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## Employment Tribunals Service annual statistics show small decrease in tribunal claims

The annual statistics for the Employment Tribunals Service and the Employment Appeal Tribunal for the period 1 April 2010 to 31 March 2011 have now been published.

The number of accepted employment tribunal claims was 218,100, representing a slight fall of 8% compared to 2009/10, but an increase of 44% on the 151,028 figure recorded in 2008/09. Single claims decreased by 15% on the previous year and multiple claims fell by 4% on the previous year. The 218,100 claims lodged covered 382,400 jurisdictions or complaints (for example, where a claim is made for both unfair dismissal and race discrimination at the same time). This is an average of 1.75 jurisdictions per claim. Of these, 30% were Working Time Regulations claims (largely multiple airline cases that have to be resubmitted every three months).

### The statistics also show that:

- 13% of claims lodged were for unfair dismissal, 19% were for unauthorised deduction from wages, 9% were for breach of contract, 9% were for equal pay, 8% related to sex, race or disability discrimination, 30% related to the Working Time Regulations, 4% were for redundancy pay, 2% were for failure to collectively inform and consult on redundancy and the remainder related to other matters.
- Working Time Regulations cases were up by 20% on the previous year.
- Claims under the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 nearly trebled compared to the previous year (1,600 compared to 530).
- Age discrimination claims rose by 32% on the previous year, bucking the trend for most of the other discrimination protected characteristics. As employees are becoming increasingly aware of their rights in this area, it is likely that this trend will continue.
- 61% of all cases were withdrawn or settled before a tribunal hearing, 10% were struck out without a hearing,

12% were successful at tribunal, 11% were dismissed at a preliminary hearing or were unsuccessful at tribunal and 6% were subject to a default judgment.

- 1,400 claims were initially rejected by the tribunal. Of these, only 210 were subsequently re-submitted and accepted. The remainder were either never resubmitted or were re-submitted but still not accepted.
- Two-thirds of claimants were represented by lawyers and 5% were represented by a Trade Union.
- The maximum unfair dismissal award was £181,754 and the average award was £8,924. As the maximum award here is in excess of the statutory cap, it is likely that the dismissal related to a complaint of whistle-blowing or health and safety where the cap does not apply.
- The maximum race discrimination award was £62,530 and the average award was £12,108.
- The maximum sex discrimination award was £289,167 and the average award was £13,911.
- The maximum disability discrimination award was £181,083 and the average award was £14,137.
- The maximum religious discrimination award was £20,211 and the average award was £8,515.
- The maximum sexual orientation discrimination award was £47,633 and the average award was £11,671.
- The maximum age discrimination award was £144,100 and the average award was £30,289.
- Costs were awarded to the claimant in 132 cases and to the respondent in 355 cases. The average costs award was £2,830.
- The EAT received 2,048 appeals, a slight rise on the previous year. However, more than half of these (1,238) were rejected at the sift stage as having no reasonable prospect of success or as being out of time.

The drop in the number of tribunal claims must be seen in the context of a massive surge in claims in the previous reporting year, where claims increased by 56%, thought to be due to a mixture of increased multiple claims and economic factors. Thus, there is still an overall trend of an increasing number of claims.