



Courts and Tribunals Judiciary

EMPLOYMENT TRIBUNALS England & Wales

53rd MEETING OF NATIONAL USER GROUP

Minutes of the National User Group meeting held via Microsoft Teams on 14 January 2025

Attendance:

Judge Barry Clarke	President of Employment Tribunals (England & Wales)
Judge Susan Walker KC	President of Employment Tribunals (Scotland)
Judge David Franey	Regional Employment Judge, North West
Judge Omar Khalil	Regional Employment Judge, London South
Judge Stuart Robertson	Regional Employment Judge, North East
Judge Andrew Freer	Regional Employment Judge, London Central
Judge George Foxwell	Regional Employment Judge, South East
Mark Lewis	ET Service Manager, HMCTS
John Dunphy	Acting ET Deputy Service Manager, HMCTS
Leanna Conradson	Deputy Private Secretary, Judicial Office
Emma Wilkinson	Free Representation Unit
Matthew Creagh	Trades Union Congress
Andrew Willis	Croner Group Limited
James Gilbert	Peninsula
Katie Sloan	Valla Ltd
Sophie McGuinness	Thomson Reuters
Kiyara Sen	Government Legal Department
Caspar Glyn KC	Employment Lawyers Association
Richard Fox	Employment Lawyers Association
Shantha David	Head of Legal Services, UNISON
Alan Philp	NatWest Mentor
Sarah Watson	Lexis Nexis
Tony Lowe	Acas
Matt Jackson	Barrister and member of Tribunal Procedure Committee

Apologies:

Helen Nolan	Manager, Jurisdictional Support Team, HMCTS
Danae Shell	Valla Ltd
Judge Rohan Pirani	Regional Employment Judge, South West
Judge Sian Davies	Regional Employment Judge, Wales
Judge Jennifer Jones	Regional Employment Judge, Midlands West
Judge Paul Swann	Regional Employment Judge, Midlands East
Judge Benjamin Burgher	Regional Employment Judge, London East
Marie Mannering	ET Deputy Service Manager, HMCTS
Richard Boyd	Department for Business and Trade (DBT)
Clare Cruise	Law Centres Network

1. Welcome & Introductions

1.1 England and Wales

The President welcomed members to the 53rd 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 began by acknowledging the recent death of his predecessor as President of the Employment Tribunals in England and Wales, Judge Brian Doyle. His death had a deep impact upon all who knew him, and the President and his Private Office had been touched by the number of contributions from members of the national user group to his memorial book.

The President also shared news of the death of Judge Nick Hanning, a fee paid Employment Judge who died at the age of 60 on New Year's Eve. Nick Hanning was the first fee paid Employment Judge to be drawn from the ranks of the Chartered Institute of Legal Executives. He paved the way; since his appointment, several CILEx members have become fee paid Employment Judges. Before his death Nick Hanning had been appointed as a Recorder (again, the first drawn from CILEx) and the Lady Chief Justice had sworn him in personally.

Two Regional Employment Judges are due to retire shortly: Regional Employment Judge Paul Swann (Midlands East region) is retiring at the end of March 2025 and Regional Employment Judge Stuart Robertson (North East England region) is retiring at the end of April 2025. The President hopes to have approval from the Lord Chancellor for both to continue to sit in retirement. Their retirements mean that an internal EOI will soon be circulated for salaried judges to act as REJ in those regions until substantive appointees are confirmed. It is likely that the JAC competition for those roles will open in April 2025.

(Update: Employment Judges Robert Clark and Elizabeth Heap will jobshare the acting REJ role in Midlands East, while Employment Judges Sarah-Jane Davies and David Jones will jobshare the acting REJ role in North East England.)

Judge Susan Cox, a salaried judge in Leeds Employment Tribunal, had retired with effect from 1 October 2024.

2.2 Recruitment

A new exercise to recruit salaried Employment Judges is due to launch on 13 March 2025 (closing on 4 April 2025). There will be 36 full-time equivalent ("FTE") vacancies. This figure reflects the ongoing challenge to recruit salaried judges into London and South East England. It includes some carried forward FTE from unfilled vacancies from previous recruitment cycles.

The majority of the vacancies will be in London (Central, South and East), with some additional vacancies in the east of the South East England region (Cambridge, Bury St Edmunds and Norwich) and in Birmingham. There will also be a single vacancy requiring Welsh language fluency in Wales.

While salaried Employment Judges are ordinarily recruited from the ranks of existing fee paid Employment Judges, previous recruitment cycles have shown that the Employment Tribunals do not have a sufficient pipeline of the latter to generate the number of salaried judges required in the locations where they are needed. The President confirmed that the requirement for prior judicial experience had therefore been waived for this exercise, albeit there was an additional selection criteria for candidates to be employment law specialists. Existing fee paid judges remain eligible to apply.

Outreach efforts in respect of this exercise are being finalised and members of the national user group are asked to encourage their subscribers and members to consider applying for appointment.

2.3 Format of National User Group Meetings and Survey

Following the [last meeting](#), the President's Private Office circulated a survey, asking members for their format preference and feedback for future meetings.

Having reviewed the results, the President confirmed that in future one meeting a year will be held in-person, rotating around the various ET regions. The next meeting, scheduled for May/June 2025, will be held in-person in London. Details will be circulated in due course.

The President highlighted one issue raised in the survey in relation to questions. The comment suggested an opportunity to submit questions in advance of future national user group meetings. The President confirmed that members are always welcome to contact his Private Office to submit questions in advance for discussion at future meetings and will ask his Private Office to emphasise that point in future correspondence.

A further suggestion received from the survey was to give the opportunity for ET stakeholders to provide an update from their perspective at future meetings. The President will be in touch ahead of the next meeting to seek volunteers who may wish to provide a short update.

Another point made in the survey is that members would appreciate the minutes being published more quickly after the meetings. Members were also unsure about whether they could share what was discussed at the meetings before the minutes were published. The President explained the governance process required to write, check and publish the minutes, but encouraged members to write to his Private Office if they wished to share a matter discussed at the meetings before the minutes were published.

2.4 Performance

The President reminded members of the published data produced by HMCTS, found at [this link](#). The [minutes of the meeting held in November 2023](#) include a detailed analysis of the statistical position of the Employment Tribunals as reported over the last few years.

The [latest statistics had been published on 12 December 2024](#), and they summarise performance data for the period July to September 2024. Those figures show a 19% increase in receipts compared to the same period last year. The open singles caseload is now about 40,000.

The position remains that HMCTS cannot yet produce detailed management information (including the case mix of receipts or the outstanding caseload). Nevertheless, the anecdotal view of leadership judges was that the proportion of receipts of open track (that is, more complex) cases had increased from about 40% of the overall number to about 60%. These cases take longer to resolve and impact on timeliness.

HMCTS hopes soon to produce timeliness data on cases using the reform platform (but not legacy cases).

2.5 Waiting Times

The President updated members on waiting times across the ten Employment Tribunal regions.

In broad terms, as at January 2025:

- For shorter hearings of 1-2 days' duration, the majority of the regions were still listing them in the first half of 2025. The South West region (Bristol, Southampton and Exeter) and Wales (Mold and Swansea) were listing in the second half of 2025. London South and the North West region (2 day hearings only) were listing in the first half of 2026.
- For medium length hearings of 3-5 days' duration, many regions could hear them in the second half of 2025; these include London Central, the South East (BSE, Cambridge, Norwich), the North East, Midlands East, South West and Wales (Mold and Swansea) regions. Wales (Cardiff) can still list these cases in the first half of 2025. All other regions are listing them in the first half of 2026.
- For longer hearings of 6-10 days' duration, the picture is mixed. London Central, the North East, London East, Midlands East, the South West region and Wales (Cardiff) can hear these cases in the second half of 2025. London South, Midlands West, the North West region and Wales (Mold and Swansea) are listing these cases in the first half of 2026. The longest waiting times are in the South East region (Reading, BSE, Cambridge and Norwich in the second half of 2026 and Watford in the first half of 2027).
- For hearings longer than 10 days, the picture is also mixed. The North East, London East, South West and Wales (Cardiff) regions can still hear these cases in the second half of 2025. London Central and Wales (Swansea) are listing these cases in the first half of 2026. Midlands West, the North West, Wales (Mold) and the South East (Reading, BSE, Cambridge and Norwich) can hear these cases in the second half of 2026. The longest waiting times are in London South, the South East (Watford) and Midlands East, who are listing these cases in the first half of 2027.

Regions were often able to accommodate Judicial Mediation hearings at short notice, often within 6 weeks. It was suggested that parties should label correspondence clearly with "Judicial Mediation" to ensure it is picked up by administrative staff in a timely way.

This was an overall picture. There were always exceptions, such as cases that had involved numerous preliminary hearings, been postponed for good reason, or been subject to appeal. The President also repeated a point he had made on earlier occasions: 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.

2.6 Policy Updates

The President summarised recent correspondence sent to members of the national user group. One recent topic relates to the introduction of the new [Employment Tribunal Procedure Rules 2024](#). The President also reminded members of [the helpful table](#), prepared

by REJ David Franey, attached to the letter dated 18 December 2024, which sets out the new numbering of the rules to assist in navigating them.

To coincide with the new Procedure Rules, the Senior President of Tribunals issued a new [Practice Statement](#), largely replicating the existing powers exercised by Legal Officers in the Employment Tribunals. The practice statement also included some “tidying up” provisions and some expansion of powers where appropriate. One example is that, instead of acting “where both parties agree”, Legal Officers can now act where both parties have been invited to comment but neither has objected.

2.7 2024 Retrospective

The President addressed three main themes which had emerged from 2024:

- 1) The successful roll out of the new digital case system between May and July 2024. While it is acknowledged that the system can, on occasion, be difficult to use, the President paid a warm tribute to the HMCTS team who delivered the implementation of the system. The team, headed by Dan Thompson, continue to work to improve it. The feedback from the judiciary has so far been positive.
- 2) Changes to panel composition. The aim of the changes was to deploy non-legal members more flexibly.
- 3) The transfer of responsibility for the procedural rules from the Department of Business and Trade to the Tribunal Procedure Committee. There will be further consultation in due course by the TPC on further changes to the rules.

2.8 Anniversary

The President shared that 2025 is an important year for the Employment Tribunals. The ETs were first introduced by the Industrial Training Act of 1964, though the first rules of procedure took effect on 31 May 1965. The date of 31 May 2025 will therefore be the jurisdiction’s 60th birthday.

2.9 Detailed Assessment of Costs

The President confirmed that a draft Practice Direction and Presidential Guidance on the detailed assessment of costs (applicable to England and Wales only) would be circulated to members for comments.

2.10 Open Justice

The President confirmed that the draft Practice Direction on Open Justice remains held in abeyance pending the outcome of the call for evidence by the MoJ on open justice and the ongoing work of the Transparency and Open Justice board.

3. Mark Lewis – HMCTS

Mark Lewis provided an update on various matters. He confirmed that the Practice Direction on the Presentation of Claims and Responses was still with the Lord Chancellor awaiting approval. He confirmed that, as previously mentioned, there would be a 5-week grace period between the date that the Practice Direction was signed and when the new processes came

into effect. The most significant part of the Practice Direction relates to the removal of the facility for respondents to supply their response forms by email, and instead to use the reform portal.

The ET has seen a significant increase in receipts over the past 12 months. HMCTS are investigating to understand why this is and to see what impact this increase is having on the ability to process the work.

The formal reform programme ended in October 2024, but there remains a lot of work to do to ensure that the new system is operating as fully as it can. The new ET3 journey for litigants in person respondents went live this past week. This means that the ET1 and ET3 journeys for both represented and unrepresented users are now live.

There will be a slight delay in releasing the functionality for unrepresented respondents to make applications via the portal, but it is hoped it should be released shortly.

Mark Lewis confirmed that the team will then focus next on delivering a process for employer contract claims and multiples (that is, group claims). This is complex work and the team meets regularly with subject matter experts in HMCTS and representatives of the judiciary to ensure the product they deliver is suitable for both internal and external users.

An updated FAQ document should be circulated to members in February or March.

Following a question about what preparatory work was being undertaken ahead of the new Employment Rights Bill coming into force, Mark Lewis confirmed that a project team would be recruited to expand the current team which supports this jurisdiction, to implement the expected changes. It is anticipated that the ERB will significantly impact the work of the Employment Tribunals from 2026 onwards.

Following a question about whether the team had considered whether section 8.2 of the ET1 form should be improved or broken into sub-questions, the President confirmed that, since 6 January 2025, the responsibility for prescribing the ET1 and ET3 forms now rested with the Presidents. Thought will be given in due course as to how these forms might be improved to meet the needs of litigants in person.

4. Judge Susan Walker KC, President of the Employment Tribunals in Scotland

Judge Walker explained that there is also a Scottish National User Group, and encouraged any member of the E&W user group who also practises in Scotland or has an interest in Scottish Employment Tribunal matters to contact her support office.

Judge Walker also emphasised that, while Scotland and E&W Employment Tribunals liaise closely on many matters of common interest, they remain separate jurisdictions. Users should therefore not be surprised if some matters of practice and culture are different.

In Scotland, it is also believed that the outstanding case mix is skewing towards more open track cases.

5. Regional Updates

5.1 Judge David Franey

5.1.1 Regional Update – North West

REJ Franey explained that the North West region had lost a number of a fee paid judges at the end of 2024. Many were due to judicial appointments elsewhere.

5.1.2 Tribunal Procedure Committee

REJ Franey is a judicial member of the Tribunal Procedure Committee. He referred to paragraph [3.2.2 of the September user group minutes](#), which set out the four aspects of the TPC approach to the ET rules and provided a brief update on each point.

- 1) The response to the initial consultation paper from April 2024 has now been published on the TPC website.
- 2) As highlighted earlier, the new Employment Tribunal Procedure Rules are now live. REJ Franey explained there were some constraints that the TPC had to operate within when re-numbering some of the rules.
- 3) The responses to the consultation on the provision of written reasons (which applies to the Employment Tribunal and to the chambers of the First-tier Tribunal) are being considered and will be published in due course.
- 4) The TPC is planning to consult further on more proposed changes to the rules, and the consultation paper is expected to be published later in 2025.

5.2 Regional Update – South East region

REJ Foxwell began his update by paying tribute to Judge Nick Hanning.

REJ Foxwell explained that the South East region is large and complex. Just as in the North West region, the South East region has lost judges to retirement and other appointments, both salaried and fee paid. He endorses what has been said earlier about the case mix and the increased proportion of complex cases.

He considered that the changes brought by the new reform system were positive and said that his judges liked using the system.

5.3 Regional Update – North East region

REJ Robertson is due to retire in the spring of 2025, having been appointed as an Employment Judge in 1994 and having first appeared in tribunals in 1982. He hopes to sit in retirement as a fee paid judge.

REJ Robertson explained that the North East has a stable group of judges and can currently hear cases quicker than most other regions in E&W. There has been recent administrative frailty in the North East and there have been some delays in processing new cases and dealing with correspondence.

The President had attended the opening of the new premises at Westgate Street in Leeds. The Lady Chief Justice also attended virtually and welcomed judges to the new site, which accompanied speeches from the bench and from the Minister.

5.4 Regional Update – London Central

This update was given by REJ Freer. London Central have started to list Dispute Resolution Appointments where appropriate, and users should expect to see more correspondence about these in the future. Judicial Mediations continue to be offered on cases of 5+ days.

REJ Freer set out the recent change to their salaried judge resource. Two salaried judges retire shortly and a third has recently moved to another jurisdiction. However, six new fee paid judges have joined London Central and have started sitting. They have also recently lost some Legal Officer resource.

There has been new heating installed in Victory House, and it is hoped this will make attending the building more comfortable during colder months.

London Central Employment Tribunal is due to move to new premises on Newgate Street, but a confirmed operational date is awaited.

REJ Freer encouraged all members to share news of the vacancies for salaried judges when it goes live. London Central ET receives a significant variety of cases and REJ Freer reiterated the benefits of a salaried judicial position.

5.5 Regional Update – London South

REJ Khalil explained that the main current pressure point in the London South region was long cases of 10+ days. New 10+ day hearings are currently being listed at the end of 2027. There is a limit to how many cases of this nature they can list each month.

One way the team is addressing this is by introducing the prospects of page limits on bundles and witness statements. This will be a matter for discussion at future case management hearings of complex, multi-day cases. Default limits have, however, been imposed for unfair dismissal hearings and any public preliminary hearings.

REJ Khalil also explained that they have also introduced aggressive listing of Dispute Resolution Appointments for cases listed for 6 days or more. London South also remains able to hear Judicial Mediation hearings much sooner.

The President reiterated that the significant wait in London South for long cases to be heard is far from ideal. In the absence of having enough judges to hear long cases more quickly, the judiciary is exploring alternative strategies such as increased use of the Virtual Region and Dispute Resolution Appointments. The interests of justice are often better served by a quicker hearing of shorter duration (and robust case management) than a longer wait for a lengthy hearing. Listing is a judicial decision and it must be for a judge to decide how much time a case needs. Leadership judges will continue to use all resources available as wisely as possible.

6. Acas – Tony Lowe

Tony Lowe provided an update on behalf of Acas. In the first nine months of the 2024/25 financial year, Acas received 86,000 Early Conciliation notifications. This was around 4,500 higher than anticipated and 9,000 higher than what had been received in the same period a year earlier.

Acas have also seen a rise in Employment Tribunal case receipts, but this in part reflected improved Acas internal data controls which have enabled an increased throughput of cases into the respective systems.

As at the beginning of 2025, Acas' ET case receipts stand at around 28,000. This is 6,000 more cases than they had profiled and 4,000 above what had been received at the same time a year earlier.

Despite the increase in demand, their performance against their key indicators remains strong. In both early conciliation and Employment Tribunal conciliation, Acas have exceeded their KPIs, having settled or positively resolved 38% of notifications (against a target of 36%) and settled or positively resolved 79% of Employment Tribunal claims (against a target of 77%).

Acas is, however, struggling to meet some demand against their available resource. This has resulted in a backlog of EC cases awaiting a conciliator. To resolve this, Acas has

recruited 31 new conciliators who began in November 2024, and a further 12 conciliators will be joining in February. Further recruitment is expected throughout 2025.

Staff have also been offered overtime and have been utilising teams of conciliators to target specific organisations, which they anticipate will allow them to allocate more cases per conciliator. Tony Lowe explained that these steps had begun to have a positive impact on waiting times.

In the longer term, there are plans to consider the use of Online Dispute Resolution Platforms and system to see whether there is potential there to reduce the backlog and provide an enhanced service to users.

7. Department for Business and Trade – Andrew Falconer

Andrew Falconer was unable to join the meeting but has provided the following update in writing:

Employment Rights Bill

- The Employment Rights Bill concluded Committee stage scrutiny on Thursday 16 January. We await confirmation of a date from Business Managers for Report Stage.
- Four consultations have recently closed, regarding Statutory Sick Pay, Collective Redundancy and Fire and Rehire, industrial relations, and the application of Zero Hours Contracts measures to agency workers. Government is currently considering responses to these consultations.

Employment Tribunal policy

- We recognise the pressures on the Employment Tribunal system and Ministers are looking into ways to address these challenges.
- We are committed to considering further improvements to the way that people can enforce their employment rights, including the role that Acas and the Employment Tribunals play in ensuring workers have access to an effective justice system.
- On funding, there is a spending review which will take place in the summer and set the financial envelope for both the tribunal service and ACAS for 26/27 onward.
- In December, the Bill Committee accepted the Government's amendment to increase the time limit for submitting most claims to an Employment Tribunal from three months to six months.

Longer term in the Plan to Make Work Pay

- The Bill is a landmark step towards these once in a generation reforms, but it is just the start. Some parts of Make Work Pay will take longer to develop and implement. The Next Steps to Make Work Pay, published alongside the Bill on 10 October, provides an overview of the Government's approach to delivery.
- In common with most existing employment law, the detail will be in secondary legislation. We expect to begin consulting on these reforms in 2025, seeking significant input from all stakeholders, and anticipate this meaning that the majority of reforms will take effect no earlier than 2026.

Consultation and engagement

- Just as Government is committed to working in partnership with businesses, trade unions and other stakeholders to deliver our mission on growth, so too are we

committed to doing so on the plan to Make Work Pay. The process on these reforms will be no different.

- We are engaging across departments and across the public sector to ensure readiness where organisations have responsibility to deliver Make Work Pay reforms.
- We are working to set out the next phase of engagement and will continue to hold a series of policy-specific roundtables and will notify of any suitable engagement opportunities.

8. Next Meeting

The President explained that the next meeting would be held in May in person in London (with an option to attend by video). Details will be sent to members in due course.