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Employment Relations Research Series No.13

**Findings from the 1998 Survey of
Employment Tribunal Applications
(Surveys of Applicants and Employers)**

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The analysis on which this report is based was conducted internally at the DTI with the assistance of ACAS. Andrew O'Reilly, Gemma Penn, René van Bavel and latterly Wayne Diamond have assisted with preparation and analysis of the data. Margaret Scott and Gill Dix have provided input from ACAS. John McQueeney, in addition to supervising the original research on behalf of the Department, has also provided contributions to the text on the context in which these results should be interpreted.

FOREWORD

Promoting good employment relations is an important task of government. Our role in the Department of Trade and Industry is to encourage the development of a skilled and flexible labour market founded on the principle of partnership at work.

The Department commissions an ongoing programme of evaluation and research in employment relations. In-house researchers, economists and policy advisors devise research projects to be conducted on our behalf by external researchers, who are chosen through a competitive tendering process. Projects typically look at areas where we are interested in identifying good practice, in assessing the impact of particular policies or regulations, or examining emergent trends. Details of the programme appear regularly in *Labour Market Trends* and can be found at <http://www.dti.gov.uk/er/emar>.

The Research Series is where we disseminate the results of this work. The views expressed in these publications do not necessarily reflect those of the Department. We publish these reports as a contribution towards an open debate about how we might best achieve our overall aim of improving competitiveness.

The 1998 Survey of Employment Tribunal Applications was jointly commissioned by the Advisory, Conciliation and Arbitration Service (ACAS), the Employment Tribunal Service (ETS) and the Department of Trade and Industry (DTI).

MARK BEATSON

Director, Employment Market Analysis and Research Branch

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EXECUTIVE SUMMARY

About the survey

- The 1998 Survey of Employment Tribunal Applications (SETA) is the third in a series. Earlier surveys were conducted in 1987 and 1992, although the current survey extends their scope in a number of respects.
- The sample was drawn at random from Tribunal applications completed between 1995 and 1997. This was because a decision was made not to approach either applicants or respondents until their case was complete. Fieldwork was conducted in 1998.
- Data was collected on 2,700 Tribunal cases. In 1,400 cases, information was collected from the applicant. In 1,300 cases, information was collected from the employers (respondents). In many areas, similar questions were asked of both applicants and employers, permitting analysis of the combined sample. In some cases, however, perceptions of events can differ and these are reflected in the reporting of results.
- The response rates were 77 per cent for employers and 63 per cent for applicants.

Prior knowledge and experience of the Employment Tribunal system and case complexity (Chapter 2)

- 56 per cent of employers interviewed had not previously dealt with a Tribunal application.
- About five per cent of applicants had made a previous Tribunal application.
- 54 per cent of those who had not made a previous application said they knew 'nothing at all' about the Tribunal system.
- Eight per cent of cases surveyed involved more than one jurisdiction.

Characteristics of the parties (Chapter 3)

- 60 per cent of applicants were men, although 94 per cent of sex discrimination applications were brought by women.
- 93 per cent of applicants were white, although they accounted for just 15 per cent of race discrimination applications.
- 84 per cent of applications were brought by people who had been in permanent full-time employment.
- Mean annual pay for applicants was £15,000 per annum, not far below average earnings at the time.
- 78 per cent of applicants were not members of trade unions or staff associations.
- The public sector accounted for 13 per cent of all applications, but 28 per cent of discrimination cases.

- 39 per cent of employers reported no previous experience of a Tribunal application in the past five years, whereas one fifth reported six cases or more.

Written statements and procedures (Chapter 4)

- Employers were more likely than applicants to say that a written statement of terms and conditions had been issued (82 per cent and 60 per cent respectively).
- Where a statement had been provided, employers were also more likely than applicants to say that it covered details of grievance and disciplinary procedures (72 per cent and 45 per cent of these cases respectively).
- 51 per cent of employers and 28 per cent of applicants said that there were written procedures at the workplace for dealing with the issue(s) that led to the Tribunal application.
- When procedures are in place, they are not always used. Where there were written procedures, 58 per cent of employers and 32 per cent of applicants said they had been followed all the way through.
- 65 per cent of employers and 60 per cent of applicants said that there had been no meeting between the applicant and the respondent to try and resolve the dispute.
- In some of these situations, other forms of dialogue may have been attempted. But 39 per cent of employers and 35 per cent of applicants said that there had been no meeting to try and resolve the dispute, no use of written procedures, and that no other attempt had been made to try and resolve the dispute.

Advice and representation (Chapter 5)

- 63 per cent of employers and 49 per cent of applicants consulted an external law firm.
- The most common source of advice for applicants was a *professional advisor*, such as someone in a Citizens' Advice Bureau, trade union or welfare rights centre, consulted by 69 per cent of applicants (some will also have sought legal advice).
- 10 per cent of applicants did not discuss their case with either a solicitor or a professional advisor.
- Employers in the non-profit sector were most likely to have discussed their case with a solicitor (74 per cent), followed by employers in the private sector (65 per cent) and the public sector (46 per cent).
- The proportion of cases where applicants went to Tribunal, had their case dismissed or disposed of, or who withdrew their application within two weeks of the hearing date after being advised by a solicitor or non-legal organisation that they were likely to lose the case is small, less than four per cent of applications.

ACAS (Chapter 6)

- It is important to note that, at the time over which the sample was drawn, ACAS did not have a duty to conciliate on all the jurisdictions covered in this survey. In addition, parties who were represented may have had little if any contact with ACAS staff during the application process.
- 80 per cent of applicants had heard of ACAS prior to the Tribunal case.
- 40 per cent of applicants said they had direct contact with an ACAS officer whereas 30 per cent said that someone acting on their behalf had talked to an ACAS officer.
- 43 per cent of applicants who had settled their cases said they would 'definitely not' have reached a settlement without the involvement of the ACAS officer, with a further 19 per cent saying they would 'probably not' have reached a settlement.
- 97 per cent of employers had heard of ACAS prior to the Tribunal case.

Outcome (Chapter 7)

- Each Tribunal case in the survey has an administrative outcome recorded on the ETS database. In addition, SETA respondents were asked to give their account of the outcome of the case. While there is always bound to be some measurement error, there are discrepancies in these two sources of information. In particular, while the ETS data suggested that 73 per cent of settled cases involved an ACAS conciliation, interviewees themselves said that ACAS was involved in drawing up the settlement in just 41 per cent of cases.
- There are reasons why these accounts can differ – in particular, where parties are represented, they may not be familiar with all the steps involved in reaching the settlement. For these reasons, both measures have their place in the reporting of results.
- Settlements were most common in breach of contract, unfair dismissal and Wages Act cases (between 54 per cent and 58 per cent) and less common in discrimination cases (45 per cent) and redundancy payment cases (34 per cent – note that ACAS conciliation was not available for this jurisdiction at the time).
- 22 per cent of discrimination cases were withdrawn, whereas the proportion for other jurisdictions was between 10 per cent and 13 per cent.
- Public sector employers were much less likely to settle their cases than employers from the non-profit or private sectors. They were more likely, however, to see the application withdrawn. They were least likely to get a Tribunal decision in their favour.
- The most common reason given by applicants for withdrawing their case was stress (16 per cent), followed by the feeling that they did not have a valid case (14 per cent).
- Where the case was settled, 59 per cent of employers and 47 per cent of applicants thought that the settlement was fair.

Costs and benefits (Chapter 8)

- At the time of the survey – after the case had been completed – nearly two-thirds of applicants said they worked for a different employer (compared to their job at the time of the dispute which gave rise to the application). Almost a quarter were out of work.
- Of those who changed job or become self-employed since leaving their original employer, 45 per cent saw their new job as a 'stop gap'.
- Half of these applicants reported earning lower pay and just over a third reported higher pay.
- Nearly two-thirds of applicants said they had experienced stress as a result of their application and a third reported damaged employment prospects. Applicants bringing unfair dismissal or discrimination cases were most likely to report stress.
- Half of all applicants reported spending longer than 20 hours of their own time on the case (the mean time spent was 42 hours).
- Half of all employers said that directors and senior managers had spent 16 hours or less on the case. The mean time spent was 31 hours, with six per cent reporting more than 100 hours of senior management time. The mean amount of other staff time was 12 hours.
- Discrimination cases absorb most management time (mean of 50 hours), compared to 15 hours for Wages Act cases.
- Over a third of employers reported incurring legal costs for advice and/or representation. The mean legal cost across all employers – including those who did not bear costs or were not sure if they had – was just under £800.
- Again, discrimination cases were most costly (mean of over £1,800).
- 76 per cent of employers said the Tribunal application had not led to non-financial costs. Where adverse effects were mentioned, the most common effect identified was the stress to staff (14 per cent), together with damage to their reputation (seven per cent) and to workplace relations (five per cent).
- 21 per cent of employers had made changes to their procedures as a result of the case and 13 per cent could cite procedural benefits.

CHAPTER 1

Introduction and background

Part 1: Institutional and administrative background

Origins

Employment Tribunals are a distinctive feature of the British system of administrative law that aim to provide speedy, accessible justice. They play an integral part in the provision of fairness at work and the enforcement of individual employment rights. For people concerned that their employment rights have been infringed they are the place where, when other methods fail, they can be finally resolved. Employment Tribunals are widely recognised for their independence and impartiality.

Employment Tribunals acquired their present role, to adjudicate on disputes arising between individual employers and employees, with the Redundancy Payment Act in 1965. Previously, legislation to safeguard the rights, duties and obligations of employees at work was limited to the common law of the contract of 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) do 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 Tribunals and the Employment Tribunal Service (ETS)

Employment Tribunals are independent judicial bodies supervised by a President, supported by Regional Chairmen. Each Employment Tribunal includes a legally qualified Chairman, appointed by the Lord Chancellor in England and Wales, and in Scotland by the Lord President of the Court of Sessions. Chairmen of Employment Tribunals have an important dual role: to ensure due legal process and to ensure that people without legal representation are given full opportunity to present their case in an investigative non-adversarial setting.

The Chairman, in most cases, sits with two lay members, one typically with an employer interest and one typically with an employee interest. Their role is impartial. They are not there to represent an interest group but to apply common sense and bring to the Tribunal a practical knowledge of employee relations guided, of course, by ACAS Codes of Practice. Decisions of Employment Tribunals are binding upon the parties. Appeals can only be made upon points of law to the Employment Appeals Tribunal (EAT). The enforcement of Employment Tribunal awards lies with the County Court.

Employment Tribunals sit and carry out their inquiries in most major towns and cities in England, Wales and Scotland. Their work is supported by the Employment Tribunal Service (ETS), which is an independent agency that provides premises and administrative support. The cost of the Employment Tribunals is borne by the Exchequer, administered by the Department of Trade and Industry.

Advisory, Conciliation and Arbitration Service (ACAS)

The Advisory, Conciliation and Arbitration Service (ACAS) is an integral part of the Employment Tribunal system. ACAS is an independent statutory body created by the Industrial Relations Act 1971 and put on a statutory footing in 1975. ACAS has a statutory duty to conciliate in most Employment Tribunal jurisdictions once the application is registered with the ETS. This duty is carried out by ACAS Individual Conciliation Officers (ACAS Officers) who aim to get the parties to settle the dispute without the necessity of a full merits Tribunal hearing; henceforth referred to as Employment Tribunal hearings.

Workplace and employment rights disputes

Issues can arise in the workplace or in the course of the employment relationship that impinge – or are perceived by employees or workers to impinge – upon contractual or statutory rights. Managers in the course of their work deal with many of these issues speedily and effectively. Others are not resolved so easily and may result in the use of procedures. Employees may pursue an issue through the use of grievance procedures, which may vary in the degree of their formality. Where the issue relates to an employee's work performance, contractual obligations or inappropriate behaviour, the employer may initiate

disciplinary or, in more extreme cases, dismissal procedures. Again these will vary in terms of their formality.

Workplace grievance and disciplinary procedures, when used appropriately, are known to be effective in resolving such issues. ACAS provides guidance to employers on the design and use of such procedures. However, in some workplaces, they are not always in place. In others, where they are in place, they are not always used effectively. In other cases, while procedures may be in place and used appropriately, the parties may still not be able to resolve the issue to their mutual satisfaction. In cases where they are perceived by the individual to trespass on individual employment rights, this can lead to applications to an Employment Tribunal.

Initiation and ETS handling of applications

Employment Tribunal applications have to be initiated by the applicant (or their representative). The process is triggered by the completion of an IT1, an official form that provides details of the employer, the dispute and, where the applicant wishes to and is represented, contact details of their representative. The IT1 has to be sent to the Regional Office of the ETS, where it is registered on its administrative database (RITAS). At this point it is registered as a formal application and recorded as a Government ET statistic.

The ETS then informs the employer that the application has been made. The employer is required to complete and return the IT3, another prescribed form, which includes whether the employer wishes to be represented and contact details of their representative. On the basis of the information provided on the IT1, the ETS then determines the jurisdiction under which the case will be heard. In cases involving more than one jurisdiction the ETS determines the principal jurisdiction. Copies of the IT1 and IT3 are then sent to the ACAS Regional Office where they are allocated to an ACAS Individual Conciliation Officer (ACAS Officer) for conciliation. All these tasks are processed by and recorded on the RITAS database.

Role of ACAS Officers

ACAS Officers have a statutory duty to promote a settlement through conciliation. In this capacity they provide information on the options to both parties and pass information between them; including details of any offers of settlement. They are not permitted to advise the parties about the strengths and weaknesses of their case, nor are they allowed to advise the parties as to the course of action they should take. Their duty is simply to try and promote a settlement through conciliation. Information given to ACAS Officers is confidential and cannot be divulged to the other party or their representative without their express consent. Where the party is represented, ACAS Officers liaise directly with the representative. In these cases, ACAS Officers will not necessarily have any direct contact with the party. Even the initial, introductory letter explaining ACAS's role will be sent to the party's representative. This is

particularly important to bear in mind when it comes to looking at represented parties' limited knowledge of ET processes; particularly, with respect to ACAS involvement since they have no direct dealing with the ACAS Officer and what is termed the '*RITAS outcome*' of the case. (See Chapters 6 and 7 respectively).

Processing ET applications and administrative outcomes

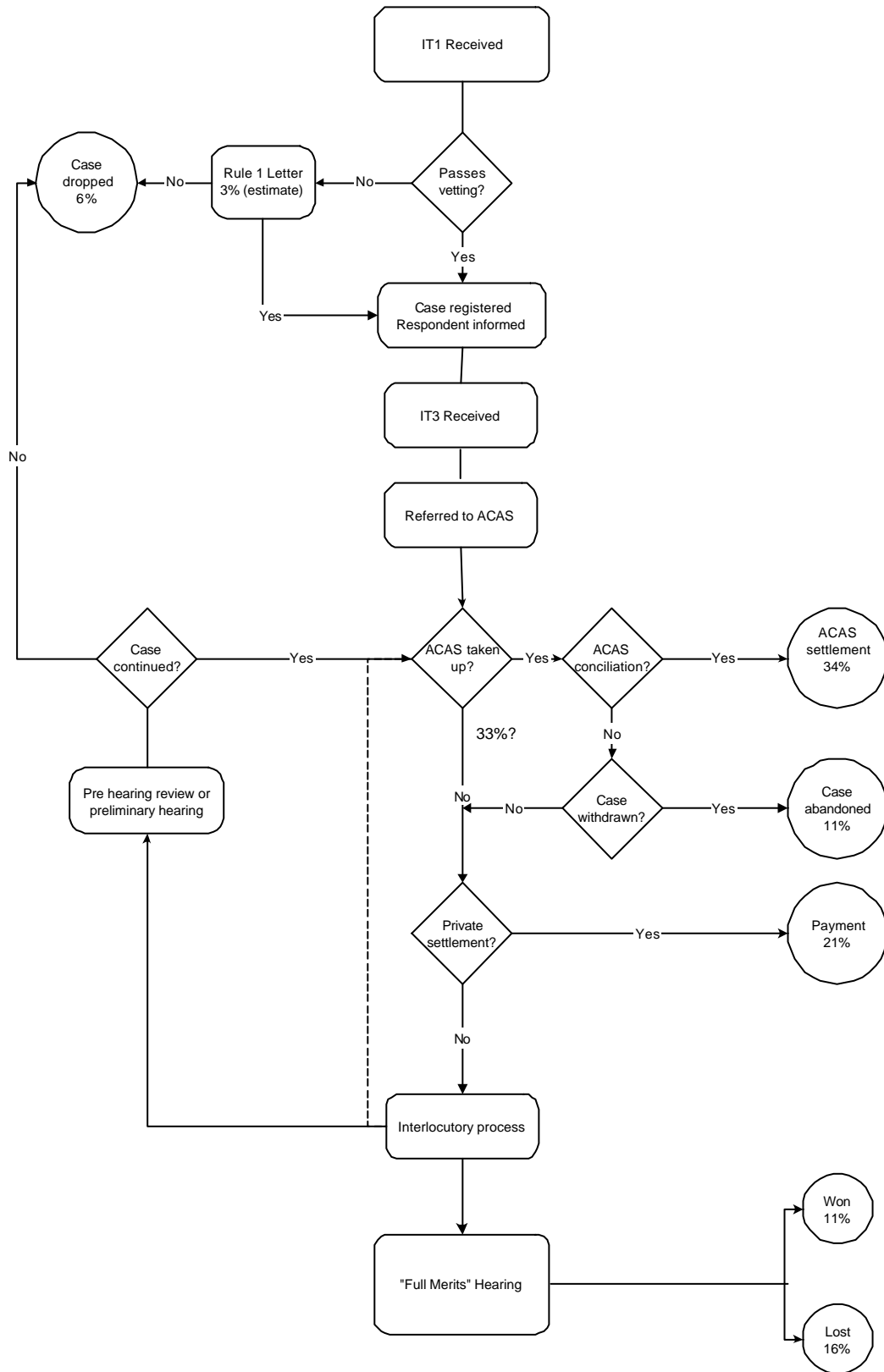
Figure 1.1, provides a flow analysis of how ET applications are processed within the ETS. This shows that, once an application has entered the system, there are effectively six possible outcomes:

- The applicant may withdraw the application (this may follow contact with ACAS or advice from their representative).
- The Chairman may dismiss the application because it is not in the scope of the legislation or because a Pre-Hearing Assessment found that there was insufficient evidence to progress the case.
- The parties may reach an ACAS conciliated settlement, where ACAS is involved in ratifying final settlement. This is recorded as an ACAS settlement.
- The parties may reach a private settlement outside ACAS either on the basis of a legally binding Compromise Agreement or an 'informal agreement'. These are known as 'private settlements'.
- The application may result in a full merits Tribunal hearing, which may be upheld (applicant wins) or dismissed by the Employment Tribunal (applicant loses).

Compromise agreements were introduced under Section 39 of the Trade Union Reform and Employment Rights Act 1993. They provide for the parties involved in employment rights disputes to settle on the basis of a legally binding agreement in which the applicant waived his or her right to take the claim to an Employment Tribunal. The applicant has, however, had to have advice from a solicitor. Prior to their introduction strictly speaking private agreements, though not uncommon, were legally 'null and void'.

Figure 1.1: ET flow analysis

ET Flow Analysis



In the case of private settlements there is no requirement on either of the parties to inform the ETS of the outcome beyond the applicant withdrawing the case.

ETS statistics, therefore, record these cases as having been withdrawn. This is a weakness in the ETS statistics that SETA attempts to remedy by collecting information from the parties about the private settlements; including the use of Compromise Agreements. The collection of this information is, however, not unproblematic when it comes to represented parties whose knowledge will be limited by the extent to which their representative involved them in the legal and administrative minutiae of the case. This problem is probably more acute in the case of applicants. It is especially important to recognise this when it comes to interpreting the findings about the extent of ACAS conciliated settlements and the extent of ACAS Officers' involvement in reaching private settlements.

In the report, and in the accompanying tables, a distinction is made between '*survey outcome*' and the '*parties' outcome*'. Both definitions can serve a useful purpose: the parties' perception of outcome allows for a clearer distinction to be made between withdrawn and privately settled cases, while the administrative definition provides for a more accurate record of ACAS settlements.

Part 2: Background to the 1998 Survey of Employment Tribunal Applications (SETA)

Origins

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 Tribunal applications, 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 applicants 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. Figure 1.2 below provides some basic details of these surveys and when they were carried out, the jurisdictions covered, sample size and type and publications.

Figure 1.2: Summary of earlier surveys on ET applications			
Year	Jurisdiction	Samples	Publication
1975	Unfair dismissal	1,152 employers and 1,180 applicants, including 981 matched cases.	Courtney (1975), SCPR
1978	Unfair dismissal	1,013 employers and 979 applicants, including 745 matched cases.	Field (1978), SCPR; and Dickens (1985) Blackwell
1987	Unfair dismissal	1,927 employers and 402 applicants which were matched cases.	Stevens (1988); Stevens et al, (1990), Department of Employment
1992	Unfair dismissal, Wages Act, discrimination and redundancy payments	1,990 employers and 537 applicants which were matched cases.	Tremlett (1993) SCPR; Tremlett and Banerji (1994) Department of Employment
1998	Unfair dismissal Wages Act, breach of contract, discrimination and redundancy payments	1,300 employers and 1,400 applicants	This volume

Policy context 1998

This survey is not a repeat of the 1992 survey. Four features of the policy context in 1998 were relevant to its design:

- The significant increase in the number of cases going to a full Tribunal hearing which, in parts of the country, was leading to significant delays in the duration of ET cases. The duration of ET cases is measured from the date of when the application was entered onto RITAS to the date of promulgation, which is when the decision is entered into the Register of Tribunal Applications and issued to the parties.
- Concerns about the durations of hearings which, some suggested, may have been due to the increasing legal complexity of some cases. The duration of hearings refers to the time it takes to conduct a full Tribunal hearing.

- The establishment of the ETS as a Next Steps Agency and its requirement to meet the performance indicators set out in the then Citizens' Charter standards.
- ACAS's interest in trying to identify ways of improving its conciliation rate, which would reduce the need for, and costs associated with, full Tribunal hearings.

Aims and objectives of the survey

The two aims of the survey were to bring up to date the findings of the 1992 survey on the characteristics of the parties and to collect more detailed information on what were considered to be the principal factors that determined the outcome and durations of Employment Tribunal cases. These included:

- The reasons for the dispute.
- The use of formal and informal workplace procedures.
- Sources of advice and the use of representatives.
- The part played by ACAS in the conciliation process.
- The extent to which negotiations took place between the parties.
- The direct costs incurred by the parties (and the longer term consequences, including both costs and benefits).

Design of the survey

The design of the 1998 survey therefore preserves some continuity from its predecessors, but there are also some significant and important departures in terms of overall survey design.

All the predecessor surveys included a matched sample of cases, where both the employer and applicant were interviewed. While this provided potential for applicant and employer data to be linked for the purpose of advanced statistical analyses, these were never realised. And, over time it became increasingly difficult to get an efficient statistically robust sample of matched cases.

An unintended consequence was that the information collected, and statistical analysis provided, became increasingly reliant on information provided by the employer since employers were contacted first. The validity of some of the information, for example on the use of formal procedure, became increasingly open to challenge. At the same time, other important data gathered from employees, for example about the cost and longer-term consequences of bringing an application, were not collected in sufficient quantity to provide a sound basis for statistical inference. In addition, matching cases also added significantly to the cost and administrative complexity of the study. For these reasons the case matching requirement was dropped from the 1998 SETA.

In the place of the matched sample of cases, it was decided to draw two separate samples of employers and applicants, where the questions were matched in key respects. As well as giving equal weight to the views of

applicants and employers, question matching would allow some of the findings from both surveys to be treated as a single sample. This provided scope for increasing the sample size; thus providing a stronger basis for exploiting the potential for secondary analysis to explore the determinants of the outcome and durations of ET cases.

The second distinctive feature of the 1998 applicants and employers' surveys is the distinction between the 'core' and 'in-depth' questions. 'Core' questions were asked of applicants and respondents for all five jurisdictions. These findings provide direct comparisons with the 1992 survey.

The 'in-depth' questions focused on the jurisdictions of unfair dismissals, Wages Act and breach of contract. These were new questions included to collect more detailed information on what were considered to be the principal factors that determined the outcome of cases (see aims and objectives of the study above). Redundancy Payments were excluded on the grounds that, at the time the survey was commissioned, ACAS were not required to conciliate in these cases. The discrimination jurisdictions were excluded on the basis that the issues and the processes for dealing with these were significantly different from the other jurisdictions and that trying to include them would have introduced another level of complexity into what was already a highly complex research design.

The 1992 survey departed from its predecessors by extending the jurisdictions covered to Wages Act, discrimination and redundancy payments. The 1998 survey went further by adding breach of contract cases, brought under the jurisdiction of Employment Tribunals in 1994. Previously these cases were heard by County Courts. It should be noted that for the purpose of analysis the 1998 SETA survey treats sex and race discrimination jurisdictions as a single 'discrimination' jurisdiction.

The final innovation of the third SETA was an exploratory survey of parties' representatives drawn from the main sample. This will be reported in a separate publication.

Details of the sample, data collection and analysis

The findings presented in this report are based on a random sample of 2,700 ET cases drawn from two independent sample surveys of applicants and employers based on applications made between 1995 and 1997. Applicants and respondents, however, were not interviewed until 1998. This is because a decision was taken not to interview either party until the case had been completed, on the grounds that the use of a research instrument of this kind would not be appropriate in an on-going legal dispute. The findings cover the five major jurisdictions in terms of the overall volume of cases. They are statistically representative of cases brought in Great Britain. The response rate was 77% for applicants and 63% for employers.

The data was collected using Computer Aided Telephone Interviewing (CATI). For the applicants' survey, this was a departure from earlier surveys in this series where data had been collected through face-to-face interviews.

Chapter 9 provides more information on the technical details of the survey. The full technical report, which includes details of the sampling frame, sampling and weighting procedures, copies of the questionnaires and the syntax files upon which the analyses of the figures presented in this report were based, will be placed in the ESRC Data Archive alongside an edited and fully labelled version of the dataset. In the meantime, the dataset is available for inspection and analysis at the DTI (contact John McQueeney on 020 7215 5926).

Scope of the report

The purpose of this report is simply to present the main descriptive findings from the 1998 SETA. It does not attempt to explain the reasons lying behind the long-term increase in the number of ET applications, which has been addressed in an earlier report in the Employment Relations Series¹. Nor does it provide an analysis of the determinants of outcomes or the factors that influence the durations of ET cases or Employment Tribunal hearings, since these would require further, more advanced statistical analysis. Despite these limitations, it is hoped that this report will inform the ongoing discussion on dispute resolution in Britain.

Format and outline of the report

The detailed findings from the 1998 SETA are provided in tables, which can be found in the Annex. The main body of the report aims to provide a brief context to aid the interpretation of the findings and to draw some of the main findings of interest from those tables.

Chapter 2 begins by providing some brief details on the background information on the survey respondents (interviewees). Chapter 3 provides detailed information on the characteristics of the parties broken down by the five main jurisdictions. These findings provide the basis for the comparison with the earlier surveys of Employment Tribunal applications.

The following five chapters are grouped into particular themes, which correspond to the factors that might be expected to influence the outcome of cases. Thus, special attention is paid to:

- The provision of written statements of terms and conditions of employment and the use of procedures for dealing with grievances and disciplinary action (Chapter 4).
- Sources of advice and patterns of representation (Chapter 5).

¹ Burgess, S., Propper, C. and Wilson, D. (2001). Explaining the Growth in the Number of Applications to Industrial Tribunals, 1972-1997, *DTI Employment Research Series*, London: DTI (<http://www.dti.gov.uk/emar>).

- The parties' knowledge, involvement and evaluation of the role of ACAS (Chapter 6).
- Analysis of outcome according to both the *parties' outcome* and the *survey outcome* measure (Chapter 7).
- The direct cost to parties, including financial and non-financial costs as well as other employment-related effects (Chapter 8).

Limitations of the methodology

In presenting the findings from the 1998 SETA there are some important methodological caveats that need to be acknowledged at the outset. These relate to the limitations of the methodology in relation to the gathering of information about the parties' perception of the processes related to the emergence and handling of employment rights disputes both within the workplace and once they have been referred to ETS, and the parties become involved with the ET system and engaged with ACAS.

Employment rights disputes, especially when they are not resolved to the mutual satisfaction of both parties, can be a highly emotive experience for both parties, especially where the event gives applicants or employers their first direct experience of the ET system. Collecting information retrospectively about social processes almost inevitably means that the reconstruction of events is open to subject bias in terms of selective perception and post hoc rationalisation when reconstructing events. While this is a generic problem in conducting such research, it is exacerbated in this study due to the highly emotive and traumatic nature of the experience. This applies particularly in the case of applicants, but it can be equally traumatic for employers, particularly where the event provides their first engagement with the ET system with all its legal and administrative complexities.

The caveat relates to the parties' awareness, knowledge and – in the case of represented parties – the extent of their participation in the process. As noted earlier, this applies especially to parties that are represented. Again, it is probably exacerbated in the case of applicants who are, arguably, less likely than employers to be consulted by their representatives about the legal and administrative and procedural minutiae involved in conciliation and dispute resolution. This applies particularly to represented parties' limited knowledge of the extent of ACAS involvement. However, it also applies to their knowledge of the formal administrative outcome of the case.

Further caveat

The final caveat that needs to be entered relates to the original aims and objectives of the study and flaws in the dataset that were only discovered upon inspection of the dataset after the fieldwork was finished. These were due to routing errors in the CATI programme used to collect the data. The effect was

that some applicants were not asked questions that they should have been asked, while others were asked questions that should not have been asked. These mainly apply to the detail questions related to the evaluation of the work of ACAS Officers and the effectiveness of ACAS conciliation. The information collected is, therefore, more limited than had originally been envisaged.

CHAPTER 2

Prior knowledge and experience of the Employment Tribunal system and case complexity

In this Chapter, information is provided on survey respondents' prior knowledge and experience of the Employment Tribunal system and the complexity of the case in terms of whether the case involved more than one jurisdiction or involved more than a single applicant.

Previous experience of the Employment Tribunal system has been put forwards as a possible factor helping to explain the overall duration of ET cases and full merit hearings.

Employer interviewees

A majority (56 per cent) of employer interviewees had not previously dealt with a Tribunal application², although, for nearly nine out of ten (89 per cent), dealing with ET applications was expected to be part of their job. Over a quarter of employer interviewees were personnel or human resource specialists (28 per cent), while over a fifth were senior or general managers (22 per cent) and 12 per cent were owner-managers. In a small number of cases, the employer interviewee was a legal specialist (three per cent), an accountant or company specialist (four per cent) or a line manager or supervisor (two per cent)³.

Applicants' prior experience and knowledge of the ET system

Approximately five per cent of applicants had made a previous ET application. Over half (54 per cent) of those without a previous application said they knew 'nothing at all' about the ET system, with a further third (35 per cent) knowing only 'a little'. Fewer than one in 20 (four per cent) said they knew 'a good deal' and seven per cent said they knew 'a fair amount'.

Multi-jurisdiction and multiple cases

The vast majority of cases reported by employers involved only a single jurisdiction. Fewer than one in twelve cases (eight per cent) were submitted under multiple jurisdictions. However, one quarter of cases where discrimination was classified as the main discrimination jurisdiction were multi-jurisdiction cases (see Table 2.1).

Multiple cases, which involve applications from more than one applicant from the same workplace at around the same time, account in total for one in twenty

² 31 per cent of cases are missing data on this question and are not included in the base.

³ 30 per cent of cases are classified as 'other' and are included in the base.

cases or less. In redundancy payment cases, the proportion rose to nearly three in twenty cases (13 per cent). Some commentators have suggested that cases involving more than one applicant are more characteristic of collective disputes.

Job applications – discrimination cases

Discrimination cases differ from the other jurisdictions in that cases may be brought against an employer with whom the applicant has no contractual employment relationship. Cases relating to an application for a job accounted for 23 per cent of discrimination cases. In over three-fifths (62 per cent) of these cases, the applicant was not employed by the organization at the time the application was made.

CHAPTER 3

Characteristics of the parties

In this Chapter, information is provided about the characteristics of the parties involved in Employment Tribunal cases. These provide a basis for comparison with the earlier surveys.

The characteristics of applicants cover personal characteristics including sex, ethnicity, age and marital status and employment-related characteristics including whether they were in full-time, part-time or temporary jobs, occupational group, skill level, pay, length of service and membership of trade union or staff association (see Table 3.1 and Table 3.2).

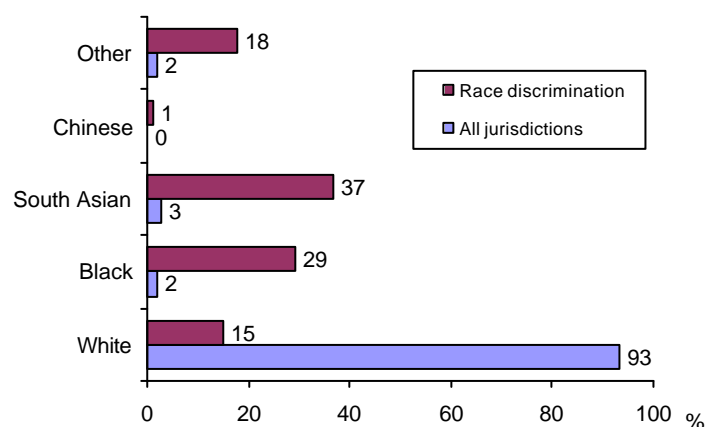
Employers are characterised according to industrial sector, whether they are in the public, private or non-profit sector, the size of the workforce, whether they are single or multi-site organisations, and experience in dealing with ET cases in the previous five years (see Tables 3.3 and Table 3.4)

The detailed findings show:

Personal characteristics of applicants

- Three fifths of applicants (60 per cent) are men, except among sex discrimination cases where the vast majority of cases are brought by women (94 per cent).
- White applicants account for 93 per cent of all applications, but only 15 per cent of race discrimination cases. Thirty seven per cent of race discrimination cases were brought by South Asian applicants, while a further 29 per cent were made by Black applicants. Figure 3.1 shows the proportion of applicants from different ethnic groups for race discrimination cases compared with other jurisdictions.

Figure 3.1 Ethnicity of Applicants



- The average applicant is in his or her early forties. Redundancy payment applicants tend to be older than those bringing cases under other jurisdictions (45 per cent are over fifty years old), while Wages Act and discrimination cases tend to be brought by younger applicants, in their mid-thirties.
- Over two-thirds of applicants are married or living as married. Applicants bringing redundancy payment cases are more likely to be widowed, divorced or separated than applicants in other jurisdictions, whilst those bringing Wages Act claims are the most likely to be single. This pattern probably reflects the relative ages of these groups of applicants. Women applicants who are married or living as married are more likely than male counterparts to have a partner in paid employment (79 per cent compared with 64 per cent).

Employment-related characteristics of applicants

- Over 80 per cent were brought by applicants who were employed in permanent full-time employment, while 13 per cent were in permanent part-time jobs and three per cent in temporary jobs. The percentage who had a part-time job is highest among discrimination cases, reflecting the higher proportion of women applicants making applications under this jurisdiction: over one quarter of women worked part-time compared with only three per cent of men.
- In terms of occupation, 'clerical and secretarial' occupations account for most of the discrimination cases, reflecting the fact that 74 per cent of applicants in this category were women. In contrast, 'managers and administrators', while accounting for 21 per cent of all cases, only accounted for 14 per cent of discrimination cases. This probably due to the gender of applicants: 75 per cent of all applicants in this category were men.
- Applicants in the 'non-manual' category accounted for 71 per cent of cases brought under the discrimination jurisdiction, but for only 57 per cent of cases in general. Applicants in the 'manual' category accounted for 50 per cent of all redundancy payments cases, but for only 43 per cent of cases overall.
- The mean annual pay for applicants was £15,000, close to average annual earnings for a full-time employee at that time. In breach of contract cases, this figure rose to £16,100, and in cases brought under the Wages Act it fell to £12,600.
- Applicants' mean number of years of service with their employer was seven years, but only three years in cases brought under the Wages Act. Perhaps unsurprisingly, applicants in redundancy payments cases showed the highest mean number of years of service (11 years).
- Nearly 80 per cent of applicants were not members of a trade union or staff association. Applicants bringing discrimination cases were much more likely to be union or staff association members, 62 per cent.

Characteristics of employers

- There are significant differences in the number of ET cases brought under the discrimination jurisdiction across different industrial sectors. Employers from the manufacturing sector accounted for 21 per cent of all ET cases, but only 13 per cent of discrimination cases. Conversely, employers in the public sector, composed of public administration, education and health, accounted for 23 per cent of all cases, but 38 per cent of all cases brought under the discrimination jurisdictions.
- The private sector accounted for 81 per cent of ET cases. However, in the discrimination jurisdictions, it accounted for only 62 per cent of cases. The public sector, while accounting for 13 per cent of all cases, was involved in 28 per cent of discrimination cases. A similar pattern can be found in the non-profit sector, whose involvement in discrimination cases (ten per cent) exceeded its overall share of cases (six per cent).
- The number of cases brought under a particular jurisdiction was also associated with employer size. Small employers (one to nine employees) were least likely to be involved in a discrimination case and most likely to be involved in a redundancy payments case.
- The larger the employer, the more likely it was to be involved in an unfair dismissal case, and the less likely it was to be involved in a breach of contract case.
- In the jurisdictions of unfair dismissal and discrimination, a higher proportion of cases were brought against employers with more than one workplace in the UK. However, in the jurisdictions of breach of contract, Wages Act and redundancy payments, a higher percentage of cases were brought against employers with one workplace.
- Two-fifths (39 per cent) of employers had no experience of ET cases in the past five years, with one-fifth reporting six or more cases.
- Employers involved in cases of unfair dismissal and discrimination were more likely than those involved in cases under the remaining three jurisdictions to report six or more other ET cases in the past five years. This may reflect a size effect: the larger the employer, the greater the probability that it will have to deal with an ET application.

CHAPTER 4

Written statements and procedures

This Chapter presents findings relating to the provision 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.

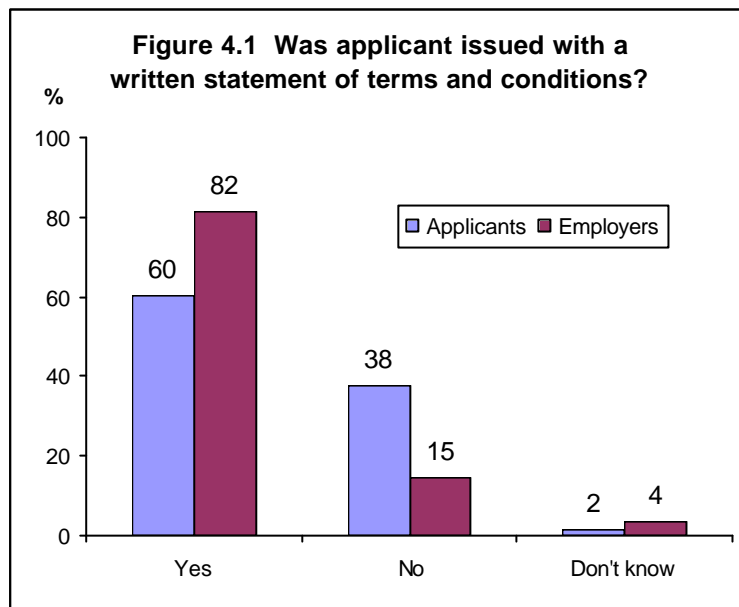
The issuing of main written terms and conditions, alongside workplace rules and procedures, has long been recognised as playing an important role in clarifying the basis of the employment relationship. Together they codify employers' and employees' mutual expectations and obligations in relation to the performance of the employment contract. By providing information that establishes clear expectations and boundaries for the employee, employers should, in theory, contribute to the avoidance of workplace grievances and disputes. The absence of written statements of terms and conditions and workplace rules and procedures is thought to contribute to the emergence of workplace grievances and disputes brought by either parties' ignorance or ambiguity about what is expected of them. Obviously it would not be feasible to codify all contractual terms and conditions, workplace rules or expectations with respect to what are known as implied contractual terms and conditions and what is reasonable in terms of worker or management behaviour. It is, therefore, almost inevitable that issues emerge in the workplace that require expectations to be clarified. It is here that workplace grievance and disciplinary procedures come into play.

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, indeed, any other relevant workplace issue. Disciplinary procedures fulfil a similar set of functions for employers. The use of formal procedures with clear escalating stages and time limits that allow for employee representation has long been recognised as playing a role in the avoidance of individual and collective issues escalating into fully blown disputes. It is for this reason that ACAS provides advice and guidance on the design and operation of procedures and why the existence and use of workplace procedures is taken into account by Employment Tribunals in coming to their decisions. It is for these reasons that detailed information was collected on the existence and use of workplace grievance and disciplinary procedures.

The findings for applicants and employers are presented by jurisdiction and outcome in Tables 4.1 and 4.2.

Provision of written statement of terms and conditions

Overall, as illustrated in Figure 4.1, employers are substantially more likely than applicants to state that the applicant had been issued with a written statement of terms and conditions after joining the organisation; 82 per cent of employers and only 60 per cent of applicants reporting that the employee had been provided with a written statement of terms and conditions (see Table 4.1).



- For applicants there is a fair degree of consistency across the unfair dismissal, breach of contract and discrimination jurisdictions, with between 65 and 70 per cent saying they had received written statements of terms and conditions. For Wages Act and redundancy payments applications, this drops to 48 and 38 per cent respectively. There is a greater level of consistency amongst employers across all but the redundancy payments jurisdiction.
- There is also a marked difference between applicant and employer reportage according to the outcome of the case. For employers, there is a high degree of consistency across the various outcomes suggesting that there is no 'outcome effect'. In contrast, applicants in cases that went to full Tribunal hearings were less likely to report having been issued with written terms and conditions. However, whether or not the Tribunal's decision was in favour of the applicants does not seem to have such an effect (Table 4.3).

Provision of details of grievance and disciplinary procedures in statements of terms and conditions of employment

For those reporting that terms and conditions of employment had been provided, employers were more likely than applicants to claim that the statement also included details of the grievance and disciplinary procedure (72 per cent and 45 per cent respectively). Applicants reported, however, that statements were more likely to include details of the disciplinary procedure than the grievance procedure (45 per cent and 37 per cent respectively), whereas employers were more likely to report the statement contained both (72 per cent).

The more detailed findings show:

- For applicants, there is a significantly higher level of reporting of the inclusion of both grievance and disciplinary procedures in statements of terms and conditions in unfair dismissal, breach of contract and discrimination cases than in Wages Act and redundancy payments cases. There is much less variation in reporting amongst employers.
- Applicants who said they were provided with a written statement which included details of disciplinary or grievance procedures (or both) were more likely to settle and less likely to go to a full Tribunal hearing (Table 4.3). This is not the case for employers (Table 4.4).
- According to both applicants and employers, in cases where the grievance procedure is included in the statement of terms and conditions, the decision at a full Tribunal hearing is less likely to be in favour of the applicant. This association does not hold for disciplinary procedures (Table 4.3).

Provision of terms and conditions according to applicant and employer characteristics

The extent to which applicants and employers reported that applicants were provided with written statements of terms and conditions of employment varied according to applicants' personal characteristics and employers' organisational characteristics (see Tables 4.4 and 4.5). These more detailed findings show that:

- Men are more likely than women to report that they had been issued with a statement of terms and conditions after joining the organisation and that they were provided with details of both grievance and disciplinary procedures. The same holds for trade union and staff association members compared to non-members; and professionals compared with other occupational categories.
- Public sector employers were more likely than employers in the private or non-profit sectors to say they had provided applicants with a written statement of terms and conditions. The same holds for the provision of details about grievance procedures but not for disciplinary procedures.
- Large employers, multi-site employers and those with more experience of dealing with ET cases were more likely to report that they had provided applicants with statements of terms and conditions of employment and

that these statements included details of disciplinary procedures and grievance procedures or both.

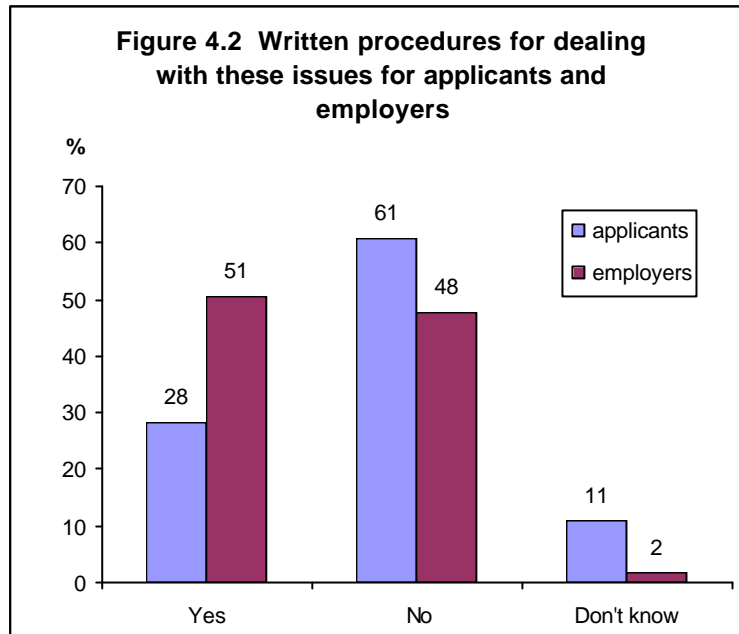
Provision of written procedures for dealing with issues that result in ET applications

Putting aside whether details of procedures were included in applicants' statements of terms and conditions of employment, applicants and employers were asked whether the organisation had a written procedure at the workplace for dealing with the specific issue that gave rise to the ET application. Overall, as illustrated in Figure 4.2, only 28 per cent of applicants, compared to 51 per cent of employers, said that the organisation had a written procedure in place to deal with the issue that gave rise to the application. The more detailed findings show that:

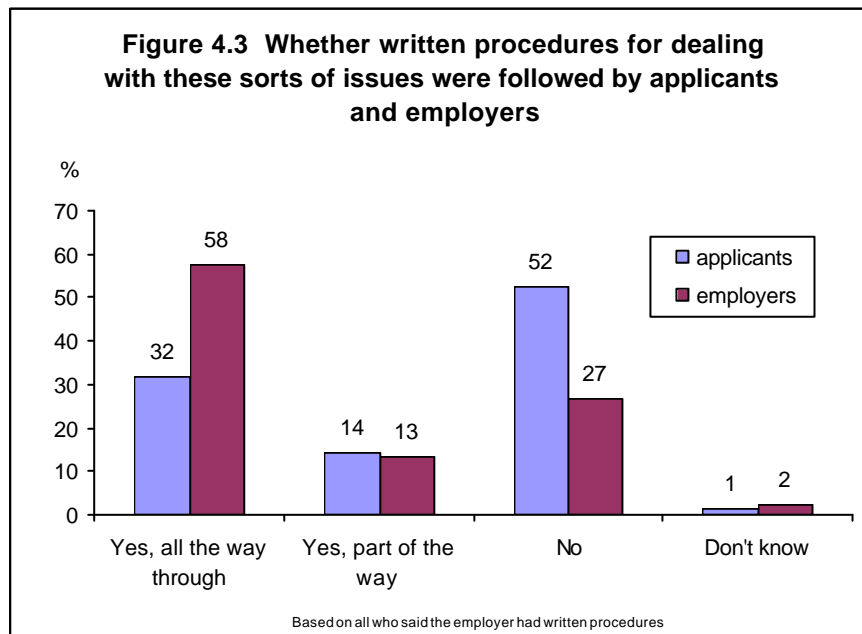
- Both applicants and employers said that written procedures were most likely to be in place for dealing with issues that resulted in claims brought under the discrimination jurisdiction (43 per cent and 62 per cent respectively) and unfair dismissal jurisdiction (36 per cent and 59 per cent). (Tables 4.6 and 4.7).
- The findings from the applicant survey show that the absence, or the perceived absence, of a written workplace procedure is more prevalent in cases that went to a full Employment Tribunal hearing (Table 4.6). They also show that, in 22 per cent of cases where such procedures were in place, the Employment Tribunal decision went in the applicants' favour.
- The findings from the employers' survey suggest that there is no association between the presence or absence of written procedures and the outcome of case.

The use of procedures

Having procedures in place does not always mean that they are followed, or followed through all relevant stages, or followed through correctly. Applicants and employers who acknowledged that written procedures were in place to deal with the issue that gave rise to the Employment Tribunal application were probed about the extent to which the procedure was followed (see Tables 4.9 and 4.10). These show, as illustrated in Figure 4.3, that a third of applicants (32 per cent) claimed that procedures were followed all the way through, compared with 58 per cent of employers. Similar proportions of employers (13 per cent) and applicants (14 per cent) said that they were followed through part of the way.



More detailed analysis did not reveal any association between the use of procedure, jurisdiction or outcome in the findings from the applicants' survey. The findings from the employer survey reveal, in common with the findings reported on the presence of procedures, that procedures were most likely to be followed (all or part of the way) in unfair dismissal cases, followed by discrimination cases and least likely to be followed in breach of contract.



The use of procedures according to applicant and employer characteristics

The findings about the extent to which procedures are followed through and

the characteristics of applicants and organisations are presented in Tables 4.9 and 4.10. These reveal some communality with the parties' reporting of there being written procedures in the workforce. The more detailed findings show that:

- Men were more likely than women to state that written procedures were in place; however, there was no difference between men and women in perceptions about the extent to which procedures had been followed either part or all the way.
- Trade union and staff association members were more likely to state that written procedures were in place than non-members. They were also more likely to say that they were followed, either part of the way or all of the way. This, perhaps, reflects the influence of trade unions presence on managerial behaviour.
- Private sector employers were far less likely than their public and non-profit sector employers to report that they had written procedures for dealing with these issues.
- The presence of written procedures is related to workplace size: the larger the organisation, the more likely it will have written procedures in place.
- Small workplaces were the least likely to have or follow written procedures. However, there no clear association between workplace size and the extent to which written procedures are followed.
- Multi-site employers were more likely than single workplace to have written procedures. However, there was no difference in the degree to which they followed these procedures.
- Employers with more experience of Employment Tribunal cases were more likely to have written procedures in place. However, they were was little between them and the smallest employers in the extent that they were followed all the way through.

Other attempts to resolve the dispute

In the introduction to this report it was noted that collecting information retrospectively about social processes almost inevitably means that the reconstruction of events is open to subject bias in terms of selective perception and post hoc rationalisation when reconstructing events. This has, perhaps, been borne out, at least in part, in the findings revealing the mismatch between applicants and employers in their accounts of the presence and use of written procedures.

However, there may also there may be genuine differences in employers' and applicants' perceptions of events; particularly, in small firms and organisations characterised by informal working relationships where there may be genuine differences about whether written procedures were being formally invoked. For this reason the parties in all cases, not just those who reported the presence of procedures, were asked whether or not there had been a meeting to try and resolve the dispute before the application was made. Overall, 65 per cent of employers and 60 per cent of applicants said there was no meeting to try and

resolve the dispute. When combined these findings suggest that, in 62 per cent of cases, the applicant did not meet with the employers to try and resolve the issue.

These findings have to be interpreted with some care. A question of this kind on its own does not capture all potential forms of dialogue between applicant and employer. In some cases, contact may have been made in writing or by telephone. In other instances, a representative might have intervened on the applicant's behalf. Alternatively, the grievance may have only arisen after the employment relationship had been terminated, when the applicant did not have access to the use of the internal procedure. Alternatively again, the applicant may have felt that the internal procedure was not a suitable mechanism for resolving the issue.

For this reason, it is useful to combine the results of the questions on whether there was a meeting between the applicants, the questions on whether procedures were present (and used), and a 'catch-all' question asking if any other attempts had been made to resolve the dispute before the application had been made. This analysis reveals that:

- In about 15 per cent of all applications (combined accounts) the interviewee said that no meeting had taken place but that some other attempt had been made to resolve the dispute.
- In about 14 per cent of all applications (combined accounts) the interviewee said that no meeting had taken place, but that written procedures had been in place and had been used at least part of the way.
- In about 37 per cent of cases, there had been no meeting, no use of a written procedure (even part of the way) and the interviewee said that no other attempt had been made to resolve the dispute. This is probably the most comprehensive indicator of (lack of) dialogue available from this data.
- On this final measure, the account from employers and applicants are broadly consistent (39 per cent and 35 per cent respectively). Employers are more likely to report the use of procedures whereas applicants are more likely to report some other attempt being made to resolve the dispute. This suggests that what employers regard as use of procedures is not always seen that way by employees, who are more likely to identify other attempts being made to resolve the dispute.

CHAPTER 5

Advice and representation

In this Chapter information is presented about parties' sources of advice and patterns of representation. In reporting the findings a clear distinction is made between professional advice and representation. Representation is seen to go beyond the provision of advice and is defined as getting someone to carry-out an action to progress the case on the party's behalf.

Getting professional advice is very important, if not critical, in informing the parties' about the strengths and weaknesses of their case and, in theory, would be expected to influence decisions about how to progress the case – to withdraw the application, press for settlement or go to full Tribunal hearing. Having professional representation, someone to progress the legal basis of the case by presenting the arguments to the other party either directly or mediated through the other party's representative, is considered additionally advantageous.

In the context of the aims and objectives of this study the getting professional advice and having professional representation is mainly of interest as these are the factors that would be expected to influence the main outcome of the case; that is whether its is withdrawn, settled or goes to a full Tribunal. However, it has been suggested that the increasing propensity of the parties, particularly employers to be legally represented is a factor affecting both the durations of ET cases and hearings.

Part 1: Use of legal and other professional advisors

Applicants and employers were asked whether or not at any stage they had discussed the case with a solicitor or other lawyer. Applicants were also asked whether they discussed the case with '*professional advisors*', which included union, Citizens' Advice Bureau, Welfare Rights Centre or similar organisation, where they would have been expected to receive professional advice about the merits of their case.

Employers were more likely than applicants to have discussed the case with a solicitor or other kind of lawyer, with 63 per cent of employers consulting an external law firm compared with 49 per cent of employees.

For applicants the most popular sources of advice are '*professional advisors*', with 41 per cent of applicants choosing to discuss their case solely with *professional advisors*. Twenty per cent, however, chose solely to discuss their case with a solicitor or other kind of lawyer while over a quarter (28 per cent) sought advice from both sources. At the other end of the spectrum ten per cent of

applicants did not get to discuss their case with either a solicitor or a *professional advisor* (Tables 5.1 to Table 5.3).

The more detailed findings show:

Applicants

- Women were slightly more likely than men to discuss their case with a *professional advisor*. However, there was no such difference in the case of solicitors.
- Not surprisingly trade union or staff association members were more likely than non-members to discuss their case with a *professional advisor* (92 and 63 per cent). In contrast non-trade union and staff association members were more likely to discuss their case with a solicitor (51 and 41 per cent respectively).
- Professionals were more likely than other occupational groups to discuss their case with a solicitor. They were also more likely to discuss their case only with a solicitor and less likely to involve *professional advisors* (Table 5.1).
- Trade union and staff association members are more likely than non-members to discuss their case with both a solicitor and, at least one, *professional advisor* (Table 5.1).
- Applicants were most likely to discuss their case with a solicitor in cases of unfair dismissal and least likely in Wages Act cases (57 and 29 per cent respectively).
- Applicants involved in Wages Act and redundancy payments cases were less likely to get to discuss their case with a solicitor or a *professional advisor* than those bringing cases under the other jurisdictions. They were more likely not to receive any professional advice (Table 5.1).
- Applicants bringing cases under the discrimination jurisdictions were more likely than those bringing cases under other jurisdictions to discuss their case with both a solicitor and, at least, one *professional advisor*. However, five per cent of applicants did not appear to have had an opportunity to get professional advice. Applicants in unfair dismissal cases were more likely to seek advice from legal and *professional advisors* (Table 5.1).

Employers

- Employers from the non-profit making sector were most likely to have discussed their case with a solicitor (74 per cent), followed by private sector employers (65 per cent) and then the public sector (46 per cent).
- Workplace size is not associated with whether the employer discussed the case with a solicitor. However, single site are more likely than multi-site organisations to have discussed the case with a solicitor or other legal specialist (Table 5.3).

- Employers were most likely to discuss their case with a solicitor in discrimination cases and least likely in Wages Act cases (66 and 50 per cent respectively).
- Employers who discussed the case with a solicitor were most likely to have in cases which were settled (67 per cent) and least likely in cases that were withdrawn (54 per cent).
- Employers experienced in dealing with ET cases (six or more cases over the past five years) were less likely to discuss the case with a solicitor.

Part 2: Applicants: patterns of professional representation

In the introduction of this Chapter the basis of the distinction between professional advice and representation was explained. However, a further clarification may be helpful: applicant representation is defined specifically as: 'where the advisor did something for the applicant, such as writing letters, negotiating with the employer, talking to ACAS, or completing or making telephone calls on the applicants behalf.' This may, or may not have been the representative whose details they included on IT1.

Applicants

The distinction between professional advice and advice is clearly important with 62 percent of applicants having been represented at some time during the case; while 28 per cent only received advice. Representation was most common in discrimination and unfair dismissal cases, accounting for 74 per cent and 72 per cent of cases respectively. In contrast redundancy payment and Wages Act cases account for 41 per cent and 43 per cent of cases respectively.

Applicants in unfair dismissal cases rely equally on representation by *professional advisors* and solicitors. In discrimination cases, applicants are more likely to rely on representation by a *professional* advisor. However, it is applicants in Wages Act and redundancy payment cases that rely most on representation by *professional advisors*.

Applicants who are professionally represented are more likely to achieve a settlement, while applicants who received advice only are more likely to have their cases dismissed or disposed. These findings, perhaps, reflect the merits of the case.

Vexatious cases

Vexatious cases can be defined as those in which the applicant persists with the case despite receiving advice to the contrary. Obviously what are vexatious cases is a matter for the judiciary. Here, however, we have defined 'vexatious' cases as follows:

'Applicants who at any time during the case were advised by a professional advisor that they were likely to lose but

who pressed and either went to the Employment Tribunal, or had their case disposed or dismissed in some other way, or withdrew their case within two weeks of the hearing date'.

Under this definition, fewer than four per cent of cases may be considered 'vexatious'. The number of cases classified as vexatious is small, so caution is required in interpreting the finding. However, in seven of the 35 cases classified in this way, the applicant went on to win at a full Tribunal hearing.

CHAPTER 6

ACAS

In this Chapter information is provided about the parties' awareness, knowledge and contact with ACAS prior to the ET application and during the case. It also presents some findings about the parties' perceptions of the effectiveness of ACAS's intervention.

When considering these findings it is important to bear in mind that:

- At the time the fieldwork was carried out ACAS had a statutory duty to conciliate in a wide range of jurisdictions including unfair dismissal, breach of contract, Wages Act and discrimination. The requirement to provide conciliation in redundancy payment cases was not introduced until October 1988.
- Parties who were represented will have had little or no direct contact with the ACAS Officer who was dealing with their case. Their knowledge and evaluation of ACAS, especially the part played by the ACAS Officer in trying to facilitate a conciliated settlement will, therefore, be limited by the extent to which their representative involved them and told them about what was happening during the course of the case.
- ACAS will be producing a more detailed analysis of the 1998 data in Spring 2002. This will take account of representation and case outcomes.

Part 1: Findings from the applicants survey

Applicants' awareness and knowledge of ACAS's role in individual conciliation

Overall, 80 per cent of applicants had heard and were, therefore, aware of ACAS prior to the case. Those who were aware of ACAS were asked what they thought ACAS did: 12 per cent explicitly referred to ACAS's role in individual dispute resolution, though a further 17 per cent gave an ambiguous answer (see Table 6.1). The vast majority, however, made no reference to ACAS's role in individual conciliation.

The more detailed findings show:

- There was a slight (yet significant) difference in awareness according to gender. Eighty-three per cent of men had heard of ACAS previously, compared to 75 per cent of women.
- Professionals, managers and administrators were more aware of ACAS (86 per cent) than other occupational groups. The group comprised of personal and protective services and plant and machine operatives were least likely to have heard of ACAS (75 per cent).

Applicants' direct contact with ACAS

Overall 54 per cent of all applicants recalled receiving an introductory letter from ACAS explaining their role. However, in the case of represented applicants this letter will have been sent to the representative. Thirty per cent of all applicants said that someone acting on their behalf had talked with an ACAS Officer.

Two-fifths of applicants reported having direct contact with the ACAS Officer. Just under a quarter (23 per cent) talked to the ACAS Officer just once, while 39 per cent had spoken two to three times. Thirty-seven per cent had spoken more often. Thirty per cent claimed to have had met the ACAS Officer in person (see Tables 6.1 and 6.2). The detailed findings show:

- Applicants bringing cases under the breach of contract and Wages Act jurisdictions were more likely than those bringing cases of unfair dismissal and discrimination to recall receiving an introductory letter from ACAS.
- Applicants in Wages Act and breach of contract jurisdictions were more likely than those bringing cases of discrimination and unfair dismissal (36 jurisdictions) to report direct contact with an ACAS Officer. However, those involved in breach of contract and Wages Act were less likely to report that someone acting on their behalf had talked with an ACAS Officer than cases involving unfair dismissal and discrimination.
- Applicants who brought their cases under the Wages Act or breach of contract jurisdictions were twice less likely to report having met an ACAS Officer in person than those bringing unfair dismissal cases.

Timing of the first ACAS Officer intervention and the propensity to settle

Applicants were asked whether their first contact with ACAS occurred before or after they had received the date of the hearing. This question was asked because the timing of the first intervention is considered by many ACAS Officers to be a factor that influences the parties' propensity to settle. Some ACAS Officers argue that the notification of the hearing can act as a spur to the parties considering the possibility of settling, others argue that early intervention can help the parties from becoming too entrenched, making conciliation more

difficult. Overall 78 per cent of applicants said their first contact with ACAS took place before being informed of the date for the Tribunal hearing (see Table 6.4).

Part played by representatives in informing applicants about the conciliation process

Represented applicants were asked about the extent to which their representative involved them in the case and informed them about what the ACAS Officer said. Overall, 59 per cent of represented applicants said that their representative 'always' told them what the ACAS Officer had said, while a further 18 per cent said that it was 'mostly' the case. 13 per cent said it was 'sometimes', while nine per cent said that their representative 'never' reported back what the ACAS Officer had said.

The detailed findings show:

- Women were more likely than men to say that their representative had always or mostly told them what the ACAS Officer had said to them (84 and 70 per cent respectively).
- Trade union and staff association members were less likely than non-members to say that their representative always or mostly told them what ACAS had said to them (64 per cent and 80 per cent).

Applicants' evaluation of ACAS Officers in promoting settlement

In cases that were settled, and where there was direct contact with the ACAS Officer, applicants were asked about the influence of the ACAS Officer in reaching a settlement. In these cases 43 per cent of applicants said that without the involvement of the ACAS Officer they would 'definitely not' have reached a settlement, while a further 19 per cent said that they would have 'probably not' reached a settlement. However, 21 per cent said that they would have 'definitely' settled, while a further eight per cent said that they would have 'probably' settled (see Table 6.4).

The more detailed findings show:

- Women were much more likely than men were to state that they would 'definitely not' have reached a settlement without the involvement of the ACAS Officer, 51 per cent and 30 per cent. However, they were also more likely than men to say that they 'definitely' would have reached a settlement, 29 per cent and 16 per cent.

Applicants' perception of the ACAS Officers influence in how to proceed with case

Applicants who had direct contact with the ACAS Officer were asked about the effectiveness of the ACAS Officer's intervention. Asked whether they were in a

better or worse position to make the right decision following the intervention of the ACAS Officer, 52 per cent said that they were in a better position to make the right decision. However, 40 per cent said that the intervention of the ACAS Officer made no difference. Seven per cent said that the intervention left them in a worse position in deciding how to proceed with the case.

Applicants' perception of the ACAS Officer's 'trustworthiness'

Applicants who had direct contact with the ACAS Officer were also asked about the extent they could trust the ACAS Officer. Fifty-four per cent of applicants said that they felt they could trust the ACAS Officer 'a lot', while 27 per cent felt they could trust the ACAS Officer 'up to a point'. Fifteen per cent said that they could trust him/her 'not very far' (see Table 6.5).

More detailed findings show:

- Trade union and staff association members were less inclined than non-members to trust the ACAS Officer 'a lot' (33 per cent and 56 per cent).

Applicants' perception of the ACAS Officer's 'even-handedness'

Applicants who had direct contact with the ACAS Officer were asked whether they perceived the ACAS Officer to be 'even handed'. Nearly two-thirds (65 per cent) felt that the ACAS Officer had been even-handed. Nineteen per cent said that the ACAS Officer had been more on their side compared to 12 per cent who felt that they had been more on the employer's side (see Table 6.5).

The more detailed findings show:

- Men were more inclined than women to say that the ACAS Officer had been even-handed, while women were more inclined to say that the ACAS Officer had been on their side.
- Trade union and staff association members were less inclined than non-members to say that the ACAS Officer was even-handed. They were also less likely than non-members to say ACAS was on their side and to say that the ACAS Officer was on the employer's side.

Applicants' propensity to recommend ACAS involvement to others

All applicants regardless of whether they had direct contact with the ACAS Officer were asked whether they would advise a relative or friend involved in a similar dispute case to recommend ACAS. Three-quarters said that they would, 11 per cent said that they would not, while the remainder were uncertain (see Table 6.5).

Part 2: Findings from the employers' survey

Employers' awareness and knowledge ACAS's role in individual conciliation

Overall, 97 per cent of employers said that they had heard of ACAS prior to the dispute that led to the ET application. All employers with 50 or more employees had heard of ACAS and while the smallest were least likely to have heard 93 per cent said that they had heard of ACAS. These employers were asked what ACAS did: seventeen per cent explicitly mentioned ACAS's involvement in individual dispute resolution, while 16 per cent provided an ambiguous reply. The remaining seven per cent made no mention of ACAS's role in individual dispute resolution (see Table 6.5).

Employers' use of ACAS in ET cases

Employers who had experienced three or more other ET cases were asked how often the organisation involved ACAS in the case. Just under two-thirds said that they often involved ACAS. Just over a quarter said that they rarely involved ACAS, while nine per cent said that they never involved ACAS (see Table 6.6).

The more detailed findings show:

- Two-thirds of employers with multiple workplaces said they 'often' involved ACAS in ET cases, compared to fewer than one-half of employers with a single workplace.

Employers' contact with ACAS

All employers, excluding the redundancy payments jurisdiction, were asked about the extent of their contact with ACAS. Just under three-quarters reported getting an introductory letter from ACAS, while 47 per cent said that they had direct contact with ACAS and 47 per cent said that they did not. Six per cent of employers did not know whether or not there had been any direct contact. Overall 22 per cent of employers talked with the ACAS Officer just once. Seventy-one per cent spoke with the ACAS Officer more than once, while 26 per cent spoke with the ACAS Officer four or more times.

Employers were also asked whether or not they had a representative who had talked with an ACAS Officer. The majority said 'no'. Just over a fifth (22 per

cent) said, 'yes', while a further 15 per cent were not sure. (see Table 6.7 and Table 6.8).

The more detailed findings show:

- Employers in unfair dismissal cases had less contact with ACAS than in the other jurisdictions, contact was highest in Wages Act cases.
- Employers in unfair dismissal cases were more likely to speak with ACAS just once (25 per cent). They were also less likely to speak with the ACAS Officer two or three times. In contrast in breach of contract cases only 11 per cent of employers spoke to ACAS just once, while 82 per cent spoke to ACAS two or more times.
- 17 per cent of employers said that they met the ACAS Officer in person. Employers involved in discrimination cases and unfair dismissal cases were twice as likely to have met an ACAS Officer as those involved in breach of contract and Wages Act cases.
- Employers with most experience of ET cases were marginally less likely to meet an ACAS Officer than employers with less experience.
- Employers in the discrimination and unfair dismissal cases were more than twice as likely to report representative contact with ACAS, as were larger workplace employers with more recent experience of Employment Tribunal cases.

Employers' evaluation of ACAS

Employers who were in direct contact with ACAS were asked a series of questions to evaluate the effectiveness of ACAS intervention. Asked whether they were in a better or worse position to make the right decision as to how to go ahead, half said 'yes'. However, 40 per cent said it had made 'no difference', while four per cent said they were in a worse position. (see Table 6.9). The more detailed findings show:

- Single workplace employers were far more likely than multi-site employers to say that ACAS involvement had left them in a better position in order to proceed with the case, 60 per cent and 42 per cent.
- Employers with less experience of ET cases were more likely to say that ACAS had left them in a better position to make the right decision as to how to proceed with the case.

Employers' perception of the ACAS Officers' 'trustworthiness'

Asked whether they felt they could trust the ACAS Officer, over two-thirds of employers who had direct contact with ACAS said that they could trust the ACAS Officer 'a lot', while a further 19 per cent felt they could trust the ACAS Officer 'up to a point'. Eight per cent felt they could trust the ACAS Officer 'not very far' (see Table 6.9).

- Multi-site employers were more likely than single site employers to trust the ACAS Officer 'a lot'.
- Employers with more recent experience of ET cases were more likely to trust the ACAS Officer. This, perhaps, reflects the build-up of trust over time.

Employers' perceptions of ACAS officers' 'even-handedness'

Asked whether they felt that ACAS was more on their organisation's side, over four-fifths of employers felt the ACAS Officer had been even-handed. Ten per cent said that he or she had been more on the employer's side, with two per cent feeling he or she had been more on the applicant's side.

Employers' propensity to use ACAS in the future

All employers, not only those who had direct contact with ACAS, were asked the likelihood of involving ACAS should they have another ET case. Forty per cent said that they would involve ACAS, while 28 per cent said that it was likely that they would use ACAS. Ten per cent feeling that they would be 'quite unlikely' and seven per cent that it was 'very unlikely'. Fourteen per cent said it would depend on the circumstances. The likelihood of involving ACAS in future cases was not significantly associated with an organisation's sector or size (see Table 6.9).

The more detailed findings show:

- Employers with greater experience in ET cases were more enthusiastic about the prospect of involving ACAS in future.

CHAPTER 7

Outcome

In this Chapter information is provided on the outcome of Employment Tribunal applications. There are five possible outcomes for an Employment Tribunal application. These are withdrawn, dismissed, ACAS settled, privately settled or full hearing. Here the reporting is mainly on settled and withdrawn cases since this is where the Government statistics on the outcome of Employment Tribunal applications are lacking.

In the introduction to this report the distinction was made between the *RITAS outcome* and the *parties' outcome* where it was explained that the *parties' view* of the outcome allowed for the distinction to be made between withdrawn and privately settled cases (though this was limited in the case of some represented parties' imperfect knowledge about ACAS's involvement in private settlements); and, that the *RITAS outcome* provides a more accurate record of ACAS conciliated settlements.

It was also explained for this report that the *RITAS outcome* and *parties' view* of outcome were combined to provide both an accurate record of ACAS settlements and a more accurate view of ACAS and private settlements, conciliated and withdrawn cases. This is referred to as the *survey outcome*. These distinctions, and the reasons for them, should be borne in mind when consulting the Tables related to this Chapter.

It also important to reiterate that there is more than one way that the *survey outcome* could be created. Full details of how it was created are provided in the full technical report ⁴.

Parties' view of settled and withdrawn cases

Overall, 52 per cent cases are settled, while 13 per cent of cases are withdrawn. ACAS account for 73 per cent of all settlements, notwithstanding that ACAS may have had a significant involvement in the 27 per cent of cases that were privately settled. Among those who settle, employers were much more likely than applicants to report an ACAS conciliated settlement rather than a private settlement under both definitions of ACAS conciliated settlements (see Table 7.1). Compromise agreements were used in just under 60 per cent of privately settled cases (see Table 7.7). It is noteworthy that employers were more likely to report the case as withdrawn, while applicants were more likely to report the case as settled.

⁴ The full technical report, which will include the research instruments, syntax files, analysis and full details of how the survey was conducted, together with the dataset will be deposited in the ESRC Data Archive at the University of Essex.

Settlements are most common in breach of contract, unfair dismissal and Wages Act jurisdictions where the settlement rate is between 54 and 58 per cent. In discrimination and redundancy payment cases the settlement rates are 45 per cent and 34 per cent. *It is important to remember that ACAS conciliation was not strictly available for redundancy payments cases at the time of the survey so that the settlement rate is anomalously high rather than low.*

Withdrawn cases are most common in the discrimination jurisdiction where they account for 22 per cent of cases, compared with between 10 and 13 per cent in the other jurisdictions (see Table 7.2).

The detailed findings, presented in Tables 7.3 to 7.6, show:

Outcome by applicant characteristics

- Women were slightly more likely than men to claim that their case had been settled. However, the percentage of cases that were claimed to have gone to a full Employment Tribunal was the same for both men and women. Women were more likely to get an Employment Tribunal decision in their favour.
- Trade union and staff association members are much less likely than non-members to report an ACAS conciliated settlement. They were also more likely than non-members to withdraw, less likely to go a full Tribunal hearing and less likely to have an Employment Tribunal decision in their favour.
- Personal services workers were least likely to settle and alongside clerical workers were most likely to go to a full Employment Tribunal hearing. Professional workers were the least likely to get an Employment Tribunal decision in their favour (see Table 7.5).

Outcome by employer characteristics

- Public sector employers were much less likely to settle than employers from the non-profit or private sectors. They were, however, more likely to have the application withdrawn. They were least likely to get an Employment Tribunal decision in their favour.
- Employers from the non-profit sector were least likely to go to a full Employment Tribunal.
- Workplaces with the smallest workforce, with between one and nine employees, were least likely to settle. They were, however, where they did settle, the most likely to get an ACAS settlement, 53 per cent, followed by employers with the largest workforces, 48 per cent. They were also the most likely to go to a full Employment Tribunal hearing.
- Employers with a single workplace were less likely than multi-site employers to get an Employment Tribunal decision in their favour.

- Employers with the most experience of Employment Tribunal cases were most likely to have the application withdrawn, report an ACAS settlement and get an Employment Tribunal decision in their favour (see Table 7.6).

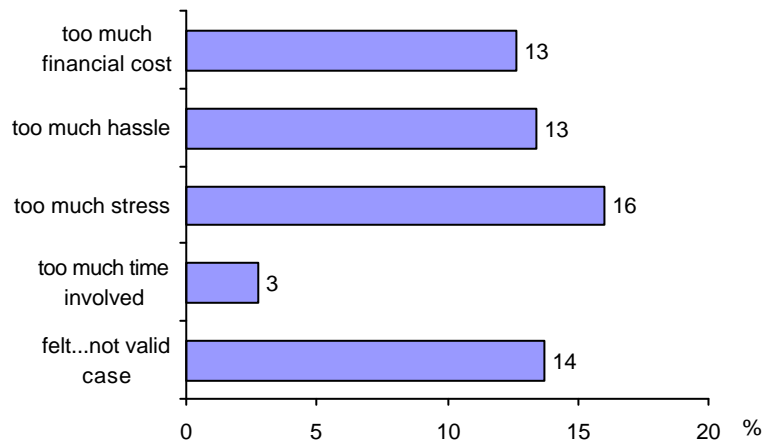
Outcome by jurisdiction

- Redundancy payments followed by discrimination cases were the least likely to settle. Where they do, not unsurprisingly, they are much more likely to be privately settled. When redundancy payment cases are excluded, Wages Act cases are the most likely to be privately settled.
- Applications made under the discrimination jurisdiction were the most likely to be withdrawn.
- Redundancy payment and Wages Act cases are the most likely to go to Employment Tribunal where, in contrast to the other jurisdictions, the majority of decisions are in the applicant's favour.
- Discrimination cases are least likely to be decided in the applicant's favour (See Table 7.2).

Applicants' reasons for withdrawing

Figure 7.1 shows the reasons applicants gave for withdrawing their case. Stress was the most frequently cited reason for an applicant withdrawing his or her case, followed by the perception that they did not have a valid case.

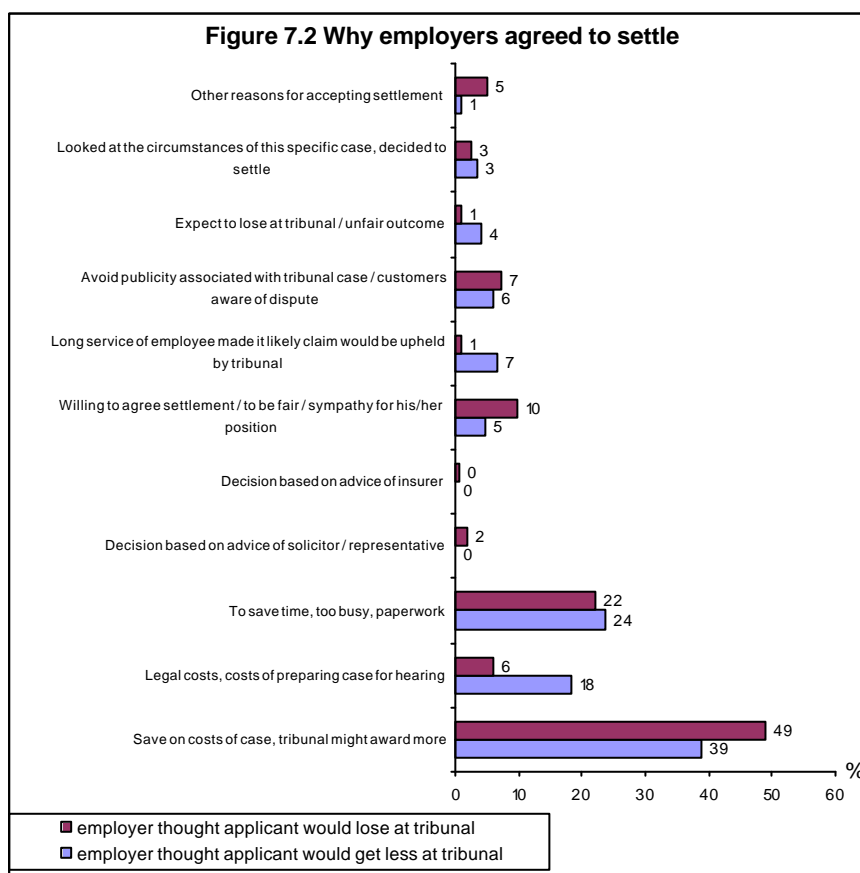
Figure 7.1 Why applicants withdrew their case



Employers' reasons for settling

Employers who settled were asked, if the case had gone to a hearing, what they thought the outcome would have been. Figure 7.2 shows the findings for employers according to whether they expected the applicants to win or lose. This clearly shows that employers' main reasons for settling, regardless of what they expected of the outcome, are to save on costs.

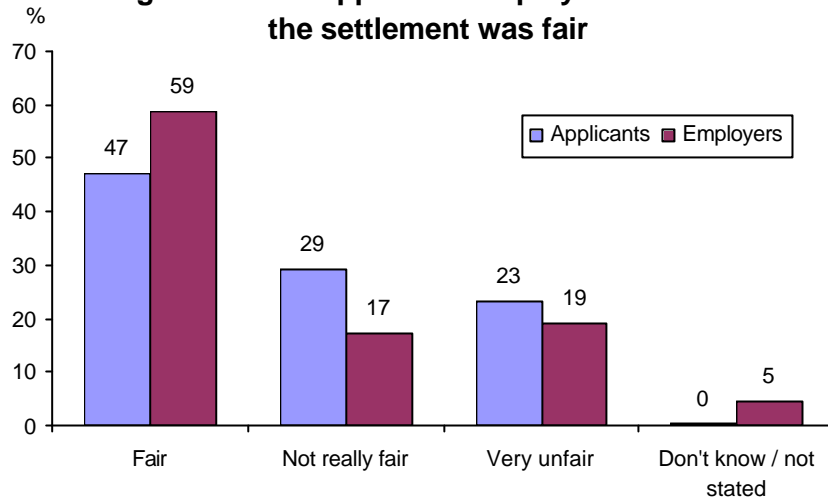
Of the 65 per cent of employers who thought that the applicant might win, 16 per cent thought the applicant would have got more from the Employment Tribunal, 27 per cent thought they would have got less. The sample is too small for any more detailed analysis of cases which employers' expected applicants to lose.



Parties' perceptions of fairness in settled case

Figure 7.3 compares applicants and employers perceptions of fairness in all cases that were settled. This shows that employers were considerably more likely than applicants to think that the settlement was fair, 59 per cent and 47 per cent.

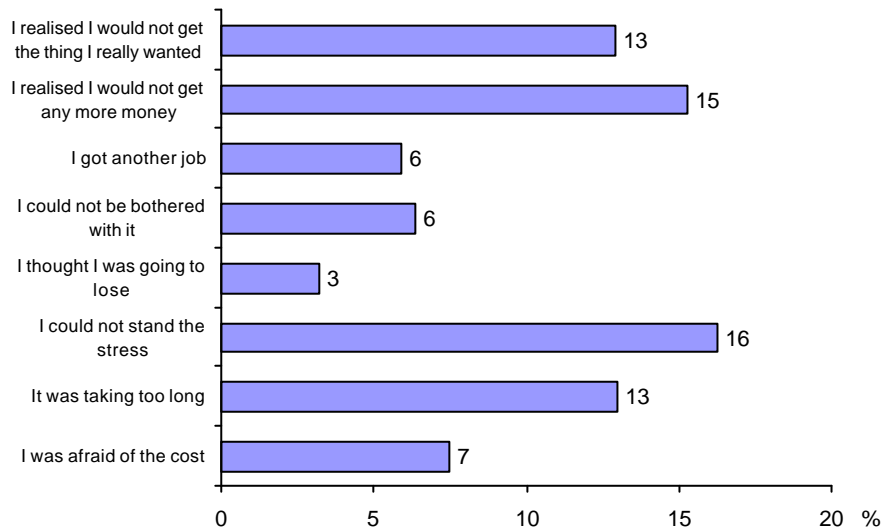
Figure 7.3 Did applicant / employer think that the settlement was fair



Applicants’ reasons for believing that settlements were unfair

In all cases which were settled applicants were asked why they thought the settlement was unfair. The findings are shown in Figure 7.4.

Figure 7.4 Why applicant agreed to settle although thought settlement unfair



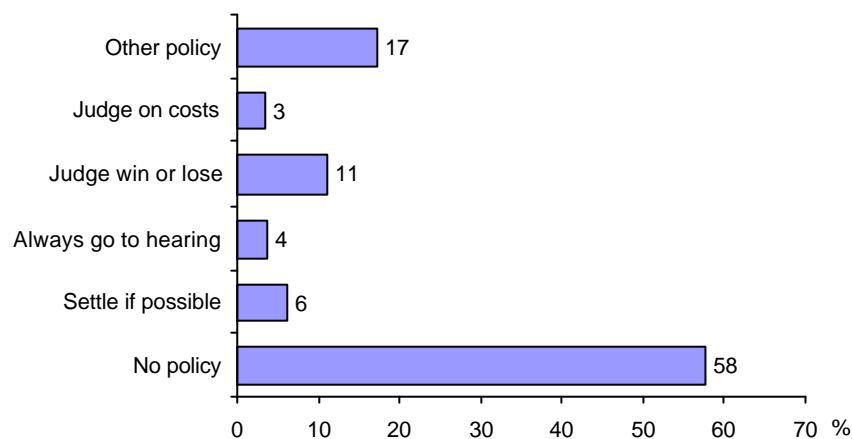
These show that the main reasons for believing that the settlement was unfair relate to applicants’ expectations, when what they said that they would get and the amount of money on offer are combined, 28 per cent. The stress involved in pressing on with the case was the next most important reason, 16 per cent. However, for 13 per cent the reason given related to frustration in progressing the case, which was taking too long. Seven per cent were afraid because of the cost involved.

Employers' policies for dealing with ET cases

Employers were asked whether they had a policy about how to decide how to handle Employment Tribunal applications. Figure 7.5 shows the different types of policy employers have for dealing with ET cases.

A minority of employers (42 per cent) reported having a policy for dealing with ET cases. Four per cent said that they would always contest the case right through to Employment Tribunal hearing. The largest group, 11 per cent, said that they would judge on the merits of the case and six per cent said that they would try for a settlement. Three per cent said that they would make the decision on the basis of the cost involved.

Figure 7.5 Employers' policies for dealing with ET cases



The likelihood that an employer has a policy for dealing with ET cases increases with size, with fewer than one in three of the smallest workplaces having a policy compared with 55 per cent of workplaces with a workforce of 200 or more employees.

CHAPTER 8

Costs and benefits

This section examines the costs and benefits of the case to the parties. These costs include direct financial costs for legal advice and representation, the time spent on the case by applicants and employers, and other non-financial costs to the parties, including, for employers, effects on productivity and reputation, and, for applicants, damaged employment prospects and stress. Employment Tribunal cases may also result in positive outcomes. For example, employers may make changes to procedures in order to obviate future disputes.

Applicants: Employment consequences

Nearly two-thirds of applicants reported working for a different employer at the time of the interview and almost one quarter were out of work. Only three per cent were working for their original employer and a further nine per cent were self-employed (see Table 8.1 and Table 8.2).

The more detailed findings show:

- Applicants bringing discrimination cases were most likely to be out of work, but also to be working for their original employer. Those bringing Wages Act cases were the most likely to be working for a different employer.
- Applicants who had withdrawn their case were least likely to be working for a different employer and slightly more likely than those whose cases had other outcomes to be working for their original employer or to be self-employed.
- Male applicants were more likely to be self-employed and less likely to be out of work than their female counterparts.
- Trade union or staff association members were more likely to be out of work and less likely to be working for either their original employer or a different employer than applicants who were not members.
- Workers in professional and technical occupations were more likely to be self-employed than clerical and service workers. Clerical workers were most likely to be out of work.

Applicants who worked for a different employer or who were self-employed or had had a paid job since leaving their original employer were asked about the relative pay, status and permanence of this alternative work.

- Just under half (45 per cent) of these applicants viewed their new job as a 'stop-gap'.

- Applicants bringing Wages Act cases were most likely to consider the new job permanent while those bringing unfair dismissal claims were the least likely to do so.
- Whether applicants saw their new job as a 'stop-gap' or as permanent was not significantly associated with the outcome of the case or with gender, TU or staff association membership or occupational group.
- Half of these applicants reported earning lower pay and just under a third reported higher pay, with just less than a fifth earning the same pay in their new job.
- These applicants were most likely to say that their new job was of lower status (44 per cent) rather than the same (38 per cent) or higher status (17 per cent).
- Applicants bringing unfair dismissal cases were the most likely to report lower rates of pay and lower status in their new jobs, while those bringing Wages Act cases were least likely to report lower pay and status.
- Pay and status in the new job was not significantly associated with the outcome of the case.
- There was little difference between men and women's likelihood of reporting lower status and pay in their new job. However, women were more likely to report higher pay and status while men tended to report that their pay and status was the same as in their original job.
- Trade union / staff association members were more likely than non-members to report a decrease in the status of their new job. There was no significant association between trade union / staff association membership and pay in the new job.
- Personal services workers were most likely to report higher pay and status in their new job, while workers in professional occupations were most likely to report lower pay and status.

Applicants: Non-financial costs

Applicants were asked whether or not the case had resulted in each of a series of non-financial costs to them. One quarter reported no difficulties. Nearly two-thirds had experienced stress and over a third reported damaged employment prospects. One quarter had experienced worsened relations with family or friends while 12 per cent reported other difficulties (Table 8.3 and 8.4).

The more detailed findings show:

- Applicants bringing cases under unfair dismissal and discrimination jurisdictions were most likely to report each of these non-financial costs, particularly stress.
- Applicants whose cases are resolved at a full Tribunal hearing were less inclined to state that their employment prospects had been damaged than applicants whose cases were resolved in other ways. Those who had withdrawn their case were more likely to report worsened relations with family or friends than applicants whose cases were resolved in other ways.

- Women were more likely than men to report experiencing stress while men were more likely than women to report experiencing no non-financial difficulties.
- Trade union and staff association members were more likely to report each type of non-financial cost than non-members.
- Professional and technical workers were more likely to report damaged employment prospects than those in other occupations. Clerical workers, followed by professionals, reported the highest levels of stress. The highest proportion of workers reporting no difficulties was among those employed in technical and personal services occupations.

Applicants: Time spent on the case

Half of all applicants reported spending 20 hours or longer on their case. The mean time spent on applications was 42 hours. Applicants making claims under discrimination jurisdictions spent the most time on their case (median of 30 hours), followed by those bringing claims for unfair dismissal (20 hours) whilst those bringing Wages Act, redundancy payment and breach of contract cases spent significantly less time on their case (between 10 and 14 hours).

The more detailed findings show:

- Applicants in cases, which were resolved at a full Tribunal hearing, spent the most amount of time on their case.
- Women report spending more time on their case than men. This may reflect the higher proportion of discrimination cases brought by female applicants.
- Trade union / staff association members reported spending longer on their cases than non-members.
- Professional workers spent more time on their cases than other occupational groups.

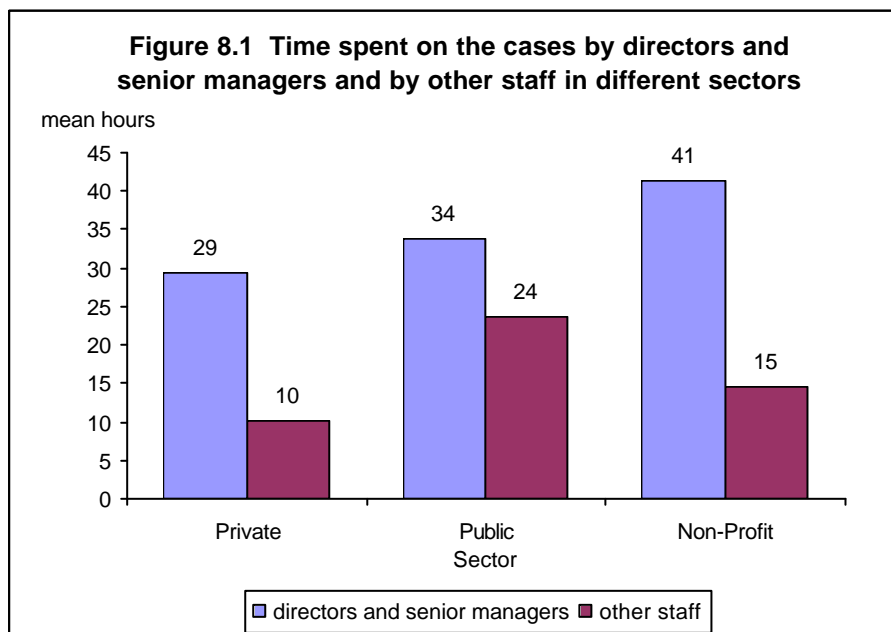
Employers: Time spent on case

Only four per cent of employers reported that directors and senior managers had spent no time on the case, while a further nine per cent did not know. The mean time spent was 31 hours. Half had spent 16 hours or less on the case, with a further quarter spending between 16 and 40 hours. Six per cent reported spending in excess of 100 hours of senior management time on the case (Tables 8.5 and 8.6). In contrast, less than half of employers (44 per cent) indicated that other staff had spent time on the case, and over half of these

(23 per cent) spent between one and ten hours. The mean time spent by other staff was 12 hours.

The more detailed findings show:

- Senior managers and directors spend an average of 50 hours on discrimination cases, 35 hours on unfair dismissal cases and just under 25 hours on breach of contract and redundancy payment cases. Wages Act cases required the least amount of time, at 15 hours. This pattern is broadly reflected in the time spent on the case by other staff.
- As expected, cases that went to a full Tribunal hearing required the greatest level of attention by senior managers and directors, with a mean of 44 hours spent on the case, and by other staff, mean of 20 hours.
- Directors and senior managers in the non-profit sector spent, on average, 41 hours on the case, while their counterparts in the public sector spent 34 hours and those in the private sector spent 29 hours. In contrast, other staff spent most time on the case in public sector organisations (24 hours), followed by those in the non-profit sector (15 hours), with those in the private sector, again, spending the least amount of time (10 hours) on the case (see Figure 8.1).
- The amount of time spent on the case by both directors and senior managers as well as by other staff increases with the size of the organisation. Similarly, more time was spent on the case by directors and senior managers and by other staff at multi-site organisations compared with single site organisations.
- Slightly more time was spent on cases by both directors and senior managers and by other staff among firms with experience of at least one prior ET case, although this may reflect the size of the organisation.



Employers: Legal costs

Over a third of employers reported incurring legal costs for external advice and representation as a result of the case, while 15 per cent did not know. Just under

half (49 per cent) did not incur legal costs (see Table 8.7 and Table 8.8). The mean average legal cost incurred by all employers was just under £800.

The more detailed findings show:

- Employers defending claims of discrimination were most likely to incur legal costs (48 per cent), while those involved in breach of contract and Wages Act cases were less likely to incur legal costs (27 per cent and 23 per cent).
- The likelihood of incurring legal costs is also associated with the outcome of the case, with 42 per cent of cases going to a full Tribunal hearing involving legal costs to the employer compared with only 26 per cent of cases where the application is withdrawn and 34 per cent where the case is settled. The highest percentage of employers incurring legal costs is found among cases, which are dismissed or otherwise disposed (43 per cent).
- When looked at by jurisdiction, the mean legal cost mirrors the initial likelihood of incurring legal costs. Specifically, discrimination cases showed the highest mean average legal costs at over £1,800, which is nearly double the mean legal cost to employers involved in redundancy payment and unfair dismissal cases (between £900 and £1,000). Employers involved in breach of contract and Wages Act cases incurred the lowest mean legal costs, ranging from £200 to about £400.
- In terms of outcome, cases going to a full Tribunal hearing incurred the highest mean average legal costs at just under £1,200, compared with around £900 for cases, which are withdrawn and are dismissed or otherwise disposed. Cases, which were settled, incurred the lowest mean legal cost at just under £600.
- The legal costs incurred by employers increases with the size of the organisation from just over £500 among the smallest employers (one to nine employees) to just over £1,500 among those employing over 200 workers.
- Multi-site organisations and those, which have faced prior ET cases, incur higher costs than single site firms and those with no prior experience of ET cases. However, this is likely to be a function of the size of the organisation.

Employers: Damage to reputation and workplace relations

Employers were asked whether or not the case had resulted in each of four types of non-financial cost. Just over three-quarters (76 per cent) claimed that the case had resulted in no non-financial costs. Of the specific non-financial costs asked about, increased staff stress was the most frequently mentioned (14 per cent). Damage to reputation and workplace relations was reported by seven and five per cent of employers respectively, while three per cent mentioned lowered output. A further three per cent noted other kinds of non-financial cost (see Table 8.9 and Table 8.10).

The more detailed findings show:

- When looked at by jurisdiction, discrimination cases incur the greatest level of non-financial costs to employers. Substantially more employers facing discrimination cases identified some kind of non-financial cost than employers in other jurisdictions: 43 per cent compared with 12 per cent of redundancy payment cases and 24 per cent in the remaining three jurisdictions. Nearly twice as many employers reported increased staff stress in discrimination cases compared with all jurisdictions taken together (27 per cent and 14 per cent respectively). Similarly, three times as many reported damaged workplace relations: 15 per cent, compared with an average of five per cent across all jurisdictions.
- The likelihood of an employer reporting any of these non-financial costs was not significantly associated with the outcome of the case.
- Employers in the non-profit and private sectors were more likely to report some kind of non-financial cost than their counterparts in the public sector.
- The smallest employers, with a workforce of between one and nine, were much more likely than all others to mention increased staff stress (19 per cent) and least likely to say they had experienced no non-financial costs (69 per cent).
- Single site workplaces were more likely than multi-site workplaces to report damaged workplace relations, lowered output and increased staff stress.
- Lowered output and increased staff stress were more prevalent among employers who had not experienced an ET case in the past five years.

Employers: Longer term changes in workplace practices

Employers were also asked whether or not they had made any changes in workplace practices or administration or could identify any benefits as a result of the case. Twenty-one per cent of all employers had made a change in their procedures as a result of the case, while 13 per cent could cite a procedural benefit (Table 8.11 and Table 8.12).

The more detailed findings show:

- Employers involved in discrimination cases were most likely to have made a procedural change as a result of the case, whilst those involved in redundancy payment cases were least likely to have done so.
- Employers involved in cases, which were settled, were more likely to identify procedural changes resulting from the case than those whose cases were resolved in other ways.
- Non-profit sector employers were the most likely to identify procedural changes, followed by those in the private sector, whilst public sector employers were the least likely to identify such changes.

- Identifying procedural changes was not significantly associated with the size of an organisation, although single site organisations were more likely than their multi-site counterparts to identify such changes.
- Employers with the most experience of Employment Tribunal cases over the past five years were less likely than other organisations to identify procedural changes resulting from the present case.

CHAPTER 9

Technical report

The 1998 Survey of Employment Tribunal Applications was an ambitious research project. On the one hand, its purpose was to update the information obtained by prior studies on Employment Tribunals, and to this end it was necessary to preserve some continuity in its research design. However, on the other hand, it sought to innovate and address topics in a different way, with a view to improving on previous research designs and to addressing current policy interests. This section provides an overview of the more technical aspects of the way in which the survey was designed, implemented and reported.

Survey design

A major innovation over the design of the 1992 Survey of Industrial Tribunals (SITA 92) was the attempt to strike a balance between applicants and employers. SITA 92 was unbalanced in this regard, as applicants who brought a particular ET case were approached and interviewed only *after* employers involved in this case had been interviewed. This meant that the sample of applicants was subject to two levels of non-response, which raised questions regarding its representativeness of the general population. In SETA 98, on the other hand, this problem was avoided by effectively drawing two separate samples, one for employers and one for applicants.

SITA 92 included ET cases brought under 5 jurisdictions: (a) unfair dismissal, (b) unlawful deductions from wages, as stipulated by the 1986 Wages Act, (c) redundancy payments, (d) sex discrimination and (e) race discrimination. These jurisdictions were also the focus in SETA 98, although, due to their low numbers, sex and race discrimination were collapsed into a single 'discrimination' category. An additional jurisdiction, 'breach of contract' was included, bringing the total number of jurisdictions back to five.

Not all jurisdictions were covered in the same depth. Applications made under the jurisdictions of unfair dismissals, Wages Act and breach of contract were examined in greater detail to establish the nature of cases brought to Employment Tribunals. In these jurisdictions, special attention was given to (a) the reasons why the ET cases were brought, (b) the costs incurred by the parties, (c) the determinants of outcomes, and (d) the role and effectiveness of ACAS's Individual Conciliation Officers.

Sampling

The sample for the survey was taken from records of applications at the Employment Tribunal Service and was randomly divided between applicant and employer samples. Samples were representative of cases brought during a specific time period, namely from the start of 1995 to April 1997. Nineteen per cent of applications in the final sample had been submitted in 1995, 73 per cent in 1996 and seven per cent in early 1997. At the time of the fieldwork, practically all cases had reached a conclusion, with the exception of a small number, which were still in the appeal procedure.

In total, 48,758 cases met the sampling criteria in terms of main jurisdiction and date of registration. The distribution of the eligible cases by jurisdiction and outcome is shown in the following table:

Main Jurisdiction	All eligible Applications	%
Unfair dismissal	29,356	60
Wages Act	8,675	18
Breach of contract	4,346	9
Sex/race discrimination	2,627	5
Redundancy payments	3,754	8
Total	48,758	100

As is clear from the figures shown in the table, a uniform sample, though representative of the larger population, would have included a relatively large amount of unfair dismissal cases and a corresponding small amount of cases brought under other jurisdictions. The discrimination jurisdiction is a particularly salient illustration, as it would have been represented in only five per cent of sampled ET applications. Thus, obtaining a minimally robust number of jurisdiction cases would have implied including an unreasonably high amount of unfair dismissal cases. This would have been unwise, as it constitutes inefficient use of valuable research resources. As a solution, therefore, the following weighting scheme was adopted: 40 per cent of cases in the sample were drawn from unfair dismissal cases, 20 per cent from Wages Act, 20 per cent from breach of contract, 10 per cent from discrimination and 10 per cent from redundancy payments.

In addition, there was also a need to allow for disproportionate sampling of cases brought in Scotland and in the London area. Scottish cases amounted to a mere seven per cent of total eligible cases, and therefore the proposal emerged to raise this figure by 1.5. Similarly, cases brought in London accounted for 10 per cent of the eligible sample, and therefore this figure too was raised by a factor of 1.5. However, for the purpose of analysis the correct proportion of applications in these regions had to be restored. To this end, a weighting scheme was created using official records supplied by ETS (see below).

In the end, a main sample of 5,000 applications was drawn (i.e. 2,500 for applicants and 2,500 for employers) with the aim of achieving a target of 1,500 productive interviews for each group. In addition, there was a reserve sample of 1,000 cases, divided equally among applicants and employers, bringing the total number of cases available to 6,000. All applications in the sample were selected randomly.

Weighting

As noted above, the sample design involved a weighting scheme. Initially, the number of *achieved* interviews in the categories of jurisdiction and region were restored so that they would correspond to the profile found among the eligible cases. This process was done separately for applicants and employers, producing a sample, which could have effectively been drawn from the population of eligible cases. Subsequently, these weighted cases were taken and scaled back to make them approximately equal to the actual number of interviews conducted in the categories of jurisdiction and region (which corresponded to the criteria set out when establishing the sample). This process resulted in the weight, which has been employed throughout the analysis of SETA 98.

Questionnaire design

Essentially, the structure of the questionnaire was the same for employers and applicants. There were, however, two versions of this structure: one long ('in-depth') and one slightly shorter ('core') version. The questionnaire was developed and improved with feedback from two sets of pilot interviews.

In the first set of interviews (n=12), it emerged that some of the key terminology caused problems with interviewees. For example, often applicants who had reached a privately negotiated settlement claimed that they had 'withdrawn' their application. From the perspective of the applicant this notion was correct and accurately described the outcome of the case. For the purposes of SETA 98, however, this caused confusion, as 'withdrawn' and 'settled' were two distinct and mutually exclusive outcomes. In order to avoid this problem and other similar ones, one of the strategies adopted in the main survey was to send interviewees an information sheet, which set out and explained some of the key survey vocabulary. It also gave applicants the opportunity to organise the information they had about the case before the interview.

The second set of pilot interviews, conducted for both in-depth and core versions of the questionnaire, was considerably larger than the first (n=27) and sought to identify those questions which could be simplified or removed. In the process, however, a number of problems with the programming were uncovered (and subsequently resolved). In the end, a final questionnaire was developed, whose length varied depending on the amount of detail that needed to be collected. On

average, however, the 'in-depth' version of the questionnaire lasted 45 minutes and the 'core' version lasted 30 minutes.

Response rate

On the whole, applicants had a considerably higher response rate (77 per cent) than employers (63 per cent). The reason behind this difference might be that employers were contacted in a two-stage process. As such, there were two opportunities for those identified to decline taking part in the study. These rates of response do not include cases in which there was never any prospect of conducting an interview. For example, many applicants were simply untraceable, often due to the absence of a valid telephone number. Similarly, many employer organisations had closed (see Table 9.1 for data on the achieved sample).

In terms of regions, London was a slightly more difficult area to conduct the research than elsewhere. By contrast, response rates by jurisdiction were fairly consistent (although employers tended to be less co-operative in cases of unfair dismissal). In terms of outcome, employers were much more willing to take part in cases where a settlement had been reached privately, the applicant had withdrawn his/her application, or the Tribunal had rejected the application, than where the case had been settled with formal ACAS conciliation or where the Tribunal had decided in favour of the applicant. By contrast, response rates among applicants did not vary significantly across outcome.

Preparing the data set and presenting the findings

Four discrete versions of the Blaise program were used for conducting interviews, which resulted in four complementary but slightly different data sets. Thus, in linking the data, some problems emerged, such as variables with the same name but with different ways of coding and categorising answers. Moreover, there were some missing data in some areas, explained, to a large degree, by the complexity of the interviews and the large amount of factual material which respondents were asked to provide.

The secondary analysis conducted at DTI had to keep issues such as these in mind and find ways of resolving the problems they posed. In the end, a manageable data set was achieved, from where the findings of the present study were obtained. All analyses were undertaken methodically and systematically, paying special attention to any anomalies or inconsistencies in the data set.

The tables in the Annex present the findings in table format. The figures cited refer to percentages unless stated otherwise. For all tables, the weighted as well as unweighted base is included. Chi-square statistics are also reported for each table. However, whereas particular tables might include 'don't knows' and 'not stated', these were omitted for the purposes of arriving at the Chi-square figures. In general, the following reporting conventions were adhered to:

<i>Symbol</i>	<i>Interpretation</i>
0	Less than 0.5 per cent.
.	No data in the cell.
()	Number should be treated with caution as unweighted base is between 20 and 50 observations.
*	The unweighted base is fewer than 20 observations and is too low to produce any reliable estimate.

ANNEX: TABLES

Single and multiple case and single and multi-jurisdictions

Table 2.1

	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	All
Single case or multiple						
Single case	95	95	98	96	84	94
2-4 cases	5	5	1	4	9	4
5-9 cases	0	.	.	.	2	0
10-19 cases	.	.	0	.	1	0
20+ cases	0	.	.	.	1	0
>1 but DK number	0	.	.	.	.	0
2 or more cases	5	6	2	4	13	5
Don't know	0	.	0	.	3	0
weighted	800	106	208	81	98	1293
unweighted	582	215	206	190	100	1293
Single or multi-jurisdiction						
Single jurisdiction	93	91	94	75	95	92
Multi-jurisdiction	7	9	6	25	5	8
weighted	799	107	207	81	98	1292
unweighted	582	215	206	190	100	1293

Based on all employers

Chi-square for single versus two or more cases: 18.7 (4df) p=.001

Chi-square for single versus multiple jurisdiction: 35.2 (4df) p<.001

Applicants survey: Personal characteristics by jurisdiction

Table 3.1

	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	All
Sex						
Male	62	63	62	28	57	60
Female	38	37	38	72	43	40
weighted	817	126	244	76	110	1373
unweighted	508	271	280	151	174	1384
Ethnic group						
White	94	97	95	63	100	93
Black	2	1	1	16	.	2
South Asian	2	2	2	14	.	3
Chinese	0	0	.	0	.	0
Another ethnic group	2	0	2	7	.	2
NS	.	0	.	.	.	0
weighted	817	126	244	76	109	1371
unweighted	508	270	280	151	174	1383
Age group						
16-19 years	1	3	9	3	.	3
20-24 years	4	7	12	9	4	6
25-34 years	23	28	26	33	11	23
35-49 years	44	38	34	42	40	41
50-65 years	28	23	17	13	45	26
66+ years	0	1	0	.	.	0
DK	.	0	.	.	.	0
weighted	817	125	244	76	109	1371
unweighted	508	269	280	151	174	1382
mean	42	40	36	37	47	41
median	43	41	35	36	49	42
weighted	817	125	244	76	109	1371
unweighted	508	268	280	151	174	1383
Marital status						
Married, or living as married	70	67	58	65	72	68
Widowed, divorced or separated	11	10	9	12	15	11
Single	19	22	33	23	14	22
Not stated	.	0	.	.	.	0
weighted	817	126	244	76	109	1371
unweighted	508	270	280	151	174	1383
Applicant's partner in paid employment						
Male applicants	63	71	66	[59]	65	64
weighted	353	55	92	12	47	560
unweighted	220	124	104	29	75	552
Female applicants	79	80	70	83	[83]	79
weighted	218	29	51	37	31	366
unweighted	133	59	58	66	46	362

Based on all applicants except employment status of partner: married or living as married
 Chi-square for sex: 34.8 (4df), p<.001;
 Chi-squares for ethnic group and age group are not valid due to low expected cell counts
 Chi-square for marital status: 27.0 (8df) p<.001; for applicant's partner's employment status:
 1.5 (4df) p=.824 for male applicants and 3.4 (4df) p=.488 for female applicants

Table 3.2

Applicants survey: Employment-related characteristics by jurisdiction

	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	All
Employment status						
Permanent full-time	86	87	80	76	83	84
Permanent part-time	13	7	12	19	15	13
Temporary job	2	6	7	5	2	3
Don't know	.	1	.	.	.	0
Not stated	.	0	.	.	.	0
weighted	817	126	244	67	108	1361
unweighted	508	270	280	133	173	1364
Occupational group						
Manager & administrators	22	21	17	14	21	21
Professional	6	6	3	9	1	5
Associate professional/technical	8	6	4	16	8	8
Clerical & secretarial	15	14	16	19	17	16
Craft & related	9	17	12	2	21	11
Personal & protective services	11	10	14	9	9	11
Sales	7	12	13	10	5	8
Plant & machine operatives	13	9	13	13	13	13
Other occupations	7	4	8	7	6	7
weighted	810	121	241	76	109	1356
unweighted	504	264	276	151	172	1367
Skill level						
Skilled non-manual	37	33	26	39	30	34
Less skilled non-manual	21	26	28	32	20	23
Skilled manual	11	18	15	3	23	13
Less skilled manual	31	22	32	26	27	30
weighted	794	120	230	76	109	1328
unweighted	494	262	264	150	172	1342
Annual pay (full-time permanent employees)						
mean	15623	16168	12589	15251	13787	15007
median	13504	13319	9865	14609	12000	13000
weighted	660	102	179	49	86	1076
unweighted	415	226	205	99	134	1079
Service (years)						
mean	7	4	3	5	11	7
median	5	1	1	3	8	5
weighted	815	125	244	67	108	1359
unweighted	506	269	280	133	173	1361
Member of trade union or staff association?						
yes	24	15	14	38	15	22
no	76	84	86	62	85	78
Don't know	.	0	0	.	.	0
Not stated	.	0	.	.	.	0
weighted	817	123	244	67	108	1359
unweighted	508	269	280	133	173	1363

Based on all applicants except annual pay: full-time permanent employees not on commission
 Chi-square for employment status: 32.1 (8df) p<.001
 Occupational group based on 1990 Standard Occupational Classification; Chi-square: 64.9 (32df) p<
 Chi-square for skill level: 38.2 (12df) p<.001
 Chi-square for union membership: 29.2 (4df) p<.001

Employers survey: Characteristics by jurisdiction

Table 3.3

	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	All
Industrial sector						
Agriculture, fishing, mining, utilities	5	6	7	6	11	6
Manufacturing	23	22	15	13	20	21
Construction	4	5	6	1	11	5
Wholesale/retail, hotels/restaurants	21	19	25	19	12	21
Transport, storage, communications	8	7	8	4	4	8
Financial, renting, business	15	18	21	20	20	17
Public admin, education, health, etc	23	23	16	38	22	23
weighted	787	100	201	80	97	1265
unweighted	571	203	198	188	98	1258
Sector						
Private sector	80	84	88	62	86	81
Public sector	14	10	7	28	10	13
Non-profit organisation	6	5	4	10	4	6
Don't know	0	1	0	.	.	0
weighted	797	107	206	81	92	1283
unweighted	580	214	204	190	98	1286
Number of employees at workplace						
1 to 9	23	34	34	12	40	26
10 to 24	19	22	27	20	10	20
25 to 49	12	12	10	13	7	12
50 to 199	23	18	12	18	19	20
200 or more	16	9	9	16	8	14
Don't know / Not stated	6	5	8	21	15	8
weighted	799	107	207	82	98	1294
unweighted	582	215	206	190	100	1293
mean	190	64	84	239	68	156
median	30	18	14	40	12	24
weighted	750	102	192	65	84	1193
unweighted	542	206	190	140	93	1171
Single or multi-site organisation						
Many establishments in UK	60	44	46	66	40	55
Single establishment	38	56	54	33	60	44
Not stated	1	.	.	0	.	1
weighted	798	107	206	82	98	1290
unweighted	580	214	204	190	100	1288
Number of other ET cases in past 5 years						
None	35	46	48	33	52	39
1 to 5	32	35	30	36	28	32
6 or more	25	15	15	24	13	21
Don't know	9	4	7	7	7	8
weighted	798	107	206	82	98	1290
unweighted	580	214	204	190	100	1288

Based on all employers. Industrial sector based on 1992 classification

Chi-squares: Industrial sector: 52.8 (24df) p<.001; Sector: 10.0 (4df) p=.040; Number of employees at worksite: 59.3 (16df) p<.001; Single / multiple site: 37.8 (4df) p<.001; and number of ET cases: 27.7 (8df) p<.001

Table 3.4

Employers survey: Jurisdiction by characteristics (row percentages)

	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	weighted base	unweighted base
All employers	62	8	16	6	8	1294	1293
Industrial sector							
Agriculture, fishing, mining, utilities	54	8	19	6	14	80	85
Manufacturing	69	8	12	4	7	263	231
Construction	48	9	22	2	19	58	60
Wholesale/retail, hotels/restaurants	63	7	19	6	5	264	265
Transport, storage, communications	68	7	18	3	4	96	96
Financial, renting, business	56	8	19	7	9	216	225
Public admin, education, health, etc	63	8	11	10	7	288	296
Sector							
Private sector	61	9	18	5	8	1037	1016
Public sector	66	6	8	14	5	170	192
Non-profit organisation	64	7	12	11	5	73	72
Number of employees at workplace							
1 to 9	54	11	21	3	12	340	338
10 to 24	59	9	22	6	4	258	249
25 to 49	66	9	13	7	5	151	156
50 to 199	70	7	10	6	7	260	245
200 or more	72	6	11	7	4	180	177
Single or multi-site organisation							
Many establishments in UK	67	7	13	8	5	716	719
Single establishment	54	11	20	5	10	565	562
Number of other ET cases in past 5 years							
None	55	10	20	5	10	507	501
1 to 5	62	9	15	7	7	408	410
6 or more	71	6	11	7	5	276	283

Based on all employers. Industrial sector based on 1992 classification; Chi-squares shown on Table 5a

Table 4.1

Applicants survey: Written statement of terms and conditions by jurisdiction and *survey outcome*

	Jurisdiction						Outcome			
	All	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed
Was applicant issued with a written statement terms and conditions after joining the organisation?										
Yes	60	67	65	44	71	38	63	65	52	70
No	38	31	34	53	29	61	35	34	47	27
Don't know	2	2	2	2	.	1	2	1	1	2
Not stated	0	0	.	.	.	.	0	.	.	.
weighted	1361	817	125	245	66	108	753	150	370	88
unweighted	1364	508	270	280	133	173	741	175	375	73
			Chi-sq: 68.8 (4df) p<.001					Chi-sq: 19.4 (3df) p<.001		
Applicant issued with written statement of terms and conditions describing disciplinary procedure										
Yes	45	51	47	30	54	28	50	46	36	45
			Chi-sq: 51.7 (4df) p<.001					Chi-sq: 18.5 (3df) p<.001		
Applicant issued with a written statement of terms and conditions describing grievance procedure										
Yes	37	42	39	24	47	21	40	38	29	43
			Chi-sq: 41.8 (4df) p<.001					Chi-sq: 13.7 (3df) p=.003		
Applicant issued with written statement of terms and conditions describing both disciplinary and grievance procedures										
Yes	36	41	38	23	43	20	39	35	28	41
			Chi-sq: 41.3 (4df) p<.001					Chi-sq: 13.2 (3df) p=.004		
weighted	1358	815	125	244	66	109	751	150	370	87
unweighted	1361	506	269	280	133	173	739	175	374	73

Top question based on all applicants; remaining questions based on all applicants responding yes, no or don't know to top question.

Table 4.2

Employers survey: Written statement of terms and conditions by jurisdiction and *survey outcome*

	Jurisdiction						Outcome				
	All	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed	
Was applicant issued with a written statement terms and conditions after joining the organisation?											
Yes	82	84	81	77	84	64	82	81	83	79	
No	15	11	18	20	14	28	16	16	12	16	
Don't know	4	4	1	2	1	8	3	3	5	6	
weighted	1271	799	106	206	70	89	625	189	331	127	
unweighted	1249	580	214	204	155	96	601	227	306	114	
			Chi-sq: 27.0 (4df) p<.001					Chi-sq: 2.2 (3df) p=.542			
Applicant issued with written statement of terms and conditions describing disciplinary procedure											
Yes	72	75	71	68	77	46	74	74	69	68	
			Chi-sq: 37.1 (4df) p<.001					Chi-sq: 3.3 (3df) p=.355			
Applicant issued with a written statement of terms and conditions describing grievance procedure											
Yes	72	76	64	67	80	43	73	74	69	69	
			Chi-sq: 50.4 (4df) p<.001					Chi-sq: 2.0 (3df) p=.573			
Applicant issued with written statement of terms and conditions describing both disciplinary and grievance procedures											
Yes	69	73	64	66	77	43	71	71	66	66	
			Chi-sq: 39.2 (4df) p<.001					Chi-sq: 2.5 (3df) p=.483			
weighted	1271	799	106	206	70	89	625	188	331	127	
unweighted	1249	580	214	204	155	96	601	227	306	114	

Top question based on all employers; remaining questions based on all employers responding yes, no or don't know to top question.

**Applicants and employers surveys:
Written statement of terms and conditions by *survey outcome***
(Row Percentages)

Table 4.3

	Outcome				weighted base	unweighted base	Decision at Full Hearing			
	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed			in favour of applicant	not in favour of applicant	weighted base	unweighted base
Was applicant issued with a written statement terms and conditions after joining the organisation?										
Applicants										
Yes	52	10	34	5	513	553	39	61	192	176
No	57	12	23	8	824	786	45	55	173	193
	Chi-sq: 68.8 (4df) p<.001						Chi-sq: 1.1 (1df) p=.292			
Employers										
Yes	49	15	26	10	1037	1006	36	64	274	255
No	52	16	21	11	187	201	58	43	40	36
	Chi-sq: 2.2 (3df) p=.542						Chi-sq: 6.7 (1df) p=.010			
Applicant issued with written statement of terms and conditions describing disciplinary procedure										
Applicants										
Yes	61	11	22	6	613	571	38	62	133	119
No	51	11	32	6	745	790	44	56	237	255
	Chi-sq: 51.7 (4df) p<.001						Chi-sq: 1.1 (1df) p=.300			
Employers										
Yes	50	15	25	9	916	894	38	62	230	220
No	46	14	28	11	357	354	43	57	101	86
	Chi-sq: 3.3 (3df) p=.355						Chi-sq: 0.7 (1df) p=.415			
Applicant issued with a written statement of terms and conditions describing grievance procedure										
Applicants										
Yes	60	11	22	7	502	475	31	69	108	99
No	53	11	31	6	856	886	47	53	262	275
	Chi-sq: 41.8 (4df) p<.001						Chi-sq: 8.1 (1df) p=.005			
Employers										
Yes	50	15	25	10	912	884	35	65	230	221
No	47	14	28	11	359	364	49	51	101	85
	Chi-sq: 2.0 (3df) p=.573						Chi-sq: 5.2 (1df) p=.023			
Applicant issued with written statement of terms and conditions describing both disciplinary and grievance procedures										
Applicants										
Yes	60	11	22	7	486	452	30	70	106	96
No	53	11	30	6	872	909	47	53	264	278
	Chi-sq: 41.3 (4df) p<.001						Chi-sq: 8.4 (1df) p=.004			
Employers										
Yes	50	15	25	10	878	854	36	64	220	211
No	47	14	28	11	393	394	46	54	111	95
	Chi-sq: 2.5 (3df) p=.483						Chi-sq: 3.1 (1df) p=.078			

Analyses by outcome based on all applicants and employers respectively. Analyses by outcome at tribunal based on all cases resolved at full tribunal hearing.

Applicants survey: Written statement of terms and conditions by characteristics

Table 4.4

	All	gender		TU / Staff Association		Profes.	Occupational Group		
		Male	Female	Member	Non-Member		Technical	Clerical	Pers. serv.
Was applicant issued with a written statement terms and conditions after joining the organisation?									
Yes	60	64	55	76	56	67	59	59	56
No	38	34	42	21	42	32	40	38	43
Don't know	2	1	2	2	1	0	0	3	2
Not stated	0	0	0	0	0	.	0	0	.
weighted	1361	809	553	292	1064	349	254	327	322
unweighted	1364	794	570	286	1074	343	279	336	299
		Chi-sq: 9.9 (1df) p=.002		Chi-sq: 42.3 (1df) p<.001		Chi-sq: 8.8 (3df) p=.033			
Applicant issued with written statement of terms and conditions describing disciplinary procedure									
Yes	45	48	40	60	41	55	43	43	40
		Chi-sq: 9.2 (1df) p=.002		Chi-sq: 34.6 (1df) p<.001		Chi-sq: 19.8 (3df) p<.001			
Applicant issued with a written statement of terms and conditions describing grievance procedure									
Yes	37	40	32	49	34	48	35	35	32
		Chi-sq: 9.6 (1df) p=.002		Chi-sq: 21.1 (1df) p<.001		Chi-sq: 23.5 (3df) p<.001			
Applicant issued with written statement of terms and conditions describing both disciplinary and grievance procedures									
Yes	36	39	31	47	33	47	33	35	30
		Chi-sq: 9.1 (1df) p=.003		Chi-sq: 20.7 (1df) p<.001		Chi-sq: 23.8 (3df) p<.001			
weighted	1358	807	551	292	1063	350	253	326	323
unweighted	1361	792	569	285	1073	343	278	335	299

Top question based on all applicants; remaining questions based on all applicants responding yes, no or don't know to top question.

Employers survey: Written statement of terms and conditions by characteristics

Table 4.5

	Sector			Number of employees at worksite					Single or multiple site		Other ET cases in past 5 years		
	Private	Public	Non-Profit	1 to 9	10 to 24	25 to 49	50 to 199	200 or more	Multiple	Single	None	1 to 5	6 or more
Was applicant issued with a written statement terms and conditions after joining the organisation?													
Yes	80	93	78	68	76	84	93	95	90	71	68	87	95
No	16	3	21	29	18	11	6	2	6	25	27	11	3
Don't know	4	4	1	4	6	5	1	3	3	4	5	2	2
weighted	1028	166	72	340	259	151	260	180	709	551	496	404	275
unweighted	994	179	70	338	249	156	245	177	699	543	481	397	279
	Chi-sq: 21.9 (2df) p<.001			Chi-sq: 93.9 (4df) p<.001					Chi-sq: 90.2 (1df) p<.001		Chi-sq: 88.6 (2df) p<.001		
Applicant issued with written statement of terms and conditions describing disciplinary procedure													
Yes	71	80	69	57	69	73	84	88	81	61	57	79	88
	Chi-sq: 5.4 (2df) p=.066			Chi-sq: 77.5 (4df) p<.001					Chi-sq: 60.4 (1df) p<.001		Chi-sq: 99.5 (2df) p<.001		
Applicant issued with a written statement of terms and conditions describing grievance procedure													
Yes	70	82	75	53	71	74	82	91	82	59	54	79	88
	Chi-sq: 10.7 (2df) p=.005			Chi-sq: 103.2 (4df) p<.001					Chi-sq: 84.6 (1df) p<.001		Chi-sq: 120.3 (2df) p<.001		
Applicant issued with written statement of terms and conditions describing both disciplinary and grievance procedures													
Yes	68	76	69	52	67	70	80	87	79	56	52	77	86
	Chi-sq: 4.2 (2df) p=.125			Chi-sq: 89.9 (4df) p<.001					Chi-sq: 79.0 (1df) p<.001		Chi-sq: 117.1 (2df) p<.001		
weighted	1029	166	71	340	259	151	260	180	710	552	495	404	275
unweighted	994	179	70	338	249	156	245	177	699	543	481	397	279

Top question based on all employers; remaining questions based on all employers responding yes, no or don't know to top question.

Applicants survey: Written procedures by jurisdiction and survey outcome

Table 4.6

	All	Jurisdiction					Outcome				
		Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed	
Did organisation have a written procedure for dealing with these sorts of issues?											
Yes	28	36	24	10	43	7	30	33	23	31	
No	61	53	65	80	43	85	58	54	70	57	
Don't know	11	11	11	10	15	7	12	13	7	11	
Not stated	0	0	.	.	.	.	0	.	.	.
weighted	1369	816	123	244	75	110	753	153	374	87	
unweighted	1382	508	269	280	151	174	745	183	381	73	
			Chi-sq: 105.0 (4df) p<.001					Chi-sq: 12.4 (3df) p=.006			
Based on all applicants											
Were written procedures followed before application was made?											
Yes, all the way through	32	33	24	[38]	33	*	34	30	28	[26]	
Yes, part of the way	14	15	3	[21]	12	*	12	22	14	[22]	
No	52	51	69	[42]	52	*	51	48	58	[52]	
Don't know	1	1	3	[.]	3	*	3	.	.	[.]	
weighted	386	293	29	24	33	7	224	50	85	27	
unweighted	346	184	59	27	64	12	187	56	77	26	
			Chi-sq: 7.6 (8df) p=.478					Chi-sq: 5.7 (6df) p=.455			
Based on applicants who said the organisation had a written procedure for dealing with these sorts of issues											

Employers survey: Written procedures by jurisdiction and survey outcome

Table 4.7

	All	Jurisdiction				Outcome				
		Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed
Did organisation have a written procedure for dealing with these sorts of issues?										
Yes	51	59	33	36	62	24	50	58	47	49
No	48	40	66	62	37	69	48	39	51	48
Don't know	2	2	1	1	1	6	2	2	1	3
Not stated	0	.	.	0	.	.	.	1	.	.
weighted	1287	796	105	205	82	98	630	190	342	125
unweighted	1285	578	213	204	190	100	612	235	322	115
		Chi-sq: 79.3 (4df) p<.001					Chi-sq: 7.1 (3df) p=.070			
Based on all employers										
Were written procedures followed before application was made?										
Yes, all the way through	58	64	37	36	53	42	55	61	62	52
Yes, part of the way	13	13	11	16	12	8	15	10	12	18
No	27	20	51	45	35	42	27	27	25	29
Don't know	2	3	.	3	.	8	3	2	1	2
weighted	649	464	35	75	51	24	312	111	162	62
unweighted	630	338	72	75	117	28	284	136	153	57
		Chi-sq: 42.1 (8df) p<.001					Chi-sq: 4.2 (6df) p=.653			
Based on all employers who said they had written procedures for dealing with these sorts of issues										

**Applicants and employers surveys:
Written procedures by *survey outcome***
(Row Percentages)

Table 4.8

	Outcome				Decision at Full Hearing					
	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed	weighted base	unweighted base	in favour of applicant	not in favour of applicant	weighted base	unweighted base
Did organisation have a written procedure for dealing with these sorts of issues?										
Applicants										
Yes	58	13	22	7	386	346	27	73	85	77
No	52	10	32	6	831	884	48	52	262	276
	Chi-sq: 12.4 (3df) p=.006						Chi-sq: 12.0 (1df) p=.001			
Employers										
Yes	49	17	25	9	650	631	28	72	162	153
No	50	12	29	10	613	634	49	51	175	165
	Chi-sq: 7.1 (3df) p=.070						Chi-sq: 0.1 (2df) p=.963			
Analyses by outcome based on all applicants and employers respectively. Analyses by outcome at tribunal based on all cases resolved at full tribunal hearing.										
Were written procedures followed before application was made?										
Applicants										
Yes, all the way through	63	12	20	6	123	103	*	*	24	18
Yes, part of the way	48	20	21	11	56	50	*	*	12	10
No	57	12	24	7	201	188	[29]	[71]	49	49
	Chi-sq: 5.7 (6df) p=.455						Chi-sq: 15.4 (1df) p<.001			
Employers										
Yes, all the way through	46	18	27	9	373	334	33	67	100	91
Yes, part of the way	53	13	22	13	87	86	*	*	19	17
No	48	17	24	10	172	195	[19]	[81]	42	43
	Chi-sq: 4.2 (6df) p=.653						Chi-sq: 4.3 (2df) p=.114			
Analysis by outcome based on all applicants and employers respectively who say that the organisation has written procedures; analysis of outcome at full tribunal hearing based on those among this group whose cases were resolved at a full tribunal hearing.										

Applicants survey: Written procedures by characteristics

Table 4.9

	All	gender		TU / Staff Association		Profes.	Occupational Group		
		Male	Female	Member	Non-Member		Technical	Clerical	Pers. serv.
Did organisation have a written procedure for dealing with these sorts of issues?									
Yes	28	31	24	49	22	33	29	25	27
No	61	58	65	39	67	61	61	69	56
Don't know	11	11	10	12	10	6	10	6	18
Not stated	0	0	0	0	0	0	0	0	0
weighted	1369	816	553	293	1063	350	255	327	329
unweighted	1382	808	574	286	1074	344	279	336	312
		Chi-sq: 8.0 (1df) p=.005		Chi-sq: 88.2 (1df) p<.001		Chi-sq: 5.5 (3df) p=.137			
Based on all applicants									
Were written procedures followed before application was made?									
Yes, all the way through	32	34	27	38	28	37	37	32	28
Yes, part of the way	14	14	16	24	8	10	15	14	20
No	52	50	56	36	62	53	48	53	51
Don't know	1	2	1	1	1	1	1	1	1
weighted	386	252	135	143	237	115	73	81	88
unweighted	346	216	130	126	211	105	69	75	72
		Chi-sq: 2.1 (2df) p=.356		Chi-sq: 29.6 (2df) p<.001		Chi-sq: 5.1 (6df) p=.536			
Based on applicants who said the organisation had a written procedure for dealing with these sorts of issues									

Employers survey: Written procedures by characteristics

Table 4.10

	Sector			Number of employees at worksite				Single or multiple site		Other ET cases in past 5 years			
	Private	Public	Non-Profit	1 to 9	10 to 24	25 to 49	50 to 199	200 or more	Multiple	Single	None	1 to 5	6 or more
Did organisation have a written procedure for dealing with these sorts of issues?													
Yes	46	74	60	38	44	53	57	72	63	35	30	56	73
No	52	26	40	60	55	45	41	28	36	62	69	42	26
Don't know	2			2	1	2	2		1	3	2	2	0
Not stated	0						0		0		0		
weighted	1036	170	72	339	258	150	261	179	714	564	506	407	273
unweighted	1013	192	72	336	249	156	245	176	717	561	500	410	281
	Chi-sq: 44.3 (2df) p<.001			Chi-sq: 59.6 (4df) p<.001				Chi-sq: 95.7 (1df) p<.001		Chi-sq: 146.0 (2df) p<.001			
	Based on all employers												
Were written procedures followed before application was made?													
Yes, all the way through	58	56	[56]	52	62	55	62	53	60	53	58	54	61
Yes, part of the way	12	19	[19]	8	11	20	9	23	12	16	9	18	12
No	28	25	[23]	38	25	24	29	20	26	27	29	26	26
Don't know	3		[2]	2	2	1	1	5	2	3	4	2	1
weighted	477	126	43	130	114	80	147	128	446	197	150	228	198
unweighted	445	138	44	120	102	81	139	125	437	190	141	219	202
	Chi-sq: 5.5 (4df) p=.237			Chi-sq: 26.5 (8df) p=.001				Chi-sq: 2.8 (2df) p=.246		Chi-sq: 7.6 (4df) p=.108			
	Based on all employers who said they had written procedures for dealing with these sorts of issues												

Applicants and employers surveys: Advice by jurisdiction and survey outcome

Table 5.1

		Jurisdiction						Outcome			
		All	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed
Did you at any stage discuss the case with a solicitor or other kind of lawyer?											
Employers	Yes	63	66	56	50	70	61	67	54	60	64
	No	36	32	43	48	28	39	31	44	40	36
	Don't know	1	1	1	1	1	.	2	1	0	.
	Not stated	0	0	.	0	.	.	0	1	.	.
	weighted	1282	791	105	205	81	98	626	189	341	124
	unweighted	1280	575	213	202	190	100	610	234	322	113
Chi-square: 23.5 (4df) p<.001						Chi-square: 12.7 (3df) p=.005					
Applicants	Yes	49	57	47	29	53	33	51	45	47	47
	No	51	43	53	71	47	67	49	55	53	53
	Not stated	0	.	0	.	.	.	.	.	0	.
	weighted	1368	817	123	244	75	109	752	154	374	88
	unweighted	1381	508	269	279	151	174	744	183	381	73
	Chi-square: 71.0 (4df) p<.001						Chi-square: 3.8 (3df) p=.279				
Applicants: Did you at any stage discuss your case with a trade union, Citizens Advice Bureau, Welfare Right Centre or similar organisation?											
	yes	69	70	63	68	81	70	69	71	68	79
	no	31	30	37	32	19	30	31	29	32	21
	weighted	1367	817	123	243	75	109	752	154	373	87
	unweighted	1379	508	268	279	150	174	744	183	379	73
Chi-square: 7.3 (4df) p=.121						Chi-square: 4.6 (3df) p=.200					
Applicant: Type of advice used											
	Neither	10	6	14	20	5	16	8	12	13	9
	Solicitor only	20	24	23	11	13	15	23	17	20	11
	Non legal only	41	37	39	50	43	51	40	43	41	45
	Both	28	33	24	18	39	18	29	28	27	34
	weighted	1367	816	123	244	75	110	753	154	373	87
	unweighted	1379	508	268	279	150	174	744	183	379	73
Chi-square: 99.4 (12df) p<.001						Chi-square: 13.3 (9df) p=.150					

Based on all applicants and all employers. For employers, the first question refers only to legal advice sought outside the organisation

Applicants survey: Sources of advice by characteristics of applicants

Table 5.2

	All	gender		TU / Staff Association		Occupational Group			
		Male	Female	Member	Non-Member	Profes.	Technical	Clerical	Pers. serv.
Did you at any stage discuss the case with a solicitor or other kind of lawyer?									
Yes	49	49	49	41	51	63	48	46	41
No	51	51	51	59	49	37	52	54	59
Don't know	0	0	.	.	.	.	.	.	.
weighted	1368	814	553	292	1064	351	254	327	329
unweighted	1381	807	574	286	1073	344	279	336	312
		Chi-sq: .005 (1df) p=.944		Chi-sq: 10.2 (1df) p=.001		Chi-sq: 36.6 (3df) p<.001			
Did you at any stage discuss your case with a trade union, Citizens Advice Bureau, Welfare Right Centre or similar organisation?									
yes	69	67	73	92	63	61	72	72	74
no	31	33	27	8	37	39	28	28	26
weighted	1367	815	552	293	1063	351	254	327	328
unweighted	1379	806	573	286	1073	344	279	336	311
		Chi-sq: 4.3 (1df) p=.037		Chi-sq: 90.7 (1df) p<.001		Chi-sq: 17.5 (3df) p=.001			
Type of advice used									
Neither	10	11	9	2	12	9	13	9	10
Solicitor only	20	22	18	6	25	30	15	18	16
Non legal only	41	40	42	57	36	28	40	44	50
Both	28	27	30	35	27	33	32	28	24
weighted	1367	814	553	293	1063	351	253	327	328
unweighted	1379	806	573	286	1073	344	279	336	311
		Chi-sq: 4.7 (3df) p=.196		Chi-sq: 93.1 (3df) p<.001		Chi-sq: 50.6 (9df) p<.001			

Based on all applicants

Employers survey: Legal advice by characteristics of employer

Table 5.3

	Sector			Number of employees at worksite					Single or multiple site		Other ET cases in past 5 years		
	Private	Public	Non-Profit	1 to 9	10 to 24	25 to 49	50 to 199	200 or more	Multiple	Single	None	1 to 5	6 or more
Did you at any stage discuss the case with a solicitor or other kind of lawyer outside the organisation?													
Yes	65	46	74	62	62	73	65	61	57	70	69	69	50
No	34	54	26	37	38	26	33	36	41	29	30	30	49
Don't know	1	.	.	1	.	1	2	2	2	0	1	1	1
Not stated	0	1	.	.	.	.	0	.	0	.	0	0	.
weighted	1030	170	73	338	258	151	260	176	709	563	507	407	271
unweighted	1009	192	72	336	249	156	245	174	714	559	500	409	279
	Chi-sq: 27.5 (2df) p<.001			Chi-sq: 6.8 (4df) p=.148					Chi-sq: 21.1 (1df) p<.001		Chi-sq: 33.9 (2df) p<.001		

Based on all employers

Applicants survey: Advice and representation by jurisdiction and survey outcome

Table 5.4

	All	Jurisdiction					Outcome			
		Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed
Applicants: Type of Legal and Non-legal Representation and / or Advice used										
Representation (L/NL)	62	72	51	43	74	41	68	59	57	41
Advice Only	28	22	35	37	21	43	23	28	30	50
Neither	10	6	14	20	5	16	8	12	13	9
weighted	1368	817	123	243	76	109	753	154	374	87
unweighted	1380	508	268	279	151	174	744	183	380	73
					Chi-square: 113.2 (8df) p<.001		Chi-square: 39.9 (9df) p=<0.001			
Applicants: Breakdown of Legal and Non-legal Representation and / or Advice used										
Only Legal Rep.	27	33	24	13	23	15	30	22	25	13
Only Non-Legal Rep.	31	33	25	27	39	24	33	32	29	23
Legal AND Non-legal Rep	5	6	2	3	12	1	5	6	3	4
Advice Only	28	22	35	37	21	43	23	28	30	50
No Advice	10	6	14	20	5	16	8	12	13	9
weighted	1368	817	123	243	76	109	753	154	374	87
unweighted	1380	508	268	279	151	174	744	183	380	73
					Chi-square: 132.2 (16df) p<.001		Chi-square: 42.9 (12df) p=<0.001			

Applicants survey: Advice and representation by personal characteristics

Table 5.5

	Gender			TU / Staff Association		Occupational Group			
	All	Male	Female	Member	Non-Member	Profes.	Technical	Clerical	Pers. serv.
Applicants: Type of Legal and Non-legal Representation and / or Advice used									
Representation (L/NL)	62	61	64	84	57	63	64	61	62
Advice Only	28	28	27	14	31	28	24	30	28
Neither	10	11	9	2	12	9	13	10	10
weighted	1368	815	553	293	1064	351	254	327	329
unweighted	1380	806	574	286	1073	344	279	336	312
		Chi-sq: 1.5 (2df) p=.47		Chi-sq: 75.0 (2df) p<.001		Chi-sq: 4.3 (6df) p .63			
Applicants: Breakdown of Legal and Non-legal Representation and / or Advice used									
Only Legal Rep.	27	27	27	13	31	38	23	24	21
Only Non-Legal Rep.	31	30	32	61	23	23	34	31	37
Legal AND Non-legal Rep	5	4	5	10	3	3	7	6	4
Advice Only	28	28	27	14	31	28	24	30	28
No Advice	10	11	9	2	12	9	13	10	10
weighted	1368	815	553	293	1064	351	254	327	329
unweighted	1380	806	574	286	1073	344	279	336	312
		Chi-sq: 2.3 (4df) p=.68		Chi-sq: 198.7 (4df) p<.001		Chi-sq: 46.5 (12df) p<.001			

Based on all applicants

Applicants survey: Prior awareness, knowledge and use of ACAS

Table 6.1

	All	Gender		TU / Staff Association		Occupational Group				
		Male	Female	Member	Non-Member	Professional	Technical	Clerical	Pers. Services	
Before this case, had you heard of ACAS?										
Yes	80	83	75	82	80	86	82	81	75	
No	20	16	25	17	20	14	18	19	24	
Don't know	0	0	.	1	.	.	.	.	1
Not stated	0	0	.	0	.	.	0	.	.	
weighted	1366	813	553	292	1061	351	254	327	329	
unweighted	1378	805	573	286	1070	344	279	336	312	

Based on all applicants; Chi Sq.: Gender: 13.9 (1df) p<.001; TU/SA: 1.1 (1df) p=.305; Occupational group: 13.2 (3df) p=.004

Before this case, what did you think ACAS did? - Mention of Individual Dispute Resolution										
No mention	71	69	74	72	70	69	67	72	74	
Ambiguous mention	17	19	13	17	17	18	19	14	18	
Definite mention	12	12	13	11	13	13	14	14	8	
weighted	1092	676	417	239	845	303	209	267	247	
unweighted	1071	662	409	236	819	293	225	264	224	

Based on all applicants; Chi Sq.: Gender: 6.4 (2df) p=.040; TU/SA: 0.3 (2df) p=.866; Occupational group: 7.4 (6df) p=.287

Did you receive an introductory letter from ACAS explaining their role										
Yes	54	54	53	37	59	56	48	56	57	
No	40	40	39	57	35	39	45	38	36	
Don't know	6	5	8	5	7	5	7	5	8	
Not Stated	0	.	.	.	.	.	.	.	.
weighted	1247	749	498	275	961	325	221	301	304	
unweighted	1185	698	487	258	906	307	222	295	273	

Based on all applicants; Chi Sq.: Gender: < 0.1(1df) p=.933; TU/SA: 45.9 (1df) p<.001; Occupational group: 5.4 (3df) p=.145

* Occupational Group: Professional - includes managers and administrators; Technical includes associate professional, craft and related; Personal services includes protective services, plant and machine operatives

Applicants survey: Contact with ACAS by jurisdiction

Table 6.2

	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	All
Did you receive an introductory letter from ACAS explaining their role					
Yes	50	60	64	52	54
No	44	33	29	39	40
Don't know	6	7	7	9	6
Not Stated	.	.	.	.	0
weighted	814	121	242	69	1247
unweighted	501	267	277	140	1185
Did you personally have any direct contact with an ACAS officer at any time after the application was made?*					
Yes	36	46	53	39	40
No	64	52	46	61	59
Don't know	0	2	1	.	1
Not Stated	.	.	.	.	0
weighted	814	122	242	69	1247
unweighted	501	267	277	140	1185
How many times did you talk to an ACAS officer about the case?					
Once	27	20	17	19	23
2 to 3 times	35	45	45	42	39
4 or more times	37	36	38	38	37
Don't know	1	.	.	.	0
weighted	293	56	128	26	503
unweighted	177	118	144	51	490
Did you ever meet an ACAS officer in person?					
Yes	39	18	17	n/a	30
No	61	82	83	n/a	70
weighted	211	45	106	n/a	362
unweighted	129	91	117	n/a	337
Did anyone acting on your behalf talk with an ACAS officer about your case at any time after you made your application?					
Yes	35	22	16	32	30
No	47	60	71	44	53
Don't know	17	17	14	24	17
weighted	817	121	241	75	1254
unweighted	508	267	277	150	1202

How often and Meet based on all applicants who had contact with an ACAS officer

*If the applicant had received an introductory letter, this question was prefaced by: "Apart from the introductory letter". Interviewer notes: Include letters, telephone calls and meetings only, include direct contact, not through representative.

Chi-sq. excl. DK/NS: Letter 19.2 (3df) p<.001; Contact: 25.1 (3df) p<.001; How often: 7.5 (6df) p=.276; Meet: 20.5 (2df) p<.001; Rep talked: 45.7 (3df) p<.001

Applicants survey: Contact with ACAS by characteristics

Table 6.3

	All	Gender		TU / Staff Association		Profes.	Occupational Group		
		Male	Female	Member	Non-Member		Technical	Clerical	Pers. Services
Did you personally have any direct contact with an ACAS officer at any time after the application was made?*									
Yes	40	39	43	22	46	44	39	42	37
No	59	61	57	77	54	56	60	57	61
Don't know	1	1	0	0	1	1	0	0	1
Not Stated	0								
weighted	1247	748	497	275	961	326	221	301	303
unweighted	1185	698	487	258	906	307	222	295	273
Based on all applicants; Chi Sq.: Gender: 2.3 (1df) p=.133; TU/SA: 49.5 (1df) p<.001; Occupational group: 2.9 (3df) p=.415									
How many times did you talk to an ACAS officer about the case?									
Once	24	23	24	33	22	19	25	30	22
2 to 3 times	39	36	42	30	40	35	44	39	39
4 or more times	37	40	32	38	37	46	31	31	38
Don't know	1	0	1		1			1	2
weighted	505	291	216	61	439	141	87	127	114
unweighted	492	275	217	63	420	136	88	128	109
Based on all applicants; Chi Sq.: Gender: 3.1 (1df) p=.076; TU/SA: 4.0 (2df) p=.134; Occupational group: 9.9 (6df) p=.128									
Did you ever meet an ACAS officer in person?									
Yes	30	26	35	59	27	26	31	26	36
No	70	74	65	41	73	74	69	74	64
weighted	364	219	145	34	329	109	62	86	80
unweighted	338	201	137	31	307	99	60	83	72
Based on all employees; Chi Sq.: Gender: 3.1 (1df) p=.076; TU/SA: 15.17 (1df) p<.001; Occupational group: 3.2 (3df) p=.364									
Did anyone acting on your behalf talk with an ACAS officer about your case at any time after you made your application?									
Yes	30	26	35	39	28	31	25	36	30
No	53	57	47	36	58	55	53	51	51
Don't know	17	17	17	26	14	14	22	13	19
Not Stated	0								
weighted	1255	751	504	276	968	326	222	303	305
unweighted	1202	703	499	262	919	310	227	300	276
Based on all employees; Chi Sq.: Gender: 13.0 (1df) p<.001; TU/SA: 27.2 (1df) p<.001; Occupational group: 3.9 (3df) p=.273									

* Occupational Group: Professional - includes managers and administrators; Technical includes associate professional, craft and related; Personal services includes protective services, plant and machine operatives

Applicants survey: Contact with ACAS by characteristics of applicants

Table 6.4

	All	gender		TU / Staff Association		Occupational Group				
		Male	Female	Member	Non-Member	Profes.	Technical	Clerical	Pers. Services	
Did your (first) contact with ACAS take place before or after you had received a tribunal hearing date?										
Before	78	79	78	[77]	78	75	77	81	77	
After	17	15	19	[21]	16	21	17	16	15	
Don't know	5	6	4	[2]	5	4	6	3	8	
Not stated	.	.	.	.	.	.	.	.	.	.
weighted	478	285	192	53	424	135	82	120	106	
unweighted	440	263	177	47	393	123	80	114	95	
Based on all employees; Chi Sq.: Gender: 0.7 (1df) p=.404; TU/SA: 0.5 (1df) p=.483; Occupational group: 1.5 (3df) p=.673										
Did your representative tell you what ACAS had said to them?										
Always	59	53	65	51	61	64	[61]	57	50	
Mostly	18	17	19	13	19	12	[8]	20	30	
Sometimes	13	18	7	22	9	12	[10]	12	17	
Never	9	10	8	12	8	12	[18]	5	3	
Don't know	2	2	2	2	2	0	[2]	5	.	
weighted	323	173	150	86	236	92	49	93	76	
unweighted	237	133	104	59	178	71	40	63	55	
Based on all employees; Chi Sq.: Gender: 10.9 (3df) p=.012; TU/SA: 11.4 (3df) p=.010; Occupational group: 24.3 (9df) p=.004.										
Looking back, do you think you would have settled the case without ACAS's involvement?										
Yes, definitely	21	16	[29]	*	19	[24]	[11]	[25]	*	
Yes, probably	8	10	[5]	*	8	[9]	[7]	[8]	*	
No, probably not	19	26	[7]	*	18	[24]	[36]	[11]	*	
No, definitely not	43	39	[51]	*	45	[33]	[43]	[39]	*	
Don't know	8	9	[7]	*	9	[9]	[4]	[17]	*	
weighted	148	92	55	18	130	45	28	36	21	
unweighted	130	80	50	14	116	40	24	34	19	
Based on all employees; Chi Sq.: Gender: 10.9 (3df) p=.012; TU/SA: not valid; Occupational group: not valid.										
* Occupational Group: Professional - includes managers and administrators; Technical includes associate professional, craft and related; Personal services includes protective services, plant and machine operatives										

Applicants survey: Evaluation of ACAS

Table 6.5

	Gender		TU / Staff Association		Profes.	Occupational Group			
	All	Male	Female	Member		Non-Member	Technical	Clerical	Pers. serv.
As a result of what the ACAS officer did, was your organisation in a better position to make the right decision as to how to proceed with the case?									
Yes in a better position	52	49	55	[38]	53	47	41	53	60
No in a worse position	7	6	9	[9]	7	8	6	10	7
Made no difference	40	44	35	[45]	39	44	52	38	31
Don't know	1	1	1	[8]	0	1	1	.	2
weighted	477	284	192	53	423	135	83	120	105
unweighted	439	262	177	47	392	123	80	114	94
Based on all employees; Chi Sq.: Gender: 4.0 (2df) p=.138; TU/SA: 3.0 (2df) p=.223; Occupational group: 10.6 (6df) p=.101									
Overall, do you think you feel that you could trust the ACAS officer?									
A lot	54	54	53	[33]	56	57	49	51	56
Up to a point	27	28	27	[37]	26	31	27	25	26
Not very far	15	14	15	[22]	14	10	18	19	14
Don't know	4	4	5	[7]	4	2	6	5	4
weighted	477	284	193	54	424	135	83	120	106
unweighted	439	262	177	47	392	123	80	114	94
Based on all employees; Chi Sq.: Gender: < 0.1 (2df) p=.971; TU/SA: 9.39 (2df) p=.009; Occupational group: 6.3 (6df) p=.392									
Overall did you feel that ACAS was more on your side, more on the employer's side, or even-handed between you?									
Even-handed	65	69	59	[51]	67	69	67	60	63
More on applicant's side	19	14	26	[15]	19	16	13	21	22
More on employer's side	12	13	10	[22]	11	13	14	12	11
Don't know	4	5	4	[13]	4	2	5	7	4
weighted	477	284	192	55	424	134	83	121	106
unweighted	439	67	59	47	392	123	80	114	94
Based on all employees; Chi Sq.: Gender: 11.44 (2df) p=.003; TU/SA: 7.33 (2df) p=.026; Occupational group: 3.9 (6df) p=.684									
If a relative or friend was involved in a similar case, would you advise them to make use of the services of ACAS?									
Yes	76	75	78	75	77	77	72	78	77
No	11	10	11	12	10	10	15	9	11
Probably	4	5	2	3	4	4	3	3	3
Possibly	6	6	6	5	6	6	5	6	8
Don't know	3	3	2	5	2	3	5	4	1
Not stated	0	0	.	0	.	.	0	.	.
weighted	1177	730	447	250	925	309	209	281	288
unweighted	1044	651	393	204	837	274	197	257	241
Based on all employees; Chi Sq.: Gender: 4.4 (3df) p=.222; TU/SA: 1.0 (3df) p=.794; Occupational group: 6.6 (9df) p=.680									

Employers survey: Prior awareness, knowledge and use of ACAS

Table 6.6

	All	Sector			Number of employees at worksite					Single or multiple site		Other ET cases in past 5 years		
		Private	Public	Non-Profit	1 to 9	10 to 24	25 to 49	50 to 199	200 or more	Multiple	Single	None	1 to 5	6 or more
Before this case, had you heard of ACAS?														
Yes	97	96	99	99	93	98	97	100	100	98	95	93	98	100
No	3	3	1	1	7	2	2	.	.	1	5	6	1	.
Don't know	0	0	.	.	.	.	1	.	.	.	0	.	0	.
Not stated	0	0	.	.	.	.	0	.	.	0	.	0	.	.
weighted	1276	1024	170	73	337	255	151	259	177	709	558	503	405	271
unweighted	1274	1003	192	72	335	247	156	242	174	714	553	496	407	279
Based on all employers; Chi Sq.: Sector: not valid; Size: 38.2 (4df) p<.001; Single / multiple site: 12.0 (1df) p=.001; Other ET cases: 30.8 (2df) p<.001														
Before this case, what did you think ACAS did? - Mention of Individual Dispute Resolution														
No mention	67	67	71	60	68	69	61	64	68	65	68	67	64	69
Ambiguous mention	16	16	14	28	15	16	20	16	20	17	15	16	18	14
Definite mention	17	18	15	13	17	15	19	20	12	17	16	16	19	18
weighted	1236	988	168	72	312	249	147	258	177	697	530	470	399	271
unweighted	1227	962	188	71	307	237	153	241	174	699	522	458	399	279
Based on all employers who had heard of ACAS; Chi Sq.: Sector: 9.1 (4df) p=.058; Size: 9.4 (8df) p=.311; Single / multiple site: 1.5 (2df) p=.477; Other ET cases: 3.1 (4df) p=.534														
In general, does your organisation involve ACAS in their Employment Tribunal cases?														
Often	62	68	46	*	65	69	[49]	63	65	66	44	n/a	64	62
Rarely	28	21	44	*	24	18	[40]	24	30	25	42	n/a	23	29
Never	9	9	9	*	9	11	[11]	13	3	8	15	n/a	11	8
Not stated	1	2	.	*	2	2	.	.	2	1	.	n/a	2	1
weighted	361	256	97	7	46	55	35	93	97	303	55	n/a	91	270
unweighted	375	258	103	13	51	51	38	90	98	317	56	n/a	96	279
Based on all employers who had heard of ACAS and who had been involved in more than three industrial tribunal cases before this one. Chi Sq.: Sector: Not valid; Size: 12.0 (8df) p=.150; Single / multiple: 10.9 (2df) p=.004; Other ET cases: 1.5 (2df) p=.477.														

Employers survey: Contact with ACAS by jurisdiction

Table 6.7

	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	All
Did your organisation receive an introductory letter from ACAS explaining their role					
Yes	73	77	78	73	74
No	18	14	16	15	17
Don't know	10	9	5	12	9
Not Stated	0	.	0	.	0
weighted	784	104	204	78	1170
unweighted	561	210	201	184	1156
Did anyone in your organisation have any direct contact with an ACAS officer at any time after the application was made?*					
Yes	43	52	58	50	47
No	50	43	38	44	47
Don't know	6	5	4	6	6
Not Stated	0	.	0	.	0
weighted	784	105	204	78	1171
unweighted	561	210	201	184	1156
How many times did someone from your organisation talk to an ACAS officer about the case?					
Once	25	11	16	13	21
2 to 3 times	39	51	56	50	45
4 or more times	26	31	21	28	26
Don't know	10	7	7	10	9
weighted	340	55	119	40	554
unweighted	234	109	113	87	543
Did your organisation ever meet an ACAS officer in person?					
Yes	20	11	9	25	17
No	78	85	85	73	80
Don't know	2	4	5	3	3
weighted	339	55	117	40	551
unweighted	232	109	112	87	540
Did anyone acting on your organisation's behalf talk with an ACAS officer about this case at any time after the applicant made his/her application?					
Yes	26	12	11	27	22
No	56	72	76	57	61
Respondent not sure	16	14	12	14	15
Don't know	1	2	.	3	1
Not Stated	0	.	0	.	0
weighted	784	104	204	79	1171
unweighted	561	209	201	184	1155

Letter and contact based on all employers; How often and meet based on all employers who had contact with an ACAS officer

*If the organisation had received an introductory letter, this question was prefaced by: "Apart from the introductory letter". Interviewer notes: Include letters, telephone calls and meetings only, include direct contact, not through representative.

Chi-sq. excl. DK/NS: Letter 1.2 (3df) p=.748; Contact: 13.9 (3df) p=.003; How often: 15.7 (6df) p=.016
Meet: 9.2 (3df)p=.026; Rep talked: 39.4 (6df) p<.001

Employers survey: Contact with ACAS by characteristics

Table 6.8

	All	Sector			Number of employees at workplace					Single or multi-site		Other ET cases in past 5 years		
		Private	Public	Non-Profit	1 to 9	10 to 24	25 to 49	50 to 199	200 or more	Multiple	Single	None	1 to 5	6 or more
How many times did someone from your organisation talk to an ACAS officer about the case?														
Once	21	19	30	12	20	22	19	22	22	20	22	24	17	22
2 to 3 times	45	46	38	52	45	45	42	54	33	47	42	42	54	37
4 or more times	26	26	22	32	25	31	29	18	29	24	27	26	24	31
Don't know	9	9	10	4	10	2	10	6	16	9	8	8	5	11
weighted	553	459	69	25	141	125	69	110	76	321	226	209	177	131
unweighted	543	446	74	23	138	122	72	100	71	311	229	213	175	125
Based on employers who had contact with an ACAS officer; Chi Sq.: Sector: 6.4 (4df) p=.173; Size: 8.3 (8df) p=.407; Single / multiple site: 1.3 (2df) p=.524; Other ET cases: 9.3 (4df) p=.054														
Did your organisation ever meet an ACAS officer in person?														
Yes	17	16	24	20	13	16	22	21	22	14	19	18	23	12
No	80	81	75	76	85	83	72	77	73	83	77	79	76	87
Don't know	3	3	1	4	2	2	6	3	5	3	4	3	1	2
weighted	551	457	68	25	140	126	68	111	77	319	226	209	176	129
unweighted	540	445	72	23	137	122	71	99	71	308	229	213	174	123
Based on employers who had contact with an ACAS officer; Chi Sq.: Sector: 2.6 (2df) p=.278; Size: 5.8 (4df) p=.214; Single / multiple site: 2.6 (1df) p=.104; Other ET cases: 6.1 (2df) p=.046														
Did anyone acting on your organisation's behalf talk with an ACAS officer about this case at any time after applicant made his/her application?														
Yes	22	24	16	21	14	22	26	26	30	23	22	18	27	26
No	61	61	65	54	68	62	60	57	54	61	62	63	60	62
Respondent not sure	15	14	16	24	17	14	15	15	15	15	16	18	11	12
Don't know	1	1	2	1	1	1	.	1	1	2	1	1	2	0
Not Stated	0	0	1	.	.	.	.	.	.	0	.	0	0	.
weighted	1170	939	159	68	297	245	144	237	166	665	496	449	375	257
unweighted	1155	903	180	67	297	231	143	215	161	654	494	444	371	259
Based on employers ; Chi Sq.: Sector: 8.4 (4df) p=.079; Size: 21.6 (8df) p=.006; Single / multiple site: 0.6 (2df) p=.743; Other ET cases: 14.6 (4df) p=.006														

Employers survey: Evaluation of ACAS

Table 6.9

	Sector				Number of employees at workplace					Single or multi-site		Other ET cases in past 5 years		
	All	Private	Public	Non-Profit	1 to 9	10 to 24	25 to 49	50 to 199	200 or more	Multiple	Single	None	1 to 5	6 or more
As a result of what the ACAS officer did, was your organisation in a better position to make the right decision as to how to proceed with the case?														
Yes in a better position	50	51	[43]	*	52	62	[62]	36	[39]	42	60	58	51	41
No in a worse position	4	5	[.]	*	5	6	[2]	5	[2]	2	7	7	4	1
Made no difference	40	39	[49]	*	39	30	[29]	52	[56]	49	30	32	41	49
Don't know	5	5	[8]	*	4	2	[7]	7	[4]	6	3	3	4	9
weighted	421	356	49	17	123	98	45	86	54	231	186	166	136	93
unweighted	375	321	40	14	113	88	42	74	45	198	175	152	124	79
Chi Sq, excl. DK/NS: Sector, Size: not valid; Single / multiple site: 21.2 (2df) p<.001; Other ET cases: 13.5 (4df) p=.009														
Overall, do you think your organisation felt that you could trust the ACAS officer														
A lot	68	67	[79]	*	66	65	[58]	71	[80]	74	60	60	68	82
Up to a point	19	21	[13]	*	20	24	[31]	16	[9]	15	26	26	18	9
Not very far	8	8	[2]	*	11	9	[4]	8	[2]	5	12	12	10	.
Don't know	5	4	[6]	*	2	2	[7]	5	[9]	6	3	2	4	10
weighted	421	356	47	18	123	97	45	86	54	230	186	167	136	94
unweighted	375	321	40	14	113	88	42	74	45	198	175	152	124	79
Chi Sq, excl. DK/NS: Sector: not valid; Size: 314.6 (8df) p=.068; Single / multiple site: 15.9 (2df) p=.001; Other ET cases: 24.8 (4df) p<.001														
Overall did you feel that ACAS was more your organisation's side, more on the applicant's side, or even-handed between you?														
Even-handed	82	81	[85]	*	82	82	78	84	77	84	79	78	85	84
More on applicant's side	2	2	[.]	*	1	3	2	1	1	1	2	1	1	2
More on employer's side	10	10	[8]	*	13	12	11	8	4	6	14	17	8	2
Don't know	7	7	[7]	*	4	3	10	8	17	9	5	4	6	12
weighted	512	432	59	21	135	119	63	104	70	294	211	194	163	121
unweighted	454	388	48	18	125	105	60	89	57	252	199	183	145	101
Chi Sq, excl. DK/NS: Sector, Size, Single / multiple site, Other ET cases: not valid														
In the future, if an employee were to make another claim against your organisation, how likely do you think it is that your organisation would use ACAS?														
Very likely	40	39	40	47	44	36	38	39	43	39	41	37	41	43
Quite likely	28	29	20	27	30	26	32	25	27	30	25	28	27	25
Quite unlikely	10	10	10	12	7	10	11	13	12	12	9	8	14	10
Very unlikely	7	7	9	8	8	9	8	4	5	5	10	9	5	7
Depends, Can't say	14	13	19	7	10	17	11	17	12	12	15	16	12	13
Don't know	0	0	.	.	.	.	.	0	.	0	.	0	.	.
Not stated	1	1	2	.	1	1	.	2	1	1	1	1	1	1
weighted	1091	890	138	60	287	228	132	223	155	612	469	422	348	239
unweighted	970	791	124	51	273	199	120	191	131	531	433	382	309	207
Chi Sq, excl. DK/NS: Sector: 11.4 (8df) p=.183; Size: 20.8 (16df) p=.188; Single / multiple site: 13.9 (4df) p=.008; Other ET cases: 16.4 (8df) p=.037														

Based on employers in unfair dismissal, breach of contract and Wages Act cases

**Applicants and employers survey combined:
Contact with and evaluation of ACAS**

Table 6.10

	All	Applicants	Employers
Before this case, had you heard of ACAS?			
Yes	88	80	97
No	12	20	3
weighted	2643	1367	1276
unweighted	2652	1378	1274
		Chi-sq. 185.8 (1df) p<.001	
Before this case, what did you think ACAS did? - Mention of Individual Dispute Resolution			
No mention	69	71	67
Ambiguous mention	17	17	16
Definite mention	15	12	17
weighted	2328	1092	1236
unweighted	2298	1071	1227
		Chi-sq. 10.4 (2df) p=.006	
Did you / your organisation receive an introductory letter from ACAS explaining their role			
Yes	64	54	74
No	29	40	17
Don't know	8	6	9
weighted	2417	1246	1171
unweighted	2341	1185	1156
		Chi-sq. 147.4 (1df) p<.001	
Did you personally / anyone in your organisation have any direct contact with an ACAS officer at any time after the application was made?*			
Yes	44	40	47
No	53	59	47
Don't know	3	1	6
weighted	2418	1247	1171
unweighted	2341	1185	1156
		Chi-sq. 20.9 (1df) p<.001	
Did anyone acting on your behalf talk with an ACAS officer about your case at any time after you made your application?			
Yes	26	30	22
No	57	53	61
Don't know	17	17	16
weighted	2424	1254	1170
unweighted	2357	1202	1155
		Chi-sq. 197.1 (1df) p=.001	

**Applicants and employers surveys combined:
Contact with and evaluation of ACAS**

Table 6.11

	All	Applicants	Employers
How many times did you / someone from your organisation talk to an ACAS officer about the case?			
Once	22	23	21
2 to 3 times	42	39	45
4 or more times	31	37	26
Don't know	5	1	9
weighted	1057	503	554
unweighted	1033	490	543
Chi-sq: 12.3 (2df) p=.002			

Did your (first) contact with ACAS take place before or after you had received a tribunal hearing date?			
Before	71	78	61
After	20	17	24
Don't know	9	5	15
weighted	816	477	339
unweighted	738	440	298
Chi-sq: 83.9 (2df) p<.001			

Did your representative tell you / your organisation what ACAS had said to them?			
Always	59	59	60
Mostly	16	18	14
Sometimes	11	13	9
Never	8	9	5
Don't know	5	2	12
weighted	511	322	189
unweighted	381	237	144
Chi-sq: 3.9 (3df) p=.336			

Looking back, do you think you would have settled the case without ACAS's involvement?			
Yes, definitely	22	21	23
Yes, probably	19	8	26
No, probably not	21	20	22
No, definitely not	29	43	21
Don't know	7	8	7
Not stated	1	.	2
weighted	391	148	243
unweighted	341	130	211
Chi-sq: 42.4 (4df) p<.001			

**Applicants and employers surveys combined:
Contact with and evaluation of ACAS**

Table 6.12

	All	Applicants	Employers
How helpful was it meeting an ACAS officer?			
Very	64	66	61
Quite	24	22	27
Not very	6	6	6
Not at all	4	5	2
Don't know	3	2	4
weighted	193	108	85
unweighted	154	84	70
		Chi-sq: not valid	
As a result of what the ACAS officer did, were you / your organisation in a better position to make the right decision as to how to proceed with the case?			
Yes in a better position	51	52	50
No in a worse position	6	7	4
Made no difference	40	40	40
Don't know	3	1	5
weighted	899	478	421
unweighted	814	439	375
		Chi-sq: 3.3 (2df) p=.196	
Overall, do you think you / your organisation felt that you could trust the ACAS officer?			
A lot	61	54	68
Up to a point	24	27	19
Not very far	11	15	8
Don't know	4	4	5
weighted	898	477	421
unweighted	814	439	375
		Chi-sq: 22.7 (2df) p<.001	
Overall did you feel that ACAS was more on your side, more on the other side, or even-handed between you?			
Even-handed	74	65	82
More on applicant's side	10	19	2
More on employer's side	11	12	10
Don't know	6	4	7
weighted	988	476	512
unweighted	893	439	454
		Chi-sq: 84.4 (2df) p<.001	

Applicant and employers surveys: Outcome

Table 7.1

	Applicants	Employers	All
Parties' outcome			
Settled	55	49	52
Withdrawn	11	15	13
Tribunal	27	27	27
Dismissed/Disposed	6	10	8
Weighted Base	1372	1293	2665
Unweighted Base	7384	1292	2676
Chi-sq: 22.0 (3df) p<.001; Based on all casesw			
Cases which settle			
Survey outcome			
ACAS Conciliated Settlement	68	78	73
Private Settlement	32	22	27
Weighted Base	756	631	1387
Unweighted Base	747	615	1362
Chi-sq: 15.9 (1df) p<.001; Based on all cases which settle			
Cases at tribunal			
Tribunal found in favour of Applicant	42	39	41
Tribunal did not find in favour of App.	58	61	59
Weighted Base	375	343	718
Unweighted Base	381	324	705
Chi-sq: 0.4 (1df) p=.541; Based on cases decided at a full tribunal hearing			
Cases which are withdrawn			
Withdrawn	11	15	13
Other outcome	89	85	87
Weighted Base	1372	1294	2666
Unweighted Base	1384	1292	2676
Chi-sq: 7.7 (1df) p=.006; Based on all casesw			

**Applicants and employers surveys combined:
Outcome by jurisdiction**

Table 7.2

	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	All
Parties' outcome						
Settled	54	58	55	45	34	52
Withdrawn	13	12	10	22	10	13
Tribunal	24	25	31	22	45	27
Dismissed/Disposed	9	5	4	10	12	8
Weighted Base	1616	233	451	156	208	2664
Unweighted Base	1089	486	486	341	274	2676
Chi-sq: 80.6 (12df) p<.001; Based on all cases						
Cases which settle						
Survey outcome						
ACAS Conciliated Settlement	78	72	65	73	39	73
Private Settlement	22	28	35	27	61	27
Weighted Base	865	134	246	70	70	1385
Unweighted Base	525	259	276	142	160	1362
Chi-sq: 61.1 (4df) p<.001; Based on all cases which settled						
Cases at tribunal						
Tribunal in favour of App.	33	38	53	20	64	40
Tribunal not in favour of App.	67	62	47	80	36	60
Weighted Base	393	58	139	35	92	717
Unweighted Base	275	130	137	87	76	705
Chi-sq: 47.2 (4df) p<.001; Based on all cases decided at a full tribunal hearing						
Cases which are withdrawn						
Withdrawn	13	12	10	22	10	13
Other outcome	87	88	90	78	90	87
Weighted Base	1616	233	451	157	207	2664
Unweighted Base	1089	486	486	341	274	2676
Chi-sq: 16.9 (4df) p=.002; Based on all cases						

Applicants survey: Outcome by jurisdiction

Table 7.3

	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	All
Parties' outcome						
Settled	56	59	60	45	39	55
Withdrawn	11	12	8	25	7	11
Tribunal	24	26	31	25	48	27
Dismissed/Disposed	8	3	2	5	6	6
Weighted Base	817	126	245	76	109	1373
Unweighted Base	508	271	280	151	174	1384
Chi-sq: 60.0 (12df) p<.001; Based on all applicants						
Cases which settle						
Survey outcome						
ACAS Conciliated Settlement	74	70	58	71	40	68
Private Settlement	26	30	42	29	60	32
Weighted Base	459	74	146	34	43	756
Unweighted Base	275	139	161	66	106	747
Chi-sq: 30.1 (4df) p<.001; Based on all applicants who settled						
Cases at tribunal						
Tribunal in favour of App.	32	42	53	[21]	69	42
Tribunal not in favour of App.	68	58	47	[79]	31	58
Weighted Base	196	33	75	19	52	375
Unweighted Base	118	83	91	37	52	381
Chi-sq: 31.9 (4df) p<.001; Based on all applicants whose cases were decided at a full tribunal hearing						
Cases which are withdrawn						
Withdrawn	11	12	8	25	7	11
Other outcome	89	88	92	75	93	89
Weighted Base	816	126	244	76	109	1371
Unweighted Base	508	271	280	151	174	1384
Chi-sq: 19.1 (4df) p=.001; Based on all applicants						

Employers survey: Outcome by jurisdiction

Table 7.4

	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	All
Parties' outcome						
Settled	51	56	49	44	28	49
Withdrawn	15	13	14	21	12	15
Tribunal	25	23	31	21	41	26
Dismissed/Disposed	10	7	7	15	18	10
Weighted Base	799	107	208	82	99	1295
Unweighted Base	581	215	206	190	100	1292
Chi-sq: 37.5 (12df) p<.001; Based on all employers						
Cases which settle						
Survey outcome						
ACAS Conciliated Settlement	83	73	74	75	37	78
Private Settlement	17	27	26	25	63	22
Weighted Base	406	60	100	36	27	629
Unweighted Base	250	120	115	76	54	615
Chi-sq: 33.0 (4df) p<.001; Based on all employers who settled						
Cases at tribunal						
Tribunal in favour of App.	33	[32]	[53]	[19]	[59]	39
Tribunal not in favour of App.	67	[68]	[47]	[81]	[41]	61
Weighted Base	196	25	64	16	41	342
Unweighted Base	157	47	46	50	24	324
Chi-sq: 18.0 (4df) p=.001; Based on all employers whose cases were decided at a full tribunal hearing						
Cases which are withdrawn						
Withdrawn	15	13	14	21	12	15
Other outcome	85	87	86	79	88	85
Weighted Base	799	107	208	82	98	1294
Unweighted Base	581	215	206	190	100	1292
Chi-sq: 3.2 (4df) p=.524; Based on all employers						

Applicants survey: Outcome

Table 7.5a

	All	gender		TU / Staff Association		Profes.	Occupational Group		
		Male	Female	Member	Non-Member		Technical	Clerical	Pers. serv.
Parties' outcome									
Settled	55	54	57	55	55	58	51	60	48
Withdrawn	11	12	10	16	9	11	12	9	14
Full tribunal hearing	27	27	27	22	29	25	31	24	31
Dismissed / disposed	6	7	6	7	6	6	7	7	7
weighted base	1372	816	556	293	1065	350	255	327	330
unweighted base	1384	809	575	286	1074	344	279	336	312
		Chi-sq. 2.8 (3df) p=.423		Chi-sq. 14.3 (3df) p=.003		Chi-sq. 14.4 (9df) p=.108			
Decision at full tribunal hearing									
in favour of applicant	42	36	49	33	44	39	44	46	44
not in favour of applicant	58	64	51	67	56	61	56	54	56
weighted base	375	225	150	64	306	88	77	80	103
unweighted base	381	224	157	56	318	89	82	88	91
		Chi sq. 6.2 (1df) p=.013		Chi sq. 14.3 (3df) p=.003		Chi sq. 1.1 (3df) p=.780			

Applicants survey: Outcome by characteristics of applicants

Table 7.5b

	All	gender		TU / Staff Association		Occupational Group			Pers. serv.
		Male	Female	Member	Non-Member	Profes.	Technical	Clerical	
Parties' outcome									
Settled	55	54	57	55	55	58	51	60	48
Withdrawn	11	12	10	16	9	11	12	9	14
Full tribunal hearing	27	27	27	22	29	25	31	24	31
Dismissed / disposed	6	7	6	7	6	6	7	7	7
weighted base	1372	816	556	293	1065	350	255	327	330
unweighted base	1384	809	575	286	1074	344	279	336	312
		Chi-sq. 2.8 (3df) p=.423		Chi-sq. 14.3 (3df) p=.003		Chi-sq. 14.4 (9df) p=.108			
Type of settlement - Administrative definition									
ACAS conciliated settlement	68	67	71	64	70	64	61	70	74
Private settlement	32	33	29	36	30	36	39	30	26
weighted base	756	438	318	160	591	203	129	195	159
unweighted base	747	428	319	149	591	188	147	194	152
		Chi: 1.4 (1df) p=.233		Chi-sq: 2.0 (1df) p=.162		Chi-sq: 7.4 (3df) p=.061			
Type of settlement - Perceived definition									
ACAS conciliated settlement	36	37	35	24	40	33	34	44	35
Private settlement	64	63	65	76	60	67	66	56	65
weighted base	756	438	318	160	591	203	130	195	158
unweighted base	747	428	319	149	591	188	147	194	152
		Chi: 0.3 (1df) p=.574		Chi-sq: 14.2 (1df) p<.001		Chi-sq: 6.2 (3df) p=.104			
Decision at full tribunal hearing									
in favour of applicant	42	36	49	33	44	39	44	46	44
not in favour of applicant	58	64	51	67	56	61	56	54	56
weighted base	375	225	150	64	306	88	77	80	103
unweighted base	381	224	157	56	318	89	82	88	91
		Chi sq. 6.2 (1df) p=.013		Chi sq. 14.3 (3df) p=.003		Chi sq. 1.1 (3df) p=.780			

Employers survey: Outcome by characteristics of employers

Table 7.6

	Sector			Number of employees at worksite					Single or multiple site		Other ET cases in past 5 years		
	Private	Public	Non-Profit	1 to 9	10 to 24	25 to 49	50 to 199	200 or more	Multiple	Single	None	1 to 5	6 or more
Parties' outcome													
Settled	50	37	56	46	49	53	51	53	49	48	48	54	42
Withdrawn	13	28	10	12	12	19	14	19	17	12	13	11	22
Full tribunal hearing	27	27	18	31	27	27	23	21	25	29	28	28	26
Dismissed / disposed	10	8	16	11	12	1	11	7	9	11	11	8	9
weighted base	1039	170	73	339	257	151	261	179	715	565	507	407	276
unweighted base	1016	192	71	337	249	156	245	177	719	561	500	410	283
	Chi-sq: 34.3 (6df) p<.001			Chi-sq: 30.1 (12df) p=.003					Chi-sq: 7.0 (3df) p=.071		Chi-sq: 24.8 (6df) p<.001		
Type of settlement - Survey outcome													
ACAS conciliated settlement	79	68	[76]	74	87	74	76	78	78	78	80	75	79
Private settlement	21	32	[24]	26	13	26	24	22	22	22	20	25	21
weighted base	524	63	41	157	127	80	135	95	351	272	244	218	117
unweighted base	504	67	39	168	116	79	122	84	336	273	236	213	114
	Chi-sq: 4.2 (2df) p=.121			Chi-sq: 8.0 (4df) p=.090					Chi-sq: 0.002 (1df) p=.961		Chi-sq: 1.6 (2df) p=.453		
Decision at full tribunal hearing													
in favour of applicant	42	[22]	*	48	32	[39]	35	[42]	33	47	41	45	27
not in favour of applicant	58	[78]	*	52	68	[61]	65	[58]	67	53	59	55	73
weighted base	277	46	12	105	69	41	60	36	179	163	141	113	71
unweighted base	261	46	13	87	65	43	56	39	171	150	133	108	69
	Chi-sq: 6.5 (2df) p=.039			Chi-sq: 5.1 (4df) p=.274					Chi-sq: 6.7 (1df) p=.010		Chi-sq: 6.5 (2df) p=.039		

Table 7.7

Applicants & employers surveys: Use of compromise agreements

	Occupational Group				
	All	Profes.	Technical	Clerical	Pers. serv.

If a solicitor was involved in drawing up the final settlement....

Applicants & Employers Survey: Applicant required to sign a legally binding agreement?

Yes	59	69	56	51	54
No	35	24	36	44	41
Don't know	7	7	8	5	5
weighted	482	143	86	131	80
unweighted	467	137	85	123	83

Chi-sq:15.5 (3df) p .001

Applicants Survey: Applicant required to sign a legally binding agreement?

Yes	63	76	63	47	37
No	37	24	37	53	63
weighted	188	67	35	51	19
unweighted	171	62	34	44	18

Chi-sq: 15.2 (3df) p .002

Employers Survey: Applicant required to sign a legally binding agreement?

Yes	56	61	51	54	59
No	33	25	35	38	34
Don't know	11	13	14	9	7
weighted	294	75	51	80	61
unweighted	296	75	51	79	65

Chi-sq:2.5 (3df) p .0475

Settled Cases only (as defined by respondent). Chi-Square based on DK removed.

Table 8.1

Applicants survey: Employment-related effects of the case by jurisdiction and outcome

	All	Jurisdiction					Outcome			
		Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed
Applicants current employment status at time of interview										
Working for original employer	3	2	2	3	14	1	3	5	1	2
Working for a different employer	64	64	66	69	46	68	65	56	67	66
Self-employed	9	9	11	10	9	9	8	14	11	8
Out of work	24	25	22	17	30	22	24	25	21	24
Don't know	0	.	.	0	.	.	0	.	.	.
Not stated	0	0	.	.	.	.	0	.	.	.
weighted	1361	814	120	241	76	109	748	153	373	87
unweighted	1374	506	267	276	151	174	740	182	379	73
		Chi-sq 58.9 (12df) p<.001					Chi-sq 21.5 (9df) p=.011			
Did you consider this (first) job to be permanent or a 'stop-gap'?										
Permanent	54	49	57	66	56	61	52	56	57	53
Stop-gap	45	51	43	33	44	38	47	44	43	47
Don't know	1	1	.	1	.	1	1	.	1	.
weighted	1122	675	103	212	41	90	619	114	314	75
unweighted	1105	416	225	243	81	140	598	133	315	59
		Chi-sq 22.1 (4df) p<.001					Chi-sq 1.8 (3df) p=.620			
Was this (first) job at the same level/status as the job related to your claim?										
Higher	17	13	18	27	29	19	15	21	19	18
Same status	38	36	38	43	29	49	37	35	41	42
Lower	44	51	43	27	39	31	47	41	38	41
Don't know	1	1	.	2	2	1	1	4	1	.
weighted	1122	675	104	211	41	90	618	113	315	74
unweighted	1105	416	225	243	81	140	598	133	315	59
		Chi-sq 54.3 (8df) p<.001					Chi-sq 9.0 (6df) p=.174			
Was the pay of this (first) job at the same level as the job related to your claim?										
Higher	30	23	31	49	34	36	30	33	28	39
Same	18	17	21	18	15	21	17	18	19	21
Lower	51	59	48	32	49	42	53	46	53	40
Don't know	1	0	.	1	2	1	0	3	.	.
weighted	1122	675	103	211	41	90	618	114	314	75
unweighted	1105	416	225	243	81	140	598	133	315	59
		Chi-sq 63.4 (8df) p<.001					Chi-sq 6.4 (6df) p=.381			

Current employment status based on all applicants in main five jurisdictions. Other analyses based on applicants working for a new employer, self-employed or who have had a paid job since finishing with original employer.

Applicants survey: Employment-related effects of the case by characteristics

Table 8.2

	All	gender		TU / Staff Association		Profes.	Occupational Group		Pers. serv.
		Male	Female	Member	Non-Member		Technical	Clerical	
Applicants current employment status at time of interview									
Working for original employer	3	2	3	7	1	1	5	2	3
Working for a different employer	64	65	65	56	67	65	61	67	68
Self-employed	9	12	6	7	10	16	12	5	5
Out of work	24	21	27	30	22	17	22	26	23
Don't know	0	0	.	0	.	.	.	.	0
Not stated	0	0	.	0	.	.	0	.	.
weighted	1361	809	550	289	1069	350	254	327	329
unweighted	1374	803	571	284	1068	344	279	336	312
		Chi sq. 17.0 (3df) p=.001		Chi sq. 37.3 (3df) p<.001		Chi sq. 47.1 (9df) p<.001			
Did you consider this (first) job to be permanent or a 'stop-gap'?									
Permanent	54	54	53	49	55	58	47	54	53
Stop-gap	45	45	46	50	44	41	51	45	47
Don't know	1	1	0	1	1	1	1	0	.
weighted	1122	675	445	202	918	312	205	280	259
unweighted	1105	658	447	191	913	298	220	285	236
		Chi sq. 0.1 (1df) p=.717		Chi sq. 2.7 (1df) p=.101		Chi sq. 5.6 (3df) p=.132			
Was this (first) job at the same level/status as the job related to your claim?									
Higher	17	15	21	13	18	13	14	18	21
Same status	38	40	36	34	39	33	45	34	42
Lower	44	44	43	52	42	53	41	46	37
Don't know	1	1	0	1	1	1	0	2	0
weighted	1122	676	446	202	918	312	204	279	260
unweighted	1105	658	447	191	913	298	220	285	236
		Chi sq. 7.2 (2df) p=.027		Chi sq. 7.4 (2df) p=.025		Chi sq. 22.1 (6df) p=.001			
Was the pay of this (first) job at the same level as the job related to your claim?									
Higher	30	27	35	27	31	22	25	35	37
Same	18	20	15	16	18	19	23	13	17
Lower	51	52	50	57	50	59	51	51	46
Don't know	1	1	.	1	0	.	0	1	1
weighted	1122	677	446	203	918	311	205	280	259
unweighted	1105	658	447	191	913	298	220	285	236
		Chi sq. 9.7 (2df) p=.008		Chi sq. 3.1 (2df) p=.209		Chi sq. 26.9 (6df) p<.001			

Current employment status based on all applicants in main five jurisdictions. Other analyses based on applicants working for a new employer, self-employed or who have had a paid job since finishing with original employer.

Applicants survey: Non-financial and time costs of the case by jurisdiction and outcome

Table 8.3

	All	Jurisdiction					Outcome			
		Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed
Did this case result in any non-financial costs on you, such as...										
damaged employment prospects	37	46	33	20	42	10	36	44	32	57
stress	65	71	59	50	76	50	65	68	62	67
worsened relations with family/friends	25	28	21	20	39	11	22	32	28	25
other difficulties	12	14	9	9	19	7	11	16	14	11
no difficulties	25	17	30	39	15	46	24	21	26	25
weighted	1372	816	126	244	75	109	756	154	375	88
unweighted	1384	508	271	280	151	174	747	183	381	73
Based on all applicants in main five jurisdictions. Column may not sum to 100 as multiple responses allowed. Chi-squares - see below.										
Estimated total time applicant spent on claim										
None	0	.	1	0	.	2	0	1	0	.
Under 11 hours	36	32	44	49	20	43	41	46	22	40
11 to 20 hours	19	19	19	17	19	19	18	12	21	29
21 to 40 hours	20	21	21	17	20	20	17	20	27	16
41 to 100 hours	12	14	7	8	16	4	11	8	13	11
100 hours or more	10	12	6	5	19	6	10	10	12	3
Don't know	3	3	2	2	5	6	3	3	5	.
Not stated	0	0	.	.	.	.	0	.	.	.
weighted	1361	813	121	241	74	109	748	153	373	87
unweighted	1374	506	267	276	151	174	740	182	379	73
Chi-sq. 56.7 (16df) p<.001 (excluding 'don't know', 'not stated' and 'None')										
Chi-sq. 56.7 (12df) p<.001 (excl. 'don't know', 'not stated', 'None')										
mean	42	49	26	23	78	22	41	34	52	23
median	20	20	14	10	30	12	15	15	24	15
weighted	1318	790	119	235	71	103	727	148	356	87
unweighted	1325	491	260	269	142	163	714	176	362	73
Based on all applicants in main five jurisdictions										
Chi squares for non-financial costs		Jurisdiction					Outcome			
damaged employment prospects		96.4 (4df) p<.001					22.0 (3df) p<.001			
stress		56.5 (4df) p<.001					1.9 (3df) p=.585			
worsened relations with family/friends		28.0 (4df) p<.001					10.2 (3df) p=.017			
other difficulties		11.2 (4df) p=.024					2.9 (3df) p=.403			
no difficulties		85.0 (4df) p<.001					1.2 (3df) p=.759			

Applicants survey: Non-financial and time costs of the case by characteristics

Table 8.4

	All	gender		TU / Staff Association		Occupational Group			Pers. serv.
		Male	Female	Member	Non-Member	Profes.	Technical	Clerical	
Did this case result in any non-financial costs on you, such as...									
damaged employment prospects	37	38	36	44	35	44	39	34	32
stress	65	58	75	74	63	67	59	71	62
worsened relations with family/friends	25	26	23	34	22	27	23	23	24
other difficulties	12	12	13	16	12	15	13	13	10
no difficulties	25	28	19	18	26	22	28	22	29
weighted	1372	816	555	293	1064	351	254	327	329
unweighted	1384	809	575	286	1074	344	279	336	312

Based on all applicants in main five jurisdictions. Column may not sum to 100 as multiple responses allowed. Chi-sq see below

Estimated total time applicant spent on claim									
None	0	0	0	.	0	.	1	0	0
Under 11 hours	36	39	32	32	37	28	38	34	41
11 to 20 hours	19	17	21	15	20	20	18	21	18
21 to 40 hours	20	20	20	18	21	18	19	21	22
41 to 100 hours	12	11	12	13	11	15	12	11	8
100 hours or more	10	9	11	20	7	16	8	8	9
Don't know	3	2	4	3	3	3	3	4	2
Not stated	0	0	.	0	.	0	0	.	.
weighted	1361	810	550	287	1069	351	254	327	330
unweighted	1374	803	571	284	1068	344	279	336	312
		Chi sq. 9.6 (4df) p=.048		Chi sq. 34.7 (4df) p<.001		Chi sq. 33.1 (12df) p=.001			
mean	42	40	44	68	35	59	44	35	32
median	20	16	20	24	16	24	16	20	16
weighted	1318	790	528	280	1027	340	245	313	323
unweighted	1325	780	545	274	1031	336	267	321	303

Based on all applicants in main five jurisdictions; Chi-squares run excluding 'don't know', 'not stated' and 'None':

Chi squares for non-financial costs	Gender	TU / SA membership	Occupational group
damaged employment prospects	0.2 (1df) p=.627	8.2 (1df) p=.004	12.3 (3df) p=.006
stress	43.0 (1df) p<.001	13.8 (1df) p<.001	10.9 (3df) p=.012
worsened relations with family/friends	1.9 (1df) p=.170	17.0 (1df) p<.001	1.7 (3df) p=.641
other difficulties	0.3 (1df) p=.584	4.3 (1df) p=.038	4.1 (3df) p=.253
no difficulties	14.7 (1df) p<.001	7.5 (1df) p=.006	8.2 (3df) p=.043

Employers survey: Time spent on the case by jurisdiction and outcome

Table 8.5

	Jurisdiction						Outcome			
	All	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed
Estimated total time spent on case by directors and senior managers, from when you received the Notice of Appearance until the case finished										
None	4	3	6	4	1	8	2	7	4	5
1 to 10 hours	33	28	45	50	21	39	38	42	17	40
11 to 20 hours	16	17	18	17	11	14	18	12	16	15
21 to 40 hours	22	24	17	17	26	17	21	16	29	17
41 to 99 hours	10	12	4	3	16	7	8	5	15	13
100 hours or more	6	7	4	1	15	5	4	5	12	4
Don't know / Not stated	9	9	6	7	11	9	9	12	6	6
weighted	1272	787	103	201	82	99	621	190	339	125
unweighted	1268	572	207	199	190	100	602	234	318	113
Based on all employers. Chi-squares: Jurisdiction: 90.7 (20df) p<.001; Outcome: Chi-sq. 106.0 (15df) p<.001										
mean	31	35	23	15	50	24	25	26	44	30
median	16	20	10	8	32	10	16	10	25	12
weighted	1140	697	93	188	73	90	553	164	309	115
unweighted	1146	507	187	186	173	93	544	204	292	105
Based on all employers excluding don't know / not stated										
Estimated total time spent on case by other staff, from when you received the Notice of Appearance until the case finished										
None	47	44	55	53	35	63	49	43	43	55
1 to 10 hours	23	22	25	30	21	14	26	24	20	14
11 to 20 hours	7	8	5	2	6	7	7	7	6	6
21 to 40 hours	9	10	4	7	15	7	6	8	14	10
41 to 99 hours	3	3	2	0	6	.	1	3	5	4
100 hours or more	2	3	1	.	6	.	1	2	4	3
Don't know / Not stated	9	10	9	7	11	8	10	13	8	8
weighted	1272	787	105	202	81	98	620	189	339	124
unweighted	1268	572	207	199	190	100	602	234	318	113
Based on all employers. Chi-squares: Jurisdiction: Chi-sq. 63.4 (20df) p<.001; Outcome: Chi-sq. 47.6 (15df) p<.001.										
mean	12	15	6	4	22	4	8	11	20	13
median	0	1	0	0	3	0	0	1	2	0
weighted	1140	697	93	188	73	90	553	164	309	115
unweighted	1146	507	187	186	173	93	544	204	292	105
Based on all employers excluding don't know / not stated										

Employers survey: Time spent on the case by characteristics

Table 8.6

	Sector			Number of employees at worksite				Single or multiple site		Other ET cases in past 5 years			
	Private	Public	Non-Profit	1 to 9	10 to 24	25 to 49	50 to 199	200 or more	Multiple	Single	None	1 to 5	6 or more
Estimated total time spent on case by directors and senior managers, from when you received the Notice of Appearance until the case finished													
None	3	5	3	4	1	2	5	6	4	3	2	3	7
1 to 10 hours	34	29	29	36	39	31	32	27	33	34	35	31	35
11 to 20 hours	16	16	16	19	16	18	15	13	15	18	18	16	15
21 to 40 hours	23	18	22	23	21	30	18	19	21	23	23	23	20
41 to 99 hours	10	12	14	7	9	6	16	14	10	10	8	11	12
100 hours or more	6	7	14	5	6	8	8	8	7	6	6	8	7
Don't know / Not stated	8	14	3	5	9	5	7	13	10	7	8	7	4
weighted	1021	170	73	335	254	150	258	177	709	553	500	404	272
unweighted	998	191	72	331	247	155	242	174	713	548	492	406	279
Based on all employers: Chi-squares: Sector: 11.4 (10df) p=.330; Size: Chi-sq. 42.7 (20df) p=.002; Single / Multiple: Chi-sq. 2.3 (5df) p=.807; Other ET cases: Chi-sq. 18.2 (10df) p=.052.													
mean	29	34	41	27	28	31	36	39	32	29	28	33	33
median	16	15	20	16	16	20	16	20	16	16	16	20	15
weighted	925	139	69	311	231	140	231	150	624	507	453	370	254
unweighted	910	162	69	303	229	147	219	151	634	506	448	378	259
Estimated total time spent on case by other staff, from when you received the Notice of Appearance until the case finished													
None	49	30	53	60	48	46	46	30	39	58	59	44	36
1 to 10 hours	23	28	16	21	23	29	21	26	25	20	19	26	27
11 to 20 hours	7	9	5	4	7	11	7	10	8	5	4	8	12
21 to 40 hours	9	8	14	7	10	5	10	10	12	6	7	8	11
41 to 99 hours	2	4	4	1	2	3	4	3	3	3	2	3	4
100 hours or more	2	4	4	1	2	1	3	6	3	1	1	3	3
Don't know / Not stated	8	17	4	6	8	6	10	14	11	7	8	8	6
weighted	1022	169	74	334	255	150	259	176	709	552	498	404	270
unweighted	998	191	72	331	247	155	242	174	713	548	492	406	279
Based on all employers: Chi-squares: Sector: not valid; Size: Chi-sq. 64.4 (20df) p<.001; Single / Multiple: Chi-sq. 50.7 (5df) p<.001; Other ET cases: Chi-sq. 57.1 (10df) p<.001.													
mean	10	24	15	6	9	10	14	27	16	8	7	16	15
median	0	4	0	0	0	1	0	4	2	0	0	1	4
weighted	925	139	69	311	231	140	231	150	624	507	453	370	254
unweighted	910	162	69	303	229	147	219	151	634	506	448	378	259
Based on all employers excluding don't know / not stated													

Employers survey: Legal costs by jurisdiction and outcome

Table 8.7

	Jurisdiction						Outcome			
	All	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed
Legal costs: yes or no										
No legal costs	49	43	62	68	30	52	49	55	47	44
Legal costs	36	39	27	23	48	38	34	26	42	43
Don't know / Not stated	15	18	11	8	22	10	17	19	10	13
weighted	1272	787	103	203	82	98	619	189	339	124
unweighted	1268	572	207	199	190	100	602	234	318	113
		Chi-sq. 43.5 (4df) p<.001					Chi-sq. 11.5 (3df) p=.009			
Total legal costs of the case for outside advice and representation										
nothing	49	43	62	68	31	53	49	55	47	44
£1-£249	6	5	7	9	2	9	5	6	5	14
£250-£499	3	3	4	3	5	6	4	4	2	5
£500-£999	7	8	8	3	5	6	9	4	5	6
£1000-£1999	9	11	5	3	7	7	10	5	8	6
£2000-3999	7	9	3	2	19	1	5	5	13	8
£4000-£7999	3	3	.	1	6	5	1	1	6	2
£8000+	1	1	1	0	2	2	0	1	3	2
DK/NS	15	18	11	8	22	10	17	19	10	13
weighted	1272	786	103	203	81	97	620	188	338	124
unweighted	1268	572	207	199	190	100	602	234	318	113
		Chi-sq. not valid					Chi-sq. 83.0 (21df) p<.001			
mean	794	972	375	208	1861	960	590	905	1188	877
median	0	0	0	0	803	0	0	0	0	64
weighted	1079	571	87	162	49	72	457	127	270	87
unweighted	1086	411	173	155	112	82	444	158	252	79

Employers survey: Costs by characteristics

Table 8.8

	Sector			Number of employees at worksite					Single or multiple site		Other ET cases in past 5 years		
	Private	Public	Non-Profit	1 to 9	10 to 24	25 to 49	50 to 199	200 or more	Multiple	Single	None	1 to 5	6 or more
Legal costs: yes or no													
No legal costs	49	53	41	53	56	45	42	44	48	49	49	45	51
Legal costs	37	28	44	37	33	42	38	33	34	39	40	39	34
Don't know / Not stated	15	19	15	10	11	13	20	23	18	12	11	16	14
weighted	1021	169	73	335	256	150	259	177	709	553	499	405	272
unweighted	998	191	72	331	247	155	242	174	713	548	492	406	279
	Chi-sq. 5.3 (2df) p=.071			Chi-sq. 6.2 (4df) p=.190					Chi-sq. 1.4 (1df) p=.244		Chi-sq. 4.5 (2df) p=.104		
Total legal costs of the case for outside advice and representation													
nothing	49	52	41	53	56	45	43	44	48	49	49	46	51
£1-£249	6	4	10	11	5	4	3	2	4	8	8	5	4
£250-£499	4	2	.	4	2	3	3	5	3	4	5	2	2
£500-£999	7	4	8	8	5	5	8	10	7	7	8	8	6
£1000-£1999	9	8	10	7	9	13	9	8	8	10	10	11	7
£2000-3999	7	8	14	5	7	13	10	2	8	7	7	7	11
£4000-£7999	3	2	3	2	3	2	2	5	2	3	2	4	2
£8000+	1	1	.	1	2	1	2	2	2	1	0	1	3
DK/NS	15	19	15	10	11	13	20	23	18	12	11	16	14
weighted	1020	170	73	335	255	150	258	177	710	553	500	404	272
unweighted	998	191	72	331	247	155	242	174	713	548	492	406	279
	Chi-sq. not valid			Chi-sq. 69.0 (28df) p<.001					Chi-sq. 16.6 (7df) p=.020		Chi-sq. 38.4 (14df) p<.001		
mean	847	673	906	529	741	857	942	1506	980	674	593	886	1223
median	0	0	100	0	0	55	0	0	0	0	0	0	0
weighted	778	107	55	287	213	122	199	119	482	458	412	325	203
unweighted	768	113	52	286	209	129	187	122	480	453	405	318	210

Employers survey: Non-financial costs by jurisdiction and outcome

Table 8.9

	All	Jurisdiction				Outcome				
		Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed
Did the case result in non-financial costs to the employer?										
Damaged workplace relations	5	5	6	5	15	.	6	5	5	3
Lower output	3	3	5	5	9	1	4	4	2	4
Increased staff stress	14	14	13	12	27	8	14	11	16	10
Adverse reputation	7	7	6	9	12	2	7	10	7	3
Other	3	3	2	3	4	2	2	3	3	5
None	76	76	76	76	57	88	74	77	76	78
weighted	1294	800	108	207	82	98	631	192	344	127
unweighted	1293	582	215	206	190	100	615	237	324	116
Valid for all employers. Chi-squares below.										

Chi squares for non-financial costs	Jurisdiction	Outcome
Damaged workplace relations	19.8 (4df) p=.001	2.8 (3df) p=.430
Lower output	not valid	1.9 (3df) p=.596
Increased staff stress	15.5 (4df) p=.004	3.8 (3df) p=.286
Adverse reputation	8.3 (4df) p=.082	5.6 (3df) p=.136
other	not valid	4.3 (3df) p=.230
none	22.7 (4df) p<.001	1.2 (3df) p=.747

Employers survey: Non-financial costs by characteristics

Table 8.10

	Sector			Number of employees at worksite				Single or multiple site		Other ET cases in past 5 years			
	Private	Public	Non-Profit	1 to 9	10 to 24	25 to 49	50 to 199	200 or more	Multiple	Single	None	1 to 5	6 or more
Did the case result in non-financial costs to the employer?													
Damaged workplace relations	5	5	11	5	5	4	8	6	4	7	5	6	4
Lower output	3	2	5	5	4	1	3	2	2	5	6	3	1
Increased staff stress	13	11	22	19	13	11	13	10	11	17	18	14	6
Adverse reputation	7	7	10	10	7	7	8	3	6	8	9	7	5
Other	3	1	10	5	2	1	3	2	2	4	4	2	3
None	75	84	69	69	78	79	76	79	79	71	69	78	86
weighted	1038	170	72	340	258	151	261	180	716	565	506	408	276
unweighted	1016	192	72	338	249	156	245	177	719	562	501	410	283

Valid for all employers. Chi-squares below.

Chi squares for non-financial costs	Sector	Size	Multiple / single site	Experience
Damaged workplace relations	4.5 (2df) p=.104	3.3 (4df) p=.510	4.560 (1df) p=.033	1.593 (2df) p=.451
Lower output	1.5 (2df) p=.467	7.1 (4df) p=.129	7.798 (1df) p=.005	10.180 (2df) p=.006
Increased staff stress	5.1 (2df) p=.077	11.5 (4df) p=.021	8.990 (1df) p=.003	22.243 (2df) p<.001
Adverse reputation	0.7 (2df) p=.695	9.0 (4df) p=.062	1.650 (1df) p=.199	3.985 (2df) p=.136
other	not valid	9.6 (4df) p=.047	6.7 (1df) p=.010	1.9 (2df) p=.396
none	7.5 (2df) p=.024	10.2 (4df) p=.038	12.4 (1df) p<.001	29.8 (2df) p<.001

Table 8.11

Employers survey: Procedural changes and benefits of case by jurisdiction and outcome

	Jurisdiction						Outcome			
	All	Unfair Dismissal	Breach of Contract	Wages Act	Discrimination	Redundancy Payments	Settled	Withdrawn	Full Tribunal	Dismissed / Disposed
What changes has your organisation made to its workplace practices or administration as a result of this case?										
Mentioned procedural change	21	19	25	25	30	8	26	13	17	15
Weighted Base	1294	799	107	208	82	98	632	192	343	127
Unweighted Base	1293	582	215	206	190	100	615	237	324	116
Based on all employers. Chi-squares: Jurisdiction: 19.7 (4df) p<.001; Outcome: Chi-sq. 22.6 (3df) p<.001										
In what way did your organisation benefit from involvement in this industrial tribunal application?										
Mentioned procedural benefit	13	13	15	13	22	12	15	11	14	7
Weighted Base	1294	800	107	208	82	98	631	193	343	127
Unweighted Base	1293	582	215	206	190	100	615	237	324	116
Based on all employers; Chi-squares: Jurisdiction: 6.0 (4df) p=.196; Outcome: 7.2 (3df) p=.064.										

Employers survey: Procedural changes and benefits of case by characteristics

Table 8.12

	Sector			Number of employees at worksite					Single or multiple site		Other ET cases in past 5 years		
	Private	Public	Non-Profit	1 to 9	10 to 24	25 to 49	50 to 199	200 or more	Multiple	Single	None	1 to 5	6 or more
What changes has your organisation made to its workplace practices or administration as a result of this case?													
Mentioned procedural change	21	16	34	25	22	25	20	16	18	24	25	23	13
Weighted Base	1038	170	73	340	258	151	261	180	716	565	507	408	276
Unweighted Base	1016	192	72	338	249	156	245	177	719	562	501	410	283
	Chi-sq. 10.6 (2df) p=.005			Chi-sq. 8.1 (4df) p=.089					Chi-sq. 7.4 (1df) p=.007		Chi-sq. 15.0 (2df) p=.001		
In what way did your organisation benefit from involvement in this industrial tribunal application?													
Mentioned procedural benefit	14	9	18	15	8	17	15	14	15	12	13	14	13
Weighted Base	1038	170	73	340	258	150	261	180	715	565	507	408	276
Unweighted Base	1016	192	72	338	249	156	245	177	719	562	501	410	283
	Chi-sq. 3.7 (2df) p=.156			Chi-sq. 9.2 (4df) p=.057					Chi-sq. 1.7 (1df) p=.191		Chi-sq. 0.0 (2df) p=.989		
	Based on all employers												

Questionnaire type by ETS Office

Table 9.1

unweighted frequencies

	Applicant		Employer		All
	Depth	Core	Depth	Core	
Glasgow	66	17	61	16	160
Aberdeen	17	2	18	3	40
Edinburgh	37	15	38	9	99
Scotland	120	34	117	28	299
London North	112	33	102	26	273
Stratford	36	8	53	7	104
London	148	41	155	33	377
Ashford	32	13	34	15	94
Bedford	33	9	33	18	93
Birmingham	36	15	44	14	109
Bristol	59	21	53	17	150
Bury St Edmunds	27	10	32	11	80
Cardiff	60	11	49	12	132
Exeter	16	4	13	2	35
Leeds	73	23	69	20	185
Leicester	30	16	34	11	91
Manchester	152	29	115	31	327
Newcastle	55	19	65	14	153
Nottingham	46	20	43	20	129
Reading	51	17	47	16	131
Sheffield	29	12	22	4	67
Southampton	95	28	81	21	225
Rest of England	794	247	734	226	2001
Total	1062	322	1006	287	2677