



Ministry  
of Justice

# **Tribunals and Gender Recognition Certificate Statistics Quarterly**

January to March 2016 and  
annual statistics 2015/16

Ministry of Justice  
Statistics bulletin

9 June 2016



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## Introduction

Tribunals are specialist judicial bodies which decide disputes in particular areas of law. Appeals to tribunals are generally against a decision made by a Government department or agency. The main exception to this is the Employment Tribunal where cases are on a party v party basis (specifically, employee versus employer). There are tribunals in England, Wales, Scotland and Northern Ireland covering a wide range of areas affecting day-to-day life. Her Majesty's Courts & Tribunals Service (HMCTS) administers many of them although some are the responsibility of the devolved governments in Scotland, Wales and Northern Ireland.

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, Immigration and Asylum, and Social Security and Child Support). These three largest tribunals accounted for over 80% of tribunal receipts in 2015/16. Statistics relating to Gender Recognition Certificates are provided in this bulletin and there are additional annual chapters relating to Adjournments, Postponements, and Judicial Salaried and Fee-paid sittings. Annex C provides monthly and regional breakdowns of receipts for Employment Tribunals.

Excel tables that accompany this report contain details of the smaller volume tribunals which are not covered in the text presented here. Please note that this publication does not include data on tribunals not covered by HMCTS. The accompanying CSV files contain the same data as in the Excel tables, but in a machine readable format. This allows users to conduct their own analysis, and is part of the Ministry of Justice's commitment to open data.

Further information on Civil and Administrative Justice statistics, including information on the data sources and terminology used in this report, can be found in the [Guide to Civil and Administrative Justice Statistics](#).

### Date of next publication

The next issue of Tribunal and Gender Recognition Certificate Statistics Quarterly is scheduled to be published on 8 September 2016, covering the period April to June 2016 and annual Employment Tribunal and Employment Appeals Tribunals statistics relating to the financial year 2015/16.

### Changes in reporting

Characteristics for Employment Tribunal claimants are collected via an optional questionnaire available on the online Employment Tribunal Fees administrative system – summary data were first published in June 2015, with the aim of updating the information annually. However, the completion rate for the questionnaire has declined significantly - only 100 responses (0.5% response rate) were received in 2015/16, compared to

7,600 in 2013/14 and 6,500 in 2014/15 (44.6% and 33.6% response rate respectively). It has therefore not been possible to update the claimant characteristics figures for 2015/16; we're currently investigating the reason for the drop in response rate.

We have restructured the publication to improve usability. Users are typically interested in a particular tribunal so there are now individual chapters for each of the large tribunals (Employment Tribunal, First-tier Tribunal Immigration and Asylum Chamber, and Social Security and Child Support). These contain statistics relating to the respective tribunal's receipts, disposals, caseload and timeliness. However, there also remains a short introduction chapter summarising the key findings across all tribunals. Any views on this new layout can be given through the contact details list on the last page of this publication.

### **Users of the statistics**

The main users of these statistics are Ministers and officials in central government responsible for developing policy with regards to tribunals. Other users include lawyers and academics, other central government departments such as the Department for Education, the Department for Business, Innovation and Skills (BIS), the Home Office and the Department for Work and Pensions (DWP), and non-governmental bodies, including various voluntary organisations, with an interest in administrative justice.

## Key Findings

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 the financial year 2015/16 (January to March 2016) and for the financial year 2015/16. There are also a chapters presenting the latest trends in Gender Recognition Certificates awarded, adjournments and postponements, and judicial sitting days.

### All Tribunals

In January to March 2016, HMCTS tribunals recorded a 4% increase in receipts (to 109,700) and a 10% increase in disposals (to 95,400) compared to January to March 2015. Compared to 2014/15, the number of receipts in 2015/16 increased by 13% to 408,300 and the number of disposals decreased by 43% to 372,200 when compared to 2014/15. This decrease in disposals is mainly driven by the disposal of a large multiple claims case in the Employment Tribunal in October to December 2014.

At the end of March 2016, the total caseload outstanding was 401,200, up 7% on the same period last year.

### Employment Tribunal

In January to March 2016, there were 5,100 Employment Tribunal issue fees requested. Of these, 3,200 (64%) cases had the full issue fee paid outright whilst 1,400 (27%) cases were awarded either a full or partial issue fee remission. For the remaining 480 (9%) cases, it appears that the claim was not taken further. The proportion awarded full or partial issue fee remission (27%) has increased by six percentage points compared to the same period in 2015.

A total of 4,200 single claims were received in this quarter, down 1% on January to March 2015. A total of 17,000 single claims were received in 2015/16, an increase of 3% on 2014/15. In this quarter, 25,100 multiple claims were received, up 56% on last year driven by a large airline multiple case received in January 2016, primarily relating to the Working Time Directive and Unauthorised Deductions. A total of 66,000 multiple claims were received in 2015/16, up by 47% on 2014/15. This increase is driven by a number of pension related and equal pay claims.

In January to March 2016, the Employment Tribunal disposed of 3,800 single claims, down 6% on the same period in 2015. A total of 15,300 single claims were disposed of in 2015/16, down 19% on 2014/15 and the lowest annual single claim disposals since the series began in 2009/10. This decrease could be due to a number of factors such as a reduction in the number of sittings, the receipt of more complex cases and a fall in the volume of cases going through the system following the introduction of ET fees in July 2013 and Acas Early Conciliation in April 2014.

A total of 9,300 multiple claims were disposed of in this quarter, up 24% on January to March 2015. There were 34,100 multiple claims disposed of in 2015/16, which is down 88% on the 294,000 multiple claims disposed of in 2014/15. The large number of multiple claims disposed of in 2014/15 were related to a particularly large multiple claims case relating to the Working Time Directive.

The mean age of a single claim at disposal in January to March 2016 was 28 weeks, down 5 weeks on the same period last year. The mean age of a multiple claim case at disposal was 186 weeks, which is down by 13 weeks on the same period in 2015. For single claims, the mean age of a case ranged from 24 weeks (for breach of contract and unauthorised deduction jurisdictions) to 137 weeks for equal pay. For multiple claims it ranged from 33 weeks for unfair dismissal to 327 weeks (over 6 years) for sex discrimination.

### **Immigration and Asylum**

In January to March 2016, there were 17,300 receipts in the First-tier Tribunal Immigration and Asylum Chamber (FTTIAC), down 29% on the same period in 2015. Of these appeals, 15,300 were registered under the new post Act categories. Overall in 2015/16, a total of 76,900 appeals were received in the FTTIAC, down 16% on 2014/15. The decrease in receipts can be attributed to the introduction of the Immigration Act 2014. Of all appeals received in 2015/16, 39,700 were registered under the post Act categories.

The FTTIAC disposed of 13,600 appeals, down 37% on January to March 2015. An overall total of 69,700 FTTIAC appeals were disposed of in 2015/16, which is down 24% on 2014/15.

The caseload outstanding at the end of the quarter in the FTTIAC was 61,900 and has increased by 20% compared to the same period in 2015.

The mean age of a case at disposal in the FTTIAC was 40 weeks in January to March 2016, which is 12 weeks longer than the same period last year. Overall the mean age of a case at disposal in 2015/16 was 34 weeks, which is up by 5 weeks on 2014/15.

It is thought that the increase in average time taken for cases to be cleared is due to the number of available court hearings and an increased proportion of more complex cases which require more court time. This also impacts the number of disposals over the reporting period and in turn, is reflected in the number of cases outstanding.

### **SSCS**

In January to March 2016, 41,400 appeals against decisions were received, up 14% when compared with the same period in 2015. Overall there were 157,200 SSCS appeals received in 2015/16, up 40% on

2014/15, mainly driven by the increase in Personal Independence Payment (PIP) claims.

The SCS tribunal disposed of 45,000 appeals in January to March 2016, up 48% on the same period in 2015, driven by the increase in the number of PIP disposals (39% of all disposals) which more than tripled from 4,900 to 17,400 over the last year. This increase is in line with the increasing rate of PIP appeal receipts. Overall a total of 156,500 appeals were disposed of in 2015/16, up 4% on 2014/15.

There were 53,400 SCS cases outstanding at the end of March 2016, up 13% when compared to the same point in 2015.

The mean age of a case at disposal was 18 weeks, two weeks less than the same period in 2015. Overall in 2015/16, the mean age of a case at disposal was 18 weeks, which is a decrease of eight weeks when compared to 2014/15. This will be due to the tribunal receiving a dramatic increase in work during 2014/15 and now having cleared the backlog which had built up.

### **Gender Recognition Panel**

In January to March 2016, 89 applications were received by the Gender Recognition Panel and a total of 374 were received in 2015/16. Of the 96 disposals in January to March 2016, 84 (88%) were granted full Gender Recognition Certificates, up 15% on the same period in 2015.

### **Adjournments and Postponements**

The rates of adjournments and postponements vary by jurisdiction. In 2015/16 the SCS tribunal had the largest number of postponements and adjournments (28,300 and 14,700 respectively), accounting for 17% and 9% of SCS listed hearings. Adjournments occurred in just 7% of Mental Health listed hearings in 2015/16 compared to 32% of Special Educational Needs and Disability (SEND) listed hearings. Postponements occurred in 4% of UTIAC listed hearings, compared to 60% of SEND listed hearings.

### **Tribunal Judicial Salaried and Fee-paid sittings**

In 2015/16, the largest number of sittings were in SCS (58,100, up 23% on last year), Mental Health (51,000, up 1% on last year) and the Employment Tribunal (22,700, down 11% on last year). The proportion of fee-paid sittings to salaried sittings varies across tribunals. The majority of sitting days in the Mental Health and SCS tribunals were fee-paid (91% and 75% respectively), whereas the majority of sitting days in the Employment tribunal (89%) were salaried.



# 1. All Tribunals

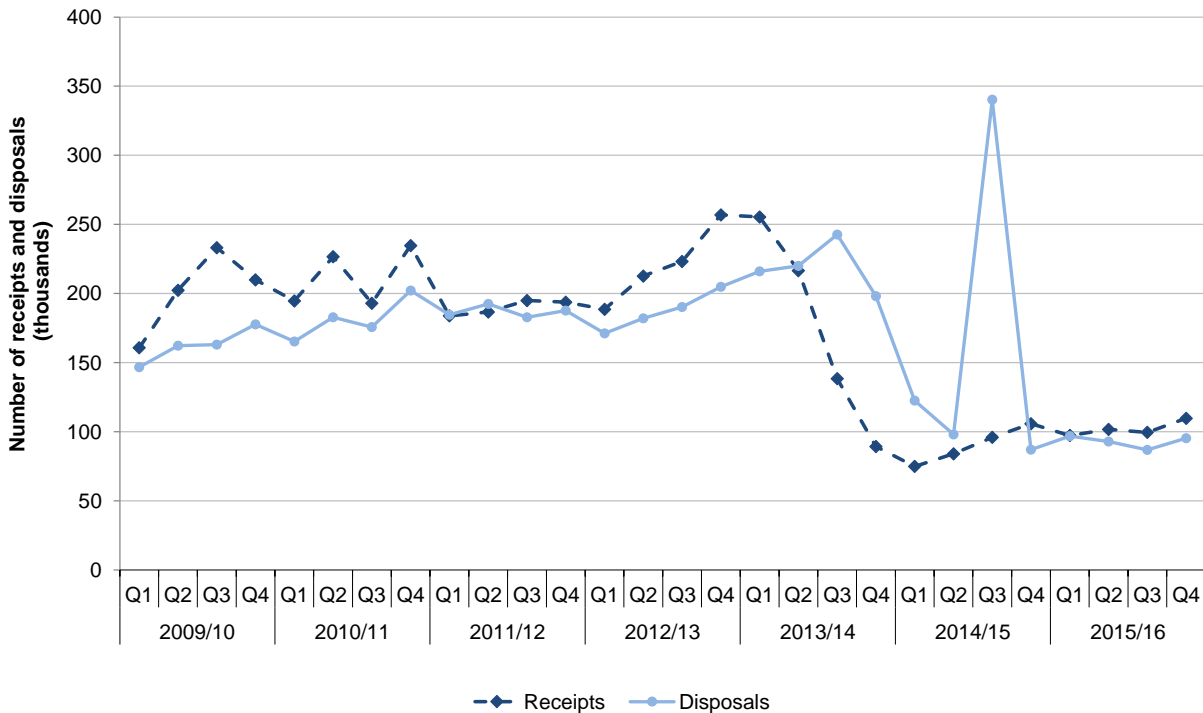
## Receipts

HMCTS Tribunals recorded 109,655 receipts in January to March 2016, which is up 4% when compared with the same period of 2015. Social Security and Child Support (SSCS) accounts for 38% of these receipts, a further 27% were in Employment Tribunals (ET) and 16% were in the First-tier Tribunal Immigration and Asylum Chamber (FTTIAC).

A total of 408,315 receipts were recorded in 2015/16, which is up 13% on 2014/15. This was mainly driven by a 40% increase in the number SSCS receipts from 112,082 in 2014/15 to 157,180 in 2015/16.

Figure 1 shows trends in both receipts and disposals since Q1 2009/10. Typically the number of receipts has been greater than the number of disposals. However, between Q2 2013/14 and Q3 2014/15, HMCTS has disposed of more tribunal claims than it received. Note that these figures are receipts and disposals in the quarter being reported, and receipts in one period are likely to be dealt with in subsequent periods.

**Figure 1. Receipts and disposals for all tribunals, Q1 2009/10 to Q4 2015/16<sup>1</sup>**

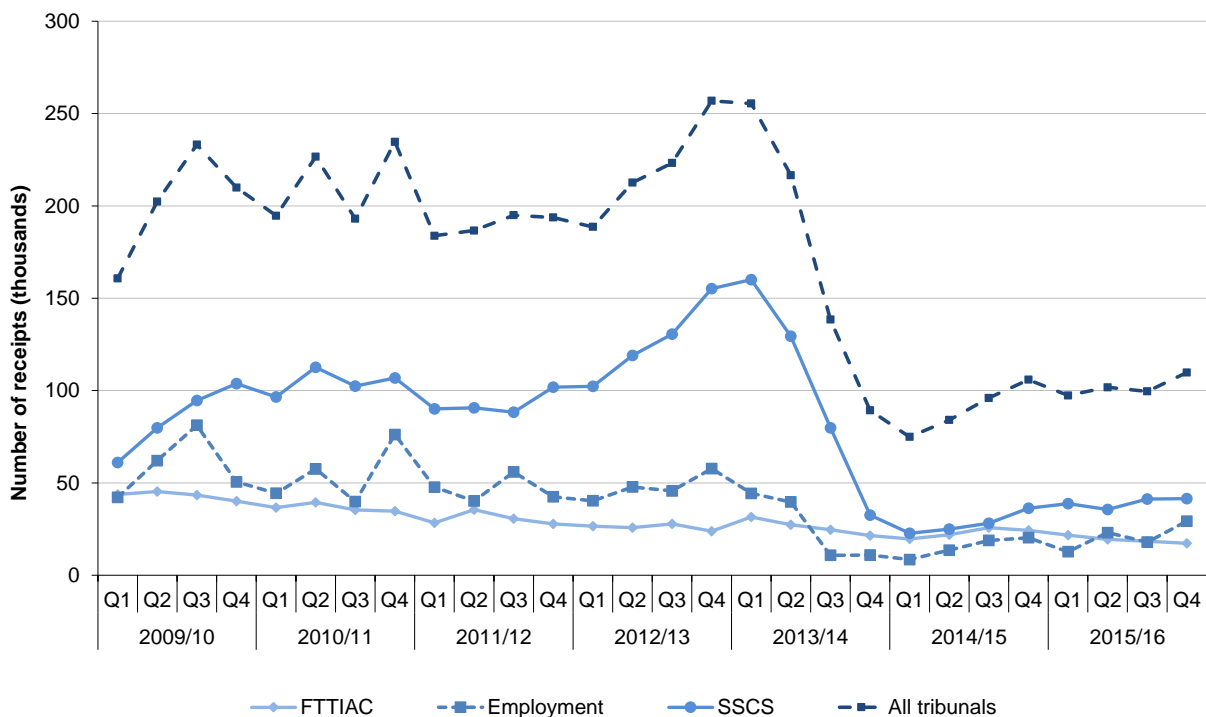


<sup>1</sup> The peak in Q3 2014/15 is due to 243,000 Employment Tribunal multiple disposals relating to one case.

### What has driven this?

Figure 2 illustrates the receipts by the largest tribunals. As SSCS is the largest tribunal, this drove the overall trend up to Q1 2014/15, when the number of SSCS appeals fell to its lowest. This fall in SSCS appeals was due to a number of factors, one of which may be the Government's welfare reforms, including the introduction of mandatory reconsideration of an initial decision made by the Department for Work and Pensions (DWP) before an appeal can be lodged with the Tribunal. After this point, the overall trend followed a gradual increase that can be seen across all three tribunals up to the end of 2014/15, and has stabilised at around 100,000 claims during 2015/16.

**Figure 2. Tribunal receipts, Q1 2009/10 to Q4 2015/16**



### Disposals

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

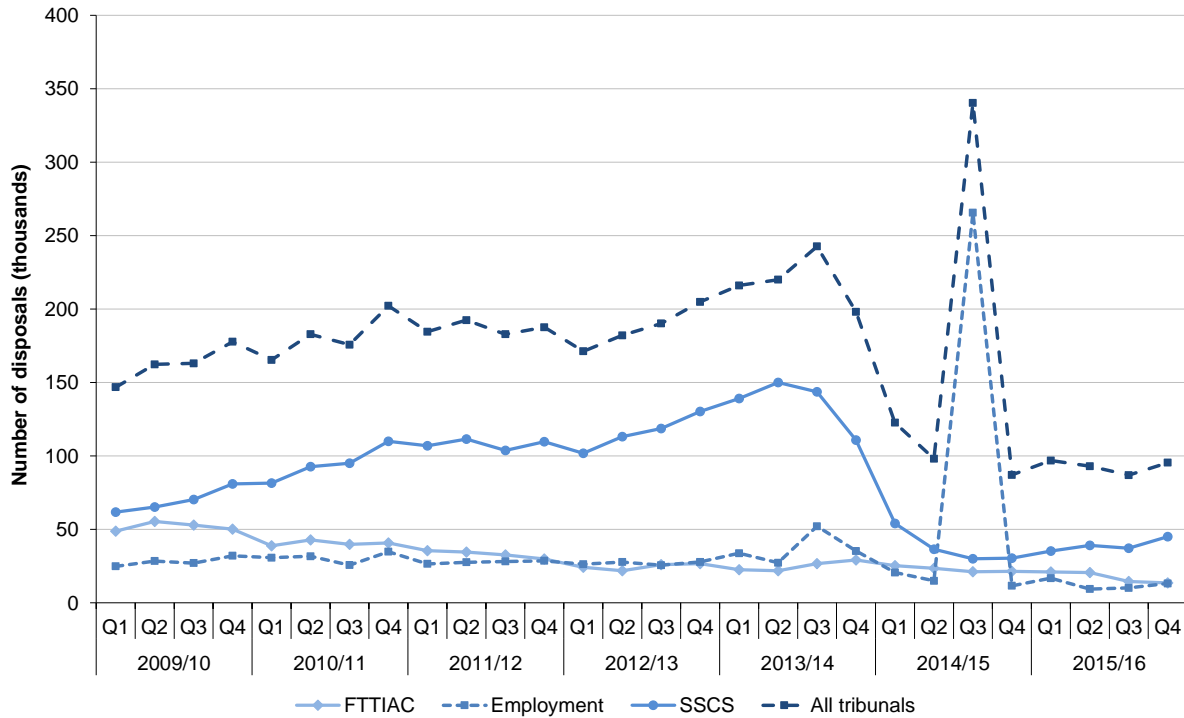
There were 95,416 cases or claims disposed of in January to March 2016, up 10% on the same period in 2015. The number of cases or claims disposed of in 2015/16 was 372,225, which is down from 648,186 (43%) in 2014/15.

### What has driven this?

Figure 3 shows disposals by the main tribunals. In October to December 2014, a very large multiple airlines case ended in the Employment

Tribunal, relating to Working Time Directive. Since this large multiple claims case closed, the total number of disposals has stabilised over 2015/16.

**Figure 3. Disposals by Tribunal, Q1 2009/10 to Q4 2015/16**

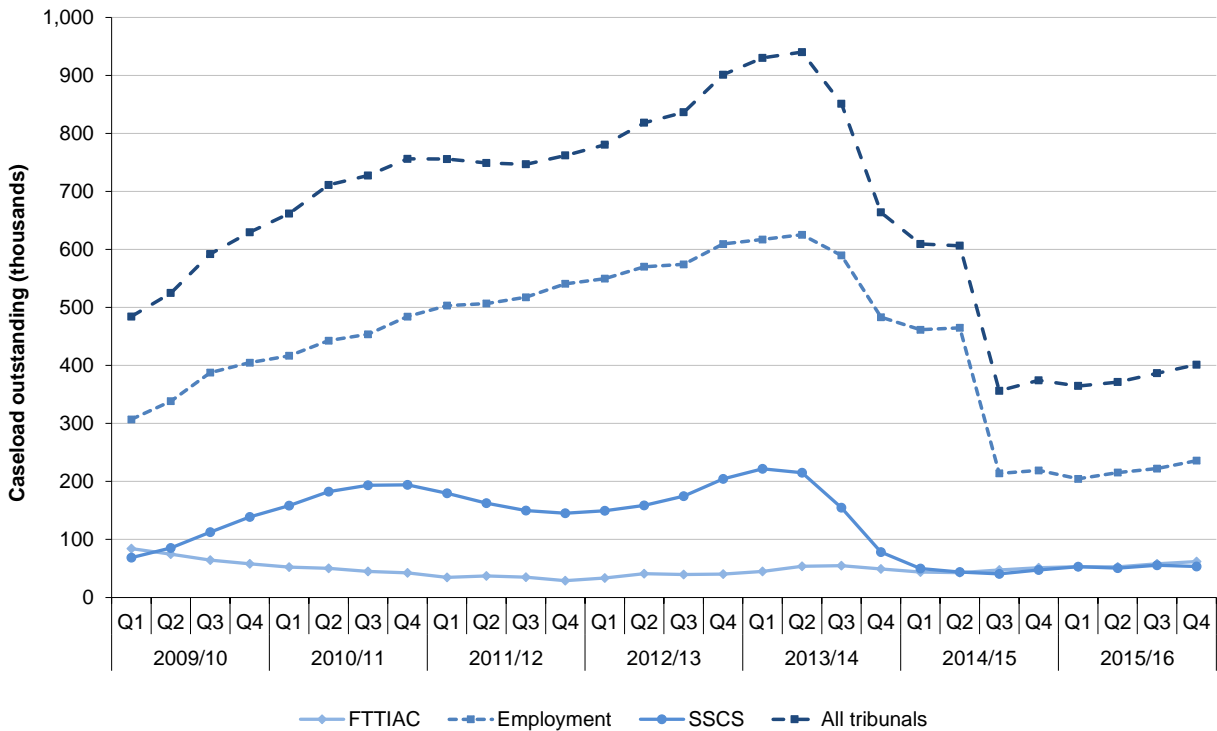


### Caseload Outstanding

The live caseload (caseload outstanding) is based on a snapshot of live cases at a specific point in time, once taken it cannot be revised or revisited. Because of this approach the caseload outstanding is currently based on a snapshot of the caseload on a specific day, and the change is not simply calculated by subtracting receipts and disposals.

At the end of March 2016, the caseload outstanding was 401,179. This is an increase of 7% on the same period last year (see Figure 4). This is driven by an 8% increase in outstanding cases in Employment tribunals, which account for 59% of all outstanding cases.

**Figure 4. Caseload outstanding as at the end of each quarter, June 2009 to March 2016**



**Timeliness**

This section provides information about the operation of tribunals to assist users in assessing the efficiency and effectiveness of public services. 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 a case settles, is withdrawn or struck 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 instances, appeals can be stayed because a judgement is awaited from another body (for example the Court of Appeal, Supreme Court or Administrative Court), or may be legally complex.
- The measures for each tribunal cannot be directly compared because of the different processes and very diverse nature and requirements of individual jurisdictions. However, comparisons of measures for a specific Tribunal over time can be made

The information provided is based on the age at which cases were cleared.

**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%, 50% (the median), and 75% of cases were cleared, along with the average (mean). For example, for the Social Security and Child Support (SSCS) Tribunal, 75% of cases that were cleared in January to March 2016 were aged 20 weeks or less.

**Table 1. Cumulative percentage of clearances in January to March 2016, by age of case at clearance**

<b>Tribunal</b>	<b>25% point</b>	<b>50% point</b>	<b>75% point</b>	<b>Average (mean)</b>
First-tier Tribunal Immigration and Asylum	25 weeks or less	40 weeks or less	52 weeks or less	40 weeks
Employment (single)	14 weeks or less	22 weeks or less	34 weeks or less	28 weeks
Employment (multiple)	55 weeks or less	130 weeks or less	305 weeks or less	186 weeks
SSCS	10 weeks or less	14 weeks or less	20 weeks or less	18 weeks

**Table 2. Cumulative percentage of clearances in 2015/16, by age of case at clearance**

<b>Tribunal</b>	<b>25% point</b>	<b>50% point</b>	<b>75% point</b>	<b>Average (mean)</b>
First-tier Tribunal Immigration and Asylum	20 weeks or less	32 weeks or less	45 weeks or less	34 weeks
Employment (single)	14 weeks or less	22 weeks or less	34 weeks or less	29 weeks
Employment (multiple)	46 weeks or less	138 weeks or less	281 weeks or less	180 weeks
SSCS	10 weeks or less	14 weeks or less	20 weeks or less	18 weeks

## 2. Employment Tribunals

Employment Tribunal claims are counted as received once the relevant issue fee has been paid or remitted, and the tribunal have accepted the claim as valid. Table ETF.1 shows the total number of cases (see below for definitions) where a fee request was issued to the claimant, and tracks through the fee activity that occurs subsequently.

### Employment Tribunal Fees

Fees were introduced for claims submitted to an Employment Tribunal on or after 29 July 2013. Claimants pay two separate fees: the first to issue the claim and the second to have it heard. The fee levels vary according to the nature of the claim. Respondents may also pay fees for a number of applications they may make although these are far less common.

Claims can be separated into two distinct types, each attracting a different fee. 'Type A' claims tend to be more straightforward, and so have a lower fee. These include claims about unpaid wages, payment in lieu of notice and redundancy payments. 'Type B' claims involve more complicated issues, and therefore attract a higher fee. These types of claim tend to be those involving unfair dismissal or discrimination complaints.

Single claim cases have standard fees associated with them, whereas multiple claim cases have different fees depending on the number of claimants they contain. The fee levels for different case types are outlined in Table 3.

When a claim (either single or multiple) has more than one jurisdictional complaint and at least one of the complaints is a Type B, a Type B fee is payable.

**Table 3: Fee levels in single and multiple cases**

<b>Single cases</b>	Type A	Type B	
Issue fee	£160	£250	
Hearing fee	£230	£950	
<b>Multiple cases</b>	<b>Number of claimants</b>		
	2-10	11-200	Over 200
<b>Type A</b>			
Issue fee	£320	£640	£960
Hearing fee	£460	£920	£1,380
<b>Type B</b>			
Issue fee	£500	£1,000	£1,500
Hearing fee	£1,900	£3,800	£5,700

## **Employment Appeal Tribunals (EAT)**

The main function of the Employment Appeal Tribunal (EAT) is to hear appeals from decisions made by Employment Tribunals. An appeal must be on a point of law, i.e. it must identify flaws in the legal reasoning of the original decision.

The associated fees for the Employment Appeal Tribunal are £400 to lodge the appeal and £1,200 to have it heard.

### **Fee remission**

Claimants for both single and multiple Employment Tribunal claims may qualify for a fee remission depending on their circumstances, and this may cover whole or part of the fee. Fee remission may also be awarded for Employment Appeal Tribunal fees.

Separate remission applications must be submitted for the issue/lodgement and hearing fees. Claimants in receipt of certain benefits (including income support and income-based jobseeker's allowance) are entitled to full remission. Full or partial remissions may also be granted depending on the claimant's gross monthly income. Remission applications may be unsuccessful for a number of reasons, such as if they do not meet the remission award criteria or if insufficient evidence is provided.

### **Data sources and key caveats**

The statistics in this section were previously classed as experimental, however, following vigorous testing and further analysis they have been deemed to meet the standard required for publication as Official Statistics.

The data on fees and remissions is sourced from the online Employment Tribunal Fees administrative system, which is used for case management and the processing of remission applications and fee payments. It is not currently possible to identify when single claims are subsequently grouped into multiple claim cases. These cases have associated single issue fee requests but will appear not to progress past the issue fee stage, even though it is possible they have had a multiple case hearing. This may partially account for difference between the number of fees paid/remissions granted and the numbers of hearing fees requested for single cases.

This section gives quarterly figures on fees requested and tracks through the subsequent fee activity. Therefore, the fees paid, remission applications submitted and remissions granted shown in a given quarter correspond to the date the fee requests were made, not the date the remission application was made or granted, unless it was in that same quarter. As a result, the figures in this publication may vary slightly from those published previously.

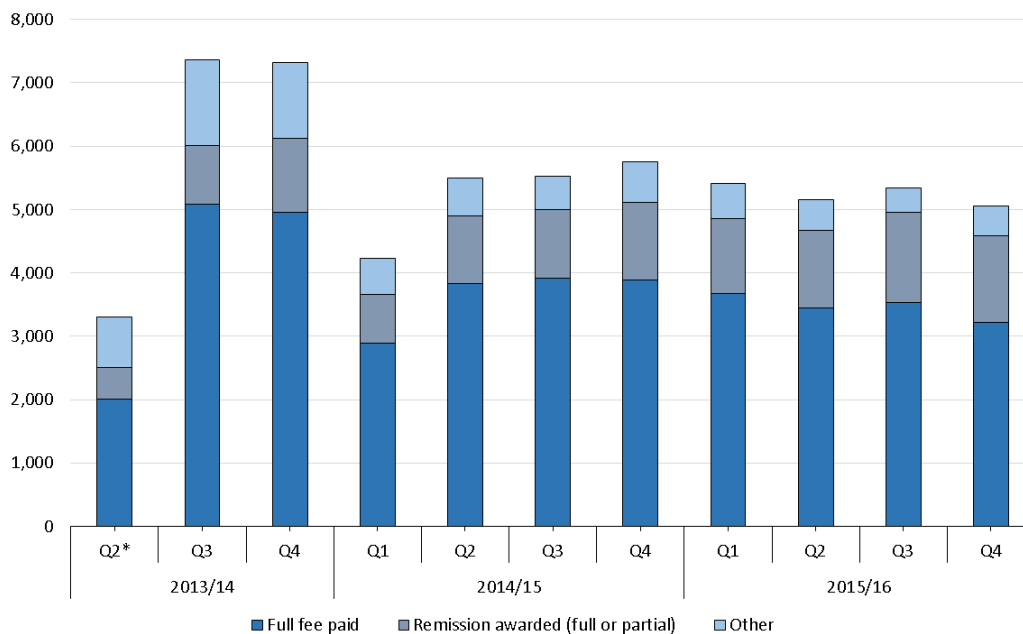
## Employment Tribunal Fee Results

The following results are based on initial analysis of the progression of cases through the Employment Tribunal fees system, for each quarter since the introduction of the fees on 29 July 2013 up to the end of March 2016.

### Issue fee (Table ETF.1)

Before a claim will be considered, the relevant issue fee must be paid. Figure 5 shows the total number of cases submitted to the Employment Tribunal website since 29 July 2013. It shows the number of cases where a full issue fee was paid or a full or partial remission was awarded. The 'other' category includes cases where an issue fee was expected<sup>2</sup> but there is no record of a subsequent payment or remission. These figures include both single and multiple claim cases, and cover type A and type B claims.

**Figure 5: Number of Employment Tribunal issue fees by outcome, 29 July 2013 to 31 March 2016**



\* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29<sup>th</sup> July 2013.

In January to March 2016, the vast majority of fees requested, full issue fee paid and full or partial remission awarded were for single claims (as opposed to multiple claims), and therefore these claims drive the overall

<sup>2</sup> An issue fee is required when applicant submits a completed claim unless a remission application is made.



trend. These accounted for 95%, 94%, and 97% of fees requested, full issue fee paid, and full or partial remission awarded respectively.

There were 5,060 cases in which an issue fee was expected in January to March 2016. Of these, 3,223 cases (64%) had the full issue fee paid outright whilst 1,357 cases (27%) were awarded either a full or partial issue fee remission. This is an increase of six percentage points on the proportion of cases awarded remission in the same period last year and continues the increasing quarter on quarter trend. For the remaining 480 cases (9%), it appears that the claim was not taken further. It is possible that some of these cases are yet to progress through the system and additional analyses are required to confirm the specific outcomes of these issue fee requests.

In those cases where the issue fee was fully paid it took on average just over 2.5 days for the payment to be made in January to March 2016, compared to an average of just over 3.9 days in the same period last year.

For single claims (Table ETF.3), the vast majority (91%) of issue fee remissions awarded were full remissions - partial fee remissions accounted for around 9% of all remissions awarded in January to March 2016. Due to data limitations, it is not currently possible to identify the proportion of partially remitted issues fees for multiple claim cases. Table ETF.1 (in the accompanying tables) gives a breakdown of the issue fees by type. In January to March 2016, 63% of all Type B claimants (both multiple and single claims) paid the issue fee in full, compared with 66% of Type A claims. In the same period, 62% of Type B claimants who applied received a full or partial remission of the issue fee, compared with 61% of Type A claimants.

### **Hearing fee (Table ETF.2)**

If a case requires a hearing, a hearing fee will be requested. This will be after the issue fee is paid and the case is accepted by the Employment Tribunal.

Figure 6 shows the total number of hearing fee requests made each quarter and of those, the number where the fee was fully paid, a full or partial remission was awarded and those that were subsequently withdrawn, struck out or settled before being heard. Cases may have also been withdrawn, struck out or settled before reaching the hearing fee stage, in which case a hearing fee will not have been requested. The 'other' category includes cases where a hearing fee was requested<sup>3</sup> but there is no record of a specific outcome. These figures (in Table ETF.2 and Figure 6) will change each quarter as time allows for more cases to progress through the system. In particular for hearing fee requests made

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<sup>3</sup> A hearing fee is payable only if the case is listed for hearing.

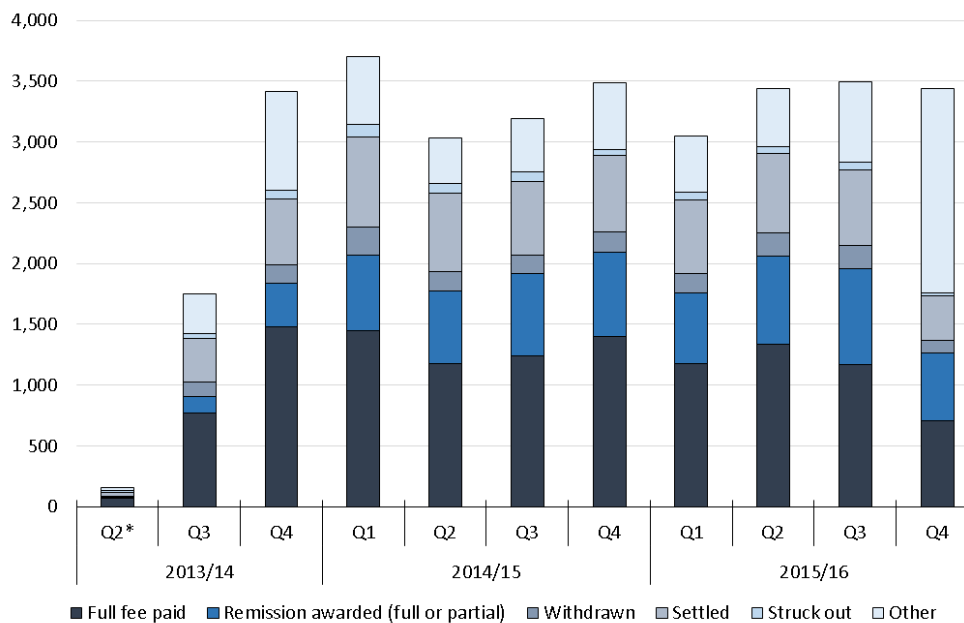
in the most recent quarters, where a larger proportion of fee requests will not have been designated an outcome.

Figure 3 covers requests for hearing fees for both single and multiple claim cases of both Type A and Type B.

In January to March 2016, a total of 3,438 hearing fees were requested – at the time the data was extracted 708 (21%) requests had the full hearing fee paid outright, taking on average 63 days for payment to be made and 552 (16%) had been awarded either a full or partial remission. A further 364 (11%) settled before reaching a hearing, 108 (3%) were subsequently withdrawn and 28 (less than 1%) were struck out. For the remaining 1,678 (49%) cases (found in the ‘other’ category in Figure 6), no outcome was recorded. A large proportion of these ‘no outcome’ cases are in this category temporarily, as they have not yet progressed through the fee system.

To illustrate this, the initial October to December 2015 figures had 1,217 cases (47%) with no outcome recorded. The revised ‘no outcome’ figure for October to December 2015, published this quarter, had reduced to 658 (19% of all cases), as the remaining 559 fee cases had been designated an outcome since the original figures were published.

**Figure 6: Number of hearing fees requested by outcome, 29 July 2013 to 31 March 2016**



\* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29<sup>th</sup> July 2013.

Table ETF.2 gives a breakdown of the hearing fee requests by type. In January to March 2016, 16% of all Type B claimants (both single and multiple claims) paid the hearing fee in full, compared with 38% of Type A

claimants. In the same period, 85% of all Type B claimants who applied received a full or partial remission of the hearing fee, compared with 86% of Type A claimants.

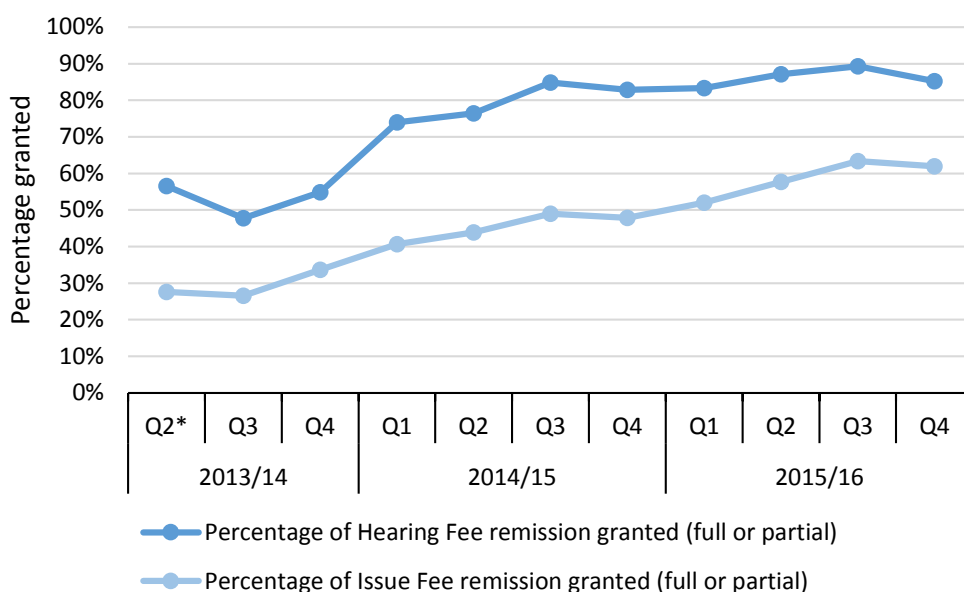
As with issue fees, single claim cases (both Type A and B claims) accounted for the majority of cases with either full hearing fee payment or those awarded a remission (96% and 98% respectively), and therefore drive the overall trend (Table ETF.3). The majority (83%) of single case hearing fee remissions awarded were full remissions - partial fee remission accounted for 17% of all hearing fee remissions awarded in January to March 2016.

### Remission applications (Tables ETF.1 and ETF.2)

Figure 7 shows the number of remission applications, as well as the numbers granted, for both issue and hearing fees. These figures cover both single and multiple cases and are limited to one remission application per case. In January to March 2016, 2,189 remission applications were submitted for the issue fee and 648 for the hearing fee. During this period, 62% of remission applications for the issue fee were either fully or partially successful (14 percentage points higher than the same quarter last year) compared with over 85% of hearing fee remission applications (two percentage points higher than the same quarter last year).

In January to March 2016, for both initial and hearing remission applications, on average it took just over 3 days for a decision to be made. Due to data limitations it is not possible to assess the timeliness of issue and hearing fee remission applications separately.

**Figure 7: Remission applications and proportion granted, 29 July 2013 to 31 March 2016**



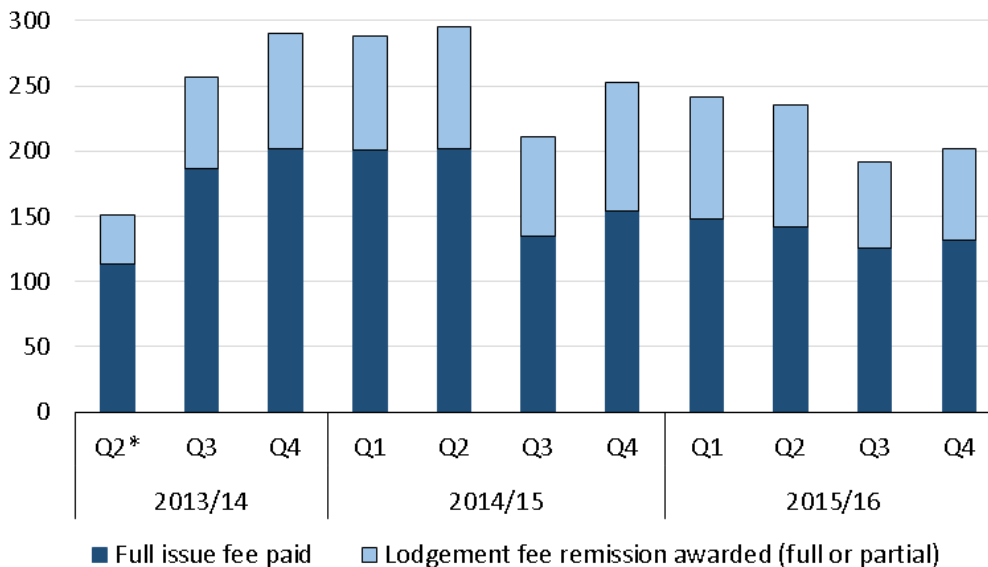
\* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29<sup>th</sup> July 2013.

## Employment Appeal Tribunal (EAT) – (Table ETF.4)

Figure 8 shows the number of EAT lodgement fees that were requested, were fully paid or remitted before reaching the hearing fee stage<sup>4</sup>. In January to March 2016 there were 230 EAT lodgement fees requested. Of these, 132 (57%) had the full fee paid outright and 70 (30%) had full or partial fee remission awarded. For the remaining 28 (12%) cases, there is no specific outcome currently recorded, which may be due to cases not yet progressing through the system.

Figure 9 shows the number of EAT hearing fees that were requested, were fully paid or had a remission awarded. In January to March 2016, there were 72 EAT hearing fees requested. Of these, 51 (71%) had the full fee paid outright and 14 (19%) had full or partial fee remission awarded. For the remaining 7 (10%) cases, there is no specific outcome currently recorded, which may be due to cases not yet progressing through the system.

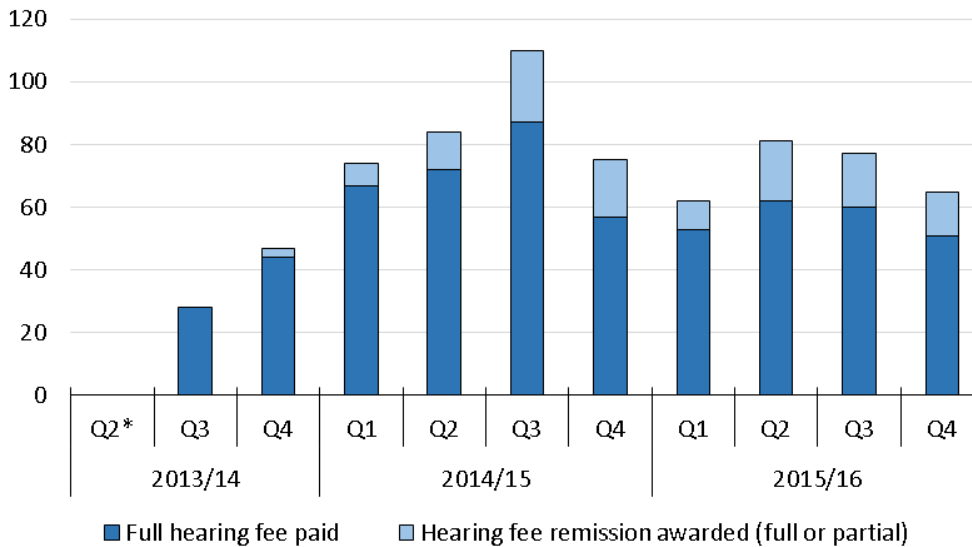
**Figure 8: Number of Employment Appeal Tribunal (EAT) lodgement fees requested by outcome, 29 July 2013 to 31 March 2016**



\* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29<sup>th</sup> July 2013

<sup>4</sup> Due to issues with data quality, the number of struck out or withdrawn cases has been removed. These issues are currently being investigated.

**Figure 9: Number of Employment Appeal Tribunal (EAT) hearing fees requested by outcome, 29 July 2013 to 31 March 2016**



\* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29<sup>th</sup> July 2013.

In January to March 2016, 84 remission applications were submitted for the lodgement fee and 20 for the hearing fee. During this period, 83% of remission applications for the lodgement fee were either fully or partially successful compared with 70% of hearing fee remission applications.

### Employment Tribunal Receipts

Once the relevant issue fee has been paid or remitted and the tribunal have accepted the claim as valid, it is counted as a receipt. Claims in employment tribunals can be classified into either single<sup>5</sup> or multiple<sup>6</sup> claims. Single claims are made by a sole employee/worker, relating to alleged breaches of employment rights. Multiple claims are where two or more people bring proceedings arising out of the same facts, usually against a common employer. Both single and multiple claims can involve one or more jurisdictional complaints. Where claims are grouped as multiples, they are processed administratively and managed judicially together. We call these groups of claims ‘multiple claims cases’.

A claim (either single or multiple) can be brought under one or more different jurisdictions, for example under Age Discrimination or Equal Pay. Therefore the number of jurisdictional complaints is always greater than

<sup>5</sup> A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings, but will be counted as a claim only once.

<sup>6</sup> Multiple cases are where two or more people bring claims, involving one or more jurisdiction(s) usually against a single employer but not necessarily so, and always arising out of the same or very similar circumstances. As a multiple, the cases are processed together.

the total tribunal claims received. On average in January to March 2016, there were 2.2 jurisdictional complaints per claim.

The number of single claims received in January to March 2016 was 4,168 – a decrease of 1% on the same period of 2015. Overall, there were 16,986 single claims received in 2015/16, an increase of 3% on 2014/15.

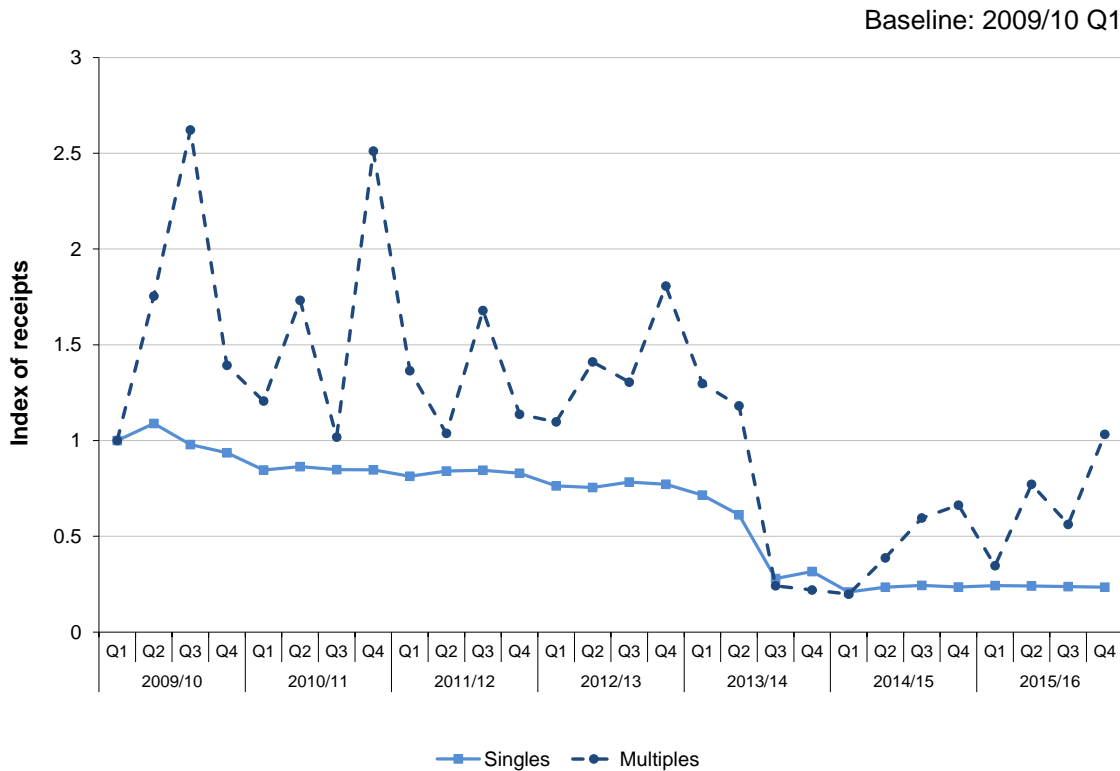
The trend in single claims had gradually declined from 2009/10 until Q2 2013/14, and then saw a sharp drop in Q3 2013/14 following the introduction of Employment Tribunal fees in July 2013 (further information on this can be found in Policy Changes section). There was a small increase in single claims in Q4 2013/14 which was then followed by a historically low number of claims in Q1 2014/15 when the Advisory, Conciliation and Arbitration Service (Acas) introduced mandatory Early Conciliation.

The number of multiple claims received in January to March 2016 was 25,131, which is an increase of 56% on the same quarter last year. However, the claims related to 243 multiple claim cases with an average of 103 claims per multiple case, compared to January to March 2015 when there were 508 multiple claims cases with an average of 32 claims per case. The increase seen in multiple claims is due to a large airline multiple received in January 2016, primarily within the working time directive and unauthorised deductions jurisdictions.

A total of 66,046 multiple claims were received in 2015/16, up 47% on 2014/15. This increase is driven by a number of pension and equal pay related claims, which may be related to the introduction of new case law relating to pensions and holiday claims. These multiple claims were related to a total of 1,257 multiple claims cases, which is down 35% on 2014/15, with an average of 53 claims per multiple case.

The trend in multiple claims is more volatile than single claims due to large numbers of claims against a single employer which can skew the national figures. This was particularly prevalent prior to October 2013 when a small number of multiple cases against the airline industry had to be resubmitted each quarter. This is illustrated in Figure 10. As the number of single and multiple claims are on such different scales, they have been indexed with a baseline of Q1 2009/10 = 1.

**Figure 10. Index of Employment Tribunals multiple and single claim receipts<sup>7</sup>, Q1 2009/10 to Q4 2015/16**



**Disposals**

The Employment Tribunal disposed of 13,142 claims during January to March 2016, up 13% on the same period in 2015. There were 3,817 single claims disposed of, accounting for 29% of all Employment Tribunal disposals, down 6% on the same period last year. In the current quarter, 9,325 multiple claims were disposed of, accounting for 71% of Employment Tribunals disposals, up 24% on January to March 2015.

A total of 49,391 claims were disposed of in 2015/16, which is down 84% on 2014/15 (312,773). The magnitude of this decrease is mainly due to the disposal of a very large multiple claims case in 2014/15 which was related to the Working Time Directive, however this is also the lowest number of annual disposals since the series began in 2009/10.

There were 34,141 multiple claims disposed of in 2015/16, which is down 88% on the 293,934 multiple claims disposed of in 2014/15.

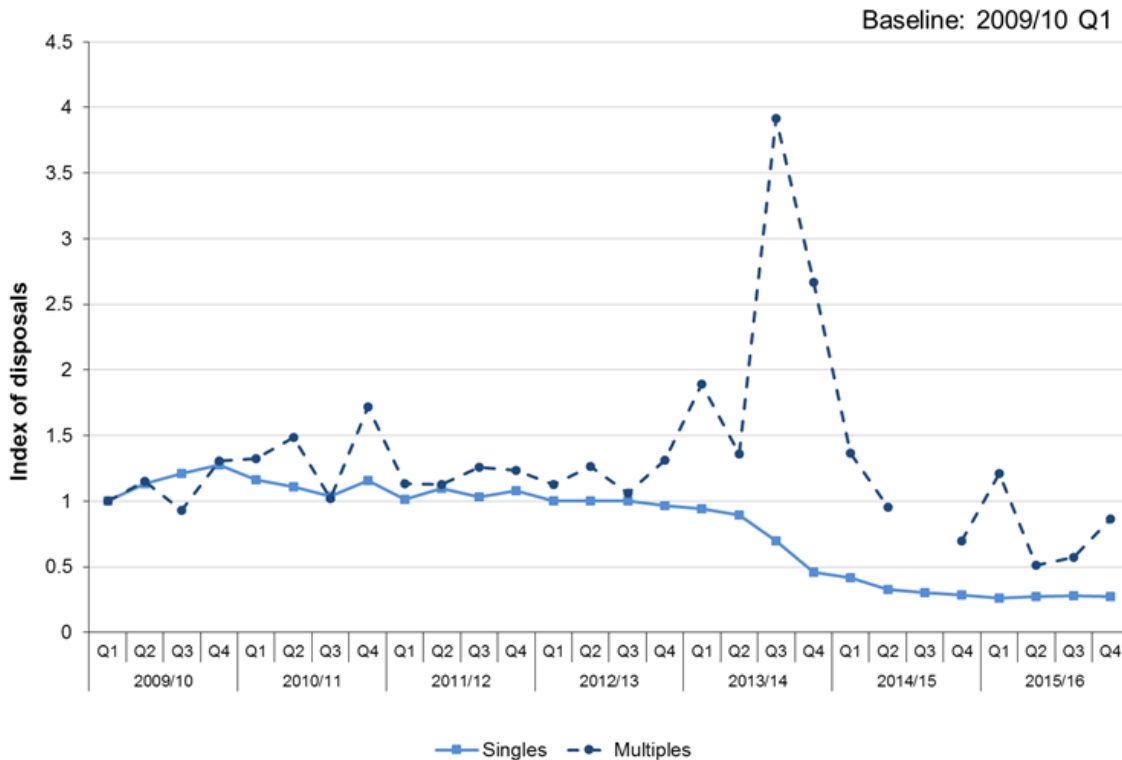
The disposal rates for multiple claims tend to be more volatile than single claims, and can be affected by disposals of a few large cases. This volatility can be seen in Figure 11. In Q3 2014/15, a large case with multiple claims against airlines' Working Time Directive was disposed of.

<sup>7</sup> The index compares the number of receipts with the baseline quarter. It shows the trend in single and multiple receipts but does not enable comparisons of the *numbers* of each.

This brought the total disposals index for this period up to 26.6, masking any trends and has therefore been removed from Figure 11. The peak in Q3 2013/14 also relates to a large airlines' case. The 9,325 multiple claims disposed of in January to March 2016 related to 223 multiple claim cases, giving an average of 41.8 claims per multiple claims case.

The number of multiple claims cases disposed of in 2015/16 was 957, a decrease of 69% when compared to 2014/15. There were 15,250 single claims disposed of in 2015/16, which is down 19% on 2014/15 and is the lowest annual number of single claims disposals since the series began in 2009/10. This decrease could be due to a number of factors such as a reduction in the number of sittings, the receipt of more complex cases and a fall in the volume of cases going through the system following the introduction of Employment Tribunal fees in July 2013 and Acas Early Conciliation in April 2014.

**Figure 11. Index of Employment Tribunal single and multiple disposals<sup>8</sup>, Q1 2009/10 to Q4 2015/16**



In January to March 2016, 27,306 jurisdictional complaints were disposed of, up 19% on same period of the previous year. On average, 2.1 jurisdictions were disposed of per claim.

<sup>8</sup> The Q3 2014/15 index figure is 26.6, due to 243,000 Employment Tribunal multiple disposals relating to one case. Including this figure masked other trends in the chart and has therefore been removed.



Overall, 101,217 jurisdictional complaints were disposed of in 2015/16, with an average of 2.0 jurisdictions per claim. This is a decrease of 74% on 2014/15, which can be attributed to the disposal of the large multiple claims case relating to the Working Time Directive.

Of the jurisdictional complaints that were disposed of in January to March 2016, 23% were for the Working Time Directive, 21% were for Unauthorised Deductions (formerly Wages Act) and 15% were for Equal Pay.

The largest proportionate change in jurisdictional complaints in comparison to the same period last year was seen in Working Time Directive, which is up 183% from 2,177 to 6,153. Other large changes were seen in Part Time Workers Regulations, up 144% from 32 to 78 and Unauthorised Deductions (formerly Wages Act) disposals, up 64% from 3,478 to 5,706.

When considering the outcomes of Employment Tribunal disposals in January to March 2016, nearly three quarters of claims did not reach hearing due to being settled through Acas, withdrawn or struck out (not at hearing).

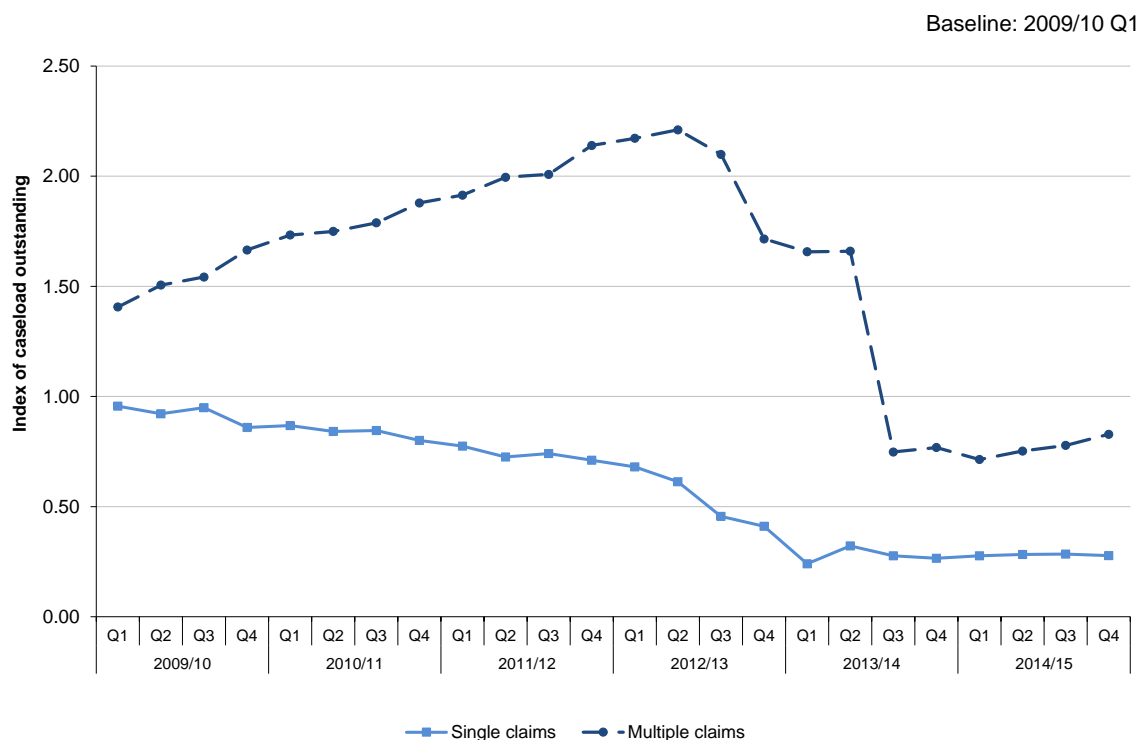
Overall in 2015/16, 31% of outcomes were 'Acas Conciliated Settlements', 24% were withdrawn, 14% were struck out (not at hearing) and 14% were dismissed upon withdrawal.

### **Caseload Outstanding**

The total caseload outstanding for Employment Tribunals at the end of March 2016 was 235,924, the majority (96%) of which related to multiple claims. Multiple claims are often legally and factually complex and it is common for action on such claims to be deferred ('stayed', or 'sisted' in Scotland), 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. Resubmitting some large multiple claims on a quarterly basis skewed the data up to September 2013.

Figure 12 clearly shows the increase of multiples since 2008/09; with many cases being 'stayed' and remaining outstanding in contrast to the disposal of single claims. The decrease seen from Q2 2013/14 is mainly due to the disposal of a large number of multiple claims relating to a multiple working time regulation airline case, and those claims no longer being resubmitted as new receipts. In addition, during October to December 2014, there was a review of all Employment Tribunals cases and around 10% of existing single cases were closed and removed from the outstanding caseload.

**Figure 12. Index of Employment Tribunals single and multiple claims outstanding as at the end of each quarter, June 2009 to March 2016**



### Timeliness

For Employment Tribunals, timeliness is measured from the date the claim was received by the tribunal to when details of the final judgement are given. The distribution for all Employment Tribunal cases is heavily influenced by the age of multiple cases (which can be stayed or await decisions from Higher Courts).

The mean age of a single claim at disposal in January to March 2016 was 28 weeks, a reduction of five weeks from the same period in 2015. The mean age of a multiple claim case at disposal was 186 weeks, which is down by 13 weeks on the same period in 2015.

Overall, the mean age of a single claim at disposal in 2015/16 was 29 weeks, which is a decrease of 12 weeks on 2014/15. The mean age of a multiple claim case at disposal was 180 weeks, which is down by four weeks on 2014/15.

Clearances for single and multiple claims are also further broken down by jurisdictional group (Table 4.3). For single claims, Equal Pay cases had the longest mean clearance time of over 137 weeks (over two years) in January to March 2016, while Breach of Contract and Unauthorised Deductions (Wages Act) cases had the shortest average clearance times of 24 weeks. For multiple claims, Sexual Discrimination cases had the longest mean clearance time of 327 weeks (over six years), while Unfair Dismissal cases had the shortest average clearance time of 33 weeks.

### **3. Immigration and Asylum**

The First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) is an independent Tribunal which deals with appeals against decisions made by the Home Office in immigration, asylum and nationality matters. The Upper Tribunal Immigration and Asylum Chamber (UTIAC) is a superior court of record dealing with appeals against decisions made by the FTTIAC.

#### **Immigration Act 2014**

The Immigration Act 2014 removed a number of existing appeal rights against Home Office decisions. Refused applicants can now only appeal by first asserting a fundamental right to enter or remain in the UK. These rights are Protection, Removal of Refugee Status, Human Rights, or European Free Movement. Where appeal rights were removed and the applicant asserts the Home Office has made an error in its decision, there is now a right to an Administrative Review by the Home Office. Deprivation of Citizenship and Deportation were not affected by the implementation of the Act as the appeal right is given by European law.

The removal of appeal rights under the Immigration Act 2014 has been phased, initially focussing on applications made and refused in the UK under the Home Office's points based system.

In October 2014, refusals for points based applications from Students and their dependents had their associated appeal rights removed. Appeal rights were also removed for non-European Foreign National Offenders. In March 2015, the scope of the Immigration Act was extended to include the remaining points based decisions made in the UK. Finally, in April 2015, the Immigration Act was implemented in full for decisions made both in the UK and overseas.

As well as reducing the number of appeal rights, the Immigration Act introduced an Administrative Review process into the Home Office. The applicant may also assert a fundamental right (Protection or Human Rights) to enter or remain in the UK and if refused, those decisions do have an associated right of appeal. In order to accommodate this move from appealing the original refusal decision to appealing the fundamental rights decision, new appeal categories were created.

Due to the phasing in of the new appeal rights under the Immigration Act 2014 and the additional steps introduced in some cases before a decision with an appeal right is given, the receipt of Post Act cases from the points based decisions was slower than anticipated.

Since the Act was fully implemented, the majority of appeals result from refusals where these fundamental rights have been raised and considered as part of the initial application, allowing them to enter the appeal process more quickly.

While HMCTS continue to receive and deal with pre-Immigration Act appeals there has been an overall decline in receipts recorded under Asylum, Managed Migration, Entry Clearance, and Family Visit Visa.

### **Receipts**

In January to March 2016, there were 17,319 receipts in the FTTIAC, down 29% on the same period in 2015. This is the lowest number of receipts recorded for the FTTIAC since the quarterly series began in 2009/10. Of these appeals, 15,275 were registered under the new post Act categories. A total of 1,313 cases were received in the UTIAC, down 43% on January to March 2015. Of these appeals, 108 were registered under the post Act categories. The decrease seen in the number of receipts can be attributed to the introduction of the Immigration Act 2014.

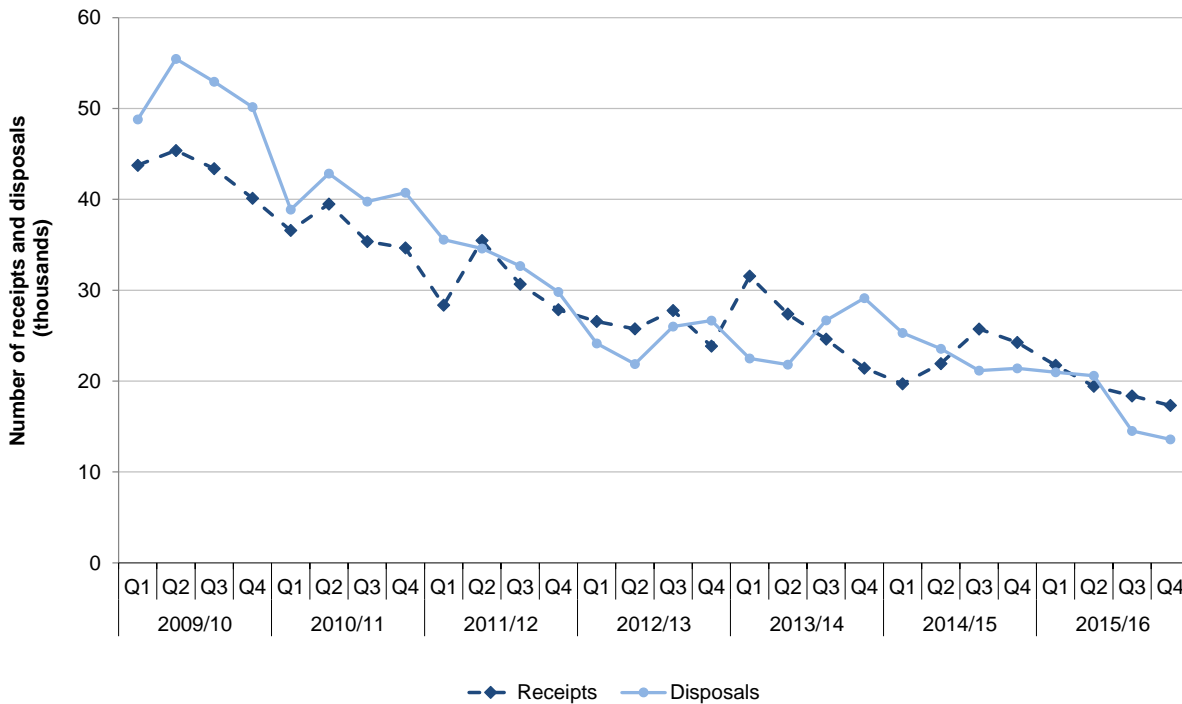
Following changes made under the Immigration Act 2014, Asylum appeals in the FTTIAC and UTIAC are now recorded under the Protection and Revocation of Protection categories. In January to March 2016, there were a total of 446 Asylum appeals received in the FTTIAC (down 92% on last year), 3,142 Protection and 34 Revocation of Protection appeals received. In the UTIAC, the number of Asylum appeals decreased by 25% (to 344 appeals) over the same period and 38 Protection and 9 Revocation of Protection appeals were received.

Under the Immigration Act 2014, individuals seeking to challenge a Home Office immigration refusal are able to lodge an appeal under the Human Rights and EEA Free Movement categories. While the volume of Managed Migration has decreased by 87% to 1,516, Entry Clearance has decreased by 99% to 63 and Family Visit Visa has decreased by 99% to 19 appeals in the FTTIAC in January to March 2016, there were 8,336 Human Rights appeals and 3,597 EEA Free Movement appeals.

In the UTIAC, Managed Migration accounted for 52% of all appeals in the UTIAC and saw a 47% decrease to 688 receipts compared to January to March 2015. Entry Clearance appeals and Family Visit Visas also decreased in UTIAC by 57% to 145 and by 57% to 28 respectively.

Overall in 2015/16, a total of 76,857 appeals were received in the FTTIAC, down 16% on 2014/15. This is the lowest number of receipts recorded for the FTTIAC since the annual series began in 2007/08. Of these appeals, 39,665 were registered under the post Immigration Act 2014 categories, 23,433 of which were for Human Rights. In the UTIAC, a total of 7,964 appeals were received in 2015/16, down 13% on the previous year. Of these appeals, 510 were registered under post Act categories.

**Figure 12. First-tier Tribunal, Immigration and Asylum Chamber receipts and disposals, Q1 2009/10 to Q4 2015/16**



### Immigration and Asylum Judicial Reviews

On 1 November 2013, 3,230 Immigration and Asylum Judicial Reviews (JRs) transferred from the Administrative Court to the Upper Tribunal in a bulk transfer. However since then, transferred JRs are re-registered by the importing office (because the Upper Tribunal and Administrative Court have separate case management systems), so a case may show up in both sets of figures if it started the process in one and was concluded in the other.

In January to March 2016, there were 3,537 Immigration and Asylum JR receipts at the UTIAC and overall in 2015/16 there was a total of 15,727 JR receipts. The number of Immigration and Asylum JR cases that are dealt with by the Administrative court, can be found in the [Civil Justice Statistics Quarterly](#) publication.

### Disposals

The FTTIAC disposed of 13,585 appeals, down 37% on January to March 2015. An overall total of 69,696 FTTIAC appeals were disposed of in 2015/16, down 24% on 2014/15.

The UTIAC disposed of 2,524 appeals in January to March 2016, up 38% on the same quarter last year. In total, 8,068 UTIAC appeals were disposed of in 2015/16, down 7% on 2014/15.

Managed Migration accounted for 41% of the First-tier disposals in January to March 2016, with Entry Clearance and Asylum appeals each accounting for 15%. Of the 13,585 disposals, 77% were determined i.e. a decision was made by a judge at a hearing or on the papers<sup>9</sup>; 14% were withdrawn; 7% were invalid or out of time, and 3% were struck out<sup>10</sup>. Rules to allow cases to be struck out were introduced following the introduction of fee charging.

Managed Migration accounted for 54% of the Upper Tribunal disposals in January to March 2016, with Asylum and Entry Clearance appeals accounting for 27% and 10% respectively. Of the 2,524 disposals, 69% were determined i.e. a decision to allow or dismiss the appeal was made by a judge at a hearing; 4% were withdrawn and 28% were remitted to the First-tier Tribunal.

Of the 10,410 cases that were determined at hearing or on paper (Table 2.5a) in the First-tier Tribunal in January to March 2016, 63% were dismissed and 37% allowed. For the Upper Tribunal, of the 1,730 cases determined during the same period, 74% were dismissed and 26% allowed.

There were 4,775 Immigration and Asylum Judicial Reviews disposed of in January to March 2016, of which 73% were determined and 3% were transferred to the Administrative Court.

### **Caseload Outstanding**

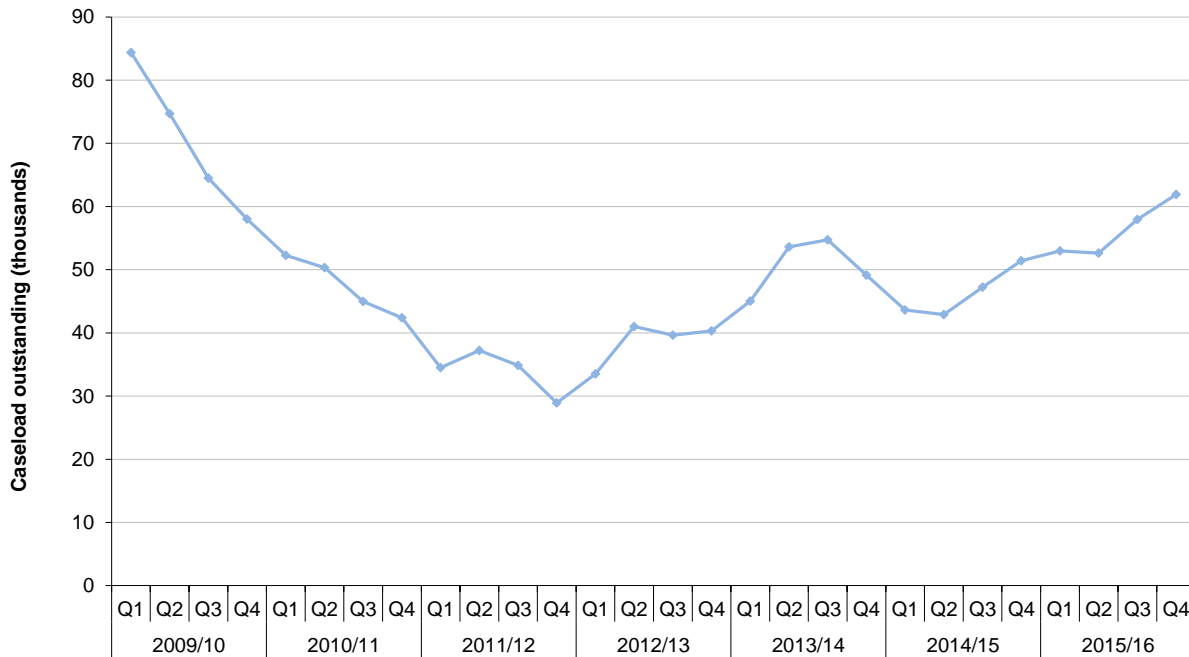
The caseload outstanding at the end of the quarter in the FTTIAC was 61,901 up by 20% compared to the same period in 2015. The caseload outstanding for the UTIAC decreased by 2% to 2,813 over the same period in 2015.

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<sup>9</sup> Paper cases are considered in chambers on the basis of the evidence submitted by both parties rather than at an oral hearing, which can include the application and documentation from Home Office

<sup>10</sup> Appeal closed administratively where the fee has not been paid, remitted or exempted.

**Figure 13. First-tier Immigration and Asylum Chamber caseload outstanding as at the end of each quarter, June 2009 to March 2016**



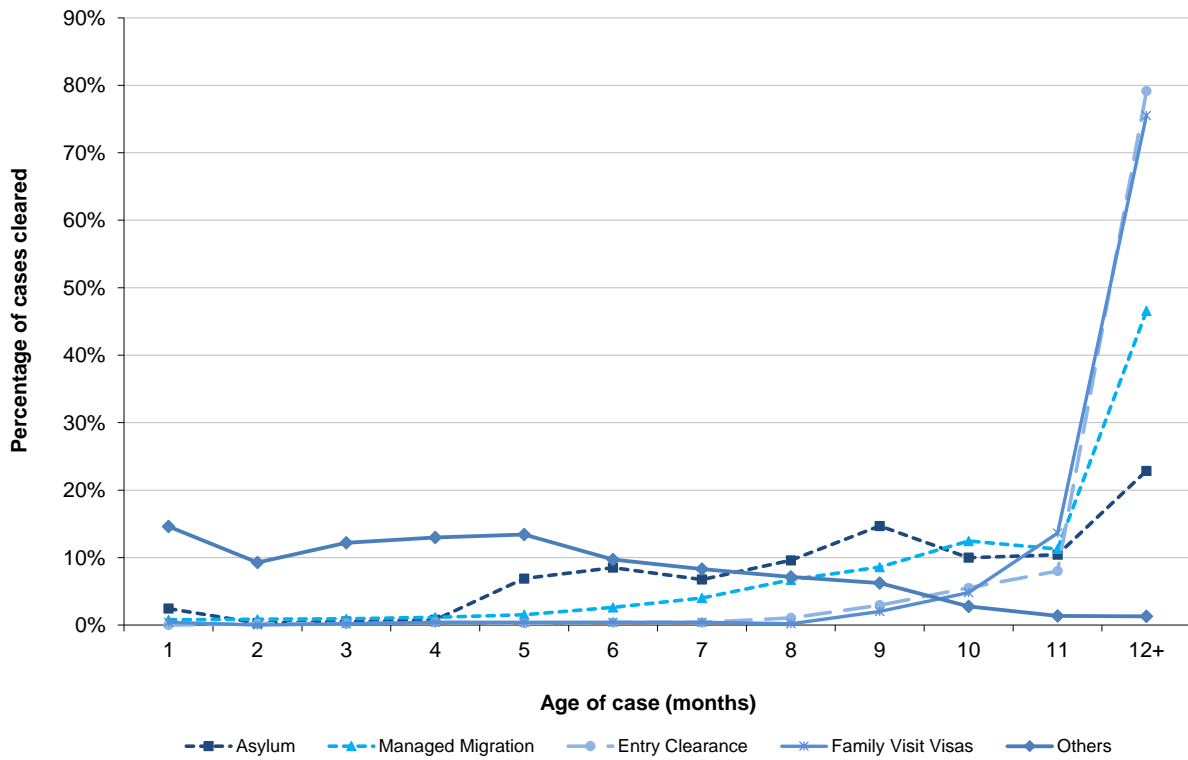
### Timeliness

In the FTTIAC, timeliness is measured from receipt by the tribunal to the time that a decision is notified to the appellant. The mean age of a case at disposal was 40 weeks in January to March 2016, which is 12 weeks longer than the same period last year. Overall the mean age of a case at disposal in 2015/16 was 34 weeks, up by five weeks on 2014/15.

It is thought that the increase in average time taken for cases to be cleared is due to the number of available court hearings and an increased proportion of more complex cases which require more court time. This also impacts the number of disposals over the reporting period and in turn, is reflected in the number of cases outstanding.

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 January to March 2016, 75% of Asylum cases were completed in 46 weeks or less, whereas 75% of Entry Clearance Officer appeals were completed in over 52 weeks. Figure 14 shows the distribution of timeliness by jurisdiction. Timeliness will also vary according to disposal method e.g. an appeal struck-out for non-payment will be disposed more quickly than a case determined at hearing.

**Figure 14. Timeliness of First-tier Tribunal Immigration and Asylum Chamber, January to March 2016<sup>11</sup>**



<sup>11</sup> The 'Others' category includes Deport, Deprivation of Citizenship and new categories that were introduced as part of the Post Immigration Act 2014: Protection, Human Rights, EEA Free Movement and Revocation of Protection

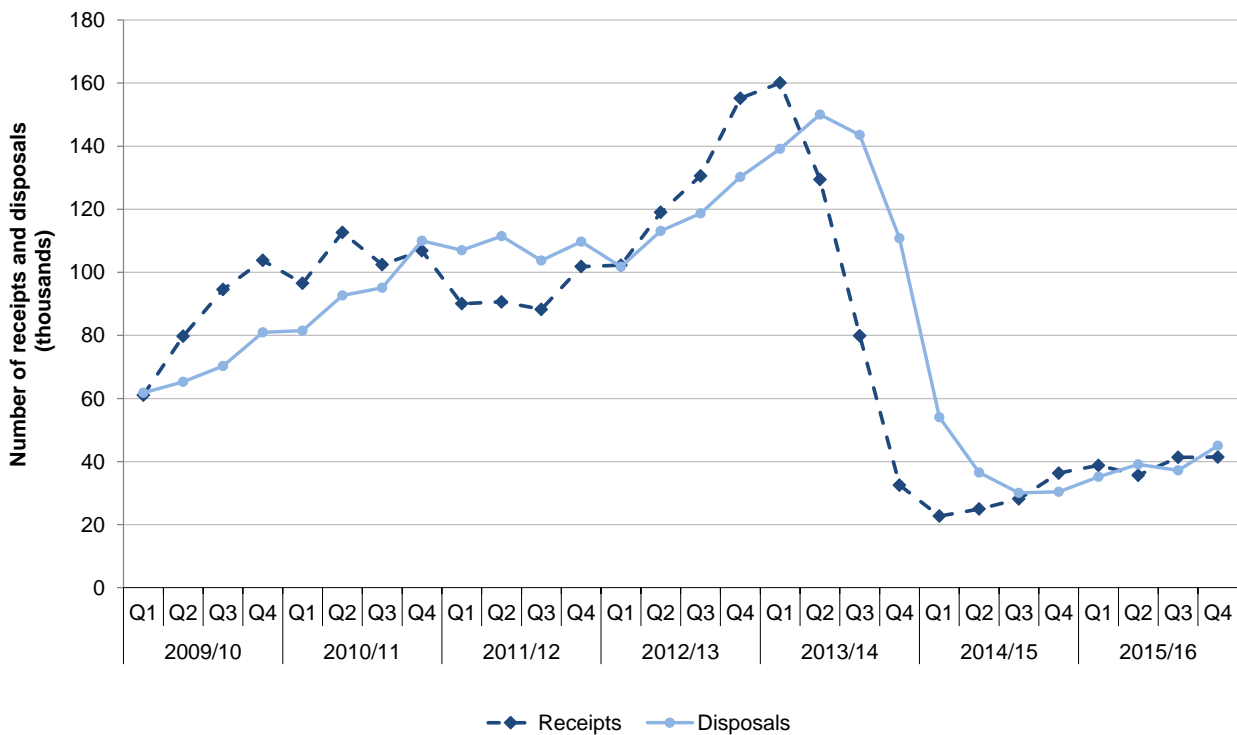


## 4. SSCS

### Receipts

Following the staged introduction of mandatory reconsideration from April 2013, the number of appeals declined in 2013/14, reaching their lowest in April to June 2014. Since then, the number of appeals has been gradually increasing. In January to March 2016, 41,441 appeals against decisions were received, up 14% when compared with the same period in 2015. Overall there were 157,180 SSCS appeals received in 2015/16, up 40% on 2014/15, mainly driven by the increase in Personal Independence Payment (PIP) claims.

**Figure 15. Social Security and Child Support receipts and disposals, Q1 2009/10 to Q4 2015/16**



PIP was introduced in April 2013 and is gradually replacing<sup>12</sup> Disability Living Allowance (DLA) for people aged between 16 and 64 who need assistance with personal care or mobility as a result of a physical or mental disability. PIP appeals accounted for 41% of all SSCS appeal receipts in January to March 2016 and the number of appeals has been steadily increasing - from 12,040 in January to March 2015 to 17,056 in

<sup>12</sup> Personal Independent Payment Official Statistics from DWP show an increase in registrations and clearances: [www.gov.uk/government/statistics/personal-independence-payment-april-2013-to-january-2016](http://www.gov.uk/government/statistics/personal-independence-payment-april-2013-to-january-2016)

January to March 2016. DLA accounted for 5% of the SSCS appeal receipts in January to March 2016, down by a third when compared to the same period in 2015.

Employment Support Allowance (ESA) accounted for 35% of the total SSCS Tribunal receipts in January to March 2016 and saw an 18% increase from 12,367 in the same period in 2015 to 14,630 in the current quarter.

The Upper Tribunal Administrative Appeals Chamber (UTAAC) is responsible for dealing with appeals against decisions made by lower tribunals, including SSCS. In January to March 2016, there were 1,151 appeals received by the UTAAC, which is down 39% on the same period in 2015. Overall in 2015/16, the UTAAC received 4,603 appeals, reflecting a decrease of 38% when compared to 2014/15.

### **Disposals**

The SSCS tribunal disposed of 45,030 appeals in January to March 2016, up 48% on the same period in 2015. This increase was mainly driven by the increase in the number of PIP disposals which accounted for 39% of the total disposals and more than tripled from 4,933 to 17,406 over the last year. This increase is in line with the increasing rate of PIP appeal receipts.

When PIP appeals are excluded from the total disposals, an increase can still be seen but to a lower extent of 9% - this is driven by ESA disposals which accounted for 36% of disposals in January to March 2016 and increased by 28% when compared to the same period in 2015.

A total of 156,535 SSCS appeals were disposed of in 2015/16, up 4% on 2014/15.

Of the total 45,030 SSCS disposals in January to March 2016, 85% (38,426) were cleared at a hearing. The overturn rate<sup>13</sup> for those cleared at hearing was 56%, i.e. 56% had the initial decision revised in favour of the claimant. This has increased from 51% in the same quarter last year.

The overturn rate varies by benefit type with 58% of ESA and DLA cases, 43% of Job Seekers Allowance cases and 22% of Housing/Council Tax benefit cleared at hearing having the original decision revised in favour of the claimant.

The UTAAC disposed of 1,113 appeals in January to March 2016, which is half of the number of disposals in the same period of 2015. Overall in 2015/16, the UTAAC disposed of 5,359 appeals, down 28% on 2014/15.

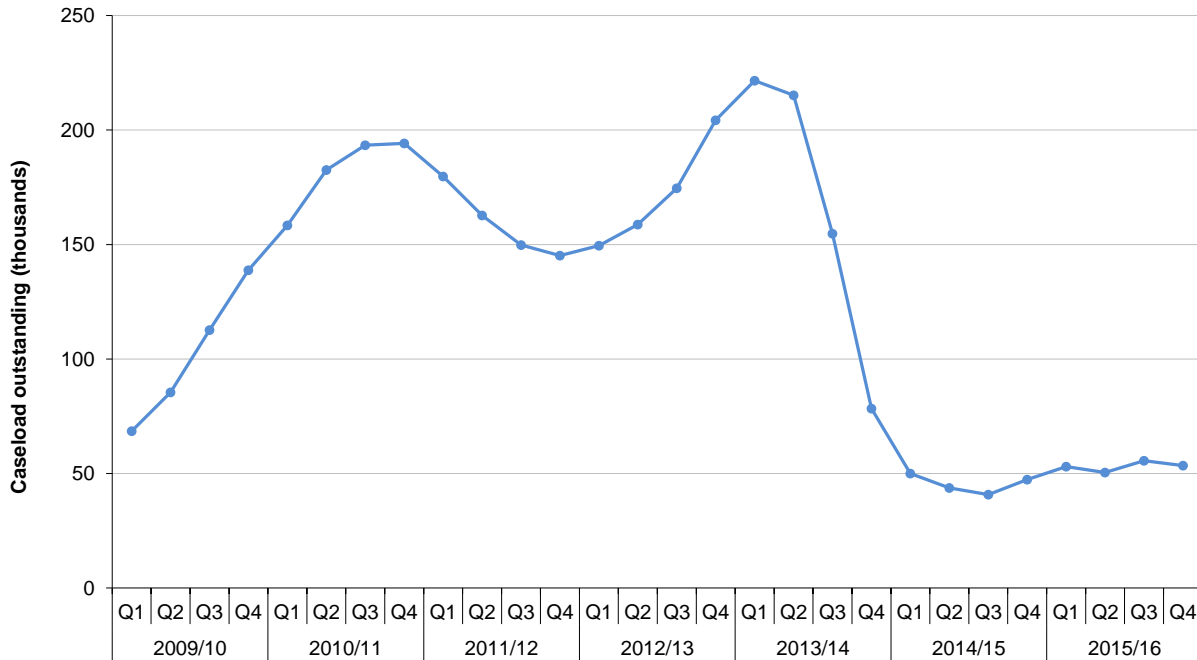
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<sup>13</sup> The overturn rate is the rate of decisions by the original body that are reversed.

### Caseload Outstanding

There were 53,421 SSCS cases outstanding at the end of March 2016, up 13% when compared to the same period in 2015.

**Figure 16. Social Security and Child Support caseload outstanding as at the end of each quarter, June 2009 to March 2016**



### Timeliness

For SSCS, timeliness is measured from receipt by the tribunal to the time that a final decision is made. Of those cases disposed of by SSCS in January to March 2016, the mean age of a case at disposal was 18 weeks, two weeks less than the same period in 2015. Overall in 2015/16, the mean age of a case at disposal was 18 weeks, which is a decrease of 8 weeks when compared to 2014/15.

From April 2013, changes to the appeal process through the Welfare Reform Act 2012 began to be introduced. There were three changes:

- Department for Work and Pensions (DWP) will reconsider all decisions before an appeal (known as mandatory reconsideration);
- appeals must be sent directly to HMCTS (known as direct lodgement);
- there are time limits for DWP to return responses to HMCTS<sup>14</sup>.

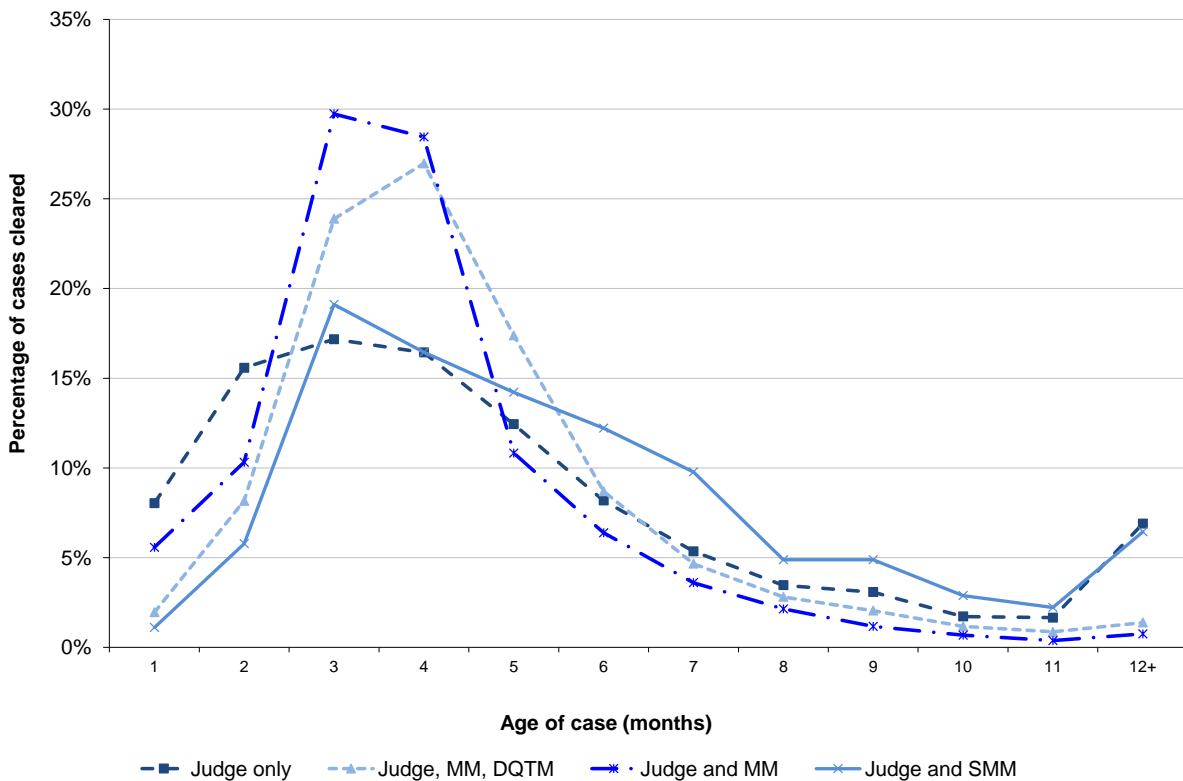
<sup>14</sup> Introduced October 2014

Mandatory reconsideration and direct lodgement were introduced for Personal Independence Payment and Universal Credit appeals in April 2013. On 28 October 2013, they were introduced for all other DWP-administered benefits and child maintenance cases, and for appeals against decisions made by HM Revenue and Customs (HMRC) on 1 April 2014.

Direct lodgement means that up to 28 days (42 days in child maintenance cases) is now **included in** the HMCTS processing time, as appeal responses now need to be requested from the DWP and HMRC, rather than timeliness being counted from receipt of the response. Therefore current timeliness measures are not directly comparable with timeliness before the changes were implemented.

There are several factors that can affect how long it takes for cases to be cleared including the complexity of the case, the evidence required and requests for adjournment. The composition of the Tribunal panel also varies between appeal type 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) can take less time to clear than appeals where a panel including Medical Member (MM), Senior Medical Member (SMM) or Disability Qualified Tribunal Member (DQTM) is required (see Figure 17).

**Figure 17. Timeliness of SCS Tribunals, January to March 2016**



## 5. Gender Recognition Certificate Statistics

The Gender Recognition Panel (GRP) was established under the Gender Recognition Act 2004 (GRA), which enables transsexual people to change their gender legally and gain the rights and responsibilities of their acquired gender. All applications are determined by the Panel and applicants who meet the GRA's requirements are granted a Gender Recognition Certificate.

The GRP is part of Her Majesty's Courts and Tribunals Service (HMCTS) and comprises of legal and medical members, supported by an administrative team. The panel sit in private and consider the documentary evidence supplied by the applicant in support of their application to have their gender recognised.

The introduction of the Marriage (Same Sex Couples) Act 2013 and the Marriage and Civil Partnerships (Scotland) Act 2014 changed the law in England & Wales and Scotland, meaning it is now possible for some married applicants to remain married while obtaining gender recognition. Prior to December 2014, if an applicant was married or in a civil partnership, they had to annul or dissolve the marriage/ civil partnership before being granted a full Gender Recognition Certificate (GRC).

For further background information on the Gender Recognition process please refer to 'A Guide to Civil and Administrative Justice Statistics', which is available at:

[www.gov.uk/government/statistics/guide-to-civil-and-administrative-justice-statistics](http://www.gov.uk/government/statistics/guide-to-civil-and-administrative-justice-statistics)

### Applications for Gender Recognition Certificates

A total of 89 applications were received by the Gender Recognition Panel (GRP) in January to March 2016 (see Tables 5.1 and 5.2), down 9% on the same period last year. Overall the number of applications received in 2015/16 was 374, up 9% on 2014/15.

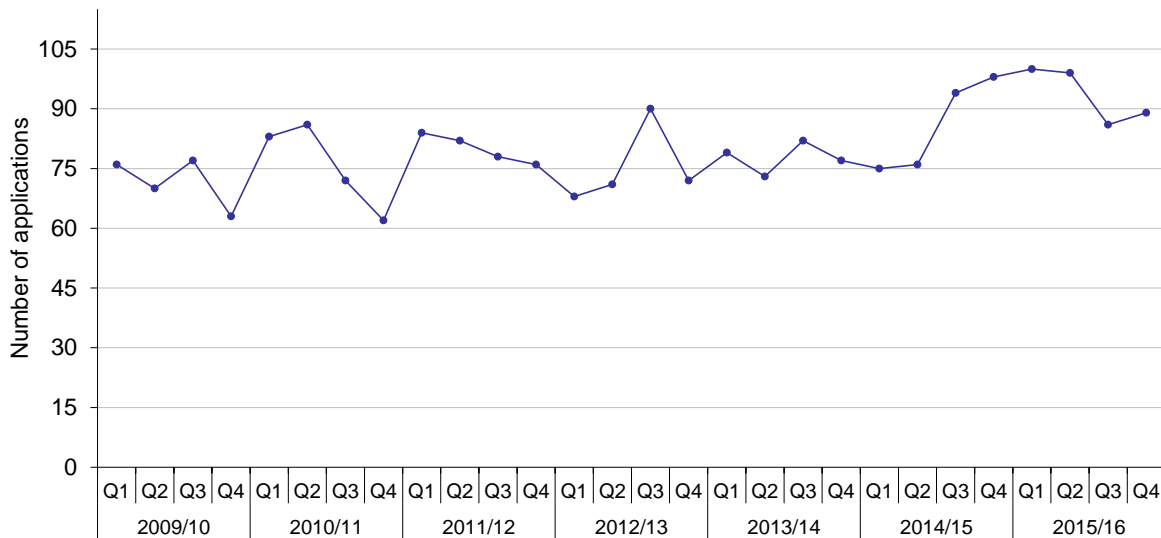
There are three types of application process; standard, alternative and overseas. The standard application is completed by individuals who have been living permanently in the acquired gender for two years or more, have or have had gender dysphoria and intend to live permanently in the acquired gender. Of the total applications in January to March 2016, 83 were standard track, up from 82 in the same period last year.

The alternative application track commenced on 10 December 2014 (for Scottish protected marriages and civil partnerships this date is 16 December 2014) and is completed by individuals who have lived permanently in the acquired gender for six years or more prior to this date and intend to continue to do so permanently, have or have had gender dysphoria or have undergone surgery to modify sexual characteristics and

were in a protected marriage or protected civil partnership on or before the date of application. The alternative track is for individuals who are ordinarily resident in England, Wales and Scotland. In January to March 2016, there were two alternative track applications.

Finally, there is the overseas track which is for individuals whose acquired gender has been legally accepted in an approved country or territory outside the United Kingdom; four of the total applications in January to March 2016 were overseas track.

**Figure 18. Applications received by the Gender Recognition Panel, April 2009 to March 2016**



At the end of March 2016, a total of 137 applications were in progress awaiting final resolution, some of which are from earlier periods. This has increased by 20% since the same period last year, which is in line with the increased number of applications across the various tracks.

**Initial outcome of applications (Table 5.1)**

A total of 96 applications were disposed of by the GRP during the period January to March 2016, whereby a decision had been taken to grant either a full or interim Gender Recognition Certificate (GRC), the applicant was refused or withdrew their application, the applicant didn't pay the fee, or there was an error in the application process. Overall there were 376 applications disposed of in 2015/16, reflecting an increase of 32% on 2014/15.

Of the applications disposed of in January to March 2016, a full GRC was granted in 84 cases (88% of the total, see Figure 21), reflecting a 15% increase on the same period in 2015. The total full GRCs granted in 2015/16 was 332, up by 36% on 2014/15. In these cases the person was judged by the GRP to have satisfied the criteria for legal recognition in

their acquired gender. The proportion of cases where a full GRC was granted has been largely stable over the last five years.

Interim certificates are granted to applicants who meet the criteria for gender recognition, but who:

- are not eligible to remain married following their gender recognition because they were married under the law of Northern Ireland or
- are eligible but either they and/or their spouse have decided that they do not wish to remain married after the issue of their full Gender Recognition Certificate or
- are in a protected civil partnership<sup>15</sup> or Scottish protected civil partnership<sup>16</sup>, where only one partner has applied for gender recognition (or where both have applied and only one is successful) or
- are in a civil partnership but one which is not a protected or Scottish protected civil partnership.

In these circumstances, once the successful applicant has ended their marriage or civil partnership, they can then be issued a full GRC. There was one interim certificate granted in January to March 2016.

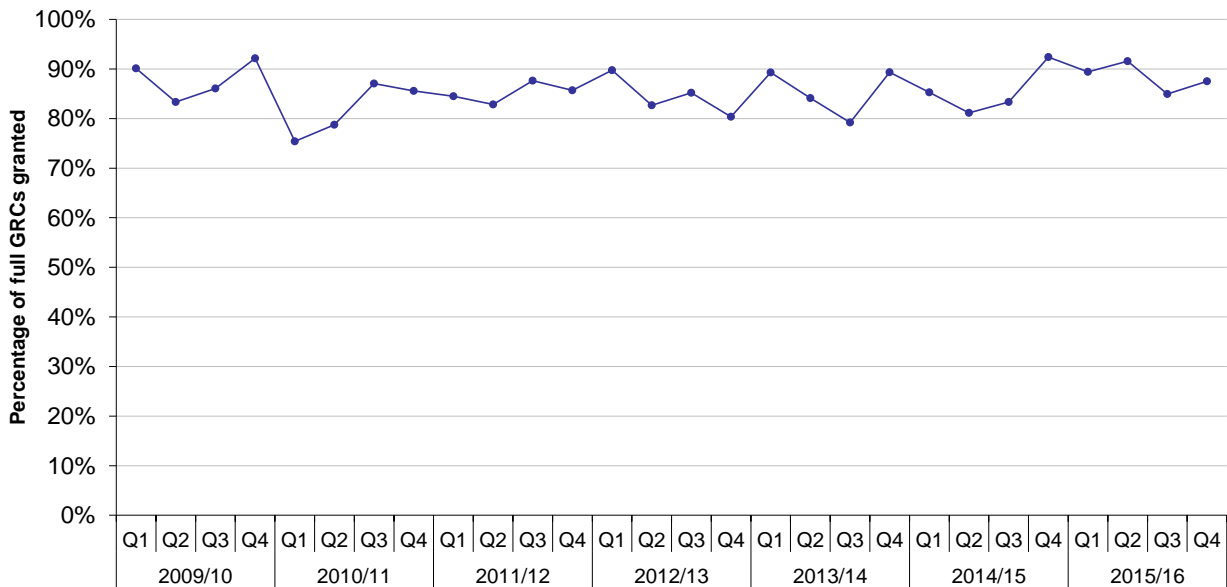
There were eight refused applications in January to March 2016, two applications were entered or registered incorrectly and for one application there was no fee paid.

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<sup>15</sup> **Protected civil partnership:** means a civil partnership under the law of England and Wales. It would include a civil partnership contracted on UK consular premises or on an armed forces base, where the couple elected England and Wales as the relevant part of the UK.

<sup>16</sup> **Scottish protected civil partnership:** is a civil partnership registered in Scotland. It would include a civil partnership contracted on UK consular premises or on an armed forces base, where a couple elected Scotland as the relevant part of the UK.

**Figure 19. Proportion of applications dealt with where a full Gender Recognition Certificate was granted, April 2009 to March 2016**

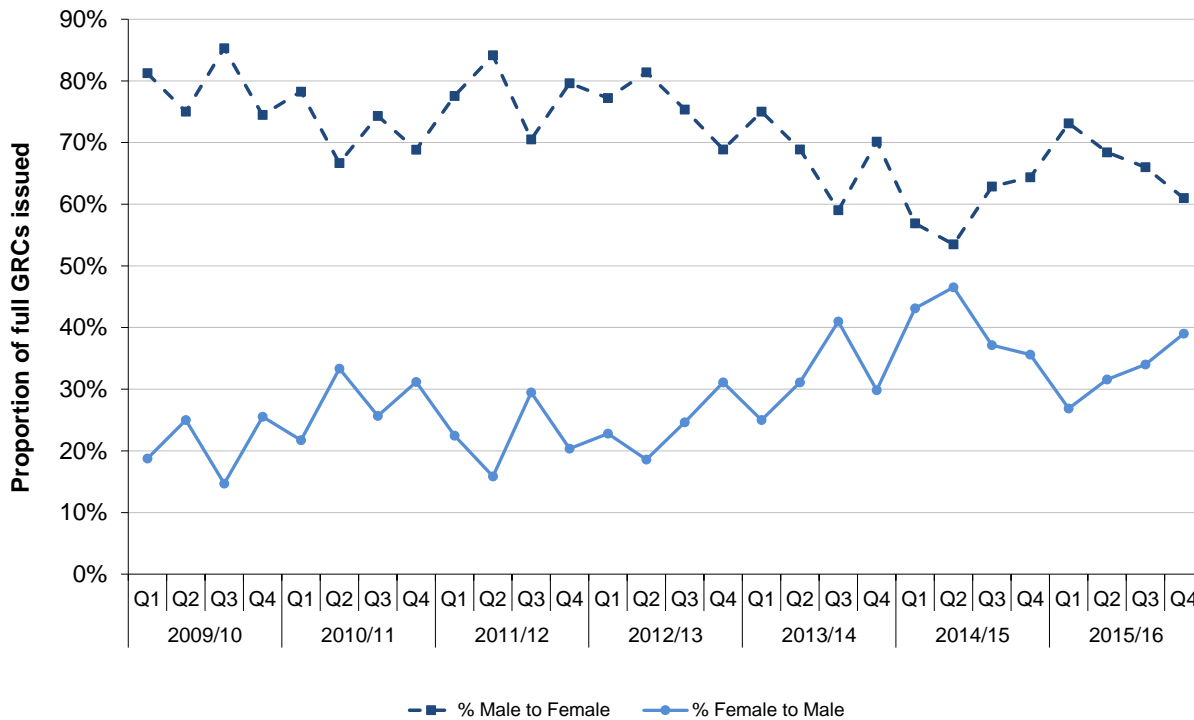


**Gender Recognition Certificates granted – demographic statistics (Table 5.4)**

Of the 84 full GRCs granted in January to March 2016, 51 (61%) were granted to individuals who were registered male at birth (who thus became legally female as a result). The remaining 33 (39%) were granted to individuals who were registered female at birth.



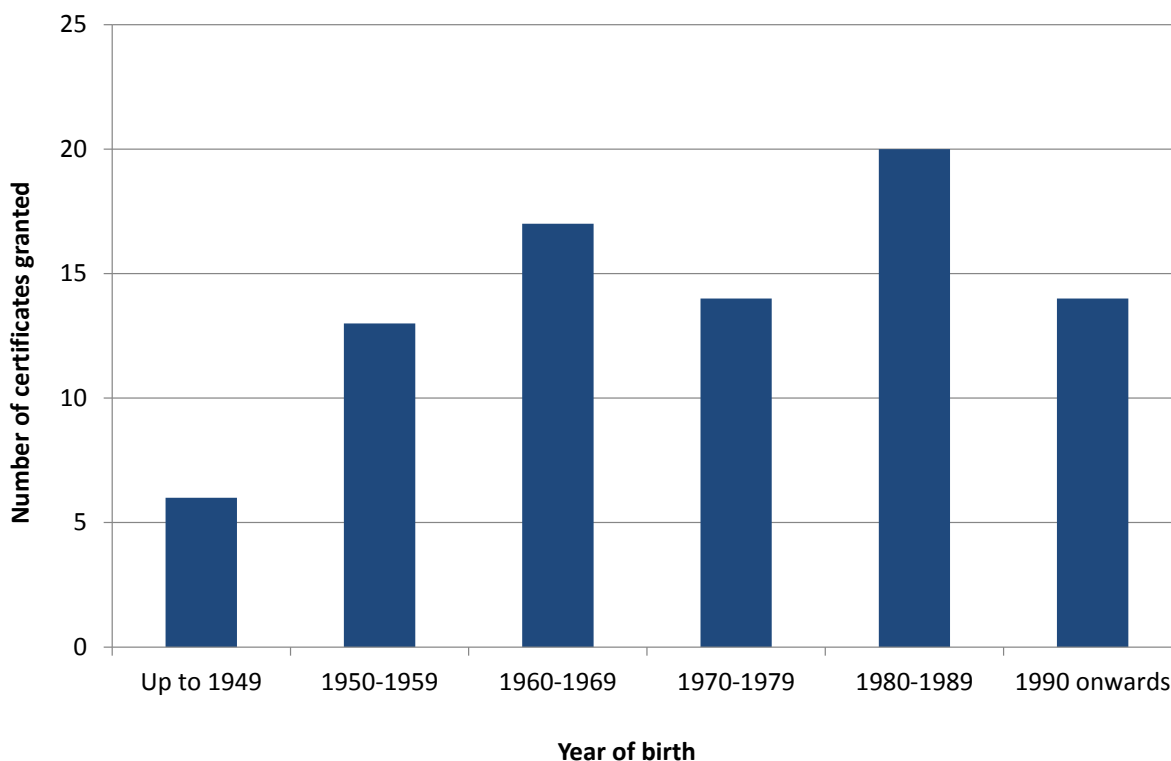
**Figure 20. Full Gender Recognition Certificates granted, April 2009 to March 2016, by gender**



Full GRCs were granted to applicants of a range of ages. In January to March 2016, the highest number of certificates (20, 24%) was granted to applicants born between the years 1980-1989 (see Figure 21).

The introduction of the Marriage (Same Sex Couples) Act 2013 and the Marriage and Civil Partnerships (Scotland) Act 2014 changed the law in England & Wales and Scotland, meaning it is now possible for some married applicants to remain married while obtaining gender recognition. Prior to December 2014, if an applicant was married or in a civil partnership, they had to annul or dissolve the marriage/civil partnership before being granted a full GRC. Of the full GRCs granted, 10 (12%) applicants were married and 74 (88%) were single.

**Figure 21. Full Gender Recognition Certificates granted in January to March 2016, by year of birth**



### **Conversion of Interim to Full Gender Recognition Certificates**

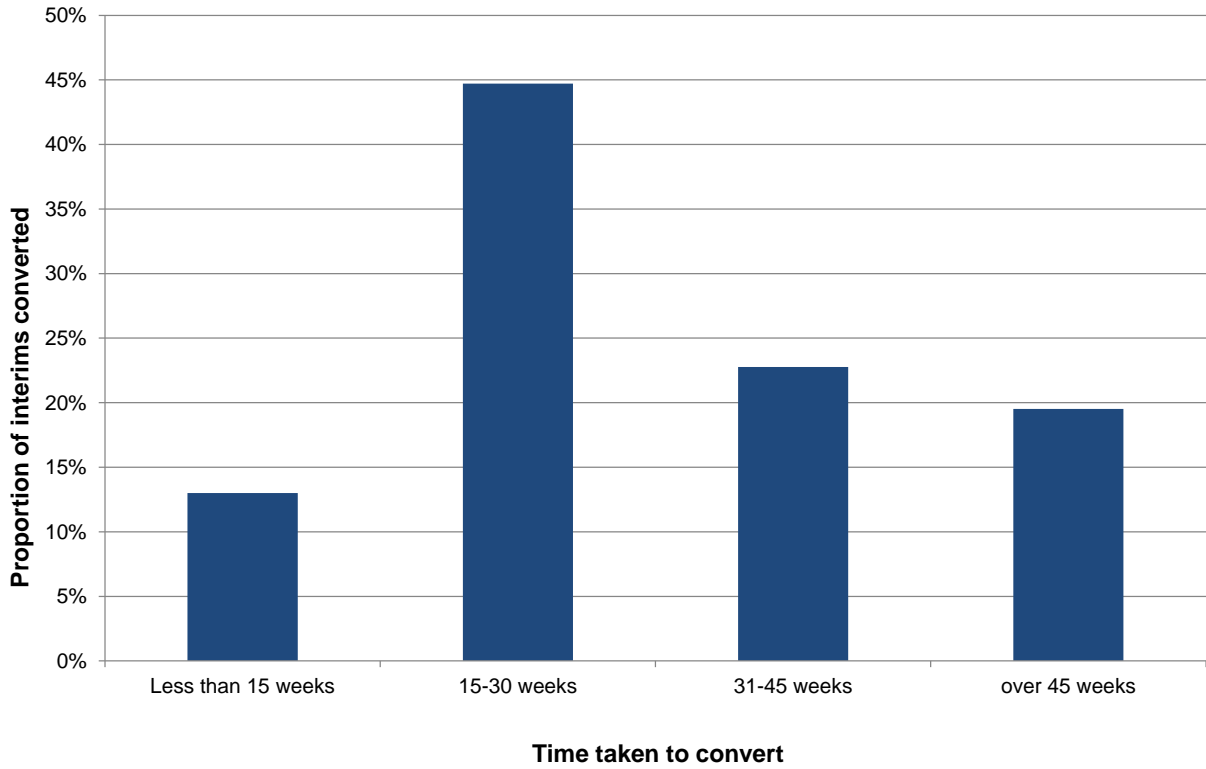
This analysis looks at the conversion of interim to full GRCs. The timeliness figures are based on cases where full details of the dates are available. Interim GRCs are valid for six months and a full GRC must be applied for within this time frame. The time in this analysis starts from when interim GRC is issued.

Since introduction of the Marriage (Same Sex Couples) Act 2013 and the Marriage and Civil Partnerships (Scotland) Act 2014, the number of interim GRCs issued has decreased as it is now possible for applicants to remain married whilst obtaining gender recognition.

Between 1 April 2005 and 30 September 2015 there were 186 interim certificates issued by the GRP (see Table 5.5). As of 31 March 2016, 67% of these had been converted to a full GRC. Please note this proportion may change in subsequent periods as more data become available.

For those people who converted interim certificates to full certificates, the majority (58%) of certificates were converted within 30 weeks.

**Figure 225. Time for conversion from interim to full Gender Recognition Certificates between April 2005 and March 2016**



## 6. Adjudgments and postponements

Throughout the Tribunal process a case may be adjourned or postponed.

- 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.

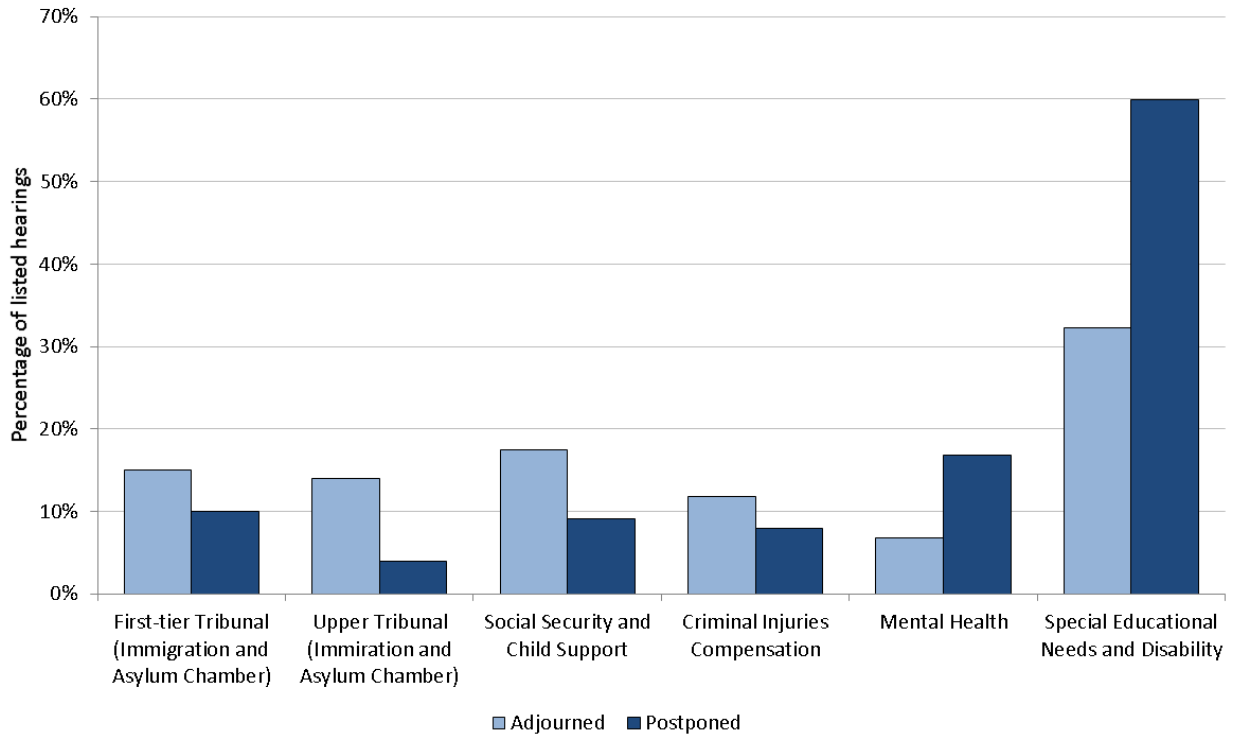
Individual tribunals brought with them their legacy systems when they joined HMCTS, some of which are not set up to collate this data.

This chapter includes data on postponements and adjournments for five tribunals; First Tier Tribunal (Immigration and Asylum Chamber), Upper Tribunal (Immigration and Asylum Chamber) , SSCS, Mental Health, Criminal Injuries Compensation; and Special Educations Needs and Disability. SSCS had the largest number of postponements and adjournments (28,256 and 14,714 respectively), which accounted for 17% and 9% of SSCS listed hearings.

The rates of adjournments and postponements vary by jurisdiction. In 2015/16, 7% of Mental Health listed hearings were adjourned compared with 32% of Special Educational Needs and Disability (SEND) listed hearings. The jurisdiction with the largest proportion of postponements was SEND, where 60% of listed hearings were postponed. The smallest proportion of postponements in 2015/16 was in the Upper Tribunal Immigration and Asylum Chamber, where 4% of listed hearings were postponed.

Most jurisdictions have higher rates of adjournments than postponements, apart from Mental Health and SEND.

**Figure 23: Adjournments and postponements by jurisdiction, 2015/16**



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

This section presents information on the number of sittings by tribunal judges. Sittings are divided into two categories;

- 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.
- Salaried sittings relate to those days counted by tribunal judges who are paid an annual salary for their work.

In 2015/16, the largest number of sittings were in SSCS<sup>17</sup> (58,115, up 23% on last year), Mental Health (50,953, up 1% on last year) and the Employment Tribunal (22,698, down 11% on last year).

The proportion of fee-paid sittings to salaried sittings varies across tribunals. The majority of sitting days in the Mental Health and SSCS tribunals were fee-paid (91% and 75% respectively), whereas the majority of sittings in the Employment tribunal (89%) were salaried.

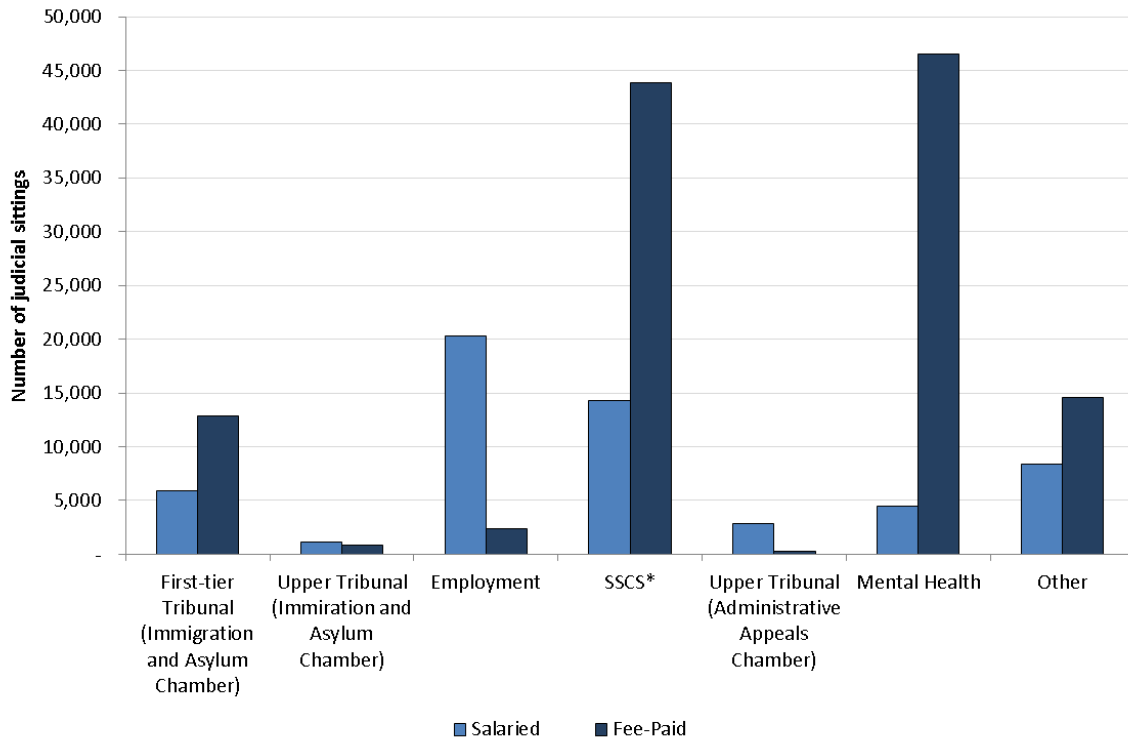
The high number of sittings for mental health hearings are in part due to listing practices differing for this tribunal, as the majority of these hearings occur outside HMCTS courts or tribunal buildings and in settings such as hospitals, care homes and rehabilitation units. As mental health tribunal hearings are not restricted to two sessions a day, like a court or a tribunal venues, more hearings, and therefore sittings, can occur. Also considerable flexibility is required as to availability and location of members of the mental health tribunal, requiring a greater proportion of fee-paid sittings if the needs of the patient or the responsible authority are to be accommodated and time limits are to be met. This is especially so given some cases have to be listed for hearing with 7 days of an application being received.

SSCS uses fee paid judges to increase the flexibility of the Tribunal to deal with the volatility of the workload. It should be noted that SSCS 'sittings' are not comparable to the other tribunals, due to a difference in reporting. Half day sessions are recorded rather than whole sitting days and therefore comparisons across tribunals should be used with caution.

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<sup>17</sup> SSCS report half day sessions rather than sitting days and therefore the SSCS figures are not comparable to the other tribunal sitting days

**Figure 24: Tribunal Judicial Salaried and Fee-paid sittings by Jurisdiction, 2014/15**



\*SSCS record half day sessions rather than sitting days and therefore their data is not comparable to the other tribunal types in Figure 24.

## 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 in future publications.

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 Civil and Administrative Justice Statistics**: [www.gov.uk/government/statistics/guide-to-civil-and-administrative-justice-statistics](http://www.gov.uk/government/statistics/guide-to-civil-and-administrative-justice-statistics)

### Differences with Home Office statistics

Asylum appeals data published by Home Office Migration Statistics are sourced from the Home Office Case Information Database (CID) and relate to main asylum applicants at the First-tier Tribunal Immigration and Asylum Chamber. Records on the database are updated from record-level data provided by HMCTS, who produce similar statistics for main appellants. This procedure provides consistent data across all datasets relating to asylum published in the release Immigration Statistics, but it is different from those published by The Ministry of Justice.

The Ministry of Justice published statistics provide counts of principal appellants sourced from the HMCTS database. Within these statistics there tend to be higher numbers of principal appellants than main asylum applicant appeals because:

- 1) HMCTS has a wider definition of asylum appeals, including some human rights cases and appeals on extensions of asylum, humanitarian protection and discretionary leave; and
- 2) Principal appellants include some individuals classed as dependants by the Home Office.

The Home Office statistics on immigration and asylum appeals at First-tier Tribunal and subsequent stages are available from:

[www.gov.uk/government/collections/immigration-statistics-quarterly-release](http://www.gov.uk/government/collections/immigration-statistics-quarterly-release)



## **Revisions**

As part of an annual data reconciliation exercise, the quarterly data for April to December 2015 have been refreshed and figures revised accordingly.

Historical disposal figures for Social Security and Child Benefit were revised in October to December 2014 (Tables S.1, 2.1, 2.6 and 2.7). Investigations into the methodology used within the Social Security and Child Benefit Database established that there were some cases that had been double counted - cases that had been Withdrawn or Struck Out prior to hearing but subsequently reinstated and cleared at hearing. This has now been corrected and the disposal numbers revised.

All Upper Tribunal Immigration and Asylum Chamber (UTIAC) Judicial Review figures were revised in October to December 2014; historical figures previously only included cases which took place in London and excluded cases which took place in regional courts.

From 2014, new information has been included on the UTIAC; all relevant totals have been revised accordingly. This is usually around 2,000 receipts and disposals per quarter, or one per cent of the total tribunals' workload. Totals have been revised back to 2010/11 when the UTIAC was created.

The methodology for obtaining the outstanding snapshot data for UTIAC Judicial Reviews was improved in January 2015 and now reflects a more accurate representation of the caseload.

Judicial sitting days for FTTIAC and UTIAC are now being reported separately. Both FTTIAC and UTIAC figures have been revised to exclude non-legal member and judicial panel days. The published figures represent the number of judicial sitting days deployed on substantive appeal hearings.

## **Rounding convention**

Within the 'Key Findings' section, figures greater than 1,000 are rounded to the nearest 100.

## **Explanatory Notes**

### **Notation**

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

.. = Not available

- = Nil

(r) = Revised data

Spreadsheet files of the tables contained in this document are also available to download along with csv files of historical information.

## **Annex B: Tribunal and Jurisdiction List**

In the accompanying tables a full list of Tribunals and Jurisdictions is given (Table B.1), alongside the date they were created or, if applicable, what they were formally known as and the date in which they changed.

## Annex C: Monthly and Regional Employment Tribunal Receipts

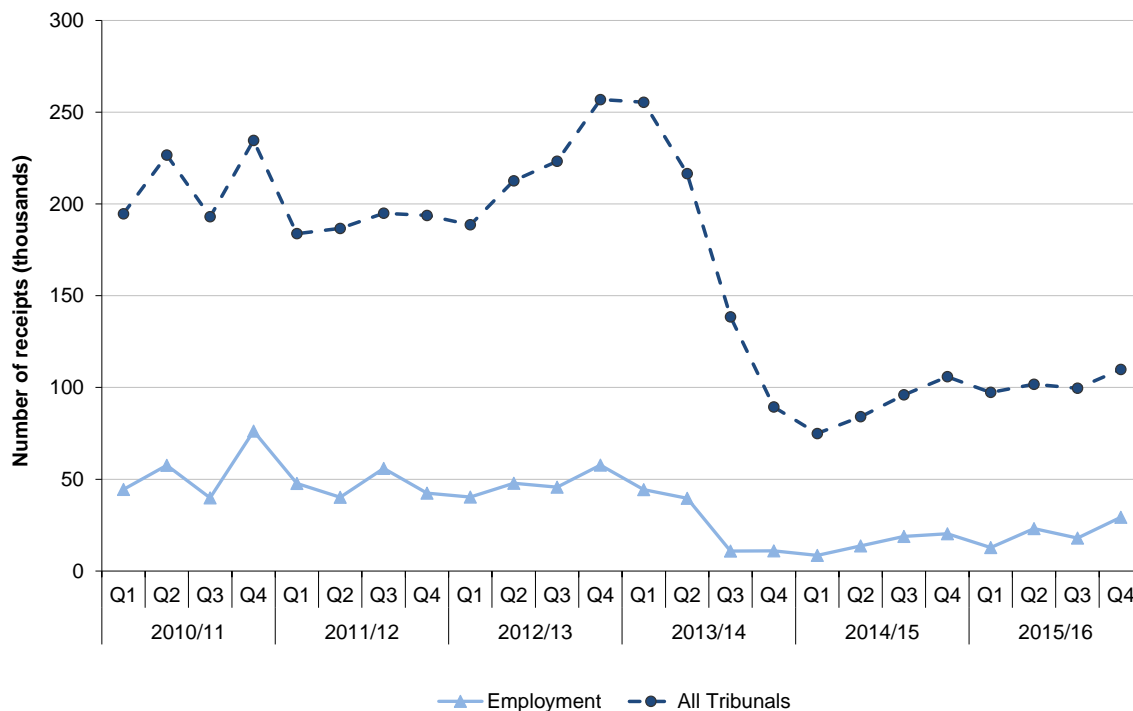
This information is additional management information that has been drawn from a live administrative system managed by HMCTS. The data presented in this section include historical information at the regional level, with a monthly breakdown. This information was a bespoke extraction for the purpose of this report.

### Trend in Employment Tribunal Receipts

In 2012/13, the Employment Tribunal received on average 52,000 new claims per quarter, which declined to an average of 26,500 in 2013/14. The average of new claims per quarter in 2014/15 was 15,500, showing a further decline in volume of claims over the financial year. The average claims received per quarter over 2015/16 was 21,000, reflecting the reversal of this trend.

In January to March 2016, there were 29,299 new claims.

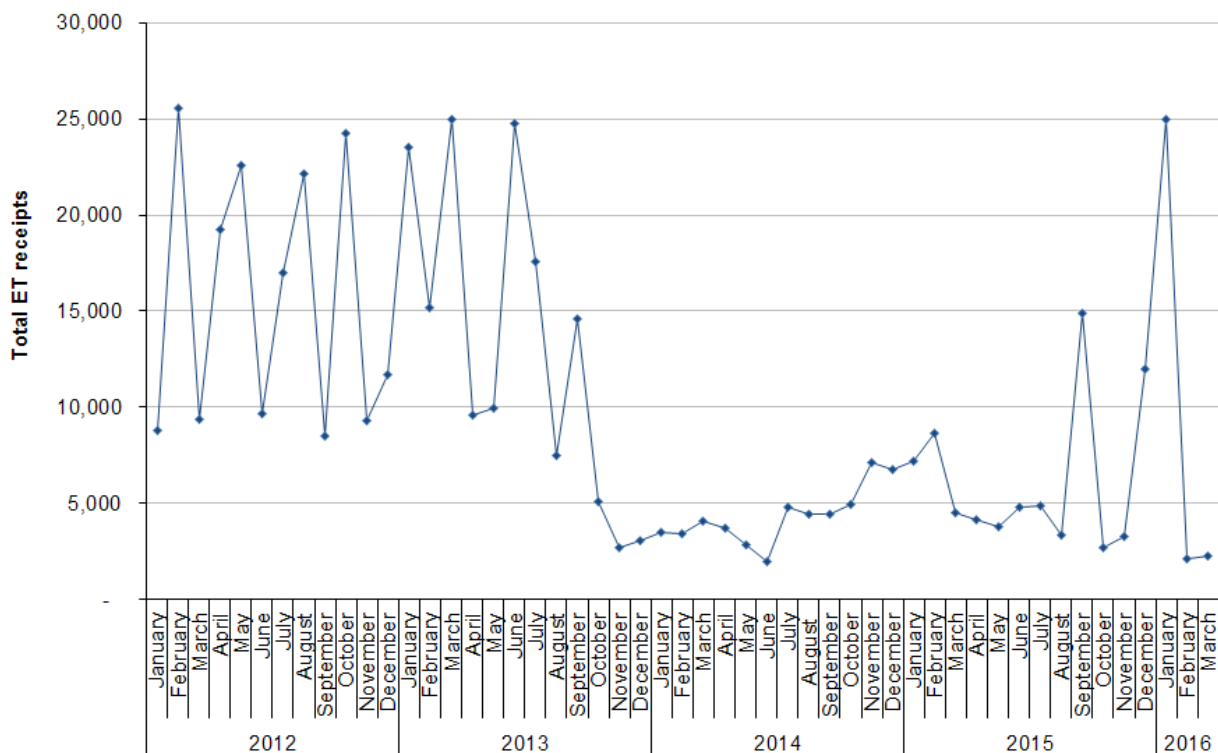
**Figure C.1: Employment Tribunal Receipts (quarterly), April 2010 to March 2016**



This Annex also includes a monthly breakdown from January 2012 to March 2016 (Figure C.2). This shows that the data are volatile and can change dramatically from month to month. Please note these data include both single and multiple claims.

Following the introduction of fees on 29 July 2013, there are 32 months of data available post fees (August 2013 to March 2016). Users are advised that a claim is not considered as accepted until the fee is paid, or remission granted, which may increase the time it takes to enter cases onto the system.

**Figure C.2: Employment Tribunal Receipts (monthly, January 2012 to March 2016)**



### Single and multiple claims

Employment Tribunal receipts can be broken down into single and multiple claims. Figure 2 above shows the total number of receipts, but this is not the same as the number of cases (where a number of multiple receipts can be counted as one case as they are bought against one employer<sup>18</sup> by a number of people).

#### 1. Single cases

A single case and single claim is the same thing, they involve one individual bringing a claim against an employer. In effect the alignment of case to claims is 1:1. Data shows that the number of single cases was

<sup>18</sup> Occasionally, more than one employer can be involved.

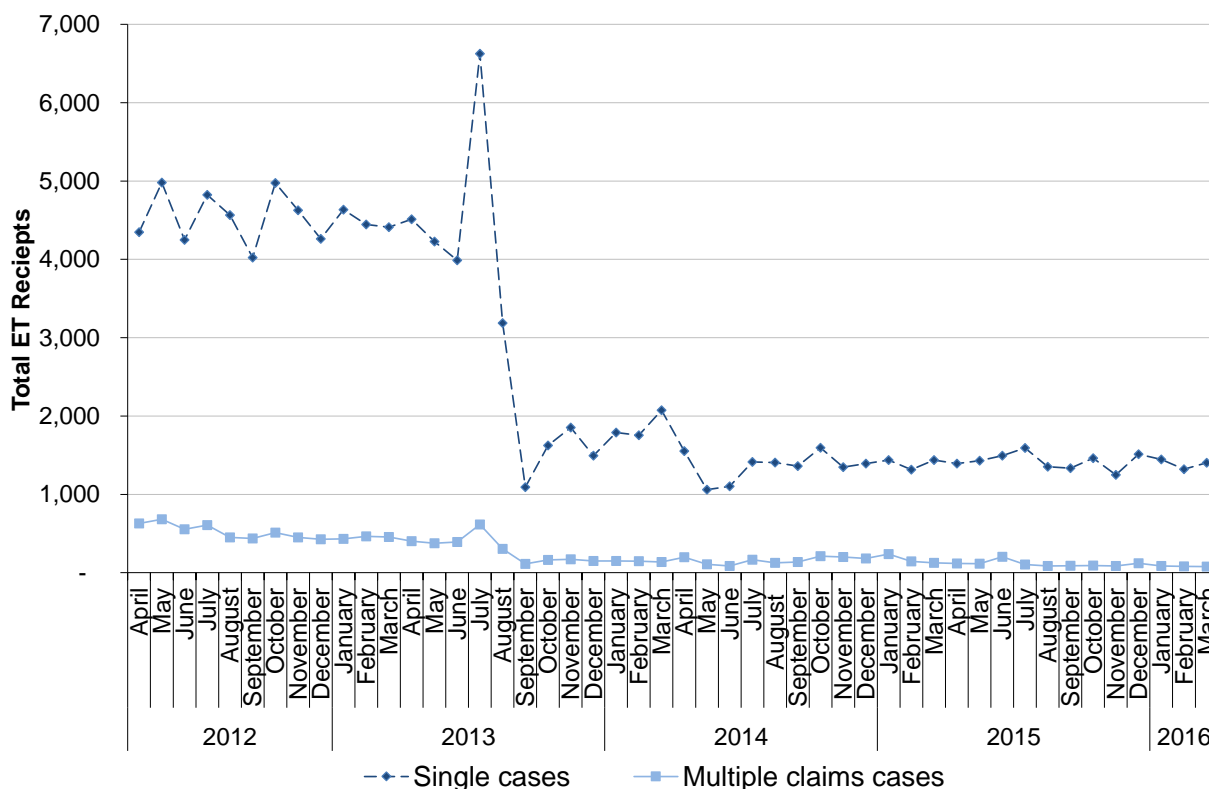
volatile from April to October 2012, after October 2012 they began to gradually decrease from nearly 5,000 in October 2012 to just under 4,000 in June 2013. The number rose to just over 6,500 in July 2013, possibly as more claims were submitted prior to the introduction of fees. The number of single cases then fell sharply to 1,000 cases in September 2013, and averaged around 1,500 cases between October 2013 and March 2016.

## 2. Multiple claims cases

Multiple claims that are grouped, processed and managed together are called, collectively, a multiple claims case. Within a multiple claims case there will be two or more claims presented by individuals against a common employer (or, in some circumstances, employers). The alignment of case to claims is one to many, where a multiple claims case could range from two individual claims to over 100, or even 1,000. Typically employment receipts show the number of individual *claims*, not *cases*, which can result in a lot of volatility (see Figure 2).

When looking at the number of multiple claims cases, regardless of the number of individuals involved, there is a broadly flat trend from August 2012 to June 2013. There is an increase in multiple claims cases for July 2013, up 57% compared to June 2013, possibly due to people wishing to submit cases before the introduction of fees. There is then a decline in cases in September 2013 and an average of 136 cases per month since then (see Figure C.3).

**Figure C.3: Single and multiple claims cases (April 2012 to March 2016)**



Users are advised that these figures need to be treated with extreme caution for two reasons

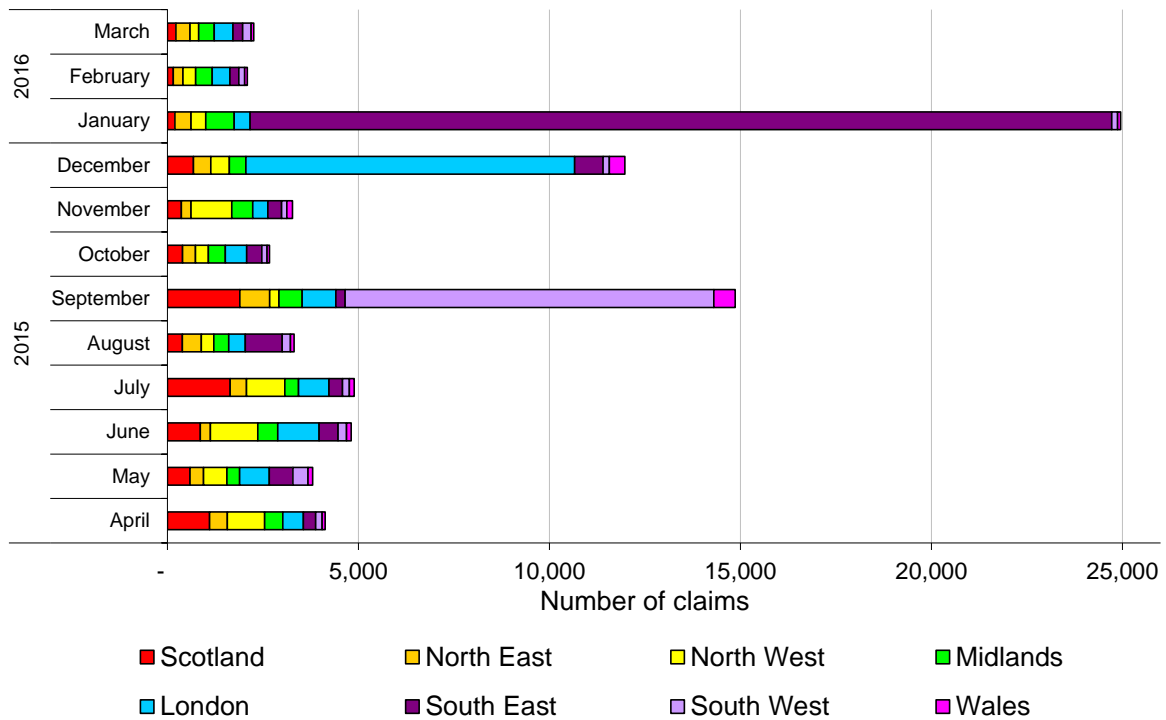
1. All figures after January 2012 have been re-extracted from the administrative data system for this publication. As such these figures have not been through the same Quality Assurance process as the Official Tribunals Statistics publication.
2. Under the business processes to facilitate fee-charging, a claim is not entered onto the internal case management system from which statistical data are extracted until the relevant fee is paid or remission application granted. This means there may be a number of claims presented post July 2013, but formally accepted at a later stage (for example after a remission application is granted). Please see the Employment Tribunal chapter for more information and figures on employment tribunal fees.

### Employment Tribunals claims by region

Claims can be submitted online or to an Employment Tribunal Office. Once a claim is received and acknowledged by HMCTS, it is recorded on the case management system and case managed through, ultimately, to disposal (for example, by listing for a hearing before the tribunal). The geographical data below relates to where the case was submitted and

heard by the Tribunal panel, in most cases this will be the same location as the employer or the party that bought the claim. The large number of claims in the South East in January 2016 relates to a large airline multiple case primarily relating to the Working Time Directive and Unauthorised Deductions.

**Figure C.4. Claims by region (October 2014 to 31 March 2016)**



**Data Quality and Limitations**

There are a number of issues for users to be aware of when considering these data.

- The monthly data for employment tribunal receipts shows a great deal of volatility. As such the figures should be treated with caution. Early analysis suggests this volatility is driven by the number of individual people involved in multiple claims cases.
- The monthly and regional data breakdowns in this report are not routine and have been extracted specifically to produce Annex C; as such it is provisional and subject to revisions.
- The data have been extracted from a live administrative database in August 2015, and as such historical monthly data may aggregate to different figures to those already published. This will be reconciled at a later date.

- The introduction of fees may have resulted in a longer time lag for claims to be entered onto HMCTS' case management system, ETHOS. This is because claims are now not entered onto ETHOS until the fee has been paid or a remission has been granted. This means that data are likely to be revised upward in subsequent months.
- Figures may vary from previously published figures for a number of reasons, including:
  - revision to the administrative system, including claims being entered onto the system outside of the month they were lodged;
  - submission or re-submission of large numbers of multiple claims;
  - multiple claims disbanding and being re-submitted as single claims or vice-versa;
  - claims being re-submitted with a different jurisdictional breakdown and,
  - Additional information received from the tribunals that had not been entered onto the ICT system at the time of extraction.



## **Annex D: Accompanying Tables and files**

The following supplementary tables and CSV datasets are available alongside this publication, allowing users to analyse the data themselves.

### **Main Tables**

#### **Summary**

- S.1 Annual total number of receipts, disposals and caseload outstanding by jurisdiction, 2007/08 to 2015/16

#### **Receipts**

- 1.1 Annual and quarterly total number of tribunal receipts by jurisdiction, 2007/08 to Q4 2015/16
- 1.2 Employment Tribunal - Total number of receipts by jurisdiction, 2007/08 to Q4 2015/16
- 1.3a First Tier Tribunal (Immigration and Asylum Chamber) - Total number of receipts by case type, 2007/08 to Q4 2015/16
- 1.3b Upper Tribunal (Immigration and Asylum Chamber) - Total number of receipts by case type, 2010/11 to Q4 2015/16
- 1.4 Social Security and Child Support - Total number of receipts by benefit type, 2009/10 to Q4 2015/16

#### **Disposals**

- 2.1 Annual and quarterly total number of tribunal disposals by jurisdiction, 2007/08 to Q4 2015/16
- 2.2 Employment Tribunal - Total number of disposals by jurisdiction, 2007/08 to Q4 2015/16
- 2.3 Employment Tribunal - Percentage of disposals by outcome and jurisdiction, 2007/08 to Q4 2015/16
- 2.4a First Tier Tribunal (Immigration and Asylum Chamber) – Number of appeals disposed of by category and by case type, 2007/08 to Q4 2015/16
- 2.4b Upper Tribunal (Immigration and Asylum Chamber) – Number of appeals disposed of by category and by case type, 2010/11 to Q4 2015/16

- 2.5a First Tier Tribunal (Immigration and Asylum Chamber) - Number of appeals determined at hearing or on paper, by outcome category and case type, 2007/08 to Q4 2015/16
- 2.5b Upper Tribunal (Immigration and Asylum) - Number of appeals determined at hearing or on paper, by outcome category and case type, 2010/11 to Q4 2015/16
- 2.6 Social Security and Child Support - Number of disposals by category and benefit type, 2009/10 to Q4 2015/16
- 2.7 Social Security and Child Support - Number of disposals cleared at hearing by outcomes and benefit type, 2007/08 to Q4 2015/16

### **Caseload outstanding**

- 3.1 Annual and quarterly total number of tribunals caseload outstanding by jurisdiction, 2007/08 to Q4 2015/16

### **Timeliness**

- 4.1 Cumulative percentage of clearances that took place in 2013/14 and 2015/16, by age of case at clearance
- 4.2 Percentage of clearances that took place in January to March 2016, by age of case at clearance
- 4.3 Percentage of clearances that took place in January to March 2016, by age of case at clearance by Jurisdiction

### **Gender Recognition**

- 5.1 Applications received and disposed of by the Gender Recognition Panel, by outcome, 2004/05 to Q4 2015/16
- 5.2 Applications received by the Gender Recognition Panel, by type of track, Q1 2009/10 to Q4 2015/16
- 5.3 Applications disposed of by the Gender Recognition Panel, by type of track and outcome, Q1 2009/10 to Q4 2015/16
- 5.4 Gender at birth, year of birth and marital status for full Gender Recognition Certificates granted, Q1 2005/06 to Q4 2015/16
- 5.5 Interim certificates converted to full certificates, by time taken, Q1 2005/06 to Q4 2015/16

## **Adjournments and Postponements by Jurisdiction**

- 6.1 Adjournments and Postponements by Jurisdiction, 2007/08 to 2015/16

## **Judicial Salaried and Paid Judicial Sittings by Jurisdiction**

- 7.1 Judicial Salaried and fee-paid judicial sittings by jurisdiction, 2007/08 to 2015/16
- 7.2 Judicial Salaried and fee paid judicial sittings by jurisdiction (percentages), 2007/08 to 2015/16

## **Employment Tribunal Fees Tables**

- ETF.1 Employment Tribunal Fees - Issue fees requested, fees paid in full and remissions awarded, Q2 2013/14 to Q4 2015/16
- ETF.2 Employment Tribunal Fees - Hearing fees requested, fees paid in full and remissions awarded, Q2 2013/14 to Q4 2015/16
- ETF.3 Employment Tribunal Fees - Fully or partially granted remissions on single cases, Q2 2013/14 to Q4 2015/16
- ETF.4 Employment Tribunal Fees - Employment Appeal Tribunal, Q2 2013/14 to Q4 2015/16

## **Annex B**

- B.1 Change of Names of Tribunals

## **Annex C: Management Information on Employment Tribunal Receipts Tables**

- C.1 Monthly Total Number of Employment Tribunal Receipts by Single and Multiple cases, January 2012 to March 2016
- C.2 Monthly Total Number of Employment Tribunal Receipts by Jurisdiction, January 2012 to March 2016
- C.3 Monthly Total Number of Employment Tribunal Receipts by Region, January 2012 to March 2016
- C.4 Monthly Total Number of Employment Tribunal Receipts by Jurisdiction and by Region, January 2013 to March 2016

## Annex E: Policy Changes

### Employment Tribunals

Fees for Employment Tribunals and the Employment Appeals Tribunal were introduced for claims received on or after 29 July 2013, alongside wider reform of procedural rules (following the Underhill Review of Employment Tribunal Rules).

For background information on the reforms please see:

[www.justice.gov.uk/tribunals/employment](http://www.justice.gov.uk/tribunals/employment)

[www.gov.uk/government/publications/employment-tribunal-receipt-statistics-management-information-july-to-september-2013](http://www.gov.uk/government/publications/employment-tribunal-receipt-statistics-management-information-july-to-september-2013)

[www.gov.uk/government/consultations/employment-tribunal-rules-review-by-mr-justice-underhill](http://www.gov.uk/government/consultations/employment-tribunal-rules-review-by-mr-justice-underhill)

As a result of the Underhill Review of Employment Tribunal Rules (see Introduction), three new outcome types (Table 2.3) came into effect. These were:

- Dismissed Rule 27 – complaints dismissed by an Employment Judge after initial consideration of claim and response. An Employment Judge can dismiss a claim, or any part of a claim, if s/he considers that it has no reasonable prospect of success, or that the tribunal has no jurisdiction to hear the claim (or part thereof). This is a new provision introduced on 29<sup>th</sup> July 2013.
- Dismissed upon withdrawal – under new rule 52, an employment tribunal shall issue a judgment dismissing a claim where the claimant withdraws it, unless certain criteria are satisfied. The operation and impact of this new provision is being monitored through these statistics.
- Case discontinued – this records complaints dismissed under rule 40(1) where a party has not satisfied requirements in respect of paying a tribunal fee or demonstrating a case for remission.

On 6 April 2014, the Advisory, Conciliation and Arbitration Service (Acas) introduced Early Conciliation<sup>19</sup>. This means that anybody wishing to make an Employment Tribunal Claim must notify Acas first and be offered the chance to settle their dispute without going to court. A report on the first quarter of the service can be found here:

[www.Acas.org.uk/index.aspx?articleid=4960](http://www.Acas.org.uk/index.aspx?articleid=4960)

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<sup>19</sup> [www.Acas.org.uk/index.aspx?articleid=4028](http://www.Acas.org.uk/index.aspx?articleid=4028)

## **Social Security and Child Support**

From April 2013, changes to the appeal process through the Welfare Reform Act 2012 began to be introduced. There were three changes:

- DWP will reconsider all decisions before an appeal can be lodged (known as mandatory reconsideration);
- appeals must be sent directly to HMCTS (known as direct lodgement);
- there are time limits for DWP to return its responses to HMCTS<sup>20</sup>.

Mandatory reconsideration and direct lodgement were introduced for Personal Independence Payment and Universal Credit appeals in April 2013. On 28 October 2013, they were introduced for all other DWP-administered benefits and child maintenance cases, and for appeals against decisions made by HMRC on 1 April 2014. Robust data is not yet available to assess the impact of these changes on tribunal receipts. DWP are looking to publish Mandatory Reconsiderations data when they judge it is of suitable quality to be published as Official Statistics.

For further information, see:

[www.gov.uk/government/publications/appeals-process-changes-for-dwp-benefits-and-child-maintenance](http://www.gov.uk/government/publications/appeals-process-changes-for-dwp-benefits-and-child-maintenance)

## **Immigration and Asylum**

In the last three years, there have been changes to the Family Visit Visa appeal rights. Firstly, the Immigration Appeals (Family Visitor) Regulations 2012 which came into force on 9 July 2012, which restricted the right of appeal to a narrower definition of family visitor<sup>21</sup>. Secondly, the Crime and Courts Act 2013 removed the full right of appeal for family visitors and this change came into effect for new visa applicants on 25 June 2013. A limited right of appeal still remains on Human Rights or Race Discrimination grounds.

The Immigration Act 2014 removed a number of existing appeal rights against Home Office decisions. Refused applicants can now only appeal by asserting a fundamental right to enter or remain in the UK. These are Protection, Deprivation of Citizenship, Removal of Refugee Status, Human Rights or European Free Movement. It is a refusal of this decision that has an appeal right under the Act. Where appeal rights were removed and the applicant asserts the Home Office has made an error in its decision, there is now a right to an Administrative Review by the Home Office.

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<sup>20</sup> Introduced October 2014

<sup>21</sup> [www.legislation.gov.uk/ukxi/2012/1532/pdfs/ukxi\\_20121532\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/1532/pdfs/ukxi_20121532_en.pdf)

## **Gender Recognition Certificates (GRC)**

The introduction of the Marriage (Same Sex Couples) Act 2013 and the Marriage and Civil Partnerships (Scotland) Act 2014 changed the law in England & Wales and Scotland, meaning it is now possible for some married applicants to remain married while obtaining gender recognition. Prior to December 2014, if an applicant was married or in a civil partnership, they had to annul or dissolve the marriage/ civil partnership before being granted a full GRC.

## **Special Educational Needs and Disability Reforms**

The Children and Families Act 2014 reformed the system of support across education, health and social care to ensure that each of the services were organised with the needs and preferences of the child and their family firmly at the centre, from birth up to the age of 25. The Act introduced Education, Health and Care (EHC) plans – legal documents that set out the education health and social care support a child or young person with SEN requires when their needs cannot be met by resources available to mainstream early years providers, schools and post-16 institutions. They are focused on the outcomes the child or young person wants to achieve and set out how the services will work together to support those outcomes. Any child brought to the attention of the local authority as potentially having a special educational need after 1 September 2014 falls under the new scheme.

Children with statements of special educational needs will gradually go through a transition process to move them into the new EHC system over the course of the next few years.

## Annex F: Useful Publications

For previous publications of all Tribunals Statistics please see:

[www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics](http://www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics)

For more information on the context for this publication please see:

<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about>

A diagram showing the structure of the tribunal system can be found here:

[www.judiciary.gov.uk/about-the-judiciary/the-justice-system/court-structure/](http://www.judiciary.gov.uk/about-the-judiciary/the-justice-system/court-structure/)

For information on Tribunal judgements please see:

[www.bailii.org/databases.html#uk](http://www.bailii.org/databases.html#uk)

### Non-MoJ Scotland Tribunals

**For information on non-MoJ Mental Health Tribunals Scotland please see:**

[www.mhtscotland.gov.uk/mhts/Annual\\_Reports/Annual\\_Reports\\_main](http://www.mhtscotland.gov.uk/mhts/Annual_Reports/Annual_Reports_main)

For Additional Support Needs Tribunals in Scotland please see:

[www.asntscotland.gov.uk/asnts/181.25.141.html](http://www.asntscotland.gov.uk/asnts/181.25.141.html)

Information on the Private Rented Housing Panel (prhp), which help Scottish tenants and landlords resolve their differences can be found at the following link:

[www.prhpscotland.gov.uk/](http://www.prhpscotland.gov.uk/)

### Non-MoJ Northern Ireland Tribunals

For information on Tribunals in Northern Ireland not covered by this report please see the following publications:

[www.courtsni.gov.uk/en-GB/Services/Statistics%20and%20Research/Pages/default.aspx](http://www.courtsni.gov.uk/en-GB/Services/Statistics%20and%20Research/Pages/default.aspx)

### Employment Tribunals

The Department for Business, Innovation and Skills (BIS) have published a study on claimants who had been successful at the employment tribunal and were awarded money:

[www.gov.uk/government/publications/payment-of-employment-tribunal-awards](http://www.gov.uk/government/publications/payment-of-employment-tribunal-awards)

The BIS Survey of Employment Tribunal Applicants can be found here:

[www.gov.uk/government/statistics/employment-tribunal-applications-2013-survey-findings](http://www.gov.uk/government/statistics/employment-tribunal-applications-2013-survey-findings)

## **Social Security and Child Support**

The Department for Work and Pensions (DWP) have carried out analysis on the overturn rates for Employment and Support Allowance (ESA) by region and health condition, for further information see:

[www.gov.uk/government/publications/employment-and-support-allowance-  
-6](http://www.gov.uk/government/publications/employment-and-support-allowance-6)



## Contacts

Press enquiries on the contents of this bulletin should be directed to the MoJ or HMCTS press offices:

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Email: [Camilla.Marshall@justice.gsi.gov.uk](mailto:Camilla.Marshall@justice.gsi.gov.uk)

Queries regarding the work of the Gender Recognition Panel should be directed to:

**Gender Recognition Panel**

PO Box 9300

Leicester

LE1 8DJ

Tel: 0845 355 5155

Email: [grpenquiries@hmcts.gsi.gov.uk](mailto:grpenquiries@hmcts.gsi.gov.uk)

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

**Tara Rose**

Ministry of Justice

102 Petty France

London

SW1H 9AJ

Email: [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)

General enquiries about the statistics work of the MoJ can be e-mailed to [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)

General information about the official statistics system of the UK is available from <https://www.statisticsauthority.gov.uk/about-the-authority/uk-statistical-system/>