



Tribunal Statistics Quarterly, October to December 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 (October to December 2019, Q3 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.

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| <p>Overall volumes of receipts and caseload outstanding have increased, and disposals has decreased</p> | <p>Her Majesty's Courts & Tribunals Service (HMCTS) recorded an increase of 9% and 2% in receipts and caseload outstanding in October to December 2019, driven mostly by the Employment Tribunal (ET). Disposals decreased by 9%, mostly due to the Social Security and Child Support (SSCS) and First-Tier Tribunal Immigration and Asylum Chamber (FTTIAC).</p> |
| <p>SSCS receipts, disposals and caseload outstanding all decreased</p> | <p>Social Security and Child Support (SSCS) receipts, disposals and caseload outstanding decreased (by 3%, 12% and 19% respectively). A 23% and 95% rise in Personal Independence Payment (PIP) and Universal Credit (UC) appeals respectively, was offset by a 68% fall in Employment Support Allowance (ESA) receipts. ESA drove the majority of the decrease in disposals.</p> |
| <p>FTTIAC receipts rose while disposals and caseload outstanding continued to fall</p> | <p>First-Tier Tribunal Immigration and Asylum Chamber (FTTIAC) receipts rose by 6% compared to the same period in 2018, while disposals and caseload outstanding fell (by 19% and 30% respectively).</p> |
| <p>Single ET claims received continued to rise following the abolition of ET fees The trend in multiple claims is volatile</p> | <p>Single Employment Tribunal (ET) receipts, disposals and caseload outstanding all increased, by 25%, 19% and 28% respectively, compared to a year ago. Multiple ET receipts and caseload outstanding increased over the same period, by 86% and 10% respectively, while disposals decreased by 8%.</p> |
| <p>22,000 ET fee refund payments have been made as at 31 December 2019</p> | <p>From the launch of the ET fee refund scheme to 31 December 2019, there were 22,000 applications for refunds received and 22,000 refund payments made, with a total value of £18.0m.</p> |

1. Overview of Tribunals

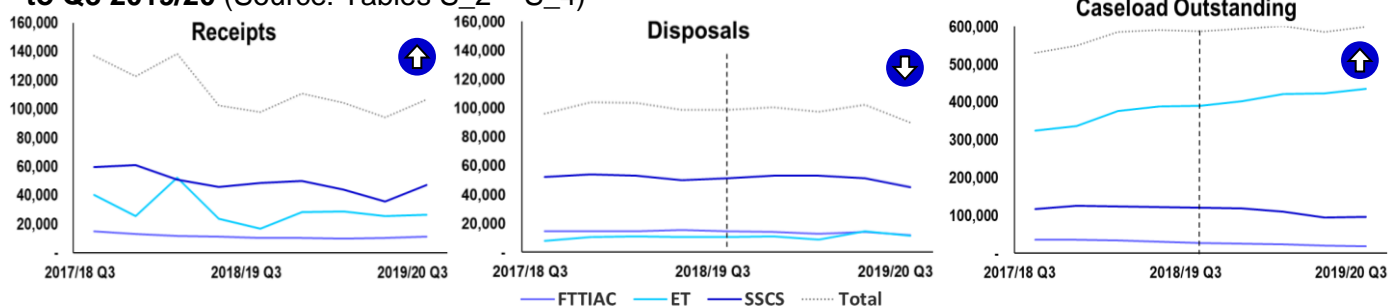
107,000 receipts and 90,000 disposals recorded by HMCTS this quarter

In October to December 2019, HMCTS recorded an 9% **increase** in **receipts** and 9% **decrease** in **disposals**, when compared to the same quarter in 2018. **Caseload outstanding increased** to 599,000, up 2% 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 October to December 2019. These are:

- Social Security and Child Support (SSCS) – **44%** of receipts
- Employment Tribunal (ET) – **25%** of receipts
- First Tier Tribunal Immigration and Asylum Chamber (FTTIAC) – **10%** of receipts

Figure 1: Receipts, disposals and caseload outstanding¹ for all tribunals, Q3 2017/18 to Q3 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 October to December 2019, overall receipts increased 9% compared to October to December 2018, driven mostly by increases in ET single and multiple cases of 25% and 86%, to 11,000 and 15,000 receipts respectively. Over the past four quarters, overall receipts initially declined from Q4 2018/19 to Q2 2019/20, then rising in the current quarter.

Overall, HMCTS tribunals disposed of 9% fewer cases in October to December 2019 (90,000 disposals), compared to October to December 2018. The SSCS tribunal (which makes up over half of all tribunal disposals) and FTTIAC disposed of 12% and 19% fewer cases in the same period respectively. ET disposals increased by 7%.

There were 599,000 cases outstanding at the end of December 2019, up 2% compared to a year ago. The 30% and 19% decreases in FTTIAC and SSCS respectively, were offset by a 11% increase in ET caseload outstanding (which makes up over two thirds of all HMCTS outstanding caseload and has been increasing since the abolishment of ET fees).

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

2. Social Security and Child Support

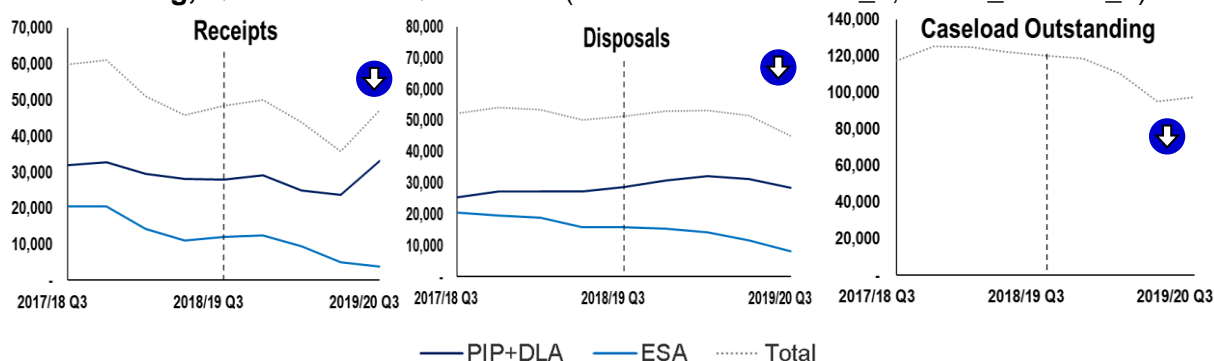
SSCS receipts and disposals both decreased

Social Security and Child Support **receipts, disposals** and **caseload outstanding** have all **decreased** when compared to October to December 2018, by 3%, 12% and 19% respectively.

75% of disposals were cleared at hearing with a 71% overturn rate

Of the 45,000 **disposals** in October to December 2019, **75%** were **cleared at a hearing** and of these, **71%** had the initial decision **revised in favour of the claimant** (up from 70% in the same period in 2018).

Figure 2: Social Security and Child Support receipts, disposals and caseload outstanding, Q3 2017/18 to Q3 2019/20 (Source: Tables SSCS_1, SSCS_2 and S_4)



SSCS tribunal receipts decreased by 3% this quarter, to 47,000 appeals, when compared to October to December 2018. This was driven by a 68% fall in Employment Support Allowance (ESA) offsetting a 23% and 95% rise in Personal Independence Payments (PIP) and Universal Credit (UC) respectively. ESA and PIP appeals accounted for 8% and 66% of all SSCS receipts respectively in October to December 2019. Within the last year, SSCS receipts initially fell – from 50,000 in Q4 2018/19 to 36,000 in Q2 2019/20, before rising in the current quarter (to 47,000).

PIP also made up over half of SSCS disposals (58%), a proportion that has been steadily rising since July to September 2018. In October to December 2019, there were 45,000 SSCS cases disposed of, a fall of 12% when compared with the same period in 2018. SSCS disposals remained stable between Q4 2018/19 and Q1 2019/20, before falling between Q1 2019/20 and Q3 2019/20 (from 53,000 to 45,000).

Of the disposals made by the SSCS Tribunal, there were 34,000 (75%) cleared at hearing, and of these 71% were found in favour of the customer (up from 70% on the same period in 2018). This overturn rate varied by benefit type, with ESA at 77%, PIP 76%, Disability Living Allowance 68% and Universal Credit 62%. ESA and PIP have driven the overall increase in the overturn rate, having risen three and two percentage points respectively on October to December 2018.

There were 97,000 SSCS cases outstanding at the end of December 2019, down 19% compared to the same period in 2018. This continues the fall that began in Q4 2018/19 (when comparing to the same quarter in the previous year), however caseload outstanding has increased by 2%, since the previous quarter. Since Q4 2017/18, caseload outstanding had 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 SCS tribunal in October to December 2019, the mean age of a case at disposal was 32 weeks, two weeks more than for the same period in 2018 (see tables T_2).

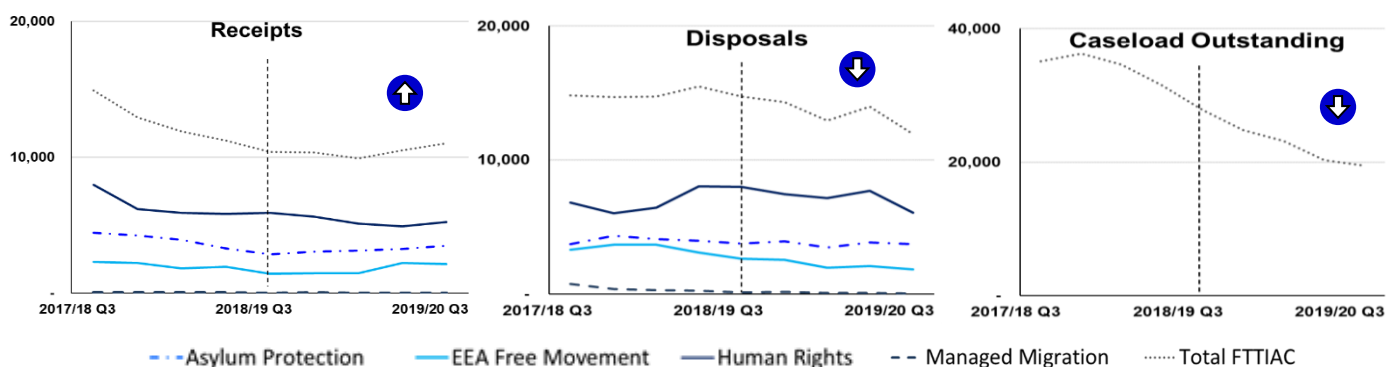
3. Immigration and Asylum

First-tier Tribunal Immigration and Asylum Chamber (FTTIAC)

In October to December 2019, FTTIAC receipts increased by 6% (to 11,000), compared to the same period in 2018, while disposals decreased by 19% (to 12,000).

In the same period, caseload outstanding decreased by 30% (to 19,000), 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, Q3 2017/18 to Q3 2019/20 (Source: Tables FIA_1, FIA_2, S_4)



In October to December 2019, Human Rights (HR) receipts proportionally represented 47% of all FTTIAC receipts (down from 57% a year ago). A 11% decrease in HR receipts (to 5,200) in October to December 2019, compared to the same period in 2018, was offset by a 22% and 52% rise in Asylum/Protection (AP) and EEA Free Movement respectively (to 3,500 and 2,100 respectively). AP and EEA proportionally represented 31% and 19% of all FTTIAC receipts respectively (up four and six percentage points respectively from a year ago).

The FTTIAC disposed of 12,000 appeals in October to December 2019, a 19% decrease on the same period in 2018. This fall was driven by a 1%, 24% and 31% fall in AP, HR and EEA respectively. As with receipts, Human Rights appeals continue to make up the largest proportion (51%) of all FTTIAC disposals in October to December 2019, down from 54% a year ago.

Of the disposals made in the FTTIAC this quarter, 79% were determined i.e. a decision was made by a judge at a hearing or on the papers; 18% were withdrawn; 2% were invalid or out of time, and 2% were struck out for non-payment of the appeal fee. Half (50%) of the 9,400 cases determined at a hearing or on the papers were allowed/granted, although this varied by case type (48% of Asylum/Protection, 51% of Human Rights and 52% of EEA Free Movement appeals were allowed/granted).

In the FTTIAC, the mean time taken to clear appeals across all categories has decreased by nine weeks to 30 weeks this quarter compared to the same period a year ago. EEA took the least time to clear with 26 weeks, whilst Asylum/Protection and Human Rights had mean times taken of 27 weeks and 32 weeks respectively.

Upper Tribunal Immigration and Asylum Chamber (UTIAC)

In October to December 2019, UTIAC **receipts, disposals** and **caseload outstanding** all **decreased**, by 50%, 49% and 57% respectively, when compared to the same period in 2018.

UTIAC **judicial review receipts** continue to **fall** - down 33%, to 1,300, while **disposals increased** by 4%, to 2,300, compared to October to December 2018. **Caseload outstanding fell** by 56% to 1,400.

At the UTIAC, there were 950 appeal receipts in October to December 2019, down 50% on the same period in 2018. AP, HR and EEA receipts drove the decrease in receipts, falling 31%, 57% and 78% to 460, 390 and 52 appeals respectively. Legacy appeal types – Managed Migration, Entry Clearance and Family Visit Visa – continued to fall and now make up less than 1% of all UTIAC receipts (down from 2% in October to December 2018).

Over the same period, UTIAC disposals decreased 49% to 940. UTIAC disposals have fallen in each quarter from Q4 2018/19 to the current quarter (see table UIA_2).

At the end of December 2019, the UTIAC caseload outstanding stood at 1,200, a 56% decrease on the end of December 2018.

UTIAC Immigration and Asylum Judicial Reviews

In October to December 2019, there were 1,300 Immigration and Asylum Judicial Review receipts and 2,300 disposals, down 33% and up 4% respectively on October to December 2018.

Of the 2,300 Immigration and Asylum Judicial Reviews disposed of in the UTIAC in October to December 2019, 67% were determined and 1% were transferred to the Administrative Court. The remaining 32% were in the 'Other' category, which includes cases that were withdrawn or not served.

During October to December 2019, 1,100 UTIAC Judicial Review applications were determined by paper hearing, of which 10% were allowed to continue to the substantive hearing stage. A further 390 were reconsidered at an oral renewal, of which 33% were allowed to continue to the substantive hearing stage. There were 31 substantive hearings which were determined in October to December 2019, of which 26% were granted in favour of the appellant (see table UIA_3).

4. Employment Tribunals

Employment Tribunal Fee (ET) Refunds

From the launch of the **ET fee refund scheme** in October 2017 to 31 December 2019, there were **22,000 applications** for refunds received and **22,000 refund payments made**, with a **total monetary value of £18.0 million**.

Between 1 October 2019 and 31 December 2019, **46 refund applications** were received (down from **59** in Q2 2019/20) and **120 refund payments²** were made with a **total value of £62,000**.

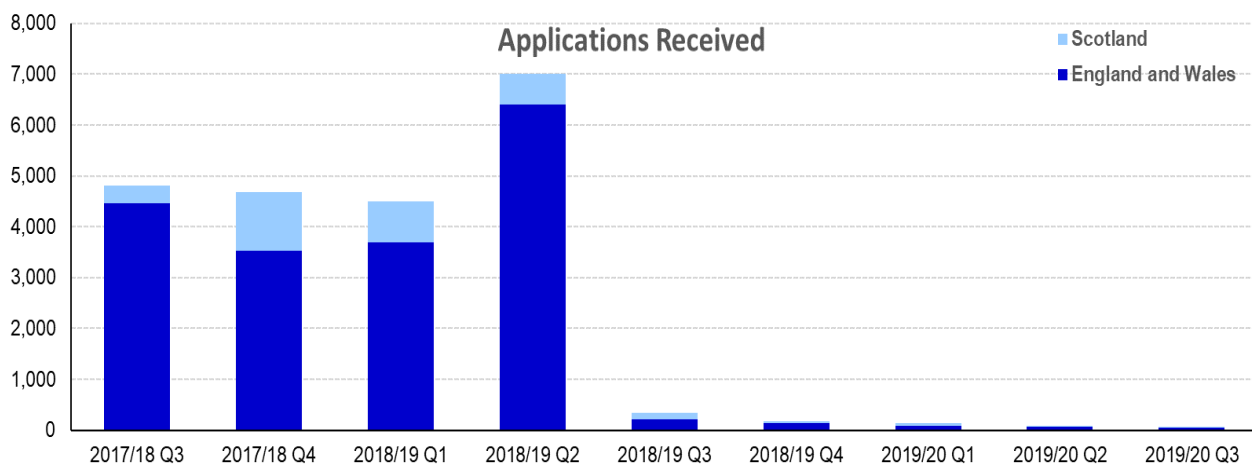
The ET fee refund scheme³ was introduced as a phased implementation scheme in October 2017 following the abolition of ET fees on 26 July 2017. Since the introduction of the scheme, a total of 22,000 applications for refunds have been received and 22,000 payments have been made, with a total value of £18,025,000 as at 31 December 2019.

Of the applications received between October to December 2019, 96% (44 applications) related to cases initially brought in England and Wales, down from 98% in the quarter to 30 September 2019. The remaining 4% of applications received this quarter (two applications) related to cases initially brought in Scotland.

In the quarter October to December 2019, 120 refund payments were made by the MoJ, with a total monetary value of £62,000. Of these 120 refund payments made:

- 87% (100 refunds) related to England, 8% (ten refunds) to Scotland and the remaining 5% (six refunds) related to Wales⁴.
- 92% (110 refunds) related to single claims, 8% (ten refunds) related to multiple claims.

Figure 4.1: Employment Tribunal fees – refund applications received, Q3 2017/18 – Q3 2019/20 (Source: Tables ETFR_1)



² Note that refund payments may relate to applications made in previous quarters.

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

⁴ Totals do not sum to 100% due to rounding

Figure 4.2: Employment Tribunal fees – refund applications processed, Q3 2017/18 – Q3 2019/20 (Source: Tables ETFR_1)

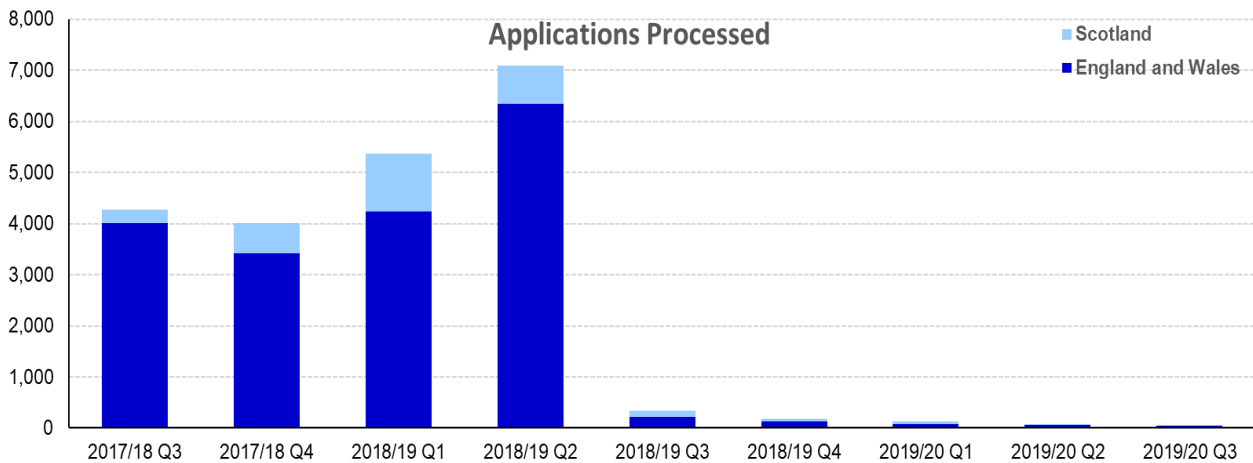
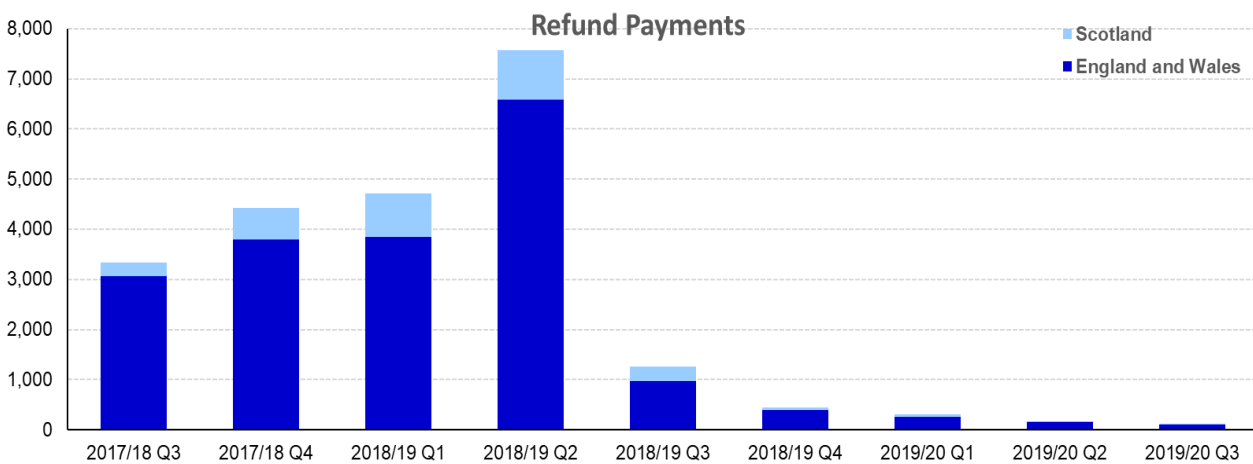


Figure 4.3: Employment Tribunal fees – refund payments made, Q3 2017/18 – Q3 2019/20 (Source: Tables ETFR_2)



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 England and Wales.

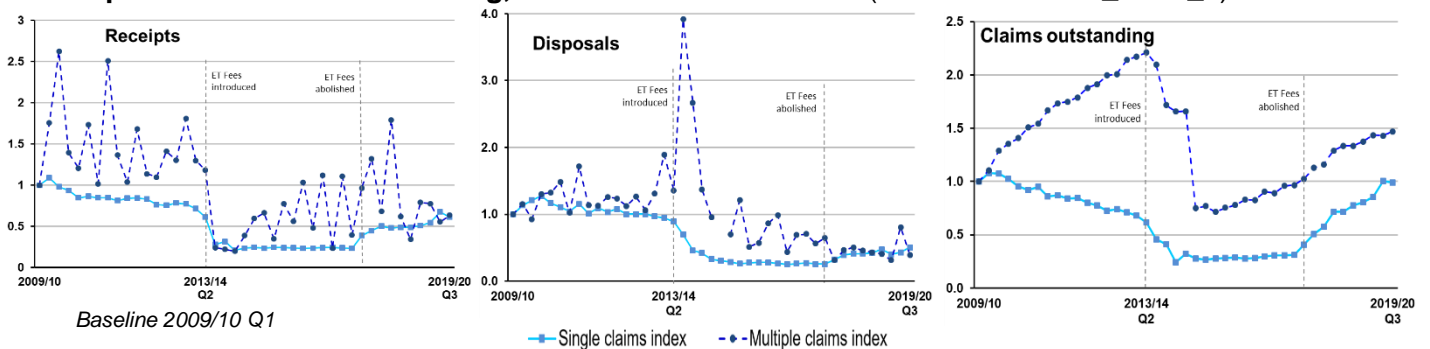
Employment tribunal single cases

In October to December 2019, single claim **receipts, disposals and outstanding caseload all increased** (by 25%, 19% and 28% respectively) when compared to the same period in 2018. **Mean age** at disposal was 36 weeks, six weeks more than in October to December 2018.

Employment tribunal multiple cases

Receipts rose 86% this quarter when compared to the same period in 2018. **Disposals decreased** by 8%, while **caseload outstanding increase** by 10%. **Mean age** at disposal **rose** from 131 weeks to 149 weeks over the same period.

Figure 4.4: Index of Employment Tribunals single and multiple claim receipts, disposals & claims outstanding, Q1 2009/10 – Q3 2019/20 (Source: Tables S_2 – S_4)⁵



The number of single claim receipts has increased by 25% to 11,000 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. Single claims also fell from 12,000 last quarter to 11,000 this quarter, however this was due to the inclusion of 1,700 cases in last quarter's figure that will be reclassified as multiple claims once fully vetted. Caseload outstanding (at 33,000) has almost reached the peak levels seen in 2009/10 (when it was 36,000 in both Q2 and Q3 of that year), driven by the increase seen in single claim receipts.

There were 15,000 multiple claims received this quarter, up 86% 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 570 multiple claim cases (averaging 13 claims per multiple case). This is down from 580 multiple cases in the same period a year ago, which had an average of 9 claims per case.

The Employment Tribunal disposed of 11,000 claims during October to December 2019, up 7% on the same period in 2018. This was due to a 19% increase in single claim disposals, to 7,100. Multiple claim disposals decreased (by 8%), to 4,200. The multiple claims disposed of relate to 520 multiple cases, up from 410 cases in October to December 2018.

In October to December 2019, 27% of disposals were ACAS⁶ conciliated settlements (the most common outcome this quarter), 21% were withdrawn, 15% were dismissed upon withdrawal, 12% were struck out (not at a hearing) and 10% were successful at hearing. The most common jurisdictional complaint disposed of between October to December 2019

⁵ 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.

⁶ Advisory, Conciliation and Arbitration Service (ACAS)

was 'Unfair dismissal', whereas 'Unauthorised deductions' was the most common complaint in October to December 2018.

5. Gender Recognition Certificates

110 Gender Recognition Panel (GRP) applications were received and 120 were disposed of between October to December 2019; 120 applications were pending by the end of December 2019

18 more applications were received by the GRP this quarter, compared to October to December 2018. Of the 120 applications disposed of, a full Gender Recognition Certificate (GRC) was granted in 92% of cases (110 full GRCs), one percentage point lower than in the same period in 2018 (where 110 full GRCs were granted out of 110 disposals).

Since April 2005/06, when the Gender Recognition Act 2004 came into effect, 73% of interim certificates (160⁷ of the 220 interim GRCs granted) have been converted to a full GRC. Three interim certificates were converted to full GRCs between October to December 2019.

Of the 110 full certificates granted in October to December 2019, 8 were for married applicants and 100 for single applicants. 47 (44%) of the individuals granted full certificates were registered male at birth while 61 (56%) 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)

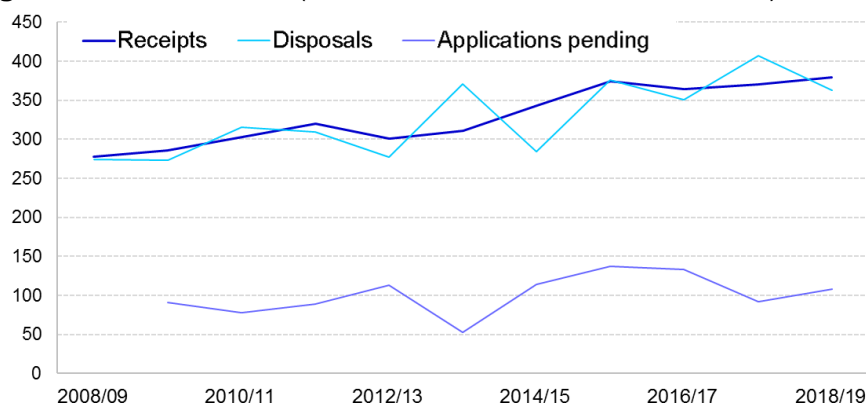
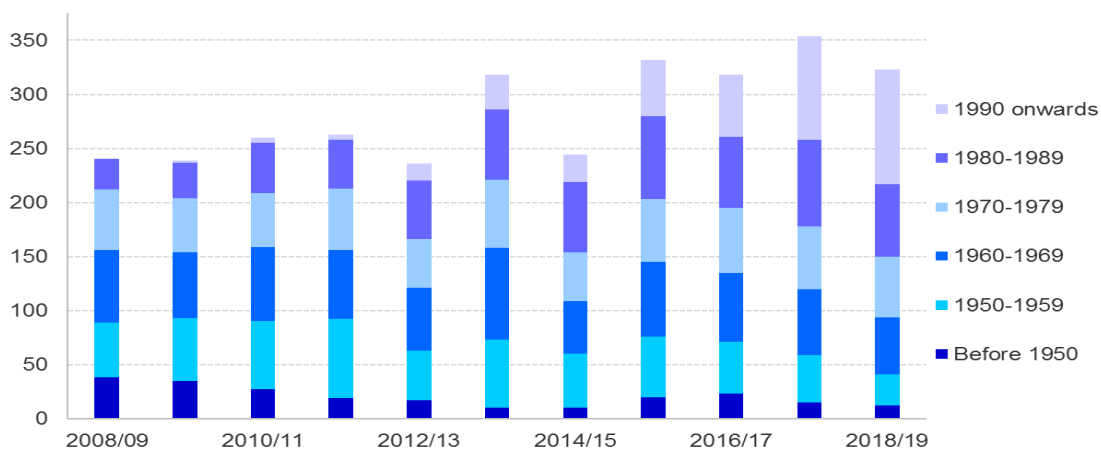


Figure 5.2: Full Gender Recognition Certificates granted by year of birth, 2008/09 to 2018/19 (Source: Table GRP_4)



⁷ This figure has been revised, but remains provisional, from last quarter's publication following a review of the process for recording interim certificates and their conversion to full certificates.

Further information

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:
 - Update to the statistical notice on Immigration and Asylum (I&A) Detained Immigration Appeals (DIA) to include data to Q3 2019/20.

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.

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