999	£25,000 - £29,999	£30,000 - £39,000	£40,000 or over	Yes	No	Yes	No	
	Per cent, bases are counts											
How the claimant would have met the cost of the fee [AQP191-AQP197]												
Paid from your personal income or savings	75	71	79	83	85	85	94	83	81	82	83	
Borrowed from friends and family	23	24	24	16	13	20	6	15	22	17	18	
Taken out a loan	4	6	5	7	5	2	1	4	5	6	3	
Spent less on solicitors/ representation	4	3	1	5	7	4	2	4	2	3	3	
Other	2	2	1	2	3	1	3	3	2	3	2	
Don't Know	3	3	3	2	3	2	*	3	1	2	2	
<i>unweighted base</i>	81	117	144	119	98	134	194	636	296	363	567	
	Primary Jurisdiction [CJURM]						Per cent, bases are counts					
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other						
	Per cent, bases are counts											
How the claimant would have met the cost of the fee [AQP191 – AQP197]												
Paid from your personal income or savings	83		80		79		77		82		87	
Borrowed from friends and family	18		18		9		23		20		11	

Taken out a loan	4	4	4	3	5	3
Spent less on solicitors/ representation	3	1	4	8	7	1
Other	2	2	2	6	2	3
Don't Know	1	3	8	-	1	2
<i>unweighted base</i>	270	280	47	35	197	108

SETA Outcome [CSVOUT]

	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	All
How the claimant would have met the cost of the fee [AQP191 – AQP197]							
Paid from your personal income or savings	77	82	83	81	85	83	82
Borrowed from friends and family	23	25	15	17	10	24	17
Taken out a loan	4	5	4	3	3	10	4
Spent less on solicitors/ representation	2	5	3	3	3	3	3
Other	2	3	2	3	3	3	2
Don't Know	3	2	3	1	3	-	2
<i>unweighted base</i>	136	86	411	123	141	40	937

Table source: SETA 2013: All claimants where a fee of £250 would not have influenced their decision to go to an employment tribunal

Table weight: Claimant Weight

Table 3.8 Employers' survey: Help completing ET3

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Less than 25	25 - 49	50 - 249	250+	
Who Completed ET3 [EQE11]					
Interviewee	52	48	32	33	40
Someone else in organisation	12	11	13	21	16
Someone outside organisation	30	36	52	43	40
Don't Know	6	5	4	3	5
<i>unweighted base</i>	528	180	388	879	2011
Who Completed ET3 in Organisation [EQE12]					
Legal specialist in company / company lawyer	8	5	5	54	36
Senior or general manager	29	44	43	15	23
Personnel or human resources specialist	3	9	22	19	16
Owner	39	17	16	1	11
Accountant or company operator	1	-	-	1	1
Someone else in organisation	16	26	12	9	12
Don't Know	4	-	2	2	2
<i>unweighted base</i>	61	20	45	178	310
Who Outside the Organisation Completed ET3 [EQE13]					
Solicitor, barrister or some other kind of lawyer	69	62	75	90	80
Employment rights advisor / employment consultant	20	21	17	6	12
Employer's association / trade association	2	6	3	2	3
HR company consultant	6	6	2	2	3
Family or friend	1	-	-	-	*
Acas	-	2	-	-	*
EEF (Engineering Employers Federation)	-	-	*	-	*
Insurance company/ insurers	-	-	1	*	*
Other	2	2	1	*	1
<i>unweighted base</i>	193	71	204	395	869

Table source: SETA 2013: All employers

All employers who said someone else completed the ET3 in organisation

All employers who said someone outside the organisation completed the ET3 form

Table weight: Employer Weight

Table notes: Table 5.3 in SETA 2008

Table 3.9 Claimants' and Employers' survey combined: Preliminary hearings by primary jurisdiction and SETA outcome

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Whether case involved any preliminary hearings [ETHOS]							
Yes	14	21	10	7	50	25	24
No	86	79	90	93	50	75	76
<i>unweighted base</i>	1136	1158	333	122	827	423	3999
	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	
Whether case involved any preliminary hearings (from ETHOS) [PREHEARING]							
Yes	27	38	20	27	17	30	24
No	73	62	80	73	83	70	76
<i>unweighted base</i>	443	362	1785	316	598	295	3999

Table source: SETA 2013: All claimants and employers**Table weight:** Case Weight**Table notes:**

The use of preliminary hearings is as recorded in the administrative data (ETHOS) and not recorded in the survey.

Table 8.1 in SETA 2008

Table 3.10 Claimants' and Employers' survey: Overview of advice and representation by year

Per cent, bases are counts

	Claimants		Employers	
	2007	2012	2007	2012
Whether nominated someone as a representative on ET1/ET3 [CQE3]				
Yes	32	31	54	49
No	54	53	26	31
Don't Know	14	16	20	20
<i>unweighted base</i>	1987	1988	1630	2011
Whether had day-to-day representative (not ACAS) [CQE5]				
Yes	46	52	60	60
No	54	48	38	39
Don't Know	1	*	2	1
<i>unweighted base</i>	2020	1988	2007	2011
Whether represented at full tribunal hearing [CQE5C3]				
Yes	34	33	73	67
No	65	67	27	32
Don't Know	1	1	*	1
<i>unweighted base</i>	450	377	336	318
Whether received additional help and guidance [CQE5C4]				
Yes	20	27	20	16
No	79	73	78	82
Don't Know	*	*	3	1
<i>unweighted base</i>	2020	1988	2007	2011

Table source: SETA 2008 and SETA 2013: All Claimants and employers.**Table weight:** SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)**Table notes:** Tables 5.4, 5.5, 5.6, and 5.7 in SETA 2008 (modified)

Flow Chart 3.1 Claimants' survey: Overview of advice and representation

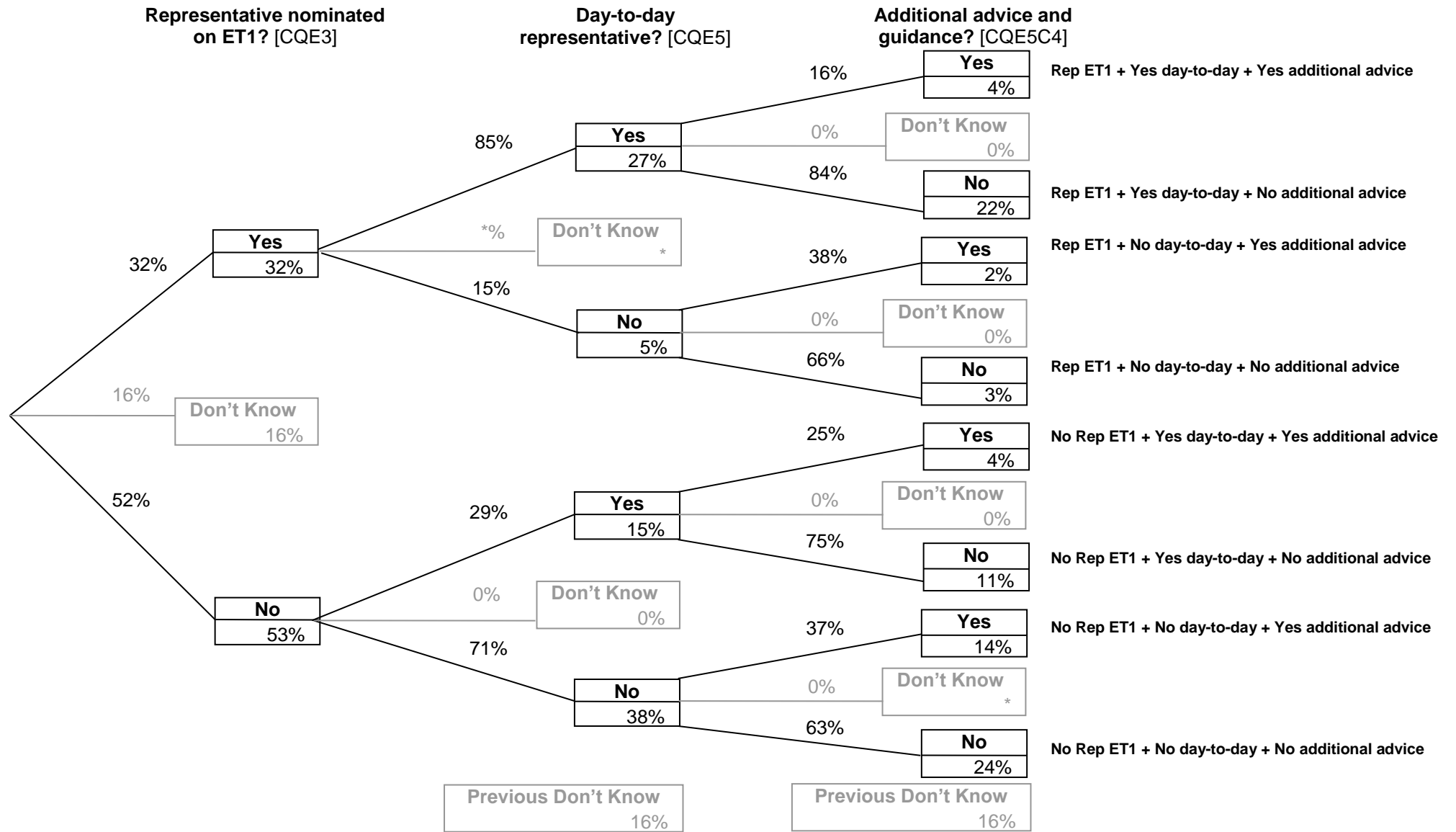


Figure source:
SETA 2013 All claimants
Figure weight: Claimant Weight

Flow Chart 3.2 Employers' Survey: Overview of advice and representation

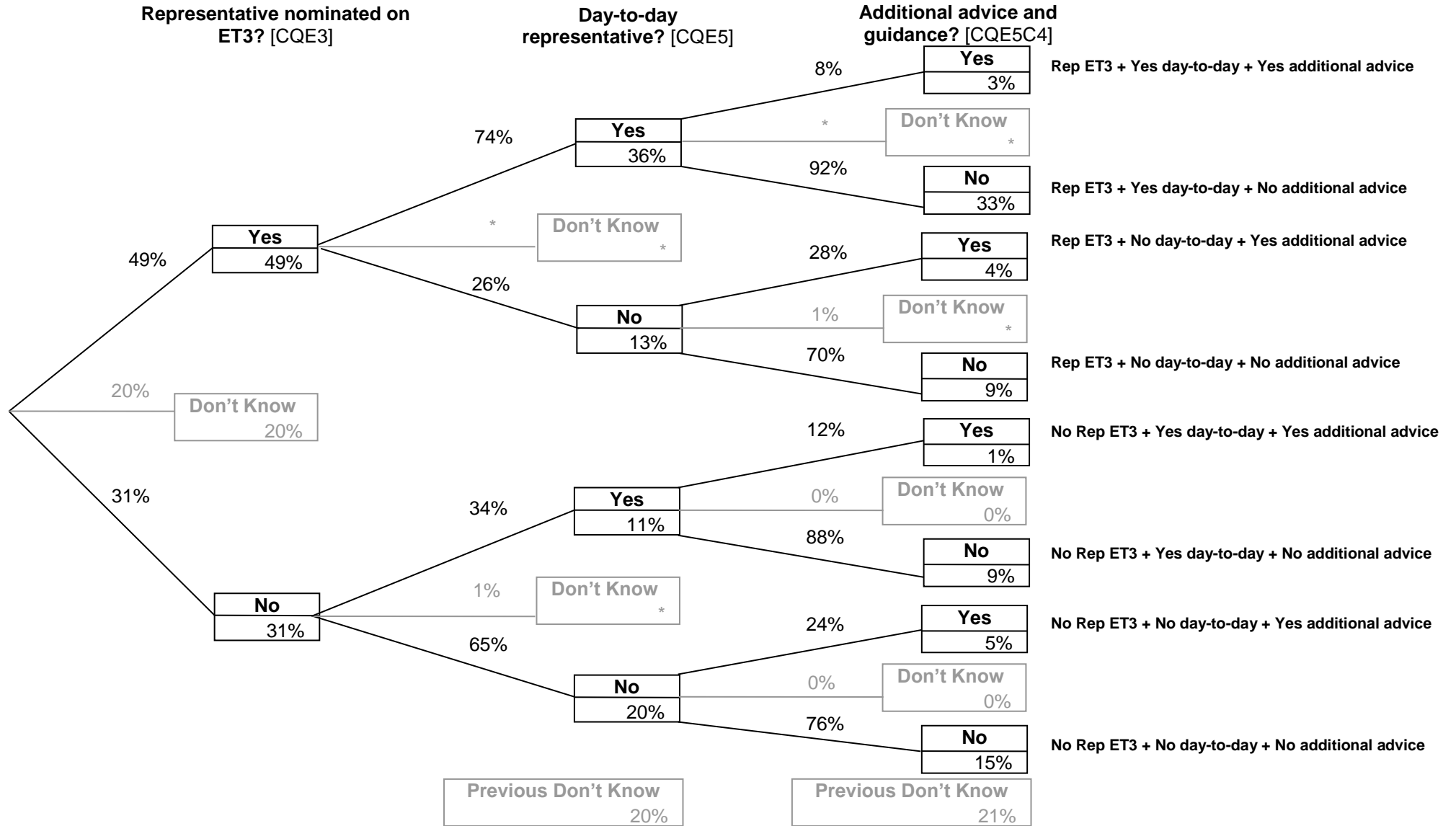


Figure source:
 SETA 2013 All employers
Figure weight: Employer Weight

Table 3.11 Claimants' and Employers' survey: Levels of advice and day-to-day representation

	Per cent, bases are counts	
	Claimant	Employer
Had day-to-day representative and:		
- sought additional advice and guidance	10	6
- sought no additional advice and guidance	42	55
No day-to-day representative and:		
- sought additional advice and guidance	18	11
- sought no additional advice and guidance	31	29
<i>unweighted base</i>	1988	2011

Table source: SETA 2008 and SETA 2013: All Claimants and employers.

Table weight: Claimant Weight (Claimants) / Employer Weight (Employers)

Table notes: Table 5.8 in SETA 2008. Uses variables CQE5 and CQE5C4.

Table 3.12 Claimants' and Employers' survey: Overview of who acted as the advice and representation

Per cent, bases are counts

	Who nominated ET1/ET3 [CQE4]		Who acted as day-to-day representative [CQE5C01- CQE5C24]		Who acted as representative at full tribunal hearing [CQE5E]		Who (else) went to for advice and guidance [CQE61 – CQE626]	
	Claimant	Employer	Claimant	Employer	Claimant	Employer	Claimant	Employer
Solicitor, barrister or other kind of lawyer	52	64	56	71	73	66	35	57
Trade Union Representative	24	-	18	-	6	-	10	-
Family or friends	10	*	18	1	13	-	22	3
Citizens Advice Bureau	7	-	10	-	4	-	18	*
Employment Rights Advisor	2	7	2	10	1	9	3	11
Acas	1	*	*	-	-	-	22	-
Work colleagues	1	-	1	-	2	-	6	-
Company legal specialist	-	10	-	8	-	8	-	3
Owner/Manager	-	7	-	2	-	7	-	3
Personnel	-	4	-	8	-	3	-	10
Employers Association	-	2	-	2	-	1	-	8
Someone else in organisation	-	3	-	3	-	2	-	2
Other	3	1	3	2	1	3	8	5
Don't Know	1	1	*	*	1	1	*	1
<i>unweighted base</i>	611	1005	1028	1305	120	240	534	346

Table source:

SETA 2008 and SETA 2013: All claimants and employers who nominated someone to complete the ET1/ET3 form

All claimants and employers who had a day to day representative

All claimants and employers who went to a tribunal hearing and had a representative acting for them on their behalf at the hearing

All claimants and employers who received additional advice and guidance

Table weight: Claimant Weight (Claimants) / Employer Weight (Employers)

Table notes:

Tables 5.4, 5.5, 5.6, 5.7 in SETA 2008 (modified)

It is possible to have multiple representatives during some stage of the employment tribunal process and therefore not all percentages total 100.

Table 3.13 Claimants' and Employers' survey: Whether had a day-to-day representative by SETA outcome and year

Per cent, bases are counts

Claimants' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether anyone helped with day-to-day handling of case after claim (not ACAS) [CQE5]														
Yes	36	40	40	48	48	59	57	61	46	46	30	34	45	52
No	64	60	61	52	51	41	41	39	53	54	69	66	54	48
Don't know	1	-	-	-	1	*	2	-	1	*	1	-	1	*
<i>unweighted base</i>	311	322	141	152	800	867	321	240	311	299	136	108	2020	1988
Employers' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether anyone helped with day-to-day handling of case after claim (not ACAS) [CQE5]														
Yes	52	30	67	68	59	67	61	58	60	64	57	58	60	60
No	48	67	31	31	39	32	36	41	37	36	40	42	38	39
Don't know	1	3	2	1	2	1	2	1	2	1	3	-	2	1
<i>unweighted base</i>	165	121	171	210	823	918	430	276	258	299	160	187	2007	2011

Table source: SETA 2008 and SETA 2013: All claimants / All employers.**Table weight:** SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)**Table notes:** Tables 5.13, 5.13a, 5.13b in SETA 2008 (modified)

Table 3.14 Claimants' and Employers' survey: Whether had a day-to-day representative by primary jurisdiction and year

Per cent, bases are counts

Claimants' survey	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether anyone helped with day-to-day handling of case after claim (not ACAS) [CQE5]														
Yes	47	55	44	51	30	33	37	42	58	61	43	47	45	52
No	52	45	55	49	69	67	61	58	41	39	56	53	54	48
Don't know	1	*	1	*	1	1	2	-	1	-	1	-	1	-
<i>unweighted base</i>	572	519	529	595	259	188	55	74	379	390	226	222	2020	1988
Employers' survey	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether anyone helped with day-to-day handling of case after claim (not ACAS) [CQE5]														
Yes	66	67	53	57	33	30	[73]	54	72	74	58	57	60	60
No	32	32	45	43	66	67	[27]	46	27	25	38	42	38	39
Don't know	2	1	2	1	1	2	-	-	2	1	4	1	2	1
<i>unweighted base</i>	621	617	577	563	159	145	22	48	396	437	232	201	2007	2011

Table source: SETA 2008 and SETA 2013: All claimants / All employers.

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)

Table notes: Tables 5.13, 5.13a, 5.13b in SETA 2008 (modified)

Table 3.15 Claimants' survey: Whether had a day-to-day representative by personal characteristics

Per cent, bases are counts									
	Sex [CQA21]		Age of claimant [CQA22B]						
	Male	Female	16-19	20-24	25-34	35-44	45-54	55-64	65 & Over
Whether anyone helped with day-to-day handling of case after claim (not ACAS) [CQE5]									
Yes	50	54	[63]	41	45	51	53	57	62
No	50	46	[37]	58	55	49	46	43	38
Don't Know	*	*	[-]	1	-	*	*	-	-
<i>unweighted base</i>	1125	863	27	131	304	481	578	399	63
Per cent, bases are counts									
	Ethnicity [AQQA23]					Disability [DISAB]			
	White	Black	Asian	Mixed	Other	Yes, Limiting	Yes, Not Limiting	No	
Whether anyone helped with day-to-day handling of case after claim (not ACAS) [CQE5]									
Yes	52	45	57	49	[48]	60	63	49	
No	48	55	43	51	[52]	40	37	51	
Don't Know	*	1	-	-	[-]	-	-	*	
<i>unweighted base</i>	1645	137	100	42	28	359	134	1458	
Per cent, bases are counts									
	Gross claimant annual salary at time of claim (Banded) [CBA38]								
	Under £10,000	£10,000 - £14,999	£15,000 - £19,999	£20,000 - £24,999	£25,000 - £29,999	£30,000 - £39,000	£40,000 or over		
Whether anyone helped with day-to-day handling of case after claim (not ACAS) [CQE5]									
Yes	48	51	46	51	57	54	60		
No	52	49	54	49	43	46	40		
Don't Know	-	-	1	-	-	*	*		
<i>unweighted base</i>	279	290	339	262	191	232	265		
Per cent, bases are counts									
	Standard Occupation Classification 2010 of the claimant involved in the case [SOC2010ClaimB]								
	Managers, Directors and Senior Officials	Professional	Associate Prof. and Tech. Operations	Admin and Secretarial	Skilled Trades	Caring, Leisure and Other Service	Sales and Customer Service	Process, Plant and Machine Operatives	Elementary
Whether anyone helped with day-to-day handling of case after claim (not ACAS) [CQE5]									
Yes	60	58	46	48	52	54	53	50	45

No	40	41	54	52	48	46	47	50	55
Don't Know	-	1	-	*	*	-	-	-	-
<i>unweighted base</i>	279	232	325	211	233	168	137	189	211
Country [CREGION]									
	England/ Wales			Scotland			All		
Whether anyone helped with day-to-day handling of case after claim (not ACAS) [CQE5]									
Yes			52		53				52
No			48		47				48
Don't Know			*		-				*
<i>unweighted base</i>			1821		167				1988

Table source: SETA 2013: All claimants

Table weight: Claimant Weight

Table notes: Table 5.14 in SETA 2008 (modified)

Table 3.16 Employers' survey: Whether had a day-to-day representative by employer characteristics

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				Sector [CQA313]					
	Less than 25	25 - 49	50 - 249	250+	Private sector	Public sector	Non-profit/ voluntary			
Whether anyone helped with day-to-day handling of case after claim (not ACAS) [CQE5]										
Yes	49	60	68	65	58	65	73			
No	49	40	31	34	41	34	26			
Don't Know	2	-	1	1	1	1	1			
<i>unweighted base</i>	528	180	388	879	1442	335	224			
Standard Industrial Classification – Banded [SICGP]										
	Agriculture/ Forestry/ Fishing	Mining/ Quarrying	Manu- facturing	Con- struction	Wholesale/ Retail	Accom/ Food Service	Transport/ Comms/ Utilities	Finance	Other Services/ Public Admin	All
Whether anyone helped with day-to-day handling of case after claim (not ACAS) [CQE5]										
Yes	[80]	[70]	65	49	63	58	56	69	61	60
No	[20]	[30]	34	51	37	41	40	31	38	39
Don't Know	[-]	[-]	1	-	1	1	4	-	1	1
<i>unweighted base</i>	12	7	219	138	238	130	180	65	978	2011

Table source: SETA 2013: All employers**Table weight:** Employer Weight**Table notes:** Table 5.15 in SETA 2008

Table 3.17 Claimants' survey: Whether had a legal representative or advisor by personal characteristics

Per cent, bases are counts

	Sex [CQA21]		Age of claimant [CQA22B]						
	Male	Female	16-19	20-24	25-34	35-44	45-54	55-64	65 & Over
Whether had a legal representative (solicitor, barrister, or some type of lawyer) [CQE4 / CQE5C01 – CQE5C24/ CQE5E]									
Yes	38	40	[22]	21	35	34	42	48	38
No	62	60	[77]	79	65	66	58	52	62
<i>unweighted base</i>	1125	863	[27]	131	304	481	578	399	63

	Ethnicity [AQQA23]					Disability [DISAB]		
	White	Black	Asian	Mixed	Other	Yes, Limiting	Yes, Not Limiting	No
Whether had a legal representative (solicitor, barrister, or some type of lawyer) [CQE4 / CQE5C01 – CQE5C24/ CQE5E]								
Yes	39	32	41	26	40	44	40	36
No	61	68	59	74	60	56	60	64
<i>unweighted base</i>	1645	137	100	42	28	359	134	1458

	Gross claimant annual salary at time of claim (Banded) [CBA38]						
	Under £10,000	£10,000 - £14,999	£15,000 - £19,999	£20,000 - £24,999	£25,000 - £29,999	£30,000 - £39,000	£40,000 or over
Whether had a legal representative (solicitor, barrister, or some type of lawyer) [CQE4 / CQE5C01 – CQE5C24/ CQE5E]							
Yes		27	32	35	35	40	58
No		73	68	65	65	60	42
<i>unweighted base</i>		279	290	339	262	191	265

	Standard Occupation Classification 2010 of the claimant involved in the case [SOC2010ClaimB]								
	Managers, Directors and Senior Officials	Professional	Associate Prof. and Tech. Operations	Admin and Secretarial	Skilled Trades	Caring, Leisure and Other Service	Sales and Customer Service	Process, Plant and Machine Operatives	Elementary
Whether had a legal representative (solicitor, barrister, or some type of lawyer) [CQE4 / CQE5C01 – CQE5C24/ CQE5E]									
Yes	50	50	42	38	33	27	39	34	24
No	50	50	58	62	67	73	61	66	76
<i>unweighted base</i>	279	232	325	211	233	168	137	189	211

Per cent, bases are counts

Per cent, bases are counts

	Trade union or staff association [AQA316B]		Country [CREGION]		All
	Member	Non member	England/ Wales	Scotland	
Whether had a legal representative (solicitor, barrister, or some type of lawyer) [CQE4 / CQE5C01 – CQE5C24/ CQE5E]					
Yes	37	39	38	48	38
No	63	61	62	52	62
<i>unweighted base</i>	535	1441	1821	167	1988

Table source: SETA 2013: All claimants

Table weight: Claimant Weight

Table notes: Table 5.18 in SETA 2008

Table 3.18 Employers' survey: Whether had a legal representative by employer characteristics

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				Sector [CQA313]					
	Less than 25	25 - 49	50 - 249	250+	Private sector	Public sector	Non-profit/ voluntary			
Whether had a legal representative (solicitor, barrister, or some type of lawyer) [CQE4 / CQE5C01 – CQE5C24/ CQE5E]										
Yes	41	48	59	59	50	54	68			
No	59	52	41	41	50	46	32			
<i>unweighted base</i>	528	180	388	879	1442	335	224			
Per cent, bases are counts										
	Standard Industrial Classification of the employer involved in the case – Banded [SICGP]									
	Agriculture/ Forestry/ Fishing	Mining/ Quarrying	Manufacturing	Construction	Wholesale/ Retail	Accom/ Food Service	Transport/ Comms/ Utilities	Finance	Other Services/ Public Admin	All
Whether had a legal representative (solicitor, barrister, or some type of lawyer) [CQE4 / CQE5C01 – CQE5C24/ CQE5E]										
Yes	[47]	[37]	53	44	57	52	44	67	54	53
No	[53]	[63]	47	56	43	48	56	33	46	47
<i>unweighted base</i>	12	7	219	138	238	130	180	65	978	2011

Table source: SETA 2013: All employers**Table weight:** Employer Weight**Table notes:** Table 5.19 in SETA 2008

Table 3.19 Claimants' survey: Reasons for using a representative

Per cent, bases are counts

Why used a representative [AQE5E1 - AQE5E11]

Lack of expertise/ knowledge	67
Was a member of a union	12
Someone else suggested using a representative	6
Representation was free	6
Help and support	3
Lack of time	3
Too nervous/ emotional/ vulnerable	3
Due to disability/ health reasons	2
Family/ friend able to deal with the situation	1
Other	10
Don't Know	1
<i>unweighted base</i>	1048

Table source: SETA 2013: All claimants who had a day to day representative**Table weight:** SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)

Table 3.20 Claimants' and Employers' survey: Reasons for not using a representative at hearing

	Per cent, bases are counts	
	Claimants	Employers
Why decided not to have a representative at hearing [CQEL21 – CQEL216]		
Couldn't afford legal representation	27	11
Thought I/ organisation could handle it alone	24	11
I wasn't aware we/ I could	4	-
Did not go to hearing	2	2
Advice agency/ Citizens Advice Bureau/ Union/ Law centre didn't have anyone to send	2	-
Not worth the cost involved	1	2
Knew what outcome would be	1	1
Advised not to	1	*
Trade union refused to do so	1	-
Solicitor refused to do so/ dropped case	1	-
Confidence/ knew we had done nothing wrong	*	*
Couldn't get hold of anyone	*	-
We were too busy/ didn't have time	*	-
Other	6	5
Don't Know	2	2
<i>unweighted base</i>	377	318

Table source: SETA 2013: All claimants and employers who went to a tribunal hearing

Table weight: Claimant Weight (Claimants) / Employer Weight (Employers)

Table 3.21 Claimants' survey: Presentation of case by SETA outcome

Per cent, bases are counts

	SETA Outcome [CSVOUT]		All
	Claimant successful at hearing	Claimant unsuccessful at hearing	
Who representative was at hearing [CQE5E]			
Solicitor, barrister or other kind of	75	71	72
Family or friends	9	16	13
Employment Rights Advisor	2	-	1
Work colleagues	2	2	2
Trade union representative	8	5	6
Citizens Advice Bureau	5	3	4
Other	-	2	1
Don't Know	-	2	1
<i>unweighted base</i>	64	55	120

Table source: SETA 2013: All claimants who went to a tribunal hearing and had a representative acting for them on their behalf at the hearing

Table weight: Claimant Weight

Table notes: Table 8.4 in SETA 2008

Table 3.22 Claimants' and Employers' survey: Ways in which representative or main adviser helped

	Per cent, bases are counts	
	Claimants	Employers
Ways in which the main advisor helped [CQEGOA – CQEGOF]		
Outline the strengths and weaknesses of the case	85	92
Explain the tribunal procedures	82	70
Outline the pros and cons of settling the case without going to tribunal	78	86
Discuss what the tribunal might award you if you won the case	60	78
Help you prepare for hearings	57	71
Other	32	32
Whether main advisor advised of chance of winning case if went to hearing [CQEG31 - CQEG38]		
Advised to settle	49	45
Advised to go to hearing	15	18
Advised to withdraw*	3	-
Gave different advise at different times	6	2
No, neither /none of these	22	27
Don't Know	5	7
<i>unweighted base</i>	1307	1338

Table source: SETA 2013: All claimants who had a day to day representative or advisor (excluding Acas)

Table weight: Claimant Weight (Claimants) / Employer Weight (Employers)

Table notes:

*Applicable to claimant survey only

Table 5.16 in SETA 2008

Table 3.23 Claimants' and Employers' survey: Free advice and representation

	Per cent, bases are counts	
	Claimants	Employers
Whether had to pay for all help or advice [CQE12]		
Paid for all	26	70
Paid for some	8	8
All free	65	20
Don't Know	1	2
<i>unweighted base</i>	1201	999

Table source: SETA 2013: All claimants and employers who a day to day representative or adviser (excluding friends, family or work).

Table weight: Claimant Weight (Claimants) / Employer Weight (Employers)

Table notes: Table 5.20 in SETA 2008

Table 3.24 Claimants' and Employers' survey: Sources of free help or advice

	Per cent, bases are counts	
	Claimants	Employers
Who provided free help or advice (not friends/family/work) [CQE12B1 – CQE12B17]		
Solicitor, barrister or some other kind of lawyer	49	46
Trade Union / Worker Representative	22	7
Citizen's Advice Bureau	21	-
Acas Officer	9	-
Acas Helpline	5	-
Employment Rights Advisor	3	16
Family and Friends	2	-
Personnel or human resources specialist	-	15
Company legal specialist	-	12
Employers Association	-	8
Other	1	-
Don't Know	1	4
<i>unweighted base</i>	871	280

Table source: SETA 2013: All claimants and employers who a day to day representative or adviser who provided free help and advice (excluding from friends, family or work).

Table weight: Claimant Weight (Claimants) / Employer Weight (Employers)

Table 3.25 Employers' survey: Free advice and representation by employer characteristics

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				Sector [CQA313]			All
	Less than 25	25 - 49	50 - 249	250+	Private sector	Public sector	Non-profit/ voluntary	
Whether had to pay for all help or advice [CQE12]								
Paid for all	59	72	70	77	72	67	65	70
Paid for some	7	9	10	7	7	6	14	8
All free	32	19	17	14	19	26	19	20
Don't Know	2	1	2	2	3	2	2	2
<i>unweighted base</i>	282	93	213	396	706	160	126	999

Table source: SETA 2013: All employers who a day to day representative or adviser (excluding friends, family or work).**Table weight:** Employer Weight**Table notes:** Table 5.21 in SETA 2008 (modified)

Table 3.26 Claimants' survey: Total costs of advice and representation by SETA outcome and primary jurisdiction (median and mean)

Pounds, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Total paid for advice and representation in case (not paid by third party) [CQEN4]							
Median (£)	1666	1600	[400]	[4500]	2000	[2000]	2000
Mean (£)	3504	333	[702]	[3924]	7130	[7789]	4825
<i>unweighted base</i>	109	103	4	11	97	27	351
	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	
Median (£)	2000	[1500]	1500	2146	2000	[5000]	2000
Mean (£)	10718	[5497]	3179	5753	4703	[4402]	4825
<i>unweighted base</i>	36	30	166	62	51	6	351

Table source: SETA 2013: All claimants who paid for advice and representation (excluding those who did not know the amount paid)

Table weight: Claimant Weight

Table notes:

Significance testing of medians has not been conducted.

Table 5.23 in SETA 2008

Table 3.27 Employers' survey: Total costs of advice and representation by SETA outcome, primary jurisdiction and enterprise size (median and mean)

Pounds, bases are counts

	Primary Jurisdiction [CJURM]						SETA Outcome [CSVOUT]					
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed /Other
Total paid for advice and representation in case (not paid by third party) [CQEN4]												
Median (£)	3000	2500	[1000]	[1000]	5000	3000	[2000]	5000	2500	5000	3000	2500
Mean (£)	6404	5758	[2339]	[2448]	11626	12656	[6214]	12056	6060	8687	8722	6040
<i>Unweighted base</i>	167	146	25	13	133	41	30	84	229	80	65	37
Enterprise Size (whole organisation in the UK) [ESIZEE]												All
	Less than 25		25 - 49		50 - 249		250 +					
Median (£)	2500		2000		3000		4000					3000
Mean (£)	4379		5634		8205		10138					7652
<i>Unweighted base</i>	153		47		120		201					525

Table source: SETA 2013: All employers who paid for advice and representation (excluding those who did not know the amount paid)

Table weight: Employer Weight

Table notes:

Significance testing of medians has not been conducted.

Table 5.24 in SETA 2008

Table 3.28 Employers' survey: Whether insured to cover legal expenses or member of organisation that would cover the costs of advice and representation by year

Per cent, bases are counts

	Sector [CQA313]						Enterprise Size (whole organisation in the UK) [ESIZEE]								All	
	Private sector		Public sector		Non-profit/ voluntary		Less than 25		25 to 49		50 to 249		250+			
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether at time of case were insured to cover legal expenses or were member of organisation that would cover costs of advice and representation in a claim [CQEN1]*																
Insured to cover legal expenses	33	30	25	23	37	47	35	33	35	40	40	37	26	25	32	30
Member of organisation cover costs of advice and representation		11		7		7		12		12		12		8		10
Neither	59	51	62	57	57	42	60	50	59	43	55	46	62	56	60	51
Don't Know	7	8	13	14	5	4	5	5	7	5	5	6	12	11	9	9
<i>unweighted base</i>	1525	1442	269	335	186	224	653	528	225	180	420	388	665	879	2007	2011

Table source: SETA 2008 and SETA 2013: All employers.

Table weight: SETA 2008: Weight / SETA 2013: Employer Weight

Table notes: * Question is not directly comparable between 2007 and 2012:

In 2007 CQEN1 asked:

'At the time of the case were you insured to cover legal expenses, or were you a member of any organisation that would cover the costs of advice and representation in an employment tribunal claim?'

In 2012 CQEN1 asked:

At the time of the case was your organisation:

- Insured to cover legal expenses
- A member of an organisation that would cover the costs of advice and representation in an employment tribunal claim
- Neither (Spontaneous only)

Table 3.29 Employers' survey: Whether received unsolicited approaches by year

	Per cent; bases are counts	
	2007	2012
Whether received unsolicited offers of legal services after claim [CQE53]		
Yes	14	15
No	80	80
Don't know	6	6
<i>unweighted base</i>	1095	1272

Table source: SETA 2008 and SETA 2013:

Based on all employers with 50 or more employees

Table weight: SETA 2008: Weight / SETA 2013:Employer Weight (Employers)

Table 3.30 Employers' survey: Whether received unsolicited approaches by Country, primary jurisdiction and organisation type

Per cent, bases are counts

	Sector [CQA313]			Primary Jurisdiction [CJURM]						
	Private sector	Public sector	Non-profit/ voluntary	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Whether received unsolicited offers of legal services (not Acas or HMCTS) after claim [CQE53]										
Yes	18	2	19	12	20	21	[13]	12	12	
No	75	93	77	83	73	78	[87]	82	80	
Don't Know	6	5	3	5	7	1	[-]	6	8	
<i>unweighted base</i>	820	29	153	449	271	75	24	337	116	
	Country [CREGION]									
	England/ Wales			Scotland		All				
Whether received unsolicited offers of legal services (not Acas or HMCTS) after claim [CQE53]										
Yes				14	17					15
No				80	76					80
Don't Know				5	8					5
<i>unweighted base</i>				1177	95					1272

Table source: SETA 2013: Based on all employers with 50 or more employees**Table weight:** Employer Weight**Table notes:** Table 5.26 in SETA 2008

Chapter 4: Attempts at resolution, offers, and Acas

Table 4.1 Claimants' and employers' surveys combined: Whether anyone proposed an offer to settle the case by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Whether anyone proposed an offer to settle [CQJ0A]							
Yes	65	67	69	53	72	76	68
No	32	32	31	46	26	23	30
Don't know	2	1	1	1	2	2	1
<i>unweighted base</i>	1136	1158	333	122	827	423	3999

Table source: SETA 2013: Based on all claimants and employers

Table weight: Case Weight

Flow chart 4.1 Claimants' and employers' surveys combined: Whether anyone proposed an offer to settle the case



Figure source:

Whether an offer of settlement made: All cases (3999).
 Whether offer of settlement was accepted: All cases where an offer of settlement was made (2835).
 SETA Outcome: All settled cases (2299) / All cases where an offer of settlement was made but not accepted (536) / All cases where no offer of settlement was made or don't know if offer of settlement was made (1164).

Figure weight: Case Weight

Table 4.2 Claimants' and employers' surveys combined: Who proposed initial offer by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Who made the first offer [CQJ0B]							
Employer	28	36	54	39	33	37	35
Employer representative	29	24	18	24	26	25	26
Claimant	14	14	10	13	13	12	13
Claimant representative	13	14	3	5	14	13	12
Acas	4	5	7	3	3	4	4
None of these	2	1	2	5	1	2	2
Don't know	8	7	6	11	9	7	8
EMPLOYER SIDE	57	60	72	64	59	62	61
CLAIMANT SIDE	27	28	13	17	27	25	26
<i>unweighted base</i>	780	812	231	71	611	330	2835

Table source: SETA 2013: All employers and claimants in cases which were settled or an offer of settlement was proposed**Table weight:** Case Weight**Table notes:**

Although this is the perception of claimants and employers, it should be noted that Acas does not make offers; it relays proposals and offers from one side to the other.

Table 9.8 in SETA 2008

Table 4.3 Claimants' survey: Who proposed initial offer by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Who made the first offer [CQJ0B]							
Employer	40	46	46	43	46	44	44
Employer representative	30	23	24	21	26	26	26
Claimant	12	14	12	10	13	14	13
Claimant representative	8	9	2	14	6	5	7
Acas	7	4	9	4	4	5	5
None of these	1	1	2	5	1	1	1
Don't know	2	3	4	3	3	5	3
EMPLOYER SIDE	70	70	71	64	72	70	70
CLAIMANT SIDE	20	23	15	25	20	19	20
<i>unweighted base</i>	363	376	124	37	293	176	1369

Table source: SETA 2013: All claimants in cases which were settled or an offer of settlement was proposed

Table weight: Claimant Weight

Table notes:

Although this is the perception of claimants, it should be noted that Acas does not make offers; it relays proposals and offers from one side to the other.

Table 9.9 in SETA 2008 (modified)

Table 4.4 Employers' survey: Who proposed initial offer by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Who made the first offer [CQJ0B]							
Employer	20	30	58	37	22	32	29
Employer representative	29	23	16	19	25	24	24
Claimant	16	14	7	21	13	12	14
Claimant representative	17	16	5	-	21	20	16
Acas	4	7	3	3	4	2	4
None of these	3	*	2	2	2	2	2
Don't know	12	10	9	18	15	8	11
EMPLOYER SIDE	49	53	74	56	46	56	53
CLAIMANT SIDE	32	30	12	21	34	33	30
<i>unweighted base</i>	417	436	107	34	318	154	1466

Table source: SETA 2013: All employers in cases which were settled or an offer of settlement was proposed**Table weight:** Employer Weight**Table notes:**

Although this is the perception of employers, it should be noted that Acas does not make offers; it relays proposals and offers from one side to the other.

Table 9.9 in SETA 2008 (modified)

Table 4.5 Claimants' and Employers' survey: Reasons for deciding to settle the case

Per cent, bases are counts

	Claimant	Employer
Why decided to settle case / why decided to make claimant an offer to settle the case [CQJ5201-CQJ5217]*		
Financial reasons	16	51
Time reasons	12	26
Less stressful than continuing	33	7
Advised by someone to settle	19	8
Got what wanted / happy with the offer	17	-
<i>unweighted base</i>	1106	1227

Table source: SETA 2013:

Based on all claimants in cases which were settled

Based on all employers with personal responsibility for the case and made an offer of settlement to claimant

Table weight: Case Weight

Table notes: *Answers given by 8 per cent or more.

Table 4.6 Employers' survey: Reasons for employer not making an offer to settle the case by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Why organisation decided not to make an offer to settle [EQJ111 – EQJ1119]*							
Claimant didn't have a case	22	18	[10]	[82]	21	[28]	23
Felt that they were right	11	23	[25]	[18]	15	[17]	17
Believed they could win the case	21	13	[-]	[-]	14	[23]	16
<i>unweighted base</i>	54	47	11	2	42	25	181

Table source: SETA 2013: All employers with personal responsibility for the case who did not propose an offer to settle the case**Table weight:** Employer Weight**Table notes:** *Answers given by 10 per cent or more

Table 4.7 Claimants' and employers' surveys combined: Type of settlement by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Of what the final offer consisted [CQJ41-CQJ414]							
Money	87	93	96	91	89	92	91
A reference	26	19	4	16	24	13	20
Reinstatement (old job back)	4	2	1	1	3	1	3
Another job in organisation (re-engagement)	1	*	*	2	3	*	1
An apology	2	2	3	4	4	4	3
A letter of explanation	2	4	3	5	2	4	3
Other	3	5	2	12	9	5	5
Don't know	4	3	3	4	3	3	3
<i>unweighted base</i>	627	667	182	59	496	268	2299

Table source: SETA 2013: All employers and claimants in cases which were settled**Table weight:** Case Weight**Table notes:** Table 9.12 in SETA 2008

Table 4.8 Claimants' and employers' surveys combined: Amount in settlement by primary jurisdiction

Per cent, Averages are pounds, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
How much money offered to claimant (Banded) [CQJ6]							
Less than £500	5	12	43	2	4	18	11
£500-£999	14	14	25	22	8	21	15
£1000-£1499	11	8	4	9	8	9	8
£1500-£1999	8	8	7	5	5	4	7
£2000-£2499	8	7	6	12	5	5	7
£2500-£2999	4	5	3	-	4	6	4
£3000-£3999	9	7	1	12	8	6	7
£4000-£4999	7	5	4	4	6	4	5
£5000-£9999	17	17	3	19	19	13	16
£10000-£24999	13	13	3	14	26	8	14
£25000+	4	5	2	2	8	5	5
Mean	5421	6200	2683	5068	9581	5552	6254
Median	3000	2500	590	3000	5000	1500	2500
<i>unweighted base</i>	481	535	147	50	367	210	1790
Whether money was owed to claimant or compensation [CQJ4B]							
Compensation	55	30	5	20	54	32	39
Money owed	11	35	82	51	9	44	29
Both	20	26	9	11	25	15	21
Neither	9	6	2	15	9	7	7
Don't know	5	3	2	2	3	2	3
<i>unweighted base</i>	553	627	177	55	443	244	2099

Table source: SETA 2013: All employers and claimants in cases which were financially settled and the amount offered was known

All employers and claimants in cases which were financially settled

Table weight: Case Weight**Table notes:**

Significance testing of medians has not been conducted.

Table 9.14 in SETA 2008 (modified)

Table 4.9 Claimants' and Employers' survey combined: Whether the employer had been provided the agreed settlement at the time of interview by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Whether employer has provided agreed settlement yet [CQJ6B]							
Yes – in full	95	95	92	96	94	96	95
Yes – in part	2	2	3	-	3	1	2
No	1	1	2	4	2	2	1
Don't know	2	1	4	-	1	2	1
<i>Unweighted base</i>	627	667	182	59	496	268	2299

Table source: SETA 2013: All employers and claimants in cases which were settled

Table weight: Case Weight

Table 4.10 Claimants' survey: Whether the employer had been provided the agreed settlement at the time of interview by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Whether employer has provided agreed settlement yet [CQJ6B]							
Yes – in full	94	95	92	94	91	97	94
Yes – in part	3	2	6	-	6	-	3
No	2	2	1	6	2	3	2
Don't know	1	1	1	-	1	-	1
<i>Unweighted base</i>	291	301	98	32	241	143	1106

Table source: SETA 2013: All claimants in cases which were settled

Table weight: Claimant Weight

Table 4.11 Employers' survey: Whether the employer had been provided the agreed settlement at the time of interview by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Whether employer has provided agreed settlement yet [CQJ6B]							
Yes – in full	96	96	94	100	96	95	96
Yes – in part	1	2	-	-	1	1	1
No	*	*	1	-	1	1	1
Don't know	3	1	5	-	2	3	2
<i>Unweighted base</i>	336	366	84	27	255	125	1193

Table source: SETA 2013: All employers in cases which were settled

Table weight: Employer Weight

Table 4.12 Claimants' survey: Whether the claimant thought a different outcome would have been achieved if the case was decided in tribunal by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Whether at time of offer thought claimant would get more/less/same if case had been decided in tribunal, or if think claimant would have lost [CQJ8]							
Get more than offer	47	50	37	52	49	43	47
Get the same as offer	17	21	42	15	17	33	22
Get less than offer	5	5	4	-	6	5	5
Thought would lose the case	9	4	1	10	4	5	5
Don't know	23	20	16	23	24	13	20
<i>Unweighted base</i>	291	301	98	32	241	143	1106

Table source: SETA 2013: All claimants in settled cases**Table weight:** Claimant Weight

Table 4.13 Claimants' survey: Reasons for deciding to settle the case amongst those claimants who at the time of the offer thought they would get more if the case had been decided at tribunal

Per cent, bases are counts

Why decided to settle case / why decided to make claimant an offer to settle the case [CQJ5201-CQJ5217]*	
Less stressful than continuing	40
Advised by someone to settle	19
Financial reasons	18
Time reasons	11
<i>unweighted base</i>	518

Table source: SETA 2013: Based on all claimants in cases which were settled who at the time of the offer thought they would get more if the case had been decided at tribunal.

Table weight: Claimant Weight

Table notes: *Answers given by 8 per cent or more

Table 4.14 Claimants' survey: Lowest amount prepared to settle for at the start of the case by primary jurisdiction

Per cent, averages are pounds, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Lowest amount of money, if any, that might have been prepared to settle for [AQE4E]							
£0	5	2	1	-	5	2	2
£1 - £500	2	9	38	9	2	23	14
£500-£999	4	11	18	17	6	20	12
£1000-£1999	4	15	12	8	8	9	11
£2000-£4999	24	25	16	22	13	22	21
£5000-£9999	17	16	8	16	21	5	14
£10000-£24999	32	17	3	22	29	10	18
£25000+	13	5	4	7	15	8	8
Mean	13283	7602	4655	7348	13943	6092	8626
Median	7000	3000	660	3000	7000	1300	3000
<i>unweighted base</i>	146	321	154	35	87	103	846

Table source: SETA 2013: Claimants who hoped to win money at the start of the case**Table weight:** Claimant Weight**Table notes:**

Significance testing of medians has not been conducted.

Table 9.20 in SETA 2008

Table 4.15 Claimants' survey: Lowest amount claimant prepared to settle for at the start of the case compared with the final amount the claimant was offered

	Per cent, bases are counts		
	Amount of money in final settlement offer (banded) [CQJ6]		
	Less than £1000	£1000-£4999	£5000 +
Lowest amount of money, if any, that might have been prepared to settle for (banded) [AQE4E]			
Less than £1000	84	7	3
£1000-£4999	10	69	10
£5000 +	6	25	87
<i>Unweighted base</i>	135	142	153

Table source: SETA 2013: Claimants in cases who hoped to win money at the start of the case where a financial offer was made

Table weight: Claimant Weight

Table 4.16 Employers' survey: Maximum amount prepared to settle for at start of case by primary jurisdiction

Per cent, averages are pounds, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Maximum amount of money, if any, which might have been prepared to settle for at the very start of the case (Banded) [EQE16]							
Not prepared to settle for any amount of money	63	55	43	45	59	51	56
£1- £500	2	8	22	-	1	8	6
£500-£999	5	8	15	20	4	8	7
£1000-£1999	7	7	12	4	5	14	8
£2000-£4999	10	9	6	16	8	11	9
£5000-£9999	5	7	2	12	10	2	6
£10000-£24999	6	4	-	1	10	6	5
£25000+	2	3	-	2	3	1	2
Mean	5284	5200	952	4545	9260	3183	5063
Median	2000	1700	500	4000	5000	1000	2000
<i>unweighted base</i>	428	402	109	37	274	128	1378

Table source: SETA 2013: Employers who thought claimants were hoping to receive money at the start of the case**Table weight:** Employer Weight**Table notes:**

Significance testing of medians has not been conducted.

Table 9.21 in SETA 2008

Table 4.17 Employers' survey: Maximum amount prepared to settle for at start of case compared with the final amount the claimant was offered

	Amount of money in final settlement offer (banded) [CQJ6]			Per cent, bases are counts	
	£1 - £999	£1000-£4999	£5000 +	All	
Maximum amount of money, if any, which might have been prepared to settle for at the very start of the case (Banded) [EQE16] [EB2E16]					
Not prepared to settle for any	33	41	35	37	
£1- £999	56	4	1	19	
£1000-£4999	10	42	10	23	
£5000 +	1	14	53	21	
<i>Unweighted base</i>	208	298	208	714	

Table source: SETA 2013: Employers who thought claimants were hoping to receive money at the start of the case where a financial offer was made

Table weight: Employer Weight

Table 4.18 Claimants' survey: Reasons for withdrawal of case by primary jurisdiction and year

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Reasons for withdrawing case [AQJ131 – AQJ1323]*														
Too much financial cost / expense involved in continuing	24	32	13	23	-	16	11	-	27	38	21	22	19	29
Was advised to withdraw	17	20	17	13	21	39	23	35	27	19	25	15	21	19
Believed they could not win case / did not have valid case	15	16	21	10	7	6	-	14	17	19	13	9	16	14
Too much stress involved in continuing	15	14	7	9	7	6	11	-	13	14	8	10	11	12
<i>unweighted base</i>	79	86	76	73	29	18	8	6	75	80	38	32	305	295

Table source: SETA 2008 and SETA 2013: All claimants who withdrew their case

Table weight: Claimant Weight

Table notes:

*Answers given by 10 per cent or more

Table 9.15 in SETA 2008 (modified)

Table 4.19 Claimants' and Employers' survey: Whether received introductory letter from Acas

	Per cent, bases are counts	
	Claimant	Employer
Whether received letter of introduction from ACAS [CQF0]		
Yes	84	80
No	8	9
Don't know	8	10
<i>unweighted base</i>	1988	1776

Table source: SETA 2013: Based on all claimants / Based on all employers with personal responsibility for the case

Table weight: Claimant Weight (Claimants) / Employer Weight (Employers)

Table notes: Table 6.1 in SETA 2008

Table 4.20 Claimants' survey: Involvement of Acas in case by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Whether Acas officer explained that there was a possibility that if you lost the case you might be required to pay the employer's legal costs [CQF21]							
Yes	47	51	50	43	45	49	48
No	44	38	39	45	47	45	43
Don't know	8	11	11	12	7	6	9
<i>unweighted base</i>	515	545	214	59	338	202	1873

Table source: SETA 2013: All claimants who had personal contact with an Acas Conciliator

Table weight: Claimant Weight

Table notes: Table 6.10 in SETA 2008

Table 4.21 Employers' survey: Involvement of Acas in case by enterprise size

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEEB]		All
	Less than 250	250 or more	
Whether Acas officer explained that there was a possibility that if you lost the case you might be required to pay the claimant's legal costs [CQF21]			
Yes	56	27	45
No	33	62	44
Don't know	11	11	11
<i>unweighted base</i>	464	229	693

Table source: SETA 2013: All employers who had personal contact with an Acas Conciliator

Table weight: Employer Weight

Table notes: Table 6.11 in SETA 2008

Table 4.22 Claimants' survey: Contact with Acas by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Whether had any personal contact with an ACAS officer [CQF1]							
Yes	63	55	68	51	56	59	59
No	35	41	27	46	41	38	38
Don't know	2	4	5	4	3	3	3
Whether any representative had any contact with an ACAS officer [CQF6]							
Yes	20	20	8	13	26	21	20
Whether claimant or representative had any contact with an ACAS officer [CQF1 / CQF6]							
Yes	74	66	74	58	70	73	71
<i>unweighted base</i>	519	595	188	74	390	222	1988

Table source: SETA 2013: All claimants**Table weight:** Claimant Weight**Table notes:** Table 6.2 in SETA 2008

Table 4.23 Employers' survey: Contact with Acas by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Whether had any personal contact with an ACAS officer [CQF1]							
Yes	34	46	58	60	34	38	41
No	61	49	37	32	62	60	54
Don't know	5	4	5	8	4	2	5
Whether any representative had any contact with an ACAS officer [CQF6]							
Yes	31	29	11	29	34	26	28
Whether employer or representative had any contact with an ACAS officer [CQF1 / CQF6]							
Yes	58	65	61	78	57	60	61
<i>unweighted base</i>	540	508	134	43	372	179	1776

Table source: SETA 2013: All employers with personal responsibility for the case

Table weight: Employer Weight

Table notes: Table 6.3 in SETA 2008

Table 4.24 Claimants' and Employers' survey: Reasons why Acas was not involved in the case by year

	Per cent, bases are counts			
	Claimants		Employers	
	2007	2012	2007	2012
Reasons why ACAS not involved in case [CQF8]				
Employer did not want Acas involved	9	12	18	3
Claimant did not want Acas involved	9	6	4	15
Neither side wanted Acas involved	13	8	17	15
Don't Know	68	74	61	68
<i>unweighted base</i>	767	364	683	656

Table source: SETA 2008 and SETA 2013:

Based on all claimants and all employers in cases where there was no contact between their side and an Acas Conciliator

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)

Table 4.25 Claimants' and Employers' survey: Involvement of Acas in case by year

	Per cent, bases are counts			
	Claimants		Employers	
	2007	2012	2007	2012
How likely would have settled the case without Acas involvement [CQF13]				
Very likely	14	19	26	35
Quite likely	18	13	22	19
Quite unlikely	16	15	13	11
Very unlikely	29	30	13	11
Even chance either way	12	14	20	19
LIKELY	32	32	48	54
Don't Know	10	9	6	5
<i>unweighted base</i>	418	649	325	435

Table source: SETA 2008 and SETA 2013: Based on claimants and employers whose case was settled and had personal contact with an Acas Conciliator

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)

Table notes: Table 6.8 in SETA 2008 (modified)

Table 4.26 Claimants' survey: Involvement of Acas in case by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Importance of Acas involvement in helping to decide how to proceed with case [CQF14]							
Very important	34	38	50	58	34	41	38
Quite important	24	28	26	18	17	20	23
Not very important	16	12	10	6	17	10	13
Not at all important	22	17	11	16	26	22	20
IMPORTANT	57	66	76	76	51	61	61
Don't know	5	5	3	2	5	6	5
<i>unweighted base</i>	326	326	130	38	217	133	1170

Table source: SETA 2013: All claimants who had personal contact with an Acas Conciliator**Table weight:** Claimant Weight**Table notes:** Table 6.6 in SETA 2008

Table 4.27 Employers' survey: Involvement of Acas in case by primary jurisdiction and enterprise size

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Importance of Acas involvement in helping to decide how to proceed with case [CQF14]							
Very important	19	26	12	28	13	13	19
Quite important	22	21	28	22	26	32	24
Not very important	23	22	26	9	30	18	23
Not at all important	23	22	26	9	30	18	32
IMPORTANT	40	46	40	49	39	46	43
Don't know	2	3	2	-	1	1	2
<i>unweighted base</i>	189	219	84	21	121	69	703
Enterprise Size (whole organisation in the UK) [ESIZEEB]							
	Less than 250			250 or more			
Importance of Acas involvement in helping to decide how to proceed with case [CQF14]							
Very important				24			10
Quite important				23			25
Not very important				17			33
Not at all important				32			33
IMPORTANT				48			35
Don't know				3			-
<i>unweighted base</i>				464			229

Table source: SETA 2013: All employers who had personal contact with an Acas Conciliator**Table weight:** Employer Weight**Table notes:** Table 6.7 in SETA 2008

Table 4.28 Claimants' and Employers' survey: Involvement of Acas in case (continued)

	Per cent, bases are counts	
	Claimant	Employer
Whether Acas officer discussed what the tribunal might award claimants in similar cases [CQF23]		
Yes	17	23
No	78	72
Don't know	5	5
<i>unweighted base</i>	207	118

Table source: SETA 2013: Based on claimants and employers whose case went to a hearing and had personal contact with Acas

Table weight: Claimant Weight (Claimants) / Employer Weight (Employers)

Table notes: Table 6.12 in SETA 2008

Table 4.29 Claimants' and Employers' survey: Satisfaction with Acas in general by year

	Per cent, bases are counts			
	Claimants		Employers	
	2007	2012	2007	2012
How satisfied respondent was with service received from Acas in this case [CQP12]				
Very satisfied	44	39	42	37
Quite satisfied	33	30	37	38
Not very satisfied	11	14	10	11
Not at all satisfied	9	15	8	9
No answer	-	-	*	-
SATISFIED	77	68	79	75
Don't know	3	4	3	5
<i>unweighted base</i>	969	1170	725	703

Table source: SETA 2008 and SETA 2013: Based on all claimants and employers who had personal contact with an Acas Conciliator

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)

Table notes: Table 6.26 in SETA 2008 (modified)

Table 4.30 Claimants' survey: Satisfaction with Acas in general by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Satisfaction with service received from Acas [CQP12]							
Very satisfied	33	40	55	43	33	42	39
Quite satisfied	31	31	27	35	29	26	30
Not very satisfied	14	13	9	8	16	14	14
Not at all satisfied	19	13	8	15	16	11	15
SATISFIED	64	71	82	77	62	68	68
Don't know	3	3	1	-	6	6	4
<i>unweighted base</i>	326	326	130	38	217	133	1170

Table source: SETA 2013: All claimants who had personal contact with an Acas Conciliator**Table weight:** Claimant Weight**Table notes:** Table 6.27 in SETA 2008

Table 4.31 Employers' survey: Satisfaction with Acas in general by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Satisfaction with service received from Acas [CQP12]							
Very satisfied	31	40	44	30	30	46	37
Quite satisfied	45	34	36	39	46	26	38
Not very satisfied	12	12	10	-	14	6	11
Not at all satisfied	10	9	7	11	8	14	9
SATISFIED	76	74	80	69	76	72	75
Don't know	2	5	3	21	2	8	5
<i>unweighted base</i>	189	219	84	21	121	69	703

Table source: SETA 2013: All employers who had personal contact with an Acas Conciliator**Table weight:** Employer Weight**Table notes:** Table 6.28 in SETA 2008

Table 4.32 Claimants' and Employers' survey: Reasons for dissatisfaction with Acas service

Per cent, bases are counts		
	Claimant	Employer
Why dissatisfied with service received from Acas [CQP131 - CQP1311]*		
Did not do anything/did not help	40	45
Did not give enough information/advice	27	28
Did not have enough contact/did not contact respondent	26	29
Biased towards the other party	17	20
<i>unweighted base</i>	313	155

Table source: SETA 2013: Based on all claimants and employers who had personal contact with an Acas Conciliator

Table weight: Claimant Weight (Claimants) / Employer Weight (Employers)

Table notes: * Answers given by 10% or more

Chapter 5: Outcomes

Table 5.1 Claimants' and employers' survey combined: SETA outcome by year

Per cent, bases are counts

	Claimants		Employers		All	
	2007	2012	2007	2012	2007	2012
SETA Outcome [CSVOUT2]						
Claimant successful at tribunal	15	10	9	6	12	8
Claimant unsuccessful at tribunal	7	7	9	10	8	8
Acas settled	40	39	39	43	39	41
Privately settled	16	12	21	14	19	13
Withdrawn	15	15	14	15	15	15
Dismissed/disposed	7	7	8	11	8	9
Default judgment in favour of claimant		11		2		6
Any settled	56	51	60	57	58	54
<i>unweighted base</i>	2020	1988	2007	2011	4027	3999

Table source: SETA 2008 and SETA 2013: All Claimants and employers.

Table weight: SETA 2008: Weight / SETA 2013: Case Weight

Table notes: Table 9.1 in SETA 2008 (modified)

Table 5.2 Claimants' and employers' survey combined: SETA outcome by primary jurisdiction and year

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
SETA Outcome [CSVOUT2]														
Claimant successful at tribunal	8	5	16	12	23	14	31	8	10	3	13	5	12	8
Claimant unsuccessful at tribunal	10	12	7	7	8	4	2	5	4	8	4	10	8	8
Acas settled	41	42	39	43	35	32	21	33	42	43	38	45	39	41
Privately settled	17	10	21	11	18	19	25	11	17	15	20	14	19	13
Withdrawn	14	18	12	11	11	11	16	15	18	20	17	15	15	15
Dismissed/disposed	10	11	6	7	6	5	6	6	8	10	6	8	8	9
Default judgment in favour of claimant		1		10		15		22		1		3		6
Any settled	58	52	60	54	53	51	46	44	59	58	58	59	58	54
<i>unweighted base</i>	1193	1136	1106	1158	418	333	77	122	775	827	458	423	4027	3999

Table source: SETA 2008 and SETA 2013: All Claimants and Employers.

Table weight: SETA 2008: Weight / SETA 2013: Case Weight

Table notes: Table 9.7 in SETA 2008 (modified)

Table 5.3 Claimants survey: Whether a case goes to a tribunal hearing by case characteristics, claimant demographics and employer demographics

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						Claimant Age [CQA22B]			
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Any Discrimination	Other	Under 25	25-44	45-65	65+
Whether the case involves a decision at tribunal hearing										
Yes	19	24	20	21	11	15	17	15	22	9
No	81	76	80	79	89	85	83	85	78	91
<i>unweighted base</i>	519	595	188	74	390	222	158	785	977	63
	Highest qualification [AQQA25]			Workplace size [ASIZEW]				Trade union or staff association [AQA316B]		
	Degree level qualification or higher	Other qualification	No qualification	Less than 25	25-49	50-249	250 +	Member	Non member	
Whether the case involves a decision at tribunal hearing										
Yes	15	20	19	22	18	16	15	13	21	
No	85	80	81	78	82	84	85	87	82	
<i>unweighted base</i>	561	983	415	866	266	400	331	535	1441	
	Trade union presence at the workplace [CQA315]			Use of a day to day representative [CQE5]		Whether was hoping to get another job in the organisation bringing the case [CQE153]		Whether was hoping to achieve an apology by bringing the case [CQE155]		
	Present	Not present	Don't know	Yes	No	Yes	No	Yes	No	
Whether the case involves a decision at tribunal hearing										
Yes	15	20	19	16	21	17	20	20	11	
No	85	80	81	84	79	83	80	81	89	
<i>unweighted base</i>	529	1373	38	1028	956	833	1155	1694	294	

Table source:

SETA 2013: All claimants

Table Weight: Claimant Weight

Per cent, bases are counts

	Whether day to day representative / main advisor helped prepare for hearings [CQEGOE]			Whether day to day representative / main advisor outlined the pros and cons of settling the case without going to a tribunal [CQEGOC]					
	Yes	No	Don't know	Yes	No	Don't know			
Whether the case involves a decision at tribunal hearing									
Yes	19	13	17	14	26	24			
No	81	87	83	86	74	76			
<i>unweighted base</i>	536	741	30	1024	246	37			
	Recommendations of main advisor [CQEG3]					Whether the employer proposed an offer of settlement [EMPOFF]			
	Advised to settle	Advised to withdraw	Advised to go to hearing	Gave different advice at different	None of these	Don't know	Yes	Offer proposed but not by employer	No offer of settlement made
Whether the case involves a decision at tribunal hearing									
Yes	12	-	27	13	22	23	10	19	35
No	88	100	73	87	78	77	90	81	65
<i>unweighted base</i>	638	38	195	83	284	69	1197	157	619
	Whether still work for the employer [CQA32B]		Whether main advisor advised chance of winning the case if it went to a tribunal hearing [CQEG1A] ⁶⁰			All			
	Yes	No	Yes	No	Don't know				
Whether the case involves a decision at tribunal hearing									
Yes	10	19	15	20	[18]	18			
No	90	81	85	80	[82]	82			
<i>unweighted base</i>	140	1800	929	353	[25]	1988			

Table source:

SETA 2013: All claimants

Table Weight: Claimant Weight⁶⁰ Although this variable is not significant in the bivariate analysis it was entered into the regression model.

Table 5.4 Employers survey: Whether a case goes to a tribunal hearing by case characteristics, claimant demographics and employer demographics

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						Claimant Gender [CQA21]	
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Any Discrimination	Other	Male	Female
Whether the case involves a decision at tribunal hearing								
Yes	18	20	24	13	11	15	19	15
No	82	80	76	87	89	85	81	85
<i>unweighted base</i>	617	563	145	48	437	201	1114	897
	Enterprise size [ESIZEE]				Workplace size [ASIZEW]			
	Less than 25	25-49	50-249	250 +	Less than 25	25-49	50-249	250 +
Whether the case involves a decision at tribunal hearing								
Yes	24	17	13	15	21	21	10	16
No	76	83	87	85	79	79	90	84
<i>unweighted base</i>	528	180	388	879	847	256	448	348
	Trade union presence at the workplace [CQA315]			Use of a day to day representative [CQE5]				
	Present	Not present	Don't know	Yes	No			
Whether the case involves a decision at tribunal hearing								
Yes	14	19		15	21			
No	86	81		85	79			
<i>unweighted base</i>	577	1345		1305	686			

Table source:

SETA 2013: All employers

Table Weight: Employer Weight

Per cent, bases are counts

	Whether day to day representative / main advisor helped prepare for hearings [CQEGOE]			Whether day to day representative / main advisor outlined the pros and cons of settling the case without going to a tribunal [CQEGOC]				
	Yes	No	Don't know	Yes	No	Don't know		
Whether the case involves a decision at tribunal hearing								
Yes	18	8	8	14	22	[14]		
No	82	92	92	86	78	[86]		
<i>unweighted base</i>	946	361	31	1157	156	[25]		
	Recommendations of main advisor [CQEG3]					Whether the employer proposed an offer of settlement [EMPOFF]		
	Advised to settle	Advised to go to hearing	Gave different advice at different times	None of these	Don't know	Yes	Offer proposed but not by employer	No offer of settlement made
Whether the case involves a decision at tribunal hearing								
Yes	8	26	9	18	26	10	18	33
No	92	74	91	82	74	90	82	67
<i>unweighted base</i>	610	236	36	367	89	1225	189	545
	Whether still work for the employer [CQA32B]		Whether main advisor advised chance of winning the case if it went to a tribunal hearing [CQEG1A] ⁶¹			All		
	Yes	No	Yes	No	Don't know			
Whether the case involves a decision at tribunal hearing								
Yes	9	18	16	12	21	17		
No	91	82	84	88	79	83		
<i>unweighted base</i>	96	1837	1002	281	55	2011		

Table source:

SETA 2013: All employers

Table Weight: Employer Weight⁶¹ Although this variable is not significant in the bivariate analysis it was entered into the regression model.

Table 5.5 Claimants' and employers' survey combined: What the employment tribunal ordered in favour of claimant by primary jurisdiction and year

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
What tribunal ordered in favour of claimant [CQL261 – CQL265]														
Money	82	76	95	97	98	98	96	[87]	78	[80]	71	[81]	89	90
Re-engagement (old job back if previously employed)	4	4	-	1	-	4	-	[-]	3	[2]	1	[-]	1	2
Another job in the organisation, i.e. re-engagement	1	-	-	1	-	-	-	[-]	3	[7]	-	[-]	*	1
Other	17	18	6	1	2	-	-	[23]	24	[21]	15	[16]	9	8
Nothing	2	7	-	1	-	-	-	[-]	-	[-]	-	[-]	*	2
Don't Know	3	1	1	2	1	2	4	[-]	3	[9]	13	[4]	3	3
<i>unweighted base</i>	98	61	171	116	87	43	25	11	32	21	56	20	469	272

Table source: SETA 2008 and SETA 2013: Based on all claimants and employers in cases where the claimant was successful at tribunal.

Table weight: SETA 2008: Weight / SETA 2013: Case Weight

Table 5.6 Claimants' and Employers' surveys: What the claimant was hoping to achieve by bringing the claim

	Per cent, bases are counts	
	Claimant	Employer
What the claimant was hoping to achieve by bringing the claim [CQE151 – CQE1515]		
Money	57	89
Old job back (re-instatement)	19	9
An apology	15	1
Proving case/ proving you were right	15	*
Justice	15	*
A reference	4	1
Another job in the organisation (re-engagement)	2	1
A letter of explanation	2	1
Legal fees paid/ costs covered	*	-
Other	11	5
Don't know	1	7
<i>unweighted base</i>	1988	2011

Table source: SETA 2013: All claimants and employers.

Table weight: Claimant Weight (Claimants) / Employer Weight (Employers)

Table 5.7 Claimants' survey: Amount hoped to receive at start of case by primary jurisdiction and year

Per cent, Averages in pounds, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
How much money hoping to get at start of case (banded) [AQE4C]														
£0	1	1	-	-	-	-	-	-	1	2	1	1	1	0
£1-£499	5	2	12	6	40	35	7	10	4	1	25	18	17	11
£500-£999	3	3	13	12	19	20	17	14	4	5	19	24	12	13
£1000-£1499	4	2	11	8	11	7	20	7	5	2	7	7	9	6
£1500-£1999	3	1	7	8	6	9	10	-	2	5	4	4	5	6
£2000-£2499	7	6	11	5	4	7	10	8	5	4	3	5	8	6
£2500-£2999	3	1	3	4	3	3	5	7	-	1	3	3	3	3
£3000-£3999	11	5	8	7	6	3	5	11	2	1	6	8	7	6
£4000-£4999	6	3	2	6	2	1	10	-	1	3	2	1	3	3
£5000-£9999	19	8	13	12	4	5	10	15	19	6	10	4	12	9
£10000-£24999	24	37	12	23	1	5	5	17	37	34	13	15	14	22
£25000+	14	31	8	10	3	4	-	10	19	35	6	11	9	15
Mean	12892	25139	8617	9220	2689	5007	3071	7927	28252	29772	55542	8201	14629	13113
Median	5000	15000	2000	4000	700	800	1600	3000	10,000	15000	1287	1500	2000	4000
<i>unweighted base</i>	156	131	322	322	208	150	40	43	83	141	99	134	908	834

Table source: SETA 2008 and SETA 2013: Based on all claimants who hoped to win money at the start of the case**Table weight:** SETA 2008: Weight / SETA 2013: Claimant Weight**Table notes:**

Outlier of 600000000 removed from SETA 2013 analysis.

Significance testing of medians has not been conducted.

Table 9.19 in SETA 2008 (modified)

Table 5.8 Claimants' and employers' survey combined: Amount of money the employer was ordered to pay the claimant by year

	Per cent, Averages in pounds, bases are counts	
	2007	2012
How much money employer was ordered to give claimant (banded) [CQL28]		
£0	1	-
£1-£499	12	9
£500-£999	12	8
£1000-£1499	11	8
£1500-£1999	6	7
£2000-£2499	5	9
£2500-£2999	5	3
£3000-£3999	9	6
£4000-£4999	3	9
£5000-£9999	9	15
£10000-£24999	11	8
£25000+	5	8
Don't know	12	9
Mean	11858	7975
Median	2000	3000
<i>unweighted base</i>	413	241

Table source: SETA 2008 and SETA 2013: Based on all claimants and employers where claimant was successful at a tribunal hearing and employer was ordered to give claimant money

Table weight: SETA 2008: Weight / SETA 2013: Case Weight

Table notes: Significance testing of medians has not been conducted.

Table 5.9 Claimants' and employers' surveys combined: Amount awarded by tribunal by primary jurisdiction

Per cent, Averages in pounds, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
How much money employer was ordered to give claimant (banded) [CQL28]							
£1-£499	-	7	25	[-]	[-]	[14]	9
£500-£999	-	6	22	[20]	[4]	[9]	8
£1000-£1499	2	8	9	[-]	[-]	[37]	8
£1500-£1999	9	10	6	[-]	[-]	[-]	7
£2000-£2499	-	10	10	[8]	[22]	[8]	9
£2500-£2999	6	3	2	[17]	[-]	[-]	3
£3000-£3999	7	7	5	[23]	[-]	[-]	6
£4000-£4999	18	12	2	[-]	[-]	[-]	9
£5000-£9999	23	17	7	[8]	[21]	[-]	15
£10000-£24999	14	6	3	[13]	[15]	[8]	8
£25000+	15	8	-	[-]	[33]	[-]	8
Don't know	6	7	10	[10]	[5]	[24]	9
Mean	11,001	8,275	2,333	[4,283]	[18,667]	[2,579]	7,975
Median	6,000	3,500	900	[2,800]	[10,000]	[1,000]	3,000
<i>unweighted base</i>	47	112	41	10	15	16	241

Table source: SETA 2013: All claimants and employers whose case was financially settled**Table weight:** Case Weight**Table notes:**

Significance testing of medians has not been conducted

Table 9.16 in SETA 2008

Table 5.10 Claimants' and employers' survey: Whether the claimant received the money the employer was ordered to pay by year

Per cent , bases are counts

	Claimant		Employer	
	2007	2012	2007	2012
Whether claimant received money yet that employer ordered to pay [CQL32]				
Yes	66	63	92	87
No	34	37	7	11
Don't Know	-	-	1	2
<i>unweighted base</i>	281	158	140	83

Table source: SETA 2008 and SETA 2013: Based on all claimants and employers where claimant was successful at a tribunal hearing and employer was ordered to give claimant money

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)

Table 5.11 Claimants' and employers' survey combined: Whether the claimant received the money the employer was ordered to pay by personal characteristics

Per cent, bases are counts

	Sex [CQA21]		Age of claimant [CQA22B]				All
	Male	Female	Under 25	25-44	45-64	65 and over	
Whether claimant received money yet that employer ordered to pay [CQL32]							
Yes	78	69	[58]	79	74	[82]	74
No	22	29	[42]	21	25	[-]	25
Don't Know	-	2	[-]	-	1	[18]	1
<i>unweighted base</i>	128	113	27	99	98	6	241

Table source: SETA 2013: Based on all claimants and employers where claimant was successful at a tribunal hearing and employer was ordered to give claimant money

Table weight: Case Weight

Table 5.12 Claimants' and employers' survey combined: Whether the claimant received the money the employer was ordered to pay by employer characteristics

Per cent, bases are counts

	Sector [CQA313]			All
	Public sector	Private sector	Non-profit/ voluntary	
Whether claimant received money yet that employer ordered to pay [CQL32]				
Yes	88	88	80	87
No	12	9	20	11
Don't Know	-	2	-	2
<i>unweighted base</i>	7	67	9	83

Table source: SETA 2013: Based on all claimants and employers where claimant was successful at a tribunal hearing and employer was ordered to give claimant money

Table weight: Case Weight

Table 5.13 Claimants' and employers' survey combined: How many weeks after the hearing was the money award paid to the claimant by year

	Per cent; bases are counts	
	2007	2012
How many weeks after hearing money was paid (banded) [CQL32B]		
0-4 weeks	43	54
5-8 weeks	16	19
9+ weeks	22	14
Don't know	19	13
<i>unweighted base</i>	259	154

Table source: SETA 2008 and SETA 2013: Based on all claimants and employers where claimant was successful at a tribunal hearing and employer was ordered to give claimant money

Table weight: SETA 2008: Weight / SETA 2013: Case Weight

Table 5.14 Claimants' and Employers' survey combined: Actions taken by claimant to obtain payment of money owed by sector and year

Per cent; bases are counts

	Sector [CQA313]						All	
	Private sector		Public sector		Non-profit/ voluntary		2007	2012
	2007	2012	2007	2012	2007	2012		
Whether claimant took action to obtain payment by registering at the County Court [CQL35/ CQL36]								
Yes	18	18	16	[5]	[21]	[16]	17	18
No	81	76	82	[89]	[79]	[84]	81	77
Don't Know	1	5	3	[5]	[-]	[-]	1	5
<i>unweighted base</i>	333	191	46	21	16	17	418	239

Table source: SETA 2008 and SETA 2013: Based on all claimants and employers where claimant was successful at a tribunal hearing and employer was ordered to give claimant money

Table weight: SETA 2008: Weight / SETA 2013: Case Weight

Table 5.15 Claimants' and Employers' survey combined: Appeals

Per cent; bases are counts

Whether appeal made to tribunal about decisions made in this case [CQKL35]

Yes	11
No	85
Don't know	4
<i>unweighted base</i>	695

Table source: SETA 2013: All claimants and employers whose case involved a decision at tribunal

Table weight: Case Weight

Table notes: Table 8.9 in SETA 2008

Table 5.16 Claimants' and Employers' survey combined: Appeals (continued)

Per cent; bases are counts

Who made appeal to tribunal about decisions made in this case [CQKL36]

Claimant	61
Employer	39
<i>unweighted base</i>	67

Table source: SETA 2013: All claimants and employers who made an appeal**Table weight:** Case Weight**Table notes:** Table 8.10 in SETA 2008

Table 5.17 Claimants' and Employers' survey combined: Appeals (continued)

Per cent; bases are counts

Whether tribunal held review hearing about decisions in this case [CQKL37]

Yes	43
No	44
Don't know	13
<i>unweighted base</i>	67

Table source: SETA 2013: All claimants and employers in cases which were reviewed by EAT**Table weight:** Case Weight**Table notes:** Table 8.11 in SETA 2008

Table 5.18 Claimants' and Employers' survey: Whether parties were warned that the tribunal may order them to contribute to the other party's costs

Per cent, bases are counts

	Claimant	Employer
Whether employer ever warned by claimant that tribunal might order them to contribute to claimant's costs [CQM4B]		
Yes	21	24
No	61	68
Don't Know	18	8
Whether claimant ever warned by employer that tribunal might order them to contribute to employer's costs [CQM4A]		
Yes	30	29
No	65	57
Don't Know	5	14
<i>unweighted base</i>	1988	1776

Table source: SETA 2013: All claimants and employers with personal responsibility for the case

Table weight: Claimant Weight (Claimants) / Employer Weight (Employers)

Table 5.19 Claimants' and Employers' survey combined: Whether claimant was awarded costs/ expenses by year

	Per cent, bases are counts	
	2007	2012
Whether claimant was awarded costs/ expenses [CQMN13]		
Yes	36	14
No	58	74
Don't Know	6	11
<i>unweighted base</i>	172	695

Table source: SETA 2008 and SETA 2013: All claimants and employers whose case involved a decision at tribunal

Table weight: SETA 2008: Weight / SETA 2013: Case Weight

Table notes: The findings are not comparable between 2007 and 2012 as the question has been changed significantly. The SETA 2008 survey asked if the claimant was awarded their costs in cases where the claimant asked for their costs to be awarded. However, SETA 2013 asked if the claimant was awarded their expenses in all cases which went to tribunal.

Table 5.20 Claimants' and Employers' surveys: Awareness of cost regime by type

	Per cent, bases are counts	
	Claimants	Employers
Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]		
Yes	47	70
No	50	28
Don't Know	3	2
<i>unweighted base</i>	1988	2011

Table source: SETA 2013: All claimants and employers

Table weight: Claimant Weight (Claimants) / **Employer** Weight (Employers)

Table notes: Table 10.10 in SETA 2008

Table 5.21 Claimants' surveys: Awareness of cost regime by SETA outcome and primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]							
Yes	43	42	43	44	55	55	47
No	54	54	54	53	41	42	50
Don't know	3	3	3	3	3	3	3
<i>unweighted base</i>	519	595	188	74	390	222	1988
	SETA Outcome [CSVOUT]					All	
	Claimant successful at tribunal	Claimant unsuccessful at tribunal	Acas settled	Privately settled	Withdrawn		Dismissed/disposed
Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]							
Yes	33	51	54	55	42	27	47
No	65	48	43	42	55	68	50
Don't know	2	1	3	3	3	5	3
<i>unweighted base</i>	322	152	867	540	299	108	1988

Table source: SETA 2013: All claimants**Table weight:** Claimant Weight**Table notes:** Table 10.11 in SETA 2008

Table 5.22 Claimants' surveys: Awareness of cost regime by use of representation, and advice and guidance

Per cent, bases are counts

	Use of a day to day representative [CQE5]		Whether sought information from any passive sources before or after submitting claim [CQE6B]		Whether sought advice and guidance after submitting the claim [CQE5C4]		All
	Yes	No	Yes	No	Yes	No	
Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]							
Yes	48	45	50	32	53	45	47
No	48	52	47	64	45	52	50
Don't know	3	3	3	4	2	3	3
<i>unweighted base</i>	1028	956	1509	398	534	1447	1988

Table source: SETA 2013: All claimants**Table weight:** Claimant Weight**Table notes:** Table 10.11 in SETA 2008

Table 5.23 Employers' surveys: Awareness of cost regime by SETA outcome and primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]							
Yes	76	62	65	56	78	64	70
No	22	36	31	44	19	33	28
Don't know	2	2	4	-	3	3	2
<i>unweighted base</i>	617	563	145	48	437	201	2011
	SETA Outcome [CSVOUT]					All	
	Claimant successful at tribunal	Claimant unsuccessful at tribunal	Acas settled	Privately settled	Withdrawn		Dismissed/disposed
Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]							
Yes	48	72	72	68	78	73	70
No	51	25	25	30	19	25	28
Don't know	*	2	3	2	3	2	2
<i>unweighted base</i>	121	210	918	276	299	187	2011

Table source: SETA 2013: All employers**Table weight:** Employer Weight**Table notes:** Table 10.11 in SETA 2008

Table 5.24 Claimants' and employers' surveys: Effect of awareness of cost regime on outcome of those who settled/withdrew their case

Per cent, bases are counts

	Seta Outcome [CSVOUT]			All
	Acas Settled	Privately settled	Withdrawn	
Claimants' survey : Whether knowing that such costs could be awarded against them influenced decision to settle/withdraw case without going to tribunal [CQM6]				
Yes – more likely to settle	31	20	54	33
Yes – less likely to settle	1	1	3	1
No	64	74	43	61
Don't know	5	4	1	4
<i>unweighted base</i>	574	159	181	914
Employers' survey : Whether knowing that such costs could be awarded against them influenced decision to settle/withdraw case without going to tribunal [CQM6]				
Yes – more likely to settle	24	15	-	21
Yes – less likely to settle	1	2	-	1
No	71	79	-	73
Don't know	4	5	-	4
<i>unweighted base</i>	672	175	-	847

Table source: SETA 2013:

All claimants who settled or withdrew their case

All employers who settled their case

Table weight: Case Weight**Table notes:** Table 10.13 in SETA 2008

Chapter 6: Costs and benefits

Table 6.1 Claimants' survey: Financial costs by year

	Per cent; bases are counts	
	2007	2012
Personal financial costs [AQN51-AQN56]		
Communication, such as telephone calls and stamps	37	42
Loss of earnings	31	31
Travel	26	31
Other	8	10
None of these	45	38
<i>unweighted base</i>	2020	1988

Table source: SETA 2008 and SETA 2013: All Claimants.

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight

Table 6.2 Claimants' survey: Financial costs by SETA outcome and primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Personal financial costs in which case resulted [AQN51-AQN56]							
Communications, such as telephone calls and stamps	44	38	42	34	42	42	41
Travel	35	29	25	15	35	27	31
Loss of earnings	35	31	18	21	35	24	31
Other	8	10	7	8	14	11	10
None of these	34	40	43	52	35	44	39
<i>unweighted base</i>	519	595	188	74	390	222	1988
	SETA Outcome [CSVOUT]					All	
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn		Dismissed/ Other
Personal financial costs in which case resulted [AQN51-AQN56]							
Communications, such as telephone calls and stamps	38	51	41	36	43	46	41
Travel	38	60	26	26	24	33	31
Loss of earnings	30	41	28	28	29	41	31
Other	12	11	9	11	11	11	10
None of these	41	25	39	42	41	34	39
<i>unweighted base</i>	322	152	867	240	299	108	1988

Table source: SETA 2013: All claimants

Table weight: Claimant Weight

Table notes: Table 10.1 in SETA 2008

Table 6.3 Claimants' survey: Mean and median costs by SETA outcome and primary jurisdiction

Pounds, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Amount of communication costs [AQN8]							
Mean	66	59	29	[298]	138	59	81
Median	25	25	15	[25]	30	30	20
<i>unweighted base</i>	172	170	68	19	125	72	626
Amount of lost earnings [AQN8B]							
Mean	14022	17767	2511	[12186]	25507	11327	17227
Median	7000	4000	1000	[7000]	9000	8000	6000
<i>unweighted base</i>	137	147	22	12	110	42	470
Amount of travel costs [AQN7]							
Mean	97	95	88	[71]	105	105	98
Median	50	45	30	[40]	60	60	50
<i>unweighted base</i>	142	142	40	11	109	52	496
	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	
Amount of communication costs [AQN8]							
Mean	30	80	73	204	73	40	81
Median	20	30	25	25	20	20	20
<i>unweighted base</i>	89	62	258	73	108	36	626
Amount of lost earnings [AQN8B]							
Mean	7052	13764	14083	34398	22872	21607	17227
Median	2500	8925	7000	10000	6000	4000	6000
<i>unweighted base</i>	86	48	182	47	71	36	470
Amount of travel costs [AQN7]							
Mean	72	95	107	137	111	55	98
Median	30	40	50	50	50	40	50
<i>unweighted base</i>	103	67	180	53	62	31	496

Table source: SETA 2013: All claimants who incurred communication costs / loss of earnings / travel costs and knew the amount they incurred**Table weight:** Claimant Weight**Table notes:**

Significance testing of medians has not been conducted.

Table 10.2 in SETA 2008

Table 6.4 Claimants' survey: Time spent (in days) on case by SETA outcome and year (median and mean)

days, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Estimated total number of days spent on case [ARN9]														
Mean (days)	41.84	25.68	45.12	44.84	37.04	29.87	51.97	35.18	41.04	30.14	42.36	18.29	42	30
Median (days)	6.94	4.50	9.85	14.00	6.25	7.00	7.00	6.25	7.00	5.00	10.00	5.00	7	6
<i>unweighted base</i>	263	254	117	115	638	687	262	190	254	252	102	81	1636	1579

Table source: SETA 2008 and SETA 2013: All claimants who were able to give hours or days spent on the case**Table weight:** SETA 2008: Weight / SETA 2013: Claimant Weight**Table notes:**

Significance testing of medians has not been conducted.

Table 10.3 in SETA 2008 (modified)

Table 6.5 Claimants' survey: Time spent (in days) on case by primary jurisdiction and year (median and mean)

days, bases are counts

	Primary Jurisdiction [CJURM]															
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All			
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Estimated total number of days spent on case [ARN9]																
Mean (days)	35.69	31.04	34.62	26.96	20.14	20.26	32.04	8.44	73.82	45.20	54.64	25.85			42	30
Median (days)	7.00	7.00	5.63	5.00	2.00	3.00	5.00	3.00	14.00	12.50	7.01	5.00			7	6
<i>unweighted base</i>	454	402	442	473	218	159	42	59	284	300	196	186			1636	1579

Table source: SETA 2008 and SETA 2013: All claimants who were able to give hours or days spent on the case

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight

Table notes:

Significance testing of medians has not been conducted.

Table 10.3 in SETA 2008

Table 6.6 Employers' survey: Number of people in organisation who spent time on the case by primary jurisdiction and year

	Primary Jurisdiction [CJURM]												Counts	
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
How many people involved in case at organisation [EQN7A]														
Mean	4	4	3	3	3	3	[4]	[3]	5	4	4	4	4	4
Median	3	4	3	3	2	2	[3]	[2]	4	4	3	3	3	3
<i>unweighted base</i>	531	529	498	500	134	130	18	42	329	365	200	177	1710	1743

Table source: SETA 2008 and SETA 2013: All employers with personal responsibility for the case who knew the number of people in the organisation who spent time on the case

Table weight: SETA 2008: Weight / SETA 2013: Employer Weight

Table notes:

Significance testing of medians has not been conducted.

Table 10.4 in SETA 2008

Table 6.7 Employers' survey: Total time spent (in days) on case by SETA outcome and year (median and mean)

days, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Mean days spent by staff at organisation on case [ERN7T/ ERN7TM/ ERN7TO]														
All staff	11.21	12.21	20.33	19.22	10.13	13.02	16.40	14.72	13.44	9.73	11.22	9.92	13.01	12.93
Directors or senior managers	8.37	9.97	14.58	12.33	70.5	8.40	13.65	11.75	10.62	6.18	6.27	6.94	9.64	8.92
Other staff	2.84	2.24	5.75	6.89	3.09	4.62	2.75	3.00	2.82	3.56	4.95	2.98	3.38	4.00
Median days spent by staff at organisation on case [ERN7T/ ERN7TM/ ERN7TO]														
All staff	6.00	4.00	9.00	13.00	5.00	5.00	6.00	5.00	4.00	4.00	5.00	5.13	5.00	5.00
Directors or senior managers	4.00	3.00	7.00	6.00	3.00	3.00	4.00	3.00	2.00	2.00	3.00	3.00	3.00	3.00
Other staff	0.10	0.00	2.00	2.00	0.25	0.25	0.38	0.25	0.38	0.38	0.38	0.63	0.38	0.38
<i>unweighted base</i>	122	101	143	178	623	750	317	214	201	234	122	157	1528	1634

Table source: SETA 2008 and SETA 2013: All employers with personal responsibility for the case who were able to give hours or days spent on the case**Table weight:** SETA 2008: Weight / SETA 2013: Employer Weight**Table notes:**

Significance testing of means has not been conducted.

Table 10.5 and 10.6 in SETA 2008 (modified)

Table 6.8 Employers' survey: Total time spent (in days) on case by primary jurisdiction and year (median and mean)

days, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Mean days spent by staff at organisation on case [ERN7T/ ERN7TM/ ERN7TO]														
All staff	10.92	11.69	13.75	14.77	4.28	3.60	[7.41]	4.87	18.88	20.80	12.55	9.82	13.01	12.93
Directors or senior managers	8.42	8.47	11.66	10.67	3.36	2.79	[3.41]	3.73	12.49	12.82	7.85	6.61	9.64	8.92
Other staff	2.49	3.22	2.09	4.10	0.92	0.80	[3.99]	1.14	6.39	7.98	4.70	3.21	3.38	4.06
Median days spent by staff at organisation on case [ERN7T/ ERN7TM/ ERN7TO]														
All staff	5.00	6.00	5.00	5.00	2.00	1.75	[5.45]	2.00	9.00	9.00	5.50	5.00	5.00	5.00
Directors or senior managers	3.00	4.00	3.00	4.00	1.00	1.00	[2.03]	1.00	6.00	5.00	3.00	2.00	3.00	3.00
Other staff	0.27	0.63	0.00	0.00	0.00	0.00	[3]	0.25	1.00	1.00	0.25	0.50	0.38	0.38
<i>unweighted base</i>	476	498	449	470	120	125	14	40	299	341	170	160	1528	1634

Table source: SETA 2008 and SETA 2013: All employers with personal responsibility for the case who were able to give hours or days spent on the case

Table weight: SETA 2008: Weight / SETA 2013: Employer Weight

Table notes:

Significance testing of medians has not been conducted.

Table notes: Tables 10.5 and 10.6 in SETA 2008 (modified)

Table 6.9 Employers' survey: Total time spent (in days) on case by enterprise size and year (median and mean)

days, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]									
	Less than 25		25-49		50-249		250+		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Mean days spent by staff at organisation on case [ERN7T/ ERN7TM/ ERN7TO]										
All staff	9.54	12.68	10.68	15.17	14.58	12.01	14.94	13.23	13.01	12.93
Directors or senior managers	8.09	10.58	9.48	10.58	11.48	9.99	10.20	7.52	9.64	8.92
Other staff	1.45	2.13	1.19	5.43	3.10	2.04	4.73	5.79	3.38	4.06
Median days spent by staff at organisation on case [ERN7T/ ERN7TM/ ERN7TO]										
All staff	5.00	5.00	4.00	5.75	6.00	6.00	6.00	6.00	5.00	5.00
Directors or senior managers	4.00	4.00	3.00	4.00	4.00	5.00	3.00	2.00	3.00	3.00
Other staff	0.00	0.00	0.00	0.00	0.37	0.25	1.00	1.00	0.38	0.38
<i>unweighted base</i>	532	455	168	152	309	321	488	684	1528	1634

Table source: SETA 2008 and SETA 2013: All employers with personal responsibility for the case who were able to give hours or days spent on the case

Table weight: SETA 2008: Weight / SETA 2013: Employer Weight

Table notes:

Significance testing of medians has not been conducted.

Table notes: Tables 10.5 and 10.6 in SETA 2008 (modified)

Table 6.10 Employers survey: Attendance at tribunal hearing by primary jurisdiction and SETA outcome

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						SETA Outcome [CSVOUT]		All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	Claimant successful at hearing	Claimant unsuccessful at hearing	
Whether someone from the organisation attended full tribunal hearing [CQL18/ CQL50]									
Yes	93	73	72	84	92	97	71	97	84
No	7	27	28	16	8	3	29	3	16
<i>unweighted base</i>	109	89	31	8	50	31	107	210	318

Table source: SETA 2013: All employers involved in a case with a decision at tribunal

Table weight: Employer Weight

Table notes: Table 8.3 in SETA 2008

Table 6.11 Claimants' and Employers' survey combined: Length of tribunal hearings by year

	Per cent, averages are in days; bases are counts	
	2007	2012
Length of tribunal hearing [CQL14B]		
One hour	16	11
More than an hour but less than a day	17	20
A day	21	26
Two or more days	28	27
Don't know	17	16
Mean (days)	1.7	1.5
Median (days)	1	1
<i>unweighted base</i>	747	289

Table source: SETA 2008 and SETA 2013:

Based on all claimants whose case involved a decision at tribunal and all employers with personal responsibility for case which involved a decision at tribunal

Table weight: SETA 2008: Weight / SETA 2013: Case Weight

Table notes:

Significance testing of medians has not been conducted.

Table 8.8 in SETA 2008 (modified)

Table 6.12 Claimants' survey: Non-financial negative effects by primary jurisdiction (most common mentions)

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
What non-financial negative effects case had [AQN111 – AQN1122]							
Stressful/ emotionally draining/ depression	61	60	65	64	66	65	63
Loss of confidence/ self esteem	12	9	4	2	10	11	10
Financial problems	8	10	13	3	6	11	9
Adversely affected career	8	8	13	16	7	9	9
Difficulty in getting re-employed	10	9	6	2	6	10	8
Affected my family	8	8	8	5	7	10	8
Health reasons	9	6	3	6	10	4	7
<i>unweighted base</i>	409	386	93	44	314	143	1389

Table source: SETA 2013: All claimants who reported that the case had negative effects on them (excluding costs)

Table weight: Claimant Weight

Table notes:

*Answers given by 5 per cent or more

Table 10.7 in SETA 2008

Table 6.13 Claimants' survey: Non-financial negative effects by gender and age (most common mentions)

Per cent, bases are counts

	Sex [CQA21]		Age of claimant [CQA22B]							All
	Male	Female	16-19	20-24	25-34	35-44	45-54	55-64	65 & Over	
What non-financial negative effects case had [AQN111 – AQN1122]										
Stressful/ emotionally draining/ depression	60	65	[67]	65	72	62	61	60	55	63
Loss of confidence/ self esteem	9	11	[9]	10	8	11	9	12	11	10
Difficulty in getting re-employed	10	6	[17]	5	8	7	6	12	8	8
Financial problems	10	7	[-]	9	7	12	8	7	7	9
Adversely affected career	9	8	[14]	6	6	9	11	7	-	9
Affected my family	8	7	[8]	-	8	9	8	9	-	8
Health reasons	7	8	[8]	1	5	6	10	9	5	7
<i>unweighted base</i>	718	671	12	76	209	352	431	266	39	1389

Table source: SETA 2013: All claimants who reported that the case had negative effects on them (excluding costs)

Table weight: Claimant Weight

Table notes:

*Answers given by 5 per cent or more

Table 10.8 in SETA 2008

Table 6.14 Claimants' survey: Whether had a paid job since leaving employer by SETA outcome and primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						SETA Outcome [CSVOUT]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	
Whether had a paid job since leaving employer that brought claim against [AQQA43 / AQQA41]													
Yes	77	79	78	77	65	86	80	75	77	76	74	71	76
No	23	21	22	23	35	13	20	25	23	24	26	29	24
Don't Know	-	*	-	-	*	1	*	-	*	*	-	-	*
<i>unweighted base</i>	493	573	159	73	308	187	308	143	795	210	244	100	1800

Table source: SETA 2013: All claimants no longer work for the employer they were making the employment tribunal claim against.

Table weight: Claimant Weight

Table 6.15 Claimants' survey: Length of unemployment between finishing with employer and starting a new job by SETA outcome and primary jurisdiction

Per cent, averages in weeks, bases are counts

	Primary Jurisdiction [CJURM]						SETA Outcome [CSVOUT]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	
Length of time between leaving employer that brought claim against and starting next job (in weeks) [ABQA46]													
No time/ less than 1 week	8	8	29	14	18	16	10	8	14	15	12	10	12
1 – 4 weeks	17	27	32	33	16	27	26	18	24	27	21	15	23
5 – 8 weeks	12	15	10	9	7	11	17	11	10	9	13	11	12
9 – 12 weeks	4	4	2	6	4	3	5	2	3	4	7	3	4
13 – 16 weeks	13	9	4	9	9	7	10	10	10	8	9	11	9
17 – 20 weeks	7	5	2	5	5	4	3	4	5	7	7	8	5
21 – 24 weeks	5	3	-	4	1	3	5	4	2	2	1	9	3
25 weeks or more	35	29	21	22	40	29	24	43	32	28	30	33	31
Mean	21	17	11	15	23	17	17	24	18	17	19	20	18.51
Median	13	9	4	6	13	8	8	18	12	8	11	16	12.00
<i>unweighted base</i>	8	8	29	14	18	16	10	8	14	15	12	10	12

Table source: SETA 2013: All claimants who were former workers of the employer who have had a paid job since leaving and knew the amount of time between finishing with organisation and starting new job

Table weight: Claimant Weight

Table notes: Significance testing of medians has not been conducted.

Table 6.16 Claimants' survey: Level of pay compared to previous job by SETA outcome and primary jurisdiction

Per cent, averages in pounds, bases are counts

	Primary Jurisdiction [CJURM]						SETA Outcome [CSVOUT]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	
Whether this is more, less or same amount of money as the job related to the claim [AQQA412]													
More money	26	36	53	26	25	38	35	27	32	39	33	31	33
Less money	61	46	25	52	60	44	43	55	52	45	50	57	50
About the same	12	14	19	14	14	13	19	14	12	14	14	9	14
Don't Know	-	2	1	3	1	1	1	1	1	1	1	2	1
Refused	1	2	2	5	1	3	1	3	2	2	2	1	2
<i>unweighted base</i>	325	401	110	51	162	146	222	95	527	143	147	610	1195
Gross pay for current job [AQQA410]													
Mean	22830	25774	23224	41693	23144	26630	18774	21279	26872	29099	24931	23040	24976
Median	19188	18720	18000	20060	19950	19000	16000	19000	19239	21000	21840	18000	19000
<i>unweighted base</i>	280	340	117	43	195	144	192	82	490	142	162	51	1119

Table source: SETA 2013:

All claimants who left their previous employer and currently employed in a new job

All claimants who left their previous employer and currently employed in a new job and knew/gave their gross pay for their job

Table weight: Claimant Weight**Table notes:**

Significance testing of medians has not been conducted.

Table 10.16 in SETA 2008

Table 6.17 Claimants' survey: Status of job compared to previous job by Standard Occupation Classification (2010)

Per cent, bases are counts

	Standard Occupation Classification 2010 of the claimant involved in the case [SOC2010ClaimB]									All
	Managers, Directors and Senior Officials	Professional	Associate Prof. and Tech. Operations	Admin and Secretarial	Skilled Trades	Caring, Leisure and Other Service	Sales and Customer Service	Process, Plant and Machine Operatives	Elementary	
Status of this job compared with the job related to the claim [AQQA420]										
Higher level	28	32	37	42	43	30	41	30	45	36
Lower level	41	32	30	33	21	31	21	31	18	30
About the same	28	35	28	25	33	35	33	37	31	31
Don't Know	3	1	4	-	3	4	5	2	5	3
<i>unweighted base</i>	192	139	203	121	166	95	65	102	111	1195

Table source: SETA 2013: All claimants who left their previous employer and currently employed in a new job

Table weight: Claimant Weight

Table notes: Table 10.17 in SETA 2008

Table 6.18 Claimant' survey: Whether claimant still works for employer by SETA outcome and primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						SETA Outcome [CSVOUT]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	
Whether still work for employer [CQA32B]													
Yes	5	1	14	2	16	10	3	3	6	12	16	6	8
No	95	99	86	98	84	90	97	97	94	82	84	94	92
<i>unweighted base</i>	516	580	184	73	368	219	317	148	843	238	288	106	1940

Table source: SETA 2013: All claimants who worked for the organisation they were making the employment tribunal claim against.**Table weight:** Claimant Weight

Table 6.19 Claimants' survey: Current claimant status by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Current employment status [AQQA41]							
Working for employer full-time (≥ 30 hours per week)	45	46	50	34	34	50	44
Working for employer part-time (< 30 hours per week)	12	13	13	17	16	16	14
Self-employed (with or without workers)	10	12	8	21	11	12	11
Unemployed and looking for work	19	13	10	8	19	9	15
Unemployed and not looking for work	2	2	2	1	3	2	2
Retired	7	6	9	7	7	5	7
Student	1	1	4	1	-	1	1
Permanently sick/ disabled	1	2	1	3	6	1	2
Temporarily sick (no job to go to)	2	2	2	3	1	1	2
Looking after home	1	2	1	2	1	1	1
Temporary work	1	*	-	2	1	1	1
Other	*	*	1	1	1	1	1
Refused	*	-	-	-	*	1	*
<i>unweighted base</i>	519	595	188	74	390	222	1988

Table source: SETA 2013: All claimants**Table weight:** Claimant Weight**Table notes:** Table 10.14 in SETA 2008

Table 6.20 Claimants' survey: Current claimant status by SETA outcome

Pounds, bases are counts

	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	
Current employment status [AQQA41]							
Working for employer full-time (≥ 30 hours per week)	45	42	44	47	44	40	44
Working for employer part-time (< 30 hours per week)	16	13	15	11	15	10	14
Self-employed (with or without workers)	11	13	10	14	9	13	11
Unemployed and looking for work	14	16	16	11	12	19	15
Unemployed and not looking for work	1	4	2	2	3	1	2
Retired	7	7	6	6	9	6	7
Student	2	1	1	1	1	3	1
Permanently sick/ disabled	2	2	3	2	3	2	2
Temporarily sick (no job to go to)	*	-	1	4	2	3	2
Looking after home	1	2	1	1	1	1	1
Temporary work	-	-	1	1	1	-	1
Other	*	1	1	-	1	-	1
Refused	*	-	*	*	*	1	*
<i>unweighted base</i>	322	152	867	240	299	108	1988

Table source: SETA 2013: All claimants**Table weight:** Claimant Weight**Table notes:** Table 10.15 in SETA 2008

Table 6.21 Employers' survey: Whether case had any non-financial negative effects on organisation by SETA outcome, enterprise size and primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						SETA Outcome [CSVOUT]					
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed /Other
Whether case had any negative effects on organisation other than financial ones [EQN10B]												
Yes	33	36	24	22	34	35	41	32	31	34	29	
No	67	63	73	78	66	63	59	68	69	66	71	
Don't Know	*	*	3	-	*	2	-	*	*	-	-	
<i>Unweighted base</i>	540	508	134	43	372	179	111	190	816	232	256	171
Enterprise Size (whole organisation in the UK) [ESIZEE]												
	Less than 25		25 - 49		50 - 249		250 +		All			
Whether case had any negative effects on organisation other than financial ones [EQN10B]												
Yes	46		42		34		22		33			
No	53		57		66		78		67			
Don't Know	1		*		-		*		*			
<i>Unweighted base</i>	491		168		340		748		1776			

Table source: SETA 2013: All employers with personal responsibility for the case

Table weight: Employer Weight

Table notes: Table 10.9 in SETA 2008

Table 6.22 Employers' survey: Non-financial negative effects on the organisation

Per cent, bases are counts

Non-financial negative effects of the case on the organisation [EQN111 – EQN1124]

Time wastage	7
Interrupted business/increased stress levels	6
Distraction/Distracted from work/business	6
Low staff morale	5
<i>Unweighted base</i>	2011

Table source: SETA 2013: All employers**Table weight:** Employer Weight**Table notes:** Answers given by 5 per cent or more

Table 6.23 Employers' survey: Changes made as a result of employment tribunal by enterprise size

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Less than 25	25 - 49	50 - 249	250 +	
Actions resulting from experience of dealing with employment tribunal claim [EQN11BA - EQN11BF]					
Make sure procedures are followed	59	54	40	31	41
Seek professional advice prior to taking disciplinary action	42	33	21	9	22
Revise terms and conditions in employees' contracts	43	28	13	5	18
Introduce or review formal disciplinary or grievance procedures	35	27	15	6	17
Take out insurance against further claims	18	15	8	1	8
Join an employer's association for legal services	17	10	5	1	7
None of these	26	31	50	64	49
<i>Unweighted base</i>	528	180	388	879	2011

Table source: SETA 2013: All employers**Table weight:** Employer Weight**Table notes:** Table 9.29 in SETA 2008

Table 6.24 Employers' survey: Changes made as a result of employment tribunal by primary jurisdiction

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Wages Act	Redundancy Payments	Discrimination	Other	
Actions resulting from experience of dealing with employment tribunal claim [EQN11BA - EQN11BF]							
Make sure procedures are followed	33	53	31	44	40	45	41
Seek professional advice prior to taking disciplinary action	17	27	22	23	19	27	22
Revise terms and conditions in employee's contracts	10	28	23	25	10	24	18
Introduce or review formal disciplinary or grievance procedures	14	25	9	21	13	16	17
Take out insurance against further claims	5	14	6	9	7	7	8
Join an employer's association for legal services	5	12	7	8	3	7	7
None of these	58	36	55	43	53	43	49
<i>unweighted base</i>	617	563	145	48	437	201	2011

Table source: SETA 2013: All employers**Table weight:** Employer Weight**Table notes:** Table 9.30 in SETA 2008

Table 6.25 Employers' survey: Changes made as a result of employment tribunal by SETA outcome

Per cent, bases are counts

	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	
Actions resulting from experience of dealing with employment tribunal claim [EQN11BA - EQN11BF]							
Make sure procedures are followed	55	35	45	40	30	34	41
Seek professional advice prior to taking disciplinary action	35	19	23	21	15	17	22
Revise terms and conditions in employee's contracts	36	15	17	19	11	15	18
Introduce or review formal disciplinary or grievance procedures	25	15	20	15	11	9	17
Take out insurance against further claims	17	6	9	8	3	4	8
Join an employer's association for legal services	18	3	7	4	6	4	7
None of these	33	55	45	47	64	56	49
<i>unweighted base</i>	121	210	918	276	299	187	2011

Table source: SETA 2013: All employers**Table weight:** Employer Weight

Chapter 7: Impact and satisfaction

Table 7.1 Claimants' and Employers' surveys: Perceived likelihood of success at start of case by SETA outcome and year

Per cent, bases are counts

Claimants' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Perceived likelihood of success when first received notification form [CQP1]														
Very likely to be successful	52	51	43	44	49	44	55	52	41	38	36	37	48	45
Quite likely to be successful	24	19	24	17	21	24	19	23	21	23	18	24	21	22
Quite likely to be unsuccessful	1	2	3	3	1	2	1	1	1	1	2	1	1	2
Very likely to be unsuccessful	1	2	-	1	1	1	*	*	1	2	2	3	1	2
Had an even chance	19	22	27	32	22	24	22	20	29	30	34	27	24	25
Don't Know	4	4	4	3	5	6	3	4	7	5	8	8	5	5
<i>unweighted base</i>	311	322	141	152	800	867	321	240	311	299	136	108	2020	1988
Employers' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Perceived likelihood of success when first received notification form [CQP1]														
Very likely to be successful	32	33	51	51	32	33	33	29	66	62	62	58	41	41
Quite likely to be successful	14	16	25	28	16	22	22	26	17	20	19	21	18	22
Quite likely to be unsuccessful	2	8	2	1	5	4	5	5	2	2	*	3	4	4
Very likely to be unsuccessful	10	14	-	3	7	4	6	8	2	3	-	2	5	5
Had an even chance	35	21	18	13	32	30	27	24	8	9	17	10	26	21
Don't Know	7	9	4	4	7	6	7	9	5	4	2	6	6	6
<i>unweighted base</i>	140	111	157	190	711	816	370	232	220	256	138	171	1736	1776

Table source: SETA 2008 and SETA 2013:

All claimants

All employers with personal responsibility for case

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)

Table notes: Table 9.18 in SETA 2008

Table 7.2 Claimants' and Employers' surveys: Perceived likelihood of resolving the case without going to full tribunal hearing at start of case by SETA outcome and year

Per cent, bases are counts

Claimants' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
	Perceived likelihood of resolving case without going to full tribunal hearing, at start of case [CQP2]													
Very likely	12	11	11	18	23	22	24	25	25	22	13	12	20	20
Quite likely	11	11	20	23	20	20	18	24	19	22	19	21	18	20
Quite unlikely	10	15	10	9	13	11	14	10	10	10	11	10	12	11
Very unlikely	51	46	40	26	20	21	22	20	25	25	28	29	28	26
There was an even chance	11	12	11	15	19	19	18	17	17	15	20	26	17	18
Don't Know	5	5	8	8	5	6	5	4	6	5	9	3	6	6
<i>unweighted base</i>	311	322	141	152	800	867	321	240	311	299	136	108	2020	1988

Employers' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
	Perceived likelihood of resolving case without going to full tribunal hearing, at start of case [CQP2]													
Very likely	19	27	5	6	29	30	32	37	25	24	18	23	23	27
Quite likely	13	6	9	8	30	27	23	28	23	23	16	12	23	21
Quite unlikely	15	11	19	21	12	11	10	9	10	12	15	20	12	13
Very unlikely	35	36	54	54	10	11	15	11	21	22	31	22	21	20
There was an even chance	9	8	7	9	16	18	14	11	12	14	14	19	13	15
Don't Know	9	12	6	2	3	3	6	3	9	5	6	4	6	4
<i>unweighted base</i>	140	111	157	190	711	816	370	232	220	256	138	171	1736	1776

Table source: SETA 2008 and SETA 2013:

All claimants

All employers with personal responsibility for case

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)

Table 7.3 Claimants' survey: Whether felt worthwhile bringing case by SETA outcome and year

Per cent, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Whether feel was worthwhile overall bringing tribunal against employer [AQP7]														
Yes	83	78	67	65	93	87	92	88	65	57	63	51	83	77
No	16	18	33	32	7	11	6	9	31	39	32	46	15	20
Don't Know	1	4	1	3	1	2	2	3	4	4	4	3	2	3
<i>unweighted base</i>	311	322	141	152	800	867	321	240	311	299	136	108	2020	1988

Table source: SETA 2008 and SETA 2013: All claimants.**Table weight:** SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants)**Table notes:** Table 9.26 in SETA 2008 (modified)

Table 7.4 Claimants' and Employers' survey: Satisfaction with employment tribunal system by SETA outcome and year

Per cent, bases are counts

Claimants' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Overall satisfaction with workings of employment tribunal system [CQP10]														
Very satisfied	42	45	20	9	43	42	42	47	26	28	15	9	36	36
Quite satisfied	41	37	31	35	40	38	38	32	37	37	28	31	38	36
Not very satisfied	9	7	18	24	7	9	10	11	17	16	21	22	11	12
Not at all satisfied	7	8	30	29	4	6	4	4	13	14	31	35	9	11
SATISFIED	83	82	51	44	83	80	80	79	62	65	43	40	74	72
DISSATISFIED	15	15	47	53	11	15	13	15	30	30	52	56	20	24
Don't Know	2	2	2	3	6	4	6	7	8	5	5	3	5	4
<i>unweighted base</i>	311	322	141	152	800	867	321	240	311	299	136	108	2020	1988
Employers' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Overall satisfaction with workings of employment tribunal system [CQP10]														
Very satisfied	16	16	43	24	17	15	16	22	20	23	33	26	21	19
Quite satisfied	45	28	35	52	49	47	45	45	40	50	38	44	44	45
Not very satisfied	15	14	8	13	11	12	16	14	14	9	20	17	13	13
Not at all satisfied	23	30	6	9	9	16	14	12	16	9	7	12	12	15
SATISFIED	61	44	79	76	65	62	62	67	60	73	72	70	65	64
DISSATISFIED	37	45	14	22	20	28	30	26	30	18	27	30	25	28
Don't Know	2	11	7	1	14	10	9	7	9	9	2	1	10	8
<i>unweighted base</i>	140	111	157	190	711	816	370	232	220	256	138	171	1736	1776

Table source: SETA 2008 and SETA 2013: All claimants / All employers with personal responsibility for case

Table weight: SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)

Table 7.5 Claimants' survey: Satisfaction with employment tribunal system by claimant age and sex

Per cent, bases are counts

	Sex [CQA21]		Age of claimant [CQA22B]				All
	Male	Female	Under 25	25-44	45-64	65 and over	
Overall satisfaction with workings of employment tribunal system [CQP10]							
Very satisfied	36	35	38	34	37	41	36
Quite satisfied	35	38	46	38	33	34	36
Not very satisfied	12	12	5	13	13	14	12
Not at all satisfied	12	11	7	11	13	7	11
SATISFIED	71	73	84	72	70	75	72
DISSATISFIED	24	23	12	25	25	22	24
Don't Know	4	4	4	3	5	3	4
<i>unweighted base</i>	1125	863	158	785	977	63	1988

Table source: SETA 2013: All claimants.**Table weight:** Claimant Weight**Table notes:** Table 7.4 in SETA 2008 (modified)

Table 7.6 Employers' survey: Satisfaction with employment tribunal system by employer characteristics

Per cent, bases are counts

	Sector [CQA313]			Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Public sector	Private sector	Non-profit/voluntary	Less than 25	25-49	50-249	250+	
Overall satisfaction with workings of employment tribunal system [CQP10]								
Very satisfied	24	18	18	18	18	21	19	19
Quite satisfied	59	41	51	32	35	42	57	45
Not very satisfied	7	14	14	13	9	16	12	13
Not at all satisfied	3	18	13	28	27	12	6	15
SATISFIED	83	60	69	50	54	63	76	64
DISSATISFIED	10	32	26	41	36	28	18	28
Don't Know	7	8	5	9	10	9	6	8
<i>unweighted base</i>	284	1289	193	491	168	340	748	1776

Table source: SETA 2013: All employers with personal responsibility for the case

Table weight: Employer Weight

Table notes: Table 7.8 in SETA 2008 (modified)

Table 7.7 Claimants' survey: Dissatisfaction with employment tribunal system

Per cent, bases are counts

Why dissatisfied with workings of the employment tribunal system [CQP111 - CQP1141]*

The tribunal system is unfair/failing	25
Didn't receive any help/support	14
Need for a quicker timescale	11
Communication was poor	10
<i>unweighted base</i>	449

Table source: SETA 2013: All claimants who were dissatisfied with the workings of the employment tribunal system**Table weight:** Claimant Weight**Table notes:**

*Answers given by 10 per cent or more

Table 7.5 in SETA 2008

Table 7.8 Employers' survey: Dissatisfaction with Employment Tribunal System

Per cent, bases are counts

Why dissatisfied with workings of the employment tribunal system [CQP111 - CQP1141]*

The tribunal system is unfair/failing	34
Reduce/limit costs of going to tribunal/costs too much	17
It shouldn't have got that far/to court/to tribunal	13
Too easy for an employee to take a company to court	12
<i>unweighted base</i>	508

Table source: SETA 2013: All employers with personal responsibility for the case who were dissatisfied with the workings of the employment tribunal system

Table weight: SETA 2013: Employer Weight

Table notes:

*Answers given by 10 per cent or more

Table 7.9 in SETA 2008

Table 7.9 Claimants' and Employers' survey: Experience of tribunal by SETA outcome and year

Per cent, bases are counts

Claimants' survey	SETA Outcome [CSVOUT]					
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		All	
	2007	2012	2007	2012	2007	2012
Whether felt tribunal gave each party a fair chance to make their case [CQL22]						
Yes – fair	80	80	52	49	71	66
No – more favourable to claimant	1	2	1	1	1	1
No – more favourable to employer	7	4	40	45	17	23
Don't Know	12	13	7	5	11	9
<i>unweighted base</i>	308	224	141	152	450	377
Employers' survey	SETA Outcome [CSVOUT]					
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		All	
	2007	2012	2007	2012	2007	2012
Whether felt tribunal gave each party a fair chance to make their case [CQL22]						
Yes – fair	60	56	86	91	73	73
No – more favourable to claimant	28	28	3	5	15	17
No – more favourable to employer	-	-	-	-	-	-
Don't Know	12	17	11	3	11	11
<i>unweighted base</i>	139	98	157	190	297	289

Table source: SETA 2008 and SETA 2013: Based on all claimants and employers whose case involved a decision at tribunal**Table weight:** SETA 2008: Weight / SETA 2013: Claimant Weight (Claimants) / Employer Weight (Employers)**Table notes:** Table 7.3 in SETA 2008 (modified)

Table 7.10 Claimants' survey: Experience of tribunal by personal characteristics

	Sex [CQA21]		Age of claimant [CQA22B]				Country [CREGION]		
	Male	Female	Under 25	25-44	45-64	65 and over	England/Wales	Scotland	
Per cent, bases are counts									
Whether felt tribunal gave each party a fair chance to make their case [CQL22]									
Yes – fair	65	68	[66]	75	62	[100]	66	[76]	
No – more favourable to claimant	8	3	[3]	1	2	[-]	1	[7]	
No – more favourable to employer	25	20	[9]	19	27	[-]	24	[7]	
Don't know	9	9	[21]	6	10	[-]	9	[10]	
<i>unweighted base</i>	204	173	28	127	212	6	349	28	
	Ethnicity [AQA23]					Disability [DISAB]			
	White	Black	Asian	Mixed	Other	Yes, Limiting	Yes, Not Limiting	No	
Whether felt tribunal gave each party a fair chance to make their case [CQL22]									
Yes – fair	69	[46]	[59]	[75]	[32]	60	[87]	66	
No – more favourable to claimant	2	[-]	[-]	[-]	[-]	-	[-]	2	
No – more favourable to employer	20	[37]	[28]	[25]	[68]	33	[4]	22	
Don't know	9	[16]	[13]	[-]	[-]	6	[9]	10	
<i>unweighted base</i>	314	23	14	8	6	57	20	293	
	Standard Occupation Classification 2010 of the claimant involved in the case [SOC2010ClaimB]								
	Managers, Directors and Senior Officials	Professional	Associate Prof. and Tech. Operations	Admin and Secretarial	Skilled Trades	Caring, Leisure and Other Service	Sales and Customer Service	Process, Plant and Machine Operatives	Elementary
Whether felt tribunal gave each party a fair chance to make their case [CQL22]									
Yes – fair	61	67	76	57	73	[65]	[43]	62	78
No – more favourable to claimant	2	2	-	2	-	[-]	[3]	2	3
No – more favourable to employer	25	26	16	32	22	[22]	[35]	24	13
Don't know	12	4	9	9	6	[14]	[19]	13	6
<i>unweighted base</i>	37	42	69	43	46	29	25	43	43

Table source: Based on all claimants whose case involved a decision at tribunal

Table weight: Claimant Weight

Table 7.11 Employers survey: Experience of tribunal by enterprise size and sector

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				Sector [CQA313]		
	Less than 25	25 - 49	50 - 249	250+	Private sector	Public sector	Non-profit/ voluntary
Whether felt tribunal gave each party a fair chance to make their case [CQL22]							
Yes – fair	63	66	69	85	71	80	78
No – more favourable to claimant	23	18	20	9	17	10	22
No – more favourable to employer	-	-	-	-	-	-	-
Don't know	14	16	11	6	12	10	-
<i>unweighted base</i>	96	31	42	115	210	41	35

Table source: Based on all employers with personal responsibility for case which involved a decision at tribunal**Table weight:** Employer Weight**Table notes:** Table 7.7 in SETA 2008 (modified)

Chapter 8: Characteristics of parties

Table 8.1 Claimants' survey: Personal characteristics by primary jurisdiction and year

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Age of claimant [CQA22B/ CQA22]														
16-19	2	*	1	1	4	5	2	-	2	1	2	2	2	1
20-24	5	5	8	7	6	16	2	3	5	4	5	6	6	6
25-34	17	13	19	15	29	13	18	13	18	19	21	18	20	15
35-44	26	24	24	25	26	25	31	22	31	25	25	25	26	25
45-54	30	33	28	26	22	19	28	39	24	29	29	31	27	29
55-64	21	22	28	21	12	18	18	17	18	17	17	19	18	20
65+	1	2	18	4	1	3	2	5	2	5	*	1	2	3
Refused		-		*		*		1		1		-		*
Mean	44	45	43	44	39	41	44	47	43	45	42	44	43	44
Median	45	47	44	45	39	41	44	49	43	45	43	44	43	45
<i>unweighted base</i>	572	519	529	595	259	188	55	74	379	390	226	222	2020	1988
Disability [AQQA29/AQQA210]														
Limiting illness or disability	12	16	11	11	6	9	-	6	38	46	9	13	15	19
Non limiting illness or disability	8	9	6	6	5	7	8	12	8	6	6	6	7	7
No illness or disability	80	75	83	84	89	84	92	82	55	48	85	81	78	74
<i>unweighted base</i>	568	514	526	585	253	186	55	73	375	378	225	215	2002	1951
Ethnicity [AQQA23]														
White	91	85	86	81	82	85	95	93	75	73	89	86	86	82
Mixed/ Multiple ethnic groups	1	1	2	3	3	3	2	-	3	3	2	1	2	2
Asian/ Asian British	3	5	4	5	5	3	2	-	11	9	3	4	5	5
Black/ African/ Caribbean/ Black British	4	7	4	8	5	6	2	3	8	12	3	4	5	7
Other ethnic group	*	1	2	1	2	-	-	3	3	1	*	4	2	1
Don't Know	*	*	*	*	*	-	-	1	*	-	-	*	*	*
Refused	*	*	1	2	2	3	-	-	1	2	2	1	1	2
<i>unweighted base</i>	572	519	529	595	259	188	55	74	379	390	226	222	2020	1988

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Religion [AQQA28]⁶²														
No Religion		30		30		34		30		27		35		30
Christian		61		58		54		67		58		55		58
Any other religion		7		9		7		2		13		8		9
Don't Know		1		*		1		2		1		*		1
Refused		1		3		4		-		2		2		2
<i>unweighted base</i>		519		595		188		74		390		222		1988
Marriage and Civil Partnership [AQQA24] 1⁶³														
Married or registered in a same-sex civil partnership		48		48		41		57		49		52		48
Separated but still legally married		3		3		3		3		4		3		3
Single (never married or formed a same-sex civil partnership)		37		39		47		31		36		36		38
Divorced or formally registered in a same-sex civil partnership which has now been dissolved		10		7		6		7		7		7		8
Widowed or surviving partner from a same-sex civil partnership		1		1		2		1		2		*		1
Refused		1		1		2		1		2		2		1
<i>unweighted base</i>		519		595		188		74		390		222		1988
Legally registered partnership														
All in a legally registered partnership		51		52		44		59		53		55		52
All not in a legally registered partnership		48		47		54		40		45		43		47
Refused		1		1		2		1		2		2		1
<i>unweighted base</i>		519		595		188		74		390		222		1988
Living Arrangements [AQQA57]														

⁶² Question wording changed between SETA 2008 and SETA 2013 so no 2007 comparison included.

⁶³ Question wording changed between SETA 2008 and SETA 2013 so no 2007 comparison included.

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Persons living in a couple	-	64	-	64	-	56	-	65	-	62	-	67	-	63
Persons not living in a couple	-	36	-	36	-	42	-	34	-	38	-	32	-	36
<i>unweighted base</i>	-	519	-	595	-	188	-	74	-	390	-	222	-	1988
Sex [CQA21]														
Male	65	58	61	60	72	65	62	52	46	46	52	61	60	57
Female	35	42	39	40	28	35	38	48	54	54	48	39	40	43
<i>unweighted base</i>	572	519	529	595	259	188	55	74	379	390	226	222	2020	1988
Sexual Identity [AQQA47]														
Heterosexual / Straight	-	96	-	94	-	92	-	96	-	93	-	95	-	94
Gay / Lesbian	-	2	-	2	-	4	-	3	-	3	-	1	-	2
Bisexual	-	1	-	-	-	1	-	-	-	1	-	*	-	1
Other	-	*	-	1	-	-	-	-	-	1	-	*	-	*
Don't Know	-	1	-	1	-	1	-	-	-	1	-	1	-	1
Refused	-	1	-	2	-	2	-	1	-	2	-	2	-	2
<i>unweighted base</i>	-	519	-	595	-	188	-	74	-	390	-	222	-	1988
Dependent Children under 16 [AQQA26]														
Have dependent children	36	34	33	30	32	22	35	26	38	33	36	38	35	32
No dependent children	64	66	67	69	66	77	64	72	62	66	63	61	64	67
Refused	1	*	1	1	2	1	2	1	1	1	1	1	1	1
<i>unweighted base</i>	572	519	529	595	259	188	55	74	379	390	226	222	2020	1988
Caring responsibilities [AQQA34]														
Caring responsibilities	15	23	11	15	11	9	14	25	20	27	17	17	14	20
No caring responsibilities	85	77	89	85	87	90	86	74	79	72	82	82	85	80
Don't know	1	*	*	1	2	1	-	1	1	1	1	1	1	1
<i>unweighted base</i>	572	519	529	595	259	188	55	74	379	390	226	222	2020	1988

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Educational Attainment [AQA36 / AQA37 / AQA25]⁶⁴														
Degree, or Degree equivalent and above	19	27	22	25	22	20	17	21	30	38	22	32	22	29
Other qualifications	54	53	51	49	54	60	60	47	51	40	55	49	53	49
No Qualifications	25	19	26	24	22	17	23	30	18	21	23	18	24	21
Refused	1	1	1	2	2	2	-	1	1	1	-	1	1	1
<i>unweighted base</i>	572	519	529	595	259	188	55	74	379	390	226	222	2020	1988

Table source:

SETA 2008 and SETA 2013: All claimants except Disability (all except missing values).

Table Weight: SETA 2008: Weight / SETA 2013: Claimant Weight**Table notes:**

The term separated covers any person whose spouse or same-sex civil partner is living elsewhere because of estrangement (whether the separation is legal or not).

The term dependent children includes dependent children under the age of 16.

Significance testing of medians has not been conducted.

Table 2.1 in SETA 2008 (modified)

⁶⁴ Note that answer codes changed between SETA 2008 and SETA 2013.

Table 8.2 Claimants' survey: Personal characteristics by SETA outcome and year

Per cent, bases are counts

	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		SETA Outcome [CSVOUT] Privately settled		Withdrawn		Dismissed/ disposed		Any settled	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Age of claimant[CQA22B]														
16-19	3	2	1	-	2	2	1	-	1	2	2	1	2	1
20-24	7	10	4	3	6	7	4	6	4	6	8	6	6	6
25-34	19	16	18	9	23	15	14	15	18	17	21	19	20	15
35-44	25	21	28	22	27	25	25	30	26	21	22	27	27	25
45-54	26	28	32	41	24	29	35	26	29	29	24	26	27	29
55-64	20	22	16	23	16	19	18	20	21	22	21	18	17	20
65+	2	2	1	1	1	4	2	2	1	3	2	3	2	3
Refused		1		1		-		*		-		*		*
Mean	43	44	42	47	41	44	44	44	43	45	42	44	42	44
Median	44	45	44	48	41	45	46	44	45	46	43	44	42	45
<i>unweighted base</i>	311	177	141	152	800	867	321	240	311	299	136	253	1121	1107
Disability [AQQA29/AQQA210]														
Limiting illness or disability	8	8	21	27	14	19	14	20	21	21	12	19	14	19
Non limiting illness or disability	6	6	6	4	8	8	5	9	7	6	6	5	7	8
No illness or disability	86	86	73	69	78	73	81	71	71	73	82	75	79	72
<i>unweighted base</i>	309	171	140	152	795	850	315	234	308	294	135	250	1110	1084
Ethnicity [AQQA23]														
White	86	84	85	80	87	84	86	81	85	77	78	81	87	83
Mixed/ Multiple ethnic groups	2	1	2	4	2	2	2	1	2	3	3	3	2	2
Asian/ Asian British	5	4	7	5	3	5	5	7	7	9	4	3	4	5
Black/ African/ Caribbean/ Black	3	5	5	8	5	7	4	8	3	8	10	9	5	7
Other ethnic group	2	2	1	2	2	1	2	*	1	2	1	2	2	1
Don't Know	*	-	-	-	*	*	*	-	*	-	-	*	*	*
Refused	1	4	-	1	1	1	1	2	2	2	3	2	1	1
<i>unweighted base</i>	311	177	141	152	800	867	321	240	311	299	136	253	1121	1107

Per cent, bases are counts

	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		SETA Outcome [CSVOUT] Privately settled		Withdrawn		Dismissed/ disposed		Any settled	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Religion [AQQA28]⁶⁵														
No Religion		28		22		31		33		27		36		32
Christian		59		65		59		54		59		52		58
Any other religion		8		11		8		11		11		8		8
Don't Know		1		1		1		*		*		1		*
Refused		4		1		1		2		2		3		1
<i>unweighted base</i>		177		152		867		240		299		253		1107
Marriage and Civil Partnership														
Married or registered in a same-sex civil partnership		46		49		48		51		50		46		49
Separated, but still legally married		3		7		3		5		2		2		4
Single (never married or formed a same-sex civil partnership)		42		36		38		32		38		42		37
Divorced or formally registered in a same-sex civil partnership which has now been dissolved		6		8		8		10		6		7		8
Widowed or surviving partner from a same-sex civil partnership		1		1		1		1		2		2		1
Refused		3		-		1		1		2		1		1
<i>unweighted base</i>		177		152		867		240		299		253		1107
Legally registered partnership														
All in a legally registered partnership		48		56		51		56		52		48		52
All not in a legally registered		49		44		47		43		46		51		46
Refused		3		-		1		1		2		1		
<i>unweighted base</i>		177		152		867		240		299		253		1107
Living Arrangements [AQQA57]														
Persons living in a couple	-	63	-	65	-	63	-	65	-	64	-	58	-	64
Persons not living in a couple	-	36	-	35	-	36	-	35	-	35	-	42	-	36

⁶⁵ Question wording changed between SETA 2008 and SETA 2013 so no 2007 comparison included.

⁶⁶ Question wording changed between SETA 2008 and SETA 2013 so no 2007 comparison included.

Per cent, bases are counts

	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		SETA Outcome [CSVOUT] Privately settled		Withdrawn		Dismissed/ disposed		Any settled	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Refused	-	*	-	-	-	1	-	*	-	1	-	*	-	1
<i>unweighted base</i>	-	177	-	152	-	867	-	240	-	299	-	253	-	1107
Sex [CQA21]														
Male	63	49	69	60	55	54	62	58	64	60	56	64	57	55
Female	37	51	31	40	45	46	38	42	36	40	44	36	43	45
<i>unweighted base</i>	311	177	141	152	800	867	321	240	311	299	136	253	1121	1107
Sexual Identity [AQQ47]														
Heterosexual / Straight	-	94	-	96	-	94	-	92	-	94	-	96	-	94
Gay / Lesbian	-	1	-	1	-	2	-	4	-	3	-	2	-	3
Bisexual	-	1	-	-	-	1	-	1	-	-	-	-	-	1
Other	-	-	-	1	-	*	-	*	-	1	-	-	-	*
Don't Know	-	1	-	1	-	1	-	*	-	*	-	1	-	1
Refused	-	3	-	2	-	1	-	2	-	3	-	1	-	1
<i>unweighted base</i>	-	177	-	152	-	867	-	240	-	299	-	253	-	1107
Dependent Children under 16 [AQQ26]														
Have dependent children	30	25	35	30	35	34	39	29	35	33	34	32	36	33
No dependent children	69	74	64	69	64	65	60	70	64	66	64	68	63	66
Refused	1	1	1	1	*	1	1	1	1	1	2	*		1
<i>unweighted base</i>	311	177	141	152	800	867	321	240	311	299	136	253	1121	1107
Caring responsibilities [AQQ34]														
Caring responsibilities	11	11	23	22	14	21	13	22	13	19	19	17	14	22
No caring responsibilities	88	88	77	78	85	78	86	77	86	80	80	83	85	78
Don't know	1	1	1	-	1	1	1	1	1	2	1	*	1	1
<i>unweighted base</i>	311	177	141	152	800	867	321	240	311	299	136	253	1121	1107

Per cent, bases are counts

	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		SETA Outcome [CSVOUT] Privately settled		Withdrawn		Dismissed/ disposed		Any settled	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
	Educational Attainment [AQQA36 / AQQA37 / AQQA25]⁶⁷													
Degree, or Degree equivalent and above	16	19	23	29	23	28	26	37	28	34	16	23	24	30
Other qualifications	56	53	51	55	54	51	53	44	49	44	55	47	53	50
No Qualifications	27	25	24	17	23	19	20	17	23	21	28	29	22	19
Refused	1	4	2	-	*	1	1	2	1	1	1	2	1	1
<i>unweighted base</i>	311	177	141	152	800	867	321	240	311	299	136	253	1121	1107

Table source:

SETA 2008 and SETA 2013: All claimants except Disability (all except missing values).

Table Weight: SETA 2008: Weight / SETA 2013: Claimant Weight**Table notes:**

The term separated covers any person whose spouse or same-sex civil partner is living elsewhere because of estrangement (whether the separation is legal or not).

The term dependent children includes dependent children under the age of 16.

Significance testing of medians has not been conducted.

Table 9.4 in SETA 2008 (modified)

⁶⁷ Question wording changed between SETA 2008 and SETA 2013 so no 2007 comparison included.

Table 8.3 Annual Population Survey: Personal characteristics of GB employees

	SETA	All Great Britain Employees
	2012	2012
Age		
16-19	1	4
20-24	6	10
25-34	15	24
35-44	25	23
45-54	29	24
55-64	20	13
65+	3	2
Mean	44	40
Median	45	40
<i>unweighted base</i>	1988	116944
Disability		
Limiting illness or disability	19	11
Non limiting illness or disability	7	16
No illness or disability	74	73
<i>unweighted base</i>	1951	114158
Ethnicity		
White	82	90
Mixed/ Multiple ethnic groups	2	1
Asian/ Asian British	5	6
Black/ African/ Caribbean/ Black British	7	2
Other ethnic group	1	1
Missing	2	*
<i>unweighted base</i>	1988	116944
Religion		
No Religion	30	33
Christian	58	60
Any other religion	9	7
Missing	3	*
<i>unweighted base</i>	1988	116944

	SETA 2012	All Great Britain Employees 2012
Marriage and Civil Partnership⁶⁸		
Married or registered in a same-sex civil partnership, and living with spouse	48	50
Married separated from spouse	3	3
Single (never married)	38	38
Divorced or formally registered in a same-sex civil partnership which has now been dissolved	8	8
Widowed or surviving partner from a same-sex civil partnership	1	1
Refused	1	-
<i>unweighted base</i>	1988	116944
Living Arrangements⁶⁹		
Persons living in a couple	63	66
Persons not living in a couple	36	34
<i>unweighted base</i>	1988	116944
Sex		
Male	57	51
Female	43	49
<i>unweighted base</i>	1988	116944
Educational Attainment⁷⁰		
Degree, or Degree equivalent and above	29	30
Other qualifications	49	62
No Qualifications	21	8
Refused	1	-
<i>unweighted base</i>	1988	116944

⁶⁸ Note difference in answer codes between SETA 2013 and APS 2012

⁶⁹ Note difference in derivation between SETA 2013 and APS 2012.

⁷⁰ Note difference in derivation between SETA 2013 and APS 2012.

	SETA	All Great Britain Employees
	2012	2012

Table source:

SETA 2013: All claimants except Disability (all except missing values)

Annual Population Survey January-December 2012, Office for National Statistics: Great Britain Employees only except Disability (all GB employees except missing values).

Table Weight: SETA 2013: Claimant Weight**Table notes:**

Significance testing of medians has not been conducted. Table 2.2 in SETA 2008 (modified).

Table 8.4 Claimants' survey: Employment-related characteristics by primary jurisdiction and year

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Employer or applying for a job [CQA32]														
Employed	99	100	97	98	97	99	98	100	94	95	98	99	97	98
Applying for a job	-	-	1	1	1	1	-	-	5	4	-	*	1	1
<i>unweighted base</i>	572	519	529	595	259	188	55	74	379	390	226	222	2020	1988
Employment status [CQA35/ CQA36B]														
Permanent full-time	88	85	82	80	75	59	85	80	78	79	76	72	82	78
Permanent part-time	9	13	14	14	10	22	10	18	19	19	16	14	13	16
Temporary job	1	2	3	6	12	18	4	3	3	3	8	14	4	6
<i>unweighted base</i>	568	511	512	568	250	177	54	71	356	361	222	214	1962	1902
Occupation [SOC2010ClaimB]]⁷¹														
Managers, directors and Professional occupations		15		17		5		14		11		16		14
Associate professional and technical occupations		12		10		7		15		16		12		12
Administrative and secretarial occupations		15		16		15		10		23		14		17
Skilled trades occupations		11		10		9		10		10		11		10
Caring, leisure and other service occupations		10		14		17		24		6		10		11
Sales and customer service occupations		10		9		8		7		8		7		9
Process, plant and machine operatives		8		5		8		6		10		5		7
Elementary occupations		11		9		10		6		6		13		10
Not codable		8		9		21		9		10		12		11
		-		-		1		-		*		-		*
<i>unweighted base</i>		519		595		188		74		390		222		1988
Managerial status⁷²														
Yes		50		49		28		57		42		47		46
No		49		51		72		43		58		53		54

⁷¹ SOC2000 was used in SETA 2008 data while SOC2010 is used in SETA 2013 so no comparison between survey years .

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Don't know		1		*		*		-		-		-		*
<i>unweighted base</i>		516		580		184		73		368		219		1940
Annual gross pay (full-time permanent employees) [CQA38A]														
Mean	28,627	28,359	35,611	28,182	30,251	28,857	20,140	27,130	26,283	32,020	25,119	31,132	29,634	29,341
Median	20,323	24,000	20,000	21,000	20,800	20,800	16,784	24,752	21,597	24,700	19,748	25,000	20,000	23,600
<i>unweighted base</i>	501	401	420	408	186	95	47	50	276	261	167	143	1596	1358
Whether receiving any benefits [AQA51]														
Yes	-	34	-	30	-	22	-	25	-	34	-	26	-	31
No	-	66	-	69	-	77	-	74	-	64	-	72	-	69
Refusal	-	*	-	1	-	1	-	1	-	1	-	1	-	1
<i>unweighted base</i>	-	519	-	595	-	188	-	74	-	390	-	222	-	1988
Benefits received [AQA5201-AQA5218]														
Income Support	-	2	-	2	-	1	-	2	-	2	-	1	-	2
Employment Support	-	3	-	3	-	3	-	3	-	7	-	3	-	4
Job-seekers Allowance	-	24	-	18	-	9	-	11	-	12	-	10	-	16
Pension Credit	-	*	-	1	-	-	-	-	-	1	-	-	-	*
Working Tax Credit	-	2	-	2	-	3	-	3	-	3	-	4	-	2
Child Tax Credit	-	5	-	4	-	5	-	1	-	4	-	6	-	4
Housing benefit	-	5	-	3	-	5	-	-	-	5	-	5	-	4
Council tax benefit	-	7	-	5	-	3	-	3	-	6	-	5	-	6
Attendance allowance	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Severe disablement	-	-	-	-	-	-	-	-	-	*	-	-	-	*
Carer's allowance	-	*	-	*	-	*	-	-	-	1	-	*	-	*
Disability living allowance	-	1	-	2	-	2	-	-	-	10	-	*	-	3
State Pension	-	1	-	2	-	2	-	6	-	2	-	1	-	2
Child Benefit	-	6	-	5	-	6	-	5	-	4	-	9	-	6
Other state benefits	-	1	-	1	-	3	-	1	-	3	-	1	-	2

⁷² Question wording changed between SETA 2008 and SETA 2013 so no 2007 comparison included.

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Don't Know	-	-	-	*	-	1	-	-	-	1	-	-	-	*
Refused	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>unweighted base</i>	-	519	-	595	-	188	-	74	-	390	-	222	-	1988
Member of a trade union or staff association at time of claim [AQ316B]														
Member	25	32	13	14	23	23	15	14	46	44	27	32	25	28
Non Member	74	68	87	85	77	75	85	84	53	56	73	67	74	71
Don't know	1	*	*	1	-	1	-	2	1	*	1	1	1	1
<i>unweighted base</i>	572	519	529	595	259	188	55	74	379	390	226	222	2020	1988
Whether personally ever made an employment tribunal claim [CQB1]														
Made a claim	8	9	12	10	19	20	12	11	10	13	19	17	12	12
Not made a claim	92	91	88	90	81	80	88	89	90	87	81	83	88	88
<i>unweighted base</i>	346	312	305	329	155	119	35	38	217	253	118	148	1176	1199

Table source:

SETA 2008 and SETA 2013: All claimants except Employment status (all fulltime or part time employees except missing values), Managerial status (all current and former workers), Annual pay (all full time permanent employees except missing values) and Whether personally ever made an employment tribunal claim (all aware of employment tribunal process before dispute).

Table Weight: SETA 2008: Weight / SETA 2013: Claimant Weight

Table notes:

Significance testing of medians has not been conducted.

Table 2.3 in SETA 2008 (modified).

Table 8.5 Claimants' survey: Employment-related characteristics by SETA outcome and year

Per cent, bases are counts

	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		SETA Outcome [CSVOUT] Privately settled		Withdrawn		Dismissed/disposed		Any settled	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Employer or applying for a job [CQA32]														
Employed	96	99	96	98	98	98	98	100	96	97	99	99	98	99
Applying for a job	1	-	4	2	2	1	1	-	3	2	1	-	1	1
<i>unweighted base</i>	311	177	141	152	800	867	321	240	311	299	136	253	1121	1107
Employment status [CQA35/CQA36B]														
Permanent full-time	83	77	91	79	80	79	84	78	87	76	79	79	81	78
Permanent part-time	10	17	6	15	16	16	12	13	11	15	17	15	15	16
Temporary job	7	5	3	6	5	5	4	9	2	8	5	7	4	6
<i>unweighted base</i>	294	172	134	146	767	828	313	231	294	283	130	242	1080	1059
Occupation [SOC2010ClaimB]]⁷⁴														
Managers, directors and senior		11		5		16		14		17		12		14
Professional occupations		9		15		10		16		14		9		12
Associate professional and technical		21		17		16		19		15		15		17
Administrative and secretarial		12		11		10		15		7		11		10
Skilled trades occupations		14		11		12		7		10		14		11
Caring, leisure and other service		7		10		10		6		8		9		9
Sales and customer service		5		7		8		5		6		8		7
Process, plant and machine		13		9		10		6		12		9		10
Elementary occupations		12		10		9		12		11		13		11
Not codable		-		-		*		*		*		-		*
<i>unweighted base</i>		177		152		867		240		299		253		1107
Managerial status [CQA33C]]⁷⁵														
Yes		51		36		47		46		50		41		46
No		49		63		53		54		50		58		53
Don't know		*		1		*		-		-		*		*

⁷⁴ SOC2000 was used in SETA 2008 while SOC2010 is used in SETA 2013 so no comparison between survey years.⁷⁵ Question wording changed between SETA 2008 and SETA 2013 so no 2007 comparison included.

Per cent, bases are counts

	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		SETA Outcome [CSVOUT] Privately settled		Withdrawn		Dismissed/ disposed		Any settled	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
	<i>unweighted base</i>													
	173		148		843		238		288		250		1081	
Annual gross pay (full-time permanent employees) [CQA38A / CBA38]														
Mean	22,309	23,965	23,021	27,946	35,598	28,709	29,536	38,149	28,870	32,156	21,230	24,196	33,812	30,835
Median	18,489	20,280	20,371	22,800	20,000	24,000	24,000	27,783	20,800	25,000	19,000	20,800	21,000	24,336
<i>unweighted base</i>	243	117	122	108	610	598	263	163	256	204	102	168	873	761
Whether receiving any benefits [AQA51]														
Yes	-	30	-	38	-	32	-	26	-	25	-	32	-	30
No	-	69	-	62	-	67	-	73	-	73	-	67	-	69
Refused	-	1	-	-	-	1	-	1	-	1	-	*	-	1
<i>unweighted base</i>	-	133	-	115	-	649	-	179	-	217	-	186	-	828
Benefits received [AQA5201-AQA5218]														
Income Support	-	3	-	2	-	2	-	*	-	2	-	1	-	2
Employment Support Allowance	-	2	-	6	-	4	-	4	-	3	-	3	-	5
Job-seekers Allowance	-	18	-	20	-	17	-	12	-	11	-	20	-	17
Pension Credit	-	*	-	-	-	*	-	-	-	*	-	1	-	*
Working Tax Credit	-	2	-	3	-	3	-	2	-	2	-	2	-	2
Child Tax Credit	-	6	-	6	-	4	-	3	-	5	-	4	-	3
Housing benefit	-	7	-	5	-	5	-	3	-	2	-	4	-	4
Council tax benefit	-	6	-	9	-	6	-	3	-	3	-	6	-	5
Attendance allowance	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Severe disablement allowance	-	-	-	-	-	*	-	-	-	-	-	-	-	*
Carer's allowance	-	*	-	-	-	1	-	-	-	*	-	1	-	*
Disability living allowance	-	-	-	3	-	3	-	4	-	4	-	4	-	3
State Pension	-	1	-	1	-	3	-	2	-	1	-	2	-	2
Child Benefit	-	5	-	9	-	6	-	3	-	6	-	5	-	5
Other state benefits (specify)	-	-	-	1	-	1	-	2	-	2	-	2	-	1
Don't Know	-	1	-	-	-	*	-	*	-	*	-	-	-	*
Refused	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>unweighted base</i>	-	133	-	115	-	649	-	179	-	217	-	186	-	828
Member of a trade union or staff association at time of claim [AQA316B]														
Member	12	14	26	30	22	27	31	28	39	43	28	20	25	28
Non Member	88	85	73	69	77	72	68	72	60	56	72	78	75	71
Don't know	*	1	1	1	1	*	*	-	1	1	-	1	1	*

Per cent, bases are counts

	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		SETA Outcome [CSVOUT] Privately settled		Withdrawn		Dismissed/ disposed		Any settled	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
	<i>unweighted base</i>	311	177	141	152	800	867	321	240	311	299	136	253	1121
Whether personally ever made an employment tribunal claim [CQB1]														
Made a claim	9	12	14	15	12	11	15	14	9	9	15	16	13	12
Not made a claim	91	88	86	85	88	89	85	86	91	91	85	84	87	88
<i>unweighted base</i>	192	99	74	91	455	534	194	152	190	187	71	136	649	686

Table source:

SETA 2008 and SETA 2013: All claimants except Employment status (all fulltime or part time employees except missing values), Managerial status (all current and former workers), Annual pay (all full time permanent employees except missing values) and Whether personally ever made an employment tribunal claim (all aware of employment tribunal process before dispute).

Table Weight: SETA 2008: Weight / SETA 2013: Claimant Weight

Table notes:

Significance testing of medians has not been conducted.

Table 9.5 in SETA 2008 (modified)

Table 8.6 Employers' survey: Employer characteristics by primary jurisdiction and year

Per cent, bases are counts

Characteristic	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
Sector [CQA313]														
Private sector	78	70	81	81	80	86	79	76	51	56	70	71	72	72
Public sector	15	19	11	10	13	9	16	12	36	30	21	20	19	17
Non-profit/ voluntary sector	8	11	6	8	8	5	3	12	12	14	6	9	8	10
Don't know	1	*	2	1	1	*	2	-	1	*	4	-	1	1
<i>unweighted base</i>	921	617	577	563	159	145	22	48	396	437	232	201	2007	2011
Industry [SICGP]⁷⁶														
Agriculture, forestry and fishing		1		1		-		2		*		*		*
Mining and quarrying		*		1		-		-		*		*		*
Manufacturing		10		12		5		15		8		9		10
Electricity, gas, steam and air conditioning supply		*		-		-		1		-		-		*
Water supply; sewerage, waste management and remediation activities		2		2		1		2		1		-		2
Construction		6		11		15		15		2		9		8
Wholesale and retail trade; repair of motor vehicles and motor		14		13		5		9		11		11		12
Accommodation and food service activities		5		6		5		5		5		6		5
Transport and storage		7		6		8		3		4		6		6
Information and, communication		4		2		*		3		3		*		2
Financial and insurance activities		3		2		2		10		5		3		3
Real estate activities		2		2		2		4		3		2		2
Professional, scientific and technical activities		4		5		4		1		7		7		5
Administrative and support service activities		6		9		15		2		7		8		8
Public administration and defence; compulsory social security		6		3		3		5		9		7		5
Education		6		4		7		4		8		7		6
Human health and social work activities		18		13		18		14		21		16		17
Arts, entertainment and recreation		2		2		3		3		3		2		2
Other service activities		2		4		1		1		2		3		2
Not codable		2		2		4		1		2		4		2

⁷⁶ SIC2003 was used in SETA 2008 while SIC2007 is used in SETA 2013 so no comparison between survey years.

Per cent, bases are counts

Characteristic	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Wages Act		Redundancy Payments		Discrimination		Other		All	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
<i>unweighted base</i>	617		563		145		48		437		201		2011	
Single or multiple workplaces in the UK [CQA310]														
Single workplace	41	31	47	52	43	47	32	40	32	30	44	46	41	40
Multiple workplaces	60	69	53	48	57	53	68	60	68	70	56	54	59	60
<i>unweighted base</i>	621	617	577	563	159	145	22	48	396	437	232	201	2007	2011
Number of employees at whole organisation in the UK [ESIZEE]														
1 to 24	23	16	37	41	32	40	18	44	15	14	31	33	27	27
25 to 49	11	8	9	9	10	10	9	11	6	7	10	8	9	8
50 to 249	20	20	21	16	22	17	17	7	19	16	14	14	19	17
250 or more	46	57	34	33	37	33	57	38	60	63	45	46	45	47
<i>unweighted base</i>	614	611	562	550	149	137	22	47	387	432	229	198	1963	1975
Number of employees at workplace [ASIZEW]														
1 to 24	41	35	50	57	56	59	35	65	33	32	48	51	44	46
25 to 49	14	13	14	13	14	15	10	14	12	12	11	12	13	13
50 to 249	27	30	22	18	19	12	25	11	24	26	20	19	24	22
250 or more	18	22	13	13	11	13	30	10	31	30	21	18	19	19
<i>unweighted base</i>	609	582	556	534	143	130	19	46	380	417	225	190	1932	1899

Table source:

SETA 2008 and 2013: All employers except Number of employees at organisation (all except missing values) and Number of employees and workplace (all except missing values).

Table Weight: SETA 2008: Weight / SETA 2013:Employer Weight (Employers)**Table notes:** Table 2.5 in SETA 2008 (modified)

Table 8.7 Employers' survey: Employer characteristics by SETA outcome and year

Per cent, bases are counts

	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		SETA Outcome [CSVOUT] Privately settled		Withdrawn		Dismissed/ disposed		Any settled	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
	Sector [CQA313]													
Private sector	75	79	68	65	77	76	68	70	66	61	63	77	74	74
Public sector	17	9	21	21	15	13	22	21	22	28	27	16	17	15
Non-profit/ voluntary sector	5	11	10	12	7	11	8	8	11	11	9	5	8	10
Don't know	3	-	1	1	1	*	2	*	1	*	1	2	1	*
<i>unweighted base</i>	165	99	171	210	823	918	430	276	258	299	160	209	1253	1194
Industry [SICGP]⁷⁷														
Agriculture, forestry and fishing		-		-		1		-		1		1		*
Mining and quarrying		-		-		1		-		1		1		*
Manufacturing		11		9		11		9		9		7		11
Electricity, gas, steam and air		-		-		*		-		-		*		*
Water supply; sewerage, waste		3		2		1		2		2		1		1
Construction		10		5		7		10		4		17		8
Wholesale and retail trade; repair of		10		11		14		10		7		13		13
Accommodation and food service		5		3		5		7		5		6		6
Transport and storage		10		7		6		4		7		4		6
Information and, communication		4		3		1		3		3		2		2
Financial and insurance activities		1		2		3		6		4		3		3
Real estate activities		2		3		2		1		2		2		2
Professional, scientific and technical		4		3		7		7		5		2		7
Administrative and support service		13		13		8		6		8		8		7
Public administration and defence;		1		9		3		8		10		4		4
Education		5		6		6		6		6		6		6
Human health and social work		14		16		16		14		22		18		16
Arts, entertainment and recreation		2		1		3		3		2		1		3
Other service activities		4		3		2		3		1		1		3
Not codable		2		3		2		2		3		3		2
<i>unweighted base</i>		99		210		918		276		299		209		1194
Single or multiple workplaces in the UK [CQA310]														
Single workplace	50	55	39	34	43	39	40	41	37	30	35	51	42	39
Multiple workplaces	50	45	61	66	57	61	60	59	63	70	65	49	58	61

⁷⁷ SIC2003 was used in SETA 2008 while SIC2007 is used in SETA 2013 so no comparison between survey years.

Per cent, bases are counts

	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		SETA Outcome [CSVOUT] Privately settled		Withdrawn		Dismissed/ disposed		Any settled	
	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012	2007	2012
	<i>unweighted base</i>													
	165	99	171	210	823	918	430	276	258	299	160	209	1253	1194
Number of employees at whole organisation in the UK [ESIZEE]														
1 to 24	37	43	22	22	30	24	25	26	20	18	21	42	28	25
25 to 49	7	10	8	8	10	9	10	8	9	6	9	8	10	9
50 to 249	19	16	21	13	18	21	20	18	22	15	16	11	19	20
250 or more	38	30	49	56	42	46	45	48	50	61	53	40	43	46
<i>unweighted base</i>	160	98	169	204	804	905	422	273	253	292	155	203	1226	1178
Number of employees at workplace [ASIZEW]														
1 to 24	49	60	47	41	48	47	40	42	35	33	40	54	45	46
25 to 49	12	19	9	14	14	13	15	10	14	11	10	15	14	12
50 to 249	21	8	18	20	22	27	27	25	28	24	22	12	24	26
250 or more	18	13	26	25	16	14	18	23	23	31	27	19	16	16
<i>unweighted base</i>	156	97	167	194	796	873	415	263	249	281	149	191	1211	1136

Table source:

SETA 2008 and SETA 2013: All employers except Number of employees at organisation (all except missing values) and Number of employees and workplace (all expect missing values)

Table Weight: SETA 2008: Weight / SETA 2013:Employer Weight (Employers)**Table notes:** Table 9.6 in SETA 2008 (modified)

Table 8.8 Annual Population Survey: Employment related characteristics of GB employees

	SETA claimants 2012	All Great Britain Employees 2012
Employment status⁷⁸		
Permanent full-time	78	70
Permanent part-time	16	24
Temporary job	6	6
<i>unweighted base</i>	1902	116714
Occupation		
Managers, directors and senior officials	14	9
Professional occupations	12	20
Associate professional and technical occupations	17	14
Administrative and secretarial occupations	10	12
Skilled trades occupations	11	8
Caring, leisure and other service occupations	9	9
Sales and customer service occupations	7	9
Process, plant and machine operatives	10	6
Elementary occupations	11	12
Missing	*	*
<i>unweighted base</i>	1988	116944
Annual gross pay (full-time permanent employees)		
Mean	29,341	26,282
Median	23,600	25,012
<i>unweighted base</i>	1358	62297
Whether receiving any benefits		
Yes	31	27
No	69	73
Missing	1	*
<i>unweighted base</i>	1988	116944
	SETA claimants	All Great Britain Employees

⁷⁸ Note difference in derivation between SETA 2012 and APS.

	2012	2012
Member of a trade union or staff association at time of claim		
Member	28	26
<i>unweighted base</i>	1988	

Table source: Annual Population Survey January-December 2012, Office for National Statistics: Great Britain Employees only except Employment Status (all GB full time or part time employees except missing values), Annual Gross Pay (full time permanent employees except missing values) and Member of a trade union or staff association at time of claim (Quarter of Labour Force Survey 2012 employees excluding missing data)

SETA 2013: All claimants except Employment status (all fulltime or part time employees except missing values) and Annual pay (all full time permanent employees except missing values)

Table weight: SETA 2013:Employer Weight

Table notes: Table 2.4 in SETA 2008 (modified)

Table 8.9 Annual Population Survey: Employer characteristics

	SETA employers 2012	All Great Britain Employees 2012
Sector⁷⁹		
Private sector	72	69
Public sector	17	27
Non-profit/ voluntary sector	10	3
Missing	1	1
<i>unweighted base</i>	2011	116944
Industry		
Agriculture, forestry and fishing	*	1
Mining and quarrying	*	*
Manufacturing	10	11
Electricity, gas, steam and air conditioning supply	*	1
Water supply; sewerage, waste management and remediation activities	2	1
Construction	8	5
Wholesale and retail trade; repair of motor vehicles and motor	12	14
Accommodation and food service activities	5	5
Transport and storage	6	5
Information and, communication	2	4
Financial and insurance activities	3	5
Real estate activities	2	1
Professional, scientific and technical activities	5	6
Administrative and support service activities	8	4
Public administration and defence; compulsory social security	5	7
Education	6	12
Human health and social work activities	17	14
Arts, entertainment and recreation	2	2
Other service activities	2	2
Households as employers	-	*
Extraterritorial organisations	-	*
Missing	2	*
<i>unweighted base</i>	2011	116944
Number of employees at workplace		
1 to 24	46	33
25 to 49	13	13

⁷⁹ Note difference in derivation between SETA 2013 and APS.

	SETA employers 2012	All Great Britain Employees 2012
50 to 249	22	23
250 or more	19	29
Missing	-	1
<i>unweighted base</i>	1899	116944

Table source: Annual Population Survey January-December 2012, Office for National Statistics: Great Britain Employees only

SETA 2013: All employers except Number of employees and workplace (all expect missing values)

Table weight: SETA 2013:Employer Weight

Table notes: Table 2.5 in SETA 2008 (modified)

Annex B: Details of the Multivariate Analysis

Overview

In order to identify the factors that were linked to whether a claimant's decision to go to a tribunal would have been influenced by the payment of a £250 fee (section 3.4.1) and, separately, whether a case progressed to a full tribunal hearing (section 5.2), three logistic regression models were created:

- The first model (model A) looks at factors linked with whether a claimant's decision to go to tribunal would have been influenced by a fee, while the other two models (models B and C) looked at whether the case progressed to a full tribunal hearing.
- The second two models look at progression to a full tribunal hearing and are split between claimants (model B) and employers (model C) in order to examine factors that are specific to each group.

The logistic regression results show the explanatory power of different factors, when controlling for all other factors, on whether claimants were likely to be influenced in their decision to go to an employment tribunal were a fee of £250 introduced (model A) and the likelihood of claimants and employers to progress a case to a full tribunal hearing (models B and C), these are hitherto referred to as the 'outcome'. The tables below show the odds ratios and the level of significance.

Odds Ratios

The odds ratios are calculated by taking the ratio of the odds of one group experiencing the outcome compared to the odds of the reference group⁸⁰ experiencing the outcome.

- An odds ratio *greater than one* implies a *decreased* likelihood of being influenced in model A and an *increased* likelihood of progressing to a full hearing in models B and C.
- An odds ratio of *less than one* implies an *increased* likelihood of being influenced in model A and a *decreased* likelihood of progressing to a full hearing in models B and C.

For example, the odds ratios in Table AB2 show that claimants who aged 65 or over were nearly three times more likely to progress to a full hearing than a claimant who were aged under 25.

⁸⁰ The reference group is indicated in each table by the characteristic with an odds ratio of (1.0).

Significance

Whether or not variables were included in the earlier models was based upon the statistical significance of their bivariate relationship with satisfaction, as reported in sections 3.4.1 (model A) and 5.2 (models B and C). However, the final models shown here only include variables that were also found to have significant effect on the outcomes in the multivariate analysis, all others were removed if not statistically significant⁸¹. Variables that are statistically significant at the 95 per cent confidence level (i.e. less than '0.05' statistical significance) are indicated by an asterisk in the tables⁸².

When conducting any logistic regression it is important to consider the relationship between the variables being entered in the model. If an independent variable is too highly correlated with the variable being modelled it is not usually included. Similarly if two independent variables are too highly correlated, only one of them is usually entered in the model. In model A salary of the job related to the employment tribunal is significant, but none of the other variables related to income (such as salary of the job at the time of the interview and eligibility for a fee remission) appear in the model as significant drivers of influence. The analysis works by attempting to create the simplest most parsimonious model possible and where there is significant overlap (collinearity) between the independent variables then once a variable is included in the model other very similar or correlated variables are not required as they would be accounting for the same information in relation to the outcome variable.

The first stage of the modelling approach was to build a model using the 'forward stepwise' technique and as such the most powerful of a group of correlated variables will ultimately have been selected over and above the others. This does not denote that the other correlated variables would not be significant if entered into the model separately rather that they don't add any information over and above that of the variable already in the model, so that in combination with the significant variable with which they are correlated they are not significant and therefore superfluous.

As well as being too highly correlated, variables that do not meaningfully add anything to understanding drivers of the outcome were not included in the models. For example, from the five variables making up CQEG3 (recommendations of the representative/main advisor) only CQEG31 (advised to settle) and CQEG33 (advised to go to hearing) were entered into models B and C as the remaining variables were of no interest or had very small positive responses.

The pseudo R square reported here (at the base of each table) is the Nagelkerke R square calculated in SPSS and indicates the extent to which the model explains the variance in the outcome of respondents, with a maximum value of 1.0 indicating perfect explanatory power. The tables show that for the model looking at whether a claimant would have been influenced by a payment of a fee (model A) 17 per cent of the variance is explained, and

⁸¹ Variables removed are listed after each table.

⁸² This means that there is less than a five percent chance that the variable of interest actually had no effect on the outcome.

for the two models looking at progression to a full hearing (models B and C), 19 per cent of the variance is explained in the claimants model and 17 per cent in the employers model.

The classification table shows the practical results of using the logistic regression model. It displays the predicted values of the dependent variable based on the chosen logistic regression model. This table shows how many cases are correctly predicted (cells on the diagonal), and how many cases are not correctly predicted (cells off the diagonal). It also gives the overall percent of cases that are correctly predicted by the model. The tables show that for the model exploring whether the claimant would have been influenced by a fee (model A) 65 per cent of the cases are correctly predicted by the model. For the other two models looking at progression to a full tribunal hearing (models B and C) 82 per cent of the cases are correctly predicted by both models. Although the overall classification rate for model A overall is lower than that for models B and C, looking at the classification table the percentage of correctly predicted respondents is more even across both levels of the outcome, for models B and C the percentage of positive outcome predictions is much lower, reflecting the original data.

It should be noted that the models have been created using the complex surveys module in SPSS. This incorporates into the analysis any stratification and clustering in the sample design ensuring the results are more statistically valid.

Model A – Would fees have influenced decisions?

As reported in section 3.4, the perception of half of claimants (49 per cent) was that a claim fee of £250 would have influenced their decision to go to an employment tribunal in some way.

The variable being modelled is whether a claimant's decision to go to a tribunal would have been influenced by the payment of a £250 fee. The model examines the effect of different factors on whether the claimant would have been influenced by the payment of a £250 fee when controlling for all other variables in the model. Table AB1 shows the odds ratios of being influenced for each group compared to the reference group and whether or not these differences were significant.

Table AB1 Model A – Whether paying a fee of £250 would have influenced the claimant’s decision to go to tribunal

Variable	Variable categories	Statistical significance	Odds ratio	Confidence interval	
				Lower	Higher
	(Intercept)	.192	1.717	.762	3.869
Claimant age [CQA32B]	16-19	.273	.545	.184	1.612
	20-24	.030*	.472	.239	.931
	25-34	.009*	.446	.244	.816
	35-44	.102	.615	.344	1.101
	45-54	.221	.697	.391	1.242
	55-64	.899	1.039	.576	1.874
	65 and over		1.00		
Employment status [CQA35/CQA36B]	Full time permanent	.001*	2.205	1.357	3.583
	Part time permanent	.005*	2.192	1.266	3.795
	Temporary		1.00		
Gross annual salary at the time of the claim [CBA38]	Under £10,000	.000*	.171	.105	.278
	£10,000-£14,999	.000*	.262	.175	.391
	£15,000-£19,999	.000*	.262	.180	.382
	£20,000-£24,999	.000*	.293	.198	.434
	£25,000-£29,999	.000*	.330	.216	.504
	£30,000-£94,999	.000*	.476	.316	.719
	£40,000 or over		1.00		
Primary Jurisdiction [CJURM]	Unfair dismissal	.995	.999	.701	1.424
	Breach of Contract	.401	.863	.612	1.217
	Wages Act	.001*	.452	.284	.718
	Redundancy payments	.534	.833	.468	1.483
	Any discrimination	.924	.982	.676	1.426
	Other		1.00		
Whether had a day-to-day representative [CQE5]	Yes	.000*	1.800	1.474	2.199
	No		1.00		

Classification = 65.5%
Nagelkerke R2 = 0.168

Classification table

Observed	Predicted		
	Yes	No	Correct
Yes	17315.879	8690.132	66.6%
No	88.92368	16070.161	64.4%
Overall Percent	51.4%	48.6%	65.5%

The following variables were not included in the final regression model because they were not significant⁸³:

- Salary of job at the time of the interview
- Household income at the time of the interview
- Whether claimant was living with someone as part of a couple at the time of the application
- Whether the claimant had any dependent children aged under 18 at the time of the interview

⁸³ Variables that did not have a significant effect on whether a fee would have influenced a claimant’s decision to go to tribunal at the bivariate level are also not included in the multivariate analysis.

- Whether the claimant still worked for the employer at the time of the interview
- Workplace size

Model B - What influences whether a case goes to tribunal hearing (claimants)

As reported in section 5.2.1, in the claimant data, 17 per cent of cases involved a decision at a tribunal hearing.

The variable being modelled in model B is whether the case progressed to a full tribunal hearing (based on the claimant survey data). The model examines the effect of different factors on whether the case progressed to a tribunal hearing when controlling for all other variables in the model. Table AB2 shows the odds ratios of progressing to a hearing for each group compared to the reference group and whether or not these differences were significant.

Variable	Variable categories	Statistical significance	Odds ratio	Confidence interval	
				Lower	Higher
	(Intercept)	.000	0.14	.054	.355
Claimant age [CQA22B]	25-44	.164	1.98	.757	5.198
	45-64	.122	1.99	.831	4.749
	65 and over	.014*	2.94	1.245	6.944
	Under 25		1.00		
Whether the claimant was hoping to achieve an apology at the time they put in the application. claimant (by their day to day representative/main advisor) [CQE155]	Yes	.003*	1.95	1.255	3.028
	No		1.00		
Whether the claimant was advised that it was better not to settle and keep going for a hearing (by their day to day representative/main advisor) [CQEG31]	Yes	.029*	1.61	1.049	2.461
	No		1.00		
Whether the claimant received help preparing for hearings [CQEGOE]	Yes	.000*	2.62	1.820	3.774
	No		1.00		
Whether the claimant was a member of a trade union or staff association [AQA316B]	Yes	.000*	0.54	.391	.737
	No		1.00		
Whether the pros and cons of settling the case without going to a tribunal were outlined to the claimant [CQEGOC]	Yes	.000*	0.47	.334	.659
	No		1.00		
Whether an offer of settlement was made and who it was proposed by [EMPOFF]	Yes, proposed by employer	.000*	0.19	.143	.258
	Yes, proposed by	.001*	0.47	.299	.732
	No offer proposed		1.00		

Classification = 81.8%
Nagelkerke R2 = 0.194

Classification table

Observed	Predicted		
	Yes	No	Correct
Yes	40169.906	537.678	98.7%
No	8557.360	674.449	7.3%
Overall Percent	97.6%	2.4%	81.8%

The following variables were not included in the final regression model because they were not significant⁸⁴:

- Whether the claimant was hoping to achieve another job in the organisation at the time they put in the application.
- Primary jurisdiction
- Whether the claimant had a day-to-day representative
- Whether the representative/main advisor advised the chance of winning the case if went to hearing
- Highest qualification of the claimant
- Workplace size
- Whether there were any trade unions present at the workplace
- Whether the claimant still worked for the organisation at the time of
- Whether the employer was advised to settle the case without going to a tribunal hearing (by their day to day representative/main advisor)

Model C - What influences whether a case goes to tribunal hearing (employers)

As reported in section 5.2.2, in the employer data, 16 per cent of cases involved a decision at a tribunal hearing.

Similarly to model B, the variable being modelled in model C is whether the case progressed to a full tribunal hearing, but based on the employer survey data. The model examines the effect of different factors on whether the case progressed to a tribunal hearing when controlling for all other variables in the model. Table AB3 shows the odds ratios of progressing to a hearing for each group compared to the reference group and whether or not these differences were significant.

⁸⁴ Variables that did not have a significant effect on progression to a full hearing amongst claimants only at the bivariate level are also not included in the multivariate analysis.

Variable	Variable categories	Statistical significance	Odds ratio	Confidence interval	
				Lower	Higher
	(Intercept)	.000	0.37	.271	.514
The size of the organisation [ESIZEE]	Less than 25	.000*	2.24	1.518	3.303
	25-49	.135	1.49	.883	2.514
	50-249	.905	0.97	.627	1.511
	250 +		1.00		
Whether the employer received help preparing for hearings [CQEGOC]	Yes	.000*	2.34	1.624	3.370
	No		1.00		
Whether the claimant still worked for the organisation at the time of the interview [CQA32B]	Yes	.015*	0.39	.183	.835
	No		1.00		
Whether the pros and cons of settling the case without going to a tribunal were outlined to the claimant (by their day to day representative/main advisor) [CQEGOC]	Yes	.005*	0.57	.391	.842
	No		1.00		
Whether the employer was advised to settle the case without going to a tribunal hearing (by their day to day representative/main advisor) [CQEG31]	Yes	.004*	0.47	.285	.782
	No		1.00		
Whether an offer of settlement was made and who it was proposed by [EMPOFF]	Yes, proposed by employer	.000*	0.28	.185	.410
	Yes, proposed by	.000	0.40	.240	.669
	No offer proposed		1.00		

Classification = 82.1%
Nagelkerke R2 = 0.171

Classification table

Observed	Predicted		
	Yes	No	Correct
Yes	39242.512	417.107	98.9%
No	8232.614	365.017	4.2%
Overall Percent	98.4%	1.6%	82.1%

The following variables were not included in the final regression model because they were not significant⁸⁵:

- Primary jurisdiction
- Whether the employer had a day-to-day representative
- Gender of the claimant
- Workplace size
- Whether there were any trade unions present at the workplace
- Whether the representative/main advisor advised the chance of winning the case if went to hearing
- Whether the employer was advised that it was better not to settle and keep going for a hearing (by their day to day representative/main advisor)

⁸⁵ Variables that did not have a significant effect on progression to a full hearing amongst employers only at the bivariate level are also not included in the multivariate analysis.

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