



Ministry
of Justice

Tribunals and Gender Recognition Certificate Statistics Quarterly

April to June 2016

Ministry of Justice
Statistics bulletin

8 September 2016

Contents

Introduction	3
Key Findings	5
1. All Tribunals	7
2. Employment Tribunals	12
3. Immigration and Asylum	25
4. Social Security and Child Support	30
5. Gender Recognition Certificate Statistics	34
6. Employment Tribunal and Employment Appeal Tribunal 2015/16	41
Annex A: Data quality and sources	44
Annex B: Tribunal and Jurisdiction List	45
Annex C: Monthly and Regional Employment Tribunal Receipts	46
Annex D: Accompanying Tables and files	51
Annex E: Policy Changes	55
Annex F: Useful Publications	58
Contacts	60

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** (i.e. cases received by HMCTS), the **outcome** of cases by category (e.g. cases disposed of at hearing) and the **caseload outstanding** (snapshot of live cases at a specific point in time) for the three largest tribunals: Employment, Immigration and Asylum, and Social Security and Child Support. These three tribunals accounted for over 80% of tribunal receipts in 2015/16. Statistics relating to Gender Recognition Certificates are also provided in this bulletin, and there is an additional annual chapter relating to Employment and Employment Appeal Tribunal annual statistics for the financial year 2015/16. 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](#).

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, Energy and Industrial Strategy (BEIS), 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.

Changes to reporting

We have amended the order and names of the main tables to reflect the new structure of the publication. Tables containing data on receipts and disposals are now grouped by the large tribunals (Employment, First-tier

Tribunal Immigration and Asylum Chamber, and Social Security and Child Support). For a list of all of the tables which accompany this publication, please see [Annex D: Accompanying tables and files](#).

Date of next publication

The next issue of Tribunal and Gender Recognition Certificate Statistics Quarterly is scheduled to be published on 8 December 2016, covering the period July to September 2016 and annual Special Educational Needs and Disability tribunal statistics relating to the academic year 2015/16.

Key Findings

All Tribunals

In April to June 2016, HMCTS tribunals recorded a 4% increase in receipts (to 101,200) and less than 1% increase in disposals (to 97,300) compared to April to June 2015. At the end of June 2016, the total caseload outstanding was 404,000, up 11% on the same period last year.

Employment Tribunal

In April to June 2016, there were 5,100 Employment Tribunal issue fees requested. Of these, 3,300 (64%) cases had the full issue fee paid outright whilst 1,400 (27%) cases were awarded either a full or partial issue fee remission. The proportion awarded full or partial issue fee remission (27%) has increased by five percentage points compared to the same period in 2015.

A total of 4,200 single claims were received in this quarter, down 3% on April to June 2015. In this quarter, 11,600 multiple claims were received, up 38% on last year, however the number of multiple claims cases they relate to has decreased by 32% to 295.

In April to June 2016, the Employment Tribunal disposed of 3,700 single claims, no change on the same period in 2015. A total of 9,200 multiple claims were disposed of in this quarter, down 29% on April to June 2015.

The mean age of a single claim at disposal in April to June 2016 was 29 weeks, down one week on the same period last year. The mean age of a multiple claim case at disposal was 221 weeks, which is up by 33 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 91 weeks for Equal Pay. For multiple claims it ranged from 46 weeks for Others to 390 weeks (over seven years) for Sex Discrimination.

Immigration and Asylum

From April 2015, the Immigration Act 2014 has been implemented in full and this has had a substantial impact on the appeal rights and case mix of Immigration and Asylum appeals. This should be taken into account when looking at changes over this period.

In April to June 2016, there were 16,000 receipts in the First-tier Tribunal Immigration and Asylum Chamber (FTTIAC), down 26% on the same

period in 2015. The Tribunal disposed of 14,600 appeals, down 30% on April to June 2015.

The caseload outstanding at the end of the quarter in the FTTIAC was 64,800 and has increased by 22% compared to the same period in 2015.

The mean age of a case at disposal in the FTTIAC was 44 weeks in April to June 2016, which is 14 weeks longer than the same period last year.

The increase in average time taken for cases to be cleared is due to 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 April to June 2016, 46,800 appeals against decisions were received, up 21% when compared with the same period in 2015.

The SSCS tribunal disposed of 45,600 appeals in April to June 2016, up 30% on the same period in 2015. This is driven by an increase in Personal Independent Payment (PIP) disposals (41% of all disposals), which is gradually replacing the DWP benefit Disability Living Allowance (DLA).

The mean age of a case at disposal was 17 weeks, two weeks less than the same period in 2015.

Gender Recognition Panel

In April to June 2016, 99 applications were received by the Gender Recognition Panel. Of the 111 disposals in April to June 2016, 104 (94%) were granted full Gender Recognition Certificates, up 12% on the same period in 2015.

Employment Tribunal and Employment Appeal Tribunal – 2015/16

Over the financial year 2015/16, 84% of claimants were represented by a lawyer at Employment Tribunals, up from 75% in 2014/15. There was a total of 144 discrimination cases where compensation was awarded, the maximum amount awarded (£1,762,130) was in the Sex Discrimination jurisdiction.

In 2015/16, the Employment Appeal Tribunal (EAT) received 970 appeals (down 20% on 2014/15) and disposed of 1,100 appeals (down 21% on 2014/15). These reductions reflect the overall drop in the number of claims in the Employment Tribunal.

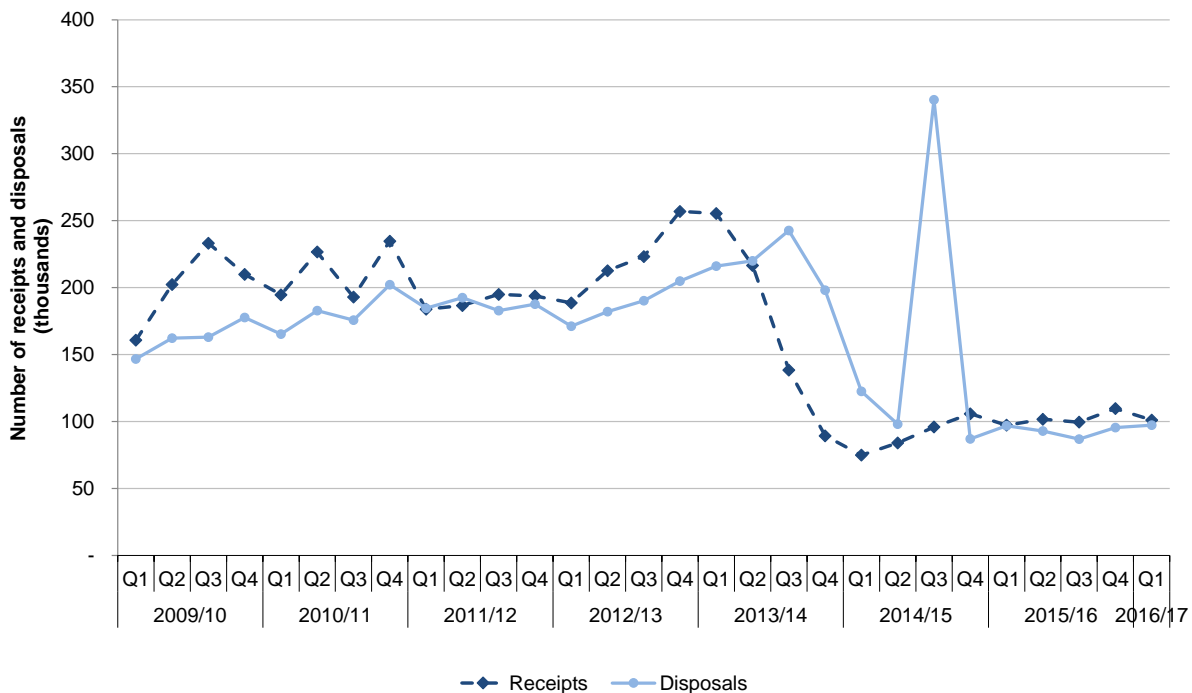
1. All Tribunals

Receipts (Table S.2)

HMCTS Tribunals recorded 101,181 receipts in April to June 2016, which is up 4% when compared with the same period of 2015. Social Security and Child Support (SSCS) accounts for 46% of these receipts, a further 16% were in Employment Tribunals (ET) and 16% were in the First-tier Tribunal Immigration and Asylum Chamber (FTTIAC).

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 Q1 2016/17¹



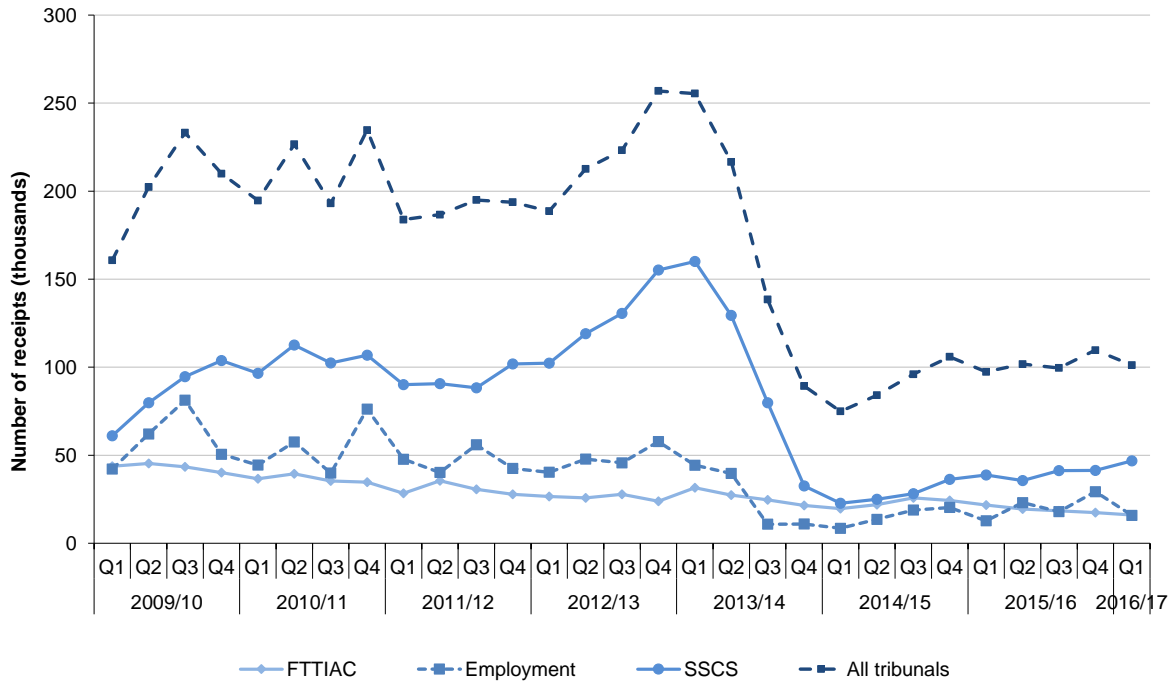
What has driven this?

Figure 2 illustrates the receipts by the largest tribunals. As SSCS is the largest tribunal, this drove the overall trend up until 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

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

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 total claims during 2015/16.

Figure 2. Tribunal receipts, Q1 2009/10 to Q1 2016/17



Disposals (Table S.3)

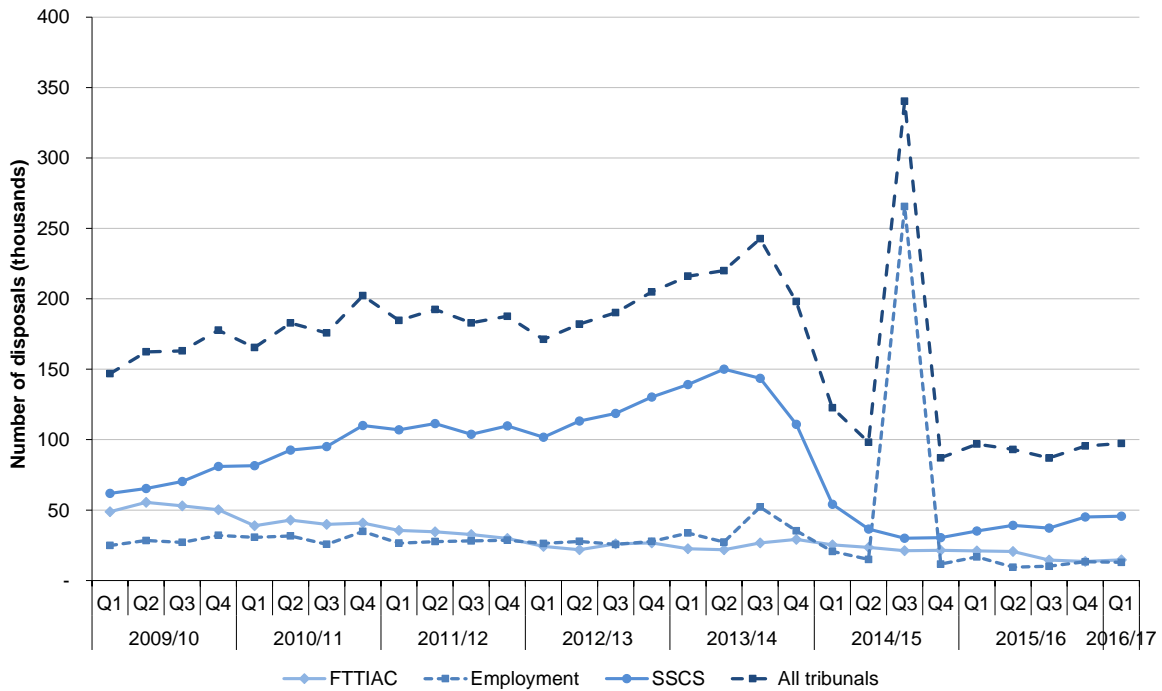
A disposal is the closure of a case when work is complete. This can be through a claim being withdrawn, settled, dismissed, transferred or being decided at a hearing (either orally or on paper).

There were 97,309 cases or claims disposed of in April to June 2016, up by less than 1% on the same period in 2015.

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 Q1 2016/17

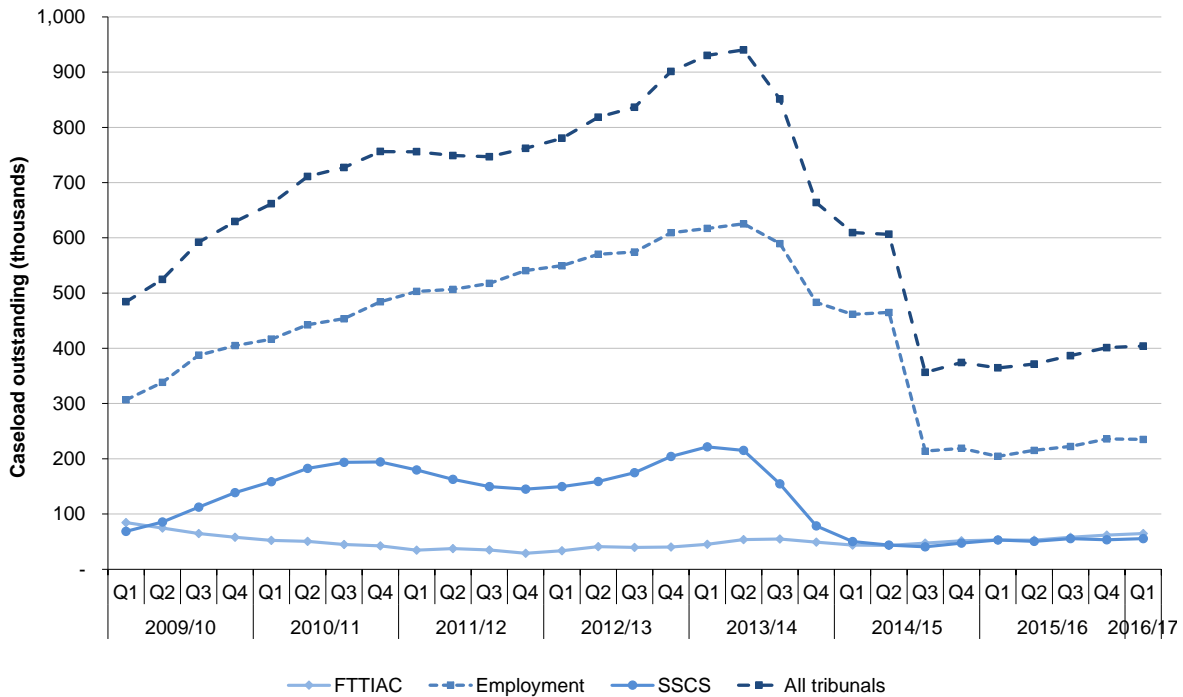


Caseload Outstanding (Table S.4)

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 June 2016, the caseload outstanding was 403,953, up 11% on the same period last year (see Figure 4). This is driven by a 15% increase in outstanding cases in Employment tribunals, which account for 58% of all outstanding cases.

Figure 4. Caseload outstanding as at the end of each quarter, June 2009 to June 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 T.1 – T.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 April to June 2016 were aged 18 weeks or less.

Table 1. Cumulative percentage of clearances in April to June 2016, by age of case at clearance

Tribunal	25% point	50% point	75% point	Average (mean)
First-tier Tribunal Immigration and Asylum	28 weeks or less	44 weeks or less	Over 52 weeks	44 weeks
Employment (single)	14 weeks or less	22 weeks or less	34 weeks or less	29 weeks
Employment (multiple)	46 weeks or less	160 weeks or less	404 weeks or less	221 weeks
SSCS	10 weeks or less	13 weeks or less	18 weeks or less	17 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 2.

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 2: Fee levels in single and multiple cases

Single cases	Type A	Type B	
Issue fee	£160	£250	
Hearing fee	£230	£950	

Multiple cases	Number of claimants		
	2-10	11-200	Over 200
Type A			
Issue fee	£320	£640	£960
Hearing fee	£460	£920	£1,380
Type 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 the 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 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.

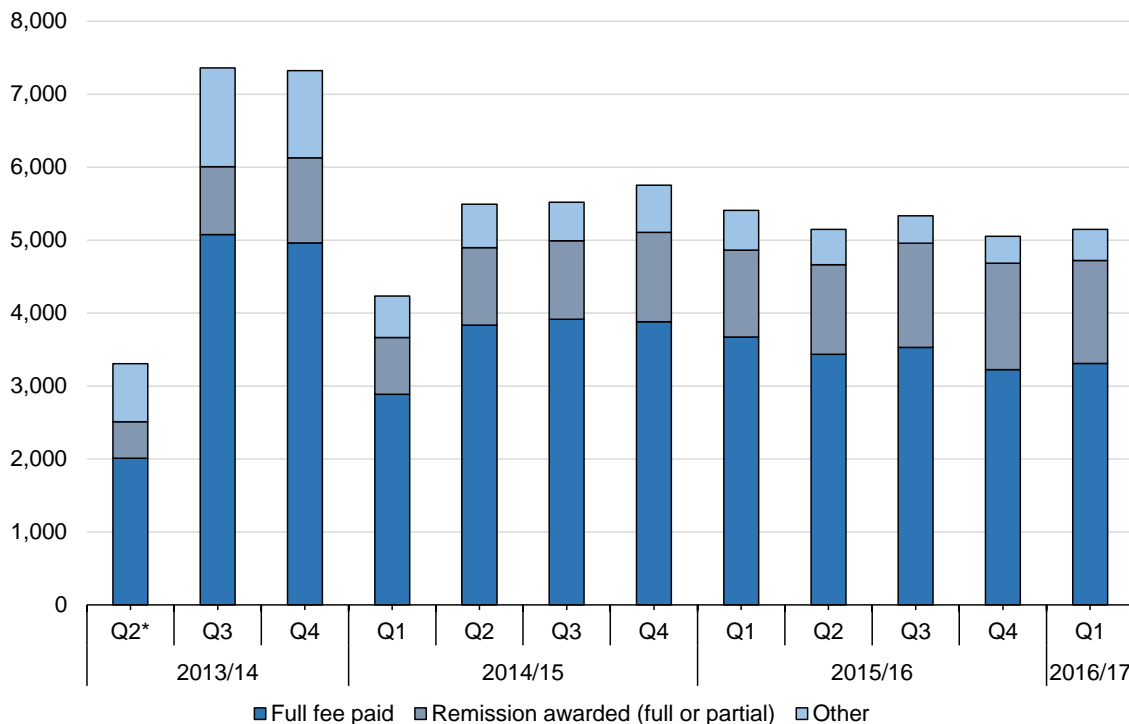
Employment Tribunal Fee Results

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 June 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 expected² 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 June 2016



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

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

In April to June 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 trend. These accounted for 94%, 94%, and 98% of fees requested, full issue fee paid, and full or partial remission awarded respectively.

There were 5,148 cases in which an issue fee was expected in April to June 2016. Of these, 3,310 cases (64%) had the full issue fee paid outright whilst 1,411 cases (27%) were awarded either a full or partial issue fee remission. This is an increase of five percentage points on the proportion of cases awarded remission in the same period last year. For the remaining 427 cases (8%), 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 would be 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 under 2.2 days for the payment to be made in April to June 2016, compared to an average of just over 3.0 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 – three percentage points lower than the same period in 2015. 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 April to June 2016, 64% of all Type B claimants (both multiple and single claims) paid the issue fee in full, compared with 67% of Type A claimants. In the same period, 64% of Type B claimants who applied received a full or partial remission of the issue fee, compared with 63% 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 requested³ 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

³ A hearing fee is payable only if the case is listed for hearing.

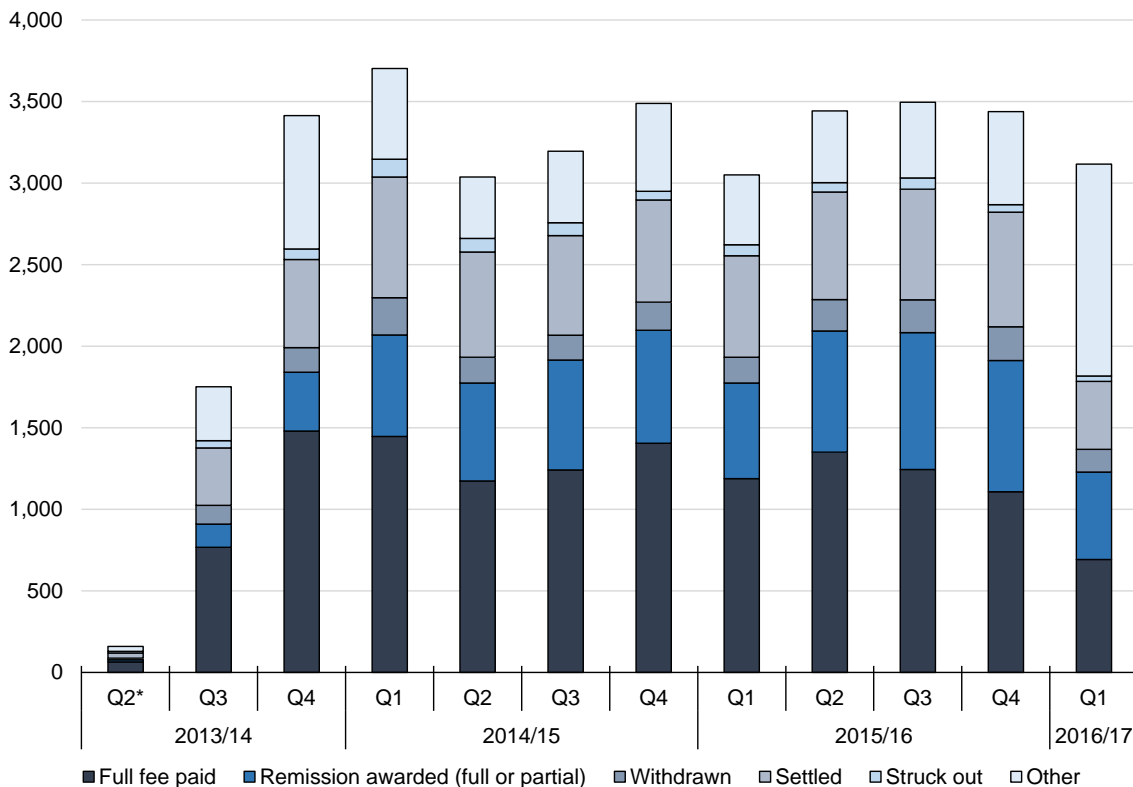
progress through the system. In particular for hearing fee requests made in the most recent quarters, where a larger proportion of fee requests will not have been designated an outcome.

Figure 6 covers requests for hearing fees for both single and multiple claim cases of both Type A and Type B.

In April to June 2016, a total of 3,116 hearing fees were requested – at the time the data was extracted 693 (22%) requests had the full hearing fee paid outright, taking on average 64.2 days for payment to be made and 535 (17%) had been awarded either a full or partial remission. A further 416 (13%) settled before reaching a hearing, 140 (4%) were subsequently withdrawn and 34 (1%) were struck out. For the remaining 1,298 (42%) 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 January to March 2016 figures had 1,678 cases (49%) with no outcome recorded. The latest ‘no outcome’ figure for January to March 2016, published this quarter, reduced to 570 (17% of all cases) from 1,678 as 1,108 fee cases have been designated an outcome since the figures were published last quarter.

Figure 6: Number of hearing fees requested by outcome, 29 July 2013 to 30 June 2016



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

Table ETF.2 gives a breakdown of the hearing fee requests by type. In April to June 2016, 18% of all Type B claimants (both single and multiple claims) paid the hearing fee in full, compared with 40% of Type A claimants. In the same period, 87% of all Type B claimants who applied received a full or partial remission of the hearing fee, compared with 84% of Type A claimants.

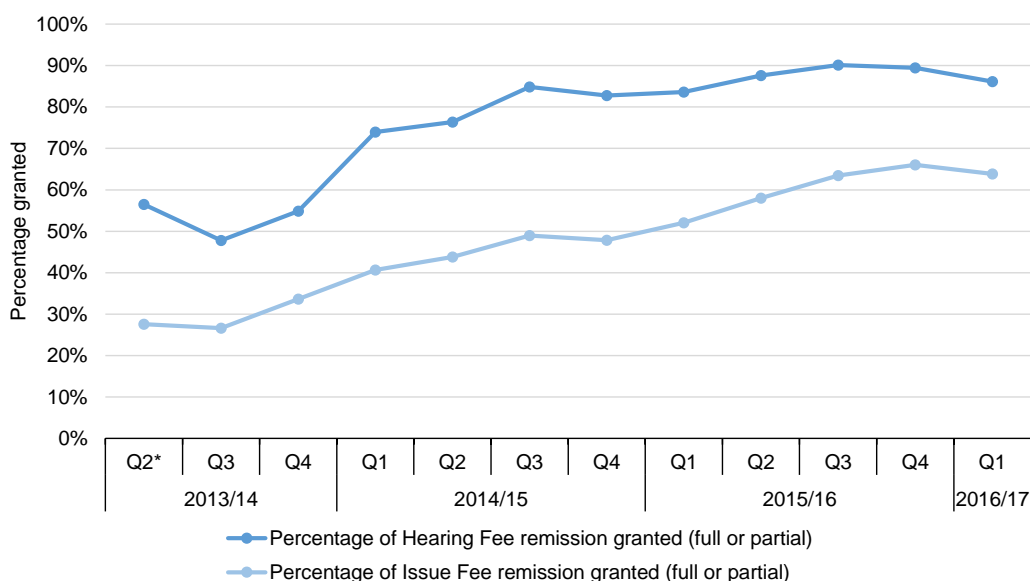
As with issue fees, single claim cases (both Type A and B claims) accounted for the majority of cases with either full hearing fee payment or those awarded a remission (97% and 99% respectively), and therefore drive the overall trend. The majority (80%) of single case hearing fee remissions awarded in April to June 2016 (Table ETF.3) were full remissions – six percentage points lower than the same quarter in 2015.

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

Figure 7 shows the proportion of remissions 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 April to June 2016, 2,209 remission applications were submitted for the issue fee and 621 for the hearing fee. During this period, 64% of remission applications for the issue fee were either fully or partially successful (12 percentage points higher than the same quarter last year) compared with over 86% of hearing fee remission applications (two percentage points higher than the same quarter last year).

In April to June 2016, for both initial and hearing remission applications, on average it took 4.6 days for a decision to be made (Table ETF.1). 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 30 June 2016



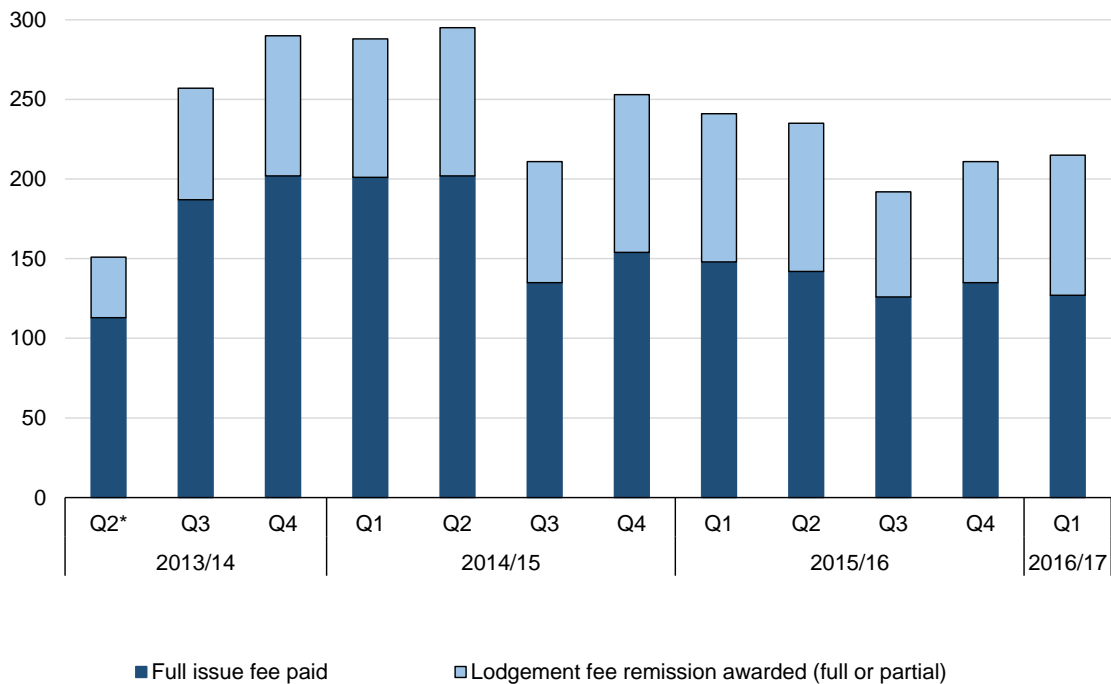
* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims (those submitted before 29th July 2013).

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 stage⁴. In April to June 2016 there were 231 EAT lodgement fees requested. Of these, 127 (55%) had the full fee paid outright and 88 (38%) had full or partial fee remission awarded. For the remaining 16 (7%) 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 April to June 2016, there were 89 EAT hearing fees requested. Of these, 63 (71%) had the full fee paid outright and 19 (21%) had full or partial fee remission awarded. For the remaining 7 (8%) cases, there is no specific outcome currently recorded, which may be due to cases not yet progressing through the system.

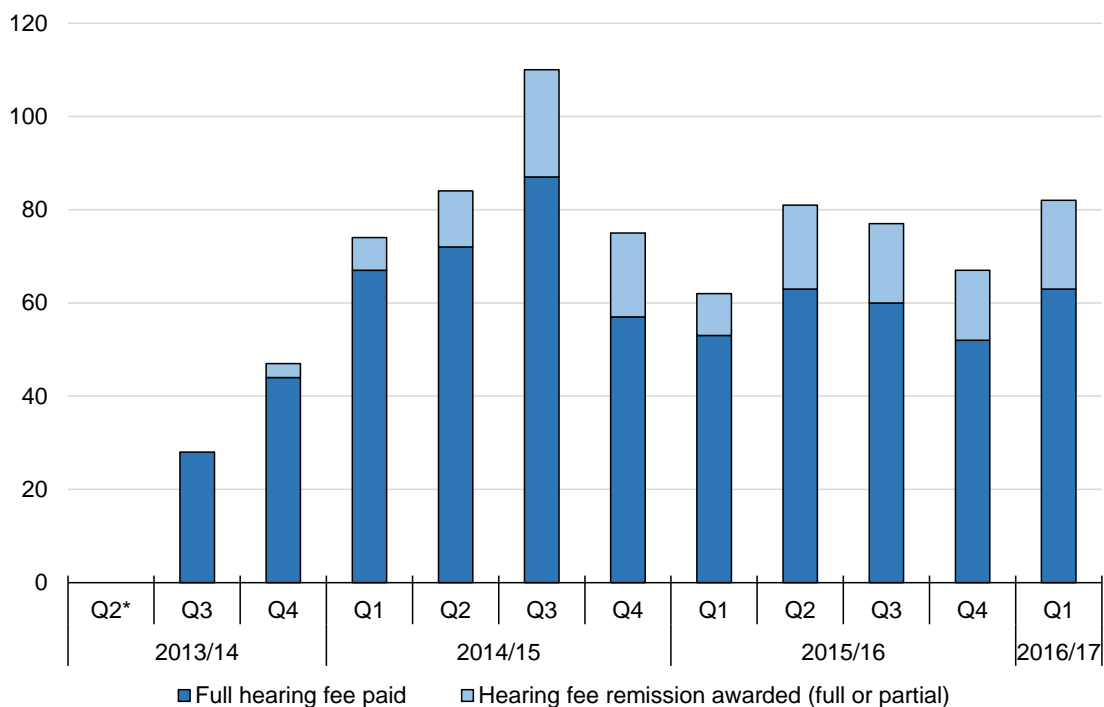
Figure 8: Number of Employment Appeal Tribunal (EAT) lodgement fees requested by outcome, 29 July 2013 to 30 June 2016



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

⁴ 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 30 June 2016



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

In April to June 2016, 103 remission applications were submitted for the lodgement fee and 26 for the hearing fee. During this period, 85% of remission applications for the lodgement fee were either fully or partially successful compared with 73% of hearing fee remission applications.

Employment Tribunal Receipts (Table ET.1)

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 single⁵ or multiple⁶ 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'.

⁵ 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.

⁶ 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.

A claim (either single or multiple) can be brought under one or more different jurisdictions, for example under Age Discrimination and Equal Pay. Therefore the number of jurisdictional complaints is always greater than the total tribunal claims received. On average in April to June 2016, there were 2.2 jurisdictional complaints per claim.

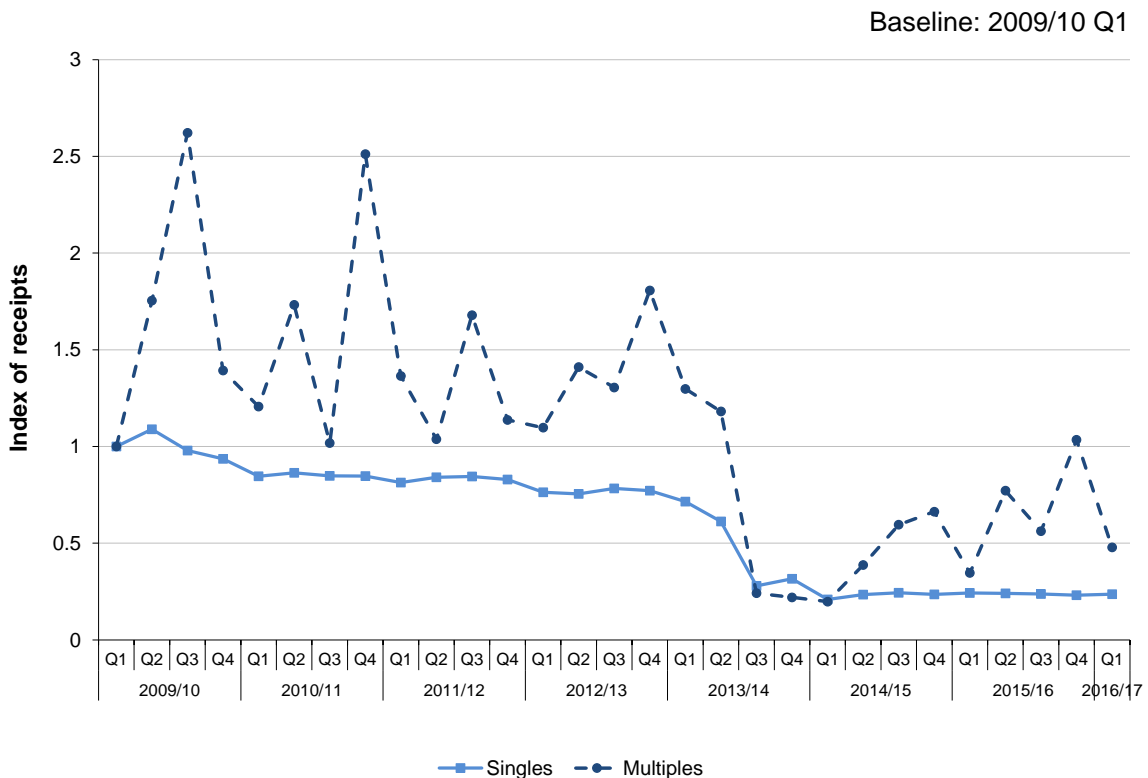
The number of single claims received in April to June 2016 was 4,206 – a decrease of 3% on the same period of 2015.

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 April to June 2016 was 11,637, which is an increase of 38% on the same quarter last year; a large number of age and sex discrimination claims relating to an employer in the London area was received this quarter. The multiple claims related to 295 multiple claim cases with an average of 39 claims per multiple case, compared to April to June 2015 when there were 436 multiple claims cases with an average of 19 claims per 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 receipts⁷, Q1 2009/10 to Q1 2016/17



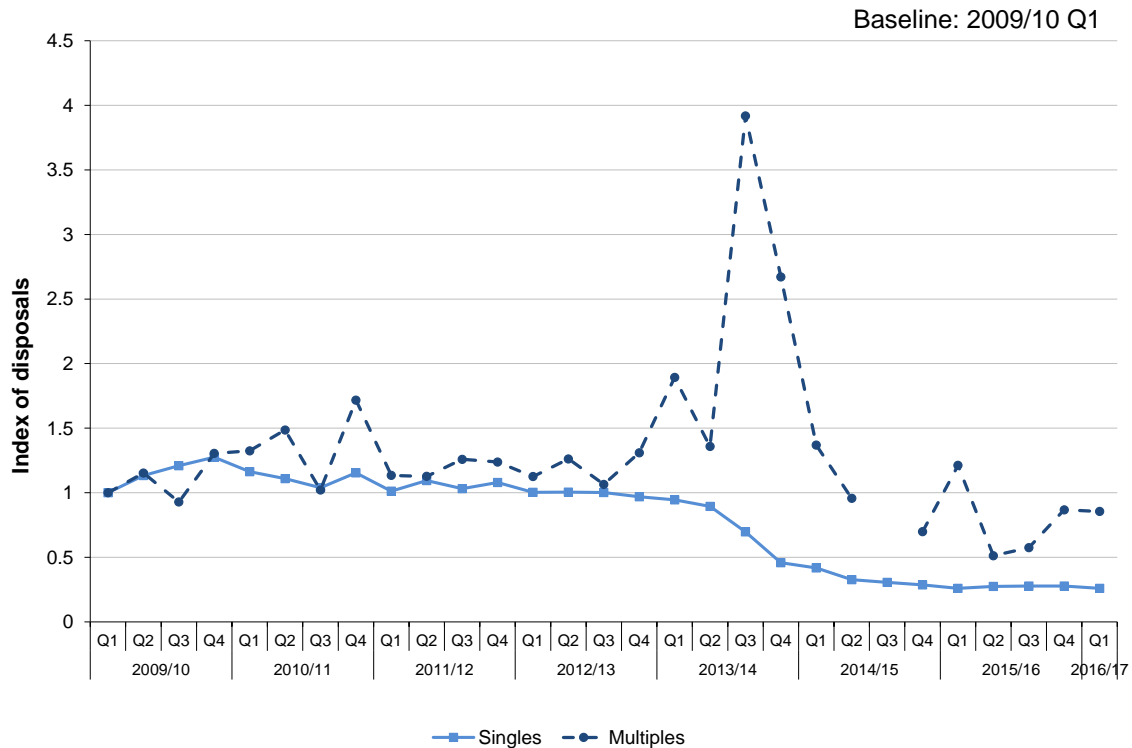
Disposals (Tables ET.2 and ET.3)

The Employment Tribunal disposed of 12,884 claims during April to June 2016, down 23% on the same period in 2015. There were 3,650 single claims disposed of, no change on the same period last year and single claims accounted for 28% of all Employment Tribunal disposals. In the current quarter, 9,234 multiple claims were disposed of, down 29% on April to June 2015 and accounted for 72% of Employment Tribunals disposals.

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 Working Time Directive multiple claims case against a number of airlines was disposed of. This brought the total disposals index for this period up to 24.2, masking any trends and has therefore been removed from Figure 11. The peak in Q3 2013/14 also relates to a large airline case. The 9,234 multiple claims disposed of in April to June 2016 related to 295 multiple claim cases, giving an average of 31.3 claims per multiple claims case.

⁷ 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.

Figure 11. Index of Employment Tribunal single and multiple disposals⁸, Q1 2009/10 to Q1 2016/17



In April to June 2016, 27,407 jurisdictional complaints were disposed of, down 13% on same period of the previous year. On average, 2.1 jurisdictions were disposed of per claim.

Of the jurisdictional complaints that were disposed of in April to June 2016, 20% were for Equal Pay, 17% were for Unauthorised Deductions (formerly Wages Act) and 16% were for the Working Time Directive.

The largest proportionate change in jurisdictional complaints in comparison to the same period last year was seen in Redundancy – failure to inform and consult, which is up 145% from 419 to 1,028. Other large changes were seen in Transfer of an Undertaking – failure to inform and consult, down 71% from 283 to 83, Working Time Directive, up 70% from 2,529 to 4,305 and disposals of claims in the Other category, up by 70% from 226 to 384.

When considering the outcomes of Employment Tribunal disposals in April to June 2016, two thirds of claims did not reach hearing due to being settled through Acas (21%), withdrawn (30%) or struck out (not at hearing, 17%).

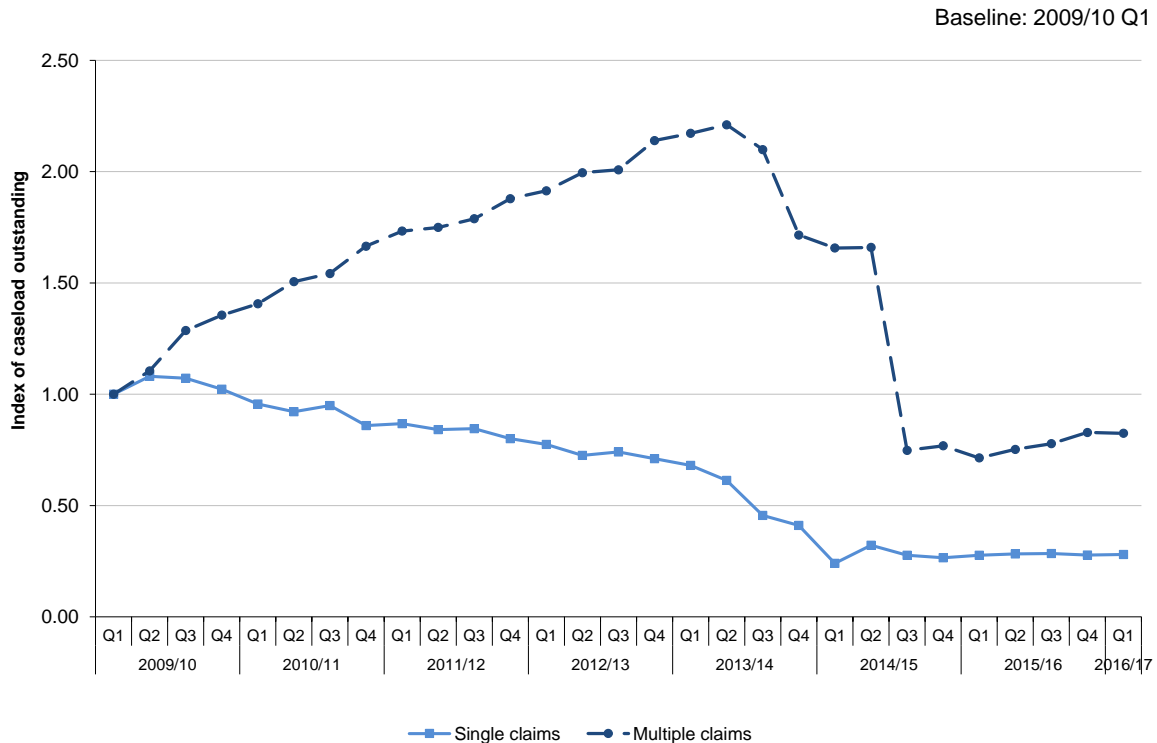
⁸ The Q3 2014/15 index figure is 24.2, due to 261,282 Employment Tribunal multiple disposals relating to one case. Including this figure masked other trends in the chart and has therefore been removed.

Caseload Outstanding (Table S.4)

The total caseload outstanding for Employment Tribunals at the end of June 2016 was 234,998, the majority (96%) relating 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 multiple claims 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 Working Time Directive 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 June 2016



Timeliness (Tables T.2 and T.3)

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 April to June 2016 was 29 weeks, one week less than the same period in 2015. The mean age of a multiple claim case at disposal was 221 weeks, which is 33 weeks more than the same period in 2015.

Clearances for single and multiple claims are also further broken down by jurisdictional group (Table T.3). For single claims, Equal Pay cases had the longest mean clearance time of 91 weeks in April to June 2016, while Breach of Contract and Unauthorised Deductions (Wages Act) cases had the shortest average clearance times of 24 weeks. For multiple claims, Sex Discrimination cases had the longest mean clearance time of 390 weeks (over seven years), while cases in the 'Other' category had the shortest average clearance time of 46 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.

The introduction of the Immigration Act 2014 removed a number of existing appeal rights against Home Office decisions and 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 some Deportation appeal rights were not affected by the implementation of the Act as the appeal right is given by European law.

In order to accommodate this move from appealing the original refusal decision to appealing the fundamental rights decision, new appeal categories were created. The Immigration Act was implemented in full from April 2015. In the following transitional period the FTTIAC received both pre and post Immigration Act appeals. Please see [Annex E: Policy Changes](#) for more information.

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

Receipts (Table FIA.1 and UIA.1)

In April to June 2016, there were 15,998 receipts in the FTTIAC, down 26% on the same period in 2015. A total of 1,500 cases were received in the UTIAC, down 37% on April to June 2015.

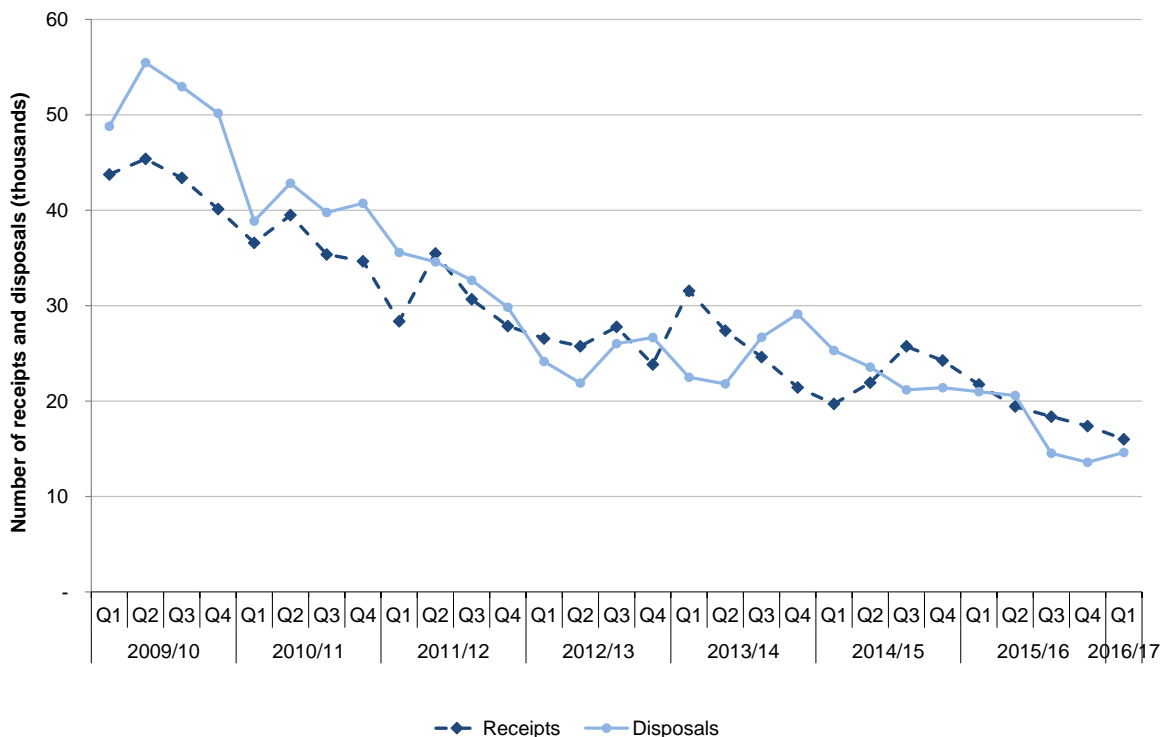
Following changes made under the Immigration Act 2014, Asylum appeals in the FTTIAC and UTIAC are now recorded under Protection and Revocation of Protection. In April to June 2016, a total of 3,872 appeals relating to Asylum, Protection and Revocation of Protection were received in the FTTIAC, down 11% on last year. In the UTIAC, the number of Asylum, Protection and Revocation of Protection appeals decreased by 6% to 476 appeals over the same period.

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. Compared to April to June 2015, the volume of Managed Migration has decreased from 11,446 by 95% to 562, Entry Clearance has decreased from 3,215 by 98% to 51 and Family Visit Visa appeals have reduced from 967 to one in the FTTIAC. In

the current quarter, there were 7,335 Human Rights appeals and 4,037 EEA Free Movement appeals received compared to 1,338 and 264 respectively in April to June 2015.

In the UTIAC, Managed Migration accounted for 48% of all appeals and saw a 48% decrease to 714 receipts compared to April to June 2015. Entry Clearance appeals and Family Visit Visas also decreased in UTIAC by 29% to 206 and by 52% to 30 respectively.

Figure 13. First-tier Tribunal, Immigration and Asylum Chamber receipts and disposals, Q1 2009/10 to Q1 2016/17



Immigration and Asylum Judicial Reviews (Table UIA.1)

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 April to June 2016, there were 3,704 Immigration and Asylum JR receipts at the UTIAC. 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 (Tables FIA.2-3 and UIA.2-3)

The FTTIAC disposed of 14,613 appeals, down 30% on April to June 2015. The UTIAC disposed of 2,296 appeals in April to June 2016, up 36% on the same quarter last year.

Managed Migration accounted for 34% of the First-tier disposals in April to June 2016, with Entry Clearance and Asylum, Protection and Revocation of Protection appeals accounting for 11% and 28% respectively. Of the 14,613 disposals in the FTTIAC, 75% were determined i.e. a decision was made by a judge at a hearing or on the papers⁹; 15% were withdrawn; 7% were invalid or out of time, and 3% were struck out¹⁰. Rules to allow cases to be struck out were introduced following the introduction of fee charging.

Managed Migration accounted for 48% of the Upper Tribunal disposals in April to June 2016, with Entry Clearance and Asylum, Protection and Revocation of Protection appeals accounting for 11% and 35% respectively. Of the 2,296 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 27% were remitted to the First-tier Tribunal.

Of the 11,007 cases that were determined at hearing or on paper (Table FIA.3) in the First-tier Tribunal in April to June 2016, 58% were dismissed and 42% were allowed. For the Upper Tribunal, of the 1,582 cases determined during the same period, 68% were dismissed and 32% allowed.

There were 3,605 Immigration and Asylum Judicial Reviews disposed of in April to June 2016, of which 68% were determined and 3% were transferred to the Administrative Court.

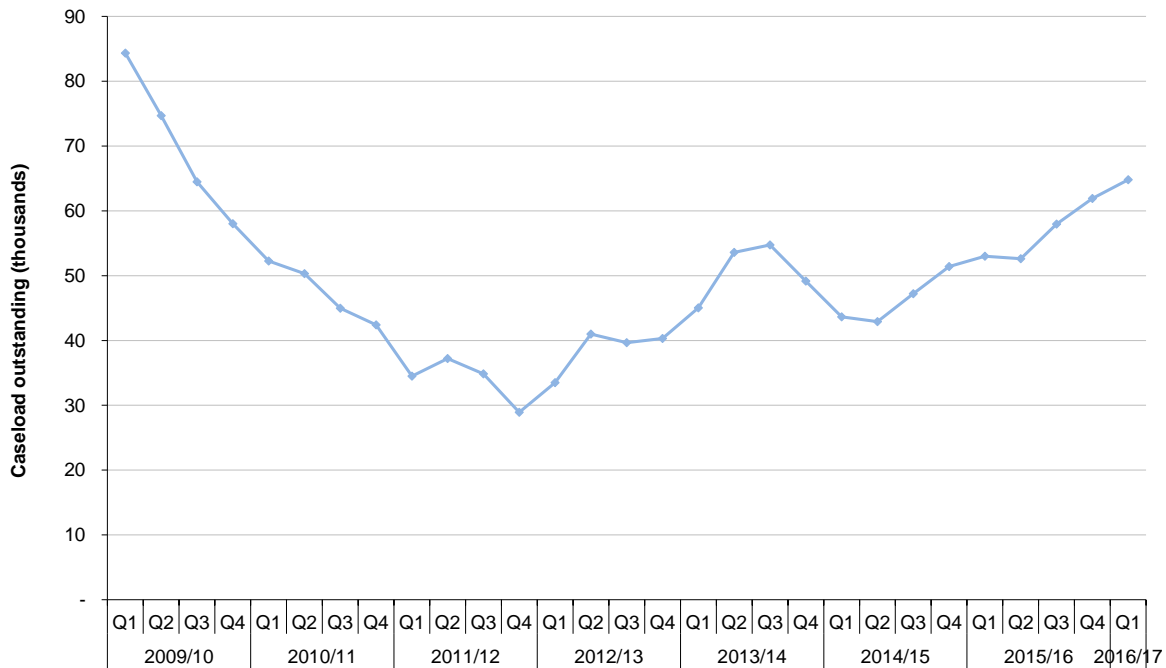
Caseload Outstanding (Table S.4)

The caseload outstanding at the end of the quarter in the FTTIAC was 64,821 up by 22% compared to the same period in 2015. The caseload outstanding for the UTIAC decreased by 44% to 2,006 over the same period in 2015.

⁹ 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

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

Figure 14. First-tier Immigration and Asylum Chamber caseload outstanding as at the end of each quarter, June 2009 to June 2016

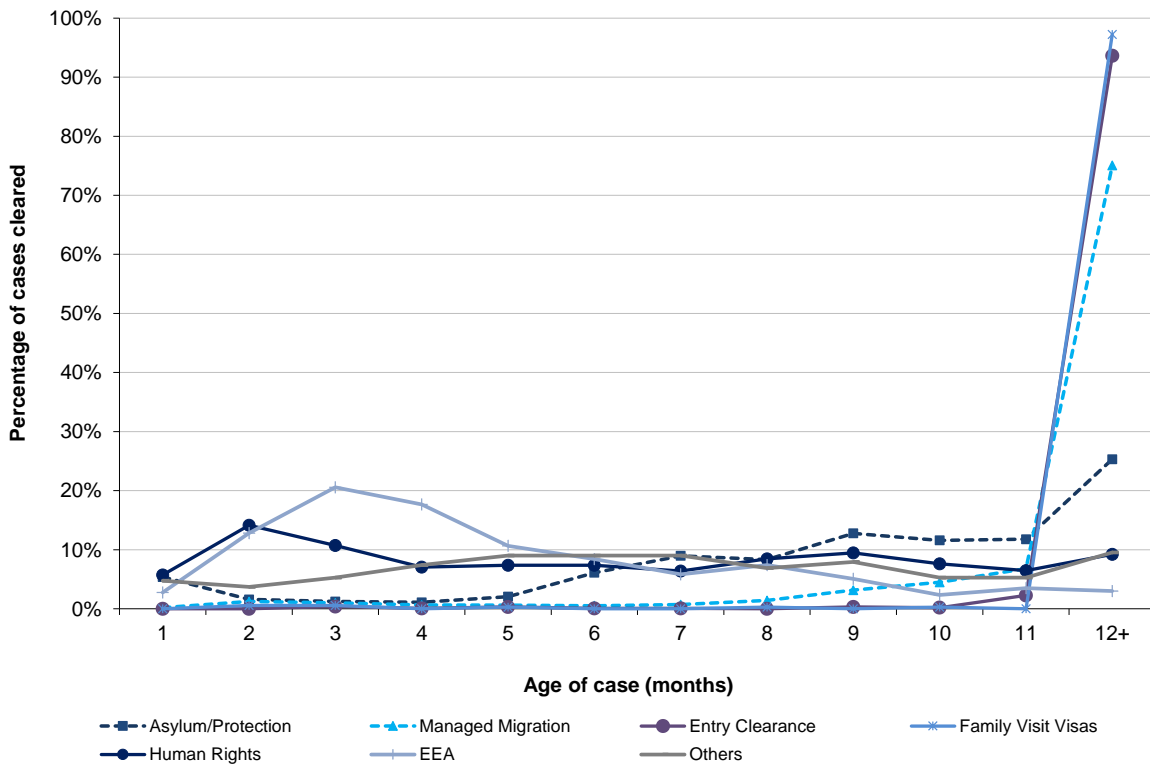


Timeliness (Tables T.2 and T.3)

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 44 weeks in April to June 2016, which is 14 weeks longer than the same period last year.

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 April to June 2016, 75% of Asylum and Protection cases were completed in 46 weeks or less, whereas 75% of Entry Clearance Officer appeals were completed in over 52 weeks. Figure 15 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 15. Timeliness of First-tier Tribunal Immigration and Asylum Chamber, April to June 2016¹¹



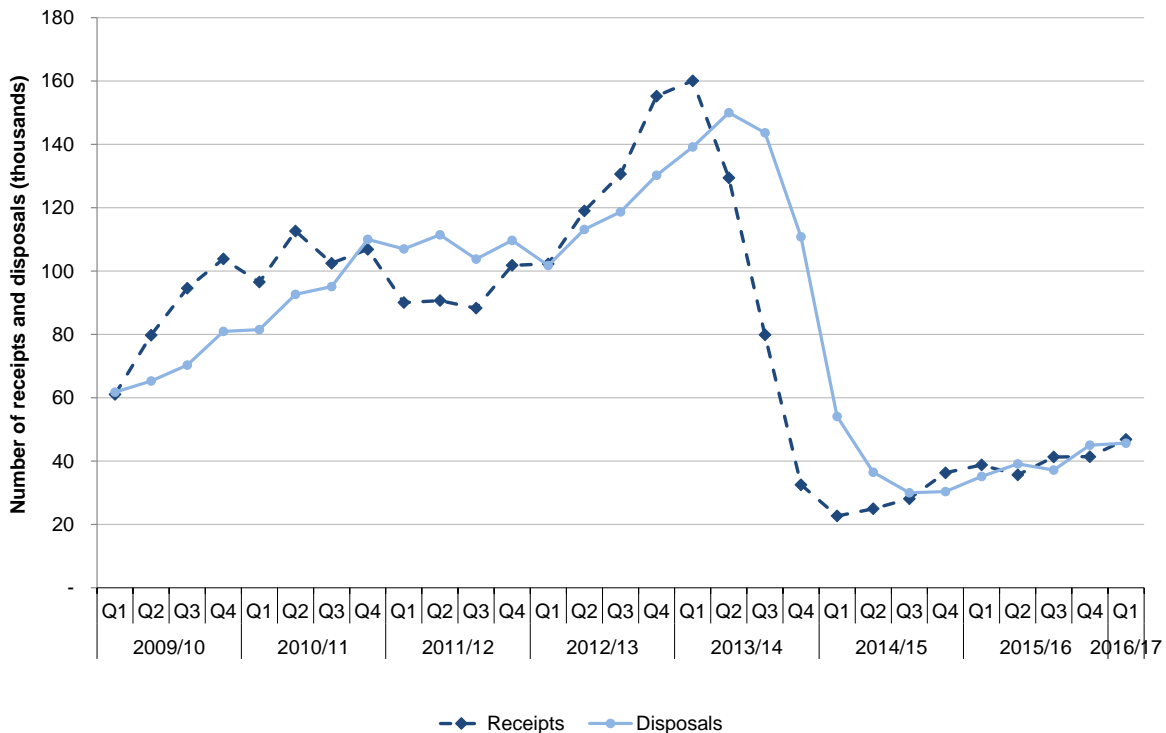
¹¹ The 'Others' category includes Deport, Deprivation of Citizenship and new categories that were introduced as part of the Post Immigration Act 2014: Protection, Human Rights, EEA Free Movement and Revocation of Protection

4. Social Security and Child Support

Receipts (Table SSCS.1)

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 April to June 2016, 46,832 appeals against decisions were received, up 21% when compared with the same period in 2015.

Figure 16. Social Security and Child Support receipts and disposals, Q1 2009/10 to Q1 2016/17



Personal Independent Payment (PIP) was introduced in April 2013 and is gradually replacing¹² 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. In addition to new benefit claimants being required to claim for PIP and not DLA, DWP are transitioning individuals already in receipt of DLA to PIP via a reassessment programme. There are a number of stages a claim made to the DWP must pass through before an appeal reaches the Tribunal. The Tribunal only started to receive appeals made against PIP reassessment decisions in June 2014.

¹² 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-april-2016

PIP appeals accounted for 41% of all SSCS appeal receipts in April to June 2016 and the number of appeals has been steadily increasing – from 14,733 in April to June 2015 to 19,195 in April to June 2016. DLA accounted for 4% of the SSCS appeal receipts in April to June 2016, down 5% when compared to the same period in 2015.

Employment Support Allowance (ESA) accounted for 40% of the total SSCS Tribunal receipts in April to June 2016 and saw a 39% increase from 13,483 in the same period in 2015 to 18,795 in the current quarter.

The Upper Tribunal Administrative Appeals Chamber (UTAAC, Table S.2) is responsible for dealing with appeals against decisions made by first-tier tribunals, including SSCS. In April to June 2016, there were 1,238 appeals received by the UTAAC, up 1% on the same period in 2015.

Disposals (Tables SSCS.2 and SSCS.3)

The SSCS tribunal disposed of 45,644 appeals in April to June 2016, up 30% on the same period in 2015. This increase was driven by the increase in the number of PIP disposals which accounted for 40% of the total disposals and was up 91% on 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 7% – this is driven by Employment Support Allowance (ESA) disposals which accounted for 36% of disposals in April to June 2016 and increased by 21% when compared to the same period in 2015.

Of the total 45,644 SSCS disposals in April to June 2016, 86% (39,258) were cleared at a hearing. The overturn rate¹³ for those cleared at hearing was 58%, i.e. 58% had the initial decision revised in favour of the claimant. This has increased from 53% in the same quarter last year.

The overturn rate varies by benefit type with 60% of ESA, 57% DLA cases, 46% of Job Seekers Allowance cases and 23% of Housing/Council Tax benefit cleared at hearing having the original decision revised in favour of the claimant.

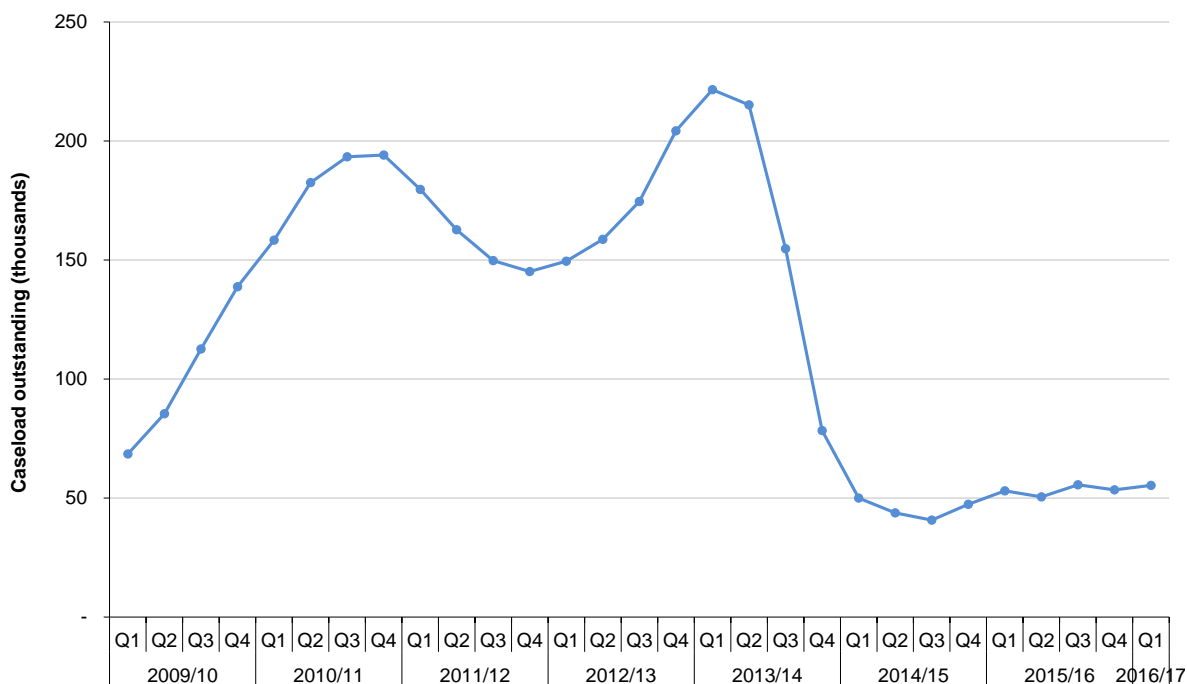
The UTAAC (Table S.3) disposed of 1,343 appeals in April to June 2016, down 20% on the same period in 2015.

Caseload Outstanding (Table S.4)

There were 55,318 SSCS cases outstanding at the end of June 2016, up 4% when compared to the same period in 2015.

¹³ The overturn rate is the rate of decisions by the original body that are reversed.

Figure 17. Social Security and Child Support caseload outstanding as at the end of each quarter, June 2009 to June 2016



Timeliness (Tables T.2 and T.3)

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 April to June 2016, the mean age of a case at disposal was 17 weeks, two weeks less than the same period in 2015.

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 HMCTS¹⁴.

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

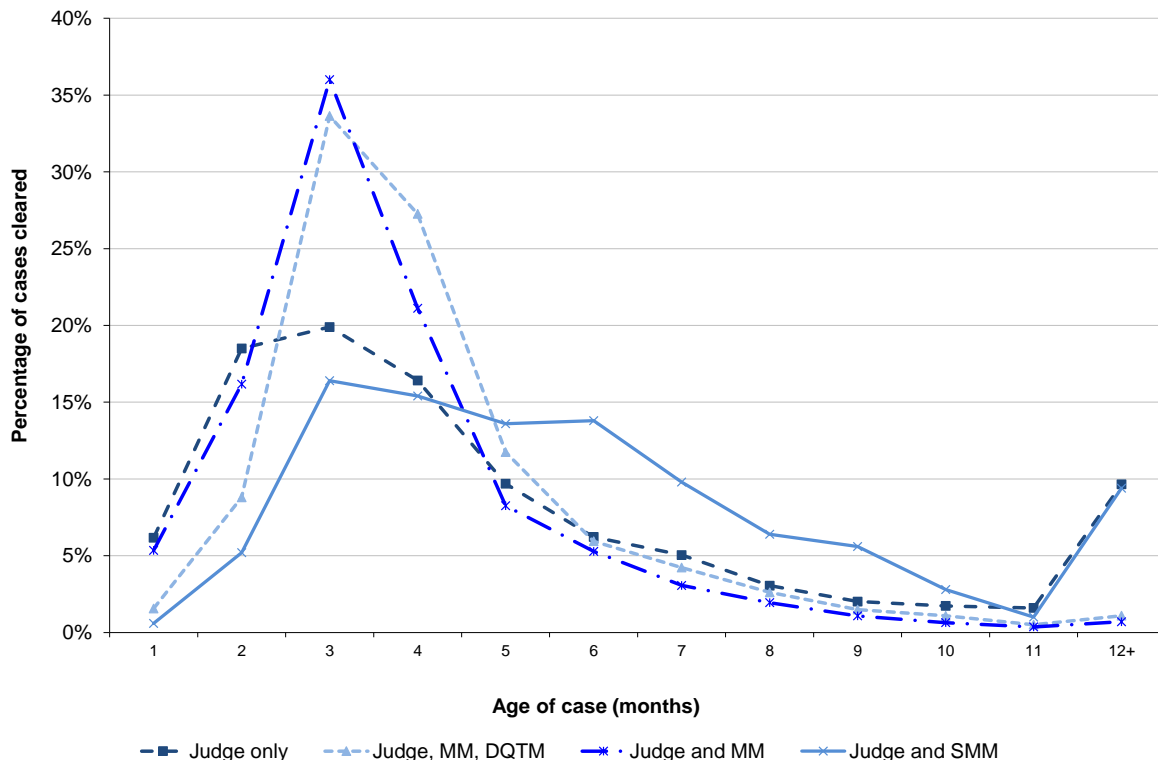
¹⁴ Introduced October 2014

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 18. Timeliness of SCS Tribunals, April to June 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

Applications for Gender Recognition Certificates

A total of 99 applications were received by the Gender Recognition Panel (GRP) in April to June 2016 (see Tables GRP.1 and GRP.2), one application less than in the same period last year.

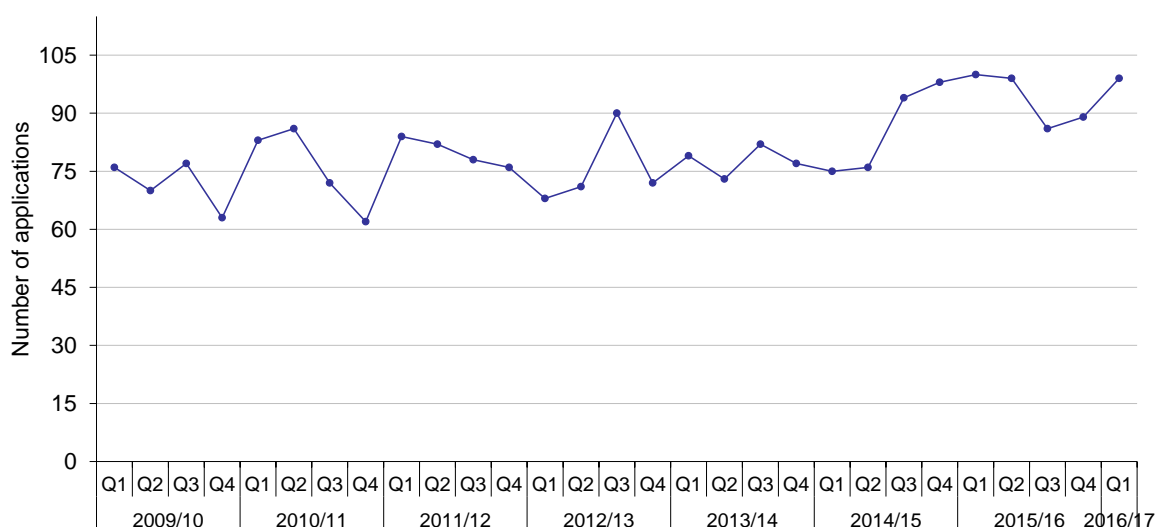
There are three types of application process; standard, alternative and overseas. The standard application is completed by individuals who have been living permanently in the acquired gender for two years or more, have or have had gender dysphoria and intend to live permanently in the acquired gender. Of the total applications in April to June 2016, 93 were standard track, up from 91 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 April to June 2016, there was one alternative track application, down from six in the same period last year.

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; five of the total applications in April to June 2016 were overseas track.

Figure 19. Applications received by the Gender Recognition Panel, April 2009 to June 2016



At the end of June 2016, a total of 122 applications were in progress awaiting final resolution, some of which are from earlier periods. This has increased by 11% since the same period last year.

Initial outcome of applications (Table GRP.1)

A total of 111 applications were disposed of by the GRP during the period April to June 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.

Of the applications disposed of in April to June 2016, a full GRC was granted in 104 cases (94% of the total, see Figure 20), reflecting a 12% increase on the same period in 2015. 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 partnership¹⁵ or Scottish protected civil partnership¹⁶, 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.

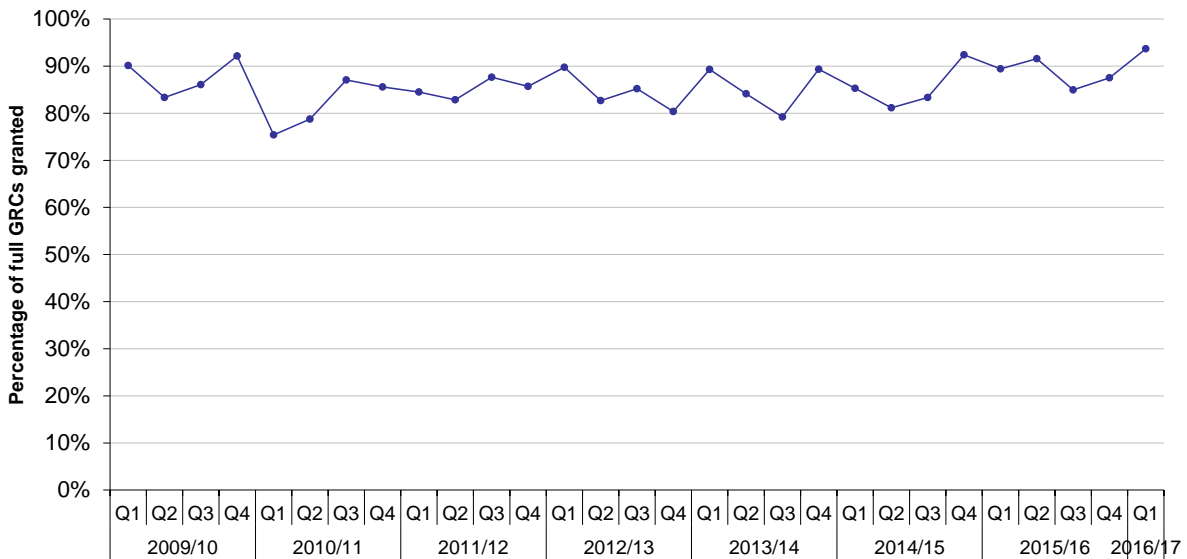
In these circumstances, once the successful applicant has ended their marriage or civil partnership, they can then be issued a full GRC. There were two interim certificates granted in April to June 2016.

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

¹⁵ **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.

¹⁶ **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.

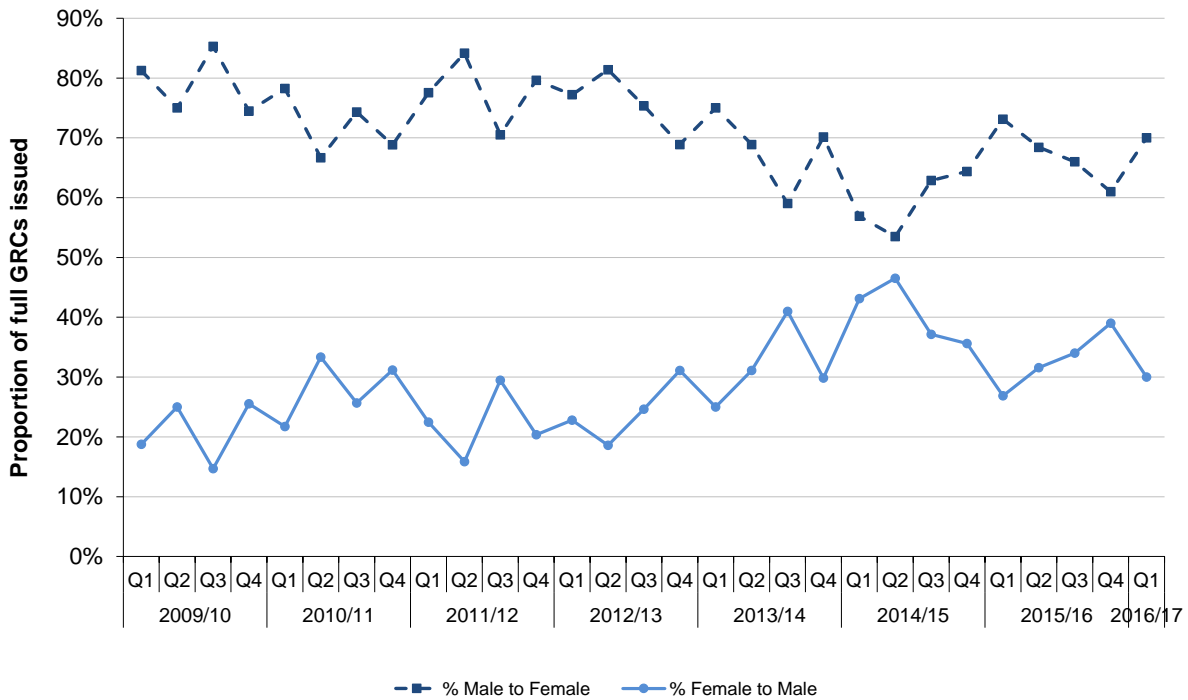
Figure 20. Proportion of applications dealt with where a full Gender Recognition Certificate was granted, April 2009 to June 2016



Gender Recognition Certificates granted – demographic statistics (Table GRP.4)

Of the 104 full GRCs granted in April to June 2016, 73 (70%) were granted to individuals who were registered male at birth (who thus became legally female as a result). The remaining 31 (30%) were granted to individuals who were registered female at birth.

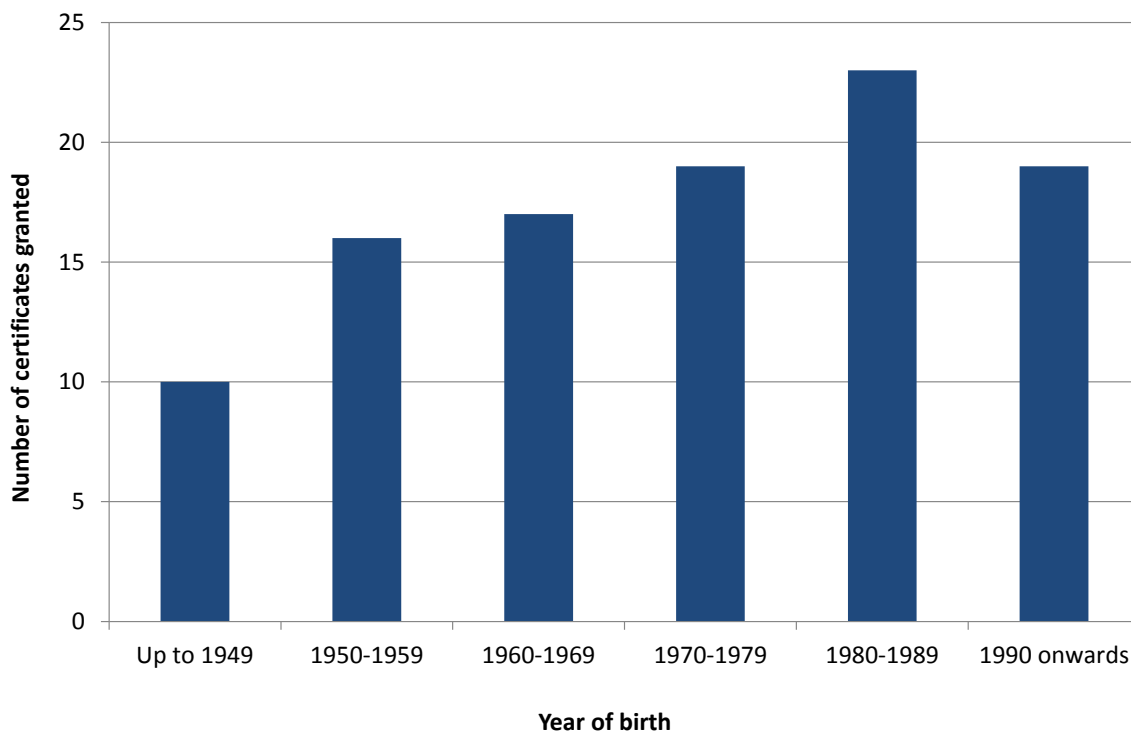
Figure 21. Full Gender Recognition Certificates granted, April 2009 to June 2016, by gender



Full GRCs were granted to applicants of a range of ages. In April to June 2016, the highest number of certificates (23, 22%) was granted to applicants born between the years 1980-1989 (see Figure 22).

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, 16 (15%) applicants were married and 88 (85%) were single.

Figure 22. Full Gender Recognition Certificates granted in April to June 2016, by year of birth



Conversion of Interim to Full Gender Recognition Certificates

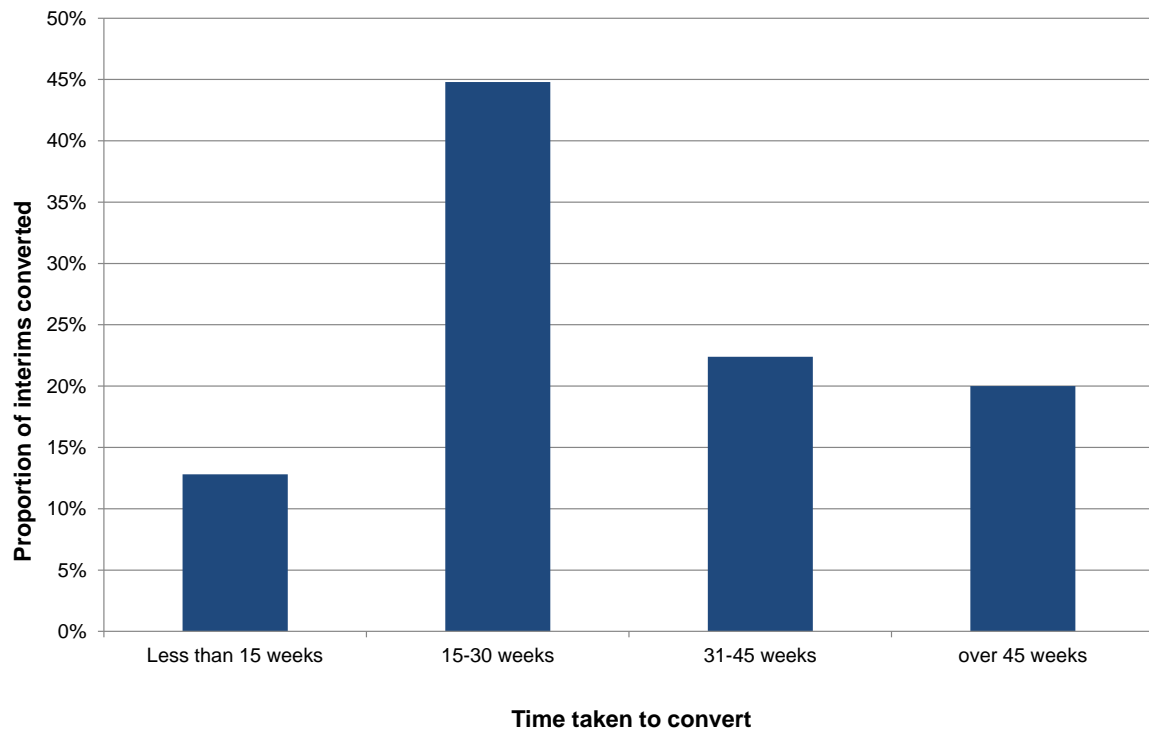
This analysis looks at the conversion of interim to full GRCs. The timeliness figures are based on cases where full details of the dates are available. Interim GRCs are valid for six months and a full GRC must be applied for within this time frame. The time in this analysis starts from when the interim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

Since the 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 June 2016 there were 188 interim certificates issued by the GRP (see Table GRP.5). As of 30 June 2016, 66% 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 23. Time for conversion from interim to full Gender Recognition Certificates between April 2005 and June 2016



6. Employment Tribunal and Employment Appeal Tribunal statistics – financial year 2015/16

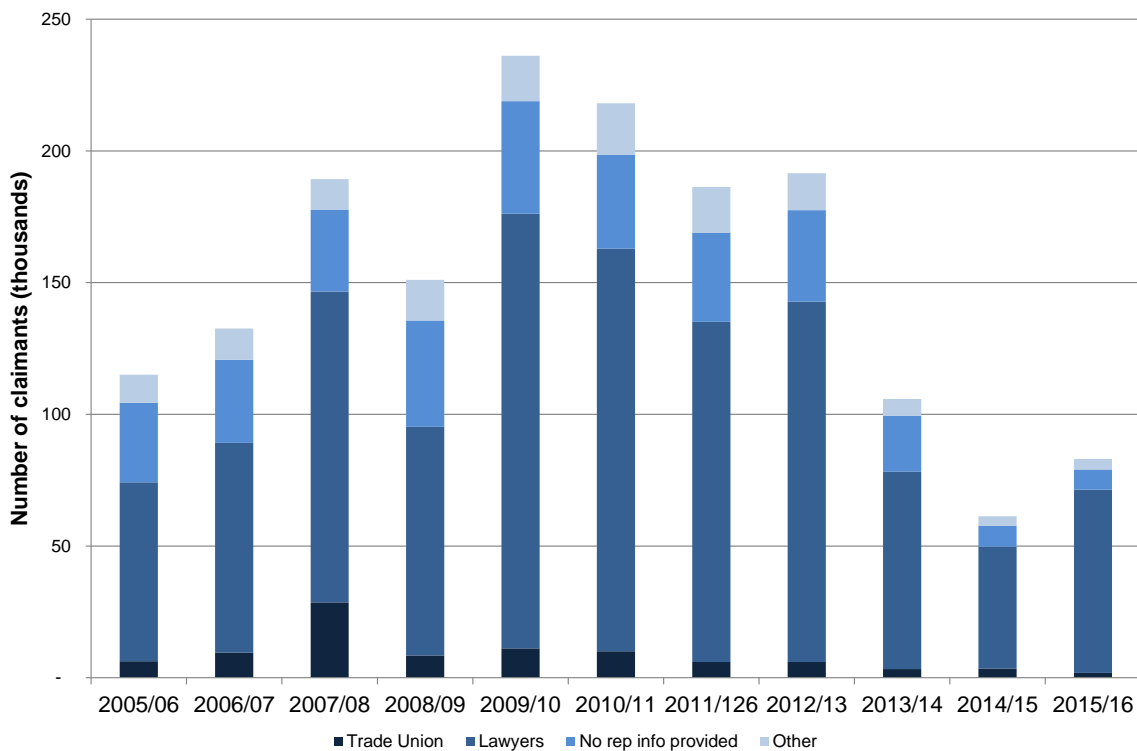
These statistics are published annually in the first quarter of the financial year. Previous reports can be found here:

www.gov.uk/government/collections/tribunals-statistics

Representation (Table E.3)

Claimant representation is recorded at the time of application and may change as case progresses. The proportion of claimants represented by a lawyer in 2015/16 was 84%, which is nine percentage points higher than in 2014/15.

Figure 24: Representation of claimants at Employment Tribunals, 2005/06 to 2015/16¹⁷



¹⁷ Lawyers includes represented by solicitors, Law Centres and Trade Associations. For 2011/12 this excludes those claims that were not included on the IT system

Costs and Compensation (Tables E.4 to E.12)

There are only centrally collated cost and compensation data for Unfair Dismissal and discrimination cases. In 2015/16, there were 603 claims that received compensation for Unfair Dismissal, where the maximum award was £470,865 and the average (mean) award was £13,851.

There was a total of 144 discrimination cases where compensation was awarded, the maximum amount awarded (£1,762,130) was in the Sex Discrimination jurisdiction. There is often more compensation awarded for discrimination cases, as there is no statutory cap on awards in cases of discrimination.

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.

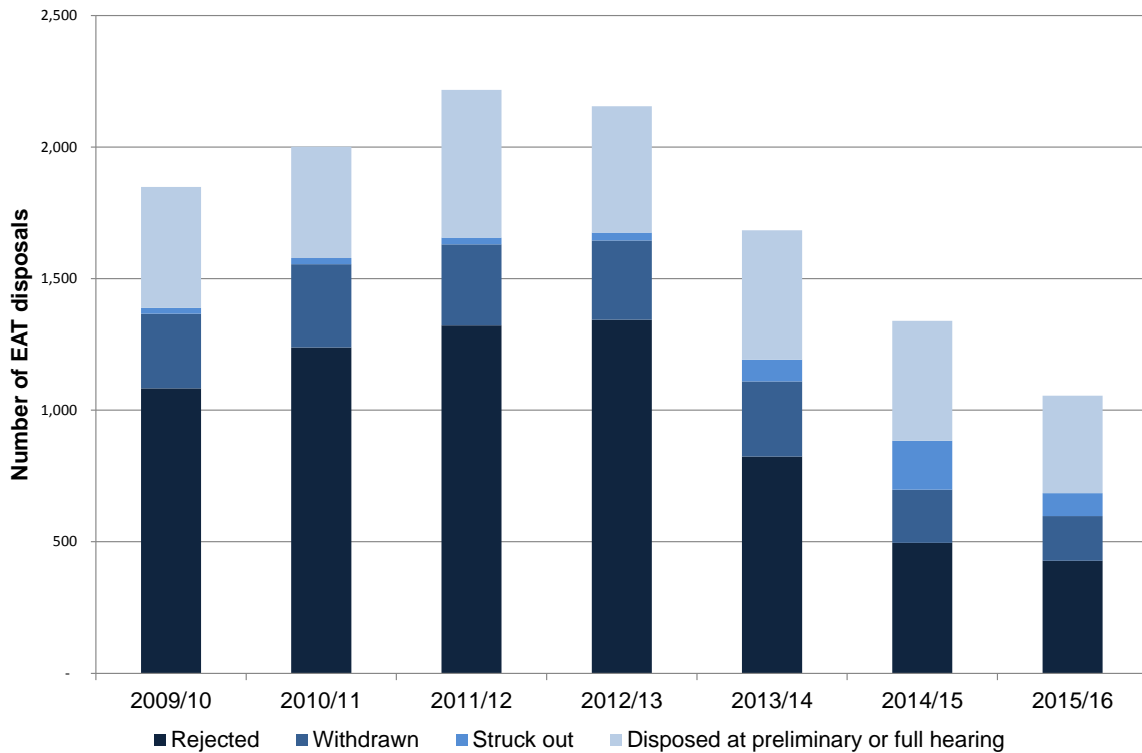
The Employment Appeal Tribunal will not normally re-examine issues of fact. It also hears appeals from (and applications relating to) decisions made by the Certification Officer or by the Central Arbitration Committee, however these are infrequent. The EAT may allow an appeal and substitute its own decision for that of the Employment Tribunal, or may remit it back to the Employment Tribunal for reconsideration.

EAT receipts and disposals (Table E.13)

In 2015/16, the Employment Appeal Tribunal received 970 appeals (down 20% on 2014/15) and disposed of 1,055 appeals (down 21% on 2014/15).

Figure 25 shows the main reasons for disposals. This shows that 334 (32%) appeals in 2015/16 reached a full hearing and 29% were rejected with no reasonable prospect of success.

Figure 25: Reasons for disposals at EAT, 2009/10 to 2015/16



Claimant type (tables E14 to E16)

In 2015/16, just under a third of appeals were dismissed at an EAT preliminary hearing. This number is higher for appeals brought by employees, where 21 appeals were dismissed compared to 11 appeals brought by employers which were dismissed.

Of those appeals that reached an EAT final hearing, 45% were dismissed at full hearing. Again this was higher for appeals brought by employees, where 98 appeals were dismissed compared to 41 appeals brought by employers.

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

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

Revisions

As part of an annual data reconciliation exercise, the quarterly data for January to March 2016 have been refreshed and figures revised accordingly.

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

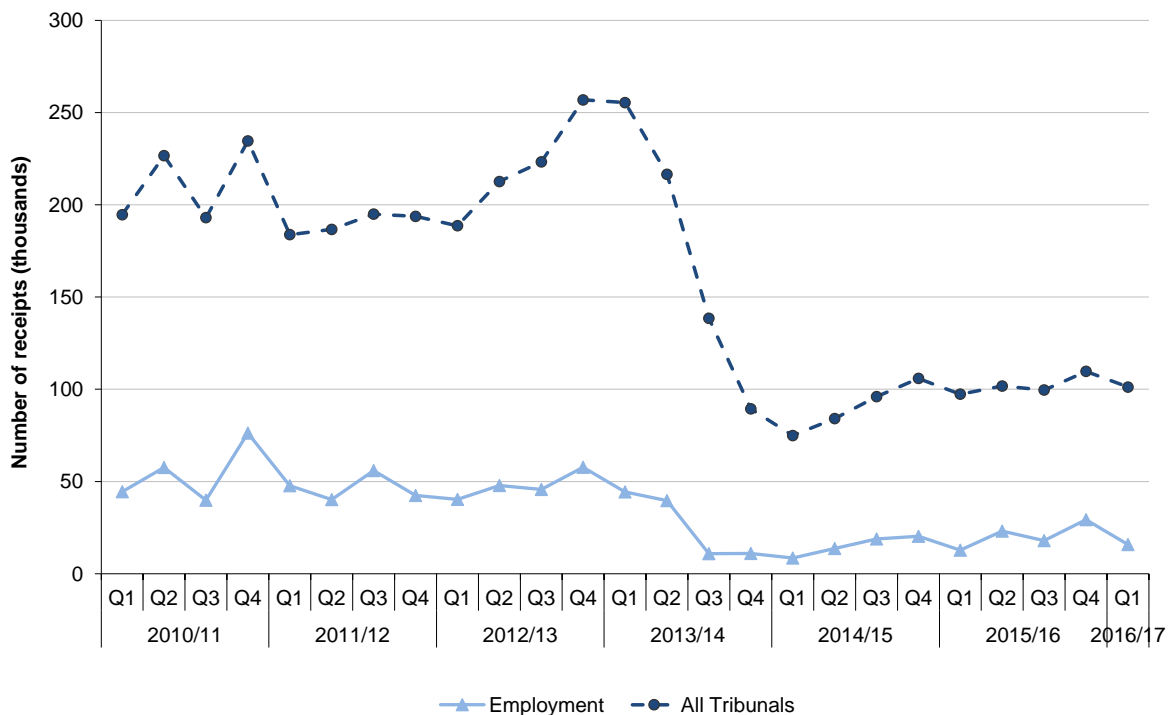
This information is additional management information that has been drawn from a live administrative system managed by HMCTS. The data presented in this section include historical information at the regional level, with a monthly breakdown. This information was a bespoke extraction for the purpose of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

Trend in Employment Tribunal Receipts (Table C.1)

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 a reversal of this trend.

In April to June 2016, there were 15,843 new claims.

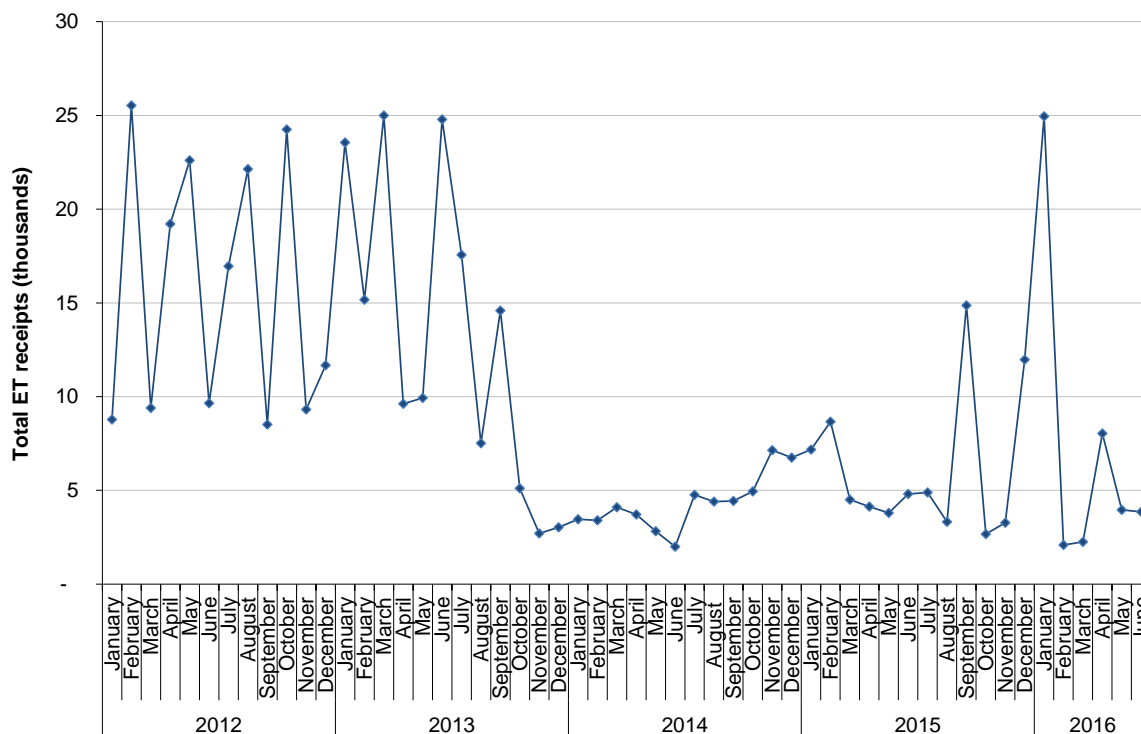
Figure C.1. Employment Tribunal Receipts (quarterly), April 2010 to June 2016



This Annex also includes a monthly breakdown from January 2012 to June 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 35 months of data available post fees (August 2013 to June 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 June 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 employer¹⁸ 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 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

¹⁸ Occasionally, more than one employer can be involved.

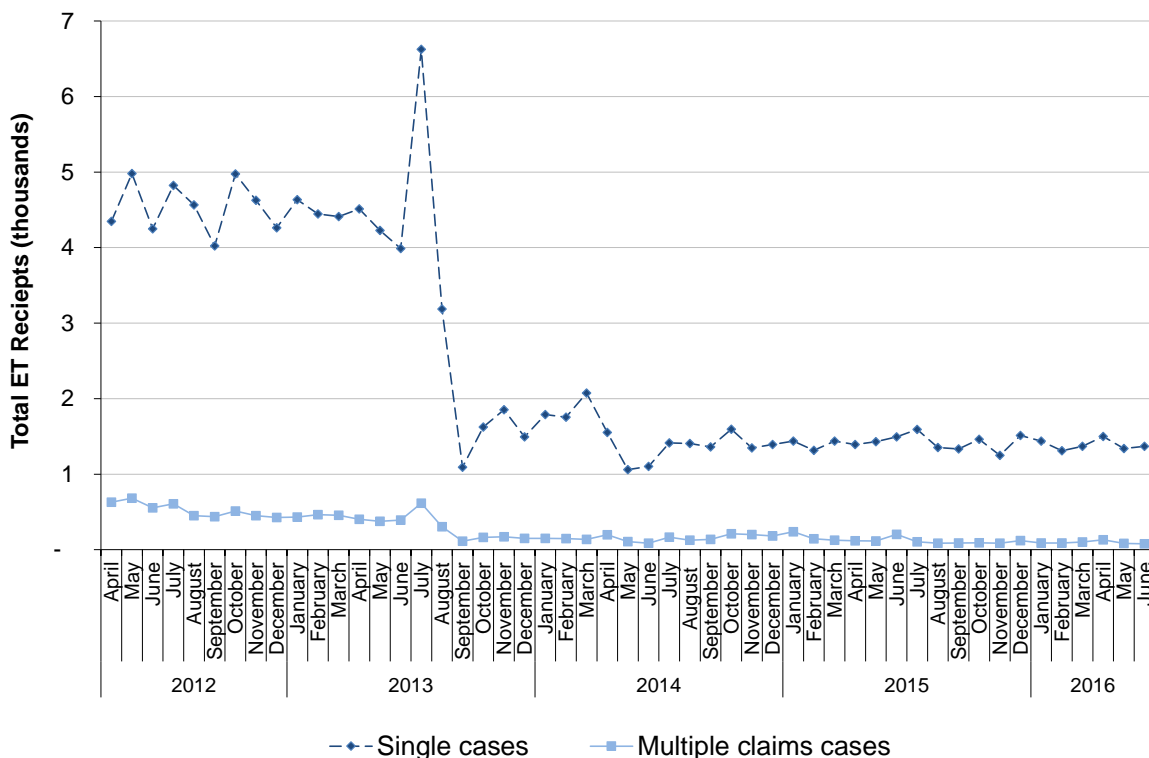
in June 2013. The number rose to just over 6,500 in July 2013, possibly as more claims were submitted prior to the introduction of fees. The number of single cases then fell sharply to 1,000 cases in September 2013, and averaged around 1,500 cases between October 2013 and June 2016.

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 C.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 134 cases per month since then (see Figure C.3).

Figure C.3. Single and multiple claims cases (April 2012 to June 2016)



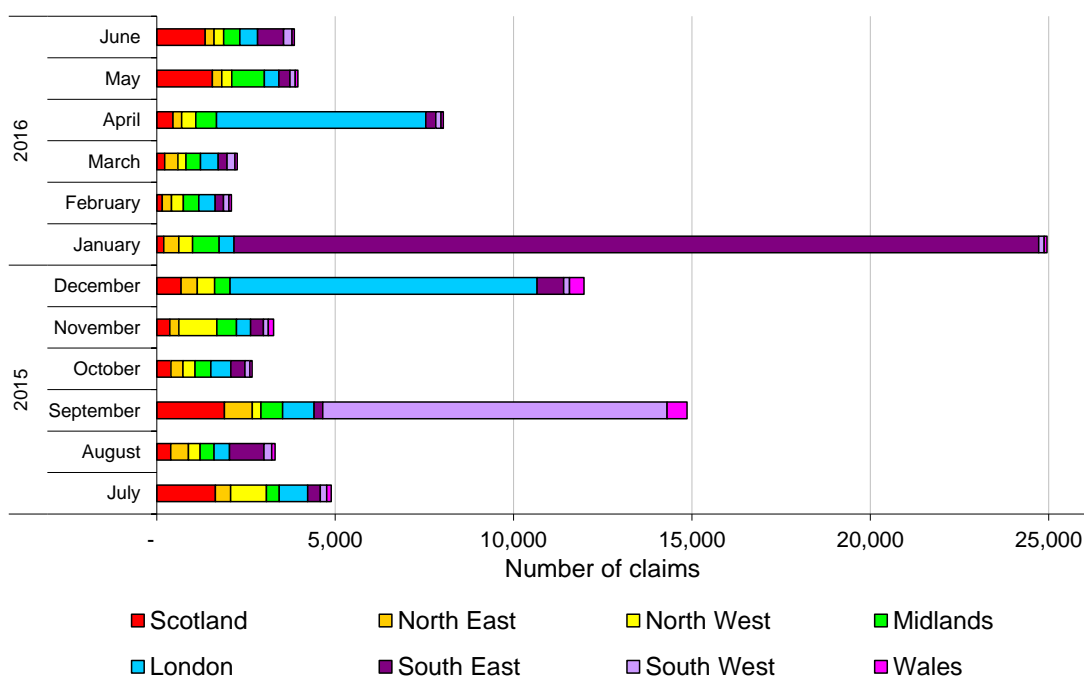
Users are advised that these figures need to be treated with extreme caution for two reasons

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.

Figure C.4. Claims by region (October 2014 to 31 June 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 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. Please note the structure of the main tables has been amended to reflect the structure of the chapters in this publication.

Main Tables

Summary

- S.1 Annual total number of receipts, disposals and caseload outstanding by jurisdiction, 2007/08 to 2015/16
- S.2 Annual and quarterly total number of tribunals receipts by jurisdiction, 2007/08 to Q1 2016/17
- S.3 Annual and quarterly total number of tribunal disposals by jurisdiction, 2007/08 to Q1 2016/17
- S.4 Annual and quarterly total number of tribunals caseload outstanding by jurisdiction, as at the end of financial year and quarter, 2007/08 to Q1 2016/17

Employment Tribunal (ET)

- ET.1 Total number of receipts by jurisdiction, 2007/08 to Q1 2016/17
- ET.2 Total number of disposals by jurisdiction, 2007/08 to Q1 2016/17
- ET.3 Percentage of disposals by outcome and jurisdiction, 2007/08 to Q1 2016/17

First-tier Tribunal, Immigration and Asylum Chamber (FIA)

- FIA.1 Total number of receipts by case type, 2007/08 to Q1 2016/17
- FIA.2 Number of appeals disposed of by category and by case type, 2007/08 to Q1 2016/17
- FIA.3 Number of appeals determined at hearing or on paper, by outcome category and case type, 2007/08 to Q1 2016/17

Upper Tribunal, Immigration and Asylum Chamber (UIA)

- UIA.1 Total number of receipts by case type, 2010/11 to Q1 2016/17
- UIA.2 Number of appeals disposed of by category and by case type, 2010/11 to Q1 2016/17
- UIA.3 Number of appeals determined at hearing or on paper, by outcome category and case type, 2010/11 to Q1 2016/17

Social Security and Child Support (SSCS)

SSCS.1 Total number of receipts by benefit type, 2009/10 to Q1 2016/17

SSCS.2 Number of disposals by category and benefit type, 2009/10 to Q1 2016/17

SSCS.3 Number of disposals cleared at hearing by outcomes and benefit type, 2007/08 to Q1 2016/17

Timeliness

T.1 Cumulative percentage of clearances that took place in 2014/15 and 2015/16, by age of case at clearance

T.2 Percentage of clearances that took place in April to June 2016, by age of case at clearance

T.3 Percentage of clearances that took place in April to June 2016, by age of case at clearance, further breakdowns

Gender Recognition Panel

GRP.1 Applications received and disposed of by the Gender Recognition Panel, by outcome, 2004/05 to Q1 2016/17

GRP.2 Applications received by the Gender Recognition Panel, by type of track, Q1 2009/10 to Q1 2016/17

GRP.3 Applications disposed of by the Gender Recognition Panel, by type of track and outcome, Q1 2009/10 to Q1 2016/17

GRP.4 Gender at birth, year of birth and marital status for full Gender Recognition Certificates granted, Q1 2005/06 to Q1 2016/17

GRP.5 Interim certificates converted to full certificates, by time taken, Q1 2005/06 to Q1 2016/17

Employment Tribunal and Employment Appeal Tribunals, 2015/16

Employment Tribunal workload

E1. Claims accepted by Employment Tribunals, 2009/10 to 2015/16

E.2 All Unfair Dismissal jurisdictional complaints disposed of at a hearing, 2015/16

E.3 Representation of claimants at Employment Tribunals, 2005/06 to 2015/16

Employment Tribunal Compensation and Costs awarded

- E.4 Summary of compensation awarded, 2007/08 to 2015/16
- E.5 Compensation awarded in Tribunals – claims with Unfair Dismissal jurisdictions, 2007/08 to 2015/16
- E.6 Compensation awarded in Tribunals – claims with Race Discrimination jurisdictions, 2007/08 to 2015/16
- E.7 Compensation awarded in Tribunals – claims with Sex Discrimination jurisdictions, 2007/08 to 2015/16
- E.8 Compensation awarded in Tribunals – claims with Disability Discrimination jurisdictions, 2007/08 to 2015/16
- E.9 Compensation awarded in Tribunals – claims with Religious Discrimination jurisdictions, 2007/08 to 2015/16
- E.10 Compensation awarded in Tribunals – claims with Sexual Orientation Discrimination jurisdictions, 2007/08 to 2015/16
- E.11 Compensation awarded in Tribunals – claims with Age Discrimination, 2007/08 to 2015/16
- E.12 Costs awarded in Employment Tribunals claims, 2015/16

Employment Appeal Tribunal

- E.13 Summary of receipts and disposals at EAT, 2007/08 to 2015/16
- E.14 Cases dealt with at preliminary hearings by EAT, 2009/10 to 2015/16
- E.15 Appeals disposed of by EAT at a full hearing, 2009/10 to 2015/16
- E.16 Appeals withdrawn, 2009/10 to 2015/16

Annex B

- B.1 Change of Names of Tribunals

Employment Tribunal Fees Tables

- ETF.1 Employment Tribunal Fees - Issue fees requested, fees paid in full and remissions awarded, Q2 2013/14 to Q1 2016/17
- ETF.2 Employment Tribunal Fees - Hearing fees requested, fees paid in full and remissions awarded, Q2 2013/14 to Q1 2016/17
- ETF.3 Employment Tribunal Fees - Fully or partially granted remissions on single cases, Q2 2013/14 to Q1 2016/17

ETF.4 Employment Tribunal Fees - Employment Appeal Tribunal, Q2 2013/14 to Q1 2016/17

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 June 2016
- C.2 Monthly Total Number of Employment Tribunal Receipts by Jurisdiction, January 2012 to June 2016
- C.3 Monthly Total Number of Employment Tribunal Receipts by Region, January 2012 to June 2016
- C.4 Monthly Total Number of Employment Tribunal Receipts by Jurisdiction and by Region, January 2013 to June 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

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

As a result of the Underhill Review of Employment Tribunal Rules (see Introduction), three new outcome types (Table ET.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 29th 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 Conciliation¹⁹. 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

¹⁹ 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 HMCTS²⁰.

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

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 visitor²¹. 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.

Immigration Act 2014

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,

²⁰ Introduced October 2014

²¹ www.legislation.gov.uk/uksi/2012/1532/pdfs/uksi_20121532_en.pdf

the Immigration Act was implemented in full for decisions made both in the UK and overseas.

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.

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

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/

For information on Tribunal judgements please see:

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

For Additional Support Needs Tribunals in Scotland please see:

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/

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

Employment Tribunals

In 2013, the Department for Business, Innovation and Skills (BIS) 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

A further ad hoc analysis of the findings from the 2013 survey of employment tribunal applications published by BIS can be found here:

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

First-tier Tribunal (Mental Health)

For more information about applications and outcomes against detention and community orders under the Mental Health Act (2014/15), please see:

http://www.cqc.org.uk/sites/default/files/20151207_mhareport2014-15_full.pdf

Contacts

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

Sebastian Walters (MoJ)

Tel: 020 3334 3529

Email: Sebastian.Walters@justice.gsi.gov.uk

Camilla Marshall (HMCTS)

Tel: 020 3334 3531

Email: 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

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

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

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