

Data quality for early conciliation and employment tribunal data for England Scotland and Wales

30 November 2023

Introduction

When an employee wants to make a claim against their employer at an employment tribunal, they must usually notify Acas first. Acas offers early conciliation to try to reach a resolution between the employee and employer and avoid the employee making a claim to an employment tribunal.

In some circumstances, the employer may approach Acas to help resolve a potential dispute. This can also be handled using early conciliation.

If the case is not resolved by early conciliation, and the claimant still wants pursue the matter, the claimant submits an ET1 form to make a claim to an employment tribunal.

This background quality report relates to our statistical release about:

- the early conciliation notifications received by Acas
- their progress through the Acas conciliation system
- how they're resolved

There have been 2 major breaks in the publication of these statistics. The first due to a change in the case management system (CMS) and methodology for registration of cases. This happened in 2018 and meant subsequent data was not directly comparable to the new release.

A further error in the data was discovered in 2021 and the publication was removed for investigation. This has now been corrected but it is impossible to create the data for the missing quarters.

Annual data can be found in the [Acas annual reports on GOV.UK](#) for indicative numbers. However, these data are not directly comparable to these quarterly publications as is explained in the methodology article.

The way we count cases is also different to HM Courts and Tribunals Service (HMCTS) so our tribunal statistics should not be directly compared to theirs.?

Each new data cut will be taken 6 weeks after the end of the final month of the quarter that it reports on, with the publication released within 2 weeks from that date. The exception to this rule will be the quarter which will be released in alignment with the Acas annual report and so is expected to be delayed beyond the usual publication day.

These statistics are not classed as official statistics but have been published with voluntary application of the Code of Practice for Official Statistics to help ensure they are as high quality, trustworthy and provide as much value as possible.

Strengths and weaknesses

As these are management information (MI) data, they represent a full coverage of all cases within our case management system so there is no bias in our sample.

These data have been presented in both tabular and graphical form to allow for ease of interpretation and separate data files have been provided to enhance use of the data for further manipulation.

Weaknesses in the system include the inherent data quality issues that come with management information. However, work is underway at Acas to improve the quality of the data recorded in our case management system.

There is also a trade-off between timely reporting of case numbers and accuracy in the data. Data are extracted 6 weeks after the end of the reporting period which allows time for case resolution and proper track assignment. However, due to lack of contact with some claimants, there will be some unassigned tracks at this time. We feel that this time period offers the best compromise between these 2 factors.

Note that 'track' refers to the way in which Acas loosely classes the complexity of each case, based on the jurisdictions in the ET1 form, or the suggested jurisdictions assigned to early conciliation notifications.

The 4 tracks are:

- fast track – straightforward cases mostly relating to money, such as unpaid wages
- standard track – cases that are more complicated than fast track and involve unfair dismissal or a related jurisdiction
- open track – the most legally complex cases with at least 1 type of discrimination or disclosure jurisdiction
- no track assigned – cases where insufficient information is available to assign indicative jurisdictions (for example, where parties cannot be contacted)

Future improvements

There are 2 planned additions to this statistical series in the near future.

The first is to present case numbers with a geographical breakdown.

Cases are submitted with a postcode of the employer against which the claim is being raised (or the site where the employee has worked). This postcode data can be used to provide an overview of where in England, Scotland and Wales cases are arising and will allow for us to identify case hotspots. However, it should be noted that head offices may be provided as respondent addresses as opposed to the location the claimant worked in.

A second planned change is to start presenting employment tribunal multiples alongside individual case numbers. We have made a recent system change which will improve production of these figures, so we have not reported the numbers in this statistical release to avoid being misleading but will be looking to report these in the near future.

Relevance

These data are the only source of early conciliation statistics and so provide the most complete set of published data on this topic outside of the Acas annual report.

They have been designed to cover the main freedom of information requests that are presented to Acas. We're pre-emptively publishing data that is likely to be requested, thus making an efficiency saving for Acas and pre-emptively meeting the requirements of our users. This reduces burden on both the users and producers of the statistics by having one set of data that meets the needs of

many users.

These data are management information data and so offer complete coverage of early conciliation notifications and employment tribunal cases in the current system for England, Wales, and Scotland.

Due to the time lag in resolution of cases, data on early conciliation outcomes are presented one quarter later than data on case numbers. This is to increase timeliness of publication and data on outcomes is made available in the following quarter's publication, as soon as practicable. Data on employment tribunal outcomes are presented based on cases that have had an outcome during the quarters reported on in the bulletin.

Known variance from tribunal statistics are explained in the methodology change article.

Accuracy and reliability

These data are taken from a management information data source and so are representative of the full population of early conciliation notifications with a very small number of exceptions as detailed below.

Process of production of the tables

1. Data is extracted from the Acas case management system 6 weeks after the end of the latest month reported on. The data is sorted based on the receipt dates of the early conciliation notifications to complete Tables 1, 2 and 3 (see section below on case counting). Table 4 covers outcomes of early conciliation cases received within the same time period. Some of the early conciliation notifications are marked on the system as having no track identified. However, these are manually investigated and the correct track assigned where possible, although it should be noted that this process is voluntary. The data is then sorted by the receipt date of the employment tribunal claims for Table 5.
2. Finally, for Table 6, the outcomes are based on outcome date for employment tribunal cases in the period covered by the bulletin. Again, any cases with no track assigned are investigated and updated with the correct track.
3. For a minority of cases, appropriate groups are not currently identified so it is possible the number of groups is slightly lower than actual with the individual cases correspondingly inflated.
4. All figures are validated on sense and continuity.

Time frames

6 weeks is chosen for the data extraction to allow for most cases to have a track assigned for more accurate reporting. For early conciliation, a 6-week window is allocated to attempt to resolve the case, so 6 weeks should allow for almost all of the cases to be assigned their correct track and provides a trade-off between timely statistics and data accuracy.

The track is not recorded if we do not speak to the claimant, or if they do not want to share the nature of the dispute when contacted. We also ask conciliators to record the jurisdictions as soon as they are known, but sometimes there might be a delay in getting this information. Early conciliation usually lasts up to 6 weeks. However, Acas can continue to conciliate after this time period if productive discussions are continuing.

For outcomes, most jurisdictions have a 3-month time limit from the date of the incident until they progress to tribunal. Taking part in early conciliation effectively stops the clock for up to 6 weeks (if claimants take part in early conciliation). As the outcomes tables lag by a quarter, this gives 4.5 months to compile the outcomes data. At this point, the majority of cases which will progress to employment tribunal will do so, and so this time frame provides the best trade-off between timely statistics and accurate reporting.

Case counting and grouping

When counting receipts, Acas ET1 and early conciliation notification receipts are counted using the date of receipt at Acas when the record is first input into the case management system. This usually post-dates the submission date, sometimes by a number of weeks, so the ET1 and early conciliation notification receipts in a given month at Acas can include some cases submitted in previous months and exclude some submissions from the current month.

The rule used by Acas for grouping cases is when a batch of ET1s have a claimant-side representative in common to call this 'one multiple case' (or one net case) irrespective of the size of batch. We do allow cases to be grouped this way at ET1 stage without a common representative, although creation of a group may be prevented by the system if the cases were not all received on the same day.

Any large-volume claims (such as equal pay) which are too large in volume to be input onto the Acas system and are handled administratively and also, a small number of claims are not open to Acas conciliation and are therefore not counted in Acas totals.

We have voluntarily applied the Code of Practice for Official Statistics to these data to help ensure their trustworthiness, value, and quality.

Timeliness and punctuality

There have been 2 major breaks in the publication of these statistics. The first due to a change in case management system and methodology for registration of cases. This happened in 2018 and meant subsequent data was not directly comparable to the new release.

A further error in the data was discovered in 2021 and the publication was removed for investigation. This has now been corrected but it is impossible to create the data for the missing quarters. Annual data can however be found in the [Acas annual reports on GOV.UK](#) for indicative numbers. However these data are not directly comparable to these quarterly publications as is explained in the [methodology article](#).

Each new data cut will be taken 6 weeks after the end of the final month of the quarter that it reports on, with the publication released within 2 weeks from that date. The exception to this rule will be the quarter which will be released in alignment with the Acas annual report and so is expected to be delayed beyond the usual publication day.

Accessibility and clarity

Data have been presented in tabular form in line with the Office for National Statistics (ONS) standards for accessibility where possible for enhanced usability of the data. Graphical representations of the data will be included from Q3, and again will comply with the standards as set out by the Office for National Statistics.

Coherence and comparability

As these statistics are not directly comparable to previous Acas publications on early conciliation and employment tribunal cases, nor to HMCTS tribunal statistics, a more thorough explanation of why the figures differ and how they should be used is presented in the [methodology report for the statistics](#).

The main effects on case numbers presented in this series of publications compared to the previous set of publications on early conciliation and employment tribunal case numbers has also been set out in the accompanying methodology report.

Where figures fewer than 5 appear in the tables, these have been suppressed and replaced with [low] for disclosure reasons. These suppressed figures have been removed from any totals and so the statistics are internally coherent.

These figures are also not coherent with the Acas annual report data. This is because cases can move track and within and out of groups as more information about the case is available and so by the time figures reach the annual report, they may be different from the quarter in which they were published due to the time lag. We will explain alongside the annual report figures what movement has taken place so that differences in the 4 quarterly bulletins versus the annual report figures are explained.

Trade-offs between output quality components

There is a trade-off between timely reporting on the statistics and classification of cases into their correct track and formation of group cases. As this issue is ongoing for each quarter and may take considerable time for all cases to be assigned to the correct track and all group cases to be identified, timely publication of the statistics is prioritised.

Similarly, as there is a time lag for cases to be resolved, the tables on outcomes of early conciliation cases will be reported for the quarter behind those for case numbers, and the outcomes of employment tribunal cases will be based on outcomes for that period. This is to allow for timely reporting of cases and the lag for early conciliation will remain throughout all publications in this series.

Assessment of user needs and perceptions

Data have been presented to fulfil the requirements of most of the freedom of information requests that come into Acas regarding early conciliation notifications and conciliation outcomes.

Users who have put in these requests will be asked to join a steering group for these statistics to ensure that they remain relevant.

Performance, cost and respondent burden

Resources taken to collate and publish statistics will be offset by the reduction in ad hoc requests which this publication should largely reduce the need for.

There is very little respondent burden as the majority of the data is automatically obtained from administrative systems. However, this is supplemented with small amounts of data as well as input from other areas.

The production of the tables and quality assurance process should take around 1 week each quarter. However, we are aiming to use a reproducible analytical pipeline to produce these statistics in the future which will reduce the time required for table production and manual checking of these data.

Confidentiality, transparency and security

All published outputs are counts of individuals in particular groupings. No protected characteristics are published in our data. However, where case volumes are lower than 5, outputs are suppressed in line with ONS guidance on disclosure control to prevent disclosure of information on individuals.

The bulletin provides commentary on the key features of the outputs and identifies any issues or caveats to the data. The accompanying methodology report details how the statistical method has changed from previous releases and how the statistics should and should not be used, in addition to a discussion of some of the caveats in the data. This quality report provides further information on the method, production process and quality of the output.

All staff involved in the statistical production process adhere to Civil Service and data protection regulations. The data is stored, accessed and analysed using Acas's restricted network and IT systems, and access to raw data is password protected and approval for access is granted only to required individuals.