

# Early conciliation and employment tribunal data for England Scotland and Wales October to December 2023

5 March 2024

## 1. Main points

- Fast track group cases made up only 26% of group cases in October to December compared to 35% in the previous quarter and 50% in the quarter before that.
- Open track cases accounted for the largest number of individual cases between October and December with regards to employee-led early conciliation notification numbers, making up 37% of cases compared to 33% in the previous 2 quarters.
- Standard track cases made up the majority of employer-led notifications for October to December, accounting for 67% of all cases. This has increased across the 3 quarters from April to December.
- 69% of early conciliation notifications did not progress to employment tribunal between July to September compared to 72% between April to June.
- Open track cases made up almost 50% of employment tribunal claim form (ET1) receipts across each of the 3 quarters between April and December.
- 76% of employment tribunal cases received did not go on to have a hearing across each of the 3 quarters between April to December.

## 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 resolutions

### Employee-led early conciliation notification

Around 95% of all early conciliation notifications came from employees across each of the 3 quarters between April and December 2023.

Fast track cases had the largest number of group cases in April to June and July to September, accounting for 50% of cases in April to June and 35% of cases in July to September 2023.

Group cases with no track assigned held the highest proportion of cases in October to December 2023, accounting for 33% of group cases.

Open track cases had the largest number of individual cases, accounting for 37% of all employee-led cases in October to December, compared to 33% in both April to June and July to September.

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

Case type	Track	April to June 2023	July to September 2023	October to December 2023	Total
Individual	Fast	6,646	7,015	7,133	20,794
Individual	None	4,554	4,766	3,287	12,607
Individual	Open	7,571	8,172	8,931	24,674
Individual	Standard	4,345	4,636	5,078	14,059
Total	–	23,116	24,589	24,254	72,134
Group	Fast	238	144	141	523
Group	None	53	50	180	283
Group	Open	99	128	130	357
Group	Standard	90	84	91	265
Total	–	480	406	542	1,428
Claimants within group	–	22,384	18,240	22,254	62,878

### Employer-led early conciliation notifications

Employer-led early conciliation notifications made up less than 5% of early conciliation notifications in each of the 3 quarters from April to December 2023.

Standard track cases had the largest number of employer-led notifications in all 3 quarters from April to December and has risen steadily across the 3 quarters, accounting for 67% of cases in October to December, 61% in July to September, and 57% in April to June 2023.

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

Track	April to June 2023	July to September 2023	October to December 2023	Total
Fast	313	235	221	769
None	[suppressed]	[suppressed]	[suppressed]	[suppressed]

Track	April to June 2023	July to September 2023	October to December 2023	Total
Open	240	223	230	693
Standard	735	724	934	2,393
<b>Total</b>	<b>1,288</b>	<b>1,182</b>	<b>1,385</b>	<b>3,855</b>

### 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 the 3 quarters from April to December 2023, just over 20% of early conciliation cases were closed without parties engaging in early conciliation. Most of these were cases with no track assigned which made up 59% of cases in October to December, down from 87% in July to September, and 88% in April to June. 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.

Conversely, cases from all the assigned tracks that did not progress to tribunal increased in October to December 2023 compared to the previous 2 quarters.

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 each of the 3 quarters between April and December 2023.

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

Track	April to June 2023	July to September 2023	October to December 2023	Total
Fast	178	153	542	873
None	4,381	4,623	3,285	12,289
Open	238	278	738	1,502
Standard	199	265	738	1,202
<b>Total</b>	<b>4,996</b>	<b>5,319</b>	<b>5,551</b>	<b>15,866</b>
<b>Total closed</b>	<b>24,314</b>	<b>24,719</b>	<b>24,910</b>	<b>73,943</b>
<b>% closed cases not conciliated</b>	<b>21</b>	<b>22</b>	<b>22</b>	<b>–</b>

#### 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 1 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 September 2023.

Around 69% of cases did not lead to the submission of an ET1 throughout July to September, falling from 72% in April to June 2023. 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. The proportion of cases that did not progress to tribunal dropped for all tracks, but most markedly for open track cases which dropped to 64% in July to September from 71% in April to June 2023.

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

Track	Outcome	April to June 2023	July to September 2023	Total
Fast	Settled by Acas	1,218	1,055	2,273
Fast	ET1 avoided	5,522	5,643	11,165
Fast	% did not progress to ET	80	79	–
None	Settled by Acas	[suppressed]	[suppressed]	[suppressed]
None	ET1 avoided	2,708	2,859	5,972
None	% did not progress to ET	59	60	–
Open	Settled by Acas	1,316	1,252	2,363
Open	ET1 avoided	5,429	5,256	12,294
Open	% did not progress to ET	71	64	–
Standard	Settled by Acas	1,451	841	2,175
Standard	ET1 avoided	3,300	3,310	7,243
Standard	% did not progress to ET	74	70	–
Total	Settled by Acas	3,985	3,148	6,733
Total	ET1 avoided	16,959	17,068	37,188
Total	% did not progress to ET	79	69	–

## 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 each of the 3 quarters between April and December. The lowest proportion of ET1 receipts was received in cases with no track assigned, accounting for less than 1% of all ET1 receipts in each of the 3 quarters between April and December 2023.

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

Track	April to June 2023	July to September 2023	October to December 2023	Total
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<b>Fast</b>	2,201	1,905	1,827	5,933
<b>None</b>	34	[suppressed]	[suppressed]	34
<b>Open</b>	4,401	3,872	3,676	11,949
<b>Standard</b>	2,431	2,077	2,028	6,536
<b>Total</b>	9,067	7,854	7,531	24,452

## 5. Employment tribunal claims outcomes

These data are based on cases that had an outcome within the quarters covered in this bulletin and do not correspond to the cases that were received in table 5.

76% of all employment tribunal cases in each of the quarters between April and December 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 October to December, 69% in July to September, and 73% in April to June 2023. The remaining cases were withdrawn.

Table 6: Employment tribunal cases with outcomes reached from April to December 2023

<b>Track</b>	<b>Outcome</b>	<b>April to June 2023</b>	<b>July to September 2023</b>	<b>October to December 2023</b>
Fast	Settled by Acas	645	732	2,017
Fast	Withdrawn	403	466	1,270
Fast	% did not have a hearing	62	61	–
None	Settled by Acas	[suppressed]	[suppressed]	[suppressed]
None	Withdrawn	[suppressed]	[suppressed]	[suppressed]
None	% did not have a hearing	[suppressed]	[suppressed]	[suppressed]
Open	Settled by Acas	2,194	2,160	6,727
Open	Withdrawn	705	838	2,261
Open	% did not have a hearing	84	85	–
Standard	Settled by Acas	1,034	977	3,086
Standard	Withdrawn	343	415	1,169
Standard	% did not have a hearing	74	71	–
Total	Settled by Acas	3,873	3,869	11,830
Total	Withdrawn	1,451	1,719	4,700
Total	% did not have a hearing	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](#)