

Insights

RECORD BACKLOG AT THE EMPLOYMENT TRIBUNAL IN ENGLAND AND WALES

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SUMMARY

Recent data, including from the Ministry of Justice, reveals the backlog of employment tribunal cases in England and Wales has reached its highest recorded level, rising by **nearly 50% in a single year**.

The “open caseload” stood at 68,192 cases at the end of January 2026 – an increase from 45,751 in January 2025. Bearing in mind that each case can contain multiple claims, the total number of individual claims outstanding across single and multiple case types now exceeds 500,000.

Other sources revealed that that 27,398 cases were disposed of in the year to January 2026, a fall of 19.6% compared with the same period to January 2025. Over the same year, new cases approached 50,000.

Although efforts have been made to recruit new salaried employment judges, this may not be sufficient to deal with the backlog as it stands, and it is likely to increase. The ERA 2025 is being implemented this year and in 2027. In April 2026, sexual harassment will become eligible for whistleblowing protection, the protective award for collective redundancies will double to 180 days, and in January 2027 the cap on the unfair dismissal protective award will be removed. At the same time the qualifying period for bringing unfair dismissal claims will be reduced to six months (from two years).

Hearings are already being listed further and further forward, and the net result may be a tribunal system that will struggle to cope with the increase in claims, leaving both claimants and respondents with longer waiting times and possibly cancellations/delay. Alternatively, the government may try and find some way of reducing the number of claims, but this might prove difficult – the only effective measure to reduce claims so far has been the charging of fees. This was introduced in 2013 but found to be unlawful by the Supreme Court in 2017.

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MEET THE TEAM



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