

XXXX
XXXX

data.access@justice.gsi.gov.uk

June 2019

Dear XXXX

Freedom of Information Act (FOIA) Request – 190513031

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

I was wondering if you could direct me to statistics relating to sex discrimination claims over the years and if there's also information on the percentage of claims won/lost.

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 HM Courts & 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 the MoJ holds the Employment Tribunal (ET) information you have requested and I have provided it below. You have not specified a time period to be covered by your request and so I have produced data from 2007/08 which is when ET joined the Tribunals service:

EMPLOYMENT TRIBUNAL			
Sex Discrimination ¹ claims - Success Rates ²			
Period ³	Total Claims	Claimant Successful ⁴	Claimant Unsuccessful ⁵
2007 - 2008	16,184	3%	36%
2008 - 2009 ⁶	10,804	4%	20%
2009 - 2010	17,537	3%	20%
2010 - 2011	15,560	2%	21%
2011 - 2012	14,735	2%	34%
2012 - 2013	14,271	2%	29%
2013 - 2014	13,537	2%	17%
2014 - 2015	10,231	1%	13%
2015 - 2016	8,855	1%	15%

2016 - 2017	6,007	1%	24%
2017 - 2018	6,890	1%	43%
Apr 18 - Dec 18 ^{7 P}	2,758	2%	22%

Notes regarding the above data

- (1) The 'Sex Discrimination' jurisdiction includes complaints made in relation to the protected characteristics 'Sex', 'Marriage and Civil Partnership' and 'Gender Reassignment'.
- (2) Excludes outcomes "ACAS conciliated", "Withdrawn" and "Dismissed on withdrawal".
- (3) Financial Year 1 April to 31 March.
- (4) Includes "Successful at hearing" and "Default Judgment - Claimant Successful".
- (5) Includes "Unsuccessful at hearing", "Dismissed at a preliminary hearing", "Struck out (not at a hearing)", "Default Judgment - Claimant Unsuccessful", "Dismissed Rule 27" and "Case Discontinued".
- (6) 2008/09 excludes a small proportion of cases due to a change of computer system during the year.
- (7) In line with latest published statistics.
- (P) Provisional - subject to further change.
- Although care is taken when processing and analysing the data, the details are subject to inaccuracies inherent in any large-scale case management system and is the best data that is available.

Although MoJ provide ET outcomes in their published statistics, the "Default Judgment" outcome represents both decisions in favour of the claimant and in favour of the respondent. However, for your information and in order to meet HMCTS obligations under Section 16 of FOIA, I can tell you that ET outcomes can be found in Table ET.3 of the main tables, as per the link below:

<https://www.gov.uk/government/statistics/tribunals-and-gender-recognition-certificate-statistics-quarterly-october-to-december-2018>

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

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,

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