



## Tribunals and Gender Recognition Statistics Quarterly, January to March 2017 (provisional)

Including annual (2016/17) Adjournments and Postponements, and  
Judicial Salaried and Fee-paid Sitings

### Main points

**Increase in overall  
volumes of receipts,  
disposals and caseload  
outstanding**



Her Majesty's Courts & Tribunals Service (HMCTS) recorded an **increase in receipts, disposals and caseload outstanding** in this quarter when compared to the same quarter in 2016, up 22%, 10% and 17% respectively. **Driven by the SSCS tribunal.**

**ESA and PIP continue to  
drive SSCS appeal  
increases**



**Caseload outstanding** for Social Security and Child Support (SSCS) appeals **increased by 81%**, to 96,800 at the end of March 2017. Receipts and disposals were also **up, 67% and 17% respectively**, when compared to January to March 2016.

**FTTIAC receipts  
continue to fall**



In January to March 2017, First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) **receipts fell** by 33% (to 11,600) compared to the same period in 2016 while **disposals increased** by 38% (to 18,800) leading to a fall in caseload outstanding.

**Receipts increased and  
disposals decreased for  
both single and multiple  
claims to Employment  
Tribunals, leading to an  
increase in caseload  
outstanding**



Single cases – this quarter **receipts increased 4%**, **disposals decreased 5%** and **mean age at disposal increased by 1 week** to 29 weeks, compared to the same period in 2016



Multiple cases – **receipts increased by 7%**, **disposals decreased 19%**, and **mean age at disposal increased to 206 weeks** (an increase of 20 weeks) in the same period.

This publication gives tribunals and gender recognition certificate statistics for the latest quarter (January to March 2017), compared to the same period the previous year alongside annual data for 2016/17. Additional annual chapters on Adjournments and Postponements, and Judicial salaried and fee-paid sitings are included. For technical detail about data sources, quality, policy changes and terminology, please refer to the accompanying guide to tribunal statistics.

**We have changed how our quarterly bulletins look, and would welcome any  
feedback to [commentary.champions@justice.gsi.gov.uk](mailto:commentary.champions@justice.gsi.gov.uk)**

For other feedback related to the content of this publication, please let us know at  
[CAJS@justice.gsi.gov.uk](mailto:CAJS@justice.gsi.gov.uk)

# 1. Overview of Tribunals

## 134,300 receipts and 105,000 disposals recorded by HMCTS

Her Majesty's Courts & Tribunals Service (HMCTS) recorded an **increase in receipts, disposals and caseload outstanding** in this quarter when compared to the same quarter in 2016, **up 22%, 10% and 17% respectively**. **Driven by the SSCS tribunal**.

This summary bulletin focuses mainly on the three largest tribunals as they make up the majority (**83%**) of tribunal **receipts**. These are;

- Social Security and Child Support (SSCS) - **51%** of receipts
- Employment Tribunal (ET) – **23%** of receipts.
- First Tier Tribunal Immigration and Asylum Chamber (FTTIAC) – **9%** of receipts

**Figure 1: Receipts, disposals and caseload outstanding<sup>1</sup> for all tribunals (Source: Table S.2-4)**

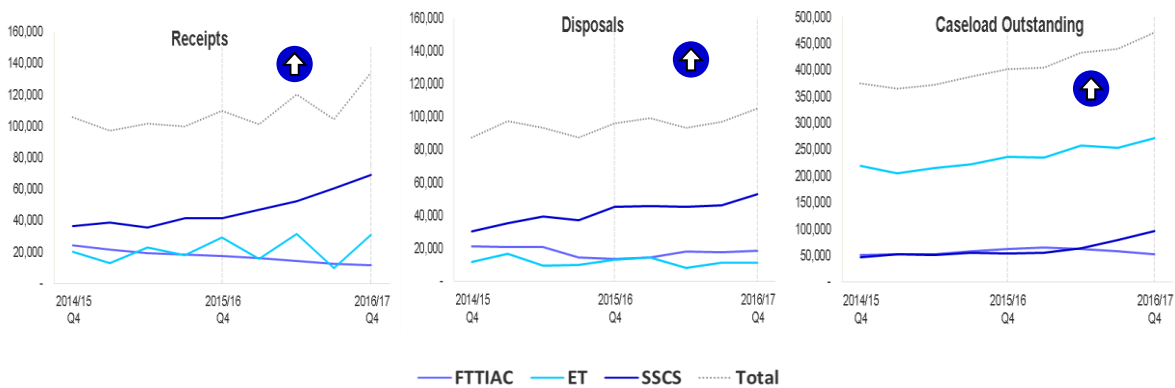


Figure 1 shows trends in receipts, disposals and caseload outstanding over the last 3 years for the main tribunals and overall. In January to March 2017, SSCS drove the increase in overall receipts, disposals and caseload outstanding. Tribunal receipts increased by 22% as a result of a 67% increase in SSCS receipts. FTTIAC receipts on the other hand fell by 33% while ET receipts increased by 6%. Overall, tribunals disposed of 10% more cases this quarter, compared to January to March 2016. This was driven by a 38% and 17% increase in FTTIAC and SSCS disposals respectively.

Of the remaining 32 tribunal jurisdictions, mental health is the largest (accounting for 6% of all tribunal receipts), with 8,421 receipts and 8,438 disposals in January to March 2017 (up 2% and 3% respectively when compared to January to March 2016).

Overall caseload outstanding increased by 17%, from 401,316 (as at 31 March 2016) to 470,527 (as at 31 March 2017), again driven by SSCS cases outstanding which increased 81% to 96,768.

Annual figures for 2016/17 reflect the trends seen in the latest quarter with increases across receipts and disposals - up 13% (to 459,600) and 6% (to 394,000) respectively, driven by increases at the SSCS.

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

## 2. Social Security and Child Support

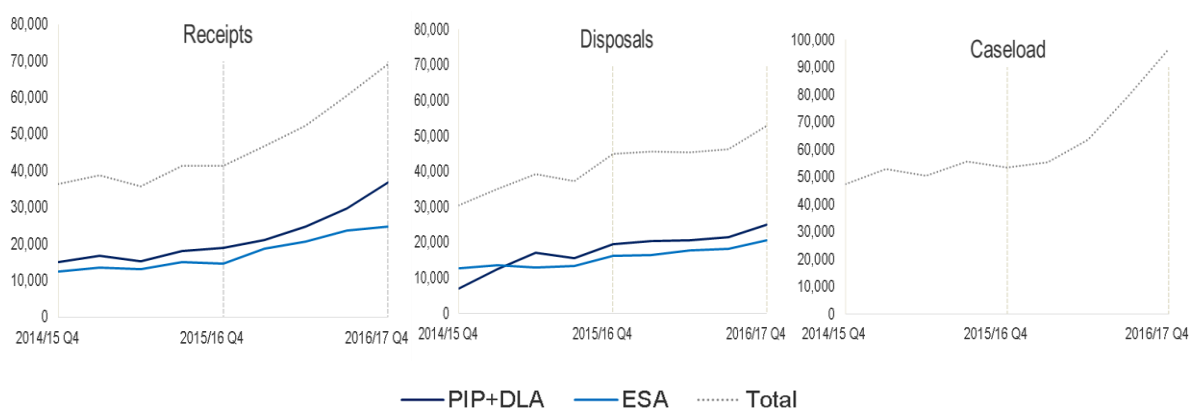
### ESA and PIP continue to drive SSCS appeal increases

**Caseload outstanding** for Social Security and Child Support (SSCS) appeals **increased** by 81%, to 96,800 at the end of March 2017. **Receipts** and **disposals** were also **up**, 67% and 17%, when compared to January to March 2016

### 83% of disposals were cleared at hearing with a 64% overturn rate

Of the 52,780 **disposals** in January to March 2017, 83% were **cleared** at a hearing and of these, **64%** had the initial decision **revised in favour of the claimant** (up from 56% in the same period in 2016).

**Figure 4.1: Social Security and Child Support receipts, disposals and caseload outstanding, Q1 2009/10 to Q4 2016/17 (Source: Table S.2 – S.4)**



The number of SSCS appeals has been increasing since April to June 2014. In January to March 2017, 69,047 appeals against decisions were received, up 67% compared with the same period in 2016. This increase is driven by increases seen in ESA and PIP appeals which account for 86% of all SSCS appeals in this quarter.

ESA and PIP also make up the majority of SSCS disposals, with 39% and 44% of total disposals respectively. Disability Living Allowance (DLA) is gradually being replaced by PIP and comprises 3% of total disposals, down from 5% in the same quarter of 2016.

The number of disposals has gradually increased alongside receipts. In January to March 2017, 52,780 cases were disposed, up 17% when compared with the same period in 2016. Of these disposals, 43,842 (83%) were cleared at hearing and of these 64% were found in favour of the customer. This overturn rate varied by benefit type, with PIP having 64% in favour of the customer, ESA - 70%, DLA - 61% and Job Seekers Allowance - 41%.

There were 96,768 SSCS cases outstanding at the end of March 2017, up 81% compared to the same period in 2016. This has been driven by an increase in appeal receipts. Of those cases disposed of by SSCS in January to March 2017, the mean age of a case at disposal was 17 weeks, 1 week less than the same period in 2016.

Annual receipts have increased 45% (to 228,645) on 2015/16. This is driven by a 57% and 69% increase in ESA and PIP receipts. There has been an annual increase in disposals - total disposals were up 21%, driven again by increases of 30% and 44% within the two largest categories - ESA and PIP respectively.

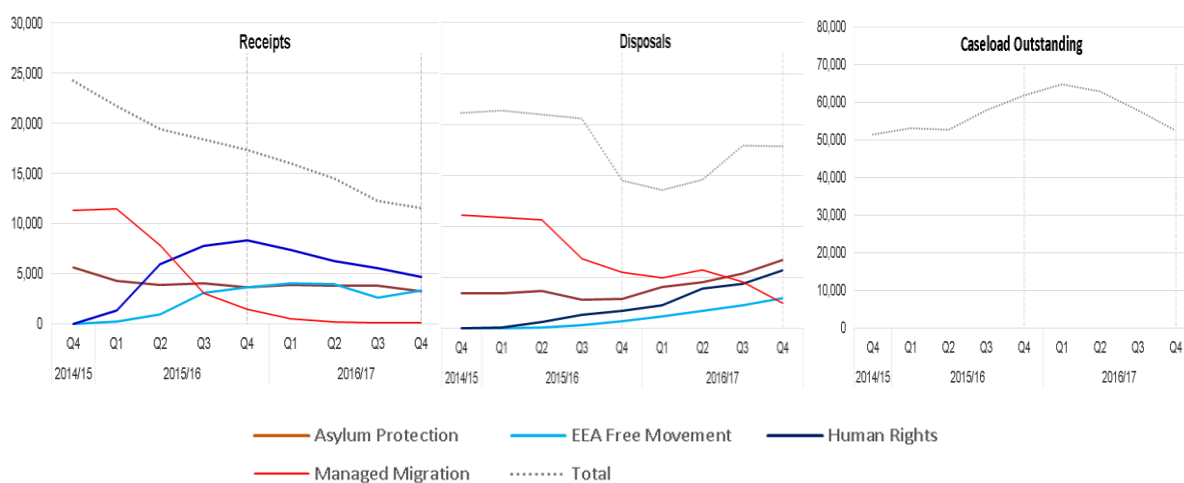
### 3. Immigration and Asylum

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

In January to March 2017, there were **11,603 receipts** in the **FTTIAC**, **down 33%** on the same period in 2016. Continuing the **decline** seen following the introduction of the Immigration Act 2014.

**Disposals** have **increased** from 13,585 to 18,751, **up 38%** on the same period in 2016. **Caseload outstanding** has **fallen 15%** compared to the same period in 2016, continuing the decline seen since the peak in April to June 2016.

**Figure 3.1: First-tier Tribunal, Immigration and Asylum Chamber receipts, disposals and caseload outstanding, Q4 2014/15 to Q4 2016/17 (Source: Tables FIA.1 and FIA.2)**



The Immigration Act 2014 tribunal categories (Human Rights, EEA Free Movement (EEA) and Asylum/Protection (AP)) make up the majority (97%) of the FTTIAC new receipts (41%, 29% and 28% respectively).

HR receipts decreased 44% compared to January to March 2016 (8,366 to 4,710), and proportionally represents 41% of all FTTIAC receipts (down from 48%). EEA receipts also decreased by 9% (3,624 to 3,313), but proportionally increased from 21% to 29% of all FTTIAC receipts. Asylum/Protection receipts decreased by 10%, but increased from 21% to 28% of all FTTIAC receipts.

The FTTIAC disposed of 18,751 appeals, up 38% on January to March 2016. 18% of First-tier disposals are comprised of pre-Immigration Act categories, of which Managed Migration accounts for 13% of all disposals.

Of the disposals made in the FTTIAC, 79% (14,882) were determined i.e. a decision was made by a judge at a hearing or on the papers<sup>2</sup>; 15% were withdrawn; 3% were invalid or out of time, and 2% were struck out. Of the 14,882 determined, 42% were allowed/granted, and this was similar across the new IA 2014 categories (from 38% for Asylum/Protection to 48% for Human Rights).

Of the three main appeal categories; the majority are disposed of within a year of receipt.

<sup>2</sup> Paper cases are considered in chambers on the basis of the evidence submitted by both parties rather than at an oral hearing

Total average **overall timeliness** across all categories has **increased by 5 weeks to 45 weeks**, this is due to older categories increasing the average timeliness.

Of the three main appeal categories, average timeliness is lower at around 29 to 38 weeks, with Human Rights at 49 weeks.

Annual figures for the FTTIAC show a 29% decrease in receipts, while disposals decreased by 1% compared to the previous year. Annual figures for 2016/17 for the main jurisdictions show an increase in receipts for EEA and HR of 76% and 2% respectively, while AP receipts decreased 7% compared to the previous year.

Cases allowed or granted through determination at hearing or on paper, have increased from 39% to 43% from 2015/16 to 2016/17. Disposals rose for each case category by 62% for AP and more than 4 times for Human Rights and 7 times for EEA compared to 2015/16. This is largely due to increasing numbers of cases received compared to the earlier period. For the legacy case categories, declining receipts and disposal are driven by reducing numbers of cases that remain within the outstanding caseload.

For the UTIAC, receipts increased 19% (to 1,568) and disposals are down 30% (to 1,770). Asylum/Protection accounted for the majority (38%) of UTIAC receipts. Managed Migration, one of the phased out categories, accounted for the second largest proportion of UTIAC receipts and disposals in January to March 2017 (with 35% of receipts and 41% of disposals). However Managed Migration receipts and disposals were down 20% and 47% respectively on January to March 2016, demonstrating the gradual phasing out of this case type.

UTIAC annual receipts and disposals for 2016/17 have fallen overall by 21% and 8% respectively, this trend is reflected in all categories except Human Rights and Deprivation of Citizenship which have been increasing.

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### **UTIAC Immigration and Asylum Judicial Reviews**

In January to March 2017, there were 3,074 Immigration and Asylum **Judicial Review receipts** and 3,475 **disposed** of at the **UTIAC, down 13% and 26% respectively** on January to March 2016.

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Of the 3,475 Immigration and Asylum Judicial Reviews disposed of in the UTIAC in January to March 2017, 70% were determined and 2% were transferred to the Administrative Court (the remaining 28% were in an 'other category', which included cases where no fee was paid, were withdrawn or not served) (see table UIA.2).

During January to March 2017, 2,824 Judicial Review applications were determined by paper hearing, of which 226 (8%) were allowed to continue to the substantive hearing stage. A further 541 were reconsidered at an oral renewal, of which 130 (24%) were allowed to continue to the substantive hearing stage. There were 81 substantive hearings which were determined in January to March 2017, of which 22% were granted in favour of the appellant (see table UIA.3).

In 2016/17, there were 13,372 UTIAC Judicial Review receipts and 13,776 disposals, down 15% and 28% respectively on 2015/16.

## 4. Employment Tribunals

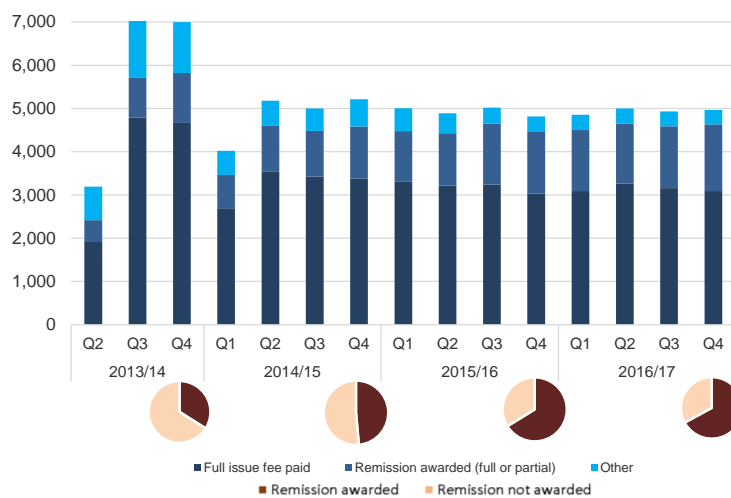
### Employment Tribunal Fees

63% of **remission applications** for issue fees were granted in January to March 2017 – **down** from 66% in January to March 2016.

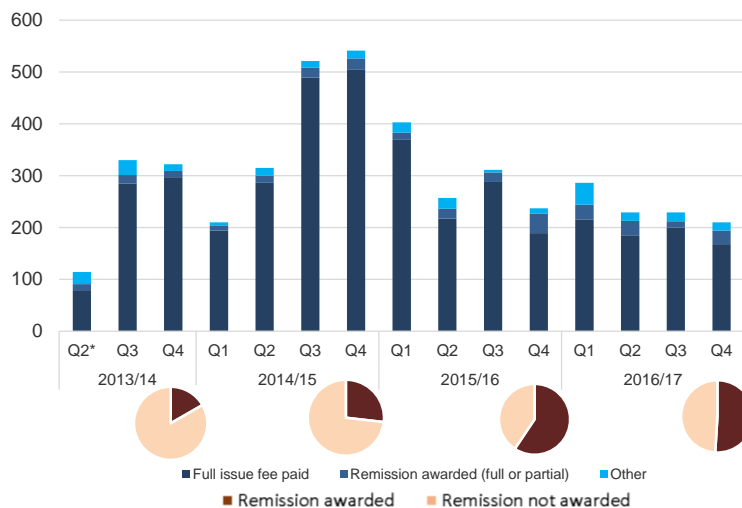
The **average number of days to payment** has stayed the **same** for **issue fees** (2.5 days) but **increased** by over 9 days (to 72 days) for **hearing fees**.

In January to March 2017, there were 5,179 ET issue fees requested. Of these, 3,260 (63%) had the full issue fee paid outright whilst 1,478 (29%) were awarded either a full or partial remission. The vast majority of these issue fees requested were for single claims (as opposed to multiple claims).

**Figure 2.1: Fees Issued, remissions applied for and remissions awarded for single cases (Source: Table ETF.1)**



**Figure 2.2: Fees Issued, remissions applied for and remissions awarded for multiple cases (Source: Table ETF.1)**



For hearing fees, 3,316 were requested in January to March 2017 and 586 of these requests (18%) had the full hearing fee paid outright, taking on average 72 days for payment to be made from the date the fee was requested. 488 of these requests (15%) were awarded either a full or partial remission. This data will be updated next quarter when more time has lapsed for outcomes to be recorded.

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### Employment tribunal single cases

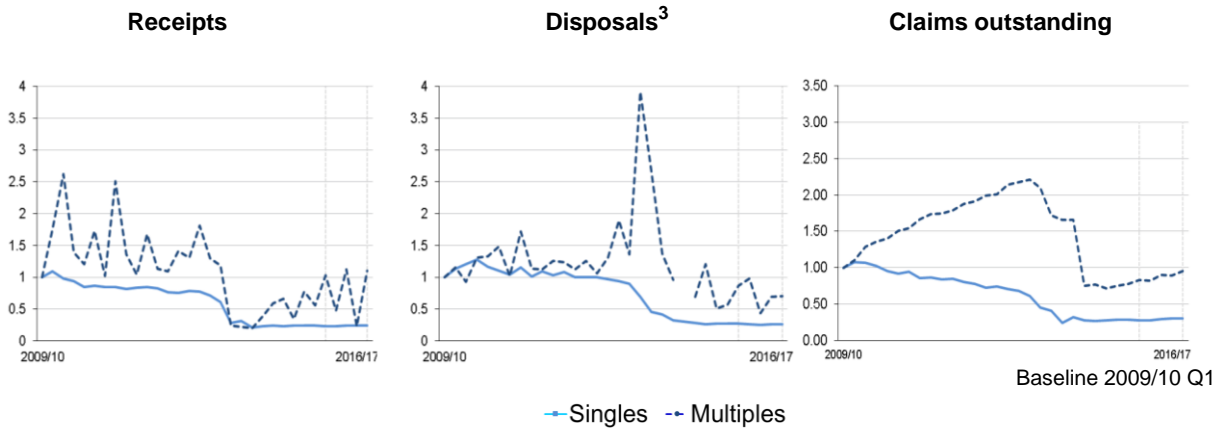
In January to March 2017, **receipts increased 4%** and **disposals decreased by 5%**, which **drove a 10% increase** in single case **caseload outstanding**. **Mean age at disposal increased** by 1 week to 29 weeks, compared to the same period in 2016.

### Employment tribunal multiple cases

**Receipts increased by 7%**, **disposals decreased 19%**, and **mean age at disposal increased to 206 weeks** (an increase of 20 weeks) over the same period.

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**Figure 2.3: Index of Employment Tribunals single & multiple claim receipts, disposals & claims outstanding, Q4 2009/10-Q4 2016/17 (Source: Table S.2-4)**



There were 4,291 single claims received in January to March 2017, up 4% on the same period of 2016. Since Q2 2014/15 single claim receipts have remained relatively stable, with around 4,300 claims per quarter.

There were 26,861 multiple claims received this quarter, an increase of 7% on the same period last year. Multiple claims tend to be more volatile as they can contain a high number of claims against a single employer. The multiple claims related to 215 multiple claim cases (an average of 125 claims per multiple case) - down 23% from 281 cases with an average of 90 claims per case).

The Employment Tribunal disposed of 11,314 claims during January to March 2017, down 15% on the same period in 2016. This was driven by a 19% decrease in multiple claims disposals, which make up two-thirds of all disposals. The multiple claims relate to 190 multiple claim cases, down 12% on January to March 2016. Single claim disposals also decreased over the same period (down 5%). In January to March 2017, 28% of jurisdictional complaints disposed were Acas conciliated settlements, 11% were withdrawn, and 8% were successful at hearing. The most common jurisdictional complaint disposed of was 'Equal Pay'.

The total caseload outstanding for Employment Tribunals at the end of March 2017 was 272,032, the majority (96%) relating to multiple claims.

Annual 2016/17 figures for Employment Tribunals show a 7% increase in receipts (1% and 8% increases for single and multiple claims respectively), and a 9% decrease in disposals (4% and 11% increases for single and multiple claims respectively).

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<sup>3</sup> Peak in Q3 2013/14 is due to a large multiple airlines case relating to the Working Time Directive



## 5. Gender Recognition Certificate

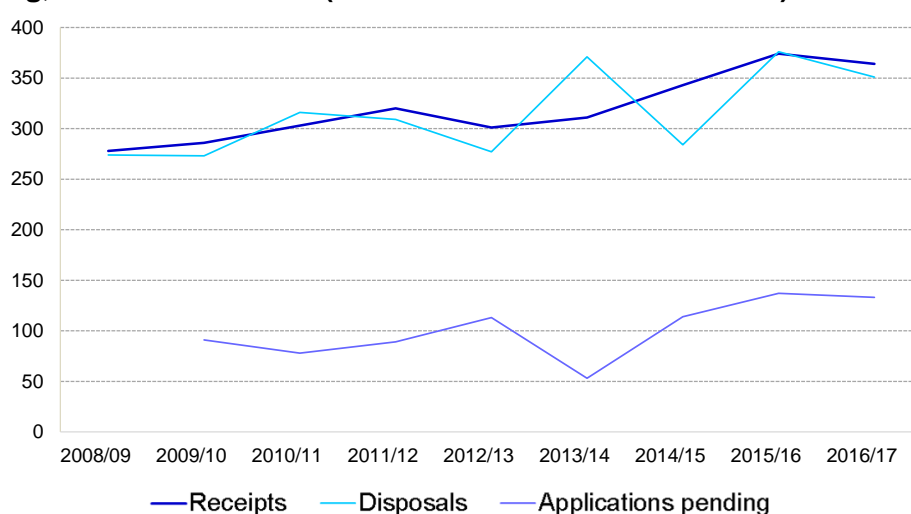
### 112 GRP applications received, 64 disposed of and 133 pending by March 2017

Of the 64 applications disposed of, a full Gender Recognition Certificate (GRC) was granted in 88% of cases, the same proportion granted in the same period in 2016.

No interim certificates were converted into full GRC this quarter. Since April 2005/06, two thirds of interim certificates (129 of the 194) were converted into full GRC, 57% of which were within 30 weeks.

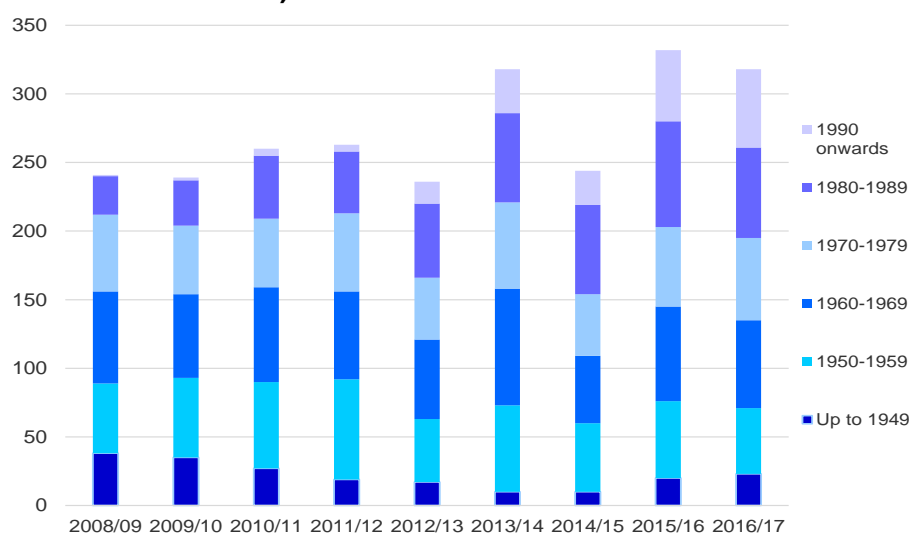
Over the long-term the number of receipts and disposals has been gradually increasing, although the increases seen in receipts have been greater than disposals, and in the most recent two years this has reflected an increase in applications pending.

**Figure 5.1: Applications for Gender Recognition Certificates received, disposed of and pending, 2008/09 to 2016/17 (Source: Table GRP.1 and GRP.2)**



In January to March 2017, 56 full certificates were granted, of which 4 were married and 50 were single (the marital status for the remaining 2 applicants were 'other'). 42 (75%) of the individuals with full certificates granted were registered male at birth and 14 (25%) were registered female at birth. The age breakdown of individuals with full certificates granted over time is given below, by the year of birth.

**Figure 5.2: Full Gender Recognition Certificates granted by year of birth, 2008/09 to 2016/17 (Source: Table GRP.4)**





## 6. Adjudgments and Postponements

**Adjudgments have increased by 15% in 2016/17 compared to the previous year driven by a 20% rise in SSSC adjudgments, which represent the majority (71%) in 2016/17**

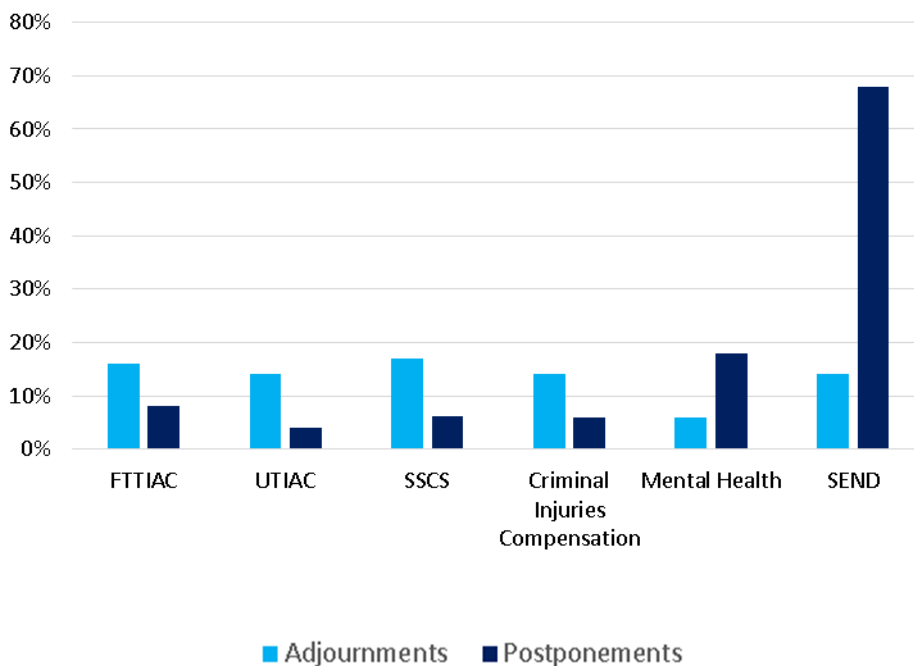
SSSC adjudgments increased from 28,256 in 2015/16 to 33,973 in 2016/17 but the percentage of listed hearings adjourned remained at 17%.

### **Postponements decreased 4% in 2016/17**

This reflects the majority of jurisdictions decreasing from 2015/16, except for Mental Health and Special Educational Needs and Disability (SEND) tribunals, where an increase in the number of postponements was seen.

Social Security and Child Support tribunals had the largest number of adjournments (33,973) which accounted for 17% of SSSC listed hearings (the same proportion as in 2015/16). The jurisdiction with the smallest proportion of adjournments was Mental Health, where 6% of listed hearings were adjourned.

**Figure 6: Percentage of listed hearings Adjourned and Postponed by jurisdiction, 2016/17 (Source: Table APJ.1)**



SEND tribunal had the largest number of postponements as a proportion of listed hearings – 68% of its listed hearings were postponed compared to 72% in 2015/16. SEND postponements have been increasing year on year, increasing by 57% (from 925 to 1,454) from 2015/16 to 2016/17.

The smallest proportion of postponements in 2016/17 was in the Upper Tribunal Immigration and Asylum Chamber, where 4% of listed hearings were postponed (the same proportion as 2015/16).

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

### Increase in SSCS judicial sittings<sup>4</sup> and whilst remaining a significant proportion of all judicial sittings, Mental Health judicial sitting days fell slightly

In 2016/17 there were 70,921 SSCS judicial sittings, up 22% (from 58,115) in 2015/16. In the same period, Mental Health judicial sitting days fell 3% to 49,515.

### The majority of sittings in the Mental Health and SSCS tribunals were fee-paid (91% and 80% respectively), whereas the majority of sitting days in the Employment tribunal were salaried (92%).

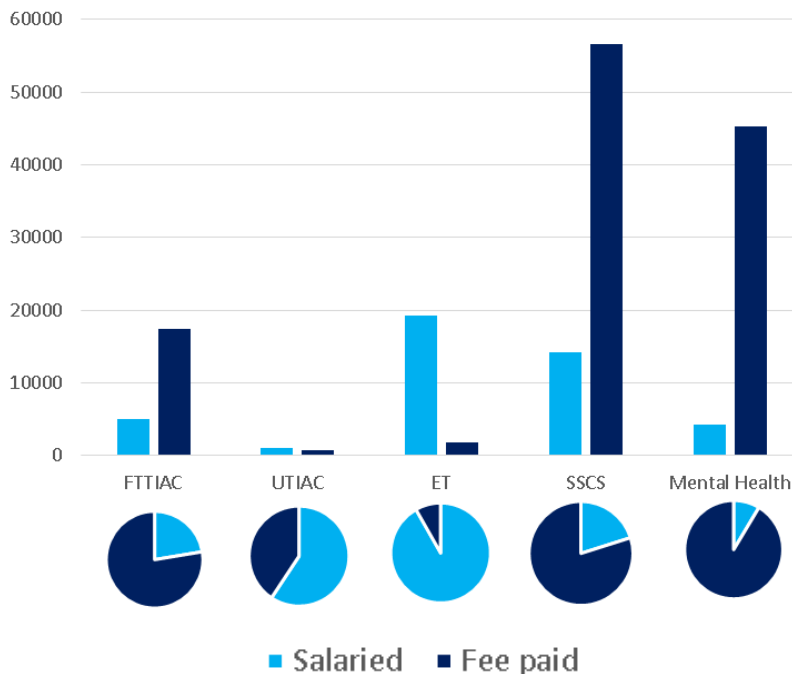
Salaried sittings fell from 31% to 22% for FTTIAC, and from 25% to 20% for SSCS between 2015/16 and 2016/17.

The proportion of salaried to fee-paid judicial sittings at the Mental Health Tribunal remained at 9% to 91% respectively - these proportions have been stable since 2013/14.

Employment Tribunals have seen gradually decreasing numbers of judicial sitting days, down 15% on 2015/16. The proportion of salaried sittings has been increasing gradually from 67% in 2013/14 to 92% in 2016/17.

The average proportion of salaried to fee-paid judicial sittings across all 'other' tribunals is 40% to 60% respectively for 2016/17, up from 35% and 65% in 2015/16.

**Figure 7: Judicial Salaried and Fee-paid Judicial Sittings, 2016/17 (Source: Table JSFP.1 & JSFP.2)**



<sup>4</sup> For SSCS, judicial sittings relate to half-day sessions and therefore the SSCS figures are not comparable to the other tribunal sitting days

## Further information

### Provisional data and revisions

As part of an annual data reconciliation exercise, the quarterly data for April to December 2016 have been refreshed and figures revised accordingly. Final revised data for January to March 2017 will be published in September 2017. If revisions are needed in the subsequent year, these will be clearly annotated in the tables.

### Rounding convention

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

### Accompanying files

As well as this bulletin, the following products are published as part of this release:

- A supporting document providing further information on how the data is collected and processed, as well as information on the revisions policy and legislation relevant to trends and background on the functioning of the tribunal system.
- A set of overview tables, covering each section of this bulletin and two additional sets of tables on Employment Tribunals (for ET Fees and ET Management information)
- A set of CSV files including data on each of the three large tribunals (SSCS, Employment and Immigration and Asylum) and an overall receipts and disposals CSV, covering all tribunal types.

### Contact

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

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**Next update: 14 September 2017**

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