



Courts and Tribunals Judiciary

EMPLOYMENT TRIBUNALS England & Wales

51st MEETING OF NATIONAL USER GROUP

Minutes of the National User Group meeting held via Microsoft Teams on 15 April 2024

Attendance:

Judge Barry Clarke	President, Employment Tribunals (England & Wales)
Judge Benjamin Burgher	Regional Employment Judge, London East
Judge George Foxwell	Regional Employment Judge, South East
Judge Jennifer Jones	Acting Regional Employment Judge, Midlands West
Judge Andrew Freer	Regional Employment Judge, London Central
Judge Kate Andrews	Acting Regional Employment Judge, London South
Mark Lewis	HMCTS
Helen Nolan	HMCTS
Andrew Willis	Croner Group Limited
Catrina Smith	Employment Lawyers Association
Shantha David	Head of Legal Services, UNISON
Emma Wilkinson	Free Representation Unit
Laura Garner	Thomson Reuters
Gemma Grant	Discrimination Law Association
Kiyara Sen	Government Legal Department
Matt Jackson	Barrister and member of Tribunal Procedure Committee
Matthew Creagh	Trade Union Congress
Michelle Munro	Insolvency Service
Shenel Mushtaq	Ministry of Justice
Nick Denys	Employment Law Committee, Law Society of England & Wales
Paman Singh	Law Society of Scotland
Alan Philp	NatWest Mentor
Richard Boyd	Department for Business and Trade
Richard Fox	Employment Lawyers Association
Stewart Gee	Acas
Sarah Watson	Lexis Nexis
Tracey Moss	Citizens Advice

Apologies

John Sprack	Law Works
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1. Welcome & Introductions

The President welcomed members to the 51st meeting of the Employment Tribunals (England & Wales) National User Group, via Teams. The President reminded members that minutes of the previous user group meetings can be found [online](#).

2. Employment Tribunals system update – President

2.1 People and places

The President was pleased to share that new salaried judges have been appointed. There were 19 successful candidates. Once fractional working is accounted for, 16.4 full-time equivalent (FTE) judges have joined. 18 have been announced so far. Their names can be found on the judiciary website at [this link](#). There have been five appointments in Watford, one in Cambridge, four in London Central, five in London South and three in London East. There is one announcement left to go: another judge for London Central.

Noting that all will support the work in London and the South East, the President reminded members of the user group that London and the South East holds about 60% of the outstanding stock of single claims but only 30-40% of the judicial resource. The President further explained that this is the fourth successive occasion in which the Employment Tribunals (England & Wales) have struggled to recruit the numbers needed into London and the South East; the business case was for 50 FTE. There is no shortage of those who wish to become salaried judges in other parts of the country. The likeliest explanation for the shortfall is the cost of living in London and the South East.

There are other observations that can be made about recruiting Employment Judges to salaried roles. First, as the difference between the numbers and the FTE makes clear, it is increasingly popular for salaried judges to wish to work fractionally. The most common working fraction is 0.8 FTE. It is also quite common for new salaried judges to wish to retain their “ticket” to sit in other court or tribunal jurisdictions, which supports the One Judiciary agenda championed by the Lady Chief Justice and the Senior President of Tribunals.

The President explained that many salaried judges face long commutes and significant numbers of judges can only work supporting the caseload in London and the South East if they do so remotely. A significant number of judges are still hearing cases on video. This is a particular challenge in the London South region, which has a large number of salaried judges working remotely.

The President explained that, before the next national user group meeting is held later in 2024, it is likely that a further 50 fee paid judges will have been recruited, maintaining the pipeline for those who may, in due course, seek a salaried appointment. The President also anticipates that, by then, the names of the new Regional Employment Judges in Croydon and Birmingham will be known.

In relation to future recruitment, the President confirmed that discussions are ongoing. It is anticipated that there will be a further salaried judge recruitment exercise towards the end of the current financial year. The focus of that campaign will again be on appointing judges to London and the South East.

Following a question, the President confirmed that he expects the next recruitment exercise for fee paid judges to launch in approximately 3 years, although discussions are ongoing with the workforce planning teams in HMCTS and Judicial Office.

2.2 Resources

The number of sitting days for 2024/25 has yet to be confirmed.

As of April 2024, this jurisdiction now comprises:

- One President;
- 8 Regional Employment Judges (and 3 acting Regional Employment Judges)
- 165 salaried judges (approximately 140 FTE)
- 350 fee-paid judges
- 780 non-legal members

2.3 Performance

The President reminded user of the published data produced by HMCTS found at [this link](#). The [minutes of the last meeting](#) included a detailed analysis of the statistical position of the Employment Tribunals as reported over the last few years, in particular the reduction in the stock of single claims. This update should be read in conjunction with that explanation.

Since then, the following have been published:

- The [quarterly report published on 14 December 2023](#), which covered the July-September 2023 quarter. It identified **32,000** single claims awaiting determination.
- The [quarterly report published on 14 March 2024](#), which covered the October-December 2023 quarter. It identified **33,000** single claims awaiting determination.

This small increase in the outstanding stock is therefore the first increase since the quarterly report that was published on 8 December 2022.

The latest [HMCTS monthly management information is for February 2024](#) and was published on 11 April 2024. The figures for outstanding open caseload aggregate the single claims and the number of lead multiple cases. That figure has steadily increased over the last 12 months from 36,163 to 39,288. There are about 6,200 lead multiples in the system.

The President explained that HMCTS is slowly getting closer to statistical accuracy. Previously published data was subject to a caveat as the Employment Tribunals moved from one case management system to another.

As for what has been driving the recent increase, the President explained that data analysis is now capturing the cases being progressed on the new “reform” platform (in the four early adopter locations of Scotland, SW England, Midlands East and the Leeds office of NE England) and not just the main body of cases held on what is becoming a legacy platform. There are about 2,000 reform cases in the system and the number is continually growing.

2.4 Reform

The President explained that HMCTS reform is about introducing digital working to the Employment Tribunals, which includes getting rid of paper files and introducing automated and digitised case progression. As a result of the automation of certain administrative processes, HMCTS expects to reduce the overall headcount and the cost of running this part of the justice system. The President said that it was for HMCTS to run its operations, not the judiciary, but he hoped and expected that care would be taken to engage in appropriate validation exercises before staff requirements were finalised. In the meantime, he thanked colleagues in HMCTS for their hard work on designing the reformed case management system. The President also acknowledged and thanked the judges working in the four early adopter locations who have been testing the new system and suggesting enhancements.

Reform is being introduced via a series of “common components”, which are being implemented in stages. The package, as currently configured, will then be rolled out across all regions in England and Wales before summer 2024 – at least, that is the present intention of HMCTS. The President said that national rollout was an imperative, as the best way to

test the system properly was to do so in a “live environment” and subject it to the pressure of working at scale.

The President asked members to continue to “bear with us” as the Employment Tribunals embarked on this national rollout strategy. He said that the judiciary would continue to work constructively with HMCTS, acting both as critical friends and demanding customers, with the goal of ensuring the efficient administration of workplace justice for users.

2.5 Panel composition

The President reminded members of the user group that, approximately one year ago, the Senior President of Tribunals launched [a consultation process](#) on panel composition (i.e., how to make best use of non-legal members) in the Employment Tribunals and the EAT. The President emphasised that the consultation did not propose the abolition of non-legal members. He said it was anticipated that the Senior President of Tribunals would issue a Practice Direction later in 2024. Depending on the content of that Practice Direction there may be subsequent guidance from the Presidents in England and Wales and Scotland on the types of cases where they anticipate that non-legal members would add the most value, having regard to the interests of justice and the overriding objective.

2.6 Open justice

The President thanked users for their comments on his draft Practice Direction on Open Justice. After the draft had been circulated, the Ministry of Justice had launched its own call for evidence on open justice. There was some overlap between the draft Practice Direction and what might be new national benchmarks for open justice which follow the MoJ’s call for evidence. It seemed sensible to await the outcome of that call for evidence. Accordingly, once the MoJ has published its response, the President will take it into consideration and consider next steps.

2.7 Register of judgments and written reasons

The President reminded users that the register of judgments and written reasons is stored in two locations:

- 1) Decisions and written reasons post-February 2017 are stored on the [online register](#).
- 2) Decisions and written reasons pre-February 2017 are held in a physical archive.

The physical archive was previously located in Bury St. Edmunds. Periodically people request copies of judgments held in physical format. No fee is payable and the team receives 10-15 requests per month.

While the physical register remains nominally under the watch of an HMCTS team in Bury St Edmunds, the physical archive itself has recently moved to Norwich. Unfortunately, when HMCTS transferred the archive, the software that enabled a clerk to locate a judgment within the archive became corrupted and stopped working. Until this can be fixed, HMCTS cannot provide copies of judgments from the physical archive. A notice to this effect has now been published on the [online judgment register](#). There is a backlog of approximately 150 requests at present.

2.8 Rule changes

The President explained that, on 6 April 2024, a statutory instrument came into force amending the [ET rules of procedure](#). It introduced two key changes.

The first key change relates to occasions when the tribunal directs that an ET1 claim form be served on an alternative address for a respondent. As matters stand presently, the tribunal’s

administrative staff will serve a claim form on the address for the respondent that the claimant has provided. That address is not always the right one. A judge considering the case may sensibly direct that the claim form is re-served on the respondent's registered office. This is indeed what happened in the case of *Grant v Asda* [UKEAT/0231/16](#); but, having directed re-service, the Employment Judge gave the respondent a further 28 days in which to submit its response. The EAT held that this was wrong: under [rule 16](#), it was not open to the judge to restart the clock. The judge should instead have made clear that the time limit ran from the original sending and expired 28 days thereafter (see paragraph 12 of the EAT's judgment).

A new rule 15(2) addresses this issue. It empowers a judge to direct that a fresh 28-day time limit applies when a response is re-served. By removing the need to deal with applications for extensions of time, this amendment should support the efficient administration of justice.

The President said that the second key change should, in time, assume greater practical importance. It relates to the power of the system Presidents to issue a Practice Direction (PD) prescribing the methods by which a claim form and a response form can be presented. As matters stand, only [rule 8\(1\)](#) expressly allows for such a PD.

That PD is online [here](#). It says, in terms, that a claim form can only be presented in England and Wales in three ways: (1) via the online portal; (2) by post to Leicester; or (3) by hand to a regional office. A claim cannot be presented by email. As a result of this PD, over 95% of claim forms are presented via the online portal.

Behind the scenes, this level of online engagement has helped hugely with HMCTS reform: if most claimants are already interacting with the tribunal in a digital manner, they will more readily adopt other digital services during the life of their case.

However, rule 16(1) is different. As matters stand, it does not allow the President to issue a PD. There is therefore an asymmetry with rule 8(1). Consequently, respondents can present their ET3 response forms to the tribunal by any method they choose – and well over 90% choose to do so by populating the [downloadable pdf](#) and emailing it to a regional office.

This method of submission does not help with HMCTS reform, because respondents are not interacting with the tribunal in a digital manner. The President explained that success of the automated system, and the digital case files that HMCTS is introducing through reform, depends on the willingness of users to engage with the online portal to make their applications, submit documents, etc.

In due course, once reform has been rolled out to all regions, there will be a PD that, similar to claim forms, prescribes a limited number of methods of presentation of responses. There will only be four ways to present a claim/response: (1) by hand, (2) by post to Leicester, (3) via the online portal, and (4) exceptionally, by email to a dedicated central email address (while attaching a screenshot confirming that the portal was down).

In the short term, until reform is rolled out nationally, an interim PD has maintained the status quo for both claims and responses. A new PD will follow later in 2024 that aims to push respondents decisively towards filing responses through the online portal. The Presidents need to help HMCTS in that endeavour, because a considerable amount of the financial savings HMCTS seeks to make presuppose this automated process working properly. The new PD is likely to take effect in October 2024.

2.9 Tribunal Procedure Committee

The President reminded users of the long-heralded transfer of responsibility for the ET's rules of procedure from the Department for Business and Trade to the [Tribunal Procedure](#)

[Committee](#) (TPC). This has been brought about by the [Judicial Review and Courts Act 2022](#). The TPC is an independent body established under the [Tribunals, Courts and Enforcement Act 2007](#) and it already makes procedural rules for the various chambers of the First-tier Tribunal and the Upper Tribunal.

The transfer of responsibility is a significant change for the Employment Tribunals. It is now expected to happen in the next month or so. In anticipation of that transfer, the TPC membership has been expanded to strengthen its employment expertise. The ET judiciary is now represented by REJ David Franey and non-legal member Gillian Fleming. The practitioner representing the employment law community is Matt Jackson, a barrister. Others on the TPC also have experience of the Employment Tribunals, including Michael Reed and Angela Shields.

On 3 April 2024, the TPC issued a consultation paper setting out its proposals for remaking the rules upon transfer in Autumn 2024. The link is [here](#). This will entail new rules relating to legal officers and prescribed forms. The deadline for responding to this consultation is 26 June 2024. The paper is also worth reading as an indication of the rule changes that, subject to the outcome of the consultation, might be made in 2025.

The President encouraged members to respond to the consultation paper.

2.10 New Vento bands

The latest updated [Vento bands](#) have been circulated in a new addendum to the Presidential Guidance.

2.11 Mode of hearing

The President intends soon to circulate to the national user group, for comment, a draft Practice Direction on mode of hearing. This aims to provide a level of permanence to the last public statement on the matter contained in the [road map for 2022-2023](#).

According to a recent survey of the use of video across regions, the position is:

- **Case management hearings.** The majority are being conducted via telephone (60%+) or video (30%+).
- **Public preliminary hearings.** More than half are being conducted by video.
- **Judicial mediations.** Half are being conducted by video, while 40% are being conducted by telephone.
- **Short track.** A significant majority (70%+) are being conducted by video, with the remainder split between in-person and telephone.
- **Standard track.** Just over half (54%) are being conducted by video, while 30% are taking place in person.
- **Open track (1-3 days).** Just over half of these hearings (56%) are taking place in person, with the remainder taking place either wholly or partially by video.
- **Open track (3+ days).** The majority of these hearings (60%+) are taking place in person, with the remainder taking place either wholly by video (23%) or hybrid (12%).
- **Remedy/costs.** Just over half are taking place by video. 25% of remedy hearing and 40% of costs hearings are taking place in person

The President explained that he wants a full return to in-person justice for open track claims. While the majority are being held in person, there are still a significant number being held by video. Most of these hearings that are being held by video are in London and the South East of England; that is where the virtual region is most active.

2.12 Waiting times

The President explained that HMCTS remains unable to produce official, audited data on timeliness. The following sets out the position following an informal survey of the Regional Employment Judges.

In broad terms, as at the end of March 2024:

- For shorter hearings of 1-2 days' duration, most ET regions were listing them in the second half of 2024. London East, London Central, the North East (Leeds) and Midlands East regions were still listing them in the middle of 2024. There is much more flexibility where short hearings are concerned.
- For medium length hearings of 3-5 days' duration, many regions could hear them in the second half of 2024; these include London East, Wales, London Central, the North East and the South West. The remainder of the regions except London South could hear them in the first half of 2025. The longest waiting times are in London South (second half of 2025).
- For longer hearings of 6-10 days' duration, the picture is mixed. The shortest waiting times were in Wales (South), London Central, the North East and the South West, who could still list these cases in the second half of 2024. Wales (West and North), the North West (Manchester), South East (Norwich) and Midlands West regions were listing in the first half of 2025. London East, the North West (Liverpool), Midlands East and the South East were listing in the second half of 2025. The longest waiting times were in London South, who are listing these cases in the first half of 2026.
- For hearings longer than 10 days, the majority of regions were listing these in 2025. The shortest waiting times were in Wales (South) and the North East, who could still list these cases in the second half of 2024. Wales (North and West), London Central, the North West (Manchester), Midlands West, and South West were listing in the first half of 2025. London East, North West (Liverpool), the South East (all hearing venues except Watford) and Midlands East were listing into the second half of 2025. The longest waiting times were in Watford and Croydon, who are listing these cases in the first half of 2026.

Regions were often able to accommodate judicial mediations (or, increasingly, “dispute resolution appointments”) at short notice – often within 6 weeks. Parties seeking a JM or DRA should label their correspondence clearly to maximise the chances that it is picked up by administrative staff in a timely way.

The President explained that this was an overall picture and that there were always exceptions, such as cases that had involved numerous preliminary hearings, been postponed for good reason, or been subject to appeal. In addition, as lengthy hearings fell from the list due to settlement, it was often possible to backfill the list by bringing forward cases that had been listed at later dates.

2.13 Recording and transcription

The President explained that no official data is being captured on recording, but that an internal survey revealed the following position in relation to recording and transcription requests.

Since 20 November 2023 (when the [Practice Direction](#) and the [Presidential Guidance](#) came into effect), regions across England and Wales have received around 80 queries relating to transcription. Of those queries, around 40 have translated into a completed [Form EX107](#) for all or part of a hearing. Of that number, 11 included an application for a transcript at public expense. One application has been approved.

The President would like to move to a position where all Employment Tribunal hearings are routinely recorded, but there remain some parts of the estate where the necessary recording equipment is not available. He referred members of the user group to the explanation he gave them in his correspondence on the topic dated [6 November 2023](#) and [8 November 2023](#).

2.14 Taking of evidence from abroad

The Presidents are likely to revoke and reissue different guidance on this topic north and south of the border, as this is an area where England and Welsh law and procedure is likely to differ to Scottish law and procedure. The user groups will be notified when this happens.

3. Regional updates

3.1 Judge Benjamin Burgher – London East

3.1.1 Regional Update – London East

REJ Burgher explained that London East is receiving three new salaried judges (2.7 FTE).

The outstanding caseload in London East has slowly decreased. There are currently approximately 1,900 outstanding single cases, down from 2,000 last year.

REJ Burgher is concerned about the waiting times at London East. He will be starting a trial of a new process whereby long cases will not be listed at preliminary hearing. Rather, case management orders will be issued for completion within 6-9 months, and a further listing/readiness hearing will be listed. There is concern that many longer cases are occupying space in the listing diary when parties may not be ready and the hearing will not proceed. He does not anticipate that this change will negatively affect waiting times but has asked for user feedback on this process.

London East region is “recording ready” but not “transcription ready” as they do not have sufficient microphones from HMCTS to enable the transcription companies to determine who is speaking at any given time. REJ Burgher confirmed that any completed transcript is unlikely to be usefully relied upon for who said what. A request for additional equipment is outstanding.

3.1.2 Alternative Dispute Resolution / Dispute Resolution Appointments

REJ Burgher is the lead judge for Alternative Dispute Resolution (ADR). A new development as part of ADR are Dispute Resolution Appointments. It is hoped that this will become a familiar part of the Employment Tribunals, particularly in relation to open track claims.

Members of the user group were reminded of the [Presidential Guidance on Alternative Dispute Resolution](#) which was published in July 2023.

Dispute Resolution Appointments are compulsory to attend, and parties will be expected to discuss pressure points and expectations in relation to any particular claim.

REJ Burgher explained that while the Presidential Guidance sets out that DRA is applicable to cases longer than six days, individual regions may take a different approach on the threshold point depending on the needs of their region. In addition, any judge undertaking a DRA will be precluded from sitting on the final hearing. To ensure maximum use of judicial

resource, a pilot is ongoing between London East and Wales to swap salaried judges to hear DRAs, avoiding in-region judges being unable to sit on the final hearing. This process will be rolled out across all regions in due course.

Following a question relating to how the success of DRA will be monitored, REJ Burgher explained that data and information will be key to understanding whether it is working and how to improve effectiveness. The ADR Committee is looking to gather appropriate data and hopes that, in due course, more details can be shared.

Matt Jackson confirmed that this was an area where the TPC was seeking further information and he encouraged members of the user group to provide comments if they felt there should be amended ET rules on the matter.

3.2 Judge Andrew Freer – London Central

REJ Freer confirmed that the outstanding caseload in London Central has been reduced from around 11,000 single claims down to approximately 5,000 in the last 1½ years, and thanked the judges and HMCTS colleagues for their efforts. Five new judges (4.5 FTE) are joining London Central.

During the pandemic REJ Freer explained that many files in the region moved from paper to digital but in a way that was not consistent with how HMCTS reform was being rolled out. London Central has received a new reform product which has helped accelerate the process of converting these legacy digital files onto the new system being used for reform. It is hoped that users will see further efficiencies in due course.

REJ Freer is aware of ongoing difficulties with the telephone system in London Central. HMCTS is working on a resolution and has asked for users to be patient.

A regional ADR committee has been created to consider how to fit DRAs into existing processes.

The new premises for London Central ET in Newgate Street are now likely to be ready in early 2025. More details will be shared in due course.

3.3 Judge Kate Andrews – London South

Judge Andrews explained that she is an acting Regional Employment Judge in London South alongside Judge Omar Khalil. The selection process for the substantive Regional Employment Judge is ongoing and news is expected later in the year.

London South faces several challenges relating to delays in both listing hearings and in responding to correspondence from users. The administrative teams are now up to full complement and it is hoped this will have a positive impact, reducing the backlog of correspondence.

Five new salaried judges join London South between now and September 2024. This will bring the region to a total of 20 salaried judges (13 FTE), with 10 of those judges working remotely. It is hoped that this will translate into improved response and waiting times.

The outstanding caseload in London South at the end of the 2023/2024 financial year was 5,300 single claims.

3.4 Judge George Foxwell – South East

REJ Foxwell confirmed that the South East region holds about 1/6th of the single caseload and 1/8th of the lead multiples across England and Wales. He explained that the outstanding caseload in the South East has remained steady, having disposed of only 25 fewer cases than have been received in the past year.

Six new judges are joining the South East Region, with five of those six based at Watford. The Watford office was previously very under-resourced with salaried judges and experienced longer waiting times than other hearing centres in his region.

Watford is currently also experiencing administrative issues, including long waits for correspondence to be referred to judges and directions to be issued to parties. The administrative teams in Watford are aware of the problems and are working to address them.

Video hearing technology has enabled the South East to hear more cases than previously, and are now able to hear between 450 and 600 hearings each month. The use of video hearings has facilitated short-notice transfer of cases between judges based at different hearing centres. Likewise, he said, when digital files come to this region as part of reform, it should enable correspondence and documents to catch up with the judges.

He reported that DRAs were coming to the South East region shortly; users can start expecting to see these referred to by judges in case management preliminary hearings from May 2024 onwards.

3.5 Judge Jennifer Jones – Midlands West

Acting REJ Jones said that three new salaried judges had joined Midlands West on transfer from London and the South East, having previously been commuting to London and Watford from the Midlands. Midlands West region now has 23 salaried judges and 40 fee-paid judges.

The existing hearing rooms for Birmingham Employment Tribunal are on the 14th and 15th floor of the building, which is not ideal for all users or judges. Consequently, some cases are now being listed in the Civil Justice Centre which is nearby and a more accessible building. Users are asked to notify Midlands West ET as soon as possible if they have disability or access issues so that arrangements can be made to provide more accessible premises.

She reported that Midlands West ET is also now making more regular use of the County Court building in Stoke-on-Trent.

Administrative recruitment is underway and three new staff have been welcomed today. The focus has been on tackling the correspondence backlog, which is down to more reasonable proportions.

Midlands West region is currently hearing 12-15 cases a day and sitting 15 judges per day.

4. Mark Lewis – HMCTS

Mark Lewis gave an update, starting with reform. He explained that the focus of the reform programme had, until now, been on the litigant in person claimant journey and the represented respondent journey. The next stage is to release the represented claimant journey using the MyHMCTS platform, which is likely to be released in the next month or so. Further communications will follow when the date has been agreed.

Further to the President's earlier update, represented users can now submit an ET3, make digital applications and submit their bundles using the online platform. The reform team needs people to use the platform, test it and provide feedback so that it can be improved.

Digital uptake of ET3 response submission is also a priority. Currently over 95% of ET1 claim forms are submitted online and the team is working to increase the figure for ET3 responses. The reform team has also been working closely with the Employment Lawyers' Association over the past 6-9 months and have hosted three webinars to demonstrate various products. These webinars will be shortly released on YouTube and a link will be distributed in due course. Two further webinars are scheduled for May 2024.

The focus has been primarily on single claims for the past 2 years, but the team are now looking at multiple claims. Meetings with judges and staff are ongoing, and it is hoped that multiple functionality will be released by the end of June.

An update letter and updated FAQ document is being finalised and will be issued as soon as possible. These documents will explain more about MyHMCTS, the benefits and what the team needs from users. The FAQ has incorporated feedback from the webinars held previously.

Following a question, Mark Lewis provided an update on the timeline for national rollout. There remains several governance steps and so the dates are not definite. National rollout is aiming to take place between May and July 2024. The London sites will be first, followed by the North West, then Newcastle, the South East, Midlands West and Wales.

5. Sheneel Mushtaq – Ministry of Justice

Sheneel Mushtaq explained that she had taken over from Robin Rimmer who previously attended the national user group meetings.

Regarding the delegation of panel composition powers, the statutory instrument was laid in November 2023 to transfer the powers to the SPT to decide panel composition via a Practice Direction as is done in other tribunals. These regulations were approved in January and she was expecting the SPT to announce his plans shortly; existing arrangements will remain in place until then.

Sheneel confirmed that the ET rule changes - previously outlined by the President - came into effect on 6 April 2024.

The transfer of ET rule making powers from DBT to the Tribunal Procedure Committee (TPC) is planned to take place by the end of April 2024.

As has been previously mentioned, the TPC was consulting on the changes they would like to make, and members were encouraged to engage with the consultation.

6. Richard Boyd – DBT

Richard Boyd reiterated the recommendation for members to engage with the TPC consultation. He also encouraged any member who has involvement with other parts of the tribunal process (training levies, statutory appeals, etc) to ensure that they provide feedback.

Richard confirmed that DBT retain policy ownership of employment law and still have an interest in Employment Tribunals as the main method of enforcement of employment rights once rule-making powers have transferred from DBT to TPC. He will still wish to hear from users about how employment law is being enforced "on the ground" and the issues that are being encountered.

He confirmed that the new [increase of limits order](#) made in March 2024 had now come into effect.

7. Stewart Gee – Acas

Stewart introduced his role as head of individual dispute resolution and shared that Acas was celebrating the 10-year anniversary of the introduction of early conciliation. Since 2014, Acas has dealt with over 1 million request for early conciliation and this year has had their highest level of resolution. This year 39% of early conciliation cases were resolved and 78% of those at Employment Tribunals were resolved.

Acas will benefit from the technical work that Mark Lewis referred to as part of HMCTS reform, as Acas will be able to receive cases automatically by digital means from the Employment Tribunal in a reasonably short period. This will mean Acas will be able to allocate a conciliator to that case and contact parties quicker, which hopefully will bring a resolution forward.

Work is taking place to attempt to increase rates of resolution, with focus particularly on users who do not make as much use of the services of Acas as they might. For example, some claimants who notify for early conciliation do not proceed with it, and also respondents that do not make use of early conciliation when the claimant wishes to do so. It is hoped that this work will help increase the usefulness of early conciliation to those underrepresented groups.

Sewart said that Acas was running an event on 14 May 2024 to discuss early conciliation and hear from speakers about their experiences of the service.

8. Any other business

There was no other business. The next user group meeting will take place in September 2024 and an invitation confirming the date will follow in due course.