



## Tribunals and Gender Recognition Statistics Quarterly, October to December 2018 (Provisional)

### Main points

<p><b>Decrease in overall volume of receipts, while disposals and outstanding caseload increased</b></p>	<p>↓ ↑</p>	<p>Her Majesty's Courts &amp; Tribunals Service (HMCTS) recorded a <b>decrease</b> in <b>receipts</b> in October to December 2018, <b>down</b> 28% when compared to the same quarter in 2017. In the same period, <b>disposals</b> and <b>caseload outstanding increased</b> by 3% and 11% respectively.</p>
<p><b>SSCS receipts and disposals continue to decrease, whilst caseload outstanding increases</b></p>	<p>↓ ↑</p>	<p>Social Security and Child Support (SSCS) <b>receipts</b> and <b>disposals</b> have <b>decreased</b> (by 19% and 2% respectively, compared to a year ago), whereas <b>caseload outstanding</b> has <b>increased</b> (by 3% in the same period).</p>
<p><b>FTTIAC receipts and caseload outstanding fell this quarter</b></p>	<p>↓ ↔</p>	<p>First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) <b>receipts</b> and <b>outstanding caseload fell</b> compared to the same period in 2017 (by 30% and 21% respectively) and disposals remained stable.</p>
<p><b>Single ET claims received continue to rise following the abolition of ET fees, up 23% this quarter</b></p>	<p>↑ ↓ ↑</p>	<p><b>Single</b> Employment Tribunal (ET) claims – <b>receipts</b>, <b>disposals</b> and <b>caseload outstanding</b> all <b>increased</b>, by 23%, 30% and 53% respectively, compared to a year ago. <b>Multiple</b> ET claims – <b>receipts</b> fell, 78% this quarter, while <b>disposals</b> and <b>caseload outstanding</b> <b>rose</b> by 35% and 18% respectively.</p>
<p><b>21,300 ET fee refund payments have been made as at 31 December 2018, with a total value of £16.95m</b></p>	<p>£</p>	<p>From the launch of the <b>ET fee refund scheme</b> to 31 December 2018, there were <b>21,800 applications</b> for <b>refunds received</b> and <b>21,300 refund payments made</b>, with a total value of <b>£16,950,000</b>.</p>

This publication gives tribunals and gender recognition certificate statistics for the latest quarter (October to December 2018, Q3 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

### 97,900 receipts and 98,900 disposals recorded by HMCTS this quarter

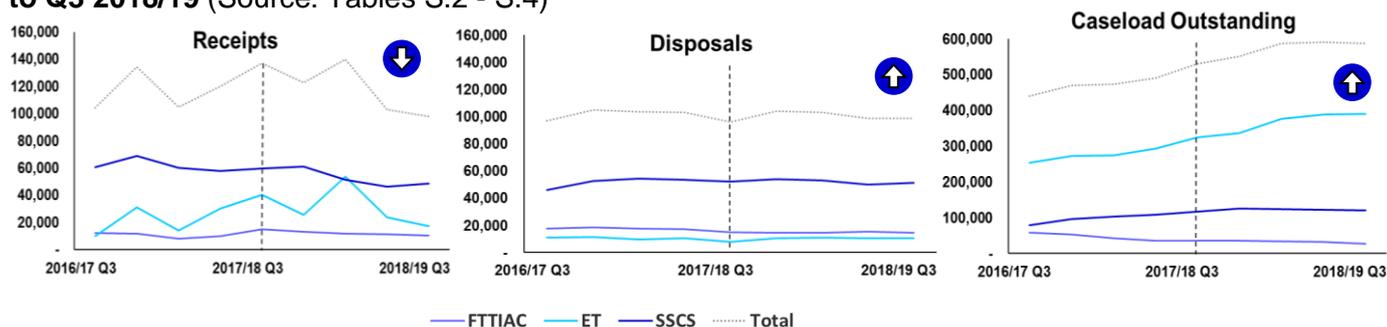
In October to December 2018, HMCTS recorded a 28% **decrease** in **receipts** when compared to the same quarter in 2017. **Disposals increased** by 3%, over the same period. **Caseload outstanding** continued to **increase**, up 11% (to 587,000) over the same period.

The **increase** in overall volume of **disposals** masks the differing trends across jurisdictions. ET drove the overall increase in disposals, while **SSCS disposals decreased** this quarter and **FTTIAC** remained stable.

This summary bulletin focuses mainly on the three largest tribunals as they make up the majority (**78%**) of tribunal **receipts** in October to December 2018. These are:

- Social Security and Child Support (SSCS) - **50%** of receipts
- Employment Tribunal (ET) – **17%** 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, Q3 2016/17 to Q3 2018/19** (Source: Tables S.2 - S.4)



The charts above show the trends in receipts, disposals and caseload outstanding over the last three years for the three main tribunals and all tribunals overall. In October to December 2018, overall receipts decreased 28% compared to October to December 2017, driven by decreases across the three main tribunals; ET, SSCS and FTTIAC fell 58%, 19% and 30% respectively. Over the past four quarters, overall receipt has been gradually falling, following an initial rise in Q1 2018/19, mirroring the same trend seen in ET receipts.

Overall, HMCTS tribunals disposed of 3% more cases in October to December 2018 (98,911 disposals), compared to October to December 2017. The SSCS tribunal (which makes up over half of all tribunal disposals) disposed of 2% fewer cases in the same period. Disposals rose in ET (by 32%) and remained stable in FTTIAC.

There were 586,985 cases outstanding at the end of December 2018, up 11% compared to a year ago. This was driven by a 20% increase in ET caseload outstanding (which makes up two thirds of all HMCTS outstanding caseload), which has been increasing since the abolishment of ET fees.

<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

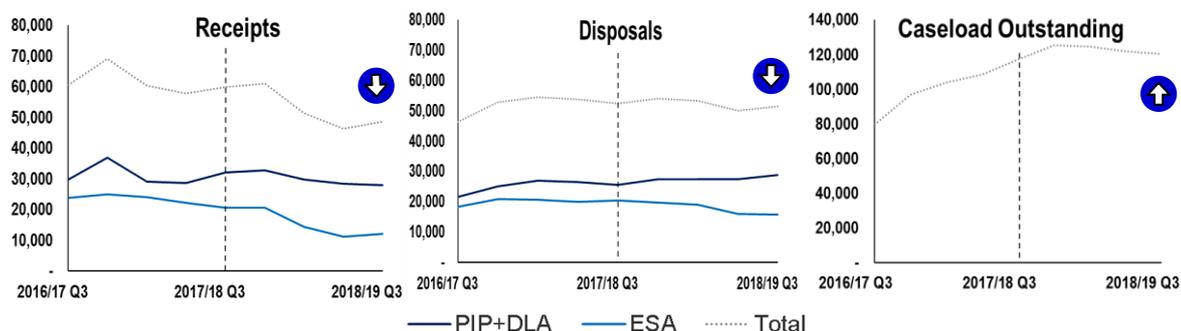
### SSCS receipts and disposals both continue to decrease

Social Security and Child Support **receipts** have **decreased** by 19% when compared to October to December 2017; **disposals** have also **decreased** by 2% in the same period. **Caseload outstanding** continues to **increase** (up 3% over the same period).

### 80% of disposals were cleared at hearing with a 70% overturn rate

Of the 51,300 **disposals** in October to December 2018, **80%** were **cleared at a hearing** and of these, **70%** had the initial decision **revised in favour of the claimant** (up from 65% in the same period in 2017).

**Figure 2: Social Security and Child Support receipts, disposals and caseload outstanding, Q3 2016/17 to Q3 2018/19** (Source: Tables SSCS.1, SSCS.2 and S.4)



SSCS tribunal receipts decreased by 19% this quarter to 48,491 appeals, when compared to October to December 2017. This was driven by both Employment Support Allowance (ESA) and Personal Independence Payments (PIP), which have decreased by 42% and 14% respectively, compared with a year ago. ESA and PIP appeals accounted for 25% and 52% of all SSCS receipts respectively in October to December 2018. Within the last year, SSCS receipts have been gradually falling – from 60,992 in Q4 2017/18 to 46,282 in Q2 2018/19, before rising 5% from Q2 to Q3 2018/19.

PIP also made up just over half of SSCS disposals, with 51%, a proportion that has been steadily rising over the last year. In October to December 2018, there were 51,256 SSCS cases disposed of, down 2% when compared with the same period in 2017. Like receipts, SSCS disposals have been gradually falling within the last year, before rising 2% between Q2 2018/19 and Q3 2018/19.

Of the disposals made by the SSCS Tribunal, there were 41,171 (80%) cleared at hearing, and of these 70% were found in favour of the customer (up from 65% on the same period in 2017). This overturn rate varied by benefit type, with ESA at 74%, PIP 73%, Disability Living Allowance 66% and Universal Credit 58%. ESA and PIP have driven the overall increase in the overturn rate, rising five and four percentage points respectively on October to December 2017.

There were 120,181 SSCS cases outstanding at the end of December 2018, up 3% compared to the same period in 2017. Although SSCS caseload outstanding continues to increase, this increase is at a much slower rate than the last few years. Over the last four quarters, caseload outstanding has been gradually decreasing (following a peak of 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 October to December 2018, the mean age of a case at disposal was 30 weeks, six weeks more than the same period in 2017.

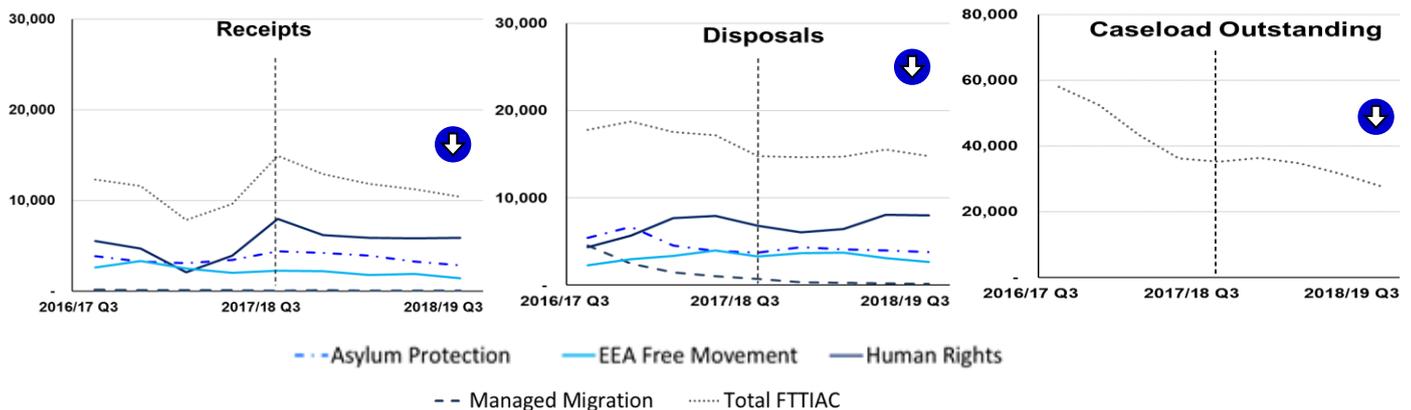
### 3. Immigration and Asylum

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

In October to December 2018, FTTIAC receipts decreased by 30% (to 10,400) and disposals remained stable at 14,800, compared to the same period in 2017.

In the same period, caseload outstanding decreased by 21% (to 27,900), continuing the decline seen since the peak in April to June 2016, due to the volume of disposals being consistently higher than that of receipts since this peak.

**Figure 3: First-tier Tribunal Immigration and Asylum Chamber receipts, disposals and caseload outstanding, Q3 2016/17 to Q3 2018/19** (Source: Tables FIA.1, FIA.2, S.4)



In October to December 2018, Human Rights (HR) receipts proportionally represented 57% of all FTTIAC receipts (up from 53% a year ago), and they continue to drive the overall trend in FTTIAC receipts (although all main case types have seen significant decreases). HR receipts have decreased by 26% (to 5,878) in October to December 2018, compared to the same period in 2017.

Asylum/Protection (AP) and EEA Free Movement receipts also decreased this quarter (by 35% and 38%, to 2,849 and 1,407 appeals respectively) when compared to the same period in 2017. AP receipts proportionally represented 27% of all FTTIAC receipts, while EEA represented 14% (both down from 30% and 15% respectively a year ago).

The FTTIAC disposed of 14,763 appeals in October to December 2018, less than 1% decrease on the same period in 2017 (where it stood at 14,803). This slight fall was driven by a 20% fall in EEA being offset by a 2% and 17% rise in AP and HR appeals. As with receipts, Human Rights appeals continue to make up the largest proportion (54%) of all FTTIAC disposals in October to December 2018, up from 46% a year ago.

Of the disposals made in the FTTIAC this quarter, 76% were determined i.e. a decision was made by a judge at a hearing or on the papers; 19% were withdrawn; 3% were invalid or out of time, and 2% were struck-out for non-payment of the appeal fee. Just over half (53%) of the 11,229 cases determined at a hearing or in papers were allowed/granted, although this varied by case type (44% of Asylum/Protection and 59% of Human Rights allowed/granted).

In the FTTIAC, the average time taken to clear appeals across all categories has decreased by 11 weeks to 39 weeks this quarter compared to the same period a year ago.

Asylum/Protection took the least time to clear with 27 weeks (up from 26 weeks in October to December 2017), whilst Human Rights and EEA had an average of 41 weeks and 46 weeks respectively.

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## Upper Tribunal Immigration and Asylum Chamber (UTIAC)

In October to December 2018, UTIAC **receipts** and **outstanding caseload** both **decreased** by 15% and 2% respectively, when compared to the same period in 2017. **Disposals increased** by 15% over the same period.

UTIAC **judicial review receipts** continue to **fall** - down 22% compared to October to December 2017.

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At the UTIAC, there were 1,896 appeal receipts in October to December 2018, down 15% on the same period in 2017. Asylum/Protection receipts drove the decrease in receipts, falling 27% to 671 appeals in October to December 2018. EEA receipts also fell over the same period by 14% to 241, while Human Rights cases rose 24% to 897 receipts. Legacy appeal types – Managed Migration, Entry Clearance and Family Visit Visa – also fell, down 84% compared to October to December 2017, and now making up only 2% of all UTIAC receipts (down from 12% in October to December 2017).

Over the same period, UTIAC disposals increased 15% to 1,832, with the three post-IA 2014 categories making up 93% of all UTIAC disposals. Although UTIAC disposals have increased in the last year, they have however fluctuated within the year, first rising to 2,250 in Q1 2018/19, before falling to 1,832 this quarter.

At the end of December 2018, the UTIAC caseload outstanding stood at 2,779, a 2% decrease on the end of December 2017. When looking within the last year however, UTIAC caseload outstanding fell from 3,000 in Q4 2017/18 to 2,714 in Q2 2018/19, before rising slightly in the latest quarter.

## UTIAC Immigration and Asylum Judicial Reviews

In October to December 2018, there were 1,983 Immigration and Asylum Judicial Review receipts and 2,200 disposals, down 22% and 8% respectively on October to December 2017.

Of the 2,200 Immigration and Asylum Judicial Reviews disposed of in the UTIAC in October to December 2018, 63% were determined and 3% were transferred to the Administrative Court. The remaining 35% were in the 'other category', which includes cases that were withdrawn or not served (see table UIA.2).

During October to December 2018, 1,676 Judicial Review applications were determined by paper hearing, of which 9% were allowed to continue to the substantive hearing stage. A further 401 were reconsidered at an oral renewal, of which 27% were allowed to continue to the substantive hearing stage. There were 26 substantive hearings which were determined in October to December 2018, of which half were granted in favour of the appellant (see table UIA\_3).

## 4. Employment Tribunals

### Employment Tribunal Fee (ET) Refunds

From the launch of the **ET fee refund scheme** in October 2017 to 31 December 2018, there were **21,800 applications** for refunds received and **21,300 refund payments made**, with a **total monetary value** of **£16,950,000**.

Between 1 October 2018 and 31 December 2018, **337 refund applications** were received and **1,300 refund payments<sup>2</sup>** were made with a **total value** of **£1,123,300**.

The ET fee refund scheme<sup>3</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 21,791 applications for refunds have been received and 21,306 payments have been made, with a total value of £16,950,082 as at 31 December 2018.

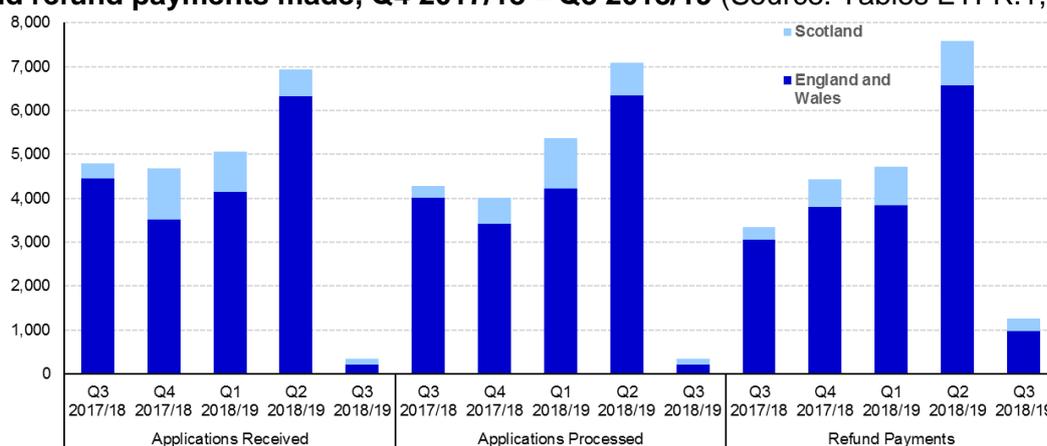
Of the applications received between October and December 2018, 61% (204 applications) related to cases initially brought forward in England and Wales, down from 91% in the quarter to 30 September 2018. The remaining 39% of applications received this quarter (133 applications) related to cases initially brought forward in Scotland.

There has been a marked reduction in refund applications received this quarter. This is because the mailshot campaign which culminated in July 2018, resulted in exceptionally high receipts, particularly in E&W, in the previous quarter.

In the quarter October to December 2018, 1,260 refund payments were made by the MoJ, with a total monetary value of £1,123,257. Of these 1,260 refund payments made:

- 74% (936 refunds) related to England, 23% (284 refunds) to Scotland and the remaining 3% (40 refunds) related to Wales.
- 86% (1,081 refunds) related to single claims, 13% (165 refunds) related to multiple claims. As each refund payment may relate to several fees paid by the claimant for several cases, there are 14 refunds which relate to both single and multiple claims.

**Figure 4.1: Employment Tribunal fees – refund applications received and processed, and refund payments made, Q4 2017/18 – Q3 2018/19** (Source: Tables ETFR.1, ETFR.2)



<sup>2</sup> Note that refund payments may relate to applications made in previous quarters.

<sup>3</sup> More information on the scheme is available here <https://www.gov.uk/government/news/opening-stage-of-employment-tribunal-fee-refund-scheme-launched>

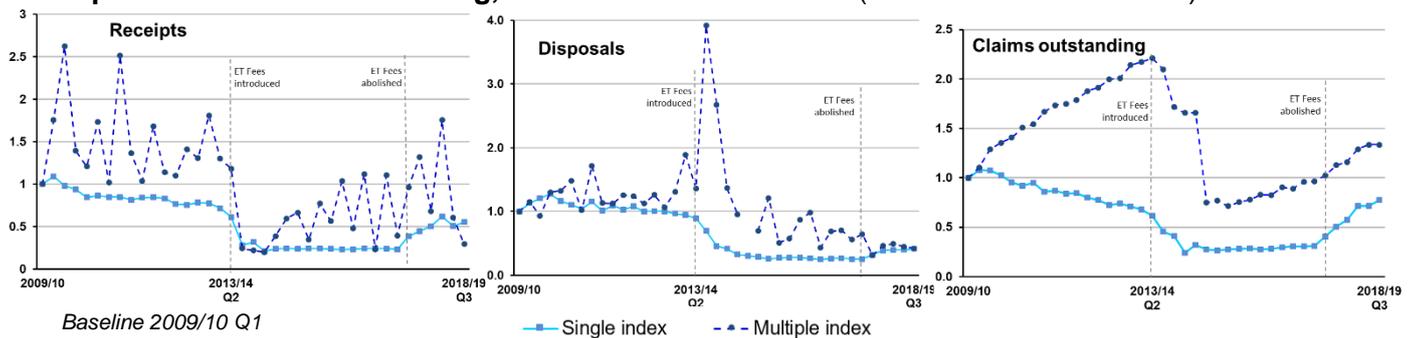
## Employment tribunal single cases

In October to December 2018, single claim **receipts**, **disposals** and **outstanding caseload** all **increased** (by 23%, 30% and 53% respectively) when compared to the same period in 2017. **Mean age** at disposal was 30 weeks, 4 weeks more than in October to December 2017.

## Employment tribunal multiple cases

**Receipts** fell this quarter when compared to the same period in 2017, by 78%. **Disposals** and **caseload outstanding** rose 35% and 18% respectively. **Mean age** at disposal **fell** from 150 weeks to 131 weeks over the same period.

**Figure 4.2: Index of Employment Tribunals single and multiple claim receipts, disposals & claims outstanding, Q1 2009/10 – Q3 2018/19** (Source: Tables S.2 - S.4)<sup>4</sup>



The number of single claim receipts has increased by 23% to 9,811 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 falling for the first time from 10,996 in Q1 2018/19 to 9,020 in Q2 2018/19, before rising to 9,811 this quarter.

There were 7,173 multiple claims received this quarter, down 78% 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 566 multiple claim cases (averaging 9 claims per multiple case). This is down from 609 multiple cases in the same period a year ago, which was an average of 53 claims per case.

The Employment Tribunal disposed of 10,457 claims during October to December 2018, up 32% on the same period in 2017. This was due to a 30% and 35% increase in single claim and multiple claim disposals, to 5,896 and 4,561, respectively. The multiple claims disposed of relate to 324 multiple cases, up from 237 cases in October to December 2017.

In October to December 2018, 29% of disposals were ACAS<sup>5</sup> conciliated settlements (the most common outcome this quarter), 21% were withdrawn, 18% were struck out (not at a hearing) and 8% were successful at hearing. The most common jurisdictional complaint disposed of between October to December 2018 was 'Unauthorised deductions', whereas in October to December 2017 'Unfair dismissal' was the most common complaint.

<sup>4</sup> The Q3 2014/15 disposals data point is not included for disposals, in order to aid comparability. This figure was a disproportionately high outlier (index: 24.2) due to the disposal of a large multiple claim against an airline.

<sup>5</sup> Advisory, Conciliation and Arbitration Service (ACAS)

## 5. Gender Recognition Certificate

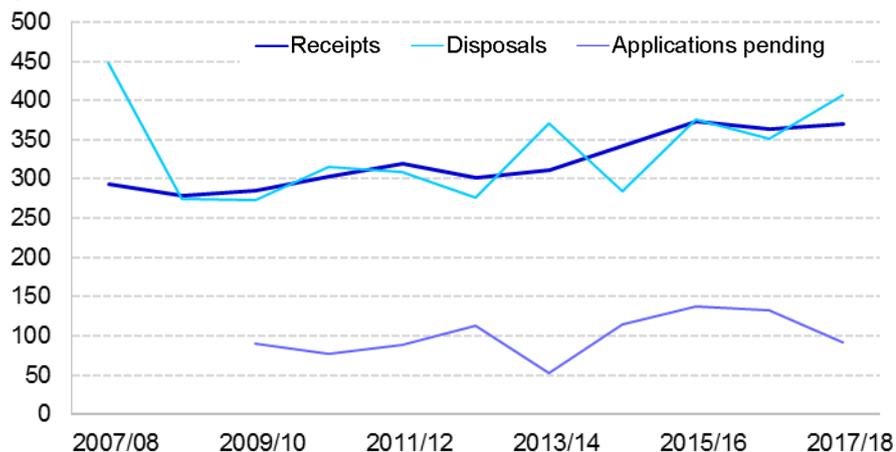
**89 Gender Recognition Panel (GRP) applications were received and 114 were disposed of between October and December 2018; 71 applications were pending by the end of December 2018**

Seven more applications were received by the GRP this quarter, compared to October to December 2017. Of the 114 applications disposed of, a full Gender Recognition Certificate (GRC) was granted in 93% of cases (106 full GRCs), 10 percentage points higher than in the same period in 2017 (where 95 full GRCs were granted out of 115 disposals).

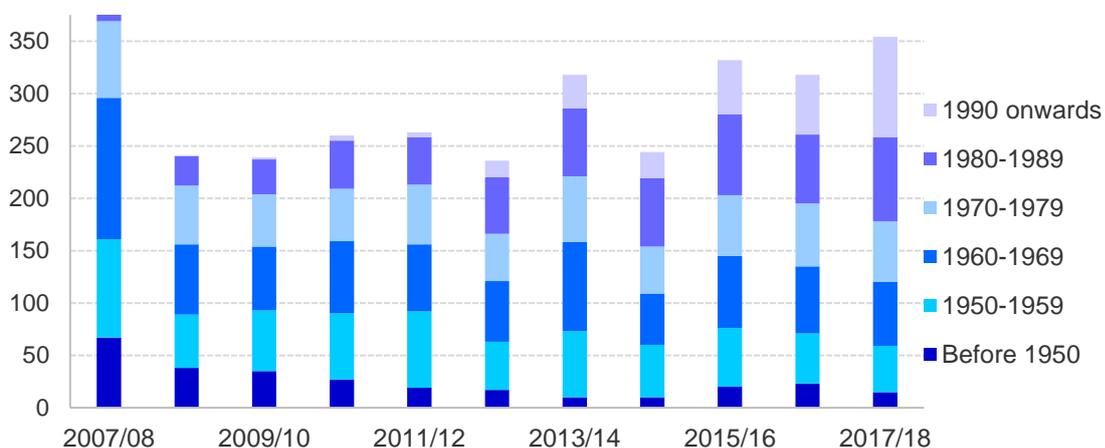
Since April 2005/06, when the Gender Recognition Act 2004 came into effect, 64% of interim certificates (132 of the 207 interim GRCs granted) have been converted to a full GRC, 58% of which were converted within 30 weeks. No interim certificates were converted to full GRCs between October and December 2018.

Of the 106 full certificates granted in October to December 2018, 13 were for married applicants and 93 for single applicants. 60 (57%) of the individuals granted full certificates were registered male at birth while 46 (43%) were registered female at birth – the latter being the highest number granted in a quarter since 2006/07.

**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)



## 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 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 Q3 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.

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**Next update: 13 June 2019** (URL: [www.gov.uk/government/collections/tribunals-statistics](http://www.gov.uk/government/collections/tribunals-statistics))

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