

Early conciliation and employment tribunal data for England Scotland and Wales July to September 2023

30 November 2023

1. Main points

- Fast track cases made up the majority of group cases, accounting for more than 50% of group cases in April to June and 35% of group cases in July to September.
- Open track cases accounted for the largest number of individual cases in both April to June and July to September with regards to employee-led early conciliation notification numbers.
- Standard track cases made up more than 55% of employer-led notifications for the quarters discussed in this bulletin.
- Around 72% of early conciliation notifications did not progress to employment tribunal across the quarters discussed in this bulletin.
- Open track cases made up almost 50% of employment tribunal claim form (ET1) receipts for the quarters discussed in this bulletin.
- 76% of employment tribunal cases received did not go on to have a hearing during the quarters discussed in this bulletin.

2. Early conciliation notifications

When an employee wants to make a claim against their employer at an employment tribunal, in most cases they must notify Acas first. Acas offers [early conciliation](#) to try to reach an agreement 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.

Early conciliation notifications can be made:

- by an individual against their employer
- on behalf of a group against their employer
- by an employer where a dispute concerning staff requires resolution

Employee-led early conciliation notifications

Around 95% of all early conciliation notifications came from employees across both quarters.

Fast track cases had the largest number of group cases across both quarters, accounting for 50% of cases in April to June and 35% of cases in July to September 2023 to 2024. Open track cases had the largest number of individual cases, accounting for 33% of all employee-led cases in both April to June and July to September 2023 to 2024.

Table 1: Employee-led individual early conciliation cases by track from April to September 2023

Case type	Track	April to June 2023	July to Sept 2023	Total
Individual	Fast	6,646	7,015	13,661
Individual	None	4,554	4,766	9,320
Individual	Open	7,571	8,172	15,743
Individual	Standard	4,345	4,636	8,981
Total	-	23,116	24,589	47,705
Group	Fast	238	144	382
Group	None	53	50	103
Group	Open	99	128	227
Group	Standard	90	84	174
Total	-	480	406	886
Claimants within groups	-	22,384	18,240	40,624

Employer-led early conciliation notifications

Employer-led early conciliation notifications made up less than 6% of early conciliation notifications from April to June and less than 5% for July to September 2023.

Standard track cases had the largest number of employer-led notifications, accounting for 57% in April to June, and 61% in July to September.

Table 2: Employer-led individual early conciliation cases by track from April to September 2023

Track	April to June 2023	July to Sept 2023	Total
Fast	313	235	548
None	[low]	[low]	[low]
Open	240	223	463
Standard	735	724	1459
Total	1,288	1,182	2,470

3. Early conciliation notification outcomes

Some early conciliation notifications are not suitable for conciliation and the service is not mandatory so some claimants will refuse the offer.

Early conciliation cases not progressed to conciliation

In April to June 2023, 21% of early conciliation cases were closed without parties engaging in early conciliation, rising to 22% in July to September. Mainly cases with no track assigned did not progress to conciliation, making up 88% of all cases that did not progress to conciliation in April to June and 87% in July to September. These are where Acas has not been able to get in touch with the claimant to gather enough information to assign a track, so this is to be expected.

Fast track cases were the lowest proportion of the cases that did not progress to conciliation. Of cases with an assigned track, open track cases made up the highest proportion of cases that were not conciliated across these quarters.

Table 3: Early conciliation notifications that have not progressed to conciliation by track along with total conciliated case numbers from April to September 2023

Track	April to June 2023	July to Sept 2023	Total
Fast	178	153	331
None	4,381	4,623	9,004
Open	238	278	516
Standard	199	265	464
Total	4,996	5,319	10,315
Total closed	24,314	24,719	49,033
% closed cases not conciliated	21	22	21

Settlement of early conciliation cases

Due to the potential time lag between an early conciliation certificate being issued and the corresponding ET1 reaching Acas, these data cannot be accurately reported until after a period of time has elapsed and so are one quarter behind all the other statistics in this bulletin. This table covers early conciliation, employee-led and group cases only, and is based on outcomes of cases received in April to June 2023.

Around 72% of cases did not lead to the submission of an ET1 throughout April to June 2023. However we expect this figure to decrease over time as additional data alters the average. But this allows for a trade-off between timeliness and accuracy. Of those with an assigned track, the fast track cases were most likely not to progress to ET1.

Table 4: Early conciliation notifications outcomes of cases received from April to June 2023

Track	Outcome	April to June 2023	Total
Fast	Settled by Acas	1,218	1,218
Fast	ET1 avoided	5,522	5,522
Fast	% did not progress to ET	80	80
None	Settled by Acas	[low]	[low]
None	ET1 avoided	2,708	2,708
None	% did not progress to ET	59	59
Open	Settled by Acas	1,316	1,316

Track	Outcome	April to June 2023	Total
Open	ET1 avoided	5,429	5,429
Open	% did not progress to ET	71	71
Standard	Settled by Acas	1,451	1,451
Standard	ET1 avoided	3,300	3,300
Standard	% did not progress to ET	74	74
Total	Settled by Acas	3,985	3,985
Total	ET1 avoided	16,959	16,959
Total	% did not progress to ET	72	72

4. Employment tribunal claim form (ET1) receipts

If a case is not resolved by early conciliation, the claimant can submit an ET1 form to make a claim to an employment tribunal. Conciliation can also be carried out at this stage to try to resolve the case without progressing to tribunal.

The highest level of ET1 receipts was received in open track cases, accounting for 49% of all ET1 receipts in both April to June and July to September 2023. The lowest proportion of ET1 receipts was received in cases with no track assigned, accounting for less than 1% of all ET1 receipts in both April to June and July to September 2023.

Table 5: Employment tribunal claim receipts from April to September 2023

Track	April to June 2023	July to Sept 2023	Total
Fast	2,201	1,905	4,106
None	34	[low]	34
Open	4,401	3,872	8,273
Standard	2,431	2,077	4,508
Total	9,067	7,854	16,921

5. Employment tribunal claims outcomes

These data are based on cases that had an outcome across the quarters covered in this bulletin.

76% of all employment tribunal cases in April to June and July to September 2023 did not progress to a tribunal hearing. Of cases with an assigned track, open track cases were most likely to not progress to a hearing, with fast track cases most likely to progress to a hearing. Acas settled around 73% of the cases that did not progress to tribunal in April to June and 69% in July to September, with the remaining ones withdrawing their case.

Table 6: Employment tribunal claims outcomes of cases received from April to June 2023

Track	Outcome	April to June 2023	July to September 2023	Total
Fast	Settled by Acas	645	732	1,377
Fast	Withdrawn	403	466	869
Fast	% did not have hearing	62	61	61
None	Settled by Acas	[low]	[low]	[low]
None	Withdrawn	[low]	[low]	[low]
None	% did not have hearing	[low]	[low]	[low]
Open	Settled by Acas	2,194	2,160	4,354
Open	Withdrawn	705	838	1,543
Open	% did not have hearing	84	85	84
Standard	Settled by Acas	1,034	977	2,011
Standard	Withdrawn	343	415	758
Standard	% did not have hearing	74	71	72
Total	Settled by Acas	3,873	3,869	7,742
Total	Withdrawn	1,451	1,719	3,170
Total	% did not have hearing	76	76	76

6. Glossary

Conciliation or conciliating

The process of negotiation when an Acas conciliator mediates between parties in an employment dispute to try and reach agreement without going to an employment tribunal.

Conciliator

A government official employed by Acas who mediates or conciliates between parties in an employment dispute.

Early conciliation

Acas service introduced in April 2014. Voluntary process of conciliating before a formal employment tribunal claim has been submitted with the aim of resolving the case. The prospective claimant submits an early conciliation notification to Acas, usually online, and Acas will then offer them early conciliation.

Early conciliation notification

Submission to Acas (usually online) required to begin conciliation.

Employment tribunal (ET)

Court of law charged with hearing cases within employment jurisdictions, although cases with monetary value may be heard elsewhere.

ET1

Form used by claimants to make a claim to an employment tribunal. The form is copied to Acas to allow ET1 conciliation to proceed until either the dispute is resolved, or a legal judgement is reached. It's free to submit an ET1.

ET1 avoided

Disputes that, at the time of publication, had led to an early conciliation notification but an ET1 had not been submitted.

Post ET1 conciliation

Acas has a duty to attempt conciliation between the claimant and their employer once an ET1 has been submitted and passed to Acas. If a settlement can be reached or if the claimant agrees to withdraw their claim, the dispute is considered to be resolved. Otherwise, it will proceed to an employment tribunal hearing.

Group case

Cases which have been grouped together for conciliation because they are against the same employer and relate to the same dispute. 'Claimants in groups' are the number of claimants represented by these group claims.

Jurisdiction

Legal classification of the type of dispute a claim is made about. One case may contain more than one jurisdiction. For example, an unfair dismissal claim may also contain a claim under the Wages Act for unpaid wages. This could be changed in an employment tribunal.

Live case

Early conciliation notifications or ET1s still going through the conciliation process.

Track

How 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 one 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)

7. Quality

You can find more information in the [methodology article](#) and [background quality reports](#) on:

- strengths in the data
- limitations of the data
- appropriate uses of the data
- how the data were created

8. Related links

- [Acas early conciliation evaluation 2019](#)
- [Employment tribunal statistics on GOV.UK](#)