












## Tribunal Statistics Quarterly, April to June 2019 (Provisional)

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

### Main points

This publication gives tribunals statistics for the latest quarter (April to June 2019, Q1 2019/20), compared to the same quarter the previous year. For technical detail about data sources, quality, policy changes and terminology, please refer to the accompanying guide to tribunal statistics.

<p><b>Overall volumes of receipts and disposals have decreased, and caseload outstanding has increased</b></p>	 	<p>Her Majesty's Courts &amp; Tribunals Service (HMCTS) recorded a <b>decrease of 24% and 6%</b> in <b>receipts</b> and <b>disposals</b> in April to June 2019, driven by multiple claim Employment Tribunals (ET). Caseload outstanding increased by 3%</p>
<p><b>SSCS receipts and caseload outstanding continued to decrease, while disposals remained stable</b></p>	 	<p>Social Security and Child Support (SSCS) <b>receipts</b> and <b>caseload outstanding decreased</b> (by 14% and 12% respectively), driven by decreases in Personal Independent Payment (PIP) and Employment Support Allowance (ESA) benefit appeals.</p>
<p><b>FTTIAC receipts and disposals continue to fall</b></p>		<p>First-Tier Tribunal Immigration and Asylum Chamber (FTTIAC) <b>receipts, disposals</b> and <b>caseload outstanding fell</b> compared to the same period in 2018 (by 17%, 12% and 33% respectively).</p>
<p><b>Single ET claims received continue to rise following the abolition of ET fees</b> <b>The trend in multiple claims is volatile</b></p>	 	<p><b>Single</b> Employment Tribunal (ET) <b>receipts</b> and <b>caseload outstanding increased</b>, by 14% and 19% respectively, compared to a year ago, while <b>disposals decreased</b> by 3% over the same period. <b>Multiple ET receipts</b> and <b>disposals decreased</b> over the same period, by 57% and 38% respectively.</p>
<p><b>22,000 ET fee refund payments have been made as at 30 June 2019</b></p>		<p>From the launch of the <b>ET fee refund scheme</b> to 30 June 2019, there were <b>22,100 applications</b> for <b>refunds received</b> and <b>22,000 refund payments made</b>, with a total value of <b>£17.6m</b>.</p>
<p><b>Annual discrimination compensation and costs awarded figures published</b></p>		<p>In 2018/19, <b>disability discrimination</b> claims received the <b>largest average award</b> (£28,000) compared to other discrimination jurisdictions. The <b>highest maximum award</b> in 2018/19 was for <b>Unfair Dismissal</b>, at £948,000.</p>

# 1. Overview of Tribunals

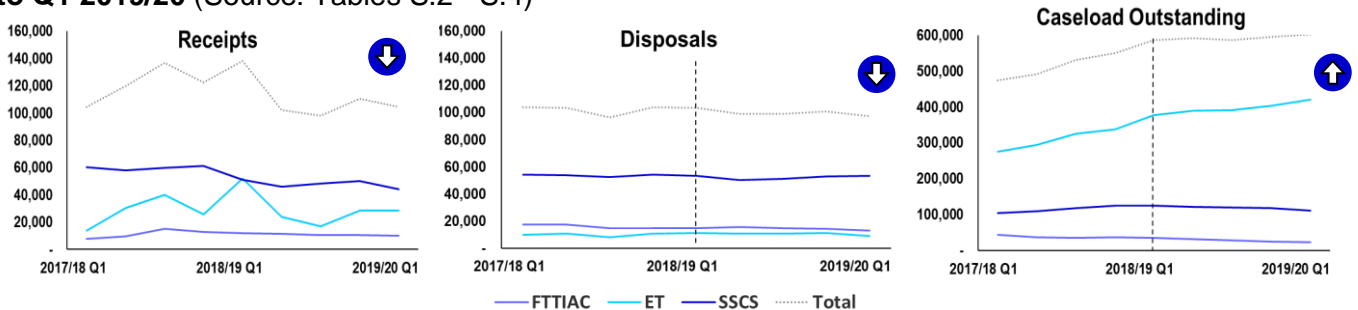
## 104,000 receipts and 97,000 disposals recorded by HMCTS this quarter

In April to June 2019, HMCTS recorded a 24% and 6% **decrease** in **receipts** and **disposals** respectively, when compared to the same quarter in 2018. **Caseload outstanding** continued to **increase**, up 3% (to 602,000) over the same period.

This summary bulletin focuses mainly on the three largest tribunals as they make up the majority (**79%**) of tribunal **receipts** in April to June 2019. These are:

- Social Security and Child Support (SSCS) – **42%** of receipts
- Employment Tribunal (ET) – **27%** 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, Q1 2017/18 to Q1 2019/20** (Source: Tables S.2 - S.4)



The charts above show the trends in receipts, disposals and caseload outstanding over the last three years for the three main tribunals and all tribunals overall. In April to June 2019, overall receipts decreased 24% compared to April to June 2018, driven by decreases in ET and SSCS of 45% and 14%, to 29,000 and 44,000 receipts respectively. Over the past four quarters, overall receipts initially declined from Q2 2018/19 to Q3 2018/19, then rose in Q4 2018/19, before falling again this quarter.

Overall, HMCTS tribunals disposed of 6% fewer cases in April to June 2019 (97,000 disposals), compared to April to June 2018. ET and FTTIAC disposed of 20% and 12% fewer cases in the same period respectively. The SSCS tribunal (which makes up over half of all tribunal disposals) remained stable.

There were 602,000 cases outstanding at the end of June 2019, up 3% compared to a year ago. This was driven by a 12% increase in ET caseload outstanding (which makes up over two thirds of all HMCTS outstanding caseload), which has been increasing since the abolishment of ET fees.

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

## 1. Social Security and Child Support

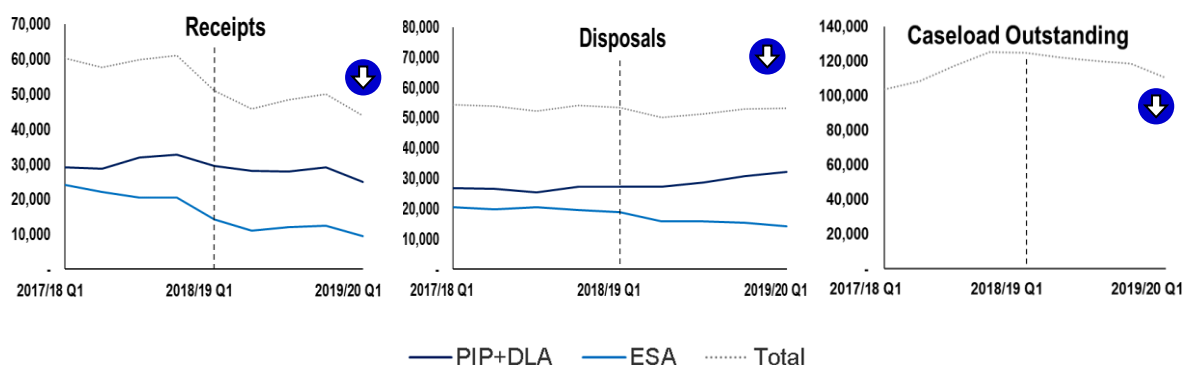
### SSCS receipts continue to decrease, while disposals remained stable

Social Security and Child Support **receipts** and **caseload outstanding** have **decreased** when compared to April to June 2018, by 14% and 12% respectively. **Disposals** have remained stable over the same period.

### 73% of disposals were cleared at hearing with a 71% overturn rate

Of the 53,000 **disposals** in April to June 2019, **73%** were **cleared at a hearing** and of these, **71%** had the initial decision **revised in favour of the claimant** (up from 67% in the same period in 2018).

**Figure 2: Social Security and Child Support receipts, disposals and caseload outstanding, Q1 2017/18 to Q1 2019/20** (Source: Tables SSCS.1, SSCS.2 and S.4)



SSCS tribunal receipts decreased by 14% this quarter to 44,000 appeals, when compared to April to June 2018. This was driven by Employment Support Allowance (ESA) and Personal Independence Payments (PIP), which have decreased by 35% and 15% respectively, compared with a year ago. ESA and PIP appeals accounted for 21% and 52% of all SSCS receipts respectively in April to June 2019. Within the last year, SSCS receipts initially rose – from 46,000 in Q2 2018/19 to 50,000 in Q4 2018/19, before falling in Q1 2019/20 (to 44,000).

PIP also made up over half of SSCS disposals (55%), a proportion that has been steadily rising over the last year. In April to June 2019, there were 53,000 SSCS cases disposed of, remaining stable when compared with the same period in 2018. Like receipts, SSCS disposals rose between Q2 2018/19 and Q4 2018/19 (from 50,000 to 53,000).

Of the disposals made by the SSCS Tribunal, there were 39,000 (73%) cleared at hearing, and of these 71% were found in favour of the customer (up from 67% on the same period in 2018). This overturn rate varied by benefit type, with ESA and PIP at 75%, Disability Living Allowance 67% and Universal Credit 65%. ESA and PIP have driven the overall increase in the overturn rate, both having risen four percentage points on April to June 2018.

There were 110,000 SSCS cases outstanding at the end of June 2019, down 12% compared to the same period in 2018. This continues the fall that began last quarter (when comparing to the previous year), reversing the rising trend seen since Q4 2014/15. Since Q4 2017/18, caseload outstanding has been gradually decreasing (from a peak of 125,000), reversing the consistent rising trend seen since Q4 2015/16.

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

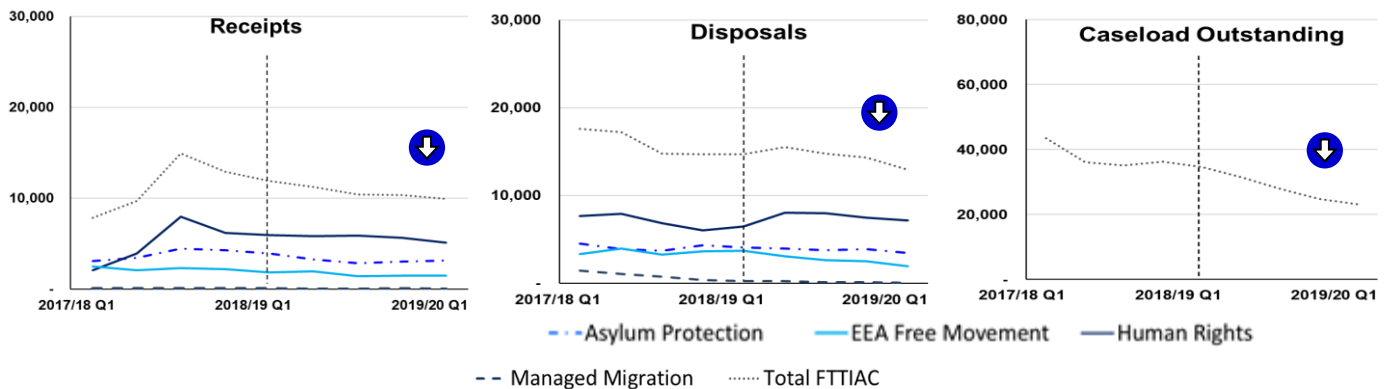
## 2. Immigration and Asylum

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

In April to June 2019, FTTIAC **receipts** and **disposals** **decreased** by 17% (to 9,900) and 12% (to 13,000) respectively, compared to the same period in 2018.

In the same period, **caseload outstanding** **decreased** by 33% (to 23,000), continuing the downward trend seen since the peak in April to June 2016, due to the volume of disposals being consistently higher than that of receipts since this peak.

**Figure 3: First-tier Tribunal Immigration and Asylum Chamber receipts, disposals and caseload outstanding, Q1 2017/18 to Q1 2019/20** (Source: Tables FIA.1, FIA.2, S.4)



In April to June 2019, Human Rights (HR) receipts proportionally represented 51% of all FTTIAC receipts (up from 50% a year ago), and they, along with Asylum/Protection (AP), drove the overall downward trend in FTTIAC receipts. HR and AP receipts have decreased by 17% (to 5,100) and 26% (to 3,100) in April to June 2019 respectively, compared to the same period in 2018. AP proportionally represented 32% of all FTTIAC receipts (down from 33% a year ago).

EEA Free Movement receipts also decreased this quarter (by 34%, to 1,500 appeals) when compared to the same period in 2018. EEA proportionally represented 15% of all FTTIAC receipts (stable compared to a year ago).

The FTTIAC disposed of 13,000 appeals in April to June 2019, a 12% decrease on the same period in 2018. This fall was driven by a 47% and 15% fall in EEA and AP. HR appeals rose 11% over the same period. As with receipts, Human Rights appeals continue to make up the largest proportion (56%) of all FTTIAC disposals in April to June 2019, up from 44% a year ago.

Of the disposals made in the FTTIAC this quarter, 77% were determined i.e. a decision was made by a judge at a hearing or on the papers; 19% were withdrawn; 2% were invalid or out of time, and 2% were struck out for non-payment of the appeal fee. Just over half (52%) of the 9,900 cases determined at a hearing or in papers were allowed/granted, although this varied by case type (49% of Asylum/Protection and EEA Free Movement and 55% of Human Rights appeals were allowed/granted).

In the FTTIAC, the mean time taken to clear appeals across all categories has decreased by six weeks to 36 weeks this quarter compared to the same period a year ago. Asylum/Protection took the least time to clear with 28 weeks, whilst Human Rights and EEA had mean times taken of 37 weeks and 38 weeks respectively.

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## **Upper Tribunal Immigration and Asylum Chamber (UTIAC)**

In April to June 2019, UTIAC **receipts, disposals** and **caseload outstanding** all **decreased**, by 41%, 21% and 46% respectively, when compared to the same period in 2018.

UTIAC **judicial review receipts and disposals** continue to **fall** - down 20% and 5%, to 1,700 and 2,300 respectively, compared to April to June 2018.

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At the UTIAC, there were 1,300 appeal receipts in April to June 2019, down 41% on the same period in 2018. HR and EEA receipts drove the decrease in receipts, falling 44% and 60% to 590 and 100 appeals respectively. AP cases also fell over the same period by 14% to 520 receipts. Legacy appeal types – Managed Migration, Entry Clearance and Family Visit Visa – continued to fall and now make up only 1% of all UTIAC receipts (down from 8% in April to June 2018).

Over the same period, UTIAC disposals decreased 21% to 1,800. Although UTIAC disposals have decreased in the last year, they have however fluctuated within the year, first falling from 1,900 in Q2 2018/19 to 1,800 in Q3 2018/19, then rising to 2,300 in Q4 2018/19, before falling again this quarter.

At the end of June 2019, the UTIAC caseload outstanding stood at 1,500, a 46% decrease on the end of June 2018.

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

In April to June 2019, there were 1,700 Immigration and Asylum Judicial Review receipts and 2,300 disposals, down 20% and 5% respectively on April to June 2018.

Of the 2,300 Immigration and Asylum Judicial Reviews disposed of in the UTIAC in April to June 2019, 65% were determined and 2% were transferred to the Administrative Court. The remaining 33% were in the 'Other' category, which includes cases that were withdrawn or not served (see table UIA.2).

During April to June 2019, 1,900 Judicial Review applications were determined by paper hearing, of which 9% were allowed to continue to the substantive hearing stage. A further 465 were reconsidered at an oral renewal, of which 30% were allowed to continue to the substantive hearing stage. There were 26 substantive hearings which were determined in April to June 2019, of which 31% were granted in favour of the appellant (see table UIA\_3).

### 3. Employment Tribunals

#### Employment Tribunal Fee (ET) Refunds

From the launch of the **ET fee refund scheme** in October 2017 to 30 June 2019, there were **22,100 applications** for refunds received and **22,000 refund payments** made, with a **total monetary value** of **£17.6 million**.

Between 1 April 2019 and 30 June 2019, **140 refund applications** were received (down from **180** in Q4 2018/19) and **310 refund payments**<sup>2</sup> were made with a **total value** of **£265,000**.

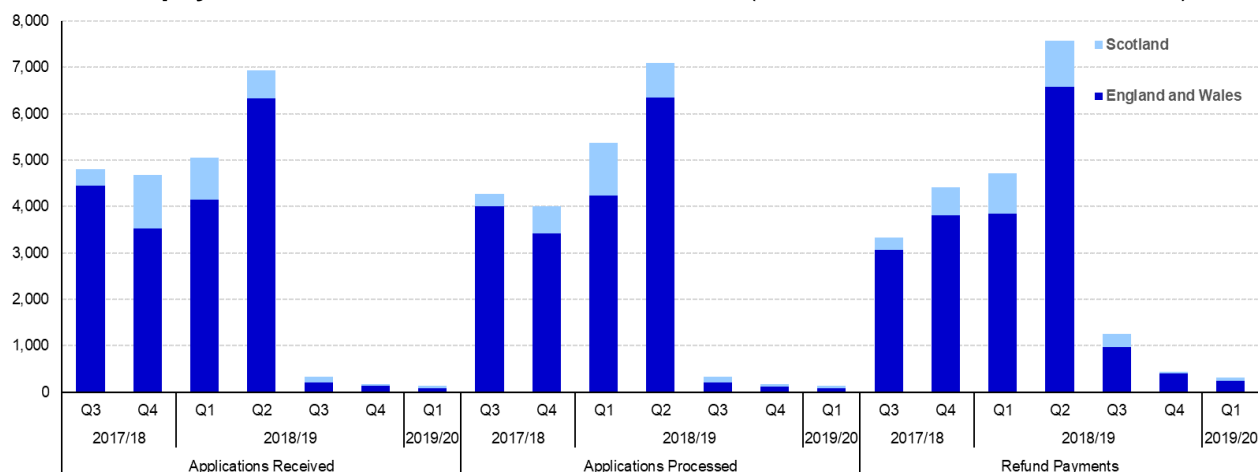
The ET fee refund scheme<sup>3</sup> was introduced as a phased implementation scheme in October 2017 following the abolition of ET fees on 26 July 2017. Since the introduction of the scheme, a total of 22,100 applications for refunds have been received and 22,000 payments have been made, with a total value of £17,589,000 as at 30 June 2019.

Of the applications received between April to June 2019, 62% (86 applications) related to cases initially brought forward in England and Wales, down from 73% in the quarter to 31 March 2019. The remaining 38% of applications received this quarter (52 applications) related to cases initially brought forward in Scotland.

In the quarter April to June 2019, 310 refund payments were made by the MoJ, with a total monetary value of £265,000. Of these 310 refund payments made:

- 79% (250 refunds) related to England, 20% (61 refunds) to Scotland and the remaining 2% (6 refunds) related to Wales<sup>4</sup>.
- 96% (300 refunds) related to single claims, 3% (10 refunds) related to multiple claims. As each refund payment may relate to several fees paid by the claimant for several cases, 1% (three refunds) relate to both single and multiple claims.

**Figure 4.1: Employment Tribunal fees – refund applications received and processed, and refund payments made, Q3 2017/18 – Q1 2019/20** (Source: Tables ETFR.1, ETFR.2)



<sup>2</sup> Note that refund payments may relate to applications made in previous quarters.

<sup>3</sup> More information on the scheme is available here <https://www.gov.uk/government/news/opening-stage-of-employment-tribunal-fee-refund-scheme-launched>

<sup>4</sup> Totals do not sum to 100% due to rounding

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

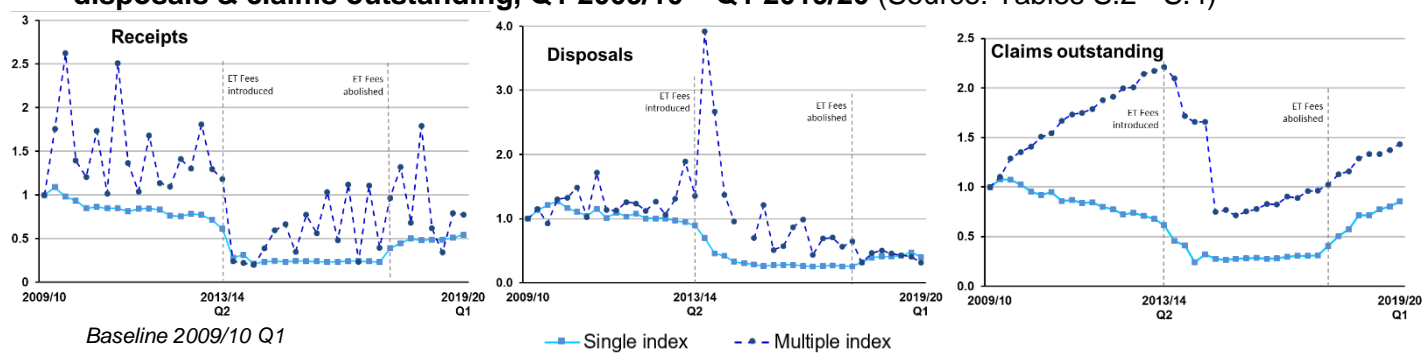
### Employment tribunal single cases

In April to June 2019, single claim **receipts** and **outstanding caseload** both **increased** (by 14% and 19% respectively) when compared to the same period in 2018, while **disposals** **decreased** by 3% over the same period. **Mean age** at disposal was 33 weeks, five weeks more than in April to June 2018.

### Employment tribunal multiple cases

**Caseload outstanding** rose this quarter when compared to the same period in 2018, by 11%. **Receipts** and **disposals** fell 57% and 38% respectively. **Mean age** at disposal **rose** from 133 weeks to 140 weeks over the same period.

**Figure 4.2: Index of Employment Tribunals single and multiple claim receipts, disposals & claims outstanding, Q1 2009/10 – Q1 2019/20** (Source: Tables S.2 - S.4)<sup>5</sup>



The number of single claim receipts has increased by 14% to 9,700 in the current quarter, when compared to the same period in 2018, most likely due to the continued effect of the abolition of ET fees on 26 July 2017. Since ET fees were abolished, single claims have been steadily increasing quarter on quarter, only falling from 8,900 in Q4 2017/18 to 8,500 in Q1 2018/19.

There were 19,000 multiple claims received this quarter, down 57% on the same period last year. Multiple claims tend to be more volatile as they can be skewed by a high number of claims against a single employer. The multiple claims received this quarter related to 580 multiple claim cases (averaging 19 claims per multiple case). This is down from 670 multiple cases in the same period a year ago, which had an average of 65 claims per case.

The Employment Tribunal disposed of 9,000 claims during April to June 2019, down 20% on the same period in 2018. This was mostly due to a 38% decrease in multiple claim disposals, to 3,400. Single claim disposals also decreased (by 3%), to 5,600. The multiple claims disposed of relate to 410 multiple cases, up from 360 cases in April to June 2018.

In April to June 2019, 25% of disposals were ACAS<sup>6</sup> conciliated settlements (the most common outcome this quarter), 22% were withdrawn, 13% were struck out (not at a hearing) and 9% were successful at hearing. The most common jurisdictional complaint

<sup>5</sup> The Q3 2014/15 disposals data point is not included for disposals, in order to aid comparability. This figure was a disproportionately high outlier (index: 24.2) due to the disposal of a large multiple claim against an airline.

<sup>6</sup> Advisory, Conciliation and Arbitration Service (ACAS)

disposed of between April to June 2019 was 'Unauthorised deductions', this was also the most common complaint in April to June 2018.



## 4. Gender Recognition Certificate

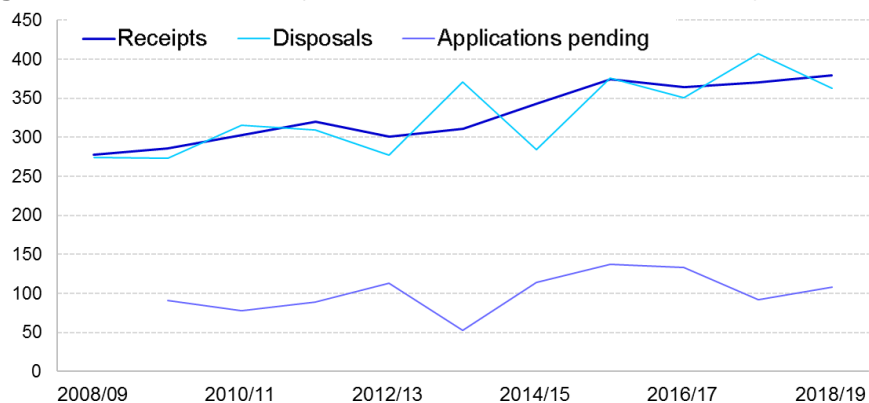
**92 Gender Recognition Panel (GRP) applications were received and 99 were disposed of between April to June 2019; 100 applications were pending by the end of June 2019**

Seven more applications were received by the GRP this quarter, compared to April to June 2018. Of the 99 applications disposed of, a full Gender Recognition Certificate (GRC) was granted in 88% of cases (87 full GRCs), one percentage point lower than in the same period in 2018 (where 90 full GRCs were granted out of 100 disposals).

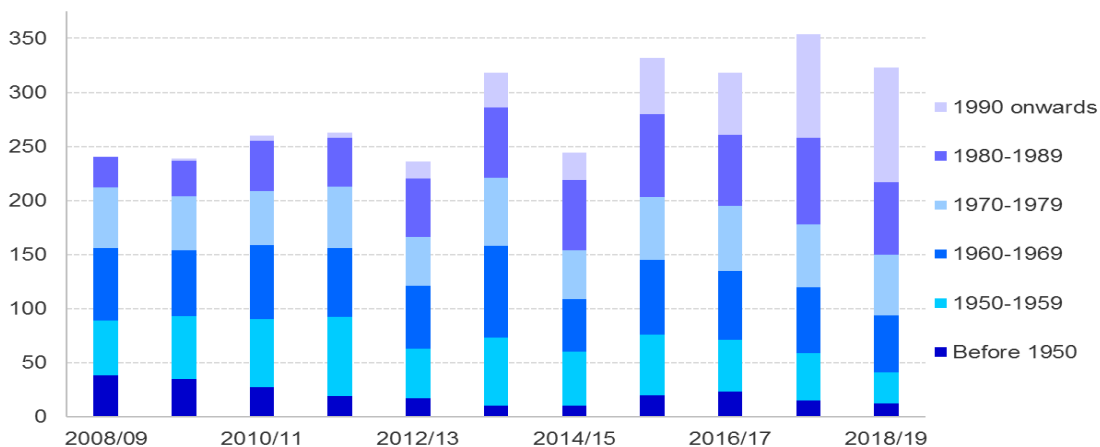
Since April 2005/06, when the Gender Recognition Act 2004 came into effect, 65% of interim certificates (140 of the 210 interim GRCs granted) have been converted to a full GRC, 57% of which were converted within 30 weeks. Two interim certificates were converted to full GRCs between April to June 2019.

Of the 87 full certificates granted in April to June 2019, 18 were for married applicants and 68 for single applicants (the marital status for the remaining applicant was 'unknown'). 58 (67%) of the individuals granted full certificates were registered male at birth while 29 (33%) were registered female at birth.

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



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



## 5. Employment Tribunal and Employment Appeal Tribunal, 2018/19

### Employment tribunal Representation

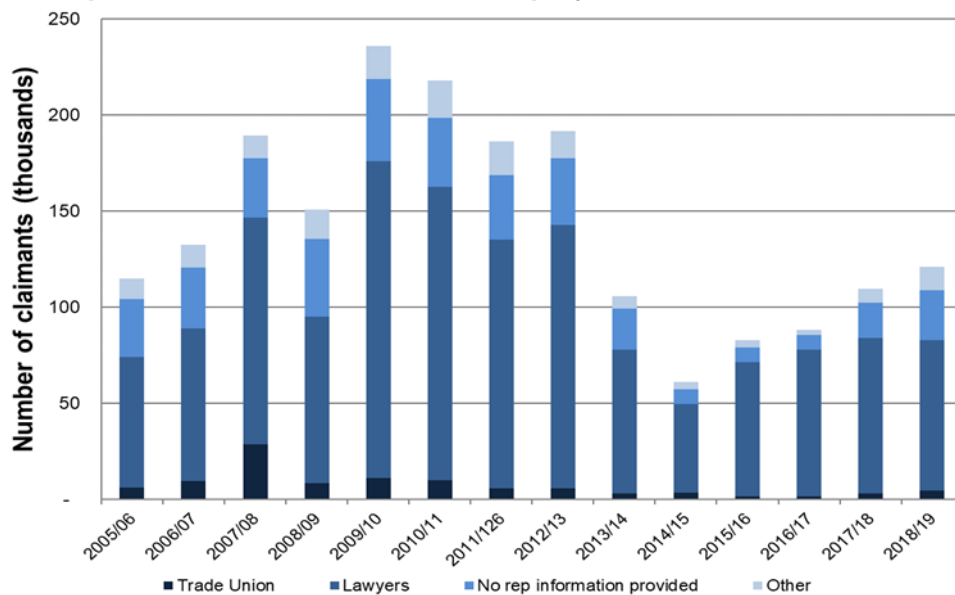
Nearly two-thirds of claimants (64%) were represented by a lawyer<sup>7</sup> in 2018/19, down from 74% in 2017/18. In contrast, 21% of claimants in 2018/19 had no representation recorded<sup>8</sup>, up from 17% in 2017/18.

### Costs and Compensation<sup>9</sup>

In 2018/19, **disability discrimination** claims received the **largest average award** (£28,000) compared to other discrimination jurisdictions. The **highest maximum award** in 2018/19 was for **Unfair Dismissal**, at £948,000.

Claimant representation is recorded at the time of application and may change as a case progresses. The proportion of claimants represented by a lawyer in 2018/19 was 64%, 10 percentage points lower than in 2017/18. Representation information was not provided for 21% of claims, up from 17% of claims in 2017/18.

**Figure 6.1: Representation of claimants at Employment Tribunals, 2005/06 to 2018/19**



Centrally collated cost and compensation data is only published for Unfair Dismissal and each of the discrimination based cases. In 2018/19, there were 660 claims that received compensation for Unfair Dismissal (up 23% compared to 2017/18), where the maximum

<sup>7</sup> Includes: represented by Solicitors, Law Centres and Trade Associations.

<sup>8</sup> For those individuals representing themselves, there is no need to provide information on representatives. Therefore, all cases where the representative information was left blank are included here.

<sup>9</sup> Costs and compensation are awarded per claim, not jurisdiction. Costs and compensation are allocated to the lead jurisdiction in the claim only.

award was £948,000 and the average (mean) award was £14,000. The rise in claims receiving compensation reverses the long term downward trend seen since 2010/11. There were 110 discrimination cases where compensation was awarded in 2018/19; the maximum amount awarded (£416,000) was in the Disability Discrimination jurisdiction.

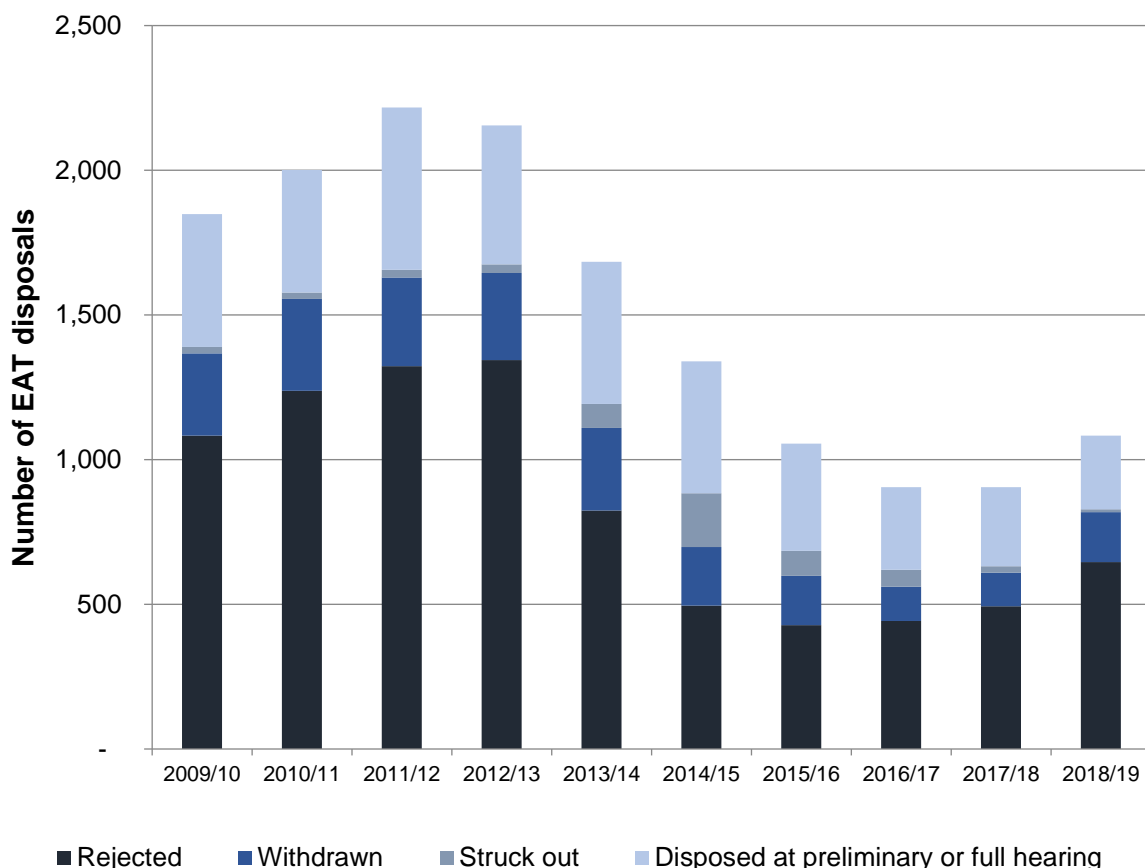
### Employment Appeal Tribunals (EAT)

In 2018/19, the Employment Appeal Tribunal received 1,300 appeals (up 30% on 2017/18) and disposed of 1,100 appeals (up 20% on 2017/18).

In 2018/19, 39% of appeals dealt with at a preliminary hearing were dismissed (25 of 64 appeals). This proportion is slightly higher for appeals brought by employees, where 40% of appeals were dismissed compared to 38% of appeals brought by employers which were dismissed.

Of those appeals that reached an EAT final hearing, 59% were dismissed at full hearing. This proportion is higher for appeals brought by employees, where 62% of appeals were dismissed at final hearing, compared to 51% of appeals brought by employers.

**Figure 6.2: Outcome of EAT Disposals, 2009/10 to 2018/19**



## Further information

### Provisional data and revisions

As part of an annual data reconciliation exercise, the quarterly data for January to March 2019 have been refreshed and figures revised accordingly. These revisions have not significantly altered trends, and can be identified by the 'r' symbol within statistical tables provided. If revisions are needed in the subsequent year, these will be clearly annotated in the tables.

### Rounding convention

Figures greater than 10,000 are rounded to the nearest 1,000, those between 1,000 and 10,000 are rounded to the nearest 100 and those between 100 to 1,000 are rounded to the nearest 10. Less than 100 are given as the actual number.

### Accompanying files

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

- A supporting document providing further information on how the data is collected and processed, as well as information on the revisions policy and legislation relevant to trends and background on the functioning of the tribunal system.
- A set of overview tables, covering each section of this bulletin, and two additional sets of tables on Employment Tribunals (for ET Fee Refunds and ET Management information – Annex C).
- A set of CSV files including data on each of the three large tribunals (SSCS, Employment and Immigration and Asylum) and an overall receipts and disposals CSV, covering all tribunal types.
- Additional releases this quarter:
  - Annual ET and EAT tables covering the representation of claimants in the ET, compensation and costs awarded for discrimination ET appeals and a further breakdown of EAT appeals.
  - Update to the statistical notice on Immigration and Asylum (I&A) Detained Immigration Appeals (DIA) to include data to Q1 2018/19.

### Future publications

Our statisticians regularly review the content of publications. Development of new and improved statistical outputs is usually dependent on reallocating existing resources. As part of our continual review and prioritisation, we welcome user feedback on existing outputs including content, breadth, frequency and methodology. Please send any comments you have on this publication including suggestions for further developments or reductions in content.

## Contact

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

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**Next update: 12 December 2019** (URL: [www.gov.uk/government/collections/tribunals-statistics](http://www.gov.uk/government/collections/tribunals-statistics))

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