



Tribunals Service

**Employment Tribunal and EAT Statistics (GB)
1 April 2008 to 31 March 2009**

Index of Tables

Table 1: Claims accepted by Employment Tribunals	6
Table 2: Employment Tribunal Cases disposed and outcomes of jurisdictions in 2008-2009	7
Table 3: All Unfair Dismissal Jurisdictions disposed of at a Hearing.....	8
Table 4: Representation of Claimants at Employment Tribunals.....	8
Table 5: Compensation awarded by Tribunals – cases with Unfair Dismissal jurisdictions.....	9
Table 6: Compensation awarded by Tribunals – cases with Race Discrimination jurisdictions.....	9
Table 7: Compensation awarded by Tribunals – cases with Sex Discrimination jurisdictions.....	10
Table 8: Compensation awarded by Tribunals – cases with Disability Discrimination jurisdictions.....	10
Table 9: Compensation awarded by Tribunals – case with Religious Discrimination jurisdictions.....	11
Table 10: Compensation awarded by Tribunals – cases with Sexual Orientation Discrimination jurisdictions.....	11
Table 11: Compensation awarded by tribunals – cases with Age Discrimination jurisdictions.....	12
Table 12: Costs awarded in Employment Tribunals cases.....	12
Table 13: Summary of Receipts and Disposals at EAT	13
Table 14: Cases dealt with at preliminary hearings by EAT	13
Table 15: Appeals disposed of by EAT at a full hearing	13
Table 16: Appeals withdrawn.....	13

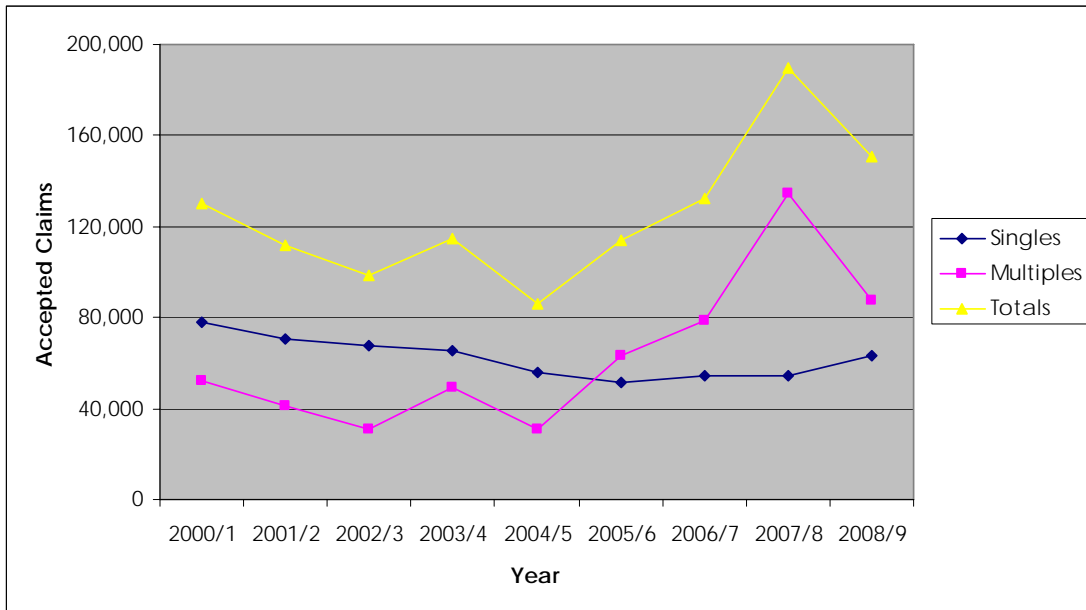
Key findings

The 2008/9 figures show an overall decrease in the number of claims¹ and an increase in the number of disposals. Key findings of the 2008/9 statistics are as follows:

- Employment Tribunals accepted 151,000 claims in 2008/9, a decrease of 20% on the 2007/8 figure (189,300), but an increase of 14% on the 2006/7 figure of 132,600.
- The total receipts figure for 2007/8 includes over 10,000 multiple claims from Airline employees (cabin crew) that have been resubmitted a number of times during the year. Excluding these suggests that there has been a decrease of 4% in accepted claims between 2007/8 and 2008/9.
- There has been a fall in the number of multiple claims between 2007/8 and 2008/9. If we exclude the number of airline employees resubmitted multiple claims for 2007/8, there has been a drop of 13% in the number of multiple claims accepted.
- However, there has been a recent increase in the number of single claims to 63,000 in 2008/9 – a rise of 15% as compared with 2007/8.

¹ A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings but will be counted only once

Figure 1: Single and Multiple accepted claims from 2000/1 to 2008/9



Note: Resubmitted multiple claims are included in the numbers of multiple and total receipts in the chart.

- The average number of jurisdictions per claim was 1.8, higher than the 1.7 for 2007/8² but back to the level of earlier years.
- When the jurisdictional mix³ of the claims is considered, there were 266,500 accepted jurisdictional cases, down by 10% on 2007/8 (297,000).
- There were rises in cases for unfair dismissal (up 29%); breach of contract (up 31%); redundancy pay (up 48%) and redundancy - failure to inform and consult (which is now 2.5 times the figure in 2007/8).
- There were falls in Working Time Directive⁴ (some of which is due to the high number of resubmitted multiples in 2007/8); Equal Pay (down 27%); sex discrimination (down 31%); and others (in 2007/8 there was an increase in claims relating to Trade Union Membership).
- The total number of claims disposed of was 92,000 – an increase of 13% compared with 2007/8. Of the 172,900 claims disposed of (taking account

² This figure excludes the number of resubmitted multiple claims. If these were included, there would be an average of 1.6 jurisdictions per claim for 2007/8.

³ A claim can contain a number of grounds, known as jurisdictional complaints. In any hearing, the tribunal has to decide upon the merits of the claim made under each jurisdiction e.g. unfair dismissal and sex discrimination.

⁴ The increase in 2007/08 is due to over 10,000 airline cases that are resubmitted every three months under the Working Time Directive.

of jurisdictional mix), 33% were withdrawn; 32% were Acas conciliated settlements and 13% were successful at Tribunal.

- The Employment Appeal Tribunal (EAT) received 1,794 appeals and disposed of 1,933, compared to 1,841 and 2,026 respectively in 2007/8.
- In EAT, 418 appeals were disposed of at a full hearing, compared to 466 in 2007/8.
- For EAT, the number of appeals rejected at the sift stage as having no reasonable prospect of success increased to 927 (from 888 in 2007/8), and for the first time exceeded half the number of appeals received.

Table 1: Claims accepted by Employment Tribunals

	April to March		
	2006/07	2007/08 ⁵	2008/09
Total Claims Accepted⁶	132,577	189,303	151,028
Total Claims Initially Rejected	10,762	9,779	10,576
Of the total, those that were resubmitted and subsequently accepted	3,861	3,323	2,858
Of the total, those that were resubmitted and not accepted or never resubmitted	6,901	6,456	7,718
JURISDICTION MIX OF CLAIMS ACCEPTED			
NATURE OF CLAIM	2006/07	2007/08	2008/09
Unfair dismissal ⁷	44,491	40,941	52,711
Unauthorised deductions (Formerly Wages Act)	34,857	34,583	33,839
Breach of contract	27,298	25,054	32,829
Sex discrimination	28,153	26,907	18,637
Working Time Directive ⁸	21,127	55,712	23,976
Redundancy pay	7,692	7,313	10,839
Disability discrimination	5,533	5,833	6,578
Redundancy – failure to inform and consult	4,802	4,480	11,371
Equal pay	44,013	62,706	45,748
Race discrimination	3,780	4,130	4,983
Written statement of terms and conditions	3,429	4,955	3,919
Written statement of reasons for dismissal	1,064	1,098	1,105
Written pay statement	990	1,086	1,144
Transfer of an undertaking - failure to inform and consult	1,108	1,380	1,262
Suffer a detriment / unfair dismissal - pregnancy ⁹	1,465	1,646	1,835
Part Time Workers Regulations	776	595	664
National minimum wage	806	431	595
Discrimination on grounds of Religion or Belief	648	709	832
Discrimination on grounds of Sexual Orientation	470	582	600
Age Discrimination	972	2,949	3,801
Others ¹⁰	5,072	13,873	9274
Total	238,546	296,963	266,542

⁵ The rejected & resubmitted figures for 2008/9 were under reported and the correct figures have been inserted.

⁶ A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings but will be counted only once.

⁷ This now includes the jurisdiction for unfair dismissal as a result of a transfer of an undertaking, which was previously shown separately.

⁸ The figure for 2007/8 includes 10,000 claims from airline employees that have been resubmitted a number of times.

⁹ This now includes 3 jurisdictions relating to pregnancy that were previously recorded under 'Other'.

¹⁰ The increase in 2007/08 is due to an increase in claims relating to trade union membership.

Table 2: Employment Tribunal Cases disposed and outcomes of jurisdictions in 2008-2009

11

	<u>2006/07</u>			<u>2007/08</u>		<u>2008/09</u>		
Total Claims Disposed	102,597			81,587		92,018		
JURISDICTION MIX OF TOTAL CLAIMS DISPOSED Apr 08 to Mar 09								
NATURE OF CLAIM	JURISDICTIONS DISPOSED		WITHDRAWN		ACAS CONCILIATED SETTLEMENTS		STRUCK OUT (NOT AT A HEARING)¹²	
	No.		No.	%	No.	%	No.	%
Unfair dismissal	39,427		9,914	25	16,579	42	2,942	7
Wages Act	24,945		6,495	26	7,515	30	1,298	5
Breach of contract	25,252		6,029	24	8,251	33	1,477	6
Redundancy pay	7,388		1,763	24	1,369	19	565	8
Sex discrimination	10,804		4,577	42	3,653	34	1,386	13
Race discrimination	3,970		1,110	28	1,493	38	293	7
Disability discrimination	5,460		1,816	33	2,391	44	338	6
Religious belief discrimination	620		184	30	212	34	47	8
Sexual orientation discrimination	533		164	31	211	40	33	6
Age discrimination	2,472		792	32	990	40	243	10
Working time	14,376		3,548	25	4,612	32	789	5
Equal pay	20,148		16,335	81	2,000	10	1,629	8
National minimum wage	508		253	50	133	26	26	5
Others	17,041		4,469	26	5,790	34	977	6
All	172,944		57,449	33	55,199	32	12,043	7
NATURE OF CLAIM	SUCCESSFUL AT TRIBUNAL		DISMISSED AT A PRELIMINARY HEARING¹³		UNSUCCESSFUL AT HEARING¹⁴		DEFAULT JUDGEMENT	
	No.	%	No.	%	No.	%	No.	%
Unfair dismissal	3,935	10	1,012	3	4,372	11	673	2
Wages Act	4,581	18	453	2	2,364	9	2,239	9
Breach of contract	4,617	18	426	2	2,615	10	1,837	7
Redundancy pay	2,143	29	91	1	396	5	1,061	14
Sex discrimination	341	3	206	2	597	6	44	0
Race discrimination	129	3	236	6	694	17	15	0
Disability discrimination	177	3	172	3	543	10	23	0
Religious belief discrimination	19	3	43	7	110	18	5	1
Sexual orientation discrimination	13	2	45	8	65	12	2	0
Age discrimination	53	2	117	5	259	10	18	1
Working time	2,862	20	247	2	986	7	1,332	9
Equal pay	36	0	62	0	82	0	4	0
National minimum wage	52	10	7	1	26	5	11	2
Others	3,748	22	293	2	1,347	8	417	2
All	22,706	13	3,410	2	14,456	8	7,681	4

¹¹ Percentages may not add to 100 because of rounding

¹² Previously described as DISPOSED OF OTHERWISE

¹³ Previously described as DISMISSED AT HEARING (OUT OF SCOPE)

¹⁴ Previously described as DISMISSED AT HEARING (OTHER REASONS)

Table 3: All Unfair Dismissal Jurisdictions disposed of at a Hearing

	Number	Percentage of unfair dismissal cases proceeding to a hearing	Percentage of all unfair dismissal cases disposed of¹⁵
Cases dismissed			
At a Preliminary Hearing	1,012	10.9	2.6
Unsuccessful at hearing	4,372	46.9	11.1
All cases dismissed	5,384	57.8	13.7
Cases upheld			
Reinstatement or reengagement	7	0.1	0.0
Remedy left to parties	132	1.4	0.3
Compensation	2,488	26.7	6.3
No award made	1,308	14.0	3.3
All cases upheld	3,935	42.2	10.0
All cases proceeding to a hearing	9,319	100	23.6

Table 4: Representation of Claimants at Employment Tribunals

	2006/7	2007/8	2008/9
Represented by:			
Trade Union	9,902	29,136	8,812
Lawyers ¹⁶	79,313	117,565	85,871
No rep information provided ¹⁷	31,694	31,780	41,270
Other	11,701	10,814	15,075
Total Claims	132,610	189,295	151,028

¹⁵ Percentages may not sum to 100 due to rounding.

¹⁶ Included: representation by Solicitors, Law centres and Trade Association

¹⁷ For those individuals representing themselves, there is no need to provide information on representatives. Therefore all cases where the representative information was left blank are included here.

Table 5: Compensation awarded by Tribunals – cases with Unfair Dismissal jurisdictions ¹⁸

	<u>No.</u>	<u>%</u>		<u>No.</u>	<u>%</u>
<£500	124	5.0	£10,000-£12,499	148	5.9
£500-£999	181	7.3	£12,500-£14,999	97	3.9
			£15,000-£19,999	118	4.7
£1,000-£1,999	420	16.9			
£2,000-£2,999	253	10.2	£20,000-£29,999	112	4.5
£3,000-£3,999	210	8.4	£30,000-£39,999	48	1.9
£4,000-£4,999	174	7.0	£40,000-£49,999	16	0.6
			£50,000+	49	2.0
£5,000-£5,999	135	5.4	All	2,490	100
£6,000-£6,999	144	5.8			
£7,000-£7,999	112	4.5	Maximum award¹⁹		£84,005
£8,000-£8,999	83	3.3	Median award		£4,269
£9,000-£9,999	66	2.7	Average award		£7,959

Table 6: Compensation awarded by Tribunals – cases with Race Discrimination jurisdictions ²⁰

	<u>No.</u>	<u>%</u>		<u>No.</u>	<u>%</u>
<£500	1	1.5	£10,000-£12,499	3	4.4
£500-£999	6	8.8	£12,500-£14,999	1	1.5
			£15,000-£19,999	2	2.9
£1,000-£1,999	5	7.4			
£2,000-£2,999	3	4.4	£20,000-£29,999	3	4.4
£3,000-£3,999	9	13.2	£30,000-£39,999	4	5.9
£4,000-£4,999	8	11.8	£40,000-£49,999	2	2.9
			£50,000+	4	5.9
£5,000-£5,999	4	5.9	All	68	100
£6,000-£6,999	4	5.9			
£7,000-£7,999	3	4.4	Maximum award²¹		£1,353,432
£8,000-£8,999	5	7.4	Median award		£5,172
£9,000-£9,999	1	1.5	Average award		£32,115

¹⁸ Compensation awarded is that of which the tribunals is aware

¹⁹ The maximum award for compensation is limited to £63,000 from 1/2/2008. Awards may be above the maximum where they include a basic award element.

²⁰ Compensation awarded is that of which the tribunal is aware. For awards in cases of Discrimination there is no statutory cap.

²¹ One award was made of £1,353,432 which included a loss of earnings component; details of which are in the public registry in Bury St Edmunds.

Table 7: Compensation awarded by Tribunals – cases with Sex Discrimination jurisdictions

	<u>No.</u>	<u>%</u>		<u>No.</u>	<u>%</u>
<£500	3	1.7	£10,000-£12,499	12	6.9
£500-£999	3	1.7	£12,500-£14,999	7	4.0
			£15,000-£19,999	11	6.4
£1,000-£1,999	10	5.8			
£2,000-£2,999	13	7.5	£20,000-£29,999	20	11.6
£3,000-£3,999	10	5.8	£30,000-£39,999	4	2.3
£4,000-£4,999	9	5.2	£40,000-£49,999	1	0.6
			£50,000+	3	1.7
£5,000-£5,999	16	9.2	All	173	100
£6,000-£6,999	21	12.1			
£7,000-£7,999	11	6.4	Maximum award		£113,106
£8,000-£8,999	8	4.6	Median award		£7,000
£9,000-£9,999	11	6.4	Average award		£11,025

Table 8: Compensation awarded by Tribunals – cases with Disability Discrimination jurisdictions²⁰

	<u>No.</u>	<u>%</u>		<u>No.</u>	<u>%</u>
<£500	2	2.5	£10,000-£12,499	9	11.1
£500-£999	1	1.2	£12,500-£14,999	3	3.7
			£15,000-£19,999	6	7.4
£1,000-£1,999	7	8.6			
£2,000-£2,999	9	11.1	£20,000-£29,999	3	3.7
£3,000-£3,999	5	6.2	£30,000-£39,999	3	3.7
£4,000-£4,999	5	6.2	£40,000-£49,999	1	1.2
			£50,000+	7	8.6
£5,000-£5,999	8	9.9	All	81	100
£6,000-£6,999	2	2.5			
£7,000-£7,999	4	4.9	Maximum award		£388,612
£8,000-£8,999	5	6.2	Median award		£7,226
£9,000-£9,999	1	1.2	Average award		£27,235

Table 9: Compensation awarded by Tribunals – case with Religious Discrimination jurisdictions ²⁰

	<u>No.</u>	<u>%</u>		<u>No.</u>	<u>%</u>
<£500	0	0	£10,000-£12,499	0	0
£500-£999	0	0	£12,500-£14,999	0	0
			£15,000-£19,999	0	0
£1,000-£1,999	0	0			
£2,000-£2,999	1	33.3	£20,000-£29,999	1	33.3
£3,000-£3,999	0	0	£30,000-£39,999	0	0
£4,000-£4,999	1	33.3	£40,000-£49,999	0	0
			£50,000+	0	0
£5,000-£5,999	0	0	All	3	100
£6,000-£6,999	0	0			
£7,000-£7,999	0	0	Maximum award		£24,876
£8,000-£8,999	0	0	Median award		£4,291
£9,000-£9,999	0	0	Average award		£10,616

Table 10: Compensation awarded by Tribunals – cases with Sexual Orientation Discrimination jurisdictions ²⁰

	<u>No.</u>	<u>%</u>		<u>No.</u>	<u>%</u>
<£500	0	0	£10,000-£12,499	0	0
£500-£999	1	25	£12,500-£14,999	0	0
			£15,000-£19,999	0	0
£1,000-£1,999	0	0			
£2,000-£2,999	0	0	£20,000-£29,999	1	25
£3,000-£3,999	0	0	£30,000-£39,999	0	0
£4,000-£4,999	0	0	£40,000-£49,999	0	0
			£50,000+	1	25
£5,000-£5,999	0	0	All	4	100
£6,000-£6,999	0	0			
£7,000-£7,999	1	25	Maximum award		£63,222
£8,000-£8,999	0	0	Median award		£15,351
£9,000-£9,999	0	0	Average award		£23,668

Table 11: Compensation awarded by tribunals – cases with Age Discrimination jurisdictions²⁰

	<u>No.</u>	<u>%</u>		<u>No.</u>	<u>%</u>
<£500	0	0	£10,000-£12,499	0	0
£500-£999	3	14.3	£12,500-£14,999	1	4.8
			£15,000-£19,999	1	4.8
£1,000-£1,999	3	14.3			
£2,000-£2,999	3	14.3	£20,000-£29,999	0	0
£3,000-£3,999	3	14.3	£30,000-£39,999	0	0
£4,000-£4,999	1	4.8	£40,000-£49,999	0	0
			£50,000+	1	4.8
£5,000-£5,999	0	0	All	21	100
£6,000-£6,999	2	9.5			
£7,000-£7,999	1	4.8	Maximum award		£90,031
£8,000-£8,999	1	4.8	Median award		£3,000
£9,000-£9,999	1	4.8	Average award		£8,869

Table 12: Costs awarded in Employment Tribunals cases²²

COSTS TO	No. OF CASES		COSTS TO	NO. OF CASES	
	<u>Awarded to Claimant</u>	<u>Awarded to Respondent</u>		<u>Awarded to Claimant</u>	<u>Awarded to Respondent</u>
< £200	9	27	£6,001-£8,000	2	14
£201-£400	20	21	£8,001-£10,000	4	18
£401-£600	16	24	£10,000+	3	2
£601-£800	6	20	All	102	265
£801-£1000	8	29			
£1,001-£2,000	21	46	Maximum award		£25,000
£2,001-£4,000	8	45	Median award		£1,100
£4,001-£6,000	5	19	Average award		£2,470

²² This does not include costs awarded for waste or preparation.

Table 13: Summary of Receipts and Disposals at EAT

Appeals Received	1,794
<u>Appeals Disposed</u>	
Rejected – out of time	240
Rejected – no reasonable prospect of success	927
Withdrawn prior to registration	144
Withdrawn after registration ²³	132
Struck out	18
Dismissed at preliminary hearing ²⁴	54
Disposed at full hearing ²⁵	418
Total disposed	1,933

Table 14: Cases dealt with at preliminary hearings by EAT

	Brought by employers	Brought by employees	All
Dismissed at hearing	18	36	54
Allowed to full hearing	29	40	69
All	47	76	123

Table 15: Appeals disposed of by EAT at a full hearing

	Brought by employers	Brought by employees	All
Dismissed at hearing	82	110	192
Allowed	79	38	117
Allowed & remitted	51	58	109
All	212	206	418

Table 16: Appeals withdrawn

	Brought by employers	Brought by employees	All
Withdrawn before Preliminary hearing	7	12	19
Withdrawn before Full hearing	56	57	113
All	63	69	132

²³ See Table 16

²⁴ See Table 14

²⁵ See Table 13

Explanatory notes

Data quality and sources

All the data are drawn from administrative sources. Although care is taken when processing and analysing the data, the detail is subject to the inaccuracies inherent in any large-scale recording system. While the figures shown have been checked as far as practicable, they should be regarded as approximate and not necessarily accurate to the last whole number shown in the tables. They are fit to be used for purposes of looking at trends and for comparing the relative magnitude of components.

Resubmission of multiple cases

During 2007/8, over 10,000 multiple claims against Working Time Directive jurisdictions were resubmitted a number of times. We have included these in the overall number of receipts but care should be taken when comparing trends over time. By nature of contract of employment and terms and conditions, the claimant(s) need to keep resubmitting the grounds of their claim(s) until a judgement has been issued. These types of cases usually involve jurisdictions that deal with wages or annual leave, where failure to submit a claim could result in the claimant not being able to get any unpaid monies for that period that have been won as part of the judgement.

Definitions

Claim - A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings but will be counted only once.

Single and multiple claims - Claims to the Employment Tribunal may be analysed into two broad categories, singles and multiples. Multiple cases are where a number of people bring cases against one employer on the same or very similar grounds and they are processed together.

Jurisdiction - . the Employment Tribunals powers to hear a claim are determined by legislation, each piece of legislation defines the jurisdiction that can be covered by a claim to an Employment Tribunal. A full list of jurisdictions and originating legislation can be found here: <http://www.employmenttribunals.gov.uk/FormsGuidance/jurisdictionList.htm>)

Jurisdictional mix - . A claim can contain a number of grounds, known as jurisdictional cases. In any hearing, the tribunal has to decide upon the merits of the claim made under each jurisdiction e.g. unfair dismissal and sex discrimination. The total number of jurisdictions covered by each case gives a truer measure of workload than the number of claims. The jurisdictions covered by ET are wide ranging from discrimination and unfair dismissals to issues around salary and working conditions.

Disposal - A disposal is the closure of a claim when work has ceased to be done. This can be through a claim being withdrawn, settled, dismissed or decided at a hearing.

Contact points for further information

Current and previous editions of this publication are available for download at <http://www.tribunals.gov.uk>

Press enquiries should be directed to the Tribunals Service Press Office:

Tel: 020 334 6510

Other enquiries about these statistics should be directed to:

The Tribunals Service
Strategic Planning and Information Unit
4th floor
Taylor House
88 Rosebery Avenue
London EC1R 4QU
Email: tsstats@tribunals.gsi.gov.uk

General enquiries about the statistical work of the Ministry of Justice can be e-mailed to: statistics.enquiries@justice.gsi.gov.uk

General information about the official statistics system of the UK is available from www.statistics.gov.uk

©Crown copyright
Produced by the Ministry of Justice

Alternative formats are available on request from
statistics.enquiries@justice.gsi.gov.uk