



**EMPLOYMENT TRIBUNALS  
England & Wales**

**EXTRAORDINARY MEETING OF NATIONAL USER GROUP**

**Minutes of the National User Group meeting  
held at Victory House on 26<sup>th</sup> September 2019**

**In attendance:**

Judge Brian Doyle	President, Employment Tribunals E&W
Danie Flury	HMCTS
Marie Mannering	HMCTS
Richard Fox	Employment Lawyers Association
Paul McFarlane	Employment Lawyers Association
Diya Sen Gupta QC	Employment Law Bar Association
Philip Thornton	Lexis Nexis
John Sprack	Law Works
Tony Lowe	Acas
Nicole Clarke	Acas
Simon Pender	Make Up
Jennifer Beckwith	CBI
Andrew Willis	Cromer Group Ltd
James Potts	Peninsula
Jackie Hunsley-Wilson	HMCTS (minutes)

**Apologies:**

Shona Simon	ET Scotland
Sukinder Philips	HMCTS
Elanne Pimstone	(replacement attendee will be Sam Gage)
Richard Boyd	BEIS

**Welcome & introductions**

The President welcomed members to the Extraordinary Meeting of the Employment Tribunals National User Group (England & Wales) to discuss the findings of the ELA survey.

The President introduced **Daniel Flury (DF)** who was to field any questions raised from the survey and to discuss in detail the way forward.

In light of the ELA survey the results indicated performance and service being the single issue within the Employment Tribunals.

**Richard Fox (RF)** said the ELA members' key interest had been judicial and administrative resource. **DF** replied that judicial resource had been addressed and as to the administrative problems HMCTS were beginning to make inroads in that area. It was felt that the introduction of fees and then the removal of fees had led to an under-staffing problem.

**RF** had felt that the results from the survey were quite extreme. ELA had found from the "comments" section that there had been consistent evidence showing a regional imbalance. It was noted that there had been a technical issue as to why the Employment Tribunal for Scotland had not been included in the survey.

**DF** thanked the ELA for the survey and confirmed that at Ministerial level the findings of the national survey had been acknowledged. **DF** informed the members that there had been a major reconfiguration since 2017 to recruit and rebuild the administrative side of the ET support. **DF** acknowledged that since July 2017 the caseload had doubled and presently was still increasing. The pressure HMCTS administration had been under in all offices had been recognised. This had also coincided with problems with the Ethos case management system, which was a system that had been recognised as needing to be changed since 2011. It had been found to be totally dysfunctional due to it being harder to maintain. Major corruptions in the IT databases had compounded the administrative problems due to increase of receipts and judges' sittings. The poor telephony system had also been highlighted.

**DF** told the members that the Employment Tribunals had received an extra £2M for recruiting additional administrative staff since April 2019. It was noted that the London Employment Tribunal offices in particular had difficulty recruiting staff and also retaining staff. There were major such problems at the Watford and London Central offices. Bristol also had major problems. In contrast, it was easier in Leeds and Manchester to retain staff.

**DF** updated the members on the replacement of the Ethos case management system, which was currently being piloted. The result was better stability and speed. The pilot was currently being implemented in the Manchester and Glasgow offices. The system would be expanded through England, Wales & Scotland between November/December 2019. The result would be a turnaround in performance. In the long term the digital aspect would be a large part of the reform programme. The preparation of the ET for the reform programme would begin in November 2019. This would begin to address in the medium term the eventual introduction of digital, online and video-enabled processes in the appropriate case. The telephony system would also be improved.

**RF** noted that from a previous reform programme meeting that the Employment Tribunals had been last in the timeline for the rolling out of the digital technology upgrade. **DF** said that the Employment Tribunals were now at the top of the list and in the process of the digital upgrade.

**DF** said that HMCTS would keep ELA informed and to ensure the stakeholders were kept up to date as to the progression of the digital upgrades. The President confirmed that a Bill would have to be sought for

the necessary changes to achieve certain aspects, e.g. the introduction of legal officers, but that a Bill was not needed for everything.

The President updated the members on the position for additional judicial office-holders. 340 non-legal members are being recruited. Provisional offers had been made to candidates. Following finalisation of offers and the provision of training the new members would be hearing cases by April 2020. The new members would be split with approximately 300 for England & Wales and 40 going to Scotland. Last minute postponement of hearings were mainly due to not enough members being available to sit on the panel with the judge and also the commitment necessary if the hearing was to be over a 1-2 week period for the members to be available for that length of time.

Currently 50 fee-paid judges were being sought in the current recruitment exercise, which was at the stage of interviews. It was expected that the new judges would be available to sit from April/May 2020 onwards. The President said that he hoped that there would be a further competition for an additional salaried and fee-paid Employment Judges in mid-2020. The President pointed out that London and the South East had previously under-recruited in the last salaried exercise and he hoped that this could be rectified in any new competition.

The 58 salaried judges recruited this year had now started sitting. This had been phased in throughout 2019 with start dates in April, July and September. It had been noted that the additional judges were also creating more work for the current administrative staff.

Discussion took place concerning the centralised customer service centres. All telephone call statistics would be monitored to take into account the amount of calls abandoned, the length of calls taken and number of calls received.

Under proposals for digitalisation it was anticipated that in due course witness statements and hearing bundles would be uploaded; that the judge's instructions would be added digitally; and that there would be no need for a clerk to locate the paper file.

It was presently thought that hearings were taking too long to be listed. The President said that if possible it was better that a hearing should be listed as soon as possible, going part-heard rather than not being heard at all. That was a preference which enabled the case to go back into the system sooner.

**DF** said that a pay deal of 6%-7% had been offered to HMCTS staff which was above inflation, but had been rejected.

**DF** explained there would be less need for judges to be involved in purely administrative tasks. The recruitment of legal officers was the way forward. Presently, there were customer service centres operating in Stoke-on-Trent and Birmingham. The President explained how the Bristol and Victory House tribunals were currently wedded to IT servers within their buildings, which were not easy to move, and which had created problems when there had been a flood/fire at those locations.

**DF** confirmed that surplus money was not carried over from one year to another. He could not confirm how much of a budget would be given in the new financial year. **DF** also confirmed that the reform programme was not contingent on property sales. At present the Treasury had allotted HMCTS £1Bn and it was anticipated that HMCTS would saving £250M in running costs each year as a result of the reform programme.

The meeting ended and there was no other business.