



Department for  
Business, Energy  
& Industrial Strategy

# Survey of Employment Tribunal Applications

Findings from the 2018 Survey

BEIS Research Paper Number 2020/007

July 2020



**OGL**

© Crown copyright 2020

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this publication should be sent to us at: [lm.correspondence@beis.gov.uk](mailto:lm.correspondence@beis.gov.uk)

---

# Contents

Executive Summary	6
About the survey	6
Methodology	6
Events leading up to the claim	7
Claim process, advice and representation	8
Attempts at resolution, offers and Acas	9
Outcomes	10
Cost and benefits	12
Impact and satisfaction	13
Characteristics of parties	14
Chapter 1: Introduction	16
1.1 Background to the SETA series	16
1.2 Aims and objectives of the study	16
1.3 Methodology and fieldwork	17
1.4 Limitation of the methodology	19
1.5 Policy context	19
1.6 The employment tribunal system	23
Chapter 2: Events leading to the claim	28
Key findings	28
2.1 Initial help and advice sought by claimants	29
2.2 Communication between parties prior to the employment tribunal claim	30
2.3 Resources available to employers	32
2.4 Written statements and disciplinary procedures	33
2.5 Accompaniment of workers in disciplinary meetings	36
2.6 Characteristics of the dispute	36
2.7 Early conciliation uptake and failure to settle	37
Chapter 3: Claim process, advice and representation	39
Key findings	39
3.1 Previous experience of the employment tribunal system amongst claimants	40
3.2 Previous experiences of employment tribunal cases amongst employers	40
3.3 Sources of information	40
3.4 Advice and representation	41
Chapter 4: Attempts at resolution, offers and Acas	48
Key findings	48

4.1	Offers of settlement	49
4.2	Reasons for withdrawing	55
4.3	Acas	56
Chapter 5: Outcomes		59
Key findings		59
5.1	Overview of SETA Outcome	60
5.2	What influences the case outcome	61
5.3	Tribunal Orders and Awards	64
5.4	Receiving Awards	65
5.5	Appeals	66
5.6	The cost regime	66
Chapter 6: Costs and benefits		68
Key findings		68
6.1	Costs incurred	69
6.2	Fees	70
6.3	Time spent on the case	71
6.4	Impact of the employment tribunal on claimants' employment and career	72
6.5	Employment characteristics of claimants' post-tribunal	72
6.6	Impact of the employment tribunal on employers' workplace	73
Chapter 7: Impact and Satisfaction		75
Key findings		75
7.1	Initial expectations	75
7.2	Satisfaction with employment tribunal system	76
7.3	Fairness of employment tribunal hearing	77
Chapter 8: Characteristics of parties		78
Key findings		78
8.1	Personal characteristics of claimants	79
8.2	Employment-related characteristics of claimants	81
8.3	Characteristics of employers	82
Annex A (Multivariate Analysis)		83
Introduction		83
Independent variables		84
Model specification and variable selection		86
Interpreting coefficients		86
Summary of results from multivariate analysis		87
Interpreting the models		93

---

Annex B: Glossary _____	101
Annex C: Data Tables _____	102
Chapter 2: Events leading to the claim _____	103
Chapter 3: Claim process, advice and representation _____	150
Chapter 4: Attempts at resolution, offers, and Acas _____	189
Chapter 5: Outcomes _____	242
Chapter 6: Costs and Benefits _____	279
Chapter 7: Impact and satisfaction _____	319
Chapter 8: Characteristics of parties _____	328

# Executive Summary

## About the survey

The 2018 Survey of Employment Tribunal Application (SETA) is the seventh in the series. The first SETA was undertaken in 1987, with subsequent surveys undertaken in 1992, 1998, 2003, 2008 and 2013. The series aims to provide information on the characteristics of the parties in, and the key features of, employment tribunal (ET) cases. The main aims of the 2018 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;
- To monitor the performance of the employment tribunal claim process.

## Methodology

The overall design follows a very similar approach to that employed in SETA 2013.

The population of relevant cases from which the sample was drawn (sample frame) was supplied by Her Majesty's Court and Tribunal Service (HMCTS) and consisted of single claims disposed of between the 3<sup>rd</sup> of October 2016 and 4<sup>th</sup> of October 2017. A single claim is a claim by a single individual that an organisation has infringed one or more of their employment rights. Two random samples were drawn, one for employers and one for claimants. The sample for each survey was drawn across all jurisdictions<sup>1</sup>. As in 2013, the data were collected using Computer Assisted Telephone Interviewing. In total, 2,663 interviews were carried out: 1,373 interviews with claimants and 1,290 with employers. The average interview length in the claimant survey was 30 minutes and in the employer survey 26 minutes.

The findings presented in this report are statistically representative of single claims disposed of in the above period. This means we are able to make inferences about the wider population of single claims concluded in the survey period. This report presents the main descriptive findings from 2018 SETA and updates the findings from the 2013 survey. Findings are shown for the claimant and employer samples separately, as well as (in some parts of the report) for the combined sample of claimants and employers. Separate samples were drawn for employers and claimants; this means that the two samples are not linked or 'matched' by ET case.

Due to recent changes in the ET system after SETA 2013, there has been a substantial reduction in the overall number of cases since 2012, as well as a change in the distribution of those cases regarding 'track' and jurisdiction (these changes are discussed in more detail in the Introduction, section 1.6). As a result, there are substantive differences in the profile of

---

<sup>1</sup> The various rights that the employment tribunal has jurisdiction over, as described in specific legislation.

cases between the 2013 and 2018 surveys, and the findings are therefore not strictly comparable<sup>2</sup>.

## Events leading up to the claim

The issuing of written terms and conditions, alongside workplace rules and procedures, is recognised as playing an important role in clarifying the basis of the employment relationship, and in avoiding the escalation of workplace grievances and disputes.

Discussions between the employer and the employee before an ET claim takes place may also help grievances to be resolved informally before they escalate. In April 2014, 'early conciliation' was introduced prior to the ET claim process, in which Acas attempts to work with both sides before an ET claim is submitted.

Oral discussions between parties, prior to the claim being submitted, took place in more than half of cases (according to 55 per cent of **claimants** and 58 per cent of **employers**).

Employers were more likely than claimants to say that formal meetings took place to discuss the issue (44 per cent compared with 34 per cent).

In most cases, **claimants** said that these discussions took place before Acas early conciliation (among claimants who had formal meetings, 85 per cent said that they occurred before Acas early conciliation), although if the employer wrote to the claimant about the issue, claimants said that this often happened either during or after Acas early conciliation (in 24 per cent and 22 per cent of cases respectively). In some of these cases the employer had also written before early conciliation had started.

**Employers** were more likely than **claimants** to say that the employee had been provided with a written statement of terms of conditions (91 per cent compared with 73 per cent), and that both written disciplinary and grievance procedures existed (95 per cent compared with 55 per cent); these figures are in line with 2012<sup>3</sup>.

As in 2012, there was a relationship between the provision of written procedures and the outcome of cases that go to a full tribunal hearing. Among both **claimants and employers**, survey respondents were more likely to say written procedures were in place where the claimant was unsuccessful at the tribunal hearing, compared with cases where the claimant was successful.

At the time of the interview, over nine in ten **claimants** (94 per cent of those who had originally worked for the employer) were no longer working for the same employer that they had brought

---

<sup>2</sup> Where there are differences between the findings from the 2013 and 2018 surveys, these differences may reflect actual change or they may reflect the substantive differences in the profile of the cases. Comparisons between the 2013 and 2018 surveys should therefore be made with caution, and any differences should be seen as indicative only. The report includes findings from the 2013 survey for reference, but avoids making direct comparisons.

<sup>3</sup> When comparisons are made between SETA 2018 and SETA 2013, findings from SETA 2018 are referred to as being from 2017 (For SETA 2018, the sampling frame was from 3<sup>rd</sup> October 2016 to 4<sup>th</sup> October 2017), and findings from SETA 2013 are referred to as being from 2012. This is to more accurately reflect the time period the sampling frames were from.

the employment tribunal claim against. Of these claimants, 46 per cent said that they were dismissed, while 24 per cent resigned and 16 per cent were made redundant or laid off.

A large majority of cases involved Acas early conciliation: nine in ten **claimants** (90 per cent) said that they agreed to take part in Acas early conciliation, as did 70 per cent of **employers**. It should be noted if the claimant did not agree to take part in early conciliation, the employer will not have been invited to do so. When **employers** did not agree to early conciliation, this was most commonly because they did not think they had a case to answer to, or because they were not willing to negotiate.

If Acas early conciliation did take place, the main reported reasons for it failing to produce a settlement were that the employer felt they had no case to answer to (mentioned by 27% of **claimants** and 18% of **employers**), or that the employer offered a settlement but the claimant was not willing to accept it (19% of both claimants and employers).

## Claim process, advice and representation

Almost half of **employers** (47 per cent) had been involved in ET claims in the previous two years; this varied by employer size, with larger organisations more likely to have been involved and with a greater number of claims, compared with smaller organisations. Nine per cent of claimants said that they had made a previous ET claim.

When asked about the various sources of information they had used to help them with their case, **claimants** were more likely than **employers** to use at least one of source of information, and also to use multiple sources. The Acas website was the most commonly used source amongst both claimants (73 per cent) and employers (41 per cent), followed by the gov.uk website (54 per cent and 28 per cent respectively) and the HMCTS website (47 per cent and 22 per cent respectively).

This report makes a distinction between advice and representation. In the former, parties talk to someone about the case, while representation is seen to go beyond the provision of advice and is defined as giving help with the case, for example handling paperwork.

Parties can seek advice and representation during different stages of the claim process:

- Seven in ten **employers** (70 per cent) used a day-to-day representative<sup>4</sup> to help them with their case (compared with 60 per cent in 2012), while 57 per cent of **claimants** used a day-to-day representative (52 per cent in 2012).
- If the case progresses to a tribunal hearing, this is another critical stage of the process where representation might be sought. In line with 2012, **employers** were much more likely than **claimants** to be represented at the hearing (77 per cent compared with 41 per cent).
- Around one in four **claimants** (26 per cent) said that they had additional help and guidance (excluding help from a day-to-day representative or at the full tribunal hearing); slightly higher than the equivalent proportion of **employers** (21 per cent).

---

<sup>4</sup> In the questionnaire, claimants and employers were asked if anyone helped them with the day-to-day handling of the case, defined as 'handling paperwork, answering letters, dealing with the employment tribunal, dealing with the other party and so on'. They were asked not to include any assistance they may have had from Acas, as it is not possible for Acas to act in the role of formal representative.



There were two main reasons given by both **claimants** and **employers** who did not use a representative at a tribunal hearing: not being able to afford legal representation (58 per cent of claimants and 15 per cent of employers) and thinking that they could handle the hearing on their own (20 per cent of claimants and 57 per cent of employers).

Reflecting the findings for 2012, lawyers were the most commonly used source of advice and representation at all stages of the case, among both **claimants** and **employers**. The use of a legal representative or advisor was more common among **claimants** with larger salaries and/or in more advanced/senior occupations. Claimants with lower salaries were more likely to use other, less costly forms of representation and advice.

Around half of **claimants** who had a day-to-day representative, a representative at the hearing or had additional help or guidance (excluding friends, family or work colleagues) said that all of the help or advice they received was free (47 per cent), higher than the equivalent proportion of **employers** (15 per cent). Amongst those that paid for this help or support, the median amount paid was £5,000 for **employers** and £2,500 for **claimants**.<sup>5</sup>

## Attempts at resolution, offers and Acas

A settlement was reached in 58 per cent of all cases surveyed. In 17 per cent of cases surveyed, an offer for settlement was made but no settlement was reached between the parties. In cases where an offer of settlement was made, the **combined samples of claimants and employers** indicate it was mostly the employer (44 per cent) or an employer representative (12 per cent) who proposed the first offer. In line with 2012, financial reasons (46 per cent) and saving time (26 per cent) were the main reasons cited by **employers** who either settled or offered a settlement. Among those employers who did not propose an offer, reasons for not doing so focused around the employer believing that they had a strong case.

**Claimants** were most likely to settle because they thought it was less stressful than proceeding with the claim (40 per cent). If claimants withdrew their case, it was most likely to be because of cost (33 per cent) or stress (23 per cent).

Reflecting the findings for 2012, 90 per cent of cases that were settled consisted of a financial offer, according to the combined analysis of **claimants and employers**. In such cases, the median amount finally offered was £5,000 (the median amount was £2,500 in 2012). As in 2012, in most settled cases (89 per cent), the employer had complied with the agreed settlement in full by the time of the survey.

When comparing the amount of the final offer with initial expectations, the median amount actually offered in settled cases or where an offer was made (£5,000) was lower than the median amount claimants said they might have been prepared to settle for at the start of the case (£7,000), but was higher than the amount that the **employer** was initially prepared to pay (median of £3,000 where they were prepared to pay anything at all).

Acas conciliators have a statutory duty to promote a settlement through conciliation. This can take place before the claim is submitted, as part of Acas early conciliation, and/or after the claim process has formally started. The role of the Acas conciliator is to discuss the issues of the case with parties, explain the employment tribunal process, and statute and case law where appropriate. They provide both parties with information on the options available to them

---

<sup>5</sup> The analysis in this report focuses on median values, which provide a more reliable indicator as mean values are affected by outliers.

and pass information between the parties, including details of any offers of settlement. By encouraging claimants and employers to consider the strengths and weaknesses of their case, the conciliator seeks to narrow the gap between parties and bring them to a stage where a settlement can be negotiated.

The majority of **claimants** (80 per cent) said that they or their representative had personal contact with an Acas officer after the application had been submitted; this included 62 per cent who said they took part in conciliation at that stage. In the **employer** survey, 76 per cent said that they or their representative had contact with an Acas officer, including 54 per cent who said they took part in conciliation at that stage.

Levels of contact with Acas after the claim were linked with use of Acas early conciliation:

- Among **claimants** and **employers** who had taken part in Acas early conciliation, in each case, 66 per cent also took part in conciliation with Acas after the application was submitted;
- Among those who did not agree to take part in Acas early conciliation, 23 per cent of **claimants** and 14 per cent of **employers** took part in conciliation with Acas after the application was submitted.

Reflecting the findings for 2012, claimants were more likely than employers to see Acas involvement as important. In settled cases, 49 per cent of **claimants** who had contact with an Acas officer said it was unlikely that the case would have been settled without Acas' involvement, compared with 28 per cent of **employers**.

The majority (70 per cent) of **claimants** reported that they were satisfied in general with the service they had received from Acas in their case (this covers contact at any point during the case, including any dealings before the ET claim was submitted). Satisfaction levels were the same among **employers** who had contact with an Acas officer (70 per cent satisfied). The equivalent figures in the 2013 survey were 68 per cent for claimants and 75 per cent for employers.

## Outcomes

The outcomes of ET claims in 2017 broadly reflect those in 2012. The analysis of the combined samples of **claimants and employers** shows that more than half of cases (58 per cent) were settled in 2017 (54 per cent in 2012): 40 per cent through Acas (the same as in 2012) and 18 per cent privately (13 per cent in 2012).

Multivariate analysis indicates that the following variables had a significant effect on the outcome of the case; specifically, whether the case went to a tribunal hearing rather than being withdrawn/dismissed or settled:

- In general, compared with other jurisdictions, discrimination cases were more likely to be withdrawn/dismissed or settled than to go to a hearing. In particular, breach of contract (fast track) and unauthorised deductions from wages cases were more likely than discrimination cases to go to a hearing. These patterns were evident in the analysis of both the **claimant** and **employer** data.
- In the **claimant** data, there were differences in relation to the use of early conciliation:

- Cases were more likely to be withdrawn than to go to hearing if the claimant did not agree to early conciliation;
- Cases were more likely to be settled than to go to hearing if the claimant and employer both agreed to early conciliation.

Outcomes varied according to the use of day-to-day help with the case:

- In the **claimant** data, cases were more likely to be settled than go to hearing if the claimant received day-to-day help from a solicitor;
- In the **employer** data, cases were a little more likely to be settled than go to hearing if the employer received day-to-day help internally<sup>6</sup>.
- Both the **employer** and **claimant** data showed differences by size of employer. Cases with large employers (with 250 or more employees) were more likely to be withdrawn/dismissed than to go to hearing, when compared with smaller employers.

In the **claimant** data, 17 per cent of all claims went to a full tribunal hearing. Overall, claimants at a full tribunal hearing were more likely to be unsuccessful than successful.

Multivariate analysis of the claimant data showed that:

- The claimant was more likely to be successful in breach of contract (fast track) and unauthorised deductions from wages cases, compared with other jurisdictions. This applied to the analysis of both the **claimant** and **employer** data.
- Both claimants and employers were more likely to have a successful outcome if they were represented at the hearing:
  - According to the **claimant** data, the claimant was more likely to be successful if they had a representative at the hearing;
  - In the **employer** data, the claimant was much less likely to be successful if the employer had a representative at the hearing.
- According to the **employer** data, the claimant was more likely to be successful if a settlement offer had previously been made.
- Claimants were considerably more likely to be successful in cases involving small or medium-sized **employers** (up to 250 employees) than large employers (with 250 or more employees).

Reflecting the findings for 2012, in 90 per cent of the cases which went to tribunal and where the tribunal decided in favour of the claimant, the award involved money (according to the **combined samples of claimants and employers**).

According to the combined samples of **claimants and employers**, the median sum of money awarded at tribunal (£5,000) was lower than the median amount that claimants initially hoped to receive at the start of their case (£7,000). In 42% of cases where claimants had been awarded a sum of money at tribunal, survey respondents said that the amount awarded included the reimbursement of any fees the claimant paid, while in 37 per cent it did not include this, and in 14 per cent of these cases the respondents said that the claimant did not pay any fees. Among those who paid a fee and were awarded money at tribunal, 49% said the

---

<sup>6</sup> That is: help from an owner/senior manager/general manager, from a personnel or human resources specialist, or from a legal specialist in the company/company lawyer.

amount awarded included the reimbursement of any fees paid. Once again, these findings are based on the combined samples of **claimants and employers**.

Responses varied significantly between the two parties about whether claimants received the payment of their award: 72 per cent of **claimants** awarded a monetary payment said it had been paid compared with 93 per cent of **employers** with a sum awarded against them who said they'd paid it. In 2012, the corresponding figures were 63 per cent for claimants and 87 per cent for employers.

If claimants do not receive payment of their award from the employers, they can submit a Penalty Enforcement Form as part of the BEIS Employment Tribunal penalty scheme. This leads to employers receiving a notice from BEIS to pay the sum awarded by the tribunal or otherwise receive a fine.

Claimants took some form of action to obtain payment in 31 per cent of cases where they were awarded a sum of money by the tribunal; among claimants who took some form of action, 16 per cent used the BEIS Employment Tribunal penalty scheme. This is based on the **combined samples of claimants and employers**. If the claimant had not used the penalty scheme and did not take any other action to obtain the money, respondents were asked whether they were aware of the scheme before the interview. Around one in five **claimants** (18 per cent) and 12 per cent of **employers** said they were aware of the scheme.

According to the combined sample of **claimants and employers**, in around one in eight cases that went to a tribunal hearing (13 per cent), an appeal was made to the Employment Appeal Tribunal about the decision made. Where an appeal was made, this was more likely to come from the claimant (78 per cent) than the employer (22 per cent).

Claimants were awarded costs in 26 per cent of cases that involved a decision at tribunal, and employers in 6 per cent of these cases.<sup>7</sup> These findings are based on the combined sample of **claimants and employers**.

Employers were more likely than claimants to be aware that the employment tribunal could penalise cases of unreasonable pursuit (where a party to a claim is considered to have acted unreasonably in pursuing it) by making that party pay towards the other party's costs or expenses: 67 per cent of **employers** said they were aware that unreasonable pursuit could be penalised, compared with only 54 per cent of **claimants**. This broadly reflects the findings observed for 2012.

## Cost and benefits

Just over six in ten **claimants** (63 per cent) reported that they had incurred personal financial costs as a result of the case, similar to the 2012 figure. Claimants may face several different types of cost:

- 33 per cent of claimants incurred communication costs. Among those that faced these costs, the median communication cost was £50;
- 36 per cent incurred travel costs; among these claimants, the median travel cost was £60;
- 38 per cent suffered a loss of earnings.

---

<sup>7</sup> Due to questionnaire structure, fees and costs cannot be differentiated for this finding.

Between July 2013 and July 2017, claimants who made a new employment tribunal claim were required to pay a fee when doing so. This included an 'issue fee', payable on completion of the ET application form, and in some cases a 'hearing' fee, payable when claimants were notified about the date for a tribunal hearing.

The survey sample comprised cases disposed of by the Employment Tribunal between October 3<sup>rd</sup>, 2016 and October 4<sup>th</sup>, 2017. According to the management information included in the sample provided by HMCTS, in 96 per cent of these cases claimants either paid an issue fee or qualified for fee remission. The remaining 4 per cent of claimants fell outside the fees window, and therefore did not incur costs from fees. In the survey, 29 per cent of **claimants** required to pay an 'issue' fee said that they applied for fee remission; of those that applied for fee remission, 66 per cent said that the application was granted in full and 8 per cent said it was granted in part. In the survey, 39 per cent of **claimants** said they were asked to pay a hearing fee. One in five of these claimants (19 per cent) said they applied for fee remission and, of these, 57 per cent said that the application was granted in full and 15 per cent in part.

In cases where **claimants** had to pay fees (i.e. unless a fee remission application was accepted in full), they mostly paid the fees themselves (69 per cent paid for each of the issue fee and the hearing fee themselves) and 4 per cent said they paid their fees through insurance. A third party (such as a trade union) paid the issue fee in 17 per cent of cases, and the hearing fee in 11 per cent of cases.

In terms of the time spent on the case, the median number of days spent by **claimants** was 14 (compared with six in 2012). Among **employers**, the median number of person days spent on the case was 8.75 (five in 2012).

**Employers** were prompted with a list of possible changes and asked if they had made any of them as a result of their experience dealing with the claim. Overall, 69 per cent of employers stated that their experience of dealing with an employment tribunal application resulted in the organisation taking some actions. The most common action employers had taken was to ensure that existing procedures were followed (58 per cent said this), followed by seeking professional advice prior to taking disciplinary action (29 per cent). The corresponding figures in 2012 were 41 per cent and 22 per cent respectively.

## Impact and satisfaction

When asked in general how satisfied they were with the workings of the employment tribunal system, the majority (60 per cent) of **claimants** said that they were satisfied, including 27 per cent who were very satisfied. Around one in three (35 per cent) were dissatisfied. In 2012, 72 per cent of claimants were satisfied and 24 per cent were dissatisfied. Amongst claimants who were dissatisfied, the most common reasons were that the tribunal system is unfair (19 per cent), that they did not receive any help or support (13 per cent) or that costs were too high (13 per cent).

Two in three **employers** (64 per cent) said that that they were satisfied with the workings of the tribunal system, while around one in four (28 per cent) was dissatisfied; figures were identical in the 2013 survey. Dissatisfaction stemmed from the view that the tribunal system is unfair (15 per cent), being unhappy with the outcome (15 per cent) or the belief that the system was biased (14 per cent).

Among **claimants** whose case went to a hearing, more than half (57 per cent) believed that the employment tribunal hearing gave each party a fair chance to make their case (compared with 66 per cent in 2012). These attitudes are clearly related to the case outcome: claimants who were successful at tribunal were considerably more likely to say that the hearing gave each party a fair chance (78 per cent) than claimants who were unsuccessful at the hearing (37 per cent).

Most (85 per cent) of **employers** whose cases went to a hearing believed that the employment tribunal hearing gave each party a fair chance to make their case (73 per cent in 2012). Agreement was higher amongst employers in cases where the claimant was unsuccessful compared with cases where the claimant was successful at the hearing (96 per cent compared with 68 per cent).

## Characteristics of parties

The key characteristics of **claimants** involved in employment tribunals were as follows:

- The age profile of claimants is similar to that found in 2012. In comparison with the workforce as a whole, employment tribunal claimants had an older age profile: they were more likely to be aged 45-64 (54 per cent of employment tribunal claimants compared with 38 per cent of all employees) and less likely to be aged under 25 (4 per cent compared with 13 per cent).
- Over half of claimants were men (56 per cent), similar to the proportion in 2012. This is somewhat higher than the proportion of the employed workforce as a whole (51 per cent).
- Over a third of claimants had a long-standing illness or disability (36 per cent), higher than the employee population (28 per cent), while more than a quarter (29 per cent) had a long-standing illness, disability or infirmity that limited their activities in some way, double the proportion of those in the employee population (13 per cent). In 2012, 26 per cent of claimants had a long-standing illness or disability.
- Three in four claimants were white (74 per cent), compared with 82 per cent in 2012. This is lower than the workforce in general (88 per cent).
- Two thirds of claimants regarded themselves as belonging to a religion (66 per cent), in line with 2012, and higher than the workforce in general (59 per cent).
- The majority of claimants identified themselves as heterosexual (92 per cent), while 2 per cent identified as gay/lesbian and 1 per cent as bisexual.
- More than a quarter of claimants (27 per cent) received some sort of state benefits at the time of their claim. The equivalent figure amongst the working population is 22 per cent. The most common benefit received amongst claimants was Jobseeker's Allowance (JSA), which 9 per cent of all claimants were receiving.

The key characteristics of **employers** involved in employment tribunal cases were as follows:

- The private sector accounted for 70 per cent of employment tribunal cases, the public sector for 17 per cent and the non-profit sector for 12 per cent. These figures are in line with 2012.
- In line with 2012, more than half of employers had multiple workplaces in the UK (57 per cent).

- In line with 2012, employment tribunal cases were more likely to result from employment rights disputes in workplaces with fewer than 25 employees (41 per cent), than in medium-sized or large workplaces.

# Chapter 1: Introduction

## 1.1 Background to the SETA series

The origins of this study can be traced back to Courtney's survey of Unfair Dismissal applications, commissioned by the then Department of Employment (1975). This was followed by a survey of Unfair Dismissal applications carried out by the ESRC Industrial Relations Unit, University of Warwick (1978). The initiation of this series of surveys of employment tribunal applications (SETA), however, can be traced back to a Rayner Efficiency Review in the mid-1980s. The Review recommended that it would be more cost effective to collect information on items such as the characteristics of claimants and employers using sample surveys rather than collecting them through administrative means. The Scrutiny also pointed out that sample survey methods would provide an opportunity to collect other relevant information for policy research purposes.

The first SETA was undertaken in 1987, with subsequent surveys undertaken in 1992, 1998, 2003, 2008 and 2013. Over the lifetime of the SETA series, changes have been made to the survey design, driven by the increasing number of jurisdictions and of multi-jurisdiction cases, changing policy needs and methodological and cost considerations.

Among these changes have been:

- increases in the number of jurisdictions covered in the survey;
- a shift from simple random sampling to stratified sampling in 1992 and a disproportionate sample in 1998;
- a move in 1998 from a matched case sampling approach to independent sampling of claimants and employers;
- a focus on 'primary jurisdiction' as the principal unit of analysis;
- the introduction of Computer Assisted Telephone Interviewing (CATI) and the adoption of a modular questionnaire design in 1998.
- a simplification of design in 2003, focusing on all employment tribunal cases rather than five main jurisdictions, and the use of a generic research instrument rather than one tailored according to jurisdiction.

## 1.2 Aims and objectives of the study

The seventh Survey of Employment Tribunal Applications (SETA 2018) retained the core objective of the SETA series to provide information on the characteristics of the parties in, and key features of, employment tribunal cases for the purposes of developing and evaluating policy in this area. The main aims of the 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;
- To monitor the performance of the employment tribunal claim process;



and in so doing:

- To provide evidence to evaluate existing policies relating to employment tribunals;
- To provide baseline data for evaluating future policies relating to employment tribunals;
- To provide information to help assess the costs and benefits of different options for regulatory change.

## 1.3 Methodology and fieldwork

### Design of SETA 2018

The SETA 2018 design largely followed the approach employed in SETA 2013. It is based on a stratified random samples of cases, one for employers and the other for claimants. The research instrument used in 2018 was largely similar to the one used in 2013. The most notable differences to the research instrument included:

- Addition of new questions on experiences of Acas 'early conciliation';
- Revised questions to reflect changes in the fee system;
- Addition of questions on the BEIS Employment Tribunal Penalty Scheme.

### Details of the sample, data collection and analysis

The sample frame was supplied by Her Majesty's Court and Tribunal Service (HMCTS) and consisted of a subset of single claims disposed of between the 3<sup>rd</sup> of October 2016 and the 4<sup>th</sup> of October 2017<sup>8</sup>, with a small number of exclusions<sup>9</sup>. The sample for each survey was drawn across all jurisdictions. Separate samples were drawn for employers and claimants; this means that the two samples are not linked or 'matched' by ET case. It is possible that claimants and employers from the same case are included in the survey (on the basis of random selection), but any 'matches' are not identified in the sampling or analysis (though where required the weighting takes account of them). Before the selection took place, sample was stratified by track and outcome to ensure that any proportionate sample that is drawn is representative in these respects.

Prior to the main stage of the survey, cognitive testing was conducted, followed by a pilot stage to inform the questionnaire design.

As in SETA 2013, the data were collected using Computer Assisted Telephone Interviewing (CATI). In total, 1,373 interviews were carried out with claimants (achieving a response rate of

---

<sup>8</sup> Claims in employment tribunals can be classified into either single or multiple claims. Single claims are made by a sole employee/worker, relating to alleged breaches of employment rights. Multiple claims are where two or more people bring proceedings arising out of the same facts, usually against a common employer. This survey excluded multiple claims, which in 2012 accounted for around 47 per cent of all disposed cases. A disposal is the closure of a case when work is complete. This can be through a claim being withdrawn, settled, dismissed or being decided at a hearing (either orally or on paper).

<sup>9</sup> Full details of the exclusions are provided in the technical report. Prior to data processing and cleaning, the sample frame consisted of about 53,200 single claims. This is around 4,400 fewer cases fewer than the total number of single claims reported in Tribunal Statistics over a similar period in 2012 (57,600). Cases that were sensitive, transferred, entered in error, or involved multiple outcomes were excluded.

39 per cent<sup>10</sup>) and 1,290 with employers (achieving a response rate of 38 per cent<sup>11</sup>). The fieldwork was conducted between 23<sup>rd</sup> April 2018 and 04<sup>th</sup> August 2018. The average interview length in the claimant survey was 30 minutes and in the employer survey 26 minutes.

The findings presented in this report are based on a random sample of 2,663 employment tribunal cases (1,373 claimant and 1,290 employer cases). The findings are statistically representative of single claims disposed of in Great Britain during the period noted above. The claimant and employer sample sizes are smaller than in previous surveys. This reflects the smaller underlying population of claims in the period covered by SETA 2018.

As SETA 2013, Three primary weights have been produced for analysing the datasets: one for employers, one for claimants and one for cases. The **employer weight** is used to analyse the data from the employer perspective, the **claimant weight** is used to analyse from the claimant perspective and the **case weight** is used only to analyse factual details about the case. An additional weight – the '**perspective**' weight – has been produced as a convenience which can be used to obtain claimant and employer results without switching weights because it is equal to the claimant weight if the respondent is a claimant and equal to the employer weight if the respondent is an employer. To ensure representativeness, the weights were calibrated to the sample population on the basis of outcome, track and office region.

Full details of the survey sampling, methodology and weighting are provided in the technical report, which will be deposited at the [UK Data Archive](#). This also provides commentary on the development and piloting of the survey instruments, analysis of response rates, copies of the questionnaires, a data dictionary and the syntax files for derived variables presented in this report.

As with the previous surveys in the series, the Department for Business, Energy & Industrial Strategy (BEIS) will place a copy of the SETA 2018 dataset in the UK Data Archive for use by academics and researchers.

This report presents the main descriptive findings from SETA 2018 and updates the findings from the 2013 survey. It is hoped that this report will inform the on-going discussion on dispute resolution in Britain.

## Notes on the report

Significance testing has been carried out in the report and only differences which are statistically significant at the 95 per cent confidence interval or above are described in the report (unless otherwise stated).

Percentages are rounded to the nearest whole number.

When comparisons are made between SETA 2018 and SETA 2013, findings from SETA 2018 are referred to as being from 2017, and findings from SETA 2013 are referred to as being from 2012. This is to more accurately reflect the time period the sampling frames were from.

Significant changes in the ET system have been implemented since the 2013 survey (see Policy Context, below). Most obviously, these led to a reduction in the overall number of cases and a change in the distribution of those cases regarding 'track' and jurisdiction. As a result, there are substantive differences in the profile of cases in the 2018 survey, as compared with

---

<sup>10</sup> This response rate is based on the proportion of interviews within in the sample that was established as being 'valid'.

<sup>11</sup> As previous footnote.

the 2013 survey. Comparisons between the 2013 and 2018 surveys should therefore be made with caution, and any differences should be seen as indicative only. The report includes findings from the 2013 survey for reference but avoids making direct comparisons.

When interpreting the analysis presented in this report, issues around the correspondence of variables should be borne in mind. There is a key distinction between a correlation relationship and a causal relationship. A correlation relationship would look at the relationship that exists between the two variables to investigate if they both perform in a synchronized manner. Causal relationship would look at one value explaining an effect in another. A correlation does not imply that one causes the other. Therefore, inferences should not be made about causality.

## 1.4 Limitation of the methodology

In presenting the findings from the 2018 SETA, some important methodological caveats need to be recognised. These are in line with those evident in the 2013 SETA data.

There are limitations associated with asking parties to talk about the dispute that led up to the employment tribunal application and the subsequent progress of the case. When people are asked to talk about social processes that happened in the past, they have a tendency both to post-rationalise their behaviour, to view events in ways that favour their own perspective and to forget details of their experience. Their responses may therefore be subject to selective recall or 'self-serving' bias. This problem is generic in research that requires people to recall past events, but is exacerbated in this study, because parties involved in employment tribunals can find the experience highly emotive and traumatic.

This is especially true for claimants, but can be so for both parties, particularly where they are engaging with the employment tribunal system for the first time or feel dissatisfied with the outcome of the case.

Problems of recall are likely to be exacerbated for parties who are represented, because they have had less direct involvement in the tribunal process than unrepresented parties. Again, this is particularly likely to be a problem for claimants who are, arguably, less likely than employers to be consulted by their representatives about the legal, administrative and procedural detail involved in conciliation and dispute resolution.

## 1.5 Policy context

### Employment tribunal reform

Employment tribunals provide access to justice for most employment-related disputes and as such, play a critical role in protecting employment rights and ensuring fairness at work. However, the costs that tribunal cases impose on both claimants and employers, as well as on the taxpayer, mean that there is a continuing policy focus on encouraging and enabling employment disputes to be resolved before they go to tribunal.

There have been many policy changes over the past decade. Since the last SETA survey in 2013, significant reforms were introduced under the Enterprise and Regulatory Reform Act 2013, with the intention of encouraging the early resolution of disputes and streamlining the ET process. As part of this, in May 2014, it became mandatory for employees or job applicants

intending to lodge a claim with the employment tribunal to notify Acas of their intention, so that Acas can first try to resolve the dispute through 'early conciliation (EC).

In addition, from July 2013, claimants who made a new employment tribunal claim were required to pay a fee when doing so. This included an 'issue fee', payable on completion of the ET application form, and in some cases a 'hearing' fee, payable when claimants were notified about the date for a tribunal hearing. The 2018 SETA is the first survey in which claims covered by the survey were subject to fees.

On 26 July 2017, the Supreme Court declared the Fees Order to be an unlawful interference with the common law right of access to justice, and quashed it. With immediate effect, Employment tribunal and Employment Appeal Tribunal claims no longer attracted fees. On 15 November 2017, the Government announced the roll out of the employment tribunal refund scheme via which those who paid fees will be reimbursed.

Further reforms to the courts and tribunals system are likely to continue, and in particular the vote for the UK to leave the EU is likely to have an impact; as Lord Justice Briggs noted<sup>12</sup>, the current reform programme is likely to be all the more important to "ensure that the courts, and the civil courts in particular, are best prepared to play their important part in addressing the consequences of the vote to leave the EU".

The changes to employment dispute resolution since 2008 are summarised in Figure 1.1.

---

<sup>12</sup> Civil Courts Structure Review: Final Report, July 2016

**Figure 1.1 Key reforms and reviews of the employment dispute resolution process 2008 - 2018**

<b>2008</b>	<b>SETA 2008 conducted including claims that closed between February 2007 and January 2013.</b>
<b>2009</b>	<a href="#">Employment Act 2008</a> came into force on 6 April 2009, repealing the mandatory “three-step” dispute resolution procedure and replacing it with a new framework based on the provisions of the <a href="#">Employment Act 2008</a> in Great Britain. As a result of these measures, employees and employers have greater flexibility to deal with workplace discipline and grievance issues in a way which suits them best. A new Acas statutory Code of Practice on discipline and grievance was introduced and extra resources were used to enhance the Acas helpline and to offer employers and employees pre-claim conciliation for problems which have potential to lead to employment tribunal claims. Discretionary powers were also conferred on employment tribunals to adjust awards if parties failed to comply with the Acas Code; employment tribunal claim forms were simplified; and tribunal powers were amended to enable them to reach a determination without a hearing. The Government also announced its intention of working closely with the workplace mediation community to encourage the use of mediation, where appropriate.
<b>2010</b>	
<b>2011</b>	<a href="#">The Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011</a> came into force in April 2011 abolishing the default retirement age of 65.  <a href="#">Red Tape Challenge</a> launched April 2011, asking for comments on specific employment
<b>2012</b>	<a href="#">Underhill Review</a> published June 2012 with recommendations to shorten and simplify the existing employment tribunal rules of procedure to ensure judges can manage cases in the most effective, efficient and thereby cost effective manner possible.  <a href="#">The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2012</a> came into force April 2012, increasing the maximum amount an Employment Judge or tribunal may order under a deposit, costs, expenses or preparation order, and giving a power to Employment Judges and tribunals to order a party to pay the expenses incurred by a witness in attending a tribunal to give evidence. These Regulations also provided for witness statements being taken as read.  <a href="#">The Employment Tribunals Act 1996 (Tribunal Composition) Order 2012</a> came into force in April 2012 providing for unfair dismissal cases to be heard by an employment judge sitting alone.  <a href="#">The Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 2012</a> came into force in April 2012 extending the qualifying period of
<b>2013</b>	<b>SETA 2013 conducted including claims that closed between January 2012 and January 2013</b> (i.e. all claims covered by SETA 2013 preceded the introduction of fees).  <a href="#">The Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013</a> came into force 29 <sup>th</sup> July 2013, introducing fees for claims made to an employment tribunal and appeals to the Employment Appeal Tribunal. <a href="#">The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013</a> came into force July 2013, simplifying the employment tribunal rules of procedure. Whistleblowing provisions in the <a href="#">Enterprise and Regulatory Reform Act 2013</a> came into force June 2013, introducing a power to amend the definition of worker for the purposes of whistleblowing, and extend the scope of protections available for whistleblowing.  <a href="#">The Unfair Dismissal (Variation of the Limit of Compensatory Award) Order 2013</a> came into force July 2013, introducing a cap on the compensatory part of unfair dismissal

2014	<p>Provisions in the <a href="#">Enterprise and Regulatory Reform Act 2013</a> came into force in April 2014, providing employment tribunals the discretionary power to impose a financial penalty on employers when their behaviour in committing a breach had one or more aggravating features</p> <p><a href="#">The Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations</a> came into force in April 2014 (initially on a voluntary basis until May 2014), requiring all potential employment tribunal claims to be lodged with Acas in the first instance, known as</p>
2015	
2016	<p>In September 2016, the Lord Chancellor, Lord Chief Justice and Senior President of Tribunals published <a href="#">Transforming Our Justice System</a>. The proposals put forward with the aim of delivering “a courts and tribunals system that is just, proportionate and accessible to everyone – a system that will continue to lead and inspire the world.”</p>
2017	<p>In December 2016, BEIS and MoJ published <a href="#">Reforming the Employment Tribunal System</a> to take forward the principles of the court and tribunals reform. Key changes included: digitalising the whole claims process, delegating a broad range of routine tasks from judges to caseworkers, and tailoring the composition of tribunal panels to the needs of the case.</p> <p>On 26 July 2017, the Supreme Court declared the Fees Order to be an unlawful interference with the common law right of access to justice. With immediate effect, Employment tribunal and Employment Appeal Tribunal claims no longer attracted fees.</p> <p>On 15 November 2017, the Government announced the roll out of the employment tribunal refund scheme via which those who paid fees will be reimbursed.</p>
2018	<p><b>SETA 2018 conducted including claims that closed between October 2016 and October 2017.</b> In practice, this means that virtually all claims covered by SETA 2018 were made during the period when fees were in operation.</p>

## Employment tribunal receipt volumes

The workload of employment tribunals grew rapidly in the 1990s, with a threefold increase in claims to tribunals between 1991 and 2001, when the number of applications peaked at over 130,000.<sup>13</sup> Between 2000/01 and 2004/05 there was a gradual decline in employment tribunal receipts to 86,000 in 2004/05. This was followed by over a twofold increase in receipts to around 236,000 receipts in 2009/10, driven largely by a large increase in claims from multiple cases. Employment tribunal claim receipts fell slightly in the period between 2009/10 and 2012/13 and reached 192,000 receipts in 2012/13.

In the year to June 2013, employment tribunals received on average just under 13,500 single cases (brought by one person) per quarter. After fees were introduced in 2013 the number of single cases decreased by 68 per cent<sup>14</sup>, averaging around 4,300 per quarter from October 2013 to June 2017. Around 1,500 multiple cases (brought by two or more people) were received each quarter in the year to June 2013. This fell to around 400 cases per quarter from October 2013 to June 2017, a 75 per cent decrease<sup>15</sup>.

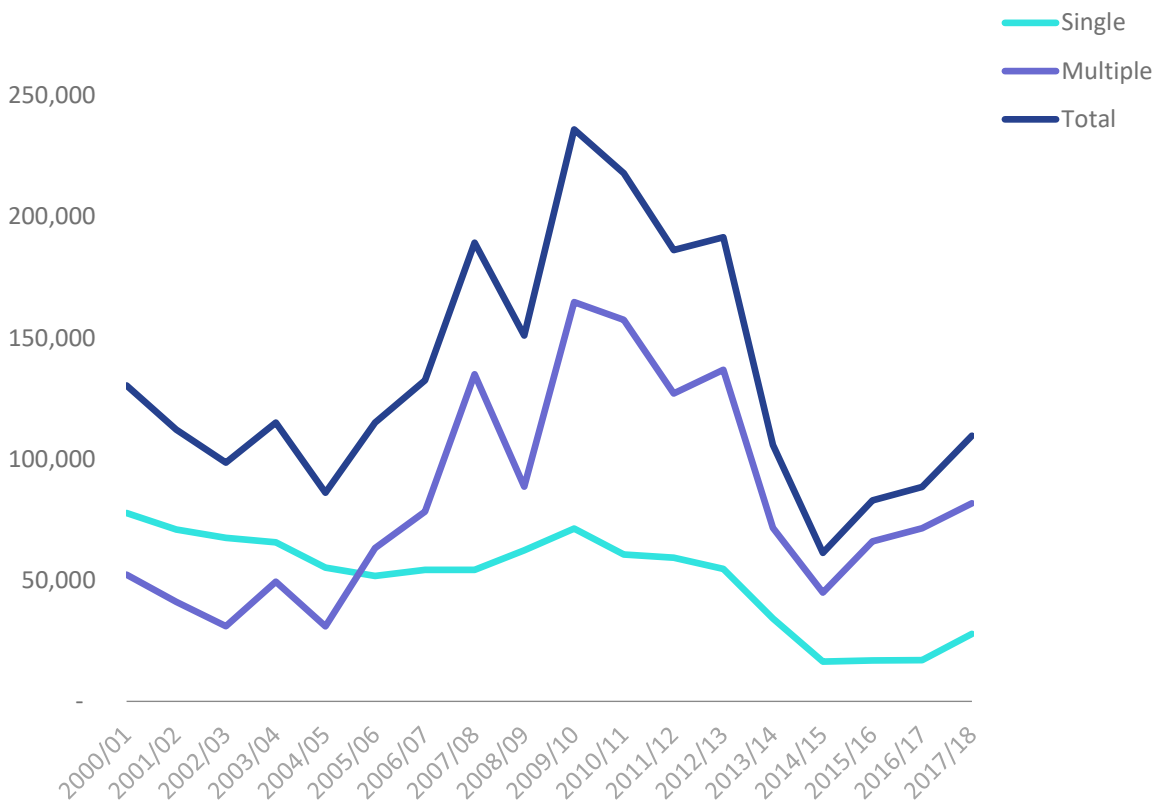
<sup>13</sup> Employment Tribunals, House of Commons Research Library Research Paper 03/87, December 2003. <http://researchbriefings.files.parliament.uk/documents/RP03-87/RP03-87.pdf>

<sup>14</sup> Comparing the average quarterly receipts in the year to June 2013 with the average quarterly receipts in the period from October 2013 to June 2017.

<sup>15</sup> Ministry of Justice, Tribunals and gender recognition certificate statistics quarterly – April to June 2018, 13 September 2018, Table ET.1 <https://www.gov.uk/government/collections/tribunals-statistics>

Following the Supreme Court judgment in July 2017, there has been a sharp increase in both the number of single cases and multiple cases received. In the quarter April-June 2018, there were 10,996 single claims, more than double the number in the corresponding quarter in 2017 (i.e. while fees were still in operation). This is the first quarterly period where the number of single claims is higher than the level in July to September 2013, when fees were first introduced. Similarly, multiple claims have also increased: in the quarter April-June 2018, there were 42,700 multiple claims received (up 344% on the same period last year), relating to 716 multiple claim cases (an average of 60 claims per multiple case) – up from 317 cases (average of 30 claims per case) in the same period a year ago<sup>16</sup>.

**Figure 1.2 Employment tribunal multiple and single claim receipts**



Source: Tribunal Statistics Quarterly and Employment Tribunal Service Annual Report and Accounts

## 1.6 The employment tribunal system

Employment tribunals are independent juridical bodies that aim to provide timely access to justice. They play an integral part in the enforcement of employment rights, when other methods fail, allowing employment disputes to be finally resolved. Decisions of the employment tribunal are legally binding upon the parties. Appeals to the Employment Appeal Tribunal can be made only on a point of law and will not normally re-examine issues of fact.

Employment tribunals acquired their present role – to adjudicate on disputes arising between individual employers and employees or job applicants – with the Industrial Training Act 1964 and the Redundancy Payments Act 1965. Previously, legislation to safeguard the rights, duties and obligations of employees at work was limited to the common law of the contract of

<sup>16</sup> Ibid, Annex C, table C.1

employment, where the only legal remedy was to the County Court. However, with the Industrial Relations Act (1971), employment tribunals acquired jurisdiction over Unfair Dismissal, which in terms of the volume of applications has proved to be the most important jurisdiction.

The introduction of statutory protection against Unfair Dismissal followed up a recommendation by the Royal Commission of Inquiry into Trade Unions and Employers Associations, under the chairmanship of Lord Donovan (1968). The Commission, asked to analyse the state of industrial relations and what was required to reform them, focused on the role of collective bargaining and the rights of trade unions. Its work followed increasing public concern about workplace disruption brought about by largely unofficial industrial action. However, in its report, the Commission acknowledged that there were large numbers of employees who were not trade union members and that disputes relating to individual contracts (and statutory rights) did not easily lend themselves to settlement through collective bargaining. In this context it accepted the principle that employment tribunals should be expanded: to provide a procedure which is easily accessible, informal, speedy and inexpensive. This, it was felt, would give the parties the best possible opportunity of arriving at an amicable settlement to resolve their differences.

## Employment tribunal structure

Employment tribunals are independent judicial bodies supervised by a President, and supported by Regional Employment Judges (in England) and by a Vice-President (in Scotland). Regional Employment Judges are responsible for managing judicial resources, and their role includes the allocation of cases, overseeing training and conducting appraisals. Employment Judges are responsible for the management of individual cases. They direct hearings and make decisions on individual claims (typically with lay members in more complex cases such as discrimination).

Employment tribunals are supported by Her Majesty's Courts and Tribunal Service (HMCTS), which is an executive agency of Ministry of Justice that provides premises and administrative support.

## Employment tribunal claim process

Following changes included in the Enterprise and Regulatory Reform Act 2013, it is now mandatory for employees intending to lodge an employment tribunal claim to contact Acas in the first instance. Acas then offers the option of trying to settle the dispute, and thereby tries to help parties avoid a claim, by using Acas's free 'early conciliation' service.

If early conciliation does not produce a COT3 settlement or if one or both of the parties decline to take part, Acas sends claimants an early conciliation certificate. To make a claim, the claimant then has to complete and present a valid claim form – known as an [ET1 form](#) – electronically or in hard copy, or by fax. The ET1 form needs to be submitted within a specified period of time after the alleged event. The time limit is generally three months, but this period can be longer. For example, there is a six-month time limit in redundancy payment and equal pay claims. Time spent in Acas early conciliation is excluded from the time limit.

On the basis of the information provided on the ET1<sup>17</sup>, the Tribunal Service then determines both whether the claim meets judicial requirements, and the jurisdiction under which the case

---

<sup>17</sup> A completed ET1 form provides details of the claimant, employer, claimant's employment status, the dispute, and contact details of the claimant's representative where they are represented.



will be heard. This information is then registered on the employment tribunal administrative database (ETHOS).

A copy of the ET1 is then sent to the employer with a blank response form – known as an [ET3 form](#).<sup>18</sup> The employer has to present the completed response form to the employment tribunal office handling the claim within 28 days of the form being sent to them. If an employer fails to present a valid ET3 form within that time limit, a default judgment may be issued. This means that an Employment Judge can issue a decision without the claimant having to attend a hearing. Copies of the completed ET3 are sent to the claimant by the employment tribunal, with a copy also sent to Acas, who then offer post-ET1 conciliation irrespective of the parties' prior use of (early) conciliation.

## Employment tribunal outcomes

The flow chart at Figure 1.1 illustrates how employment tribunal claims progressed through the system at the time of the survey. This diagram shows that once a claimant has entered the system, the possible outcomes are:

- the claimant withdraws the application – this may follow contact with Acas or advice from a legal representative;
- the claim is dismissed because it is not within the scope of employment law or because a Pre-Hearing Review found that there was insufficient evidence to progress the case;
- the parties reach a conciliated settlement, where Acas is involved in ratifying the final settlement;
- the parties reach a private settlement outside Acas, either on the basis of a legally binding settlement agreement or an “informal agreement”;
- the case is disposed of by way of a default judgment; or
- there is a full employment tribunal hearing, at which the claim may be upheld (claimant wins) or dismissed by the employment tribunal (claimant loses).

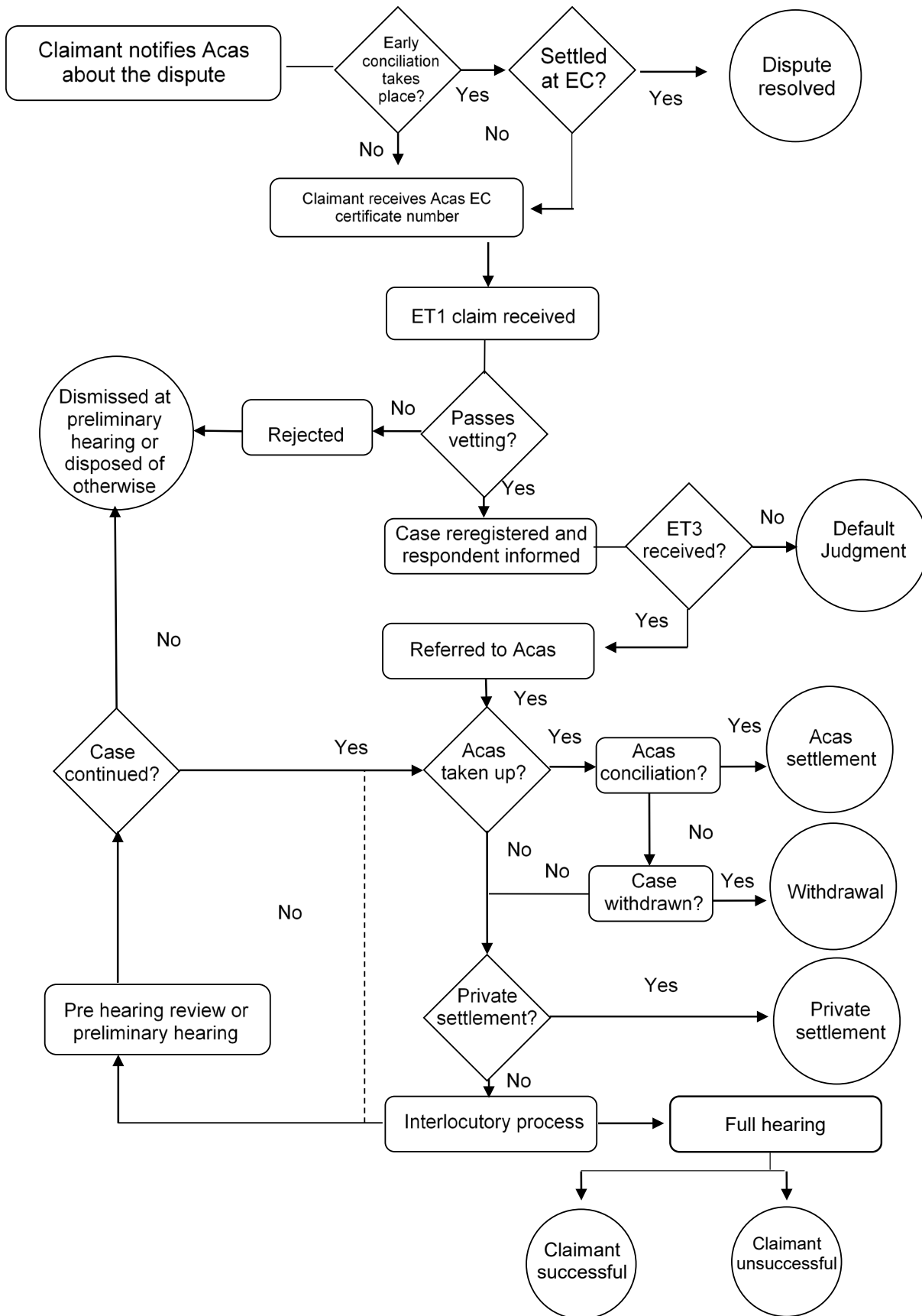
In the case of private settlements, there is no requirement on either party to inform the employment tribunal of the outcome beyond the claimant withdrawing the case. [Tribunal statistics](#) therefore record these cases as having been withdrawn. In contrast, this survey collects information from the parties about private settlements, which means the proportion of cases that have been withdrawn but were actually privately settled can be estimated.

Throughout this report and in the accompanying tables, default judgments have been included in the 'claimant successful' category for consistency with previous waves of this survey. However, Table 5.1 includes a breakdown of outcomes that presents default judgments as a separate category.

---

<sup>18</sup> A completed ET3 response form provides details of the employer, employment status of the claimant, their defence of the claim, and contact details of the employer's representative where they are represented.

Figure 1.3 Employment Tribunal Flow Analysis



## The role of Acas

The Advisory, Conciliation and Arbitration Service (Acas) is an integral part of the employment tribunal apparatus. Acas is an independent tripartite body, which was created in 1974 and put on a statutory footing in 1975 under the [Employment Protection Act 1975](#). Acas has a statutory duty to offer conciliation in actual and potential individual disputes.<sup>19</sup> This duty is carried out by Acas conciliators who try to help parties to settle their dispute, if they wish to, without going to a full employment tribunal hearing.

As noted above, employees and job applicants intending to lodge an employment tribunal claim initially have to make contact with Acas. Acas attempts to work with both sides to try to help resolve the dispute without the need for a claim to be lodged; this is known as 'early conciliation'. In order to initiate discussions as part of early conciliation, Acas needs agreement from both sides before proceeding. If no agreement is reached at the 'early conciliation' stage or if one or both of the parties decline to take part, Acas sends claimants an early conciliation certificate, and an employment tribunal claim can then be made. Once an employment tribunal application is submitted, Acas makes contact again to offer conciliation services to both parties, in order to try to help resolve the dispute.

In discussions with parties, either as part of early conciliation or after the claim has been submitted, the Acas conciliator discusses the issues of the case, explains the employment tribunal process, the law and case law where appropriate. They provide both parties with information on the options available to them and pass information between the parties, including details of any offers of settlement. By encouraging each party to consider the strengths and weaknesses of their case, the conciliator seeks to narrow the gap between them and bring them to a stage where a settlement can be negotiated.<sup>20</sup> Acas officers can help to clarify issues, but they do not give advice. Acas is not part of the employment tribunal service and conciliation cannot be used as evidence at a tribunal hearing.

Acas policy requires that information given to conciliators by a party or their representative is in confidence and is not divulged to the other party or their representative without permission. Where the party is represented, Acas conciliators liaise directly with the representative. In these cases, Acas officers will not necessarily have any direct contact with the party. Again, it is important to bear this in mind when it comes to interpreting represented parties' sometimes restricted views of the workings of employment tribunal system, especially Acas involvement (see Chapter 4).

---

<sup>19</sup> The duty to conciliate in individual rights cases is contained in section 18 of the [Employment Tribunal Act 1996](#): it states that it is the duty of the conciliation officer "to endeavour to promote a settlement of the proceedings without their being determined by an (employment tribunal)." The [Employment Act 2008](#), which took effect from April 2009, removed time restrictions on Acas' duty so that conciliators would be able to exercise the power at any time.

<sup>20</sup> Acas conciliated settlements (known as COT3s) are legally binding and commit parties to an agreed course of action; issues that are subject to the COT3 cannot subsequently be brought to a tribunal.

## Chapter 2: Events leading to the claim

This chapter presents findings on the events leading up to the claim, including:

- help and advice obtained by claimants prior to the claim;
- communication between claimants and employers before the claim;
- resources available to employers for dealing with employment issues;
- the provision by employers of written statements of terms and conditions of employment, including details of grievance and disciplinary procedures and the use of workplace procedures in trying to resolve employment rights disputes;
- details of people that can accompany employees in grievance and disciplinary meetings;
- circumstances around claimants leaving their job; and
- the uptake of early conciliation.

As noted in the previous chapter, since the 2013 survey, 'early conciliation' has been introduced into the ET claim process, in which Acas attempts to work with both sides before the application is submitted. The 2018 survey considered initial contact between the two parties in the light of any discussions that were part of 'early conciliation'. It is important to note that the survey includes only cases which led to an ET claim; therefore, those who settled the dispute at the early conciliation stage are, by definition, not included in SETA.

### Key findings

- **Claimants** said that, before making a claim, their most common information sources were the Acas helpline, website or an Acas conciliator (75 per cent), a lawyer (55 per cent) and family or friends (50 per cent).
- When asked about contact between the parties before the ET claim:
  - **Claimants** were more likely than **employers** to say that the claimant's concerns were put in writing to the employer (78 per cent compared with 53 per cent), while **claimants** were less likely to state that the employer wrote to the claimant about the issue before the claim (55 per cent compared with 68 per cent).
  - In more than half of cases, the issue was discussed between the claimant and a manager or senior person (55 per cent according to **claimants**, and 58 per cent according to **employers**).
  - **Employers** were more likely than **claimants** to say that formal meetings took place to discuss the issue (44 per cent compared with 34 per cent).
- In most cases, **claimants** said that these discussions took place before Acas early conciliation, although if the employer wrote to the claimant about the issue, **claimants** said that this often happened either during or after Acas early conciliation (in 24 per cent

and 22 per cent of cases respectively). In some of these cases the employer had also written before early conciliation had started.

- In total, 90 per cent of **employers** were able to draw on some kind of human resource or personnel function (either internal or external).
- **Employers** were more likely than **claimants** to say that the employee had been provided with a written statement of terms of conditions (91 per cent compared with 73 per cent), and that both written disciplinary and grievance procedures existed (95 per cent compared with 55 per cent).
- Nearly all **employers** (97 per cent) said that a work colleague could accompany an employee in grievance and disciplinary meetings, while 92 per cent said an employee could be accompanied by a trade union or worker representative, 81 per cent by a supervisor or line manager, and 46 per cent by a relative or friend.
- At the time of the interview, over nine-in-ten **claimants** (94% of those who had originally worked for the employer) were no longer working for the same employer that they had brought the employment tribunal claim against.
- Nine in ten **claimants** (90 per cent) said that they agreed to take part in early conciliation. Of these, less than half (44 per cent) said that the employer also agreed to take part. Among **employers** themselves, 70 per cent said that they agreed to take part in early conciliation.
- When **employers** did not agree to early conciliation, this was most commonly because they did not think they had a case to answer to (35 per cent), or because they were not willing to negotiate (23 per cent).
- If Acas early conciliation did take place, the main reported reasons for it failing to produce a settlement were that the employer felt they had no case to answer to (mentioned by 27% of **claimants** and 18% of **employers**), or that the employer offered a settlement but the claimant was not willing to accept it (19% of both claimants and employers).

## 2.1 Initial help and advice sought by claimants

**Claimants** were asked about the sources of information and advice that they sought *before* they made the claim (Table 2.1). A range of sources was used (respondents were able to choose multiple responses). The most common sources were the Acas helpline, website or an Acas conciliator (75 per cent), a lawyer (55 per cent) and family or friends (50 per cent). Other common sources were a Citizens Advice Bureau (38 per cent) and a trade union or worker representative (26 per cent). The findings are broadly in line with the 2012 figures<sup>21</sup>. The large proportion mentioning Acas may reflect claimants' contact with Acas at the early conciliation stage, as well as their use of other types of information or advice from Acas.

Among trade union or staff association members, four fifths (79 per cent) sought advice from a trade union or worker representative (compared with 5 per cent of non-members), and members were also more likely to seek advice from other staff at their workplace (29 per cent

<sup>21</sup> The Acas category is not comparable as the wording was different in SETA 2013. The wording in SETA 2013 was "The Acas helpline or an Acas officer", while the SETA 2018 wording was "The Acas helpline, website or an Acas conciliator".

compared with 15 per cent of non-members). Trade union or staff association members were less likely to seek advice from Acas (71 per cent) or a Citizens Advice Bureau (27 per cent), compared with non-members (of whom 77 per cent sought advice from Acas and 43 per cent from the Citizens Advice Bureau) (Table 2.2).

Claimants employed on a permanent basis were more likely than non-permanently employed claimants to have sought advice from a solicitor, barrister or some other kind of lawyer (56 per cent compared with 40 per cent) (Table 2.2). They were also more likely to have sought any kind of advice (7 per cent of non-permanently employed claimants did not seek advice or information from any sources, compared with 1 per cent of permanently employed claimants).

There were also differences in relation to the broad type of jurisdiction (Table 2.2). Claimants involved in 'Fast Track' cases were less likely to have sought advice from a lawyer (33 per cent) or from a trade union or worker representative (12 per cent), compared with those in 'Standard Track' cases (59 per cent and 28 per cent respectively) or in 'Open Track' cases (63 per cent and 30 per cent respectively).

## 2.2 Communication between parties prior to the employment tribunal claim

Both claimants and employers were asked a series of questions to establish what oral and written communication had taken place between the parties before the employment tribunal claim was submitted. Findings in this section are generally reported separately for claimants and employers. These suggest that claimants and employers have different perceptions about the communication that occurred in a particular case. However, as these findings are not based on matched cases where claimants and employers talk about the same case, it is not possible to establish whether these differences are due to actual differences in practice between the claimant and employer samples or generally differing perceptions of the parties involved over what communication took place.

Specifically, the perceptions of claimants and employers differed on the level of written communication that took place prior to the claim. Claimants were more likely, than employers to say that the claimant's concerns were put in writing to the employer (78 per cent compared with 53 per cent), while claimants were less likely to state that the employer wrote to the claimant about the issue before the claim (55 per cent compared with 68 per cent) (Tables 2.3 and 2.4). These findings are in line with those reported for 2012.

The perceptions of claimants and employers were more closely aligned in relation to whether the issue was discussed between the claimant and a manager or senior person. A discussion took place in 55 per cent of claims according to claimants, and in 58 per cent of claims according to employers (Tables 2.3 and 2.4). Once again, these figures are similar to those reported for 2012.

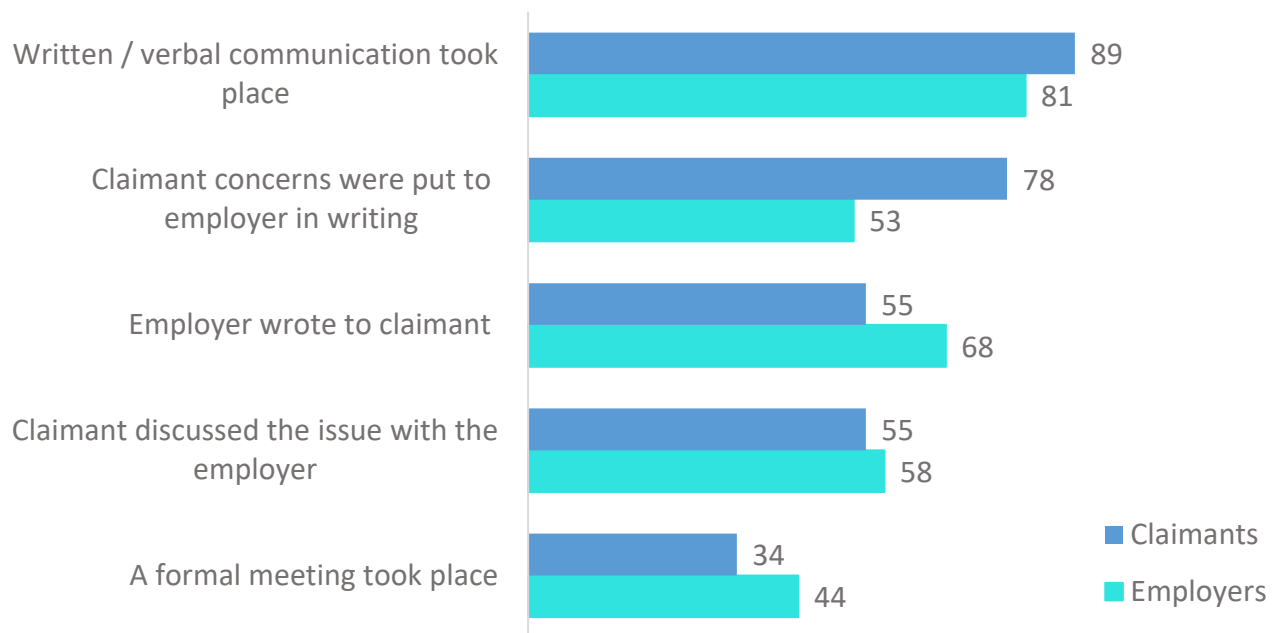
However, employers were more likely than claimants to say that formal meetings took place to discuss the issue (44 per cent compared with 34 per cent), again in line with the figures observed for 2012 (Tables 2.3 and 2.4).

**Claimants** who were members of a trade union or staff association were more likely than non-members to recall that the employer wrote to them about the issue (60 per cent compared with 54 per cent), and to say that a formal meeting took place (45 per cent compared with 31 per cent) (Table 2.3).

Smaller **employers** (with fewer than 25 employees) were less likely to report the various forms of communication, particularly the claimant putting their concerns in writing to the employer (39 per cent compared with 56 per cent of those with 25-49 employees, 57 per cent of those with 50-249 employees and 60 per cent of those with 250 or more employees). This proportion also differed by sector, with the highest proportion among public sector employers (63 per cent) and lowest among private sector employers (50 per cent) (Table 2.4).

**Figure 2.1 Communication prior to the claim**

All numbers are percentages



Base: All employers (1290) and all claimants (1373)

Overall the proportion of **claimants** recalling some written or oral communication about the issue before the claim was submitted was 89 per cent, compared with 81 per cent of **employers** (Tables 2.3 and 2.4).

**Claimants** who said that the various forms of communication had taken place were asked whether they happened before, during or after Acas early conciliation<sup>22</sup>. This helps to assess the role of internal procedures in relation to early conciliation. In most cases, the communications happened before Acas early conciliation. Specifically:

- Among the 78 per cent of claimants who put their concerns in writing to the organisation, 80 per cent said this happened before Acas early conciliation, while 17 per cent said it happened during Acas early conciliation and 13 per cent said it happened afterwards;
- Just over half of claimants (55 per cent) said that the employer wrote to them about the issue. Of these, 68 per cent said that this happened before Acas early conciliation,

<sup>22</sup> If early conciliation had taken place, claimants were asked whether the communication took place before, during or after 'Acas Early Conciliation'. If early conciliation did not take place, claimants were asked whether the communication took place before, during or after 'you made the Early Conciliation notification to Acas'. Respondents were able to give more than one response for example, if communication took place both before and after Acas early conciliation.

although a relatively large proportion of claimants said that this happened during or after Acas early conciliation (24 per cent and 22 per cent respectively);

- If there was a discussion between the claimant and the employer (which happened in 55 per cent of cases), 87 per cent of claimants said that this happened before Acas early conciliation, 16 per cent at the same time and 11 per cent afterwards;
- Where there were formal meetings between claimant and employer (in 34 per cent of cases), 85 per cent of claimants said this happened before Acas early conciliation, while just 6 per cent said it took place during early conciliation and 6 per cent afterwards (Table 2.5);
- Claimants with employers where a written disciplinary or grievance procedure in place were more likely to report that their employers wrote to them (62%) compared to those with employers where no written procedure in place (38%). They were also more likely to discuss the issue that led to the application with a manager (60% vs 41%).

## 2.3 Resources available to employers

Overall, 70 per cent of **employers** had an internal department that dealt with human resources or personnel issues, while 43 per cent used an external source to deal with these issues. In total, 90 per cent of employers were able to draw on some kind of human resource or personnel function (either internal or external); the corresponding figure for 2012 was 83 per cent (Table 2.6).

Larger **employers** were more likely to have an internal human resources or personnel department (rising from 26 per cent of those with fewer than 25 employees to 98 per cent of those with 250 employees or more). This proportion was also higher among public sector employers (89 per cent), who are typically larger than employers in the private or non-profit or voluntary sectors (Table 2.6). Use of advice from an external source was highest in enterprises with 25 to 49 employees (69 per cent), and lowest among large enterprises with 250 or more employees (25 per cent). It was also higher among organisations in the private (47 per cent) and non-profit or voluntary sectors (51 per cent), compared with the public sector (24 per cent) (Table 2.6).

As might be expected, employers without an internal department that dealt with human resource issues were more likely, than those with such a department, to seek advice from an external source on human resource issues (65 per cent compared with 34 per cent).

If employers did not have an internal human resources or personnel department, they were asked how many people deal with personnel issues. Around half (51 per cent) said that one person deals with personnel issues, while 38 per cent said that these issues are dealt with by a few people, and 8 per cent said that personnel issues are dealt with as they arise by different people (Table 2.6).

Around one in four **employers** (24 per cent) said they had an internal legal department that deals with personnel or employment issues; this is in line with the proportion observed for 2012 (23 per cent). Public sector employers (45 per cent) were more likely than those in the private (21 per cent) or non-profit or voluntary (9 per cent) sectors to have an internal department. The proportion was also much higher among employers with 250 or more employees (36 per cent) than among smaller employers; the proportion was similar for medium sized enterprises (with 50-249 employees) as for small enterprises (fewer than 50 employees) (Table 2.6).



## 2.4 Written statements and disciplinary procedures

An employer must give employees a '[written statement of employment particulars](#)' if their employment contract lasts at least a month. The written statement need not cover workplace procedures for sick pay, grievances, disciplinary, and dismissals, but it must say where the information can be found. The issuing of written terms and conditions, alongside workplace rules and procedures, helps to clarify the basis of the employment relationship, and to avoid the escalation of workplace grievances and disputes. Together they codify employers' and employees' mutual expectations and obligations in relation to the performance of the employment contract.

Grievance procedures, in theory, provide a mechanism for employees to raise any concerns they have about their contractual terms and conditions, unreasonable employers' expectations with respect to the performance of their contract, management or other worker behaviour, or any other relevant workplace issue. Disciplinary procedures fulfil a similar set of functions for employers.

Acas provides advice and guidance on the design and operation of disciplinary and grievance procedures. Employment tribunal judgments take the existence and use of workplace procedures into account. For example, if the tribunal feels that an employer has unreasonably failed to follow the guidance set out in the Acas Code of Practice they can increase any award they make by up to 25 per cent<sup>23</sup>.

Both claimants and employers were asked questions around the existence of written statements and the use of workplace grievance and disciplinary procedures. The findings for claimants and employers are presented in Tables 2.7 to 2.15. As with the discussion earlier around communication prior to the claim, it is likely these findings show differing perceptions, rather than actual differences about the events that occurred in cases.

Dennison and Corby (2005)<sup>24</sup> and Latreille (2007)<sup>25</sup> found similar differences in perception. The latter study, based on matched cases where both parties are from the same case, concludes that these differences largely relate to matters the tribunal takes into account, such as written statements and procedures, rather than factors they do not.

### Presence of written statements and procedures

As shown in Figure 2.2, employers were more likely than claimants to say that the employee had been provided with a written statement of terms and conditions after joining the organisation. Around nine in ten **employers** (91 per cent) reported that the employee had been provided with such a statement, compared with 73 per cent of **claimants** (Tables 2.7 and 2.8).

Similarly, employers were more likely than claimants to say that written procedures were in place and were followed. Almost all **employers** claimed that they had written disciplinary procedures and grievance procedures (95 per cent and 96 per cent respectively), and 95 per cent said that they had both (Table 2.8). By contrast, just two in three **claimants** said that

---

<sup>23</sup> Acas Code of Practice <http://www.acas.org.uk/index.aspx?articleid=2174>

<sup>24</sup> Dennison, P. and Corby, S. (2005). 'Images in the Adversarial Mirror: a Study of the Employment Tribunal System in Britain', *International Employment Relations Review*, 11, 21-36.

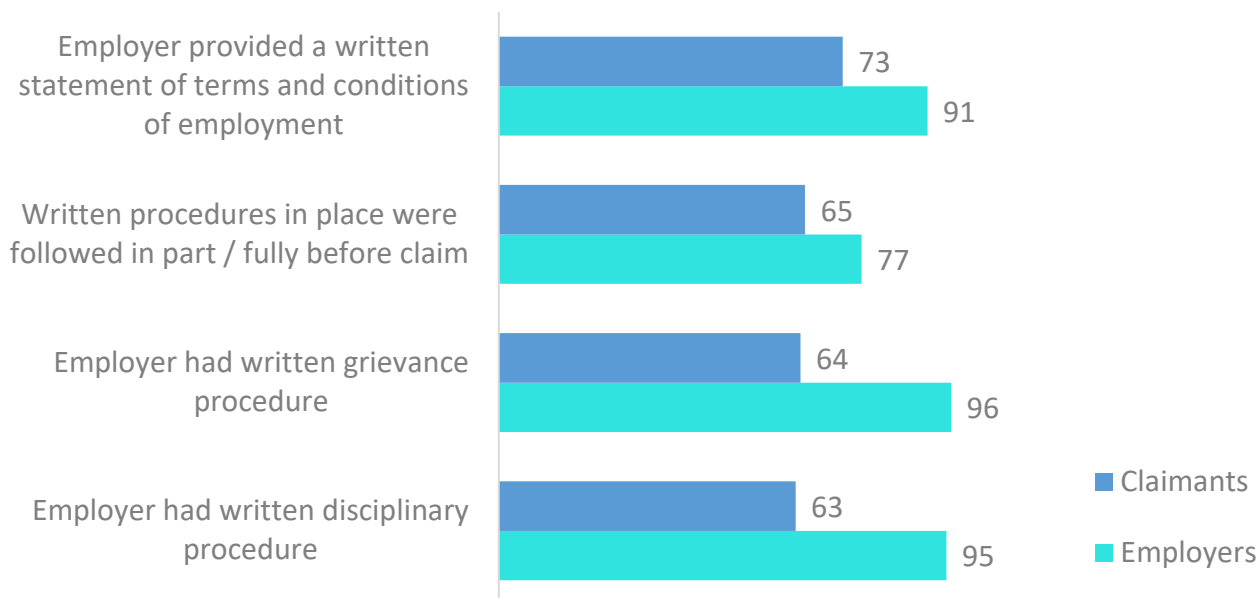
<sup>25</sup> Latreille, P (2007). 'Further reflections on images in the adversarial mirror: some historical matched sample evidence'.

disciplinary procedures had been in place (63 per cent) and that grievance procedures had existed (64 per cent), with 55 per cent saying both types of procedure had been in place (Table 2.7).<sup>26</sup>

The figures are in line with those observed for 2012, when 92 per cent of employers and 54 per cent of claimants said that both written disciplinary and grievance procedures existed.

### Figure 2.2 Presence of written statements and procedures

All numbers are percentages



Base: Rows 1-3: All employers where the claimant was a former or current employee (1236) / All claimants who were former or current employees (1333)

Row 4: All employers who said that written disciplinary or grievance procedures were in place (1018) / All claimants who said that written disciplinary or grievance procedures were in place (978)

Among **claimants** who acknowledged that written procedures were in place, two thirds (65 per cent) said that the procedures had been followed to some extent (Table 2.11). This includes 44 per cent who said that procedures had been followed all the way through. The figures for **employers** were higher: of the employers who acknowledged that written procedures were in place, three in four (77 per cent) said that the procedures had been followed at least to some extent, with 66 per cent saying they had been followed all the way through (Table 2.11). These findings were similar for 2012.

As in 2012, there was a relationship between the provision of written statements and the outcome of cases that go to a full tribunal hearing. Among **claimants**, respondents were more likely to say written statements were in place where claimants were unsuccessful at the tribunal hearing, compared with cases where the claimant was successful. For example, 79 per cent of claimants who were unsuccessful at the tribunal hearing said they had received a written statement of terms and conditions, compared with 55 per cent of those who were successful (Table 2.7). Among **employers**, the same relationship applied to written disciplinary procedures and grievance procedures (although there was no difference in relation to terms and conditions). For example, 97 per cent of employers where claims against them were

<sup>26</sup> Please note that the presence of procedures is based only on the respondent's knowledge and recall; evidence of the existence of procedures was not asked for.

unsuccessful reported having a written disciplinary procedure, compared with 84 per cent of employers where claims were successful (Table 2.8).

Findings also varied by primary jurisdiction. Among **claimants**, the proportion who said that written statements or procedures were in place was highest in discrimination cases and unfair dismissal cases and lowest in unauthorised deductions from wages claims (Table 2.7). For example, the proportion of claimants in discrimination cases and unfair dismissal claims who said they had a written statement of terms and conditions was 84 per cent and 79 per cent respectively, compared with 58 per cent of claimants in unauthorised deductions from wages cases (Table 2.7). Among **employers**, there were differences by Acas classification of cases: in 'Fast Track' cases, 88 per cent of employers said that both written disciplinary and grievance procedures were in place, lower than the proportion of employers in 'Standard Track' cases (95 per cent) and in 'Open Track' cases (97 per cent) (Table 2.8).

The findings for **employers** showed a difference by Acas classification of cases in relation to whether written procedures were actually followed. In 'Fast Track' cases, 68 per cent of employers said that procedures were followed at least to some extent, a lower proportion of employers than in 'Standard Track' cases (80 per cent) (Table 2.11). In line with this, there were also some differences in the employer findings in terms of whether procedures were followed by jurisdiction, and some differences for both claimant and employer findings by case outcome.

The findings for **claimants** also varied according to their characteristics:

- The proportion who said they had written statements and procedures in place was higher for claimants in permanent jobs, compared with those in non-permanent jobs. For example, the proportion who said they had a written statement of their terms and conditions was 74 per cent among permanent employees and 56 per cent among non-permanent employees (Table 2.9).
- Members of a trade union or staff association were more likely than non-members to say that they had written statements and procedures in place; for example, 84 per cent of members said they had a written statement of terms and conditions (compared with 69 per cent of non-members) (Table 2.9). However, this may be related to organisation size, as employees in larger organisations are more likely to be trade union members<sup>27</sup>.
- Claimants in more senior positions were more likely to say they had been provided with written statements and covered by procedures (Table 2.9). Specifically, 64 per cent of managers, directors or senior officials and 70 per cent of those in professional occupations said they had both written disciplinary and grievance procedures, compared with 37 per cent of those in sales and customer service occupations and 39 per cent in elementary occupations.
- Also among claimants, those in permanent jobs were more likely than those in non-permanent jobs to say that written procedures had been followed to some extent (65 per cent compared with 43 per cent) (Table 2.12).

In the **employer** survey:

- Smaller enterprises (with fewer than 25 employees), were less likely to say that they had issued written terms and conditions to the claimant (83 per cent compared with nearly all of the larger sized enterprises) and to have both written disciplinary and grievance

---

<sup>27</sup> <https://www.gov.uk/government/statistics/trade-union-statistics-2017> table 1.5.

procedures (81 per cent compared with over nine in ten amongst the larger sized enterprises) (Table 2.10). This reflects previous evidence on this issue<sup>28</sup>.

- Employers were more likely to say that written procedures had been followed to some extent if the claimant had been working with them for longer; for example, where the claimant had been employed for more than two years prior to the application, over three quarters of employers said procedures had been followed to some extent, compared with two thirds of employers where the claimant had been employed for less than two years (Table 2.15). There was a similar pattern among claimants (Table 2.14).

## 2.5 Accompaniment of workers in disciplinary meetings

**Employers** were asked whether the organisation normally allows workers to be accompanied in grievance and disciplinary meetings. Virtually all employers (97 per cent) said that a work colleague could accompany an employee. Around nine in ten (92 per cent) said that a trade union or worker representative could accompany an employee, and 81 per cent said a supervisor or line manager could do so (Table 2.16). These figures broadly reflect the findings observed for 2012.

Looking at people outside of the organisation, just under half of employers (46 per cent) said that a family member or friend could accompany an employee, and 35 per cent said a solicitor or legal representative could do so (Table 2.16). Again, these are similar to the 2012 findings.

In line with 2012, the larger the employer, the more likely they were to allow someone else in the organisation (e.g. a work colleague or a trade union or worker representative) to accompany an employee. Conversely, the larger the employer the less likely they were to allow someone from outside the organisation (e.g. a lawyer or a family member or friend) to attend. The only slight exception to this general pattern was in the proportion that said they would allow a supervisor, line manager or foreman to accompany an employee: this was lower among the smallest and largest enterprises (80 per cent and 77 per cent respectively), and highest among those with 25-49 employees (85 per cent) and 50-249 employees (87 per cent) (Table 2.16).

Public sector employers (98 per cent) were more likely than those in the private sector (90 per cent) to allow a trade union or worker representative to accompany an employee. However, they were less likely to allow a solicitor or other legal representative to accompany (15 per cent compared with 41 per cent in the private sector) or a friend or relative (39 per cent compared with 49 per cent) (Table 2.16). This reflects the pattern observed for 2012.

## 2.6 Characteristics of the dispute

At the time of the interview, over nine in ten claimants (94 per cent of those who had originally worked for the employer) were no longer working for the same employer that they had brought the ET claim against (Table 6.15). In these cases, a series of questions was asked (of both claimants and employers) about the reasons for departure and the timing relative to the ET claim.

---

<sup>28</sup> Saridakis, G., S. Sen-Gupta, P. Edwards, and D. Storey (2008) "The impact of enterprise size on employment tribunal incidence and outcomes: Evidence from Britain", *British Journal of Industrial Relations*, 46:3, 469–499.

Of those **claimants** who were no longer working for the employer, just under half (46 per cent) said that they were dismissed, while 24 per cent resigned and 16 per cent were made redundant or laid off. These findings correspond closely to those given by **employers**, except that employers were more likely than claimants to say that the claimant walked out (9 per cent compared with 3 per cent) and were less likely to say they were dismissed (41 per cent compared with 46 per cent) (Table 2.17). The findings are broadly in line with those observed for 2012, although redundancy was less common in 2017 than in 2012 (when 25 per cent of claimants and 20 per cent of employers gave this reason).

**Claimants** who had been made redundant were more likely, than those who had been dismissed, to say that they had received a warning (42 per cent compared with 26 per cent). As in 2012, **employers** were much more likely than claimants to say that a warning had been given: four in five employers (79 per cent) said they had provided this warning in redundancy cases, and 71 per cent in dismissal cases (Tables 2.18 and 2.19).

Among those who were not dismissed or made redundant, most **claimants** said it was their own decision to leave (63 per cent), with 25 per cent saying they were told they had to leave. **Employers** were less likely to say that the claimant was told they had to leave (11 per cent) (Table 2.17).

## 2.7 Early conciliation uptake and failure to settle

### Decision to take part in early conciliation

As noted in the previous chapter, employees intending to lodge an ET claim initially have to make contact with Acas, who will attempt to work with both sides to try to help resolve the dispute via 'early conciliation'<sup>29</sup>. In order to initiate discussions as part of early conciliation, Acas needs agreement from both sides before proceeding. Data from Acas shows that 23% of early conciliation cases that closed in April to June 2018 led to an ET claim. By the end of June, 13% of these cases were settled by Acas conciliators or withdrawn, with a further 85% still in progress<sup>30</sup>.

Nine in ten **claimants** (90 per cent) said that they agreed to take part in early conciliation. Of these claimants, less than half (44 per cent) said that the employer also agreed to take part (Table 2.20). This differs from the responses of **employers** themselves, 70 per cent of whom said that they agreed to take part in early conciliation (Table 2.21). It is important to note that these findings reflect *perceptions* of participation in early conciliation; for example, claimants or employers may have had some brief contact with Acas and thought (mistakenly) that this constituted having taken part in early conciliation. It is also important to note that, if the claimant did not agree to take part in early conciliation, the employer will not have been invited to do so.

**Employers** in the non-profit or voluntary sector were most likely to say that they agreed to take part in early conciliation (76 per cent), while the proportion was lowest among public sector employers (60 per cent) (Table 2.23).

---

<sup>29</sup> There are five exemptions to early conciliation. They are set out at Regulation 3(1) of SI 254/2014, and are described on the Acas website: <http://www.acas.org.uk/index.aspx?articleid=4779>

<sup>30</sup> <http://www.acas.org.uk/index.aspx?articleid=6598>

Smaller employers were more likely than large employers to say they agreed to take part in early conciliation, the proportion ranging from 75 per cent of enterprises with fewer than 25 employees to 67 per cent of those with 250 or more employees (Table 2.23).

Among **claimants**, there were differences by primary jurisdiction in the proportion who said their employer agreed to take part. The proportion of claimants in discrimination cases and unfair dismissal claims who said their employer agreed to participate (50 per cent and 47 per cent respectively) was higher than the proportion of unauthorised deductions from wages cases (35 per cent) (Table 2.20).

### Reasons for not taking part in early conciliation

When asked why they decided not to take part in early conciliation, the most common reasons given by **employers** were that the organisation did not have any case to answer to (35 per cent), that they were not willing to negotiate (23 per cent) and that the organisation felt that conciliation would not resolve the issue or that it would be a waste of time (15 per cent) (Table 2.27).

### Reasons for not reaching a settlement through early conciliation

If early conciliation had taken place, respondents were asked why a settlement did not take place at this point in time<sup>31</sup>. The most common reasons given by **claimants** were that the employer felt they had no case to answer to (27 per cent) and that the employer offered a settlement, but the claimant was not willing to accept it (19 per cent). These were also two of the most common reasons given by **employers** (by 18 per cent and 19 per cent respectively), along with the fact that the claimant wanted money and the employer was not willing to pay (20 per cent). **Claimants** were less likely to give this reason (11 per cent) but were more likely than employers to say the employer did not wish to take part in conciliation or was not interested in talking (13 per cent compared with 2 per cent) (Table 2.29).

---

<sup>31</sup> It is important to note that, SETA covers cases where an employment tribunal application had taken place. As such, all cases surveyed in SETA are, by definition, failed to settle during the Acas early conciliation stage.

## Chapter 3: Claim process, advice and representation

This chapter presents the findings around the employment tribunal claim process, and the use of advice and representation within it.

The chapter firstly examines previous experience of the employment tribunal system, and then focuses on the use of advice and representation at different stages of the tribunal process. This includes the use of day-to-day help as the claim progressed and the use of representatives at tribunal hearings. In addition, the characteristics of those using representatives are examined, as well as the reasons for the use of representatives and the types of advice given by them. Finally, the chapter presents estimates of the costs of advice and representation.

### Key findings

- Nine per cent of **claimants** said that they had made a previous employment tribunal claim. Just under half of **employers** (47 per cent) had been involved in employment tribunal claims in the previous two years.
- **Claimants** were more likely than **employers** to use at least one of source of information to help them with the case, and also to use multiple sources. The Acas website was the most commonly used source amongst both claimants (73 per cent) and employers (41 per cent), followed by the gov.uk website (54 per cent and 28 per cent respectively) and the HMCTS website (47 per cent and 22 per cent respectively).
- Seven in ten **employers** (70 per cent) used a day-to-day representative to help them with their case, as did 57 per cent of **claimants**.
- **Employers** were much more likely than **claimants** to be represented at the hearing (77 per cent compared with 41 per cent).
- Around one in four **claimants** (26 per cent) said that they had additional help and guidance (excluding help from a day-to-day representative or at the full tribunal hearing); slightly higher than the equivalent proportion of **employers** (21 per cent).
- The main reasons given by both **claimants** and **employers** for not using a representative at a tribunal hearing were: not being able to afford legal representation (58 per cent of claimants and 15 per cent of employers) and thinking that they could handle the hearing on their own (20 per cent of claimants and 57 per cent of employers).
- Lawyers were the most commonly used source of advice and representation at all stages of the case, among both **claimants** and **employers**. For example, 62 per cent of claimants and 65 per cent of employers using a day-to-day representative had a lawyer as their day-to-day representative.
- Around half of **claimants** who had a day-to-day representative, a representative at a hearing or had additional help or guidance said that all of the help or advice they received was free (47 per cent), higher than the equivalent proportion of **employers** (15

per cent). Amongst those that paid for this help or support, the median amount paid was £5,000 for **employers** and £2,500 for **claimants**.

- **Employers** were more likely than **claimants** to be insured to cover legal expenses (33 compared with 16 per cent), although claimants were slightly more likely than employers to say they were a member of an organisation that would cover costs (11 per cent compared with 6 per cent).

### 3.1 Previous experience of the employment tribunal system amongst claimants

Nine per cent of **claimants** said that they had made a previous employment tribunal claim, similar to the 2012 figure (7 per cent). This proportion increased with the claimant's age, ranging from 2 per cent among those aged under 25, to 15 per cent among those aged 65 or over (Table 3.1).

### 3.2 Previous experiences of employment tribunal cases amongst employers

Among **employers** in the survey, just under half (47 per cent) had been involved in employment tribunal claims in the previous two years; this compares with 52 per cent of employers in 2012. Involvement in previous claims varied by employer size, with larger organisations more likely to have been involved and with a greater number of claims, compared with smaller organisations (Table 3.2). For example:

- In enterprises employing fewer than 25 staff, 16 per cent had dealt with other claims in the previous two years, comprising 9 per cent who had dealt with one previous claim and 7 per cent with two or more claims.
- In comparison, in enterprises with 250 or more employees, 79 per cent had dealt with other claims in the previous two years: 10 per cent had dealt with one, 37 per cent with two to five claims, 19 per cent with six to ten claims and 14 per cent with more than ten claims.

### 3.3 Sources of information

Respondents were asked about the various sources of information they had used to help them with their case, either before or after submission of the claim, or when they were filling in the form itself.

The most commonly used information source among **both claimants and employers** was the Acas website (73 per cent of claimants and 41 per cent of employers). The other main sources were the gov.uk website (54 per cent of claimants and 28 per cent of employers), the HM Courts and Tribunal Service website (47 per cent and 22 per cent respectively) and other websites (37 per cent and 20 per cent respectively). In general, claimants were more likely than employers to use sources of information to help with their case (at all) and to use multiple sources. The average number of sources used by claimants was two and by employers one (Tables 3.3 and 3.4).



The findings are not comparable with the 2013 survey, as the response categories have changed. However, the proportion of claimants using the Acas website was higher in 2017 (73 per cent) than in 2012 (57 per cent). This is to be expected given that claimants in 2017 needed to use the Acas website to make contact before lodging an ET claim; this may also explain the fact that claimants were more likely than employers to use the Acas website as an information source.

## 3.4 Advice and representation

Access to professional advice and representation is considered important in informing parties about the merits of a case and subsequent action that should be followed. This report makes a distinction between advice and representation. In the former, parties talk to someone about the case, while representation is seen to go beyond the provision of advice and is defined as giving help with the case, for example handling paperwork.

Questions were asked about advice and representation at various stages in the employment tribunal process including:

- Whether a representative helped with the day-to-day handling of the case;
- Whether the claimant or employer was represented at the tribunal hearing (if applicable); and
- Whether the respondent went to someone for additional advice or guidance after the claim was submitted.

### Day-to-day representation

Claimants and employers were asked whether they received any help with the day-to-day handling of the case, defined as 'handling paperwork, answering letters, dealing with the employment tribunal, dealing with the other party and so on'. They were asked not to include any assistance they may have had from Acas, as it is not possible for Acas to act in the role of formal representative.

Seven in ten **employers** (70 per cent) used a day-to-day representative, compared with 60 per cent in 2012. More than half of **claimants** (57 per cent) used a day-to-day representative to help with their case (52 per cent in 2012) (Table 3.5).

### Characteristics of cases with day-to-day representation

Among **claimants**, the use of a day-to-day representative was most common in cases that were settled privately (67 per cent). The lowest proportions were where the case was dismissed at a preliminary hearing or disposed of otherwise (39 per cent) (Table 3.8). These findings are in line with those seen for 2012. The greater likelihood of settlement where a day-to-day representative was involved in the case may be a reflection of the type of advice given by day-to-day representatives, who were more likely to give advice to settle (50 per cent) rather than take the case to a full tribunal hearing (18 per cent).

**Employers** were much less likely to have a day-to-day representative in cases where the claimant was successful at tribunal (48 per cent), as was the case in 2012. Otherwise, there was little variation in the findings for employers in relation to the outcome of the case (Table 3.8).

The primary jurisdiction of the case is another factor that might be expected to impact on the use of representation (Table 3.9). Representation was most common in discrimination cases among **claimants** (64 per cent) and high among **employers** (76 per cent). In addition, a relatively high proportion of claimants used day-to-day representation in breach of contract cases (59 per cent). Among both groups, the proportions using day-to-day representation were lowest in unauthorised deductions from wages cases (40 per cent of claimants and 53 per cent of employers). These patterns are broadly in line with 2012, when representation was also most common in discrimination cases (61 per cent of claimants and 74 per cent of employers) and least common in unauthorised deductions from wages cases (33 per cent and 30 per cent respectively).

Analysis by Acas case classification shows that representation was less common in 'Fast Track' cases; this applied to the findings for claimants (39 per cent) and employers (54 per cent) (Table 3.9).

### **Characteristics of the parties with day-to-day representation**

Female claimants were more likely than male claimants to have had a day-to-day representative (62 per cent compared with 53 per cent) (Table 3.10). This may be related to the difference in primary jurisdiction of claims brought by female and male claimants. Female claimants were more likely to bring claims under the any discrimination jurisdiction than male claimants (32 per cent compared with 25 per cent). Claimants with discrimination cases were most likely to have a day-to-day representative (64 per cent) (Table 3.9).

**Employers** in the non-profit sector were most likely to have had a day-to-day representative (79 per cent), with public sector employers least likely to do so (63 per cent) (Table 3.14). There were also differences by enterprise size: those with 25-49 employees (76 per cent) and 50-249 employees (78 per cent) were more likely to have had a day-to-day representative than either smaller or larger enterprises (65 per cent of those with fewer than 25 employees and 68 per cent of those with 250 or more employees) (Table 3.14). Employers in the production sector were particularly likely to be represented (85 per cent) (Table 3.14).

### **Timing of appointment**

Among those that had a day-to-day representative, similar proportions of **claimants** and **employers** said that they appointed their representative before the claim was submitted (74 per cent and 72 per cent respectively). Employers were more likely than claimants to say the appointment was made at the same time as the claim (13 per cent compared with 8 per cent) and were less likely to say that it happened after the claim was submitted (6 per cent compared with 14 per cent (Tables 3.17 and 3.18).

Small **employers** (enterprises with fewer than 25 employees) were more likely than larger employers to say they appointed their day-to-day representative after the claim was submitted (12 per cent compared with no more than 6 per cent of enterprises in larger size bands) (Table 3.18).

### **Types of advice given by day-to-day representatives**

Parties who had a day-to-day representative or who had a main advisor other than Acas in the case were asked what type of advice or help they were given (Table 3.22)<sup>32</sup>.

---

<sup>32</sup> This excludes the advice received from the Acas conciliators.

Among those who had a day-to-day representative or who received advice, a large proportion of both **claimants** (86 per cent) and **employers** (91 per cent) said that they received advice on the strengths and weaknesses of the case, and on the advantages and disadvantages of settling the case (83 per cent and 88 per cent respectively). Claimants were more likely than employers to say that they received general advice on how the tribunal process worked (84 per cent compared with 76 per cent). However, employers were more likely than claimants to have received other types of advice on aspects of the case: what the tribunal might award (81 per cent compared with 69 per cent); completing the ET1/ET3 form (73 per cent compared with 67 per cent); and help in preparing for hearings (69 per cent compared with 62 per cent). These findings broadly reflect those observed for 2012.

## Representation at hearing

If the case progresses to a tribunal hearing, this is another critical stage of the process where representation might be sought. This could be either a new representative or someone used in earlier stages of the process. **Employers** were much more likely than **claimants** to be represented at a full tribunal hearing (77 per cent compared with 41 per cent) (Table 3.5). In 2012, 67 per cent of employers and 33 per cent of claimants said they were represented at a full tribunal hearing.

## Additional help and guidance

Around one in four **claimants** (26 per cent) said that they had additional help and guidance; that is, excluding help from a day-to-day representative or at the full tribunal hearing. The proportion was slightly lower among **employers** (21 per cent). In 2012, the corresponding figures were 27 per cent for claimants and 16 per cent for employers (Table 3.5).

## Representation patterns

Table 3.6 summarises the use of advice and representation across the claim process. This shows that the same proportion of **claimants and employers** (11 per cent) had both a day-to-day representative and sought additional advice or guidance. However, it was more likely for both groups to have a day-to-day representative but not to seek any additional advice or guidance (46 per cent of claimants and 59 per cent of employers). Around a quarter of claimants (28 per cent) had neither a day-to-day representative nor additional advice or guidance, higher than the corresponding proportion for employers (20 per cent).

## Reasons for use and non-use of representatives

The main reason why **claimants** chose to use either a day-to-day representative or representative at a tribunal hearing was their own lack of expertise or knowledge (62 per cent). Other reasons were that the representation was free (8 per cent), for help and support (8 per cent), because they were a member of a trade union (7 per cent) and because someone else suggested it (7 per cent) (Table 3.19).

Among **claimants** who went to a tribunal hearing, the main reason for not using a representative was that they couldn't afford it (58 per cent), while 20 per cent said that they thought they could handle the hearing on their own. These were also the two main reasons given by **employers**, although they were more likely to say they thought they could handle the hearing on their own (57 per cent) than to say they couldn't afford representation (15 per cent) (Table 3.20).

## Sources of help and advice

Reflecting the 2012 findings, lawyers were the most common source of advice and representation at all stages of the case, among both claimants and employers; for example, 62 per cent of claimants and 65 per cent of employers using a day-to-day representative had a lawyer as a day-to-day representative (Table 3.7). In addition:

- Some **claimants** used a trade union representative, most commonly as a day-to-day representative (16 per cent). Family or friends were also used by claimants, either as a day-to-day representative (21 per cent), at the full tribunal hearing (12 per cent) or for additional advice and guidance (21 per cent). Some claimants made use of a Citizens Advice Bureau, most commonly for additional advice and guidance (17 per cent), and there was also a role for Acas in providing additional (procedural) advice and guidance for claimants (11 per cent made use of an Acas officer and 9 per cent the Acas helpline) (Table 3.7).
- For **employers**, the main alternatives to a lawyer were a personnel or HR specialist (used by between 6 per cent and 18 per cent of employers at various stages) and a company legal specialist (used by between 5 per cent and 10 per cent at various stages) (Table 3.7).

When looking at the *main* source of help in the day-to-day handling of the case, the majority of **claimants** getting help used a lawyer (56 per cent), while 16 per cent had family or friends as their main source of day-to-day help, and 13 per cent said it was a trade union representative (Table 3.11). Among **employers** getting help, 63 per cent said a lawyer provided their main day-to-day support, while 15 per cent said it was a personnel or human resources specialist (Table 3.15).

## Characteristics of claimants with a legal representative or advisor

It is possible to look at the characteristics of **claimants** who had a legal representative or advisor, such as a solicitor or lawyer, at any stage in the claim. Overall, 46 per cent of claimants had a legal representative or advisor (Table 3.16).

Older claimants were more likely than younger claimants to have a legal representative or advisor, ranging from 24 per cent among those aged under 25 to 50 per cent among 55-64 year olds and 48 per cent of those aged 65 or over. The use of a legal representative was lower among Black claimants (33 per cent) than among White claimants (49 per cent) (Table 3.16).

Claimants with a larger salary were more likely to have a legal representative or advisor. The proportion ranged from 30 per cent of those with a gross annual salary of under £10,000, to 61 per cent of those with a gross annual salary of £40,000 or over (Table 3.16). Claimants on a lower salary were more likely to use other, less expensive sources of day-to-day support, such as trade union representatives, Citizens Advice Bureaux or friends or family (Table 3.11).

Related to salary, the use of a legal representative/advisor also varied by occupation: 58 per cent among managers and senior officials and 56 per cent among those in professional occupations, compared with 27 per cent of those in elementary occupations (Table 3.16).

The use of a lawyer as the main day-to-day representative also varied in relation to whether there were any trade unions or staff associations present at the workplace. Claimants were less likely to use a lawyer as their main day-to-day representative where there was a trade

union or staff association present (46 per cent compared with 62 per cent of claimants in workplaces without a presence), and were more likely to use a trade union or worker representative (27 per cent compared with 6 per cent) (Table 3.13).

### Paid for or free advice and representation

Around half of **claimants** who had a day-to-day representative, a representative at a hearing or had additional help and guidance (excluding friends, family or work colleagues) said that all of the help or advice they received was free (47 per cent). The remainder either paid for all the help and advice (38 per cent) or just some of it (13 per cent). **Employers** were much less likely to get free help or advice: 15 per cent said that all of the help and advice was free, while 73 per cent paid for all of it and 8 per cent paid for some of it (Table 3.23). In 2012, the majority of claimants (65 per cent) said that all of the help and advice was free.

For **claimants**, the main sources of free help or advice were lawyers (52 per cent), followed by trade union or worker representatives (11 per cent) and a Citizens Advice Bureau (10 per cent). **Employers** were also most likely to use lawyers for free help or advice (35 per cent), followed by personnel or human resources specialists (17 per cent) and company legal specialists (8 per cent) (Table 3.24).

Large **employers** were more likely than smaller employers to pay for advice: 81 per cent of enterprises with 250 or more employees paid for all of their advice (compared with between 66 per cent and 70 per cent of employers in smaller size bands), while 10 per cent did not pay for any of the advice, compared with at least 15 per cent among smaller enterprises (Table 3.25).

### Total costs of professional advice and representation

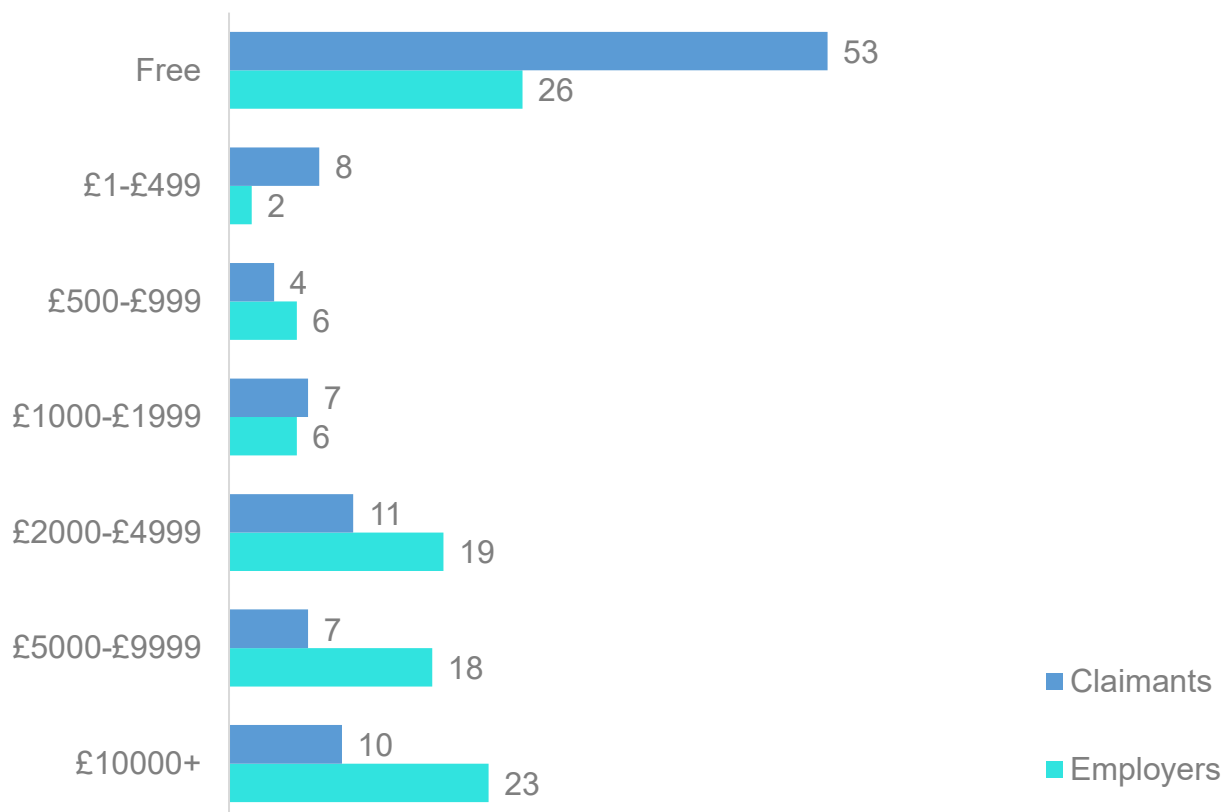
Claimants and employers were asked to state how much they had to pay personally for the day-to-day representation or additional advice and guidance (excluding friends, family or work colleagues) they received in the case<sup>33</sup>. Figure 3.1 below shows the distribution of the amount paid amongst those claimants and employers who received day-to-day representation, representation at a hearing and/or additional advice and guidance.

---

<sup>33</sup> Respondents were asked to include all of the legal and professional fees that were paid, but exclude any fees paid by third parties such as insurance companies, trade unions or any kind of legal aid. The mean and median figures exclude 'don't know' responses.

**Figure 3.1: Distribution of total costs of advice and representation**

All numbers are percentages



*Base: All claimants who had advice or representation (excluding those who did not know the amount paid or used friends, work colleagues, or family) (774) / All employers who had advice or representation (excluding those who did not know the amount paid or used friends work colleagues, or family) (606)*

Among those who paid for advice and/or representation, the amount paid was higher for employers than for claimants: the median amount paid was £5,000 for **employers** and £2,500 for **claimants** (Tables 3.26 and 3.27). In 2012 the equivalent median figures were £3,000 for employers and £2,000 for claimants. The median gives a better indication than the average (mean) of the typical amounts paid, as the mean values vary due to a few large amounts paid in certain jurisdictions. The median amount paid by employers ranged from £4,000 for enterprises with fewer than 50 employees, to £4,800 for those with 50-249 employees and £6,000 among those with 250 or more employees (Table 3.27). A full breakdown of the amounts paid can be seen in Tables 3.26 and 3.27.

### Claimants’ and Employers’ insurance and cover

Claimants and employers were asked whether, at the time of the case, they were insured to cover legal expenses, or whether they were a member of an organisation that would cover the costs of advice and representation in a tribunal claim (Tables 3.28 and 3.29).

**Employers** were more likely than **claimants** to be insured to cover legal expenses (33 compared with 16 per cent), although claimants were slightly more likely than employers to say they were a member of an organisation that would cover costs (11 per cent compared with 6 per cent).

Among **claimants**, a third of Trade Union or staff association members (34 per cent) said that they were a member of an organisation that would cover costs, compared with 2 per cent of non-members (Table 3.28).

The findings for **employers** showed variation by sector. Non-profit employers were most likely to say that they were insured (43 per cent), while the proportion was lowest among public sector employers (23 per cent). Large employers (with 250 or more employees) were less likely than other employers to be covered either through insurance or membership of an organisation (32 per cent compared with at least 43 per cent in other size bands (Table 3.29). Findings for employers are similar to those seen in 2012.

## Chapter 4: Attempts at resolution, offers and Acas

This chapter examines attempts to settle cases before going to a tribunal hearing. Firstly, it looks at any offers that were proposed to settle the case, the amounts of these offers and how these compared with initial expectations. It then looks at claimants who withdrew their case, and finally provides information about the parties' contact with, and experience of, Acas.

Chapter 5 includes a systematic analysis of claim outcomes; however, this chapter provides details on cases that were settled (through Acas or privately) and withdrawn. The main variable used for determining the outcome of the case is 'SETA outcome'. This is the outcome confirmed by the survey interviewees, rather than the outcome from the employment tribunal administrative database (ETHOS) which is used in the published employment tribunal statistics. This distinction is explained in more detail in the introduction to this report, while a separate technical report contains further details on the derivation of SETA outcome and how this compares with published statistics.

Some of the aspects covered in this chapter are of a factual nature, such as the details of settlement offers. Part of the analysis in this chapter is therefore based on **combined employer and claimant data**, which is in line with the SETA 2013 report.

### Key findings

- According to the **combined sample of claimants and employers**, an offer of settlement was made in three-quarters of cases (75 per cent), with 78 per cent (58 per cent of all cases) resulting in a settlement and 22 per cent (17 per cent of all cases) not ending in a settlement.
- In cases where an offer of settlement was made, it was mostly the employer (44 per cent) or an employer representative (12 per cent) who made the first offer. It was less likely that the claimant (18 per cent) or a claimant representative (10 per cent) made the first offer.
- **Claimants** who decided to settle the case were most likely to say that a settlement was less stressful than continuing with the claim (40 per cent). The main reasons why **employers** settled or made a settlement offer were financial reasons (46 per cent) and saving time (26 per cent).
- According to the **combined samples**, 90 per cent of cases that were settled consisted of a financial offer. In such cases, the median amount finally offered was £5,000. In most settled cases (89 per cent), the employer had complied with the agreed settlement in full by the time of the survey.
- Just over half of **claimants** that settled (55 per cent) thought that they would have got more than they did if the case had gone to a tribunal, while 20 per cent thought the outcome would have been the same.
- If **claimants** withdrew their case, it was most likely to be because of cost (33 per cent) or stress (23 per cent).



- The majority of **claimants** (80 per cent) said that they or their representative had personal contact with an Acas officer after the application had been submitted; this included 62 per cent who said they took part in conciliation at that stage. In the **employer** survey, 76 per cent said that they or their representative had contact with an Acas officer, including 54 per cent who said they took part in conciliation at that stage.
- Around half of **claimants** (49 per cent) said it was very or fairly unlikely that they would have settled the case without involvement from Acas, compared with 28 per cent of **employers**.
- The majority (70 per cent) of **claimants** reported that they were satisfied in general with the service they had received from Acas in their case. Satisfaction levels were similar among **employers** who had contact with an Acas officer (70 per cent satisfied).

## 4.1 Offers of settlement

### Was a settlement offered?

According to the **combined sample of claimants and employers**, an offer of settlement was made in three-quarters of cases (75 per cent), with 78 per cent of those (58 per cent of all cases) resulting in a settlement and 22 per cent of those (17 per cent of all cases) not ending in a settlement<sup>34</sup> (Flow Chart 4.1). As discussed later in section 5.1, the **combined samples** show that 70 per cent of settled cases were concluded through Acas conciliation, with the remaining 30 per cent being settled privately.

Looking specifically at cases that were not settled, an offer of settlement was more common in 'Open Track' cases (45 per cent), compared with 'Fast Track' cases (34 per cent) (Table 4.1). Also, in cases that were not settled, smaller employers were more likely than larger employers to say that an offer of settlement was made (51 per cent of enterprises with fewer than 25 employees and 57 per cent with 25-49 employees, compared with 38 per cent of those with 50-249 employees and 41 per cent with 250 or more employees).

### Who made the offer?

In cases where an offer of settlement was made, it was mostly the employer (44 per cent) or an employer representative (12 per cent) who made the first offer. It was less likely that the claimant (18 per cent) or a claimant representative (10 per cent) made the first offer. In 5 per cent of cases the perception was the first offer came via Acas, however, it should be noted that Acas does not make offers, instead relaying proposals and offers from one side to the other (Table 4.2). These findings are based on the **combined responses of claimants and employers**. This overall pattern is in line with 2012, when offers were made by the employer's side in 61 per cent of cases (55 per cent in 2017) and proposed by the claimant's side in 26 per cent of cases (28 per cent in 2017).

Analysis by broad type of jurisdiction shows that offers were more likely to be made directly by the employer side in 'Fast Track' cases (60 per cent compared with 54 per cent of other cases) (Table 4.2).

---

<sup>34</sup> As described in section 4.2, there were also cases which were described as 'withdrawn' where the claimant said that a settlement was reached.

Although the findings describe factual details, it is interesting to note that examination of the separate responses from claimant and employers suggests that the parties had differing accounts of who made the initial offer. However, these findings are not based on matched cases, where claimants and employers talk about the same case:

- **Claimants** were more likely than employers to report that the initial offer was made by the employer (53 per cent compared with 33 per cent).
- **Employers** were more likely than claimants to report that it was made by representatives of either the employer or claimant (25 per cent compared with 19 per cent) or to report a 'don't know' response (18 per cent compared with 6 per cent) (Tables 4.3 and 4.4).

## Motivations for settlement

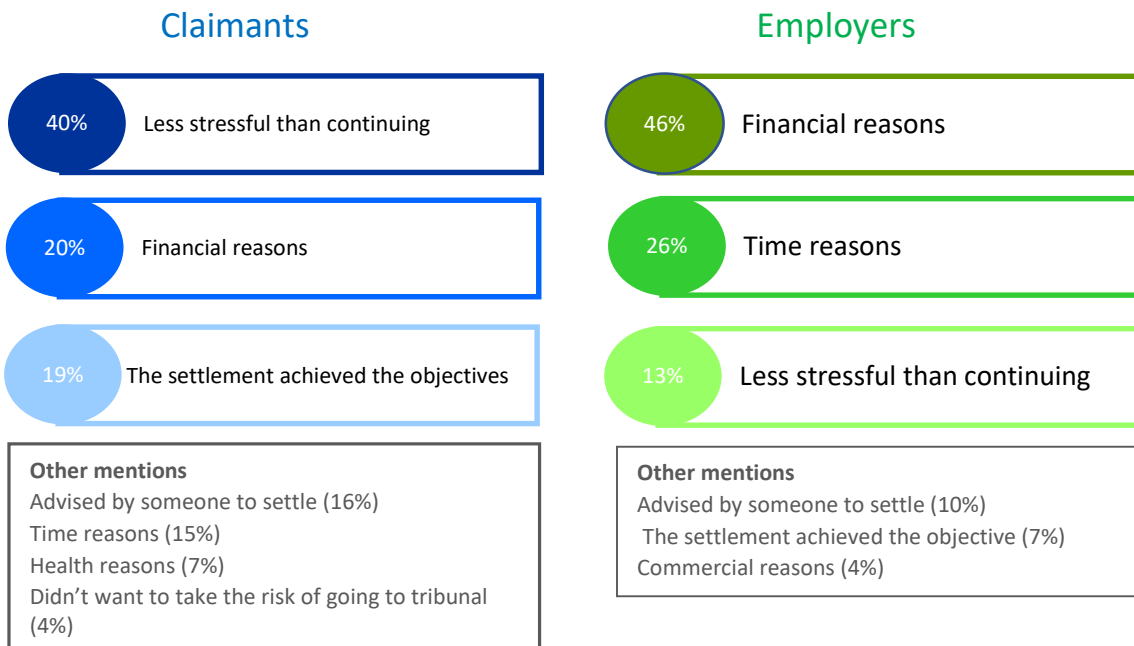
The motivations for settling the case were different for claimants and employers, with claimants most likely to want a less stressful outcome, and employers most commonly motivated by financial reasons. Specifically:

- **Claimants** who decided to settle the case were most likely to say that a settlement was less stressful than continuing with the claim (40 per cent). Other reasons were: financial reasons (20 per cent), the settlement achieved their objective (19 per cent), they were advised by someone to settle (16 per cent) and time reasons (15 per cent) (Table 4.5).
- Among **employers** who either settled or made an offer of settlement, financial reasons (46 per cent) and saving time (26 per cent) were the main reasons for offering a settlement (Table 4.5). Larger enterprises were particularly likely to say they were motivated by financial reasons (53 per cent of those with 250 or more employees), while smaller employers were more likely than larger employers to say they settled or made a settlement offer because it was less stressful (21 per cent of those with fewer than 25 employees, compared with between 10 per cent, 14 per cent and 11 per cent in larger size bands).

The reasons given by both groups were consistent with those observed in 2012.

**Figure 4.1: Most common reasons given by employers and claimants for deciding to settle the case**

All numbers are percentages



*Base: All claimants in cases which were settled (766) / All employers with personal responsibility for the case, who made an offer of settlement to the claimant (849)*

In cases where a settlement offer was made but when this did not come from the employer, **employers** were asked why they decided not to make a settlement offer. In line with 2012, reasons tended to focus around the employer believing that they had a strong case (Table 4.6). The three most common reasons cited were:

- that they did not think the claimant had a case (34 per cent);
- that they felt they were right (29 per cent); and
- because they believed they could win the case (19 per cent).

## Settlement details

Settlements can consist of more than one element. Reflecting the findings for 2012, 90 per cent of cases that were settled consisted of a financial offer, according to the **combined analysis of claimants and employers**. References from the employer were the next most common element, involved in 25 per cent of settlements. Findings were generally consistent by primary jurisdiction, although the request for a reference was less common in unauthorised deductions from wages cases (3 per cent) and 'Fast Track' claims (9 per cent) (Table 4.7).

In cases which were financially settled, the median amount finally agreed was £5,000 (the median amount was £2,500 in 2012).<sup>35</sup> The median financial settlement was highest in discrimination cases at £7,500, and lowest in unauthorised deductions from wages cases at £1,000 (Figure 4.2). When looking at Acas classification of cases, the median amount was

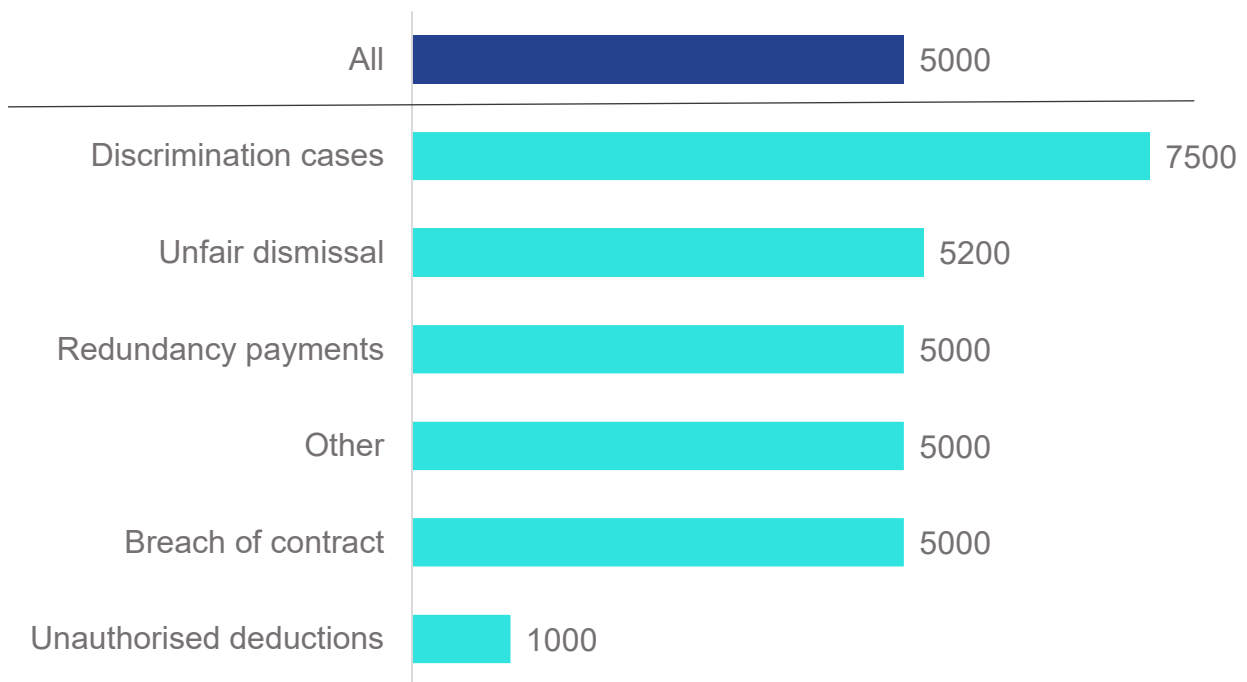
<sup>35</sup> The median gives a better indication than the average (mean) of the typical financial offers, as it is less affected by a few high or low offers. The median is the middle value when all the values are ordered by size, which means it does not take into account the value of high or low outliers.

highest in ‘Open Track’ cases (£8,000) and lowest in ‘Fast Track’ claims (£1,500) (Table 4.8). Once again, these findings are based on the **combined samples of claimants and employers**.

Among **employers**, the median amount of the final offer was broadly consistent by enterprise size.

**Figure 4.2: Median value of the final offer to settle**

All numbers are amounts in UK sterling (£)



*Base: All claimants and employers in cases which were financially settled and the amount of money offered was known (1103)*

According to **combined** responses, in settled cases or where an offer was made, financial offers could either consist of money owed to the claimant (21 per cent), compensation (42 per cent) or a combination of both (27 per cent). This breakdown is broadly in line with 2012. As might be expected, unauthorised deductions from wages cases were more likely to consist of money owed (76 per cent), while unfair dismissal and discrimination cases were more likely to involve compensation (51 per cent and 54 per cent respectively) (Table 4.8).

**Receiving the settlement offer for claimants**

In 2012 a large majority of all settled cases (89 per cent), the employer had complied with the agreed settlement in full by the time of the survey. This was consistent by primary jurisdiction and in line with the 2013 survey. These findings are based on **combined responses from claimants and employers** (Table 4.9). The responses given by claimants and employers were very similar (90 per cent and 89 per cent respectively said that the settlement had been paid in full) (Tables 4.10 and 4.11).

It is worth noting that a higher proportion of claimants received their settlement in cases which were settled, compared with the proportion of claimants who had received their awards in

cases which went to tribunal. As reported in section 5.4, in cases where the claimant was successful at tribunal and money was awarded, 79 per cent of claimants had received the amount awarded by the time of the survey (based on the combined sample of claimants and employers).<sup>36</sup>

## How settlement offers compared with claimant expectations and outcomes

**Claimants** whose case was settled were asked whether, at the time of the offer, they thought a different outcome would have been achieved if the case had gone to a tribunal. Just over half of claimants (55 per cent) thought that they would have got more than they did through settlement (47 per cent in 2012), while 20 per cent thought the outcome would have been the same (22 per cent in 2012). Just 5 per cent thought they would have received less by going to a tribunal (the same as in 2012), while 3 per cent thought they would have lost the case under a tribunal (5 per cent in 2012). Claimants in 'Fast Track' cases were less likely to say they would have got more at a tribunal (40 per cent), compared with those in 'Open Track' cases (61 per cent) or 'Standard Track' cases (54 per cent) (Table 4.12).

These findings seem to confirm those seen earlier on motivations for settlement (section 4.1.3) which showed that claimants were not primarily motivated by financial considerations when deciding to accept a settlement. When the reasons for settling are examined for claimants who felt that they would have got more if they had gone to a tribunal, the most frequently mentioned reason, given by 47 per cent, was that it was less stressful than continuing. This compared with 23 per cent who cited financial reasons, 9 per cent who said the settlement achieved the objective, 18 per cent who settled for time reasons and 16 per cent who were advised by someone to settle (Table 4.13).

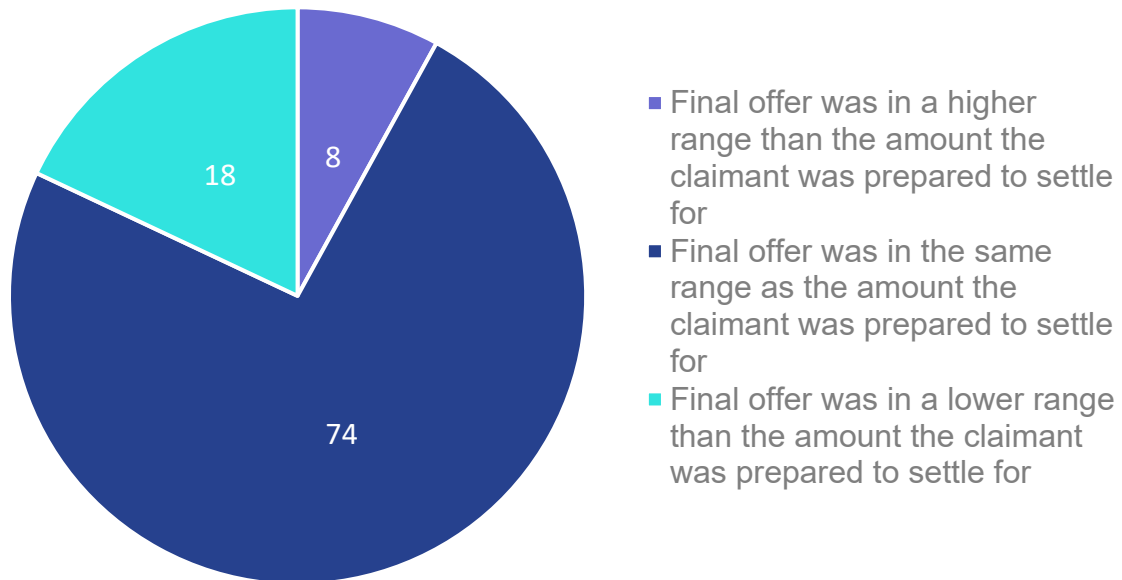
Claimants were asked the lowest amount of money, if any, they were prepared to settle for, at the very start of their case. Comparison of the lowest amount stated in this question by the **claimants** against the financial settlement offer actually made indicates that, in most cases, the final settlement offer is in the same broad range as the lowest amount that claimants were prepared to settle for (Table 4.15 and illustrated in Figure 4.3 below). However, where there is a difference, the final settlement offer tends to be in a lower range than the initial expectation.

---

<sup>36</sup> As noted in Section 5.4, 72 per cent of claimants said that they had received their tribunal award, compared with 93 per cent of employers who said that the money had been paid (Table 5.9).

**Figure 4.3: Comparison of the final offer received by the claimant with the amount they were initially prepared to settle for at the start of the case**

All numbers are percentages



Base: Claimant in cases who hoped to win money at the start of the case where a financial offer was made (386)

Figure Note: This figure uses the banded amounts shown in Table 4.15.

### How settlement offers compared with initial employer expectations

**Employers** were asked to estimate the maximum amount of money they would have been prepared to settle for at the very start of the claim.<sup>37</sup> More than half (52 per cent) of these employers said that they would not have been prepared to settle for any sum of money at the start of the case. Where they did consider a sum of money, the median<sup>38</sup> for the maximum amount they would have been prepared to pay was £3,000 (Table 4.16). This was considerably lower than the median minimum amount being considered by claimants of £7,000 (Table 4.14).<sup>39</sup>

The minimum amount that **claimants** said that they might have been prepared to settle for at the start of the case was highest in discrimination cases (median of £15,000) and lowest in unauthorised deductions from wages cases (median of £1,200). The median amount was also low more generally in ‘Fast Track’ cases (£2,000) (Table 4.14). Among **employers**, the maximum amount that they might have been prepared to settle for at the start of the case was also low in ‘Fast Track’ cases (median of £1,200) (Table 4.16). It was also lower among smaller employers (median of £2,000 among enterprises with fewer than 25 employees).

<sup>37</sup> This question was asked if employers thought that claimants were hoping to receive money when they first put in their claim.

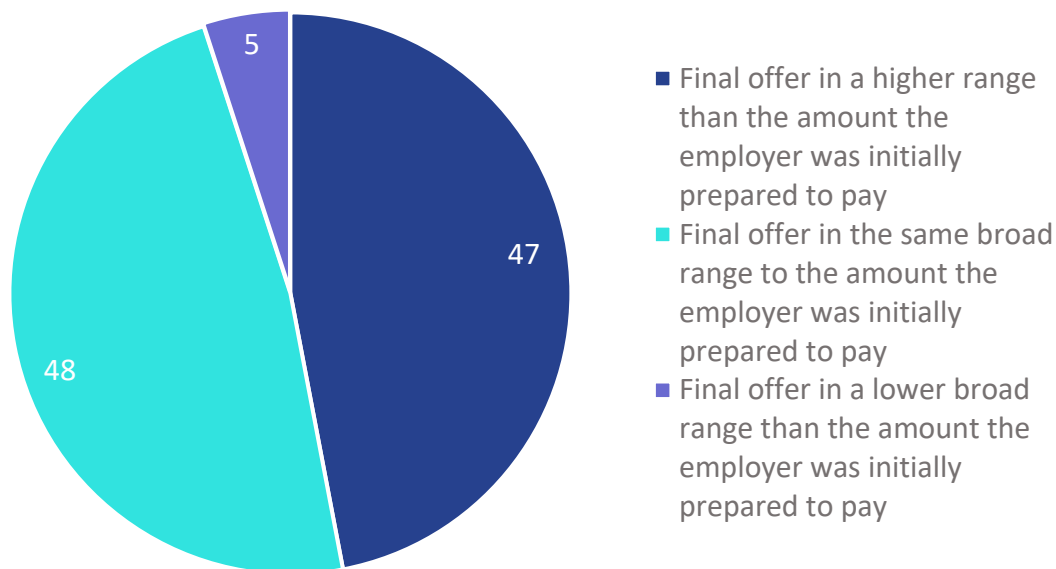
<sup>38</sup> The median gives a better indication than the average (mean), as it is less affected by a few high or low offers. The median is the middle value when all the values are ordered by size, which means it does not take into account the value of high or low outliers.

<sup>39</sup> Because SETA does not use a matched design approach between the claimant and employer samples, the comparison between the figures given by employers and claimants should be treated with caution. There also may be an element of employers post-rationalising their behaviour.

In cases where a financial offer was actually made, we can compare the actual amount offered with the maximum amount that **employers** said they would have been prepared to pay at the start of the claim. This indicates whether employers ended up paying more or less than they were initially prepared to consider. This analysis indicates that, in many cases, employers who were initially not prepared to settle for any amount of money, ended up making a financial offer (38 per cent), and the amount reported by some of the employers was relatively large (16 per cent of employers asked were initially not prepared to settle for any amount, but ended up offering £5,000 or more). Otherwise, there is generally a close match between the broad range of what was actually offered and what employers said they were initially prepared to pay (Figure 4.4 and Table 4.17).<sup>40</sup>

**Figure 4.4: Comparison of the final offer made by the employer with the amount they were initially prepared to pay at the start of the case**

All numbers are percentages



*Base: Employers in cases who thought claimants were hoping to receive money at the start of the case where a financial offer was made (416)*

*Figure Note: This figure uses the banded amounts shown in Table 4.17.*

## 4.2 Reasons for withdrawing

Overall, 13 per cent of the cases were withdrawn. **Claimants** withdrew their cases for a variety of reasons. The main reasons cited (Table 4.19) were that there was too much expense (33 per cent) or too much stress (23 per cent) involved in continuing, because the case was resolved or a settlement was reached (17 per cent)<sup>41</sup>, because they were advised by someone

<sup>40</sup> When people are asked to talk about social processes that happened in the past, they have a tendency both to post-rationalise their behaviour and to forget details of their experience. There may be an element of respondents not recalling the amounts offered correctly or adjusting them in line with the amount of settlement they actually received.

<sup>41</sup> Some respondents withdrew their cases after they reached a private settlement with their employer but reported the outcome of their cases as withdrawn in the survey rather than privately settled.

to do so (15 per cent), because it was too much fuss or hassle (11 per cent) or because they thought they could not win the case (10 per cent). These figures are similar to those observed for 2012, although in 2012 only 12 per cent said they withdrew because of the stress involved in continuing.

Claimants involved in 'Standard Track' cases were particularly likely to say that they withdrew their case because it was too much fuss or hassle (20 per cent) (Table 4.18).

## 4.3 Acas

This section examines the parties' contact with, and experience of, Acas.

Acas conciliators have a statutory duty to promote a settlement through conciliation, as detailed in the introduction. This can take place before the claim is submitted as part of Acas early conciliation, and/or after the claim process has started. The role of the Acas conciliator is to discuss the issues of the case with parties, explain the employment tribunal process, the law and case law where appropriate. They provide both parties with information on the options available to them and pass information between the parties, including details of any offers of settlement. By encouraging each party to consider the strengths and weaknesses of their case, the conciliator seeks to narrow the gap between parties and bring them to a stage where a settlement can be negotiated.

When considering these findings, it is important to bear in mind that parties who had a representative acting for them will have had little or no direct contact with the Acas conciliator who was dealing with their case. Their knowledge and evaluation of Acas will be limited by the amount their representative involved them and kept them up to date with what was happening during the case, especially the part played by the Acas conciliator in trying to facilitate a settlement.

### Contact with Acas following ET claim

Section 2.7 examined parties' contact with Acas as part of early conciliation. This section looks at any subsequent contact with Acas after the ET application was submitted.

The majority of **claimants** (80 per cent) said that they or their representative had contact with Acas after the ET application was submitted, and this included 62 per cent who said they took part in conciliation at that stage. Claimants were less likely to have had contact with Acas and taken part in conciliation in withdrawn cases (54 per cent) or where the case was dismissed or otherwise disposed (51 per cent) (Table 4.19).

In the **employer** survey, 76 per cent of respondents said that they or their representative had contact with Acas after the employment tribunal application was submitted, and this included 54 per cent who said they took part in conciliation at that stage (Table 4.20). Employers were more likely to say they had taken part in conciliation in cases where the applicant was successful at a hearing (59 per cent) than where the applicant was unsuccessful (40 per cent). Employers were also less likely to have had contact with Acas and taken part in conciliation in withdrawn cases (33 per cent), as was the case with claimants.

Most **claimants** who agreed to take part in early conciliation also said that they had contact with Acas after their application was submitted (84 per cent), including two-thirds (66 per cent) who took part in conciliation at that later stage. The figures were similar for **employers** (83 per



cent and 66 per cent respectively). In both cases, contact with Acas following the ET claim was less common among those who had not agreed to take part in early conciliation:

- Among claimants who had not agreed to early conciliation, 46 per cent had contact with Acas after the application was submitted, including 23 per cent who took part in conciliation at that stage (Table 4.21);
- Among employers who had not agreed to early conciliation, 73 per cent had contact with Acas after the application was submitted, but this involved conciliation in only 14 per cent of cases (Table 4.22).

Cases where Acas was involved both as part of early conciliation and after the employment tribunal application (70 per cent) were more likely to reach a settlement (either through Acas or privately) than where Acas had no involvement (40 per cent).

Cases where Acas was involved only during early conciliation (52 per cent) or after the employment tribunal application had been submitted (50 per cent) were more likely to settle than those with no involvement, but less likely than where Acas was involved throughout the process.

## Involvement of Acas in settlements

In settled cases which included personal contact with an Acas officer, respondents were asked how likely they thought it was that they would have settled the case without involvement from Acas. **Claimants** were more inclined to say that they would not have settled the case without involvement from Acas (49 per cent said it was very or fairly unlikely that they would have settled the case without Acas, compared with 28 per cent of **employers**). In fact, 37 per cent of claimants said it was *very unlikely* that they would have settled the case without involvement from Acas (compared with 17 per cent of employers) (Table 4.23). In 2012, 45 per cent of claimants and 22 per cent of employers said it was very or fairly unlikely that they would have settled the case without the involvement of Acas.

Among **employers**, smaller enterprises were more likely than larger enterprises to say that it was *very unlikely* that they would have settled the case without involvement from Acas (27 per cent of those with fewer than 25 employees compared with between 11 per cent and 15 per cent in larger size bands).

In cases that went to a hearing and where the claimant or employer had personal contact with Acas, they were asked whether the Acas officer discussed what the tribunal might award in similar cases. A similar proportion of claimants and employers (24 per cent and 25 per cent respectively) said that this was discussed with the Acas officer (Table 4.24).

## Reasons for Acas conciliation not taking place

If respondents said that they did not take part in conciliation with Acas, they were asked why conciliation did not take place.

The main reason given by **claimants** was that the employer was not willing to negotiate (45 per cent), while 14 per cent said that they knew the employer would not be willing to engage (Table 4.26). The reasons given by **employers** were more varied, with 21 per cent saying the claimant was not willing to negotiate, the same proportion (21 per cent) saying that they felt they had no case to answer to, and 15 per cent that the organisation was not willing to negotiate (table 4.27).

Among **employers**, enterprises with 50-249 employees were most likely to say that the claimant was not willing to negotiate (31 per cent), while those with 250 or more employees were least likely to say this (15 per cent) (Table 4.29).

## Satisfaction with Acas

The majority of **claimants** who had personal contact with an Acas officer reported that they were satisfied with the service they received from Acas in their case (70 per cent). Satisfaction was similar among **employers** that had personal contact with an Acas officer (70 per cent) (Table 4.30). In 2012, 68 per cent of claimants and 75 per cent of employers were satisfied<sup>42</sup>.

**Claimants** were most likely to be satisfied in unauthorised deductions from wages cases (83 per cent) and were least satisfied in unfair dismissal cases (62 per cent). Claimants were also more satisfied in 'Fast Track' cases (80 per cent) than in other types of case (Table 4.31). Claimants were more likely to be satisfied if they were successful at a hearing (79 per cent) than if they were unsuccessful (57 per cent) (Table 4.32).

In Acas settled cases, 74 per cent of **claimants** were satisfied and 21 per cent dissatisfied; findings were similar among **employers** in Acas settled cases (73 per cent satisfied, 21 per cent dissatisfied) (Table 4.32).

There was no difference in satisfaction by whether claimants or employers had taken part in Acas early conciliation, although **employers** who had contact with an Acas officer were more likely to be satisfied with the service they received from Acas if took part in early conciliation (71 per cent compared with 61 per cent to 66 per cent for the other categories) (Tables 4.33 and 4.34). Of those who had contact with an Acas officer, larger employers tended to be more satisfied than smaller employers with the service they received from Acas. Among those with fewer than 25 employees, only 59 per cent were satisfied (compared with 77 per cent of those with 250 or more employees), while 19 per cent were very dissatisfied (compared with 3 per cent).

Respondents who were dissatisfied with the Acas service in general were asked why this was. The reasons given were largely in line with those recorded in the 2013 Survey. The most common reason among both claimants and employers was the view that Acas did not do anything or did not help (52 per cent of **claimants** and 38 per cent of **employers** (who had contact with an Acas officer) who were dissatisfied). Other common reasons were the perception that Acas did not give enough information or advice (26 per cent of claimants and 22 per cent of employers), that there was not enough contact (25 per cent and 24 per cent respectively) or that Acas was seen as biased towards the other party (16 per cent and 27 per cent respectively) (Table 4.35).

---

<sup>42</sup> Note that in 2017 the question asked about "any dealings that took place with Acas" before and after the ET claim was submitted, i.e. including early conciliation. Comparisons with 2012 should be made with caution, as there was no early conciliation at that time. Also, it is important to note that the survey includes only cases which led to an ET claim; therefore, those who settled the dispute at the early conciliation stage are not included in the survey findings in 2017. In addition, in 2017, a relatively large proportion of employers gave a 'don't know' answer (13 per cent), so this should be taken into account when comparing findings.

## Chapter 5: Outcomes

This chapter analyses the outcome of employment tribunal claims, which can be resolved through a claim being:

- withdrawn;
- settled (through Acas or privately);
- decided at tribunal (either in favour of the claimant or employer);
- decided through a default judgment (where a party fails to respond to the tribunal about the claim); or else
- dismissed at a preliminary hearing or disposed of otherwise.

In addition to looking at outcomes by primary jurisdiction, this chapter also analyses the awards made by the tribunal, whether awards are paid, enforcement of awards via the courts, and appeals against tribunal decisions.

Much of the analysis in this chapter is based on using the combined claimant and employer samples (weighted to the overall case numbers).

The main variable used in this chapter is 'SETA outcome'. This is the outcome confirmed by the survey interviewees, rather than the outcome from the employment tribunal administrative database (ETHOS) which is used in the published employment tribunal statistics. This distinction is explained in more detail in the introduction to this report, while a separate technical report contains further details on the derivation of SETA outcome (Annex E) and how this compares with published statistics.

### Key findings

- The **combined samples** show that over half of cases were settled in 2017 (58 per cent). Of these settled cases, 70 per cent were concluded through Acas conciliation, with the remaining 30 per cent being settled privately. Where claims went to a full tribunal hearing, claimants were more likely to be unsuccessful (10 per cent of all cases) than successful (7 per cent).
- Multivariate analysis indicates that discrimination cases were more likely to be withdrawn/dismissed or settled than to go to a hearing. In particular, breach of contract (fast track) and unauthorised deductions from wages cases were more likely than discrimination cases to go to a hearing (**claimant** and **employer** data).
- In both the **employer** and **claimant** data, cases with large employers (with 250 or more employees) were more likely to be withdrawn/dismissed than to go to hearing, when compared with smaller employers.
- In cases which went to a full tribunal hearing, claimants were more likely to be successful in breach of contract (fast track) and unauthorised deductions from wages cases, compared with other jurisdictions.

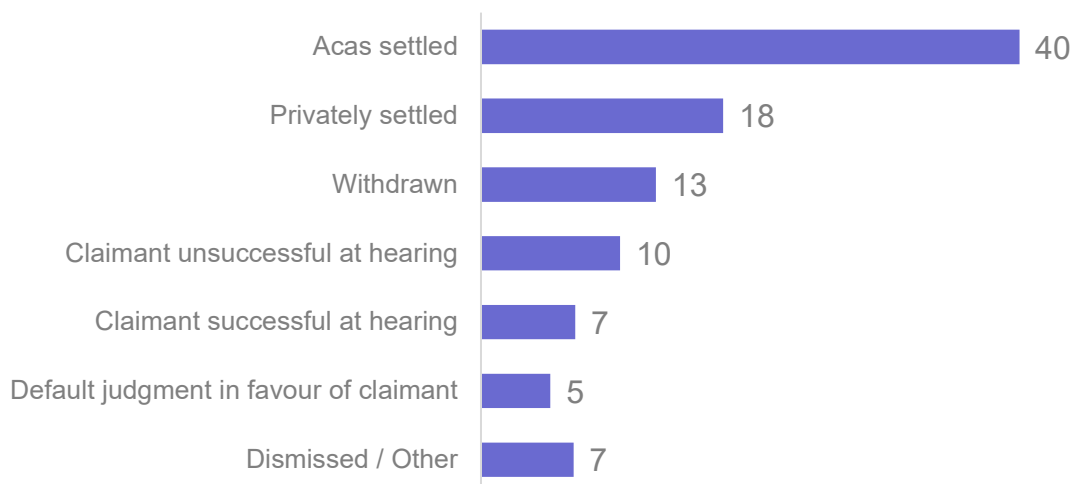
- In 90 per cent of the cases which went to tribunal and where the tribunal decided in favour of the claimant, the award involved money (according to the **combined samples**).
- According to the **combined samples**, the median sum of money awarded at tribunal was £5,000.
- In cases where claimants had been awarded a sum of money at tribunal, 42 per cent of respondents said that the amount awarded included the reimbursement of any fees the claimant paid (based on the **combined samples**).
- While 72 per cent of **claimants** awarded a monetary payment said it had been paid, this was lower than the proportion of **employers** with a sum awarded against them who said they'd paid it (93 per cent).
- Claimants took some form of action to obtain payment in 31 per cent of cases where they were awarded a sum of money by the tribunal; among claimants who took some form of action, 16 per cent used the BEIS Employment Tribunal penalty scheme (based on the **combined samples**).
- According to the combined sample of **claimants and employers**, in around one in eight cases that went to a tribunal hearing (13 per cent), an appeal was made to the Employment Appeal Tribunal about the decision made. Where an appeal was made, this was more likely to come from the claimant (78 per cent) than the employer (22 per cent).
- Claimants were awarded costs in 26 per cent of cases that involved a decision at tribunal, and employers in 6 per cent of these cases (based on the **combined samples**).
- Employers were more likely than claimants to be aware that the employment tribunal could penalise cases of unreasonable pursuit (where a party to a claim is considered to have acted unreasonably in pursuing it) by making that party pay towards the other party's costs or expenses: 67 per cent of **employers** said they were aware that unreasonable pursuit could be penalised, compared with only 54 per cent of **claimants**.

## 5.1 Overview of SETA Outcome

The outcomes of employment tribunal claims in 2017 are summarised in Figure 5.1. These broadly reflect those in 2012.

### Figure 5.1: The outcomes of employment tribunal claims

All numbers are percentages



Base: All Claimants and employers where an outcome is recorded (2663 interviews)

The **combined samples** show that over half of cases were settled in 2017 (58 per cent) (Table 5.1). Of these settled cases, 70 per cent were concluded through Acas conciliation, with the remaining 30 per cent being settled privately. Where claims went to a full tribunal hearing, claimants were more likely to be unsuccessful than successful (10 per cent compared with 7 per cent).

### Outcome by Primary Jurisdiction

The outcomes of employment tribunal claims vary by jurisdiction, according to the **combined samples of claimants and employers**. Breach of contract (62 per cent) and discrimination (63 per cent) cases were more likely than other jurisdictions to result in settlements, with unauthorised deductions from wages cases less likely than other jurisdictions to be settled (44 per cent) (Table 5.2).

Overall, claimants at a full tribunal hearing were more likely to be unsuccessful than successful. This applied particularly to discrimination cases where 74 per cent of cases that went to a full tribunal hearing was unsuccessful. There was a similar trend among unfair dismissal cases with 67 per cent of cases were unsuccessful. Claimants were most likely to be successful at tribunal in unauthorised deductions from wages cases (around two-thirds successful). There was also variation in default judgments by primary jurisdiction: while 20 per cent of all unauthorised deductions from wages cases were resolved through a default judgment, this applied to less than 1 per cent of unfair dismissal and discrimination cases (Table 5.2).

## 5.2 What influences the case outcome

There are a number of different factors that might be associated with the case outcome. In order to examine this within the survey data, bivariate analysis was initially carried out, which identifies relationships between two variables. This was followed by regression analysis in order to identify relationships within the data when examining all factors simultaneously. The

analysis has been carried out separately for claimants and employers to examine which factors are specific to each party.<sup>43</sup>

The analysis was based on four regression models:

- Two multinomial models predicting the broad case outcome (hearing vs. settled vs. withdrawn/dismissed). One model is from the claimant's perspective (Model A1, shown in Figure A1 and Table A1), while the other is from the employer's perspective (Model A2, shown in Figure A2 and Table A2);
- Two binary logistic models predicting whether or not the claimant was successful in cases which went to hearing. Again, one model is from the claimant's perspective (Model B1, shown in Figure B1 and Table B1), while the other is from the employer's perspective (Model B2, shown in Figure B2 and Table B2).

With regression models, we estimate the strength of unique relationships between a dependent variable (or 'outcome') and a set of independent variables (or 'predictors'). In other words, we estimate the association between a given predictor and a given outcome, while adjusting for the effects of other independent variables.

When interpreting the model estimates, it is important to recognise that the information available about cases is quite limited. There are likely to be important aspects of cases which may be correlated with case outcomes, but are not explicitly accounted for in the models: for example, more detailed information about the types of incident, or the severity of cases. By way of illustration, claimant demographics are quite strongly associated with the odds of a claimant being successful at hearing. However, such differences may be due to differences in the *types of case* brought by different kinds of claimant, rather than distinctions in how different claimants are treated in the application process. We urge caution in attributing any *causal mechanisms* to these associations without further research or a strong causal theory.

The results of this analysis are summarised in the following section. The full details of the multivariate analysis are discussed in Annex A.

## Overall case outcome

The following variables were found to have a significant effect on the outcome of the case; specifically, whether the case went to a tribunal hearing rather than being withdrawn/dismissed or settled (Figures A1 and A2, Tables A1 and A2):

- In general, compared with other jurisdictions, discrimination cases were more likely to be withdrawn/dismissed or settled than to go to a hearing. In particular, fast track breach of contract<sup>44</sup> and unauthorised deductions from wages cases were more likely than discrimination cases to go to a hearing. These patterns were evident in the analysis of both the **claimant** and **employer** data.
- In the **claimant** data, there were differences in relation to the use of early conciliation:
  - Cases were more likely to be withdrawn than to go to hearing if the claimant did not agree to early conciliation; this may be because issues that would have been

---

<sup>43</sup> The analysis scope is limited by the availability of variables in each survey. For example, ethnicity of the claimant is not available in the employer survey.

<sup>44</sup> This analysis separated out breach of contract cases into different groups. These were fast track, standard track and breach of contract cases involving discrimination.

pointed out in early conciliation only surfaced later, prompting withdrawals at that later point.

- Cases were more likely to be settled than to go to hearing if the claimant and employer both agreed to early conciliation.
- Outcomes varied according to the use of day-to-day help with the case:
  - In the **claimant** data, cases were more likely to be settled than go to hearing if the claimant received day-to-day help from a solicitor;
  - In the **employer** data, cases were a little more likely to be settled than go to hearing if the employer received day-to-day help internally<sup>45</sup>.
- **Claimant** characteristics were generally weakly associated with the overall case outcome. Similarly, there were no clear differences in relation to the claimant's occupation.
- Both the **employer** and **claimant** data showed differences by size of employer. Cases with large employers (with 250 or more employees) were more likely to be withdrawn/dismissed than to go to hearing, when compared with smaller employers.

## Claimant success in cases which went to hearing

This section examines whether the claimant was successful or unsuccessful at a tribunal hearing, with analysis limited to those cases that went to a hearing. The following variables were found to have a significant effect on whether the claimant was successful or unsuccessful at a hearing (Figures B1 and B2, Tables B1 and B2):

- The claimant was more likely to be successful in breach of contract (fast track) and unauthorised deductions from wages cases, compared with other jurisdictions. This applied to the analysis of both the **claimant** and **employer** data.
- Both claimants and employers were more likely to have a successful outcome if they were represented at the hearing:
  - According to the **claimant** data, the claimant was more likely to be successful if they had a representative at the hearing;
  - In the **employer** data, the claimant was much less likely to be successful if the employer had a representative at the hearing.
- According to the **employer** data, the claimant was more likely to be successful if a settlement offer had previously been made.

There were differences according to **claimant** characteristics. As noted above, these findings indicate *associations* between outcomes and claimant characteristics, but do not necessarily show any *causal link*; differences may relate to the *types of case* brought by different kinds of claimant, rather than distinctions in how different claimants are treated in the application process;

- Older claimants (aged 45 or above) were less likely to be successful than younger claimants;

---

<sup>45</sup> That is: help from an owner/senior manager/general manager, from a personnel or human resources specialist, or from a legal specialist in the company/company lawyer.

- Claimants whose ethnicity was not white were considerably less likely to be successful than claimants whose ethnicity was white;
- Claimants with a disability were less likely to be successful than those with no disability.

Claimants were considerably more likely to be successful in cases involving small or medium-sized **employers** (up to 250 employees) than large employers (with 250 or more employees).

According to the **employer** data, claimants were much less likely to be successful if both written disciplinary and grievance procedures existed; this is consistent with the findings noted in section 2.4.

## 5.3 Tribunal Orders and Awards

### Tribunal Orders

All claimants and employers involved in cases where the claimant was successful at tribunal were asked what the employment tribunal ordered. The order can consist of more than one element. Reflecting the findings in 2012, the vast majority (90 per cent) of cases involved an award of money, according to the **combined samples of claimants and employers** (Table 5.5). Only in 2 per cent of cases was re-engagement in the claimants' old job ordered.

### Initial Expectations

When asked what they thought claimants were hoping to achieve by bringing the claim, the vast majority of **employers** (86 per cent) said they thought claimants were hoping to receive money. All other answers were given by less than one in ten employers (Table 5.6).

The motivations given by **claimants** themselves were more varied (Table 5.6). Although money was the most common answer (61 per cent), this was less likely to be mentioned by claimants than by employers. One in four claimants (23 per cent) said they were hoping to get their old job back, while the other things mentioned by claimants were less tangible: an apology (29 per cent), 'justice' (25 per cent) or having their case proven (12 per cent).

### Awards

Claimants who had been successful at employment tribunal and were awarded a sum of money were asked for the total value of their award. Responses given had a median value of £5,000 according to the **combined samples of claimants and employers** (Table 5.7). In 2012, the corresponding median figure was £3,000. Table 5.7 provides a breakdown of amount awarded by summary jurisdiction; these findings should be treated with some caution as the base sizes are small.

The data from **the combined samples of claimants and employers** indicates that the median sum of money awarded at tribunal was lower than the median amount that **claimants** had been prepared to settle for at the very start of their case. As discussed in Chapter 4, the median lowest amount **claimants** had been prepared to settle for at the very start of their case was £7,000 (Table 4.14), compared with the median award at tribunal of £5,000 (Table 5.7). In 2012, the median lowest amount claimants had been prepared to settle for at the start of their case (at £3,000) was the same as the median award of £3,000.



Where claimants had been awarded a sum of money at tribunal, in 42 per cent of cases the amount awarded included the reimbursement of any fees the claimant paid, while in 37 per cent of cases it did not include this, and in 14 per cent of cases the survey respondent said that the claimant didn't pay any fees. Once again, these findings are based on **the combined samples of claimants and employers** (Table 5.8).

## 5.4 Receiving Awards

Responses varied significantly between the two parties about whether claimants received the payment of their award, with employers more likely to say that the award had been paid. Around three in four **claimants** (72 per cent) said that they had received their tribunal award, compared with 93 per cent of **employers** who said that the money had been paid (Table 5.9). In 2012, the corresponding figures were 63 per cent for claimants and 87 per cent for employers.

Further analysis of receipt of payment is based on the **combined samples of claimants and employers**. In terms of claimant characteristics, the receipt of money did not vary significantly by the sex or age of claimant (Table 5.10). There were differences by summary jurisdiction, although caution should be used with this analysis due to the small base sizes: money was less likely to have been received in 'Fast Track' cases (68 per cent) (Table 5.11).

### Obtaining Awards

In 50 per cent of cases where the claimant had been paid the money awarded, the money was paid to claimants in four weeks or less. It took nine weeks or more in 21 per cent of these cases (while in 15 per cent the respondent did not know how long it took). This is based on the **combined samples of claimants and employers** (Table 5.12).

In England and Wales, individuals can choose to pursue enforcement of their award through applying to their local county court for an enforcement order. After this, enforcement officers will seek to secure payment from the employer. In 2010, a Fast Track scheme was introduced which was designed to speed up and simplify the process of enforcing tribunal awards and Acas settlements. Under this scheme, a High Court Enforcement Officer will act on the claimant's behalf to file the claim with the county court, issue a writ and attempt to recover the money.<sup>46</sup> In Scotland, individuals wishing to enforce their award need to make an application for an extract registered decree arbitral. This acts like a court order which a Sheriff's Officer can use to try to force the employer to pay. This is the only option available in Scotland.

Claimants took action to obtain payment in 31 per cent of cases where they were awarded a sum of money by an employment tribunal (Table 5.13)<sup>47</sup>. In 15 per cent of cases, they tried to obtain the payment by registering a case in the county court or by using Fast track enforcement (Table 5.14).

### Penalty Enforcement Scheme

If claimants do not receive payment of their award from the employers, they can submit a Penalty Enforcement Form as part of the BEIS Employment Tribunal penalty scheme. This scheme was announced in the Small Business, Enterprise and Employment Act 2015 and

---

<sup>46</sup> The fee for using the Fast Track scheme is slightly higher at £60, compared with £40 for an application to the county court.

<sup>47</sup> This includes claimants who contacted the employer to try and get the award paid.

came into force on 6 April 2016. Once the Penalty Enforcement Form has been submitted, BEIS issues the employer with a warning notice, informing them that they may have to pay a financial penalty to the government if the award is not paid within 28 days. If the employer still does not pay the sum owed to the employee, BEIS may issue the employer with a penalty notice. The penalty will be equal to half the award that is outstanding at the time the notice is issued, subject to a minimum of £100 and a maximum of £5,000. This is in addition to the sum awarded to the employee, for which the employer remains liable to pay<sup>48</sup>.

Where money was awarded, if the claimant had not used the penalty scheme and did not take any other action to obtain the money, respondents were asked whether they were aware of the scheme before the interview. Around one in five **claimants** (18 per cent) and 12 per cent of **employers** in these cases said they were aware of the scheme (Table 5.15).

## 5.5 Appeals

In around one in eight cases that were decided at a tribunal hearing (13 per cent), an appeal was made to the Employment Appeal Tribunal about the decision. There was no appeal in 82 per cent of the cases decided at a hearing, while in 5 per cent the survey respondent did not know whether an appeal was made (Table 5.16). Appeals were made more often by claimants than employers. In the cases in which an appeal was made, 78 per cent of appeals were made by claimants and 22 per cent were made by employers (Table 5.17). These findings are based on **combined responses from claimants and employers**.

In the cases where an appeal was made, the **combined responses** indicate that the tribunal held a review hearing about decisions made in 38 per cent of cases, while 55 per cent of respondents said that there was no review hearing held, and 7 per cent said that they did not know (Table 5.18).

## 5.6 The cost regime

The employment tribunal can award costs (in Scotland, expenses) against parties to recompense the other party for the costs they have incurred. The number of costs awarded each year has historically been relatively low. Published employment tribunal statistics show about 479 instances where costs were awarded in the 2016/17 financial year with the majority being awarded to the claimant. In the survey, in 26 per cent of cases where there was a decision at tribunal claimants were awarded costs (Table 5.20) while in 6 per cent of these cases employers were awarded costs (Table 5.21). These findings are based on the **combined sample of claimants and employers**<sup>49</sup>.

Employers were more likely than claimants to be aware that costs could be awarded against a party if they unreasonably pursued an employment tribunal case. While 67 per cent of **employers** said they were aware of this, this applied to only 54 per cent of **claimants** (Table 5.22). This broadly reflects the findings observed in 2012.

---

<sup>48</sup> <https://www.gov.uk/government/publications/employment-tribunal-penalty-enforcement>

<sup>49</sup> Between July 2013 and July 2017, claimants had to pay fees to submit their employment tribunal claim. Where a claim is successful, tribunal can order the repayment of the fee by cost (expense in Scotland) order. HMCST statistics on cost (expense) orders do not distinguish between the cost (expense) and the employment tribunal claim fees.

In the survey of **claimants**, there were differences by primary jurisdiction: awareness was highest in the 'other' jurisdiction (63 per cent) and lowest in unauthorised deductions from wages cases (46 per cent) (Table 5.23). There were no differences in awareness between claimants who did or did not use a day to day representative, or between those who had or had not sought advice and guidance after submitting their claim. However, awareness was higher among claimants who sought information from any 'passive' sources such as websites, information leaflets etc. (57 per cent compared with 39 per cent of those who had not used these sources) (Table 5.24).

In the survey of **employers**, awareness was highest among those involved in discrimination cases (74 per cent) and lowest in unauthorised deductions from wages cases (56 per cent). Awareness was also lower in 'Fast Track' cases (57 per cent) (Table 5.25). In relation to outcome, awareness was again lowest in cases where the claimant was successful at the tribunal hearing (41 per cent) (Table 5.25).

Table 5.26 explores the effect of awareness of these cost regimes on whether claimants and employers settled or withdrew their cases without going to tribunal. Overall, the majority of **claimants** and **employers** said that the knowledge made no difference on their decision to settle or withdraw the case (62 per cent and 73 per cent respectively). Among **claimants**, the awareness that costs could be awarded against them influenced those who withdrew the case (36 per cent said it made them more likely to withdraw) to a greater extent than those who settled their case (27 per cent of those settled by Acas and 24 per cent settled privately said it made them more likely to settle). There were no differences by **employers** on this issue (Table 5.26).

The survey also investigated whether parties were warned that the tribunal may order them to contribute to the other party's costs (Table 5.19):

- Most parties were not warned by the other party that a tribunal might order them to recompense them for the costs they have incurred: 43 per cent of employers and 38 per cent of claimants said they were warned by the other party.
- Similarly, most parties did not warn the other party that they might have to pay towards their costs: only 36 per cent of claimants and 34 per cent of employers said they warned the other party that a tribunal may order them to recompense them for their costs.

## Chapter 6: Costs and benefits

In this chapter the costs and consequences of the claim to parties are examined. In particular, the focus is on time spent on the case by claimants and employers, costs incurred by claimants, payment of fees and fee remission. The chapter also examines impacts on the employer's workplace and the employment experience of claimants since the claim<sup>50</sup>.

### Key findings

- Just over six in ten **claimants** (63 per cent) reported that they had incurred personal financial costs as a result of the case; specifically:
  - 33 per cent of claimants incurred communication costs. Among those that faced these costs, the median communication cost was £50;
  - 36 per cent incurred travel costs; among these claimants, the median travel cost was £60;
  - 38 per cent suffered a loss of earnings.
- According to management information included in the sample provided by HMCTS, in 96 per cent of the cases covered by the survey claimants either paid an 'issue fee' or qualified for fee remission. The remaining 4 per cent of cases commenced outside the period during which fees were required. In the survey, 29 per cent of **claimants** required to pay an 'issue fee' said that they applied for fee remission; of those that applied for fee remission, 66 per cent said that the application was granted in full and 8 per cent said it was granted in part.
- Two in five **claimants** (39 per cent) said they were asked to pay a hearing fee. One in five of these claimants (19 per cent) said they applied for fee remission and, of these, 57 per cent said that the application was granted in full and 15 per cent in part.
- In cases where **claimants** had to pay fees (i.e. unless a fee remission application was accepted in full), they mostly paid the fees themselves (69 per cent paid for each of the issue fee and the hearing fee themselves). A third party (such as a trade union) paid the issue fee in 17 per cent of cases, and the hearing fee in 11 per cent of cases.
- The median number of days spent on the case by **claimants** was 14, compared with a median of two person days among **employers**.
- At the time of making their claim, nearly all **claimants** (98 per cent) said that they were former or current employees of the organisation against which they made their claim. At the time of the interview, 6 per cent were still working for the employer against which they had made their claim.
- Four in five **claimants** (80 per cent) reported that they had had a paid job since leaving the employer that they had brought the claim against. Where claimants had moved into

<sup>50</sup> As in 2012, SETA 2018 collects estimates of costs and time, and therefore will inevitably contain some reliability biases (particularly amongst the claimant data), as respondents are asked to recall information at least six months after the event. Therefore, findings regarding cost and time estimates must be interpreted with caution and treated as indicative only.

new work, 20 per cent did so within four weeks, although 39 per cent took 25 weeks or more to move into new work.

- As a result of their experience of dealing with the claim, the most common action **employers** had taken was to ensure that existing procedures were followed (58 per cent said this), followed by seeking professional advice prior to taking disciplinary action (29 per cent).

## 6.1 Costs incurred

### Types of costs incurred

Just over six in ten **claimants** (63 per cent) reported that they had incurred personal financial costs as a result of the case. Claimants may face several different types of cost, most notably loss of earnings (38 per cent), communication costs such as telephone calls (33 per cent) and travel costs (36 per cent) (Table 6.1). These findings are broadly in line with those observed for 2012.

The financial costs incurred by **claimants** varied by primary jurisdiction and SETA outcome (Table 6.1):

- Loss of earnings was most commonly reported by claimants in unfair dismissal cases (43 per cent), with the lowest proportions in unauthorised deductions from wages cases (26 per cent) and redundancy cases (22 per cent), as well as in 'Fast Track' cases (25 per cent).
- Travel costs were most prevalent among claimants in discrimination cases (43 per cent) and were least common in redundancy cases (16 per cent), as well as in 'Fast Track' cases (27 per cent).
- When examining personal costs incurred by SETA outcome, claimants who were unsuccessful at tribunal were the most likely to say they incurred costs of some kind (83 per cent), specifically travel costs (68 per cent), communication costs (47 per cent) and loss of earnings (46 per cent). These figures are generally higher than the other SETA outcomes, including those successful at tribunal (of whom only 36 per cent incurred travel costs, for example).
- The proportion that reported costs was also relatively high among claimants whose case was dismissed at a preliminary hearing or disposed of otherwise: 78 per cent said they incurred costs of some kind, most commonly loss of earnings (54 per cent).
- Claimants whose case was withdrawn were least likely to say they incurred costs (56 per cent).

### Costs incurred throughout the employment tribunal

All **claimants** who incurred travel or communication costs were asked to specify the amounts concerned. The median communication costs were £50, while the median travel costs were £60. The median amount of communication and travel costs combined (among those that incurred either or both types of cost) was £75 (Table 6.2).

The median communication costs were broadly consistent across the different jurisdictions and SETA outcomes, except most notably that costs were lower in 'Fast Track' cases (median of £20). Travel costs were highest among claimants in discrimination cases (median of £100), and in cases that were privately settled (median of £100).

## 6.2 Fees

As noted previously, between July 2013 and July 2017, claimants who made a new employment tribunal claim were required to pay a fee when doing so. After completing the employment tribunal application form, claimants were normally required to pay a fee of between £160 and £250, known as an 'issue fee'. Claimants on a low income might not have had to pay the fee or might qualify to pay reduced fees (known as 'fee remission' or help with fees).

According to the information from the sample, for 96 per cent of cases covered in the survey **claimants** either paid an issue fee or qualified for fee remission, while the remaining 4 per cent fell outside of the fee period. This proportion was consistently high across all types of primary jurisdiction. It was also consistently high across most outcomes, with the exception of cases which were dismissed at a preliminary hearing or otherwise disposed (83 per cent).

In some cases, claimants were required to pay a second, larger fee when they were notified about the date for a tribunal hearing (known as a 'hearing fee'), of between £230 and £950.

In the survey, **claimants** were asked whether they had to pay a hearing fee. More than a third of claimants (39 per cent) said that they were asked to pay a hearing fee (on the basis that a hearing date had been set). Claimants who were unsuccessful at a hearing were more likely to say that they had to pay a hearing fee, compared with those that were successful at a hearing (68 per cent compared with 41 per cent); this difference is likely to reflect the fact that some successful claimants were awarded costs or expenses (see section 5.6). The proportion that paid a hearing fee was also lower in 'Fast Track' cases (31 per cent) and 'Unauthorised deductions of earnings' cases (28 per cent) (Table 6.3).

### Claimants' fee remissions

As noted above, almost all **claimants** (96 per cent) either paid an issue fee or qualified for fee remission. Among these claimants, 29 per cent said that they applied for remission of this fee. Claimants whose case was dismissed at a preliminary hearing or otherwise disposed of were most likely to say they applied for fee remission (44 per cent), while the proportion was lowest among claimants whose case was privately settled (21 per cent) (Table 6.4).

Among claimants who had applied for fee remission, two-thirds (66 per cent) said that the application was granted in full and 8 per cent in part (i.e. they paid part of the fee). One in six (17 per cent) said that the application was rejected, and they had to pay the fee in full (Table 6.5).

Of the **claimants** who were asked to pay a hearing fee (39 per cent of all claimants) around one in five (19 per cent) said that they applied for fee remission (Table 6.4). This was lower in cases that were privately settled (7 per cent). Among those that applied for fee remission, 57 per cent said that the application was granted in full, while 15 per cent said it was granted in part and 21 per cent that it was rejected and they had to pay the fee in full (Table 6.5).

In cases where **claimants** had to pay fees (i.e. unless a fee remission application was accepted in full), they were asked who paid for the fees (Table 6.6). In the majority of cases, the claimants paid the fees themselves; specifically, 69 per cent of claimants paid for the issue fee themselves, while the same proportion (69 per cent) paid for the hearing fee themselves. A third party (such as a trade union) paid the issue fee in 17 per cent of cases, and the hearing fee in 11 per cent of cases. In addition, 11 per cent of claimants said that the hearing fee was not paid at all; generally, these were cases that did not end up going to a tribunal (17 per cent of Acas settled cases, 22 per cent of withdrawn cases, and 21 per cent of those that were dismissed at a preliminary hearing or disposed of otherwise).

When asked specifically how fees were paid (either issue fees and/or hearing fees), more than half of claimants (57 per cent) said that they came from their personal income or savings (Table 6.7).

## 6.3 Time spent on the case

### Claimants

**Claimants** were asked to estimate the total time that they spent on the case, from when they started the claim form until when the case was finished<sup>51</sup>. They could give this time in hours or days. For the purposes of analysis, all responses have been converted to days using the assumption that one day represents eight hours.

The median number of days spent on the case by **claimants** was 14, compared with 6 in 2012) (Table 6.8). The mean figure is inflated by survey respondents who gave particularly high figures; specifically, 12 per cent of claimants said that they spent 200 days or more on the case which might be the result of changes to the ET system as simpler cases are likely to be resolved earlier such as during early conciliation. The analysis below therefore focuses on median values, which provide a more reliable indicator when looking at sub-group differences.

The median number of days was highest in discrimination cases (20) and lowest in unauthorised deductions from wages cases (five). The median number of days was also low in 'Fast Track' cases (five). There was also variation between cases where the claimant was unsuccessful at the hearing (median of 20 days) and where the claimant was successful (median of 7.5 days) (Table 6.8).

### Employers

**Employers** were also asked about the time they spent on the case, from when they received the ET3 response form until the point at which the case finished. Firstly, they were asked how many people were involved and spent time on the case<sup>52</sup>. The mean number of people who were involved and spent time on the case was five and the median was four (Table 6.9).

Cases where the primary jurisdiction was unfair dismissal produced the highest mean number of people involved in and who spent time on the case (nine people).

---

<sup>51</sup> Claimants were asked to include time spent travelling, at the hearings, on the telephone or writing letters. They were prompted to give the time actually spent on the case, not the total length or duration of the case.

<sup>52</sup> They were asked to include themselves, other directors and senior managers and any other staff. They were also asked to only include staff in the organisation and not any time spent by representatives or advisers who may have helped with the case.

**Employers** were next asked to break down the time spent on the case so that a total figure could be derived. Time could be given in days or hours and, for the purposes of analysis, answers have been converted to days. The median number of person days spent on the case was 8.75 (five in 2012) (Table 6.10). For the same reasons as with the claimant data described above, the median figures are perhaps a more reliable guide for looking at sub-group differences.

The median number of days incurred by just directors and senior management on the case was 6.25, whilst for 'other staff' was around half a day (0.5 days). This was because 'other staff' were less likely to spend time on a case than directors or senior managers. In cases where 'other staff' do spend some time on the case, the median number of days they spent was three (Table 6.10).

The **combined samples of claimants and employers** show that the average length of the tribunal hearing was 2.8 days (the median number of days was two). Around half of hearings lasted for two or more days (48 per cent), 15 per cent lasted a day and 26 per cent less than one day (Table 6.1). The average length in 2012 was 1.4 days.

## 6.4 Impact of the employment tribunal on claimants' employment and career

Four in five **claimants** who had left the employer who they had brought the claim against reported that they had had a paid job since (80 per cent) (Table 6.13). This was lower among claimants in discrimination cases (73 per cent).

Where claimants had moved into new work, 20 per cent did so within four weeks, although 39 per cent took 25 weeks or more to move into new work. Claimants in 'Open Track' cases tended to take longer to move into new work (49 per cent took 25 weeks or more), compared with those in 'Fast Track' cases (27 per cent). In addition, claimants who were unsuccessful at a hearing took longer to move into work than those who were successful at a hearing (54 per cent and 31 per cent respectively took 25 weeks or more) (Table 6.14).

## 6.5 Employment characteristics of claimants' post-tribunal

At the time of making their claim, nearly all **claimants** (98 per cent) reported that they were former or current employees of the organisation against which they made their claim (Table 8.4). At the time of the interview, 6 per cent were still working for the employer against which they had made their claim (8 per cent in 2012). **Claimants** involved in discrimination cases were most likely to still work for the employer (12 per cent), while those involved in unfair dismissal, breach of contract and redundancy payment cases were least likely to still work for the employer (less than 1 per cent, 3 per cent and no respondents respectively) (Table 6.15).

At the time of interview, three quarters of **claimants** (74 per cent) were in work, 9 per cent were unemployed and looking for work and 4 per cent were unemployed and not looking for work. In total, 13 per cent were economically inactive<sup>53</sup>; this included those who were retired (6

---

<sup>53</sup> Excluding those unemployed and not looking for work and including those who identified their employment status in the 'other' category.



per cent), permanently sick or disabled (3 per cent), temporarily sick or disabled (2 per cent), looking after the home (1 per cent) or studying (1 per cent) (Table 6.16).

Claimants in ‘Open Track’ cases were less likely to be working at the time of the interview (67 per cent) than those in ‘Fast Track’ cases (79 per cent) or ‘Standard Track’ cases (77 per cent).

## 6.6 Impact of the employment tribunal on employers’ workplace

**Employers** were prompted with a list of changes and were asked if they had made any of them as a result of their experience of dealing with the employment tribunal claim. Around two thirds (69 per cent) of **employers** reported changing a policy or saying that they would do things differently in future.

Figure 6.1 shows all the changes employers were prompted with and the proportion that reported making each change as a result of their experience. The most common action **employers** had taken was to ensure that existing procedures were followed (58 per cent said this), followed by seeking professional advice prior to taking disciplinary action (29 per cent). The figures are mostly in line with those seen in 2012, except that in 2012 41 per cent of employers said they made sure procedures were followed, and 22 per cent said they would seek professional advice prior to taking disciplinary action.

**Figure 6.1: Employer changes made as a result of employment tribunal**

All numbers are percentages



Base: All employers (1290)

Several of the changes were more likely to be made where the claimant was successful at hearing (Table 6.17); for example, in cases where the claimant was successful, 38 per cent of **employers** said they would revise employees’ terms and conditions, compared with 11 per cent where the claimant was unsuccessful.

When considering primary jurisdiction, **employers** involved in breach of contract cases were most likely to say they had introduced or reviewed formal disciplinary or grievance procedures (25 per cent). Those involved in unauthorised deductions from wages cases were more likely

than average to say they had revised terms and conditions in employee's contracts (35 per cent), as were those in 'Fast Track' cases (31 per cent) (Table 6.17).

There were also differences in relation to employer characteristics (Table 6.18):

- When examining enterprise size, smaller **employers** were more likely to have made the various changes. For example, the proportion that said they had revised terms and conditions in employees' contracts ranged from 43 per cent among those with fewer than 25 employees to 7 per cent of those with 250 or more employees.
- Public sector employers were less likely to have made changes than private sector employers or those in the non-profit sector. For example, 21 per cent of public sector employers said they would now seek professional advice prior to tasking disciplinary action, compared with 31 per cent of employers in the private sector and 29 per cent in the non-profit sector.

The lower figures for large and public sector employers may be related to greater presence and use of formal procedures before the employment tribunal claim (see section 2.4).

# Chapter 7: Impact and Satisfaction

The first part of this chapter presents information around what the initial expectations of the case were, focusing on what claimants and employers expected the outcome would be.

The second part explores perceptions at the end of the case, examining parties' satisfaction with the employment tribunal system as a whole, and their perceptions of the fairness of their case. Analysis is based on the separate data from the claimant and employer surveys.

## Key findings

- Most **claimants** had positive expectations about the outcome of the case: 92 per cent thought that they had at least an even chance, including 53 per cent who thought that they were very likely to be successful.
- **Employers** were slightly less confident: 87 per cent thought they had at least an even chance, including 39 per cent who thought they were very likely to be successful.
- The majority (60 per cent) of **claimants** said that they were satisfied with the workings of the employment tribunal system, including 27 per cent who were very satisfied. Around one in three (35 per cent) were dissatisfied.
- Amongst **claimants** who were dissatisfied, the most common reasons were that the tribunal system is unfair (19 per cent), that they did not receive any help or support (13 per cent) or that costs were too high (13 per cent).
- Two in three **employers** (64 per cent) said that that they were satisfied with the workings of the tribunal system, while around one in four (28 per cent) was dissatisfied.
- Dissatisfaction among **employers** stemmed from the view that the tribunal system is unfair (15 per cent), being unhappy with the outcome (15 per cent) or the belief that the system was biased (14 per cent).
- Among **claimants** whose case went to a hearing, more than half (57 per cent) believed that the employment tribunal hearing gave each party a fair chance to make their case. The corresponding proportion was much higher among **employers** (85 per cent).

## 7.1 Initial expectations

**Claimants'** expectations about the outcome of the case at the point of initiating their claim were generally positive (Table 7.1). Nearly all claimants (92 per cent) thought that they had at least an even chance, and this included 53 per cent who thought that they were very likely to be successful. These positive views were widespread, even where the outcome turned out to be unsuccessful. For example, only 2 per cent of those whose claim turned out to be unsuccessful at tribunal, expected this to be the outcome at the start of the claim (Table 7.1). Claimants' expectations about the outcome of their case were slightly more positive than those seen in 2012.

**Employers** were slightly less sure than claimants about their likelihood of success (Table 7.1). Most (87 per cent) thought they had at least an even chance, including 39 per cent who thought they were very likely to be successful, although 5 per cent thought they were likely to be unsuccessful when they first received the notification form. Employers' expectations varied to some extent in relation to the eventual outcome: employers were more likely to say they were very likely to be successful where the case was withdrawn (59 per cent) or where the claimant was unsuccessful at tribunal (60 per cent). This suggests that employers were more realistic than claimants about their chances of success. These findings for employers are in line with those observed in 2012.

## 7.2 Satisfaction with employment tribunal system

### Claimants

When asked in general how satisfied they were with the workings of the employment tribunal system (Table 7.2), three in five claimants (60 per cent) said that they were satisfied, including 27 per cent who were very satisfied. Around one in three (35 per cent) were dissatisfied. In 2012, 72 per cent of claimants were satisfied and 24 per cent were dissatisfied.

As might be expected, satisfaction varied according to the outcome of the case. Satisfaction was highest where the claimant was successful at tribunal (72 per cent) or where the case was Acas settled (71 per cent) or privately settled (69 per cent) (Table 7.2).

While there were no differences in satisfaction by gender, satisfaction did vary by age (Table 7.3). Claimants aged under 25 were more likely than older claimants to be satisfied (81 per cent compared with between 58 per cent and 62 per cent in older age bands).

Claimants who were dissatisfied with the workings of the employment tribunal system were asked why this was (Table 7.5). A variety of answers was given. The most frequent response was that they thought the tribunal system was unfair (19 per cent), while 13 per cent felt that they did not receive any help or support, and the same proportion (13 per cent) said that the costs were too high. Other reasons were that the process took longer than it should (9 per cent), they were unhappy with the outcome (9 per cent), the paperwork or process was too long or complicated (8 per cent), that the system was biased (7 per cent) and that communication was poor (7 per cent).

### Employers

Two in three employers (64 per cent) said that they were satisfied with the workings of the employment tribunal system, while around one in four (28 per cent) were dissatisfied (Table 7.2). Employers were slightly more likely than claimants to be satisfied. This is in contrast to the 2013 survey when employers were less satisfied than claimants; however, in both 2012 and 2017, employers were less likely than claimants to be 'very satisfied' (18 per cent compared with 27 per cent in 2017). Employers' satisfaction varied according to case outcome. Satisfaction was highest where the claimant was unsuccessful at tribunal (82 per cent) or where the case was dismissed at preliminary hearing or disposed of otherwise (78 per cent).

There were also variations by sector and size (Table 7.4). Satisfaction was highest among public sector employers (78 per cent), while those in the private sector were least likely to be satisfied (59 per cent). In terms of size, satisfaction was higher among larger employers, with

the proportion satisfied ranging from 43 per cent among those with fewer than 25 employees, to 77 per cent among those with 250 employees or more.

Employers who said that they were dissatisfied with the workings of the employment tribunal system were asked why this was (Table 7.5). Employers were most likely to say that the tribunal system was unfair (15 per cent), that they were unhappy with the outcome (15 per cent) or that the system was biased (14 per cent). The other reasons given were that the process took longer than it should (12 per cent), the case should not have gone to a tribunal (10 per cent), the claimant did not have a case (8 per cent), the costs were too high (7 per cent), that they didn't feel listened to or that their evidence was ignored (7 per cent) or that the system encouraged employees to make false or exaggerated claims (7 per cent).

## 7.3 Fairness of employment tribunal hearing

### Claimants

**Claimants** whose case involved a decision at a tribunal were asked whether they felt that the tribunal gave each party a fair chance to make their case (Table 7.6). The majority of claimants (57 per cent) believed that the employment tribunal hearing gave each party a fair chance. Where this was not the case, claimants were more likely to say that the hearing was more favourable to the employer (32 per cent) than to the claimant (2 per cent). In 2012, 66 per cent of claimants said the tribunal gave each party a fair chance to make their case.

Attitudes are clearly related to the case outcome (Table 7.6). Claimants who were successful at tribunal were considerably more likely to say that the employment tribunal hearing gave each party a fair chance to make their case (78 per cent) than claimants who were unsuccessful at the hearing (37 per cent). This was also the case in 2012.

Analysis by demographic characteristics (Table 7.7) shows differences by ethnic group, with white claimants more likely than those from other ethnic groups to say that the employment tribunal hearing gave each party a fair chance to make their case.

### Employers

A large proportion of employers (85 per cent) believed that the employment tribunal hearing gave each party a fair chance to make their case (Table 7.6), while one in eight (12 per cent) felt that the hearing was more favourable to the claimant. There were no employers that said that the process favoured their organisation. In 2012, 73 per cent of employers said the tribunal gave each party a fair chance to make their case.

In cases where the claimant was unsuccessful at the hearing, employers were more likely to feel that the employment tribunal hearing gave each party a fair chance to make their case (96 per cent), compared with cases where the claimant was successful at the hearing (68 per cent) (Table 7.6).

Enterprises with fewer than 25 employees were less likely than larger enterprises to feel that the employment tribunal hearing gave each party a fair chance to make their case (72 compared with 87 per cent in for employers with between 25 and 249 employees and 96 per cent for employers with 250 or more employees). (Table 7.8).

## Chapter 8: Characteristics of parties

In this chapter, information is provided about the characteristics of the parties involved in employment tribunal cases. Where possible, characteristics are compared with those found in the 2013 SETA and with the profile of the employed workforce in Great Britain, based on data from the 2017 Annual Population Survey (APS) (October 2016 to September 2017). The APS data are shown in Tables 8.3 and 8.6.

The characteristics covered for claimants (Tables 8.1 to 8.6) include:

sex  
ethnicity  
age  
disability  
religion  
marital and relationship status  
having children  
caring responsibilities  
sexual identity  
educational qualifications  
and a range of employment-related characteristics.

The characteristics covered for employers (Table 8.6 and 8.7) include:

sector  
industry  
the size of the workforce and workplace  
and whether they are single or multi-site organisations.

### Key findings

- In comparison with the employed workforce as a whole, **claimants** involved in employment tribunals were more likely to be older (54 per cent were aged 45-64 compared with 38 per cent of all employees) and were more likely to be male (56 per cent compared with 51 per cent in the employed workforce as a whole).
- More than a quarter of **claimants** (29 per cent) had a long-standing illness, disability or infirmity that limited their activities in some way, double the proportion of those in the employee population (13 per cent).
- Three in four **claimants** were white (74 per cent), lower than the workforce in general (88 per cent). Two thirds of claimants regarded themselves as belonging to a religion (66 per cent), higher than the workforce in general (59 per cent).
- The majority of **claimants** identified themselves as heterosexual (92 per cent), while 2 per cent identified as gay/lesbian and 1 per cent as bisexual.
- More than a quarter of **claimants** (28 per cent) looked after family members or friends who had a long-term illness or had problems related to old age.

- More than a third of **claimants** (36 per cent) were qualified to degree level or higher at the time of their employment tribunal claim.
- Of cases involving **claimants** who were current or former employees, 91 per cent were brought by claimants employed in permanent jobs.
- The median annual pay for **claimants** in full-time permanent jobs was £28,000.
- More than a quarter of **claimants** (27 per cent) received some sort of state benefits at the time of their claim, compared with 22 per cent in the working population.
- More than a quarter of **claimants** (28 per cent) were members of a trade union or staff association at the time of their employment tribunal claim, slightly higher than the proportion of employees nationally (23 per cent).
- The private sector accounted for 70 per cent of **employers** in employment tribunal cases, the public sector for 17 per cent and the non-profit sector for 12 per cent.
- More than half of **employers** in employment tribunal cases had multiple workplaces in the UK (57 per cent).
- Over four-in-ten employment tribunal cases involved workplaces with fewer than 25 employees (41 per cent).

## 8.1 Personal characteristics of claimants

- The age profile of claimants (shown in Figure 8.1) is similar to that found in 2012. In comparison with the workforce as a whole, employment tribunal claimants had an older age profile: they were more likely to be aged 45-64 (54 per cent of employment tribunal claimants compared with 38 per cent of all employees) and less likely to be aged under 25 (4 per cent compared with 13 per cent) (Table 8.1 and 8.3).
- There was no clear pattern in the age profile by jurisdiction, except that unauthorised deductions from wages claims were most likely to involve claimants aged under 25 (12 per cent). In addition, a relatively high proportion of 'Fast Track' cases involved claimants aged under 25 (9 per cent), while claimants involved in 'Standard Track' cases had an older age profile (64 per cent aged 45 or over). (Table 8.1).
- Over half of claimants were men (56 per cent), similar to the proportion in 2012 (57 per cent). This is somewhat higher than the proportion of the employed workforce as a whole (51 per cent). Men were particularly likely to be involved in unauthorised deductions from wages and unfair dismissal claims (67 per cent and 65 per cent respectively), while 'Open Track' cases had a lower proportion of male claimants (47 per cent) than 'Fast Track' cases (61 per cent) or 'Standard Track' cases (63 per cent). As in previous years, this is likely to be explained by the proportion of sex discrimination cases brought forward by women (Table 8.1 and 8.3).
- Just over a third of claimants (36 per cent) had a long-standing illness, disability or infirmity at the time of their claim, compared with 26 per cent in 2012. This is higher than the proportion among employees in general (28 per cent). In total, 29 per cent of claimants had a long-standing illness, disability or infirmity that limited their activities in some way, compared with 19 per cent in 2012 and 13 per cent of the employee population (Table 8.1 and 8.3).

- As in 2012, the proportion of claimants who had a long-term disability was highest in discrimination cases (53 per cent had a limiting illness, disability or infirmity) (Table 8.1).
- The profile of claimants was more ethnically diverse than in previous years. Three in four claimants (74 per cent) were white, compared with 82 per cent in 2012. This is also lower than the workforce in general (88 per cent). The proportion was much lower in discrimination cases, where only 67 per cent of claimants were white, and in unauthorised deductions from wages cases (62 per cent) (Tables 8.1 and 8.3).
- Two thirds of claimants regarded themselves as belonging to a religion (66 per cent), in line with 2012. The majority of these (55 per cent of all claimants) regarded themselves as Christian. Overall, 10 per cent of all claimants regarded themselves as belonging to a religion other than Christianity, while 31 per cent of claimants reported that they do not belong to any religion. In the workforce as a whole, a greater proportion say they do not belong to any religion (41 per cent), while 51 per cent regard themselves as Christian and 8 per cent as belonging to another religion (Tables 8.1 and 8.3).
- Around half (49 per cent) of claimants were married or registered in a civil partnership at the time of the employment tribunal claim and 61 per cent were living as part of a couple. These figures are similar to those recorded in 2012, and are broadly in line with the working population: the same proportion are married or registered in a civil partnership (49 per cent) and two thirds (66 per cent) are living together as part of a couple (Tables 8.1 and 8.3).
- The majority of claimants identified themselves as heterosexual (92 per cent), while 2 per cent identified as gay/lesbian and 1 per cent as bisexual. A further 1 per cent answered that they did not know, and 4 per cent refused to answer (Table 8.1).
- Around two in five claimants (42 per cent) had dependent children aged under 19 at the time of their employment tribunal claim (Table 8.1); this is not comparable with the 2012 figure (which was based on children aged under 16).
- At the time of their employment tribunal claim, more than a quarter of claimants (28 per cent) looked after family members or friends who had a long-term illness or had problems related to old age. This is higher than the proportions recorded in previous years (14 per cent in 2007, 20 per cent in 2012) (Table 8.1).
- More than a third of claimants (36 per cent) were qualified to degree level or higher at the time of their employment tribunal claim, and a similar proportion (38 per cent) had an 'other' qualification. A quarter of claimants (24 per cent) had no qualification at all. In 2012, 29 per cent were qualified to degree level and 21 per cent had no qualifications. The proportion of claimants without any qualifications is higher than among the employed population generally (5 per cent). Consistent with the employed population generally, people aged under 25 were less likely to be qualified to degree level, and more likely to have an 'other' qualification.
- Discrimination cases had the largest proportion of claimants educated to degree level (47 per cent), while Redundancy Payments cases had the largest proportion of claimants with no qualifications (34 per cent) (Table 8.1 and 8.3).
- Claims made by those aged under 25 were more than twice as likely to be fast track cases than those brought by older claimants (43 per cent compared with 16 to 19 per cent for older claimants). Nearly half (48 per cent) of cases brought by claimants educated to degree level were open track claims. Those with no qualification or an



'other' qualification more likely to bring standard track cases (44 per cent and 43 per cent, respectively).

## 8.2 Employment-related characteristics of claimants

- Almost all claimants (98 per cent) were current or former employees of the organisation against whom they brought their employment tribunal claim. This is in line with 2012. One per cent were job applicants, although this proportion rose to 3 per cent in discrimination cases (Table 8.4).
- Of cases involving claimants who were current or former employees, 91 per cent were brought by claimants who were employed in permanent jobs. Claimants involved in unauthorised deductions from wages cases were less likely to be employed in a permanent job (78 per cent). The proportion of claimants working in permanent positions reflects the workforce as a whole (94 per cent) (Table 8.4 and 8.6).
- The most common occupation group amongst claimants was associate professional and technical occupations, with 20 per cent of claimants falling into this category. When compared with employees in the workforce as a whole, claimants were more likely to be managers, directors and senior officials (16 per cent of claimants compared with 10 per cent of all employees) or in associate professional and technical occupations (20 per cent compared with 14 per cent), and were less likely to be in professional occupations (14 per cent of claimants compared with 21 per cent of all employees) (Tables 8.4 and 8.6).
- Unauthorised deductions from wages cases were less likely to involve claimants in manager, director and senior official occupations (8 per cent compared with 16 per cent of all cases), and were more likely to involve claimants in skilled trade occupations (15 per cent compared with 8 per cent overall) and elementary occupations (18 per cent compared with 11 per cent overall) (Table 8.4 and 8.6).
- The median annual pay for claimants in full-time permanent jobs was £28,000, compared with £23,600 in the 2013 survey. Claimants' median pay was slightly higher than for employees nationally in full-time permanent jobs (£27,000). (Table 8.4 and 8.6).
- More than a quarter of claimants (27 per cent) received some sort of state benefits at the time of their claim. The equivalent figure amongst the working population is 22 per cent. The most common benefit received amongst claimants was Jobseeker's Allowance (JSA), which 9 per cent of all claimants were receiving. Four per cent of all claimants received Employment and Support Allowance (ESA) and 2 per cent received Disability Living Allowance, but these figures were higher amongst those in discrimination cases (8 per cent and 5 per cent respectively) (Tables 8.4 and 8.6).
- More than a quarter of claimants (28 per cent) were members of a trade union or staff association at the time of their employment tribunal claim, slightly higher than the proportion of employees nationally (23 per cent). As in 2012, discrimination cases had the highest proportion of claimants who were members of a trade union or staff association (40 per cent); the proportion was relatively low in 'Fast Track' cases (15 per cent) (Table 8.4). When considering outcome, trade union membership was highest among claimants in cases which were withdrawn (39 per cent) and lowest where the claimant was successful at tribunal (16 per cent) (Table 8.5).

- Nine per cent of claimants had previously made an employment tribunal claim, compared with 12 per cent in 2012 (Table 8.4).

### 8.3 Characteristics of employers

- The private sector accounted for 70 per cent of employment tribunal cases, the public sector for 17 per cent and the non-profit sector for 12 per cent. These figures are in line with 2012 (Table 8.7).
- The private sector had a lower share of discrimination cases (56 per cent) than their share of employment tribunal cases as a whole (70 per cent), and the public sector a higher share of these cases (28 per cent compared with their 17 per cent share of claims). This pattern is the same as that found in 2012. Unauthorised deductions from wages cases were mostly in the private sector (86 per cent), with a small proportion in the public sector (6 per cent). 'Fast Track' cases were also disproportionately in the private sector (82 per cent) (Table 8.7).
- More than half of employers responding to a claim had multiple workplaces in the UK (57 per cent), similar to 2012 (Table 8.7).
- Again, as in 2012, workplaces with fewer than 25 employees accounted for the highest proportion of employment tribunal cases. More than four-in-ten (41 per cent) of claims in the employer survey were found in workplaces with fewer than 25 employees. This compared with workplaces with 250 or more employees which accounted for 21 per cent of claims in the employer survey (Table 8.7).
- Employers responding to claims were asked how many people worked for the whole organisation in the UK. A quarter of employers (25 per cent) employed fewer than 25 employees in the UK, while 9 per cent had 25-49 employees, 21 per cent 50-249 and 45 per cent 250 or more. These findings are in line with those found in 2012 (Table 8.7). Comparing these figures to the proportion in the employee population of the UK, 31 per cent were working for organisations with fewer than 50 employees, 14 per cent for employers with 50-249 employees and 56 per cent for employers with 250 or more employees.<sup>54</sup>
- In line with previous years, large employers were disproportionately involved in discrimination cases. More than half of discrimination cases (59 per cent) involved employers with 250 or more employees in their organisation (compared with 45 per cent of all cases). By contrast, half of unauthorised deductions from wages cases (50 per cent) involved employers with fewer than 25 employees (compared with 25 per cent of cases overall). Employers involved in 'Fast Track' cases also tended to be small (45 per cent had fewer than 25 employees) (Table 8.7).

---

<sup>54</sup> <https://www.gov.uk/government/statistics/business-population-estimates-2017>

# Annex A (Multivariate Analysis)

## Introduction

In order to better understand the relationships between specific features of cases and the final case outcomes, four regression models have been produced:

- Two multinomial models predicting the broad case outcome (hearing vs. settled vs. withdrawn/dismissed). One model is from the claimant's perspective (Model A1), while the other is from the employer's perspective (Model A2);
- Two binary logistic models predicting whether or not the claimant was successful in cases which went to hearing. Again, one model is from the claimant's perspective (Model B1), while the other is from the employer's perspective (Model B2).

With regression models, we estimate the unique relationships between a dependent variable (or 'outcome') and a set of independent variables (or 'predictors'). In other words, we estimate the association between a given predictor and a given outcome, while holding other predictors constant.

For models A1 and A2, the dependent variable was the broad case outcome, classified into three levels (hearing, settled and withdrawn/dismissed). Models B1 and B2 were limited to only those cases which went to hearing; the dependent variable was whether or not the claimant was successful. Table 1 details how these dependent variables were defined.

**Table 1: Definition of dependent variables**

Categories of dependent variable	Case outcome (csvout2)
<b>Models A1 and A2</b>	
Case went to hearing	Applicant unsuccessful at hearing; Applicant successful at hearing; Default judgment in favour of claimant
Case settled prior to hearing	Acas settled; Privately settled
Case withdrawn or dismissed	Withdrawn; Dismissed/other
<b>Models B1 and B2</b>	
Claimant successful	Applicant successful at hearing; Default judgment in favour of claimant
Claimant unsuccessful	Applicant unsuccessful at hearing

## Independent variables

We divided the predictors into three types: characteristics of the **case** itself, characteristics of the **claimant** (i.e. demographic information), and characteristics of their **employment** prior to the application. Some information is only recorded for either claimants or employers, while other information is collected for both claimants and employers. Table 2 outlines the variables considered for the models, and whether they were available for claimants, employers, or both.

Most of the predictors are categorical variables. The estimated coefficients should then be interpreted with respect to the stated reference category. For example, in Model A1, ‘Breach of contract (fast track)’ cases are more likely to go to hearing than be withdrawn/dismissed *compared to cases classified as ‘Any discrimination’*.

The claimant’s employment tenure and salary before the application are treated as though continuous variables. This preserves the ordering of the categories but requires the assumption that the relationship with the dependent variable is monotonic i.e. that the levels of employment tenure and salary are equally spaced with respect to their relationship with the dependent variable. The levels used for these variables are listed in Table 3.

**Table 2: Predictors considered for regression models**

Type	Variable	Available for claimants, employers or both
<b>Case characteristics</b>	Jurisdiction / case track	Both claimants and employers
	Number of jurisdictions	Both claimants and employers
	Early conciliation	Claimants only <sup>55</sup>
	Whether claimant received day to day help with case (and if so, who from)	Claimants only
	Whether employer received day to day help with case (and if so, who from)	Employers only
	Whether claimant had representative at hearing (Model B1 only)	Claimants only
	Whether employer had representative at hearing (Model B2 only)	Employers only
	Whether a representative was appointed prior to the hearing	Both claimants and employers
	Whether employer made settlement offer (Models B1 and B2 only)	Both claimants and employers
	Whether there was some form of written communication prior to the application	Both claimants and employers

<sup>55</sup> Information about early conciliation was collected from both claimants and employers. However, given the amount of missing data for employers (around 10% of employers said they ‘did not know’ whether or not the claimant and employer had agreed to take part in early conciliation), and the difficulty in distinguishing between cases where the claimant *refused* the offer of early conciliation and cases where the employer was *unaware* of decisions about early conciliation, we did not include this variable in the employer-level models.

Type	Variable	Available for claimants, employers or both
	Whether there was a formal meeting about the issue between the claimant and the employer prior to the application	Both claimants and employers
Claimant characteristics	Claimant sex	Both claimants and employers
	Claimant age	Both claimants and employers
	Claimant ethnicity	Claimants only
	Claimant disability status	Claimants only
	Claimant qualification level	Claimants only
	Whether claimant had a child under the age of 19 at the time of the application	Claimants only
	Whether claimant had caring responsibilities for a friend/family member with a long-term illness of disability at the time of the application	Claimants only
	Whether claimant received benefits at the time of application	Claimants only
	Whether claimant had dealt with/made an application to the Employment Tribunal previously	Claimants only
Employment characteristics	Claimant occupation (SOC)	Claimants only
	Employer industry (SIC)	Both claimants and employers
	Type of organisation (public, private, non-profit)	Both claimants and employers
	Employer size	Both claimants and employers
	Claimant employment tenure	Both claimants and employers
	Claimant salary	Both claimants and employers
	Whether trade unions or staff associations were present in the workplace	Both claimants and employers
	Whether claimant was a member of a trade union	Claimants only
	Whether employer has written disciplinary and/or grievance policies	Employers only
	Whether employer had been involved in other cases in the last two years	Employers only

**Table 3: Levels for claimant employment tenure and salary prior to the application**

Variable	Levels
Claimant employment tenure prior to application	<ol style="list-style-type: none"> <li>1. 0-6 months / never worked for employer</li> <li>2. 7-23 months</li> <li>3. 2-5 years</li> <li>4. 6-10 years</li> </ol>

	<ol style="list-style-type: none"> <li>5. 11-20 years</li> <li>6. More than 20 years</li> </ol>
Gross annual claimant salary prior to application	<ol style="list-style-type: none"> <li>1. Under £10,000</li> <li>2. £10,000-£14,999</li> <li>3. £15,000-£19,999</li> <li>4. £20,000-£24,999</li> <li>5. £25,000-£29,999</li> <li>6. £30,000-£39,999</li> <li>7. £40,000 or above</li> </ol>

## Model specification and variable selection

For each of the two dependent variables, we first built a model with *all* cases, using only the variables available for both claimants and employers. We then fit this model separately for claimants and employers. This allowed us to check that the estimates from this core specification were reasonably consistent across the sample for claimants and employers. We found that two variables (SIC and type of organisation) gave quite different estimates for claimants and employers. We excluded these two variables from the models as such differences indicate these were not reliable predictors. There are a number of possible reasons for such differences including: differences in how claimants and employers respond to these survey questions, or residual differences after weighting in the types of claimants and employers completing the survey.

The next stage was to use this core common specification as the starting point for building claimant- and employer- specific models. For the claimant-level models, we added claimant-specific variables to the core specification: first case characteristics, then claimant characteristics, and finally employment characteristics. We followed an equivalent process for building the employer-level models.

We did not include all available predictors in the final model specification. We excluded predictors if the association with the dependent variable was weak (and there was no other strong rationale for keeping the predictor in the model), if the confidence intervals were very wide (i.e. if there was much uncertainty about the scale or direction of an association), or if there was correlation between certain predictors such that estimates were unstable.

## Interpreting coefficients

Figures A1 to B2 show the estimated coefficients for the relationship between the independent and dependent variables for each model. The confidence intervals express the uncertainty about the scale of estimated effects.

With models A1 and A2, the estimates are shown as the association between predictors and (i) a case being withdrawn/dismissed as opposed to going to hearing, and (ii) a case being settled as opposed to going to hearing. A coefficient greater than zero indicates a positive relationship, while a coefficient less than zero indicates a negative relationship.

For example, looking at sources of day to day help for claimants (Model A1):

- If a claimant received **day to day help from a solicitor**, the case was more likely to be settled than to go to hearing (the estimated coefficient is greater than zero);
- However, whether or not a claimant received day to day help from a solicitor does not seem to be strongly associated with whether or not the case would be

withdrawn/dismissed rather than go to hearing (the estimated coefficient is close to zero).

Models B1 and B2 are simpler to interpret as there are only two levels to the dependent variable: either the claimant was successful, or they were unsuccessful. A coefficient greater than zero indicates that a claimant was more likely to be successful in such a case, while a coefficient less than zero indicates a claimant was less likely to be successful. For example, a claimant was more likely to be successful if they had a **representative at the hearing** (Figure B1, the estimated coefficient is greater than zero).

## Summary of results from multivariate analysis

Across both the **claimant** (A1) and the **employer** (A2) models, discrimination cases were more likely to be withdrawn/dismissed or settled than to go to a hearing when compared to cases in other jurisdictions. This was particularly true when compared to fast track breach of contract and unauthorised deductions from wages cases.

Size of employer similarly showed a consistent pattern across both **claimant** and **employer** data. Cases involving large employers (with 250 or employees) were more likely to be withdrawn/dismissed than to go to a hearing, when compared to smaller employers.

In the **claimant** data, the outcome differed in relation to the use of early conciliation. Cases where both parties agreed to early conciliation were more likely to be settled than to go to a hearing. Where the claimant refused early conciliation, cases were more likely to be withdrawn.

Day-to-day help was also an important factor for the outcome in both the **claimant** and **employer** data. Among **claimants**, cases were more likely to be settled where the claimant received day-to-day help from a solicitor. Among **employers**, cases were a little more likely to be settled than to go to a hearing if the employer received internal day-to-day help.<sup>56</sup>

Models B1 and B2 are limited to the cases that went to a hearing. They explore the factors related to whether claimants were successful or not at that point.

Across both **claimant** and **employer** data, claimants bring fast track breach of contract or unauthorised deductions from wages cases were more likely to be successful, when compared to other jurisdictions.

Representation at the hearing was also important for both claimants and employers to be successful. In the **claimant** data, claimants with a representative at the hearing were more likely to be successful. Conversely, in the **employer** data, if the employer had a representative, the claimant was much less likely to be successful.

In the **employer** data, claimant was more likely to be successful if a settlement offer had previously been made.

According to the **employer** data, claimants were much less likely to be successful where the employer had both written disciplinary and grievance procedures.

Claimant characteristics were also associated with the outcome of the hearing. These do not necessarily show any *causal* link. It may simply be differences in the types of cases different kinds of claimants bring. Older claimants, claimants with a disability and claimants whose

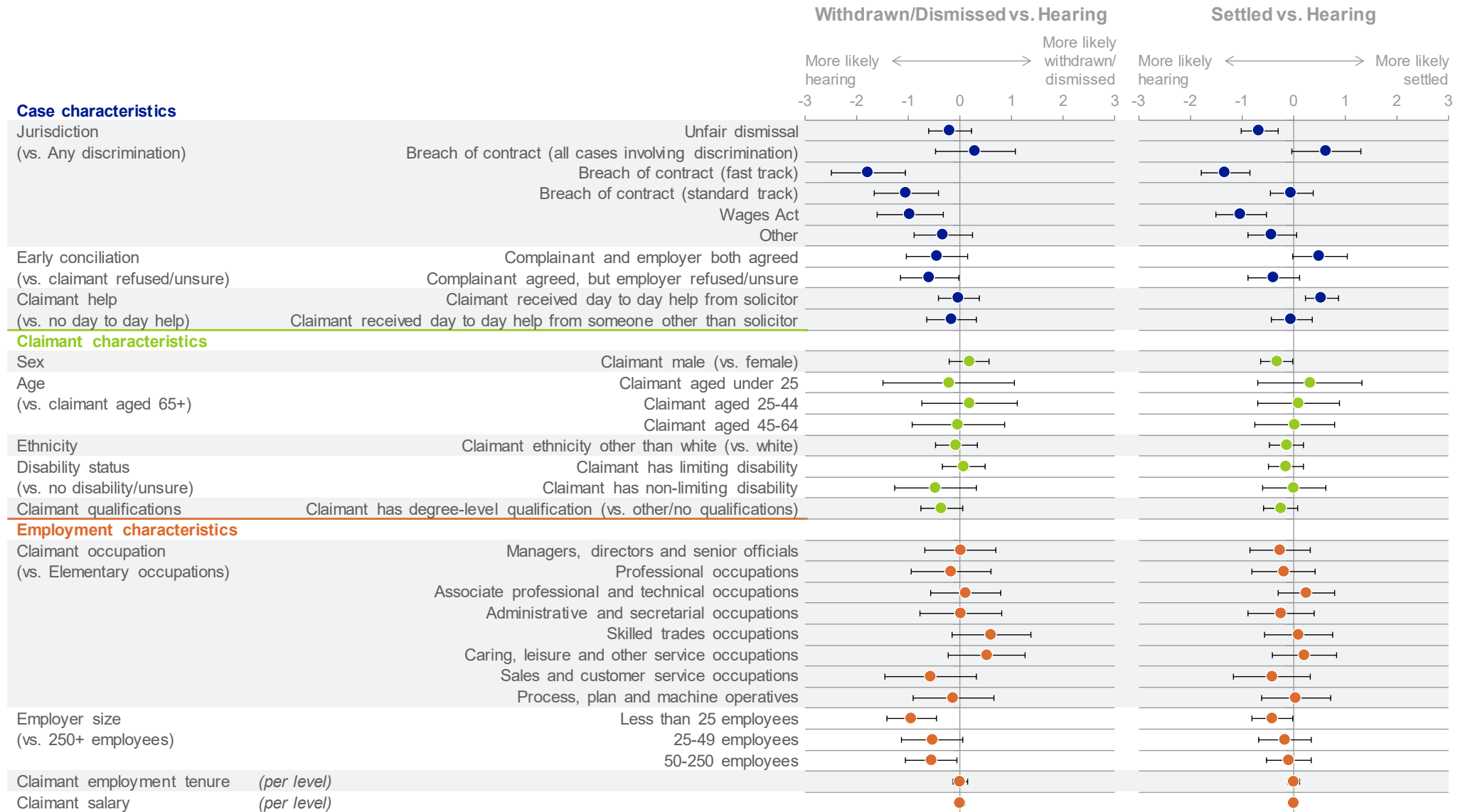
---

<sup>56</sup> That is: help from an owner/senior manager/general manager, from a personnel or human resources specialist, or from a legal specialist in the company/company lawyer.

ethnicity was not white were less likely to be successful than younger claimants, claimants with no disability and claimants whose ethnicity was white, respectively.



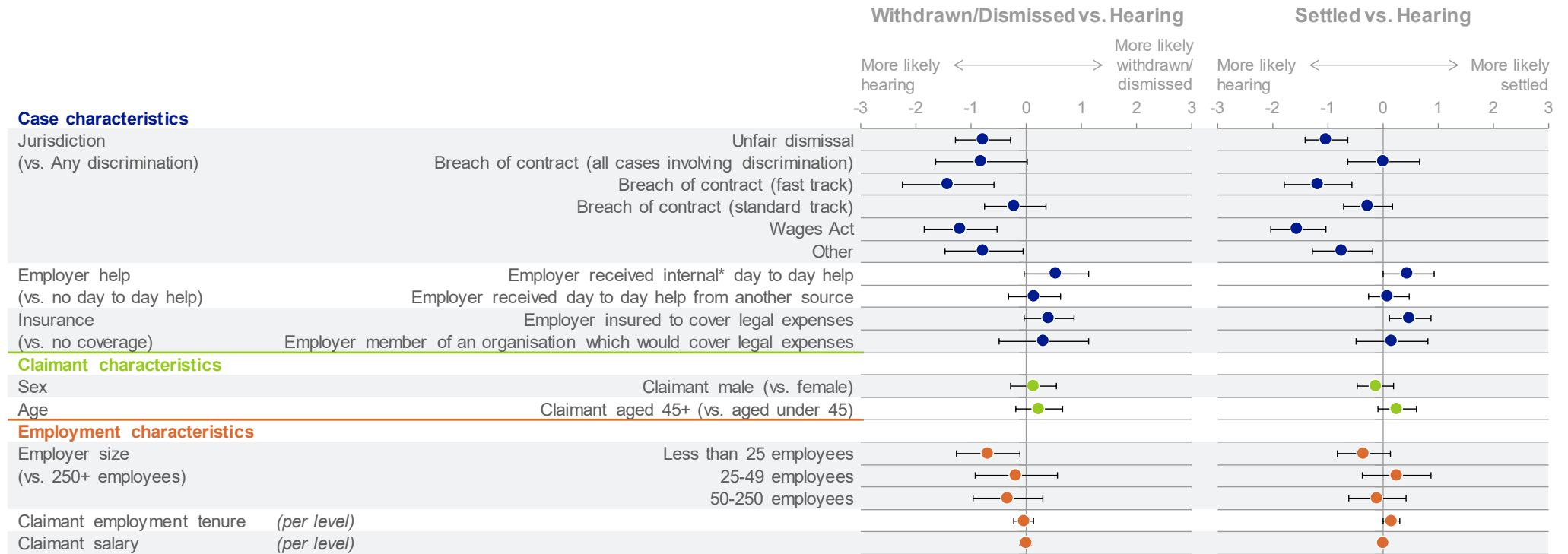
**Figure A1: Estimated coefficients from Model A1 (claimant-level model predicting broad case outcome)**



Employment tenure: six categories from '0-6 months/never worked for employer' to 'more than 20 years'

Salary: seven categories from 'Under £10,000' to '£40,000 or above'

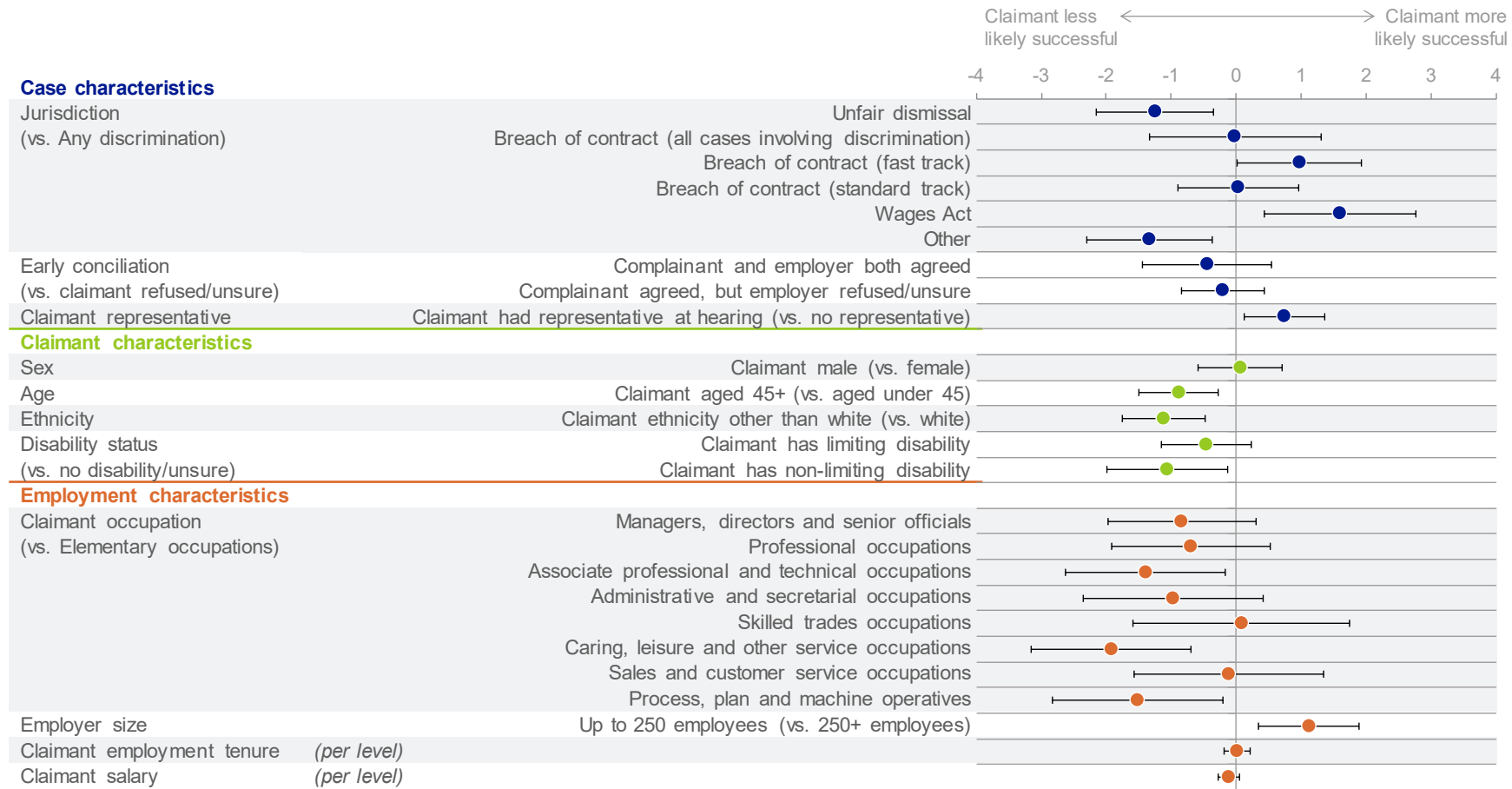
**Figure A2: Estimated coefficients from Model A2 (employer-level model predicting broad case outcome)**



Employment tenure: six categories from '0-6 months/never worked for employer' to 'more than 20 years'

Salary: seven categories from 'Under £10,000' to '£40,000 or above'

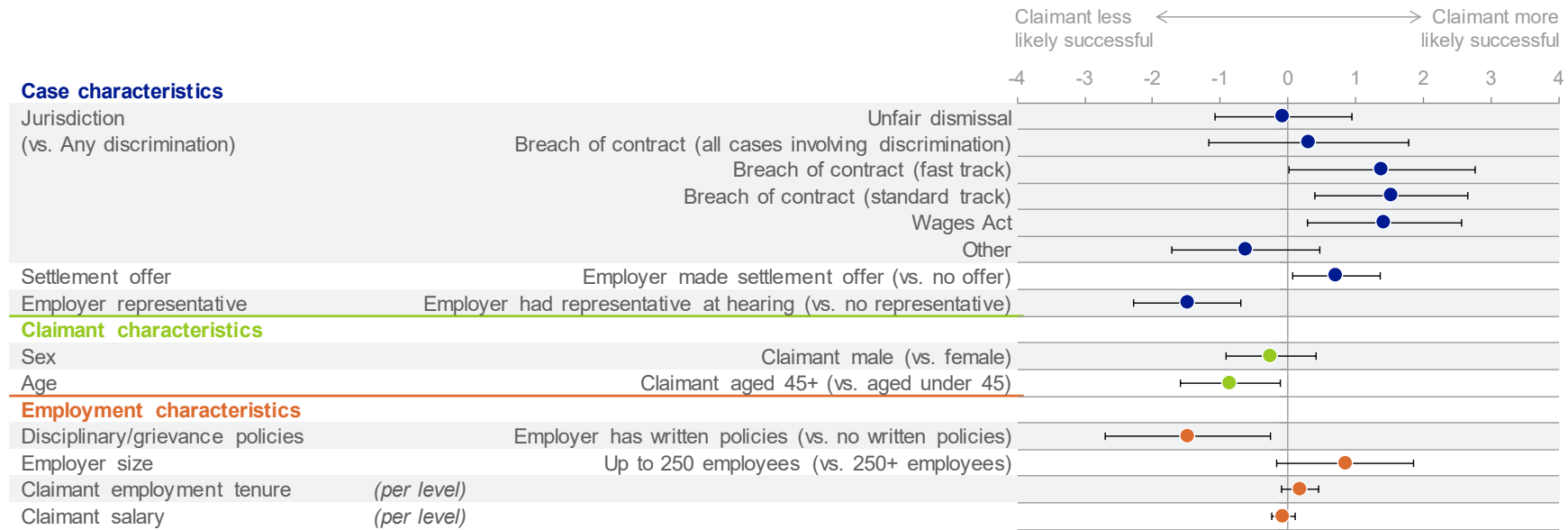
**Figure B1: Estimated coefficients from Model B1 (claimant-level model predicting claimant success in cases which go to hearing)**



Employment tenure: six categories from '0-6 months/never worked for employer' to 'more than 20 years'

Salary: seven categories from 'Under £10,000' to '£40,000 or above'

**Figure B2: Estimated coefficients from Model B2 (employer-level model predicting claimant success in cases which go to hearing)**



*Employment tenure: six categories from '0-6 months/never worked for employer' to 'more than 20 years'*

*Salary: seven categories from 'Under £10,000' to '£40,000 or above'*

## Interpreting the models

The final model specifications are shown in Tables A1 to B2. The columns labelled ‘co-efficient’ gives the estimated regression co-efficient associated with that category. A value greater than 0 indicates a positive relationship with the dependent variable (with respect to the reference category), while a value less than 0 indicates a negative relationship. The 95% confidence intervals for the co-efficient are also given.

The column labelled ‘odds ratio’ expresses the co-efficient as the ratio of the odds of (e.g. for model B1) a successful hearing for respondents in the given category and the equivalent odds of a successful hearing for respondents in the given reference category, controlling for other variables in the model. In this case, a value greater than 1 indicates a positive relationship, while a value less than 1 indicates a negative relationship. Again, the 95% confidence intervals are also given.

The column labelled ‘p’ gives the result of a t-test for each category. A value below 0.05 is usually considered a ‘statistically significant’ association.

**Table A1: Multinomial regression predicting broad case outcome (claimant-level model)**

	Co-efficient			Odds ratio			p
	B	Confidence intervals		exp(B)	Confidence intervals		
		Lower	Upper		Lower	Upper	
<b>Withdrawn/dismissed vs. Hearing</b>							
(Intercept)	1.49	0.08	2.90	4.43	1.08	18.17	0.039
<i>Case characteristics</i>							
<b>Jurisdiction:</b> Unfair dismissal (standard track) ( <i>vs. Any discrimination</i> )	-0.20	-0.62	0.22	0.82	0.54	1.24	0.349
<b>Jurisdiction:</b> Breach of contract (all cases involving discrimination) ( <i>vs. Any discrimination</i> )	0.30	-0.47	1.06	1.35	0.63	2.90	0.446
<b>Jurisdiction:</b> Breach of contract (fast track) ( <i>vs. Any discrimination</i> )	-1.77	-2.49	-1.05	0.17	0.08	0.35	0.000
<b>Jurisdiction:</b> Breach of contract (standard track) ( <i>vs. Any discrimination</i> )	-1.04	-1.67	-0.41	0.35	0.19	0.66	0.001
<b>Jurisdiction:</b> Unauthorised deductions from wages ( <i>vs. Any discrimination</i> )	-0.97	-1.61	-0.33	0.38	0.20	0.72	0.003
<b>Jurisdiction:</b> Other (all tracks) ( <i>vs. Any discrimination</i> )	-0.33	-0.90	0.24	0.72	0.41	1.27	0.255
<b>Early conciliation:</b> Complainant and employer both agree to take part in early conciliation ( <i>vs. claimant refuse/not offered/unsure</i> )	-0.45	-1.05	0.15	0.64	0.35	1.17	0.144
<b>Early conciliation:</b> Complainant agrees to take part in early conciliation, but employer refuses/don't know about employer ( <i>vs. claimant refuse/not offered/unsure</i> )	-0.59	-1.15	-0.02	0.56	0.32	0.98	0.043

<b>Help with case:</b> Claimant received day to day help from solicitor (vs. no day to day help)	-0.02	-0.41	0.38	0.98	0.66	1.46	0.939
<b>Help with case:</b> Claimant received day to day help from someone other than solicitor (vs. no day to day help)	-0.16	-0.64	0.31	0.85	0.53	1.37	0.499
<i>Claimant characteristics</i>							
<b>Claimant sex:</b> Male (vs. female)	0.18	-0.21	0.57	1.19	0.81	1.76	0.371
<b>Claimant age:</b> Under 25 (vs. 65+)	-0.22	-1.49	1.06	0.81	0.23	2.87	0.739
<b>Claimant age:</b> 25-44 (vs. 65+)	0.19	-0.73	1.11	1.21	0.48	3.03	0.689
<b>Claimant age:</b> 45-64 (vs. 65+)	-0.04	-0.94	0.86	0.96	0.39	2.37	0.936
<b>Claimant ethnicity:</b> Other than white (vs. white)	-0.07	-0.48	0.33	0.93	0.62	1.39	0.723
<b>Claimant disability status:</b> Limiting disability (vs. no disability/unknown)	0.07	-0.35	0.48	1.07	0.71	1.61	0.752
<b>Claimant disability status:</b> Non-limiting disability (vs. no disability/unknown)	-0.48	-1.27	0.31	0.62	0.28	1.37	0.237
<b>Claimant qualifications:</b> Claimant has degree (vs. not have degree)	-0.35	-0.77	0.06	0.70	0.46	1.06	0.093
<i>Employment characteristics</i>							
<b>Claimant occupation:</b> Managers, directors and senior officials (vs. Elementary occupations)	0.01	-0.68	0.70	1.01	0.51	2.01	0.980
<b>Claimant occupation:</b> Professional occupations (vs. Elementary occupations)	-0.18	-0.95	0.59	0.84	0.39	1.81	0.651
<b>Claimant occupation:</b> Associate professional and technical occupations (vs. Elementary occupations)	0.11	-0.57	0.80	1.12	0.57	2.21	0.740
<b>Claimant occupation:</b> Administrative and secretarial occupations (vs. Elementary occupations)	0.02	-0.78	0.81	1.02	0.46	2.26	0.965
<b>Claimant occupation:</b> Skilled trades occupations (vs. Elementary occupations)	0.60	-0.16	1.37	1.83	0.85	3.93	0.122
<b>Claimant occupation:</b> Caring, leisure and other service occupations (vs. Elementary occupations)	0.52	-0.22	1.26	1.68	0.80	3.51	0.171
<b>Claimant occupation:</b> Sales and customer service occupations (vs. Elementary occupations)	-0.57	-1.45	0.32	0.57	0.23	1.37	0.209
<b>Claimant occupation:</b> Process, plant and machine operatives (vs. Elementary occupations)	-0.13	-0.91	0.65	0.88	0.40	1.91	0.743
<b>Employer size:</b> Less than 25 employees (vs. 250+ employees)	-0.94	-1.42	-0.47	0.39	0.24	0.63	0.000
<b>Employer size:</b> 25-49 employees (vs. 250+ employees)	-0.53	-1.13	0.06	0.59	0.32	1.06	0.078

<b>Employer size:</b> 50-250 employees (vs. 250+ employees)	-0.56	-1.06	-0.05	0.57	0.35	0.95	0.030
<b>Claimant employment tenure</b> (per level)	0.00	-0.14	0.14	1.00	0.87	1.15	0.996
<b>Claimant salary</b> (per level)	0.00	-0.10	0.10	1.00	0.90	1.10	0.949
<b>Settled vs. Hearing</b>							
(Intercept)	1.73	0.56	2.90	5.65	1.75	18.25	0.004
<i>Case characteristics</i>							
<b>Jurisdiction:</b> Unfair dismissal (standard track) (vs. Any discrimination)	-0.66	-1.02	-0.30	0.52	0.36	0.74	0.000
<b>Jurisdiction:</b> Breach of contract (all cases involving discrimination) (vs. Any discrimination)	0.64	-0.03	1.31	1.89	0.97	3.70	0.062
<b>Jurisdiction:</b> Breach of contract (fast track) (vs. Any discrimination)	-1.32	-1.79	-0.84	0.27	0.17	0.43	0.000
<b>Jurisdiction:</b> Breach of contract (standard track) (vs. Any discrimination)	-0.04	-0.46	0.37	0.96	0.63	1.45	0.843
<b>Jurisdiction:</b> Unauthorised deductions from wages (vs. Any discrimination)	-1.01	-1.50	-0.53	0.36	0.22	0.59	0.000
<b>Jurisdiction:</b> Other (all tracks) (vs. Any discrimination)	-0.42	-0.89	0.05	0.66	0.41	1.05	0.080
<b>Early conciliation:</b> Complainant and employer both agree to take part in early conciliation (vs. claimant refuse/not offered/unsure)	0.51	-0.02	1.04	1.66	0.98	2.82	0.058
<b>Early conciliation:</b> Complainant agrees to take part in early conciliation, but employer refuses/don't know about employer (vs. claimant refuse/not offered/unsure)	-0.38	-0.89	0.12	0.68	0.41	1.13	0.135
<b>Help with case:</b> Claimant received day to day help from solicitor (vs. no day to day help)	0.55	0.23	0.88	1.74	1.26	2.40	0.001
<b>Help with case:</b> Claimant received day to day help from someone other than solicitor (vs. no day to day help)	-0.04	-0.43	0.35	0.96	0.65	1.43	0.853
<i>Claimant characteristics</i>							
<b>Claimant sex:</b> Male (vs. female)	-0.32	-0.64	-0.01	0.72	0.53	0.99	0.044
<b>Claimant age:</b> Under 25 (vs. 65+)	0.31	-0.69	1.32	1.37	0.50	3.73	0.538
<b>Claimant age:</b> 25-44 (vs. 65+)	0.10	-0.69	0.89	1.11	0.50	2.45	0.802
<b>Claimant age:</b> 45-64 (vs. 65+)	0.01	-0.76	0.79	1.01	0.47	2.20	0.971
<b>Claimant ethnicity:</b> Other than white (vs. white)	-0.13	-0.46	0.20	0.88	0.63	1.22	0.438
<b>Claimant disability status:</b> Limiting disability (vs. no disability/unknown)	-0.15	-0.49	0.20	0.86	0.61	1.22	0.402
<b>Claimant disability status:</b> Non-limiting disability (vs. no disability/unknown)	0.01	-0.61	0.62	1.01	0.55	1.85	0.987

<b>Claimant qualifications:</b> Claimant has degree ( <i>vs. not have degree</i> )	-0.25	-0.59	0.08	0.78	0.56	1.09	0.138
<i>Employment characteristics</i>							
<b>Claimant occupation:</b> Managers, directors and senior officials ( <i>vs. Elementary occupations</i> )	-0.26	-0.84	0.32	0.77	0.43	1.38	0.379
<b>Claimant occupation:</b> Professional occupations ( <i>vs. Elementary occupations</i> )	-0.19	-0.81	0.42	0.83	0.45	1.52	0.540
<b>Claimant occupation:</b> Associate professional and technical occupations ( <i>vs. Elementary occupations</i> )	0.25	-0.31	0.80	1.28	0.74	2.22	0.384
<b>Claimant occupation:</b> Administrative and secretarial occupations ( <i>vs. Elementary occupations</i> )	-0.25	-0.88	0.39	0.78	0.41	1.48	0.448
<b>Claimant occupation:</b> Skilled trades occupations ( <i>vs. Elementary occupations</i> )	0.09	-0.57	0.76	1.10	0.56	2.14	0.782
<b>Claimant occupation:</b> Caring, leisure and other service occupations ( <i>vs. Elementary occupations</i> )	0.21	-0.42	0.83	1.23	0.66	2.29	0.518
<b>Claimant occupation:</b> Sales and customer service occupations ( <i>vs. Elementary occupations</i> )	-0.42	-1.16	0.31	0.66	0.31	1.37	0.260
<b>Claimant occupation:</b> Process, plant and machine operatives ( <i>vs. Elementary occupations</i> )	0.05	-0.62	0.71	1.05	0.54	2.04	0.887
<b>Employer size:</b> Less than 25 employees ( <i>vs. 250+ employees</i> )	-0.42	-0.82	-0.02	0.66	0.44	0.98	0.039
<b>Employer size:</b> 25-49 employees ( <i>vs. 250+ employees</i> )	-0.16	-0.67	0.34	0.85	0.51	1.41	0.527
<b>Employer size:</b> 50-250 employees ( <i>vs. 250+ employees</i> )	-0.09	-0.53	0.34	0.91	0.59	1.41	0.673
<b>Claimant employment tenure</b> ( <i>per level</i> )	-0.01	-0.12	0.11	0.99	0.89	1.11	0.924
<b>Claimant salary</b> ( <i>per level</i> )	0.00	-0.08	0.08	1.00	0.92	1.08	0.998

**Table A2: Multinomial regression predicting broad case outcome (employer-level model)**

	Co-efficient			Odds ratio			p
	B	Confidence intervals		exp(B)	Confidence intervals		
		Lower	Upper		Lower	Upper	
<b>Withdrawn/dismissed vs. Hearing</b>							
(Intercept)	0.55	-0.25	1.36	1.74	0.78	3.89	0.176
<i>Case characteristics</i>							
<b>Jurisdiction:</b> Unfair dismissal (standard track) ( <i>vs. Any discrimination</i> )	-0.79	-1.29	-0.29	0.46	0.28	0.75	0.002
<b>Jurisdiction:</b> Breach of contract (all cases involving discrimination) ( <i>vs. Any discrimination</i> )	-0.82	-1.65	0.01	0.44	0.19	1.01	0.052
<b>Jurisdiction:</b> Breach of contract (fast track) ( <i>vs. Any discrimination</i> )	-1.42	-2.25	-0.59	0.24	0.11	0.56	0.001



<b>Jurisdiction:</b> Breach of contract (standard track) (vs. Any discrimination)	-0.21	-0.77	0.35	0.81	0.46	1.43	0.471
<b>Jurisdiction:</b> Unauthorised deductions from wages (vs. Any discrimination)	-1.19	-1.85	-0.53	0.30	0.16	0.59	0.000
<b>Jurisdiction:</b> Other (all tracks) (vs. Any discrimination)	-0.77	-1.48	-0.07	0.46	0.23	0.93	0.031
<b>Help with case:</b> Employer received day to day help from internal resource <sup>57</sup> (vs. no day to day help)	0.54	-0.03	1.12	1.72	0.97	3.06	0.065
<b>Help with case:</b> Employer received day to day help from someone else (vs. no day to day help)	0.14	-0.33	0.62	1.15	0.72	1.85	0.554
<b>Insurance:</b> Employer had insurance to cover legal expenses (vs. no coverage)	0.42	-0.04	0.87	1.52	0.96	2.39	0.072
<b>Insurance:</b> Employer a member of an organisation which would cover legal expenses (vs. no coverage)	0.32	-0.49	1.13	1.38	0.61	3.11	0.441
<i>Claimant characteristics</i>							
<b>Claimant sex:</b> Male (vs. female)	0.12	-0.29	0.54	1.13	0.75	1.71	0.562
<b>Claimant age:</b> Claimant aged 45 or above (vs. aged under 45)	0.23	-0.20	0.65	1.25	0.82	1.92	0.293
<i>Employment characteristics</i>							
<b>Employer size:</b> Less than 25 employees (vs. 250+ employees)	-0.69	-1.27	-0.12	0.50	0.28	0.89	0.018
<b>Employer size:</b> 25-49 employees (vs. 250+ employees)	-0.19	-0.94	0.55	0.83	0.39	1.74	0.613
<b>Employer size:</b> 50-250 employees (vs. 250+ employees)	-0.34	-0.97	0.29	0.71	0.38	1.34	0.294
<b>Claimant employment tenure (per level)</b>	-0.05	-0.23	0.13	0.95	0.80	1.14	0.596
<b>Claimant salary (per level)</b>	-0.01	-0.11	0.10	0.99	0.90	1.10	0.911
<b>Settled vs. Hearing</b>							
(Intercept)	1.00	0.33	1.67	2.72	1.40	5.29	0.003
<i>Case characteristics</i>							
<b>Jurisdiction:</b> Unfair dismissal (standard track) (vs. Any discrimination)	-1.02	-1.41	-0.63	0.36	0.24	0.53	0.000
<b>Jurisdiction:</b> Breach of contract (all cases involving discrimination) (vs. Any discrimination)	0.02	-0.63	0.67	1.02	0.53	1.95	0.954
<b>Jurisdiction:</b> Breach of contract (fast track) (vs. Any discrimination)	-1.17	-1.79	-0.56	0.31	0.17	0.57	0.000
<b>Jurisdiction:</b> Breach of contract (standard track) (vs. Any discrimination)	-0.26	-0.71	0.18	0.77	0.49	1.20	0.244
<b>Jurisdiction:</b> Unauthorised deductions from wages (vs. Any discrimination)	-1.54	-2.03	-1.04	0.21	0.13	0.35	0.000
<b>Jurisdiction:</b> Other (all tracks) (vs. Any discrimination)	-0.73	-1.29	-0.18	0.48	0.28	0.83	0.009
<b>Help with case:</b> Employer received day to day help from internal resource <sup>58</sup> (vs. no day to day help)	0.46	-0.01	0.93	1.59	0.99	2.53	0.053

<sup>57</sup> That is: help from an owner/senior manager/general manager, from a personnel or human resources specialist, or from a legal specialist in the company/company lawyer.

<sup>58</sup> That is: help from an owner/senior manager/general manager, from a personnel or human resources specialist, or from a legal specialist in the company/company lawyer.

<b>Help with case:</b> Employer received day to day help from someone else ( <i>vs. no day to day help</i> )	0.10	-0.26	0.47	1.11	0.77	1.59	0.574
<b>Insurance:</b> Employer had insurance to cover legal expenses ( <i>vs. no coverage</i> )	0.49	0.12	0.86	1.64	1.13	2.37	0.009
<b>Insurance:</b> Employer a member of an organisation which would cover legal expenses ( <i>vs. no coverage</i> )	0.17	-0.48	0.82	1.18	0.62	2.27	0.611
<i>Claimant characteristics</i>							
<b>Claimant sex:</b> Male ( <i>vs. female</i> )	-0.14	-0.47	0.19	0.87	0.63	1.21	0.406
<b>Claimant age:</b> Claimant aged 45 or above ( <i>vs. aged under 45</i> )	0.25	-0.10	0.60	1.28	0.91	1.82	0.160
<i>Employment characteristics</i>							
<b>Employer size:</b> Less than 25 employees ( <i>vs. 250+ employees</i> )	-0.35	-0.83	0.13	0.70	0.43	1.14	0.153
<b>Employer size:</b> 25-49 employees ( <i>vs. 250+ employees</i> )	0.24	-0.38	0.87	1.28	0.68	2.39	0.446
<b>Employer size:</b> 50-250 employees ( <i>vs. 250+ employees</i> )	-0.10	-0.63	0.42	0.90	0.53	1.52	0.702
<b>Claimant employment tenure</b> ( <i>per level</i> )	0.15	0.01	0.30	1.17	1.01	1.35	0.035
<b>Claimant salary</b> ( <i>per level</i> )	0.01	-0.08	0.09	1.01	0.93	1.10	0.857

**Table B1: Binary logistic regression predicting claimant success in cases which go to hearing (claimant-level model)**

	Co-efficient			Odds ratio			p
	B	Confidence intervals		exp(B)	Confidence intervals		
		Lower	Upper		Lower	Upper	
(Intercept)	1.62	0.07	3.18	5.07	1.07	23.95	0.040
<i>Case characteristics</i>							
<b>Jurisdiction:</b> Unfair dismissal (standard track) ( <i>vs. Any discrimination</i> )	-1.25	-2.15	-0.35	0.29	0.12	0.71	0.007
<b>Jurisdiction:</b> Breach of contract (all cases involving discrimination) ( <i>vs. Any discrimination</i> )	-0.02	-1.34	1.30	0.98	0.26	3.69	0.982
<b>Jurisdiction:</b> Breach of contract (fast track) ( <i>vs. Any discrimination</i> )	0.97	0.02	1.93	2.64	1.02	6.87	0.046
<b>Jurisdiction:</b> Breach of contract (standard track) ( <i>vs. Any discrimination</i> )	0.03	-0.90	0.96	1.03	0.41	2.61	0.949
<b>Jurisdiction:</b> Unauthorised deductions from wages ( <i>vs. Any discrimination</i> )	1.59	0.43	2.76	4.92	1.53	15.77	0.008
<b>Jurisdiction:</b> Other (all tracks) ( <i>vs. Any discrimination</i> )	-1.33	-2.29	-0.36	0.27	0.10	0.70	0.007
<b>Early conciliation:</b> Complainant and employer both agree to take part in early conciliation ( <i>vs. claimant refuse/not offered/unsure</i> )	-0.45	-1.44	0.54	0.64	0.24	1.71	0.372
<b>Early conciliation:</b> Complainant agrees to take part in early conciliation, but employer refuses/don't know about employer ( <i>vs. claimant refuse/not offered/unsure</i> )	-0.21	-0.84	0.43	0.81	0.43	1.53	0.519
<b>Representation at hearing:</b> Claimant had representative at hearing ( <i>vs. no representative</i> )	0.74	0.13	1.35	2.10	1.13	3.87	0.018

<i>Claimant characteristics</i>							
<b>Claimant sex:</b> Claimant male ( <i>vs. female</i> )	0.06	-0.59	0.71	1.06	0.56	2.03	0.855
<b>Claimant age:</b> Claimant aged 45 or above ( <i>vs. aged under 45</i> )	-0.89	-1.50	-0.27	0.41	0.22	0.76	0.005
<b>Claimant ethnicity:</b> Claimant ethnicity other than white ( <i>vs. white</i> )	-1.11	-1.75	-0.48	0.33	0.17	0.62	0.001
<b>Claimant disability status:</b> Limiting disability ( <i>vs. no disability/unknown</i> )	-0.46	-1.15	0.23	0.63	0.32	1.26	0.194
<b>Claimant disability status:</b> Non-limiting disability ( <i>vs. no disability/unknown</i> )	-1.06	-2.00	-0.13	0.35	0.14	0.88	0.026
<i>Employment characteristics</i>							
<b>Claimant occupation:</b> Managers, Directors and Senior Officials ( <i>vs. Elementary Occupations</i> )	-0.84	-1.97	0.30	0.43	0.14	1.35	0.149
<b>Claimant occupation:</b> Professional Occupations ( <i>vs. Elementary Occupations</i> )	-0.69	-1.91	0.53	0.50	0.15	1.70	0.267
<b>Claimant occupation:</b> Associate Professional and Technical Operations ( <i>vs. Elementary Occupations</i> )	-1.39	-2.63	-0.16	0.25	0.07	0.85	0.026
<b>Claimant occupation:</b> Administrative and Secretarial Occupations ( <i>vs. Elementary Occupations</i> )	-0.97	-2.35	0.41	0.38	0.10	1.51	0.168
<b>Claimant occupation:</b> Skilled Trades Occupations ( <i>vs. Elementary Occupations</i> )	0.08	-1.59	1.75	1.08	0.20	5.74	0.924
<b>Claimant occupation:</b> Caring, Leisure and Other Service Occupations ( <i>vs. Elementary Occupations</i> )	-1.92	-3.15	-0.70	0.15	0.04	0.50	0.002
<b>Claimant occupation:</b> Sales and Customer Service Occupations ( <i>vs. Elementary Occupations</i> )	-0.12	-1.58	1.34	0.89	0.21	3.80	0.871
<b>Claimant occupation:</b> Process, Plant and Machine Operatives ( <i>vs. Elementary Occupations</i> )	-1.52	-2.82	-0.21	0.22	0.06	0.81	0.023
<b>Employer size:</b> Up to 250 employees ( <i>vs. 250+ employees</i> )	1.12	0.34	1.90	3.06	1.41	6.66	0.005
<b>Employment tenure</b> ( <i>per level</i> )	0.01	-0.19	0.21	1.01	0.83	1.24	0.914
<b>Claimant salary</b> ( <i>per level</i> )	-0.11	-0.27	0.05	0.89	0.76	1.05	0.169

**Table B2: Binary logistic regression predicting claimant success in cases which go to hearing (employer-level model)**

	Co-efficient			Odds ratio			p
	B	Confidence intervals		exp(B)	Confidence intervals		
		Lower	Upper		Lower	Upper	
(Intercept)	0.99	-0.71	2.68	2.68	0.49	14.65	0.254
<i>Case characteristics</i>							
<b>Jurisdiction:</b> Unfair dismissal (standard track) ( <i>vs. Any discrimination</i> )	-0.07	-1.09	0.94	0.93	0.34	2.57	0.888
<b>Jurisdiction:</b> Breach of contract (all cases involving discrimination) ( <i>vs. Any discrimination</i> )	0.31	-1.17	1.79	1.36	0.31	5.98	0.681

<b>Jurisdiction:</b> Breach of contract (fast track) (vs. Any discrimination)	1.39	0.01	2.76	4.00	1.01	15.83	0.049
<b>Jurisdiction:</b> Breach of contract (standard track) (vs. Any discrimination)	1.53	0.41	2.66	4.64	1.50	14.36	0.008
<b>Jurisdiction:</b> Unauthorised deductions from wages (vs. Any discrimination)	1.43	0.29	2.56	4.16	1.33	12.99	0.014
<b>Jurisdiction:</b> Other (all tracks) (vs. Any discrimination)	-0.63	-1.73	0.46	0.53	0.18	1.59	0.257
<b>Settlement offer:</b> Employer made settlement offer (vs. no offer made)	0.71	0.07	1.36	2.04	1.07	3.89	0.031
<b>Representation at hearing:</b> Employer had representative at hearing (vs. no representative)	-1.49	-2.28	-0.69	0.23	0.10	0.50	0.000
<i>Claimant characteristics</i>							
<b>Claimant sex:</b> Claimant male (vs. female)	-0.25	-0.92	0.42	0.78	0.40	1.52	0.461
<b>Claimant age:</b> Claimant aged 45 or above (vs. aged under 45)	-0.86	-1.60	-0.11	0.43	0.20	0.89	0.024
<i>Employment characteristics</i>							
<b>Employer policies:</b> Employer has written disciplinary / grievance policies (vs. no written policies)	-1.48	-2.70	-0.26	0.23	0.07	0.77	0.018
<b>Employer size:</b> Up to 250 employees (vs. 250+ employees)	0.84	-0.18	1.86	2.32	0.84	6.44	0.105
<b>Employment tenure</b> (per level)	0.18	-0.10	0.46	1.20	0.91	1.58	0.206
<b>Claimant salary</b> (per level)	-0.07	-0.24	0.10	0.93	0.79	1.11	0.427

## Annex B: Glossary

**Acas:** The Advisory, Conciliation and Arbitration Service

**APS:** Annual Population Survey

**BEIS:** The Department for Business, Energy and Industrial Strategy

**Early Conciliation (EC):** Acas service introduced April 2014, since when claimants have been required to notify Acas of their intention to lodge an employment tribunal claim, and will be offered the opportunity to engage the services of an Acas conciliator, who will seek to resolve the dispute without going to court. This takes place before an employment tribunal claim is submitted.

**ET1 Form:** Employment tribunal claim form 1. At the end of early conciliation, Acas issues an early conciliation certificate number which is required to lodge an employment tribunal claim. This number is included on the employment tribunal claim form which is called ET1 form.

**ET3 Form:** Employment tribunal claim form 3. It is the notice of appearance form, which the employer or their representative is required to complete when an Employment Tribunal claim has been made against them.

**HMCTS:** Her Majesty's Courts and Tribunals System.

**JSA:** Job Seeker's Allowance.

**Post ET1 Conciliation:** For claimants who go on to lodge an Employment Tribunal claim (ET1), Acas will continue to offer a conciliation service right up until the tribunal hearing, to help parties try and resolve the dispute. This is called post-ET1 conciliation.

**SETA:** Survey of Employment Tribunal Applications.

**SOC:** Standard Occupation Group.

**Summary Jurisdiction/Track:** The classification of cases that broadly reflects the old system of 'three period categories' whereby employment tribunal cases were allocated jurisdictional 'tracks'. There are three categories:

- **Fast Track:** Fast Track cases involve straightforward questions of fact that can be quickly resolved should the case reach a hearing. For example, non-payment of wages (unauthorised deductions) usually fall under this category.
- **Open Track:** Open Track cases involve the most legally complex issues and generally require the most amount of resource to resolve. Discrimination cases usually fall under this category.
- **Standard Track:** Standard Track cases involve somewhat more difficult issues and require a greater degree of case management. Case of unfair dismissal usually fall under this category.

## Annex C: Data Tables

The tables in this Annex present the findings in a table format.

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.
- 'Shaded rows' indicate differences are statistically significant at 95 per cent confidence interval or above.
- A \* symbol in a table signifies a value between 0 and 0.49, while a – symbol signifies a zero.
- Some tables and figures display data based on a very small number of respondents. Where the base size is less than 50 this is indicated by the use [ ] around the figure, and such data must be treated with caution. Where the base size is too small to provide an estimate this is indicated as [#].
- The names of the variables used in each table are listed in brackets after the variable description.
- When comparisons are made between SETA 2018 and SETA 2013, data from SETA 2018 are referred to as 2017 in the column headings, and data from SETA 2013 are referred to as 2012. This is to more accurately reflect the time period the sample frames are from. Where a year is not specified, the data relate to SETA 2018.
- The 'Table notes' indicate the comparable tables in the SETA 2013 report (where applicable).
- Unauthorised deductions (formerly Wages Act) shown as "Unauthorised Deductions" in the table breaks

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

## Chapter 2: Events leading to the claim

**Table 2.1 Claimants' survey: Sources of information and advice sought before the claim by year**

	Per cent, bases are counts	
	2012	2017
<b>Sources of information/advice sought before claim [AQB51 – AQB519]</b>		
Acas help-line or an Acas officer	50	75
Family or friends	56	50
Solicitor, barrister or some other kind of lawyer	47	55
Citizens Advice Bureau	39	38
Trade Union/Worker representative	28	26
Employment Rights Advisor or Employment Consultant	12	11
Anybody at the place where they worked	24	19
Equality and Human Rights Commission	4	4
A charity/volunteers	-	1
Internet/Website	-	1
Jobcentre	-	*
A government body	-	*
Insurance company	-	*
Other (Anybody Else)	6	2
Don't know	-	*
None used	3	2
<i>unweighted base</i>	1988	1373

**Table source:** SETA 2018 and SETA 2013: All claimants.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 2.2 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 2.2 Claimants' survey: Sources of information and advice sought before the claim by employment-related characteristics and summary jurisdiction**

Per cent, bases are counts

	Full time / Part time [Emphrs]			Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]		All
	Full-time	Part- time	Varied	Permanent	Non-Permanent	Member	Non-member	
<b>Sources of information/advice sought before claim [AQB51 – AQB516]</b>								
Family or friends	52	50	[40]	51	40	49	51	50
Acas help-line or an Acas officer	75	80	[68]	76	66	71	77	75
Solicitor, barrister or some other kind of lawyer	57	47	[41]	56	40	54	56	55
Citizens Advice Bureau	38	45	[30]	39	42	27	43	38
Trade Union/Worker representative	27	22	[26]	27	17	79	5	26
Employment Rights Advisor or Employment Consultant	11	9	[5]	11	9	8	12	11
Anybody at the place where they worked	21	15	[18]	20	17	29	15	19
Equality and Human Rights Commission	3	3	[1]	3	8	6	3	4
A charity/volunteers	1	2	-	1	1	1	1	1
Job centre	*	-	-	*	-	-	*	*
Internet/Website	1	1	[2]	1	1	1	1	1
A government body	*	1	-	*	1	*	*	*
Insurance company	*	-	-	*	-	*	*	*
Anybody else	2	2	-	2	3	2	1	2
Don't know	*	-	[2]	*	-	*	-	*
None used	2	2	[4]	1	7	1	2	2
<i>unweighted base</i>	1091	185	[43]	1265	68	387	972	1373

**Table source:** SETA 2018: All claimants.

**Table weight:** Claimant weight.

**Table notes:** Table 2.3 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

Full time/part time table break is derived differently in 2017 compared to 2012 due to changes in the questionnaire. 2017 data is based on the number of hours worked usually per week and 2012 data is based on number of contracted hours per week. Comparison, if made, should be indicative only.



**Table 2.2 (continued) Claimants' survey: Sources of information and advice sought before the claim by employment-related characteristics and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
Family or friends	52	44	52	50
Acas help-line or an Acas officer	76	77	74	75
Solicitor, barrister or some other kind of lawyer	63	33	59	55
Citizens Advice Bureau	37	42	38	38
Trade Union/Worker representative	30	12	28	26
Employment Rights Advisor or Employment Consultant	14	7	9	11
Anybody at the place where they worked	22	17	17	19
Equality and Human Rights Commission	7	1	2	4
A charity/volunteers	2	*	1	1
Internet/Website	2	2	*	1
Jobcentre	-	*	-	*
A government body	1	1	*	*
Insurance company	*	-	1	*
Anybody else	2	1	2	2
Don't know	-	*	*	*
None used	2	2	2	2
<i>unweighted base</i>	553	260	560	1373

**Table source:** SETA 2018: All claimants.

**Table weight:** Claimant weight.

**Table notes:** Table 2.3 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 2.3 Claimants' survey: Communication before making the claim by employment-related characteristics**

Per cent, bases are counts

	Full time / Part time [Emphrs]						Permanent / Non-Permanent [CQA36B]				Trade union or staff association [AQA316B]					
	Full-time		Part- time		Varied		Permanent		Non-Permanent		Member		Non-Member		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether any written or verbal communication took place about the issue [Anycom]</b>																
Yes	86	89	83	88	83	[93]	85	89	85	85	92	89	82	89	85	89
No	14	9	17	9	17	[7]	15	9	15	10	8	8	17	9	15	9
Don't Know	*	2	*	3	-	-	*	2	-	6	-	3	*	2	*	2
<b>Whether claimant concerns were put to the employer in writing [CQD471]</b>																
Yes	71	79	69	78	79	[73]	71	79	76	68	76	78	69	79	71	78
No	29	18	31	18	21	[22]	29	17	24	28	24	18	30	18	29	18
Don't Know	*	3	*	3	-	[5]	*	3	-	4	-	5	*	3	*	3
<b>Whether the employer wrote to the claimant about the issue [CQD472]</b>																
Yes	54	57	50	50	45	[53]	53	56	50	46	61	60	50	54	53	55
No	46	39	49	45	55	[45]	47	40	50	49	39	35	49	42	47	40
Don't Know	*	4	*	5	-	[2]	*	4	-	5	-	5	*	4	*	4
<b>Whether the claimant discussed the issue with the employer [CQD473]</b>																
Yes	58	55	53	55	46	[51]	56	55	58	65	62	58	54	54	56	55
No	42	43	47	43	54	[47]	43	44	42	34	38	40	46	45	44	44
Don't Know	*	1	*	1	*	[2]	*	2	-	1	-	2	*	1	*	1
<b>Whether a formal meeting took place [CQD21]</b>																
Yes	38	36	36	33	16	[31]	37	36	22	24	45	45	33	31	36	34
No/Don't know	62	64	64	67	84	[69]	62	64	78	76	55	55	67	69	64	66
<i>unweighted base</i>	1540	1091	336	185	64	[43]	1824	1265	116	68	535	387	1441	972	1988	1373

**Table source:** SETA 2018 and SETA 2013: All claimants.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 2.4 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

Full time/part time table break is derived differently in 2017 compared to 2012 due to changes in the questionnaire. 2017 data is based on the number of hours worked usually per week and 2012 data is based on number of contracted hours per week. Comparison, if made, should be indicative only.

**Table 2.4 Employers' survey: Communication before making the claim by organisation characteristics**

Per cent, bases are counts

	Sector [CQA313]						Enterprise Size (whole organisation in the UK) [ESIZEE]									
	Private sector		Public sector		Non-profit/ voluntary		Less than 25		25 to 49		50 to 249		250+		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether any written or verbal communication took place about the issue [Anycom]</b>																
Yes	76	79	84	84	85	88	71	79	78	85	79	83	83	82	78	81
No	22	14	11	9	14	9	27	18	22	8	20	12	14	11	19	13
Don't Know	2	6	5	7	1	3	2	3	1	7	1	6	3	7	2	6
<b>Whether claimant concerns were put to employer in writing before making a claim [CQD471]</b>																
Yes	49	50	69	63	60	58	40	39	46	56	53	57	64	60	54	53
No	49	41	26	26	39	33	58	54	53	36	46	35	33	29	44	37
Don't Know	2	9	5	11	1	9	2	8	1	8	1	8	3	11	2	9
<b>Whether employer wrote to claimant about the issue [CQD472]</b>																
Yes	63	65	78	70	78	76	55	62	66	70	66	70	75	70	67	68
No	35	25	17	23	20	16	43	32	33	22	33	19	21	21	31	24
Don't Know	2	9	5	7	1	8	2	6	1	8	1	11	3	9	2	9
<b>Whether claimant discussed the issue with manager/senior person [CQD473]</b>																
Yes	52	57	67	60	62	67	42	52	57	60	52	61	65	61	56	58
No	46	36	28	33	37	26	56	44	43	30	47	31	31	31	42	34
Don't Know	2	7	5	7	1	7	2	4	1	10	1	8	3	7	2	7
<b>Whether a formal meeting took place [CQD21]</b>																
Yes	37	43	53	42	49	52	27	36	44	48	40	43	50	49	41	44
No/Don't know	63	57	47	58	51	48	73	64	56	52	60	57	50	51	59	56
<i>unweighted base</i>	1442	891	335	213	224	173	528	313	180	116	388	285	879	537	2011	1290

**Table source:** SETA 2018 and SETA 2013: All employers.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 2.5 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 2.5 Claimants' survey: When did communication take place between both parties before making the claim by employment related characteristics**

	Per cent, bases are counts							
	Full time / Part time [Emphrs]			Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]		All
	Full-time	Part- time	Varied	Permanent	Non-Permanent	Member	Non-member	
<b>When did the communication take place</b> [cqdbeforenet/cqdduringnet/cqdafternet]								
Before Acas Early Conciliation	86	89	[87]	86	83	88	85	86
During Acas Early Conciliation	27	22	[27]	27	21	27	27	27
After Acas Early Conciliation	24	18	[24]	24	15	25	23	23
Don't know	10	10	[9]	10	17	10	10	10
<i>unweighted base</i>	973	162	[40]	1130	58	345	865	1221
<b>When were claimant concerns put in writing</b> [CQD111 to CQD114]								
Before Acas Early Conciliation	80	84	[86]	80	[80]	80	80	80
During Acas Early Conciliation	17	15	[15]	17	[6]	15	17	17
After Acas Early Conciliation	14	10	[23]	14	[9]	14	13	13
Don't know	6	6	[-]	5	[9]	6	5	5
<i>unweighted base</i>	861	145	[32]	1004	[46]	302	769	1079
<b>When did the employer write to the claimant</b> [CQD121 to CQD124]								
Before Acas Early Conciliation	69	66	[69]	68	[78]	66	69	68
During Acas Early Conciliation	25	18	[17]	24	[14]	22	25	24
After Acas Early Conciliation	23	19	[22]	23	[11]	22	23	22
Don't know	8	10	[12]	8	[13]	9	8	9
<i>unweighted base</i>	615	92	[22]	705	[31]	229	520	755

**Table source:** SETA 2018: All claimants where the specific communication took place (the summary communication variable covers claimant's concerns put in writing, the employer writing to the claimant and the employer discussing the issue with the claimant).

**Table weight:** Claimant weight.

**Table notes:** This question/questions were asked in SETA 2018 only or amended in SETA 2018.

Full time/part time table break is derived differently in 2017 compared to 2012 due to changes in the questionnaire. 2017 data is based on the number of hours worked usually per week and 2012 data is based on number of contracted hours per week. Comparison, if made, should be indicative only

**Table 2.5 (continued) Claimants' survey: When did communication take place between both parties before making the claim by employment-related characteristics**

	Per cent, bases are counts							All
	Full time / Part time [Emphrs]			Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]		
	Full-time	Part-time	Varied	Permanent	Non-Permanent	Member	Non-member	
<b>When did the claimant discuss the issue with the employer [CQD131 to CQD134]</b>								
Before Acas Early Conciliation	87	92	[88]	88	[82]	86	88	87
During Acas Early Conciliation	16	15	[16]	16	[18]	17	16	16
After Acas Early Conciliation	12	10	[4]	12	[6]	13	10	11
Don't know	3	2	[4]	3	[9]	4	3	4
<i>unweighted base</i>	606	101	[22]	696	[44]	227	525	757
<b>When did the claimant have a formal meeting to discuss the issue [CQD141 to CQD144]</b>								
Before Acas Early Conciliation	84	[86]	[77]	85	[75]	[76]	88	85
During Acas Early Conciliation	6	-	[23]	6	-	[4]	7	6
After Acas Early Conciliation	7	[4]	-	6	-	[8]	5	6
Don't know	5	[10]	-	4	[25]	[12]	2	5
<i>unweighted base</i>	117	[21]	[6]	141	[5]	[46]	102	149

**Table source:** SETA 2018: All claimants where the specific communication took place (the summary communication variable covers claimant's concerns put in writing, the employer writing to the claimant and the employer discussing the issue with the claimant). For formal meetings, this covers claimants who had one formal meeting.

**Table weight:** Claimant weight.

**Table notes:** Table 2.3 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

Full time/part time table break is derived differently in 2017 compared to 2012 due to changes in the questionnaire. 2017 data is based on the number of hours worked usually per week and 2012 data is based on number of contracted hours per week. Comparison, if made, should be indicative only

**Table 2.6 Employers' survey: Resources available to the organisation for dealing with Human Resources and Personnel issues by organisation characteristics**

Per cent, bases are counts

	Sector [CQA313]						Enterprise Size (whole organisation in the UK) [ESIZEE]									
	Private sector		Public sector		Non-profit/ voluntary		Less than 25		25 to 49		50 to 249		250+		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether organisation has an internal Human Resources or Personnel department that deals with personnel issues [EQA312B]</b>																
Yes	59	66	90	89	67	68	18	26	36	47	66	73	97	98	65	70
No	41	34	10	10	33	32	81	74	64	53	34	27	3	2	35	30
Don't Know	*	-	-	2	-	-	1	1	-	-	-	*	-	-	*	*
<i>unweighted base</i>	1442	891	335	213	224	173	528	313	180	116	388	285	879	537	2011	1290
<b>Use of an external person or company for Human Resources or Personnel issues [EQA312D]</b>																
Yes	42	47	21	24	48	51	45	56	60	69	59	58	24	25	39	43
No	58	52	79	73	52	49	54	43	40	31	41	42	75	74	61	56
Don't Know	1	1	1	3	-	-	1	*	-	-	-	-	*	1	1	1
<i>unweighted base</i>	1442	891	335	213	224	173	528	313	180	116	388	285	879	537	2011	1290
<b>Whether organisation has an internal department that deals with Human Resources / Personnel issues or receives advice from external person or company [HRany]</b>																
Yes	79	88	96	97	89	91	53	70	76	84	91	94	99	100	83	90
No	21	12	4	2	11	9	46	30	24	16	10	6	1	*	17	10
Don't Know	*	*	-	1	-	-	1	*	-	-	-	-	-	-	*	*
<i>unweighted base</i>	1442	891	335	213	224	173	528	313	180	116	388	285	879	537	2011	1290

**Table source:** SETA 2018 and SETA 2013: All employers.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Tables 2.7 and 2.8 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 2.6 (continued) Employers' survey: Resources available to the organisation for dealing with Human Resources and Personnel issues by organisation characteristics**

Per cent, bases are counts

	Sector [CQA313]						Enterprise Size (whole organisation in the UK) [ESIZEE]									
	Private sector		Public sector		Non-profit/ voluntary		Less than 25		25 to 49		50 to 249		250+		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether organisation has internal legal department that deals with personnel/employment issues [EQA312E]</b>																
Yes	18	21	48	45	12	9	6	11	8	18	11	14	38	36	23	24
No	82	78	52	55	88	91	93	89	92	82	89	86	62	64	77	76
Don't Know	*	*	*	-	-	-	1	*	-	-	-	*	-	-	*	*
<i>unweighted base</i>	1442	891	335	213	224	173	528	313	180	116	388	285	879	537	2011	1290
<b>Whether a main person/few people deal with personnel issues [EQA312C]</b>																
One main person	61	52	53	[45]	49	51	68	61	49	47	48	31	[21]	[28]	60	51
A few people	31	39	38	[47]	41	31	25	27	45	50	40	58	[62]	[60]	32	38
Personnel issues are dealt with as they arise by different	7	7	3	[3]	6	15	6	8	5	3	10	8	[17]	[12]	7	8
Some other arrangement	1	1	5	[5]	1	3	1	2	2	-	3	2	[-]	-	2	2
Don't know	*	1	-	-	3	-	1	1	-	-	-	-	[-]	-	*	1
<i>unweighted base</i>	601	311	37	[19]	76	55	431	229	117	62	127	77	29	[12]	719	390

**Table source:** SETA 2018 and SETA 2013: All employers. For EQA312C the base is those who said they didn't have an HR or personnel department.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Tables 2.7 and 2.8 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 2.7 Claimants' survey: Written statements and procedures by primary jurisdiction, summary jurisdiction and SETA outcome**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]</b>														
Yes	78	79	62	67	59	58	63	[70]	82	84	61	66	70	73
No	19	18	36	32	37	42	36	[24]	16	13	34	31	27	24
Don't Know	3	3	2	2	4	-	1	[6]	2	3	4	3	2	3
<b>Whether employer had written disciplinary procedure [CQDA320]</b>														
Yes	77	70	51	55	49	35	49	[46]	76	78	60	61	64	63
No	18	24	41	38	39	58	44	[40]	20	16	31	35	30	30
Don't Know	4	5	7	7	12	7	7	[13]	4	6	9	4	6	6
<b>Whether employer had written grievance procedure [CQDA321]</b>														
Yes	71	72	46	57	47	41	51	[61]	75	76	58	61	60	64
No	21	22	47	36	40	51	38	[36]	21	17	37	32	32	29
Don't Know	8	6	8	7	13	8	11	[3]	4	7	5	7	7	7
<b>Organisation had both written disciplinary and written grievance procedures [Discandgriev]</b>														
Yes	65	61	40	46	40	25	37	[44]	66	69	52	55	54	55
<i>unweighted base</i>	516	261	580	423	184	96	73	[32]	368	369	219	152	1940	1333

**Table source:** SETA 2018 and SETA 2013: All claimants who were former or current employees.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Tables 2.9 and 2.11 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only



**Table 2.7 (continued) Claimants' survey: Written statements and procedures by primary jurisdiction, summary jurisdiction and SETA outcome**

Per cent, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at hearing		Claimant unsuccessful at hearing		Acas settled		Privately settled		Withdrawn		Dismissed/ Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]</b>														
Yes	56	55	80	79	70	75	71	76	77	79	71	70	70	73
No	44	42	18	18	28	24	27	21	21	17	24	27	27	24
Don't Know	3	3	3	3	2	2	2	3	2	4	5	3	2	3
<b>Whether employer had written disciplinary procedure [CQDA320]</b>														
Yes	45	38	76	71	66	67	64	61	73	74	59	55	64	63
No	46	54	19	21	28	27	27	30	24	22	34	39	30	30
Don't Know	8	8	5	8	6	5	9	9	3	4	7	6	6	6
<b>Whether employer had written grievance procedure [CQDA321]</b>														
Yes	42	37	71	74	62	67	62	67	69	76	52	57	60	64
No	50	57	20	18	31	26	30	26	26	20	37	34	32	29
Don't Know	8	6	9	8	7	7	8	7	5	4	11	9	7	7
<b>Organisation had both written disciplinary and written grievance procedures [Discandgriev]</b>														
Yes	37	29	65	63	56	58	54	53	64	69	40	46	54	55
<i>unweighted base</i>	317	177	148	145	843	551	238	197	288	189	106	74	1940	1333

**Table source:** SETA 2018 and SETA 2013: All claimants who were former or current employees.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Tables 2.9 and 2.11 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 2.7 (continued) Claimants' survey: Written statements and procedures by primary jurisdiction, summary jurisdiction and SETA outcome**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]</b>				
Yes	82	62	70	73
No	16	38	26	24
Don't Know	2	1	4	3
<b>Whether employer had written disciplinary procedure [CQDA320]</b>				
Yes	72	41	66	63
No	21	50	30	30
Don't Know	6	9	5	6
<b>Whether employer had written grievance procedure [CQDA321]</b>				
Yes	74	44	66	64
No	20	48	28	29
Don't Know	6	8	7	7
<b>Organisation had both written disciplinary and written grievance procedures [Discandgriev]</b>				
Yes	64	31	57	55
<i>unweighted base</i>	533	254	546	1333

**Table source:** SETA 2018: All claimants who were former or current employees.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Tables 2.9 and 2.11 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 2.8 Employers' survey: Written statements and procedures by primary jurisdiction, summary jurisdiction and SETA outcome**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]</b>														
Yes	94	94	87	90	85	89	78	[91]	95	93	82	88	90	91
No	3	3	9	7	10	10	18	[5]	3	4	16	7	7	6
Don't Know	3	3	3	2	5	1	4	[5]	1	3	2	5	3	3
<b>Whether employer had written disciplinary procedure [CQDA320]</b>														
Yes	97	97	90	94	92	87	81	[93]	99	98	89	95	94	95
No	3	2	8	5	3	8	19	[7]	1	1	11	3	5	4
Don't Know	*	1	1	1	4	5	-	-	*	*	*	2	1	1
<b>Whether employer had written grievance procedure [CQDA321]</b>														
Yes	96	97	89	95	93	92	81	[93]	99	98	89	95	93	96
No	3	2	10	4	3	5	19	[7]	1	1	11	3	6	3
Don't Know	*	1	1	1	4	3	-	-	*	*	-	1	1	1
<b>Organisation had both written disciplinary and written grievance procedures [Discandgriev]</b>														
Yes	96	97	87	93	92	87	81	[93]	98	98	86	94	92	95
<i>unweighted base</i>	610	234	544	404	135	87	43	[15]	411	370	190	126	1933	1236

**Table source:** SETA 2018 and SETA 2013: All employers where the claimant was a former or current employee.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Tables 2.10 and 2.12 in SETA 2013. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 2.8 (continued) Employers' survey: Written statements and procedures by primary jurisdiction, summary jurisdiction and SETA outcome**

Per cent, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at hearing		Claimant unsuccessful at hearing		Acas settled		Privately settled		Withdrawn		Dismissed/ Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]</b>														
Yes	80	86	93	92	90	91	90	90	94	96	93	94	90	91
No	15	12	5	3	7	5	6	7	5	3	3	5	7	6
Don't Know	5	2	2	5	2	4	5	2	1	1	4	1	3	3
<b>Whether employer had written disciplinary procedure [CQDA320]</b>														
Yes	84	84	97	97	95	96	95	97	96	98	95	94	94	95
No	14	12	3	1	4	3	4	3	4	2	5	3	5	4
Don't Know	2	4	-	2	1	1	1	-	*	-	-	3	1	1
<b>Whether employer had written grievance procedure [CQDA321]</b>														
Yes	83	89	96	97	95	96	93	98	96	97	95	100	93	96
No	14	9	4	1	5	3	6	2	4	3	5	-	6	3
Don't Know	3	3	*	2	*	1	1	*	*	-	-	-	1	1
<b>Organisation had both written disciplinary and written grievance procedures [Discandgriev]</b>														
Yes	83	83	94	97	93	95	92	97	95	97	94	94	92	95
<i>unweighted base</i>	116	91	204	136	890	541	268	260	281	132	174	76	1933	1236

**Table source:** SETA 2018 and SETA 2013: All employers where the claimant was a former or current employee.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Tables 2.10 and 2.12 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 2.8 (continued) Employers' survey: Written statements and procedures by primary jurisdiction, summary jurisdiction and SETA outcome**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open track	Fast Track	Standard Track	All
<b>Whether employer provided a written statement of his/her terms and conditions of employment [CQA319]</b>				
Yes	92	90	92	91
No	4	8	6	6
Don't Know	3	3	3	3
<b>Whether employer had written disciplinary procedure [CQDA320]</b>				
Yes	98	88	96	95
No	2	8	3	4
Don't Know	*	4	1	1
<b>Whether employer had written grievance procedure [CQDA321]</b>				
Yes	98	92	96	96
No	2	6	3	3
Don't Know	*	2	1	1
<b>Organisation had both written disciplinary and written grievance procedures [Discandgriev]</b>				
Yes	97	88	95	95
<i>unweighted base</i>	541	182	513	1236

**Table source:** SETA 2018 and SETA 2013: All employers where the claimant was a former or current employee.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Tables 2.10 and 2.12 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 2.9 Claimants' survey: Written statements and procedures by employment related characteristics**

Per cent, bases are counts

	Full time / Part time [Emphrs]			Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]	
	Full-time	Part-time	Varied	Permanent	Non-Permanent	Member	Non-member
<b>Whether the employer provided a written statement of his/her terms and conditions of employment [CQA319]</b>							
Yes	75	66	[51]	74	56	84	69
No	22	31	[47]	23	41	12	29
Don't know	3	2	[2]	3	3	3	2
<b>Whether the employer had a written disciplinary procedure [CQDA320]</b>							
Yes	66	54	[43]	64	49	79	57
No	28	38	[41]	30	37	18	35
Don't know	5	8	[15]	6	13	3	7
<b>Whether the employer had a written grievance procedure [CQDA321]</b>							
Yes	67	57	[41]	65	46	83	57
No	27	36	[52]	28	43	12	36
Don't know	7	7	[7]	7	10	6	7
<b>Whether the organisation had both written disciplinary and written grievance procedures [Discandgriev]</b>							
Yes	58	45	[29]	56	40	74	47
<i>unweighted base</i>	1091	185	[43]	1265	68	384	935

**Table source:** SETA 2018: All claimants who were former or current employees.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Tables 2.13 and 2.14 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

Full time/part time table break is derived slightly in 2017 compared to 2012 due to changes in the questionnaire. 2017 data is based on the number of hours worked usually per week and 2012 data is based on number of contracted hours per week. Comparison, if made, should be indicative only

**Table 2.9 (continued) Claimants' survey: Written statements and procedures by employment related characteristics**

Per cent, bases are counts

	Standard Occupation Classification 2010 of the claimant involved in the case [SOC2010ClaimB]									
	Manager/ Director/ Senior Officials	Profession al	Associate Professional/ Technical	Admin/ Secretarial	Skilled Trades	Caring/ Leisure/ Service	Sales/ Customer Service	Process, Plant, Machine Operatives	Elementary	All
<b>Whether the employer provided a written statement of his/her terms and conditions of employment [CQA319]</b>										
Yes	73	80	83	77	58	75	71	66	60	73
No	25	18	17	21	37	23	24	32	34	24
Don't know	2	2	-	3	5	3	5	2	6	3
<b>Whether the employer had a written disciplinary procedure [CQDA320]</b>										
Yes	71	74	70	62	53	60	50	57	47	63
No	26	19	27	27	41	33	42	33	43	30
Don't know	2	7	3	11	7	7	8	10	10	6
<b>Whether the employer had a written grievance procedure [CQDA321]</b>										
Yes	70	79	71	64	48	65	51	58	49	64
No	27	16	22	31	44	27	43	31	42	29
Don't know	3	6	7	6	8	8	6	11	9	7
<b>Whether the employer had both written disciplinary and written grievance procedures [Discandgriev]</b>										
Yes	64	70	60	53	44	48	37	49	39	55
<i>unweighted base</i>	212	190	261	122	98	124	67	97	152	1333

**Table source:** SETA 2018: All claimants who were former or current employees.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Tables 2.13 and 2.14 in SETA 2013. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 2.10 Employers' survey: Written statements and procedures by organisation characteristics**

Per cent, bases are counts

	Sector [CQA313]			Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Private sector	Public sector	Non-profit/ voluntary	Less than 25	25 to 49	50 to 249	250+	
<b>Whether the employer provided a written statement of his/her terms and conditions of employment [CQA319]</b>								
Yes	92	90	92	83	95	93	95	91
No	6	3	5	13	3	4	3	6
Don't Know	2	7	3	4	2	3	2	3
<b>Whether the employer had a written disciplinary procedure [CQDA320]</b>								
Yes	94	100	97	83	99	99	100	95
No	5	-	3	14	-	-	-	4
Don't Know	2	-	1	3	1	1	-	1
<b>Whether the employer had a written grievance procedure [CQDA321]</b>								
Yes	95	100	96	86	98	99	100	96
No	4	-	3	11	1	-	-	3
Don't Know	1	-	1	3	1	1	-	1
<b>Whether the organisation had both written disciplinary and written grievance procedures [Discandgriev]</b>								
Yes	93	100	96	81	97	99	100	95
<i>unweighted base</i>	861	199	164	302	114	275	516	1236

**Table source:** SETA 2018: All employers where the claimant was a former or current employee.

**Table weight:** SETA 2018: Employer weight.

**Table notes:** Table 2.15 in SETA 2013. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only



**Table 2.11 Claimants' and employers' survey: Whether written procedures were followed before making the claim by primary jurisdiction, summary jurisdiction and SETA outcome**

Per cent, bases are counts

Claimants' survey	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether written procedures were followed before claim [CQD9]</b>														
Yes, all the way	37	45	28	40	33	[39]	[33]	[53]	38	46	34	43	34	44
Yes, part of the way	18	16	16	18	16	[23]	[8]	[10]	21	19	17	10	18	17
Yes, don't know how far	6	5	7	4	7	[2]	-	[8]	7	3	6	4	6	4
ANY YES	61	66	50	62	56	[63]	[41]	[71]	66	69	56	57	58	65
No, not at all	30	23	39	29	34	[29]	[44]	[23]	25	23	39	29	33	26
Don't know	9	11	10	10	10	[7]	[15]	[6]	8	9	5	14	9	10
<i>unweighted base</i>	431	211	326	284	101	[48]	[46]	[20]	307	314	143	101	1354	978

Employers' survey	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether written procedures were followed before claim [CQD9]</b>														
Yes, all the way	75	71	62	65	56	58	[62]	[43]	72	70	61	64	67	66
Yes, part of the way	6	10	10	7	4	10	[12]	[23]	6	7	10	5	8	8
Yes, don't know how far	1	3	3	3	1	3	-	-	1	2	1	1	2	2
ANY YES	82	84	75	75	61	71	[74]	[67]	79	79	72	70	76	77
No, not at all	13	11	21	20	32	20	[21]	[14]	14	13	21	17	18	16
Don't know	5	5	4	6	7	9	[6]	[19]	6	7	8	12	5	7
<i>unweighted base</i>	521	188	451	336	118	74	[34]	[13]	348	304	154	103	1626	1018

**Table source:** SETA 2018 and SETA 2013: All claimants / employers who said that written disciplinary or grievance procedures were in place.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Tables 2.16 and 2.17 in SETA 2013. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 2.11 (continued) Claimants' and employers' survey: Whether written procedures were followed before making the claim by primary jurisdiction, summary jurisdiction and SETA outcome**

Per cent, bases are counts

Claimants' survey	SETA Outcome [CSVOUT]													
	Claimant successful at hearing		Claimant unsuccessful at hearing		Acas settled		Privately settled		Withdrawn		Dismissed/ Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether written procedures were followed before claim [CQD9]</b>														
Yes, all the way	21	46	40	46	36	42	29	43	38	48	37	[43]	34	44
Yes, part of the way	15	8	23	19	18	17	22	19	15	18	8	[10]	18	17
Yes, don't know how far	5	3	4	4	7	4	8	3	7	4	5	[7]	6	4
ANY YES	41	57	67	70	62	63	58	65	60	71	51	[60]	58	65
No, not at all	48	32	24	23	32	27	34	26	28	19	37	[31]	33	26
Don't know	11	12	9	7	7	10	8	10	12	11	12	[9]	9	10
<i>unweighted base</i>	160	83	122	121	607	423	169	149	222	153	75	[49]	1354	978

Employers' survey	SETA Outcome [CSVOUT]													
	Claimant successful at hearing		Claimant unsuccessful at hearing		Acas settled		Privately settled		Withdrawn		Dismissed/ Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether written procedures were followed before claim [CQD9]</b>														
Yes, all the way	57	52	73	70	67	69	64	61	71	74	72	65	67	66
Yes, part of the way	12	11	7	8	8	7	9	7	5	4	3	18	8	8
Yes, don't know how far	-	8	1	3	2	1	2	5	1	1	4	-	2	2
ANY YES	69	71	81	81	77	77	75	72	76	79	79	83	76	77
No, not at all	27	20	14	11	18	16	19	21	18	12	14	12	18	16
Don't know	4	9	5	8	5	7	6	6	6	9	8	5	5	7
<i>unweighted base</i>	91	72	76	117	754	447	217	209	233	109	152	64	1626	1018

**Table source:** SETA 2018 and SETA 2013: All claimants / employers who said that written disciplinary or grievance procedures were in place.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Tables 2.16 and 2.17 in SETA 2013. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 2.11 (continued) Claimants' and employers' survey: Whether written procedures were followed before making the claim by primary jurisdiction, summary jurisdiction and SETA outcome**

Per cent, bases are counts

Summary Jurisdiction [CJURS]				
Claimants' survey	Open Track	Fast Track	Standard Track	All
<b>Whether written procedures were followed before claim [CQD9]</b>				
Yes, all the way	44	38	45	44
Yes, part of the way	19	15	15	17
Yes, don't know how far	3	7	4	4
ANY YES	66	60	64	65
No, not at all	25	29	25	26
Don't know	9	12	10	10
<i>unweighted base</i>	440	135	403	978
Summary Jurisdiction [CJURS]				
Employers' survey	Open Track	Fast Track	Standard Track	All
<b>Whether written procedures were followed before claim [CQD9]</b>				
Yes, all the way	68	57	69	66
Yes, part of the way	8	7	9	8
Yes, don't know how far	2	4	2	2
ANY YES	77	68	80	77
No, not at all	16	20	14	16
Don't know	7	11	6	7
<i>unweighted base</i>	443	154	421	1018

**Table source:** SETA 2018: All claimants / employers who said that written disciplinary or grievance procedures were in place.

**Table weight:** SETA 2018: Claimant weight / Employer weight.

**Table notes:** Tables 2.16 and 2.17 in SETA 2013. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 2.12 Claimants' survey: Whether written procedures were followed before making the claim by employment-related characteristics**

	Per cent, bases are counts							
	Full time / Part time [Emphrs]			Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]		
	Full-time	Part-time	Varied	Permanent	Non-Permanent	Member	Non-member	All
<b>Whether written procedures were followed before claim [CQD9]</b>								
Yes, all the way	44	43	[46]	45	[25]	47	42	44
Yes, part of the way	17	17	[11]	17	[8]	17	17	17
Yes, don't know how far	4	6	[4]	4	[10]	2	5	4
ANY YES	64	65	[61]	65	[43]	66	63	65
No, not at all	25	26	[39]	25	[47]	23	27	26
Don't know	10	9	-	10	[11]	11	9	10
<i>unweighted base</i>	826	122	[23]	940	[38]	335	635	978

**Table source:** SETA 2018: All claimants who said that written disciplinary or grievance procedures were in place.

**Table weight:** Claimant weight.

**Table notes:** Table 2.18 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

Full time/part time table break is derived differently in 2017 compared to 2012 due to changes in the questionnaire. 2017 data is based on the number of hours worked usually per week and 2012 data is based on number of contracted hours per week. Comparison, if made, should be indicative only

**Table 2.13 Employers' survey: Whether written procedures were followed before making the claim by organisation characteristics**

Per cent, bases are counts

	Sector [CQA313]			Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Private sector	Public sector	Non-profit/ voluntary	Less than 25	25 to 49	50 to 249	250+	
<b>Whether written procedures were followed before claim [CQD9]</b>								
Yes, all the way	65	67	70	58	62	67	72	66
Yes, part of the way	8	7	8	11	7	7	7	8
Yes, don't know how far	2	3	4	2	1	2	2	2
ANY YES	75	78	82	72	70	76	81	77
No, not at all	18	12	12	22	24	15	12	16
Don't know	7	10	6	6	6	9	7	7
<i>unweighted base</i>	711	167	132	235	98	231	432	1018

**Table source:** SETA 2018: All employers who said that written disciplinary or grievance procedures were in place.

**Table weight:** Employer weight.

**Table notes:** Table 2.19 in SETA 2013. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 2.14 Claimants' survey: Whether written procedures were followed before making the claim by length of employment**

Per cent, bases are counts

	Length of employment [CBA342]						Total	
	0-6 Months	7-11 Months	12-23 Months	2-5 Years	6-10 Years	11-20 Years		Over 20 Years
<b>Whether written procedures were followed before claim [CQD9]</b>								
Yes, all the way	31	[31]	39	43	50	48	43	44
Yes, part of the way	9	[12]	16	18	14	20	21	17
Yes, don't know how far	5	[2]	4	4	4	4	3	4
ANY YES	45	[45]	59	64	68	73	68	65
No, not at all	37	[41]	31	28	19	20	24	26
Don't know	18	[14]	9	8	12	7	8	10
<i>unweighted base</i>	66	[36]	92	284	197	210	87	978

**Table source:** SETA 2018: All claimants who said that written disciplinary or grievance procedures were in place. Total includes those who did not know their length of employment.

**Table weight:** Claimant weight.

**Table notes:** Table 2.18 in SETA 2013. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

Full time/part time table break is derived differently in 2017 compared to 2012 due to changes in the questionnaire. 2017 data is based on the number of hours worked usually per week and 2012 data is based on number of contracted hours per week. Comparison, if made, should be indicative only

**Table 2.15 Employers' survey: Whether written procedures were followed before making the claim by length of employment**

Per cent, bases are counts

	Length of employment [CBA342]							Total
	0-6 Months	7-11 Months	12-23 Months	2-5 Years	6-10 Years	11-20 Years	Over 20 Years	
<b>Whether written procedures were followed before claim [CQD9]</b>								
Yes, all the way	46	[62]	57	71	69	70	[77]	66
Yes, part of the way	13	[14]	6	8	10	4	[9]	8
Yes, don't know how far	5	[5]	1	2	1	3	-	2
ANY YES	64	[82]	65	81	80	76	[86]	77
No, not at all	25	[18]	27	14	13	14	[12]	16
Don't know	11	-	8	5	7	10	[2]	7
<i>unweighted base</i>	88	[42]	104	301	208	141	[35]	1018

**Table source:** SETA 2018: All employers who said that written disciplinary or grievance procedures were in place. Total includes those who did not know their length of employment.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.16 Employers' survey: Who the organisation normally allows a worker to be accompanied by in grievance and disciplinary meeting by organisation characteristics**

Per cent, bases are counts

	Sector [CQA313]			Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Private sector	Public sector	Non-profit/ voluntary	Less than 25	25 to 49	50 to 249	250+	
<b>Whether employer normally allows workers to be accompanied by in disciplinary meeting [EQD611 - EQD619]</b>								
Work Colleague	96	99	98	91	97	99	99	97
Trade Union representative/shop steward/worker representative	90	98	95	79	89	95	98	92
Supervisor/Line manager / Foreman	81	79	81	80	85	87	77	81
Friend or family member	49	39	45	72	59	49	28	46
Solicitor or other legal representative	41	15	29	68	63	39	10	35
Interpreter/helper	1	1	-	-	-	*	2	1
Anyone of their choosing	7	2	9	12	11	10	1	6
No-one allowed	*	-	-	-	-	-	-	*
Other	2	-	5	3	1	2	1	2
Don't know	1	1	1	4	1	1	*	1
<i>unweighted base</i>	891	213	173	313	116	285	537	1290

**Table source:** SETA 2018: All employers.

**Table weight:** Employer weight.

**Table notes:** Table 2.20 in SETA 2013. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.



**Table 2.17 Claimants' and employers' survey: Circumstances surrounding the claimant leaving their job**

Per cent, bases are counts

	Claimants		Employers	
	2012	2017	2012	2017
<b>How claimant came to leave job with employer [CQC11 to CQC123]</b>				
Dismissed	40	46	40	41
Made redundant/ Laid off	25	16	20	11
Resigned	24	24	23	24
Left without resigning/Walked out	3	3	7	9
Other	9	11	8	13
Don't know	1	1	1	4
<i>unweighted base</i>	1800	1248	1837	1181
<b>Whether claimant was told to leave or left of own accord [CQC5]</b>				
Was told had to leave	21	25	10	11
Could have continued to work	71	63	85	79
Don't know	8	12	5	10
<i>unweighted base</i>	658	476	745	560

**Table source:** SETA 2018 and SETA 2013: All claimants / employers with claimant who no longer work(s) for the organisation the tribunal application was brought against. For CQC5: All claimants / employers with claimant who were not dismissed or made redundant.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 2.21 in SETA 2013. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 2.18 Claimants' survey: Whether the employer warned the claimant that they might be dismissed or made redundant by reason for job separation**

	Per cent, bases are counts					
	Dismissed [CQC11]		Made redundant [CQC12]		All dismissed or made redundant	
	2012	2017	2012	2017	2012	2017
<b>Whether employers gave claimant any prior warning that might be dismissed/ made redundant [CQC3]</b>						
No warning	73	72	52	57	65	68
Verbal warning	5	5	9	9	7	6
Written warning	11	11	14	11	12	11
Both	9	10	23	22	14	13
Don't know	2	2	3	1	2	2
<i>unweighted base</i>	688	564	457	191	1142	753

**Table source:** SETA 2018 and SETA 2013: All claimants who were dismissed or made redundant/laid off.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 2.22 in SETA 2013. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 2.19 Employers' survey: Whether the employer warned the claimant that they might be dismissed or made redundant by reason for job separation**

	Per cent, bases are counts					
	Dismissed [CQC11]		Made redundant [CQC12]		All dismissed or made redundant	
	2012	2017	2012	2017	2012	2017
<b>Whether employers gave claimant any prior warning that might be dismissed/ made redundant [CQC3]</b>						
No warning	21	24	11	17	17	23
Verbal warning	9	9	9	11	9	10
Written warning	21	20	6	10	16	17
Both	45	42	70	58	53	46
Don't know	5	5	4	4	4	5
<i>unweighted base</i>	753	480	339	140	1092	618

**Table source:** SETA 2018 and SETA 2013: All employers who dismissed or made redundant/laid off the claimant.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 2.23 in SETA 2013. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 2.20 Claimants' survey: Agreement to take part in early conciliation by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Agreement to take part in early conciliation [CQD5]</b>							
Yes- agreed to take part in Early Conciliation	89	90	93	[97]	91	86	90
No- did not agree to take part in Early Conciliation	4	4	3	[3]	3	7	4
Had contact with Acas but did not know if conciliation took place	2	2	2	-	2	2	2
Don't know	5	4	3	-	4	6	5
<i>unweighted base</i>	264	436	98	[34]	384	157	1373
<b>Whether employer agreed to take part in early conciliation [CQD6]</b>							
Yes	47	39	35	[43]	50	43	44
No	38	46	56	[47]	36	44	42
Don't know	16	14	9	[9]	14	13	14
<i>unweighted base</i>	234	392	91	[33]	350	137	1237

**Table source:** SETA 2018: All claimants. For CQD6, the base is all claimants who agreed to take part in early conciliation.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.20 (continued) Claimants' survey: Agreement to take part in early conciliation by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Agreement to take part in early conciliation [CQD5]</b>				
Yes- agreed to take part in Early Conciliation	91	91	88	90
No- did not agree to take part in Early Conciliation	3	4	5	4
Had contact with Acas but did not know if conciliation took place	1	2	2	2
Don't know	5	3	5	5
<i>unweighted base</i>	553	260	560	1373
<b>Whether employer agreed to take part in early conciliation [CQD6]</b>				
Yes	47	38	44	44
No	39	52	40	42
Don't know	13	10	16	14
<i>unweighted base</i>	504	239	494	1237

**Table source:** SETA 2018: All claimants. For CQD6, the base is all claimants who agreed to take part in early conciliation

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.21 Employers' survey: Agreement to take part in early conciliation by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Agreement to take part in early conciliation [CQD5]</b>							
Yes- agreed to take part in Early Conciliation	66	72	77	[57]	65	75	70
No- did not agree to take part in Early Conciliation	10	8	5	[32]	14	7	10
No- Early Conciliation was not offered to me	6	8	3	-	8	7	7
Had contact with Acas but did not know if conciliation took place	4	4	1	[12]	3	1	3
Don't know	14	9	14	-	10	9	10
<i>unweighted base</i>	237	414	94	[15]	397	133	1290

**Table source:** SETA 2018: All employers.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.21 (continued) Employers' survey: Agreement to take part in early conciliation by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Agreement to take part in early conciliation [CQD5]</b>				
Yes- agreed to take part in Early Conciliation	68	72	70	70
No- did not agree to take part in Early Conciliation	13	7	8	10
No- Early Conciliation was not offered to me	7	6	7	7
Had contact with Acas but did not know if conciliation took place	2	3	4	3
Don't Know	9	11	11	10
<i>unweighted base</i>	571	194	525	1290

**Table source:** SETA 2018: All employers.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.22 Claimants' survey: Agreement to take part in early conciliation by employment-related characteristics**

Per cent, bases are counts

	Full time / Part time [Emphrs]			Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]		All
	Full-time	Part- time	Varied	Permanent	Non-Permanent	Member	Non- member	
<b>Agreement to take part in early conciliation [CQD5]</b>								
Yes- agreed to take part in Early Conciliation	91	89	[83]	90	91	88	91	90
No- did not agree to take part in Early Conciliation	3	5	[10]	4	4	5	4	4
Had contact with Acas but did not know if conciliation took place	2	-	-	2	-	2	2	2
Don't know	4	6	[7]	4	6	5	4	5
<i>unweighted base</i>	1091	185	[43]	1265	68	387	972	1373
<b>Whether employer agreed to take part in early conciliation [CQD6]</b>								
Yes	44	43	[53]	44	45	42	44	44
No	42	44	[32]	42	43	40	43	42
Don't know	14	13	[15]	14	12	17	12	14
<i>unweighted base</i>	991	166	[36]	1144	62	343	882	1237

**Table source:** SETA 2018: All claimants. For CQD6, the base is all claimants who agreed to take part in early conciliation.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

Full time/part time table break is derived slightly differently in 2017 compared to 2012 due to changes in the questionnaire. 2017 data is based on the number of hours worked usually per week and 2012 data is based on number of contracted hours per week. Comparison, if made, should be indicative only.



**Table 2.23 Employers' survey: Agreement to take part in early conciliation by organisation characteristics**

Per cent, bases are counts

	Sector [CQA313]			Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Private sector	Public sector	Non-profit/ voluntary	Less than 25	25 to 49	50 to 249	250+	
<b>Agreement to take part in early conciliation [CQD5]</b>								
Yes- agreed to take part in Early Conciliation	71	60	76	75	74	69	67	70
No- did not agree to take part in Early Conciliation	8	20	10	9	5	7	13	10
No- Early Conciliation was not offered to me	7	5	5	5	11	8	6	7
Had contact with Acas but did not know if conciliation took place	4	1	3	4	1	3	3	3
Don't know	11	13	6	6	9	13	11	10
<i>unweighted base</i>	891	213	173	313	116	285	537	1290

**Table source:** SETA 2018: All employers.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.24 Claimants' survey: Agreement to take part in early conciliation by claimant's characteristics**

Per cent, bases are counts

	Age [Cage]				
	Under 25	25-44	45-64	65 and over	
<b>Agreement to take part in early conciliation [CQD5]</b>					
Yes- agreed to take part in Early Conciliation	87	91	89		[86]
No- did not agree to take part in Early Conciliation	4	4	4		[2]
Had contact with Acas but did not know if conciliation took place	6	1	2		[4]
Don't know	4	4	5		[8]
<i>unweighted base</i>	58	526	741		[46]
<b>Whether employer agreed to take part in early conciliation [CQD6]</b>					
Yes	59	47	41		[37]
No	35	41	43		[49]
Don't know	7	12	16		[15]
<i>unweighted base</i>	51	482	664		[39]

**Table source:** SETA 2018: All claimants. For CQD6, the base is all claimants who agreed to take part in early conciliation

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.24 (continued) Claimants' survey: Agreement to take part in early conciliation by claimant's characteristics**

Per cent, bases are counts

	Gross pay before deductions [CBA38]						
	Under £10,000	£10,000 - £14,999	£15,000 - £19,999	£20,000 - £24,999	£25,000 - £29,999	£30,000 - £39,999	£40,000 or over
<b>Agreement to take part in early conciliation [CQD5]</b>							
Yes- agreed to take part in Early Conciliation	87	86	91	87	93	93	92
No- did not agree to take part in Early Conciliation	6	4	3	6	2	3	3
Had contact with Acas but did not know if conciliation took place	2	3	1	3	-	1	2
Don't know	5	7	4	5	5	2	3
<i>unweighted base</i>	144	141	176	179	149	219	269
<b>Whether employer agreed to take part in early conciliation [CQD6]</b>							
Yes	48	45	45	41	52	41	41
No	41	36	42	45	38	46	43
Don't know	12	20	12	14	11	14	16
<i>unweighted base</i>	125	122	161	156	139	205	246

**Table source:** SETA 2018: All claimants. For CQD6, the base is all claimants who agreed to take part in early conciliation.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.25 Employers' survey: Agreement to take part in early conciliation by resources available**

Per cent, bases are counts

	Trade union presence [CQA315]		Existence of a legal internal legal department [EQA312E]	
	Yes	No	Yes	No
<b>Agreement to take part in early conciliation [CQD5]</b>				
Yes- agreed to take part in Early Conciliation	67	72	66	71
No- did not agree to take part in Early Conciliation	15	8	13	9
No- Early Conciliation was not offered to me	5	7	8	7
Had contact with Acas but did not know if conciliation took place	1	4	3	3
Don't know	11	9	10	11
<i>unweighted base</i>	354	865	287	999

**Table source:** SETA 2018: All employers.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.25 (continued) Employers' survey: Agreement to take part in early conciliation by resources available and previous experience of employment tribunals**

Per cent, bases are counts

	Existence of an internal Human Resources department [EQA312B]		Use of external person or company for Human Resources [EQA312D]	
	Yes	No	Yes	No
<b>Agreement to take part in early conciliation [CQD5]</b>				
Yes- agreed to take part in Early Conciliation	69	72	72	68
No- did not agree to take part in Early Conciliation	11	9	9	11
No- Early Conciliation was not offered to me	6	9	7	7
Had contact with Acas but did not know if conciliation took place	3	3	3	3
Don't know	12	7	9	11
<i>unweighted base</i>	895	390	575	702

**Table source:** SETA 2018: All employers.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.25 (continued) Employers' survey: Agreement to take part in early conciliation by resources available and previous experience of employment tribunals**

Per cent, bases are counts

	Experience with Employment Tribunals, previous claims [EBB12v2]					
	0	1	2	3	4 to 9	10 or more
<b>Agreement to take part in early conciliation [CQD5]</b>						
Yes- agreed to take part in Early Conciliation	72	77	65	60	71	64
No- did not agree to take part in Early Conciliation	8	6	10	15	12	14
No- Early Conciliation was not offered to me	8	5	8	5	6	4
Had contact with Acas but did not know if conciliation took	3	5	-	2	3	6
Don't know	8	7	17	18	8	11
<i>unweighted base</i>	676	131	88	84	123	76

**Table source:** SETA 2018: All employers.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.26 Claimants' survey: Reasons for not taking part in early conciliation**

Per cent, bases are counts	
All	
<b>Agreement to take part in early conciliation [CQD5]</b>	
Not aware of it/ not offered/ did not think of it	25
I knew the employer would not be willing to engage	8
I felt that conciliation would not resolve the issue/be a waste of time	7
When I spoke to Acas there was not enough time to take part in Early Conciliation	7
I did not want to take part	6
When I spoke to Acas, I didn't want to take my case further, but I have since changed my mind	3
I felt that the process wouldn't be impartial/ Acas would be on the side of employer	2
I was not willing to negotiate	2
Other reason	34
Don't know	12
<i>unweighted base</i>	52

**Table source:** SETA 2018: All claimants that did not agree to take part in early conciliation.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.27 Employers' survey: Reasons for not taking part in early conciliation**

<b>Per cent, bases are counts</b>	
	<b>All</b>
The organisation did not have any case to answer to	35
Organisation was not willing to negotiate	23
Organisation felt that conciliation would not resolve the issue/be a waste of time	15
When I spoke to Acas there was not enough time to take part in Early Conciliation	3
Claimant did not want to take part	3
Not aware of it/ not offered/ did not think of it	1
Other reason	23
Don't know	7
<i>unweighted base</i>	131

**Table source:** SETA 2018: All employers who did not agree to take part in early conciliation

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.



**Table 2.28 Claimants' and employers' survey: Reasons for not reaching a settlement at that point in time**

	Per cent, bases are counts	
	Claimants	Employers
<b>Reasons for not reaching a settlement through early conciliation [CQD81 to CQD812]</b>		
Employer felt they had no case to answer to	27	18
Employer offered a settlement, but claimant was not willing to accept it	19	19
Employer did not wish to take part in the conciliation was not interested in talking	13	2
Employer was not willing to talk further to claimant	13	2
Claimant wanted money and employer was not willing to pay	11	20
Claimant demands unrealistic	-	10
Employer did not think that claimant was serious about taking the case to an Employment Tribunal	7	*
Claimant did not want to settle/ want to go to court	1	2
We could not agree	1	3
Other reason	22	19
Don't Know	7	11
Refused	*	1
<i>unweighted base</i>	548	907

**Table source:** SETA 2018: All claimants whose employer agreed to take part in early conciliation / All employers who agreed to take part in early conciliation.

**Table weight:** Claimant weight / Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.29 Claimants' and employers' survey: Reasons for not reaching a settlement at that point in time by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Claimants' survey: Reasons for not reaching a settlement through early conciliation [CQD81 to CQD812]</b>							
Employer felt they had no case to answer to	29	25	[29]	[27]	29	19	27
Employer offered a settlement, but I was not willing to accept it	18	25	[6]	-	19	22	19
Employer did not wish to take part in the conciliation/ was not interested in talking	17	9	[24]	[10]	14	11	13
Employer was not willing to talk further to me	13	10	[14]	[24]	14	14	13
I wanted money and employer were not willing to pay	10	16	[19]	[15]	7	10	11
Employer did not think that I was serious about taking the case to an Employment Tribunal	5	6	[3]	-	10	9	7
I did not want to settle/ want to go to court	1	1	-	-	1	2	1
We could not agree	2	1	-	-	1	-	1
Other reason	21	19	[25]	[25]	23	24	22
Don't Know	8	7	[11]	[9]	6	8	7
Refused	1	-	-	-	1	-	*
<i>unweighted base</i>	109	157	[32]	[14]	175	61	548

**Table source:** SETA 2018: All claimants whose employer agreed to take part in early conciliation / All employers who agreed to take part in early conciliation.

**Table weight:** Claimant weight / Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.29 (continued) Claimants' and employers' survey: Reasons for not reaching a settlement at that point in time by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Claimants' survey: Reasons for not reaching a settlement through early conciliation [CQD81 to CQD812]</b>				
Employer felt they had no case to answer to	25	29	28	27
Employer offered a settlement, but I was not willing to accept it	22	13	19	19
Employer did not wish to take part in the conciliation/ was not interested in talking	15	15	11	13
Employer was not willing to talk further to me	13	13	12	13
I wanted money and employer was not willing to pay	10	16	11	11
Employer did not think that I was serious about taking the case to an Employment Tribunal	9	5	5	7
I did not want to settle/ wanted to go to court	1	-	1	1
We could not agree	1	1	1	1
Other reason	22	19	23	22
Don't know	7	11	6	7
Refused	*	-	*	*
<i>unweighted base</i>	239	94	215	548

**Table source:** SETA 2018: All claimants whose employer agreed to take part in early conciliation / All employers who agreed to take part in early conciliation.

**Table weight:** Claimant weight / Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.29 (continued) Claimants' and employers' survey: Reasons for not reaching a settlement at that point in time by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Employers' survey: Reasons for not reaching a settlement through early conciliation [CQD81 to CQD812]</b>							
Claimant wanted money and we were not willing to pay	17	19	25	[16]	16	26	20
We offered a settlement, but claimant was not willing to accept it	16	22	12	[23]	18	18	19
We felt we had no case to answer to	19	13	27	[33]	19	20	18
Claimant demands unrealistic	8	10	11	-	11	11	10
We could not agree	2	3	5	-	4	1	3
Claimant did not want to settle/ want to go to court	2	5	-	-	1	-	2
We did not wish to take part in the conciliation/ we were not interested in talking	3	3	2	-	2	2	2
We were not willing to talk further to claimant	1	3	4	-	1	2	2
We did not think that claimant was serious about taking the case to an Employment Tribunal	1	-	1	-	1	-	*
Other reason	21	19	19	[36]	17	19	19
Don't know	14	10	5	-	17	8	11
Refused	1	1	1	-	1	-	1
<i>unweighted base</i>	163	301	71	[11]	262	99	907

**Table source:** SETA 2018: All claimants whose employer agreed to take part in early conciliation / All employers who agreed to take part in early conciliation.

**Table weight:** Claimant weight / Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 2.29 (continued) Claimants' and employers' survey: Reasons for not reaching a settlement at that point in time by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Employers' survey: Reasons for not reaching a settlement through early conciliation [CQD81 to CQD812]</b>				
Claimant wanted money and we were not willing to pay	18	20	21	20
We offered a settlement, but claimant was not willing to accept it	20	16	19	19
We felt we had no case to answer to	18	22	17	18
Claimant demands unrealistic	11	12	9	10
We could not agree	3	4	2	3
We were not willing to talk further to claimant	1	4	2	2
Claimant did not want to settle/ want to go to court	2	1	3	2
We did not wish to take part in the conciliation/ we were not interested in talking	2	1	4	2
We did not think that claimant was serious about taking the case to an Employment Tribunal	1	*	*	*
Other reason	18	22	18	19
Don't know	14	7	12	11
Refused	1	1	1	1
<i>unweighted base</i>	393	140	374	907

**Table source:** SETA 2018: All claimants whose employer agreed to take part in early conciliation / All employers who agreed to take part in early conciliation.

**Table weight:** Claimant weight / Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

## Chapter 3: Claim process, advice and representation

**Table 3.1 Claimants' survey: Previous experience of the employment tribunal system by claimant age**

Per cent, bases are counts

	Age of claimant [Cage (QA22/QA22B)]				
	Under 25	25-44	45-64	65 and Over	All
<b>Whether ever made a claim to an employment tribunal, at any workplace, before claim [CQB1]</b>					
Yes	2	7	11	[15]	9
No	98	93	89	[85]	91
<i>unweighted base</i>	58	526	741	[46]	1373

**Table source:** SETA 2018: All claimants.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Table 3.1 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.2 Employers' survey: Previous experience of employment tribunal system by enterprise size**

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				
	Less than 25	25-49	50-249	250 +	All
<b>Number of cases the organisation has been involved in over the last 2 years (Banded) [EBB12]</b>					
0	83	78	69	16	49
1	9	12	14	10	11
2-5	6	8	14	37	22
6-10	*	3	-	19	8
More than ten	1	-	1	14	6
Don't Know	*	-	2	5	4
<i>unweighted base</i>	313	116	285	537	1290

**Table source:** SETA 2018: All employers.

**Table weight:** SETA 2018: Employer weight.

**Table notes:** Table 3.2 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.3 Claimants' survey: Sources of information used to help with the case**

Per cent, bases are counts	
Claimants	
<b>Sources of information used to help with the case [CQE6B1 – CQE6B25]</b>	
Acas website (2012) / [Acas website/publications (2017)	73
Gov. UK website	54
The HM Courts & Tribunal Service website (2012) / The HM Courts & Tribunal Service website/publications (2017)	47
Other internet sites	37
Equality and Human Rights Commission	13
Legal advice/ solicitor/ lawyer	3
Books	1
Family/friends	1
CAB	1
Trade Union	*
Acas (verbal)	*
Personal knowledge/experience	*
General leaflets/booklets	*
HR specialist	*
Other	3
Don't know / None used	14
Average number of sources used	2.3
Average number of sources used (excluding those who did not use any)	2.7
<i>unweighted base</i>	1373

**Table source:** SETA 2018: All claimants.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Table 3.3 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only



**Table 3.4 Employers' survey: Sources of information used to help with the case**

Per cent, bases are counts	
Employers	
<b>Sources used to find out information to help with case [CQE6B1 – CQE6B25]</b>	
Acas website (2012) / [Acas website/publications (2017)	41
Gov. UK website	28
The HM Courts & Tribunal Service website (2012) / The HM Courts & Tribunal Service website/publications (2017)	22
Other internet sites	20
Legal advice/ solicitor/ lawyer	3
HR specialist	1
Books	*
CAB	*
Family/friends	*
Personal knowledge/experience	*
Equality and Human Rights Commission	*
A library	*
Acas verbal	*
No answer	*
Other	3
Don't know / None used	44
Average number of sources used	1.2
Average number of sources used (excluding those who did not use any)	2.1
<i>unweighted base</i>	1094

**Table source:** SETA 2018: All employers with personal responsibility for the case.

**Table weight:** SETA 2018: Employer weight.

**Table notes:** Table 3.3 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.5 Claimants' and employers' survey: Overview of advice and representation**

Per cent, bases are counts

	Claimants		Employers	
	2012	2017	2012	2017
<b>Use of representative for the day-to-day handling of the case (not Acas) [CQE5]</b>				
Yes	52	57	60	70
No	48	43	39	27
Don't Know	*	1	1	3
<i>unweighted base</i>	1988	1373	2011	1290
<b>Representation at full tribunal hearing [CQE5C3]</b>				
Yes	33	41	67	77
No	67	59	32	21
Don't Know	1	1	1	2
<i>unweighted base</i>	377	287	318	230
<b>Provision of additional help and guidance [CQE5C4]</b>				
Yes	27	26	16	21
No	73	73	82	75
Don't Know	*	1	1	3
<i>unweighted base</i>	1988	1373	2011	1290

**Table source:** SETA 2018 and SETA 2013: All claimants / employers. All claimants/employers who participated in a full hearing.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 3.10 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.6 Claimants' and employers' survey: Levels of advice and day-to-day handling of the case**

	Per cent, bases are counts	
	Claimant	Employer
<b>Had day to day representative and:</b>		
- sought additional advice and guidance [RANDA]	11	11
- sought no additional advice and guidance [NOREPAD]	46	59
<b>Had no day to day representative and:</b>		
- sought additional advice and guidance [ADNOREP]	16	10
- sought no additional advice and guidance [ADNOREP]	28	20
<i>unweighted base</i>	1373	1290

**Table source:** SETA 2018: All claimants / employers.

**Table weight:** SETA 2018: Claimant weight / Employer weight.

**Table notes:** Table 3.11 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.7 Claimants' and employers' survey: Overview of who acted as the advice and representation**

Per cent, bases are counts

	Who acted as day-to-day representative [CQE5C01- CQE5C24]		Who acted as representative at full tribunal hearing [CQE5E]		Who (else) went to for advice and guidance [CQE61 – CQE626]	
	Claimant	Employer	Claimant	Employer	Claimant	Employer
Solicitor, barrister or other kind of lawyer	62	65	63	67	44	57
Family or friends	21	1	12	2	21	1
Trade Union Representative / worker representative	16	*	9		12	-
Citizens Advice Bureau	9		5		17	-
Personnel/ HR specialist		18		6		18
Acas officer					11	-
Legal specialist in company		10		5		6
Employment Rights Advisor / Employment consultant	2	6	3	4	2	6
Owner/Manager		5		8		2
Acas helpline					9	-
Work colleagues	1	*	1	1	1	2
Employers' Association / Trade Association		1		*		4
Internet					3	-
A charity					2	-
Insurance company					1	4
MP/Councillor					1	-
Law centre					1	-
Equality and Human Rights Commission					*	-
Someone else outside organisation	-	2	-	2	-	2
Someone else in organisation	*	2	-	*	-	-
Someone else			6	3	-	-
No one					2	1
Other	4	1	-	-	4	2
Don't Know	*	1	-	1	1	1
<i>unweighted base</i>	783	935	121	190	366	283

**Table source:** SETA 2018: All claimants / employers who a) had day-to-day help, b) had a representative at a full hearing, c) who went to someone else for advice and guidance

**Table weight:** SETA 2018: Claimant weight / Employer weight.

**Table notes:** Table 3.12 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.8 Claimants' and employers' survey: Whether had a day-to-day representative by SETA outcome**

Per cent, bases are counts

Claimants' survey	SETA Outcome [CSVOUT]													
	Claimant successful at hearing		Claimant unsuccessful at hearing		Acas settled		Privately settled		Withdrawn		Dismissed/ Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>														
Yes	40	50	48	42	59	60	61	67	46	59	34	39	52	57
No	60	49	52	58	41	39	39	32	54	41	66	59	48	43
Don't know	-	1	-	-	*	1	-	1	*	1	-	2	*	1
<i>unweighted base</i>	322	181	152	149	867	565	240	202	299	196	108	80	1988	1373

Employers' survey	SETA Outcome [CSVOUT]													
	Claimant successful at hearing		Claimant unsuccessful at hearing		Acas settled		Privately settled		Withdrawn		Dismissed/ Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>														
Yes	30	48	68	73	67	72	58	74	64	74	58	71	60	70
No	67	47	31	23	32	26	41	24	36	25	42	25	39	27
Don't know	3	6	1	4	1	3	1	3	1	1	-	4	1	3
<i>unweighted base</i>	121	97	210	145	918	559	276	268	299	143	187	78	2011	1290

**Table source:** SETA 2018 and SETA 2013: All claimants / employers.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 3.13 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.9 Claimants' and employers' survey: Whether had a day-to-day representative by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

Claimants' survey	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>														
Yes	55	52	51	59	33	40	42	[46]	61	64	47	52	52	57
No	45	47	49	40	67	60	58	[51]	39	35	53	48	48	43
Don't know	*	1	*	1	1	-	-	[3]	-	*	-	-	-	1
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373

Employers' survey	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>														
Yes	67	71	57	68	30	53	[54]	[77]	74	76	57	71	60	70
No	32	26	43	28	67	43	[46]	[23]	25	21	42	27	39	27
Don't know	1	3	1	4	2	4	-	-	1	3	1	2	1	3
<i>unweighted base</i>	617	237	563	414	145	94	[48]	[15]	437	397	201	133	2011	1290

**Table source:** SETA 2018 and SETA 2013: All claimants / employers.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 3.14 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.9 (continued) Claimants' and employers' survey: Whether had a day-to-day representative by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

Summary Jurisdiction [CJURS]				
Claimants' survey	Open Track	Fast Track	Standard Track	All
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>				
Yes	67	39	55	57
No	32	61	44	43
Don't know	1	-	1	1
<i>unweighted base</i>	553	260	560	1373

Summary Jurisdiction [CJURS]				
Employers' survey	Open Track	Fast Track	Standard Track	All
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>				
Yes	75	54	72	70
No	22	42	25	27
Don't know	3	4	3	3
<i>unweighted base</i>	571	194	525	1290

**Table source:** SETA 2018: All claimants / employers.

**Table weight:** SETA 2018: Claimant weight / Employer weight.

**Table notes:**

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.10 Claimants' survey: Whether had a day-to-day representative by personal characteristics**

Per cent, bases are counts

	Sex [CQA21]		Age of claimant [Cage]			
	Male	Female	Under 25	25-44	45-64	65 and over
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>						
Yes	53	62	63	51	60	[65]
No	47	38	35	49	40	[35]
Don't Know	1	1	2	1	*	-
<i>unweighted base</i>	764	608	58	526	741	[46]

	Ethnicity [Aethn]					Disability [DISAB]		
	White	Black	Asian	Mixed	Other	Yes, Limiting	Yes, Not Limiting	No
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>								
Yes	59	50	52	[62]	[57]	60	64	55
No	41	48	47	[38]	[43]	40	36	44
Don't Know	*	2	1	-	-	*	-	1
<i>unweighted base</i>	1005	138	110	[41]	[42]	390	89	865

	Gross claimant annual salary at time of claim (Banded) [CBA38]						
	Under £10,000	£10,000 - £14,999	£15,000 - £19,999	£20,000 - £24,999	£25,000 - £29,999	£30,000 - £39,000	£40,000 or over
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>							
Yes	52	59	49	54	61	54	63
No	47	40	49	45	39	46	36
Don't Know	1	1	2	1	-	*	*
<i>unweighted base</i>	144	141	176	179	149	219	269

**Table source:** SETA 2018: All claimants.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Table 3.15 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.



**Table 3.10 (continued) Claimants' survey: Whether had a day-to-day representative by personal characteristics**

Per cent, bases are counts

	Standard Occupation Classification 2010 of the claimant involved in the case [SOC2010ClaimB]								
	Managers, Directors and Senior Officials	Professional	Associate Prof and Tech. Operations	Admin and Secretarial	Skilled Trades	Caring, Leisure and Other Service	Sales and Customer Service	Process, Plant and Machine Operatives	Elementary
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>									
Yes	61	63	53	55	50	62	53	54	54
No	38	37	47	44	49	37	46	43	46
Don't Know	1	-	-	1	1	1	1	2	-
<i>unweighted base</i>	216	197	273	125	100	128	69	99	155
	Country [CREGION]								
	England/ Wales	Scotland		All					
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>									
Yes	57		56						57
No	42		44						43
Don't Know	1		-						1
<i>unweighted base</i>	1207		166						1373

**Table source:** SETA 2018: All claimants.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Table 3.15 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.11 Claimants' survey: Who helped most with the day-to-day handling by personal characteristics**

Per cent, bases are counts

	Sex [CQA21]		Age of claimant [Cage]			
	Male	Female	Under 25	25-44	45-64	65 and over
<b>Who helped most with the day to day handling of the case [CQE5C2]</b>						
Solicitor /Barrister/ some other kind of lawyer	58	54	[22]	56	59	[59]
Family/ friend	15	18	[46]	16	13	[25]
Trade Union representative	13	13	[3]	14	13	[4]
Citizens Advice Bureau	8	8	[18]	5	9	[10]
Employment Rights Advisor	1	2	-	1	2	[3]
Work Colleagues	1	*	[3]	1	*	-
Someone else in organisation	*	-	-	1	-	-
Other	2	4	[9]	4	3	-
Don't Know	2	2	-	3	2	-
<i>unweighted base</i>	405	374	[35]	269	445	[30]

**Table source:** SETA 2018: All claimants who had help with the day-to-day handling of the case.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** This question/questions were asked in SETA 2018 only or significantly amended in SETA 2018.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.11 (continued) Claimants' survey: Who helped most with the day-to-day handling by personal characteristics**

Per cent, bases are counts

	Ethnicity [AETHN]					Disability [DISAB]		
	White	Black	Asian	Mixed	Other	Yes, Limiting	Yes, Not Limiting	No
<b>Who helped most with the day to day handling of the case [CQE5C2]</b>								
Solicitor /Barrister/ some other kind of lawyer	57	51	53	[55]	[53]	51	41	60
Family/ friend	16	21	13	[12]	[12]	19	16	15
Trade Union representative	12	13	16	[15]	[18]	14	21	11
Citizens Advice Bureau	8	10	6	[8]	[9]	8	11	8
Employment Rights Advisor	2	-	2	-	[3]	2	5	1
Work Colleagues	1	1	-	-	-	1	-	1
Someone else in organisation	-	-	-	[6]	-	-	-	*
Other	3	4	7	-	[4]	3	3	3
Don't Know	2	-	4	[4]	-	2	3	1
<i>unweighted base</i>	589	69	58	[25]	[25]	233	56	478

**Table source:** SETA 2018: All claimants who had help with the day-to-day handling of the case.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** This question/questions were asked in SETA 2018 only or significantly amended in SETA 2018.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.11 (continued) Claimants' survey: Who helped most with the day-to-day handling by personal characteristics**

Per cent, bases are counts

	Gross claimant annual salary at time of claim (Banded) [CBA38]						
	Under £10,000	£10,000 - £14,999	£15,000 - £19,999	£20,000 - £24,999	£25,000 - £29,999	£30,000 - £39,000	£40,000 or over
<b>Who helped most with the day to day handling of the case [CQE5C2]</b>							
Solicitor /Barrister/ some other kind of lawyer	41	44	41	51	52	70	73
Family/ friend	26	21	20	18	14	13	8
Trade Union representative	13	15	15	16	19	10	9
Citizens Advice Bureau	16	12	13	9	9	3	2
Employment Rights Advisor	3	2	1	-	-	2	3
Work colleagues	-	1	-	-	1	-	2
Someone else in organisation	-	-	-	-	-	-	1
Other	1	4	5	4	2	2	2
Don't know	1	1	4	2	2	1	1
<i>unweighted base</i>	77	83	87	98	91	118	169

**Table source:** SETA 2018: All claimants who had help with the day-to-day handling of the case.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** This question/questions were asked in SETA 2018 only or significantly amended in SETA 2018.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.11 (continued) Claimants' survey: Who helped most with the day-to-day handling by personal characteristics**

Per cent, bases are counts

	Standard Occupation Classification 2010 of the claimant involved in the case [SOC2010ClaimB]								
	Managers, Directors and Senior Officials	Professional	Associate Prof and Tech. Operations	Admin and Secretarial	Skilled Trades	Caring, Leisure and Other Service	Sales and Customer Service	Process, Plant and Machine Operatives	Elementary
<b>Who helped most with the day to day handling of the case [CQE5C2]</b>									
Solicitor /Barrister/ some other kind of lawyer	72	62	67	55	42	38	[48]	53	37
Family/ friend	12	12	14	21	8	21	[19]	15	27
Trade Union representative	6	13	8	11	21	16	[17]	19	17
Citizens Advice Bureau	6	2	2	4	25	16	[6]	4	16
Employment Rights Advisor	1	3	1	2	2	1	-	3	1
Work colleagues	1	1	2	-	-	-	-	-	-
Someone else in organisation	1	-	-	-	-	-	-	-	-
Other	1	5	4	7	2	1	[6]	5	1
Don't know	1	2	1	-	-	6	[5]	2	1
<i>unweighted base</i>	131	126	145	67	50	79	[37]	55	84

**Table source:** SETA 2018: All claimants who had help with the day-to-day handling of the case.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** This question/questions were asked in SETA 2018 only or significantly amended in SETA 2018.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.11 (continued) Claimants' survey: Who helped most with the day-to-day handling by personal characteristics**

Per cent, bases are counts

	Country [CREGION]		
	England/ Wales	Scotland	All
<b>Who helped most with the day to day handling of the case [CQE5C2]</b>			
Solicitor /Barrister/ some other kind of lawyer	57	48	56
Family/ friend	17	11	16
Trade Union representative	13	14	13
Citizens Advice Bureau	6	22	8
Employment Rights Advisor	2	1	2
Work colleagues	1	-	1
Someone else in organisation	-	1	*
Other	3	2	3
Don't know	2	2	2
<i>unweighted base</i>	687	93	780

**Table source:** SETA 2018: All claimants who had help with the day-to-day handling of the case.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** This question/questions were asked in SETA 2018 only or significantly amended in SETA 2018.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.12 Claimants' survey: Whether had a day-to-day representative by presence of trade union or staff association at the workplace**

Per cent, bases are counts

	Whether trade unions or staff associations are present at the workplace [CQA315]		
	Yes	No	All
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>			
Yes	59	55	57
No	41	44	43
Don't know	*	1	1
<i>unweighted base</i>	403	870	1373

**Table source:** SETA 2018: All claimants.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** This question/questions were asked in SETA 2018 only or significantly amended in SETA 2018. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.13 Claimants' survey: Who helped most with the day-to-day handling by presence of trade union or staff association at the workplace**

Per cent, bases are counts

	Whether trade unions or staff associations are present at the workplace [CQA315]		
	Yes	No	All
<b>Who helped most with the day to day handling of the case [CQE5C2]</b>			
Solicitor /Barrister/ some other kind of lawyer	46	62	56
Family/ friend	16	16	16
Trade Union representative	27	6	13
Citizens Advice Bureau	4	9	8
Employment Rights Advisor	*	2	2
Work colleagues	1	*	1
Someone else in organisation	1	-	*
Other	3	3	3
Don't know	2	1	2
<i>unweighted base</i>	238	483	780

**Table source:** SETA 2018: All claimants who had help with the day-to-day handling of the case.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** This question/questions were asked in SETA 2018 only or significantly amended in SETA 2018. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.



**Table 3.14 Employers' survey: Whether had a day-to-day representative by organisation characteristics**

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				Sector [CQA313]			
	Less than 25	25 - 49	50 - 249	250+	Private sector	Public sector	Non-profit/ Voluntary	
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>								
Yes	65	76	78	68	70	63	79	
No	32	20	17	30	27	34	18	
Don't Know	3	4	5	2	3	2	3	
<i>unweighted base</i>	313	116	285	537	891	213	173	
<b>Standard Industrial Classification – Banded [SICGP2V2]</b>								
	Production	Con- struction	Wholesale/ Retail	Accom/ Food Service	Transport/ Comms/ Utilities	Finance	Other Services/ Public	All
<b>Whether anyone helped with day-to-day handling of case after claim (not Acas) [CQE5]</b>								
Yes	85	70	74	54	72	[76]	68	70
No	14	27	21	43	27	[17]	29	27
Don't Know	2	2	5	3	1	[7]	3	3
<i>unweighted base</i>	164	65	133	71	106	[32]	651	1290

**Table source:** SETA 2018: All employers.

**Table weight:** SETA 2018: Employer weight.

**Table notes:** Table 3.16 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.15 Employers' survey: Who helped most with the day-to-day handling by organisation characteristics**

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				Sector [CQA313]		
	Less than 25	25 - 49	50 - 249	250+	Private sector	Public sector	Non-profit/ Voluntary
<b>Who helped most with the day to day handling of the case [CQE5C2]</b>							
Solicitor /Barrister/ some other kind of lawyer	55	51	58	72	60	68	67
Personnel/ HR specialist	22	22	21	7	16	12	13
Legal specialist in company	4	6	8	10	7	14	10
Owner/ Manager	4	7	4	2	4	3	1
Employment Rights Advisor	3	9	7	5	7	1	4
Employers Association	3	1	*	*	1	-	1
Family/ friend	3	-	-	-	1	-	-
Someone else in organisation	2	2	*	1	1	*	-
Someone else outside organisation	*	2	1	2	2	1	-
Work colleagues	-	-	*	-	-	-	1
Trade Union representative	-	-	-	*	*	-	-
Other	3	-	-	*	*	-	4
Don't know	-	-	1	1	*	1	-
<i>unweighted base</i>	221	89	228	368	655	132	137

**Table source:** SETA 2018: All employers who had help with the day-to-day handling of the case.

**Table weight:** SETA 2018: Employer weight.

**Table notes:** This question/questions were asked in SETA 2018 only or significantly amended in SETA 2018.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.15 (continued) Employers' survey: Who helped most with the day-to-day handling by organisation characteristics**

	Standard Industrial Classification – Banded [SICGP2V2]							All
	Production	Construction	Wholesale/ Retail	Accom/ Food Service	Transport/ Comms/ Utilities	Finance	Other Services/ Public	
<b>Who helped most with the day to day handling of the case [CQE5C2]</b>								
Solicitor /Barrister/ some other kind of lawyer	67	[55]	67	[53]	54	[75]	62	63
Personnel/ HR specialist	14	[19]	12	[18]	22	-	15	15
Legal specialist in company	6	[8]	8	[7]	6	[14]	8	8
Owner/ Manager	2	[2]	5	[2]	8	-	3	3
Employment Rights Advisor	4	[8]	5	-	4	[3]	7	5
Employers Association	2	-	1	-	1	-	1	1
Family/ friend	-	[3]	-	4	-	-	1	1
Someone else in organisation	-	-	-	[5]	1	[3]	1	1
Someone else outside organisation	1	-	-	[5]	2	[5]	1	1
Work colleagues	-	-	-	-	-	-	*	*
Trade Union representative	-	-	1	-	-	-	-	*
Other	3	[2]	-	1	-	-	1	1
Don't know	-	[3]	-	[3]	1	-	*	*
<i>unweighted base</i>	139	[45]	103	[46]	79	[24]	457	930

**Table source:** SETA 2018: All employers who had help with the day-to-day handling of the case.

**Table weight:** SETA 2018: Employer weight.

**Table notes:** This question/questions were asked in SETA 2018 only or significantly amended in SETA 2018.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.16 Claimants' survey: Whether had a legal representative or advisor by personal characteristics**

Per cent, bases are counts

	Sex [CQA21]		Age of claimant [Cage]			
	Male	Female	Under 25	25-44	45-64	65 and over
<b>Whether had a legal representative (solicitor, barrister, or some type of lawyer) [LEGAD]</b>						
Yes	44	48	24	42	50	[48]
No	56	52	76	58	50	[52]
<i>unweighted base</i>	764	608	58	526	741	[46]

	Ethnicity [AETHN]					Disability [DISAB]		
	White	Black	Asian	Mixed	Other	Yes, Limiting	Yes, Not Limiting	No
<b>Whether had a legal representative (solicitor, barrister, or some type of lawyer) [LEGAD]</b>								
Yes	49	33	43	[42]	[48]	49	44	45
No	51	67	57	[58]	[52]	51	56	55
<i>unweighted base</i>	1005	138	110	[41]	[42]	390	89	865

	Gross claimant annual salary at time of claim (Banded) [Cba38]						
	Under £10,000	£10,000 - £14,999	£15,000 - £19,999	£20,000 - £24,999	£25,000 - £29,999	£30,000 - £39,000	£40,000 or over
<b>Whether had a legal representative (solicitor, barrister, or some type of lawyer) [LEGAD]</b>							
Yes	30	38	32	45	48	52	61
No	70	62	68	55	52	48	39
<i>unweighted base</i>	144	141	176	179	149	219	269

**Table source:** SETA 2018: All claimants.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Table 3.17 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.16 (continued) Claimants' survey: Whether had a legal representative or advisor by personal characteristics**

Per cent, bases are counts

	Standard Occupation Classification 2010 of the claimant involved in the case [SOC2010ClaimB]								
	Managers, Directors and Senior Officials	Professional	Associate Prof and Tech. Operations	Admin and Secretarial	Skilled Trades	Caring, Leisure and Other Service	Sales and Customer Service	Process, Plant and Machine Operatives	Elementary
<b>Whether had a legal representative (solicitor, barrister, or some type of lawyer) [LEGAD]</b>									
Yes	58	56	51	50	29	42	33	44	27
No	42	44	49	50	71	58	67	56	73
<i>unweighted base</i>	216	197	273	125	100	128	69	99	155
Per cent, bases are counts									
	Trade union or staff association [AQA316B]		Country [CREGION]						
	Member	Non-member	England/ Wales	Scotland	All				
<b>Whether had a legal representative (solicitor, barrister, or some type of lawyer) [LEGAD]</b>									
Yes		43	47	48	35				
No		57	53	52	65				
<i>unweighted base</i>		387	972	1207	166				

**Table source:** SETA 2018: All claimants.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Table 3.17 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.17 Claimants' survey: When was the day to day representative appointed by employment-related characteristics**

Per cent, bases are counts

	Full time / Part time [Emphrs]			Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]		All
	Full-time	Part-time	Varied	Permanent	Non-Permanent	Member	Non-member	
<b>When was the day to day representative appointed [CQE8]</b>								
Before you submitted the Employment Tribunal Application form	75	75	[82]	74	[90]	77	73	74
When you submitted the Employment Tribunal Application form	8	8	-	8	-	6	9	8
After you submitted the Employment Tribunal Application form	14	13	[5]	14	[3]	13	14	14
Don't know	3	4	[13]	4	[7]	4	4	4
<i>unweighted base</i>	621	109	[21]	733	[27]	259	519	783

**Table source:** SETA 2018: All claimants who had a day-to-day representative.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 3.18 Employers' survey: When was the day-to day representative appointed by organisation characteristics**

Per cent, bases are counts

	Sector [CQA313]			Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Private sector	Public sector	Non-profit/ Voluntary	Less than 25	25 to 49	50 to 249	250+	
<b>When was the day to day representative appointed [CQE8]</b>								
Before you submitted the Employment Tribunal Application	72	76	71	64	76	76	75	72
When you submitted the Employment Tribunal Application	14	13	9	14	11	9	16	13
After you submitted the Employment Tribunal Application form	7	3	8	12	6	5	4	6
Don't know	7	8	12	10	7	11	5	8
<i>unweighted base</i>	658	133	138	224	90	228	369	935

**Table source:** SETA 2018: All employers who had a day-to-day representative.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 3.19 Claimants' survey: Reasons for using a representative**

Per cent, bases are counts

<b>Why used a representative [AQE5E1 – AQE5E11]</b>	
Lack of expertise/ knowledge	62
Representation was free	8
Help and support	8
Was a member of a union	7
Someone else suggested using a representative	7
Due to disability/ health reasons	5
Lack of time	3
Too nervous/ emotional/ vulnerable	2
Family/ friend able to deal with the situation	1
Trade union wouldn't represent me	1
To be taken seriously	1
Not applicable/ no representation	1
Other	9
Don't Know	2
<i>unweighted base</i>	804

**Table source:** SETA 2018: All claimants who had a day to day representative.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Table 3.19 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.



**Table 3.20 Claimants' survey: Reasons for not using a representative at hearing**

Per cent, bases are counts	
Claimants	
<b>Why decided not to have a representative at hearing [CQEL21 – CQEL216]</b>	
Couldn't afford legal representation	58
Thought I/ organisation could handle it alone	20
Advice agency/ Citizens Advice Bureau/ Union/ Law centre didn't have anyone to send	2
Did not go to hearing	2
Couldn't get hold of anyone	2
Had issues with solicitor	2
I wasn't aware we/ I could	1
Knew what outcome would be	1
Solicitor refused to do so/ dropped case	1
We were too busy/ didn't have time	1
Advised not to	*
Other	8
Don't Know	2
<i>unweighted base</i>	164

**Table source:** SETA 2018: All claimants who went to a tribunal hearing and didn't have a representative.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Table 3.20 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.21 Claimants' and employers' survey: Presentation of case by SETA outcome**

Per cent, bases are counts

CLAIMANTS' SURVEY	SETA Outcome [CSVOUT]					
	Claimant successful at hearing		Claimant unsuccessful at hearing		All	
	2012	2017	2012	2017	2012	2017
<b>Who represented the claimant at hearing [CQE5E]</b>						
Solicitor, barrister or other kind of lawyer	75	55	71	74	72	63
Family or friends	9	17	16	5	13	12
Employment Rights Advisor	2	1	-	6	1	3
Work colleagues	2	2	2	-	2	1
Trade union representative	8	11	5	6	6	9
Citizens Advice Bureau	5	7	3	3	4	5
Someone else	-	7	2	6	1	6
Don't Know	-	-	2	-	1	-
<i>unweighted base</i>	64	62	55	56	120	121

**Table source:** SETA 2018 and SETA 2013: All claimants / employers who went to a tribunal hearing and had a representative acting on their behalf at the hearing.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 3.21 in SETA 2013 for claimants.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.21 (continued) Claimants' and employers' survey: Presentation of case by SETA outcome**

Per cent, bases are counts

EMPLOYERS' SURVEY	SETA Outcome [CSVOUT]		All
	Claimant successful at hearing	Claimant unsuccessful at hearing	
<b>Who represented the organisation at hearing [CQE5E]</b>			
Solicitor, barrister or other kind of lawyer	59	71	67
Owner/senior manager/general manager	12	6	8
Personnel or human resources specialist	10	5	6
Internal legal specialist/company lawyer	2	7	5
Employment Rights Advisor	7	3	4
Family or friends	6	-	2
Work colleagues	-	2	1
Employer's Association/Trade Association	-	1	*
Someone else	5	5	5
Don't Know	-	1	1
<i>unweighted base</i>	57	129	190

**Table source:** SETA 2018 and SETA 2013: All claimants / employers who went to a tribunal hearing and had a representative acting on their behalf at the hearing.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 3.21 in SETA 2013 for claimants.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.22 Claimants' and Employers' survey: Ways in which representative or main adviser helped**

	Per cent, bases are counts	
	Claimants	Employers
<b>Ways in which the main advisor helped [CQEGOA – CQEGOF]</b>		
Outline the strengths and weaknesses of the case	86	91
Explain the tribunal procedures	84	76
Outline the pros and cons of settling the case without going to tribunal	83	88
Discuss what the tribunal might award you if you won the case	69	81
Complete the ET1/ ET3 form	67	73
Help you prepare for hearings	62	69
Other	36	29
<i>unweighted base</i>	950	915

**Table source:** SETA 2018: All claimants / employers (with personal responsibility for the case) who had a day to day representative or went to someone for advice or guidance (excluding Acas).

**Table weight:** SETA 2018: Claimant weight / Employer weight.

**Table notes:** Table 3.22 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.23 Claimants' and Employers' survey: Free advice and representation**

	Per cent, bases are counts	
	Claimants	Employers
<b>Whether had to pay for all help or advice [CQE12]</b>		
Paid for all	38	73
Paid for some	13	8
All free	47	15
Don't Know	1	4
<i>unweighted base</i>	866	1029

**Table source:** SETA 2018: All claimants / employers who had a day to day representative, a representative at a hearing or went to someone for advice or guidance (excluding friends, family or work).

**Table weight:** SETA 2018: Claimant weight / Employer weight.

**Table notes:** Table 3.23 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.24 Claimants' and Employers' survey: Sources of free help or advice**

Per cent, bases are counts

	Claimants	Employers
<b>Who provided free help or advice (not friends/family/work) [CQE12B1 – CQE12B17]</b>		
Solicitor, barrister or some other kind of lawyer	52	35
Trade Union / Worker Representative	11	-
Citizen's Advice Bureau	10	-
Acas Officer	2	-
Acas Helpline	2	-
Employment Rights Advisor	1	3
Personnel or human resources specialist	-	17
Company legal specialist	-	8
Employers Association	-	4
Don't Know	27	37
<i>unweighted base</i>	117	88

**Table source:** SETA 2018: All claimants / employers who had a day to day representative, a representative at a hearing or went to someone for advice and guidance who provided their help or advice for free (excluding from friends, family or work).

**Table weight:** SETA 2018: Claimant weight / Employer weight.

**Table notes:** Table 3.24 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.25 Employers' survey: Free advice and representation by employer characteristics**

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				Sector [CQA313]		
	Less than 25	25 - 49	50 - 249	250+	Private sector	Public sector	Non-profit/ Voluntary
<b>Whether had to pay for all help or advice [CQE12]</b>							
Paid for all	69	70	66	81	73	77	72
Paid for some	7	7	14	6	9	7	10
All free	21	20	15	10	16	11	14
Don't Know	2	3	5	3	3	6	4
<i>unweighted base</i>	241	100	246	419	711	157	153

**Table source:** SETA 2018: All employers who had a day to day representative, a representative at a hearing or went to someone for advice and guidance (excluding friends, family or work).

**Table weight:** SETA 2018: Employer weight.

**Table notes:** Table 3.25 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.26 Claimants' survey: Total costs of advice and representation by SETA outcome, summary jurisdiction and primary jurisdiction (median and mean)**

Pounds, bases are counts

Primary Jurisdiction [CJURM]							
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Total paid for advice and representation in case (not paid by third party) [CQEN4]</b>							
Median (£)	3500	2500	[300]	[600]	3000	[2500]	
Mean (£)	6095	7117	[830]	[3541]	8867	[21549]	
<i>unweighted base</i>	85	126	[13]	[10]	125	[40]	
Summary Jurisdiction [CJURS]							
	Open Track	Fast Track	Standard Track				
<b>Total paid for advice and representation in case (not paid by third party) [CQEN4]</b>							
Median (£)		3000		[1000]		2250	
Mean (£)		9535		[19651]		5558	
<i>unweighted base</i>		188		[33]		178	
SETA Outcome [CSVOUT]							
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	All
<b>Total paid for advice and representation in case (not paid by third party) [CQEN4]</b>							
Median (£)	[3500]	[5000]	1800	5800	1500	[1500]	2500
Mean (£)	[6235]	[9108]	4415	22185	5196	[4107]	8608
<i>unweighted base</i>	[39]	[47]	164	75	57	[17]	399

**Table source:** SETA 2018: All claimants who paid for advice and representation (excluding those who did not know the amount paid).

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Table 3.26 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.



**Table 3.27 Employers' survey: Total costs of advice and representation by SETA outcome, summary jurisdiction, primary jurisdiction and enterprise size (median and mean)**

Pounds, bases are counts

	Primary Jurisdiction [CJURM]						
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Total paid for advice and representation in case (not paid by third party) [CQEN4]</b>							
Median (£)	5000	4000	[2500]	[3000]	5000	[9000]	
Mean (£)	8146	10806	[4148]	[4315]	16569	[452754]	
<i>unweighted base</i>	84	160	[31]	[6]	146	[45]	
	SETA Outcome [CSVOUT]						
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	All
<b>Total paid for advice and representation in case (not paid by third party) [CQEN4]</b>							
Median (£)	[4000]	10000	4500	5200	[3500]	[4000]	5000
Mean (£)	[6632]	30106	6169	210321	[6910]	[7593]	55551
<i>unweighted base</i>	[34]	69	192	104	[45]	[28]	472

**Table source:** SETA 2018: All employers who paid for advice and representation (excluding those who did not know the amount paid).

**Table weight:** SETA 2018: Employer weight.

**Table notes:** Table 3.27 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.27 (continued) Employers' survey: Total costs of advice and representation by SETA outcome, summary jurisdiction, primary jurisdiction and enterprise size (median and mean)**

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				Summary Jurisdiction [CJURS]			
	Less than 25	25-49	50-249	250+	Open Track	Fast Track	Standard Track	All
<b>Total paid for advice and representation in case (not paid by third party) [CQEN4]</b>								
Median (£)	4000	[4000]	4800	6000	5000	3000	5000	5000
Mean (£)	7477	[23571]	9002	123226	16190	287249	8696	55551
<i>unweighted base</i>	143	[46]	102	173	222	55	195	472

**Table source:** SETA 2018: All employers who paid for advice and representation (excluding those who did not know the amount paid).

**Table weight:** SETA 2018: Employer weight.

**Table notes:** Table 3.27 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.28 Claimants' survey: Whether insured to cover legal expenses or member of organisation that would cover the costs of advice and representation**

Per cent, bases are counts

	Full time / Part time [Emphrs]			Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]		All
	Full-time	Part-time	Varied	Permanent	Non-Permanent	Member	Non-member	
<b>Whether at time of case were insured to cover legal expenses or were member of organisation that would cover costs of advice and representation in a claim [CQEN1]</b>								
Insured to cover legal expenses	16	20	[6]	16	10	13	17	16
A member of an organisation that would cover the costs of advice and representation in an Employment Tribunal Claim	11	9	[19]	11	11	34	2	11
Neither	69	67	[73]	69	73	47	78	69
Don't know	4	3	[2]	4	6	7	3	4
<i>unweighted base</i>	1091	185	[43]	1265	68	387	972	1373

**Table source:** SETA 2018: All claimants.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** This question/questions were asked in SETA 2018 only or significantly amended in SETA 2018.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 3.29 Employers' survey: Whether insured to cover legal expenses or member of organisation that would cover the costs of advice and representation**

Per cent, bases are counts

	Sector [CQA313]						Enterprise Size (whole organisation in the UK) [ESIZEE]								All	
	Private sector		Public sector		Non-profit/ Voluntary		Less than 25		25 to 49		50 to 249		250+			
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether at time of case were insured to cover legal expenses or were member of organisation that would cover costs of advice and representation in a claim [CQEN1]</b>																
Insured to cover	30	34	23	23	47	43	33	33	40	39	37	45	25	27	30	33
Member of organisation cover costs of advice and	11	7	7	5	7	4	12	11	12	9	12	5	8	5	10	6
Neither	51	48	57	59	42	40	50	45	43	43	46	40	56	56	51	48
Don't Know	8	11	14	13	4	13	5	12	5	9	6	9	11	12	9	12
<i>unweighted base</i>	1442	891	335	213	224	173	528	313	180	116	388	285	879	537	2011	1290

**Table source:** SETA 2018 and SETA 2013: All employers.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 3.28 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

## Chapter 4: Attempts at resolution, offers, and Acas

**Table 4.1 Claimants' and employers' surveys combined: Whether anyone proposed an offer to settle the case by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]														All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other					
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017		
<b>Whether anyone proposed an offer to settle [Anyoffer]</b>																
Yes	65	70	67	78	69	60	53	[79]	72	79	76	73	68	75		
No	32	28	32	21	31	38	46	[21]	26	19	23	26	30	24		
Don't know	2	3	1	1	1	2	1	[-]	2	2	2	1	1	2		
<i>unweighted base</i>	1136	501	1158	850	333	192	122	[49]	827	781	423	290	3999	2663		

**Table source:** SETA 2018 and SETA 2013: All claimants / employers.

**Table weight:** SETA 2018 and SETA 2013: Case weight

**Table notes:** Table 4.1 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.1 (continued) Claimants' and employers' surveys combined: Whether anyone proposed an offer to settle the case by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Whether anyone proposed an offer to settle [Anyoffer]</b>				
Yes	81	64	74	75
No	17	35	24	24
Don't Know	2	1	2	2
<i>unweighted base</i>	1124	454	1085	2663

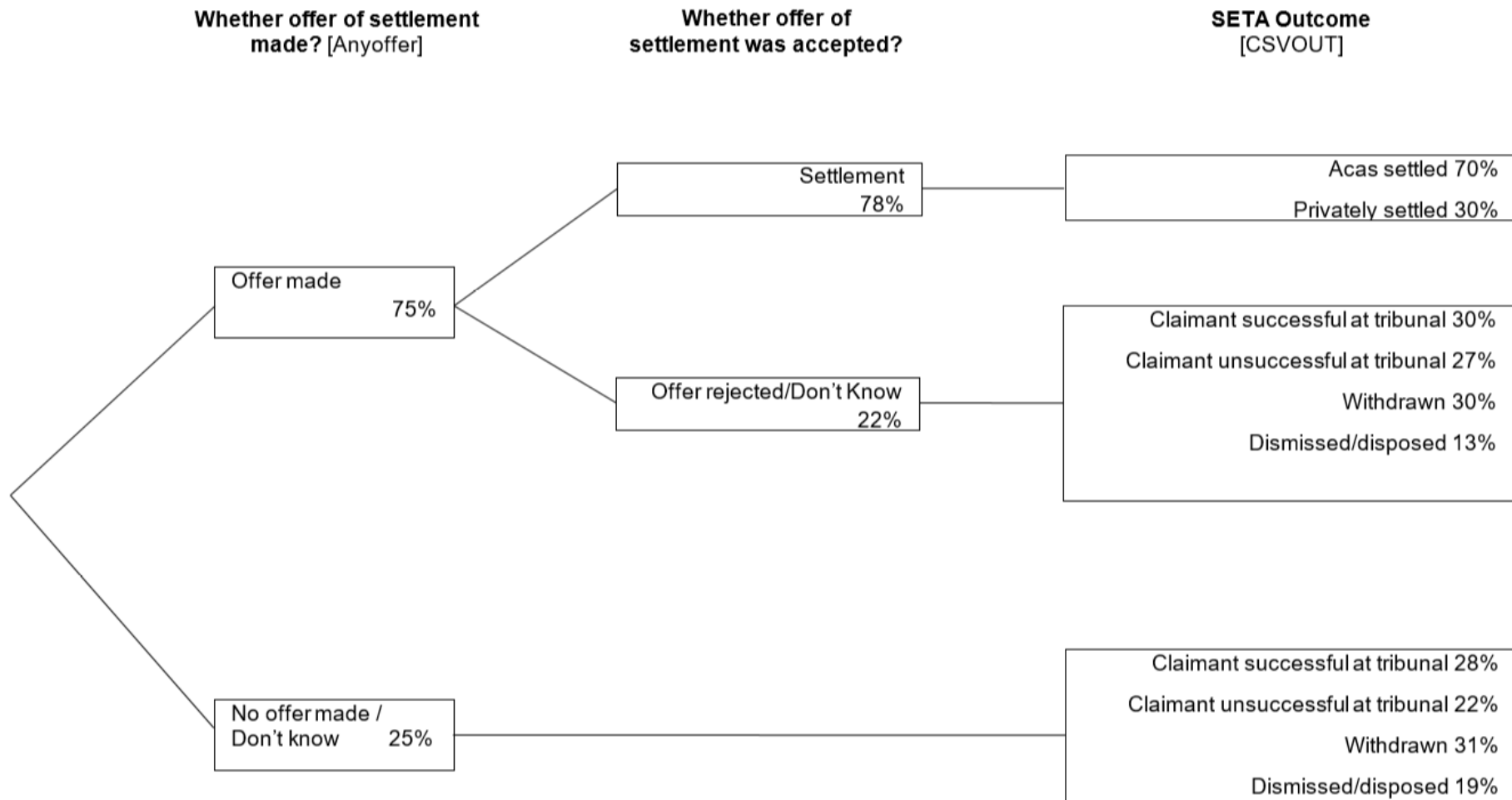
**Table source:** SETA 2018 and SETA 2013: All claimants / employers.

**Table weight:** SETA 2018 and SETA 2013: Case weight

**Table notes:** Table 4.1 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Flow chart 4.1 Claimants' and employers' surveys combined: Whether anyone proposed an offer to settle the case**



**Figure source:**

*Whether an offer of settlement made:* All cases (2663).

*Whether offer of settlement was accepted:* All cases where an offer of settlement was made (2047).

*SETA Outcome:* All settled cases (1592) / All cases where an offer of settlement was made but not accepted (457) / All cases where no offer of settlement was made or don't know if offer of settlement was made (616).

**Figure weight:** Case weight

**Table 4.2 Claimants' and employers' surveys combined: Who proposed initial offer by primary jurisdiction and summary jurisdiction**

	Primary Jurisdiction [CJURM]												All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other			
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Who made the first offer [CQJ0B]</b>														
Employer	28	41	36	44	54	52	39	[55]	33	40	37	49	35	44
Claimant	14	19	14	16	10	20	13	[18]	13	19	12	16	13	18
Employer representative	29	9	24	13	18	6	24	[15]	26	13	25	11	26	12
Claimant representative	13	11	14	12	3	5	5	[2]	14	11	13	7	12	10
Acas	4	5	5	5	7	7	3	[2]	3	4	4	5	4	5
Don't know	8	15	7	10	6	9	11	[7]	9	13	7	11	8	12
EMPLOYER SIDE	57	50	60	57	72	58	64	[71]	59	53	62	60	61	55
CLAIMANT SIDE	27	30	28	28	13	25	17	[20]	27	30	25	23	26	28
<i>unweighted base</i>	780	353	812	686	231	118	71	[38]	611	630	330	222	2835	2047

**Table source:** SETA 2018 and SETA 2013: All claimants / employers in cases which were settled, or an offer of settlement was proposed.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 4.2 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only



**Table 4.2 (continued) Claimants' and employers' surveys combined: Who proposed initial offer by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Who made the first offer [CQJ0B]</b>				
Employer	41	52	42	44
Claimant	19	17	17	18
Employer representative	13	8	12	12
Claimant representative	11	5	12	10
Acas	4	7	5	5
Don't know	12	11	12	12
EMPLOYER SIDE	54	60	54	55
CLAIMANT SIDE	30	22	29	28
<i>unweighted base</i>	927	307	813	2047

**Table source:** SETA 2018 and SETA 2013: All claimants / employers in cases which were settled, or an offer of settlement was proposed.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 4.2 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.3 Claimants' survey: Who proposed initial offer by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]												All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		2012	2017
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017		
<b>Who made the first offer [CQJOB]</b>														
Employer	40	54	46	54	46	51	43	[59]	46	50	44	60	44	53
Claimant	12	17	14	17	12	26	10	[25]	13	18	14	14	13	18
Employer representative	30	10	23	11	24	5	21	[12]	26	13	26	9	26	11
Claimant representative	8	9	9	8	2	4	14	-	6	9	5	6	7	8
Acas	7	4	4	5	9	5	4	-	4	4	5	5	5	5
Don't know	2	6	3	5	4	9	3	[5]	3	6	5	5	3	6
EMPLOYER SIDE	70	64	70	64	71	56	64	[71]	72	63	70	69	70	64
CLAIMANT SIDE	20	26	23	25	15	30	25	[25]	20	26	19	21	20	25
<i>unweighted base</i>	363	176	376	339	124	59	37	[25]	293	301	176	112	1369	1012

**Table source:** SETA 2018 and SETA 2013: All claimants in cases which were settled, or an offer of settlement was proposed.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 4.3 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.3 (continued) Claimants' survey: Who proposed initial offer by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Who made the first offer [CQJOB]</b>				
Employer	51	57	55	53
Claimant	18	20	16	18
Employer representative	13	5	10	11
Claimant representative	8	2	10	8
Acas	3	8	4	5
Don't know	6	8	5	6
EMPLOYER SIDE	64	62	65	64
CLAIMANT SIDE	27	22	26	25
<i>unweighted base</i>	446	166	400	1012

**Table source:** SETA 2018 and SETA 2013: All claimants in cases which were settled, or an offer of settlement was proposed.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 4.3 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.4 Employers' survey: Who proposed initial offer by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]												All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		2012	2017
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Who made the first offer [CQJOB]</b>														
Employer	20	27	30	33	58	53	37	[21]	22	29	32	42	29	33
Claimant	16	22	14	14	7	16	21	[18]	13	21	12	19	14	18
Employer representative	29	10	23	16	16	7	19	[24]	25	12	24	11	24	13
Claimant representative	17	13	16	15	5	5	-	[6]	21	14	20	7	16	12
Acas	4	5	7	5	3	10	3	[5]	4	4	2	6	4	5
Don't know	12	24	10	17	9	9	18	[26]	15	21	8	15	11	18
EMPLOYER SIDE	49	37	53	49	74	59	56	[44]	46	40	56	54	53	46
CLAIMANT SIDE	32	34	30	29	12	21	21	[24]	34	35	33	26	30	31
<i>unweighted base</i>	417	177	436	347	107	59	34	[13]	318	329	154	110	1466	1035

**Table source:** SETA 2018 and SETA 2013: All employers in cases which were settled, or an offer of settlement was proposed.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 4.4 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.4 (continued) Employers' survey: Who proposed initial offer by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Who made the first offer [CQJOB]</b>				
Employer	31	48	29	33
Claimant	20	13	19	18
Employer representative	11	11	14	13
Claimant representative	14	6	13	12
Acas	4	7	6	5
Don't know	19	15	20	18
EMPLOYER SIDE	43	59	43	46
CLAIMANT SIDE	34	19	32	31
<i>unweighted base</i>	481	141	413	1035

**Table source:** SETA 2018 and SETA 2013: All employers in cases which were settled, or an offer of settlement was proposed.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 4.4 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.5 Claimants' and Employers' survey: Reasons for deciding to settle the case**

Per cent, bases are counts

	Claimant		Employer	
	2012	2017	2012	2017
<b>Why decided to settle case / why decided to make claimant an offer to settle the case [CQJ5201-CQJ5220]*</b>				
Financial reasons	16	20	51	46
Time reasons	12	15	26	26
Less stressful than continuing	33	40	7	13
Advised by someone to settle	19	16	8	10
Got what wanted / happy with the offer	17	19	-	7
<i>unweighted base</i>	1106	766	1227	849

**Table source:** SETA 2018 and SETA 2013: All claimants in cases which were settled/ employers in cases which were settled, or an offer of settlement was proposed by employer side.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 4.5 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

\*Answers given by 7 per cent of claimants or more.

**Table 4.6 Employers' survey: Reasons for employer not making an offer to settle the case**

Per cent, bases are counts		
All		
	2012	2017
<b>Why organisation decided not to make an offer to settle [EQJ111 – EQJ117]*</b>		
Claimant didn't have a case	23	34
Felt that they were right	17	29
Believed they could win the case	16	19
<i>unweighted base</i>	181	70

**Table source:** SETA 2018 and SETA 2013: All employers with personal responsibility for the case who did not propose an offer to settle the case.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 4.6 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

\*Answers given by 10 per cent or more

**Table 4.7 Claimants' and employers' surveys combined: Type of settlement by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]												All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other			
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Of what the final offer consisted [CQJ41-CQJ417]*</b>														
Money	87	88	93	91	96	92	91	[97]	89	88	92	91	91	90
A reference	26	32	19	25	4	3	16	[27]	24	25	13	23	20	25
An apology	2	3	2	4	3	3	4	[9]	4	7	4	6	3	5
A letter of explanation	2	2	4	3	3	3	5	[11]	2	4	4	5	3	4
Reinstatement (old job back)	4	*	2	2	1	3	1	-	3	2	1	3	3	2
Don't know	4	4	3	3	3	1	4	-	3	3	3	1	3	3
Refused	-	5	-	3	-	1	-	-	-	5	-	2	-	4
<i>unweighted base</i>	627	248	667	550	182	87	59	[29]	496	495	268	167	2299	1576

**Table source:** SETA 2018 and SETA 2013: All claimants / employers in cases which were settled.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 4.7 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

\*Answers given by more than 1 per cent



**Table 4.7 (continued) Claimants' and employers' surveys combined: Type of settlement by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Of what the final offer consisted [CQJ41-CQJ417]*</b>				
Money	88	92	91	90
A reference	28	9	27	25
An apology	6	4	4	5
A letter of explanation	4	4	3	4
Reinstatement (old job back)	2	2	2	2
Don't know	3	2	3	3
Refused	5	1	3	4
<i>unweighted base</i>	741	218	617	1576

**Table source:** SETA 2018 and SETA 2013: All claimants / employers in cases which were settled.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 4.7 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

\*Answers given by more than 1 per cent

**Table 4.8 Claimants' and employers' surveys combined: Amount in settlement by primary jurisdiction and summary jurisdiction**

Per cent, Averages are pounds, bases are counts

	Primary Jurisdiction [CJURM]												All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other			
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>How much money offered to claimant (Banded) [CBFJ6/ CQJ6]*</b>														
Less than £500	5	3	12	3	43	26	2	-	4	2	18	5	11	5
£500-£999	14	2	14	5	25	16	22	[11]	8	3	21	11	15	5
£1000-£1499	11	9	8	7	4	18	9	[3]	8	5	9	11	8	8
£1500-£1999	8	6	8	5	7	6	5	[4]	5	2	4	1	7	4
£2000-£2499	8	3	7	6	6	6	12	[9]	5	5	5	6	7	5
£2500-£2999	4	3	5	4	3	2	-	[8]	4	2	6	1	4	3
£3000-£3999	9	10	7	9	1	4	12	[4]	8	9	6	4	7	8
£4000-£4999	7	5	5	8	4	4	4	[9]	6	5	4	9	5	6
£5000-£9999	17	26	17	21	3	8	19	[30]	19	24	13	18	16	22
£10000-£24999	13	22	13	22	3	4	14	[12]	26	29	8	22	14	23
£25000+	4	10	5	10	2	6	2	[11]	8	15	5	12	5	11
Mean	5421	11276	6200	12828	2683	6117	5068	9116	9581	12740	5552	170051	6254	30376
Median	3000	5200	2500	5000	590	1000	3000	5000	5000	7500	1500	5000	2500	5000
<i>unweighted base</i>	481	162	535	397	147	65	50	[27]	367	322	210	130	1790	1103
<b>Whether money was owed to claimant or compensation [CQJ4B]</b>														
Compensation	55	51	29	37	5	4	20	[33]	54	54	32	32	39	42
Money owed	11	8	34	24	82	76	51	[48]	9	8	44	28	29	21
Both	20	26	26	27	9	15	11	[16]	25	29	15	29	21	27
Neither	9	12	6	8	2	3	15	[3]	9	6	7	8	7	7
Don't know	5	3	4	3	2	3	2	-	3	3	2	4	3	3
<i>unweighted base</i>	553	218	628	502	177	80	55	[29]	443	438	244	153	2100	1420

**Table source:** SETA 2018 and SETA 2013: All claimants / employers in cases which were financially settled. For the amount offered, it is those settled cases where the amount offered was known.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 4.8 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only. Significance testing of medians has not been conducted.

\*The mean values may be affected by some high values given by individual respondents, e.g. there is one value of 9,000,000

**Table 4.8 (continued) Claimants' and employers' surveys combined: Amount in settlement by primary jurisdiction and summary jurisdiction**

	Per cent, bases are counts			
	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>How much money offered to claimant (Banded) [CBFJ6/CQJ6]*</b>				
Less than £500	2	18	2	5
£500-£999	4	14	4	5
£1000-£1499	5	17	7	8
£1500-£1999	2	7	5	4
£2000-£2499	4	7	6	5
£2500-£2999	3	3	4	3
£3000-£3999	7	6	10	8
£4000-£4999	5	4	9	6
£5000-£9999	24	13	23	22
£10000-£24999	30	7	20	23
£25000+	14	7	10	11
Mean	13651	118703	12570	30376
Median	8000	1500	5000	5000
<i>unweighted base</i>	513	162	428	1103
<b>Whether money was owed to claimant or compensation [CQJ4B]</b>				
Compensation	52	6	45	42
Money owed	8	71	15	21
Both	31	15	27	27
Neither	6	6	10	7
Don't know	3	2	4	3
<i>unweighted base</i>	662	202	556	1420

**Table source:** SETA 2018 and SETA 2013: All claimants / employers in cases which were financially settled. For the amount offered, it is those settled cases where the amount offered was known.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 4.8 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only. Significance testing of medians has not been conducted.

\*The mean values may be affected by some high values given by individual respondents, e.g. there is one value of 9,000,000

**Table 4.9 Claimants' and employers' surveys combined: Whether the employer had been provided the agreed settlement at the time of interview by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]												All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		2012	2017
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017		
<b>Whether employer has provided agreed settlement yet [CQJ6B]</b>														
Yes – in full	95	89	95	90	92	90	96	[93]	94	89	96	90	95	89
Yes – in part	2	3	2	3	3	5	-	[4]	3	4	1	6	2	4
No	1	3	1	3	2	2	4	-	2	2	2	3	1	3
Don't know	2	5	1	3	4	3	-	[3]	1	6	2	1	1	4
<i>unweighted base</i>	627	250	667	556	182	87	59	[30]	496	499	268	169	2299	1591

**Table source:** SETA 2018 and SETA 2013: All claimants / employers in cases which were settled.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 4.9 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.9 (continued) Claimants' and employers' surveys combined: Whether the employer had been provided the agreed settlement at the time of interview by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Whether employer has provided agreed settlement yet [CQJ6B]</b>				
Yes – in full	89	91	89	89
Yes – in part	4	4	4	4
No	2	3	3	3
Don't know	5	2	4	4
<i>unweighted base</i>	748	222	621	1591

**Table source:** SETA 2018 and SETA 2013: All claimants / employers in cases which were settled.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 4.9 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.10 Claimants' survey: Whether the employer had been provided the agreed settlement at the time of interview by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]												All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		2012	2017
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017		
<b>Whether employer has provided agreed settlement yet [CQJ6B]</b>														
Yes – in full	94	92	95	92	92	[89]	94	[100]	91	88	97	84	94	90
Yes – in part	3	1	2	4	6	[6]	-	-	6	6	-	9	3	4
No	2	4	2	3	1	[2]	6	-	2	3	3	5	2	3
Don't know	1	3	1	1	1	[3]	-	-	1	3	-	2	1	2
<i>unweighted base</i>	291	116	301	269	98	[43]	32	[18]	241	234	143	86	1106	766

**Table source:** SETA 2018 and SETA 2013: All claimants in cases which were settled.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 4.10 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.10 (continued) Claimants' survey: Whether the employer had been provided the agreed settlement at the time of interview by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Whether employer has provided agreed settlement yet [CQJ6B]</b>				
Yes – in full	89	91	91	90
Yes – in part	6	5	3	4
No	3	3	4	3
Don't know	3	1	2	2
<i>unweighted base</i>	352	118	296	766

**Table source:** SETA 2018 and SETA 2013: All claimants in cases which were settled.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 4.10 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.11 Employers' survey: Whether the employer had been provided the agreed settlement at the time of interview by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]												All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		2012	2017
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017		
<b>Whether employer has provided agreed settlement yet [CQJ6B]</b>														
Yes – in full	96	86	96	88	94	[89]	100	[84]	96	89	95	97	96	89
Yes – in part	1	4	2	3	-	[4]	-	[10]	1	1	1	2	1	3
No	*	2	*	3	1	[2]	-	-	1	2	1	1	1	2
Don't know	3	8	1	6	5	[4]	-	[6]	2	8	3	-	2	6
<i>unweighted base</i>	336	134	366	287	84	[44]	27	[12]	255	265	125	83	1193	825

**Table source:** SETA 2018 and SETA 2013: All employers in cases which were settled.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 4.11 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only



**Table 4.11 (continued) Employers' survey: Whether the employer had been provided the agreed settlement at the time of interview by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Whether employer has provided agreed settlement yet [CQJ6B]</b>				
Yes – in full	89	92	88	89
Yes – in part	2	4	4	3
No	2	2	2	2
Don't know	7	3	6	6
<i>unweighted base</i>	396	104	325	825

**Table source:** SETA 2018 and SETA 2013: All employers in cases which were settled.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 4.11 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.12 Claimants' survey: Whether the claimant thought a different outcome would have been achieved if the case was decided in tribunal by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]												All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		2012	2017
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017		
<b>Whether at time of offer thought claimant would get more/less/same if case had been decided in tribunal, or if think claimant would have lost [CQJ8]</b>														
Get more than offer	47	55	50	54	37	[47]	52	[64]	49	60	43	45	47	55
Get the same as offer	17	19	21	20	42	[34]	15	[27]	17	15	33	23	22	20
Get less than offer	5	8	5	4	4	-	-	-	6	6	5	6	5	5
Thought would lose the case	9	1	4	4	1	[2]	10	-	4	2	5	6	5	3
Don't know	23	16	20	17	16	[16]	23	[9]	24	16	13	19	20	17
<i>unweighted base</i>	291	116	301	269	98	[43]	32	[18]	241	234	143	86	1106	766

**Table source:** SETA 2018 and SETA 2013: All claimants in cases which were settled.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 4.12 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.12 (continued) Claimants' survey: Whether the claimant thought a different outcome would have been achieved if the case was decided in tribunal by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Whether at time of offer thought claimant would get more/less/same if case had been decided in tribunal, or if think claimant would have lost [CQJ8]</b>				
Get more than offer	61	40	54	55
Get the same as offer	13	41	19	20
Get less than offer	6	2	6	5
Thought would lose the case	3	2	4	3
Don't know	17	15	16	17
<i>unweighted base</i>	352	118	296	766

**Table source:** SETA 2018 and SETA 2013: All claimants in cases which were settled.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 4.12 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.13 Claimants' survey: Reasons for deciding to settle the case amongst those claimants who at the time of the offer thought they would get more if the case had been decided at tribunal**

	Per cent, bases are counts	
	2012	2017
<b>Why decided to settle case / why decided to make claimant an offer to settle the case [CQJ5201-CQJ5220]*</b>		
Less stressful than continuing	40	47
Financial reasons	18	23
Time reasons	11	18
Advised by someone to settle	19	16
Got what I wanted/happy with offer	7	9
Health reasons/personal reasons	9	9
<i>unweighted base</i>	518	421

**Table source:** SETA 2018 and SETA 2013: All claimants in cases which were settled who at the time of offer thought they would get more if the case had been decided at tribunal.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 4.13 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table notes:** \*Answers given by 8 per cent or more

**Table 4.14 Claimants' survey: Lowest amount prepared to settle for at the start of the case by primary jurisdiction and summary jurisdiction**

Per cent, averages are pounds, bases are counts

	Primary Jurisdiction [CJURM]												All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		2012	2017
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017		
<b>Lowest amount of money, if any, that might have been prepared to settle for</b> [ABE4E/AQE4E]														
£0	5	2	2	1	1	-	-	[3]	5	2	2	-	2	1
£1 - £500	2	1	9	3	38	20	9	[4]	2	-	23	6	14	5
£500-£999	4	-	11	8	18	17	17	[4]	6	1	20	13	12	7
£1000-£1999	4	1	15	9	12	30	8	[8]	8	2	9	11	11	9
£2000-£4999	24	16	25	23	16	13	22	[20]	13	15	22	12	21	18
£5000-£9999	17	21	16	19	8	12	16	[18]	21	13	5	19	14	17
£10000-£24999	32	38	17	24	3	5	22	[35]	29	36	10	20	18	26
£25000+	13	21	5	13	4	4	7	[6]	15	32	8	19	8	18
<i>unweighted base</i>	146	111	321	233	154	73	35	[26]	87	136	103	79	846	658
Mean	13483	16783	7602	17545	4655	3475	7348	10247	13943	34163	6092	34632	8626	20959
Median	7000	10000	3000	5000	660	1200	3000	6000	7000	15000	1300	5000	3000	7000
<i>unweighted base</i>	146	111	321	233	154	73	35	[26]	87	136	103	79	846	658

**Table source:** SETA 2018 and SETA 2013: All claimants who hoped to win money at the start of the case.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 4.14 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.14 (continued) Claimants' survey: Lowest amount prepared to settle for at the start of the case by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Lowest amount of money, if any, that might have been prepared to settle for [ABE4E/AQE4E]</b>				
£0	2	*	1	1
£1 - £500	*	12	2	5
£500-£999	2	15	4	7
£1000-£1999	3	20	4	9
£2000-£4999	13	24	16	18
£5000-£9999	18	14	19	17
£10000-£24999	32	9	36	26
£25000+	30	6	17	18
<i>unweighted base</i>	212	194	252	658
Mean	34112	11038	17867	20959
Median	12000	2000	10000	7000
<i>unweighted base</i>	212	194	252	658

**Table source:** SETA 2018 and SETA 2013: All claimants who hoped to win money at the start of the case.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 4.14 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.15 Claimants' survey: Lowest amount claimant prepared to settle for at the start of the case compared with the final amount the claimant was offered**

Per cent, bases are counts

	Amount of money in final settlement offer (banded) [CBFJ6]					
	£1-£999		£1000-£4999		£5000 +	
	2012	2017	2012	2017	2012	2017
<b>Lowest amount of money, if any, that might have been prepared to settle for (banded) [AB3E4E]</b>						
Less than £1000	84	62	7	9	3	1
£1000-£4999	10	25	69	54	10	9
£5000 +	6	13	25	37	87	90
<i>unweighted base</i>	135	62	142	121	153	203

**Table source:** SETA 2018 and SETA 2013: All claimants in cases who hoped to win money at the start of the case where a financial offer was made.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 4.15 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.16 Employers' survey: Maximum amount prepared to settle for at start of case by primary jurisdiction and summary jurisdiction**

Per cent, averages are pounds, bases are counts

	Primary Jurisdiction [CJURM]												All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		2012	2017
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017		
<b>Maximum amount of money, if any, which might have been prepared to settle for at the very start of the case (Banded) [EBE16/EQE16]*</b>														
Not prepared to settle for any amount of money	63	58	55	46	43	61	45	[56]	59	58	51	40	56	52
£1- £500	2	-	8	4	22	11	-	-	1	1	8	5	6	3
£500-£999	5	3	8	4	15	10	20	[4]	4	3	8	3	7	4
£1000-£1999	7	7	7	8	12	11	4	-	5	7	14	14	8	9
£2000-£4999	10	8	9	14	6	4	16	[10]	8	9	11	12	9	11
£5000-£9999	5	12	7	10	2	1	12	[10]	10	9	2	7	6	9
£10000-£24999	6	10	4	10	-	1	1	[12]	10	8	6	11	5	9
£25000+	2	2	3	4	-	-	2	[8]	3	6	1	8	2	4
<i>unweighted base</i>	428	141	402	276	109	60	37	[13]	274	233	128	94	1378	817
Mean	5284	7159	5200	287719	952	1235	4545	27820	9260	9780	3183	174549	5063	140144
Median	2000	5000	1700	3000	500	700	4000	8000	5000	5000	1000	3000	2000	3000
<i>unweighted base</i>	161	60	186	146	63	[22]	[20]	[7]	109	100	62	55	601	390

**Table source:** SETA 2018 and SETA 2013: All employers who thought claimants were hoping to receive money at the start of the case.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 4.16 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

\*The mean values may be affected by some high values given by individual respondents. Mean and median figures exclude those who were not prepared to settle for any amount of money.



**Table 4.16 (continued) Employers' survey: Maximum amount prepared to settle for at start of case by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Maximum amount of money, if any, which might have been prepared to settle for at the very start of the case (Banded)</b>				
[EBE16/EQE16]*				
Not prepared to settle for any	55	46	52	52
£1- £500	2	11	1	3
£500-£999	3	9	3	4
£1000-£1999	8	11	8	9
£2000-£4999	10	15	9	11
£5000-£9999	9	*	13	9
£10000-£24999	10	3	10	9
£25000+	4	4	4	4
<i>unweighted base</i>	357	123	337	817
Mean	8902	125482	262519	140144
Median	5000	1200	5000	3000
<i>unweighted base</i>	164	65	161	390

**Table source:** SETA 2018 and SETA 2013: All employers who thought claimants were hoping to receive money at the start of the case.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 4.14 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

\*The mean values may be affected by some high values given by individual respondents. Mean and median figures exclude those who were not prepared to settle for any amount of money.

**Table 4.17 Employers' survey: Maximum amount prepared to settle for at start of case compared with the final amount the claimant was offered**

	Amount of money in final settlement offer (banded) [CBFJ6]						Per cent, bases are counts	
	£1 - £999		£1000-£4999		£5000 +		All	
	2012	2017	2012	2017	2012	2017	2012	2017
<b>Maximum amount of money, if any, which might have been prepared to settle for at the very start of the case (Banded) [EB2E16]</b>								
Not prepared to settle for any	33	[36]	41	45	35	33	37	38
£1- £999	56	[55]	4	7	1	1	19	9
£1000-£4999	10	[5]	42	38	10	12	23	21
£5000 +	*	[4]	14	10	53	54	21	32
<i>unweighted base</i>	207	[40]	298	154	208	218	713	412

**Table source:** SETA 2018 and SETA 2013: All employers who thought claimants were hoping to receive money at the start of the case where a financial offer was made, and the amount was known.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 4.17 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.18 Claimants' survey: Reasons for withdrawal of case by summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Reasons for withdrawing case [AQJ131 – AQJ1324]*</b>				
Too much financial cost / expense involved in continuing	31	[13]	41	33
Too much stress involved in continuing	24	[17]	23	23
Case resolved or settlement reached	20	[27]	11	17
Was advised to withdraw	11	[23]	18	15
Too much fuss/ hassle/ difficulty involved in continuing	5	-	20	11
Believed they could not win case / did not have valid case	11	[7]	8	10
<i>unweighted base</i>	84	[22]	79	185

**Table source:** SETA 2018 and SETA 2013: All claimants who withdrew their case.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 4.18 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

\*Answers given by 10 per cent or more

**Table 4.19 Claimants' survey: Contact with Acas by primary jurisdiction, case outcome and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Whether claimant had contact with Acas after submitting the employment tribunal application and Acas provided conciliation services to both parties [CQF25]</b>							
Had contact with Acas and took part in conciliation at this stage	65	61	66	[77]	62	57	62
Had contact with Acas but did not take part in conciliation at this stage	11	14	15	[8]	16	17	14
Had no further contact with Acas	13	12	10	[14]	11	13	12
Had contact with Acas but don't know if conciliation took place	5	5	5	-	4	2	4
Don't know	6	9	4	[2]	8	11	8
<i>unweighted base</i>	264	436	98	[34]	384	157	1373

**Table source:** SETA 2018: All claimants.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 4.19 (continued) Claimants' survey: Contact with Acas by primary jurisdiction, case outcome and summary jurisdiction**

Per cent, bases are counts

	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ disposed	
<b>Whether claimant had contact with Acas after submitting the employment tribunal application and Acas provided conciliation services to both parties [CQF25]</b>							
Had contact with Acas and took part in conciliation at this stage	57	58	69	63	54	51	62
Had contact with Acas but did not take part in conciliation at this stage	17	22	11	12	15	21	14
Had no further contact with Acas	16	12	7	14	16	16	12
Had contact with Acas but don't know if conciliation took place	3	2	5	5	3	4	4
Don't know	6	6	7	7	12	8	8
<i>unweighted base</i>	181	149	565	202	196	80	1373

**Table source:** SETA 2018: All claimants.**Table weight:** Claimant weight.**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 4.19 (continued) Claimants' survey: Contact with Acas by primary jurisdiction, case outcome and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Whether claimant had contact with Acas after submitting the employment tribunal application and Acas provided conciliation services to both parties [CQF25]</b>				
Had contact with Acas and took part in conciliation at this stage	60	67	62	62
Had contact with Acas but did not take part in conciliation at this stage	16	12	13	14
Had no further contact with Acas	12	11	12	12
Had contact with Acas but don't know if conciliation took place	3	4	5	4
Don't know	9	5	8	8
<i>unweighted base</i>	553	260	560	1373

**Table source:** SETA 2018: All claimants.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 4.20 Employers' survey: Contact with Acas by primary jurisdiction, case outcome and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
	2017	2017	2017	2017	2017	2017	
<b>Whether claimant had contact with Acas after submitting the employment tribunal application and Acas provided conciliation services to both parties [CQF25]</b>							
Had contact with Acas and took part in conciliation at this stage	51	53	57	[48]	54	59	54
Had contact with Acas but did not take part in conciliation at this stage	18	17	14	[37]	20	13	17
Had no further contact with Acas	15	19	13	[9]	14	14	15
Had contact with Acas but don't know if conciliation took place	6	4	5	[7]	4	6	5
Don't know	10	7	11	-	9	8	9
<i>unweighted base</i>	196	355	85	[14]	330	116	1096

**Table source:** SETA 2018 All employers with personal responsibility for the case.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 4.20 (continued) Employers' survey: Contact with Acas by primary jurisdiction, case outcome and summary jurisdiction**

Per cent, bases are counts

	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ disposed	
	2017	2017	2017	2017	2017	2017	
<b>Whether claimant had contact with Acas after submitting the employment tribunal application and Acas provided conciliation services to both parties [CQF25]</b>							
Had contact with Acas and took part in conciliation at this stage	59	40	64	53	33	44	54
Had contact with Acas but did not take part in conciliation at this stage	10	32	13	18	24	23	17
Had no further contact with Acas	17	15	11	19	23	19	15
Had contact with Acas but don't know if conciliation took place	2	8	5	3	5	4	5
Don't know	14	5	7	7	16	11	9
<i>unweighted base</i>	84	128	480	217	122	65	1096

**Table source:** SETA 2018 All employers with personal responsibility for the case.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.



**Table 4.20 (continued) Employers' survey: Contact with Acas by primary jurisdiction, case outcome and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Whether claimant had contact with Acas after submitting the employment tribunal application and Acas provided conciliation services to both parties [CQF25]</b>				
Had contact with Acas and took part in conciliation at this stage	52	55	54	54
Had contact with Acas but did not take part in conciliation at this stage	19	16	17	17
Had no further contact with Acas	17	12	15	15
Had contact with Acas but don't know if conciliation took place	4	5	5	5
Don't know	7	11	9	9
<i>unweighted base</i>	476	175	445	1096

**Table source:** SETA 2018 All employers with personal responsibility for the case.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 4.21 Claimants' survey: Contact with Acas by use of early conciliation**

Per cent, bases are counts

	Whether claimant/employers agreed to take part in the early conciliation [CQD5]			
	Yes – agreed to take part in Early Conciliation	No – did not agree to take part in Early Conciliation	Had contact with Acas but don't know if conciliation took place	All
	2017	2017	2017	2017
<b>Whether claimant had contact with Acas after submitting the employment tribunal application and Acas provided conciliation services to both parties [CQF25]</b>				
Had contact with Acas and took part in conciliation at this stage	66	23	[21]	62
Had contact with Acas but did not take part in conciliation at this stage	14	21	[15]	14
Had no further contact with Acas	10	37	[26]	12
Had contact with Acas but don't know if conciliation took place	4	1	[25]	4
Don't know	6	17	[12]	8
<i>unweighted base</i>	1237	52	[24]	1373

**Table source:** SETA 2018: All claimants.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 4.22 Employers' survey: Contact with Acas by use of early conciliation**

Per cent, bases are counts

	Whether claimant/employers agreed to take part in the early conciliation [CQD5]				All 2017
	Yes – agreed to take part in Early Conciliation	No – did not agree to take part in Early Conciliation	No – Early Conciliation was not offered to me	Had contact with Acas but don't know if conciliation took place	
	2017	2017	2017	2017	
<b>Whether claimant had contact with Acas after submitting the employment tribunal application and Acas provided conciliation services to both parties [CQF25]</b>					
Had contact with Acas and took part in conciliation at this stage	66	14	24	[22]	54
Had contact with Acas but did not take part in conciliation at this stage	13	58	12	[23]	17
Had no further contact with Acas	11	26	45	[20]	15
Had contact with Acas but don't know if conciliation took place	4	1	4	[22]	5
Don't know	6	1	14	[13]	9
<i>unweighted base</i>	803	114	83	[31]	1096

**Table source:** SETA 2018 All employers with personal responsibility for the case.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 4.23 Claimants' and employers' survey: Involvement of Acas in case**

	Per cent, bases are counts			
	Claimants		Employers	
	2012	2017	2012	2017
<b>How likely would have settled the case without Acas involvement [CQF13]</b>				
Very likely	19	14	35	25
Quite likely	13	10	19	16
Quite unlikely	15	12	11	11
Very unlikely	30	37	11	17
Even chance either way	14	16	19	25
LIKELY	32	24	54	42
Don't Know	9	11	5	5
<i>unweighted base</i>	649	642	435	554

**Table source:** SETA 2018 and SETA 2013: All claimants who settled their case and had contact with Acas after employment tribunal claim submitted/ All employers with personal responsibility for the case, who settled the case and had contact with Acas after employment tribunal claim submitted.

**Table weight:** SETA 2018 and SETA 2013: Claimant / Employer weight.

**Table notes:** Table 4.25 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.24 Claimants' and employers' survey: Involvement of Acas in case**

Per cent, bases are counts

	Claimant		Employer	
	2012	2017	2012	2017
<b>Whether Acas officer discussed what the tribunal might award claimants in similar cases [CQF23]</b>				
Yes	17	24	23	25
No	78	63	72	57
Don't know	5	12	5	18
<i>unweighted base</i>	207	226	118	156

**Table source:** SETA 2018 and SETA 2013: All claimants / employers whose case went to a tribunal hearing and had contact with Acas after employment tribunal claim was submitted.

**Table weight:** SETA 2018 and SETA 2013: Claimant / Employer weight.

**Table notes:** Table 4.28 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.25 Employers' survey: Involvement of Acas in case**

	Per cent, bases are counts	
	Employer agreed to take part in Early Conciliation [CQD5]	All
	2017	2017
<b>How likely would have settled the case without Acas involvement [CQF13]</b>		
Very likely	24	25
Quite likely	17	16
Quite unlikely	11	11
Very unlikely	18	17
Even chance either way	26	25
LIKELY	41	42
Don't Know	4	5
<i>unweighted base</i>	464	554

**Table source:** SETA 2018: All employers with personal responsibility for the case, who settled the case and had contact with Acas after employment tribunal claim had been submitted.

**Table weight:** SETA 2018 Employer weight.

**Table notes:** This question/questions were asked in SETA 2018 only or significantly amended in SETA 2018. Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.26 Claimants' survey: Reasons for conciliation not taking place by summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Reasons for conciliation not taking place [CQF271 to CQF2719] *</b>				
Other side was not willing to negotiate	49	43	42	45
I knew that employer would not be willing to engage	16	13	14	14
I felt that conciliation would not resolve the issue / would be a waste of time	3	7	6	5
The issue was resolved by the time Acas assistance was offered	4	3	5	4
Don't know	12	21	19	16
<i>unweighted base</i>	154	60	141	355

**Table source:** SETA 2018: All claimants who did not take part in conciliation with Acas at this stage.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

\*Answers given by 4 per cent or more

**Table 4.27 Employers' survey: Reasons for conciliation not taking place by summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Reasons for conciliation not taking place [CQF271 to CQF2719] *</b>				
Other side was not willing to negotiate	23	20	19	21
We felt we had no case to answer to	21	25	20	21
I/organisation was not willing to negotiate	16	12	15	15
I felt that conciliation would not resolve the issue / would be a waste of time	9	6	9	8
No communication from Acas / sent to old address	6	5	12	8
The issue was resolved by the time Acas assistance was offered	2	6	5	4
Don't know	5	18	9	9
<i>unweighted base</i>	175	52	144	371

**Table source:** SETA 2018: All employers where conciliation did not take place at this stage.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

\*Answers given by 4 per cent or more



**Table 4.28 Claimants' survey: Reasons for conciliation not taking place by employment-related characteristics**

Per cent, bases are counts

	Full time / Part time [Emphrs]		Permanent / Non-Permanent [CQA36B]		Trade union or staff association [AQA316B]		All
	Full-time	Part-time	Permanent	Non-Permanent	Member	Non member	
<b>Reasons for conciliation not taking place [CQF271 to CQF2719] *</b>							
Other side was not willing to negotiate	46	35	46	[33]	40	48	45
I knew that employer would not be willing to engage	15	15	15	[16]	14	15	14
I felt that conciliation would not resolve the issue / would be a waste of time	4	5	5	-	2	6	5
The issue was resolved by the time Acas assistance was offered	4	8	5	-	5	4	4
Don't know	17	20	15	[46]	18	16	16
<i>unweighted base</i>	286	44	324	[19]	120	233	355

**Table source:** SETA 2018: All claimants who did not take part in conciliation with Acas at this stage.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

\*Answers given by 4 per cent or more

**Table 4.29 Employers' survey: Reasons for conciliation not taking place by organisation characteristics**

Per cent, bases are counts

	Sector [CQA313]			Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Private sector	Public sector	Non-profit/ voluntary	Less than 25	25 to 49	50 to 249	250+	
<b>Reasons for conciliation not taking place [CQF271 to CQF2719] *</b>								
Other side was not willing to negotiate	22	16	[29]	24	[20]	31	15	21
We felt we had no case to answer to	20	27	[15]	21	[17]	13	26	21
I/organisation was not willing to negotiate	13	22	[17]	14	[10]	9	20	15
I felt that conciliation would not resolve the issue / would be a waste of time	8	10	[10]	7	[8]	8	9	8
No communication from Acas / sent to old address	9	3	[8]	9	[11]	11	5	8
The issue was resolved by the time Acas assistance was offered	3	8	[4]	3	-	6	4	4
Don't know	11	4	[3]	14	[16]	5	7	9
<i>unweighted base</i>	251	75	[43]	90	[37]	81	157	371

**Table source:** SETA 2018: All employers where conciliation did not take place at this stage.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

\*Answers given by 4 per cent or more

**Table 4.30 Claimants' and employers' survey: Satisfaction with the service received from Acas by year**

Per cent, bases are counts

	Claimants		Employers	
	2012	2017	2012	2017
<b>How satisfied respondent was with service received from Acas in this case [CQP12]</b>				
Very satisfied	39	36	37	28
Quite satisfied	30	33	38	42
Not very satisfied	14	13	11	13
Not at all satisfied	15	12	9	8
SATISFIED	68	70	75	70
Don't know	4	5	5	8
<i>unweighted base</i>	1170	1373	703	1139

**Table source:** SETA 2018 and SETA 2013: All claimants / employers who had contact with an Acas officer (in SETA 2018 it is assumed all claimants would have had contact with Acas at early conciliation stage).

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 4.29 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.31 Claimants' and employers' survey: Satisfaction with the service received from Acas by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]												All	
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		2012	2017
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017		
<b>Claimants' survey: Satisfaction with the service received from Acas [CQP12]</b>														
Very satisfied	33	33	40	37	55	50	43	[44]	33	31	42	40	39	36
Quite satisfied	31	29	31	36	27	33	35	[32]	29	35	26	28	30	33
Not very satisfied	14	16	13	14	9	11	8	[11]	16	13	14	12	14	13
Not at all satisfied	19	17	13	8	8	5	15	[12]	16	14	11	15	15	12
SATISFIED	64	62	71	74	82	83	77	[76]	62	67	68	68	68	70
Don't know	3	4	3	4	1	2	-	-	6	7	6	5	4	5
<i>unweighted base</i>	326	264	326	436	130	98	38	[34]	217	384	133	157	1170	1373
<b>Employers' survey: Satisfaction with the service received from Acas [CQP12]</b>														
Very satisfied	31	29	40	28	44	25	30	[19]	30	29	46	26	37	28
Quite satisfied	45	39	34	40	36	39	39	[52]	46	48	26	48	38	42
Not very satisfied	12	14	12	12	10	19	-	[13]	14	13	6	13	11	13
Not at all satisfied	10	6	9	12	7	14	11	[4]	8	6	14	6	9	8
SATISFIED	76	68	74	67	80	63	69	[71]	76	74	72	74	75	70
Don't know	2	12	5	8	3	4	21	[12]	2	6	8	6	5	8
<i>unweighted base</i>	189	204	219	372	84	82	21	[15]	121	349	69	117	703	1139

**Table source:** SETA 2018 and SETA 2013: All claimants / employers who had contact with an Acas officer (in SETA 2018 it is assumed all claimants would have had contact with Acas at early conciliation stage).

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Tables 4.30 and 4.31 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.31 (continued) Claimants' and employers' survey: Satisfaction with the service received from Acas by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Claimants' survey: Satisfaction with the service received from Acas [CQP12]</b>				
Very satisfied	33	47	34	36
Quite satisfied	36	33	31	33
Not very satisfied	12	13	15	13
Not at all satisfied	13	4	15	12
SATISFIED	68	80	65	70
Don't know	7	3	4	5
<i>unweighted base</i>	553	260	560	1373
<b>Employers' survey: Satisfaction with the service received from Acas [CQP12]</b>				
Very satisfied	27	29	28	28
Quite satisfied	47	39	40	42
Not very satisfied	12	15	14	13
Not at all satisfied	6	11	9	8
SATISFIED	74	68	68	70
Don't know	7	5	10	8
<i>unweighted base</i>	508	171	460	1139

**Table source:** SETA 2018 and SETA 2013: All claimants / employers who had contact with an Acas officer (in SETA 2018 it is assumed all claimants would have had contact with Acas at early conciliation stage).

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Tables 4.30 and 4.31 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 4.32 Claimants' and employers' survey: Satisfaction with the service received from Acas by case outcome**

	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	
	2017	2017	2017	2017	2017	2017	
<b>Claimants' survey: Satisfaction with the service received from Acas [CQP12]</b>							
Very satisfied	39	23	44	35	29	25	36
Quite satisfied	40	34	30	33	33	41	33
Not very satisfied	11	15	12	14	18	14	13
Not at all satisfied	9	19	10	13	15	16	12
SATISFIED	79	57	74	67	62	66	70
Don't know	2	9	4	6	5	3	5
<i>unweighted base</i>	181	149	565	202	196	80	1373
<b>Employers' survey: Satisfaction with the service received from Acas [CQP12]</b>							
Very satisfied	26	25	29	28	25	30	28
Quite satisfied	42	42	43	43	38	43	42
Not very satisfied	13	13	14	11	13	21	13
Not at all satisfied	15	9	7	8	10	4	8
SATISFIED	68	68	73	70	63	72	70
Don't know	4	11	6	11	14	3	8
<i>unweighted base</i>	83	133	509	236	119	59	1139

**Table source:** SETA 2018: All claimants / employers who had contact with an Acas officer (in SETA 2018 it is assumed all claimants would have had contact with Acas at early conciliation stage).

**Table weight:** Claimant weight / Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 4.33 Claimants' survey: Satisfaction with the service received from Acas by whether early conciliation took place**

		Whether employer agreeing to take part in early conciliation [CQD6]		Per cent, bases are counts
		Yes	No	All
		2017	2017	2017
<b>Claimants' survey: Satisfaction with the service received from Acas [CQP12]</b>				
Very satisfied	40	38	36	
Quite satisfied	33	34	33	
Not very satisfied	15	14	13	
Not at all satisfied	10	10	12	
SATISFIED	73	72	70	
Don't know	2	3	5	
<i>unweighted base</i>	548	521	1373	

**Table source:** SETA 2018: All claimants who had contact with an Acas officer.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 4.34 Employers' survey: Satisfaction with the service received from Acas by whether early conciliation took place**

Per cent, bases are counts

	Whether employer agreeing to take part in early conciliation [CQD5]				All
	Yes – agreed to take part in Early Conciliation	No – did not agree to take part in Early Conciliation	No – Early Conciliation was not offered to me	Had contact with Acas but don't know if conciliation took place	
	2017	2017	2017	2017	
<b>Employers' survey: Satisfaction with the service received from Acas [CQP12]</b>					
Very satisfied	30	19	[30]	[11]	28
Quite satisfied	42	47	[33]	[50]	42
Not very satisfied	14	10	[16]	[12]	13
Not at all satisfied	8	10	[10]	[9]	8
SATISFIED	71	66	[63]	[61]	70
Don't know	6	14	[11]	[18]	8
<i>unweighted base</i>	909	131	[36]	[36]	1139

**Table source:** SETA 2018: All employers who had contact with an Acas officer.

**Table weight:** Employer weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.



**Table 4.35 Claimants' and Employers' survey: Reasons for dissatisfaction with Acas service**

Per cent, bases are counts

	Claimant		Employer	
	2012	2017	2012	2017
<b>Why dissatisfied with service received from Acas [CQP131 - CQP1312] *</b>				
Did not do anything/did not help	40	52	45	38
Did not give enough information/advice	27	26	28	22
Did not have enough contact/did not contact respondent	26	25	29	24
Biased towards the other party	17	16	20	27
<i>unweighted base</i>	313	355	155	253

**Table source:** SETA 2018 and SETA 2013: All claimants / employers who had contact with an Acas officer and were dissatisfied with the service received from Acas.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 4.32 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

\* Answers given by 10% or more

## Chapter 5: Outcomes

**Table 5.1 Claimants' and employers' survey combined: SETA outcome by year**

Per cent, bases are counts

	Claimants		Employers		All	
	2012	2017	2012	2017	2012	2017
<b>SETA Outcome</b> [CSVOUT2]						
Claimant successful at hearing	10	8	6	6	8	7
Claimant unsuccessful at hearing	7	10	10	10	8	10
Acas settled	39	39	43	43	41	40
Privately settled	12	15	14	21	13	18
Withdrawn	15	14	15	11	15	13
Dismissed/disposed	7	7	11	7	9	7
Default judgment in favour of claimant	11	7	2	2	6	5
Any settled	51	53	57	64	54	58
<i>unweighted base</i>	1988	1373	2011	1290	3999	2663

**Table source:** SETA 2018 and SETA 2013: All claimants / employers.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 5.1 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.2 Claimants' and employers' survey combined: SETA outcome by primary jurisdiction, summary jurisdiction and year**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>SETA Outcome [CSVOUT2]</b>														
Claimant successful at hearing	5	8	12	9	14	12	8	[5]	3	3	5	5	8	7
Claimant unsuccessful at hearing	12	16	7	7	4	6	5	[8]	8	10	10	12	8	10
Acas settled	42	37	43	43	32	31	33	[48]	43	43	45	37	41	40
Privately settled	10	13	11	20	19	13	11	[10]	15	20	14	19	13	18
Withdrawn	18	17	11	9	11	10	15	[10]	20	16	15	12	15	13
Dismissed/disposed	11	9	7	5	5	9	6	[8]	10	7	8	8	9	7
Default judgment in favour of claimant	1	*	10	8	15	20	22	[11]	1	*	3	6	6	5
Any settled	52	51	54	62	51	44	44	[57]	58	63	59	57	54	58
<i>unweighted base</i>	1136	501	1158	850	333	192	122	[49]	827	781	423	290	3999	2663

**Table source:** SETA 2018 and SETA 2013: All claimants / employers.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 5.2 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.2 (continued) Claimants' and employers' survey combined: SETA outcome by primary jurisdiction, summary jurisdiction and year**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>SETA Outcome</b> [CSVOUT2]				
Claimant successful at hearing	3	13	7	7
Claimant unsuccessful at hearing	9	8	12	10
Acas settled	45	31	41	40
Privately settled	21	14	16	18
Withdrawn	15	8	13	13
Dismissed/disposed	7	7	8	7
Default judgment in favour of claimant	1	19	3	5
Any settled	65	45	57	58
<i>unweighted base</i>	1124	454	1085	2663

**Table source:** SETA 2018 and SETA 2013: All claimants / employers.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 5.2 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.3 Claimants' survey: Whether case went to tribunal hearing by case characteristics, claimant demographics and employer demographics**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						Claimant Age [Cage]			
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	Under 25	25-44	45-65	65+
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>										
Yes	23	19	25	[24]	15	16	18	17	20	[20]
No	77	81	75	[76]	85	84	82	83	80	[80]
<i>unweighted</i>	264	436	98	[34]	384	157	58	526	741	[46]

	Highest qualification [Hqual]			Workplace size [ASIZEW]				Trade union or staff association [AQA316B]		
	Degree level qualification or higher	Other qualification	No qualifications	Less than 25	25-49	50-249	250+	Member	Non-member	
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>										
Yes		21	18	17	22	18	18	17	19	18
No		79	82	83	78	82	82	83	81	82
<i>unweighted</i>		503	520	333	505	167	294	331	387	972

	Trade union presence at the workplace [CQA315]		Use of a day to day representative [CQE5]		Whether was hoping to get another job in the organisation bringing the case [CQE153]		Whether was hoping to achieve an apology by bringing the case [CQE155]	
	Yes	No	Yes	No	Yes	No	Yes	No
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>								
Yes	19	19	16	22	[24]	19	19	19
No	81	81	84	78	[76]	81	81	81
<i>unweighted</i>	403	870	783	582	[46]	1327	403	970

**Table source:** SETA 2018 and SETA 2013: All claimants\claimants with a representative or advisor.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 5.3 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.3 (continued) Claimants' survey: Whether case went to tribunal hearing by case characteristics, claimant demographics and employer demographics**

Per cent, bases are counts

	Whether day to day representative / main advisor helped prepare for hearings [CQEGOE]		Whether day to day representative / main advisor outlined the pros and cons of settling the case without going to a tribunal [CQEGOC]		Whether any offer of a settlement was proposed [ANYOFFER]	
	Yes	No	Yes	No	Yes	No
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>						
Yes	17	16	14	28	12	39
No	83	84	86	72	88	61
<i>unweighted base</i>	587	342	791	133	1012	353
<b>Recommendations of main advisor [CQEG3]</b>						
	Advised to settle	Advised to withdraw	Advised to go to hearing	Gave different advice at different times	None of these	
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>						
Yes	15	-	22	7	22	
No	85	[100]	78	93	78	
<i>unweighted base</i>	479	[17]	171	66	181	
	Whether still work for the employer [CQA32B]		Whether main advisor advised what tribunal may award if claimant won the case if it went to a tribunal hearing [CQEGOD]			
	Yes	No	Yes	No	All	
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>						
Yes	19	19	16	17	19	
No	81	81	84	83	81	
<i>unweighted base</i>	85	1248	661	257	1373	

**Table source:** SETA 2018 and SETA 2013: All claimants\claimants with a representative or advisor.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 5.3 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.3 (continued) Claimants' survey: Whether case went to tribunal hearing by case characteristics, claimant demographics and employer demographics**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			All
	Open Track	Fast Track	Standard Track	
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>				
Yes	14	27	19	19
No	86	73	81	81
<i>unweighted base</i>	553	260	560	1373

**Table source:** SETA 2018 and SETA 2013: All claimants.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 5.3 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.4 Employers' survey: Whether case went to tribunal hearing by case characteristics, claimant demographics and employer demographics**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						Claimant Gender [CQA21]	
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	Male	Female
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>								
Yes	24	16	28	[15]	12	20	19	17
No	76	84	72	[85]	88	80	81	83
<i>unweighted base</i>	237	414	94	[15]	397	133	672	616
	Enterprise size [ESIZEE]				Workplace size [ASIZEW]			
	Less than 25	25-49	50-249	250 +	Less than 25	25-49	50-249	250 +
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>								
Yes	22	14	20	16	21	14	17	16
No	78	86	80	84	79	86	83	84
<i>unweighted base</i>	313	116	285	537	491	172	304	237
	Trade union presence at the workplace [CQA315]				Use of a day to day representative [CQE5]			
	Yes		No		Yes		No	
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>								
Yes	18		18		17		19	
No	82		82		83		81	
<i>unweighted base</i>	354		865		935		315	

**Table source:** SETA 2018 and SETA 2013: All employers\employers with a representative or advisor.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 5.4 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only



**Table 5.4 (continued) Employers' survey: Whether case went to tribunal hearing by case characteristics, claimant demographics and employer demographics**

Per cent, bases are counts

	Whether day to day representative / main advisor helped prepare for hearings [CQEGOE]		Whether day to day representative / main advisor outlined the pros and cons of settling the case without going to a tribunal [CQEGOC]			
	Yes	No	Yes	No		
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>						
Yes	21	9	16	29		
No	79	91	84	71		
<i>unweighted base</i>	636	247	812	79		
	Recommendations of main advisor [CQEG3]				Whether any offer of a settlement was proposed [ANYOFFER]	
	Advised to settle	Advised to go to hearing	Gave different advice at different times	None of these	Yes	No
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>						
Yes	9	29	21	18	11	43
No	91	71	79	82	89	57
<i>unweighted base</i>	354	201	101	200	1035	211
	Whether still work for the employer [CQA32B]		Whether main advisor advised what claimant might be awarded if they won the case if it went to a tribunal hearing [CQEGOD]			
	Yes	No	Yes	No	All	
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>						
Yes	3	19	17	20	18	
No	97	81	83	80	82	
<i>unweighted base</i>	55	1181	750	129	1290	

**Table source:** SETA 2018 and SETA 2013: All employers\employers with a representative or advisor.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 5.4 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.4 (continued) Employers' survey: Whether case went to tribunal hearing by case characteristics, claimant demographics and employer demographics**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			All
	Open Track	Fast Track	Standard Track	
<b>Whether the case involves a decision at tribunal hearing [CQA110ABIYES]</b>				
Yes	13	25	20	18
No	87	75	80	82
<i>unweighted base</i>	571	194	525	1290

**Table source:** SETA 2018 and SETA 2013: All employers.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 5.4 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.5 Claimants' and employers' survey combined: What the employment tribunal ordered in favour of claimant by summary jurisdiction and year**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			ALL	
	Open Track	Fast Track	Standard Track	2012	2017
<b>What tribunal ordered in favour of claimant [CQL261 – CQL267]</b>					
Money	[88]	98	82	90	90
Re-instatement (old job back if previously employed)	[2]	-	5	2	2
Another hearing	-	-	6	-	2
Re-engagement (Another job in the organisation)	-	-	-	1	-
Other	[17]	-	11	8	8
Nothing	-	2	-	2	1
Don't Know	-	-	6	3	3
<i>unweighted base</i>	[38]	53	87	272	178

**Table source:** SETA 2018 and SETA 2013: All claimants / employers where the claimant was successful at hearing.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 5.5 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.6 Claimants' and employers' surveys: What the claimant was hoping to achieve by bringing the claim**

	Per cent, bases are counts	
	Claimant	Employer
<b>What the claimant was hoping to achieve by bringing the claim [CQE151 – CQE1515]</b>		
Money	61	86
An apology	29	7
Justice	25	9
Re-instatement (old job back if previously employed)	23	9
Proving case/ proving you were right	12	9
A reference	8	8
A letter of explanation	4	2
Re- engagement (Another job in the organisation)	3	2
Legal fees paid/ costs covered	3	8
Avoid similar situation occurring in future	3	-
Clear name	1	*
Revenge	1	*
Personal satisfaction	*	-
Other	6	3
Don't know	1	8
<i>unweighted base</i>	1373	1290

**Table source:** SETA 2018 and SETA 2013: All claimants / employers.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 5.6 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.7 Claimants' and employers' surveys combined: Amount awarded by tribunal by summary jurisdiction and year**

Per cent, bases are counts

All		
	2012	2017
<b>How much money employer was ordered to give claimant (banded) [CBL28/CQL28]</b>		
£1-£499	9	4
£500-£999	8	6
£1000-£1499	8	6
£1500-£1999	7	3
£2000-£2499	9	7
£2500-£2999	3	2
£3000-£3999	6	9
£4000-£4999	9	3
£5000-£9999	15	17
£10000-£24999	8	19
£25000+	8	8
Don't know	9	17
<i>unweighted base</i>	241	158
Mean	7975	13,464
Median	3000	5000
<i>unweighted base</i>	218	132

**Table source:** SETA 2018 and SETA 2013: All claimants / employers where the claimant was successful at hearing and money was awarded (those who claimed the amount awarded was £0 have been excluded).

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Tables 5.8 and 5.9 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only. Mean and median figure calculations exclude those who didn't know the money employer ordered to give claimant

**Table 5.7 (continued) Claimants' and employers' surveys combined: Amount awarded by tribunal by summary jurisdiction and year**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>How much money employer was ordered to give claimant (banded) [CBL28/CQL28]</b>				
£1-£499	-	8	1	4
£500-£999	-	13	1	6
£1000-£1499	[3]	9	3	6
£1500-£1999	[8]	2	3	3
£2000-£2499	[1]	12	4	7
£2500-£2999	*	6	-	2
£3000-£3999	[7]	9	8	9
£4000-£4999	-	3	4	3
£5000-£9999	[16]	11	23	17
£10000-£24999	[37]	7	22	19
£25000+	[13]	2	13	8
Don't know	[15]	17	17	17
<i>Unweighted base</i>	[33]	52	73	158
Mean	[22,476]	[7,172]	15,715	13,464
Median	[14,000]	[2,300]	7,700	5,000
<i>unweighted base</i>	[29]	[43]	60	132

**Table source:** SETA 2018 and SETA 2013: All claimants / employers where the claimant was successful at hearing and money was awarded (those who claimed the amount awarded was £0 have been excluded).

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Tables 5.8 and 5.9 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Mean and median figure calculations exclude those who didn't know the money employer ordered to give claimant

**Table 5.8 Claimants' and employers' surveys combined: Whether amount included the reimbursement of the fees by summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Whether amount included the reimbursement of the fees [CQL38]</b>				
Yes	[22]	[49]	45	42
No	[43]	[31]	40	37
Did not pay any fees	[15]	[18]	10	14
Don't know	[20]	[3]	5	7
<i>unweighted base</i>	[29]	[43]	60	132

**Table source:** SETA 2018: All claimants / employers where the claimant was successful at hearing and money was awarded and amount known (excluding those who claimed the amount awarded was £0).

**Table weight:** Case weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 5.9 Claimants' and employers' survey: Whether the claimant received the money the employer was ordered to pay**

Per cent, bases are counts

	Claimant		Employer	
	2012	2017	2012	2017
<b>Whether claimant received money yet that employer ordered to pay [CQL32]</b>				
Yes	63	72	87	93
No	37	28	11	4
Don't Know	-	-	2	4
<i>unweighted base</i>	158	92	83	67

**Table source:** SETA 2018 and SETA 2013: All claimants / employers where the claimant was successful at hearing and money was awarded.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 5.10 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only



**Table 5.10 Claimants' and employers' survey combined: Whether the claimant received the money the employer was ordered to pay by personal characteristics**

Per cent, bases are counts

	Sex [CQA21]		Age of claimant [CAGE2]		
	Male	Female	16 to 44	45 or over	All
<b>Whether claimant received money yet that employer ordered to pay [CQL32]</b>					
Yes	76	84	80	77	79
No	22	16	18	23	20
Don't Know	2	-	2	*	1
<i>unweighted base</i>	89	70	80	76	159

**Table source:** SETA 2018 and SETA 2013: All claimants / employers where the claimant was successful at hearing and money was awarded.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 5.11 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.11 Claimants' and employers' survey combined: Whether the claimant received the money the employer was ordered to pay by summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Whether claimant received money yet that employer ordered to pay [CQL32]</b>				
Yes	[87]	68	87	79
No	[11]	30	13	20
Don't know	[2]	2	-	1
<i>unweighted base</i>	[34]	52	73	159

**Table source:** SETA 2018 and SETA 2013: All claimants / employers where the claimant was successful at hearing and money was awarded.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 5.12 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.12 Claimants' and employers' survey combined: How many weeks after the hearing was the money award paid to the claimant**

	Per cent; bases are counts	
	2012	2017
<b>How many weeks after hearing money was paid (banded) [CBL32B]</b>		
0-4 weeks	54	50
5-8 weeks	19	14
9+ weeks	14	21
Don't know	13	15
<i>unweighted base</i>	154	130

**Table source:** SETA 2018 and SETA 2013: All claimants / employers where the claimant was successful at hearing and money was awarded and claimant had been paid.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 5.13 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.13 Claimants' and employers' survey combined: Whether the claimant took action to obtain payment by year**

Per cent; bases are counts

	2012	2017
<b>Whether claimant took action to obtain payment [CQL353637NET]</b>		
Yes	18	31
No	77	68
Don't Know	5	1
<i>unweighted base</i>	239	159

**Table source:** SETA 2018 and SETA 2013: All claimants / employers where the claimant was successful at hearing and money was awarded.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 5.14 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.14 Claimants' and employers' survey combined: Actions taken to obtain payment of money owed**

Per cent, bases are counts

	Sex [CQA21]		Age of claimant [CAGE2]		
	Male	Female	16 to 44	45 or over	All
<b>Whether claimant took action to obtain payment by registering to County Court or using Fast track enforcement [CQL42]</b>					
Yes	12	18	17	12	15
No	78	73	72	78	76
Don't Know	9	9	10	8	9
Refused	1	-	-	1	1
<i>unweighted base</i>	89	70	80	76	159

**Table source:** SETA 2018: All claimants / employers where the claimant was successful at a hearing and money was awarded.

**Table weight:** Case weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 5.14 (continued) Claimants' and employers' survey combined: Actions taken to obtain payment of money owed**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Whether claimant took action to obtain payment by registering to County Court or using Fast track enforcement [CQL42]</b>				
Yes	[5]	24	9	15
No	[84]	69	78	76
Don't know	[10]	7	12	9
Refused	-	-	2	1
<i>unweighted base</i>	[34]	52	73	159

**Table source:** SETA 2018: All claimants / employers where the claimant was successful at a hearing and money was awarded.

**Table weight:** Case weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 5.15 Claimants' and employers' survey: Awareness of the Penalty Enforcement Scheme**

Per cent, bases are counts

---

All	
<b>Claimants' survey: Awareness of the scheme [CQL41]</b>	
Yes	18
No	79
Don't know	3
<i>unweighted base</i>	83
<b>Employers' survey: Awareness of the scheme [CQL41]</b>	
Yes	12
No	86
Don't know	2
<i>unweighted base</i>	63
<b>Claimants' and employers' survey combined: Awareness of the scheme [CQL41]</b>	
Yes	15
No	84
Don't know	2
<i>unweighted base</i>	146

---

**Table source:** SETA 2018: All claimants / employers where the claimant was successful at a hearing and awarded money but did not use the penalty scheme or did not take action to obtain money.

**Table weight:** Claimant weight / Employer weight/case weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 5.16 Claimants' and employers' survey combined: Appeals**

Per cent; bases are counts

Whether appeal made to tribunal about decisions made in this case [CQKL35]	
Yes	13
No	82
Don't know	5
<i>unweighted base</i>	517

**Table source:** SETA 2018 and SETA 2013: All claimants / employers where there was a decision at tribunal.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 5.15 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only



**Table 5.17 Claimants' and employers' survey combined: Appeals**

Per cent, bases are counts

<b>Who made appeal to tribunal about decisions made in this case [CQKL36]</b>	
Claimant	78
Employer	22
<i>unweighted base</i>	67

**Table source:** SETA 2018 and SETA 2013: All claimants / employers where there was an appeal made.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 5.16 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.18 Claimants' and employers' survey combined: Appeals**

Per cent; bases are counts

<b>Whether tribunal held review hearing about decisions in this case [CQKL37]</b>	
Yes	38
No	55
Don't know	7
<i>unweighted base</i>	70

**Table source:** SETA 2018 and SETA 2013: All claimants / employers where there was an appeal made.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 5.17 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.19 Claimants' and employers' survey: Whether parties were warned that the tribunal may order them to contribute to the other party's costs**

	Per cent, bases are counts	
	Claimant	Employer
<b>Whether claimant/employer ever warned by other party that tribunal might order them to contribute to their costs [CQM4B]</b>		
Yes	38	43
No	56	47
Don't Know	6	10
<b>Whether claimant/employer ever warned other party that tribunal might order them to contribute to their costs [CQM4A]</b>		
Yes	36	34
No	44	47
Don't Know	20	19
<i>unweighted base</i>	1373	1096

**Table source:** SETA 2018 and SETA 2013: All claimants / All employers with personal responsibility for the case.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 5.18 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.20 Claimants' and employers' survey combined: Whether claimant was awarded costs/ expenses**

Per cent, bases are counts

	2012	2017
<b>Whether claimant was awarded costs/ expenses [CQMN13]</b>		
Yes	14	26
No	74	65
Don't Know	11	9
<i>unweighted base</i>	695	517

**Table source:** SETA 2018 and SETA 2013: All claimants / employers where there was a decision at tribunal.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 5.19 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.21 Claimants' and employers' survey combined: Whether employer was awarded costs/ expenses**

Per cent, bases are counts

	2017
<b>Whether employer was awarded costs/ expenses [CQMN14]</b>	
Yes	6
No	68
Don't Know	26
<i>unweighted base</i>	517

**Table source:** SETA 2018: All claimants / employers where there was a decision at tribunal.

**Table weight:** Case weight.

**Table notes:** This table was not included in SETA 2013.

**Table 5.22 Claimants' and employers' surveys: Awareness of the cost regime**

Per cent, bases are counts

	Claimants	Employers
<b>Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]</b>		
Yes	54	67
No	41	27
Don't Know	4	6
<i>unweighted base</i>	1373	1290

**Table source:** SETA 2018 and SETA 2013: All claimants / employers.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 5.20 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.23 Claimants' survey: Awareness of the cost regime by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]</b>							
Yes	54	52	46	[60]	56	63	54
No	44	45	47	[40]	39	31	41
Don't know	2	4	8	-	5	6	4
<i>unweighted base</i>	264	436	98	[34]	384	157	1373
	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/disposed	
<b>Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]</b>							
Yes	53	52	57	58	50	47	54
No	43	44	39	37	45	49	41
Don't know	4	4	4	6	5	3	4
<i>unweighted base</i>	181	149	565	202	196	80	1373

**Table source:** SETA 2018 and SETA 2013: All claimants.**Table weight:** SETA 2018 and SETA 2013: Claimant weight.**Table notes:** Table 5.21 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.23 (continued) Claimants' survey: Awareness of the cost regime by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]</b>				
Yes	56	49	56	54
No	39	46	41	41
Don't know	6	5	3	4
<i>unweighted base</i>	553	260	560	1373

**Table source:** SETA 2018 and SETA 2013: All claimants.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 5.21 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only



**Table 5.24 Claimants' survey: Awareness of the cost regime by use of representation, and advice and guidance**

Per cent, bases are counts

	Use of a day to day representative [CQE5]		Whether sought information from any passive sources before or after submitting claim [passive]		Whether sought advice and guidance after submitting the claim [CQE5C4]		All
	Yes	No	Yes	No	Yes	No	
<b>Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]</b>							
Yes	55	55	57	39	56	54	54
No	40	42	39	55	41	42	41
Don't know	5	3	4	6	3	5	4
<i>unweighted base</i>	783	582	1161	212	366	997	1373

**Table source:** SETA 2018 and SETA 2013: All claimants.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 5.22 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.25 Employers' survey: Awareness of the cost regime by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]</b>							
Yes	68	62	56	[60]	74	69	67
No	25	33	32	[18]	21	28	27
Don't know	6	5	12	[22]	5	3	6
<i>unweighted base</i>	237	414	94	[15]	397	133	1290
	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/disposed	
<b>Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]</b>							
Yes	41	71	68	72	67	69	67
No	49	24	25	22	29	28	27
Don't know	10	4	7	6	4	3	6
<i>unweighted base</i>	97	145	559	268	143	78	1290

**Table source:** SETA 2018 and SETA 2013: All employers.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 5.23 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.25 (continued) Employers' surveys: Awareness of the cost regime by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Whether aware that tribunal could penalise cases of unreasonable pursuit [CQM1]</b>				
Yes	73	57	65	67
No	22	36	28	27
Don't know	5	7	7	6
<i>unweighted base</i>	571	194	525	1290

**Table source:** SETA 2018 and SETA 2013: All employers.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 5.23 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.26 Claimants' and employers' surveys: Impact of awareness of the cost regime on outcome of those who settled or withdrew their case by SETA outcome, primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Seta Outcome [CSVOUT]			
	Acas settled	Privately settled	Withdrawn	All
<b>Claimants' survey: Whether knowing that such costs could be awarded against them influenced decision to settle/withdraw case without going to tribunal [CQM6]</b>				
Yes – more likely to settle	27	24	36	28
Yes – less likely to settle	5	3	11	6
No	64	68	49	62
Don't know	4	5	5	4
<i>unweighted base</i>	390	139	119	648
<b>Employers' survey: Whether knowing that such costs could be awarded against them influenced decision to settle/withdraw case without going to tribunal [CQM6]</b>				
Yes – more likely to settle	21	19	-	20
Yes – less likely to settle	2	1	-	2
No	73	73	-	73
Don't know	4	7	-	5
<i>unweighted base</i>	400	185	-	585

**Table source:** SETA 2018 and SETA 2013: All claimants whose case was settled or withdrawn and were aware of cost regime before case or had some warning during case / All employers with personal responsibility for dealing with the case and the case was settled and aware of the cost regime before case or some warning during case.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 5.24 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.26 (continued) Claimants' and employers' surveys: Impact of awareness of the cost regime on outcome of those who settled or withdrew their case by SETA outcome, primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Claimants' survey: Whether knowing that such costs could be awarded against them influenced decision to settle/withdraw case without going to tribunal [CQM6]</b>							
Yes – more likely to settle	36	28	[25]	[9]	28	24	28
Yes – less likely to settle	5	7	[11]	[22]	3	4	6
No	53	61	[53]	[70]	67	66	62
Don't know	6	4	[10]	-	2	5	4
<i>unweighted base</i>	107	201	[27]	[14]	216	83	648
<b>Employers' survey: Whether knowing that such costs could be awarded against them influenced decision to settle/withdraw case without going to tribunal [CQM6]</b>							
Yes – more likely to settle	18	18	[31]	[42]	19	25	20
Yes – less likely to settle	3	1	[3]	-	2	-	2
No	76	74	[66]	[40]	73	74	73
Don't know	3	6	-	[19]	6	2	5
<i>unweighted base</i>	88	202	[34]	[11]	194	56	585

**Table source:** SETA 2018 and SETA 2013: All claimants whose case was settled or withdrawn and were aware of cost regime before case or had some warning during case / All employers with personal responsibility for dealing with the case and the case was settled and aware of the cost regime before case or some warning during case.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 5.24 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 5.26 (continued) Claimants' and employers' surveys: Impact of awareness of the cost regime on outcome of those who settled or withdrew their case by SETA outcome, primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Claimants' survey: Whether knowing that such costs could be awarded against them influenced decision to settle/withdraw case without going to tribunal [CQM6]</b>				
Yes – more likely to settle	28	19	31	28
Yes – less likely to settle	5	9	5	6
No	65	67	57	62
Don't know	2	5	6	4
<i>unweighted base</i>	310	80	258	648
<b>Employers' survey: Whether knowing that such costs could be awarded against them influenced decision to settle/withdraw case without going to tribunal [CQM6]</b>				
Yes – more likely to settle	20	23	19	20
Yes – less likely to settle	2	1	2	2
No	73	71	73	73
Don't know	5	4	6	5
<i>unweighted base</i>	288	74	223	585

**Table source:** SETA 2018 and SETA 2013: All claimants whose case was settled or withdrawn and were aware of cost regime before case or had some warning during case / All employers with personal responsibility for dealing with the case and the case was settled and aware of the cost regime before case or some warning during case.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 5.24 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

## Chapter 6: Costs and Benefits

**Table 6.1 Claimants' survey: Financial costs by year, summary jurisdiction, primary jurisdiction and SETA outcome**

	Per cent, bases are counts	
	2012	2017
<b>Personal financial costs</b> [AQN51-AQN56]		
Communication, such as telephone calls and stamps	42	33
Loss of earnings	31	38
Travel	31	36
Other	10	15
Don't know	*	1
None of these	39	35
<i>unweighted base</i>	1988	1373

**Table source:** SETA 2018 and SETA 2013: All claimants

**Table weight:** SETA 2018 and SETA 2013: Claimant weight

**Table notes:** Table 6.1 and 6.2 in SETA 2013

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 6.1 (continued) Claimants' survey: Financial costs by year, summary jurisdiction, primary jurisdiction and SETA outcome**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]				All
	Open Track	Fast Track	Standard Track		
<b>Personal financial costs in which case resulted [AQN51-AQN56]</b>					
Communications, such as telephone calls and stamps	35	29	34		33
Travel	43	27	35		36
Loss of earnings	40	25	42		38
Other	18	10	16		15
Don't know	2	2	*		1
None of these	31	45	35		35
<i>unweighted base</i>	553	260	560		1373

**Table source:** SETA 2018 and SETA 2013: All claimants

**Table weight:** SETA 2018 and SETA 2013: Claimant weight

**Table notes:** Table 6.1 and 6.2 in SETA 2013

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only



**Table 6.1 (continued) Claimants' survey: Financial costs by year, summary jurisdiction, primary jurisdiction and SETA outcome**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Personal financial costs in which case resulted [AQN51-AQN56]</b>							
Communications, such as telephone calls and stamps	36	31	29	[37]	35	33	33
Travel	37	35	28	[16]	43	31	36
Loss of earnings	43	38	26	[22]	39	38	38
Other	18	14	12	[11]	18	14	15
Don't know	*	1	2	-	2	1	1
None of these	33	36	45	[40]	32	39	35
<i>unweighted base</i>	264	436	98	[34]	384	157	1373
	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/Other	
<b>Personal financial costs in which case resulted [AQN51-AQN56]</b>							
Communications, such as telephone calls and stamps	30	47	31	33	31	42	33
Travel	36	68	31	35	30	44	36
Loss of earnings	32	46	37	39	30	54	38
Other	19	24	12	18	12	21	15
Don't know	1	1	1	1	1	1	1
None of these	40	16	39	36	43	21	35
<i>unweighted base</i>	181	149	565	202	196	80	1373

**Table source:** SETA 2018 and SETA 2013: All claimants**Table weight:** SETA 2018 and SETA 2013: Claimant weight**Table notes:** Table 6.1 and 6.2 in SETA 2013

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 6.2 Claimants' survey: Other costs incurred by summary jurisdiction, primary jurisdiction and SETA outcome (mean and median)**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Amount of communication costs [AQN8]</b>				
Mean	224	36	215	188
Median	50	20	50	50
<i>unweighted base</i>	136	53	134	323
<b>Amount of travel costs [AQN7]</b>				
Mean	207	62	156	164
Median	100	40	60	60
<i>unweighted base</i>	183	61	166	410
<b>Combined amount of travel and communication costs [AQN87NET]</b>				
Mean	310	67	253	245
Median	110	40	70	75
<i>unweighted base</i>	220	86	216	522

**Table source:** SETA 2018 and SETA 2013: All claimants who incurred the cost and provided an amount above £0.

**Table weight:** SETA 2018 and SETA 2013: Claimant Weight.

**Table notes:** Table 6.3 in SETA 2013.

Due to the changes in the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable.

**Table 6.2 (continued) Claimants' survey: Other costs incurred by summary jurisdiction, primary jurisdiction and SETA outcome (mean and median)**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Amount of communication costs [AQN8]</b>							
Mean	80	258	[40]	[31]	276	[98]	188
Median	50	50	[40]	[25]	50	[50]	50
<i>unweighted base</i>	69	96	[20]	[11]	94	[33]	323
<b>Amount of travel costs [AQN7]</b>							
Mean	135	172	[71]	[#]	203	[148]	164
Median	60	60	[30]	[#]	100	[60]	60
<i>unweighted base</i>	85	131	[24]	[4]	124	[42]	410
<b>Combined amount of travel and communication costs [AQN87NET]</b>							
Mean	156	289	[82]	[41]	336	172	245
Median	80	60	[50]	[30]	100	80	75
<i>unweighted base</i>	107	165	[31]	[13]	151	55	522

**Table source:** SETA 2018 and SETA 2013: All claimants who incurred the cost and provided an amount above £0.

**Table weight:** SETA 2018 and SETA 2013: Claimant Weight.

**Table notes:** Table 6.3 in SETA 2013.

Due to the changes in the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Tests of significance of means and medians have not been conducted.

**Table 6.2 (continued) Claimants' survey: Other costs incurred by summary jurisdiction, primary jurisdiction and SETA outcome (mean and median)**

Per cent, bases are counts

	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/Other	
<b>Amount of communication costs [AQN8]</b>							
Mean	[63]	388	85	[251]	[441]	[85]	188
Median	[30]	50	42	[50]	[50]	[50]	50
<i>unweighted base</i>	[44]	51	125	[40]	[36]	[27]	323
<b>Amount of travel costs [AQN7]</b>							
Mean	147	139	134	270	[144]	[202]	164
Median	50	60	70	100	[60]	[100]	60
<i>unweighted base</i>	58	89	132	56	[44]	[31]	410
<b>Combined amount of travel and communication costs [AQN87NET]</b>							
Mean	151	339	152	370	367	[216]	245
Median	50	85	70	100	80	[100]	75
<i>unweighted base</i>	74	93	187	68	61	[39]	522

**Table source:** SETA 2018 and SETA 2013: All claimants who incurred the cost and provided an amount above £0.

**Table weight:** SETA 2018 and SETA 2013: Claimant Weight.

**Table notes:** Table 6.3 in SETA 2013.

Due to the changes in the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only  
Tests of significance of means and medians have not been conducted.

**Table 6.3 Claimants' survey: Payment of (&requirement to pay) fees by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Payment of fees</b> [CImfee – from HMCTS data]							
<b>Tribunal application fee</b>	95	97	92	[97]	97	93	96
<i>unweighted base</i>	501	850	192	[49]	781	290	2663
<b>Asked to pay Hearing fee [AQN21]</b>	45	36	28	[44]	40	42	39
<i>unweighted base</i>	253	422	91	[33]	369	144	1312
<b>SETA Outcome</b> [CSVOUT]							
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/Other	All
<b>Payment of fees</b> [CImfee – from HMCTS data]							
<b>Tribunal application fee</b>	97	99	96	97	96	83	96
<i>unweighted base</i>	278	294	1124	470	339	158	2663
<b>Asked to pay Hearing fee [AQN21]</b>	41	68	34	37	34	43	39
<i>unweighted base</i>	176	147	539	196	186	68	1312

**Table source:** SETA 2018: All cases / all claimants who paid or had remitted the application fee (for the Hearing fee question).

**Table weight:** Case weight/ Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 6.3 (continued) Claimants' survey: Payment of (and requirement to pay) fees by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Payment of fees</b> [clmfee - From HMCTS data]				
<b>Tribunal application fee</b>	97	93	96	96
<i>unweighted base</i>	1092	454	1047	2663
<b>Asked to pay Hearing fee [AQN21]</b>	39	31	43	39
<i>unweighted base</i>	535	242	535	1312

**Table source:** SETA 2018: All cases / all claimants who paid or had remitted the application fee (for the Hearing fee question).

**Table weight:** Case weight/ Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 6.4 Claimants' survey: Application for fee remission by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Application for fee remission [AQN13/AQN17]</b>							
<b>Tribunal application fee</b>	32	30	36	[37]	26	26	29
<i>unweighted base</i>	253	422	91	[33]	369	144	1312
<b>Hearing fee</b>	20	19	[13]	[30]	21	13	19
<i>unweighted base</i>	117	156	[25]	[14]	148	61	521
	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/Other	
<b>Application for fee remission [AQN13/AQN17]</b>							
<b>Tribunal application fee</b>	31	30	31	21	23	44	29
<i>unweighted base</i>	176	147	539	196	186	68	1312
<b>Hearing fee</b>	23	23	19	7	18	[30]	19
<i>unweighted base</i>	73	99	185	72	63	[29]	521

**Table source:** SETA 2018: All claimants who paid or had remitted application fees / all claimants who were asked to pay hearing fees.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 6.4 (continued) Claimants' survey: Application for fee remission by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Application for fee remission [AQN13/AQN17]</b>				
<b>Tribunal application fee</b>	28	30	30	29
<i>unweighted base</i>	535	242	535	1312
<b>Hearing fee</b>	20	16	20	19
<i>unweighted base</i>	212	73	236	521

**Table source:** SETA 2018: All claimants who paid or had remitted application fees / all claimants who were asked to pay hearing fees.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.



**Table 6.5 Claimants' survey: Whether any fee remission was granted by summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Fee remission granted [AQN14/AQN18]</b>				
<b>Tribunal application fee</b>				
In full	67	71	63	66
In part	7	4	10	8
<i>unweighted base</i>	151	71	159	381
<b>Hearing fee</b>				
In full	[60]	[18]	[65]	57
In part	[15]	[9]	[17]	15
<i>unweighted base</i>	[42]	[11]	[45]	98

**Table source:** SETA 2018: All claimants who applied for a) application and b) hearing fee remission.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 6.6 Claimants' survey: Who paid for the fees if full remission was not granted by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Paid for (remainder) tribunal application fees [AQN15]</b>							
Claimant	73	66	69	[82]	69	70	69
Claimant's partner	1	2	1	[11]	2	2	2
Family member/friend	5	1	4	-	2	1	2
Third party	15	20	14	[7]	19	14	17
Don't know	6	11	13	-	7	13	9
<i>unweighted base</i>	205	339	64	[26]	303	116	1053
<b>Paid for (remainder) hearing fee [AQN19]</b>							
Claimant	75	66	[56]	[74]	64	77	69
Claimant's partner	-	3	-	[11]	3	6	3
Family member/friend	1	2	[5]	[8]	3	1	2
Third party	6	12	[13]	-	17	5	11
Fee wasn't paid	16	11	[16]	[7]	10	7	11
Don't know	2	6	[9]	-	3	3	4
<i>unweighted base</i>	103	138	[23]	[11]	126	55	456

**Table source:** SETA 2018: All claimants who did not apply for a fee remission or applied and claim was rejected or was partially accepted.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 6.6 (continued) Claimants' survey: Who paid for the fees if full remission was not granted by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	SETA outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/Other	
<b>Paid for (remainder) tribunal application fees [AQN15]</b>							
Claimant	74	78	68	64	69	[68]	69
Claimant's partner	2	2	2	2	2	-	2
Family member/friend	2	1	2	2	2	[5]	2
Third party	13	12	18	24	17	[12]	17
Don't know	9	7	9	8	9	[15]	9
<i>unweighted base</i>	136	113	432	168	156	[48]	1053
<b>Paid for (remainder) hearing fee [AQN19]</b>							
Claimant	83	87	59	64	61	[74]	69
Claimant's partner	4	3	3	2	4	-	3
Family member/friend	5	-	2	4	2	-	2
Third party	7	8	11	17	11	[4]	11
Fee wasn't paid	-	1	17	6	22	[21]	11
Don't know	1	1	8	6	-	-	4
<i>unweighted base</i>	65	82	161	68	56	[24]	456

**Table source:** SETA 2018: All claimants who did not apply for a fee remission or applied and claim was rejected or was partially accepted.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 6.6 (continued) Claimants' survey: Who paid for the fees if full remission was not granted by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Paid for (remainder) tribunal application fees [AQN15]</b>				
Claimant	68	75	68	69
Claimant's partner	2	1	3	2
Family member/friend	2	1	3	2
Third party	19	11	19	17
Don't know	9	12	8	9
<i>unweighted base</i>	432	191	430	1053
<b>Paid for (remainder) hearing fee [AQN19]</b>				
Claimant	64	75	70	69
Claimant's partner	2	3	3	3
Family member/friend	3	2	2	2
Third party	14	7	9	11
Fee wasn't paid	11	8	13	11
Don't know	5	5	3	4
<i>unweighted base</i>	183	69	204	456

**Table source:** SETA 2018: All claimants who did not apply for a fee remission or applied and claim was rejected or was partially accepted.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 6.7 Claimants' survey: How the fees were paid if full remission was not granted by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>How fees were paid [AQPN211-AQPN2111]</b>							
Personal income/savings	60	58	63	[63]	53	58	57
Borrowed from friends/family	12	8	5	[13]	8	5	8
Trade union	7	2	3	-	7	7	5
Insurance	3	5	-	[4]	5	2	4
Loan/overdraft	2	2	3	-	6	4	3
Credit card	3	1	-	-	1	4	2
Solicitor	1	2	2	-	1	-	1
Something else	4	4	5	[7]	3	3	4
Didn't have to pay fees	4	2	1	-	1	2	2
Don't know	7	13	15	[9]	11	14	11
Refused	1	6	4	[3]	5	2	4
<i>unweighted base</i>	210	350	66	[27]	312	119	1084

**Table source:** SETA 2018: All claimants who did not apply for a fee remission or applied and claim was rejected or was partially accepted.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 6.7 (continued) Claimants' survey: How the fees were paid if full remission was not granted by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	SETA outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/Other	
<b>How fees were paid [AQPN211- AQPN2111]</b>							
Personal income/savings	58	69	56	54	60	54	57
Borrowed from friends/family	10	7	8	7	8	13	8
Trade union	2	4	4	8	9	2	5
Insurance	3	4	4	6	2	4	4
Loan/overdraft	5	5	4	2	3	3	3
Credit card	1	2	2	1	1	-	2
Solicitor	2	-	2	1	1	-	1
Something else	3	6	4	1	5	8	4
Didn't have to pay fees	2	2	3	2	*	-	2
Don't know	9	4	12	14	11	18	11
Refused	5	-	5	6	2	2	4
<i>unweighted base</i>	138	119	443	171	162	51	1084

**Table source:** SETA 2018: All claimants who did not apply for a fee remission or applied and claim was rejected or was partially accepted.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 6.7 (continued) Claimants' survey: How the fees were paid if full remission was not granted by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>How fees were paid [AQPN211- AQPN2111]</b>				
Personal income/savings	54	61	59	57
Borrowed from friends/family	7	8	10	8
Trade union	6	3	5	5
Insurance	4	1	5	4
Loan/overdraft	5	3	3	3
Credit card	1	-	3	2
Solicitor	1	1	1	1
Something else	3	4	4	4
Didn't have to pay fees	1	1	3	2
Don't know	13	14	8	11
Refused	5	4	3	4
<i>unweighted base</i>	445	197	442	1084

**Table source:** SETA 2018: All claimants who did not apply for a fee remission or applied and claim was rejected or was partially accepted.

**Table weight:** Claimant weight.

**Table notes:** This question / questions were asked in SETA 2018 only or amended in SETA 2018.

**Table 6.8 Claimants' survey: Time spent (in days) on case by SETA outcome, primary jurisdiction, summary jurisdiction and year (median and mean)**

Days, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at hearing		Claimant unsuccessful at hearing		Acas settled		Privately settled		Withdrawn		Dismissed/ Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Estimated total number of days spent on case [ARN9]</b>														
Mean (days)	25.68	63.06	44.84	129.27	29.87	98.37	35.18	76.94	30.14	82.88	18.29	82.07	30.31	90.43
Median (days)	4.50	7.50	14.00	20.00	7.00	14.00	6.25	15.00	5.00	12.50	5.00	14.00	6.25	14.00
<i>unweighted base</i>	254	143	115	119	687	452	190	158	252	147	81	64	1579	1083
	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Estimated total number of days spent on case [ARN9]</b>														
Mean (days)	31.04	63.10	26.96	89.57	20.26	61.78	8.44	[342.70]	45.20	96.30	25.85	80.10	30.31	90.43
Median (days)	7.00	14.00	5.00	14.00	3.00	5.00	3.00	[7.00]	12.50	20.00	5.00	14.00	6.25	14.00
<i>unweighted base</i>	402	216	473	340	159	78	59	[30]	300	294	186	125	1579	1083

**Table source:** SETA 2018 and SETA 2013: All claimants who provided an estimate for the amount of time spent.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Tables 6.4 and 6.5 in SETA 2013.

Due to the changes of the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Tests of significance of means and medians have not been conducted.



**Table 6.8 (continued) Claimants' survey: Time spent (in days) on case by SETA outcome, primary jurisdiction, summary jurisdiction and year (median and mean)**

Days, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Estimated total number of days spent on case [ARN9]</b>				
Mean (days)	114.43	50.97	87.25	90.43
Median (days)	21.00	5.00	14.00	14.00
<i>unweighted base</i>	417	209	457	1083

**Table source:** SETA 2018 and SETA 2013: All claimants who provided an estimate for the amount of time spent.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Tables 6.4 and 6.5 in SETA 2013.

Due to the changes of the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Tests of significance of means and medians have not been conducted.

**Table 6.9 Employers' survey: Number of people in organisation who spent time on the case by primary jurisdiction, SETA outcome, summary jurisdiction and year (mean and median)**

	Counts													
	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>How many people involved in case at organisation [EQN7A]</b>														
Mean	4	9	3	4	3	3	[3]	[3]	4	6	4	5	4	5
Median	4	4	3	3	2	3	[2]	[3]	4	4	3	4	3	4
<i>unweighted base</i>	529	180	500	343	130	81	[42]	[14]	365	308	177	110	1743	1036
	SETA outcome [CSVOUT]													
	Claimant successful at hearing		Claimant unsuccessful at hearing		Acas settled		Privately settled		Withdrawn		Dismissed/ Other		All	
<b>How many people involved in case at organisation [EQN7A]</b>														
Mean	3		6		4		5		5		13		5	
Median	3		4		4		4		3		4		4	
<i>unweighted base</i>	80		124		452		199		118		63		1036	

**Table source:** SETA 2018 and SETA 2013: All employers with personal responsibility of the case.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 6.6 in SETA 2013.

Due to the changes of the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Tests of significance of means and medians have not been conducted.

**Table 6.9 (continued) Employers' survey: Number of people in organisation who spent time on the case by primary jurisdiction, SETA outcome, summary jurisdiction and year (mean and median)**

	Counts			
	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>How many people involved in case at organisation [EQN7A]</b>				
Mean	5	3	6	5
Median	4	2	4	4
<i>unweighted base</i>	451	166	419	1036

**Table source:** SETA 2018 and SETA 2013: All employers with personal responsibility of the case and where at least one person involved in case at organisation.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 6.6 in SETA 2013.

Due to the changes of the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Tests of significance of means and medians have not been conducted.

**Table 6.10 Employers' survey: Days spent on the case by SETA outcome, primary jurisdiction, summary jurisdiction and year (median and mean)**

Days, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at hearing		Claimant unsuccessful at hearing		Acas settled		Privately settled		Withdrawn		Dismissed/ Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Mean days spent by staff at organisation on case [ERN7T/ ERN7TM/ ERN7TO]</b>														
All staff	12.62	19.77	19.32	37.70	13.15	24.06	14.87	37.39	9.86	18.72	10.04	33.83	13.09	27.67
Directors or senior managers	10.01	16.67	12.42	29.37	8.49	18.17	11.79	32.63	6.28	14.52	7.05	23.83	9.01	21.85
Other staff	2.61	3.10	6.90	8.34	4.66	5.88	3.08	4.76	3.58	4.21	2.99	9.99	4.08	5.83
<b>Median days spent by staff at organisation on case [ERN7T/ ERN7TM/ ERN7TO]</b>														
All staff	4.00	6.25	13.00	20.00	5.00	8.00	5.00	10.63	4.63	7.50	5.63	6.25	5.00	8.75
Directors or senior managers	3.00	6.00	6.38	14.50	4.00	6.25	3.25	6.25	2.00	5.00	3.00	5.00	3.50	6.25
Other staff	0.00	0.00	2.00	2.00	0.25	0.25	0.25	0.50	0.38	0.63	0.63	0.63	0.38	0.50
<i>unweighted base</i>	101	73	178	105	750	380	214	154	234	99	157	60	1634	871
<b>For those cases where directors or senior managers spent some time</b>														
Directors or senior managers	3.00	6.00	7.00	14.50	4.00	6.25	3.63	6.25	2.63	5.00	3.50	5.00	4.00	6.25
<i>Unweighted base</i>	96	73	171	105	718	380	210	154	216	99	147	60	1558	871
<b>For those cases where other staff spent some time</b>														
Other staff	[2.00]	[2.00]	5.00	5.00	2.00	3.00	2.00	3.75	2.00	2.00	2.00	[3.00]	2.00	3.00
<i>Unweighted base</i>	[35]	[36]	108	66	378	209	99	84	116	62	86	[36]	822	493

**Table source:** SETA 2018 and SETA 2013: All employers with personal responsibility of the case and who were able to estimate amount of time spent on the case.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Tables 6.7 and 6.8 in SETA 2013 - a different method was used to calculate the time spent estimates for employers – so the SETA 2013 figures here are slightly different from the ones previously published.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Tests of significance of means and medians have not been conducted.

**Table 6.10 (continued) Employers' survey: Days spent on the case by SETA outcome, primary jurisdiction, summary jurisdiction and year (median and mean)**

Days, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Mean days spent by staff at organisation on case</b> [ERN7T/ ERN7TM/ ERN7TO]														
All staff	11.98	32.16	14.88	24.51	3.71	11.64	[4.92]	[15.09]	20.94	26.91	9.89	48.29	13.09	27.67
Directors or senior managers	8.54	23.08	10.75	18.44	2.90	9.74	[3.76]	[12.78]	12.95	20.98	6.67	44.13	9.01	21.85
Other staff	3.44	9.08	4.13	6.07	0.81	1.90	[1.16]	[2.31]	8.00	5.93	3.22	4.16	4.08	5.83
<b>Median days spent by staff at organisation on case</b> [ERN7T/ ERN7TM/ ERN7TO]														
All staff	6.38	10.00	5.00	8.00	2.00	5.00	[2.00]	[6.13]	9.00	10.63	5.00	11.38	5.00	8.75
Directors or senior managers	4.00	7.00	4.00	6.00	1.00	5.00	[1.00]	[5.00]	5.50	6.25	3.00	7.50	3.50	6.25
Other staff	0.75	0.50	0.00	0.38	0.00	0.00	[0.25]	[0.50]	1.00	1.25	0.50	0.13	0.38	0.50
<i>unweighted base</i>	498	151	470	301	125	68	[40]	[12]	341	248	160	91	1634	871
<b>For those cases where directors or senior managers spent some time</b>														
Directors or senior managers	4.50	7.00	4.25	6.00	1.13	5.00	[1.00]	[5.00]	6.00	6.25	3.00	7.50	4.00	6.25
<i>Unweighted base</i>	470	151	451	301	121	68	[39]	[12]	324	248	153	91	1558	871
<b>For those cases where other staff spent some time</b>														
Other staff	3.00	3.75	2.00	2.88	[0.63]	[1.25]	[1.00]	[4.63]	4.00	3.75	1.00	3.75	2.00	3.00
<i>Unweighted base</i>	265	82	207	162	[40]	31	[18]	[7]	200	161	92	50	822	493

**Table source:** SETA 2018 and SETA 2013: All employers with personal responsibility of the case and who were able to estimate amount of time spent on the case.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Tables 6.7 and 6.8 in SETA 2013- a different method was used to calculate the time spent estimates for employers – so the SETA 2013 figures here are slightly different from the ones previously published.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Tests of significance of means and medians have not been conducted.

**Table 6.10 (continued) Employers' survey: Days spent on the case by SETA outcome, primary jurisdiction, summary jurisdiction and year (median and mean)**

Days, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Mean days spent by staff at organisation on case [ERN7T/ ERN7TM/ ERN7TO]</b>				
All staff	26.58	25.37	29.89	27.67
Directors or senior managers	21.11	23.14	21.78	21.85
Other staff	5.47	2.23	8.11	5.83
<b>Median days spent by staff at organisation on case [ERN7T/ ERN7TM/ ERN7TO]</b>				
All staff	10.00	5.00	10.00	8.75
Directors or senior managers	7.00	4.00	7.38	6.25
Other staff	1.00	0.00	0.50	0.50
<i>unweighted base</i>	360	145	366	871
<b>For those cases where directors or senior managers spent some time</b>				
Directors or senior managers	7.00	4.00	7.38	6.25
<i>Unweighted base</i>	360	145	366	871
<b>For those cases where other staff spent some time</b>				
Other staff	3.75	2.00	3.00	3.00
<i>Unweighted base</i>	223	65	205	493

**Table source:** SETA 2018 and SETA 2013: All employers with personal responsibility of the case and who were able to estimate amount of time spent on the case.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Tables 6.7 and 6.8 in SETA 2013 - a different method was used to calculate the time spent estimates for employers – so the SETA 2013 figures here are slightly different from the ones previously published.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Tests of significance of means and medians have not been conducted.

**Table 6.11 Employers' survey: Days spent on the case by enterprise size and year (median and mean)**

Days, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]									
	Less than 25		25-49		50-249		250+		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Mean days spent by staff at organisation on case [ERN7T/ ERN7TM/ ERN7TO]</b>										
All staff	12.75	21.29	15.25	50.76	12.15	28.09	13.49	27.14	13.09	27.67
Directors or senior managers	10.64	18.89	9.98	41.57	10.12	22.70	7.61	19.45	9.01	21.85
Other staff	2.11	2.40	5.26	9.19	2.03	5.39	5.88	7.69	4.08	5.83
<b>Median days spent by staff at organisation on case [ERN7T/ ERN7TM/ ERN7TO]</b>										
All staff	5.00	8.00	6.00	10.63	6.00	8.13	5.63	8.75	5.00	8.75
Directors or senior managers	4.00	7.50	5.00	9.75	5.00	6.25	2.00	5.00	3.50	6.25
Other staff	0.00	0.00	0.00	0.00	0.25	0.00	1.13	1.50	0.38	0.50
<i>unweighted base</i>	455	233	152	85	321	197	684	344	1634	871
<b>For those cases where directors or senior managers spent some time</b>										
Directors or senior managers	4.00	7.50	5.13	9.75	5.00	6.25	3.00	5.00	4.00	6.25
<i>Unweighted base</i>	446	233	150	85	318	197	623	344	1558	871
<b>For those cases where other staff spent some time</b>										
Other staff	1.00	2.00	2.00	[2.50]	2.00	2.00	3.00	4.38	2.00	3.00
<i>Unweighted base</i>	147	106	66	[41]	167	100	431	241	822	493

**Table source:** SETA 2018 and SETA 2013: All employers with personal responsibility of the case and who were able to estimate amount of time spent on the case.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 6.9 in SETA 2013 - a different method was used to calculate the time spent estimates for employers – so the SETA 2013 figures here are slightly different from the ones previously published.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

Tests of significance of means and medians have not been conducted.

**Table 6.12: Claimants' and employers' survey combined: Length of the tribunal hearing by year**

Per cent, averages are in days; bases are counts

	2012	2017
<b>Length of tribunal hearing [cql14b/cbl14b]</b>		
One hour	22	13
More than an hour but less than a day	19	14
A day	20	15
Two or more days	27	48
Don't know	12	11
<i>Unweighted base</i>	666	488
Mean (days)	1.4	2.77
Median (days)	1	2.00
<i>unweighted base</i>	595	446

**Table source:** SETA 2018 and SETA 2013: All claimants and employers with personal responsibility with the case who had a decision at a tribunal hearing.

**Table weight:** SETA 2018 and SETA 2013: Case weight.

**Table notes:** Table 6.11 in SETA 2013 (the figures for 2013 above are corrected from the version published in the 2013 report).

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

Tests of significance of means and medians have not been conducted.



**Table 6.13 Claimants' survey: Whether had a paid job since leaving the employer the claim was brought against by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Whether had a paid job since leaving employer that brought claim against</b> [PaidJSince]							
Yes	84	83	81	[75]	73	82	80
No	15	17	19	[25]	26	18	19
Don't Know	*	1	-	-	1	-	*
<i>unweighted base</i>	260	410	86	[32]	323	137	1248
	SETA Outcome [CSVOUT]						
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/Other	All
<b>Whether had a paid job since leaving employer that brought claim against</b> [PaidJSince]							
Yes	85	79	81	76	80	74	80
No	15	21	18	24	19	25	19
Don't Know	1	-	*	-	1	1	*
<i>unweighted base</i>	171	134	513	185	174	71	1248

**Table source:** SETA 2018 and SETA 2013: All claimants no longer work for the employer they were making the employment tribunal claim against.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 6.14 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 6.13 (continued) Claimants' survey: Whether had a paid job since leaving the employer the claim was brought against by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Whether had a paid job since leaving employer that brought claim against [PaidJSince]</b>				
Yes	73	85	84	80
No	26	15	15	19
Don't know	1	*	*	*
<i>unweighted base</i>	479	236	533	1248

**Table source:** SETA 2018 and SETA 2013: All claimants no longer work for the employer they were making the employment tribunal claim against.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 6.14 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 6.14 Claimants' survey: Length of unemployment between leaving the employer the claim was brought against and starting a new job by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, averages in weeks, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Length of time between leaving employer that brought claim against and starting next job (in weeks) [ABQA46]</b>							
No time/ less than 1 week	2	3	2	[3]	4	3	3
1 – 4 weeks	14	16	35	[20]	13	23	17
5 – 8 weeks	10	12	12	[22]	9	9	11
9 – 12 weeks	7	10	14	[12]	4	6	8
13 – 16 weeks	10	12	14	[3]	12	13	12
17 – 20 weeks	12	6	3	-	6	4	7
21 – 24 weeks	3	4	2	[4]	4	5	4
25 weeks or more	41	37	18	[35]	47	38	39
<i>unweighted base</i>	209	318	63	[24]	217	105	936

**Table source:** SETA 2018 and SETA 2013: All claimants no longer working for the employer they were making the employment tribunal claim against.**Table weight:** SETA 2018 and SETA 2013: Claimant weight.**Table notes:** Table 6.15 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

Tests of significance of means and medians have not been conducted.

**Table 6.14 (continued) Claimants' survey: Length of unemployment between leaving the employer the claim was brought against and starting a new job by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, averages in weeks, bases are counts

	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/Other	
<b>Length of time between leaving employer that brought claim against and starting next job (in weeks) [ABQA46]</b>							
No time/ less than 1 week	4	2	3	2	3	3	3
1 – 4 weeks	19	10	19	13	18	19	17
5 – 8 weeks	16	6	11	7	12	10	11
9 – 12 weeks	11	8	7	8	4	14	8
13 – 16 weeks	11	10	11	13	14	13	12
17 – 20 weeks	4	8	6	11	6	8	7
21 – 24 weeks	4	2	4	3	4	4	4
25 weeks or more	31	54	39	42	39	30	39
<i>unweighted base</i>	137	104	389	126	130	50	936

**Table source:** SETA 2018 and SETA 2013: All claimants no longer working for the employer they were making the employment tribunal claim against.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 6.15 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

Tests of significance of means and medians have not been conducted.

**Table 6.14 (continued) Claimants' survey: Length of unemployment between leaving the employer the claim was brought against and starting a new job by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, averages in weeks, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Length of time between leaving employer that brought claim against and starting next job (in weeks) [ABQA46]</b>				
No time/ less than 1 week	3	3	3	3
1 – 4 weeks	13	28	15	17
5 – 8 weeks	9	12	11	11
9 – 12 weeks	4	11	9	8
13 – 16 weeks	11	13	11	12
17 – 20 weeks	6	3	9	7
21 – 24 weeks	4	3	4	4
25 weeks or more	49	27	37	39
<i>unweighted base</i>	326	185	425	936

**Table source:** SETA 2018 and SETA 2013: All claimants no longer working for the employer they were making the employment tribunal claim against.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 6.15 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

Tests of significance of means and medians have not been conducted.

**Table 6.15 Claimants' survey: Whether claimant still works for employer by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Whether still work for employer [CQA32B]</b>							
Yes	*	3	10	-	12	10	6
No	100*	97	90	[100]	88	90	94
<i>unweighted base</i>	261	423	96	[32]	369	152	1333

	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	
<b>Whether still work for employer [CQA32B]</b>							
Yes	3	9	7	6	8	3	6
No	97	91	93	94	92	97	94
<i>unweighted base</i>	177	145	551	197	189	74	1333

**Table source:** SETA 2018 and SETA 2013: All claimants who worked for the organisation they were making the employment tribunal claim against.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 6.18 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

\*The actual percentage is 99.6%, but it has been rounded up to 100.

**Table 6.15 (continued) Claimants' survey: Whether claimant still works for employer by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Whether still work for employer [CQA32B]</b>				
Yes	10	7	2	6
No	90	93	98	94
<i>unweighted base</i>	533	254	546	1333

**Table source:** SETA 2018 and SETA 2013: All claimants who worked for the organisation they were making the employment tribunal claim against.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 6.18 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 6.16 Claimants' survey: Current claimant status by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Current employment status [AQQA4101]</b>							
Working for employer full-time (≥ 30 hours per week)	50	43	44	[36]	40	49	44
Working for employer part-time (< 30 hours per week)	15	17	16	[14]	18	18	17
Self-employed (with or without workers)	11	16	12	[20]	11	13	13
Unemployed and looking for work	11	8	10	-	9	9	9
Unemployed and not looking for work	4	3	3	[8]	5	3	4
Retired	5	7	5	[18]	6	4	6
Student	1	1	-	-	1	2	1
Permanently sick/ disabled	1	2	2	[3]	5	1	3
Temporarily sick (no job to go to)	1	2	5	-	2	1	2
Looking after home	*	1	-	-	1	1	1
Other	*	1	3	-	1	-	1
Refused	*	*	-	-	2	-	1
<i>unweighted base</i>	264	436	98	[34]	384	157	1373

**Table source:** SETA 2018 and SETA 2013: All claimants.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Tables 6.19 and 6.20 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only



**Table 6.16 (continued) Claimants' survey: Current claimant status by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	SETA Outcome [CSVOUT]						All
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	
<b>Current employment status [AQQA4101]</b>							
Working for employer full-time (≥ 30 hours per week)	48	40	44	42	49	37	44
Working for employer part-time (< 30 hours per week)	17	14	20	14	13	14	17
Self-employed (with or without workers)	15	18	12	15	12	9	13
Unemployed and looking for work	8	9	9	8	7	20	9
Unemployed and not looking for work	2	6	4	2	6	4	4
Retired	4	7	5	9	7	6	6
Student	1	1	1	2	-	-	1
Permanently sick/ disabled	1	2	3	3	3	4	3
Temporarily sick (no job to go to)	2	2	2	2	*	3	2
Looking after home	1	1	*	2	2	-	1
Other	2	-	1	1	-	-	1
Refused	1	-	*	*	1	2	1
<i>unweighted base</i>	181	149	565	202	196	80	1373

**Table source:** SETA 2018 and SETA 2013: All claimants.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Tables 6.19 and 6.20 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 6.16 (continued) Claimants' survey: Current claimant status by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Current employment status [AQQA4101]</b>				
Working for employer full-time (≥ 30 hours per week)	38	52	47	44
Working for employer part-time (< 30 hours per week)	17	17	17	17
Self-employed (with or without workers)	13	10	14	13
Unemployed and looking for work	8	7	10	9
Unemployed and not looking for work	5	2	4	4
Retired	7	6	5	6
Student	1	-	1	1
Permanently sick/ disabled	5	1	1	3
Temporarily sick (no job to go to)	2	2	1	2
Looking after home	1	*	*	1
Other	1	2	*	1
Refused	1	*	*	1
<i>unweighted base</i>	553	260	560	1373

**Table source:** SETA 2018 and SETA 2013: All claimants.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Tables 6.19 and 6.20 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 6.17 Employers' survey: Changes made after dealing with the employment tribunal by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]						All
	Unfair Dismissal	Breach of Contract	Unauthorised Deductions	Redundancy Payments	Discrimination	Other	
<b>Actions resulting from experience of dealing with employment tribunal claim</b> [EQN11BA - EQN11BF]							
Make sure procedures are followed	58	60	66	[75]	53	52	58
Seek professional advice prior to taking disciplinary action	26	30	37	[43]	25	31	29
Revise terms and conditions in employee's contracts	15	22	35	[22]	12	27	20
Introduce or review formal disciplinary or grievance procedures	16	25	14	[22]	16	15	19
Take out insurance against further claims	6	9	7	[22]	8	5	8
Join an employer's association for legal services	3	9	14	[5]	6	12	8
None of these	31	28	21	[9]	36	39	31
<i>unweighted base</i>	237	414	94	[15]	397	133	1290
<b>SETA Outcome [CSVOUT]</b>							
	Claimant successful at hearing	Claimant unsuccessful at hearing	Acas settled	Privately settled	Withdrawn	Dismissed/ Other	All
<b>Actions resulting from experience of dealing with employment tribunal claim</b> [EQN11BA - EQN11BF]							
Make sure procedures are followed	73	48	61	58	53	43	58
Seek professional advice prior to taking disciplinary action	38	21	33	28	22	18	29
Revise terms and conditions in employee's contracts	38	11	21	16	17	17	20
Introduce or review formal disciplinary or grievance procedures	28	12	20	18	16	17	19
Take out insurance against further claims	9	6	9	7	7	5	8
Join an employer's association for legal services	23	5	9	6	4	2	8
None of these	20	41	27	31	37	47	31
<i>unweighted base</i>	97	145	559	268	143	78	1290

**Table source:** SETA 2018 and SETA 2013: All employers.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Tables 6.24 and 6.25 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 6.17 (continued) Employers' survey: Changes made after dealing with the employment tribunal by primary jurisdiction, SETA outcome and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
<b>Actions resulting from experience of dealing with employment tribunal claim [EQN11BA - EQN11BF]</b>				
Make sure procedures are followed	54	62	60	58
Seek professional advice prior to taking disciplinary	26	34	29	29
Revise terms and conditions in employee's contracts	16	31	18	20
Introduce or review formal disciplinary or grievance	19	19	19	19
Take out insurance against further claims	8	8	7	8
Join an employer's association for legal services	8	13	6	8
None of these	34	27	30	31
<i>unweighted base</i>	571	194	525	1290

**Table source:** SETA 2018 and SETA 2013: All employers.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Tables 6.24 and 6.25 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 6.18 Employers' survey: Changes made after dealing with the employment tribunal by organisation characteristics**

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Less than 25	25 - 49	50 - 249	250 +	
<b>Actions resulting from experience of dealing with employment tribunal claim [EQN11BA - EQN11BF]</b>					
Make sure procedures are followed	74	68	55	49	58
Seek professional advice prior to taking disciplinary action	41	48	34	17	29
Revise terms and conditions in employees' contracts	43	32	15	7	20
Introduce or review formal disciplinary or grievance procedures	36	33	18	8	19
Take out insurance against further claims	16	9	8	3	8
Join an employer's association for legal services	18	15	7	2	8
None of these	14	17	31	43	31
<i>unweighted base</i>	313	116	285	537	1290

**Table source:** SETA 2018 and SETA 2013: All employers.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 6.23 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 6.18 (continued) Employers' survey: Changes made after dealing with the employment tribunal by organisation characteristics**

Per cent, bases are counts

	Sector [CQA313]			
	Private sector	Public sector	Non-profit	All
<b>Actions resulting from experience of dealing with employment tribunal claim [EQN11BA - EQN11BF]</b>				
Make sure procedures are followed	60	47	61	58
Seek professional advice prior to taking disciplinary	31	21	29	29
Revise terms and conditions in employees' contracts	23	7	19	20
Introduce or review formal disciplinary or grievance	21	12	19	19
Take out insurance against further claims	9	2	10	8
Join an employer's association for legal services	10	4	6	8
None of these	29	42	25	31
<i>unweighted base</i>	891	213	173	1290

**Table source:** SETA 2018 and SETA 2013: All employers.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 6.23 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

## Chapter 7: Impact and satisfaction

**Table 7.1 Claimants' and Employers' surveys: Perceived likelihood of success at the start of case by SETA outcome and year**

Per cent, bases are counts

Claimants' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/ disposed		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Perceived likelihood of success when first received notification form [CQP1]</b>														
Very likely to be successful	51	55	44	52	44	55	52	53	38	46	37	49	45	53
Quite likely to be successful	19	17	17	21	24	20	23	22	23	27	24	21	22	21
Quite likely to be unsuccessful	2	2	3	1	2	2	1	*	1	*	1	3	2	1
Very likely to be unsuccessful	2	3	1	1	1	1	*	1	2	*	3	3	2	1
Had an even chance	22	16	32	21	24	16	20	20	30	23	27	18	25	18
Don't Know	4	7	3	5	6	6	4	4	5	2	8	6	5	5
<i>unweighted base</i>	322	181	152	149	867	565	240	202	299	196	108	80	1988	1373
Employers' survey	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/ disposed		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Perceived likelihood of success when first received notification form [CQP1]</b>														
Very likely to be successful	33	26	51	60	33	33	29	30	62	59	58	53	41	39
Quite likely to be successful	16	24	28	24	22	23	26	25	20	24	21	20	22	23
Quite likely to be unsuccessful	8	3	1	-	4	3	5	3	2	1	3	-	4	2
Very likely to be unsuccessful	14	8	3	-	4	4	8	3	3	1	2	-	5	3
Had an even chance	21	29	13	10	30	29	24	29	9	13	10	20	21	25
Don't Know	9	9	4	6	6	7	9	10	4	3	6	7	6	8
<i>unweighted base</i>	111	84	190	128	816	480	232	217	256	122	171	65	1776	1096

**Table source:** SETA 2018 and SETA 2013: All claimants / All employers with responsibility for the case.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 7.1 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 7.2 Claimants' and employers' survey: Satisfaction with the employment tribunal system by SETA outcome and year**

Per cent, bases are counts

Claimants' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Overall satisfaction with workings of employment tribunal system [CQP10]</b>														
Very satisfied	45	40	9	9	42	33	47	27	28	22	9	10	36	27
Quite satisfied	37	32	35	17	38	39	32	41	37	27	31	23	36	33
Not very satisfied	7	13	24	22	9	15	11	16	16	20	22	13	12	16
Not at all satisfied	8	13	29	47	6	10	4	11	14	25	35	49	11	19
SATISFIED	82	72	44	26	80	71	79	69	65	48	40	33	72	60
DISSATISFIED	15	26	53	69	15	25	15	27	30	45	56	63	24	35
Don't Know	2	2	3	5	4	4	7	4	5	7	3	4	4	4
<i>unweighted base</i>	322	181	152	149	867	565	240	202	299	196	108	80	1988	1373
Employers' survey	SETA Outcome [CSVOUT]													
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Overall satisfaction with workings of employment tribunal system [CQP10]</b>														
Very satisfied	16	8	24	33	15	16	22	15	23	24	26	23	19	18
Quite satisfied	28	34	52	49	47	46	45	49	50	41	44	55	45	46
Not very satisfied	14	19	13	7	12	15	14	14	9	16	17	14	13	14
Not at all satisfied	30	28	9	8	16	15	12	10	9	9	12	3	15	13
SATISFIED	44	42	76	82	62	62	67	64	73	66	70	78	64	64
DISSATISFIED	45	47	22	15	28	30	26	24	18	25	30	17	28	28
Don't Know	11	11	1	3	10	8	7	12	9	9	1	5	8	9
<i>unweighted base</i>	111	84	190	128	816	480	232	217	256	122	171	65	1776	1096

**Table source:** SETA 2018 and SETA 2013: All claimants / All employers with responsibility for the case.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 7.4 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only



**Table 7.3 Claimants' survey: Satisfaction with employment tribunal system by claimant age and sex**

Per cent, bases are counts

	Sex [CQA21]		Age of claimant [CQA22B]				All
	Male	Female	Under 25	25-44	45-64	65 and over	
<b>Overall satisfaction with workings of employment tribunal system [CQP10]</b>							
Very satisfied	27	28	46	25	27	[25]	27
Quite satisfied	32	34	35	36	31	[37]	33
Not very satisfied	15	17	9	18	16	[14]	16
Not at all satisfied	21	17	7	17	21	[21]	19
SATISFIED	59	62	81	61	58	[62]	60
DISSATISFIED	37	34	17	35	38	[35]	35
Don't Know	4	4	2	5	4	[3]	4
<i>unweighted base</i>	764	608	58	526	741	[46]	1373

**Table source:** SETA 2018 and SETA 2013: All claimants.**Table weight:** SETA 2018 and SETA 2013: Claimant weight.**Table notes:** Table 7.5 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 7.4 Employers' survey: Satisfaction with employment tribunal system by organisation characteristics**

Per cent, bases are counts

	Sector [CQA313]			Enterprise Size (whole organisation in the UK) [ESIZEE]				All
	Private sector	Public sector	Non-profit/ voluntary	Less than 25	25-49	50-249	250+	
<b>Overall satisfaction with workings of employment tribunal system [CQP10]</b>								
Very satisfied	17	21	22	13	19	19	21	18
Quite satisfied	42	58	50	30	41	45	56	46
Not very satisfied	17	8	12	19	16	17	10	14
Not at all satisfied	16	3	8	31	15	8	5	13
SATISFIED	59	78	72	43	60	64	77	64
DISSATISFIED	33	11	20	50	31	25	15	28
Don't Know	8	10	8	7	8	11	8	9
<i>unweighted base</i>	768	179	139	275	99	237	452	1096

**Table source:** SETA 2018 and SETA 2013: All employers with responsibility for the case.

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 7.6 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 7.5 Claimants' and employers' survey: Dissatisfaction with the employment tribunal system**

<b>Claimants' survey</b>	
	Per cent, bases are counts
<b>Why dissatisfied with workings of the employment tribunal system [CQP1110 - CQP1150]*</b>	
The tribunal system is unfair/failing	19
Reduce/limit costs of going to tribunal/costs too much	13
Didn't receive any help/support	13
<i>unweighted base</i>	483
<b>Employers' survey</b>	
	Per cent, bases are counts
<b>Why dissatisfied with workings of the employment tribunal system [CQP1110 - CQP1150]*</b>	
System is over loaded and takes longer than it should	12
The tribunal system is unfair/failing	15
It shouldn't have got that far/to court/to tribunal	10
System is biased	14
Unhappy with outcome	15
<i>unweighted base</i>	303

**Table source:** SETA 2018 and SETA 2013: All claimants who were dissatisfied with the workings of the employment tribunal system / All employers with responsibility for the case who were dissatisfied with the workings of the employment tribunal system.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.

**Table notes:** Table 7.7 and 7.8 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

\*answers given by 10 per cent or more.

**Table 7.6 Claimants' and employers' survey: Experience of the employment tribunal by SETA outcome and year**

Per cent, bases are counts

Claimants' survey	SETA Outcome [CSVOUT]					
	Claimant successful at tribunal		Claimant unsuccessful at tribunal		All	
	2012	2017	2012	2017	2012	2017
<b>Whether felt tribunal gave each party a fair chance to make their case [CQL22]</b>						
Yes – fair	80	78	49	37	66	57
No – more favourable to claimant	2	3	1	1	1	2
No – more favourable to employer	4	6	45	56	23	32
Don't Know	13	13	5	6	9	9
<i>unweighted base</i>	224	133	152	148	377	287
<b>Employers' survey</b>						
<b>Whether felt tribunal gave each party a fair chance to make their case [CQL22]</b>						
Yes – fair	56	68	91	96	73	85
No – more favourable to claimant	28	28	5	1	17	12
No – more favourable to employer	-	-	-	-	-	-
Don't Know	17	4	3	3	11	3
<i>unweighted base</i>	98	70	190	127	289	202

**Table source:** SETA 2018 and SETA 2013: All claimants / employers whose case involved a decision at tribunal.**Table weight:** SETA 2018 and SETA 2013: Claimant weight / Employer weight.**Table notes:** Table 7.9 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 7.7 Claimants' survey: Experience of the employment tribunal by personal characteristics**

Per cent, bases are counts

	Sex [CQA21]		Age of claimant [CAGE2]		Country [CREGION]	
	Male	Female	16 to 44	45 or over	England/Wales	Scotland
<b>Whether felt tribunal gave each party a fair chance to make their case [CQL22]</b>						
Yes – fair	57	56	61	53	56	[61]
No – more favourable to claimant	1	2	1	2	2	-
No – more favourable to employer	33	32	28	36	32	[32]
Don't know	9	10	10	9	10	[6]
<i>unweighted base</i>	171	116	113	173	251	[36]
	Ethnicity [Aethnv2]		Disability [DISAB]			
	White	Other ethnicity	Yes, Limiting	Yes, Not Limiting	No	
<b>Whether felt tribunal gave each party a fair chance to make their case [CQL22]</b>						
Yes – fair	60	45	52	[41]	61	
No – more favourable to claimant	3	-	-	-	3	
No – more favourable to employer	27	48	42	[41]	27	
Don't know	10	6	6	[18]	9	
<i>unweighted base</i>	203	76	74	[17]	187	

**Table 7.7 Claimants' survey: Experience of the employment tribunal by personal characteristics**

	Per cent, bases are counts			
	Skill level of the claimant involved in the case [SOC2010SKILL]			
	Level 1	Level 2	Level 3	Level 4
<b>Whether felt tribunal gave each party a fair chance to make their case [CQL22]</b>				
Yes – fair	[54]	56	55	60
No – more favourable to claimant	-	4	3	-
No – more favourable to employer	[34]	31	33	33
Don't know	[12]	10	9	7
<i>unweighted base</i>	[35]	86	87	77

**Table source:** SETA 2018 and SETA 2013: All claimants whose case involved a decision at tribunal.

**Table weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 7.10 in SETA 2013.

In SOC 2010, Skill Level 4 encompassed Corporate Managers and Directors (SOC Sub-Major Group 11), and Professionals (SOC Major Group 2), Skill Level 3 comprised Other Managers and Directors (SOC Sub-Major Group 12), Associate Professional and technical (SOC Major Group 3) and Skilled Trades (SOC Major Group 5), Skill Level 2 comprised Administrative and Secretarial, Caring, Leisure and Other Service Occupations, Sales and Customer Services Occupations and Process, Plant and Machine Operatives (SOC Major Groups 4, 6, 7 and 8), Skill Level 1 comprised Elementary Occupations (SOC Major Group 9)

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 7.8 Employers' survey: Experience of the employment tribunal by organisation characteristics**

Per cent, bases are counts

	Enterprise Size (whole organisation in the UK) [ESIZEEV2]			Sector [CQA313v2]	
	Less than 25	25 - 249	250+	Private sector	Public sector / non-profit
<b>Whether felt tribunal gave each party a fair chance to make their case [CQL22]</b>					
Yes – fair	72	87	96	81	94
No – more favourable to claimant	27	8	1	15	5
No – more favourable to employer	-	-	-	-	-
Don't know	2	5	3	4	1
<i>unweighted base</i>	60	59	76	139	61

**Table source:** SETA 2018 and SETA 2013: All employers whose case involved a decision at tribunal.**Table weight:** SETA 2018 and SETA 2013: Employer weight.**Table notes:** Table 7.11 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

## Chapter 8: Characteristics of parties

**Table 8.1 Claimants' survey: Personal characteristics by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Any Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Age of claimant [CQA22B/ CQA22/CAGE3]</b>														
16-19	*	-	1	1	5	2	-	-	1	1	2	1	1	1
20-24	5	2	7	3	16	10	3	[3]	4	4	6	1	6	3
25-34	13	12	15	18	13	21	13	[8]	19	16	18	16	15	16
35-44	24	23	25	19	25	15	22	[22]	25	28	25	22	25	22
45-54	33	38	26	30	19	30	39	[31]	29	30	31	34	29	32
55-64	22	22	21	25	18	19	17	[33]	17	19	19	22	20	22
65+	2	3	4	4	3	3	5	[3]	5	3	1	4	3	3
Refused	-	-	*	-	*	1	1	-	1	*	-	-	*	*
Mean	45	46	44	46	41	42	47	[48]	45	45	44	46	44	45
Median	47	48	45	48	41	45	49	[51]	45	46	44	47	45	47
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373
<b>Disability [Disab]</b>														
Limiting illness or disability	16	22	11	21	9	18	6	[6]	46	53	13	18	19	29
Non limiting illness or disability	9	8	6	7	7	4	12	[2]	6	7	6	6	7	7
No illness or disability	75	69	84	72	84	79	82	[91]	48	40	81	77	74	64
<i>unweighted base</i>	514	259	585	425	186	97	73	[33]	378	374	215	156	1951	1344
<b>Ethnicity [Aethn/AQQA23]</b>														
White	85	79	81	79	85	62	93	[89]	73	67	86	73	82	74
Mixed/ Multiple ethnic groups	1	2	3	3	3	1	-	-	3	4	1	3	2	3
Asian/ Asian British	5	6	5	5	3	17	-	[3]	9	10	4	8	5	8
Black/ African/ Caribbean/ Black	7	9	8	8	6	11	3	[3]	12	13	4	10	7	10
Other ethnic group	1	3	1	3	-	5	3	[3]	1	3	4	2	1	3
Don't Know	*	-	*	*	-	-	1	-	-	-	*	-	*	*
Refused	*	2	2	2	3	4	-	[3]	2	4	1	3	2	3
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373



Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Any Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Religion [AQQA28]</b>														
No Religion	30	30	30	33	34	28	30	[34]	27	28	35	35	30	31
Christian	61	58	58	56	54	50	67	[57]	58	55	55	53	58	55
Any other religion	7	8	9	8	7	19	2	[3]	13	13	8	11	9	10
Don't Know	1	*	*	*	1	-	2	-	1	1	*	-	1	*
Refused	1	4	3	2	4	3	-	[6]	2	3	2	1	2	3
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373
<b>Marriage and Civil Partnership [AQQA24]</b>														
Married or registered in a same-sex civil partnership	48	52	48	47	41	44	57	[56]	49	48	52	47	48	49
Separated but still legally married	3	5	3	2	3	1	3	[3]	4	5	3	2	3	3
Single (never married or formed a same-sex civil partnership)	37	32	39	38	47	46	31	[29]	36	34	36	38	38	36
Divorced or formerly registered in a same-sex civil partnership which has now been dissolved	10	8	7	9	6	7	7	[12]	7	8	7	9	8	8
Widowed or surviving partner from a same-sex civil partnership	1	1	1	2	2	1	1	-	2	1	*	2	1	1
Refused	1	2	1	2	2	1	1	-	2	3	2	2	1	2
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373

**Table source:** SETA 2018 and SETA 2013: All claimants except Disability (all except missing values).

**Table Weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 8.1 in SETA 2013.

The term separated covers any person whose spouse or same-sex civil partner is living elsewhere because of estrangement (whether the separation is legal or not).

The term dependent children includes dependent children under the age of 16 for the 2012 survey, but it includes children under the age of 16 and between the ages of 17 and 19 in full-time education for the 2017 survey.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 8.1 (continued) Claimants' survey: Personal characteristics by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Any Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Legally registered partnership [AQQA24]</b>														
All in a legally registered partnership	51	58	52	50	44	46	59	[59]	53	53	55	49	52	52
All not in a legally registered partnership	48	41	47	48	54	53	40	[41]	45	44	43	49	47	46
Refused	1	2	1	2	2	1	1	-	2	3	2	2	1	2
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373
<b>Living Arrangements [AQQA57]</b>														
Persons living in a couple	64	67	64	59	56	50	65	[65]	62	62	67	62	63	61
Persons not living in a couple	36	32	36	39	42	50	34	[35]	38	36	32	37	36	38
Refused		1		1		-		-		2		1		1
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373
<b>Sex [CQA21]</b>														
Male	58	65	60	57	65	67	52	[50]	46	49	61	49	57	56
Female	42	35	40	43	35	33	48	[50]	54	51	39	51	43	44
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373
<b>Sexual Identity [AQQA47]</b>														
Heterosexual / Straight	96	95	94	93	92	88	96	[87]	93	91	95	90	94	92
Gay / Lesbian	2	*	2	2	4	2	3	[7]	3	3	1	3	2	2
Bisexual	1	1	-	1	1	2	-	-	1	1	*	1	1	1
Other	*	*	1	1	-	1	-	-	1	1	*	1	*	1
Don't Know	1	-	1	*	1	2	-	-	1	1	1	1	1	1
Refused	1	3	2	3	2	5	1	[6]	2	4	2	4	2	4
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Any Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Dependent Children [AQQ26]</b>														
Have dependent children	34	47	30	38	22	38	26	[27]	33	46	38	42	32	42
No dependent children	66	52	69	61	77	62	72	[71]	66	53	61	56	67	57
Refused	*	1	1	1	1	-	1	[3]	1	1	1	1	1	1
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373
<b>Caring responsibilities [AQQ34]</b>														
Caring responsibilities	23	33	15	25	9	24	25	[24]	27	29	17	29	20	28
No caring responsibilities	77	64	85	74	90	75	74	[74]	72	69	82	70	80	70
Don't know	*	3	1	1	1	1	1	[3]	1	2	1	1	1	2
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373
<b>Educational Attainment [Hqual]</b>														
Degree, or Degree equivalent and above	27	30	25	31	20	29	21	[17]	38	47	32	44	29	36
Other qualifications	53	45	49	40	60	47	47	[47]	40	32	49	30	49	38
No Qualifications	19	24	24	27	17	23	30	[34]	21	20	18	25	21	24
Refused	1	1	2	2	2	1	1	[3]	1	1	1	1	1	1
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373

**Table source:** SETA 2018 and SETA 2013: All claimants except Disability (all except missing values).

**Table Weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 8.1 in SETA 2013.

The term separated covers any person whose spouse or same-sex civil partner is living elsewhere because of estrangement (whether the separation is legal or not).

The term dependent children includes dependent children under the age of 16 for the 2012 survey, but it includes children under the age of 16 and between the ages of 17 and 19 in full-time education for the 2017 survey.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 8.1 (continued) Claimants' survey: Personal characteristics by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Age of claimant [CQA22B/ CQA22]</b>				
16-19	1	2	1	1
20-24	3	7	1	3
25-34	18	19	13	16
35-44	26	19	21	22
45-54	29	29	36	32
55-64	20	21	24	22
65+	3	3	3	3
Refused	*	*	-	*
Mean	45	43	47	45
Median	46	45	49	47
<i>unweighted base</i>	553	260	560	1373
<b>Disability [Disab]</b>				
Limiting illness or disability	48	13	19	29
Non limiting illness or disability	7	4	7	7
No illness or disability	45	83	74	64
<i>unweighted base</i>	536	255	553	1344
<b>Ethnicity [AQA23]</b>				
White	67	74	80	74
Mixed/ Multiple ethnic groups	4	2	2	3
Asian/ Asian British	9	10	6	8
Black/ African/ Caribbean/ Black	13	7	8	10
Other ethnic group	3	4	3	3
Don't Know	-	*	-	*
Refused	4	3	2	3
<i>unweighted base</i>	553	260	560	1373

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Religion [AQQA28]</b>				
No Religion	29	35	31	31
Christian	54	50	59	55
Any other religion	13	12	7	10
Don't Know	*	*	*	*
Refused	3	3	2	3
<i>unweighted base</i>	553	260	560	1373
<b>Marriage and Civil Partnership [AQQA24]</b>				
Married or registered in a same-sex civil partnership	47	44	52	49
Separated but still legally married	4	*	4	3
Single (never married or formed a same-sex civil partnership)	36	43	33	36
Divorced or formerly registered in a same-sex civil partnership which has now been dissolved	9	7	8	8
Widowed or surviving partner from a same-sex civil partnership	1	2	1	1
Refused	2	3	1	2
<i>unweighted base</i>	553	260	560	1373

**Table source:** SETA 2018 All claimants except Disability (all except missing values).

**Table Weight:** SETA 2018: Claimant weight.

The term separated covers any person whose spouse or same-sex civil partner is living elsewhere because of estrangement (whether the separation is legal or not).

The term dependent children includes children under the age of 16 and between the ages of 17 and 19 in full-time education for the 2017 survey.

**Table 8.1 (continued) Claimants' survey: Personal characteristics by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Legally registered partnership [AQQA24]</b>				
All in a legally registered partnership	51	45	57	52
All not in a legally registered partnership	46	53	42	46
Refused	2	3	1	2
<i>unweighted base</i>	553	260	560	1373
<b>Living Arrangements [AQQA57]</b>				
Persons living in a couple	60	57	64	61
Persons not living in a couple	38	41	35	38
Refused	2	2	1	1
<i>unweighted base</i>	553	260	560	1373
<b>Sex [CQA21]</b>				
Male	47	61	63	56
Female	53	39	37	44
<i>unweighted base</i>	553	560	560	1373
<b>Sexual Identity [AQQA47]</b>				
Heterosexual / Straight	91	89	94	92
Gay / Lesbian	3	2	2	2
Bisexual	1	1	1	1
Other	1	1	*	1
Don't Know	1	1	-	1
Refused	4	5	3	4
<i>unweighted base</i>	553	260	560	1373

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Dependent Children under 16 [AQQ26]</b>				
Have dependent children	45	39	41	42
No dependent children	54	59	58	57
Refused	1	2	1	1
<i>unweighted base</i>	553	260	560	1373
<b>Caring responsibilities [AQQ34]</b>				
Caring responsibilities	30	23	29	28
No caring responsibilities	68	75	70	70
Don't know	2	2	2	2
<i>unweighted base</i>	553	260	560	1373
<b>Educational Attainment [Hqual]</b>				
Degree, or Degree equivalent and above	44	31	32	36
Other qualifications	32	43	42	38
No Qualifications	23	24	26	24
Refused	1	2	1	1
<i>unweighted base</i>	553	260	560	1373

**Table source:** SETA 2018: All claimants except Disability (all except missing values).

**Table Weight:** SETA 2018: Claimant weight.

**Table notes:** Table 8.1 in SETA 2013.

The term separated covers any person whose spouse or same-sex civil partner is living elsewhere because of estrangement (whether the separation is legal or not).

The term dependent children includes children under the age of 16 and between the ages of 17 and 19 in full-time education for the 2017 survey.

**Table 8.2 Claimants' survey: Personal characteristics by SETA outcome**

Per cent, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/ disposed		Any settled	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Age of claimant[CQA22B/CQA22]</b>														
16-19	2	3	-	1	2	1	-	1	2	-	1	-	1	1
20-24	10	4	3	-	7	4	6	4	6	1	6	5	6	4
25-34	16	19	9	8	15	16	15	11	17	19	19	24	15	15
35-44	21	23	22	23	25	23	30	22	21	22	27	17	25	23
45-54	28	31	41	39	29	30	26	36	29	30	26	31	29	31
55-64	22	18	23	23	19	22	20	23	22	24	18	21	20	22
65+	2	1	1	6	4	4	2	3	3	4	3	2	3	3
Refused	1	-	1	1	-	*	*	-	-	-	*	-	*	*
Mean	44	43	47	48	44	45	44	46	45	46	44	44	44	45
Median	45	43	48	50	45	46	44	49	46	47	44	47	45	47
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767
<b>Disability [Disab]</b>														
Limiting illness or disability	8	16	27	35	19	29	20	28	21	36	19	33	19	29
Non limiting illness or disability	6	3	4	10	8	8	9	6	6	6	5	2	8	8
No illness or disability	86	80	69	55	73	63	71	66	73	59	75	65	72	64
<i>unweighted base</i>	171	178	152	142	850	555	234	197	294	193	250	79	1084	752
<b>Ethnicity [AQQA23]</b>														
White	84	78	80	66	84	76	81	72	77	75	81	69	83	75
Mixed/ Multiple ethnic groups	1	2	4	3	2	3	1	5	3	1	3	5	2	4
Asian/ Asian British	4	9	5	7	5	7	7	5	9	13	3	7	5	6
Black/ African/ Caribbean/ Black	5	6	8	16	7	9	8	10	8	8	9	14	7	9
Other ethnic group	2	2	2	7	1	3	*	5	2	1	2	3	1	3
Don't Know	-	1	-	-	*	-	-	-	-	-	*	-	*	-
Refused	4	3	1	2	1	3	2	4	2	2	2	2	1	3
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767



Per cent, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		Any settled	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Religion [AQQA28]</b>														
No Religion	28	31	22	29	31	32	33	32	27	26	36	36	32	32
Christian	59	55	65	60	59	55	54	56	59	57	52	49	58	55
Any other religion	8	10	11	9	8	10	11	9	11	15	8	12	8	9
Don't Know	1	*	1	-	1	1	*	1	*	-	1	-	*	1
Refused	4	3	1	2	1	3	2	3	2	3	3	2	1	3
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767
<b>Marriage and Civil Partnership [AQQA24]</b>														
Married or registered in a same-sex civil partnership	46	47	49	50	48	47	51	57	50	48	46	39	49	50
Separated, but still legally married	3	-	7	5	3	4	5	4	2	3	2	5	4	4
Single (never married or formed a same-sex civil partnership)	42	43	36	31	38	35	32	28	38	39	42	49	37	33
Divorced or formerly registered in a same-sex civil partnership which has now been dissolved	6	6	8	11	8	10	10	6	6	8	7	6	8	9
Widowed or surviving partner from a same-sex civil partnership	1	2	1	1	1	1	1	3	2	*	2	-	1	2
Refused	3	2	-	3	1	2	1	3	2	1	1	1	1	2
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767

**Table source:** SETA 2018 and SETA 2013: All claimants except Disability (all except missing values).

**Table Weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 8.2 in SETA 2013.

The term separated covers any person whose spouse or same-sex civil partner is living elsewhere because of estrangement (whether the separation is legal or not).

The term dependent children includes dependent children under the age of 16 for the 2012 survey, but it includes children under the age of 16 and between the ages of 17 and 19 in full-time education for the 2017 survey.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 8.2 (continued) Claimants' survey: Personal characteristics by SETA outcome**

Per cent, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		Any settled	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Legally registered partnership [AQQA24]</b>														
All in a legally registered partnership	48	47	56	54	51	51	56	61	52	51	48	44	52	54
All not in a legally registered partnership	49	51	44	42	47	47	43	36	46	48	51	55	46	44
Refused	3	2	-	3	1	2	1	3	2	1	1	1		2
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767
<b>Living Arrangements [AQQA57]</b>														
Persons living in a couple	63	56	65	61	63	62	65	62	64	64	58	53	64	62
Persons not living in a couple	36	43	35	38	36	36	35	35	35	35	42	46	36	36
Refused	*	1	-	1	1	1	*	3	1	1	*	1	1	2
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767
<b>Sex [CQA21]</b>														
Male	49	59	60	62	54	50	58	54	60	63	64	68	55	51
Female	51	41	40	38	46	50	42	46	40	37	36	32	45	49
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767
<b>Sexual Identity [AQQA47]</b>														
Heterosexual / Straight	94	90	96	95	94	91	92	91	94	93	96	94	94	91
Gay / Lesbian	1	2	1	-	2	3	4	3	3	2	2	3	3	3
Bisexual	1	2	-	1	1	1	1	1	-	-	-	-	1	1
Other	-	1	1	1	*	1	*	-	1	-	-	1	*	1
Don't Know	1	-	1	1	1	*	*	-	*	2	1	-	1	*
Refused	3	5	2	2	1	4	2	5	3	2	1	2	1	4
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767

	SETA Outcome [CSVOUT]													
	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		Any settled	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Dependent Children under 16 [AQQ26]</b>														
Have dependent children	25	38	30	49	34	41	29	41	33	42	32	49	33	41
No dependent children	74	60	69	50	65	58	70	58	66	57	68	50	66	58
Refused	1	2	1	1	1	1	1	1	1	1	*	1	1	1
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767
<b>Caring responsibilities [AQQ34]</b>														
Caring responsibilities	11	26	22	34	21	25	22	34	19	27	17	32	22	27
No caring responsibilities	88	73	78	64	78	73	77	65	80	72	83	65	78	71
Don't know	1	1	-	1	1	2	1	2	2	1	*	3	1	2
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767
<b>Educational Attainment [Hqual]</b>														
Degree, or Degree equivalent and above	19	36	29	45	28	33	37	43	34	36	23	32	30	36
Other qualifications	53	35	55	39	51	40	44	36	44	36	47	43	50	39
No Qualifications	25	28	17	15	19	25	17	20	21	28	29	24	19	24
Refused	4	1	-	1	1	2	2	1	1	-	2	1	1	2
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767

**Table source:** SETA 2018 and SETA 2013: All claimants except Disability (all except missing values).

**Table Weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 8.2 in SETA 2013.

The term separated covers any person whose spouse or same-sex civil partner is living elsewhere because of estrangement (whether the separation is legal or not).

The term dependent children includes dependent children under the age of 16 for the 2012 survey, but it includes children under the age of 16 and between the ages of 17 and 19 in full-time education for the 2017 survey.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only.

**Table 8.3 Annual Population Survey: Personal characteristics of GB employees**

	SETA	All Great Britain Employees
	2017	2017
<b>Age [CQA22B/CQA22]</b>		
16-19	1	4
20-24	3	10
25-34	16	24
35-44	22	22
45-54	32	24
55-64	22	14
65+	3	2
Mean	45	40
Median	47	40
<i>unweighted base</i>	1373	106917
<b>Disability [Disab]</b>		
Limiting illness or disability	29	13
Non limiting illness or disability	7	15
No illness or disability	64	73
<i>unweighted base</i>	1344	106917
<b>Ethnicity [AQQA23]</b>		
White	74	88
Mixed/ Multiple ethnic groups	3	1
Asian/ Asian British	8	6
Black/ African/ Caribbean/ Black British	10	3
Other ethnic group	3	2
Missing	3	*
<i>unweighted base</i>	1373	106917
<b>Religion [AQQA28]</b>		
No Religion	31	41
Christian	55	51
Any other religion	10	8
Missing	3	*
<i>unweighted base</i>	1373	106917

	SETA	All Great Britain Employees
	2017	2017
<b>Marriage and Civil Partnership<sup>59</sup> [AQQA24]</b>		
Married or registered in a same-sex civil partnership, and living with spouse	49	49
Married separated from spouse	3	2
Single (never married)	36	40
Divorced or formerly registered in a same-sex civil partnership which has now been dissolved	8	7
Widowed or surviving partner from a same-sex civil partnership	1	1
Currently or previously in civil partnership	1	*
Refused	2	
<i>unweighted base</i>	1373	106917
<b>Living Arrangements<sup>60</sup> [AQQA57]</b>		
Persons living in a couple	61	66
Persons not living in a couple	38	34
Refused	1	0
<i>unweighted base</i>	1373	106917
<b>Sex [CQA21]</b>		
Male	56	51
Female	44	49
<i>unweighted base</i>	1373	106917
<b>Educational Attainment<sup>61</sup> [Hqual]</b>		
Degree, or Degree equivalent and above	36	34
Other qualifications	38	59
No Qualifications	24	5
Refused/Don't know	1	2
<i>unweighted base</i>	1373	106917

**Table source:** SETA 2018: All claimants except Disability {all except missing values}.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Table 8.3 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

<sup>59</sup> Note difference in answer codes between SETA 2018 and APS 2017

<sup>60</sup> Note difference in derivation between SETA 2018 and APS 2017.

<sup>61</sup> Note difference in derivation between SETA 2018 and APS 2017.

**Table 8.4 Claimants' survey: Employment-related characteristics by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Any Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Employer or applying for a job [CQA32]</b>														
Employed	100	99	98	98	99	97	100	[95]	95	96	99	97	98	98
Applying for a job	-	-	1	1	1	-	-	-	4	3	*	1	1	1
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373
<b>Employment status [empstatus]</b>														
Permanent full-time	85	85	80	82	59	63	80	[75]	79	80	72	68	78	79
Permanent part-time	13	9	14	11	22	15	18	[18]	19	12	14	19	16	12
Temporary job	2	3	6	2	18	14	3	-	3	6	14	6	6	5
<i>unweighted base</i>	511	261	568	423	177	96	71	[32]	361	369	214	152	1902	1333
<b>Occupation [SOC2010ClaimB]</b>														
Managers, directors and senior officials	15	18	17	17	5	8	14	[19]	11	14	16	14	14	16
Professional occupations	12	10	10	11	7	15	15	[13]	16	19	12	17	12	14
Associate professional and technical occupations	15	22	16	19	15	15	10	[20]	23	22	14	19	17	20
Administrative and secretarial occupations	11	7	10	11	9	4	10	[5]	10	10	11	9	10	9
Skilled trades occupations	10	10	14	8	17	15	24	[5]	6	3	10	10	11	8
Caring, leisure and other service occupations	10	11	9	9	8	8	7	[8]	8	9	7	8	9	9
Sales and customer service	8	4	5	3	8	7	6	[9]	10	7	5	5	7	5
Process, plant and machine operatives	11	7	9	8	10	11	6	[6]	6	7	13	5	10	7
Elementary occupations	8	11	9	13	21	18	9	[12]	10	8	12	12	11	11
Not codable	-	1	-	*	1	-	-	[3]	*	1	-	-	*	1
<i>unweighted base</i>	519	264	595	435	188	97	74	[34]	390	384	222	157	1988	1371

**Table source:** SETA 2018 and SETA 2013: All claimants. For employment status the base is those who were working for the employer.

**Table Weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 8.4 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Significance testing of means and medians has not been conducted

**Table 8.4 (continued) Claimants' survey: Employment-related characteristics by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Any Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether receiving any benefits [AQQA51]</b>														
Yes	34	27	30	29	22	25	25	[20]	34	30	26	17	31	27
No	66	72	69	70	77	75	74	[77]	64	68	72	83	69	72
Refusal	*	1	1	1	1	-	1	[3]	1	2	1	-	1	1
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373
<b>Benefits received [AQQA521-AQQA5221]</b>														
Income Support	2	2	2	*	1	5	2	-	2	1	1	2	2	1
Employment Support	3	3	3	4	3	1	3	[3]	7	8	3	2	4	4
Jobseeker's Allowance	24	11	18	11	9	4	11	[14]	12	7	10	6	16	9
Pension Credit	*	1	1	*	-	1	-	-	1	*	-	-	*	*
Working Tax Credit	2	3	2	2	3	4	3	[3]	3	4	4	4	2	3
Child Tax Credit	5	5	4	4	5	4	1	[5]	4	5	6	4	4	5
Housing benefit	5	3	3	3	5	8	-	-	5	5	5	5	4	4
Council tax benefit	7	4	5	3	3	6	3	[3]	6	4	5	4	6	4
Attendance allowance	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Severe disablement allowance	-	-	-	-	-	-	-	-	*	1	-	-	*	*
Carer's allowance	*	1	*	*	*	1	-	-	1	1	*	*	*	1
Disability living allowance	1	1	2	*	2	-	-	-	10	5	*	*	3	2
State Pension	1	*	2	1	2	1	6	-	2	1	1	1	2	1
Child Benefit	6	6	5	5	6	4	5	[6]	4	6	9	4	6	5
Bereavement/widows benefits	-	-	-	*	-	-	-	-	-	-	-	-	-	*
Statutory sick pay	-	*	-	*	-	-	-	-	-	1	-	-	-	*
Universal Credit	-	5	-	4	-	6	-	[6]	-	1	-	1	-	3
Personal Independence Payment	-	1	-	1	-	1	-	-	-	4	-	-	-	2
Other state benefits (specify)	1	-	1	*	3	1	1	-	3	2	1	1	2	1
Don't Know	-	-	*	1	1	-	-	-	1	*	-	1	*	*
Refused	-	-	-	*	-	-	-	-	-	-	-	-	-	*
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Any Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Annual gross pay (full-time permanent employees) [CQA38A]</b>														
Mean	28,359	38,054	28,182	38,559	28,857	[27,402]	27,130	[34,340]	32,020	42,347	31,132	42,217	29,341	39,203
Median	24,000	29,400	21,000	27,000	20,800	[20,400]	24,752	[27,500]	24,700	28,000	25,000	32,000	23,600	28,000
<i>unweighted base</i>	401	202	408	312	95	[49]	50	[21]	261	265	143	93	1358	942
<b>Member of a trade union or staff association at time of claim [AQA316B]</b>														
Member	32	35	14	19	23	20	14	[12]	44	40	32	24	28	28
Non Member	68	65	85	80	75	78	84	[88]	56	59	67	76	71	71
Don't know	*	*	1	1	1	2	2	-	*	1	1	1	1	1
<i>unweighted base</i>	519	264	595	436	188	98	74	[34]	390	384	222	157	1988	1373
<b>Whether personally ever made an employment tribunal claim [CQB1]</b>														
Made a claim	9	7	10	7	20	13	11	[7]	13	12	17	12	12	9
Not made a claim	91	93	90	93	80	87	89	[93]	87	88	83	88	88	91
<i>unweighted base</i>	312	264	329	436	119	98	38	[34]	253	384	148	157	1199	1373

**Table source:** SETA 2018 and SETA 2013: All claimants. Annual Gross Pay base is full-time permanent employees (empstatus=1) who have given a pay figure (cqa38a > 0). In 2013, the base for whether personally ever made an employment tribunal claim was all those who were aware of the tribunal process before the dispute.

**Table Weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 8.4 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Significance testing of means and medians has not been conducted



**Table 8.4 (continued) Claimants' survey: Employment-related characteristics by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			All
	Open Track	Fast Track	Standard Track	
	2017	2017	2017	2017
<b>Employer or applying for a job [CQA32]</b>				
Employed	97	98	98	98
Applying for a job	2	1	*	1
<i>unweighted base</i>	553	260	560	1373
<b>Employment status [empstatus]</b>				
Permanent full-time	79	72	81	79
Permanent part-time	12	13	12	12
Temporary job	5	8	3	5
<i>unweighted base</i>	533	254	546	1333
<b>Occupation [SOC2010ClaimB]</b>				
Managers, directors and senior officials	14	12	19	16
Professional occupations	17	12	13	14
Associate professional and technical occupations	20	19	20	20
Administrative and secretarial occupations	11	9	7	9
Skilled trades occupations	5	12	8	8
Caring, leisure and other service	10	9	9	9
Sales and customer service occupations	7	4	4	5
Process, plant and machine operatives	6	8	8	7
Elementary occupations	9	14	12	11
Not codable	1	*	*	1
<i>unweighted base</i>	552	259	560	1371
<b>Annual gross pay (full-time permanent employees) [CQA38A]</b>				
Mean	40,230	45,719	35,594	39,203
Median	28,000	25,000	28,600	28,000
<i>unweighted base</i>	381	157	404	942

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			All
	Open Track	Fast Track	Standard Track	
	2017	2017	2017	2017
<b>Whether receiving any benefits [AQQA51]</b>				
Yes	31	23	25	27
No	67	76	75	72
Refusal	2	1	1	1
<i>unweighted base</i>	553	260	560	1373

**Table source:** SETA 2018 and SETA 2013: All claimants. For employment status the base is those who were working for the employer. Annual Gross Pay base is full-time permanent employees (empstatus=1) who have given a pay figure (cqa38a > 0)

**Table Weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 8.4 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only. Significance testing of means and medians has not been conducted

**Table 8.4 (continued) Claimants' survey: Employment-related characteristics by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Benefits received [AQQA5201-AQQA5218]</b>				
Income Support	1	2	1	1
Employment Support Allowance	8	*	2	4
Jobseeker's Allowance	7	7	11	9
Pension Credit	*	*	*	*
Working Tax Credit	3	4	2	3
Child Tax Credit	5	6	3	5
Housing benefit	5	4	3	4
Council tax benefit	4	4	3	4
Attendance allowance	-	-	-	-
Severe disablement allowance	1	-	-	*
Carer's allowance	1	1	1	1
Disability living allowance	4	-	*	2
State Pension	1	*	1	1
Child Benefit	6	6	4	5
Bereavement/widows benefits	-	-	*	*
Statutory sick pay	1	-	*	*
Universal Credit	2	4	4	3
Personal Independence Payment	3	*	1	2
Other state benefits (specify)	1	*	*	1
Don't Know	1	1	*	*
Refused	-	-	*	*
<i>unweighted base</i>	553	260	560	1373

**Table source:** SETA 2018 and SETA 2013: All claimants.**Table Weight:** SETA 2018 and SETA 2013: Claimant weight.**Table notes:** Table 8.4 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only. Significance testing of means and medians has not been conducted.

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			
	Open Track	Fast Track	Standard Track	All
	2017	2017	2017	2017
<b>Member of a trade union or staff association at time of claim [AQA316B]</b>				
Member	34	15	29	28
Non Member	65	83	71	71
Don't know	1	2	1	1
<i>unweighted base</i>	553	260	560	1373
<b>Whether personally ever made an employment tribunal claim [CQB1]</b>				
Made a claim	11	10	7	9
Not made a claim	89	90	93	91
<i>unweighted base</i>	553	260	560	1373

**Table source:** SETA 2018 and SETA 2013: All claimants.

**Table Weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 8.4 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only. Significance testing of means and medians has not been conducted.

**Table 8.5 Claimants' survey: Employment-related characteristics by SETA outcome**

Per cent, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		Any settled	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Employer or applying for a job [CQA32]</b>														
Employed	99	98	98	98	98	98	100	98	97	97	99	93	99	98
Applying for a job	-	1	2	1	1	1	-	1	2	2	-	1	1	1
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767
<b>Employment status [CQA36B]</b>														
Permanent full-time	77	74	79	84	79	75	78	83	76	86	79	78	78	77
Permanent part-time	17	13	15	11	16	16	13	9	15	7	15	10	16	14
Temporary job	5	7	6	4	5	4	9	5	8	2	7	6	6	5
<i>unweighted base</i>	172	177	146	145	828	551	231	197	283	189	242	74	1059	748
<b>Occupation [SOC2010ClaimB]</b>														
Managers, directors and senior officials	11	15	5	20	16	14	14	18	17	17	12	15	14	15
Professional occupations	9	15	15	18	10	14	16	13	14	14	9	10	12	14
Associate professional and technical occupations	21	12	17	20	16	22	19	24	15	16	15	23	17	22
Administrative and secretarial occupations	12	9	11	9	10	10	15	8	7	11	11	2	10	9
Skilled trades occupations	14	11	11	3	12	7	7	5	10	10	14	12	11	6
Caring, leisure and other service occupations	7	5	10	10	10	10	6	9	8	9	9	13	9	10
Sales and customer service occupations	5	9	7	3	8	4	5	7	6	4	8	3	7	5
Process, plant and machine operatives	13	8	9	8	10	8	6	6	12	7	9	8	10	7
Elementary occupations	12	16	10	8	9	11	12	10	11	11	13	14	11	11
Not codable	-	*	-	1	*	1	*	1	*	1	-	-	*	1
<i>unweighted base</i>	177	180	152	149	867	565	240	201	299	196	253	80	1107	766

	SETA Outcome [CSVOUT]													
	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/ disposed		Any settled	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Annual gross pay (full-time permanent employees) [CQA38A]</b>														
Mean	23,965	35,280	27,946	33,238	28,709	37,155	38,149	54,533	32,156	40,162	24,196	29,523	30,835	42,120
Median	20,280	26,000	22,800	29,000	24,000	27,000	27,783	33000	25,000	31,000	20,800	24,000	24,336	28,000
<i>unweighted base</i>	117	118	108	112	598	370	163	141	204	149	168	52	761	511
<b>Whether receiving any benefits [AQQA51]</b>														
Yes	30	28	38	29	32	30	26	20	25	25	32	24	30	27
No	69	71	62	70	67	69	73	78	73	75	67	75	69	72
Refused	1	1	-	1	1	1	1	1	1	*	*	1	1	1
<i>unweighted base</i>	133	181	115	149	649	565	179	202	217	196	186	80	828	767

SETA Outcome [CSVOUT]

	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/ disposed		Any settled	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Benefits received [AQQA5201-AQQA5218]</b>														
Income Support	3	3	2	1	2	2	*	1	2	1	1	1	2	1
Employment Support Allowance	2	2	6	4	4	5	4	5	3	5	3	3	5	5
Jobseeker's Allowance	18	10	20	11	17	10	12	4	11	6	20	11	17	8
Pension Credit	*	*	-	1	*	*	-	1	*	*	1	-	*	*
Working Tax Credit	2	2	3	3	3	4	2	2	2	3	2	1	2	4
Child Tax Credit	6	5	6	4	4	6	3	2	5	3	4	5	3	5
Housing benefit	7	3	5	4	5	5	3	5	2	2	4	4	4	5
Council tax benefit	6	3	9	2	6	5	3	3	3	4	6	5	5	4
Attendance allowance	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Severe disablement allowance	-	-	-	-	*	*	-	-	-	1	-	1	*	*
Carer's allowance	*	1	-	1	1	1	-	1	*	-	1	-	*	1
Disability living allowance	-	1	3	2	3	3	4	-	4	2	4	2	3	2
State Pension	1	1	1	1	3	1	2	1	1	1	2	-	2	1
Child Benefit	5	6	9	6	6	6	3	3	6	5	5	4	5	5
Bereavement/widows benefits		-		-		-		-		*		-		-
Statutory sick pay		-		-		*		1		1		1		1
Universal Credit		6		2		2		3		4		5		2
Personal Independence Payment		-		2		2		2		2		-		2
Other state benefits (specify)	-	1	1	2	1	1	2	1	2	1	2	-	1	1
Don't Know	1	-	-	1	*	*	*	1	*	-	-	-	*	1
Refused	-	-	-	-	-	-	-	*	-	-	-	-	-	*
<i>unweighted base</i>	133	181	115	149	649	565	179	202	217	196	186	80	828	767
<b>Member of a trade union or staff association at time of claim [AQA316B]</b>														
Member	14	16	30	37	27	25	28	28	43	39	20	36	28	26
Non Member	85	81	69	63	72	75	72	71	56	61	78	63	71	74
Don't know	1	3	1	-	*	1	-	1	1	*	1	1	*	1
<i>unweighted base</i>	177	181	152	149	867	565	240	202	299	196	253	80	1107	767

	SETA Outcome [CSVOUT]													
	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		Any settled	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Whether personally ever made an employment tribunal claim [CQB1]</b>														
Made a claim	12	8	15	12	11	9	14	9	9	10	16	8	12	9
Not made a claim	88	92	85	88	89	91	86	91	91	90	84	92	88	91
<i>unweighted base</i>	99	181	91	149	534	565	152	202	187	196	136	80	686	767

**Table source:** SETA 2018 and SETA 2013: All claimants. For employment status the base is those who were working for the employer. Annual Gross Pay base is full-time permanent employees (empstatus=1) who have given a pay figure (cqa38a > 0). SETA 2013 base for whether personally ever made an employment tribunal claim was all those who were aware of employment tribunal process before the dispute.

**Table Weight:** SETA 2018 and SETA 2013: Claimant weight.

**Table notes:** Table 8.5 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Significance testing of means and medians has not been conducted



**Table 8.6 Annual Population Survey: Employment related characteristics of GB employees**

	SETA claimants	All Great Britain
	2017	Employees 2017
<b>Employment status [CQA36B]</b>	79	71
Permanent full-time	12	23
Permanent part-time	5	6
Temporary job		
	1333	106917
<i>unweighted base</i>		
<b>Occupation [SOC2010ClaimB]</b>		
Managers, directors and senior officials	16	10
Professional occupations	14	21
Associate professional and technical occupations	20	14
Administrative and secretarial occupations	9	11
Skilled trades occupations	8	8
Caring, leisure and other service occupations	9	10
Sales and customer service occupations	5	9
Process, plant and machine operative	7	6
Elementary occupations	11	11
Missing	1	*
	1371	106917
<i>unweighted base</i>		
<b>Annual gross pay (full-time permanent employees) [CQA38A]</b>		
Mean	39,203	33,251
Median	28,000	27,000
	942	54461
<i>unweighted base</i>		
<b>Whether receiving any benefits [AQA51]</b>		
Yes	27	22
No	72	78
Missing	1	*
	1373	106917
<i>unweighted base</i>		

	SETA claimants	All Great Britain Employees
	2017	2017
<b>Member of a trade union or staff association at time of claim AQA316B]</b>		
Member	28	23
<i>unweighted base</i>	1373	27,622

**Table source:** SETA 2018: All claimants. Annual Population Survey October 2016-September 2017, for trade union membership the Labour Force Survey October-December 2016.

**Table weight:** SETA 2018: Claimant weight.

**Table notes:** Table 8.8 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be

**Table 8.7 Employers' survey: Organisation characteristics by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Industry [SICGP]</b>														
Agriculture, forestry and fishing	1	-	1	*	-	-	2	-	*	-	*	-	*	*
Mining and quarrying	*	1	1	-	-	1	-	-	*	-	*	-	*	*
Manufacturing	10	16	12	11	5	10	15	[13]	8	10	9	10	10	11
Electricity, gas, steam and air conditioning supply	*	1	-	-	-	1	1	-	-	*	-	-	*	*
Water supply; sewerage, waste management and remediation activities	2	-	2	2	1	2	2	[13]	1	-	-	1	2	1
Construction	6	6	11	7	15	7	15	[6]	2	2	9	4	8	5
Wholesale and retail trade; repair of motor vehicles and motor cycles	14	14	13	10	5	7	9	[9]	11	10	11	8	12	10
Accommodation and food services	5	5	6	7	5	14	5	-	5	6	6	7	5	7
Transport and storage	7	4	6	7	8	3	3	-	4	5	6	6	6	5
Information and communication	4	1	2	3	*	4	3	-	3	2	*	-	2	2
Financial and insurance activities	3	4	2	3	2	-	10	-	5	3	3	5	3	3
Real estate activities	2	3	2	2	2	1	4	-	3	3	2	1	2	2
Professional, scientific and technical	4	4	5	9	4	4	1	[11]	7	7	7	4	5	6
Administrative and support services	6	5	9	10	15	18	2	[12]	7	6	8	3	8	8
Public administration and defence; compulsory social security	6	3	3	1	3	1	5	[15]	9	7	7	3	5	4
Education	6	10	4	7	7	5	4	-	8	11	7	12	6	9
Human health and social work	18	16	13	14	18	19	14	[21]	21	22	16	28	17	19
Arts, entertainment and recreation	2	2	2	3	3	-	3	-	3	1	2	2	2	2
Other service activities	2	2	4	2	1	3	1	-	2	2	3	3	2	2
Activities of households as employers; undifferentiated goods-and services-producing activities of households for own use		-		*		-		-		-		-		*
Activities of extra-territorial organisation and bodies		-		-		-		-		*		-		*
Not codable	2	3	2	3	4	1	1	-	2	4	4	2	2	3
<i>unweighted base</i>	617	234	563	408	145	92	48	[15]	437	378	201	130	2011	1257

	Primary Jurisdiction [CJURM]													
	Unfair Dismissal		Breach of Contract		Unauthorised Deductions		Redundancy Payments		Discrimination		Other		All	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Sector [CQA313]</b>														
Private sector	70	70	81	79	86	86	76	[64]	56	56	71	63	72	70
Public sector	19	16	10	11	9	6	12	[23]	30	28	20	21	17	17
Non-profit/ voluntary sector	11	12	8	10	5	8	12	[13]	14	15	9	13	10	12
Don't know	*	2	1	1	*	-	-	-	*	*	-	2	1	1
<i>unweighted base</i>	617	237	563	414	145	94	48	[15]	437	397	201	133	2011	1290
<b>Single or multiple workplaces in the UK [CQA310]</b>														
Single workplace	31	39	52	50	47	59	40	[27]	30	34	46	38	40	43
Multiple workplaces	69	60	48	49	53	40	60	[73]	70	65	54	62	60	57
Don't know	-	1	-	*	-	1	-	-	-	*	-	-	-	*
<i>unweighted base</i>	617	237	563	414	145	94	48	[15]	437	397	201	133	2011	1290
<b>Number of employees at whole organisation in the UK [ESIZEE]</b>														
Less than 25	16	19	41	32	40	50	44	[27]	14	13	33	21	27	25
25 to 49	8	8	9	8	10	11	11	-	7	9	8	8	8	9
50 to 249	20	23	16	24	17	23	7	[24]	16	19	14	15	17	21
250 or more	57	50	33	35	33	16	38	[49]	63	59	46	56	47	45
<i>unweighted base</i>	611	233	550	402	137	89	47	[15]	432	385	198	127	1975	1251
<b>Number of employees at workplace [ASIZEW]</b>														
Less than 25	35	35	57	49	59	67	65	[47]	32	29	51	37	46	41
25 to 49	13	14	13	13	15	14	14	[13]	12	13	12	14	13	13
50 to 249	30	28	18	26	12	17	11	[13]	26	25	19	20	22	24
250 or more	22	23	13	11	13	2	10	[27]	30	33	18	29	19	21
<i>unweighted base</i>	582	225	534	390	130	87	46	[15]	417	367	190	120	1899	1204

**Table source:** SETA 2018 and SETA 2013: All employers. For industry, number of employees at whole organisation and number of employees at workplace the base excludes not applicable or don't know answers (for comparability with figures for 2012).

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 8.6 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

**Table 8.7 (continued) Employers' survey: Organisation characteristics by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			All
	Open Track	Fast Track	Standard Track	
	2017	2017	2017	2017
<b>Industry [SICGP]</b>				
Agriculture, forestry and fishing	-	-	*	*
Mining and quarrying	-	*	*	*
Manufacturing	11	9	13	11
Electricity, gas, steam and air conditioning supply	*	1	*	*
Water supply; sewerage, waste management and remediation activities	*	3	1	1
Construction	3	8	5	5
Wholesale and retail trade; repair of motor vehicles and motor cycles	9	8	12	10
Accommodation and food service activities	5	13	4	7
Transport and storage	5	3	7	5
Information and communication	2	4	1	2
Financial and insurance activities	3	3	3	3
Real estate activities	3	1	2	2
Professional, scientific and technical activities	7	8	5	6
Administrative and support service activities	6	12	8	8
Public administration and defence; compulsory social security	6	2	3	4
Education	10	5	10	9
Human health and social work activities	21	17	18	19
Arts, entertainment and recreation	1	1	3	2
Other service activities	2	3	2	2
Activities of households as employers; undifferentiated goods-and services-producing activities of households for own use	*	-	-	*
Activities of extra-territorial organisation and bodies	*	-	-	*
Not codable	4	1	3	3
<i>unweighted base</i>	549	192	516	1257

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			All
	Open Track	Fast Track	Standard Track	
	2017	2017	2017	2017
<b>Sector [CQA313]</b>				
Private sector	61	82	72	70
Public sector	25	9	15	17
Non-profit/ voluntary sector	14	9	11	12
Don't know	*	-	2	1
<i>unweighted base</i>	571	194	525	1290

**Table 8.7 (continued) Employers' survey: Organisation characteristics by primary jurisdiction and summary jurisdiction**

Per cent, bases are counts

	Summary Jurisdiction [CJURS]			All
	Open Track	Fast Track	Standard Track	
	2017	2017	2017	2017
<b>Single or multiple workplaces in the UK [CQA310]</b>				
Single workplace	36	55	43	43
Multiple workplaces	63	45	56	57
Don't know	*	*	1	*
<i>unweighted base</i>	571	194	525	1290
<b>Number of employees at whole organisation in the UK [ESIZEE]</b>				
Less than 25	18	45	22	25
25 to 49	9	8	9	9
50 to 249	18	23	24	21
250 or more	56	25	45	45
<i>unweighted base</i>	551	186	514	1251
<b>Number of employees at workplace [ASIZEW]</b>				
Less than 25	33	62	39	41
25 to 49	14	9	15	13
50 to 249	24	19	27	24
250 or more	29	10	18	21
<i>unweighted base</i>	530	178	496	1204

**Table source:** SETA 2018 and SETA 2013: All employers. For industry, number of employees at whole organisation and number of employees at workplace the base excludes not applicable or don't know answers (for comparability with figures for 2012).

**Table weight:** SETA 2018 and SETA 2013: Employer weight.

**Table notes:** Table 8.6 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

Table 8.8 Employers' survey: Organisation characteristics by SETA outcome

Per cent, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		Any settled	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Industry [SICGP]</b>														
Agriculture, forestry and fishing	-	-	-	-	1	*	-	-	1	-	1	-	*	*
Mining and quarrying	-	-	-	1	1	-	-	-	1	-	1	1	*	-
Manufacturing	11	10	9	6	11	13	9	12	9	11	7	10	11	13
Electricity, gas, steam and air	-	1	-	-	*	*	-	-	-	-	*	2	*	*
Water supply; sewerage, waste management and remediation activities	3	2	2	1	1	1	2	1	2	-	1	3	1	1
Construction	10	5	5	2	7	6	10	6	4	3	17	6	8	6
Wholesale and retail trade; repair of motor vehicles and motor cycles	10	11	11	11	14	11	10	10	7	8	13	6	13	11
Accommodation and food services	5	20	3	6	5	5	7	4	5	5	6	7	6	5
Transport and storage	10	4	7	9	6	6	4	2	7	6	4	6	6	5
Information and communication	4	4	3	1	1	2	3	3	3	3	2	-	2	2
Financial and insurance activities	1	1	2	2	3	1	6	8	4	3	3	2	3	4
Real estate activities	2	1	3	2	2	2	1	2	2	1	2	-	2	2
Professional, scientific and technical activities	4	8	3	5	7	5	7	9	5	7	2	4	7	7
Administrative and support services	13	9	13	6	8	8	6	7	8	10	8	8	7	8
Public administration and defence; compulsory social security	1	1	9	8	3	3	8	3	10	6	4	2	4	3
Education	5	4	6	11	6	10	6	8	6	6	6	12	6	9
Human health and social work activities	14	14	16	22	16	19	14	16	22	20	18	25	16	18
Arts, entertainment and recreation	2	1	1	1	3	2	3	2	2	2	1	4	3	2
Other service activities	4	3	3	3	2	2	3	1	1	4	1	2	3	2
Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use	-	-	-	-	-	-	-	*	-	-	-	-	-	*
Activities of extra-territorial organisation and bodies	-	-	-	-	-	-	-	*	-	-	-	-	-	*
Not codable	2	1	3	2	2	3	2	4	3	5	3	2	2	3
<i>unweighted base</i>	99	97	210	140	918	543	276	264	299	137	209	76	1194	807



	SETA Outcome [CSVOUT]													
	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/ disposed		Any settled	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Sector [CQA313]</b>														
Private sector	79	82	65	61	76	70	70	71	61	64	77	67	74	70
Public sector	9	9	21	24	13	14	21	20	28	21	16	25	15	16
Non-profit/ voluntary sector	11	10	12	14	11	14	8	9	11	14	5	8	10	12
Don't know	-	-	1	2	*	1	*	1	*	1	2	-	*	1
<i>unweighted base</i>	99	97	210	145	918	559	276	268	299	143	209	78	1194	827

**Table source:** SETA 2018 and SETA 2013: All employers. For industry, number of employees at whole organisation and number of employees at workplace the base excludes not applicable or don't know answers.

**Table Weight:** SETA 2018 and SETA 2013; Employer weight.

**Table notes:** Table 8.7 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly

**Table 8.8 (continued) Employers' survey: Organisation characteristics by SETA outcome**

Per cent, bases are counts

	SETA Outcome [CSVOUT]													
	Claimant successful at Tribunal		Claimant unsuccessful at Tribunal		Acas settled		Privately settled		Withdrawn		Dismissed/disposed		Any settled	
	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017	2012	2017
<b>Single or multiple workplaces in the UK [CQA310]</b>														
Single workplace	55	64	34	34	39	42	41	39	30	42	51	44	39	41
Multiple workplaces	45	36	66	65	61	57	59	61	70	57	49	56	61	59
Don't know	-	1	-	1	-	1	-	-	-	1	-	-	-	*
<i>unweighted base</i>	99	97	210	145	918	559	276	268	299	143	209	78	1194	827
<b>Number of employees at whole organisation in the UK [ESIZEE]</b>														
Less than 25	43	55	22	20	24	24	26	16	18	27	42	17	25	21
25 to 49	10	8	8	5	9	8	8	10	6	12	8	8	9	9
50 to 249	16	22	13	21	21	25	18	19	15	14	11	19	20	23
250 or more	30	15	56	54	46	43	48	55	61	46	40	57	46	47
<i>unweighted base</i>	98	95	204	139	905	543	273	262	292	137	203	75	1178	805
<b>Number of employees at workplace [ASIZEW]</b>														
Less than 25	60	67	41	38	47	43	42	30	33	41	54	28	46	39
25 to 49	19	12	14	8	13	13	10	17	11	16	15	10	12	15
50 to 249	8	14	20	28	27	26	25	23	24	20	12	34	26	25
250 or more	13	6	25	25	14	17	23	30	31	23	19	28	16	21
<i>unweighted base</i>	97	95	194	129	873	527	263	246	281	134	191	73	1136	773

**Table source:** SETA 2018 and SETA 2013: All employers. For industry, number of employees at whole organisation and number of employees at workplace the base excludes not applicable or don't know answers (for comparability with figures for 2012).

**Table Weight:** SETA 2018 and SETA 2013; Employer weight.

**Table notes:** Table 8.7 in SETA 2013.

Due to the changes to the Employment Tribunal system since the last SETA and the introduction of the mandatory early conciliation process, sample profile of 2013 and 2018 surveys are not directly comparable. Comparison, if made, should be indicative only

---

This publication is available from: [www.gov.uk/government/publications/survey-of-employment-tribunal-applications-2018](http://www.gov.uk/government/publications/survey-of-employment-tribunal-applications-2018)

If you need a version of this document in a more accessible format, please email [enquiries@beis.gov.uk](mailto:enquiries@beis.gov.uk). Please tell us what format you need. It will help us if you say what assistive technology you use.