

Employment tribunal changes ahead

There is currently a backlog of employment tribunals – with the number of cases being dealt with rising by 26% since March, and expected to continue to rise with the end of the current Coronavirus Job Retention Scheme next month.

23 September 2020

It perhaps won't come as any surprise to users of employment tribunals that there is currently a backlog – with the number of cases being dealt with rising by 26% since March, and expected to continue to rise with the end of the current Coronavirus Job Retention Scheme next month.

In an attempt to address this, the rules which govern employment tribunal proceedings are being amended with effect from 8 October, including allowing non-employment judges to hear certain claims and allowing “legal officers” to make certain determinations which are currently reserved to employment judges. Other changes are also being introduced to widen the circumstances where multiple claimants/respondents can use the same claim form or response form; to allow claim forms to be accepted despite errors in the conciliation details; to remove the need to publish online judgments dealing with dismissals on withdrawal; and to facilitate remote hearings.

The ACAS conciliation process is also to be simplified to change the default conciliation period from one month to 6 weeks (without extensions). These amendments will be introduced slightly later, in December.

There is clearly concern as to both current and future capacity within the employment tribunals and the amendments proposed are intended to simplify certain aspects of the system and redistribute some of the workload currently falling on employment judges. How quickly they will take effect – and in particular when non-employment judges or legal officers will be available – remains to be seen. With press reports of a backlog of 45,000 cases with the employment tribunal system, parties may still face considerable delays in the near future.

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