



Ministry of
JUSTICE

Annual Tribunals Statistics, 2011-12

1 April 2011 to 31 March 2012

28 June 2012

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Introduction

This report presents information on Tribunals activity for the period 1 April 2011 to 31 March 2012. This report is being published alongside quarterly statistics for the fourth quarter (1 January to 31 March 2012) of the 2011-12 year and both reports are Official Statistics.

Quarterly Official Statistics for Tribunals, for all four quarters of 2010-11 (April 2010 to March 2011) and of 2011-12 have been published and are available at: www.justice.gov.uk/statistics/tribunals/quarterly

Statistics for Employment Tribunals and Employment Appeal Tribunal activity for 2010-11 were published on 3 September 2011 in "Employment Tribunal and EAT statistics 2010-11". This publication is available at : www.justice.gov.uk/statistics/tribunals/employment-tribunal-and-eat-statistics-gb

Statistics on the work of the civil, family, magistrates' and Crown Courts in England and Wales during the period January to March 2012 are also published by the MoJ at the same time as this report. These quarterly courts statistics, along with annual statistics, can be found in separate reports on the MoJ website, at: www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/index.htm

Key Findings

All Tribunals Combined

The statistics for the year 1 April 2011 to 31 March 2012 include details for four new Tribunals which joined HMCTS during the year¹ and cases which were not input onto Employment Tribunals IT systems². In this report, changes compared to earlier periods are made excluding figures for new Tribunals, so that comparisons are on a like-for-like basis.

- There were 739,600 receipts or claims to all tribunals during 2011-12 (i.e. during the period 1 April 2011 to 31 March 2012). This was a fall of 12% compared to the previous year³. Receipts had been increasing since 2006-07, reaching a peak in 2010-11 and have now fallen. If multiple claims to Employment Tribunals are excluded, the number of cases received in 2011-12 was 10% fewer than in the previous year.
- Recent falls in the number of receipts were seen in all of the three largest Tribunals, with the largest fall for Social Security and Child Support Appeals (SSCS). Between 2010-11 and 2011-12, the number of receipts to SSCS fell by 47,700 or 11%; to Employment Tribunals by 31,800 or 15%; and to Immigration and Asylum by 24,300 or 18%.
- There were 732,600 cases disposed of during 2011-12, an increase of over 1%³ on the number in 2010-11 and continuing an upward trend since 2007-08. Disposals are now at their highest ever levels. The largest increase was for SSCS where the number of disposals rose by 53,400 or 14% in the last year.
- For all tribunals combined, there were more cases received than cases disposed of during the course of 2011-12. The caseload outstanding as at 31 March 2012 was 756,100 – less than 1% higher than the 751,300 figure recorded at the same point in 2011. Although this is a continuation of an upward trend, the rate of increase appears to have slowed.
- Although the caseload outstanding has risen overall, there have been falls for many Tribunals. Compared with the caseload outstanding at 31 March 2011, it has fallen in the last year - by 32% for Immigration and Asylum (continuing the downward trend); by 25% for Social Security and Child Support; by 7% for single ET claims.

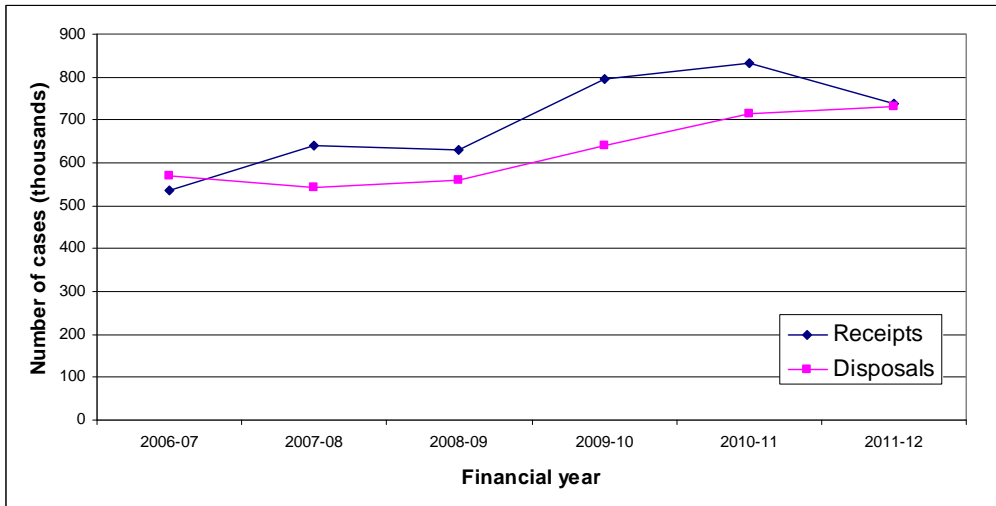
¹ Details of these and of other Tribunals that have joined HMCTS since 2006-7 are in the Data Quality and Sources section of this report.

² Further details are within the Explanatory Notes section of this report.

³ Excluding figures for those Tribunals that joined HMCTS during 2011-12.

- For those tribunals for which information was available, overall, there was a 12% increase in the number of days sat in tribunals by judges, to reach 222,800 in 2011-12.

Figure 1: Receipts and Disposals, 2006-07 to 2011-12



Source: Tribunals annual and quarterly reconciled returns

Social Security and Child Support

Social Security and Child Support (SSCS) appeals jurisdiction, part of the Social Entitlement Chamber of the First Tier Tribunal, arranges and carries out independent hearings for appeals on decisions made by the Department for Work and Pensions (including Jobcentre Plus, Child Support Agency and Disability and Carers Service), as well as other government departments (HM Revenue and Customs) and local authorities.

- In 2011-12, there were 370,800 cases received by SSCS, accounting for half of receipts to all Tribunals. For this tribunal, there was an 11% decrease in receipts, compared with the previous year, reversing the upward trend in receipts seen since 2006-07. Past rises in SSCS receipts were mainly caused by the introduction of Employment and Support Allowance (ESA) in October 2008 to replace Incapacity Benefit (IB). Individually, receipts of Employment and Support Allowance fell by 8% last year, whilst receipts for Incapacity Benefit went down by 86% over the same period. This reflects the reduction in the numbers of individuals in receipt of Incapacity Benefit as this benefit is phased out.
- During 2011-12, SSCS disposed of 433,600 cases - 60% of all cases disposed of by tribunals. This was 14% more than in 2010-11 and a continuation of the upward trend seen since 2008-09..
- Compared with the previous year, the caseload outstanding fell by 25% for SSCS to reach 145,200 on 31 March 2012.

- 340,400 cases were cleared at hearing in 2011-12, representing a 23% increase on the previous year and continuing the upward trend.
- The number of days sat by judges in the SCS was 88,700 in 2011-12, a 20% increase on the 74,000 in 2010-11.

Employment Tribunals

The Employment Tribunals are independent judicial bodies who determine disputes between employers and employees over employment rights.

- Employment Tribunals (ET) received an overall total of 186,300 claims during 2011-12, a 15% fall compared to the previous year. When compared with 2010-11 data, there were falls both in single and multiple claims of 2% and 19% respectively.
- The number of jurisdictional complaints⁴ was 321,800 in 2011-12, meaning that there were on average 1.73 jurisdictional complaints per claim.
- There were 110,800 disposals during 2011-12, which was 10% fewer than in the previous year. Falls were seen in both single and multiple claims, of 6% and 14% respectively.
- Between 2010-11 and 2011-12, there was a fall in the caseload outstanding for single claims of 7%, continuing a downward trend seen since 2009-10.

Immigration and Asylum

All references to Immigration and Asylum refer to the First-tier Tribunal (Immigration and Asylum Chamber). This is an independent jurisdiction dealing with appeals against decisions made by the Home Secretary and her officials in immigration, asylum and nationality matters.

- In 2011-12, there were 112,500 receipts Immigration and Asylum receipts, a drop of 18% on the previous year. All case types within this jurisdiction had falls in the level of receipts.
- Disposals fell by 19% in 2011-12, to 125,300 in total. However, despite this fall, the number of disposals outnumbered receipts by 11%. The recent fall in the number of disposals is reflected in all case types.
- The number of outstanding Immigration and Asylum cases fell by 32% between 31 March 2011 and 31 March 2012, to 28,900.

⁴ A claim can contain a number of grounds, known as jurisdictional complaints. In any hearing, the tribunal has to decide upon the merits of the claim made under each jurisdiction.

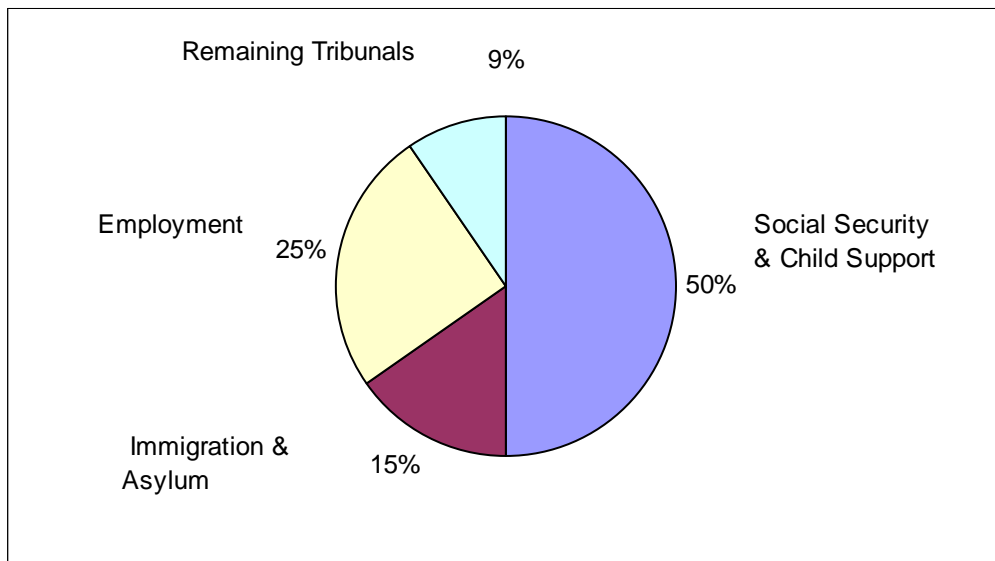
Commentary

Receipts (Table 1.1)

1. In 2011-12 there were 739,600 Tribunals receipts, a fall of 12%⁵ on the 831,000 received in 2010-11, with falls seen in the three largest Tribunals. Receipts have been increasing since 2006-7, reaching a peak in 2010-11 and have now fallen. Excluding multiple claims⁶ to Employment Tribunals (which vary from year to year and can distort the picture on workload), gives a similar overall trend, with a 10% decrease in receipts in the last year.

2. Although there are now 32 separate Tribunals, Figure 2 shows that around 90% of appeals are received by three of them: Social Security and Child Support (SSCS), Employment Tribunals (ET) and Immigration and Asylum (IA). In 2011-12 receipts to SSCS accounted for 50% of all those received.

Figure 2: Receipts by Tribunal, 2011-12



Source: Tribunals annual and quarterly reconciled returns

Figures may not add to 100% due to rounding

⁵ Excluding those new Tribunals that joined HMCTS in 2011-12

⁶ Multiple cases are where two or more people bring cases, involving one or more jurisdiction(s) usually against a single employer but not necessarily so, for instance in TUPE cases, and always arising out of the same or very similar circumstances. As a multiple, the cases are processed together.

Receipts by Jurisdiction

3. In Social Security and Child Support, there were 370,800 receipts, a fall of 47,700 or 11% on the number received in 2010-11. This is a reversal of the upward trend in receipts seen since 2006-07. Past rises in SSCS receipts have been caused by the introduction of Employment and Support Allowance (ESA) in October 2008 to replace Incapacity Benefit (IB). Receipts for these two benefit types fell by 20% when compared with 2010-11 due to delays in the process of moving claimants from IB to ESA. Individually, receipts in Employment Support Allowance fell by 8% last year, whilst receipts for Incapacity Benefit went down by 86% over the same period, as this benefit type has now been withdrawn. This reflects the reduction in the numbers of individuals in receipt of Incapacity Benefit as this benefit is phased out

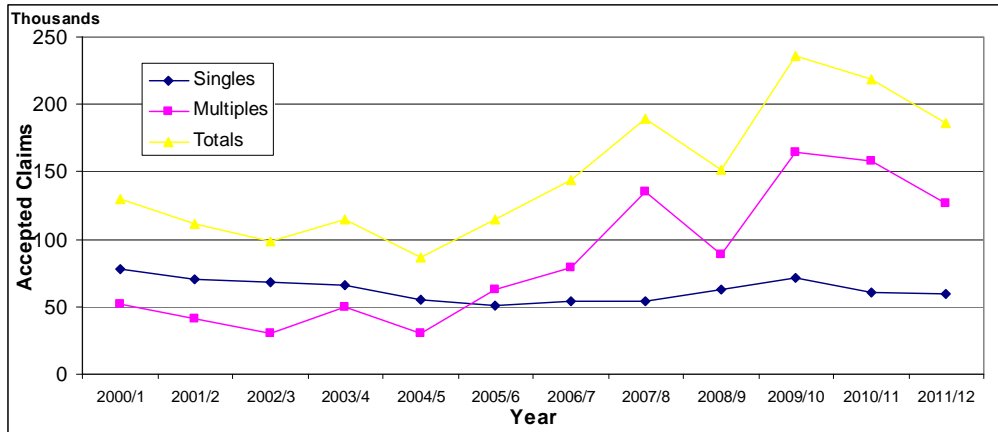
4. Whilst there were falls in the number of appeals received that were associated with some benefits in the last year, e.g. Income Support (down by 21%), Child Benefit Lone Parent Benefit (down by 41%), Industrial Injuries Disablement Benefit (fall of 50%), there were also increases. Between 2010-11 and 2011-12, the number of receipts for Social Fund went up by 52%; Pensions Credit by 43%; Tax Credits by 42%; and Carer's Allowance by 39%. There was also a 5% rise (or 3,900) in receipts for Disability Living Allowance/Attendance Allowance.

5. Of the 370,800 SSCS cases received between April 2011 and March 2012:

- 186,000 or 50% related to Employment Support Allowance (ESA)/Incapacity Benefit (IB);
- 87,600 or 24% were for Disability Living Allowance/Attendance Allowance (DLA/AA);
- 46,000 or 12% were for Job Seeker's Allowance (JSA)

6. In Employment Tribunals, there were 186,300 receipts (claims) during 2011-12 representing a 15% fall compared with the previous year. When compared with 2010-11 data, there were falls both in single and multiple claims of 2% and 19% respectively. Figure 3 shows the variation in single and multiple accepted claims (receipts) since 2000-01. It shows that the number of multiple claims is erratic in nature and is affected by the large number of claims for specific jurisdictions (but there has been a general upward trend). The number of single claims has been more steady and has been showing a downward trend over recent years.

Figure 3: Single and Multiple Accepted ET Claims, 2000-01 to 2011-12



Note: Figures for 2007-08 are estimated

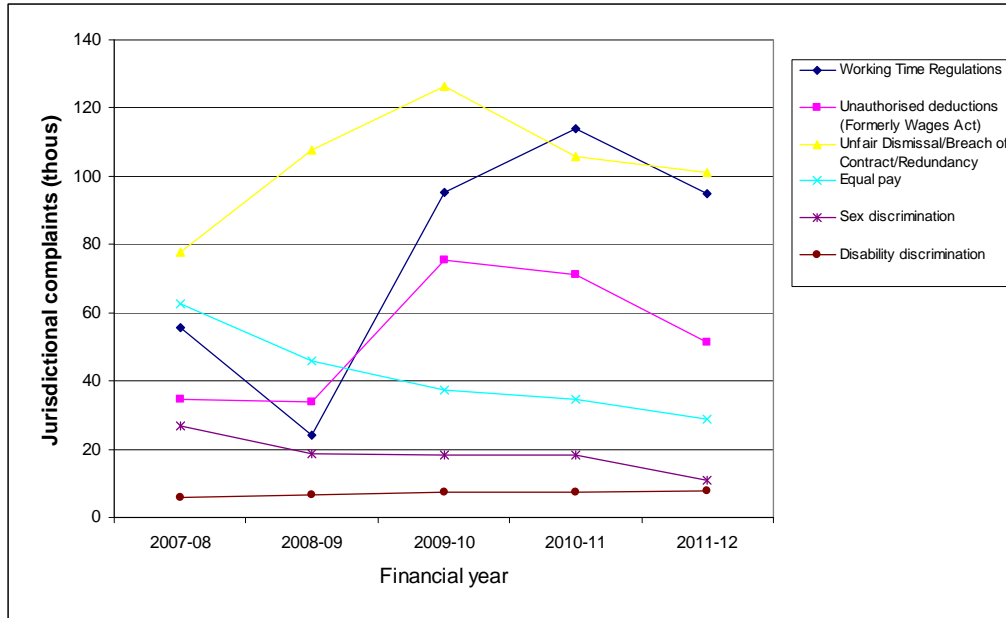
Source: ET Reports

7. For ET, the number of jurisdictional complaints⁷ (Table 2.1) was 321,800 in 2011-12, meaning that there were, on average 1.73 jurisdictional complaints per claim. The ratio has varied since 2006-7, but generally increased. Of the 321,800 jurisdictional complaints, 31% were for Unfair dismissal, breach of contract and redundancy; 29% were concerning Working Time Regulations (largely airline cases that are resubmitted every three months), and 16% were for unauthorised deductions (Wages Act).

8. Figure 4 shows the trend in the number of jurisdictional complaints received, for the six largest ET jurisdictions. It shows the increase and subsequent peak in the number of jurisdictional complaints for Unfair dismissal, breach of contract and redundancy, which may be as a result of the economic climate. In addition, there has been a change in the number of complaints associated with Working Time Regulations (fewer multiple resubmitted airline cases were input in 2008-09).

⁷ A claim can contain a number of grounds, known as jurisdictional complaints. In any hearing, the tribunal has to decide upon the merits of the claim made under each jurisdiction.

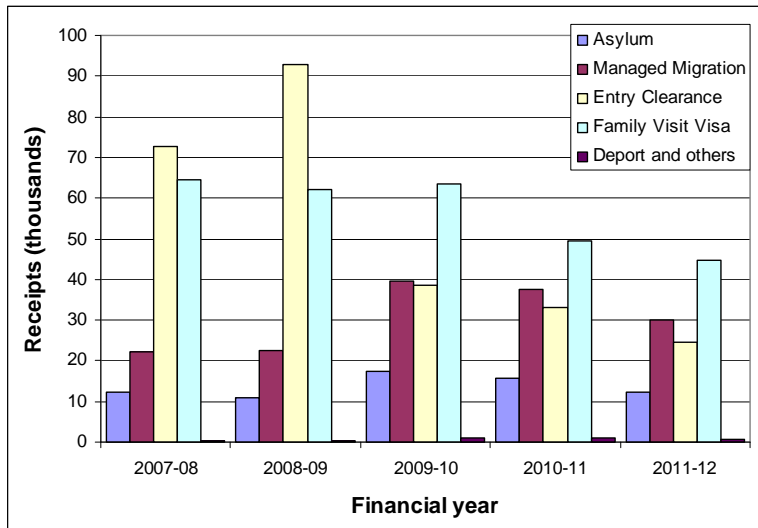
Figure 4: ET Jurisdictional Complaints received, 2007-08 to 2011-12



Source: ET Reports

9. In Immigration and Asylum, there were 112,500 receipts in 2011-12 (18% fewer than in 2010-11). Overall numbers of receipts to this jurisdiction have fallen since 2008-09. Fees were introduced for Immigration Appeals on 19 December, 2011 and as some appeals attract a fee before they can be progressed, a further fall in the number of receipts in the fourth quarter was expected. However, as the number of appeals to this Tribunal have been falling since 2008-09, it is difficult to determine the additional impact of fees. All case types have seen a fall in the number of receipts in the last year. Those for Entry Clearance Officer appeals reached a peak in 2008-09 and have subsequently fallen.

Figure 5: Immigration and Asylum receipts by case type, 2007-08 to 2011-12



Source: Tribunals quarterly and annual reconciled returns

Disposals (Table 1.1a)

10. In 2011-12, Tribunals disposed of 732,600 disposals in all. The level of disposals has increased each year since 2007-08, and are the highest to date. Excluding disposals for those Tribunals that joined HMCTS in the last year, there was an increase of over 1% between 2010-11 and 2011-12.

11. Despite the rise in disposed cases and claims, the overall number has not kept pace with the number of receipts⁸ (although disposals have outstripped receipts for some individual tribunals). In 2011-12, receipts were just 1% higher than disposals, but the overall caseload outstanding (cases not yet concluded) has continued to rise.

Disposals by Jurisdiction

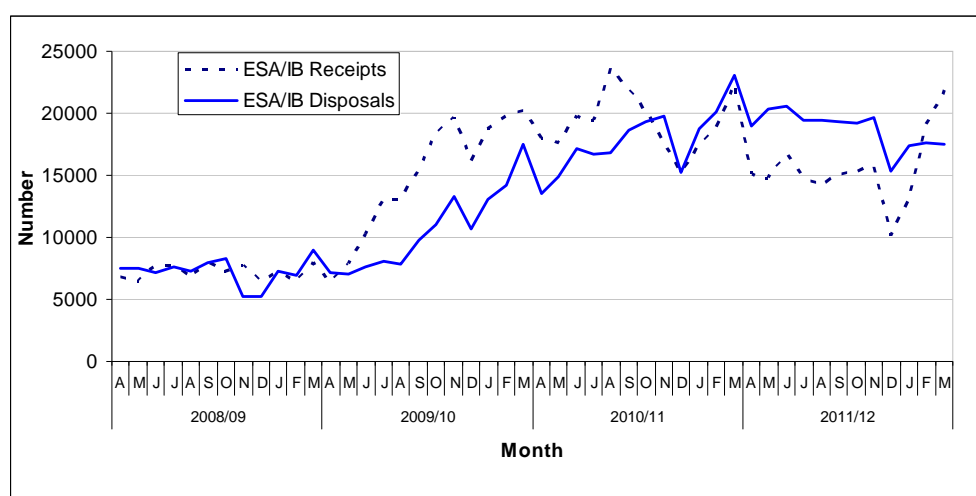
12. During 2011-12, SSSCS disposed of 433,600 cases - 60% of all cases disposed of by tribunals. This was 14% more than in the 2010-11 year and is a continuation of the upward trend seen since 2008-09 for this tribunal. Of those cases disposed of in 2011-12, 52% were for Employment and Support

⁸ The statistics are based on case management systems where a number of processes are recorded throughout the life of an appeal. In some instances, a case can re-enter the process or have a number of outcomes, meaning that there is not necessarily one receipt or one disposal per case. The quality of management information is being examined. Thus, care should be taken when comparing receipts and disposals.

Allowance/Incapacity Benefit, and 22% were related to Disability Living Allowance/ Attendance Allowance and 12% were for Job Seekers Allowance.

13. Although the number of disposals for most benefit types had increased over the last year, those for Incapacity Benefit (now replaced by Employment and Support Allowance) fell by 45% between 2010-11 and 2011-12. Disposals for Employment and Support Allowance went up by 16% over the same year.

Figure 6: Receipts and Disposals for Employment Support and Allowance and Incapacity Benefit (ESA/IB), April 2008 to March 2012



Source: SSCS GAPS reports

14. Figure 6 shows that both receipts and disposals for ESA/IB benefit types increased from June 2009 – reaching a peak in August 2010 of 23,600 receipts in that month. The number of ESA/IB disposals outstripped receipts for four of the last five months of 2010-11, and reached its highest level in March 2011 (23,000 disposals in that month). Receipts and disposals for this case type have since fluctuated. There have been increases in the number of disposals and receipts in each month since December 2011.

15. Employment Tribunals disposed of 110,800 claims⁹ during 2011-12, 10% fewer than in 2010-11. This follows a year on year increase seen since 2007-08. The recent drop in disposals was seen for both single and multiple claims – with falls of 6% and 14% respectively.

16. Of the 230,000 jurisdictional complaints disposed of in the last year, 40% related to unfair dismissal, breach of contract and redundancy; 16% were for unauthorised deductions (Wages Act) and 10% were for Equal Pay.

⁹ There may be a small undercount in ET disposals because of changes to computer systems during 2010-11 and 2009-10.

17. During 2011-12, there were 125,300 disposals for Immigration and Asylum. Although this number is 19% less than in the previous year, the number of disposals outnumbered receipts by 11%. The recent fall in the number of disposals is reflected in all case types. For Entry Clearance Officer, the number of disposals in 2011-12 was 28% higher than the corresponding number of receipts.

Outcome of Hearing by Jurisdiction (Tables 2.2, 3.2, 4.2)

18. Information about the outcome of hearing is available for the three largest tribunals. Table 3.2 provides details for SCS cases that were cleared at hearing¹⁰ and whether or not the decision was found in favour of the appellant, or if the original decision made by DWP was upheld. There were 340,400 clearances at hearing – a 23% increase on the number during 2010-11 and continuing an upward trend. Of the 340,400, 35% were found in favour of the appellant. This proportion varies by benefit type with 47% for Compensation Recovery Unit; 40% for Child Support Allowance; 40% for ESA/IB; 15% for Job Seekers Allowance and 7% for both Social Fund and Health in Pregnancy Grant.

19. Table 2.2 gives details of ET jurisdictional claims disposed of by type of jurisdiction and outcome. Of the 230,000 jurisdictional complaints disposed of in 2011-11 (examining by outcome):

- 33% were Acas Conciliated (an increase of 4 percentage points on the proportion, when compared with last year);
- 27% were withdrawn (5 percentage points lower than in 2010-11);
- and 12% were successful at a Tribunal.

20. Between 1 April 2011 and 31 March 2012, there were 125,300 Immigration and Asylum disposals (Table 4.2), of which:

- 55,300 (44%) were dismissed;
- 45,400 (36%) were allowed;
- 24,600 (20%) were withdrawn.

¹⁰ These are cleared via a Tribunal (could be a panel or member of the Judiciary sitting alone with a decision/outcome).

The increased proportion of withdrawals compared with 2010-11 is due to UKBA process improvements.

Caseload Outstanding (Table 1.2)

21. At 31 March 2012, the caseload outstanding was 756,100, an increase of around 1% on the number at 31 March 2011. Although this is a continuation of an upward trend, the rate of increase appears to have slowed. In all, 68% of the caseload outstanding was for multiple ET claims. Collections of two or more of these cases are grouped and managed together. They are often legally and factually complex and at any point in time it is common for such cases to be 'stayed', meaning that they are not ready to have a final hearing at that time for some reason, for example due to awaiting the decision of an appellate court on case management or other interim matters.

22. Although the caseload outstanding has risen overall and for some Tribunals, specifically for ET multiple claims (increase of 13% when compared with that at 31 March 2011) and First Tier Tax¹¹ (increase of 38%), there have been falls for many Tribunals. Compared with last year, the caseload outstanding at 31 March 2012, has fallen: by 32% for Immigration and Asylum (continuing the downward trend); by 25% for Social Security and Child Support; by 7% for single ET claims and by 32% for War Pensions and Armed Forces Compensation.

Adjournments and Postponements (Tables 1.3)

23. The number of adjournments and postponements are not collected for each jurisdiction. Key points are:

- For Social Security and Child Support, 13% of listed cases were adjourned (a small reduction from 14% in 2010-11) and 7% were postponed (from 6% in 2010-11).
- For Immigration and Asylum, adjournment and postponement rates¹² for 2011-12 were 10% (up by 2 percentage points on 2010-11) and 8% respectively.
- The adjournment rate for Criminal Injuries Compensation for 2011-12 was 18% - slightly higher than the level in the previous year (17%). The postponement rate remained at 6%.

¹¹ Includes an estimated 16,500 cases that cannot be heard pending a decision of a higher authority.

¹² The definition of the rates varies slightly by jurisdiction but is generally the number of adjournments (or postponements) divided by the number of listed hearings and expressed as a percentage.

- The adjournment and postponement rates for Mental Health have remained at the same levels as 2010-11 (but had previously fallen probably as a result of improved case management processes). In 2011-12, the adjournment rate was 7%, whilst that for postponements was 13%.
- There was a reduction in the adjournment rate for the Special Educational Needs and Disability (SEND) Tribunal, from 12% in 2010-11 to 5%. However, the postponement rate for the Tribunal went up from 14% to 28% over the same time period.

Judicial Sitting Days (Table 1.4)

24. The number of judicial sitting days for those jurisdictions where information was available was 222,900 – a 12% increase on the number in the previous year. There was an increase of 13% in the number of sitting days for fee-paid judiciary and 10% for salaried judiciary.

25. 40% of all judicial sitting days recorded were for SSCS, with the number of sitting days in that jurisdiction rising by 20%, from 74,000 in 2010-11 to 88,700 in 2011-12. There were also increases in the total number of sitting days for Special Educational Needs and Disability (up by 34%); Tax First Tier (up by 27%) and War Pensions and Armed Forces Compensation (up by 22%).

26. Of the 222,900 total jurisdictional sitting days, 72% were for fee-paid judiciary and 28% were for salaried judiciary. The ratio of fee-paid to salaried judiciary varies by jurisdiction. In 2011-12, 97% of judicial sitting days for Mental Health were for fee-paid judiciary, whilst this was 15% for the Asylum Support tribunal.

Performance (Table 5.1)

27. The MoJ's Corporate Strategy for 2011-2015 set out how it intended to transform itself and the justice system over the next four years. A commitment was made in the HMCTS Business Plan for 2011-2015 to publish information about the operation of courts and tribunals to assist users to assess the efficiency and effectiveness of public services. Impact indicators were suggested for the four largest tribunals – Social Security and Child Support, Employment Tribunals, Immigration and Asylum and Mental Health.

28. The new clearance time measures examine the process from receipt to the point at which the appellant is notified of the outcome of the hearing (or when they are notified of a settlement, withdrawal or strike out) and are thus on a different basis to the former Primary Performance Indicators.

29. HMCTS previously had a set of Primary Performance Indicators for each jurisdiction, which were largely based upon waiting times from receipt to disposal. From April 2011, these are no longer termed performance indicators but statistics continue to be published in Table 5.1 of this report so that users are able to compare these particular aspects of timeliness over time.

30. When examining the new clearance time measures, a number of points should be noted:

- The clearance times (expressed in weeks or years) are highly dependent upon the processes that take place within a Tribunal and the type and complexity of a case. In some cases, a judgement is awaited from another body (for example European Courts), may be stayed or may be legally complex.
- The measures cannot be directly compared between one Tribunal and another because of the different processes. Thus, it is better to compare a specific Tribunal over time.

31. The tables and charts show the age at which cases were cleared. There are differences by case or tribunal type, thus, clearances have been presented for a number of tribunals by case type. The new measures examine the age of a case when it is cleared or disposed of and gives the point at which 25%, 50% (the median) and 75% were cleared. For example, in SSCS, 75% of cases that were cleared in the period 1 April 2011 to 31 March 2012 were aged 33 weeks or less.

Immigration and Asylum

32. For those cases disposed of between April 2011 and March 2012, the cumulative percentages of cases are shown by the age of the case. The time is recorded from receipt to the time that a decision was notified to the appellant.

33. Of those cases disposed of in Immigration and Asylum between April 2011 and March 2012:

- 25% were aged 7 weeks or less (i.e. 25% were cleared in 7 weeks or less).
- 50% (the median) were aged 14 weeks or less.
- 75% were aged 23 weeks or less.

34. There are some differences in the length of clearance time the type of case is examined, with Asylum and Managed Migration taking less time to clear than the other types of case. This reflects the different processing times which apply to each of the Immigration and Asylum jurisdictions.

Table 1: Cumulative percentage of Immigration and Asylum clearances that took place in April 2011 to March 2012, by age of case at clearance

Tribunal	25% point	50% point	75% point
Immigration and Asylum (all)	7 weeks or less	14 weeks or less	23 weeks or less
Asylum	5 weeks or less	6 weeks or less	9 weeks or less
Managed Migration	6 weeks or less	7 weeks or less	9 weeks or less
Entry Clearance Officer	18 weeks or less	24 weeks or less	31 weeks or less
Family Visit Visa	11 weeks or less	19 weeks or less	23 weeks or less

Employment Tribunals

35. For Employment Tribunals, the timescale recorded is from receipt to when details of the final judgement are given or the case is otherwise disposed of. The distribution for all ET cases is heavily influenced by the age of multiple cases (which can be stayed or await decisions from Higher Bodies).

Table 2: Cumulative percentage of Employment Tribunals clearances that took place in April 2011 to March 2012, by age of case at clearance

Tribunal	25% point	50% point	75% point
Employment Tribunals (all)	16 weeks or less	32 weeks or less	1-2 years
Single	11 weeks or less	19 weeks or less	32 weeks or less
Multiple	35 weeks or less	1-2 years	3-4 years

36. Clearances for Employment Tribunals were also examined by broad jurisdictional group. The results showed that groupings such as Working Time Directive; National Minimum Wage; Unfair Dismissal/Breach of Contract had shorter waiting times than other categories.

Table 3: Cumulative percentage of ET clearances (for jurisdictional groups) that took place in April 2011 to March 2012, by age of case at clearance

ET Jurisdictional Group	25% point	50% point	75% point
Equal Pay	1-2 years	3-4 years	4-5 years
Disability Discrimination	19 weeks or less	31 weeks or less	51 weeks or less
Race or Sexual Discrimination	28 weeks or less	1-2 years	3-4 years
Religious Belief, Sexual Preference	18 weeks or less	30 weeks or less	1-2 years
Age Discrimination	21 weeks or less	43 weeks or less	1-2 years
Working Time Regulations	11 weeks or less	20 weeks or less	37 weeks or less
Unfair dismissal, redundancy, insolvency	15 weeks or less	23 weeks or less	43 weeks or less
National Minimum Wage	13 weeks or	23 weeks or	46 weeks or

	less	less	less
Unauthorised Deductions (Wages Act)	13 weeks or less	27 weeks or less	1-2 years
Other	17 weeks or less	31 weeks or less	1-2 years

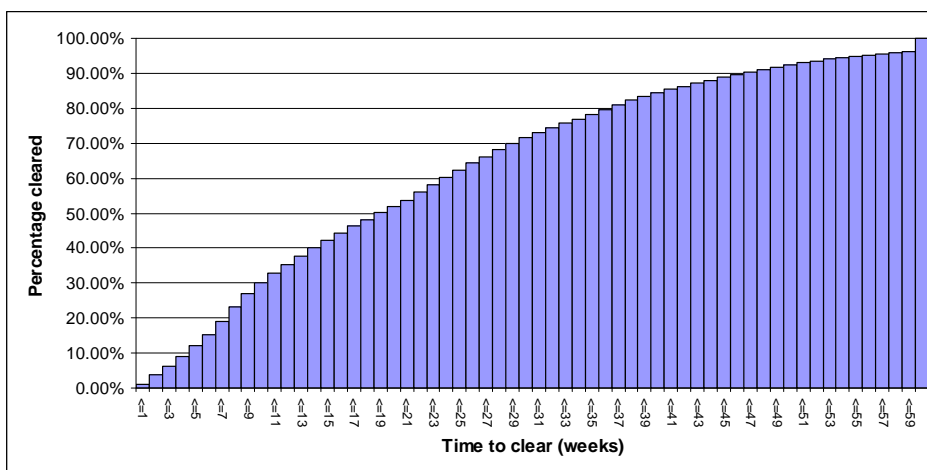
Social Security and Child Support

37. For those cases disposed of in April 2011 to March 2012, the cumulative percentage of cases are shown by the age of the case. For SSCS the time is recorded from receipt to the time that a decision was notified to the appellants.

Of those cases disposed of by SSCS between April 2011 and March 2012:

- 25% were aged 9 weeks or less (i.e. 25% were cleared in 9 weeks or less).
- 50% (the median) were aged 19 weeks or less.
- 75% were aged 33 weeks or less.

Figure 7: Cumulative Percentage of Clearance Times from April 2011 to March 2012, by age of case, SSCS



Source: Tribunals quarterly returns

38. SSCS hears appeals against decisions made by DWP on a number of different benefits. The composition of the Tribunal panel varies for each benefit and there are some differences in length of clearance time for each type of appeal. Those appeals which can be heard by a Judge sitting alone, such as appeals against decisions on Job Seekers' Allowance, Housing

Benefit or Council Tax Relief take less time to clear than appeals where a panel including specialist Medical, Financial or Disability panel members is required.

Table 4: Cumulative percentage of SSCS clearances that took place in April 2011 to March 2012, by age of case at clearance

Tribunal Type	25% point	50% point	75% point
SSCS (all)	9 weeks or less	19 weeks or less	33 weeks or less
Judge (Job Seekers' Allowance, Housing Benefit, Council Tax Relief, Child Support, ESA/IB cases with no medical element)	6 weeks or less	11 weeks or less	24 weeks or less
Judge, Medical Member and/or Specialist Disability Member (Disability Living Allowance/ Attendance Allowance)	10 weeks or less	23 weeks or less	37 weeks or less
Judge and Medical Member (ESA/IB)	11 weeks or less	22 weeks or less	32 weeks or less
Judge and Senior Medical Member (Industrial Injury/Disablement Benefit, Vaccine Damage)	12 weeks or less	26 weeks or less	41 weeks or less

Mental Health

40. For the Mental Health jurisdiction, the time from receipt to disposal has been examined for the three main case types. Unfortunately, the reporting system is not able to produce analysis by single week of age, thus there is some inaccuracy regarding the median and lower and upper quartiles.

41. Given the statutory requirement for Section 2 cases to be listed within 7 days of receipt, it is not surprising that this type of case has the shortest clearance times. The waiting times have reduced when compared with previous periods due to improvements made in administrative processes.

Table 5: Cumulative percentage of Mental Health clearances that took place in April 2011 to March 2012, by age of case at clearance

Tribunal	25% point	50% point	75% point
Mental Health - Section 2	Less than a week	Between 1 and 2 weeks	Between 1 and 2 weeks
Mental Health – Restricted Patients	More than 9 but less than 15 weeks	More than 9 but less than 15 weeks	Between 15 and 16 weeks
Mental Health – Non Restricted Patients	Between 4 and 7 weeks	Between 8 and 9 weeks	Between 10 and 12 weeks

Annex 1 – HM Courts and Tribunals Service

Her Majesty's Courts and Tribunals Service (HMCTS) was created on 1 April 2011. It is an agency of the MoJ and is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.

This executive summary page provides high-level findings for the courts and tribunals which are administered by HMCTS during the calendar year of January to December 2012 and for Tribunals for the financial year of April 2011 to March 2012.

- There were **1.55 million civil (non family) cases started in the county courts**: a fall of 4 per cent compared to 2010. This continues the general downward trend seen since 2006, which is mainly due to decreases among specified money (typically debt-related claims, claims for the recovery of land and insolvency petitions).
- In the family courts, the number of **children involved in public law applications** made by local authorities jumped from 19,760 in 2008 to 25,800 in 2009, following the publicity surrounding the Baby P case. The numbers increased further in 2010 and 2011 with 29,500 children involved in public law applications in 2011; an increase of 13 per cent compared with 2010. There were **109,700 children involved in private law applications**, a thirteen per cent decrease.
- There were **1.62 million criminal proceedings completed in magistrates' courts** in 2011 (excluding adult breaches), a fall of three percent compared to 2010 and a fall of 15 per cent compared to 2008, mainly due to decreasing volumes in summary motoring, indictable and youth proceedings.
- There were a total of **148,250 cases received** in the Crown Court in 2011. This represents a decline of three per cent on the previous year, a change in the general trend in increasing receipts seen since 2004.
- Waiting time: The "average waiting time" refers to the average time between the date of sending or committal to the Crown Court and the start of the substantive Crown Court hearing. In 2011, the average waiting time for defendants committed for trial was 13.7 weeks compared to 14.2 weeks in the previous year, while the corresponding figure for defendants sent for trial was 19.5 weeks compared to 19.3 weeks in the previous year. The average waiting time was lower for those held in custody than for those on bail, and lower for those who pleaded guilty than for those who pleaded not guilty (Tables 4.14 and 4.15).

- There were 739,600 receipts or claims to all tribunals during 2011-12 (i.e. during the period 1 April 2011 to 31 March 2012). This was a fall of 12% compared to the previous year¹³. Receipts had been increasing since 2006-07, reaching a peak in 2010-11 and have now fallen. If multiple claims to Employment Tribunals are excluded, the number of cases received in 2011-12 was 10% fewer than in the previous year.
- There were 732,600 cases disposed of during 2011-12, an increase of over 1%³ on the number in 2010-11 and continuing an upward trend since 2007-08. The largest increase was for SSCS where the number of disposals rose by 53,400 or 14% in the last year.
- For all tribunals combined, there were more cases received than cases disposed of during the course of 2011-12. The caseload outstanding as at 31 March 2012 was 756,100 – less than 1% higher than the 751,300 figure recorded at the same point in 2011. Although this is a continuation of an upward trend, the rate of increase appears to have slowed.

¹³ Excluding figures for those Tribunals that joined HMCTS during 2011-12.

Explanatory Notes

ET Information in Nottingham and Leicester

Historically, Employment Tribunals statistics have been extracted from the ETHOS case management system. However, a pilot replacement system was developed (Caseflow). The pilot of the Caseflow system commenced in Nottingham in November 2009, and whilst steps were taken to protect the data through to the end of the 2009-10 reporting year (i.e. to 31 March 2010), the resource required to maintain duplicated entry onto the old ETHOS system was simply not sustainable. There was every expectation that the new system would be in a position to provide the data very early in the new reporting year. The pilot of Caseflow was extended to Leicester with effect from 24 May 2010. Data for Leicester was available from ETHOS up until that point.

The Caseflow system has now ceased and a reversion has taken place to the former ETHOS system. In some cases complete data has not been available for Nottingham and Leicester. Whilst there is robust data on receipts of claims, disposals and caseload outstanding, with regard to Nottingham and Leicester, jurisdictional claims and performance data is incomplete. Thus we have removed data for these two areas when making comparisons with previous years.

Cases not on Employment Tribunals IT System

Multiple Airline cases for the Employment Tribunals jurisdiction of Working Time Directive (Annual Leave) are resubmitted every three months and are included in the counts of receipts and caseload outstanding. During 2011-12, 27,269 claims for this jurisdiction were not input to the Employment Tribunals IT system, but have been recorded within the overall number of receipts, received jurisdictional complaints and caseload outstanding figures for 2011-12.

Changes to Performance Indicators for 2010-11

The former Tribunals Service's primary target on waiting times (KPI 1) was:

The percentage of single, first instance tribunal applications that are dealt with within target time (75% target).

It was a composite indicator made up from individual performance indicators for separate tribunals. Recommendations for performance indicators to measure the more complete process within the tribunals were agreed by the Tribunals Service Executive Team in November 2009 and January 2010.

The Performance Indicators are the same as in 2009-10 except for:

- IA – new indicator for Family Visit Visa, measuring the percentage of cases where the time taken from receipt in IA to promulgation by a Judge is within 25 weeks (75% target). The former target measured the time from the receipt of the respondent bundle to promulgation (was a 10 week target);
- IA – new indicator for Entry Clearance, measuring the percentage of cases where the time taken from receipt in IA to promulgation by a Judge is within 30 weeks (75% target). The former target measured the time from the receipt of the respondent bundle to promulgation (was a 10 week target);
- SSCS – new indicator measuring the percentage of appeals where the final outcome is given to the appellant within 16 weeks of the receipt at SSCS (16 week target). The former target measured the time from receipt to first hearing (a 14 week target);
- MH – 3 indicators of :
 - The percentage of Section 2 cases listed for hearing within 7 days (100% target);
 - The percentage of non-restricted cases disposed of within 9 weeks of receipt (75% target);
 - The percentage of Restricted Patient cases disposed of within 17 weeks (75% target).
- First Tier Tax – existing indicator on cases disposed of within 70 weeks and two new indicators to measure the different types of cases of :
 - The percentage of paper cases disposed of in 20 weeks;
 - The percentage of basic cases disposed of in 20 weeks.
- Lands – two indicators, which better reflect the type of work done by the Tribunal:
 - The percentage of Category 1 cases¹⁴ to be disposed of within 24 weeks of registration (75% target);
 - The percentage of Category 2 cases¹⁵ to be disposed of within 70 weeks of registration (70 week target).

¹⁴ Absent Owners and Rights of Light jurisdictions.

¹⁵ Leasehold Reform Appeals, Rating Appeals, Reference Cases, Housing Act Cases, Law of Property (restrictive covenants).

- Administrative Appeals Chamber – 2 new indicators have been introduced to better reflect the work of the Chamber:
 - The percentage of appeals disposed of in 20 weeks (75% target);
 - The percentage of applications for Leave to Appeal to be disposed of within 10 weeks of receipt (75% target).

Data Quality and Sources

Information presented in this report is management information drawn from a number of administrative sources. Although care is taken when processing and analysing the data, the details are subject to inaccuracies inherent in any large-scale recording system and it is the best data that is available at the time of publication. HMCTS is examining the quality of management information. Thus, it is possible that some revisions may be issued.

The statistics are based on case management systems where a number of processes are recorded throughout the life of an appeal. In some instances, a case can re-enter the process or have a number of outcomes, meaning that there is not necessarily one receipt or one disposal per case. The quality of management information is being examined. Thus, care should be taken when comparing receipts and disposals.

Revisions

Some statistics were correct at the time of publication but have been revised following data quality checks or reconciliation. These values have been marked as 'r'.

Change of Names of Tribunals and New Tribunals

A number of Tribunals became part of the former Tribunals Service since it was formed, or have changed their name. Details of these changes are given in the table below.

Tribunal or Jurisdictional Name	Formerly known as:	Details of Changes
Agricultural Lands Tribunals		Joined HMCTS on 31 October 2011
Alternative Business Structure		Created on 3 October 2011
Asylum Support (AS)	Asylum Support Tribunal	Transferred to HMCTS (former Tribunals Service) from the Home Office on 1 April 2007
Care Standards (CS)	Care Standards Tribunal	Transferred to HMCTS (former Tribunals Service) from the Department of

		Health on 1 April 2007
Charity	Charity Tribunal	Created March 2008
Consumer Credit	Consumer Credit Tribunal	Created April 2008
Environment		Came into force on 6 April 2010
Estate Agents	Estate Agent Appeals Tribunal	Transferred to HMCTS from the former Department for Business Enterprise and Regulatory Reform, now the Department for Business, Innovation and Skills (BIS), on 1 st April 2008
Immigration Services	Immigration Services Tribunal	The Immigration Services Tribunal transferred into the General Regulatory Chamber of the First-tier Tribunal in January 2010
Gangmasters Licensing Appeals		Created on 19 September 2011
First-tier Immigration and Asylum Chamber & Upper Tribunal Immigration and Asylum Chamber	Asylum and Immigration Tribunal	The 'First Tier Tribunal, Immigration and Asylum Chamber' and 'Upper Tribunal, Immigration and Asylum Chamber' (FTTIAC and UTIAC), replaced the Asylum and Immigration Tribunal (AIT) on 15 February 2010.
Local Government Standards in England	Adjudication Panel for England	Transferred to the HMCTS from the Standards Board for England (SBE) on 1st April 2009
Primary Health Lists	FHSAA	Family Health Services Appeal Authority transferred into HMCTS in April 2009
Reserve Forces Appeal		Transferred to the HMCTS from the Ministry of

Tribunals		Defence in April 2009
Residential Property Tribunal	Residential Property Tribunals Service	Joined HMCTS on 31 July 2011
First-tier Tax Chamber	Special Commissioners (Income Tax) VAT & Duties Tribunal General Commissioners of Income Tax	Established on 1 April 2009 as part of Tribunals, Courts and Enforcement ACT 2007 (TCE). Now includes all appeals against tax decisions formerly heard by three separate tax tribunals.
Upper Tribunal (Administrative Appeals Chamber)	Office of Social Security and Child Support Commissioners	The Upper Tribunal (AAC) was established in November 2008 under the TCE Act 2007, replacing OSSCSC. Information presented for 2007-08 refers to OSSCSC, and for November 2008 onwards to the Upper Tribunal Admin Appeals Chamber
War Pensions and Armed Forces Compensation Chamber	Pensions Appeal Tribunal	PAT became the War Pensions and Armed Forces Chamber in Nov 2008

Definitions

Receipt – Volumetric term covering the acceptance of a case by a HMCTS Tribunal.

Disposal – A disposal is the closure of a case when work has ceased to be done. This can be through a claim being withdrawn, settled, dismissed or being decided at a hearing.

Hearing clearance (SSCS) – these are cleared via a Tribunal (could be a panel or member of the Judiciary sitting alone) with a decision/outcome.

Non-hearing clearance (SSCS) – these are cases withdrawn prior to a hearing, struck out or superseded. There is no Tribunal judgement.

Caseload outstanding – The number of cases outstanding at the end of the period and still waiting to be dealt with to completion.

ET Claim – A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings, but will be counted only once.

ET single and multiple claims – Claims to the Employment Tribunal may be classified into two broad categories – singles and multiples. Multiple cases are where two or more people bring cases, involving one or more jurisdiction(s) usually against a single employer but not necessarily so, for instance in Transfer of Undertakings (Protection of Employment) Regulations (TUPE) cases, and always arising out of the same or very similar circumstances. As a multiple, the cases are processed together.

ET Jurisdiction – The Employment Tribunal powers to hear a claim are determined by legislation, with statutory provisions defining the ambit of the jurisdiction that can be covered by a claim to an Employment Tribunal.

ET Jurisdictional mix – A claim may contain a number of grounds, known as jurisdictional cases. In any hearing, the tribunal has to decide upon the merits of the claim made under each jurisdiction e.g. unfair dismissal and sex discrimination. The total number of jurisdictions covered by each case gives a truer measure of workload than the number of claims. The jurisdictions covered by ET are wide ranging, from discrimination and unfair dismissals to issues around salary and working conditions.

IA Case types:

Asylum – appeals against a refusal to grant asylum, including asylum claims which raise Human Rights grounds.

Managed Migration – appeals generated by people already in the UK who have been refused permission to extend their stay here (either permanently or temporarily). This appeal type will also cover occasions where an individual has their permission to be in the UK revoked.

Family Visit Visa (FVV) – appeals against decisions not to allow temporary visits to see family in the UK.

Entry Clearance Officer (ECO) – appeals generated by people who are not already in the UK, but have been refused permission to enter or stay in the UK for a fixed period of time, or live here permanently.

Deport Appeals – appeals against deportation orders made against people by the Home Secretary, introduced by section 32 of the UK Borders Act 2007. Other appeals with a deport element are included in the Asylum and Managed Migration case categories.

Human Rights Appeals – This appeal category is now defunct and appeals raising Human Rights grounds are recorded more accurately under different categories.

Hearing – The hearing is a meeting at which the tribunal panel considers evidence (either orally or paper based) and reaches a decision (where the decision may be to adjourn or to agree a final outcome). If the hearing is adjourned and restarted, it counts as one hearing.

Examples of hearings include:

- Paper hearings;
- Oral hearings;
- Case Management Discussions;
- Decision on Eligibility.

Oral Hearing – A hearing where the party (ies) and/or their representative(s) attend (this can be by telephone or by video conference).

Paper Hearing – Consideration of the case using documents, and not requiring any physical appearance by the parties.

Decision in favour (SSCS) – Decision in favour of the appellant.

Decision upheld (SSCS) – Decision made by the First Tier Agency and withheld by the Tribunal.

Withdrawal – The applicant/claimant/appellant ceases action either before or at the hearing.

Conceded (SEND) – The local authority defending the appeal agree to provide what is requested without the need for an oral hearing. This is only permitted on some appeal types. On others the parents have to formally withdraw their appeal.

Settlement – Cases settled without the need for a hearing. A third party may have been involved in the process.

Postponement – Where a case is taken out of the list, **prior to** the commencement of the hearing – can be done by the applicant, or any other party.

Adjournment – Where, on the day of the hearing, the Panel decides that, for whatever reason, the appeal/case cannot be finalised and has to put off making a final decision to another date, for example because further evidence is required.

Outcome of hearing – The outcome of the hearing is the final determination of the proceedings or of a particular issue in those proceedings; it may include an award of compensation, a declaration or recommendation and it may also include orders for costs, preparation time or wasted costs either in favour or against an appellant. **Note:** ET records outcomes for each act (or jurisdiction), not for the hearing.

Caseload outstanding – The number of cases outstanding at the end of the period and still waiting to be dealt with to completion.

Table Conventions

Rounding

Figures in the tables are rounded independently and thus may not add to figures because of rounding. The following conventions have been used throughout:

- Values less than 100 remain as unit values.
- Values from 100 to 999 are rounded to the nearest 10.
- Values of 1,000 and over are rounded to the nearest hundred.

Notation

The following symbols have been used throughout the tables in this bulletin:

.	= Not applicable
..	= Not available
-	= Small Value
~	= No cases dealt with so rate could not be calculated
0	= Nil
(r)	= Revised data
(p)	= Provisional data

Contact points for further information

Spreadsheet files of the tables and graphs contained in this document are also available for download from this address.

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