



**EMPLOYMENT RELATIONS  
RESEARCH SERIES NO. 54**

Findings from the Survey of  
Claimants in Race  
Discrimination Employment  
Tribunal Cases (SETA RRA)

MARK PETERS, KEN SEEDS AND  
CARRIE HARDING  
BMRB SOCIAL RESEARCH



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# About EMAR

Employment Market Analysis and Research (EMAR) is as a multidisciplinary team of economists, social researchers and statisticians based in the Employment Relations Directorate of DTI.

Our role is to provide the evidence base for good policy making in employment relations, labour market and equality and discrimination at work. We do this through:

- Conducting periodic socio-economic benchmark surveys
- Commissioning external research projects and reports
- Conducting in-house research and analysis
- Assessing the regulatory impact of new employment laws and programmes
- Monitoring and evaluating of the impact of government policies

We publicly disseminate results of this research through the DTI Employment Relations Research Series and other publications. For further details of EMAR's work please see our web pages at:

<http://www.dti.gov.uk/employment/research-evaluation>

## About this publication

The project manager for this report was Wayne Diamond, Senior Research Officer in the Employment Market Analysis and Research branch.

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# Foreword

The Department of Trade and Industry's aim is to realise prosperity for all. We want a dynamic labour market that provides full employment, flexibility and choice. We want to create workplaces of high productivity, value and skills, where people can flourish and maintain a healthy work-life balance.

The Department has an ongoing research programme on employment relations and labour market issues. DTI researchers, economists and policy advisors devise research projects to be conducted in-house or on our behalf by external researchers, chosen through competitive tender.

This report is one of three commissioned by DTI to examine racial discrimination cases in the Employment Tribunal system. In November 2004, we commissioned BMRB to undertake survey of claimants in race discrimination Employment Tribunal cases. Interviews took place between January and March 2005. This report is the result. It shows that claimants in race discrimination Employment Tribunal cases differ significantly from other types of claimants – as do the nature and outcomes of these cases.

Follow-up in-depth qualitative interviews were undertaken with a sample of respondents to this survey. Detailed findings from these interviews have been published as *The experience of claimants in race discrimination Employment Tribunal cases*, by Jane Aston, Darcy Hill and Nil Djan Tackey.

The third study is *Review of judgments in race discrimination Employment Tribunal cases*, by Alison Brown, Angus Erskine and Doris Littlejohn.

All three reports are published in the DTI Employment Relations Research Series, and are available both online or in hard copy.

Together, these three reports add substantially to the evidence base on Employment Tribunal race discrimination cases. They may also have wider implications for other discrimination strands in the Tribunal system.

The views expressed in these publications do not necessarily reflect those of the Department or the Government. We publish them as a contribution towards open debate about how best we can achieve our objectives.



Grant Fitzner  
Director, Employment Market Analysis and Research

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# Abbreviations

SETA	Survey of Employment Tribunal Applications
RRA	Race Relations Act
UDL	Unfair dismissal cases
DTI	Department of Trade and Industry
ET	Employment Tribunal
ETS	Employment Tribunals Service

# Executive summary

*Claimants in race discrimination Employment Tribunal cases differed from other types of claimants in terms of their personal and employment related characteristics. They tended to be younger, better educated, and more likely to be employed in professional occupations. They were also more likely to work in the public sector.*

*Race discrimination claimants were more likely to have held discussions about their dispute with the employer before submitting a claim. They were also more likely to have been represented at the tribunal hearing than claimants in cases without a race discrimination claim and were also more likely to have sought additional professional advice post submission of the claim.*

*While around a fifth of race discrimination claimants had neither a day-to-day representative nor sought additional professional advice during their case, they were still more likely to have professional representation and advice than non-race discrimination claimants.*

*Race discrimination claimants (and those in other discrimination cases) were much less likely to be successful at tribunal than non-discrimination claimants, and also less satisfied with the outcome of their case, even where their claim was successful. Further analysis is needed to unpack the relationship between survey outcome and other areas of policy interest.*

## Introduction

The Survey of Claimants in Race Discrimination Employment Tribunal Cases is an extension to the 2003 Survey of Employment Tribunals (SETA 2003)<sup>1</sup> that focuses solely on claimants in race discrimination cases.

SETA 2003 was the fourth in a series. One of the main aims of the SETA 2003 project was the development of a robust and durable research instrument, which would form the basis of a sustainable survey series and would provide information on the characteristics of the parties and key features of Employment Tribunal (ET) cases.

In June 2001, the Government announced a review of the process of employment dispute resolution, with the main aim of identifying steps that could be taken to promote resolution within the workplace as an alternative to parties having to go through the tribunal system. A consultation paper, *Routes to resolution: Improving dispute resolution in Britain* was published

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<sup>1</sup> Hayward, Peters et al: *Findings from the Survey of Employment Tribunal Applications 2003*: DTI Employment Relations Research Series No.33

in July 2001, setting out proposals for a programme of reform. Following the consultation process, the Government announced that there would be light-touch legislation binding both employees and employers that would build on existing good practice and recognise the particular needs of small businesses.

This model for dispute resolution was laid out in primary legislation, forming part of the Government's Employment Act 2002, which required that, from October 2004, all employers and employees in Great Britain follow statutory minimum dispute resolution procedures in the event of an employment dispute. These relate to what is known as the 'three-step' standard disciplinary and grievance procedures. Readers should refer to the SETA 2003 report<sup>2</sup> for more details.

SETA 2003 used a simple random sample across ALL jurisdictions, making research on race discrimination cases brought under the Race Relations Act (RRA) on their own untenable. DTI therefore sought to extend the SETA 2003 project so as to include an additional sample of race discrimination (RRA) cases. The aims of this survey were to:

- investigate how and why race discrimination cases differed from other cases in terms of their outcomes; the expectations and experiences of parties involved in such cases; and how parties from ethnic minority groups fared in Employment Tribunal cases as a whole.
- compare race discrimination (RRA) cases with 4 main comparison groups taken from the SETA 2003 data:
  1. **Non-RRA cases** - All cases from the SETA 2003 data which do not contain any claims related to race discrimination);
  2. **Unfair dismissal (UDL)** - Unfair dismissal cases from SETA 2003 that do not include any discrimination claims;
  3. **Other discrimination cases** - all cases from SETA 2003 that involved discrimination claims, excluding race discrimination. This group is made up of a number of different types of discrimination cases, although predominantly Sex Discrimination and Unfair Dismissal due to Disability); and
  4. **Short 'fixed period' conciliation cases:** All 'short' fixed period conciliation cases from SETA 2003, that is cases which do not have claims under UDL or any discrimination claims.

Full details of these groups can be found in Chapter 1 of this report.

The findings presented in this report are based on a random sample of 491 ET cases that contained a race discrimination (RRA) jurisdiction. The sample

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<sup>2</sup> Hayward, Peters et al: Findings from the Survey of Employment Tribunal Applications 2003: DTI Employment Relations Research Series No.33

was drawn from cases containing an race discrimination jurisdiction that were completed between August 2003 and July 2004 inclusive. Comparisons between this sample and cases from SETA 2003 have been made throughout this report; it should be noted that the two surveys were carried out at different time intervals, which could introduce some bias or 'cohort effects'. Importantly, both surveys used samples of claimants prior to the 2004 rule changes and there were no major procedural or legal changes in between drawing the two samples. Any bias that might be present is therefore not thought to be significant.

The data were collected using Computer Assisted Telephone Interviewing (CATI). The response rate was 58 per cent. A full technical report has been produced detailing the response rate and other survey procedures.

Follow-up in-depth qualitative interviews were undertaken with a sample of respondents to this survey. Detailed findings from these interviews have been published as Aston et al, *The experience of claimants in race discrimination Employment Tribunal cases*, DTI Employment Relations Research Series No. 55 (URN 06/160).

## **Characteristics of the parties (Chapter 2)**

About two thirds (65 per cent) of RRA claimants were men. Two fifths (39 per cent) of RRA claimants were Black and 29 per cent were Asian. Smaller proportions were white (18 per cent) or from other ethnic backgrounds (14 per cent). This compared with the much higher proportion of White survey respondents found in each of the four comparison groups.

RRA claimants tended to be younger than claimants across the four comparison groups, with more survey respondents in the 35 to 44 category and less aged 55 and over. Over half (53 per cent) of RRA claimants had dependent children aged under 16 at the time of their application, higher than each of the comparison groups.

Nearly three quarters (73 per cent) of claimants regarded themselves as belonging to a religion, compared with around a half in each of the other groups. The large majority of these (43 per cent) regarded themselves as Christian, with others describing themselves as Islam/Muslim (17 per cent) and Hindu (seven per cent).

RRA claimants were more likely to have qualifications, and were more likely to be educated to degree level or above. Ninety per cent had qualifications at the time of their claim and 44 per cent were educated to degree level, compared with around a fifth in each of the comparison groups.

Over nine in ten RRA claimants (93 per cent) were current or former employees of the organisation against whom they brought their application. Seven per cent were job applicants; this proportion was similar in other Discrimination cases although lower in the other comparison groups, where virtually all survey respondents worked for the organisation in question.

RRA claimants were more likely to be in professional or associate professional occupations. The median annual pay for RRA claimants in full-time permanent jobs was £20,000, compared with £17,000 in non-RRA cases, £18,000 in UDL, £16,000 in other discrimination and £16,640 in short conciliation cases. There may also be differences due to the timeframes of the two surveys (i.e. RRA interviews were conducted later than those in SETA 2003) and there can be long periods between the date of the initial claim and the date of the survey interview.

Forty three per cent of RRA claimants were members of a trade union or staff association at the time of their application. This was much higher than in non-RRA, UDL and short conciliation cases, where it was less than a quarter. A similarly high proportion of claimants in other discrimination cases were union members (38 per cent).

RRA claimants and claimants who brought other discrimination cases were most likely to work for larger organisations, with over a quarter of each working for employers with 250 or more staff.

Half of claimants were employed (or applying for positions) with private sector organisations whilst two fifths were employed in the public sector. Claimants in the other comparison groups were much less likely to be working in the public sector (Non-RRA: 19 per cent; UDL: 19 per cent; other discrimination: 33 per cent and short conciliation: 14 per cent).

### **Written statements and procedures (Chapter 3)**

Eighty two per cent of RRA claimants had received a written statement of terms and conditions of employment compared with two thirds of non-RRA claimants, 72 per cent of UDL, three quarters of other discrimination and 55 per cent of claimants who brought short conciliation cases.

RRA claimants were far more likely to say that their employer had a written disciplinary procedure. Around two thirds (65 per cent) said this was the case. Similar differences were found with the presence of written grievance procedures. Again, two thirds of RRA claimants said their employer had these in place. Differences were less marked when compared with other discrimination cases.

Sixty two per cent of RRA claimants who acknowledged that written procedures were in place said that the procedures had been followed to some extent. Around half (52 per cent) said that they had been followed all the way through. RRA claimants were more likely than each of the comparison groups to say the procedures had been followed.

Nearly three quarters of RRA claimants said that they (or someone acting on their behalf) had put their concerns to their employer in writing before they submitted their ET application. In contrast, a smaller number of RRA claimants (53 per cent) said that the employer had written to them about the issue. However, once again, RRA claimants were more likely to have sent and received such correspondence than their counterparts in each of the

comparison groups. This may in part be linked to the differences in timeframe of the RRA and SETA 2003 surveys and the impact of new statutory procedures that came into force in October 2004.

RRA claimants were more likely to have discussed the dispute with the other party before the claim was submitted. Around a half of RRA claimants were involved in face-to-face discussions compared with less than two fifths in each of the other groups. In cases where there had been no discussion of the dispute, RRA claimants were more likely than others to say that they had wanted to discuss the issue. This difference was particularly marked in relation to other discrimination cases (59 versus 36 per cent).

Seven in 10 who said there had been face-to-face discussion said that a formal meeting had been held. Fifty eight per cent of RRA claimants who said that they had attended a formal meeting said that someone of their choice had accompanied them.

Fifty nine per cent of claimants said that they had informed their employer that they were considering applying for an Employment Tribunal. Over a fifth (22 per cent) said they had done so face-to-face, higher than in each of the comparison groups.

Among those who had not written to, or met with, their employer, RRA claimants were most likely to have been discouraged from submitting their claim if they had been required to do so. Twenty three per cent said that being required to write to their employer would have discouraged them, whilst 27 per cent said that being required to meet would have discouraged them.

#### **Advice and representation (Chapter 4)**

The most common place from which claimants obtained their claim form included a solicitor, barrister or some other kind of lawyer (21 per cent). A solicitor was the most common source for each of the comparison groups, except short conciliation cases.

Sixty one per cent used a representative to help with their case after their claim was submitted. Further analysis shows that 93 per cent received active professional advice at some time during the case, with 85 per cent getting advice prior to the submission of their claim. These percentages were broadly consistent across the comparison groups.

RRA claimants (55 per cent) were more likely to be represented at tribunal hearing than non-RRA claimants (42 per cent) or short conciliation cases (21 per cent). No major differences were found in comparison to UDL or other discrimination cases. However, 39 per cent of RRA claimants whose case went to a full tribunal hearing had received legal representation prior to submitting their claim but had not received any at the hearing itself. This seems to indicate a lack of continuity for a significant number of claimants.

A solicitor, barrister or some other kind of lawyer was the most common type of professional representative used by RRA claimants on a day-to-day basis and at tribunal.

Twenty two per cent of RRA claimants had neither a day-to-day representative nor professional additional advice. Non-RRA claimants (34 per cent) and short conciliation cases (54 per cent) were more likely to have received neither.

Over half (51 per cent) of RRA claimants would have liked additional help with the case, compared with around a quarter of claimants in each of the comparison groups. This is an important finding, which supports findings from parallel qualitative research commissioned by the DTI<sup>3</sup>. Furthermore, claimants who had received no professional representation or advice were most likely to say they would have welcomed additional advice (68 per cent). Again, this is an important finding that supports qualitative research amongst RRA claimants.

RRA claimants were far more likely than others to have received unsolicited approaches from organisations offering their services. More specifically, over three quarters (77 per cent) had done so compared with less than half within most other comparison groups.

Satisfaction with advice and representation was lowest amongst RRA claimants. More specifically, Less than three quarters (73 per cent) said they had made the right decision to involve their representative or main adviser in their case.

RRA claimants incurred the highest mean costs for advice and representation (£5,690). Claimants who brought other discrimination cases did however face higher median costs (£2,000 versus £1,450 for RRA claimants).

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<sup>3</sup> Aston et al, *The experience of claimants in race discrimination Employment Tribunal cases*, DTI Employment Relations Research Series No. 55 (URN 06/160)

## **Role of employment tribunals (Chapter 5)**

Fifty seven per cent of RRA claimants were aware, before they put in their application, that a worker could apply for an Employment Tribunal (ET) if they believed their employer was not respecting their legal rights. Awareness was higher amongst the four comparison groups, with just over six in 10 being aware of this in all groups.

RRA claimants were the least likely to be satisfied with the ET hearing, with just under half (46 per cent) whose case involved a decision at a tribunal reporting that the tribunal gave each party a fair chance. Satisfaction was highest among short conciliation claimants (84 per cent).

RRA claimants were also least likely to be satisfied with the ET system, with half (51 per cent) expressing satisfaction. Similar to the ET hearings, short conciliation claimants had the highest levels of satisfaction, with 80 per cent mentioning that they were satisfied.

RRA claimants whose cases were heard on only one day were more satisfied than those whose cases were heard on more than one day (53 per cent compared to 38 per cent). However, the converse was true for UDL claimants. For non-RRA, short conciliation and other discrimination cases, case duration did not have an effect on satisfaction.

RRA claimants' satisfaction levels were also higher when they had three or less separate hearing events. Non-RRA and short conciliation cases followed a similar pattern, with claimants with no separate hearing events expressing the most satisfaction followed by those with one separate hearing event.

Eleven per cent of RRA claimants said that the tribunal system was unfair or failing compared with only one per cent or less of claimants in each of the four comparison groups.

## **Tribunal hearings (Chapter 6)**

Survey data show that RRA claimants were the most likely to report having at least one additional hearing before the full tribunal hearing (26 per cent), followed by other discrimination cases (18 per cent). Short conciliation cases were least likely to have any preliminary hearings (five per cent).

ETS administrative data reveals that six per cent of RRA cases had a preliminary hearing. Other discrimination cases were more likely to have a preliminary hearing (13 per cent), and short conciliation cases were less likely to have a preliminary hearing (three per cent).

RRA and other discrimination cases were most likely to have an interlocutory hearing (35 per cent and 28 per cent respectively).

Full rights hearings featured in around seven in ten RRA cases, UDL cases, Non-RRA cases and short conciliation cases. Other discrimination cases were the least likely to have a Full rights hearing (57 per cent).

Claimants reported that solicitors, barristers and other legal advisors were most often used to present the case for the employer in RRA cases (78 per cent), other discrimination cases (70 per cent), UDL cases (57 per cent) and non-RRA cases (39 per cent). However, they only presented 15 per cent of short conciliation cases. Claimants perceived that in 60 per cent of these cases the employer did not attend and therefore nobody presented their case.

Claimants further reported that employers were most likely to attend hearings in RRA and other discrimination cases, with only four per cent of employers in RRA cases and seven per cent in other discrimination cases not attending.

Survey data show that the mean number of days spent on RRA case hearings was four. Two days was the mean figure for other discrimination hearings, and among the three remaining comparison groups, the mean number of days was one.

ETS administrative data regarding the number of days on which hearings were heard, reveals that the majority of hearings amongst all claimants were heard on one day. However, the mean number of days for RRA cases (two days) was longer than the mean number of days for the four comparison groups (which had a mean figure of one day each).

One fifth (20 per cent) of RRA claimants reported making an appeal to the Employment Appeal Tribunal (EAT). Appeals were less likely to be made among non-RRA, UDL and short conciliation cases. Appeals were no more or less likely amongst other discrimination cases.

## **Outcomes (Chapter 7)**

Five per cent of RRA claimant cases were successful at tribunal compared with sixteen per cent who were unsuccessful. Two fifths had their case settled by Acas and 12 per cent were privately settled. One fifth withdrew their cases and seven per cent had their case dismissed.

RRA claimants were much less likely to be successful at tribunal than short conciliation or non-RRA cases (five per cent versus 21 per cent and 13 per cent respectively). They were also slightly less likely to be successful than UDL cases (nine per cent). There were some further differences in the outcomes of RRA claimant cases when compared with non-RRA, UDL and short conciliation cases. However, there were no differences between RRA and other discrimination cases.

RRA cases were less likely (51 per cent) to be settled than both non-RRA (60 per cent) and UDL (62 per cent) cases. Nine in ten (91 per cent) RRA cases that settled involved money compared with 96 per cent non-RRA, 95 per cent UDL and 99 per cent short conciliation cases.

The mean settlement amount in RRA cases involving money was £8,547. This was higher than for all the comparison groups: the mean of other discrimination cases was £7,696; UDL £5,924; non-RRA £4,569; short conciliation £1,728.

RRA claimants withdrew their case for a range of different reasons. For example, they were advised to do so (21 per cent) and they thought they could not win the case (19 per cent).

In the majority (86 per cent) of RRA cases where the claimant was successful at tribunal, money was awarded. This was true across the four main comparison groups. The average amount for RRA cases was £12,365, higher than for all the comparison groups.

Among RRA claimants, satisfaction with the outcome of the case was expressed by a third (32 per cent). Claimants in all the four main comparison groups held a more positive view, with more than half saying they were either very or quite satisfied with the outcome of their case.

## **Costs and benefits (Chapter 8)**

Around three quarters (74 per cent) of RRA claimants reported that they had incurred personal financial costs as a result of the case. RRA claimants were more likely to report that they had incurred any personal financial costs than all the main comparison groups except other discrimination claimants.

The mean number of days spent on the case by RRA claimants was 64, although the median was only 14. RRA claimants spent more days on the case, on average, than claimants in any of the four comparison groups. These findings are indicatively corroborated by ETS administrative data that

show the mean duration of RRA cases was 208 days, higher than the comparable figures for all the other groups.

RRA claimants were much more likely (87 per cent) than all the main comparison group claimants to say that the case had had a negative effect on them (74 per cent other discrimination, 66 per cent UDL, 59 per cent non-RRA and 43 per cent short conciliation).

Around two thirds (64 per cent) of RRA claimants reported being affected by stress compared with slightly more than half of non-RRA, UDL and short conciliation claimants. This was the most common non-financial negative effect mentioned by RRA claimants.

Around half (51 per cent) of RRA claimants were aware of the new costs regime compared with 44 per cent of non-RRA claimants, 43 per cent of UDL claimants and 39 per cent of short conciliation claimants.

RRA claimants were more likely (33 per cent) than non-RRA and short conciliation claimants to say that awareness of the new costs regime had influenced them not to go to tribunal. However, six in ten RRA claimants said that advance knowledge had not influenced them compared with seven in 10 non-RRA and 77 per cent of short conciliation claimants.

By the time of the interview, 83 per cent of claimants in RRA cases had undertaken some kind of work compared with 88 per cent short conciliation, 87 per cent UDL and 72 per cent other discrimination claimants. RRA claimants were at least twice as likely as all the four comparison groups to be unemployed and looking for work (16 per cent RRA). Sixteen per cent of RRA claimants were still working for the employer against which they had made their claim compared with five per cent of non-RRA and short conciliation claimants and two per cent of UDL claimants.

Where RRA claimants had moved into new work, the average time it had taken them to find new work was 23 weeks, about the same time (22 weeks) as it took other discrimination claimants, but longer than UDL (16 weeks), non-RRA (14 weeks) and short conciliation (nine weeks) claimants.

When asked to compare the pay of a new job to the one they had at the time of putting in the application, 47 per cent of RRA claimants said that their current job paid better compared with 35 per cent of UDL claimants.

### **About this survey**

In November 2004, the Department for Trade and Industry (DTI) commissioned BMRB to undertake survey of claimants in race discrimination Employment Tribunal cases. As in SETA 2003, the data were collected using Computer Assisted Telephone Interviewing (CATI). Interviews took place between 12 January 2005 and 28 March 2005. The response rate was 58 per cent.

A detailed technical account of the survey is provided in the SETA RRA Survey User Guide. This provides background information about the survey; details of the sampling frame and sampling method; a full analysis of response rates; copies of the questionnaires; a data dictionary; and the syntax files for derived variables presented in this report.

### **Access to survey data**

As with previous surveys in the series, the DTI intends to place a copy of the survey dataset and technical report in the UK Data Archive for use by academics and *bona fide* researchers.

For more details please go to: <http://www.data-archive.ac.uk>

# 1

## Introduction

### Background

The origin for this study can be traced back to the recommendations of the Prime Minister's Strategy Unit report on *Ethnic Minorities in the Labour Market* (March 2003). The report called for new research on the nature and causes of employer racial discrimination. It also highlighted issues around the enforcement of rights under the Race Relations Act through the Employment Tribunal system.

In order to inform consideration of the policy options for addressing these issues, a better understanding of how the current system would be required. Aspects meriting investigation included how and why race discrimination cases differed from other cases in terms of their outcomes; the expectations and experiences of parties involved in such cases; and how parties from ethnic minority groups fared in Employment Tribunal cases as a whole.

Strategy Unit recommendation 24 called on the DWP and DTI to 'develop a research programme to improve understanding of the nature, causes and extent of racial discrimination and harassment in the labour market'.

Tribunal statistics and survey evidence show that cases brought under the Race Relations Act differ in outcome to those brought under other jurisdictions. The cases tend to take longer to resolve, are more complex and costly, and result in fewer successful outcomes. An important part of the policy rationale underpinning our research was to get a better understanding of the factors that influence the outcome (and cost) of race discrimination cases.

The Department of Trade and Industry commissioned three pieces of research in 2004/05 aimed at exploring the race dimension of Employment Tribunal cases. This report is one of those three. The other two studies were:

- *The experience of claimants in race discrimination Employment Tribunal cases*, by Jane Aston, Darcy Hill and Nil Djan Tackey.
- *Review of judgments in race discrimination Employment Tribunal cases*, by Alison Brown, Angus Erskine and Doris Littlejohn.

All three reports have been published in the DTI Employment Relations Research Series.

A second factor influencing this survey was that the Department had recently published its findings from the Survey of Employment Tribunal Applications.<sup>4</sup> The Fourth Survey of Employment Tribunal Applications (SETA 2003) was

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<sup>4</sup> Hayward, Peters et al: *Findings from the Survey of Employment Tribunal Applications 2003*. DTI Employment Relations Research Series No.33

designed to produce a robust and durable research instrument that would form the basis of a sustainable survey series and would provide information on the characteristics of the parties and key features of ET cases. SETA 2003 also sought to provide information on the characteristics of ET cases and key features of ET cases; and, links survey data to administrative event that would provide an integrated dataset from which would provide a basis of an analysis of the determinants of outcomes and durations of Employment Tribunal cases.

SETA 2003 provides for a simple random sample across all Employment Tribunal jurisdictions with the aim of providing the basis of a systemic analysis of the Employment Tribunal system. Previous surveys in the SETA series focused on the five main jurisdictions. A recognised consequence of the new sample design of SETA 2003 was there would be insufficient number of cases in the race discrimination (and, indeed, other smaller jurisdictions) to provide the basis of robust statistical analysis how Race Relations Act cases differ the main jurisdictions. To remedy this the DTI sought to extend the SETA 2003 research project to include an additional sample of claimants involved in Race Relations Act cases (RRA).

A comprehensive background to the Employment Tribunals Service can be found in SETA 2003, along with more information on the background to the historic SETA series.

## Methodology and fieldwork

### *Design of SETA 2003*

SETA 2003 was based on a simple random sample of cases from across all jurisdictions and used a generic questionnaire, rather than one tailored according to jurisdiction. The benefits of this design were that it was simple and easily replicable and comprehensive in its coverage of all jurisdictions. Its main drawback was that the random sample design limits the scope for analysis by individual jurisdiction (except Unfair Dismissal). Table 1.1 shows the distribution of jurisdictions in SETA 2003, data are shown for key summary jurisdictions only. These limitations were most manifest in the case of Discrimination jurisdictions. It should be noted that SETA 2003 was deliberately designed in this way as the intention was to use the SETA instrument on selected samples of cases of key interest to policy.

**Table 1.1: Summary jurisdictions in SETA 2003 (based on all jurisdictions in the case)**

Unfair dismissal	53%
Breach of contract claim	18%
Wages Act	30%
Redundancy Pay	7%
Sex Discrimination	3%
Race discrimination	3%
Disability discrimination	4%
(Any discrimination)	13%
Equal Pay	1%

*Unweighted* 2236

Based on all claimants. Source: SETA RRA 2005

### *Details of the sample, data collection and analysis*

The findings presented in this report are based on a random sample of 491 ET cases drawn from a sample of claimants who had submitted an ET claim, which included a race discrimination claim (that is a claim under the Race Relations Act RRA claim). The sample was drawn from cases completed between August 2003 and July 2004 inclusive. The findings are statistically representative of cases completed in Great Britain during this period. As in SETA 2003, the data were collected using Computer Assisted Telephone Interviewing (CATI) between 12 January 2005 and 28 March 2005. The response rate was 58 per cent.

The claimant questionnaire for SETA 2003 was used, with very minor modifications (including some supplementary questions on nationality, language etc). All associated fieldwork documents (approach letters etc) were the same as those used in SETA 2003. Given the methodological similarities between the two surveys, the aim was to draw direct comparisons between different types of claimants.

A detailed technical account of the survey is provided in the SETA RRA Survey User Guide. This provides background information about the survey; details of the sampling frame and sampling method; a full analysis of response rates; copies of the questionnaires; a data dictionary; and the syntax files for derived variables presented in this report. As with previous surveys in the series the DTI intends to place a copy of the SETA RRA Survey dataset in the UK Data Archive for use by academics and *bona fide* researchers.

Follow-up in-depth qualitative interviews were undertaken with a sample of respondents to this survey. Detailed findings from these interviews were published in the Employment Relations Research Series in 2006 (Aston et al, *The experience of claimants in race discrimination Employment Tribunal cases*, DTI Employment Relations Research Series No. 55, URN 06/160).

### **Scope of the report**

This report describes the main characteristics of RRA cases. While SETA 2003 reported case characteristics by main jurisdiction, this report instead focuses on the similarities and differences between the experiences of claimants in RRA cases and non-RRA cases, using data from SETA 2003 for the latter.

Comparisons between this sample and cases from SETA 2003 have been made throughout this report; it should be noted that the two surveys were carried out at different time intervals, which could introduce some bias or 'cohort effects'. Importantly, both surveys used samples of claimants prior to the 2004 regulatory changes and there were no major procedural or legal changes in between drawing the two samples. Any bias that might be present is therefore not thought to be significant.

The main comparisons in the report are between cases that include a claim under RRA and the following four types of cases:

1. All cases that do not include an RRA claim (n=2173)
2. Unfair Dismissal cases that do not include any discrimination claims (n=1113)
3. Other Discrimination cases that do not include an RRA claim (n=232)
4. Short conciliation cases (excluding those that include any UDL or discrimination claims) (n=710)

These groups have been referred to throughout as: **RRA, non-RRA, UDL, other discrimination and short conciliation** cases.

### **The comparison groups**

The following description explains the main comparison groups in more detail:

1. Non-RRA: This group refers to all cases from the SETA 2003 data which do not contain any claims related to race discrimination;
2. UDL: This group consists of all cases from SETA 2003 which contain unfair dismissal claims, with any cases that contain race discrimination claims removed. It is important to remember that these cases might be different from UDL cases that did contain RRA claims;
3. Other discrimination: This group is all cases from SETA 2003 which involved discrimination claims, excluding race discrimination. This group is made up of a number of different types of discrimination cases, although predominantly Sex Discrimination and Unfair Dismissal due to Disability<sup>5</sup>:
  - Sex Discrimination: SXD (n=132)
  - Unfair Dismissal due to Disability: DDA1 (n=61)
  - Other employment detriment due to disability: DDA2 (n=12)
  - Discrimination in getting employment due to disability: DDA3 (n=8)
  - Employer fails to make reasonable adjustment: DDA4 (n=27)
  - Equal Pay for Equal value: EQP (20)
  - Unfair dismissal for pregnancy: U60 2 (10)
  - Right to return to work after maternity leave: U60 1 (1)

It should be noted that discrimination on the grounds of sexual orientation and religion are not included in the above because these types of cases were not included in SETA 2003, due to small number of interviews.

4. Short conciliation cases: This group contains all short conciliation cases from SETA 2003, excluding those which included UDL or discrimination

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<sup>5</sup> Cases may have included a claim under more than one discrimination jurisdiction and therefore the numbers listed total more than 232

claims (as above). The SETA 2003 report<sup>6</sup> provides a full explanation of 'short conciliation period cases' and 'standard conciliation period cases'. These terms are used to describe cases that will be subject to fixed period Acas conciliation, which was introduced in October 2004. Cases have been defined in this way with a view to benchmarking the new procedures. Under the new rules it will not be permissible for a Tribunal hearing to take place during the fixed period (although a case management discussion and/or a pre-hearing review may still be held). The Tribunal will still have the ability to fix a date for a Hearing as long as the Hearing itself does not actually take place during the fixed conciliation period. There are to be three categories of cases for fixed period purposes:

- i) Cases where no fixed period is to apply;*
- ii) Cases where a seven week fixed period (the short conciliation period) is to apply;*
- iii) Cases where a thirteen week fixed period (the standard conciliation period) is to apply.*

As stated, these categories are described fully in the SETA 2003 report. Category 2 (short conciliation cases) consists of claims relating to the following:

- unauthorized deductions from wages (including holiday pay);
- breach of contract;
- statutory redundancy payment (where the employer is the respondent);
- unpaid guarantee pay;
- unpaid medical suspension pay;
- time off for public duties;
- pay and time off to look for work or arrange training;
- pay and time off for ante-natal care;
- unpaid maternity suspension pay;
- the right not to suffer deductions of unauthorized subscriptions;
- pay and time off for carrying out trade union duties;
- time off for trade union activities;
- failure to pay remuneration under a protective award;
- and failure to pay compensation following failure to inform or consult about a business transfer.

The intention is that these claims will be listed on a "fast track" basis, for a short hearing soon after the end of the seven week period. The reason for this is that, where "pure money" claims of this kind are concerned, the facts are often not in dispute and the case can be disposed of quickly, ensuring swift access to justice. There will however be provision for a chairman to make an order converting a short, seven week fixed period case into a standard, thirteen week fixed period case if this is warranted by the complexity of the proceedings in any particular instance.

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<sup>6</sup> Hayward, Peters et al: Findings from the Survey of Employment Tribunal Applications 2003: DTI Employment Relations Research Series No.33

A key aim of the Survey of Claimants in race discrimination Employment Tribunal cases (SETA RRA) survey was to examine whether race discrimination cases are different, in any way, from the four groups of cases discussed above. The SETA RRA survey data is discussed more fully below.

### The SETA RRA survey group

Groups 1-4 (above) are compared throughout with the RRA survey data (491 Cases). These 491 cases all contain an RRA claim, which may or may not be the main jurisdiction in the case. For instance, in a small number of cases, RRA was not the main jurisdiction in the case (63). For the purposes of analyses, all 491 cases have been used, as the RRA element in the case was considered to be the dominant factor (for reporting purposes).

Table 1.2 below details the main jurisdiction in each of the 491 cases. It should however be noted that the term 'main jurisdiction' is an administrative label applied by ETS and may have limited diagnostic value compared with overall case composition. The table also shows the number of jurisdictions cited per case; more specifically, 62 per cent of RRA survey cases were restricted to RRA, but nearly a fifth (19 per cent) involved two and 11 per cent involved three jurisdictions. Eight per cent of cases involved four or more jurisdictions.

**Table 1.2: Main jurisdiction in RRA cases and number of jurisdictions per case**

<b>Main jurisdiction</b>	<b>%</b>
Race discrimination	87
Unfair dismissal	9
Sex discrimination	2
Breach of contract claim	1
Unfair dismissal due to disability	*
Discrimination in getting employment due to disability	*
Discrimination on grounds of religious belief	*
Other	1
<b>Number of jurisdictions per case</b>	<b>%</b>
1	62
2	19
3	11
4	6
5	2
6	*
7	*
	<i>Unweighted</i>
	491

Based on all claimants. Source: SETA RRA 2005

To reiterate, the purpose of this report is explore how the experiences of claimants in race discrimination cases compare with the experiences of claimants in other types of cases. Of course, as has been mentioned, the RRA group does not purely consist of race discrimination claims but also includes claims under other jurisdictions. Further analysis would be necessary to compare the 'single jurisdiction' with 'multi jurisdiction cases.

Throughout this report, the analysis is centred on the comparison groups discussed. More specifically, the following questions have been considered when discussing the findings throughout this report:

- How do RRA cases compare with other discrimination cases?
- How do they compare with 'simple' short-conciliation period cases?
- How do they compare with cases that include UDL but no RRA claim?
- How do they compare with all other cases (or those that do not include an RRA claim)?

### **Further multivariate analysis**

This report of preliminary findings is largely descriptive and many of the findings highlighted will undoubtedly stimulate wider discussion that will, hopefully, priorities for further secondary analysis. Such analysis may help to broaden our knowledge in these areas and help unpack some of the complexities of the tribunal process, including perceptions and experiences. Such multivariate analysis could for instance explore the underlying associations between the characteristics of RRA cases and other outcomes or perceptions.

### **Format and outline of the report**

The detailed findings from the SETA RRA survey are provided in tables, which can be found at Annex A. The main body of the report aims to provide a brief context to aide the interpretation of the findings and to draw some of the main findings of interest from those tables.

Chapter 2 begins by providing detailed information on the characteristics of RRA claimants involved in Employment Tribunal cases. These findings provide the basis for the comparison with SETA 2003, and the comparison groups described earlier.

The following seven chapters are grouped into particular themes, which correspond to the factors that might be expected to influence the incidence and outcome of cases. Thus, special attention is paid to:

- The provision of written statements of terms and conditions of employment and the use of procedures for dealing with grievances and disciplinary action (Chapter 3);
- Sources of advice and patterns of representation (Chapter 4);
- Claimants' prior knowledge of the ET system and their perceptions of the service provided by the ETS (Chapter 5);
- Details of any hearings that took place, claimants' perceptions of these hearings and the subsequent durations (Chapter 6);
- Analysis of outcomes, reasons for settling and withdrawal, satisfaction with the outcome and perceptions of the fairness of the process, (Chapter 7);

- The direct cost to claimants, financial and non-financial, as well as other employment-related effects; and awareness and impact of the new costs regime, as described earlier in this chapter (Chapter 8).

Each chapter ends with a short summary which highlights the main differences between RRA claimants and claimants in the main comparison groups. A conclusions chapter at the end of the report draws together some of the key findings and implications of the research.

It should also be noted that administrative data from ETS has been included in this report. These data have been cleaned to correct or mitigate for any errors and a revised set of costs, awards and hearing data have been created and have also been included in a revised SETA 2003 dataset.

Furthermore, the SETA RRA data are based on claimants only and no respondent employers were interviewed. SETA 2003, and previous surveys in the series, makes clear that the perceptions of claimants and respondents vary with respect to events in the case. Therefore this survey is based on the reported perceptions of claimants.

It should be recognised that there are limitations associated with asking parties to talk about the dispute that led up to the ET application and the subsequent progress of the case. When people are asked to talk about social processes that happened in the past, they have a tendency both to post-rationalise their behaviour and to forget details of their experience. Their responses may therefore be subject to bias. This problem is generic in research that requires people to recall past events, but is exacerbated in this study, because parties involved in employment tribunals can find the experience highly emotive and traumatic. This is especially true for claimants, particularly where they are engaging with the ET system for the first time or feel dissatisfied with the outcome of the case.

Problems of recall are likely to be exacerbated for parties who are represented, because they have had less direct involvement in the tribunal process than unrepresented parties. Again, this is particularly likely to be a problem for claimants who are, arguably, less likely than employers to be consulted by their representatives about the legal, administrative and procedural detail involved in conciliation and dispute resolution.

### **Reporting differences**

The survey is based on a sample only, rather than the total population, of RRA claimants. This means that all findings are subject to sampling tolerances. In the report, differences between RRA claimants and the main comparison groups are reported only when they are statistically significant at the 95 per cent confidence level.

# 2

## Characteristics of the parties

In this chapter, information is provided about the characteristics of claimants involved in RRA cases. The characteristics covered for claimants (see Tables 2.1 and 2.2) include:

- sex
- ethnicity
- age
- disability
- religion
- marital status
- presence of children
- housing tenure
- educational qualifications
- year of entry to UK
- and a range of employment-related characteristics.

The sections below contain a comparison of the RRA survey cases with each of the four SETA 2003 comparison groups. The SETA 2003 report<sup>7</sup> also makes reference to comparisons with the UK workforce as a whole. Readers should review this report for further information.

### **Personal characteristics of claimants**

Table 2.1 (at Annex A) provides details of the personal characteristics of claimants. About two thirds (65 per cent) of RRA claimants were men. Men brought the most applications across each of the comparison groups except other discrimination claims, where only a third (32 per cent) were brought by men (Table 2.1). This is not surprising given that other discrimination claims contain a large element of sex discrimination.

Two fifths (39 per cent) of RRA claimants were Black and 29 per cent were Asian. Smaller proportions were White (18 per cent) or from other ethnic backgrounds (14 per cent). This compared with the much higher proportion of White survey respondents found in each of the four comparison groups.

The age profile of RRA claimants was broadly similar to that found in the other comparison groups, although there were more survey respondents in the 35 to

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<sup>7</sup> Hayward, Peters et al: Findings from the Survey of Employment Tribunal Applications 2003: DTI Employment Relations Research Series No.33

44 category and less aged 55 and over. The mean and median ages were also very consistent across each group. More specifically, the mean and median age of RRA claimants was 41.

Eighteen per cent of RRA claimants had a long-standing illness, disability or infirmity at the time of their claim, which was consistent with the comparison groups, although lower than survey respondents who brought other discrimination cases (39 per cent). This is not surprising given the relatively large number of Disability Discrimination cases in this group.

Furthermore, eleven per cent of RRA claimants went on to say that they had a long-standing illness, disability or infirmity which limited their activities in some way.

Nearly three quarters (73 per cent) of race discrimination claimants regarded themselves as belonging to a religion, compared with around a half in each of the other groups. The large majority of these (43 per cent) regarded themselves as Christian, again consistent across the groups. The main reason for the larger religious affiliation was driven by the numbers of RRA claimants who described themselves as Islam/Muslim (17 per cent) and Hindu (seven per cent).

Around two thirds of race discrimination claimants (64 per cent) were married or living with a partner at the time of their application. Fifty two per cent of claimants were married; there were no major differences across the comparison groups.

Over half (53 per cent) of RRA claimants had dependent children aged under 16 at the time of their application, higher than each of the comparison groups. This might be expected given the differences in age profile highlighted above. More specifically, there were more RRA claimants aged 35-44 and less aged 55 or over.

Half of RRA claimants were buying a property on a mortgage at the time of the application, which was lower than the proportion in each of the comparison groups (except claimants who brought short conciliation cases). Thirty per cent were renting a property, much higher than the proportion in each of the other groups (where it ranged from 12 to 21 per cent). Nine per cent were living rent-free, with the same proportion owning their home outright.

RRA claimants were more likely to have qualifications, and were more likely to be educated to degree level or above. Ninety per cent had qualifications at the time of their claim compared with around three quarters of claimants in non-RRA cases and UDL cases. A similar proportion of claimants (87 per cent) who brought other discrimination cases had qualifications, whilst a smaller proportion (71 per cent) that brought short conciliation period cases held some.

Furthermore, 44 per cent of RRA claimants were educated to degree level, compared with around a quarter in each of the comparison groups.

Forty three per cent of RRA claimants were born in the UK<sup>8</sup>. Of those that were not, around a quarter entered the UK before 1970 (24 per cent) or prior to 1980

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<sup>8</sup> There is no comparable data from SETA 2003.

(27 per cent). A further 19 per cent entered the UK before 1990, whilst three in 10 did so from 1990 onwards. Of those born outside of the UK, a wide range of countries were mentioned. Grouping these into continents shows that 38 per cent were from Africa, 30 per cent were from Asia, 14 per cent were from America and the Caribbean whilst 11 per cent were born in Europe.

### **Employment-related characteristics of claimants**

Please refer to Table 2.2 at Annex A. Over nine in ten RRA claimants (93 per cent) were current or former employees of the organisation against whom they brought their application. Seven per cent were job applicants; this proportion was similar in other Discrimination cases although lower in the other groups, where virtually all survey respondents worked for the organisation in question.

Of cases involving claimants who were current or former employees, ninety five per cent were brought by claimants who were employed in permanent jobs. There were no significant variations across the comparison groups. Eighty six per cent of cases were brought by full-time permanent employees and eight per cent by part-time permanent employees. The proportion of claimants in full-time permanent employment was lower in each of the comparison groups, with the exception of UDL cases (86 per cent).

When compared with survey respondents in the other comparison groups, RRA claimants were more likely to be in professional or associate professional occupations (SOC Groups 2 and 3). Conversely, RRA cases were particularly unlikely to involve employees in skilled trade occupations, personal service occupations, sales and customer service occupations and as process, plant and machine operatives.

Nine per cent of claimants worked mainly at or from home in the job relating to the ET application, a similar proportion to the other comparison groups, but higher than survey respondents who brought other discrimination cases (five per cent).

Half of claimants were employed (or applying for positions) with private sector organisations whilst two fifths were employed in the public sector. A smaller proportion were employed in the voluntary sector (six per cent) or were unsure of the organisation status (four per cent). Claimants in the other comparison groups were much less likely to be working in the public sector (Non-RRA: 19 per cent; UDL: 19 per cent; other discrimination: 33 per cent and short conciliation: 14 per cent).

The median annual pay for RRA claimants in full-time permanent jobs was £20,000, compared with £17,000 in non-RRA cases, £18,000 in UDL, £16,000 in other discrimination and £16,640 in short conciliation cases. This difference will, to some extent, be accounted for by the occupation differences noted above. More specifically, claimants in professional or associate professional occupations received higher salaries than their counterparts in most other occupations (as found in SETA 2003). There may also be differences due to the timeframes of the two surveys (i.e. RRA interviews were conducted later than those in SETA 2003) and there can be long periods between the date of the initial claim and the date of the survey interview.

RRA claimants' mean number of years service with their employer was five years. Service was the same in non-RRA cases, lower in short conciliation cases (four years) and higher in UDL and other discrimination cases (six years).

Nine per cent of RRA claimants were on a trial or probationary period at the time of their application. This situation was less common in non-RRA cases (six per cent) and UDL cases (three per cent).

Forty three per cent of RRA claimants were members of a trade union or staff association at the time of their application. This was much higher than in non-RRA, UDL and short conciliation cases, where it was less than a quarter. A similarly high proportion of claimants in other discrimination cases were union members (38 per cent). This is most probably linked to the higher proportion of RRA claimants being in the public sector (see above) where union density is much higher.

RRA claimants and claimants who brought other discrimination cases were most likely to work for larger organisations, with over a quarter of each working for employers with 250 or more staff. This compared with 15 per cent of non-RRA claimants, 17 per cent of UDL and eight per cent of short conciliation cases.

## **Summary**

This chapter has shown that RRA claimants share a number of personal characteristics with the other major comparison groups. There are however some significant differences present. More specifically, RRA claimants were more likely to be from Asian or Black ethnic origin; they were also more likely to identify with a religion (and in particular Islam/Muslim and Hindu). Generally speaking, the age profile of the different groups was similar although there was a higher proportion of RRA claimants aged 35-44 and less aged 55 or over. Related to this, RRA claimants were more likely to have dependent children aged under 16. RRA claimants were also more likely to be educated and specifically educated to degree level and above. Finally, there were differences in housing tenure, with RRA claimants more likely to be renting than buying their properties on a mortgage or loan.

There were also differences in the employment characteristics of the different groups: RRA claimants were more likely to be working in the public sector for larger organisations. Union membership was also higher for RRA claimants (as it was for claimants in other discrimination cases). Finally, RRA claimants appeared to have higher earnings than their counterparts, although this might be explained by the time differences between the two surveys.

# 3

## Written statements and procedures

This Chapter presents findings on the provision by employers of written statements of terms and conditions of employment, including details of grievance and disciplinary procedures and the use of workplace procedures in trying to resolve employment rights disputes.

The role of written terms and conditions, alongside workplace rules and procedures, is described fully in the SETA 2003 report. Together they play an important role in clarifying the basis of the employment relationship and help employers avoid workplace grievances.

Detailed information is collected in SETA on the existence of written statements and the use of workplace grievance and disciplinary procedures, reflecting the importance of their role in relation to workplace disputes.

The findings for RRA claimants and comparisons with the four main groups are presented below and in Tables 3.1 to 3.6. As noted in Chapter 1, it is important to stress that the information presented in this section is from claimants only and experiences from the SETA 2003 survey suggest their views may differ from the respondent employer's perspective (see Chapter 1 for full discussion).

### **Provision of written statement of terms and conditions**

Race discrimination claimants were more likely to report having been provided with a written statement of terms and conditions after joining the organisation. Eighty two per cent had received a written contract compared with two thirds of non-RRA claimants, 72 per cent of UDL, three quarters of other discrimination and 55 per cent of claimants who brought short conciliation cases (Table 3.1).

SETA 2003 showed that the proportion of employers who said they had issued written terms and conditions increased with the size of the organisation. It is important to note that RRA claimants and claimants who brought other discrimination cases worked for larger organisations. This would partly explain why a greater proportion of claimants in these groups had received written terms. This was also linked to the higher proportion of RRA claimants who worked in the public sector; more specifically, RRA claimants who worked in the public sector were more likely to have received written terms than those in the private or voluntary sectors (88 versus 77 and 82 per cent respectively).

Amongst RRA claimants, 93 per cent who worked for employees with 250 or more staff had received conditions compared with 84 per cent who worked for

employers with 50-250, and less than eight in 10 in organisations with fewer than 50.

### **Presence and use of grievance and disciplinary procedures**

The presence of written documentation again appeared to vary between RRA cases and the main comparison groups. RRA claimants were, in particular, far more likely to say that their employer had a written disciplinary procedure. Around two thirds (65 per cent) said this was the case compared with 53 per cent of non-RRA cases and 43 per cent of short conciliation cases. Differences were less marked when compared with other discrimination cases (62 per cent).

Similar differences were found with the presence of written grievance procedures. Again, two thirds of RRA claimants said their employer had these in place compared with 47 per cent of non-RRA cases and 35 per cent of short conciliation cases. The difference to other discrimination cases was again less marked (58 per cent).

Fifty six per cent of RRA claimants said their employer had both sets of procedures in place, with similar patterns between the comparison groups evident (see Table 3.1).

As already discussed, employer size had an impact on the presence of written terms and conditions. The same was also true of grievance and disciplinary procedures; RRA claimants working for larger employers were more likely to say that these were both in place.

### **The use of procedures**

Having procedures in place does not always mean that they are followed, or followed through correctly or through all relevant stages. Claimants who acknowledged that written procedures were in place to deal with the issue that gave rise to the claim were probed about the extent to which the procedures were followed (see Table 3.2).

Sixty two per cent of RRA claimants who acknowledged that written procedures were in place said that the procedures had been followed to some extent. This is equivalent to 46 per cent of all claimants who worked or had worked for the employer against whom they had brought the application. Among those who said that procedures had been followed, around half (52 per cent) said that they had been followed all the way through.

Table 3.2 shows that RRA claimants were more likely than each of the comparison groups to say the procedures had been followed; less than half of claimants in each of the comparison groups said this was the case. This seems to indicate that RRA claimants were more likely to exhaust internal processes before submitting a claim. This may in part be linked to the differences in timeframe of the RRA and SETA 2003 surveys and the impact of new statutory procedures that came into force in October 2004.

### **Communication prior to the application**

SETA 2003 described the extent to which respondent employers and claimants were following the 'three step'<sup>9</sup> communication process in order to resolve disputes within the workplace. RRA claimants were asked the same series of questions to establish what oral and written communication took place between the parties before the claim was submitted. As detailed in Chapter 1, these processes became mandatory before applying for an ET post October 2004.

Nearly three quarters (73 per cent) of RRA claimants said that they (or someone acting on their behalf) had put their concerns to their employer in writing before they submitted their ET application. In comparison, around six in 10 claimants in each of the comparison groups had done so (Table 3.3).

In contrast, a smaller number of RRA claimants (53 per cent) said that the employer had written to them about the issue. However, once again, RRA claimants were more likely to have received such correspondence than their counterparts in each of the comparison groups.

In cases where the claimant had been dismissed or made redundant, RRA claimants and their comparators gave very consistent accounts of whether there had been any warning that this might happen. More specifically, around three quarters said they had received prior warning.

RRA claimants were more likely to have discussed the dispute with the other party before the claim was submitted. The findings indicate that discussions took place in 58 per cent of cases compared with less than half in each of the comparison groups. Face-to-face discussions took place in 51 per cent of RRA cases compared with less than two fifths in each of the other groups (Table 3.3). In cases where there had been no discussion of the dispute, RRA claimants were more likely than others to say that they had wanted to discuss the issue. This difference was particularly marked in relation to other discrimination cases (59 versus 36 per cent). Once again, it is important to emphasise that employers and claimants may have had different views about whether discussions or meetings took place (as found in SETA 2003)<sup>10</sup>.

RRA claimants were also more likely to say that a formal meeting had taken place with the employer before the claim was made. Seven in 10 who said there had been face-to-face discussion (36 per cent of all RRA claimants) said that a formal meeting had been held. This compared with less than six in 10 in each of the other groups, with the exception of UDL cases (Table 3.5).

In cases where formal meetings were held, RRA claimants (44 per cent) were more likely than claimants who brought other discrimination cases (29 per cent) or short conciliation cases (25 per cent) to say that they had been told that they could appeal against any decision made at the meeting. There were no differences when compared with non-RRA or UDL cases.

Fifty eight per cent of RRA claimants who said that they had attended a formal meeting said that they had been accompanied by someone of their choice at the

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<sup>9</sup> See SETA 2003 report for further explanation.

<sup>10</sup> Hayward, Peters et al: *Findings from the Survey of Employment Tribunal Applications 2003*. DTI Employment Relations Research Series No.33

meeting, similar to the other groups, with the sole exception of short conciliation cases (29 per cent). A third had been accompanied by a trade union representative and 17 per cent by a work colleague. Similar proportions were reported in the comparison groups, except short conciliation. It is interesting to note that nearly a third (32 per cent) of union members who attended a formal meeting were not accompanied by their union representative.

Fifty nine per cent of claimants said that they had informed their employer that they were considering applying for an Employment Tribunal, higher than the proportion in each comparison group where around a half had done so (except short conciliation: 61 per cent) (Table 3.3). Thirty seven per cent said that they had done so in writing, 22 per cent face-to-face and eight per cent by telephone. Claimants in the comparison groups were less likely to have informed their employer face-to-face (less than a fifth had done so).

Among claimants who had not written to their employer before submitting an application, 23 per cent said that being required to do so would have discouraged them from submitting their application, compared with around 12 per cent of non-RRA, UDL and short conciliation cases and 18 per cent of other discrimination cases. This suggests that RRA claimants may be more fearful of retribution or disapprobation. However, the proportion of RRA claimants (and those involved in other discrimination cases) were more likely (15 and 14 per cent respectively) to have been remaining with their employer after the case had finished (i.e. at the time of the survey interview) than those in Non-RRA (five per cent), UDL (two per cent) and short conciliation cases (five per cent).

Among those who had not met with their employer before submitting an application, 27 per cent said that being required to do so would have discouraged them from submitting their application. It appears once again that RRA claimants were more likely to have been discouraged than others (Table 3.6).

## **Summary**

This chapter has shown that the experience of RRA claimants has been somewhat different to that witnessed by claimants in each of the other comparison groups. Throughout the entire process of formalising procedures and communicating events, RRA claimants were different to other groups. They were more likely to have:

- received a written statement of terms and conditions and employment;
- said that their employer had a written disciplinary and grievance procedure;
- said that procedures had been followed;
- put their concerns in writing and/or received correspondence from their employer;
- discussed the dispute with the other party before the claim was submitted, and where discussions took place, these were more likely to have been held face-to-face; and
- they were more likely to have informed their employer about their ET application.

# 4

## Advice and representation

In this chapter the sources of advice and representation used in tribunal applications are examined. As in the SETA 2003 report, the main focus is on the use of active sources of advice and representation at different stages of the tribunal process. This includes before the claim was made (pre-submission of the ET1 claim form) and the employer's response (submission of the ET3); after the submission of the claim and the employer's response; and, for cases going to full tribunal hearing.

This report makes a distinction between active 'advice' and 'representation', whereby the parties talk to somebody about the case and where representation is seen to go beyond the provision of advice and is defined as giving help with the day-to-day handling of the case. Access to professional advice is considered very important in informing parties about the merits of a case and subsequent action that should be followed. Having someone to represent the case on a day-to-day basis is thought to be additionally advantageous and this is how professional representation has been operationalised throughout this section. Furthermore, as well as receiving professional representation, claimants may have sought and received professional advice from other sources post submission of the claim form. This section therefore considers both representation and other advice.

### Sources of advice and representation

#### *Before making a claim*

The source of the claim form for RRA claimants varied; the most common places from which claimants obtained their form included a solicitor, barrister or some other kind of lawyer (21 per cent) and trade union (13 per cent). Other common sources included the Commission for Racial Equality (nine per cent), ETS website (10 per cent) and ETS by telephone (eight per cent). A solicitor was the most common source for each of the comparison groups, except short conciliation cases, where Citizens' Advice Bureau (22 per cent) and Acas<sup>11</sup> (20 per cent) were mentioned most frequently.

There was an even split between claimants who completed the claim form themselves (47 per cent) and those that received help with this. Over a quarter (29 per cent) claimed that someone helped them complete the form, whilst 23 per cent said that someone had completed the whole form for them (see Table 4.2). There were few major differences between the comparison groups; apart

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<sup>11</sup> Acas does not hold ET1 claim forms. This should be treated as respondent perception.

from short conciliation cases where around two thirds (65 per cent) completed the form themselves.

Of those that received help, the most common source for RRA claimants was a solicitor or barrister. This was mentioned by 47 per cent of RRA claimants. Claimants who brought short conciliation cases used a wider range of people, notably Citizen's Advice Bureau (27 per cent), Family or Friends (26 per cent) and a solicitor (25 per cent).

Forty six per cent of RRA claimants nominated a representative on the claim form, compared to similar proportions of UDL (46 per cent) and other discrimination cases (50 per cent). Non-RRA and short conciliation claimants were less likely to have done so (39 and 24 per cent respectively). A solicitor was most often nominated (49 per cent), whilst a further 28 per cent mentioned a trade union representative.

In total, 85 per cent of RRA claimants received professional advice prior to submitting their claim form and 45 per cent received professional advice<sup>12</sup> whilst completing their claim (see Table 4.7b).

#### *Day-to-day representation*

Claimants were asked whether anyone helped with the day-to-day handling of the case, defined as 'handling paperwork, answering letters, dealing with the Employment Tribunals Service, and dealing with the other party and so on'. They were asked not to include any assistance they may have had from Acas, as it is not possible for Acas to act in the role of formal representative.

Sixty one per cent of claimants used a representative to help with their case after they submitted their claim. This proportion varied across the four groups, non-RRA (55 per cent), UDL (66 per cent), other discrimination (71 per cent) and short conciliation (35 per cent). Further analysis shows that 93 per cent of RRA claimants received active professional advice at some time during the case, with 85 per cent getting advice prior to the submission of the claim form. These percentages were broadly consistent across the comparison groups.

A solicitor, barrister or some other kind of lawyer was the most common type of professional representative used by RRA claimants (52 per cent). A similar proportion in each of the comparison groups mentioned a solicitor, with the exception of short conciliation cases (29 per cent). A Trade Union representative was the next most common source, mentioned by 23 per cent of RRA claimants, and a similar amount of other claimants (see Table 4.4).

When asked who acted as the professional representative, some survey respondents spontaneously mentioned the same person nominated on the claim form<sup>13</sup>; this was the case for a fifth of RRA claimants compared with less than one in 10 in each of the comparison groups. This, as mentioned in the SETA 2003 report, is likely to under estimate the extent of continuity in professional

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<sup>12</sup> Professional advice in this context excludes any advice received from family/friends, work colleagues, or from a job centre

<sup>13</sup> Person nominated on claim form (ET1) was a specific questionnaire pre-code. See Questionnaire Appendix in the Technical Report (available from the UK Data Archive).

representation. Further analysis would be required to disentangle the extent of continuity and change from one 'type' of professional advice to another.

Fifty five per cent of claimants said their representative did most of the day-to-day work on their behalf, a smaller proportion compared with other groups; RRA claimants were more likely to say the work was split equally (28 per cent). It would therefore appear that RRA claimants were doing more of the actual work in their cases, or at least that was their general perception.

#### *Professional representation at tribunal hearing*

The tribunal hearing is a critical stage of the process where professional representation might be sought. This could be either a new representative or someone used in earlier stages of the process.

RRA claimants (55 per cent) were more likely to be represented at the hearing than non-RRA claimants (42 per cent) or short conciliation cases (21 per cent). No major differences were found in comparison to UDL or other discrimination cases. Sixty one per cent of RRA claimants used a solicitor to represent them.

Around a fifth of RRA claimants mentioned that the person who represented them at the ET hearing had been involved sometime earlier in the case. This may have been the person nominated on the claim form or the person that helped with the day-to-day handling of the case. As noted earlier, SETA does not allow for further analysis of the continuity or changes in professional representation.

However, 39 per cent of RRA claimants whose case went to a full tribunal hearing had received legal representation prior to submitting their claim but had not received any at the hearing itself. This seems to indicate a lack of continuity for a significant number of claimants.

#### *Additional sources of advice and guidance post submission of the claim form*

As well as receiving professional representation, claimants may have sought and received professional advice from other sources post submission of the claim form.

- A third (34 per cent) of RRA claimants sought additional professional advice and guidance about their case compared with around a fifth in each of the comparison groups.
- Sixteen per cent who had a day-to-day representative sought additional professional advice, whilst 45 per cent relied solely on their professional representative. Claimants in each comparison group were less likely to seek additional advice if they had a representative.
- Twenty two per cent of RRA claimants had neither a day-to-day representative nor sought professional additional advice. Non-RRA claimants (34 per cent) and short conciliation cases (54 per cent) were more likely to have received neither.

Again, solicitors were also the most popular choices for advice and guidance, with 48 per cent of RRA claimants going to them for additional advice. A range of other sources were used including the Commission for Racial Equality (21 per cent), Citizen's Advice Bureau (16 per cent), trade union (16 per cent) and family or friends (15 per cent).

#### *Desired sources of advice and guidance*

Claimants were asked whether there was anybody they had not consulted whom they would have liked to have consulted for advice and guidance.

Over half (51 per cent) of RRA claimants would have liked additional help with the case, compared with around a quarter of claimants in each of the comparison groups. This is an important finding, which supports findings from parallel qualitative research commissioned by the DTI<sup>14</sup>.

Forty two per cent said they would have liked to have used a solicitor, which was similar across the comparison groups. Thirty seven per cent of RRA claimants also said they would have liked additional help from the Commission for Racial Equality.

Claimants who had received no professional representation or advice were most likely to say they would have welcomed additional advice (68 per cent). Again, this is an important finding that supports qualitative research amongst RRA claimants.

Twenty two per cent did not use their desired source because they could not afford it, with a similar proportion saying this across each comparison group; furthermore, forty four per cent did not use a solicitor because they could not afford one (again, similar to the comparison groups). Around a quarter (24 per cent) also said they already had someone to help with the case or it was too late to find an alternative.

#### *Passive sources of information*

In addition to seeking out 'active' sources of advice and guidance, claimants also used other more 'passive' sources to help them find more information in relation to their case, either before or after submission of the application, or when they were filling in the form itself.

A range of sources were mentioned by RRA claimants, with the most common mentioned by around a third; Acas publications or leaflets (36 per cent), ETS publications or leaflets (34 per cent), Commission for Racial Equality (33 per cent). A smaller proportion (12 per cent) used the DTI website for advice. Acas publications and leaflets were the most popular choices for each of the comparison groups. Over three quarters (77 per cent) of RRA claimants used at least one passive source compared with around seven in 10 in each of the other groups.

- Seventy one per cent of claimants who received no representation or advice did use a passive source of information. However, a substantial minority (29

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<sup>14</sup> Brown et al *Review of judgments in race discrimination Employment Tribunal cases*, DTI Employment Relations Research Series No.64

per cent) of claimants used neither active nor passive sources of advice or representation.

- In contrast, there was a larger group who used both active and passive sources. Three quarters of claimants who had a representative also used passive sources, whilst 88 per cent who had a main adviser but no representative also did so.

### **Types of advice given by professional representatives**

All survey respondents who had a day-to-day professional representative or who received advice in the case were asked what type of advice or help they were given<sup>15</sup> (see Table 4.16).

- Eighty one per cent received advice on how the tribunal process worked.
- Eighty five per cent received advice on the strengths and weaknesses of the case.
- RRA claimants were generally less likely to have received other types of advice than non-RRA, UDL or claimants who brought other discrimination claims (See Table 4.10). More specifically:
  - Three quarters received advice on the pros and cons of settling the case without going to a tribunal;
  - Sixty per cent were advised/discussed with their representative what the tribunal might award; and
  - Fifty six per cent received help in preparing for hearings.

Represented claimants were also asked whether they were advised to try to settle the case, go for a tribunal hearing or withdraw their case.

A similar proportion of RRA claimants and others were advised to settle (around a half). Around a fifth were advised to go to hearing. Only three per cent of claimants were advised to withdraw their case. The remainder were given different advice at different times or none of this specific advice.

### **Parties acceptance of representatives' advice**

The extent to which claimants and employers accepted the advice that they were given varied according to the nature of the advice. For instance, over seven in 10 (71 per cent) RRA claimants who were advised to settle their case went on to do so; over a third (35 per cent) of claimants who were advised to go to hearing went onto to do this.

Claimants who were either represented or received professional advice were asked whether, on reflection, they had made the right decision to involve their

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<sup>15</sup> This excludes the types of advice that Acas officers gave.

representative or main adviser in their case. Satisfaction with advice and representation was lowest amongst RRA claimants. More specifically:

- Less than three quarters (73 per cent) said they had made the right decision compared with 83 per cent of non-RRA, 80 per cent of UDL, 86 per cent of other discrimination and 90 per cent of short conciliation cases
- Sixteen per cent of RRA claimants said they had 'definitely' made the wrong decision to involve their representative in the case (see Table 4.10).

As in SETA 2003<sup>16</sup>, the outcome of the case had an impact on whether claimants felt they had made the right decision to involve their representative or adviser in the case. More specifically, a third (33 per cent) of claimants who were unsuccessful at tribunal hearing or withdrew their case reported that they had made the wrong decision.

### **Use of practicing solicitors and barristers (legal representatives)**

An analysis of the various stages at which legal advice was sought indicates some mixed findings:

- Around a third (32 per cent) of all RRA claimants had a legal representative acting for them on a day-to-day basis (lower than amongst UDL: 38 per cent or other discrimination cases: 42 per cent). A further six per cent employed the services of a legal representative at a tribunal hearing. Finally, RRA claimants were more likely to seek additional advice from a legal adviser; sixteen per cent had done so compared with less than one in 10 in each of the comparison groups.
- Forty six per cent of claimants received some form of legal representation or advice at some point after submitting their claim. This was similar to levels of legal representation amongst UDL and other discrimination claimants, although higher than levels found amongst non-RRA (34 per cent) or short conciliation (15 per cent). See Table 4.11.

Further analysis shows that claimants who received some form of legal advice or representation after submitting their claim expressed some elements of dissatisfaction. More specifically, 26 per cent said they had made the wrong the decision to involve their representative in the case.

### **Role of trade unions**

While trade unions were not the most common source of advice and representation for claimants, they nevertheless had an important role in the tribunal process for a significant number of claimants.

Around a fifth (19 per cent) of claimants were represented or received advice from a trade union after submission of the claim form. This was similar for

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<sup>16</sup> Hayward, Peters et al: *Findings from the Survey of Employment Tribunal Applications 2003*. DTI Employment Relations Research Series No.33

claimants who brought other discrimination claims (19 per cent), although higher than for each of the other comparison groups, where just over one in 10 had done so.

Forty three per cent of claimants were members of a trade union or staff association at the time they submitted their application; over two fifths (44 per cent) of these received advice or representation from their union. Fifty six per cent of union members said they were not advised or represented by their union. In addition to this, 16 per cent of union members received no representation or advice throughout their case. These findings support data from separate qualitative research<sup>17</sup>.

### **Cost of professional advice and representation**

Claimants were reminded of all the various sources of advice and/or representation they had received (excluding that received from friends) and were asked whether and how much they paid for this.

Around a quarter (23 per cent) had to pay for all of the advice they received, whilst less than one in 10 (nine per cent) paid for some. Two thirds received all of their advice for free. Claimants who brought short conciliation cases were most likely to have received their advice completely free (77 per cent). See Table 4.12.

The most common type of advice that was free (or partly free) was advice from solicitors. It is possible however that free legal advice may have come via the Citizens Advice Bureau or a Trade Union. More specifically, over two fifths (41 per cent) received free advice from a legal source. Claimants who brought short conciliation cases were less likely to have received free advice from a solicitor (20 per cent); they were more likely (33 per cent) to have approached the Citizens Advice Bureau.

### *Contingent Fee arrangements*

Further background information on conditional fees and contingent fees can be found in SETA 2003. More specifically, for RRA claimants who were represented:

- Seventeen per cent of claimants had a contingent fee arrangement with a legal adviser, by which they had to pay their bill if they won the case. A further five per cent had an arrangement where they would have had to pay whether they won or lost or their case, whilst over three quarters (76 per cent) had no such arrangement. Forty eight per cent of claimants who paid for all their advice did so with the use of a contingent fee arrangement and 38 per cent who paid for some of their advice did so with this arrangement in mind. Short conciliation claimants were less likely to have had such arrangements (with 91 per cent having no arrangement in place). See Table 4.12.

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<sup>17</sup> Brown et al *Review of judgments in race discrimination Employment Tribunal cases*, DTI Employment Relations Research Series No.64

- The terms of the conditional fee agreement, the amounts agreed to be paid to legal representatives varied considerably; the mean arrangement was £7,608 or 35 per cent<sup>18</sup>. The median amount was £3,500, or 33 per cent.

#### *Total costs of professional advice and representation*

Claimants were asked to state how much they had to personally pay for the professional advice and representation they received in the case<sup>19</sup> (the legal cost).

The mean amount for RRA claimants (£5,690) was higher than for each of the other groups, where it ranged from just over £4,000 for other discrimination cases, to less than £2,500 for non-RRA and UDL and around a £1,000 for short conciliation cases. It should be noted that the timeframes for the SETA RRA and SETA 2003 surveys differ, but nevertheless these differences seem to indicate variations in the costs experienced in the case.

Claimants who brought other discrimination cases did however face higher median costs (£2,000 versus £1,450 for RRA claimants). Once again, short conciliation cases faced the lowest expenditure levels (see Table 4.14).

#### **Unsolicited approaches made by third parties**

Claimants were asked whether they had received any unsolicited calls or letters from any organisation (apart from ETS or Acas) offering legal services or help with the case (see Tables 4.15 to 4.16).

- RRA claimants were far more likely than others to have received such approaches. More specifically, over three quarters (77 per cent) had done so compared with less than half within most other comparison groups. This seems to imply targeting by such agencies or an alternative explanation is simply increased activity by agents since the SETA 2003 survey was carried out.
- Not only were RRA claimants more likely to receive these approaches, they were also likely to have received more calls when they did. The mean number of calls was seven organisations compared with four for other discrimination cases and three for others.

#### **Use of Acas**

Acas officers have a statutory duty to promote a settlement through conciliation. However, parties who were represented will have had little or no direct contact with the Acas Officer who was dealing with their case.

In 2003, Acas phased in a policy of sending an introductory letter to all the parties and their representatives in all the cases received by Acas.

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<sup>18</sup> Claimants were asked to give the amount as an actual figure or percentage.

<sup>19</sup> Survey respondents were asked to include all of the legal and professional fees that were paid, but exclude any fees paid by third parties such as insurance companies, trade unions or any kind of legal aid. The mean and median figures exclude don't know responses given.

Over three quarters (78 per cent) of RRA claimants recalled receiving an introductory letter from Acas explaining the service they offered. Similar proportions of UDL (74 per cent) and short conciliation (75 per cent) had received a letter, although less non-RRA claimants (73 per cent) and other discrimination (69 per cent) had. (See Table 4.17).

Around a third (36 per cent) said that someone acting on their behalf had some form of contact with an Acas Officer either in writing, by telephone or in a face-to-face meeting. This proportion was reasonably consistent across the comparison groups.

Over two fifths (44 per cent) reported having direct contact with an Acas Officer. This was lower than non-RRA (49 per cent) and short conciliation cases (57 per cent). Over a third (35 per cent) recalled speaking with an Acas Officer by telephone, while 15 per cent recalled communicating by letter. Four per cent met an Acas officer in person. There were a few differences between the comparison groups; for example, RRA claimants were less likely than UDL or other discrimination claimants to have met face-to-face. See Table 4.17.

Claimants who recalled having direct contact with an Acas Officer were asked to say whether or not the Officer provided them with specific types of advice. See Table 4.18.

- Fifty three per cent said the Acas Officer explained the tribunal process to them;
- Less than a third (31 per cent) said the Acas Officer helped them to understand the strengths and weaknesses of the case; and
- Fifty six per cent said the Acas Officer helped them to consider the pros and cons of settling the case without going to tribunal.
- As Table 4.18 shows, RRA claimants received similar types of advice to claimants who brought other discrimination cases. They were less likely than other claimants to have received each type of advice.

Claimants who did not recall having any contact with Acas either directly or via a representative were asked whether they would have liked Acas to have been involved in their case (see Table 4.19). Over two thirds (68 per cent) said they would have approved of Acas' involvement; this was a greater level of approval than found in each of the comparison groups.

Further analysis of those who would have liked Acas' involvement shows that 56 per cent did have a representative acting for them in the case, although over a quarter (28 per cent) did not receive any representation or advice in the case.

## Summary

As in chapters two and three, there were a number of differences present between RRA claimants and others. Whilst there were few major differences in the levels of day-to-day representation, RRA claimants were more likely to take an active involvement in their cases (with a higher proportion saying that work was split equally between them and their representative).

RRA claimants were more likely to have been represented at the tribunal hearing and were also more likely to have received professional advice from other sources post submission of their claim. There was however a significant minority of claimants who received legal representation prior to submitting their claim but had not received any at the hearing itself. This seems to indicate a lack of continuity for some claimants. Furthermore, when asked whether they would have liked any additional advice in their case, RRA claimants were more likely to desire this. Importantly, claimants who had received no professional representation or advice were most likely to say they would have welcomed additional advice.

Around a fifth of RRA claimants had neither a day-to-day representative nor sought additional professional advice. However, this lack of advice and representation was in fact more common for Non-RRA claimants and claimants in short conciliation cases.

Finally, RRA claimants appear to have faced higher costs of representation and advice, although some differences may be explained by the different timescales of the two surveys. They were also more likely to have received unsolicited calls from organisations (apart from ETS or Acas) offering legal services or help with the case.

# 5

## Role of employment tribunals

In this chapter information is provided about the claimants' knowledge and experience of the employment tribunal system prior to the employment claim and during the case. It also presents some findings about the claimants' satisfaction with both the ET hearing and the system as a whole.

### **Awareness of the employment tribunal system**

All claimants were asked whether, before they put in their application, they were aware that a worker could apply for an Employment Tribunal if they believed their employer was not respecting their legal rights. Fifty seven per cent of RRA claimants were aware of this. Twelve per cent of RRA claimants had made a previous ET application. (Table 5.1)

Awareness of this was higher amongst the four comparison groups: other discrimination (69 per cent), non-RRA (66 per cent), UDL (66 per cent) and short conciliation claimants (65 per cent).

Non-RRA, UDL and short conciliation claimants were less likely than RRA claimants to have made a previous application: six per cent of non-RRA claimants, five per cent of UDL claimants and seven per cent of claimants of short conciliation cases had submitted an ET claim on another occasion.

### **Satisfaction with ET hearing**

RRA claimants were the least likely of the four comparison groups to believe that the ET hearing gave each party a fair chance to make their case. Just under half (46 per cent) of RRA claimants whose case outcome involved a decision at a tribunal thought that the tribunal gave each party a fair chance. Short conciliation claimants were most likely to believe that the ET hearing gave each party a fair chance with 84 per cent agreeing. (Table 5.2).

Unsurprisingly, RRA claimants whose cases were unsuccessful were less likely than those whose cases were successful to report that the Tribunal was fair (41 versus 71 per cent). Similarly, unsuccessful claimants in the non-RRA, UDL and short conciliation comparison groups were also more likely than successful claimants in these groups to say that they felt the Tribunal gave each party a fair chance.

As there were a greater proportion of RRA cases who were unsuccessful at tribunal (see Chapter 7), this helps explain the high level of dissatisfaction with the ET hearing amongst RRA claimants.

Amongst RRA claimants, those who were represented were no more or less likely to think that the Tribunal gave each party a fair chance to make their case compared with RRA claimants who were not represented. This was also the case among the four comparison groups.

### **Satisfaction with the tribunal system**

Claimants were asked in general how satisfied they were with the workings of the employment tribunal system. Half of the RRA claimants (51 per cent) were satisfied, with 20 per cent being very satisfied. Four in 10 RRA claimants (41 per cent) were not satisfied with 23 per cent being not at all satisfied. (Table 5.3)

Claimants in the four other groups were more likely to be satisfied with the overall workings of the employment tribunal system. Sixty eight per cent of UDL claimants expressed satisfaction, as did 69 per cent of other discrimination claimants and 72 per cent of non-RRA claimants. Claimants in short conciliation cases had the highest levels of satisfaction: eight in 10 (80 per cent) of these claimants were satisfied, with 45 per cent being very satisfied.

ETS administrative data on satisfaction by the number of days on which hearings were held shows that RRA claimants whose cases were heard on only one day expressed more satisfaction than those whose cases were heard on more than one day (53 versus 38 per cent). For UDL cases, the converse was found: those claimants whose cases were heard on more than one day expressed more satisfaction than those whose cases were only heard on one day (58 per cent compared with 41 per cent). For non-RRA cases, other discrimination cases and short conciliation cases, case duration did not have an effect on levels of satisfaction.<sup>20</sup>

ETS administrative data also show that there is an apparent link between satisfaction and the number of separate hearing events in a case amongst RRA cases. Claimants in cases with four or more separate hearing events were less likely to be satisfied with the workings of the ET system than those with fewer separate hearing events. Specifically, 11 per cent of claimants with more than three separate hearing events were satisfied compared with 55 per cent of those with no separate events, 52 per cent of those with one separate event, 55 per cent with two separate events and 40 per cent with three separate events.

Non-RRA claimants and short conciliation cases followed a similar pattern. Non-RRA claimants with no separate hearing events expressed the most satisfaction (79 per cent), followed by claimants with one separate hearing event (71 per cent). Satisfaction was lowest amongst claimants with more than two separate hearing events. Looking at short conciliation claimants, claimants with no separate hearing events were the most satisfied with the ET system (with 86 per cent expressing satisfaction), followed by claimants with one separate hearing event (78 per cent).

Claimants were asked for their comments on the effectiveness of the employment tribunal system in their particular case. Twenty seven per cent of

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<sup>20</sup> It is not possible to use the survey data to look at satisfaction by tribunal length because of the small base sizes involved.

RRA claimants did not make any comment. This figure was higher amongst the other four comparison groups, with around four in 10 claimants in each of these groups not giving any comment. (Table 5.4)

One in five (19 per cent) of those RRA claimants who did pass comment expressed satisfaction with the system, saying, for example, that the system seemed fair or that they had not experienced any problems. Non-RRA, UDL and short conciliation claimants who passed comment were more likely to be satisfied, with a third (33 per cent) of non-RRA claimants, 29 per cent of UDL claimants and two fifths (42 per cent) of short conciliation claimants mentioning that the system seemed fair or that they had not experienced any problems.

Eleven per cent of RRA claimants who passed comment said they would have welcomed more information and advice about the procedures. This comment was also reported by UDL, short conciliation and other discrimination claimants. However, non-RRA claimants were more likely to mention this, with a fifth (21 per cent) of those who passed comment mentioning that they would have liked more information or advice regarding the procedures.

A further 11 per cent of RRA claimants who passed comment said that the system needs to be more objective. UDL and short conciliation claimants were less likely to say this (seven per cent UDL, and three per cent short conciliation).

Eleven per cent of RRA claimants said that the tribunal system was unfair or failing. This opinion was not shared by the four comparison groups, with one per cent or less of claimants in each of the four groups mentioning this.

No further distinctive impressions about the overall workings of the employment tribunal system emerged among the RRA cases or the four comparison groups.

### **Summary**

The findings show that, when compared with the four comparison groups, RRA claimants were the least likely to be satisfied with the ET system. RRA claimants were also the least likely to be satisfied with the ET hearing. This high level of dissatisfaction amongst RRA cases can largely be attributed to case outcome.

Amongst RRA claimants, satisfaction was also affected by case duration: satisfaction was generally higher amongst those whose cases were shorter (whilst the inverse was true for UDL cases).

When asked for comments about the effectiveness of the ET system, RRA claimants were more likely to mention that the system needed to be more objective than the four comparison groups, and that that the tribunal system was unfair or failing.

# 6

## Tribunal hearings

This section examines the issues surrounding tribunal hearings, including preliminary hearings, attendance and representation at the tribunal of the claimants, and the length of tribunal hearings. It also presents some findings about the claimants' use and experience of the appeals procedure.

### Hearings before the full tribunal hearing<sup>21</sup>

All claimants were asked whether any hearings with the tribunal were held *before* the full tribunal hearing for the case in question took place (or whether there were any hearings at any stages, if the case did not go to a full hearing). RRA cases were more likely to have such hearings, with 26 per cent having at least one additional hearing compared with the four other groups. (Table 6.1).

Looking at the four comparison groups, unsurprisingly, survey data suggest short conciliation cases were least likely to have hearings prior to the full tribunal hearing, with only five per cent having at least one additional hearing. Eight per cent of both non-RRA cases and UDL cases were reported to have had additional hearings and the comparable figure for other discrimination cases was 18 per cent.

These survey data are not directly comparable to the ETS administrative data in this area. The survey asked about any hearings that were held before the tribunal hearings took place. This may have included not only preliminary hearings, but also pre-hearing reviews and interlocutory hearings.

### Hearing events data

ETS administrative data provide further details of different hearing events that are not explicitly covered by the survey data. This administrative data show that three per cent of RRA cases had a pre-hearing review. Similar levels were found amongst UDL cases (two per cent), non-RRA cases (two per cent) and other discrimination cases (four per cent). Short conciliation cases were less likely than RRA cases to have had a pre-hearing review (one per cent).

The administrative data also show that eight per cent of RRA cases had a preliminary hearing. Other discrimination cases were more likely to have a preliminary hearing (13 per cent), whilst short conciliation cases were less likely to have one (three per cent).

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<sup>21</sup> Survey data on hearings before the full tribunal hearing are not directly comparable to ETS administrative data. These data include preliminary hearings, pre-hearing reviews and interlocutory hearings. As the survey asks about any hearings that were held before the full tribunal hearing took place, claimants may not necessarily have considered all these types of pre-hearings in their response.

Looking at interlocutory hearings, RRA and other discrimination cases were most likely to have such a hearing (35 per cent and 28 per cent respectively). Interlocutory hearings were much less common among the other groups: six per cent of non-RRA cases had interlocutory hearings as did four per cent of UDL cases. Short conciliation cases had the least number of interlocutory hearings with only two per cent of these cases featuring such a hearing.

Looking at full rights hearings, seven in ten RRA cases (71 per cent) had a full rights hearing. Similar figures were found for UDL (75 per cent of cases), non-RRA (69 per cent of cases) and short conciliation cases (66 per cent of cases). Other discrimination cases were the least likely to have full rights hearings (57 per cent of cases).

Very few remedy hearings, review hearings and case direction hearings were found amongst the cases of all claimants. Three per cent of RRA cases had a remedy hearing, as did two per cent of UDL cases and one per cent of non-RRA cases. There were no remedy hearings amongst other discrimination and short conciliation cases. Only one per cent of all claimants had a review hearing and only one RRA case had a case direction hearing.

#### **Attendance and presentation of case at tribunal hearings<sup>22</sup>**

The vast majority (96 per cent) of RRA claimants whose case went to a full tribunal hearing attended the full hearing itself. (Table 6.2)

All RRA claimants who attended the full tribunal hearing in person were asked whether they were accompanied by anyone for support. Fifty six per cent of RRA claimants said that they were accompanied to the hearing. Short conciliation claimants were the least likely to report being accompanied (38 per cent). The majority of claimants across all of the four groups reported being accompanied by one other person. (Table 6.3)

When looking at who presented the case for the employer at the tribunal hearings, the majority of RRA cases were presented by solicitors, barristers or other kind of legal advisors (78 per cent). One in 10 cases (11 per cent) were presented by someone from the employer and in four per cent of RRA cases, claimants reported that the employer did not attend and therefore no one presented their case. (Table 6.4).

A very similar pattern to that of RRA cases emerged amongst the other discrimination and UDL cases. Solicitors, barristers or other kind of legal advisors presented the majority of employer cases for the other discrimination cases (70 per cent) and the UDL cases (57 per cent). Additionally for both of these groups, one fifth of the cases were presented by someone from the employer (23 per cent of other discrimination cases and 22 per cent of UDL cases).

For non-RRA cases a different pattern emerges; two fifths (39 per cent) of the cases were presented by solicitors, barristers or other kind of legal advisors and one fifth (20 per cent) by someone from the employer. Additionally, in nearly a third of these cases (32 per cent), the employer did not attend.

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<sup>22</sup> It should be noted that figures in this section reflect claimants' *perceptions* of attendance at, and presentation of, cases.

At short conciliation cases, the majority of employers did not attend (59 per cent) and therefore did not have anyone to present their case. These cases were the least likely of the four comparison groups to be presented by solicitors, barristers or other kind of legal advisors (15 per cent).

Employers in RRA cases were most likely to be accompanied by four other people (18 per cent). Employers in short conciliation and non-RRA cases were more likely to be accompanied by less people. Sixty-seven per cent of employers in short conciliation cases and around two fifths of employers in non-RRA cases (38 per cent) were not accompanied by anyone. (Table 6.5). This finding could indicate that employers see race discrimination cases as a very important live issue. If employers are very keen to win a case or refute the charges, they may bring more people to the hearing. This may in some cases lead to claimants feeling intimidated.

### **Length of tribunal hearings**

Of RRA cases that went to a full tribunal hearing, nine per cent lasted less than one day (five per cent lasted one hour, and a further four per cent lasted more than an hour, but less than a day). Just under one in five (18 per cent) RRA cases that went to a full tribunal hearing lasted one day, with the majority of hearings (73 per cent) lasting two or more days. The mean number of days spent on the case was four days, with the median number of days being two. (Table 6.6)

Short conciliation, non-RRA and UDL cases were generally much shorter with just under nine in 10 (88 per cent) of short conciliation claimants, six in 10 (61 per cent) of non-RRA and 44 per cent of UDL cases lasting less than one day. The mean number of days of the hearing was also less amongst these groups: one day for short conciliation, non-RRA and UDL hearings.

Other discrimination cases were much more similar in length to RRA cases. However across all the comparison groups, the longest hearings were found amongst RRA cases.

It is again important to note that survey findings on the length of tribunal hearings are based on claimants' perceptions. These figures cannot, however, be directly compared with the administrative data. Whilst the survey data records the tribunal hearing length to the nearest half day, administrative data records the hearing lengths based on the number of whole days.

Administrative data on the number of days on which hearings were heard shows that the majority of RRA cases which had at least one hearing were heard on only one day (54 per cent). Fourteen per cent of such cases lasted for two days, and 10 per cent for three days. The mean number of days was two.

The majority of the cases in the four comparison groups were also only heard on one day (90 per cent short conciliation, 76 per cent non-RRA, 70 per cent UDL and 67 per cent other discrimination cases). The mean number of days on which the hearings were heard for the comparison groups was, like RRA, one.

## **Appeals**

One fifth (20 per cent) of RRA claimants whose cases went to a full tribunal hearing reported that they made an appeal to the Employment Appeal Tribunal (EAT). Appeals to the EAT were more likely to occur amongst RRA cases than non-RRA cases, UDL cases and short conciliation cases. Appeals were no more or less likely to be made among other discrimination cases. (Table 6.7)

Three quarters (75 per cent) of appeals to the EAT in RRA cases were made by the claimant. Claimants were also more likely to make the appeals in non-RRA cases and UDL cases. (62 per cent and 77 per cent respectively.) In short conciliation, non-RRA and other discrimination cases, employers were just as likely as claimants to make appeals. (Table 6.8)

Half (50 per cent) of appeals made in RRA cases led to a review hearing about the original decision made at the full hearing. In these reviews the decision of the original tribunal was upheld in nine out of 10 (90 per cent) cases. There were no differences in these findings between the RRA cases and the other four groups. (Table 6.9)

## **Summary**

Survey data show that RRA claimants were more likely than the other four groups to report having hearings before the full tribunal hearing.

Looking at specific hearing events from the ETS administrative data, RRA cases, along with other discrimination cases, were the most likely to have interlocutory hearings. RRA cases were also more likely than short conciliation cases, but less likely than other discrimination cases, to have a preliminary hearing. Seven in ten RRA cases had a full rights hearing compared with 57 per cent of other discrimination cases.

The survey data show that the RRA full tribunal hearings were the longest (with a mean length of four days), and although not directly comparable, the administrative data indicatively corroborates this. When looking further at tribunal hearings, there appear to be some similarities between RRA and other discrimination cases that distinguish them from non-RRA, UDL and short conciliation cases:

- these two groups had the highest proportion of cases presented by solicitors and barristers;
- employers were more likely to attend these types of cases than non-RRA, UDL and short conciliation cases;
- claimants in these two groups were more likely to make an appeal to the EAT than those in non-RRA, UDL and short conciliation cases.

# 7

## Outcomes

In this chapter information is provided on the outcome of Employment Tribunal applications for RRA claimants and the four main comparison groups. It also examines the settlement details and non-settlement offers in claimant cases.

### Overview of SETA outcome <sup>23</sup>

Five per cent of RRA claimant cases were successful at tribunal compared with sixteen per cent who were unsuccessful. Two fifths (40 per cent) had their case settled by Acas and 12 per cent were privately settled. One fifth (21 per cent) withdrew their cases and seven per cent had their case dismissed. (Table 7.1)

RRA claimants were much less likely to be successful at tribunal than short conciliation or non-RRA cases (five per cent versus 21 per cent and 13 per cent respectively). They were also slightly less likely to be successful than UDL cases (9 per cent), but there were no differences with other discrimination claimants.

There were some further differences in the outcomes of RRA claimant cases when compared with non-RRA, UDL and short conciliation cases. However, there were no differences between RRA and other discrimination cases. RRA cases were slightly more likely than non-RRA and UDL cases to be withdrawn (16 per cent non-RRA and UDL) or dismissed (four per cent non-RRA and UDL). Four in ten RRA cases were settled by Acas compared with 46 per cent of non-RRA cases and over half (53 per cent) of UDL cases. There were no differences amongst privately settled cases. These findings therefore suggest that Acas have less success with conciliation in RRA cases, possibly because it is more difficult to bring the relevant parties together if there has been a breakdown in their relationship.

Short conciliation cases were more likely to be privately settled than RRA cases (18 versus 12 per cent). As with non-RRA and UDL claims, RRA cases were more likely than short conciliation cases to be withdrawn (21 versus 16 per cent) or dismissed (seven versus four per cent).

A compromise agreement was much more likely to be used in privately settled RRA cases (79 per cent) than in non-RRA (47 per cent) and short conciliation (32 per cent) cases, and slightly more likely than in UDL cases (62 per cent). (Table 7.2). This finding could be explained in the context of RRA claimants being more

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<sup>23</sup> As in the SETA 2003 report, SETA (rather than RITAS) outcome has been used as the main outcome variable within this chapter. Information on SETA outcome, and how this compares with RITAS outcome, can be found in the introduction to the SETA 2003 report.

likely to receive some form of legal representation or advice than non-RRA or short conciliation claimants (as discussed in Chapter 4).

### **Settlement details**

RRA cases were less likely (51 per cent) to be settled than both non-RRA (60 per cent) and UDL (62 per cent) cases.

Nine in ten (91 per cent) RRA cases that settled involved money. The next most common final settlement offers were a reference, provided in a quarter (27 per cent) of settled RRA cases, and an apology, mentioned by 16 per cent. All other types of final offer were mentioned by one in ten or less RRA claimants who settled. (Table 7.3)

There was no difference in the types of settlement offers most commonly mentioned between settled cases across the four main comparison groups. However, RRA cases that settled were less likely (91 per cent) to receive final offers involving money than non-RRA (96 per cent), UDL (95 per cent) and short conciliation (99 per cent) cases.

Settled RRA cases were much more likely than short conciliation cases, and slightly more likely than non-RRA cases, to receive final offers consisting of a reference, an apology or a letter of explanation. They were also slightly more likely to receive an apology or a letter than UDL cases.

Where money was included in a settlement, this could be money owed to the claimant or compensation. In 16 per cent of RRA financial settlements, this was money owed and in 54 per cent it was compensation. In a quarter of cases (25 per cent) it was both money owed and compensation. (Table 7.4)

RRA claimants whose case involved a financial settlement were less likely than all the main comparison groups except UDL claimants to have money owed but more likely to receive compensation. The most notable differences in financial settlements were between RRA and short conciliation cases: money owed (16 per cent RRA, 83 per cent short conciliation); compensation (54 versus seven per cent); both (25 versus eight per cent). This is because short conciliation cases include Wages Act cases (that is, claims about non-payment of wages) whereas RRA cases do not.

The mean settlement amount in RRA cases involving money was £8,547. This was higher than for all the comparison groups: the mean of other discrimination cases was £7,696; UDL £5,924; non-RRA £4,569; short conciliation £1,728. The median RRA settlement was somewhat lower (£3,000), but still higher than all the comparison groups except other discrimination cases (also £3,000): UDL £1,700; non-RRA £1,000; short conciliation £500. (Table 7.5)

By the time of the survey, nine in ten (91 per cent) RRA claimants who accepted a financial settlement in their case had been paid in full. Five per cent had been partly paid and three per cent had not been paid. They were less likely to have been paid in full than both non-RRA (95 per cent) and UDL (96 per cent) claimants.

(Table 7.6)

### Non-settlement offers

In addition to cases that were actually settled, claimants reported settlements being offered in other cases which were withdrawn, dismissed or went to a full tribunal hearing.

Employers in non-settled RRA cases were around ten times more likely than claimants to have made an offer: 22 per cent of survey respondents in non-settled RRA cases reported an offer being made by the employer, two per cent an offer being made by the claimant, three per cent by Acas and five per cent by either party's representative. RRA claimants were less likely than other discrimination claimants to have proposed an offer (two versus seven per cent). (Table 7.7)

Two thirds (67 per cent) of RRA claimants involved in non-settled cases reported that no offer had been proposed compared with three quarters (74 per cent) of non-RRA and eight in ten (81 per cent) short conciliation claimants in non-settled cases.

Not all proposals resulted in an offer actually being made: a quarter (26 per cent) of proposed offers in RRA cases did not culminate in an offer. There were no differences across the main comparison groups.

#### Reasons for rejecting offers

Claimants who were made an offer, but did not accept it, were asked why this was the case. One third (33 per cent) of RRA claimants said it was because they felt that not enough money was offered. One in eleven (nine per cent) said that, from a moral standpoint, they felt they wanted the case to go to a full hearing. Only two per cent felt that they could receive more money if they went to a full tribunal hearing. (Table 7.8)

RRA claimants who rejected an offer were less likely than both non-RRA and UDL claimants to do so because they wanted the case to go to a full hearing from a moral perspective (nine per cent RRA versus 24 per cent non-RRA, 27 per cent UDL). They were also less likely than non-RRA and UDL claimants to reject an offer because they believed they would receive more money if they went to a full hearing (two per cent versus 10 per cent non-RRA, 13 per cent UDL). Figures were too small to analyse claimants who rejected an offer and went to tribunal by case outcome.

#### Reasons for withdrawing

RRA claimants whose case was withdrawn were asked why they decided to withdraw their case. The question was multi-coded so they could give more than one reason. The main reasons mentioned were they were advised by someone to withdraw (21 per cent), they thought they could not win the case (19 per cent) and they felt there would be too much stress involved (17 per cent). Similar proportions felt it would be too expensive to continue (16 per cent) and that there would be too much difficulty or fuss involved in pursuing the case (16 per cent). (Table 7.9).

RRA claimants were more likely than non-RRA and UDL claimants to say they had withdrawn their case because there would be too much time involved in continuing (13 per cent RRA versus six per cent non-RRA, four per cent UDL).

### Tribunal awards

In the majority (86 per cent) of RRA cases where the claimant was successful at tribunal, money was awarded. This was true across the four main comparison groups. The average amount for RRA cases was £12,365, higher than for all the comparison groups. (Table 7.10).

### **Satisfaction with outcome**

Among RRA claimants, satisfaction with the outcome of the case was expressed by a third (32 per cent). Claimants in all the four main comparison groups held a more positive view, with more than half saying they were either very or quite satisfied with the outcome of their case. Short conciliation claimants were the most likely to be satisfied (69 per cent). (Table 7.11).

As might be expected, there was a clear correlation between satisfaction and outcome. RRA claimants who were unsuccessful at the hearing were much more likely not to be satisfied with the case outcome compared with claimants who were successful. This correlation was also evident across the four main comparison groups. As there were a greater proportion of RRA cases who were unsuccessful at tribunal than in the comparison groups, this helps explain the high level of dissatisfaction with outcome amongst RRA claimants.

Those claimants who were not satisfied with the outcome were asked what would have made the outcome more satisfactory. For all claimants, the main things mentioned were to have received an apology, to have proven their case and to have received justice. However, claimants in RRA cases were more likely than short conciliation claimants to say that they would have been satisfied if they had received an apology (35 versus 22 per cent) or proven their case (33 versus 18 per cent). (Table 7.12)

For RRA claimants, receiving more money was the factor most likely to have caused a satisfactory outcome with two fifths (38 per cent) mentioning this, whereas more money was only cited by one fifth of claimants in the main comparison groups. RRA claimants were more likely than all the main comparison groups to have been satisfied if they had received a reference (nine per cent), received a letter of explanation (13 per cent) or got their old job back (22 per cent). They were also more likely (nine per cent) than non-RRA, UDL and short conciliation cases to mention wanting another job in the organisation. Whilst this finding implies that RRA claimants want to return to the organisation, other results suggest that the employment relationship had broken down (for example, Acas had less success with conciliation in RRA cases) and therefore further studies could investigate this apparent contradiction to establish why RRA claimants are keen to return to the organisation.

In addition to what would have made the outcome more satisfactory, dissatisfied claimants were asked why they felt that the case had not turned out well. The most common answers mentioned by all claimants were that they were not given adequate advice or representation, their case was not presented properly and the process was biased towards the employer. RRA claimants were more likely (39 per cent) than all the comparison claimants to say that they received inadequate advice and representation. They were also more likely (24

per cent) than non-RRA, UDL and short conciliation claimants to state that the process was biased in favour of the employer. (Table 7.13)

RRA claimants' expectations about the outcome of the case were generally positive. Around half (51 per cent) thought that they were very likely to be successful at the start of their case. Twenty-two per cent thought they were quite likely to be successful and 19 per cent thought they had an even chance. Only three per cent thought they would not be successful. Despite these high expectations, only five per cent of RRA claimants were successful at the hearing. This helps explain the high level of dissatisfaction expressed by RRA claimants (68 per cent), as the link between satisfaction and expectations is well established.

Claimants in non-RRA, UDL and other discrimination cases were all more likely than RRA claimants to think they had an even chance (25 per cent non-RRA, 24 per cent UDL and 34 per cent other discrimination). Three fifths (59 per cent) of other discrimination claimants thought they were likely to be successful compared with three quarters (73 per cent) of RRA claimants. (Table 7.14)

Seventy-eight per cent of RRA claimants said they felt that it had been worthwhile bringing the case against the employer compared with 85 per cent of claimants in other discrimination cases. One fifth (19 per cent) of RRA claimants did not think bringing the case had been worthwhile. (Table 7.15)

Nearly three fifths (58 per cent) of RRA claimants said they would definitely advise a friend in the same position to put in an claim against their employer compared with 66 per cent of UDL claimants, 68 per cent of non-RRA claimants and 72 per cent of short conciliation claimants who said they would advise them to do so. One in eight (13 per cent) RRA claimants said it would depend on the circumstances. RRA claimants were more likely (10 per cent) than all the main comparison groups to say they definitely would not advise a friend in the same position to put in an claim. So RRA claimants were less likely than the other groups to be satisfied with their case outcome and, therefore probably consequently, less likely to recommend to someone else that they take out a claim. (Table 7.16)

When asked what they would do differently in future, only two per cent of RRA claimants said they would do nothing differently compared with five per cent of UDL claimants, six per cent of non-RRA claimants and eight per cent of short conciliation claimants. Seventeen per cent of RRA claimants said they would get more information or advice before taking action compared with 13 per cent of UDL claimants, 12 per cent of non-RRA claimants and 11 per cent of short conciliation claimants. Sixteen per cent of RRA claimants said they would go to a solicitor or get some form of legal representation and one in nine (11 per cent) said they would seek different legal representation or be more involved in the legal procedure. A mix of other answers were given in small proportions. These findings suggest that RRA claimants feel relatively unprepared for their case and further analysis could be undertaken to determine the causes. (Table 7.17)

### **Summary**

This chapter has shown that whilst there were no differences by case outcome between RRA and other discrimination claimants, RRA claimants were much

less likely to be successful at tribunal than short conciliation and non-RRA claimants (and slightly less likely than UDL claimants).

RRA claimants were less likely to be satisfied with the outcome of the case than claimants in the comparison groups, although this can largely be explained by case outcome.

Most RRA cases that settled involved money. The average settlement amount in RRA cases involving money was higher than for all the comparison groups. Most RRA claimants who were successful at tribunal were also awarded money. The average amount of money awarded to RRA claimants was higher than for all the comparison groups.

Amongst non-settled cases, RRA claimants were less likely than other discrimination claimants to have proposed an offer.

# 8

## Costs and benefits

This chapter examines the costs and consequences of the case to claimants. These do not include legal costs, which are covered in Chapter 4 or monies given as part of a settlement or tribunal order, which are covered in Chapter 7. This chapter focuses on time spent on the case by claimants, any monies paid to cover claimants' costs and other non-legal costs to claimants. Non-financial costs, for example stress to claimants, are also examined here as well as awareness of the 'new costs regime'.

### Financial costs to claimants

Around three quarters (74 per cent) of RRA claimants reported that they had incurred personal financial costs as a result of the case. Around three fifths (59 per cent) had communication costs (telephone calls etc.), half (50 per cent) suffered loss of earnings and close to half (45 per cent) had travel costs. (Table 8.1)

RRA claimants were more likely to report that they had incurred any personal financial costs or communication costs specifically than all the main comparison groups except other discrimination claimants. RRA claimants were more likely than all the main comparison groups to say they had suffered loss of earnings or travel costs.

All those who incurred travel or communication costs or loss of earnings were asked to specify the amounts concerned. The mean communication costs for RRA claimants were £189, which were considerably more than the comparable costs for non-RRA (£54), UDL (£47) and short conciliation (£20) claimants. For loss of earnings, the mean costs in RRA cases were £22,141, close to the comparable figure for UDL cases (£20,849), but notably more than for non-RRA (£15,378), other discrimination (£11,941) and, especially, short conciliation (£3,046) cases. For travel costs, RRA claimants incurred mean costs (£177) that were around three or more times greater than the four main comparison groups; this is probably explained by the average time spent on the case by RRA claimants being more than for all the comparison groups. The corresponding median values for all the figures mentioned above are shown in table 8.2.<sup>24</sup>

### Time spent on the case

Claimants were asked to estimate the total time that they actually spent on the case, from when they started the claim form until when the case was finished.<sup>25</sup>

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<sup>24</sup> Mean and median averages include zero costs

<sup>25</sup> Claimants were asked to include time spent travelling, at the hearings, on the telephone or writing letters. They were prompted to give the time actually spent on the case, not the total length or duration of the case. They could give this time in hours or days. For the purposes of analysis, all responses have been converted to days using the assumption that one day represents eight hours.

The mean number of days spent on the case by RRA claimants was 64, although the median was only 14. The mean figure is inflated by survey respondents who gave particularly high figures (for example, 17 per cent of RRA claimants said that they spent 100 or more days on the case).

RRA claimants spent more days on the case, on average, than claimants in any of the four comparison groups. The mean number of days spent by other discrimination claimants was 46 (the median figure was seven). UDL claimants spent 26 days (median five), non-RRA claimants 25 days (median four), and short conciliation claimants 17 days (median two). (Table 8.3)

ETS administrative data show that the total duration of RRA cases (number of days from date of registration to last hearing) was also longer, on average, than cases in all the comparison groups. The mean duration of RRA cases in days was 208; the comparable figure for non-RRA cases was 158, UDL 172, other discrimination 165 and short conciliation 129. Further, as shown in Chapter 6, the average length of RRA tribunal hearings was longer than that of the comparison groups. Taken collectively, these findings suggest that the complexity of RRA cases results in their average length being greater than that of the other groups (when measured by any of the available survey or administrative data indicators).

#### **Non-financial costs**

All claimants were asked what non-financial negative effects they had experienced as a result of the case. They were not prompted with a list, but allowed to express this in their own words. RRA claimants were much more likely (87 per cent) than all the main comparison group claimants to say that the case had had a negative effect on them (74 per cent other discrimination, 66 per cent UDL, 59 per cent non-RRA and 43 per cent short conciliation). (Table 8.4)

The most common theme mentioned by all claimants was some sort of stress or depression, or that they found the case emotionally draining. Around two thirds (64 per cent) of RRA claimants reported being affected by stress compared with slightly more than half of non-RRA, UDL and short conciliation claimants.

RRA claimants were more likely to say they had suffered physical health problems (19 per cent) or that their personal relationships had been affected (16 per cent) than non-RRA, UDL and short conciliation claimants.

Claimants in RRA cases were much more likely than all the comparison claimants to say their career had been adversely affected (12 per cent RRA versus one percent comparison claimants). They were also more likely to report that they had lost hope, faith or trust in the system (11 per cent RRA versus four per cent or less comparison claimants).

### **Awareness of the new costs regime**

Around half (51 per cent) of RRA claimants said that they were aware that the tribunal could penalise parties by making them pay for the other party's costs compared with 44 per cent of non-RRA claimants, 43 per cent of UDL claimants and 39 per cent of short conciliation claimants. (Table 8.5)

The most common way in which RRA survey respondents had found out about the new costs regime was through a representative or advisor (45 per cent). They were more likely to mention this than non-RRA and short conciliation claimants (36 and 19 per cent respectively). One fifth (21 per cent) of RRA claimants said they had been made aware of the new costs regime through the ETS compared with 13 per cent non-RRA, 11 per cent UDL and eight per cent other discrimination claimants.

RRA claimants were less likely (nine per cent) to mention becoming aware of the new costs regime through Acas than UDL (20 per cent), non-RRA (22 per cent) and short conciliation (31 per cent) claimants. A quarter (24 per cent) of non-RRA claimants said that they had read about the new costs regime compared with only two per cent of RRA claimants. A mix of other sources were mentioned by RRA claimants in proportions of five per cent or lower.

When asked how much a party might have to pay for bringing a case to tribunal, a range of answers were given by RRA claimants. Around a quarter (27 per cent) thought that there would be less than £1,000 to pay, with seven per cent of these thinking there would be nothing to pay. Almost two fifths (37 per cent) thought that the amount could be over £10,000, whilst the remainder (37 per cent) thought that the amount would be somewhere between £1,000 and £10,000. (Table 8.6)

RRA claimants were much less likely than claimants in the four comparison groups to believe that they would have to pay nothing at all (28 per cent other discrimination, 31 per cent UDL, 38 per cent non-RRA and 53 per cent short conciliation). However, RRA claimants were much more likely to believe the amount a party might have to pay would be more than £10,000 than non-RRA (14 per cent), UDL (12 per cent) and short conciliation (eight per cent) claimants.

In three in ten (29 per cent) RRA cases the claimant reported that the employer was warned by the claimant, or someone on their behalf, that the tribunal might order them to contribute to the claimant's costs. Employers were more likely to be warned in RRA cases than in UDL (21 per cent), non-RRA (18 per cent) and short conciliation (13 per cent) cases. A quarter of RRA claimants (24 per cent) said that the employer warned them that they might be ordered to contribute to the employer's costs compared with 19 per cent UDL, 18 per cent non-RRA, and 14 per cent of short conciliation claimants. (Tables 8.7 and 8.8)

### **Impact of new costs regime on case outcome**

Those aware of the new costs regime were asked whether knowing about this affected their decision to settle or withdraw their case without going to tribunal. RRA claimants were more likely than non-RRA and short conciliation claimants to say that knowing about these costs had influenced them not to go to tribunal (33 per cent RRA versus 26 per cent non-RRA, 20 per cent short conciliation). Six

in ten (61 per cent) RRA claimants said that advance knowledge of these costs had not influenced them compared with seven in ten (70 per cent) non-RRA and 77 per cent of short conciliation claimants. (Table 8.9)

### **Requests for and the awarding of costs**

Twenty-eight per cent of RRA claimants whose case went to a tribunal said that they asked for costs or expenses to be awarded compared with 17 per cent of short conciliation claimants. Five of the twenty-one RRA claimants who were successful at the hearing and applied for costs were awarded these. (Table 8.10)

### **Employment characteristics of claimants post-tribunal**

As discussed in Chapter 2, at the time of making their claim, over nine in ten RRA claimants (93 per cent) were current or former employees of the organisation against whom they brought their claim. Seven per cent were job applicants; this proportion was similar in other discrimination cases.

By the time of the interview, 83 per cent of claimants in RRA cases had undertaken some kind of work compared with 88 per cent short conciliation, 87 per cent UDL and 72 per cent other discrimination claimants. Three fifths (60 per cent) of RRA claimants were in new work or had become self-employed compared with 73 per cent non-RRA, 75 per cent short conciliation and 77 per cent UDL claimants. Eight per cent of RRA claimants had found new work but were not in that or in another job at the time of the interview.

Sixteen per cent of RRA claimants were still working for the employer against which they had made their claim compared with five per cent of non-RRA and short conciliation claimants and two per cent of UDL claimants. RRA public sector claimants were more likely than their private sector counterparts still to be working for the employer. This difference was also apparent across the other comparison groups. As there are a greater proportion of RRA public sector claimants than in the comparison groups (see Chapter 2), this helps explain the high level of RRA claimants who were still working for the employer against which they made the claim. (Table 8.11)

At the time of interview, RRA claimants were at least twice as likely as all the four comparison groups to be unemployed and looking for work (16 per cent RRA) and less likely than other discrimination claimants to be unemployed and not looking for work (one per cent RRA versus seven per cent other discrimination). Eight per cent of RRA claimants were inactive. This includes those who were retired, studying, permanently sick or disabled, temporarily sick or disabled, looking after the home or looking after someone. Non-RRA and other discrimination claimants were more likely to be inactive (12 per cent and 22 per cent respectively).

### **Impact of employment tribunal on claimant's employment and career**

Where RRA claimants had moved into new work, the average time it had taken them to find new work was 23 weeks, about the same time (22 weeks) as it took other discrimination claimants, but longer than UDL (16 weeks), non-RRA (14 weeks) and short conciliation (nine weeks) claimants. However, this finding should be considered in the context of RRA cases lasting a lot longer, on average, than cases in the comparison groups. (Table 8.12)

When asked to compare the pay of a new job to the one they had at the time of putting in the claim, 47 per cent of RRA claimants said that their current job paid better compared with 35 per cent of UDL claimants. Two fifths (39 per cent) of RRA claimants said that it was more poorly paid, which was less than UDL claimants (48 per cent) but more than short conciliation claimants (29 per cent). Thirteen per cent of RRA claimants said that the two jobs paid a similar amount. (Table 8.13)

There was a fairly even split between those RRA claimants who said that their current job involved a longer travel time (35 per cent), a shorter travel time (35 per cent), or took about the same time (28 per cent). Short conciliation claimants were slightly less likely to say they had to travel a longer time (28 per cent). (Table 8.14)

RRA claimants were more likely (42 per cent) than all the other groups to say that their new job was at a higher status or level (33 per cent short conciliation, 31 per cent non-RRA and other discrimination and 29 per cent UDL). Close to three in ten (28 per cent) RRA claimants said that it was at a lower status compared with 18 per cent of short conciliation claimants. Around a quarter (27 per cent) of RRA claimants said that the two jobs were similar in terms of status or level, which was less than UDL (34 per cent), non-RRA (38 per cent) and short conciliation (46 per cent) claimants. These findings suggest that there is only limited evidence that for RRA claimants their cases adversely affected their career compared to the comparison groups, although there is clearly some negative impact. (Table 8.15)

RRA claimants were less likely (51 per cent) to feel that their current job was part of their long-term career plan than non-RRA, UDL and short conciliation claimants, but more likely (47 per cent) to say it was something to do until something better came along than non-RRA, UDL and short conciliation claimants. (Table 8.16)

## **Summary**

This chapter has shown that RRA claimants were more likely to report that they had incurred any personal financial costs than all the main comparison groups except other discrimination claimants.

Awareness of the new costs regime amongst RRA claimants was lower than for non-RRA, UDL and short conciliation claimants. RRA claimants were more likely than non-RRA and short conciliation claimants to say that awareness of the new costs regime had influenced them not to go to tribunal.

Survey findings show that RRA claimants spent more days on the case, on average, than claimants in any of the four comparison groups. These findings are indicatively corroborated by administrative data which reveal that the mean duration of RRA cases was also higher than the comparable figures for all the other groups.

Fewer RRA claimants were still working for the employer against which they had made their claim compared with non-RRA, short conciliation and UDL claimants.

# 9

## Conclusions

### Overview

The characteristics of RRA claimants differed from non-RRA, UDL, other discrimination and short conciliation cases. More specifically, RRA claimants were more likely to come from Black or Asian backgrounds. They also tended to be younger and more likely to have dependants aged under 16. In terms of educational attainment, they were higher qualified and in terms of employment characteristics, they were more likely to hold professional or associate professional posts. This resulted in higher levels of (mean) pay, although some of these differences might be explained by the time differences between the two surveys (SETA RRA and SETA 2003). It should be recognised that they were also more likely to work for larger organisations, which impacted on other employment related characteristics such as organisation status, with a greater proportion of RRA claimants working in the public sector.

### Written statements and procedures

There were marked differences between RRA claimants and others in terms of the presence of formal mechanisms and procedures that were in place. More specifically, RRA claimants were more likely to have:

- received written terms and conditions;
- worked for employers who had written disciplinary and grievance procedures;
- worked for employers where the above procedures were followed;
- put their concerns in writing to the employer and received written information from them;
- discussed the dispute with the employer prior to the application;
- attended a formal meeting before the claim was made; and
- informed their employer they were considering applying for an employment tribunal.

Whilst the above findings seem to indicate a number of differences, it is important to highlight a number of potential caveats:

- It is worth noting that some of these differences may be explained by employer size, as RRA claimants tended to work for larger organisations. However, this is also true of claimants who brought other discrimination cases, so it does not entirely explain any differences between RRA and these cases. Further multivariate analysis would be needed to explore the relative impacts of case jurisdiction and employer size;

- It is also worth mentioning that some of these changes are linked to the higher proportion of RRA claimants who worked in the public sector; for example, RRA claimants who worked in the public sector were more likely to have received written terms than those in the private or voluntary sectors;
- Some of these differences may also in part be linked to the differences in timeframe of the RRA and SETA 2003 surveys and the impact of the new statutory procedures that came into force in October 2004; and
- It is important to emphasise that employers and claimants may have had different views about whether discussions or meetings took place. More specifically, SETA RRA is a survey of 'claimants only' and SETA 2003 has shown that employers and claimants often report differences in the use of statements and procedures.

### **Advice and representation**

In terms of advice and representation, solicitors were the most common source accessed by RRA claimants and most others (except short conciliation cases). This was the case throughout the entire tribunal process, including completion of the ETS/administrative forms, day-to-day representation and representation at the tribunal hearing. RRA claimants were more likely to have been represented at the tribunal hearing than non-RRA and short conciliation cases, but no differences were found when compared to UDL and other discrimination cases. There was also a significant minority of claimants who received legal representation prior to submitting their claim but had not received any at the hearing itself. This seems to indicate a lack of continuity for some claimants.

RRA claimants were also more likely to have sought additional professional advice post submission of the claim form (around a third compared with around a fifth in each comparison group). They were also more likely to have said that there were sources of additional advice or help that they would have liked to have used throughout the case. Importantly, claimants who had received no professional representation or advice were most likely to say they would have welcomed additional advice.

Amongst those who had a day-to-day representative, RRA claimants were more likely than each of the other comparison groups to say that the work in the case was split equally between them and the representative. It would therefore appear that RRA claimants were doing more of the actual work in their cases, or at least that was their general perception.

Around a fifth of RRA claimants had neither a day-to-day representative nor sought additional professional advice. However, this lack of advice and representation was in fact more common for Non-RRA claimants and claimants in short conciliation cases.

The quality of advice and representation is also important. More specifically, satisfaction was lowest amongst RRA claimants. Less than three quarters thought they had made the right decision to involve their representative or main adviser in their case, whilst 16 per cent said they had definitely made the wrong

decision. As in SETA 2003, the outcome of the case had an impact on whether claimants felt they had made the right decision to involve their representative or adviser in the case. More specifically, claimants who were unsuccessful at tribunal hearing or who withdrew their case were more likely to report making the wrong decision to involve them.

Interestingly, RRA claimants were far more likely to have received unsolicited approaches from organisations offering legal services or help with the case. Either RRA claimants may be targeted by specific agencies or levels of unsolicited calls may have increased since the SETA 2003 survey was carried out.

The mean costs of professional advice and representation were highest in RRA cases, whilst median costs were highest in other discrimination cases. It is important to note the caveat that the RRA survey and SETA 2003 were carried out at different times although these data appear to indicate that differences might be present.

### **Employment tribunal system**

RRA claimants were less likely than the comparison groups to be satisfied with the ET system and the ET hearing. This high level of dissatisfaction amongst RRA claimants can largely be attributed to case outcome. Amongst RRA claimants, satisfaction was also affected by case duration: satisfaction was generally higher amongst those whose cases were shorter.

Specifically, RRA claimants were more likely to report that they felt the system needed to be more objective than the four comparison groups, and that the tribunal system was unfair or failing.

Survey data show that RRA full tribunal hearings were the longest (and although not directly comparable, ETS administrative data indicatively corroborates this). Other data on the duration of RRA cases also suggest that they last longer than those in the comparison groups (see costs and benefits section below).

However, there are some apparent similarities between RRA and other discrimination cases on tribunal hearings that distinguish them from non-RRA, UDL and short conciliation cases:

- these two groups had the highest proportion of cases presented by solicitors and barristers;
- employers were more likely to attend these types of cases than non-RRA, UDL and short conciliation cases;
- claimants in these two groups were more likely to make an appeal to the EAT than those in non-RRA, UDL and short conciliation cases.

## **Case outcome**

There were no differences by case outcome between RRA and other discrimination claimants, but RRA claimants were much less likely to be successful at tribunal than short conciliation and non-RRA claimants (and slightly less likely than UDL claimants).

RRA claimants were less likely to be satisfied with the outcome of the case than claimants in the comparison groups, although this can largely be explained by case outcome.

RRA claimants were more likely than non-RRA, UDL and short conciliation cases to mention wanting another job in the organisation. Whilst this finding implies that RRA claimants want to return to the organisation, other results suggest that the employment relationship had broken down (for example, Acas had less success with conciliation in RRA cases) and therefore supplementary work could investigate this apparent contradiction to establish *why* RRA claimants are keen to return to the organisation.

Several findings suggest that RRA claimants feel relatively unprepared for their case (for example, RRA claimants were more likely than comparison group claimants to say they would go to a solicitor or get some form of legal representation when asked what they would do differently in the future); further analysis could therefore be undertaken to determine the causes.

## **Costs and benefits**

RRA claimants were more likely to report that they had incurred any personal financial costs than all the main comparison groups except other discrimination claimants.

Survey findings show that RRA claimants spent more days on the case, on average, than claimants in any of the four comparison groups. These findings are indicatively corroborated by administrative data that reveal that the mean duration of RRA cases was also higher than the comparable figures for all the other groups.

Awareness of the new costs regime amongst RRA claimants was lower than for non-RRA, UDL and short conciliation claimants. RRA claimants were more likely than non-RRA and short conciliation claimants to say that awareness of the new costs regime had influenced them not to go to tribunal, although a majority of all claimants said that advance knowledge of these costs had not influenced them.

Fewer RRA claimants were still working for the employer against which they had made their claim compared with non-RRA, short conciliation and UDL claimants, although this is largely because RRA claimants were more likely to work in the public sector. (Public sector claimants were far more likely than their private sector counterparts still to be working for the employer.)

This report has highlighted a number of differences between RRA claimants and the major comparison groups. These differences will undoubtedly stimulate

wider discussion and in many cases, some of these differences need to be followed up with further research or analysis. Multivariate analysis could for instance be used to unpack some of the complexities surrounding case outcome and case duration or indeed the use of disciplinary and grievance procedures.

# Annex A: Data tables

The tables in the Annex present the findings in table format. The figures cited refer to percentages unless stated otherwise. For all tables, the weighted as well as unweighted base is included. In the tables, a percentage shown as ‘\*’ means ‘less than 0.5%’; zero is represented by ‘-’.

It should be noted that no weighting was applied to the SETA RRA Survey data as this was not necessary due to the sample design and response characteristics that were achieved. Design weights were applied to the SETA 2003 survey data. More specifically, the only areas requiring design weights were unfair dismissal and settled employer cases. An interlocking weighting scheme was developed to establish design weights for claimants and employers in Scotland and England, unfair dismissal and settled cases. This process resulted in a weight, which has been employed throughout the analysis of SETA 2003. Full details of the weighting can be found in the SETA 2003 Technical Report<sup>26</sup>.

Data tables have been provided for each report chapter and reflect the key findings throughout the report. The figures cited in these tables refer to percentages unless otherwise stated. For all tables, the weighted as well as unweighted base is included. Throughout these tables ‘\*’ refers to a figure less than 0.5 per cent but greater than zero. ‘-’ refers to no data in a specific cell.

Throughout these tables, RRA cases have been compared with the four main comparison groups:

- Non-RRA cases (all cases from the SETA 2003 data which do not contain any claims related to race discrimination);
- UDL cases (unfair dismissal cases from SETA 2003 that do not include any discrimination claims);
- Other discrimination cases (all cases from SETA 2003 which involved discrimination claims, excluding race discrimination. This group is made up of a number of different types of discrimination cases, although predominantly Sex Discrimination and Unfair Dismissal due to Disability); and
- Short period conciliation cases (all short conciliation cases from SETA 2003, excluding those which included UDL or discrimination claims (as above)).

Full details of these groups can be found in Chapter 1.

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<sup>26</sup> Fourth Periodic Survey of Employment Tribunal Applications Technical Report: Hayward, Peters et al (2004)

**Table 2.1: Personal characteristics**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Sex</b>					
Male	65	61	66	32	64
Female	35	39	34	68	36
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Ethnicity</b>					
White	18	93	92	89	94
Black	39	3	2	6	2
Asian	29	2	3	1	2
Other	14	3	3	3	2
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Age</b>					
16-19 years	1	3	3	2	3
20-24 years	5	7	7	6	8
25-34 years	21	19	20	22	18
35-44 years	38	27	27	31	25
45-54 years	25	27	26	26	27
55-64 years	10	17	17	12	18
65+ years	1	1	1	1	1
mean	41	42	42	41	42
median	41	42	42	40	43
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Disability</b>					
Long-term illness/disability	18	18	16	39	14
<i>Long-term limiting illness/disability</i>	<i>11</i>	<i>10</i>	<i>8</i>	<i>29</i>	<i>7</i>
No long-term illness/disability	82	82	84	61	86
Don't know	1	*	*	1	*
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Religion</b>					
Christian	43	44	44	47	44
Buddhist	*	*	*	*	*
Hindu	7	1	1	1	1
Jewish	1	1	1	1	*
Islam/Muslim	17	1	2	-	1
Sikh	3	*	*	-	-
Other	1	1	*	1	*
No religion	27	52	52	49	54
No answer	-	1	1	1	*
Refused	1	*	*	-	-
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

**Table 2.1 (cont.): Personal characteristics**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Marital status</b>					
Married	52	56	56	59	54
Living as couple	12	13	13	16	14
Single	27	21	22	16	23
Separated	4	3	3	2	3
Divorced	5	6	6	5	6
Widowed	*	1	1	2	1
Refused	1	*	1	1	*
Weighted		2167	1104	241	704
Unweighted	491	2173	1113	232	710
<b>Had dependent children (&lt;16)</b>					
Yes	53	37	37	42	35
No	47	63	63	58	65
Refused	*	*	*	1	*
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Housing tenure</b>					
Owned outright	9	14	13	14	15
Buying with mortgage or loan	50	56	56	62	52
Shared ownership	*	*	*	1	1
Social rented	14	9	9	5	12
Private rented	17	9	9	7	9
Lived rent-free	9	10	10	8	10
Other	*	2	2	2	2
No answer	-	1	1	1	*
Refusal	1	*	*	-	-
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Highest qualification</b>					
Degree, higher degree, postgraduate	44	19	19	25	16
Other higher education, below degree level	17	15	15	16	15
A-levels, vocational level 3 or equivalent	15	19	20	22	17
Other qualifications below A-level	12	22	23	23	22
Any qualifications	90	76	77	87	71
No qualifications	10	24	23	13	29
Refused	1	*	*	*	1
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

**Table 2.2: Employment-related characteristics**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether employed or applying for job</b>					
Employed	93	99	100	93	99
Applying for job	7	1	-	7	1
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Employment status</b>					
Permanent full-time	86	81	86	73	77
Permanent part-time	8	13	10	21	13
Temporary job	6	5	3	6	8
weighted		2140	1102	224	698
unweighted	456	2147	1110	217	704
<b>Occupational group (SOC)</b>					
Managers and Senior Officials	19	25	31	16	21
Professional	15	5	4	10	4
Associate Professional and Technical	18	11	11	15	9
Administrative and Secretarial	14	11	10	19	10
Skilled Trades	5	11	9	6	15
Personal Service	4	5	4	4	5
Sales and Customer Service	5	8	8	9	7
Process, Plant, and Machine Operatives	5	11	11	7	13
Elementary	14	14	13	14	16
weighted		2112	1068	231	697
unweighted	478	2119	1078	224	701
<b>Worked mainly at/from home</b>					
Yes	9	9	10	5	10
No	91	91	90	95	90
weighted		2140	1102	224	698
unweighted	456	2147	1110	217	704
<b>Annual pay (full-time permanent employees)</b>					
Mean	37,278	30,363	27,637	28,283	36,236
Median	20,000	17,000	18,000	16,000	16,640
weighted		1732	948	163	537
unweighted	391	1746	952	161	546

**Table 2.2 (cont.): Employment-related characteristics**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Service (years)</b>					
Mean	5	5	6	6	4
Median	3	2	3	4	0
weighted		2140	1102	224	698
unweighted	456	2147	1110	217	704
<b>On trial/ probationary period</b>					
Yes	9	6	3	8	8
No	89	93	96	91	89
Don't know	1	1	1	1	3
weighted		2140	1102	224	698
unweighted	456	2147	1110	217	704
<b>Member of a trade union or staff association</b>					
Yes	43	24	24	38	18
No	57	76	76	62	82
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Organisation sector</b>					
Private sector	50	72	71	58	79
Public sector	40	19	19	33	14
Non-profit/voluntary sector	6	3	3	4	2
Don't know	4	6	6	6	6
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Employer size</b>					
Less than 25	28	48	41	29	62
25-49	16	15	17	14	12
50-250	27	23	26	30	18
250+	30	15	17	27	8
weighted		2096	1077	226	680
unweighted	458	2101	1086	219	684

Based on all claimants except Employment status; Whether worked at/from home; Service; Whether on probationary period (All current & former employees), Annual pay (All full-time permanent employees), Employer size & SOC (all except missing values)  
Source: SETA 2003 and SETA RRA 2005

**Table 3.1: Written statements and procedures**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether claimant issued with a written statement of terms and conditions after joining the organisation</b>					
Yes	82	66	72	75	55
No	18	33	27	23	44
Don't know	1	1	1	2	1
weighted		2140	1102	224	698
unweighted	456	2147	1110	217	704
<b>Whether the organisation have a written disciplinary procedure</b>					
Yes	65	53	60	62	43
No	30	42	37	30	50
Don't know	6	5	4	8	7
weighted		2140	1102	224	698
unweighted	456	2147	1110	217	704
<b>Whether the organisation have a written grievance procedure</b>					
Yes	66	47	53	58	35
No	31	48	42	37	57
Don't know	4	6	5	5	8
weighted		2140	1102	224	698
unweighted	456	2147	1110	217	704
<b>Organisation had both written disciplinary and written grievance procedures</b>					
Yes	56	41	47	51	31
weighted		2140	1102	224	698
unweighted	456	2147	1110	217	704

Based on all former and current employees  
Source: SETA 2003 and SETA RRA 2005

**Table 3.2: Whether procedures were followed**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes, all the way	32	22	25	22	17
Yes, part of the way	24	14	14	16	13
Yes, dk how far	5	6	5	8	6
ANY YES	62	42	44	46	36
No, not at all	33	50	49	44	55
Don't know	5	8	7	10	8
weighted		1249	722	154	324
unweighted	338	1254	726	150	325

Based on all claimants who said that written disciplinary or grievance procedures were in place  
Source: SETA 2003 and SETA RRA 2005

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**Table 3.3: Communication prior to the claim**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether claimant put concerns about the issue in writing</b>					
Yes	73	58	58	61	57
No	26	40	40	38	41
Don't know	1	2	1	2	2
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Whether claimant wrote to the respondent employer about the issue</b>					
Yes	53	41	44	48	36
No	45	57	55	49	62
Don't know	2	2	2	3	1
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Whether claimant discussed the issue with employer</b>					
Yes	58	45	43	48	45
- <i>face-to-face</i>	39	26	29	28	22
- <i>telephone</i>	6	10	6	8	16
- <i>both</i>	13	9	9	12	8
No	41	54	56	51	53
Don't know	1	1	1	1	2
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Whether claimant informed employer that they were thinking of applying for a tribunal</b>					
No	39	44	48	48	37
Yes	59	54	50	48	61
- <i>face-to-face</i>	22	15	16	15	14
- <i>telephone</i>	8	12	9	8	7
- <i>In writing</i>	37	36	33	31	42
- <i>unspecified</i>	-	*	*	1	*
- <i>other</i>	2	1	1	1	1
Don't know	2	2	2	4	2
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

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Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

**Table 3.4: Whether employer warned claimant that they might be dismissed or made redundant**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
No warning	75	73	73	72	72
Any warning	25	26	26	27	28
- Verbal	9	9	7	9	14
- Written	10	7	8	13	5
- Both	6	10	12	5	9
Don't know	*	1	1	1	-
weighted		1277	808	112	316
unweighted	231	1276	805	107	322

Based on all claimants who were dismissed or made redundant  
Source: SETA 2003 and SETA RRA 2005

**Table 3.5: Formal meetings**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether a formal meeting took place</b>					
Yes	70	56	66	55	41
- <i>one meeting</i>	22	23	26	17	23
- <i>more than one meeting</i>	48	33	40	38	18
No	29	44	34	45	59
Don't know	1	*	*	-	-
Weighted		753	410	96	209
unweighted	254	769	419	96	215
<b>Whether claimant was accompanied at meeting</b>					
Yes	58	52	57	56	29
No	42	48	43	44	71
weighted		424	270	53	86
unweighted	178	435	274	52	92

Based on all claimants where dispute was discussed (whether formal meeting took place); all claimants where formal meeting took place (whether accompanied)  
Source: SETA 2003 and SETA RRA 2005

**Table 3.6: Deterrent effect of having to write to or meet with employer before being able to apply for a tribunal**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether being required to write to employer to set out details of complaint would have discouraged claimant from putting in an application</b>					
Yes - definitely	13	6	5	11	7
Yes - probably	10	6	7	7	6
Maybe/maybe not	8	3	4	4	2
No – probably not	14	14	17	16	9
No – definitely not	47	66	64	61	72
Don't know	8	4	3	2	5
weighted		732	374	77	238
unweighted	107	754	377	74	256
<b>Whether being required to meet with employer to discuss the dispute would have discouraged claimant from putting in an application</b>					
Yes - definitely	14	6	6	12	6
Yes - probably	13	8	9	6	6
Maybe/maybe not	13	9	10	10	6
No – probably not	10	13	12	14	12
No – definitely not	40	62	60	52	67
Don't know	10	3	3	7	3
weighted		1563	740	169	560
unweighted	275	1549	741	159	556

Based on all claimants who did not write to employer (top); all claimants who did not meet with employer (bottom)  
Source: SETA 2003 and SETA RRA 2005

**Table 4.1: Where obtained Claim form (ET1)**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Solicitor, barrister, other lawyer	21	23	31	28	9
Commission for Racial Equality	9	-	-	-	-
Citizens Advice Bureau	8	19	17	14	22
ACAS	4	13	10	6	20
Job centres	7	11	11	9	13
Trade Union	13	11	11	17	8
ETS by phone	8	6	6	6	7
ETS online	10	2	1	2	4
ETS unspecified	9	2	2	1	3
Employment Law Centre	6	2	2	6	1
Employer	*	*	*	2	*
Equal Opportunities Commission	-	*	-	*	-
Other website	1	*	*	*	*
Other	2	4	3	5	5
Don't know	4	5	5	3	7
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

Based on all claimants

Source: SETA 2003 and SETA RRA 2005

**Table 4.2: Help completing Claim form (ET1)**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether received help with Claim form</b>					
Completed form themselves	47	52	46	40	65
Someone helped them to complete the form	29	26	28	34	20
Someone completed the whole form for them	23	20	25	25	12
Don't know	1	2	2	1	2
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Who helped claimant</b>					
Solicitor, barrister or some other kind of lawyer	47	44	52	50	25
Trade Union representative/representative at workplace	21	17	14	22	17
Citizens Advice Bureau	7	17	15	11	27
Family or Friends	7	17	15	12	26
Employment Rights Adviser	1	2	2	2	1
Work colleagues	1	1	*	2	1
ACAS	*	1	1	*	1
CRE	11	-	-	-	-
Other	4	2	2	2	2
Don't know	*	1	1	-	*
weighted		995	583	141	228
unweighted	256	1012	599	136	234

Based on all claimants/ all claimants who received help with Claim form  
Source: SETA 2003 and SETA RRA 2005

**Table 4.3: Nomination of representative on the Claim form (ET1)**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether nominated someone on claim form</b>					
Yes	46	39	46	50	24
No	42	48	39	36	63
Don't know	12	13	14	13	12
weighted		2130	1087	238	689
unweighted	486	2315	1095	230	695
<b>Who nominated on Claim form</b>					
<b>Employment Rights</b>					
Adviser	2	3	3	4	-
Solicitor	49	46	53	48	28
Trade Union					
Representative	28	26	22	28	35
Family or friends	3	8	7	8	11
Citizens Advice					
Bureau	4	11	10	8	14
CRE	9	-	-	-	-
Work colleagues	-	1	1	2	1
Other	5	3	2	1	6
Don't know	-	1	1	-	3
weighted		834	502	120	168
unweighted	224	870	529	121	175

Based on all claimants who were able to say who completed the claim / response form all claimants who nominated someone on the Claim form (ET1/IT1)

Source: SETA 2003 and SETA RRA 2005

**Table 4.4: Day-to-day representative**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether had day-to-day representative</b>					
Yes	61	55	66	71	35
No	39	45	34	29	65
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Who acted as representative</b>					
<b>Employment Rights</b>					
Adviser	3	3	3	2	3
Solicitor	52	51	58	59	29
Trade Union Representative	23	21	17	23	25
Family or friends	9	13	12	11	19
Citizens Advice Bureau	5	14	13	6	20
CRE	6	*	-	1	-
Accountant	2	-	-	-	-
Work colleagues	1	1	*	1	2
Other	5	3	3	3	4
Don't know	*	*	*	-	1
weighted		1192	729	171	248
unweighted	299	1218	753	169	250

Based on all claimants / all claimants who had a day-to-day representative  
Source: SETA 2003 and SETA RRA 2005

**Table 4.5: Representative at a full tribunal hearing**

	RRA	Non-RRA	UDL	Other discrimination**	Short conciliation**
<b>Whether had representative at hearing</b>					
Yes	55	42	55	68	21
No	44	58	45	32	79
weighted		434	199	38	175
unweighted	102	449	205	36	182
<b>Who acted as representative</b>					
<b>Employment Rights</b>					
Adviser	4	2	3	-	-
Solicitor	61	52	59	65	32
<b>Trade Union</b>					
Representative	11	15	13	15	16
Family or friends	7	9	6	4	21
<b>Citizens Advice</b>					
Bureau	5	17	15	12	32
CRE	2	1	-	-	-
Work colleagues	-	3	2	4	-
Other	9	2	3	-	-
Don't know	2	-	-	-	-
weighted		183	109	26	38
unweighted	56	197	119	25	41

Based on all claimants who went to full tribunal hearing/ all claimants who had a representative acting for them at the hearing

Source: SETA 2003 and SETA RRA 2005

Note: \* small base size

**Table 4.6: Additional advice and guidance**

	RRA	Non-RRA	UDL	Other discrimination**	Short conciliation
<b>Whether received additional advice</b>					
Yes	34	19	21	22	15
No	66	81	79	78	85
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Who acted as representative</b>					
<b>Employment Rights</b>					
Adviser	4	4	3	4	5
Solicitor	48	38	42	43	29
Trade Union Representative	16	11	13	9	7
Family or friends	15	17	18	11	18
<b>Citizens Advice</b>					
Bureau	16	19	15	13	31
Acas	8	14	13	15	15
CRE	21	-	-	-	-
Work colleagues	10	6	4	11	9
Other	7	6	5	9	7
Don't know	1	2	2	4	1
weighted		409	229	54	104
unweighted	165	392	214	53	104

Based on all claimants / all claimants who received additional advice and guidance

Source: SETA 2003 and SETA RRA 2005

Note: \* small base size

**Table 4.7: Levels of advice and representation**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether received additional advice</b>					
Had a day-to-day representative and sought additional advice	16	8	10	14	4
Had a day-to-day representative and sought NO additional advice	45	47	56	58	32
No day-to-day representative, but sought advice	18	11	11	9	11
No day-to-day representative or advice	22	34	23	20	54
	weighted	2167	1104	241	704
	unweighted	491	2173	232	710

Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

**Table 4.7b: Levels of advice and representation at different stages of the claim**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether received...</b>					
Professional advice Pre claim	85	88	91	84	86
Professional advice completing the claim form	45	37	44	50	22
Professional representation post claim	44	45	56	59	26
Professional representation at tribunal	7	6	7	8	4
Professional source of advice post application	26	13	14	15	9
Professional representation or advice at any time	93	93	95	92	90
	weighted	2167	1104	241	704
	unweighted	491	2173	232	710

Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

**Table 4.8: Whether desired any advice from other sources not previously mentioned**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether desired additional advice</b>					
Yes	51	26	29	28	21
No	45	70	67	70	76
Don't know	4	4	4	3	4
	weighted	2167	1104	241	704
	unweighted	491	2173	232	710
<b>Advice desired</b>					
Solicitor, barrister or some other type of lawyer					
	42	42	43	32	43
CRE					
	37	*	1	-	-
ACAS					
	14	21	22	21	16
Trade Union official					
	13	20	19	26	19
Family/Friends					
	5	1	*	-	3
Citizens Advice Bureau					
	14	12	12	11	11
Employment Rights Adviser					
	8	8	7	11	6
Work colleague					
	4	4	3	2	5
Personnel or human resources specialist					
	3	3	2	4	3
Worker representative					
	4	3	2	2	4
ETS					
	-	2	1	4	2
DTI					
	*	*	*	-	-
Other					
	13	11	9	17	9
Don't know	5	7	5	6	11
	weighted	560	318	66 <sup>27</sup>	146
	unweighted	250	554	65	142
<b>Why did not use desired advice</b>					
Could not afford it					
	22	24	26	23	22
Could not find someone to ask					
	14	14	13	14	15
Were refused help					
	16	10	11	15	8
Already had someone to help/too late					
	24	16	19	14	9
Weren't aware/didn't think of them at the time					
	11	7	6	4	9
Didn't think I needed them					
	1	5	3	-	14
Did not approach them					
	3	4	4	2	4
Not a union member					
	3	5	5	3	5
Advised against it					
	2	-	-	-	-
Not competent/knowledgeable					
	2	-	-	-	-
Other					
	11	18	17	28	17
Don't know	6	7	6	11	5
	weighted	560	318	66 <sup>28</sup>	146
	unweighted	250	554	65	142

Based on all claimants / all claimants who desired additional advice and guidance  
Source: SETA 2003 and SETA RRA 2005

<sup>27</sup> Small base size

<sup>28</sup> Small base size

**Table 4.9: Passive sources of information used**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Commission for Racial Equality	33	-	-	-	-
ACAS website	22	16	15	19	16
ETS website	29	14	13	20	12
DTI website	12	10	9	14	8
Other websites	21	13	14	22	9
ACAS publications or leaflets	36	43	43	37	44
ETS publications or leaflets	34	37	37	37	37
A library	18	8	10	8	5
Books	27	12	14	16	8
Legal advice / solicitor / lawyer	2				
ACAS verbal	1	2	2	1	1
Citizens Advice Bureau	3	1	*	1	1
Job Centre	*	2	2	1	2
Trade Union	*	*	*	-	*
Family/Friends	2	1	1	2	1
General leaflets/books	2	1	1	1	2
Other	4	1	1	2	1
Don't know/None used	23	2	2	3	1
weighted		31	32	31	30
unweighted	491	2167	1104	241	704
		2173	1113	232	710

Based on all claimants

Source: SETA 2003 and SETA RRA 2005

**Table 4.10: Ways in which representative or main adviser helped**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Ways in which advisor helped</b>					
Explain the tribunal process	81	83	85	82	78
Outline strengths and weaknesses of case	85	88	89	87	86
Outline pros and cons of settling case without tribunal	75	79	81	83	72
Discuss what tribunal might award if respondent won case	60	65	69	61	57
Helped prepare for hearings	56	58	61	65	48
weighted		1397	836	190	317
unweighted	382	1415	835	188	320
<b>Type of advice offered</b>					
Advised to settle	50	51	53	48	48
Advised to go to hearing	18	22	21	22	25
Advised to withdraw	3	3	3	2	3
Gave different advice at different times	9	8	9	9	6
None of the above	17	14	14	17	14
Don't know	3	3	3	3	4
weighted		1397	836	190	317
unweighted	382	1415	835	188	320
<b>Whether made right decision to involve representative or adviser in case</b>					
Definitely right	58	71	68	74	80
Probably right	15	12	13	12	10
Probably wrong	7	4	5	5	3
Definitely wrong	16	10	12	8	5
Not my decision	2	1	1	2	2
Don't know	3	1	2	1	*
weighted		1397	836	190	317
unweighted	382	1415	835	188	320

Based on all claimants who had a day-to-day representative or adviser (excluding ACAS)  
Source: SETA 2003 and SETA RRA 2005

**Table 4.11: Whether had a legal representative**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Whether had a legal representative/legal advice at any time after submission of claim form	46	34	46	50	15
Whether had a legal representative helping with the day-to-day handling of the case	32	28	38	42	10
Whether had a legal representative for tribunal hearing	6	4	5	6	2
Whether sought additional advice in the case from a legal adviser	16	7	9	10	4
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

Based on all claimants

Source: SETA 2003 and SETA RRA 2005

**Table 4.12: Free advice and representation**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Whether paid for advice					
Paid for all	23	25	30	24	16
Paid for some	9	9	10	10	7
All free	66	65	58	64	77
Don't know	2	1	1	1	1
weighted		1319	797	180	288
unweighted	351	1344	816	178	296

Based on all claimants who had a day-to-day representative or adviser (excluding friends)

Source: SETA 2003 and SETA RRA 2005

**Table 4.13: Contingent fee arrangement**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes – pay legal adviser only if won	17	11	14	14	3
Yes – pay legal adviser if won or lost	5	11	15	10	4
No arrangement	76	76	70	73	91
Don't know	2	2	2	3	2
weighted		1319	797	180	288
unweighted	351	1344	816	178	296

Based on all claimants who had a day-to-day representative or adviser (excluding friends)

Source: SETA 2003 and SETA RRA 2005

**Table 4.14: Total costs of advice and representation (median and mean)**

	RRA	Non-RRA	UDL	Other discrimination <sup>29</sup>	Short conciliation <sup>30</sup>
Median (£)	1450	1000	1184	2000	400
Mean (£)	5690	2481	2439	4130	1049
weighted		385	271	56	51
unweighted	95	396	280	56	53

Based on all claimants who paid for advice and representation (excluding those who did not know amount paid)  
Source: SETA 2003 and SETA RRA 2005

**Table 4.15: Whether received unsolicited approaches**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes	77	43	51	46	33
No	22	56	49	54	66
Don't know	1	1	1	1	1
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

**Table 4.16: Number of unsolicited approaches**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Median (N)	5	2	2	2	2
Mean (N)	7	3	3	4	3
weighted		927	555	107	231
unweighted	367	898	454	100	220

Based on all claimants who received unsolicited calls (excluding those who did not know number)  
Source: SETA 2003 and SETA RRA 2005

<sup>29</sup> Small base size

<sup>30</sup> Small base size

**Table 4.17: Contact with ACAS**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether claimant received an introductory letter from ACAS explaining about the service they offered</b>					
Yes	78	73	74	69	75
No	15	17	17	24	16
Don't know	8	9	10	7	9
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Whether claimant personally had any contact with an ACAS Officer</b>					
By letter	15	20	19	14	23
By telephone	35	39	34	28	49
Face to face	4	6	7	8	2
Other	1	1	1	1	1
ANY CONTACT	44	49	45	40	57
No contact	56	51	55	60	43
Don't know	4	2	2	3	2
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>Representative had any contact with ACAS on claimant's behalf</b>					
Yes	36	39	42	37	31
No	42	39	36	37	49
Don't know	22	22	22	27	20
weighted		1422	847	193	326
unweighted	385	1440	863	190	330

Based on all claimants/ all claimants with a representative  
Source: SETA 2003 and SETA RRA 2005

**Table 4.18 Assistance provided by ACAS Officer**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether the ACAS Officer explained the tribunal procedures</b>					
Yes	53	70	72	60	68
No	43	27	26	37	27
Don't know	5	4	3	3	4
weighted		1027	485	89	394
unweighted	199	1005	466	86	395
<b>Whether the ACAS Officer helped claimant to understand the strengths and weaknesses of the case</b>					
Yes	31	56	56	41	60
No	66	41	41	58	37
Don't know	3	3	3	1	3
weighted		1027	485	89	394
unweighted	199	1005	466	86	395
<b>Whether the ACAS Officer helped claimant to consider the pros and cons of settling the case without going to trial</b>					
Yes	56	65	66	57	66
No	41	32	33	42	31
Don't know	3	3	2	2	3
weighted		1027	485	89	394
unweighted	199	1005	466	86	395

Based on all claimants who had personal contact with an ACAS Officer  
Source: SETA 2003 and SETA RRA 2005

**Table 4.19: Whether claimant would have liked ACAS to have been involved in the case**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes	68	52	58	53	44
No	21	31	25	26	42
Don't know	11	17	18	21	15
weighted		760	373	102	247
unweighted	196	773	387	98	250

Based on all claimants who had no contact with ACAS (either themselves or via a representative)  
Source: SETA 2003 and SETA RRA 2005

**Table 5.1: Awareness and previous experience of ETS**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether claimant was aware that a worker could apply for an employment tribunal before putting in application</b>					
Yes	57	66	66	69	65
No	41	33	34	29	34
Don't know	2	1	1	2	1
<b>Whether claimant has ever made a previous claim to an employment tribunal before putting in application</b>					
Yes	12	6	5	8	7
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

Based on all claimants

Source: SETA 2003 and SETA RRA 2005

**Table 5.2 Whether claimant felt Tribunal gave each party a fair chance to make their case**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes - fair	46	75	70	66	84
No – more favourable to claimant	-	*	1	-	-
No – more favourable to employer	52	18	24	34	8
Don't know	2	6	5	-	8
weighted		434	199	38 <sup>31</sup>	175
unweighted	102	449	205	36	182

Based on all claimants whose case involved a decision at tribunal

Source: SETA 2003 and SETA RRA 2005

<sup>31</sup> Small base size

**Table 5.3: Levels of claimant satisfaction with the workings of the Employment Tribunal System**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Very satisfied	20	34	28	27	45
Quite satisfied	31	39	40	42	35
Not very satisfied	19	12	14	15	8
Not at all satisfied	23	10	12	10	8
SATISFIED	51	72	68	69	80
NOT SATISFIED	41	22	26	25	16
Don't know	8	6	6	6	4
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

Based on all claimants

Source: SETA 2003 and SETA RRA 2005

**Table 5.4 Effectiveness of ETS - Comments about the way the ETS worked in the claimant's case**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
System seemed fair / there were no problems	19	33	29	23	42
System needs to be more objective	11	7	8	13	3
More information and advice needed about the procedures	11	21	15	13	11
Tribunal system is unfair / failing	11	1	*	1	*
weighted		1244	646	128	404
unweighted	357	1234	649	121	399

Based on all claimants who passed comment on the effectiveness of the ETS

Source SETA 2003 and SETA RRA 2005

**Table 6.1: Whether any hearings were held with the tribunal before the full tribunal hearing**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes - one hearing	18	7	7	14	4
Yes - more than one hearing	7	1	1	4	1
YES	26	8	8	18	5
No	70	88	88	79	90
Don't know	4	4	4	3	5
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

Based on all claimants

Source: SETA 2003 and SETA RRA 2005

**Table 6.2 Whether claimant personally attended the full tribunal hearing**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes, all of hearing	96	93	95	100	91
Yes, part of hearing	-	1	1	-	1
YES	96	94	96	100	91
No	4	6	4	-	8
Don't know	-	*	-	-	1
weighted		434	199	38 <sup>32</sup>	175
unweighted	102	449	205	36	182

Based on all claimants whose cases involved a decision at tribunal

Source: SETA 2003 and SETA RRA 2005

<sup>32</sup> Small base size

**Table 6.3: Attendance at tribunal hearings (continued)**

	RRA	Non-RRA	UDL	Other discrimination <sup>33</sup>	Short conciliation
<b>Whether anyone (other than a representative) accompanied claimant to hearing</b>					
Yes	56	47	55	56	38
No	44	52	45	44	62
weighted		408	190	38	160
unweighted	98	449	205	36	182
<b>Number of people accompanying claimant to the hearing</b>					
1	51	64	61	53	69
2	22	22	22	42	20
3	6	6	7	-	6
4	13	3	5	-	2
5	2	2	3	5	-
6	6	1	1	-	-
7	-	-	-	-	-
8	2	-	-	-	-
9	-	1	1	-	-
weighted		193	105	21	60
unweighted	55	197	104	21	64

Based on all claimants who personally attended the tribunal hearing/all claimants that were accompanied to hearing  
Source: SETA 2003 and SETA RRA 2005

**Table 6.4: Presentation of the case for employer at the tribunal hearing**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Solicitor, barrister or some other kind of lawyer/ legal advisor	78	39	57	70	15
Nobody (employer did not attend)	4	32	12	7	59
Someone from employer	10	20	22	23	16
weighted		434	199	38 <sup>34</sup>	175
unweighted	102	449	205	36	182

Based on all claimants whose cases involved a decision at tribunal  
Source: SETA 2003 and SETA RRA 2005

<sup>33</sup> Small base sizes

<sup>34</sup> Small base size

**Table 6.5: Number of people accompanying employer to hearing**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
0	6	38	15	14	67
1	6	12	15	15	8
2	11	13	19	9	7
3	11	10	16	8	3
4	18	8	14	18	-
5-9	33	11	16	21	3
10+	13	2	-	11	2
Don't Know	3	6	6	14	8
	weighted	434	199	38 <sup>35</sup>	175
	unweighted	102	205	36	182

Based on all claimants whose cases involved a decision at tribunal  
Source: SETA 2003 and SETA RRA 2005

**Table 6.6: Amount of time hearing lasted**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
One hour	5	36	15	6	66
More than one hour but less than a day	4	25	29	13	22
A day	18	23	33	38	8
Two or more days	73	17	24	43	4
Mean (days)	3.6	1.3	1.4	1.9	1.1
Median (days)	2.0	1.0	1.0	1	1
	weighted	410	191	37 <sup>36</sup>	163
	unweighted	96	198	35	169

Based on all claimants whose cases involved a decision at tribunal who knew length of hearing  
Source: SETA 2003 and SETA RRA 2005

<sup>35</sup> Small base size

<sup>36</sup> Small base size

**Table 6.7: Was an appeal made to the Employment Appeal Tribunal?**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes	20	7	10	13	2
No	79	89	87	84	92
Don't know	1	4	3	3	6
weighted		434	199	38 <sup>37</sup>	175
unweighted	102	449	205	36	182

Based on all claimants whose cases involved a decision at tribunal  
Source: SETA 2003 and SETA RRA 2005

**Table 6.8: Who made the appeal?<sup>38</sup>**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Applicant	75	62	77	31	50
Employer	25	38	23	70	50
weighted		30	20	5	3
unweighted	20	30	19	5	4

Based on all claimants who made an appeal  
Source: SETA 2003 and SETA RRA 2005

**Table 6.9: Did Employment Appeal Tribunal hold a review?<sup>39</sup>**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes	50	44	49	32	-
No	40	44	39	68	63
Don't know	10	12	12	-	37
Weighted		30	20	5	3
unweighted	20	30	19	5	4

Based on all claimants who made an appeal  
Source: SETA 2003 and SETA RRA 2005

<sup>37</sup> Small base size

<sup>38</sup> Small base sizes

<sup>39</sup> Small base sizes

**Table 6.10: Was the original tribunal decision confirmed or changed?<sup>40</sup>**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Confirmed	10	27	24	100	-
Changed	90	73	76	-	-
weighted		13	10	2	-
unweighted	10	13	9	2	-

Based on all claimants whose case was reviewed by EAT  
Source: SETA 2003 and SETA RRA 2005

**Table 7.1: SETA outcome**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Tribunal App successful	5	13	9	5	22
Tribunal App unsuccessful	16	7	9	11	4
ACAS settled	40	46	53	43	38
Privately settled	12	13	9	16	18
Withdrawn	21	16	16	21	16
Dismissed/ disposed	7	4	4	5	4
Any settled	51	60	62	59	55
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

**Table 7.2: Compromise agreement ?<sup>41</sup>**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes	79	47	62	70	32
No	18	44	25	27	61
DK	4	9	13	3	8
weighted		118	25	10	69
unweighted	56	115	25	9	68

Based on all claimants who privately settled  
Source: SETA 2003 and SETA RRA 2005

<sup>40</sup> Small base sizes

<sup>41</sup> Small base sizes

**Table 7.3: Type of settlement offered**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Reinstatement	2	3	3	5	1
Re-engagement	6	2	2	6	1
Money	91	96	95	93	99
Reference	27	15	21	21	5
Apology	16	6	7	10	4
Letter of explanation	10	4	5	5	3
DK	3	1	2	1	-
weighted		1288	685	141	390
unweighted	252	1296	696	137	392

Based on all claimants whose case settled where an offer had been made  
Source: SETA 2003 and SETA RRA 2005

**Table 7.4: Whether money was money owed to claimant or compensation**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Money owed	16	46	27	17	83
Compensation	54	30	42	45	7
Both	25	21	26	35	8
Neither	2	3	3	3	2
Don't know	4	1	2	-	-
weighted		1226	647	129	384
unweighted	229	1235	659	126	387

Based on all claimants whose case involved a financial settlement  
Source: SETA 2003 and SETA RRA 2005

**Table 7.5: Amount offered in settlement**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>What offered</b>					
£1-£499	4	24	12	4	47
£500-£999	13	19	18	14	22
£1000-£1499	12	12	13	8	12
£1500-£1999	4	7	9	10	4
£2000-£2499	6	7	10	6	3
£2500-£2999	8	3	3	5	2
£3000-£3999	9	6	7	10	4
£4000-£4999	4	4	5	8	2
£5000-£9999	17	10	14	16	3
£10000-£24999	15	6	7	13	2
£25000+	7	3	4	6	1
Mean	8547	4569	5924	7696	1728
Median	3000	1000	1700	3000	500
	weighted	1100	582	118	341
	unweighted	184	591	116	345

Based on all cases that settled where a financial offer was made (excluding DK)  
SETA 2003 and SETA RRA 2005

**Table 7.6: Whether employer has provided agreed settlement yet**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes – in full	91	95	96	95	93
Yes – in part	5	3	2	3	4
No	3	2	1	2	3
DK	2	1	1	-	-
	weighted	1288	685	141	389
	unweighted	252	696	137	392

Based on claimants who had accepted a financial settlement  
Source: SETA 2003 and SETA RRA 2005

**Table 7.7: Whether settlement proposed**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes – claimant proposed	2	2	2	7	-
Yes – employer proposed	22	21	27	15	16
Yes – Acas proposed	3	2	2	1	1
Yes – representative proposed	5	2	2	-	2
No	67	74	66	77	81
weighted		879	419	100	315
unweighted	239	877	417	95	318

Based on all claimants whose case was not settled  
Source: SETA 2003 and SETA RRA 2005

**Table 7.8: Reasons for rejecting offers<sup>42</sup>**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Offer not enough	33	26	28	31	21
Moral standpoint – wanted case to go to full hearing	9	24	27	24	18
Financial incentive – would receive more if went to full hearing	2	10	13	-	9
weighted		182	110	16	48
unweighted	57	179	106	16	49

Based on claimants who were made an offer but did not accept it  
Source: SETA 2003 and SETA RRA 2005

<sup>42</sup> Some small base sizes

**Table 7.9: Reasons for withdrawal of case**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Believed they could not win case / did not have valid case	19	20	17	21	23
Was advised to withdraw	21	27	33	21	22
Too much time involved in continuing	13	6	4	9	7
Too much stress involved in continuing	17	15	14	21	12
Too much fuss/hassle/difficulty involved in continuing	16	15	16	14	14
Too much financial cost / expense involved in continuing	16	21	28	10	15
Received satisfactory settlement	1	16	11	12	26
Don't Know	5	4	6	1	3
	weighted	346	177	48 <sup>43</sup>	106
	unweighted	102	171	47	102

Note: Seven most commonly mentioned reasons mentioned only  
Based on all claimants who withdrew their case  
Source: SETA 2003 and SETA RRA 2005

<sup>43</sup> Small base size

**Table 7.10: Money ordered by tribunal<sup>44</sup>**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Amount</b>					
£1-£499	4	21	13	-	24
£500-£999	4	15	6	-	24
£1000-£1499	4	12	8	10	14
£1500-£1999	8	9	7	1	12
£2000-£2499	4	5	7	3	5
£2500-£2999	-	2	1	10	2
£3000-£3999	16	6	6	10	5
£4000-£4999	-	4	8	10	2
£5000-£9999	28	16	25	29	12
£10000-£24999	16	7	12	29	2
£25000+	16	3	9	-	-
Mean	12365	4118	7662	6878	1926
Median	6000	1500	4500	8089	1000
	weighted	240	83	12	132
	unweighted	25	91	11	139

Based on all claimants where the tribunal order involved money  
Source: SETA 2003 and SETA RRA 2005

**Table 7.11: Satisfaction with outcome of case**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Very satisfied	9	25	17	18	39
Quite satisfied	23	32	34	34	30
Not very satisfied	19	15	17	16	12
Not at all satisfied	49	27	31	32	19
DK	1	1	1	1	1
	weighted	2167	1104	240	704
	unweighted	491	1113	232	710

Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

<sup>44</sup> Some small base sizes

**Table 7.12: How could have been made more satisfied with outcome**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Reasons</b>					
Re-instatement	22	7	11	6	2
Re-engagement	9	2	2	6	1
(More) Money	38	20	20	20	21
A reference	9	3	5	3	1
An apology	35	30	35	30	22
A letter of explanation	13	5	7	4	3
Having gone ahead with tribunal	2	5	6	5	4
Having received better advice	1	3	3	1	2
Having won the case at tribunal	2	3	2	4	3
Legal fees paid / Costs covered	8	11	12	15	9
Proving case / proving you were right	33	28	32	29	18
Justice	27	26	28	24	22
DK	2	1	1	1	1
	weighted	913	534	115	219
	unweighted	333	915	543	110

Note: responses mentioned by more than 3 per cent of claimants shown in table  
Based on claimants not very/not at all satisfied with case outcome  
Source: SETA 2003 and SETA RRA 2005

**Table 7.13: Reasons why the case did not turn out as well as they would have liked**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Other party lied, made up stories, was dishonest	16	19	20	24	16
Case was not presented properly	22	18	18	21	16
Case was not properly understood / recognised	15	13	14	14	11
Inadequate advice and representation	39	28	31	27	23
Case went on too long / wasted time	14	13	13	17	12
Case cost too much money / waste of money	14	12	14	14	8
Process biased in favour of employer	24	15	16	18	12
Other party has stronger case/evidence	7	5	5	5	4
DK	5	5	4	4	7
weighted		913	534	115	219
unweighted	333	915	543	110	217

Based on all claimants not at all/not very satisfied with outcome  
Source: SETA 2003 and SETA RRA 2005

**Table 7.14: Perceived likelihood of success at start of case**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Very likely to be successful	51	51	51	37	55
Quite likely to be successful	22	20	21	22	19
Quite likely to be unsuccessful	2	2	1	2	2
Very likely to be unsuccessful	2	1	1	1	1
Had an even chance	19	25	24	34	23
DK	4	2	2	9	8
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

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**Table 7.15: Whether felt worthwhile bringing case**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes	78	82	80	85	84
No	19	17	19	14	16
DK	2	1	1	1	1
	weighted	2197	1104	241	704
	unweighted	2713	1113	232	710

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Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

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**Table 7.16: Whether would advise a friend in the same position to put in an application**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Definitely would	58	68	66	63	72
Probably would	8	8	9	9	8
May or may not	1	2	3	2	1
Probably wouldn't	3	2	2	3	2
Definitely wouldn't	10	4	4	4	4
Would depend on the circumstances	13	13	13	15	12
DK	1	*	*	2	-
	weighted	2197	1104	241	704
	unweighted	2713	1113	232	710

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Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

**Table 7.17: What would differently if in a similar dispute in the future**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Nothing	2	6	5	5	8
Get more information/advice before taking action	17	12	13	13	11
Seek different legal representation	11	16	18	16	14
Act sooner	5	4	3	7	6
Would not let case go so far	4	3	3	2	3
Would carry it thought to court	9	8	10	10	5
Take it straight to employer	5	3	3	3	3
Get Union involved	4	2	2	4	2
Keep better records	6	4	4	4	3
Be stronger/more assertive	4	2	2	1	1
Go to a solicitor/get legal representation	16	-	-	-	-
DK	3	3	3	4	3
weighted		2197	1104	241	704
unweighted	491	2713	1113	232	710

Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

**Table 8.1: Types of financial costs**

Any personal	74	62	66	69	54
Communication	59	49	50	54	45
Loss of earnings	50	32	40	35	20
Travel costs	45	27	30	32	23
Other	18	8	10	10	6
	weighted	2167	1104	241	704
	unweighted	491	2713	1113	710

Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

**Table 8.2: Mean and median costs<sup>45</sup>**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Travel costs</b>					
Mean (£)	177	53	61	53	40
Median (£)	50	20	30	30	15
	weighted	594	329	76	164
	unweighted	222	590	73	165
<b>Communication costs</b>					
Mean (£)	189	54	47	155	20
Median (£)	50	15	20	20	10
	Weighted	1050	550	129	314
	unweighted	287	1039	124	316
<b>Loss of earnings</b>					
Mean (£)	22141	15378	20849	11941	3046
Median (£)	4750	2000	3000	7102	300
	weighted	688	436	84	143
	unweighted	243	691	81	141

Based on all claimants who incurred travel costs, communication costs and loss of earnings  
Source: SETA 2003 and SETA RRA 2005

<sup>45</sup> Mean and median averages include zero costs

**Table 8.3: Time spent (in days) on case**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Mean (days)	64	25	26	46	17
Mean (days)	14	4	5	7	2
weighted		1888	955	203	622
unweighted	412	1884	954	196	625

Based on all claimants who were able to give hours or days spent on the case  
Source: SETA 2003 and SETA RRA 2005

**Table 8.4: Non-financial negative effects (most common mentions)**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Stressful/emotionally draining/depression	64	56	57	57	52
Difficulty in getting re-employed	9	11	14	10	5
Physical health problems	19	10	11	16	5
Feel shunned/let down by colleagues	5	4	4	3	4
Feel cannot trust a company again	7	6	4	4	9
Loss of confidence/self-esteem	17	15	16	17	12
Affected personal relationships	16	7	8	11	3
Feel angry/annoyed	3	7	7	4	10
Lost hope/faith/trust in the system	11	3	2	2	4
Adversely affected career	12	1	1	1	1
weighted		1267	733	178	301
unweighted	425	1274	739	174	305

Based on all claimants who reported non-financial negative effects  
Source: SETA 2003 and SETA RRA 2005

**Table 8.5: Awareness of new cost regime**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Whether aware of new cost regime</b>					
Yes	51	44	48	43	39
No	48	55	51	56	60
DK	1	1	1	1	1
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710
<b>How found out about new cost regime (most common mentions)</b>					
Through ETS (Employment Tribunals Service)	21	13	11	8	15
Through ACAS	9	22	20	12	31
Through representative/advi sor	45	36	46	39	19
Read about it	2	24	10	4	7
Personal/profession al knowledge	1	11	9	19	11
Citizens Advice Bureau	1	3	2	2	6
Solicitor	4	4	4	5	3
Through Employer	-	2	3	1	1
Leaflets and pamphlets general	1	4	4	2	5
weighted		958	531	104	271
unweighted	251	946	530	97	267

Based on all claimants / claimants aware of new costs regime before case  
Source: SETA 2003 and SETA RRA 2005

**Table 8.6: Amount thought might have to pay for bringing a case to tribunal**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
<b>Amount</b>					
Nothing	7	38	31	28	53
£1-£999	20	12	10	8	19
£1000-£1999	14	12	15	4	11
£2000-£2999	3	11	14	14	4
£3000-£3999	3	3	4	2	2
£4000-4999	1	1	1	-	2
£5000-£9999	15	9	13	8	2
£10000+	37	14	12	35	8
weighted		250	137	28 <sup>46</sup>	68
unweighted	93	241	133	27	65

Based on claimants aware of new costs regime before case (excluding DK)  
Source: SETA 2003 and SETA RRA 2005

**Table 8.7: Whether employer was warned by claimant that tribunal might order them to contribute to the claimant's costs**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes	29	18	21	23	13
No	68	80	77	74	86
DK	3	2	3	3	1
weighted		2167	1104	241	704
unweighted	491	2713	1113	232	710

Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

**Table 8.8: Whether claimant was warned by the employer that tribunal might order them to contribute to the employers costs**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes	24	18	19	24	14
No	58	65	61	57	72
DK	19	18	20	19	15
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

<sup>46</sup> Small base size

**Table 8.9: Effect of awareness of new cost regime on outcome of those who settled/withdrew their case**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes – More likely to settle/withdraw	33	26	30	24	20
Yes – Less likely to settle/withdraw	1	2	2	1	2
No	61	70	66	71	77
DK	5	2	3	3	1
weighted		964	551	110	253
unweighted	234	949	547	104	249

Based on all claimants whose case was settled or withdrawn and aware of the new cost regime  
Source: SETA 2003 and SETA RRA 2005

**Table 8.10: Whether claimant asked for costs or expenses to be awarded by tribunal**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Yes	28	22	23	34	17
No	64	68	65	56	75
DK	9	10	12	10	8
weighted		434	199	38 <sup>47</sup>	175
unweighted	102	449	205	36	182

Based on all claimants whose case went to tribunal  
Source: SETA 2003 and SETA RRA 2005

<sup>47</sup> Small base size

**Table 8.11: Current claimant status**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Working for an employer full-time	58	22	58	42	57
Working for an employer part-time	9	13	11	16	13
Self employed	8	10	11	7	10
Unemployed and seeking work	16	7	8	6	7
Unemployed and not seeking work	1	3	3	7	2
Retired	1	4	3	6	4
Student	2	1	1	2	1
Permanently sick/disabled	1	3	3	7	2
Temporarily sick	2	2	1	3	2
Looking after home	1	1	1	3	1
Carer/looking after children	-	*	*	1	*
Other	*	1	1	1	1
<b>Some kind of work</b>	<b>83</b>	<b>85</b>	<b>87</b>	<b>72</b>	<b>88</b>
<b>New work</b>	<b>60</b>	<b>73</b>	<b>77</b>	<b>53</b>	<b>75</b>
<b>Inactive</b>	<b>8</b>	<b>12</b>	<b>10</b>	<b>22</b>	<b>11</b>
weighted		2167	1104	241	704
unweighted	491	2173	1113	232	710

Based on all claimants  
Source: SETA 2003 and SETA RRA 2005

**Table 8.12: Length of time to find new work**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Mean (days)	23	14	16	22	9
Median (days)	13	6	8	8	4
weighted		1692	916	124	565
unweighted	304	1693	919	120	568

Based on all claimants who had moved into new work  
Source: SETA 2003 and SETA RRA 2005

**Table 8.13: Level of pay compared to previous job**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
More money	47	42	35	37	53
Less money	39	40	48	44	29
About the same	13	16	15	17	16
Don't know	2	2	1	2	2
weighted		1569	851	115	522
unweighted	272	1572	858	111	524

Based on all claimants who left their previous employer but were now currently employed in a new job  
Source: SETA 2003 and SETA RRA 2005

**Table 8.14: Current journey time compared to previous job**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Longer travel time	35	31	32	31	28
Shorter travel time	35	34	34	38	36
About the same	28	32	32	28	33
Don't know	2	3	2	4	4
weighted		1569	851	115	522
unweighted	272	1572	858	111	524

Based on all claimants who left their previous employer but were now currently employed in a new job  
Source: SETA 2003 and SETA RRA 2005

**Table 8.15: Claimant's survey: Status of job compared to previous job**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Higher level	42	31	29	31	33
Lower level	28	27	33	30	18
About the same	27	38	34	30	46
Don't know	3	5	4	9	4
weighted		1569	851	115	522
unweighted	272	1572	858	111	524

Based on all claimants who left their previous employer but were now currently employed in a new job  
Source: SETA 2003 and SETA RRA 2005

**Table 8.16: Whether think of job as long term**

	RRA	Non-RRA	UDL	Other discrimination	Short conciliation
Part of your long- term career plan	51	66	64	60	69
Something to do until something better comes along	47	31	33	38	27
Dk	2	4	4	2	4
weighted		1691	878	158	563
unweighted	368	1699	886	156	565

Based on all claimants who were currently working  
Source: SETA 2003 and SETA RRA 2005

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