



## Tribunals and Gender Recognition Statistics Quarterly, July to September 2017 (Provisional)

including annual Special Educational Needs and Disability (SEND) Tribunals,  
Academic Year 2016/17

### Main points

<p><b>Increase in overall volumes of disposals and caseload outstanding</b></p>		<p>Her Majesty's Courts &amp; Tribunals Service (HMCTS) recorded no substantive change in <b>receipts</b>, but an <b>increase</b> in <b>disposals</b> and <b>caseload outstanding</b> (up 11% and 13% respectively) this quarter compared to the same quarter in 2016.</p>
<p><b>ESA and PIP continue to drive SSCS appeal increases</b></p>		<p><b>Caseload outstanding</b> for Social Security and Child Support (SSCS) appeals continues to <b>increase</b> (up 71% when compared to September 2016, to 108,400). Receipts and disposals were also <b>up 10%</b> and <b>18% respectively</b>, when compared to July to September 2016.</p>
<p><b>Decrease in FTTIAC receipts, disposals and caseload outstanding</b></p>		<p>In July to September 2017, First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) <b>receipts fell</b> by a third (to 9,700) compared to the same period in 2016. This was driven by a <b>fall</b> in all case types except Deportation Appeals. <b>Disposals</b> and <b>caseload outstanding</b> also <b>fell</b> in the same period (by 4% and 43% respectively).</p>
<p><b>Since the introduction of fees there were 87,200 ET issue fees and 48,600 ET hearing fees requested</b></p>		<p>Over the period of <b>Employment Tribunal (ET) fees</b>, 66% of issue fees requested were <b>paid in full</b> while 22% were awarded either <b>full</b> or <b>partial remission</b>. For <b>hearing fees</b>, these proportions were 35% and 19% respectively.</p>
<p><b>Single claim Employment Tribunal receipts are up 64% – the highest in the last four years</b></p>		<p><b>Single ET claims</b> – this quarter receipts and caseload outstanding <b>increased 64%</b> and <b>37%</b> respectively, as <b>disposals decreased 1%</b></p>
		<p><b>Multiple ET claims</b> - receipts decreased by 15%, and disposals and caseload outstanding increased by 42% and 13% respectively</p>
<p><b>SEN appeals and disposals up 27% and 39% respectively</b></p>		<p>In the <b>academic year 2016/17</b> HMCTS tribunals recorded 4,725 registered appeals in relation to <b>SEN</b>, an <b>increase of 27%</b> when compared to the prior year. In the same period, 4,387 SEN appeals were disposed, an <b>increase of 39%</b> on 2015/16.</p>

This publication gives tribunals and gender recognition certificate statistics for the latest quarter (July to September 2017), compared to the same quarter the previous year. An annual chapter on Special Educational Needs and Disability (SEND) Tribunals are also included and an accompanying consultation paper in relation to changes to SEND tribunal appeal rate. For technical detail about data sources, quality, policy changes and terminology, please refer to the accompanying guide to tribunal statistics.

# 1. Overview of Tribunals

## 119,800 receipts and 103,000 disposals recorded by HMCTS

Her Majesty’s Courts & Tribunals Service (HMCTS) recorded **no substantive change in receipts**, but an **increase in disposals** and **caseload outstanding** in this quarter when compared to the same quarter in 2016. Disposals and caseload outstanding were **up 11%** and **13%** respectively, **driven by the SSCS and Employment tribunal.**

This summary bulletin focuses mainly on the three largest tribunals as they make up the majority (**82%**) of tribunal **receipts** in July to September 2017. These are;

- Social Security and Child Support (SSCS) - **48%** of receipts
- Employment Tribunal (ET) – **25%** of receipts.
- First Tier Tribunal Immigration and Asylum Chamber (FTTIAC) – **8%** of receipts

**Figure 1: Receipts, disposals and caseload outstanding<sup>1</sup> for all tribunals (Source: Table S.2-4)**

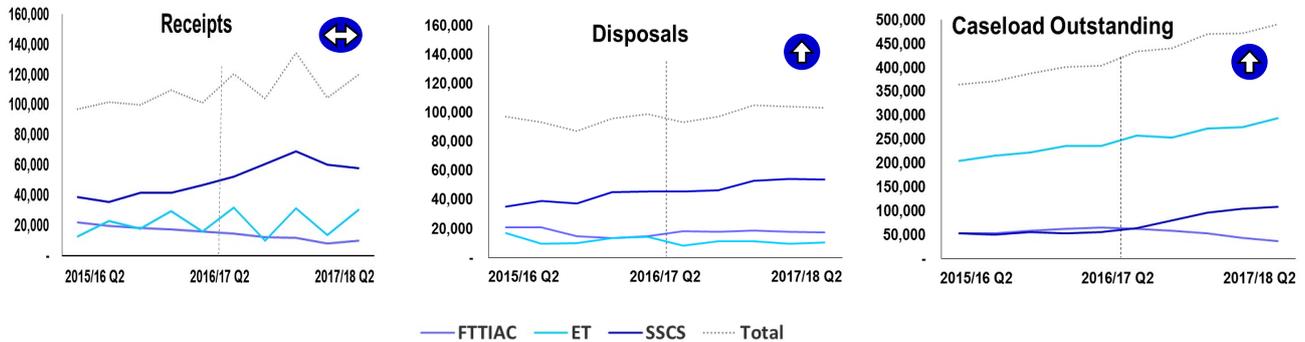


Figure 1 shows trends in receipts, disposals and caseload outstanding over the last 3 years for the main tribunals and overall. In July to September 2017, overall receipts remained stable as a result of a 10% rise in SSCS receipts being offset by a 33% fall in FTTIAC and a 4% fall in ET receipts. SSCS however continued to drive the increase in overall disposals and caseload outstanding. Overall, tribunals disposed of 11% more cases this quarter, compared to July to September 2016. This was driven by an 18% increase in SSCS disposals.

Overall caseload outstanding<sup>1</sup> increased by 13%, from 433,001 as at 30 September 2016 to 491,037 as at 30 September 2017. This was driven by a 71% increase in SSCS cases outstanding, although the caseload outstanding of Employment Tribunals also increased, by 14% over the same period.

Of the remaining 39 tribunal jurisdictions, mental health is the largest (accounting for 7% of all tribunal receipts), with 8,300 receipts, 8,525 disposals and 3,459 outstanding cases in the most recent quarter (down 3%, up 2% and up 38% respectively when compared to July to September 2016).

<sup>1</sup> Outstanding caseload is based on a snapshot in time based on the last day of each quarter.

## 2. Social Security and Child Support

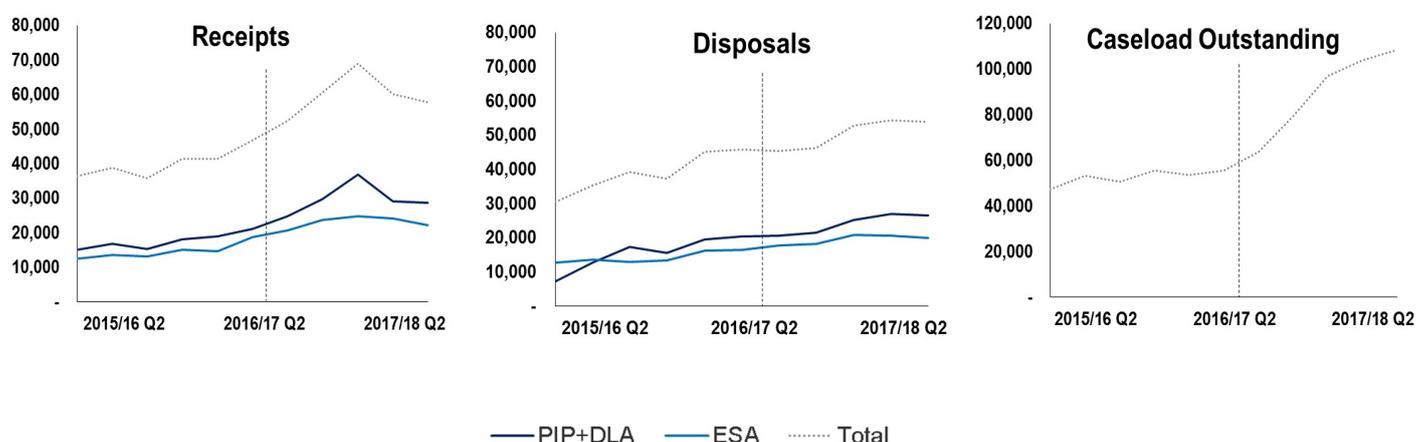
### ESA and PIP continue to drive SSCS appeal increases

**Caseload outstanding** for Social Security and Child Support (SSCS) appeals continues to **increase** (up 71%, to 108,400 at the end of September 2017). **Receipts** and **disposals** were also up 10% and 18% respectively, when compared to July to September 2016

### 83% of disposals were cleared at hearing with a 64% overturn rate

Of the 53,800 **disposals** in July to September 2017, 83% were **cleared** at a hearing and of these, **64%** had the initial decision **revised in favour of the claimant** (up from 60% in the same period in 2016).

**Figure 2.1: Social Security and Child Support receipts, disposals and caseload outstanding, Q1 2015/16 to Q2 2017/18 (Source: Table SSCS.1 and SSCS.2)**



The increase in SSCS tribunal receipts seen was mainly driven by Employment Support Allowance (ESA) and Personal Independence Payment (PIP) appeals which accounted for 84% of all SSCS appeals in this quarter. This proportion has been gradually increasing since 2015/16 Q1, when ESA and PIP accounted for 73% of all SSCS receipts.

ESA and PIP also make up the majority of SSCS disposals, with 37% and 46% of total disposals respectively. Disability Living Allowance (DLA) is gradually being replaced by PIP and comprised 3% of total disposals this quarter, down from 4% in the same quarter of 2016.

The number of disposals has gradually increased alongside receipts. In July to September 2017, 53,750 cases were disposed, up 18% when compared with the same period in 2016. Of these disposals, 44,687 (83%) were cleared at hearing and of these 64% were found in favour of the customer. This overturn rate varied by benefit type, with ESA having 67% in favour of the customer, PIP - 68%, DLA - 61% and Job Seekers Allowance - 50%.

There were 108,420 SSCS cases outstanding at the end of September 2017, up 71% compared to the same period in 2016. This was driven by a larger number of appeal receipts than disposals in recent periods. Of those cases disposed of by SSCS in July to September 2017, the mean age of a case at disposal was 23 weeks, 7 weeks more than the same period in 2016.

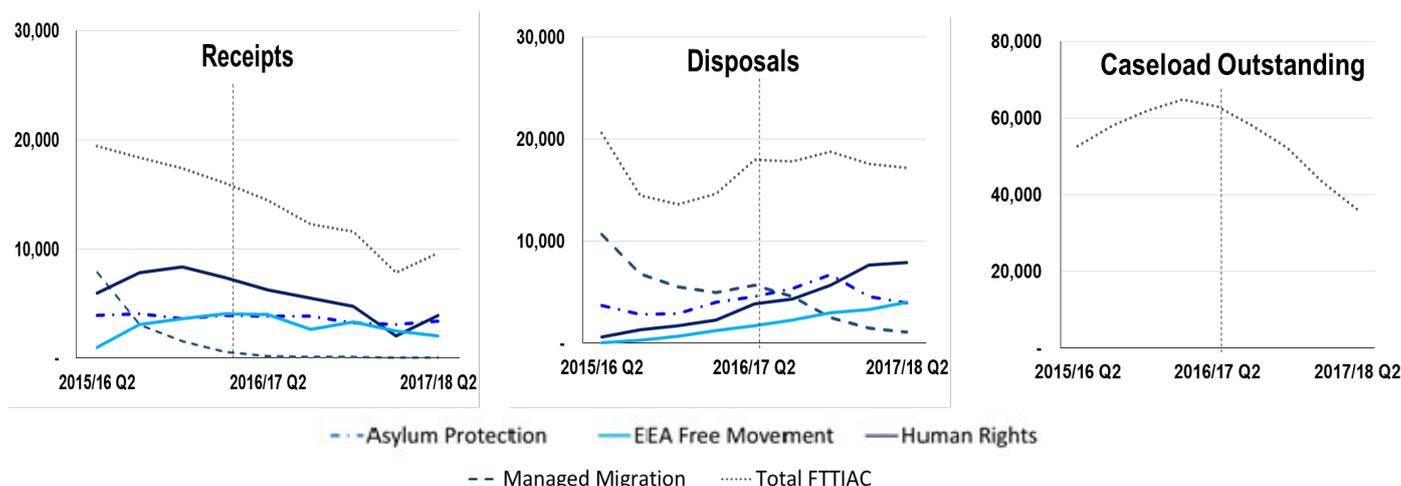
### 3. Immigration and Asylum

#### First-tier Tribunal Immigration and Asylum Chamber (FTTIAC)

In July to September 2017, FTTIAC receipts decreased by a third (to 9,700) compared to the same period in 2016 continuing the decline seen following the introduction of the Immigration Act 2014.

In the same period, disposals decreased by 4% from 18,000 to 17,200, and caseload outstanding was down by 43% to 36,100, with the latter continuing the decline seen since the peak in April to June 2016.

**Figure 3.1: First-tier Tribunal, Immigration and Asylum Chamber receipts, disposals and caseload outstanding, Q1 2015/16 to Q2 2017/18 (Source: Tables FIA.1 and FIA.2)**



The Immigration Act 2014 (IA 2014) tribunal categories of Human Rights, EEA Free Movement (EEA) and Asylum/Protection (AP) continue to make up the majority (97%) of the FTTIAC new receipts.

Human Rights receipts continue to decline, dropping 38% to 3,910 in July to September 2017, compared to the same period in 2016. This proportionally represents 41% of all FTTIAC receipts (down from 43% a year ago). EEA receipts also decreased by 49% (from 4,011 to 2,044), as well as proportionally decreasing from 28% to 21% of all FTTIAC receipts. Asylum/Protection receipts decreased by 10%, but increased in proportion from 26% to 35% of all FTTIAC receipts.

The FTTIAC disposed of 17,203 appeals, down 4% on July to September 2016. 8% of First-tier disposals are comprised of pre-Immigration Act categories, down from 44% a year ago. Human Rights make up the largest proportion (46%) of all FTTIAC disposals in July to September 2016, up from 22% a year ago.

Of the disposals made in the FTTIAC, 82% were determined i.e. a decision was made by a judge at a hearing or on the papers; 12% were withdrawn; 4% were invalid or out of time, and 2% were struck-out for non-payment of the appeal fee. Of the 14,113 determined, 49% were allowed/granted, although this varied across the IA 2014 categories (from 41% for Asylum/Protection and EEA to 58% for Human Rights).

In the FTTIAC, total mean average overall timeliness across all categories has increased by 4 weeks to 52 weeks. Asylum/Protection had the lowest average time to clearance with 28 weeks, having decreased from 40 weeks in July to September 2016, while most of the other appeal categories took over 52 weeks to be cleared.

For the UTIAC, receipts increased 27% (to 1,943) and disposals decreased 5% (to 1,585) in July to September 2017. Asylum/Protection accounted for the majority of UTIAC receipts (38%) and disposals (41%) this quarter, while pre-immigration act categories (Managed Migration, Entry Clearance, Family Visit Visa, Deportation and Deprivation of Citizenship appeals) accounted for 27% of UTIAC receipts and 35% of UTIAC disposals (down 30 percentage points each in the last year). This demonstrates the gradual phasing out of these case types.

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### **UTIAC Immigration and Asylum Judicial Reviews**

In July to September 2017, there were 2,500 Immigration and Asylum **Judicial Review receipts** and 2,600 **disposed of** at the **UTIAC, down 27% and 25% respectively** on July to September 2016.

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Of the 2,564 Immigration and Asylum Judicial Reviews disposed of in the UTIAC in July to September 2017, 69% were determined and 3% were transferred to the Administrative Court. The remaining 28% were in an 'other category', which included cases that were withdrawn or not served (see table UIA.2).

During July to September 2017, 1,788 Judicial Review applications were determined by paper hearing, of which 8% were allowed to continue to the substantive hearing stage. A further 757 were reconsidered at an oral renewal, of which 29% were allowed to continue to the substantive hearing stage. There were 48 substantive hearings which were determined in July to September 2017, of which 38% were granted in favour of the appellant (see table UIA.3).

## 4. Employment Tribunals

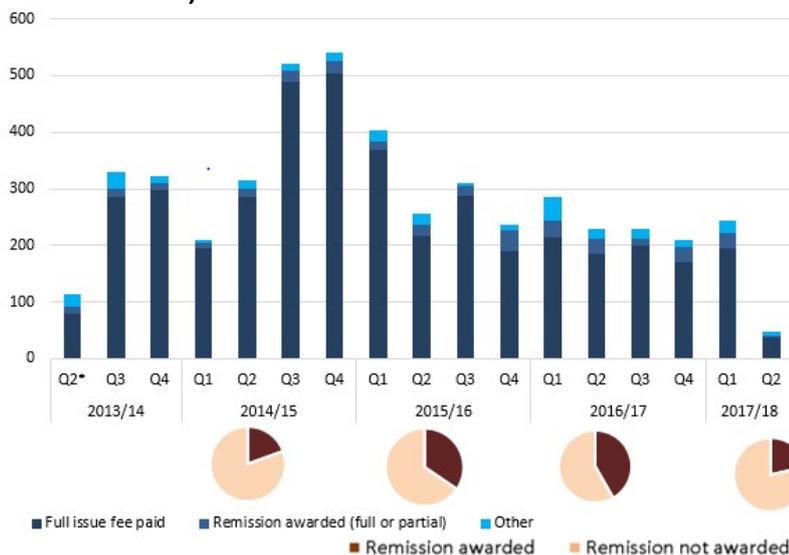
### Employment Tribunal Fees

Between 29 July 2013 (when ET fees were first **introduced**) and 26 July 2017 (when ET fees were **abolished**), 87,200 ET issue fees and 48,600 hearing **fees** were **requested**. Over the same period, 66% of the issue fees and 35% of the hearing fees were **paid in full**. Additionally, 19,600 issue fee remissions and 9,300 hearing fee **remissions** were **awarded** (representing 22% and 19% of all fees requested respectively).

**Figure 4.1: Fees Issued, remissions applied for and remissions awarded for single cases (Source: Table ETF.1)**



**Figure 4.2: Fees Issued, remissions applied for and remissions awarded for multiple cases (Source: Table ETF.1)**



There were 1,447 Employment Tribunal (ET) issue fees requested in the final period – 1 July to 26 July 2017. Of these, 856 (59%) cases had the full issue fee paid outright and 253 (17%) cases were awarded either a full or partial remission. In the same period, 783 hearing fees were requested and 36 of these (5%) were paid in full while 30 (63%) of remission applications were awarded either a full or partial remission.

Summary statistics relating to employment tribunal fee refunds will be published in the next edition of this publication (due to be published 8 March 2018).

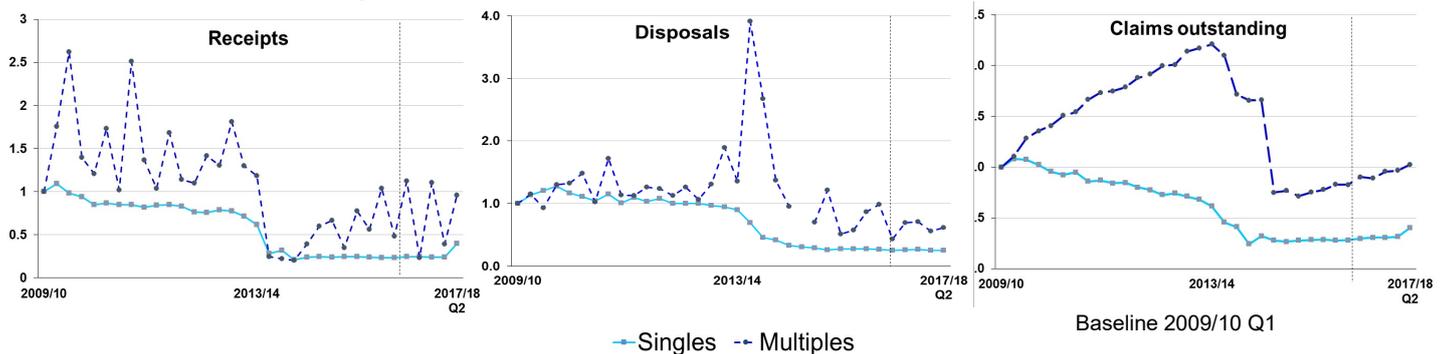
## Employment tribunal single cases

In July to September 2017, **receipts increased 64%** and **disposals decreased by 1%**, which **drove a 37% increase** in single case **caseload outstanding**. **Mean age at disposal increased** by 2 weeks to 28 weeks, compared to the same period in 2016.

## Employment tribunal multiple cases

**Receipts decreased by 15%**, **disposals increased 42%**, and caseload outstanding increased by 13%. **Mean age at disposal increased** to 217 weeks (an increase of 12 weeks) over the same period.

**Figure 4.3: Index of Employment Tribunals single & multiple claim receipts, disposals & claims outstanding, Q4 2009/10 - Q2 2017/18 (Source: Table S.2-4)<sup>2</sup>**



Since Q2 2014/15 single claim receipts have remained relatively stable, with around 4,200 claims per quarter. Until this recent quarter where it has increased to 7,042 single claims. This recent increase could be due to the abolition of Employment Tribunal Fees on 26 July 2017.

There were 23,297 multiple claims received this quarter, a decrease of 15% on the same period last year. Multiple claims tend to be more volatile as they can contain a high number of claims against a single employer. The multiple claims related to 429 multiple claim cases (an average of 54 claims per multiple case) – up from 262 cases (average of 104 claims per case) in the same period a year ago.

The Employment Tribunal disposed of 10,165 claims during July to September 2017, up 23% on the same period in 2016. This was driven by a 42% increase in multiple claims disposals, which make up two-thirds of all disposals. The multiple claims relate to 181 multiple claim cases, down from 202 cases in July to September 2016. Single claim disposals also decreased slightly over the same period (down 1%).

In July to September 2017, 22% of jurisdictional complaints disposed were Acas conciliated settlements, 40% were dismissed upon withdrawal, 8% were withdrawn, and 5% were successful at hearing. The most common jurisdictional complaint disposed of was 'Unauthorised deductions (formerly Wages Act)'.

<sup>2</sup> The Q3 2014/15 disposals data point is not included, in order to aid comparability. This figure was a disproportionately high outlier (index: 24.2) as a result of the disposal of a large multiple claim between an airline and its employees.

## 5. Gender Recognition Certificate

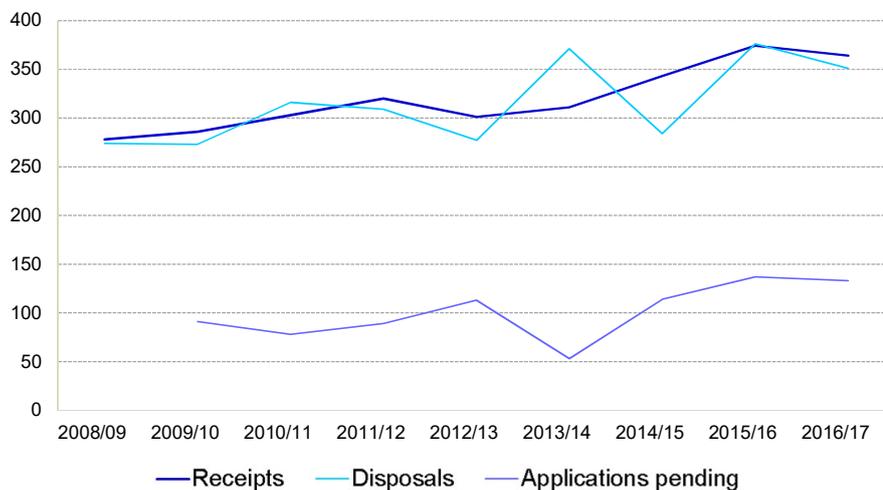
**96 GRP applications were received and 126 were disposed of between July and September 2017, 126 applications were pending by the end of September 2017**

Of the 126 applications disposed of, a full Gender Recognition Certificate (GRC) was granted in 92% of cases (116 full GRCs), up from 90% in the same period in 2016.

Since April 2005/06, two thirds of interim certificates (130 of the 196 Interim GRC granted) were converted into full GRC, 58% of which were within 30 weeks.

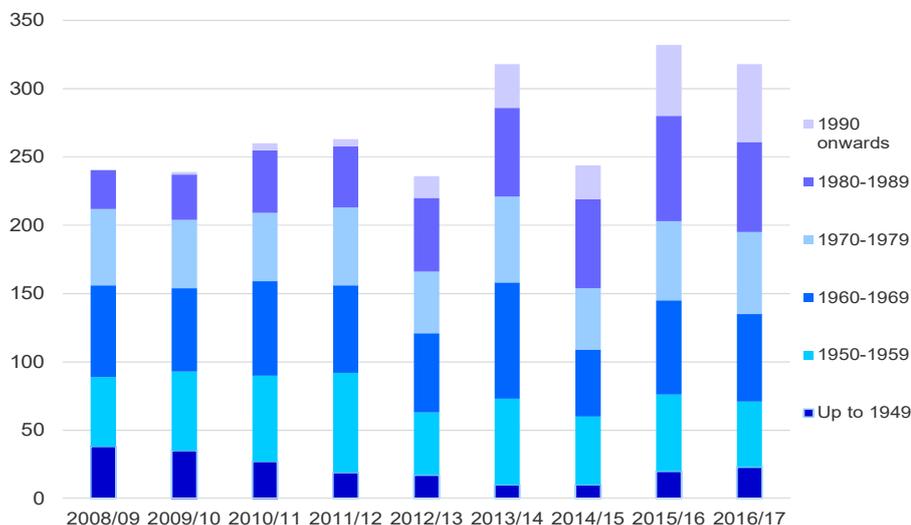
Over the long-term the number of applications dealt with by the Gender Recognition Panel (GRP) has been gradually increasing. Annual trends show that although there has been greater fluctuation in disposals than receipts, disposals are usually lower, leading to an increase in applications pending in the last few years.

**Figure 5.1: Applications for Gender Recognition Certificates received, disposed of and pending, 2008/09 to 2016/17 (Source: Table GRP.1 and GRP.2)**



In July to September 2017, 116 full certificates were granted, of which 12 were for married applicants and 104 for single applicants. Sixty five percent (65%) of the individuals with full certificates granted were registered male at birth and 41 (35%) were registered female at birth. Figure 5.2 below shows the number of individuals granted full certificates by their year of birth.

**Figure 5.2: Full Gender Recognition Certificates granted by year of birth, 2008/09 to 2016/17 (Source: Table GRP.4)**



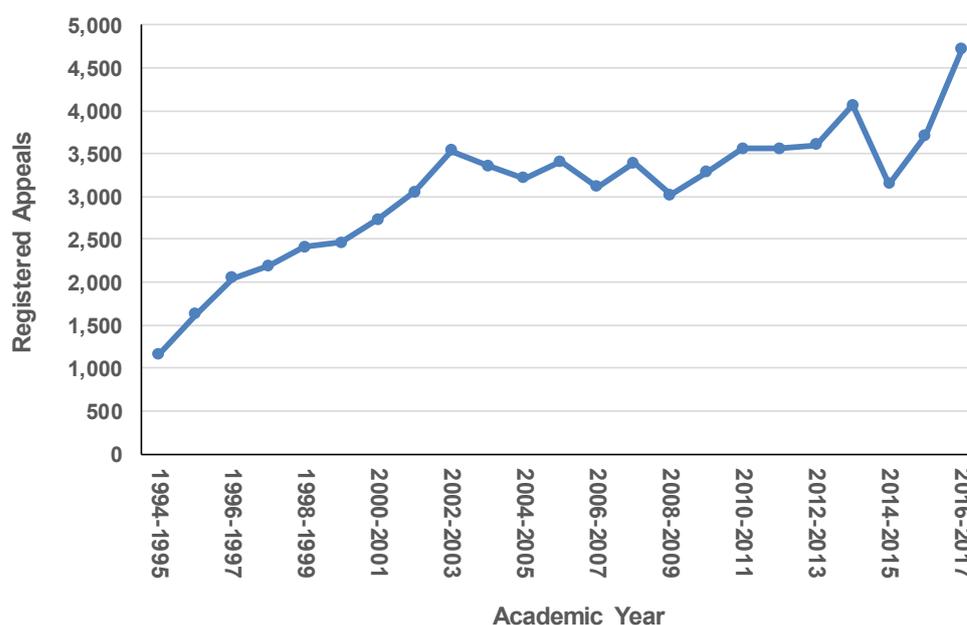
## 6. Special Educational Needs and Disability (SEND)

### Increase in SEN appeals recorded, up 27% when compared to 2015/16

In the academic year 2016/17 HMCTS tribunals recorded 4,725 registered appeals in relation to SEN, an increase of 27% when compared to the prior year. In the same period, 4,387 SEN appeals were disposed, an increase of 39% on 2015/16.

The increase is likely due to the reforms made in 2014 to introduce Education Health and Care plans (EHC) expanding the criteria of SEND to cover 0-25 year olds in education (excluding Higher education) and to cover health and care as well as education.

**Figure 6.1: Registered SEND appeals, 1994/95 to 2016/17**



Of the 4,725 registered SEND appeals in 2016/17, approximately one third (32%) were against 'refusal to secure an EHC assessment', and over half (55%) were in relation to the content of EHC plans. The most common type of educational need identified in appeals continues to be Autistic Spectrum Disorder, accounting for 43% (2,025) of all SEN appeals. Due to the high number of non-completions (4,565, or 97% of all SEN appeals) it is not possible to provide meaningful analysis of child ethnicity in SEN appeals.

In 2016/17 HMCTS recorded 4,387 outcomes in relation to SEN appeals, an increase of 39% compared to 2015/16. Of these outcomes, 36% (1,599) of cases were decided by tribunal, an increase of eight percentage points on 2015/16. Of these decided cases, 89% (1,418) were in favour of the appellant, similar to the proportion in the prior year (at 88%).

In 2016/17, there were 132 registered appeals in relation to disability discrimination, one less (1%) than the previous year. Of these appeals, five cases (4%) were related to permanent exclusion from school, four cases (3%) were related to temporary exclusion, and the remainder were uncategorised.

The SEND tribunals disposed of 111 Disability Discrimination claims in 2016/17, up from 88 (26%) in the previous year. Of these disposals, 63 claims (57%) were decided at hearing, and 48 appeals were withdrawn prior to the hearing taking place. Of those decided at hearing 52% were dismissed and 48% upheld.

## Further information

### Provisional data and revisions

An annual data reconciliation exercise is completed at the end of each reporting year and as such final revised data for July to September 2017 will be published in September 2018. If revisions are needed in the subsequent year, these will be clearly annotated in the tables.

### Rounding convention

Within the 'Key Findings' sections, figures greater than 1,000 are rounded to the nearest 100.

### Accompanying files

As well as this bulletin, the following products are published as part of this release:

- A supporting document providing further information on how the data is collected and processed, as well as information on the revisions policy and legislation relevant to trends and background on the functioning of the tribunal system.
- A set of overview tables, covering each section of this bulletin, an annual set of tables covering further breakdown of Special Educational Needs and Disability statistics for the Academic Year 2016/17 and two additional sets of tables on Employment Tribunals (for ET Fees and ET Management information – Annex C).
- A set of CSV files including data on each of the three large tribunals (SSCS, Employment and Immigration and Asylum) and an overall receipts and disposals CSV, covering all tribunal types.
- Additional releases this quarter's publication:
  - A CSV on SSCS receipts and disposals by tribunal venue and benefit type, July to September 2017 (to be published from this quarter onwards)
  - Representation at SSCS tribunals for ESA and PIP hearings by hearing outcome, 2013/14 to 2017/18 Q2
  - Updated statistical notice on Immigration and Asylum (I&A) Detained Immigration Appeals (DIA)
  - I&A receipts, disposals and outcomes by Party for First Tier Permission Applications, Upper Tier Permission Applications and Upper Tribunal Appeals.

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