

Claims on the rise

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The Tribunal statistics for the period July to September 2019 have been published and show a continuing rise in single employment tribunal cases. The number of single claims received (12,000) is 38% higher than the same period last year – most likely to due to the continuing effects of the abolition of tribunal fees in 2017, and the inclusion of some cases which will be reclassified as multiple claims once fully vetted. Since the fees were abolished, 22,000 applications for refunds have been received – a total monetary value of £18 million.

The number of multiple claims received (13,000) was 10% down on the numbers for the same period last year but the Employment Tribunal caseload outstanding for the quarter (33,000 claims) has almost reached the peak levels seen in 2009/2010.

Of the 15,000 claims disposed of in the quarter (which is a combined figure for single claims and multiple claims), only 9% of these claims were successful at tribunal.

Increasing claim levels will not be good news for employers - and the high outstanding caseload, combined with stretched judicial and administrative tribunal resources are creating challenges in how existing cases are being dealt with and causing inevitable delays. More full-time salaried judges have been recruited but it may take some time to clear the backlog, particularly with the increasing number of claims being received.

It remains to be seen whether the strain on tribunal resources will prompt a further attempt to reintroduce a fee regime that does not present a barrier to access nor discriminate against any groups of claimant, but which alleviates at least some of the financial strain on the system.

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