

Research Paper

Service user perceptions of Acas' conciliation in
Employment Tribunal cases 2007

Ref: 07/08

2008

Prepared by TNS

On behalf of Acas Research and Evaluation Section

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ISBN 978-0-9559264-3-3

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October 2008

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FOREWORD

In 2007, the conciliation service provided by Acas in employment tribunal claims consumed roughly half of the grant-in-aid Acas receives, and, in terms of the volume of customer interactions, was second only to the Helpline. It is therefore very important that the service is effective, well-regarded by users, and provides good value for money.

I am consequently very pleased to see this customer survey produce such positive results. Whilst there has been some fall in the level of customer satisfaction, overall ratings remain high and at a level to feel proud of.

Some of the shift in customer perceptions may be explained by the considerable changes that have taken place in the last couple of years in organisational and policy focus. Budgetary pressures, including reduced staffing, which has reduced conciliator availability, the introduction of fixed period conciliation, new service standards, a new emphasis on days saved from avoidance of hearings are just some of these changes. These factors also provide an important context in interpreting the results of this survey, and in considering their implications for monitoring future performance.

Despite all this change, it is especially gratifying to note the continuing high regard held for our staff by customers in all aspects of the conciliation process. Furthermore, the fact that nearly half of employers report that, since their contact with an Acas conciliator, they have updated people management policies, procedures and practices offers clear evidence that the Acas is delivering its mission, to improve organisations and working life through better employment relations. It is also reassuring, in the light of the Gibbons Report and the government's response to it, that nearly half of participants indicated they would have preferred to have received assistance from Acas prior to the submission of a tribunal claim rather than subsequently. This is an area of our service which we are developing at present.

Of course, results like these don't just happen. They reflect the skill, dedication and sheer hard work of Acas conciliators up and down the country who continue to deliver a first class, highly regarded and effective service. They deserve our thanks and continued support.



Andrew Wareing
Director of Delivery
Acas

EXECUTIVE SUMMARY

In the vast majority of Employment Tribunal claims, Acas has a statutory duty to offer conciliation to avoid parties going to a full tribunal hearing. The Acas Individual Conciliation survey 2007 was commissioned to evaluate whether the Acas Individual Conciliation Service meets customers' needs and expectations. The previous survey was carried out in 2005. Both surveys included unrepresented claimants and employers, and claimant and employer representatives. This short section summarises the main findings from the 2007 survey with some comparisons with 2005. Most of findings presented are based on 'topline' results but where appropriate, analyses by sub-groups are also presented.

- The results from the survey are positive and highlight the value of Acas involvement in Employment Tribunal cases. As shown in the 2005 survey, customers rate the service that Acas offers and the conciliators they employ highly.
- Direct comparisons between the 2005 and 2007 surveys are not always possible but there have been some changes since the time of the last survey:
 - Overall satisfaction with the service received from Acas has decreased since 2005 (from 90 per cent to 81 per cent in 2007).
 - There is evidence that conciliators are seen to be less available during the case than they were in 2005 – although the majority of customers still described their conciliator as being 'always' or 'usually' available.
 - Conciliators working on short track cases are now more likely than those working on standard and open cases to make the first contact with the customer.
- Seventy five per cent of customers in the survey had accepted Acas. assistance. There has been no change in this respect since 2005. The most common reason given for why assistance was not accepted was lack of interest from the employer. It was less common for the claimant to not be interested.
- In line with recommendations from the Gibbons Review, customers would like more flexibility in when Acas can offer assistance. Most specifically 40 per cent of customers said they would prefer to be offered assistance by Acas before submitting their Employment Tribunal claim. Two-thirds of unrepresented parties were of this opinion.
- During the case, most customers (77 per cent) felt their conciliator was 'always' or 'usually' available when they needed them. This is important for Acas as the perceived availability of the conciliator is linked with overall satisfaction with the service; 84 per cent of customers also felt they had enough contact with their conciliator.
- Very few customers, two per cent, had face-to-face contact with a conciliator during a case but a significant proportion said they would have liked the opportunity to meet face-to-face. This view was most

predominant among unrepresented claimants – more than half said they would have liked the opportunity for face-to-face contact.

- Customers rated conciliators positively in terms of their role in dealing with their case and their personal and professional skills. They were seen as knowledgeable and trustworthy, and customers felt they were particularly good at relaying proposals and offers between the involved parties. Generally, unrepresented customers rated conciliators more positively than representatives did.
- Satisfaction with the Acas conciliation service is very high (81 per cent) but has dropped slightly since the time of the 2005 survey (90 per cent).
- Satisfaction is linked to a wide range of factors – including the case outcome. Overall customers are most satisfied when the case is settled through Acas. The most important drivers of satisfaction however, relate to the conciliator's role: their behaviour, personal and professional skills, their availability during the case and, their perceived impartiality. Analysis suggests that improvements in the way conciliators work will lead to higher levels of satisfaction with the service. Acas may consider how to further improve:
 - Conciliators' **knowledge** of the employment tribunal process
 - Conciliators' skills at **relaying proposals and offers**
 - Conciliators' **listening skills**
 - The extent to which the conciliators work to **understand the circumstances of the case** and **how the parties feel about it**.
- The majority of customers who had accepted assistance and whose case did not go to a tribunal hearing agreed that Acas involvement: 'helped speed up the resolution of case' and 'was a factor in the decision to resolve the case'. Similarly, the majority of customers (regardless of whether the case went to a hearing) agreed that Acas conciliation 'helped parties move towards resolving the case'. Almost four in ten participants in cases where the claim was withdrawn agreed that 'Acas involvement was a factor in the decision to resolve the case'.
- At the outset of the case, the majority (63 per cent) of customers expected to be successful in the case, with half (49 per cent) also thinking it was likely that the case could be resolved without the need for an Employment Tribunal hearing. Customers who accepted assistance from Acas were most hopeful of resolving the case without the need for a hearing. However, neither of these measures is strongly linked with overall satisfaction with the service that Acas provides.
- Satisfaction with the outcome of the case was higher among customers who had accepted an offer of assistance from Acas than among those who had declined the offer. Most positively, 84 per cent of customers in cases where a settlement had been agreed through Acas were satisfied with the outcome of the case. This compares with 69 per cent overall satisfaction.
- Conciliation also had a wider effect on employers' policies and working practices. Around half of employers reported that since their experiences with Acas, they had updated or implemented new policies, procedures or practices.

1 BACKGROUND AND AIMS

1.1 Introduction

Acas is a statutory non-departmental public body charged by Parliament with the responsibility for promoting the improvement of employment relations. When a claim has been submitted to an employment tribunal Acas has a statutory duty to endeavour to promote the settlement of the matter without the need for it to be determined by an employment tribunal hearing. This process is known as 'individual conciliation' (to distinguish from the 'collective conciliation' service provided in collective disputes) and it accounts for the largest single segment of Acas' Grant in Aid. There is evidence that this investment pays for itself many times over. Recent independent research¹ shows that the net economic benefit of Individual Conciliation (IC) in 2005/06 was in excess of £150M, against an operating budget of approximately £24M. Notwithstanding this economic benefit, Acas also seeks to ensure that the IC service meets the needs and expectations of its customers and carries out regular surveys of the parties involved in Employment Tribunal claims. There is long term evidence that conciliation is successful in a substantial proportion of cases and that customer satisfaction is high. The previous survey was carried out in 2005 soon after the implementation of Tribunal Regulations², which introduced fixed period conciliation (see page 5) but before Acas introduced differential service standards to conciliation in March 2006. This report presents findings from the 2007 survey of customers of the Acas Individual Conciliation Service, and also compares key differences in customers' views between 2005 and 2007.

1.2 Background

The employment tribunal and individual conciliation processes

Employment tribunal claims are initiated by claimants (the applicants who are employees or former employees), by submitting an application to the employment tribunal service (form ET1). Employers may respond to the ET1 using an ET3 claim. In the vast majority of cases, Acas has a statutory duty to offer conciliation in order to avoid parties going to a full tribunal hearing. Cases can result in one of a number of outcomes: parties may settle the case either via Acas or privately; the applicant may withdraw his or her claim; or the case may be disposed of by the employment tribunal, for instance if the claim is considered out of scope, or go to a full merits hearing.

Acas individual conciliation is:

- **Voluntary** – claimants and respondents (employers) only take part if they want to and they can stop at any time.
- **Free** - there is no charge for the service.
- **Impartial** – Acas does not take sides or judge who is right or wrong.

¹ *A Review of the Economic Impact of Employment Relations Services Delivered by Acas: Pamela Meadows, National Institute of Economic and Social Research, November 2007*

² *The Employment Tribunals (Constitution and rules of Procedures) Regulations 2005.*

- **Independent** – Acas is not part of the Employment Tribunal Service. Conciliation does not delay the tribunal process and discussions during conciliation cannot be used as evidence at a tribunal hearing.
- **Confidential** – Everything that is discussed during conciliation is kept solely between Acas and the parties involved.

In seeking to promote settlement, conciliators have no power to impose solutions. They facilitate dialogue between the parties in dispute with the aim of identifying mutually acceptable terms on which the matter might be settled and securing their agreement to resolve the claim on that basis. Where appropriate, the conciliator will:

- explain the conciliation process
- explain the way tribunals operate and what they will take into account in deciding the case
- discuss the options which are open to both parties,
- help parties to understand how the other side views the case, and explore how it might be resolved without a hearing
- tell parties about any proposals the other side has for a settlement.

Where parties have appointed a representative to act for them, Acas conciliates through the representative, and generally will not deal with the claimant or employer directly. Representatives are usually, but not always, empowered to agree settlements with Acas on behalf of their client, after taking appropriate instructions.

Settlements made with Acas assistance are legally binding and can compromise the right to pursue a claim to the employment tribunal. The terms will normally be recorded on an Acas form (COT3) to be signed by both sides. Where an agreement cannot be reached and the claim is not withdrawn, it will be decided by a tribunal.

Contacts between the conciliator and the parties involved take place mostly by telephone and need to be pursued promptly with a view to achieving speedy resolution. The dialogue must be conducted with sensitivity, not least because one or both parties almost invariably feel aggrieved about the circumstances in which the case has arisen. To be effective, a conciliator has to be well organised; maintain a good knowledge of employment law and tribunal practices; and possess well-developed interpersonal communication and influencing skills.

Changes to the conciliation service

Individual conciliation has been a core service since Acas was formed in the early 1970s. It has successfully met various challenges over that period – not least the steady accumulation of new jurisdictions and the increasing complexity of the underlying legal framework – against a background of a long term upward trend in case volumes and increasing budgetary constraints. However, the pace of change has quickened markedly in the last five years, with far-reaching developments in the legislation affecting employment tribunal claims and the specific provisions governing conciliation, coupled with arguably the most severe resource pressures the service has ever encountered.

Until 2004, Acas' statutory duty to conciliate subsisted up to the point where all matters of liability and remedy had been determined by an employment tribunal. In October 2004 new Regulations were introduced that placed time limits on the conciliation periods in the majority of cases. The purpose of these fixed conciliation periods was to prompt parties and representatives to engage in conciliation at an early stage rather than, as had often been the case, in the last few days before a scheduled employment tribunal hearing. Although retaining a statutory power to provide conciliation after the fixed period had expired, Acas policy (up to March 2008) has been to exercise that power sparingly, in order to avoid diluting the incentive towards early dispute resolution.

Cases were divided into three categories according to the jurisdictions involved in the claim:

- (a) those allocated a '**Short**' seven week conciliation period - in the main, jurisdictions which concern unpaid statutory or contractual entitlements, or the granting of time off in specified circumstances. These account for around a quarter of all cases.
- (b) those allocated a '**Standard**' thirteen week period - more complex cases, primarily those involving claims for unfair dismissal. This category accounts for around half of all cases.
- (c) those allocated an unrestricted '**Open**' period for conciliation - the most complex and sensitive claims, such as those concerning discrimination or equal pay in which there are no set time limits. These cases also form around a quarter of all cases.

In March 2006, Acas adopted differential service standards to prioritise conciliation resources more effectively. Broadly speaking, the service standard for standard period cases reflected pre-existing practice. However, a more streamlined approach was adopted for conciliation in short period cases, seeking to maintain a fit-for-purpose service and make the best of the narrow window of opportunity available to resolve these cases. On the other hand, the service standard in open period cases envisaged a more intensive approach, with increased use of face-to-face techniques where circumstances warrant it.

The introduction of "fixed period" conciliation in 2004 had coincided with a temporary plateau in the long term upward trend in single claimant case volumes, leaving the conciliation function comparatively well-resourced during the transition to that operating environment. This was the context for the previous IC survey in 2005, which took place before the introduction of differential service standards. However, the implementation of the new service standards took place almost simultaneously with a substantial programme of early retirements among experienced Acas operational staff – many of them conciliators – occasioned by budgetary cuts imposed on Acas as part of the 2006 Comprehensive Spending Review (CSR). This placed considerable pressures on the remaining experienced conciliators and the training of the new cadre of staff appointed to deliver conciliation in short period cases and it was against this background that the 2007 survey was carried out.

Costs, benefits and outcomes

As well as the economic benefits outlined earlier, previous research has also shown that the Acas individual conciliation service is viewed very positively by the majority of its users, claimants, employers and representatives alike³. One of Acas' Key Performance Indicators is the proportion of cases in which users are satisfied with the service offered (with a target of 85 per cent satisfaction). At the time of the previous survey (2005) 90 per cent of users were satisfied overall with the service, an increase from 84 per cent in 2004.

There is also long term evidence to show that conciliation is effective in enabling parties to avoid the need for an employment tribunal hearing in a substantial proportion of cases. Until 2005, the core indicator of success for IC was the percentage of cases that did not proceed to a full employment tribunal hearing. In 2004/05, a target of 76 percent was set and exceeded in relation to this objective. From 2005/06 onwards, the key outcome measure for IC in Acas' Service Level Agreement with its sponsor, the Department for Business, Enterprise and Regulatory Reform (then the DTI) became the proportion of potential hearing days saved by conciliation (PHDS). PHDS is based on the assumption that for particular types of cases a certain number of hearing days will be saved if case are resolved in conciliation. Only settlements and cases withdrawn within the conciliation window are counted as contributing to PHDS. It was the adoption of PHDS as the key IC outcome measure which led Acas to introduce differential service standards.

In the 2007/08 operational year, Acas achieved an overall PHDS rate of 75 per cent. Subdividing this according to the three jurisdictional groups shows PHDS of 53 per cent in "short period" cases (against an internal objective of 50 per cent); 63 per cent in "standard period" cases (against an internal objective of 60 per cent); and 85 per cent in "open period" cases (against an internal objective of 85 per cent). The differences between these figures demonstrate the prioritisation of conciliation activity towards the more costly and demanding cases in the "open period" category⁴.

The future of individual conciliation

At the time of the 2004 reforms, the Government committed to review their impact within two years. In December 2006, Michael Gibbons was commissioned to carry out an end to end review of the arrangements for resolving individual rights disputes in Great Britain. Gibbons spoke to a wide spectrum of stakeholders and consistently found⁵ that many of the changes introduced in 2004 were considered sound in principle but had generated unintended consequences in practice – generally by creating unnecessary formality into the management of workplace conflict, and discouraging rather than promoting early and effective dispute resolution. Gibbons acknowledged that a high proportion of claims made to tribunals are resolved without the need for a hearing (frequently with the involvement of Acas) and that Acas' IC service is 'effective' and 'well regarded'. However, he also observed that reductions in funding and the introduction of fixed conciliation periods have 'adversely affected the level of Acas involvement'.

³ *Service user perceptions of Acas Conciliation Service 2005*

⁴ *Acas Annual Report and Accounts 2007/8*

⁵ *A review of employment dispute resolution in Great Britain*, Michael Gibbons, 2007

Acas' statutory duty to promote a settlement also applies where a claim could be made but has not yet been submitted to the tribunal and a party requests Acas assistance. However, the review made particular mention of the fact that Acas typically only becomes involved after a tribunal application has been made, in some cases being unable to offer conciliation late on in the process or, conversely not offering its services soon enough within the prescribed timescales. It was felt that this led to missed opportunities to resolve cases both in the early and final stages of the employment tribunal process.

Gibbons concluded that most of the 2004 reforms had failed, and proposed their repeal in favour of a package of measures to make the entire system simpler, less prescriptive, and more focused on early dispute resolution. Among the proposed measures is the removal of the fixed periods for Acas conciliation. Perhaps more significantly, the long term aim is to shift a substantial proportion of individual conciliation activity towards providing the service *before* the point at which an employment tribunal claim is lodged, identifying prospective cases mainly from enquiries to the Acas Helpline, which will be expanded and enhanced to perform this among other new roles. A large scale pilot exercise on this new approach to "pre-claim conciliation" (PCC) is scheduled to take place in three areas during the summer and autumn of 2008, with the aim of rolling out the facility nationally in April 2009.

It is not possible to predict with confidence what the resourcing position will be when the next IC survey takes place in 2009, but by then we can certainly expect to see some emerging impact of the Gibbons reforms by way of the removal of fixed conciliation periods and the shift towards PCC. The 2007 IC survey will serve as a benchmark against which to measure the impact of some of these changes.

1.3 The aims of the study

Acas commissioned TNS to conduct the 2007 IC Customer Survey. The overall aim of the survey was to evaluate whether Acas Individual Conciliation Service meets customers' needs and expectations. These will be discussed in turn in the main chapters of the report.

1.4 Customer groups

The survey included all four key customer groups that Acas deals with; namely unrepresented claimants, unrepresented employers, representatives of claimants and representatives of employers. Some contextual information is provided below, however this summary report does not provide sub-analysis for these different groups but for representatives/ unrepresented parties.

Claimants

This group accounted for just under a third (31 per cent) of the survey participants. Their claims tended to be brought against private sector employers (66 per cent).

Employers

Just under a quarter (23 per cent) of participants were employers and these tended to be Human Resource or Personnel Managers (33 per cent), owners of the business (19 per cent) or Managing Directors (16 per cent).

Claimant representatives

Representatives of claimants accounted for a quarter (23 per cent) of the sample; and tended to be solicitors or lawyers (52 per cent), trade union officers (13 per cent) or Citizen's Advice Bureau workers (11 per cent). Over half (56 per cent) had been dealing with employment tribunal cases for more than 5 years.

Employer representatives

Just under a quarter (24 per cent) of the participants were employer representatives. A large majority (80 per cent) of this group were made up of lawyers and solicitors while a further 10 per cent were employment consultants. Nearly two thirds (62 per cent) of this group had been dealing with employment tribunal claims for more than 5 years.

Customers

Throughout this report 'customers' refers to all participants who took part in the survey (from any of the four customer groups described above).

Note of case length and customer type

Since the period covered by the survey is prior to the introduction of the Gibbons regulations, throughout this report, many findings are presented by case period (short, standard and open). However, differences in customer experience by case period should be interpreted with care. Cases in which the customer was unrepresented include a relatively high proportion of short and standard period cases; whereas cases where a representative was used include a relatively high proportion of open period cases (see Table 1.1). Therefore some differences by case period may be driven by representation rather than differences in service level.

	Total %	Unrepresented %	Represented %
Short period	24%	35%	13%
Standard period	50%	49%	51%
Open period	26%	16%	36%

Base: All respondents, n=2,196

1.5 Overview of the methodology

In keeping with previous customer surveys, TNS conducted a postal survey to gather the views of claimants, employers and representatives. In total, 6,000 paper questionnaires were sent to potential participants and we received an encouraging 2,196 responses⁶; a 37 per cent response rate.

The questionnaire varied slightly depending on the customer type. They covered the following areas:

- Level of Acas' involvement
- Timing of Acas involvement
- Contact with and availability of conciliator
- Impartiality, knowledge, style and behaviour of the conciliator
- Customers' expectations of case outcome at start of the claim
- Outcome of the case and satisfaction with outcome
- Influence of Acas involvement
- Satisfaction with the conciliation service

The questionnaire was thoroughly piloted with a sample of claimants, employers and representatives prior to being agreed by Acas.

The sample for the survey was identified from the Acas database drawing on conciliation cases which had closed between April and June 2007. Before the start of fieldwork, the database was cleaned by individual Acas regional offices to ensure that contact details were correct and the details of each closed case matched with the manual records and electronic case notes held by each regional office.

Further details of the survey design, sampling, interviewing approach, response rates and analysis are presented in Chapter 8.

Fieldwork took place between 30 November 2007 and 4 February 2008. Two reminders were sent to non-responders during fieldwork to maximise participation as well as an email reminder to all non-responders with useable email addresses.

1.6 Note on interpretation

In the following tables which quote findings from the survey, it should be noted that the summed totals do not always add to 100 per cent and may vary by plus or minus 1 per cent. Any discrepancies are due to rounding / as a result of weighting.

Where the results for different categories are compared in this report, these have been tested for statistical significance. Unless otherwise stated all the findings are statistically significant at the 95 per cent confidence level.

⁶ This excludes partially completed and duplicate questionnaires

As with all survey research, the results presented in this report are based on customers' perceptions of the service which Acas offers. Findings should therefore be considered alongside other sources of data which provide alternative insights into the quality of service provided by Acas.

1.7 Report structure

The report is divided into chapters as follows:

- Chapter 2 examines customers' expectations of the ET system and the extent to which these were met
- Chapter 3 examines the level of involvement Acas had in each case, including initial contact from Acas and the decision to accept or decline assistance
- Chapter 4 explores customers' perceptions of the Acas conciliator they dealt with, including the frequency and type of contact between parties
- Chapter 5 discusses levels of satisfaction with the Acas conciliation service
- Chapter 6 explores the outcomes of the cases and perceived levels of satisfaction with the case outcome
- Chapter 7 summarises the main conclusions from each of the preceding sections
- Chapter 8 of the report provides a profile of the customers who took part in the survey and details of the survey methodology

1.8 Acknowledgements

TNS Social Research would like to acknowledge the invaluable input of Barbara Davey, Fiona Neathey and Timothy Johnston specifically in designing the questionnaire and sample design for the survey. We would also like to thank the 2,196 customers who took the time to take part in the research.

2 EXPECTATIONS AT START OF CLAIM

This chapter examines the perceptions customers had of the expected outcome of their claim at the very start of the case, and their perceived likelihood of success. The results indicate that the biggest group of customers thought they would be successful in the case (65 per cent) and 49 per cent thought that the case would be resolved without the need for an employment tribunal hearing. However, given that participants were being asked about their expectations *retrospectively* (and the outcome of the claim was known) these findings should be treated with caution.

2.1 Level of conflict

The survey asked unrepresented customers about the relationship between them and the other party in the claim. Table 2.1 below summarises perceived levels of conflict between claimants and employers at the time of the claim. Three quarters of unrepresented claimants and employers reported at least some degree of conflict (76 per cent) with four in ten (41 per cent) stating there was a 'great deal' of conflict during the dispute. Around one in five (19 per cent) stated there was no real conflict at the time of the dispute, although given that all cases involved matters which had the potential to lead to a full tribunal hearing this a reasonably high proportion.

Table 2.1: Perceived level of conflict between employer and claimant during the dispute

Thinking back to the time of the dispute, how would you rate the level of conflict between you and [your employer / the claimant] at that time?

	%
A great deal of conflict	41%
Some conflict	35%
No real conflict	19%
Don't know	6%

Base: All claimants and employers, n=1,168

2.2 Continued employment during the claim

Employers with cases brought against them, and claimants making claims against their employers were asked to state whether the claimant was still employed by the company at particular milestones during the case. Responses are summarised in Table 2.2.

Table 2.2: Whether claimant employed with organisation

	Yes	No	Not stated
Whether claimant employed before the claim submitted	25%	70%	5%
Whether claimant still employed after the claim submitted	11%	85%	3%
Whether claimant was still employed six months after the claim was resolved	6%	88%	5%

Base: All employers and claimants (excludes representatives), n=1,168

Before the claim was submitted, a quarter (25 per cent) of claimants were still employed by the organisation they were claiming against. After the claim had been submitted this had more than halved to 11 per cent, and by six months after the claim had been resolved just six per cent of claimants were still employed by the organisation they had claimed against.

2.3 How successful participants expected to be

Customers were asked to state how successful they expected to be at the start of the process. The findings suggest that most people start the process with expectations of success. Almost two thirds (63 per cent) of participants indicated that they expected to be successful with just under a third (31 per cent) stating they were very likely to be successful. A fifth (21 per cent) felt that they had 'an even chance' while 11 per cent expected to be 'unsuccessful'.

<i>Table 2.3: Expectations of success</i>	
<i>At the very start of the case, how successful did you expect to be?</i>	
	%
Very likely to be successful	31%
Fairly likely to be successful	32%
Had an even chance	21%
Fairly likely to be unsuccessful	6%
Very likely to be unsuccessful	5%
Don't know	5%
Likely to be successful (net)	63%
Likely to be unsuccessful (net)	11%

Base: All participants, n=2,196

2.4 Expectation of resolving case without an Employment Tribunal

All customers were also asked what they thought the chances were of being able to resolve the case without going to a full tribunal hearing. Half (49 per cent) of all customers believed that at the start of their case it was likely the case could be resolved without going to a full hearing. A quarter (23 per cent) believed that it was not likely to be avoided.

<i>Table 2.4: Likelihood of resolving case without Employment Tribunal</i>	
<i>At the very start of the case what did you think the chances were of being able to resolve the case without going to a full tribunal hearing?</i>	
	%
Very likely	17%
Fairly likely	32%
An even chance	23%
Fairly unlikely	11%
Very unlikely	12%
Don't know	5%
Likely (net)	49%
Unlikely (net)	23%

Base: All participants, n=2,196

Both questions on customers' expectations of success prior to the start of the case were new in 2007 so there is no trend data against which to make comparisons. The results suggest that most customers enter into the process of conciliation with reasonably positive expectations.

3. LEVEL OF ACAS INVOLVEMENT

This section presents information on the extent of Acas involvement in cases; including whether parties received Acas' introductory letter and whether or not Acas assistance was accepted. Overall 75 per cent of participants accepted assistance from Acas.

3.1 Initial contact

Table 3.1 presents data on the number of participants who received a letter from Acas once a claim had been submitted to the Employment Tribunal. Over nine in ten (92 per cent) participants remembered receiving a letter, with just 3 per cent claiming they had not.

<i>Table 3.1: Initial contact</i>			
	Yes	No	Don't know
<i>...Did you receive a letter from Acas explaining the conciliation service?</i>	92%	3%	5%
<i>...Did an Acas conciliator discuss the possibility of resolving the case without a full tribunal hearing?</i>	82%	13%	5%

Base: All participants, n= 2,196

In 82 per cent of cases an Acas conciliator had discussed the possibility of resolving the case without the need for a full tribunal hearing. Just over a tenth of participants (13 per cent) said that there was no such discussion, while a further 5 per cent didn't know / could not remember if a conciliator had discussed this.

No comparisons between this survey and previous Acas customer surveys are available for these measures.

3.2 Timing of assistance

Customers were asked to comment on the timing of the offer of assistance. Nearly half (41 per cent) of participants indicated that they would have preferred to receive assistance from Acas before submitting their Employment Tribunal claim (making this the preference for the largest group of customer); a further quarter (25 per cent) felt that assistance should be offered 'up to 4 weeks after submitting the Employment Tribunal claim'. It was less common for customers to want assistance to be offered nearer to the date of the tribunal hearing. Customers' preferences for the timing of Acas assistance are shown in Table 3.2 below.

<i>Table 3.2: Preferred timing of Acas assistance</i>	
<i>Thinking about the offer of assistance from Acas, would you have preferred this...</i>	
	%
Before submitting the Employment Tribunal claim	40%
Up to 4 weeks after submission of the Employment Tribunal claim	27%
More than 4 weeks after submission of the claim, but more than 2 weeks before the Employment Tribunal hearing	13%
Within 2 weeks of the Employment Tribunal hearing	4%
Don't know / not stated	16%

Base: All participants, n=2,196

This is a key finding for Acas – the Gibbons Review in 2007 suggested that Acas should offer conciliation earlier in the Employment Tribunal process than they do currently and to ensure that conciliation is available until shortly before the tribunal hearing. The recommendations from the review appear to be in keeping with customers' requirements. The Figure below shows preferred timing by customer / case type. These figures are presented excluding don't know and not stated responses.

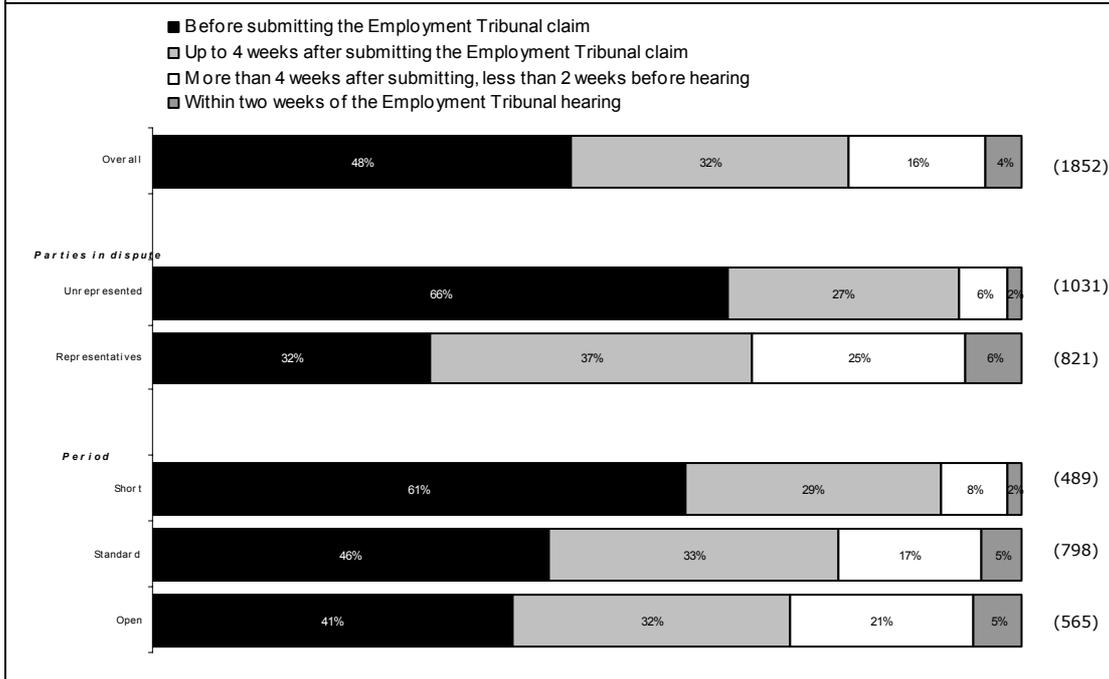
As shown in Figure 3.1, preferred timing of the offer was strongly linked to whether or not the party was a representative or not and to period / jurisdiction track of the case.

Unrepresented customers were twice as likely as representatives to want an offer of assistance before submitting the ET1 (66 per cent compared with 32 per cent). Conversely, representatives were more likely to express a preference for offers later in the process; a third (31 per cent) said they would have preferred an offer either 'within two weeks of the ET hearing' or 'more than four weeks after submitting the claim but more than two weeks before the ET hearing' (this compared with just eight per cent of unrepresented customers).

This difference may, in part, be driven by period type. In short period cases the window for Acas involvement is just seven weeks; in such cases, the customer is likely to be more anxious to get Acas involved early on in the process. Cases in which the customer was unrepresented include a relatively high proportion of short and standard period cases; whereas cases where a representative was used include a relatively high proportion of open period cases.

Figure 3.1: Preferred timing of Acas assistance

Thinking about the offer of assistance from Acas, would you have preferred this...



Base: All participants excluding don't knows, n=1,852

3.3 Acceptance of assistance

Table 3.3 below indicates that conciliation was accepted in three quarters (75 per cent) of cases. One in five participants (19 per cent) stated they did not accept assistance from Acas in their case, with a further 5 per cent saying they didn't know / couldn't remember.

Table 3.3: Acceptance of assistance from Acas

Did you accept assistance from the Acas conciliator?

	Yes	No	Don't know
	75%	19%	5%

Base: All participants n= 2,196

The proportion of customers accepting assistance from Acas was comparable at the time of the previous customer survey (2005) when 76 per cent of participants said that Acas had acted as a conciliator.

3.4 Reasons why Acas did not conciliate

Table 3.4 presents the reasons why participants did not accept assistance from Acas. As in previous surveys, it was more common for assistance to be turned down because the employer was not interested in pursuing conciliation rather than the claimant not being interested (36 per cent and 19 per cent respectively). These figures are very similar to the results from the previous survey (34 per cent and 17 per cent respectively in 2005).

Table 3.4: Reason why Acas did not conciliate

	%
Employer not interested	36%
Claimant not interested	19%
Solicitors / lawyers were dealing with the matter	5%
Claim settled before a tribunal	6%
Claimant withdrew the claim	4%
No assistance required / dealt with by self	4%
Acas statutory period expired / didn't act within timescale	2%
Other response	11%

Base: All those who did not accept assistance from Acas, n=430.

4. EXPERIENCE WITH THE CONCILIATOR

This chapter looks at customers' experiences with the conciliator, in terms of initiating contact, type of contact and preferences and availability of the conciliator. It also presents customers' views of the conciliator's skills, knowledge and behaviour.

In most cases, Acas took the lead in initiating contact, although ongoing contact was shared between both the customer and the conciliator. Since the 2005 survey there has been a dip in the proportions of participants who stated they were *always* or *usually* able to contact their conciliator but the majority (82 per cent) stated that they had received enough contact with the conciliator throughout their case. The majority were happy with telephone contact with the conciliators but some customers would have liked joint meetings with the conciliator and the other party

Acas conciliators were perceived very positively on a range of aspects of their role and were particularly praised for being adept at relaying proposals and offers between employers and claimants. They were also viewed positively in terms of their knowledge, trustworthiness, empathy and impartiality.

4.1 Making contact

For customers who took part in conciliation, Table 4.1 below summarises how contact was initiated between them and the conciliator. The results indicate that in nearly two thirds (61 per cent) of cases, Acas initiated the first voice contact.

Table 4.1: Initial voice contact between conciliator and respondent

Who made the first voice contact between you and Acas?

	%
Acas conciliator contacted me	61%
I contacted the Acas conciliator	25%
Don't know	14%

Base: All those who accepted assistance from Acas, n=1,648

Excluding those customers who did not know who made initial voice contact, the conciliator had made initial voice contact in 71 per cent of cases, while the customer had made initial contact in just 29 per cent of cases. There is no difference in this respect between the current survey and 2005 survey. There was very little variation in the direction of initial contact between unrepresented customers and representatives. However, in short period cases, customers were more likely to say that the conciliator made first contact than those involved in standard and open period cases (as shown in Table 4.2 below).

Table 4.2: Initial voice contact between conciliator and respondent
Who made the first voice contact between you and Acas?

	Customer type		Period		
	Unrepresented	Representative	Short	Standard	Open
Acas conciliator contacted me	61%	61%	66%	59%	59%
I contacted the Acas conciliator	29%	22%	24%	26%	25%
Don't know	10%	17%	10%	15%	16%

Base: All those who accepted assistance from Acas, n=1,648

Ongoing contact

During the lifetime of the case, contact tended to be shared between the conciliator and the customer, with half (52 per cent) of customers stating they contacted each other equally. As shown in Table 4.3, on balance, customers perceived that Acas tended to make contact with the customer slightly more often than the customer did with Acas.

Table 4.3 : Ongoing contact throughout the case
During the case did Acas contact you most of the time or did you contact Acas most of the time?

	%
Contacted each other equally	52%
Acas contacted me most of the time	25%
I contacted Acas most of the time	17%
Don't know	5%

Base: All those who accepted assistance from Acas, n= 1,648

4.2 Perceived availability of the conciliator

Overall, the availability of the conciliator was perceived as good; three quarters (77 per cent) of customers indicated that an Acas conciliator was, at least, *usually* available when they needed them, while a quarter (23 per cent) stated that the conciliator was *always* available. Just four percent of participants stated they could rarely or never contact their conciliator.

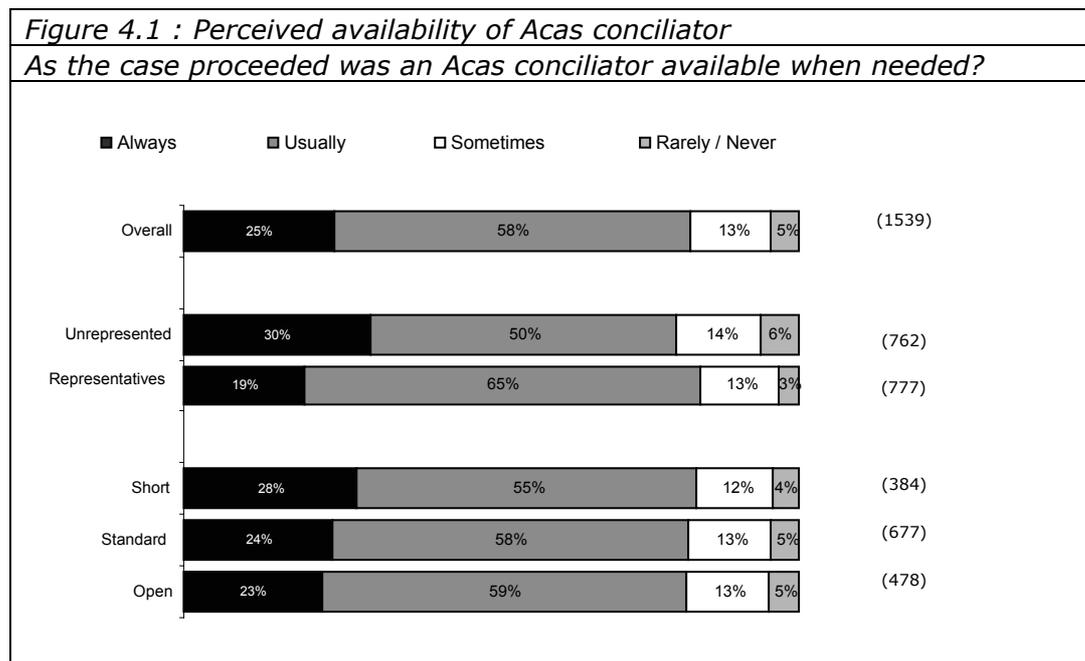
Table 4.4 : Availability of Acas conciliator
As the case proceeded was an Acas conciliator available when needed?

	%
Always	23%
Usually	54%
Sometimes	12%
Rarely	3%
Never	1%
Not applicable	4%
Don't know	3%

Base: All those who accepted assistance from Acas, n=1,648

Comparisons between the findings shown in Table 4.4 and the 2005 survey are possible by excluding those people who said don't know or not applicable to this question (this is how the figure was reported in the previous survey). Using this measure, since the 2005 survey, however, there has been a dip in the proportions of participants who stated they were *always* or *usually* able to contact their conciliator (82 per cent compared to 97 per cent).

Figure 4.1 summarises the availability of the conciliator by representation and case period. There was relatively little variation in the perceived availability of conciliators although unrepresented customers were more likely to say that their conciliator was 'always' available compared with representatives (30 per cent and 19 per cent respectively).



Base: All who accepted assistance from Acas excluding don't knows, n=1,539

There is a link between the perceived availability of the conciliator and overall satisfaction with the service that Acas provided during the case. The vast majority (89 per cent) of customers who were able to contact their conciliator 'always' or 'usually' were satisfied with the service overall. This compares with little over a half (54 per cent) of those who were able to contact them 'sometimes' 'rarely' or 'never'.

Perceived level of contact with the conciliator

Over eight in ten customers (84 per cent) felt they had had enough contact with their conciliator during the case. One in ten (10 per cent) said they did not have enough contact, with a further six per cent saying they didn't know / couldn't remember. This suggests a large majority of customers were happy with the level of contact from Acas. No comparison data is available from the 2005 survey.

<i>Table 4.5: Level of contact with the conciliator</i>			
<i>Did you feel you had enough contact with the conciliator?</i>			
	Total %	Unrepresented customer %	Representatives %
Yes	84%	79%	88%
No	10%	15%	6%
Not sure	6%	6%	6%

Base: All those who accepted assistance from Acas, n= 1,648

As shown in Table 4.5, representatives were more likely than unrepresented customers to say that they had enough contact with the conciliator. There was no significant variation in response by case period.

4.3 Type of contact

The vast majority (97 per cent) of participants stated that they had not received any face-to-face contact with the conciliator (Table 4.6). This is unsurprising as it was known in advance that nearly all contact between conciliators and customers takes place by phone and letter. There were no significant variations in levels of face-to-face contact by customer or case type.

<i>Table 4.6: Face-to-face contact with the conciliator</i>	
<i>Did you have any face-to-face contact with the conciliator during the case?</i>	
	%
Yes	2%
No	98%
Don't know	1%

Base: All those who accepted assistance from Acas, n=1,648

<i>Table 4.7: Whether would have liked the opportunity for face-to-face contact</i>	
<i>Would you have liked the opportunity for face-to-face contact?</i>	
	%
Yes	19%
No	66%
Don't know	15%

Base: All those who did not have face-to-face contact, n=1,619

One in five (19 per cent) of those who had no face-to-face contact expressed an interest in this type of contact (Table 4.7). However, desire for face-to-face contact varied considerably by customer type. Fifty six per cent of unrepresented claimants expressed an interest in face-to-face contact compared with 20 per cent unrepresented employers and ten per cent of representatives. There was little variation by case period.

Representatives who expressed an interest in face-to-face contact were asked what type of meeting they would prefer. More than half stated that their preference would have been for a joint meeting with both sides and the conciliator (56 per cent); more so than meeting personally with the conciliator (29 per cent) or meeting them accompanied by a representative (12 per cent).

4.4 Role of the conciliator

The table below presents data showing how customers rated the conciliator in different aspects of their role. For each of these tasks, customers were also given the option to state whether or not each it applied to their case or whether the conciliator had performed this task. Table 4.8 presents the ratings where the customer perceived that this aspect of the role had been carried out. Generally conciliators were seen very positively on all measures.

<i>Table 4.8: Role of Acas conciliator ...</i>					
<i>How would you rate the conciliator in terms of...</i>					
	Bases*	Very good	Fairly good	Neither good nor poor	Poor (net)
Relaying proposals and offers to and from the employer/claimant	1,484 (90%)	59%	28%	8%	4%
Explaining tribunal procedures	1,019 (62%)	50%	29%	17%	4%
Outlining the law as it applied to the case	1,106 (67%)	45%	32%	17%	5%
Helping you to consider the pros and cons of settling the case without going to full tribunal hearing	1,133 (69%)	45%	29%	18%	8%
Helping you to think through your/the options	1,140 (69%)	41%	28%	22%	9%
Helping you understand the strengths of the case	1,105 (67%)	40%	28%	23%	10%
Helping you understand the weaknesses of the case	1,079 (65%)	38%	27%	25%	10%

*Bases: All who accepted assistance from Acas and for whom this aspect applied

In rating how well the conciliator relayed 'proposals and offers to and from the employer/claimant, 90 per cent of customers perceived the conciliator carried out this task. On all other aspects, this figure was approximately two-thirds of customers – with a relatively high proportion of customers saying they didn't know or that the conciliator didn't do this. On these measures, representatives were much more likely than unrepresented customers to say that the conciliator didn't do this. This would be expected, as there would be less of a requirement for the conciliator to carry out these tasks with representatives who were lawyers or who were experienced in employment tribunal cases.

Conciliators were perceived as particularly good at relaying proposals and offers to and from the employer or claimants' sides; 87 per cent of customers for whom this applied rated them as 'very' or 'fairly' good. While this is still very positive this represents a small decrease since 2005 when 92 per cent of customers rated conciliators as 'very' or 'fairly' good.

On the other six measures presented in Table 4.8 the majority of customers also rated the conciliator as at least 'fairly' good. Where comparisons are available on these measures there were no differences between the 2007 and 2005 surveys.

Conciliators were seen slightly less positively (although they were still viewed positively overall) in terms of helping customers to understand the strengths and weaknesses of the case (on both measures 10 per cent rated them as poor), helping customers to think through their options (nine per cent rated them as poor) and helping to consider the pros and cons of settling the case without going to full tribunal hearing (eight per cent rated them as poor).

Differences in perceptions of the conciliator

This section summarises significant differences in perceptions of the conciliator by customer type, and by period type (whether the case was short, standard or open).

As might be expected, unrepresented customers (claimants and employers) tended to be more positive about the conciliator than representatives in terms of how well they:

- Outlined the law as it applied to the case
- Explained tribunal procedures

Unrepresented customers and representatives rated the conciliator most highly in terms of how they relayed 'proposals and offers to and from the employer/claimant' (more than half of all customers rated the conciliator as 'very' good on this measure).

There are also differences in perception by case period - customers in short period cases rated the conciliator most highly in terms of how they:

- Outlined the law as it applied to the case
- Explained tribunal procedures

Customers in short and standard cases also rated their conciliator more highly than those in open cases in terms of how they:

- Helped them to understand both the strengths and weaknesses of the case
- Helped them to consider the pros and cons of settling the case without going to full tribunal hearing
- Helped them to think through the options

As elsewhere these differences should be treated with some caution – they are likely to be, in part, linked to representation. As discussed in Chapter 1, a relatively high proportion of representatives were involved in open period cases, and a relatively high proportion of unrepresented customers were involved in short and standard period cases.

4.5 Conciliator qualities

Participants were asked to indicate their perceptions of aspects of conciliator's personal qualities in terms of trustworthiness, interpersonal skills, knowledge, empathy and impartiality (see Table 4.9). Approximately 100-200 customers answered don't know to each of the items (between six and 15 per cent) - it is assumed that they did not have sufficient knowledge to rate the conciliator. The majority of customers were able to answer each of the questions.

Excluding those customers who answered 'don't know' – conciliators were perceived as being trustworthy (90 per cent agreed that this was the case), prepared to listen (87 per cent agreed) and knowledgeable (83 per cent). The majority also agreed that the conciliator understood both 'the circumstances of the case' and 'how the employer/claimant felt about the case'.

Although the majority of participants were very positive about the conciliators' behaviour, opinions are slightly less positive than in 2005. At the time of the previous survey customers were slightly more likely to agree that the conciliator was 'prepared to listen' (91 per cent) and 'trustworthy' (94 per cent).

Table 4.9 Perceptions of conciliator qualities
To what extent do you agree or disagree that the Acas conciliator...

	Bases *	Strongly agree	Tend to agree	Neither agree nor disagree	Disagree (net)
Was trustworthy	1525	58%	32%	9%	1%
Was prepared to listen	1551	53%	34%	9%	3%
Was knowledgeable	1472	43%	40%	14%	3%
Understood the circumstances of the case	1516	39%	40%	13%	7%
Understood how the employer/claimant felt about the case	1478	38%	38%	17%	8%
Took the claimant's side	1437	7%	7%	52%	33%
Took the employer's side	1404	5%	6%	56%	33%

*Bases: All who accepted assistance from Acas, and gave a response (other than don't know)

The results also suggest that most customers perceive conciliators as impartial. A small minority agreed that either the conciliator had taken the claimant's side (14 per cent) or the employer's side (11 per cent). In this respect there were no differences between the 2007 and 2005 surveys.

Differences in perceptions of the conciliator

Perceptions of the conciliator can be broken down by customer type and by case period. On most of these measures there was little or no difference by case period. However, customers in short and standard period cases were more likely than those in open period cases to agree that the conciliator took the claimant or employer's side. For example 24 per cent of customers in short cases felt the conciliator had taken the claimant's side and 14 per cent that the conciliator had taken the employer's side. This compared with nine and ten per cent respectively for customers in open period cases. These differences are important given that the Acas conciliation service needs to be seen as completely impartial and unbiased.

Similarly, differences in perception by customer type were minimal, although unrepresented customers (both employers and claimants) were more likely to 'strongly' agree than representatives that the conciliator was 'knowledgeable' and 'understood how the claimant / employer felt about the case'.

In contrast, representatives were more likely to 'strongly' agree that the conciliator was 'trustworthy' and 'was prepared to listen'. Representatives were also more likely to disagree that the conciliator had taken either the claimant or employer's side during the case.

4.6 Conciliator influence

The data presented below (Table 4.10) covers the extent to which participants felt that the conciliator was trying to unduly influence the case. As elsewhere in this section, the results in Table 4.10 exclude don't know responses.

Overall Acas conciliators were viewed as non-directive, with almost two-thirds (63 per cent) of customers indicating that the conciliator helped in the decision making process without unnecessary influence. The majority also disagreed that the conciliator had either 'tried too hard to influence me to settle the case' or 'didn't try hard enough to influence me to settle the case'. This suggests that in most cases the conciliators had found the right balance between helping customers reach a decision with a view to resolving the case and avoiding putting pressure on their customers.

<i>Table 4.10: Extent to which participants agreed...</i>					
<i>To what extent to you agree or disagree that the Acas conciliator...</i>					
	Bases *	Strongly agree	Tend to agree	Neither agree nor disagree	Disagree (net)
Helped me to make my decision without undue influence	1515	31%	32%	30%	7%
Tried too hard to influence me to settle the case	1498	4%	6%	38%	51%
Didn't try hard enough to influence me to settle the case	1470	2%	4%	43%	51%

Base: All who accepted assistance from Acas, and gave a response (other than don't know)

There had been little or no change in perceptions of conciliators on these measures since the time of the 2005 survey.

Customers in short period cases were more likely than customers in standard or open period cases to agree that the conciliator tried too hard to influence them or didn't try hard enough to influence them to settle. However, these differences were small and the majority of all customers regardless of the period disagreed that the conciliator had either tried too hard or not hard enough. Nearly two-thirds (63 per cent) of customers in each of the three groups also agreed that the conciliator helped them to make their decision without undue influence.

5. SATISFACTION WITH CONCILIATOR SERVICE

This section of the report details the participants' satisfaction with the service they received from Acas overall (i.e. taking into account all aspects of the service they had experienced). Overall, participants were satisfied with the service with eight in ten (81 per cent) giving a positive response.

5.1 Satisfaction with conciliation service

Table 5.1 below presents the data on overall customer satisfaction with the individual conciliation service received from Acas. Eight in ten (81 per cent) participants indicated that they were satisfied with the service and of these 28 per cent stated they were *extremely* satisfied and 30 per cent were *very* satisfied. No direct comparison with the 2005 survey is possible on this measure because of differences in the scale measurement (the 2005 survey used a five-point satisfaction scale rather than a seven-point scale). However, in 2005, 90 per cent of those who had accepted assistance from Acas said they were 'very' or 'fairly' satisfied. This suggests a slight overall decline in satisfaction since 2005.

<i>Table 5.1: Extent to which participants agreed...</i>	
Overall, how satisfied or dissatisfied were you with the service you received from Acas?	
	%
Extremely satisfied	28%
Very satisfied	30%
Fairly satisfied	23%
Neither satisfied nor dissatisfied	11%
Fairly dissatisfied	4%
Very dissatisfied	1%
Extremely dissatisfied	2%
Satisfied (net)	81%
Dissatisfied (net)	7%

Base: All who accepted assistance from Acas, n=1,648

Less than one in ten customers (seven per cent) were dissatisfied with the service to any degree, with a similar proportion (11 per cent) saying they were neither satisfied nor dissatisfied. Variations in overall satisfaction by customer type were limited although representatives were slightly more likely to be 'very' or 'extremely' satisfied with the service than unrepresented customers. There was no difference in levels of satisfaction between customers in short, standard and open cases.

Those who were dissatisfied with the service were asked why this was. The most common reasons for being dissatisfied were in relation to the availability of Acas staff: getting little or no assistance or help (24 per cent); receiving little or no contact from Acas (22 per cent); it being difficult to contact Acas staff (15 per cent). Other reasons were the attitude of the staff / them not being interested in the case (nine per cent) and; lack of communication / explanation (eight per cent)

5.2 Comparing the current service with previous years

The October 2004 Regulations introduced limits to the periods for which Acas has a statutory duty to conciliate in most cases. In light of the regulations, in March 2006, Acas also implemented differential service standards, so that a more streamlined approach was introduced for short period cases.

Representatives were asked to compare the service they received from Acas in this particular case, with similar cases they may have dealt with in previous years before the introduction of differential service standards. As many representatives would have worked on cases before and after the changes in regulation it was hoped that this would give an indication of whether the changes in policy and practice had resulted in any changes in perceived service.

Table 5.2 below indicates that over half (60 per cent) felt that the service was much the same, although 14 per cent felt that it was 'not as effective' with a further 12 per cent stating that the service was actually better. The remaining 14 per cent indicated that they didn't know. The period differences indicate that twice as many representatives in standard and open period cases than short period considered the service was better than before the differential service standards were introduced

How does the Acas service you received in this case compare with similar cases two years ago?	
	%
Better	12%
The same	60%
Not as effective	14%
Don't know	14%

Base: All representatives who were involved in cases two years ago (714)

Representatives were also asked to compare the service in the case with other similar cases they had been involved with in the previous year. As shown in Table 5.3 below, more than two thirds (69 per cent) of representatives stated that the service was 'the same', while one in ten (12 per cent) stated the Acas service was actually better and 9 per cent stated that it was 'not as effective'. This suggests that for the majority of representatives the service they receive from Acas is fairly consistent. Again, there was little variation by period.

Compared to other similar cases you have worked on in the last year, would you say the service Acas provided was?				
	Representatives	Period		
		Short	Standard	Open
<i>n</i> =	763	104	330	329
Better	12%	11%	12%	12%
The same	69%	64%	70%	68%
Not as effective	9%	6%	8%	12%
Don't know	10%	19%	10%	8%

Base: All representatives who were able to answer (excluding those for who Acas are not involved in the majority of cases), *n*=763

5.3 Drivers of satisfaction with the service

Key Driver (TABOO) analysis was carried out to inform Acas about what drives satisfaction with the service and what can be done that is most likely to increase satisfaction with the service. Full details of this analysis are available through Acas.

Satisfaction is most strongly associated with perceptions of the conciliator (which were discussed earlier in this chapter). These can be broken down into three main components:

- a) Conciliator behaviour – what the conciliator actually did during the case
- b) Conciliator qualities / skills – how did customers rate conciliator in terms of their professional and personal skills
- c) Conciliator influence and persuasion – did the conciliator strike the correct balance between trying to reach a settlement while remaining impartial

More specifically the six factors which are most strongly associated with high levels of satisfaction are:

- How **knowledgeable** the conciliator was perceived to be
- How good they were at **relaying proposals and offers to and from the employer/claimant side**
- The extent to which the conciliator **was prepared to listen**
- The extent to which the conciliator **understood the circumstances of the case**
- How **trustworthy** the conciliator was perceived to be
- The extent to which the conciliator **understood how the parties felt about the case**

In contrast, levels of satisfaction were only weakly associated with:

- Whether or not the customer had **any face to face contact with the conciliator during the case**
- **Perceived likelihood of success at the start of the case**
- **Perceived likelihood of resolving the case without the need for a tribunal hearing**

Other factors which are positively associated with overall satisfaction include:

- Level of agreement with 'Acas involvement helped speed up the resolution of the case'
- Level of agreement with 'Acas involvement was a factor in the decision to resolve the case'
- Whether customers felt they had enough contact with the conciliator
- Level of agreement that the 'Acas conciliator helped me make my decision without undue influence'
- Availability of the Acas conciliator during the case
- Satisfaction with the outcome of the case

As discussed earlier in this chapter, overall satisfaction with the service has decreased slightly since 2005. One explanation for this is a corresponding decrease in perceived availability of Acas conciliator. Whereas perceived availability of the conciliator has decreased between 2005 and 2008 there has been little change in other key drivers of satisfaction. Notably, customers' ratings of the conciliators' skills, qualities and behaviours have not changed substantially since 2005.

6. OUTCOMES

This section of the report summarises the outcomes of the cases which closed between April and June 2007 and looks at customers' attitudes towards the outcome of these cases. The findings here, as shown by other performance indicators elsewhere, are positive confirming that the conciliation service is successful in preventing a significant number of cases ever having to reach a full tribunal hearing.

6.1 Summary of outcomes

In half of cases (51 per cent) in this survey, a settlement was agreed through Acas and a further 16 per cent of cases were settled directly without Acas involvement.

Table 6.1: Summary of case outcomes

Which of the following statements best describes the outcome of the case?

	%
A settlement was agreed through Acas	51%
A private settlement was reached	16%
The claim was withdrawn with no settlement	10%
The claimant won at the tribunal hearing	10%
The employer won at the tribunal hearing	8%

Base: All participants, n=2,196

In total, around one in five of sample cases (18 per cent) ended with a tribunal hearing, with roughly half of these concluding in favour of the claimant and half in favour of the employer. In the remaining 10 per cent of cases, the claimant withdrew their claim with no settlement.

Conciliation also had a wider effect on employers' policies and working practices in a significant proportion of cases. Nearly half of employers (45 per cent) reported that since their experiences with Acas, they had updated or implemented new policies, procedures or practices within their organisation.

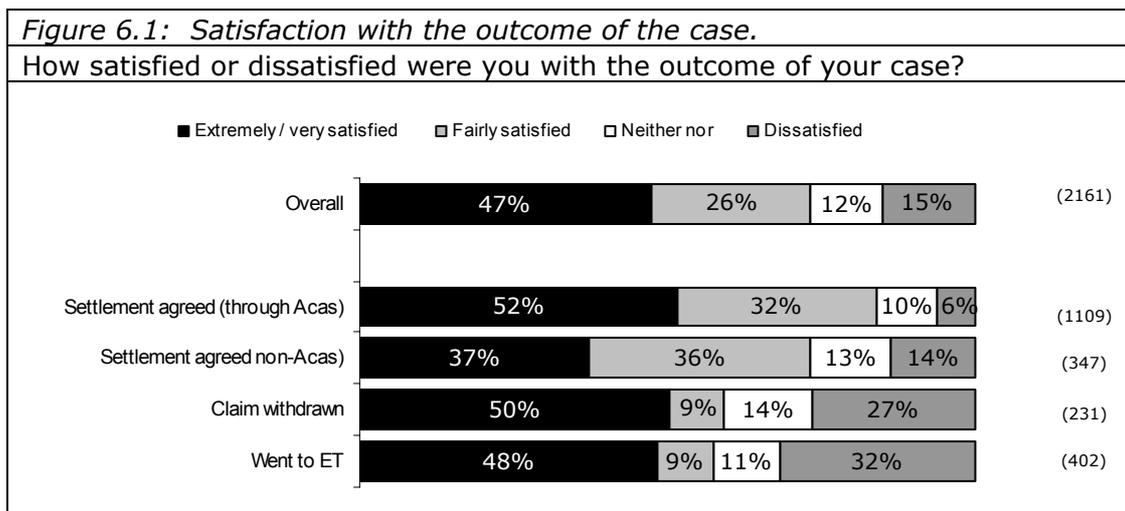
6.2 Satisfaction with the outcome of the case

As indicated in the table below, over two-thirds (72 per cent) of participants were satisfied with the outcome of their case; with around half (47 per cent) saying they were either 'very' or 'extremely' satisfied. Seventeen percent of participants stated they were dissatisfied overall.

How satisfied or dissatisfied were you with the outcome of the case?	
	%
Extremely satisfied	23%
Very satisfied	24%
Fairly satisfied	25%
Neither satisfied nor dissatisfied	11%
Fairly dissatisfied	5%
Very dissatisfied	4%
Extremely dissatisfied	7%
Satisfied (net)	69%
Dissatisfied (net)	17%

Base: All participants, n=2,196

Satisfaction was higher for cases where assistance from Acas had been accepted – 76 per cent of those customers were satisfied, compared with 61 per cent of customers who had not accepted assistance from Acas. This is key finding – suggesting that Acas involvement increases customer satisfaction with the outcome of the case.



Base: Overall figure: all participants excluding don't knows, n=2,161

By outcome: all participants excluding those who don't know the outcome, n=2089

As shown in Figure 6.1, satisfaction with the case outcome was also strongly linked to the actual outcome of the case. Customers were most likely to be satisfied if a settlement had been agreed through Acas, followed by those where the case was settled without the need for a hearing but not through Acas. Customers tended to be less satisfied with the outcome of the case if the claim had been withdrawn or if the case had gone to a full employment tribunal. This is further evidence that successful conciliation is very beneficial to the customer.

Satisfaction with outcome, however, also varies considerably by customer type. Representatives tended to be more satisfied than unrepresented customers. More than half (55 per cent) of representatives were satisfied with the outcome compared with 40 per cent of unrepresented customers.

6.3 Perception of Acas involvement in the case

The table below further demonstrates the perceived value of Acas conciliation. The findings show that Acas conciliators play a role in moving the case forwards, even when claims go to hearing. Sixty eight percent agreed that Acas involvement helped parties move toward resolving the case. Where cases were settled or withdrawn, nearly three-quarters (71 per cent) agreed that 'Acas involvement helped speed up the resolution of the case'. And nearly six in ten (59 per cent) also agreed that 'Acas involvement was a factor in the decision to resolve the case'.

Thirty nine per cent of participants whose case resulted in a withdrawal agreed that 'Acas involvement was a factor in the decision to resolve the case'. This suggests that in nearly half of all withdrawn cases, the involvement of the conciliator was a factor in the decision to withdraw the claim.

Table 6.3: Impact of Acas involvement

	Base *	Agree (net)	Neither agree nor disagree	Disagree (net)
Acas involvement helped move parties towards resolving the case	1,576¹	68%	20%	12%
Acas involvement helped speed up the resolution of the case	1,275²	71%	17%	12%
Acas involvement was a factor in the decision to resolve the case	1,217²	59%	23%	19%

¹ Base: All who accepted assistance from Acas and were able to answer the question (excludes don't know responses and non-response)

² Base: All who accepted assistance from Acas, whose case did not go to a tribunal hearing and were able to answer the question (excludes don't know responses and non-response)

7. CONCLUSIONS

Overall the findings from the survey are positive. Customer satisfaction with the individual conciliation service remains high although the proportion of customers who are satisfied with the service from Acas seems to have dropped slightly from 90 per cent in 2005 to 81 per cent at the time of the current survey. This represents a slight shortfall on Acas' target of 85 per cent customer satisfaction. However, the decrease should be treated with caution as the measurements for satisfaction were slightly different at the time of the two surveys.

While satisfaction levels may have decreased, the consensus among representatives (who have ongoing dealings with the conciliation service) is that overall the quality of the service provided by Acas is about the same as two years ago.

Customers are appreciative of the service offered and the conciliation staff who they have had contact with. Customers who accepted assistance from Acas tend to be more satisfied with the outcome of the case than those who chose not to accept an offer of assistance.

The individual conciliation service is effective in reducing the number of cases which result in a full tribunal hearing. These findings are reflective of Acas figures related to case resolution; in 2007/8, 75 per cent of potential tribunal hearing days were saved by successful outcomes within the conciliation window (53 per cent of short period case, 63 per cent of standard period cases and 85 per cent of open cases)⁷.

This is reflected in customers' perceptions of the impact that Acas had on the case; the majority agreeing that they 'helped move parties towards resolving the case' even when the case went to hearing.

Some suggestions for improvement were made. Notably, a high proportion of customers would like offers of assistance from Acas to be provided earlier in the process than is currently the case. A high proportion of customers would like an offer before having to submit an ET1.

⁷ *Acas Annual Report and Accounts 2007/8*

8 PROFILE OF PARTICIPANTS

This short section provides a breakdown of customers who took part in the survey. The section is divided into three parts: the profile of claimants; the profile of employers and the profile of representatives.

Profile of claimants

All participants were asked whether the claimant was male or female – all other questions about the claimant’s age, ethnicity, sexual orientation etc. were limited to unrepresented claimants. A breakdown of claimant’s involved in cases which closed between April and June 2007 is provided in Table 8.1.

The profile of claimants is similar to the British workforce overall in terms of gender; The Annual Population Survey (Quarterly data for April, May and June 2007) estimates that 54 per cent of people in employment are men and 46 per cent women. However, the profile of claimants is significantly older than the British workforce – some 14 per cent of people in employment are aged 16-24 and only three per cent are over retirement age (60 for women / 65 for men)

Around one in ten (nine percent) of the claimants interviewed were from a BME community with 90 per cent describing themselves as White. This suggests that the ethnic profile of claimants is similar to the wider working population. By comparison, The Annual Population Survey (2007) indicates that 92 percent of employees classify themselves as belonging to a white ethnic group (WERS (2004) puts this figure even higher at 94 per cent).

<i>Table 8.1: Profile of claimants</i>		
	Participants %	Working population ³ %
Gender ¹		
Male	53%	54%
Female	46%	46%
Age ²		
16-24	7%	14%
25-34	18%	21%
35-59	63%	61%
60+ (<i>for APS this is 65+ for males and 60+ for females</i>)	11%	4%
Ethnicity ²		
White	90%	92%
Black	5%	2%
Asian	4%	3%
Other	2%	3%
Long term illness, health problem or disability ²		
Yes	20%	-
No	80%	-
Religious belief ²		
Christian	68%	-
Muslim	4%	-
Jewish	1%	-
Buddhist	1%	-
Hindu	1%	-
Other	2%	-
None	17%	-
Sexual orientation ²		
Straight / heterosexual	89%	-
Gay, lesbian or homosexual	2%	-
Bisexual	-	-
Prefer not to say	9%	-

¹ Base: All participants (2,196)

² Base: All claimants, excluding those who did not answer / refused the question (624)

³ These figures are taken from the Annual Population Survey (2007) and are presented by way of comparison with the survey data

Profile of employers

Employers were asked a number of questions about the type of organisation they worked for and their own role within the organisation. Claimants were also asked to indicate whether the organisation they had claimed against operated in the private or public sector and the number of employees that the organisation employed. These questions were not asked of representatives. A breakdown of the employers that were involved in cases (that closed in April – June 2007) is provided in Table 8.2.

<i>Table 8.2: Profile of employers</i>	
	%
Sector ¹	
Private	67%
Public	21%
Voluntary / not-for-profit	4%
Not known	9%
Number of employees ¹	
Less than 10	24%
10-49	23%
50-99	10%
100-250	7%
251-500	5%
More than 500	25%
Not known	6%
Type of respondent within organisation ²	
HR / Personnel Manager	33%
Owner / proprietor	20%
Managing Director	17%
Other Director	13%
Solicitor / Lawyer	7%
Line Manager	3%
Other	7%

¹ Base: All employers and claimant (1,168)

² Base: All employers (495)

Profile of representatives

Representatives of employers and claimants were asked to indicate what type of organisation they worked for, how long they had been dealing with employment tribunal claims, the number of claims they had dealt with in the last year and whether they usually represented claimants or employers. The results from these questions are summarised in Table 8.3 below:

<i>Table 8.3: Profile of representatives</i>			
	All reps %	Claimant reps %	Employer reps %
<i>Type of organisation / representative</i>			
Solicitor / Lawyer / Barrister	65%	53%	79%
Employment consultant	9%	6%	11%
Trade Union officer	6%	12%	-
C.A.B. worker	6%	10%	-
Friend of relative of the claimant	6%	11%	-
Other advice worker	2%	3%	1%
Employment Association officer	1%	-	1%
Other	5%	3%	8%
<i>Number of employment tribunals in past year</i>			
Only 1	11%	16%	5%
2 – 10	38%	38%	37%
11 – 25	25%	21%	29%
26 – 50	14%	14%	13%
More than 50	13%	12%	15%
<i>Number of years dealt with tribunal cases</i>			
Less than 1 year	7%	10%	4%
1 – 5 years	30%	31%	29%
More than 5 years	62%	57%	67%
<i>Parties usually represent</i>			
Employers	40%	10%	73%
Claimants	31%	57%	3%
Either	24%	25%	23%
Never represented anyone before	5%	8%	1%

Base: All representatives (1,028)

TECHNICAL APPENDIX

Postal survey

The survey was conducted as a postal survey with two reminders, including one letter reminder and 'full-pack' reminder with a questionnaire. An additional email reminder was also sent to all customers whose email address was available. Four separate questionnaires were used; one for each of the customer groups. In cases where claimants and employers have not appointed a representative, the conciliator deals directly with these customer groups. Conversely, in cases where representatives have been appointed the conciliator works with the appointed party. Therefore questionnaires were either sent to claimants and employers themselves or to their appointed representatives.

Questionnaire design

A number of inputs were used to design the questionnaires. TNS met with the project team at Acas to discuss the broad objectives of the survey and to consider areas of enquiry. TNS also conducted a series of cognitive telephone interviews with customers and the findings were used to help design the questionnaire. The previous 2005 survey was used to ensure comparability of question wording and response categories for many of the questions.

Opt out letters and TNS helpline

All 6,000 customers who were selected for the survey received an opt-out invitation letter with the questionnaire. This included a helpline number which customers could call if they did not want to take part in the research. Those that contacted TNS were removed from the sample.

Sample design

The sample of Acas customers was taken from a database of cases which had closed between April and June 2007. The original sample file provided by Acas consisted on 25,342 customers who had been involved in 17,175 cases over this period (after duplicate cases had been removed by Acas).

An initial sample of 8,000 customers was selected using a stratified random selection method (stratifying by customer type, period type, office, clearance date and case jurisdiction). Before the start of fieldwork, all 8,000 cases were sent to regional offices to be checked / cleaned; staff at each office used manual records and electronic case notes to ensure that the sample data was correct in terms of:

- Contact details
- Whether either party was represented
- Case jurisdiction

At this stage, a small number of sensitive cases were removed, where it was felt it was not appropriate to contact a customers about the case (for example if a customer was known to be suffering from a long-term illness). One of the main purposes of the cleaning exercise was to ascertain whether the customer (either claimant or employer) were represented during the case. Where a representative was used, the questionnaire was sent to the representative rather than the customer directly.

Following the cleaning exercise a sub-sample of 6,000 cases was randomly selected. A degree of disproportionate sample was used at each stage of the selection process to ensure that the survey could provide robust survey estimates for each of the following groups:

- Customer type (claimant, employer, claimant representative and employer representative)
- Period type (short, standard and open)
- Acas Office (there are 12 regional offices)

Response

A total of 2,196 useable questionnaires were returned representing an overall response rate of 37 per cent. This is a respectable response for a postal survey and we can be confident that the survey findings are reliable. Table A.1 provides a breakdown of the achieved sample and response rate within each of the main sub-groups:

<i>Table A.1 : Breakdown of sample and response</i>			
	n	% of total	Response rate %
Total	2,196	100%	37%
Office			
Birmingham	152	7%	36%
Bristol	140	6%	41%
Bury St Edmunds	131	6%	40%
Cardiff	130	6%	39%
Fleet and Paddock Wood	144	7%	35%
Glasgow	348	16%	40%
Leeds	212	10%	37%
Liverpool	147	7%	34%
London	265	12%	32%
Manchester	207	9%	33%
Newcastle	174	8%	38%
Nottingham	144	7%	37%
Customer Type			
Claimant	673	31%	37%
Claimant representative	504	23%	41%
Employer	495	23%	31%
Employer representative	524	24%	39%
Period Type			
Short	595	27%	35%
Standard	931	42%	37%
Open	668	30%	37%

Base: All participants

Weighting

The results were weighted to correct for disproportionate sampling and differential response rates. The weighted results were then analysed by cross-tabulations. Rim weighting was applied to correct for any unequal probabilities of selection and also to compensate for any differential non-response across survey sub-groups.

The data was weighted to the proportions contained in the full sample file (of cases which had closed between April and June 2007). Weights were applied for customer type, period type and Acas office. The percentages of completed interviews before and after weighting are displayed in Table A.2.

	Completed interviews (unweighted)		Completed interviews (weighted)	
	n	%	n	%
Total	2,196	100%	2,196	100%
Office				
Birmingham	152	7%	175	8%
Bristol	140	6%	173	8%
Bury St Edmunds	131	6%	155	7%
Cardiff	131	6%	118	5%
Fleet and Paddock Wood	144	7%	197	9%
Glasgow	348	16%	214	10%
Leeds	212	10%	183	8%
Liverpool	147	7%	139	6%
London	265	12%	278	13%
Manchester	208	9%	184	8%
Newcastle	174	8%	185	8%
Nottingham	144	7%	194	9%
Customer Type				
Claimant	674	31%	538	24%
Claimant representative	504	23%	582	27%
Employer	494	23%	559	25%
Employer representative	524	24%	517	24%
Period Type				
Short	597	27%	526	24%
Standard	931	42%	1098	50%
Open	668	30%	572	26%

