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# Employment Tribunals in crisis

The blind spot in the 'New Deal for Working People'

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## ABOUT THIS PUBLICATION

Employment justice is the cornerstone of well-functioning labour market. For decades, Employment Tribunals have enabled workers to access remedy when their rights were breached, and redress the worker-employer power imbalance. Yet today, the Employment Tribunal system is in crisis.

This report finds that Employment Tribunals face a record-high backlog. Despite ministers' hopes for the Fair Work Agency, its remit currently accounts for just a fraction of the many cases awaiting a resolution. To fix the paradox of stronger rights and weaker enforcement, we argue that legal advice and the Employment Tribunal system need urgent resourcing.

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## ABOUT WORK RIGHTS CENTRE

Work Rights Centre is a registered charity dedicated to supporting migrants and disadvantaged British citizens to access employment justice and improve their social mobility. We do this by providing free and confidential legal advice, and by campaigning to address the systemic causes of labour and social injustice.

## ACKNOWLEDGEMENTS

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The views expressed in this report are those of the Work Rights Centre, and not necessarily those of reviewers. Any errors are our own.

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## Executive summary

Access to employment justice is a vital public good. Yet in England and Wales, the Employment Tribunal system, the primary mechanism for resolving workplace disputes, is in freefall.

This report draws on Ministry of Justice Statistics (MOJ), Freedom of Information Act (FOI) data, interviews with practitioners and analysis of National Tribunal User Group minutes to document these capacity issues and propose solutions.

We find that workers today have more protections than ever, but are less able to enforce them.

- **A record backlog.** As of December 2025, there were 65,117 open cases awaiting resolution. This is the highest level of outstanding cases since records started in 2017, with a worrying 43% increase in just 12 months.
- **Unsustainable delays.** Claimants across England and Wales wait longer for a hearing, with particularly unsustainable delays in London South, London Central and the South East.
- **Justice denied.** Delays were widely seen to impact access to a fair and effective hearing, remedy, and ultimately faith in the formal legal system, with migrant and unrepresented claimants hit hardest.
- **None of the people** who applied to give oral evidence in the Employment Tribunal from countries where permission is required were allowed to do so.

What is driving these capacity issues? Contrary to a popular narrative, there is no evidence that workers today are more litigious. The number of cases received by Tribunals in 2025/26 is less than half the number of cases received during the financial crisis, when disposals generally kept up with case receipts.

Tribunals today are less able to cope, despite having a significantly smaller case load than fifteen years ago. We find that underlying this trend is a structural under-resourcing of the employment justice system.

- **Insufficient sitting days.** In the two years to April 2025, the backlog increased at more than three times the rate of sitting days. The Secretary of State announced that 2026/27 will have even fewer sitting days funded than 2025/26.
- **Loss of judicial resources.** Despite the spiralling open caseload, the number of judges in post is 19% below the level in 2022. London judges in particular face a caseload more than twice as high as in other parts of England, and five times higher than in Wales.
- **Increase in complex cases.** Last year, Acas conciliators saw a 41% increase in the number of complex cases, which practitioners attribute to a loss of affordable professional legal advice, and an increase in litigants in person (LiPs) seeking advice from artificial intelligence (AI) tools.

While practitioners welcomed the Employment Rights Act 2025 and the establishment of the Fair Work Agency (FWA), these measures will do little to ameliorate the Tribunal backlog.

- **The Employment Rights Act 2025** is projected to lead to an 18% increase in Employment Tribunal cases.
- **The FWA** simplifies labour enforcement and adds much needed clarity for workers, but currently it has a remit that could account for just 1.7% of Employment Tribunal cases.

To tackle the capacity crisis, interviewees called on the MOJ to consider four areas of action:

- **A better-resourced judiciary**, to tackle the urgency of a backlog which far outpaces available sitting days. This includes more funding for sitting days, as well as a more strategic use of fee-paid judges for preliminary hearings, judicial mediation, and Dispute Resolution Appointments.
- **Better case management and administration**, to optimise the use of judicial resources. This includes more use of strike-outs and deposit orders, to limit the progress of claims which have no prospects and, respectively, limited prospects of success; strategic use of a set of standard directions, to limit the time spent on case management preliminary hearings; and a penalty regime for non-responsive respondents and represented claimants.
- **Streamlining user journeys**, to improve administrative efficiency by design. There is scope to amend ET1 forms, to use digital technology to support claimants who self-represent to draft a schedule of loss, but also to commission a wider research exercise into user journeys.
- **Early intervention**, to give parties every opportunity to find a resolution before a final hearing. This includes legal advice and alternative dispute resolution (ADR). Participants proposed a system of mandatory mediation for simple cases, similar to the model implemented already in the County Court; and mandatory Dispute Resolution Appointments for most complex cases.

We acknowledge there is scope for more systemic reform. In particular, we recommend widening the FWA's remit to include all claims related to non-payment. This could remove as much as 10% of Tribunals' case receipts. We wholly welcome further research into these matters, and consultation with stakeholders who interact with the employment justice system every day.

# 1. Introduction

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Employment Tribunals (or Tribunals) play a vital role in the functioning of our labour market. For over 60 years since their creation by the Industrial Training Act 1964,<sup>1</sup> Tribunals enabled workers to hold employers to account and obtain compensation when their rights were breached. Free to access for most of their history, Tribunals play a critical role – not just in empowering individuals to access a remedy, but in redressing the worker-employer power imbalance as a whole.

Many disputes that started in Employment Tribunals have led to landmark rulings. Among other things, these cases: established how workers who suffered discrimination should be compensated (*Vento v Chief Constable of West Yorkshire Police* [2002] EWCA Civ 1871); curbed corporations' attempts to deny gig economy workers' rights by classifying them as self-employed (*Uber BV v Aslam* [2021] UKSC 5); and recognised the right to strike as a human right (*Secretary of State for Business and Trade v Mercer* [2024] UKSC 12). As Professor Alan Bogg noted, employment justice is not just an individual pursuit. It is a public good.<sup>2</sup>

Yet today, the Employment Tribunal system is in crisis. The Coalition Government's decision to exclude employment advice from legal aid in 2013, has led to a proliferation of unadvised claimants which puts additional stress on claimants and the system at large. As many as 31% of people in 2023/24 started their complex legal journey as litigants in person, and another 6% were not represented by a legal practitioner.<sup>3</sup> Despite more recent attempts at administrative reform, including digitising the system after the COVID-19 pandemic,<sup>4</sup> claimants in some regions are forced to wait for years for a final hearing.

The Labour Government pledged to give workers a 'New Deal', and in December 2025, Parliament passed the Employment Rights Act, significantly widening worker protections. However, the resourcing of Employment Tribunals has failed to keep pace. Much of the government's focus has been on creating the Fair Work Agency (FWA), a new body responsible for the enforcement of basic labour rights. Yet even at full capacity, the FWA's current remit covers just a fraction of Employment Tribunals' cases. In fact, given the wide range of new protections enshrined in the Employment Rights Act 2025, by the government's own analysis Employment Tribunals can expect an 18% increase in the volume of cases.<sup>5</sup>

This is why we started this research – to document the capacity challenges facing Tribunals, and contribute to the development of solutions. We are conscious that many stakeholders are invested in improving access to employment justice: from workers, for whom every year without a hearing is a year without remedy; to employers, who face heightened uncertainty; and to the legal advice and labour enforcement sector. We are hopeful that our findings and recommendations will inform policymakers at the Department of Business and Trade (DBT) and the Ministry of Justice (MOJ).

## 2. Methods

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Four major data sources inform this report. They are:

1. **Tribunal statistics** released by HM Courts & Tribunals Service (HMCTS). This includes annual tribunal data tables, which include claimant representation figures, and quarterly tribunal data tables, with figures for overall caseload, caseload by major jurisdictions, and a breakdown of sittings for salaried and fee-paid judges.
2. **Minutes from Employment Tribunal National User Group meetings.** This is a forum used by the Presidents of Employment Tribunals (Scotland, England and Wales), Regional Employment Judges and other stakeholders to share updates, making it a precious data source for identifying regional challenges (particularly delays) and interventions.<sup>6</sup>
3. **Freedom of Information (FOI) data.** We submitted multiple FOI requests to the MOJ to obtain a more granular picture of the type of claims received by the Tribunals, along with the number of employment judges, sittings, and administrative staff available. We also submitted FOI requests to Acas, the Advisory Conciliation and Arbitration Service, to understand the capacity for conciliation in the system. Finally, because as many as one in five workers in the UK are migrants,<sup>7</sup> we used FOI data to uncover the number of requests sent to the Foreign, Commonwealth & Development Office (FCDO) by workers who wanted to provide evidence from abroad, and their approval rate.
4. **Semi-structured interviews with legal experts.** Between November 2025 and January 2026, we conducted 13 interviews, including with 10 employment solicitors, two employment barristers, and a policy expert from the trade union movement. Collectively, the people we interviewed had over 155 years' experience working with claimants and respondents, primarily in private practice but also in the not-for-profit sector. We used interview data to understand how legal practitioners and their clients were experiencing capacity issues, uncover areas where there may be scope for intervention, and probe into the perceived impact of the Employment Rights Act 2025.

In addition, we compiled four anonymised case studies of Work Rights Centre clients to illustrate the impact of Tribunal delays on service users (see 'Illustrative Case Studies' section). These are all real workers who experienced unlawful deductions from wages, discrimination, or unfair dismissal, and who over the course of their Tribunal proceedings saw their lives transformed for the worse.

Overall, the report presents a comprehensive picture of not just capacity issues in the Employment Tribunal system, but the risk to employment justice as a whole. We adopt Natalie Byrom's (2019)<sup>8</sup> definition of access to justice that now informs MOJ's own research,<sup>9</sup> to document the relationship between Tribunal capacity and timely access to the formal legal system; a fair and effective hearing; and obtaining a remedy. Many of our interviewees observed succinctly: "justice delayed is justice denied".

### *Scope of the research and limitations*

Like every research publication, this report comes with limitations.

**Centred on workers.** The interviews and case studies in this report focus only on how Employment Tribunal capacity issues affect workers. Workers initiated 95% of the 124,548 employment disputes brought to Acas in 2024/25,<sup>10</sup> but we recognise that employers are also users of Employment Tribunals impacted by delays. Our view is that they too would benefit from measures that address capacity issues in the system, but gathering their experiences and insights exceeded the scope of this research.

**Geography.** While Employment Tribunal statistics released by the MOJ include Scotland, the more granular analysis and interview data we refer to are limited to England and Wales. This jurisdiction is where the Work Rights Centre is regulated to provide legal services and, consequently, where our experience of the system lies. Unless specified otherwise, data we cite covers the entire Employment Tribunal system.

**Granularity.** Most of the analysis is conducted at national or regional levels. This reflects the availability of MOJ statistics, which distinguish between ten regions. However, it is well-known that capacity issues vary substantially at individual Employment Tribunal level. Unless referenced by interviewees or in the minutes from the National User Group, this report cannot capture that local nuance.

**Tribunal focus.** While we appreciate the roles of Acas and workplace dispute resolution mechanisms in the broader employment justice system, this report centres on Employment Tribunals as the judicial forum for adjudicating most employment disputes. Further research could explore the relationship between Employment Tribunal capacity, Acas, and the expansion of workplace dispute resolution.

Finally, it would be remiss to conclude this methods section without reflecting on our own position, and its influence on our analysis and recommendations.

The Work Rights Centre is a charity dedicated to supporting migrant and other vulnerable workers to access employment justice, and consequently half of the interviewees in this project were based in the third sector.

We acknowledge that this may overrepresent the experiences of practitioners working with litigants in person (LiPs). But while the average claimant may be better resourced to handle delays to hearings and obtaining a remedy than our clients, our view is that the success of an employment justice system is not measured by how well it can be tolerated by the average user. It is measured by how accessible it is for the most vulnerable. We welcome all feedback and critical engagement with our findings.

### 3. A growing backlog

According to the latest MOJ data, as many as 65,117 cases<sup>i</sup> were awaiting a resolution in Employment Tribunals across England, Wales and Scotland, as of 31 December 2025 (Figure 1).<sup>11</sup> This is a 43% increase on the previous 12 months (45,616 cases), and the highest open caseload (i.e. backlog) since records started for both single and group cases in 2016/17.

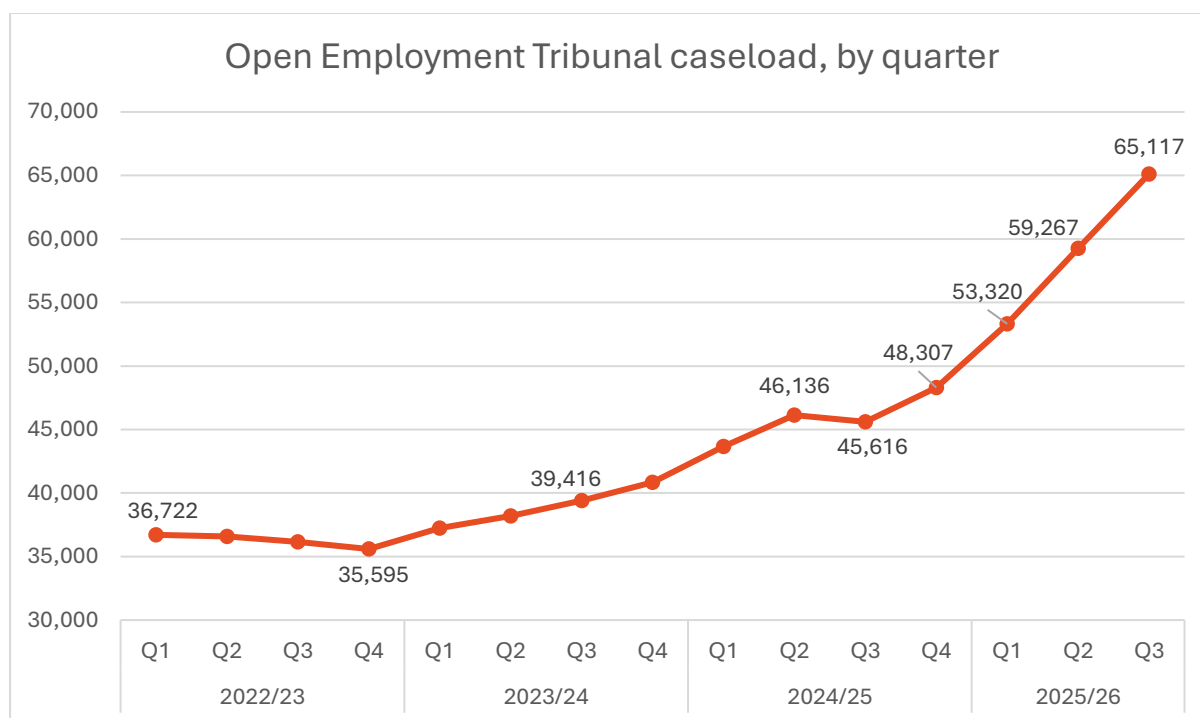


Figure 1. Open caseload in Employment Tribunals, at the end of quarter.  
Source: HMCTS Tribunal Statistics Quarterly, March 2026

Further data suggests the backlog is bound to grow, as the number of cases received outpaces the number of cases disposed of.

Since the COVID-19 pandemic ended, the annual volume of cases received by Employment Tribunals in Great Britain has grown from 33,929 in 2022/23, to 37,606 in the first three quarters of 2025/26 alone (Figure 2).<sup>12</sup> Historically, this increase is not unusually high. Tribunals received relatively more cases during the COVID-19 pandemic, and almost twice the current volume at the height of the 2008 financial crisis and ensuing recession. But while the recent increase in cases is not a concern in itself, the sustained gap between the cases received and those disposed of by Tribunals<sup>ii</sup> paints a worrying picture.

<sup>i</sup> When we refer to Employment Tribunal cases, we refer to the sum of 'single cases' (brought by individual claimants) and 'group cases' (brought by groups of claimants). Group cases comprise a small minority of total cases.

<sup>ii</sup> Disposals refer to cases that were concluded, for example through hearings, the facilitation of settlement agreements, or as a result of cases being withdrawn by claimants.

In almost every year over the past decade, Employment Tribunals received more cases than they have been able to dispose of, which means the backlog has constantly grown. According to the latest data, Tribunals received 18,500 more cases than they were able to clear in the first three quarters 2025/26, making this the second biggest addition to the backlog since records began in 2009/10. This pile-up is not just administrative inefficiency. It means that hearings are delayed, access to justice suffers, and trust in the system is eroded.

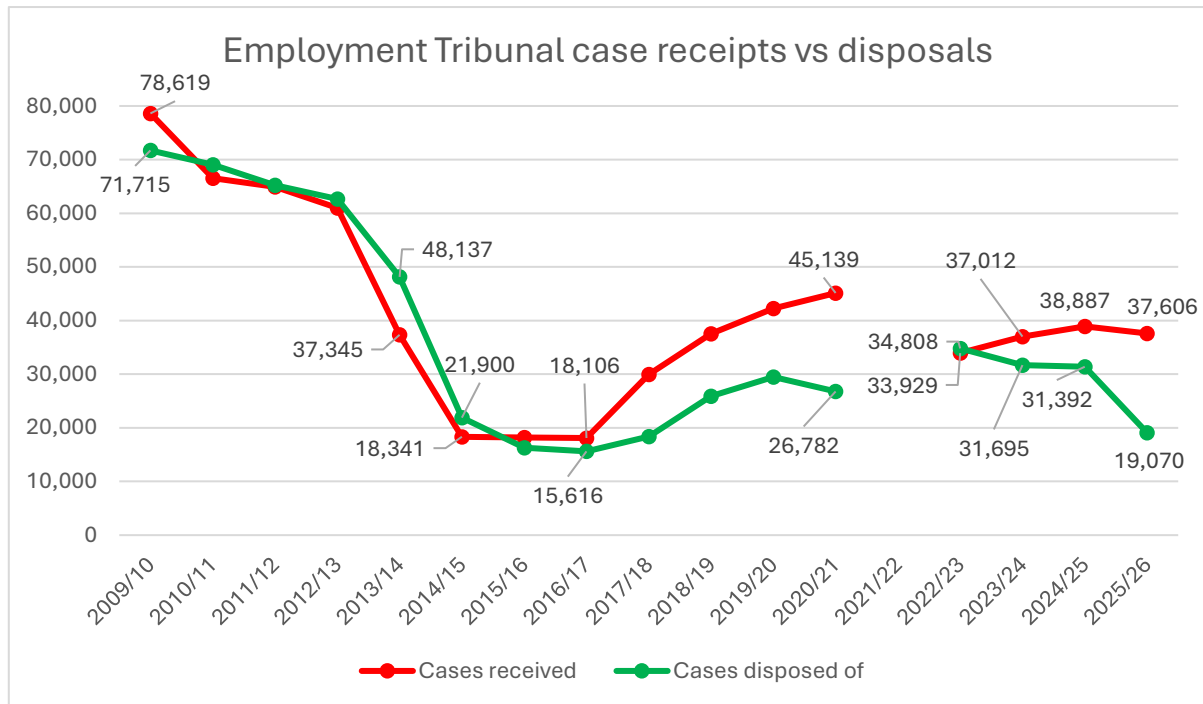


Figure 2. <sup>iii</sup> Cases received and disposed of by Employment Tribunals, as of end of each year.<sup>iv</sup>  
 Source: HMCTS Tribunal Statistics Quarterly, March 2026

## 4. Hearing delays

The rising caseload was accompanied by a notable increase in the time it took for cases to reach a final hearing. From 2021 to 2025, members of the Employment Tribunal National User Group for England and Wales reported extended waits across almost every type of final hearing. Simple cases (listed for one or two days) went from taking an average of six months, to ten months to be heard, and more complex cases (listed for up to five days) went from taking 12 months in 2021, to as many as 40 months in some regions in 2025 (Table 1).<sup>13</sup>

The London South Tribunal was flagged as facing particularly unsustainable delays. According to the latest National User Group, London South took up to 28 months to

<sup>iii</sup> Data for 2021/22 is omitted, because data for Q1 is not available, due to HMCTS' migration from its legacy (ECM Legacy) case management system to a new case management system (ECM Reform). This migration took place between March and May 2021.

<sup>iv</sup> A reference year runs between 1 April and 31 March. Data for 2025/26 is only available for the first three quarters of the year (i.e. through 31 December 2025).

hear simple cases, and as long as 46 months to hear more complex cases (Table 1). This is higher than anywhere else in the country.

Other outliers with higher-than-average delays included Employment Tribunals in the North West (for shorter hearings), Watford, and Midlands East (for longer hearings). This contrasted with Employment Tribunals in the North East and Wales (Cardiff in particular), where hearings were scheduled more promptly.

		Time to hearing noted in minutes 5 May 2021	Time to hearing noted in minutes 31 March 2024	Time to hearing noted in minutes 12 March 2026*
Hearing length	1-2 days	<b>Average:</b> 6 months	<b>Average:</b> 3-9 months  <b>Better than average:</b> 2-4 months (Leeds, London Central, London East, Midlands East)	<b>Average:</b> 4-10 months  <b>Better than average:</b> 1-day only - <4 months in London Central, London East and Wales  <b>Worse than average:</b> 2-day only - 10-16 months (South East, North West); 16-22 months (London Central); 22-28 months (London South)
	3-5 days	<b>Average:</b> 12 months	<b>Average:</b> 9-15 months  <b>Better than average:</b> 3-9 months (London East, London Central, Wales, North East, South West)  <b>Worse than average:</b> 15-21 months (London South)	<b>Average:</b> 10-22 months  <b>Better than average:</b> <4 months in Wales  <b>Worse than average:</b> 28-34 months (South East); 34-40 months (London South)
	6-10 days	<b>Average:</b> 18 months	<b>Average:</b> 9-21 months  <b>Better than average:</b> 3-9 mo. (Wales South, North East)  <b>Worse than average:</b> 15-21 mo. (South East, Midlands East, London East, Liverpool); 21-27 mo. in London South	<i>Data only available from 14 January 2025 minutes*</i>  <b>Average:</b> 12-18 months  <b>Better than average:</b> 6-12 months (London Central, North East, London East, Midlands East, South West, Cardiff)  <b>Worse than average:</b> 18-24 months (ETs in South East); 24-30 months (Watford)
	10+ days	<b>Average:</b> 18-19 months	<b>Average:</b> 9-21 months  <b>Better than average:</b> 3-9 mo. (London East, London Central, Wales, North East, South West)  <b>Worse than average:</b> 21-27 mo. (Watford and London South)	<b>Average:</b> 10-22 months  <b>Better than average:</b> 4-12 months (Wales, London East)  <b>Worse than average:</b> 28-34 months (Midlands East, South East); 34-46 months (London South)

Table 1. Waiting times for listed final hearings, as at reference dates.  
Source: Employment Tribunal National User Group meeting minutes

Concerns with delayed hearings and regional capacity variance were persistently flagged in almost every interview we conducted with legal practitioners. Interviewee C, a solicitor with 25 years of experience, observed how it used to take no more than one year to have a final hearing from the date a claim was issued. More recently however, some cases were taking three years to be heard, which had a dampening effect on both claimants' propensity to pursue a case, and the legal advice sector's ability to support them.

*"When I started off, it was a year before you got to a hearing. And then it gradually crept up to a year or more. But very recently - I am thinking 2024 - is when suddenly, within sort of six months you were seeing final hearings scheduled two or three years after a claim was issued."*

### **Interviewee C, employment solicitor**

Many other interviewees reflected on the regional variance in Tribunals' capacity. Seven of the thirteen professionals we spoke to pointed to London Tribunals as having unsustainably long delays, with another flagging similar pressures in the South East (and Watford Employment Tribunal in particular). Interviewee F, a solicitor with their own private practice, was disturbed by the state of the London South Employment Tribunal. In one of their cases filed in October 2024, a final hearing for a discrimination case was listed more than three years later, in May 2027. In another example, a case lodged in January 2025 in London South was listed for 2029.

By contrast, bringing some cases to Tribunals in the North East (Leeds) and Wales was seen as a welcome reprieve. As Interviewee M explained, a worker in Leeds could have a judgment within a year, while a worker in London might have to wait for months for an interim relief hearing.

*"In Leeds we had a case in 2025 that already had its preliminary hearing, with a final hearing for spring [2026]. During the preliminary hearing, the judge himself said that in Leeds they did not have the kind of delays that London has. In the Midlands case we had an urgent hearing scheduled quite quickly."*

*There is a contrast in London Central, where for one of our whistleblowing cases, it took many months to schedule an interim relief hearing after chasing many times and again with apologies from the resident employment judge eventually. Same with the Wales case - everything happened without the horrendous delays [observed] in London."*

### **Interviewee M, employment solicitor**

## 5. Drivers of capacity issues

What then, lies behind these delays? We found that four factors are driving the trend: a loss of judicial capacity, that is outpaced by the growing backlog; administrative errors, which lead to further delays; a loss of accessible legal advice; and increased use of artificial intelligence (AI) by litigants in person, which subsequently presents Tribunals with more complex cases with, at times, questionable merit.

### 5.1. Judicial capacity outpaced

Despite the 65% increase in the caseload between Q3 2022/23 and Q3 2025/26 (Figure 1), the number of judges serving Employment Tribunals in England and Wales has failed to keep up. FOI data we received from the MOJ shows that as of April 2025, there were just 308 employment judges in post, 19% below the level in 2022, and only marginally higher than before the COVID-19 pandemic (Figure 4).<sup>v</sup>

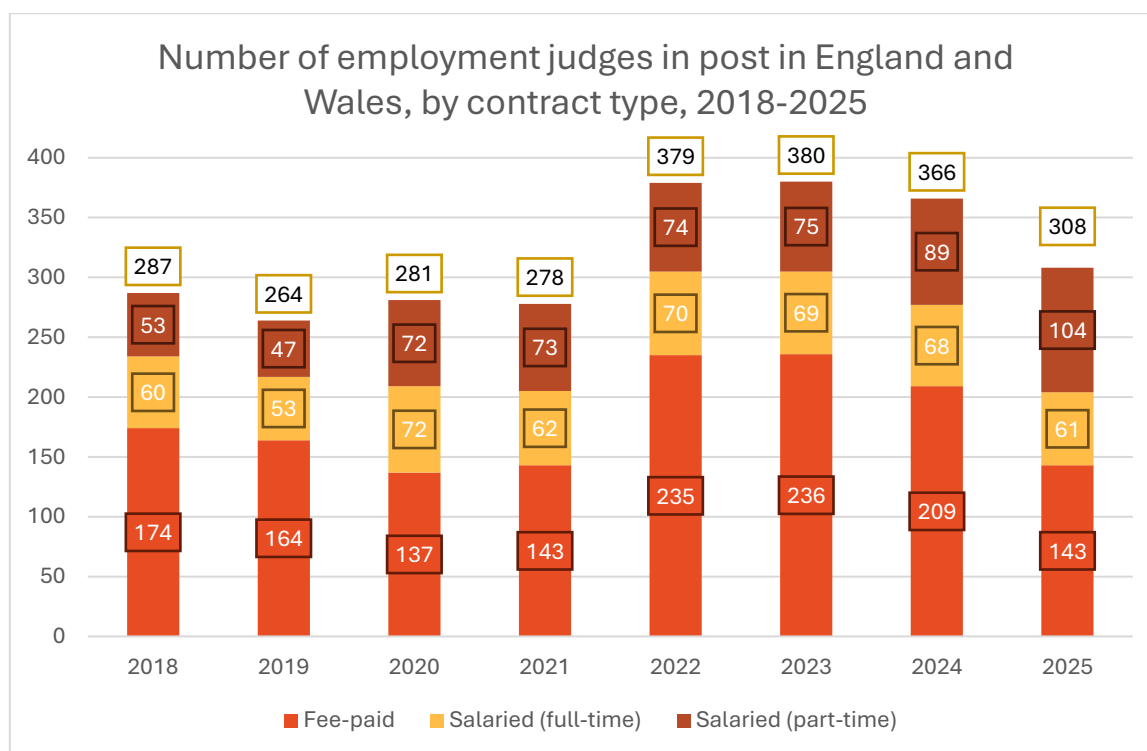


Figure 4. Number of judges in post by contract type, England and Wales, 2018-2025, 1 April.  
Source: Ministry of Justice, FOI 251023079

A closer look at the data shows that while a high number of fee-paid judges (and some salaried judges) were appointed to manage the growing caseload during the pandemic, this buttressing of judicial capacity was short-lived. There was a significant reduction in the number of fee-paid judges in post by 2025.

Examined regionally, the state of judicial resources is particularly concerning. We compared the number of full-time equivalent (FTE) judges employed by Tribunals

<sup>v</sup> Part-time salaried judges must work between 50% FTE and 90% FTE, at a level that is a multiple of 10%.

across different parts of England and Wales,<sup>14</sup> with the volume of cases they had open.<sup>15</sup> We considered salaried judges and excluded fee-paying judges, due to the high variability in fee-paid sittings, and the fact that salaried judges deliver the highest share of sittings. By this metric, London Tribunals are strikingly under-resourced.

As of April 2025, a salaried FTE judge in London had an average caseload of 498 open cases, more than double the caseload of a judge in the North East and North West, and almost five times as high as the comparator in Wales.

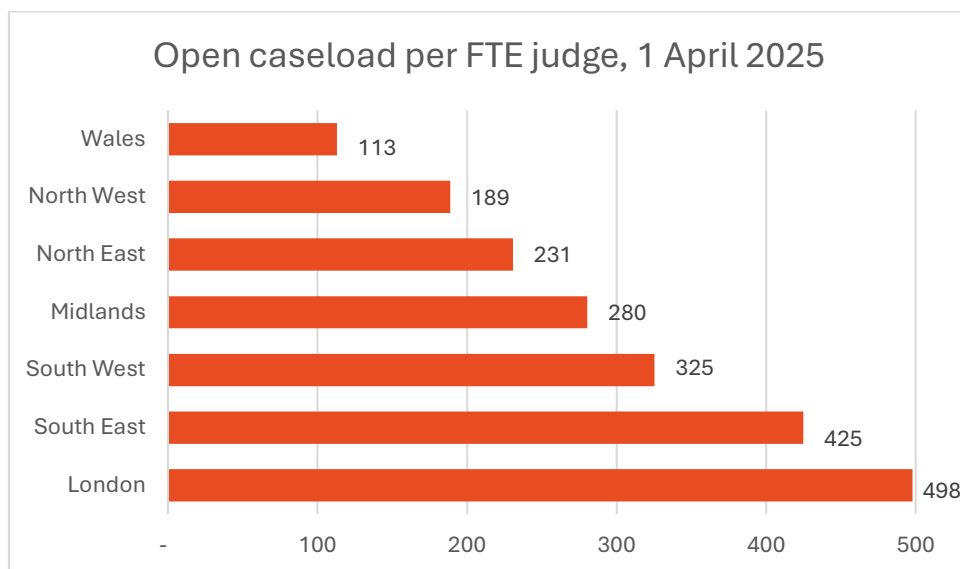


Figure 5. Open caseload per judge (salaried, FTE) as of 1 April 2025.

Source: Ministry of Justice, FOI 251023079; HMCTS Tribunal Statistics Quarterly, March 2026

There is some comfort in the fact that the number of *sitting days* – that is, the number of days in which Tribunals can hear cases – is not completely determined by the number of judges available, but also by the funding apportioned by the MOJ. Indeed, despite the recent decrease in the number of judges, Figure 6 shows that over the past year (2024/25) the number of available sitting days saw a minor increase which judges effectively utilised in full.<sup>vi,16</sup>

A much more substantial investment in sitting days is required to tackle the growing caseload in Employment Tribunals. If between March 2023 and March 2025 the open caseload grew by 36%,<sup>17</sup> the number of sitting days utilised increased by just 10% (Figure 6). This discrepancy is set to continue. Just 32,590 days have been allocated by the MOJ to Employment Tribunals for 2026/27,<sup>vii</sup> with another 34,010 days (expected) for 2027/28, and 35,970 days (expected) for 2028/29. This is a negligible

<sup>vi</sup> Tribunals can never utilise 100% of all allocated sitting days, due to naturally occurring inefficiencies (e.g. last minute hearing cancellations). In 2024/25, Tribunals utilised 95% of the 35,640 sitting days they were allocated. Of these, 1,640 sitting days were allocated mid-year, in response to higher demand, but could only be utilised for short-notice hearings, if at all.

<sup>vii</sup> Up to 2,000 further days could be allocated for 2026/27 mid-year. According to National User Group minutes from 12 March 2026, in 2025/26 MOJ ended up funding 34,907 sitting days.

increase over the coming years, particularly given the expected impact of the Employment Rights Act 2025 and the MOJ's ongoing efforts to recruit judges.<sup>18</sup>

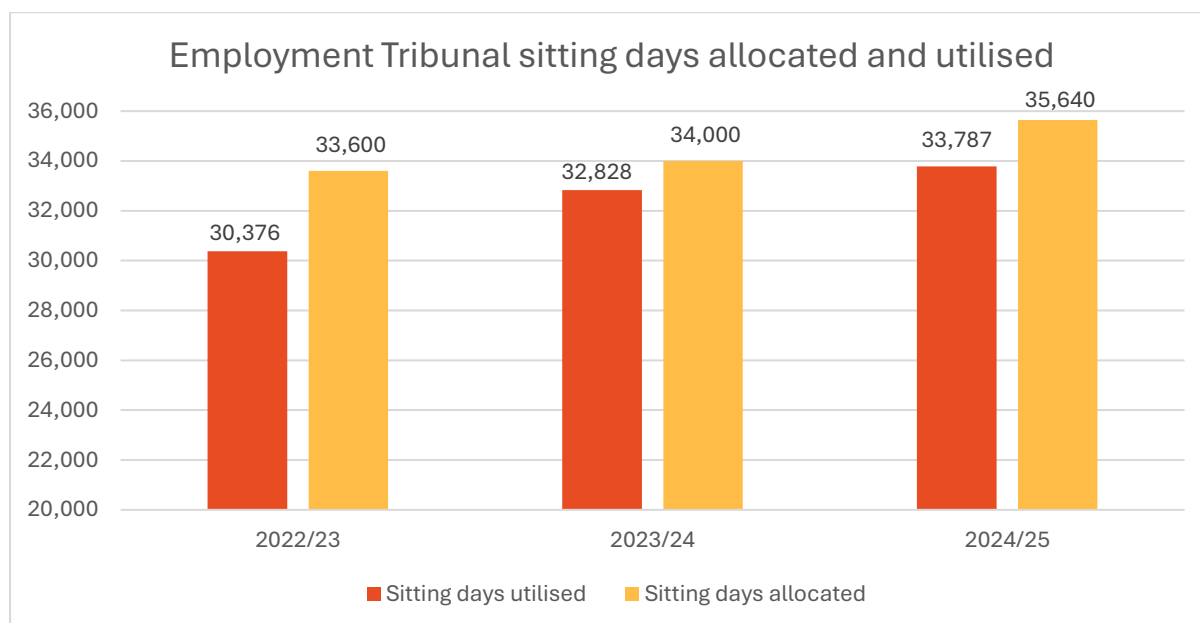


Figure 6. Number of judicial sitting days allocated to and utilised by Employment Tribunals.  
Source: HMCTS Tribunal Statistics Quarterly

## 5.2. Administrative delays and errors

Another possible reason for the growing backlog is the loss of administrative capacity. HMCTS significantly improved its case management system after the pandemic, including by centralising and digitising communication, along with routing general customer calls through a National Courts and Tribunals Service Centres (CTSCs) from March 2026.<sup>19,20</sup> But regional administrators continue to play an important role in managing Tribunals' inboxes, responding to customer calls which cannot be answered by CTSCs, and handling communication that requires the attention of more senior members of the judiciary (such as requests pertaining to hearings and applications). Crucially, Tribunal administrators are the primary point of contact for unrepresented claimants who are unable to use the MyHMCTS portal.

FOI data we obtained from the MOJ shows that across England and Wales, administrative staff have been under increasing pressure. Their caseload has nearly doubled recently, from 82 cases per FTE administrator in December 2022, to 160 cases in December 2025 (Figure 7), the highest figure in years.<sup>21</sup> While fewer staff may be required after the introduction of online platforms and centralised telephony, interviewees were adamant this was not a silver bullet. Many observed that poor contractual terms led to a crisis of retention and upskilling, with significant repercussions on Tribunal users. Indeed, a recent job advert for administrative staff in the Bristol Employment Tribunal confirms that some recruitment is for temporary roles at pay rates barely above the National Minimum Wage.<sup>22</sup>

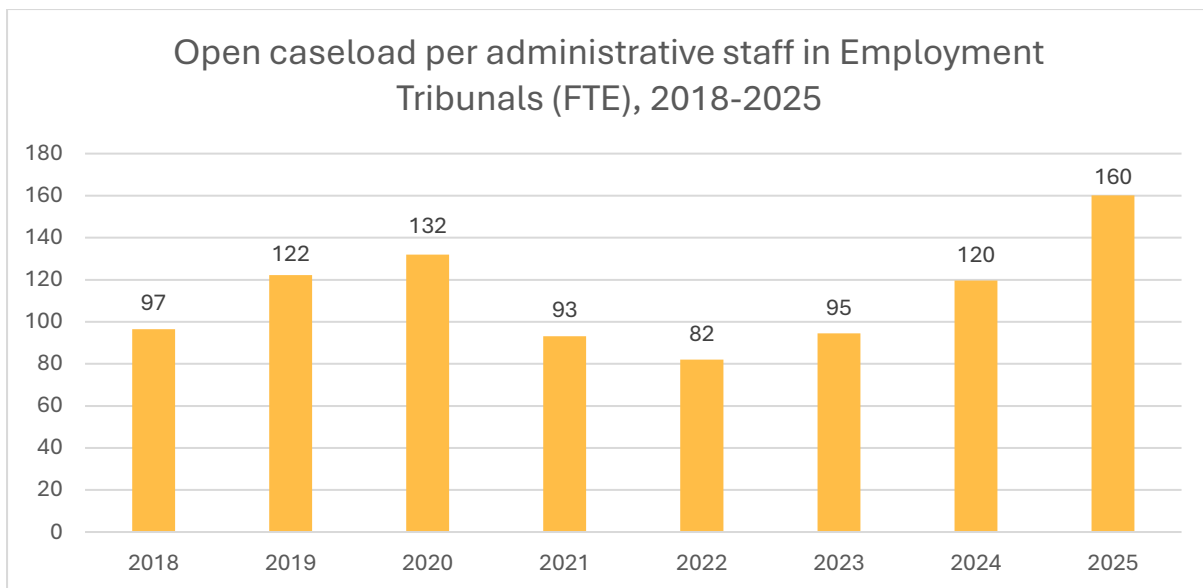


Figure 7. Open caseload per administrative staff in Employment Tribunals (FTE) on 31 December, 2018-2025. Source: Ministry of Justice, FOI – 251023098; HMCTS Tribunal Statistics Quarterly, March 2026

One grievance voiced by interviewees in relation to Tribunal administrators was their inability to handle urgent matters around hearing dates. The only way to reach a Tribunal at short notice is via telephone, but interviewees found that many Tribunals appeared to never pick up the line - though our data was collected before full rollout of centralised telephony services.

Interviewee A could not “remember the last time [they] had a reasonable email from anybody in any administrative capacity” and described calling the Tribunals as a “complete waste of time.”

*“I long since gave up calling the tribunal. Complete waste of time. And even when, for example, you've got a hearing and you haven't got your hearing code through and you're emailing and you're phoning... even then you can't [reach them].”*

**Interviewee A, employment solicitor**

Other interviewees described delays to communication. This included waiting for months to hear back on strike-out and amendment applications, to receive case management orders (CMOs), and even to be provided with a corrected judgment. Interviewee M, a solicitor with nearly a decade of pro bono experience, was one of several professionals frustrated at how a combination of errors and delay in communication with the Tribunal ultimately delayed a resolution.

*“Another kind of problem is corrections for either a case management order or a judgment that has a mistake in it. You can usually apply to bring that to the attention of the Tribunal, like if the name of the respondent is wrong or a date is wrong. Many months are going by without receiving a corrected CMO or a judgment. The result is that you are not able to take the next step. In one case it's been two years. We just gave up after a while trying to get a corrected judgment. All of this suggests to us that there is a capacity issue because there clearly is not enough administrative staff.”*

**Interviewee M, employment solicitor**

Perhaps more worryingly, interviewees reflected on the increase in administrative errors. Though most professionals we spoke to sympathised with administrative staff, whom they imagined as handling a large volume of work with minimal remuneration, the ensuing administrative errors were serious. Interviewee N, a legal aid solicitor, captures this best.

*“I feel for the [administrative staff], because I think there's probably a situation of there's just not enough of them and there's just too many cases. I've had clients put on the wrong track. I've had clients put on the unfair dismissal track instead of the discrimination track, and then I have to spend time sitting down with that client, helping them write to the tribunal to correct the problem. I've had clients not get notice of preliminary hearing at all. It makes it so difficult, especially if you're a litigant in person and you don't know what the correct procedure is.”*

**Interviewee N, employment solicitor**

As with judicial capacity, there was a regional dimension to these administrative issues. We could not obtain data on the number of administrators employed by each region, but interviewees' experiences capture some of the variance. Interviewee D recalled an experience with a London Tribunal where parties were only informed of a hearing postponement after the scheduled time, leading to a waste of everyone's time and “a big emotional impact on the claimant.” On the other hand, Bristol Tribunal administrators gave a 10 days' notice to warn about a lack of judicial capacity, and liaised with both parties to find a way forward.

*“[In London] we got an email eventually that just said it's being postponed. That wasted a whole day. It had a big emotional impact on the claimant. They didn't have enough judges. They could have told us that over the phone days before, but they never picked them up. [...] The admin capacity is the biggest issue. That's the thing that makes the biggest difference to representatives because legal officers now have more power, as far as I can tell, to make decisions in case management. If you can access them more readily or at least get a response quicker, then so many of the problems that we face would be solved.”*

**Interviewee D, employment barrister**

### **5.3. Lack of affordable legal advice**

The judicial and administrative capacity issues observed over the past few years are compounded by the loss of affordable legal advice for employment and, relatedly, by the rise of ever more claimants who self-represent.

Until 2013, employment was eligible for legal aid. This enabled low-income claimants to obtain professional advice to identify their issues, see if they had a case, and assist with settlement negotiations. Though legal aid rarely extended to representation, it had some bearing on both the extent to which claimants pursued litigation, and their preparedness for proceedings. Since 2013 the share of LiPs increased substantially.<sup>23</sup> If before the exclusion of employment from legal aid, fewer than 20% of claimants self-represented, by 2023/24 the share of LiPs had increased to 31%,<sup>24</sup> and a further 6.4% had a representative that was neither a solicitor, nor a Law Centre, Trade Association, or trade union.<sup>viii 25</sup>

Experts have long warned against the false economy of self-representation.<sup>26</sup> The cases flagged by our interviewees were no exception. The professionals we spoke to reflected on the risks to workers – who were left alone to identify legal issues, establish how much they could claim for, and adhere to complex procedural rules – but also to the Employment Tribunal system itself. Several practitioners noted that when LiPs understandably struggled to follow Employment Tribunal Procedure Rules, this led to administrative and communication issues – either because deadlines were missed, errors were made in documentation, or because claimants turned to the Tribunal for procedural questions that would otherwise be handled by a legal adviser. All of this is a drain on Tribunals' time.

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<sup>viii</sup> This data most likely overstates the level of legal representation. Claimants who are part of a large group claim (and are more likely to have representation) are counted individually, so 100 claimants in the same case are counted as 100 people with representation. By contrast, another 100 claimants who bring individual cases without representation would be counted as 100 LiPs. According to this MOJ methodology, 50% of the 200 claimants have representation. But examined by case, just 0.9% of the cases (1 in 101) do.

## 5.4. AI-assisted claims and applications

Even more worrying for our research participants than claimants turning to tribunal staff to compensate for the absence of legal advice, was claimants who relied on AI.

During the October 2025 meeting of the National Employment Tribunal User Group, Judge Barry Clarke remarked how “judges were seeing an increased use of AI by unrepresented parties in drafting overly-complex claims, responses and applications,” including “applications for interim relief, applications for reconsideration and, especially, inflated schedules of loss.”<sup>27</sup> Crucially, he added, this was “creating a new form of pressure on the [Employment Tribunal] system” (p. 7-8). Our interviewees echoed these concerns.

While practitioners were understanding of claimants' need to find some guidance in the absence of available legal advice, the perceived risks of over-reliance on AI were serious. Many observed that AI tools like ChatGPT could raise awareness of rights and empower workers to be more assertive. But Large Language Models (LLMs) designed to offer responses based on linguistic probability, without any real knowledge or awareness of that lack of knowledge, were also widely seen as responsible for emboldening users to bring complex and unrealistically ambitious claims. Interviewee C captures this ambivalence well.

*“On the one hand, I love anything that empowers my clients, empowers people to understand what their rights are. And then on the other hand, I think the problem with Chat GPT is it wants to please you. So if you say, “Have I got a claim?” It says, “Yes.” If you say, “Will I get a million pounds for my claim?” They say, “well, yes, I’m sure if we do it like this and this and that and the other.” You can tell that a lot of clients are using AI.*

*This could only have been the case over the last 18 months. It's taken quite a while for people to get used to that. Maybe that's what created the flurry.”*

### ***Interviewee C, employment solicitor***

The critical missing component of AI-based advice, interviewees highlighted, was an accurate assessment of a claim's merit and prospects of success. Because general AI chatbots are not built to press for evidence or prompt the user around points of law, they are positively biased by design and ultimately influenced by the prompt. When a person describes their employment issue to an LLM and prompts it to advise, the model is likely to focus on every claim that can be brought hypothetically, not on those claims that are likely to be successful in practice.

Another issue advisers reflected on was the sheer volume of information generated by AI models, and subsequently included by claimants in their submissions to the Tribunal. As Interviewee F noted, this had created reams of content of questionable relevance.

*"[Claimants] are using AI a lot, and it just creates reams and reams of things to read. I don't think it's necessarily a bad thing to use AI, but I just think it creates a lot of fluff and it's very hard for someone who doesn't have legal training to discern what fluff is and what is legally important."*

**Interviewee F, employment solicitor**

The cumulative impact of the unfiltered AI use in submissions was to put increased pressure on Employment Tribunals. Two concrete issues were flagged by our interviewees.

**Submission of claims outside of Tribunals' jurisdiction.** Two interviewees described instances of clients who contacted them with claims that were not based on any employment legislation. They both gave examples of clients enquiring about obtaining remedy for employers' non-response or late responses to Subject Access Requests (SARs), which in and of itself is not within the jurisdiction of Employment Tribunals.

**An increase in complex claims.** For most interviewees, the most harmful effect of AI-powered self-representation was the proliferation of non-meritorious or poorly argued cases with a multitude of complex claims that required extensive judicial time.

The first concern here was that complex claims required longer preliminary hearings. This stage is where some claims may be trimmed down by a judge, who confirms the list of issues pertinent to the case. But even when a judge trawls through pages of particulars, unless a claim is blatantly spurious or outside the Tribunal's jurisdiction, the facts must still be heard at a final hearing.

Interviewee N was one of the many professionals who sympathised with both the claimants navigating the process independently, and the judges who spend significantly more time on preliminary hearings.

*"I feel for the judges who have to deal with litigants in person sometimes because the way that the claim form is set out is not clear to somebody who's not familiar with the process and familiar with the law already. They're just asked to tick these general boxes and then they're just given a big box and they say, 'Please describe your claim'. Some clients just say they've been discriminated against, but others... Here's this 100-page document with evidence and exhibits and bullet points. And so, I imagine it wastes a ton of judicial resources to have to sift through these claims and figure out what they are."*

**Interviewee N, employment solicitor**

Other interviewees observed that the proliferation of complex claims and longer hearings was having a negative impact on claimants themselves.

**Longer hearings make it harder to secure representation.** Interviewee A, a solicitor with 20 years' experience, remarked that complex cases "take so much more time because, with 12 grounds, the hearing will be four, five, six days". This time commitment, they explained, was not just consuming the tribunal's resources, but also diminishing the likelihood of ever securing pro bono or affordable counsel: "nobody's going to get pro bono representation for that."

There are precious few sources of free representation for Employment Tribunal cases, and at least one of them was explicitly not open for longer hearings. The Free Representation Unit (FRU), an organisation run through trainee and junior barristers supervised by experienced practitioners, normally accepts self-referrals where a final hearing is listed for one or two days,<sup>28</sup> and referrals from trusted partners where a final hearing is up to three days long. Advocate, an organisation connecting LiPs with employment law practitioners including for representation, can rarely support users whose cases require more than three days' work. According to information shared with us directly by Advocate, the service experienced a significant increase in demand: taking on 972 employment cases in 2025, an 18% increase on 2024 (825 employment cases).

**Unrealistic expectations made it harder to settle.** Another risk was that AI-generated claims created unrealistic expectations regarding the size of a potential award. At times, even the merits of a case were exaggerated, making it less likely for claimants to enter successful settlement negotiations. Interviewee P, who had built a career in the trade union movement, relayed trade union concerns that "AI has made their members' expectations unrealistic." Even when claimants subsequently received legal advice, they were less likely to follow it.

Interviewee D echoed a common concern that "[AI] bogs down claims. It's not realistic, it gives people sometimes the outcome they want to hear, and it creates claims out of nothing as well." Five other professionals we spoke to worried that the advice provided by AI tends to remain "entrenched" in claimants' views. As a King's Counsel (KC) concluded, even their advice sometimes falls on deaf ears, where the client had previously solicited AI-generated assistance.

*"Within the last few months, we have noticed several people who are enquiring after filing claims. They're not necessarily meritorious claims, but the way the claim has been filed is different than how someone who did not get legal advice would have filed before. It is long, cites legislation and case law, which may or may not be relevant. We have found cases where the claimant is convinced of the merits of their claims and less willing to listen when we say that no, on the facts, it does not have the merits they think it has. This is a very new phenomenon."*

**Interviewee G, employment barrister (KC)**

## 5.5. Complex cases on the rise

Practitioners' observation that claims are becoming more complex is borne out by wider data. A good indicator of case complexity comes from Acas, the Advisory Conciliation and Arbitration Service. Acas plays a critical role in the employment dispute resolution process: first, because claimants must notify Acas before they can file an Employment Tribunal claim (this is known as early conciliation); and second, because Acas can also support conciliation later during Tribunal proceedings.<sup>29</sup> Data from Acas statistics point to an evident increase in case complexity.

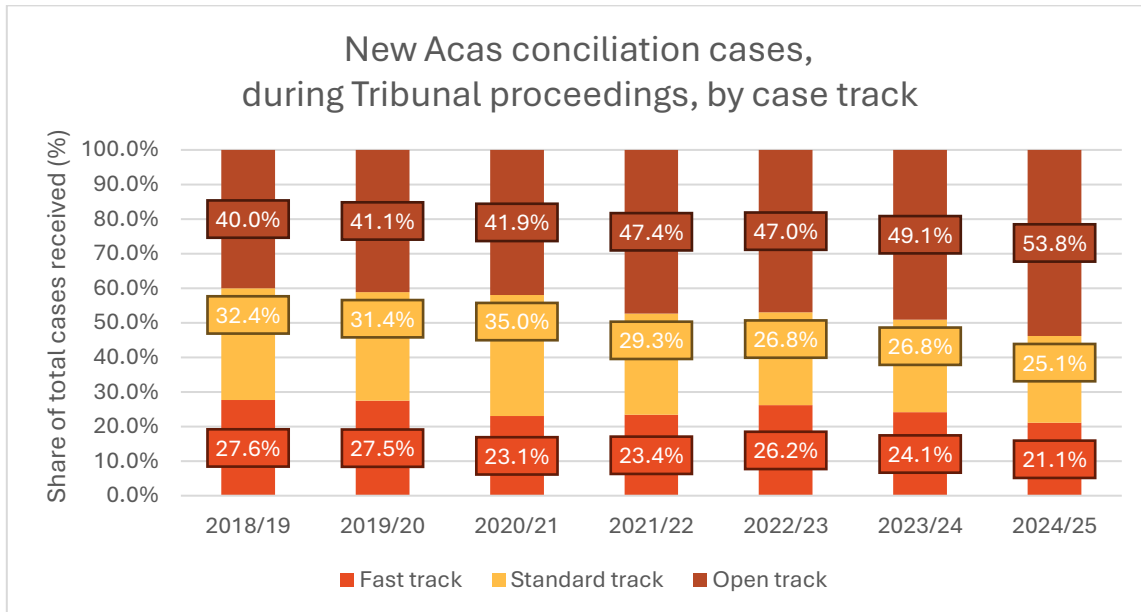


Figure 9. Employment Tribunal cases received by Acas for conciliation, by track.  
Source: Acas, Annual reports and accounts, 2018/19 to 2024/25

Over the past few years, the share of complex cases (which Acas calls 'open-track') increased significantly: from 40% in 2018/19, to as much as 54% in 2024/25 (Figure 9). Complex cases usually refer to claims such as whistleblowing and discrimination, which require longer hearings and deliberation. Conversely, around the same time we saw a decrease in the share of simple cases (which Acas calls 'fast-track', and generally refer to pay claims), and in 'standard' cases (which usually involve unfair dismissal claims). Overall, the picture is clear: the cases Acas is asked to conciliate are increasingly time-consuming.

The increase in complexity is not just relative, it is also absolute. Between 2023/24 and 2024/25, Acas conciliators saw a 41% increase in the number of complex ('open-track') cases, from 16,433 to 23,240; compared to just a 13% increase in simple ('fast-track') cases, from 8,077 to 9,104; and a 21% increase in standard-track cases, from 8,983 to 10,846.

This was largely driven by an increase in complex discrimination and whistleblowing claims. Quarterly Employment Tribunal statistics show that in the 12 months between Q3 2024/25 and Q3 2025/26, there was a:<sup>30</sup>

- 99% increase in disability discrimination claims, from 1,750 to 3,481.
- 70% increase in race discrimination claims, from 909 to 1,544.
- 59% increase in sex discrimination<sup>x</sup> claims, from 814 to 1,294.
- 102% in public interest disclosure (i.e. whistleblowing) claims, from 888 to 1,796.

If we assume that Acas data is a good representation of Employment Tribunals cases overall, the picture is clear: claimants who rely on AI in the absence of accessible legal advice are bringing more complex cases that consume more judicial resources. This is why our interviewees were adamant that something must change. What was at stake was faith in the employment justice system as a whole.

## 6. Access to employment justice at stake

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Time and again over the course of this project, practitioners reminded us that justice delayed is justice denied. They noted that judicial and administrative capacity issues have a real negative impact on both access to a fair and effective hearing, and on access to remedy. This, interviewees observed, is not a mere inconvenience. It is a structural disadvantage that disproportionately affects low-income claimants, those who suffer from disabilities, migrant workers, and LiPs. Workers' very trust in the formal legal system itself is at stake – unless, our interviewees stressed, the government acts now.

### 6.1. Access to a fair and effective hearing

The first concern was that extensive delays prompted claimants to give up. As some practitioners observed, the stress of protracted litigation weighs on everyone, but particularly on LiPs, claimants with poor support networks, and those with pre-existing mental health conditions.

*"I think there's issues with fatigue. I've certainly come across multiple people who have given up. They just give up and withdraw their claim. They can't take it anymore. And it's affecting people's mental health. This kind of delay is not good for people, especially those who already have issues with their mental health."*

**Interviewee A, employment solicitor**

Even when claimants eventually reach a hearing, another concern was how delays can compromise evidence. "Memories fade", one interviewee observed, which may

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<sup>x</sup> "The 'Sex Discrimination' jurisdiction includes complaints made in relation to the protected characteristics 'Sex', 'Marriage and Civil Partnership' and 'Gender Reassignment'" (Table C\_2\_R).

lead to inaccuracies in witness statements. Delays can make it harder to produce vital documentary evidence, as workers lose access to company communication channels. Most obviously, the longer parties are required to wait for a hearing, the more likely they are to lose contact with their witnesses, and the harder it becomes to ascertain their credibility. As a very experienced solicitor observed, this affects both parties, but is particularly difficult for claimants:

*“Workers don't have access to the emails, and the team messages, and anything that's in writing that doesn't get damaged by time. All of that is usually the employer's property. Already, there's a huge inequality of power, and that's reinforced by the fact that the oral details the claimant can remember are going to fade away. The longer you wait, the less credible you're going to be. If you're being cross-examined it's going to be much easier for the employer's barrister to say: how can you remember something that happened three years ago?”*

#### **Interviewee Q, employment solicitor**

**Migrant workers.** Lengthy delays cause problems around witness evidence for everyone. However, they particularly disadvantage claimants in cases brought by migrants. Many foreign workers on time-limited visas are required by Home Office rules to return to their countries of origin by the time their hearings are scheduled. In a judicial system that prioritises oral evidence, but simultaneously makes giving evidence remote fiendishly complex, this is a major barrier to a fair and effective hearing.

While video conferencing technology has been available for years, Presidential Guidance<sup>31</sup> makes giving oral evidence from abroad incredibly difficult. Unless an intergovernmental agreement exists between the country the person returns to and the UK,<sup>32</sup> or unless the country they return to is a signatory of The Hague Convention and authorities there allow it, the person must apply through the Royal Courts of Justice for permission to give evidence to an Employment Tribunal from abroad.

According to FOI data, between 2022 and 2025 the Foreign, Commonwealth & Development Office (FCDO) received 197 such requests<sup>x</sup> from individuals to give oral evidence in Employment Tribunal proceedings from abroad, by video conferencing.<sup>33</sup> None of these were ultimately granted.

For the advisers we spoke to, the procedural disadvantage was glaring. Hundreds of thousands of migrant workers arrive on employer-sponsored visas that become invalid when employment ends.<sup>34</sup> While immigration rules require them to leave the UK before their hearings are scheduled, Presidential Guidance implies that if they cannot afford

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<sup>x</sup> We only consider requests submitted from countries, which as of 1 March 2026 did not have an intergovernmental agreement with the UK permitting witnesses to voluntarily give evidence from their territory in civil cases.

the costs of traveling back to the UK for a hearing, their only option is to rely on written evidence or, as one solicitor observed, limit the ambition of their claims.

*“Uncertainty about their status here is adding to claimants’ distress. Seasonal workers must leave after six months, but this same risk is faced by people on longer-term, employer-sponsored visas, whose visas have been curtailed. They face additional barriers to justice. Most significantly the difficulty in giving evidence from abroad means their chances of getting a fair hearing and actually winning their claim are much reduced.”*

**Interviewee M, employment solicitor**

## **6.2. Access to remedy**

Another prominent concern was that Tribunal delays limited claimants’ abilities to access remedy – both when it came to entering settlement negotiations, and where a judgment had been issued.

**Settlements.** There was a general sense among interviewees that when respondents no longer fear the consequences of a fast-approaching hearing, some will simply “wait the claimant out”. The approach banks on the fact that the stress and costs of protracted litigation will cause claimants to give up. As Interviewee F explained, drawing on their experience of advising respondents, “it would be irresponsible not to say that one option is just to wait it out. It is to their advantage.” The respondent may consider settlement negotiations close to the time of the final hearing, but only if the case is still ongoing.

*“When you weigh it up and then legal fees, and if they’re not insured, is it really going to be worth it in two years’ time? Obviously, the answer for most people is no.”*

**Interviewee B, employment solicitor**

Even if parties entered the negotiation process, practitioners’ view was that a more removed prospect of a hearing generally would translate into a lower settlement offer. Take a hypothetical £10,000 case about non-payment. For the average employer, losing that sum after a hearing is relatively minor, so the pressure to settle is low – mostly to save legal and reputational costs. However, for a worker who may be unemployed and in debt, even a fraction of that amount can make a world of difference, and put them under considerably more pressure to settle.

The balance, interviewees argued, was tilted against the vulnerable: low-income claimants, those struggling with a disability, those facing barriers to other employment, and LiPs - who were more exposed to baseless threats of costs orders. As Interviewees N and K observed, when cases take years to be heard, the people who can least afford to weather the wait are also the most likely to settle on worse terms.

*"I haven't had a single case in 2025 reaching a full hearing. Claimants who may have otherwise wanted to stick it out and go to full hearing are now settling and wanting to move on. [...] When you're dealing with disability discrimination, a lot of clients have mental health conditions, and having this hang over their head is a lot. It's stressful, and it causes their health to deteriorate. I've got clients who I worry about, some who suffer from severe depression and have attempted suicide. They accept a settlement, even if it's a lot less than what they would hope to get from a Tribunal. They're willing to compromise to focus on their health."*

**Interviewee N, employment solicitor**

*"Far too many times respondents are picking up on the fact that they're litigants in person rather than picking up on the weakness or strengths of their claim. They try to strong-arm them into withdrawing or frightening them off with costs threats, deposit order threats, strikeout threats. It puts [LiPs] into a state of anxiety."*

**Interviewee K, employment solicitor**

**Monetary awards.** While only a small minority of Employment Tribunal single claims are determined by judgments (which holds true across jurisdictions, from discrimination to unlawful deductions),<sup>35</sup> four interviewees noted that this process too can be undermined by delays. In the years it takes for a case to reach a hearing, one solicitor observed, "a company may well become bankrupt". This is particularly risky for workers in industries that have a higher incidence of insolvencies, such as construction, retail, and accommodation and food services activities.<sup>36</sup>

Insolvency is also one of the many tactics through which rogue respondents seek to evade liability – together with winding their company down or dissipating assets. All of this, a law centre solicitor noted, "hugely increases the burden on claimants, while making it easier for lawbreaking respondents to get away with it."

*When it reaches the hearing, will there be anything left to pay [the claimant]? It's a critical issue. So many people don't get their award. The employer can declare themselves insolvent, disappear and reappear somewhere else, but no longer as the same legal entity."*

**Interviewee K, employment solicitor**

Wider statistical data adds sobering perspective to practitioners' experiences. Data shared with the Work Rights Centre by Violation Tracker UK shows that of 2,790 Employment Tribunal judgments issued in 2025, the majority (58%) were against companies that were no longer trading by February 2026. Among these companies, most were in liquidation (22%), while others had an active proposal for strike-off (18%),

were dissolved or not found on the register (15%), or were otherwise winding down (3%). In this context, it is not surprising that even as far back as 2017, more than one in four (28%) claimants did not receive the money their employers were ordered to pay, according to the 2018 Survey of Employment Tribunal Applications (SETA).<sup>37</sup>

### **6.3. Faith in the formal legal system**

Over the course of many hours, legal practitioners reflected on a multitude of other ways in which justice delayed meant no justice in practice. It was not uncommon for hearings to be cancelled at the eleventh hour due to judicial capacity or administrative mismanagement. This was both distressing and costly for the parties. The KC we spoke to observed that last-minute cancellations effectively mean that parties must pay twice for their legal representatives – for the time allocated and unused, and for the hearing scheduled in the future. This is a financial shock even high-earning claimants can't absorb.

In other instances, hearings began but were not allocated sufficient time to conclude, putting the Tribunal under pressure to organise a separate hearing months down the line, and requiring both parties to prepare accordingly.

*"I do know of cases where for example the liabilities hearing has been determined and there wasn't enough time to deal with remedy. So, the remedy hearing was listed for 10 months later in the same Tribunal. It was just a two-day remedy hearing. [...] this meant that obviously the claimant was then required to go and prepare for a fresh hearing, update evidence, update the bundle, and [agree] a whole new set of directions."*

#### ***Interviewee E, employment solicitor***

Beyond the myriad local inefficiencies, or individual parties' wins and losses, what was at stake was public faith in the legal system. "Access to the formal legal system has an attitudinal dimension", the UK Supreme Court judges aptly observed in 2017, when they ruled that it was unlawful for the government to have imposed Employment Tribunal fees.<sup>xi</sup> In the same way that some claimants were priced out of the employment justice system by fees then, today they are pushed out by delays.

Several interviewees described that workers who factor in the costs of professional representation and the emotional toll of litigation, often reach the disappointing but rational conclusion that bringing a claim is not worth the stress. Even when prospective claimants are unaware of delays, it is advisers' professional duty to inform them. Interviewee F lamented how "telling a claimant hand on heart [that they] should do it, when it's going to take years and years, and be really expensive, and not necessarily get the result they want, is difficult."

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<sup>xi</sup> *Unison v Lord Chancellor [2017] UKSC 51 [96]*

*“In my experience, claimants are normal people, and something bad has happened at work. They look at what is required, what money is required, what risk is involved, how long it will take, and how [remedy] is not guaranteed at the end. And then they decide, you know what, I'm not going to talk about this for five more years. I need to move on with my life.”*

**Interviewee F, employment solicitor**

Notably, the negative experiences of some claimants come to influence the decisions of other prospective claimants, in a dynamic one interviewee astutely described as a “demonstration effect”. Workers are not just individuals; they are part of communities who observe and inadvertently learn from each other. It was more than a little painful to hear how, even with support from pro bono solicitors (the precious few who continue to offer free legal advice in employment), some workers lost faith.

*“Other potential claimants in similar situations are less likely to wish to pursue justice, even when they have been wronged. Many potential claimants lose faith in the justice system, and we are not able to say anything to them to restore that faith, which is gone because of the problems caused by the delays. It's almost a textbook example of 'justice delayed is justice denied'.”*

**Interviewee M, employment solicitor**

There was no doubt among practitioners that something had to urgently change, to ensure that employment justice does not evaporate. The irony was not lost on participants that while the Labour government pledged to offer workers a ‘New Deal’ through the suite of new protections enshrined in the Employment Rights Act 2025, the prospect of enforcing those protections appeared ever more uncertain. In the short term, the Act would mean more, and not less, pressure on Employment Tribunals. This is why practitioners were unanimous in arguing that the time to act was now.

## **7. The Employment Rights Act and the FWA**

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By the government's own admission, the Employment Rights Act 2025 is expected to lead to an increase in the volume of cases brought to Employment Tribunals. According to the impact assessment, the Act is projected to lead to “6,900 more Employment Tribunal cases, and 1,300 additional cases which require judicial time, such as a full hearing”.<sup>38</sup> This constitutes an 18% increase in annual case receipts, compared with 2024/25.<sup>39</sup>

In order of magnitude of impact, officials expect an additional:

- 3,000 cases driven by the reduction of the qualifying period for unfair dismissal rights from two years down to six months;
- 2,100 cases driven by the doubling of the standard limitation period for making a claim from 3 months minus 1 day to 6 months; and
- 1,000 cases related to the rights to notice for shifts cancelled, moved or curtailed.

Practitioners feared this could be just the tip of the iceberg. Several interviewees worried that the impact of unfair dismissal and time limitation reforms has been understated. While a small minority were open to the possibility that the new protection to unfair dismissal could dissuade some claimants from bringing unmeritorious discrimination claims, the general perception was that the Employment Rights Act 2025 would add to the backlog.

### **7.1. The FWA's current limited impact on Tribunals' caseload**

It is also important to observe that while ministers have emphasised their commitment to enforcing employment rights through the Fair Work Agency (FWA),<sup>40</sup> even with the best intentions, in its current iteration the likely impact of this body on the Tribunal caseload would be limited.

The FWA brings together the functions of the Gangmasters and Labour Abuse Authority (GLAA), the Employment Agency Standards Inspectorate (EASI), and HM Revenue and Customs National Minimum Wage Enforcement (NMW team). It will have a wider remit than its predecessors, which includes holiday pay, statutory sick pay (SSP), and certain aspects of the Fraud Act 2006<sup>xii</sup> – though this is only expected to become part of the agency's work from 2027. It also has more powers, including to investigate and fine rule-breaking employers, bring proceedings in the Employment Tribunal on a worker's behalf, and charge businesses for enforcement and legal costs.

Yet even if the FWA absorbs every case of NMW breaches, holiday pay, and SSP, these cases constitute too small a share of the Employment Tribunals' caseload to make any significant dent in the backlog.

- National Minimum Wage claims account for a tiny fraction of Employment Tribunal cases. In 2024/25, out of 21,765 single claims logged in the Tribunals' digital case management system, Reform,<sup>xiii</sup> only 25 fell within the jurisdiction of NMW - though the figure would be higher if cases were pleaded as unlawful deductions from wages.<sup>41</sup>

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<sup>xii</sup> This is related to fraud by abuse of position, where it is committed in respect of a worker.

<sup>xiii</sup> This data excludes group cases, data for which was not integrated with data for single cases, as of the date of publication of this report. Most jurisdictional data published by HMCTS is for single Reform cases only.

- Holiday pay claims arise more frequently, but usually alongside other claims which exceed the FWA's remit. In 2024/25, a sizable 3,514 single cases (16% of the total logged in the Reform system), included a holiday pay claim,<sup>42</sup> but only 367 cases (1.7%) were exclusively related to holiday pay. In most instances, workers also brought other claims, such as unfair dismissal or unlawful deductions from wages, which exceed the currently planned remit of the FWA.
- Statutory Sick Pay cases are already handled separately by the HMRC's Statutory Payment Disputes Team, with no bearing on the tribunal caseload.

## **7.2. A wider FWA remit**

The FWA could make a bigger impact if its remit is expanded to other employment claims. Given how FWA investigators can already make decisions on NMW breaches and are set to take on holiday pay enforcement, widening the agency's remit to include unlawful deductions from wages and non-provision of documents (i.e. payslips, particulars of employment, or written reasons for dismissal) could take significantly more pressure off Employment Tribunals.

Data we obtained through an FOI request to the MOJ shows that 2,313 (10.6%) single cases received in 2024/25 related exclusively to some combination of these jurisdictions, holiday pay and NMW.<sup>43</sup> Were the FWA to handle these cases, it would free up considerably more Employment Tribunal capacity.

We also acknowledge that the FWA can have a widespread preventive effect on non-compliance, if it receives sufficient resourcing.<sup>44</sup> The FWA benefits from a carrot approach that raises awareness of regulations and incentivises businesses to self-report; and by wielding the sizeable stick of powers granted under the Employment Rights Act 2025.

The Employment Rights Act 2025 grants the FWA extensive powers, from issuing Notices of Underpayment, to fining employers and, in the most serious cases, bringing criminal charges. Interestingly, Section 144 of the Act makes company officers (i.e. managers, directors and secretaries) potentially personally liable for the offence of failing to comply with a labour market enforcement order issued by the FWA. It is therefore possible that high-profile cases against businesses or individuals could have a preventative effect across a wide range of employers and their practices.

Yet even with a focus on prevention and a strategic widening of its remit, the FWA would improve, but not resolve, the capacity crisis facing Tribunals. For this, we need wider reforms, and this is what we turn to next.

## **8. Recommendations**

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Over the course of this report, we spent many hours listening to practitioners who had dedicated their careers to the pursuit of employment justice, only to see it threatened by a flurry of recent postponements and cancellations. In the last week of writing this report, two of our clients at the Work Rights Centre had their hearings cancelled with

a day's notice, in a bitter reminder of what is at stake. When systems fail, they fail the weaker party hardest. And when people come to think the cards are stacked against them, some give up on access to justice entirely.

To tackle the crisis facing Employment Tribunals then, we reflect on four areas of action:

1. **A better-resourced judiciary**, to tackle the urgency of a backlog which far outpaces available sitting days.
2. **Better case management and administration**, to support judicial resources.
3. **Streamlining user journeys**, to limit administrative inefficiency by design.
4. **Early intervention**, to give parties every opportunity to find a resolution before a final hearing.

Before we go into the details, we want to acknowledge that while some of those proposals are new, others are already at various stages of implementation. A wide range of stakeholders are invested in making the employment justice system work – from the Judicial Appointments Commission (JAC) and HMCTS, which have strived (albeit with limited success), to recruit more judges; to individual Tribunals that have used their discretion and tools available regionally to make efficiency gains. Indeed, wherever possible, we acknowledge these local innovations. We are also conscious that DBT and MOJ have set up a Dispute Resolution System Taskforce to examine new approaches to resolving employment disputes, and we welcome it. Our hope is not to supersede these efforts, but to assist them. Tackling the Employment Tribunals backlog is complex. But given the stakes, work needs to start now.

We fully welcome critical engagement with our recommendations, and wider consultation with stakeholders.

## 8.1. A better-resourced judiciary

The single most urgent call from practitioners was to buttress judicial capacity to reduce the backlog of cases, and ensure that hearings don't take years to schedule. Three proposals emerged in this sense.

**Funding more sitting days.** Every year, the MOJ allocates funding to Employment Tribunals for a maximum number of sitting days, but our analysis has found that over the past three years, the backlog has increased at more than three times the pace of allocated sitting days. To tackle this urgency, participants were adamant that ministers need to face the reality that Tribunals need more funding for sittings.

**Strategic use of fee-paid judges.** With a more realistic budget for sittings, allocating a larger share of additional days to fee-paid judges could then enable Tribunals to hear cases at pace, and mitigate the significant difficulties HMCTS has faced in recruiting full-time salaried roles.

The department has made sustained efforts to recruit salaried judges, including by waiving the requirement for prior judicial experience, and welcoming applicants from non-traditional legal backgrounds. A total of 36 FTE salaried roles were advertised in

2025 (most of which were in London and the South East), with 55 FTE roles open in 2026.<sup>45</sup> With every recruitment cycle however, a considerable number of vacancies in target regions remained unfilled. Yet remarkably, fee-paid judges sat 21% fewer days in 2024/25, than they did in 2022/23.

Fee-paid judge might be able to fill this capacity void. In particular, they could help Tribunals prioritise preliminary hearings – a critical juncture in any case where, for the first time, parties are prompted to firm up their claims and schedule of loss, and when claims of questionable merit can be dropped. Trained fee-paid judges could also preside over judicial mediation and Dispute Resolution Appointments, which are shorter than final hearings, and add much-needed capacity to the regions that have consistently struggled to recruit. We encourage HMCTS to conduct a capacity assessment exercise with fee-paid judges, to identify the maximum number of days they could sit.

**Widening the ‘Virtual Region’.** With London and the South East facing a caseload several times higher than other parts of the country, participants were adamant that the current system, which limits Tribunals to the pool of judges available locally, had to change. Claimants’ abilities to access justice should not be restricted by geography – particularly when it has long been possible for parties to attend hearings remotely by videoconference, and when the world of work itself is increasingly digital.

One possible mitigation is already in existence. Since at least 2024/25, HMCTS has operated a ‘Virtual Region’, a system whereby Tribunals in one part of the country can access up to 2,000 sitting days delivered by judges located anywhere in England and Wales. Of the 2,000 days, 1,500 are utilised in London and the South East.<sup>46</sup>

Practitioners who accessed hearings this way had positive experiences and believed that with additional funding for more sittings from the MOJ, the ‘Virtual Region’ model can be expanded.

Granted, some limitations apply. There is a well-established preference for in-person hearings for complex cases among many litigators. For some users with limited access to internet and technology, virtual hearings may also be less accessible. But given that claimants and respondents in some parts of the country are being asked to wait four years before a hearing, a timely hearing by videoconference with a judge sitting in a different part of the country is a sorely needed option.

## **8.2. Case management and administration**

If buttressing judicial capacity was the first urgency, practitioners also emphasised that strategic investment in administration and case management were needed to support an efficient use of judicial time – and help LiPs navigate the system.

**Increased administrative capacity.** Practitioners noticed that poor administrative capacity led to grave communication errors, which included failure to inform parties of hearing dates or hearing cancellations, and non-response to time-sensitive applications. This was not only the result of a significant increase in caseload, but also

the outcome of a loss of administrative resources, including through low pay and by contracting the work to agency staff.

At a minimum, participants recommended an investment in the recruitment and retention of salaried administrative professionals, to cultivate precious institutional knowledge. This included revisiting pay bands and instituting improved career progression frameworks.

**Firmer case management.** Separate to the increase in cases and the limited supply of sittings, participants emphasised that what added to the time pressure on Tribunals was a relative tolerance of low-merit claims and responses, as well as some non-compliance with orders by Tribunal users.

A firmer approach to case management could raise the stakes and improve the conduct of all parties. Concrete suggestions by practitioners included:

- Prioritising early substantive preliminary hearings, which is already being done in some regions.
- Exercising more judicial discretion in striking out claims and responses that evidently have “no reasonable prospect of success” under Rule 38 of Employment Tribunal Procedure Rules 2024, and making wider use of deposit orders (under Rule 40), where there is “limited prospect of success”.
- Imposing penalties for respondents and represented claimants who fail to comply with Tribunal deadlines, unless extensions are mutually agreed or otherwise permitted.
- Establishing a fast-track route to default judgment in cases where a respondent fails to engage. This could be facilitated by legal officers, who have had expanded powers since January 2025.<sup>47</sup>

**Using a set of standard directions instead of case management preliminary hearings.**

Substantive preliminary hearings are necessary in some instances (such as when employment status is disputed). However, in many instances case management preliminary hearings can be replaced by written instructions to the parties. Using a set of standard directions to impose deadlines, such as for disclosure and witness statement exchange, would focus the parties and provide more timely access to proceedings, while also freeing up judicial resources for alternative dispute resolution.

### **8.3. Streamlining user journeys**

In addition to the big-ticket item of staff capacity and case management, most practitioners were also of the view that efficiency gains can be made if HMCTS takes the time to systematically map users' journeys through Tribunals, identify crunch points, and the full range of changes that can assist users and administrators. In other words, capacity is not just a people problem. It is also a problem of design.

The clear recommendation was to commission user journey research. Even at this early stage however, practitioners identified three design changes that could improve capacity.

**Revisiting the ET1 form**, to encourage claimants to better present the facts of their cases. Currently, the ET1 form prompts claimants to state the claims they are making in separate fields, but presents them with a single field to outline claim particulars (i.e. background and details). This loosely structured format was perceived to enable LiPs to submit “reams of AI-generated information”, or conversely, submit a form with no relevant information at all.

It is entirely possible, within the design capabilities of GOV.UK, to present users with a dynamic ET1 form that prompts them to state the bases for each claim they want to bring. It is equally possible for forms to include, or link to, legal resources that raise awareness of the legal tests and consideration that apply in different claims, ensuring once again that the informational resources HMCTS has already prepared become discoverable when they are most needed.

**Assisting LiPs to draft schedules of loss.** Another sore point in LiP’s self-representation was preparing a schedule of loss – a critical document outlining the value of a claim. As all practitioners know, a schedule of loss is a technical document. It is split into different types of compensation (or ‘heads of claim’) and includes a structured breakdown of the awards sought. But this structure is precisely what makes it suitable for standardisation.

The clear recommendation from some participants is to develop tools, AI-assisted or otherwise, to support LiPs with drafting schedules of loss that are tailored to their claims, but reflective of the standard format used by Tribunals.

**Instituting a dedicated channel of communication and administration for LiPs.** Given that more than one third of all claimants in 2023/24 did not have legal representation,<sup>48</sup> participants were of the view that assigning a number of administrative staff within each Tribunal to support cases brought by LiPs could streamline communication and increase access to information. Participants valued the effort HMCTS had put into developing resources for LiPs. The key, however, was that these resources were discoverable at the point that users needed them – and tasking specific staff with supporting LiPs could achieve that.

## 8.4. Early intervention

If measures to buttress judicial capacity are required to tackle the urgency of a backlog that is spiralling out of control, practitioners were also adamant that in the long term, early intervention was critical to having more disputes resolve before a final hearing. Two proposals emerged in this sense.

**Funding legal advice for employment.** Almost all interviewees stressed that early legal advice is critical in providing potential claimants with a realistic assessment of their claims and preventing unnecessary litigation. Early legal advice, practitioners stressed, could save the time and the considerable cost of judges handling ill-formulated or low-merit claims. A 2024 report by the Access to Justice Foundation found that the average cost of employment legal advice provision was £480 per individual, whereas a single Employment Tribunal case cost the government £2,424.<sup>49</sup>

Funding legal advice would also encourage early resolution – particularly by sensitising LiPs to the value of settling, and equipping them with an understanding of what a reasonable settlement might be.

Despite the benefits, the notion of funding early legal advice is entirely absent from the Government's New Deal for Working People. This is a grave omission. An ample body of literature echoes practitioners' assessments that LiPs face worse outcomes.<sup>50</sup> Moreover, a National Audit Office report found that removing legal advice constitutes a false economy, as issues escalate further up the system.<sup>51</sup> Before employment was removed from legal aid in 2013, the MOJ spent approximately £4m on employment matters – or £5.8m in present value.<sup>xiv</sup> If ministers fully brought employment within the scope of legal aid, this would be a 7.5% increase on the budget of Employment Tribunals in 2024/25.<sup>52</sup> A more targeted investment in early legal advice for employment would come at a fraction of that cost.

**An increased use of alternative dispute resolution (ADR) methods.** While the effectiveness of ADR is naturally dependent on the parties, interviewees stressed that a more strategic use of ADR at the early stage can save the significant resources spent on final hearings. Two concrete suggestions emerged in this sense:

#### *Mandatory mediation for fast-track cases*

In simple (fast-track) cases, participants recommended that Tribunals require mandatory mediation, shortly after the employer submits their response to the claim via an ET3 form. The use of mediation at this early stage of a case (before disclosure and witness statement exchange) may not always be suitable in complex cases (where the strength of the claim only becomes apparent after significant effort is put into disclosure and witness statements), but was seen as appropriate in simple cases, and particularly accessible for LiPs.

Making mediation a requirement could also plug a gap in the effectiveness of early conciliation provided by Acas. While practitioners recognised the value of Acas as a source of high-quality information and best practice, many observed that, currently, early conciliation has limited success. The process was seen as too light-touch, without requiring engagement from both parties. Moreover, the fact that early conciliation happens before litigation means that many employers hold off engagement until the worker submits a claim, and the prospect of legal costs becomes imminent. The Acas annual report states that in 2024, just 11% of early conciliation notifications resulted in a settlement via the service (i.e. in a COT3).<sup>53</sup>

We suggest that HMCTS considers introducing mandatory mediation for fast-track cases after the respondent submits their ET3. At that point, the risk of litigation is real, legal positions and approximate case valuation are clarified, and parties can meaningfully engage in dispute resolution. Mandatory mediation does not necessarily need to be delivered by a judge and could involve engaging with Acas, which has experience conducting workplace mediations and training mediators.

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<sup>xiv</sup> Adjusted for inflation, according to the Bank of England inflation calculator.

An example of a successful service operating on this model exists in the County Court. Since October 2024, small claims (valued at under £10,000 and suitable for mediation) must go through the Small Claims Mediation Service (SCMS). A 2025 Parliamentary report found continued strong performance, with 7,638 referrals in January 2025 alone, and cited support for the SCMS from the Federation of Small Businesses.<sup>54</sup>

#### *Dispute Resolution Appointments for complex cases*

In other, more complex cases, participants recommended that Tribunals offer the parties voluntary judicial mediation and, where this is not taken up or a resolution is not found, schedule a mandatory Dispute Resolution Appointment. In contrast to a mediation, which is facilitative, a Dispute Resolution Appointment is evaluative in nature. In our participants' views therefore, it was critical that a Dispute Resolution Appointment continues to be offered *after* disclosure and witness statement exchange, when both parties set out the basis of their case.

We recognise that this approach may require phased rollout and piloting, but available data is encouraging. An early pilot of approximately 200 dispute resolution appointments in Midlands West resulted in a net saving of over 1,000 sittings.<sup>55</sup>

### **8.5. Broader considerations**

The measures we proposed so far are limited to improving the employment justice system in its current form. They are discrete, actionable steps, some of which ministers can implement with the urgency required to manage a backlog that is growing out of control. If the political will exists, funding can be released at the next budget.

We acknowledge there is also scope for more systemic reform. At a minimum, this should include expanding the remit of the FWA, to cover all claims related to non-payment (i.e. wage claims). This could remove as much as 10% of Tribunals' current annual case receipts. We believe the FWA is an important plank alongside the Tribunals in enforcing employment rights, and welcome its engagement in these cases to address the Tribunal capacity issues.

Another proposal designed to raise the stakes of non-compliance and encourage settlement, was to amend legislation so that employers found at a hearing to not have paid workers (in disputes involving statutory and contractual pay claims), become liable for 8% interest from the date of the non-payment – rather than from a date following the Tribunal decision.

None of the interviewees we spoke to lacked the courage to imagine these solutions. Collectively however, we are mindful of the many practical considerations, and indeed the risks. We wholly welcome further research into these matters, and consultation with users and practitioners who interact with the employment justice system every day.

## Illustrative case studies

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### **Habibul\* - A modern slavery victim forced to wait three years for a hearing**

Habibul left his job as a care worker in Bangladesh in May 2023 to work for a British care agency under the Health and Care Worker visa. As a live-in carer with sole responsibility for people with severe needs, he found himself unable to take a break or leave. At one point, he realised he had worked for an exhausting 60 days in a row, and sometimes worked more than 100 hours in a week. He was denied time off to practise his religion or to visit his GP to treat an injury. When he complained, he was threatened with deportation and violence.

Habibul has since been confirmed as a victim of modern slavery, and a police investigation was opened into his case. He is suing his employer for unpaid wages and discrimination on the grounds of religion.

Having been confirmed by the NRM as a victim of modern slavery, Habibul has been granted VTS leave, a temporary status for confirmed victims of trafficking or slavery, which secures his immigration status for 12 months so that he can participate in the employment justice process and police investigation. But with his final hearing date set for March 2028, his leave is set to expire 18 months before the hearing. He may be able to extend his status at discretion of the Home Office, but this is far from guaranteed.

His ordeal left him suffering from PTSD and anxiety, but with a final hearing date in 2028, he is forced to keep memories of his abuse fresh in his mind for more than three years. While the tribunal process rolls on, he feels unable to move on from the trauma inflicted by his exploiter.

### **Timeline**

2025

March - Habibul leaves his employer

April - First consultation with Work Rights Centre employment lawyer

June - ET1 submitted, allocated to Watford Employment Tribunal

June - Habibul is confirmed as a victim of modern slavery by the NRM

September - Habibul is granted 12 months VTS leave

2026

May - Scheduled preliminary hearing

September - Habibul's VTS leave is set to expire

2028

March - Scheduled final hearing at Watford Tribunal

## **Erjan\* - A six-month work placement leads to a three-year fight for unpaid wages**

Erjan travelled from Kyrgyzstan to England in June 2024 to pick fruit on a Seasonal Worker visa. He took out a loan to cover the flights, costing at least a month's average salary in Kyrgyzstan, in the belief that he would make around £7,500 (pre-tax) over the six-month placement, given the guarantee of 32 paid hours of work a week stipulated by the visa scheme.

At the farm however, he was told there wasn't enough work to make up his hours and that he wouldn't be paid the 32 hours, as agreed. On checking his payslips, he also found he was not paid for the time he was required to spend travelling to distant fields, overtime or holiday pay. When he secured a transfer to a different farm, he was not paid his notice period. Erjan is claiming £2,000 in unpaid wages, and for discrimination.

At the end of his time in England, Erjan returned home with more than a quarter less than he'd expected to make. England and Wales do not hold an agreement with the government of Kyrgyzstan to allow its citizens to give evidence from abroad. This means that unless he is allowed to provide evidence remotely, which almost never happens, Erjan will need to bear the significant costs of travelling to the UK for his final four-day hearing. Having originally travelled to the UK just for a six-month work placement, he now faces a two-year fight for what he is owed, and a travel bill that will almost wipe out what he is owed by his employer.

### **Timeline**

2024

October - Erjan is transferred to another farm with more work available

November - First consultation with Work Rights Centre solicitor

December - Erjan's visa expires and he travels home to Kyrgyzstan

2025

March - ET1 submitted, allocated to London South Employment Tribunal

2026

July - Scheduled preliminary hearing

2027

October 2027 - Final hearing scheduled at London South Employment Tribunal

## **Martha\* - A victim of pregnancy discrimination finally gets compensation in the run-up to her child's third birthday**

Martha worked as a carer for an elderly person before she was sacked at six months pregnant after requesting a day off for a midwife appointment. Her employer claimed that Martha was self-employed, which denied her the right to reasonable adjustments or paid maternity suspension. After seeking legal advice, Martha decided to challenge this case of bogus self-employment, and sue for pregnancy discrimination. But delays caused by poor tribunal organisation and inadequate resources meant that by the time Martha received a final judgement, she'd already marked her child's second birthday. The journey to this judgement involved six days at the Tribunal, costing Martha £420 - £600 in childcare. As a single mother claiming Universal Credit, this was a substantial cost for her to bear. On top of the financial strain, every trip to the tribunal forced Martha to face her former employer in person, and recount her experience. This caused Martha significant stress and anxiety every time.

When a judge finally rules that she is entitled to almost £20,000 in compensation, this is still not the end of the battle. It takes bailiffs from the High Court Enforcement Group to force Martha's former employer to hand over the money they owe in line with the tribunal judgement. This is five months after Martha is handed her award by the tribunal, and more than three years since she was fired for being pregnant.

### **Timeline**

2022

November- Martha requests a day off for an appointment with her midwife, and is dismissed at six months pregnant

2023

January - First consultation with Work Rights Centre

February - Martha's baby is born

April - ET1 submitted, allocated to Watford Employment Tribunal

2024

January - Preliminary hearing finds Martha was a worker

June - Martha attends the final hearing in person, but with a witness for the respondent unexpectedly requiring an interpreter, the hearing is adjourned

September - Martha arrives for the hearing, but without an interpreter, the hearing is adjourned

November - Martha is set to attend the hearing online, but the interpreter cancels, leaving the hearing adjourned

Late November - Final hearing takes place with Martha attending in person

2025

February - Judgement received

July - Remedy hearing, Martha attends in person and is awarded £19,500

August - Remedy hearing judgement published

November - Martha's former employer refuses to comply with the judgement. Enforcement proceedings begin through the High Court Enforcement Group

December - Martha finally receives the money she is owed

## **Rohan\* - In a two-year-long legal battle, a crooked employer tries to hide their assets**

Rohan was sponsored by the private health care company HealthAStar\* as a Care Assistant, and travelled to the UK from India with his family in 2023 to take up the position. On arrival however, he was not provided with any of the work or pay he had been promised. Someone claiming to be associated with HealthAStar offered him cash-in-hand work that contravened the visa rules, leaving Rohan worried about the legality of the business. He blew the whistle on the company, and as a result, was dismissed.

Rohan decided to sue HealthAStar for unpaid wages and whistleblowing detriment, which included an application for interim relief to prevent him from entering financial difficulty before the case could have its full hearing at the Tribunal. When the interim relief hearing finally concluded, the judge ordered HealthAStar to pay Rohan nearly £17,000 in unpaid wages since his dismissal, and his monthly wage of £1,700 every month until the case concluded.

For six months after this judgement, HealthAStar undertook a series of legal manoeuvres in an attempt to prevent the company's assets from being seized by enforcement bailiffs. It took a freezing injunction obtained by Rohan's legal team at the High Court to stop HealthAStar's assets being hidden, and force compliance with the tribunal judgement. With few options left, HealthAStar finally agreed to settle the case out of the tribunal.

Throughout this process, as a migrant worker Rohan was subject to the NRPF condition disqualifying him and his family from any state support. For the duration of the Employment Tribunal process, he relied on food banks and further loans to feed and house his wife and young child.

### **Timeline**

2023

October - First consultation with a Work Rights Centre solicitor

November - Rohan is dismissed by HealthAStar following a whistleblowing complaint

November - ET1 and application for interim relief submitted, allocated to Central London Employment Tribunal

2024

June - Interim relief takes place but is adjourned on request of the respondent over a legal technicality

July - Interim relief hearing resumes but is adjourned again, on request of the respondent due to sickness

September - The judge grants the application for interim relief

October - Rohan's legal team triggers the Employment Tribunal fast-track enforcement procedure

October - Ownership and director status of HealthAStar is transferred to a family member

November - HealthAStar changes its registered address

November - HealthAStar applies to be struck off Companies House

December - High Court Enforcement Group (HCEG) bailiffs visit HealthAStar's former premises but cannot seize assets as they have been transferred to a company owned by a family member

December - HCEG bailiffs visit HealthAStar's new address but cannot gain access

2025

January - HealthAStar applies to transfer the ownership of the property to a family member for £1

January - Freezing injunction order is obtained at the High Court to freeze HealthAStar's assets

February - HealthAStar's legal team reaches out to discuss settlement

March - Settlement paid into Rohan's bank account

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