



Ministry
of Justice

Employment Tribunal Receipt Statistics (Management Information): July to September 2013

Ministry of Justice
Ad-hoc publication

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Executive Summary

This ad-hoc statistical release publishes monthly data between January 2012 and September 2013 on Employment Tribunal receipts following the introduction of Employment Tribunal fees on 29 July 2013. The key findings are:

- Employment Tribunal receipts were around 40,000 for July – September in line with historical quarterly trends.
- Monthly data on receipts are volatile and any interpretation should be treated with caution. This volatility is mainly driven by irregular receipts of multiple claims cases which can involve over 100 receipts per case, and occasionally over 1,000.
- Between January – May 2013 an average of 17,000 receipts per month were received into the Employment Tribunal by HMCTS.
- In June there were 25,000 receipts, and a further 17,000 in July 2013. This sudden increase may be explained by people choosing to enter a claim prior to the introduction of fees.
- In August 2013 there were 7,000 receipts, and 14,000 in September 2013.

All figures after January 2012 have been re-extracted from the administrative data system for this publication. As such these figures have not been through the same Quality Assurance process as Official Tribunals Statistics publication. Therefore all figures should be treated as provisional and revisions are to be expected in the next official publication on 12 December 2013.

Introduction

This ad-hoc statistical notice presents information on the number of claims received by HM Courts & Tribunals Service (HMCTS) in the months July to September 2013. This information covers the period in which fees were introduced into the Employment Tribunal system.

The Employment Tribunals are independent judicial bodies who determine disputes between employers and employees over employment rights.

A typical claim brought by an individual against his/her employer claiming breach of employment rights is called a 'single' claim. Other claims to employment tribunals come from individuals involved in collective workplace disputes – two or more workers bringing claims against (usually) a single employer. Claims that are linked as part of these collective disputes are referred to as multiple claims. Multiple claims are processed administratively and managed judicially together in their respective groups. The grouped multiples are called 'multiple claims cases'. Although the claims are managed together in the multiple claims case, the individual component claims are counted separately, as multiple claims. They form two thirds of the caseload outstanding for all tribunals. This is because multiple claims are often stayed pending the outcome of appellate proceedings in higher tribunals or courts; or are legally and factually complicated and so naturally take time to determine.

For the purpose of this publication the following terms are used:

Single claim or single case – this involves one individual against their employer.

Multiple claims – claims brought by any two or more individuals against a common employer (or, occasionally, employers¹), where the claims arise out of the same or very similar circumstances and so can be grouped and dealt with together. The multiple receipts here relate to the number of individuals bringing claims.

Multiple claims case – where a number of multiple claims are grouped (and so processed and managed together), the collective group is referred to as a multiple claims case. Focus here, therefore, is on the number of separate cases that involve multiple individuals, rather than the number of component claims overall.

Fees were introduced in the Employment Tribunals on the 29th of July 2013. The fees apply for all cases lodged after this date. A different fee is payable for a single claimant or a fee group (for a set of multiple claims).

¹ In some circumstances, claims can be brought against more than one respondent employer. For example, where a company is sold by one employer to another (and a claim arises under the Transfer of Undertakings (Protection of Employment) Regulations), two or more employers may be involved.

The total fees for the multiple claims cannot exceed the sum of separate single claims for the group. For more information on fees and the fee remission scheme please see the Employment Tribunals section of the MoJ website:

www.justice.gov.uk/tribunals/employment

Data breakdowns

The information presented in this ad-hoc is presented on a monthly basis. There are also accompanying Microsoft Excel tables on the publication website with additional breakdowns on:

1. The jurisdiction of the claim: please note that a claim (whether single or multiple) can be bought under more than one jurisdiction. As such the number of jurisdictional complaints is always greater than the number of (claim) receipts.
2. The region in which the claims were lodged.

For general information on the definitions of terms used in this statistical notice on Employment Tribunals please consult the April to June edition of [Tribunal Statistics Quarterly](#) or the [Guide to Court and Administrative Justice Statistics](#).

Findings

This information has been drawn from a live administrative system managed by HMCTS. The figures for this report have been extracted in advance of the usual extraction date, and as such the information is provisional and subject to revision in subsequent publications.

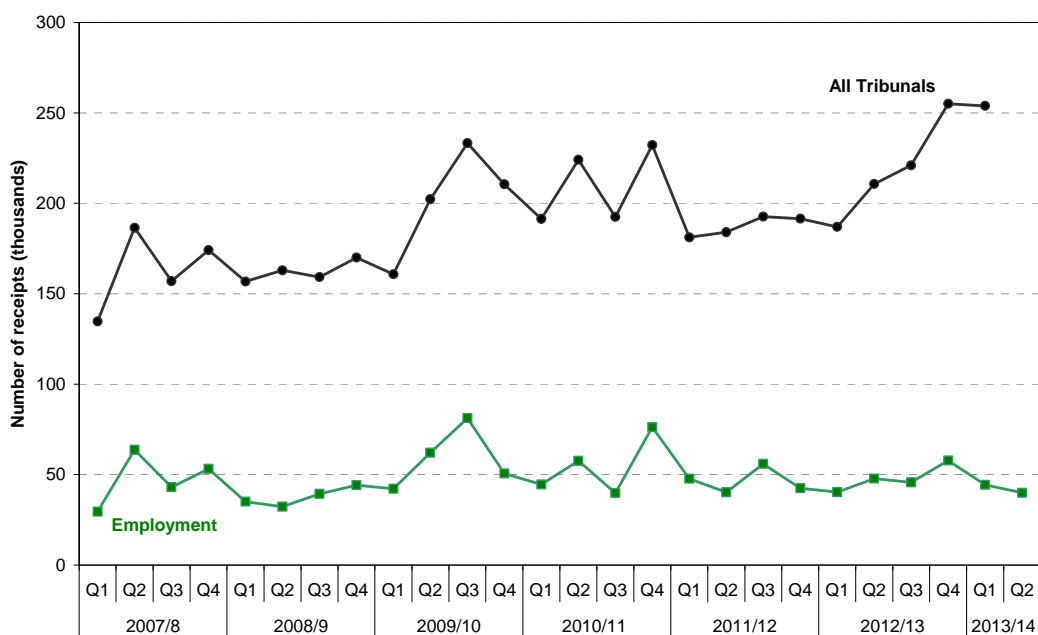
The data presented in this report include historic information at the regional level, with a monthly breakdown. This information was a bespoke extraction for this report and has been drawn from a live database. As such some of the figures in this report differ from previously published information and may be revised in future publications.

Trend in Employment Tribunal Receipts

Typically Employment Tribunal receipts account for about a quarter (23% in 2012/2013) of all HMCTS tribunal receipts. In 2012/13 the Employment Tribunal received on average 50,000 new claims per quarter, roughly the same level as in 2007/08 (Figure 1).

Provisional figures for July to September 2013 show there were nearly 40,000 new claims, in line with previous quarters. However this data may be revised at a later date. The provisional data for July to September 2013 also includes some revised figures from January 2013. A fully reconciled revision will be done for the December Tribunals Statistics Quarterly publication.

Figure 1: Employment Tribunal Receipts (quarterly), April 2007 to September 2013

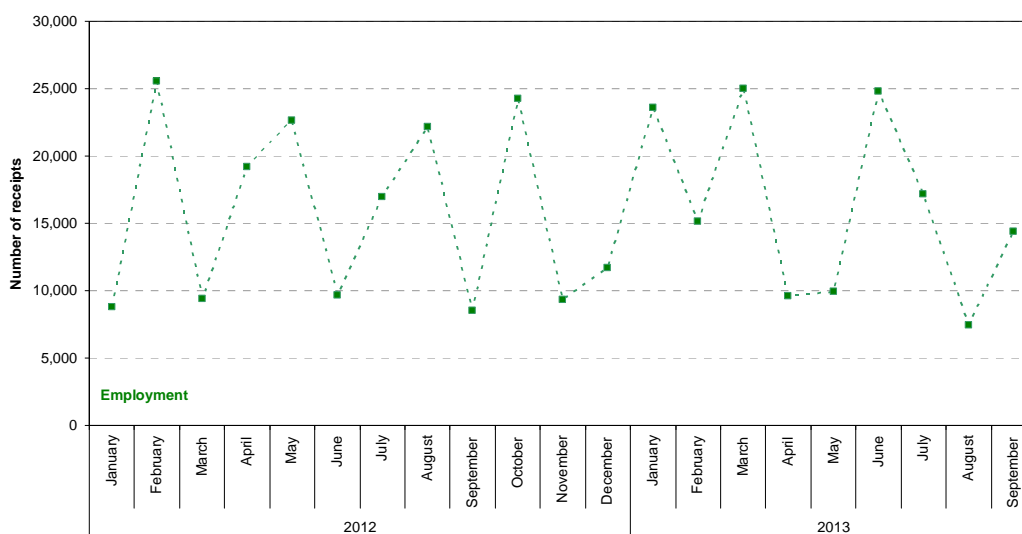


Please note this chart is based on revised data, and is provisional, further revisions will take place in the next edition of Tribunals Statistics Quarterly.

The revised data also includes a monthly breakdown from January 2012 to September 2013 (Figure 2). This shows that the data are volatile and can change dramatically from month to month. Please note these data include single and multiple claims.

Following the introduction of fees on 29th July there are only two months of data available (August and September). Users are advised that a claim is not considered as accepted until the fee is paid, or remission granted, which may increase the time it takes to enter cases onto the system.

Figure 2: Total Employment Tribunal Receipts (monthly, January 2012 to September 2013): New extraction for this report.



Single and multiple claims

Employment Tribunal receipts can be broken down into single and multiple claims. Figure 2 above shows the total number of receipts, but this is not the same as the number of cases (where a number of multiple receipts can be counted as one case as they are bought against one employer² by a number of people).

Single cases

A single case and single claim is the same thing, they involve one individual bringing a claim against an employer. In effect the alignment of case to claims is 1:1. Provisional data shows that the number of single cases were volatile from January to October 2012, after October 2012 they began to gradually decrease from nearly 5,000 in October 2012 to just over 4,000 in June 2013. The number rose to nearly 7,000 in July 2013, possibly as more claims were submitted prior to the introduction of fees. Provisional data shows the number of single cases then fell sharply to only 1,000 cases in September 2013, but as stated this may be revised upwards once fees have been paid and/or remitted.

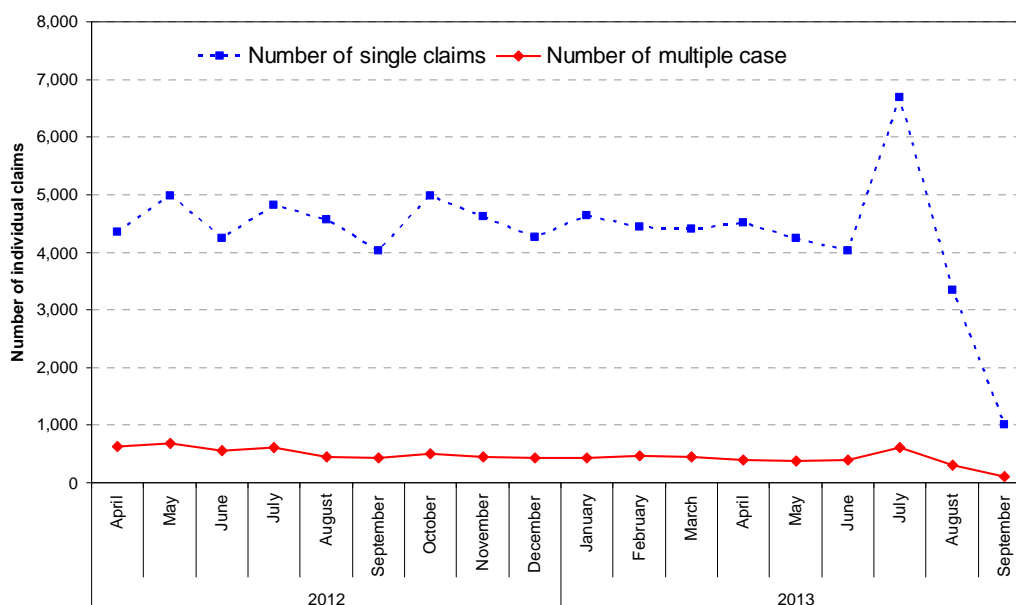
² Occasionally, more than one employer can be involved. See footnote 1, above.

Multiple claims cases

Multiple claims that are grouped, processed and managed together are called, collectively, a multiple claims case. Within a multiple claims case there will be two or more claims presented by individuals against a common employer (or, in some circumstances, employers). The alignment of case to claims is 1: many, where a multiple claims case could range from two individual claims to over 100, or even 1,000. Typically employment receipts show the number of individual *claims*, not *cases*, which can result in a lot of volatility (see Figure 2).

When looking at the number of multiple claims cases, regardless of the number of individuals involved, there is a broadly flat trend from April 2012 to June 2013. There is an increase in multiple claims cases for July 2013, again possibly due to people wishing to submit cases before the introduction of fees. There is then a decline in cases in August and September 2013 (see Figure 3).

Figure 3: Single and multiple claims cases (April 2012 to September 2013)



As the number of multiple claims cases has been broadly flat for a number of months the volatility seen in the monthly data must be due to the number of people (or claims) involved in each multiple claims case. The volatility seen in the monthly data is due to the variation in the number of individuals involved in multiple claims cases, which ranged on average from seven to 113 from April 2012 to September 2013.

Users are advised that these figures need to be treated with extreme caution for two reasons:

1. All figures after January 2012 have been re-extracted from the administrative data system for this publication. As such these figures have not been through the same Quality Assurance process as the Official Tribunals Statistics publication. Therefore all figures should

be treated as provisional and revisions are to be expected in the next official publication on 12 December 2013.

- Under the business processes to facilitate fee-charging, a claim is not entered onto the internal case management system from which statistical data are extracted until the relevant fee is paid or remission application granted. This means there may be a number of claims presented in August or September, but formally accepted at a later stage (for example after a remission application is granted).

Employment Tribunals claims by jurisdiction

In 2012/13 there were nearly 372,000 separate jurisdictional complaints for the 208,000 separate claims. This means there were an average of 1.8 different jurisdictional complaints per individual claim (this is across single and multiple claims). The most common jurisdiction that complaints are bought under is Working Time Directive, accounting for a third of complaints in 2012/13.

Employment Tribunals claims by region

Claims can be submitted online or to an Employment Tribunal Office. Once a claim is received and acknowledged by HMCTS it is recorded on to the case management system and onwardly case managed through, ultimately, to disposal (for example, by listing for a hearing before the tribunal). The geographical data below relates to where the case was submitted and heard by the Tribunal panel, in most cases this will be the same location as the employer or the party that bought the claim.

Table A: Employment Tribunal Jurisdictional claims by region, 2013

Region	January	February	March	April	May	June	July	August	September
London	20,745	24,163	20,599	3,991	3,954	15,493	7,672	3,654	15,991
South East	2,333	2,054	3,694	2,138	2,441	2,511	3,940	710	485
Midlands	5,569	8,033	7,717	4,104	4,722	10,014	11,830	2,952	1,203
South West	1,433	1,248	1,541	1,263	1,983	1,069	1,907	854	272
Wales	622	567	644	621	1,117	812	1,743	341	67
North East	3,384	3,094	2,749	2,946	1,962	2,126	3,177	2,479	274
North West	2,326	2,413	2,002	3,061	2,333	3,545	3,043	2,463	561
Scotland	1,222	1,443	1,624	1,448	1,623	1,199	2,240	1,144	207
Total	37,634	43,015	40,570	19,572	20,135	36,769	35,552	14,597	19,060

Data Quality and Limitations

There are a number of issues for users to be aware of when considering these data.

- The monthly data for employment tribunal receipts shows a great deal of volatility. As such the figures should be treated with caution. Early analysis suggests this volatility is driven by the number of individual people involved in multiple claims cases.
- The data have been extracted earlier than usual to produce this publication, as such it is provisional and subject to revisions when the next edition of Tribunals Statistics Quarterly is published in December 2013.
- The data have been extracted from a live administrative database in October 2013, and as such the monthly data may aggregate to different figures to those already published. We will revise the data in Tribunals Statistics Quarterly to reflect this new information in December.
- The introduction of fees may have resulted in a longer time lag for claims to be entered onto HMCTS' case management system, ETHOS. This is because claims are now not entered onto ETHOS until the fee has been paid or a remission has been granted. This means that data are likely to be revised upward in subsequent months.
- Figures may vary from previously published figures for a number of reasons, including:
 - revision to the administrative system, including claims being entered onto the system outside of the month they were lodged;
 - submission or re-submission of large numbers of multiple claims;
 - multiple claims disbanding and being re-submitted as single claims or vice-versa;
 - claims being re-submitted with a different jurisdictional breakdown and,
 - Additional information received from the tribunals that had not been entered onto the ICT system at the time of extraction.
- The monthly and regional breakdowns in this report are not routine and have been produced specifically for this publication. The MoJ will consider if regional data can be routinely produced going forward.

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