



Disclosure Team  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

XXXX  
XXXX

data.access@justice.gsi.gov.uk

May 2019

Dear XXXX,

### **Freedom of Information Act (FOIA) Requests – 190429011**

You asked for the following information from the Ministry of Justice (MoJ):

**The average length of time in days between when a claim is received by the Employment Tribunal and when it is listed for a full hearing (i.e. when the full hearing is scheduled to take place, and not merely when the Tribunal notifies the parties of the date of that hearing).**

**An update for the year 1st April 2018 – 31st March 2019.**

Your request has been handled under the FOIA.

It has been passed to me because I have responsibility for answering requests relating to data in Her Majesty's Courts and Tribunals Service (HMCTS). HMCTS is an executive agency of the MOJ and is responsible for the administration of the magistrates' courts, the Crown Court, the County Court, the Family Court, the High Court, Court of Appeal and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.

I can confirm that the MoJ holds the information that you have requested and I have provided some of it below. My response only relates to data for the period 1 April 2018 to 31 December 2018. Employment tribunal (ET) data for the period 1 January 2019 onwards is exempt from disclosure under section 44 of the FOIA, because of prohibitions on disclosure by any other enactment. In this case, the information you are seeking is prohibited by the Statistics and Registration Services (SRS) Act 2007 and the Pre-release Access to Official Statistics Order 2008. It is a subset of published data which is intended for publication as part of the MOJ's Criminal Justice System Statistics on 13 June 2019. As such we are required to consider your request in a manner compliant with the pre-release Access to Official Statistics Order 2008 further to sections 11 and 13 of the (SRS Act 2007).

The MOJ is obliged under section 13 of the SRS Act to continue to comply with the Code of practice for Official Statistics (the Code) for statistics designated as National Statistics. Section 11(3) of the SRS Act regards the Pre-Release Access to Official Statistics Order as being included in the Code. Protocol 2 of the Code reflects the requirements of the Pre-Release Access to Statistics Order. Specifically, it requires producers of official statistics to ensure that no indication of the substance of a statistical report is made public, or given to the media or any other party not recorded as eligible for access prior to publication. I can confirm that the MOJ will publish information on Employment Tribunals as part of National

Statistics on Thursday 13<sup>th</sup> June 2019. Therefore, to disclose this now as part of your FOI request, will violate the provisions of section 13 of the SRS Act and the Pre-Release Access order of Official Statistics 2008 and as such engages the exemption under section 44(1)(a) of the FOIA.

Please be aware that Section 44 is an absolute exemption and does not require a public interest test.

Regarding your question for the period 1 April 2018 to 31 December 2018, the Arithmetic Mean Average length of time in days between when a claim is received by the Employment Tribunal and when it is listed for a full hearing was 225 calendar days.

Additional sitting days have been allocated to cope with demand in the employment tribunal and a judicial recruitment campaign is underway. Performance and resource levels are kept under close review to ensure changes in demands are met.

#### Notes regarding the above data

1. The data includes single claims and the lead claim in a multiple that were listed for hearing in the period.
2. These are claims that were listed for "full" hearing. This excludes claims which had a disposal outcome at the preliminary hearing stage or claims that were listed for case management review that are normally considered as a first hearing.
3. Data for 1 April 2018 – 31 December 2018 are provisional and subject to further change.
4. Although care is taken when processing and analysing the data, the details are subject to inaccuracies inherent in any large-scale recording system, and is the best data that is available at the time of publication.
5. Data are taken from a live management information system and can change over time.
6. Data are management information and are not subject to the same level of checks as official statistics
7. The data provided is the most recent available and for that reason might differ slightly from any previously published information.
8. Data has not been cross referenced with case files.

#### **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

[data.access@justice.gov.uk](mailto:data.access@justice.gov.uk)

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely,

**XXXX**