



Ministry
of Justice

Tribunals Statistics Quarterly (including Employment Tribunals and EAT)

April to June 2013

12th September 2013

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Executive Summary

This report presents the latest statistics on type and volume of Tribunal cases that are received, disposed of or outstanding as of the first quarter of the financial year 2013/14 (April to June 2013). This report also includes the Employment Tribunal and Employment Appeal Tribunal (EAT) information which relates to the financial year 2012/13.

Receipts

- There were 254,000 receipts (or claims) in April to June 2013. This is a third higher than April to June 2012.
- The main reason for the increase was the 57% large increase in appeals in relation to the Social Security and Child Support (SSCS).

Disposals

- There were 212,000 disposals in April to June 2013. This represents an increase of a quarter on April to June 2012.
- This was also driven by an increase in SSCS disposals, which were more than a third higher than April to June 2012.

Caseload outstanding

- For all tribunals combined, the caseload outstanding at the end of June 2013 was 928,000 – 23% higher than June 2012.
- The main driver for the increase was the increase in SSCS (48%)
- The picture is different for ET cases, with the caseload for single claims decreasing by 12% and the caseload for multiples increasing 13%.

Timeliness

- For SSCS Tribunals, half of all cases were cleared (time taken from receipt to outcome) in 14 weeks or less, the same as April to June 2012.
- For Immigration and Asylum (IA), half of all cases were cleared in 19 weeks, three weeks longer than April to June 2012.
- For ET, half of cases were cleared within 46 weeks or less¹, 16 weeks longer than last year.

¹ Timeliness differs by Tribunal jurisdiction, which may reflect the different processes and types of cases. As such, direct comparisons across different types of Tribunals are difficult and should be treated with caution.

Introduction

Her Majesty's Courts and Tribunals Service (HMCTS) was created on 1st 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. Employment Tribunal statistics cover England, Wales and Scotland. For historic publications of all Tribunals Statistics please see:

www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics

In this report, total figures are used although users should be aware different Tribunals have come on line at different points in time. A list of tribunals is in Table B.1.

Further information on HMCTS and other court statistics, including information on the data sources and terminology used in this report can be found in the Guide to Court and Administrative Justice Statistics.

www.gov.uk/government/publications/court-statistics-quarterly-jan-mar-2013

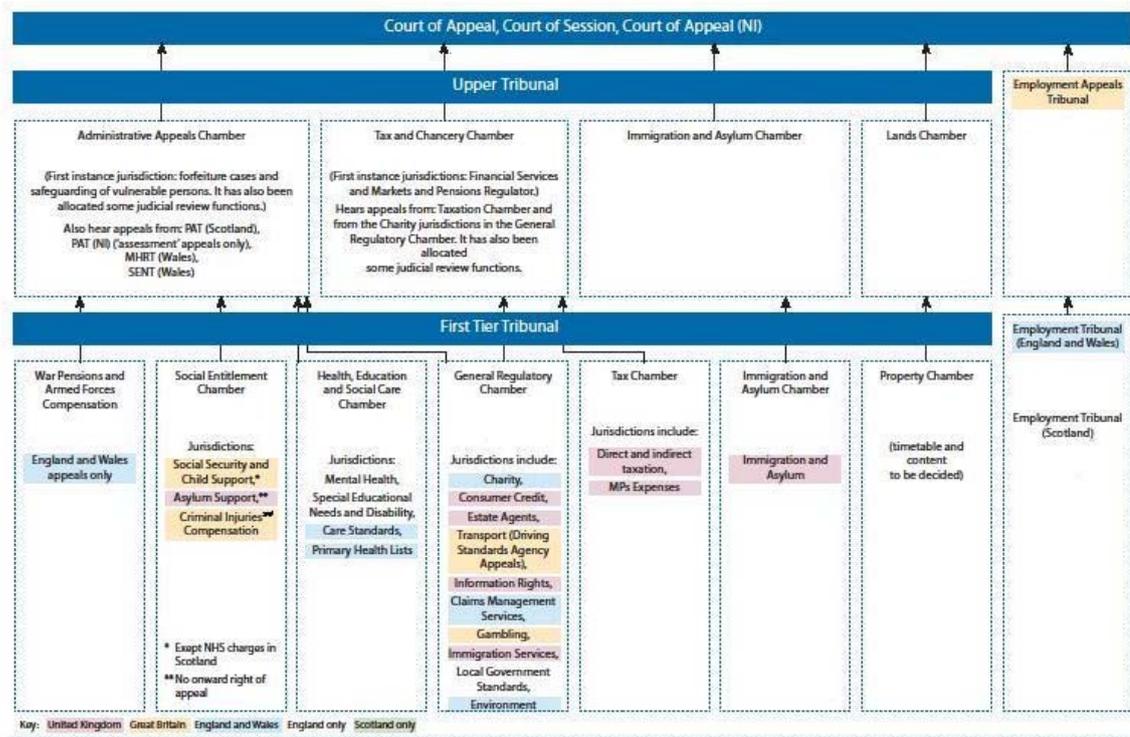
Comparisons are typically made with the same quarter in the previous year. Some time series information is also given. For further information please see the Excel tables that accompany this report. These also contain details of the smaller tribunals which are not covered in the text presented here.

This report focuses on information on receipts (e.g. the acceptance of a case by HMCTS), the outcome of cases by category (e.g. cases disposed of at hearing) and the caseload outstanding for the three largest Tribunals (Employment (ET), Immigration and Asylum (IA) and Social Security and Child Support (SSCS)). The three largest Tribunals account for over 90 % of Tribunal receipts.

Statistics on the work of the civil, family, magistrates' and Crown Courts in England and Wales during April to June 2013 will be published by the MoJ on 26th September. These quarterly courts statistics, along with annual statistics, can be found in separate reports on the Gov.uk website, at:

www.gov.uk/government/organisations/ministry-of-justice/series/courts-and-sentencing-statistics

Figure 1: First and Upper tier tribunal chambers

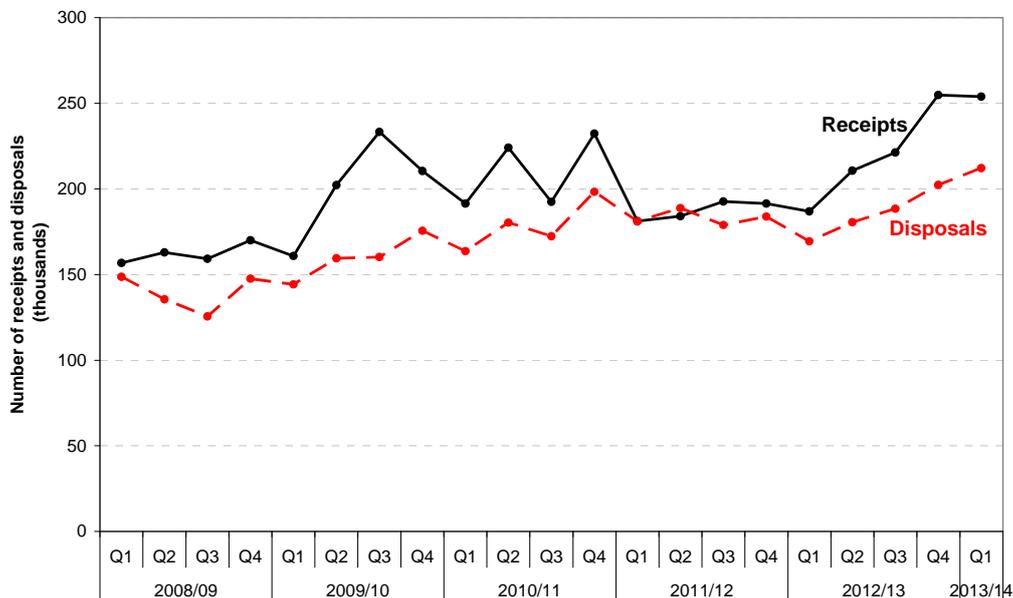


Tribunal Receipts

HMCTS Tribunals recorded 253,864 receipts in the period April to June 2013. This represents a 36% increase in the number of receipts when compared with the same period of 2012. It is also just lower than the five year high in receipts in January to March 2013 of 254,859. The majority (63%) of these were in Social Security and Child Support (SSCS), a further 17% were Employment Tribunals (ET) and 12% Immigration and Asylum (IA).

Figure 2 shows trends in both receipts and disposals since Q1 2008/09. Typically the number of receipts is greater than the number of disposals. In April to June 2013 there were 41,706 more receipts than disposals. Note that these figures are receipts and disposals in the quarter, rather than following the same cases through the system.

Figure 2: Receipts and disposals for all Tribunals, 2008/09 to 2013/14

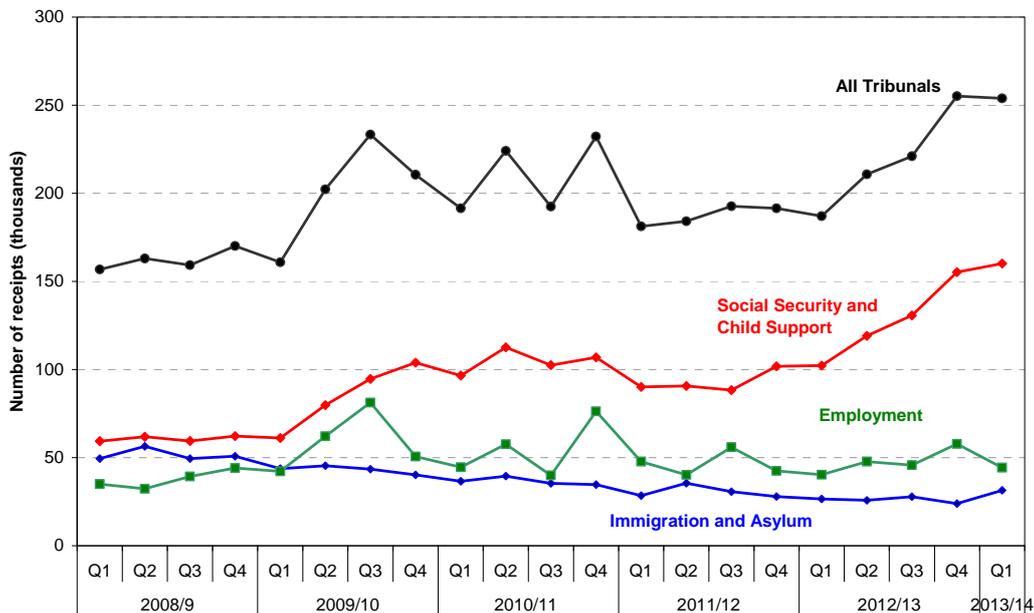


What has driven this?

Figure 3 illustrates the receipts by the largest jurisdictions. The increase in the overall number of receipts was mainly due to the 57% increase in the number of appeals received in SSCS compared to April to June 2012. SSCS hears appeals against decisions made by DWP on a number of different benefits as well as against decisions made by other government departments (HMRC) and local authorities. The increase in this quarter

was driven by appeals in relation to Employment and Support Allowance (ESA), which increased by 86% and accounted for two thirds of all SSCS receipts in April to June 2013. There was also an increase of 10% in Employment receipts, and an 18% increase in the number of receipts for Immigration and Asylum compared to April to June 2012.

Figure 3: Tribunal receipts by jurisdiction, 2008/09 to 2013/14



Employment Tribunals (Table 1.2)

In Employment Tribunals, the number of claims received in April to June 2013 was 44,335 – 10% more than in the same period of 2012. This was driven by a 40% increase in Sex Discrimination claims, and a 63% increase in Equal Pay claims. Working Time Directive remains the largest jurisdiction with 21,304 claims in April to June 2013, 28% of the total.

A typical claim brought by an individual against his/her employer claiming breach of employment rights is called a ‘single’ claim. A multiple is a group of claims brought by a number of individuals under the banner of a collective work dispute. Although the claims are managed together in their multiple groups, the individual component claims are counted separately, as multiple claims. They form two thirds of the caseload outstanding for all tribunals because they take longer as they tend to be more complex and often have to wait for other decisions to be made.

A claim (either single² or multiple³) can be brought under one or more of different jurisdictions, for example under Age Discrimination and Equal Pay. Therefore the number of jurisdictional complaints is always greater than the total tribunal claims accepted. On average in April to June 2013, there were 1.7 jurisdictional complaints per receipt, consistent with previous quarters.

The trend in single claims is broadly steady for receipts and disposals, while the trend in multiple claims is more volatile due to large numbers of claims against a single employer which can skew the national figures.

There is a large group of multiple Working Time Directive claims that have fuelled the rise in multiple claims over recent years. This is mainly due to the fact that the claims have to be resubmitted very quarter. These are legitimate duplicates, and have to be registered with new case numbers when they are resubmitted.

Fees for Employment Tribunals were introduced on 29th July 2013, after the period covered by this publication.

www.justice.gov.uk/tribunals/employment

Immigration and Asylum⁴ (Table 1.3)

In the period April to June 2013, there were 31,396 receipts to Immigration and Asylum Tribunals; an increase of 18% when compared with the same period of 2012. This is the highest number of receipts since July to September 2011.

Managed Migration drove this increase, more than doubling from 6,566 receipts in April to June 2012, to 16,351 receipts in April to June 2013. Managed Migration appeals are generated by people already in the UK who have been refused permission to extend their stay. This type of case

² 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.

³ Multiple cases are where two or more people bring claims, 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.

⁴ All references to Immigration and Asylum refer to the First-tier Tribunal (Immigration and Asylum Chamber). It is an independent Tribunal dealing with appeals against decisions made by the Home Secretary and Home Office officials in immigration, asylum and nationality matters

now comprises over half the Immigration and Asylum receipts. This rise is due to a higher level of Home Office decisions on immigration applications. Appeals are expected to continue at this higher level during 2013/14 and will impact on disposals, timeliness and caseload outstanding.

There was also a decrease in the Family Visit Visa category, which has halved since last April to June. This coincided with the Immigration Appeals (Family Visitor) Regulations 2012 which came into force on 9 July 2012, which restricted the right of appeal to a narrower definition of family visitor⁵.

Social Security and Child Support (Table 1.4)

Within the SSCS receipts, ESA comprises the highest number of appeals (70% of the total). After this, the next highest number was for Disability Living Allowance (11%) and Job Seeker's Allowance (JSA) (9%) in April to June 2013. All of these increased since April to June 2012, most notably ESA which increased 86% from 60,171 claims to 111,817 claims.

Please note that table 1.4 includes rows for Universal Credit⁶ and Personal Independence Payments⁷ from this quarter, although data will not appear until later in the year.

⁵ www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/june/25-family-visit-visa-appeal

⁶ Universal Credit was introduced on 29 April 2013 in selected areas of Greater Manchester and Cheshire. It will gradually be rolled out to the rest of the UK from October 2013.

⁷ Personal Independence Payment (New Claim Appeals) which replaces Disability Living Allowance was introduced on 8 April 2013.

Tribunal Disposals

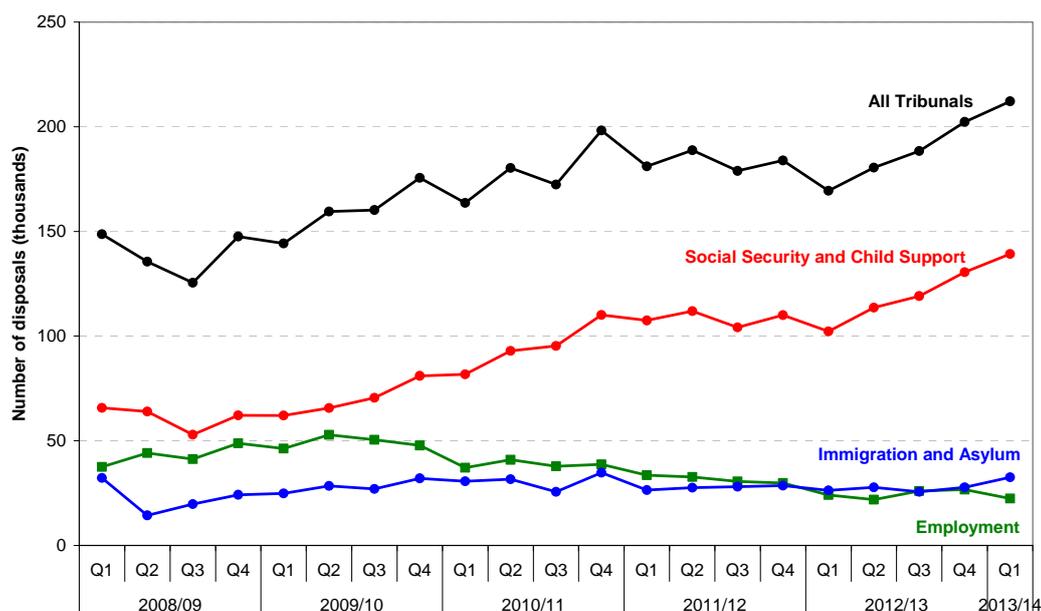
A disposal is the closure of a case when work has ceased to be done. This can be through a claim being withdrawn, settled, dismissed or being decided at a hearing (either orally or on paper).

There were a total of 212,158 cases or claims disposed of in April to June 2013. This represents an increase of 25% on those cases disposed of in the same period in 2012, and is the highest volume of disposals ever recorded in a quarter.

What has driven this?

Figure 4 shows disposals by the main tribunals. The increase in the overall number of disposals was driven by SSCS (an increase of 36% since April to June 2012 and part of a rising trend from 2009/10) which accounted for two thirds of all disposals in April to June 2013. The SSCS tribunal has increased its disposals by running hearings on Saturdays, and recruiting more judges and medical members. There was an increase of 24% in disposals for ET claims since April to June 2012. This was driven by a 61% increase in disposals of multiple employment cases.

Figure 4: Disposals by Tribunal, 2008/09 to 2013/14



Employment Tribunals (Tables 2.2 and 2.3)

Employment Tribunals disposed of 32,567 claims during April to June 2013, 24% more than in the same period of 2012. The numbers of disposals for single claims decreased by 8% while the number for multiple claims increased by 61%. The multiple volumes are more volatile, and can be affected by disposals of one or two large cases.

Between April and June, 62,516 jurisdictional claims were disposed of (a 12% increase on the same period of the previous year). This means that on average, 1.9 jurisdictions were disposed of per claim, slightly lower than the 2.1 in April to June 2012.

Of the 62,516 jurisdictional complaints that were disposed of:

- 18% were for unauthorised deductions;
- 17% were for unfair dismissal;
- 17% were for working time;
- 10% were associated with discrimination (age, race, sex, sexual orientation, religion or disability)

Immigration and Asylum (Tables 2.4 and 2.5)

Immigration and Asylum Tribunals disposed of 22,363 claims in April to June 2013, a reduction of 7% on April to June 2012.

The most disposals were for Family Visit Visas and Managed Migration (29 % each). Of the 22,363 disposals in April to June 2013, 67% were determined (i.e. a decision was made by a judge) at a hearing or on the papers; 21% were withdrawn; 6% were invalid or out of time, and 5% were struck out. Rules to allow cases to be struck out⁸ were introduced following the introduction of fee charging.

Of the 15,039 cases that were determined between 1 April and 30 June 2013, 55% were dismissed and the remaining 45% were allowed.

⁸ Appeal closed administratively where the fee has not been paid, remitted or exempted.

Social Security and Child Support (Tables 2.6 and 2.7)

Of the 139,242 SSCS cases disposed of in April to June 2013; 67 % were for ESA (up from 51 % from April to June 2012); 14 % for Disability Living Allowance and 9% for JSA.

Between April and June 2013, 80% of all SSCS cases were cleared at a hearing, a similar proportion to last year. Of these, 38% had the initial decision revised in favour of the claimant.

The overturn rate (that is, the rate of decisions by the original body that are reversed) varies by benefit type with 19% of JSA cases, 41% of Disability Living Allowance and 42% of ESA cases cleared at hearing having the original decision revised in favour of the claimant.

DWP have carried out analysis on the overturn rates for ESA by region and health condition, for further information see:

www.gov.uk/government/publications/employment-and-support-allowance-

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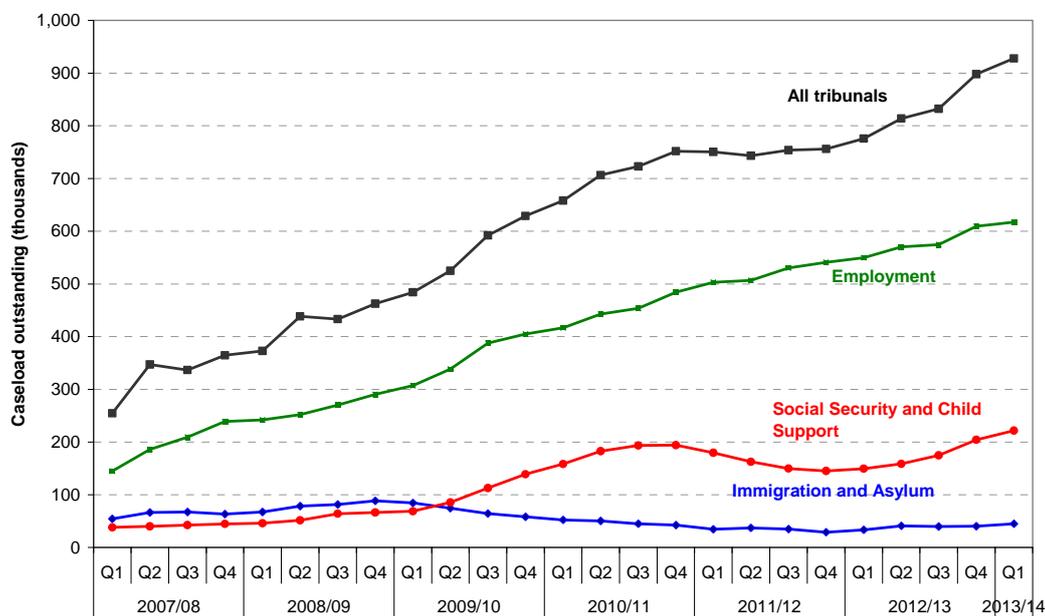
Tribunal Caseload Outstanding

At the end of June 2013, the caseload outstanding was 927,729. This is an increase of nearly a quarter on the number at the end of June 2012 (see Figure 5).

Around two thirds (64%) of the outstanding caseload at the end of the quarter related to 'multiple' claims in Employment Tribunals. Multiple claims are often legally and factually complex and it is common for action on such claims to be deferred ('stayed', or 'sisted' in Scotland), for example pending the outcome of proceedings in appellate courts/tribunals on case management or other interim matters. This means that such claims are not yet ready to have a final hearing in the employment tribunal, and so the claim cannot be progressed to disposal.

The 594,528 multiple ET claims actually relate to 5,308 cases.

Figure 5: Caseload outstanding at end of June 2013



Caseload Outstanding (Table 3.1)

Compared with June 2012, the caseload outstanding increased overall and for a number of tribunals as well as multiple employment claims. Specifically for:

- Social Security and Child Support (an increase of 48%);

- Immigration and Asylum (an increase of 34%);

There were decreases in caseload outstanding for some tribunals: of 12% for single ET claims and of 17% for Mental Health. See supplementary Excel tables for more information on the smaller tribunals.

Tribunal Timeliness

This section provides information about the operation of courts and tribunals to assist users to assess the efficiency and effectiveness of public services. The timeliness measures generally 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). When examining the 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 instances, appeals can be stayed because a judgement is awaited from another body (for example European Courts), or may be legally complex.
- The measures can not be directly compared between one Tribunal and another because of the different processes and very diverse nature and requirements of individual jurisdictions. Thus, it is better to compare a specific Tribunal over time.

The information provided is based on the age (expressed in weeks or years) at which cases were cleared. There are differences by case or tribunal types, please see supplementary tables for more information.

Summary of Timeliness Measures (Tables 4.1 – 4.3)

The 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% of cases were cleared, along with the mean. For example, in Immigration and Asylum, 75 % of cases that were cleared in April to June were aged 32 weeks or less.

Table 1: Cumulative percentage of clearances that took place in April to June 2013, by age of case at clearance

Tribunal	25% point	50% point (median)	75% point	Average (mean)
Immigration and Asylum (all)	11 weeks	19 weeks	32 weeks	25 weeks
Employment (all)	19 weeks	46 weeks	3-4 years	102 weeks
SSCS (all)	8 weeks	14 weeks	23 weeks	18 weeks

Employment Tribunals

For Employment Tribunals, the timescale recorded is from receipt by the tribunal to when details of the final judgement are given. The distribution for all ET cases is heavily influenced by the age of multiple cases (which can be stayed or await decisions from Higher Courts). The mean age of a single case at disposal was 24 weeks, whereas this was 150 weeks for multiple claims.

Clearances for Employment Tribunals were also examined by broad jurisdictional group. The results for the April to June 2013 showed that Race or Sexual Discrimination cases had average of over four years (220 weeks), while Religious Belief and Sexual Discrimination cases had the shortest average clearance time of 26 weeks.

Immigration and Asylum

The time is recorded from receipt by the tribunal to the time that a decision was notified to the appellant. The mean age of a case at disposal was 25 weeks, six weeks longer than April to June 2012.

Variations in clearance times between case types are due to different processing timescales which apply to each of the Immigration and Asylum jurisdictions. For example in April to June 2013, three quarters of Asylum cases are completed by ten weeks, whereas a quarter of Family Visit Visas take longer than 36 weeks to clear.

Social Security and Child Support

For SSCS the time is recorded from receipt by the tribunal to the time that a decision was notified to the appellant.

Of those cases disposed of by SSCS between April and June 2013, the mean age of a case at disposal was 18 weeks, two weeks shorter than April to June 2012.

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) take less time to clear than appeals where a panel including specialist Medical, Financial or Disability panel members is required (see Table 4.3).

Employment Tribunals – financial year 2012/13

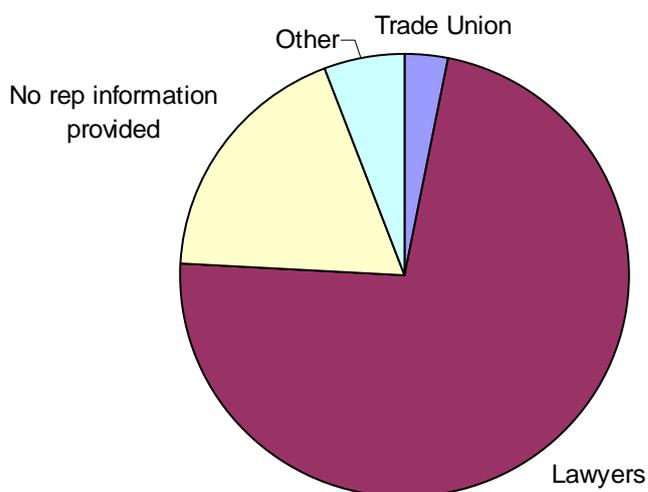
This section is included in this publication for the first time. Previously it was published in a separate document, see link for historical reports.

www.gov.uk/government/publications/employment-tribunal-and-employment-appeal-tribunal-statistics-gb

Representation (Table E.3)

The highest proportion of claimants were represented by lawyers, 73% in 2012/13. This is recorded at the time of application and may change as a case progresses.

Figure 6: Representation in 2012/13



Costs and Compensation (Tables E.4 to E.12)

There are only centrally collated cost and compensation data for Unfair Dismissal and discrimination cases. In 2012/13, there were 2,239 claims that received compensation for Unfair Dismissal, compared with 286 for all discrimination jurisdictions combined. However, there is often more compensation awarded for discrimination cases, as there is no statutory cap on awards in cases of discrimination.

Employment Appeal Tribunals (EAT)

The main function of the Employment Appeal Tribunal (EAT) is to hear appeals from decisions made by Employment Tribunals. An appeal must be on a point of law, i.e. it must identify flaws in the legal reasoning of the original decision.

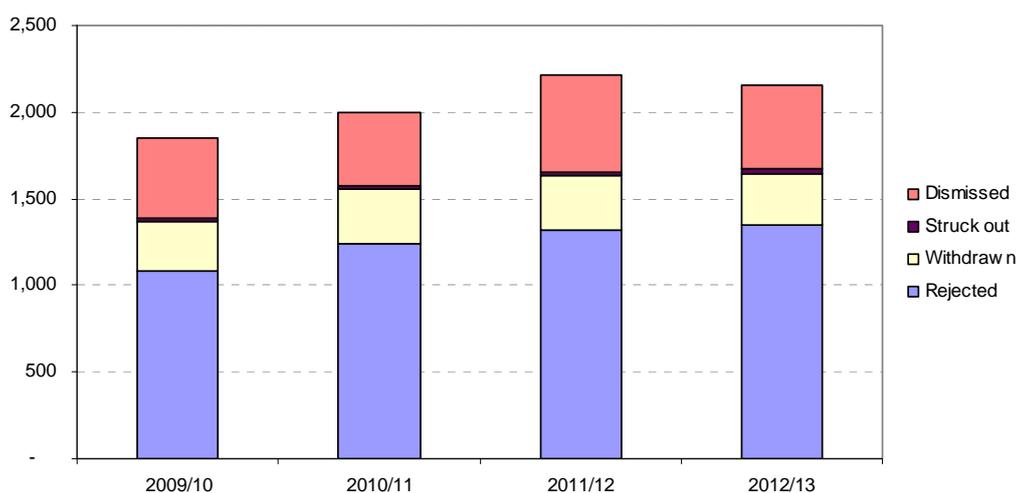
The Employment Appeal Tribunal will not normally re-examine issues of fact. It also hears appeals from (and applications relating to) decisions made by the Certification Officer or by the Central Arbitration Committee, however these are infrequent. The EAT may allow an appeal and substitute its own decision for that of the Employment Tribunal, or may remit it back to the Employment Tribunal for reconsideration.

EAT receipts and disposals (Table E13)

In 2012/13, the Employment Appeal Tribunal received 2,296 appeals and disposed of 2,155 appeals. These are both similar to the volumes in 2011/12.

Figure 7 shows the main reasons for disposals. This shows that only 434 cases in 2012/13 (20%) reached a full hearing. The largest proportion (48%) was rejected because they had no reasonable prospect of success.

Figure 7: Reasons for disposals at EAT



Claimant type (tables E14 to E16)

In 2012/13, 79% of EAT cases were brought by employees. Cases brought by employees were more likely to proceed to a final hearing, while cases brought by employers were more likely to be withdrawn.

Related publications

As mentioned in the introduction, HMCTS is responsible for tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.

Tribunals costs:

www.justice.gov.uk/downloads/publications/corporate-reports/hmcts/2013/hmcts-annual-report-2012-13.pdf?type=Finjan-Download&slot=00000068&id=00001067&location=0A64420F

BAILII gives records of tribunal judgements:

www.bailii.org/databases.html#uk

Scotland

Information on the Mental Health Tribunals for Scotland can be found here:

www.mhtscotland.gov.uk/mhts/Annual_Reports/Annual_Reports_main

Additional Support Needs Tribunals for Scotland (ASNTS)

<http://www.asntscotland.gov.uk/asnts/181.25.141.html>

Private Rented Housing Panel (PRHP)

www.prhpscotland.gov.uk/prhp/128.html

Northern Ireland

www.courtsni.gov.uk/en-GB/Services/Statistics%20and%20Research/Pages/default.aspx

Annex A: Data quality and sources

Information presented in this report is management information drawn from a number of different 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. Thus, care should be taken when comparing receipts and disposals.

Further information on HMCTS and other court statistics, including information on the data sources and terminology used in this report can be found in A Guide to Court and Administrative Justice Statistics.

www.gov.uk/government/publications/court-statistics-quarterly-jan-mar-2013

Revisions

All the statistics in this publication have been revised to show unit values rather than the rounded numbers shown previously.

Historic receipt and disposal information for Immigration and Asylum has been revised to include appeals dismissed or withdrawn at the Preliminary Issue stage. This is where an appeal has been submitted outside the prescribed time limit or may be otherwise invalid. Such cases will only proceed to the appeal stage if decided by a Judge. A new disposal category of "Invalid/Out of Time" has been introduced to show appeals dismissed at the Preliminary Issue stage. Cases withdrawn at this stage are included in the "Withdrawn" category.

For 2012/13 a further new outcome category has been introduced for Immigration and Asylum disposals of "Struck Out for Non-Payment". This is as a result of the introduction of fees for certain Immigration and Asylum appeals introduced in 2011. Some of the historic disposal and outcome data has been revised following this.

Please note data from the fourth quarter of 2012/13 (1 January to 31 March 2013) onwards un-rounded figures have been provided. All

previously rounded figures have been revised with the original un-rounded data, except some of the historical judicial sitting days.

Explanatory Notes

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

Spreadsheet files of the tables contained in this document are also available to download.

Contacts

Press enquiries on the contents of this bulletin should be directed to the MoJ or HMCTS press offices:

Scot Marchbank

Tel: 020 3334 3536

Email: scot.marchbank@justice.gsi.gov.uk

Mark Kram

Tel: 020 3334 6697

Email: mark.kram@hmcts.gsi.gov.uk

Other enquiries about these statistics should be directed to the Justice Statistics Analytical Services division of the MoJ:

Mike Elkins

Chief Statistician
Ministry of Justice
7th floor
102 Petty France
London
SW1H 9AJ

Tel: 020 3334 2946

Email: statistics.enquiries@justice.gsi.gov.uk

General enquiries about the statistics work of the MoJ can be e-mailed to statistics.enquiries@justice.gsi.gov.uk

General information about the official statistics system of the UK is available from www.statistics.gov.uk