

Government to boost capacity in employment tribunal system, giving quicker outcomes for employees and employers

- New reforms to help employment tribunal system hear more cases and open up court space – ensuring a speedier resolution of cases for businesses and employees
- enables deployment of a greater range of judicial expertise including non-employment judges into tribunals
- rules will be amended to allow greater use of virtual hearings

A raft of changes to boost hearing capacity in employment tribunals has been introduced into Parliament by Business Minister Paul Scully today (Thursday 17 September). The reforms will give the system more flexibility in light of the global COVID-19 (coronavirus) pandemic. They will also allow tribunals to deal with increasing caseloads, following the abolition of employment tribunal fees in July 2017.

The government is changing employment tribunal rules to allow more flexibility for remote hearings and reduce the burden on courts, claimants and defendants. These changes will help tribunals hear more cases and make courts space available for other urgent cases, an important step in addressing the impacts of COVID-19.

The reforms will assist tribunals in ensuring the speedier delivery of justice for businesses and workers.

Business Minister Paul Scully said:

The employment tribunal system has held up very well in the face of an increased caseload and the impacts of COVID-19 – but these changes will boost its capacity further.

These reforms will provide further flexibility to the system to ensure workers and businesses receive quick and fair resolutions to disputes, both at this critical time and in the future too.

Courts Minister, Chris Philp, said:

These changes will provide speedier resolutions for businesses and employees alike, and are the latest step in our plan, backed by £80 million of funding and an additional 1,600 staff, to reduce delays and deliver justice.

We are pursuing every available option including increasing the use of technology, rolling out further safety measures to ensure our courts recover from the effects of the pandemic as quickly as possible.

One of the changes being made will allow the judiciary the option of deploying non-employment judges into employment tribunals, if certain criteria on suitability are met. This will help the employment tribunal system deal with demand, reducing unnecessary delays.

The government is also changing employment tribunal rules to allow more flexibility over virtual hearings. The change will reduce the need for physical hearings in the future making it easier for claimants and respondents, who, for example, will not need to pay travel costs.

This follows a recent £80 million boost for HM Courts and Tribunal Service to meet the unprecedented challenge presented by the pandemic to:

- employ 1,600 new staff to support the recovery
- set up more temporary Nightingale Courts
- and a further rollout of technology across the estate to hear more cases remotely

This is on top of a major £142 million investment across the courts system announced in July to speed up technological improvements and modernise courtrooms.

Other changes being implemented include:

- allowing legal officers to carry out administrative tasks currently performed by employment judges
- refining the early conciliation and employment tribunal rules to allow greater flexibility in handling minor errors
- changing the rules to allow multiple claimants and respondents to use the same forms where reasonable, to avoid multiple certificates and time limits in what is essentially the same dispute

The measures for the employment tribunal rules, use of legal officers and cross-deployment of judges will come into force on 8 October. The measures on early conciliation will come into force 1 December.