



Tribunals and Gender Recognition Statistics Quarterly, October to December 2017 (Provisional)

Main points

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| <p>Increase in overall volumes of receipts and caseload outstanding</p> | | <p>Her Majesty's Courts & Tribunals Service (HMCTS) recorded no substantive change in disposals, but an increase in receipts and caseload outstanding (up 31% and 21% respectively) this quarter compared to the same quarter in 2016.</p> |
| <p>SSCS receipts decreased, following a long-term increasing trend, driven by a drop in ESA receipts</p> | | <p>Social Security and Child Support (SSCS) receipts have decreased (by 1% when compared to October to December 2016), whereas disposals and caseload outstanding increased (by 13% and 47% respectively over the same period).</p> |
| <p>FTTIAC receipts increase after a long-term declining trend, driven by an increase in Human Rights cases</p> | | <p>In October to December 2017, First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) receipts were 21% higher compared to the same period in 2016. Disposals and caseload outstanding have continued to fall (by 17% and 39% respectively).</p> |
| <p>Claims received at Employment tribunal the highest since the introduction of fees leading to increased caseload outstanding</p> | | <p>Single ET claims – this quarter receipts, disposals and caseload outstanding all increased, by 90%, 21% and 66% respectively. Multiple ET claims - receipts increased by 467%, and caseload outstanding increased by 27%. Disposals decreased by 55%.</p> |
| <p>3,400 ET fee refund payments have been made, with a value of £2.8m</p> | | <p>From the launch of the Employment Tribunal (ET) fee refund scheme in October 2017 to 31 December 2017, 4,800 applications for refunds have been received and 3,400 payments made, with a total value of £2,758,316.</p> |

This publication gives tribunals and gender recognition certificate statistics for the latest quarter (October to December 2017), compared to the same quarter the previous year. An accompanying document has also been published, summarising the results of a consultation regarding changes to the Special Educational Needs and Disability (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

136,800 receipts and 96,200 disposals recorded by HMCTS

Her Majesty’s Courts & Tribunals Service (HMCTS) recorded **no substantive change in disposals**, but an **increase in receipts** and **caseload outstanding** in this quarter when compared to the same quarter in 2016. Receipts and caseload outstanding were **up 31%** and **21%** respectively, **driven by the Employment tribunal**.

This summary bulletin focuses mainly on the three largest tribunals as they make up the majority (**84%**) of tribunal **receipts** in October to December 2017. These are:

- Social Security and Child Support (SSCS) - **44%** of receipts
- Employment Tribunal (ET) – **29%** of receipts
- First Tier Tribunal Immigration and Asylum Chamber (FTTIAC) – **11%** of receipts

Figure 1: Receipts, disposals and caseload outstanding¹ for all tribunals (Source: Table S.2-4)

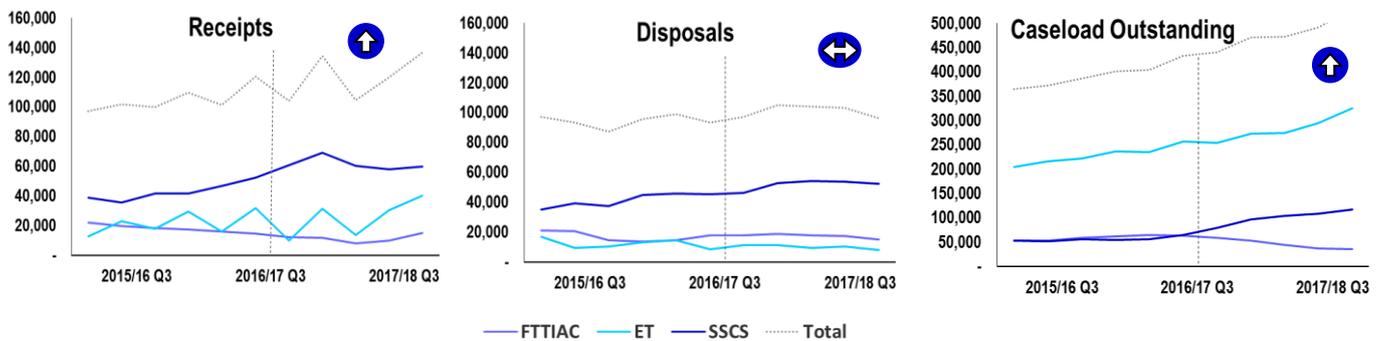


Figure 1 shows trends in receipts, disposals and caseload outstanding over the last 3 years for the main tribunals and overall. In October to December 2017, overall receipts increased 31% due to a large rise in ET receipts (up 304%), seen across both single and multiple claim receipts. Receipts to the FTTIAC also increased by 21% when compared to the same period in 2016, while SSCS receipts fell 1%.

There was no substantive change in overall disposals when compared to October to December 2016, as a result of increases in SSCS disposals (up 13%) being offset by decreases in ET and FTTIAC disposals (down 30% and 17% respectively).

Overall caseload outstanding¹ increased by 21%, from 440,040 as at 31 December 2016 to 530,686 as at 31 December 2017. This was driven by a 47% increase in SSCS caseload outstanding and a 28% increase in ET caseload outstanding.

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

2. Social Security and Child Support

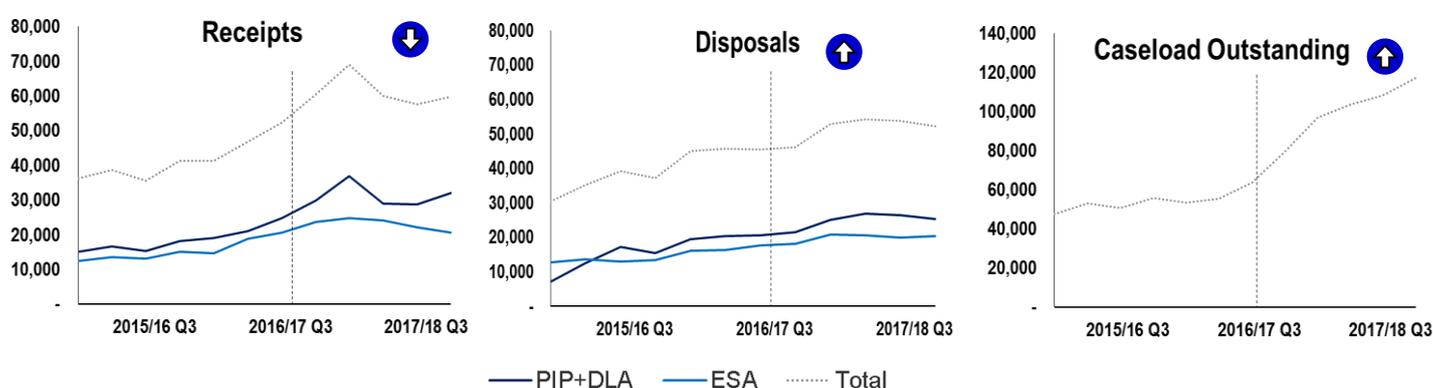
SSCS receipts decreased, following an increasing trend seen since Jan-Mar 2014/15

Social Security and Child Support (SSCS) receipts have decreased by 1% when compared to October to December 2016. Disposals increased by 13% in the same period, but have remained relatively level over the last three quarters. Caseload outstanding continues to increase (by 47% over the same period).

84% of disposals were cleared at hearing with a 65% overturn rate

Of the 52,300 disposals in October to December 2017, 84% were cleared at a hearing and of these, 65% had the initial decision revised in favour of the claimant (up from 63% in the same period in 2016).

Figure 2.1: Social Security and Child Support receipts, disposals and caseload outstanding, Q1 2015/16 to Q3 2017/18 (Source: Table SSCS.1 and SSCS.2)



SSCS tribunal receipts decreased by 1% when compared to October to December 2016. This was driven by a 13% decrease in Employment Support Allowance (ESA) receipts being offset by a 6% increase in Personal Independence Payment (PIP) receipts. ESA and PIP accounted for 34% and 49% of all SSCS receipts respectively. More recently, over the past four quarters, PIP receipts drove an increase in overall receipts to a peak in Q4 2016/17 of 69,000, and has since declined to 60,000 in the most recent quarter (Q3 2017/18).

ESA and PIP also make up the majority of SSCS disposals, with 39% and 45% of total disposals respectively. In October to December 2017, 52,297 cases were disposed of, up 13% when compared with the same period in 2016. Whilst disposals have increased when compared to the same quarter in 2016, over the past four quarters the number of disposals has stabilised and has been decreasing slightly since Q1 2017/18.

Of the disposals made by the SSCS Tribunal, 43,784 (84%) were cleared at hearing, and of these, 65% were found in favour of the customer (up from 63% on the same period of 2016/17). This overturn rate varied by benefit type, with ESA and PIP having 69%, Disability Living Allowance 61% and Job Seekers Allowance having 43% in favour of the customer. PIP has driven the overall increase in the overturn rate, where it has increased four percentage points on October to December 2016.

There were 117,189 SSCS cases outstanding at the end of December 2017, up 47% compared to the same period in 2016. This was driven by a larger number of appeal receipts than disposals in recent periods prior to 2017/18 Q3. Of those cases disposed of by SSCS in October to December 2017, the mean age of a case at disposal was 24 weeks, 8 weeks more than the same period in 2016.

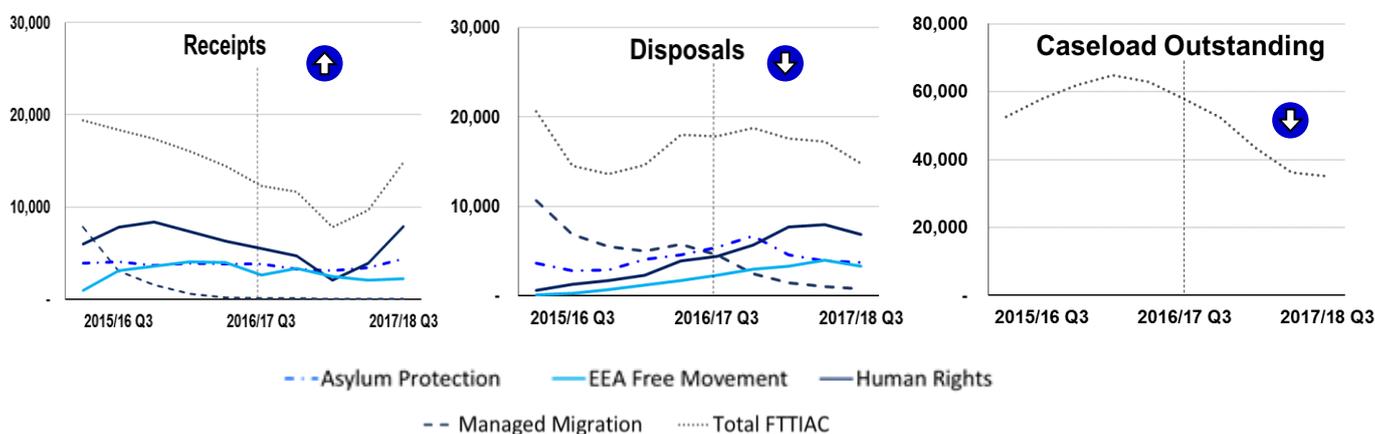
3. Immigration and Asylum

First-tier Tribunal Immigration and Asylum Chamber (FTTIAC)

In October to December 2017, FTTIAC **receipts increased** by 21% (to 14,900) compared to the same period in 2016, continuing the recent increase seen since the low of 7,800 in Q1 2017/18.

In the same period, **disposals and caseload outstanding decreased by 17%** (to 14,800) and **39%** (to 35,100) respectively, with the latter continuing the decline seen since the peak in April to June 2016 and reflecting the lower volume of receipts seen in the period since this peak.

Figure 3.1: First-tier Tribunal, Immigration and Asylum Chamber receipts, disposals and caseload outstanding, Q1 2015/16 to Q3 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 growing majority (98%) of the FTTIAC receipts.

Human Rights receipts have increased by 43% (to 7,929) in October to December 2017, compared to the same period in 2016. This proportionally represents 53% of all FTTIAC receipts (up from 45% a year ago) and Human Rights appeals have driven the short-term increase in receipts seen since Q1 2017/18. Asylum/Protection receipts also increased (by 15% to 4,414) but decreased slightly in proportion from 31% to 30% of all FTTIAC receipts. EEA receipts were the only IA 2014 category to see a decrease in receipts this quarter, down by 13% (from 2,615 to 2,265), as well as proportionally decreasing from 21% to 15% of all FTTIAC receipts.

The FTTIAC disposed of 14,808 appeals, down 17% on October to December 2016. 7% of First-tier disposals are comprised of pre-Immigration Act categories, down from 33% a year ago. Human Rights make up the largest proportion (46%) of all FTTIAC disposals in October to December 2016, up from 24% a year ago.

Of the disposals made in the FTTIAC, 84% were determined i.e. a decision was made by a judge at a hearing or on the papers; 12% were withdrawn; 3% were invalid or out of time, and 1% were struck-out for non-payment of the appeal fee. Half of the 12,395 cases determined were allowed/granted, although this varied across the IA 2014 categories (from 42% for Asylum/Protection to 57% for Human Rights, up from 38% and from 44% in October to December 2016 respectively).

In the FTTIAC, average time taken to clear appeals across all categories has increased by 2 weeks to 50 weeks. Asylum/Protection had the lowest average time to clearance with 26

weeks, having decreased from 34 weeks in October to December 2016, while most of the other appeal categories took over 52 weeks to be cleared.

For the UTIAC, receipts stood at 2,229 in October to December 2017, up 33% on the same period in 2016. All three IA 2014 categories appeals increased over this time, with Asylum/Protection increasing 66% to 919 receipts and Human Rights receipts up 306% to 723. Pre-Immigration Act category receipts continued to fall, accounting for 14% of all UTIAC receipts in the quarter (down from 52% in the same quarter in 2016).

Over the same period, disposals decreased 4% (to 1,587) and the caseload outstanding (as at the end of December 2017) stood at 2,826, a 48% increase on the end of December 2016.

UTIAC Immigration and Asylum Judicial Reviews

In October to December 2017, there were 2,500 Immigration and Asylum **Judicial Review receipts** and 2,400 **disposed** of at the **UTIAC, down 19% and 28% respectively** on October to December 2016.

Of the 2,403 Immigration and Asylum Judicial Reviews disposed of in the UTIAC in October to December 2017, 68% were determined and 4% 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 October to December 2017, 2,543 Judicial Review applications were determined by paper hearing, of which 7% were allowed to continue to the substantive hearing stage. A further 668 were reconsidered at an oral renewal, of which 25% were allowed to continue to the substantive hearing stage. There were 35 substantive hearings which were determined in October to December 2017, of which 20% were granted in favour of the appellant (see table UIA.3).

4. Employment Tribunals

Employment Tribunal Fee Refunds

Between 20 October 2017 (when the ET fee refund scheme was introduced) and 31 December 2017, **4,800 refund applications** were received and **4,273** were **processed**. Over the same period, **3,337 refund payments** were made with a **total monetary value of £2,758,316**.

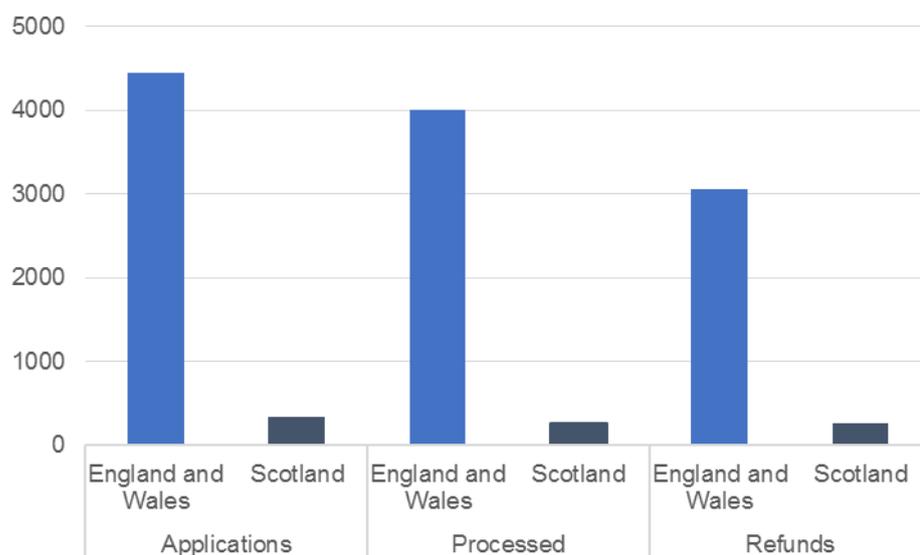
The Employment Tribunal (ET) fee refund scheme² was introduced (as a phased implementation scheme) in October 2017 following the abolition of ET fees on 26 July 2017. It was then rolled out to all applicants on 15 November 2017.

Of the applications received to 31 December 2017, 93% (4,453 applications) related to cases brought in England and Wales. The remaining 7% (347 applications) were from Scotland.

As at 31 December 2017, 3,337 refund payments were made by the MoJ, with a total monetary value of £2,758,316. Of these 3,337 refund payments made;

- 89% (2,962 refunds) related to England, 8% (273 refunds) to Scotland and the remaining 3% (102 refunds) related to Wales.
- 3,256 relate to single claims and 68 relate to multiple ET claims. As each refund payment may relate to a number of fees paid by the claimant across a number of cases, there are also seven refunds which relate to both single and multiple ET claims.

Figure 4.1: Employment Tribunal fee refund applications received and processed, and refunds made, 20 October to 31 December 2017



² More information on the scheme is available here <https://www.gov.uk/government/news/opening-stage-of-employment-tribunal-fee-refund-scheme-launched>

5. Gender Recognition Certificate

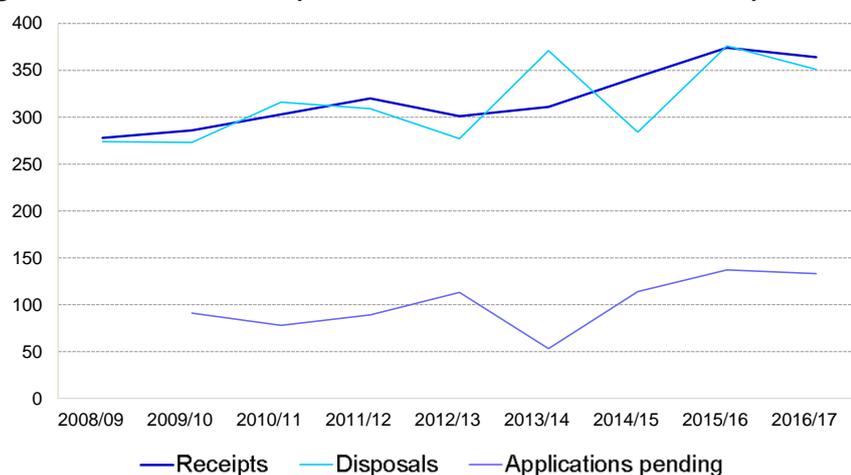
82 GRP applications were received and 115 were disposed of between October and December 2017; 84 applications were pending by the end of December 2017

Of the 115 applications disposed of, a full Gender Recognition Certificate (GRC) was granted in 83% of cases (95 full GRCs), the same proportion as 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. There were no interim certificates converted to a full GRC between October to December 2017.

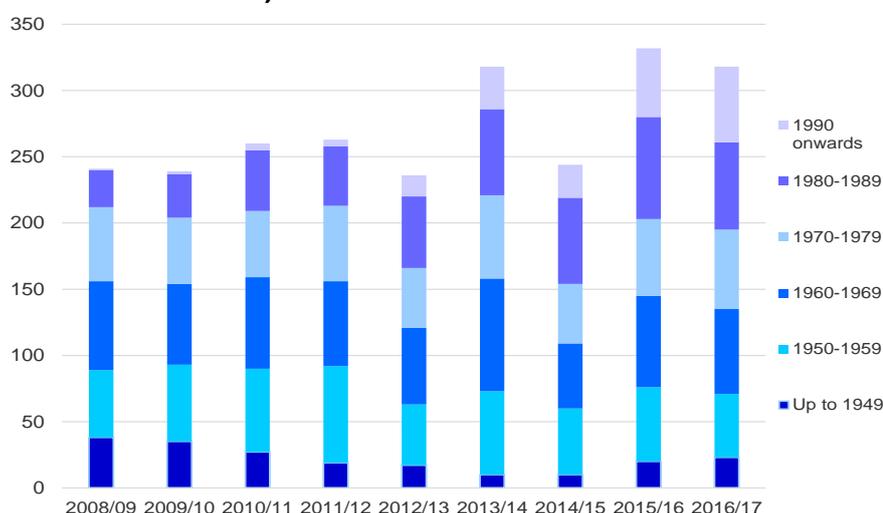
Over the long-term, the number of applications dealt with by the Gender Recognition Panel (GRP) has been gradually increasing. Annual trends show that although there has been greater fluctuation in disposals than receipts, disposals are usually lower, leading to an increase in applications pending in 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 October to December 2017, 95 full certificates were granted, of which 15 were for married applicants and 80 for single applicants. 61 (64%) of the individuals with full certificates granted were registered male at birth and 34 (36%) 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)



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 October to December 2017 will be published in June 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, and two additional sets of tables on Employment Tribunals (for ET Fee Refunds 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. A CSV on SSCS receipts and disposals by tribunal venue and benefit type is also included.
- Additional releases this quarter:
 - A response to the consultation on changes to the rate of appeal to the Special Educational Needs and Disability (SEND) Tribunal. The consultation ran from 14 December 2017 to 9 February 2018.

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Next update: 14 June 2018 (URL: www.gov.uk/government/collections/tribunals-statistics)

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