



**MINUTES OF THE EMPLOYMENT TRIBUNALS (SCOTLAND)
NATIONAL USER GROUP**

DATE OF MEETING: Tuesday 10th August 2021

<u>ATTENDEES</u>	
<u>Name</u>	<u>Organisation</u>
Rachel Blair	North Lanarkshire Council
Katie Buchanan	Thomson Reuters
Dawn Dickson	Eversheds Sutherland
Ben Doherty	Lindsays
Kevin Duffy	Scottish Engineering
Rebecca Dyer	Strathclyde University Law Clinic
Greg Fletcher	NHS – CLO
Jordan Hamlett	Strathclyde University Law Clinic
Claire Heggie	CMS Cameron McKenna Nabarro Olswang LLP
Fiona Herrell	Brodies
Pauline Hughes	Just Employment Law
David Hutchison	Dallas MacMillan
Emma Johnston	Pinsent Masons LLP
William Lane	Pennisula
Kathleen Laverty	Strathclyde University Law Clinic
Laura Lilburn	Renfrewshire Council
Marie MacDonald	Miller Samuel
Laura McKenna	Morton Fraser LLP
Brian McLaughlin	Unionline Scotland
Charlotte McLeod	Equality & Human Rights Commission
Stephen Miller	Clyde & Co
Gregor Murphy	Brodies
Joanna Rae	Shepherd & Wedderburn
Sonia Sandhu	DLA Piper Scotland LLP
Sarah Shiels	Balfour Manson
Katie Sloan	Valla
Andrew Wallace	Balfour Manson
Katy Wedderburn	MacRoberts
Eilidh Wood	Burges Salmon

Also in attendance

Judge Shona Simon, President of Employment Tribunals (Scotland)

Judge Susan Walker, Vice-President of Employment Tribunals (Scotland)

Stephen Toal, Head of Operations (Scotland), HMCTS

Sandra Martin, Senior Operations Manager, ET (Scotland)

Will Breame, Deputy Director of Tribunals

Mark Lewis, Employment Tribunal Service Manager

Regional Judge Paul Swann, Midlands

Robin Rimmer, Employment Tribunals Access to Justice Team

Richard Boyd, Senior Policy Advisor, BEIS

Helen Nolan, Jurisdictional Office Support Team, JOST

Alan Hope, ACAS

Ian Proctor, ACAS

Suzanne Johnston, ET Team Leader (Edinburgh)

Tricia Ritchie, ET Team Leader (Aberdeen)

Jenny Demir, Legal Officer (Scotland)

Daniel Doherty, Legal Officer (Scotland)

Jennifer Brodie, SPS to the President of Employment Tribunals (Scotland), (Notetaker)

Sandra Muir, PS to the Vice President of Employment Tribunals (Scotland), (Notetaker)

Agenda item 1 – Presidents update

ELA ET survey

The President, Judge Simon, following initial introductions and welcomes, began by making reference to the publication of a survey of Employment Lawyers' Association (ELA) members in July 2021. The survey was seeking members' views on the effectiveness of the service being provided by the ET system north and south of the border and it also covered ACAS operations across Britain. The President went on to explain that ELA received responses from 14% of their members which equated, when weighted according to membership size of organisations making responses, to 25% of their membership overall. The President thought it was important to note that 72% of those who responded did mostly respondent work, 16% did a mixture of both respondent and claimant work and 12% did mostly claimant work. Judge Simon explained that while she was grateful to ELA for providing the

information contained in the survey and was carefully considering the views expressed, she wanted to ensure she was aware of the views of those who do only or mostly claimant work (given the imbalance in survey response rates). This National User Group (NUG) meeting was an opportunity for those views to be expressed and also for Judge Simon to get a sense of whether the ELA survey has fully captured Scottish system user views.

Judge Simon went on to provide further context by explaining that when the survey results were initially published the Times newspaper published an article the same day with the headline 'A long wait to resolve work woes' with a sub headline that 'Delays and backlogs in employment tribunals can lead to unfair settlements'. The suggestion in the article was that ELA members fear that 'workers are being pressured to settle employment claims rather than wait years to go to court' and that the ET system is 'near breaking point'. The article went on to say that Employment Tribunals in the London area seemed to be facing the greatest difficulty. The President asked NUG members whether they think claimants in Scotland feel under more pressure to settle their cases simply because they think they are going to have to wait a long time to get a hearing date. No one present expressed the view that this was happening. One participant (who provides representation only for claimants) stated that he was not aware of this being a factor that was influencing settlement of cases in Scotland.

Judge Simon noted that the ELA survey itself starts off by saying 'Justice delayed due to collapse of tribunal administration' although it goes on to make it clear that this is 'despite the best efforts of staff and Judges'. The President stated that 96% of those who practice in Scotland, and who had responded to this question in the survey, said that they had more than one case which was listed for a final hearing more than 12 months after the claim was presented. Judge Simon was keen to explore this further with system users.

She explained that she was certainly aware that in the ETs in Scotland there are some cases where parties and the judge have agreed that they need an in person (rather than remote) hearing and for a variety of reasons it has been agreed by parties and the judge to delay the listing – e.g vulnerable parties/witnesses not being able to attend in person

during the pandemic etc. The delay in these cases cannot be reasonably be attributed to administrative difficulties.

However she was aware of other systemic issues which had impacted on the listing of cases in Scotland. As had been noted at the last Scottish NUG there were fewer physical hearing rooms available to list into due to social distancing restrictions and the fact that some of the rooms in Glasgow (GTC) were being used to accommodate staff who had to work on a socially distanced basis which meant they were much more spread out than usual. That had an impact on listing of in person hearings but it did not impact on cases where a remote hearing, using CVP, was possible. As social distancing restrictions ease so the expectation would be that we would return to having more physical hearing rooms available. Judge Simon reassured system users that recently the number of in person hearings being listed had been doubled and this would increase further on a gradual basis, depending on the availability of hearing rooms and covid related restrictions.

However that was not the only reason that listing of some cases was taking longer than system users in Scotland were used to. Some problems in the listing process had arisen due to staff turnover, the fact that staff were working from home on a rota basis and that the staff in GTC had been spread over four floors, separated from other team members with whom they previously could easily communicate. Crucially the case files were also spread over four floors rather than located in a single place which made keeping track of them harder. (In the Eagle Building staff had all been able to sit together in one large open plan office, which aided communication, and the files were in the same space as the staff.) The President and Vice President had both been concerned about some cases taking longer to list than they should have done; they had been working with the senior operations manager, Sandra Martin, to identify exactly why the listing process was not working as effectively as it should and exploring system changes to improve the speed with which cases are listed. Judge Simon indicated she would give Sandra Martin the chance to explain more about what was being done administratively to ensure the listing process was improved, notwithstanding the difficulties caused by covid.

Judge Simon also highlighted that delays in listing were sometimes caused or contributed to by the parties/representatives. It was not

uncommon for there to be delays because parties do not return the date listing stencil or because they do not come to the Case Management Preliminary Hearing (CMPH) with their availability, despite being put on notice to do so. She asked for cooperation from system users in this regard, stressing that if date listing stencils are not returned then she had directed that cases should be listed on the information available rather than a further stencil being issued.

Judge Simon indicated that it was also evident to her, when she reviewed files, that some cases became very difficult to manage as they progressed for a range of reasons (for example, multiple applications for strike out being made which had to be dealt with by a judge, often at a hearing, even although there was in fact little chance of the case being struck out, given the legal test and case law which applies) with the timeline for a final hearing being pushed out because of the number of issues being raised through the case management phase. While she would never suggest that a party should not make an application to the tribunal which was designed to facilitate the achievement of the tribunal's overriding objective, it was important not to lose sight of the need to take a proportionate approach to the litigation process.

Judge Simon emphasised that currently, for cases ready to list for final hearing, we can offer dates in Scotland in the period of October to December 2021. There was no reason, in terms of the ability to provide a hearing slot, why there should be any significant delay in cases being listed for a hearing in Scotland. Both she and the Vice-President would be keeping a very close eye on the listing process going forward and will not hesitate to continue raising concerns about the administrative service in this regard, bearing in mind what is in the interests of justice. They will also be ensuring that processes are in place which support expeditious listing from a judicial perspective.

The President then turned to the issue of the length of time it has been taking to deal with correspondence sent to the Tribunals, this being one of the main areas of criticism in the ELA survey. This included the length of time it is taking to deal with applications for Case Management orders to be processed, for orders and judgements to be issued and phones to be answered. She explained that administrative colleagues in HMCTS have struggled to maintain the level of service that they used to be able to provide. There are various reasons for this including higher staff

turnover rates, difficulties in filling vacancies, issues connected to the provision of training for staff, pandemic related problems such as the staff and file dispersal referred to already. HMCTS staff had also been working from home on a rota basis and until the end of March 2021 when a new case management system, ECM, was introduced, they were limited in what they could do at home because they could not access the previous case management system, Ethos, remotely.

The President acknowledged HMCTS had certainly had problems in providing the administrative support both the judiciary and service users were entitled to expect but emphasised that those with administrative management responsibility had been doing their best to try to improve the situation. They were always responsive to concerns that were raised originating from the judges or from service users. The President then introduced Sandra Martin to discuss the challenges she and her colleagues have faced and to explain some of the steps that have been taken to improve performance.

HMCTS performance improvement measures

Sandra began by outlining the actions that had been taken over the last 4 months to help improve administrative performance. As already mentioned the new case management system ECM was introduced in March 2021. Various 'problem solves' have been undertaken across the teams to ensure administrative processes have been streamlined with clear handover points identified and agreed. Timing exercises for duties across all teams have now been completed to allow resourcing requirements to be fully reviewed. There has been a revision of process to capture local statistics to ensure work volumes and pressure points are clearly identified and are being reviewed on a daily basis. A fixed term appointment recruitment exercise has been launched along with refresher and additional training delivered to current staff. Edinburgh phone calls have now been redirected through the Glasgow Customer Contact Centre to allow Edinburgh to focus on dealing with correspondence and processing judge referrals.

Sandra then went on to explain that significant improvements are being seen across all teams. However there are still some backlogs which are being addressed. This may result in users continuing to experience dips in the level of administrative service they are used to but Sandra thanked

system users for their ongoing and continued patience while HMCTS continue to make improvements. As improvements have been achieved in relation to how quickly correspondence has been actioned, this has resulted in some backlogs within the listing team particularly in relation to in person hearings.

The ability to provide complete and accurate performance data is currently significantly impacted as a result of the introduction of ECM; work is still being undertaken to produce the suite of performance reports that were previously available from Ethos. However Sandra gave system users a performance update, based on figures currently available either nationally or locally.

- Total Live load is 90,481, which is a slight increase compared with July 2020 (increase of 5,734 cases). (N.B. this figure includes very large equal pay multiples – over 50,000 cases are equal pay related.)
- Over 3,500 items of correspondence are received across all Scottish offices on a monthly basis. This generates somewhere in the region of 2,500 referrals to either Employment Judges or Legal Officers.
- Over 400 cases are listed for a hearing per month
- On average 165 withdrawals and settlements are received each month with approximately 60 postponement requests also received
- Over 800 telephone calls are received via the customer contact centre every month with an average waiting time of 30 seconds. Pre-COVID the average number of calls received was over 1300 per month with an average waiting time of 48 seconds.
- In terms of Judicial Mediations, 3 successful mediations took place during July 2021 with a further 1 being unsuccessful. The successful mediations saved an estimated 11 hearing days that month.
- On-line Judgments – 8,347 judgments have been sent to Leicester for publishing to the on-line judgment register.¹

Looking forward Sandra plans an increased focus on in person hearings albeit CVP hearings will continue to be used for some cases where it is judicially determined as appropriate. A casefile reconciliation exercise is

¹ These figures are provided to give an insight into the workload of ET(S). They should not be relied on for other purposes nor is their accuracy guaranteed.

to be embarked upon to ensure that all cases are progressing to hearing in a timely manner. Consideration is also being given to piloting a new Document Upload Centre. (N.B. Further information will be made available about this in due course.) Staff start dates are awaited following a recent fixed term appointment exercise to bring resources in line with workloads.

Video Hearings

The President referred back to the ELA survey, noting that it suggested that remote hearings are ‘a clear success story’ and that a ‘large majority of lawyers favour remote hearings as restrictions ease’. 79% of the Scottish practitioners who responded to the ELA survey thought that remote hearings were ‘very effective’ – that was the highest percentage across Britain and 100% of Scottish practitioners considered they were more likely to provide a fair hearing when they were asked that question at the time the survey was conducted than had thought they would when they were introduced around March 2020. The President said she was interested to know the views of the Scottish NUG on use of remote hearings going forward as we are now a position to move back to more in person hearings. She reminded users of the plan that had been set out in the ET Roadmap: <https://www.judiciary.uk/wp-content/uploads/2021/03/ET-road-map-31-March-2021.pdf>

The general view expressed by those system users who commented was that the roadmap struck the right balance. There was support for remote hearings continuing to be used for some cases but also a recognition that in person hearings were needed in a range of circumstances. Judge Simon stressed the roadmap was a general guide with some default positions set out. It was important that system users who wanted a hearing in a particular format should provide as much as information about that as early as possible to inform thinking on the matter before a decision was made.

In person hearings and protective measures in place

The President reiterated that we were taking steps to list more in person hearings and that our ability to do that expeditiously is improved (a) if parties/representatives respond to date listing stencils seeking availability and that her standing direction was proceed to list without it if there is no reply; (b) when Scottish NUG members are told in advance

that one of the matters to be dealt with at a CMPH is fixing dates for the hearing, and they have been given an indication of listing period, they come to the hearing with all the information needed to achieve that objective.

She was conscious however that some people might be rather nervous about coming into hearing centres and will want reassurance on the measures in place. The President introduced Stephen Toal to give a further update on this subject.

Stephen began by saying that despite the announcement about restrictions being removed there is currently no plan to return to normal office working for staff despite the recent First Minister's announcements on removing some restrictions across Scotland this will not yet see a return to normal (pre-covid) office working arrangements. Whilst there is not a legal requirement, HMCTS in the GTC will be complying with SCTS protocols and observing a 1m social distancing standard. While there is no legal requirement HMCTS will be adopting a 1m social distancing measure in all buildings. Seating capacity for staff is being reviewed and working from home for some will continue. Wearing a face mask when moving around the building is still mandatory. However one way systems have now been removed with the exception of the entrance and exit. Lifts and toilets will continue to operate one person at a time. Stephen reassured the users that all HMCTS buildings have been risk assessed and continue to be assessed on a weekly basis and they have been identified as COVID secure. Stephen then went on to say that he hopes to increase the number of hearing rooms available in Glasgow Tribunal Centre with the same principles applying in Edinburgh and Aberdeen.

HMCTS Reform

The President started by stating that Employment Tribunals north and south of the border are the next big jurisdiction to go through the HMCTS reform process which has been underway for several years and has already resulted in significant changes being made to the way social security and immigration and asylum cases are processed and heard.

The introduction of legal officers into the Employment Tribunals is part of the reformed service vision. There are now four legal officers in

Scotland and HMCTS legal operations is in the process of recruiting another two. Those in post have undergone extensive training which was judicially designed and led. They all have judicial mentors to support them. The President acknowledged that some Scottish NUG members were apprehensive about the introduction of legal officers – that was clear at the last meeting of the group. She had explained at that time that there would be a right to apply for any decision made by a legal officer to be considered afresh by an Employment Judge. That indeed was the position and she was conscious that it would have been open to system users to routinely apply for decisions taken by legal officers to be considered afresh by a judge, thereby undermining them and the efficiencies we hoped to gain from their introduction. System users had not done this. Very few ‘consider afresh’ applications had been made. Judge Simon thanked all attendees for their cooperation on this front, emphasising that both she and the Vice President were absolutely delighted with the contribution being made by our legal officers. They were proving to be a real asset to the system: this was the view shared by all salaried EJ s in Scotland who are working closely with the legal officers.

The President went on to say that HMCTS are now embarking on the much harder process of digital reform of the ET system. There is judicial involvement in the reform process. She was very conscious that one of the critical issues would be ensuring that those who do not have access to computers, or those who are not digitally confident, are not excluded. The judiciary in all the courts and tribunals supported by HMCTS had been assured that there will always be a paper route into and through the system. There will also be the opportunity for system users to be involved in the reform process as it moves forward. The President then introduced Mark Lewis who is the new head of the ET jurisdictional support team, that being part of his role as the new ET Service Manager, as he will have a key role to play in the reform process.

Mark began by introducing himself and explained that his team work with the Presidents and policy teams from MOJ and that they give guidance and advice to operational staff to make sure they know exactly what they should be doing. He explained that his team have been working with administrators and legal officers across Britain to identify what changes need to be made to processes and what is successful in terms of best ways of working. They have been working on streamlining

processes throughout ET. The task is now for the wider reform team to build the digitised systems that will support service delivery and for user insight teams to ask users how this can be improved. It is hoped these new systems will be developed between now and February 2022 with the expected rollout being Summer 2022.

Mark then explained that ECM is the new ET case management system. This was brought in to replace Ethos as a more reliable system that would have the added advantage of allowing staff to work from home particularly through the pandemic. It was built outside the HMCTS reform programme because the need for it was urgent. However ECM was built using an underlying system called core case data which is part of the HMCTS reform programme so ECM can now be developed further in that context. The end state for reform is to give system users access to data about their case via a channel of their choice, if they register for this option. This will hopefully allow users to view information about where things stand with their cases, thereby allowing many queries to be answered without phone calls having to be made or correspondence sent to the tribunal.

Provisions in Judicial Review and Courts Bill impacting on Employment Tribunals

The President thought that it might be helpful to draw system users' attention to chapter 3 of the Judicial Review and Courts Bill (clauses 32 to 36), which has recently begun its passage in the UK Parliament, as this is specifically focussed on Employment Tribunals and the EAT. Clause 32 (4) if implemented will insert a new S37QA into the Employment Tribunals Act 1996. Its effect will be to shift ET Rule making powers from the Department for Business, Energy and Industrial Strategy to the Tribunals Procedure Committee (TPC), which is an advisory non-departmental public body, sponsored by the MOJ. The TPC is chaired by a judge and has a variety of judicial and system user representatives on it. The President then went on to say that some users may recollect that the UK Government consulted on this at the end of 2016 and in the consultation document entitled "Reforming the Employment Tribunal System". (The government's response to that consultation exercise resulted in the Prison and Courts Bill which was published in February 2017 but that Bill was never enacted due to a General Election being called before it got to the end of its passage).

The current Bill proposes at Schedule 5, part 3, paragraph 28 that the Lord Chief Justice will have the power to appoint one person to the TPC who can be a judge or a member of the ET or the EAT. Nowhere in this Bill is there a provision to ensure that Scottish ET interests are protected. She was also finding it quite difficult to understand how it could come to pass that the Lord Chief Justice would have power, from a constitutional perspective, to appoint an Employment Judge (or for that matter a non-legal member) of ET(S) to the committee. Judge Simon has raised concerns about this matter through appropriate channels.

Tribunal Composition

The President explained that the constitution of tribunal panels is dealt with in section 4 of the Employment Tribunals Act 1996. That specifies by jurisdiction type which type of panel is to sit. In the 2016 Consultation Paper the UK Government proposed to repeal section 4 and substitute a new provision which would bring Employment Tribunals into line with the First Tier Tribunal and Upper Tribunal under the Tribunals, Courts and Enforcement Act 2007. Again this provision was found in the Prisons and Courts Bill 2017 but never enacted. It has reappeared in the new Bill. The Bill provides at clause 33 that the Lord Chancellor will be responsible for making regulations about the number of members who are to compose the tribunal for determining specified matters. Responsibility for choosing the members of ET panels would pass to the Senior President of Tribunals. This is the model followed in the First Tier and Upper Tribunals. In those tribunals there are various Tribunal Composition Orders made by the Senior President, in consultation with the relevant Chamber President. The Bill only provides a broad outline of what is proposed. In theory it appears to allow for an Employment Tribunal to be composed of two people (which must include an Employment Judge) although Judge Simon found it difficult to envisage how this could work as a matter of routine in light of the role of the two non-legal members. The role of non-legal members in most of the administrative tribunals is different from the role of ET members in the party/party dispute arena and it was important, in the President's view, to take account of the fact that 'one size' did not fit all tribunals in procedural terms.

Witness Statements in Scotland

The President reminded system users that at the last Scottish NUG she asked for their views on the use of witness statements in ET proceedings in Scotland, being conscious they were being used more frequently than before the pandemic, particularly for remote hearings, and that there was some concern about the procedure which should apply to their use. The President thanked the users who sent their views. When the views were sought there was a research report under preparation by Dr Penny Cooper and Dr Michelle Mattison, University of Nottingham entitled ‘Witness Statements for the Employment Tribunals in England and Wales: What are the issues?’ That report is now available and the President told the users that she is considering this report, as part of her work on this topic which is ongoing.

Diversity and Inclusion

Judge Simon flagged that one of the topics on which there is a lot of focus at the moment in the courts and tribunals in England and Wales is judicial diversity and inclusion. Given the Senior President of Tribunals is very engaged in efforts to improve judicial diversity and inclusion it is natural that the reserved tribunals in Scotland, which come under his leadership, should be included in such initiatives. That includes ET(S). A judicial diversity and inclusion strategy was launched at the end of last year by the Judiciary in England and Wales. It has 4 main objectives:

- Creating an environment in which there is greater responsibility for and reporting on progress in diversity and inclusion
- Supporting and building a more inclusive and respectful culture and working environment within the judiciary
- Supporting and developing the career potential of existing judges
- Supporting greater understanding of judicial roles and achieving greater diversity in the pool of applicants for judicial roles

While the strategy does not expressly include the reserved tribunals Judge Simon is of the view that the reserved tribunals’ judiciary in Scotland should be doing what they can to further the objectives set out in the strategy. In that context she announced that she has appointed Employment Judge Muriel Robison as the lead diversity and inclusion judge for ET(S). More will be said on this topic in due course.

Devolution of Functions

The President mentioned that some system users might remember sending responses to a consultation exercise conducted by the Scottish Government in 2016 about devolution of the functions of ET(S). No response was ever issued by the Scottish Government to that consultation exercise. While there had been quite a long period when not much appeared to be happening on this front she went on to explain that civil servants have been doing some devolution related work in the background. This issue is now being more actively progressed again. Judge Simon reported that she, and other reserved tribunals judiciary, had been to two meetings on the subject with MOJ and Scottish Government officials over the last two months. There is still a good deal of work to be done but there is likely to be a further consultation run by the Scottish Government once MOJ has finalised a Draft Order in Council covering the functions of ETs, and the Tax and Social Entitlement Chambers of the First Tier Tribunal. The President informed system users that she has invited Scottish Government civil servants working in this policy area to come to a future meeting of the Scottish NUG to discuss what is being proposed. At the moment the Scottish Government civil servants have indicated that devolution of functions will not take place before 2024.

Tribunal Estate

The President indicated that she was very grateful to all those who practice in the Dundee area, and who are used to having their cases heard in the Dundee ET office, for their patience while we get the new office up and running there. She reassured system users that plans were progressing. Building warrants have been prepared, plans are being finalised for all the work needing done to provide completely refurbished premises almost next door to the previous ET office. In the meantime in person hearings are taking place in the Apex Hotel in Dundee. The President mentioned that HMCTS still has to pay for any rooms booked in the Apex if they cancel less than 6 days before the booked dates. She went on to ask, on behalf of HMCTS, that if any system users are going to settle a Dundee case booked to be heard at the Apex Hotel it would be really helpful if they could they do their very best to do that more than 6 days in advance of the hearing and let HMCTS know right away with a view to saving the cancellation fees that would otherwise be charged.

Department of Business, Energy and Industrial Strategy (BEIS) Update

Richard Boyd provided an update around the enforcement statistics relating to the Employment Tribunal unpaid awards penalty scheme. Approximately £4million has been recovered for claimants so far. Richard then reassured users that there is still an unpaid award penalty naming scheme. Government has not yet issued a naming round but will do so in due course. This will be done through a national press release. He then drew the system users' attention to a piece of work that Ministry of Justice are currently undertaking regarding [dispute resolution in England and Wales](#) closing on 31 October. This looks at litigation behaviour around settlements. While it is focused on England and Wales, Scottish practitioners may also want to offer their experiences of using these systems.

ACAS Update

Alan Hope provided an update on the work of ACAS. Case receipts have been impacted by group (multiple) cases but on the face of it ACAS (GB wide) have received fewer Early Conciliation notifications and Employment Tribunal cases than in the previous operational year.

- April 2019 to March 2020
 - EC- 138,837
 - ET1- 40,978

- April 2020 to March 2021
 - EC-114,533
 - ET1- 35,274

In terms of case outcomes EC settlements were up from 17 to 22% and other positive resolutions from 26 to 31%. ET settlements and other positive resolutions were down from 59% to 58% and from 80% to 79% respectively. ACAS anticipate that the further winding up of the furlough scheme will bring about increased numbers of cases. They also have a backlog of ET1 cases which they have been turning their attention to during this period of relatively low receipts.

Conciliation staffing resource now stands above 340 – approximately 30% up on 2019/2020. New conciliators go through a six-week remote

induction incorporating basic Individual Dispute Resolution (IDR1) training before beginning conciliation. Training and mentoring support continues with most conciliators completing IDR2 and Open Track conciliation (discrimination) training within a year of starting.

The Case Management System (CMS) continues its development. The current focus is on group notifications with the incorporation of a group case type for the recently formed group cases team to work on. This makes it easier to identify group cases and is less demanding on the CMS. ACAS are also working on optimising the contact information which they hold- particularly in relation to large employers. The IDR Service Transformation programme, now known as *Smart Resolution*, aims to have parties spend less time in the ET system with fewer cases requiring judicial time. ACAS continues to work to have conciliators focused on conciliation rather than administration. They have four workstreams:

1. A *content strategy* aimed at helping users grasp the basic principles of law associated with their dispute, the best way to resolve it and an understanding of the Acas role.
2. An *assisted notification process* aimed at guiding users to provide the right information for a good quality initial conversation.
3. A streamlined *case allocations system* to get cases from notification to conciliator as soon as practicable.
4. An optimised process for identifying *large group claims* for allocation to our recently formed Group Cases team.

Finally, ACAS are preparing for a new Statutory Instrument due to take effect in December 2021 which will allow more than one respondent per EC notification. Each respondent will continue to have its own case, case number and certificate. The notification of and handling of related claims will be easier as a result of this change.

AOB

No other business was discussed.

System users will be notified of the date of the next NUG meeting in due course.

September 2021