

Acas wide survey 2004 – Individual Conciliation Customers
Summary report of research findings

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Introduction

The Advisory Conciliation and Arbitration Service (Acas) has a statutory duty to provide conciliation in Employment Tribunal Applications with the aim of resolving the dispute without the need of a full hearing. Acas Research and Evaluation Section regularly monitor parties' and representatives' opinions about the conciliation service they receive through its annual Acas-wide customer survey. In 2004, BMRB Social Research was commissioned to conduct the survey, collecting feedback from nearly 900 users of the service. This report sets out the key findings from the survey. Full results for each question asked of parties and representatives can be found on the data tables on the Acas Intranet.

1. Profile of Survey Respondents

In Employment Tribunal Applications the Acas conciliator deals directly with applicants and employers who do not have representatives. In cases where representatives have been appointed, the conciliator deals with representatives not the parties. Therefore, questionnaires are mailed out to unrepresented parties or directly to representatives acting on behalf of parties as appropriate. The sample of respondents was fairly evenly divided into four customer types as shown in Table 1:

Table 1: Profile of Respondents	Total %
Applicants:	21 per cent
Applicant representatives:	30 per cent
Employers:	24 per cent
Employer representatives:	25 per cent

2.1 Applicant and employer profiles

- Sixty per cent of the applicants were male and 40 per cent were female whilst men and women are found in equal proportions in the workforce as a whole¹.
- Nearly half (47 per cent) of applicants were aged 41-60; 40 per cent were aged 22-40. Just 8 per cent were aged over 60 and 5 per cent were aged 21 or under².

1 All comparisons based on the Autumn 2003 Labour Force Survey unless otherwise stated

2 The age bands used in the LFS are different from those used in this survey so it is difficult to assess whether there is an imbalance by age. For information, the LFS estimates that 6 per cent of the labour force are under the age of 20, 10 per cent are aged between 20 and 24; 23 per cent are 25-34; 26 per cent are 35-44; 21 per cent are 45-54; 12 per cent are 55-64, and 1 per cent are aged 65 and over.

- Most applicants' ethnic group was 'white' (92 per cent), which generally reflects the ethnic composition of the working population (94 per cent being white; 6 per cent being from another ethnic group). Similarly, 94 per cent of employers were 'white' with 6 per cent indicating they were from another ethnic group.
- The majority of unrepresented applicants reported that they were the main contact with Acas (84 per cent).
- The majority of organisations against whom the claim was made were in the private sector (71 per cent), 15 per cent were in the public sector and 3 per cent were in the voluntary sector (5 per cent 'did not know').
- A quarter of claims (25 per cent) were brought against organisations employing over 500 people; around one per cent of organisations in the UK are of this size and employ around 53 per cent of the UK workforce³. Just under half of all claims (47 per cent) were made against small organisations (employing less than 50 people) which make up 97 per cent of all organisations with employees in the UK and employ around 29 per cent of the UK workforce.
- Claims were handled by a wide range of individuals acting on behalf of the employer. A third (35 per cent) were handled by a personnel manager while a fifth of claims (21 per cent) were dealt with by the owner/proprietor. Thirteen per cent of claims were dealt with by the managing director; a further 12 per cent were dealt with by a solicitor/lawyer/barrister, 11 per cent by another director and 3 per cent by a line manager (4 per cent 'other').

2.2 Profile of representatives

- Of the applicants' representatives responding to the survey, half were solicitors, lawyers or barristers (47 per cent), a further 19 per cent were Trade Union representatives and 12 per cent were from the Citizens Advice Bureau. The remainder were from welfare agencies, or were friends or employment consultants. In contrast, a greater proportion of employers' representatives were solicitors, lawyers or barristers (78 per cent). A

³ SBS Analysis & Statistics: Distribution of workplaces/enterprises by size in the UK

further one in eight (12 per cent) were employment consultants and 4 per cent were from Employers' Associations.

- Around half of all representatives had been dealing with employment tribunal claims for over five years (57 per cent of applicants' representatives and 53 per cent of employers' representatives).
- Representatives were also asked how many claims they had dealt with in the last year. Forty seven per cent of employers' representatives and 39 per cent of applicants' representatives had handled over 25 employment claims in the last year.
- Representatives tend to specialise in either working for the employer or the applicant. Of the employers' representatives, 68 per cent usually represented respondents in employment tribunal claims, and 65 per cent of applicants' representatives reported they usually acted for the applicant.

3. Case outcome

Customers were asked to describe the final outcome of the case, the results are as follows:

- A settlement was agreed through Acas : 47 per cent
- Claim was withdrawn : 14 per cent
- A settlement was agreed through representatives : 11 per cent
- Employer won at the tribunal hearing: 9 per cent
- Employee won at the tribunal hearing: 8 per cent
- Settlement agreed directly : 6 per cent
- Employer won at arbitration: 2 per cent
- Employee won at arbitration : 1 per cent

In the 2004 survey around a fifth of parties did not take up Acas conciliation. Acas involvement has an impact on customer's satisfaction with the outcome of the case. Where Acas was involved in the case, 77 per cent of customers were either satisfied or very satisfied with the outcome, compared with 56 per cent where Acas was not involved in the case.

Also where Acas was involved in the case, 10 per cent of customers were dissatisfied or very dissatisfied with the outcome compared with 26 per cent where Acas was not involved in the case. See Table 2.

Table 2: Satisfaction with the outcome of case where Acas was and was not involved		
Base: 698	Acas was involved Total %	Acas was not involved Total %
Satisfied or Very satisfied	77	56
Neither satisfied nor dissatisfied	10	14
Dissatisfied or Very dissatisfied	10	26
Don't know or Not stated	3	4

Previous research shows that satisfaction with the outcome is also different for each type of customer. Unrepresented parties tend to be less positive than representatives. As table 4 shows, this was also found to be the case in this year's survey.

Table 3: Satisfaction with the outcome of the case for each type of customer					
Base: All respondents (896)	Total (896) %	Applicants (185) %	Employers (213) %	Applicants' reps (272) %	Employers' reps (226) %
Very satisfied	35	29	31	38	40
Quite Satisfied	36	29	29	41	42
Neither/nor	10	12	14	8	10
Quite Dissatisfied	5	8	8	4	2
Very dissatisfied	7	16	11	4	2
Not stated /DK	7	7	6	4	4

4. Overall satisfaction with the Service provided in ET cases

Eighty four per cent of customers reported overall satisfaction with the service received from Acas.

Table 4: Overall, how satisfied were you with the service you received from Acas in this case?	All customers %
Very satisfied	50
Satisfied	34
Neither satisfied nor dissatisfied	8
Dissatisfied	2
Very dissatisfied	2

Base: 698

As with satisfaction with the outcome of the case, overall satisfaction varies by customer type with unrepresented parties showing less satisfaction than representatives. The proportions of each customer type reporting either being very satisfied or satisfied were:

- Applicants : 78 per cent
- Employers : 73 per cent
- Applicant representatives : 90 per cent
- Employer representatives : 89 per cent

5. Accessibility

The majority of customers reported that they had received the Acas introductory letter after the employment tribunal application had been submitted (87 per cent). In 78 per cent of cases Acas had become involved in the process of conciliation between parties. This year's survey aimed to throw some light on why Acas had not become involved in the case; the reasons given are shown in Table 5.

Table 5: Why Acas didn't become involved in the case	
Base: Acas was not involved (156)	Total %
The employer was not interested in conciliation	33
The employee was not interested in conciliation	16
Claim was resolved	8
Claim was withdrawn	7
Negotiation was between representatives	2
Other	29

The conciliator initiated contact with parties and representatives in three fifths of cases (62 per cent). Twelve per cent of customers couldn't recall, or didn't state who made contact first and the remainder reported initiating contact with Acas (26 per cent).

In those instances where the conciliator had initiated contact, respondents were asked whether they felt the timing of their first contact with the Acas conciliator was appropriate. Nearly all customers (94 per cent) felt the timing was about right.

The majority of customers reported that the conciliator was always or usually available (85 per cent). This remains consistent with the feedback from customers responding to the 2003 survey.

6. Quality of Service

In measuring quality, the survey considered the wide variety of functions associated with the conciliation role, as well as the overall manner and behaviour of the conciliator.

The majority of customers responding to the survey agreed that the conciliator:

- Was courteous: 93 per cent
- Was prepared to listen: 86 per cent
- Was trustworthy: 83 per cent
- Understood the circumstances of the case: 79 per cent
- Was knowledgeable: 78 per cent

There was a new question this year which tried to gain parties' views regarding the impartiality of the conciliator in dealing with the case, only 6 per cent agreed that the conciliator tried too hard to influence the parties to settle the case and only 4 per cent agreed that the conciliator didn't try hard enough to influence them to settle the case. By far the majority (60 per cent) agreed that the conciliator helped the party make a decision without undue influence.

Conciliators provide a wide variety of functions which are tailored to suit the parties or representatives involved in the case. Where representatives have been appointed the conciliation role is different to that in cases where parties are unrepresented. Unrepresented parties tend to use the full spectrum of functions and therefore the analysis will be restricted to the feedback they have given regarding the conciliation role. As can be seen from Table 6 the majority of unrepresented parties were positive about the conciliator who dealt with the case, with the majority rating conciliators as being good or very good at each conciliation function.

Table 6 - Unrepresented parties' rating each conciliation function as good or very good: Cell %	
Passing messages between sides	74
Outlining the law	61
Explaining tribunal procedures	62
Helping to consider the pros and cons of settling the case without going to tribunal	52
Understand strengths and weaknesses of the case:	54
Helping to think through options:	54

7. Value of the Service

Customers were asked to give an opinion on the impact of Acas involvement on the outcome of the case. Sixty one per cent agreed that Acas involvement helped speed up the resolution of the case and 60 per cent agreed that it helped move parties closer towards resolving the case.

A new question was asked in the 2004 survey to assess what impact Acas involvement had on the final outcome of the case. Fifty one per cent agreed that Acas involvement did have an impact on the final outcome of the case. This varied according to the outcome, as Table 7 shows:

Table 7: Acas involvement had an impact on the final outcome of the case Row %				
Base: All cases where Acas was involved	Agree	Neither agree nor disagree	Disagree	Don't Know
Acas Settled	66	19	9	3
Withdrawn	43	18	23	9
Settled privately between parties	33	16	39	6
Settled between representatives	36	40	15	5
Employee won at tribunal	13	31	50	-
Employer won at tribunal	4	30	58	4

8. Written procedures

The following table shows that three in ten customers (29 per cent) reported that the organisation did have written procedures for dealing with individual employment rights disputes. Of those stating that the employer had written procedures for dealing with individual employment rights disputes, 72 per cent reported that these had been used in this case.

Base: All respondents (896)	Total (896) %	Applicants (185) %	Employers (213) %	Applicants' representatives (272) %	Employers' representatives (226) %
Yes	29	10	38	34	30
No	38	24	44	36	45
Not stated /DK	33	66	18	29	24

However considerably fewer applicants reported the existence of written procedures than employers and representatives. Applicants were also much more likely to say they didn't know about written procedures than employers or representatives. This is similar to the findings from SETA 2003 where 41 per cent of applicants said the organisation had written disciplinary and grievance procedures compared with 84 per cent of employers.

9. Conclusion

Acas continues to provide a high level of service to parties and representatives involved in employment tribunal applications. As with previous years parties and representatives give very positive feedback about the help they receive from Acas. This year it was possible to obtain a better measure of the contribution Acas makes in resolving disputes. In over half of all cases customers agreed that Acas involvement had an impact on the final outcome of the case, rising to two thirds of customers in Acas settled cases.

Unrepresented parties continue to report that they receive the benefits of the full range of conciliation functions. The majority of parties reported that the conciliator was good at passing messages between both sides, outlining the law in relation to the case, helping them think through their options, explaining the tribunal procedures, helping them to consider the pros and cons of settling the case and exploring the

strengths and weakness of the case.

Parties and representatives continue to give overwhelmingly positive feedback about the attitude and conduct of conciliators. The vast majority agreed that the conciliator was courteous, prepared to listen, understood the circumstance of the case, and were knowledgeable. They also agreed that conciliators conducted their duties with impartiality, with the majority reporting that the conciliator helped them to make decisions without pressure.

Acas continues to maintain high levels of availability, with the majority of customers reporting that the conciliator was usually or always available when needed; this remains consistent with previous surveys. As in previous surveys, a consistent minority of parties and representatives reported that Acas had not become involved in the case. This year parties were asked why they had not taken up conciliation and this was largely explained because the other party was not interested in conciliation.

Acas therefore continues to provide a valuable and effective service to parties in employment tribunal cases.

For any further information on this study, or other aspects of the Acas Research and Evaluation programme, please telephone 020 7210 3926 or email research@acas.org.uk.

Acas research publications can be found at
<http://www.acas.org.uk/index.aspx?articleid=405>

Annex

Methodology and Response Rates

A random sample of employers, applicants, employer representatives and applicant representatives was drawn from the Acas Individual Conciliation management database, which contains information on all cases dealt with in each Acas region. The contact details for each party and representative was verified by the conciliator who had dealt with the case.

A short self-completion questionnaire was sent to 1,683 customers: 421 were sent to Applicants, 444 were sent to Employers, 419 were sent to Applicants' representatives and 399 were sent to Employers' representatives.

157 people were subsequently taken out of the survey because they had left the organisation or were not known at the address supplied, resulting in a final base size of 1,526. From these, a total of 896 questionnaires were returned giving an overall response rate of 59 per cent. The response rates for each of the 4 different groups were as follows:

Applicants: 44 per cent

Employers: 48 per cent

Applicants' representatives: 65 per cent

Employers' representatives: 57 per cent

The data was entered into a Statistical Package for Social Scientists for analysis.

