



Tribunals and Gender Recognition Statistics Quarterly, April to June 2018 (Provisional)

Main points

<p>Increase in overall volume of receipts and decrease in disposals leads to a rise in outstanding caseload</p>	<p>↑ ↓ ↑</p>	<p>Her Majesty's Courts & Tribunals Service (HMCTS) recorded an increase in receipts in April to June 2018, up 34% when compared to the same quarter in 2017. Disposals decreased slightly (1%) in the same period and caseload outstanding increased by 24%</p>
<p>Overall trend masks differing trends across jurisdictions</p>		<p>Receipts – ET receipts more than tripled in total and FTTIAC receipts were also up this quarter, whereas SSCS receipts fell. Disposals – Of the three main tribunals, only ET disposals increased this quarter, driven by single claims.</p>
<p>SSCS receipts and disposals decreased, whilst caseload outstanding increased</p>	<p>↓ ↑</p>	<p>Social Security and Child Support (SSCS) receipts and disposals have decreased (by 15% and 2% respectively when compared to April to June 2017), whereas caseload outstanding has increased (by 20% in the same period).</p>
<p>FTTIAC receipts continue to increase, while disposals and caseload outstanding continue to fall</p>	<p>↑ ↓</p>	<p>In April to June 2018, First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) received 51% more appeals compared to the same period in 2017. Disposals and outstanding caseload both fell (by 16% and 20% respectively).</p>
<p>Single claims received at Employment tribunal (ET) continue to rise following the abolition of ET fees, more than doubling this quarter</p>	<p>↑</p>	<p>Single ET claims – this quarter receipts, disposals and caseload outstanding all increased, by 165%, 56% and 130% respectively, compared to the same period in 2017. Multiple ET claims – receipts more than quadrupled (up 344%) this quarter due to a large multiple airline claim, while disposals fell by 13%, leading to a 34% rise in caseload outstanding.</p>
<p>12,400 ET fee refund payments have been made as at 30 June 2018, with a total value of £10.6m</p>	<p>£</p>	<p>From the launch of the ET fee refund scheme to 30 June 2018, there were 14,500 applications for refunds received and 12,400 refund payments made, with a total value of £10,615,000.</p>
<p>Disability discrimination claims received on average £30,700 in compensation awards</p>	<p>£</p>	<p>In 2017/18, disability discrimination claims received the largest average award (£30,700) compared to other discrimination jurisdictions, while Religious discrimination had the lowest average award (£5,100)</p>

This publication gives tribunals and gender recognition certificate statistics for the latest quarter (April to June 2018), compared to the same quarter the previous year. For technical detail about data sources, quality, policy changes and terminology, please refer to the accompanying guide to tribunal statistics.

1. Overview of Tribunals

139,800 receipts and 103,200 disposals recorded by HMCTS

In April to June 2018, HMCTS recorded an **increase** in **receipts** when compared to the same quarter in 2017, up 34%. **Caseload outstanding** also continued to **increase**, up 24% (to 586,800) over the same period. However, **disposals decreased** slightly by 1%.

The **increase** in overall volume of **receipts** masks the differing trends across jurisdictions. **ET receipts** more than **tripled** in total and **FTTIAC receipts** were also **up** this quarter, whereas **SSCS receipts** fell.

This summary bulletin focuses mainly on the three largest tribunals as they make up the majority (**83%**) of tribunal **receipts** in April to June 2018. These are:

- Social Security and Child Support (SSCS) - **37%** of receipts
- Employment Tribunal (ET) – **38%** of receipts
- First Tier Tribunal Immigration and Asylum Chamber (FTTIAC) – **8%** of receipts

Figure 1: Receipts, disposals and caseload outstanding¹ for all tribunals, Q1 2016/17 to Q1 2018/19 (Source: Tables S.2 - S.4)

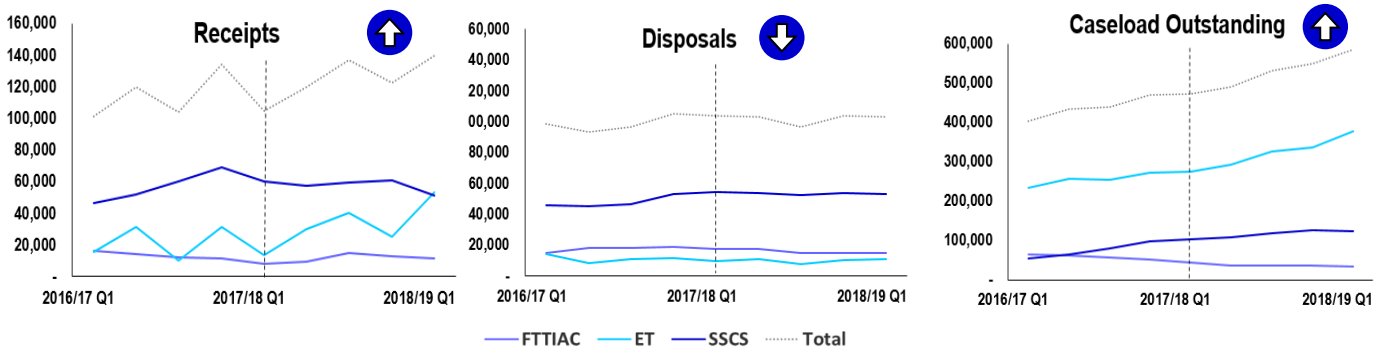


Figure 1 shows trends in receipts, disposals and caseload outstanding over the last three years for the three main tribunals and overall. In April to June 2018, overall receipts increased 34% compared to April to June 2017, driven by increases in ET claims and FTTIAC appeals of 290% and 51% respectively. SSCS receipts on the other hand decreased by 15% (to 51,239). Over the past four quarters, overall receipts have fluctuated each quarter, with a low of 119,801 in Q2 2017/18 and a high of 139,816 in the current quarter (Q1 2018/19), mirroring those seen in ET claims.

Overall, HMCTS tribunals disposed of 1% fewer cases in April to June 2018 (103,231 disposals), compared to April to June 2017. The SSCS tribunal (which makes up over half of all tribunal disposals) disposed of 2% less cases in the same period. The only increase across the three main tribunals was seen in ET single claim disposals, up 56%.

There were 586,765 cases outstanding at the end of June 2018, up 24% compared to the same period in 2017. This was driven by a 37% increase in ET caseload outstanding as well as a 20% increase in SSCS caseload outstanding, continuing the long-term upward trend.

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

2. Social Security and Child Support

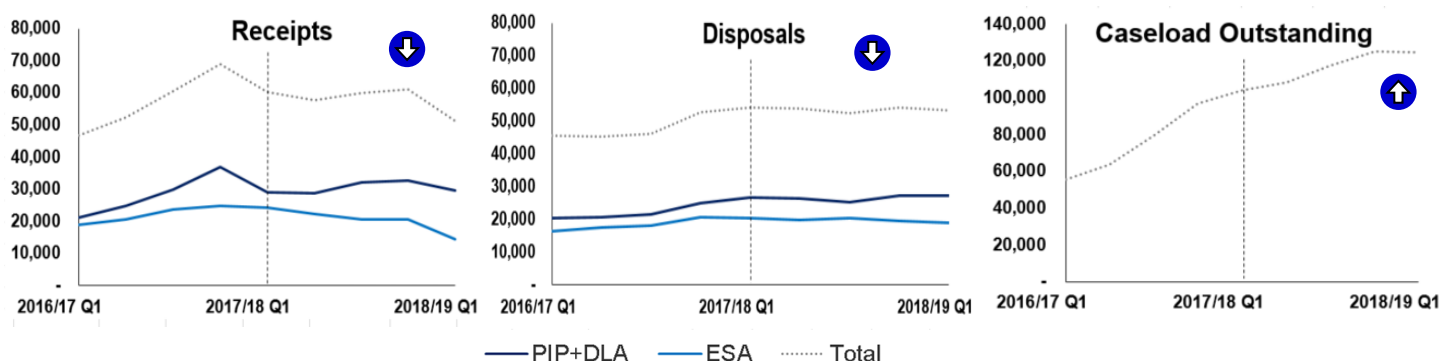
SSCS receipts and disposals have both decreased

Social Security and Child Support (SSCS) **receipts** have **decreased** by 15% when compared to April to June 2017; **disposals** have also **decreased** by 2% in the same period. **Caseload outstanding** continues to **increase** (up 20% over the same period).

83% of disposals were cleared at hearing with a 67% overturn rate

Of the 53,300 **disposals** in April to June 2018, **83%** were **cleared** at a hearing and of these, **67%** had the initial decision **revised in favour of the claimant** (up from 63% in the same period in 2017).

Figure 2: Social Security and Child Support receipts, disposals and caseload outstanding, Q1 2016/17 to Q1 2018/19 (Source: Tables SSCS.1, SSCS.2 and S.4)



SSCS tribunal receipts decreased by 15% this quarter to 51,239 appeals, when compared to April to June 2017. This was driven by Employment Support Allowance appeals, which fell 41% compared to April to June 2017. ESA and Personal Independence Payment (PIP) appeals accounted for 28% and 53% of all SSCS receipts respectively in April to June 2018. Over the last four quarters, SSCS receipts remained broadly stable (around 58,000 to 61,000 appeals), before falling to 51,200 appeals in the current quarter.

ESA and PIP also make up the majority of SSCS disposals, with 35% and 46% of total disposals respectively. In April to June 2018, 53,345 cases were disposed of, down 2% when compared with the same period in 2017. Over the past four quarters, the number of disposals has remained constant at around 52,000 to 54,000 cases.

Of the disposals made by the SSCS Tribunal, 44,301 (83%) were cleared at hearing, and of these 67% were found in favour of the customer (up from 63% on the same period in 2017). This overturn rate varied by benefit type, with PIP and ESA both having 71%, Disability Living Allowance 65%, Universal Credit 55% and Job Seekers Allowance having 36% in favour of the customer. PIP has driven the overall increase in the overturn rate, increasing six percentage points on April to June 2017.

There were 124,649 SSCS cases outstanding at the end of June 2018, up 20% compared to the same period in 2017. This has been driven by receipts consistently being greater than disposals over the last two years. However, over the last two quarters, caseload outstanding has decreased (down 1% between Q4 2017/18 and Q1 2018/19), ending the consistent rise seen since Q4 2015/16.

Of those cases disposed of by the SSCS Tribunal in April to June 2018, the mean age of a case at disposal was 27 weeks, seven weeks more than the same period in 2017. This mean age varied slightly by benefit type, with 28 weeks for PIP cases and 26 weeks for ESA cases. All other benefit types had a mean age of 27 weeks.

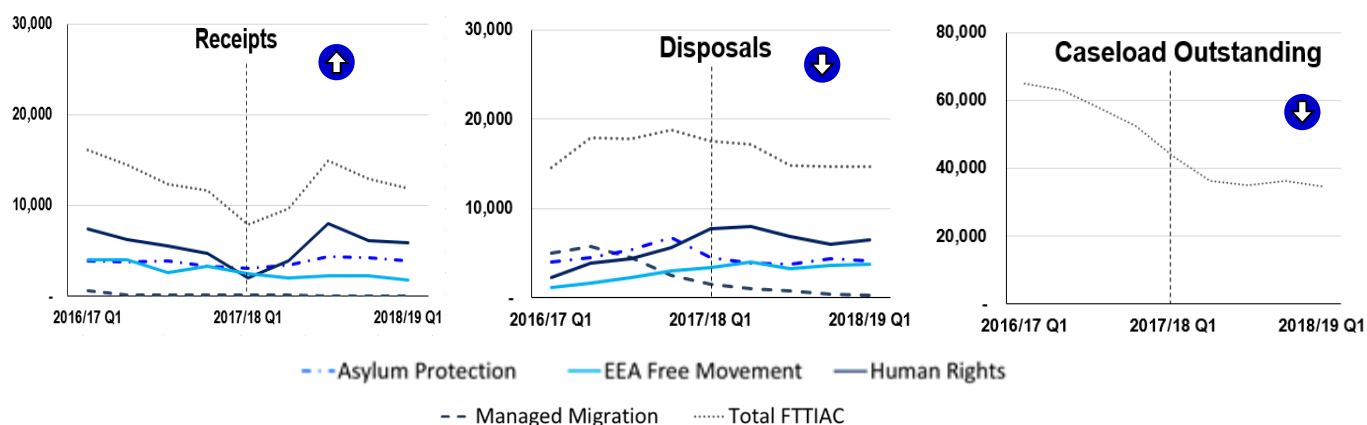
3. Immigration and Asylum

First-tier Tribunal Immigration and Asylum Chamber (FTTIAC)

In April to June 2018, FTTIAC receipts increased by 51% (to 11,900) compared to the same period in 2017.

In the same period, disposals and caseload outstanding decreased by 16% (to 14,700) and 20% (to 34,600) respectively, with the latter continuing the decline seen since the peak in April to June 2016, due to the volume of receipts being below that of disposals since this peak.

Figure 3: First-tier Tribunal Immigration and Asylum Chamber receipts, disposals and caseload outstanding, Q1 2016/17 to Q1 2018/19 (Source: Tables FIA.1, FIA.2, S.4)



The Immigration Act 2014 (IA 2014) tribunal categories of Human Rights, EEA Free Movement (EEA) and Asylum/Protection continue to make up the majority (98%) of FTTIAC receipts.

Human Rights (HR) receipts have increased by 187% (to 5,899) in April to June 2018, compared to the same period in 2017. HR receipts proportionally represent half of all FTTIAC receipts (up from 26% a year ago), however compared to Q3 and Q4 2017/18 HR receipts have decreased, driving the trend in total FTTIAC receipts.

Asylum/Protection receipts also increased (by 26% to 3,894) this quarter, but decreased in proportion from 39% to 33% of all FTTIAC receipts, due to the significant increase in HR receipts as above. EEA receipts were once again the only IA 2014 category to see a decrease in receipts this quarter, down 27% from the same quarter last year (to 1,801 receipts), as well as proportionally decreasing from 32% to 15% of all FTTIAC receipts.

The FTTIAC disposed of 14,728 appeals, down 16% on April to June 2017. Pre-Immigration Act categories made up 3% of all FTTIAC disposals, down from 11% in the same quarter a year ago. As with receipts, Human Rights appeals continue to make up the largest proportion (44%) of all FTTIAC disposals in April to June 2018, the same percentage as a year ago.

Of the disposals made in the FTTIAC this quarter, 78% were determined i.e. a decision was made by a judge at a hearing or in papers; 16% were withdrawn; 4% were invalid or out of time, and 2% were struck-out for non-payment of the appeal fee. Half of the 11,429 cases determined were allowed/granted, although this varied across the IA 2014 categories (from 43% for Asylum/Protection to 59% for Human Rights). This continues the increasing trend seen in the past year, up from 47% of determined cases allowed/granted in April to June 2017 (where IA 2014 categories ranged from 38% for Asylum/Protection to 55% for Human Rights).

In the FTTIAC, the average time taken to clear appeals across all categories has decreased by nine weeks to 42 weeks this quarter compared to the same period of 2017/18. Asylum/Protection had the lowest average time to clearance with 22 weeks (down from 29 weeks in April to June 2017), whilst the other two IA 2014 categories took nearly a year on average to clear (Human Rights average 47 weeks and EEA 50 weeks respectively).

Upper Tribunal Immigration and Asylum Chamber (UTIAC)

In April to June 2018, UTIAC **receipts, disposals** and **outstanding caseload** have all **increased**, up 20%, 36% and 56% respectively, when compared to the same period in 2017.

UTIAC **judicial review receipts** continue to **fall** - again at the lowest level since the UTIAC took on responsibility for deciding applications for judicial review of certain decisions under immigration legislation in November 2013

At the UTIAC, there were 2,137 receipts in April to June 2018, up 20% on the same period in 2017. Appeals for HR (up 186% to 1,057 receipts) and EEA (up 230% to 261) drove this increase, while Asylum/Protection decreased from 769 to 608 receipts (down 21%). Receipts for the pre-Immigration Act categories also continue to fall, now accounting for 10% of all UTIAC receipts this quarter (down from 31% in April to June 2017).

Over the same period, UTIAC disposals increased 36% (to 2,250), with the three IA 2014 categories making up 87% of all UTIAC disposals.

At the end of June 2018, the UTIAC caseload outstanding stood at 2,865, a 56% increase on the end of June 2017. This is due to receipts consistently being higher than disposals over the past year, except for the current quarter.

UTIAC Immigration and Asylum Judicial Reviews

In April to June 2018, there were 2,170 Immigration and Asylum Judicial Review receipts and 2,403 disposals, down 17% and 23% respectively on April to June 2017.

Of the 2,403 Immigration and Asylum Judicial Reviews disposed of in the UTIAC in April to June 2018, 66% were determined and 2% were transferred to the Administrative Court. The remaining 32% were in an 'other category', which included cases that were withdrawn or not served (see table UIA.2).

During April to June 2018, 1,744 Judicial Review applications were determined by paper hearing, of which 7% were allowed to continue to the substantive hearing stage. A further 623 were reconsidered at an oral renewal, of which 23% were allowed to continue to the substantive hearing stage. There were 38 substantive hearings which were determined in April to June 2018, of which 32% were granted in favour of the appellant (see table UIA.3).

4. Employment Tribunals

Employment Tribunal Fee Refunds

From the launch of the **ET fee refund scheme** in October 2017 to 30 June 2018, there were **14,500 applications for refunds received** and **12,400 refund payments made**, with a **total monetary value of £10,615,000**.

Between 1 April 2018 and 30 June 2018, **5,100 refund applications** were received and **4,700 refund payments** were made with a **total value of £4,018,300**.

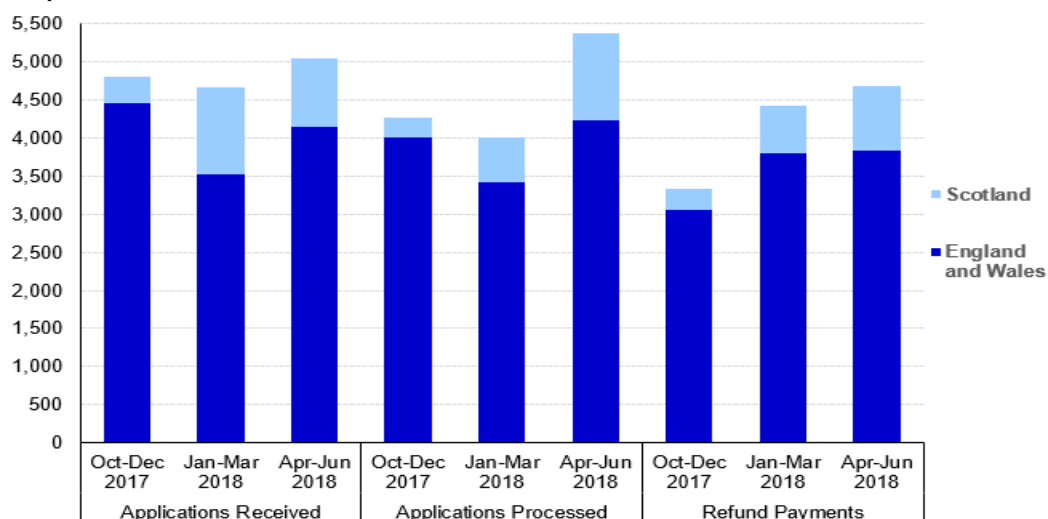
The Employment Tribunal (ET) fee refund scheme² was introduced (as a phased implementation scheme) in October 2017 following the abolition of ET fees on 26 July 2017. Since the introduction of the scheme, a total of 14,525 applications for refunds have been received and 12,432 payments have made, with a total value of £10,615,044 as at 30 June 2018.

Of the applications received between April and June 2018, 82% (4,145 applications) related to cases initially brought forward in England and Wales, up from 75% in the quarter to 31 March 2018. The remaining 18% of applications received this quarter (908 applications) related to cases initially brought forward in Scotland.

In the quarter April to June 2018, 4,682 refund payments were made by the MoJ, with a total monetary value of £4,018,265. Of these 4,682 refund payments made:

- 79% (3,700 refunds) related to England, 18% (851 refunds) to Scotland and the remaining 3% (131 refunds) related to Wales.
- 96% (4,511 refunds) related to single claims and 3% (137 refunds) related to multiple claims. As each refund payment may relate to several fees paid by the claimant across a number of cases, there are also 21 refunds which relate to both single and multiple ET claims.

Figure 4.1: Employment Tribunal fees – refund applications received and processed, and refund payments made, Q3 2017/18 – Q1 2018/19 (Source: Tables ETFR.1 and ETFR.2)



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

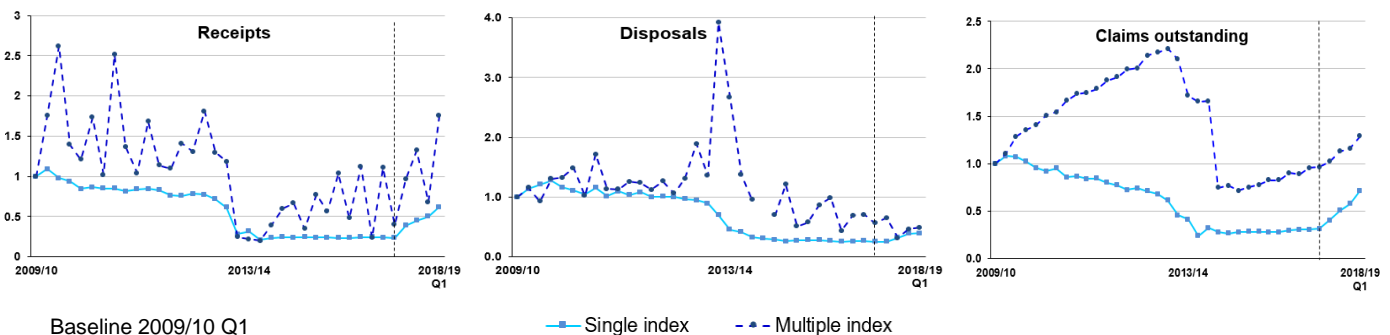
Employment tribunal single cases

In April to June 2018, single claim **receipts**, **disposals** and **outstanding caseload** all **increased** (by 165%, 56% and 130% respectively), when compared to the same period in 2017. **Mean age** at disposal was **unchanged** at 28 weeks over the same timeframe.

Employment tribunal multiple cases

Receipts increased by 344% this quarter (due to a large multiple airline claim) while **disposals fell** by 13%, leading to a 34% **rise in caseload outstanding**. **Mean age** at disposal **decreased** from 318 weeks to 133 weeks over the same period.

Figure 4.2: Index of Employment Tribunals single and multiple claim receipts, disposals & claims outstanding, Q1 2009/10 – Q1 2018/19 (Source: Tables S.2 - S.4)³



The number of single claim receipts has more than doubled (up 165%) to 10,996 in the current quarter, most likely due to the abolition of ET fees on 26 July 2017. During the period of operation of ET fees (July 2013 to July 2017) receipts remained relatively stable (around 4,300 per quarter), but have been increasing consistently since the abolition of ET fees. Single claim receipts are for the first time this quarter higher than the level in July to September 2013, when fees were first introduced.

There were 42,700 multiple claims received this quarter, up 344% on the same period last year. Multiple claims tend to be more volatile as they can be skewed by a high number of claims against a single employer – for example this quarter over 23,000 claims were received in relation to one large multiple case. The multiple claims received this quarter related to 716 multiple claim cases (an average of 60 claims per multiple case) – up from 317 cases (average of 30 claims per case) in the same period a year ago.

The Employment Tribunal disposed of 10,891 claims during April to June 2018, up 13% on the same period in 2017. This was driven by a 56% increase in single claims disposals, offsetting a 13% decrease in multiple claim disposals. The multiple claims disposed of this quarter relate to 384 multiple claim cases, up from 244 cases in April to June 2017.

In April to June 2018, 25% of jurisdictional complaints disposed were Acas conciliated settlements, 26% were withdrawn, 18% were dismissed upon withdrawal, 9% were struck out (not at a hearing) and 7% were successful at hearing. The most common jurisdictional complaint disposed of between April and June 2018 was 'Unauthorised deductions (formerly Wages Act)', the same as in April and June 2017.

³ 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

85 Gender Recognition Panel (GRP) applications were received and 101 were disposed of between April and June 2018; 76 applications were pending by the end of June 2018

Of the 101 applications disposed of, a full Gender Recognition Certificate (GRC) was granted in 89% of cases (90 full GRCs), one percentage point higher than in the same period in 2017 (where 70 full GRCs were granted out of 80 disposals).

Since April 2005/06, when the Gender Recognition Act 2004 came into effect, 65% of interim certificates (131 of the 202 interim GRCs granted) have been converted to a full GRC, 58% of which were converted within 30 weeks. One interim certificate was converted to a full GRC between April and June 2018.

In April to June 2018, 90 full certificates were granted, of which 13 were for married applicants and 77 for single applicants. 59 (66%) of the individuals granted full certificates were registered male at birth while 31 (34%) were registered female at birth.

Figure 5.1: Applications for Gender Recognition Certificates received, disposed of and pending, 2007/08 to 2017/18 (Source: Tables GRP.1 and GRP.2)

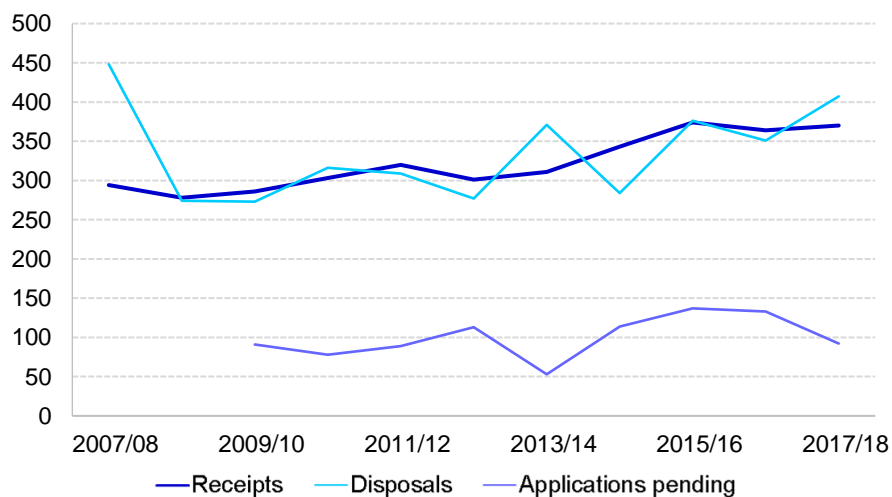
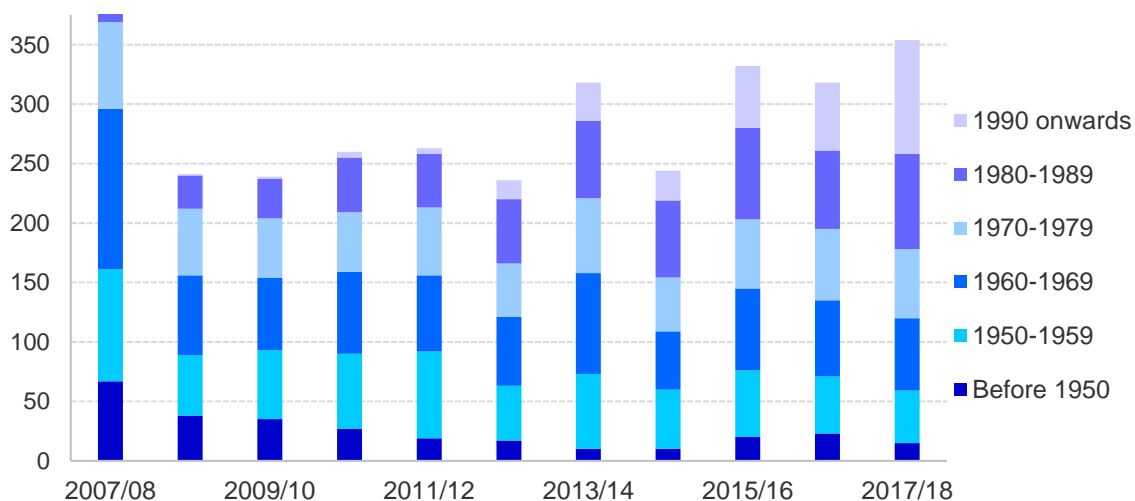


Figure 5.2: Full Gender Recognition Certificates granted by year of birth, 2007/08 to 2017/18 (Source: Table GRP.4)



6. Employment Tribunal and Employment Appeal Tribunal, 2017/18

Employment tribunal Representation

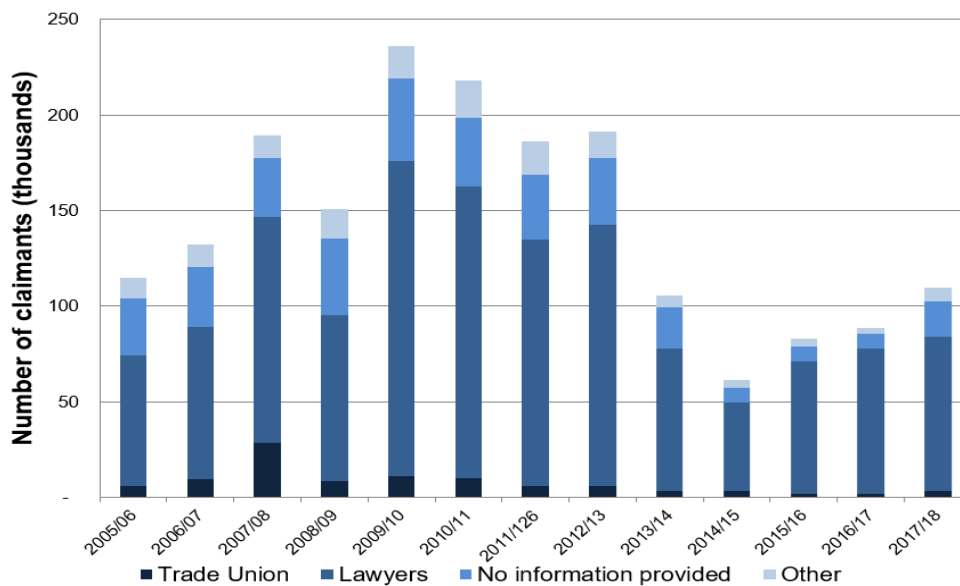
Nearly three quarters of claimants (74%) were represented by a lawyer⁴ in 2017/18, down from 86% in 2016/17. In contrast, 17% of claimants in 2017/18 had no representation⁵, up from 9% in 2016/17.

Costs and Compensation⁶

In 2017/18, the highest maximum compensation awarded for ET discrimination claims was in the Disability Discrimination jurisdiction with an award of £242,000.

Claimant representation is recorded at the time of application and may change as a case progresses. The proportion of claimants represented by a lawyer in 2017/18 was 74%, twelve percentage points lower than in 2016/17. Representation information was not provided for 17% of claims, up from 9% of claims in 2016/17.

Figure 6.1: Representation of claimants at Employment Tribunals, 2005/06 to 2017/18



Centrally collated cost and compensation data is only published for Unfair Dismissal and discrimination cases. In 2017/18, there were 536 claims that received compensation for Unfair Dismissal, where the maximum award was £415,227 and the average (mean) award was £15,007.

⁴Includes: represented by Solicitors, Law Centres and Trade Associations.

⁵ For those individuals representing themselves, there is no need to provide information on representatives. Therefore all cases where the representative information was left blank are included here.

⁶ Costs and compensation are awarded per claim, not jurisdiction. Costs and compensation are allocated to the lead jurisdiction in the claim only.

There were 136 discrimination cases where compensation was awarded in 2017/18; the maximum amount awarded (£242,130) was in the Disability Discrimination jurisdiction.

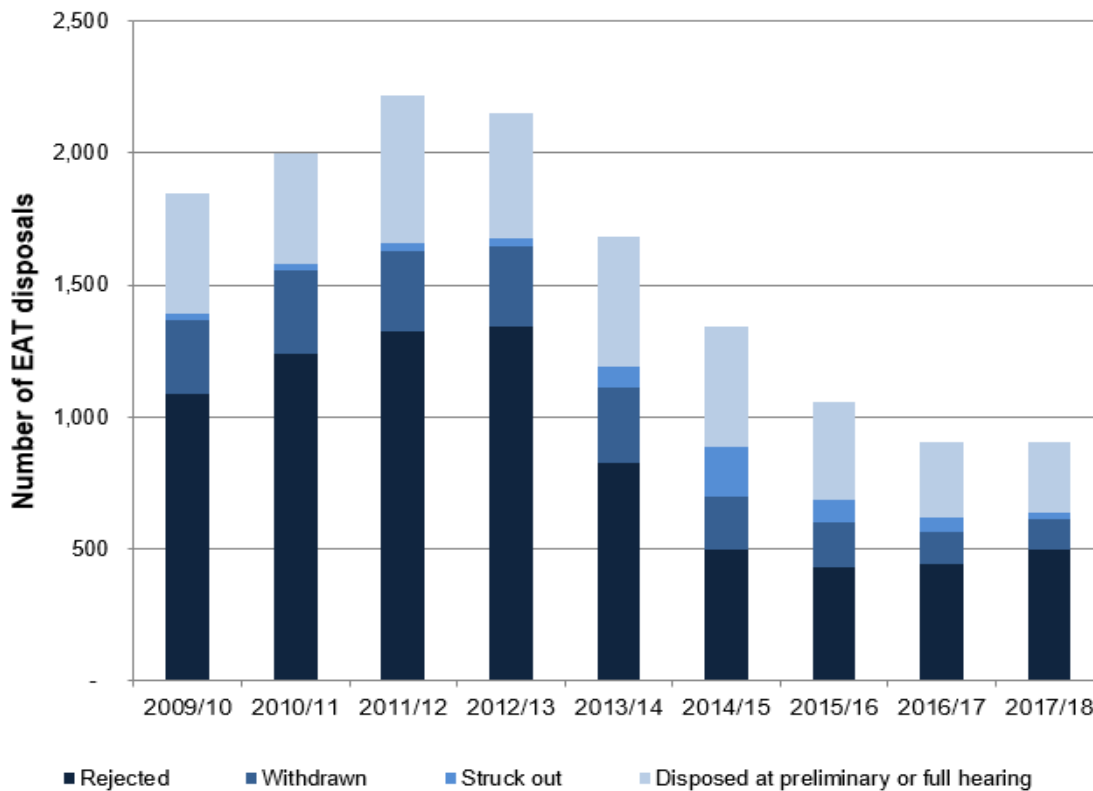
Employment Appeal Tribunals (EAT)

In 2017/18, the Employment Appeal Tribunal received 996 appeals (up 12% on 2016/17) and disposed of 905 appeals (no change from 2016/17).

In 2017/18, 35% of appeals dealt with at a preliminary hearing were dismissed. This proportion is higher for appeals brought by employers, where 45% of appeals were dismissed compared to 32% of appeals brought by employees which were dismissed.

Of those appeals that reached an EAT final hearing, 53% were dismissed at full hearing. There was no significant difference in this disposal rate for cases brought by either employees or employers.

Figure 6.2: Outcome of EAT Disposals, 2009/10 to 2017/18



Further information

Provisional data and revisions

As part of an annual data reconciliation exercise, the quarterly data for January to March 2018 have been refreshed and figures revised accordingly. These revisions have not significantly altered trends, and can be identified by the 'r' symbol within statistical tables provided. If revisions are needed in the subsequent year, these will be clearly annotated in the tables.

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.
- Additional releases this quarter:
 - A statistical notice presenting management information on 'out of time' claims brought to the Employment Tribunal, covering January to June 2018.
 - An updated statistical notice on Immigration and Asylum (I&A) Detained Immigration Appeals (DIA) to include data to Q1 2018/19. These figures are published so they can be used by the Independent Tribunal Procedure Committee (TPC), to inform their consideration of the need for and scope of any new Detained Fast Track (DFT) rules.

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