

Labour Relations Agency Early Conciliation

12 Month Evaluation Report

Document History

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Living Our Values

To achieve our vision and purpose, our values are to be

Progressive – Ethical – Exemplary – Responsive

These values underpin all that we do

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1.0 Introduction

- 1.1 The Labour Relations Agency (the Agency) launched the Early Conciliation (EC) Service in Northern Ireland on 27 January 2020.
- 1.2 The primary legislation¹ giving rise to the new EC service made provision for a statutory review of the service to be conducted after 12 months and again after 36 months of operation.
- 1.3 An Evaluation Plan governing conduct of the review exercise was agreed in December 2019 amongst the Agency and delivery partners in the Department for the Economy (DfE) and the Office of Industrial Tribunals and the Fair Employment Tribunal (OITFET).
- 1.4 Within the parameters of the Evaluation Plan it was agreed that the exercise would be completed in June 2021 for publication in July 2021, and would evaluate the service over the period of operation covering 27 January 2020 to 31 January 2021.
- 1.5 This report details the results of the Agency's 12 month review exercise.
- 1.6 The Agency would like to record our recognition and gratitude to all of the managers and staff within the Agency and to colleagues within our delivery partners, DfE and OITFET, for their input, support and considerable efforts in delivering the Early Conciliation service and in completing this review.

2.0 Background

- 2.1 Following the Review of Employment Law conducted by the then Department for Employment and Learning in 2013, there was widespread support for the introduction of an Early Conciliation service in Northern Ireland. This was subsequently enacted into legislation in the Employment Act (NI) 2016 requiring the Agency to deliver the new Service from an appropriate date which was subsequently agreed as 27 January 2020.
- 2.2 Early Conciliation represents a fundamental change in dispute resolution. Under previous arrangements individuals could submit a claim directly to OITFET without having had any interaction with the Agency. EC now requires a claimant, unless an exemption applies, to make a notification to the Agency in the first instance.
- 2.3 EC provides a period of up to one calendar month (which can be extended by two weeks if progress is being made) for parties to engage in the conciliation process with a view to resolving the dispute.

¹ Employment Act (NI) 2016

- 2.4 Tribunal claims will no longer be accepted by OITFET unless the complaint has been referred to the Agency and an EC certificate issued. This certificate confirms that the Early Conciliation requirements have been met, in that the claimant has engaged with the Agency first and then either declined the offer of conciliation, or the conciliation process has been unsuccessful. It should also be noted that there are some technical and jurisdictional exemptions from the early conciliation process that do not require the employee to have an EC certificate number in order to proceed to an industrial tribunal.
- 2.5 Potential claimants are not required to enter into a conciliation process but must consider the offer of conciliation. In some instances it may be appropriate to avail of one of the Agency's other Alternative Dispute Resolution services.
- 2.6 The Employment Act (NI) 2016 also made provision for a review of the effectiveness of Early Conciliation. Section 9 of the Act stipulates that a statutory review is to be carried out post year 1 and post year 3 of EC introduction². The statutory review includes a requirement that 'relevant stakeholders' are consulted.
- 2.7 The Evaluation Plan as agreed by the delivery partners sets out details on the approach to be followed in conducting the review to include the following:
- 1 - A synopsis of consultation responses;
 - 2 - An assessment and evaluation of the effectiveness of these provisions;
 - 3 - The number of cases overall, the number of cases dealt with by early conciliation, the average length of time taken to deal with cases and the outcome of cases; and
 - 4 - Any savings directly attributable to the introduction of these provisions.
- 2.8 It was further recommended that the Agency capture user opinions in relation to both the delivery of the EC service and in relation to the conciliation outcomes resulting from the EC process.

3.0 Operating Context

- 3.1 The Early Conciliation service was successfully launched by the Minister for the Economy in Northern Ireland on 27 January 2020.
- 3.2 This was accompanied by an initial transitional period covering the first month of operation, which permitted claimants to bypass the EC process. Despite this there were in excess of 200 notifications made through the Labour Relations Agency during that transitional period.

² The relevant section of the Act can be viewed at <https://www.legislation.gov.uk/nia/2016/15/section/9>

- 3.3 As with the launch of any new service the initial period of operation would be used to bed down the service and establish effective long term management and delivery arrangements based on the actual throughput levels of casework and customer behaviours.
- 3.4 It should be noted that from the outset the Labour Relations Agency's hopes that the online portal linked to the case management records System (CMRS) being fully functioning for the January 2020 launch date were frustrated by technical problems with the IT system. Consequently telephone became the primary channel for notification of early conciliation cases as opposed to the online portal. It was observed that regular users of the service continued to make use of the telephone facility even when the technology was fully functioning.
- 3.5 An added and altogether more significant societal development also impacted on the launch and transitional period, specifically the public health emergency associated with the onset of the Coronavirus pandemic. The health emergency inevitably resulted in significant impacts on delivery models across a wide range of public services, including those provided by the Agency and its delivery partners.
- 3.6 The public health emergency continued throughout the period covered by this review and its impacts manifested themselves in a number of ways.
- 3.7 The anticipated initial learning curve for Agency staff and customers in operating the new arrangements was overshadowed by the pandemic, the move to remote working practices and the development of virtual delivery arrangements.
- 3.8 Backlogs within the tribunal system caused by the pandemic have also made it difficult to accurately determine how many of the EC certificates issued have subsequently resulted in litigation.
- 3.9 Implementation of the new EC service also coincided with a continued surge in tribunal claims regarding incorrectly calculated holiday pay. Resolution of these tribunal claims was for the most part deferred pending the outcome of the case of Chief Constable of the Police Service of Northern Ireland (PSNI) v Agnew (Alexander) and Others. However, a number of organisations are now seeking to settle backdated holiday pay liabilities. Consequently the Agency is currently dealing with approximately 20,000 such cases.
- 3.10 Almost 80% of the notifications received by the Agency to date have involved multiple cases (similar cases with the same respondent) and these have mostly been derived from case law decisions on the calculation of holiday pay and unlawful deduction from wages. The volumes associated with this casework have inevitably had a disproportionate effect on the overall volumes anticipated for the EC service.

- 3.11 In preparing the way for the introduction of the EC service a number of assumptions were made around anticipated caseload volumes which formed the basis of the resourcing Business Case as approved by the Department (DfE) at that time.
- 3.12 The continuation of the public health emergency throughout the period of this review and the resulting impacts on the work of the Agency, its delivery partners and on the labour market generally have made it difficult to determine, with any degree of certainty, the average case load volumes to be expected over longer term operation of the EC service. This has also made it difficult to validate the original resourcing assumptions and define the long-term permanent staffing requirement for the service.
- 3.13 There have also been some unanticipated issues which have added complexity to the operation of the EC service. These include issues with the supporting functionality provided by the Agency's Case Management and Record System (CMRS), and additional time required by conciliators in explaining the new service to customers.

4.0 Evaluation of the Early Conciliation Service

- 4.1 In evaluating the EC service customer surveys were conducted in June 2021 targeting users of the service for the period of operation from 27 January 2020 to 31 January 2021. [Appendix I](#) summarises some of the key data associated with delivery of the service over this period. [Appendix II](#) provides samples of the questionnaires issued to the various user groups in conducting this exercise.
- 4.2 The results and analysis as detailed in the sections below are concerned with the quality aspects of the service and are presented in terms of unrepresented claimants and respondents, and representatives. The surveys examined a variety of matters under the banner of "evaluation" considering issues ranging from – process methodology, satisfaction, agency staff performance, technology and other general comments in relation to the service.
- 4.3 In order to get a fuller and more rounded picture of EC it was felt that the experience of the Labour Relations Agency's Conciliation Officers would greatly assist so that they could voice their experience of early conciliation both as a construct and a process and not be in anyway encumbered by influencing factors such as the eventual outcome of a case.
- 4.4 It is worth noting that Acas conducted a review of Early Conciliation in 2019 via a comprehensive IPSOS MORI³ survey demonstrating results that in part reflect some of the findings from this evaluation, for example Acas survey data

³ Evaluation of Acas Individual Conciliation 2019: Evaluations of Early Conciliation and conciliation in Employment Tribunal applications (Keiran Pedley, Michael Clemence, Rebecca Writer-Davies, Dylan Spielman) Ipsos MORI – Available on the Acas website.

does identify some audiences where awareness could improve for example, employers operating in smaller companies and those claimant representatives dealing with a dispute for the first time all exhibit less awareness of Acas Early Conciliation than others. These audiences may require greater levels of support during disputes from Acas in future, as they navigate the conciliation and tribunal process.

The relationship between service satisfaction and outcome is a complex one. A close link was identified between whether a case was settled or not, and satisfaction scores recorded by parties (those achieving a settlement give better scores). A fall in the number of settlements observed for employers could be linked to a corresponding decline in satisfaction scores.

4.5 It is recognised that the response rates to the Agency's customer surveys have been relatively low. And whilst this can be typical of customer surveys there were a variety of other factors at play including:

- The surveys were post customer outcome meaning individual focus may have been on the outcome of their case rather than the efficiency of the early conciliation service.
- The impact of Covid-related priorities and delays.
- The impact of the redirection of Agency postal services.
- The on-going impact of Case Management Record Systems problems requiring specialist fixes on problems that came to light outside of the system design specifications.
- The impact of the closure of the Office of Industrial Tribunals and Fair Employment Tribunals and an inability to assess number of cases having gone through early conciliation and then proceeding on to tribunal.

4.6 It is readily apparent that survey response rates can be low in normal times but this has been significantly exacerbated by the public health emergency. Allied to this problem is the fact that those individuals who chose to respond seemed to come from one extreme or the other, that is either extremely satisfied or extremely dissatisfied and this is reflected in the narrative below. This may have stemmed from the data not being collected in real time, but rather after a period of time had elapsed.

4.7 This means that there is a gap in responses from what could be described as 'average' customers who fill the middle ground between extreme satisfaction and dissatisfaction.

4.8 Given the low response rate it was decided to focus on the qualitative material submitted as opposed to the quantitative, and that practical value could be

extracted from the commentary provided by both customers and staff alike to help inform as much of the evaluation process as possible.

4.9 However, it is fully accepted that the qualitative results below represent something of a skewed snapshot that could not be considered as fully representative either in terms of numbers or general views.

4.10 Consequently it remains the view of the Agency that the three year review, to be carried out at a point in time when the operating context has returned to relative normality, will serve as a more accurate barometer for the purpose of evaluating the EC service.

4.11 The format of the evaluation summary results is as follows:

- Notifications
- the conciliation process
- resolution
- overall satisfaction; and,
- general comments

(or a combination thereof) from customers.

The following sections provide a synopsis of the results of the evaluation surveys.

4.12 Given the impact of the public health emergency on tribunal backlogs it has not been feasible to assess with any degree of accuracy any savings directly attributable to the introduction of the EC provisions which would be associated with a reduction in tribunal caseload. It is however accepted that even a modest reduction in caseload would result in some savings to the tribunal service.

5.0 Early Conciliation – Unrepresented Claimants

(response rate 11 %, 132 out of 1197)

5.1 Notifications

- It is very notable that 50% of unrepresented claimants made their notification by telephone, which is much more than the Agency would have initially anticipated.
- Other modes of notification were 28% via the on-line portal and 22% via a hard copy form. This was despite the Agency promoting the on-line portal as the preferred vehicle but with the other modes also available.
- The notification process was cited as not being easy to use for some customers with online problems and difficulties with the paper form cited.

5.2 Agency Conciliators

- Of the 104 respondents who answered the questions about the Agency's conciliator (i.e. explaining the process and trying to promote a resolution etc.) 72% (n=75) agreed or strongly agreed that the Agency's conciliator explained the EC process in an understandable way and 70% (n=73) that the conciliator answered questions asked.
- The majority of the other aspects of the process were scored positively with 50% or more agreeing or strongly agreeing that the conciliator carried these out.
- However, the more 'in-depth' elements were scored slightly less positively with 48% (n=50) agreeing or strongly agreeing that the conciliator helped them think through their options, only 38% (n=40) agreeing or strongly agreeing that the conciliator helped move parties closer towards resolving the case and 38% (n=40) agreeing or strongly agreeing that the conciliator helped speed up the resolution of the case.
- Conciliators were seen as confidential, knowledgeable, polite and courteous by the majority of respondents with some conciliators being named personally and singled out for praise for their help in the matter.

5.3 Resolution of claimant's issue

- 73% (76 out of 104) of valid answers indicated that the claimant's issue was not resolved by EC and the majority of these (51; 68% of valid answers) had submitted a tribunal claim.
- Only 13 (17% of valid answers) had decided not to submit a tribunal claim; for reasons including:
 - chances of success limited
 - cost
 - too stressful
 - too complicated for the uneducated.

5.4 Overall satisfaction

- Of those who answered (100 out of 132) 64% were either satisfied or very satisfied with the service they received from the Agency.

5.5 General comments

- As above, the general comments received were either very positive or very negative. The promptness of response was mentioned and specific conciliators were named and praised. However, others were disappointed or let down by the EC service with one user describing it as "a total nightmare".

6.0 Early Conciliation – Representatives (claimants and respondents) (response rate 10%, 46 out of 454)

By way of context the representative profile of those who responded, of the 46 customers who responded, 19 (41%) were from the legal profession, 10 (22%) were trade union officials, 7 (15%) were consultants and 10 (22%) were 'Other' which were largely family/friend. Twenty-four (52%) represented claimants, 10 (22%) represented respondents and 12 (26%) represented both claimants and respondents.

6.1 Notifications

- In terms of the method of notification by these customers, 16 (46% of valid answers) made notifications using the online portal and 8 (29% of valid answers) felt that the notification process was not easy to use.
- The phone service was viewed favourably but some experienced issues with the portal including problems with the password feature. One customer commented on the fact that the form cannot be emailed.
- There were 17 frequent users of the service for three of the 'explained/outlined' parts of the process and 16 for the fourth. Of the remainder, the majority agreed or strongly agreed that the Agency conciliator did explain the EC process in an understandable way, outlined the law as it applied to the case, explained options available following engagement in conciliation and explained tribunal procedures.
- The various aspects of the conciliator input to the process were all viewed favourably. The lowest figure here was 46% (n=17 out of 37 responses) who agreed or strongly agreed that the conciliator helped them think through their options.

6.2 Resolution of issue

- There were 19 (51% of valid answers) customers who indicated that the issue in dispute was not resolved by early conciliation. Fourteen (74%) of these said that some claimants had submitted a tribunal claim.
- Of the 19, 4 (21%) customers commented on what the Agency could have done, in their view, to help them resolve the dispute with better explanation of time limits coming up as a factual item to address.

6.3 Overall satisfaction

- With regard to customer satisfaction overall 29 (78% of valid answers) were satisfied or very satisfied with the service that they had received.

6.4 General comments

- Agency staff were viewed positively and variously described as very professional, helpful, pragmatic, friendly, understanding, responsive and professional.
- One customer made positive comment about the service despite the impact of Covid.
- Some customers experienced difficulties with the portal – in terms of being - too slow, cumbersome, too difficult to work and the worst part of the service ; receiving an error report and having then to use the CO11 form which remains unrectified and is highly frustrating. Some have resorted to the phone line which has led to several issues where party details haven't been recorded properly and the customer was not aware of the issue until issued with the Certificate,, and the fact that it cannot be used if representative is acting for a respondent.
- Another customer mentioned that a downloadable form on the website might help, however this is already in place so it raises a question regarding whether or not users can find it easily

Some factual elements that could be improved were mentioned – including discussion of the legal side of things and time limits.

- Other customers raised issues that the Agency cannot influence – such as - the limited power the process gives the conciliation officer and there being too many organisations to navigate around (LRA, Tribunal and Equality Commission Northern Ireland).
- There were also some extreme polar opposite comments, for example- EC has speeded up the process and ruled out some issues that possibly were not meeting the standards for a tribunal hearing – versus – EC is not working as it should.

7.0 Early Conciliation – Respondents

(response rate 5%, 21 out of 426)

7.1 General

- Five of the 21 Early Conciliation respondents were frequent users of the service and of the remainder, 13 (62%) agreed or strongly agreed that the Agency conciliator did explain the Early Conciliation process in an understandable way, adequately explained the options available following engagement in conciliation, nine (43%) outlined the law as it applied to the case and eight (38%) explained tribunal procedures.
- Only nine (43% of valid answers) customers agreed or strongly agreed that the conciliator helped them consider the pros and cons of settling the case, helped move parties closer towards resolving the case and helped speed up the resolution of the case.

7.2 Resolution of issue

- Thirteen (62%) customers indicated that the issue in dispute was not resolved by early conciliation and three of these commented on what the Agency could have done to help resolve the dispute covering contact arrangements, better explanation about there being no case and ensuring better understanding of the process and the problem.

7.3 Overall satisfaction

- Fifteen (71%) of the respondents were either satisfied or very satisfied with the service they received.

7.4 General comments

- It was encouraging that one respondent mentioned that initial teething problems with the service have been resolved and another that the process was professional and unbiased and the service was smart and professional.

There was a degree of variation in how conciliation staff were viewed – on the one hand praised for having fantastic knowledge and being helpful, but on the other hand, some staff seemed more contactable and motivated than others. One customer commented (but did not name) ‘very inadequate staff members with no knowledge and not keen to help’ and another said ‘don’t always outline the pro’s and con’s of each case’.

- A view was expressed that the Agency sides with the employee and does not respect the employer but another respondent commented that the employer side of the case was taken into equal consideration for all EC cases they had. Lastly, timescales seem to have been a problem for some

customers with one commenting that even with an extension it is sometimes difficult to agree to a request for early conciliation given the size and nature of the organisation, and that this has been a particular challenge at holiday periods.

8.0 Early Conciliation service - the experiences of Agency staff

- 8.1 In order to get a sense of the impact early conciliation from a conciliation practitioners perspective it was felt that facilitated focus groups of conciliation officers would be one of the best methods of eliciting qualitative information to be able to evaluate and assess the impact early conciliation had in its first year and its impact, if any, on the employment dispute resolution culture in Northern Ireland.
- 8.2 Given that conciliation officers work with both represented and unrepresented individuals on a daily basis they are also well placed to provide practical insight into how the process and procedure was perceived by service users. Accordingly in early May 2021 discussions were facilitated by service managers amongst the two main staff groups of conciliation officers.
- 8.3 Over the evaluation period individual conciliation officers have watched how the policy initiative behind early conciliation has manifested itself in practice with some interesting observations emerging:
- The general consensus amongst staff was that it is too early to make judgement on whether cases settle earlier as a result of having gone through the EC process.
 - Despite the above, a high level of engagement from all parties was reported, but noting that level of engagement did not clearly translate into resolution or settlement.
 - However, the focus on speed and procedure can mean discussions with the conciliation officer can be unstructured and emotionally charged as a result and it is difficult to move parties to a point where they are ready to look at settlement.
 - A significant barrier to settlement is that grievance or appeals are still ongoing – claimants are entering the conciliation process too early.
 - Other barriers to settlement include - Employers and representatives find it difficult to assess risk without seeing the issues set out in writing and are not therefore as willing to put forward proposals for settlement. In addition the period of time available for conciliation is too short especially if there is any delay in making contact with the parties.

- The layers and volume of internal decision making prevalent within the public sector and larger employers make it challenging to achieve settlement within the four week period.
- Early conciliation is most successful where the claimant alleges that monies are owed – typically wages, redundancy pay, holiday pay or notice.
- Settlements are more likely with smaller, private sector employers as you will normally be speaking directly to the person with authority to make decisions around settlement.
- Employers and representatives find it difficult to assess risk without seeing the issues set out in writing and are therefore less willing to put forward proposals for settlement.
- Cases alleging discrimination/bullying and or harassment rarely settle. Officers also observed that settlements were more likely where the employee has left employment.

8.4 Regarding specific observations relating to four groups (namely – unrepresented applicants, represented applicants, unrepresented respondents and unrepresented respondents) the information in the sections below was elicited from the focus groups.

8.5 **Unrepresented Claimants**

- This group were not always clear on what they were seeking from the process.
- Initial discussions are normally lengthy given that the officers have to outline their role in detail, establish the nature and detail of the claim before they can move to exploring how they wish the issues to be resolved.
- Claimants are very willing to talk about their issues in detail but are making their notifications very quickly after the issue arises. Given that early conciliation is offered within a few days of receipt of the notification, many have not yet processed the facts or emotions surrounding their situation which can make conciliation more challenging, particularly when limited by time constraints.

8.6 **Represented Claimants**

- Conciliation discussions get straight to the point.
- Engagement from all representatives is high, regardless of whether it is a TU representative, a lay representative or a legal representative.
- Settlement is generally more likely where there is a trade union or lay representative.

8.7 Unrepresented Respondents

- Whilst willing to engage, initial contact with this category of customer can be a little more challenging, given that the Agency's first contact is via a 'cold call'.
- Once the early conciliation process has been explained, they are generally willing to enter into discussions.
- Officers reported challenges dealing with respondents during Covid when their businesses were in difficulties. Calls in these circumstances can be challenging when employers are being advised by us that employees are raising employment issues when they are struggling to keep their businesses open.
- There is a reluctance on the part of some respondents to put forward proposals for settlement as they fear this will be perceived as an admission of wrongdoing/fault.
- Another trend identified is that some larger employers will have insurance to cover the cost of tribunal cases which can act as a disincentive for them to engage in early conciliation.

8.8 Represented Respondents

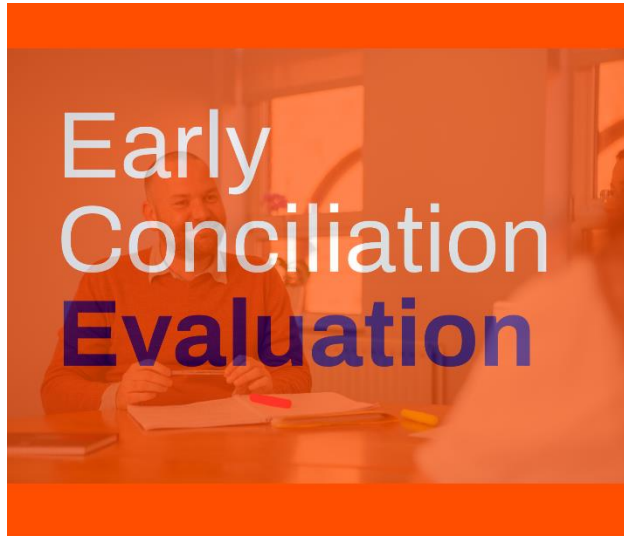
- Engagement in conciliation is high and discussions are straight to the point.
- At times there is a perception that the conciliation period is used to fact find to allow them help build a defence for future claims.

9.0 Conclusions

- 9.1 Early Conciliation is fundamentally predicated on cornerstone principles of alternative dispute resolution in terms of informality, speed and low cost. In terms of evaluating the service the Agency has sought to consider the user quality aspects alongside the available numerical data.
- 9.2 It has however proved difficult to separate the introduction of the Early Conciliation service from the backdrop of the covid-related public health emergency, which has effectively coincided with almost the entire period of initial operation and the period covered by this review.
- 9.3 The ongoing public health emergency has limited the Agency's ability to effectively bed-in the new service, deliver some aspects of the service, and establish the evaluation mechanisms required to thoroughly assess the service.
- 9.4 Although heavily caveated in the unique operating context of the public health emergency the review has however provided some interesting perspectives on the initial period of operation, particularly from customers and Agency staff.
- 9.5 These will form learning points for the Agency in continuing to develop, improve and promote the Early Conciliation service. Lessons will be learned from the early conciliation evaluation for incorporation into practice and operational guidelines to ensure the service is efficient and effective whilst achieving its primary goal.
- 9.6 It is the case that some of the findings set out in this review do not fully reflect successful outworking of the policy intent behind EC and indeed may at times seem counter-intuitive because they have the effect of limiting the prospect of an early settlement.
- 9.7 Whilst early conciliation has provided an opportunity for employees/workers to come to the Agency at a very early stage in a dispute, at times even before the employer is aware of any issue, in some cases it is simply "too early" for the Agency to intervene without internal due process being completed.
- 9.8 This can have the unintended consequence of undermining the employer's ability to deal with issue/s effectively through their internal processes with a resulting detrimental effect on employment relations within an organisation. Intervention at this stage can also have the effect of escalating and entrenching the dispute.
- 9.9 The survey results clearly indicate that service users have identified some issues with process aspects of the service as opposed to the concept of early conciliation itself. This may be due to the fact the conciliation as a concept is well known and engrained in NI employment dispute resolution culture.

- 9.10 There was a degree of dissatisfaction with processes, with technology and timing being particularly prevalent amongst the negative comments. However the experience of the conciliation staff demonstrates what works well in early conciliation, why it works as well and why it is not working so well in other contexts.
- 9.11 In summary it is perhaps too early to effectively evaluate Early Conciliation and a prolonged period of normal operation in advance of the 36 month review will undoubtedly allow for a more accurate overall assessment of the service.

[Key service data is summarised at [APPENDIX I](#) below]



TOTAL NUMBER OF EC CASES
27 JAN 2020 - 31 JAN 2021

12,306



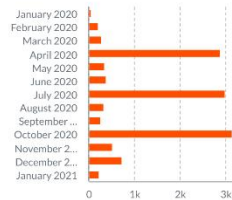
Of total 42,783 cases

65.44% Tribunal lodged claims **4.24%** Employer-led conciliation
28.76% Early Conciliation **1.52%** Political/religious discrimination

Top 5 Areas of Dispute

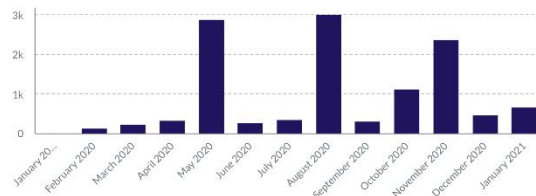
- Right to Paid Annual Leave - 9864
- Failure to provide wages - 9565
- Unfair Dismissal - 1171
- Disability Discrimination - 357
- Breach of Contract - 299

Monthly breakdown of EC cases



* April, July and October reflect Holiday Pay submissions from NIPSA

EC Cases Managed & Cleared



Outcomes

<p>12,076 Certificates issued</p>	<p>230 Settled</p>	<p>217 Monetary 13 Non-monetary</p>
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Customer Satisfaction Survey of Early Conciliation Unrepresented Claimants

We are seeking feedback on our Early Conciliation service from the parties who use it, so that we can ensure that our service runs as effectively as possible. Your help with this is greatly appreciated.

Most of the questions simply require a tick for the selected answer and overall it takes about 5 minutes to complete the survey. All responses are anonymous.

1. How did you make your Early Conciliation notification? (Please tick)

By phone	
By using the Agency’s online portal	
By completing our Early Conciliation form	

2a. Was this notification process easy to use?

Yes		Please go to Qn 3
No		Please go to Qn 2b

2b. Please provide comments on why this notification process was not easy to use.

3. To what extent do you agree or disagree that the Agency Conciliator...

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Explained the early conciliation process in an understandable way					
Understood the circumstances of the case					
Outlined the law as it applied to the case					
Understood how you felt about the case					
Helped get discussions started					
Was prepared to listen					
Answered questions asked					
Relayed proposals and offers					
Helped you consider the pros and cons of settling the case					
Helped you think through your options					
Helped move parties closer towards resolving the case					
Helped speed up the resolution of the case					
Adequately explained the various options available following engagement in conciliation – i.e. settlement, referral to arbitration, determination by a tribunal					
Explained tribunal procedures					
Maintained confidentiality					
Was knowledgeable					

Was polite and courteous					
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4. Was your issue resolved by early conciliation?

Yes		Please Go to Qn 8
No		Please Go to Qn 5

5. Have you or do you intend to submit a tribunal claim?

I have submitted a tribunal claim		Please go to Qn 7
I intend to submit a tribunal claim		Please go to Qn 7
Not sure whether or not to submit a tribunal claim		Please go to Qn 7
I have decided not to submit a tribunal claim		Please go to Qn 6

6. Why have you decided not to submit a tribunal claim?

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7. Is there anything else the Agency could have done to help you resolve your dispute?

Yes	Please go to Qn 7a
No	Please go to Qn 8

7a. Please provide comments on anything else the Agency could have done to help you resolve your dispute.

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8. Overall, how satisfied or dissatisfied were you with the service you received from the Agency?

Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied

9. Please add any comments about the service you received

Thank you for taking the time to answer this survey

Customer Satisfaction Survey of Early Conciliation Representatives

We are seeking feedback on our Early Conciliation service from the parties who use it, so that we can ensure that our service runs as effectively as possible. Your help with this is greatly appreciated.

Most of the questions simply require a tick for the selected answer and overall it takes about 5 minutes to complete the survey. All responses are anonymous.

1. Which of the following best describes your representative role?

Legal Profession	
Trade Union Official	
Consultant	
Other (please specify)	

2. Who do you normally represent?

Claimants		Please go to Qn 3
Respondents		Please go to Qn 4
Both		Please go to Qn 3

3. How did you make the Early Conciliation notification? (Please tick all that apply)

By phone		Please go to Qn 3a
By using the Agency’s online portal		Please go to Qn 3a
By completing our Early Conciliation form		Please go to Qn 3a
The claimant made the notification themselves		Please go to Qn 4

3a. Was the notification process easy to use?

Yes		Please go to Qn 4
No		Please go to Qn 3b

3b. Please provide comments on why the notification process was not easy to use.

4. To what extent do you agree or disagree with each of the following statements about the Agency Conciliator...

If you are a frequent user of the conciliation service, the conciliation officer will not explain the conciliation process on each occasion. If this is the case, please tick the 'Frequent user' box.

	Frequent user	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Explained the early conciliation process in an understandable way						
Outlined the law as it applied to the case						
Adequately explained the various options available following engagement in conciliation - i.e. settlement, referral to arbitration, determination by a tribunal						
Explained tribunal procedures						

5. To what extent do you agree or disagree that the Agency Conciliator...

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Understood the circumstances of the case					
Understood how you felt about the case					
Helped get discussions started					
Was prepared to listen					
Answered questions asked					
Relayed proposals and offers					
Helped you consider the pros and cons of settling the case					
Helped you think through your options					
Helped move parties closer towards resolving the case					
Helped speed up the resolution of the case					
Maintained confidentiality					
Was knowledgeable					
Was polite and courteous					

6. Was the issue resolved by early conciliation?

Yes		Please Go to Qn 9
No		Please Go to Qn 7

7. If you normally represent claimants, have any of them submitted or intend to submit a tribunal claim?

Some have submitted a tribunal claim	Go to Qn 8
Some intend to submit a tribunal claim	Go to Qn 8
Some are not sure whether or not to submit a tribunal claim	Go to Qn 8
Some have decided not to submit a tribunal claim	Go to Qn 7a
I only represent respondents	Go to Qn 8

7a. Why have they decided not to submit a tribunal claim?

8. Is there anything else the Agency could have done to help you resolve the dispute?

Yes	Please go to Qn8a
No	Please go to Qn8

8a. Please provide comments on anything else the Agency could have done to help you resolve the dispute.

9. Overall, how satisfied or dissatisfied were you with the service you received from the Agency?

Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied

10. Please add any comments about the service you received

Thank you for taking the time to answer this survey

Customer Satisfaction Survey of Early Conciliation Respondents

We are seeking feedback on our conciliation service from the parties who use it, so that we can ensure that our service runs as effectively as possible. Your help with this is greatly appreciated.

Most of the questions simply require a tick for the selected answer and overall it takes less than 10 minutes to complete the survey.

1. To what extent do you agree or disagree with each of the following statements about the Agency Conciliator...

If you are a frequent user of the conciliation service, the conciliation officer will not explain the conciliation process on each occasion. If this is the case, please tick the 'Frequent user' box.

	Frequent user	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Explained the early conciliation process in an understandable way						
Outlined the law as it applied to the case						
Adequately explained the various options available following engagement in conciliation - i.e. settlement, referral to arbitration, determination by a tribunal						
Explained tribunal procedures						

2. To what extent do you agree or disagree that the Agency Conciliator...

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Understood the circumstances of the case					
Understood how you felt about the case					
Helped get discussions started					
Was prepared to listen					
Answered questions asked					
Relayed proposals and offers					
Helped you consider the pros and cons of settling the case					
Helped you think through your options					
Helped move parties closer towards resolving the case					
Helped speed up the resolution of the case					
Maintained confidentiality					
Was knowledgeable					
Was polite and courteous					

7. Was the issue resolved by early conciliation?

Yes		Please Go to Qn 5
No		Please Go to Qn 4

4. Is there anything else the Agency could have done to help resolve the dispute?

Yes	Please go to Qn 4a
No	Please go to Qn 5

4a. Please provide comments on anything else the Agency could have done to help resolve the dispute.

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5. Overall, how satisfied or dissatisfied were you with the service you received from the Agency?

Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied

6. Please add any comments about the service you received

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Thank you for taking the time to answer this survey