

Some evidence on the impact of lay members at the EAT: tables and figures

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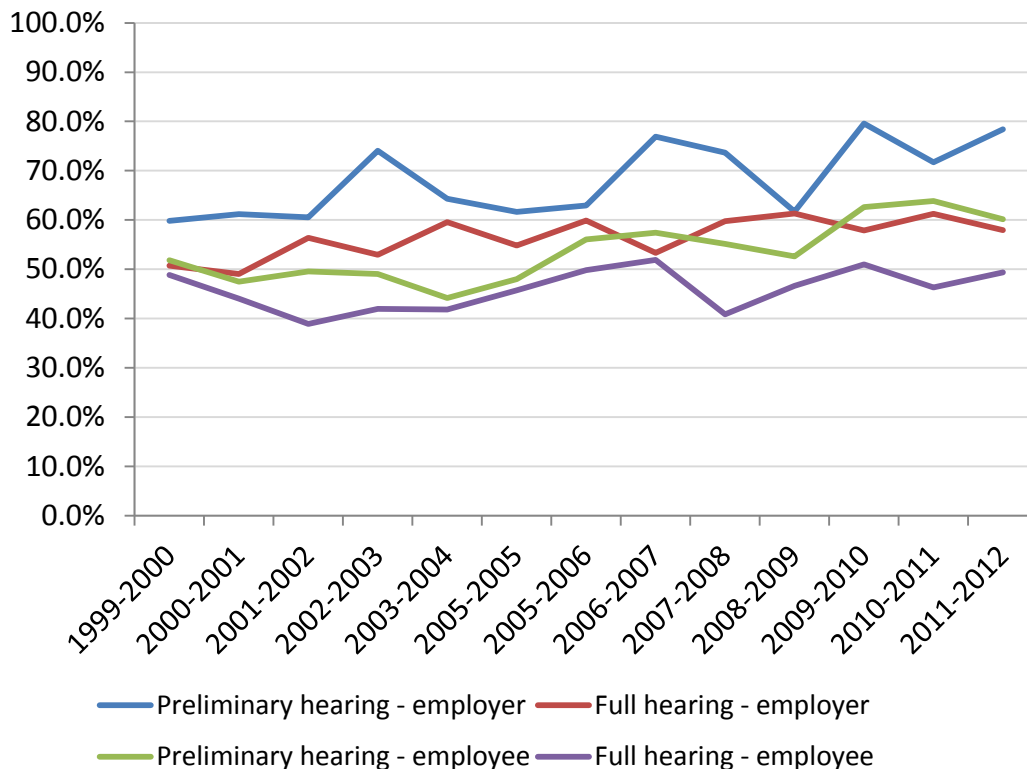
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Appeals received and disposed of 2011-2012

	Total	Brought by employers	Brought by employees
Appeals received	2,172		
Appeals disposed of:	2,217		
Rejected – out of time	283		
Rejected – no reasonable prospect of success	1,040		
Withdrawn prior to registration	179		
Withdrawn after registration	128	65	63
Struck out	26		
Dismissed at PH	55	8	47
<i>as % of those heard:</i>	35.5	21.6	39.8
Disposed of at FH	506	202	304
<i>% of which:</i>			
- Dismissed	47.2	42.1	50.7
- Allowed	21.3	29.2	16.1
- Allowed and remitted	31.4	28.7	33.2

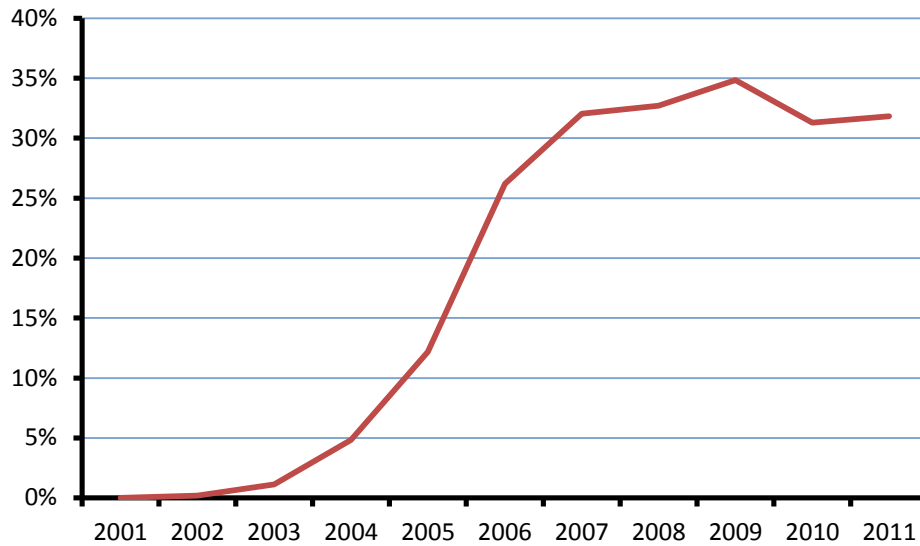
Source: Adapted from Ministry of Justice (2012), Tables 13-16.

Success rates of appeals disposed of at EAT, 1999-2011



Source: Authors' calculations from ETS Annual Reports and subsequent statistics (various dates).

Incidence of judges sitting alone at EAT, 2001-2012



Notes: Based on estimation sample (n=4804).

Success rates at full hearings by appellant type and judge alone

	Appellant Type		
	Employee	Employer	Total
Judge alone	55.4%	64.6%	58.8%
With lay members	43.9%	57.9%	48.8%
Total	45.8%	59.1%	50.5%

Notes: Based on estimation sample (n=4804).

Logit estimates of appellant success

Variable	(1)	(2)	(3)	(4)
Constant	-0.246*** (0.040)	-0.270 (0.202)	-0.240 (0.354)	-0.177 (0.357)
<i>Tribunal composition:</i>				
With members × Employee (ref)				
With members × Employer	0.564*** (0.067)	0.427*** (0.073)	0.436*** (0.074)	0.421*** (0.074)
Judge alone × Employee	0.463*** (0.097)	0.467*** (0.107)	0.449*** (0.112)	0.444*** (0.113)
Judge alone × Employer	0.845*** (0.127)	0.588*** (0.140)	0.582*** (0.144)	0.551*** (0.145)
<i>Representation:</i>				
Appellant unrepresented × respondent unrepresented (ref)				
Appellant unrepresented × respondent represented		-0.319* (0.188)	-0.339* (0.189)	-0.313* (0.189)
Appellant represented × respondent unrepresented		0.324 (0.197)	0.313 (0.198)	0.316 (0.198)
Appellant represented × respondent represented		0.153 (0.177)	0.143 (0.178)	0.143 (0.178)
<i>Counsel:</i>				
Appellant no counsel × respondent no counsel (ref)				
Appellant no counsel × respondent counsel		-0.308*** (0.095)	-0.306*** (0.096)	-0.300*** (0.096)
Appellant counsel × respondent no counsel		0.339*** (0.097)	0.345*** (0.097)	0.339*** (0.097)
Appellant counsel × respondent counsel		-0.175* (0.091)	-0.167* (0.091)	-0.170* (0.091)
<i>Other controls:</i>				
Rule 3.10 hearing held				-0.254** (0.110)
Preliminary hearing held				-0.019 (0.070)
Main topic dummies (19)	No	No	Yes	Yes
Year dummies (10)	No	Yes	Yes	Yes
Observations	4,804	4,804	4,804	4,804

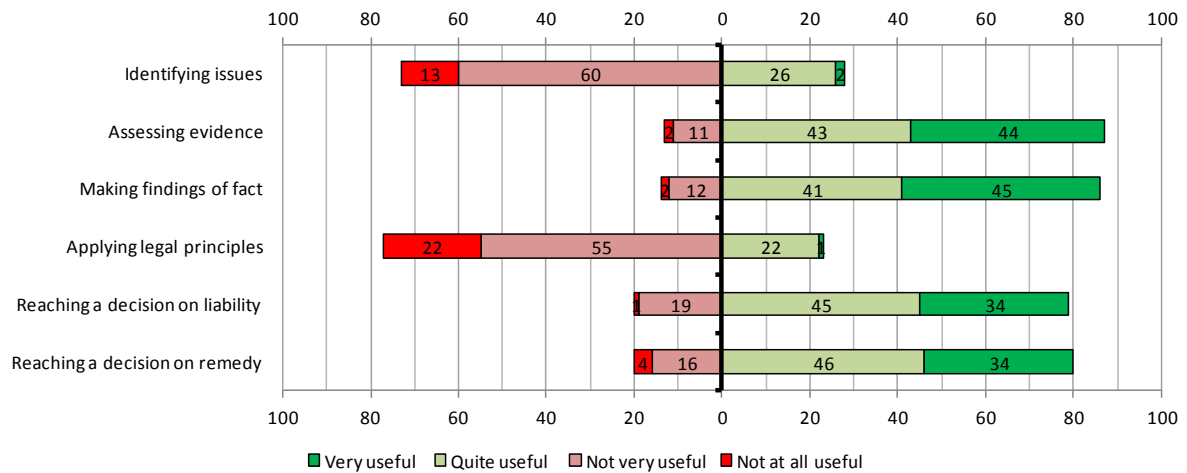
Notes: Standard errors in parentheses; *** p<0.01, ** p<0.05, * p<0.10. Models (2)-(4) also include controls for multiple appellants and multiple respondents, scheduled length of hearing and registered on Scottish database.

Frequency of lay member contribution to judges' part in decision-making process – judges

<i>Contributions</i>	<i>Frequency (%)</i>			
	<i>Often</i>	<i>Some-times</i>	<i>Rarely</i>	<i>Never</i>
Make judge articulate reasoning	18	41	34	7
Spot important points that would otherwise be missed	9	56	31	4
Assess the evidence and/or find the facts	50	36	11	3
Test judges' assumptions and/or reasoning	20	57	19	4
Bring workplace knowledge/expertise	39	47	13	1

Notes: Base is 190 for each statement except for first and fourth statements where bases are 188 and 189 respectively.

Usefulness of lay members in stages of decision-making process



Notes: Bases are 187, 188, 189, 188, 190 and 190 respectively due to item non-responses and one respondent who indicated a negative contribution for the first four items (excluded from the calculation of percentages).