



MINUTES OF THE EMPLOYMENT TRIBUNALS (SCOTLAND) NATIONAL USER GROUP

DATE OF MEETING: Tuesday 21 April 2026

<u>ATTENDEES</u>	
<u>Name</u>	<u>Organisation</u>
Russell Bradley	Westwater Advocates
Rhidian Davies	NHS Scotland
Roopneet Dhami	CMS Cameron McKenna Nbarro Olswang LLP
Raymond Farrell	Glasgow City Council
Greg Fletcher	NHS Scotland
Andrew Gibson	Morgan Fraser MacRoberts LLP
Catherine Greig	Greig Employment Law
Zoe Kerr	NHS Scotland
Morgan Landels	Harper MacLeod
William Lane	Worknest
Anne McFarlane	Glasgow City Council
Calum MacNeil	Westwater Advocates
Steve McLaren	Kippen Campbell
Rhona Masson	Burness Paull
Ross Milvenan	Thompsons
Ishani Mukerji	Brodies LLP
Keith Murray	AHC Solicitors
Kirsti Nelson	Police Scotland
Haley Newton	Glasgow City Council
Suzanne Nulty	Weightmans
Nicole Peachy	DLA Piper
Alan Philp	Mentor
Mairi Rasuli	Clyde and Co
Becky Robertson	Glasgow City Council
Eilidh Wood	Burges Salmon

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)

Jillian Crawford, Operations Manager

Mark Lewis, Employment Tribunals Service Manager

Claire Jones, Service Manager Employment Tribunals

Rose Marshall, Department of Business and Trade

Rachel McDonald, ACAS

Welcome and Introductions

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

Item 1 – President’s Update

Judicial Resources

The President confirmed that Employment Judge Nick Hosie had retired, a successful judicial recruitment campaign was completed and that the mandatory requirement for employment law expertise had been retained.

The President was pleased to report success in attracting very experienced law practitioners to a judicial role. Two new salaried judges have been appointed to the Dundee office and five new fee paid judges have been recruited. Robert Phillips started as a salaried judge in Dundee in March and Debbie Fellows will join him from the end of July. Employment Judge Sandy Kemp will then move to be based in Aberdeen with Employment Judge James Hendry. The new fee paid judges have all completed their training and most have completed their observations and have started sitting on cases.

The President explained that over the last 20 years, new judges did not sit on discrimination cases for a period of 1-2 years at which point they received additional training. However, as discrimination and whistleblowing cases now dominate the case mix it is not feasible to restrict the new judges initial sitting in this way. So, the induction training was adjusted to include all jurisdictions. Users may see the President or Vice President sitting with some of these new judges to provide them with support as they gain experience. This is permitted under the panel composition Practice Direction.

Administration

All case progression work in Scotland is now being done in Glasgow. Local offices will focus on clerking hearings and last minute correspondence.

The increasing caseload is presenting significant challenges for both administration and judiciary. Administrative colleagues are working very hard – however, some errors are occurring in correspondence, and response times are increasing. To mitigate this, judges have been involved in delivering training to staff, and managers are working hard to ensure work

is processed as quickly as possible, but the sheer volumes are challenging. Users can help by keeping correspondence to a minimum where possible. Last minute correspondence is particularly difficult to deal with, and it may well not have been referred to the judge before the hearing starts.

Legal officers continue to provide invaluable support to judges and administrative colleagues. As well as exercising their delegated powers, they are critical in processing and triaging correspondence. Consideration is being given to whether there is scope to expand their powers further. This will always be under judicial supervision, and parties will still be able to request that the decision be taken afresh by a judge.

Performance and Workload

The President reported a significant increase in single claims. Particularly in open track claims (including discrimination or whistleblowing). These are the most complex claims and require the most resource including case management and longer hearings. The number of fast track (money claims) has reduced significantly, and standard track (unfair dismissal claims) has stayed about the same.

Within the open track claims, the increase is primarily in disability discrimination and whistleblowing cases. A significant number of claimants are neurodivergent and/or have mental health issues. These types of claims create challenges in terms of the extremely detailed allegations, requiring many days of hearing, the volume of correspondence received and adjustments that may be required to ensure that a fair hearing is possible.

A further challenge is the increased use of Artificial Intelligence (AI), not just in claim forms but also in the agenda documents, in applications and in submissions at hearings. Concerns include the length and complexity of the documentation and parties presenting arguments they often do not fully understand that do not focus on what may be their best claim. e.g. there has been a marked increase in applications for interim relief which often arise from AI generated advice. While this is a relevant complaint, the bar is very high and so the chance of success is low. This can lead to an unrepresented party feeling aggrieved from a very early stage in the process and generates appeals and complaints before the response is in.

The Tribunal recognises the potential benefits of AI in improving access to justice. However, it is hard to overstate the extent of the challenge it

presents. Consideration is being given to whether any useful guidance or prompts can be given to make AI more tailored to the individual in a way that is proportionate and helpful.

Timeliness

The President emphasised that, the Employment Tribunal in Scotland is not currently in crisis. In 2025-26 most cases were disposed of within 26 weeks. However, because of rising caseloads and the likelihood of an increased number of cases once the Employment Rights Act (ERA) is fully implemented, the Tribunal intends to stop automatically listing Case Management Preliminary Hearings [CM(PH)] for discrimination and whistleblowing cases where the claimant is legally represented.

Instead, parties will be asked to provide additional information at the outset. Judges will then consider the ET1 & ET3 at initial consideration and will determine whether a CM (PH) is required. Where possible, the case will be listed for a final hearing based on the information already provided and appropriate orders will be issued for the production of an agreed list of issues, schedule of loss, agreed facts etc. It is anticipated that this change will start in May 2026. The President invited users to provide feedback on this significant change.

The existing CM (PH) agenda process is also being reviewed. There are concerns that AI generated responses to the agenda have become excessively lengthy and duplicative. Options include revising the agenda format or replacing it altogether.

Judicial Mediation

Judicial mediation continues to be highly successful; the tribunal will continue to encourage parties to take advantage of this alternative method of resolving the dispute. There are no current plans to introduce mandatory dispute resolution appointments, used in England and Wales, in Scotland.

Panel composition

Use of non-legal members has reduced following panel composition changes. Although given the opportunity to do so, parties do not often request members.

The President again invited users to express views on panel composition.

Reform

The President noted that there are still some issues with the new digital systems, particularly **myHMCTS**, although users appear to be becoming more familiar with the platform over time. Fewer problems are now being reported in relation to the online submission of **ET3 responses**. HMCTS continues to undertake improvement work on the digital system. Internally, the digital work allocation and case management system is now well established and is managing most referrals between tribunal administration and judges.

Prescribed forms

The 2024 rules of Procedure provided that the ET1 and ET3 forms were to be prescribed by Presidential Practice Direction. Work is ongoing to revise the forms with a focus on; improved design; better accessibility and greater user-friendliness. However, any revisions must remain closely aligned with the online versions of the forms.

Rule changes

Some rule changes came into effect on 2 March 2026. The most significant is that judges may provide summary oral reasons. This allows judges to provide shorter and less formal reasons orally and enables oral reasons to be tailored to the parties. It may also improve access to justice as the judge will be able to address the reasons directly to the parties in appropriate language, without the need for reference to law or big sections of undisputed evidence. Users may already have encountered the use of summary oral reasons in tribunal proceedings. The President again invited feedback on whether parties find this useful or still prefer to ask for full written reasons. The President explained that parties can request a written version of the summary reasons, but these will not appear on the public register. Only full reasons go on the register, and parties will still need full reasons if they want to appeal.

Operational focus for the next 6 months

The President said that the focus will continue to be on getting cases through the system as quickly as possible while still ensuring a fair hearing. As always, user feedback or suggestions on how things can be improved is welcome.

Agenda Item 2 – ET (Scotland) update

Jillian Crawford, Operations Manager

Performance

Jillian reported that, the volume of correspondence received has increased slightly. January and February saw the number peak to 5000 each month.

774 in-person hearings and 1031 remote hearings via CVP have taken place in Scotland over the last 6 months.

On average, 235 withdrawals and settlements and 120 postponements are received each month.

An average of 475 claims are received each month. Single claim receipts have risen by 20%, while the number of multiple claims continues to fluctuate.

There have been 48 successful judicial mediations over the last 6 months, saving and estimated 243 hearing days.

The live caseload is relatively stable with a minor decrease over the last couple of months to 37,885. While the local authority equal pay case load remains static at just under 10,000.

Administrative Update.

Work is ongoing to increase stability within the administrative team and reduce reliance on agency staff. A permanent recruitment campaign was undertaken and offers will be issued to successful candidates once final staffing numbers have been confirmed.

Correspondence workloads remain high within the teams, as a result administrative targets such as the 10-day correspondence target are being missed in some cases. Processes are being reviewed continuously to identify efficiencies and improve performance against targets. Jillian asked users to consolidate information into a single email where possible and limit follow up or chaser correspondence for non-urgent matters.

The volume of telephone calls received via the customer contact centre has increased slightly, averaging approximately 700 calls per month. The increase is in line with the increase in correspondence received. The main

reasons for calls are requests for progress updates and for explanation of correspondence issued.

Uptake of the webchat channel remains low, averaging 35 monthly interactions per month.

Jillian reported that a full review of the HMCTS potentially violent persons (PVP) protocol has been conducted to strengthen processes and improve consistency across sites. Staff guidance has been enhanced to support the protocol. Users were reminded of the importance of early information sharing where there are concerns that a party or attendee may present a risk of violence at a tribunal venue.

Agenda Item 3 HMCTS Reform Update

Mark Lewis, Employment Tribunals Service Manager

Mark confirmed that 32,590 sitting days will be available for Employment tribunals in England, Wales and Scotland Tribunals. It has also been confirmed that the Department of Business and Trade will fund an additional 2000 sitting days this year. The Presidents of Employment Tribunals in Scotland and in England and Wales have agreed that the additional 2000 days will be used in England and Wales to reduce the backlog ahead of the implementation of the Employment Rights Act.

Mark will lead the team responsible for implementing the Employment Rights Act in HMCTS. He confirmed that a project team is being recruited for that purpose. Claire Jones will join as service manager for day-to day service operations and Mark will retain oversight of Employment Tribunals, Employment Appeal Tribunal and the Employment Rights Act implementation programme.

The President in England and Wales, Judge Clarke, has convened an efficiency and best practice working group. This is jointly attended and chaired by HMCTS and the Judiciary. Employment Tribunals (Scotland) will also be part of that group.

Nationally there has been an increase of work of between 25% to 30% the majority of which are open track cases. This increase is creating challenges for both administrative teams and judiciary in progressing claims efficiently.

Digital Working

Mark reported improvements to the Notice of Change process following extensive user feedback. There are further planned updates e.g. adding a representative to a claim originally presented by a litigant in person. Access to the digital case will be available to the claimant and the legal representative but the claimant will only be able to view the case.

The process on the design and build of the multiples system on the online digital platform has started. This will be released in 3 stages the order of which is to be decided. One phase is the release to litigants in person; another is release to legal professionals and finally internal working.

Mark anticipated that automatic digital exchange of information between the Employment Tribunal and ACAS systems will be released in May. This should speed up the exchange of information.

Another new release is due on reasonable adjustments and case flags. This will allow users to use the digital platform to raise their own case flags and input their own reasonable adjustment requirements to the digital platform. The reasonable adjustment and case flag information input by users will be collected separately and that will provide better data about the reasonable adjustments and case flags put into the system.

HMCTS are exploring opportunities to use AI tools appropriately and proportionately, this is at the early stage at present. Pilot projects are running in other jurisdictions so, ET will await the outcomes and reviews of those pilots before progressing further.

Work is ongoing to improve management information; it is hoped a full suite of management information will be available by September. This should make it possible, internally, to make better and more informed decisions, and to provide better information to users.

England and Wales offices have transitioned to a national telephony service. This change is intended to improve response times and consistency of service.

Agenda Item 4

Update from Department for Business and Trade ~Rose Marshall, Senior Policy Advisor

Employment Rights Acts- Implementation Update

Rose reminded users that there is a phased approach to the implementation of measures in the Employment Rights Act. Changes in February saw simpler requirements for trade unions. April changes included changes to statutory sick pay, changes to paternity leave and bereaved partners' paternity leave. The Fair Work Agency also launched, and some other measures relating to action plans for large companies on gender equality and menopause. The timeline for commencement of all measures can be found online [here](#)

Rose advised that whilst most consultations have now concluded, there are a few still live. A list of all open and closed consultations can be found [here](#)

A substantial programme of secondary legislation is also underway, including revised and new Codes of Practice.

Earlier in the year the department launched an awareness raising campaign including a dedicated website [here](#) . That provides practical guidance and advice to employers to understand the changes and directs them to other places of support, including ACAS and other more substantial guidance on gov.uk. In addition, they are running webinars and encouraging businesses to sign up to help understand the changes. They will also intensify their communications and marketing campaign to ensure as many businesses and workers as possible are aware of the reforms and what they mean for them.

Fair Work Agency

The Fair Work Agency was established on 7 April 2026. It will drive compliance through a proportionate, risk based and digital first approach that supports businesses who want to do the right thing, whilst also taking robust action against serious non-compliance. The agency is responsible for enforcing domestic agency rules, national minimum wage, licensing standards for gangmasters and tackling serious labour exploitation. Over time, it will also enforce additional rights like holiday pay. The first phase is about bringing responsibility for enforcement into one place and having a single set of enforcement and investigatory powers and establishing a digital front door providing a clear place for people to get in touch. An advisory

board has been established and will play a key role in shaping the agency's strategy and reporting functions and helping set the overall direction for the agency. The team also published a strategic steer that outlines the ambitions for the Fair Work Agency and what it is expected to do within its first year. The agency will be expected to respond to the steer through publishing a delivery plan.

Finally, Rose reminded users that her colleague Richard Boyd is very keen to hear about users' experience and suggestions for reforming the tribunal system. He can be contacted at: richard.boyd@businessandtrade.gov.uk

Agenda Item 5 ACAS Update

Rachel McDonald, Conciliation Manager, ACAS

Case Receipts

The Early conciliation case load has increased by 26%.
Employment Tribunal cases have increased by 6% and,
Helpline contacts have increased by 8%.

From 1st April 2025 to February 2026 approximately 188,400 employee led cases were received and 6,400 employer led (ECX) cases were received. As well as Employment Tribunal claims of 83,1000. This is approximately 3000 early conciliation cases a week which is a significant increase on previous years. Most common jurisdictions are unfair dismissal and disability discrimination. There has also been a less significant rise in unpaid wages and breach of contract claims.

Early conciliation resolution rates have dropped slightly to 36%. That is partly due to the allocation queue which is taking up to 6 weeks to allocate cases to a conciliator. Prior to changes made in December that was taking up most of the prescribed period. Since December, the early conciliation period has been extended to 12 weeks giving conciliators more time to conciliate and that has had a significant impact.

ET resolution rates remain above the KPI target of 77% currently standing at 79%.

Action Taken to Reduce Queues and Improve Performance

Following increased recruitment over the last 18 months there are now over 400 conciliators. A new intake of conciliators has started taking cases and a further intake commenced training on 13 April.

A Triage team has been introduced and reviews approximately 600 cases per week. This is an e mail service intended to identify cases requiring more information before they can be referred to a conciliator, and cases unlikely to progress or engage effectively. This is expected to remove approximately 30,000 cases annually from the allocation queue.

A Public Sector Team has also been established. It handles more complex cases that may involve additional approval processes, such as Treasury approval for civil service settlements.

A new Central Resolutions Team is piloting an appointments-based service; it aims to improve engagement and accessibility, particularly in sectors where parties are harder to reach by telephone.

ACAS is exploring how AI could be used to support users by providing reliable information, sourced directly from ACAS guidance.

Proposed changes to the Early Conciliation notification form include making the following information mandatory: respondent contact details; confirmation of permission to contact the respondent; whether grievance or appeal procedures have been completed; length of service and additional information where “other” is selected as the main claim category. The objective is to improve contact rates and maximise time available for conciliation.

The Collective Conciliation team received 355 requests from April 2025 to February 2026. The most common disputes being pay claims, union recognition and other pay and conditions of employment issues.

Other ACAS Services

The ACAS website is constantly updated particularly in relation to Employment Rights Act changes.

Demand for the helpline continues to increase.

Training and Business solutions offers training, has delivered 49 webinars during the year on several topics. Most popular topics are ERA changes, HMRC updates, Inclusive workplaces and Mental health.

The next meeting of the Scottish National User Group will online only and will be delivered via Microsoft Teams on

6 October 2026 at 10am