












Tribunal Statistics Quarterly, January to March 2019 (Provisional)

Including statistics on the Gender Recognition Certificate applied for and granted by HMCTS Gender Recognition Panel

Main points

This publication gives tribunals statistics for the latest quarter (January to March 2019, Q4 2018/19), compared to the same quarter the previous year, alongside annual data for 2018/19. For technical detail about data sources, quality, policy changes and terminology, please refer to the accompanying guide to tribunal statistics.

Overall volumes of receipts and disposals have decreased		Her Majesty's Courts & Tribunals Service (HMCTS) recorded a decrease of 10% and 3% in receipts and disposals in January to March 2019, driven by Social Security and Child Support Tribunals (SSCS).
Overall caseload outstanding has increased		An overall increase of 8% in the caseload outstanding when compared to a year ago, driven by Employment Tribunals (ET).
SSCS receipts and disposals continue to decrease		Social Security and Child Support (SSCS) receipts, disposals and caseload outstanding all decreased (by 18%, 2% and 5% respectively, compared to a year ago).
FTTIAC receipts, disposals and caseload outstanding fell this quarter		First-Tier Tribunal Immigration and Asylum Chamber (FTTIAC) receipts, disposals and caseload outstanding fell compared to the same period in 2018 (by 20%, 2% and 32% respectively).
Single ET claims received continue to rise following the abolition of ET fees	  	Single Employment Tribunal (ET) claims – receipts, disposals and caseload outstanding all increased , by 6%, 22% and 39% respectively, compared to a year ago. Multiple ET claims – receipts and caseload outstanding rose, 13% and 19% respectively, while disposals fell by 16%.
21,700 ET fee refund payments have been made as at 31 March 2019		From the launch of the ET fee refund scheme to 31 March 2019, there were 22,000 applications for refunds received and 21,700 refund payments made , with a total value of £17.3m .
Increase in adjournments and postponements		In 2018/19 adjournments and postponements increased 5% and 13% respectively, compared to 2017/18, with rises seen across all tribunals where the information is recorded.

1. Overview of Tribunals

110,000 receipts and 101,000 disposals recorded by HMCTS this quarter

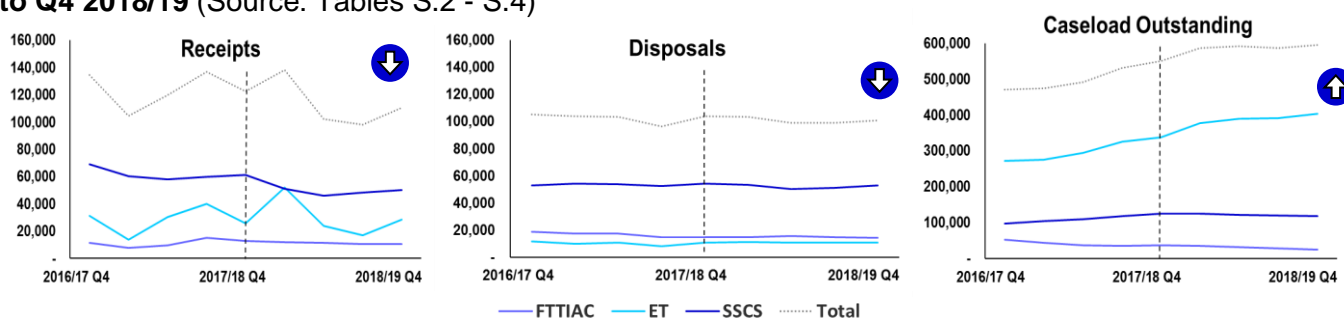
In January to March 2019, HMCTS recorded a 10% and 3% **decrease** in **receipts** and **disposals** respectively, when compared to the same quarter in 2018. **Caseload outstanding** continued to **increase**, up 8% (to 594,000) over the same period.

The **decrease** in overall volume of **receipts** and **disposals** masks the differing trends across jurisdictions. **SSCS** and **FTTIAC** drove the overall decrease in receipts and disposals, while **ET receipts** and **disposals increased** this quarter.

This summary bulletin focuses mainly on the three largest tribunals as they make up the majority (**80%**) of tribunal **receipts** in January to March 2019. These are:

- Social Security and Child Support (SSCS) – **45%** of receipts
- Employment Tribunal (ET) – **26%** of receipts
- First Tier Tribunal Immigration and Asylum Chamber (FTTIAC) – **9%** of receipts

Figure 1: Receipts, disposals and caseload outstanding¹ for all tribunals, Q4 2016/17 to Q4 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 January to March 2019, overall receipts decreased 10% compared to January to March 2018, driven by decreases in SSCS and FTTIAC of 18% and 20%, to 50,000 and 10,000 receipts respectively. Over the past four quarters, overall receipts initially declined from Q1 to Q3, before rising in this quarter.

Overall, HMCTS tribunals disposed of 3% fewer cases in January to March 2019 (101,000 disposals), compared to January to March 2018. The SSCS tribunal (which makes up over half of all tribunal disposals) and FTTIAC both disposed of 2% fewer cases in the same period. Disposals rose in ET (by 4%).

There were 594,000 cases outstanding at the end of March 2019, up 8% compared to a year ago. This was driven by a 20% increase in ET caseload outstanding (which makes up over two thirds of all HMCTS outstanding caseload), which has been increasing since the abolishment of ET fees.

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

Annual figures for 2018/19 show a similar trend to those seen this quarter, with receipts and disposals both falling 7% and 1% respectively (to 449,000 receipts and 402,000 disposals) when compared to 2017/18, both driven by a fall in SCS.

2. Social Security and Child Support

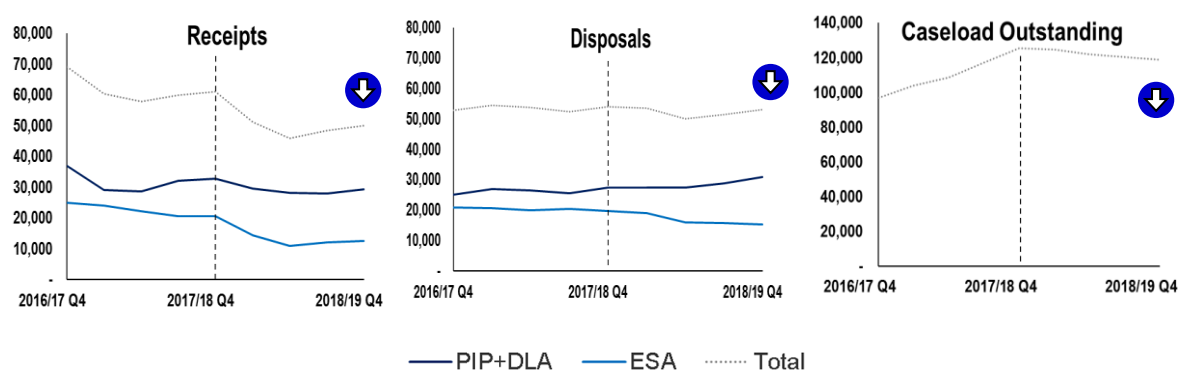
SSCS receipts and disposals both continue to decrease

Social Security and Child Support **receipts, disposals** and **caseload outstanding** have all **decreased** when compared to January to March 2018, by 18%, 2% and 5% respectively.

79% of disposals were cleared at hearing with a 70% overturn rate

Of the 53,000 **disposals** in January to March 2019, **79%** were **cleared at a hearing** and of these, **70%** had the initial decision **revised in favour of the claimant** (up from 66% in the same period in 2018).

Figure 2: Social Security and Child Support receipts, disposals and caseload outstanding, Q4 2016/17 to Q4 2018/19 (Source: Tables SSCS.1, SSCS.2 and S.4)



SSCS tribunal receipts decreased by 18% this quarter to 50,000 appeals, when compared to January to March 2018. This was driven by Employment Support Allowance (ESA) and Personal Independence Payments (PIP), which have decreased by 39% and 9% respectively, compared with a year ago. ESA and PIP appeals accounted for 25% and 54% of all SSCS receipts respectively in January to March 2019. Within the last year, SSCS receipts initially fell – from 51,000 in Q1 2018/19 to 46,000 in Q2 2018/19, before rising in Q3 2018/19 (to 48,000) and again in Q4 2018/19 (to 50,000).

PIP also made up over half of SSCS disposals (53%), a proportion that has been steadily rising over the last year. In January to March 2019, there were 53,000 SSCS cases disposed of, down 2% when compared with the same period in 2018. Like receipts, SSCS disposals fell between Q1 2018/19 and Q2 2018/19, before rising 6% between Q2 2018/19 and Q4 2018/19.

Of the disposals made by the SSCS Tribunal, there were 42,000 (79%) cleared at hearing, and of these 70% were found in favour of the customer (up from 66% on the same period in 2018). This overturn rate varied by benefit type, with ESA and PIP at 74%, Disability Living Allowance 66% and Universal Credit 63%. ESA and PIP have driven the overall increase in the overturn rate, rising four and three percentage points respectively on January to March 2018.

There were 119,000 SSCS cases outstanding at the end of March 2019, down 5% compared to the same period in 2018. This is the first fall (when comparing to the previous year) in SSCS caseload outstanding since Q4 2014/15. Since Q4 2017/18, caseload outstanding has been gradually decreasing (from a peak of 125,000), reversing the consistent rising trend seen since Q4 2015/16.

Of those cases disposed of by the SSCS tribunal in January to March 2019, the mean age of a case at disposal was 30 weeks, five weeks more than the same period in 2018.

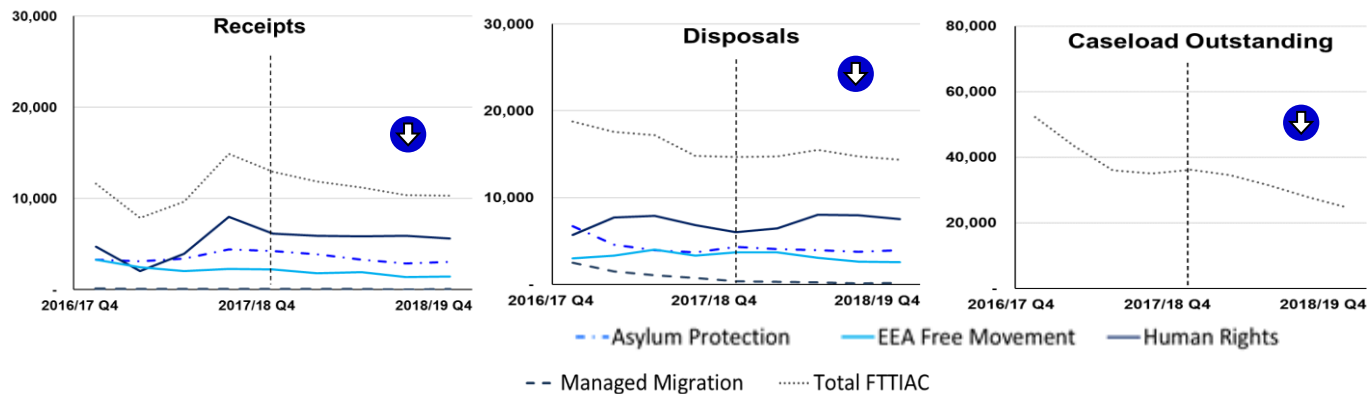
3. Immigration and Asylum

First-tier Tribunal Immigration and Asylum Chamber (FTTIAC)

In January to March 2019, FTTIAC **receipts** and **disposals decreased** by 20% (to 10,000) and 2% (to 14,000) respectively, compared to the same period in 2018.

In the same period, **caseload outstanding decreased** by 32% (to 25,000), continuing the downward trend 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, Q4 2016/17 to Q4 2018/19 (Source: Tables FIA.1, FIA.2, S.4)



In January to March 2019, Human Rights (HR) receipts proportionally represented 54% of all FTTIAC receipts (up from 48% a year ago), however Asylum/Protection (AP) drove the overall downward trend in FTTIAC receipts. AP receipts have decreased by 28% (to 3,000) in January to March 2019, compared to the same period in 2018 and proportionally represented 29% of all FTTIAC receipts (down from 33% respectively a year ago).

HR and EEA Free Movement receipts also decreased this quarter (by 9% and 34%, to 5,600 and 1,400 appeals respectively) when compared to the same period in 2018. EEA proportionally represented 14% of all FTTIAC receipts (down from 17% a year ago).

The FTTIAC disposed of 14,000 appeals in January to March 2019, a 2% decrease on the same period in 2018. This slight fall was driven by a 31% and 10% fall in EEA and AP being offset by a 24% rise in HR appeals. As with receipts, Human Rights appeals continue to make up the largest proportion (52%) of all FTTIAC disposals in January to March 2019, up from 41% 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 on the papers; 18% were withdrawn; 3% were invalid or out of time, and 1% were struck out for non-payment of the appeal fee. Just over half (51%) of the 11,000 cases determined at a hearing or in papers were allowed/granted, although this varied by case type (45% of Asylum/Protection and 55% of Human Rights appeals were allowed/granted).

In the FTTIAC, the mean time taken to clear appeals across all categories has decreased by six weeks to 40 weeks this quarter compared to the same period a year ago. Asylum/Protection took the least time to clear with 31 weeks, whilst Human Rights and EEA had mean times taken of 40 weeks and 47 weeks respectively.

Upper Tribunal Immigration and Asylum Chamber (UTIAC)

In January to March 2019, UTIAC **receipts** and **caseload outstanding** both **decreased**, by 36% and 33% respectively, when compared to the same period in 2018. **Disposals increased** by 5% over the same period.

UTIAC **judicial review receipts and disposals** continue to **fall** - down 24% and 28%, to 1,800 and 2,200 respectively, compared to January to March 2018.

At the UTIAC, there were 1,500 appeal receipts in January to March 2019, down 36% on the same period in 2018. Asylum/Protection and EEA receipts drove the decrease in receipts, falling 35% and 68% to 549 and 137 appeals respectively. Human Rights cases also fell over the same period by 11% to 711 receipts. Legacy appeal types – Managed Migration, Entry Clearance and Family Visit Visa – also fell, down 84% compared to January to March 2018, and now make up only 2% of all UTIAC receipts (down from 9% in January to March 2018).

Over the same period, UTIAC disposals increased 5% to 2,300, with three post-IA 2014 categories² making up 94% of all UTIAC disposals. Although UTIAC disposals have increased in the last year, they have however fluctuated within the year, first falling from 2,200 in Q1 2018/19 to 1,800 in Q3 2018/19, before rising to 2,300 this quarter.

At the end of March 2019, the UTIAC caseload outstanding stood at 2,000, a 33% decrease on the end of March 2018.

UTIAC Immigration and Asylum Judicial Reviews

In January to March 2019, there were 1,800 Immigration and Asylum Judicial Review receipts and 2,200 disposals, down 24% and 28% respectively on January to March 2018.

Of the 2,200 Immigration and Asylum Judicial Reviews disposed of in the UTIAC in January to March 2019, 65% were determined and 2% were transferred to the Administrative Court. The remaining 33% were in the 'Other' category, which includes cases that were withdrawn or not served (see table UIA.2).

During January to March 2019, 1,600 Judicial Review applications were determined by paper hearing, of which 10% were allowed to continue to the substantive hearing stage. A further 446 were reconsidered at an oral renewal, of which 33% were allowed to continue to the substantive hearing stage. There were 31 substantive hearings which were determined in January to March 2019, of which 39% were granted in favour of the appellant (see table UIA_3).

² The Immigration Act 2014 removed a number of appeal rights against Home Office and introduced three new categories: Protection, Human Rights, EEA Free Movement and Revocation of Protection.

4. Employment Tribunals

Employment Tribunal Fee (ET) Refunds

From the launch of the **ET fee refund scheme** in October 2017 to 31 March 2019, there were **22,000 applications** for refunds received and **21,700 refund payments** made, with a **total monetary value** of **£17.3 million**.

Between 1 January 2019 and 31 March 2019, **181 refund applications** were received (down from **337** in Q3 2018/19) and **436 refund payments**³ were made with a **total value** of **£399,000**.

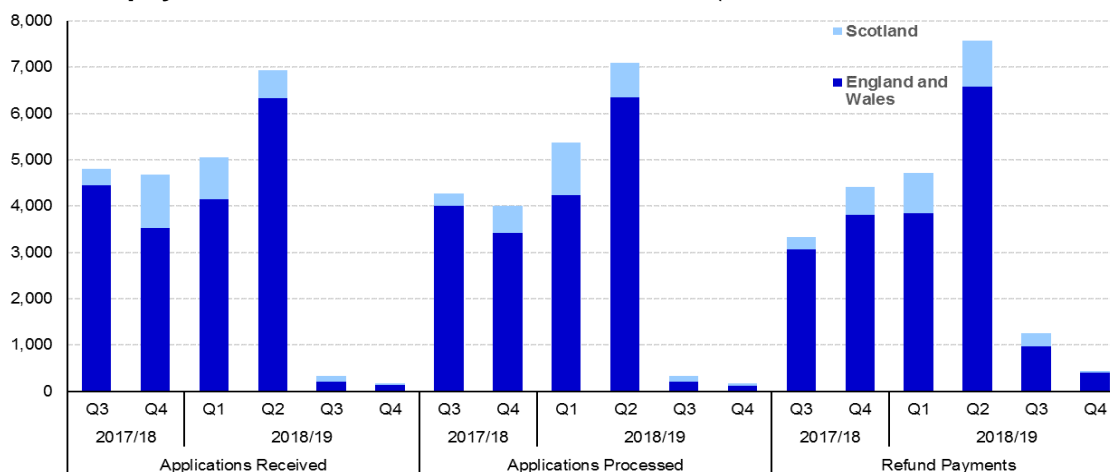
The ET fee refund scheme⁴ was introduced as a phased implementation scheme in October 2017 following the abolition of ET fees on 26 July 2017. Since the introduction of the scheme, a total of 22,000 applications for refunds have been received and 21,700 payments have been made, with a total value of £17,297,000 as at 31 March 2019.

Of the applications received between January to March 2019, 73% (132 applications) related to cases initially brought forward in England and Wales, up from 61% in the quarter to 31 December 2018. The remaining 27% of applications received this quarter (49 applications) related to cases initially brought forward in Scotland.

In the quarter January to March 2019, 436 refund payments were made by the MoJ, with a total monetary value of £399,000. Of these 436 refund payments made:

- 87% (380 refunds) related to England, 8% (36 refunds) to Scotland and the remaining 5% (20 refunds) related to Wales.
- 92% (399 refunds) related to single claims, 8% (35 refunds) related to multiple claims. As each refund payment may relate to several fees paid by the claimant for several cases, there are two 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 – Q4 2018/19 (Source: Tables ETFR.1, ETFR.2)



The large drop seen between Q2 and Q3 2018/19 follows the mailshot campaign which culminated in July 2018 and resulted in exceptionally high receipts initially, particularly in E&W.

³ Note that refund payments may relate to applications made in previous quarters.

⁴ More information on the scheme is available here <https://www.gov.uk/government/news/opening-stage-of-employment-tribunal-fee-refund-scheme-launched>

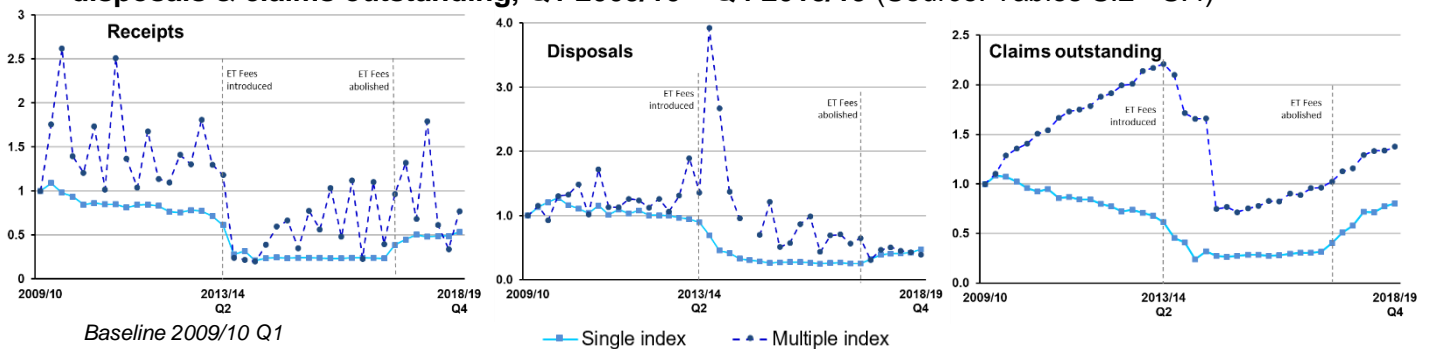
Employment tribunal single cases

In January to March 2019, single claim **receipts**, **disposals** and **outstanding caseload** all **increased** (by 6%, 22% and 39% respectively) when compared to the same period in 2018. **Mean age** at disposal was 33 weeks, six weeks more than in January to March 2018.

Employment tribunal multiple cases

Receipts and **caseload outstanding** rose this quarter when compared to the same period in 2018, by 13% and 19% respectively. **Disposals** fell 16%. **Mean age** at disposal **fell** from 202 weeks to 122 weeks over the same period.

Figure 4.2: Index of Employment Tribunals single and multiple claim receipts, disposals & claims outstanding, Q1 2009/10 – Q4 2018/19 (Source: Tables S.2 - S.4)⁵



The number of single claim receipts has increased by 6% to 9,500 in the current quarter, when compared to the same period in 2018, 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 8,900 in Q4 2017/18 to 8,500 in Q1 2018/19, before rising in Q2 2018/19 to Q4 2018/19.

There were 19,000 multiple claims received this quarter, up 13% 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 678 multiple claim cases (averaging 17 claims per multiple case). This is up from 591 multiple cases in the same period a year ago, which had an average of 18 claims per case.

The Employment Tribunal disposed of 11,000 claims during January to March 2019, up 4% on the same period in 2018. This was due to a 16% decrease in multiple claim disposals, to 4,200, being offset by a 22% increase in single claim disposals, to 6,700. The multiple claims disposed of relate to 531 multiple cases, up from 427 cases in January to March 2018.

In January to March 2019, 26% of disposals were ACAS⁶ conciliated settlements (the most common outcome this quarter), 22% were withdrawn, 11% were struck out (not at a hearing) and 11% were successful at hearing. The most common jurisdictional complaint disposed of between January to March 2019 was 'Unauthorised deductions', this was also the most common complaint in January to March 2018.

⁵ 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.

⁶ Advisory, Conciliation and Arbitration Service (ACAS)

5. Gender Recognition Certificate

103 Gender Recognition Panel (GRP) applications were received and 66 were disposed of between January to March 2019; 108 applications were pending by the end of March 2019

Nine more applications were received by the GRP this quarter, compared to January to March 2018. Of the 66 applications disposed of, a full Gender Recognition Certificate (GRC) was granted in 86% of cases (57 full GRCs), one percentage point higher than in the same period in 2018 (where 73 full GRCs were granted out of 86 disposals).

Since April 2005/06, when the Gender Recognition Act 2004 came into effect, 64% of interim certificates (134 of the 208 interim GRCs granted) have been converted to a full GRC, 57% of which were converted within 30 weeks. Two interim certificates were converted to full GRCs between January to March 2019.

Of the 57 full certificates granted in January to March 2019, three were for married applicants and 52 for single applicants (the marital status for the remaining two applicants was 'unknown'). 36 (63%) of the individuals granted full certificates were registered male at birth while 21 (37%) were registered female at birth.

Figure 5.1: Applications for Gender Recognition Certificates received, disposed of and pending, 2008/09 to 2018/19 (Source: Tables GRP.1 and GRP.2)

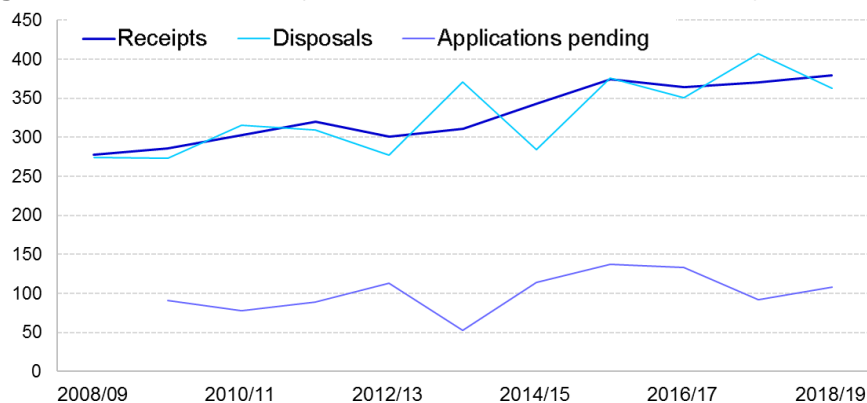
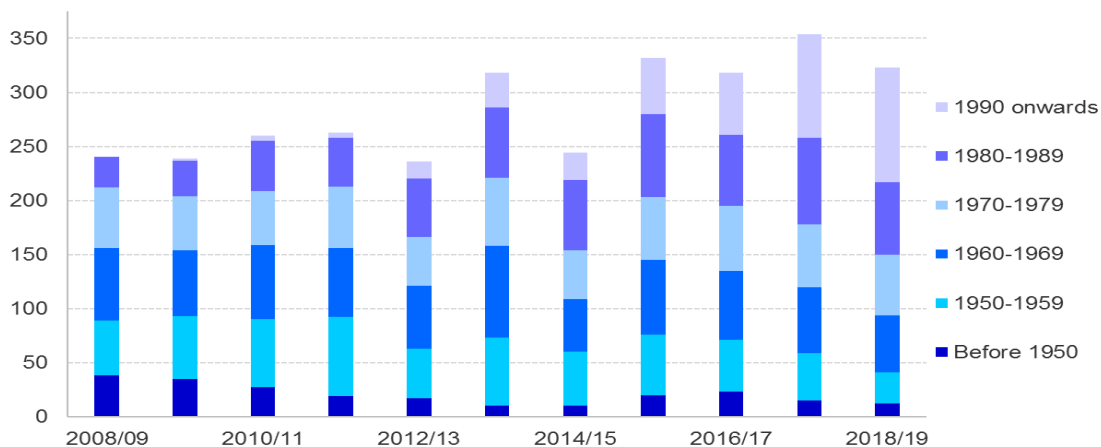


Figure 5.2: Full Gender Recognition Certificates granted by year of birth, 2008/09 to 2018/19 (Source: Table GRP.4)



6. Adjudgments and Postponements

Adjudgments have increased by 5% in 2018/19 compared to the previous year, driven by a 4% rise in SSCS adjournments, which represent the majority (75%) of adjournments in 2018/19

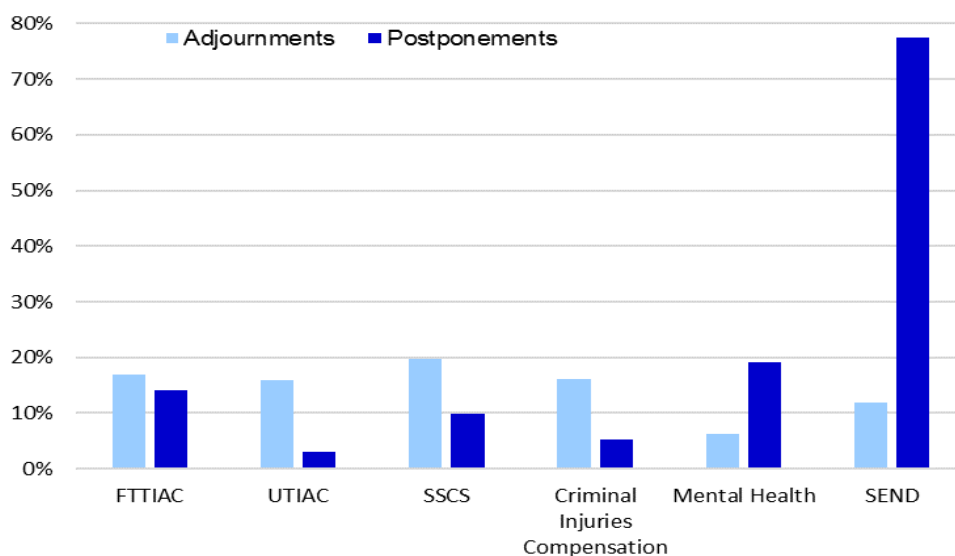
SSCS adjournments increased from 41,000 in 2017/18 to 42,000 in 2018/19; making up 75% of the 56,000 adjournments in the year.

Postponements increased 13% in 2018/19, driven by SSCS and FTTIAC tribunals which represent the majority (54% and 18% respectively) of all postponements reported in 2018/19

The number of tribunal postponements increased 13% to 43,000 in 2018/19, driven by a 8% and 30% rise in SSCS and FTTIAC tribunal postponements respectively.

Social Security and Child Support tribunals had the largest number of adjournments (42,000) which accounted for 20% of SSCS listed hearings (up two percentage points on 2017/18). Mental Health tribunals had the smallest proportion of listed hearings that were adjourned – 6% of all Mental Health hearings listed in 2018/19, the same proportion as in 2017/18.

Figure 6: Percentage of listed hearings Adjourned and Postponed by jurisdiction, 2018/19 (Source: Table APJ.1)



As a proportion of listed hearings SEND tribunal continued to have the largest number of postponements – with 77% of its listed hearings being postponed in 2018/19, compared to 76% in 2017/18. In the long-term, the number of SEND postponements have also continued to increase year-on-year, from 624 in 2013/14 to 2,900 in 2018/19.

The percentage of SSCS tribunals with postponements has risen slightly, up from 9% of listed hearings in 2017/18 to 10% in 2018/19. The absolute number of SSCS postponements also increased, by 8% to 23,000 in 2018/19. SSCS and FTTIAC (increasing by 30% to 7,800) drove the overall increase in postponements.

The smallest proportion of postponements in 2018/19 was at the UTIAC, where 3% of listed hearings were postponed (the same as in 2017/18).

7. Tribunal Judicial Salaried and Fee-paid sittings by Jurisdiction

SSCS (37%) and Mental Health (24%) judicial sittings⁷ continue to make up a large proportion of all sittings

In 2018/19 there were 76,000 SSCS judicial sittings, remaining stable compared to 2017/18. In the same period, Mental Health judicial sitting days rose 2% to 49,000.

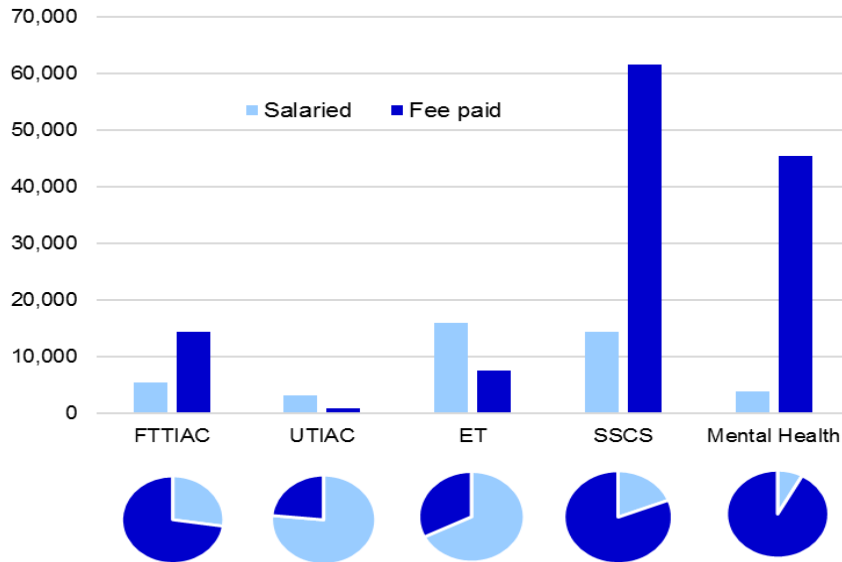
The vast majority of sittings in the Mental Health and SSCS tribunals were fee-paid, whereas the majority of sitting days in the Employment tribunal were salaried.

Fee Paid sittings accounted for 73% of all tribunal judicial sittings in 2018/19, while salaried sittings accounted for 27%. Of the 149,079 fee-paid judicial sittings in 2018/19, 72% were for the Mental Health and SSCS tribunals.

The number of Employment Tribunal (ET) sittings has risen by 12%, following a previous decline and stabilisation. The number of ET fee-paid sittings has increased by 69%, from 4,500 in 2017/18 to 7,700 in 2018/19. This may be due to the increasing number of ET receipts following the abolition of fees.

The number of judicial sitting days at the FTTIAC decreased 6% to 20,000 in 2018/19, while the number of UTIAC sitting days increased from 2,000 to 4,300 in the same period. The proportion of salaried judicial sittings at the FTTIAC increased, up six percentage points to 27% in 2018/19, reversing the decreasing trend since 2013/14.

Figure 7: Judicial Salaried and Fee-paid Judicial Sittings⁷, 2018/19 (Source: Tables JSFP.1 & JSFP.2)



⁷ For SSCS, judicial sittings relate to half-day sessions and therefore the SSCS figures are not comparable to the other tribunal sitting days

Further information

Provisional data and revisions

As part of an annual data reconciliation exercise, the quarterly data for April to December 2018 have been refreshed and figures revised accordingly. Final revised data for January to March 2019 will be published in September 2019. If revisions are needed in the subsequent year, these will be clearly annotated in the tables.

Rounding convention

Figures greater than 10,000 are rounded to the nearest 1,000 and those between 1,000 and 10,000 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.
- Additional releases this quarter:
 - A CSV file with venue level receipts, disposals, outcomes and mean time taken figures, for the First Tier Immigration and Asylum Chamber (FTTIAC).
 - Annual supplementary tables providing the SEND Tribunal rate of appeal at both a national and Local Authority level, calculated as a ratio of appeals submitted to the Tribunals to ‘appealable decisions’.
 - Update to the statistical notice on Immigration and Asylum (I&A) Detained Immigration Appeals (DIA) to include data to Q4 2018/19.

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Next update: 12 September 2019 (URL: www.gov.uk/government/collections/tribunals-statistics)

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