

## **Timing of contact in wages protection and breach of contract cases - Scottish project**

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Margaret Fox  
Acas Research and Evaluation Section

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## Foreword From Acas Scotland

The question of what is the effect on the conciliation process, if any, of the timing of first contact with the parties to Employment tribunal cases, has long been a matter of debate in Acas. Various approaches have their adherents among Conciliators, and those who espouse opposing views on the subject often achieve similar outcomes - at least as far as can be measured by the narrow criterion of PCR. Without the benefit of structured research on the subject, however, it has been impossible to gauge the broader impact of different contact practices. This report describes a project which we have undertaken in Acas Scotland to fill some important aspect of that gap in our knowledge.

The project has its origins in an initiative carried out by one Conciliator who, with the agreement and support of line management, adopted a policy of early contact and vigorous follow-up in Wages Protection and Breach of Contract cases. He achieved a high success rate in resolving these cases, and found that a larger than usual proportion of the employers concerned were also interested in attending our Small Business Seminars. Following discussion with the full conciliation team, we ran a pilot to assess whether these results were replicable by others adopting the same policy. The evidence appeared inconclusive, and in dialogue with the conciliators we identified a need to improve and broaden the information gathering and evaluation processes. We therefore agreed to approach the Acas Head Office Research & Evaluation Part for advice and assistance both in designing the way we should record and assess the relevant "hard" information, and in obtaining customer feedback.

The Research and Evaluation team worked closely with us to develop a more comprehensive evaluation process, and we then initiated a new phase of the pilot exercise to gather and record a wider range of data. As this report shows, that approach has paid off. We now have reliable evidence to show that timing of contact is indeed associated with distinct patterns in matters such as the duration of cases, levels of representation, employers' propensity to use other Acas services and customer perceptions of the conciliation process.

This project started as a local initiative with the prime purpose of helping us evaluate and develop conciliation practice in Acas Scotland. For that reason alone, it was important enough to warrant the resources invested in the pilot. However, the issues concerned have become all the more important in the light of the current legislative changes which will limit the duration of Acas' statutory duty to conciliate. Through Research and Evaluation, the project has also played an essential part in the development of Acas-wide understanding of variations in conciliation practices and represented a valuable - and much valued - contribution to conciliation work nationally.

Managers in Scotland are grateful to all those who agreed to take part, and we know this appreciation is shared by our colleagues in Research and Evaluation, Programmes and Operations Branches at Head Office.

## **Executive Summary**

### **Introduction**

- A pilot project was set up to evaluate the impact of the timing of contact with customers involved in wage protection and/or breach of contract employment tribunal applications in Scotland. Fifteen conciliators agreed to take part in the pilot. The conciliators were evenly divided into three groups. The conciliators in two groups were asked to make contact with customers at two different stages in the conciliation process; group one was asked to make contact soon after receipt of the IT1 form (the application form) and group 2 were asked to make contact after receipt of the IT3 (the response from the employer). The third group of conciliators were instructed to deal with their caseload in the usual way. Conciliators agreed to record all the details of contacts with customers. The data was analysed to look at the impact of timing of contact on the outcome of the case, the duration of the case and the amount of time spent dealing with cases. It was also analysed to assess whether there was any difference in the original positions of employers and the propensity of parties to seek representation. Finally it was examined to see if there were any differences in the levels of referrals to Small Business Seminars (SBS) depending upon the timing of contact. A survey of customers involved in the experiment was carried out to gather feedback about levels of satisfaction, timing of contact, and the impact of Acas involvement on the outcome of the case.

### **Findings from the experiment**

- The analysis shows that the timing of contact had a small impact on the outcome and duration of the case, with cases being less likely to proceed to a full hearing where contact was made soon after the receipt of the IT1 (24 per cent) than when contact was made after receipt of the IT3 (27 per cent). Cases in the business as usual group were far more likely than those in the two experimental groups to proceed to a tribunal hearing (37 per cent).
- Cases were resolved much earlier in the conciliation process where contact was made soon after receipt of the IT1, than where contact was made after receipt of the IT3 (on average the former were resolved within 83 days and the latter within 111 days). Cases in the business as usual group had the longest duration (129 days).
- The amount of time spent dealing with cases varied depending upon when first contact was made with customers. On average conciliators in the IT1 start group spent 69 minutes in direct contact with customers, whereas conciliators in the IT3 start group spent 79 minutes with customers. Conciliators in the business as usual group spent the most time dealing with customers (104 minutes).
- The timing of first contact had some impact on the effectiveness of conciliation. The original position of employers and applicants did not differ greatly depending on the timing of first contact. The majority of employers and applicants were willing to consider settling the case to some degree. However, a greater proportion of applicants than employers were willing to consider settling the case, and the differences were magnified when contact was made with customers soon after receipt of the IT1.
- Patterns of representation within cases in each start group varied depending upon the timing of first contact. Representatives were far more likely to be involved in

cases where contact was made after receipt of the IT3. The business as usual group comprised the greatest proportion of cases where both parties were represented and the smallest proportion of cases where both parties were unrepresented.

- Employers were more likely to agree to attend a workshop if contact was made soon after the receipt of the IT1 than if contact was made after receipt of the IT3 (6 per cent compared to 2 per cent). Also, employers were more likely to agree to a workshop if the case was settled via Acas conciliation and if the employer was unrepresented. Employers in cases in the business as usual group were as likely as those in the IT1 start group to be referred to an SBS (6 per cent).

### **Customer feedback**

- Generally, the timing of contact was perceived to be about right for the vast majority of customers. A small minority of customers in the IT1 start group reported that the conciliator made contact too soon (5 per cent).
- There was very little difference between the levels of satisfaction reported by customers in each group. However, it was found that customers in the IT1 start group were more likely than those in the IT3 start group to report being very satisfied with the service they received (56 per cent compared to 52 per cent), but a larger proportion of customers in the IT3 start group than those in the IT1 start group reported being satisfied (39 per cent compared to 28 per cent).
- Focusing solely on those customers who felt each conciliation function was relevant in their case, customers in the IT1 start group were more positive than those in the IT3 start group about the conciliation functions carried out by the conciliator, with greater proportions stating that the conciliator was very good or good at helping them think through their options (80 per cent compared to 61 per cent), taking the heat out of the situation (70 per cent compared to 65 per cent), and helping them to consider the pro and cons of settling the case (80 per cent compared to 73 per cent). However, customers in the IT3 start group were more likely than those in the IT1 start group to give positive ratings about the conciliator's ability to help them understand the strengths and weaknesses of the case (89 per cent compared to 64 per cent).
- Customers in both groups gave overwhelmingly positive feedback about the attributes and conduct of conciliators, although customers in the IT1 group were a little more sceptical than those in the IT3 start group about the impartiality of the conciliator, with a greater proportion of the former stating that the conciliator tried too hard to persuade them to settle the case (12 per cent compared to 8 per cent), took the applicant's side (14 per cent compared to 5 per cent), and took the employer's side (9 per cent compared to 3 per cent). However, a greater proportion of customers in the IT3 start group felt that the conciliator was trustworthy (79 per cent compared to 72 per cent).
- Just under half of the customers in each group said that Acas involvement had directly influenced the outcome of the case. There were mixed opinions between customers in each group concerning the impact of Acas involvement on the extent to which Acas involvement brought parties closer toward reaching a resolution and speeding up the resolution of the case. While more customers in the IT3 start group than those in the IT1 start group agreed that Acas involvement brought parties closer towards reaching a resolution (69 per cent compared to 62 per cent), a greater proportion of customers in the IT1 start group reported that Acas involvement speeded up the resolution of the case (76 per cent compared to 59 per cent). Customers in the IT1 start group were consistently more likely to be neutral or negative about the impact of Acas involvement on the outcome of the case.

## **Acknowledgments**

Sincere thanks go to all those in Acas Scotland who contributed to this project. Without their co-operation and diligence it would not have been possible. I would also like to extend my gratitude to Chris Reid of Head office Operational Policy Branch for her help, support and guidance throughout.

Margaret Fox

## Part 1

### 1. Introduction

In Acas there is a wide spectrum of strategies for managing Employment Tribunal Application caseloads (known within Acas as Individual Conciliation (IC) caseloads). Central to these strategies is the timing of first contact with customers. At one end of the spectrum there is a firm belief that early contact with customers is more efficient as it increases the chance of securing a resolution to the case without recourse to a tribunal hearing. Some conciliators believe that early contact enables conciliators to 'nip the dispute in the bud' before parties become entrenched in their positions, or before representatives get involved. Some conciliators believe that early contact with employers can contribute towards the promotion of good practice in the workplace as it enhances their opportunity to recommend the use of other Acas services. These conciliators generally prefer to make contact with parties as soon as the application (IT1) is received at Acas.

At the other end of the spectrum, there are conciliators who believe that contact should not be made until later in the case when both parties have had time to consider the case, and in particular the employer has had a chance to respond to the application. This is believed to be more effective because the conciliator can analyse the case more fully, taking on board both sides of the dispute. Some conciliators also believe that contact should be avoided until after receipt of the employers response (the IT3), to ensure that the employers response is not contaminated. Making contact at a later point in the case can enable the conciliator to develop a strategy for dealing with the dispute before approaching parties or their representatives.

Currently, Acas conciliators and their managers have complete discretion over the management of IC caseloads. However, time limits for conciliation have been imposed on Acas with the enforcement of the Employment Act 2002. This legislation provides for the introduction of a limited period of conciliation in ET applications, and for that period to be shorter in respect of some jurisdictions designated as "fast track". At the end of the limited period Acas' current statutory duty to conciliate will become a "power" i.e. conciliators will use their discretion to conciliate in cases which have not been resolved within the fixed time limit, but only in exceptional circumstance. For instance if there is clear evidence of mitigating circumstances which prevented resolution within the time limit set out in the legislation<sup>1</sup>.

Case management had been the topic of debate within Acas long before this legislation existed. Acas Scotland forged the way for evaluating IC case management by conducting local experiments and monitoring the effects of changing practices in initiating contact with customers. These experiments lead to the development of a formal evaluation of the impact of the timing of contact in Wages protection and breach of contract cases. This report presents the findings from the evaluation.

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<sup>1</sup> NB. there will be tight guidelines for exercising the power to avoid conciliators being compromised by parties, as far as possible

## **Aims and Objectives**

The main aim of the project is to evaluate the impact of the timing of contact between conciliators and parties to wages protection and breach of contract tribunal applications. The impacts measured are based on the costs of Employment Tribunal cases to the Employment Tribunal Service (ETS), Acas and parties. Arguably, the costs to the ETS may be reduced if more cases are resolved before proceeding to a full tribunal and if they are resolved early in the process, before hearings are set or before ET panel members are booked. The amount of time conciliators spend dealing with cases might be associated with the timing of first contact, and therefore with costs for Acas. The timing of contact might be associated with costs to parties in terms of seeking representation.

The evaluation, therefore, had several objectives. The primary objectives were to:

- a assess whether the timing of first contact with parties to wages protection and breach of contract cases has any effect on the outcome of the case.
- b assess whether the timing of first contact has any impact on the duration of the case and the amount of time spent dealing with a case.
- c. assess whether timing of first contact has an impact on the level of representation in cases.
- d. assess whether there are any differences in the likelihood of conciliators making a referral to Acas Small Business Seminars depending on the timing of first contact.
- e. assess whether customer satisfaction differs depending upon the timing of first contact with parties and representatives.

The secondary objective was to assess whether there was any difference in the original positions of parties depending on the timing of first contact

## **Structure of the project and paper**

The project has been organised in two phases. The first four primary objectives and the secondary objectives were addressed in phase one and the fifth objective was addressed in the second phase.

The first phase was an experimental exercise with conciliators initiating contact with customers at different stages in the conciliation process. The second phase was a survey of a sample of customers involved in cases included in the first phase of the project

The report is presented in 3 Parts. Part 1 relates to the findings from the experiment; part two to customer feedback; and part three is a concluding section.



## 2. Collection of data and case allocation

Fifteen conciliators from Acas Scotland took part in the project. They were divided evenly into three groups. Two groups contained conciliators who had different and distinct methods of managing their caseloads. Group 1 comprised conciliators who managed their caseload by making contact with customers as soon as they received the Employment Tribunal application from the Regional Employment Tribunal Office (that is the IT1 form) and Group 2 comprised conciliators who generally practiced making contact after the receipt of the employer's response to the application (i.e. when the IT3 form was received at Acas). Group 3 was the control group, which contained conciliators who either began contact after receipt of the IT1 or receipt of the IT3. In this pilot (unlike the earlier experiment) the members of the control group were aware that they were taking part in the project. Group 1 was named the 'IT1 start group', Group 2 was named the 'IT3 start group' and Group 3 was named the 'business as usual group'. The conciliators in each experimental group were asked to adhere to a strict routine of either making contact immediately after receipt of the IT1 or after receipt of the IT3, and conciliators in the control group were asked to continue business as usual.

Conciliators were asked to record information about the case and about contact with the customers on two separate sheets - a "*Record Sheet*" and a "*Contact Sheet*" (See Annex 1). Where the conciliator made first contact, they were asked to record who they made first contact with and the date they made that contact. Conciliators were also asked to describe the original position of the parties. Finally, conciliators were asked some questions about the outcome of the case and given some space to add any further comments about the conciliation process and to give any additional information about parties and representatives (for instance, where no contact was made, why not; whether or not the employer was insolvent etc).

The *Contact Sheet*, was used to collect details about all of the contacts which took place throughout the life time of the case. Conciliators were asked to record the date each contact was made, who the contact was with, the method of contact, and the approximate amount of time spent in direct contact with customers. Conciliators were not asked to assess how much time they spent on the case, other than in direct communication with customers.

The project period began on Monday 6<sup>th</sup> November 2000 and ran for six months, covering all cases relating solely to wages protection issues and or breach of contract. The period ended on Friday 4<sup>th</sup> May 2001. Inevitably there was some "run on" beyond that date until cases were completed, with the project finally closing in November 2001. A total of 511 cases were allocated during the experimental phase and 472 had reached a conclusion by the time the experiment was closed, either via an Acas settlement, withdrawal or had proceeded to a full tribunal hearing. The remainder had not reached a conclusion within the time scale of the experiment. Cases were allocated to conciliators in each group in the normal way; i.e. as soon as the IT1 was received at Acas Scotland. There was no special effort to ensure that the same number of cases were allocated to each group. Table 2.1 shows how the cases were allocated across the three groups involved in the project and the number of cases completed and returned for analysis.

Table 2.1 Case allocation and return rate

Group	(Percentage within each group)		Row %
	Total cases allocated	Returned Cases with an Outcome	Cases with no outcome
IT1 Start	220 (100%)	203 (92%)	17 (8%)
IT3 Start	160 (100%)	145 (91%)	15 (9%)
Business as usual	131 (100%)	124 (95%)	7 (5%)
Total	511 (100%)	472 (93%)	39 (7%)

Base: 421

The IT1 start group were allocated more cases than both the IT3 start group and the business as usual group during the experiment. As the distribution of cases was uneven across the three groups the data was weighted to ensure that the answers given by each group carried an equal weight when the data was analysed for the sample as a whole.

Conciliators were asked to identify any cases where the experiment was influenced by a party or representative initiating first contact. This occurred in around a third of all cases included in the project, but varied in proportion of the samples of cases in each group. Table 2.2 shows the proportion of cases where contact was made by customers in each group.

Table 2.2 Customers making first contact with Acas

Group	% of cases
IT1 Start	9
IT3 Start	56
Business as usual	49

Base: 421

In just over half of the cases in the IT3 start group, first contact was initiated by customers, compared to under 10 per cent of those in the IT1 start group. Just under half of the contacts in the business as usual group were initiated by parties and representatives. Previous research has shown that the outcome of the case varies depending on who initiates contact, with cases being more likely to be settled or withdrawn where customers initiate contact with Acas. Therefore, this was taken into account throughout the analysis. The findings are therefore presented in two ways. To illustrate the impact of the timing of first contact with customers, the analysis will exclude all cases where the customers initiated contact with Acas. Then, to illustrate the impact of the two strategies for managing IC caseloads, the analysis will be repeated on all of the cases, including those where customers initiate contact (each table is reproduced and can be seen in Annex 2). At all stages of analysis the findings for the sample as a whole and for each of the three groups will be presented.

The data from the record sheets and contacts sheet were entered into an electronic spreadsheet and analysed using the Statistical Package for Social Scientists (SPSS).

### 3 Findings

The findings Part is divided into 7 sub-Parts, examining the impact of timing of contact, on the outcome of the case, the duration of the case, the time spent dealing directly with representatives and parties, the original position of the parties and their propensity to negotiate, the patterns of representation within cases, and the likelihood of making a referral to an Small Business Seminar (SBS).

#### 3.1 Outcome of the case

As was mentioned above, this evaluation set out to assess whether the timing of first contact would have any impact on the outcome of the case. Table 3.1 sets out the outcome of all cases in which the conciliator made first contact with customers and the outcome for cases in each group separately.

Table 3.1 Outcome of the case.

Group	(Percentage within each group)		Row %
	Settled Through Acas	Withdrawn/Privatey settled	ET Result
IT1 Start	39	37	24
IT3 Start	37	36	27
Business as usual	40	23	37
Overall	39	33	29

Base: 255 cases in which the conciliator initiated contact (weighted)

This table shows that the outcomes of cases in each group differed slightly. Just under two fifths of cases in each group were settled via Acas conciliation. Just over a third of cases in the IT1 and IT3 start groups were withdrawn, and around one fifth proceeded to a full hearing. Cases in the business as usual group were far more likely than those in the other two groups to proceed to a full hearing. This was due to the smaller proportion of cases being withdrawn in the business as usual group.

The outcome was examined again, including cases in which the customer initiated contact with Acas, and the results remained the same, with the exception that the percentage of cases settling in the IT3 group increased slightly (to 42 per cent) and the percentage of cases being withdrawn decreased (to 32 per cent). The percentage of cases proceeding to a full tribunal hearing remained the same in each group.

<sup>2</sup>As Table3.1 above shows this does not reflect the pattern of the outcomes in the total population of cases included in the project.

### 3.2 Duration of the case

In this analysis, the duration of the case is looked at in two ways. First, the duration between the date at which the IT1 is received at Acas and the date the case is either withdrawn, settled or resolved at tribunal hearing is examined. Second, the duration of the case between the dates at which first contact was made and the case was concluded is examined.

The durations of cases, between the date at which the IT1 was received and the date at which the case was resolved, are set out in mean average numbers of days for cases in each group in Table 3.2.

Table 3.2 - Mean average number of days for resolving case

Group	Settled Through Acas	Withdrawn/Privatey settled	ET Result	Average overall
IT1 Start	76	65	119	83
Post IT3 Start	137	69	122	111
Business as usual	109	133	148	129
Average overall	99	78	131	96

Base: 246

On average Employment Tribunal cases brought under the jurisdiction of wages protection and or breach of contract were resolved within 96 days of receipt of the IT1 at Acas. The case duration differs depending on the outcome of the case and when contact was made during a case. On average a case was settled within 94 days, withdrawn within 73 days or proceeded to a full tribunal hearing within 127 days. When parties were contacted within a few days of Acas receiving the IT1, the average number of days duration decreased considerably to 85 days; cases were settled within 77 days and withdrawn within 68 days. The duration of the case was increased considerably when contact was made after receipt of the IT3, with the duration expanding to 116 days; with cases being settled within 123 days and withdrawn within 86 days.

Looking at the duration of cases again, including cases where the customer made first contact with Acas, the duration of cases within each group decreased slightly. Overall, cases were resolved within 82 days in the IT1 start group, within 103 days in the IT3 start group and within 113 days in the business as usual group. In the IT1 start group cases were settled within 79 days and withdrawn within 62 days. In the IT3 start group cases were settled within 108 days, withdrawn within 76 days. In the business as usual group cases were settled within 97 days and withdrawn within 100 days.

To get a clearer picture of the pace at which cases were settled or withdrawn within each group, it is useful to look at the proportion of cases being resolved over several time periods. These are summarised in the Table 3.3.

Table 3. 3 - Duration of cases which are settled or withdrawn in each group

(Percentage within each outcome for each group)

	Row %				
	1-14 days	15-31 days	32-41 days	42-60	61 days or more
<b>IT1 Start Group</b>					
Settled	13	11	13	13	51
Withdrawn	19	7	14	23	37
ET Result	3	3			94
Overall	13	8	10	13	56
<b>IT3 Start Group</b>					
Settled	-	-	5	-	95
Withdrawn	6	22	-	11	61
ET Result				6	94
Overall	2	7	2	5	84
<b>Business as usual group</b>					
Settled	-	-	4	14	82
Withdrawn	-	-	-	8	92
ET Result	-	-	-	4	96
Overall	-	-	2	9	90

Base all cases in which the conciliator made first contact (242)

Overall, 2 per cent of cases in the IT1 start group were resolved within a month of Acas receiving the IT1, compared to 9 per cent of those in the IT3 group. None of the cases in the business as usual group were resolved within a month of receipt of the IT1. Looking at cases which were settled, just under a quarter of the settled cases in the IT1 start group were resolved within a month of receipt of the IT1, whereas none of the settled cases in the IT3 start groups were resolved within this period. Cases were far more likely to be withdrawn 61 or more days after receipt of the IT1 in the IT3 start group and the business as usual start group than cases in the IT1 start group (61 per cent and 92 per cent compared to 37 per cent of withdrawn cases respectively).

As seen above, when cases in which the customer initiated first contact with Acas are included in the analysis, the overall duration for cases in each group are reduced. Generally more cases in each group are resolved within a month of Acas receiving the IT1; cases are resolved within a month in 21 per cent of cases in the IT1 group, in 8 per cent of cases in the IT3 group and in 2 per cent of cases in the business as usual group (see Annex 2).

When the duration of the case is examined looking at the date at which the conciliator made first contact, the results are reversed. As might be expected, the duration of the case, when measured in this way, is considerably reduced if contact with parties and representatives is delayed. Table 3.4 sets out the average number of days between first contact and the date at which the case is resolved.

Table 3.4 - Average number of days between first contact and the date the case was resolved

Group	Settled Through Acas	Withdrawn/Private ly settled	ET Result	Average overall
IT1 start group	64	61	112	75
IT3 start group	79	38	50	60
Business as usual	47	73	96	71
Average overall	62	60	92	71

On average a case was resolved within 71 days of the conciliator making first contact with the parties. Where contact was made after the IT3 was received the average number of days was reduced to 60, whereas the average number of days duration increased to 75 days where contact was made shortly after receipt of the IT1. Settled cases in the business as usual group have a considerably shorter duration than those in the IT1 and IT3 start groups, with those in the IT3 start group having the longest duration. The average number of days between first contact and the resolution of the case was not significantly altered when the cases in which the customers initiated contact were included in the analysis.

Arguably, greater ETS costs are incurred once a tribunal hearing date is set and the closer a case is resolved to the hearing date. To assess the impact on the costs of cases to the ETS it is therefore useful to assess at what stage, in relation to the hearing date, cases are settled or withdrawn. Overall, 43 per cent of cases had been resolved before the hearing date had been set (see Table 3.5).

Table 3. 5 - Intervals at which cases are settled or withdrawn prior to the hearing date in cases in each group

Group	(Percentage within each group)						Row %
	7 days	8 to 14 days	15 to 21 days	21 to 31 days	32 to 60 days	61 days +	No hearing date
IT1 start	18	5	4	4	9	7	52
Post IT3 Start	45	5	5	7	-	2	36
Business as usual	46	2	2	2	12	9	24
Sample overall	28	5	5	5	9	6	43

This table shows that cases in the IT1 start group were far more likely than those in the IT3 start group and the business as usual group to be resolved well in advance of the hearing, or before a hearing date had been set. Over half of the cases in the IT1 group were resolved before a hearing date was set, compared to just over a third of those in the IT3 start group and just under a quarter of those in the business as usual group. Less than a fifth of cases in the IT1 start group were resolved within a week of the hearing compared over two fifths of those in the IT3 start group and the business as usual group.

When the data was examined again, including those cases in which the customer initiated contact with Acas, cases in the IT3 start group and business as usual group were far more likely to be resolved well in advance of the hearing, or before a hearing date was set. The proportion of cases heard within the week prior to the hearing was reduced to 35 per cent in the IT3 start group and 31 per cent in the business as usual group. This was largely due to an increase in the percentage of cases being resolved before a hearing date is set. The proportion of cases without a hearing date increased to 44 per cent in the former and 31 per cent in the latter.

### 3.3 Time spent dealing directly with parties and representatives

Another objective of the study was to assess whether there was a difference in the amount of time conciliators spent dealing with the case depending upon when first contact was made with customers. Conciliators were asked to record each contact and an estimate of the approximate number of minutes in direct contact with customers. From this data it was possible to derive estimates of the number of contacts made with customers and the amount of time spent dealing with parties overall.

Table 3.6 summarises the average number of contacts made with customers in each group.

Table 3.6 - Average number of contacts made with customers in each group

	Mean Number
IT1 start	10
Post IT3 Start	11
Business as usual	12
Overall	10

Base: 284

This table shows that on average 10 contacts were made with customers in the cases included in this study, and that there is only a slight variation between groups. The average number of contacts remained the same when cases in which the customer initiated contact were included in the analysis.

Table 3.7 summarises the average amount of time spent in direct contact with customers involved in cases in each group.

Table 3.7 Average number of minutes spent in direct contact with customers

IT1 start	69
Post IT3 Start	79
Business as usual	104
Overall	81

Base: 284

This table shows that conciliators spent, on average, 81 minutes in direct contact with customers. This varied according to when first contact was made, with conciliators spending less time in direct contact with customers when contact was made immediately after receipt of the IT1 than when contact was made after

receipt of the IT3 (69 minutes compared to 79 minutes respectively). Conciliators in the business as usual group spent the most time in direct contact with customers.

When the cases in which customers initiated contact are included in the analysis, the Conciliation time remained the same.

### 3.4 Original position of parties

As mentioned above, this project also aimed to assess whether timing of contact could facilitate more effective conciliation. To measure this conciliators were asked to record the original position of parties and the amount of offers and proposals made during conciliation. Table 5.1 sets out conciliators' perceptions of parties original position.

Table 3.8

(Percentage within each party type within each group) Column %

	Employer's original position			Applicant's original position		
	IT1 Start Group	IT3 Start Group	Business as usual	IT1 Start Group	IT3 Start Group	Business as usual
Interested in a conciliated settlement	31	34	43	63	57	65
Interested but not optimistic about a conciliated settlement	6	5	10	16	7	10
Refused to disclose position	3	1	-	-	-	-
Happy to talk but without commitment	28	12	10	5	2	-
Prepared to settle on specific terms	7	10	9	3	12	6
Prepared to settle on reasonable terms	1	2	-	1	2	-
Wanted to withdraw application	1	2	2	4	4	4
Confused	-	1	-	2	3	2
Waiting response from other side	1	3	2	2	4	-
Did not want any further contact	1	5	9	-	-	-
Representative awaiting instruction from party	-	4	2	1	3	-
Other	22	21	13	3	6	9

Base: 284



This table shows that the original positions of employers did not vary a great deal depending upon when first contact was made, with the exception that employers were more likely to be “happy to talk without commitment” when contact was made soon after the IT1 was received than when contact was made after the IT3 was received. There was some variation in the original position of applicants in each group, with applicants in the IT1 start group and the business as usual group being more open to the idea of settling the case than those in the IT3 start group (63 per cent and 65 per cent of the former, respectively, compared to 57 per cent of the latter). However, when all levels of interest were cumulated (ie from interested in a conciliated settlement to wanting to withdraw the case), there was very little difference between the original position of applicants in the IT1 and IT3 start group, who seemed to be more interested in settling the case than applicants in the business as usual case ( over 90 per cent of the former two groups compared to 85 per cent of the latter). However, a far greater proportion of applicants in the IT3 start group than the IT1 start group were prepared to settle on specific terms (12 per cent compared to 3 per cent). This suggests that applicants become more entrenched in their position concerning the resolution of the case the later first contact takes place.

When cases in which the customer initiates contact were included in the analysis, the results for employers remained the same but for applicants the findings changed, with a much greater percentage of applicants in the business as usual group being interested in a conciliated settlement (72 per cent).

### 3.5 Representation

Representation in cases can incur costs for the parties. It is also possible that the involvement of representatives could affect the duration of a case and the amount of time spent dealing with the case. This Part assesses whether the level of representation varies depending on the timing of first contact.

Overall 62 per cent of applicants and 65 per cent of employers were unrepresented. This varied between cases in each group (see Table 3.9).

Table 3.9 - Levels of unrepresented parties within each group

	% Unrepresented Applicants	% Unrepresented employers
IT1 start group	74	74
IT3 Start group	56	68
Business as usual group	47	47
Overall	62	65

Base: 261 weighted

This table shows that unrepresented parties comprised a much larger proportion of the IT1 start groups than the IT3 and business as usual groups.

The overall level of representation remained the same when customers who initiated contact were include in the analysis, but changed slightly within the IT3 start group and the business as usual group. The level of unrepresented applicants in the IT3 start group increased to 67 per cent, but decreased to 44 per cent in the business as usual group. The level of unrepresented employers slightly increased in both groups to 69 per cent and 51 per cent respectively. This suggests that unrepresented parties are more likely to initiate contact than representatives.

It is perhaps more illuminating to examine patterns of representation within cases in each group. This is therefore set out in Table 3.10.

Table 3.10 - Patterns of representation

	(Percentage within each group)			Row %
	Both parties unrepresented	Employer only represented	Applicant only represented	Both represented
IT1 start	61	14	14	12
Post IT3 Start	42	15	26	18
Business as usual	26	22	22	31
Overall	46	16	19	19

Base: 261

In just under half of the cases included in the project, both the applicant and the employer were unrepresented and in less than one fifth of all cases both parties were represented. In the remainder of cases (35 per cent) one side only was represented. This varied for cases in each group. Representatives were far less likely to be involved in cases in the IT1 start group than in cases in the IT3 start group and the business as usual group. These findings suggest that early contact could reduce the costs of representation for parties to Employment Tribunal cases.

When the cases in which the customer initiated contact were included in the analysis the patterns of representation within cases in the IT3 and business as usual group changed. For instance, in the IT3 group there was a significant increase in the percentage of cases where both sides are unrepresented (51 per cent) and a significant decrease in the percentage of cases where the applicant only is represented (18 per cent). In the business as usual group there is a decrease in the percentage of cases in which only the employer is represented (18 per cent). These findings support the earlier suggestion that unrepresented parties are most likely to initiate contact with conciliators.

### 3.6 Referrals to small business seminars

A further objective of this project was to assess whether the likelihood of referring an employer to an Acas small business seminar would differ according to the timing of first contact with customers. Overall, referrals were made in 5 per cent of cases. This varied in cases in each group. Where contact was made soon after receipt of the IT1, 6 per cent of employers were referred to a small business seminar compared to 2 per cent where contact was made after receipt of the IT3; 5 per cent of employers involved in cases in the business as usual group were referred to a small business seminar.

When the cases in which the customer initiated contact were included in the analysis the referral rates for the IT1 start group and the IT3 start group remained the same, but referrals increase to 7 per cent in the business as usual group.

The likelihood of an employer agreeing to attend a small business seminar also varied according to the outcome of cases and the patterns of representation within cases. Employers in cases which were settled through Acas were far more likely

than those involved in cases which were withdrawn or resolved at tribunal to agree to attend a small business seminar (10 per cent compared to 1 per cent and 3 per cent, respectively).

Unrepresented employers involved in cases where the applicant was represented were far more likely than those involved in cases with other patterns of representation to agree to attend an small business seminar (see Table 3.11).

Table 3.11 - Referral to small business seminars in cases with different patterns of representation

	Cell %
Both unrepresented	5
Employer only represented	3
Applicant only represented	11
Both parties represented	3

#### **4 Summary**

This Part has examined the data collected in the timing of contact project, and found that the timing of contact has some impact on the outcome and duration of the case. Cases are more likely to be resolved without recourse to a full hearing if contact is made soon after receipt of the IT1, rather than awaiting the IT3. Likewise, the sooner contact is made, the quicker the case is resolved. The findings also suggest that less time is spent in direct contact with customers if contact is made after receipt of the IT1, compared to when contact is made soon after receipt of the IT3. Also, there is an increased likelihood of employers agreeing to attend an Acas SBS if contact is made soon after the receipt of the IT1.

The next Part of the report presents the findings from the survey of customers involved in cases included in the project.

## Part II

### 1 Customer Feedback

As mentioned above, the fifth objective of this research was to assess whether customers' opinions about the service they received from Acas differed depending upon when first contact was made. Therefore, questionnaires were sent to a sample of 361 applicants and employers or their representatives involved in the cases included in the IT1 start group and the IT3 start group. A good response rate was achieved with 50 per cent of customers returning their questionnaires. ( Full details of the methodology for this survey, including questionnaire and covering letters, are in an accompanying Technical Report).

A wide range of questions were asked about the service received and the impact Acas had on the outcome of the case. This Part of the report will focus on questions relating to the timeliness of contact, overall satisfaction ratings, and customers' opinions about the attributes and conduct of the conciliator. It will also look at customers' perceptions of the impact of Acas involvement on the outcome of the case. Before interpreting the findings from this survey it is necessary to bear in mind that different types of customers have different opinions about the service they receive from Acas and for some customers, opinions are influenced by the outcome of the case.

The 1997 Acas Survey of IC customers revealed that representatives are generally more positive than unrepresented parties about the service they receive from Acas. This survey also found that representatives' ratings of Acas are not affected by the outcome of the case, whereas unrepresented parties ratings are associated with the outcome, with unrepresented applicants being more positive about the service when their case is settled via conciliation and most negative when the case is resolved at a tribunal hearing. The 1997 survey also found that unrepresented customers were more likely than representatives to have reservations about the impartiality of the conciliator.

These issues are of particular importance when comparing opinions of customers involved in cases in the IT1 start group and the IT3 start group, as the profile of customers in each group varied considerably: a greater proportion of the former than the latter are unrepresented parties (68 per cent compared to 45 per cent respectively). Also, a greater proportion of cases in the IT1 start group than those in the IT3 start group were resolved at a tribunal hearing (18 per cent compare to 9 per cent, see table 11.1). Moreover, a much higher proportion of cases in the IT3 start group than in the IT1 start group were settled through Acas (54 per cent compared to 46 per cent, see Table 3.12).

Table 3.12- Outcome of the case

	(percentage within groups)		Row %
	Acas settled	Withdrawn	ET Result
IT1 start	46	42	18

group			
IT3 start group	54	37	9
Overall	49	39	14

Base: 179

## 2 Findings

### 2.1 Timing of contact

The main objective of this survey was to assess how the timing of contact was perceived by customers. Nearly a third of customers reported that they had initiated contact with the conciliator, suggesting that contact was not made soon enough for these customers. This varied between customers in each group, with a greater proportion of customers initiating contact in the IT3 start group than the IT1 start group (42 per cent compared to 26 per cent respectively).

Where first contact was made by the conciliator, parties were asked about the timeliness of this contact. Table 10.1 shows that the vast majority of customers in each group felt that the timing of contact was 'just right'. This is a similar finding to the Acas wide survey 2001/2, where 93 per cent of customers stated that the timing of contact was 'just right'. However, a small minority of customers involved in cases in the IT1 start group reported that contact was made too soon (5 per cent). None of the customers who were contacted by the conciliator reported that contact was made too late. However, as was found in the project, a greater proportion of IT3 start customers than IT1 start customers initiated contact with Acas (42 per cent compared to 26 per cent)

Table 3.13- Timeliness of Contact

	(Percentage within groups)			Row %
	Too soon	About right	Too Late	Don't know
IT1 start group	5	94	-	1
IT3 start group	-	97	-	3

Base: 104

### 2.2 Overall satisfaction

Customers were asked to give an opinion about their level of satisfaction with the overall service they received from Acas. Table 3.14 presents the overall level of satisfaction for customers generally, and for customers within each group.

Table 3.14 Level of satisfaction with the service received from Acas

	(Percentage within groups)				Row %
	Very Satisfied	Satisfied	Neither satisfied or dissatisfied	Dissatisfied	Not stated
Total	55	32	9	4	1
IT1	56	28	9	5	1
IT3	52	<b>39</b>	<b>8</b>	<b>2</b>	<b>0</b>

Base: 179

This table shows that customers were overwhelmingly positive about the service they received from Acas, with 87 per cent reporting that they were satisfied or very satisfied with the service that they received. This compares favourably with the levels of satisfaction given by customers responding to the Acas wide survey 2001/2, in which 76 per cent of the customers reported that they were satisfied with the service.

There was variation in the levels of satisfaction reported by customers involved in cases in each group. While customers in the IT1 start group were more likely than those in the IT3 start group to report that they were very satisfied with the service (56 per cent compared to 52 per cent), overall a greater proportion of customers in the IT3 start group compared to those in the IT1 start group were generally satisfied with the service they received (91 per cent compared to 84 per cent reporting that they were either very satisfied or satisfied). Moreover, a slightly higher proportion of customers in the IT1 start group than in the IT3 start group reported being dissatisfied with the service (5 per cent compared to 2 per cent). As stated above, these differences in levels of satisfaction are probably explained by the composition of customers in each group.

### 2.3 Satisfaction with conciliation functions

Customers were asked to rate the conciliator in terms of the conciliation functions carried out during the conciliation process. Table 3.14 sets out the responses given by customers from each group.

Table 3.14 (Percentages within groups)

					Row %
How good was the conciliator in terms of :					
	Very Good/good	Neither Good Nor Poor	Poor	Not Applicable	Don't know/ Not stated
Helping you to think through your/ the options					
IT1 Start Group	51	8	4	26	10
IT3 Start Group	31	15	5	40	9
Taking the heat out of the situation					
IT1 Start Group	45	12	8	25	10
IT3 Start Group	35	17	3	34	11
Helping you to consider the pros and cons of settling the case without going to a tribunal hearing					
IT1 Start Group	60	10	5	19	6
IT3 Start Group	46	11	6	32	5
Helping you understand the strengths and weaknesses of the case					
IT1 Start Group	56	9	6	19	9
IT3 Start Group	47	14	5	39	6

Base: 179

A significant minority of customers in each group stated that each of the above functions were not applicable to them, and this minority was consistently larger in the IT3 start group than in the IT1 start group. The latter is probably explained by the higher proportion of representatives involved in cases in the IT3 start group.

When the minority of customers stating that the functions are not applicable in their case were excluded from analysis, generally, customers in the IT1 start group were more positive than those in the IT3 start group about the conciliation functions carried out in their case (see Table 14.2). The only exception to this is where customers in the IT3 start group were more likely than those in the IT1 group to give positive ratings about the conciliator helping them to understand the strengths and weaknesses of the case (89 per cent compared 64 per cent)

Table 3.15 per cent of customer rating the conciliator good or very good at conciliation functions

	Cell%	
	IT1 start group	IT3 start group
Helping you to think through your/ the options	80	61
Taking the heat out of the situation	70	65
Helping you to consider the pros and cons of settling the case without going to a tribunal hearing	80	73
Helping you understand the strengths and weaknesses of the case	64	89

Base: 122

## 2.4 Customers opinions about the attributes and conduct of conciliators

Customers were asked a range of questions to assess their opinions about the conciliator's attributes and conduct throughout the case. The findings are presented in Table 3.16. The first three Parts of Table 3.16 show that the vast majority of customers in each group strongly agreed or agreed that the conciliator was courteous and polite, knowledgeable and understood the circumstances of the case, and there was very little variation between customers in each group. However, the last four Parts of the table shows that there were some differences of opinions between customers in each group concerning the trustworthiness and impartiality of the conciliator, with a significantly greater proportion of customers in the IT1 start group than the IT3 start group agreeing that the conciliator tried too hard to persuade the parties to settle the case (12 per cent compared to 8 per cent), took the applicant's side (14 per cent compared to 5 per cent), and took the employer's side (9 per cent compared to 3 per cent). However, a higher proportion of customers in the IT1 start group than in the IT3 start group agreed that the conciliator was trustworthy (79 per cent compared to 72 per cent). It is worth reiterating here, that the differences could be explained by the composition of customers in each group, with the IT1 start group comprising a greater proportion of unrepresented customers and a greater proportion of customers involved in cases which were resolved at a tribunal hearing than the IT3 start group, and that these factors influence the collective opinions of customers within each group.



Table 3.16 - Customers opinions about the attributes and conduct of the conciliator

To what extent do you agree that the conciliator:

	Strongly agree/agree	Neither agree nor disagree	Disagree/strongly disagree	Row % Don't know/ Not stated
1 Was courteous and polite				
IT1 Start Group	94	4	-	2
IT3 Start Group	95	5	-	-
2 Was Knowledgeable				
IT1 Start Group	82	12	-	6
IT3 Start Group	86	9	2	3
3 Understood the circumstances of the case				
IT1 Start Group	81	15	3	1
IT3 Start Group	86	8	3	3
4 Was trustworthy				
IT1 Start Group	79	8	2	10
IT3 Start Group	72	19	-	9
5 Tried hard to persuade the parties to settle the case				
IT1 Start Group	12	30	49	8
IT3 Start Group	8	31	51	11
6 Took the applicant's side				
IT1 Start Group	14	51	30	5
IT3 Start Group	5	43	37	15
7 Took the employer's side				
IT1 Start Group	9	50	31	9
IT3 Start Group	3	46	39	12

Base: 161

## 2.5 Impact of Acas involvement on the outcome of the case

Customers were asked about the impact of Acas involvement on the outcome of the case. Their answers are summarised in Table 3.17.

Table 3.17 (Percentage within groups)

Row %				
To what extent do you agree or disagree that involvement:				
	Agree	Neither Agree Nor Disagree	Disagree	Not applicable
..... helped move parties move closer towards resolving case				
IT1 start group	59	25	12	3
IT3 start group	76	9	6	9
..... helped speed up the resolution of the case				
IT1 start group	69	19	10	2
IT3 start group	62	17	6	7
.....influenced the final outcome of the case				
IT1 start group	48	29	18	5
IT3 start group	46	25	17	14

Base: 179

This table shows the majority of customers agreed that involvement helped to move customers towards resolving the case and helped to speed up the resolution of the case. A greater proportion of customers in the IT3 start group than in the IT1 start group reported that Acas involvement helped move parties closer towards a resolution (76 per cent compared to 59 per cent). However, a greater proportion of customers in the IT1 start group than the IT3 start group reported that Acas involvement helped speed up the resolution of the case. Just under half of the customers in each group reported that Acas involvement has influenced the final outcome of the case. Customers in the IT1 start group were consistently more likely than those in the IT3 start group to state that they neither agreed nor disagreed that Acas had any impact on the outcome of the case and were more likely to state that Acas had no impact on the outcome of the case.

## Part III

### Overall conclusions

The findings from this research suggest that making first contact soon after receipt of the IT1 could potentially reduce the costs of cases to the ETS, Acas and customers. Where contact is made soon after the IT1 is received at Acas a higher proportion of cases are resolved before a hearing date is set or well in advance of the hearing date, as the duration of the case is markedly reduced. Acas saves on costs as efficiency is improved, with conciliators spending less time in direct contact with customers when they make contact soon after the IT1 is received compared to when they make contact after receipt of the IT3. Making contact soon after the IT1 is received can also increase the effectiveness of conciliation as parties are less likely to become entrenched in their positions. The findings also suggest that early contact leads to more referrals being made to Acas SBSs, which in turn helps Acas to be more effective in its advisory role and in improving good practice in the workplace. It was also found that patterns of representation varied depending upon when first contact was made, with parties in the IT1 start group being far less likely than those in the IT3 or business as usual groups to be represented. The potential reduction in the use of representatives could therefore reduce costs for customers.

The findings from the customer survey were mixed. A small minority of customers in the IT1 start group felt the conciliator made contact too soon. However, a much larger proportion of customers in the IT3 start group than customers in the IT1 start group, initiated contact with Acas, suggesting that customers in this group were more likely to feel that contact was not made soon enough.

Customers were more likely to rate conciliation functions highly if contact was made soon after receipt of the IT1. Customers were also more positive about the conciliators attributes and conduct when contact was made soon after the IT1 was received compared to when contact was made after receipt of the IT3. However, there were mixed views about the impact of Acas involvement on the outcome of the case. Customers from the IT1 group were both more positive and more negative than those from the IT3 start group, about the impact of Acas involvement on the resolution of the case.

This project has been very enlightening and has produced evidence to show that early contact in wages protection and breach contract cases is an effective and efficient way of managing IC caseloads. A further project is underway in Acas LESA - Southern Area to assess the impact of the timing of contact in unfair dismissal cases, and the findings are forthcoming.

# Annex 1

## Wages & Breach of Contract Cases - Project Record Sheet

tick [✓] one box in questions marked \*

1. Please enter your personal details below

Name	Telephone number
------	------------------

2. Enter the ET case number

S /
-----

3. Applicant's representative

Name	Telephone number
------	------------------

4. Respondent's representative

Name	Telephone number
------	------------------

5.\* Applicant's gender

Male

Female

6.\* Main jurisdiction of the case

Wages Protection

Breach of Contract

7. Date IT1 Received by Conciliator

--	--	--	--	--	--

Day

Month

Year

8. Date IT3 Received by Conciliator

--	--	--	--	--	--

Day

Month

Year

9. Date IT4 -(Notice of Hearing) Received by Conciliator

--	--	--	--	--	--

Day

Month

Year

10. Date of Hearing

--	--	--	--	--	--

Day

Month

Year

11.\* Did the parties contact Acas before you tried to initiate conciliation ?

Yes

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

No

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

12.\* Who initiated first contact

Applicant

Employer

Applicant's representative

Employer's representative

13. Enter the date they made first contact

						go to 16
--	--	--	--	--	--	----------

Day

Month

Year

14.\* Who did you contact first:

Applicant

Employer

Applicant's Representative

Employer's representative

15 Enter the date you made contact

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Day		Month		Year	

16.\* Did the employer make any offer(s) to settle the case ?

Yes

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

No

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

17 How many offers were made ?

18.\* Did the applicant make any proposals to settle the case ?

Yes

<input type="checkbox"/>	go to 19
--------------------------	----------

No

<input type="checkbox"/>	go to 20
--------------------------	----------

19 How many proposals were made by applicant ?

20.\* Did you suggest that the applicant seek advice ?

Yes

No

21.\* Did the applicant seek representation or advice ?

Yes

<input type="checkbox"/>	go to 22
--------------------------	----------

No

<input type="checkbox"/>	go to 23
--------------------------	----------

22.\* Tick the source

Solicitor

TU

CAB

Other (state)

23.\* Did you suggest that the employer seek advice ?

Yes

No

24.\* Did the employer seek representation or advice ?

Yes

<input type="checkbox"/>	go to 25
--------------------------	----------

No

<input type="checkbox"/>	go to 26
--------------------------	----------

25.\* Tick the source

External Solicitor

In-house Solicitor

In-house Personnel / IR Specialist

Employers' Association

Other (state)

26. \* Which statement best describes the party's original position (tick one box in each column)

	Applicant	Employer
Interested in a conciliated settlement		
Interested, but not optimistic about a settlement		
Refused to disclose position		
Happy to talk but without commitment		
Prepared to settle on specific terms		
Prepared to settle on reasonable terms		
Wanted to withdraw the application		
Confused		
Waiting for response from other side		
Did not want any further contact		
Representative awaiting instruction from the party		
Other (Please specify) _____		

27 Enter the outcome of the case (clearance code)

28. Date case completed [A tribunal hearing notified or Hearing Date]

Day		Month		Year	

29. \* Referrals - Did the employer agree to attend an *Employers' Workshop* ?

Yes

No

30 Please enter any other information in the box below

Please remember to complete all of the details on the *Contact Sheet* in the file.

# Contact Sheet

Case Number \_\_\_\_\_

Your name \_\_\_\_\_

Telephone number \_\_\_\_\_

Please enter the dates of all contacts made, the method used to communicate on each occasion (e.g. post, facsimile, telephone, personal visit, meeting at Acas office), which party (or representative) you communicated with, who made contact (you or the party/representative), and the duration of the contact (in minutes) in the table below.

	Date of contact a	Method b	Who with c	abortive ? tick if "yes" d	Who made contact e	Duration of contact f
1						
2						
3						
4						
5						
6						
7						
8						
9						

Column b enter:		Column c enter :		Column e enter :		Column f enter:	
telephone call	T			Conciliator	C	under 1 min	1
letter	L	Applicant	A	Applicant	A	1 to 5 mins	5
visit	V	Applicant's representative	A/R	Applicant's representative	A/R	5 to 10 mins	10
office meeting	O	Employer	R	Employer	R	10 to 20 mins	15
e-mail	E	Employer's representative	R/R	Employer's representative	R/R	20 to 30 mins	20
facsimile	F					over 30 mins	30

## Annex 2

Annex 2 - Tables with all cases, including those in which the customers initiated contact with Acas, included in the analysis

Table 3.1a (Percentage within each group) Row %

Group	Settled Through Acas	Withdrawn/Privatey settled	ET Result
IT1 Start	39	37	24
IT3 Start	42	32	27
Business as usual	39	24	37
Overall	39	33	29

Base 412 cases

Table 3.2a - Mean average number of days for resolving cases

Group	Settled Through Acas	Withdrawn/Privatey settled	ET Result	Average overall
IT1 Start	76	65	119	83
Post IT3 Start	108	76	127	103
Business as usual	97	100	138	113
Average overall	95	76	129	99

Base: 399

Table 3. 3a - Duration of cases which are settled or withdrawn in each group

(Percentage within each outcome for each group) Row %

	1-14 days	15-31 days	32-41 days	42-60	61 days or more
IT1 Start Group					
Settled	11	11	11	13	54
Withdrawn	21	8	13	23	35
ET Result	3	3		3	91
Overall	13	8	9	14	56
IT3 Start Group					
Settled	4	2	12	5	77
Withdrawn	2	17	2	22	56
ET Result				3	97
Overall	2	6	6	10	76
Business as usual group					
Settled	-	6	6	11	77
Withdrawn	4	-	-	21	75
ET Result	-	-	-	14	86
Overall	-	-	2	9	90



Base all cases 399

Table 3. 5a - Intervals at which cases are settled or withdrawn prior to the hearing date in cases in each group

(Percentage within each group) Row %

Group	Number of days cases are resolved prior to the hearing date:						No hearing date
	7 days	8 to 14 days	15 to 21 days	21 to 31 days	32 to 60 days	61 days +	
IT1 start	17	5	4	5	10	7	53
Post IT3 Start	35	7	3	7	1	3	44
Business as usual	31	5	7	3	16	7	31
Sample overall	27	6	5	5	9	6	43

Base 425

Table 4.1

Average number of contact made with parties/representatives	N
IT1 start	12
Post IT3 Start	11
Business as usual	9
Overall	10

Base 425

Table 4.2

Average number of minutes spent in direct contact with parties/representatives	N
IT1 start	33
Post IT3 Start	39
Business as usual	54
Overall	43

Base 425

Table 5.1 (Percentage within each party type within each group) Column %

	Employer's original position			Applicant's original position		
	IT1 Start Group	IT3 Start Group	Business as usual	IT1 Start Group	IT3 Start Group	Business as usual
Interested in a conciliated settlement	32	30	42	62	53	72
Interested but not optimistic about a conciliated settlement	6	2	8	16	6	9
Refused to disclose position	3	2	-	-	-	-
Happy to talk but without commitment	28	16	11	5	2	2
Prepared to settle on specific terms	7	11	5	3	15	5
Prepared to settle on reasonable terms	1	3	-	1	3	-
Wanted to withdraw application	1	1	5	4	5	2
Confused	-	1	-	2	5	1
Waiting response from other side	1	2	5	2	6	1
Did not want any further contact	1	5	5	-	-	-
Representative awaiting instruction from party	-	6	1	1	5	-
Other	21	25	20	4	2	9

Base: 425

Table 6.1 - Levels of unrepresented parties within each group

	% Unrepresented Applicants	% Unrepresented employers
IT1 start group	75	76
IT3 Start group	67	69
Business as usual group	44	51
Overall	62	65

Base 425