

Rising Employment Tribunal backlog

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Employment tribunal statistics have been published showing a further increase in the number of tribunal claims which remain outstanding. As at the end of September 2022 (quarter 2), there were 45,000 single cases outstanding (up from 43,000 as at the end of June 2022) and 448,000 multiple cases outstanding (up from 443,000 as at the end of June 2022). However, although number of single cases rose slightly for quarter 2, the number of multiple claims dropped by around 2,000, resulting in an overall decrease in new claims for quarter 2, compared to the first quarter.

The annual statistics showed the amount of compensation awarded in successful unfair dismissal claims is on the rise – with the maximum (£165,000), the mean (£13,541) and the median (£7,650) for 2021/22 all higher than the previous two years. However, there has also been an increase in the number of costs awards made by the Tribunal in 2021/22, compared to the number of awards made in the previous two years. A total of 184 costs awards were made – the highest of which exceeded £600,000. This is, however, clearly an outlier – with the mean being £8,818 and the median dropping even lower to £2,500.

The Employment Tribunal is clearly still struggling to clear the existing backlog of claims and, in the current economic, social and political climate, there is a significant risk of claims rising again. The Government has announced an investment of £2.85 million to allow up to 1,700 more cases to come before employment judges by the end of March 2023. Detail is, however, limited at this stage as to how this is intended to operate. For those who have tribunal cases at present, ongoing challenges seem likely.

Author



Mark Hickson

Head of Business Development

onlineteaminbox@brownejacobson.com

+44 (0)370 270 6000

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