60 years of the Employment Tribunals

Judge Barry Clarke

President of Employment Tribunals
(England and Wales)

Introduction[1]

On 31 May 2025, the Employment Tribunals turned 60. Later that year, I gave the closing session of the annual conference of the Industrial Law Society in Oxford. It was a fine Saturday afternoon, in what is sometimes called the graveyard slot, and I knew there would be only one thing the audience really wanted from me: to finish on time. This article is an expanded version of what I said. Freed from the clock, I have taken the opportunity to tell more of the story. I have decided to publish it on the www.judiciary.uk website to mark two years since the untimely death of my predecessor, Dr Brian Doyle, within a few years of his retirement, his plans having already been disrupted by the pandemic.

I had three aims back in 2025. They remain the aims of this article. First, I want to pass on some nuggets about this corner of the justice system that may not be widely known, and to do so largely through the lives of those who have led it. Second, I hope that marking our diamond anniversary will help readers to understand and appreciate our system of workplace justice a little more. Third, I want to draw attention to a precious historical resource that deserves to be protected and preserved: the Register.

The Register is also the provenance of something I have looked forward to sharing with you. I have retrieved three decisions of the Industrial Tribunals, each of historic importance, from our archive and have made them available for anyone to read on Find Case Law, the service provided by The National Archives.[2] The first is the very first decision of the new tribunal, in *Scott (Dudley Hill) Ltd v Wool Industry Training Board*, made in Harrogate in August 1965.[3] The second is the original decision in *Burchell v British Home Stores Ltd*, made in London in December 1977.[4] The third is the original decision in *Polkey v Edmunds Walker (Holdings) Ltd*, made in Nottingham in February 1983.[5] The last two will be familiar names to every

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[1] I am grateful to the following, who have over the years given me snippets of information that now form part of the oral history of the Employment Tribunals: Sir Nicholas Underhill; Dame Janet Gaymer; Mrs Justice Stacey; Michael Rubenstein; Roger Peters; Chris Tickle; Robin Lewis; Stuart Robertson; Carol Taylor; Chris Lee; David Cockburn; Dr Saphié Ashtiany; His Honour Judge Simon Auerbach; Professor Susan Corby; Professor Catherine Barnard; Pauline Prophet (wife of His Honour John Prophet); Helen Doyle (wife of Dr Brian Doyle); and Brian Doyle himself. Errors are of course my own. This published version of my speech is dedicated to Helen Doyle, in ongoing gratitude to her late husband for his personal kindness, his consummate professionalism, and his embodiment of what it means to be a 21st century judge.

[2] https://caselaw.nationalarchives.gov.uk/.

[3] https://caselaw.nationalarchives.gov.uk/tna.t7yh5v3m.

[4] https://caselaw.nationalarchives.gov.uk/tna.yvgp49vg.

[5] https://caselaw.nationalarchives.gov.uk/tna.pw8bh5k5.

employment lawyer. Very few of us, however, will have read what the tribunal actually decided in either case. I tell their stories below.

There is no black letter law in what follows. I write less as a lawyer and more as an institutional historian. The idea for the talk came to me as I began to clear out the President's office in Victory House, on Kingsway in London, together with its basement, ahead of the move of the London Central Employment Tribunal to the new London Tribunals Centre in Newgate Street. That move finally took place in February 2026.[6] Some of the material dated back several decades. I was trying to work out what to keep and what to throw away. Before I became a lawyer, I studied history and, as some of my judicial colleagues may tell you, I remain a passionate archivist. Archivists are poor at throwing things away; we are too tempted to hoard. Do not ask someone like me to clear out an attic.

The historian in me remains convinced that, to appreciate the present and to contemplate the future, one must understand the past. Being President can sometimes open a few doors; it helps when identifying, and talking to, the civil servants who have access to the archive of decisions dating back to 1965, which is kept off site. It also helps to have known some of the key people over the years. I am indebted to several of them, who have kindly shared their recollections with me.

I am only a little younger than the Employment Tribunals. I remember attending the annual conference of the Industrial Law Society as a delegate in 1997, when it was held at St Catherine's College, Oxford. One of the speakers was His Honour Judge John Prophet, newly appointed as the sixth President of the Industrial Tribunals in England and Wales. I was impressed by his passion for justice, and I remember a phrase he used. The discussion had turned to the *Norton Tool* case[7] and the good industrial practice of paying full notice pay. He said this: "no Chairman ever worth his salt would fail to give a claimant their notice pay". It is strange that the remark should have stayed with me, but it has.

I am now the tenth President since the foundation of this jurisdiction (we regenerate less often than Doctor Who). Until the move to Newgate Street, the portraits of my predecessors hung in a corridor of Victory House, opposite the President's office.[8] They made me mindful of our history, and they remain a symbol of institutional continuity over six decades. My predecessor, Dr Brian Doyle, once used the same gallery as a metaphor for leadership. He confessed that the "reproachful gaze" of his predecessors followed him whenever he entered or left his office, and that he often wondered what they would have made of the challenges of his own time.[9] I know the feeling.

This is not a legal history in the usual sense, told through the landmark judgments of the higher courts that mark out the evolving relationship between employers and

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[6] HM Courts & Tribunals Service and Ministry of Justice, "UK's largest tribunals centre opens in London to speed up delays" (16 February 2026): https://www.gov.uk/government/news/uks-largest-tribunals-centre-opens-in-london-to-speed-up-delays.

[7] *Norton Tool Co Ltd v Tewson*, a decision of the National Industrial Relations Court in 1972: https://www.bailii.org/ew/cases/Misc/1972/1.html.

[8] See item A in the Appendix.

[9] Judge Brian Doyle, "Leadership and Reform", a speech to the annual conference of the Council of Employment Judges, Cardiff, 12 May 2018 (unpublished). I draw on this speech throughout what follows, with Helen Doyle's permission, and refer to it below as "Doyle (2018)".

employees (or, for those of a certain vintage, between capital and labour). Instead, I tell the story of this jurisdiction through the judges who have led it, the challenges they faced and the reforms that marked their time, and through some of the cases decided at first instance. While decisions at first instance will lack precedential value, they may still have historical value.

Before the beginning

Any good creation story starts with the time before creation. Some of the older readers of this article will never have studied employment law; instead, they studied labour law, or even the law of master and servant. I own a copy of the leading textbook on the law of master and servant, the first edition of which appeared in 1883. Its author, Sir John Macdonell, was a Scottish lawyer, a holder of the office of King's Remembrancer, a professor at the University of London and a leader writer for The Times.[10] The labels he used, referring explicitly to servitude, tell you all you need to know about the inequality of bargaining power in the workplace over a century ago. In his opening chapter, he refers to the Roman law principle of labour as a "commodity".

In the Victorian era, few workers would have thought of themselves as employed under a contract of employment. A gentleman in one of the professions satirised by Charles Dickens might have had one; indeed, as a young clerk at a firm of solicitors in Gray's Inn, Dickens himself witnessed such a contract.[11] The vast bulk of workers did not. Nor, for many decades, did the law have much to do with their working lives. Writing in 1954, Otto Kahn-Freund observed that there was perhaps no major country in which the law had played a less significant role in shaping industrial relations than Great Britain.[12] Workplace disputes were resolved, if at all, through collective bargaining and, when that failed, through industrial action.

If I may be forgiven for oversimplifying, academics in this field in the 1960s fell into two camps. In one corner (dare I say the red corner) were those interested in collective labour law and the legal status and power of trade unions, for whom the decision of the House of Lords in *Rookes v Barnard*[13] was a cause célèbre. In the other corner (dare I say the blue corner) were the traditionalists, who remained focused on the law of master and servant. Such individual disputes as reached the courts were usually heard in the Queen's Bench Division of the High Court. Some of those cases retain their potency, not least *Ready Mixed Concrete (South East) Ltd v Minister of Pensions and National Insurance*.[14]

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[10] Legal historians may be interested to know that the first owner of my copy, whose name is inscribed at the top, was William Otto Danckwerts, who prosecuted *R v Dudley and Stephens*, the notorious case about cannibalism following a shipwreck.

[11] https://www.bonhams.com/auction/26079/lot/200. For the wider story, see Simon Deakin, *The Contract of Employment: A Study in Legal Evolution*: https://www.cbr.cam.ac.uk/wp-content/uploads/2020/08/wp203.pdf.

[12] O Kahn-Freund, "Legal Framework", in A Flanders and H A Clegg (eds), *The System of Industrial Relations in Great Britain* (1954), p 44.

[13] [1964] AC 1129: https://www.bailii.org/uk/cases/UKHL/1964/1.html.

[14] [1968] 2 QB 497: https://www.bailii.org/ew/cases/EWHC/QB/1967/3.html. The worker himself was not a party: the question was whether the company was liable to pay National Insurance contributions in respect of him, which turned on whether he was its employee.

As a further point of trivia, I go back rather further, to the famous judgment of the House of Lords in *Addis v Gramophone Company Ltd*.[15] Nowadays it would be described as a claim for wrongful dismissal, or even simply for notice pay. Today, it might be heard as a short track claim in an Employment Tribunal, although claims of higher value still go to the civil courts. Over a century ago, the claim was tried by a High Court judge sitting with a jury.[16] Yet today's employment lawyers will sympathise with the opening words of Lord Loreburn when the case reached the House of Lords:[17]

> *This is a most unfortunate litigation, in which the costs must far exceed any sum there may be at stake. A little common sense would have settled all these differences in a few minutes.*

In those days, few people spoke of "employment law". It is difficult to trace the first use of the phrase, but some responsibility for its adoption must surely rest with Norman Selwyn, whose book on the law of employment was first published in 1976.[18] A great deal of responsibility for popularising the term also rests with three senior solicitors who, in 1991, decided over lunch to form a new association of practitioners in this field. Dame Janet Gaymer KC (Hon) told me how it began.[19] As Vice Chairman of the Law Society's Employment Law Committee, she had wanted to know the views of employment lawyers on an issue, only to discover that the Law Society could not say who those lawyers were or where they were to be found. So she decided to do something about it. On 4 July 1991 (appropriately, she notes, Independence Day), she invited Jane Mann and Fraser Younson to lunch at her office and proposed an association. A questionnaire went out to every specialist practitioner they knew. The 220 responses were positive, including from the Bar in the shape of Paul Goulding (now KC). The association was incorporated on 18 November 1992 and launched at Stationers' Hall on 26 November 1992 (Thanksgiving Day, she adds). The guest speaker was Lord Donaldson who, two decades earlier, had presided over the National Industrial Relations Court.

The founders could hardly call themselves the Association of Those Advising Masters and Servants. The word "industrial" was already taken by the Industrial Law Society, and "labour law", as a field of practice, had obvious political connotations. So the Employment Lawyers' Association was born. Its launch was attended by more than 300 people, happy to call themselves employment lawyers. Its membership now numbers about 7,300.

Children of civil servants

Let me go back to 1964, just before the moment of our creation. There was a war in Vietnam. Beatlemania had taken hold, at home and abroad. In a room somewhere,

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[15] [1909] AC 488: https://www.bailii.org/uk/cases/UKHL/1909/1.html.

[16] The judge was Mr Justice Darling. Sir Henry Brooke wrote amusingly about him, and about the epithet "an impudent little man in horsehair", in his much missed blog: https://sirhenrybrooke.me/2017/08/19/mr-justice-darling-an-impudent-little-man-in-horsehair/.

[17] [1909] AC 488, at the opening of the speech of Lord Loreburn LC.

[18] Selwyn's title spoke of the law of employment. The first books to use the phrase "employment law" in their titles appear to have been *Tolley's Employment Law* (Elizabeth Slade, 1978) and Butterworths' *Employment Law Handbook* (Peter Wallington, 1979).

[19] I am grateful to Dame Janet Gaymer for her account of these events. She was the first chair of the Employment Lawyers' Association in 1992. I later performed the role (2006–2008).

civil servants were bringing to fruition the government's plans for an economy that was still recovering from the war, and that faced what Harold Wilson, a year earlier, had memorably described as the "white heat" of a scientific revolution. It was these plans that led to the conception of the Industrial Tribunals.

At the time, Professor Wedderburn and (the future) Professor Davies described our origins as "shrouded in silence, if not in mystery". They also called us, perhaps disparagingly, the "children of civil servants", and they were left reaching for a divine analogy:[20]

> *The tribunals sprang to life, like Athena from the head of Zeus, under the Industrial Training Act 1964.*

We were not created at the request of employers, unions or political parties. As Professor Susan Corby has noted, this was unlike the position in France and Germany, where trade unions had been instrumental in establishing labour courts.[21] There is a simple reason for this. When they were established, the Industrial Tribunals had nothing to do with adjudicating on workplace disputes, and everything to do with something far more mundane: the cost of training.

The Industrial Training Act 1964 was the legislative platform for the government's plans to improve industrial training. Industry was changing rapidly, and there was widespread concern that working men and women would become redundant if they did not acquire new skills. Then, as now, training was one of the most important means of reducing the fear of redundancy. At the heart of the Act were new Industrial Training Boards. Each was responsible for training in a particular industry, setting standards and providing advice. Reflecting the industrial consensus of the time, each board included representatives of employers and of trade unions. The boards paid allowances to trainees, funded by a compulsory levy on the firms in each industry. Only two such boards remain today: the Engineering Construction Industry Training Board and the Construction Industry Training Board.[22] They still invest tens of millions of pounds a year in training. Levy appeals still come to the Employment Tribunal, and they can matter: six years ago, one such appeal, worth nearly £8 million, reached the Court of Appeal.[23]

Parliament decided that companies assessed to pay the levy should have a right of appeal. That required an adjudicative body. Section 12 of the 1964 Act empowered the Minister, by regulations, to establish tribunals to determine such appeals.[24] We did not yet have a name; we were simply a tribunal. This followed the fashion of the time: as Professor Corby notes, specialist tribunals had proliferated after the war. Nobody seems to know why it was decided, or by whom, that this tribunal should

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[20] K W Wedderburn and P L Davies, *Employment Grievances and Disputes Procedures in Britain* (1969), p 243.

[21] S Corby, "British employment tribunals: from the side-lines to centre stage" (2015) 56(2) *Labor History* 161. An accepted version of the article is available at https://gala.gre.ac.uk/id/eprint/13986/. I refer to it below as "Corby (2015)".

[22] https://www.ecitb.org.uk/ and https://www.citb.co.uk/. The Construction Industry Training Board explains how to appeal against an assessment to its levy here: https://www.citb.co.uk/levy-grants-and-funding/citb-levy/levy-assessment-registration-review-and-how-to-appeal.

[23] *Hudson Contract Services Ltd v Construction Industry Training Board* [2020] EWCA Civ 328: https://www.bailii.org/ew/cases/EWCA/Civ/2020/328.html.

[24] https://www.legislation.gov.uk/ukpga/1964/16/section/12/enacted.

have a tripartite structure, with members drawn from both sides of industry. There was some precedent. During the First World War, Munitions Tribunals had sat with a legally qualified chairman and two members, one drawn from a panel of workmen and one from a panel of employers.[25] But the simplest explanation is that other tribunals had such a structure, so we had one too.[26] Lord Wedderburn later observed that it was "obscure" why a trade union nominee should be needed for work such as deciding whether a "business activity" was carried on by a fox destruction society in mid Wales.[27]

The founding regulations were the Industrial Tribunals (England and Wales) Regulations 1965.[28] They were made on 11 May 1965 and came into operation on Monday 31 May 1965.[29] That is our true date of birth. On that day, Sandie Shaw was at number one in the singles chart with "Long Live Love", and the soundtrack of *The Sound of Music* topped the album chart. For reasons lost in the mists of time, we were not called the Industrial Training Tribunals, which would probably have made more sense. Separate regulations, in force on the same day, applied north of the border.

The regulations created the office of President of the Industrial Tribunals (England and Wales). The President was to be a barrister or solicitor of at least seven years' standing, appointed by the Lord Chancellor for five years. Each tribunal consisted of a legally qualified chairman and two members, one drawn from a panel appointed after consultation with organisations representing employers, and the other from a panel appointed after consultation with organisations representing employees.[30] From the outset, the President decided how many tribunals there should be, and when and where they should sit.[31] The rules of procedure required every decision to be recorded in a document signed by the chairman, which "shall contain the reasons for the decision", and to be entered in a "Register of Industrial Levy Appeals and Decisions". The Register was to "be open to the inspection of any person without charge at all reasonable hours".[32] I will return to the Register later.

Where did the new tribunal live? Sir Diarmaid Conroy, our first President, recalled in 1970 that, when the tribunals started, they sat in the Law Courts annexe in Kingsway, and that their official address was "The Royal Courts of Justice, Victory House, Kingsway, London WC2". That is the very same building where, in 2025, I was asked to clear out the materials held by the President's office in the basement. The name did not appeal to everyone; it seems odd for any hearing centre to use the word "Victory" in its name which, almost by definition, only resonates with half the users who exit at the end of the day. Nor did the address appeal to everyone. More than once, a party who received notice of a hearing wrote back to say: "I will not

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[25] Corby (2015).

[26] It is a common misconception that the "tri" in "tribunal" signifies three people. The word derives from the Latin word for "tribune", a Roman magistrate.

[27] Corby (2015), quoting Lord Wedderburn, *The Worker and the Law*, p 264.

[28] SI 1965/1101: https://www.legislation.gov.uk/uksi/1965/1101/made.

[29] See item B in the Appendix.

[30] SI 1965/1101, regulations 3 and 5.

[31] SI 1965/1101, regulation 4. The power survives today in regulation 7 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013: https://www.legislation.gov.uk/uksi/2013/1237/regulation/7.

[32] SI 1965/1101, Schedule, rule 9(2) to (4).

appear in a court and if I have to do so I would rather abandon my claim".[33] For many years, the Central Office of the Industrial Tribunals for England and Wales was at 93 Ebury Bridge Road in London, close to Chelsea Barracks.[34]

The issue in a levy appeal was (and still is) whether the levy was properly assessed. That often turned on whether the company was properly an "employer" liable to pay it. Questions of status have never been far from the gravitational centre of employment law.

Sir Diarmaid Conroy (1965–1974)

The new tribunal needed a President. The appointee was Sir Diarmaid Conroy QC, CMG, OBE, TD. His appointment was announced in Parliament on 5 July 1965, alongside that of Robert Reid QC as President of the Industrial Tribunals in Scotland.[35] His portrait, which hung in Victory House, shows him in a full bottomed wig, colonial robes and military medals.[36] Brian Doyle thought it showed him, "probably unfairly, to be a very forbidding looking figure".[37] A photograph taken for the National Portrait Gallery shows him in a more cheerful light.[38] If you look him up in *Who's Who*, you will learn that he lived in Cowes on the Isle of Wight, that he was a keen yachtsman and that he was a member of the Royal London Yacht Club. His entry also gave his home address and telephone number. Who could imagine such a thing nowadays?

Sir Diarmaid is worth remembering for many reasons. He was born on 22 December 1913 and educated at Mount St Mary's, a Jesuit school near Sheffield. Called to the Bar by Gray's Inn, he practised from 1935 until the outbreak of war. A member of the Territorial Army, he served as a captain and then a major with the London Irish Rifles.[39] He saw action in the Tunisian campaign of 1942 and 1943,[40] which included the Battle of the Kasserine Pass in February 1943.[41] On 26 February 1943, at Stuka Ridge on the Bou Arada front, Major Conroy and Captain Osborne led a scratch force of headquarters and support troops in a counter-attack that regained a position the Germans had seized. Both officers were wounded in the attack.[42] It is impossible to read the accounts of those days without admiring the way his generation faced the immense challenges of the time.

Perhaps, after his service in Africa, Sir Diarmaid wished to remain there. He left military service in 1946 and became Crown Counsel in Northern Rhodesia (now

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[33] "Tribunals and the Courts: An Interview with Sir Diarmaid Conroy, President of the Industrial Tribunals for England and Wales", *New Law Journal*, 19 November 1970, pp 1069 to 1071, at p 1071. I refer to it below as "the 1970 interview".

[34] The address is given in the 1985 information leaflet described below.

[35] https://hansard.parliament.uk/Commons/1965-07-05/debates/f7aa3175-5b15-43be-a877-71d7d7691030/IndustrialTribunals(Presidents).

[36] See item C in the Appendix.

[37] Doyle (2018).

[38] See item D in the Appendix.

[39] https://en.wikipedia.org/wiki/London_Irish_Rifles.

[40] https://en.wikipedia.org/wiki/Tunisian_campaign.

[41] https://en.wikipedia.org/wiki/Battle_of_Kasserine_Pass. See item E in the Appendix.

[42] https://www.londonirishrifles.com/index.php/regimental-history/significant-events-from-our-history/stuka-ridge-february-1943/. Some of the wartime activities of the regiment are described at https://www.irishbrigade.co.uk/.

Zambia), followed by a spell as a parliamentary draughtsman. He became Attorney General of Gibraltar in 1952, taking silk there in 1953. He then became Solicitor General and Deputy Speaker in Kenya, where he was appointed OBE in 1955, took silk again in 1956 and was appointed CMG in 1960. He returned to Northern Rhodesia as Chief Justice in 1961 and was knighted the following year. He remained in post after Northern Rhodesia became independent as Zambia in 1964. A photograph survives of him swearing in Kenneth Kaunda as the first President of Zambia.[43]

What made Sir Diarmaid come home in 1965? We may never know whether it was a wish to return to British shores, a desire to add a far more impressive job to his portfolio (I jest, of course), or a recognition that a colonial era was ending. Whatever the reason, he became our inaugural President. So it was that he came to sit on the very first Industrial Tribunal case.

The tribunal sat in Harrogate on 9 August 1965.[44] The Beatles were at number one in both the singles and the album charts with *Help!* That day, the tribunal heard four training levy appeals. The first bears the case number 1/1/1965. It lay hidden in the archive for decades; it is now transcribed on Find Case Law. In its original form, Sir Diarmaid's tribunal (and in his neat handwriting) dismissed an appeal by a woollen textile company from Bradford, Scott (Dudley Hill) Ltd, against its assessment to the levy by the Wool Industry Training Board. The central issue was employment status: whether the company was the "employer" of the workers in question, and so liable to pay the levy. The whole decision fits on a single page. On the printed form, Sir Diarmaid struck out the word "Chairman" beneath his signature and wrote "President" instead. His reasons, in full, were these:[45]

> *On the admitted facts, the appellants were correctly assessed, both as to liability and amount. They are "employers" as defined and therefore liable to be assessed. The amount of the levy is calculated as a percentage of the total emoluments paid during the first base period to persons employed in the appellant's establishment. The figures in the assessment are correct.*

Brevity has its merits. Sir Diarmaid sat with two lay members, but the decision does not name them. We know who they were only because two of the other appeals heard that day were reported in the Industrial Tribunals Reports, a series that did not survive for long, and those reports did name them.[46] They were Mr W Horsfall OBE and Mr A King OBE. I have been unable to discover anything about Messrs Horsfall and King, or what they did to earn their honours. If any reader knows, I would like to hear from you.

I do not wish to be dismissive of training levy appeals but, had we stood still, I doubt that many people would have heard of us today. Parliament soon added further causes of action. From 6 December 1965, the tribunals could decide questions under the Redundancy Payments Act 1965, including an employee's right to a

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[43] See item F in the Appendix.

[44] See item G in the Appendix.

[45] *Scott (Dudley Hill) Ltd v Wool Industry Training Board* (1/1/1965), Harrogate, 9 August 1965: https://caselaw.nationalarchives.gov.uk/tna.t7yh5v3m.

[46] *Angus Rhodes & Company Ltd v The Wool Industry Training Board* and *Tradoc Yarns Ltd v The Wool Industry Training Board*, both reported in the Industrial Tribunals Reports. The reports are available to subscribers to Lexis.

redundancy payment (or its amount) and an employer's right to a rebate from the Redundancy Fund.[47] The same Act transferred to the tribunals disputes about the written particulars of employment that the Contracts of Employment Act 1963 required employers to provide, replacing the cumbersome sanction of criminal prosecution with a reference to the new tribunal.[48] That right survives today.[49] In 1967 came appeals under the Selective Employment Payments Act 1966, and questions under the Docks and Harbours Act 1966 about what counted as "dock work".[50] By far the most significant addition, however, was redundancy pay. Writing in 1969, Wedderburn and Davies could already say this:[51]

> *Thus it can be seen that the [Industrial Tribunals] have become maids-of-all-work. When a modern statute creates a justiciable issue that has the flavour of an employment problem, it seems to be given (even on tax questions) to these tribunals. In their actual work, however, one statute dominates all others ... Redundancy Payments Act 1965. In their report for 1966, the Council on Tribunals stated that the Tribunals had sat in London and 13 provincial centres in England and Wales; and of the 4,779 cases heard in that period, 3,733 were concerned with redundancy payments.*

Sir Diarmaid gave his own figures in the 1970 interview. In 1969, out of 10,000 cases, 9,000 arose under the Redundancy Payments Act, 50 under the Contracts of Employment Act and 385 in relation to selective employment tax. Only 360 were brought under the Industrial Training Act, the statute that had created the tribunals in the first place.[52] Wedderburn and Davies were in no doubt about how this had come about:[53]

> *In the midst of this debate about substance, scant attention was paid to the procedural question of where disputes should go. The debates took place while the ordinary courts were under criticism for their decisions in such cases as Rookes v Barnard ... and many such critics were only too ready to turn to the easy answer of a tripartite tribunal "representing both sides of industry" with an "independent" chairman. There was little hardheaded debate – at least, in public outside the Ministry – and the jurisdiction of the tribunals, like Topsy, "just growed".*

Not everyone had foreseen this growth. When the Redundancy Payments Bill was before the House of Lords in 1965, the government's spokesman, Lord Lindgren, compared the new tribunals with the local appeal tribunals under the National Insurance scheme, which had dealt with some 36,000 cases in 1964. "The work of the industrial tribunals", he told peers, "will not be on a scale approaching anywhere near this." He also expressed the hope that a tribunal decision "will be arrived at in a

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[47] https://www.legislation.gov.uk/ukpga/1965/62/pdfs/ukpga_19650062_en.pdf. The procedure was set out in the Industrial Tribunals (Redundancy Payments) (England and Wales) Regulations 1965 (SI 1965/2019), which came into operation on 6 December 1965.

[48] https://www.legislation.gov.uk/ukpga/1963/49/pdfs/ukpga_19630049_en.pdf. See also Corby (2015).

[49] https://www.legislation.gov.uk/ukpga/1996/18/part/I/crossheading/right-to-statements-of-employment-particulars.

[50] Corby (2015).

[51] Wedderburn and Davies, *op cit*, p 244.

[52] The 1970 interview, p 1069.

[53] Wedderburn and Davies, *op cit*.

few weeks, at the maximum".[54] I suspect that every President since has wished that Lord Lindgren had been right about the second prediction, if not the first.

Sir Diarmaid's presidency therefore saw a rapid expansion in the new tribunal's work. That required resources and organisation. Amending regulations in 1967 allowed the President to specify an area of England and Wales within which a nominated chairman would arrange the sittings, and gave tribunals new powers to order particulars and discovery and to award costs.[55] A regional structure followed. Permanent chairmen were appointed in Manchester, Leeds, Newcastle and Birmingham, and two in London. They were known as "first division" chairmen, because they sat for a week at a time. Other chairmen could be called on for occasional days when the pressure of work required it, a forerunner of our present fee paid judiciary. Hearings took place wherever they could. In 1971, the tribunals sat at 84 different locations, in "hotels, houses, libraries, council chambers, civic centres and other government accommodation".[56] Indeed, even in my time as a salaried Employment Judge, we were still hearing cases in meeting rooms in hotels and colleges in Wales.

By 1970, Sir Diarmaid could report the progress that had been made: "The industrial tribunals now have 10 full-time and 35 part-time chairmen. When we started we had no full-time chairmen at all and we did not even have a full-time president." The single central organisation in London had been broken up into regional organisations, an arrangement that was "easier for litigants, easier for trade union officials and easier for lawyers". A permanent chairman in each region, appointed by the Lord Chancellor, dealt with the interlocutory work that arrived daily in the post and also heard cases. Sir Diarmaid placed great weight on the independence that this structure provided: "In my view it is absolutely fundamental to have a presidential system with a permanent chairman responsible for running the organisation, otherwise it will be run by, and regarded as but a part of, 'the Ministry'. Under our system, tribunal chairmen not only are independent, they are *obviously* independent. Our regional offices are not in Ministry buildings."[57]

In April 1967, all 36 chairmen then sitting responded to a survey sent by Wedderburn and Davies. Before I come to its results, a word about some of the tales I heard as a young lawyer. One chairman in London around that time, Sir Jocelyn Bodilly, had previously held the title of Chief Justice of the Western Pacific. Born two days after Sir Diarmaid, he too had followed an impressive colonial career. One eminent jurist tells me that the youngsters at the Bar knew him, with some affection, as "Bo Diddly".[58] Brian Doyle cut his teeth as a young advocate before the tribunals at

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[54] HL Deb 3 August 1965, vol 269, cols 227 and 243: https://api.parliament.uk/historic-hansard/lords/1965/aug/03/redundancy-payments-bill. These passages are noted by Professor Catherine Barnard and Sarah Fraser Butlin KC in *Reimagining Employment Dispute Resolution and Enforcement* (Hart Publishing, 2026), an open access book: https://www.bloomsbury.com/uk/reimagining-employment-dispute-resolution-and-enforcement-9781509990535/. I refer to it below as "Barnard and Fraser Butlin (2026)".

[55] The Industrial Tribunals (England and Wales) (Amendment) Regulations 1967 (SI 1967/301), in operation from 13 March 1967, regulation 4 and rules 6, 7 and 13 of Schedule 2: https://www.legislation.gov.uk/uksi/1967/301/made.

[56] Corby (2015), quoting J MacMillan, "Employment Tribunals: Philosophies and Practicalities" (1999) 28 *Industrial Law Journal* 33.

[57] The 1970 interview, p 1071 (emphasis in the original).

[58] With thanks to Sir Nicholas Underhill, formerly a Lord Justice of Appeal.

Woburn Place and Ebury Bridge Road in the mid to late 1970s. He remembered Sir Jocelyn, then sitting at the old London North tribunal, taking his notes of the hearing on a portable manual typewriter, "complete with carriage return and its distinctive sound of clatter and ping". It was, Brian recalled, "a most disconcerting experience for an already very nervous advocate".[59] Now and then, I am told, the parties would hear a "don't mind me" from the bench at an especially audible "ping".

Other regions had their own colonial veterans. Pete Fears joined the tribunal staff in the South West in November 1981 at the age of 17 and retired in 2024. He recalls that his first Regional Chairman, Sir Richard Le Gallais, was famous for having been the last Chief Justice of Aden, and had been President of the War Crimes Tribunal in Singapore. He had been Regional Chairman since 1972. When he once sat in Sherborne Magistrates' Court, the unsuccessful applicant "threatened to make a citizen's arrest of the panel and escort them to the nearest police station next door".[60]

A rather disparaging epithet applied to the early chairmen was "returned empties". It suggested that they had come home from the colonies devoid of useful skills, and that something had to be found for them to do. I think the epithet was unfair, for three reasons. First, as Sir Diarmaid's career shows, these men had usually seen combat, were often decorated, and had served with distinction in colonial posts overseas. The somewhat sneering suggestion that they lacked skills perhaps reflected the snobbery of the time. Second, it was not even true. The survey by Wedderburn and Davies showed that only six of the 36 chairmen had experience as judges abroad. Most came from ordinary British legal practice. Third, an examination of the archive shows that their decisions were generally well structured, thoughtful and balanced and, in some cases, surprisingly detailed. No judicial system achieves perfection, but we can still learn a great deal from the judicial skills of our predecessors. Their decisions can be read in the pages of the Industrial Tribunals Reports and of Knight's Industrial Reports, neither of which lasted long.

The survey by Wedderburn and Davies did not say whether any of the chairmen were women. We may infer that there were none. Some women were appointed during the 1970s, and I introduce one of them below. Even the title of "chairman" now seems an anachronism for a judiciary that would include more and more women. Until we became "Employment Judges" in December 2007, parties addressed their submissions to "Madam Chairman".[61]

Concerns about legalism were apparent from the outset. Wedderburn and Davies attended many hearings. They concluded that most were conducted informally, as the President intended, but they did see one chairman ask an applicant who was representing herself whether she wished to "amend her pleadings". Not so very different from today, after all.

Sir Diarmaid was clear about why informality mattered. He detected "an animosity towards and fear of courts and lawyers among a large section of the public", and he wanted the tribunals to take "particular pains not to get bogged down with formalities

[59] Doyle (2018).

[60] Pete Fears, unpublished recollections.

[61] Tribunals, Courts and Enforcement Act 2007, Schedule 8: https://www.legislation.gov.uk/ukpga/2007/15/schedule/8/enacted.

– with interlocutory proceedings, particulars, discovery, inspection, and so forth. These freeze the litigant in person out, because he cannot 'do it himself'." His account of the judicial task deserves to be better known:[62]

> *A judge's task has always been to sit back and listen to both sides, and then at the end to come up with the answer. A tribunal also has of course to get the right answer, but it has also to satisfy the parties that they have been fairly and patiently listened to and assisted in the presentation of their case, so that they understand why the tribunal reached its decision – and, in particular, so that the person who has lost understands why he has lost. That is terribly important and it is easier for a tribunal than it is for a court.*

He was equally clear that a hearing mattered: "People generally do not believe that they have had justice unless they have a confrontation", and most people would not be satisfied "if they thought it was merely another official making a decision in a back room". He was candid, too, about the difficulty. One appellant had complained that a tribunal failed to explain its procedure to a party; another complained that the chairman had explained the procedure to one side "but did not explain it to the appellant's solicitor." As he put it, "It is certainly more difficult to be a chairman of a tribunal who goes down into the arena to help both parties than it is to be a judge who sits back and listens to competent advocates on both sides."[63] Every Employment Judge who has presided over a hearing with a litigant in person on one side and experienced counsel on the other will recognise the dilemma.

Some early decisions show the limits of the redundancy jurisdiction, especially when applicants were in truth complaining about the fairness of their dismissal.[64] Take the case of Mr Spice. He worked for Kent County Council as an ambulance driver. The County Medical Officer recommended his dismissal on the ground that he "had persistently refused to obey reasonable instructions and that his attitude towards users of the service made him unsuitable for continued employment in it". The Council dismissed him, and his appeal against his sacking[65] to its Establishment Committee failed. He then applied to an Industrial Tribunal sitting in Rochester, which heard his case on 19 December 1967. I cannot decipher the chairman's name from the signature, but he (for it was almost certainly a "he") wrote this in the tribunal's unanimous decision:[66]

> *The applicant has been under a misapprehension. The Tribunal is in no way a Court of Appeal from the Establishment Committee and the Tribunal has no jurisdiction to decide whether he was rightly or wrongly dismissed. What the Tribunal has to decide is whether he was dismissed by reason of redundancy or for other reasons. Even if the allegations made against the applicant were unfounded, if he was dismissed because his employers thought they were well founded, that would not be a dismissal by reason of redundancy. Though we have declined to go into the rights and wrongs of the allegations, we have heard the applicant's evidence on the matters that were relevant. The question of*

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[62] The 1970 interview, p 1069.

[63] The 1970 interview, p 1070.

[64] If you want to know more about how dismissals were handled in law at this time (or, more accurately, were not handled at all by the law), you can do no better than read chapter 7 of Wedderburn and Davies, *op cit*.

[65] For the origins of the word, see https://wordhistories.net/2016/07/14/to-sack/.

[66] *Spice v Kent County Council and Latter* (RP/6913/67), Rochester, 19 December 1967, pp 1 and 2 (unreported).

> *redundancy was raised only as an afterthought when the legal position under the Redundancy Payments Act had been explained to him. He had said in his originating application "I still do not know why my services were terminated but it appears that as a result of these unfounded reports I have been sacked". In his evidence to the Tribunal he said "I can only put it down to the fact that they made certain criticisms of me and that I was the spokesman for the men for the Union. I think also I fell out of favour years ago with the Station Officer over an Industrial Injuries matter." He also said "I feel it was due to a lot of allegations put through the Station Officer. I was made the scapegoat in the end and they probably thought they'd best make an example of someone".*

Today we would quickly recognise Mr Spice's complaint as one of unfair dismissal, perhaps for trade union activities, and perhaps also for making a protected disclosure or raising concerns about health and safety. In 1967, the tribunal gave the only decision open to it:

> *In these circumstances, and on this evidence, the Tribunal has no doubt whatsoever that the respondents have satisfied the burden that lies on them to establish that the applicant's dismissal was not wholly or mainly due to redundancy.*

Donovan, and the arrival of unfair dismissal

I suggest that the biggest leadership challenge Sir Diarmaid faced came with the arrival of the right not to be unfairly dismissed. The Royal Commission on Trade Unions and Employers' Associations, chaired by Lord Donovan, reported in 1968. Sir Diarmaid does not appear in the list of those who gave written or oral evidence. I suspect that few people today have read the report from cover to cover. It is mentioned nowadays, rather wistfully, as the emblem of an informal tribunal system long since lost to formality and juridification.

Terence Donovan had been a Labour MP in Leicester before his career took him to the High Court and the Court of Appeal.[67] The report bearing his name is almost entirely about collective bargaining, but it contains a short chapter on what it called "labour tribunals". Perhaps the Commission had Mr Spice in mind when it wrote this:[68]

> *The industrial tribunal can give him no damages for wrongful dismissal, and the county court can give him no redundancy payment. We understand that two or three complaints a week on the grounds of wrongful dismissal are addressed to the industrial tribunals at present even though every opportunity is taken to make it known that they cannot deal with them.*

The Ministry of Labour had invited the Commission to consider whether the jurisdiction of the industrial tribunals should be enlarged to cover "all disputes between the individual worker and his employer". Its answer was clear:[69]

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[67] His successor in that constituency was Lynn Ungoed-Thomas KC, who also became a High Court judge. Bizarrely, I own his wig tin. I bought it on eBay for a song, and now use it to store my own wig, which I wear when I sit in the Crown Court.

[68] *Royal Commission on Trade Unions and Employers' Associations 1965–1968: Report* (Cmnd 3623, 1968), para 570, p 155.

[69] *Ibid*., paras 572 to 573, p 156.

> *... we have come to the conclusion that, subject to certain limitations, this should be done, and that, to signify the change, the industrial tribunals should be renamed "labour tribunals" ... the jurisdiction of the labour tribunals should be defined so as to comprise all disputes arising between employers and employees from their contracts of employment or from any statutory claims they may have against each other in their capacity as employer and employee.*

The recommendation for a new right not to be unfairly dismissed was expressed in this way:[70]

> *It should be possible to state that dismissal is justified only if there is a valid reason for it connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service; and that in the absence of such valid reason it is unfair.*

The Commission went further. It suggested that dismissal for trade union membership or activity, or "by reason of race, colour, sex, marital status, religious or political opinion, national extraction or social origin", should be deemed unfair. The new labour tribunals were to give special priority to dismissal cases, with speedy hearings, and the first duty of the chairman and members was to attempt conciliation. The aim was "a procedure which is easily accessible, informal, speedy and inexpensive, and which gives them the best possible opportunities of arriving at an amicable settlement of their differences".[71]

The right not to be unfairly dismissed arrived with the Industrial Relations Act 1971, and came into force on 28 February 1972.[72] Appeals went at first to the National Industrial Relations Court, which proved controversial and was abolished in 1974.[73] From 1976, appeals went to the new Employment Appeal Tribunal, created by the Employment Protection Act 1975. The Act of 1971 was politically contentious. In 1972, the Trades Union Congress asked the lay members it had nominated to withdraw from the tribunals, and some 80 per cent resigned. They returned at the request of the TUC after the change of government.[74]

The new right transformed the tribunal. Applications in England and Wales rose from 13,555 in 1972 to 43,066 in 1976.[75] The tribunal that Sir Diarmaid left behind was very different from the one that first sat in Harrogate. Most significantly, it had changed from an administrative tribunal, hearing appeals against decisions of public bodies, into the tribunal for disputes between private parties that we know today. Just as redundancy claims had dominated the early years, so unfair dismissal claims dominated the 1970s.

The new right also created a new market for law reporting. Michael Rubenstein and his colleagues launched the Industrial Relations Law Reports in 1972. As he later

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[70] *Ibid*., para 545, pp 146 to 147.

[71] *Ibid*., paras 545 and 572.

[72] For an account of its first half century, see Hugh Collins, "Happy birthday, unfair dismissal at 50": https://uklabourlawblog.com/2022/03/03/happy-birthday-unfair-dismissal-at-50-by-hugh-collins.

[73] By the Trade Union and Labour Relations Act 1974: https://www.legislation.gov.uk/ukpga/1974/52/contents/enacted. For the controversy, see Barnard and Fraser Butlin (2026), p 9.

[74] Corby (2015).

[75] JUSTICE, *Industrial Tribunals: A Report by JUSTICE* (Chairman of Committee: Bob Hepple) (1987), para 1.1. I refer to it below as "the Hepple report".

recalled, they did not know that law reports "had" to be edited by a barrister, or that law reports were not usually A4 size with a bright purple cover. In September 1972 alone, they reported 17 tribunal decisions on unfair dismissal. In 1975, when counsel had to explain to the Court of Appeal who was behind these purple reports, Lord Denning is said to have pondered the matter for a moment before declaring: "A commendable example of free enterprise."[76]

Before I leave our founding President, I should record one of his innovations that has endured: the regional structure of the tribunal, which, more or less, still exists today. Indeed, when he stepped down as President in 1974, Sir Diarmaid became the Regional Chairman in Southampton, serving under his successor. No doubt this allowed him to indulge his fondness for yachting. He died in office on 8 August 1978, at the age of only 64. Even today, when the retired Employment Judges of Southampton meet for lunch, they call themselves "Conroy's Club".[77]

Edward Seeley (1974–1979)

The presidency passed in 1974 to Edward Seeley.[78] Like Sir Diarmaid, he had been born in 1913. He read natural sciences at Jesus College, Cambridge, where he won a rowing blue. His *Who's Who* entry records that his father's surname was Szilágyi, a Hungarian name; there will be a story there, but I have not been able to find it. After graduating, he worked in the metallurgy industry for nearly two decades before a change of career took him to the Bar at the age of 38. He became a tribunal chairman in 1971, at the age of 58, and President three years later. His portrait shows him in the wig and robes of a barrister, I suspect as a younger man. Brian Doyle thought that the wig and robes had "the intended effect of lending him some anonymity", and confessed: "I know little of him."[79] Nor, I am afraid, do I. He died in office in 1979, at the age of 66.

What I can say is that Edward Seeley's presidency witnessed what Brian Doyle called "the quite astounding changes" to our jurisdiction of the mid 1970s. The Employment Protection Act 1975 created the Employment Appeal Tribunal. The decade brought new individual rights, including rights to maternity pay and leave, to an itemised pay statement and to time off for trade union duties.[80] The Sex Discrimination Act 1975 and the Equal Pay Act 1970 both came into force on 29 December 1975, and the Race Relations Act 1976 followed. The United Kingdom had joined the European Economic Community on 1 January 1973, and European law was to become the principal source of our law on discrimination at work.[81] The tribunals were handed the weighty responsibility of deciding these new disputes. The Industrial Relations Law Reports carried the first tribunal decisions on equal pay in April 1976, and the first on sex discrimination a month later.[82] Hearings were still

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[76] Rubenstein, *op cit*.

[77] My thanks to Roger Peters, formerly the Regional Employment Judge in Southampton, for this snippet.

[78] See item H in the Appendix.

[79] Doyle (2018).

[80] Corby (2015).

[81] See my paper, "Discrimination in Employment/Industrial Courts", given to the Commonwealth Magistrates' and Judges' Association in Cardiff on 11 September 2023: https://www.judiciary.uk/speech-by-judge-barry-clarke-discrimination-in-employment-industrial-courts/.

[82] Rubenstein, *op cit*.

short: in 1978, most applicants reported that their hearing had lasted half a day or less.[83]

It was during Edward Seeley's presidency that this jurisdiction decided the seminal case of *Burchell v British Home Stores Ltd*. A simple search of the online Register shows that tribunals have cited it in more than 3,000 judgments in recent years. What they cite, of course, is the judgment of the Employment Appeal Tribunal, given by Mr Justice Arnold, sitting with lay members, on 20 July 1978.[84] It is famous for its test for dismissal on grounds of suspected misconduct: did the employer genuinely believe that the employee was guilty; did it have reasonable grounds for that belief; and, when it formed that belief, had it carried out as much investigation as was reasonable in the circumstances? Miss Burchell, who had by then got her job back, did not appear before the EAT.[85] The company was represented by Leon Brittan, the future Home Secretary.

The original decision of the Industrial Tribunal, eleven pages long and complete with its Tipp-Ex corrections, has not seen the light of day for decades. It is bound in Folio 699 of the Register,[86] and I have now put it on Find Case Law.[87] It tells us that the chairman was Geoffrey Heggs, sitting with Mr O Draffan and Mr G A Tilbury. He had only just been appointed as a chairman in London when he heard the case on 14 and 15 December 1977. (In 1990, he would become Regional Chairman of what was then the London North region.) The decision tells us that Miss Burchell (we know only that her first name began with a "P") was 23. She had worked as a sales assistant at the company's store in Oxford Street, one of some 250 employees there, since 20 August 1973. She was summarily dismissed on 28 October 1977. She represented herself, and she asked to be reinstated.

If you have read the EAT judgment many times, learning about the alleged conspiracy to undercharge colleagues for items such as sunglasses, and wondered whether there was more to the story, read the original decision. You will learn that the store sold two types of sunglasses: polychromatic sunglasses at £6.99 and polarised sunglasses at £2.99. The company's case was that Miss Burchell had countersigned a colleague's purchase docket for a pair at the lower price. You will also learn that, when she was told that a colleague had named her, she "said very little except to say 'you'll have to prove it' and Mr Hamer described her as becoming truculent and cocky".[88]

The tribunal directed itself that it was "not concerned with whether Miss Burchell was guilty or innocent of the offences charged against her but whether the respondents had reasonable grounds for believing that she had committed the offences when they dismissed her".[89] It did not criticise the company's investigation, and it accepted that the company "clearly had grounds for belief that a serious offence had been

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[83] Corby (2015).

[84] *British Home Stores Ltd v Burchell* [1980] ICR 303; [1978] IRLR 379: https://www.bailii.org/uk/cases/UKEAT/1978/108_78_2007.html.

[85] https://en.wikipedia.org/wiki/British_Home_Stores_Ltd_v_Burchell.

[86] See item I in the Appendix.

[87] *Burchell v British Home Stores Ltd* (35798/77/A), London, 14 and 15 December 1977: https://caselaw.nationalarchives.gov.uk/tna.yvgp49vg.

[88] *Ibid*., paras 15 and 16.

[89] *Ibid*., para 2.

committed". But it found that there was "no compelling necessity" to dismiss her that day, because the company "could well have suspended her until the following week", when it was proposing to interview two more colleagues.[90] It concluded unanimously:[91]

> *Viewing the position at the time of dismissal it is the view of the tribunal that the respondents acted precipitately in dismissing Miss Burchell before they had sufficient evidence to justify their belief that she was guilty of the acts of dishonesty charged and her dismissal is therefore unfair within the provisions of para 6(8) First Schedule of the Trade Union and Labour Relations Act 1974.*

The EAT allowed the company's appeal. Reading the two decisions side by side is an education in itself. The language of reasonable belief, reasonable grounds and investigation was already present at first instance; the EAT gave it the structure that tribunals still apply today.

There is one more arresting point. Miss Burchell was dismissed on 28 October 1977. Her case was heard about seven weeks later, and the decision was sent to the parties on 23 December 1977. The appeal was heard by the EAT in July 1978. If only we could achieve such timeliness today.

Sir Jack Rumbold (1979–1984)

Edward Seeley's successor was Sir Jack Rumbold QC.[92] His story is a remarkable one. He was born in New Zealand on 5 March 1920. His great-uncle, Richard Seddon, served as Prime Minister of New Zealand for longer than anyone before or since. "King Dick" Seddon's government gave women the vote in 1893, making New Zealand the first country in the world to do so. Young Jack graduated in law from the University of Canterbury at the age of 20 and became the youngest New Zealander ever to be awarded a Rhodes Scholarship.[93]

War intervened, and he deferred his place at Brasenose College. Instead, he was accepted for officer training at the Royal Naval College, Greenwich, and joined the destroyer HMS Inglefield at Scapa Flow. He took part in campaigns in the North Atlantic, the Arctic and Sicily. When Inglefield was bombed and sunk off Anzio in February 1944, he was the last man to leave her. For getting the surviving crew safely off the stricken ship, he was mentioned in dispatches. He was 23.

He finally took up his Rhodes Scholarship after the war, completing the BCL and winning a cricket blue. He returned to New Zealand to practise as a barrister, but later joined the Colonial Service, holding senior legal posts in Kenya and Zanzibar and taking silk. After the revolution in Zanzibar in 1964, which overthrew the Sultan, he escaped by yacht to Tanganyika with his wife, a policeman, a dog and a pet chimpanzee.[94] He returned to the United Kingdom in 1966 as Academic Director of the London campus of Stanford University. He then heard the siren call of the Industrial Tribunals: he sat as a chairman part time from 1968, and as a salaried

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[90] *Ibid*., para 24(d).

[91] *Ibid*., para 25.

[92] See item J in the Appendix.

[93] https://en.wikipedia.org/wiki/Jack_Rumbold.

[94] According to his obituary in the Daily Telegraph: https://www.telegraph.co.uk/news/obituaries/1366167/Sir-Jack-Rumbold.html.

chairman from 1972. He became Regional Chairman for London South, based in Croydon, in 1977, and President in 1979. Brian Doyle thought this "a quite curious career trajectory".[95] One of the cases Sir Jack heard was brought by Younis Ahmed, the former Pakistan Test cricketer, who claimed unfair dismissal when Surrey did not renew his contract in 1979.

Brian Doyle observed that Sir Jack's portrait "contains no sign of judicial dress or military regalia, and he could pass easily for the Chairman of a local engineering company or of Blackburn Rovers Football Club, but he was actually more interesting than that".[96] Indeed he was. He was knighted in 1984, the year in which he retired, and he died in 2001. He remains the only one of my predecessors with a Wikipedia page.

His presidency coincided with a change of approach to unmeritorious claims. From 1980, a tribunal could hold what was called a "pre-hearing assessment" and warn a party whose case appeared to have no reasonable prospect of success that it might have to pay costs if it persisted. The same year, the test for awarding costs was widened to include acting "otherwise unreasonably".[97]

The daily life of a tribunal office was very different then. Pete Fears remembers that, when he started in 1981, everything was done by hand and on paper. There were no computers, and the telephones had rotary dials. The tribunal clerks had their own separate area, and they needed the permission of the office manager – a Miss Bell – before they could enter the general office.[98]

A glimpse of a regional office at work in this period survives in a handwritten list of "Tribunal Arrangements" for the Cardiff Industrial Tribunal, covering 29 August to 30 September 1983.[99] The list allows for up to four tribunals a day. The chairmen are recorded by their initials, with notes of their annual leave and of sittings away from Cardiff, including at Shire Hall in Haverfordwest, in Hereford, in Shrewsbury and in Swansea. Two days are set aside for the VAT Tribunal. One set of initials, "LCB", belongs to Leo Charles Blair, father of the former Prime Minister.

One of the more consequential decisions of Sir Jack's presidency would eventually reach the House of Lords as *Polkey v A E Dayton Services Ltd*.[100] A search of the online Register shows that tribunals have cited it more than 4,500 times in recent years. The original hearing took place at the Nottingham Industrial Tribunal on 9 February 1983, when the respondent was called Edmunds Walker (Holdings) Ltd. The original decision is also now on Find Case Law.[101] As you read it, you can see the tribunal struggling with what it perceived to be its inability to do justice.

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[95] Doyle (2018).

[96] Doyle (2018).

[97] Corby (2015). In the year to September 1984, assessments were arranged in just over 3,000 cases; of the parties warned, only 79 eventually had costs awarded against them, at an average of £136: *ibid*., quoting B Hepple and S Fredman, *Labour Law and Industrial Relations in Great Britain* (1986).

[98] Fears, *op cit*.

[99] See item K in the Appendix.

[100] [1988] AC 344; [1987] UKHL 8: https://www.bailii.org/uk/cases/UKHL/1987/8.html.

[101] *Polkey v Edmunds Walker (Holdings) Ltd* (34044/82), Nottingham, 9 February 1983: https://caselaw.nationalarchives.gov.uk/tna.pw8bh5k5.

Mr Dennis Polkey had worked for the company as a van driver since June 1978. In the summer of 1982, a reorganisation led to three of its four van drivers being made redundant. The tribunal found that there had been "no consultation whatever with the employees to be made redundant".[102] Paragraph 8 of the decision tells us something about the facts that you may not have known:[103]

> *Mr Marlow called Mr Polkey into his office at 2pm on 26 August, told him quite out of the blue that he was redundant and handed to him his redundancy letter. He then called in Mr Ward, one of his fellow drivers, got him to take Mr Polkey home and on his return made him redundant also. There could be no more heartless disregard of the provisions of the Code of Practice than that.*

History does not record whether poor Mr Ward brought a claim of his own. But the tribunal felt bound to ask whether consultation would have made any difference, and its conclusion reads as a cry of judicial frustration:[104]

> *This is a very unhappy case. We feel that the respondents have behaved extremely badly. There is nothing that excuses their failure to consult but at the end of the day we have no alternative but to find that in this case had they acted in accordance with the Code of Practice, as interpreted in the recent case, the result would not have been any different, and we have therefore unhappily to reject this application.*

Mr Polkey appealed. On 2 October 1984, the EAT, presided over by Mr Justice Popplewell, dismissed his appeal, but gave him permission to appeal further, "without ourselves expressing any enthusiasm for the appeal". It added: "Our granting of leave must not be taken as any encouragement for the success of the appeal." On 22 October 1986, the Court of Appeal also dismissed his appeal, but gave him leave to petition the House of Lords.[105] On 19 November 1987, the House of Lords allowed his appeal. It rejected the approach, associated with *British Labour Pump Co Ltd v Byrne*, under which a dismissal could be fair because following a fair procedure would have made no difference, and it sent the case back to an industrial tribunal.[106] The story has a quiet ending. On 1 March 1988, back in Nottingham, the case was settled. Mr Polkey accepted £5,500 "in full and final settlement".

The case had a "Madam Chairman": Nora Healey. Born in 1909, she was one of this country's first female solicitors, and only the second woman ever to be President of a local law society, the one in Nottingham. Whenever we mention *Polkey*, we might remember that we are also marking the achievement of someone who broke new ground for women in the law.

Sir Jack died on 9 December 2001.

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[102] *Ibid*., para 7.

[103] *Ibid*., para 8.

[104] *Ibid*., para 10. The "recent case" was *Williams v Compair Maxam Ltd*, to which the tribunal referred in paragraph 8 of its decision.

[105] Copies of the decisions of the EAT and of the Court of Appeal, and of the record of the settlement, are held with the original decision in the tribunal's archive.

[106] For the later life of the case, and the emergence of what became known as the "*Polkey* reduction", see S Auerbach, "Sir Patrick Elias on Causation" (2025) 54 *Industrial Law Journal* 871: https://doi.org/10.1093/indlaw/dwaf044.

Sir David West-Russell (1984–1991)

His Honour Judge Sir David Sturrock West-Russell was the fourth President, from 1984 to 1991.[107] Born on 17 July 1921, he too had a distinguished war record. He served in the Buffs (the Royal East Kent Regiment), the Queen's Own Cameron Highlanders and the Parachute Regiment, and he saw action in North Africa, Italy, France, Greece, Norway and Palestine. He was mentioned in dispatches and rose to the rank of major.[108] The Imperial War Museum holds a recording, an hour long, of an interview with him in 1992 about his wartime service – you can listen to it online.[109]

After the war, at the age of 25, he took up his place at Pembroke College, Cambridge. On graduating, he joined a graduate management training scheme with GKN, the engineering company, before turning to the Bar and practising on the South Eastern Circuit. His career in the Crown Court included sentencing Cynthia Payne. "Madam Cyn" (i.e., Madam "Sin"), as the tabloids called her, inspired the film *Personal Services*, starring Julie Walters. I know her story well, because she lived just around the corner from my grandparents in Streatham. Sir David was the resident judge at the Inner London Crown Court and then at the newly opened Southwark Crown Court, and he became President of the Council of Circuit Judges. Eventually (and I like to think of it as the pinnacle of his career) he became President of the Industrial Tribunals.

He came to the presidency without having sat as a tribunal chairman, and he seems to have continued his work on the Circuit Bench alongside his presidential duties. As Brian Doyle observed, "This was obviously a period when the Tribunal lacked its own internal judicial career structure and the policy was to second a Circuit Judge to the role of President." Sir David was knighted while still in office.[110]

By this time, we had become something very like the modern tribunal. Dame Janet Gaymer kindly gave me a copy of an information leaflet issued in 1985, the second year of Sir David's presidency, to tell users what they needed to know. It explained that industrial tribunals "were set up to provide a less formal way of settling disputes between employer and employee", and that the procedure at a hearing was "orderly, but informal and flexible". It explained that the register of applications and decisions was "available for inspection by the public" – I will return, as promised, to that. It also announced an important change: for cases registered from 1 March 1985, tribunals would usually give their reasons in summary form, with full written reasons given automatically only in certain types of case (such as those concerning equal pay and discrimination) or on request.[111] Most striking of all, to modern eyes, is its account of a system that is hard to imagine today: the payment of allowances, out of public funds, to parties and their witnesses for attending their own hearings.[112] Fares by public transport were paid (limited to second class by rail), or 13.2p a mile by car. Lost earnings were repaid up to £22.50 a day. An unavoidable night away from

[107] See item L in the Appendix.

[108] According to his obituary in The Guardian: https://www.theguardian.com/news/2004/jul/10/guardianobituaries. See also Doyle (2018).

[109] https://www.iwm.org.uk/collections/item/object/80024280.

[110] Doyle (2018).

[111] Information leaflet for users of the industrial tribunals (1985), pp 1, 3, 8 and 12.

[112] See item M in the Appendix.

home attracted an allowance of £29.15, rising to £38.40 within five miles of Charing Cross.[113]

Not everyone thought that the tribunals had remained as informal as their founders intended. In 1970, a minister had assured the House of Commons that there would not be "anything of the Old Bailey atmosphere" in the tribunals.[114] Fifteen years later, in December 1985, Richard Holt, the Conservative Member of Parliament for Langbaurgh, told the House of his recent experiences of the tribunal sitting in London:[115]

> *The concept of tribunals has changed. Originally the idea was that there should be an informal atmosphere unburdened by legalistic practices, prejudices and all the panoply of a court. Today, if one presents oneself at an industrial tribunal, one is in a court of law just as one would be if one was at the Old Bailey on a serious charge.*

Replying for the government, the minister, Peter Bottomley, was measured. "We need some degree of legalism", he said. What was not needed was "the excessive digging back into cases".[116] This phrase will prompt a wry smile on the faces of those who decide cases today in the Employment Tribunals, where – freed from the need to be printed – electronic bundles of authorities can number many hundreds of pages.

Two years later came the most thorough examination of the tribunals since Donovan. A committee of JUSTICE, chaired by Professor Bob Hepple, reported in 1987. Bob Hepple knew the tribunals from the inside. He had sat as a salaried chairman at Ashford, alongside John Prophet, before returning to academic life; he became a professor of law at University College London and, eventually, Master of Clare College, Cambridge. The report observed that, in just over 21 years, the tribunals had changed from administrative tribunals "into quasi-labour courts", deciding disputes under 13 different Acts of Parliament. Applications in England and Wales, which had reached 43,066 in 1976, stood at 34,586 in 1986–87.[117] The tribunals still compared well with the ordinary courts. In 1986–87, more than half of all cases reached a hearing within 12 weeks, and hearings lasted four hours on average.[118] In 1986, the average cost to public funds of a tribunal hearing was £1,000 for each completed case.[119]

The committee was candid about "legalism". It noted that Lord Denning had been proved right in his prediction that the equal value regulations of 1983 had been drafted so that "no ordinary lawyer would be able to understand them. The industrial tribunals would have the greatest difficulty and the Court of Appeal would probably

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[113] *Ibid*., pp 15 and 16.

[114] HC Deb 14 December 1970, vol 808, cols 1071 to 1072, as cited in Barnard and Fraser Butlin (2026), p 7.

[115] HC Deb 18 December 1985, vol 89, col 531: https://api.parliament.uk/historic-hansard/commons/1985/dec/18/industrial-tribunals.

[116] *Ibid*., col 535.

[117] The Hepple report, para 1.1.

[118] There were exceptions. Claims brought by dock workers dismissed at Tilbury occupied an industrial tribunal for 197 days between October 1989 and February 1992: *Port of London Authority v Payne* [1994] IRLR 9 (CA): https://www.bailii.org/ew/cases/EWCA/Civ/1993/26.html.

[119] *Ibid*., para 1.3.

be divided in opinion".[120] It reported research which showed that, while over 80 per cent of tribunal members thought that "tribunal hearings are relaxed and informal", only 55 per cent of applicants agreed, and 45 per cent of applicants thought that there was "too much legal jargon".[121]

Among the committee's many recommendations, two stand out with hindsight. The first was that a legally qualified officer of the tribunal should help to prepare cases before the hearing.[122] David Cockburn, a member of the committee, recalls that legal officers occupied much of its discussion, and that practitioners saw them as a means of streamlining an increasingly legalistic system. That seems surprising now, given that more than half of all cases then reached a hearing within 12 weeks. More than 30 years later, legal officers arrived in the Employment Tribunals, albeit in a different form.[123] The second was that the administration of the tribunals should be the responsibility of the Lord Chancellor's Department "(or, if we ever have one, a Ministry of Justice)".[124] We now have a Ministry of Justice, and the tribunals are administered within it. The committee also floated a structure in two tiers, with an "Industrial Court" above the tribunals.[125] The debate about whether this jurisdiction is, or should be, a court has never quite gone away.

Sir David died on 2 July 2004.

Timothy Lawrence (1991–1997)

Like Sir David, His Honour Judge Timothy Lawrence came to the presidency from the Circuit Bench.[126] He was President from 1991 to 1997. Brian Doyle thought that he was the first solicitor to hold the office of President. He had been the senior partner of a firm in central London that specialised in criminal law, and he had sat as a Recorder while in practice. He had been a Circuit Judge for five years when he was appointed President, at which point he was made a Senior Circuit Judge. When his term as President ended, he returned to the Circuit Bench for a further nine years.[127]

Tim Lawrence was the first President of whom Brian Doyle had direct experience. In 1994, he interviewed Brian for his successful appointment as a chairman sitting part time. Brian wryly observed: "I therefore cannot speak highly enough of him." Brian remembered his hospitality over sherry at the residential courses in Ripon, and his tendency to distinguish between the "big boys' courses" and the "little boys' courses". When he visited regional offices, the Regional Chairmen of the day "loved to give

[120] *Ibid*., para 2.2.

[121] *Ibid*., para 2.4.

[122] *Ibid*., summary of recommendations, no 4, and paras 2.22 to 2.27.

[123] Regulation 10B of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, inserted with effect from 8 October 2020 by SI 2020/1003: https://www.legislation.gov.uk/uksi/2020/1003/contents/made.

[124] The Hepple report, summary of recommendations, no 29.

[125] *Ibid*., summary of recommendations, no 28.

[126] See item N in the Appendix.

[127] Doyle (2018).

him an overloaded list of Wages Act claims to hear. He took it all in his stride, for he was the most courteous of men."[128]

His presidency coincided with a dramatic increase in the tribunals' work. Registered applications in Great Britain rose from 29,304 in 1988–89 to 71,821 in 1992–93, and reached 108,827 in 1995–96.[129] The government commissioned a series of reviews. An internal efficiency scrutiny in 1991 led, among other things, to a new national computer system known as RITAS.[130] A Green Paper, *Resolving Employment Rights Disputes: Options for Reform*, followed in 1994. In 1995, Coopers & Lybrand reviewed the tribunals' administration, guided by a steering committee that included the Presidents in England and Wales and in Scotland. Their report records that every application in England and Wales was then vetted and registered at the Central Office in Bury St Edmunds. It also records that the steering committee asked for any suggestions about judicial responsibilities, "such as on legal officers", to be set out separately.[131] Legal officers are now a very recent addition to the landscape.

Several reforms followed. The Trade Union Reform and Employment Rights Act 1993 allowed chairmen to sit alone in certain cases, such as claims about unpaid wages; and it extended the ability of parties to reach binding settlements.[132] New rules of procedure in 1993 replaced "pre-hearing assessments" with "pre-hearing reviews", at which a party whose case had little reasonable prospect of success could be ordered to pay a deposit as a condition of continuing.[133] On 12 July 1994, the tribunals acquired jurisdiction over claims for breach of contract arising or outstanding on the termination of employment, up to £25,000.[134] The Disability Discrimination Act 1995 added a new and demanding jurisdiction; I say more about its origins when I come to Brian Doyle. The Industrial Tribunals Act 1996 consolidated the legislation, and is now known as the Employment Tribunals Act 1996. Finally, on 1 April 1997, the administration of the tribunals passed to a new executive agency of the Department of Trade and Industry, the Employment Tribunals Service, with around 620 staff.[135]

His Honour Timothy Lawrence died on 30 July 2017.

John Prophet (1997–2002)

I have already mentioned my memory of John Prophet at the conference of the Industrial Law Society in 1997.[136] He was born on 19 November 1931. After graduating from Trinity College, Cambridge, he was called to the Bar by Lincoln's Inn in 1956. He spent four years working in industry, for Shell, before a period of

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[128] *Ibid*.

[129] House of Commons Library, *Employment Tribunals*, Research Paper 03/87 (December 2003), Appendix 1: https://commonslibrary.parliament.uk/research-briefings/rp03-87/.

[130] *Moving Forward: The Report of the Employment Tribunal System Taskforce* (July 2002), paras 1.13 to 1.14.

[131] Department of Trade and Industry, *Review of Industrial Tribunals' Administration: Final Report* (August 1995), paras 105 to 109 and 229.

[132] Taskforce report, *op cit*., para 1.15; Corby (2015).

[133] Corby (2015).

[134] The Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994: https://www.legislation.gov.uk/uksi/1994/1623.

[135] Research Paper 03/87, *op cit*., p 5.

[136] See item O in the Appendix.

independent practice as a barrister, and then became a legal academic at Leeds University, where he spent almost a decade as a senior lecturer. His academic specialism was constitutional and administrative law, and in particular local government, especially town and community councils. He wrote textbooks on a range of subjects, from fair rents to local councils; his *Parish Councillor's Guide* reached its 17th edition in 2000. While at Leeds, he was appointed a Recorder, sitting mainly in crime. One of his students there, in 1971, was Chris Lee, who would later become one of his successors as the Regional Employment Judge in Leeds.

John became a salaried chairman in 1976, at first in Kent, at the tribunal in Ashford, where his colleagues included Bob Hepple. In 1988, he returned to Leeds as Regional Chairman. When he became President in 1997, he was the first since Sir Jack Rumbold to be appointed from among the tribunal's own Regional Chairmen. Like his successor, he was appointed to the Circuit Bench on becoming President.[137] He insisted that the President could be based outside London. That meant, in the days before video hearings, that civil servants and other officials had to travel to Leeds to meet him, rather than the other way round. It established a custom for which I – not a London resident – owe him a personal debt of gratitude. He also had a personal hearing room in Leeds: a splendid room, panelled in wood.[138] (That tradition, sadly, appears to have been lost.)

John sat regularly. He was known as a courteous and patient judge, but he was also renowned for his rigour and principle. Stuart Robertson, who would later become the Regional Employment Judge in Leeds, appeared before him many times. He recalls John's disarming smile, usually followed by an ominous question that so often induced a settlement: "Isn't this your problem, Mr Robertson?" Among the best known of his decisions is *Jepson and Dyas-Elliott v The Labour Party*, in 1996, in which the tribunal found that the Labour Party's policy of shortlists made up only of women contravened the Sex Discrimination Act 1975. There was no appeal.[139]

Brian Doyle, who regarded John as his first Regional Chairman and as something of a mentor, credited him with "the architecture that underpins our modern ET training programme", on which his successors then built.[140]

His presidency saw the tribunals change their name. On 1 August 1998, the Industrial Tribunals became the Employment Tribunals.[141] The same Act paved the way for an arbitration scheme, run by Acas, as an alternative to the tribunal for some claims of unfair dismissal. From 1999, lay members were appointed through open competition, rather than on the nomination of employers' organisations and trade unions.[142]

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[137] Doyle (2018).

[138] Stuart Robertson, who passed me this snippet, suggests that the panelling was not a presidential bauble, but inherited from the previous tenant of the building.

[139] [1996] IRLR 116. A rare example of a reported first-instance decision.

[140] Doyle (2018).

[141] Employment Rights (Dispute Resolution) Act 1998, section 1: https://www.legislation.gov.uk/ukpga/1998/8/section/1. In Northern Ireland, they are still called industrial tribunals.

[142] Corby (2015).

Two reviews shaped the end of John's presidency. The first was Sir Andrew Leggatt's review of all tribunals, which reported in March 2001.[143] Leggatt received more comments on the Employment Tribunals than on any other body. He described them as "party and party tribunals, which for some time past have been acquiring the complexity and formality of Labour Courts, and losing their original user-friendliness", a trend that he thought "must be reversed". He considered, and rejected, the argument that they should become courts, which he thought "would be a retrograde step", and he recommended that panels of three members should remain the norm.[144] According to his report, the Employment Tribunals in Great Britain then had 14 Regional Chairmen, 332 chairmen and around 2,100 lay members, and in 1999–2000 they disposed of 83,409 cases (including multiple cases, which always inflate the numbers).[145]

The second review was more specific. The Employment Tribunal System Taskforce was set up in October 2001 and chaired by Janet Gaymer, then senior partner of Simmons & Simmons, whom I have already mentioned. Its report, *Moving Forward*, was published on 29 July 2002 and made 61 recommendations. It noted that the tribunals now received "well over 100,000 cases a year, relating to more than eighty different areas of law". The chair's foreword began with these words: "Employment Tribunals have come of age. Dealing as they do with the world of work, they perform an essential role in a civilised society and are now recognised as an established component of our civil justice system."[146] One of its recommendations was a National User Group, which was duly established under the chairmanship of the President.[147] It continues to this day.[148]

Others were less kind. Writing for the Institute of Economic Affairs in 2002, Professor J R Shackleton observed that "Employment tribunals are rarely out of the news, and they generally get a bad press", although he cautioned that "we should not rush to judgement". He offered a snapshot of a hearing that he had observed:[149]

> *In an anonymous room with dingy institutional paint, tired lace curtains and poor ventilation, the three middle-aged tribunal members sit behind desks arranged in an arc. Their coats (for it is a winter morning) hang on pegs behind them ... Two of the tribunal members are scribbling furiously as they listen intently to the evidence. The third has entered the computer age and is typing equally furiously into a laptop. All three are concentrating hard, giving spectators the impression that they are scowling. There is no eye contact with the witness.*

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[143] Sir Andrew Leggatt, *Tribunals for Users: One System, One Service* (March 2001): https://webarchive.nationalarchives.gov.uk/ukgwa/+/http:/www.tribunals-review.org.uk/leggatthtm/leg-00.htm.

[144] *Ibid*., Overview, para 10, and paras 3.21 to 3.22.

[145] *Ibid*., note on the Employment Tribunals and the Employment Appeal Tribunal, paras 2 and 3.

[146] Taskforce report, *op cit*., chair's foreword and executive summary; *Moving Forward: The Report of the Employment Tribunal System Taskforce: Government Response*.

[147] G Meeran, "The Employment Tribunals", in L Dickens and A C Neal (eds), *The Changing Institutional Face of British Employment Relations* (Kluwer Law International, 2006), pp 129 to 144, at p 134. I refer to it below as "Meeran (2006)".

[148] https://www.judiciary.uk/courts-and-tribunals/tribunals/employment-tribunal/employment-tribunal-england-wales/national-user-group/

[149] J R Shackleton, *Employment Tribunals: Their Growth and the Case for Radical Reform* (Institute of Economic Affairs, 2002), pp 15, 16 and 30: https://iea.org.uk/wp-content/uploads/2016/07/upldrelease28pdf.pdf.

The Employment Act 2002 introduced statutory dispute resolution procedures, which came into force in October 2004. In 2002, John Prophet voiced his concerns about the proposed procedures. His words were reported in the national press. The Explanatory Notes to the Employment Act 2008 record that an independent review, led by Michael Gibbons and published in 2007, found the procedures to be "right in principle", but that their mandatory nature had led to "unforeseen consequences". They were repealed by the 2008 Act with effect from April 2009.[150]

After stepping down as President, John broke new ground again. He was the first President of the Industrial Tribunals to sit in the Employment Appeal Tribunal, which his status as a Circuit Judge made possible. In *Grimmer v KLM Cityhopper UK*, he overturned a decision to reject a claim, under the then new rules of 2004, because it did not provide sufficient detail. His words remain of value:[151]

> *The Chairman, unlike the Secretary whose functions are administrative has, as an independent judicial person, to do more than merely run down a checklist. He or she must have in mind the overall interests of justice. It is a very serious step to deny a claimant or for that matter a respondent the opportunity of having an employment rights issue resolved by an independent judicial body i.e., an Employment Tribunal. Most Chairmen would not wish to feel forced to do so without there being a very good reason.*

His Honour John Prophet died peacefully at home on 13 December 2024. He was 93. His wife Pauline very kindly sent me some of his articles for this paper.

Sir Goolam Meeran (2002–2008)

His Honour Sir Goolam Meeran, born in April 1943, succeeded John Prophet as President in 2002. He served until 2008.[152] He was my first President when I was appointed to be a "part time Chairman of Employment Tribunals" in 2005. Like John, Sir Goolam was appointed to the Circuit Bench on becoming President. Brian Doyle noted that he was the last President "to be or to be made a Circuit Judge", a change in practice that Brian thought "telling in itself as a metaphor for change and reform".[153]

Sir Goolam's background was, as Brian put it, "a fascinating one": from his early years in South Africa in the apartheid era, to his studies in psychology, to his career at the Bar in England and his "ground-breaking work" in relation to the Commission for Racial Equality. He had also been a Justice of the Peace. He then followed what had by now become the usual path, sitting as a chairman part time from 1992 and becoming Regional Chairman for London South in 1998. He was knighted when he retired as President, and he went on to serve two terms as a judge of the United Nations Dispute Tribunal.[154]

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[150] Explanatory Notes to the Employment Act 2008: https://www.legislation.gov.uk/ukpga/2008/24/notes/division/5/1.

[151] *Grimmer v KLM Cityhopper UK* [2005] IRLR 596: https://www.bailii.org/uk/cases/UKEAT/2005/0070_05_1703.html.

[152] See item P in the Appendix.

[153] Doyle (2018).

[154] *Ibid*.

Brian credited him with a powerful legacy, "not least in respect of what we now take for granted: rigorous case management, structured decision-making and the promotion of alternative dispute resolution".[155] Each can be traced to Sir Goolam's presidency.

New rules of procedure came into force on 1 October 2004.[156] They required claims and responses to contain certain information before they could be accepted and, from 1 October 2005, to be presented on prescribed forms, the ET1 and the ET3.[157] They provided for case management discussions. And they required written reasons for a judgment to follow a set structure: to identify the issues; to set out the findings of fact relevant to those issues; to give a concise statement of the applicable law; and to explain how the findings of fact and the law had been applied to determine the issues.[158] New chairmen were trained to apply rule 30(6) with the help of a pictogram known as "Goolam's wheel".

Sir Goolam described these developments in a chapter published in 2006, in a book marking the 30th anniversary of Acas. He emphasised the "tripartite relationship" between Acas, the administration and the judiciary, noting that Acas had "an excellent record of settling over 70% of claims that would otherwise need to be heard by the Tribunals".[159] He explained that proactive case management required "a change in the culture of the organisation", with all the training that this entailed.[160] He described a pilot scheme, sponsored by the Department for Constitutional Affairs, under which chairmen in three regions would be trained to offer judicial mediation in discrimination cases.[161] "Tribunal Chairmen can be effective mediators", he wrote, "and should get involved in mediation – not as a substitute for the conciliation efforts of Acas, but complementary to the excellent work done by the Acas conciliation officers."[162] Judicial mediation remains part of our work today.

He also wrote something that every judge would do well to remember. There was, he accepted, "some merit in the argument that, quite often", complaints arose not from what the chairman said, "but the manner in which it is said. Hence, a great deal of emphasis both in the recruitment and selection, and in the training of Chairmen and members, is on inter-personal skills and courtesy."

Sir Goolam's presidency also coincided with the most significant change in the tribunal's constitutional setting since 1965. Following the Leggatt review, a White Paper of July 2004, *Transforming Public Services: Complaints, Redress and Tribunals*, proposed that tribunals be brought together in a unified system within the Department for Constitutional Affairs. Lord Justice Carnwath (as he then was) was appointed Senior President Designate of Tribunals that summer.[163] In a speech that November, he disagreed with the White Paper's suggestion that the word "tribunal"

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[155] *Ibid*.

[156] The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (SI 2004/1861): https://www.legislation.gov.uk/uksi/2004/1861/contents/made.

[157] Meeran (2006), p 132.

[158] SI 2004/1861, Schedule 1, rule 30(6).

[159] Meeran (2006), p 129.

[160] *Ibid*., p 136.

[161] *Ibid*., p 141.

[162] *Ibid*., p 140.

[163] Letter from Lord Justice Carnwath to tribunal members, 1 December 2004.

should be avoided; in his view, "the best English word is 'tribunal'". In a footnote, he wondered whether the name "judge" should be reserved for the upper tier of the new system.[164] The Tribunals Service was launched in April 2006, and took over the administration of the Employment Tribunals. The Tribunals, Courts and Enforcement Act 2007 then created the First-tier Tribunal and the Upper Tribunal. The Employment Tribunals and the Employment Appeal Tribunal remained outside that structure, in what is described as "the separate pillar".[165] And from 1 December 2007, the chairmen in this jurisdiction – by then including me – became Employment Judges.

David Latham (2008–2014)

David Latham, born in April 1946, was the eighth President. He served from 2008 to 2014.[166] He was the second solicitor to hold the office, and the first President to have the simpler title of "Judge". He too had followed what had become the usual path, beginning as a chairman sitting part time in 1992 and becoming the Regional Chairman at London Central.[167] Away from the tribunal, he was passionate about many sports, including basketball and rugby; he served on the board of Hull FC from 1988 and as its chairman from 1993 to 1995.

David's presidency spanned a period of great change. The statutory dispute resolution procedures were repealed in April 2009. The Equality Act 2010 brought the law on discrimination together in a single statute. In 2011, the Tribunals Service merged with Her Majesty's Courts Service to form HM Courts & Tribunals Service. Equal pay litigation in the public sector emerged. From April 2012, claims of unfair dismissal were normally heard by an Employment Judge sitting alone.[168] New rules of procedure arrived in 2013, with an overriding objective that included "avoiding unnecessary formality and seeking flexibility in the proceedings".[169] From 29 July 2013, claimants were required to pay fees to present claims and to have them heard.[170] And, in 2014, prospective claimants became obliged, before presenting most types of claim, to contact Acas, for early conciliation.

Brian Doyle was in no doubt about the importance of one of David's achievements. Speaking in 2018, he said: "That we have any judges left at all to hear the increasing volume of cases we are now receiving is entirely due to the recruitment battles that David fought, and largely won, with senior officials 6 years ago."

With Shona Simon, then the President in Scotland, and supported by Douglas Crump, the Regional Chairman in Birmingham, David also guided the tribunals through the development of Caseflow. This was an electronic case management system that Sir Goolam had earlier said was intended to "replicate electronically the

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[164] Lord Justice Carnwath, "Tribunal justice – Building on Strength", speech to the conference of the Council on Tribunals, November 2004.

[165] See my paper of 11 September 2023, *op cit*.

[166] See item Q in the Appendix.

[167] Doyle (2018).

[168] Corby (2015).

[169] The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013/1237), Schedule 1, rule 2: https://www.legislation.gov.uk/uksi/2013/1237/schedule/1.

[170] The Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013 (SI 2013/1893).

steps presently taken manually".[171] For various reasons, HMCTS abandoned Caseflow after much work had been done on it. Had it operated as intended, the Employment Tribunals would have been at the forefront of digital working and online dispute resolution. But, even without it, David brought a modernising zeal to the jurisdiction from which it still benefits.

David also brought rigour and structure to judicial training. Indeed, he commissioned a painting from one litigant based on her experience of navigating the justice system with bipolar disorder, after she spoke about it at a national training event. Nicola Oliver's 2010 work moved with the Employment Tribunals from Victory House to Newgate Street and is still used in training. David was also active in the development of mentoring, appraisals and judicial mediation, and each innovation continues today.

Michael Rubenstein saw something even more dramatic in this period, as steered by Sir Goolam and David. He called it "the professionalisation of employment tribunals". Under the last two Presidents especially, he wrote in 2012, the composition of the employment judiciary had been transformed in two vital respects: "First, there has been a huge influx of comparatively young, but well-established, employment lawyers. Secondly, many of these are women and a growing number are from minority ethnic groups."[172] The contrast with the survey by Wedderburn and Davies in 1967 could hardly have been greater.

In 2014, in a speech at the Law Society, David suggested that the time was ripe for a "one stop shop" for all employment disputes, including those still heard in the civil courts, and that all equality matters, whether or not they arose at work, should come before a single judicial body. His tentative name for it was the "Employment and Equality Court".[173] The question of this jurisdiction's proper home has since been examined by Lord Justice Briggs (as he then was, and soon to become President of the Supreme Court), in his review of the structure of the civil courts in 2015 and 2016, and by the Law Commission, which reported on employment law hearing structures in April 2020. Lord Justice Briggs described the Employment Tribunals as "uncomfortably stranded between the civil courts and the main tribunal structure".[174]

Dr Brian Doyle (2014–2020)

Brian Doyle became the ninth President in May 2014.[175] I owe him a great deal. He was born on 12 January 1955. Steeped in employment law from his undergraduate days, he was called to the Bar by the Inner Temple in 1977. As he later recalled, he cut his teeth as a young advocate before the Industrial Tribunals in London "before

[171] Meeran (2006), p 142.

[172] Rubenstein, *op cit*.

[173] See my paper of 11 September 2023, *op cit*., and the commentary at https://www.lexology.com/library/detail.aspx?g=4dde4043-3417-4d56-bbed-dcd9cef8313a.

[174] Civil Courts Structure Review: Interim Report (December 2015): https://www.judiciary.uk/wp-content/uploads/2016/01/ccsr-interim-report-dec-15-final1.pdf; Final Report (July 2016): https://www.judiciary.uk/wp-content/uploads/2016/07/civil-courts-structure-review-final-report-jul-16-final-1.pdf; Law Commission, *Employment Law Hearing Structures*: https://www.lawcom.gov.uk/project/employment-law-hearing-structures. I discussed these reports in my paper of 11 September 2023, *op cit*.

[175] See item R in the Appendix.

heading North to search for fame, but not for fortune, as a legal academic".[176] He taught employment law in London before moving to the University of Salford in 1980.

Brian began a doctorate on collective bargaining and the jurisdiction of the Central Arbitration Committee, supervised by the late Professor Brian Bercusson. That work produced an article in the *Industrial Law Journal* in 1980 which won him the Otto Kahn-Freund Prize.[177] With considerable foresight, he later switched his doctoral research to the emerging subject of disability discrimination. In 1995, he published *Disability, Discrimination and Equal Opportunities: A Comparative Study of the Employment Rights of Disabled Persons*.[178] As the proofs were being prepared, the government announced its intention to introduce legislation, which became the Disability Discrimination Act 1995. His research therefore informed the debate that shaped the legal protection of some of the most vulnerable people in society. In the same year, he became a professor at the University of Liverpool, where he also served as Dean of the School of Law.

Brian's judicial career began at about the same time. In 1994, having been interviewed by Tim Lawrence, he was appointed a chairman sitting part time. He received his first sittings from John Prophet, then the Regional Chairman in Leeds, before sitting in Wales. In 2000, he left his professorship to become a salaried chairman in what is now the North West England region. In October 2002, he became acting Regional Chairman for Manchester and Liverpool, and he was appointed to that role substantively in 2003, inducted by Sir Goolam Meeran. He served as Regional Chairman (and, from December 2007, Regional Employment Judge) for 11 years, under both Sir Goolam and David Latham. He was also a member of David's national training panel.

Brian took the helm at a time of great pressure on the system. The reform programme of HM Courts & Tribunals Service, the review by Lord Justice Briggs and the work of the Law Commission each shone a light into the system's corners, looking for improvements that could be made. Invited back to Salford in 2015, Brian gave a public lecture on the possible future of the jurisdiction as an Employment Court, taking up David Latham's idea of a "one stop shop".[179]

The greatest challenge came in 2017. On 26 July, in *R (Unison) v Lord Chancellor*, the Supreme Court quashed the order that had introduced fees in 2013. The practical consequences for the tribunal were immediate. Between October 2013 and June 2017, the tribunals had received an average of 4,700 cases each quarter, compared with 14,900 each quarter in the year before fees were introduced. After the judgment, the number of cases received each quarter more than doubled.[180] The tribunal needed more judges, quickly. Brian ensured, as best he could, that the

[176] Doyle (2018).

[177] B Doyle, "A Substitute for Collective Bargaining? The Central Arbitration Committee's Approach to Section 16 of the Employment Protection Act 1975" (1980) 9 *Industrial Law Journal* 154: https://academic.oup.com/ilj/article-abstract/9/1/154/667066.

[178] Published in London by Mansell, in the series Studies in Labour and Social Law.

[179] https://vimeo.com/144148484.

[180] House of Commons Library, *Employment tribunals after R (Unison) v Lord Chancellor*, Briefing Paper CBP 8296 (5 November 2018), Summary: https://commonslibrary.parliament.uk/research-briefings/cbp-8296/.

system recruited talented new colleagues to help deliver workplace justice. In 2019, he swore in more than 50 new salaried judges. This remains our largest ever intake.

Brian once told me that the biggest challenge during David Latham's time as President was the consequence of the introduction of fees, while the biggest challenge to his own time as President was the consequence of their abolition. Throughout, he held a firm and steady hand on the tiller. He was an outstanding communicator, and a humble and empathic leader of his judges and members. As a tutor on the leadership and management course of the Judicial College, he guided a generation of regional judges, resident judges, designated judges and High Court presiders. But his focus was always on those who turned to the tribunal for justice. It was fitting, and a return to the theme of his doctoral work, that his last Presidential Guidance, issued on 22 April 2020, concerned the support required by vulnerable parties and witnesses.[181]

Brian and I began an informal handover in March 2020, just as the country entered a lockdown prompted by the Covid pandemic. The pandemic forced all of us in leadership to answer some existential questions about how we delivered justice. Brian remained calm and focused, and he took difficult decisions right up to his retirement at the beginning of May 2020. Then, as a mark of his strong sense of public service, he became the first President to seek appointment to sit in retirement as a fee paid Employment Judge, to help the system cope with the backlog that the pandemic had created. In his first year of retirement, he sat for more than 100 days, all of them on fully remote hearings, and he clearly relished the return to judging at the coalface. The pandemic disrupted some of his plans for travel in retirement, but he found more than ample compensation in the time he could spend at home in North Wales with Helen, their children and their grandchildren.

It was a great loss when Brian died on 27 October 2024, too young, at the age of 69. Helen and their daughters were at his side.

He had been an inspirational leader. When he spoke, it was with such care and clarity that it seemed as though he had been thinking for ten minutes beforehand; each word was perfectly calibrated for the moment. Those he led trusted him implicitly. I watched and learned from him more than from any other leader in my working life. He served justice faithfully and well.

There is one final coincidence to record. In his speech of 2018, Brian noted that one of Sir Diarmaid Conroy's successors as Chief Justice of Zambia was a man called Brian André Doyle, "a former Irish boxing champion, who also held judicial appointments in Fiji and Botswana".[182] A trivial point, perhaps, but the coincidence of names neatly connects the first President of this jurisdiction with the ninth.

It is not for me to comment on the changes and challenges of my own time as President. I will simply note a few and then move on: the pandemic and all its restrictions; the widespread adoption of video hearings (including remote observation of hearings), most especially through the launch of a virtual region; the routine recording of hearings; the introduction of dispute resolution appointments; the digitisation of working in the new "Manage Cases" portal; the introduction of legal

[181] https://www.judiciary.uk/wp-content/uploads/2013/08/ET-Presidential-Guidance-on-Vulnerable-Parties-and-Witnesses-22-April-2020.pdf.

[182] Doyle (2018). Brian André Doyle was Chief Justice of Zambia from 1969 to 1975.

officers; the launch of a proper website, including a series of “how to” videos aimed at unrepresented parties; changes to panel composition; the huge rise in claims (especially complex discrimination and whistleblowing claims); the transfer of responsibility for our procedural rules to the Tribunal Procedure Committee; and the implementation of the Employment Rights Act 2025. There is more still to come. We never sit still; constant change demands constant innovation.

As I look at the portraits of my predecessors, I wonder what each of them would have thought of these changes and challenges. No doubt different approaches would have been favoured, but I would have welcomed their views. I wonder in particular what they would have made of the rise and impact of artificial intelligence tools.

The Register

I want to end, as I promised, with the Register. Each of the decisions I have described comes from it. There are thousands upon thousands of such decisions. None of them sets a formal precedent, but every one tells a human story, decided by imperfect humans. Each reflects the workplace attitudes of its time. Together, they form a vital part of the social and economic history of this country.

From the beginning, the rules required the Register to be kept at the Central Office and to be open to public inspection. For most of its history, it took the form of decisions bound in volumes, known as folios. Given the limited jurisdiction of the new body, it is no surprise that the spine of Folio 1 reads “Industrial Training Decisions”.[183] As new jurisdictions arrived, the labels changed. There were folios of “Redundancy Payments Decisions”; later, combining all the jurisdictions, there were folios of “Industrial Tribunal Decisions”; and, after the change of name in 1998, there were folios of “Employment Tribunal Judgments”.[184]

The rules also required the Register to record applications and appeals, not merely decisions. These entries were written by hand in large ledgers, with columns for the case number and date of registration, the names and addresses of the parties, the decision of the tribunal and a “Decision Folio Reference”, which linked each case to the bound volume containing its decision.[185] The historic archive therefore consists of the folios of Industrial Training Decisions and of Redundancy Payments Decisions; the combined folios of Industrial Tribunal Decisions, from the late 1960s until 1998; the folios of Employment Tribunal Judgments, from 1998 until 2006; and the ledgers of applications and claims, which were discontinued in 2004.

For most of its history, the Register was kept at the Central Office: for many years in London and, later, at Bury St Edmunds. The 1985 leaflet assured users that it was available for inspection by the public. The composition of the Register changed in 2004, when new regulations provided that it would contain only “a copy of all judgments and any written reasons”. There was a reason for the change. Some individuals and consultancies had taken to visiting Bury St Edmunds, noting the names of employers who had received claims, and writing to them (sometimes before the employer had even heard from the tribunal or from Acas) in the hope of being instructed. Some did the same in respect of claimants. In the House of Lords,

[183] See item S in the Appendix.

[184] See item I in the Appendix.

[185] See items T and U in the Appendix. In the version of the ledger page reproduced in the Appendix, the names and addresses of the parties have been obscured.

the minister, Lord Triesman, spoke of "unsolicited, and, in some cases, wholly misleading approaches", and Baroness Miller of Hendon spoke of "ambulance chasers".[186] So it is that the ledgers end in 2004.

How much of this material is there? There are approximately 2,100 boxes, each containing between three and five volumes: about 8,000 volumes in all. Every one of them speaks to this country's industrial history.

At the end of 2005 or early in 2006, a decision was taken to stop binding the volumes containing the decisions. I cannot trace its provenance, but I imagine that it was driven by cost. North and south of the border, the practice ceased. Instead, judgments were placed in archive boxes.[187] There are now several aisles of them, rather like the famous final scene of *Raiders of the Lost Ark*.[188]

With the regulations of 2013, the duty to maintain the Register passed from the Secretary of State to the Lord Chancellor. As originally made, those regulations required the Lord Chancellor to "delete any entry in the register six years from the date of judgment."[189] The result, it appears, was that the unbound judgments in archive boxes for a period covering 2007 and 2008 were destroyed. We all owe a debt to the barrister Robin White, who campaigned to stop this happening. I remember the letter Robin wrote to The Times, decrying (although I paraphrase) the vandalism of destroying the Register. Robin's campaign succeeded. With effect from 6 April 2014, the requirement to delete entries after six years was removed.[190] The physical archive is therefore intact, save for that missing portion from 2007 and 2008, and some of the indexing.

The bound portion of the archive, covering 1965 to 2006, was removed from Bury St Edmunds and is now in deep storage at Swadlincote in Derbyshire. The surviving unbound portion, covering 2008 to 2017, has recently moved from Bury St Edmunds to the Magistrates' Court in Norwich.

Since February 2017, the Register has been held online.[191] It is fully searchable, raising a host of "big data" questions. There is a discussion to be had about what the principle of open justice requires of the Register, but that is for another day. My point here is a simpler one. The archive of decisions made before the Register moved online in 2017 is part of this country's story. Three decisions of historic value can now be read by anyone, anywhere, on Find Case Law. I hope that, in the long term, the archive as a whole – and all that it says about the British post-war workplace – will find its home at The National Archives, where it can be kept safe in perpetuity.

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[186] HL Deb 27 October 2004: https://api.parliament.uk/historic-hansard/lords/2004/oct/27/employment-tribunals-constitution-and.

[187] See item V in the Appendix.

[188] See item W in the Appendix.

[189] SI 2013/1237, regulation 14(2), as made: https://www.legislation.gov.uk/uksi/2013/1237/regulation/14/made.

[190] By the Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2014 (SI 2014/611): https://www.legislation.gov.uk/uksi/2013/1237/regulation/14.

[191] https://www.gov.uk/employment-tribunal-decisions.

Conclusion

I have tried to share some parts of our history that were in danger of being forgotten. Some of that history is found in the lives of those who have led this jurisdiction since 1965: decorated soldiers and sailors, colonial chief justices, a scientist who came late to the Bar, a solicitor who had specialised in criminal law, an academic who wrote the *Parish Councillor's Guide*, a barrister who went on to sit as a judge of the United Nations Dispute Tribunal, and a scholar whose pioneering research informed the nascent law on disability discrimination. Some of that history is found in the archival parts of the Register. I hope to have left you with a deeper sense of our institutional history, and an appreciation of our place in the justice system.

Certain threads run through those 60 years. The first thread is the tension between informality and legalism. Sir Diarmaid Conroy identified it in 1970, some lamented it in 1985, the Hepple committee analysed it in 1987, and Sir Andrew Leggatt urged in 2001 that the trend towards formality be reversed. The presence of lay members in the system is a reminder of our less formal origins. Yet, even today, we debate whether we are, in substance if not in form, a civil court rather than a tribunal. The second thread is the importance of how the parties are treated. Sir Diarmaid wanted the losing party to understand why he had lost. Sir Goolam reminded us that it is often the manner, rather than the substance, of what is said that gives rise to complaint. David Latham ensured it was a key part of our training. Brian Doyle continued that approach, urging as to acknowledge vulnerability. Today, we teach our judges skills that focus on courtesy and that most underrated judicial characteristic – kindness. The third thread is the extraordinary growth in our work: from four levy appeals in Harrogate on a summer's day in 1965 to well over one hundred types of claim today, many listed for hearings lasting several days (sometimes, even several weeks). We currently receive over 1,000 single claims each week – discounting our large group claims – and two thirds of them allege discrimination or detriment for whistleblowing. It a very long way from how things looked 60 years ago.

I often hear people describe the Employment Tribunal system as not fit for purpose, or as broken. It is notable that people have been saying this throughout this jurisdiction's lifespan. While I know the struggles we face, I also know the efforts made, day in and day out, by our judges and members (and by HMCTS staff) to deliver justice in the teeth of these challenges. I am very grateful for them.

I spend a great deal of my time concerned with the problems of the present, and thinking about what the future may hold. Our past teaches us that we have coped with immense challenges before and that, while we are not perfect, we have survived. We can of course improve, and we will endeavour to do so. But please cherish us, and our history; after 60 years, we have surely earned that.

Barry Clarke
October 2026

Appendix: photographs and documents



Item A. The corridor of presidential portraits in Victory House, Kingsway, London, before the move to Newgate Street in February 2026.

STATUTORY INSTRUMENTS

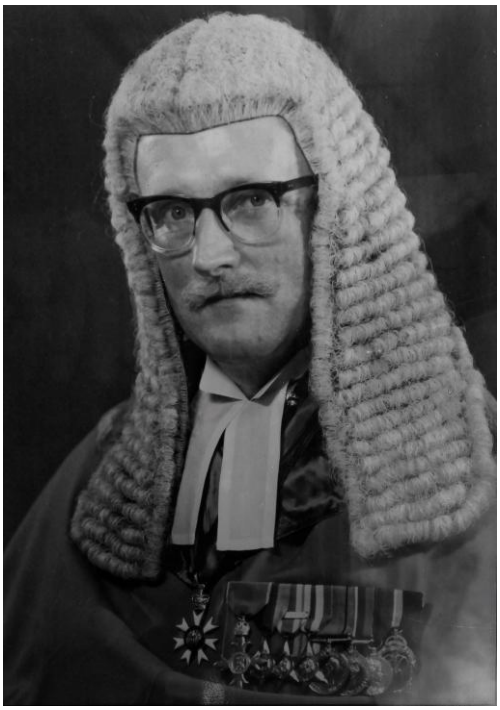
1965 No. 1101

INDUSTRIAL TRAINING

The Industrial Tribunals (England and Wales) Regulations 1965

Made - - - -	*11th May* 1965
Laid before Parliament	*20th May* 1965
Coming into Operation	*31st May* 1965

Item B. The heading of the Industrial Tribunals (England and Wales) Regulations 1965 (SI 1965/1101), made on 11 May 1965 and in operation from 31 May 1965.



Item C. Sir Diarmaid Conroy, President 1965 to 1974: the portrait that hung in Victory House, in full bottomed wig, colonial robes and military medals.



Item D. Sir Diarmaid Conroy: a photograph taken for the National Portrait Gallery. © National Portrait Gallery, London.



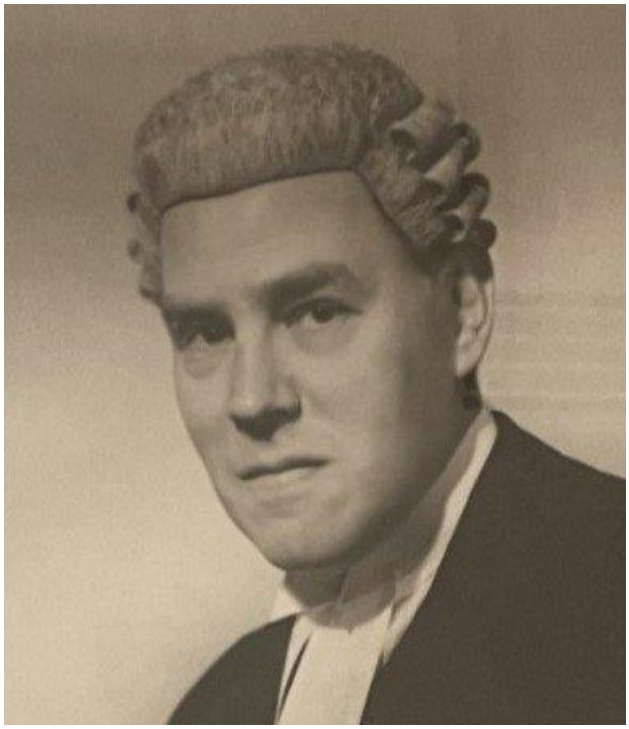
Item E. United States troops in the Kasserine Pass, Tunisia, February 1943. The battle formed part of the Tunisian campaign, in which Sir Diarmaid Conroy served with the London Irish Rifles.



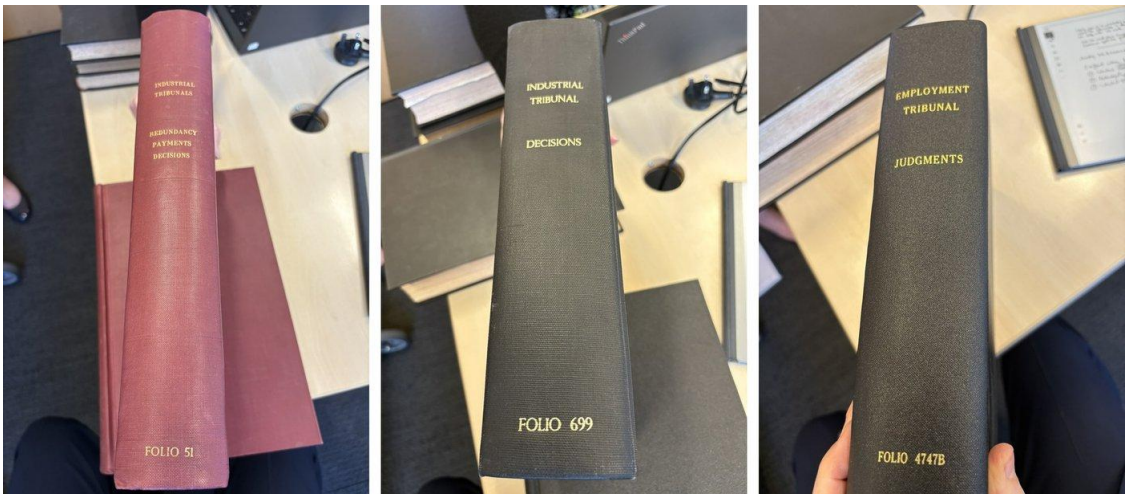
Item F. Sir Diarmaid Conroy, as Chief Justice, swearing in Kenneth Kaunda as the first President of Zambia, October 1964.



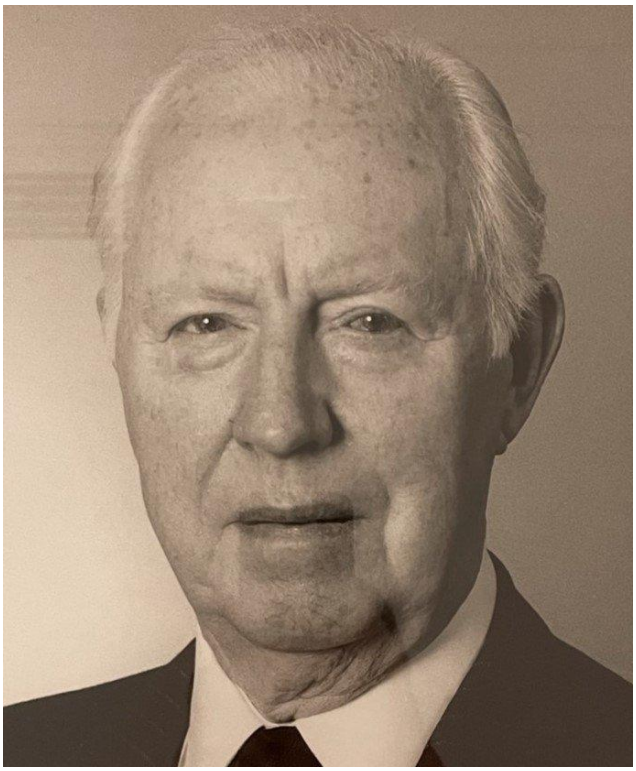
Item G. Harrogate today. The Industrial Tribunals sat for the first time in Harrogate on 9 August 1965.



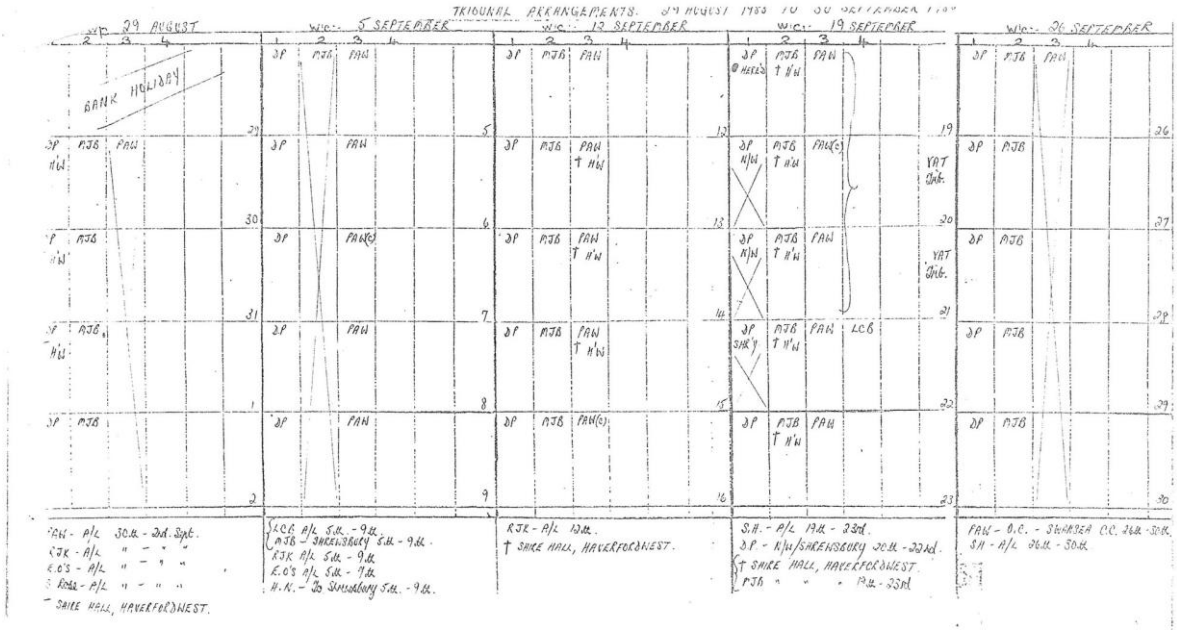
Item H. Edward Seeley, President 1974 to 1979.



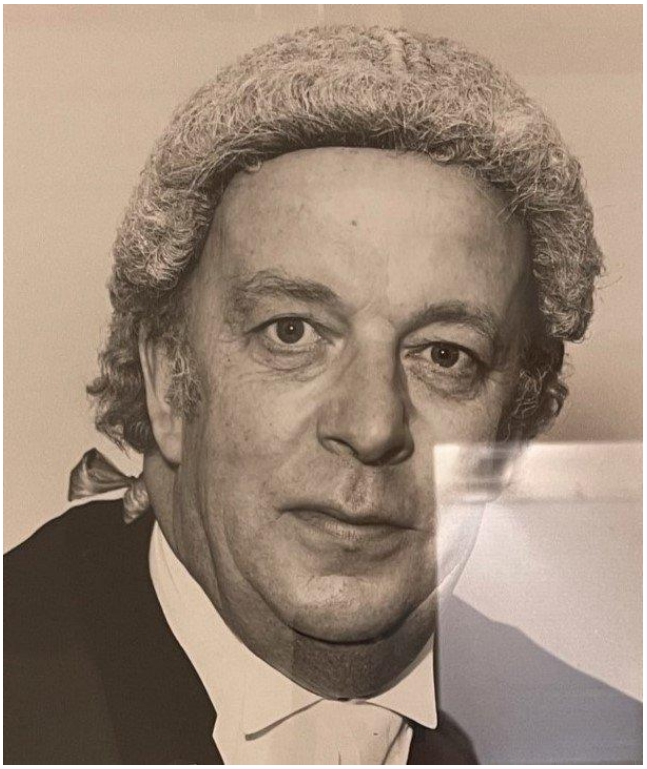
Item I. Spines of three bound volumes of the Register: Folio 51 of the “Redundancy Payments Decisions”; Folio 699 of the “Industrial Tribunal Decisions”, which contains the decision in Burchell; and Folio 4747B of the “Employment Tribunal Judgments”.



Item J. Sir Jack Rumbold, President 1979 to 1984.



Item K. Handwritten “Tribunal Arrangements” for the Cardiff Industrial Tribunal, 29 August to 30 September 1983. The chairmen are identified by their initials. “LCB”, discernible in the week commencing 19 September, is Leo Charles Blair, father of the former Prime Minister.



Item L. His Honour Sir David West-Russell, President 1984 to 1991.

ALLOWANCES FOR ATTENDING A TRIBUNAL

The following allowances may be paid to you, your witnesses and any person representing you (including members of Citizens Advice Bureaux but excluding full-time officials of a workers' or employers' organization, a barrister or a solicitor or other paid representative). Allowances may be refused if they were not reasonably justified.

Where a tribunal has made an award of costs (in Scotland, expenses) against you (see p.11), travelling expenses, subsistence allowances and compensation for loss of earnings may not be paid to you.

Travelling costs

Cost of travelling by public transport, limited to second class by rail, may be paid if the hearing takes place more than six miles from home or place of work within Great Britain. Costs of travel from Northern Ireland, the Isle of Man, the Channel Islands or the Republic of Ireland may also be paid. People travelling from elsewhere overseas will be paid fares only from the place of arrival on the mainland.

If a motor vehicle is used, the public transport rate of mileage allowance may be paid, plus 2p. a mile for the first passenger carried and 1p. a mile for each additional passenger. The rates* are as follows:

	rate per mile
All cars	13.2p.
Motor cyles 251 cc and over	13.2p.
151-250 cc	8.6p.
150 cc and less	6.4p.

If a party, or a witness who has been ordered to attend, cannot afford the fare to allow him or her to attend a tribunal hearing, the tribunal may be able to arrange for the issue of a travel warrant which can be used to pay for a ticket. The tribunal should be notified in good time if a warrant is required.

* The rates quoted were correct at the time of going to print, but are subject to amendment. You should check the rate with the tribunal clerk on the day you attend the hearing.

Subsistence allowances

An allowance may be paid for the periods of absence from home as follows:

	*rate**
Less than 2½ hours	No allowance payable
2½ to 5 hours	£1.18
More than 5 but not more than 10 hours	£2.35
More than 10 hours	£5.20

The allowance for an unavoidable night's absence is £29.15 or, if the tribunal is held within five miles' radius of Charing Cross, London, £38.40.

Neither subsistence nor overnight allowances are payable in advance of a hearing. If a party or a witness is in financial difficulty in this respect, he or she should seek assistance from the local office of the Department of Health and Social Security.

Loss of earnings (or National Insurance benefit)

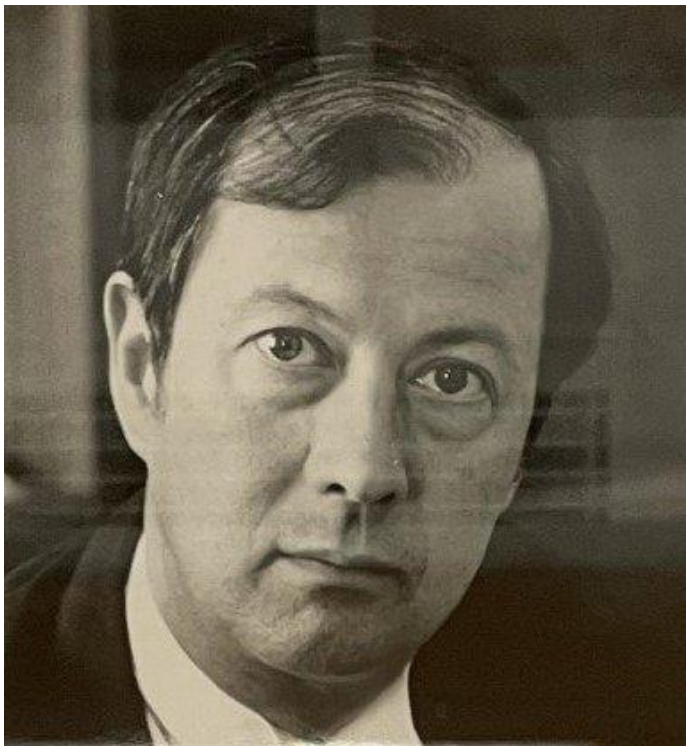
Any earnings (or National Insurance benefit which would otherwise be payable) which are actually lost through absence from work may be repaid up to £22.50* a day — this also applies to the self-employed. Where the performance of work is merely postponed, no compensation is payable.

How to claim

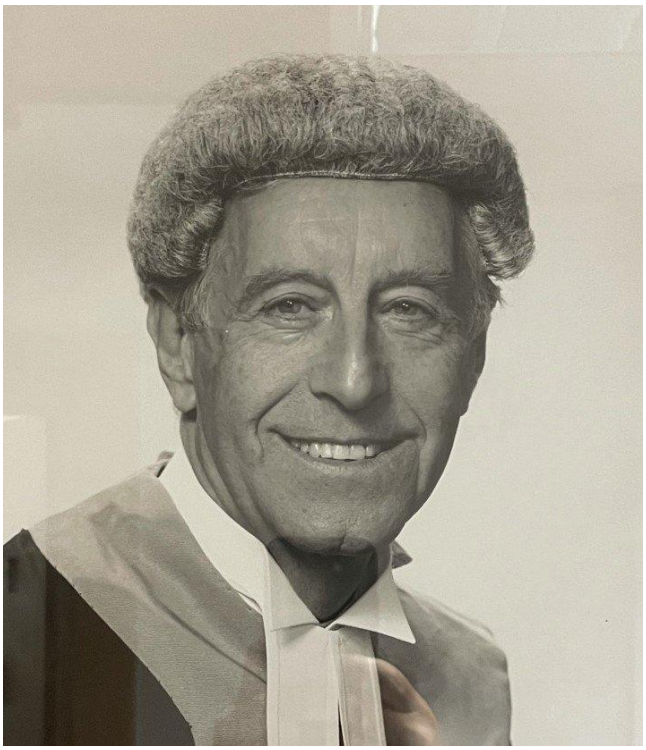
You should apply to the tribunal clerk after the hearing for a form of application if you want to claim any of these allowances. Payment will be made in due course by the Department of Employment.

* The rates quoted were correct at the time of going to print, but are subject to amendment. You should check the rate with the tribunal clerk on the day you attend the hearing.

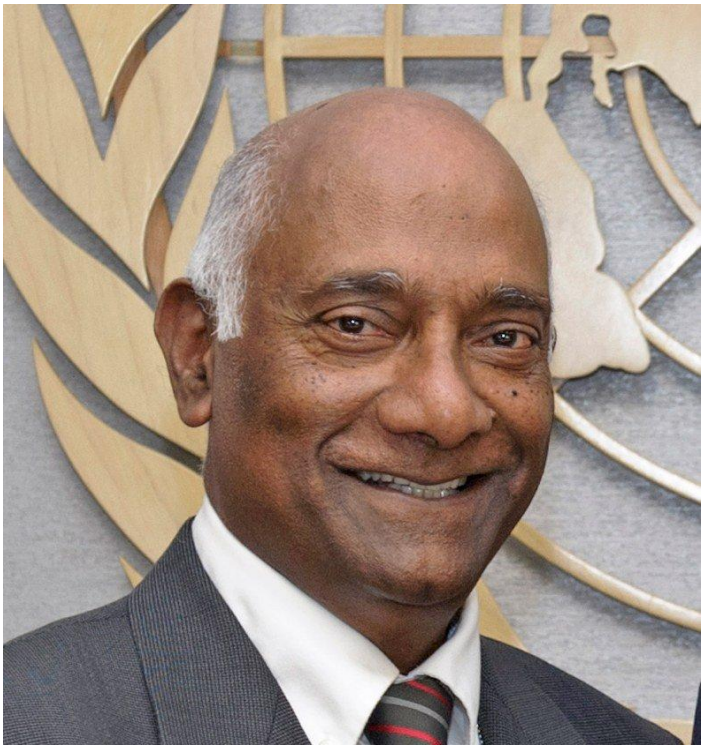
Item M. Pages 15 and 16 of a 1985 information leaflet for users of the industrial tribunals, setting out the allowances for attending a tribunal.



Item N. His Honour Timothy Lawrence, President 1991 to 1997.



Item O. His Honour John Prophet, President 1997 to 2002.



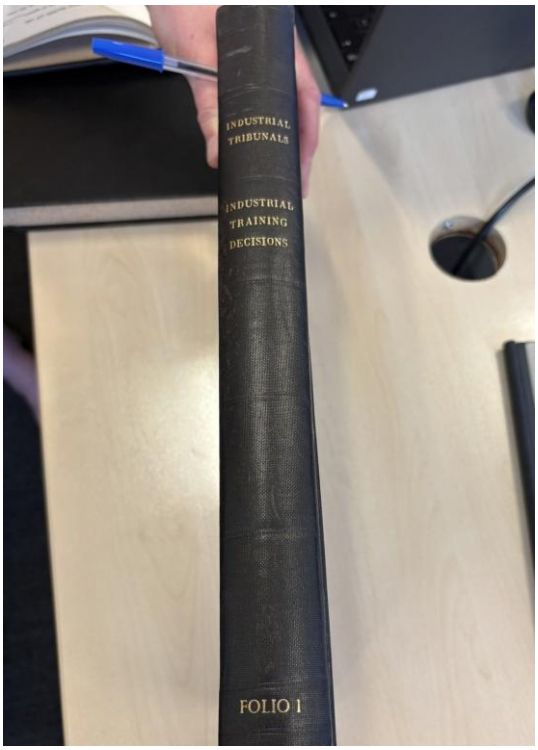
Item P. His Honour Sir Goolam Meeran, President 2002 to 2008.



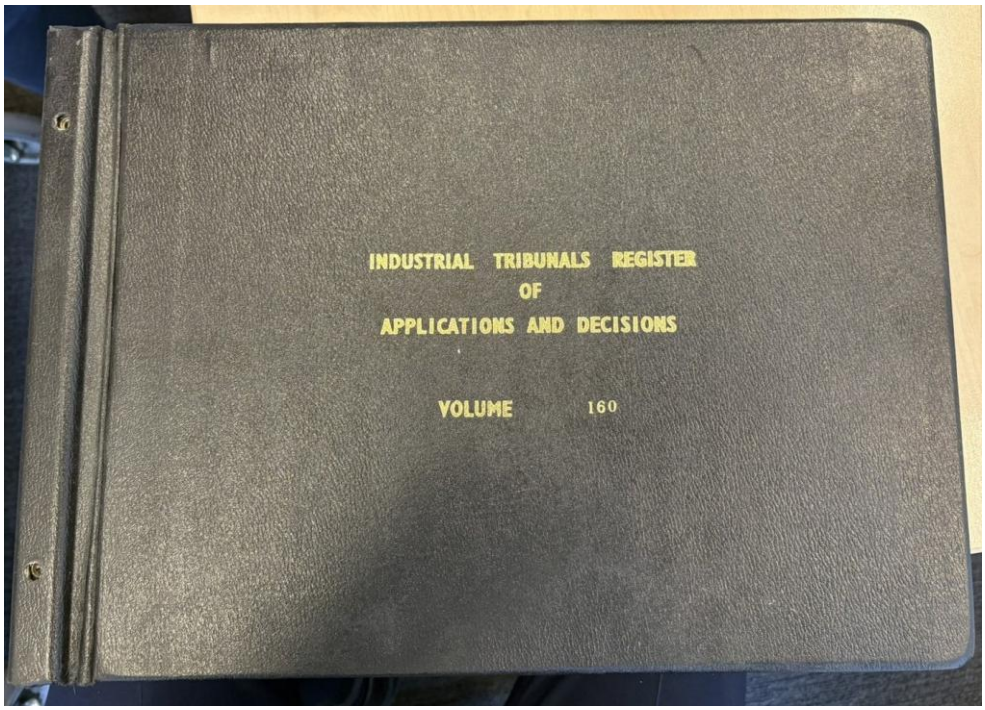
Item Q. David Latham, President 2008 to 2014.



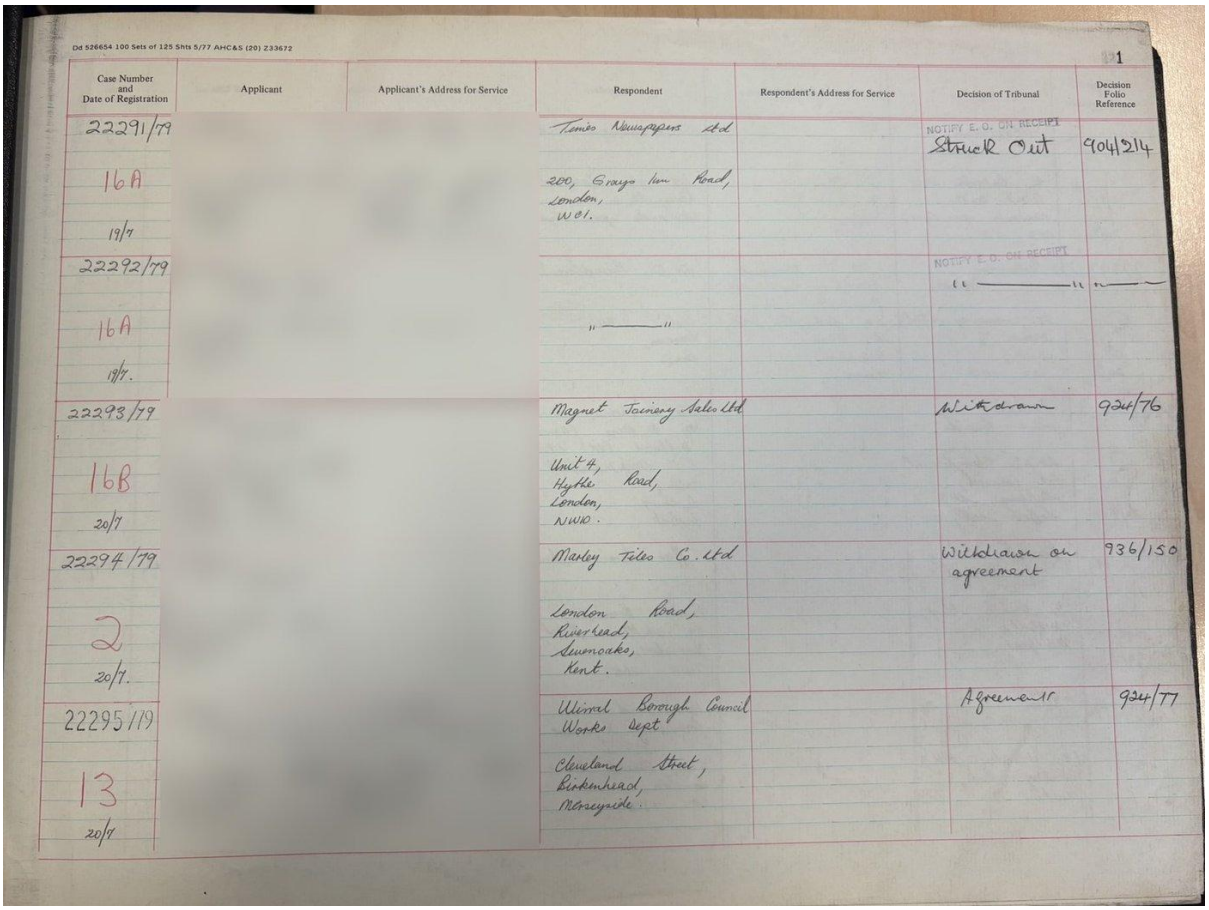
Item R. Dr Brian Doyle, President 2014 to 2020.



Item S. The spine of Folio 1 of the Register: “Industrial Tribunals: Industrial Training Decisions”.



Item T. The cover of Volume 160 of the “Industrial Tribunals Register of Applications and Decisions”.

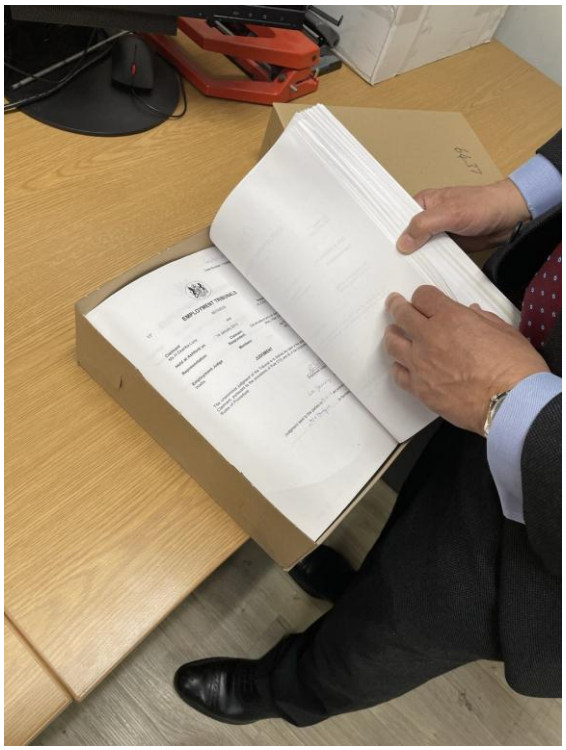


Dd 526654 100 Sets of 125 Shts 5/77 AHC&S (20) Z33672

1

Case Number and Date of Registration	Applicant	Applicant's Address for Service	Respondent	Respondent's Address for Service	Decision of Tribunal	Decision Folio Reference
22291/79 16A 19/7			Thames Newspapers Ltd 200, Grays Inn Road, London, WC1.		NOTIFY E.O. ON RECEIPT Struck Out	904/214
22292/79 16A 19/7.			" —— "		NOTIFY E.O. ON RECEIPT " —— "	" —— "
22293/79 16B 20/7			Magnet Joinery Sales Ltd Unit 4, Hyde Road, London, NW10.		Withdrawn	924/76
22294/79 2 20/7.			Marley Tiles Co. Ltd London Road, Riverhead, Sevenoaks, Kent.		Withdrawn on agreement	936/150
22295/79 13 20/7			Wirral Borough Council Works Dept Cleveland Street, Birkenhead, Merseyside.		Agreement	924/77

Item U. A page of the ledger for July 1979 (cases 22291/79 to 22295/79). The names and addresses of the applicants have been obscured.



Item V. An archive box of unbound judgments.



Item W. An aisle of archive boxes. Regional Employment Judge George Foxwell provides the scale.