



Ministry
of Justice

Tribunals Statistics Quarterly

1 January to 31 March 2013

20 June 2013

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Executive Summary

This report presents the latest statistics on type and volume of Tribunal cases that are received, disposed of or outstanding as of the fourth quarter of 2012/13 (January to March). The statistics for the fourth quarter of 2012/13 also include the annual figures for the financial year 2012/13.

Receipts

- There were 255,000 receipts (or claims) in the fourth quarter of 2012/13. This is a 15 per cent increase over the previous quarter.
- There were 874,000 receipts (or claims) accepted by Her Majesty's Courts and Tribunals Service (HMCTS) in the financial year 2012/13. This represents a 17 per cent increase over the previous year. The main reason for the increase was the large increase in appeals to the Social Security and Child Support (SSCS).

Disposals

- There were 202,000 disposals in January to March 2013. This represents a seven per cent increase on October to December 2012.
- There were 741,000 disposals in the financial year 2012/13, stable since last year. Sixty three per cent of these were SSCS, compared with 58 per cent of receipts.

Caseload outstanding

- For all tribunals combined, the caseload outstanding at 31 March 2013 was 898,000 – 19 per cent higher than the previous year.
- In the last year the caseload outstanding has increased for all of the largest Tribunals: by 39 per cent for Immigration and Asylum (IA); by 41 per cent for SSCS and by 13 per cent for Employment Tribunals (ET).

Timeliness

- For SSCS Tribunals in 2012/13, 50 per cent of cases were cleared (time taken from receipt to outcome) was 13 weeks or less. This rises

slightly to 17 weeks for IA. For ET, 50 per cent of cases were cleared within 31 weeks or less¹.

Adjournments and Postponements

- For SCS cases in 2012/13, 15 per cent of listed cases were adjourned, and eight per cent were postponed, both a slight increase since 2011/12.
- For Immigration and Asylum, 12 per cent of listed hearings were adjourned, and nine per cent postponed, again a slight increase on 2011/12.

Judicial salaried and fee-paid sitting days

- In 2012/13 there were 236,000 sittings recorded across all Tribunals, 28 per cent of these were classed as salaried and the remaining 72 per cent as fee paid.

¹ Timeliness differs by Tribunal jurisdiction, which may reflect the different processes and types of cases. As such, direct comparisons across different types of Tribunals are difficult and should be treated with caution.

Introduction

Her Majesty's Courts and Tribunals Service (HMCTS) was created on 1 April 2011. It is an agency of the MoJ and is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland. This publication has replaced the Annual Tribunals Statistics and includes the additional information previously contained in this report. For historic publications of all Tribunals Statistics please see:

www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics

In this report, total figures are used although users should be aware different Tribunals have come on line at different points in time. A list of tribunals and their former names is in Table B.1.

Comparisons are typically made with the same quarter in the previous year. However, this publication incorporates the information previously in the Annual Tribunals Statistics so comparisons are also given with previous years.

Further information on HMCTS and other court statistics, including information on the data sources and terminology used in this report can be found in the Guide to Court and Administrative Justice Statistics.

This report presents information on Tribunals activity for the latest quarter as well as the financial year 2012/13. Some time series information is also given. For further information please see the Excel tables that accompany this report. These also contain details of the smaller tribunals which are not covered in the text presented here.

This report focuses on information on receipts (e.g. the acceptance of a case by HMCTS), the outcome of cases by category (e.g. cases disposed of at hearing) and the caseload outstanding for the three largest Tribunals (Employment (ET), Immigration and Asylum (IA) and Social Security and Child Support (SSCS)). The three largest Tribunals account for over 90 per cent of Tribunal activity.

Historic publications relating to Tribunals can be found at;

www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics

Statistics on the work of the civil, family, magistrates' and Crown Courts in England and Wales during the period January to March 2013 are also published by the MoJ at the same time as this report. These quarterly courts statistics, along with annual statistics, can be found in separate reports on the MoJ website, at:

www.gov.uk/government/organisations/ministry-of-justice/series/courts-and-sentencing-statistics

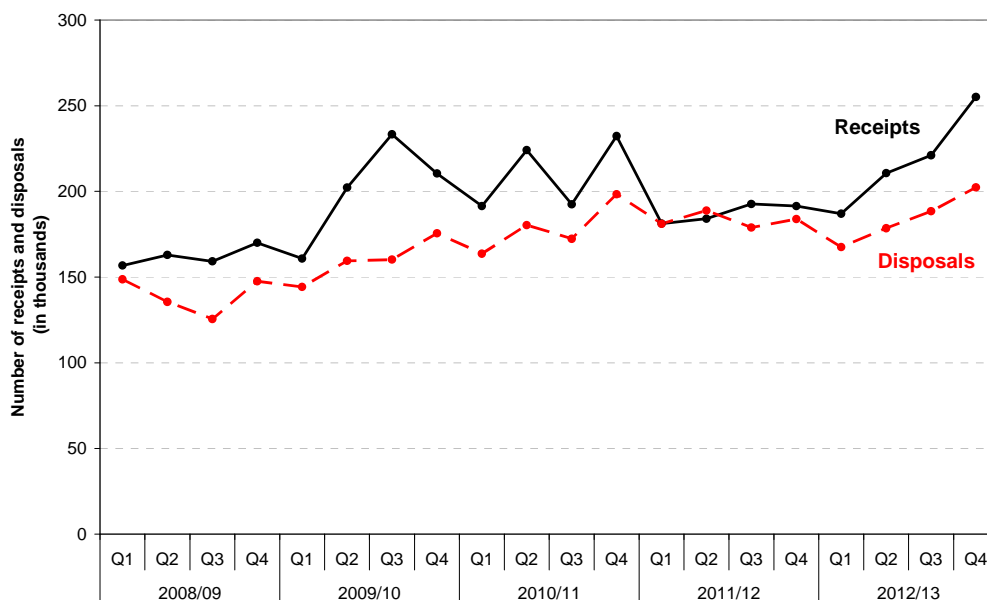
Tribunal Receipts

HMCTS Tribunals recorded 255,084 receipts in the period January to March 2013. This represents a 33 per cent increase in the number of receipts when compared with the same period of 2012. The majority (61 per cent) of these were in Social Security and Child Support (SSCS), a further 23 per cent were Employment Tribunals (ET) and 9 per cent Immigration and Asylum (IA).

There were 874,164 receipts (or claims) accepted in the financial year 2012/13. This represents a 17 per cent increase over the previous year.

Figure 4 shows trends in both receipts and disposals since Q1 2008/09. Typically the number of receipts is greater than the number of disposals. For more information please see the section on outstanding caseload.

Figure 4: Receipts and disposals for all Tribunals, 2008/09 to 2012/13

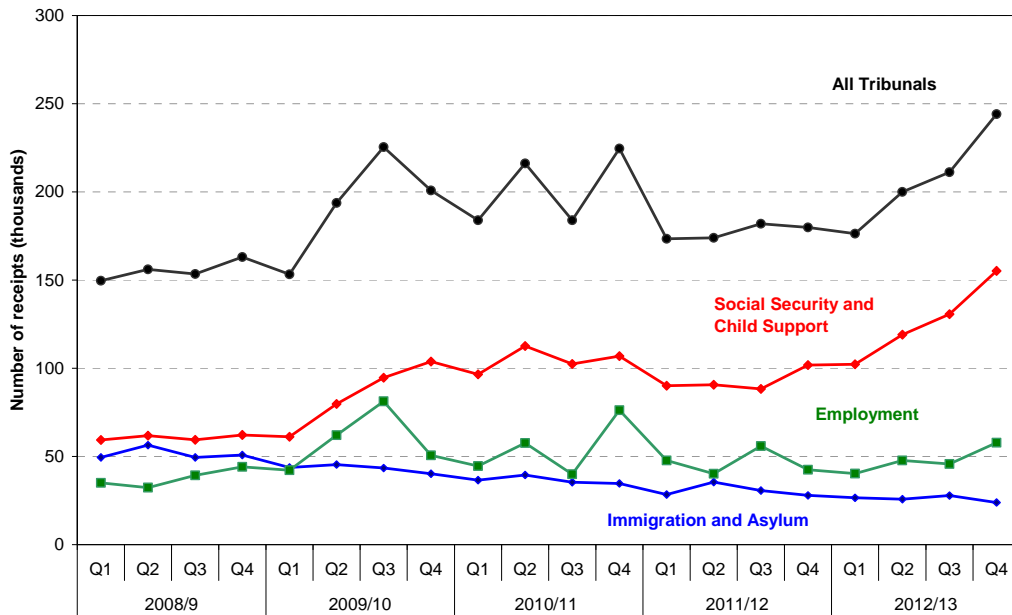


Receipts by Jurisdiction for main Tribunals

The increase in the overall number of receipts was mainly due to the 37 per cent increase in the number of appeals received in SSCS in 2012/13, compared to the same period in 2011/12. This was driven by appeals in relation to Employment and Support Allowance (ESA), which more than doubled over between Q4 2011/12 and Q4 2012/13 and accounted for 70 per cent of all SSCS receipts in Q4 2012/13. There was also an increase

of 3 per cent in Employment receipts, and a 15 per cent decrease in the number of receipts for Immigration and Asylum in 2012/13.

Figure 5: Tribunal receipts by jurisdiction, Q1 2008/09 to Q4 2012/13



Employment Tribunals (Table 1.2)

In Employment Tribunals (ET), the number of claims received in January to March 2013 was 57,737 – 36 per cent more than in the same period of 2012. This was driven by an increase in claims under Working Time Directive, which doubled over the period, and accounted for just over a third of claims.

The next largest numbers of jurisdictional complaints were received under Unauthorised Deductions (16 per cent) and Unfair Dismissal (11 per cent).

A claim (either single or multiple²) can be brought under a number of different jurisdictions, for example under Age Discrimination and Equal Pay. Therefore the number of jurisdictional complaints is always greater than the total tribunal claims accepted. This means that on average in January to March 2013, there were 1.7 jurisdictional complaints per case.

² Claims to the Employment Tribunal may be classified into two broad categories – singles and multiples. Multiple cases are where two or more people bring cases, involving one or more jurisdiction(s) usually against a single employer but not necessarily so, for instance in TUPE cases, and always arising out of the same or very similar circumstances. As a multiple, the cases are processed together.

*Immigration and Asylum*³ *(Table 1.3)*

In the period January to March 2013, there were 23,844 receipts to Immigration and Asylum Tribunals; a decrease of 14 per cent when compared with the same period of 2011/12. This continues the trend of decreasing receipts seen since 2008/09. In the third quarter of 2011/12 fee charging was introduced for some case types.

Managed Migration was the only case type to show an increase since the same period last year, of 16 per cent. The largest decrease was in the Family Visit Visa category, which has halved over the year. This was partly due to the Immigration Appeals (Family Visitor) Regulations 2012 which came into force on 9 July, which restricted the right of appeal to a narrower definition of family visitor⁴.

Social Security and Child Support *(Table 1.4)*

After ESA (70 per cent), the next highest number of jurisdictional claims was for Disability Living Allowance (12 per cent) and Job Seeker's Allowance (JSA) (nine per cent) in Q4.

The largest decreases in the number of appeals received over the quarter were for Retirement Pension of 20 per cent, although this is a small part of the overall total (a decrease from 200 in October to December, to 160 in January to March).

3 All references to Immigration and Asylum refer to the First-tier Tribunal (Immigration and Asylum Chamber). It is an independent Tribunal dealing with appeals against decisions made by the Home Secretary and Home Office officials in immigration, asylum and nationality matters

⁴ www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/june/25-family-visit-visa-appeal

Tribunal Disposals

A disposal is the closure of a case when work has ceased to be done. This can be through a claim being withdrawn, settled, dismissed or being decided at a hearing (either orally or on paper).

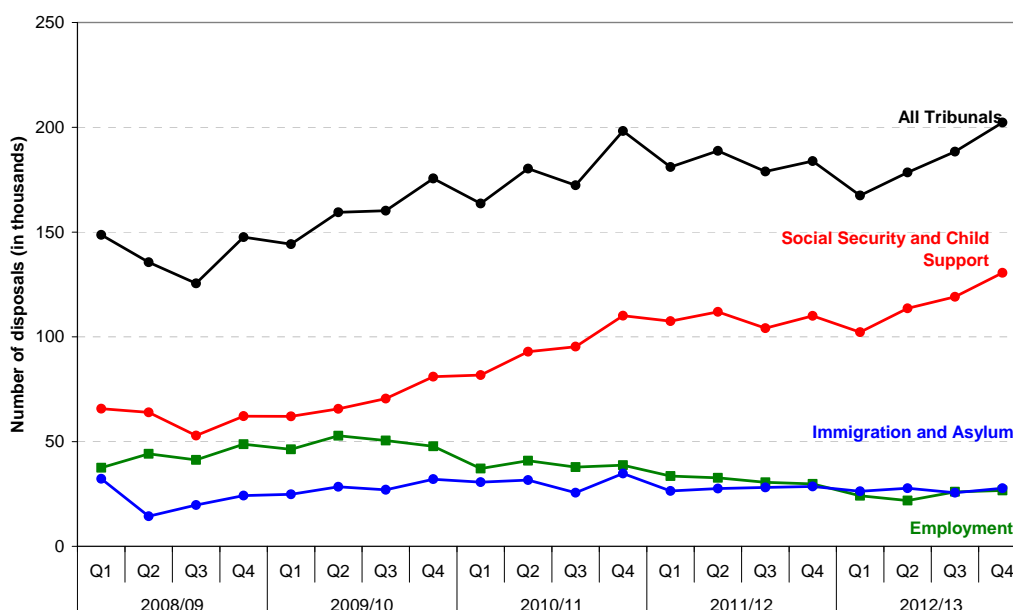
There were a total of 202,327 cases or claims disposed of in January to March 2013. This represents an increase of nine per cent on those cases disposed of in the same period in 2012. In total there were 740,605 cases or claims disposed of in 2012/13, which is stable since 2011/12.

Disposals by Jurisdiction

The increase in the overall number of disposals was predominantly driven by SSCS (an increase of seven per cent over 2011/12 and part of a rising trend from 2009/10) which accounted for 63 per cent of all disposals in 2012/13. There was a three per cent drop in disposals for ET claims in 2012/13; this was driven by a six per cent decrease in single employment cases.

There was also a 36 per cent increase in Residential Property Tribunal disposals, and a 44 per cent increase in the number of disposals for the Upper Tribunal (Administrative Appeals Chamber).

Figure 6: Disposals by Tribunal, Q1 2008/09 to Q4 2012/13



Employment Tribunals (Tables 2.2 and 2.3)

Employment Tribunals disposed of 27,778 claims during January to March 2013, three per cent fewer than in the same period of 2012. The numbers of disposals for single claims decreased by ten per cent while the number for multiple claims increased by six per cent.

Between January and March 2013, 58,907 jurisdictional claims were disposed of (a two per cent increase on the 57,680 disposed of in the same period of the previous year). This means that on average, 2.1 jurisdictions were disposed of per claim.

Of the 58,907 jurisdictional complaints that were disposed of:

- 19 per cent were for unfair dismissal;
- 17 per cent for unauthorised deductions;
- 16 per cent were associated with discrimination (age, race, sex, sexual orientation, religion or disability)

Immigration and Asylum (Tables 2.4 and 2.5)

Immigration and Asylum Tribunals disposed of 98,733 disposals claims in 2012/13, a reduction of 26 per cent on 2011/12. The disposals in January to March 2013 of 26,673 were 11 per cent lower than the same quarter in the previous year.

Although the number of receipts is falling, the most disposals (38 per cent) were still for Family Visit Visas. Of the 26,673 disposals in the fourth quarter of 2012/13, 68 per cent were determined (i.e. a decision was made by a judge) at a hearing or on the papers; 20 per cent were withdrawn; seven per cent were invalid or out of time, and four per cent were struck out. Struck out⁵ cases came into effect following the introduction of fee charging.

Of the 18,246 cases that were determined between 1 January and 31 March 2013:

- 55 per cent were dismissed;

⁵ Appeal closed administratively where the fee has not been paid, remitted or exempted.

- 45 per cent were allowed.

Social Security and Child Support (Tables 2.6 and 2.7)

Of the 130,517 SSCS cases disposed of in January to March 2013; 63 per cent were for ESA; 16 per cent for Disability Living Allowance and ten per cent for JSA.

The number of disposals for some benefit types have decreased between 2011/12 and 2012/13. For example Incapacity Benefit has shown a decrease of 92 per cent as it is replaced by ESA. The number of disposals for ESA increased 31 per cent and those for Pension Credit by 29 per cent.

Between January and March 2013, 80 per cent of all cases were cleared at a hearing, the same proportion as the previous year. Of these, 39 per cent were found to be a decision in favour. This means the original decision is revised in favour of the customer.

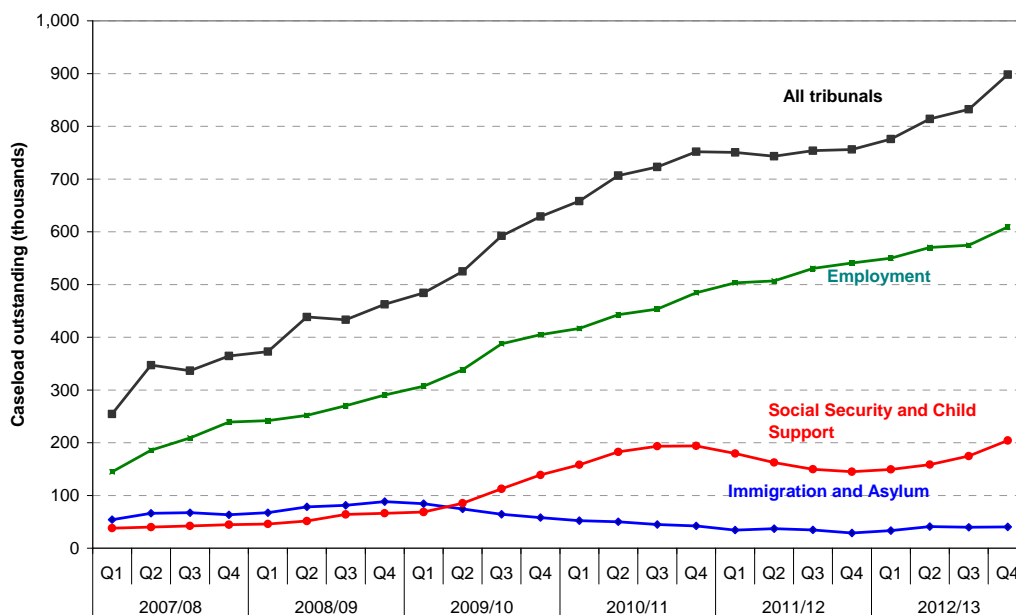
This proportion varied by benefit type with 20 per cent of JSA cases, 41 per cent of Disability Living Allowance and 43 per cent of ESA cases cleared at hearing having the original decision revised in favour of the customer.

Tribunal Caseload Outstanding

At 31 March 2013, the caseload outstanding was 897,822, an increase of 19 per cent on the number at 31 March 2012. Note that annual figures are the same as the caseload outstanding at the end of the fourth quarter.

Around two thirds (65 per cent) of the outstanding caseload at the end of the quarter related to 'multiple' claims in Employment Tribunals. Multiple claims are often legally and factually complex and it is common for action on such claims to be deferred (or 'stayed'), for example pending the outcome of proceedings in appellate courts/tribunals on case management or other interim matters. This means that such claims are not yet ready to have a final Hearing in the employment tribunal, and so the claim cannot be progressed to disposal.

Figure 7: Caseload outstanding at 31 March 2013



Caseload Outstanding (Table 3.1)

Compared with 31 March 2012, the caseload outstanding increased overall and for a number of tribunals, specifically for:

- Social Security and Child Support (an increase of 41 per cent);
- Immigration and Asylum (an increase of 39 per cent);

- Upper Tribunal (Administrative Appeals Chamber) (an increase of 29 per cent.

There were decreases in caseload outstanding for some tribunals: of 11 per cent for single ET claims and of five per cent for Mental Health.

Tribunal Timeliness

This section provides information about the operation of courts and tribunals to assist users to assess the efficiency and effectiveness of public services. Impact indicators were suggested for the four largest tribunals – Social Security and Child Support, Employment Tribunals, Immigration and Asylum and Mental Health.

The timeliness measures generally examine the process from receipt to the point at which the appellant is notified of the outcome of the hearing (or when they are notified of a settlement, withdrawal or strike out).

When examining the measures, a number of points should be noted:

- The clearance times (expressed in weeks or years) are highly dependent upon the processes that take place within a Tribunal and the type and complexity of a case. In some cases, a judgement is awaited from another body (for example European Courts), stayed or may be legally complex.
- The measures can not be directly compared between one Tribunal and another because of the different processes and very diverse nature and requirements of individual jurisdictions. Thus, it is better to compare a specific Tribunal over time. Where available, information is given for two time periods – cases cleared in April 2012 to March of 2013 and April 2011 to March of 2012.

The information provided is based on the age (expressed in weeks or years) at which cases were cleared. There are differences by case or tribunal types, please see supplementary tables for more information.

Summary of Timeliness Measures (Tables 4.1 – 4.3)

The measures examine the age of a case when it is cleared or disposed of and gives the point at which 25 per cent, 50 per cent (the median), and 75 per cent were cleared, along with the average. For example, in Immigration and Asylum, 75 per cent of cases that were cleared in 2012/13 were aged 26 weeks or less.

Table 1: Cumulative percentage of clearances that took place in April 2012 to March 2013, by age of case at clearance

Tribunal	25 per cent point	50 per cent point	75 per cent point	Average
Immigration and Asylum (all)	10 weeks	17 weeks	26 weeks	20 weeks
Employment (all)	16 weeks	31 weeks	3 years	80 weeks
SSCS (all)	8 weeks	13 weeks	23 weeks	18 weeks

Employment Tribunals

For Employment Tribunals, the timescale recorded is from receipt to when details of the final judgement are given. The distribution for all ET cases is heavily influenced by the age of multiple cases (which can be stayed or await decisions from Higher Courts). Of those cases disposed of by Employment Tribunals in 2012/2013:

- 25 per cent were aged 16 weeks or less (i.e. 25 per cent were cleared in 16 weeks or less);
- 50 per cent (the median) were aged 31 weeks or less;
- 75 per cent were aged three years;
- The average age of a case at disposal was 80 weeks.

Clearances for Employment Tribunals were also examined by broad jurisdictional group. The results for the fourth quarter of 2012/13 showed that Equal Pay and Race or Sexual Discrimination had average of over 4 years, while Working Time Regulations had the shortest average clearance time of 37 weeks.

Immigration and Asylum

For those cases disposed of in 2012/13, the cumulative percentages of cases are shown by the age of the case. The time is recorded from receipt to the time that a decision was notified to the appellant.

Of those cases disposed of in Immigration and Asylum between April 2012 and March 2013:

- 25 per cent were aged ten weeks or less (i.e. 25 per cent were cleared in ten weeks or less);

- 50 per cent (the median) were aged 17 weeks or less;
- 75 per cent were aged 26 weeks or less;
- The average age of a case at disposal was 20 weeks, two weeks longer than 2011/12.

Variations in clearance times between case types are due to different processing timescales which apply to each of the Immigration and Asylum jurisdictions. For example in the fourth quarter of 2012/13, three quarters of Asylum cases are completed by ten weeks, whereas a quarter of Family Visit Visas take longer than 31 weeks to clear.

Social Security and Child Support

For those cases disposed of in 2012/13, the cumulative percentage of cases is shown by the age of the case. For SSCS the time is recorded from receipt to the time that a decision was notified to the appellant.

Of those cases disposed of by SSCS between April 2012 and March 2013:

- 25 per cent were aged eight weeks or less (i.e. 25 per cent were cleared in 8 weeks or less);
- 50 per cent (the median) were aged 13 weeks or less;
- 75 per cent were aged 23 weeks or less;
- The average age of a case at disposal was 18 weeks, five weeks shorter than 2011/12.

SSCS hears appeals against decisions made by DWP on a number of different benefits as well as against decisions made by other government departments (HMRC) and local authorities. The composition of the Tribunal panel varies for each benefit and there are some differences in length of clearance time for each type of appeal. Those appeals which can be heard by a Judge sitting alone (such as appeals against decisions on Job Seekers' Allowance) take less time to clear than appeals where a panel including specialist Medical, Financial or Disability panel members is required.

Tribunal Adjournments and Postponements by Jurisdiction

Throughout the Tribunal process a case may be adjourned or postponed. Please note this information is not available for Employment, and only published on an annual basis for the other Tribunals. The Tribunals Service was created in April 2006, bringing together tribunals previously administered by the different government departments. These individual tribunals brought with them their legacy systems, some of which are not set up to collate this data.

- An adjournment is where, on the day of the hearing, the Panel decides that, for whatever reason, the appeal/case cannot be finalised and has to put off making a final decision to another date, for example because further evidence is required.
- A postponement is where a case is taken out of the list, prior to the commencement of the hearing – parties to an appeal can apply to the to have the hearing postponed but it is the Tribunals decision as to whether such an application can be granted. The Tribunal can also postpone a case on its own volition.

The definition of the rate is the number of adjournments (or postponements) divided by the number of listed hearings and expressed as a percentage.

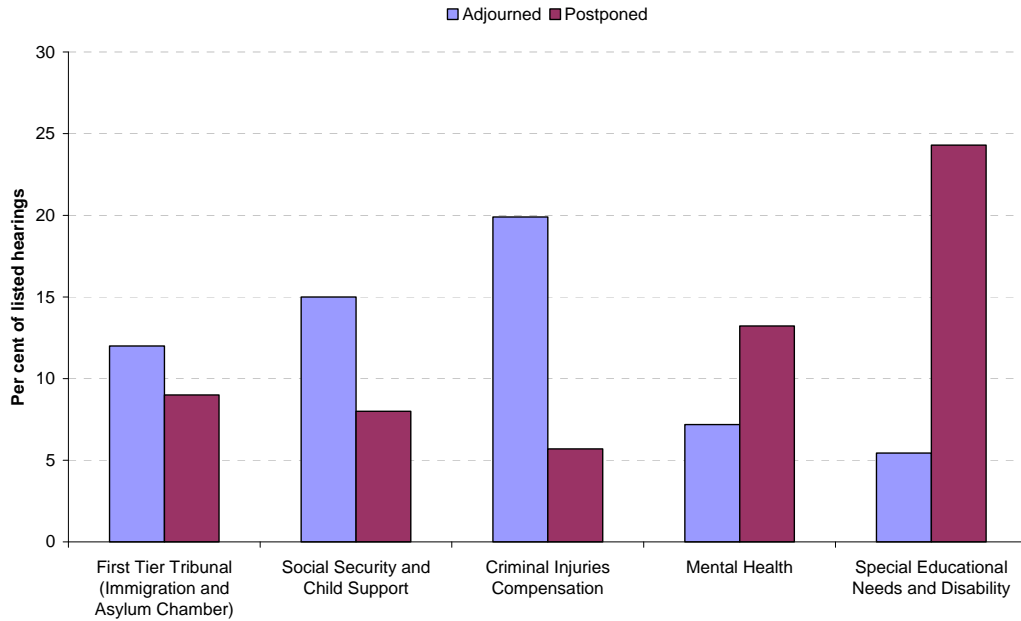
In 2012/13 there were a total of 78,759 adjournments, an increase of 16 per cent on the previous year. There were also 48,433 postponements, an increase of 14 per cent on the previous year.

Adjournments and Postponements (Table 5.1)

- For SSCS cases in 2012/13, 15 per cent of listed cases were adjourned, and eight per cent were postponed, both a slight increase since 2011/12.
- For Immigration and Asylum, 12 per cent of listed hearings were adjourned, and nine per cent postponed, again a slight increase on 2011/12.
- In 2012/13 the adjournment rate for Mental Health tribunals was seven per cent, and the postponement rate was 13 per cent, both the same as 2011/12.
- The adjournment rate for the Special Educational Needs and Disability (SEND) Tribunal stayed the same, at five per cent. However, the

postponement rate for the Tribunal went down from 28 per cent to 24 per cent over the same time period.

Figure 8: Adjudgments and postponements by jurisdiction, 2012/13



Tribunal Judicial Salaried and Fee-paid sittings by Jurisdiction

This section presents information on the number of sittings by Tribunal judges. Please note historic information on judicial sittings has been revised to show un-rounded figures. Sittings are divided into two categories;

- Salaried sittings relate to those days counted by Tribunal judges who are paid an annual salary for their work.
- Fee paid sittings relate to those sittings counted by Tribunal judges who are only paid for the days they work, and therefore charge a fee for their time. Judges are paid per sitting (half day/whole day) and not according to individual cases.

In 2012/13 there were 235,871 sittings recorded across all Tribunals, 28 per cent of these were classed as salaried days and the remaining 72 per cent as fee paying days. This has been the same proportion since 2009/10, whereas before this date there was a higher proportion of salaried judges.

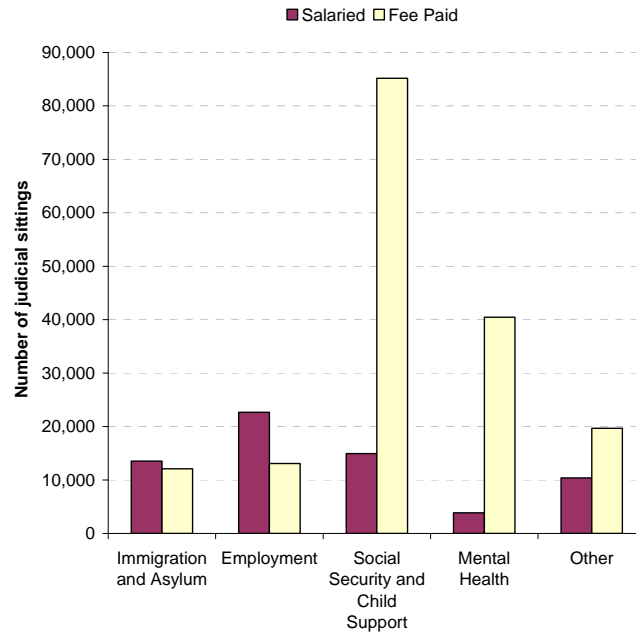
Judicial Sittings (Tables 6.1 and 6.2)

The 235,871 judicial sittings in 2012/13 is a six per cent increase on the number in the previous year. There was an increase of six per cent in the number of sittings for fee-paid judiciary and five per cent for salaried judiciary.

The ratio of fee-paid to salaried judiciary varies by jurisdiction. In 2012/13, 91 per cent of judicial sitting days for Mental Health were for fee-paid judiciary, whilst 63 per cent of judicial sittings were salaried for Employment Tribunals.

The largest of judicial sittings for a single jurisdiction was for SSCS which accounted for 42 per cent of all judicial sittings recorded (see Figure 9). This reflects the fact that SSCS accounts for the largest proportion of Tribunal receipts. In the SSCS tribunals 85 per cent of the sittings were fee paid.

Figure 9: Tribunal Judicial Salaried and Fee-paid sittings by Jurisdiction, 2012/13



Annex A: Data quality and sources

Information presented in this report is management information drawn from a number of different administrative sources. Although care is taken when processing and analysing the data, the details are subject to inaccuracies inherent in any large-scale recording system and it is the best data that is available at the time of publication. HMCTS is examining the quality of management information. Thus, it is possible that some revisions may be issued.

The statistics are based on case management systems where a number of processes are recorded throughout the life of an appeal. In some instances, a case can re-enter the process or have a number of outcomes, meaning that there is not necessarily one receipt or one disposal per case. Thus, care should be taken when comparing receipts and disposals.

Further information on HMCTS and other court statistics, including information on the data sources and terminology used in this report can be found in A Guide to Court and Administrative Justice Statistics.

Revisions

All the statistics in this publication have been revised to show unit values rather than the rounded numbers shown previously.

Historic receipt and disposal information for Immigration and Asylum has been revised to include appeals dismissed or withdrawn at the Preliminary Issue stage. This is where an appeal has been submitted outside the prescribed time limit or may be otherwise invalid. Such cases will only proceed to the appeal stage if decided by a Judge. A new disposal category of "Invalid/Out of Time" has been introduced to show appeals dismissed at the Preliminary Issue stage. Cases withdrawn at this stage are included in the "Withdrawn" category.

For 2012/13 a further new outcome category has been introduced for Immigration and Asylum disposals of "Struck Out for Non-Payment". This is as a result of the introduction of fees for certain Immigration and Asylum appeals introduced in 2011. Some of the historic disposal and outcome data has been revised following this.

Please note data from the fourth quarter of 2012/13 (1 January to 31 March 2013) onwards un-rounded figures have been provided. All previously rounded figures have been revised with the original un-rounded data, except some of the historical judicial sitting days.

Explanatory Notes

Rounding

The figures in this publication are presented to the nearest unit value.

Notation

The following symbols have been used throughout the tables in this bulletin:

. = Not applicable

.. = Not available

- = Small Value

~ = No cases dealt with so rate could not be calculated

0 = Nil

(r) = Revised data

(p) = Provisional data

Spreadsheet files of the tables contained in this document are also available to download.

Contacts

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General enquiries about the statistics work of the MoJ can be e-mailed to statistics.enquiries@justice.gsi.gov.uk

General information about the official statistics system of the UK is available from www.statistics.gov.uk