



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

**DATE OF MEETING: Wednesday 1<sup>st</sup> October 2025**

<b><u>ATTENDEES</u></b>	
<b><u>Name</u></b>	<b><u>Organisation</u></b>
1. Rosie Brown	NHS Scotland
2. Katie Buchanan	Thomson Reuters
3. Jade Bulteel	Valla Legal
4. Olivia Byrne	Justice
5. Miguel Chui	Brodies
6. Azza Hassan	Just Employment Law
7. William Lane	Worknest
8. Lucy Lindsay	Thompsons
9. Nicola Macara	Morton Fraser MacRoberts
10. Laura MacDonald	Dayforce
11. Holly MacLean	MCM Solicitors
12. Molly McGrady	CMS - CMNO
13. Jillian McLaughlin	Thorntons Law
14. Holly McLean	MCM Solicitors
15. Kim Miller	Harper MacLeod
16. Graham Mitchell	Clyde & Co
17. Suzanne Nulty	Weightmans
18. Becky Robertson	Glasgow City Council
19. Amy Scott	Burges Salmon
20. Sarah Shiels	Balfour Manson
21. Katie Sloan	Valla
22. Esha Sohaim	DLA Piper

**Also, in Attendance**

Judge Susan Walker KC (hon), President of Employment Tribunals (Scotland)

Judge Frances Eccles, Vice President Employment Tribunals (Scotland)

Louise Hird, Deputy Director, Central Operations and Tribunals Scotland

Sandra Martin, Head of Tribunals Scotland

Claire Storey, Senior Operations Manager ET (Glasgow)

Mark Lewis, Employment Tribunals Service Manager

Emily Caine, Policy Advisor, Department for Business and Trade

Rachel Price, Policy Advisor, Department for Business and Trade

Bill Dowse, Head of Administrative Justice Policy, MOJ

Helen Nolan, HMCTS

Nicola Young, HMCTS

Scott Mackell, ACAS

## **Welcome and Introductions**

The President, Judge Walker KC, welcomed users to the meeting via Microsoft Teams and introduced speakers from HMCTS, DBT, MOJ and ACAS.

## **Item 1 – President’s Update**

### **Performance and workload**

The President confirmed that, despite a substantial increase in receipts of single claims, we are managing to list the first Case Management Preliminary Hearing (CMPH) in open track cases about 10 weeks after the claim is received and we are currently offering a listing period for final hearings in December, January, February. Urgent hearings can usually be fitted in where necessary and although we are busy, we are generally managing to keep pace with the workload.

Listing at this level, while having a reduced judicial resource has meant that we have occasionally had to postpone hearings. Users are aware that we receive a very high number of settlements and withdrawals, often at short notice. To ensure that we maximise our resources we have to over list hearings. In bigger venues we aim to list 3 times the number of hearings we can actually accommodate. Most of the time this works, especially with the help of fee paid judges who provide a flexible resource that makes the system work. We try to give as much notice as possible if a hearing has to be postponed, but don’t want to do that too soon as usually it will not be necessary. Where possible, we postpone case management hearings rather than final hearings. If postponing a case management hearing, we look at parties, whether there is any vulnerability and whether there are party litigants. Cases where both parties are represented are likely to be postponed first. In these cases, we are experimenting with issuing directions to represented parties instead of simply relisting the CMPH. The hope is that that will not be required and, if parties have complied with the directions, we can move to list a substantive hearing. We have also decided, in the short term, to reduce the number of case management hearings listed each day to minimize the risk of postponement. This is expected to be a temporary measure until we get more judicial resource.

## **Recruitment**

The President confirmed that the Lord President has announced a recruitment exercise for a salaried judge in Dundee and also for some more fee paid judges. The recruitment exercise will also create a reserve list for salaried and fee paid appointments across Scotland in the next 2 years. This will provide some relief but, it will take time for the judges to be appointed and trained. In addition, we anticipate further retirements in 2026 starting with Judge Hosie who will be retiring in January.

The President also confirmed that permission has been secured for Judge McFatrige and Judge Porter, both of whom retired this year, to sit in retirement for 2 years.

Discussions are still ongoing about the potential impact of the Employment Rights Bill on the ET case load. To ensure there is adequate judicial resource to deal with the expected increase in caseload, it may be that, despite the reserve list, we still have to run another recruitment exercise in the next 2 years.

## **Reform**

The key practical development since the last meeting was the Presidential Practice Direction that, with effect from 21 May 2025, finally removed the possibility for submitting an ET3 by email except where there has been a system malfunction. At the last meeting, users raised some issues with this, and the President thanked those who sent examples in advance of a special joint national user group meeting, just before implementation, to address issues and questions. The President thanked Mark Lewis and his team for the work they have done with ELA to provide guidance and support to users.

## **Prescribed forms**

The 2024 rules of Procedure provided that the ET1 and ET3 forms were to be prescribed by Presidential Practice Direction. Work on that is ongoing, aiming to improve the design and accessibility of the paper form. However, these can't stray too far from the online version. The President invited users to send in any suggestions they have about the form and said these would be taken into account.

## **Panel composition**

The President reported that we are beginning to see some reduction in the overall use of members at final hearings. However, this varies from month

to month and there is no consistent picture or official statistics. There have been very few requests from parties for members although users should be invited to comment in every case. The number of non-legal members has significantly reduced in recent years and members may be deployed across the country, but there does not seem to be a shortage so there are no plans at present to recruit new non-legal members in Scotland.

## **Rules**

The Tribunal Procedure Committee (TPC) had two consultations on possible rule changes. One, about written reasons, related to all tribunals. For ET the 2 main proposals were 1) restricting the right to request written reasons, where reasons have been given orally to the losing party (in whole or in part) and 2) introducing the possibility of giving short form reasons that would not need to meet the requirements of rule 62(5) (now rule 60(7)). A response to that is expected very soon and we will notify users if either of the proposals are adopted.

The second proposal the TPC are considering set out a number of proposed changes to the rules. We await the TPC's decisions on what, if any, changes will be implemented.

## **Open Justice**

Since the last meeting, the President issued Presidential Guidance on Open justice in ET (Scotland). This brings together the law in a number of areas and includes practical guidance. It covers things like remote observation of hearings, access to documents and live tweeting. The President invited users to contact her office if they have any comments or suggestions on that document either now, or with experience of such matters. [Glasgow.president@justice.gov.uk](mailto:Glasgow.president@justice.gov.uk)

We have also put in place a more formal method of remote observation where a judge will decide on each case whether this will be permitted and there will be a number of conditions, including the behaviour expected and that links should not be shared.

If a hearing is fully remote and remote observation is the only means of public access, then it will be permitted but this may still be subject to limitations as to numbers (as would be the case in an in-person hearing) and behaviour.

## **ET Register**

The President advised that discussions are still ongoing about a possible move of the ET judgment register to the National Archives where it would still be publicly accessible, under licence, with a smaller subset of judgments of the more interesting and important being published by the national archive on their 'Find Case Law' service, and would be more readily available to the wider public. (any change is subject to budgetary constraints).

As previously advised, we set up a pilot where a small number of ET judgments from Scotland and England & Wales would be selected by a committee to go onto Find Case Law (FCL). This pilot will give us a better understanding of the numbers of judgments that we will be asking the national archives to publish and it also gives us a chance to develop a robust process for identifying them. That work is ongoing and a few judgments are already on FCL. For the time being this will run in parallel alongside the existing online register and there are no plans, as yet, to deactivate the online judgement register.

The criterion for publication is those judgments in which the public interest in publication is thought to be strongest.

## **Operational focus for the next 6 months**

The President advised that, for the last 2 years we have been very focussed on effective case management. Working really hard in the first case management hearing to get the issues clearly identified and listing for a final hearing wherever possible. Trying to avoid having lots of case management hearings, often with different judges, and also to discourage applications for party litigants to provide lots of specification in writing. This approach seems to be working. Unfortunately, we do not have the kind of timeliness data we used to have that would prove that the majority of our more complex cases are being heard quicker but anecdotally, the President believes that to be the case.

The President confirmed that will continue to be the approach. Building on that, the main challenge now is how we cope with the increasing number of cases involving party litigants that are listed for very long hearings. 10 days+ is no longer cause for comment. There are number of factors for that; an increasing number of claimants with mental health challenges or learning difficulties requiring adjustments and the sheer number of allegations that have to be determined in a hearing. AI is also being used to draft claims. So,

we are actively considering whether there are steps we can take to provide a fair hearing, without requiring quite so much of the tribunal's limited resources. Examples might be an increasing use of witness statements or use of timetabling. Judicial mediation continues to be very successful, but some cases are resistant to mediation. We may consider the dispute resolution appointments being used in England & Wales in this type of case. However, thinking is still at an early stage. Any suggestions from users would be welcome. The President will provide an update at the next meeting if any changes are adopted.

The President noted that with the case law as it is from the Employment Appeal Tribunal, applications for strike out based on unreasonable conduct are rarely going to succeed so the President asked that users exercise restraint in asking for that kind of order.

**Agenda Item 2 – ET (Scotland) update**  
**Claire Storey, Senior Operations Manager**  
**Performance**

Claire reported that, although there are fluctuations, the volume of correspondence being received remains steady across all offices.

All remote hearings are taking place via CVP with judiciary conducting these hearings from within tribunal buildings.

There has been a small decrease in the number of withdrawal, settlement and postponement requests.

Single claim receipts have risen by 20% compared to the same time last year. Successful judicial mediations continue to save hearing days.

The live caseload is relatively stable and the live load for local authority equal pay cases continues to reduce.

**Administrative Update.**

Work is continuing to increase stability within the administrative team. This includes reducing reliance on agency staff, so there has been a further fixed term appointment campaign and Employment Tribunal staff who were successful in previous fixed term appointment campaigns and who are now fully trained have been made permanent.

Workloads remain steady across all teams meaning that administrative targets such as the 10-day correspondence target are continuing to be met in most cases.

The number of telephone calls received via the customer contact centre has remained steady with an average waiting time of 42 seconds.

The number of webchat enquiries has steadily increased since it went live with an average waiting time of 8 seconds.

Claire reminded users that a national digital support service run by '**We Are Group**' was launched in December 2024. This service helps ET Users who want to apply online, but who are digitally excluded either because they have no access to the internet or an internet-enabled device or, they have access but lack digital skills or confidence going online. Contact details can be found on the ET landing page on Gov.uk or callers can be transferred through by a customer contact centre agent.

Claire also advised that we are currently conducting an e mail automation pilot. This works by picking up keyword in correspondence we receive. This is triaged automatically and sent to immediately to the relevant team. Claire will report on this in future meetings.

### **Agenda Item 3 HMCTS Reform Update**

#### **Mark Lewis, Employment Tribunals Service Manager**

Mark confirmed that while the Reform programme has officially ended in HMCTS, his team continue to work on continuous improvement of what is available at present. A lot of work is going into how multiple, or group claims are handled. This is a complicated task, but it is almost ready to be passed from the design team to the development and build team. However, Mark anticipates that it will take between 6 to 12 months before users see any changes.

Work is also being done on how employer contract claims are managed digitally. These are currently dealt with as two separate cases but going forward is likely to be one case with case flags. This will mainly affect internal users but may affect how external users see such cases in their portals. Users will be informed if and when any changes are implemented.

Mark noted that there had been a lot of recent feedback from professional users about problems with notice of change and accessing MyHMCTS. He confirmed that the technical team are almost ready to release enhancements

which should resolve the majority of problems that users have been experiencing.

There have also been recent changes to improve the CitizenUI portal, including providing additional guidance on the ET3 landing page.

Mark assured users that they welcome feedback and try to improve the system based on what users' report.

Mark anticipates that, from December, we should be able to provide more robust and accurate performance data.

### **Employment Rights Bill**

Mark confirmed that HMCTS is working closely with the Department of Business and Trade and the Ministry of Justice policy team to assess the impact of the Bill and to make sure the required judicial and staff resource is in place. He also anticipated that changes will be phased in.

#### **Agenda Item 4**

#### **Update from Department for Business and Trade ~ *Richard Boyd, Senior Policy Advisor***

Richard advised that the Department of Business and Trade continue to work closely with the Ministry of Justice, HMCTS and ACAS to understand what the impact the Employment Rights Bill will be. Richard assured users that there will be a phased implementation of the measures in the bill and referred them to the 'Implementing the Employment Rights Bill' roadmap which can be found here:

[Implementing the Employment Rights Bill - GOV.UK](#)

He strongly encouraged users to get in touch to provide feedback on experiences and suggestions on what further improvements can be made.

Richard reported that agreement had been obtained to go ahead with the next round of 'The Survey of Employment Tribunal Applications'. The survey is run roughly every 5 years, but the last one was in 2018 with 2017 data. He invited users to get in touch if there is anything they think should be considered in the survey. He can be contacted here:

[richard.boyd@businessandtrade.gov.uk](mailto:richard.boyd@businessandtrade.gov.uk)

## **Agenda Item 5 ACAS Update**

***Scott Mackell, Conciliation Manager, ACAS***

### **Case Receipts**

Scott reported that, in the year to August 2025 ET case receipts rose by 11% compared to the same period in 2024.

Early conciliation and ECX (employer led claims) receipts rose by 20% in the same period although at some points in the year the increase was as high as 27%. While the rate of increase has slowed a little since the first quarter of the year, they remain very busy. The increase is mainly in unfair dismissal and discrimination cases (in particular, disability discrimination).

ET resolution rates, despite the increases, have remained steady at 78% compared to 76% in 2024.

There has been a slight decrease in early conciliation or employer led conciliation cases. Despite this, performance remains fairly strong in the face of unprecedented increases in early conciliation receipts.

### **Tribunal- ACAS interface**

This was due to go live but has been put on hold due to more urgent changes required, particularly to the notification form.

### **ACAS response to increased demand**

On the ACAS website the landing page has been updated to provide claimants with more information and a realistic picture of current delays in having their case allocated to a conciliator. The information also highlights the need to have a relevant cause of action and the benefits of attempting to complete internal procedures before making a notification.

The helpline, often the first point of contact, is working closely with advice colleagues to better guide the information provided on early conciliation.

ACAS are increasing the number of specialist teams e.g. a team dealing with group claims and more recently a review team who will make contact with claimants interested in conciliation, to get more information before a conciliator is appointed.

**Staffing:** Recruitment is ongoing. In Glasgow, new staff were appointed in September and November 2024 then again in April 2025. An additional 38 conciliators will be appointed in November. another recruitment campaign will start in October with the aim of appointing new conciliators in January 2026.

AOB : Questions from Users

1. User, Susan Nulty (Weightmans), observed that submissions can still be made to the online submissions system as well as to the portal, using the 16 digit reference number.  
Mark acknowledged that was correct and said the point could be added to any further guidance we send out.
2. Becky Robertson (Glasgow City Council) asked if an e mail confirmation could be issued to confirm that the ET3 has been uploaded to MyHMCTS.  
Mark said that the confirmation is that when the ET3 is submitted it will show on the portal dashboard. However, he will check whether a separate confirmation could be sent.

**The next meeting of the Scottish National User Group will be at  
11am on Tuesday 21 April 2026**

**The meeting will be held in the Glasgow Tribunal Centre with an  
option to attend via Teams.**