

About Working Families

Working Families is the UK's national charity for working parents and carers. Our mission is to remove barriers to secure, paid work for those with caring responsibilities by improving access to employment rights, flexible working, and in-work support.

We empower individuals by providing free, legally-sound advice via our website and helpline.

- In 2024-25, over 1.6 million people accessed our online rights pages - more than one in ten UK parents and carers.
- The Legal Advice Helpline responded to 1,509 queries from 1,455 individuals, offering tailored support via phone, email and social media.

Working Families' legal advice service is supported by over 70 volunteer lawyers from 17 leading law firms. This pro bono network enables the charity to deliver high-quality legal guidance and draft precedents, while freeing up in-house solicitors to focus on complex cases

Overview

This inquiry response focuses on how Working Families is adapting to promote access to justice in relation to employment law and the Equality Act. It touches upon the impact of rising barriers to people seeking access to justice, funding challenges, and innovation in the sector. Recommendations are highlighted in bold and summarised at the beginning.

Key messages:

- Delays in the system, coupled with an imbalance between the effort, time and cost involved and the limited compensation or penalties available, discourage many individuals from seeking redress through employment tribunals.
- Awareness of rights and access to advice and guidance plays a vital role in avoiding employment disputes, resolving workplace conflict amicably and keeping people in work. Significantly, such advice also reduces the need for cases to go to tribunal and can relieve pressure on the overburdened tribunal system.
- As supplementary advice services face increased demand, often from demographics who would have funded their own legal advice in the past, they

face increased funding challenges to adapt their services to deliver support to those with least access to justice.

Summarised Recommendations

- 1. Review thresholds for claiming costs in employment tribunals.**
- 2. Extend tribunal time limits from three to six months.**
- 3. Prioritise funding to reduce tribunal delays.**
- 4. Increase penalties to deter employer malpractice.**
- 5. Fund early intervention advice services.**
- 6. Create a digital innovation fund for advice providers.**

For further information about this inquiry response or the work of Working Families please contact simon.kelleher@workingfamilies.org.uk.

Employment and access to justice in 2025

This section addresses questions 1, 3, 4, 5 and 6.

At present, individuals who have experienced injustices in the workplace face significant obstacles in accessing justice.

Lack of awareness:

Not knowing your rights in the workplace is a fundamental barrier to accessing justice, yet too many working parents, especially those in more vulnerable positions, are not sufficiently aware of their rights..

The 2025 Working Families Index survey finds that around half of working parents aren't aware of new and some established employment rights relevant to them.

- 42% not aware of the new right to make two formal requests for a flexible working arrangement per year
- 47% not aware of the new right to take five days unpaid Carer's Leave per year
- 42% not aware of the right to take up to 18 weeks unpaid parental leave for each child up to the age of 18.

Data from our helpline confirms findings from the government's 2019 Parental Rights Survey that found lower awareness of maternity rights among parents who are younger/have fewer qualifications/are from minority ethnic backgrounds/are in more junior roles. Our helpline data shows that parents and carers seeking advice on their

rights are disproportionately from demographics which may face multiple disadvantage¹:

- Nearly two-thirds of service users are from households earning below the Minimum Income Standard and over a quarter are living in relative poverty (both double the UK average)
- Single parents and those from minority ethnic backgrounds are overrepresented
- Women make up 83% of users.

High costs and a lack of financial assistance:

The average cost to the litigant of a discrimination tribunal claim for a regional firm is between £11,400-£35,000, which is prohibitively expensive for most people, especially for those who may have lost or left their jobs as a result of their employment issue.

Additionally, there appears to be less support available for those considering bringing an employment claim. Service users have told us that trade unions cannot support them due to too many demands or insufficient funds. Fewer working people are unionised and free consultations from employment solicitors is less common. As a result potential claimants increasingly have to fund their own legal costs or consider representing themselves with the day-to-day handling of cases and attending tribunals unaccompanied - which may delay the process and is less likely to result in a positive outcome for the claimant.²

Claimants do not typically have their costs covered if they win, and given that the median payouts for discrimination cases and unfair dismissal are £16,161 and £6,736 respectively, many will simply conclude that enforcing their rights at tribunal is not worth the effort.

Recommendation 1: The Government should review the thresholds for claiming costs in employment tribunals to make it easier for claimants to cover their legal fees.

¹ Working Families, LAS Helpline Data Deep-dive 2024-25: <https://workingfamilies.org.uk/about-us/our-legal-advice-service-data-deep-dive/>

² BEIS 'Survey of Employment Tribunal Applications 2018' see data table 3.8: <https://www.gov.uk/government/publications/survey-of-employment-tribunal-applications-2018>

Delays and time limits:

Further barriers to accessing justice are presented by the limited window which claimants have to bring a claim and long delays in the tribunal system.

For new mothers recovering from pregnancy and providing fulltime care for an infant, a three-month window to bring a claim may result in genuine cases of discrimination never being addressed, or may create pressure to bring a case, which could have been resolved without going to tribunal.

Recommendation 2: The Government should deliver on its proposal in the Employment Rights Bill to extend the tribunal limits from three months to six months.

The long delays in the system also act as a strong disincentive to bringing a case – why would someone want the stress of a claim that may take three years and thousands of pounds to resolve.

Recommendation 3: To restore faith in the system and encourage people to seek redress, funding should be prioritised to reduce the time it takes cases to reach the courts and reach a resolution.

Risks and penalties are not sufficient to deter malpractice:

The barriers presented to potential claimants in accessing justice mean that there is little to stop employers from throwing caution to the wind when it comes to following employment law.

In addition to the low likelihood of employees making claims, the penalties on employers for not following regulations are not significantly high enough to deter illegal practice.

Recommendation 4: The value of penalties should be reviewed so they act as a genuine disincentive against employer malpractice.

The role of supplementary advice services in supporting access to justice

This section addresses questions 2, 7 and 8.

Supplementary advice services play a vital role in ensuring individuals are aware of their rights and are able to access them.

For Working Families in the context of employment law this means supporting individuals to give them the knowledge and skills to resolve issues before they escalate. This enables individual agency, builds confidence and leaves our service users with a long-lasting sense of being able to advocate for themselves and resolve issues themselves.

Our service users are predominantly using our helpline (98% of users) and website (93%) to better understand their rights. Often as they cannot get the information they need elsewhere:

“No one else, including our employers, knew what we were entitled to, and everything else I read online was very confusing.”

Empowering individuals with an awareness of their rights is critical in enabling them to access them, and 95% of people contacting our rights line (and 80% of our website users) feel more empowered to act on their rights following engagement with our services. Of the 92% of helpline users who do act on our advice, 90% resolve their issue and/or increase their household income.

A key benefit of the existence of supplementary advice services is their ability to offer support early on to quickly resolve employment disputes or stop them arising in the first place. With the enquiries that Working Families supports, part of the process often involves the employee educating their employer on employment regulations, and supporting the employer to avoid inadvertent discriminatory practice.

Advising and guiding people on how to make use of their rights and engage with their employers enables people to keep their jobs, improve their situation and avoids expensive and timely tribunal cases, as testimony from our service users demonstrates:

“I was more informed to negotiate with management.”

“I’ve kept my role and avoided a tribunal.”

While Working Families role as a supplementary advice provider can encourage early resolution, it also supports access to justice and reduces pressure on the tribunal system by ensuring that those who do wish to pursue claims at tribunal do so on a solid basis.

“You have equipped me with the information I need to proceed through this claim against my workplace who have treated me unfairly throughout my pregnancy and maternity leave.”

Recommendation 5: Funding should be channelled to services which provide early intervention to resolve disputes before the need for tribunal arises. This could

include a focus on reaching those who are most likely to experience workplace injustice.

Supporting innovation to promote access to justice

This section addresses question 9.

As a provider of supplementary legal advice Working Families has a website-centric delivery model, with our website being accessed by the equivalent of one in ten UK parents and carers last year.

Investing in comprehensive, clear and current online resources, such as flow charts, graphics, factsheets, videos, enables us to reach far more people than we could by case work alone. It also helps us to empower website users to resolve issues themselves, creating a legacy of increased confidence and self-advocacy.

Crucially, digital services allow for asynchronous participation and flexible access for parents and carers who often have fragmented time and may need to access information outside of traditional advice service hours.

Artificial Intelligence and large language models have the potential to support advice giving organisations in triaging enquiries and ensuring that the expertise of experienced rights advisors and legal experts is focused on the cases where they can add the most value. 51% of helpline queries over the last year could have been answered using our website alone, while speaking to someone over the phone may have given those people the encouragement they needed to resolve their issue, the time of our rights advisors is limited and if our website was better able to triage enquiries their expertise could be put to better use advising on more complex cases.

Funding the development of digital content, AI driven chatbots or management platforms can be particularly difficult for charities as funders do not always consider this as frontline activity or prefer to offer restricted funding for case work.

Recommendation 6: To support service providers to reach more people with advice the MoJ and access to justice funders should create a fund to support digital innovations.

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