

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

**Characteristics of employment
tribunal claimants**

NOVEMBER 2014

Introduction

The 2013 Survey of Employment Tribunal Applications (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 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; and
- To monitor the performance of the employment tribunal claim process.

The [findings from the Survey of Employment Tribunal Applications 2013](#) were published in June 2014. Details of the sample and data collection can be found in [ad hoc analysis of Survey of Employment Tribunal Applications 2013](#). This report provides more detailed information on the sample data and the characteristics of claimants and the type of complaint they have brought to a tribunal.

Comparison of the survey sample frame and dataset

The distribution of jurisdictions in the survey dataset closely matches the distribution for all single claims over the period, as show in table 1.^a Some of the jurisdictional complaints that were least common during the period had relatively few or no cases in the sample dataset. For the purposes of presenting the detail of the sample data in this report, jurisdictions with fewer than 30 claimants in the survey dataset were merged to create larger categories because the estimates derived from lower aggregations were unreliable,^b while jurisdictions without a single claim are not presented.

^a There are some minor differences in the distributions for unfair dismissal and failure to pay redundancy payment cases, which are over represented in the survey dataset. However, the data are weighted prior to analysis so that the results are representative of case "track". The assignment of track is dependent on jurisdictions and refers to short, standard and open cases. The terms can serve as a proxy for the complexity of the case.

^b Estimates based on a smaller number of respondents are subject to such high standard errors (relative to the size of the estimate) as to detract seriously from their value. The lower the standard error for a given estimate, the more confident one can be that the estimate is close to the true value had all claimants been included in the survey. For the purposes of analysis, written pay statement cases were combined with other fee type A claims, despite this jurisdiction having more than 30 cases. These jurisdictions were combined as the other category had fewer than 30 cases without the inclusion of written pay statement cases.

Table 1: Comparison of the survey sample frame and achieved sample

Jurisdictional complaint	Sample frame		Achieved sample	
	Count of jurisdictional complaints	Per cent of total	Count of jurisdictional complaints	Per cent of total
Unfair dismissal	32,744	28%	1,228	30%
Unauthorised deductions (Formerly Wages Act)	17,669	15%	600	15%
Breach of contract	17,362	15%	607	15%
Working time - Complaint by a worker that employer has failed to allow them to take or to pay them for statutory annual leave entitlement	13,667	12%	479	12%
Disability discrimination	5,922	5%	210	5%
Redundancy pay - Failure to pay a redundancy payment	5,627	5%	249	6%
Sex discrimination	4,563	4%	143	3%
Race discrimination	3,260	3%	99	2%
Written statement of terms and conditions	2,402	2%	75	2%
Age discrimination	2,040	2%	91	2%
Suffered a detriment and/or dismissal due to exercising rights under the Public Interest Disclosure Act	1,780	2%	59	1%
Suffer a detriment / unfair dismissal - pregnancy	1,376	1%	38	1%
Written pay statement	960	1%	32	1%
Working time - Failure to limit weekly or night working time, or to ensure rest breaks	807	1%	27	1%
Written statement of reasons for dismissal	745	1%	21	1%
Equal pay	732	1%	15	*
Religion or belief discrimination	628	1%	15	*
Redundancy – Failure to inform and consult	467	*	13	*
Suffer a detriment, dismissal or redundancy for health and safety	424	*	22	1%
Transfer of an undertaking - Failure to inform and consult	356	*	11	*
Suffer a detriment and/or dismissal resulting from a failure to allow an employee to be accompanied or to accompany a fellow employee at a disciplinary/ grievance hearing	292	*	11	*
Part Time Workers Regulations	280	*	12	*
Suffered less favourable treatment and/or dismissal as a fixed term employee, than a full time employee or, on becoming permanent, failed to receive a written statement of confirmation from employer	168	*	10	*
Other jurisdictions	2,100	2%	45	1%
Total	116,371	100%	4,112	100%

Source: HMCTS case management system (sample frame) and Survey of Employment Tribunal Applications 2013 (achieved sample).

Notes:

1. In the other tables in this report, jurisdictions with fewer than 30 claimant responses in the survey are combined in “other jurisdictions” as estimates based on lower aggregations are unreliable. In this table, more details are presented on the distribution of the achieved sample as no estimates are given on the characteristics of claimants. However, jurisdictions with fewer than 10 claimant responses are presented in “other jurisdictions”, as lower levels of disaggregation are potentially disclosive.
2. A claim can be brought under one or more of different jurisdictions, for example under Age Discrimination or Equal Pay. Therefore the number of jurisdictional complaints in the achieved sample (4,112) is greater than the total number of claims in the achieved sample (1,988).

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.
- The unweighted base is the number of respondents to the survey in each specific subgroup.
- A * symbol in a table signifies a value between 0 and 0.49, while a – symbol signifies a zero.

Employment tribunal fees

Since 29th July 2013, claimants who make a new employment tribunal claim have been required to pay a fee when doing so. There is no information in the sample dataset on fee type, since all of the claimants completed their case prior to the introduction of fees. However, the data in this report has been grouped based on the fee type that claimants would have paid if the current fee regime was in place when they submitted their claim. The fee types for each jurisdiction were derived from the [jurisdictional list guidance](#). There are two types of fees, type A and B, which depend on the type of claim being made. Further information is available in [ad hoc analysis of Survey of Employment Tribunal Applications 2013](#).

Confidence intervals

Confidence intervals are provided in the analysis. The Survey of Employment Tribunal Applications is a sample survey, which provides estimates of various measures of the population of single employment tribunal claims. As with any sample survey there will be sampling error, which is the difference between an estimate from a sample survey and the 'true' value which would result if the whole population was examined. Statistical theory allows us to provide estimates of the sampling error (measured as the standard error), which forms the basis of the confidence interval placed around the estimate.

A confidence interval describes the range within which a result for the whole population would occur for a specified proportion of times a sample survey is completed. Normally a 95% confidence interval would be used. This means that in 95 out of 100 different samples we would expect the true (population) rate to fall within the 95% confidence interval for the sample estimate. It is usual to assume that there is only a 5% chance that the true population value falls outside the 95% confidence interval calculated for the survey estimate.

Table 2: Employment tribunal jurisdictions and fee types by sex

	Per cent								Counts
	Male				Female				Unweighted base
	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	
Fee type A	64	2	59	68	36	2	32	41	528
Breach of contract	60	2	56	64	40	2	36	44	607
Unauthorised deductions (Formerly Wages Act)	62	2	58	65	38	2	35	42	600
Working time - Complaint by a worker that employer has failed to allow them to take or to pay them for statutory annual leave entitlement	59	2	54	63	41	2	37	46	479
Redundancy pay - Failure to pay a redundancy payment	59	3	53	65	41	3	35	47	249
Written statement of terms and conditions	52	6	41	64	48	6	36	59	75
Cases involving other fee type A jurisdictions	64	6	51	76	36	6	24	49	58
Fee type B	55	1	52	57	45	1	43	48	1,460
Unfair dismissal	56	1	54	59	44	1	41	46	1,228
Disability discrimination	51	4	44	58	49	4	42	56	210
Sex discrimination	14	3	9	21	86	3	79	91	143
Race discrimination	57	5	47	66	43	5	34	53	99
Age discrimination	51	5	41	61	49	5	39	59	91
Detriment and/or dismissal due to exercising rights under the Public Interest Disclosure Act	61	6	48	72	39	6	28	52	59
Detriment / unfair dismissal - pregnancy	-	-	-	-	100	-	100	100	38
Cases involving other fee type B jurisdictions	52	4	44	60	48	4	40	56	163
All cases	57	1	55	59	43	1	41	45	1,988

Source: BIS estimates from the Survey of Employment Tribunal Applications 2013

Table 3: Employment tribunal jurisdictions and fee types by age

	Per cent												Counts	
	Under 45				45 and over				Don't know/ Refused/ Missing					Unweighted base
	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound		
Fee type A	52	2	47	56	48	2	44	52	*	*	*	1	528	
Breach of contract	49	2	45	53	51	2	47	55	*	*	*	1	607	
Unauthorised deductions (Formerly Wages Act)	53	2	49	57	47	2	43	51	*	*	*	1	600	
Working time - Complaint by a worker that employer has failed to allow them to take or to pay them for statutory annual leave entitlement	50	2	46	55	49	2	45	54	*	*	*	2	479	
Redundancy pay - Failure to pay a redundancy payment	36	3	30	42	64	3	58	70	*	*	*	2	249	
Written statement of terms and conditions	46	6	35	57	54	6	43	65	-	-	-	-	75	
Cases involving other fee type A jurisdictions	51	7	38	64	49	7	36	62	-	-	-	-	58	
Fee type B	46	1	44	49	53	1	51	56	*	*	*	1	1460	
Unfair dismissal	44	1	41	47	56	1	53	59	*	*	*	1	1,228	
Disability discrimination	47	4	40	54	53	4	46	60	-	-	-	-	210	
Sex discrimination	69	4	60	76	31	4	24	40	-	-	-	-	143	
Race discrimination	66	5	56	75	34	5	25	44	-	-	-	-	99	
Age discrimination	12	3	7	21	86	4	76	91	2	2	1	9	91	
Detriment and/or dismissal due to exercising rights under the Public Interest Disclosure Act	46	7	33	59	54	7	41	67	-	-	-	-	59	
Detriment / unfair dismissal - pregnancy	100	-	100	100	-	-	-	-	-	-	-	-	38	
Cases involving other fee type B jurisdictions	58	4	50	65	42	4	35	50	-	-	-	-	163	
All cases	48	1	45	50	52	1	50	54	*	*	*	1	1,988	

Source: BIS estimates from the Survey of Employment Tribunal Applications 2013

Table 4: Employment tribunal jurisdictions and fee types by disability

	Equality Act core disabled ¹				Not Equality Act core disabled				Don't know/ Refused/ Missing				Per cent	Counts
	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound		Unweighted base
Fee type A	8	1	6	11	90	1	87	92	2	1	1	3		528
Breach of contract	11	1	9	14	87	1	84	90	2	1	1	3		607
Unauthorised deductions (Formerly Wages Act)	12	1	9	15	85	2	82	88	3	1	2	4		600
Working time - Complaint by a worker that employer has failed to allow them to take or to pay them for statutory annual leave entitlement	13	2	10	16	85	2	81	88	2	1	1	4		479
Redundancy pay - Failure to pay a redundancy payment	6	2	4	10	91	2	87	94	3	1	1	6		249
Written statement of terms and conditions	4	2	1	12	95	2	87	98	1	1	*	7		75
Cases involving other fee type A jurisdictions	6	3	2	16	92	3	83	97	1	1	*	8		58
Fee type B	23	1	20	25	76	1	73	78	2	*	1	3		1,460
Unfair dismissal	20	1	17	22	79	1	76	81	2	*	1	3		1,228
Disability discrimination	73	3	66	78	24	3	19	31	3	1	1	6		210
Sex discrimination	20	3	14	28	79	3	71	85	1	1	*	5		143
Race discrimination	23	4	16	33	74	4	64	82	3	2	1	8		99
Age discrimination	8	3	4	15	88	3	79	93	5	2	2	11		91
Detriment and/or dismissal due to exercising rights under the Public Interest Disclosure Act	18	5	10	30	74	6	61	84	8	3	3	18		59
Detriment / unfair dismissal - pregnancy	18	6	9	33	82	6	67	91	-	-	-	-		38
Cases involving other fee type B jurisdictions	17	3	11	24	80	3	73	86	3	1	1	7		163
All cases	19	1	17	21	79	1	77	81	2	*	1	2		1,988

Source: BIS estimates from the Survey of Employment Tribunal Applications 2013

Table notes:

1. Equality Act core disabled includes people with a long-term health condition or illness that reduce their ability to carry-out day-to-day activities.

Table 5: Employment tribunal jurisdictions and fee types by ethnicity

	Per cent												Counts
	White				Minority Ethnic Groups				Don't know/ Refused/ Missing				
	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	
Fee type A	87	1	84	90	10	1	8	13	2	1	1	4	528
Breach of contract	81	2	77	84	17	2	14	20	3	1	2	4	607
Unauthorised deductions (Formerly Wages Act)	80	2	76	83	17	2	14	21	3	1	2	5	600
Working time - Complaint by a worker that employer has failed to allow them to take or to pay them for statutory annual leave entitlement	80	2	76	84	17	2	14	21	2	1	1	4	479
Redundancy pay - Failure to pay a redundancy payment	89	2	84	92	8	2	5	12	3	1	2	6	249
Written statement of terms and conditions	84	4	74	91	15	4	8	25	1	1	*	7	75
Cases involving other fee type A jurisdictions	78	6	65	88	21	6	11	34	1	1	*	8	58
Fee type B	80	1	78	82	18	1	16	21	1	*	1	2	1,460
Unfair dismissal	82	1	79	84	17	1	15	19	1	*	1	2	1,228
Disability discrimination	83	3	77	88	16	3	12	22	*	*	*	3	210
Sex discrimination	80	4	72	86	20	3	14	28	1	1	*	4	143
Race discrimination	20	4	13	29	76	4	67	84	4	2	1	10	99
Age discrimination	84	4	75	91	9	3	4	18	7	2	3	14	91
Detriment and/or dismissal due to exercising rights under the Public Interest Disclosure Act	73	6	60	83	24	6	15	36	3	2	1	13	59
Detriment / unfair dismissal - pregnancy	89	5	75	96	11	5	4	25	-	-	-	-	38
Cases involving other fee type B jurisdictions	83	3	76	89	14	3	10	21	2	1	1	6	163
All cases	82	1	80	84	16	1	15	18	2	*	1	2	1,988

Source: BIS estimates from the Survey of Employment Tribunal Applications 2013

Table 6: Employment tribunal jurisdictions and fee types by religion

	Per cent																Counts	
	No religion				Christian				Any other religion				Don't know/ Refused/ Missing					Unweighted base
	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound		
Fee type A	34	2	30	39	56	2	52	60	6	1	4	8	4	1	3	6	528	
Breach of contract	30	2	26	34	58	2	54	62	9	1	7	12	3	1	2	5	607	
Unauthorised deductions (Formerly Wages Act)	31	2	27	35	55	2	51	59	11	1	8	13	4	1	3	6	600	
Working time - Complaint by a worker that employer has failed to allow them to take or to pay them for statutory annual leave entitlement	35	2	31	40	53	2	48	57	9	1	6	12	3	1	2	5	479	
Redundancy pay - Failure to pay a redundancy payment	28	3	23	34	62	3	56	68	6	2	4	10	4	1	2	7	249	
Written statement of terms and conditions	19	5	12	30	68	5	57	78	9	3	4	18	4	2	1	11	75	
Cases involving other fee type A jurisdictions	35	6	24	49	49	7	37	62	12	5	6	25	3	2	1	12	58	
Fee type B	29	1	27	32	59	1	56	61	10	1	8	12	2	*	1	3	1,460	
Unfair dismissal	29	1	26	32	60	1	57	62	9	1	8	11	2	*	1	3	1,228	
Disability discrimination	31	3	25	38	59	3	52	65	9	2	6	14	1	1	*	4	210	
Sex discrimination	37	4	29	45	48	4	40	57	13	3	8	20	1	1	*	5	143	
Race discrimination	13	4	7	21	56	5	46	66	30	5	22	40	1	1	*	5	99	
Age discrimination	20	4	13	29	63	5	52	72	11	4	6	20	6	3	3	14	91	
Detriment and/or dismissal due to exercising rights under the Public Interest Disclosure Act	32	6	21	46	48	7	36	61	15	5	8	26	5	3	2	15	59	
Detriment / unfair dismissal - pregnancy	47	8	31	62	37	8	23	54	16	6	7	31	-	-	-	-	38	
Cases involving other fee type B jurisdictions	29	4	23	37	54	4	46	62	15	3	10	21	2	1	1	6	163	
All cases	30	1	28	33	58	1	56	60	9	1	8	10	3	*	2	3	1,988	

Source: BIS estimates from the Survey of Employment Tribunal Applications 2013

Table 7: Employment tribunal jurisdictions and fee types by whether in legally registered partnership

	Per cent												Counts
	All in a legally registered partnership				All not in a legally registered partnership				Don't know/ Refused/ Missing				
	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	
Fee type A	48	2	43	52	51	2	47	56	1	*	1	2	528
Breach of contract	52	2	48	56	47	2	43	51	1	*	*	2	607
Unauthorised deductions (Formerly Wages Act)	49	2	45	54	49	2	45	53	2	1	1	3	600
Working time - Complaint by a worker that employer has failed to allow them to take or to pay them for statutory annual leave entitlement	46	2	41	50	52	2	48	57	2	1	1	4	479
Redundancy pay - Failure to pay a redundancy payment	59	3	53	66	39	3	33	45	2	1	1	5	249
Written statement of terms and conditions	50	6	39	62	47	6	36	59	2	2	1	9	75
Cases involving other fee type A jurisdictions	44	7	31	57	53	7	40	66	3	2	1	11	58
Fee type B	53	1	50	56	46	1	43	48	1	*	1	2	1,460
Unfair dismissal	53	1	50	56	46	1	43	48	1	*	1	2	1,228
Disability discrimination	48	4	41	55	51	4	44	57	1	1	*	4	210
Sex discrimination	48	4	40	57	50	4	42	59	1	1	*	5	143
Race discrimination	52	5	42	62	47	5	37	57	1	1	*	5	99
Age discrimination	57	5	47	67	37	5	28	48	5	2	2	12	91
Detriment and/or dismissal due to exercising rights under the Public Interest Disclosure Act	68	6	55	78	29	6	19	42	3	2	1	13	59
Detriment / unfair dismissal - pregnancy	58	8	42	73	37	8	23	53	5	4	1	19	38
Cases involving other fee type B jurisdictions	53	4	45	61	45	4	37	52	2	1	1	6	163
All cases	52	1	49	54	47	1	45	49	1	*	1	2	1,988

Source: BIS estimates from the Survey of Employment Tribunal Applications 2013

Table 8: Employment tribunal jurisdictions and fee types by sexual identity

	Per cent												Counts	
	Heterosexual or Straight				Gay or Lesbian, Bisexual, or Other Sexual Identity				Don't know/ Refused/ Missing					Unweighted base
	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound	Estimate	Standard error	95% confidence interval lower bound	95% confidence interval upper bound		
Fee type A	94	1	91	95	3	1	2	5	3	1	2	5	528	
Breach of contract	94	1	92	96	3	1	2	4	3	1	2	5	607	
Unauthorised deductions (Formerly Wages Act)	93	1	91	95	3	1	2	5	4	1	2	5	600	
Working time - Complaint by a worker that employer has failed to allow them to take or to pay them for statutory annual leave entitlement	94	1	91	96	2	1	1	4	4	1	2	6	479	
Redundancy pay - Failure to pay a redundancy payment	94	1	91	97	2	1	1	4	4	1	2	7	249	
Written statement of terms and conditions	92	3	83	96	3	2	1	11	5	2	2	13	75	
Cases involving other fee type A jurisdictions	90	4	80	96	5	3	2	14	5	3	1	14	58	
Fee type B	94	1	93	96	3	*	2	4	2	*	2	3	1,460	
Unfair dismissal	95	1	93	96	3	*	2	4	2	*	2	3	1,228	
Disability discrimination	93	2	88	96	5	2	3	10	2	1	*	5	210	
Sex discrimination	94	2	89	97	4	2	2	9	1	1	*	6	143	
Race discrimination	94	2	88	97	2	1	*	7	4	2	1	10	99	
Age discrimination	92	3	85	96	-	-	-	-	8	3	4	15	91	
Detriment and/or dismissal due to exercising rights under the Public Interest Disclosure Act	91	4	81	96	2	2	*	10	7	3	3	17	59	
Detriment / unfair dismissal - pregnancy	97	3	82	100	-	-	-	-	3	3	*	18	38	
Cases involving other fee type B jurisdictions	93	2	87	96	6	2	3	11	1	1	*	4	163	
All cases	94	1	93	95	3	*	2	4	3	*	2	3	1,988	

Source: BIS estimates from the Survey of Employment Tribunal Applications 2013

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