



Tribunal Statistics Quarterly, January to March 2020 (Provisional)

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

Main points

This publication gives tribunal statistics for the latest quarter (January to March 2020, Q4 2019/20), compared to the same quarter the previous year, alongside annual data for 2019/20. Due to the impact of Covid-19 on availability of data, cases associated with some smaller tribunals are omitted from this publication. The total of the remaining jurisdictions is referred to as the 'Interim Total', and we estimate around five percent of receipts are missing from this quarter's report. For technical detail about data sources, quality, policy changes and terminology, please refer to the accompanying Guide to Tribunal Statistics.

The interim¹ overall volumes of receipts and disposals have decreased, and caseload outstanding remained stable



Her Majesty's Courts & Tribunals Service (HMCTS) recorded a **decrease of 22% and 10%** in the interim¹ totals for **receipts and disposals respectively** in January to March 2020, driven mostly by Social Security and Child Support (SSCS). **Caseload outstanding** interim¹ total **remained stable**.

SSCS receipts, disposals and caseload outstanding all decreased



Social Security and Child Support (SSCS) **receipts, disposals and caseload outstanding decreased** (by 35%, 14% and 27% respectively). A 96% rise in Universal Credit (UC) appeals, was offset by a 77% and 38% fall in Employment Support Allowance (ESA) and Personal Independence Payment (PIP) receipts respectively. ESA drove the majority of the decrease in disposals.

FTTIAC receipts rose while disposals and caseload outstanding continued to fall



First-Tier Tribunal Immigration and Asylum Chamber (FTTIAC) **receipts rose marginally** by 1% compared to the same period in 2019, while **disposals and caseload outstanding fell** (by 23% and 21% respectively).

Single ET claims received continued to rise following the abolition of ET fees
The trend in multiple claims is volatile



Single Employment Tribunal (ET) receipts, disposals and caseload outstanding all increased, by 18%, 27% and 19% respectively, compared to a year ago.
Multiple ET receipts decreased by 33% over the same period, while **disposals and caseload outstanding increased**, by 34% and 9% respectively.

¹ The interim totals for the overall volumes of tribunal receipts, disposals and caseload outstanding exclude nine tribunals (approximately five percent of cases) for which the March 2020 data is currently not available. See the main tables S_1, S_2, S_3 and S_4 for more information.

**Decrease in adjournments
and increase in
postponements**



In 2019/20 the **adjournments** reported on **decreased** 9%, compared to 2018/19, driven by **SSCS** which makes up the majority of adjournments (73%). **Postponements increased** 7% over the same period, driven mostly by **FTTIAC** and the **Special Educational Needs and Disability (SEND)** Tribunal.

For feedback related to the content of this publication, please contact us at CAJS@justice.gov.uk

1. Statistician's Comment

Covid-19 has affected our ability to collect data from all jurisdictions and some smaller tribunals (accounting for around 5% of cases) are omitted from this publication. We have referred to the total of the remaining jurisdictions as the 'Interim Total'. This allows us to report a comparison over time as well as including the partial latest levels.

There has been a fall in Tribunal receipts in the last year, which has been seen in all of the larger jurisdictions except single Employment Tribunal (ET) Claims and Mental Health tribunals. The largest falls were in Social Security and Child Support (SSCS) claims. Single ET claims continue to rise to their highest level since 2013/14. At the same time there has been a fall in disposals over the past year, in all main jurisdictions except Employment Tribunals (both single and multiple) and Mental Health where there was an increase.

Alongside the fall in receipts and disposals, outstanding caseload fell by a small amount after four years of increases. The outstanding caseload fell across most jurisdictions but was offset by an increase in outstanding ET cases.

The period covered by this publication is January to March 2020 (pre-Covid-19) and will therefore include only minimal Covid-19-related impact on the activities of the Tribunals.

2. Overview of Tribunals

Receipts interim¹ total was 82,000 and disposals interim¹ total was 87,000

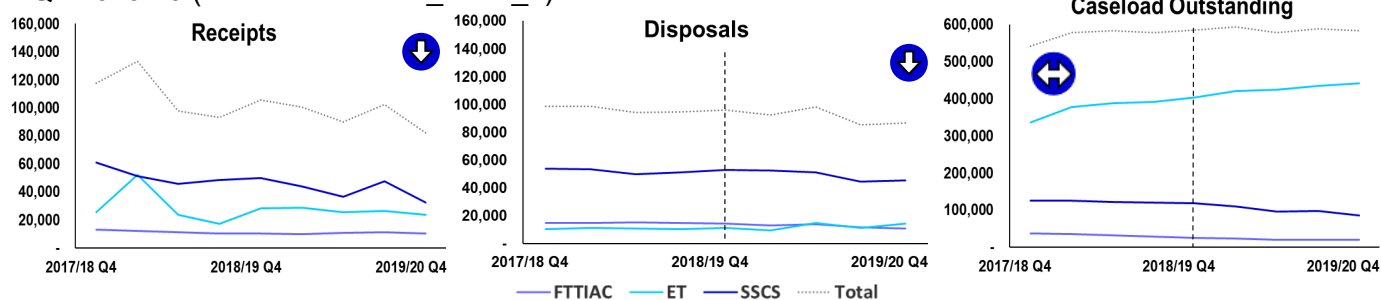
Due to the impact of Covid-19 on availability of data, cases associated with some smaller tribunals are omitted from this publication. The total of the remaining jurisdictions is referred to as the 'Interim Total'

In January to March 2020, HMCTS recorded a 22% and 10% **decrease** in the interim¹ totals for **receipts** and **disposals respectively**, when compared to the same quarter in 2019. **Caseload outstanding** interim¹ total **remained stable**.

This summary bulletin focuses mainly on the three largest tribunals as they make up the majority (**81%**) of tribunal **interim¹ receipts** total in January to March 2020. These are:

- Social Security and Child Support (SSCS) – **40%** of the interim¹ receipts total
- Employment Tribunal (ET) – **29%** of the interim¹ receipts total
- First Tier Tribunal Immigration and Asylum Chamber (FTTIAC) – **13%** of the interim¹ receipts total

Figure 1: Receipts, disposals and caseload outstanding² interim¹ totals, Q4 2017/18 to Q4 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 (using the Interim Total measure). In January to March 2020, overall interim¹ receipts total decreased 22% compared to January to March 2019, driven by decreases in ET multiple cases and SSCS of 33% and 35%, to 13,000 and 32,000 receipts respectively.

Interim¹ disposal total for tribunals declined by 10% in January to March 2020 (87,000 interim¹ disposals), compared to January to March 2019. The SSCS tribunal (which makes up over half of the tribunal interim¹ disposals total) and FTTIAC disposed of 14% and 23% fewer cases in the same period respectively. ET disposals increased by 30%.

The cases outstanding Interim¹ total was 584,000 at the end of March 2020, remaining stable compared to a year ago. The 21% and 27% decreases in FTTIAC and SSCS respectively, were mostly offset by a 9% increase in ET caseload outstanding (which makes up over three quarters of the interim¹ outstanding caseload total and has been increasing since the abolishment of ET fees).

² Outstanding caseload is based on a snapshot in time based on the last day of each quarter.

3. Social Security and Child Support

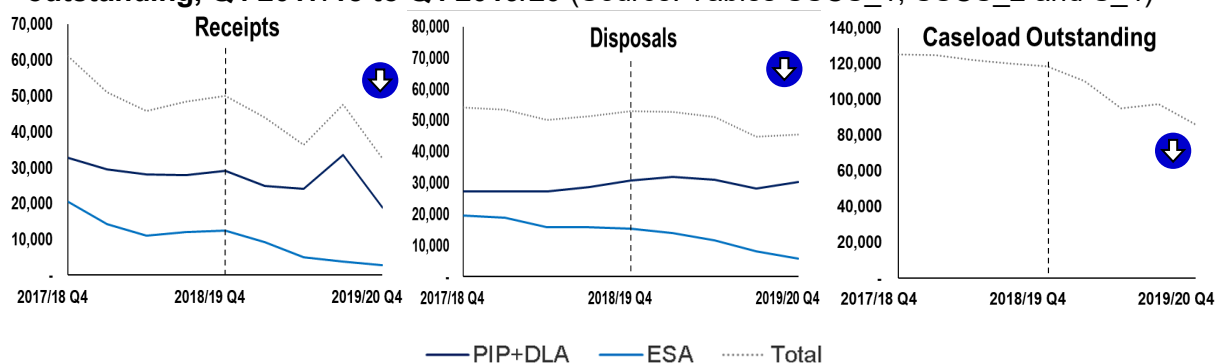
SSCS receipts and disposals both decreased

SSCS receipts, disposals and caseload outstanding have all decreased when compared to January to March 2019, by 35%, 14% and 27% respectively.

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

Of the 46,000 disposals in January to March 2020, 71% were cleared at a hearing and of these, 71% had the initial decision revised in favour of the claimant (remaining stable compared to the same period in 2019).

Figure 2: Social Security and Child Support receipts, disposals and caseload outstanding, Q4 2017/18 to Q4 2019/20 (Source: Tables SSCS_1, SSCS_2 and S_4)



SSCS tribunal receipts decreased by 35% this quarter, to 32,000 appeals, when compared to January to March 2019. This was driven by a 77% and 38% fall in Employment Support Allowance (ESA) and Personal Independence Payments (PIP) respectively, offsetting a 96% rise in Universal Credit (UC). UC, ESA and PIP appeals accounted for 23%, 9% and 51% of all SSCS receipts respectively in January to March 2020.

PIP also made up over half of SSCS disposals (61%), a proportion that has been steadily rising since July to September 2018. In January to March 2020, there were 46,000 SSCS cases disposed of, a fall of 14% when compared with the same period in 2019. SSCS disposals fell between Q1 2019/20 and Q3 2019/20 (from 53,000 to 45,000), before rising in the current quarter.

Of the disposals made by the SSCS Tribunal, 32,000 (71%) were cleared at hearing, and of these 71% were found in favour of the customer (remaining stable compared to the same period in 2019). This overturn rate varied by benefit type, with PIP at 76%, ESA 75%, Disability Living Allowance (DLA) 69% and UC 64%. The PIP, ESA and UC overturn rates all rose one percentage point and the DLA overturn rate rose three percentage points on January to March 2019.

There were 86,000 SSCS cases outstanding at the end of March 2020, down 27% compared to the same period in 2019. This continues the fall that began in Q4 2018/19 (when comparing to the same quarter in the previous year). Since Q4 2017/18, caseload outstanding has been gradually decreasing (from a peak of 125,000), only rising in Q3 2019/20, reversing the consistent rising trend seen since Q4 2015/16.

Of those cases disposed of by the SSCS tribunal in January to March 2020, the mean age of a case at disposal was 31 weeks, one week more than for the same period in 2019 (see tables T_2).

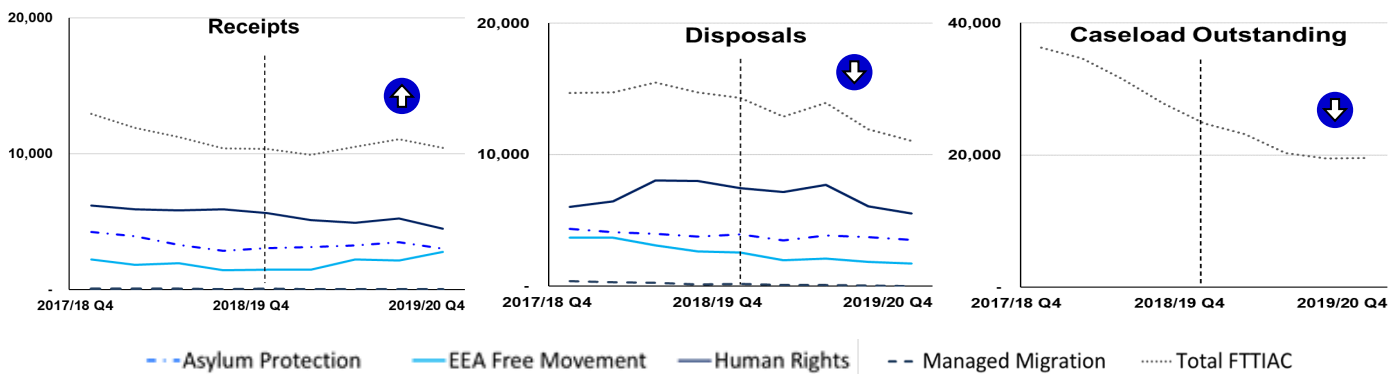
4. Immigration and Asylum

First-tier Tribunal Immigration and Asylum Chamber (FTTIAC)

In January to March 2020, FTTIAC **receipts increased** by 1% (to 10,000), compared to the same period in 2019, while **disposals decreased** by 23% (to 11,000).

In the same period, **caseload outstanding decreased** by 21% (to 20,000), 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, Q4 2017/18 to Q4 2019/20 (Source: Tables FIA_1, FIA_2, S_4)



In January to March 2020, Human Rights (HR) receipts proportionally represented 43% of all FTTIAC receipts (down from 54% a year ago). A 20% and 1% decrease in HR and Asylum/Protection (AP) receipts respectively (to 4,500 and 3,000 respectively) in January to March 2020, compared to the same period in 2019, was offset by a 92% rise in EEA Free Movement respectively (to 2,800). AP and EEA proportionally represented 29% and 27% of all FTTIAC receipts respectively (down one percentage point and up 13 percentage points respectively from a year ago).

The FTTIAC disposed of 11,000 appeals in January to March 2020, a 23% decrease on the same period in 2019. This fall was driven by a 10%, 26% and 32% fall in AP, HR and EEA respectively. As with receipts, Human Rights appeals continue to make up the largest proportion (50%) of all FTTIAC disposals in January to March 2020, down from 52% a year ago.

Of the disposals made in the FTTIAC this quarter, 82% were determined i.e. a decision was made by a judge at a hearing or on the papers; 14% were withdrawn; 3% were struck out for non-payment of the appeal fee, and 2% were invalid or out of time. Just under half (48%) of the 9,000 cases determined at a hearing or on the papers were allowed/granted, although this varied by case type (46% of Asylum/Protection, 51% of Human Rights and 45% of EEA Free Movement appeals were allowed/granted).

In the FTTIAC, the mean time taken to clear appeals across all categories has decreased by 12 weeks to 28 weeks this quarter compared to the same period a year ago. Asylum/Protection took the least time to clear with 25 weeks (excluding Family Visit Visa which only had one disposal), whilst Human Rights and EEA Free Movement had mean times taken of 31 weeks and 26 weeks respectively.

Upper Tribunal Immigration and Asylum Chamber (UTIAC)

In January to March 2020, UTIAC **receipts, disposals** and **caseload outstanding** all **decreased**, by 36%, 64% and 33% respectively, when compared to the same period in 2019.

UTIAC **judicial review receipts** continue to **fall** - down 38%, to 1,100. **Disposals** and **caseload outstanding** also fell by 35% and 64%, to 1,400 and 1,200 respectively, compared to January to March 2019.

At the UTIAC, there were 940 appeal receipts in January to March 2020, down 36% on the same period in 2019. AP, HR and EEA receipts drove the decrease in receipts, falling 10%, 51% and 61% to 490, 350 and 53 appeals respectively.

Over the same period, UTIAC disposals decreased 64% to 810. UTIAC disposals have fallen in each quarter from Q4 2018/19 to the current quarter (see table UIA_2).

At the end of March 2020, the UTIAC caseload outstanding stood at 1,300, a 33% decrease on the end of March 2019.

UTIAC Immigration and Asylum Judicial Reviews

In January to March 2020, there were 1,100 Immigration and Asylum Judicial Review receipts and 1,400 disposals, down 38% and 35% respectively on January to March 2019.

Of the 1,400 Immigration and Asylum Judicial Reviews disposed of in the UTIAC in January to March 2020, 65% were determined and 1% were transferred to the Administrative Court. The remaining 34% were in the 'Other' category, which includes cases that were withdrawn or not served.

During January to March 2020, 940 UTIAC Judicial Review applications were determined by paper hearing, of which 11% were allowed to continue to the substantive hearing stage. A further 260 were reconsidered at an oral renewal, of which 35% were allowed to continue to the substantive hearing stage. There were 22 substantive hearings which were determined in January to March 2020, of which 32% were granted in favour of the appellant (see table UIA_3).

5. Employment Tribunals

Employment Tribunal Fee (ET) Refunds

From the launch of the **ET fee refund scheme** in October 2017 to 31 March 2020, there were **22,000 applications** for refunds received and **22,000 refund payments** made, with a **total monetary value** of **£18.1 million**.

Between 1 January 2020 and 31 March 2020, **34 refund applications** were received (down from **46** in Q3 2019/20) and **94 refund payments**³ were made with a **total value** of **£52,000**.

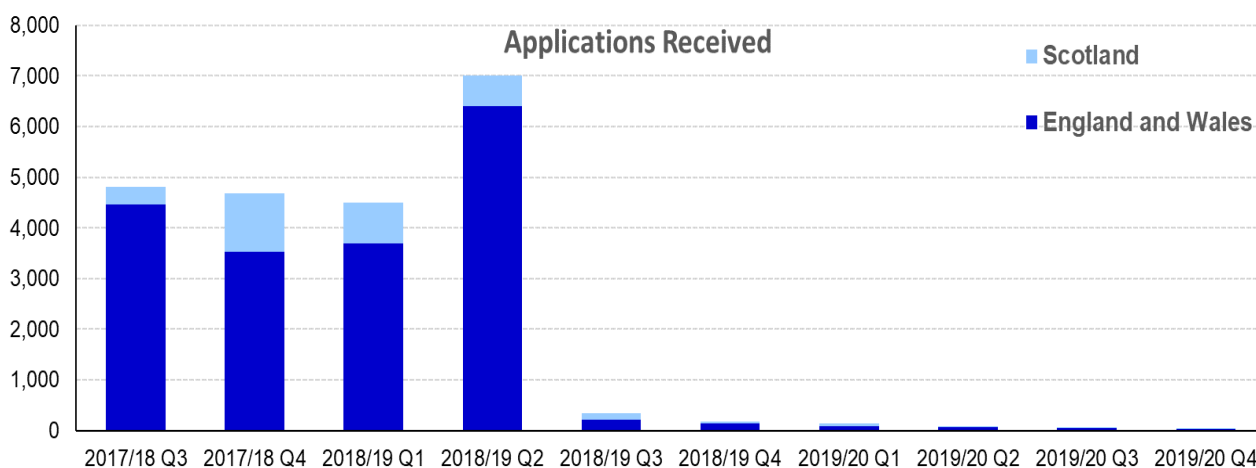
The ET fee refund scheme⁴ was introduced as a phased implementation scheme in October 2017 following the abolition of ET fees on 26 July 2017. Since the introduction of the scheme, a total of 22,000 applications for refunds have been received and 22,000 payments have been made, with a total value of £18,077,000 as at 31 March 2020.

Of the applications received between January to March 2020, 79% (27 applications) related to cases initially brought in England and Wales, down from 96% in the quarter to 31 December 2019. The remaining 21% of applications received this quarter (seven applications) related to cases initially brought in Scotland.

In the quarter January to March 2020, 94 refund payments were made by the MoJ, with a total monetary value of £52,000. Of these 94 refund payments made:

- 89% (84 refunds) related to England and Wales, 11% (ten refunds) to Scotland.
- 93% (87 refunds) related to single claims, 7% (seven refunds) related to multiple claims.

Figure 4.1: Employment Tribunal fees – refund applications received, Q3 2017/18 – Q4 2019/20 (Source: Tables ETFR_1)



³ Note that refund payments may relate to applications made in previous quarters.

⁴ More information on the scheme is available here <https://www.gov.uk/government/news/opening-stage-of-employment-tribunal-fee-refund-scheme-launched>

Figure 4.2: Employment Tribunal fees – refund applications processed, Q3 2017/18 – Q4 2019/20 (Source: Tables ETFR_1)

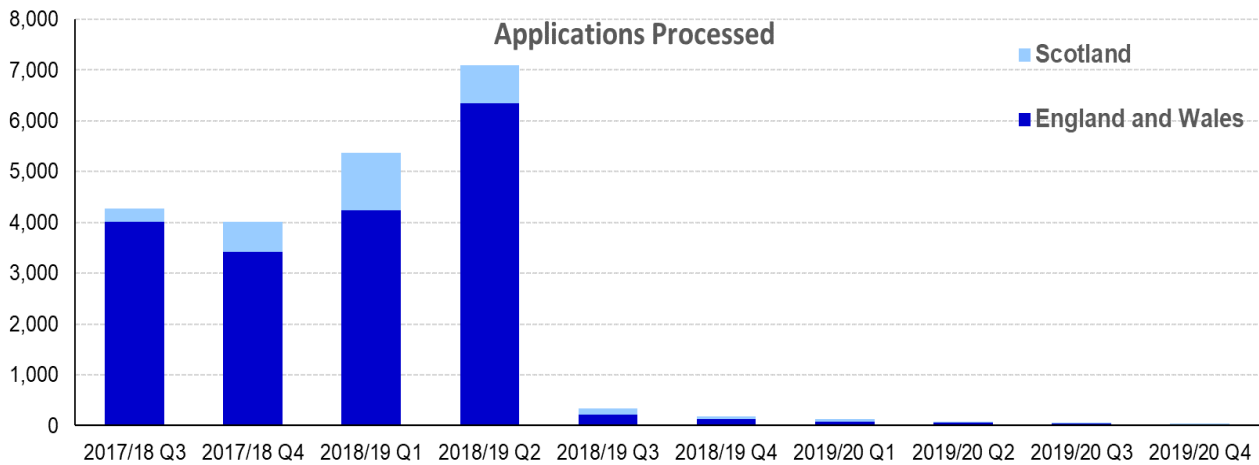
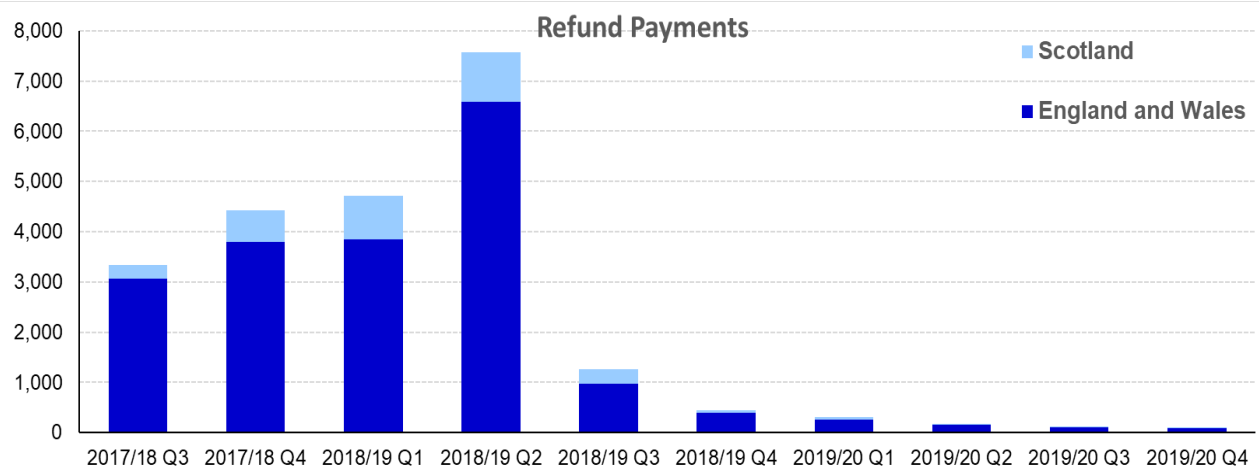


Figure 4.3: Employment Tribunal fees – refund payments made, Q3 2017/18 – Q4 2019/20 (Source: Tables ETFR_2)



The large drop seen between Q2 and Q3 2018/19 follows the mailshot campaign which ended in July 2018 and resulted in exceptionally high receipts initially, particularly in England and Wales.

Employment tribunal single cases

In January to March 2020, single claim **receipts, disposals and outstanding caseload all increased** (by 18%, 27% and 19% respectively) when compared to the same period in 2019. **Mean age** at disposal was 38 weeks, five weeks more than in January to March 2019.

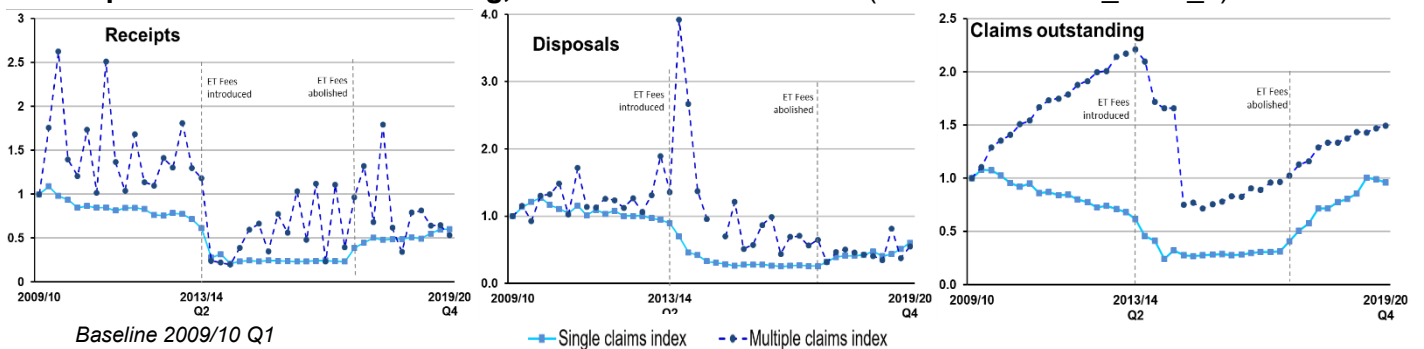
Employment tribunal multiple cases

Receipts fell 33% this quarter when compared to the same period in 2019.

Disposals and caseload outstanding increased by 34% and 9% respectively.

Mean age at disposal **rose** from 122 weeks to 164 weeks over the same period.

Figure 4.4: Index of Employment Tribunals single and multiple claim receipts, disposals & claims outstanding, Q1 2009/10 – Q4 2019/20 (Source: Tables S_2 – S_4)⁵



The number of single claim receipts has increased by 18% to 11,000 in the current quarter, when compared to the same period in 2019, 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 and from 9,100 in Q4 2018/19 to 8,800 in Q1 2019/20. Caseload outstanding (at 32,000) 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 13,000 multiple claims received this quarter, down 33% 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 620 multiple claim cases (averaging 14 claims per multiple case). This is down from 710 multiple cases in the same period a year ago, which had an average of 12 claims per case.

The Employment Tribunal disposed of 14,000 claims during January to March 2020, up 30% on the same period in 2019. This was due to a 27% and 34% increase in single and multiple claim disposals respectively, to 8,500 and 5,900 respectively. The multiple claims disposed of relate to 570 multiple cases, up from 520 cases in January to March 2019.

In January to March 2020, 22% of disposals were dismissed upon withdrawal (the most common outcome this quarter), 21% were withdrawn, 21% were ACAS⁶ conciliated settlements, 12% were struck out (not at a hearing) and 8% were successful at hearing. The most common jurisdictional complaint disposed of between January to March 2020 was 'Unauthorised Deductions', this was also the most common complaint in January to March 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)

6. Gender Recognition Certificates

130 Gender Recognition Panel (GRP) applications were received and 97 were disposed of between January to March 2020; 150 applications were pending by the end of March 2020

29 more applications were received by the GRP this quarter, compared to January to March 2019. Of the 97 applications disposed of, a full Gender Recognition Certificate (GRC) was granted in 93% of cases (90 full GRCs), six percentage points higher than in the same period in 2019 (where 57 full GRCs were granted out of 66 disposals).

Since April 2005/06, when the Gender Recognition Act 2004 came into effect, 74% 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 January to March 2020.

Of the 90 full certificates granted in January to March 2020, six were for married applicants and 84 for single applicants. 41 (46%) of the individuals granted full certificates were registered male at birth while 49 (54%) were registered female at birth.

Figure 5.1: Applications for Gender Recognition Certificates received, disposed of and pending, 2009/10 to 2019/20 (Source: Tables GRP_1 and GRP_2)

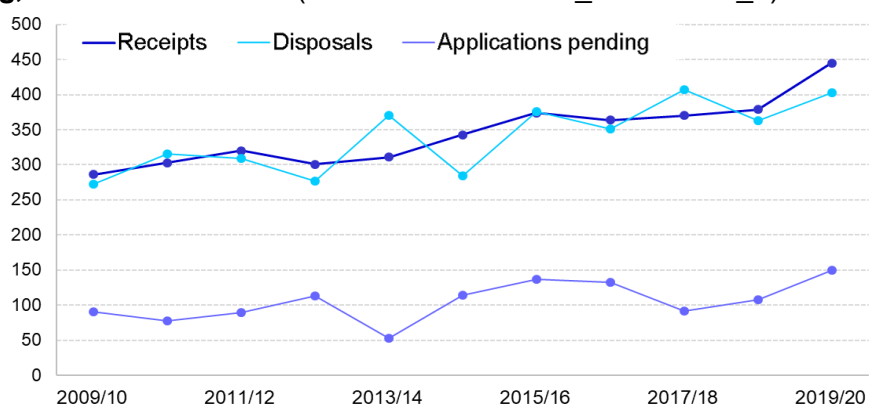
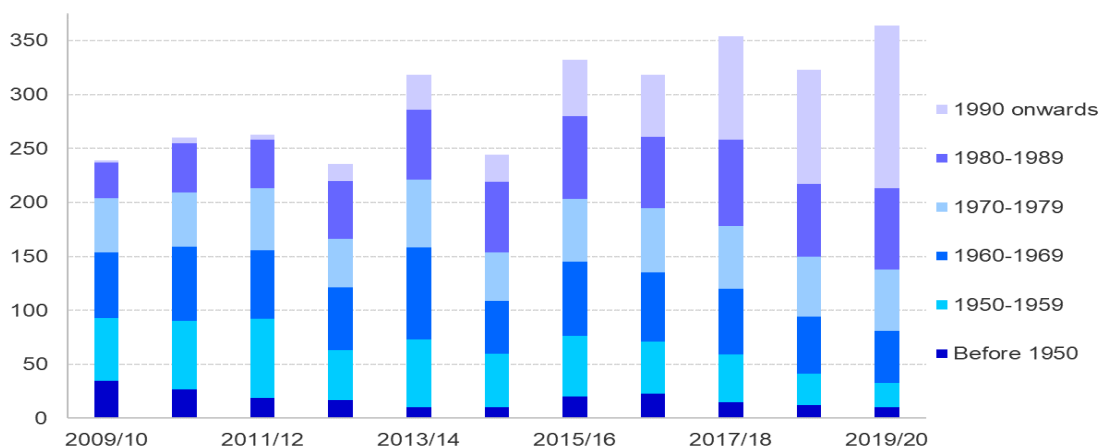


Figure 5.2: Full Gender Recognition Certificates granted by year of birth, 2009/10 to 2019/20 (Source: Table GRP_4)



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.

7. Adjournments and Postponements

Adjournments reported on have decreased by 9% in 2019/20 compared to the previous year, driven by a 11% fall in SSCS adjournments, which represent the majority (73%) of adjournments in 2019/20.

SSCS adjournments decreased from 42,000 in 2018/19 to 38,000 in 2019/20; making up 73% of the 51,000 adjournments in the year.

Postponements reported on increased by 7% in 2019/20, driven by FTTIAC and SEND tribunals which represent 22% and 10% of all postponements reported in 2019/20 respectively.

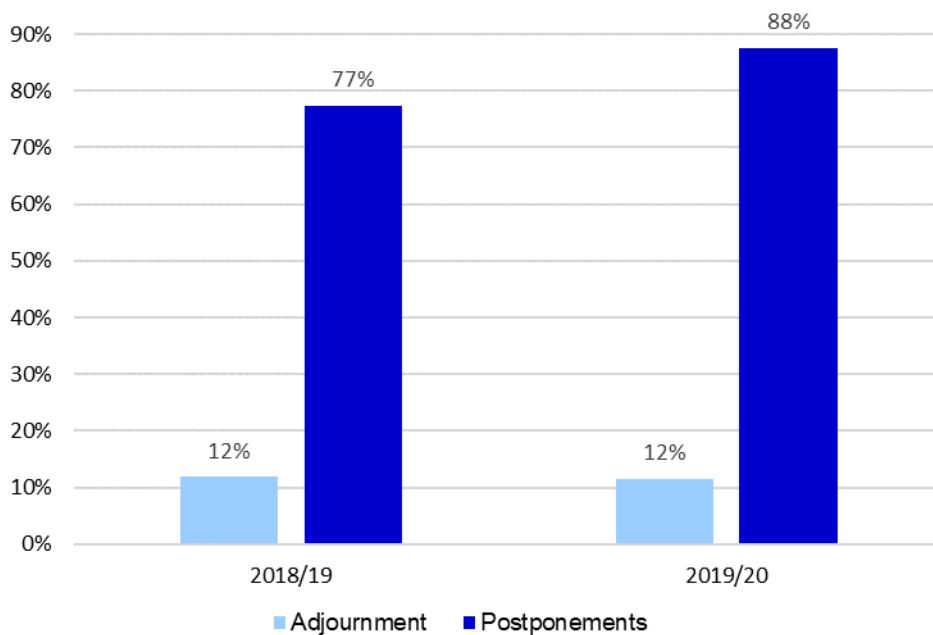
The number of tribunal postponements increased 7% to 46,000 in 2019/20, driven by an 30% and 56% rise in FTTIAC and SEND tribunal postponements respectively.

Social Security and Child Support tribunals had the largest number of adjournments (38,000) which accounted for 21% of SSCS listed hearings (up one percentage point on 2018/19). Mental Health tribunals had the smallest proportion of listed hearings that were adjourned – 7% of all Mental Health hearings listed in 2019/20, up one percentage point on 2018/19.

Prior to the commencement of the hearing parties to an appeal can apply to have the hearing postponed and the Tribunal decides if the application can be granted. The Tribunal can also postpone a case on its own volition.

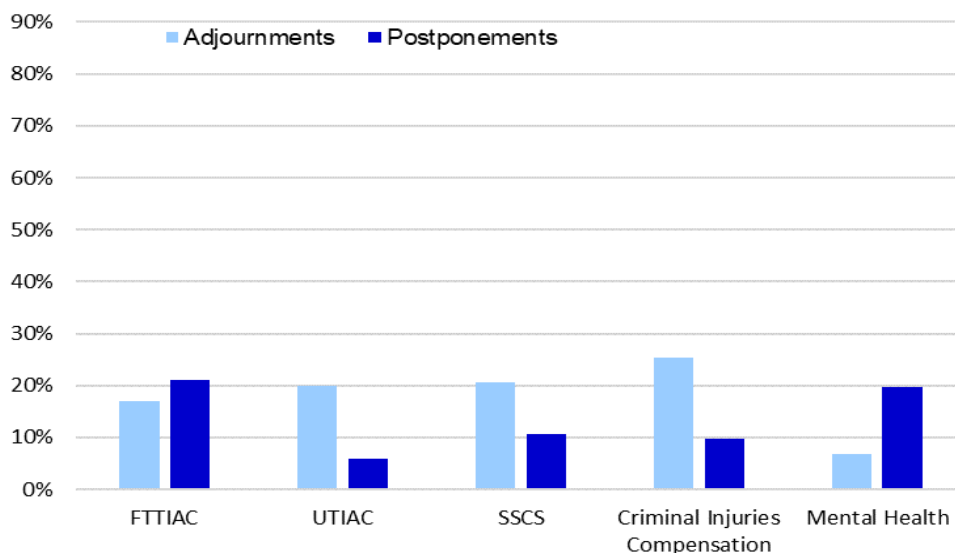
The postponement process is different for each tribunal, as such, care must be taken when comparing the postponement figures. As an example, in the SEND tribunal, the case is listed for hearing when the appeal is registered without confirming availability of the parties to attend on that date, whereas in SSCS the date is only set when the parties agree a date. This results in a high number of postponements for the SEND tribunals as the parties may not be able to attend on the scheduled date. This can be for various reasons. These may include holidays; illness; key witnesses unavailable on the date of the hearing; the case simply not ready for hearing or where the tribunal is able to hear an appeal sooner with parties' consent.

Figure 6.1: Percentage of listed hearings Adjourned and Postponed – SEND, 2018/19 to 2019/20 (Source: Table APJ_1)



This difference in the process of scheduling involved in the SEND tribunals leads to a relatively large proportion of its listed hearings being postponed - 88% in 2019/20 (77% in 2018/19). In the long-term, the number of SEND postponements have also continued to increase year-on-year, from 624 in 2013/14 to 4,400 in 2019/20.

Figure 6.2: Percentage of listed hearings Adjourned and Postponed – by jurisdiction, 2019/20 (Source: Table APJ_1)



The percentage of SCS tribunals with postponements has risen slightly, up from 10% of listed hearings in 2018/19 to 11% in 2019/20. The absolute number of SCS postponements decreased, by 7% to 21,000 in 2019/20. SCS represented the largest proportion (47%) of postponements, while FTTIAC (increasing by 22% to 10,000) and SEND (increasing by 10%) drove the overall increase in postponements.

The smallest proportion of postponements in 2019/20 was at the UTIAC, where 6% of listed hearings were postponed (up from 3% in 2018/19).

8. Tribunal Judicial Salaried and Fee-paid sittings by Jurisdiction

SSCS (38%) and Mental Health (26%) judicial sittings⁸ continue to make up a large proportion of the interim⁹ sittings total

In 2019/20, there were 72,000 SSCS judicial sittings, down 5% (from 76,000) on 2018/19. In the same period, Mental Health judicial sitting days rose 1% to 50,000.

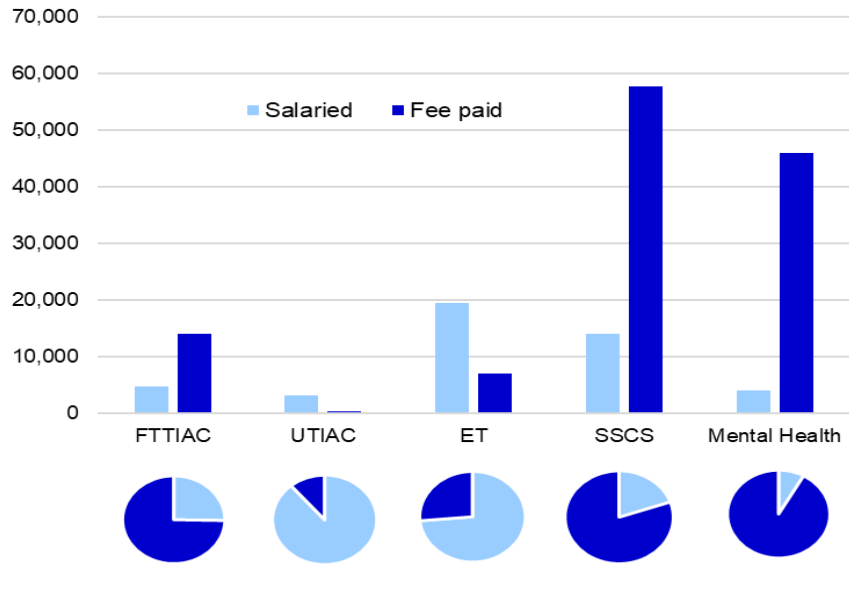
The vast majority of sittings in the Mental Health and SSCS tribunals were fee-paid, whereas the majority of sitting days in the Employment tribunal were salaried.

Fee Paid sittings interim⁹ total accounted for 73% of all tribunal interim⁹ judicial sittings total in 2019/20, while salaried sittings interim⁹ total accounted for 27%. The fee-paid judicial sittings interim⁹ total was 140,000 in 2019/20. Of these 74% were for the Mental Health and SSCS tribunals.

The number of Employment Tribunal sittings has risen by 12%, continuing the rise seen in 2018/19 which followed a previous decline and stabilisation. In contrast, the number of ET fee-paid sittings has decreased by 9%, from 7,700 in 2018/19 to 7,000 in 2019/20.

The number of judicial sitting days at the FTTIAC decreased by 5% to 19,000 in 2019/20. The number of UTIAC sitting days also decreased, by 16% from 4,300 to 3,600 in the same period. The proportion of salaried judicial sittings at the FTTIAC decreased, down two percentage points to 25% in 2019/20.

Figure 7: Judicial Salaried and Fee-paid Judicial Sittings⁸, 2019/20 (Source: Tables JSFP_1 & JSFP_2)



⁸ For SSCS, judicial sittings relate to half-day sessions and therefore the SSCS figures are not comparable to the other tribunal sitting days

⁹ The interim totals for the overall volumes of total sittings, salaried sittings and fee-paid sittings exclude nine tribunals for which the March 2020 data is currently not available. See the main tables JSFP_1 and JSFP_2 for more information.

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.
- The quality statement published with this guide sets out our policies for producing quality statistical outputs for the information we provide to maintain our users' understanding and trust.
- 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 supplementary tables providing the SEND Tribunal rate of appeal at both a national and Local Authority level, calculated as a ratio of appeals submitted to the Tribunals to 'appealable decisions'.
 - Update to the statistical notice on Immigration and Asylum (I&A) Detained Immigration Appeals (DIA) to include data to Q4 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.

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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