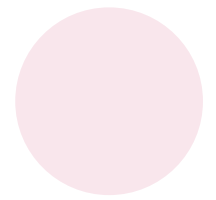
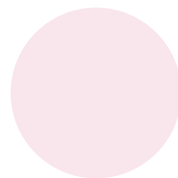


Research Paper



Evaluation of Acas Early Conciliation 2015

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2015

Matthew Downer, Carrie Harding, Shadi Ghezelayagh, Emily Fu and Marina Gkiza (TNS BMRB)

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Evaluation of Acas Early Conciliation 2015



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Executive Summary

Background

Acas has a longstanding statutory duty to promote the resolution of claims to the Employment Tribunal (ET) in order to avoid recourse to a full hearing, by means of its conciliation service – but the landscape in which the service operates has changed significantly since 2013; first with the introduction of a new ET fees regime in July 2013, and second, in April 2014, with the introduction of a new Acas service, ‘Early Conciliation’ (EC), under which it is now mandatory for employees intending to lodge an ET claim to contact Acas in the first instance, to see if the dispute could instead be resolved through EC.

This is the first evaluation of EC, based on a representative (telephone) survey of claimants, employers and representatives whose EC cases concluded September – November 2014; 1,337 claimant-side interviews and 1,255 employer-side interviews were undertaken. These were supplemented by a series of qualitative interviews with a broad range of these service users.

Profile of parties

Profiling questions in the survey reveal that just over three quarters (77 per cent) of claimants worked for the organisation (against whom they were claiming) full-time, and six in ten (61 per cent) did *not* have management or supervisory responsibilities. Seven in ten (71 per cent) worked in the private sector, and nearly a quarter (23 per cent) were trade union members at the time of initiating EC. Fifty six per cent of claimants were men, and claimants tended to be between the ages of 25-49 (58 per cent).

Among those claimant representatives interviewed, the majority were solicitors, barristers or another kind of lawyer (45 per cent) and a quarter (25 per cent) were from a trade union or were a worker representative. *By combining management information with survey data it emerges that, in all, a representative was used by 24 per cent of claimants.*

The majority (74 per cent) of employers interviewed operated within the private sector, and half (49 per cent) operated in large organisations (with 250 or more employees). Nearly seven in ten (68 per cent) had an internal Human Resources (HR) department, just over two in ten (22 per cent) had an internal legal department, and three in ten (31 per cent) were members of an employer’s or trade association.

Among those employer representatives interviewed, the majority were also solicitors, barristers or another kind of lawyer (56 per cent) and a third (33 per cent) were a personnel or human resource specialist. *A combination of management information and survey data show that representatives were used by 29 per cent of all employers.*

The workplace dispute

In nearly all cases claimants had been employed by the same organisation that they were in dispute with (98 per cent). Three quarters (75 per cent) reported that their employment had ended by the time the EC notification was submitted to Acas; the most commonly cited reason for this was that the claimant had been dismissed (41 per cent). Three quarters (74 per cent) of former employees reported that their employment had ended *because* of the dispute at issue in the EC case.

Half (49 per cent) of all claimants reported that their employer had written policies and procedures in place, but of this group only a quarter (24 per cent) said that they had been followed fully.

Uptake of Early Conciliation

Twenty four per cent of claimants (and their representatives) said that Acas had been notified within one week of the workplace dispute at issue; 38 per cent said that it was within one month and 36 per cent said that it was more than one month (for 30 per cent, it was between one and three months). In most instances the claimant themselves had made the EC notification to Acas (82 per cent) and nine in ten (89 per cent) EC notifications were made online.

The principal reason given by claimants (and their representatives) for making an EC notification was: 'had to, in order to submit a tribunal claim, but was also keen to see if a settlement could be reached'. In terms of subsequently deciding to accept the offer of EC, the most common reasons given by claimants (and their representatives) were: 'because I had to' (cited by 30 per cent; a misinterpretation on their part since participation in EC is voluntary); 'to reach a resolution' (26 per cent) and 'to avoid a tribunal' (13 per cent). For employers (and their representatives) who agreed to take part in EC, the top reasons were 'to reach a resolution', followed by reasoning that EC had been the 'best approach' and to 'avoid a tribunal'.

The most common reason claimants (and their representatives) gave for *declining* the offer of EC was that 'the issue was resolved by the time Acas assistance was offered' (14 per cent) followed by 'I felt that conciliation would not resolve the issue/would be a waste of time' and 'I knew employer would not be willing to engage' (both 11 per cent). For their part, where employers (and their representatives) decided against taking part in EC, more than half (55 per cent) said that it was because the organisation 'felt (it) had no case to answer to'.

Eighty six per cent of claimant representatives reported having already heard of EC before the dispute under question (compared to only 34 per cent of claimants); of these, 70 per cent had previously used EC (compared to only nine per cent of claimants themselves). Previous knowledge of EC was much higher among employers (and their representatives) and was also higher among employer representatives, almost all of whom had already heard of EC (97 per cent; compared with 79 per cent of employers themselves). Just over two thirds (68 per cent) of employer representatives had previously used EC, as had a third (33 per cent) of employers.

Claimants (and their representatives) were asked how they had originally heard of EC, the most popular response being via 'a friend or colleague' (cited by 22 per cent). This was followed by 'Citizens' Advice Bureau' (12 per cent) and 'Acas website' (11 per cent). By contrast, the top three sources for employers (and their representatives) were: 'Acas contact

about this case' (17 per cent), 'professional body/membership organisation specific to my industry' (14 per cent) and 'my own organisation/HR department' (13 per cent).

The Early Conciliation experience

In keeping with Acas Pre-Claim Conciliation (PCC), the precursor service to EC for settling potential ET claims before they enter the Tribunal system, almost all claimants (and their representatives) and all employers (and their representatives) had contact with the Acas conciliator via telephone (95 percent/ 96 per cent respectively) and for three quarters (76 per cent /73 per cent) this was the *main* method of contact. Other modes of contact included email (used by 68 per cent of claimants/ 71 percent of employers) and letter (18 per cent/ 10 percent). The average number of contacts with the conciliator was five for claimants and four for employers. Majorities of both were happy with the amount of contact they had with Acas (74 per cent of claimants and 88 per cent of employers), with almost nobody (one per cent of claimants and two per cent of employers) indicating that they would have preferred less contact; this is broadly in line with findings from the 2012 PCC and Individual Conciliation (IC) evaluations.

All participants were asked to rate the conciliator in respect of a range of competencies and behavioural traits. For both claimants and employers (and their respective representatives) conciliator competency ratings were highest with regard to them 'explaining the conciliation process' (with 86 per cent and 77 per cent rating the conciliator as 'very' or 'fairly' good at this). Elsewhere, when presented with a range of behavioural traits that conciliators may have, ratings among both parties were highest with reference to the conciliator 'listening to what you had to say' (86 per cent of claimants agreeing and 92 per cent of employers) and being 'trustworthy' (85 per cent of claimants agreeing and 89 per cent of employers).

In total, claimants who were interviewed reported spending an average (mean) of 27 hours on the dispute (with a median of six hours). This represents a reduction from the amount of time that claimants had spent on a PCC case (in 2012 the average (mean) number of hours spent on the dispute by claimants during PCC was 51 hours, which represents a fall by nearly 50 per cent). Claimant representatives who were interviewed tended to spend less time on the dispute (a mean of 14 hours and a median of four hours). Meanwhile, among employers, an average of 15 hours was spent on the dispute (with a median of five; consistent with time spent on PCC cases in 2012). Employer representatives spent the least amount of time of all—an average eight hours (with a median of three).

Determinants of case outcomes and satisfaction with Early Conciliation

In the survey, 29 per cent of claimants (and their representatives) and 35 per cent of employers (and their representatives) who participated in EC reported having reached an Acas COT3 settlement. In addition, private settlements were said to have been reached by two per cent of claimants and one per cent of employers surveyed.

The majority (91 per cent) of claimants (and their representatives) reported that the terms of their settlement were (at least in part) financial compensation. The size of payments varied considerably; the average (median) sum of money received was £1,300 (employers reported a slightly lower average (median) payout of £1,200). Nearly all (96 per cent) claimants (and their representatives) who reported receiving a financial sum as part of their settlement confirmed that it had been paid; this compares favourably to the two thirds (63 per cent) of

claimants who are known from SETA 2013 to have received financial awards in cases which proceed to and are successful at tribunal.

Claimants (and their representatives) largely held employers responsible when their EC experience had not resulted in a settlement, with the top reasons cited being: '[the] employer did not wish to take part in the conciliation/was not interested in talking' and '[the] employer felt they had no case to answer to'. For employers (and their representatives), the most popular reasons given for not settling were more varied: '[we] had no case to answer to'; '[the] claimant wanted money and we were not willing to pay' and 'we reached a private settlement'.

Satisfaction with the overall service received from Acas was high: 79 per cent for claimants (and their representatives) and 86 per cent for employers (and their representatives). When looking at *all service users who engaged with EC* in combination – i.e. claimants, employers and both sets of representatives taken together – the overall level of satisfaction stands at 83 per cent (broadly in line with results from the 2012 PCC evaluation, when net satisfaction for all users was 82 per cent).

Satisfaction with the actual *outcome* of EC was less high: 48 per cent for claimants (and their representatives), 65 per cent for employers (and their representatives) and 57 per cent overall. This is slightly below the aggregate level seen in the 2012 PCC evaluation (when 66 per cent of all PCC users had been satisfied with case outcome), although this is to be expected given that a lower proportion of claimants from 'fast track' disputes (who tend to register the highest satisfaction levels generally) take part in EC, compared with PCC (moreover, unlike EC, PCC was undertaken with a different cohort of claimants i.e. callers to the Acas Helpline who fulfilled specific screening criteria and effectively self-selected to use the service, hence were predisposed to think favourably of conciliation). Furthermore, satisfaction with case outcome varied considerably according to what the outcome was: 81 per cent of all those who reached an Acas COT3 settlement were satisfied with that particular outcome, compared to 45 per cent of all those who did not settle.

Across all respondents, the same three things were most often highlighted as being the benefits of taking part in EC as opposed to going to tribunal: 'It can save going to a tribunal/court', 'It resolves the issue more quickly' and 'It is cheaper'.

The majority of respondents said that they would make use of Early Conciliation again if they were involved in a similar situation in the future; for claimants this stood at 84 per cent, for claimant representatives it was 92 per cent, 87 per cent of employers said they would and 94 per cent of employer representatives.

Employment Tribunal claim decision-making

Half (55 per cent) of claimants (and their representatives) whose cases did *not* result in an Acas COT3 settlement reported that, at the time of the survey, they had either submitted or were planning to submit an ET claim, whereas 45 per cent had *decided against* this course of action. The main reason cited for submitting a claim was that the claimant had 'wanted to hold the employer accountable'; cited by a third (34 per cent).

Among those claimants (and representatives) who decided *not* to submit an ET claim (and whose disputes were not resolved using a COT3 settlement), the most frequently mentioned reason for not lodging an ET claim was that tribunal fees were off putting, reported by one

quarter (26 per cent) of claimants (and their representatives) who did not settle but decided against claiming. The second most frequently mentioned reason was that the issue was now said to be resolved (reported by 20 per cent of claimants who did not settle but decided against claiming).

Claimants (and their representatives) who had decided not to submit an ET claim were asked to what extent Acas was a factor in helping them to reach this conclusion. It was found that Acas was a factor (to some extent) for 61 per cent of this group.

It is possible to derive an estimate of the overall proportion of claimants who took part in EC but did not go on to submit an ET claim for whom Acas was a factor in helping them to reach this conclusion (a combination of those who reached a settlement through EC and those who did not settle but nevertheless report Acas being a factor in their *not* submitting an ET claim) – giving an overall Acas ‘avoidance’ rate of 48 per cent.

Three in ten (29 per cent) claimants (and their representatives) who had submitted an ET claim reported that they had applied for a fee remission, of which 61 per cent (who had heard back) had been successful. Among those who did not apply for remission, 64 per cent had paid the fee themselves and one fifth (22 per cent) said that it had been paid by a third party.

Claimants (and their representatives) and employers (and their representatives) who chose not to take part in EC were asked how they felt with hindsight about that decision. Each party held different viewpoints: eight in ten (83 per cent) employers remained happy with their decision not to take part, but only 43 per cent of claimants were happy with their decision not to use EC.

Finally, the survey attempted to explore what the likelihood of various actions taking place in the dispute would have been if EC had not existed. Here, claimants (and their representatives) were most likely to report that they would initially have tried to settle the claim some other way, only submitting an ET claim if that didn’t work (43 per cent). This was followed by a third (33 per cent) of claimants who judged that they would simply have submitted an ET claim (that is, without first trying to settle the dispute another way). The perceptions of employers (and their representatives) were the reverse of this; they were most likely to think that the claimant would have submitted an ET claim without first attempting to settle the dispute another way (42 per cent). Only a quarter (24 per cent) thought that the claimant would have tried to settle in some other way before submitting an ET claim.

Glossary

Abbreviations	Description
IC	Individual Conciliation, also known as 'Post-ET1' conciliation: Acas' longstanding service for settling individual disputes <i>after</i> a claim has been submitted to an Employment Tribunal
EC	Early Conciliation: Acas service introduced April 2014, since when claimants have been required to notify Acas of their intention to lodge an employment tribunal claim, and will be offered the opportunity to engage the services of an Acas conciliator, who will seek to resolve the dispute without going to court.
PCC	Pre-Claim Conciliation: A former Acas service, introduced in 2009 as an extension of IC, and since supplanted by EC, for settling potential ET claims before they entered the Tribunal system. The service was voluntary and was offered to callers (mainly employees) to the Acas Helpline.
CC	Collective Conciliation: Acas' longstanding service for resolving collective employment disputes between employers, trade unions and other representative bodies.
SETA	The Survey of Employment Tribunal Applications: a survey series that aims to provide information on the characteristics of the parties in, and the key features of, employment tribunal (ET) cases.
ET1	Employment Tribunal claim form
Track	<p>Acas classification of cases that broadly reflects the old system of 'three period categories' whereby ET cases were allocated jurisdictional 'tracks':</p> <ul style="list-style-type: none"> • 'Fast track' cases involving straightforward questions of fact that can be quickly resolved should the case reach a hearing (e.g. non-payment of wages) • 'Standard track' cases involving somewhat more difficult issues and requiring a greater degree of case management (e.g. unfair dismissal) • 'Open track' cases involving the most legally complex issues and generally requiring the most amount of resource to resolve (e.g. discrimination).

1. Introduction

The Advisory, Conciliation, and Arbitration Service (Acas) commissioned TNS BMRB to undertake an evaluation of its Early Conciliation (EC) service, which was launched in April 2014. This report outlines the findings from this research.

1.1 Background

Acas has a longstanding statutory duty to promote the resolution of claims to the Employment Tribunal (ET) in order to avoid recourse to a full tribunal hearing. This service is known as '*Individual Conciliation*' (IC) (to distinguish it from the service provided in cases of collective disputes) and since the introduction of Early Conciliation as '*post-ET1 conciliation*' (in that it occurs following the submission of an 'ET1' claim form to the Employment Tribunal). The landscape in which IC operates has changed significantly since 2013; there having been significant policy changes in individual dispute resolution, most notably:

- First, since 29th July 2013, claimants who make a new Employment Tribunal (ET) claim have been required to pay a fee when doing so¹. The amount of the fee varies depending on the type of claim. Recent evidence from the Survey of Employment Tribunal Applications (SETA 2013) conducted in advance of the policy change suggested that fees could potentially discourage some claimants from making claims: half of claimants reported that if they had been required to pay a fee, this would have influenced their decision. ET claim volumes have indeed fallen dramatically since the introduction of fees – steeply at first, but with rate of decline starting to slow thereafter. For example:
 - Between April to June 2014, ET statistics showed a 71 per cent fall in individual claims relative to the same period in 2013².
 - However, between July to September 2014, ET statistics showed a fall of 61 per cent in individual claims relative to the same period in 2013³.
 - Between October to December 2014, ET statistics showed a fall of 31 per cent relative to the same period in 2013⁴.

¹ N.B. The introduction of fees was not an Acas initiative, nor does Acas play any role in administering the fees regime.

² Tribunal Statistics Quarterly April – June 2014, Ministry of Justice Statistics Bulletin
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352914/tribunal-statistics-quarterly-april-june-2014.pdf

³ Tribunals and Gender Recognition Certificate Statistics Quarterly July – September 2014, Ministry of Justice Statistics Bulletin
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/385759/tribunal-grc-statistics-quarterly-jul-sep-2014.pdf

⁴ Tribunals and Gender Recognition Certificate Statistics Quarterly October – December 2014, Ministry of Justice Statistics Bulletin
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411604/Tribunal-GRC-statistics-quarterly-oct-dec-2014.pdf

- Second, less than a year after the introduction of fees – on 6 May 2014 – it became mandatory for employees intending to lodge an ET claim to contact Acas in the first instance, so that an offer could be made to attempt to resolve the dispute through a new service called ‘Early Conciliation’ (with EC having already been made available on a non-mandatory basis a month earlier, since 6 April 2014)⁵. The legislative base for EC, the Enterprise and Regulatory Reform Act 2013, added a new requirement to sit beneath Section 18 of the Employment Tribunals Act 1996, requiring prospective claimants “to contact Acas before instituting proceedings”, in response to which Acas must “endeavour to promote a settlement between the persons who would be parties to the proceeding”.

All claimants are now required to contact Acas before a claim can be submitted to the ET, which gives Acas the opportunity to talk to claimants about the benefits of conciliation. This is in stark contrast to the old arrangements, under which claimants advanced straight to the submission of an ET claim form (‘ET1’). Historically, this was the trigger for Acas to offer IC and there was no *requirement* to contact Acas whatsoever before lodging an ET claim, although it was possible to do so on a voluntary basis. Conversely, those intending to lodge an ET claim are now required to notify Acas by completing a simple EC notification form on the Acas website before ET proceedings can be instituted.

However EC does not supplant IC, which remains a key Acas service, albeit one that is now operating in a very changed context: EC will in nearly all cases now pre-date IC as part of the individual’s ‘dispute resolution journey’ and, in cases where EC is successful in achieving a resolution, the need for IC will be negated; only where EC fails to achieve a resolution and a claimant decides to proceed with lodging a claim with the ET service will IC continue to be offered.

1.1.1 The EC process

The precursor to EC: Pre-Claim Conciliation

The EC process evolved out of Acas’ successful ‘Pre-Claim Conciliation’ (PCC) service⁶. PCC was launched in April 2009, following the 2007 Gibbons Review of employment dispute resolution arrangements. PCC was a response to Gibbons’ recommendation that, where possible, workplace disputes should be resolved without recourse to an ET. PCC was offered to callers to the Acas Helpline – mainly employees – who were judged likely to become involved in a potential ET claim. Where a caller met relevant criteria PCC was *offered*, and if both the employee and employer agreed to take part, an Acas conciliator worked with both parties to help them attempt to resolve the dispute, without it entering the ET system. In effect, EC was borne out of and supplants this process and takes PCC to its logical end-point in so far as it requires all persons wishing to submit an ET claim to first notify Acas of their intention to do so.

⁵ Note whilst it is mandatory to notify Acas, it is not mandatory to take part in EC.

⁶ Acas received over 20,000 referrals for PCC in 2014, its last full year of operation; for 83% of these referrals, no subsequent ET claim was identified as having arisen within three months of closure (see Acas Annual Report and Accounts 2014/15, p.34: http://www.acas.org.uk/media/pdf/o/r/Acas-Annual_Report-2013-14.pdf).

EC notification

This submission of the ET notification by the claimant⁷ is the first part of the EC process. This notification is submitted to Acas – in more than 90 per cent of cases via an online form – to enable Acas to make contact with the claimant to progress the matter further. On the notification form the claimant is only *required* to supply a limited amount of prescribed information consisting of their contact details and basic employment information (far less than are submitted on the ET1).

The roles of the ECSO and conciliator

Following submission of the notification, an Acas Early Conciliation Support Officer (ECSO) will then contact the potential claimant within approximately two working days of receiving the form. The ECSO will confirm contact details, gather basic information on the dispute itself and provide information about Early Conciliation. Unless the case is clearly invalid (for instance, an application for unfair dismissal where the claimant does not have the requisite 2 years' service and when this is explained the Claimant decides not to proceed) or the claimant explicitly declares an unwillingness to pursue EC, then the case will then be passed by the ECSO to an Acas conciliator⁸. When the ECSO passes on the case to the conciliator, they are able to provide a summary of the main features of the dispute to the conciliator.

An Acas conciliator then aims to make follow-up contact and gain the claimant's permission to contact the respondent (their employer/former employer) in order to commence EC (which by definition requires both parties to agree to partake). Provided the respondent agrees, Acas then offers the EC service (as is it is for the claimant, the respondent's decision to engage in EC or not is entirely voluntary). Because notification is mandatory this gives Acas the opportunity to explain the benefits of EC to potential claimants who may not otherwise considered or known about it.

Where parties do not engage in EC (either because the claimant or the employer refuse or are uncontactable), Acas issues a formal Certificate to the claimant entitling them to make a tribunal claim (the certificate includes a unique reference number which the claimant must provide if they go on to submit a claim to the ET) where a claim is submitted, the parties will be offered post-ET1 conciliation, irrespective of whether or not they engaged in EC.

Where the claimant and respondent agree to engage in EC, it will be undertaken in much the same way as post-ET1 conciliation: an Acas Conciliator will explore how the potential claim might be resolved, talking through the issues with the employer and the employee. Mostly this takes place over the telephone. The Conciliator will also, where appropriate:

- explain the Early Conciliation process
- encourage the use of internal procedures such as disciplinary and grievance procedures if available

⁷ Early Conciliation may also be initiated by employers who think that someone might make a tribunal claim against them – although in the overwhelming majority of cases it is the employee (claimant) who makes first contact. Employer-instigated EC accounts for <5% of all EC cases and falls beyond the immediate scope of this evaluation.

⁸ Acas set up an experiment within the previous PCC service to explore whether the introduction of a team of Early Conciliation Support Officers (ECSOs) to collect basic contact details and gather factual information about the dispute would enhance the conciliator role. An evaluation of this experiment was carried out by TNS BMRB, and the evaluation findings are available within the research report: TNS BMRB (2010) *Evaluation of the Introduction of a Conciliation Support Team for the Pre-Claim Conciliation Service*, Acas Research Paper.

- explain the way tribunals set about making their decision and what things they take into account
- discuss the options available, for example the appointment of an independent Arbitrator under the Acas Arbitration scheme⁹ in appropriate cases
- help parties to understand how the other side views the issues
- discuss any proposals either party has for a resolution.

Representation

As with IC, there is no obligation for potential claimants to have a representative in EC, but if they do appoint a representative to act for them Acas will conciliate through that representative and indeed the representative may agree a settlement on the claimant's behalf. Respondents will similarly choose whether or not to appoint a representative.

A representative can be appointed at any point in the case – from day one to midway or even towards the end of the case. At the time of this research, where a representative was in place from the start, they were not permitted to make the initial EC notification – that had to be done by the individual claimant themselves; this rule has since been relaxed to allow representatives to notify Acas directly. Similarly, at the time of the survey, the Acas ECSO needed to contact all claimants directly in the first instance, not only to check the details and nature of the claim but also to get confirmation that the claimant has actually appointed a representative to manage the claim for them. Once confirmed by Acas, the conciliator would then talk to the representative rather than the claimant to explore settlement (whereas under the new arrangements this stage can be skipped and the ECSO can contact representatives straight off where the notification has been made on behalf of, rather than by, the claimant).

Settlements

If a settlement is agreed through EC, the Conciliator will usually record what has been agreed on an Acas form (known as a COT3) – in a similar way as has historically been the case where resolutions are reached via IC. Both parties will sign this as a formal record of the agreement. The COT3 is a legally binding contract that means the claimant will not be able to make a tribunal claim in that matter. Conversely, if the parties cannot settle their differences the conciliator will bring EC to an end. At this point a formal Certificate confirming that an EC notification has been made will be issued and the claimant is free to make a claim to an ET.

Timings

There is a time limit for an employee to bring an ET claim following the event about which they are claiming – typically three or six calendar months depending on the jurisdiction of the claim; this is called the claimant's 'limitation period'. To allow EC to take place, the claimant's 'limitation period' is temporarily paused for up to one calendar month, however, if both parties agree that longer is needed, the period can be extended, only once, by a further 14 days (EC has a so-called 'stop the clock' effect). If, after this period, the matter is still not resolved, the Conciliator will issue the Certificate and the claimant will be free to make a tribunal claim. The claimant will then have a minimum of one calendar month, along with their remaining

⁹ The Acas Arbitration Scheme is an alternative to employment tribunal hearings. Only cases of alleged unfair dismissal or claims under flexible working legislation may be decided. The Scheme aims to be informal, private and generally less legalistic and quicker than an employment tribunal hearing. The outcomes mirror those available in an employment tribunal.

limitation period (LP) which will start to run again. This ensures that once Early Conciliation has ended, all claimants will always have up to four weeks in which to present their claim).

1.2 Project aims and objectives

The overall aim of this evaluation was to evaluate the effectiveness and impact of Acas' Early EC service, with due emphasis given to evaluating the efficacy of EC in longer, more complex, typically discrimination cases (by way of shorthand, within Acas these cases are referred to as 'open track' cases¹⁰).

Within that, the research aimed to establish:

- A reliable picture of the views of users of all party types who participated in Acas Early Conciliation; claimants (employees), claimant representatives, respondents (employers) and respondent representatives including a picture of their aims, expectations and comprehension at the point of entering into EC.
- Performance indicators including satisfaction with the Acas EC service.
- Data with regard to the barriers and facilitators to settlement at EC.
- Ratings of Acas conciliators and Early Conciliation Support Officers (ECSOs).
- The impact of EC on the dispute outcome (distinguishable from the impact of external factors on the dispute outcome).
- Insights into the effects of charging tribunal fees on EC.
- Data to ascertain the counterfactual (i.e. what would have happened in the absence of EC),
- The costs and benefits of EC.
- A comparison of differences in case outcomes and satisfaction between cases in different period categories, main jurisdictions, representation status and party type (claimants, respondents and representatives of both) and other standard demographics.

1.3 Research design

The research approached adopted a predominately quantitative methodology which was supplementary with small qualitative element.

1.3.1 Quantitative survey design

The research design consisted of two telephone surveys:

1. A telephone survey of claimants (and their representatives) who had submitted an EC notification.

¹⁰ This is a semantic inheritance from the now-defunct system of 'three period categories' whereby ET cases were allocated 'fast', 'standard' or 'open' jurisdictional tracks, to reflect the varying amounts of resource they required to resolve; see Section 1.4.1 for full details.

2. A telephone survey of employers (and their representatives) who had been contacted by Acas about an EC notification that had been received about them, and who were offered EC.

The sampling frame for both surveys was drawn from Acas records of EC notifications where EC had concluded and *either* a COT3 *or* Certificate had been issued between 29th September and 30th November 2014. The sampling approach was as follows:

- For the survey of claimants, a random stratified sample of claimants was drawn from all cases within the sample frame. For selected cases which were selected where a representative was listed as dealing with the case on the claimant's behalf (according to Acas' MI records), the claimant's representatives was approached for the survey. In all cases where there was no representative, the claimant was approached directly for the survey.

In addition a boost sample was drawn of claimants involved in 'open-track' cases to ensure enough of these more complex cases were covered.

- For the survey of employers, a random stratified sample of employers was drawn from all cases in which an employer would have been aware that an EC notification had been submitted about them. Again, where recorded (on Acas' MI records), the representative was approached. An overview of these cases is shown in Table 1.1 below.

In addition a boost sample was drawn of employers involved in 'open-track' cases.

Table 1.1 Overview of EC case outcomes which could be sampled for each survey

EC outcome	Potentially sampled for the <i>claimant</i> survey	Potentially sampled for the <i>employer</i> survey
Claimant would not engage with EC - certificate issued by ECSO (no contact with respondent)	Yes	No
Claimant could not be contacted by conciliator - certificate issued by conciliator (no contact with respondent)	Yes	No
Claimant would not engage with EC – certificate issued by conciliator (no contact with respondent)	Yes	No
Respondent could not be contacted/would not engage with EC - certificate issued by conciliator	Yes	Yes
EC complete – No settlement (cert issued by conciliator)	Yes	Yes
EC complete – Resolved COT3	Yes	Yes

The sample for both surveys was then issued to fieldwork on a weekly basis, approximately eight weeks after the conclusion of EC (marked by either the issuing of the EC certificate or the signing of a COT3 agreement). The rationale for this timing was based on aiming to contact service users ideally when:

- Their limitation period had ended (or was nearing its end), and they had made their final decision about whether or not to submit an ET claim;

- Or, if an ET claim had already been submitted, when the ET case would most likely be in an early stage and IC was unlikely to have already commenced¹¹.

The full details of the survey design can be found in the Technical Appendix.

1.3.2 The questionnaire

The questionnaire collected information and views on the following topics:

- Employment details
- Dispute details
- The EC notification form
- Experience of the ECSO
- The EC outcome
- The EC experience
- Satisfaction with EC outcome and the EC service
- Submission of an ET
- Characteristics of the claimant
- Characteristics of the employer
- Characteristics of the representative

Where possible the questionnaire utilised questions sourced from Acas previous evaluations of PCC and IC, to allow for comparability of results. The full questionnaire can be found in Appendix 1.

Prior to the main stage fieldwork, TNS BMRB conducted cognitive testing and piloting stages. Further details of these stages are included in the Technical Appendix

1.3.3 Fieldwork

Fieldwork took place from the 3rd November 2014 to 8th March 2015. Further details about fieldwork management and response are included in the Technical Appendix

In total, 1,337 interviews were achieved in the claimant survey, representing a response rate of 51 per cent (1,078 interviews with claimants, and 253 interviews with claimant representatives). In total, 1,255 interviews were achieved in the employer survey, representing a response rate of 57 per cent (952 interviews with employers, and 303 interviews with employer representatives).

¹¹ The risk of making later contact, once IC was underway, is that interviewees would be required to distinguish between their separate EC and IC interactions, with scope for recall issues and possible contamination of responses.

1.3.4 Weighting

The final data from the claimant survey were weighted to be representative to all claimants (and representatives) who submitted an EC notification, whose cases closed within the sampling period.

Similarly for the employer survey, this was weighted to be representative to all employers (and representatives) who were offered EC, and whose cases closed within the sampling period.

Full details of the weighting strategy is included in the Technical Appendix

1.3.5 Qualitative research

To supplement the telephone surveys, additional qualitative research was used to provide additional insight into the customer journey through the EC process and the impacts of the service. Sixteen 20-30 minute telephone interviews were conducted with a range of claimants and employers. All interviewees were recruited from survey respondents who had agreed to be re-contacted (only those having actually taken part in EC were invited).

The interviews covered reasons for taking part in EC, early expectations, and evaluations of the process. The topic guides used are reproduced in the Technical Appendix. Interviews took place from the 19th January to 30th January 2015.

The achieved sample frame for the qualitative element is shown below:

Table 1.2 Achieved qualitative sample frame			
Claimants (10/10)		Employers (6/6)	
Certificate issued after EC took place (6/6)	Settlement COT3 (4/4)	Settlement COT3 (3/3)	Certificate issued after EC took place (3/3)
Mix across both claimants and employers			
Have or intended to submit ET1 (4)	Do NOT intend to submit ET1 (10)	Open track monitor mix (8)	

1.4 Notes on analysis

- Within the data tables, * symbol signifies a value between 0 and 0.5 per cent, while a – symbol signifies zero.
- In the analysis, totals do not always sum to 100 per cent due to rounding.
- The figures cited refer to (column) percentages unless otherwise stated.
- Significance testing has been carried out in the report and only differences which are statistically significant at the 95 per cent confidence interval or above are described in the report (unless otherwise stated).

1.4.1 Analysis by case 'track'

Subgroup analysis by case 'track' forms an important part of the way the data is analysed throughout this report. Case 'track' is a classification system used by Acas to categorise cases that broadly reflects the old system of 'three period categories' whereby ET cases were allocated jurisdictional 'tracks' – as follows:

- 'Fast track' cases involving straightforward questions of fact that can be quickly resolved should the case reach a hearing (e.g. non-payment of wages)
- 'Standard track' cases involving somewhat more difficult issues and requiring a greater degree of case management (e.g. unfair dismissal)
- 'Open track' cases involving the most legally complex issues and generally requiring the most amount of resource to resolve (e.g. discrimination).

2. Profile of parties

This chapter outlines the profiles of the four types of respondents who took part in the survey:

- Claimants
- Claimant representatives
- Employers
- Employer representatives

As detailed in Chapter 1, the survey of claimants consisted of all claimants (and their representatives) who submitted an EC notification. The survey of employers (and their representatives) consisted of all employers who had been contacted about an ET notification which had been received about them, and who were offered EC.

2.1 Profile of claimants

All claimants were asked a range of questions about their employment and personal characteristics.

2.1.1 Employment characteristics of claimants

Turning first to the employment related characteristics of claimants:

- Claimants worked in a number of different occupations (Table 2.1), with the greatest number working in 'Associate Professional and Technical Operations' occupations (16 per cent), 'Manager, Director or Senior Official' positions (14 per cent) and what are classed as 'Elementary' occupations (13 per cent).
- In comparison to the working population claimants are less likely to be from professional occupations, and more likely to be working as managers, directors and senior officials, or process, plant and machine operatives.

Table 2.1: Claimant occupation (Standard occupational classifications (SOC) 2010)

	Survey %	Working population (APS) ¹³ %
Associate Professional and Technical Operations	16	14
Managers, Directors and Senior Officials	14	10
Elementary Occupations	13	11
Skilled Trades Occupations	11	11
Caring, Leisure and Other Service Occupations	11	9
Process, Plant, and Machine Operatives	10	6
Professional Occupations	9	20
Administrative and Secretarial Occupations	9	11
Sales and Customer Service Occupations	7	8
<i>Unweighted base</i>	<i>948¹⁴</i>	<i>30,269,600</i>

Base: All claimants who provided a response which was codable.

- Most claimants (61 per cent) did not have management or supervisory responsibilities, though one quarter (24 per cent) indicated they were managers and 15 per cent were foremen/supervisors.
- Just over three quarters (77 per cent) of claimants worked full-time (i.e., more than 30 hours a week), with 17 per cent working part time and five per cent on zero-hours contracts. In the working population the ratio of full time to part time employees is 75:25¹⁵, suggesting that claimants are more likely to be working full time compared to the working population.
- The length of employment for claimants varied from 29 per cent who had been employed for under a year at the time of contacting Acas, through to 24 per cent who had been employed for ten or more years. The full breakdown of the length of employment is shown in Table 2.2.

¹²For SOC2010 structure and descriptions of unit groups see: <http://www.ons.gov.uk/ons/guide-method/classifications/current-standard-classifications/soc2010/soc2010-volume-1-structure-and-descriptions-of-unit-groups/index.html>

¹³ Annual Population Survey, ONS, October 2013-September 2014.

¹⁴ Includes only claimants who provided a response which was codable.

¹⁵ Annual Population Survey, ONS, October 2013-September 2014.

Table 2.2: Length of time of claimant employment	
	%
Less than a year	29
1-2 years	17
3-4 years	12
5-9 years	18
10 + years	24
<i>Unweighted base</i>	<i>1,053</i>

Base: All claimants who worked for the employer they were making their claim against and reported how their length of employment.

- Just under one quarter (23 per cent) of claimants were a member of a trade union or staff association at the time of initiating EC.
- Seven in ten (71 per cent) claimants worked in the private sector, with 19 per cent in the public sector, and five per cent in the non-profit/voluntary sector. (Six per cent of claimants were unsure which sector they worked in). Among all employees in the working population¹⁶, 77 per cent work in the private sector and 23 per cent in the public sector. This breakdown closely matches that of claimants in the survey (where the split is 79:20 once those unsure and those in the non-profit/voluntary sector are excluded).

In addition to claimants being asked about their employment at the time of their EC notification, they were also asked about their current employment status *at the time of the interview* (i.e. between two and five months following the conclusion of EC¹⁷):

- At the time of the survey, more than half (63 per cent) of all claimants interviewed were in paid employment. Of these claimants, one fifth (19 per cent) were employed with the employer they were making their claim against.
- Among those who were *not* currently in paid employment, 17 per cent confirmed having previously had a paid job since leaving the employer. Eighty three per cent had not (equating to 30 per cent of all claimants).

2.1.2 Personal characteristics of claimants

Turning now to the personal characteristics of claimants:

- Fifty six per cent of claimants were men. This is slightly higher than the proportion of men in the working population (53 per cent)¹⁸.
- As shown in Table 2.3, claimants tended to be between the ages of 25 and 49 (Table 2.3). In comparison to the working population¹⁹, claimants tended to be more likely to be aged 35 or over, and less likely to be aged under 25.

¹⁶ Annual Population Survey, ONS, October 2013-September 2014.

¹⁷ Depending on the time during the fieldwork period the claimant was interviewed.

¹⁸ Annual Population Survey, ONS, October 2013-September 2014.

¹⁹ Annual Population Survey, ONS, October 2013-September 2014.

Table 2.3: Claimant age		
	Survey %	Working population (APS)²⁰ %
Under 25	8	14
25-34	21	23
35-49	37	34
50+	32	29
<i>Unweighted base</i>	<i>1,059</i>	<i>32,365,600</i>

Base: All claimants who provided their age

- More than three-quarters (78 per cent) of claimants described their ethnic group as White. One in eleven (nine per cent) claimants indicated they were Asian, while seven per cent indicated they were Black, four per cent from a Mixed ethnic group, and one per cent from an 'other' group. One per cent refused to report their ethnic group.
- More than half (54 per cent) of claimants described their religion as Christian, while two-thirds (32 per cent) indicated that they were of no religion. Seven per cent were Muslim and five per cent from another religious background.
- Most claimants (86 per cent) confirmed speaking English as their first language.
- Just over one-quarter (28 per cent) indicated that they had a long-term illness, health problem or disability. This is slightly higher than the proportion in the working population (21 per cent)²¹.
- Nearly six-in-ten (57 per cent) said that they were living together with someone as a couple.
- The majority (92 per cent) of claimants described themselves as heterosexual or straight.
- More than one-third (36 per cent) of claimants had an income greater than £30,000 per year. The full breakdown of income is shown in Table 2.4.

²⁰ Annual Population Survey, ONS, October 2013 - September 2014.

²¹ Annual Population Survey, ONS, January 2012 - September 2012.

Table 2.4: Claimant income		
		Cumulative
	%	%
Under £5,000 pa	4	4
£5,000 pa to £9,999	7	11
£10,000 pa to £12,999	7	18
£13,000 pa to £14,999	4	22
£15,000 pa to £17,999	9	30
£18,000 pa to £19,999	6	36
£20,000 pa to £24,999	9	45
£25,000 pa to £29,999	8	54
£30,000 pa or over	36	90
Don't know	5	95
Refused	5	100
<i>Unweighted base</i>	<i>1078</i>	<i>1078</i>

Base: All claimants

A small minority (nine per cent) of claimants confirmed having ever made a previous Employment Tribunal claim, at any workplace.

2.2 Profile of claimant representatives

As detailed in Section 1.3.1, where a claimant was selected for the claimant survey, if a representative was listed on Acas' MI records as dealing with the case on the claimant's behalf they were approached for an interview rather than the claimant.

All claimant representatives who were interviewed were also asked a number of profiling questions:

- Claimant representatives were most likely to be solicitors, barristers or another type of lawyer (46 per cent), while one quarter (25 per cent) were from a trade union or were a worker representative, and 16 per cent were a friend, neighbour, spouse or partner (Table 2.5).

Table 2.5: Type of representative	
	%
Solicitor, Barrister or some other kind of lawyer	46
Trade union / Worker representative at workplace	25
Friend/Neighbour/Spouse/Partner	16
Citizens Advice Bureau	2
External Consultant/Insurance organisation advisor	2
Personnel or human resources specialist	1
Legal specialist in organisation / Organisation lawyer	1
Neighbourhood Local Law Centre or other voluntary advice agency (not CAB)	*
Equality and Human Rights Commission	*
Other	6
<i>Unweighted base</i>	253

Base: All claimant representatives.

- Claimant representatives tended to have dealt with ET claims for more than five years (59 per cent), as shown below in Table 2.6.

Table 2.6: How long representative has dealt with ET claims	
	%
Less than a year	22
1-5 years	18
More than 5 years	59
Don't know	*
<i>Unweighted base</i>	253

Base: All claimant representatives.

- Claimant representatives tended to usually represent claimants (57 per cent) in employment disputes. However, seven per cent reported that they usually represented employers, and two in ten (20 per cent) said they would usually represent either party. For sixteen per cent it was their first time representing anyone.

2.2.1 Overall level of claimant representation

As explained at the start of this section, where Acas' MI records listed representative details, then the representative, rather than the claimant was approached for interview. However, in the claimant interview, a check question was included which asked the claimant whether they had in fact used the services of a representative to deal with Acas during the EC process. In this way, it was possible to identify instances where a representative was used, but this fact was not recorded in Acas management information²².

²² This can happen for a variety of reasons: claimants may engage or disengage their representative at any point prior to, throughout or after EC; some claimants fail or choose not to divulge the fact that they are represented; or may seek to have a direct dialogue with Acas in spite of being represented, or else may confuse having received discrete legal advice with being represented.

Combining both these data sources, – i.e. Acas MI plus the results of the check question– the fact emerges that **overall, a representative was used by 24 per cent of claimants**. This is significantly lower than the proportion of claimants with day-to-day representation in ET cases; SETA 2013 reported that just over half (52 per cent) of claimants reported using a day-to-day representative.

Representatives were least likely to be used by claimants involved in ‘fast track’ disputes (used by 17 per cent of claimants in ‘fast track’ disputes compared with 28 per cent in ‘standard track’ and 32 per cent in ‘open track’ disputes)²³.

The most frequently used representative was a solicitor, barrister or some other kind of lawyer (used by 43 per cent of claimants). This was followed by a trade union or worker representative at the workplace (30 per cent) and a friend/neighbour/spouse/partner (14 per cent).

The majority of claimant representatives (80 per cent) were appointed by the claimant before they notified Acas about the dispute. Eleven per cent were appointed after Acas was notified, but before dealings got underway. A further seven per cent were appointed midway through the conciliation process. Representatives were rarely appointed after EC had finished (two per cent).

2.3 Profile of employers

Now exploring the profile of employer respondents:

- Three quarters (74 per cent) of employers worked in the private sector, with 16 per cent in the public sector and 10 per cent in the non-profit/voluntary sector. When removing those who are unsure or those who worked in the non-profit/voluntary sector, the split is 83 per cent of employers working in the private sector and 17 in the public sector. As reported earlier in this chapter, among all employees in the working population²⁴, 77 per cent work in the private sector and 23 per cent in the public sector. In the claimant survey, 79 per cent worked in the private sector and 20 per cent in the public sector.
- Employers were from a number of different industries, the most common being ‘human, health and social work activities’ (16 per cent). The full breakdown is shown in Table 2.7.
- In comparison to data from the APS, employers within the banking, finance and insurance industry sectors are over-represented in EC notifications (22 per cent compared to 17 per cent indicated in the APS²⁵).

²³ To re-cap: **Fast track** cases involving straightforward questions of fact that can be quickly resolved should the case reach a hearing (e.g. non-payment of wages); **Standard track** cases involving somewhat more difficult issues and requiring a greater degree of case management (e.g. unfair dismissal); **Open track** cases involving the most legally complex issues and generally requiring the most amount of resource to resolve (e.g. discrimination).

²⁴ Annual Population Survey, ONS, October 2013 – September 2014.

²⁵ Annual Population Survey, ONS, October 2013 - September 2014. APS bandings differ from those used in this research, hence Table 2.7 does not include the comparative APS data.

Table 2.7: Employer industry (UK Standard Industrial Classification (SIC) of Economic Activities 2007)²⁶

	%
Human Health and Social Work Activities	16
Manufacturing	10
Wholesale and Retail Trade; Repair of Motor Vehicles and Motorcycles	9
Administrative and Support Services Activities	9
Accommodation and Food Service Activities	8
Transport and Storage	7
Education	6
Professional, Scientific and Technical Activities	6
Construction	5
Other Service Activities	5
Public Administration and Defence; Compulsory Social Security	4
Financial and Insurance Activities	3
Information and Communication	3
Real estate activities	2
Arts, Entertainment and Recreation	2
Water Supply: Sewerage, Waste Management and Remediation Activities	1
Agriculture, Forestry and Fishing	*
Mining and Quarrying	*
Electricity, Gas, Steam and Air Conditioning Supply	*
<i>Unweighted base</i>	<i>881</i>

Base: All employers who provided a response which could be coded.

- In terms of workplace size, smaller workplaces are in the majority: 55 per cent have between 1 and 49 employees (i.e. a small workplace), 24 per cent have between 50-249 employees (i.e. a medium workplace) and 15 per cent employ with 250 or more (i.e. a large workplace)²⁷. The majority of employers (61 per cent) had more than one workplace in the UK.
- In terms of overall *organisation* size, 32 per cent of employers were from a small organisation (1-49 employees), 17 per cent from a medium-sized organisation (50-249 employees) and 49 per cent from a large organisation (250 or more employees).
- As shown in Table 2.8 below, nearly seven in ten employers' organisations (68 per cent) have an internal Human Resources (HR) or Personnel Department that deals with personnel issues. Additionally, just over two in ten (22 per cent) had an internal legal department that deals with personnel or employment issues. For just over a third of employers (36 per cent) there were trade unions or staff associations active at the workplace, and three in ten (31 per cent) were members of an employer's or trade association.

²⁶ For UK SIC 2007 structure and descriptions of unit groups see: <http://www.ons.gov.uk/ons/guide-method/classifications/current-standard-classifications/standard-industrial-classification/index.html>

²⁷ Workplace size in this case refers to the size of the workplace at or from which the *claimant* worked.

Table 2.8: Other characteristics of employers			
	Yes %	No %	Don't know %
HR or personnel department	68	32	*
Legal department	22	77	*
Trade unions or staff associations in the workplace	36	64	1
Member of Employer's or Trade Association	31	63	6
<i>Unweighted base: 952</i>			

Base: All employers

- A majority (57 per cent) of employers reported that the organisation had previously had an Employment Tribunal claim made against it.

In terms of the employer respondents themselves, nearly all (94 per cent) reported that they were the person who deals with employment disputes at their organisation, and nearly three quarters (65 per cent) had previous experience of using Acas services before this case.

2.4 Profile of employer representatives

As detailed in Section 1.3.1, where an employer was selected for the employer survey, if a representative was listed on Acas' records as dealing with the case on the employer's behalf they were approached for an interview rather than the employer.

Among the employer representatives interviewed:

- Just over half (56 per cent) were solicitors, barristers or another type of lawyer, while one third (33 per cent) were personnel or human resources specialists (Table 2.9).

Table 2.9: Type of representative	
	%
Solicitor, Barrister or some other kind of lawyer	56
Personnel or human resources specialist	33
External Consultant/Insurance organisation advisor	3
Owner/senior manager	2
Legal specialist in organisation / Organisation lawyer	2
Don't know	2
Employer's association	1
Trade union / Worker representative at workplace	*
Neighbourhood Local Law Centre or other voluntary advice agency (not CAB)	*
Other	6
<i>Unweighted base</i>	303

Base: All employer representatives.

- Employer representatives tended to be very experienced at dealing with ET claims, with nearly three quarters (73 per cent) having dealt with ET claims for more than five years. In addition, one fifth (20 per cent) had been dealing with claims for between one and five years. Only five per cent reported having less than one year's ET claim-handling experience.

- As might be expected, employer representatives tended to usually represent employers (78 per cent). Just two per cent reported that they usually represented the claimant, and 18 per cent reported that they would usually represent either party. For three per cent it was the first time they had represented anybody.

2.4.1 Overall level of claimant representation

As already explained, where Acas' MI records listed representative details, then the representative, rather than the employer, was approached for interview. However, as with claimants, in the employer interviews, a check question was also included which asked the employer whether they had in fact used the services of a representative to deal with Acas during the EC process. In this way, it was possible to identify instances where a representative was used, but this fact was not recorded in Acas management information.

Combining the data in this way, it emerges that, **overall, representatives were used by 29 per cent of employers**. Again, this is significantly lower than the proportion of employers who use representatives in ET case – SETA 2013 indicates that three in five (60 per cent) of employers used a day-to-day representative in the ET case.

In line with claimant-side findings, employers' use of representatives varied by the track of dispute, with employers least likely to use a representative when involved in a 'fast track' dispute (19 per cent), followed by 'standard track' disputes (32 per cent); with employer use of representatives most widespread in 'open track' disputes (41 per cent). Employers with a legal department were also more likely to enlist the use of a representative than those without (35 per cent compared with 27 per cent).

As with claimants, the most frequently used representative for employers was a solicitor, barrister or some other kind of lawyer (55 per cent). This was followed by the use of a personnel or human resource specialist, mentioned by a third of respondents (33 per cent).

Nearly nine in ten representatives (88 per cent) were appointed early in the process, after the notification had been submitted but before dealings with Acas got properly underway. One in ten (10 per cent) were appointed mid-way through the process, with two per cent appointed after EC had finished.

3. The workplace dispute

This short chapter looks at the workplace dispute as reported by the claimant (or the claimant representative) including details of the nature of the dispute, reasons for leaving employment and the use of written policies and procedures at the workplace. Although some comparisons are drawn with the employer side for reference, the majority of the findings are drawn from the claimants' survey. This is due to the sampling approach and the 'fuller' profile of the claimants survey²⁸.

3.1 The dispute

In nearly all cases, the claimant had been employed by the same organisation they were in dispute with (98 per cent); a further one per cent of claimants had been job applicants; the remaining one per cent provided a 'don't know' response to this question. Of the former, by the time of the survey, 88 per cent were no longer employed by the organisation in question; whereas 12 per cent still worked for the organisation they had been in dispute with. There were noticeable differences by dispute 'track', with those claimants who were involved in 'open track' disputes being the most likely to still be employed by the organisation they had been in dispute with (19 per cent), followed by those in 'fast track' (13 per cent) and 'standard track' (six per cent) disputes²⁹. These findings are in line with those of the 2012 PCC survey, where in 98 per cent of cases the employee was either a current or former employee of the organisation involved in the dispute, and at the time of interview, 10 per cent still worked for that same organisation³⁰. These results also align with the findings from SETA 2013, which found³¹ that 98 per cent of claimants who submitted an ET claim were either an employee or former employee of the organisation they were claiming against.

The majority of claimants (and their representatives) reported that their employment had ended before the EC notification was submitted to Acas (75 per cent). However, just under a quarter (23 per cent) said they were still employed at the time of submitting the EC notification; the remaining two per cent provided a 'don't know' response to this question.

Just under half of claimants were involved in disputes which are classified by Acas as 'fast track' (45 per cent); 35 per cent were involved in so-called 'standard track' disputes and the remaining 21 per cent were involved 'open track' disputes. As might be expected, these proportions differ to the proportions of disputes handled through PCC, which, unlike EC, was a fundamentally voluntary service, offered mainly to callers of the Acas Helpline: in the 2012 PCC evaluation, a similar proportion of claimants were involved in 'standard track' disputes (38 per cent); however, a larger proportion were 'fast track' (53 per cent) and a smaller proportion were 'open track' (nine per cent). It is important to bear these case composition differences in mind when drawing subsequent comparisons between the results of the current EC evaluation and the evaluation of the previous PCC service. One should also keep in mind that, unlike EC,

²⁸ As detailed in Section 1.3.1, there are some employers who, at the time of fieldwork, would not have been aware that an EC notification had been made about them (where they were uncontactable or where the claimant had declined the offer of EC) and so could not be included in the survey.

²⁹ Further details about case track are given in Section 1.4.1.

³⁰ TNS BMRB (2012) Evaluation of Acas' Pre-Claim Conciliation Service 2012. Acas Research Paper.

³¹ Harding, C et al (2014) Findings from the survey of Employment Tribunals Applications 2013. BIS Research Paper 177.

PCC was undertaken with a different cohort of claimants i.e. callers to the Acas Helpline who fulfilled specific screening criteria and effectively self-selected to use the service, hence were predisposed to think favourably of conciliation.

3.2 End of employment

Among former employees, the most commonly cited reason for the ending of the claimant's employment was that the claimant had been dismissed (41 per cent). The next most common reason was that the claimant had resigned (23 per cent). See Table 3.1 below for a full breakdown of how the claimant's employment came to an end.

Table 3.1: Reasons claimant's employment ended

	Total %
Dismissed	41
Resigned	23
Made redundant/laid off	15
Left of own accord / without resigning	9
Retired	1
Other	10
Don't know	1
<i>Unweighted Base</i>	<i>1125</i>

Base: Claimants (and their representatives) – where claimant's employment had ended.

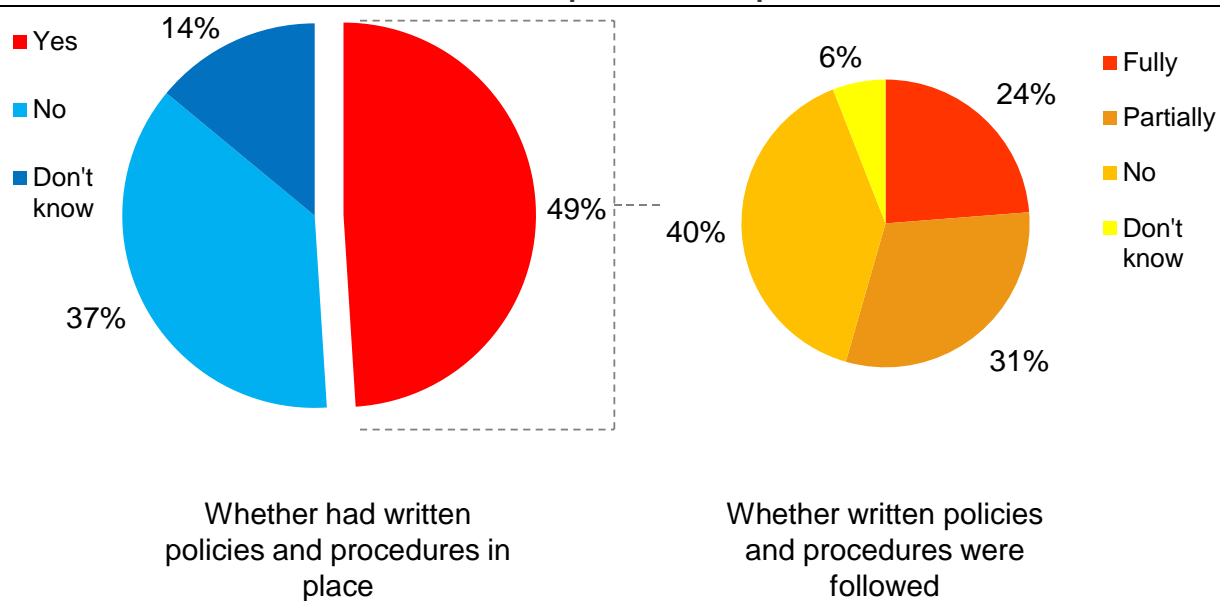
- There was correlation between the track of the claimant's dispute and the reason they cited for their employment having ended. Only a quarter (24 per cent) of claimants who were party to a 'fast track' dispute said that their employment ended because they were dismissed, compared with 57 per cent of those in 'standard track' disputes and 51 per cent in 'open track' disputes.

Three quarters (74 per cent) of former employees named in the dispute reported that their employment had ended *because* of the dispute. This left 24 per cent for whom the dispute had no impact on the termination of their employment with the organisation involved (two per cent either refused to answer or gave a 'don't know' response).

3.3 Written policies and procedures

Half of all claimants reported that their employer had written policies and procedures (49 per cent) and of this group only a quarter said that the policy and procedure had been followed fully (24 per cent); two in five (40 per cent) said it had not been followed at all and 31 per cent reported it had been partially followed (Figure 3.1). For comparison, this question was also asked of employers (and their representatives); interestingly their responses were more positive, with 86 per cent saying that the organisation had written policies and procedures (12 per cent said they did not and two per cent gave a 'don't know' response). Of those employers (and their representatives) who said the organisation *did* have written policies and procedures seven in ten (69 per cent) said that they had been followed fully; 15 per cent said they were followed partially, 14 per cent said that they were not followed and two per cent gave a 'don't know' response.

Figure 3.1 – Presence and use of written policies and procedures



Base: Whether employer had policies in place (1331) and Whether these policies followed (744)

4. Uptake of Early Conciliation

This chapter explores uptake of Early Conciliation (including the process of submission and interactions with EC Support Officers), the reasons for deciding to take part (or not) and previous knowledge or experience of the EC service.

4.1 Submission of EC notification form and interaction with the ECSO

4.1.1 The process of submitting the EC notification form

When asked how soon after the workplace dispute at issue Acas had been notified, 24 per cent of claimants (and their representatives) said that it was within one week, 38 per cent said that it was within one month and 36 per cent said it was more than one month (for 30 per cent, it was between one and three months).

- There were noticeable differences when looking at this question by track, with those in 'fast' and 'standard track' disputes more likely to contact Acas within a week (26 and 25 per cent respectively versus 18 per cent of those in 'open track' disputes). Additionally those in 'fast' and 'standard track' disputes were more likely to contact Acas between a week and a month after the event (41 and 37 per cent respectively, compared to 33 per cent of those in 'open track' disputes). Those in 'open track' disputes were most likely to contact Acas more than a month after the event, with 46 per cent of claimants engaged in 'open track' disputes reporting this, compared to 31 and 34 per cent of claimants engaged in 'fast' and 'open track' disputes, respectively.
- When claimants were using a representative to deal with Acas they were more likely to take longer to make initial contact. Fifty seven per cent of representatives reported Acas was contacted more than a month after the dispute, and when looking at all claimants who used a representative (irrespective of whether the claimant or their representative took part in the survey), 45 per cent reported that Acas was contacted more than a month after the dispute. This compares with 33 per cent among unrepresented claimants.

Claimants (and their representatives) were asked *who* had submitted the EC notification form; the claimant themselves or somebody else. Eighty two per cent reported that the notification form had been submitted by the claimant themselves and 16 per cent said that somebody else had submitted it on the claimant's behalf (11 per cent said the representative had submitted it and six per cent said that it was someone else).

Looking just at claimant representatives, forty five per cent of them reported that *they* had submitted the EC notification form on behalf of the claimant (overall, for 41 per cent of represented claimants, it was the representative who submitted the form).

Nine in ten (89 per cent) claimants (and their representatives) reported submitting their EC notification form online. This varied significantly depending on who submitted the notification form; when claimants submitted it themselves, 91 per cent submitted online, but when the

representative submitted it, only 83 per cent were submitted online. When someone other than the claimant or their representative submitted the form, the level of online submission was 85 per cent.

For those claimants (and their representatives) who said they did *not* submit their notification form online, the most frequent alternative way of notifying Acas was by post (48 per cent of non-online notifiers) followed by telephone (44 per cent).

The main reasons reported for *not* submitting the notification form online were;

- 'Do not have a computer/smartphone/internet connection' (21 per cent)
- 'Have a computer/smartphone/internet connection but not confident using online services' (14 per cent)
- 'Prefer using paper' (11 per cent)

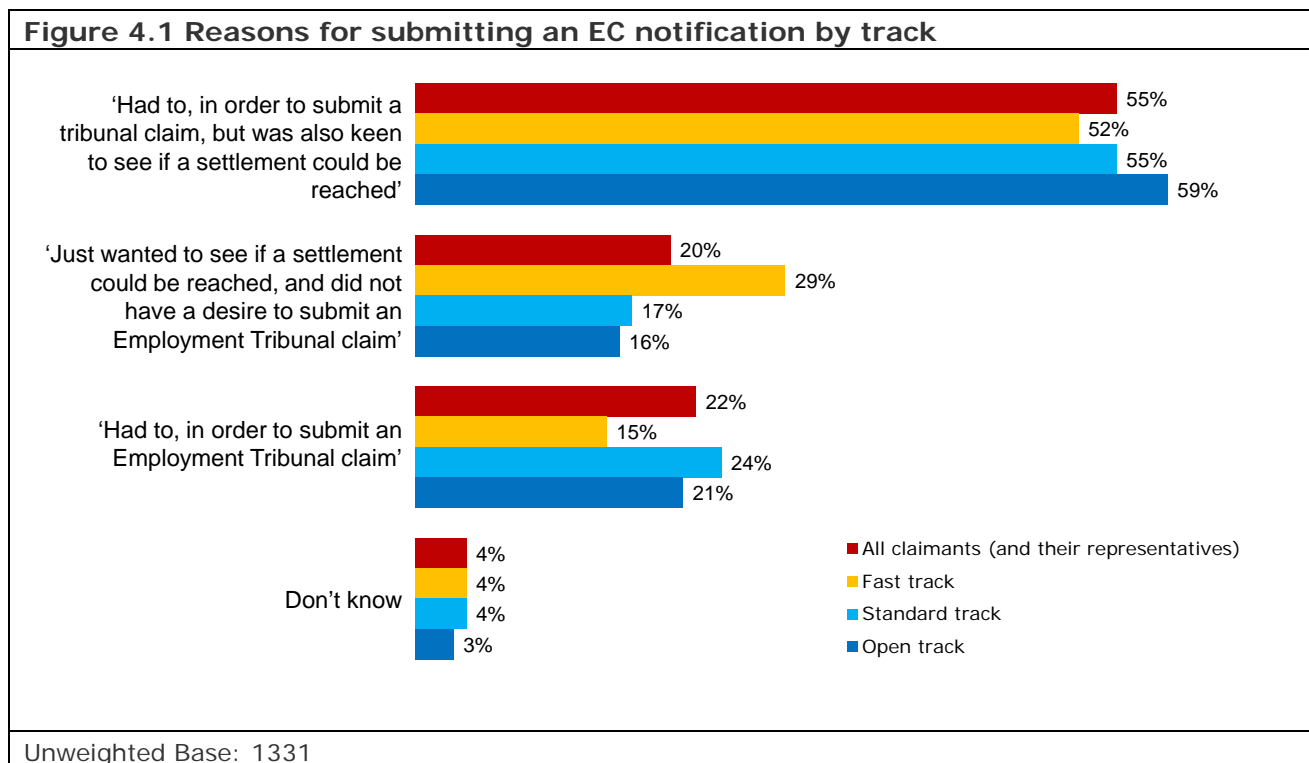
4.1.2 Reason for submission

Claimants (and their representatives) were asked about their reasons for submitting an EC notification, in order to establish their openness to engaging with conciliation (rather than simply notifying as an administrative necessity). This was presented as a closed question, meaning that interviewees were presented with three pre-existing options. They responded as follows:

- 'Had to, in order to submit a tribunal claim, but was also keen to see if a settlement could be reached' (55 per cent)
- 'Just wanted to see if a settlement could be reached, and did not have a desire to submit an Employment Tribunal claim' (22 per cent)
- 'Had to, in order to submit an Employment Tribunal claim' (20 per cent)

When looking at claimants and representatives separately there are noticeable differences: 66 per cent of representatives reported submitting the notification because they 'Had to, in order to submit a tribunal claim, but was also keen to see if a settlement could be reached' compared with 52 per cent of claimants. Claimants were 15 per cent more likely than claimant representatives to describe their reason for making an EC notification as being that they 'Just wanted to see if a settlement could be reached, and did not have a desire to submit an Employment Tribunal claim' (24 per cent versus 9 per cent).

The reasons given for making an EC notification varied according to the track of the dispute a claimant (and their representative) was involved in; those claimants (and their representatives) who were involved in 'fast track' disputes were more likely to have engaged EC with no intention of going to Tribunal if no settlement could be reached (29 per cent versus one per cent for 'standard track' and one per cent for 'open track' disputes); those involved in 'standard track' disputes were more likely to have submitted their EC notification form simply as a precursor to submitting an ET claim without looking for a settlement through EC (24 per cent versus 15 per cent of those in 'fast track' disputes and 21 per cent of those in 'open track' disputes) and those in 'open track' disputes were more likely to have submitted their EC notification form as part of going to tribunal but remained willing to see if a settlement could be reached (59 per cent versus 52 per cent of 'fast track' disputes and 55 per cent of those in 'standard track' disputes). The breakdown is shown in Figure 4.1.



Base: All claimants (and their representatives)

As shown in Table 4.1 the reason for submitting an EC notification also differed according to the age of the claimant. Most notably, younger claimants were more likely than their older counterparts to submit a notification with the intention of reaching a settlement whilst having no desire to go on to submit an ET claim.

Table 4.1: Reason for submitting EC notification by age (claimants only)						
	16-24 %	25-34 %	35-44 %	45-54 %	55+ %	Total %
Had to, in order to submit an Employment Tribunal claim	16	14	19	22	24	19
Had to, in order to submit a tribunal claim, but was also keen to see if a settlement could be reached	52	54	53	52	50	52
Just wanted to see if a settlement could be reached, and did not have a desire to submit an Employment Tribunal claim	29	29	24	21	12	24
<i>Unweighted base</i>	77	231	253	302	194	1070

Base: All claimants who provided their age

Within the qualitative interviews, EC was - at the point of notification – largely seen as being little more than a necessary prerequisite for moving forward with a case i.e. the first step in a process towards making an ET claim. This perception was often the result of claimants' own research on the internet, or a friend or solicitor's advice:

"To be perfectly honest, because it was a stepping stone to going to tribunal, I wasn't allowed to go to ET without going through that process"

(Claimant, 'Standard track', Settlement reached)

4.1.3 Claimant expectations of EC

In the qualitative interviews it was also found that, on the whole, when submitting the EC notification, claimants were unaware of what EC itself would involve. They generally had no expectations regarding the process and were unaware of any details as to what would follow once they entered the process. It was only after they were contacted by an ECSO that they became aware of next steps.

"I didn't expect anything; I just went along with what they said"

(Claimant, 'fast track', Settlement reached)

Claimants generally agreed with the basic rationale behind the EC service; they were supportive of the idea of dealing with an independent third party. Nevertheless, some claimants were initially distrustful of the scheme and had viewed EC as being an unnecessary administrative hurdle.

"From a political level, any layer of bureaucracy that the government puts above a worker trying to have an argument about their working conditions I didn't think it would help the employee. I was sceptical about the whole thing, I didn't want to do that, it wasn't something I chose to do"

(Claimant, 'Standard track', Settlement reached)

However, this view soon shifted and claimants acknowledged that EC was a smooth and active conciliation process.

"I thought at the time, oh no why do I have to go all through this, but it was a very useful process to put into perspective what I was trying to do...I think it gives both sides a little bit of fairness, I think it's a good thing to do actually"

(Claimant, 'Standard track', Settlement reached)

4.1.4 Contact by an ECSO

Claimants were asked how long after the submission of their EC notification form they were contacted by an ECSO. Five per cent reported being contacted on the same day that the form was submitted, 21 per cent said that the ECSO first got in touch the day after submission, 36 per cent claimed that they were contacted within two working days and 31 per cent said that it took more than two working days³².

When asked about the nature of their initial call with the ECSO, 95 per cent of claimants confirmed that they had checked their contact details and 91 per cent said that the ECSO had asked them for an explanation of the workplace dispute.

Claimants were also asked to rate how well the ECSO had explained the EC service to them, with 89 per cent rating them as good in this respect (71 per cent said 'very good' and 18 per cent 'fairly good'). Only four per cent rated the ECSO's explanation of the EC service as having been poor, either 'fairly' (two per cent) or 'very' (three per cent).

³² A further eight per cent of claimants could not recollect how long after notifying they had been contacted; percentages sum to 101 per cent due to rounding.

However, it was established in the qualitative interviews that participants often did not distinguish between the ECSO and their allocated conciliator, with whom they had subsequent contact, though they may have noticed that they had spoken to two different people (especially if they were different genders). On the whole, participants were positive about first contact, saying that the EC process had been clearly and simply explained to them in the first instance.

4.1.5 Claimant perception of the suitability of EC to their case

Claimants were asked how suitable EC had sounded to their case when they discussed the service with the ECSO: 82 per cent said they thought that it sounded suitable (47 per cent said 'very suitable' and 35 per cent 'fairly suitable') compared to only eight per cent who thought that it had not sounded suitable (seven per cent said 'fairly unsuitable' and only one per cent 'very unsuitable').

4.1.6 Understanding of time limits

When asked what they understood the time limits for presenting a tribunal claim to be there were a range of responses, ranging up to six months. Only five per cent of claimants gave the answer of three months less one day. However, a further 43 per cent believed that the time limit was within three months (the most popular answer)³³.

Nine per cent of claimants believed that there was a one month window in which to submit the ET1 form, as well as two per cent believing it was 28 days (making it approximately 1 in 10 respondents who believe it is around four weeks).

Eight in ten claimants (80 per cent) confirmed that the time limits for submitting had been explained to them by an ECSO during their initial phone call from Acas. However, recollection of having had the time limits explained to them was not correlated with claimants actually understanding the limits correctly.

4.2 Employer-initiated EC

In a minority of cases employers may initiate EC if they believe that an employee will lodge an employment tribunal claim against them. All employers (and their representatives) were asked whether it was they or the claimant who had originally notified Acas about the workplace dispute; only two per cent of employers confirmed that it was they who made the notification.³⁴

4.2.1 Employer expectations of EC

In the qualitative interviews it was also found that employers were more familiar with EC than were claimants, having previously learnt of it during an employment seminar or via legal update e-mails, or else because they had gone through the EC process before (in the case of employer representatives). As a result, employers and their representatives tended to have a better sense of what to expect than did claimants. Some employers viewed the process as a 'tick box' exercise they were required to participate in – this was the case amongst those who felt the claimant would most likely progress to tribunal but unlikely to settle through EC. In these cases the employer said that they would not opt out of EC, as they knew this would reflect negatively on them once at tribunal, so entered the process despite not expecting it to

³³ Claimants have three months less one day to bring a claim in all cases except equal pay cases and cases of failure to pay statutory redundancy payments, when they have six months less one day. However, the detailed jurisdictional breakdown is not collected in the survey, nor recorded in the Acas management information used to sample the survey, so analysis cannot be conducted at this level.

³⁴ In fact, EC cases that were recorded on Acas management information systems as being employer-initiated were excluded from the sample, in recognition of their low incidence and atypical character.

achieve any mutually satisfactory outcome. Other employers felt that it could be a useful tool for independent negotiation, where they had encountered difficulties managing this internally.

4.3 Claimant decision-making around participating in EC

4.3.1 Whether claimants accepted the offer of EC

Based on a number of questions around the events that had happened *after* notifying Acas, it is possible to make a simple binary distinction in the data between those claimants (and their representatives) who 'agreed to take part in EC' and those who did not. It follows that four fifths (81 per cent) of claimants (and their representatives) agreed to take part in EC, compared to 17 per cent who refused (for two per cent of claimants we were unable to determine whether or not they agreed to take part)³⁵. However, the number of claimants (and their representatives) who actually went on to take part in EC drops to 64 per cent after subsequent refusals by employers are taken into account.

4.3.2 Profile of claimants accepting the offer to take part in EC

When examining the profile of claimants who agree to take part, the key points which emerge are:

- Claimants who had a workplace dispute classifiable as 'fast track' were less likely to agree to participate in EC than those with either 'open' or 'standard track' cases (74 per cent versus 87 per cent for both).
- There were differences in the likelihood to agree to participate in EC based on claimants' income, with those earning between £15,000 and £29,999 being the most likely to engage with EC (84 per cent), those earning over £30,000 next most likely (81 per cent) and those earning less than £14,999 the least likely (77 per cent).³⁶

4.3.3 Determinants of whether claimants take part in EC

In order to more fully understand the factors associated with whether or not claimants (and their representatives) accept the offer to participate in EC, a logistic (logit or logical) regression model was developed³⁷. Logistic regression is a widely used and well established technique for more advanced statistical analysis. It examines the relationships between a 'dependant' variable (in this case, whether someone accepts the offer to participate in EC) and multiple 'independent' variables (factors which might influence the dependent variable, such as the track of a claimant's dispute) to identify the most influential factors.

The independent variables which were found to be determinants in whether or not a claimant accepts the offer to engage in EC are listed below in their order of importance:

- *The track of a claimant's workplace dispute*: those claimants whose disputes were classifiable as 'open track' were more likely to have accepted the offer of EC, followed by those in 'standard track' and 'fast track'.

³⁵ These figures deviate somewhat from Acas Management Information, which, for the 2014/15 operational year, shows that 85% of claimants – rather than 81% – took-up the EC offer; this difference is likely to be accounted for by claimants who took-up but then withdraw from EC and, in responding to the survey, perceived that their limited engagement with the process constituted non-use/'rejection'. It follows that Acas MI, rather than survey data, is the definitive quantification of EC take-up.

³⁶ Please note, only the difference between those earning less than £14,999 and those earning between £15,000 and £29,999 was statistically significant.

³⁷ For full details on the regression models, including the statistical significance of each factor, please see section 8.3.2 in the technical appendix.

- *The reason claimants submitted their EC notification form:* those claimants who submitted their EC notification because they 'just wanted to see if a settlement could be reached, and did not have a desire to submit an Employment Tribunal claim' were the most likely to accept the offer, followed by those who said they 'had to, in order to submit an Employment Tribunal claim, but was also keen to see if a settlement could be reached' and then last of all those who believed they 'had to in order to submit an Employment Tribunal claim' were the least likely to accept the offer. This is as expected, with those claimants who were engaged with the idea of reaching a settlement through EC being most likely to agree to participate.
- *The time-lapse between the event and Acas being notified:* the sooner after the event in question that Acas was notified, the more likely that claimants would accept the offer to take part in EC.
- *Claimant age:* Older claimants (specifically those aged 45 to 54 and those 65 and over) were more likely to accept the offer to take part in EC, with those aged 16-19 being the least likely. This is the only demographic information that was found to be a determinant of whether or not a claimant accepted the offer to engage with EC.
- *Whether claimant had previously submitted an ET claim:* those claimants who had previously been through the ET process were more likely to participate in EC than those who had not. It may be here that prior experience of the ET process has an off-putting effect and causes claimants to want to find a potentially easier and quicker solution.

Full details of the logistic regression are included in the technical appendix.

4.3.4 At what stage the claimant decided not to take part in EC

For claimants who chose not to take part in EC, there were three stages in the process at which this could occur:

- 1) Just over half (52 per cent) of those who decided not to take part (nine per cent of all claimants) expressed this when they originally spoke to the ECSO;
- 2) For a further quarter (25 per cent of those who did not want to take part and four per cent of all claimants) no further contact was established after speaking to an ECSO;
- 3) Finally, just under a quarter (23 per cent) of those who did want to take part (four per cent of all claimants) made this known when they were subsequently speaking to the conciliator.

Among claimants who decided not to take part in EC, those whose disputes were classifiable as 'fast track' were most likely to decide not to take part very early in the process - when initially speaking to the ECSO (61 per cent), as were those whose disputes are classifiable as 'standard track' (40 per cent). Conversely, those claimants with 'open track' disputes who decided not to take part in EC were most likely to decide this at a later time point - when speaking to the conciliator, rather than when having preliminary conversations with the ECSO (44 per cent)³⁸(see Table 4.2).

³⁸ Figure should be treated with caution, due to small base size n=56.

Table 4.2: What stage claimant decided not to take part in EC by Track

	Fast %	Standard %	Open %
Claimant did not wish to proceed with EC - at ECSO stage	61	40	30
No claimant contact at conciliation stage	24	28	26
Claimant did not wish to proceed with EC - at conciliator stage	15	33	44
<i>Unweighted base</i>	<i>86</i>	<i>42</i>	<i>56</i>

Base: those claimants (and their representatives) who did not take part in EC

4.3.5 Reasons for EC not taking place

Claimants (and their representatives) who decided not to use EC were asked why they made this decision; this question was asked in an open manner, but responses were attributed to a set of pre-existing answer codes and as such are not necessarily reflective of the language used. The most common reason cited was that 'the issue was resolved by the time Acas assistance was offered' (14 per cent). The next most common responses mentioned by 11 per cent of claimants (and their representatives) were 'I felt that conciliation would not resolve the issue/would be a waste of time' and 'I knew employer would not be willing to engage'.

Those claimants (and their representatives) who decided not to make use of EC because the issue had already been resolved were asked how this happened. The reason given by the majority of claimants for the issue being resolved was that 'once Acas were involved all owed money /wages were paid' (22 of 35 respondents). This was followed by 'resolved once Acas became involved' (in that a settlement was reached between parties outside of Acas but after contact had been initiated by an Acas member of staff) (6 of 35 respondents) and simply that a 'settlement [was] agreed' between parties (2 of 35 respondents).

Where claimants (and their representatives) reported that EC did not take place as a result of *the employer* being unwilling to take part (in their view), they were asked why they felt this was (again, an open question with responses attributed to pre-existing answer codes). The most common answer given was that the employer was 'not willing to negotiate' (32 per cent). The next most common answer was 'Don't know' (17 per cent) followed by 'the employer felt they had no case to answer to' (16 per cent).

4.3.6 Factors that would have encouraged claimant participation in EC

Those claimants (and their representatives) who decided not to take part in EC were asked if there was anything else that could have been done to encourage them to take part (an entirely open ended question, with verbatim responses being recorded during the interviews and later analysed thematically). Just under a quarter (23 per cent) said that there was nothing more that Acas could have done. For those who said that something could have encouraged them to participate (67 per cent) there were a large variety of factors mentioned, ranging from being able to delay EC until other internal procedures had run their course, through to Acas having more power to encourage employers to participate, however there was little in the way of consensus amongst respondents.

4.3.7 Decision making around taking part in EC

Those claimants who agreed to participate in EC (regardless of whether or not EC took place) were asked why they made the decision to do so; this question was open ended and responses were grouped together into codes that are reflective of the language used by respondents. Interestingly, three in ten claimants (and their representatives) decided to participate in EC because they (mistakenly) thought they had to. This was followed by 26 per cent who said it was 'to reach a resolution' and 13 per cent who said it was 'to avoid a tribunal'.

- There were slight variations in track (as illustrated in Table 4.3) with the most frequently stated reason for claimants (and their representatives) engaged in 'fast track' disputes being 'to reach a resolution' (26 per cent).

Table 4.3: Why claimants decided to take part in EC by Track

	Fast %	Standard %	Open %	Total %
Because I had to	22	33	39	30
To reach a resolution	26	25	26	26
To avoid a tribunal	14	12	14	13
Didn't know employer wasn't willing to participate ³⁹	10	8	10	9
Advised to by other (non-rep/Acas/CAB/Solicitor)	11	8	6	9
Couldn't reach a settlement privately	11	7	6	8
Other	9	11	10	10
<i>Unweighted base</i>	<i>289</i>	<i>329</i>	<i>512</i>	<i>1130</i>

Base: Those claimants (and their representatives) who agreed to participate in EC (regardless of whether it took place)

- There was also a noticeable difference when looking at responses between claimants and their representatives, with representatives being almost twice as likely as claimants to believe that participation in EC is compulsory (50 per cent and 26 per cent respectively). Although this seems counterintuitive, it could be that representatives were interpreting this question thinking about the compulsory nature about *notification* of the dispute for EC rather than the engagement with the service.

These quantitative survey results are supported by the findings from the qualitative interviews which found that, further to having initially viewed EC as a necessary prerequisite for moving forward with a case (as outlined in Section 4.1.2), the claimant's perception of EC noticeably shifted upon contact from their conciliator and once they had learned more about the process, after which claimants tended to 'engage' more with EC, hoping they would be able to reach a satisfactory settlement. Trying to resolve an issue at its early stage, before a tribunal, seemed like a 'sensible option' to claimants. They generally entered the EC process with willingness to compromise, and considered EC as a means of opening a meaningful discussion with their employers. For claimants explicitly seeking a financial settlement, EC was considered a quicker and easier way to achieve this than going to court.

³⁹ Please note, this was only an option for the 207 claimants (and their representatives) who agreed to take part in EC but whose employer counterpart did not.

Support for EC was underpinned by the positioning of Acas an impartial body whose role is to conciliate between the two parties:

"She made it very clear she was impartial"

(Claimant, 'Open track', Submitted ET1)

Acas' role as 'go-between' was felt to have been particularly pertinent in cases where, prior to Acas' involvement, employers had been refusing to liaise with employees. These claimants felt that the use of an external party forced their employer to take them seriously:

"I hoped it would make the head of the school take notice, it wasn't until I went to Acas that the school entered in any dialogue at all"

(Claimant, 'Standard track', Settlement reached)

Overall, the qualitative interviews found that claimants decided to enter the EC process as they believed it was the only way to take their case forward. None of the participants interviewed were aware that they could have opted out of the process altogether. That said, once they had entered the process, most were hopeful they would be able to reach a compromise.

"[Entering the EC process] was conscious inasmuch as I had to do it. If I didn't have to, I don't know"

(Claimant, 'Standard track', Settlement reached)

When interpreting this finding it should be noted that some interviewees may not have distinguished between making the EC notification (which is compulsory for those wishing to submit an ET1) and subsequently taking part in EC (which is voluntary), which may have led to their mistaken belief that 'participation in EC' is compulsory.

4.4 Employer decision making around taking part in EC

4.4.1 Whether employers engaged with EC

The level of participation in EC by employers and their representatives was high, with 82 per cent of those interviewed saying that they had taken part⁴⁰. In contrast with the claimant findings, employers who were party to an 'open track' dispute were less likely to engage with EC (78 per cent) than those whose disputes were 'fast' or 'standard track' (84 and 83 per cent respectively). Please note that due to the nature of the sampling for the employer side of the survey (as detailed in Section 1.3.1), this is not reflective of *all* employers.

4.4.2 Profile of employers who took part in EC

The profiles of employers who decided to take part in EC and those refusing were largely aligned, with no significant differences between key profile characteristics.

4.4.3 Reasons for not taking part

Those employers (and their representatives) who decided not to take part in EC were asked why they made this decision (the question was asked in an open manner, with responses attributed to a set of pre-existing answer codes). More than half of this group (55 per cent) stated it was because the organisation 'felt (it) had no case to answer to'. This was followed by

⁴⁰ Of the remainder, fourteen per cent of employers surveyed actively did not take part in EC and, for a further four per cent, the claimant had withdrawn from EC after the employer became involved and the outcome of EC could not be established.

'was not willing to negotiate' (14 per cent) and 'felt that conciliation would not resolve the issue' (six per cent).

It should be noted here that only two employers stated that their reason for not participating in EC was that they 'wanted to see if [the] claimant was serious about going to an employment tribunal'. Moreover, on further probing neither specified that they had wanted to see first if the claimant would pay the fee. These results seem to contradict any notion that employers refrain from using EC with the intention of first gauging if claimants truly intend to progress to tribunal.

Employers and their representatives who did not take part in EC were also asked whether there was anything that Acas could have done to encourage them to do so. Unlike claimants, the majority (63 per cent) stated that there was nothing that could have been done. Three in ten (31 per cent) said that there was something that could have encouraged them to participate, with suggestions ranging from more detailed initial phone calls through to waiting for internal disciplinary procedures to have run their course.

4.4.4 Decision making around taking part

The most common reason employers (and their representatives) chose to take part in EC was 'to reach a resolution'; cited by one quarter (26 per cent). This was followed by those reasoning that EC had been the 'best approach' (cited by 18 per cent) and those who took part so as to 'avoid a tribunal' (15 per cent) (this question was open ended and responses were grouped together into codes that are reflective of the language used by respondents).

- Employers were more than twice as likely as their representatives to say that the reason they took part in EC was simply a reaction to the fact that they had been contacted by Acas (ten per cent and four per cent respectively). When looking at all employers with a representative, the equivalent figure is five per cent.
- Employers at small and medium organisations (fewer than 250 employees) were twice as likely as their larger peers to have said that they took part in EC because they had faith in Acas (eight and four per cent respectively). Overall 'faith in Acas' was mentioned by six per cent of employers and their representatives as a motivating factor for using EC.
- Employers at large organisations were almost four times as likely as those at small or medium ones to report that they had participated in EC because they 'always do so' (fifteen per cent and four per cent respectively).
- There was no noticeable difference by track for this question.

Within the qualitative interviews, it was found that – as was detailed in Section 4.2.1 – because they tended to have a better understanding of the process compared with claimants, employers recognised the value of EC slightly differently, tending to see it as potentially facilitating settlement while avoiding the time, cost and hassle of ETs (with which they were also more likely to be familiar). Employers also cited that, in the event of a tribunal, having already engaged with EC would demonstrate good faith in the eyes of the law. Employers that took part in EC reported having often already exhausted internal HR procedures and informal negotiations, making EC the only remaining viable route to resolution before ET.

4.5 Previous knowledge and experience of EC

4.5.1 Among claimants

Claimants and their representatives were asked whether they had heard of the EC service prior to their current dispute, perhaps not surprisingly, the results were skewed towards representatives, with 86 per cent of claimant representatives having heard of EC before the dispute being discussed (compared to only 34 per cent of claimants); of these, 70 per cent had previously used EC (compared to only nine per cent of claimants themselves).

- Older claimants were more likely to have heard of EC, there being a general upward trend in awareness across the age groups. For instance, 20 per cent more of those aged 55+ had previously heard of the service than those aged 16-24 (see Table 4.4).

Table 4.4: Previous knowledge of EC by Age

	16-24 %	25-34 %	35-44 %	45-54 %	55+ %
Had heard of EC before bringing claim	25	22	35	36	45
<i>Unweighted base</i>	77	234	259	305	195

Base: All claimants who provided their age

- However, when looking at prior *use* of EC, those aged 16-24 and 55+ were both much *less* likely than other respondents to report having used EC before (Table 4.5).

Table 4.5: Previous use of EC by Age

	16-24 %	25-34 %	35-44 %	45-54 %	55+ %
Had used EC before	0	15	14	11	2
<i>Unweighted base</i>	18	54	89	115	89

Base: All claimants who provided their age and had heard of EC previously

- Claimants with a long-term illness or disability were more likely to have used EC previously than were claimants without an illness or disability (12 per cent versus 8 per cent)⁴¹.

Claimants (and their representatives) were also asked how they had originally heard of EC. The most commonly reported source was 'a friend or colleague', with 22 per cent of claimants (and their representatives) citing this option. This was followed by 'Citizens' Advice Bureau' (12 per cent) and 'Acas website' (11 per cent).

The top three sources of having heard about EC were the same among just claimant respondents, with 25 per cent citing a 'friend or colleague' as their source of information, 14 per cent 'Citizens' Advice Bureau' and 12 per cent the 'Acas website'. For claimant representatives the most common way in which they reported having heard about EC was from a 'professional body/membership organisation specific to my industry', with 21 per cent. This was followed by hearing about EC from a 'Trade union' (13 per cent) and the 'Acas website' (eight per cent). (Table 4.6)

⁴¹ Given the recency of EC, it is likely that some respondents have counted previous interactions with Acas *prior* to the introduction of EC here, in which case the true figures are likely to be lower.

Table 4.6: How heard of EC by Claimant/Claimant Representative⁴²

	Claimant %	Claimant Rep %	Total %
Friend or colleague	25	6	22
Citizens' Advice Bureau	14	3	12
Acas website	12	8	11
Trade union	10	13	10
Legal representative	11	3	10
Gov.uk	6	3	6
Internet search	6	3	6
Acas helpline	4	1	4
Professional body	1	21	4
<i>All online sources (combined)</i>	<i>25</i>	<i>15</i>	<i>24</i>
<i>All Acas sources (combined)</i>	<i>17</i>	<i>16</i>	<i>17</i>
<i>Unweighted base</i>	<i>1078</i>	<i>253</i>	<i>1331</i>

Base: All claimants (and their representatives)

In all, one in four claimants (25 per cent) can be said to have heard about EC via an online source (Gov.uk/Acas website/Social media/ Internet search). The same is true for 15 per cent of claimant representatives.

4.5.2 Among employers

Previous knowledge of EC was much higher among employers (and their representatives) than among claimants (and their representatives) and of this group was higher among employer representatives where virtually all of whom had already heard of EC (97 per cent), compared with 79 per cent of employers themselves.

Among those employers (and their representatives) with prior knowledge of EC, previous use of the service was again more prevalent among representatives, with 68 per cent of employer representatives reporting prior use of EC compared to a third (33 per cent) of employers.

- Employers (and their representatives) at larger organisations (250 or more employees) were more likely than those at small or medium sized organisations to have heard about EC previously, and also to have already engaged with the service prior to the current workplace dispute with 97 per cent saying that they had heard about EC beforehand and 51 per cent of that group also saying that they had previously used the service (compared to 68 per cent and then 29 per cent for small or medium sized organisations).
- There were also noticeable differences based on the presence of a HR department within the organisation, with 91 per cent of employers whose organisation had an internal HR department reporting that they had already heard of EC and 46 per cent of this group having also made prior use of EC (compared with 67 per cent and 37 per cent respectively for employers without an internal HR department). It is worth noting here that presence of an internal HR department is highly correlated with the size of the organisation (with larger organisations being more likely to report the presence of such a department).

⁴² Only codes with more than four per cent are shown.

- The effect was similar for the presence of an internal legal department; where one was present 96 per cent of employers had heard of EC and of those 53 per cent had made use of it, compared with 79 per cent of employers having heard of EC and 39 per cent of that group having used it when a legal department was not present. As with the presence of an internal HR department, the presence of an internal legal department is correlated with the size of the organisation in question (larger organisations being more likely to report having such).
- Public sector employers were more likely than either private sector or non-profit/voluntary sector employers to have previously heard about EC, with 93 per cent of public sector employers reporting prior knowledge, compared to 81 per cent of private sector employers and 85 per cent non-profit/voluntary employers. There were no noticeable sectoral differences in terms of likelihood to have previously used EC.

When asked how they had heard about EC, the top three responses cited by employers (and their representatives) were via 'Acas contact about this case' (17 per cent), via 'professional body/membership organisation specific to my industry' (14 per cent) and 'my own organisation/HR department' (13 per cent) (Table 4.7).

Table 4.7: How heard of EC by Employer/Employer representative⁴³

	Employer %	Employer Rep %	Total %
Acas contact about this case	22	5	17
Professional body	11	24	14
Own organisation/HR department	15	6	13
Trade publication	7	14	9
Legal representative	8	1	6
Newspaper/press	6	7	6
Acas website	7	5	6
Friend/colleague	6	2	5
Acas e-newsletter	4	3	4
<i>Web (combined)</i>	<i>10</i>	<i>7</i>	<i>9</i>
<i>Acas (combined)</i>	<i>38</i>	<i>20</i>	<i>33</i>
<i>Unweighted base</i>	<i>952</i>	<i>303</i>	<i>1255</i>

Base: All employers (and their representatives)

Among the employer respondents, the top three sources of information were 'Acas contact about this case' with 22 per cent, 'Own organisation/HR department' with 15 per cent and 'Professional body/membership organisation' with 11 per cent. Again, in line with claimant-side results, employers and their representatives cited different sources. For employer representatives their most frequently listed sources were; 'Professional body/membership organisation' (24 per cent), 'Trade publication' (14 per cent) and 'Newspaper/press' (seven per cent).

A third (33 per cent) of employers and their representatives had heard about EC via an Acas source; this was driven largely by employer respondents, 38 per cent of whom first heard about EC from an Acas source, compared to 20 per cent of representatives.

⁴³ Only codes with more than four per cent are shown.

In all, one in ten (nine per cent) employers (and their representatives) can be said to have heard about EC via an online source.

5. The Early Conciliation experience

This chapter explores users' experiences of Early Conciliation. The first half looks at the contact had with and perceptions of the Acas conciliator, firstly for claimants (and their representatives) and then for employers (and their representatives). The second half of the chapter explores the EC process itself, examining the time spent by both parties, and the receipt and awareness of the EC certificate.

5.1 Contact with the conciliator

All parties involved in disputes which progressed to a conciliator were asked about their contact with the conciliator. A distinction was drawn between the ECSO and the conciliator, with these questions all pertaining to the latter. It is important to bear in mind that, where one or both parties does speak to a conciliator, EC will not always have taken place, since either party can at this point choose not to take part, despite having engaged in initial conversations.

5.1.1 Claimant contact with the conciliator⁴⁴

All claimants (and their representatives) who were recorded as having been in contact with a conciliator (as opposed to only speaking with an ECSO) were asked some limited questions around their contact with that conciliator. In addition, a larger, more detailed set of questions were asked of just those claimants (and representatives) who reported actually taking part in EC. When interpreting these findings, it is important to bear in mind that the survey necessarily relies on claimants' (and representatives') own accounts of whether or not they took part in EC and their contact with Acas. Whilst the questionnaire was designed very carefully to collect this claimant-side information, it is possible that there could be some instances of misunderstanding on the part of the claimant; e.g. inferring that they had 'taken part' in EC by dint of their having merely spoken to both an ECSO and conciliator.

All claimants (and representatives) who had contact with a conciliator were initially asked to say how soon after having accepted the offer to speak to a conciliator they were actually contacted by one. Fourteen per cent reported that it was on the next working day, 37 per cent within two working days and 35 per cent said that was more than two working days. One in ten were unable to recall when they were contacted, and four per cent reported that they did not speak to an Acas conciliator (contradicting Acas records and possibly belying an inability on the part of the customer to distinguish between the ECSO and the conciliator).

Eight in ten (80 per cent) claimants (and their representatives) reported that they had contact with just one Acas conciliator, with 14 per cent reporting contact with two, and four per cent with three or more. Interestingly, claimant representatives were more likely than claimants to report having contact with just one conciliator (86 per cent versus 78 per cent). This could suggest that some were confusing speaking to different staff at Acas (e.g. an ECSO) with speaking to multiple conciliators. The vast majority of claimant representatives were 'legally

⁴⁴ Claimants (and their representatives) were asked to answer these questions thinking about the conciliator rather than the ECSO who they had previously had contact with.

qualified (as reported in Section 2.2, nearly half (46 per cent) were a solicitor, barrister or lawyer, and a quarter (25 per cent) were a Trade Union or worker representative), and therefore may have been more aware of the roles of the different Acas members of staff that they had spoken to in the case. In addition, within the qualitative interviews it was found that claimants often did not distinguish between the ECSO and their allocated conciliator, though they may recall having spoken to two different people for example if they were different genders.

As shown in Table 5.1, nearly all claimants (or their representatives) reported that they had contact via telephone (95 per cent), and is in keeping with the PCC process. Seven in ten (71 per cent) reported contact using email, and 18 per cent via letter. Face to face contact and contact via fax was rare (one per cent and less than one per cent respectively).

- There were no differences in contact mode between claimants and claimant representatives, and in addition, there was very little variation between different types of claimants. The most noteworthy difference was that claimants with a long-term illness or disability were more likely to have had contact by letter (24 per cent) than those without (16 per cent).
- Interestingly there were some differences between dispute outcomes, with claimants (and their representatives) whose disputes were resolved being more likely than those whose disputes were unresolved to report having had contact by email (81 per cent versus 69 per cent) and by letter (25 per cent versus 14 per cent). This is because the later stages of conciliation are more likely to take place in writing, such as offering and agreeing settlement terms via email or letter.

Table 5.1: Claimant/Claimant representative modes of contact with the Acas conciliator

	All modes of contact with the conciliator	Main method of contact with the conciliator
	%	%
Telephone	95	76
Email	71	17
Letter	18	1
Face to Face	1	*
Fax	*	-
No contact	2	2
Don't know	*	4
<i>Unweighted Base</i>	<i>1201</i>	<i>1201</i>

Base: All claimants (and claimant reps), involved in EC disputes which progressed to a conciliator.

Claimants (and their representatives) were also asked about the *main* method of contact with the conciliator. As shown in Table 5.1, for three quarters (76 per cent) this was via telephone, and for 17 per cent this was via email.

- No subgroup differences were in evidence other than by ethnic group, with claimants who identified as Black being more likely to report using email as their main method of EC contact (24 per cent compared with 15 per cent of claimants from other backgrounds), and were less likely to report using the telephone as their main method of EC contact (67 per cent compared with 78 per cent).

According to claimants (and representatives) the average (mean) number of contacts between the claimant (and their representative) and the Acas conciliator was five (with a median of four). When interpreting the findings around contact it must be borne in mind that instances of contact could vary considerably and range from being something quite substantial (e.g. a long discussion) to something much less (e.g. a voicemail message).

- As might be expected, when the claimant (and their representative) reported taking part in EC – as opposed to simply having initial conversations– the amount of contact with the conciliator was higher (a mean number of contacts of six in comparison with a mean of four where conciliator-contact was established but EC did *not* take place).
- Further to this, when EC took place and an Acas settlement was reached, the average (mean) number of contacts with the conciliator was eight. This compares to just five, where EC took place but no settlement was reached.
- There was some variation by track, with the average number of contacts higher for claimants (and their representatives) involved in ‘open track’ disputes (an average of six contacts) in comparison to those involved in ‘standard track’ disputes (an average of five contacts). However, when examining this based upon only disputes where EC actually took place, no differences by track were evident.

In disputes where EC took place, 42 per cent of claimants (and their representatives) reported that Acas contacted them most of the time, with only 15 per cent reporting that they had contacted Acas most of the time. Forty three per cent judged that the initiation of contact had been shared equally between them and Acas.

- As shown in Table 5.2, claimants (and their representatives) in ‘open track’ disputes were less likely (than those in ‘fast’ or ‘standard track’ disputes) to report that Acas had contacted them most of the time, and were more likely to report that contact was equal between themselves and Acas.
- Claimant representatives were less likely than claimants themselves to report that they contacted Acas most of the time and were more likely to report that the contact had been equal (see Table 5.2).

Table 5.2: Whether Acas contacted claimant (and claimant representative) most of the time during EC

	Total	Track			Respondent Type	
	%	Fast %	Standard %	Open %	Claimant %	Claimant Rep %
Acas contacted me most of the time	42	45	43	34	42	40
I contacted Acas most of the time	15	14	15	15	16	9
Contacted each other equally	43	40	42	49	41	50
Don't know	1	1	-	2	1	1
<i>Unweighted Base</i>	<i>914</i>	<i>232</i>	<i>267</i>	<i>415</i>	<i>717</i>	<i>197</i>

Base: All claimants (and representatives) involved in disputes where EC took place.

Three quarters (74 per cent) of claimants (and their representatives) who took part in EC were happy with the amount of contact they had with the Acas conciliator, with a quarter (24 per cent) expressing a preference for more. Almost none (one per cent) said they would have

preferred less contact. This is broadly in line with findings from the 2012 PCC evaluation and the 2012 IC evaluation⁴⁵. The following claimants (and their representatives) reported a preference for *more* contact:

- Those involved in disputes which did not reach a settlement (28 per cent would have preferred more contact in comparison with 13 per cent of those in disputes which reached an Acas settlement).
- Those involved in 'standard' or 'open track' disputes (28 per cent of those in 'standard track' disputes and 27 per cent of those in 'open track' disputes would have preferred more contact in comparison with 18 per cent of those in 'fast track' disputes).

In addition, claimants were more likely than representatives to say that they would have preferred more contact (26 per cent versus 13 per cent).

As was the case in the 2012 PCC evaluation, the figures in Table 5.3 (below) suggest that, in most instances, the level of contact with the claimant (and their representative) was appropriate to the dispute. Regardless of the specific number of times contact was made, most claimants (and their representatives) felt that the amount of contact was right (that is, in the survey, they registered a preference for 'the same' amount of contact as they actually received). Furthermore, the data displayed in Table 5.3 indicates a trend that, as is to be expected, the more claimants have contact, the less likely they are to say that they would have preferred *more* contact.

Table 5.3: Amount of contact between conciliator and claimant (and their representative) and perceptions of the amount of contact (Column percentages)

	Total	Number of times had contact with conciliator				
	%	1 or 2 %	3 or 4 %	5 or 6 %	7 or more %	Don't know %
More	24	33	28	21	13	25
The same	74	62	71	77	85	73
Less	1	3	1	1	1	-
Don't know	1	1	*	1	2	2
<i>Unweighted Base</i>	<i>914</i>	<i>122</i>	<i>315</i>	<i>225</i>	<i>211</i>	<i>41</i>

Total amount of contact between conciliator and claimant (and their representative) (Row percentages)

Total amount of contact	100	18	37	21	20	4
<i>Unweighted Base</i>	<i>1183</i>					

Base: All claimants (and representatives) involved in disputes where EC took place

The findings from the qualitative interviews reflect the findings of the survey. Claimants reported that they received a phone call from their appointed conciliator soon after the initial contact from Acas (i.e. the ECSO). Participants were pleasantly surprised at the promptness of contact and reported that they were given time to explain their case.

⁴⁵ Thornton, A. and Ghezelayagh, S. (2013) Acas Individual Conciliation Survey 2012, Acas Research Paper.

5.1.2 Employer contact with the conciliator

The qualitative interviews revealed that, prior to be contacted by the conciliator, employers were typically expecting a phone call from Acas, either because they were aware of the claimant's intention to take their case further, or based on the nature of the contact they had already had with the claimant. Nevertheless, some employers were taken by surprise by Acas' contact because internal negotiations were still taking place.

In the survey, 87 per cent of employers (and their representatives) reported that they had been in contact with just one Acas conciliator. Eight per cent reported contact with two conciliators, three per cent with three or more, and two per cent could not remember. Interestingly, unlike claimants, employers were more likely than their representatives to report speaking to just one conciliator (89 per cent compared with 82 per cent of employer representatives), and less likely to report speaking to two (seven per cent compared with 12 per cent of employer representatives).

Virtually all employers (and their representatives) (96 per cent) had had contact with the Acas conciliator via telephone, and just over three quarters (68 per cent) used email. Contact by letter was used by one in ten employers (and their representatives) (10 per cent) (Table 5.4).

The use of email differed between key subgroups of interest:

- Employer representatives were more likely than employers to have email contact with the conciliator (79 per cent versus 64 per cent).
- Employers (and their representatives) from larger organisations (those with 250 or more employees) were more likely than those from SMEs to have email contact with the conciliator (71 per cent versus 63 per cent).
- Similarly, those from organisations with an internal HR department were more likely to have email contact (71 per cent versus 61 per cent).
- Employers (and their representatives) involved in 'fast track' disputes were less likely to have email contact with the conciliator (62 per cent) than employers involved in 'standard' (70 per cent) or 'open track' disputes (72 per cent).

Table 5.4: Employer/Employer representative modes of contact with the Acas conciliator

	All modes of contact (between employers and representatives) with the conciliator	Main method of contact (between employers and representatives) with the conciliator
	%	%
Telephone	96	73
Email	68	19
Letter	10	*
Fax	-	*
Face to Face	*	*
No contact	*	*
Don't know	*	8
<i>Unweighted Base</i>	1255	1255

Base: All employers (and their representatives)

Similar to claimants, the *main* method of contact between employers and their representatives and the conciliator was telephone (mentioned by 73 per cent). For one fifth (19 per cent) the main method of contact was email (Table 5.4). Interestingly, employer representatives were nearly twice as likely to use email as their main method of contact than employers (28 per cent versus 16 per cent).

On average, the mean number of contacts between the employer (and their representative) and the conciliator was four (with a median of 3). Furthermore, in line with the claimant-side findings:

- Not surprisingly, employers (and their representatives) who actually took part in EC reported more instances of contact with the conciliator than those who rejected the conciliator's offer of EC (a mean of five contacts versus three).
- Further to this, when EC had taken place and an Acas agreed settlement was reached, the average (mean) number of contacts with the conciliation was seven. This compares to just four where no settlement was reached and a Certificate issued.

In addition, employer representatives tended to have more contact with the conciliator – they reported an average of six contacts with the conciliator compared with an average of four among employers.

In disputes where EC took place, half (51 per cent) of employers (and their representatives) reported that the initiation of contact was equal between themselves and Acas. Four in ten (40 per cent) reported that Acas contacted them most of the time, and just seven per cent reported that they had contacted Acas most of the time. Similar to the claimant-side, employer representatives were less likely than employers themselves to report having contacted Acas most of the time (25 per cent compared with 46 per cent of employers) and were more likely to report that contact was equal (61 per cent compared with 47 per cent of employers). However, unlike claimants and claimant representatives there were no differences evident by dispute track.

Nearly nine in ten employers (and their representatives) (88 per cent) who took part in EC were happy with the amount of contact with the conciliator. Eight per cent would have preferred more, only two per cent said they would have preferred less and one per cent were not sure. Unlike with claimants (and claimant representatives), there were no differences in contact preferences between dispute outcomes, track or respondent type.

The figures in Table 5.4 (below) suggest that, in most instances, the level of contact with the employer (and their representative) was appropriate to the dispute. Regardless of the specific number of times contact was made, most employers (and their representatives) felt that the amount of contact was right (i.e. they indicated that they would have liked the same amount of contact as they actually received).

Furthermore, the data displayed in Table 5.5 shows an indicative trend whereby the more employers have contact, the less likely they are to state that they would have preferred more contact *up to a maximum of six instances of contact*. Interestingly, among employers who have contact seven or more times, 12 per cent still would have preferred more, i.e. a reversal of the trend takes effect.

Table 5.5: Amount of contact between conciliator and employer (and their representative) and perceptions of the amount of contact (Column percentages)

	Total	Number of times had contact with conciliator				
	%	1 or 2 %	3 or 4 %	5 or 6 %	7 or more %	Don't know %
More	8	10	7	5	12	5
The same	88	84	91	93	85	79
Less	2	3	1	2	3	5
Don't know	1	3	1	1	1	8
<i>Unweighted Base</i>	<i>1050</i>	<i>229</i>	<i>375</i>	<i>231</i>	<i>182</i>	<i>33</i>

Total amount of contact between conciliator and claimant (and their representative) (Row percentages)

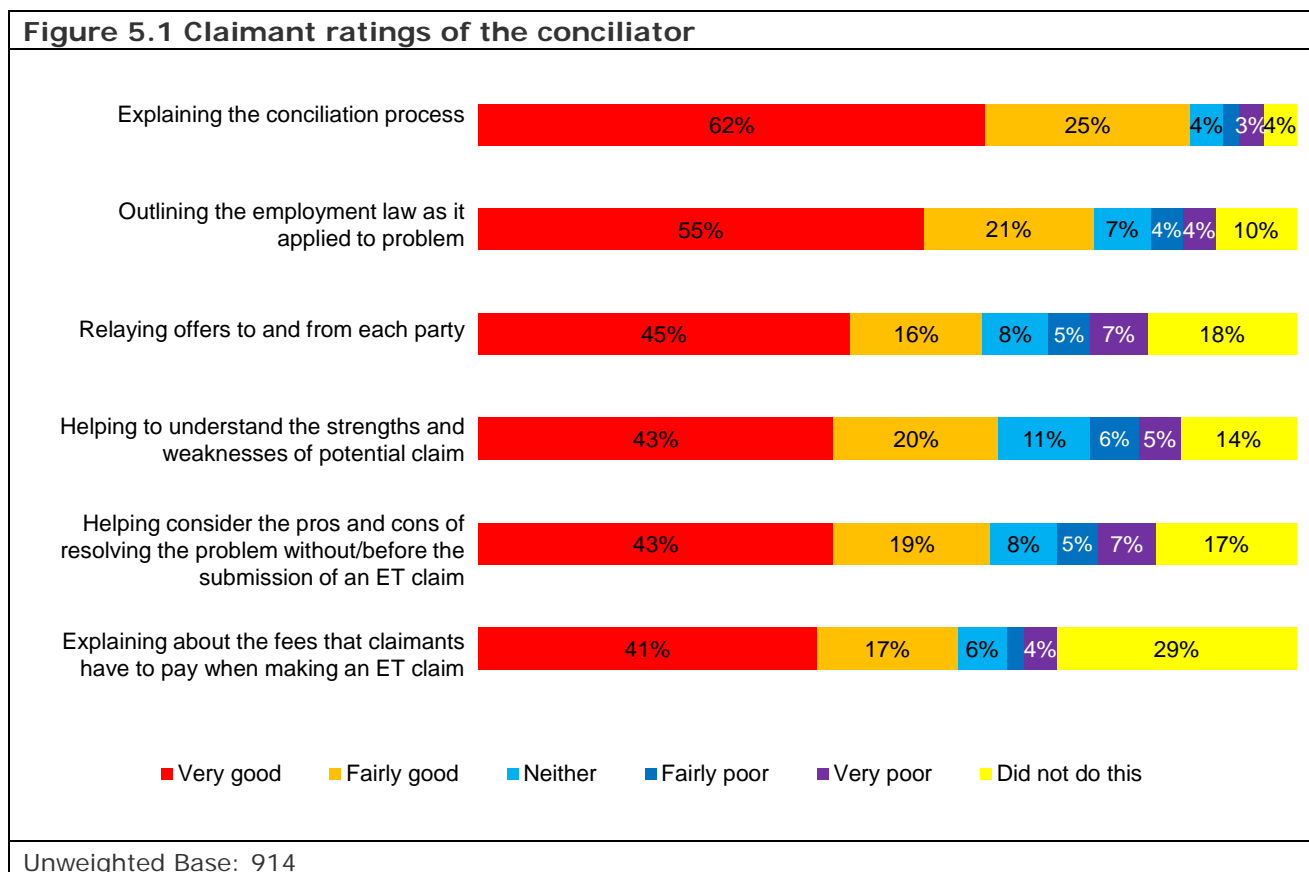
Total amount of contact	100	30	34	19	14	3
<i>Unweighted Base</i>	<i>1253</i>					

Base: All employers (and employer representatives) involved in disputes where EC took place

5.2 Perceptions of the conciliator

5.2.1 Claimant perceptions

All claimants (and their representatives) who had contact with the conciliator and who took part in EC were asked to rate the conciliator in terms of a number of factors. Ratings are displayed in Figure 5.1.

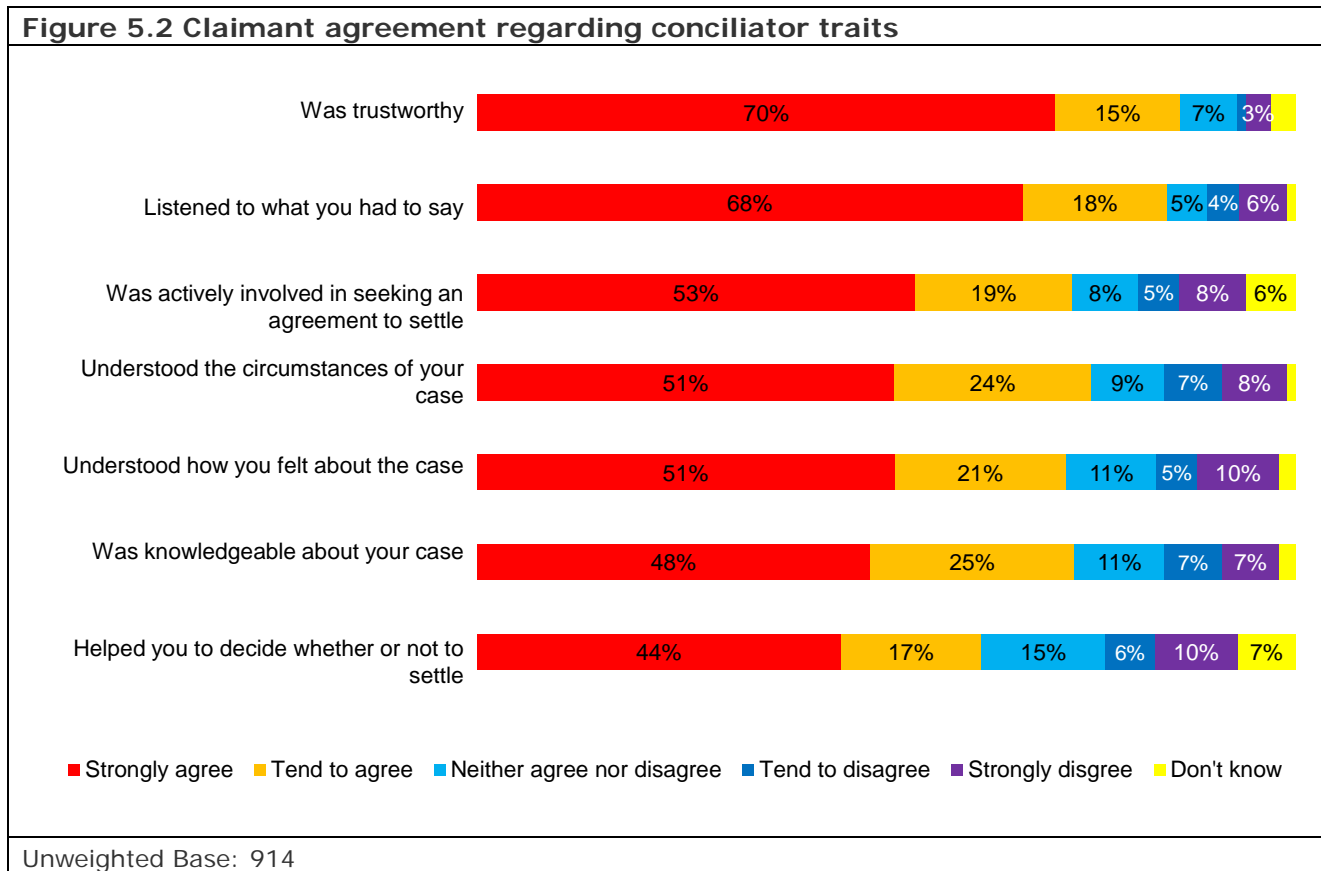


Base: All claimants (and representatives) involved in disputes where EC took place

Attitudes varied by dispute outcome, the status of the respondent, and the jurisdictional track of the claim.

- Across all of the six statements, claimants (and their representatives) involved in disputes which were resolved by Acas using a COT3 were more likely than those involved in disputes which did not end with a settlement to rate the conciliator as 'very good'.
- Across five of the six statements, claimants were more likely than claimant representatives to report that the conciliator was 'very good'. The exception to this was 'Relaying offers to and from each party' where ratings were among claimants and claimant representatives were in accordance.
- Similarly, for all but one statement ('Relaying offers to and from each party'), claimants (and their representatives) involved in disputes classifiable by Acas as 'fast track' were more likely than those involved in 'standard' or 'open track' disputes to rate the conciliator as being 'very good'.

Claimants (and their representatives) were also asked how much they agreed that the conciliator exhibited a number of traits. Ratings are displayed in Figure 5.2.



Base: All claimants (and representatives) involved in disputes where EC took place

Agreement varied by dispute outcome, the jurisdictional track of the claim and the status of the respondent:

- Across all seven statements claimants (and their representatives) were more likely to strongly agree with the statement where they were involved in a dispute which had been resolved by Acas using a COT3 agreement, compared with those who did not reach a settlement.
- Agreement levels across all statements were also highest among claimants (and their representatives) involved in 'fast track' disputes.
- Ratings were very consistent between claimants and claimant representatives apart from the statement 'Was knowledge about your case', where claimants expressed higher levels of agreement than representatives.

Nearly three quarters (73 per cent) of claimants (and their representatives) felt that the Acas conciliator had been "even handed" in the way they dealt with the case. However, one in nine (11 per cent) judged that the conciliator had been more on their own side, and a further 11 per cent felt that they had been "more on the employer's side". Claimant representatives were more likely than claimants themselves to say that the conciliator was even handed (85 per cent compared with 70 per cent of claimants) and less likely to report that the conciliator was on their side (13 per cent compared with four per cent of claimants).

All claimants (and their representatives) who had contact with an Acas conciliator irrespective of whether they took part in EC or not were asked about the availability of their conciliator. Two thirds (67 per cent) reported that their conciliator was usually or always available when needed (consisting of a third (34 per cent) who felt they were 'always' available and a further third (33 per cent) who felt they were 'usually' available). Sixteen per cent said they were 'sometimes' available, with six per cent stating they were 'rarely' available, three per cent 'never' available and three per cent reporting a 'don't know' response. Claimants (and their representatives) who were involved in 'fast track' disputes were more likely to report that their conciliator was 'always' available when needed (39 per cent compared with 31 per cent in 'standard' and 27 per cent in 'open track' disputes). This is perhaps to be expected given that the incidence of conciliator contact itself is less in such disputes.

The qualitative interviews also reveal claimants' positive perceptions of the conciliator. Overall, participants were satisfied with their conciliator and reported having had good rapport with them. They perceived the conciliator to be knowledgeable and proactive, and felt their case was handled in a timely and transparent manner. It was largely assumed that both parties were treated in the same way and that their interests were represented equally well. If multiple conciliators were involved in one case, this was typically due to annual leave, and participants reported continuity between the conciliators, preventing them from having to repeat themselves. Claimants cited experiencing a smooth, efficient process:

"I was shocked at how efficient this service was; it appeared to be missing a layer of bureaucracy"

(Claimant, 'Open track', Submitted ET1)

Claimants recalled having been 'walked through' the process in turn and in detail. They were clear about Acas' role being conciliatory, rather than advisory, although some expressed a desire for Acas to have provided some tailored advice. As a result there were a few claimants who - despite acknowledging Acas' function to be impartial - expressed their disappointment that they could not be *advised* by the conciliator about how best to progress. Claimants often said they had wished to get a clearer steer from their conciliator about the strength of their case.

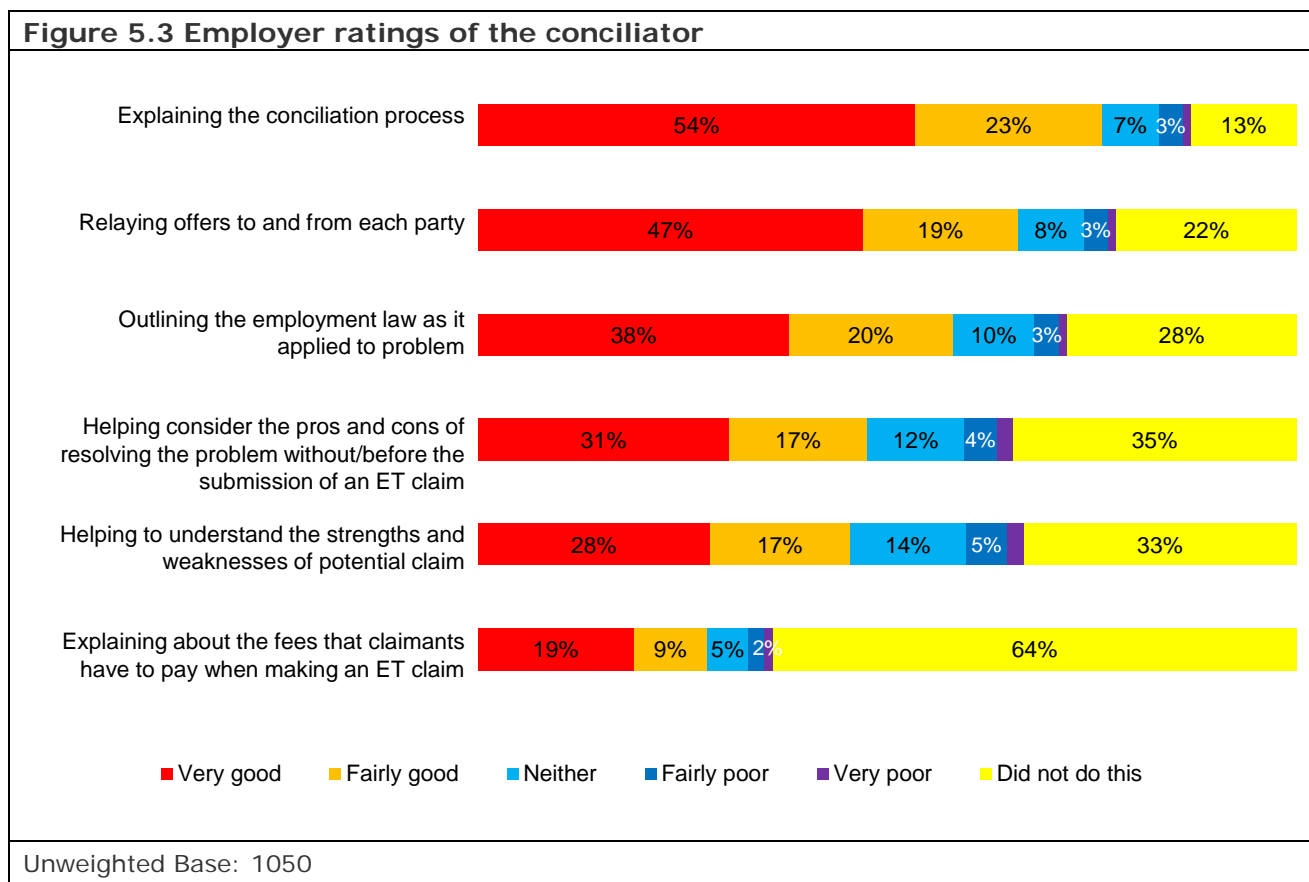
Conversely, one claimant reported that the support received from their conciliator seemed very clear and concise, meaning that they felt they did not need to seek any further advice.

"The lady was quite forceful, abrupt, not rude, and she was very quick to point out what she thought were the weaknesses in my case...it was like I was getting very down to earth, very honest legal advice. I didn't quite agree with anything she said but nonetheless she put it into perspective for me...it was extremely no nonsense"

(Claimant, 'Standard track', Settlement reached)

5.2.2 Employer perceptions

All employers (and their representatives) who had contact with the conciliator and who took part in EC were also asked to rate the conciliator in terms of a number of factors. Ratings are displayed in Figure 5.3. Compared with the ratings from claimants (and their representatives) discussed in the previous section, ratings from employers (and their representatives) were generally less positive.



Base: All employers (and employer representatives) involved in disputes where EC took place

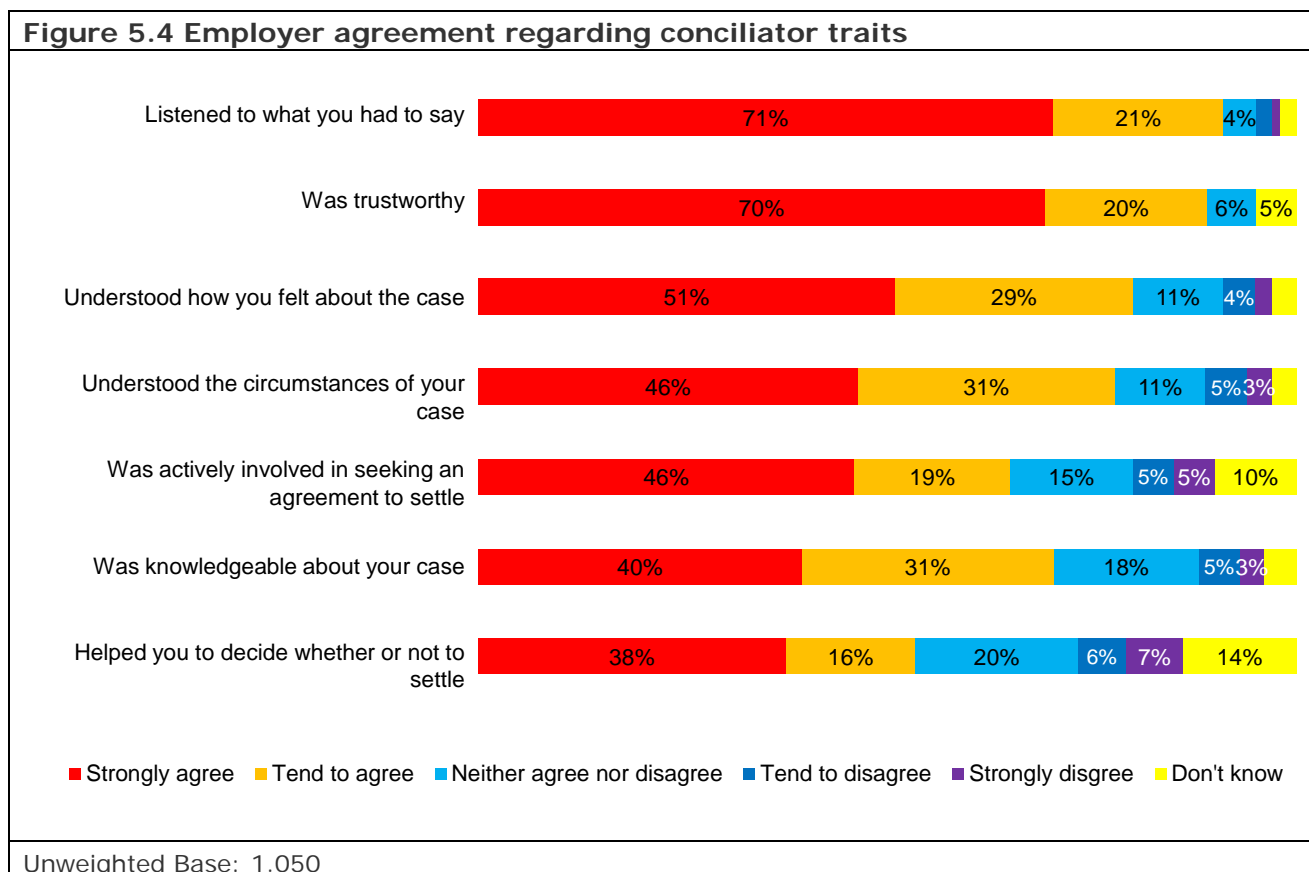
When interpreting these findings, it is important to bear in mind that, for each action listed, the relatively high proportions of employers reporting that the conciliator 'did not do this' does not necessarily signal an oversight by the conciliator but may simply reflect the fact that not all actions are warranted in all cases (i.e. that conciliators simply did not *need* to perform certain actions for these employers (and employer representatives)).

Similar to the claimant-side findings, ratings of the conciliator varied by dispute outcome, the status of the respondent, and the jurisdictional track of the claim.

- In line with claimant-side findings, across all six statements, employers (and their representatives) who were involved in disputes which resulted in a COT3 settlement were more likely than those where the dispute did not reach a settlement to rate the conciliator as having been 'very good'.
- The attitudes held by employers and employer representatives differed on three statements. Employers were more likely than representatives to rate the conciliator as being 'very good' at outlining the employment law as it applied to their problem (42 per cent versus 27 per cent), and at explaining the conciliation process to them (58 per cent versus 42 per cent). However, employer representatives were more likely to rate the conciliator as being 'very good' at relaying offers to and from each party (56 per cent compared with 44 per cent of employers).
- Across all statements, with the exception of 'helping you to understand the strengths or weaknesses of the potential claim', employer and employer representatives ratings differed by dispute track. For the statement 'Helping you to consider the pros and cons of resolving the problem without/before the submission of an ET claim', those involved

in 'fast track' disputes were more likely to rate the conciliator as 'very good' compared with those in 'open track' disputes. For the remaining four statements respondents in 'fast track' disputes were more likely to rate the conciliator as 'very good' in comparison to those involved in 'standard' and 'open track' disputes.

Employers (and their representatives) were also asked how much they agreed that the conciliator had demonstrated a number of professional attributes. Ratings are displayed in Figure 5.4.



Base: All employers (and employer representatives) involved in disputes where EC took place

- Across all seven statements with the exception of 'understood how you felt about the case', employers (and their representatives) who were involved in disputes which reached an Acas resolution were more likely to strongly agree with each statement than were those whose failed to reach a settlement.
- Employers and employer representatives tended to hold similar viewpoints, however employer representatives were more likely than employers to strongly agree that the conciliator was trustworthy (75 per cent versus 68 per cent).
- Employers (and their representatives) involved in 'fast track' disputes were more likely than those in 'standard' or 'open track' disputes to strongly agree that the conciliator was knowledgeable (46 per cent versus 36 per cent in both 'standard' and 'open track' disputes). Additionally respondents in 'fast' and 'standard track' disputes were more likely than those in 'open track' disputes to strongly agree that the conciliator was actively involved in seeking an agreement to settle (48 per cent and 49 per cent versus 38 per cent).

Nearly nine in ten (88 per cent) employers (and their representatives) felt that the Acas conciliator had been even handed in the dealings with both parties. Eight per cent felt they had favoured the claimant, two per cent judged that the conciliator had been more on their own side and two per cent were not sure. In line with claimant representatives, employer representatives were more likely than employers to feel that the conciliator was even handed (93 per cent compared with 86 per cent).

All employers (and their representatives) who had contact with an Acas conciliator, irrespective of whether or not they took part in EC, were asked about the availability of their conciliator. Just over a quarter (27 per cent) reported that the conciliator was always available when needed, and a further 37 per cent felt that they were 'usually' available (giving an overall net of 64 per cent saying 'very' or 'usually'). Interestingly, a further 16 per cent reported (spontaneously, rather than in response to an answer code read out to them) that they "Did not need to contact the conciliator as they always contacted me". One in eight respondents (12 per cent) reported that the conciliator was 'sometimes' available, with very few saying 'rarely' (three per cent) or 'never' (one per cent). Three per cent were not sure.

This generally positive perception of conciliators was also evident in the qualitative interviews where employers similarly reported a positive experience of dealing with conciliators.

"She was very good: she clearly understood and put our position across clearly. She was very efficient, timely and responsive, which helped in reaching a resolution" (Employer, 'Open track', Settlement reached)

5.3 Time spent on the dispute

All survey respondents were asked how much time they had spent on the dispute:

- Claimants, claimant representatives and employer representatives were asked how much time spent they spent on the workplace problem from the time the EC notification was submitted until the time the official notification that conciliation had finished.
- Employers were asked how much time they (and other members of staff) spent on the case, from the time Acas first contacted them until their dealings with Acas came to an end.

5.3.1 Time spent by claimants

The average (mean) number of hours spent by claimants on the dispute was 27 hours. However, there was considerable variation in the amount of time spent, as the median number of hours was six. A full breakdown is shown in Figure 5.5.

- As might be expected, least time was spent by claimants involved in 'fast track' disputes (a mean of 24 hours), followed by 'standard track' disputes (a mean of 28 hours), with longest amount of time being spent in 'open track' disputes (a mean of 34 hours).
- Surprisingly, there were no significant differences between the time spent by claimants who actually took part in EC, compared with those who did not. Both reported spending a mean of 27 hours (with a median of six). However, there was a significant difference in the amount of time spent by claimants who accepted *the offer* to take part in EC

(irrespective of whether the EC then took place or not⁴⁶), compared to those who did not accept *the offer* (a mean of 28 hours and a median of seven hours compared with a mean of 24 hours and a median of five hours). This could suggest that the majority of time that a claimant spends on his/her dispute is spent upfront, in preparation for conciliation, rather than during the conciliation itself. In instances where the claimant accepts the EC offer but the employer subsequently declines it, the claimant may carry out a lot of this preparation work early on, before the employer has turned down the offer of EC. In addition, as noted at the start of this chapter, the survey relies on claimants' (and representatives') own accounts of whether or not they took part in EC, and there may be some instances of confusion, where claimants did *not* interpret their involvement with Acas as having constituted 'taking part in EC', when in fact they did use the service.

- Among claimants who took part in EC, there were no differences in the time spent between those who reached an Acas settlement and those who did not. The mean time spent by claimants who reached a settlement was 27 hours (with a median of eight), and among those who did not reach a settlement was 28 hours (with a median of six).

Based on a comparison with results from the 2012 PCC evaluation, it is possible to surmise that the average amount of time spent by claimants on an EC case represents a reduction – by nearly 50 per cent – from the amount of time that claimants had spent on a PCC case (in 2012 the average (mean) number of hours spent on the dispute during PCC was 51 hours and the median was 16 hours), and indeed represents something of a return to 2010 PCC levels (where an average (mean) of 23 hours was spent according to the 2010 evaluation).

Furthermore, as might be expected, the average amount of time spent by claimants (and their representatives) on an EC case is very substantially less than the amount of time that claimants are known to spend on disputes during ET cases, when, according to SETA 2013, claimants spend an average (mean) of 30 *days* (and a median of six *days*); appreciably more than the average (mean) 27 *hours* (median six *hours*) expended via EC.

5.3.2 Time spent by claimant representatives

Claimant representatives tended to spend less time on the dispute (that is, from the point of EC notification through to conclusion of EC) than did claimants themselves, with an average (mean) of 14 hours being spent (and a median of four). Where EC actually took place, the time spent by the representative increased (a mean of 15 hours where EC took place compared with a mean nine hours where EC did not happen).

5.3.3 Time spent by employers

All employers were asked how many members of staff had spent time on the dispute and what the total amount of time spent had been. Six in ten employers (61 per cent) reported that one or two members of their staff had spent time on the case. This is broadly in line with the 2012 PCC evaluation (where 68 per cent reported one or two members having spent time on the PCC case).

The average (mean) amount of time spent by the organisation was 15 hours (with a median of 5 hours). The full breakdown is shown in Figures 5.5. Interestingly, there were no differences in the average (mean) amount of time spent between employers who chose not to take part in EC compared to those who actually took part. Additionally, whilst there were some variations by dispute track, these do not reach the requisite levels of statistical significance.

⁴⁶ In some instances EC will not have taken place if the employer did not accept the offer.

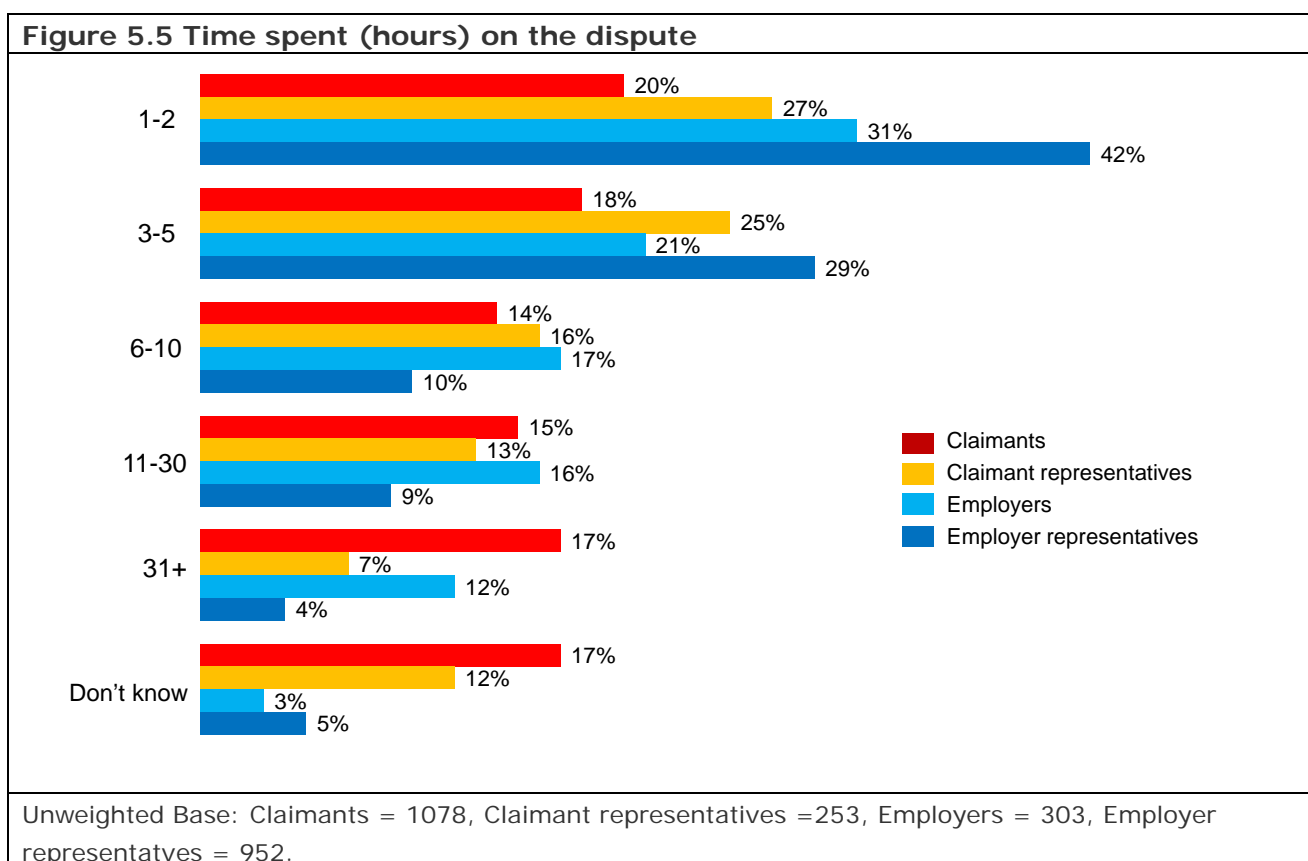
The time spent on EC cases by employers is consistent with that spent on PCC cases; in the 2012 evaluation the mean time spent was 16 hours, and a median of five.

In line with claimant-side findings, the average amount of time spent by employers on an EC case is very substantially less than the amount of time that they are known to spend on disputes during ET cases, when, according to SETA 2013, employers spend an average (mean) of 13 *working days* (and a median of five *working days*); appreciably more than the average (mean) 15 *hours* (median five *hours*) expended via EC.

5.3.4 Time spent by employer representatives

Employer representatives tended to spend less time on the dispute than employers, with an average (mean) of eight hours being spent (and a median of three). Moreover, where EC took place and an Acas COT3 settlement was reached, an average (mean) of 13 hours was spent on the dispute. This compares to an average (mean) of five hours that was spent where EC took place but a settlement was *not* reached.

The full breakdown of time spent for all four party types – claimants, employers and both sets of reps – is shown in Figures 5.5.



All claimants, claimant representatives, employers and employer representatives

5.4 Receipt of EC certificate

5.4.1 Receipt by claimants

All claimants (and their representatives) whose disputes did not result in a COT3 settlement were asked whether they had received their certificate from Acas to confirm that the requirement to notify Acas had been complied with. Even though certificates would have been issued to all these claimants (and their representatives) (as only such respondents were sampled for the survey), only eight in ten (82 per cent) actually reported having received their certificate. Interestingly, acknowledgment of receipt was higher among claimant representatives than claimants (94 per cent compared to 80 per cent). The higher rate among representatives could suggest that they are simply more familiar with the certificate than are claimants. Furthermore, among claimants who were interviewed directly, 10 per cent reported that they had used a representative during the EC process. For these claimants it is possible that their representative may have received their certificate rather than them (among these claimants, only 62 per cent reported that they received the certificate).

All claimants (and representatives) who received their certificate were asked if they understood what receiving the certificate meant with regard to their employment dispute. This question was open ended and responses were grouped together into codes that are reflective of the language used by respondents. A good understanding was in evidence, with the following answers reported:⁴⁷

- Can now proceed to tribunal (55 per cent)
- Formal notification that EC had ended (19 per cent)
- Proof that conciliation had ended (11 per cent)
- That there was now a time limit to submit an ET claim (five per cent)
- One month to now submit and ET claim (three per cent)
- Thirteen per cent reported that they understood what it meant (however, did not elaborate on their answer).

There was some confusion among a small number of claimants (and representatives), for example. Five per cent reported that they didn't know what the certificate meant (but did not elaborate any further on their answer).

Among those claimants who received their certificate, nearly one fifth (19 per cent) reported that they had continued to have contact with the Acas conciliator about the case. These claimants were least likely to be those involved in 'fast track' disputes (15 per cent compared with 22 per cent of those in both 'standard' and 'open track' disputes).

Claimants (and their representatives) were asked if this continued contact came before they had submitted the ET claim, or after (in the case of those already having submitted). Among claimants who had already submitted an ET claim, 28 per cent reported that it was both, with a further nine per cent reporting that continued contact only took place before submission, and 62 per cent reporting that continuation of contact had only taken place after submitting. Combining these figures shows that 37 per cent of those having had continued contact did so *before* submitting the ET claim, and 90 per cent afterwards.

⁴⁷ Respondents provided a free text response which was then coded. Multiple responses were permitted.

5.4.2 Awareness of certificate among employers

Employers (and their representatives) who took part in EC were asked if they were aware that a certificate confirming that the claimant had complied with the requirement to contact Acas had been issued. Eighty four per cent reported that they had been made aware of this. As might be expected, awareness was higher among employer representatives (90 per cent) than employers themselves (82 per cent). Awareness also varied by dispute track, with organisations involved in 'open track' disputes more likely to be aware than those involved in 'fast track' disputes (88 per cent versus 79 per cent).

Awareness also differed by the type of organisation involved in the dispute, with the following more likely to be aware that a certificate had been issued to the claimant:

- Organisations with 250 or more employees, compared with SMEs (92 per cent versus 74 per cent).
- Organisations with an internal HR or legal department compared with those without (89 per cent versus 73 per cent).
- Organisations in the public sector compared with those in the private sector (91 per cent compared with 82 per cent).

6. Determinants of case outcomes and satisfaction with Early Conciliation

This chapter looks at the determinants of Early Conciliation outcomes, including the role of Acas in resolving disputes, and considers a number of satisfaction measures, before examining the possible benefits of engaging with EC and the likelihood of future reengagement with the service.

6.1 EC outcomes

Although the EC outcome was recorded on the Acas MI from which the surveys were sampled, it was also re-confirmed with both parties during the interviews. The answers of the two 'sides' as given in the survey are reported separately here, due to nature of the sampling design, which was such that findings cannot be combined from both sides to be representative of 'EC cases' as a whole⁴⁸. ***For this reason, Acas MI should still be considered the definitive source for a quantification of case outcomes at the overall level.*** Acas MI for 2014-15 shows that 15% of EC cases result in a COT3 settlement, 63% do not, but neither do they progress to Tribunal, and 22% progress to Tribunal⁴⁹.

6.1.1 Outcomes reported by claimant-side service users

The full breakdown of case outcomes *as cited by claimants* is shown in Table 6.1⁵⁰.

⁴⁸ Specifically: the claimant survey is representative of all 'claimant-side' service users – which due to the sampling design can be interpreted to be representative of all claimant EC notifiers; the employer survey is representative of the 'employer-side' service users – which due to the sampling design can be interpreted as representative of all employers for whom a dispute was made against them, and were given the opportunity to take part in EC. Note that, as detailed in the introduction, where a claimant made an EC notification and the employer would not have been contacted by Acas about the dispute, the employer would have had no engagement with Acas or the EC service and therefore it was not appropriate to sample them for the survey.

⁴⁹ Note: These outcome data restricted to notifications received up until December 2014 (in order to accurately represent the final outcome of EC cases it is necessary to allow a period of time after the notification is received as claimants have time (sometimes up to three months) after the end of EC to decide whether to progress the case to tribunal).

⁵⁰ Where the respondent was a claimant representative, this will also have been asked of them and included in this total.

Table 6.1: EC outcomes as reported by claimants

	All %	Where EC took place %
<i>Claimant did not wish to proceed with EC (at ECSO stage)</i>	9	-
<i>No claimant contact at conciliation stage</i>	4	-
<i>Claimant did not wish to proceed with EC (at conciliator stage)</i>	4	-
<i>Employer did not wish to proceed with EC</i>	17	-
EC took place and Acas resolution (COT3 settlement)	18	29
EC took place but no formal settlement reached (certificate issued)	45	70
EC took place and a private settlement was reached	1	2
NET: EC took place	64	100
<i>NET: EC did not take place</i>	34	-
Not established	2	-
<i>Unweighted base</i>	1331	923

Base: All claimants (and their representatives)

The most common outcome for claimants surveyed – applicable for almost half (45 per cent) – was EC taking place, but no formal settlement being reached. Among those who took part in EC, one in three (29 per cent) reached a COT3 settlement through Acas, two per cent reached a settlement privately (outside of Acas conciliation) and the remaining 70 per cent did not reach either form of formal settlement⁵¹.

- There were notable differences in positive claimant outcomes based on how soon they were contacted by a conciliator after accepting the offer to participate in EC⁵². Where contact was established on the next working day, 28 per cent of claimants (and their representatives) reported reaching a settlement (26 per cent a COT3 and 2 per cent a private settlement), compared to 25 per cent if contact was within two working days (24 per cent COT3 and 1 per cent private) and 19 per cent if contact took more than two days (18 per cent COT3 and 1 per cent private). It is important to acknowledge however that this is the respondents' own report of conciliator contact and in cases where contact took longer to successfully establish, this does not necessarily mean that the Acas conciliator had not made prior (unsuccessful) attempts to make contact. Furthermore, it is plausible that claimants with less desire to conciliate (and hence less likely to settle) may be especially difficult to establish contact with (i.e. less likely to answer the conciliator's calls or return their messages).

⁵¹ Total equates to greater than 100 per cent due to rounding.

⁵² There were no equivalent differences based on how soon after notifying they were contacted by an ECSO.

6.1.2 Outcomes reported among employer-side service users

Table 6.2 displays the full breakdown of case outcomes *as cited by employers*⁵³. It is important to note here that because employers are only contacted by Acas once the claimant has agreed to participate in EC, there are no cases in the survey where an employer's outcome is that EC did not take place due to the claimant refusing at the ECSO stage. There are a small number of instances where EC did not take place for the employer due to the claimant not participating at the conciliator stage; this is where claimants had initially agreed to participate but later withdrawn prior to EC formally starting.

Table 6.2: EC outcomes *as reported by employers*

	All %	Where EC took place %
<i>Claimant did not wish to proceed with EC (at conciliator stage)</i>	1	-
<i>Employer did not wish to proceed with EC</i>	14	-
EC took place and Acas resolution (COT3 settlement)	29	35
EC took place but no formal settlement reached (certificate issued)	53	64
EC took place and a private settlement was reached	1	1
NET: EC took place	82	100
<i>NET: EC did not take place</i>	15	-
Not established	3	-
<i>Unweighted base</i>	1225	1052

Base: all employers (and their representatives)

As with claimants, for those employers who were surveyed, the most common outcome cited was EC taking place but no formal settlement being reached. Among those who took part in EC, a resolution was reached through Acas for 35 per cent of employers (and their representatives); for 64 per cent no formal settlement was reached and one per cent reached a private settlement outside of Acas.

- Employers whose dispute was 'open track' were the most likely to *not* to reach a formal COT3 settlement through conciliation (73 per cent compared with 63 per cent for those with 'fast track' and 61 per cent with 'standard track' disputes)⁵⁴.

In order to compare the outcomes of claimant and employer accounts, we can only look at those disputes where EC actually took place⁵⁵. As can be seen in Table 6.3 below, although the outcomes are largely similar, there are small differences which are likely to be the result of varied levels of understanding of the EC process amongst different respondent groups. It should also be borne in mind here that these are *not* 'matched cases' i.e. claimants and employers are referring to the outcomes of entirely different cases.

⁵³ Where the respondent was an employer representative, this will also have been asked of them and included in this total.

⁵⁴ These employers were also less likely to take part in EC in the first instance: see Sections 4.4.3 and 4.4.5 for a breakdown of the reasons why employers decided to engage (or not) with EC.

⁵⁵ This is because, where EC did not take place the sample composition varies between employers and claimants (for example we did not attempt to speak to any employers who were not contacted by Acas due to the claimant deciding not to participate in EC when originally spoken to by an ECSO, however we did attempt to speak to these claimants).

Table 6.3: Comparison of EC outcomes reported by claimants and employers, where EC took place

	Claimant %	Employer %
EC took place and Acas resolution (COT3 settlement)	29	35
EC took place but no formal settlement reached (certificate issued)	70	64
EC took place and a private settlement was reached	2	1
NET: EC took place	100	100
<i>Unweighted base</i>	<i>923</i>	<i>1,052</i>

Base: All claimants (and their representatives) who engaged with EC (923) *and* all employers (and their representatives) who engaged with EC (1,052)

6.2 Drivers of successful case outcome

6.2.1 Among claimants

Multivariate analysis was run in order to more fully understand the driving factors behind whether or not a claimant (or their representative) eventually came to a settlement. Two logistic regression models were built, one exploring 'internal' factors (those within Acas' control) and the other 'external' factors (those beyond Acas' control) ⁵⁶. As mentioned earlier, logistic regression is a widely used and well established technique for more advanced statistical analysis. It examines the relationships between a 'dependant' variable (in this case, whether a settlement was reached) and multiple 'independent' variables (factors which might influence the dependent variable, such as the track of a claimant's dispute) to identify the most influential factors.

Internal factors

The logistic regression analysis based on internal factors found that there were two variables that had a significant impact on the likelihood of a claimant (or their representative) reaching a settlement (either a COT3 or a private settlement):

- *How many times they were contacted by a conciliator*: when claimants (and their representatives) were contacted more than five times by a conciliator, they were significantly less likely to reach a COT3 settlement than those who contacted the conciliator five or less times. It seems most plausible that the relationship between the variables is operating in reverse here, i.e. that claimants who are prone *not* to settle or those engaged in more complex disputes which prove difficult to reach agreement over come in for more contact rather than more contact giving rise to their decision not to settle.
- *Conciliator relays proposals and offers to and from employer*: where claimants rated their conciliator as being good at relaying offers and proposals, they were more likely to reach a settlement through EC.

⁵⁶ For full details on the regression models, including the statistical significance of each factor, please see section 8.3.2 in the technical appendix.

External factors

The logistic regression analysis based on external factors also found that there were two variables that have a significant impact on the likelihood for claimants (and their representatives) reaching a settlement:

- *Sector of employer:* where claimants worked for a public sector organisation, they were more likely to reach a settlement through EC than those in the private or non-profit/voluntary sectors.
- *Whether claimant was a member of a trade union or staff association when in contact with Acas:* where the claimant was a member of a trade union/staff association they were more likely to reach settlement than those who were not members.

6.2.2 Among employers

As with claimants, two logistic regression models were built to look at the driving factors behind the likelihood of employers (and their representatives) to reach a settlement through EC, one looking at internal factors and one looking at external factors⁵⁷.

Internal factors

The logistic regression model looking at internal factors found that there were three variables that had a significant impact on whether or not an employer (and their representative) reached a settlement through EC. In order of their strength, they were:

- *How many times they had contact with a conciliator:* those employers who received contact from an Acas conciliator more than three times were significantly less likely to reach a COT3 settlement than those who were contacted three times or less. Again, the probable explanation here is that employers prone *not* to settle and those engaged in more difficult disputes experience more contact rather than that more contact with Acas prompts them not to settle.
- *Conciliator relays proposals and offers to and from employer:* where employers (and their representatives) rated their conciliator as being good at relaying offers and proposals, they are more likely to reach a settlement through EC.
- *Importance of Acas involvement in helping move parties together:* As might be expected, where employers (and their representatives) felt that Acas involvement was important in moving parties closer together they were also more likely to reach a settlement through EC.

It is interesting to see that the first two of these drivers are the same as those that were evident in the claimant (and representatives) model.

External factors

The logistic regression model that was built to investigate the relationship between settlement and external factors (those outside of Acas' control) found that there were three variables which had a significant impact in driving the likelihood of employers (and their representatives) to reach a settlement through EC. In order of their strength, they were:

⁵⁷ For full details on the regression models, including the statistical significance of each factor, please see section 8.3.2 in the technical appendix.

- *Size of workplace:* the larger the workplace where the dispute in question originated the more likely the employer (and their representative) was to reach a settlement through EC.
- *Sector of employer organisation:* as was the case amongst claimants where the employer organisation was in the public sector, they were more likely to reach a settlement through EC than their private sector or non-profit counterparts.
- *Representation:* where there was no employer representative involved in the case, employers were more likely to reach a settlement.

Full details of the logistic regression are included in the technical appendix.

6.3 Settlement details

6.3.1 Among claimants

Those claimants (and their representatives) who reached a settlement (either through Acas or privately) were asked what the terms of the settlement were. For the vast majority the terms were (at least in part) financial compensation, with nine in ten (91 per cent) saying this. This was followed by a reference, mentioned by a quarter (25 per cent) and an apology mentioned by four per cent.

All claimants (and their representatives) whose cases were 'fast track' received money as part of their settlement. This reduced to 89 per cent of those in 'open track' disputes, and 81 per cent in 'standard track' disputes.

Among those claimants (and their representatives) who received money as part of their settlement and could remember its value, half received less than £1,200, and 13 per cent received more than £5,000 as part of their settlement. The mean average sum of money that was received was £3,684, however responses were very varied (from £12 to £100,000), with a median of £1,200.

Table 6.4: Value of settlements received by for claimants (by track)

	Fast %	Standard %	Open %	Total %
£1-£250	26	8	3	15
£251-£500	26	8	5	16
£501-£750	9	5	8	7
£751-£1,000	5	9	3	7
£1,001-£1,500	4	13	10	7
£1,501-£2,000	6	11	10	8
£2,001-£3,000	5	6	10	6
£3,001-£4,000	4	4	13	6
£4,001-£5,000	3	5	3	3
£5,001-£10,000	4	10	18	8
£10,001+	1	13	15	7
Refused	3	3	5	3
Don't know	4	6	8	6
Mean	£1,345	£5,413	£7,459	£3,684
Median	£400	£2,000	£3,496	£1,200
<i>Unweighted base</i>	<i>85</i>	<i>75</i>	<i>96</i>	<i>256</i>

Base: all claimants (and their representatives) who received a financial settlement

Nearly all (96 per cent) claimants (and their representatives) who reported receiving a financial sum as part of their settlement confirmed that it had actually been paid. Note that this is in line with the receipt of Acas settlements *during* ET cases, i.e. via Acas IC:

- SETA 2013 revealed that, at the time of that survey, in almost all Acas-settled cases (95 per cent), the employer had complied with the agreed Acas settlement in full by the time of the survey.⁵⁸
- A 2015 Acas research study on payments of Acas-conciliated settlements (both IC and PCC) also found that 96 per cent of claimants had received the financial element of their settlement at the point of being surveyed⁵⁹.

It should also be noted here that, as was the case for Acas IC (and PCC), receipt of COT3 settlements reached through EC is much higher than the proportion of claimants who receive their awards in cases which actually go to tribunal (we know from SETA 2013 that only two thirds (63 per cent) of claimants who were awarded money at tribunal had received this at the time of the interview).

6.3.2 Among employers

Consistent with these claimant-side findings, for employers (and their representatives) who reported that their EC experience was resolved with a settlement, the most common element was a financial payment (85 per cent). This was followed by a reference (25 per cent) and a letter of explanation (four per cent).

For those employers (and their representatives) who stated that, as part of their settlement, they were required to make a financial payment and could say how much, half were required to pay out less than £1,300), and only 14 per cent had to make payments of more than £5,000 to claimants. The mean average for financial payments was £3,444, however the answers given were again very varied (from £9 to £5,000), giving a median average of £1,300 (Table 6.5).

⁵⁸ See Harding, C et al (2014) *Findings from the Survey of Employment Tribunal Applications 2013*. BIS research report 177.

⁵⁹ IFF Research (2015) Payment of Acas conciliated settlements, Acas Research Paper.

Table 6.5: Value of settlements paid by employers (by track)

	Fast %	Standard %	Open %	Total %
£1-£250	29	3	2	13
£251-£500	10	10	8	10
£501-£750	7	4	2	5
£751-£1,000	6	10	6	5
£1,001-£1,500	7	9	4	8
£1,501-£2,000	4	10	6	7
£2,001-£3,000	2	9	9	6
£3,001-£4,000	2	5	2	3
£4,001-£5,000	3	4	4	4
£5,001-£10,000	1	10	11	7
£10,001+	1	7	11	5
Refused	23	14	23	19
Don't know	3	9	13	7
Mean	£1,263	£4,511	£6,208	£3,444
Median	£438	£2,000	£2,768	£1,300
<i>Unweighted base</i>				330

Base: all employers (and their representatives) who paid a financial settlement

In line with claimants, 96 per cent of employers and their representatives reported that the money had already been paid to the claimant at the point of the interview being conducted.

6.4 Reasons for not reaching a settlement

6.4.1 Among claimants

Those claimants (and their representatives) who stated that they had engaged in EC, but that no settlement had been reached, were asked why this was the case. This was asked as an open question, however responses were attributed to pre-existing answer codes and as such do not necessarily reflect the language used by respondents. The main reason given was that the employer had failed to agree to a resolution, with the most common response being 'employer did not wish to take part in the conciliation/was not interested in talking' (30 per cent), followed by 'employer felt they had no case to answer to' (16 per cent). Two further responses, 'employer was not will to talk further' and 'I/claimant wanted money but employer was not willing to pay' were mentioned by nine per cent.

- Claimants (and their representatives) who were party to 'fast track' disputes were more likely to say that the reason for not reaching a settlement was that they wanted money and the employer was unwilling to pay (15 per cent), compared to those whose disputes were 'standard track' (five per cent) or 'open track' (six per cent) (Table 6.6).

Table 6.6: Reason for not settling by track (claimants)⁶⁰

	Fast %	Standard %	Open %	Total %
Employer did not wish to take part in conciliation	27	31	34	30
Employer felt they had no case to answer to I/Claimant wanted money but employer not willing to pay	15	17	17	16
Employer was not willing to talk further	15	5	6	9
Reached a private settlement ⁶¹	12	9	5	9
Employer offered settlement but claimant not willing to accept	13	3	5	7
	7	7	7	6
<i>Unweighted base</i>	150	180	306	636

Base: All claimants (and their representatives) who took part in EC but did not reach a settlement

In the qualitative interviews it was evident that, in cases where a settlement was not reached, participants rarely attributed this to Acas, and acknowledged that there was very little Acas could have done. In line with the survey findings, a lack of employer engagement and unsatisfactory terms were said to have prevented settlements being reached. If a settlement was not reached, claimants either proceeded to a tribunal hearing, or took no further action at all. Sometimes, even though a resolution was not possible within the context of EC, a settlement was reached outside EC. One participant reported that it was the negotiation process initiated in EC that ultimately facilitated a resolution at a later date, after EC had concluded:

"We would have looked to resolve this between ourselves but EC made life easier in terms of the legality...another person being the voice of reason...it started the toing and froing of the offers, so we didn't get to a resolution but it paved the way for later resolution" (Employer, 'Fast track', Submitted ET1)

6.4.2 Among employers

For employers (and their representatives) who engaged with EC but did not reach a resolution, the most popular reason that they gave for the failure to settle was that they felt that they 'had no case to answer to' (39 per cent). This was followed by 'claimant wanted money and we were not willing to pay' (15 per cent), 'we reached a private settlement' (eight per cent) and 'we offered a settlement but the claimant was not willing to accept it' (seven per cent). This question was asked as an open question, however responses were attributed to pre-existing answer codes and as such do not necessarily reflect the language used by respondents.

- In line with claimants, the track of the dispute employers (and their representatives) were party to had a noticeable relationship with the reasons given for failing to settle. Where the dispute was 'open track', the employer (and their representative) was more likely to say that the reason for not settling was that the claimant wanted money but they were unwilling to pay (19 per cent), compared to those whose disputes were 'standard track' (15 per cent) or 'fast track' (11 per cent) (Table 6.7). This may be

⁶⁰ Only codes with more than six per cent shown.

⁶¹ It should be noted that for the purpose of this survey a private settlement was considered a resolution of the dispute, however these respondents had already claimed *not* to have reached a settlement (either private or formal COT3) agreement and, as such, are not included in the figures cited elsewhere for 'settlement reached'.

linked to that fact that when 'open track' cases reach a financial settlement, it tends to involve larger sums of money (see section 6.3.2).

Table 6.7: Reason for not settling by track (employers)⁶²

	Fast %	Standard %	Open %	Total %
Employer felt they had no case to answer to	37	41	38	39
Claimant wanted money but employer not willing to pay	11	15	19	15
Reached a private settlement	16	3	6	8
Employer offered settlement but claimant not willing to accept	5	10	7	7
<i>Unweighted base</i>	<i>156</i>	<i>266</i>	<i>233</i>	<i>655</i>

Base: all employers (and their representatives) who took part in EC but did not reach a settlement

There were also noticeable differences based on whether or not the employer had a representative, with employers without a representative being more likely to say that they 'felt they had no case to answer to' (42 per cent versus 30 percent of employers with a representative) whereas those employers with a representative were more likely to say that the 'claimant wanted money but [they] were unwilling to pay', as shown in Table 6.7.

Table 6.8: Reason for not settling by representation (employers)⁶³

	With a rep %	Without a rep %	Total %
Employer felt they had no case to answer to	30	42	39
Claimant wanted money but employer not willing to pay	23	12	15
Reached a private settlement	7	9	8
Employer offered settlement but claimant not willing to accept	6	8	7
<i>Unweighted base</i>	<i>165</i>	<i>489</i>	<i>654</i>

Base: All employers (and their representatives) who engaged with EC but did not reach a settlement (and were able to say if the employer had representation)

6.5 Importance of Acas in resolving dispute

Claimants and respondents (and both sets of representatives) were asked to judge the importance of Acas in resolving their disputes, on three levels:

- in helping them to decide on how to proceed with the dispute;
- in moving parties closer to resolving the dispute;
- as a factor in their decision to settle (in cases where a settlement was reached)

The results for all three question sets are now considered in turn, first for claimants, then employers.

⁶² Only codes with more than seven per cent shown.

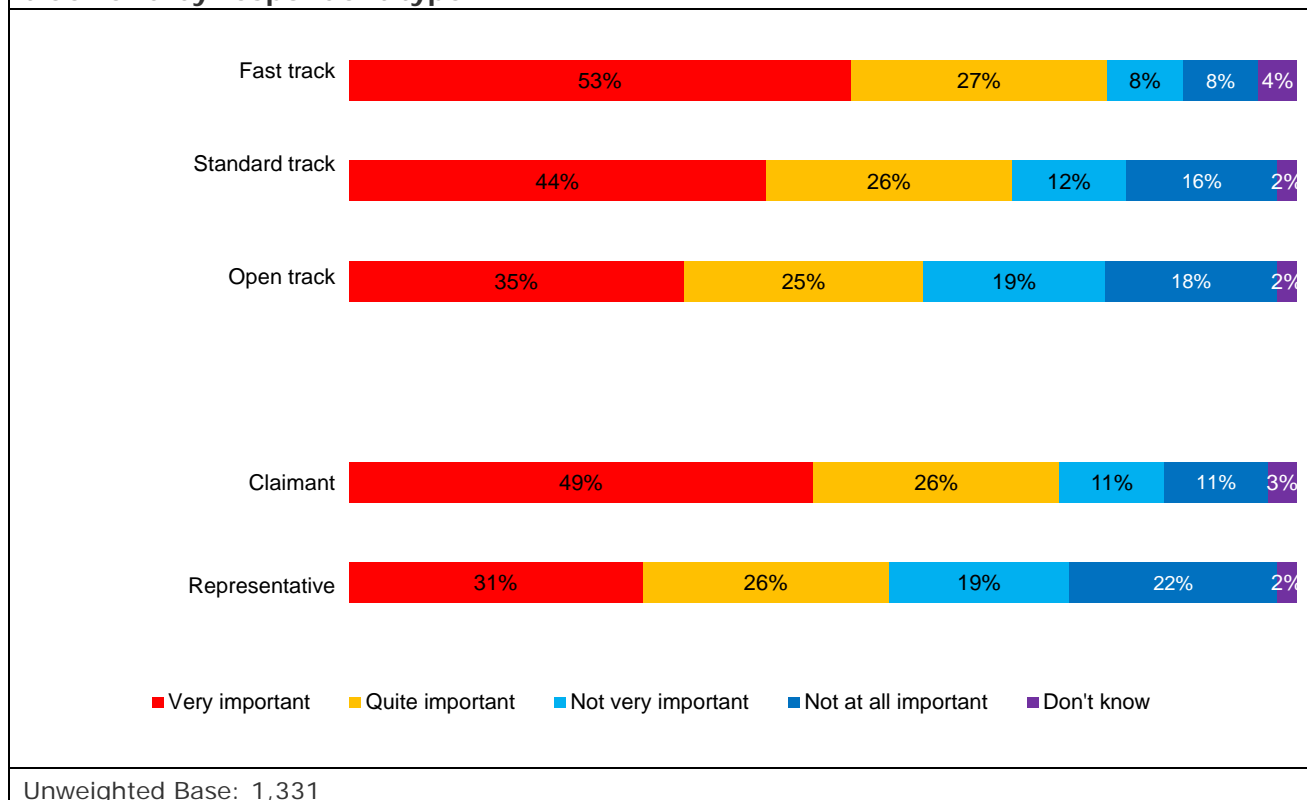
⁶³ Only codes with more than seven per cent shown.

6.5.1 Among claimants

First, all claimants (and their representatives) were asked to rate the importance of Acas involvement in helping them to decide on how to proceed with the dispute, using a four-point scale ranging from 'very important' through to 'not at all important'. In all, 73 per cent reported that Acas involvement had been important (with 46 per cent saying that it was *very* important and 2 per cent *quite* important). This is broadly in line with the levels from the 2012 PCC evaluation.

- As shown in Figure 6.1, claimants (and their representatives) whose disputes were 'fast track' were the most likely to say that Acas involvement was important (81 per cent); by comparison, 69 per cent of those party to 'standard track' disputes said Acas was important, whereas those in 'open track' cases were the least likely to say this (61 per cent).⁶⁴
- Additionally, unrepresented claimants were also more likely than claimant representatives to say Acas' involvement had been a very important factor (49 per cent versus 31 per cent).

Figure 6.1 Importance of Acas on deciding how to proceed with case (claimants) by track and by respondent type



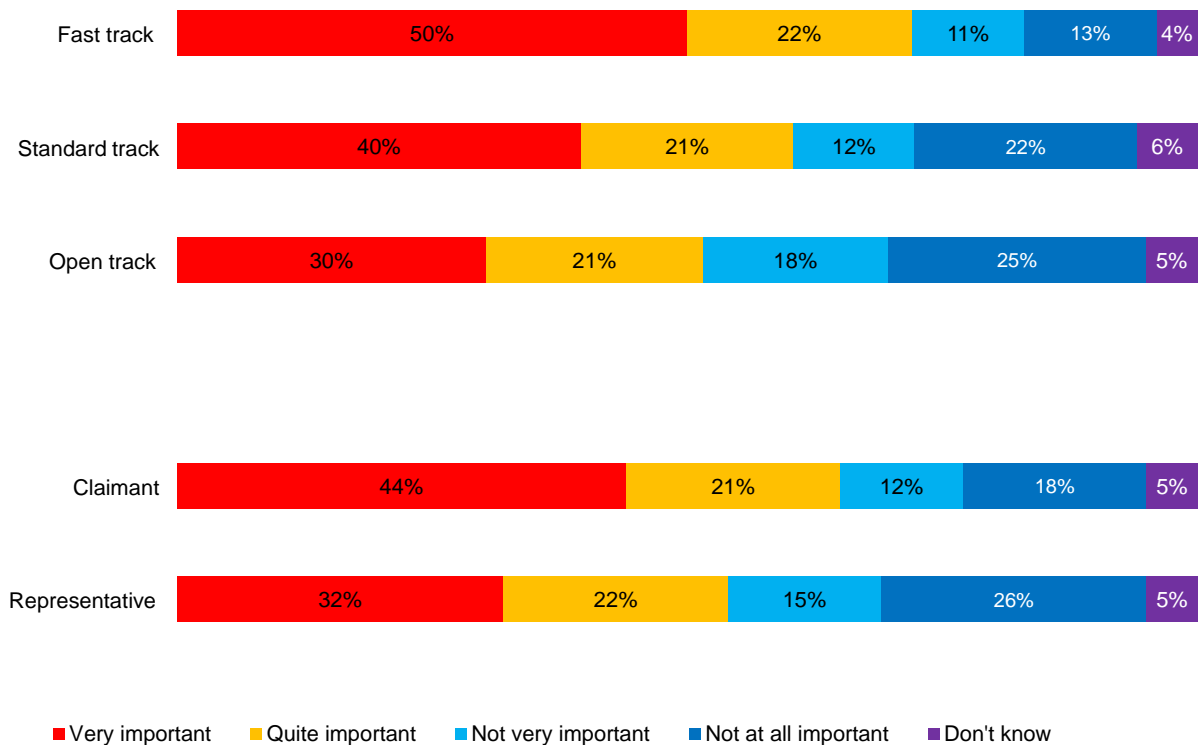
Base: all claimants (and their representatives)

⁶⁴ Due to rounding, totals in figure add up to 70%

Second, those claimants (and their representatives) who had had contact with a conciliator were asked how important Acas involvement had been in helping the parties move closer together towards resolving the case. Here, 64 per cent said that Acas had been important (42 per cent saying that Acas had been 'very important' and 21 per cent saying 'quite important').

- Answers varied according to the track of the dispute and respondent type, with those involved in 'fast track' cases and claimant respondents being more likely to rate Acas as very important in terms of bringing the parties together (Figure 6.2).

Figure 6.2 Importance of Acas in moving parties closer to resolving dispute (claimants) by track and by respondent type



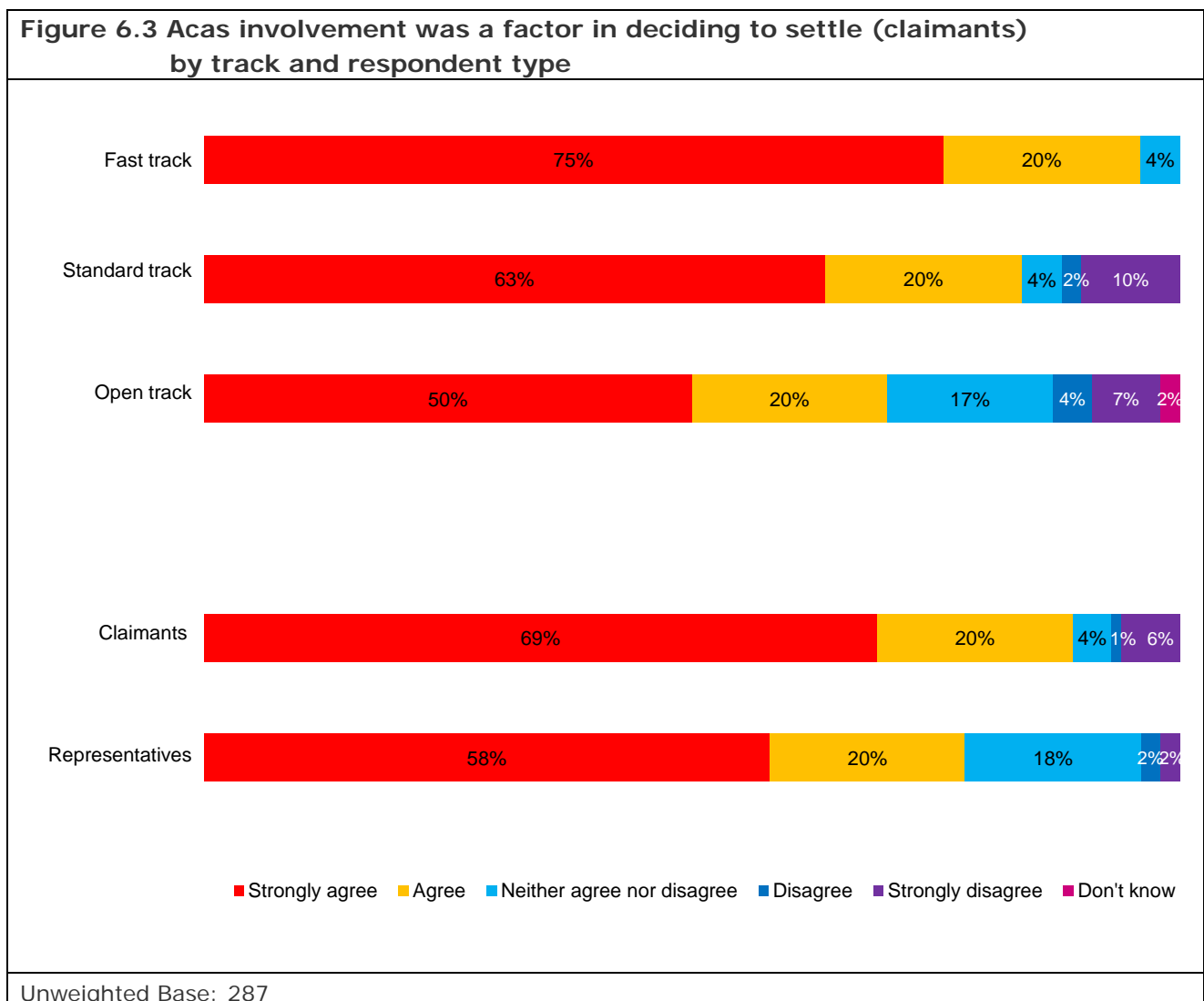
Unweighted Base: 1,183

Base: all claimants (and their representatives) who had contact with a conciliator

Looking at just those claimants who engaged fully with the EC process – as opposed to all those who spoke to a conciliator – there is a noticeable difference in opinion on the role of Acas in bringing parties together by outcome. Nine in ten (91 per cent) of those who reached a settlement (either a formal COT3 or a private settlement) felt that Acas had been important in bringing parties together, compared to 60 per cent of those who did not reach a settlement. However, this shows that in the majority of cases, participation in EC brought parties closer together, regardless of the final outcome. Overall, 69 per cent of those claimants (and their representatives) who took part in EC felt that Acas involvement was important in helping bring parties closer together.

Third, those claimants (and their representatives) who reached a settlement as part of their EC experience (either a COT3 or a separate private settlement) were asked how strongly they agreed or disagreed that Acas involvement was a factor in the decision to resolve the case. Nearly nine in ten (87 per cent) claimants (and their representatives) agreed (67 per cent saying that they 'strongly agreed' and 20 percent saying they simply 'agreed'), with only six per cent disagreeing (five per cent 'strongly disagreed' and one per cent simply 'disagreed').

- There were noticeable differences by both track and whether the respondent was a claimant or a representative, with those in 'fast track' disputes and representatives being most likely to strongly agree. The full breakdown is show in Figure 6.3.

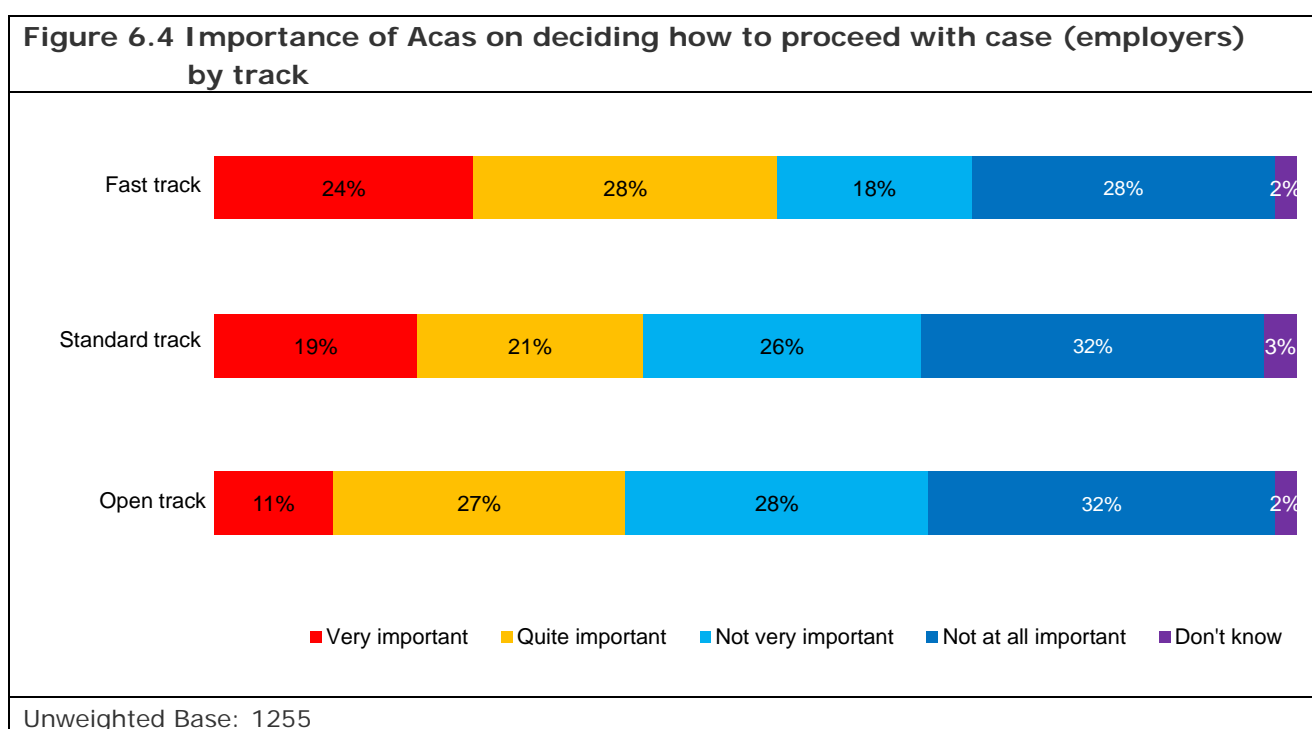


Base: all claimants (and their representatives) who reached a settlement

6.5.2 Among employers

Employers (and their representatives) were also asked to rate the importance of Acas involvement in helping them to decide on how to proceed with the dispute, using the same four-point scale, ranging from 'very important' through to 'not at all important'. Here, 43 per cent said that Acas *had* been important (19 per cent saying 'very important' and 24 per cent saying it was 'quite important'), and 55 per cent said that Acas was *not* important (31 per cent saying 'not at all' important and 24 per cent 'not very' important).

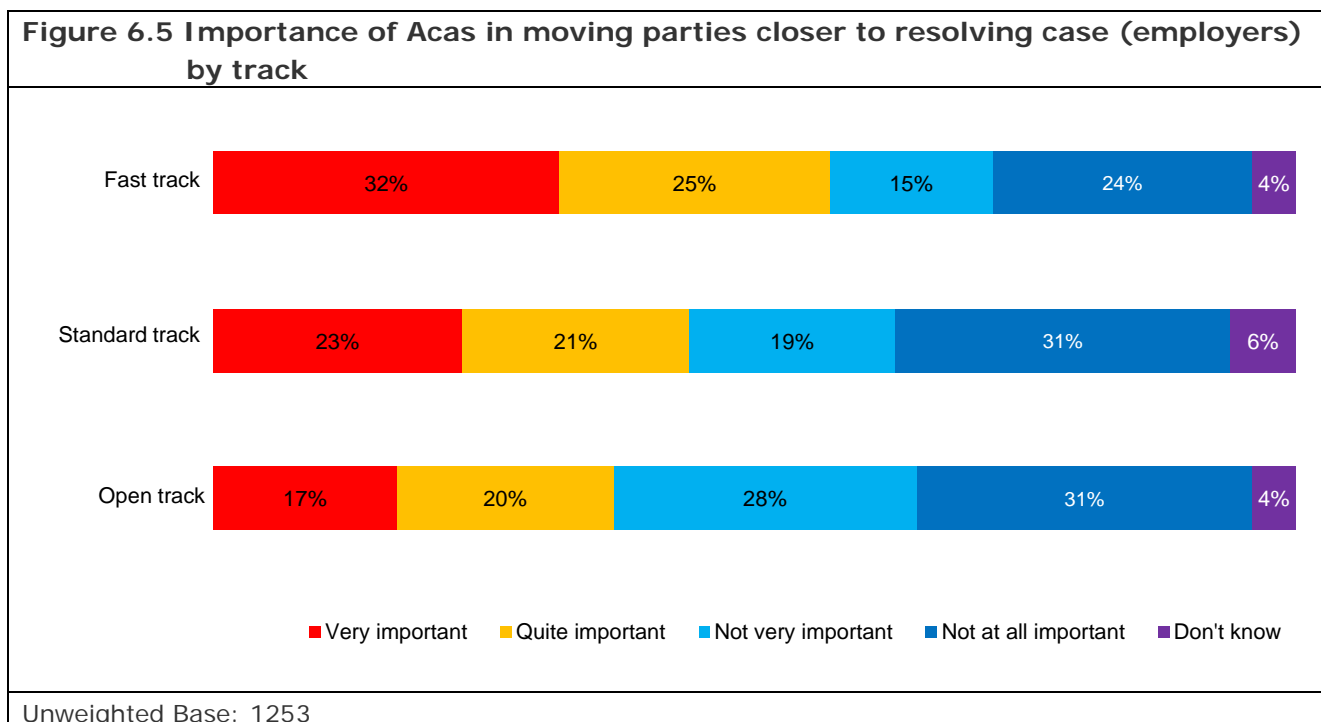
- Again, those in 'fast track' disputes were most likely to rate Acas as very important (24 per cent) and those in 'open track' disputes least likely (11 per cent) (Figure 6.4).



Base: all employers (and their representatives)

As with claimants, employers (and their representatives) who had contact with a conciliator were also asked how important Acas involvement had been in helping the parties move closer together towards resolving the case. Here, nearly half (47 per cent) said that Acas had been important (a quarter saying that Acas was 'very important' and 22 per cent saying that it was 'quite important'), with similar numbers (48 per cent) saying that Acas was not important (28 per cent specified 'not at all' important and 20 per cent 'not very' important).

- In line with claimant-side findings, ratings were highest in 'fast track' disputes (32 per cent rated Acas as very important) and lowest in 'open track' disputes (17 per cent rated Acas as very important) (Figure 6.5).

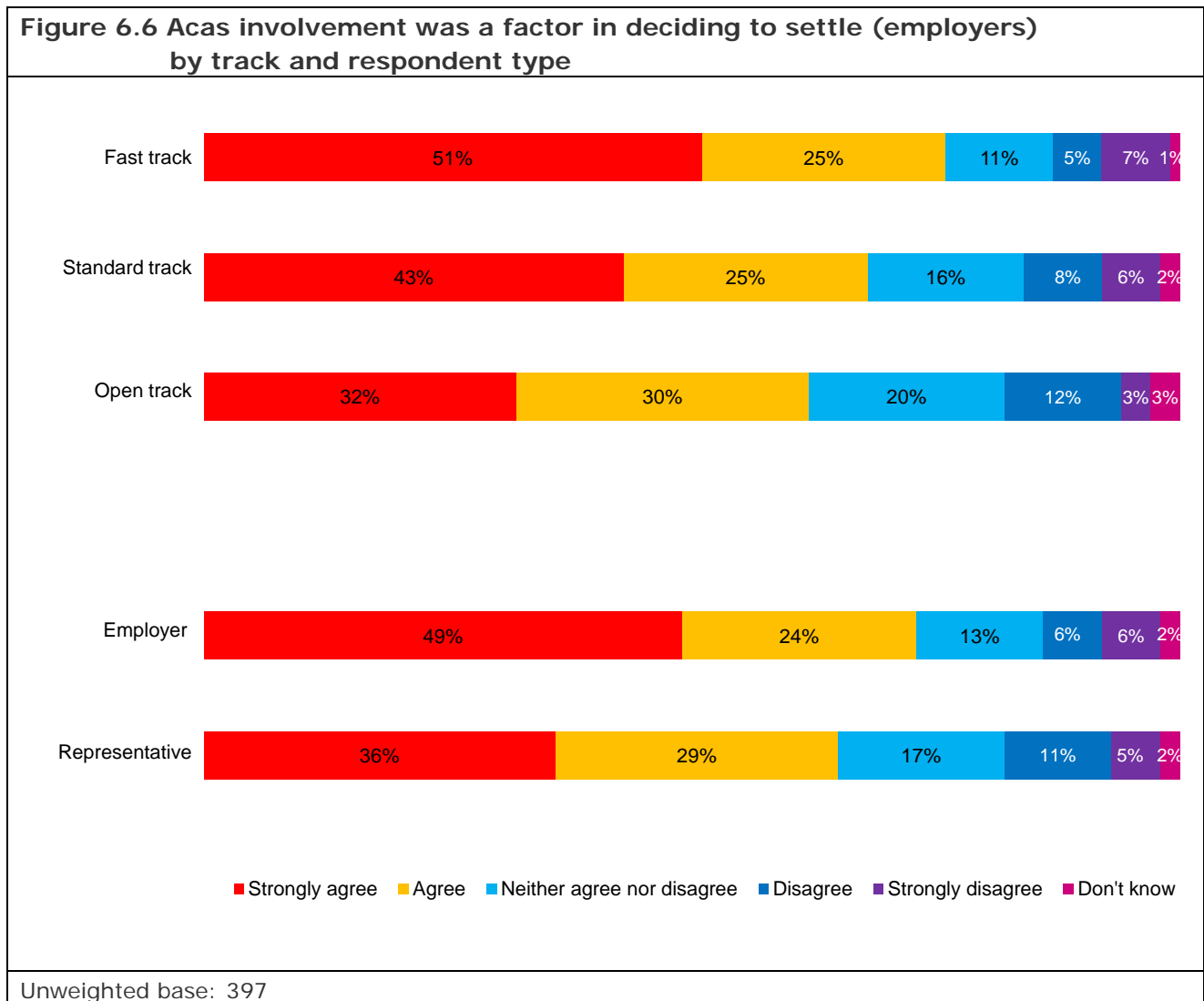


Base: all employers (and their representatives) who had contact with a conciliator

As with claimants, when looking at just those employers who engaged fully with the EC process— as opposed to all those who spoke to a conciliator – there is a noticeable difference in opinion on the role of Acas in bringing parties together by outcome. Eight in ten (84 per cent) of those who reached a settlement (either a formal COT3 or a private settlement) felt that Acas had been important in bringing the parties together, compared to 34 per cent of those who did not settle. This is a much more exaggerated difference than was reported by claimants and suggests that employers' opinions are more prone to being influenced by the outcome of conciliation. Overall, 52 per cent of those employers who engaged with EC felt that Acas involvement had been important in helping bring parties closer together.

Finally, seven in ten (70 per cent) employers (and their representatives) whose disputes resulted in a settlement (either a COT3 settlement or a private settlement) agreed that Acas involvement had been a factor in their decision to resolve the case (forty four per cent said they agreed *strongly* with this and 26 per cent simply agreed), and 13 per cent said they disagreed (six per cent saying that they strongly disagreed and 8 per cent simply disagreeing).

- In line with claimants, those in 'fast track' disputes and employer respondents (rather than representatives) expressed highest levels of agreement (Figure 6.6).



Base: all employers (and their representatives) who reached a settlement

6.6 Satisfaction with outcome of EC

6.6.1 Among claimants

Those claimants (and their representatives) who engaged with EC were asked to what extent they were satisfied with the *outcome* of the conciliation, with answers given on a seven point scale which ranged from 'extremely dissatisfied' through to 'extremely satisfied'. In all, 48 per cent said that they were satisfied (10 per cent were 'extremely satisfied' 14 per cent were 'very satisfied' and 24 per cent were 'satisfied') and 36 per cent said they were dissatisfied (16 per cent were 'extremely dissatisfied', 9 per cent were 'very dissatisfied' and 11 per cent 'dissatisfied').

- Claimants (and their representatives) whose disputes were 'fast track' were more likely to say that they were satisfied with the outcome of their conciliation (61 per cent) than those whose disputes were 'standard track' (40 per cent) or 'open track' (36 per cent).
- Additionally, although there was no noticeable difference with levels of satisfaction between claimants and their representatives, claimants were 16 per cent more likely to say that they were *dissatisfied* with the service they received (39 per cent compared with 23 per cent).
- As would be expected, there was a distinct difference in the levels of satisfaction with the outcome of the conciliation reported by claimants (and their representatives) based on what outcome had been produced by the conciliation: 78 per cent of those who reached a settlement through Acas (COT3) reported being satisfied with the outcome compared to 34 per cent of those who failed to reach a settlement and hence had a certificate issued.

6.6.2 Among employers

The same question was asked to employers and their representatives who engaged with EC. Two thirds (65 per cent) of this group said that they were satisfied with the outcome of the conciliation (14 per cent were 'extremely satisfied', 22 per cent were 'very satisfied' and 29 per cent 'satisfied'). Only 11 per cent overall were dissatisfied with the outcome (two per cent were 'extremely dissatisfied', one per cent were 'very dissatisfied and eight per cent 'dissatisfied').

- As with claimants, it is not surprising that there was a noticeable difference in employer-side satisfaction with the outcome of the conciliation, based on what this outcome was: 83 per cent of those who reached a settlement through Acas (COT3) said that that they were satisfied with the outcome, compared to 55 per cent of those who failed to reach a settlement.

6.6.3 Overall

When looking at satisfaction with the outcome of EC at an aggregate level, for *all service users*, it emerges that overall 57 per cent of users were satisfied (12 per cent 'extremely satisfied', 18 per cent 'very satisfied' and 27 per cent 'satisfied') compared to 22 per cent who were dissatisfied with the outcome (9 per cent 'extremely dissatisfied', 5 per cent 'very dissatisfied' and 13 per cent 'satisfied'). Aggregate-level satisfaction with case outcome varies considerably according to the outcome itself: 81 per cent of all those who reached an Acas COT3 settlement were satisfied with that particular outcome, compared to 45 per cent of all those who did not settle.

This net satisfaction (a combination of all three 'satisfied' codes) rate is slightly below the aggregate level seen in the 2012 PCC evaluation (when 66 per cent of all PCC users were satisfied). However, when interpreting this comparison, the differences between the services and the composition of service users must be considered. For example, as reported in Section 3.1, there are key differences between PCC and EC service users, with a higher proportion of claimants from 'open track' disputes and a lower proportion from 'fast track' disputes taking part in EC, compared with PCC. It is therefore perhaps not surprising that satisfaction levels may be slightly lower in the case of EC, because, as was reported in Section 6.5.1, claimants from 'open track' disputes tended to have lower levels of satisfaction generally than those from 'fast track' disputes (moreover, unlike EC, PCC was undertaken with a different cohort of claimants i.e. callers to the Acas Helpline who fulfilled specific screening criteria and effectively self-selected to use the service, hence were predisposed to think favourably of conciliation).

For completeness, the net satisfaction rate for EC is also below the satisfaction rate of IC service users, although the differences between these two services are such that they arguably do not stand close comparison in terms of satisfaction with outcome⁶⁵. It is also worth noting that tribunal fees were introduced since the 2012 PCC and IC evaluations.

6.7 Satisfaction with service received from Acas

Claimants and employers (and both sets of representatives) were also asked to put the outcome to one side and rate their satisfaction with the service they had received from Acas, on two levels: first, in terms of the timeliness of the contact they had with Acas staff (i.e. conciliators and ECSOs both), and second, in terms of the overall standard of service received. The results for both question sets are now considered in turn, first for claimants, then employers.

6.7.1 Among claimants

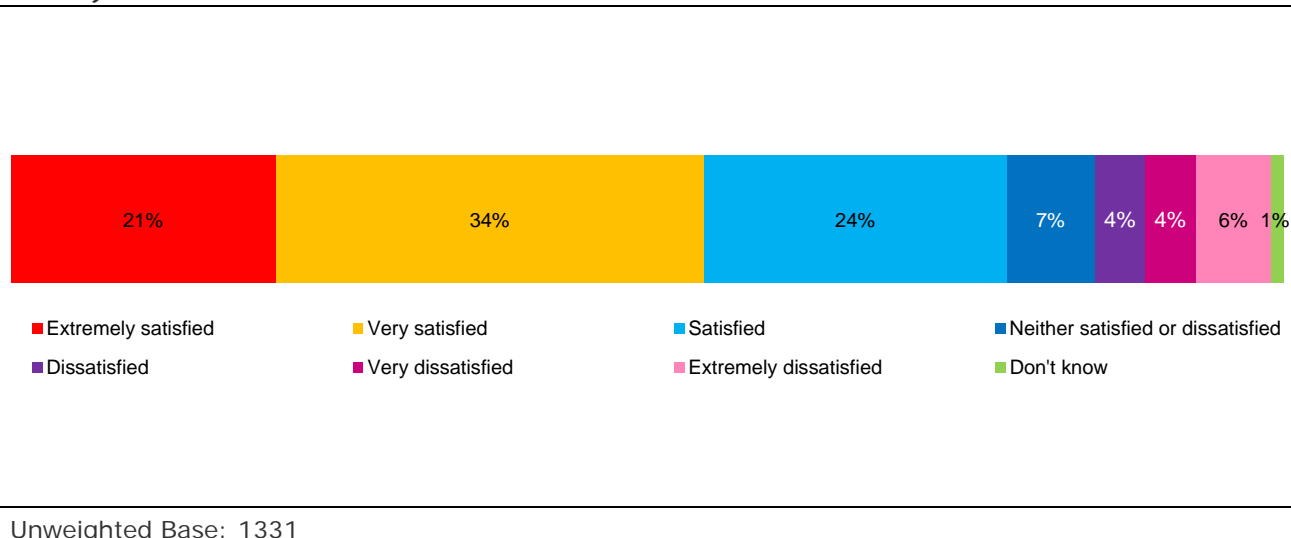
Eighty four per cent of claimants (and their representatives) in cases where EC had taken place said that they were satisfied with *the timeliness of the contact* they had with Acas staff throughout the case, with 23 per cent saying that they were extremely satisfied and 35 per cent very satisfied. Only eight per cent reported being dissatisfied to any extent.

Next, *all* claimants (and their representatives) were asked how satisfied they were overall with the service that they had received from Acas. This question was asked of both users and non-users alike, to reflect the full range of possible interactions that can be had with Acas staff prior to, during and after an EC case.

First and foremost, looking at overall satisfaction among just those claimants (and their representatives) who took part in EC; four fifths (79 %) said that they were satisfied (to varying degrees) with the service received from Acas; 55% being 'extremely' or 'very' satisfied. A full breakdown of results appears below (Figure 6.7).

⁶⁵ As reported in the 2012 IC evaluation, 81 per cent of service users were either extremely, very or fairly satisfied. This included more than half of all customers (59 per cent) who could be described as highly satisfied with the service (being either extremely or very satisfied).

Figure 6.7 Overall satisfaction with service received from Acas (claimant-side EC users)



Base: All claimants (and their representatives) who engaged with EC

As would be expected, overall satisfaction with the service received from Acas was linked to the outcome of the dispute.

- First, the overall satisfaction rate was seven percentage points less for those claimants (and their representatives) who did *not* take part in EC: 72% of these claimants were satisfied with the 'service' they received from Acas (19% 'extremely' satisfied and 22% 'very' satisfied), suggesting that preliminary interactions between claimants and Acas are well regarded even where claimants stop short of entering into conciliation (bear in mind that in some cases this will be due to the employer's refusal to participate in EC rather than an active decision on the part of the claimant).
- Second, where EC took place, satisfaction was also higher among claimants (and representatives) whose cases resulted in a settlement. Nine in ten (92 per cent) of those claimants (and their representatives) whose conciliation ended in a settlement (either a COT3 or a privately agreed settlement) reported being satisfied with the service that they received from Acas, compared with 73 per cent of those whose conciliation did not culminate in a formal settlement being reached (and hence were issued with a Certificate instead).
- Still restricting analysis to cases where EC took place, those claimants whose employment disputes were classifiable as 'fast track' were more likely to report being satisfied with the overall service they received from Acas, with 86 per cent saying they were satisfied, compared with 75 per cent of those whose disputes were 'standard track' and 72 per cent where the dispute was 'open track'.
- Finally, where EC took place, claimant representatives were more likely to say that they were satisfied with the overall service they received from Acas staff compared to claimants themselves (86 per cent compared to 77 per cent).

Those claimants (and their representatives) who said that they were dissatisfied with the overall service that they had received from Acas were asked why this was, the top five responses are in Table 6.8 (this question was open ended and responses were grouped together into codes that are reflective of the language used by respondents). A distinction is made between the reasons given by those claimants who used EC and those who did not.

Table 6.9: Why dissatisfied with overall service (claimants)⁶⁶

	Engaged with EC %	Did not engage with EC %
Acas did not do enough for claimant	27	17
Acas service was poor	24	21
Acas communication was poor	22	28
Acas did not offer advice	17	14
Acas was not neutral	13	7
Other	14	8
<i>Unweighted base</i>	<i>143</i>	<i>63</i>

Base: all claimants (and their representatives) who were dissatisfied with overall service from Acas

It was found in the qualitative interviews that claimants whose employers refused to enter the EC process pointed to brinkmanship on the part of their employer, and these claimants were more likely to express some dissatisfaction with the EC service. Claimants reported high levels of frustration in these cases, and regarded it as a way for employers to delay dealing with the issue and in some cases, to intimidate claimants, by intentionally avoiding calls and returning them outside office hours, demonstrating they were engaging in the process although in reality they were not. Claimants felt that EC would only be effective if employer engagement was made mandatory.

Some of these claimants felt their conciliator was not proactive enough in trying to seek a resolution. On these occasions, it was not always clear to the claimant whether the delays in contact were caused due to lack of employer engagement or conciliator inertia. In one case, a claimant mistook the lack of Acas contact for stonewalling on the part of the conciliator as well as the employer, and therefore blamed both for not being able to reach a satisfactory settlement. The claimant reported that they followed up with multiple phone calls even though there were no updates on the dispute and felt their conciliator got annoyed by their persistence, adding to their dissatisfaction with the service. This experience made the participant sceptical about the value of the EC process altogether.

Finally, some claimants were disappointed because they were under the misimpression that Acas would accept and review evidence they had collated and act as their advocate to help build a stronger case. When 'evidence' was not seen to be used by the conciliator, the claimant perceived their dispute was not being dealt with in a comprehensive manner:

"They didn't want to take on board my full complaint"
(Claimant, 'Standard track', Settlement reached)

⁶⁶ Only codes with ten per cent and higher included.

6.7.2 Drivers of satisfaction among claimants

Two logistic regression models were built to explore the key drivers of satisfaction with the service received from Acas among claimants (and their representatives) who took part in EC. One model looked at 'internal' factors (those that are directly linked to the service provided by Acas) and the other at 'external' factors (those beyond Acas' control)⁶⁷.

Internal factors

The logistic regression model built to explore internal factors found that there were four key internal drivers of satisfaction. A number of factors were included in the model, but only factors to do with the perceptions of Acas conciliators emerged as being significant; they are listed in order of their strength below:

- *Conciliator was actively involved in seeking an agreement to settle*: where claimants (and their representatives) agreed that their Acas conciliator was actively involved in seeking an agreement to settle, they were more likely to report being satisfied with the service that they received from Acas.
- *Conciliator was trustworthy*: where claimants (and their representatives) agreed that their Acas conciliator was trustworthy, they were more likely to report being satisfied with the service that they received from Acas.
- *Conciliator was knowledgeable about the case*: where claimants (and their representatives) agreed that their Acas conciliator was knowledgeable about their case they were more likely to report being satisfied with the service that they received from Acas.
- *Conciliator understood the circumstances of the case*: where claimants (and their representatives) agreed that their Acas conciliator understood the circumstances of the case, they were more likely to report being satisfied with the service that they received from Acas.

External factors

The logistic regression model built to investigate the external driving factors behind claimants (and their representatives) reporting satisfaction with the service received from Acas, found that there were two key variables with a significant relationship:

- *Track*: those claimants (and their representatives) who were involved in a dispute classified as 'fast track' were the most likely to report being satisfied with the service from Acas, followed by 'standard track' and finally 'open track'.
- *Whether claimant was a member of a trade union or staff association when in contact in Acas*: where this is the case, claimants (and their representatives) are less satisfied with the service they received from Acas (than was the case for claimants who were not trade union/staff associated members).

Full details of the logistic regression are included in the technical appendix.

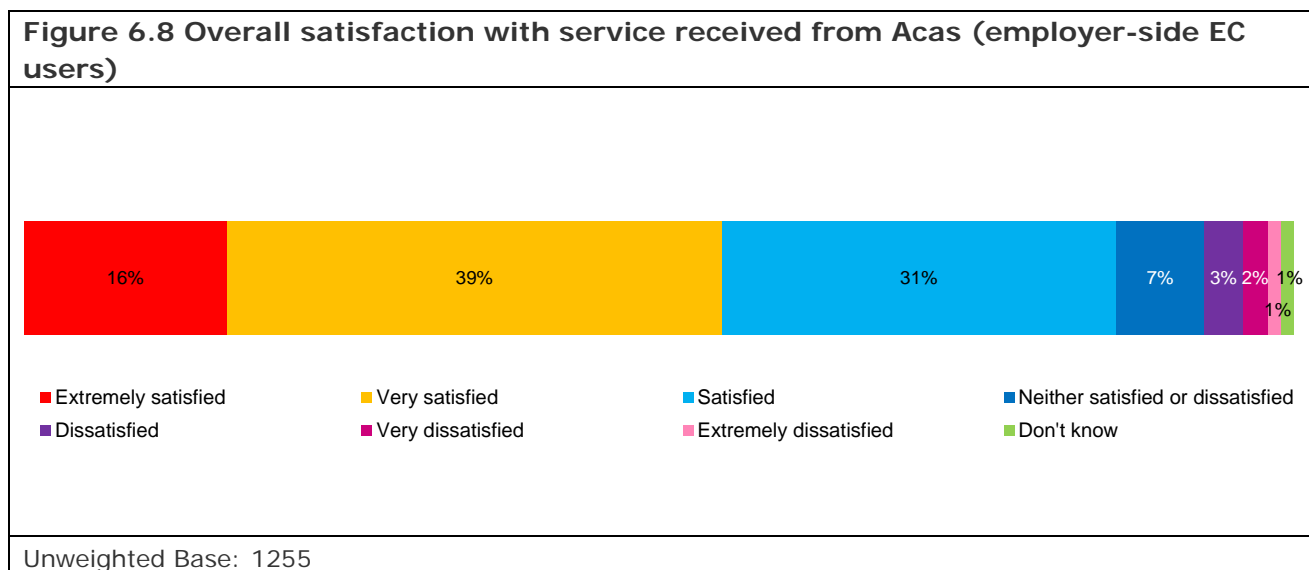
⁶⁷ For full details on the regression models, including the statistical significance of each factor, please see section 8.3.2 in the technical appendix.

6.7.3 Among employers

Employers (and their representatives) who engaged with EC were also asked how satisfied they were with the timeliness of the contact they had with Acas throughout the case. Eighty six per cent of this group overall reported being satisfied (17 per cent were 'extremely satisfied', 37 per cent 'very satisfied' and 32 per cent 'satisfied'), compared to only six per cent who were dissatisfied (one per cent for both 'extremely dissatisfied' and 'very dissatisfied' and four percent 'dissatisfied').

All employers (and their representatives) were also asked how satisfied they were with the overall service that they received from Acas. As for claimants, this question was asked of all employers, i.e. those who engaged with EC as well as those who did not, to reflect the full range of possible interactions that can be had with Acas staff prior to, during and after an EC case.

First and foremost, looking at overall satisfaction among just those employers (and their representatives) who actually took part in EC; 86 per cent said that they were satisfied (to varying degrees) with the service received from Acas (seven percentage points higher than the corresponding claimant-side satisfaction rate). At the top end, 16% of employers who used EC were 'extremely' satisfied with the service, and a further 39% were 'very' satisfied. A full breakdown of results appears below (Figure 6.8).



Base: all employers (and their representatives) who engaged with EC

In line with claimant-side findings, overall satisfaction with the service received from Acas was linked to the outcome of the dispute:

- First, and even more noticeably than was the case for claimants, the overall satisfaction rate is less among those employers (and their representatives) who did *not* take part in EC, 73% of whom were satisfied with the 'service' they received from Acas (13 percentage points less than for those employers who *did* engage). Of these, 11% were 'extremely' satisfied and 24% 'very' satisfied. As with claimants, there is an obvious logic to the fact that satisfaction with the service received is greatest for those who actually use the service. Nonetheless, these findings also suggest that preliminary interactions between employers and Acas are well regarded, even where employers ultimately opt against using EC.

- Further to this, and also mirroring the claimant-side findings, where EC took place, those employers (and their representatives) whose conciliation resulted in a settlement (either a COT3 or a private settlement) were more likely to report being satisfied with the service received from Acas than those whose conciliation did not result in a settlement being reached (94 per cent versus 81 per cent).
- Where EC had taken place, employer representatives were more likely to report being satisfied with the overall service that they received than were employers themselves (90 per cent satisfied compared to 84 per cent).

Those employers (and their representatives) who registered dissatisfaction with the overall service received from Acas were asked to elaborate on this; the most popular reasons are listed in Table 6.10 below. (This question was open-ended and responses were grouped together into codes that are reflective of the language used by respondents). Due to low base sizes, only those employers (and their representatives) who engaged with EC are shown.

Table 6.10: Why dissatisfied with overall service (employers)⁶⁸

	Engaged with EC %
Acas service was poor	44
Acas communication was poor	27
Acas did not offer advice	16
Acas was not neutral	9
Other	23
<i>Unweighted base</i>	<i>65</i>

Base: all employers (and their representatives) who were dissatisfied with overall service from Acas

Satisfaction was explored in more detail in the qualitative interviews. Employers found Acas' involvement helpful in managing claimants' unrealistic expectations in terms of the financial compensation they were hoping to achieve at tribunal, and found an impartial, professional and knowledgeable conciliator helpful in resolving the dispute. Some employers were convinced of claimants' intention to take their case to court, and thus felt the need to reach a settlement via EC was more pressing, with a view to avoid the costs and burden of a tribunal. Being able to reach a settlement outside the context of tribunal added to these employers' satisfaction with the service overall.

6.7.4 Drivers of satisfaction among employers

As with claimants (and their representatives) two logistic regression models were built to explore the key drivers of satisfaction with the service received from Acas among employers (and their representatives) who took part in EC, one model looks at 'internal' factors (those that are directly linked to the service provided by Acas) and the other at 'external' factors (those beyond Acas' control) ⁶⁹.

Internal factors

The logistic regression model that was built to explore internal drivers found that there were five significant variables. These are listed in order of their strength below:

⁶⁸Only codes with nine per cent and higher included.

⁶⁹ For full details on the regression models, including the statistical significance of each factor, please see section 8.3.2 in the technical appendix.

- *Conciliator was actively involved in seeking an agreement to settle:* where employers (and their representatives) agreed that the Acas conciliator was actively involved in seeking an agreement to settle, they were more likely to report being satisfied with the service received from Acas.
- *Conciliator was even handed between parties:* where employers (and their representatives) agreed that the Acas conciliator was even handed between parties, they were more likely to report being satisfied with the service received from Acas.
- *Conciliator understood the circumstances of the case:* where employers (and their representatives) agreed that the Acas conciliator understood the circumstances of the case, they were more likely to report being satisfied with the service received from Acas.
- *Conciliator was knowledgeable about the case:* similarly, where employers (and their representatives) agreed that the Acas conciliator was knowledgeable about the case, they were more likely to report being satisfied with the service received from Acas.
- *Acas involvement important in helping move parties together:* where employers (and their representatives) agreed that Acas involvement was important in helping move parties together, they were more likely to report being satisfied with the service received from Acas.

Many of the factors for employers (and their representatives) are similar to those that were evident for claimants (and their representatives), however, interestingly whilst trustworthiness emerged within the claimant logistic regression it was not evident in the employer model. Interestingly, the even-handedness of Acas and the ability of Acas to move parties closer together were more important for employers (and their representatives).

External factors

The logistic regression model built to explore key external drivers of satisfaction found only one variable to be a driver with a significant relationship. This driver was whether or not the employer was a member of an Employer's or Trade Association, with those who *were* members being less satisfied than those who were not members.

Full details of the logistic regression are included in the technical appendix.

6.7.5 Overall

When looking at *all service users who engaged with EC* in combination – i.e. claimants, employers and both sets of representatives taken together – the overall level of satisfaction with regard to the timeliness of the contact had with Acas staff stands at 85 per cent (with 19 per cent reporting that they were extremely satisfied and 36 per cent saying very satisfied). Only seven per cent of users overall felt dissatisfied with the timeliness of the contact (four per cent extremely dissatisfied and two per cent very dissatisfied).

Still looking at all service users *who engaged with EC* in aggregate, the overall satisfaction rate for the service received from Acas was 83 per cent. Nearly one fifth (19 per cent) reported being 'extremely satisfied' with the overall service that they received, 37 per cent were 'very satisfied' and 28 per cent were 'satisfied'. One in ten service users were dissatisfied overall (three per cent were 'extremely dissatisfied', three per cent were 'very dissatisfied' and four per cent were 'dissatisfied').

These results are broadly in line with those from the 2012 PCC evaluation (82 per cent net satisfaction for all users). This was also similar to the levels seen in the 2012 IC evaluation (81 per cent)

These results are supported by the findings of the qualitative interviews, which found that, on the whole, participants in this research were satisfied with the service they received from Acas. Both claimants and employers found that Early Conciliation was most effective when both sides had an appetite to settle. Overall satisfaction was said to depend on the claimant's intention to settle, and the employer's engagement with the EC service

6.8 Perceived benefits of EC

6.8.1 Among claimants

All claimants (and their representatives) were asked to say what they thought the main benefits are of taking part in EC are, compared to submitting an Employment Tribunal claim. Nearly nine in ten (87 per cent) were able to provide an answer (six per cent gave no answer and seven per cent answered with 'don't know'). The most commonly cited responses are highlighted in Table 6.11, which also shows noticeable differences by track. This question was asked as an open question, however responses were attributed to pre-existing answer codes and as such do not necessarily exactly reflect the language used by respondents.

<i>Table 6.11: Perceived benefits of EC by track (claimants)⁷⁰</i>				
	Fast %	Standard %	Open %	Total %
It can save going to a tribunal/court	18	21	21	20
It resolves the issue more quickly	19	15	19	18
It is cheaper	16	16	18	16
It is less stressful/traumatic	10	7	14	10
Advice is available	9	12	7	10
Other	14	21	21	18
<i>Unweighted base</i>	<i>380</i>	<i>373</i>	<i>578</i>	<i>1331</i>

As well as variation by track, there were differences between (unrepresented) claimants and claimant representatives. Where the survey respondent was a representative, it was more likely to be reported that a benefit of EC is that 'It can save going to a tribunal/court' (34 per cent versus 19 per cent for where the respondent was a claimant), that 'it is cheaper' (31 per cent versus 14 per cent) and that 'it resolves the issue more quickly' (24 per cent versus 16 per cent). Conversely, where the respondent was a claimant, it was more likely to be reported that a benefit of using EC is that 'advice is available' (eleven per cent versus three per cent).

Those claimants (and their representatives) who said that a main benefit of taking part in EC is that it is cheaper were asked to elaborate on why they thought this was so. This follow-up question was asked openly, with responses being grouped according to their content and are reflective of the language used by respondents. The most popular response was that 'Acas is free', with 40 per cent saying this, followed by avoiding 'tribunal fees', (39 per cent) and avoiding 'legal fees' (25 per cent).

⁷⁰ Only codes with ten per cent or more are shown.

In the qualitative interviews it was found that, for claimants who had initially intended to reach a settlement and resolve the dispute, Acas was seen as having been instrumental in relaying information to and from the employer, making a mutually acceptable settlement possible. These claimants also acknowledged that having a third party conciliator made the process less confrontational and therefore more effective.

“Direct negotiations can become confrontational; [EC] removes that, it smooths the process out” (Employer, ‘Open track’, Settlement reached)

The EC timeframe of one calendar month (with the discretion to extend by two weeks) was also credited by claimants with having caused them to “take a step back” and reflect critically upon their case, i.e. to question the extent to which they felt confident about winning and whether or not they could justify the burden of going to tribunal. If claimants were uncertain about the strength of their case, they were more likely to want to reach a compromise through EC, wishing to avoid the uncertainty, cost and hassle of a tribunal.

6.8.2 Among employers

Employers (and their representatives) were also asked to say what they thought were the main benefits of taking part in EC, as opposed to submitting an ET claim, with 91 per cent giving a response (six per cent said ‘don’t know’ and three per cent did not give an answer). (This question was asked as an open question, however responses were attributed to pre-existing answer codes and as such do not necessarily reflect the language used by respondents).

According to employers (and their representatives), the most popular benefit of EC is that ‘it is cheaper’ (cited by 30 per cent), followed by the fact that ‘it can save on going to tribunal/court’ (27 per cent) and that ‘it resolves the issue more quickly’ (25 per cent).

- Where the respondent was a representative, they were more likely to report that a benefit of EC was that ‘it resolves the issue more quickly’ (29 per cent versus 23 per cent where the respondent was an employer).
- There were no noticeable differences among employers by track.

Those employers (or their representatives) who stated that a main benefit of EC was that ‘it is cheaper’ were subsequently asked to elaborate on why this was: the most popular reason given was that EC would save on ‘legal fees’, with 60 per cent saying this, followed by the fact that tribunals ‘take up time’ (with 26 per cent) and that EC can save on ‘tribunal fees’ (with 20 per cent reporting this). (This follow-up question was asked openly, with responses being grouped according to their content and are reflective of the language used by respondents).

6.9 Non-financial benefits to the employer

In response to a separate but related question, fourteen per cent of employers reported that the Acas conciliator had provided them with information or advice that they believed would help them to avoid having to deal with a similar case in the future.

These employers were asked if the conciliator’s advice had resulted in their organisation taking various specific actions. The most commonly reported action having been taken was to ‘make sure procedures are followed’ (76 per cent), followed by ‘reviewing/improving the training of managers in the handling of problems at work’ (47 per cent). The third most popular action

taken as a result of the conciliator's advice was to 'Introduce or review formal disciplinary or grievance procedures' (42 per cent).

- Employers in organisations where there was no internal HR department were more likely to report that information from the conciliator had led them to 'introduce or review formal disciplinary or grievance procedures' (52 per cent versus 29 per cent of those employers with an internal HR department).
- Where an employer's organisation operated from multiple sites they were more likely to report that information from the conciliator had led them to 'introduce or review formal disciplinary or grievance procedures' (78 per cent versus 47 per cent of employers whose organisations operate from a single site). Employers operating from multiple sites were also more likely to report that information they had been given by the conciliator had led them to 'revise terms and conditions in claimants' contracts' (75 per cent versus 49 per cent of employers operating from a single site).

Table 6.12: Actions taken as a result of information from Acas conciliator

	Total %
Make sure procedures are followed	76
Reviewing/improving the training of managers in the handling of problems at work	47
Introduce or review formal disciplinary or grievance procedures	42
Revise terms and conditions in claimants' contracts	41
Join an employers' association for legal services	6
Take out insurance against potential claims	6
Seek professional advice prior to taking disciplinary action	1
Other	13
<i>Unweighted base</i>	<i>128</i>

Base: all employers who took action as a result of information provided by Acas conciliator

6.10 Future use of Acas

6.10.1 Among claimants

The survey asked respondents if they would make use of the Early Conciliation service from Acas, if they were involved in a similar situation in the future: 84 per cent of claimants answered in the affirmative (62 per cent saying that they 'definitely would' and 23 per cent saying that they 'probably would').

- Those claimants whose disputes were 'open track' were less likely to express a willingness to take part in EC in the future compared with those whose disputes were 'fast' or 'standard track' (75 per cent versus 88 and 84 per cent respectively).
- Among just those claimants who had actually participated in EC, there was a noticeable difference in anticipated future use when looking at the outcome of the conciliation, with 94 per cent of those whose dispute had resolved in a COT3 being willing to participate in the future if they were in a similar situation, compared to 81 per cent of those who did not reach a settlement through conciliation on this occasion.
- There were no clear differences based on the demographic details of the claimants.

Claimant *representatives* were also asked separately whether or not they would make use of EC again in the future if a similar situation arose, with 92 per cent confirming that they would (77 per cent 'definitely' and 15 per cent 'probably'). Only six per cent said that they would not make use of the service again if they were in a similar situation in the future (3 per cent 'definitely not' and 3 per cent 'probably not').

6.10.2 Among employers

Employer-side survey respondents were asked the same question. Nine in ten (89 per cent) employers (and their representatives) reported that they *would* make use of EC again if they were involved in a similar situation in the future (57 per cent 'definitely' and 32 per cent 'probably').

- Employer representatives were more likely than employers themselves to envisage using EC again in the future, with 94 per cent of representatives reporting that they would (probably or definitely) do so, compared to 87 per cent of employers.
- In line with claimant-side findings, where employers (and their representatives) had actually engaged with EC, there was a noticeable difference in anticipated future use when looking at the outcome of the conciliation: 96 per cent of those whose conciliation resulted in a COT3 would (definitely or probably) make use of the service again, compared with 89 per cent of those who did not reach a settlement.
- There were no noticeable differences based on profiling details of the organisations.

Within the qualitative interviews, all users in the research anticipated that they would use the EC service in the future if the need arose, because they were happy with the service they had received and were able to separate their satisfaction with the service itself from their satisfaction with the outcome of the dispute.

7. Employment Tribunal claim decision-making

This chapter explores decision-making around the submission of ET claims; among claimants whose EC cases did not culminate in a formal settlement as well as those who did not take part in EC at all. First, we examine the proportions and decision-making processes of claimants who had already submitted an ET claim at the time of the interview as well as the intentions of those who were yet to do so. The chapter then goes on to explore the likely actions that claimants would have taken in the absence of EC.

7.1 Submission (and intention of submission) of an Employment Tribunal claim

All claimants (and representatives) – except for those whose disputes had been formally resolved via EC, resulting in an Acas COT3 settlement – were asked whether they had submitted an ET claim about their dispute. Just over four in ten (44 per cent) reported that they had done so⁷¹.

Claimants (and their representatives) who had *not* submitted an ET claim were asked whether they had made a final decision about submitting an ET claim, and if so, what their decision was (and if they had not made their final decision, what their most likely course of action was):

- Seventy eight per cent of claimants (and representatives) reported that they had made their final decision, and of these, six per cent reported that they would be submitting an ET claim.
- Twenty two per cent of claimants (and their representatives) reported that they had not made their final decision. Amongst these respondents, 20 per cent thought they probably would submit a claim.

Combining the data for those who had made a final decision about submitting an ET claim at the time of the survey, we find that half (55 per cent) of claimants (and their representatives) whose cases did not result in an Acas COT3 settlement had either submitted or were planning to submit an ET claim, whereas 45 per cent had decided against this course of action.

We can open out the analysis further, to also include the *probable courses of action* for those who had not yet made their final decision. Here, the combined figures suggest that 51 per cent had submitted or were planning to submit an ET claim, versus 43 per cent who had decided against it (with an additional six per cent who did not know). A full breakdown of this more expansive analysis is shown in Table 7.1.

⁷¹ Survey timings were by design such that most claimants were interviewed shortly *after* the expiry of their 'limitation period' (the time limit for employees to bring an ET claim) i.e. at the time of interview, they had either already submitted an ET1 or else definitively decided against it. These individuals could be asked simply whether they had submitted an ET claim or not. For a minority of interviewees, limitation periods were nearing their end but still active; where these individuals had *not* claimed, two further questions were required to determine their future intention to claim (or not).

Table 7.1 : Submission and intention of submission of an ET claim		%
Whether submitted an ET claim at the time of the interview (among all claimants)		
	Yes – ET claim submitted	44
	No – ET claim <i>not</i> submitted	54
	No – but planning to submit (spontaneous only)	2
	Don't know	1
<i>Unweighted base</i>		1073
Whether made their final decision about submitting an ET claim (among those who haven't submitted an ET1 form and didn't reach a COT3 settlement)		
	Yes	78
	No	22
<i>Unweighted base</i>		524
Whether intending to submit an ET claim (among claimants who did not have a COT3 agreement, who had not claimed but had made a final decision)		
	Yes – Intends to submit ET claim	6
	No – Does <i>not</i> intend to submit ET claim	78
	No - It is too late to submit a claim (spontaneous only)	15
	Don't know	1
<i>Unweighted base</i>		406
Whether likely to submit an ET claim (among claimants who did not have a COT3 agreement who had not claimed and had not made a final decision)		
	Probably will submit an ET claim	20
	Probably won't submit an ET claim	32
	Not sure at the moment	48
<i>Unweighted base</i>		118
NET - Whether submitted/planning to submit an ET claim (among claimants who did not reach a COT3 settlement)		
	Yes	51
	No	43
	Don't know	6
<i>Unweighted base</i>		1029

Interestingly, there were no differences in the demographic profile of claimants who had submitted a claim/ were planning to submit a claim compared with those who had not/were not, including when looking at gender, age, ethnicity, speaking English as a first language, presence of a long-term illness, health problem or disability and household income. However, there were differences by dispute characteristics:

- Claimants (and their representatives) were less likely to report an ET submission if they were involved in a 'fast track' dispute (43 per cent) compared with those involved in 'standard' (55 per cent) or 'open track' disputes (60 per cent).
- At an overall level, there were no significant differences in the likelihood of an ET claim being submitted between those claimants (and their representatives) who had not taken part in EC, compared with those who had but where no settlement was reached. However, when looking at the full breakdown of EC outcomes, the group that emerges as being *most* likely to have submitted/planning to submit an ET claim are claimants (and their representatives) who had wanted to take part in EC but were unable to do so owing to employer unwillingness to take part; 59 per cent of this group had submitted or planned to submit an ET claim. In other words, nearly six in ten claimants who had wanted to enter into Early Conciliation but whose employer had not, ended up submitting (or planning to submit) an ET claim. The groups next most likely to submit were those where the conciliator was unable to make contact with the claimant (55 per cent) and those who had taken part in EC but who had failed to reach a settlement (50 per cent). Finally, claimants who had not wished to proceed with EC (either at the ECSO stage or the conciliator stage) were the group least likely have gone on to submit or else decided to submit an ET claim (39 per cent).

7.2 Mode of employment tribunal claim submission

Among claimants (and representatives) who had already submitted an ET claim, seven in ten (70 per cent) submitted their ET1 form online, with two in ten (19 per cent) submitting a paper copy by post. Other modes of submission were rare. Few sub-group differences were evident.

Claimants (and representatives) who submitted their ET1 on paper by post rather than online were asked their reasons for doing so. The most commonly mentioned reason was a preference to use paper (23 per cent), followed by having technical problems/problems with the internet (12 per cent); a further 11 percent said they were advised to submit by post and 11 per cent said that they thought it would be easier to do so.

7.3 Decision-making around the submission of Employment Tribunal claims

Claimants (and their representatives) who had submitted an ET claim (or else planned to do so) were asked for their reasons for taking this course of action. There was no prompting and responses were recorded in an open ended question and then grouped together into codes that are reflective of the language used by respondents. A range of reasons were reported, and these are displayed in Table 7.2.

Table 7.2: Claimant reasons for submitting/planning to submit an ET claim

	%
Wanted to hold the employer accountable	34
Wanted to recover money owed	19
Was necessary to get a resolution	16
The issue was not resolved through conciliation	11
I was in the right	9
<i>Unweighted Base</i>	527

Base: All claimants (and representatives) who had submitted an ET or definitely planned to do so.

There were some differences in reasons given by key subgroups of interest. The most notable included:

- As would be expected, those in 'fast track' disputes - e.g. cases such as non-payment of wages – were more likely to report wanting to recover money owed (42 per cent) compared with those in more complex 'standard' (six per cent) and 'open track' disputes (three per cent). Conversely those in 'standard' and 'open track' disputes were more likely to report it was because they were right (11 per cent and 12 per cent respectively) compared with those in 'fast track' disputes (five per cent), again reflecting the nature of these cases.
- Claimants involved in a dispute where EC had taken place were more likely than those where EC did not take place to want to hold the employer accountable (38 per cent versus 30 per cent), but less likely to report wanting to recover money (23 per cent versus 15 per cent). This in itself goes some way to explaining why EC had not resulted in a settlement in such cases, that is to say because the claimant had been seeking something which could not be attained via conciliation (unlike, for instance, a tangible financial settlement).
- Interestingly, claimants who were members of a trade union or staff association were more likely than those who were not, to want to hold the employer accountable (42 per cent versus 32 per cent), however, were less likely to cite wanting to recover money as a reason (10 per cent compared with 23 per cent).
- Claimants who were aged 45 or over were more likely than their younger counterparts to report they were in the right (14 per cent compared with five per cent).

Claimants (and their representatives) who had submitted an ET claim (or else planned to do so) were asked if there was anything else that Acas could have done to help resolve the matter without an Employment Tribunal claim being submitted. Seven in ten of these claimants (69 per cent) said that there was nothing else Acas could have done, five per cent were unsure; and the remaining 25% felt that Acas *could* have done more. A follow-up question asked them what else Acas could have done; the most commonly mentioned answer was 'more communication' (reported by 26 per cent). The breakdown of the other answers mentioned are shown in Table 7.3. Answers were recorded in an open ended question and then grouped together into codes that are reflective of the language used by respondents.

Table 7.3: Claimant views as to what else Acas could have done to help resolve the dispute without the need for an ET claim to be submitted

	%
More communication	26
Had a better understanding of the issue	16
Provided better support	15
Explained the process better	13
Have spoken more to the other side	10
Encouraged the employer more to take part	6
To be on my side	5
<i>Unweighted Base</i>	<i>149</i>

Base: All claimants (and representative) who felt Acas could have done more to help resolve the dispute.

7.4 Decision-making around the *non*-submission of Employment Tribunal claims

In addition to examining the decision-making processes of claimants (and their representatives) who *had* submitted an ET claim, a parallel set of questions were devised to explore the decision-making processes of claimants who opted against making an ET claim. One important factor under consideration here was the role of ET fees.

Since 29th July 2013, claimants who make a new ET claim have been required to pay a fee to the Tribunals Service when doing so (this 'issue fee' must be paid when the claim is initially lodged; and a subsequent 'hearing fee' must then be paid before the tribunal proceedings take place). The amount of the fee varies depending on the type of claim. If claimants have a low income or are in receipt of certain types of benefits, then can apply for this fee to be waived or reduced; this is known as a fee remission. Various aspects of the question of tribunal fees, and their impact on parties' decisions, were explored as part of both the qualitative interviews and the quantitative survey. However, it should be borne in mind that the participants in this research study represent a particular population, namely those who have already engaged with the tribunal system via an Acas EC notification. The evidence can therefore not be taken as a 'whole picture' account of the impact of fees. For instance, any would-be claimants whom fees had deterred from making an EC notification by default are outside the scope of this study.

7.4.1 Reasons for not submitting an ET claim

First, all claimants (and their representatives) who had not submitted an ET claim and did not have an intention to do so (and whose disputes were not resolved using a COT3 settlement) were asked why they had decided against claiming. The reasons given are shown in Table 7.4. This question was asked in an open manner, but responses were attributed to a set of pre-existing answer codes and as such are not necessarily reflective of the language used.

Table 7.4: Claimant (or claimant representatives) reasons for not submitting/not intending to submit an ET claim⁷²

	%
Tribunal fees were off putting	26
The issue was resolved	20
I didn't think would win the case/thought it would be a waste of time	12
It was too stressful to continue	8
Ran out of time	8
I did not have the time	3
I thought case would be thrown out by the tribunal / I didn't think had a case	4
I pursued/will pursue the case as a civil claim instead (e.g. in the County Courts)	2
I found employment	2
I needed help	2
I pursued/will pursue the case using some other kind of conflict resolution/enforcement instead (e.g. mediation or arbitration)	1
Cannot due to personal circumstances	1
I fear losing my job	1
It would not help in this case	1
I was unsure how to proceed	1
I was never really on intending to submit a claim. I was only testing the water to see if my employer would do a deal	*
I didn't want to lose money	
I have move on	*
Employer had settled / in talks about settling	*
Other	2
Don't know	3
<i>Unweighted Base</i>	<i>524</i>

Base: All claimant (and their representatives) whose cases did not reach an Acas settlement and have decided not to submit an ET claim⁷³

The single most frequently mentioned reason for not submitting an ET claim was that tribunal fees were off putting, reported by one quarter (26 per cent) of claimants (and their representatives) who had decided against claiming. Interestingly, responses did not vary by the income of the claimant or by the demographic profile of claimants; however, they did vary by membership of a trade union, with non-members being more likely to report that tribunal fees were off putting (30 per cent) compared with those who were members of a trade union or staff association (15 per cent).

It should be borne in mind here that these survey findings are based exclusively on responses from those claimants who decided *not* to submit an ET claim; claimants who had submitted an ET claim (or were intending to do so) were not asked about the potential impact of fees on their decision making process, although a planned follow-up survey of respondents is planned for later in 2015, where this will be explored. However, this issue was explored with a range of claimants within the qualitative interviews, and findings are discussed in later in this Chapter, in Section 7.4.3.

⁷² Reasons given by five per cent or more respondents are listed.

⁷³ Note a * indicates that symbol signifies a value between 0 and 0.5 per cent, while a – symbol signifies zero.

- Claimants (and representatives) who reported that tribunal fees had been off putting were asked why this was. This question was asked in an open manner, but responses were attributed to a set of pre-existing answer codes and as such are not necessarily reflective of the language used Respondents could provide as many reasons as they wished and the most commonly mentioned reasons were:
 - I could not afford the fee (68 per cent);
 - The fee was more than I was prepared to pay (19 per cent);
 - The value of the fee equalled the money I was owed (nine per cent);
 - I disagree with the principle of having to pay the fee to lodge the claim (six per cent).
- When asked what the main reason was six in ten (60 per cent) reported that they could not afford the fee, 15 per cent reported that the fee was more than they were prepared to pay and four per cent reported that they disagreed with the principle of paying the fee.

After Tribunal fees, the second most frequently mentioned reason for not submitting an ET claim was that the issue was now resolved, reported by 20 per cent of claimants. Among those who cited this reason, only 10 per cent reported that the dispute was privately settled during the EC process. Just over half (53 per cent) reported no settlement being reached during the conciliation, which would suggest that the resolution was reached *after* EC had completed. For a small proportion of these claimants, continued contact with their Acas conciliator following EC may have been a factor in helping to reach this settlement, with 11 per cent (5 out of 45 claimants) of these claimants reporting continued contact with Acas after receiving their certificate.

7.4.2 Non-submission of ET claims in unsettled cases: Determining the ‘Acas effect’

Within the quantitative survey, claimants (and their representatives) who had decided not to submit an ET claim were asked to what extent Acas was a factor in helping them to reach this conclusion. The findings reveal that for the majority of claimants (and their representatives) Acas was a factor in helping them reach their decision, with six in ten claimants (and representatives) (61 per cent) reporting that Acas was a factor (to varying extents). This consisted of 18 per cent who said their decision *not* to submit an ET claim was ‘completely’ due to Acas, 19 per cent who said it was ‘to a large extent’ and 24 per cent ‘to some extent’. Thirty six per cent said it was not at all due to the Acas conciliation.

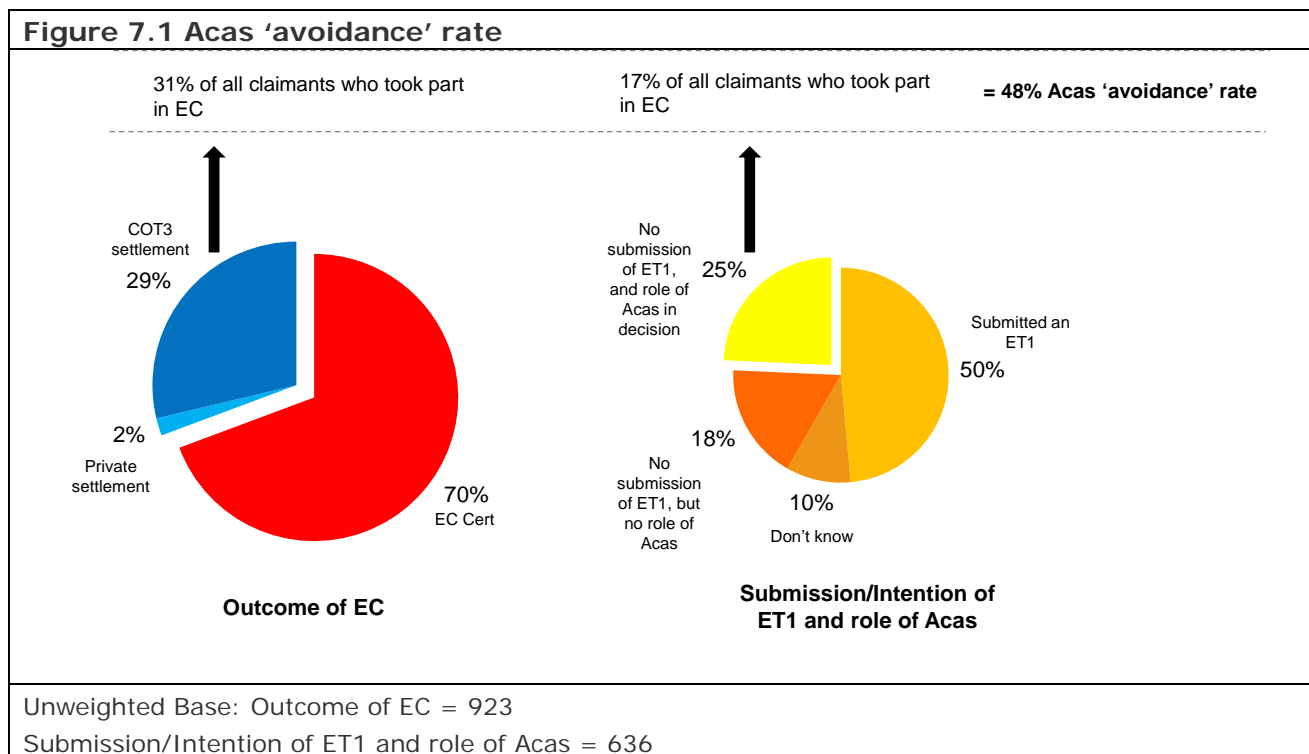
- Those involved in ‘fast track’ disputes were more likely to report that it was completely due to the Acas conciliation that they decided not to submit an ET claim (24 per cent) compared with those in ‘standard’ (10 per cent) and ‘open track’ disputes (14 per cent).

It is possible to go further still and derive an estimate of the overall proportion of claimants who took part in EC but did not go on to submit an ET claim for whom Acas was a factor in helping them to reach this conclusion – an Acas ‘avoidance’ rate. This can be derived by combining the following claimants together:

- Those who took part in EC and reached a COT3 settlement or a private settlement

- Those who took part in EC and did not reach a settlement but decided not to (or that they were unlikely to) submit an ET claim about their dispute, and reported that Acas was a factor in helping them to reach this conclusion.

Combining the data from these sources together would suggest a 48% Acas 'avoidance' rate overall.



Base: Outcome of EC – All claimants (and their representatives) who took part in EC

Submission/Intention of ET1 and role of Acas – all claimants (and their representative) who took part in EC and reached an impasse.

7.4.3 Payment of Employment Tribunal fees

All participants in the qualitative interviews were aware of the fees incurred when submitting an ET claim. Some interviewees had pre-existing knowledge about fees, predating their EC notification, but others had been made aware of ET fees for the first time by their Acas conciliator. Participants held mixed views on the fees associated with lodging a claim. For some claimants, it was accepted as normal to pay a fee for a legal service, while employers viewed these as a way to test claimants' intention and ultimately reduce the number of "unnecessary" claims.

"Fees were introduced mainly to try and sort claims out before they actually got to tribunal...I think it may help separating the people that just want to make a noise from the people that genuinely have a claim" (Employer, 'Standard track', Settlement reached)

The payment of fees was explored within the survey with claimants (and claimant representatives) who reported having already submitted an ET claim. Here, three in ten (29 per cent) claimants (or claimant representatives) reported that they had applied for a fee remission. As would be expected, fee remission applications were more common among those on lower incomes (41 per cent of those with a household income of less than £30,000 compared with 16 per cent of those with a household income of £30,000 or more). In addition,

applications for remission were more common among those claimants who were *not* a member of a trade union or staff association (32 per cent compared with 22 per cent of those who were members); perhaps attesting to the fact that some trade unions finance the payment of their members' ET fees, whereas non-members do not have this option.

Among claimants (and representatives) who had applied for a fee remission, at the time of the interview 17 per cent had not yet heard back as to whether or not their application for remission had been granted. Among those who *had* heard back, three fifths (61 per cent) were successful in full and a further five per cent had part of the remission approved. This left a quarter (25 per cent) whose applications had been unsuccessful and nine per cent who were unsure.

Among claimants (and representatives) who had been unsuccessful⁷⁴, three quarters (20 out of 29 respondents) reported that they would now pay the fee themselves.

Claimants (and representatives) who did *not* apply for a fee remission were asked whether they paid the fee themselves or if it was paid by a third party (such as a trade union) on their behalf. The majority of claimants paid the fee themselves (64 per cent), however, just over one fifth (22 per cent) said it was paid by a third party and 13 per cent were not sure.

Within the qualitative interviews, there was no evidence suggesting that ET fees *specifically* impacted on claimants' engagement with EC or their intentions to progress to tribunal *per se*. This was due mainly to the high level of the overall legal costs involved in going to tribunal, of which submission fees were considered a marginal part. In a sense, the perceived impact of fees specifically was lost amid the broader perceived impact of financial costs generally. For instance, discussion focussed on the requirement for claimants to cover employer costs if they should lose their case. These costs were felt to be unpredictable and in some instances prohibitive and were much more influential on decision making around progressing to tribunal, with fees being viewed as less important of their own accord:

"It makes it more difficult, doesn't it, you've got to consider, you've got to win pretty well in order to make it worth it; you've got to think your chances are pretty good"
(Claimant, 'Standard track', Settlement reached)

This finding seems superficially at odds with the earlier survey findings, which showed that that the single most frequently mentioned reason for *not* submitting an ET claim was that tribunal fees were off putting, reported by one quarter (26 per cent) of claimants (and their representatives) who had decided against claiming. However, the different methodologies and sample compositions should be taken into account here; the earlier survey finding is based on responses from claimants whose cases did not reach an Acas settlement and who subsequently decided not to submit an ET claim. By contrast, the qualitative interviews took place with a much broader mix of claimants, far smaller in number and sampled purposively (and hence difficult to generalise from). Rather than contradicting the survey finding, they reflect the subtleties of other, different viewpoints that are in evidence.

⁷⁴ n= 29.

7.5 Likely action in the absence of EC

A further area of interest within the evaluation was to examine the counterfactual; that is to say, to explore what the likelihood of various actions taking place in the dispute would have been *if EC had not existed*. This notion was explored in both in the survey and the qualitative interviews.

First, within the survey, claimants (and their representatives) who had taken part in EC were told to imagine that there was no EC service, and were asked to say what their most likely course of action regarding the dispute would have been. Employers (and their representatives) who had taken part in EC were also asked to say what *they thought* would have been the claimant's most likely course of action if EC had not existed. Table 7.5 displays the responses.

Table 7.5: Likely action in the absence of EC

	Claimant (or claimant representative) %	Employer (or employer representative) %
I would have /claimant probably would have submitted an ET claim anyway	33	42
Try to settle the matter some other way first, but I/claimant probably would have submitted an ET claim if that didn't work	43	24
Try to settle the matter some other way further, but I /claimant probably would have <i>not</i> submitted an ET claim if that didn't work	11	10
I / claimant probably wouldn't have pursued the matter any further	10	15
Don't know	3	9
<i>Unweighted Base</i>	923	1052

Base: All claimants (and representatives) who took part in EC and all employers (and representatives) who took part in EC

Claimants (and their representatives) were most likely to report that they would have initially tried to settle the claim some other way, but if that didn't work they would have submitted an ET claim (43 per cent). This was followed by a third (33 per cent) who reported that they would simply have submitted an ET claim anyway (that is, without first trying to settle the dispute another way). The perceptions of employers (and their representatives) were the reverse of this; they were most likely to think that the claimant would have submitted an ET claim *without* first attempting to settle the dispute another way (42 per cent). Only a quarter (24 per cent) thought that the claimant would have tried to settle in some other way before submitting an ET claim. This mismatch of perceptions suggests a tendency for employers to overestimate the extent of claimants' litigiousness, that is to say employers believe that claimants are readier to lodge ET claims than claimants themselves believe to be the case.

Interestingly, one in ten claimants (and their representatives) (10 per cent) and one in seven employers (and their representatives) (15 per cent) reported that they/the claimant would have been unlikely to have pursued the matter any further had EC not existed.

Views of each party differed depending on the track of the dispute they were involved in. A breakdown is shown in Table 7.6. Across the tracks, employers were more likely than claimants to say that the likeliest action would have been an ET claim without prior attempts by the claimant to settle.

Table 7.6: Likely action in the absence of EC by track

	Fast %	Standard %	Open %	Total (%)
Claimants (and their representatives)				
I would have /claimant probably would have submitted an ET claim anyway	29	37	32	33
Try to settle the matter some other way first, but I/claimant probably would have submitted an ET claim if that didn't work	44	39	50	43
Try to settle the matter some other way further, but I /claimant probably would have <i>not</i> submitted an ET claim if that didn't work	14	9	9	11
I / claimant probably wouldn't have pursued the matter any further	11	12	5	10
Don't know	3	3	4	3
<i>Unweighted Base</i>	<i>236</i>	<i>272</i>	<i>415</i>	<i>923</i>
Employers (and their representatives)				
I would have /claimant probably would have submitted an ET claim anyway	37	45	45	42
Try to settle the matter some other way first, but I/claimant probably would have submitted an ET claim if that didn't work	20	24	30	24
Try to settle the matter some other way further, but I /claimant probably would have <i>not</i> submitted an ET claim if that didn't work	14	8	7	10
I / claimant probably wouldn't have pursued the matter any further	17	14	13	15
Don't know	10	10	6	9
<i>Unweighted Base</i>	<i>261</i>	<i>456</i>	<i>333</i>	<i>1052</i>

Base: All claimants (and representatives) who took part in EC

All employers who took part in EC.

There were very few other sub group differences evident among claimants (and their representatives). However, those in the in the public sector were more likely than those in the private sector to report that they would have probably just have submitted the ET claim (without trying to settle the dispute in another way first) (40 per cent versus 31 per cent).

Views of employers (and their representatives) differed much more. Employers involved in the following types of disputes were more likely to think that the claimant would have probably submitted an ET claim anyway (without trying to settle the matter in another way first):

- Those in the public sector (49 per cent) compared with those in the private or voluntary sectors (41 per cent and 39 per cent respectively).
- Those with a trade union or staff association present (48 per cent) compared to those without (40 per cent).
- Those who took part in EC but did not reach a settlement (46 per cent) compared with those who took part and reached a COT3 settlement (35 per cent).

This issue was also explored within the qualitative interviews, which revealed a more detailed picture. The claimants who reported a genuine intention to submit an ET1 form expected that they would have proceeded with their claim in the absence of EC, even if they were unable to safely predict the outcome. This was due to strongly believing in the strength of their case and/or due to being keen to have their employer's actions made public.

It is worth mentioning that within the timeframe of the EC process, claimants with a strong *initial* intention to submit an ET1 form reported a gradual diminishment in the strength of that intention, becoming increasingly distressed as the case proceeded due to a perceived lack of employer engagement. These claimants reported having lost faith in their case as negotiations wore on. Occasionally, coupled with apprehension regarding unpredictable tribunal costs, this resulted in a decision to not move any further (i.e. to push for a certificate to be issued and drop the case altogether), or to accept an offer they otherwise would not have considered at the outset.

"In fairness if I had the money I would have gone to tribunal, I wouldn't have accepted the offer. The only reason I accepted the offer is because I was so sick of everything that was going on with the company, I just wanted to walk away and get on with my life" (Claimant, 'Standard track', Settlement reached)

Other claimants were originally intending to reach an agreeable settlement but did not have the intention to take the dispute to court. It was clear in the accounts of those claimants that this would not have been possible in the absence of EC as their employer was not engaging in any dialogue prior to Acas' involvement. These claimants reported that they were unlikely to have submitted an ET claim because they were frustrated with the lack of employer engagement. Similarly, they felt that increased stress levels due to the confrontational nature of negotiations in the absence of EC may have forced them to withdraw.

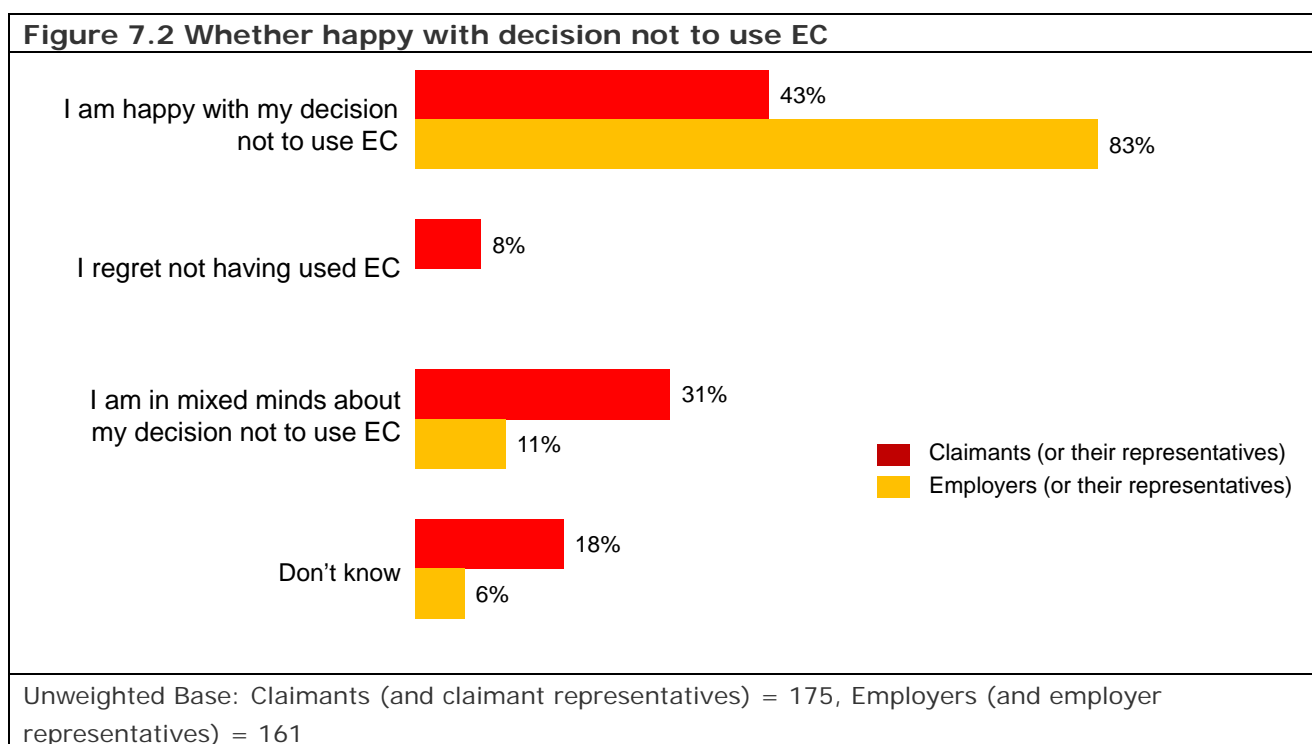
Employers were generally doubtful they would have been able to avoid a tribunal in the absence of EC because of the nature of the dispute and the claimant's interest in pursuing the claim. They reported that they would have continued to try to settle the dispute internally, recognising legal fees and man hours were likely to exceed the amount offered to settle.

"My client was weighing up how much we would offer for a settlement because we were weighing whether the claimant would lodge a claim, whether she would pay the fee to bring a claim. We were given assurances by the Acas conciliator that the claimant was aware of the fees and would probably still continue to a claim...it saved my client money, if we didn't have the Early Conciliation process she probably would have lodged a claim and would cost my client a lot more money " (Employer representative, 'Open track', Settlement reached)

7.6 Feelings around the decision not to take part in EC

Claimants (and their representatives) and employers (and their representatives) who chose *not* to take part in EC were asked how they felt with hindsight about that decision. Each party held different viewpoints as shown in Figure 7.2:

- Just over just over eight in ten employers (and representatives) (83 per cent) were happy with their decision not to take part; none regretted not having used EC, 11 per cent were of mixed minds about their decision not to use EC, and six per cent were unsure.
- Claimants were altogether less certain about the choices that they had made: just 43 per cent reported being happy with their decision not have taken part in EC, whereas eight per cent reported that they regretted not having used EC. A further 31 per cent were 'of mixed minds' about their decision and 18 per cent said they simply didn't know.



Base: All claimants (and claimant representatives) and employers (and employer representatives) who did not take part in EC.

8. Technical Appendix

8.1 Introduction

The Advisory, Conciliation and Arbitration Service (Acas) commissioned TNS BMRB to undertake a longitudinal evaluation of the conciliation services that it offers as part of an individual's dispute resolution journey. This 'journey' has the potential to take in one or both of Acas' Early Conciliation (EC) and Individual Conciliation (IC) services and this is reflected in our use of two separate data collection points: a survey of customers immediately at the point at which EC has concluded and a subsequent survey of ET1 parties subsequent to the offer and, for some, uptake of and engagement in IC. The following provides an overview of the technical aspects of the way that the first survey of this evaluation was designed, implemented and reported.

8.1.1 Research Design

The research design adopted combined quantitative and qualitative methods to achieve the key requirements for a robust programme of research to understand the views of the users of early conciliation.

8.2 Quantitative Methodology

8.2.1 Survey Design

The quantitative element of the evaluation composed of two telephone (CATI) surveys:

- One of claimants (or their representatives) who had submitted an EC notification to Acas; they had not necessarily been a participant of EC.
- One of employers (or their representatives) for whom a notification had been submitted about and Acas had contacted them to offer EC.

The sample frame consisted of all claimants/employers (or their representatives) whose EC window had closed⁷⁵ between 29th September and 30th November 2014, with sampling being made on an individual basis and not at a case level, with claimants and employers (or their representatives) being selected separately to each other:

- For the claimant survey, a random stratified sample of claimants was drawn from all cases within the sample frame. For cases which were selected where a representative was listed as dealing with the case on the claimant's behalf (according to Acas' MI records), the claimant's representatives was approached for the survey. In all cases where there was no representative, the claimant was approached directly for the survey. In addition a boost sample was drawn of claimants involved in 'open-track' cases.

⁷⁵ The closing of an individual's EC window is marked by the drawing up of a COT3 settlement or, where a settlement is not reached, the issuing of a Certificate entitling the claimant to make a tribunal claim.

- For the employer survey a random stratified sample of employers was drawn from all cases in which an employer would have been aware that an EC notification had been submitted about them. Again, where recorded (on Acas' MI records), the representative was approached. In addition a boost sample was drawn of employers involved in 'open-track' cases.

8.2.2 Questionnaire design

The questionnaire followed the below structure in terms of areas covered;

1. Introduction
2. Employment details
3. Dispute details
4. Early conciliation process
 - a. EC notification form
 - b. ECSO
 - c. Notification outcome
 - d. Conciliation outcome
 - e. Conciliator
 - f. Overall experience
 - g. Costs to employer
 - h. Benefits to employer
5. Submission of ET claim
6. Employer details/Claimant profile
7. Personal details
8. Thank, close and recontact

Where possible the questionnaire made of pre-existing questions from previous research looking at conciliation and employment disputes, namely; the Survey of Employment Tribunal Applications (SETA 2013), Acas' evaluation of the introduction of a conciliation support team for the Pre-Claim Conciliation service (2013), Acas' 2012 Evaluation of its PCC service (pub. 2013), Acas' Individual Conciliation Survey 2012 (pub. 2013) and Acas' evaluation of why PCC referrals become Employment Tribunal claims (2012). A number of new questions were also included which were designed to fill needs only where a pre-existing question did not already exist to cover certain topics particular to this research.

The full questionnaire can be found at Appendix.1

8.2.3 Sample Preparation

Sample was received from Acas in two batches.

Batch 1

The first batch of sample contained cases drawn from Acas records of EC notifications where EC had concluded and *either* a COT3 *or* Certificate had been issued between the 29th September and 2nd November 2015.

The first stage in the sample preparation was to remove ineligible cases from the sample extract. Ineligible cases were as follows:

- ‘Multiple’ cases – cases taken out by a group of claimants against the same employer with the same representative.
- Duplicate claimant notifications about the same case – cases where the claimant had put the same notification in more than once (e.g. within a very short space of each other, with a very similar employer name). In each instance the notification with the most recent date was retained.

The remaining cases were then divided into the following, featuring:

a) a claimant that can be contacted individually

This is where a claimant has full contact details (name, address and telephone number)⁷⁶, and the claimant did not have a representative.

b) a contactable claimant representative that has not worked with an employer

This is where a claimant had a representative and the representative’s name and telephone number were present⁷⁷, and the representative hadn’t represented an employer.

c) an employer that can be contacted individually

This is where an employer had full contact details (contact person name, address and telephone number)⁷⁸, the employer did not have a representative, and where the case has an outcome where it is appropriate to contact the employer side (see note on this below).

d) a contactable employer representative that has not worked with a claimant

This is where an employer had a representative and the representative’s contact name and telephone number were present⁷⁹, where the case has an outcome where it is appropriate to contact an employer side, and where the representative hadn’t represented a claimant.

e) a contactable representative that has worked with both a claimant and an employer.

This is where a representative was identified as representing a claimant and an employer (in different cases), and the representative’s contact details were present (contact name and telephone number), and where the case has an outcome where it is appropriate to contact an employer side (see note on this below).

Table 8.1 provides an overview of the outcome of cases which could be sampled for each survey.

⁷⁶ Claimants without full contact details were been removed.

⁷⁷ Claimant representatives without full contact details have been removed.

⁷⁸ Employers without full contact details have been removed.

⁷⁹ Employer representatives without full contact details have been removed.

Table 8.1 Overview of EC case outcomes which could be sampled for each survey

EC outcome	Potentially sampled for the claimant survey	Potentially sampled for the employer survey
Claimant would not engage with EC - certificate issued by ECSO (no contact with respondent)	Yes	No
Claimant could not be contacted by conciliator - certificate issued by conciliator (no contact with respondent)	Yes	No
Claimant would not engage with EC – certificate issued by conciliator (no contact with respondent)	Yes	No
Respondent could not be contacted/would not engage with EC - certificate issued by conciliator	Yes	Yes
EC complete – No settlement (cert issued by conciliator)	Yes	Yes
EC complete – Resolved COT3	Yes	Yes

Within (a) - (d) duplicates were identified and marked:

- For (a): duplicate claimants were identified where the same claimant had taken out more than one *different* EC notification over the period.
- For (b): duplicate claimant representatives were identified based on a 'site' basis.
- For (c): duplicate employers were identified on a 'site' basis.
- For (d): duplicate employer representatives were identified on a 'site' basis

Following deduplication of cases at random, sample frames of (a) claimants and claimant representatives and of (b) employers and employer representatives were constructed (representatives of both claimants and employers were randomly assigned to either one frame or the other).

Batch 2

The second batch of sample contained cases drawn from Acas records of EC notifications where EC had concluded and *either* a COT3 *or* Certificate had been issued between the 3rd November and 30th November 2015.

In line with batch 1, ineligible cases were initially identified and removed. The sample was then prepared in the same way as batch 1. In addition, a further de-duplication stage was necessary, to identify duplicate claimant, employers and representatives (the latter two at a site level) between batches 1 and 2.

Sample selection

Batch 1

The claimant and claimant representatives frame was stratified by (a) whether it was a claimant or a claimant representative; (b) track; (c) overarching outcome; and (d) Acas area office. Records were selected by a systematic sampling approach for the claimant core sample. Non selected open track records in this frame were selected for the claimant open track boost sample.

The employer and employer representative frame was selected in its totality. No open track employer 'boost' sample could be selected or issued due to availability.

Batch 2

The Batch 2 sample frames were used for selecting open track boost samples. For the claimant survey, additional open track claimants and claimant representatives records were sampled stratified by (a) whether it was a claimant or a claimant representative; (b) the overarching outcome; and (c) the Acas area office.

For the employer survey, all open track employers and employer representatives records available in Batch 2 were selected.

8.2.4 Pilot and development

As part of the questionnaire development phase for this project, TNS BMRB undertook a stage of cognitive testing. The testing focused on all the new questions, along with the following over-arching topics:

- Understanding and differentiation of the ECSO and the conciliator.
- Understanding and differentiation of the EC notification and applying for an employment tribunal.
- Understanding of the early conciliation service.
- Understanding and knowledge of the certificate.

Interviews took place over the telephone, and were conducted from 27th to 31st October 2014. Interviews with between 20-30 minutes, and participants were prompted in several places to explain their understanding of a question as well as being asked about their general reflections at the end of the interview.

Thirteen interviews were conducted, broken down in Table 8.1 below, with all respondents being pre-contacted by a recruiter from TNS BMRB to ensure that they were willing to participate and to set up a convenient time for one of the research team to get in touch.

Table 8.2: Cognitive development interviews	
	# of interviews
Claimants	6
Claimant representatives	2
Employers	3
Employer representatives	2
<i>Total</i>	<i>13</i>

A short report was produced for Acas, leading to a small number of modifications being made to the questionnaire prior of the pilot stage.

A small pilot was conducted ahead of the main fieldwork. The fieldwork for this was conducted from 17th to 20th November 2014. Thirty two interviews were conducted, falling out as shown in Table 8.3 below. All respondents were sent an advance letter ahead of the start of the fieldwork period.

Table 8.3: Pilot interviews	
	# of interviews
Claimants	13
Claimant representatives	2
Employers	11
Employer representatives	6
<i>Total</i>	<i>32</i>

The aim of the pilot was to ensure that contact protocols worked effectively as well as a final check against the flow, content and delivery of the questionnaire.

A short report on the pilot was delivered to Acas, leading to a small number of modifications to the survey ahead of launching the main fieldwork period.

8.2.5 Fieldwork

The main stage fieldwork took place from the 3rd November 2014 to 8th March 2015. All participants were sent an advance letter ahead of the beginning of fieldwork. In total 3,106 claimants (or their representatives) were contacted for the survey, as were 2,545 employers (or their representatives).

Overall 1,331 interviews were completed with claimants (or their representatives) and 1,255 with employers (or their representatives). A response rate of 51 per cent was achieved in the claimant survey and 57 per cent for the employer survey. The full breakdown of response rates is listed in Tables 8.4 and 8.5 below. The average interview length for claimants (or their representatives) was 27 minutes and for employers (or their representatives) it was 22 minutes.

Table 8.4: Survey Response – Claimant Survey

	N
Advance letters sent	3,106
Sample covered	2,948
Sample with no final outcome at the end of fieldwork	158
Invalid sample data	
Invalid Tel No	162
Moved - no trace	12
Unknown at number	62
Case details not confirmed / No recollection of case	67
Respondent Incapable of Interview	27
Case is confidential	3
Died	5
Opt-out/refusal	
Refusal	527
Opt out	16
Case too sensitive/traumatic	5
Abandoned interview	107
Unavailable during fieldwork	81
10+ Unsuccessful calls (and made contact)	543
Full interviews	1,331
Productive of valid sample (%)	51

Table 8.5: Survey Response – Employer Survey	
	N
Advance letters sent	2,545
Sample covered	2,466
Sample with no final outcome at the end of fieldwork	79
Invalid sample data	
Invalid Tel No	105
Business closed down / moved (no trace)	0
Case details not confirmed / No recollection of case	70
Case is confidential	13
Contact left / unknown at the company and no referral	76
Opt-out/refusal	
Refusal	368
Opt out	13
Abandoned interview	45
Unavailable during fieldwork	43
10+ Unsuccessful calls (and made contact)	478
Full interviews	1,255
Productive of valid sample (%)	57

8.2.6 Weighting

The weights applied on the Acas employer and claimant datasets comprised of two components:

- (a) A design weight, which addresses imbalances in the responding sample of employer and claimant cases introduced by the sample design that was implemented⁸⁰.
- (b) A post-stratification weight, which accounts for potential non-response bias in the employer and claimant survey datasets.

The calculation of design weights for cases in the responding employer and claimant survey datasets involved estimating the probability of each case being drawn from the sample frame into the issued sample. The design weight assigned to a case in the responding sample is equal to the inverse of its probability of being selected in the issued sample. This 'up-weights' cases which had a relatively lower probability of being selected and 'down-weights' cases which had a relatively higher probability of being selected in the issued sample.

The calculation of the post-stratification weights involved applying a RIM weighting algorithm, after taking into account the calculated design weights. The algorithm ensured that the structure of the employer and claimant survey datasets matches the structure of their corresponding target populations (i.e. the populations of employer and claimant cases,

⁸⁰ The sample design boosted the proportion of open track cases in the sample of claimant cases that was issued during fieldwork.

respectively) in relation to a set of key profiling variables expected to be correlated with the estimates produced based on the survey datasets.

Tables 8.6 and 8.7 present the profiling variables used at the post-stratification stage and their marginal distribution in the populations of employer and claimant cases⁸¹, respectively. These distributions served as weighting targets at the post-stratification process. The design effect introduced by the weighting process of the employer dataset is estimated at 1.10⁸², while the design effect for the claimant dataset is estimated at 1.26⁸³.

Table 8.6: Claimant profiling variables		
		%
Type of respondent	Claimant	85
	Claimant Representative	15
Area office	Birmingham	5
	Bristol	7
	Bury St Edmunds	6
	Cardiff	9
	ECSO-stage only (unassigned to Acas office)	16
	Glasgow	7
	Leeds	7
	Liverpool	8
	London	9
	Manchester	5
	Newcastle	8
	Nottingham	5
	South East England	8
Track type	Fast	44
	Standard/multiple	36
	Open	19
	Claimant could not be contacted by conciliator - certificate issued by conciliator (no contact with respondent)	5
Overarching outcome	Claimant would not engage with EC - certificate issued by conciliator (no contact with respondent)	4
	Claimant would not engage with EC - certificate issued by ECSO (no contact with respondent)	16
	EC complete - certificate issued by conciliator	46
	Resolved COT3	17
	Respondent would not engage - certificate issued by conciliator	13
		100

⁸¹ The distributions presented in Tables 8.5 and 8.6 take into account cases that were excluded from the sample frames because of missing contact details or because of an expressed unwillingness to be contacted.

⁸² Mean of employer weight = 1; Standard deviation of employer weight = 0.328, Design effect = $1 + (0.328/1)^2 = 1.10$.

⁸³ Mean of claimant weight = 1; Standard claimant of employer weight = 0.514, Design effect = $1 + (0.514/1)^2 = 1.26$.

Table 8.7: Employer profiling variables

		%
Type of respondent	Employer	74
	Employer Representative	26
Area office	Birmingham	7
	Bristol	9
	Bury St Edmunds	7
	Cardiff	11
	Glasgow	8
	Leeds	9
	Liverpool	9
	London	10
	Manchester	6
	Newcastle	8
	Nottingham	7
	South East England	10
	Fast	35
	Standard/None	42
	Open	23
Overarching outcome	EC complete – certificate issued by conciliator	55
	Resolved COT3	28
	Respondent would not engage	17
		100

8.3 Details of the Multivariate Analysis

8.3.1 Overview

Within this report, driver analysis was conducted covering three topics:

- 1) Drivers of Acceptance of Early Conciliation
- 2) Drivers of Settlement of Early Conciliation
- 3) Drivers of Satisfaction of Early Conciliation

For each topic, the driver model is split into two: one covering internal factors only (e.g. aspects related to the Acas service) and one covering external factors only (e.g. characteristics of the claimant, characteristics of the dispute, which do not relate to the Acas service, and Acas has no control over). The modelling was conducted for claimant and employers sides separately. Table 8.8 gives an overview of the models for each topic. Each model presents the key drivers and how they impact the target variable.

Table 8.8: Driver Models Overview				
Target Variable	Predictor: Internal Factors		Predictor: External Factors	
	Claimant	Employer	Claimant	Employer
Acceptance	Model 1	N/A	Model 1 ⁸⁴	N/A
Settlement	Model 2	Model 3	Model 4	Model 5
Satisfaction	Model 6	Model 7	Model 8	Model 9

8.3.2 Modelling Approach

For each model the driver analysis was conducted using the following three steps.

Step 1: Bivariate Analysis

In this step, each predictor factor was 'correlated' with a target variable. Due to the fact that all the target variables were binary: a) If the predictor factor was a categorical variable, a Chi-Square Test⁸⁵ was used and the Chi-Square Statistic was then converted into a F Statistic. b) If the predictor factor was an interval/continuous variable, an F-Test⁸⁶ was used. The P-value was used to rank predictors' 'correlation' with each target variable. Those variables with p-value lower than 0.05, were then entered Step 2 for multivariate analysis.

Step 2: Multivariate Modelling

Because all target variables were binary, a logistic regression method for each model was adopted. To reach the goal of being parsimonious while accounting for as much variance of the target variable as possible, a stepwise selection procedure was adopted.

⁸⁴ Due to the small number of external factors, the acceptance model combines internal factors and external factors into one model, instead of modelling them separately.

⁸⁵ Chi-Square Test is a statistical test commonly used to compare observed data with data we would expect to obtain according to a specific hypothesis. Chi-square Statistic = (numerator degrees of freedom) * F statistic.

⁸⁶ F-Test is statistical test commonly used to assess whether the expected values of a quantitative variable within several pre-defined groups differ from each other.

The stepwise method is a modification of the forward selection method⁸⁷ that differs in that variables already in the model do not necessarily stay there. The stepwise process ends when no variable outside the model has an F statistic significant at the significance level that is specified to enter the model and every variable in the model is significant at the significance level that is specified to stay in the model. The analysis works by attempting to create the simplest most parsimonious model possible and where there is significant overlap (collinearity) between the independent variables then once a variable is included in the model other very similar or correlated variables are not required as they would be accounting for the same information in relation to the outcome variable.

Model fit is checked by using a pseudo R square and Accuracy Rate. The pseudo R square reported here (at the base of each table) is the Nagelkerke R square calculated in SAS and indicates the extent to which the model explains the variance in the target variable, with a maximum value of 1.0 indicating perfect explanatory power. The 'Accuracy Rate' is the percentage of cases that are correctly predicted by the model.

Step 3: Insights Generation

To check the relative importance of each variable in a model, a Ward Test was conducted to identify the effects of each predictor⁸⁸. The variable with the smallest p-value was ranked as the most important, followed by variables with a larger p-value.

To understand how each category of a categorical variable impacted the target variable, an odds ratio was used. The odds ratio was calculated by taking the ratio of the odds of one group experiencing the outcome in questions compared to the odds of the reference group⁸⁹ experiencing the outcome:

- An odds ratio greater than one implies an increased likelihood of experiencing an outcome compared to the reference group. An odds ratio of less than one implies a decreased likelihood of experiencing an outcome compared to the reference group.
- A category with a larger odds ratio implies that the category has a larger impact on target variable compared with categories with smaller odds ratios.

For example, the odds ratio in Table 8.10 shows that claimants whose disputes were classified as open were 1.322 times more likely to accept the offer to take part in EC than those in standard track disputes.

8.3.3 Results

For each model below the findings are divided into two: the first part presents the key predictors ranked in order of importance (with the most important predictor shown at the top of the table, and the least important at the bottom), and the second part presents the logistic regression output and model fit measures.

⁸⁷ The forward selection method begins with no variables in the model and adds variables by comparing the p-values for the F statistics to the significance level that is specified beforehand (in our case, 0.05 significance level is used).

⁸⁸ A Ward Test checks whether one or a set of parameters is equal to some value. Its test if statistics follow a Chi-Square distribution.

⁸⁹ The reference group is indicated in each table by the characteristic with an odds ratio of (1.0).

Model 1: Claimant Acceptance of EC - Internal Factors and External Factors

This model aims to understand the drivers (including internal factors and external factors) of claimant acceptance of EC. Table 8.9 presents the key drivers of claimant acceptance identified in the logistic regression model. The drivers are ranked from most important at the top row to least important at the bottom row.

Table 8.9 Claimant Acceptance: Predictor Relative Importance

Predictor Label	Chi-Square Statistic	Statistical Significance
Track	28.3406	<.0001
Why claimant submitted EC notification	22.255	<.0001
How soon after issue was ACAS notified	18.0729	0.0008

Table 8.10 presents the estimates and odds ratio of each predictor.

Table 8.10: Claimant Acceptance: Logistic Regression Output

Predictor	Predictor Categories	Estimate	Odds Ratio	Statistical Significance
	(Intercept)	2.2867		<.0001
Track	Fast	-0.6009	0.467	<.0001
	Open	0.4401	1.322	0.004
	Standard		1	
Why claimant submitted EC notification	Had to, in order to submit an Employment Tribunal claim	-0.5977	0.523	0.0003
	Had to, in order to submit an Employment Tribunal claim, but was also keen to see if a settlement could be reached	0.2074	1.17	0.1535
	Just wanted to see if a settlement could be reached, and did not have a desire to submit an Employment Tribunal claim	0.3403	1.337	0.0475
	n.a.(missing value category)		1	
How soon after issue was ACAS notified	n.a.(missing value category)	0.9995	2.583	0.1237
	Within a week	-0.1186	0.844	0.5774
	more than three months afterwards	-1.0269	0.341	0.0001
	within a month	0.0956	1.046	0.6387
	Within Three Months		1	
Age	16-19	-1.4639	0.641	0.0028
	20-24	0.5652	4.879	0.0746
	25-34	0.0858	3.021	0.689
	35-44	0.0946	3.048	0.6566
	45-54	0.4109	4.182	0.0543
	55-64	0.2775	3.66	0.2423
	65+	1.0498	7.922	0.0516
	n.a.(missing value category)		1	
Whether claimant made previous Employment Tribunal claim	n.a.(missing value category)	1.1964	4.616	0.0506
	No	-0.8633	0.588	0.0073
	Yes		1	

Note: Accuracy Rate =86.7%, Pseudo R² = 0.09

Model 2: Claimant Settlement - Internal Factors

This model aims to understand the internal factors that help claimants reach a settlement during EC. Table 8.11 presents the key drivers of claimant settlement identified in the logistic regression model. They are ranked from most important at the top row to least important at the bottom row.

Table 8.11: Claimant Settlement: Predictor Relative Importance

Predictor	Chi-Square Statistic	Statistical Significance
How many times had contact with conciliator	34.1005	<.0001
Relaying offers to and from other party - rate conciliator	17.6896	<.0001

Table 8.12 presents the estimates and odds ratio of each predictor.

Table 8.12: Claimant Settlement: Logistic Regression Output

Predictor	Predictor Categories	Estimate	Odds Ratio	Statistical Significance
	(Intercept)	0.2319		0.3197
How many times had contact with conciliator	<= 5 times	0.751	4.49	<.0001
	>5 times		1	
Relaying offers to and from other party - rate conciliator		0.3375	1.401	<.0001

Note: Accuracy Rate =81.7%, Pseudo R^2 =0.199

Model 3: Employer Settlement - Internal Factors

This model aims to understand the internal factors that help employers reach settlement during EC. Table 8.13 presents the key drivers of employer settlement identified in the logistic regression model. They are ranked from most important at the top row to least important at the bottom row.

Table 8.13: Employer Settlement: Predictor Relative Importance		
Predictor	Wald Chi-Square	Statistical Significance
How many times had contact with conciliator	28.0523	<.0001
How important ACAS involvement was in helping move parties together	23.1731	<.0001
Relaying offers to and from other party - rate conciliator	19.9568	<.0001

Table 8.14 presents the estimates and odds ratio of each predictor.

Table 8.14: Employer Settlement: Logistic Regression Output				
Predictor	Predictor Categories	Estimate	Odds Ratio	Statistical Significance
	(Intercept)	-0.9726		0.008
How many times had contact with conciliator	<= 3 times	0.6895	3.971	<.0001
	>3 times		1	
Relaying offers to and from other party - rate conciliator		0.3514	1.42	<.0001
How important ACAS involvement was in helping move parties together		0.5935	1.81	<.0001

Note: Accuracy Rate =81.3%, Pseudo R² =0.31

Model 4: Claimant Settlement - External Factors

This model aims to understand the external factors associated with claimants who reach a settlement during EC. Table 8.15 presents the key drivers of claimant settlement identified in the logistic regression model. They are ranked from most important at the top row to least important at the bottom row.

Table 8.15: Claimant Settlement: Predictor Relative Importance		
Predictor	Chi-Square Statistic	Statistical Significance
Employer sector	10.5985	0.0141
Whether claimant was a member of a trade union or staff association when in contact with ACAS	6.1319	0.0466

Table 8.16 presents the estimates and odds ratio of each predictor.

Table 8.16: Claimant Settlement: Logistic Regression Output				
Predictor	Predictor Categories	Estimate	Odds Ratio	Statistical Significance
	(Intercept)	0.9959		<0.001
q106(employer sector)	n.a. (missing value category)	0.1845	0.773	0.4881
	non-profit/voluntary sector	-0.402	0.43	0.1354
	private sector	-0.2238	0.514	0.1228
	public sector		1	
q123(Whether claimant was a member of a trade union or staff association when in contact with ACAS)	n.a. (missing value category)	-0.1407	0.63	0.6415
	No	-0.1805	0.606	0.2915
	Yes		1	

Note: Accuracy Rate =68.9%, Pseudo R² =0.038

Model 5: Employer Settlement - External Factors

This model aims to understand the external factors associated with employers who reach settlement during EC. Table 8.17 presents the key drivers of employer settlement identified in the logistic regression model. They are ranked from most important at the top row to least important at the bottom row.

Table 8.17: Employer Settlement: Predictor Relative Importance

Predictor	Chi-Square Statistic	Statistical Significance
Workplace size	20.5048	0.0004
Whether employer public sector/private sector/non-profit or voluntary organisation	16.6924	0.0008
Whether there was a rep in this case (Employer side interview)	7.624	0.0221

Table 8.18 presents the estimates and odds ratio of each predictor.

Table 8.18: Employer Settlement: Logistic Regression Output

Predictor	Predictor categories	Estimate	Odds Ratio	Statistical Significance
	(Intercept)	4.8386		0.9759
Size of workplace	250+	0.3676	1.747	0.0303
	50-249	0.2327	1.527	0.0969
	25-49	0.00169	1.212	0.9917
	Less than 25	-0.4115	0.802	0.0003
	n.a. (missing value category)		1	
Whether employer public sector/private sector/non-profit or voluntary organisation	n.a. (missing value category)	-1.1195	0.147	0.0256
	non-profit/voluntary sector	0.2894	0.603	0.2241
	private sector	0.0347	0.467	0.856
	Public Sector		1	
Whether there was a rep in this case (Employer side interview)	Employer with representative	-4.5947	0.0000015	0.9771
	Employer without representative	-4.1913	0.0000023	0.9791
	n.a. (missing value category)		1	

Note: Accuracy Rate =64.1%, Pseudo R² =0.071

Model 6: Claimant Satisfaction - Internal Factors

This model aims to understand the internal factors that drive claimant satisfaction with EC. Table 8.19 presents the key drivers of claimant satisfaction identified in the logistic regression model. They are ranked from most important at the top row to least important at the bottom row.

Table 8.19: Claimant Satisfaction: Predictor Relative Importance		
Predictor	Chi-Square Statistic	Statistical Significance
Was actively involved in seeking an agreement to settle - agree conciliator	11.6625	0.0006
Was trustworthy - agree conciliator	11.2866	0.0008
Was knowledgeable about the case - agree conciliator	6.305	0.012
Understood the circumstances of the case - agree conciliator	5.4556	0.0195

Table 8.20 presents the estimates and odds ratio of each predictor.

Table 8.20: Claimant Satisfaction: Logistic Regression Output			
Predictor	Estimate	Odds Ratio	Statistical Significance
(Intercept)	-7.8979		<.0001
Was knowledgeable about the case - agree conciliator	0.5146	1.673	0.012
Understood the circumstances of the case - agree conciliator	0.4388	1.551	0.0195
Was trustworthy - agree conciliator	0.7883	2.2	0.0008
Was actively involved in seeking an agreement to settle - agree conciliator	0.5412	1.718	0.0006

Note: Accuracy Rate =88.9%, Pseudo R² =0.548

Model 7: Employer Satisfaction - Internal Factors

This model aims to understand the internal factors that drive employer satisfaction with Early Conciliation. Table 8.21 presents the key drivers of employer satisfaction identified in the logistic regression model. They are ranked from most important at the top row to least important at the bottom row.

Table 8.21: Employer Satisfaction: Predictor Relative Importance		
Predictor	Chi-Square Statistic	Statistical Significance
Was actively involved in seeking an agreement to settle - agree conciliator	27.0048	<.0001
Whether conciliator was even handed between parties	13.7692	0.0032
Understood the circumstances of the case - agree conciliator	5.9476	0.0147
Was knowledgeable about the case - agree conciliator	5.0707	0.0243
How important ACAS involvement was in helping move parties together	4.2871	0.0384

Table 8.22 presents the estimates and odds ratio of each predictor.

Table 8.22: Employer Satisfaction: Logistic Regression Output				
Predictor	Predictor Categories	Estimate	Odds Ratio	Statistical Significance
	(Intercept)	-5.9308		<.0001
How important ACAS involvement was in helping move parties together		0.4031	1.496	0.0384
Was knowledgeable about the case - agree conciliator		0.4463	1.563	0.0243
Understood the circumstances of the case - agree conciliator		0.4359	1.546	0.0147
Was actively involved in seeking an agreement to settle - agree conciliator		0.7976	2.22	<.0001
Whether conciliator was even handed between parties	Even handed	0.9065	16.225	0.0586
	More on other party's side	-0.148	5.652	0.7881
	More on your side	1.1215	20.115	0.3571
	n.a. (missing value category)		1	

Note: Accuracy Rate =90.3%, Pseudo R^2 =0.483

Model 8: Claimant Satisfaction - External Factors

This model aims to understand the external factors which drive claimant satisfaction with Early Conciliation. Table 8.23 presents the key drivers of claimant satisfaction identified in the logistic regression model. They are ranked from most important at the top row to least important at the bottom row.

Table 8.23: Claimant Satisfaction: Predictor Relative Importance		
Predictor	Chi-Square Statistic	Statistical Significance
Track	10.5385	0.0051
Whether claimant was a member of a trade union or staff association when in contact with ACAS	8.7296	0.0127

Table 8.24 presents the estimates and odds ratio of each predictor.

Table 8.24: Claimant Satisfaction: Logistic Regression Output				
Predictor	Predictor Categories	Estimate	Odds Ratio	Statistical Significance
	(Intercept)	1.4514		<.0001
Whether claimant was a member of a trade union or staff association when in contact with ACAS	n.a. (missing value category)	0.5422	2.924	0.1854
	No	-0.0114	1.681	0.9592
	Yes		1	
Track	Fast	0.4166	1.774	0.0012
	Open	-0.2598	0.902	0.0495
	Standard		1	

Note: Accuracy Rate =77.4%, Pseudo R² =0.04

Model 9: Employer Satisfaction - External Factors

This model aims to understand the external factors which drive employer satisfaction with Early Conciliation. Table 8.25 presents the key drivers of employer satisfaction identified in the logistic regression model. The significance level is chosen at the 0.1 level.

<i>Table 8.25: Employer Satisfaction: Predictor Relative Importance</i>		
Predictor	Chi-Square Statistic	Statistical Significance
Whether employer is member of an Employer's or Trade Association	5.6698	0.0587

Table 8.26 presents the estimates and odds ratio of each predictor.

<i>Table 8.26: Employer Satisfaction: Logistic Regression Output</i>				
Parameter	Categories	Estimate	Odds Ratio	P Value
	(Intercept)	1.9787		<.0001
(Whether employer is member of an Employer's or Trade Association)	n.a. (missing value category)	0.449	2.306	0.0625
	No	-0.0625	1.383	0.6763
	Yes		1	

Note: Accuracy Rate =86.6%, Pseudo R^2 =0.01

Appendix 1 - Questionnaire

CATI

Questionnaire

Name of survey

ACAS - Conciliation for Individual Dispute Resolution

Client name

Acas



Author(s)

Matthew Downer

Carrie Harding

This questionnaire was written according to TNS quality procedures

TNS Company	TNS BMRB
Name of survey	ACAS - Conciliation for Individual Dispute Resolution
Authors	Matthew Downer Carrie Harding

Q1 : DUM1 : RESPONDENT TYPE**Single coded****Dummy**

DRAWN FROM SAMPLE

- 1 ☐ Claimant
 👉 **GO TO T1CINTROTEXT**
- 2 ☐ Claimant Representative
- 3 ☐ Employer
- 4 ☐ Employer Representative

Scripter notes: Will be drawn from the sample

Q2 : DUM2 : RESULT**Single coded****Dummy**

DRAWN FROM SAMPLE

- 1 ☐ Resolved COT3
- 2 ☐ claimant does not wish to proceed (at ECSO stage)
- 3 ☐ claimant contact not achieved(at EC stage)
- 4 ☐ Claimant contact not engaged
- 5 ☐ Impasse no resolution brokered
- 6 ☐ Employer contacted not engaged

B1 : INTRODUCTION**Begin block**

ASK ONLY IF Q1 : DUM1=1

T1 : CINTROTEXT : CLAIMANT INTRODUCTION**Text**

Good morning/afternoon/evening, my name is <interviewer name> calling on behalf of TNS BMRB. May I speak to {claimant}?

IF ASKED WHY / NOT AVAILABLE – CALL BACK UNTIL GET THROUGH TO THE RIGHT PERSON. DO NOT TELL ANYONE OTHER THAN THE RESPONDENT THE REASON FOR THE CALL AND DO NOT MENTION ACAS. IF ASKED MENTION THE SURVEY IN GENERAL TERMS – THAT WE ARE CALLING ABOUT A GOVERNMENT SPONSORED SURVEY.

WHEN SPEAKING TO THE NAMED RESPONDENT

We are conducting some important research on behalf of Acas to evaluate the assistance they offer in employment disputes. You should have received a letter about this recently. The survey is about your experiences and views of any assistance Acas may have provided in a recent employment dispute or issue that you are having. This will help us to understand Acas customers' view and whether or not the service meets their needs and expectations.


ASK ONLY IF Q1 : DUM1=1

Q3 : CINTRO1 : CLAIMANT INTRODUCTION

Single coded

Please could you spare some time to answer the survey questions now?

IF NECESSARY: The survey should take about [20/25] minutes to complete depending on your answers

- 1 ☐ Yes
- 2 ☐ No
-  SCREEN OUT

Scripter notes: If flagged on sample as dispute resolved '20' will appear. For everyone else '25' will appear.

ASK ONLY IF Q1 : DUM1=1


Q4 : CINTRO2 : ACAS CONFIRMATION

Single coded

Before we start, can I confirm that you have contacted or been contacted by someone from Acas in the past two to three months about an employment issue or dispute you had with {employer}?

CONFIRM THE CLAIMANT CONTACTED ACAS OR WAS CONTACTED BY ACAS ABOUT AN EMPLOYMENT DISPUTE OR ISSUE WITH {EMPLOYER}.

CHECK EMPLOYER ORGANISATION IS TRADING UNDER THE SAME NAME. IF NAME IS INCORRECT
TERMINATE THE INTERVIEW. HOWEVER IF NAME HAS CHANGED BUT IS CLEARLY THE SAME
ORGANISATION CODE 2 TO MODIFY THE EMPLOYER NAME

- 1 ☐ Yes
- 2 ☐ Yes, under a different name
- 3 ☐ No
-  SCREEN OUT

ASK ONLY IF Q4 : CINTRO2=2

Q5 : CINTRO3 : EMPLOYER NAME

Open

NAME OF EMPLOYER

ENTER NAME THAT EMPLOYER IS CURRENTLY OPERATING UNDER

ASK ONLY IF Q1 : DUM1=3

T2 : EINTROTEXT : EMPLOYER INTRODUCTION

Text

Good morning/good afternoon, may I speak with {employer contact name}?

IF NECESSARY: I work for an independent social research company called TNS BMRB and we are conducting research on behalf of Acas to evaluate the assistance they offer employers.

IF NAMED CONTACT IS NOT AVAILABLE THEN ARRANGE TO CALL BACK.

IF NAMED CONTACT HAS LEFT THE COMPANY / NOT KNOWN: May I please speak to the person who has overall responsibility for matters related to employment tribunals or employment issues in the organisation?

ORGANISATION NAME IS {employer}

WHEN THROUGH TO CORRECT PERSON

My name is <> and I work for an independent social research company called TNS-BMRB and we are conducting research on behalf of Acas to evaluate the assistance they offer employers. You should have received a letter about this recently. We would like to speak to you about your experiences and views of any assistance Acas may have provided in a recent employment dispute or issue that involved your organisation. This will help us to understand Acas customers' view and whether or not the service meets their needs and expectations.

IF NECESSARY, THE CLAIMANT NAME IS {claimant}. THE CONTACT WITH ACAS WOULD HAVE BEEN IN THE LAST 2-3 MONTHS

ASK ONLY IF Q1 : DUM1=3

Q6 : EINTRO1 : EMPLOYER CONFIRMATION

Single coded

Please could you spare some time to answer the survey questions now?

IF NECESSARY: The survey should take around 20 minutes depending on your answers. We recently sent a letter to your organisation about the survey.

DETAILS OF THE CASE WILL BE CONFIRMED ON THE NEXT SCREENS

1 ☐ Yes

2 ☐ No

↩ SCREEN OUT

ASK ONLY IF Q6 : EINTRO1=1

Q7 : EINTRO2 : EMPLOYER NAME CONFIRMATION

Single coded

EINTRO1. Before we start the main interview I just need to confirm a few details. Can I just confirm the organisation's name is {employer}?

CHECK EMPLOYER NAME

CHECK EMPLOYER ORGANISATION IS TRADING UNDER THE SAME NAME. IF NAME IS INCORRECT
TERMINATE THE INTERVIEW. HOWEVER IF NAME HAS CHANGED BUT IS CLEARLY THE SAME
ORGANISATION CODE 2 TO MODIFY THE EMPLOYER NAME

- 1 ☐ Yes
- 2 ☐ Yes - but modify employer name
- 3 ☐ No

👉 SCREEN OUT

ASK ONLY IF Q7 : EINTRO2=2

Q8 : EINTRO3 : EMPLOYER NAME

Open

NAME OF EMPLOYER

ENTER NAME THAT EMPLOYER IS CURRENTLY OPERATING UNDER

Scripter notes: Use entry as all {employer} text fills

ASK ONLY IF Q1 : DUM1=3

Q9 : EINTRO4 : ACAS CONTACT CONFIRMATION

Single coded

Can I confirm that you have been contacted by someone from Acas in the past two to three months about an employment issue or dispute with {claimant}?

CONFIRM THE RESPONDENT WAS CONTACTED BY ACAS ABOUT AN EMPLOYMENT DISPUTE OR ISSUE WITH {CLAIMANT}.

IF CLAIMANT NAME IS INCORRECT BUT IS CLEARLY THE SAME PERSON (E.G. SPELLING MISTAKE) CODE
2 TO MODIFY THE CLAIMANT NAME. HOWEVER, IF NAME IS SIMPLY INCORRECT, TERMINATE THE
INTERVIEW.

IF QUERIED ABOUT WHO, THEN CASE IS REGARDING A DISPUTE WITH {CLAIMANT}
MAKE SURE THAT YOU ARE SPEAKING TO A MEMBER OF THE LEGAL/HR TEAM, NOT A RECEPTIONIST OR
SWITCH BOARD OPERATOR

- 1 ☐ Yes
- 2 ☐ Yes - but modify claimant name
- 3 ☐ No

👉 SCREEN OUT

ASK ONLY IF Q9 : EINTRO4=2

Q10 : EINTRO5 : CLAIMANT NAME

Open

claimant name

ENTER CORRECT CLAIMANT NAME

Scripter notes: Use entry as {claimant} text fill

ASK ONLY IF Q1 : DUM1=3

Q11 : EINTRO6 : RESPONSIBILITY CHECK

Single coded

Are you responsible for dealing with this particular employment dispute?

- 1 ☐ Yes - Solely responsible
- 2 ☐ Was/am responsible along with someone else
- 3 ☐ Was/am not responsible for dealing with this particular case

ASK ONLY IF Q1 : DUM1=3

Q12 : EINTRO7 : CORRECT RESPONDENT CHECK

Single coded

Can I just check is there another person in this organisation who had more details of this particular case that we should be talking to?

IF THEY SAY YES, ASK TO SPEAK TO THAT PERSON

- 1 ☐ Yes should be speaking to someone else
- 2 ☐ No, continue speaking to respondent

Scripter notes: If Yes(1), route back to EINTROTEXT and speak to new respondent

ASK ONLY IF Q1 : DUM1=2,4

T3 : RINTROTEXT : REPRESENTATIVE INTRODUCTION

Text

Good morning/afternoon/evening, my name is < > calling on behalf of TNS BMRB. May I speak to {representative}?

IF ASKED WHY / NOT AVAILABLE – CALL BACK UNTIL GET THROUGH TO THE RIGHT PERSON. DO NOT TELL ANYONE OTHER THAN THE RESPONDENT THE REASON FOR THE CALL AND DO NOT MENTION ACAS. IF ASKED MENTION THE SURVEY IN GENERAL TERMS – THAT WE ARE CALLING ABOUT A GOVERNMENT SPONSORED SURVEY.

WHEN SPEAKING TO THE NAMED RESPONDENT

We are conducting some important research on behalf of Acas to evaluate the assistance they offer in employment disputes. You should have received a letter about this recently. We would like to speak to you about the recent case when you acted on behalf of {client name} to find out your experiences and views of any assistance Acas may have provided in this recent employment dispute. This will help us to understand our customers' view and whether or not the service meets their needs and expectations.

Scripter notes: if DUM1=2 {client name} = {claimant}
if DUM1 = 4 {client name} = {employer}


ASK ONLY IF Q1 : DUM1=2,4

Q13 : RINTRO1 : REP CONFIRM

Single coded

Please could you spare some time to answer the survey questions now?

IF NECESSARY: The survey should take about 20 minutes to complete depending on your answers

- 1 ☐ Yes
- 2 ☐ No
-  SCREEN OUT

ASK ONLY IF Q1 : DUM1=2,4


Q14 : RINTRO2 : CONFIRM INVOLVEMENT

Single coded

RINTRO1. Before we start, can I just confirm that you acted on behalf of [{claimant}/ {employer}] to resolve a recent problem with [{employer}/ {claimant}]?

IF EITHER DETAILS ARE INCORRECT ASCERTAIN CORRECT DETAILS.

IF CAN BE SURE THAT THIS IS THE SAME CASE – RECORD NEW NAME(S) IF IT APPEARS THAT THIS IS NOT THE SAME (I.E. THE NAMES ARE TOO DISSIMILAR – END INTERVIEW AT THIS POINT)

- 1 ☐ Yes, both names correct
- 2 ☐ Yes, but claimant's name incorrect
- 3 ☐ Yes, but employer's name incorrect
- 4 ☐ Yes, but both names incorrect
- 5 ☐ No
-  SCREEN OUT

Scripter notes: if Q1=2 first text fill = {claimant} & second textfill = {employer}
if Q1=4 first text fill = {employer} & second textfill = {claimant}

ASK ONLY IF Q14 : RINTRO2=2,4

Q15 : RINTRO3 : CLAIMANT NAME

Open

claimant name

INSERT CORRECT CLAIMANT NAME

Scripter notes: use entry as {claimant} text fill

ASK ONLY IF Q14 : RINTRO2=3,4

Q16 : RINTRO4 : EMPLOYER NAME

Other

employer name

INSERT CORRECT EMPLOYER NAME

Scripter notes: use entry as {employer} text fill

ASK ONLY IF Q1 : DUM1=2,4

Q17 : RINTRO5 : ACAS CONTACT CONFIRMATION

Single coded

And can I confirm that you have contacted or been contacted by someone from Acas in the past two to three months about an employment issue or dispute between {claimant} and {employer}?

IF DOES NOT CONFIRM ANY CONTACT WITH ACAS IN THE LAST TWO-THREE MONTHS REGARDING THIS EMPLOYMENT ISSUE THEN TERMINATE THE INTERVIEW.

- 1 ☐ Yes
 - 2 ☐ No
- 👉 SCREEN OUT

ASK ONLY IF Q1 : DUM1=2

Q18 : GROUPCHECK : GROUP CHECK

Single coded

And are you representing {claimant} individually or as one of a number of claimants who are all bringing the same group claim against the same employer?

IF PART OF A GROUP - CHECK THAT THEY ARE ONLY HAVING ONE SET OF INTERACTIONS WITH ACAS, FOR THIS CASE – IF THEY ARE SPEAKING TO ACAS SEPERATELY WITH REGARD TO EACH DIFFERENT CLAIMANT WHO HAS SUBMITTED AGAINST THE EMPLOYER, CODE AS INDIVIDUAL REPRESENTATION

- 1 ☐ Individually
 - 2 ☐ Part of a group
- 👉 SCREEN OUT

ASK ONLY IF Q1 : DUM1=2,4

Q19 : REPWHEN_1 : WHEN REPRESENTATIVE APPOINTED

Single coded

And at what point in the Early Conciliation process were you appointed as [{claimant}/{employer}]'s representative?

READ OUT

- 1 ☐ Before notifying Acas (TO APPEAR FOR CLAIMANT REPS ONLY)
- 2 ☐ After Acas was notified, but before dealings with Acas got properly underway
- 3 ☐ Midway through the Early Conciliation process
- 4 ☐ After Early Conciliation had finished

Scripter notes: text fill - if claimant rep = {claimant} // if employer rep = {employer}

Answer code 1 to appear for claimant only

T4 : INTROTEXT : THANK

Text

Thank you for agreeing to participate in this study. Everything you say will be treated in the strictest confidence and no individuals or organisations will be identifiable in the results of this study.

ASK ONLY IF Q1 : DUM1=3,4

Q20 : Q177 :

Single coded

Can I just, did {claimant} initially get in touch with Acas about this dispute, or did you notify Acas about it?

- 1 ☐ Claimant notified Acas
- 2 ☐ Employer notified Acas
- 3 ☐ don't know

**Position fixed*

B1 : INTRODUCTION

End block

B2 : Whether submitted a tribunal claim

Begin block

ASK ONLY IF not Q2 : DUM2=1

Q21 : SUBMIT : CHECK TRIBUNAL CLAIM

Single coded

[CLAIMANT: Can I check before we start the interview, since your dealings with Acas, have you submitted an Employment Tribunal claim regarding this issue? To do this you would have submitted an ET1 form.

EMPLOYER / REPRESENTATIVE (ANY): Can I check, since your dealings with Acas has {claimant} submitted an Employment Tribunal claim regarding this issue? To do this {claimant} would have submitted an ET1 form.

IF NECESSARY REMIND THE RESPONDENT THAT THE CLAIMANT WOULD HAVE HAD TO PAY A FEE (OR ELSE APPLY FOR FEE REMISSION) IN ORDER TO SUBMIT A TRIBUNAL CLAIM

INTERVIEWER: IF RESPONDENT QUERIES THIS ISSUE EXPLAIN: The workplace dispute in which they may have taken part in Early Conciliation with Acas.

IF RESPONDENT SAYS THAT THEY SUBMITTED A CLAIM BUT LATER WITHDREW IT, CODE AS YES

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ No, but planning to submit (SPONTANEOUS ONLY)
- 4 ☐ don't know

**Position fixed*

Scripter notes: Claimant text if DUM1=1
Other text if DUM1=2,3,4

T5 : SUBMITTEXT : EC ONLY CONFIRMATION

Text

For the interview today, I want you to think about everything that happened [before {you / claimant} submitted the tribunal claim. In particular I want you to think about everything that happened] until [you/{claimant}] received formal notification from Acas that Early Conciliation had ended. This is known as Early Conciliation. Please do not think about think about any assistance or conciliation that you may have received from Acas after this.

INTERVIEWER: THIS WILL BE WHEN:

THE CLAIMANT RECEIVED THEIR CERTIFICATE (IF EC DIDN'T TAKE PLACE OR TOOK PLACE BUT NO RESOLUTION WAS REACHED)

OR

CLAIMANT AND EMPLOYER RECIEVED THEIR COT3 (IF A RESOLUTION WAS REACHED).

Scripter notes: The main text fill: '[before {you / claimant} submitted the tribunal claim. In particular I want you to think about everything that happened]' will only appear where SUBMIT = 1. Within this text fill, if claimant, textfill = 'you' If employer or representative (any) text fill = '{claimant}'.

B2 : Whether submitted a tribunal claim

End block

B3 : Employment Details

Begin block

T6 : EMPTEXT1 : EMPLOYMENT INTRO**Text**

To start with, we would like to ask a few questions around the background to the dispute.

[CLAIMANT: First of all I would like to ask you about the job related to the problem you had. /

EMPLOYER: So first of all, I would like to ask you a few questions about {claimant}./

REPRESENTATIVE (ANY): So first of all, I would like to ask you a few questions about the job related to the dispute.]

Q22 : APPLY : EMPLOYEE OR APPLICANT**Single coded**

[CLAIMANT: Can I check, did you work for {employer} or were you applying for a job with them? /

EMPLOYER or REPRESENTATIVE (ANY): Can I check, did {claimant} work for {employer} or was he/she applying for a job with {employer} ?]

- 1 ☐ Worked for them
- 2 ☐ Job Applicant
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF not Q22 : APPLY=2

Q23 : NOW : CURRENT EMPLOYEE**Single coded**

[CLAIMANT: And do you work for them now /

EMPLOYER or REPRESENTATIVE (ANY): And does {claimant} work for {employer} now?]

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q23 : NOW=2

Q24 : LEFTWHY : REASON LEFT**Single coded**

[CLAIMANT: How did your employment with {employer} come to an end?

INTERVIEWER IF NECESSARY: Were you dismissed or made redundant, did you resign or leave without resigning, or did you leave for some other reason? /

EMPLOYER or REPRESENTATIVE (ANY): How did {claimant}'s employment with {employer} come to an end?

INTERVIEWER IF NECESSARY: Were they dismissed or made redundant, did they resign or leave without resigning or did they leave for some other reason?]

- 1 ☐ Dismissed
- 2 ☐ Made redundant/'Laid off'
- 3 ☐ Resigned
- 4 ☐ Left of own accord/without resigning
- 5 ☐ Retired
- 6 ☐ Some other reason
- 7 ☐ don't know
- 8 ☐ no answer

Position fixed*Position fixed*

Q25 : LEFTWHEN : MONTH CLAIMANT LEFT**Single coded**

[Claimant: In what month did your employment with {employer} come to an end? / EMPLOYER or REPRESENTATIVE (ANY): In what month did {claimant}'s employment with {employer} come to an end?]

- 1 ☐ May 2014
- 2 ☐ June 2014
- 3 ☐ July 2014
- 4 ☐ August 2014
- 5 ☐ September 2014
- 6 ☐ October 2014
- 7 ☐ November 2014
- 8 ☐ December 2014
- 9 ☐ January 2015
- 10 ☐ February 2015
- 11 ☐ March 2015
- 12 ☐ don't know

**Position fixed*

Scripter notes: Only show options up to and including the current month
i.e - in December only show up to December 2014 as an option

ASK ONLY IF Q23 : NOW=2**Q26 : LEFTWHY2 : REASON LEFT 2****Single coded**

[CLAIMANT: Did you stop working for {employer} because of the problem you had at work? / REPRESENTATIVE (ANY): Did {claimant} stop working for {employer} because of the problem they had at work?]

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know
- 4 ☐ refused

Position fixed*Position fixed***ASK ONLY IF Q23 : NOW=2****Q27 : LEAVEEC : LEAVE BEFORE EC NOTIFICATION****Single coded**

[CLAIMANT: And did your employment with {employer} end before you submitted your notification to Acas? / EMPLOYER or REPRESENTATIVE (ANY): And did {claimant}'s employment with {employer} end before they submitted their notification to Acas?]

- 1 ☐ Yes - before submitting notification to Acas
- 2 ☐ No - after submitting notification to Acas
- 3 ☐ don't know

Position fixed*B3 : Employment Details****End block****B4 : Dispute Details****Begin block**

Q28 : DISPUTE : DISPUTE SUMMARY

Open

[CLAIMANT: Can you sum up in a few words the nature of the dispute or issue that you had with {employer}? /

EMPLOYER / REPRESENTATIVE (ANY): Can you sum up in a few words the nature of the dispute or issue that {claimant} had with the organisation?]

I only need a brief summary; how would you sum it up in one sentence?

1 ☐ don't know**Exclusive *Position fixed***Q29 : PROCEDS1 : PROCEDURE CHECK**

Single coded

Before {you/claimant} contacted Acas, did {employer} have written policies or procedures for dealing with cases like this?

INTERVIEWER IF NECESSARY: Such as a written grievance procedure.

1 ☐ Yes2 ☐ No3 ☐ don't know**Position fixed*

Scripter notes: If claimant text fill = 'you'. If claimant representative or employer or employer representative text fill = '{claimant}'.

ASK ONLY IF Q29 : PROCEDS1=1**Q30 : PROCEDS2 : PROCEDURE CHECK 2**

Single coded

Were the policies and procedures used in this case?

1 ☐ Yes - fully2 ☐ Yes - partially3 ☐ No4 ☐ don't know**Position fixed***B4 : Dispute Details**

End block

B5 : Early Conciliation

Begin block

ASK ONLY IF Q1 : DUM1=1,3

Q31 : REPCHECK : REPRESENTATIVE CHECK

Single coded

Can I just check did [you / the organisation] use a representative to deal with Acas during the Early Conciliation process?

IF NECESSARY: By this I mean that a representative helped you with the day to day handling of the dispute and dealt with Acas on your behalf. Please do not include any representatives that may have become involved in the case later on, after early conciliation had ended.

INTERVIEWER IF NECESSARY REMIND THE RESPONDENT NOT TO INCLUDE REPRESENTATIVES THAT MAY HAVE BECOME INVOLVED IN THE CASE LATER FOR EXAMPLE AFTER THE TRIBUNAL CLAIM (ET1/ET3) WAS SUBMITTED.

INTERVIEWER: IF THE RESPONDENT SOUGHT LEGAL ADVICE, BUT THE LEGAL ADVISOR DID NOT ACTUALLY DEAL WITH ACAS ON [{claimant} / {employer}]'s BEHALF PLEASE CODE 'NO' HERE.

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

Scripter notes: first text fill: If claimant, text fill = 'you'. If employer, text fill = 'the organisation'.
second text fill: If claimant text fill = '{claimant}'. If employer text fill '{employer}'.

ASK ONLY IF Q31 : REPCHECK=1

Q32 : REPWHO : WHO WAS REP

Single coded

And who was [your/the organisation's] representative at this time?

- 1 ☐ Solicitor, Barrister or some other kind of lawyer
- 2 ☐ Trade union / Worker representative at workplace
- 3 ☐ Citizens Advice Bureau
- 4 ☐ Neighbourhood Local Law Centre or other voluntary advice agency (not CAB)
- 5 ☐ Employers' association / Trade Association
- 6 ☐ Equal Opportunities Commission, the Commission for Racial Equality and Human Rights Commission
- 7 ☐ Friend/Neighbour/Spouse/Partner (TO APPEAR FOR CLAIMANTS ONLY)
- 8 ☐ Owner/Senior Manager/General Manager (TO APPEAR FOR EMPLOYERS ONLY)
- 9 ☐ Personnel or human resources specialist
- 10 ☐ Legal specialist in company / company lawyer
- 11 ☐ External consultant / Insurance company advisor
- 12 ☐ other (specify)
- 13 ☐ don't know
- 14 ☐ refused

**Open *Position fixed*

**Position fixed*

**Position fixed*

Scripter notes: text fill - if claimant=your // if employer = the organisation

Answer code 7 should only appear to claimants,
Answer code 8 should only appear for employers.

ASK ONLY IF Q31 : REPCHECK=1

Q33 : REPWHEN : WHEN REPRESENTATIVE APPOINTED

Single coded

And at what point in the Early Conciliation process did [you/the organisation] appoint this representative?

READ OUT

- 1 ☐ Before you initially notified Acas about the issue (TO APPEAR FOR CLAIMANTS ONLY)
- 2 ☐ After Acas was notified, but before dealings with Acas got properly underway
- 3 ☐ Midway through your dealings with Acas (in the Early Conciliation process)
- 4 ☐ After Early Conciliation had finished

Scripter notes: text fill: If claimant, text fill = 'you'. If employer, text fill = 'the organisation'.

Answer code 1 should only appear for claimants.

ASK ONLY IF Q31 : REPCHECK=1

Q34 : REPCOST : REPRESENTATIVE COST

Single coded

And did [you personally/the organisation] have to pay this person for their advice and representation?
Did you have to pay for all of it, some or it, or did you get all of the advice and representation for free?

- 1 ☐ Paid for all
- 2 ☐ Paid for some
- 5 ☐ All free
- 3 ☐ don't know
- 4 ☐ refused

**Position fixed*

**Position fixed*

Scripter notes: text fill - claimant = you personally // employer = the organisation

ASK ONLY IF Q1 : DUM1=1,2

B6 : EC Notification Form

Begin block

T7 : ECNFINTRO : EARLY ACAS CONTACT

Text

I want to now ask you some questions about when [you/{claimant name}] originally got in touch with Acas. Please think right back to when [you/{claimant name}] completed the Early Conciliation notification form, which is the form normally submitted via the Acas website that [you/claimant name] would have completed to let Acas know [you/they] were thinking about submitting an employment tribunal claim.

Scripter notes: text fills - claimant=you / claimant representative = {claimant}

ASK ONLY IF Q1 : DUM1=1,2

Q35 : ECWHEN : WHEN SUBMIT

Single coded

Thinking about the dispute or issue that [you/{claimant}] had with {employer}.
Approximately how soon after it happened did [you/{claimant}] complete the Acas Early Conciliation notification form?

If there was no single issue but an ongoing series of events with no clear start date, then ask them to think about the last time the issue happened i.e. when they were finally triggered into taking action.

- 1 ☐ Within a week
- 2 ☐ Within a month
- 3 ☐ Within three months
- 4 ☐ More than three months afterwards
- 5 ☐ don't know

**Position fixed*

Scripter notes: Claimant = you
Claimant rep={claimant}

Q36 : FORMWHO : WHO SUBMITTED NOTIFICATION

Single coded

Thinking back did [you/{claimant}] notify and complete the Early Conciliation notification form [yourself/themselves], or did somebody else do it for [you/them]?

IF NECESSARY: It is a very short form and on it [you/{claimant}] would have just included [your/their] basic contact details, those of {employer} and possibly your period of employment.

- 1 ☐ Yes - claimant submitted notification
- 2 ☐ No - representative submitted notification
- 3 ☐ No - somebody else submitted notification
- 4 ☐ don't know

**Position fixed*

Scripter notes: text fill 1 - claimant = 'you' // representative = '{claimant}'
textfill 2 - claimant 'yourself' // representative = 'themselves'
text fill 2 - claimant = 'you' // representatice = 'them'

Q37 : FORM : EC NOTIFICATION ONLINE

Single coded

And was the Early Conciliation notification form completed online?

- 1 ☐ Yes
- 2 ☐ No - used another method
- 4 ☐ don't know

**Position fixed*

Scripter notes: textfill= claimant=you / claimant representative={claimant}

ASK ONLY IF Q37 : FORM=2

Q38 : FORM2 : EC NOTIFICATION METHOD

Single coded

How did [you/{claimant}] submit the Early Conciliation form?

- 1 ☐ By Post
- 2 ☐ By Telephone
- 4 ☐ Other method (specify)
- 3 ☐ don't know

**Open *Position fixed*

**Position fixed*

Scripter notes: textfill= claimant=you / claimant representative={claimant}

ASK ONLY IF Q37 : FORM=2

Q39 : FORM3 : EC NOTIFICATION REASON

Multi coded

And can I just check, why did [you/{claimant}] choose not to submit the form online?

INTERVIEWER PROMPT TO PRECODES

- 1 ☐ Wasn't aware of the online service
- 2 ☐ Was advised not to
- 3 ☐ Prefer using paper
- 4 ☐ Prefer using telephone
- 5 ☐ Do not have a computer/smartphone/or an internet connection
- 6 ☐ Have a computer/smartphone/or an internet connection but I am not very confident at using online services
- 7 ☐ I have trouble with reading/writing
- 8 ☐ My English isn't very good and think I can explain myself better on the phone or in person
- 9 ☐ Concerns about online security of data
- 10 ☐ other, namely...

**Open *Position fixed*

Scripter notes: textfill= claimant=you / claimant representative={claimant}

ASK ONLY IF Q1 : DUM1=1,2

Q40 : Q198 :

Single coded

Could you tell me which of the following reasons best describes why [you/{claimant}] submitted the EC notification form?

READ OUT

- 1 ☐ [I/{claimant}] had to, in order to submit an Employment Tribunal claim
- 2 ☐ [I/{claimant}] had to, in order to submit an Employment Tribunal claim, but [I/{claimant}] was also keen to see if a settlement could be reached before hand
- 3 ☐ [I/{claimant}] just wanted to see if a settlement could be reached, and [I/{claimant}] did not have a desire to submit an Employment Tribunal claim
- 4 ☐ don't know

**Position fixed*

B6 : EC Notification Form

End block

B7 : Experience of ECSO

Begin block

ASK ONLY IF Q1 : DUM1=1

Q41 : ECSOWHEN : ECSO CONTACT TIME

Single coded

After the notification was submitted, how soon were you contacted by someone at Acas? This would have been an Acas support officer who would have checked your contact details and confirmed some basic case details with you.

- 1 ☐ On the same day
- 2 ☐ On the next working day
- 3 ☐ Within two working days
- 4 ☐ More than two working days
- 5 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=1

Q42 : ECSOACTION : ECSO ACTIONS

Matrix

And thinking about this person did they do any of the following:

IF NECESSARY: EARLY CONCILIATION: This is a service where an Acas conciliators gets in touch with both parties to try and talk through the issues with both parties to see if a solution can be found.

IF NECESSARY REMIND THE CLAIMANT THAT THIS IS THE CONCILIATION THAT HAPPENS BEFORE THE TRIBUNAL CLAIM IS SUBMITTED.

	Yes	No	Don't know
Did they check your contact details?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did they ask you to explain the employment issue or dispute?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ASK ONLY IF Q1 : DUM1=1

Q43 : ECSOEXPLAIN : RATE ECSO EXPLANATION⁹⁰

Single coded

And still thinking about this Acas support officer, how would you rate this Acas support officer in explaining the Early Conciliation service that Acas offer?

READ OUT

- 1 ☐ Very good
- 2 ☐ Fairly good
- 3 ☐ Neither good nor poor
- 4 ☐ Fairly poor
- 5 ☐ Very poor
- 6 ☐ Did not do this (spontaneous answer only)
- 7 ☐ don't know

**Position fixed*

**Position fixed*

⁹⁰ Due to an issue with the interviewing software questions 43, 44 and 45 were initially missed in interviews, as such the base sizes for these questions are lower than would be indicated by the routing in the questionnaire.

ASK ONLY IF Q1 : DUM1=1

Q44 : ECSOSUIT : EC SUITABILITY

Single coded

When they discussed the Early Conciliation service with you, how suitable did it sound to your case?

READ OUT

- 1 ☐ Very suitable
- 2 ☐ Fairly suitable
- 3 ☐ Neither suitable nor unsuitable
- 4 ☐ Fairly unsuitable
- 5 ☐ Very unsuitable
- 7 ☐ Did not describe EC (Spontaneous only)
- 6 ☐ don't know

**Position fixed*

**Position fixed*

ASK ONLY IF Q44 : ECSOSUIT=4,5

Q45 : ECSOSUIT2 : WHY UNSUITABLE

Open

Why did it not sound suitable for your case?

- 1 ☐ don't know

**Exclusive *Position fixed*

ASK ONLY IF Q1 : DUM1=1

Q46 : TIMELIM1 : TIME LIMIT UNDERSTANDING

Open

What do you understand the time limits for presenting a tribunal claim to be?

INTERVIEWER PROBE AND RECORD AS MUCH DETAIL AS POSSIBLE.
IF THE RESPONDENT DOES NOT KNOW CODE 'DON'T KNOW'
IF RESPONDENT DOES NOT KNOW AND WANTS MORE INFORMATION ABOUT TIME LIMITS ARE YOU CAN
EXPLAIN THERE IS A TIME LIMIT BETWEEN WHEN THE DISPUTE TAKES PLACE AND WHEN A
EMPLOYMENT TRIBUNAL CLAIM CAN BE SUBMITTED ABOUT IT.

- 1 ☐ don't know

**Exclusive *Position fixed*

ASK ONLY IF Q1 : DUM1=1

Q47 : TIMELIM : ECSO EXPLAIN TIME LIMITS

Single coded

Did the Acas support officer tell you the time limits for presenting a tribunal claim?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

B7 : Experience of ECSO

End block

B8 : EC Notification Outcome

Begin block

ASK ONLY IF Q2 : DUM2=2

Q48 : RESULT2 : CONFIRM NO EC

Single coded

Our records showed that when you spoke to this Acas support officer you decided NOT to take part in Early Conciliation. Is that correct?

IF NECESSARY: This conciliation is where an Acas conciliators gets in touch with both parties to try and talk through the issues with both parties to see if a solution can be found?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q2 : DUM2=3

Q49 : RESULT3 : CONFIRM NO CONCILIATOR CONTACT

Single coded

Our records show that after this you did not take part in Early Conciliation with an Acas Conciliator. Is this correct?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=1,2 and not Q48 : RESULT2=1 or not Q49 : RESULT3=1

T8 : ECTEXT : CONCILIATOR INTRO

Text

I now would like to ask you about what happened with you spoke to the Acas conciliator. This would be the next person from Acas who contacted you, after you spoke to the Acas support officer.

ASK ONLY IF Q1 : DUM1=1,2 and not Q48 : RESULT2=1 or not Q49 : RESULT3=1

Q50 : CONCONTACT : CONCILIATOR CONTACT TIME

Single coded

[CLAIMANT: How soon after you accepted the offer to speak to an Acas conciliator were you contacted by one? /

CLAIMANT REPRESENTATIVE: How soon after the offer of Acas assistance was accepted were you contacted by a conciliator?]

READ OUT

- 1 ☐ On the next working day
- 2 ☐ Within two working days
- 3 ☐ More than two working days
- 5 ☐ Did not speak to Acas conciliator (spontaneous only) **Position fixed*
- 4 ☐ Can't remember (spontaneous only) **Position fixed*

ASK ONLY IF Q2 : DUM2=1

Q51 : RESULT4 : CONFIRM COT3

Single coded

[CLAIMANT or EMPLOYER: Our records show that you reached a settlement through Acas. Is this correct? /

REPRESENTATIVE (ANY): Our records show that a settlement was reached through Acas. Is this correct?]

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know **Position fixed*

ASK ONLY IF Q2 : DUM2=4

Q52 : RESULT5 : CONFIRM CLAIMANT NOT ENGAGED

Single coded

[CLAIMANT: Our records show you after you spoke to the Acas conciliator you decided not use the assistance of Acas to try and resolve the matter, and did not take part in Early Conciliation. Is this correct? /

CLAIMANT REPRESENTATIVE: Our records show {claimant} did not use the assistance of Acas to try and resolve the matter, and did not take part in Early Conciliation. Is this correct?]

- 1 ☐ Yes
- 2 ☐ No
- 4 ☐ don't know **Position fixed*

Scripter notes: NOTE - There is no equivalent question text for employer or employee reps as there will be no employer or reps in the sample with DUM2 = 4.

ASK ONLY IF Q2 : DUM2=5

Q53 : RESULT7 : CONFIRM IMPASSE

Single coded

[CLAIMANT: Our records show that an Acas conciliator spoke to you and {employer} but that you did NOT reach a formal resolution or settlement through Acas. Is this correct? /

EMPLOYER: Our records show that an Acas conciliator spoke to you and {claimant} but that you did NOT reach a formal resolution or settlement through Acas. Is this correct? /

REPRESENTATIVE (ANY): Our records show that an Acas conciliator spoke to you and the other party but that you did NOT reach a formal resolution or settlement through. Is this correct?]

INTERVIEWER: WE ARE INTERESTED HERE IN WHETHER OR NOT A 'FORMAL' SETTLEMENT DRAWN UP BY ACAS WAS REACHED (Acas settlements are legally-binding contracts between the parties; they are recorded on an Acas form called a 'COT3'). IF JUST A PRIVATE OR INFORMAL SETTLEMENT WAS REACHED YOU SHOULD STILL CODE YES HERE.

- 1 ☐ Yes
- 2 ☐ No
- 4 ☐ don't know

**Position fixed*

ASK ONLY IF Q2 : DUM2=6

Q54 : RESULT8 : CONFIRM EMPLOYER NOT ENGAGE

Single coded

[CLAIMANT: Our records show after you spoke to the Acas conciliator, early conciliation did not take place because {employer} did not want to take part. Is this correct? /

EMPLOYER OR REPRESENTATIVE (any): Our records show that early conciliation did not take place because {employer} decided not to take part. Is this correct?]

- 1 ☐ Yes
- 2 ☐ No
- 4 ☐ don't know

**Position fixed*

ASK ONLY IF Q48 : RESULT2=2,3 or Q49 : RESULT3=2,3 or Q51 : RESULT4=2,3 or Q52 : RESULT5=2,4
or Q53 : RESULT7=2,4 or Q54 : RESULT8=2,4

Q55 : OUTCHECK1 : CONCILIATION OFFER CHECK

Single coded

[CLAIMANT/EMPLOYER: When you were offered Acas conciliation, could you tell me which of the following happened? /

CLAIMANT REPRESENTATIVE: When {claimant} was offered Acas conciliation, could you tell me which of the following happened?/

EMPLOYER REPRESENTATIVE: When {employer} was offered Acas conciliation, could you tell me which of the following happened?

IF NECESSARY: This is known as Early Conciliation

READ OUT

- 1 ☐ [You were / {claimant} was / {employer} was] offered Acas conciliation but decided not to take part in it
- 2 ☐ [You / {claimant} / {employer}] accepted the offer of Acas assistance and took part in the conciliation
- 3 ☐ [You/{claimant}/{employer}] accepted the offer of Acas assistance but [{claimant}/{employer}] decided not to take part
- 4 ☐ [You were / {claimant} was / {employer} was] was not offered Acas conciliation (spontaneous only)
- 5 ☐ don't know **Position fixed*

Scripter notes: Answer1 textfill - Claimant='you were' , claimant rep= '{claimant} was',
employer/employer rep= '{employer} was'

Answer2 textfill - Claimant='you' , claimant rep= '{claimant}', employer/employer rep= '{employer}'

Answer3 textfill - 1st(Claimant='you' , claimant rep= '{claimant}', employer/employer rep= '{employer}') 2nd(Claimant/Claimant rep={employer} , Employer/Employer rep = {claimant})

Answer4 textfill - Claimant='you were' , claimant rep= '{claimant} was', employer/employer rep= '{employer} was'

ASK ONLY IF Q55 : OUTCHECK1=2

Q56 : OUTCHECK2 : OUTCOME CHECK

Single coded

What was the outcome of the Acas conciliation?

IF NECESSARY: This is known as Early Conciliation.

READ OUT

- 1 ☐ The issue was resolved during the conciliation and an Acas settlement was drawn up
- 2 ☐ The issue was resolved during conciliation, however without a written agreement being drawn up by Acas
- 3 ☐ The issue was not resolved
- 4 ☐ Something else happened...(specify) (spontaneous only) **Open *Position fixed*
- 5 ☐ don't know **Position fixed*

ASK ONLY IF Q56 : OUTCHECK2=2

Q57 : PRIVSETT : PRIVATE SETTLEMENT

Open

Why did you reach a private settlement as opposed to a settlement through Acas?

ASK ONLY IF Q56 : OUTCHECK2=4,5

Q58 : DISOUT : OTHER OUTCOME OF DISPUTE

Single coded

And can I just check, was your dispute resolved after you notified Acas?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

B8 : EC Notification Outcome

End block

B9 : CONCILIATION OUTCOME

Begin block

Q59 : ECOUT : EC OUTCOME**Single coded****Dummy**

filtering variable for remainder of questionnaire
outcome of EC

- 1 ☐ Claimant did not wish to proceed with EC (at ECSO stage)
- 2 ☐ No claimant contact at conciliation stage
- 3 ☐ Claimant did not wish to proceed with EC (at conciliator stage)
- 4 ☐ Employer did not wish to proceed with EC
- 5 ☐ EC took place and Acas resolution (COT3)
- 6 ☐ EC took place and reached an impasse (certificate issued)
- 7 ☐ EC took place and a private settlement was reached
- 8 ☐ Not established

Scripter notes: 1 (RESULT2=1)

2 (RESULT3=1)

3 ((RESULT5=1) OR ((CLAIMANT OR CLAIMANT REPRESENTATIVE) AND OUTCHECK1 = 1) OR ((EMPLOYER OR EMPLOYER REPRESENTATIVE) AND OUTCHECK 1 = 3)))

4 ((RESULT8 = 1) OR ((EMPLOYER OR EMPLOYER REPRESENTATIVE) AND OUTCHECK1 = 1) OR ((CLAIMANT OR CLAIMANT REPRESENTATIVE) AND OUTCHECK 1 = 3)))

5 (RESULT4 = 1 OR OUTCHECK2 = 1)

6 (RESULT7 = 1 OR OUTCHECK2 = 3 OR OUTCHECK2 = 4 OR OUTCHECK2 = DK)

7 (OUTCHECK2 = 2)

8 (OUTCHECK1 = 4 OR OUTCHECK1 = DK)

ASK ONLY IF Q59 : ECOUT=5,7

Q60 : SETTERM : SETTLEMENT TERMS**Multi coded**

What were the terms of this settlement?

READ OUT

- 1 ☐ Reinstatement (old job back)
- 2 ☐ Another job in the organisation i.e. re-engagement
- 3 ☐ Money
- 4 ☐ A reference
- 5 ☐ An apology
- 6 ☐ A letter of explanation
- 7 ☐ Other (specify)
- 8 ☐ don't know

**Exclusive *Position fixed*

ASK ONLY IF Q60 : SETTERM=3

Q61 : MONEY : FINANCIAL SETTLEMENT AMOUNT

Numeric

Max 1000000

[CLAIMANT: How much money was it agreed that {EMPLOYER} would give you in total? /
EMPLOYER OR REPRESENTATIVE (ANY): How much money was it agreed that {employer} would give to
{CLAIMANT} in total?]

RECORD AMOUNT

Scripter notes: add 'don't know' + 'refused'

ASK ONLY IF Q60 : SETTERM=3

Q62 : SETPAY : SETTLEMENT PAID

Single coded

[CLAIMANT: Have you received the money yet?
EMPLOYER or REPRESENTATIVE (ANY): Has{CLAIMANT} been paid the money yet?]

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q59 : Ecout=1,3

Q63 : ECWHYNOT : CLAIMANT REASONING

Multi coded

And why did [you/ {claimant}] decide not to use Acas assistance to try and resolve the matter?

PROMPT TO PRECODES

CODE ALL THAT APPLY

- 1 ☐ [I / {claimant}] was not willing to negotiate
- 2 ☐ [I / {claimant}] felt that conciliation would not resolve the issue / would be a waste of time
- 3 ☐ When [I / {claimant}] spoke to Acas [I / {claimant}] felt [I/they] did not have a case
- 4 ☐ When [I / {claimant}] spoke to Acas [I / {claimant}] decided that they didn't want to take [my/their] case any further
- 5 ☐ The issue was resolved by the time Acas assistance was offered
- 6 ☐ [I / {claimant}] Felt that the process wouldn't be impartial / Acas would be on the side of {employer}
- 7 ☐ I knew that {employer} would not be willing to engage (TO APPEAR FOR CLAIMANTS / CLAIMANT REPS ONLY)
- 10 ☐ When I spoke to Acas there was not enough time to take part in conciliation
- 8 ☐ other (specify)
- 9 ☐ don't know

**Open *Position fixed*

**Exclusive *Position fixed*

Scripter notes: If claimant text fill = 'you', if claimant representative or employer or employer representative text fill = '{claimant}'.

ANSWER CODES

If claimant text fill = 'I', if claimant representative or employer or employer representative text fill = '{claimant}'.

Answer code 7 should only appear for claimants and claimant reps only

ASK ONLY IF Q63 : ECWHYNOT=1,2,3,4,5,6,7,8,10 control on Q63 : ECWHYNOT

Q64 : CLAMIMP : EMPLOYER MOST IMPORTANT

Single coded

And which of these [do you think] was the most important reason that [you/{claimant}] decided not to use Acas assistance?

READ OUT

- 1 ☐ [I / {claimant}] was not willing to negotiate
- 2 ☐ [I / {claimant}] felt that conciliation would not resolve the issue / would be a waste of time
- 3 ☐ When [I / {claimant}] spoke to Acas [I / {claimant}] felt [I/they] did not have a case
- 4 ☐ When [I / {claimant}] spoke to Acas [I / {claimant}] decided that they didn't want to take [my/their] case any further
- 5 ☐ The issue was resolved by the time Acas assistance was offered
- 6 ☐ [I / {claimant}] Felt that the process wouldn't be impartial / Acas would be on the side of {employer}
- 7 ☐ I knew that {employer} would not be willing to engage (TO APPEAR FOR CLAIMANTS / CLAIMANT REPS ONLY)
- 10 ☐ When I spoke to Acas there was not enough time to take part in conciliation
- 8 ☐ other (specify) **Open *Position fixed*
- 9 ☐ don't know **Position fixed*

Scripter notes: Code 7 to only appear for claimants and claimant reps.

Note the 'other' code bring through the other specify answer if given at Q54.

[do you think] to be shown to all except claimants

ASK ONLY IF Q59 : ECOUT=4

Q65 : ECWHYNOT2 : EMPLOYER REASONING

Multi coded

And why did [you/ {employer}] decide not to use Acas assistance to try and resolve the matter?

PROMPT TO PRECODES

CODE ALL THAT APPLY

- 1 ☐ [I / {employer}] was not willing to negotiate
- 2 ☐ [I / {employer}] felt that conciliation would not resolve the issue / would be a waste of time
- 3 ☐ The issue was resolved by the time Acas assistance was offered
- 4 ☐ [I / {employer}] felt that the process wouldn't be impartial / Acas would be on the side of {claimant}
- 5 ☐ Wanted to see if {claimant} was serious about going to an employment tribunal (EMPLOYERS + EMPLOYER REPS ONLY)
- 6 ☐ [I / {employer}] felt we had no case to answer to
- 7 ☐ other (specify) **Open *Position fixed*
- 8 ☐ don't know **Exclusive *Position fixed*

Scripter notes: If employer text fill = 'I', if employer representative or claimant or claimant representative text fill = '{employer}'.

ASK ONLY IF Q65 : ECWHYNOT2=1,2,3,4,5,6,7 control on Q65 : ECWHYNOT2

Q66 : EMPIMP : EMPLOYER MOST IMPORTANT

Single coded

And which of these [do you think] was the most important reason that {employer} decided not to use Acas assistance?

READ OUT

- 1 ☐ [I / {employer}] was not willing to negotiate
- 2 ☐ [I / {employer}] felt that conciliation would not resolve the issue / would be a waste of time
- 3 ☐ The issue was resolved by the time Acas assistance was offered
- 4 ☐ [I / {employer}] felt that the process wouldn't be impartial / Acas would be on the side of {claimant}
- 5 ☐ Wanted to see if {claimant} was serious about going to an employment tribunal
- 6 ☐ [I / {employer}] felt we had no case to answer to
- 7 ☐ other (specify) **Open *Position fixed*
- 8 ☐ don't know **Position fixed*

Scripter notes: Show text fill 'do you think' to Claimant and Claimant rep.

Note the 'other' code bring through the other specify answer if given at Q55.

ASK ONLY IF Q65 : ECWHYNOT2=5 and Q1 : DUM1=3,4

Q67 : CLAISRS : CLAIMANT SERIOUS

Single coded

You said that you/{employer} wanted to see whether or not {claimant} was serious about taking the case to Employment Tribunal, why was this?

READ OUT

- 1 ☐ Wanted to see first if they would pay the fee
- 2 ☐ other specify **Open *Position fixed*

Scripter notes: employer = you
employer rep = {employer}

ASK ONLY IF Q1 : DUM1=1,2 and Q59 : ECOUT=1,3 or Q1 : DUM1=3,4 and Q59 : ECOUT=4

Q68 : ECENCOURAGE : ENCOURAGE TO EC

Open

Is there anything that would have encouraged [you/{claimant}/{employer}] to take part in the Early Conciliation?

INTERVIEWER: PROBE FOR REASONS THAT MAY HAVE ENCOURAGED THEM TO HAVE TAKEN PART IN CONCILIATION. IN PARTICULAR WAS THERE ANYTHING THE ACAS ADVISOR COULD HAVE DONE DIFFERENTLY.

1 ☐ No - nothing would have encouraged respondent to take part **Exclusive *Position fixed*

Scripter notes: If claimant or employer text fill = 'you', if claimant representative text fill = '{claimant}'.if employer representative text fill = '{employer}'.

also include a Don't Know option

ASK ONLY IF Q63 : ECWHYNOT=4

Q69 : NOFURTHER1 :

Open

[CLAIMANT: Why at that time did you decide you were unlikely to take the matter any further? /

EMPLOYER OR REPRESENTATIVE (ANY): Why at that time did {claimant} decide that they were unlikely to take the matter any further?]

1 ☐ don't know **Exclusive *Position fixed*

ASK ONLY IF Q56 : OUTCHECK2=2 or Q63 : ECWHYNOT=5 or Q65 : ECWHYNOT2=3 or Q58 : DISOUT=1

Q70 : NOFURTHER2 : RESOLVED NO CONCILIATION

Open

Could you briefly explain how the issue was resolved?

1 ☐ don't know **Exclusive *Position fixed*

ASK ONLY IF Q1 : DUM1=3,4 and Q59 : ECOUT=6

Q71 : IMPASSEWHYE : REASON NO SETTLEMENT

Multi coded

What was the reason for not reaching a settlement?

PROMPT TO PRECODE

- 1 ☐ We did not wish to take part in the conciliation / was not interested in talking
- 2 ☐ We offered a settlement but the claimant was not willing to accept it
- 3 ☐ The claimant wanted money and we were not willing to pay
- 4 ☐ We were not willing to talk further to {claimant}
- 5 ☐ We felt we had no case to answer to
- 6 ☐ We did not think that {claimant} was serious about taking the case to an Employment Tribunal
- 7 ☐ other (specify) **Open *Position fixed*
- 8 ☐ don't know **Exclusive *Position fixed*

ASK ONLY IF Q1 : DUM1=1,2 and Q59 : ECOUT=6

Q72 : IMPASSEWHYC : REASON NO SETTLEMENT

Multi coded

What was the reason for not reaching a resolution of settlement?

PROMPT TO PRECODE

CODE ALL THAT APPLY

- 1 ☐ {employer} did not wish to take part in the conciliation / was not interested in talking
- 2 ☐ {employer} offered a settlement but [I/{claimant}] was not willing to accept it
- 3 ☐ [I/{claimant}] wanted money and {employer} was not willing to pay
- 4 ☐ {employer} was not willing to talk further to [me/{claimant}]
- 5 ☐ {employer} felt they had no case to answer to
- 6 ☐ {employer} did not think that [I/{claimant}] was serious about taking the case to an Employment Tribunal
- 7 ☐ other (specify) **Open *Position fixed*
- 8 ☐ don't know **Exclusive *Position fixed*

Scripter notes: Text fill 1, if claimant 'I'. If claimant rep, '{claimant}'
Text fill 2, if claimant 'me'. If claimant rep, '{claimant}'

B9 : CONCILIATION OUTCOME

End block

B10 : Experience of Conciliator

Begin block

ASK ONLY IF not Q59 : ECOUT=1,2

T9 : CONCTEXT : CONCILIATOR INTRO

Text

I now want to ask you about your contact with the Acas conciliator and the early conciliation service that you were offered.

ASK ONLY IF Q59 : ECOUT=5,6,7

Q73 : ECWHY : REASON TAKE PART

Open

Why did [you / {claimant}/{employer}] decide to take part in the Early Conciliation service that Acas offered you?

1 ☐ don't know

**Exclusive *Position fixed*

Scripter notes: If claimant or employer text fill = 'you', if claimant representative text fill will read '{claimant}', if employer representative text fill = '{employer}'.

ASK ONLY IF Q1 : DUM1=1,2 and Q59 : ECOUT=4 or Q1 : DUM1=3,4 and Q59 : ECOUT=3

Q74 : ECWHY2 : REASON WHY 2

Open

Why were you happy to take part in early conciliation, even though [{employer}/{claimant}] was not?

1 ☐ don't know

**Exclusive *Position fixed*

Scripter notes: If claimant or claimant representative, text fill = '{employer}'. If employer or employer representative, text fill – '{claimant}'.

ASK ONLY IF Q59 : ECOUT=3,4,5,6,7,8

Q75 : NUMBER : NUMBER OF CONCILIATORS

Single coded

And now thinking about your contact with the Acas conciliator, can I just check, did you have contact with just one conciliator or more than one?

INTERVIEWER: IF MORE THAN ONE, PROBE FOR HOW MANY

IF CLAIMANT SAYS MORE THAN ONE, CHECK THAT THEY HAVE NOT INCLUDED THE FIRST SUPPORT OFFICER THAT THEY SPOKE TO

- 1 ☐ One
- 2 ☐ Two
- 3 ☐ Three or more
- 4 ☐ don't know

**Position fixed*

ASK ONLY IF Q75 : NUMBER=2,3

T10 : FOCUS : CONCILIATOR TO FOCUS ON

Text

Please answer the next questions thinking about the conciliator who you dealt with the most.

ASK ONLY IF not Q59 : ECOUT=1,2

Q76 : CONTACT : CONTACT METHOD

Multi coded

And now thinking about the Acas conciliator, was your contact with the Acas conciliator by...?

CODE ALL THAT APPLY

- 1 ☐ Telephone
- 2 ☐ Email
- 3 ☐ Letter
- 4 ☐ Fax
- 5 ☐ Face to face
- 6 ☐ No contact (spontaneous only)
- 7 ☐ don't know

**Exclusive *Position fixed*

conditional on Q76 : CONTACT

Q77 : MAINCONT : MAIN CONTACT METHOD

Single coded

And which of these was the main way in which you contacted the Acas Conciliator?

- 1 ☐ Telephone
- 2 ☐ Email
- 3 ☐ Letter
- 4 ☐ Fax
- 5 ☐ Face to face
- 7 ☐ don't know

**Position fixed*

Scripter notes: only show if 2 or more selected at Q62

ASK ONLY IF Q76 : CONTACT=1,2,3,4,5,7

Q78 : TIMES : CONTACT COUNT

Numeric

Min 1 | Max 25

How many times did you have contact with the Acas conciliator?

INTERVIEWER: IF UNSURE PLEASE ASK THE RESPONDENT TO GIVE THEIR BEST ESTIMATE.

Scripter notes: Add 'Don't know' option

ASK ONLY IF Q76 : CONTACT=1,2,3,4,5,7 and Q59 : ECOUT=5,6,7

Q79 : CONWHO : CONTACT DIRECTION

Single coded

During the conciliation, did Acas contact you most of the time or did you contact Acas most of the time?

- 1 ☐ Acas contacted me most of the time
- 2 ☐ I contacted Acas most of the time
- 3 ☐ Contacted each other equally
- 4 ☐ don't know

**Position fixed*

ASK ONLY IF Q76 : CONTACT=1,2,3,4,5,7 and Q59 : ECOUT=5,6,7

Q80 : MORECON : CONTACT FREQUENCY

Single coded

Would you have preferred more contact with the Acas conciliator, less contact or about the same?

- 1 ☐ More
- 2 ☐ The same
- 3 ☐ Less
- 4 ☐ don't know

**Position fixed*

B10 : Experience of Conciliator

End block

B11 : Quality of Conciliation

Begin block

ASK ONLY IF Q76 : CONTACT=1,2,3,4,5,7 and Q59 : ECOUT=5,6,7

Q81 : RATE : CONCILIATOR RATING

Matrix

How would you rate the Acas conciliator in terms of:

	Very good	Fairly good	Neither good nor poor	Fairly poor	Very poor	Did not do this
Outlining the (employment) law as it applied to your problem	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Explaining the conciliation process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Helping you understand the strengths and weaknesses of this potential claim	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Relaying proposals and offers to and from [employer/ claimant] ?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Helping you to consider the pros and cons of resolving the problem [without submitting a tribunal claim / before the submission of a tribunal claim]	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Explaining about the fees that claimants are required to pay when making an employment tribunal claim	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Scripter notes: If Claimant or claimant representative text fill = 'employer'. If Employer or employer representative text fill = 'claimant'.

If Claimant or claimant representative text fill = 'without submitting a tribunal claim'. If Employer or employer representative text fill = 'before the submission of a tribunal claim'.

ASK ONLY IF Q76 : CONTACT=1,2,3,4,5,7 and Q59 : ECOUT=5,6,7

Q82 : AGREE : CONCILIATOR TRAITS

Matrix

To what extent do you agree or disagree that the Acas conciliator:

(Repeat for each of the following statements)

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
Was knowledgeable about the case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Understood how you felt about the case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Understood the circumstances of the case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Was trustworthy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Listened to what you had to say	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Was actively involved in seeking an agreement to settle	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Helped you to decide whether or not to settle your case, without undue influence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ASK ONLY IF Q76 : CONTACT=1,2,3,4,5,7 and Q59 : ECOUT=5,6,7

Q83 : SIDE : CONCILIATOR BIAS

Single coded

[CLAIMANT OR CLAIMANT REPRESENTATIVE: Overall, did you feel that the Acas conciliator was more on your side, more on the employer's side or even handed between you? /
EMPLOYER OR EMPLOYER REPRESENTATIVE: Overall did you feel that the Acas conciliator was more on your side, more on the claimant's side or even handed between you?]

- 1 ☐ More on your side
- 2 ☐ More on [employer/claimant]'s side
- 3 ☐ Even handed
- 4 ☐ don't know

**Position fixed*

Scripter notes: If Claimant or claimant representative text fill = 'employer'. If Employer or employer representative text fill = 'claimant'.

ASK ONLY IF Q76 : CONTACT=1,2,3,4,5,7

Q84 : AVAIL : CONCILIATOR AVAILABILITY

Single coded

Was the Acas Conciliator available when needed?

READ OUT

- 1 ☐ Always
 - 2 ☐ Usually
 - 3 ☐ Sometimes
 - 4 ☐ Rarely
 - 5 ☐ Never
 - 6 ☐ Did not need to contact the conciliator as they always contacted me (spontaneous only)
 - 7 ☐ don't know
- *Position fixed*

B11 : Quality of Conciliation

End block

B12 : Impact on Settling

Begin block

Q85 : DECIDEHOW : CONCILIATION IMPORTANCE

Single coded

How important was Acas involvement in helping you to decide on how to proceed with this dispute? Was it...

READ OUT

- 1 ☐ Very important
 - 2 ☐ Quite important
 - 3 ☐ Not very important
 - 4 ☐ Not at all important
 - 6 ☐ don't know
- *Position fixed*

ASK ONLY IF Q76 : CONTACT=1,2,3,4,5,7

Q86 : CLOSER : CONCILIATION IMPORTANCE 2

Single coded

How important was Acas's involvement in helping move parties closer towards resolving the case? Was it

READ OUT

- 1 ☐ Very important
 - 2 ☐ Quite important
 - 3 ☐ Not very important
 - 4 ☐ Not at all important
 - 6 ☐ don't know
- *Position fixed*

ASK ONLY IF Q59 : ECOUT=5,7

Q87 : RESOLVE : CONCILIATION REASON RESOLVED

Single coded

Looking back, how much do you agree or disagree that Acas involvement was a factor in the decision to resolve the case?

- 1 ☐ Strongly agree
- 2 ☐ Agree
- 3 ☐ Neither agree nor disagree
- 4 ☐ Disagree
- 5 ☐ Strongly disagree
- 6 ☐ don't know

**Position fixed*

Q88 : AGAIN : USE ACAS AGAIN

Single coded

If you were involved in a similar situation in the future, would you make use of the Early Conciliation service from Acas?

READ OUT

- 1 ☐ Definitely yes
- 2 ☐ Probably yes
- 3 ☐ Probably no
- 4 ☐ Definitely no
- 5 ☐ don't know

**Position fixed*

B12 : Impact on Settling

End block

B13 : The EC Experience

Begin block

ASK ONLY IF Q1 : DUM1=1,2,4

Q89 : CLAIMTIME : TIME SPENT CLAIMANT

Numeric

Min 1 | Max 240

How much of your time in total did you spend on the workplace problem from the time you submitted your notification up until you received official notification that conciliation had finished? [Please do not include any time that you may have spent since submitting the tribunal claim.]

1 DAY = 8 HOURS.
ENTER TIME IN HOURS ONLY
INTERVIEWER: IF NECESSARY REMIND THE RESPONDENT THAT WE ARE INTERESTED IN THE ACTUAL
TIME THEY SPENT RATHER THAN THE PERIOD OVER WHICH THE CONCILIATION TOOK PLACE.
ROUND UP TO THE NEAREST HOUR

IF NECESSARY: OFFICIAL NOTIFICATION WOULD BE EITHER A CERTIFICATE FOR TRIBUNAL
SUBMISSION OR A COT3 RESOLUTION

Scripter notes: Text fill will only appear if SUBMIT = 1.

Include 'Don't Know'

Q90 : BENEFITS : EC BENEFITS**Multi coded**

Compared to submitting an Employment Tribunal claim, what do you think are the main benefits are, if any, of taking part in Acas Early Conciliation?

PROMPT TO PRE-CODES

CODE ALL THAT APPLY

- 1 ☐ It resolves the issue more quickly
- 2 ☐ It can save going to a tribunal/court
- 3 ☐ It is less stressful/traumatic
- 4 ☐ It is easier / more convenient
- 5 ☐ It is cheaper
- 9 ☐ It prevents possible reputational damage of going to tribunal
- 10 ☐ It is less time consuming
- 11 ☐ It can produce a better outcome for claimants
- 6 ☐ other (specify)
- 7 ☐ none
- 8 ☐ don't know

**Open *Position fixed*
**Exclusive *Position fixed*
**Exclusive *Position fixed*

ASK ONLY IF Q90 : BENEFITS=5

Q91 : CHEAPER : WHY THINK EC IS CHEAPER**Open**

And, can I just check, why do you think it is cheaper?

INTERVIEWER PROBE FULLY TO SEE WHY THE RESPONDENT THINKS IT IS CHEAPER. WHAT SORTS OF COSTS ARE THEY THINKING ABOUT?

ASK ONLY IF Q59 : ECOUT=5,6,7

Q92 : OUTSAT : OUTCOME SATISFACTION**Single coded**

Putting Acas' service to one side and focusing just on the outcome, how satisfied or dissatisfied were you with the outcome of this conciliation? [Please just think about the Early Conciliation that took place before the tribunal claim was submitted.]

READ OUT, CODE ONLY ONE
 NOTE: QUESTION IS ON OUTCOME NOT SERVICE

- 1 ☐ Extremely satisfied
- 2 ☐ Very satisfied
- 3 ☐ Satisfied
- 4 ☐ Neither satisfied nor dissatisfied
- 5 ☐ Dissatisfied
- 6 ☐ Very Dissatisfied
- 7 ☐ Extremely dissatisfied
- 8 ☐ don't know

**Position fixed*

Scripter notes: Text fill will only appear if SUBMIT = 1.

ASK ONLY IF Q59 : ECOUT=5,6,7

Q93 : TIMSAT : TIMELY SATISFACTION

Single coded

Putting the outcome to one side, thinking about all the Acas staff you spoke to and all the contact you had with them during this case, how satisfied or dissatisfied were you with the timeliness of the contact?

- 1 ☐ Extremely satisfied
- 2 ☐ Very satisfied
- 3 ☐ Satisfied
- 4 ☐ Neither satisfied nor dissatisfied
- 5 ☐ Dissatisfied
- 6 ☐ Very Dissatisfied
- 7 ☐ Extremely dissatisfied
- 8 ☐ don't know

**Position fixed*

Q94 : PROSAT : PROCESS SATISFACTION

Single coded

How satisfied or dissatisfied are you with the service you received from Acas in this case [before the tribunal claim was submitted?] Would you say you were...

READ OUT

- 1 ☐ Extremely satisfied
- 2 ☐ Very satisfied
- 3 ☐ Satisfied
- 4 ☐ Neither satisfied nor dissatisfied
- 5 ☐ Dissatisfied
- 6 ☐ Very Dissatisfied
- 7 ☐ Extremely dissatisfied
- 8 ☐ don't know

**Position fixed*

Scripter notes: Text fill will only appear if SUBMIT = 1.

ASK ONLY IF Q94 : PROSAT=5,6,7

Q95 : WHYDIS : WHY DISSATISFIED

Open

And why do you say you were dissatisfied?

- 1 ☐ don't know

**Exclusive *Position fixed*

B13 : The EC Experience

End block

ASK ONLY IF Q1 : DUM1=3

B14 : Employer Costs

Begin block

T11 : EMPCOSTINTRO : EMPLOYER COSTS INTRO**Text**

I'd like to ask you how much time staff in the organisation spent on this case, from the time Acas first contacted you until the time your dealings with Acas came to an end. [Please do not include any time that you may have spent since submitted the tribunal claim.]

Scripter notes: Text fill will only appear if SUBMIT = 1.

Q96 : TOTALP : TOTAL PEOPLE**Numeric**[Min 1](#) | [Max 20](#)

In total, how many people were involved and spent time on this case? Please include yourself, other directors and senior managers and any other staff. Please only include staff in the organisation. Do not include any time spent by representatives or advisers who may have helped with the case.

ENTER NUMBER OF PEOPLE

Scripter notes: add 'Don't know' option

ASK ONLY IF Q96 : TOTALP=1

Q97 : P1WHO : WHO**Single coded**

INTERVIEWER: CODE WHETHER THIS PERSON WHO SPENT TIME IS THE RESPONDENT. ASK IF UNSURE.

- 1 ☐ Respondent spent time on case
- 2 ☐ Other staff member spent time on case

ASK ONLY IF Q96 : TOTALP=1

Q98 : P1TIME : TIME SPENT**Numeric**[Min 1](#) | [Max 240](#)

And how much time in total did [you / this person] spend on the case?

1 DAY = 8 HOURS

ENTER TIME IN HOURS ONLY. ROUND UP TO THE NEAREST HOUR

Scripter notes: If P1WHO= 1 text fill = 'you'. IF P1WHO= 2 text fill = 'this person'.

ASK ONLY IF Q96 : TOTALP=1

Q99 : P1MAN : SENIOR PERSON

Single coded

Can I just check, [would you classify yourself as / was this person] a Director or Senior Manager within the organisation

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know
- ☐ don't know

**Position fixed3*

**Position fixed*

Scripter notes: If P1WHO= 1 text fill = 'would you classify yourself as'. IF P1WHO= 2 text fill = 'was this person'.

ASK ONLY IF Q96 : TOTALP>1

Q100 : OWN TIME : TIME SPENT RESPONDENT

Numeric

Max 240

And how much time did you spend on this case?

1 DAY = 8 HOURS
ENTER TIME IN HOURS ONLY. ROUND UP TO THE NEAREST HOUR

ASK ONLY IF Q96 : TOTALP>1

Q101 : OWNMAN : RESPONDENT SENIOR MANAGEMENT

Single coded

Can I just check, would you classify yourself as a Director or Senior manager within the organisation?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q96 : TOTALP>1

T12 : OTHERTIM : OTHERS TEXT

Text

Now thinking of the different staff involved...

ASK ONLY IF Q96 : TOTALP>1

Q102 : DIRTIME : DIRECTOR TIME

Numeric

Max 240

[Apart from yourself] how much time in total did directors and senior management spend on this case?

1 DAY = 8 HOURS
ENTER TIME IN HOURS ONLY. ROUND UP TO THE NEAREST HOUR

Scripter notes: Text fill will appear if OWNMAN= 1.

ASK ONLY IF Q96 : TOTALP>1

Q103 : OTHTIME : OTHER STAFF TIME

Numeric

Max 240

How much time in total did other staff spend on this case?

1 DAY = 8 HOURS
ENTER TIME IN HOURS ONLY ROUND UP TO THE NEAREST HOUR

Q104 : TIMECHECK : TIME CHECK

Multi coded

Thinking about the time spent, from the time you received the offer of Early Conciliation until the time Acas involvement ended, by all people at the organisation, including yourself, can I just check the following is correct?:

SELECT ANY THAT ARE INCORRECT AND RE-ENTER NEW TOTAL. IF ALL CORRECT, CODE: ALL INFORMATION CORRECT.

- 1 ☐ You spent {Q88} hours
- 2 ☐ Directors and Senior Management spent {Q90} hours
- 3 ☐ Other staff spent {Q91} hours
- 4 ☐ All information correct (single coded)

Scripter notes: Only show options if the question relating to it is greater than 1

if 1,2 or 3 is selected, go back to this question and re-enter.
then repeat time check exercise.

B14 : Employer Costs

End block

ASK ONLY IF Q1 : DUM1=3

B15 : Non Financial Benefits to Employer

Begin block

Q105 : FUTINFO : AVOID FUTURE**Single coded**

Did the Acas conciliator provide you with any information or advice which you believe will help you avoid having to deal with another case of this type in the future?

- 1 ☐ Yes
 2 ☐ No
 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q105 : FUTINFO=1

Q106 : ACTIONS : ACTIONS ON INFO**Matrix**

Did the information or advice given by the Acas conciliator result in the organisation taking any of the following actions?

NOTE: THE CHANGES MUST BE A DIRECT RESULT OF THIS CASE, PROMPT IF UNSURE.
 (Repeat for each of the following statements)

	Yes	No	Don't know
Introduce or review formal disciplinary or grievance procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Make sure procedures are followed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Revise terms and conditions in claimants' contracts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reviewing/improving the training of managers in the handling of problems at work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Join an employers' association for legal services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Take out insurance against potential claims	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Seek professional advice prior to taking disciplinary action	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anything else	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ASK ONLY IF Q106 : ACTIONS ST=8 & SC=1

Q107 : ACTIONELSE : OTHER ACTIONS**Open**

What other actions did your organisation take as a result of this information and advice?

- 1 ☐ don't know

**Exclusive *Position fixed*

B15 : Non Financial Benefits to Employer

End block

B5 : Early Conciliation

End block

B16 : Submission of ET

Begin block

ASK ONLY IF not Q59 : ECOUT=5

T13 : ET1INTRO : ET1 INTRO TEXT

Text

I now want to ask you some questions about what happened since [you submitted the early conciliation notification form to Acas/you spoke to Acas about the dispute and were offered early conciliation/early conciliation finished].

Scripter notes: If ECOUT = 2 text fill = 'you submitted the early conciliation notification form to Acas'. If ECOUT = 1 or 3 or 4 or 8 text fill = 'you spoke to Acas about the dispute and were offered early conciliation'. If ECOUT = 5 or 6 or 7 text fill = 'since early conciliation finished'.

ASK ONLY IF not Q59 : ECOUT=5 and Q1 : DUM1=1,2

Q108 : CERTREC : RECEIVED CERTIFICATE

Single coded

You should have now received a formal acknowledgement from Acas that early conciliation has ended.

Can I just check, [have you/has {claimant}] received this certificate?

IF NECESSARY: This would have had a unique reference number allowing you proceed to an Employment Tribunal claim.

IF NECESSARY: This is a certificate confirming that you had complied with the requirement to contact Acas before starting proceedings with an employment tribunal

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

Scripter notes: Textfill
Claimant = you // rep={claimant}

ASK ONLY IF Q1 : DUM1=1,2 and Q108 : CERTREC=1

Q109 : UNDCERT : UNDERSTAND CERTIFICATE

Open

And did you understand what receiving this certificate meant in regards to [your/{claimant}'s] employment dispute?

PLEASE PROBE FOR AS MUCH DETAIL AS POSSIBLE AS TO WHAT THEY UNDERSTAND THE CERTIFICATE MEANS

INTERVIEWER IF THE RESPONDENT IS UNSURE PLEASE CODE DK.

IF THE RESPONDENT IS UNSURE AND ASKS YOU FOR MORE INFORMATION ABOUT YOU CAN EXPLAIN TO THEM THAT IT MEANT THAT THEY/CLAIMANT WOULD BE ABLE TO PROCEED WITH AN EMPLOYMENT TRIBUNAL IF THEY WISHED AND IT PROVIDED A UNIQUE REFERENCE NUMBER TO INCLUDE ON THE APPLICATION FORM.

3 ☐ don't know

**Exclusive *Position fixed*

Scripter notes: textfill
claimant = your // rep={claimant}'s

ASK ONLY IF Q1 : DUM1=3,4 and Q59 : ECOUT=6,7

Q110 : EMPCERT : EMPLOYER AWARE CERTIFICATE

Single coded

Once Early Conciliation had come to an end, were you made aware that a certificate confirming that {claimant} had complied with the requirement to contact Acas would be issued to {claimant} before they may submit an Employment Tribunal claim?

- 1 ☐ Yes
2 ☐ No
4 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=1,2 and Q108 : CERTREC=1

Q111 : POSTEC : CONCILIATION POST EC

Single coded

And since [receiving/{claimant} received] this certificate have [you/ they] continued to have contact with the Acas conciliator about the case?

INTERVIEWER: IF CONTINUED CONTACT BETWEEN EITHER CLAIMANT OR REP WITH ACAS PLEASE CODE YES.

- 1 ☐ Yes
2 ☐ No
3 ☐ don't know

**Position fixed*

Scripter notes: Text fill 1, if claimant 'receiving', if employer or representative (any) '{claimant} received'
Text fill 2, if claimant 'you', if employer or representative (any) 'they'

ASK ONLY IF Q111 : POSTEC=1

Q112 : POSTEC2 : CONCILIATION POST EC BEFORE OR AFTER ET

Single coded

And was this continued contact with Acas before or after [you/{claimant}] submitted [your/their] employment tribunal claim?

- 1 ☐ Before
- 2 ☐ After
- 3 ☐ Both
- 4 ☐ don't know

**Position fixed*

Scripter notes: Text fill 1: If claimant = 'you', if claimant rep = '{claimant}'.
Text fill 2: If claimant = 'your', if claimant rep = 'their'.

ASK ONLY IF Q21 : SUBMIT=2 and not Q59 : ECOUT=5 and Q1 : DUM1=1,2

Q113 : ET1DEC : ET1 DECISION

Single coded

You mentioned at the start of the interview that [you/{claimant}] haven't submitted a tribunal claim. Can I just check, [have you/has {claimant}] made a final decision about whether or not [you/they] will submit an employment tribunal claim about this issue?

- 1 ☐ Yes
- 2 ☐ No

Scripter notes: For each textill, the first part of the text will appear for claimants and the second part for claimant representatives.

ASK ONLY IF Q113 : ET1DEC=1

Q114 : INTEND : TRIBUNAL INTENTION

Single coded

And [do you/does {claimant}] intend to submit a tribunal claim regarding this issue?

- 1 ☐ Yes - do intend to submit a claim
- 2 ☐ No - do NOT intend to submit a claim
- 3 ☐ No - it is too late for me to submit a claim (spontaneous only)
- 4 ☐ don't know

**Position fixed*

Scripter notes: For each textill, the first part of the text will appear for claimants and the second part for claimant representatives.

ASK ONLY IF Q113 : ET1DEC=2

Q115 : LIKELY : TRIBUNAL LIKLIHOOD

Single coded

And although [you/{claimant}] haven't made a final decision about whether or not to submit a tribunal claim, currently do you think [you/they] will...

- 1 ☐ Probably will submit a claim
- 2 ☐ Probably won't submit a claim
- 3 ☐ Or are you really not sure at the moment?

Scripter notes: For each textill, the first part of the text will appear for claimants and the second part for claimant representatives.

ASK ONLY IF Q21 : SUBMIT=1 and Q1 : DUM1=1,2

Q116 : ET1HOW : ET1 SUBMISSION

Single coded

You mentioned at the start of this interview that [you/{claimant}] had already submitted a tribunal claim about this issue. Can I just check, how did [you/they] submit the ET1 form? Did [you/they] submit it online, or did you submit a paper copy by post?

IF NECESSARY: The ET1 form is the form you would have used to submit your claim.

- 1 ☐ Online
- 2 ☐ Paper copy by post
- 3 ☐ other, namely...
- 4 ☐ don't know

**Open *Position fixed*

**Position fixed*

Scripter notes: For each textill, the first part of the text will appear for claimants and the second part for claimant representatives.

ASK ONLY IF Q116 : ET1HOW=2

Q117 : ET1POST : ET1 POST REASONS

Multi coded

And can I just check, why did [you/they] choose to submit a paper copy by post rather than an online copy?

CODE ALL THAT APPLY
PROMPT TO PRE CODES

- 1 ☐ [I wasn't/they weren't] aware of the online service
- 2 ☐ [I/they] was advised to (by friends, CAB, lawyer)
- 3 ☐ [I/they] prefer using paper
- 4 ☐ [I/they] do not have a computer/smartphone/or an internet connection
- 5 ☐ [I/they] have a computer/smartphone/or an internet connection but [I am/they are] not very confident using online services
- 6 ☐ [I/they] have trouble with reading/writing
- 7 ☐ [My/Their] English isn't very good and [I/they] think [I/they] can explain [myself/themself] better on the phone or in person
- 8 ☐ [I/they] have concerns about online security of data and would not want [my/their] personal details to go astray
- 9 ☐ other (specify)
- 10 ☐ don't know

**Open *Position fixed*

**Exclusive *Position fixed*

Scripter notes: Scripter notes: For each textill, the first part of the text will appear for claimants and the second part for claimant representatives.

ASK ONLY IF Q21 : SUBMIT=1 or Q114 : INTEND=1 and Q1 : DUM1=1,2

Q118 : DECIDE1 : WHY SUBMIT ET1

Open

Why [did [you/{claimant}] decide /why [are you/is {claimant}] intending] to submit a tribunal claim?

Scripter notes: If submit = 1, textfill = 'did you/claimant decide'
If Intend = 1, textfill = 'why are you/is claimant intending'

ASK ONLY IF Q21 : SUBMIT=1 or Q114 : INTEND=1 and Q1 : DUM1=1,2

Q119 : DECIDE2 : EC CAUSE THOUGHT

Single coded

And do you think there was anything else Acas could have done to assist in [your/this] dispute up to this point, to help resolve the matter without an Employment Tribunal claim being submitted?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

Scripter notes: Textfill 1
If claimant, text fill = 'your'
If claimant rep, text fill = 'this'.

Textfill 2
If claimant, text fill = 'you'
If claimant rep, text fill = '{claimant}'.

ASK ONLY IF Q119 : DECIDE2=1

Q120 : ACASDONE : ELSE ACAS DONE

Open

What could they have done?

- 1 ☐ don't know

**Exclusive *Position fixed*

ASK ONLY IF Q21 : SUBMIT=1 and Q1 : DUM1=1,2

Q121 : ETWHEN : WHEN SUBMIT

Open

When was the tribunal claim submitted?

ENTER DAY AND MONTH

IF DOES NOT KNOW DAY PLEASE ENTER MONTH IF KNOWN

Scripter notes: PLEASE SET UP WITH A FIELD/QUESTION TO ENTER DAY AND A SEPERATE FIELD FOR MONTH. PLEASE ALLOW DK IN BOTH DAY AND MONTH FIELDS INCASE EITHER OR BOTH OF THESE ARE NOT KNOWN.

ASK ONLY IF Q21 : SUBMIT=1 and Q1 : DUM1=1,2

Q122 : FEEREMMIS : FEE OR REMISSION

Single coded

[Have you/has {claimant}] applied for fee remission?

IF QUERIED: A fee remission is where a person can apply for the fee to be waived or reduced so that they either pay less or not at all.

- 1 ☐ Yes - Have applied for fee remission
- 2 ☐ No - have not applied for fee remission
- 4 ☐ don't know
- 3 ☐ refused

**Position fixed*

**Position fixed*

Scripter notes: If a claimant, text fill = 'you'. If claimant rep, text fill = '{claimant}'.

ASK ONLY IF Q122 : FEEREMMIS=2

Q123 : WHOPAY : WHO PAID FEES

Single coded

And who paid the tribunal fees?

- 1 ☐ [I/{claimant}] paid the fee [myself/themself]
- 2 ☐ A third party paid the fee on [my/{claimant's}] behalf (e.g. a trade union)
- 3 ☐ don't know
- 4 ☐ refused

**Position fixed*

**Position fixed*

Scripter notes: claimant = I/my/myself
claimant rep = {claimant}/they

ASK ONLY IF Q122 : FEEREMMIS=1

Q124 : REMISGRANT : REMISSION GRANTED

Single coded

Was [your/{claimant}'s] application for remission granted?

- 1 ☐ Yes - in full; [I am/claimant is] not required to pay the Tribunal fee
- 2 ☐ Yes - in part
- 3 ☐ No - rejected - [I/claimant] was required to pay the full Tribunal fee
- 4 ☐ Have not heard back yet
- 5 ☐ don't know
- 6 ☐ refused

**Position fixed*

**Position fixed*

Scripter notes: claimant = your / claimant rep = {claimant}'s

claimant = I / claimant rep={claimant}

ASK ONLY IF Q124 : REMISGRANT=2

Q125 : REFACT : PARTIAL REFUSAL ACTION

Single coded

And what did or will [you/{claimant}] do as a result of this?

- 1 ☐ [I/{claimant}] paid or will pay the remainder of the fee [myself/themself]
- 2 ☐ A third party paid or will pay the remainder of the fee on [my/{claimant's}] behalf (e.g. a trade union)
- 3 ☐ [I/{claimant}] dropped or will drop the case and take no further action
- 4 ☐ [I /{claimant}] pursued or will pursue [my/{claimant}'s] case as a civil claim instead (e.g. in the County Courts)
- 5 ☐ [I /{claimant}] pursued or will pursue my/Claimant's case using some other kind of conflict resolution/enforcement instead (e.g. mediation or arbitration)

Scripter notes: Claimant = you / my /myself/I
Claimant rep = {claimant}/themself

ASK ONLY IF Q124 : REMISGRANT=3

Q126 : REFACT2 : FULL REFUSAL ACTION

Single coded

And what did or will [you/{claimant}] do?

READ OUT

- 1 ☐ [I/{claimant}] paid or will pay the fee [myself/themself]
- 2 ☐ [I /{claimant}] dropped or will drop the case and take no further action
- 3 ☐ [I /{claimant}] pursued or will pursue [my/{Claimant}'s] case as a civil claim instead (e.g. in the County Courts)
- 4 ☐ [I /{claimant}] pursued or will pursue [my/{Claimant}'s] case using some other kind of conflict resolution or enforcement instead (e.g. mediation or arbitration)

ASK ONLY IF Q124 : REMISGRANT=4

Q127 : REMISREJ : REMISSION REJECTED

Single coded

If [you/{claimant}'s] application for remission is rejected, what will [you/{claimant}] do?

READ OUT

- 1 ☐ [I/{claimant}] will pay the fee [myself/themself]
- 2 ☐ A third party will pay the fee on [my/{claimant's}] behalf (e.g. a trade union)
- 5 ☐ [I /{claimant}] will pursue [my/their] case as a civil claim instead (e.g. in the County Courts)
- 6 ☐ [I /{claimant}] will pursue [my/their] case using some other kind of conflict resolution/enforcement instead (e.g. mediation or arbitration)
- 3 ☐ [I/{claimant}] will drop the case / take no further action
- 4 ☐ don't know

**Position fixed*

Scripter notes: 1 - claimant = your // claimant rep = {claimant}'s
2 - claimant= you // claimant rep = {claimant}
3 - claimant = I // claimant rep = {claimant}
4 - claimant = myself // claimant rep = themself
5 - claimant = my // claimant rep = {claimant}'s
6 - claimant = I // claimant rep = {claimant}

ASK ONLY IF Q114 : INTEND=2 or Q115 : LIKELY=2 or Q21 : SUBMIT=2 and not Q59 : ECOUT=5 and Q1 : DUM1=1,2

Q128 : DECIDE3 : WHY NOT SUBMIT

Multi coded

Why [did [you/{claimant}] decide not / do you think [you are/{claimant}] is] unlikely] to submit a tribunal claim?

CODE ALL THAT APPLY

PROMPT TO PRE CODES

- 1 ☐ Tribunal fees were off putting
- 2 ☐ Didn't think [I/they] would win the case / thought it would be a waste of time
- 3 ☐ Thought [my/their] case would be thrown out by the tribunal / didn't think [I/they] had a case
- 4 ☐ It was too stressful to continue
- 9 ☐ [I /{claimant}] pursued /will pursue [my/their] case as a civil claim instead (e.g. in the County Courts)
- 10 ☐ [I /{claimant}] pursued /will pursue [my/their]. case using some other kind of conflict resolution/enforcement instead (e.g. mediation or arbitration)
- 6 ☐ [I was/they were] never really intending to submit a claim/[I was/they were] only testing the water to see if [my/their] employer would do a deal
- 7 ☐ other (specify)
- 8 ☐ don't know

**Open *Position fixed*

**Exclusive *Position fixed*

Scripter notes: If Submit = 2 or Intend = 2, text fill = 'do you/does claimant think you are unlikely'
If Likely = 2, text fill = 'did you/claimant decide not'
Note filter for this question has the following brackets:
If ((Intend = 2) or (Likely = 2) or (Submit = 2 and ECOUT <>5)) and Dum = 1 or 2

ASK ONLY IF Q128 : DECIDE3=1,2,3,4,9,10,6,7

Q129 : CONCL : CONCILIATOR HELP REACH CONCLUSION

Single coded

And to what extent was Acas conciliation a factor in helping you to reach this conclusion?

- 1 ☐ Completely
- 2 ☐ To a large extent
- 3 ☐ To some extent
- 4 ☐ Not at all
- 5 ☐ don't know

**Position fixed*

ASK ONLY IF Q128 : DECIDE3=1

Q130 : FEEOFF : WHY FEES OFFPUTTING

Multi coded

Why did fees put [you/{claimant}] off submitting a tribunal claim?

PROMPT TO PRECODES

CODE ALL THAT APPLY

- 1 ☐ [I/they] disagree with the principle of having to pay a fee in order to lodge a claim
- 2 ☐ [I/they] could not afford the fee
- 3 ☐ The fee was more than [I was/they were] prepared to pay
- 4 ☐ [I/they] thought the remission process would be too complicated
- 5 ☐ [I/they] did not think that [I/they] would be eligible for remission
- 6 ☐ [I/they] thought the remission process would be too time consuming
- 7 ☐ [I/they] could not provide the right documentation needed for fee remission
- 8 ☐ don't know
- 9 ☐ other, namely...

**Exclusive *Position fixed*

**Open *Position fixed*

Scripter notes: For textill, the first part of the text will appear for claimants and the second part for claimant representatives.

ASK ONLY IF Q130 : FEEOFF=1,2,4,5,6,7,8

Q131 : FEEIMP : MOST IMPORTANT FEE FACTOR

Single coded

And which of these was the most important?

READ OUT - CODE ONE ANSWER ONLY

- 1 ☐ I disagree with the principle of having to pay a fee in order to lodge a claim
- 2 ☐ I could not afford the fee
- 3 ☐ The fee was more than I was prepared to pay
- 4 ☐ I thought the remission process would be too complicated
- 5 ☐ I did not think that I would be eligible for remission
- 6 ☐ I thought the remission process would be too time consuming
- 7 ☐ I could not provide the right documentation needed for fee remission
- 8 ☐ don't know
- 9 ☐ other, namely...

**Position fixed*

**Open *Position fixed*

Scripter notes: ONLY SHOW IF 2 OR MORE SELECTED AT Q156.
IF ONLY 1 SELECTED AT Q156, AUTOMATICALLY CODE THAT ANSWER

ASK ONLY IF Q1 : DUM1=1,2 and Q59 : ECOUT=5,6,7

Q132 : DECIDE4C2 : ECONOMIC IMPACT 2 (CLAIMANT)

Single coded

Please imagine there was no Acas Early Conciliation service. How likely is it that [you/{claimant}] would have done the following in the dispute? Would [you/{claimant}] have...

- 1 ☐ Submitted an Employment Tribunal claim anyway
- 2 ☐ Tried to settle the matter some other way first, but submitted an Employment Tribunal claim if that didn't work
- 3 ☐ Tried to settle the matter some other way first, but NOT submitted an Employment Tribunal claim if that didn't work
- 4 ☐ Not have pursued the matter any further
- 5 ☐ don't know

**Position fixed*

Scripter notes: For each textill, the first part of the text will appear for claimants and the second part for claimant representatives.

ASK ONLY IF Q1 : DUM1=3,4 and Q59 : ECOUT=5,6,7

Q133 : DECIDE4E2 : ECONOMIC IMPACT 2 (EMPLOYERS)

Single coded

Please imagine there was no Acas 'Early Conciliation' service. Which of the following do you think would have been most likely to have happened in the dispute?

- 1 ☐ {Claimant} would have submitted an Employment tribunal claim against us anyway
- 2 ☐ We would have tried to settle the matter some other way first, but {claimant} would probably have submitted an Employment Tribunal claim if that didn't work
- 3 ☐ We would have tried to settle the matter some other way first, but {claimant} would probably NOT have submitted an Employment Tribunal claim if that didn't work
- 4 ☐ I don't think {claimant} would have pursued the matter any further
- 5 ☐ don't know

**Position fixed*

ASK ONLY IF Q59 : ECOUT=1,2,3 and Q1 : DUM1=1,2 or Q59 : ECOUT=4 and Q1 : DUM1=3,4

Q134 : REGRET : REGRET NOT ENGAGING

Single coded

Looking back, how do you feel in hindsight about your decision NOT to use Acas Early Conciliation?

READ OUT

- 1 ☐ I am happy with my decision NOT to use Early Conciliation
- 2 ☐ I regret NOT having used Early Conciliation
- 3 ☐ I am in mixed minds about my decision NOT to use Early Conciliation
- 4 ☐ don't know

**Position fixed*

Scripter notes: Filter for this question should include the following brackets:

If ((ECOUT = 1 or 2 or or 3) AND (DUM = 1 or 2)) OR (ECOUT = 4 and (DUM = 3 or 4)).

B16 : Submission of ET

End block

B17 : Employer Details / Claimant Profile

Begin block

T14 : DETTEXT : DETAIL INTRO TEXT**Text**

[CLAIMANT: I'd now like to ask you some more classification questions about yourself and {employer} at the time of the dispute. This helps us get a better understanding of what the benefits of offering Early Conciliation are. /

EMPLOYER: I'd now like to ask you some more classification questions about you, your organisation and {claimant} at the time of the dispute. This helps us get a better understanding of what the benefits of offering Early Conciliation are. /

REPRESENTATIVE (ANY) I'd now like to ask you a few classification questions about [{organisation} and] yourself. This helps us get a better understanding of what the benefits of offering Early Conciliation are.]

Scripter notes: Text fill will only appear if employer representative.

Q135 : PREVCLAIM : PRVIOUS CLAIM**Single coded**

[CLAIMANT OR REPRESENTATIVE (ANY): Has {employer} ever had an Employment Tribunal claim made against them before this problem arose?

EMPLOYER: Has your organisation ever had an Employment Tribunal claim made against it, before this problem arose?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

Q136 : SECTOR : EMPLOYER SECTOR**Single coded**

[CLAIMANT OR REPRESENTATIVE (ANY): Was {employer} a private sector organisation, a public sector body or a non-profit or voluntary organisation? /

EMPLOYER: Is your organisation a private sector organisation, a public sector body or a non-profit or voluntary organisation?]

INTERVIEWER IF RESPONDENT IS NOT SURE PROMPT WITH EXAMPLES IF NECESSARY:

Private sector: such as a limited company or PLC

Public sector: such as central government, civil service, NHS, police

Non-profit: such as a charity or something in the voluntary sector

- 1 ☐ Private sector
- 2 ☐ Public sector
- 3 ☐ Non-profit/voluntary sector
- 4 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=3,4

Q137 : DO : ORGANISATION MAIN ACTIVITY

Open

And what does the organisation mainly make or do at the workplace {claimant} [worked at / applied to work at]?

Scripter notes: If APPLY = 1 or DK text fill = 'worked at'. If APPLY = 2 'applied to work at'.

ASK ONLY IF Q1 : DUM1=3,4

Q138 : WORKP : Workplace

Single coded

Does the organisation have a single workplace in the UK or more than one workplace in the UK?

- 1 ☐ Single workplace in UK
- 2 ☐ More than one workplace in UK
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=3,4

Q139 : WORKSIZE : COMPANY SIZE

Single coded

To the best of your knowledge how many people were working at or from the workplace {claimant} [worked at / was applying to].

NOTE: PROBE FOR BEST GUESS, BELOW 25 OR BELOW 50 WORKERS
IF CLAIMANT DID NOT WORK FROM ONE MAIN SITE THEN PROBE FOR THE NUMBER OF PEOPLE
WORKING AT THE SITE CLAIMANT MAINLY REPORTED TO.

- 1 ☐ 1-9
- 2 ☐ 10-19
- 3 ☐ 20-24
- 4 ☐ 25-49
- 5 ☐ 50-99
- 6 ☐ 100-249
- 7 ☐ 250-499
- 8 ☐ 500 or more
- 9 ☐ Don't know but less than 25
- 10 ☐ Don't know but between 25 and 49
- 11 ☐ Don't know but 50 or more
- 12 ☐ don't know

**Position fixed*

Scripter notes: If APPLY = 1 or DK text fill = 'worked at'. If APPLY = 2 'applied to work at'.

ASK ONLY IF Q1 : DUM1=3,4

Q140 : ORGSIZE : ORGANISATION SIZE

Single coded

And how many people worked for the whole organisation in the UK? Please include all contracted, non-contracted, agency, freelance and temporary workers.

NOTE: PROBE FOR BEST GUESS, BELOW 25 OR BELOW 50 WORKERS

- 1 ☐ 1-9
- 2 ☐ 10-19
- 3 ☐ 20-24
- 4 ☐ 25-49
- 5 ☐ 50-99
- 6 ☐ 100-249
- 7 ☐ 250-499
- 8 ☐ 500 or more
- 9 ☐ Don't know but less than 25
- 10 ☐ Don't know but between 25 and 49
- 11 ☐ Don't know but 50 or more
- 12 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=3,4

Q141 : HR : HR DEPARTMENT

Single coded

Does the organisation have an internal Human Resources or Personnel Department that deals with personnel issues?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=3,4

Q142 : LEGAL : LEGAL DEPARTMENT

Single coded

Does the organisation have an internal legal department that deals with any personnel or employment issues, for example relating to employment tribunal claims?

NOTE: IF YES, PROBE TO MAKE SURE THAT THIS IS AN INTERNAL LEGAL DEPARTMENT, BASED AT THE ORGANISATION, RATHER THAN AN EXTERNAL SOLICITOR THAT THE EMPLOYER USES.

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=3,4

Q143 : TUWORKP : TRADE UNIONS

Single coded

Are there any trade unions or staff-associations active in the workplace?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=3,4

Q144 : MEMBER : TRADE ASSOCIATION

Single coded

Is the organisation a member of an Employer's or Trade Association which gives advice on personnel or employment relations matters?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=3

Q145 : RESP : DISPUTE RESPONSIBILITY

Single coded

And can I just check, are you responsible for dealing with employment disputes in this organisation?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=3

Q146 : EMPJOB : JOB TITLE

Open

What is your job title?

INTERVIEWER: RECORD JOB TITLE.

Q147 : PREVIOUS : ACAS PREVIOUSLY

Single coded

Have you had previous experience of any Acas services before this case?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q147 : PREVIOUS=1

Q148 : WHICH : WHICH ACAS SERVICES

Multi coded

Which other Acas services have you used in the last 12 months (regarding this case or any other issue)?

READ OUT AND CODE ALL THAT APPLY

- 1 ☐ Used Acas for conciliating in another (different) employment dispute that could lead or had led to an Employment Tribunal
 - 2 ☐ Used Acas' collective conciliation service for resolving an industrial dispute
 - 3 ☐ Used an Acas mediator to help resolve a dispute between individual workers
 - 4 ☐ Telephoned Acas' Employment Rights Helpline
 - 5 ☐ Attended or sent a member of staff to attend an open access training course delivered by Acas
 - 6 ☐ Received a bespoke training course delivered by Acas to a group of staff at your workplace
 - 7 ☐ Received an on-site joint management/employee project to improve relationships
 - 8 ☐ Visited the Acas website (www.acas.org.uk)
 - 9 ☐ Used Acas some other way
 - 10 ☐ none of the above
 - 11 ☐ don't know
- *Exclusive *Position fixed*
**Exclusive *Position fixed*

ASK ONLY IF Q1 : DUM1=1,2

Q149 : CLAIMJOB : JOB TITLE - CLAIMANT

Open

What was [[your/{claimant}'s] job title / the title of the job [you/{claimant}] were applying for, which is the title of the job related to the workplace problem that Acas assisted with?

Scripter notes: If APPLY = 1 text fill = 'your/{claimants} job title'. If APPLY = 2 'the title of the job you/{claimant} were applying for'.

ASK ONLY IF Q1 : DUM1=1,2 and Q22 : APPLY=1

Q150 : MANDUT : MANAGEMENT DUTIES

Single coded

Did [you/{claimant}] have any managerial duties, or [were you/was {claimant}] supervising any other employees?

- 1 ☐ Manager
- 2 ☐ Foreman/Supervisor
- 3 ☐ No
- 4 ☐ don't know

**Position fixed*

Scripter notes: For textill, the first part of the text will appear for claimants and the second part for claimant representatives.

ASK ONLY IF Q1 : DUM1=1,2 and Q22 : APPLY=1

Q151 : EMPDUR : EMPLOYMENT DURATION

Single coded

How long had [you/{claimant}] worked for {employer} at the time of contact with Acas about the workplace problem?

RECORD IN YEARS / MONTHS (IF LESS THAN 5 YEARS) / WEEKS (IF LESS THAN 1 MONTH)

- 1 ☐ Record in years
- 2 ☐ Record in months
- 3 ☐ Record in weeks

Scripter notes: When they select which to record in, go to a numerical box

Years limit = 1-70

Months limit = 1-60

Weeks limit = 0-3

For textill, the first part of the text will appear for claimants and the second part for claimant representatives.

ASK ONLY IF Q1 : DUM1=1,2 and Q22 : APPLY=1

Q152 : STATUS : EMPLOYMENT TERM

Single coded

Was this job...

READ OUT

- 1 ☐ Full-time, that is 30 or more contracted hours per week
- 2 ☐ Part-time, that is less than 30 contracted hours per week
- 3 ☐ Or did the hours depend on the availability of work or whether you were contacted by the employer?
- 4 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=1,2 and Q22 : APPLY=2 or Q22 : APPLY=2 or Q23 : NOW=2

Q153 : CUREMP : CURRENT EMPLOYMENT

Single coded

[Are you/Is {claimant}] currently in paid employment?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know
- 4 ☐ refused

**Position fixed*

**Position fixed*

Scripter notes: For textill, the first part of the text will appear for claimants and the second part for claimant representatives.

ASK ONLY IF Q153 : CUREMP=2

Q154 : PAIDJ : PAID EMPLOYMENT

Single coded

Can I check, [have you/has {claimant}] had a paid job since leaving {employer}?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know
- 4 ☐ refused

**Position fixed*

**Position fixed*

Scripter notes: For textill, the first part of the text will appear for claimants and the second part for claimant representatives.

ASK ONLY IF Q1 : DUM1=1,2 and Q22 : APPLY=1

Q155 : CLAIMTU : TU MEMBER

Single coded

At the time [you were/{claimant} was] in contact with Acas [were you/was {claimant}] a member of a trade union or staff association?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know
- 4 ☐ refused

**Position fixed*

**Position fixed*

Scripter notes: For textill, the first part of the text will appear for claimants and the second part for claimant representatives.

B17 : Employer Details / Claimant Profile

End block

B18 : Personal Details

Begin block

ASK ONLY IF Q1 : DUM1=1

T15 : PDTEXT : DETAILS TEXT

Text

I would like now to ask some questions about you and your background. This helps Acas to understand more about the different types people who use their services.

ASK ONLY IF Q1 : DUM1=1

Q156 : PRECLAIM : PREVIOUS CLAIMS

Single coded

Have you ever made an Employment Tribunal claim, at any workplace, before this problem arose? Please don't count any past EC notifications you may have made; think purely about Employment Tribunal claims.

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=1

Q157 : ETHNIC : ETHNICITY

Single coded

To which of the following ethnic groups do you consider you belong?

READ OUT AND CODE ONLY ONE

- 1 ☐ White
- 2 ☐ Black
- 3 ☐ Asian
- 4 ☐ Mixed ethnic group
- 6 ☐ don't know **Position fixed*
- 5 ☐ refused **Position fixed*
- 7 ☐ other (specify) **Open *Position fixed*

ASK ONLY IF Q1 : DUM1=1

Q158 : RELIGION : RELIGION

Single coded

What is your religion?

- 1 ☐ No religion
- 2 ☐ Christian (including Church of England, Church of Scotland, Catholic, Protestant and all other Christian denominations)
- 3 ☐ Buddhist
- 4 ☐ Hindu
- 5 ☐ Jewish
- 6 ☐ Muslim
- 7 ☐ Sikh
- 8 ☐ Any other religion
- 9 ☐ don't know **Position fixed*
- 10 ☐ refused **Position fixed*

ASK ONLY IF Q1 : DUM1=1

Q159 : LANG : ENGLISH LANGUAGE

Single coded

Do you speak English as your first language?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know **Position fixed*
- 4 ☐ refused **Position fixed*

ASK ONLY IF Q159 : LANG=2

Q160 : FIRSTL : FIRST LANGUAGE

Open

What is your first language?

1 ☐ don't know

**Exclusive *Position fixed*

Scripter notes: add 'refused' option

ASK ONLY IF Q1 : DUM1=1

Q161 : DISAB : DISABILITY

Single coded

Do you have a long-term illness, health problem or disability? By long-term we mean that it can be expected to last for more than one year.

- 1 ☐ Yes
2 ☐ No
3 ☐ don't know
4 ☐ refused

**Position fixed*

**Position fixed*

ASK ONLY IF Q1 : DUM1=1

Q162 : AGE : AGE

Numeric

Min 16 | Max 100

How old are you?

Scripter notes: include 'refused' option

Q163 : AGEB : AGE BRACKETS

Single coded

Can you please tell us in what age group you would place yourself...

READ OUT

- 1 ☐ 16 to 19
2 ☐ 20 to 24
3 ☐ 25 to 34
4 ☐ 35 to 44
5 ☐ 45 to 54
6 ☐ 55 to 64
7 ☐ 65 and over
8 ☐ refused

**Position fixed*

Scripter notes: only ask if AGE=refused

Q164 : GENDER : GENDER

Single coded

[EMPLOYER or REPRESENTATIVE (ANY)= Is {claimant}... / CLAIMANT= INTERVIEWR CODE SEX OF RESPONDENT]

- 1 ☐ Male
- 2 ☐ Female

ASK ONLY IF Q1 : DUM1=1

Q165 : LIVECOUP : LIVING AS COUPLE

Single coded

And may I just check, at the time of your application were you living with someone in same household as a couple?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ refused

**Position fixed*

ASK ONLY IF Q1 : DUM1=1

Q166 : SEXORI : SEXUAL ORIENTATION

Single coded

I will now read out a list of terms people sometimes use to describe how they think of themselves.

As I read the list again please say 'yes' when you hear the option that best describes how you thought of yourself.

INTERVIEWER: read list to end without pausing. Note that 'Heterosexual or Straight' is one option; 'Gay or Lesbian' is one option.

- 1 ☐ Heterosexual or Straight
- 2 ☐ Gay or Lesbian
- 3 ☐ Bisexual
- 4 ☐ Other
- 5 ☐ don't know
- 6 ☐ refused

Position fixed*Position fixed*

ASK ONLY IF Q1 : DUM1=1

Q167 : INCOME : INCOME

Single coded

I would also like to know about your [TEXT FILL: AND YOUR PARTNER'S]overall income from all sources during the 12 months before you made your application. This includes earnings from employment or self-employment, income from benefits and pensions, and income from other sources such as interest from savings. Could you please tell me if your [JOINT ANNUAL] income before any deductions such as income tax or National Insurance was more than £30,000?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ Nothing/no work or scheme (Spontaneous only)
- 4 ☐ don't know
- 5 ☐ refused

Position fixed*Position fixed*

Scripter notes: Text fill will appear if Q181= 2 or Q182 = 1.

ASK ONLY IF Q167 : INCOME=2

Q168 : INCOME2 : INCOME2

Single coded

And would you say it was more than £15,000?

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know
- 4 ☐ refused

**Position fixed*

**Position fixed*

ASK ONLY IF Q168 : INCOME2=2

Q169 : INCOME3 : INCOME3

Single coded

Could you please tell me which of the following categories best describes your [AND YOUR PARTNER'S] ANNUAL income before any deductions such as income tax or National Insurance?

- 1 ☐ Under £5,000
- 2 ☐ £5,000 - £9,999
- 3 ☐ £10,000 - £12,999
- 4 ☐ £13,000 - £14,999
- 5 ☐ don't know
- 6 ☐ refused

**Position fixed*

**Position fixed*

Scripter notes: Text fill will appear if Q181 = 2 or Q182 = 1.

ASK ONLY IF Q168 : INCOME2=1

Q170 : INCOME4 : INCOME4

Single coded

Could you please tell me which of the following categories best describes your [AND YOUR PARTNER'S] ANNUAL income before any deductions such as income tax or National Insurance?

- 1 ☐ £15,000 - £17,999
- 2 ☐ £18,000 - £19,999
- 3 ☐ £20,000 - £24,999
- 4 ☐ £25,000 - £29,999
- 5 ☐ don't know
- 6 ☐ refused

**Position fixed*

**Position fixed*

Scripter notes: Text fill will appear if Q181 = 2 or Q182 = 1.

ASK ONLY IF Q1 : DUM1=2,4

Q171 : REPPREV3 : REP EXPERIENCE LENGTH

Single coded

How long have you been dealing with employment tribunal claims?

READ OUT

- 1 ☐ Less than a year
- 2 ☐ 1-5 years
- 3 ☐ More than 5 years
- 5 ☐ Never dealt with an employment tribunal claim before
- 4 ☐ don't know

**Position fixed*

ASK ONLY IF Q1 : DUM1=2,4

Q172 : REPPREV4 : REPRESENT NORMALLY

Single coded

Which of these parties do you usually represent?

READ OUT

- 1 ☐ The employer
- 2 ☐ The claimant
- 3 ☐ Either
- 4 ☐ Never represented either before

ASK ONLY IF Q1 : DUM1=2,4

Q173 : REPPREV5 : REP TYPE

Single coded

Which of the following best describes you?

- 1 ☐ Solicitor, Barrister or some other kind of lawyer
- 2 ☐ Trade union / Worker representative at workplace
- 3 ☐ Citizens Advice Bureau
- 4 ☐ Neighbourhood Local Law Centre or other voluntary advice agency (not CAB)
- 5 ☐ Employers' association / Trade Association
- 6 ☐ Equal Opportunities Commission, the Commission for Racial Equality and Human Rights Commission
- 7 ☐ Friend/Neighbour/Spouse/Partner (TO ONLY APPEAR FOR CLAIMANT REPRESENTATIVES)
- 8 ☐ Owner / Senior Manager / General Manager (TO ONLY APPEAR FOR EMPLOYER REPRESENTATIVES)
- 9 ☐ Personnel or human resources specialist
- 10 ☐ Legal specialist in company / Company lawyer
- 11 ☐ External Consultant/Insurance company advisor
- 12 ☐ other (specify)
- 13 ☐ don't know
- 14 ☐ refused

*Open *Position fixed
*Position fixed
*Position fixed

Q174 : HEARD : HEARD OF EC

Single coded

Finally can I just check, had you heard of the Acas Early Conciliation service before this dispute? This is a new service that started in April 2014, and takes place before an Employment Tribunal claim can be submitted.

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

*Position fixed

ASK ONLY IF Q174 : HEARD=1

Q175 : USED : USED EC IN THE PAST

Single coded

And have you used it previously, since it was introduced in April 2014?

INTERVIEWER: IF THE RESPONDENT MENTIONS THEY HAVE USED PCC (PRE CLAIM CONCILIATION) THIS IS DIFFERENT TO EARLY CONCILIATION SO PLEASE CODE NO HERE.

- 1 ☐ Yes
- 2 ☐ No
- 3 ☐ don't know

**Position fixed*

ASK ONLY IF Q174 : HEARD=1

Q176 : HOW : HOW HEARD

Multi coded

[Can you remember how you very first heard / How did you first hear] about the Acas early conciliation service?

CODE AS MANY AS APPLY
PROMPT TO PRECODES

[INTERVIEWER ONLY CODE OPTION 16 IF CAN NOT REMEMBER HOW THEY ORIGINALLY HEARD ABOUT IT]

- 1 ☐ Gov.uk website
- 2 ☐ Acas website
- 3 ☐ Acas publication
- 4 ☐ Acas e-newsletter
- 5 ☐ Acas helpline
- 6 ☐ My own organisation/HR department (TO ONLY APPEAR FOR EMPLOYERS AND CLAIMANTS)
- 7 ☐ Trade union
- 8 ☐ Citizens' advice bureau
- 9 ☐ Legal representative (such as solicitor, or lawyer) (TO ONLY APPEAR FOR EMPLOYERS AND CLAIMANTS)
- 10 ☐ Newspaper/press
- 11 ☐ Trade publication
- 12 ☐ Social Media
- 13 ☐ A friend or colleague
- 14 ☐ Professional body/membership organisation specific to my industry
- 15 ☐ Peninsula (TO ONLY APPEAR FOR EMPLOYERS AND EMPLOYER REPRESENTATIVES)
- 16 ☐ Had taken part in it / been offered it previously by Acas (in a different employment dispute)
- 17 ☐ other (specify)
- 18 ☐ don't know

**Open *Position fixed
*Exclusive *Position fixed*

Scripter notes: Scripter notes: First part of the text fill will appear if USED = 1. For everyone else the second part will appear.

The interviewer note will only appear if USED = 1.

B18 : Personal Details

End block

T16 : THANK : THANK TEXT**Text**

Thank you for your help and assistance in completing this survey. As I mentioned earlier everything that you have said will be treated in the strictest confidence, and no organisations or individuals will be identifiable in the results of the survey.

Q177 : RECON1 : RECONTACT 1**Single coded**

It is possible that we may want to contact you again to follow up on particular issues arising from this survey, for example to ask you about your experiences in more detail [or to find out what happens later on in the dispute] . Would you be willing to be contacted again by Acas or TNS BMRB in relation to this survey?

- 1 ☐ Yes
- 2 ☐ No

Scripter notes: The textfill only appears where ECOUT <> 5

ASK ONLY IF Q177 : RECON1=1

Q178 : CHAT : RESPONDENT COMMUNICATIVE**Single coded**

Interviewer: Was respondent engaged and conversational?

DO NOT READ OUT

- 1 ☐ Yes
- 2 ☐ No

Appendix 2 – Topic guide

Acas EC IC Topic Guide

Research Aims and Objectives

Overall aim is to evaluate the effectiveness and impact of Acas' new Early Conciliation (EC) service in the light of the recent reforms to the Employment Tribunals system (including the introduction of fees).

Specifically, the qualitative work will aim to:

- Establish a picture of the views of customer of all party types who participated in Acas Early Conciliation; claimants (employees), claimant representatives, respondents (employers) and respondent representatives ***including a picture of their aims, expectations and comprehension at the point of entering into EC.***
- Understand the barriers and facilitators to settlement at EC
- Understand views on Acas conciliators: whether they misperceive them as advocates or understand their true impartial role as a neutral go-between;; the value of having a single conciliator through journey
- Gain insight into the effects of charging tribunal fees on EC, IC and the ET system as a whole, including how parties comprehend fees
- Explore what would have happened in the absence of EC
- Explore immediate and longer term impact of EC on claimants and employers

Introduction – 3 mins

- Thank respondent for agreeing to take part in the research
- Remind TNS BMRB: independent research agency, commissioned by Acas to evaluate services
- MRS guidelines, permission to record
- Length: 20-30 minutes

Researcher to explain that we will be asking them a few more questions, based on their responses to the recent survey they participated in.

- Briefly – what stage are they at now with the claim (i.e. if they have progressed to/beyond ET – refer to sample/survey information)

Early contact – 5-10 mins

Ask employees/employee representatives:

Researcher to explain that we want to build up a more detailed picture of their early experience of the Acas service, and what they can remember about what was happening at that time. Ask them to think back to the time when they first contacted Acas regarding their intention to lodge an ET claim.

- How they knew/found out they needed to contact Acas
- *Refer to Q198 about reasons for submitting a form:* Reasons for their response: why they thought they would/would not achieve something through EC

Researcher to map out a timeline of contact from Acas – ask respondent to try to think back and describe what they can remember about early contact from Acas. If needed, explain that after they'd notified Acas, they would have been contacted by an Acas support officer who would have checked their contact details and confirmed some basic case details with them, then later a conciliator, who would have been in touch with both parties to try and talk through the issues with both parties to see if a solution could be found.

- Once they'd made first contact – what can they remember about the **first time** they were contacted by someone from Acas (i.e. the first person that called them to check their details), SPONTANEOUS then in terms of
 - *Researcher refer to Q35-36: ECSO rating, for background info*

Ask employers/employer representatives:

Researcher to ask employers to think back to early on in the process, before they were contacted by Acas or took part in EC.

- What was taking place in the lead-up to the contact from Acas
- What had been taking place internally to deal with the issue – i.e. had HR processes been exhausted
- How much of a surprise was the call from Acas

Ask everyone:

- Early on in the process (ie before EC actually took place), what can they remember about:
 - Their early impression of what EC entailed
 - The extent to which they felt they understood what it was
 - What their early expectations were of EC
- Then once they were contacted by the conciliator, what they remember about the contact and the EC process, SPONTANEOUS then in terms of
 - Whether it changed perceptions/expectations of EC
 - What they understood Acas' role to be (i.e. whether they thought Acas was their representative) – refer to Q69 about conciliator bias

Experience of EC – 10-12 mins

Note to researchers: this section aims to explore whether claimants are 'trying their luck' with EC – with no serious intention of progressing to ET; or whether employers are holding off from engaging fully in EC to see if claimant is prepared to pay the ET fee.

- Why they chose to go ahead with EC; why not (*refer to Q60 about why they decided to take part and ask respondent to expand*)
 - Spontaneous, and probe:
 - What they thought they would get from it, the extent to which they felt open-minded about the outcome; the extent to which it was a conscious choice/driven by lack of understanding or engagement with the process;
- Check awareness of fees, to lodge an ET claim
 - If aware: how they became aware – their views of fees; whether it impacted on their intention to submit an ET claim or not
 - Refer to Q156 on reasons for fees being off-putting to submitting an ET claim if applicable – more detail on this
 - To what extent ET fees impacted on their views of EC, or their level of engagement in EC
- Overall assessment of EC: perceptions of the service
 - *Refer to Q67-68 on conciliator ratings* – follow up on reasons for any high or low scores for conciliator
 - Whether they felt the conciliator was well-prepared and 'on top of the case'
 - Whether they felt the conciliator dealt with their case in a timely manner; and was proactive in seeking a settlement
 - If not, what improvements/changes they would suggest
 - Whether they felt they had good rapport with conciliator
 - *Refer to Q176 on whether single conciliator throughout process*, what was the impact of that
 - *Refer to Q82 on reasons for level of satisfaction with the service* (researcher to explain: with Acas process, not satisfaction with outcome); and *Q77 and 78, whether they would use the service in the future* – reasons for their responses
- IF REACHED SETTLEMENT:
 - *Refer to Q52* – what allowed them to come to a settlement
- IF NOT SETTLEMENT REACHED [*do not ask if respondent is not intending to submit ET1*]
 - *Refer to 167* – what were the barriers/reasons for not reaching a settlement
 - Whether anything Acas could have done to facilitate a settlement
- Having gone through the service, how does their experience compare to their early expectations (when agreeing to take part in EC); i.e. did reality match their expectations

- *Refer to Q172 and Q174 on what they would have done/likely outcome if EC did not exist – reasons for answers*
- Any other comments
- Thank and close

