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Introduction

Tribunals are specialist judicial bodies which decide disputes in particular areas of law. Appeals to tribunals are generally against a decision made by a Government department or agency. The exception to this is the Employment Tribunal where cases are on a party v party basis (specifically, employee versus employer). There are tribunals in England, Wales, Scotland and Northern Ireland covering a wide range of areas affecting day-to-day life. Her Majesty's Courts and Tribunals Service (HMCTS) administers many of them although some are the responsibility of the devolved governments in Scotland, Wales and Northern Ireland.

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, Immigration and Asylum and Social Security and Child Support). These three largest tribunals account for over 70% of tribunal receipts in 2014/15. Statistics relating to Gender Recognition Certificates, which were previously in a separate publication, are now provided in this report. Annex C provides monthly and regional breakdowns of Receipts for Employment Tribunals. Annex D provides experimental statistics on Employment Tribunal Fees, which includes information on claimant characteristics for the first time.

This report also contains an annual series of statistics relating to the number of cases which were adjourned or postponed, and the number of tribunal judicial salaried and fee-paid sitting days.

Excel tables that accompany this report contain details of the smaller volume tribunals which are not covered in the text presented here. A full list of all tribunals covered by HMCTS can be found in Table B.1 of the accompanying tables. Note that this publication does not include data on tribunals not covered by HMCTS. The accompanying CSV files contain the same data as in the Excel tables, but in a machine readable format. This allows users to conduct their own analysis, and is part of the Ministry of Justice's commitment to open data.

Further information on Civil and Administrative Justice statistics, including information on the data sources and terminology used in this report, can be found in the **Guide to Civil and Administrative Justice Statistics**. www.gov.uk/government/statistics/guide-to-civil-and-administrative-justice-statistics

The next issue of Tribunal and Gender Recognition Certificate Statistics Quarterly is scheduled to be published on 10th September 2015, covering the period April to June 2015, and will include Employment Tribunal and Employment Appeal Tribunal information which relates to the financial year 2014/15.

Users of the statistics

The main users of these statistics are Ministers and officials in central government responsible for developing policy with regards to tribunals. Other users include lawyers and academics, other central government departments such as the Department for Business, Innovation and Skills (BIS) and the Department for Work and Pensions (DWP), and non-governmental bodies, including various voluntary organisations, with an interest in administrative justice.

Key Findings

This report presents the latest statistics on type and volume of tribunal cases that are received, disposed of or outstanding as of the fourth quarter of the financial year 2014/15 (January to March 2015). There is also a chapter presenting the latest trends in Gender Recognition Certificates awarded.

Receipts and disposals

In 2014/15, HMCTS recorded a 48% decrease in receipts (to 361,000) and a 26% decrease in disposals (to 647,000) compared with 2013/14. The reductions seen have been driven by decreases in both SSCS and Employment tribunal (ET) cases caused by key policy changes: the introduction of ET fees and changes to the appeals process introduced by the Welfare Reform Act 2012. As these changes were implemented in 2013, they are no longer having an effect on quarterly receipts, which in January to March 2015 have shown increases of 12% and 85% in SSCS and ET claims respectively compared to the same quarter in 2014. They are still however having an effect on quarterly disposals which in this quarter have shown decreases of 73% and 68% respectively in SSCS and ET cases compared to the same quarter in 2014 as these take time to go through the system.

Caseload outstanding

For all tribunals combined, the caseload outstanding at the end of March 2015 was 373,200, down 44% on last year, again driven by the reduction in number of receipts overall, the large number of Employment Tribunal multiple claims disposals within the current financial year and a review of outstanding Employment Tribunal cases which closed around 10% of existing single cases from the outstanding caseload.

Timeliness

In January to March 2015, the average age of an SSCS Tribunal case at disposal was 20 weeks, which is down 5 weeks on the same period in the previous year.

For First-tier Tribunal Immigration and Asylum Chamber cases, the average clearance time for cases disposed of in January to March 2015 was 28 weeks (no change from the previous year).

For Employment Tribunals, the average clearance time of a single claim was 33 weeks, 1 week less than in the same period last year. The average clearance time for multiple claim cases was 199 weeks in January to March 2015, up from 172 weeks on the previous year.

Gender Recognition Panel

In January to March 2015, 98 applications were received by the Gender Recognition Panel, the highest number of applications recorded in a quarter since the beginning of the series in 2009/10. A total of 343

applications were received in 2014/15, which is an increase of 10% compared to 2013/14.

Adjournments and Postponements

Throughout the tribunal process, a case may be adjourned or postponed. In 2014/15 there were a total of 45,000 adjournments and 28,000 postponements, both down by half on the previous year and driven entirely by a decrease in adjournments and postponements in SCS tribunals. The fall in adjournments and postponements directly mirrors the trend seen in SCS receipts.

Tribunal Judicial Salaried and Fee-paid sittings by Jurisdiction

In 2014/15 there were 225,000 sittings recorded across all Tribunals, a 29% (73,431) decrease compared to 2013/14. There was a decrease of 36% (67,972) on the number of fee-paid sittings, which was lead by the reduction in volume of SCS cases, and a decrease of 8% (5,458) on the number of salaried sittings compared to 2013/14.

Employment Tribunal Fees

In the financial year 2014/15, there were 21,000 Employment Tribunal issue fees requested. Of these, 14,500 (69%) cases had the full issue fee paid outright whilst 4,000 (19%) cases were awarded either a full or partial issue fee remission. For the remaining 2,500 (12%) cases, it appears that the claim was not taken further.

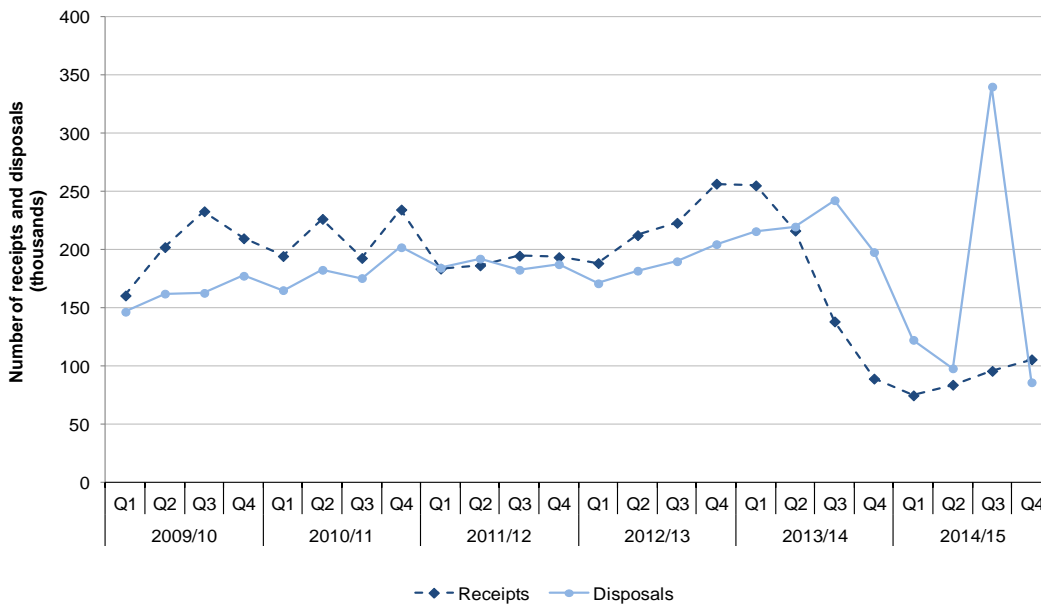
1. Receipts

HMCTS Tribunals recorded 105,896 receipts in the period January to March 2015, which is up 19% when compared with the same period of 2014. Social Security and Child Support (SSCS) accounts for 34% of these receipts, a further 23% were First-tier Tribunal Immigration and Asylum Chamber (FTTIAC), and 19% were in Employment Tribunals (ET).

A total of 360,861 receipts were recorded in 2014/15, which is down 48% on 2013/14. This was mainly driven by the decline in the number SSCS receipts which decreased from 401,896 in 2013/14 to 112,119 in 2014/15.

Figure 1 shows trends in both receipts and disposals since Q1 2008/09. Typically the number of receipts has been greater than the number of disposals. However, since Q2 2013/14, HMCTS has disposed of more tribunal claims than it received. Note that these figures are receipts and disposals in the quarter being reported, and receipts in one period are likely to be dealt with in subsequent periods.

Figure 1: Receipts and disposals for all tribunals, 2009/10 to Q4 2014/15

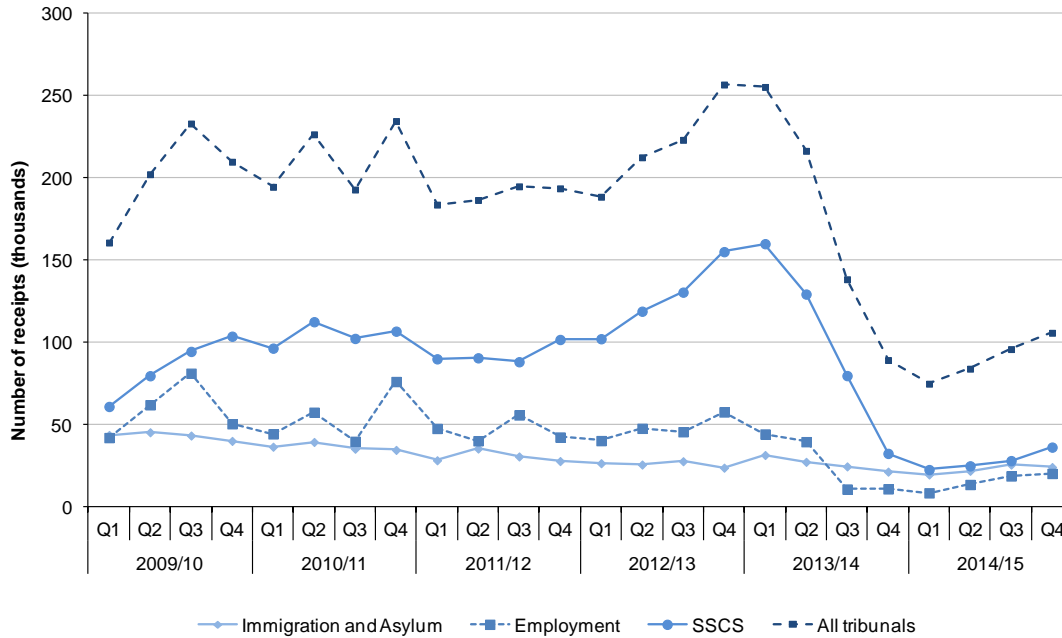


What has driven this?

Figure 2 illustrates the receipts by the largest jurisdictions. As SSCS is the largest jurisdiction, this drives the overall trend. Although the current quarter has seen an increase of 12% in appeals against decisions made by the Department for Work and Pensions (DWP; compared to January to March 2014), there has been an overall 72% decrease in the number of appeals since 2013/14. This could be due to a number of reasons including the introduction of mandatory reconsideration across DWP benefits - where a DWP decision-maker looks again at individual cases

before it goes to a tribunal - alongside wider reforms to streamline the system, explained in the SSCS section below.

Figure 2: Tribunal receipts by jurisdiction, 2009/10 to Q4 2014/15



Employment Tribunals (Table 1.2)

Claims in employment tribunals can be classified into either single¹ or multiple² claims. Single claims are made by a sole employee/worker, relating to alleged breaches of employment rights. Multiple claims are where two or more people bring proceedings arising out of the same facts, usually against a common employer. Both single and multiple claims can involve one or more jurisdictional complaints. Where claims are grouped as multiples, they are processed administratively and managed judicially together. We call these groups of claims ‘multiple claims cases’.

A claim (either single or multiple) can be brought under one or more of different jurisdictions, for example under Age Discrimination or Equal Pay. Therefore the number of jurisdictional complaints is always greater than the total tribunal claims accepted. On average in January to March 2015, there were 2.0 jurisdictional complaints per claim accepted.

¹ A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings, but will be counted as a claim only once.

² 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.

The number of single claims received in January to March 2015 was 4,229 – 25% fewer than in the same period of 2014. Overall, there were 16,456 single claims received in 2014/15, a decrease of 52% on 2013/14.

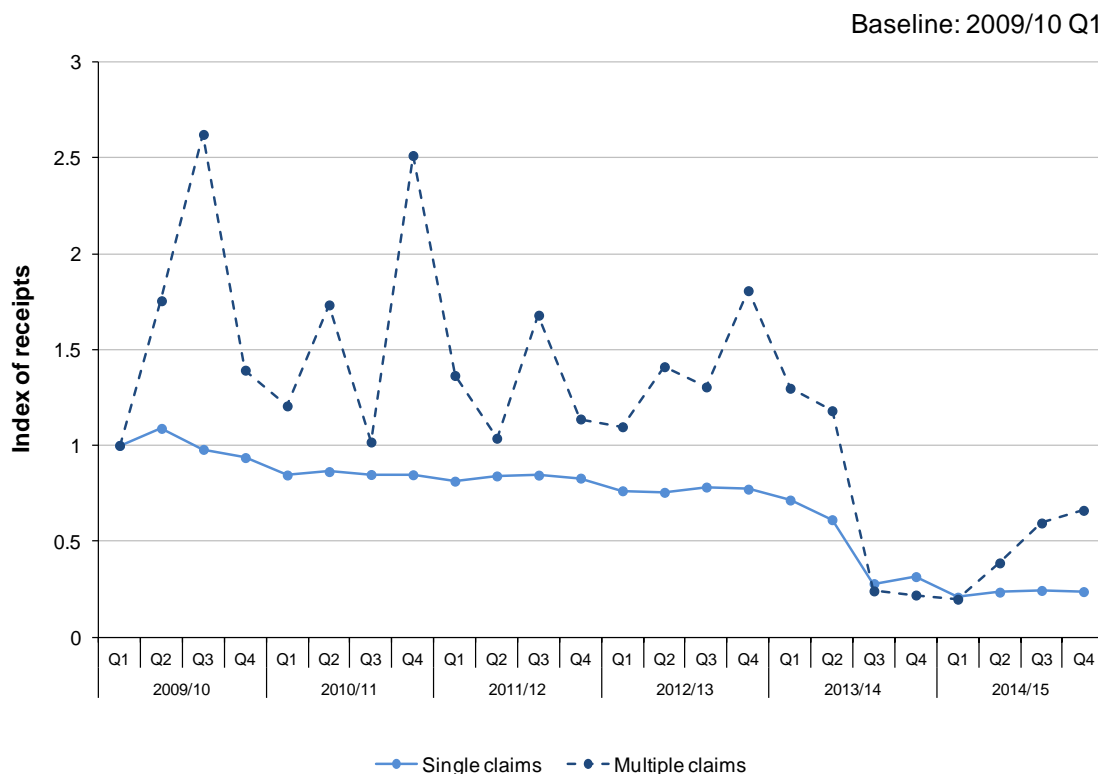
The trend in single claims had been gradually declining for the last five years, but the rate of decline increased in October to December 2013. The fall in receipts for Employment Tribunals seen from October to December 2013 coincides with the introduction of Employment Tribunal fees in July 2013. Further information on this can be found in Policy Changes section, page 41.

The number of multiple claims received in January to March 2015 was 16,104, which is 3 times the number compared to the same quarter last year. The claims related to 649 multiple claim cases, up 49% (214) over the same time period. The increase seen in multiple claims is partly due to the low number of receipts in January to March 2014 following the introduction of fees and also due to several multiple claim cases with a large number of claims in January to March 2015.

A total of 44,850 multiple claims were received in 2014/15, down 37% on 2013/14. These multiple claims were related to a total of 2,062 multiple claims cases, which is down 34% on 2013/14.

The trend in multiple claims is more volatile than single claims due to large numbers of claims against a single employer which can skew the national figures and have to be resubmitted each quarter (such as the airline industry cases over the last few years which are now mainly disposed). This is illustrated in Figure 3 below. As the number of single and multiple claims are on such different scales, they have been indexed with a baseline of Q1 2009/10 = 1.

Figure 3: Index of Employment Tribunals multiple and single claim receipts³



Immigration and Asylum⁴ (Table 1.3)

In the period January to March 2015, there were 24,236 First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) receipts; an increase of 13% when compared with the same period in 2014. In 2014/15, there was a total of 91,612 FTTIAC receipts, which is down 13% on 2013/14.

In the Upper Tribunal Immigration and Asylum Chamber (UTIAC) there were 2,312 receipts, an increase of 1% (17 receipts) when compared with the same period in 2014. There was a total of 9,200 UTIAC receipts in 2014/15, which is an increase of 19% on 2013/14.

Managed Migration appeals are generated by people already in the UK who have been refused permission to extend their stay. In the FTTIAC, this type of case was down 17% compared with the same period in the previous year, comprising just under half (47%) of all FTTIAC receipts in January to March 2015. Managed Migration was also the highest proportion of cases in the UTIAC, accounting for 56% of all such appeals

³ The index compares the number of receipts with the baseline quarter. It shows the trend in single and multiple receipts but does not enable comparisons of the *numbers* of each.

⁴ An independent Tribunal dealing with appeals against decisions made by the Home Secretary and Home Office officials in immigration, asylum and nationality matters

and saw a 3% increase compared to the same period in the previous year, to 1,290 receipts.

The number of receipts of Asylum appeals in the FTTIAC in January to March 2015 was almost three times as many received in the same quarter in 2014. For the UTIAC, the number of Asylum appeals increased by 44% over the same period.

In this quarter, Entry Clearance appeals were up 39% on January to March 2014 in the FTTIAC and down by 35% in the UTIAC. Family Visit Visas increased by 24% in the FTTIAC and saw an 18% decrease in the UTIAC. There have been two changes to Family Visit Visa appeal rights in the last three years. Firstly, 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. Secondly, the Crime and Courts Act 2013 removed the full right of appeal for family visitors and this change came into effect for new visa applicants on 25 June 2013. A limited right of appeal still remains on Human Rights or Race Discrimination grounds.

Since November 2013, the management of the majority of Immigration and Asylum Judicial Review (JR) cases have been transferred from the Administrative Court (part of the High Court) to the UTIAC. In the most recent quarter there were 3,818 Immigration and Asylum JR receipts at the UTIAC, and 15,180 in total over 2014/15. The number of Immigration and Asylum JR cases that are dealt with by the Administrative court, can be found in the Civil Justice Statistics Quarterly publication⁶.

Immigration Act 2014

The Immigration Act 2014 removed a number of existing appeal rights against Home Office decisions. Refused applicants can now only appeal by asserting a fundamental right to enter or remain in the UK. These are Protection, Deprivation of Citizenship, Removal of Refugee Status, Human Rights or European Free Movement. It is a refusal of this decision that has an appeal right under the Act. Where appeal rights were removed and the applicant asserts the Home Office has made an error in its decision, there is now a right to an Administrative Review by the Home Office.

The removal of appeal rights under the Immigration Act has been phased. In October 2014 in country points based applications from Tier 4 Students and their dependents plus non-European Foreign National Offenders had their appeal rights removed, followed by the remaining in country points

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

⁶ www.gov.uk/government/collections/civil-justice-statistics-quarterly

based decisions in March 2015. The remaining decisions fell under the Immigration Act from April 2015.

There are now additional Home Office stages to go through before an appeal right can be exercised and 61 cases were registered under one of the new post Immigration Act categories. As the Act was not commenced for the majority of Home Office decisions until 6th April, the impact during this quarter has been minimal.

Social Security and Child Support (Table 1.4)

In January to March 2015, 36,355 appeals against decisions were received; an increase of 12% when compared with the same period in 2014. In 2014/15, there was a total of 112,119 appeals against decisions, which is 72% less than the number of appeals in 2013/14 (401,896).

Employment Support Allowance accounted for 38% of the total Social Security and Child Support (SSCS) Tribunal receipts in January to March 2015 and saw an 8% increase on the same period in 2014. However the annual total of receipts for this benefit in 2014/15 (43,157) has seen an 81% decrease since 2013/14 (232,630).

Job Seekers Allowance appeals fell by 67% in January to March 2015 compared with the same period in the previous year – these account for 4% of all SSCS tribunal cases.

Personal Independence Payment accounted for 33% of SSCS Tribunal Claims in the most recent quarter; this benefit replaced Disability Living Allowance in April 2013.

The overall annual decline in SSCS Tribunal claims may be attributed to the policy changes implemented by the Department of Work and Pensions (DWP) and Her Majesty's Court and Tribunal Service in April 2013. These changes included DWP reconsidering all decisions before an appeal can be lodged direct with the Tribunal. Further information on this Policy can be found in the Policy changes section of the publication, page 52.

2. Disposals

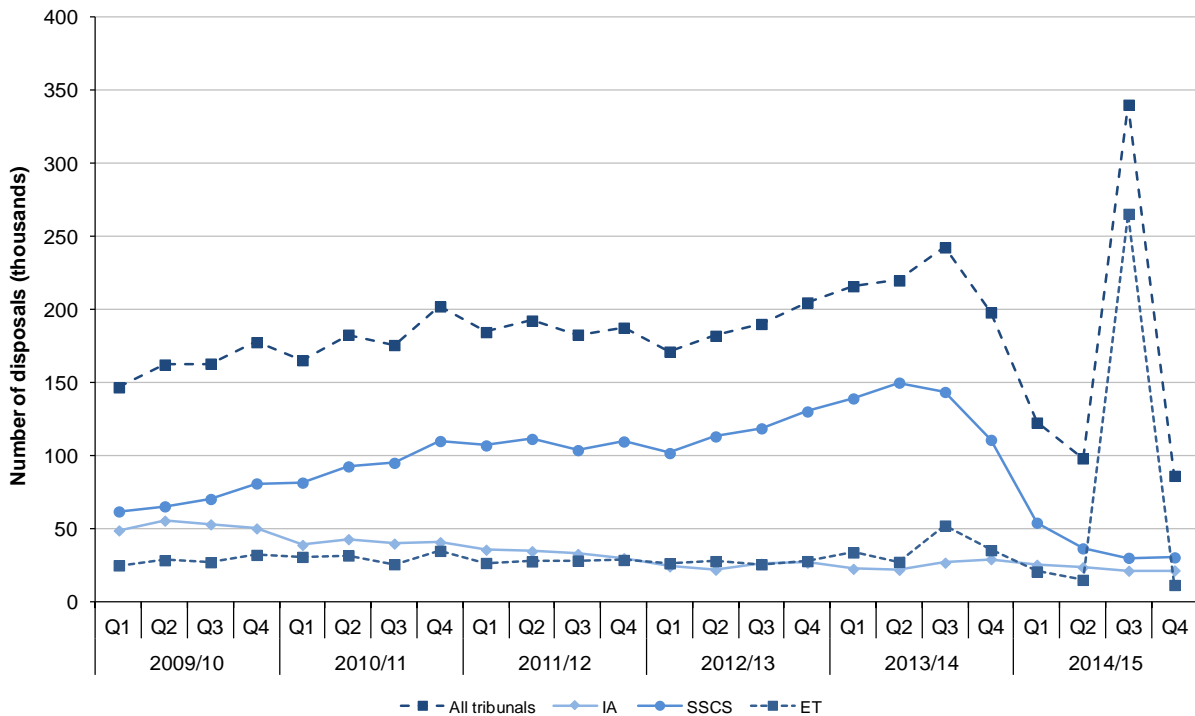
A disposal is the closure of a case when work is complete. This can be through a claim being withdrawn, settled, dismissed, transferred or being decided at a hearing (either orally or on paper).

There were a total of 86,171 cases or claims disposed of in January to March 2015, representing a decrease of 56% on the same period in 2014. This is the lowest number of quarterly disposals since this statistical series began in 2009/10. The total number of cases or claims disposed of in 2014/15 was 647,282, which is down 26% on 2013/14 (876,775 disposals).

What has driven this?

Figure 4 shows disposals by the main tribunals. Social Security and Child Support (SSCS) Tribunal disposals in January to March 2015 were 73% lower than in January to March 2014 and accounted for 23% of the total disposals in this quarter. This is likely to be related to the reduction in receipts seen in previous quarters.

Figure 4: Disposals by Tribunal, 2009/10 to Q4 2014/15



Employment Tribunal (Tables 2.1, 2.2 and 2.3)

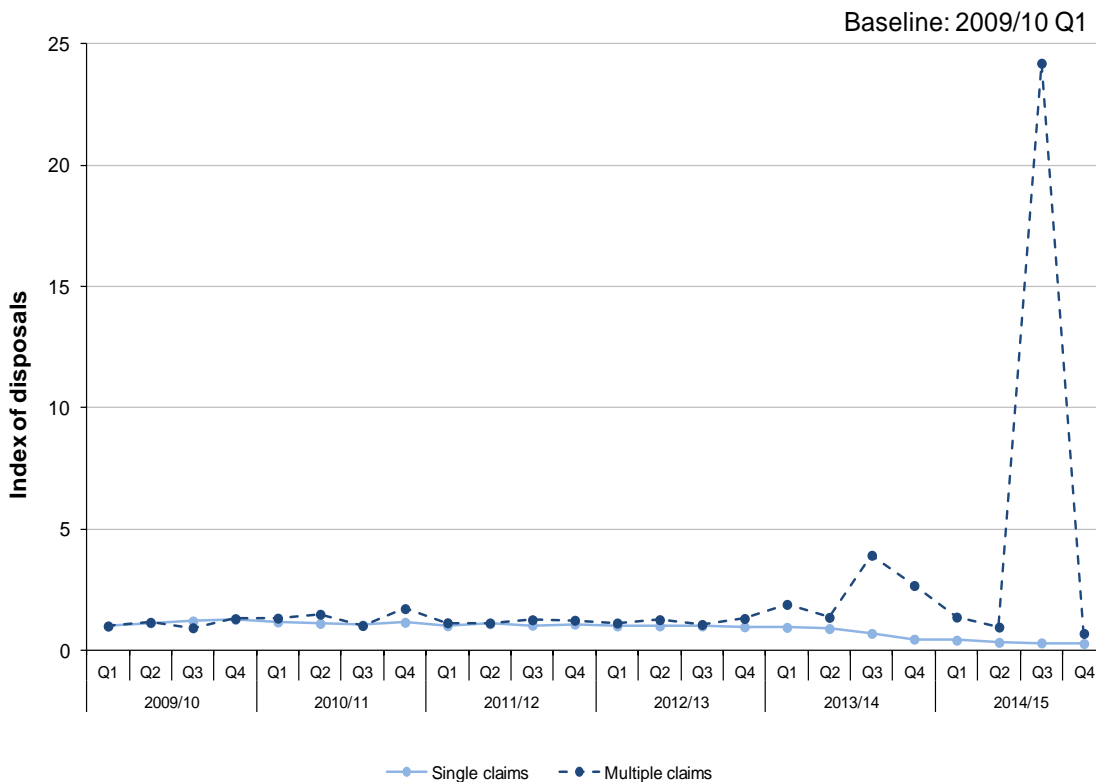
The Employment Tribunal disposed of 11,440 claims during January to March 2015, a decrease of 68% on the same period in 2014 (35,288). Multiple claims accounted for 66% of Employment Tribunals disposals, and are down 74% on January to March 2014. Single claims accounted for 34% of all disposals, and are down 39% on the same period last year.

A total of 312,622 claims were disposed of in 2014/15, which is just over double the amount that were disposed of in 2013/14 (148,387). Of these, 293,887 (94%) were multiple claims, which is 187,665 more than the total of multiple claims disposed of in 2013/14. This increase is driven by a large multiple claim being disposed.

The disposal rates for multiple cases tend to be more volatile, and can be affected by disposals of a few large cases. The peak in Figure 5 for multiple claims in Q3 2014/15 is due to the disposal of a large resubmitted Airline multiple claims case in that quarter. The 7,501 multiple claims disposed of in January to March 2015 related to 655 multiple claim cases, giving an average of 11.5 claims per case.

Although there were more multiple claims disposed of in 2014/15, the number of multiple claims cases they related to was 3,213, a decrease of 46% when compared to 2013/14. The total of single claims disposed of in 2014/15 was 18,735, which is down 56% on 2013/14.

Figure 5: Index of Employment Tribunal single and multiple disposals



In January to March 2015, 22,309 jurisdictional complaints were disposed of which is 63% less than same period of the previous year. On average, 2.0 jurisdictions were disposed of per claim.

Overall, 385,884 jurisdictional complaints were disposed of in 2014/15, with an average of 1.2 jurisdictions per claim. This is an increase of 40% on 2013/14, which can be attributed to the large number of multiple claims disposed of in October to December 2014.

Of the jurisdictional complaints that were disposed of in January to March 2015, 21% were for Equal Pay, 17% were for Unfair Dismissal and 15% were for Unauthorised Deductions (formerly the Wages Act).

The largest changes in jurisdictional complaints in comparison to the same period last year were seen in Working Time disposals, which was down 90%, and Part Time Workers Regulations disposals, which was down 72%.

Three new outcome types came into effect in the second quarter of 2013/14, as a result of the Underhill Review of Employment Tribunal Rules (see Introduction). These were:

- Dismissed Rule 27 – complaints dismissed by an Employment Judge after initial consideration of claim and response. An Employment Judge can dismiss a claim, or any part of a claim, if s/he considers that it has no reasonable prospect of success, or that the tribunal has no jurisdiction to hear the claim (or part thereof). This is a new provision introduced on 29th July 2013.
- Dismissed upon withdrawal – under new rule 52, an employment tribunal shall issue a judgment dismissing a claim where the claimant withdraws it, unless certain criteria are satisfied. The operation and impact of this new provision is being monitored through these statistics.
- Case discontinued – this records complaints dismissed under rule 40(1) where a party has not satisfied requirements in respect of paying a tribunal fee or demonstrating a case for remission⁷.

‘Dismissed upon withdrawal’ accounted for 13% of all disposals in January to March 2015. ‘Dismissed Rule 27’ and ‘Case discontinued’ combined accounted for less than 1%. The largest proportion of outcomes were ‘ACAS Conciliated Settlements’, accounting for 29% of disposed claims.

⁷ See footnote [9].

Immigration and Asylum (Tables 2.4 and 2.5)

The First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) disposed of 21,398 appeals, down 27% on January to March 2014. An overall total of 91,418 FTTIAC appeals were disposed of in 2014/15, which is down 9% on 2013/14.

The Upper Tribunal Immigration and Asylum Chamber (UTIAC) disposed of 1,835 appeals in January to March 2015, a decrease of 11% on the same quarter last year. In total, 8,656 UTIAC appeals were disposed of in 2014/15, which is down 3% on 2013/14.

Managed Migration accounted for more than half of the First-tier disposals in January to March 2015, with Entry Clearance Officer and Family Visit Visa appeals accounting for 21% and 8% respectively. Of the 21,398 disposals, 73% were determined i.e. a decision was made by a judge at a hearing or on the papers; 16% were withdrawn; 9% were invalid or out of time, and 3% were struck out. Rules to allow cases to be struck out⁸ were introduced following the introduction of fee charging.

Managed Migration accounted for 59% of the Upper Tribunal disposals in January to March 2015, with Entry Clearance Officer and Asylum appeals accounting for 13% and 19% respectively. Of the 1,835 disposals, 81% were determined i.e. a decision to allow or dismiss the appeal was made by a judge at a hearing; 3% were withdrawn and 16% were remitted to the First-tier Tribunal.

Of the 15,548 cases that were determined at hearing or on paper (Table 2.5) in the First-tier Tribunal in January to March 2015, 62% were dismissed and 38% allowed. For the Upper Tribunal, of the 1,478 cases determined during the same period, 71% were dismissed and 29% allowed.

There were 4,457 Immigration and Asylum Judicial Reviews disposed of in January to March 2015, of which 55% were determined and 2% were transferred to the Administrative Court.

Social Security and Child Support (Tables 2.6 and 2.7)

The Social Security and Child Support (SSCS) disposed of 30,334 cases in January to March 2015, which is a decrease of 73% on the same period in the previous year. A total of 150,928 SSCS cases were disposed of in 2014/15, which is just over a quarter (28%) of the number disposed of in 2013/14 (543,609).

Employment Support Allowance disposals accounted for 42% of the total in January to March 2015, 16% were Personal Independence Payment disposals and 11% were related to Tax Credits.

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

Of the total 30,334 SSCS disposals, 79% (23,953) were cleared at a hearing. The overturn rate⁹ for those cleared at hearing was 51%, i.e. 51% had the initial decision revised in favour of the claimant. This has increased from 41% in the same quarter last year.

The overturn rate varies by benefit type with 59% of ESA cases, 44% of Job Seekers Allowance cases and 23% of Housing/Council Tax benefit that were cleared at hearing having the original decision revised in favour of the claimant.

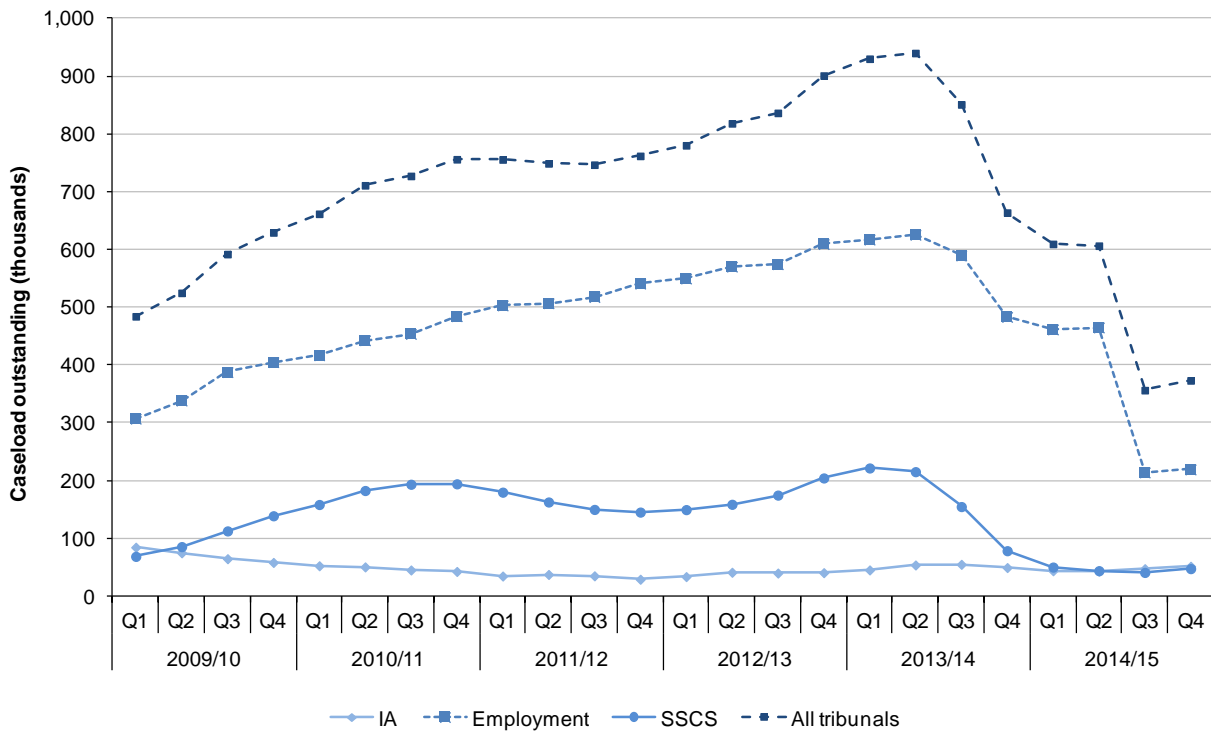
⁹ The overturn rate is the rate of decisions by the original body that are reversed.

3. Caseload Outstanding

At the end of March 2015, the caseload outstanding was 373,244. This is 44% lower than the same period last year (see Figure 6). This is driven by falls in the number of outstanding cases in the Employment and Social Security and Child Support (SSCS) jurisdictions.

The live caseload (caseload outstanding) is based on a snapshot of live cases at a specific point in time, once taken it cannot be revised or revisited. Because of this approach the caseload outstanding is currently based on a snapshot of the caseload on a specific day, and the change is not simply calculated by subtracting receipts and disposals.

Figure 6: Caseload outstanding as at the end of each quarter, April 2009 to March 2015

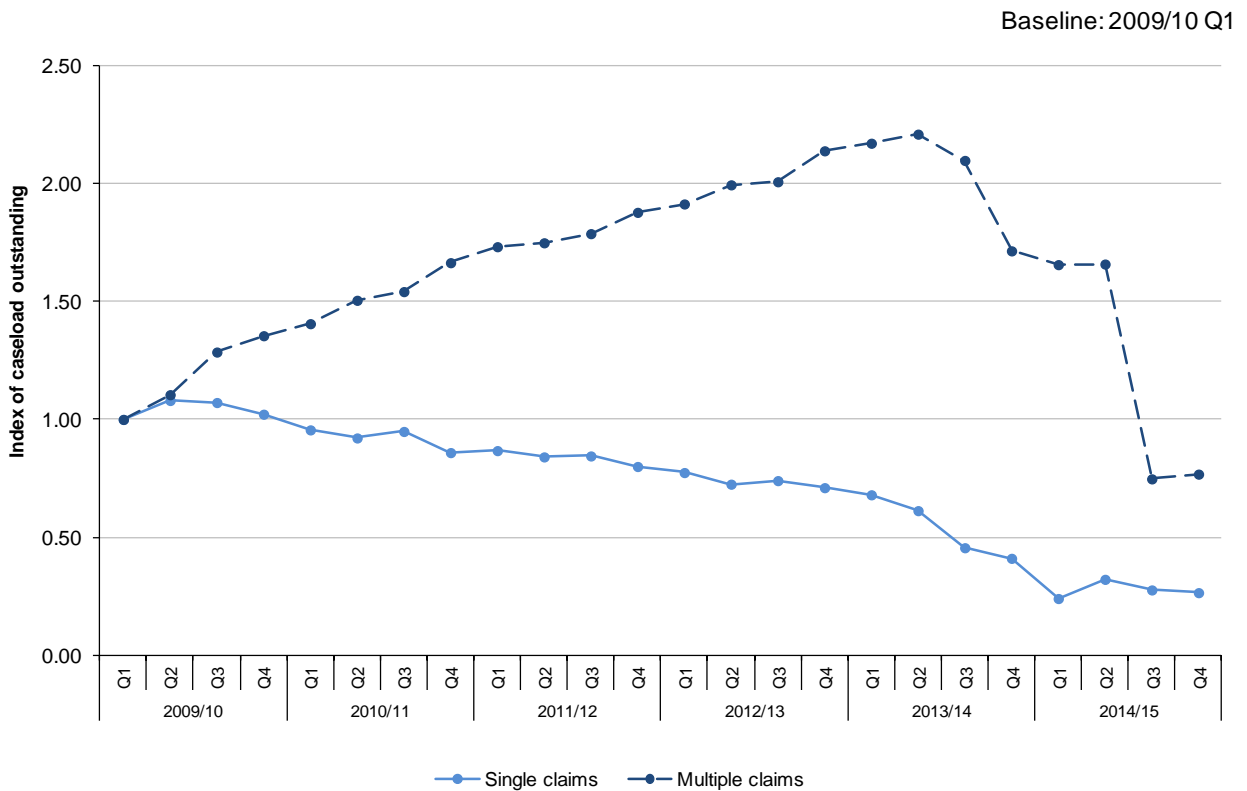


Caseload Outstanding (Table 3.1)

The majority (56%) 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. Resubmitting some large multiple claims on a quarterly basis also skews the data. Figure 7 clearly shows the increase of multiples since 2008/09; with many cases being 'stayed' and remaining outstanding in contrast to the disposal of single claims. The

decrease seen from Q2 2013/14 is mainly due to the disposal of a large number of multiple claims relating to a multiple working time regulation airline case, and those claims no longer being resubmitted as new receipts. In addition, during October to December 2014, there was a review of all Employment Tribunals cases and around 10% of existing cases were closed and removed from the outstanding caseload.

Figure 7: Index of Employment Tribunals single and multiple claims outstanding



The caseload outstanding in the First-tier Tribunal Immigration and Asylum Chamber accounted for 14% (51,411) of the overall cases outstanding and has increased by 5% compared to the same period in 2014. There was also an increase in caseload outstanding for the Upper Tribunal Immigration and Asylum Chamber of 22% in comparison to the same period in 2014.

There were 47,339 SCS cases outstanding at the end of March 2015, accounting for 13% of all cases outstanding and a decrease of 40% when compared to the same period in 2014.

4. Timeliness

This section provides information about the operation of 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 a case settles, is withdrawn or struck 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 Administrative Court), or may be legally complex.
- The measures cannot 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 at which cases were cleared.

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 average (mean). For example, for the Social Security and Child Support (SSCS) Tribunal, 75% of cases that were cleared in January to March 2015 were aged 20 weeks or less.

Figure 8: Cumulative percentage of clearances in January to March 2015, by age of case at clearance

Tribunal	25% point	50% point	75% point	Average (mean)
First-tier Tribunal Immigration and Asylum	14 weeks or less	23 weeks or less	38 weeks or less	28 weeks
Employment (single)	15 weeks or less	23 weeks or less	38 weeks or less	33 weeks
Employment (multiple)	1-2 years or less	3-4 years or less	5 years and over	199 weeks
SSCS (all)	9 weeks or less	14 weeks or less	20 weeks or less	20 weeks

Employment Tribunals

For Employment Tribunals, the timescale recorded is from the date the claim was received by the tribunal to when details of the final judgement are given. The distribution for all Employment Tribunal 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 claim at disposal in January to March 2015 was 33 weeks which is 1 week less than the same period in 2014. The mean age of a multiple claim case at disposal was 199 weeks, which is just under 4 years, up from 172 weeks in the same period in 2014. Overall, the mean age of a case at disposal in 2014/15 was 144 weeks, which is 9 weeks longer than 2013/14.

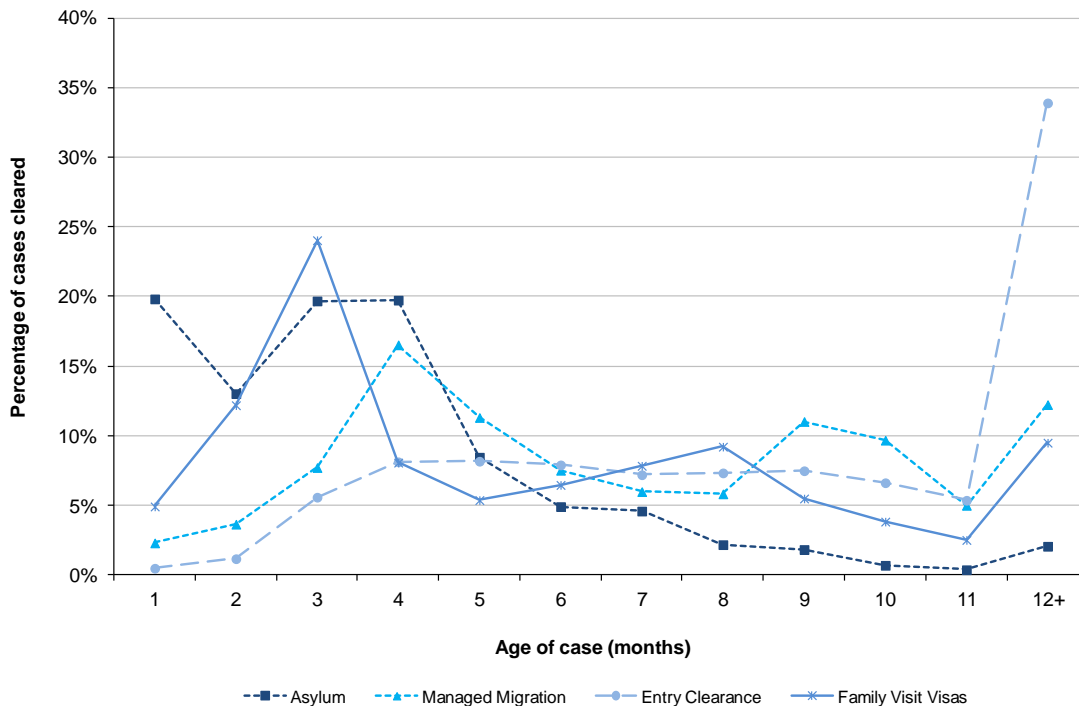
Clearances for Employment Tribunals were also examined by broad jurisdictional group. The results for January to March 2015 showed that Equal Pay cases had the longest mean clearance time of just over five years and a half years (292 weeks), while Sexual Orientation cases had the shortest average time of 38 weeks.

First-tier Tribunal Immigration and Asylum Chamber

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 28 weeks in January to March 2015, which is equal to the same period of last year.

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 January to March 2015, three quarters of Asylum cases were completed in 16 weeks or less, whereas three quarters of Entry Clearance Officer appeals were completed in 52 weeks or less. Figure 9 shows the distribution of timeliness by jurisdiction. Timeliness will also vary according to disposal method e.g. an appeal struck-out for non-payment will be disposed far quicker than a case determined at hearing.

Figure 9: Timeliness of First-tier Tribunal Immigration and Asylum Chamber, January to March 2015



Social Security and Child Support (SSCS)

For SSCS, the time is recorded from receipt by the tribunal to the time that a final decision was notified to the appellant. Of those cases disposed of by SSCS in January to March 2015, the mean age of a case at disposal was 20 weeks, 5 weeks less than January to March 2014.

From April 2013, changes to the appeal process through the Welfare Reform Act 2012 began to be introduced. There were three changes:

- Department for Work and Pensions (DWP) will reconsider all decisions before an appeal (known as mandatory reconsideration);
- appeals must be sent directly to HMCTS (known as direct lodgement);
- there are time limits for DWP to return responses to HMCTS¹⁰.

Mandatory reconsideration and direct lodgement were introduced for Personal Independence Payment and Universal Credit appeals in April 2013. On 28 October 2013, they were introduced for all other DWP-administered benefits and child maintenance cases, and for appeals

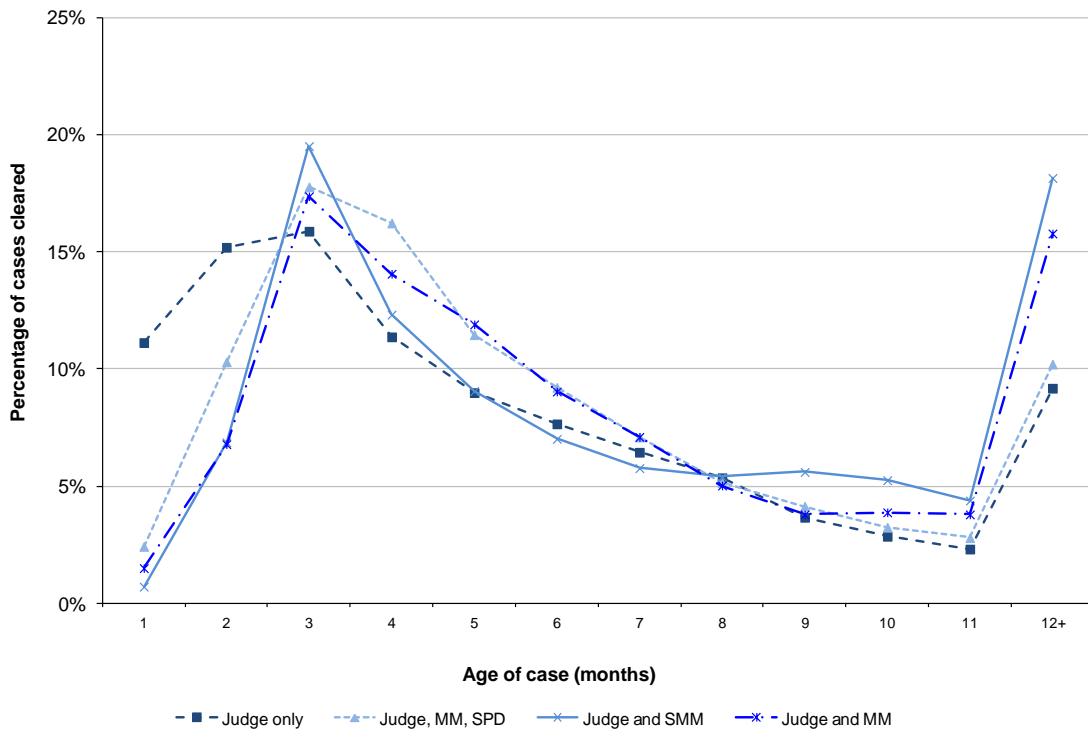
¹⁰ Introduced October 2014

against decisions made by HM Revenue and Customs (HMRC) on 1 April 2014.

Direct lodgement means that up to 28 days (42 days in child maintenance cases) is now **included in** the HMCTS processing time, as appeal responses now need to be requested from the DWP and HMRC, rather than timeliness being counted from receipt of the response. Therefore current timeliness measures are not directly comparable with timeliness before the changes were implemented.

There are several factors that can affect how long it takes for cases to be cleared including the complexity of the case, the evidence required and requests for adjournment. The composition of the Tribunal panel also varies between appeal type 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) can take less time to clear than appeals where a panel including Medical Member (MM), Senior Medical Member (SMM) or Specialist Disability Member (SPD) is required (see Figure 10).

Figure 10: Timeliness of SSCS Tribunals, January to March 2015



5. Gender Recognition Certificate Statistics

The Gender Recognition Panel (GRP) was established under the Gender Recognition Act 2004 (GRA), which enables transsexual people to change their gender legally and gain the rights and responsibilities of their acquired gender. All applications are determined by the Panel and applicants who meet the GRA's requirements are granted a Gender Recognition Certificate.

The GRP is part of Her Majesty's Courts and Tribunals Service (HMCTS) and comprises of legal and medical members, supported by an administrative team. The panel sit in private and consider the documentary evidence supplied by the applicant in support of their application to have their gender recognised.

For background information on the Gender Recognition process please refer to 'A Guide to Civil and Administrative Justice Statistics', which is available at:

www.gov.uk/government/statistics/guide-to-civil-and-administrative-justice-statistics

Applications for Gender Recognition Certificates

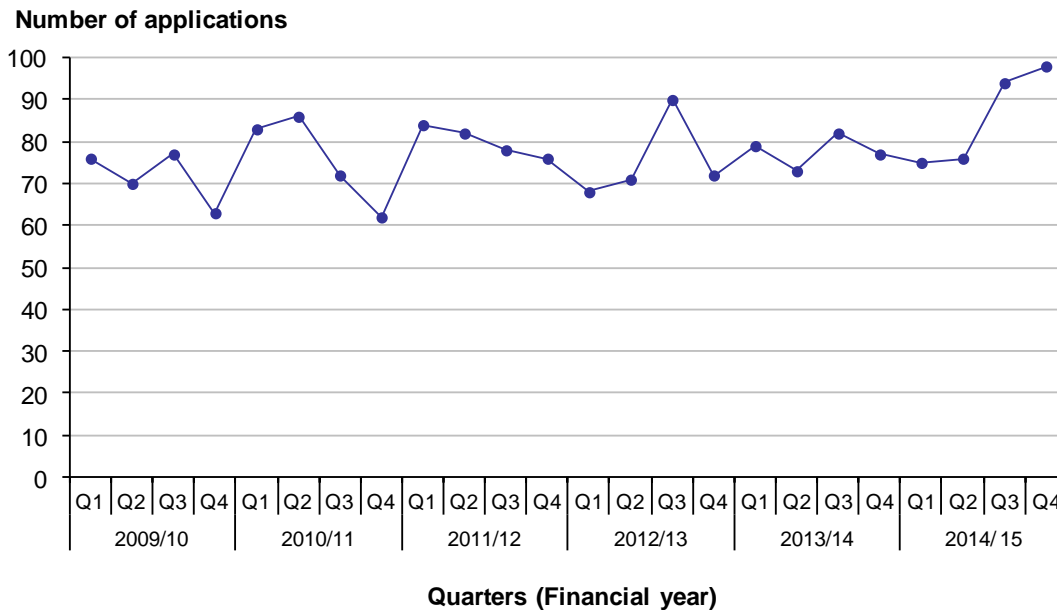
A total of 98 applications were received by the Gender Recognition Panel (GRP) in January to March 2015 (see Tables 5.1 and 5.2). This is the highest number of applications recorded in a quarter since the beginning of the series in 2009/10. The total number of applications for 2014/15 was 343, which is an increase of 10% (32) on 2013/14.

There are 3 types of application process; standard, alternative and overseas. The standard application is completed by individuals who are living permanently in the acquired gender for 2 years or more, have or have had gender dysphoria and intend to live permanently in the acquired gender. Of the total applications in January to March 2015, 82 were standard track. There were 313 standard track applications received in 2014/15, an increase of 6% (19) on 2013/14.

The alternative application track commenced on 10 December 2014 (for Scottish protected marriages and civil partnerships this date is 16 December 2014) and is completed by individuals who have lived permanently in the acquired gender for 6 years or more prior to this date and intend to continue to do so permanently, have or have had gender dysphoria or have undergone surgical to modify sexual characteristics and were in a protected marriage or protected civil partnership on or before the date of application. The alternative track is for individuals who are ordinarily resident in England, Wales and Scotland. In January to March 2015, there were 10 alternative track applications.

Finally, there is the overseas track which is for individuals whose acquired gender has been legally accepted in an approved country or territory outside the United Kingdom; 6 of the total applications in January to March 2015 were overseas track. There were 15 overseas applications in total for 2014/15, down from 17 applications in 2013/14.

Figure 11: Applications received by the Gender Recognition Panel, April 2009 to March 2015



At the end of March 2015, a total of 115 applications were in progress awaiting final resolution, some of which are from earlier periods. This has more than doubled since the same period last year.

Initial outcome of applications (Table 5.1)

A total of 79 applications were disposed of by the GRP during the period January to March 2015, whereby a decision had been taken to grant either a full or interim Gender Recognition Certificate (GRC), the applicant was refused or withdrew their application, the applicant didn't pay the fee, or there was an error in the application process. The total disposals for 2014/15 was 284, 23% (87) fewer than 2013/14.

Of the applications disposed of in January to March 2015, a full GRC was granted in 73 cases (92% of the total, see Figure 12), reflecting a 9% increase on January to March 2014. There were 244 full GRCs granted in 2014/15, 23% (74) fewer than in 2013/14. In these cases the person was judged by the GRP to have satisfied the criteria for legal recognition in their acquired gender. The proportion of cases where a full GRC was granted has been largely stable over the last five years.

There were 2 cases where an interim GRC was granted in January to March 2015 and 9 interim GRCs granted overall in 2014/15, which is just over half the amount issued in 2013/14. Interim certificates are granted to applicants who meet the criteria for gender recognition, but who:

- are not eligible to remain married following their gender recognition because they were married under the law of Northern Ireland or
- are eligible but either they and/or their spouse have decided that they do not wish to remain married after the issue of their full Gender Recognition Certificate or
- are in a protected civil partnership¹¹ or Scottish protected civil partnership¹², where only one partner has applied for gender recognition (or where both have applied and only one is successful) or
- are in a civil partnership but one which is not a protected or Scottish protected civil partnership.

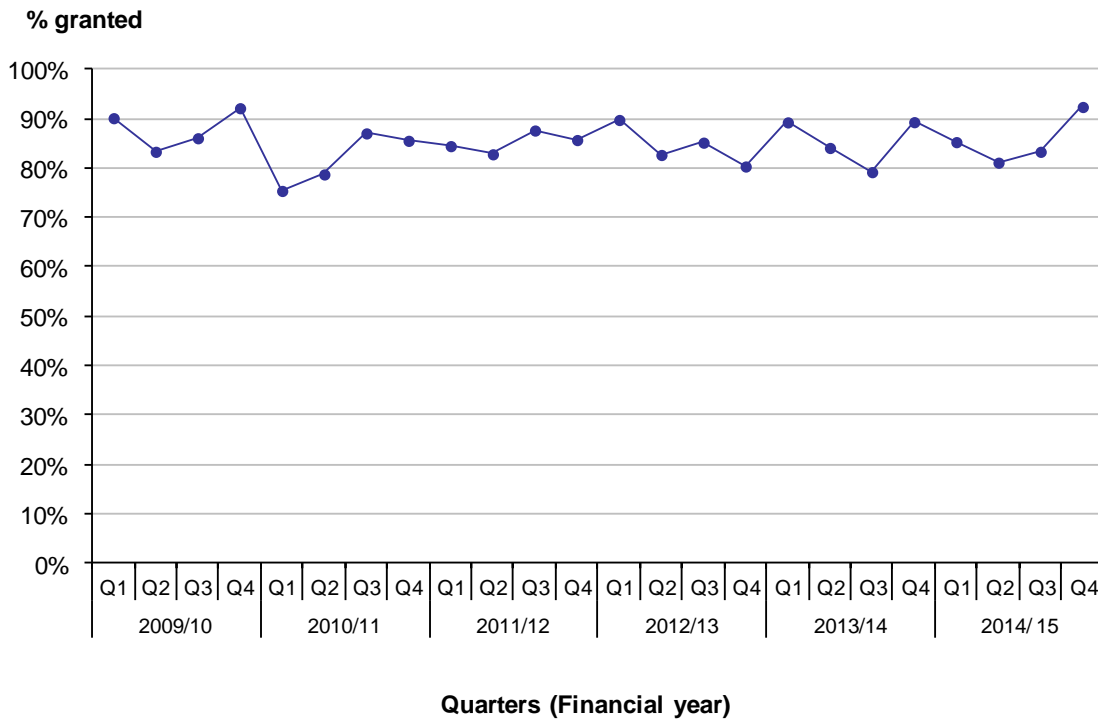
In these circumstances, once the successful applicant has ended their marriage or civil partnership, they can then be issued a full GRC.

No fee was paid for 3 applications in January to March 2015 and 1 application was refused.

¹¹ **Protected civil partnership:** means a civil partnership under the law of England and Wales. It would include a civil partnership contracted on UK consular premises or on an armed forces base, where the couple elected England and Wales as the relevant part of the UK.

¹² **Scottish protected civil partnership:** is a civil partnership registered in Scotland. It would include a civil partnership contracted on UK consular premises or on an armed forces base, where a couple elected Scotland as the relevant part of the UK.

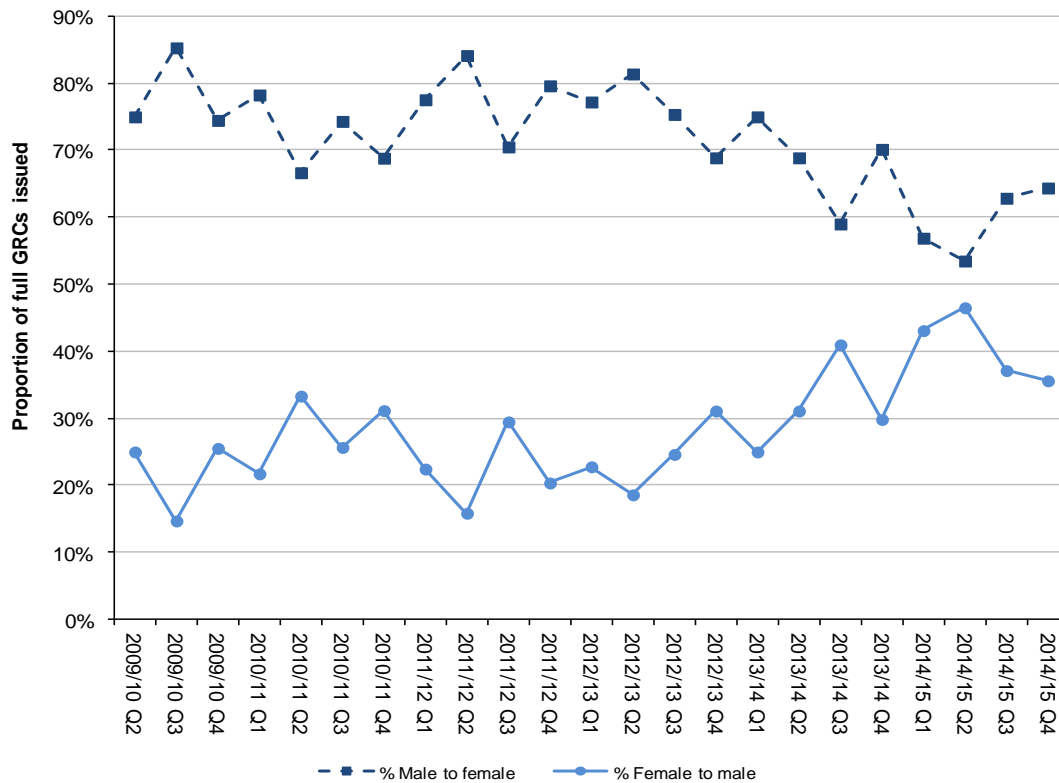
Figure 12: Proportion of applications dealt with where a full Gender Recognition Certificate was granted, April 2009 to March 2015



Gender Recognition Certificates granted – demographic statistics (Table 5.4)

Of the 73 full GRCs granted in January to March 2015, 47 (64%) were granted to individuals who were registered male at birth (who thus became legally female as a result). The remaining 26 (36%) were granted to individuals who were registered female at birth. Overall, the proportion of GRCs granted to individuals registered male at birth in 2014/15 was 60% (147), compared to 69% (220) in 2013/14.

Figure 13: Full Gender Recognition Certificates granted, July 2009 to March 2015, by gender

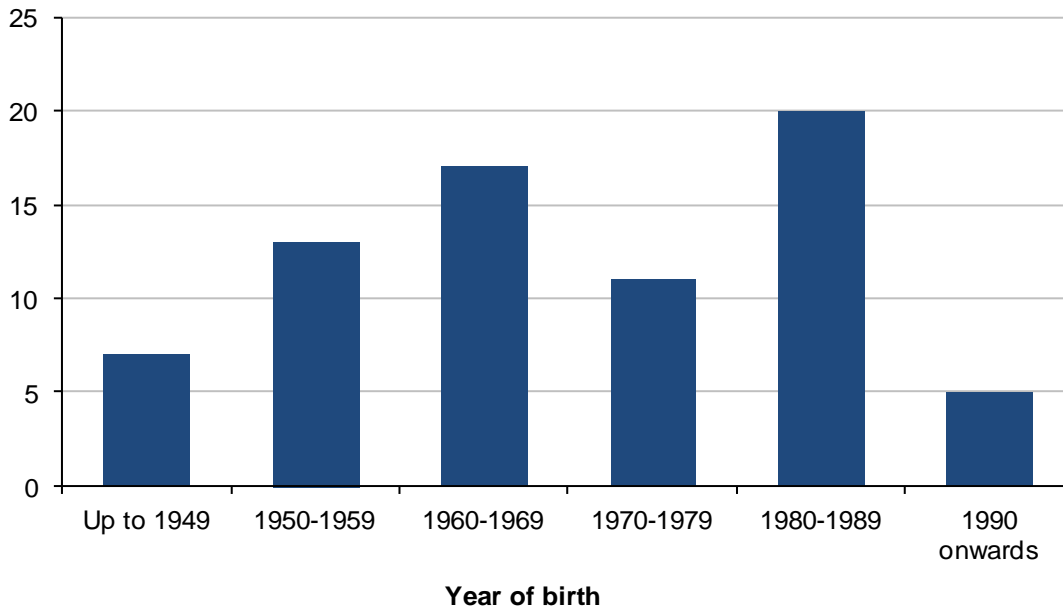


Full GRCs were granted to applicants of a range of ages. In January to March 2015, the highest number of certificates was granted to applicants born between the years 1980-1989 (see Figure 14). Overall, this age group had the highest proportion of certificates granted (27%) in 2014/15, whereas in 2013/14 the highest proportion of applicants who were granted a full GRC (27%) were born between the years 1960-1969.

The introduction of the Marriage (Same Sex Couples) Act 2013 and the Marriage and Civil Partnerships (Scotland) Act 2014 changed the law in England & Wales and Scotland, meaning it is now possible for some married applicants to remain married while obtaining gender recognition. Prior to December 2014, if an applicant was married or in a civil partnership, they had to annul or dissolve the marriage/civil partnership before being granted a full GRC. Information about applicants' marital status is available for the first time this quarter. Of the full GRCs granted, 10 (14%) applicants were married and 63 (86%) were single.

Figure 14: Full Gender Recognition Certificates granted in January to March 2015, by year of birth

Number of certificates granted



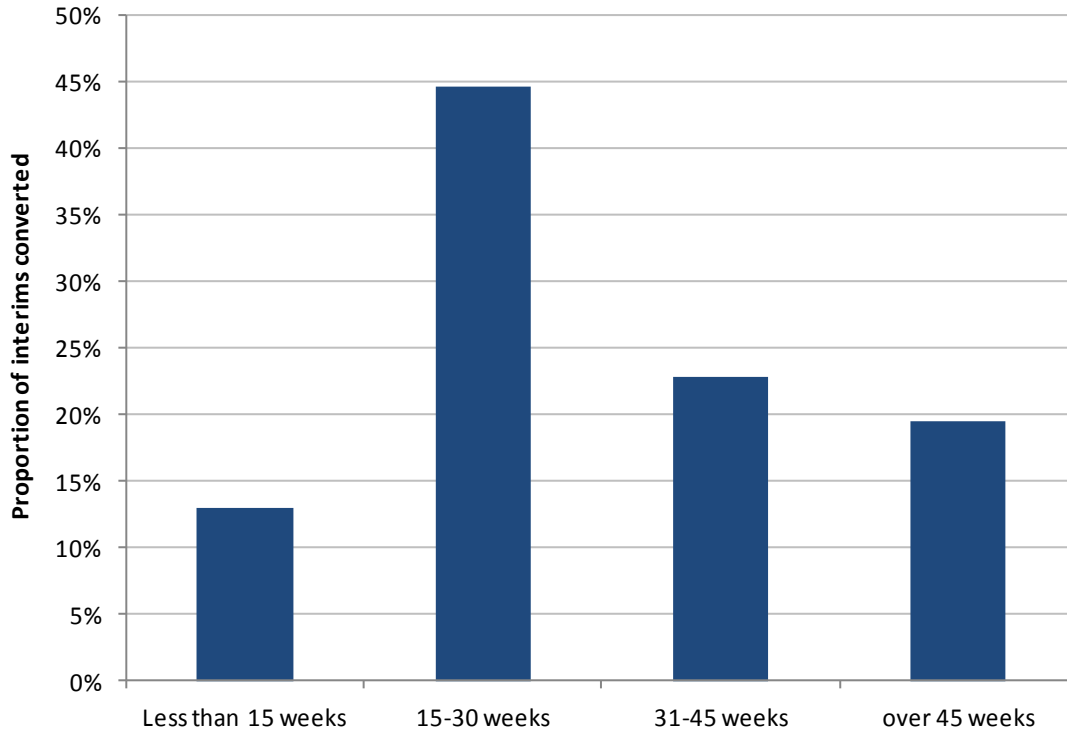
Conversion of Interim to Full Gender Recognition Certificates

This analysis looks at the conversion of interim to full GRCs. The timeliness figures are based on cases where full details of the dates are available.

Between 1 April 2005 and 31 March 2015 there were 183 interim certificates issued by the GRP (see Table 5.5). As of 31 March 2015, 67% of these had been converted to a full GRC. Please note this proportion may change in subsequent periods as more data become available.

For those people who converted interim certificates to full certificates, the majority (45%) of people converted within 30 weeks.

Figure 15: Time for conversion from interim to full Gender Recognition Certificates between April 2005 and 31 March 2015



6. Adjudgments and postponements

Throughout the Tribunal process a case may be adjourned or postponed. Individual tribunals brought with them their legacy systems when they joined HMCTS, some of which are not set up to collate this data.

- An adjournment is 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).
- A postponement is where a case is taken out of the list, prior to the commencement of the hearing – parties to an appeal can apply to the to have the hearing postponed but it is the Tribunals decision as to whether such an application can be granted. The Tribunal can also postpone a case on its own volition.

In 2014/15 there were a total of 44,910 adjournments¹³, a decrease of 52% on the previous year. This is driven entirely 65% decrease in SSCS adjournments from 77,931 in 2012/13 to 27,381 in 2014/15.

There were 28,159 postponements in 2014/15, which is down 50% on the previous year. This was driven by a 66% decrease in the number of SSCS postponements from 44,021 in 2013/14 to 14,925 in 2014/15.

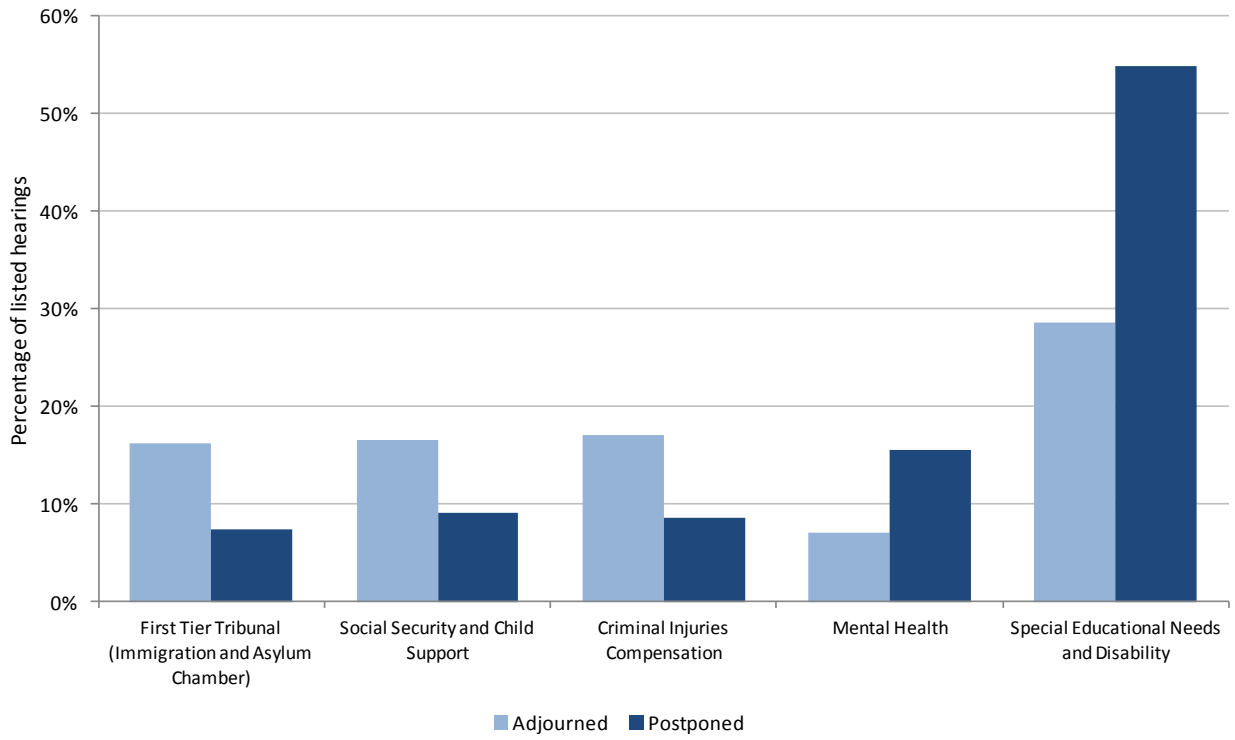
The reduction in SSCS adjournments and postponements mirror the downward annual trend in SSCS Tribunal receipts (see section 1).

The rates of adjournments and postponements also vary by jurisdiction. For example, in 2014/15, 7% of Mental Health hearings were adjourned compared with 29% for Special Educational Needs and Disability (SEND). The jurisdiction with the largest proportion of postponements was SEND, where 55% of listed hearings were postponed. The smallest proportion of postponements in 2014/15 was in the First-tier Tribunal Immigration and Asylum Chamber, where 7% of listed hearings were postponed.

Most jurisdictions have higher rates of adjournments than postponements, apart from Mental Health and SEND.

¹³ Covering the following jurisdictions: First-tier Tribunal (Immigration and Asylum Chamber), Upper Tribunal Immigration and Asylum Chamber, Social Security and Child Support, Criminal Injuries Compensation, Mental Health and Special Educational Needs and Disability

Figure 16: Adjournments and postponements by jurisdiction, 2014/15



7. Tribunal Judicial Salaried and Fee-paid sittings by Jurisdiction

This section presents information on the number of sittings by tribunal judges. Sittings are divided into two categories;

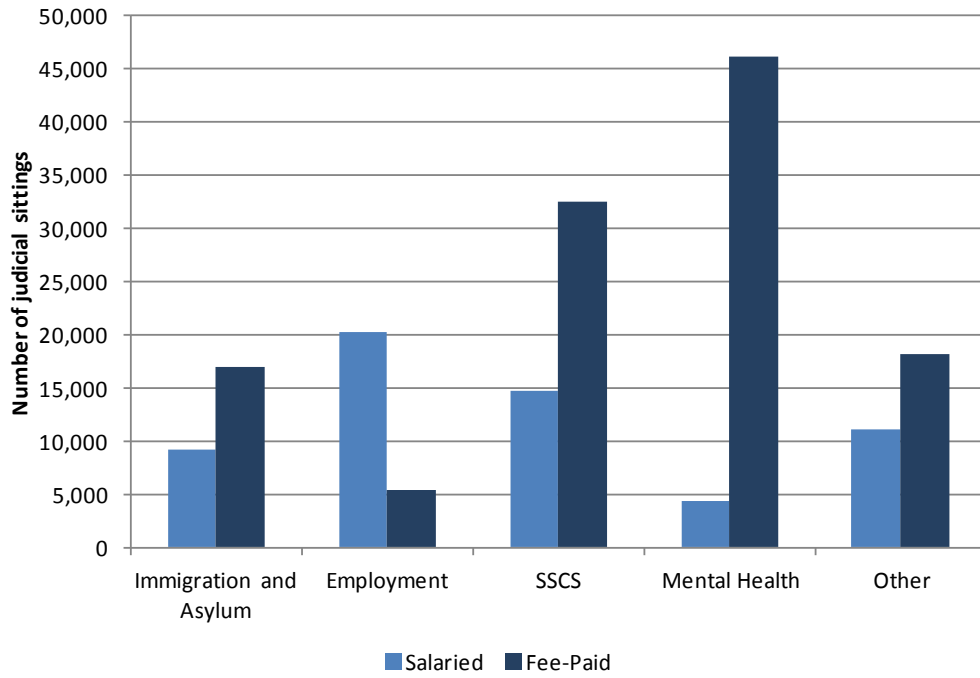
- Fee paid sittings relate to those sittings counted by tribunal judges who are only paid for the days they work, and therefore charge a fee for their time. Judges are paid per sitting (half day/whole day) and not according to individual cases.
- Salaried sittings relate to those days counted by tribunal judges who are paid an annual salary for their work.

In 2014/15 there were 178,616 sittings recorded across all tribunals, 67% of these were fee paying days and the remaining 33% were salaried days. There was a 29% (73,431) decrease in the overall number of judicial sittings in 2014/15 compared to the previous year. There was a decrease of 36% (67,972) on the number of fee-paid sittings and a decrease of 8% (5,458) on the number of salaried sittings compared to 2013/14.

Previously the proportion of fee-paid sitting days has been higher, for example in 2013/14 the proportion of fee-paid to salaried sitting days was 74% to 26%. This shift in proportions has been led by a reduction of the SSCS fee-paid sitting days from 102,118 (87%) in 2013/14 to 32,554 (69%) in 2014/15. This may be attributed to reduction in volume of cases due to the introduction of changes to the appeals process through the Welfare Reform Act 2012.

Out of the total 178,616 sittings in 2014/15, the largest number of sittings for a single jurisdiction was for Mental Health (50,466), accounting for 28% of all judicial sittings recorded (see Figure 17).

Figure 17: Tribunal Judicial Salaried and Fee-paid sittings by Jurisdiction, 2014/15



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 in future publications.

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 Civil and Administrative Justice Statistics**:

<https://www.gov.uk/government/statistics/guide-to-civil-and-administrative-justice-statistics>

Differences with Home Office statistics

Asylum appeals data published by Home Office Migration Statistics are sourced from the Home Office Case Information Database (CID) and relate to main asylum applicants at the First-tier Tribunal Immigration and Asylum Chamber. Records on the database are updated from record-level data provided by HMCTS, who produce similar statistics for main appellants. This procedure provides consistent data across all datasets relating to asylum published in the release Immigration Statistics, but it is different from those published by The Ministry of Justice.

The Ministry of Justice published statistics provide counts of principal appellants sourced from the HMCTS database. Within these statistics there tend to be higher numbers of principal appellants than main asylum applicant appeals because:

- 1) HMCTS has a wider definition of asylum appeals, including some human rights cases and appeals on extensions of asylum, humanitarian protection and discretionary leave; and
- 2) Principal appellants include some individuals classed as dependants by the Home Office.

The Home Office statistics on immigration and asylum appeals at First-tier Tribunal and subsequent stages are available from:

www.gov.uk/government/collections/immigration-statistics-quarterly-release

Revisions

As part of an annual data reconciliation exercise, all data for 2014/15 has been refreshed and figures revised accordingly.

Historical disposal figures for Social Security and Child Benefit were revised in October to December 2014 (Tables S.1, 2.1, 2.6 and 2.7). Investigations into the methodology used within the Social Security and Child Benefit Database established that there were some cases that had been double counted - cases that had been Withdrawn or Struck Out prior to hearing but subsequently reinstated and cleared at hearing. This has now been corrected and the disposal numbers revised.

All Upper Tribunal Immigration and Asylum Chamber (UTIAC) Judicial Review figures were revised in October to December 2014; historical figures previously only included cases which took place in London and excluded cases which took place in regional courts.

From 2014, new information has been included on the UTIAC; all relevant totals have been revised accordingly. This is usually around 2,000 receipts and disposals per quarter, or one per cent of the total tribunals' workload. Totals have been revised back to 2010/11 when the UTIAC was created.

Explanatory Notes

Notation

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

: = Not available

~ = Figures too small to give meaningful calculations

0 = Nil

(r) = Revised data

Spreadsheet files of the tables contained in this document are also available to download along with csv files of historical information.

Annex B: Tribunal and Jurisdiction List

In the accompanying tables a full list of Tribunals and Jurisdictions is given (Table B.1), alongside the date they were created or, if applicable, what they were formally known as and the date in which they changed.

Annex C: Monthly and Regional Employment Tribunal Receipts

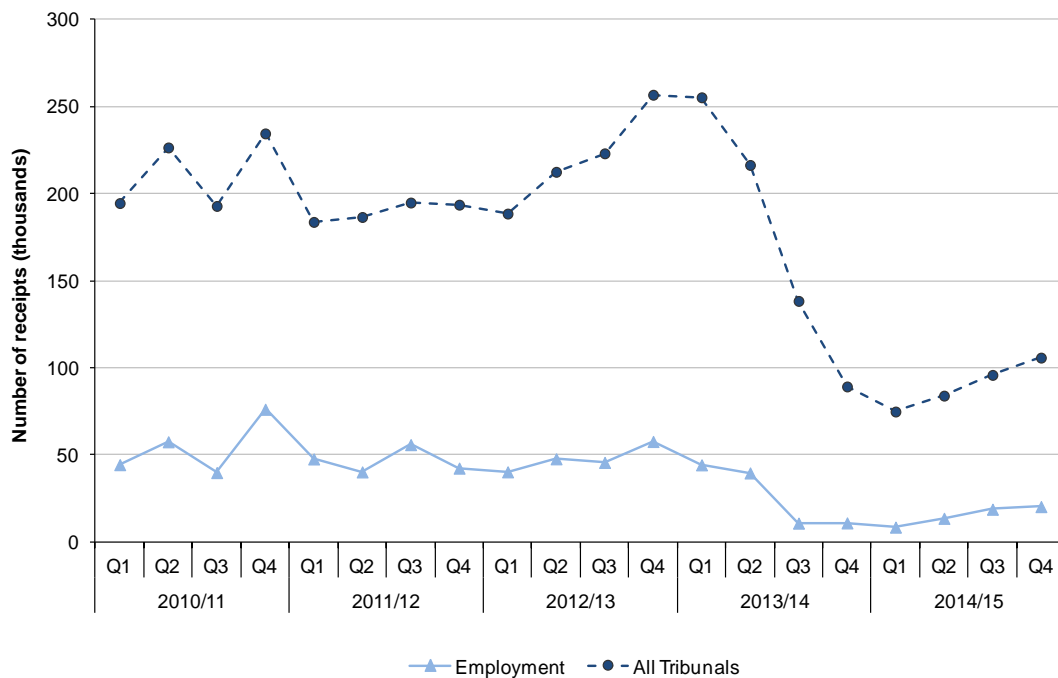
This information is additional management information that has been drawn from a live administrative system managed by HMCTS. The data presented in this report include historical information at the regional level, with a monthly breakdown. This information was a bespoke extraction for the purpose of this report.

Trend in Employment Tribunal Receipts

In 2012/13, the Employment Tribunal received on average 48,000 new claims per quarter, which declined to an average of 26,500 in 2013/14. The average of new claims per quarter in 2014/15 was 15,300, showing a further decline in volume of claims over the financial year.

The number of receipts was the lowest on record since 2009/10 in Q1 of 2014/15 and has since increased gradually throughout the financial year. Figures for January to March 2015 show there were 20,333 new claims.

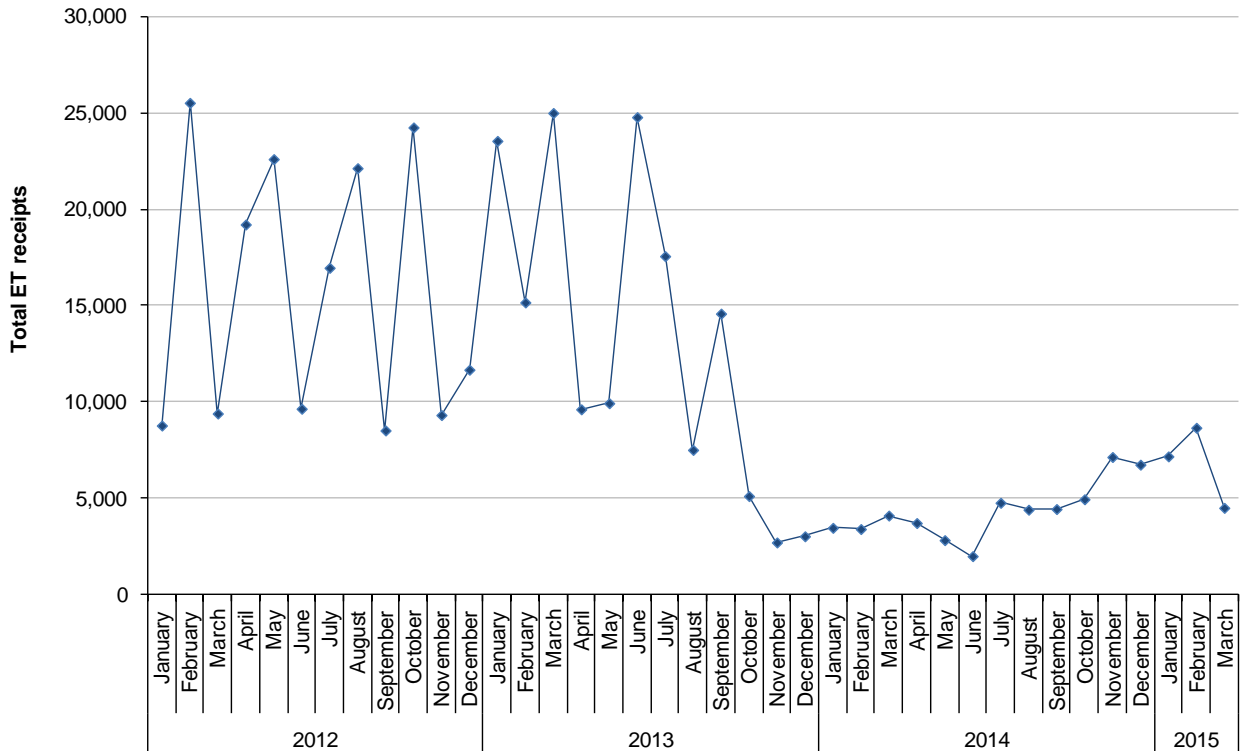
Figure 1: Employment Tribunal Receipts (quarterly), April 2010 to March 2015



This Annex also includes a monthly breakdown from January 2012 to March 2015 (Figure 2). This shows that the data are volatile and can change dramatically from month to month. Please note these data include both single and multiple claims.

Following the introduction of fees on 29 July 2013, there are 19 months of data available post fees (August 2013 to March 2015). Users are advised that a claim is not considered as accepted until the fee is paid, or remission granted, which may increase the time it takes to enter cases onto the system.

Figure 2: Employment Tribunal Receipts (monthly, January 2012 to March 2015)



Single and multiple claims

Employment Tribunal receipts can be broken down into single and multiple claims. Figure 2 above shows the total number of receipts, but this is not the same as the number of cases (where a number of multiple receipts can be counted as one case as they are bought against one employer¹⁴ by a number of people).

1. Single cases

A single case and single claim is the same thing, they involve one individual bringing a claim against an employer. In effect the alignment of case to claims is 1:1. Data shows that the number of single cases was volatile from April to October 2012, after October 2012 they began to gradually decrease from nearly 5,000 in October 2012 to just under 4,000

¹⁴ Occasionally, more than one employer can be involved.

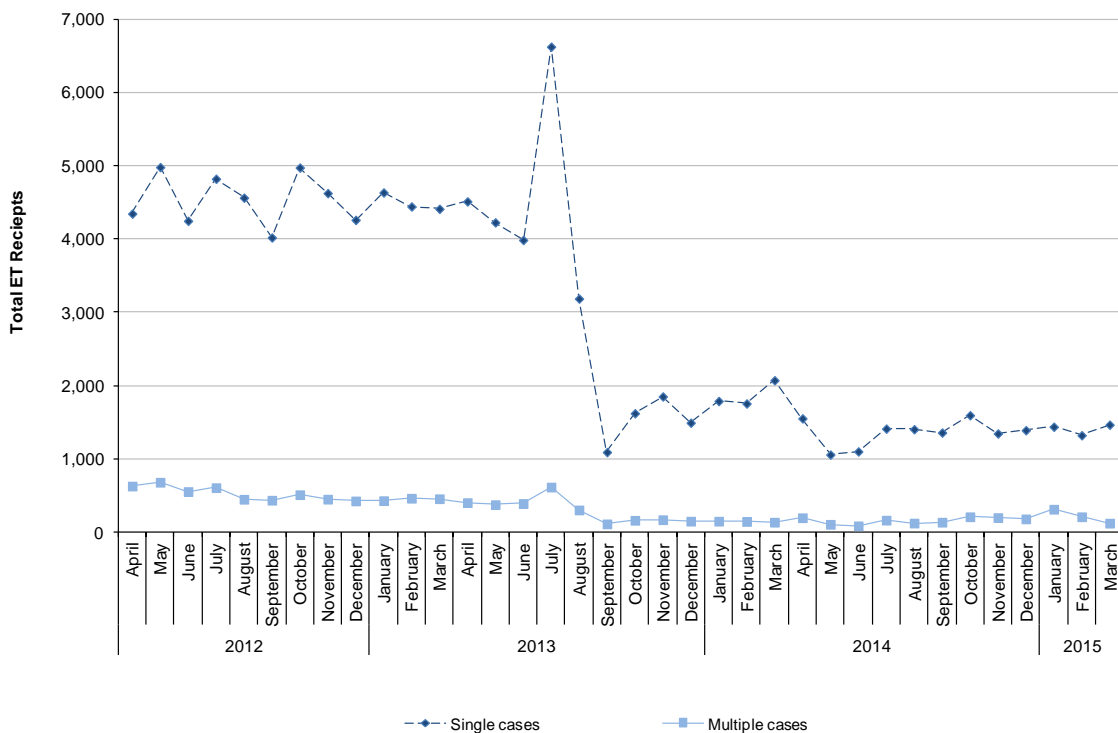
in June 2013. The number rose to just over 6,500 in July 2013, possibly as more claims were submitted prior to the introduction of fees. The number of single cases then fell sharply to 1,000 cases in September 2013, and averaged around 1,500 cases between October 2013 and March 2015.

2. Multiple claims cases

Multiple claims that are grouped, processed and managed together are called, collectively, a multiple claims case. Within a multiple claims case there will be two or more claims presented by individuals against a common employer (or, in some circumstances, employers). The alignment of case to claims is one to many, where a multiple claims case could range from two individual claims to over 100, or even 1,000. Typically employment receipts show the number of individual *claims*, not *cases*, which can result in a lot of volatility (see Figure 2).

When looking at the number of multiple claims cases, regardless of the number of individuals involved, there is a broadly flat trend from August 2012 to June 2013. There is an increase in multiple claims cases for July 2013, up 57% compared to June 2013, again possibly due to people wishing to submit cases before the introduction of fees. There is then a decline in cases in September 2013 and an average of 169 cases per month since then (see Figure 3).

Figure 3: Single and multiple claims cases (April 2012 to March 2015)



As the number of multiple claims cases has been broadly flat for a number of months the volatility seen in the monthly data must be due to the number of people (or claims) involved in each multiple claims case. The volatility seen in the monthly data is due to the variation in the number of individuals involved in multiple claims cases.

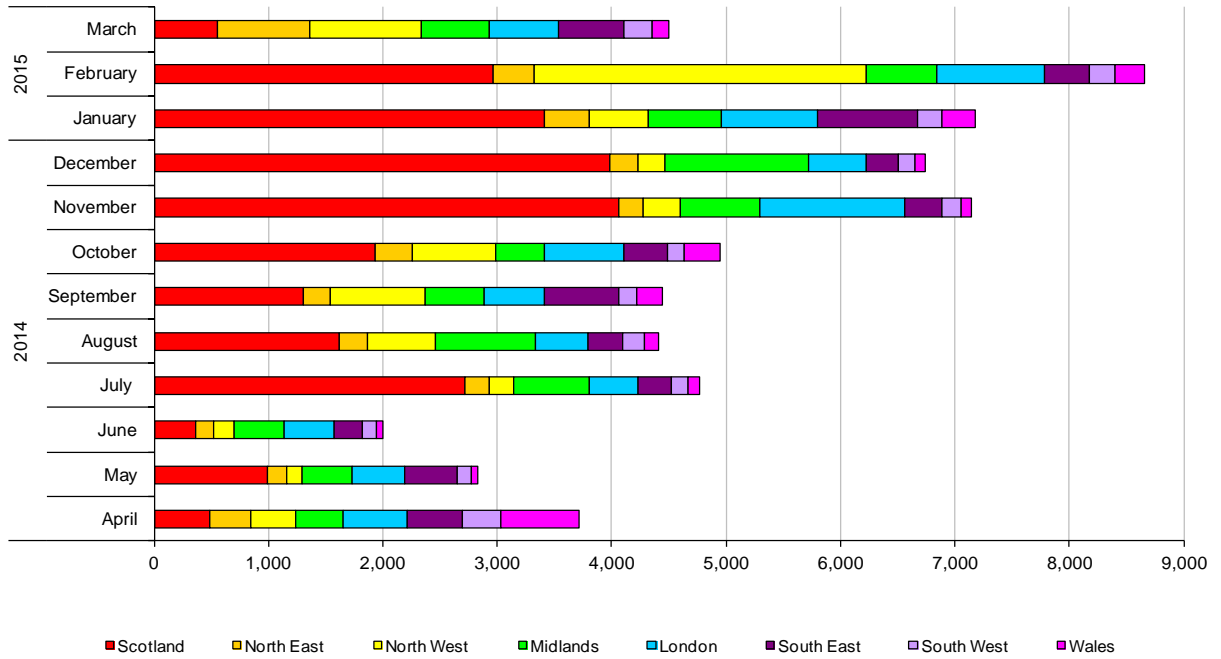
Users are advised that these figures need to be treated with extreme caution for two reasons:

1. All figures after January 2012 have been re-extracted from the administrative data system for this publication. As such these figures have not been through the same Quality Assurance process as the Official Tribunals Statistics publication.
2. Under the business processes to facilitate fee-charging, a claim is not entered onto the internal case management system from which statistical data are extracted until the relevant fee is paid or remission application granted. This means there may be a number of claims presented post July 2013, but formally accepted at a later stage (for example after a remission application is granted). Please see annex D for more information and figures on employment tribunal fees.

Employment Tribunals claims by region

Claims can be submitted online or to an Employment Tribunal Office. Once a claim is received and acknowledged by HMCTS, it is recorded on the case management system and case managed through, ultimately, to disposal (for example, by listing for a hearing before the tribunal). The geographical data below relates to where the case was submitted and heard by the Tribunal panel, in most cases this will be the same location as the employer or the party that bought the claim.

Figure 4: Claims by region (April 2014 to March 2015)



Data Quality and Limitations

There are a number of issues for users to be aware of when considering these data.

- The monthly data for employment tribunal receipts shows a great deal of volatility. As such the figures should be treated with caution. Early analysis suggests this volatility is driven by the number of individual people involved in multiple claims cases.
- The monthly and regional data breakdowns in this report are not routine and have been extracted specifically to produce Annex C; as such it is provisional and subject to revisions.
- The data have been extracted from a live administrative database in November 2014, and as such historical monthly data may aggregate to different figures to those already published. This will be reconciled at a later date.
- The introduction of fees may have resulted in a longer time lag for claims to be entered onto HMCTS' case management system, ETHOS. This is because claims are now not entered onto ETHOS until the fee has been paid or a remission has been granted. This means that data are likely to be revised upward in subsequent months.
- Figures may vary from previously published figures for a number of reasons, including:
 - revision to the administrative system, including claims being entered onto the system outside of the month they were lodged;
 - submission or re-submission of large numbers of multiple claims;
 - multiple claims disbanding and being re-submitted as single claims or vice-versa;
 - claims being re-submitted with a different jurisdictional breakdown and,
 - Additional information received from the tribunals that had not been entered onto the ICT system at the time of extraction.

Annex D: Experimental statistics

Employment Tribunal Fees

Introduction

Fees were introduced for claims submitted to an Employment Tribunal on or after 29 July 2013. Claimants pay two separate fees: the first to issue the claim and the second to have it heard. The fee levels vary according to the nature of the claim. Respondents may also pay fees for a number of applications they may make although these are far less common.

Claims can be separated into two distinct types, each attracting a different fee. 'Type A' claims tend to be more straightforward, and so have a lower fee. These include claims about unpaid wages, payment in lieu of notice and redundancy payments. 'Type B' claims involve more complicated issues, and therefore attract a higher fee. These types of claim tend to be those involving unfair dismissal or discrimination complaints.

Single claim cases have standard fees associated with them, whereas multiple claim cases have different fees depending on the number of claimants they contain. The fee levels for different case types are outlined in Figure 1.

When a claim (either single or multiple) has more than one jurisdictional complaint and at least one of the complaints is a Type B, a Type B fee is payable.

Figure 1: Fee levels in single and multiple cases

Single cases	Type A	Type B	
Issue fee	£160	£250	
Hearing fee	£230	£950	

Multiple cases	Number of claimants		
	2-10	11-200	Over 200
Type A			
Issue fee	£320	£640	£960
Hearing fee	£460	£920	£1,380
Type B			
Issue fee	£500	£1,000	£1,500
Hearing fee	£1,900	£3,800	£5,700

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 associated fees for the Employment Appeal Tribunal are £400 to issue the appeal and £1200 to have it heard.

Fee remission

Claimants for both single and multiple claims may qualify for a fee remission depending on their circumstances, and this may cover whole or part of the fee. Fee remission may also be awarded for Employment Appeal Tribunal fees.

Separate remission applications must be submitted for the issue and hearing fees. Claimants in receipt of certain benefits (including income support and income-based jobseeker's allowance) are entitled to full remission. Full or partial remissions may also be granted depending on the claimant's gross monthly income. Remission applications may be unsuccessful for a number of reasons, such as if they do not meet the remission award criteria or if insufficient evidence is provided.

Data sources and key caveats

The statistics in this annex are classified as experimental because the data and analyses are in a developmental stage. Additional analyses will be carried out to assess their quality and that of the administrative system the data are extracted from. The statistics are still subject to testing in terms of their volatility and ability to meet customer needs and they do not yet meet the rigorous quality standards of National Statistics.

However, it is our view that the experimental statistics have considerable immediate value to users. Since the introduction of fees for Employment Tribunals, there has been a significant user demand for related statistics - the Ministry of Justice has received a high number of both parliamentary questions and requests under the Freedom of Information Act on this subject. This annex has also been included to invite feedback from the public about what information regarding Employment Tribunal fees is of specific interest. For feedback on the Employment Tribunal Fees chapter, please email statistics.enquiries@justice.gsi.gov.uk.

The data on fees and remissions is sourced from the online Employment Tribunal Fees administrative system, which is used for case management and the processing of remission applications and fee payments.

It is not currently possible to identify when single claims are subsequently grouped into multiple claim cases. These cases have associated single

issue fee requests but will appear not to progress past the issue fee stage, even though it is possible they have had a multiple case hearing. This may partially account for difference between the number of fees paid/remissions granted and the numbers of hearing fees requested for single cases.

The previous edition of this experimental annex gave workload figures for the fees paid, remission applications and remissions granted stages. This edition uses case progression statistics, therefore, the fees paid/remission applications submitted/remissions granted in a given quarter do correspond to the fee requests in that same quarter. As a result of this, the figures in this publication may vary slightly from those previously published.

Characteristics

Users of the online Employment Tribunal fees system are asked to complete an optional characteristics questionnaire and the results of these are covered in the statistics below. The figures in this section only cover single case claimants since the questionnaire was not available for all the individual claimants in multiple claim cases. In 2014/15, 34% of single case claimants responded to the questionnaire, which is 31% of all claim fee requests in this year (when also including multiple cases). The figures in this section should be used with caution, as they are based on only a sub-set of those who have used the service and we cannot verify whether respondents are representative of all users of the online ET fees system. Due to the low response rate to the questionnaire the numbers are small for certain characteristic groups and therefore have been presented on an annual basis.

Results

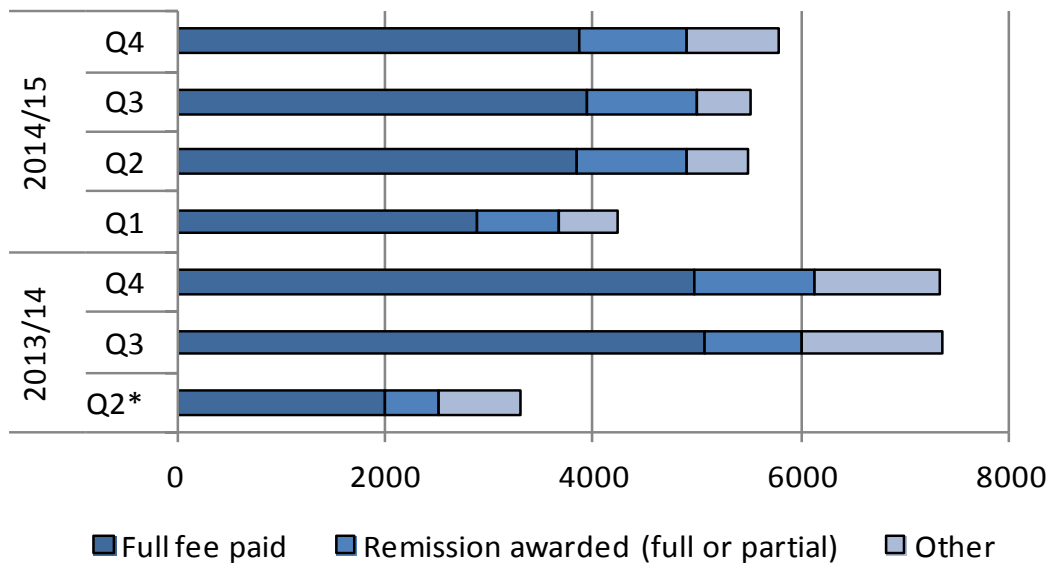
The following results are based on initial analysis of the progression of cases through the Employment Tribunal fees system, for each quarter since the introduction of the fees on 29 July 2013 up to March 2015.

Initial findings

Issue fee (Table D.1)

Before a claim will be considered, the relevant issue fee must be paid. Figure 2 shows the total number of cases submitted to the Employment Tribunal website since 29 July 2013. It shows the number of cases where a full issue fee was paid or a full or partial remission was awarded. The 'other' category includes cases where an issue fee was expected¹⁵ but there is no record of a subsequent payment or remission. These figures include both single and multiple claim cases, and cover type A and type B claims.

Figure 2: Number of Employment Tribunal issue fees by outcome, 29 July 2013 to 31 March 2015



* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29th July 2013.

In the financial year 2014/15, there were 21,027 cases on which an issue fee was expected. Of these, 14,510 (69%) cases had the full issue fee paid outright whilst 3,942 (19%) cases were awarded either a full or partial

¹⁵ An issue fee is required when applicant submits a completed claim unless a remission application is made.

issue fee remission. For the remaining 2,575 (12%) cases, it appears that the claim was not taken further. It is possible that some of these cases are yet to progress through the system. However, additional analyses are required to confirm the specific outcomes of these issue fee requests. In those cases where the issue fee was fully paid it took on average around 4 days for the payment to be made in 2014/15.

For single claims, the vast majority of issue fee remissions awarded were full remissions - partial fee remission accounted for only around 6% of all remissions awarded during 2014/15. Due to data limitations, it is not currently possible to identify the proportion of partially remitted issues fees for multiple claim cases. Table D.1 (in the accompanying tables) gives a breakdown of the issue fees by type. In the financial year 2014/15, around three quarters (75%) of those claimants who paid the issue fee in full had Type B claims. A similar proportion, 84%, of issue fees awarded either a full or partial remission were for Type B claims.

Single cases account for the majority of claims with either full issue fee payment or those awarded a remission in 2014/15 (90% and 98% respectively).

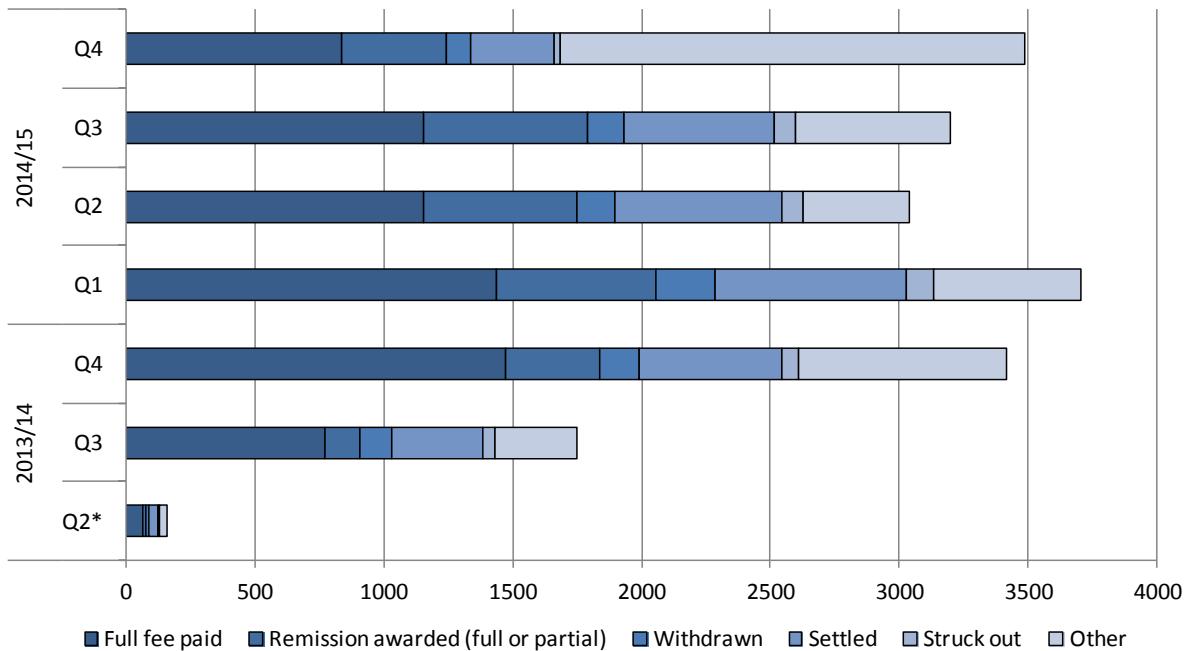
Hearing fee (Table D.2)

Figure 3 shows the total number of hearing fee requests made each quarter and of those, the number where the fee was fully paid, a full or partial remission was awarded and those that were subsequently withdrawn, struck out or settled before being heard. Cases may have also been withdrawn, struck out or settled before reaching the hearing fee stage, but these are not currently recorded in the system. The 'other' category includes cases where a hearing fee was requested¹⁶ but there is no record of a specific outcome. Figure 3 covers requests for hearing fees for both single and multiple claim cases of both Type A and Type B.

In 2014/15, there were 13,425 hearing fees requested – at the time the data was extracted 4,581 (34%) requests had the full hearing fee paid outright and 2,251 (17%) had been awarded either a full or partial remission. A further 618 (5%) were subsequently withdrawn, 2,295 (17%) settled before reaching a hearing and 296 (2%) were struck out. For the remaining 3,384 cases, there was no specific outcome recorded. This may be in part due to some cases not yet progressing through the system, as the most recent quarter shows the biggest proportion in the 'other' category.

¹⁶ A hearing fee is payable only if the case is listed for hearing.

**Figure 3: Number of hearing fees requested by outcome;
29 July 2013 to 31 March 2015**



* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29th July 2013.

Table D.2 also gives a breakdown of the hearing fee requests by type. In the financial year 2014/15, 74% of cases where the full hearing fee was paid were for Type B. Type B cases also accounted for the majority (92%) of requests for hearing fees awarded a remission (either full or partial) and also accounted for the majority of cases that were settled, withdrawn or struck out (84%, 85% and 74% respectively).

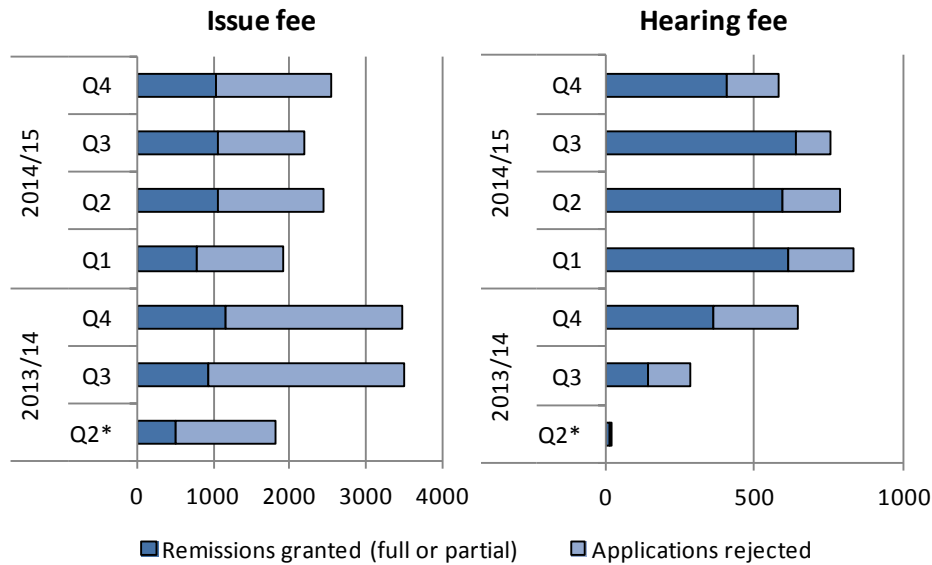
As with issue fees, single claim cases accounted for the majority of cases with either full hearing fee payment or those awarded a remission (94% and 99% respectively). The majority of the single case hearing fee remissions awarded were full remissions - partial fee remission accounted for only around 14% of all remissions awarded during 2014/15.

Remission applications (Tables D.1 and D.2)

Figure 4 gives the quarterly volumes of remission applications, as well as the numbers granted, for both issue and hearing fees. These figures cover both single and multiple cases and are limited to one remission application per case. In 2014/15, 9,085 remission applications were submitted for the issue fee and 2,957 for the hearing fee. During this period, 43% of remission applications for the issue fee were either fully or partially successful compared with around three quarters of hearing fee remission applications (76%).

During 2014/15, on average it took around 7 days for a decision to be made on remission applications. Due to data limitations it is not possible to assess the timeliness of issue and hearing fee remission applications separately.

Figure 4: Remission applications and proportion granted, 29 July 2013 to 31 March 2015



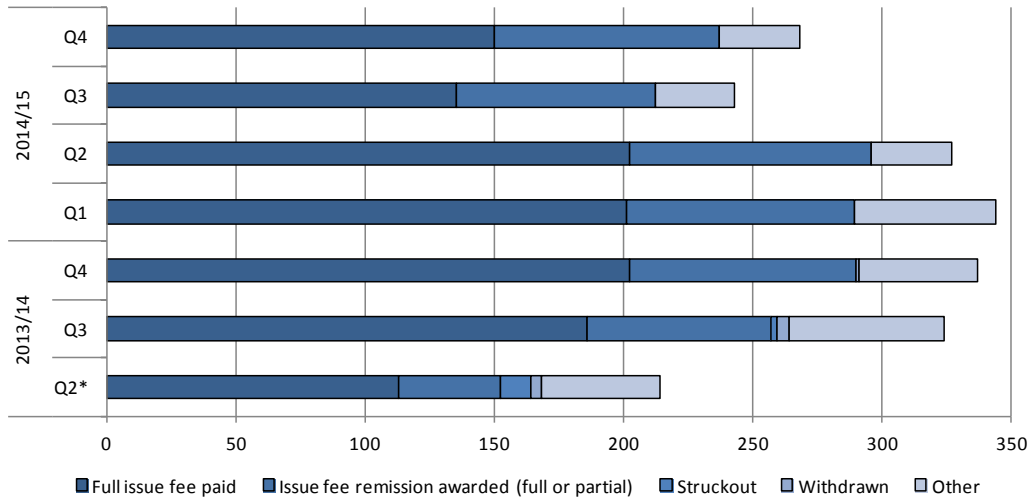
* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29th July 2013.

Employment Appeal Tribunal (EAT)

Figure 5 gives the quarterly number of EAT issue fees that were requested, with the proportions that were fully paid, remitted, struck out or withdrawn before reaching the hearing fee stage. The 'other' category includes cases where an issue fee was requested, but there is currently no record of a specific outcome. During 2014/15, there were 1,182 EAT issue fees requested. Of these, 688 (58%) had the full fee paid outright, 346 (29%) had full or partial fee remission awarded and currently none of the claims have been struck out or withdrawn. For the remaining 148 (13%) cases, there is no specific outcome currently recorded, which may be due to cases not yet progressing through the system.

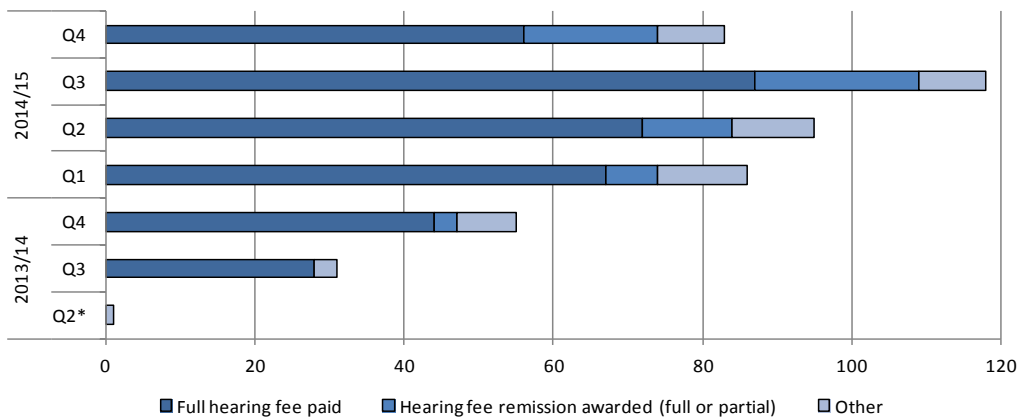
Figure 6 gives the number of EAT hearing fees that were requested, with the proportions that were fully paid or had a remission awarded. During 2014/15, there were 382 EAT hearing fees requested. Of these, 282 (74%) had the full fee paid outright and 59 (15%) had full or partial fee remission awarded. For the remaining 41 (11%) cases, there is no specific outcome currently recorded, which may be due to cases not yet progressing through the system.

Figure 5: Number of Employment Appeal Tribunal (EAT) issue fees requested by outcome; 29 July 2013 to 31 March 2015



* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29th July 2013

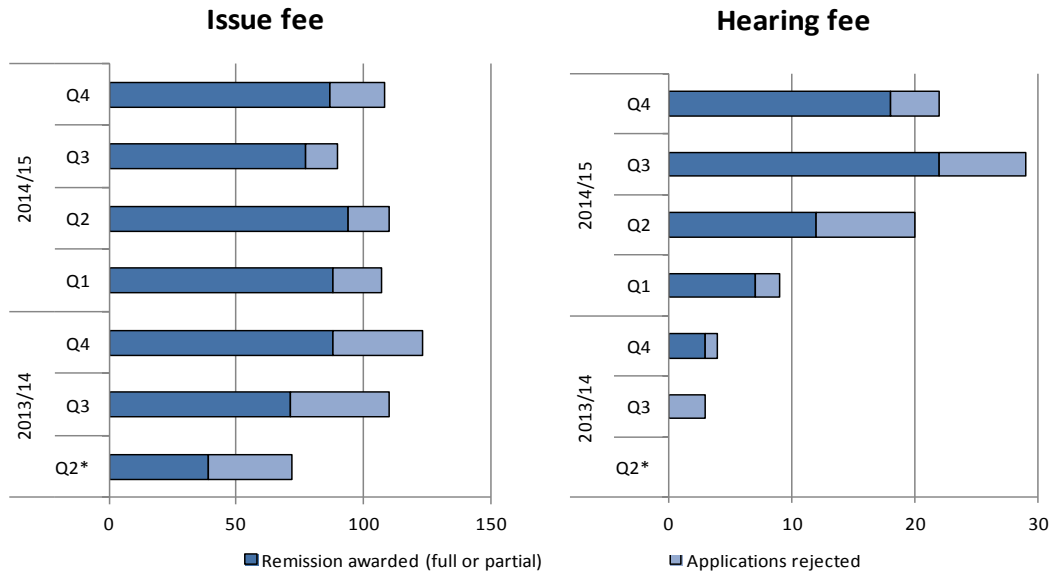
Figure 6: Number of Employment Appeal Tribunal (EAT) hearing fees requested by outcome; 29 July 2013 to 31 March 2015



* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29th July 2013.

Figure 7 gives the quarterly volumes of remission applications, as well as the proportion granted, for the EAT issue and hearing fees. These figures are limited to one remission application per case. In 2014/15, 415 remission applications were submitted for the issue fee and 80 for the hearing fee. During this period, 83% of remission applications for the issue fee were either fully or partially successful compared with 74% of hearing fee remission applications.

Figure 7: Employment Appeal Tribunal (EAT) remission applications and proportion granted, 29 July 2013 to 31 March 2015



* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29th July 2013.

Claimant characteristics

In 2014/15, there were 6,532 respondents to the online characteristics questionnaire (excluding those on multiple cases). Of these respondents, 4,030 (62%) went on to pay the issue fee in full, 3,419 (52%) submitted an issue fee remission application and 1,456 (22%) were awarded full or partial issue fee remission. Therefore, questionnaire respondents were more likely to apply for and be awarded remission than an average single case claimant (45% of all applicants on single cases submitted a remission application for the issue fee, and 20% were awarded full or partial remission).

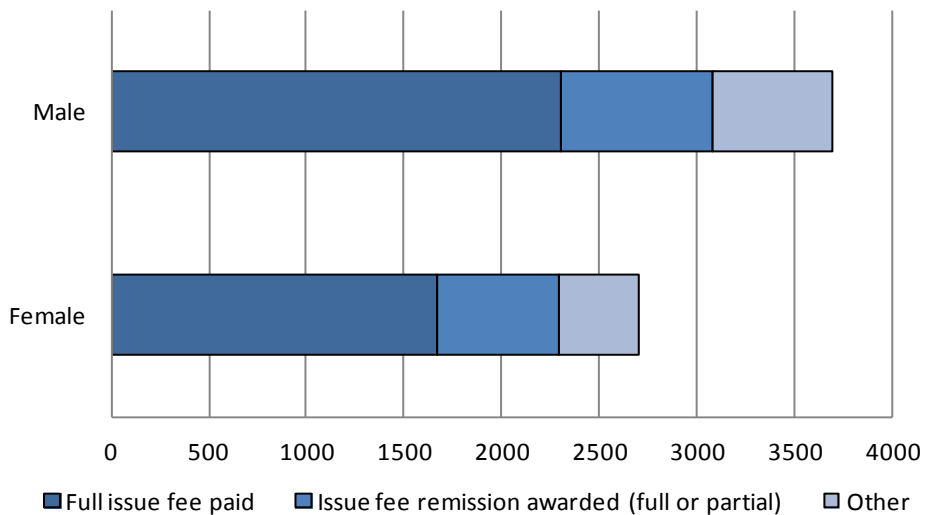
Of the claimants with a hearing fee request in 2014/15, 4,674 (35%) submitted a response to the online questionnaire. These claimants are not necessarily the same as those with an issue fee request in this period. Around a third (33%) of these respondents paid the issue fee in full, 1,260 (27%) submitted a hearing fee remission application and 989 (21%) were awarded full or partial remission for the hearing fee. Questionnaire respondents were more likely to apply for and be awarded hearing fee remission than an average single case claimant.

Gender

In 2014/15, 41% of the respondents to the questionnaire were female, with 2% opting not to disclose their gender. Figure 8 shows the outcomes of issue fee requests for men and women in 2014/15. The proportion of claimants paying the issue fee in full was the same for both men and women (62%). The proportion of claimants submitting a remission application for the issue fee was also the same for both genders (52%). A slightly higher proportion of female respondents were granted issue fee remission than men - 23% compared to 21% of male claimants.

During the same period, women accounted for 43% of respondents that had a hearing fee requested. Female claimants were slightly less likely to pay the hearing fee in full and slightly more likely to both apply for and be awarded remission (23% of women were granted hearing fee remission compared with 20% of men).

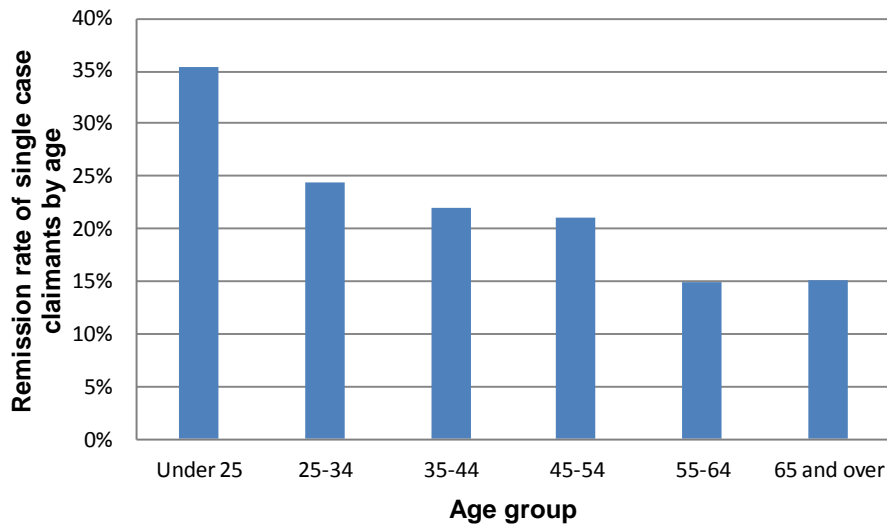
Figure 8: Issue fee outcomes of questionnaire respondents by gender, 2014/15



Age

In 2014/15, the majority of claimants (72%) were between the ages of 25 and 54. Figure 9 shows the proportion of questionnaire respondents in each age group that were awarded either full or partial issue fee remission. Claimants aged under 25 were most likely to be awarded remission with 35% receiving remission for the issue fee. Similarly, 35% of claimants aged under 25 that reached the hearing fee stage received hearing fee remission.

Figure 9: Proportion of questionnaire respondents in each age group that were awarded remission, 2014/15

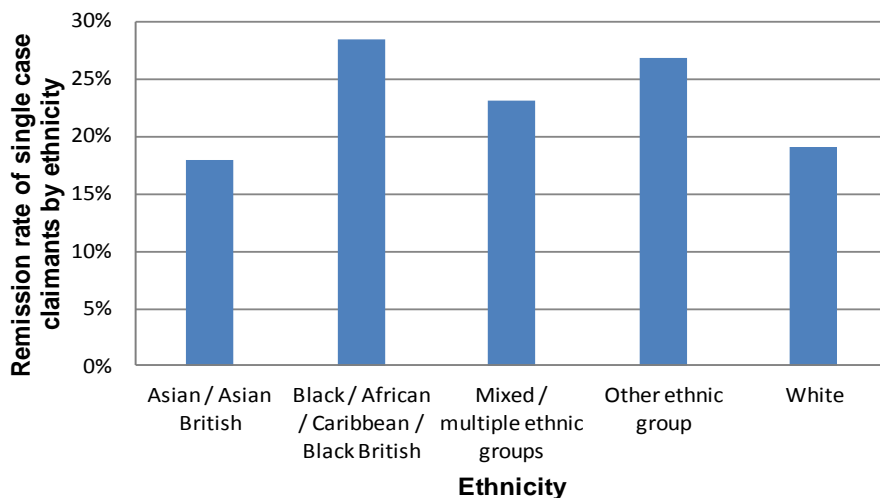


Ethnicity

In 2014/15, the majority (61%) of respondents were white. The next largest group was Black/ African/ Caribbean/ Black British, which accounted for 10% of claimants. 18% of questionnaire respondents opted not to answer the ethnicity section of the questionnaire.

Figure 10 shows the proportion of questionnaire respondents of each ethnicity that were awarded either full or partial issue fee remission. Black/ African/ Caribbean/ Black British respondents were most likely to be awarded remission – with 28% receiving remission for the issue fee. Similarly, 26% of African/ Caribbean/ Black British respondents that reached the hearing fee stage were awarded hearing fee remission.

Figure 10: Proportion of questionnaire respondents in each ethnicity group that were awarded remission, 2014/15



Limitations of the analyses and future work

The statistics in this annex are based on initial analyses of data extracted from the Employment Tribunal Fees administrative system and are classified as experimental. Further work is required to quality assure and verify these statistics.

Future work may enable identification of the specific outcomes of cases, for example whether they are settled/struck out/withdrawn before the hearing fee stage (or after the hearing fee stage for EAT cases). There may also be further work possible in the following areas:

- Number of fees paid by the respondent
- Breakdown of remission applications by grounds for remission (salary, benefits or net disposable income)
- Reasons for remission applications being unsuccessful

Annex E: Accompanying Tables and files

The following supplementary tables and CSV datasets are available alongside this publication, allowing users to analyse the data themselves.

Main Tables

Summary

- S.1 Annual total number of receipts, disposals and caseload outstanding by jurisdiction, 2007/08 to 2014/15

Receipts

- 1.1 Annual and quarterly total number of tribunal receipts by jurisdiction, 2007/08 to Q4 2014/15
- 1.2 Employment Tribunal - Total number of receipts by jurisdiction, 2007/08 to Q4 2014/15
- 1.3 Immigration and Asylum Tribunals - Total number of receipts by case type, 2007/08 to Q4 2014/15
- 1.4 Social Security and Child Support - Total number of receipts by benefit type, 2009/10 to Q4 2014/15

Disposals

- 2.1 Annual and quarterly total number of tribunal disposals by jurisdiction, 2007/08 to Q4 2014/15
- 2.2 Employment Tribunal - Total number of disposals by jurisdiction, 2007/08 to Q4 2014/15
- 2.3 Employment Tribunal - Percentage of disposals by outcome and jurisdiction, 2007/08 to Q4 2014/15
- 2.4 Immigration and Asylum Tribunals - Number of appeals disposed by category and by case type, 2007/08 to Q4 2014/15
- 2.5 Immigration and Asylum Tribunals - Number of appeals determined at hearing or on paper, by outcome category and case type, 2007/08 to Q4 2014/15
- 2.6 Social Security and Child Support - Number of disposals by category and by benefit type, 2009/10 to Q4 2014/15

- 2.7 Social Security and Child Support - Number of disposals cleared at hearing by outcomes and benefit type, 2007/08 to Q4 2014/15

Caseload outstanding

- 3.1 Annual and quarterly total number of tribunals caseload outstanding by jurisdiction, 2007/08 to Q4 2014/15

Timeliness

- 4.1 Cumulative percentage of clearances that took place in 2013/14 and 2014/15, by age of case at clearance
- 4.2 Percentage of clearances that took place in January to March 2015, by age of case at clearance
- 4.3 Percentage of clearances that took place in January to March 2015, by age of case at clearance by Jurisdiction

Gender Recognition

- 5.1 Applications received and dealt with by the Gender Recognition Panel, by outcome, since inception
- 5.2 Applications received by the Gender Recognition Panel, by type of Track, Q1 2009/10 to Q4 2014/15
- 5.3 Applications dealt with by the Gender Recognition Panel, by type of track and outcome, Q1 2009/10 to Q4 2014/15
- 5.4 Gender at birth, year of birth and marital status for full Gender Recognition Certificates granted, Q1 2005/06 to Q4 2014/15
- 5.5 Interim certificates converted to full certificates, by time taken, Q1 2005/06 to Q4 2014/15

Adjournments and Postponements

- 6.1 Adjournments and Postponements by Jurisdiction, 2007/08 to 2014/15

Judicial Sitting Days

- 7.1 Judicial Salaried and fee-paid judicial sitting days by jurisdiction, 2007/08 to 2014/15
- 7.2 Judicial Salaried and fee paid judicial sitting days by jurisdiction (percentages), 2007/08 to 2014/15

Annex B

B.1 Change of Names of Tribunals

Management Information on Employment Tribunal Receipts (Annex C) Tables

- Table C.1 Monthly Total Number of Employment Tribunal Receipts by Single and Multiple cases, January 2012 to March 2015
- Table C.2 Monthly Total Number of Employment Tribunal Receipts by Jurisdiction, January 2012 to March 2015
- Table C.3 Monthly Total Number of Employment Tribunal Receipts by Region, January 2012 to March 2015
- Table C.4 Monthly Total Number of Employment Tribunal Receipts by Jurisdiction and by Region, January 2013 to March 2015

Experimental Statistics: Employment Tribunal Fees (Annex D) Tables

- Table D.1 Employment Tribunal Fees - Issue fees requested, fees paid in full and remissions awarded, 29 July 2013 to 31 March 2015
- Table D.2 Employment Tribunal Fees - Hearing fees requested, fees paid in full and remissions awarded, 29 July 2013 to 31 March 2015
- Table D.3 Employment Tribunal Fees - Fully or partially granted remissions on single cases, 29 July 2013 to 31 March 2015
- Table D.4 Employment Tribunal Fees - Employment Appeal Tribunal, 29 July 2013 to 31 March 2015
- Table D.5 Employment Tribunal Fees - Optional characteristic survey questionnaire results; characteristics of single case claimants (a), 29 July 2013 to 31 March 2015
- Table D.6 Employment Tribunal Fees - Optional characteristic survey questionnaire results; characteristics of single case claimants (b), 1 April 2014 to 31 March 2015

Annex F: Policy Changes

Employment Tribunals

Fees for Employment Tribunals and the Employment Appeals Tribunal were introduced for claims received on or after 29 July 2013, alongside wider reform of procedural rules (following the Underhill Review of Employment Tribunal Rules).

For background information on the reforms please see:

www.justice.gov.uk/tribunals/employment

www.gov.uk/government/publications/employment-tribunal-receipt-statistics-management-information-july-to-september-2013

www.gov.uk/government/consultations/employment-tribunal-rules-review-by-mr-justice-underhill

On 6 April 2014, the Advisory, Conciliation and Arbitration Service (ACAS) introduced Early Conciliation¹⁷. This means that anybody wishing to make an Employment Tribunal Claim must notify ACAS first and be offered the chance to settle their dispute without going to court. A report on the first quarter of the service can be found here:

www.acas.org.uk/index.aspx?articleid=4960

Social Security and Child Support

From April 2013, changes to the appeal process through the Welfare Reform Act 2012 began to be introduced. There were three changes:

- DWP will reconsider all decisions before an appeal can be lodged (known as mandatory reconsideration);
- appeals must be sent directly to HMCTS (known as direct lodgement);
- there are time limits for DWP to return its responses to HMCTS¹⁸.

Mandatory reconsideration and direct lodgement were introduced for Personal Independence Payment and Universal Credit appeals in April 2013. On 28 October 2013, they were introduced for all other DWP-

¹⁷ <http://www.acas.org.uk/index.aspx?articleid=4028>

¹⁸ Introduced October 2014

administered benefits and child maintenance cases, and for appeals against decisions made by HMRC on 1 April 2014. Robust data is not yet available to assess the impact of these changes on tribunal receipts. DWP are looking to publish Mandatory Reconsiderations data when they judge it is of suitable quality to be published as Official Statistics.

For further information, see:

www.gov.uk/government/publications/appeals-process-changes-for-dwp-benefits-and-child-maintenance

Gender Recognition Certificates

The introduction of the Marriage (Same Sex Couples) Act 2013 and the Marriage and Civil Partnerships (Scotland) Act 2014 changed the law in England & Wales and Scotland, meaning it is now possible for some married applicants to remain married while obtaining gender recognition. Prior to December 2014, if an applicant was married or in a civil partnership, they had to annul or dissolve the marriage/ civil partnership before being granted a full GRC.

Annex G: Useful Publications

For historical publications of all Tribunals Statistics please see:

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

For more information on the context for this publication please see:

www.justice.gov.uk/about/hmcts/tribunals

A diagram showing the structure of the tribunal system can be found here:

www.judiciary.gov.uk/about-the-judiciary/the-justice-system/court-structure/

For information on Tribunal judgements please see:

www.bailii.org/databases.html#uk

Non-MoJ Scotland Tribunals

For information on non-MoJ Mental Health Tribunals Scotland please see:

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

For Additional Support Needs Tribunals in Scotland please see:

www.asntscotland.gov.uk/asnts/181.25.141.html

Information on the Private Rented Housing Panel (prhp), which help Scottish tenants and landlords resolve their differences can be found at the following link:

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

Non-MoJ Northern Ireland Tribunals

For information on Tribunals in Northern Ireland not covered by this report please see the following publications:

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

Employment Tribunals

The Department for Business, Innovation and Skills (BIS) have recently published a study on claimants who had been successful at the employment tribunal and were awarded money:

www.gov.uk/government/publications/payment-of-employment-tribunal-awards

The sixth BIS Survey of Employment Tribunal Applicants can be found here:

www.gov.uk/government/statistics/employment-tribunal-applications-2013-survey-findings

Social Security and Child Support

The Department for Work and Pensions (DWP) have carried out analysis on the overturn rates for Employment and Support Allowance (ESA) by region and health condition, for further information see:

www.gov.uk/government/publications/employment-and-support-allowance--6

Contacts

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Queries regarding the work of the Gender Recognition Panel should be directed to:

Gender Recognition Panel

PO Box 9300

Leicester

LE1 8DJ

Tel: 0845 355 5155

Email: grpenquiries@hmcts.gsi.gov.uk

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

Bridgette Miles

Ministry of Justice

102 Petty France

London

SW1H 9AJ

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