



## EMPLOYMENT TRIBUNALS England & Wales

### **54<sup>th</sup> MEETING OF NATIONAL USER GROUP**

**Minutes of the National User Group meeting  
Held via Microsoft Teams on 7 October 2025**

#### **Attendance:**

Judge Barry Clarke	President of Employment Tribunals (England & Wales)
Judge George Foxwell	Regional Employment Judge, South East England
Judge Omar Khalil	Regional Employment Judge, London South
Judge Benjamin Burgher	Regional Employment Judge, London East
Judge Elizabeth Heap	Acting Regional Employment Judge, Midlands East
Mark Lewis	ET Service Manager, HMCTS
Leanna Conradson	Head of President's private office; Judicial Office
Jacqueline Hunsley-Wilson	Executive Assistant to President; minutes
Mitch Chambers	Department for Business and Trade
Matthew Wootton	Department for Business and Trade
Rachel Price	Department for Business and Trade
Kalyani Sethi	Department for Business and Trade
Thomas Britton	Department for Business and Trade
Amy Brown	Ministry of Justice
Caspar Glyn KC	Chair, Employment Lawyers Association
Catrina Smith	ELA Legislative & Policy Committee
Jack Mitchell	Chair, Employment Law Bar Association
Katie Sloan	Valla Ltd
Stewart Gee	Acas
Alan Philp	Mentor Services
James Gilbert	Peninsula
Sophie McGuinness	Thomson Reuters
Claire Cruise	Law Centres Network
Andrew Willis	Croner Group Limited
Amar Tembe	Make UK
Matt Jackson	Barrister and member of the Tribunal Procedure Committee
Zoe Chan	Senior Caseworker, Advocate
Eloise Heins	Law Society of Scotland's Employment Law Committee
David Shantha	Head of Legal Services, UNISON
Tracey Moss	Citizens Advice
Tony Gould	Lexis Nexis
Olivia Byrne	MoJ Fees Policy Team
Scott Gilmour	NatWest Mentor Services

## **Apologies:**

Judge Susan Walker KC	President of Employment Tribunals (Scotland)
Tracy Parker-Priest	Deputy Director, Tribunals, HMCTS
Helen Nolan	Manager, Jurisdictional Support Team, HMCTS
Danae Shell	Valla Ltd
Daniel Barnett	Barrister
Andrew Pepper-Parsons	Protect
Tim Sharp	TUC
Paul Wilson	Federation of Small Business
Tarun Tawakley	Law Society's Employment Law Committee
Richard Gillingham	Free Representation Unit

### **1. Welcome & Introductions**

The President welcomed members to the 54<sup>th</sup> meeting of the Employment Tribunals (England & Wales) National User Group, via Teams. He reminded members that minutes of the previous user group meetings can be found [online](#), as part of [the general web pages that serve this jurisdiction](#).

### **2. Employment Tribunals system update – President**

#### **2.1 People and Places**

The President began by paying tribute to a number of salaried Employment Judges who had recently retired. These included [Judge Saleem Ahmed](#), [Judge Nicholas Roper](#), [Judge Jean Laidler](#), [Judge Robin Postle](#), [Judge Frances Spencer](#) and [Judge Sarah Goodman](#). Judges Ahmed, Roper, Laidler and Spencer will continue to sit in retirement as fee-paid judges.

The President reported that Judge Daniel Dyal, previously based in the London South region, [had been appointed a Circuit Judge on the South Eastern Circuit](#) from November 2024. Judge Kendrick Horne, previously based in the North West region, [had been appointed a Circuit Judge on the Northern Circuit](#) from February 2025.

The President reported with sadness the [death in service of Judge Veronica Dean](#) (based in the Midlands West region) in April 2025 and the death of Judge Gerald Johnson (who was based in the North East region and had only recently retired from his salaried role) in March 2025.

Following the retirements of Regional Employment Judges Stuart Robertson and Paul Swann earlier in 2025, the President had nominated joint acting Regional Employment Judges in the North East England and Midlands East regions. He anticipates that the outcome of the campaign to appoint substantive REJs in these regions will be known by the end of the year.

#### **2.2 Resources**

Two [Judicial Appointments Commission](#) selection exercises are currently underway. The [first exercise](#) seeks to fill 36 full-time equivalent (“FTE”) vacancies for salaried Employment Judges (with a particular need for judges in London and the South East of England). This is

due to report in early 2026. The [second exercise](#) seeks to recruit 150 non-legal members across all regions in England and Wales. This is due to report later in 2026.

## 2.3 Performance

The President reminded users of the published data produced by HMCTS found at [this link](#). The [minutes of the meeting held in November 2023](#) included, at item 2.6, a detailed analysis of the statistical position of the Employment Tribunals in recent years. At the time of this user group meeting, [the latest quarterly statistics had been published on 12 June 2005](#) for the January to March 2025 quarter. (Update: [the latest statistics published on 11 December 2025](#) now include data up to the July to September 2025 quarter.)

The President provided a brief summary of latest statistics release, which [now covers the full financial year from April 2024 to March 2025](#). In that period, the Employment Tribunals received 42,000 single claims and disposed of 32,000 single claims. There were 45,000 single claims outstanding.

The statistics release includes detailed spreadsheets. The President referred members of the user group to the [Accessible Main Tables](#) and especially the tabs labelled Table\_ET\_1\_R (receipts by jurisdiction), Table\_ET\_2\_R (disposals by jurisdiction), Table\_ET\_3\_R (percentage of disposals by outcome and jurisdiction), and Table\_ET\_4\_R (total open caseload by jurisdiction). The letter "R" indicated that the data concerns cases held on the reform platform, which was rolled out nationally in the summer of 2024. This explains why the data only goes back as far as 2022/23, when the reform platform was first piloted in Scotland and Leeds. However, for comparison purposes, similar tables for earlier years (based on data from the legacy/pre-reform caseload) are still available for the HMCTS quarterly statistics releases between 2011 and 2022.

The President also referred members to the [Annex C ET receipts tables](#), where Tab C\_1\_R concerns the quarterly total number of ET receipts by region and Table C\_2\_R concerns the monthly total number of ET jurisdictional complaints by region. Again, this is reform data only, while legacy data remains available for earlier years.

The President said that HMCTS believed that the number of receipts and the size of the outstanding caseload had been overstated. The [published note](#) refers to "*a slight overcounting of approximately 4,500 receipts across the series in total since July 2022, and 4,000 open cases*". HMCTS aims to revise the figures once all legacy data has migrated to the reform system later in the 2025/26 financial year.

The President said that, notwithstanding the overcounting, receipts were at their highest level since the pandemic. This rise had been seen by Acas as well. He repeated a point made at previous user group meetings: as well as receipts rising overall, the proportion of complex receipts ("open track" claims for discrimination and whistleblowing) had increased to 60% of all receipts; 10-15 years ago, they had been about 30%. Such cases take longer to manage and hear, adding to delays.

## 2.4 Waiting Times

The President updated members on waiting times across the ten Employment Tribunal regions in England and Wales. As has been the case in recent years, in the absence of formal timeliness data from HMCTS, this was based on information gathered from REJs.

For shorter hearings of 1-2 days' duration, the majority of the regions were still listing them in either the second half of 2025 or the first half of 2026. The South West region (Bristol and Southampton) and the North West region were listing these in the second half of 2026. The longest wait times were in London South, listing such cases in the first half of 2027.

For medium length hearings of 3-5 days' duration, most regions were able to list these cases into the first or second half of 2026. The longest wait times were in London South, which was listing these cases in the second half of 2027.

For longer hearings of 6-10 days' duration, most regions could list them in 2026. In a few locations, it was 2028.

For hearings longer than 10 days, the picture was mixed. The longest waiting times were still in London South, which was listing these cases into early 2029. The region was considering innovative ways of listing these hearings, including expanded use of the virtual region. The President also reminded members that the newly-appointed salaried judges from the latest recruitment campaign would be allocated to those regions where they were most needed; the London South region alone required 11 FTE salaried judges, although it remained to be seen whether the current exercise delivered them.

The President also suggested that part of the cause of extended waiting times was an increase in the complexity of claims received. He had already noted that, nationally, the proportion of open track receipts had risen to 60%, but in London this was approaching 70%. Furthermore, as the published data shows (see especially Tables C\_2\_R for the four quarters in 2024/25), disability discrimination is now far and away the most common type of discrimination claim received by the Employment Tribunals, and claimants in such cases often require reasonable adjustments which can slow the progress of the hearing.

## **2.5 Policy Updates**

The President confirmed that a selection of Employment Tribunal judgments were now being published on the National Archive's [Find Case Law](#) service, alongside the existing register held on [gov.uk](#). This is a pilot project, while consideration is given to moving the existing register to the National Archive.

The President thanked members of the user group who had provided comments on the draft Practice Direction and President Guidance on the detailed assessment of costs. These drafts would next be used in a Judicial College course to train more ET judges on carrying out detailed assessments of costs and, in view of comments received from the judges being trained, final versions would then be submitted to the Lord Chancellor for approval and publication – hopefully in early 2026.

The Presidential Guidance on the calculation of pension loss and the relevant pension loss forms are due to be revised. The working group of judges is interested in feedback from members of the national user group on how the current iterations are being used. They are considering alternative ways of navigating the guidance as part of the next publication. If any member has comments/feedback, please send it to [pensionprinciples@ejudiciary.net](mailto:pensionprinciples@ejudiciary.net).

The President reminded members that the Employment Tribunals celebrated its 60<sup>th</sup> birthday in 2025. The President paid tribute to the judges, non-legal members, and administrative

staff for their hard work over many decades. He said he had given a talk on this topic at a recent meeting of the Industrial Law Society, which he hoped to publish on the judiciary website in late 2025 or early 2026.

Finally, the President mentioned that the long-planned ET “Explainer Videos” were approaching completion and he hoped that links would be circulated to the employment law community by the end of 2025. (Update: the videos were circulated [by letter dated 8 December 2025](#) and a [full list is available online](#).)

### **3. REJ Updates**

#### **Judge George Foxwell – South East region**

REJ Foxwell provided an update on the South East region. Across the region 20-30 hearings are conducted each day and 500-600 cases are heard each month. Over 200 of these hearings are open-track, multi-day cases, and a third will be associated case management preliminary hearings. Hearings may be converted to video at short notice when judges are available in other parts of the region. REJ Foxwell explained that in Reading and Watford, many hearings are being listed into 2028, whereas in Bury St Edmunds and Norwich cases are being heard sooner. REJ Foxwell confirmed that local administrative staff, legal officers and judiciary are becoming increasingly familiar with the reform and digitisation processes.

#### **Judge Omar Khalil – London South region**

REJ Khalil provided an update for the London South region. He explained that long hearings were now being listed across different weeks or months (essentially a planned part-heard approach for a short period of time) to ensure that cases were being heard. The current listing pressure points are with longer, multi-day hearings, as the region can only accommodate four ten-plus day hearings per month, alongside 12 hearings of 6-9 days' length and 15 five-day hearings. This was to avoid the risk of cases being turned away following a long wait. REJ Khalil explained other measures the London South region was taking to reduce waiting times. For example, if a case had a large number of alleged detriments, a discussion will be held at a case management preliminary hearing to consider whether it is appropriate to litigate only a selection at the first hearing. The London South region is also considering an increase in Dispute Resolution Appointments.

#### **Judge Benjamin Burgher – London East region**

REJ Burgher provided an update for the London East region. The majority of the priority cases in London East were open track, complex cases. The current areas of pressure were the number of last-minute postponements and the volume of hearings. Cases are currently being listed three to a judge. Any cases pulled for lack of a judge are ordinarily relisted within 3-6 months and treated as priority. REJ Burgher confirmed that any cases listed for six days or longer will also be listed for a Dispute Resolution Appointment. The use of ADR was being encouraged at every step of the process. In his capacity as lead ADR judge, REJ Burgher reported that 40 more judges had now been trained to undertake judicial mediation. He also reported that 72% of judicial mediations were successful, saving over 3,000 hearing days.

#### **Judge Elizabeth Heap – Midlands East region**

Acting REJ Heap provided an update for the Midlands East region. The region had recently lost some judicial resource due to retirements and transfers. It was currently listing into the end of 2027 or early 2028, depending on the length of hearing and the hearing centre. The current listing practices in the region are to list open track claims at service for a case management preliminary hearing and a three-day final hearing. The hearing can act as a placeholder and be extended or relisted at the case management stage. Acting REJ Heap shared that the Midlands East region is also listing ever more DRA hearings.

#### 4. HMCTS update – Mark Lewis

Mark Lewis provided an update on behalf of HMCTS. While the reform programme had officially ended, a lot of work remained for the Digital and Technology Services (“DTS”) team to complete. The President had also set up a Digital Practices Steering Group to identify areas for further digitisation work, fixes and improvements, and this provides effective collaboration with HMCTS and the DTS team. It was acknowledged that some users had concerns with some aspects of the process, including the lack of “Notice of Change” functionality for respondents. Mark confirmed that the team had been working on several releases and this aspect was due to be released shortly. Such updates would continue to be circulated to the user community by being disseminated initially to the national user group.

The team was also working on additional functionality for employer contract claims (hoped for release later in 2025) and multiple/group claims. Further improvements had also been made to the user interface for the citizen portal and additional guidance had been added to the ET3 landing page.

Mark provided an update on the transfer of telephony from the regional offices to the national Courts and Tribunals Service Centre (CTSC). This was seen as an important step in improving service levels. Several regions have begun transferring their telephony, starting with both Midlands regions. It was reported that 98% of all calls answered by the CTSC in Loughborough were being dealt with at that stage, with only 2% of calls being handed back to local offices for further advice or information. The next regions to transfer would be North East England, followed by London Central and the North West region.

In terms of published data, Mark reminded users that the Employment Tribunals had used several case management systems in recent years. Data was migrated from ETHOS to a new system in 2021, and was now being further migrated to the new reform system. This amalgamation of data from several systems had caused some issues, but it was expected that the migration would complete by the end of 2025 and that, as a result, more robust and useful data would be produced in the coming months.

HMCTS had been working closely with colleagues in MoJ and DBT to consider the impacts of the new Employment Rights Bill. They expect a phased implementation, with the first impacts due in Q3 2026/27 and full impact sometime in 2027. At present HMCTS is anticipating a 20% increase in ET receipts.

Mark reminded members of the [Practice Direction on the Presentation of Claims, Responses and Statutory Appeals](#), published in April 2025. That Practice Direction sets out four approved methods for submitting a claim or response. Method four sets out an exceptional method for submission, only available where there is a fault with the online submission service and where accompanied by a screenshot of the error message. HMCTS continue to receive hundreds of unrelated emails a month into this inbox, including case-related

correspondence and other applications. Mark and the President both urged members only to use this inbox for method four presentation; all other correspondence sent to that mailbox would not receive attention.

## **5. Department for Business and Trade – Rachel Price**

Rachel Price provided an update on behalf of the Department for Business and Trade. The Employment Rights Bill was currently progressing through the various stages of parliamentary scrutiny to eventual Royal Assent. There would be a number of consultations in 2025 and 2026. The implementation of the bill will be phased according to the Government's [published road map](#), which sets out how the different measures will come into force across 2026 and 2027. DBT was working closely with MoJ, HMCTS and Acas to understand and develop improvements to the system. Members of the National User Group were encouraged to get in touch with DBT to have separate discussions or provide feedback in writing to Rachel Price or Richard Boyd. DBT was also shortly to begin the next round of research for an updated Survey of Employment Tribunal Applications, the [last such survey having been undertaken in 2018](#).

## **6. Ministry of Justice – Amy Brown**

Amy Brown provided an update on behalf of the Ministry of Justice. In order to understand the impact of the Employment Rights Bill on the ET system and the wider "dispute resolution space", MoJ was working on a number of measures that would aim to improve efficiency, productivity and capacity of the system. This was a larger piece of work, looking at the end-to-end user journey, interested in capturing the experience of claimants, employers and judges within the ET system. The MoJ was keen to undertake as many visits and speak to as many stakeholder groups as possible while in the policy development phase.

## **7. Acas – Stewart Gee**

Stewart Gee provided an update on behalf of Acas. As of the end of September 2025, Acas had received 71,000 requests for early conciliation, a 26% increase from last year. Agreeing with the President's earlier observations, he noted that a significant portion of this increase concerned open track cases, particularly complaints of disability discrimination. There was currently a five-week delay in allocating cases to a conciliator. In order to manage increased requests for early conciliation, Acas has adjusted its guidance to clarify the nature of the service and encouraging all to utilise an appeal process, if any, fully. In response to a question in respect of funding, Stewart confirmed that additional staff had been secured and were undergoing training. He anticipated that further staff would be brought on board during November. There was future planned work for Acas to consider improving the notification form and the facilities available for online dispute resolution. At the moment, however, its focus was on making their services as efficient as possible and onboarding additional staff.

## **8. Any other business**

The President remarked that judges were seeing an increased use of AI by unrepresented parties in drafting overly-complex claims, responses and applications. When it is used, it is usually obvious – at least at the moment. A possible consequence of this was an increase in applications for interim relief, applications for reconsideration and, especially, inflated schedules of loss. The President understood why users with no access to legal advice would seek assistance from publicly available AI platforms, but it was creating a new form of

pressure on the ET system. He had recently established a working group of ET judges to consider the opportunities and challenges presented by AI. He reminded users of the [official AI guidance](#) published by the judiciary.

The next user group meeting will take place via Teams in February or March 2026. An invitation will be issued in due course. The President intended that the meeting after that (in the summer or autumn of 2026) would be held in person in the new premises at Newgate Street in London. By then, the London Central region of the Employment Tribunals expects to be in occupation.