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Employment – 20:20 vision

Providing clarity and insight on employment law matters

Survey of Employment Tribunal Applications



The Department for Business, Energy and Industrial Strategy ("**BEIS**") has published the results of the seventh Survey of Employment Tribunal Applications ("**SETA**") which can be found [here](#).

SETA is wide-ranging. Its findings span the entire Employment Tribunal process; from the events leading up to the claim to the eventual outcome (whether that's a negotiated settlement or an Employment Tribunal finding). We have summarised several points of particular interest below.

SETA was based on a sample of single claims disposed of between October 2016 and October 2017. Even with the advent of the Covid-19 pandemic, we expect the trends highlighted here to continue on a similar trajectory.

Representation at hearings

SETA found that the proportion of claimants who were represented at a Tribunal hearing increased from 33% (based on the sample of claims surveyed in 2013) to 41%. Similarly, the proportion of respondents who were represented rose from 67% to 77%.

SETA also found that claimants were more likely to succeed if they were represented. The Tribunal process is often unfamiliar to claimants and respondents alike. Representation, whether in the form of a lawyer or a trade union representative, provides support and guidance which can assist the party in achieving a favourable outcome.

Settlement payments and Tribunal awards

The median amounts of both settlement payments and Tribunal awards have increased. The median settlement payment according to the 2013 survey was £2,500, whereas SETA found it to be £5,000. The median Tribunal award has also increased from £3,000 to £5,000.

This is likely to be attributable, at least in part, to inflation and increased compensation limits (e.g. the cap on compensatory awards for unfair dismissal that increases each year).

However, it may also be a result of the increased complexity of the cases surveyed in 2018 compared with those considered in the 2013 survey. During the interlude between the surveys, in 2014, early conciliation became mandatory. Further, the 2018 SETA was the first to collate data of claims subject to issue or hearing fees. Whilst fees are no longer payable, the Fees Order having been quashed by the Supreme Court, the data is impacted by their presence. The BEIS cites both factors as leading to either the early settlement or lack of progression of less complex cases, resulting in more complex cases being surveyed in 2018.

Disciplinary and Grievance Policies

The results of SETA also indicated that employers who have written grievance and disciplinary policies in place are more likely to be successful at a final hearing. Interestingly, 69% of employers

surveyed said that they would change a policy or do things differently in future having been through the Employment Tribunal process. These statistics demonstrate not only the importance of having written grievance and disciplinary policies, but also the need to keep them (and other policies) under review to ensure they adequately fit business needs.

Contact us

We understand that Employment Tribunal claims can be a complex area to navigate. We have a dedicated team of employment lawyers ready to assist and support you through this process, to assist with drafting, reviewing and/or implementing internal policies, and to advise you on any other issues that may arise.

Please contact your usual Stephenson Harwood contact for more details.



Anne Pritam

Partner

T: +44 20 7809 2925

E: anne.pritam@shlegal.com



Imogen Heywood

Associate

T: +44 20 7809 2501

E: imogen.heywood@shlegal.com



Leanne Raven

Professional support lawyer

T: +44 20 7809 2560

E: leanne.raven@shlegal.com



Matilda Whittingham

Trainee

T: +44 20 7809 2657

E: matilda.whittingham@shlegal.com