

Research Paper



Evaluation of Acas' Pre-Claim Conciliation Service 2012

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Evaluation of Acas' Pre-Claim Conciliation Service 2012

Research Report

Prepared for Acas



Preface

The authors would like to acknowledge the support and advice provided during the course of the project from Barbara Davey at Acas.

We would also like to give a special thanks to all those who contributed to the research process by taking part in an interview.

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1. INTRODUCTION AND METHODOLOGY

1.1 Introduction

The Advisory, Conciliation and Arbitration Service (Acas) commissioned TNS BMRB to undertake a piece of research to evaluate the impact of Pre Claim Conciliation (PCC) in potential Tribunal claims on case outcomes and employment relationships. It was envisaged that this research would be both compared with the previous PCC evaluations that have been carried out and to act as a baseline against which to measure the impact of the new Early Conciliation (EC) service.

Alongside this, TNS BMRB were also commissioned to evaluate the impact of an early conciliation support experiment that was put into place which involved a team of Early Conciliation Support Officers (ECSOs) in three offices, to whom disputes were referred in the first instance, before being referred on to the conciliator. The ECSO role was to make contact with a claimant and gather information to pass onto conciliators. This strand of the research is reported on separately, however, the design of the experiment had implications for the design and sampling of this survey, so some discussion of it is included in this report.

1.2 Background

The proposed research follows the recent Resolving Workplace Disputes consultation and government response.^{1 2} From April 2014, it is proposed that employees intending to lodge an Employment Tribunal (ET) claim will first have to contact Acas to see if the dispute could be resolved through Early Conciliation (EC).

Early Conciliation has evolved from the success of the Acas Pre-Claim Conciliation (PCC) Service, which was rolled out in April 2009, following the Gibbon's Review in 2007 of employment dispute resolution arrangements, which recommended that where possible workplace disputes should be resolved without recourse to an ET. Early dispute resolution is important, not least because it can provide significant financial savings to the parties and the state. PCC is an expansion of the individual conciliation (IC) service, and is provided in 'potential' ET claims, aiming to resolve disputes before they enter the Tribunal system.

¹ Resolving Workplace Disputes: a consultation January 2011 BIS

² Resolving Workplace Disputes: Government response to the consultation November 2011 BIS

1.2.1 *The PCC process*

The service is offered to callers (mainly employees) to the Acas Helpline who may become involved in a potential ET claim, although some referrals come directly to Acas, usually from employers. The requirements before PCC can be offered are:

- that the employer and employee have already made reasonable efforts to resolve the issue,
- eligibility criteria to make a valid ET claim are met, for example the employee must meet any necessary service qualification,
- there must be an intention to claim.

Where the caller meets the relevant criteria, PCC is offered. If the offer is accepted by both the claimant and the employer a PCC-trained conciliator works with both parties to help them attempt to resolve the dispute, and so reducing the number of disputes entering the ET system.

PCC has three main objectives:³

1. To encourage earlier and speedier resolution of disputes with positive employment relations outcomes;
2. To reduce the administrative burden of conflict and produce time and cost savings for employers, employees and the state; and
3. To ensure a positive customer experience.

For all PCC referrals/cases there are three types of outcomes:

- Unprogressed referrals – a referral may be unprogressed for a number of reasons including:
 - if the caller to the helpline does not wish to proceed with PCC;
 - if contact with the other party cannot be made;
 - if the other party declines to participate.
- Resolved PCC cases – The offer of PCC is accepted by both parties and PCC takes place and the dispute is settled either via Acas via COT3 (a legally binding agreement), or privately after discussions with the conciliator.
- Unresolved PCC cases - The offer of PCC is accepted by both parties and PCC takes place but a settlement is not reached. This can be for two reasons:
 - either the parties cannot reach an agreement; this outcome is defined as ‘impasse – no resolution brokered’;
 - or the deadline for submission of an ET claim is reached so conciliation has to be abandoned; this outcome is defined as ‘impasse – ran out of time’.

³ Davey, B., Dix, G. (2011) *The Dispute Resolution Regulations two years on: The Acas experience*. Acas research paper

In instances where PCC either does not take place (the referral is unprogressed), or does take place but a resolution is not reached, the claimant can go on to submit an ET claim.

In line with ET claims, jurisdictions are recorded; however, in PCC they are recorded by the conciliator after discussions with the claimant, whereas in ET claims jurisdictions are recorded on the ET1 form submitted to the ET Service. Jurisdictions determine the 'track'; 'fast', 'standard' or 'open' track. Fast track cases are typically straightforward claims generally concerning breaches of contract or monetary disputes. Standard track cases are more complex, mainly involving claims of unfair dismissal. Open cases are the most complex, largely discrimination cases.

1.2.2 *The success of PCC and development of the new Early conciliation service*

Since its introduction in 2009, PCC has been shown to be successful. It is estimated that 75 per cent of closed PCC cases do not go on to become ET claims (against a target of 70 per cent). The evaluation of the first year of PCC⁴ also concluded that most service users are highly satisfied with PCC, generally believing that PCC can have a positive impact on dispute resolution.

TNS BMRB recently conducted an evaluation of why PCC referrals become ET claims on behalf of Acas⁵. The research highlighted a number of areas that could hinder early resolution and that could feed into the design of the early conciliation service. Drawing the findings together, these have been presented as five key service improvement recommendations. They focus on early diagnosis (and tailoring); how to engage employers effectively; ease of contact and responsiveness of conciliators; clarity around PCC and IC and consistent information provision on the ET process. Our research has also provided baseline data which can be used for comparison with the new EC service.

Although, EC has evolved from PCC, there are important differences between the two. In EC, it is proposed that all potential ET claimants will be offered conciliation before submission of an ET claim. Unlike in PCC, there will be no helpline 'filter'. The offer will therefore be 'universal' (prior to ET claims being lodged). Acas is therefore considering the establishment of a centralised team of EC Support officers (ECSOs) for the new service. In the second half of 2012 Acas carried out an early conciliation support experiment which involved a team of Early Conciliation Support Officers (ECSOs) being introduced in three offices (Cardiff, Glasgow and London), to whom disputes were first referred to, before

⁴ Infogroup/ORC International (2010) *Evaluation of the first years of Acas' Pre-Claim Conciliation* Acas Research Paper.

⁵ TNS BMRB (2012) *Why Pre-Claim Conciliation referrals become Employment Tribunal claims*. Acas Research Paper.

the conciliator. The ECSO role was to make contact with a claimant and gather information to pass onto conciliators. Three other areas (Bristol, Newcastle and the North West) served as a 'control' group, with PCC operating in line with the standard model.

1.3 Project aims and objectives

The aim of this research is to evaluate the impact on PCC in potential Tribunal claims on case outcomes and employment relationships, to compare findings with previous PCC evaluations, and to act as a baseline against which to measure the impact of the new EC service in the following areas:

- Satisfaction with outcome
- Perceptions of conciliators' skills and behaviours and satisfaction with conciliator and conciliation service
- Perceptions of timing of assistance
- Impact on employment relationships (e.g. whether the employee remains with the employer)
- Time spent on case
- Employee and Employer demographics

1.4 Research Design

The research approach adopted a quantitative methodology.

1.4.1 Survey Design

This research was carried out alongside the evaluation of the ECSO pilot experiment. Both quantitative surveys shared the same questionnaires, and the same sampling frames and time periods.

The research consisted of a telephone survey of claimants and employers (or their representatives)⁶ involved in PCC referrals cleared within three Acas offices: Bristol, Newcastle and the North West. These were the control offices and were chosen to be as similar as possible to the three offices included in the ECSO experiment in terms of size, numbers of referrals and ways of working. The six offices had been chosen to reflect the range of Acas. In total, they are considered to reflect the range of Acas offices and PCC operating models.

The sampling period mirrored that used in the ECSO experiment research and therefore included all PCC referrals from the start of the experiment period (June 2012) that had cleared by the start of January 2013. The sample frame was

⁶ On the sample extract received a small number of representative details were received. In these cases the representative was approached to carry out the interview on the claimant's/employer's behalf.

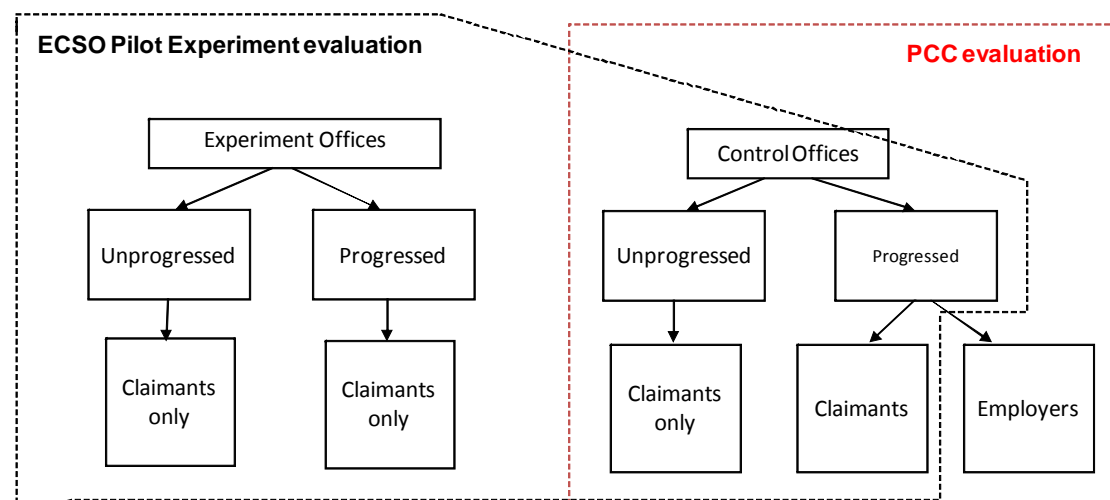
derived from Acas' Management Information (MI) data held for all PCC referrals which had been cleared within this period. The sample was received and issued (for telephone interviewing) on a monthly basis as the PCC case referrals were closed.

In order to balance the requirements for this PCC evaluation and the requirements of the ECSO pilot experiment evaluation, the sampling approach was as follows:

- All referrals which had an unprogressed outcome (where sufficient contact details were received) were issued for a claimant interview but not an employer interview. This was adopted for ethical reasons as in many cases the employer may have been unaware that their employee had contacted Acas.
- However, for cases with a progressed outcome, half were selected and issued for a claimant interview. The other half were selected and issued for an employer interview. This selection was made at random for the first two batches of sample received. However, it should be noted that in the last monthly batch of sample received, all progressed referrals were issued for an employer interview. This was carried out to boost the number of employer interviews, which was lower than anticipated.

Figure 1.1 illustrates the sampling approach between this evaluation and the separate ECSO pilot experiment evaluation.

Figure 1.1 Sampling approach between the two evaluations



1.4.2 Questionnaire

The questionnaire included the following topics:

- Profile of the claimant
- The workplace problem
- The route to PCC
- The PCC experience
- The PCC outcome
- Satisfaction with the PCC outcome and the PCC service
- Future use of Acas

The questionnaire utilised questions largely sourced from Acas' evaluation of the first year of PCC (2010). The full questionnaire can be found in Appendix 1.

1.4.3 Fieldwork

Main stage fieldwork took place from the 21st November 2012 to the 8th February 2013. Further details about fieldwork management and response are included in Appendix 2.

1.4.4 Weighting

Final data were weighted to be representative of PCC outcome, PCC track and whether a claim was progressed or not. For progressed claims employers and claimants are given equal weights.

1.4.5 *Sample profile*

The weighted profile of the achieved interviews on key characteristics is shown in Table 1.1.

Table 1.1 Profile of achieved cases

		%
Party Interviewed		
	Employer / Employer Representative ⁷	34
	Claimant / Claimant Representative ⁸	66
PCC Track		
	Fast	53
	Standard	38
	Open	9
Progressed to PCC (as recorded in interview)		
	Unprogressed	29
	Progressed to PCC	64
	Unknown ⁹	7
PCC outcome		
	Unprogressed – Resolved in initial discussions	17
	Unprogressed – Other (including where it was not possible to make contact	12
	Progressed – Resolved via COT3	15
	Progressed – Resolved other	22
	Progressed – Impasse as no resolution brokered	21
	Progressed – Impasse as ran out of time	6
	Unknown	7
	Unweighted Base	476

Base: All interviews

⁷ 20 interviews were carried out with an employer representative.

⁸ 15 interviews were carried out with a claimant representative.

⁹ In a small number cases the progression to PCC and the PCC outcome could not be established in the interview.

2. WHO USED PCC

In this section we provide an overview of the profile of the cases included in the research. It examines the personal and employment characteristics of the employees, and the organisational characteristics of employers and representatives.

2.1 Employment Status

In virtually all cases, the employee worked for the employer against whom the dispute was being brought (98 per cent). In one per cent of cases the employee was a job applicant, and in one per cent of cases a 'don't know' response was given. This reflects the 2010 survey findings.

2.2 Profile of organisation

Across all cases, 85 per cent involved employers working in the private sector, 10 per cent in the public sector and three per cent in the non-profit voluntary sector. In a further three per cent of cases a 'don't know' response was recorded. Whilst this is broadly in line with the 2010 survey, the proportion in the private sector was slightly higher in the 2012 survey than in the 2010 (85 per cent versus 77 per cent). This may in part be due to the higher proportion of 'don't know' responses in 2010 (seven per cent versus three per cent in 2012).

In the survey, with the exception of the sector in which the organisation operated (as discussed above), all questions relating to the organisations' characteristics were asked only of employer respondents, and not of employees or representatives. Therefore the remaining overview of the profile of organisations is based on employers involved in progressed PCC cases (as for ethical reasons employers in unprogressed cases were not interviewed. All such cases were selected for an employee interview)

Half of employers (50 per cent) reported being based in a single workplace in the UK, and half (50 per cent) being based across multiple sites. This is in line with 2010, where 49 per cent of the employer sample reported having a single workplace and 51 per cent having multiple workplaces. In terms of workplace size), seven in ten employers (70 per cent) reported having between 1 and 49 members of staff (i.e. a small workplace), 16 per cent had 50-249 (i.e. a medium workplace), and 11 per cent had 250 or more (i.e. a large workplace).

Nearly six in ten employers (58 per cent) reported that their organisation had an internal Human Resources (HR) or Personnel Department that dealt with personnel issues, while 12 per cent used an external contractor for HR and personnel issues and 30 per cent had no formal HR function. This is largely in line

with 2010, where 55 per cent of employers had an internal HR department, 17 per cent used an external contractor and 28 per cent had no formal HR function. As would be expected, presence of an internal HR department increased with workplace size, with one being present in 44 per cent of small workplaces, compared with 100 per cent of large workplaces.

A quarter (24 per cent) of employers reported having an internal legal department that deals with personnel or employment issues. This compares to 19 per cent in 2010. As with internal HR departments, the presence of an internal legal department was related to workplace size, with larger workplaces more likely to have such a department.

Nearly one fifth (18 per cent) of organisations reported having had a trade union or staff association active at the workplace where the employee worked. And three in ten (30 per cent) reported that the organisation was a member of an Employer's or Trade Association that gives advice on personnel or employment related matters.

2.3 Profile of employees

All employees were asked a range of questions about their employment characteristics and personal characteristics.

Turning first to their employment characteristics, 17 per cent of employees said they had managerial duties within the organisation, and a further 17 per cent were supervisors. This broadly reflects the breakdown evident in the 2010 evaluation.

Seven in ten employees (71 per cent) reported that they worked for the organisation full time, with two in ten (19 per cent) working part time, and one in eleven (9 per cent) contracted to work according to demand. In comparison to 2010, this represents an increase in the proportion contracted to work the hours according demand (from two per cent in 2010), and a decrease in the proportion working full time (82 per cent) and part time (16 per cent).

The average length of time that the employee had been employed by the organisation was four years. This was slightly shorter than in 2010, when the average length of employment was five years. As would be expected, there was substantial variation in the employment period, with the minimum time being less than a year and the maximum time 32 years; the median was 1.5 years. In 2010 the minimum length of employment was less than a year, and the maximum time was 42 years; the median length of time was three years.

In terms of employees' personal characteristics, these were as follows:

- Nine in ten (90 per cent) described themselves as White, three per cent as Black, three per cent as Asian and four per cent from a mixed ethnic group. These proportions remain unchanged from 2010.
- Mirroring 2010, 95 per cent of employees spoke English as a first language.
- Forty five per cent of employees were aged between 35 to 54, one fifth (21 per cent) were aged 25 to 34 and a further fifth (19 per cent) were aged over 54. Fourteen per cent were aged 16 to 24. This is broadly in line with the 2010 evaluation.
- Fourteen per cent had a long-standing illness, disability or infirmity at the time of the Acas assistance. This is consistent with 2010 where the equivalent figure was 13 per cent.
- Just over half of employees were male (55 per cent). This is broadly in line with 2010, where the division was 59 per cent male and 41 per cent female.

2.4 Profile of Representatives

As discussed in the introductory section, where details of a representative were included in the sample, the representative was approached for an interview on behalf of the employee/employer.

In total 35 interviews were carried out with representatives; 15 with representatives of employees, and 20 with representatives of employers.

There were both 'professional' and 'non professional' representatives as follows:

- A solicitor, barrister or some kind of lawyer - 18 representatives
- A friend or relative - 9 representatives
- Personnel or human resources specialist - 6 representatives
- Trade union / worker representative at workplace - 1 representative
- Some other type of representative - 1 representative

For 11 representatives this dispute was the only dispute they had ever dealt with. With the exception of two, these were all representatives who were 'non professional' (which has been defined here as being a friend or relative).

Of the nine 'non professional' representatives, seven had only been dealing with employment tribunals in the past year, and therefore the current dispute would have been the only dispute in which they had acted as a representative (the remaining two gave a 'Don't know' response to this question). Amongst the 26 'professional' representatives, seven had been dealing with employment tribunal claims for one to five years, and the remaining 19 for more than five years.

3. THE WORKPLACE DISPUTE

This section of the report profiles the workplace dispute, in terms of the characteristics of the dispute, the length of time the matter had been in dispute and grievance and disciplinary procedures used. It also reports on how the employment came to an end and whether an employment tribunal claim was submitted.

3.1 The dispute

In ninety eight per cent of cases the employee was a current or former worker of the organisation at the time of the offer of Acas conciliation, and only 10 per cent of these employees still worked at the organisation at the time of survey. This was double the percentage that had remained in their job at the time of the 2010 survey (five per cent). In one per cent of cases the employee was a job applicant, and in the remaining one per cent a 'don't know' response was given.

Seventy eight per cent of service users, where the worker had left the organisation, stated that the employee had left prior to Acas involvement, 11 per cent during and 10 per cent after (one per cent did not know). As was also highlighted in the 2010 survey findings, disputes that involved a private sector organisation were more likely than public or non-profit organisations to have resulted in the employee leaving prior to Acas involvement (80 per cent versus 71 per cent versus 55 per cent, respectively).

In terms of case track, over half of all disputes were deemed as fast track cases (53 per cent), followed by 38 per cent which were standard track cases and nine per cent being open track cases (Figure 3.1).

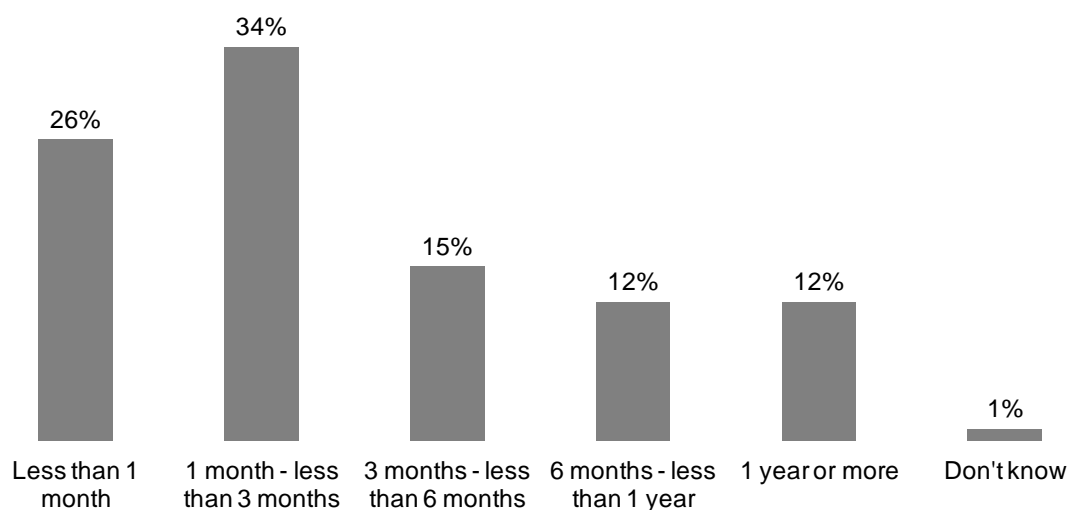
Figure 3.1 Case Track



Base: All cases (476)

As illustrated in Figure 3.2, there was a variety of time scales for the disputes, but three quarters of workplace issues (75 per cent) had occurred over a period of less than six months. This is broadly in line with the 2010 survey, where the equivalent figure was 70 per cent¹⁰.

Figure 3.2 Time scale of the dispute



Base: All employees/employee representatives (320)

3.2 Disciplinary and Grievance procedures

The role of PCC is to provide a last resort alternative to an employment tribunal claim. PCC is not offered on a 'blanket' basis but is instead only offered to callers to the Acas helpline by the helpline advisor. Where the dispute meets certain criteria, the helpline advisor offers to refer the caller for PCC. Generally, it would be expected that the parties had already made reasonable efforts to address the issue through internal workplace procedures. As a consequence it was important to understand to what extent internal procedures had been used.

The majority of service users stated that their workplace had written procedures in place for dealing with disputes (51 per cent); however 37 per cent said they did not have such procedures and 12 per cent did not know. In keeping with the 2010 findings, employees were much less likely than employers to confirm that there were written grievance procedures in place (37 per cent versus 82 per cent). As was the case in the 2010 survey, this may highlight that many employees were possibly unaware of any written procedures that were in place. Employees (and their representatives) were also much more likely to answer 'Don't Know', with 17 per cent choosing this response compared with two per cent of employers (and their representatives).

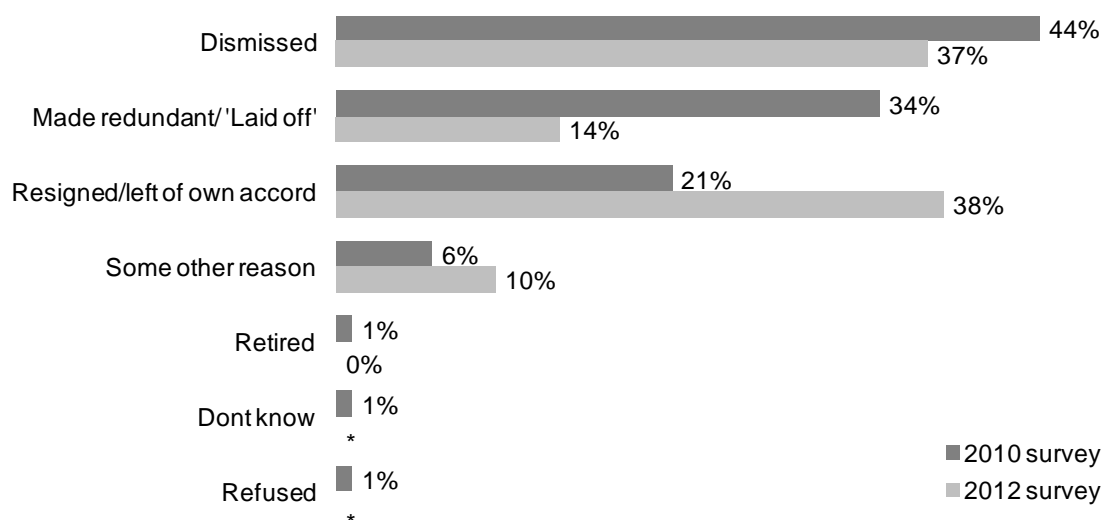
¹⁰ Note in the current survey this question was asked only to employees or their representatives. In the 2010 survey it was asked to all service users (employees, employers and representatives).

Sixty four per cent of those who reported that the organisation had written dispute procedures in place said that they had been used for this dispute. This figure is 10 percentage points lower than in the 2010 survey (74 per cent). Amongst those organisations with written procedures employers (and their representatives) were again much more likely than employees to state that these procedures had been used for the dispute (75 per cent versus 52 per cent). This was in line with the 2010 survey.

3.3 End of employment

Employment came to an end in a number of different ways. In 2012, this was most commonly due to dismissal (37 per cent) or resignation/leaving of own accord (38 per cent). The number of redundancies had fallen since the last survey, from 34 per cent in 2010 to 14 per cent in 2012, while the numbers of those that resigned/left of own accord have risen from 21 per cent in 2010 to 38 per cent in 2012 (Figure 3.3).

Figure 3.3 How employment came to an end



Base: All cases where the employee was a former worker (421) / 2010 All sampled service users where employee was a former worker (1093)

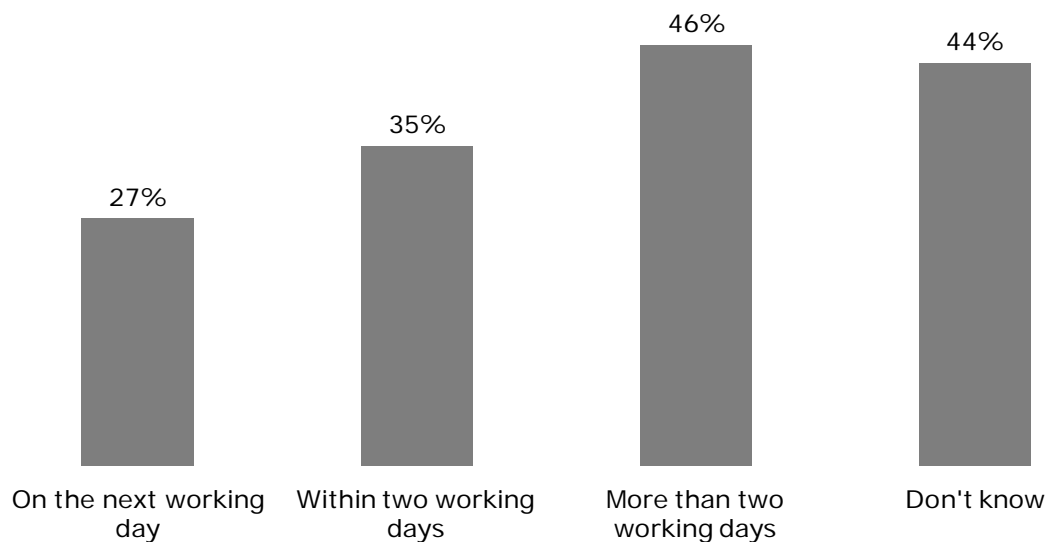
3.4 Tribunal Claim

Amongst service users whose referrals either did not progress to PCC, or whose did but ended in an impasse, just over half (52 per cent) stated that the employee had submitted a claim, with 48 per cent stating that they had not and one per cent did not know. Tribunal submission was higher where conciliation had ended in impasse (71 per cent) compared to disputes that had not progressed to conciliation (33 per cent).

Amongst employer respondents, organisations with an internal HR department were less likely than those without such a department to have stated that the employee had submitted a tribunal claim (29 per cent versus 39 per cent). The same trend was identified in the 2010 study.

Interestingly, amongst employee respondents (and their representatives) the likelihood of submitting a tribunal claim increased with the length of time between accepting assistance and being contacted by the conciliator. The longer it took for the conciliator to contact the employee or employer after the acceptance of assistance, the higher the chance of a tribunal claim being submitted. Just over a quarter of those (27 per cent) who had been contacted on the next working day ended up submitting a tribunal claim, compared to just under half (46 per cent), when the conciliator took more than two working days to make contact. This suggests that it is important for the conciliator to make contact quickly and beginning the conciliation process as early as possible.

Figure 3.4 Percentage who had submitted an Employment Tribunal claim by speed of conciliator contact



Base: All employee /employee representatives except those who did not have contact with an Acas conciliator and those employees who used a representative from this point forward (273)

All service users who reported that the employee had not yet submitted a tribunal claim were asked if the employee intended to do so. Just four per cent reported that they were going to.

4. PROGRESSION TO PCC

This section of the report explores how service users first become aware of PCC, and their initial contact with Acas. It also explores intentions to submit an employment tribunal claim before the initial contact with Acas. The last part of this section explores the barriers to taking part in PCC amongst unprogressed cases.

4.1 Previous awareness of PCC

All service users were asked if they had heard of the Acas PCC service before they were offered it by Acas in the current dispute. As might be expected previous knowledge of PCC was higher amongst employers and representatives than employees, with 83 per cent of all representatives and 73 per cent of employers reporting that they heard of PCC before the current dispute, compared with just 33 per cent of employees.

Amongst employees who had previously heard of PCC before they were offered it in the dispute, the three most commonly mentioned ways of first hearing about the service was: by word of mouth which was mentioned by a third of employees (33 per cent); from the Acas website which was mentioned by a fifth of employees (21 per cent) and from the Citizen's Advice Bureau mentioned by one tenth (10 per cent).

Amongst representatives who had heard of PCC previously, as might be expected, the most commonly cited answer was that they had taken part in it previously or had been offered it in a previous dispute, mentioned by half of all representatives (50%).¹¹

4.2 Initial contact with Acas

Virtually all employees (or their representatives) reported that they initially got in touch with Acas about the dispute by calling the helpline (95 per cent). Those that did not (only 16 employees/employee representatives) were asked whether they made the first contact with Acas or if the employer did. Thirteen reported that they did, with just three reporting that the employer did or that they didn't know.¹²

¹¹ Note, employers were not asked in the survey where they had first heard about the PCC service.

¹² This high level of employee making the initial contact is to be expected, as employer referrals were excluded from the sample for practical reasons.

4.3 Intention to submit a claim to an employment tribunal before contacting Acas

Six in ten employees (or their representative) (60 per cent) reported that before they got in touch with Acas they were considering making a claim to an employment tribunal. Three in ten (29 per cent) reported that they were not, with nine per cent being undecided. Those in standard track cases, were the most likely to mention the intention to submit a tribunal claim (67 per cent), followed by those in fast track cases (56 per cent). Only 46 per cent of employees (or their representatives) in open track cases mentioned that they were planning to submit a tribunal claim; however this figure must be treated with caution due to the small base size.¹³

All service users were asked whether the employee had informed the employer that they were considering submitting an employment tribunal claim before the first contact with Acas was made. Thirty seven per cent of service users reported that the employee had informed the employer. Recall of this differed between employees (and their representatives) and employers (and their representatives), with four in ten employees (or their representatives) (42 per cent) reporting that they had informed their employer, but just three in ten (28 per cent) employers (or their representatives) reporting that they had been informed. However these comparisons must be treated with caution as employers (and their representatives) were only interviewed in progressed cases.

4.4 Uptake of PCC and barriers to taking part

Overall it was reported that PCC took place in 64 per cent of cases, and did not take place in 29 per cent of cases. For six per cent of cases, the service users interviewed did not confirm that PCC took place in the interview. There was no variation in uptake of PCC by case track.

In cases where PCC did not take place, in around six in ten cases (58 per cent) it was because the dispute was resolved in the initial discussion with the conciliator. When employees (and their representatives) were asked for further details about why this was, the most commonly mentioned answers by were:¹⁴

- That the issue was resolved (no further detail given) (26 per cent);
- After Acas involvement, the employer rectified the issue / resolved the issue (14 per cent);
- Acas were not helpful (nine per cent);
- Acas advised not to take the matter forward (eight per cent);

¹³ N=30.

¹⁴ Note, only employees were interviewed in unprogressed cases, therefore the reasons from an employer perspective were not captured.

- Employee could 'not be bothered' (eight per cent);
- It was too expensive to take the matter forward (six per cent).

In the remaining 42 per cent of those cases where PCC did not take place, it was for an 'other' reason. Table 4.1 displays the specific reason listed:¹⁵

Table 4.1 Reasons why the PCC outcome was 'unprogressed – other'

	%
The employer was not willing to negotiate	36
Acas could not contact the employer	17
The issue was resolved by the time of the Acas assistance	12
Felt that conciliation would not resolve the issue / would be a waste of time	10
Acas did not get back to the employee in time	6
Time restraints	4
When spoke to Acas advisor felt did not have a case	3
Other	13
Unweighted Base	53

Base: All unprogressed cases (employee interviews only), where the PCC outcome was recorded as 'unprogressed other' in the survey

¹⁵ As per the last footnote, only employees were interviewed in unprogressed cases, therefore the reasons from an employer perspective were not captured.

5. THE CONCILIATION PROCESS

This section of the report examines the PCC process, exploring contact with conciliators, perceptions and ratings of the conciliator and time spent by service users on dealing with the dispute. It also discusses the actions employers have taken as a result of their involvement with Acas.

5.1 Contact by conciliator

For most service users entering PCC, the process is initiated by a call to the Acas helpline. When an individual has been referred from the helpline in this way, the conciliator should contact the caller within two working days to check suitability of PCC and gain agreement to take part in conciliation. The other party should be offered the service once agreement has been achieved.

All callers to the helpline were asked how soon they were contacted by a conciliator after they had accepted the initial offer of referral from the Acas helpline. Of those that answered the question, 22 per cent said they were contacted on the next working day, 32 per cent within two working days, 32 per cent after more than two working days and 13 per cent didn't know.

Table 5.1 Timing of first contact between conciliator and service user

	Total %	Case track		
		Fast %	Standard %	Open %
On the next working day	22	23	24	9
Within two working days	32	35	29	32
More than two working days	32	30	46	31
Don't Know	13	12	16	14
Unweighted Base	304	127	106	26

Base: All who had contact with the conciliator

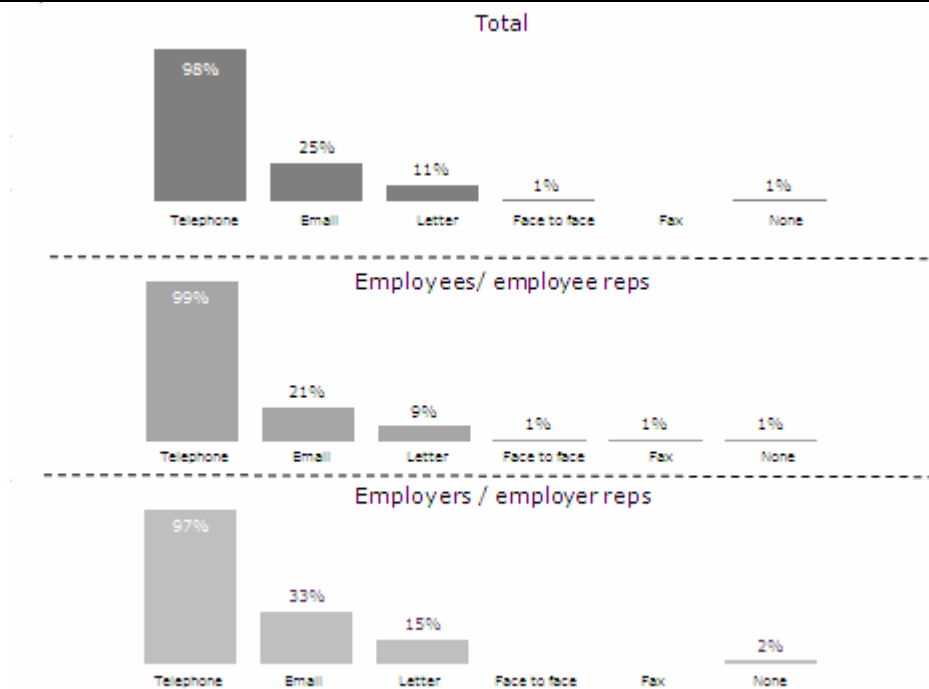
Initial contact tended to be quicker in fast and standard track cases than in open cases.

Contact during PCC (including but not limited to the first contact with a conciliator) was generally by telephone. Nearly all service users (98 per cent) had at least some telephone contact with a conciliator, and there was no difference between employees (or their representatives) and employers (or their representatives) in this regard.

Email contact was also fairly widespread with a quarter of service users (25 per cent) indicating that they had some contact via email. Use of email was more prevalent with employers than with employees (with a third of all employers who had contact with a conciliator indicating that they had had email contact at some point).

Contact by letter, and particularly face to face contact were relatively uncommon. As shown in Figure 5.1, only one per cent of those who had any contact with a conciliator indicated that they met face to face. Furthermore, none of the interviewed employers had face to face contact with a conciliator.

Figure 5.1 Modes of contact with conciliator by service user type



Base: All who had contact with conciliator (All: 413, Employees/Employee representatives: 273, Employers/Employer representatives: 140)

Employees (and employee representatives) were asked how many times they had contact with an Acas conciliator during PCC. They were also asked whether they would have preferred more contact with the Acas conciliator, less contact or about the same.

Most employees (and employee representatives) appeared to be happy with the amount of contact they had with their conciliator. As shown in Table 5.2, 71 per cent of those who were asked said they would have liked the same amount of contact. While a quarter (26 per cent) said they would have liked more contact, almost none (two per cent in total) said they would have liked less contact.

On average, the mean number of contacts between the employee (or employee representative) and conciliator was four. Around a quarter (28 per cent) had

been in contact once or twice, a third (33 per cent) three or four times, with a further third (35 per cent) indicated they had been in contact five times or more.

Table 5.2 Amount of contact between conciliator and employee (or employee representative) and perceptions of amount of contact

	Total %	Number of times had contact with conciliator					Don't Know %
		1 or 2 %	3 or 4 %	5 or 6 %	7 or more %		
Would have liked:							
More	26	28	28	25	9	40	
The same	71	65	72	73	83	50	
Less	2	3	-	-	6	-	
Don't Know	2	4	-	-	3	10	
Unweighted Base	271	73	89	61	38	10	

Base: All employee / employee representatives who had contact with a conciliator

The figures in Table 5.2 suggest that in most cases the level of contact with the employee was appropriate to the case. Regardless of the specific number of times contact was made, most employees (or their representatives) felt the amount of contact was right (indicating that they would have liked the same amount of contact as they actually received). However, whilst there were no significant differences in perceptions of the amount of contact between those who had contact only once or twice compared with those who had contact 3 or 4, or 5 or 6 times during PCC, the data displayed in Table 5.2 shows an indicative trend that the more times there is contact the less likely employees were to state that they would have preferred more contact.

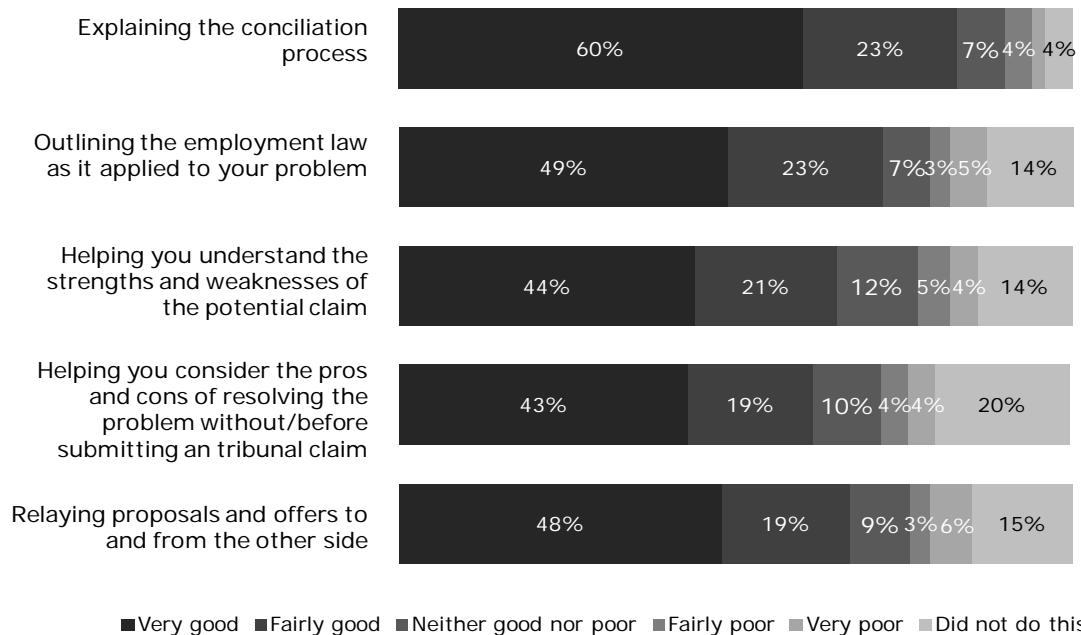
5.2 Perception of the conciliator

All service users who had contact with the conciliator were asked to rate the conciliator in terms of a number of factors. In order to make comparisons to the 2010 survey, the ratings here have been examined based on those in progressed cases only¹⁶. Ratings are displayed in Figure 5.2.

¹⁶ In the 2010 survey perceptions were explored in progressed cases only. In the 2012 survey they were asked of all who had contact with the conciliator.

Figure 5.2 Service users perceptions of Acas conciliators

D5. How would you rate the Acas conciliator in terms of...



Base: All service users in progressed cases, excluding those that answered DK (Statement 1 = 266, Statement 2 = 264, Statement 3 = 262, Statement 4 = 261, Statement 5 = 261)

The proportion of service users who rated the conciliator as 'very good' on these statements remains broadly in line with the ratings in the 2010 survey. However, it is noticeable that on statements 2, 4 and 5 the proportion of service users that reported that the conciliator did not do these things has increased:

- *Outlining the employment law as it applied to your case* – seven per cent reported the conciliator did not do this in 2010, versus 14 per cent in 2012.
- *Helping you to consider the pros and cons of resolving the problem without/before submitting a tribunal claim* – 11 per cent reported the conciliator did not do this in 2010, versus 20 per cent in 2012.
- *Relaying proposals and offers to and from the other side* – 11 per cent reported the conciliator did not do this in 2010 versus 15 per cent in 2012.

Similarly to the 2010 survey, ratings on some of the traits varied between employees (and their representatives) and employers (and their representatives), with employees tending to give more positive ratings (the proportion giving a 'very good' or 'fairly good' rating) than employers. In the 2012 survey, ratings varied on the following statements:

- *Outlining the employment law as it applied to your case* – 80 per cent of employees compared with 63 per cent of employers

- *Helping you to understand the strengths and weakness of this potential claim* – 75 per cent of employees compared with 57 per cent of employers
- *Helping you to consider the pros and cons of resolving the problem without/before submitting an tribunal claim* - 74 per cent of employees compared with 50 per cent of employers

As was the case in 2010, service users who resolved their dispute through PCC were also noticeably more positive (rating the conciliator 'very good' or 'fairly good'), than those whose cases ended in an impasse:

- Explaining the conciliation process (88 per cent versus 74 per cent);
- Outlining the employment law as it applied to your problem (79 per cent versus 61 per cent);
- Helping you understand the strengths and weaknesses of the potential claim (76 per cent versus 52 per cent);
- Relaying proposals and offers to and from the other party (81 per cent versus 50 per cent);
- Helping you to consider the pros and cons of resolving the problem before the submission of a tribunal claim (72 per cent versus 48 per cent).

When service users in progressed cases were asked how they perceived the Acas conciliator, and whether they appeared to be more on one party's side than the other, just over three quarters (71 per cent) felt that Acas had been even handed in their handling of the case. This is consistent with 2010 (where the equivalent figure was 75 per cent). As shown in Table 5.3 below, employers were more likely than employees to feel that the conciliator was even handed (78 per cent versus 64 per cent), and this remains relatively unchanged from 2010. Those in cases which had reached a resolution were more likely to feel that the conciliator was even handed than those that reached an impasse (77 per cent versus 63 per cent).

Table 5.3 Impartiality of the conciliator and trust in the information they gave

	Total %	Service user		Case outcome	
		Employee/ Employee representative %	Employer / Employer representative %	Resolved %	Impasse %
Impartiality of the conciliator					
More on your side	9	18	1	10	10
More on the other party's side	14	15	19	11	24
Even handed	71	64	78	77	63
Don't know	2	3	1	2	3
Trust in the information given					
Completely trusted him/her	67	66	67	73	57
Trusted him/her up to a point	25	26	25	21	32
Did not trust him/her	5	5	4	3	6
Don't know	3	3	4	3	5
Unweighted Base	273	144	129	169	104

Base: All progressed cases

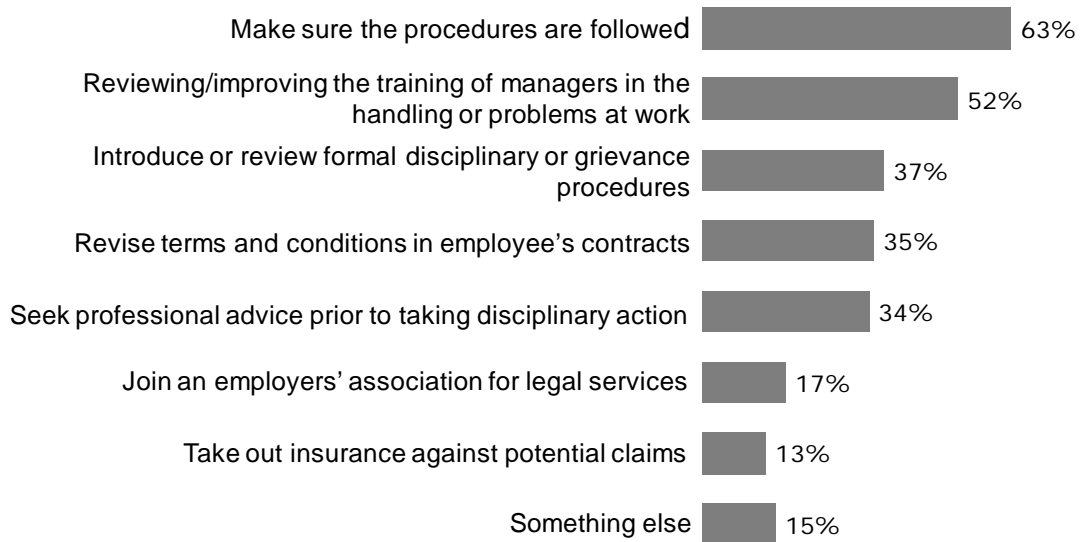
Table 5.3 also displays the level of trust service users had in their conciliator. Around seven in ten (67 per cent) completely trusted them. This is line with 2010, when the equivalent figure was 70 per cent. This is a very positive finding as a key part of the conciliator's role is to build up trust with both parties. Similarly to 2010, whilst levels of trust did not vary between employees and employers, they did vary according to the case outcome, with service users in resolved cases more likely to trust the conciliator completely (73 per cent) than those that reached an impasse (57 per cent).

5.3 Employers taking actions as a result of PCC

As was the case in 2010, nearly three in ten employers (28 per cent) said that the Acas conciliator had provided them with information or advice that they felt would help them to avoid having to deal with another similar dispute in the future.

Those who had been provided with such information or advice were asked what actions they had taken as a result. These are illustrated in Figure 5.3, however, the figures must be treated with caution due to the limited base size (37).

Figure 5.3 Employer actions taken as a result of information or advice given by the Acas conciliator



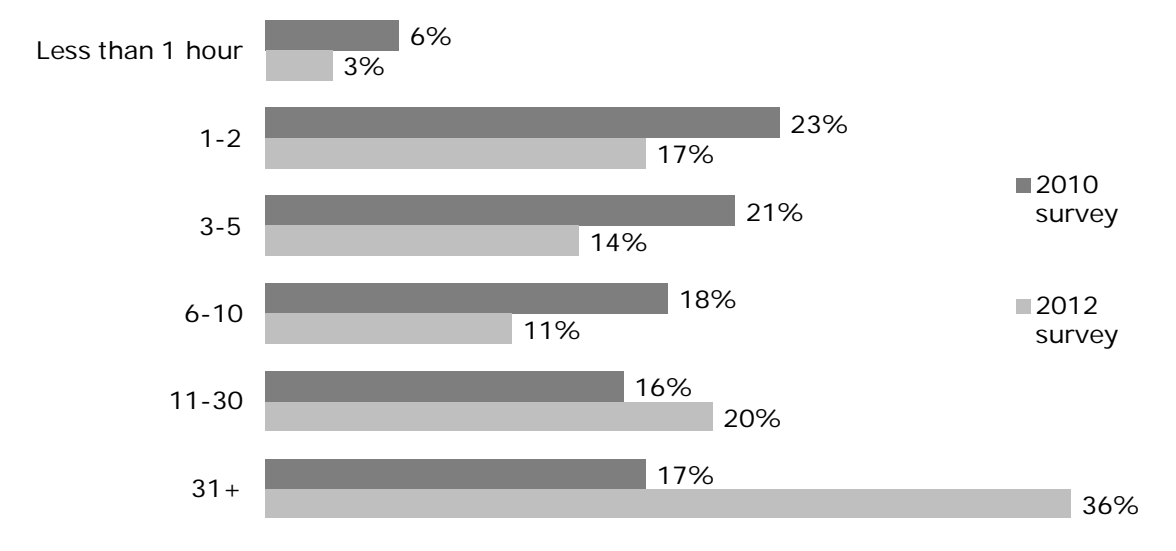
Base: All employers (progressed cases) where Acas conciliator provided information or guidance to help avoid having to deal with a similar dispute in the future (37)

5.4 Time spent on the PCC process

All employees who had participated in the PCC process were asked how long they had spent on the process from the time they received the offer of Acas assistance until the assistance ended.

While the average number of hours was 51, there was a considerable variation in the amount of time employees spent. This represents an increase in the average time spent in the 2010 survey, where the mean number of hours was 23. The breakdown of the hours spent as reported in the two surveys is shown in Figure 5.4 below.

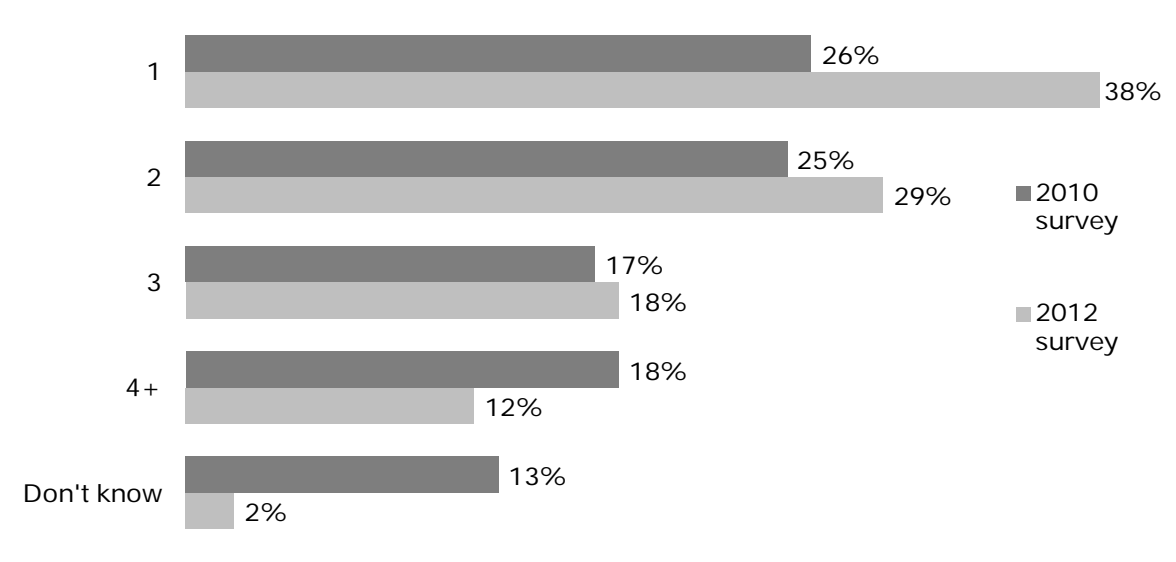
Figure 5.4 Number of hours spent by employees on the workplace problem



Base: All employees in progressed cases, excluding Don't Knows. (2010: 234, 2012: 141)

All employers were asked how many members of staff had spent time on the dispute, and the total amount of time spent by them. Two thirds (68 per cent) reported that one or two members of staff spent time of the PCC case. In comparison to 2010, this represents a larger proportion of employers where only one or two members of staff spent time, and a lower proportion where three or more spent time (see Figure 5.5).

Figure 5.5 Number persons involved and spent time on PCC case



Base: All employers (progressed cases only) (2010: 347, 2012 136).

There was substantial variation in the time spent by each organisation, but the average total time spent (across all staff) was 16 hours, while the median was five hours. In comparison to 2010, this is a small reduction, where the average time spent was 21 hours (with a median of 8 hours). The difference between the

average and median figures highlights that a limited number of employers expend very significant amounts of times on these issues.

In 2010 those who were involved in open track cases, tended to spend longer on the case than those involved in fast and standard track cases. Additionally those involved in cases which reached an impasse tended to spend longer than those where it reached an resolution. In the current survey, it is not possible to examine these groups due to limited base sizes of these sub groups.

6. SUMMARY OF OUTCOMES FROM PCC

This section explores the outcomes of PCC, including details of the settlement, reasons for not reaching a resolution and the level of satisfaction with the outcome. The final part of this section examines the employment outcomes of the employee.

6.1 Outcome of PCC

There are a number of possible outcomes from PCC once a case has been referred to an Acas conciliator. Table 6.1 summarises the outcomes for all cases based on survey data from a series of questions designed to capture the full nature of the outcome.

In total, around two thirds (64 per cent) of referred cases were progressed through PCC, with most of the remaining third (29 per cent) remaining unprogressed either because the matter was resolved in initial discussions (17 per cent) or for some other reason (12 per cent). A small proportion (7 per cent) of respondents answered in a way that made the outcome of the process unclear.

As shown in Table 6.1, outcomes did vary slightly by case track. Service users with fast track cases were more likely to have had their case progressed and resolved than those with standard track cases (46 per cent and 27 per cent respectively); however, most of these resolutions were not made through an Acas settlement. Conversely, service users with fast track cases were less likely to have reached an impasse. To an extent these differences are likely reflect the relative complexities of fast and standard track cases.

Table 6.1 Summary of outcome of PCC process by case track

	Total %	Fast %	Standard %	Open %
Progressed (net)	64	65	62	68
Progressed - Resolved	38	46	27	36
Resolved - Acas settlement	15	12	17	24
Resolved - other	22	34	10	13
Progressed - Impasse	27	19	36	32
Impasse - No resolution brokered	21	15	27	29
Impasse - Ran out of time	6	4	9	4
Unprogressed (net)	29	29	30	25
Unprogressed - Resolved in initial discussions	17	15	20	11
Unprogressed - other	12	14	10	11
Something else/ Not known	7	6	8	7
Unweighted Base	476	243	180	53

Base: All cases

Consistent with the 2010 survey and as evidenced in Table 6.2, the degree to which the Acas conciliator was seen as 'even-handed' was associated with the outcome of PCC. Cases where the conciliator was seen as even-handed were more likely to have been progressed through PCC and more likely to have been resolved – with a relatively high level of resolution through Acas settlements; one in five (20 per cent) who felt the conciliator had been even-handed said that the case had been resolved through an Acas settlement compared with one in ten (nine per cent) of those who felt the conciliator had been more on one side of dispute than the other (either the employee's or employer's side).

Table 6.2 Summary of outcome of PCC process by whether the conciliator was seen as 'even handed'

	Total %	Even-handed %	More on one side than the other %
Progressed (net)	64	69	56
<i>Progressed - Resolved</i>	37	44	26
Resolved - Acas settlement	16	20	9
Resolved - other	21	23	16
<i>Progressed - Impasse</i>	27	26	30
Impasse - No resolution brokered	21	19	26
Impasse - Ran out of time	6	7	5
Unprogressed (net)	29	24	35
Unprogressed - Resolved in initial discussions	18	14	25
Unprogressed - other	11	10	10
Something else/ Not known	8	7	9
Unweighted Base	413	273	123

Base: All except those who had no contact with a conciliator and/or were represented throughout

Sample sizes were too small to support reliable analysis for other sub-groups.

6.2 Reasons for outcome of PCC

Of the 83 service users who indicated that the case had been resolved through PCC with an Acas settlement, most (63) indicated that the settlement involved money. The value of monetary settlements varied considerably with, values between £50 and £8,000 (and an average settlement of c.£1,200). A further 13 service users said a reference had been provided as part of the settlement, although it was uncommon for settlements to involve the reinstatement of an

employee in their old job (just three of the 83 service users mentioned this) or an apology (mentioned by only one respondent).

The 93 service users who said they had reached an impasse despite starting the PCC process were asked why this was. The most common reason given (mentioned by 31 of the 93 respondents) was because 'the employer did not wish to take part in the conciliation or was not interested in talking'. Other common responses included:

- The offer the employer made was not good enough;
- The employee wanted money and we were not willing to pay;
- We felt we had no case to answer to;
- We offered a settlement but the employee was not willing to accept it.

6.3 Satisfaction with outcome of conciliation in progressed cases

Those whose case had been progressed through PCC were asked how satisfied or dissatisfied they were with the outcome of the conciliation, putting aside the service they received from Acas. As shown in Table 6.3, two thirds of all whose case was progressed were satisfied to some degree (65 per cent), with around a third (37 per cent) expressing high level of satisfaction (either extremely or very satisfied).

Levels of satisfaction were comparable with those observed in 2010 (65 per cent were satisfied overall in the previous survey) as well as with the 2007 and 2010 Acas Individual Conciliation Surveys (69 per cent and 73 per cent respectively).

Table 6.3 Satisfaction with outcome of conciliation by PCC outcome

	Total %	Progressed - Resolved %	Progressed - Impasse %
Extremely satisfied	16	18	13
Very satisfied	22	30	9
Satisfied	28	31	22
Neither satisfied nor dissatisfied	8	6	11
Dissatisfied	13	7	21
Very dissatisfied	6	4	9
Extremely dissatisfied	8	3	14
Satisfied (net)	65	79	44
Dissatisfied (net)	27	15	45
Unweighted Base	318	199	119

Base: All whose case was progressed (excluding don't know responses)

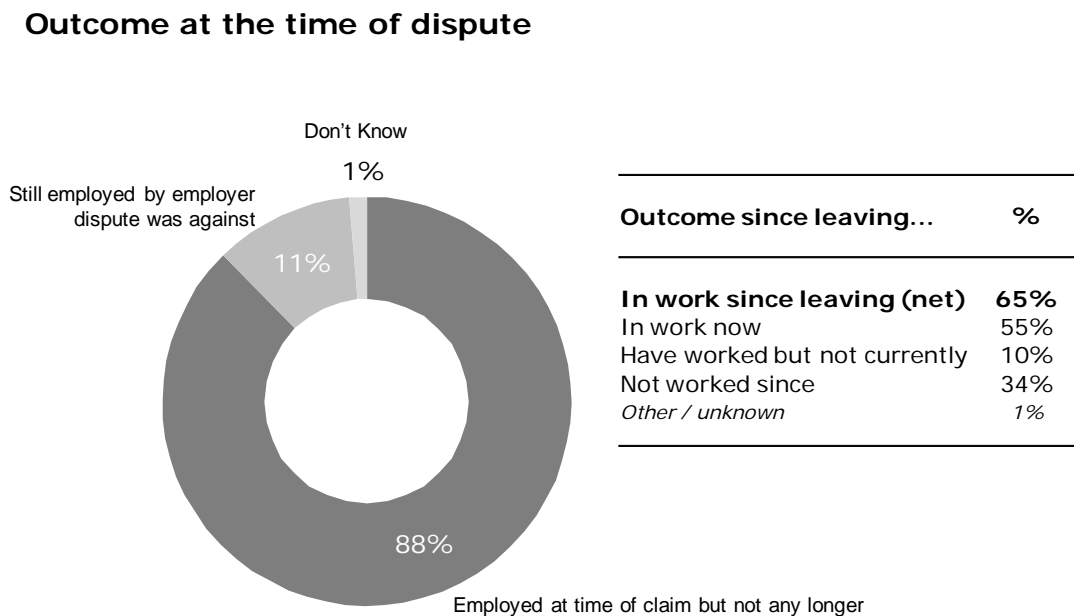
As illustrated in Table 6.3, and as we might expect, satisfaction with the outcome of conciliation was higher among those whose case was resolved through PCC than amongst those who reached an impasse. Around eight in ten whose case was resolved (79 per cent) were satisfied with the outcome overall, with nearly half (48 per cent) expressing high levels of satisfaction (either extremely or very satisfied). This said, even among those whose case had resulted in an impasse nearly half (44 per cent) said they were satisfied with the outcome - as many as the proportion who were dissatisfied to any degree (45 per cent).

6.4 Employment outcomes amongst employees (continued employment)

One of the intentions of PCC is to conciliate between parties at an earlier stage, to try where possible to maintain a working relationship between the employee and employer. The 2010 survey concluded that, while this is an intention of PCC, very few employees remained in employment with the organisation against which they had a dispute (five per cent of employees in 2010).

As shown in Figure 6.1, in 2012 a similarly small proportion of employees remained in employment with the organisation against which they had the dispute, although this proportion is around double that observed in 2010 (11 per cent).

Figure 6.1 Employment outcomes at time of and post-dispute



Base: Outcome at the time of dispute: All employees who worked for the employer (305)
 Outcome since leaving: All employees no longer employed by the organisation dispute was against (267)

Employees who were not in continued employment were asked about any work they had done since leaving the organisation against which they had the dispute. Two thirds (65 per cent) said they had worked at some point since leaving, with

slightly more than half (55 per cent) indicating that they were currently in employment. This leaves one in ten (10 per cent) who had worked since leaving but were not in employment at the time of the survey and a further third (34 per cent) who had not been employed at all since leaving.

Continued employment was also strongly correlated with the employee's length of service. Of those who had been employed for less than a year, only three per cent continued to be employed by their employer at the time of interview (compared with 16 per cent who had been employed for a year or more). While the base is relatively small, this proportion was particularly high among employees that had been employed for five years or more before the dispute (21 of the 98 employees who had been employed for five years or more were in continued employment – the equivalent of around 20 per cent).

7. OVERALL PERCEPTIONS OF PCC

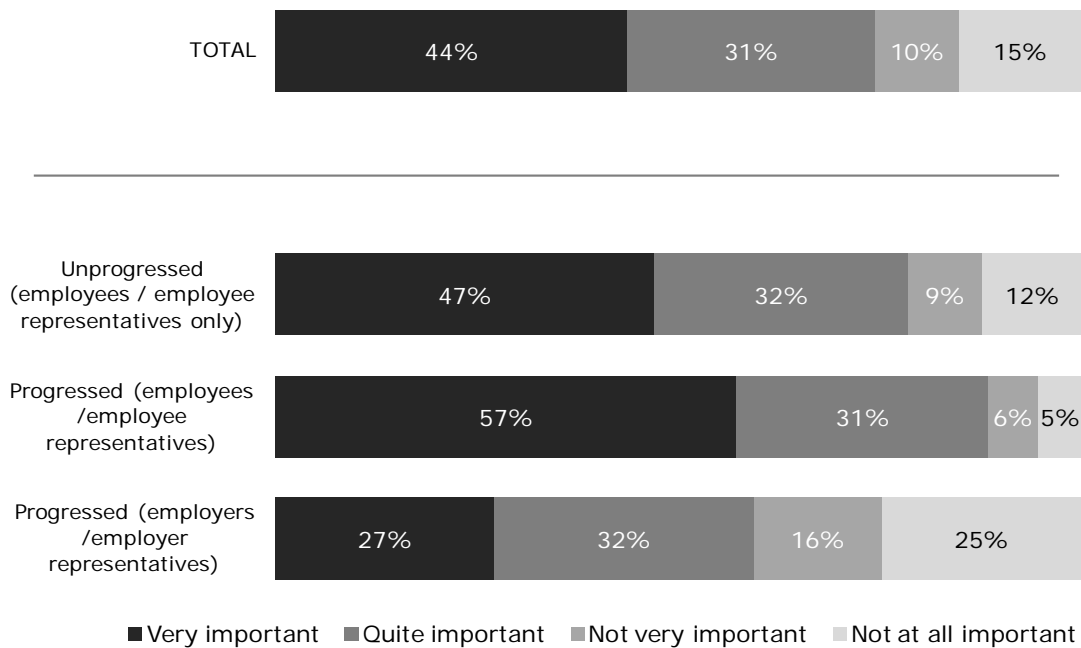
7.1 Impact of Acas involvement in the decision making process

As was the case in 2010, the majority (74 per cent) of respondents felt that Acas involvement was important in helping them to decide on how to proceed with their dispute (including 44 per cent who felt that Acas involvement had been very important).

Overall the proportion who felt that Acas involvement was important in their decision making process was similar to 2010 - when 77 per cent of interviewees across all service user groups felt that Acas involvement was important (no significant difference between 2010 and 2012).

Figure 7.1 Importance of Acas involvement in decision-making process

D8. How important was Acas involvement in helping you to decide on how to proceed with this dispute?



Base: All service users, excluding don't know responses. (Total: 444, Unprogressed (employees/employee representatives): 120, Progressed employees/employee representatives: 165, Progressed employers/employer representatives 129).

As shown in Figure 7.1, perceptions varied depending on whether or not the case had been progressed. On balance, and as we might expect, employees (and their representatives) whose case had been progressed tended to be more likely to feel that Acas involvement was important compared with employees (and their representatives) whose case had not been progressed (88 per cent and 79 per cent respectively).

In addition, looking specifically at those whose cases had been progressed, employees (and their representatives) tended to be more positive about Acas involvement than employers. While 88 per cent of employees (and their representatives) whose case had progressed felt that Acas involvement had been important, only slightly more than half (59 per cent) of employers (and their representatives) whose case had not progressed felt this was the case.

As well as these variations by service user and outcome, there were variations in response by case track. Specifically, those with fast cases tended to be more positive about Acas involvement than those with standard or open cases; 78 per cent with fast cases said that Acas involvement had been important, compared with 70 per cent with standard and 71 per cent with open cases.

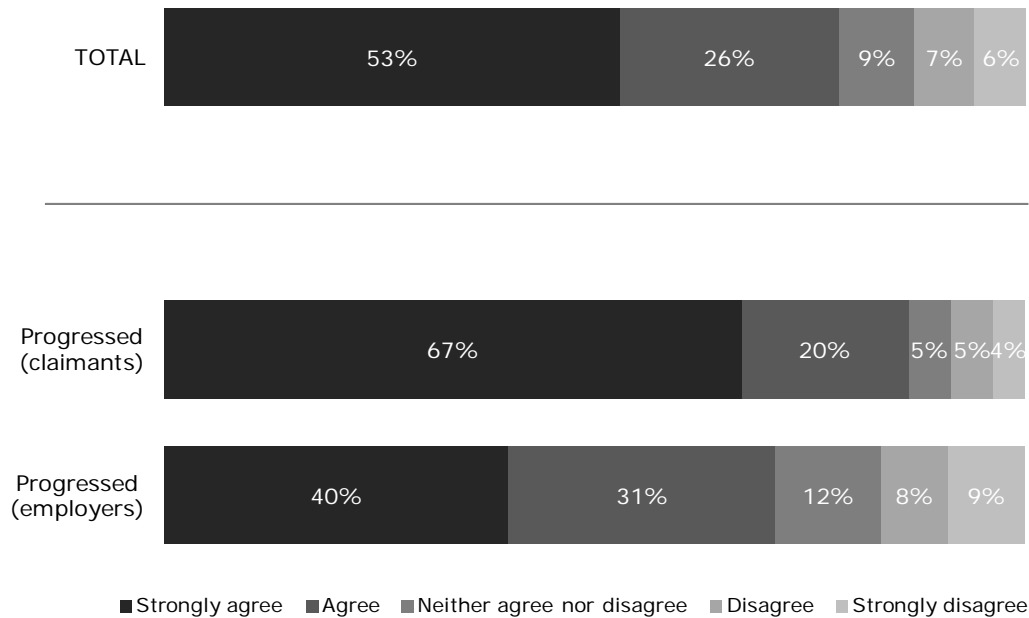
All service users who had resolved their case through PCC were also asked how much they agreed or disagreed that Acas involvement was a factor in their decision to resolve the case.

As shown in Figure 7.2, the results from this question are consistent with findings earlier in this section. Of those who were asked, around three quarters (79 per cent) agreed that Acas involvement had been a factor in their decision to resolve the case. In this regard there has been no change since 2010 (when the equivalent proportion was 80 per cent).

Again, employees (and their representatives) whose case had been resolved through PCC tended to be more positive than employers (and their representatives) about Acas involvement. A large majority of these employees (and employee representatives) said they agreed (20 per cent) or agreed strongly (67 per cent) that Acas involvement had been a factor in the decision. This compared with 71 per cent of employers (and employer representatives) who agreed or agreed strongly.

Figure 7.2 Whether Acas involvement was a factor in decision to resolve the case

D9. Level of agreement that Acas involvement was a factor in the decision to resolve the case



Base: All service users whose case had been resolved through PCC, excluding don't know responses. (Total: 192, Employees/employee representatives: 98, Employers/employer representatives: 94).

A similar pattern of response by case track could be seen as observed earlier in this section; those with fast track cases were more likely to agree that Acas involvement had been a factor in the decision to resolve the case (83 per cent agreed compared with 72 per cent of standard and 67 per cent of open cases).

7.2 Acas involvement in bringing parties closer towards resolution

As shown in Figure 7.3, nearly half (45 per cent) of all service users indicated that Acas' involvement had been very important in helping to move the parties closer towards resolving the case.

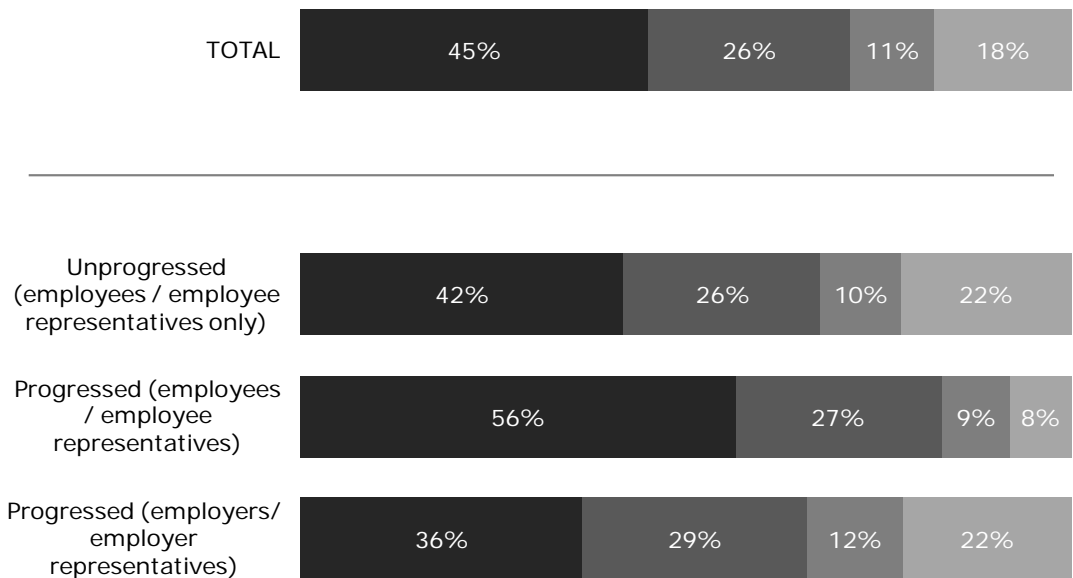
Generally, and as we would expect, those whose case had been progressed through PCC tended to feel that Acas' involvement was more impactful than those whose case had not. In addition, among those whose case had been progressed, employees (and their representatives) tended to be more positive about Acas' involvement than employers – 83 per cent of these employees/employee representatives said that Acas' involvement had been important in bringing parties closer together (including more than half who felt it had been very important) compared with 66 per cent of employers/employer representatives.

It should be noted that, even among those whose case was not progressed through PCC, around two thirds (68 per cent) said that Acas' involvement had been very (42 per cent) or quite (26 per cent) important in bringing the parties

closer towards resolution. This reflects the fact that around half of unprogressed cases were resolved quickly through initial discussions.

Figure 7.3 Importance of Acas involvement bringing parties closer towards resolution

D8b. Importance of Acas' involvement in helping move parties closer towards resolving the case



■ Very important ■ Quite important ■ Not very important ■ Not at all important

Base: All service users, excluding don't know responses. (Total: 435, Unprogressed (employees/employee representatives): 107, Progressed employees/employee representatives: 166, Progressed employers / employer representatives: 133).

7.3 Future use of recommendation of PCC

All service users were asked a question to gauge their attitude with regard to potential future use of PCC. Reflecting the different needs of employees compared with employers and representatives, only employees were asked:

- *If a relative or friend were involved in a similar situation would you advise them to make use of the same service from Acas?*

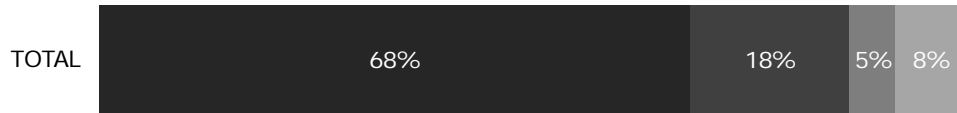
In addition all respondents (including employees, employers and representatives) whose case had been progressed were asked:

- *Would you make use of the pre-claim conciliation services of Acas again?*

Findings from these two measures are summarised in Figure 7.4.

Figure 7.4 Future use and recommendation of PCC

D10. Whether would advise a relative or friend to make use of the same service from Acas



D12. Whether would make use of the pre-claim conciliation services of Acas again



■ Definitely yes ■ Probably yes ■ Probably no ■ Definitely no

Base (D10): All employees, excluding don't know responses (303)

Base (D12): All service users whose case had been progressed, excluding don't know responses (153)

Around two thirds (68 per cent) of employees indicated that they definitely would advise a relative or friend to use PCC if they were involved in a similar situation in future. A further 18 per cent said that they probably would, meaning that nearly nine in ten (86 per cent) were likely to recommend PCC to some extent. Only around one in ten (13 per cent) indicated that they probably (five per cent) or definitely (eight per cent) would not recommend PCC to a friend or relative.

A similar proportion (86 per cent) of those who were asked indicated that they themselves would make use of PCC in future. These service users were, however, less likely to say they definitely would use PCC (52 per cent) and slightly more likely to say they only probably would use PCC (34 per cent). This probably reflects uncertainty among service users around whether they would need PCC services again in future.

The proportion who said they would definitely use PCC again in future had dropped slightly from 66 per cent in 2010. Regardless of this small decrease in definite intention to reuse, overall the findings from both questions should be regarded as very positive; survey data point to very high levels of repeat use and recommendation of PCC among service users.

There were no significant differences on these measures by service user type or by whether or not the case had been progressed through PCC.

As shown in Table 7.1, there was, however, a difference in likelihood of recommendation between employees with fast track cases and those with open track cases. Those with fast cases were more likely to say they would definitely recommend PCC compared with those with standard cases (73 per cent and 65 per cent respectively). The number of employees with open track cases was too small to support reliable quantitative analysis.

Table 7.1 Whether would advise a relative or friend to make use of the same service from Acas by case track

	Total	Fast	Standard	Open
	%	%	%	%
Definitely yes	68	73	65	54
Probably yes	18	17	18	29
Probably no	5	5	6	4
Definitely no	8	5	12	13
Yes (net)	86	90	82	83
No (net)	14	10	18	17
Unweighted Base	303	158	116	29

Base: All employees, excluding don't know responses

7.4 Overall satisfaction with PCC service

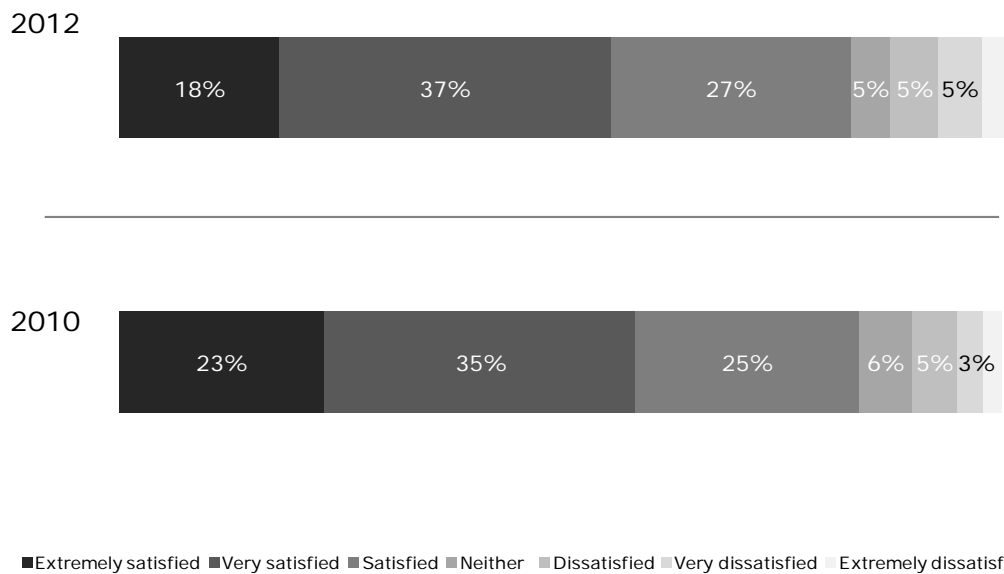
All service users whose case was progressed through PCC were asked how satisfied they were with the service they received from Acas during the process, leaving aside the outcome of the case. The precise wording for this question was:

... Thinking about the process involved, and disregarding the actual outcome of your dispute, how satisfied or dissatisfied are you with the service you received from Acas in this case [before the tribunal claim was submitted]? ...

Satisfaction levels are broadly comparable with 2010, with slightly more than half (55 per cent) indicating they were extremely or very satisfied. With a further quarter (27 per cent) indicating that they were simply satisfied, this means around eight in ten service users (82 per cent) were satisfied to at least some degree (the same proportion in both 2010 and 2012).

Figure 7.5 Future use and recommendation of PCC

QE5. Satisfaction with the service from Acas in this case



Base: All service users, excluding don't know responses (314), 2010 (784).

Among those who were dissatisfied (just 40 service users in total) the most commonly cited reasons were because:

- the Acas conciliator did not help;
- the Acas conciliator was more on the side of the other party;
- they had very little contact with conciliator;
- they wanted the conciliator to be on their own side;
- the issue was still not resolved; or
- lack of interest from the Acas conciliator.

Due to the very small number of service users who were dissatisfied, these findings should be regarded as indicative only (hence why no percentage figures are quoted for each of the reasons given).

As observed in 2010, satisfaction tended to be stronger among employees (and their representatives) whose case had been progressed through PCC than among employers (and their representatives). As shown in Table 7.2, while the proportions of employees and employers who were satisfied overall were similar (shown as 'net' in the Table 7.2), a significantly higher proportion of employees indicated that they were *extremely* satisfied. There were no differences in satisfaction levels detected by case track.

Table 7.2 Satisfaction with the service from Acas in this case

	Total	PROCESSED – employees/ employee representatives	PROCESSED – employers / employer representatives
	%	%	%
Extremely satisfied	18	24	12
Very satisfied	37	34	41
Satisfied	27	26	28
Neither satisfied nor dissatisfied	4	3	5
Dissatisfied	6	3	8
Very dissatisfied	5	6	4
Extremely dissatisfied	3	4	2
Satisfied (net)	82	83	81
Dissatisfied (net)	14	13	14
Unweighted Base	314	172	142

Base: All service users whose claim was progressed through PCC, excluding don't know responses

7.5 Perceived benefits of taking part in PCC

All service users whose case had been progressed through PCC, were asked what they felt the main benefits were of taking part rather than going to an employment tribunal. Responses given by 10 per cent or more of service users are summarised in Table 7.3, which also shows responses for employees (and their representatives) and employers (and their representatives) separately.

Table 7.3 Main benefits of taking part in pre-claim conciliation rather than an employment tribunal

	Total	PROCESSED – employees/ employee representatives	PROCESSED – employers / employer representatives
	%	%	%
It resolves the issue more quickly	27	18	37
It is easier / more convenient	17	16	19
It is cheaper	17	7	28
It is less stressful / traumatic	14	14	13
It can save going to a tribunal / court	12	15	9
<i>Don't Know</i>	7	10	3
<i>No answer / no benefit</i>	14	15	13
Unweighted Base	318	174	144

Base: All service users whose claim was progressed through PCC

The most common perceived benefits related to increased speed and convenience and to a reduction in cost. Employers (and their representatives) were more likely to cite speed and cost than employees, although otherwise the reasons given were fairly consistent between the two groups of service users.

8. CONCLUSIONS

Many of the conclusions that can be drawn from the current evaluation are largely in line with those that were drawn from the PCC evaluation survey in 2010. The key findings and recommendation of areas to consider in the further development of the new Early Conciliation service are discussed below.

8.1 Positive service user experience

Service users were again very positive about the experience of using PCC. Users generally felt that conciliator was successful in explaining the conciliation process, outlining employment law, relaying proposals to and from each side, helping users to understand the strengths and weaknesses of the claim and helping users consider the pros and cons of resolving the dispute without recourse at an ET. As would be expected, service users whose disputes were resolved through PCC tended to be more positive.

As was the case in 2010, employees tended to be more positive than employers on some aspects of the service. However, employers were more likely to report the impartiality of Acas, by being more likely to feel that the conciliator was 'even handed'.

Contact was generally by telephone, and the majority (seven in ten) of employees appeared to be happy with the amount of contact they had. However, a quarter reported that they would have liked more contact. Given this finding, an area that may want to be considered in the development of the new EC service is whether there needs to be anything in place to help manage employees' expectations about the amount of contact they will have with the conciliator.

There was a strong indication of using PCC again in the future. Nearly nine in ten employers who used PCC reported they would make use the PCC service again, and amongst employees, two thirds would advise a friend or relative to use PCC if they were involved in a similar dispute. In the new EC service, this positive feedback and indication of repeat use from previous participants could be helpful in promoting and engaging potential employees and employers in PCC.

8.2 Impacts of PCC

PCC continues to help resolve many disputes without the need to submit an employment tribunal claim. The current survey suggests that around two fifths of all referrals/cases reached a resolved outcome. Additionally service users tended to highlight the important role of Acas in helping to reach this resolution, with

eight in ten service users reporting that Acas important in helping the dispute reach the resolution.

In line with the previous evaluation in 2010, the dispute was more likely to be resolved when the conciliator was perceived as being impartial. Impartiality is therefore a key area to ensure that is sustained and promoted with the new EC service. Given that claimants were less likely than employers to feel that the conciliator was impartial it would be particularly important to try to promote this to employees within the new EC service.

Around two thirds of service users in progressed cases were satisfied with the outcome of the conciliation, which is largely comparable to the previous evaluation as well as the 2007 and 2010 Acas Individual Conciliation Surveys. As would be expected, satisfaction with outcome was linked to the outcome itself (being higher in cases which a resolution was reached). However, interestingly over four in ten service users in cases which reached an impasse still reported being satisfied.

As well as the impact on dispute resolution, the research suggests that there continue to be a number of other positive wider impacts. Similarly to the 2010 survey, service users reported that in comparison to submitting an ET claim, PCC helps to resolve the issue more quickly, is cheaper, easier/more convenient and less stressful/traumatic. Additionally, around three in ten employers also felt that the information they had been provided from Acas would help them avoid them having to deal with a similar dispute in the future.

A key aim of PCC is to preserve the employment relationship and attempt to resolve the dispute without the employment ending. In the current survey one in ten employees were still employed with their employer. Whilst this is a small proportion, it has doubled since the previous evaluation where only five per cent remained in employment with them, so it is a very encouraging and positive improvement.

8.3 Barriers to PCC

In some of the cases although there was the offer of PCC, PCC did not take place. The most common reason for this was that the dispute had been resolved in the initial discussions with the conciliator. However, some barriers were identified by employees and these included: the employer not being willing to negotiate, Acas not being able to get hold of the employer, the issue was resolved by the time of Acas assistance or that the employee felt that the conciliation would not resolve the issue or it would be a waste of time.

Whilst employers were not asked their reasons for not taking part in PCC (as no employers in unprogressed cases were interviewed), in the 2010 survey it was evident that the main obstacle to employer engagement was that that they

strongly believed they acted fairly and did not have a case to answer. Given this was the most commonly mentioned barrier by employees in the current survey, this may suggest that a similar view is still held by employers. The 2010 evaluation recommended that in future energy should be focus on promoting and engaging employers with the PCC process, and the current research reinforces this need. An area for consideration could be the promotion of many of the benefits reported by employers who have taken part, particularly that PCC can help to resolve claims quickly, more cheaply and more easily.

8.4 Submission of an ET application

In nearly two fifths of all cases service users reported that the employee had submitted an ET application. This was particularly pronounced in cases where PCC had taken place but reached an impasse, followed by cases where the dispute had not progressed to PCC. This reflects the pattern evident in the previous evaluation, and as has been previously suggested the lower rate of ET submission in unprogressed cases (in comparison to progressed but impasse cases) may reflect that one of the criteria for PCC is that the employee has to indicate an intention to make an ET claim.

In line with the 2010 evaluation, the importance of being contacted quickly by a conciliator was reflected in the current evaluation, with ET submission being higher in cases where it took longer for the conciliator to contact the employee after their initial call to helpline. In the new EC service although there won't be a helpline 'filter', it will be important that employees are therefore contacted as soon as possible after the initial ET intention is lodged with Acas.

Reflecting 2010, it is also interesting that not all progressed unresolved PCC cases result in an ET submission, despite the claimant's initial expressed intention at the helpline call stage. As suggested previously, this could indicate that entering into the PCC process may make employees reconsider their intention to make a formal ET claim.

Finally in terms of ET submission, it is also important to bear in mind from the recent evaluation of why PCC referrals become ET claims,¹⁷ it was evident that even when PCC was unsuccessful and an ET claim was submitted, the Acas settlement rate at IC was higher than where PCC had not taken place. This highlights a longer term role EC can play, suggesting that even when it doesn't directly resolve the dispute in the short term it can have positive impact further down the dispute resolution process.

¹⁷ TNS BMRB (2012) *Why Pre-Claim Conciliation referrals become Employment Tribunal claims*. Acas Research Paper.

APPENDIX 1 - QUESTIONNAIRE

Acas ECSO Evaluation and PCC Evaluation

Thank you for agreeing to participate in this study. Everything you say will be treated in the strictest confidence and no individuals or organisations will be identifiable in the results of this study.

Whether submitted an tribunal claim

ASK ALL

B13a

[EMPLOYEE: Can I check, before we start the interview have you submitted a tribunal claim regarding this issue? /

EMPLOYER / REPRESENTATIVE (ANY): Can I check has {employee} submitted a tribunal claim regarding this issue? /

INTERVIEWER IF NECESSARY:

[EMPLOYEES: IF AN EMPLOYMENT TRIBUNAL CLAIM HAS BEEN SUBMITTED THE EMPLOYEE WOULD HAVE SUBMITTED A FORM CALLED AN ET1 /

EMPLOYERS: IF AN EMPLOYMENT TRIBUNAL CLAIM HAS BEEN SUBMITTED THE EMPLOYER WOULD HAVE SUBMITTED A FORM CALLED AN ET3]¹⁸

INTERVIEWER: IF RESPONDENT QUERIES THIS ISSUE EXPLAIN: The workplace dispute in which they may have taken part in Pre-Claim Conciliation with Acas.

Yes 1
No 2
Don't Know

IF ET CLAIM HAS BEEN SUBMITTED AT B13A [IF B13A = YES]

For the rest of the interview today, I want you to think about everything that happened before {you / employee}¹⁹ submitted the ET claim. This will be everything that happened before [you submitted a form called the ET1 form / the organisation submitted a form called the ET3 form]²⁰. Please do not think about any assistance or conciliation that you may have received from Acas after the employment tribunal claim was submitted.

¹⁸ Text fill for employee and employers as indicated.

¹⁹ If employee text fill = 'you'. If employer or representative (any) text fill = '{employee}'.

²⁰ If employee or employee representative text fill = 'you submitted a form called the ET1 form'. If employer or employer representative text fill = 'the organisation submitted a form called the ET3 from'

IF HAS NOT YET SUBMITTED A TRIBUNAL CLAIM at B13a [IF B13a = 2]
B13b. [EMPLOYEE: Do you intend to submit a tribunal claim regarding this issue?
/

EMPLOYER / REPRESENTATIVE (ANY): Do you know, does {employee} intend to
submit a tribunal claim regarding this issue?

Yes 1

No 2

(Spontaneous only) No – time limit passed 3

Don't know

Section A: Employment details

ASK ALL

To start with, we would like to ask a few questions around the background to the
dispute.

[EMPLOYEE: First of all I would like to ask you about the job related to the
problem you had. /

EMPLOYER: So first of all, I would like to ask you a few questions about
{employee}.

REPRESENTATIVE (ANY): So first of all, I would like to ask you a few questions
about the dispute.]

Employment status

ASK ALL

A1. [EMPLOYEE: Can I check, did you work for {employer} or were you applying
for a job with them? /

EMPLOYER or REPRESENTATIVE (ANY): Can I check, did {employee} work for
{employer} or was he/she applying for a job with {employer}??]

Worked for them 1

Job Applicant 2

Don't know

IF NOT JOB APPLICANT AT A1 [A1=1]

A2. [EMPLOYEE: And do you work for them now /

EMPLOYER or REPRESENTATIVE (ANY): And does {employee} work for
{employer} now?]

Yes 1

No 2

Don't Know

Details of job separation

IF FORMER WORKER AT A2 [A2=2]

A3. [EMPLOYEE: How did your employment with {employer} come to an end?
Were you dismissed or made redundant, did you resign or leave without
resigning, or did you leave for some other reason? /

EMPLOYER or REPRESENTATIVE (ANY): How did {employee}'s employment with {employer} come to an end? Were they dismissed or made redundant, did they resign or leave without resigning or did they leave for some other reason?]

- Dismissed 1
- Made redundant / 'Laid off' 2
- Resigned 3
- Left of own accord/without resigning 4
- Retired 5
- Some other reason 6
- Don't Know
- Refused

IF FORMER WORKER AT A2 [A2=2]

A4. [EMPLOYEE: Did you stop working for {employer} before, after or during the period of Acas assistance? /

EMPLOYER or REPRESENTATIVE (ANY): Did {employee} stop working for {employer} before, after or during the period of Acas assistance?]

- Before 1
- During 2
- After 3
- Don't know

IF LEFT AFTER ACAS ASSISTANCE AT A4 [A4=3]

A6. [EMPLOYEE: And, did you stop working for {employer} because of the problem you had at work? /

EMPLOYER / EMPLOYEE REPRESENTATIVE:

And, did {employee} stop working for {employer} because of the problem they had at work?]

- Yes 1
- No 2
- Don't know

Section B: The workplace problem

ASK ALL

[EMPLOYEE: I would now like to ask you about the problem you had. /
EMPLOYER/REPRESENTATIVE (ANY): I would now like to ask you about the
dispute with {employee}.]

Nature of the workplace problem

ASK ALL

B1. [EMPLOYEE: Can you sum up in a few words the nature of the dispute or
issue that you had with {employer}? /
EMPLOYER / REPRESENTATIVE (ANY): Can you sum up in a few words the nature
of the dispute or issue that {employee} had with the organisation? /

IF NECESSARY: I only need a brief summary; how would you sum it up in one
sentence?

OPEN ENDED
Don't know

ASK EMPLOYEE AND EMPLOYEE REPRESENTATIVES ONLY

B2. Could you estimate over what length of time this problem had been going on?

Less than 1 month 1
1 month – less than 3 months 2
3 months – less than 6 months 3
6 months – less than 1 year 4
1 year or more 5
Don't know

Conciliation outcome

ASK ALL

READ OUT

[EMPLOYEE: Just to remind you, this survey is about your experiences of, and
views on, Acas assistance with a recent dispute in your workplace. [Please answer
the questions in this survey in relation to any conciliation or assistance that was
provided by Acas before you submitted the tribunal claim and not about any
conciliation that you may have taken part in after the tribunal claim was
submitted. The assistance provided before an employment tribunal claim is
submitted is called pre-claim conciliation / This assistance is known as Pre-Claim
Conciliation, and occurs before a tribunal claim is submitted]²¹.

EMPLOYER: Just to remind you, this survey is about your experiences of, and
views on, Acas assistance with a recent dispute with {employee}. [Please answer
the questions in this survey in relation to any conciliation or assistance that was

²¹ The first part of the text fill will appear if B13a = Yes (i.e. submitted at tribunal claim). The second part
of the text fill will appear otherwise.

provided by Acas before the tribunal claim was submitted and not about any conciliation that may have taken place after the tribunal claim was submitted. The assistance provided before an employment tribunal claim is submitted is called pre-claim conciliation] / This assistance is known as Pre-Claim Conciliation, and occurs before a tribunal claim is submitted]²².

REPRESENTATIVE (ANY): Just to remind you, this survey is about your experiences of, and views on, Acas assistance with a recent dispute where you acted on behalf of another party. [Please answer the questions in this survey in relation to any conciliation or assistance that was provided by Acas before the tribunal claim was submitted and not about any conciliation that may have taken place after the tribunal claim was submitted. The assistance provided before an employment tribunal claim is submitted is called pre-claim conciliation / This assistance is known as Pre-Claim Conciliation, and occurs before a tribunal claim is submitted]²³.

IF RESULT = 'RESOLVED COT3' ON SAMPLE

B4. [EMPLOYEE or EMPLOYER: Our records show that you reached a settlement through Acas. Is this correct? /

REPRESENTATIVE (ANY): Our records show that a settlement was reached through Acas. Is this correct?]

Yes 1
No 2
Don't know

IF RESULT = 'RESOLVED OTHER' ON SAMPLE

B7. EMPLOYEE: Our records show that you and {employer} resolved the problem between you without a written agreement drawn up by Acas. Is this correct? /

EMPLOYER: Our records show that you and {employee} resolved the problem between you without a written agreement drawn up by Acas. Is this correct? /

REPRESENTATIVE: Our records show that the problem was resolved between you and the other party without a written agreement drawn up by Acas. Is this correct?]

Yes 1
No 2
Don't Know

²² As previous text fill.

²³ As previous text fill.

IF B7 = No or DK

B7b. During the conciliation did {you/employee}²⁴ decide not to pursue the issue or case any further?

Yes 1
No 2
Don't Know

IF RESULT = 'UNPROGRESSED CLAIMANT UNWILLING', OR 'UNPROGRESSED EMPLOYER UNWILLING' OR 'UNPROGRESSED – OTHER' ON SAMPLE

B8a. EMPLOYEE: Our records show you and {employer} did not use the assistance of Acas to try and resolve the matter. Is this correct? /

EMPLOYEE REPRESENTATIVE: Our records show {employee} did not use the assistance of Acas to try and resolve the matter. Is this correct?²⁵

Yes 1
No 2
Don't know

IF RESULT = 'UNPROGRESSED RESOLVED IN INITIAL DISCUSSIONS' ON SAMPLE

B9a. [EMPLOYEE: Our records show that after you spoke to the Helpline adviser, someone else spoke to you and you decided not to take the dispute any further. Is this correct? /

EMPLOYEE REPRESENTATIVE: Our records show that an Acas conciliator spoke to you or the employee and it was decided not to take the dispute any further. Is this correct?]²⁶

Yes 1
No 2
Don't know

IF RESULT = 'IMPASSE NO RESOLUTION BROKERED' ON SAMPLE

B10. [EMPLOYEE: Our records show that an Acas conciliator spoke to you and {employer} but that you did not reach a resolution or settlement. Is this correct? /

EMPLOYER: Our records show that an Acas conciliator spoke to you and {employee} but that you did not reach a resolution or settlement. Is this correct? /

REPRESENTATIVE (ANY): Our records show that an Acas conciliator spoke to you and the other party but that you did not reach a resolution or settlement. Is this correct?]

Yes 1
No 2
Don't know

²⁴ If employee text fill = 'you'. If employer or representative (any) text fill = '{employee}'

²⁵ Note. Only claimants involved in unprogressed cases will be included in the survey. Employers in unprogressed cases will not be included therefore alternative question text for employers is not needed.

²⁶ As previous footnote.

IF RESULT = 'IMPASSE – RAN OUT OF TIME' ON SAMPLE

B12. Our records show that Acas assistance could not be continued because the time limit for presenting a tribunal claim was close? Is this correct?

Yes 1
No 2
Don't know

IF EMPLOYEE OR EMPLOYEE REPRESENTATIVE AND SAMPLE OUTCOME CHECKED AND RESPONDENT DID NOT AGREE WITH SAMPLED OUTCOME AT B4, B7, B8a, B9a, B10, B12 [IF (EMPLOYEE OR EMPLOYEE REPRESENTATIVE) AND ((B4=2 or DK) OR (B7b=2 or DK) OR (B8a=2 or DK) OR (B9a=2 or DK) OR (B10=2 or DK) OR (B12=2 or DK)]²⁷

B18. [EMPLOYEE: When you were offered Acas conciliation, could you tell me which of the following happened? /

EMPLOYEE REPRESENTATIVE: When {employee} was offered Acas conciliation, could you tell me which of the following happened?

IF NECESSARY: This is known as Pre-Claim Conciliation.

[You were / {employee} was]²⁸ offered Acas conciliation but decided not take part in it and pursue the dispute in another way 1
[You / {employee}]²⁹ accepted the offer of Acas assistance and took part in the conciliation 2
After [you / {employee}]³⁰ spoke to the Acas conciliator [you / {employee}] decided not to take the dispute any further 3
Don't know

If EMPLOYEE OR EMPLOYEE REPRESENTATIVE AND ACCEPTED THE OFFER OF CONCILIATION AT B18 [IF EMPLOYEE OR EMPLOYEE REPRESENTATIVE AND B18 = 2]

OR

IF EMPLOYER OR EMPLOYER REPRESENTATIVE AND SAMPLE OUTCOME CHECKED AND RESPONDENT DID NOT AGREE WITH SAMPLED OUTCOME AT B4, B7, B8a, B9a, B10, B12 [IF (EMPLOYER OR EMPLOYER REPRESENTATIVE) AND ((B4=2 or DK) OR (B7b=2 or DK) OR (B8a=2 or DK) OR (B9a=2 or DK) OR (B10=2 or DK) OR (B12=2 or DK))].

B19. What was the outcome of the Acas conciliation?

IF NECESSARY: This is known as Pre-Claim Conciliation.

²⁷ All employers who took part in the survey took part in PCC so are not routed to B13, so route straight to B19.

²⁸ If employee text fill = 'you were', If employee representative text fill = '{employee} was'.

²⁹ As previous footnote.

³⁰ As previous footnote.

The issue was resolved during the conciliation and an Acas settlement was drawn up 1

The issue was resolved during the conciliation, however without a written agreement being drawn up by Acas 2

There was some negotiation with both you and the other party, but the Acas assistance could not be continued because the time limit for presenting an employment tribunal claim was too close 3

There was some negotiation between both you and the other party but the issue was not able to be resolved because a settlement could not be agreed on 4

Or did something else happen (specify) 5

Don't know

DERIVED VARIABLE OF OUTCOME AT PCC (PCCOUT)

To be used for the filtering of outcome in the rest of the questionnaire

1. RESOLVED – ACAS SETTLEMENT

[B4 = 1 OR B19 = 1]

2. RESOLVED - OTHER

[B7 = 1 OR B7b = 1 OR B19 = 2]

3. IMPASSE – NO RESOLUTION BROKERED

[B10 = 1 OR B19 = 4]

4. IMPASSE – RAN OUT OF TIME

[B12 = 1 OR B19 = 3]

5. UNPROGRESSED - OTHER³¹

[B8a = 1 OR B18 = 1]

6. UNPROGRESSED – RESOLVED IN INITIAL DISCUSSIONS

[B9a = 1 or B18 = 3]

7. SOMETHING ELSE / NOT KNOWN

[B18 = DK or B19 = DK]

IF RESOLVED THROUGH ACAS SETTLEMENT AT PCCOUT [PCCOUT = 1]

B5. What were the terms of this settlement?

Reinstatement (old job back) 1

Another job in the organisation i.e. re-engagement 2

Money 3

A reference 4

³¹ (This will include a mixture of claimant unwilling, employer unwilling and other).

An apology 5
A letter of explanation 6
Other (RECORD) 7
Don't know

IF SETTLEMENT INCLUDED MONEY AT B5 [B5=3]

B6. [EMPLOYEE: And, how much money did you receive? /
EMPLOYER OR REPRESENTATIVE (ANY): And, how much money did {employee}
receive?]

RECORD AMOUNT

Numeric range 0-999999
Don't know

IF UNPROGRESSED OTHER AT PCCOUT [PCC = 5]

B8b. Why didn't [you / {employee}]³² use Acas assistance to try and resolve the
matter?³³

PROMPT TO PRE-CODES

[I / {employee}] was not willing to negotiate 1
Acas could not contact the employer 2
The employer was not willing to negotiate 2
[I / {employee}] felt that conciliation would not resolve the issue / would be a
waste of time 4
[I / {employee}] felt that conciliation was too complicated 5
When [I / {employee}] spoke to the Acas advisor [I / {employee}] felt [I/they]
did not have a case 6
The issue was resolved by the time Acas assistance was offered 7
Other (specify)
Don't know

IF UNPROGRESSED – RESOLVED IN INITIAL DISCUSSIONS AT PCCOUT [PCCOUT
= 6]

B9b. Why did you and/or {employee} decide not to take the matter further?³⁴

OPEN-ENDED
Don't know

IF IMPASSE – NO RESOLUTION BROKERED A PCCOUT [PCCOUT = 3]

B11. What was the reason for not reaching a resolution of settlement?

PROMPT TO PRECODES

³² If employee text fill = 'you', if employee representative text fill = '{employee}'.

³³ Note. Only claimants involved in unprogressed cases will be included in the survey. Employers in unprogressed cases will not be included therefore alternative question text for employers is not needed.

³⁴ As previous footnote.

- The employer did not wish to take part in the conciliation / was not interested in talking (*To appear only if employee/employee representative*) 1
- The offer the employer made was not good enough (*To appear only if employee/employee representative*) 2
- The employee wanted money and we were not willing to pay (*To appear only if employer/employer representative*) 3
- We were not willing to talk further to the employee (*To appear only if employer/employer representative*) 4
- We felt we had no case to answer to (*To appear only if employer/employer representative*) 5
- We offered a settlement but the employee was not willing to accept it (*To appear only if employer/employer representative*) 6
- We were unable to reach an agreement before the time limits for submitting a tribunal claim were reached 7
- Other (specify)
- Don't know

ASK ALL

B14a.

Before you were offered Acas assistance, did {employer} have written policies or procedures for dealing with cases like this?

INTERVIEWER IF NECESSARY: Such as a written grievance procedure.

- Yes 1
- No 2
- Don't know

IF THERE ARE WRITTEN PROCEDURES AT B14a [IF B14a = 1]

B14b. Were the policies and procedures used in this case?

- Yes 1
- No 2
- Don't know

Section C: The route to PCC

Awareness of PCC

IF TOOK PART IN PCC [IF PCCOUT = 1 OR 2 OR 3 OR 4]

Before we talk further about your experiences of the Acas conciliator I want to ask you some questions about your very initial contact with Acas about this issue.

IF EMPLOYEE OR EMPLOYEE REPRESENTATIVE:

C8. Thinking back can I just check, did [you/ {employee}]³⁵ initially get in touch with Acas about this issue by calling the Acas helpline?

Yes 1
No 2
Don't know

IF EMPLOYEE OR EMPLOYEE REPRESENTATIVE AND DID NOT GET IN TOUCH VIA THE HELPLINE [IF EMPLOYEE OR EMPLOYEE REPRESENTATIVE AND C8 = 2 OR DK]

C8b. And did you make the first contact with Acas about the dispute or did {employer}?

Employee made initial contact with Acas 1
Organisation made initial contact with Acas 2
Don't know

IF EMPLOYEE OR EMPLOYEE REPRESENTATIVE AND CONTACTED ACAS ABOUT THE ISSUE AT C8 or C8b [IF (EMPLOYEE OR EMPLOYEE REPRESENTATIVE) AND (C8 = 1 or C8b = 1)]

C2a. [EMPLOYEE: Before you contacted Acas about this issue, were you considering making a claim to an employment tribunal? /

EMPLOYEE REPRESENTATIVE: Before your client contacted Acas about this issue, were they considering making a claim to an employment tribunal?]

Yes 1
No 2
Was undecided 3
Other (RECORD) 4
Don't know/can't remember

³⁵ If Employee text fill will read 'you'. If Employee representative text fill will read '{employee}'.

ASK ALL

C2b. [EMPLOYEE: Before your first contact with Acas, did you inform your employer that you were considering submitting a tribunal claim?

EMPLOYER: Before your first contact with Acas, did {employee} inform you that they were considering submitting a tribunal claim?

REPRESENTATIVE (ANY): Before their first contact with Acas, did {employee} inform their employer that they were considering submitting a tribunal claim?]

Yes 1
No 2
Don't know

ASK ALL

C7. And had you heard of the Acas Pre-Claim Conciliation service before you were offered it by Acas in this dispute?

Yes 1
No 2
Don't know

IF EMPLOYEE OR REPRESENTATIVE (ANY) AND IF HAD HEARD OF ACAS PCC BEFORE THIS DISPUTE [IF (EMPLOYEE OR REPRESENTATIVE (ANY)) AND C7 = 1]
C1. How did you first hear about the Acas pre-claim conciliation service?

CODE AS MANY AS APPLY

PROMPT TO PRECODES

Had taken part in it / been offered it previously by Acas (in a different employment dispute) 1
Trade union 2
Citizens Advice Bureau 3
Legal representative (e.g. Neighbourhood solicitor) 4
Equality and Human Rights Commission 5
Acas Website 6
Acas publication 7
Acas newsletter 8
Advertisement 9
Media 10
Peninsula (*TO ONLY APPEAR FOR EMPLOYERS AND EMPLOYER REPRESENTATIVES*) 13
Business Link (*TO ONLY APPEAR FOR EMPLOYERS AND EMPLOYER REPRESENTATIVES*) 14
Gov.uk 15
Employment Tribunal Websites 16
Other (RECORD) 17

Section CC Views on ECSOs

(NOTE – This section is only asked of respondents in experiment offices)

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND MADE INITIAL CONTACT WITH ACAS VIA THE HELPLINE AT C8 [EXPERIMENT OFFICE AND (C8 = 1)]
CC1. After your call to the helpline, how soon after were you contacted by someone at Acas?

- On the same day 1
- On the next working day 2
- Within two working days 3
- More than two working days 4
- Don't know

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND MADE INITIAL CONTACT WITH ACAS AT C8 OR C8a [EXPERIMENT OFFICE AND (C8 = 1 or C8b = 1)]
CC2. Thinking about the first person that contacted you from Acas about the dispute [after your initial call to the Acas helpline]³⁶, did they explain who they were and why they were calling?

- Yes 1
- No 2
- Don't know

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND MADE INITIAL CONTACT WITH ACAS AT C8 OR C8a [EXPERIMENT OFFICE AND (C8 = 1 or C8b = 1)]
CC3. Could you tell me whether they did any of the following. Did they...

READ OUT, AND CODE EACH THAT THE RESPONDENT RECALLS

- Check your contact details 1
- Ask you to explain the employment issue / dispute 2
- Explain the conciliation process and the possible outcomes of it 3
- Advise you that a conciliator would contact you within the next two working days 4
- Check whether there were any days or times when it would not be suitable for the conciliator to call 5
- Explain the Employment Tribunal procedures to you 6
- Other (RECORD)
- None of these

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND MADE INITIAL CONTACT WITH ACAS AT C8 OR C8a [EXPERIMENT OFFICE AND (C8 = 1 or C8b = 1)]

³⁶ Text fill will only appear if C8 = 1.

CC4. How would you rate this Acas advisor in explaining the Pre-Claim Conciliation service that Acas offer?

READ OUT

INTERVIEWER IF NECESSARY REMIND THE RESPONDENT THAT THIS IS THE CONCILIATION THAT HAPPENS BEFORE THE TRIBUNAL CLAIM IS SUBMITTED

Very good 1
Fairly good 2
Neither good nor poor 3
Fairly poor 4
Very poor 5
(Spontaneous only) Did not do this
Don't know

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND MADE INITIAL CONTACT WITH ACAS AT C8 OR C8a [EXPERIMENT OFFICE AND (C8 = 1 or C8b = 1)]

CC5. When they discussed the Pre-Claim Conciliation with to you, how suitable did it sound to [your/this]³⁷ case?

READ OUT

Very suitable 1
Fairly suitable 2
Neither suitable nor suitable 3
Fairly unsuitable 4
Very unsuitable 5
(Spontaneous only) Did not to describe PCC
Don't know

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND PCC DID NOT SOUND SUITABLE FOR CASE AT CC5 [EXPERIMENT OFFICE AND CC5 = 4 OR 5]

CC6. Why did it not sound suitable for [your/this]³⁸ case?

OPEN ENDED
Don't know

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND MADE INITIAL CONTACT WITH ACAS AT C8 OR C8a[EXPERIMENT OFFICE AND (C8 = 1 or C8b = 1)]

CC7. Did the Acas advisor tell you the time limits for presenting a tribunal claim?

Yes 1
No 2
Don't know

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND DID EXPLAIN TIME LIMITS FOR PRESENTING A TRIBUNAL CLAIM AT CC7 [IF CC7 = YES]

³⁷ If Employee or Employer respondent text fill = 'your'. If representative (any) respondent text fill = 'this'.

³⁸ As previous footnote.

CC13. What do you understand the time limits for presenting a tribunal claim to be?

INTERVIEW: IF THE RESPONDENT DOES NOT KNOW CODE 'DON'T KNOW'

OPEN ENDED
Don't know

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND MADE INITIAL CONTACT WITH ACAS AT C8 OR C8a [EXPERIMENT OFFICE AND (C8 = 1 or C8b = 1)]

CC8. Did they answer all of your questions around the dispute?

Yes 1
No 2
Don't know

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND DID NOT ANSWER ALL QUESTIONS AT CC8 [EXPERIMENT OFFICE AND CC8 = 2]

CC9. Can you briefly tell me what questions they didn't answer?

OPEN ENDED
Don't know

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND MADE INITIAL CONTACT WITH ACAS AT C8 OR C8a AND TOOK PART IN PCC [EXPERIMENT OFFICE AND (C8 = 1 or C8b = 1)AND (PCCOUT = 1 OR 2 OR 3 OR 4)]

CC10. How important was your discussion with this person at Acas in deciding to take part in the Pre-Claim Conciliation? Was it...

READ OUT

Very important 1
Quite important 2
Not very important 3
Not at all important 4
Don't know

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND MADE INITIAL CONTACT WITH ACAS AT C8 OR C8a AND DID NOT TAKE PART IN PCC BUT PCC WAS DISCUSSED WITH THEM [EXPERIMENT OFFICE AND (C8 = 1 or C8b = 1) AND (PCCOUT = 5 OR 6) AND CC4 <> DID NOT DO THIS]

CC11. Is there anything that would have encouraged you [and your client]³⁹ to take part in the Pre-Claim Conciliation?

INTERVIEWER: PROBE FOR REASONS THAT MAY HAVE ENCOURAGED THEM TO HAVE TAKEN PART IN CONCILIATION. IN PARTICULAR WAS THERE ANYTHING THE ACAS ADVISOR COULD HAVE DONE DIFFERENTLY.

OPEN-ENDED

No – nothing would have encouraged respondent to take part

Don't know

IF IN EXPERIMENT OFFICE (FROM SAMPLE) AND MADE INITIAL CONTACT WITH ACAS AT C8 OR C8a C8 AND UNPROGRESSED AT PCCOUT OR SOMETHING ELSE AT PCCOUT [EXPERIMENT OFFICE AND (C8 = 1 or C8b = 1) AND (PCCOUT = 5 OR 6 or 7)]

CC12. After you spoke to this person, did you speak to an Acas Conciliator?

Yes 1

No 2

Don't know

³⁹ Text fill will appear is representative (any) respondent.

Section D: The PCC process

ASK ALL EMPLOYEES AND EMPLOYERS EXCEPT THOSE WHO DID NOT HAVE CONTACT WITH ACAS CONCILIATOR AT CC12 [IF (EMPLOYEE OR EMPLOYER) AND CC12 <> 2]⁴⁰

D15. Can I just check did [you / the organisation]⁴¹ use a representative to deal with Acas [from this the point forward]⁴²? By this I mean that a representative helped you with the day to day handling of the dispute and dealt with Acas on your behalf.

INTERVIEWER: IF THE RESPONDENT SOUGHT LEGAL ADVICE, BUT THE LEGAL ADVISOR DID NOT ACTUALLY DEAL WITH ACAS ON {employee / employer}⁴³'s BEHALF PLEASE CODE 'NO' HERE.

Yes 1
No 2
Don't know

ASK ALL EXCEPT THOSE WHO DID NOT HAVE CONTACT WITH ACAS CONCILIATOR AT CC12 AND THOSE EMPLOYEES AND EMPLOYERS WHO HAD A REPRESENTATIVE AT D15 [IF CC12 <> 2 AND D15 <> 1]

I would like now to ask your experiences of the Acas conciliation process and in particular about your views of the Acas conciliator. [This will be the next person you spoke to at Acas]⁴⁴

Personal contact with Acas

ASK ALL EXCEPT THOSE WHO DID NOT HAVE CONTACT WITH ACAS CONCILIATOR AT CC12 AND THOSE EMPLOYEES AND EMPLOYERS WHO HAD A REPRESENTATIVE AT D15 [IF CC12 <> 2 AND D15 <> 1]

D1. [EMPLOYEE / EMPLOYER: How soon after you accepted the offer to speak to an Acas conciliator were you contacted by one? /

REPRESENTATIVE: How soon after the offer of Acas assistance was accepted were you contacted by a conciliator?]

READ OUT

On the next working day 1
Within two working days 2
More than two working days 3

⁴⁰ All respondents except those in unprogressed cases in experiment offices will have had contact with the Acas conciliator. For those in unprogressed cases in the experiment offices some may have had contact with an Acas conciliator and this is established in CC12.

⁴¹ If employee, text fill = 'you'. If employer, textfill = 'the organisation'.

⁴² Text fill will only appear for respondents in experiment offices.

⁴³ If employee text fill = '{employee name}'. If employer text fill '{employer name}'.

⁴⁴ Text fill will only appear for respondents in experiment offices.

Cannot Remember

ASK ALL EXCEPT THOSE WHO DID NOT HAVE CONTACT WITH ACAS
CONCILIATOR AT CC12 AND THOSE EMPLOYEES AND EMPLOYERS WHO HAD A
REPRESENTATIVE AT D15 [IF CC12 <> 2 AND D15 <> 1]

D2. Was your contact with the Acas conciliator by...?

CODE ALL THAT APPLY

Telephone 1
Email 2
Letter 3
Fax 4
Face to face 5
No contact 6
Don't know⁴⁵

EMPLOYEES AND EMPLOYEE REPRESENTATIVES WHO DID NOT HAVE CONTACT
WITH CONCILIATOR AT D2 [IF EMPLOYEE OR EMPLOYEE REPRESENTATIVE AND
D2 = 1 or 2 or 3 or 3 or 4 or 5 or DK]

D3. How many times did you have contact with the Acas conciliator?

INTERVIEWER: IF UNSURE PLEASE ASK THE RESPONDENT TO GIVE THEIR BEST
ESTIMATE.

NUMERIC 1 – 25
Don't know

ASK ALL EXCEPT THOSE WHO DID NOT HAVE CONTACT WITH ACAS
CONCILIATOR AT CC12 AND THOSE EMPLOYEES AND EMPLOYERS WHO HAD A
REPRESENTATIVE AT D15 [IF CC12 <> 2 AND D15 <> 1]

D4. Would you have preferred more contact with the Acas conciliator, less contact
or about the same?

More 1
The same 2
Less 3
Don't know

Quality of conciliation

ASK ALL EXCEPT THOSE WHO DID NOT HAVE CONTACT WITH ACAS
CONCILIATOR AT CC12 AND THOSE EMPLOYEES AND EMPLOYERS WHO HAD A
REPRESENTATIVE AT D15 [IF CC12 <> 2 AND D15 <> 1]

D5. How would you rate the Acas conciliator in terms of:

(Repeat for each of the following statements)

⁴⁵ 'No contact' and 'Don't Know' can only be single coded.

- Outlining the (employment) law as it applied to your problem
- Explaining the conciliation process
- Helping you understand the strengths and weaknesses of this potential claim
- Relaying proposals and offers to and from [employer/ employee]⁴⁶?
- Helping you to consider the pros and cons of resolving the problem [without submitting a tribunal claim / before the submission of a tribunal claim]⁴⁷.

Would you say they were... READ OUT

Very Good 1
 Fairly Good 2
 Neither good nor poor 3
 Fairly Poor 4
 Very Poor 5
 Did not do this 6

ASK ALL EXCEPT THOSE WHO DID NOT HAVE CONTACT WITH ACAS
 CONCILIATOR AT CC12 AND THOSE EMPLOYEES AND EMPLOYERS WHO HAD A
 REPRESENTATIVE AT D15 [IF CC12 <> 2 AND D15 <> 1]

D6. [EMPLOYEE OR EMPLOYEE REPRESENTATIVE: Overall, did you feel that the
 Acas conciliator was more on your side, more on the employer's side or even
 handed between you? /

EMPLOYER OR EMPLOYER REPRESENTATIVE: Overall did you feel that the Acas
 conciliator was more on your side, more on the employee's side or even handed
 between you?]

More on your side 1
 More on [employer / employee]⁴⁸'s side 2
 Even-handed 3
 Don't know

ASK ALL EXCEPT THOSE WHO DID NOT HAVE CONTACT WITH ACAS
 CONCILIATOR AT CC12 AND THOSE EMPLOYEES AND EMPLOYERS WHO HAD A
 REPRESENTATIVE AT D15 [IF CC12 <> 2 AND D15 <> 1]

D7. At the time how much did you trust the information given by the Acas
 conciliator...?

READ OUT

Completely trusted him/her 1
 Trusted him/her up to a point 2
 Did not trust him/her 3
 Don't know

⁴⁶ If Employee or employee representative text fill = 'employer'. If Employer or employer representative text fill = 'employee'.

⁴⁷ If Employee or employee representative text fill = 'without submitting a tribunal claim'. If Employer or employer representative text fill = 'before the submission of a tribunal claim'.

⁴⁸ If Employee or employee representative text fill = 'employer'. If Employer or employer representative text fill = 'employee'.

ASK ALL EXCEPT THOSE WHO DID NOT HAVE CONTACT WITH ACAS
CONCILIATOR AT CC12 AND THOSE EMPLOYEES AND EMPLOYERS WHO HAD A
REPRESENTATIVE AT D15 [IF CC2 <> 2 AND D15 <> 1]

D13. Was the Acas Conciliator available when needed?

READ OUT

Always 1
Usually 2
Sometimes 3
Rarely 4
Never 5

(Spontaneous only) Did not need to contact the conciliator as they always
contacted me 6
Don't know

Impact on settling

ASK ALL

D8. How important was Acas involvement in helping you to decide on how to
proceed with this dispute (for example to settle privately, settle through Acas or
not settle)? Was it...

READ OUT

Very important 1
Quite important 2
Not very important 3
Not at all important 4
Don't know

ASK ALL

D8b. How important was Acas's involvement in helping move parties closer
towards resolving the case? Was it

READ OUT

Very important 1
Quite important 2
Not very important 3
Not at all important 4
Don't know

IF PCCOUT = RESOLVED [PCCOUT = 1 OR 2]

D9. Looking back, how much do you agree or disagree that Acas involvement was
a factor in the decision to resolve the case?

Strongly agree 1
Agree 2
Neither agree nor disagree 3
Disagree 4
Strongly disagree 5
Don't know

IF EMPLOYEE

D10. If a relative or friend were involved in a similar situation would you advise them to make use of the same service from Acas?

READ OUT

- Definitely yes 1
- Probably yes 2
- Probably no 3
- Definitely no 4
- Don't know

IF EMPLOYER OR REPRESENTATIVE (ANY) AND PCCOUT = RESOLVED OR IMPASSE [(IF EMPLOYER OR REPRESENTATIVE (ANY)) AND (PCCOUT = 1 OR 2 OR 3 OR 4)]

D12. Would you make use of the pre-claim conciliation services of Acas again?

- Definitely yes 1
- Probably yes 2
- Probably no 3
- Definitely no 4
- Don't know

IF IN EXPERIMENT GROUP (FROM SAMPLE)]

D14. And thinking about all your contact with Acas [before you submitted the tribunal claim]⁴⁹, could you tell me how much you agree or disagree with the following statements

Repeat for the following statements

- I found it useful to have the opportunity to speak to different people at Acas.
- I had to tell the same information to each person I spoke to at Acas.
- Each person I spoke to at Acas gave me useful and helpful information regarding the employment issue or dispute.

- Strongly agree 1
- Agree 2
- Neither agree nor disagree 3
- Disagree 4
- Strongly disagree 5
- Don't know

⁴⁹ Text fill will only appear when B13a = Yes (i.e. submitted at tribunal claim).

Section E: The PCC experience

IF PCCOUT = RESOLVED OR IMPASSE (PCCOUT = 1 OR 2 OR 3 OR 4)
I would like now to ask some questions about your experience in general.

Costs

IF EMPLOYEE AND PCCOUT = RESOLVED OR IMPASSE [IF EMPLOYEE AND PCCOUT = 1 OR 2 OR 3 OR 4]

E1. How much of your time in total did you spend on the workplace problem from the time you received the offer of Acas assistance until that assistance ended? [Please do not include any time that you may have spent since submitting the tribunal claim.]⁵⁰

1 DAY = 8 HOURS.

ENTER TIME IN HOURS ONLY

INTERVIEWER: IF NECESSARY REMIND THE RESPONDENT THAT WE ARE INTERESTED IN THE ACTUAL TIME THEY SPENT RATHER THAN THE PERIOD OVER WHICH THE CONCILIATION TOOK PLACE.

ROUND UP TO THE NEAREST HOUR

Numeric 1 to 240
Don't know

IF PCCOUT = RESOLVED OR IMPASSE (PCCOUT = 1 OR 2 OR 3 OR 4)

E2. [EMPLOYEE OR EMPLOYER: What do you think were the main benefits, if any, from taking part in pre-claim conciliation rather than submitting an Employment Tribunal claim? /

REPRESENTATIVE (ANY): What do you think were the main benefits, if any, from taking part in pre-claim conciliation rather than an employment tribunal claim being submitted?]

PROMPT TO PRE-CODES

It resolves the issue more quickly 1
It can save going to a tribunal / court 2
It is less stressful / traumatic 3
It is easier / more convenient 4
It is cheaper 5
Other
None
Don't know

Satisfaction with outcome

IF PCCOUT = RESOLVED OR IMPASSE [PCCOUT = 1 OR 2 OR 3 OR 4]

E4. Putting Acas' service to one side and focusing just on the outcome, how satisfied or dissatisfied were you with the outcome of this conciliation? [Please

⁵⁰ Text fill will only appear if B13a = Yes (i.e. submitted at tribunal claim).

just think about the Pre-Claim Conciliation that is the conciliation which took place before the tribunal claim was submitted.]⁵¹

READ OUT, CODE ONLY ONE

NOTE: QUESTION IS ON OUTCOME NOT SERVICE

- Extremely satisfied 1
- Very satisfied 2
- Satisfied 3
- Neither satisfied nor dissatisfied 4
- Dissatisfied 5
- Very dissatisfied 6
- Extremely dissatisfied 7
- Don't know

Satisfaction with Acas

IF PCCOUT = RESOLVED OR IMPASSE [PCCOUT = 1 OR 2 OR 3 OR 4]

E5. Thinking about the process involved, and disregarding the actual outcome of your dispute, how satisfied or dissatisfied are you with the service you received from Acas in this case [before the tribunal claim was submitted⁵²]? Would you say you were...

READ OUT

- Extremely satisfied 1
- Very satisfied 2
- Satisfied 3
- Neither satisfied nor dissatisfied 4
- Dissatisfied 5
- Very dissatisfied 6
- Extremely dissatisfied 7
- Don't know

IF DISSATISFIED AT E5 [E5=5 OR 6 OR 7]

E6. And why do you say you were dissatisfied?

OPEN ENDED
Don't know

Employer Costs

IF EMPLOYER

I'd like to ask you how much time staff in the organisation spent on this case, from the time you received the offer of pre-claim conciliation until the time it ended. [Please do not include any time that you may have spent since submitted the tribunal claim.]⁵³

IF EMPLOYER

⁵¹ Text fill will only appear if B13a = Yes (i.e. submitted at tribunal claim).

⁵² Text fill will only appear if B13a = Yes (i.e. submitted at tribunal claim).

⁵³ Text fill will only appear if B13a = Yes (i.e. submitted at tribunal claim).

E9. In total, how many people were involved and spent time on this pre-claim conciliation case? Please include yourself, other directors and senior managers and any other staff. Please only include staff in the organisation. Do not include any time spent by representatives or advisers who may have helped with the case.

ENTER NUMBER OF PEOPLE

Numeric 1-20
Don't know

IF ONE PERSON SPENT TIME ON CASE AT E9 [E9=1]
E10. INTERVIEWER: CODE WHETHER THIS PERSON WHO SPENT TIME IS THE RESPONDENT. ASK IF UNSURE.

Respondent spent time on case 1
Other staff member spent time on case 2

IF ONE PERSON SPENT TIME ON CASE AT E9 [E9=1]
E11. And how much time in total did [you / this person]⁵⁴ spend on the PCC case?

1 DAY = 8 HOURS

ENTER TIME IN HOURS ONLY. ROUND UP TO THE NEAREST HOUR

Numeric 1 - 240
Don't know

IF ONE PERSON SPENT TIME ON CASE AT E9 [E9=1]
E12. Can I just check, [would you classify yourself as / was this person]⁵⁵ a Director or Senior Manager within the organisation

Yes 1
No 2
Don't know

IF MORE THAN ONE PERSON SPENT TIME ON CASE AT E9 [E9 > 1]
E13. And how much time did you spend on this case?

1 DAY = 8 HOURS

ENTER TIME IN HOURS ONLY. ROUND UP TO THE NEAREST HOUR

Numeric 0 – 240
Don't know

⁵⁴ If E10 = 1 text fill = 'you'. IF E10 = 2 text fill = 'this person'.

⁵⁵ If E10 = 1 text fill = 'would you classify yourself as'. IF E10 = 2 text fill = 'was this person'.

IF MORE THAN ONE PERSON SPENT TIME ON CASE AT E9 [E9 > 1]
E14. Can I just check, would you classify yourself as a Director or Senior manager within the organisation?

Yes 1
No 2
Don't know

IF MORE THAN ONE PERSON SPENT TIME ON CASE AT E9 [E9 > 1]
Now thinking of the different staff involved...

IF MORE THAN ONE PERSON SPENT TIME ON CASE AT E9 [E9 > 1]
E15. [Apart from yourself]⁵⁶ how much time in total did directors and senior management spend on this case?

1 DAY = 8 HOURS
ENTER TIME IN HOURS ONLY. ROUND UP TO THE NEAREST HOUR

Numeric 0 – 240
Don't know

IF MORE THAN ONE PERSON SPENT TIME ON CASE AT E9 [E9 > 1]
E16. How much time in total did other staff spend on this case?

1 DAY = 8 HOURS
ENTER TIME IN HOURS ONLY ROUND UP TO THE NEAREST HOUR

Numeric 0 – 240
Don't know

IF MORE THAN ONE PERSON SPENT TIME ON CASE AT E9 [E9 > 1]
E17. Thinking about the time spent, from the start of the PCC case to the time PCC ended, by all people at the organisation, including yourself, can I just check the following is correct?:

SELECT ANY THAT ARE INCORRECT AND RE-ENTER NEW TOTAL. IF ALL CORRECT, CODE: ALL INFORMATION CORRECT.

IF HOURS MENTIONED E13: You spent {Hours at E13} hours 1
IF DAYS/HRS MENTIONED E15: Directors and Senior Management spent {Hours at E15} hours 2
IF DAYS/HRS MENTIONED E16: Other staff spent {Hours at E16} hours 3
All information correct (single coded) 4

⁵⁶ Text fill will appear if E14 = 1.

Non-financial benefits to employer

IF EMPLOYER

E20. Did the Acas conciliator provide you with any information or advice which you believe will help you avoid having to deal with another case of this type in the future?

Yes 1
No 2
Don't know

IF ACAS CONCILIATOR DID PROVIDE INFORMATION OR ADVICE AT E20 [E20=1]

E21. Did the information or advice given by the Acas conciliator result in the organisation taking any of the following actions?

NOTE: THE CHANGES MUST BE A DIRECT RESULT OF THIS PCC CASE, PROMPT IF UNSURE.

(Repeat for each of the following statements)

- Introduce or review formal disciplinary or grievance procedures
- Make sure procedures are followed
- Revise terms and conditions in employees' contracts
- Reviewing/improving the training of managers in the handling of problems at work
- Join an employers' association for legal services
- Take out insurance against potential claims
- Seek professional advice prior to taking disciplinary action
- Anything else

Yes 1
No 2
Don't know

IF ANYTHING ELSE AT E21 ['Anything else' = Yes]

E21a. What other actions did your organisation take as a result of this information and advice?

OPEN-ENDED
Don't know

F: Employer details / Employee Profile

IF EMPLOYER OR EMPLOYEE:

[EMPLOYEE: I'd now like to ask you some more classification questions about yourself and {employer} at the time of the dispute. This helps us get a better understanding of what the benefits of offering PCC are. /

EMPLOYER: I'd now like to ask you some more classification questions about you, your organisation and {employee} at the time of the dispute. This helps us get a better understanding of what the benefits of offering PCC are.

REPRESENTATIVE (ANY) I'd now like to ask you a few classification questions about [{organisation} and]⁵⁷ yourself. This helps us get a better understanding of what the benefits of offering PCC are.]

ASK ALL

F1. [EMPLOYEE OR REPRESENTATIVE (ANY): Was {employer} a private sector organisation, a public sector body or a non-profit or voluntary organisation? / EMPLOYER: Is your organisation a private sector organisation, a public sector body or a non-profit or voluntary organisation?]

INTERVIEWER IF RESPONDENT IS NOT SURE PROMPT WITH EXAMPLES IF NECESSARY:

Private sector: such as a limited company or PLC

Public sector: such as central government, civil service, NHS, police

Non-profit: such as a charity or something in the voluntary sector

Private sector 1

Public sector 2

Non-profit/voluntary sector 3

Don't know

IF EMPLOYER

F2. EMPLOYER: And what does the organisation mainly make or do at the workplace {employee} [worked at / applied to work at]⁵⁸?

OPEN-ENDED

IF EMPLOYER

F3. Does the organisation have a single workplace in the UK or more than one workplace in the UK?

Single workplace in UK 1

More than one workplace in UK 2

Don't know

IF EMPLOYER OR EMPLOYER REPRESENTATIVE

⁵⁷ Text fill will only appear if employer representative.

⁵⁸ If A1 = 1 text fill = 'worked at'. If A1 = 2 'applied to work at'.

F4a. To the best of your knowledge how many people were working at or from the workplace {employee} [worked at / was applying to]⁵⁹.

NOTE: PROBE FOR BEST GUESS, BELOW 25 OR BELOW 50 WORKERS
IF EMPLOYEE DID NOT WORK FROM ONE MAIN SITE THEN PROBE FOR THE NUMBER OF PEOPLE WORKING AT THE SITE EMPLOYEE MAINLY REPORTED TO.

- 1-9 1
- 10-19 2
- 20-24 3
- 25-49 4
- 50-99 5
- 100-249 6
- 250-499 7
- 500 or more 8
- Don't know but less than 25 9
- Don't know but between 25 and 49 10
- Don't know but 50 or more 11

IF EMPLOYER

F4b. And how many people worked for the whole organisation in the UK? Please include all contracted, non-contracted, agency, freelance and temporary workers.

NOTE: PROBE FOR BEST GUESS, BELOW 25 OR BELOW 50 WORKERS

- 1-9 1
- 10-19 2
- 20-24 3
- 25-49 4
- 50-99 5
- 100-249 6
- 250-499 7
- 500+ 8
- Don't know but less than 25 9
- Don't know but between 25 and 49 10
- Don't know but 50 or more 11

IF EMPLOYER

F4c. Does your organisation have an internal Human Resources or Personnel Department that deals with personnel issues?

- Yes 1
- No 2
- Don't know

IF EMPLOYER

F4f. Does the organisation have an internal legal department that deals with any personnel or employment issues, for example relating to employment tribunal applications?

NOTE: IF YES, PROBE TO MAKE SURE THAT THIS IS AN INTERNAL LEGAL DEPARTMENT, BASED AT THE ORGANISATION, RATHER THAN AN EXTERNAL SOLICITOR THAT THE EMPLOYER USES.

- Yes 1

⁵⁹ If A1 = 1 text fill = 'worked at'. If A1 = 2 'applied to work at'.

No 2
Don't know

IF EMPLOYER

F4g. Are there any trade unions or staff-associations active in the workplace?

Yes 1
No 2
Don't know

IF EMPLOYER

F4h. Is the organisation a member of an Employer's or Trade Association which gives advice on personnel or employment relations matters?

Yes 1
No 2
Don't know

IF EMPLOYER

S6. And can I just check, are you responsible for dealing with employment disputes in this organisation?

Yes 1
No 2
Don't know

IF EMPLOYER

S7. What is your job title?

INTERVIEWER: RECORD JOB TITLE.

OPEN-ENDED
Don't know

Job title/occupation

IF EMPLOYEE

F5. What was [your job title / the title of the job you were applying for]⁶⁰, which is the title of the job related to the workplace problem that Acas assisted with? /

OPEN-ENDED

IF EMPLOYEE AND CURRENT OR FORMER WORKER AT A1 [IF EMPLOYEE AND A1=1]

F6. Did you have any managerial duties, or were you supervising any other employees?

CODE ONE ONLY

Manager 1
Foreman/Supervisor 2
No 3
Don't know

IF EMPLOYEE AND CURRENT OR FORMER WORKER AT A1 [IF EMPLOYEE AND A1=1]

F7. How long had you worked for {employer} at the time of contact with Acas about your workplace problem?

RECORD IN YEARS / MONTHS (IF LESS THAN 5 YEARS) / WEEKS (IF LESS THAN 1 MONTH

RECORD IN YEARS (Numeric range permitted 1-70)
RECORD IN MONTHS (Numeric range permitted 1-60)
RECORD TIME IN WEEKS (Numeric range permitted 0-3)

⁶⁰ If A1 = 1 text fill = 'your job title'. If A1 = 2 'the title of the job you were applying for'.

Working time

IF EMPLOYEE AND CURRENT OR FORMER WORKER AT A1 [EMPLOYEE AND A1=1]

F8. Was this job...

READ OUT

Full-time, that is 30 or more contracted hours per week 1

Part-time, that is less than 30 contracted hours per week 2

Or did the hours depend on the availability of work or whether you were
contacted by the employer? 3

Don't know

IF EMPLOYEE AND FORMER WORKER OR JOB APPLICANT [EMPLOYEE AND (A1=2
OR A2=2)].

F12. Are you currently in paid employment?

Yes 1

No 2

Don't know

IF EMPLOYEE AND FORMER WORKER AND NOT CURRENTLY WORKING
[EMPLOYEE AND A2=2 AND F12=2]

F14. Can I check, have you had a paid job since leaving {employer}?

Yes 1

No 2

Don't know

Trade union presence

IF EMPLOYEE AND CURRENT OR FORMER WORKER [EMPLOYEE AND A1=1]

F17. At the time you were in contact with Acas were you a member of a trade
union or staff association?

Yes 1

No 2

Don't know

Section G: Personal details

IF EMPLOYEE

I would like now to ask some questions about you and your background.

Previous applications

IF EMPLOYEE

G1. Have you ever made an application to an Employment Tribunal, at any workplace, before this problem arose?

Yes 1
No 2
Don't know

Ethnicity

IF EMPLOYEE

G3. To which of the following ethnic groups do you consider you belong?

READ OUT AND CODE ONLY ONE

White 1
Black 2
Asian 3
Mixed ethnic group 4
Don't know 5
Refused 6
Other (RECORD) 7

Language

IF EMPLOYEE

G4. Do you speak English as your first language?

Yes 1
No 2
Don't know
Refused

IF EMPLOYEE AND DOES NOT SPEAK ENGLISH AS A FIRST LANGUAGE

[EMPLOYEE AND G4=2]

G5. What is your first language?

OPEN-ENDED
Don't know
Refused

Disability

IF EMPLOYEE

G6. At the time you spoke to Acas, did you have any long-standing physical or mental impairment, illness, or disability? By long-standing I mean something that had troubled you over a period of at least 12 months or that is likely to affect you over a period of at least 12 months? /

Yes 1
No 2

Don't know
Refused

Age

IF EMPLOYEE

G8. And how old are you?

Numeric 16-100
Refused

IF EMPLOYEE AND REFUSE TO GIVE AGE [EMPLOYEE AND G8=REF]

G9. Can you please tell us in what age group you would place yourself...

READ OUT

16 to 19 1
20 to 24 2
25 to 34 3
35 to 44 4
45 to 54 5
55 to 64 6
65 and over 7
Refused

IF EMPLOYER OR REPRESENTATIVE (ANY)

G10. Is {EMPLOYEE}...

READ OUT

Male 1
Female 2

IF EMPLOYEE

G11. INTERVIEWER CODE SEX OF RESPONDENT

Male 1
Female 2

IF REPRESENTATIVE (ANY)

H1. How many employment tribunal claims have you dealt with in the past year?

Numeric 1-50
Don't know

IF REPRESENTATIVE (ANY)

H2. How long have you been dealing with employment tribunal claims?

Less than a year 1
1-5 years 2
More than 5 years 3

Don't know

IF REPRESENTATIVE (ANY)

H3. Which of the following best describes you?

READ OUT

- Solicitor, Barrister or some other kind of lawyer 1
- Trade union / Worker representative at workplace 2
- Citizens Advice Bureau 3
- Neighbourhood Local Law Centre or other voluntary advice agency (not CAB) 4
- Employers' association / Trade Association 5
- Equal Opportunities Commission, the Commission for Racial Equality and Human Rights Commission 6
- Friend/Neighbour/Spouse/Partner *(TO ONLY APPEAR FOR EMPLOYEE REPRESENTATIVES)* 7
- Owner / Senior Manager / General Manager *(TO ONLY APPEAR FOR EMPLOYER REPRESENTATIVES)* 8
- Personnel or human resources specialist 9
- Legal specialist in company / Company lawyer 10
- External Consultant/Insurance company advisor 11
- Other (RECORD) 12
- Don't know
- Refused

ASK ALL

Thank you for your help and assistance in completing this survey. As I mentioned earlier everything that you have said will be treated in the strictest confidence, and no organisations or individuals will be identifiable in the results of the survey.

ASK ALL

I1. It is possible that we may want to contact you again for additional information. Would you be willing to be contacted again by TNS BMRB in relation to this survey?

Yes 1
No 2

IF AGREED TO BE RE-CONTACTED BY TNS-BMRB

I2. It is possible that Acas may undertake some further research to follow up on particular issues arising from this survey. Would you be willing to be re-contacted by Acas for this purpose? Acas will use your personal data for research purposes only.

Yes 1
No 2

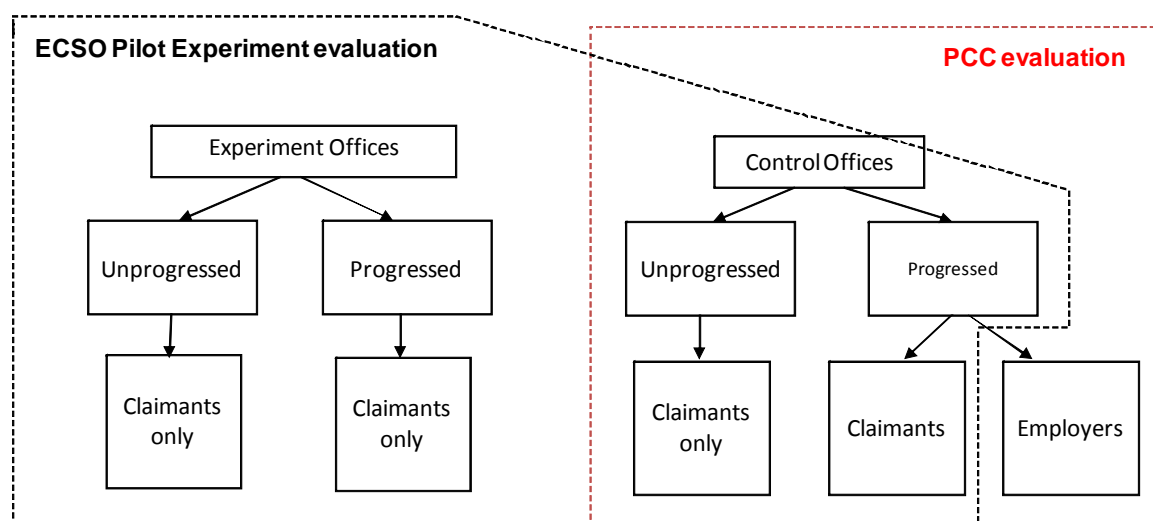
IF AGREED TO BE RE-CONTACTED BY TNS BMRB AND/OR ACAS
CONFIRM RESPONDENT NAME, TELEPHONE NUMBER AND ADDRESS.

APPENDIX 2 – QUANTITATIVE SURVEY FIELDWORK AND WEIGHTING

As noted in the introduction this research was carried out along side the ECSO pilot experiment evaluation. Both quantitative surveys shared the same questionnaires, and the same sampling frames and periods. Additionally fieldwork was conducted and managed jointly across the two evaluations, and one combined survey data set was produced. Because of this, this appendix therefore details information about fieldwork, fieldwork response and weighting at a combined level across both evaluations.

Figure A2.1 below illustrates the sampling approaches used in the two evaluations

Figure A2.1 Sampling approach between the two evaluations



Main stage fieldwork took place from the 21st November 2011 to the 8th February 2013. All respondents were sent an advance letter prior to fieldwork commencing.

In terms of fieldwork management, all interviews with claimants were managed together, and separate to this all interviews with employers and representatives (both claimant and employer representatives) were managed together. The average interview length for the employer and representative interview was 18 minutes and for the claimant interview was 17 minutes.

Tables A2.1 and A2.2 display overall response for interviews with claimants, and interviews with employers and representatives. For the PCC evaluation that is reported in this report, 320 interviews were conducted with claimants and claimant representatives from control offices, and 156 interviews with employers or their representatives from control offices.

Table A2.1 Survey Response - Claimant Interview

	N
Advance letters sent	1650
Sample covered	1491
Sample with no final outcome at the end of fieldwork	159
Invalid Sample Data	
Invalid telephone number	156
Moved (no trace)	38
Unknown at number	45
Case details not confirmed / no recollection of case	7
Respondent incapable of interview	16
Signed confidentiality agreement / Case is confidential	1
Deceased	1
Opt-out/Refusal	
Refusal	158
Case too sensitive / traumatic	1
Abandoned interview	40
Unavailable during fieldwork	41
10+ unsuccessful calls (and contact made)	231
Full interviews	756
	305 from control offices / 451 from experiment offices
Productive of valid sample (%)	756

Table A2.2 Survey Response - Employer and Representative Interview

	N
Advance letters sent	443
Sample covered	434
Sample with no final outcome at the end of fieldwork	9
Invalid Sample Data	
Invalid telephone number	17
Case details not confirmed / no recollection of case	41
Signed confidentiality agreement / case is confidential	1
Contact left / unknown at company (and no referral)	28
Opt-out/Refusal	
Refusal	57
Abandoned interview	9
Unavailable during fieldwork	35
10+ unsuccessful calls (and contact made)	63
Full interviews	183
	156 with employers and employer representatives (all control offices) / 27 with claimants and claimant representatives (within this 12 from experiment offices and 15 from control offices)
Productive of valid sample (%)	53

Following fieldwork weighting was employed to ensure the survey respondents were representative of the population to which they were generalising. As reported earlier one combined survey data file was created from the two different evaluations.

Two different weights were created depending on the type of analysis required; one weight for the PCC evaluation (reported in this report) and the other for the separate ECSO Pilot experiment evaluation. The process for creating both weights was the same however, with design weighting conducted first followed by non-response weighting.

In general design weights take account of unequal selection probabilities at the sampling stage, while non-response weights account for differences in response

and match the profile of the completed interviews back to the population. For this report the applicable weight is the ECSO Pilot Experiment evaluation weight.

- PCC evaluation (the red dotted area in Figure A2.1).
Firstly, design weights take into account slight differences in selection probabilities between unprogressed claims and progressed claims, and within progressed claims between employers and claimants. They also account for instances where an employer had multiple cases. These employers are up-weighted by a factor depending on how many cases they were involved in (for practical reasons we could only select them for one case). Non-response weights were also applied to match the survey to the population. The variables used in the non-response weighting were Outcome, Track and whether a claim was progressed or not. For progressed claims the weight also gives employers and claimants equal weight.
- Comparing the experiment offices with the control offices for the ECSO Pilot Experiment evaluation (the black dotted area in Figure A2.1).
Again design weights account for slight differences in selection probabilities between unprogressed claims and progressed claims, as well as dealing with the issue of multiple employers (see above). Non-response weighting was applied to control offices and experiment offices separately, using Outcome, Track and whether a claim was progressed or not.

