

20 June 2023

Weekly Blog

By: Emma Tice



Rain, rain go away...
come back another day!

Well after weeks and weeks of no rain it appears that we are having it all in a 48 hour period! Being horsey, I watch the weather like a hawk. Whether it is planning the best time to ride, deciding which rug (from the horses' vast wardrobe) they need to be wearing or assessing the grass growth vs sugars in the grass....it is all rock and roll in the horsey Tice household. There really is no better person to talk to about the weather than a horsey person!

The weather has not been our friend today though – my youngest daughter – Emmie (6 years) has had her sports day today cancelled. She isn't too disappointed though because she has “more time to practice” – I am simply at a total loss where she gets her competitive streak from! I am also secretly pleased because we are crazy busy at the moment, and this has given me time to sit with a coffee (standard) and write this little ditty for you!

“Why are we so busy?” do I hear you cry? Well, put simply – Tribunal claims have exploded again! There is a common peak for claims between Easter and the beginning of the summer, but this year is particularly crazy. For those of you that don't know me, Tribunal litigation sits in my top 5 favourite employment and HR topics (alongside holiday pay, TUPE, employment status and redundancy – told you I was rock and roll!) I have most certainly seen a slightly larger peak this year though – more claims coming in. This mirrors the national position too – we can gage a lot from how tightly stretched Tribunal resources are.

Tribunals had just about got on top of things – before Christmas we were seeing claims move back down to the 6 – 12 months listing period between the claim being made and the final hearing. The other week I got one listed in 2025...so they are certainly creaking at the knees again. Claims are also taking a lot longer to come through and other correspondence at the Tribunal is taking an absolute age to deal with.

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Well, the Tribunal service is moving with the times. For a while now, a number of Tribunals including Leeds, Nottingham and Bristol, have been trialling a pilot online system for submitting ET3s (that is a Company's defence to a claim) and also uploading bundles. I have found it a much improved system, but I do know people who have had real issues with it (ah hem Robyn!) so I think it is a bit the luck of the draw whether it likes you or not. The purpose of these new systems is to make the process more streamlined and less reliant on manpower – every little helps and all that! It is overdue as many other legal systems already have such systems.

The ultimate dream is that all parties will be able to track the progress of their matter via the online portal and by gumdrops, if they can pull this off I for one will be giving out a LOT of fist pumps, as the amount of time we waste chasing things is huge! The Pilot is going through the motions, as they release more functionality and hope to open it up to non-represented parties (at the moment it is just us lawyers that have the pleasure!) It is BIG news though....hopefully the beginning of a revolution. As someone who LOVES organisation and a plan, its super welcome from my perspective.

So, what types of claim are we are seeing most of? This, to me, is an easy one – the claims most on the rise are those from employees who were dismissed before they achieved 2 years' service (and so don't have unfair dismissal rights) and are shoe horning as many claims in as they can – discrimination, automatic unfair dismissal (where they don't need to have 2 years' service, such as whistleblowing and the like) and other complaints – generally categorised as "messy claims" and often where the Claimant is throwing the kitchen sink at it. These are the most tricky claims to deal with because they are often unclear, not fully pleaded and pie in the sky.

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Such wide claims call for long and robust ET3s and, generally speaking, mean that organisations are incurring significant costs defending them, often even when the employee doesn't have grounds. Robyn and I have developed a slick process for assessing these claims and dealing with them effectively and efficiently. The result is, at worst, a clear claim that we can robustly defend, and at best (which we have regularly achieved) the claim being stripped down, pulled apart and ultimately falling away – that ultimate goal!

You genuinely won't find a better litigation team than Team Precept – you definitely want to have us on your side. We will not only give you all of our expertise and skill, but we also have a super competitive process and most importantly we are super transparent with our quoting, meaning no nasty surprises. We appreciate that claims are a pain in the back side for you, so let us take them off your hands! If you have a claim against your business, give us a shout. If you have an impending Tribunal, you definitely want to watch our mock Tribunal for top tips and tricks for the final hearing... as well as a little giggle at the overzealous acting! If you missed out the first time around, don't worry – we like to think we're very approachable here and you can definitely ask us for a copy of the recording and relevant documents. We'd be happy to share those with you!

Now, I will go back to pawing over the weather app!! Have a great week everyone!