



Ministry of
JUSTICE



HM Courts
& Tribunals
Service

Quarterly Tribunals Statistics

1 October to 31 December 2011

29 March 2012

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Introduction

This report presents information on Tribunals activity for 1 October to 31 December 2011. Information for the same quarter of earlier years is also presented.

Quarterly Official Statistics for Tribunals, for all four quarters of 2010-11 (April 2010 to March 2011) and for 1 April to 30 June 2011 and 1 July to 30 September 2011 have been published and are available at www.justice.gov.uk/statistics/tribunals/quarterly

Annual Official Statistics for Tribunals for 2010-11 have been published. The report is available at www.justice.gov.uk/statistics/tribunals/annual-stats

Statistics for Employment Tribunals and Employment Appeal Tribunal activity for 2010-11 were published on 3 September 2011 in "Employment Tribunal and EAT statistics 2010-11". This publication is available at: www.justice.gov.uk/statistics/tribunals/employment-tribunal-and-eat-statistics-gb

Statistics on the work of the civil, family, magistrates' and Crown Courts in England and Wales during the period October to December 2011 are also published by the MoJ at the same time as this report. These quarterly courts statistics, along with annual statistics, can be found in separate reports on the MoJ website, at: www.justice.gov.uk/statistics/courts-and-sentencing/judicial-quarterly

Key Findings

All Tribunals Combined

- The statistics for the quarter October to December 2011, include figures for a number of tribunals which have recently become part of HMCTS¹. Historical figures do not necessarily include information for these new tribunals. Thus, for like-with-like comparability, comparisons with earlier periods are made excluding new tribunals from the figures.
- Between October and December 2011 (quarter 3), there were 189,800 receipts or cases. This represents a 1 per cent increase over the same quarter of the previous year. However, there were 18 per cent fewer receipts than in October to December of 2009 (Table 1.1).
- There were 178,500 disposals in the latest quarter of 2011. Excluding details for the new tribunals, this was an increase of 2 per cent on the same quarter of 2010-11 and 10 per cent on that for 2009-10 (Table 1.2).
- For all tribunals combined, the caseload outstanding was 753,300, with 67 per cent of this being for multiple Employment Tribunals claims. For many tribunals, the caseload outstanding has fallen in the last year – by 23 per cent for both Immigration and Asylum and Social Security and Child Support; and 11 per cent for single Employment Tribunal cases. However, some tribunals had an increase in caseload outstanding when compared with the October to December quarter of 2010, e.g. multiple Employment Tribunal cases (19%); Upper Tribunal (Administrative Appeals Chamber) of 30%; and Tax (First Tier) of 32% (Table 1.3).

Social Security and Child Support

Social Security and Child Support (SSCS) appeals jurisdiction, part of the First Tier Tribunal, arranges and carries out independent hearings for appeals on decisions made by the Department for Work and Pensions (including Jobcentre Plus, Child Support Agency and Disability and Carers Service), as well as other government departments (HM Revenue and Customs) and local authorities.

- There were 88,300 receipts to SSCS between October and December 2011, a decrease of 14 per cent compared to the same quarter of 2010. This was a 7 per cent decrease compared with the same quarter of 2009.
- There were 104,100 disposals made by SSCS, a 9 per cent increase compared with the October to December quarter of 2010-11 and a 48 per cent increase when compared with the same quarter of 2009-10.

¹ Details are in the Data Quality and Sources section of this report.

- There were increases in the number of disposals for most types of benefits, with notable rises for: Social Fund (of 96 per cent); Tax Credits (of 76 per cent); Attendance Allowance/Disability Living Allowance (of 46 per cent) and Carer's Allowance (of 43 per cent).
- There were 81,500 SSCS hearing clearances (those cases disposed of at hearing) during October to December 2011, a 20 per cent increase on the number in the same quarter of 2010-11.

Employment Tribunals

The Employment Tribunals are independent judicial bodies who determine disputes between employers and employees over employment rights.

- Between October and December 2011, Employment Tribunals received 56,000 cases, a 40 per cent increase in overall claims to Employment Tribunals, compared to the same quarter of the previous year. The number of receipts of single claims remained static. However, the number of receipts of multiple claims rose by 65 per cent and was affected by the high number of re-submitted airline cases received in October to December 2011.
- In October to December 2011, there were 27,800 disposals made by Employment Tribunals², an 8 per cent increase on the same quarter of the previous year. The number of single disposed cases fell by 2 per cent, whilst the number of multiple disposed cases rose by 21 per cent.

First Tier Immigration and Asylum Tribunal

All references to Immigration and Asylum refer to the First-tier Tribunal (Immigration and Asylum Chamber). It is an independent Tribunal dealing with appeals against decisions made by the Home Secretary and his officials in immigration, asylum and nationality matters.

- Compared with the same quarter of 2010-11, there was a fall of 15 per cent in the overall number of Immigration and Asylum receipts, to 28,100 during October to December of 2011. The overall fall in receipts was reflected in all case types, with receipts falling for Entry Clearance by 30%; Asylum by 25%; Managed Migration by 11% and Family Visit Visa by 1%.
- The number of Immigration and Asylum disposals was 30,600 between October and December 2011, 19 per cent fewer than in the same quarter of 2010-11.

² There may be a small undercount due to change of computer system during the year.

Commentary

Receipts (Table 1.1)

1. The statistics for the quarter October to December 2011 include figures for a number of tribunals which have recently become part of HMCTS³. Figures for some earlier quarters do not include information for these new tribunals. In this report, changes compared to earlier periods are made excluding new tribunals figures, so that the comparisons are on a like-with-like basis.

2. During the period 1 October to 31 December 2011, Tribunals had 189,800 receipts. Excluding figures for the new tribunals, receipts went up by 1% on the number received in the same quarter of last year. However, the number of receipts was 18% fewer than those received in the same quarter of 2009-10. The recent increase in the number of receipts was mainly attributed to the rise in those to Employment Tribunals, which included a large number of resubmitted airline multiple cases⁴. When compared with the same quarter of 2010-11, there were also smaller increases in receipts for Tax First Tier of 77%, Employment Appeal Tribunal of 13% and Mental Health of 8% (a continuing upward trend).

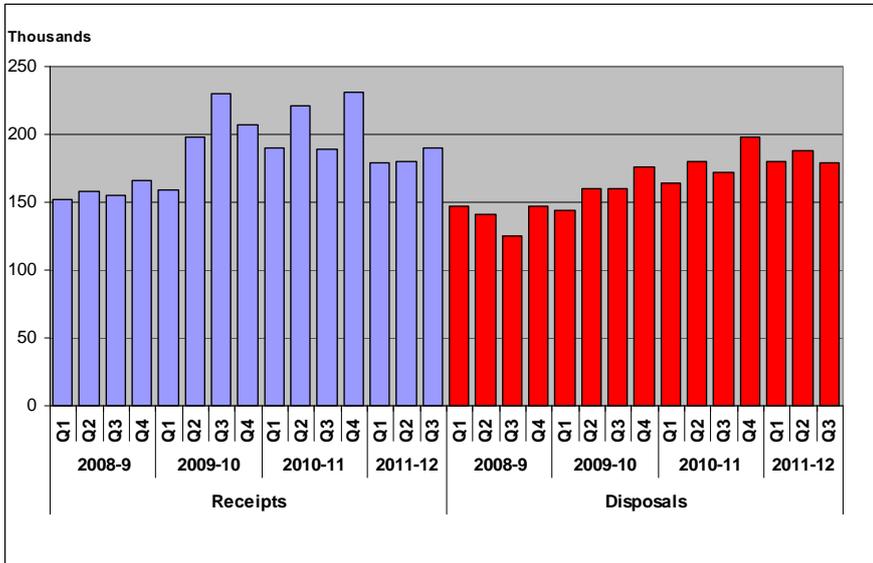
3. Compared with October to December of 2010, the number of recent receipts went down in Immigration and Asylum by 15% and in Social Security and Child Support (SSCS) by 14%.

4. Further, excluding multiple claims to Employment Tribunals (which vary from year to year and can distort the picture on workload), there was an 11% fall in the number of receipts in October to December 2011, as compared with a 12% drop in the same period in 2010.

³ Details are in the Data Quality and Sources section of this report.

⁴ Multiple cases are where two or more people bring cases, involving one or more jurisdiction(s) usually against a single employer but not necessarily so, for instance in Transfer of Undertakings (Protection of Employment) Regulations (TUPE) cases, and always arising out of the same or very similar circumstances. As a multiple, the cases are processed together.

Figure 1: Receipts for all Tribunals, 2008-09 to 2011-12

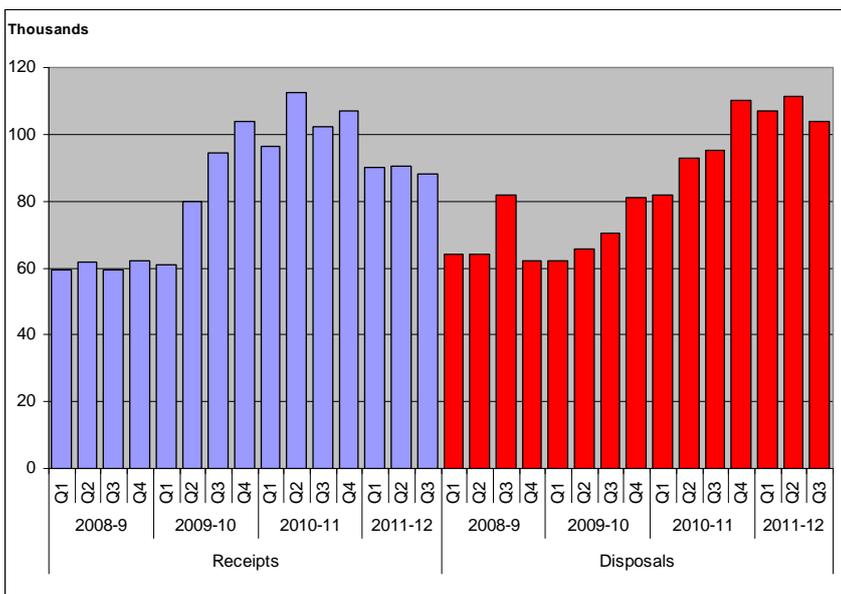


Source: Tribunals quarterly returns

Receipts by Jurisdiction

5. For SSCS, there were 88,300 receipts between October and December 2011 – representing around 47% of cases received by all Tribunals. When compared with the same quarter in previous years, the number of receipts was 14% fewer than in 2010-11 and 7% fewer than in the same period of 2009-10.

Figure 2: Social Security and Child Support Receipts, 2008-09 to 2011-12



Source: Tribunals quarterly returns

6. Of the 88,300 cases received by SCS during October to December 2011, 47% were for Employment Support Allowance (ESA)/Incapacity Benefit (IB) (a lesser proportion than seen in previous quarters); 26% for Disability Living Allowance (DLA)/Attendance Allowance (AA); and 12% for Job Seeker's Allowance (JSA). The number of receipts of ESA/IB cases fell by 22% to 41,300 compared with the same quarter last year. This was as a result of a significant fall in the number of Incapacity Benefit appeals (from 8,000 in October to December 2010 to 320 in October to December 2011). No new benefit claimants to Incapacity Benefit have been accepted since February 2011 (with all new claims relating to ESA). There was also a fall in the number of Employment Support Allowance only receipts, from 44,800 in October to December of 2010, to 41,000 for the same time in 2011.

7. Examining receipts in the third quarter between 2010-11 and 2011-12, there have been increases for a number of benefits: for Tax Credits of 94% to reach 1,300; Social Fund of 70%; Pension Credit of 50%; and Carer's Allowance of 46%. Receipts for Industrial Injuries Disablement Benefit have fallen by 64% and those for Job Seeker's Allowance by 20%.

8. In Employment Tribunals (ET), the number of receipts (claims) between 1 October and 31 December 2011 was 56,000 in total⁵ – 40% more than in the same quarter of 2010-11, but 31% fewer than for that quarter in 2009-10. The apparent rise was due to the increased number of multiple receipts (including resubmitted airline and Wages Act cases) received in the current quarter. This means that the number of multiple receipts in October to December of 2011 had risen by 65% to reach 40,800. The total number of ET claims is dependent upon multiple receipts, which are highly variable in nature. The number of single claims stayed static and was 15,200 between 1 October and 31 December 2011.

9. For ET, when the jurisdictional⁶ mix of claims is considered (Table 1.1a), there were 92,200 jurisdictional complaints received from 1 October – 31 December 2011. This is a rise of 16% on the same quarter in 2010-11, with the numbers affected by the resubmitted multiple claims made. Of the total number of jurisdictional complaints received, 36% were for Working Time Directive, 28% were for unfair dismissal, redundancy and breach of contract; 17% were for unauthorised deductions (formerly the Wages Act); and 6% were for Equal Pay.

10. When comparing the October to December quarter of 2010-11 with that of 2011-12, the number of jurisdictional claims associated with Working Time Directive (including resubmitted airline cases) rose substantially (from 13,500 to 33,500). There were increases in jurisdictional complaints received for unfair dismissal, redundancy and breach of contract (of 7%); Part-Time

⁵ Including some cases not yet placed on the IT system

⁶ A claim can contain a number of grounds, known as jurisdictional complaints. In any hearing, the tribunal has to decide upon the merits of the claim made under each jurisdiction

Workers Regulations (more than doubling); and written statement of reasons for dismissal of 32%.

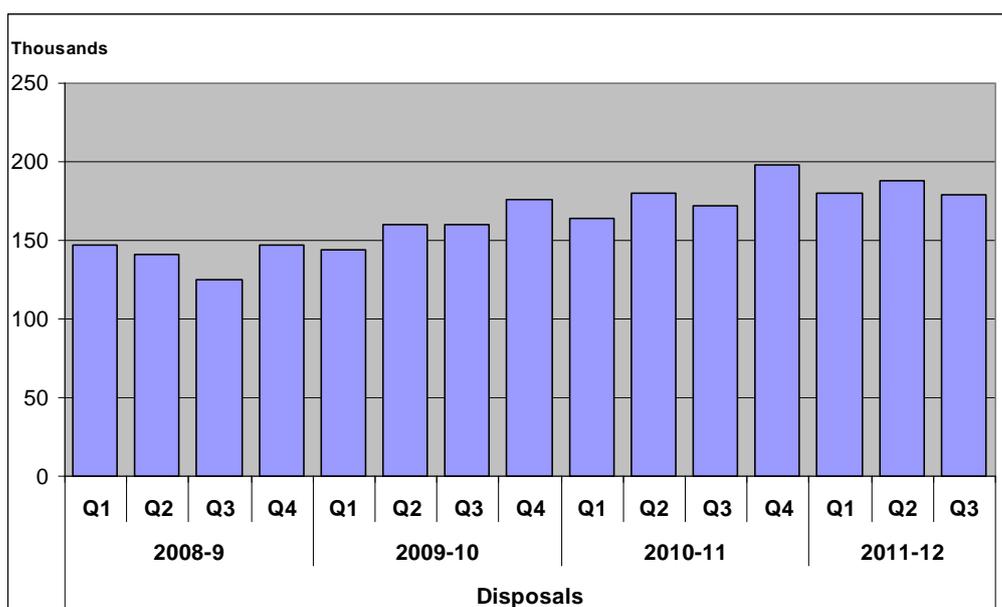
11. In the First Tier Immigration and Asylum Chamber, there were 28,100 receipts in October to December 2011 – a 15% fall when compared with the same quarter of 2010-11 and a 29% fall compared to that quarter in 2009-10. The overall fall in receipts was reflected in all case types, with receipts falling for Entry Clearance by 30%; Asylum by 25%; Managed Migration by 11% and Family Visit Visa by 1%.

Disposals (Table 1.2)

12. From October to December 2011, there were a total of 178,500 cases or claims that were disposed of. Excluding data for the new tribunals, this is an increase of 2% when compared with the same quarter of 2010-11 and 10% on that of 2009-10.

13. The rise in the number of disposals was seen in Social Security and Child Support Appeals (up by 9%) and in Employment Tribunals (up by 8%). There were also some substantial rises in disposals for other tribunals such as Special Educational Needs and Disability (up by 40%); Mental Health (up by 7%) and Financial Services and Markets and Pensions Regulator (up from 4 to 451 as a result of disposing of cases associated with Northern Rock Bank). The increase in SEND was a result of this year's introduction of a fast-track system in Special Educational Needs and Disability for all appeals involving secondary school transfers, and, in Mental Health, an increase in receipts including Section 2 receipts which are heard within seven days.

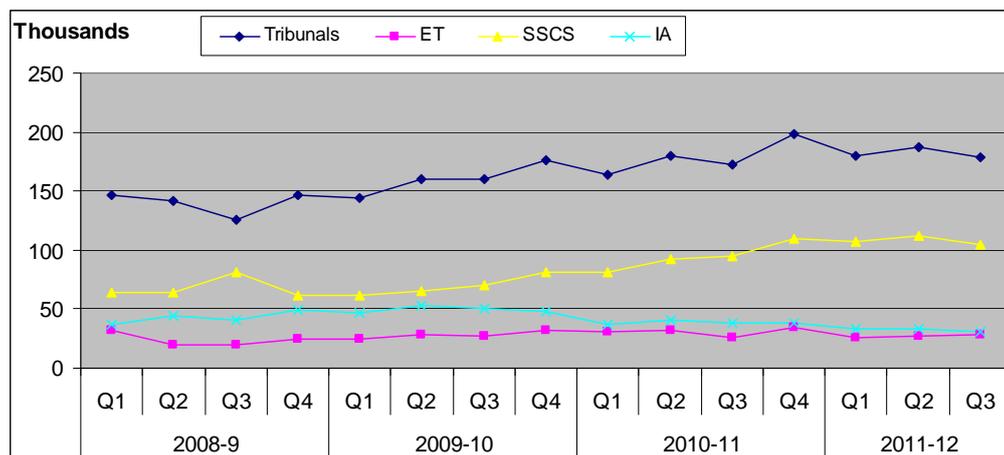
Figure 3: Disposals for all Tribunals, 2008-09 to 2011-12



Source: Tribunals quarterly returns

Disposals by Jurisdiction

Figure 4: Disposals by jurisdiction, 2008-09 to 2011-12



Source: Tribunals quarterly returns

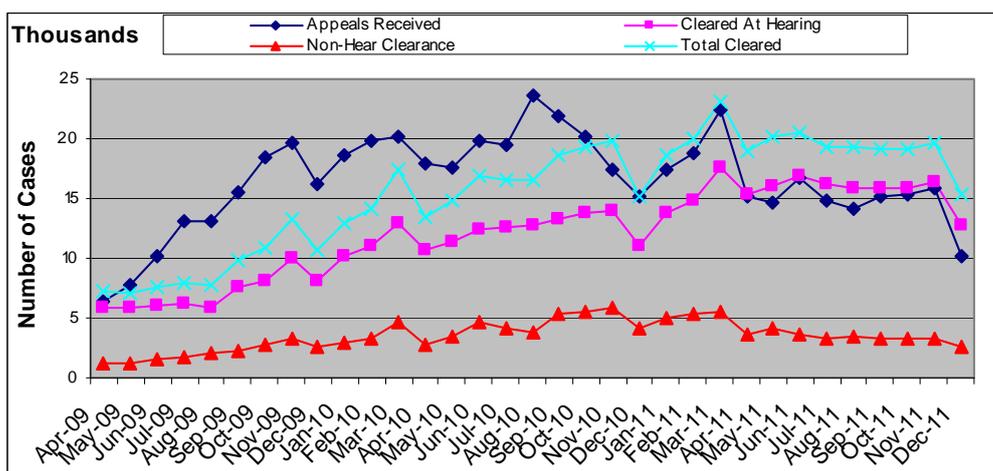
14. SSCS disposed of a total of 104,100 cases in October to December of 2011, 9% more than for the same period of the 2010-11 year and 48% more than for the same quarter of 2009-10. The number of disposals by SSCS has generally been increasing since the first quarter of 2009-10.

15. Of the 104,100 cases disposed of: 54,100 (52%) were for Employment Support Allowance (ESA)/Incapacity Benefit (IB); 23,300 (22%) were related to Disability Living Allowance (DLA)/Attendance Allowance (AA) and 11,700 (11%) were for Job Seeker's Allowance (JSA).

16. The rise in SSCS receipts over recent years has generally been in response to the introduction, in October 2008, of Employment Support Allowance to replace Incapacity Benefit (and seen in the management information from June 2009 data onwards). Figure 5 shows the change in disposals for ESA/IB benefits throughout 2009-10 to December 2011, that were cleared by having a Tribunal hearing, and those that were settled or struck out (non-hearing clearances). The number of disposals for ESA/IB in October to December of 2011 was at a similar level to that in 2010, but has exceeded the number of receipts⁷. However, if we consider the two benefits separately, there was a 10% increase in the number of disposals for Employment Support Allowance and a 58% fall in those for Incapacity Benefit.

⁷ See Data Quality and Sources section regarding comparison of receipts and disposals

Figure 5: Receipts and Disposals for Employment Support Allowance and Incapacity Benefit, April 2009 to December 2011



Source: Tribunals quarterly returns

17. When compared with October to December of 2010, there were increases in the number of disposals for most types of benefits, with notable rises for: Social Fund (of 96%); Tax Credits (of 76%); AA/DLA (of 46%) and Carer's Allowance (of 43%). There were falls in disposals for a small number of benefits including Child Benefit Lone Parent (of 31%).

18. Table 1.2d provides some information on the outcome of Social Security and Child Support cases that were cleared at hearing⁸ and whether the decision was found in favour of the appellant, or if the original decision made by DWP was upheld. Between 1 October and 31 December 2011, there were 81,500 clearances with a hearing – a 20% rise on the number in the same quarter of 2010-11. Of these, 35% were found in favour of the appellant. This proportion varied by type of benefit with 36% of Compensation Recovery Unit; 45% of Severe Disablement Benefit/Allowance; 43% of Child Support, 40% of ESA/IB, 39% of DLA/AA and 7% of Social Fund hearing clearances being found in favour of the appellant.

19. During October to December 2011, Employment Tribunals disposed of 27,800 claims – an 8% increase on the number for the same quarter of 2010-11⁹, and 3% more than in the same quarter of 2009-10. Compared with

⁸ These were cleared via a Tribunal (could be a panel or a member of the Judiciary sitting alone) with a decision/outcome.

⁹ There may be a small undercount in ET disposals during 2010-11 because of changes to computer systems during the year.

October to December of 2010, the number of single disposed cases fell by 2% whilst those for multiple cases rose by 21%.

20. Table 1.2a gives details of ET Jurisdictional complaints disposed of by type of jurisdiction and outcome. Between 1 October and 31 December 2011, 55,100 jurisdictional claims were disposed of (a 5% increase on the 52,500 disposed of in the same period of the previous year). There were notable increases in the numbers of disposals associated with Equal Pay (up by 32%), National Minimum Wage (up 26%) and Breach of Contract (up by 13%). There were falls in disposals for Sex Discrimination (down by 13%); Religious Belief Discrimination (down by 13%) and Sexual Orientation Discrimination (down by 12%). Of the 55,100 jurisdictional complaints that were disposed of:

- 25% were unfair dismissal, breach of contract or redundancy;
- 15% were associated with unauthorised deductions (Wages Act).

21. Of the total jurisdictions disposed of during October to December 2011:

- 34% were Acas Conciliated (more than a quarter of these related to unfair dismissal); 27% were withdrawn; 12% were struck out (not at a hearing) and 12% were successful at Tribunal.

22. Overall, in Immigration and Asylum, there were 30,600 disposals in October to December 2011 – 19% fewer than in the same quarter of 2010-11 and 39% fewer than in the same quarter of 2009-10.

23. Comparing October to December of 2010 with that of 2011 by case type (Table 1.2b), there was falls in the number of disposals of: 24% for Asylum; 21% for Managed Migration; 17% for both Family Visit Visa and Entry Clearance Officer.

24. Table 1.2e gives outcomes for those Immigration and Asylum cases that were disposed of. Of the 30,600 cases that were disposed of between 1 October and 31 December 2011:

- 13,000 (42%) were dismissed;
- 11,000 (36%) were allowed;
- 6,600 (22%) were withdrawn.

Caseload Outstanding (Table 1.3)

25. At 31 December 2011, the caseload outstanding was 753,300 and includes cases for the newly transferred and created tribunals. Excluding the caseload outstanding for those, the overall caseload outstanding has increased by 1% when compared with that at 30 September 2011.

26. 67% of the outstanding caseload at the end of the quarter related to 'multiple' claims in Employment Tribunals. Collections of two or more of these

cases are grouped and managed together. They are often legally and factually complex and at any point in time it is common for such cases to be 'stayed', meaning that they are not ready to have a final hearing at that time for some reason, for example due to awaiting the decision of an appellate court on case management or other interim matters.

27. For many Tribunals, the caseload outstanding has fallen in the last year – by 23% for both Immigration and Asylum and Social Security and Child Support; and 11% for single Employment Tribunal cases. For other tribunals, it has also gone down by 12% for Employment Appeal Tribunal; by 23% for Special Educational Needs and Disability and by 44% for Asylum Support. However, there has been an increase in the overall caseload outstanding over the last year, including that for multiple Employment Tribunal cases of 19%; Upper Tribunal (Administrative Appeals Chamber) of 30%; and Tax (First Tier) of 32%.

Performance (Table 1.4)

28. The MoJ's Corporate Strategy for 2011-2015 set out how it intended to transform itself and the justice system over the next four years. A commitment was made in the HMCTS Business Plan for 2011-2015 to publish information about the operation of courts and tribunals to assist users to assess the efficiency and effectiveness of public services. Impact indicators were suggested for the four largest tribunals – Social Security and Child Support, Employment Tribunals, Immigration and Asylum and Mental Health.

29. The measures examine the process from receipt to the point at which the appellant is notified of the outcome of the hearing (or when they are notified of a settlement, withdrawal or strike out) and are thus on a different basis to the former Primary Performance Indicators.

30. HMCTS previously had a set of Primary Performance Indicators for each jurisdiction, which were largely based upon waiting times from receipt to disposal. From April 2011, these are no longer performance indicators but statistics continue to be published in Table 1.4. of this report so that users are able to compare these particular aspects of timeliness over time.

31. When examining the measures, a number of points should be noted:

- The clearance times (expressed in weeks or years) are highly dependent upon the processes that take place within a Tribunal and the type and complexity of a case. In some cases, a judgement is awaited from another body (for example European Courts), or a case may be stayed or legally complex.
- The measures can not be directly compared between one Tribunal and another because of the different processes. Thus, it is better to compare a specific Tribunal over time.

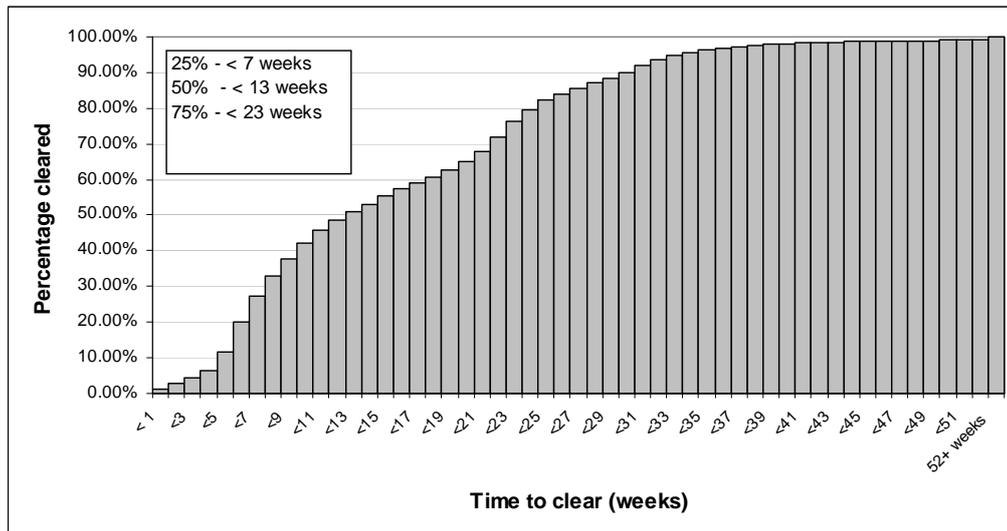
32. The tables and charts shows the age at which cases were cleared. There are differences by case or tribunal type, thus, clearances have been presented

for a number of tribunals by case type. The following measures examine the age of a case when it is cleared or disposed of and gives the point at which 25%, 50% (the median) and 75% were cleared. For example, in SCS, 75% of cases that were cleared in the period 1 April to 31 December 2011 were aged 34 weeks or less.

Immigration and Asylum

33. For those cases disposed of in April to December 2011, the cumulative percentages of cases are shown by the age of the case. The time is recorded from receipt to the time that a decision was notified to the appellant.

Figure 6: Cumulative Percentage of Clearance Times from April to December 2011, by age of case, Immigration and Asylum



Source: Tribunals quarterly returns

34. Of those cases disposed of in Immigration and Asylum between April and December 2011:

- 25% were aged 7 weeks or less (i.e. 25% were cleared in 7 weeks or less).
- 50% (the median) were aged 13 weeks or less.
- 75% were aged 23 weeks or less.

35. There are some differences in length of clearance time when cases are examined by the type of case, with Asylum and Managed Migration taking less time to clear than the other types of case. This reflects the different process times which apply to each of the Immigration and Asylum jurisdictions.

Table 1: Cumulative percentage of Immigration and Asylum clearances that took place in April to December 2011, by age of case at clearance

Tribunal	25% point	50% point	75% point
Immigration and Asylum (all)	7 weeks or less	13 weeks or less	23 weeks or less
Asylum	5 weeks or less	6 weeks or less	9 weeks or less
Managed Migration	6 weeks or less	7 weeks or less	9 weeks or less
Entry Clearance Officer	18 weeks or less	24 weeks or less	31 weeks or less
Family Visit Visa	11 weeks or less	19 weeks or less	23 weeks or less

Employment Tribunals

36. For Employment Tribunals, the timescale recorded is from receipt to when details of the final judgement is given. The distribution for all ET cases is heavily influenced by the age of multiple cases (which can be stayed or wait decisions from other bodies).

Table 2: Cumulative percentage of Employment Tribunals clearances that took place in April to December 2011, by age of case at clearance

Tribunal	25% point	50% point	75% point
Employment Tribunals (all)	16 weeks or less	31 weeks or less	1-2 years
Single	12 weeks or less	20 weeks or less	34 weeks or less
Multiple	34 weeks or less	1-2 years	2-3 years

37. Clearances for Employment Tribunals were also examined by broad jurisdictional group. The results showed that groupings such as Working Time Directive; National Minimum Wage/Breach of contract; Unfair Dismissal/Breach of Contract had shorter waiting times than other categories.

Table 3: Cumulative percentage of ET clearances (for jurisdictional groups) that took place in April to September 2011, by age of case at clearance

ET Jurisdictional Group	25% point	50% point	75% point
Equal Pay	52 weeks or less	2-3 years	3-4 years
Disability Discrimination	19 weeks or less	30 weeks or less	51 weeks or less
Race or Sexual Discrimination	29 weeks or less	1-2 years	4-5 years
Religious Belief, Sexual Preference	18 weeks or less	30 weeks or less	52 weeks or less
Age Discrimination	21 weeks or less	50 weeks or less	1-2 years
Working Time Directive	14 weeks or less	25 weeks or less	46 weeks or less
Unfair dismissal, redundancy, insolvency	15 weeks or less	23 weeks or less	44 weeks or less
National Minimum Wage	13 weeks or less	22 weeks or less	46 weeks or less
Unauthorised Deductions (Wages Act)	13 weeks or less	28 weeks or less	1-2 years
Other	14 weeks or less	25 weeks or less	49 weeks or less

Social Security and Child Support

38. For those cases disposed of in April to December 2011, the cumulative percentage of cases are shown by the age of the case. For SSCS the time is recorded from receipt to the time that a decision was notified to the appellant.

Of those cases disposed of by SSCS between April and December 2011:

- 25% were aged 9 weeks or less (i.e. 25% were cleared in 9 weeks or less).
- 50% (the median) were aged 20 weeks or less.

- 75% were aged 34 weeks or less.

38. SSCS hears appeals against decisions made by DWP on a number of different benefits. The composition of the Tribunal panel varies for each benefit and there are some differences in length of clearance time for each type of appeal. Those appeals which can be heard by a Judge sitting alone, such as appeals against decisions on Job Seekers' Allowance, Housing Benefit or Council Tax Relief take less time to clear than appeals where a panel including specialist Medical, Financial or Disability panel members is required. There are some differences in length of clearance time when cases are examined by Tribunal type with those Tribunals requiring a Judge sitting alone taking less time to clear than the other Tribunal types.

Table 4: Cumulative percentage of SSCS clearances that took place in April to September 2011, by age of case at clearance

Tribunal Type	25% point	50% point	75% point
SSCS (all)	9 weeks or less	20 weeks or less	34 weeks or less
Judge (Job Seekers' Allowance, Housing Benefit, Council Tax Relief, Child Support, ESA/IB cases with no medical element)	6 weeks or less	12 weeks or less	25 weeks or less
Judge, Medical Member and/or Specialist Disability Member (Disability Living Allowance/ Attendance Allowance)	11 weeks or less	25 weeks or less	38 weeks or less
Judge and Medical Member (ESA/IB)	11 weeks or less	23 weeks or less	33 weeks or less
Judge and Senior Medical Member (Industrial Injury/Disablement Benefit, Vaccine Damage)	9 weeks or less	20 weeks or less	34 weeks or less

Mental Health

40. For the Mental Health jurisdiction the time from receipt to disposal has been examined for the three main case types. Unfortunately, the reporting system is not able to produce analysis by single week of age, thus there is some inaccuracy regarding the median and lower and upper quartiles.

41. Given the statutory requirement for Section 2 cases to be listed within 7 days of receipt, it is not surprising that this type of case has the shortest clearance times. The waiting times have reduced when compared with previous periods due to improvements made in administrative processes.

Table 5: Cumulative percentage of Mental Health clearances that took place in April to December 2011, by age of case at clearance

Tribunal	25% point	50% point	75% point
Mental Health - Section 2	Less than a week	Less than a week	Between 1 and 2 weeks
Mental Health – Restricted Patients	More than 9 but less than 15 weeks	More than 9 but less than 15 weeks	Between 15 and 16 weeks
Mental Health – Non Restricted Patients	Between 0 and 3 weeks	Between 4 and 7 weeks	Between 8 and 9 weeks

Annex 1 – HM Courts and Tribunals Service

Her Majesty's Courts and Tribunals Service (HMCTS) was created on 1 April 2011. It is an agency of the MoJ and is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.

This executive summary page provides high-level findings for the courts and tribunals which are administered by HMCTS during the quarter October to December.

- There were **358,600 civil (non family) claims issued in the county courts** during the October to December quarter of 2011, nine per cent fewer than in the corresponding quarter of 2010 and continuing the general decline since the January to March quarter of 2008.
- In the family courts, there were **7,200 children involved in public law applications** made in the October to December quarter of 2011, a four per cent increase on the number in the same period for 2010. There were **26,200 children involved in private law applications**, a nine per cent decrease. The trend in the number of children involved in private law applications has been downward since late 2009.
- There were **422,800 criminal proceedings completed in magistrates' courts** during October to December of 2011, around six per cent fewer than in the same period of 2010. The trend in recent years has been a decreasing volume of completed criminal proceedings.
- There were a total of **35,300 cases received** in the Crown Court in the fourth quarter of 2011, a four per cent decrease on the number received in the fourth quarter of 2010.
- For defendants whose cases finally completed in either a magistrates' court or Crown Court during the fourth quarter of 2011, the average time taken between the dates an offence was committed and the completion for all criminal cases was **155 days**. This is a three per cent increase compared to the same period in 2010.
- The average offence to completion time for indictable/triable either-way cases was **153 days**, compared to **148 days** for summary non-motoring cases and **165 days** for summary motoring cases.
- There were **189,800 cases received of by all tribunals** during the quarter October to December 2011, an increase of one per cent on October to December 2010. There were **178,500 disposals** in the latest quarter of 2011.

Excluding details for the new tribunals, this was an increase of 2 per cent on the same quarter of 2010-11 and 10 per cent on that for 2009-10. The caseload outstanding at 31 December 2011 was 753,300. More than three fifths of the caseload outstanding was for multiple Employment Tribunals claims.

Explanatory Notes

ET Information in Nottingham and Leicester

Historically, Employment Tribunals statistics have been extracted from the ETHOS case management system. However, a pilot replacement system was developed (Caseflow). The pilot of the Caseflow system commenced in Nottingham in November 2009, and whilst steps were taken to protect the data through to the end of the 2009-10 reporting year (i.e. to 31 March 2010), the resource required to maintain duplicated entry onto the old ETHOS system was simply not sustainable. There was every expectation that the new system would be in a position to provide the data very early in the new reporting year. The pilot of Caseflow was extended to Leicester with effect from 24 May 2010. Data for Leicester was available from ETHOS up until that point.

The Caseflow system has now ceased and a reversion has taken place to the former ETHOS system. In some cases complete data has not been available for Nottingham and Leicester. Whilst there is robust data on receipts of claims, disposals and caseload outstanding, with regard to Nottingham and Leicester, jurisdictional claims and performance data is incomplete. Thus we have removed data for these two areas when making comparisons with previous years.

Data Quality and Sources

Information presented in this report is management information drawn from a number of administrative sources. Although care is taken when processing and analysing the data, the details are subject to inaccuracies inherent in any large-scale recording system and it is the best data that is available at the time of publication. HMCTS is examining the quality of management information. Thus, it is possible that some revisions may be issued.

The statistics are based on case management systems where a number of processes are recorded throughout the life of an appeal. In some instances, a case can re-enter the process or have a number of outcomes, meaning that there is not necessarily one receipt or one disposal per case. Thus, care should be taken when comparing receipts and disposals.

Revisions

Some statistics were correct at the time of publication but have been revised following data quality checks or reconciliation. These values have been marked as 'r'.

Change of Names of Tribunals and New Tribunals

A number of Tribunals became part of the former Tribunals Service since it was formed, or have changed their name. . Details of these changes have been published in Annex A of The Tribunals Service Annual Report and Accounts, 2009-10.

Residential Property Tribunal joined HMCTS on 31 July 2011; Gangmasters Licensing Tribunal created from 19 September 2011; Alternative Business Strategies created from 3 October 2011; Agricultural Lands Tribunal joined HMCTS on 31 October 2011.

Definitions

Receipt – Volumetric term covering the acceptance of a case by a HMCTS Tribunal.

Disposal – A disposal is the closure of a case when work has ceased to be done. This can be through a claim being withdrawn, settled, dismissed or being decided at a hearing.

Hearing clearance (SSCS) – these are cleared via a Tribunal (could be a panel or member of the Judiciary sitting alone) with a decision/outcome.

Non-hearing clearance (SSCS) – these are cases withdrawn prior to a hearing, struck out or superseded. There is no Tribunal judgement.

Caseload outstanding – The number of cases outstanding at the end of the period and still waiting to be dealt with to completion.

ET Claim – A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings, but will be counted only once.

ET single and multiple claims – Claims to the Employment Tribunal may be classified into two broad categories – singles and multiples. Multiple cases are where two or more people bring cases, involving one or more jurisdiction(s) usually against a single employer but not necessarily so, for instance in Transfer of Undertakings (Protection of Employment) Regulations (TUPE) cases, and always arising out of the same or very similar circumstances. As a multiple, the cases are processed together.

ET Jurisdiction – The Employment Tribunal powers to hear a claim are determined by legislation, with statutory provisions defining the ambit of the jurisdiction that can be covered by a claim to an Employment Tribunal.

ET Jurisdictional mix – A claim may contain a number of grounds, known as jurisdictional cases. In any hearing, the tribunal has to decide upon the merits of the claim made under each jurisdiction e.g. unfair dismissal and sex discrimination. The total number of jurisdictions covered by each case gives a truer measure of workload than the number of claims. The jurisdictions covered by ET are wide ranging, from discrimination and unfair dismissals to issues around salary and working conditions.

IA Case types:

Asylum – appeals against a refusal to grant asylum, including asylum claims which raise Human Rights grounds.

Managed Migration – appeals generated by people already in the UK who have been refused permission to extend their stay here (either permanently or temporarily). This appeal type will also cover occasions where an individual has their permission to be in the UK revoked.

Family Visit Visa (FVV) – appeals against decisions not to allow temporary visits to see family in the UK.

Entry Clearance Officer (ECO) – appeals generated by people who are not already in the UK, but have been refused permission to enter or stay in the UK for a fixed period of time, or live here permanently.

Deport Appeals – appeals against deportation orders made against people by the Home Secretary, introduced by section 32 of the UK Borders Act 2007. Other appeals with a deport element are included in the Asylum and Managed Migration case categories.

Human Rights Appeals – This appeal category is now defunct and appeals raising Human Rights grounds are recorded more accurately under different categories.

Hearing – The hearing is a meeting at which the tribunal panel considers evidence (either orally or paper based) and reaches a decision (where the decision may be to adjourn or to agree a final outcome). If the hearing is adjourned and restarted, it counts as one hearing.

Examples of hearings include:

- Paper hearings;
- Oral hearings;
- Case Management Discussions;
- Decision on Eligibility.

Oral Hearing – A hearing where the party (ies) and/or their representative(s) attend (this can be by telephone or by video conference).

Paper Hearing – Consideration of the case using documents, and not requiring any physical appearance by the parties.

Decision in favour (SSCS) – Decision in favour of the appellant.

Decision upheld (SSCS) – Decision made by the First Tier Agency and withheld by the Tribunal.

Withdrawal – The applicant/claimant/appellant ceases action either before or at the hearing.

Conceded (SEND) – The local authority defending the appeal agree to provide what is requested without the need for an oral hearing. This is only permitted on some appeal types. On others the parents have to formally withdraw their appeal.

Settlement – Cases settled without the need for a hearing. A third party may have been involved in the process.

Postponement – Where a case is taken out of the list, **prior to** the commencement of the hearing – can be done by the applicant, or any other party.

Adjournment – Where, on the day of the hearing, the Panel decides that, for whatever reason, the appeal/case cannot be finalised and has to put off making a final decision to another date, for example because further evidence is required.

Outcome of hearing – The outcome of the hearing is the final determination of the proceedings or of a particular issue in those proceedings; it may include an award of compensation, a declaration or recommendation and it may also include orders for costs, preparation time or wasted costs either in favour or against an appellant. **Note:** ET records outcomes for each act (or jurisdiction), not for the hearing.

Caseload outstanding – The number of cases outstanding at the end of the period and still waiting to be dealt with to completion.

Table Conventions

Rounding

Figures in the tables are rounded independently and thus may not add to figures because of rounding. The following conventions have been used throughout:

- Values less than 100 remain as unit values.
- Values from 100 to 999 are rounded to the nearest 10.
- Values of 1,000 and over are rounded to the nearest hundred.

Notation

The following symbols have been used throughout the tables in this bulletin:

.	= Not applicable
..	= Not available
-	= Small Value
~	= No cases dealt with so rate could not be calculated
0	= Nil
(r)	= Revised data
(p)	= Provisional data

Contact points for further information

Spreadsheet files of the tables and graphs contained in this document are also available for download from this address.

Press enquiries should be directed to the Ministry of Justice press office:

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General enquiries about the statistical work of the Ministry of Justice can be e-mailed to: statistics.enquiries@justice.gsi.gov.uk

General information about the official statistics system of the UK is available from www.statistics.gov.uk