



## Tribunals and Gender Recognition Statistics Quarterly, July to September 2018 (Provisional)

### Main points

<p><b>Decrease in overall volume of receipts and disposals, while outstanding caseload continues to rise</b></p>		<p>Her Majesty's Courts &amp; Tribunals Service (HMCTS) recorded a <b>decrease</b> in both <b>receipts</b> and <b>disposals</b> in July to September 2018, <b>down</b> 14% and 5% respectively when compared to the same quarter in 2017. In the same period, <b>caseload outstanding increased</b> by 20%.</p>
<p><b>SSCS receipts and disposals continue to decrease, whilst caseload outstanding increases</b></p>		<p>Social Security and Child Support (SSCS) <b>receipts</b> and <b>disposals</b> have <b>decreased</b> (by 20% and 7% respectively, compared to July to September 2017), whereas <b>caseload outstanding</b> has <b>increased</b> (by 12% in the same period).</p>
<p><b>FTTIAC receipts continue to rise, while disposals and caseload outstanding continue to fall</b></p>		<p>In July to September 2018, First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) <b>received</b> 16% <b>more</b> appeals compared to the same period in 2017. <b>Disposals</b> and <b>outstanding caseload</b> both <b>fell</b> (by 10% and 13% respectively).</p>
<p><b>Single claims received at Employment tribunal (ET) continue to rise following the abolition of ET fees, up by a third this quarter</b></p>		<p><b>Single</b> ET claims – this quarter <b>receipts, disposals</b> and <b>caseload outstanding</b> all <b>increased</b>, by 31%, 57% and 77% respectively, compared to the same period in 2017. <b>Multiple</b> ET claims – <b>receipts</b> and <b>disposals</b> both fell, 37% and 31% respectively this quarter, while <b>caseload outstanding rose</b> by 30%.</p>
<p><b>20,000 ET fee refund payments have been made as at 30 September 2018, a total value of £15.8m</b></p>		<p>From the launch of the <b>ET fee refund scheme</b> to 30 September 2018, there were <b>21,500 applications</b> for <b>refunds received</b> and <b>20,000 refund payments made</b>, with a total value of <b>£15,825,000</b>.</p>
<p><b>SEN appeals and disposals up 20% and 14% respectively</b></p>		<p>In the <b>academic year 2017/18</b> HMCTS tribunals recorded 5,700 <b>registered appeals</b> in relation to <b>SEN</b>, an <b>increase</b> of 20% when compared to the prior year. In the same period, 5,000 SEN appeals were <b>disposed</b>, an <b>increase</b> of 14% on 2016/17.</p>

This publication gives tribunals and gender recognition certificate statistics for the latest quarter (July to September 2018, Q2 2018/19), 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

### 102,700 receipts and 98,600 disposals recorded by HMCTS

In July to September 2018, HMCTS recorded a 14% **decrease** in **receipts** when compared to the same quarter in 2017. **Disposals** also **decreased**, by 5%, in the same period. However, **caseload outstanding** continued to **increase**, up 20% (to 591,700) over the same period.

The **decrease** in overall volume of **receipts** masks the differing trends across jurisdictions. **ET** and **SSCS receipts** both **fell** this quarter, while **FTTIAC receipts rose**.

This summary bulletin focuses mainly on the three largest tribunals as they make up the majority (**79%**) of tribunal **receipts** in July to September 2018. These are:

- Social Security and Child Support (SSCS) - **45%** of receipts
- Employment Tribunal (ET) – **23%** of receipts
- First Tier Tribunal Immigration and Asylum Chamber (FTTIAC) – **11%** of receipts

**Figure 1: Receipts, disposals and caseload outstanding<sup>1</sup> for all tribunals, Q2 2016/17 to Q2 2018/19 (Source: Tables S.2 - S.4)**

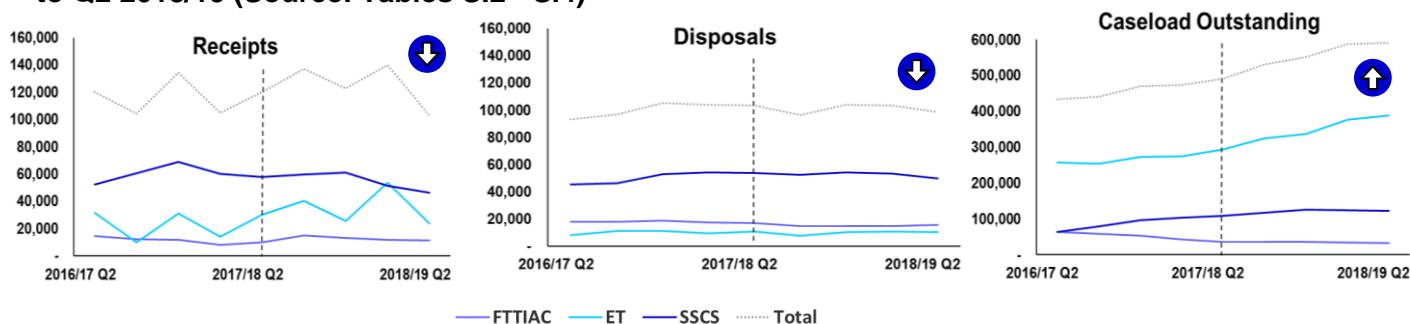


Figure 1 shows trends in receipts, disposals and caseload outstanding over the last three years for the three main tribunals and overall. In July to September 2018, overall receipts decreased 14% compared to July to September 2017, driven by decreases in ET claims and SSCS appeals of 22% and 20% respectively. FTTIAC receipts on the other hand increased by 16% (to 11,219). Over the past four quarters, overall receipts have fluctuated between about 103,000 and 140,000, and have mirrored the same trends seen in ET claims.

Overall, HMCTS tribunals disposed of 5% fewer cases in July to September 2018 (98,595 disposals), compared to July to September 2017. The SSCS tribunal (which makes up over half of all tribunal disposals) disposed of 7% fewer cases in the same period. Disposals fell in all the three main tribunals.

There were 591,650 cases outstanding at the end of September 2018, up 20% compared to the end of September 2017. This was driven by a 32% increase in ET caseload outstanding (which makes up two thirds of all total caseload outstanding), both continuing their long-term upward trend.

<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

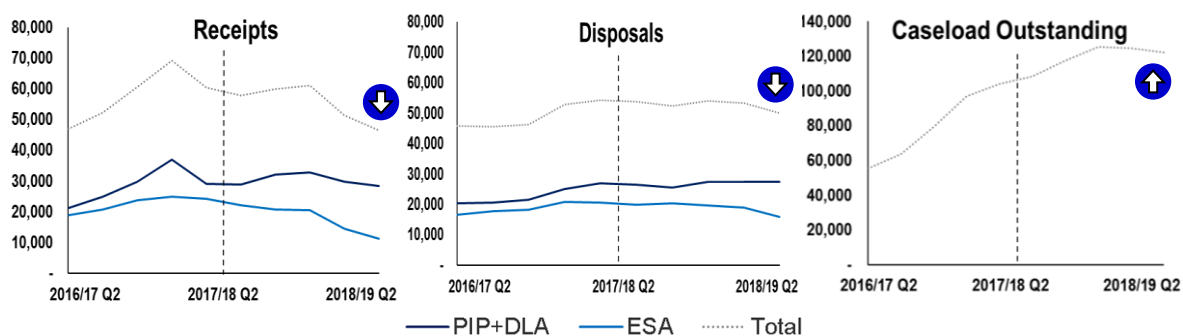
### SSCS receipts and disposals both continue to decrease

Social Security and Child Support **receipts** have **decreased** by 20% when compared to July to September 2017; **disposals** have also **decreased** by 7% in the same period. **Caseload outstanding** continues to **increase** (up 12% over the same period).

### 81% of disposals were cleared at hearing with a 68% overturn rate

Of the 50,000 **disposals** in July to September 2018, **81%** were **cleared at a hearing** and of these, **68%** had the initial decision **revised in favour of the claimant** (up from 64% in the same period in 2017).

**Figure 2: Social Security and Child Support receipts, disposals and caseload outstanding, Q2 2016/17 to Q2 2018/19 (Source: Tables SSCS.1, SSCS.2 and S.4)**



SSCS tribunal receipts decreased by 20% this quarter to 46,282 appeals, when compared to July to September 2017. This was driven by Employment Support Allowance appeals, which have halved compared to July to September 2017. Employment Support Allowance (ESA) and Personal Independence Payment (PIP) appeals accounted for 24% and 56% of all SSCS receipts respectively in July to September 2018. Over the last four quarters, SSCS receipts have been gradually falling (from 60,992 in Q4 2017/18 to 46,282 this quarter), following an initial 2% rise between Q3 and Q4 2017/18.

ESA and PIP also make up the majority of SSCS disposals, with 32% and 49% respectively. In July to September 2018, there were 50,025 SSCS cases disposed of, down 7% when compared with the same period in 2017. Like receipts, SSCS disposals have been gradually falling within the last year, following a peak of 54,000 in Q4 2017/18.

Of the disposals made by the SSCS Tribunal, there were 40,396 (81%) cleared at hearing, and of these 68% were found in favour of the customer (up from 64% on the same period in 2017). This overturn rate varied by benefit type, with PIP and ESA both having 72%, Disability Living Allowance 65%, Universal Credit 53% and Job Seekers Allowance having 33% in favour of the customer. PIP has driven the overall increase in the overturn rate, rising five percentage points on July to September 2017.

There were 121,928 SSCS cases outstanding at the end of September 2018, up 12% compared to the same period in 2017. This was driven by receipts consistently being greater than disposals over the last two years, except for the latest quarter. Over the last three quarters, caseload outstanding has been gradually decreasing (from 125,281 in Q4 2017/18), reversing the consistent rising trend seen since Q4 2015/16.

Of those cases disposed of by the SSCS Tribunal in July to September 2018, the mean age of a case at disposal was 29 weeks, six weeks more than the same period in 2017. This mean age varied slightly by benefit type, with 30 weeks for PIP cases and 29 weeks for ESA cases. All other benefit types had a combined mean age of 27 weeks.

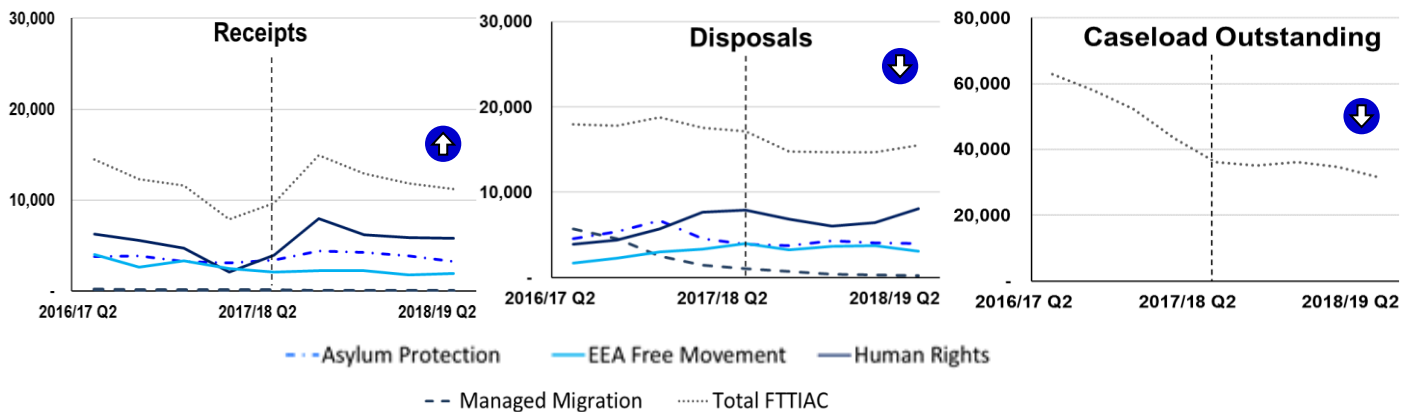
### 3. Immigration and Asylum

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

In July to September 2018, FTTIAC **receipts increased** by 16% (to 11,200) compared to the same period in 2017.

In the same period, **disposals** and **caseload outstanding decreased** by 10% (to 15,500) and 13% (to 31,500) respectively, with the latter continuing the decline seen since the peak in April to June 2016, due to the volume of receipts being consistently lower than that of disposals since this peak.

**Figure 3: First-tier Tribunal Immigration and Asylum Chamber receipts, disposals and caseload outstanding, Q2 2016/17 to Q2 2018/19 (Source: Tables FIA.1, FIA.2, S.4)**



Human Rights (HR) receipts have increased by 48% (to 5,812) in July to September 2018, compared to the same period in 2017. As HR receipts proportionally represented 52% of all FTTIAC receipts (up from 41% a year ago), they continue to drive the trend in overall FTTIAC receipts. Over the last four quarters however, the number of HR receipts has been declining, following a peak of 7,961 appeals in October to December 2017.

Asylum/Protection (AP) and EEA Free Movement receipts decreased this quarter (by 4% and 6% to 3,272 and 1,913 appeals respectively), also decreasing in terms of proportion of FTTIAC receipts overall (with AP down from 35% to 29% and EEA down from 21% to 17%).

The FTTIAC disposed of 15,542 appeals, down 10% on July to September 2017. Pre-Immigration Act categories made up 3% of all FTTIAC disposals this quarter, down from 8% in the same quarter a year ago. As with receipts, Human Rights appeals continue to make up the largest proportion (52%) of all FTTIAC disposals in July to September 2018, up from 46% a year ago.

Of the disposals made in the FTTIAC this quarter, 74% were determined i.e. a decision was made by a judge at a hearing or in papers; 21% were withdrawn; 3% were invalid or out of time, and 2% were struck-out for non-payment of the appeal fee. Just over half of the 11,428 cases determined were allowed/granted, although this varied across the IA 2014 categories (from 45% for Asylum/Protection to 60% for Human Rights). This continues the gradual increasing trend seen over the past year, from 49% of determined cases allowed/granted in July to September 2017.

In the FTTIAC, the average time taken to clear appeals across all categories has decreased by 13 weeks to 39 weeks this quarter compared to the same period a year ago.

Asylum/Protection had the fastest average time to clearance with 25 weeks (down from 28

weeks in July to September 2017), whilst Human Rights and EEA had an average of 41 weeks and 47 weeks respectively.

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### **Upper Tribunal Immigration and Asylum Chamber (UTIAC)**

In July to September 2018, UTIAC **receipts decreased** by 9% when compared to the same period in 2017, reversing the increasing trend seen over the last few years.

**Disposals** and **outstanding caseload** have both **increased**, up 21% and 25% respectively, over the same period.

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

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At the UTIAC, there were 1,764 receipts in July to September 2018, down 9% on the same period in 2017. Appeals for the non-Immigration Act 2014 categories (i.e. all except HR, EEA Free Movement and AP), which have fallen 77% overall in the last year, drove this decrease and now make up only 7% of all UTIAC receipts (down from 27% in July to September 2017). As for post-Immigration Act categories, receipts rose across all but Asylum/Protection – which fell 16% to 624 receipts. EEA receipts on the other hand rose 182% to 274 appeals while HR receipts also rose 30% to 744 appeals.

Over the same period, UTIAC disposals increased 21% to 1,914, with the three post-IA 2014 categories making up 90% of all UTIAC disposals. Although UTIAC disposals have increased in the last year, they have however fluctuated within the year, first rising from 1,580 in Q2 2017/18 to 2,250 in Q1 2018/19, before falling 15% to 1,914 this quarter.

At the end of September 2018, the UTIAC caseload outstanding stood at 2,714, a 25% increase on the end of September 2017. This is due to receipts being consistently greater than disposals over all of 2017/18. When looking within the last year however, caseload outstanding has decreased over the last two quarters, following a peak of 3,000 in Q4 2017/18.

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

In July to September 2018, there were 1,928 Immigration and Asylum Judicial Review receipts and 2,408 disposals, down 24% and 6% respectively on July to September 2017.

Of the 2,408 Immigration and Asylum Judicial Reviews disposed of in the UTIAC in July to September 2018, 67% were determined and 2% were transferred to the Administrative Court. The remaining 31% were in the 'other category', which includes cases that were withdrawn or not served (see table UIA.2).

During July to September 2018, 1,586 Judicial Review applications were determined by paper hearing, of which 7% were allowed to continue to the substantive hearing stage. A further 663 were reconsidered at an oral renewal, of which 27% were allowed to continue to the substantive hearing stage. There were 28 substantive hearings which were determined in July to September 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 September 2018, there were 21,500 **applications for refunds received** and **20,000 refund payments made**, with a **total monetary value of £15,825,000**.

Between 1 July 2018 and 30 September 2018, **6,900 refund applications were received** and **7,600 refund payments were made** with a **total value of £5,182,300**.

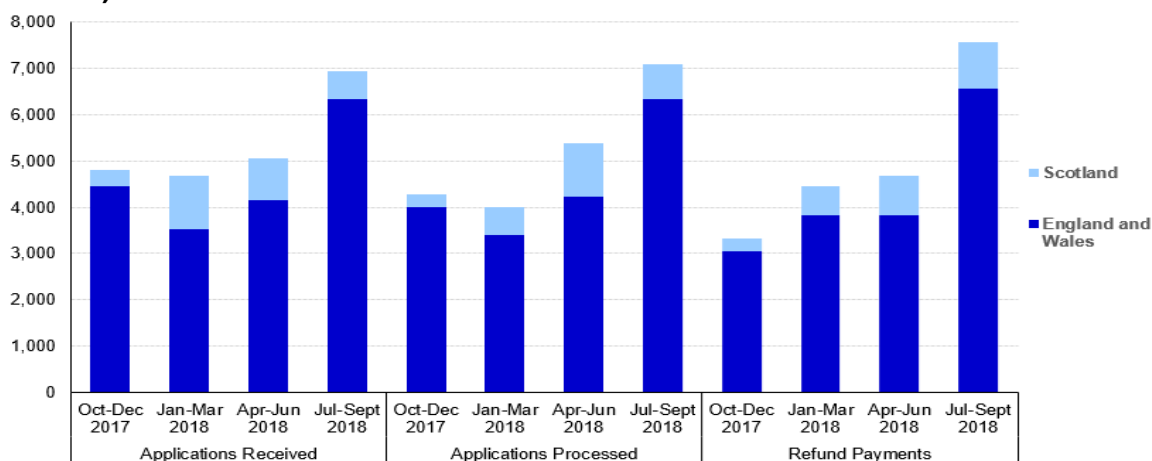
The Employment Tribunal (ET) fee refund scheme<sup>2</sup> was introduced (as a phased implementation scheme) in October 2017 following the abolition of ET fees on 26 July 2017. Since the introduction of the scheme, a total of 21,454 applications for refunds have been received and 20,045 payments have made, with a total value of £15,824,809 as at 30 September 2018.

Of the applications received between July and September 2018, 91% (6,329 applications) related to cases initially brought forward in England and Wales, up from 82% in the quarter to 30 June 2018. The remaining 9% of applications received this quarter (600 applications) related to cases initially brought forward in Scotland. The increases in applications and subsequent repayments could be due to the increased mailshots dispatched by the MoJ to those who paid an ET fee but have not yet applied for a refund.

In the quarter July to September 2018, 7,559 refund payments were made by the MoJ, with a total monetary value of £5,182,322. Of these 7,559 refund payments made:

- 83% (6,263 refunds) related to England, 13% (993 refunds) to Scotland and the remaining 4% (303 refunds) related to Wales.
- 93% (7,043 refunds) related to single claims and 7% (506 refunds) related to multiple claims. As each refund payment may relate to several fees paid by the claimant for several cases, there are also 9 refunds which relate to both single and multiple claims.

**Figure 4.1: Employment Tribunal fees – refund applications received and processed, and refund payments made, Q3 2017/18 – Q2 2018/19 (Source: Tables ETFR.1 and ETFR.2)**



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



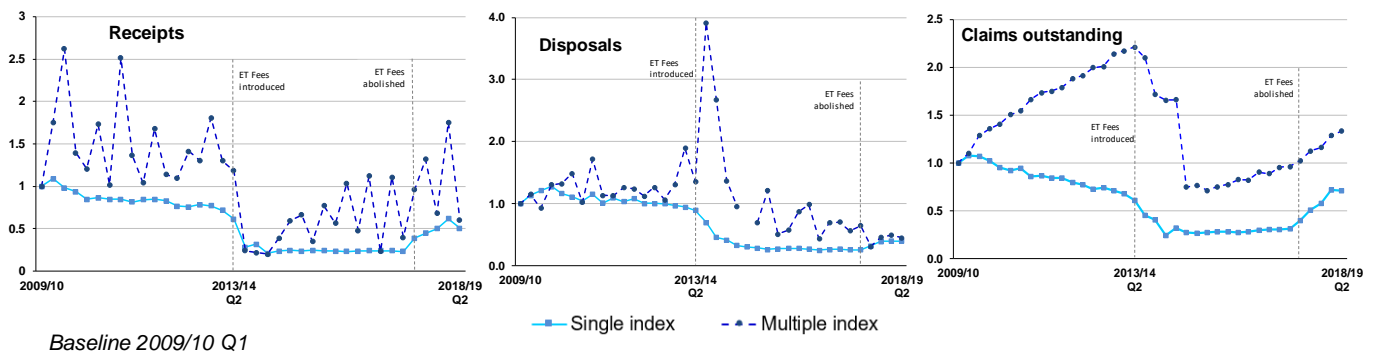
## Employment tribunal single cases

In July to September 2018, single claim **receipts, disposals and outstanding caseload** all **increased** (by 31%, 57% and 77% 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 and disposals** both **fell** this quarter when compared to the same period in 2017, by 37% and 31% respectively, however there was a 30% **rise in caseload outstanding**. **Mean age** at disposal **decreased** from 217 weeks to 106 weeks over the same period.

**Figure 4.2: Index of Employment Tribunals single and multiple claim receipts, disposals & claims outstanding, Q1 2009/10 – Q2 2018/19 (Source: Tables S.2 - S.4)<sup>3</sup>**



The number of single claim receipts has increased by 31% to 9,020 in the current quarter, when compared to the same period in 2017, most likely due to the continued effect of the abolition of ET fees on 26 July 2017. Since ET fees were abolished, single claims have been steadily increasing quarter on quarter, only now falling for the first time from 10,996 in Q1 2018/19 to 9,020 in Q2 2018/19.

There were 14,680 multiple claims received this quarter, down 37% 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. The multiple claims received this quarter related to 572 multiple claim cases (averaging 26 claims per multiple case). This is up from 499 cases in the same period a year ago, which was an average of 47 claims per case.

The Employment Tribunal disposed of 10,490 claims during July to September 2018, down 1% on the same period in 2017. This was driven by a 31% decrease in multiple claim disposals, offsetting a 57% increase in single claim disposals. The multiple claims disposed of this quarter relate to 400 multiple cases, up from 231 cases in July to September 2017.

In July to September 2018, 28% of jurisdictional complaints disposed of were Acas conciliated settlements (the most common outcome this quarter), 24% were withdrawn, 10% were struck out (not at a hearing) and 8% were successful at hearing. The most common jurisdictional complaint disposed of between July and September 2018 was 'Unauthorised deductions', the same as in July and September 2017.

<sup>3</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 against an airline.

## 5. Gender Recognition Certificate

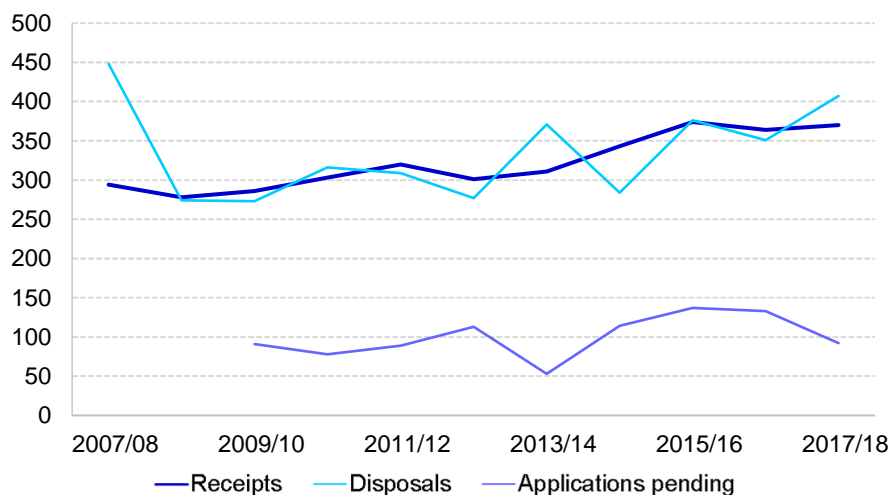
**102 Gender Recognition Panel (GRP) applications were received and 82 were disposed of between July and September 2018; 96 applications were pending by the end of September 2018**

Six more applications were received by the GRP this quarter, compared to July to September 2017. Of the 82 applications disposed of, a full Gender Recognition Certificate (GRC) was granted in 85% of cases (70 full GRCs), seven percentage points lower than in the same period in 2017 (where 116 full GRCs were granted out of 126 disposals).

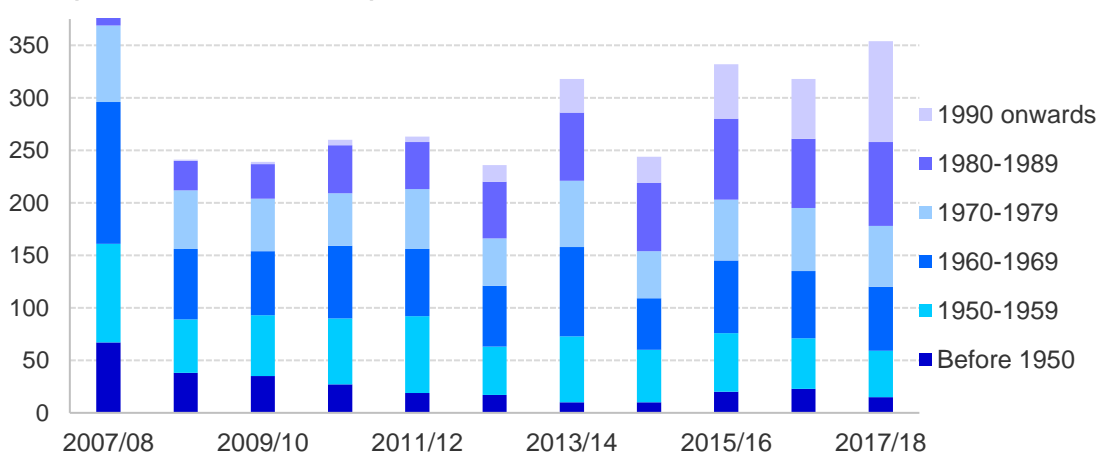
Since April 2005/06, when the Gender Recognition Act 2004 came into effect, 64% of interim certificates (132 of the 205 interim GRCs granted) have been converted to a full GRC, 58% of which were converted within 30 weeks. One interim certificate was converted to a full GRC between July to September 2018.

In July to September 2018, 70 full certificates were granted, of which five were for married applicants and 65 for single applicants. 43 (61%) of the individuals granted full certificates were registered male at birth while 27 (39%) 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)**





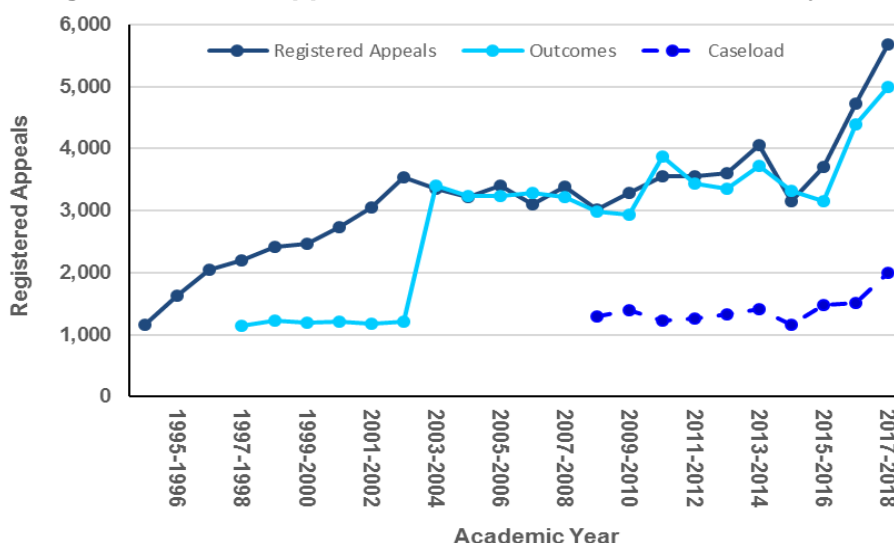
## 6. Special Educational Needs and Disability (SEND)

### Increase in registered SEN appeals, up 20% when compared to 2016/17

In the academic year 2017/18 HMCTS tribunals recorded 5,700 registered appeals in relation to SEN, an increase of 20% when compared to the prior year. In the same period, 5,000 SEN appeals were disposed of, an increase of 14% on 2016/17.

The increase in appeals registered is likely a continued effect of the 2014 SEN reforms which introduced Education Health and Care plans (EHC) and extended provision to cover 0-25 year olds in education.

**Figure 6.1: Registered SEND appeals, 1994/95 to 2017/18 academic years**



SEND reforms, which came into effect from Monday 1 September 2014, introduced Education Health and Care (EHC) plans and extended provision from birth to 25 years of age for those in education (excluding Higher education).

Of the 5,679 registered SEND appeals in 2017/18, about a third (30%) were against 'refusal to secure an EHC assessment', while over half (56%) 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% (2,458) of all SEN appeals. In 2017/18 ethnicity data was 'not completed' for any of the appeals registered, therefore it is not possible to provide analysis of SEN appeals by child ethnicity.

In 2017/18 HMCTS recorded 5,000 outcomes in relation to SEN appeals, an increase of 14% compared to 2016/17. Of these outcomes, 46% (2,298) of cases were decided by the tribunal, an increase of ten percentage points on 2016/17. Of the cases decided, 89% (2,035) were in favour of the appellant, unchanged from 2016/17.

In 2017/18, there were 138 registered appeals in relation to disability discrimination, six more (5%) than the previous year. Of these appeals, four cases (3%) were related to temporary exclusion from school and the remainder were uncategorised.

The SEND tribunals disposed of 108 Disability Discrimination claims in 2017/18, down from 111 (3% fall) in the previous year. Of these disposals, 66 claims (61%) were decided at hearing, and the remaining 42 appeals were withdrawn prior to the hearing taking place. Of those decided at hearing, 53% were dismissed and 47% upheld – similar proportions to those seen in 2016/17.

## 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 2018 will be published in June 2019. If revisions are needed in subsequent periods, 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:
  - An updated statistical notice on Immigration and Asylum (I&A) Detained Immigration Appeals (DIA) to include data to Q2 2018/19. These figures are being 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.
  - A statistical notice presenting management information on Immigration and Asylum bail applications and appeals by detainment. These figures are being published so they can be used by the Joint Committee on Human Rights in their inquiry into immigration detention.

## Contact

Press enquiries should be directed to the Ministry of Justice or HMCTS press office:

**Sebastian Walters** - email: [Sebastian.Walters@justice.gov.uk](mailto:Sebastian.Walters@justice.gov.uk)

**Megan Hawkins** - email: [megan.hawkins1@justice.gov.uk](mailto:megan.hawkins1@justice.gov.uk)

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

**Bridgette Miles** - email: [CAJS@justice.gov.uk](mailto:CAJS@justice.gov.uk)

**Next update: 14 March 2019** (URL: [www.gov.uk/government/collections/tribunals-statistics](http://www.gov.uk/government/collections/tribunals-statistics))

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