**Executive Summary – Transforming Justice – Employment and Employment Appeal Tribunals**

On 15 September, the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals published a joint statement setting out their intentions on transforming the justice system, outlining significant reforms to the courts and tribunal system1 to make it **Just, Proportionate** and **Accessible**.

*See Transforming our justice system: https://www.gov.uk/government/publications/transforming-our-justice-system-joint-statement*

The aims of the wider justice reform programme are:

 to support citizens to present their own cases simply and to obtain justice more swiftly;

 to reduce complexity in language, process and systems; and

 to reduce the costs of the tribunal system to taxpayers.

The reforms will be rolled out across all courts and tribunals managed by Her Majesty’s Courts and Tribunals Service (HMCTS) tailored to the nature of the individual tribunals. This includes Employment Tribunals and the Employment Appeal Tribunal.

Tribunals have changed over the years but the system can still be complicated and inefficient with a heavy reliance on paper documents. Ageing IT systems and complex and bureaucratic processes are barriers to parties preparing and presenting their own cases. Tribunals need reform to support parties to present their own cases simply and to obtain justice more swiftly; to reduce complexity in language, process and systems; and to reduce the costs of the tribunal system to taxpayers. Changes include:

 **digitising the whole claims process**, so that claims are able to be made and subsequently processed online, enabling electronic communication between the individuals and the tribunal, simplifying the process, speeding up the resolution of disputes and allowing users to engage with the tribunal at times and locations convenient to them;

 **delegating a broad range of routine tasks from judges to caseworkers** - this is about allowing procedural decisions that do not determine the outcome of the case to be made at a proportionate level so that judges can focus on those matters where their legal expertise and knowledge is needed thereby speeding up the resolution of cases;

 **tailoring the composition of tribunal panels to the needs of the case** - this is about ensuring that panel members without legal expertise are asked to sit on panels according to their expertise and the needs of the case. The aim is that this expertise will be available across a wider range of cases, so that claimants can be confident that the decisions will be fair and informed. It will also speed up the resolution of disputes allowing individuals to have swifter closure; and

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 **removing any unnecessary restrictions on how a particular type of case must be determined** – this is about ensuring that simple cases can be resolved by simple methods. It will be based on the specific needs of the dispute and the individual user, speeding up the resolution of disputes and allowing users to engage with the tribunal at times and locations most convenient to them.

The reforms will be implemented in a way that preserves the current strengths of each of the tribunals. For example, in Employment Tribunals and the Employment Appeal Tribunal this would include the specialist knowledge of the judiciary and the availability of free conciliation and advice from the Advisory, Conciliation and Arbitration Service (Acas). The aim is that users who want to engage with the system on a digital basis will be able to do so.

For most tribunals, the planned reforms can largely be delivered by secondary legislation within the existing powers contained in the Tribunals, Courts and Enforcement Act 2007. We will need to make some changes to the Employment Tribunals Act 1996 to implement the changes to Employment Tribunals and the Employment Appeal Tribunal.

This means that Employment Tribunals and the Employment Appeal Tribunal are likely to be amongst the last major tribunals to be fully reformed. They will, therefore, benefit from improvements identified during the implementation of reforms in other tribunals.

Procedural matters in all tribunals except for Employment Tribunals and the Employment Appeal Tribunal, and the civil and criminal courts, are the responsibility of statutory independent rule committees and/or the senior judiciary. **We want to bring all the tribunals in line and therefore we will transfer the responsibility for procedural rules in Employment Tribunals and the Employment Appeal Tribunal to the independent Tribunal Procedure Committee.** The Senior President of Tribunals will be responsible for determining panel composition. The Department for Business, Energy and Industrial Strategy will retain responsibility for employment law policy. The Ministry of Justice will be responsible for procedural policy in Employment Tribunals and the Employment Appeal Tribunal. This will ensure that the department responsible for funding and the operation of the system is responsible for business delivery.

Where the Ministry of Justice carries out functions required by legislation owned by another department, it consults with that department before making changes. The Ministry of Justice will therefore consult the Department for Business, Energy and Industrial Strategy as the department responsible for employment law policy before making any changes to the rules in Employment Tribunals.

This is a joint consultation by the Department for Business, Energy and Industrial Strategy and the Ministry of Justice. It sets out where specific changes to primary legislation are needed to make sure that the planned reforms can be successfully and appropriately implemented in Employment Tribunals and the Employment Appeal Tribunal and seeks views on what factors should be considered when making changes and implementing them.