



Courts and Tribunals Judiciary

EMPLOYMENT TRIBUNALS England & Wales and Scotland

EXTRAORDINARY MEETING OF BOTH NATIONAL USER GROUPS

Minutes of the meeting of both National User Groups
held via Microsoft Teams on 16 June 2023

Attendance:

Judge Barry Clarke	President of Employment Tribunals (England & Wales)
Judge Susan Walker	President of Employment Tribunals (Scotland)
Judge Lorna Findlay	Regional Employment Judge, Midlands West
Judge George Foxwell	Regional Employment Judge, South East
Mark Lewis	HMCTS
Michael Nuna	HMCTS
Helen Nolan	HMCTS
Nicola Yong	HMCTS
Sandra Muir	HMCTS
Camille Renard	HMCTS
Callum Dewhurst	HMCTS
Stephen Toal	HMCTS
Robin Rimmer	MoJ
Naomi Graham	MoJ
Stewart Gee	Acas
Alan Hope	Acas
Alec Shillaker	Acas
Grant Cockburn	Acas
Omotayo Oyenubi	Acas
Richard Boyd	BEIS
Jemma Forrest	Anderson Strathern
Sarah Shiels	Balfour Manson
Jessica Armstrong	Balfour Manson
Louise Usher	Brodies
Rebecca Mullins	Burges Salmon
Katie Wooller	Burges Salmon
Menna Chmielewski	Burges Salmon
Ross Gale	Burness Paull
Jenn Scott	Clyde & Co
Catherine Howie	CMS Cameron McKenna Nabarro Olswang LLP
Sarah Judge	CMS Cameron McKenna Nabarro Olswang LLP
Matthew Reymes-Cole	Croner Group
Sarah Britton	Dentons
Roxana Alirezaee	Dentons
Caspar Glyn KC	Employment Lawyers Association
Felicia Epstein	Employment Lawyers Association

Richard Fox	Employment Lawyers Association
Euan Bruce	DLA Piper
Ross Jespersen	DLA Piper
Andy Goldsby	Equality Advisory Support Service
Catherine Greig	Greig Employment Law
Mark Alaszewski	Equality and Human Rights Commission
Dawn Dickson	Eversheds Sutherland
Raymond Farrell	Glasgow City Council
Anne McFarlane	Glasgow City Council
Becky Robertson	Glasgow City Council
Katy Wedderburn	Gunnercooke
B Caldwell	Harper MacLeod LLP
Lorna Davis	Harper MacLeod LLP
Ross Milvenan	Just Employment Law
Sally McCartney	Kippen Campbell LLP
Steve McLaren	Kippen Campbell LLP
Paman Singh	Law Society of Scotland's Employment Law Committee
Sarah F Watson	Lexis+ UK
Kenny Scott	MacRoberts
Fahima Tuki	Make UK
Iain Lovejoy	Make UK
Jessica Forrister	Make UK
Karen Hinks	Make UK
Simon Pender	Make UK
Laura McKenna	McKee Campbell Morrison Solicitors
Calum Maclean	Miller Samuel Hill Brown Solicitors
Rhidian Davies	NHS Scotland
Sophie McGuinness	Thomson Reuters
Tim Sharp	TUC
William Lane	WorkNest

1. Welcome & Introductions

1.1 England and Wales

Judge Clarke, President of Employment Tribunals in England and Wales, and Judge Walker, President of Employment Tribunals in Scotland, welcomed members to this extraordinary meeting of both national user groups representing the entirety of England, Wales and Scotland.

2. Introduction to reform – Judge Walker

Judge Walker explained the aims of the HMCTS reform programme. The programme began across the entirety of the justice system in 2015. It was now due to complete in March 2024. The Employment Tribunals project was at the end of the queue overall, and so detailed work had only commenced in the last 18 months. Judge Walker explained that the judiciary and HMCTS (and HMCTS contractors) had been working closely together to ensure that the technical products developed under the “reform” label were as effective as possible within the significant financial constraints that existed. They were being tested in a live and agile environment, using “fail fast and fix” mantra. Both ET jurisdictions were collaborating closely via a cross-border working group.

Judge Walker explained that the Employment Tribunals “Early Adopter sites” were Scotland (administered from Glasgow), the Leeds office within the North East England region, the

Midlands East region (administered from Nottingham) and the South West England region (administered from Bristol). These sites were testing the reformed product in a limited capacity, focused initially on “open track” cases (i.e., those where the allegations included discrimination and/or whistleblowing detriment) with unrepresented claimants and represented respondents. This case type had been chosen because the associated case management and case progression work was complex, and it would more rigorously test the reform products. There were plans for product releases over the coming months, before the reform products would then be rolled out to the remaining locations (which were all in England and Wales). The current national roll out timetable was late 2023, but this was not set in stone.

3. Reform overview – Mark Lewis

Mark Lewis, Service Manager for the two Employment Tribunal jurisdictions, provided a more detailed update in relation to the HMCTS reform programme. Having started with litigants in person in open track cases, the next two releases would involve the ET3 response “journey” and the MyHMCTS platform. Mark explained that further webinars aimed at professional users were planned for future releases and further details would be circulated in due course.

4. Demonstration – Michael Nuna

Michael Nuna, Senior Project Manager for ET reform, gave a demonstration of the MyHMCTS portal covering:

- How to register an administrator account for an organisation
- How an administrator account can invite other members of an organisation to access MyHMCTS
- Notifications generated by the system
- How to access a specific case
- How to submit an ET3 response form

Following questions raised, Michael confirmed that MyHMCTS was currently only available to solicitors and other professional legal organisations, but plans were underway to allow other representative organisations to access the online system. Michael also confirmed that the MyHMCTS portal allows users to upload a document alongside the ET3 claim form.

5. Next Steps – Judge Clarke

Judge Clarke explained that in due course the reform project would be expanded to cover all types of cases, and then “flipped” to deal with represented claimants and unrepresented respondents. Forthcoming releases would deal with matters such as making applications through the portal and uploading documents (whether in support of such applications or ahead of a hearing). Further down the line, there would be releases dealing with the allocation of work to judges and legal officers via the case management system and new ways of listing cases. The aim was for a fully digitised system that no longer required paper (although there would remain a paper route for those users who needed it). Judge Clarke said that judges were spending a great deal of time working with HMCTS colleagues to ensure that these systems were fit for purpose.

Judge Clarke noted that, currently, well over 90% of ET1 claim forms were filed online, but the figure for ET3 responses was, by comparison, tiny. The vast majority of ET3 responses

were submitted as pdf documents and sent to regional officers as attachments to emails. The two ET Presidents had asked their sponsoring department, BEIS, for a rule change that would enable them to issue a Practice Direction setting out the prescribed methods for submitting a response form, to mirror the existing approach for claim forms.

6. Close

In bringing the meeting to a close, both Presidents said that they were confident that the new system would ultimately be much better than the current one. However, they asked users to be patient, as implementation would be a “bumpy ride”. They thanked members for attending and for their ongoing engagement and feedback.