

Beyond the Backlog

Building a dispute resolution system that works.



**citizens
advice**

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Executive Summary

Every year, Citizens Advice supports **100,000 people with employment problems**. These range from unpaid wages and sick pay to unfair dismissal, discrimination and harassment. What we see is likely the tip of the iceberg - as many as 1 in 4 workers reported having a problem at work in the last year.

The good news is that change is on the way. The Employment Rights Act 2025 (ERA) introduced significant new rights and protections for workers, while the “Get Britain Working” plan aims to move more people into stable, high-quality employment. But the success of any new rights and protections depends on workers being able to **understand, exercise and enforce them**. Currently, this often relies on workers pursuing justice themselves, through the Employment Tribunal (ET) system.

It’s well known that the ET system is under pressure. The number of single claims waiting to be heard by the tribunal has now reached **70,000, the highest level on record**. This is placing huge demands on the courts, increasing costs and delays for both workers and employers, and leaving too many without access to justice. **Some workers will wait years for their cases to be heard.**

There has been lots of speculation about what is driving this backlog, including whether the [increasing use of Artificial Intelligence \(AI\)](#) by claimants is to blame. Our advisers on the ground tell us that while AI is an emerging part of the picture, there are longer-standing problems that explain the current state of the system.

The problem is not simply the volume of new claims. The cases already stuck in the system are increasingly complex, with a high proportion involving discrimination, which may explain why they are being resolved more slowly and creating a bottleneck. Last year, **two cases entered the system for every one that was discharged**.

At the same time, when we look further upstream, it’s clear that there are **barriers which prevent workplace issues being resolved before they reach an ET hearing**. Without access to support or advice, workplace issues can escalate into formal disputes quickly. Many workers struggle to navigate conciliation and the complex tribunal process without specialist support, and there are few incentives for unscrupulous employers to settle early.

This creates a vicious cycle. Once disputes have escalated they can become

more complex and the parties to the dispute can become more entrenched. This makes cases harder to process efficiently, further snarling up the system. This is bad for workers, who are put under huge financial, emotional and practical strain, and often lose out on justice altogether by withdrawing, or settling for less. It's bad for employers who want to genuinely engage but face lengthy delays, racking up legal fees. And it's bad for the system; if it can't genuinely enforce the law, incentives to comply are weakened, driving down standards across the labour market.

Specialist employment advice can help break this cycle. Advisers help workers understand their rights and options, resolve issues with employers and, where necessary, navigate Acas, settlement negotiations and the ET journey. This can keep some disputes out of the tribunal and help workers pursue legitimate claims.

But while advice can be transformational, a patchy funding landscape and limited access to legal aid means many people slip through the net.

Insights from advisers show us how vital the support they offer can be - to workers, and to a properly functioning labour market. They also **show us what a good dispute resolution system could look like**: one where workers and employers face few barriers to fair, timely resolutions, while ensuring that the tribunal remains available for disputes that genuinely need it.

To build a dispute resolution system that works, government should focus on four priorities:

1. Effective workplace resolution processes

Employers should have effective grievance and HR processes that give workers a safe and meaningful way to raise concerns and give employers the flexibility to resolve problems early.

2. Incentives on employers to engage early

The system should create stronger incentives for employers to engage constructively with disputes before they escalate to a hearing or become entrenched.

3. Robust mechanisms to enforce the payment of awards

Workers who win compensation shouldn't have to navigate a complex enforcement system to access money they are owed. There must be meaningful consequences for deliberate non-payment and simpler routes to recovery.

4. Ongoing access to advice

Free, specialist employment advice should be available from the earliest stages of a dispute and throughout the resolution process, helping workers understand their rights, resolve problems early and navigate the system where a tribunal is necessary.

These reforms are vital to ensure the ERA and “Get Britain Working” deliver on their promise of better, more secure work, and boosted living standards. A functioning dispute resolution system would give workers a clear route to exercise their rights, employers a framework for fair and timely resolution, and ensure effective enforcement that raises standards across the labour market.

Introduction

Problems at work are common

As many as 1-in-4 workers say that they've experienced a problem at work in the last 12 months.¹ This amounts to millions of people facing a workplace issue every year. Some are underpaid, forced to work excessive hours or unfairly dismissed. Others experience harassment, bullying or discrimination that makes going to work miserable. While most employers obey the law, many still fail to fulfil their basic legal obligations.

Citizens Advice has a clear view of what these workplace problems look like. Across England and Wales, we help nearly **100,000 workers every year** with an employment problem. In 2025-26, we supported:

- **26,800** people with **pay and entitlements**
- **18,900** people with **dismissal**
- **12,700** people with **terms and conditions of employment**
- **10,200** people with **discrimination**

Many of the workers we help are at the “sharp end” of the labour market. They're among the most at-risk of experiencing poor treatment; working in jobs that are low-paid, insecure, or without trade union protection. They are sometimes migrant workers, which we know can [come with particular risk of exploitation](#). They're also usually the least able to take action against their employer for bad behaviour.

So we see first-hand that for too many people the **employment rights that exist on paper are often denied in practice**. This report shares their stories and experiences of trying to resolve problems at work, as well as the insights of the advisers that support them.

How does the dispute resolution system work?

The current system for dispute resolution operates through **three main stages**: the workplace, pre-Employment Tribunal, and the Employment Tribunal (ET).

¹ Opinium polling, commissioned by Citizens Advice, of 4,000 workers in Great Britain, weighted to be nationally representative. Fieldwork conducted in March-April 2026.

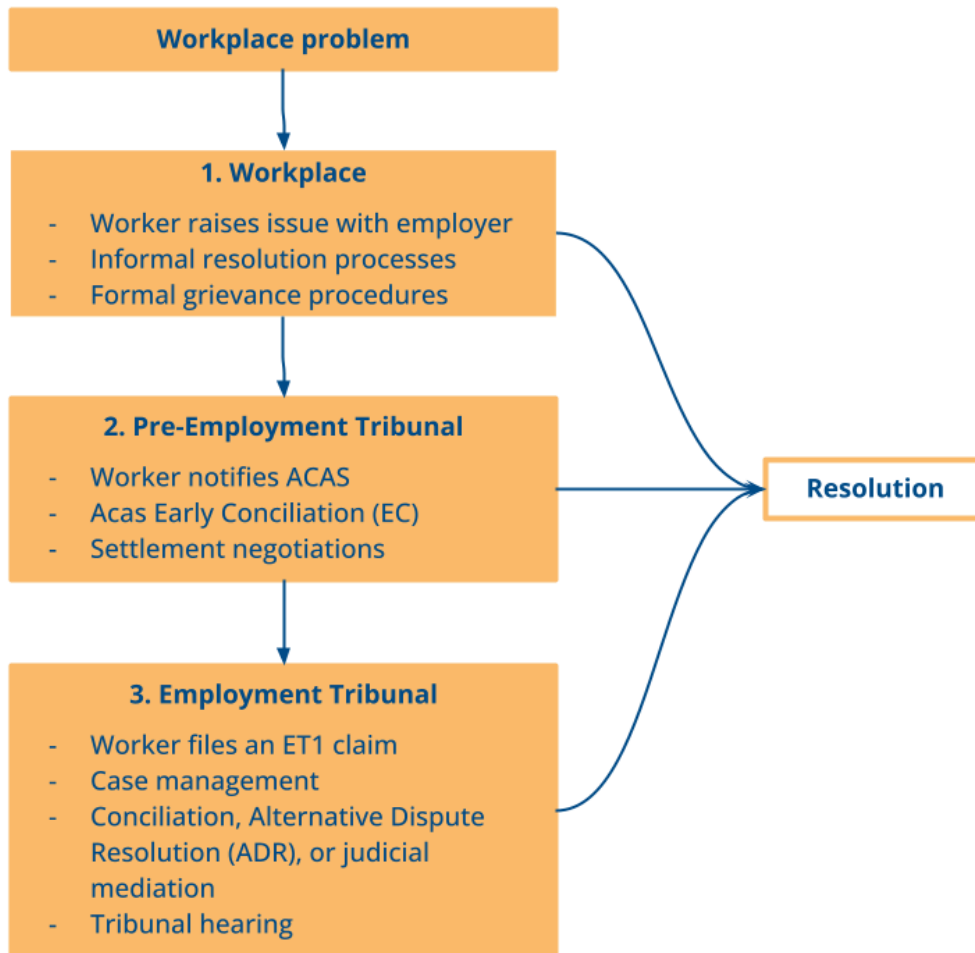


Figure 1: Workplace problems can be resolved through 3 key stages of the dispute resolution system.

An effective system should drive resolution between workers and employers, and deliver low-cost, accessible justice where employment rights have been breached. It should enable workers and employers to reach a meaningful outcome that is fair, proportionate and timely, while driving up compliance across the labour market. But today, this is too often not the case.

The dispute resolution system is under pressure

The dispute resolution system is in crisis. Between April and June 2026 there were **70,000 single open claims waiting to be resolved, an increase of 51% on the previous year.**² This backlog is driving record waiting times, with some

² Ministry of Justice, [Employment Tribunal Statistics Quarterly April-June 2026](#), 10 September 2026

hearings scheduled for as late as 2029.³ For workers trying to get problems resolved, the backlog means that the system is increasingly unable to deliver justice in a timely way.

What is causing this rising backlog? A rise in the number of new cases may be part of the issue - new cases increased by 56% between 2022/23 and 2025/26.⁴ At Citizens Advice, we've seen a similar sharp rise in demand for employment advice relating to ET cases (figure 2). In July-September 2026 (Q2), our advice services supported 3,293 clients with an ET problem, up by 19% since the same quarter last year, and 33% since the same quarter in 2023.

People we helped with an ET issue

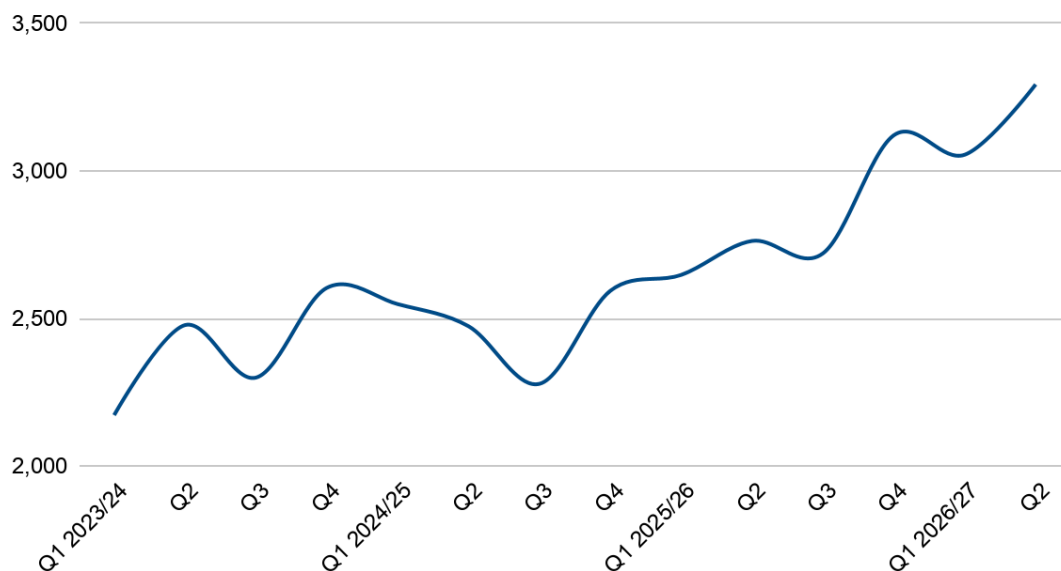


Figure 2: The number of people supported by Citizens Advice on an issue relating to ETs and Appeals.

But a rise in new cases entering the system is not the primary driver of the growing backlog.⁵ In fact, the system has previously been able to manage similar or higher volumes. In 2009/10, the ET received 78,600 claims, nearly 50% more

³ Dominic Casciani, [Unfair dismissal claims face five-year delay as tribunal backlog grows](#), 21 May 2026

⁴ Ministry of Justice, [Employment Tribunal Statistics Quarterly](#), 11 June 2026. In 2025/6 single and multiple lead receipts totalled 52,840 and in 2022/23 single and multiple lead receipts totalled 33,929.

⁵ An increasing number of receipts is in part a "bounceback" effect from the introduction of ET fees that were in place between 2013 and 2017 (and which temporarily drove down case numbers).

than were received by the ET last year.⁶

What has changed is a big drop in the number of cases being processed each year. In 2009/10, the ET was able to clear 71,700 cases, but last year this figure had plummeted by almost two-thirds (61%) to just 28,100 cases.⁷ In fact, in 2025/26, for every 2 cases received by the ET, only 1 was cleared.

Why are fewer cases being processed each year? A simple reason, as many have suggested, could be to do with funding - inadequate resources, coupled with increasing demand, have squeezed the system's capacity to deal with cases quickly. But, this can't be the whole story. In fact, the ET has processed more cases with similar levels of real terms funding in the past. So, something else must be going on.

There is one key development in the last few years that helps explain the growing challenges the ET is facing - the big rise in "complex" claims. These are claims that are more technical, more difficult to adjudicate, and which require longer hearings. As a result, they place more demand on the ET's resources.

Some argue that the availability of AI tools is contributing to the rise in complex cases by making it easier for workers to file voluminous and poorly argued claims.⁸ But hard evidence about how, and to what extent, claimants are using AI is limited. Nor is there hard evidence, beyond the anecdotal, that AI-generated claims are driving the backlog in the ET. Our advisers report that, while AI is certainly being used more frequently by workers, it's not the primary driver of increasing volumes of complex claims.

A key component of the rise in complex cases has been the rise of **disability discrimination claims**. In 2025/26, a third (32%) of all new cases included a disability discrimination claim, up from 10% in 2010/11.⁹ Similarly, a large proportion of the open cases in the ET backlog include a claim for disability discrimination.¹⁰ It isn't clear why greater AI use would be impacting this type of

⁶ Ministry of Justice, [Employment Tribunal Statistics Quarterly](#), 11 June 2026. (In 2009/10 single and multiple lead receipts in totalled 78,619 and in 2025/26 totalled 53,161)

⁷ Ministry of Justice, [Employment Tribunal Statistics Quarterly](#), 11 June 2026. (In 2009/10 single and multiple lead disposals totalled 71,715 and in 2025/26 totalled 28,101)

⁸ Dominic Casciani, [Unfair dismissal claims face five-year delay as tribunal backlog grows](#), 21 May 2026.

⁹ Acas, [Acas Annual Report and Accounts 2025/26](#), 3 July 2026 and Acas, [Acas Annual Report and Accounts 2010/11](#), 18 July 2011

¹⁰ As of the latest Employment Tribunal Statistics from the Ministry of Justice, 37% of open single cases included a disability discrimination claim. This figure should be used with caution as, due to a transition to a new case management system, these figures undercount the total number of

claim to such a disproportionate extent. And, there are good reasons to think other factors are at work in driving more disability discrimination claims.

For one, there are much greater numbers of disabled people in work than there were a decade ago.¹¹ And, as recent ACAS research has highlighted, the experience of disabled people at work is often not a positive one - 68% of disabled workers whose condition impacts them a lot reported experiencing workplace conflict in the last twelve months, for example.¹² In this context, it is perhaps not surprising that claims for disability discrimination are on the rise.

Barriers to resolution at every stage

But, the rise in complex cases is only one part of the story. There is a deeper problem with the dispute resolution process, one which predates the rising case backlog. At each stage **there are simply too many barriers to reaching a fair and effective resolution**. We explore these barriers in more detail in later sections of this report, but they include a limited awareness of employment rights on the part of workers, barriers to raising problems in the workplace, and disincentives on employers, throughout the process, to resolve issues early.

The final, major barrier which exists throughout the dispute resolution process is **inadequate access to advice and representation**. For many workers, formal legal representation is unaffordable and they instead rely on the free services provided by organisations like Citizens Advice to help them solve problems at work. Access to this kind of advice is critical for the effective functioning of the dispute resolution system. Our employment advice provision helps workers understand their legal rights and how those rights apply to their situation. They also help them engage effectively with employers and the wider dispute resolution process, make informed decisions about the route to redress, and ultimately achieve fair outcomes.

But a lack of consistent funding for free legal and specialist employment advice across the country leaves too many workers navigating the system alone.

So, clearing the backlog alone won't be enough to fix the system's problems. It's certainly important; lengthening wait times for ET hearings exacerbate the deeper problems in the system, and take a heavy toll on claimants. As our

cases in the system. See Ministry of Justice, [Employment Tribunal Statistics Quarterly](#), 10 September 2026.

¹¹ Department of Work and Pensions, [The Employment of Disabled People 2025](#), March 2026

¹² ACAS, [How prevalent is individual conflict at work in Great Britain in 2025?](#), November 2025

advisers point out, for workers facing a succession of hurdles to resolving their problem, an extended wait to get in front of a tribunal can be the final straw.

"I've lost count of the number of clients where they've pretty clearly got a case, and they have decided to do nothing about it ... they are overwhelmed by the process and what it might involve, and the delays to ETs just exacerbate that." - **Adviser**

But any sustainable solution must also focus on making the dispute resolution system **better at resolving disputes quickly, fairly and at the earliest appropriate stage**. This means removing the barriers that prevent resolution, and increasing advice capacity to ensure that all workers can access support and navigate the system efficiently.

This is an urgent priority. The crisis in the dispute resolution system is already acute and the passage of the Employment Rights Act (ERA), a major and welcome step forward for workers rights, could increase the pressure. The ERA introduced a range of vital new rights and protections. It also extended the deadline for workers to file claims at the ET and shortened the qualifying period before workers can bring claims for unfair dismissal, another big source of cases in the ET. Estimates suggest these changes will increase the Acas and ET caseload by 17%.¹³

So, the government must act swiftly. But, it also needs to act in ways that will address the fundamental drivers of the crisis, in particular the multiple barriers to early resolution and the chronic underfunding of employment advice. In the rest of this report, we outline these barriers in more detail, and show how access to advice can go some way to overcoming them.

¹³ Department for Business and Trade, [Employment Rights Act 2025: economic analysis and enactment summary impact assessment](#), January 2026

1. Barriers to resolution in the workplace

Employment problems are usually best resolved in the workplace, while workers are still in their job. This can either be through informal processes or workplace grievance procedures. At this stage, there is a greater chance that working relationships can be repaired and jobs preserved before disputes escalate. However, in practice these mechanisms do not always provide a clear or effective route to resolution.

To begin with, workers often have limited awareness of their employment rights, or the routes that exist to enforce them. Our research found that **42% of all workers say they have little or no knowledge of their rights at work**, and only 16% say they know "a lot" about their rights.¹⁴ For many of the people our advisers support, a breach of employment rights is only uncovered after they seek advice on a different issue, for example after coming to us with a problem about their housing or debt.

Even when workers do recognise that their employer may have acted unlawfully, there are often stronger deterrents than incentives to try and resolve the issue through workplace processes. Sometimes, challenging an employer carries a high personal risk. We often see workers who are afraid that speaking up could lead to reduced hours, a heavier workload, or even being fired. Migrant workers may also fear consequences for their immigration status.¹⁵

"It's hard in many cases for the clients who are caught in a position of not wanting to push their employer too far for fear of retribution, which could be bullying, it could be dismissal." - Adviser

Our advisers say that, because the job market is poor and alternative work is hard to find, the risk of retaliation can make workers stay in poor working conditions. But for others, even despite a challenging job market, it may feel easier to find work elsewhere than raise the issue.

Caleb* is a migrant worker who sought advice after experiencing multiple

¹⁴ Opinion polling for Citizens Advice, March-April 2026

¹⁵ Citizens Advice, [How work visa design is driving exploitation of migrant care workers](#), 11 March 2024

workplace issues in his hospitality job, including long shifts without breaks, unclear holiday pay, changing hours and a lack of employment contract. He is also subject to ongoing pressure to work without making mistakes.

The workplace culture means Caleb is very scared of his employer and can't raise or resolve issues himself, believing it could put him at risk despite having the right to work in the UK. Instead of pursuing a resolution, Caleb plans to leave his job and try to find another.

For some groups, these barriers are greater. **Disabled and insecure workers** are more likely to say they have little or no awareness of their rights at work and are less likely to raise a problem with their manager or HR.¹⁶ But they are also more likely to experience problems at work in the first place - we found that 40% of insecure workers and 40% of disabled workers experienced a workplace problem in the previous year, compared with 25% of all workers.¹⁷ Similarly, the Trades Union Congress (TUC) reports that nearly half (49%) of disabled workers surveyed had experienced some form of bullying or harassment in the workplace in the last year.¹⁸

Evidence suggests they may also be less likely to achieve an in-work resolution. Disabled workers are more likely than workers without disabilities to respond to problems at work by leaving their job, looking for another role, taking time off, or stopping work altogether.¹⁹ However, for many disabled workers, leaving a job and finding another is not straightforward. They often face additional barriers to finding suitable work after leaving or obtaining a fair reference.²⁰

For many, raising an issue at work often means doing so alone, especially for workers in a non-unionised workplace. This adds to the risk of challenging poor employer practice, especially in situations where workers are unsure of their legal rights or the obligations of their employers. Where workers are acting alone in raising an issue, it also makes it easier for unscrupulous employers to retaliate against them with little fear of consequences. This helps explain why, for some workers, seeking out alternative employment is the easier path when things go wrong at work.

¹⁶ Opinion polling for Citizens Advice, March-April 2026

¹⁷ Opinion polling for Citizens Advice, March-April 2026

¹⁸ TUC, [Bullying, harassment and discrimination of Disabled people in the workplace](#), 1 July 2025

¹⁹ Opinion polling for Citizens Advice, March-April 2026

²⁰ Citizens Advice, [Shut out of work: How workplaces are excluding disabled people](#), 21 January 2026

Free employment and legal advice can play a critical role in these situations. It can inform and empower workers, arm them with the tools to challenge poor practice, and give them the confidence to speak up. Employment advisers can explain complex employment law in clear, accessible language and help workers understand how their legal rights and entitlements apply to their situation.

"Some clients don't have the confidence or knowledge to understand what their rights are... I assist them, or I make sure I provide them with the correct information so that they can do things effectively on their own." - **Adviser**

Advice also provides practical, in-work support to help resolve their problem. Advisers will assess workers' options for redress, and help them to engage constructively and confidently with their employer. This might mean helping to write letters to an employer, clearly articulating their concerns, legal entitlements and desired remedy, or helping workers to submit a grievance. Or it might mean helping them to secure an apology or small concession from their employer that helps put their issue to bed without engaging in formal processes. By doing so, advice increases the chances that people like Helen resolve their dispute while still in their job.

Helen* has cancer and is undergoing treatment. She's been told she'll need 3 months off work. Her employer said she could not get Statutory Sick Pay because she's 'on a flexible contract'. On our advice and support, Helen challenged this. Her employer eventually admitted she does have the right to receive sick pay and rectified the issue.

However, there are structural barriers that can prevent an in-work resolution, which advice alone isn't able to overcome. Many of the people we support are working for companies with little or no HR infrastructure, a problem that is often more acute in smaller businesses. In some cases, they don't have clear workplace policies or established grievance procedures. In the latest Survey of Employment Tribunal Applications, 1-in-3 ET claimants said that their employer had no written grievance procedure in place.²¹ The worker may also have not been given a copy of their employment contract and sometimes don't receive payslips, making it harder to assess if or how a breach of their rights has occurred.

²¹ Department for Business, Energy and Industrial Strategy, [Survey of Employment Tribunal Applications](#), 9 July 2020.

A grievance policy should outline what an employer's obligations are and what workers can expect to achieve in terms of redress. Without a clear written policy, workers can be left without a concrete understanding of how to raise and resolve an issue. The absence of a clear grievance policy can also mean that resolution depends more on the subjective decisions of an individual manager, rather than following an established organisational policy.

Even where formal procedures do exist, employers don't always follow them. Some people we help report grievances being dismissed without investigation, or being denied the opportunity to present their case in a formal grievance meeting.

Debra* sought advice after experiencing repeated sexual harassment from a colleague. Although concerns were raised internally, Debra felt that her employer failed to investigate them properly. They dismissed the complaint as hearsay without conducting an investigation. The company directors then became hostile towards Debra and other colleagues who reported the behaviour. The behaviour caused significant distress. Both Debra and a colleague resigned as they felt uncomfortable, unsupported and unable to continue working.

At the other end of the spectrum, advisers report that grievance procedures in larger or public sector organisations can sometimes hinder informal resolution by becoming rigid, "tick box" exercises. They inadvertently encourage employers to "dig in" by focusing on strict procedural compliance that covers them in case of potential future litigation, instead of trying to reach a genuine resolution.²²

Workers need to feel able to raise concerns without fear of retaliation, and employers need to respond fairly and investigate concerns properly, facilitated by effective grievance procedures that leave room for a genuine and mutually positive resolution.

Recommendation 1: Effective workplace resolution processes

Employers should have effective grievance and HR processes that give workers a safe and meaningful way to raise concerns and give employers the flexibility to resolve problems early.

²² Sarah Fraser Butlin KC, Catherine Barnard, and Maayan Menashe, [Reimagining Employment Dispute Resolution and Enforcement](#), June 2026

Where these conditions are missing, in-work resolution isn't realistic, even with the help of advice. This means many workers like Debra, and particularly those who are disabled or in insecure work, may abandon their issue or leave their job altogether. For many others, the only way to access a resolution is by notifying Acas and moving into the next stage of the dispute resolution system.

2. Barriers to resolution pre-tribunal

More than 100,000 workers notify Acas of an employment dispute every year.²³ Acas offers Early Conciliation (EC), a free service where a conciliator helps both parties explore whether a dispute can be resolved without the need for litigation. Notifying Acas of a dispute before going to the tribunal is mandatory. However, actually taking part in conciliation is not. For workers, resolving an issue through Acas EC can provide a quick and less adversarial outcome than pursuing a tribunal claim. For employers, resolution at this stage avoids the potential costs of a legal case.

But even deciding whether to notify Acas isn't a straightforward choice for lots of workers. For those deciding to take cases forward, it can be daunting to enter a formal process which can be difficult to understand or navigate. Going down this route can be particularly inaccessible to those who speak English as an additional language, struggle with digital skills or are unfamiliar or uncomfortable interacting with formal legal processes.

"People aren't confident with getting engaged with that sort of agency because they're not accustomed to that... So yes, lack of confidence, English being an acquired language rather than a first language." - Adviser

Many claimants our advisers support don't have legal representation. Without any kind of specialist support, it's not easy for workers to understand the strengths and weaknesses of their case. One of the key benefits of advice at this point is to help people understand whether their case has legal merit, and if so what the next steps are. If not, advisers can support people to explore alternative resolutions.

Advice can play an important role in making Acas EC successful, helping workers to understand their options, prepare for and engage in negotiations and reach an agreement without needing to proceed to an ET. Specialist employment advisers manage workers' expectations about what EC can and can't deliver, supporting them to make informed choices about whether to settle, continue negotiating or pursue an ET. For example, advisers can explain what different settlement offers mean, whether a proposed settlement is fair in the circumstances, and what the consequences of accepting or rejecting it might be. Practically, advisers help clients prepare for negotiations, sometimes even attending meetings with them, as well as liaising with Acas and the employer

²³ Acas, [Acas Annual Report and Accounts 2025-26](#), 3 July 2026

throughout the process. In some cases, this helps avoid the need for a tribunal claim at all.

Robin* is pregnant and has a severe sickness condition. After she became unwell at work, her employer sent her home and put her on Statutory Sick Pay (SSP), despite her being fit to work from home.

Robin suggested a reasonable adjustment that would allow her to continue working from home and had a doctor's note confirming she was fit to do so. Instead, her employer delayed considering this and requested further medical assessments, leaving her on SSP for several weeks and affecting her income.

With advice, Robin raised a grievance and challenged her employer's decision. When this failed to resolve the issue, her adviser supported her through Acas EC and negotiated with her employer on her behalf. Robin's employer eventually agreed to backdate her full pay and allow her to work from home. Robin's adviser helped by drafting a legally binding COT3 agreement, resolving the dispute without the need for an ET.

However, our advisers describe limitations of what can be meaningfully achieved at this stage. The government has recognised the significant pressures facing the Acas service, extending the conciliation period from 6 to 12 weeks to give parties more time to reach a resolution.²⁴ While this provides greater scope for conciliation, it also adds to the overall time taken to resolve disputes. Advisers continue to highlight the challenges of reaching a resolution with a service under high demand and pressure, including having sufficient time to thoroughly unpack the issues at the core of the dispute, test each side's position and help parties negotiate towards a mutually agreed outcome.

Advisers say that most of the workers they support do want to use EC to resolve their issue at this stage. But they also flag the impact that backlogs have on a claimants' willingness to engage with EC, with some claimants choosing to bypass it altogether because of the additional time it can take.

But the biggest barrier to resolution at this stage is a lack of strong incentive on the employer to participate meaningfully or at all. Advisers often observe

²⁴ Department for Business and Trade (2025), [Explanatory Memorandum to the Employment Tribunals \(Early Conciliation: Exemptions and Rules of Procedure\) \(Amendment\) Regulations 2025, SI 2025/1153](#).

employers using ‘tactics of attrition’; retreating into a defensive position by making bad-faith or imbalanced settlement offers, or by choosing not to engage in EC at all.

Ben* was dismissed with immediate effect shortly after starting a new role, after he made a mistake on a piece of work. Ben’s contract provides that during the probation period he can be dismissed on 1 week’s notice, or payment in lieu. However, Ben didn’t receive proper payment for the days he had worked, even after flagging this to his employer. He decided to report his claim to Acas for Early Conciliation.

However, his employer declined to engage in the conciliation process. Ben must now decide whether to represent himself at an ET, or pay the disproportionate cost of legal representation relative to the modest value of his claim.

As the following chapter explores in more detail, with the possibility that a claimant may not pursue an ET claim, or may drop their case further down the line, employers have little to lose by ‘waiting a case out’. One adviser notes that *“employers only look seriously when the ET1²⁵ arrives”*.

Compounding this is the fact that employers are often better placed than claimants to absorb the costs of a lengthy dispute. Where there are few consequences for non-engagement at EC, this can reduce the incentive to resolve disputes constructively and early, and therefore allow problems to escalate into the ET. **To fix this, the government must strengthen incentives on employers to engage constructively in dispute resolution at the pre-tribunal stage.**

Recommendation 2: Incentives on employers to engage early in resolution

The system should create stronger incentives for employers to engage constructively with disputes before they escalate to a tribunal or become entrenched.

²⁵ The ET1 form is used by a worker to submit a claim to the ET. Acas must be notified before the ET1 can be submitted.

3. Barriers to resolution at the Employment Tribunal

Where disputes aren't resolved earlier, workers can pursue their claim through the ET. Doing so offers claimants an opportunity to have their case heard before a judge, but doesn't prevent them from reaching a settlement with their employer before then, including through Acas conciliation or judicial mediation. But too often, there are barriers which prevent claimants and employers reaching a reasonable resolution.

The ET is complex to navigate alone

For many of the people Citizens Advice support, taking a claim to the ET is a daunting prospect. The process is unfamiliar, complex and full of formal legal terminology. There are also significant procedural requirements, such as preparing witness statements, case bundles and schedules of loss. There's high volumes of correspondence to manage, much of which is in unfamiliar legal language. Advisers describe the ET process as a *"full time job"* for many claimants that *"involves a lot of energy and commitments to pursue... it's not an easy process"*, and say that **complexity is one of the biggest barriers to clients making an ET claim.**²⁶

Formal legal representation can help workers to navigate this complexity, but is simply unaffordable for many claimants. Legal aid is no longer available, except in a small number of cases, and it does not cover representation at the hearing itself. Meanwhile, those most at risk of employment violations - such as insecure and disabled workers - are often least able to afford help; 80% of insecure workers earn below median pay, while disabled workers are also disproportionately in low-paid jobs.²⁷ Many have little choice but to represent themselves as Litigants in Person (LiPs).

This results in a huge inequality; **only 1-in-3 claimants** have legal representation at ET hearings, compared with **more than two thirds of**

²⁶ Citizens Advice surveyed 44 advisers via its Network Panel Survey during December 2025. It asked respondents "What are the biggest barriers, if any, to clients making an ET claim?" with 75% selecting complexity.

²⁷ Opinion polling for Citizens Advice, March-April 2026; Department for Work and Pensions, [The employment of disabled people 2025](#), 24 March 2026

employers.²⁸ Advisers tell us this prospect can further discourage workers from pursuing a claim.

"As soon as you bring in legal counsel, you up the ante, up the cost, up the complexity...that's what I would suggest scares off a huge number of employees because they don't understand the law. They can't afford a lawyer. They can't get access to legal aid." - **Adviser**

Advice helps, but there are costs to pursuing an ET claim

Getting access to employment advice can make the difference between someone being able to pursue a legitimate claim or giving up, particularly for unrepresented claimants.

"The system is set up in a manner that requires the claimant to go through hugely challenging hoops and expense if they were to do it themselves, and we know from talking with claimants that many would have not bothered or would have been intimidated by the process [if they had not had access to advice]." - **Adviser**

Where claimants are able to access advice it can equip them with straightforward knowledge of the law and the ET process, and give them the confidence to pursue their claim. It can also provide the practical support needed to engage more effectively; for example help with meeting procedural requirements like writing a schedule of loss, organising witness statements, forming case bundles and engaging in negotiations. Advisers sometimes support by attending a preliminary hearing with their client and, though rare, our specialist employment advisers can even represent a client at tribunal.

The support and involvement of specialist employment advisers has added benefits to the smooth functioning of the ET. Where our advisers can help claimants complete an ET1 or a schedule of loss, for example, this will often result in a clearer, better argued, and more concise statement of the issues at hand. This in turn makes it easier and faster for ET officials to process the claim and progress it to the next stage of the process.

But even with advice, pursuing a tribunal claim can be financially and emotionally demanding, even without paying for legal representation. Claimants face travel costs,²⁹ and many will also suffer loss of earnings - pursuing their

²⁸ Yerty Intelligence Hub, [How often are employment tribunal claimants represented?](#) (last updated June 2026). n=33,283 cases identifiable for both sides.

²⁹ Department for Business, Energy and Industrial Strategy, [Survey of Employment Tribunal Applications](#), 9 July 2020.

claim with little or no income if they have lost their job. Advisers see this financial hardship clearly; for clients we support with an ET claim, 28% also access support on Benefits and tax credits, 18% on Universal Credit, and 10% on debt.³⁰

Advisers also report the **high costs to claimants' wellbeing and mental health** as they navigate litigation, with the process becoming all-consuming for some and commonly causing or exacerbating stress and anxiety. One adviser, referring to the state clients are in during the ET process, said:

"They're depressed. They're desperate. They have no faith in the system. They've often run out of money to pay for any specialist [legal] advice. And yet they can't work, they're out of a job. They're relying on benefits. They can't pay their relatives back, all the rest of it. They run up bill debt...And it just stops them moving ahead, moving on."
- Adviser

The pressure of the system pushes workers out

The procedural, financial and emotional burdens of the process can make sustaining an ET case extremely challenging for many claimants. **This leads some workers to settle for worse terms**, rather than what their claim might be worth, just to bring an end to the process.

"In the end, she settled on a few thousand. She walked away from it and she thought, 'No, I'm going to put it behind me.' ... And she was able to feel justified in the process, but she had a disabled son and didn't feel she could carry on." - Adviser

And many others **simply withdraw from the process altogether**. In 2025/26, 1-in-5 (21%) ET cases were withdrawn before reaching a hearing.³¹ Of course, not all of these claims would have necessarily gone on to succeed. But our advisers frequently report seeing strong and legitimate claims abandoned because claimants can't face the emotional burden of continuing.

"The reality is I see lots of cases where people step away from the whole tribunal process because it is just too difficult for them to engage with. We see clients who go 'I can't do this'...the hardest thing for us is where we think a client's got a really strong case...but they go, I just can't face it, I've been through, you know, all the trauma." - Adviser

³⁰ Clients who accessed support on an ET and Appeals issue between 01/01/25 - 31/12/25

³¹ Acas, [Individual disputes data 2025-26](#). The remaining "outcomes" in 2025/26 were either struck out, settled, default judgment or heard.

For many claimants the emotional burden is not just about the challenges of the ET process. The traumatic nature of the incidents that led to a claim (for example in discrimination or unfair dismissal cases) can also have a huge impact. This is why, for many claimants, the purpose of going to tribunal goes beyond financial compensation. They may want acknowledgement of harm from their employer, through an apology, explanation, or commitment to prevent the same thing happening to others. But the ET is primarily designed to determine legal liability and award remedies, and can't always provide the types of resolution claimants are seeking. In some cases this can lead to claims progressing through the ET system that would be better resolved via other routes. It can also be the reason some clients drop out of the ET process altogether.

The emotional and psychological toll of pursuing a claim creates a fundamental access-to-justice issue: whether a dispute is resolved can depend not only on the strength of a claim, but on whether a claimant can endure the process. Claimants who can't are left without an effective route to resolve their dispute, often in greater financial and emotional hardship than when they started.

Delay exacerbates pressures, and dis-incentivises resolution

The longer claimants wait for their case to be resolved, the greater the financial, emotional and procedural pressures they face, increasing the risk that they accept a low settlement or withdraw altogether.

Elena* came to Citizens Advice for support after experiencing sexual assault in the workplace. After evaluating her claim as strong, the adviser helped her to file an Employment Tribunal (ET) claim.

Elena's hearing was set for 2 years' time. As her case progressed, tribunal directions required her to compile a case bundle before her preliminary hearing. This process involved gathering extensive evidence, witness statements, and a schedule of loss. Navigating this was a challenge for Elena. Without affordable legal representation and with English not being her first language, Elena also worried about appearing at the hearing unrepresented.

As delays prolonged her uncertainty, the stress and anxiety of the ET process became overwhelming. Ultimately, having found a new job, Elena chose to withdraw her claim so she could move on from the experience.

"From an employee's perspective, all the time it's not being resolved the problem is in the forefront of your mind. It's causing you stress. You can't move on... I have cases where an employee could evidence that she was harassed at work and it was really causing her a huge amount of grief and distress. She would have hands down won at a tribunal, but when you're told the tribunal date is 18 months... she couldn't handle the stress... and so she just walked away." - Adviser

The fact that delays exacerbate these pressures on claimants can work to the advantage of unscrupulous employers. As the strain of the process increases, and may lead claimants to drop their case altogether, waiting a case out can be an effective strategy for some employers. Advisers often see delaying behaviour used intentionally, with employers prevaricating, missing deadlines for sending paperwork, prolonging negotiations, or proposing drastically low settlement offers. Advisers say that some cases only settle at the last minute, sometimes days before a hearing, after the claimant has spent months preparing.

"I think it's a tactical game ultimately where there's a game of attrition, and people do fall by the wayside. And employers - I think our experience was that - once you've passed that stage of opposing the case, they're probably going to wait til right at the last moment to settle, there's no real incentive for them [to settle early]." - Adviser

This creates a vicious cycle. More disputes reach and remain in the ET, increasing the backlog and the pressures on claimants that come with it. This makes workers more likely to withdraw or accept less than they might otherwise have done, while giving employers less reason to resolve disputes early. In this way, the backlog reinforces itself.

Again, the **government must consider how the system can better encourage timely and meaningful engagement** as early as possible, and throughout the ET process.

Even winning at tribunal doesn't always mean justice

After jumping through all those hoops and winning a tribunal claim, our advisers still see many people who never receive the money they are owed. Some companies go insolvent before paying an award, with a fraction reappearing as a new business in a practice known as "phoenixing".

Once a judgment is made by the ET, the Fair Work Agency (FWA) can enforce it, and even add a penalty, on the claimant's behalf. If that's unsuccessful, a claimant can use the government fast track scheme to send a High Court

Enforcement Officer to enforce the award, or they can also enforce it through the County Court.³²

But advisers report that the process of securing an award from an employer who refuses to pay can be subject to several delays and administrative problems, making it harder for people to recover what they're owed.

"He was dismissed in 2020 and it's now 2025 and he hasn't got a penny." - **Adviser**

Non-payment of tribunal awards is an issue we've advocated on for over 20 years.³³ Although the total number of unpaid awards is not comprehensively tracked, the latest survey of Employment Tribunal Applications showed that only 72% of winning-claimants said that their award had actually been paid.³⁴ A Freedom of Information request carried out by the Bureau of Investigative Journalism found that three quarters of those who have turned to the Government's ET Penalty Enforcement Scheme (now delivered by the FWA) still haven't received their payment.³⁵

Ayesha* was awarded around £5,000 by an Employment Tribunal for unpaid wages. Four years later, she still had not received the money.

Ayesha exhausted County Court enforcement options, including using bailiffs, but the employer closed its premises and could not be located. The company remained active on Companies House, and had not gone into liquidation, meaning Ayesha couldn't use the Redundancy Payments Service (RPS) to access redress. She has since been directed between different agencies, but has struggled to find any way to recover the money.

Ayesha told her adviser she feels like she is "going around in circles" and that the stress of the situation is affecting her mental health.

More importantly, while advisers can support claimants to navigate enforcement routes, enforcing an award ultimately requires action through - sometimes multiple - burdensome processes by a claimant who has likely already spent years attempting to access justice. Navigating these processes creates immense

³² HM Courts and Tribunals Service, [How to enforce an award](#), 23 October 2024

³³ [Early day motion on non-payment of ET awards](#), 24 January 2005

³⁴ Department for Business, Energy and Industrial Strategy, [Survey of Employment Tribunal Applications](#), 9 July 2020.

³⁵ Emiliano Mellino, Lucy McKay, [Employment tribunals: 'scandal' of toothless scheme to punish non-paying bosses](#), 2 October 2025

ongoing stress even after a tribunal win. To fix this, there must be meaningful consequences for those who deliberately avoid payment of awards, and simple, navigable routes for workers to recover what they are owed.

Recommendation 3: Robust mechanisms to enforce the payment of awards

Workers who win compensation shouldn't have to navigate a complex enforcement system to access their ET award. There must be meaningful consequences for deliberate non-payment and simpler routes to recovery.

Conclusion and recommendations

The challenges facing the dispute resolution system are complex, but the central problem is clear: the system is becoming less effective at resolving disputes early and efficiently. Thousands of cases are stuck in the system, putting huge pressure on the courts, adding delays and costs to employers and workers, and leaving too many without access to justice.

Too many disputes face barriers to effective resolution at every stage in the process. Whilst the tribunal plays a vital role in resolving complex and highly litigious disputes, the system should make it easier to resolve disputes before a hearing where that is appropriate, while ensuring that cases that genuinely need judicial determination can access the tribunal efficiently.

This means removing barriers to, and creating the conditions for, early and effective resolution at every stage. Advice is central to this: by helping workers understand their rights, assess their options, raise problems early and engage meaningfully in conciliation processes, advice can prevent disputes from escalating. Where cases do reach the ET, advice helps workers navigate the process and participate effectively. This reduces pressure on the tribunal, and creates more space for the cases that genuinely need a hearing.

A good dispute resolution system is one with:

1. Effective workplace resolution processes

Employers must be required to have effective grievance and HR processes in place. All employers should have grievance procedures that workers can trust, while giving employers enough flexibility to find a positive resolution - rather than lay the groundwork for entry into the formal system. Workers should feel able to raise concerns, and employers should have the tools to respond appropriately. This helps resolve problems early, preserve working relationships and avoid unnecessary litigation.

2. Incentives on employers to engage in early resolution

The government should consider how it can strengthen incentives on employers to engage constructively with disputes before they reach a hearing. The current system can reward delay, with few consequences for employers that fail to engage meaningfully in the pre-ET stage. At the same time, while workers face considerable pressures from a drawn-out ET process that

may lead them to withdraw or settle on unfavourable terms, employers are more likely than claimants to have legal representation and be better able to absorb the costs of prolonged disputes. This imbalance can allow disputes to drag on unnecessarily, rather than being resolved fairly at an earlier stage.

3. Robust mechanisms to enforce the payment of awards

There must be meaningful consequences for those who deliberately avoid payment of awards, and less-burdensome routes for workers to recover what they are owed. Too often when workers are awarded compensation through a settlement agreement or a tribunal ruling they never receive the money they are owed. There must be meaningful consequences for individuals and businesses who intentionally avoid payment. And while the enforcement landscape should be easy to navigate, the burden of enforcing the award should not fall solely on the claimant.

4. Ongoing access to advice

The government should invest in the advice infrastructure that underpins the whole dispute resolution system. Access to free, specialist employment advice should be available from the earliest stages of a dispute, and throughout the resolution process. Advice is part of the infrastructure that helps the system work effectively, particularly for workers without access to legal representation. Advice helps people understand their rights, their options, and the best way to resolve their problem and move forward with their lives.

They also help the system run more efficiently - if someone has access to advice their problem can often be resolved earlier, and support to navigate the complex legal system of the tribunal means cases can be processed more quickly. But we know that too many people are still navigating the system alone.

A stronger dispute resolution system will not only deliver better outcomes for the individual workers, but it should also drive up standards across the labour market. A well-functioning system effectively enforces the law, while also creating an incentive for employers to comply in the first place. Getting this right will ensure that new employment rights granted to workers translate into better outcomes in practice.

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