



Ministry of
JUSTICE



Tribunals Service

Employment Tribunal and EAT statistics 2009-10 (GB)

1 April 2009 to 31 March 2010

3 September 2010

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Introduction

This report presents information on Employment Tribunals (ET) and Employment Appeal Tribunal (EAT) activity for the period 1 April 2009 to 31 March 2010. It is the second time that annual management information has been published as Official Statistics. Key Findings are on page 3 and Explanatory Notes, including important definitions, on page 15.

Annual statistics for the Tribunals Service for 2009-10 and quarterly statistics for the 4th quarter of 2009-10 were published on 30 June 2010 and are available at www.tribunals.gov.uk/Tribunals/Publications/publications.htm

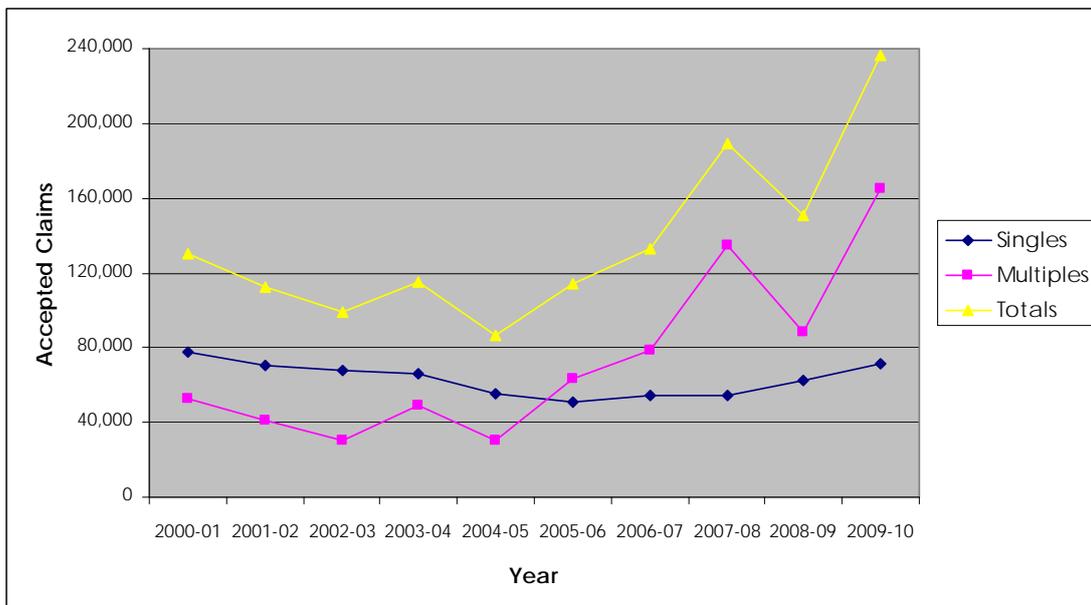
Statistics for the first quarter of 2010- 11 year will be published in “Quarterly Statistics for the Tribunals Service, 1st quarter, 2010-11” on 30 September 2010 and will be available at www.justice.gov.uk/publications/statistics.htm. This publication will include some information for Employment Tribunals and for EAT.

Key findings

The 2009-10 figures show an overall increase in the number of accepted claims (receipts)¹ to Employment Tribunals and an increase in the number of disposals. Key findings of the 2009-10 statistics are as follows:

- The number of receipts (accepted claims) was 236,100 in 2009-10, representing an increase of 56% on 2008-09, and 25% on 2007-08.
- The increase in receipts is largely as a result of the rise in multiple claims, these rose by nearly 90% on 2008-09, but also partly as a result of the changing economic climate.
- There were 71,300 single accepted claims in 2009-10, which was an increase of 14% over the previous year.
- Figure 1 shows the variation in the number of single and multiple accepted claims (receipts) since 2001-02 and shows that accepted claims are at their highest levels.

Figure 1: Single and Multiple Accepted ET Claims, 2000-01 to 2009-10



Note – figures for 2007-08 are estimated

Source: ET Annual Reports and quarterly reconciled data

¹ A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings but will be counted only once

- In 2009-10, the Employment Tribunals disposed of 112,400 claims, an increase of 22% on the number in 2008-09. Almost three fifths of cases disposed of in 2009-10 were single cases.
- When the jurisdictional mix² of claims is considered, there were 392,800 jurisdictional claims, up 47% on 2008-09 (and reflecting the overall increase in ET receipts). The average number of jurisdictions per claim was 1.7, lower than the 1.8 in 2008-09.
- Of the 392,800 jurisdictional claims received in 2009-10, just under a quarter, (95,200) were Working Time Directive (largely multiple airline industry cases that are resubmitted every three months), and 75,500 were unauthorised deductions (Wages Act).
- There were 126,300 jurisdictional claims associated with unfair dismissal, breach of contract and redundancy, which is 17% higher than for 2008-09 and 62% higher than in 2007-08, and likely to be a result of the Economic recession.
- Of the jurisdictional claims disposed of, 32% were withdrawn, 31% were Acas conciliated settlements and 13% were successful at Tribunal.
- The Employment Appeal Tribunal (EAT) received 1,963 appeals and disposed of³ 1,848, compared to 1,794 and 1,933 respectively in 2008-09.
- In EAT, 403 appeals were disposed of at a full hearing, compared to 418 in 2008-09.

² A claim can contain a number of grounds, known as jurisdictional complaints. In any hearing, the tribunal has to decide upon the merits of the claim made under each jurisdiction.

³ Includes pre and post hearing disposals

Table 1: Claims accepted by Employment Tribunals, 2007-08 to 2009-10⁴

	Apr 09 to Mar 10		
	2007-08 ¹	2008-09	2009-10
Total Claims Accepted ^[2]	189,300	151,000	236,100
Singles	..	62,400	71,300
Multiples	..	88,700	164,800
Total Claims Initially Rejected ^[3]	6,600	10,600	4,100
Of the total, those that were resubmitted and subsequently accepted	2,200	2,900	1,300
Of the total, those that were resubmitted and not accepted or never resubmitted	4,400	7,700	2,800
Jurisdiction Mix of claims accepted			
NATURE OF CLAIM	2007-08	2008-09	2009-10
Unfair dismissal ^[4]	40,900	52,700	57,400
Unauthorised deductions (Formerly Wages Act)	34,600	33,800	75,500
Breach of contract	25,100	32,800	42,400
Sex discrimination	26,900	18,600	18,200
Working Time Directive ^[5]	55,700	24,000	95,200
Redundancy pay	7,300	10,800	19,000
Disability discrimination	5,800	6,600	7,500
Redundancy – failure to inform and consult	4,500	11,400	7,500
Equal pay	62,700	45,700	37,400
Race discrimination	4,100	5,000	5,700
Written statement of terms and conditions	5,000	3,900	4,700
Written statement of reasons for dismissal	1,100	1,100	1,100
Written pay statement	1100	1,100	1,400
Transfer of an undertaking - failure to inform and consult	1,400	1,300	1,800
Suffer a detriment / unfair dismissal - pregnancy ^[6]	1,600	1,800	1,900
Part Time Workers Regulations	600	660	530
National minimum wage	430	600	500
Discrimination on grounds of Religion or Belief	710	830	1000
Discrimination on grounds of Sexual Orientation	580	600	710
Age Discrimination	2900	3,800	5,200
Others ^[7]	13,900	9,300	8,100
Total	297,000	266,500	392,800

⁴ The rejected & resubmitted figures fro 2008-09 were under reported and the correct figures have been inserted.

⁵ A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings but will be counted only once

⁶ The 2009-10 figures reflect the repeal of the pre-existing statutory three step procedures for dealing with discipline, dismissal and grievance issues, set out in the Employment Act 2002 on 6th April 2009

⁷ From 2004-05 this included the jurisdiction for unfair dismissal as a result of a transfer of an undertaking, which was previously shown separately

⁸ The figures includes over 10,000 claims from airline employees that have been resubmitted a number of times

⁹ From 2004-05 includes three jurisdictions relating to pregnancy that were previously recorded under 'Other'

¹⁰ The higher numbers in 2007-08 reflect the large number of claims relating to trade union membership

Table 2: Employment Tribunal Cases disposed and outcomes of jurisdictions in 2009-2010 ¹¹

	2007-08	2008-09	2009-10
Total Claims Disposed	81,600	92,000	112,400

JURISDICTION MIX OF TOTAL CLAIMS DISPOSED Apr 09 to Mar 10

NATURE OF CLAIM	JURISDICTIONS DISPOSED		WITHDRAWN		ACAS CONCILIATED SETTLEMENTS		STRUCK OUT NOT AT A HEARING ¹²	
	No.	%	No.	%	No.	%	No.	%
ALL JURISDICTION CASE	No.	%	No.	%	No.	%	No.	%
Unfair dismissal	50,900	62%	12,200	15%	22,400	27%	3,900	5%
Wages Act	35,200	43%	11,100	14%	9,300	11%	3,200	4%
Breach of contract	32,100	39%	7,100	9%	10,400	13%	2,200	3%
Redundancy pay	12,400	15%	2,700	3%	2,300	3%	930	1%
Sex discrimination	17,500	21%	10,100	13%	3,600	4%	2,700	3%
Race discrimination	4,500	6%	1,400	2%	1,700	2%	330	0%
Disability discrimination	6,100	8%	2,000	3%	2,800	3%	430	0%
Religious belief discriminati	760	1%	250	0%	250	0%	83	0%
Sexual orientation discrimir	540	1%	160	0%	210	0%	49	0%
Age discrimination	3,900	5%	1,500	2%	1,500	2%	270	0%
Working time	20,500	25%	4,500	6%	6,700	8%	1,300	2%
Equal pay	20,100	25%	14,300	18%	2,300	3%	3,100	4%
National minimum wage	410	0%	100	0%	160	0%	25	0%
Others	21,900	27%	5,600	7%	6,900	9%	1,500	2%
All	227,000	278%	73,000	9%	70,600	8%	20,100	2%

NATURE OF CLAIM	SUCCESSFUL AT TRIBUNAL		DISMISSED AT A PRELIMINARY HEARING ¹³		UNSUCCESSFUL AT HEARING ¹⁴		DEFAULT JUDGEMENT	
	No.	%	No.	%	No.	%	No.	%
ALL JURISDICTION CASE	No.	%	No.	%	No.	%	No.	%
Unfair dismissal	5,200	10%	1,200	2%	4,500	9%	1,500	3%
Wages Act	5,000	14%	860	2%	1,900	5%	3,800	11%
Breach of contract	5,800	18%	520	1%	2,300	7%	3,700	12%
Redundancy pay	3,000	24%	140	1%	690	6%	2,600	21%
Sex discrimination	340	2%	180	1%	560	3%	110	1%
Race discrimination	130	3%	240	5%	700	15%	60	1%
Disability discrimination	170	3%	170	3%	530	9%	60	1%
Religious belief discriminati	19	2%	64	8%	89	12%	9	1%
Sexual orientation discrimir	27	5%	26	5%	47	9%	10	2%
Age discrimination	95	2%	110	3%	330	9%	31	1%
Working time	3,600	18%	300	1%	1,200	6%	2,900	14%
Equal pay	200	1%	110	1%	77	0%	10	0%
National minimum wage	49	12%	10	2%	47	11%	26	6%
Others	4,900	22%	670	3%	1,300	6%	1,100	5%
All	28,500	13%	4,600	2%	14,300	6%	16,000	7%

¹¹ Figures may not add to totals due to rounding

¹² until 2006-07 described as Disposed of Otherwise

¹³ until 2006-06 described as Dismissed at Hearing (Out of Scope)

¹⁴ until 2006-07 described as Dismissed at Hearing (Other Reasons)

Table 3: All Unfair Dismissal Jurisdictions disposed of at a Hearing, 2009-10

	Number	Percentage of unfair dismissal cases proceeding to a hearing	Percentage of all unfair dismissal cases disposed of
Cases dismissed			
At a Preliminary Hearing	1,200	11%	2%
Unsuccessful at hearing	4,500	42%	9%
All cases dismissed	5,700	52%	11%
Cases upheld			
Reinstatement or reengagement	6	0%	1%
Remedy left to parties	93	1%	0%
Compensation	2,900	27%	6%
No award made	2,200	20%	4%
All cases upheld	5,200	48%	10%
All cases proceeding to a hearing	10,900	100%	21%

Table 4: Representation of Claimants at Employment Tribunals, 2007-08 to 2009-10¹⁵

	2007-08	2008-09	2009-10
Represented by:			
Trade Union	29,100	8,800	12,500
Lawyers	117,600	85,900	161,900
No rep Information provided ¹⁶	31,800	41,300	44,900
Other	10,800	15,100	16,700
Totals	189,300	151,000	236,100

¹⁵ This is a snapshot of the information provided by claimants on 7th May 2010, and is comparable to claims accepted not jurisdictions.

¹⁶ includes: represented by Solicitors, Law Centres and Trade Associations

Table 5: Compensation awarded by Tribunals – cases with Unfair Dismissal jurisdictions, 2009-10¹⁷

	No.	%		No.	%
<£500	168	6%	£10,000-£12,499	169	6%
£500-£999	190	7%	£12,500-£14,999	150	5%
			£15,000-£19,999	185	6%
£1,000-£1,999	404	14%			
£2,000-£2,999	298	10%	£20,000-£29,999	149	5%
£3,000-£3,999	208	7%	£30,000-£39,999	69	2%
£4,000-£4,999	189	7%	£40,000-£49,999	38	1%
			£50,000+	62	2%
£5,000-£5,999	156	5%	All	2,886	100%
£6,000-£6,999	133	5%			
£7,000-£7,999	106	4%	Maximum award ¹⁸	£234,549	
£8,000-£8,999	116	4%	Median award	£4,903	
£9,000-£9,999	96	3%	Average award	£9,120	

Table 6: Compensation awarded by Tribunals – cases with Race Discrimination jurisdictions, 2009-10¹⁹

	No.	%		No.	%
<£500	1	1%	£10,000-£12,499	4	6%
£500-£999	4	6%	£12,500-£14,999	0	0%
			£15,000-£19,999	2	3%
£1,000-£1,999	12	18%			
£2,000-£2,999	8	12%	£20,000-£29,999	3	4%
£3,000-£3,999	5	7%	£30,000-£39,999	1	1%
£4,000-£4,999	1	1%	£40,000-£49,999	1	1%
			£50,000+	5	7%
£5,000-£5,999	6	9%	All	68	100%
£6,000-£6,999	4	6%			
£7,000-£7,999	5	7%	Maximum award	£374,922	
£8,000-£8,999	3	4%	Median award	£5,392	
£9,000-£9,999	3	4%	Average award	£18,584	

¹⁷ Compensation awarded is that of which the tribunal is aware and is entered onto IT systems. It is known that there are some cases that were not recorded on the IT systems when this data was produced.

¹⁸ The maximum award for compensation is limited to £65,300 from 1-02-10. Awards may be above the maximum where they include a basic award element

¹⁹ Compensation awarded is that of which the tribunal is aware and entered onto IT systems. For awards in cases of Discrimination there is no statutory cap.

Table 7: Compensation awarded by Tribunals – cases with Sex Discrimination jurisdictions, 2009-10¹⁹

	No.	%		No.	%
<£500	1	1%	£10000-£12499	11	7%
£500-£999	9	6%	£12500-£14999	6	4%
			£15000-£19999	13	9%
£1000-£1999	13	9%			
£2000-£2999	11	7%	£20000-£29999	8	5%
£3000-£3999	16	11%	£30000-£39999	3	2%
£4000-£4999	10	7%	£40000-£49999	0	0%
			£50000+	7	5%
£5000-£5999	9	6%	All	150	100%
£6000-£6999	11	7%			
£7000-£7999	12	8%	Maximum award		£442,366
£8000-£8999	3	2%	Median award		£6,275
£9000-£9999	7	5%	Average award		£19,499

Table 8: Compensation awarded by Tribunals – cases with Disability Discrimination jurisdictions, 2009-10¹⁹

	No.	%		No.	%
<£500	1	1%	£10,000-£12,499	7	10%
£500-£999	0	0%	£12,500-£14,999	0	0%
			£15,000-£19,999	7	10%
£1,000-£1,999	2	3%			
£2,000-£2,999	10	14%	£20,000-£29,999	5	7%
£3,000-£3,999	2	3%	£30,000-£39,999	1	1%
£4,000-£4,999	3	4%	£40,000-£49,999	3	4%
			£50,000+	11	15%
£5,000-£5,999	3	4%	All	73	100%
£6,000-£6,999	7	10%			
£7,000-£7,999	6	8%	Maximum award ²⁰		£729,347
£8,000-£8,999	4	5%	Median award		£8,553
£9,000-£9,999	1	1%	Average award		£52,087

²⁰ An award was made of £792,736.92 for disability discrimination and unfair dismissal, of which the disability discrimination component is £726,536.92. The award is available to view in the public registry at Bury St Edmunds.

Table 9: Compensation awarded by Tribunals – case with Religious Discrimination jurisdictions, 2009-10 ¹⁹

	No.	%		No.	%
<£500	0	0%	£10,000-£12,499	0	0%
£500-£999	0	0%	£12,500-£14,999	0	0%
			£15,000-£19,999	0	0%
£1,000-£1,999	0	0%			
£2,000-£2,999	3	43%	£20,000-£29,999	0	0%
£3,000-£3,999	0	0%	£30,000-£39,999	0	0%
£4,000-£4,999	0	0%	£40,000-£49,999	0	0%
			£50,000+	0	0%
£5,000-£5,999	2	29%	All	7	100%
£6,000-£6,999	0	0%			
£7,000-£7,999	1	14%	Maximum award		£9,500
£8,000-£8,999	0	0%	Median award		£5,000
£9,000-£9,999	1	14%	Average award		£4,886

Table 10: Compensation awarded by Tribunals – cases with Sexual Orientation Discrimination jurisdictions, 2009-10 ¹⁹

	No.	%		No.	%
<£500	0	0%	£10,000-£12,499	0	0%
£500-£999	3	20%	£12,500-£14,999	0	0%
			£15,000-£19,999	1	7%
£1,000-£1,999	1	7%			
£2,000-£2,999	1	7%	£20,000-£29,999	4	27%
£3,000-£3,999	0	0%	£30,000-£39,999	0	0%
£4,000-£4,999	1	7%	£40,000-£49,999	0	0%
			£50,000+	1	7%
£5,000-£5,999	3	20%	All	15	100%
£6,000-£6,999	0	0%			
£7,000-£7,999	0	0%	Maximum award		£163,725
£8,000-£8,999	0	0%	Median award		£5,000
£9,000-£9,999	0	0%	Average award		£20,384

Table 11: Compensation awarded by tribunals – cases with Age Discrimination jurisdictions, 2009-10 ¹⁹

	No.	%		No.	%
<£500	0	0%	£10,000-£12,499	1	4%
£500-£999	0	0%	£12,500-£14,999	2	7%
			£15,000-£19,999	2	7%
£1,000-£1,999	5	18%			
£2,000-£2,999	0	0%	£20,000-£29,999	1	4%
£3,000-£3,999	2	7%	£30,000-£39,999	1	4%
£4,000-£4,999	3	11%	£40,000-£49,999	2	7%
			£50,000+	0	0%
£5,000-£5,999	4	14%	All	28	100%
£6,000-£6,999	1	4%			
£7,000-£7,999	2	7%	Maximum award		£48,710
£8,000-£8,999	1	4%	Median award		£5,868
£9,000-£9,999	1	4%	Average award		£10,931

Table 12: Costs awarded in Employment Tribunals cases, 2009-10 ²¹

COSTS	Awarded to		COSTS	Awarded to	
	Claimant	Respondent		Claimant	Respondent
< £200	4	30	£6001-£8000	0	9
£200-£400	15	36	£8001-£10000	2	29
£401-£600	14	52	£10000+	1	0
£601-£800	8	12	All	88	324
£801-£1000	10	37	Overall		
£1001-£2000	18	52	Maximum award ²²		£13,942
£2001-£4000	15	40	Median award		£1,000
£4001-£6000	1	26	Average award		£2,288

²¹ This does not include costs awarded for waste or preparation.

²² One claim attracted costs against two respondents totalling £13,942; the judgement is available to view at the public registry in Bury St Edmunds.

Table 13: Summary of Receipts and Disposals at EAT, 2009-10

Appeals Received	1,963
<u>Appeals Disposed</u>	
Rejected – out of time	244
Rejected – no reasonable prospect of success	839
Withdrawn prior to registration	169
Withdrawn after registration ²³	115
Struck out	22
Dismissed at preliminary hearing ²⁴	56
Disposed at full hearing ²⁵	403
Total disposed²⁶	1,848

Table 14: Cases dealt with at preliminary hearings by EAT, 2009-10

	Brought by employers	Brought by employees	All
Dismissed at hearing	10	46	56
Allowed to full hearing	39	77	116
All	49	123	172

Table 15: Appeals disposed of by EAT at a full hearing, 2009-10

	Brought by employers	Brought by employees	All
Dismissed at hearing	83	101	184
Allowed	63	39	102
Allowed & remitted	51	66	117
All	197	206	403

²³ See Table 16

²⁴ See Table 14

²⁵ See Table 15

²⁶ The EAT Disposal figure now includes all pre and post hearing disposals as this better reflects EAT workload.

Table 16: Appeals withdrawn 2009-10 ²⁷

	Brought by employers	Brought by employees	All
Withdrawn before Preliminary hearing	4	17	21
Withdrawn before Full hearing	50	44	94
All	54	61	115

²⁷. Only the applicant to EAT may make an application to withdraw the appeal, which has to be agreed by all parties and approved by the Tribunal

Explanatory notes

Data quality and sources

Information presented in this report is Management Information drawn from a number of administrative sources. Although care is taken when processing and analysing the data, the detail is subject to the inaccuracies inherent in any large-scale recording system. The Tribunals Service is examining the quality of information. Thus it is possible that some revisions may be issued.

Definitions

Receipt - Volumetric term covering the acceptance of a case within the Tribunals Service.

Disposal - A **disposal** or clearance is the closure of a case when work has ceased to be done. This can be through a claim being withdrawn, settled, dismissed or being decided at a hearing.

Caseload outstanding - The number of cases outstanding at the end of the period and still waiting to be dealt with to completion.

ET Claim - A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings but will be counted only once.

ET Single and multiple claims - Claims to the Employment Tribunal may be classified into two broad categories, singles and multiples. Multiple cases are where two or more people bring cases, involving one or more jurisdiction(s) usually against a single employer but not necessary so, for instance in TUPE cases, and always arising out of the same or very similar circumstances. As a multiple, the cases are processed together.

ET Jurisdiction - the Employment Tribunals powers to hear a claim are determined by legislation, with statutory provisions defining the ambit of the jurisdiction that can be covered by a claim to an Employment Tribunal.

ET Jurisdictional mix - A claim can contain a number of grounds, known as jurisdictional cases. In any hearing, the tribunal has to decide upon the merits of the claim made under each jurisdiction e.g. unfair dismissal and sex discrimination. The total number of jurisdictions covered by each case gives a truer measure of workload than the number of claims. The jurisdictions covered by ET are wide ranging from discrimination and unfair dismissals to issues around salary and working conditions.

Hearing - The hearing is a meeting at which the tribunal panel considers evidence (either orally or paper based) and reaches a decision (where the decision may be to adjourn or to agree a final outcome). If the hearing is adjourned, and restarted, it counts as one hearing.

Examples of hearings include:

Paper hearings;

Oral hearings;

Case Management Discussions

Decision on eligibility

Withdrawal - The applicant/claimant/appellant ceases action either before or at the hearing. Withdrawals may be consequent upon an Acasa facilitated conciliation process

Settlement - Cases settled without the need for a hearing. In many cases, a third party, such as ACAS (for Employment Tribunal claims) may have been involved in the process.

Outcome of hearing - The outcome of the hearing is a final determination of the proceedings or of a particular issue in those proceedings; it may include an award of compensation, a declaration or recommendation and it may also include orders for costs, preparation time or wasted costs either in favour or against an applicant. **Note:** ET records outcomes for each act (or jurisdiction), not for the hearing.

Rounding

Figures in the tables are rounded independently and thus may not add to totals. The following conventions have been used:

- Values less than 100 remain as unit values;
- Values from 100 to 999 are rounded to the nearest ten;
- Values of 1,000 and over are rounded to the nearest hundred.

Table Conventions

The following conventions are used throughout this report:

.	Not applicable
..	Not available
-	Small value
~	Rate can not be calculated
r	Revised
p	Provisional
<i>Percentages are formatted in italics</i>	
Figures may not sum to totals due to rounding	

Contact points for further information

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