



Ministry
of Justice

Tribunals Statistics Quarterly

April to June 2014

11th September 2014

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Executive Summary

This report presents the latest statistics on type and volume of Tribunal cases that are received, disposed of or outstanding as of the first quarter of the financial year 2014/15 (April to June 2014). This report also includes the Employment Tribunal and Employment Appeal Tribunal (EAT) information which relates to the financial year 2013/14.

Receipts

HMCTS tribunals recorded 74,400 receipts in the period April to June 2014. This is 71% lower than the same period of 2013, and the lowest receipts since this statistical series began in 2008/09. This has been driven by reductions in Social Security and Child Support appeals and Employment claims.

Disposals

There were a total of 140,800 cases or claims disposed of in April to June 2014. This represents a decrease of 35% on those cases disposed of in the same period in 2013

Caseload outstanding

For all tribunals combined, the caseload outstanding at the end of June 2014 was 609,600, 34% lower than last year, largely due to a decline in receipts.

Timeliness

For Social Security and Child Support Tribunals, in April to June 2014 half of all cases were cleared in 25 weeks or less. For Immigration and Asylum, this was 26 weeks or less, and for Employment Tribunal single claims, it was 26 weeks or less.¹

¹ Timeliness differs by Tribunal jurisdiction, which reflects the different processes and types of cases. As such, direct comparisons across different types of Tribunals are difficult and should be treated with caution.

Introduction

Her Majesty's Courts & Tribunals Service (HMCTS) was created on 1st April 2011. It is an agency of the Ministry of Justice (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. Employment Tribunal statistics cover England, Wales and Scotland. For historic publications of all Tribunals Statistics please see:

www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics

In this report, total figures are used although users should be aware different Tribunals have been created or joined HMCTS at different points in time. **This edition includes management information on Judicial Reviews heard at the Upper Tribunal Immigration and Asylum Chamber for the first time.** For more information see <http://www.justice.gov.uk/tribunals/immigration-asylum-upper/application-for-judicial-review>. As a result of this new inclusion all the total figures have been revised to take account of this new information, see Annex A. A list of tribunals is in Table B.1. Note that this publication does not include data on tribunals not under HMCTS. There is also additional management information on monthly and regional Employment Tribunal Receipts in Annex C.

Further information on HMCTS statistics, including information on the data sources and terminology used in this report can be found in the **Guide to Court and Administrative Justice Statistics**.

www.gov.uk/government/publications/guide-to-court-and-administrative-justice-statistics

Comparisons are typically made with the same quarter in the previous year. Some time series information is also given. For further information please see the Excel tables that accompany this report. These also contain details of the smaller volume tribunals which are not covered in the text presented here.

From December 2013, we have published CSV files containing the same data as in the Excel tables, but in a machine readable format. This allows user to conduct their own analysis, and is part of the Ministry of Justice's commitment to open data.

This report focuses on information on receipts (e.g. the acceptance of a case by HMCTS), the outcome of cases by category (e.g. cases disposed of at hearing) and the caseload outstanding for the three largest tribunals (Employment (ET), Immigration and Asylum (IA) and Social Security and Child Support (SSCS)). The three largest tribunals account for over 90% of tribunal receipts in 2013/14, however this is lower in later quarters.

Statistics on the work of the civil, family, magistrates' courts and the Crown Court in England and Wales during April to June 2014 will be published by the MoJ on 25th September. These quarterly courts statistics, along with annual statistics, can be found in separate reports on the Gov.uk website, at:

www.gov.uk/government/collections/court-statistics-quarterly

For more information on the context for this publication please see:

www.justice.gov.uk/about/hmcts/tribunals

A diagram showing the structure of the tribunal system can be found here:

<http://www.judiciary.gov.uk/about-the-judiciary/the-justice-system/court-structure/>

Employment Tribunals

The Department for Business, Innovation and Skills (BIS) have also recently published a study on claimants who had been successful at the employment tribunal and were awarded money:

www.gov.uk/government/publications/payment-of-employment-tribunal-awards

The sixth BIS Survey of Employment Tribunal Applicants can be found here:

<https://www.gov.uk/government/publications/survey-of-employment-tribunal-applications-2013>

Social Security and Child Support

The Department for Work and Pensions (DWP) have carried out analysis on the overturn rates for Employment and Support Allowance (ESA) by region and health condition, for further information see:

www.gov.uk/government/publications/employment-and-support-allowance--6

Special Educational Needs and Disability

www.justice.gov.uk/publications/corporate-reports/tribunals/send

www.gov.uk/government/publications/children-with-special-educational-needs-an-analysis-2013

Scotland Tribunals (non-MoJ)

www.mhtscotland.gov.uk/mhts/Annual_Reports/Annual_Reports_main

www.asntscotland.gov.uk/asnts/181.25.141.html

www.prhpscotland.gov.uk/prhp/128.html

Northern Ireland Tribunals (non-MoJ)

www.courtsni.gov.uk/en-GB/Services/Statistics%20and%20Research/Pages/default.aspx

Judgements

For information on Tribunal judgements: www.bailii.org/databases.html#uk

Users of the statistics

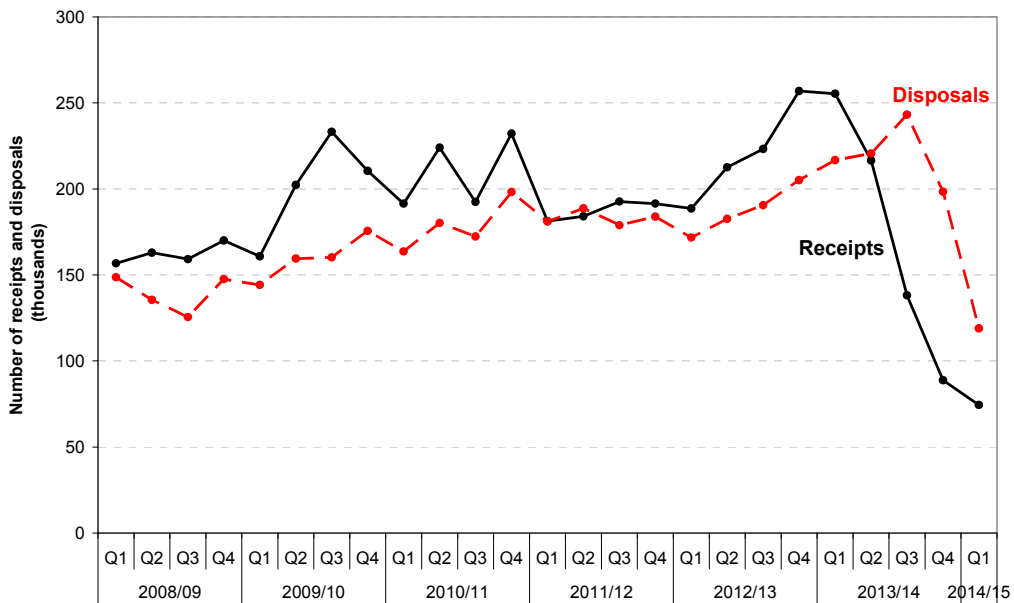
The main users of these statistics are Ministers and officials in central government responsible for developing policy with regard tribunals. Other users include lawyers and academics, other central government departments such as BIS and DWP, and non-governmental bodies, including various voluntary organisations, with an interest in administrative justice.

Receipts

HMCTS Tribunals recorded 74,401 receipts in the period April to June 2014. This is down 16% on the previous quarter, and 71% when compared with the same period of 2013. Social Security and Child Support (SSCS) accounts for 31% of these receipts, a further 26% were First Tier Immigration and Asylum (IA), and 11% were Employment Tribunals (ET).

Figure 1 shows trends in both receipts and disposals since Q1 2008/09. Typically the number of receipts has been greater than the number of disposals. However, since Q2 2013/14, HMCTS has disposed of more tribunal claims than it received. This quarter is the lowest number of receipts since this statistical series began in 2008/09. Note that these figures are receipts and disposals in the quarter, and receipts in one period are likely to be dealt with in subsequent periods.

Figure 1: Receipts and disposals for all Tribunals, 2008/09 to 2014/15

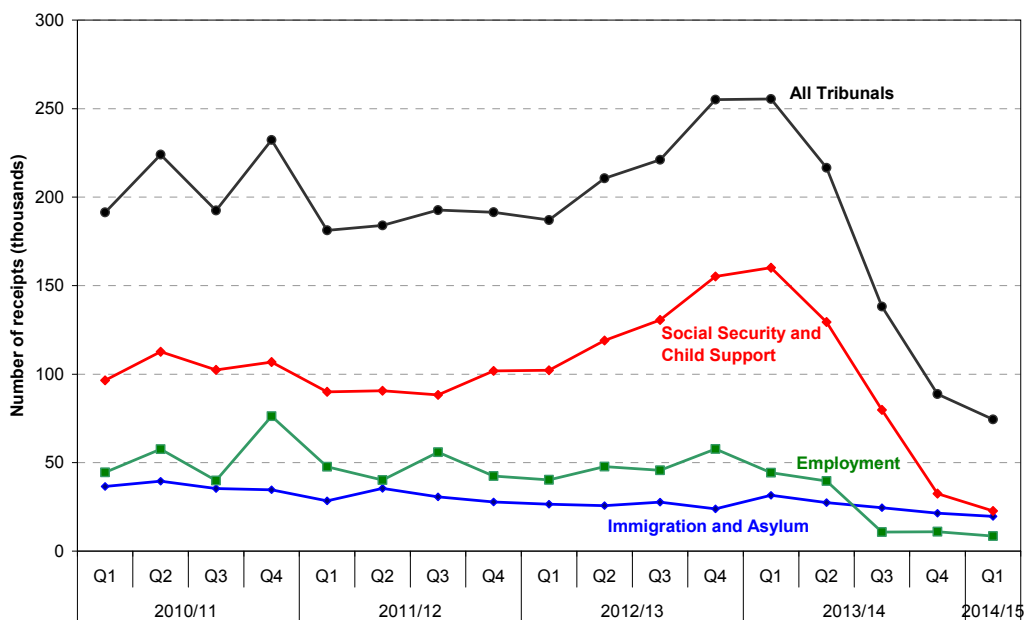


What has driven this?

Figure 2 illustrates the receipts by the largest jurisdictions. As SSCS is the largest jurisdiction, this drives the overall trend. Fewer appeals against decisions made by the DWP were received by the tribunal in April to June 2014 (30% lower than last quarter, and 86% lower than the same period last year). This could be due to a number of reasons including the introduction of mandatory reconsideration across DWP benefits - where a DWP decision-maker looks again at individual cases before it goes to a tribunal - alongside wider reforms to streamline the system, explained in the SSCS section below.

Employment tribunal receipts also decreased, with receipts of single claims being 70% lower than April to June 2013.

Figure 2: Tribunal receipts by jurisdiction, 2008/09 to 2014/15



Employment Tribunals (Table 1.2)

Claims in employment tribunals can be classified into either single² or multiple³ claims. Single claims are made by a sole employee/worker, relating to alleged breaches of employment rights. Multiple claims are where two or more people bring proceedings arising out of the same facts, usually against a common employer. Both single and multiple claims can involve one or more jurisdictional complaints. Where claims are grouped as multiples, they are processed administratively and managed judicially together. We call these groups of claims 'multiple claims cases'.

A claim (either single or multiple) can be brought under one or more of different jurisdictions, for example under Age Discrimination or Equal Pay. Therefore the number of jurisdictional complaints is always greater than the total tribunal claims accepted. On average in April to June 2014, there were 2.1 jurisdictional complaints per receipt.

² A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings, but will be counted as a claim only once.

³ Multiple cases are where two or more people bring claims, 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.

To illustrate these differences please see the case studies in the **Guide to Court and Administrative Justice Statistics**.

In employment tribunals, the number of single claims received in April to June 2014 was 3,792 – 70% fewer than in the same period of 2013, and a third lower than last quarter. On 6th April 2014, the Advisory, Conciliation and Arbitration Service (ACAS) introduced Early Conciliation⁴. This means that anybody wishing to make an Employment Tribunal Claim must notify ACAS first and be offered the chance to settle their dispute without going to court. A report on the first quarter of the service can be found here:

<http://www.acas.org.uk/index.aspx?articleid=4960>

Fees for Employment Tribunals and the Employment Appeals Tribunal were introduced for claims received on or after 29th July 2013, alongside wider reform of procedural rules (following the Underhill Review of Employment Tribunal Rules).

For background information on the reforms please see:

www.justice.gov.uk/tribunals/employment

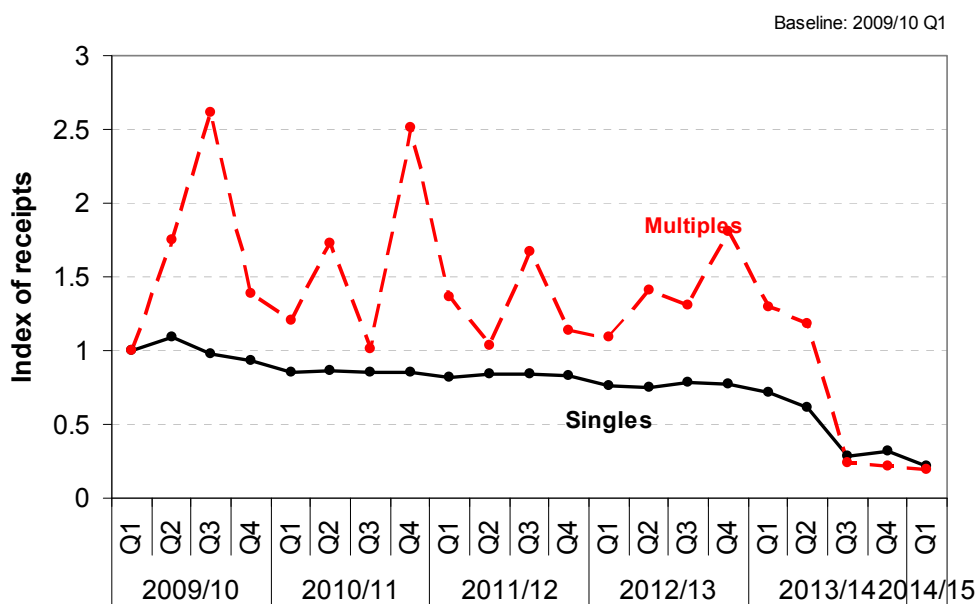
www.gov.uk/government/publications/employment-tribunal-receipt-statistics-management-information-july-to-september-2013

www.gov.uk/government/consultations/employment-tribunal-rules-review-by-mr-justice-underhill

The number of multiple claims in April to June was 4,748, which related to 453 multiple claim cases. The number of multiple claims cases has been falling over the last few quarters, from around 1,500 in April to June 2013 to around 500 in April to June 2014.

The trend in single claims has been declining for the last five years, while the trend in multiple claims is more volatile due to large numbers of claims against a single employer which can skew the national figures and have to be resubmitted each quarter (such as the airline industry cases over the last few years which are now mainly disposed). This is illustrated in Figure 3 below. As the number of single and multiple claims are on such different scales, they have been indexed with a baseline of Q1 2009/10 = 1.

⁴ <http://www.acas.org.uk/index.aspx?articleid=4028>

Figure 3: Index of ET multiple and single claim receipts⁵

Immigration and Asylum⁶ (Table 1.3)

In the period April to June 2014, there were 19,700 First-tier Immigration and Asylum receipts; a decrease of 38% when compared with the same period of 2013. There were also 2,814 receipts in the Upper Tribunal Immigration and Asylum Tribunal (UTIAC), an increase of 76% when compared with the same period of 2013.

All of the large First-tier jurisdictions saw reductions in receipts in the April to June 2014. Managed Migration appeals are generated by people already in the UK who have been refused permission to extend their stay. This type of case comprised over half of all Immigration and Asylum receipts in April to June. However in April to June, Managed Migration Appeals were 30% lower than a year earlier, indicating that levels of appeals are returning to the same level as in 2012/13. There were 1,605 appeals under Manager Migration to the Upper Tribunal following the increase in first tier caseload in 2013/14.

First tier Asylum appeals fell by 25% from last year, but were stable in the Upper Tribunal. Entry Clearance appeals fell by 41% since last year in the First Tier Tribunal Immigration and Asylum Chamber (FTTIAC) but increased by 84% in the Upper Tribunal Immigration and Asylum Chamber (UTIAC). Family Visit Visas decreased by 67% in the FTTIAC and 34% in the UTIAC. There have been two changes to Family Visit Visa appeal

⁵ The index compares the number of receipts with the baseline quarter. It shows the trend in single and multiple receipts but does not enable comparisons of the *numbers* of each.

⁶ An independent Tribunal dealing with appeals against decisions made by the Home Secretary and Home Office officials in immigration, asylum and nationality matters

rights in the last two years. Firstly, the Immigration Appeals (Family Visitor) Regulations 2012 which came into force on 9 July 2012, which restricted the right of appeal to a narrower definition of family visitor⁷. Secondly, the Crime and Courts Act 2013 removed the full right of appeal for family visitors and this change came into effect for new visa applicants on 25 June 2013. A limited right of appeal still remains on Human Rights or Race Discrimination grounds.

Social Security and Child Support (Table 1.4)

In the period April to June 2014 there were 22,699 SCS receipts; a decrease of 86% when compared with the same period of 2013. In particular, there were decreases of 92% in receipts of appeals made against decisions made about claims for Employment Support Allowance (ESA, which comprises 58% of all claims to the tribunal) and 93% in Job Seekers Allowance (JSA) appeals since April to June 2013.

From April 2013, DWP began to introduce changes which were part of the Welfare Reform Act 2012. There were three main changes:

- DWP will reconsider all decisions before an appeal can be lodged (known as mandatory reconsideration);
- appeals must be sent directly to HMCTS (known as direct lodgement);
- there are time limits for DWP to return its responses to HMCTS⁸.

These changes were introduced for Personal Independence Payment (PIP)⁹ and Universal Credit (UC)¹⁰ in April 2013. On the 28th October 2013 these were extended to all other DWP-administered benefits and child maintenance cases, and from April 2014 to appeals made against HMRC decisions about tax credits. Robust data is not yet available to assess the impact of these changes on tribunal receipts. DWP are looking to publish Mandatory Reconsiderations data when they judge it is of suitable quality to be published as Official Statistics.

For further information, see:

www.gov.uk/government/publications/appeals-process-changes-for-dwp-benefits-and-child-maintenance

⁷ www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/june/25-family-visit-visa-appeal

⁸ Introduced October 2014

⁹ Personal Independence Payment (New Claim Appeals) which replaces Disability Living Allowance was introduced on 8 April 2013.

¹⁰ Universal Credit was introduced on 29 April 2013 in selected areas. It will gradually be rolled out to the rest of Great Britain. It replaces income-based JSA, income-related ESA, Income Support, Working Tax Credit, Child Tax Credit, Housing Benefit.

Disposals

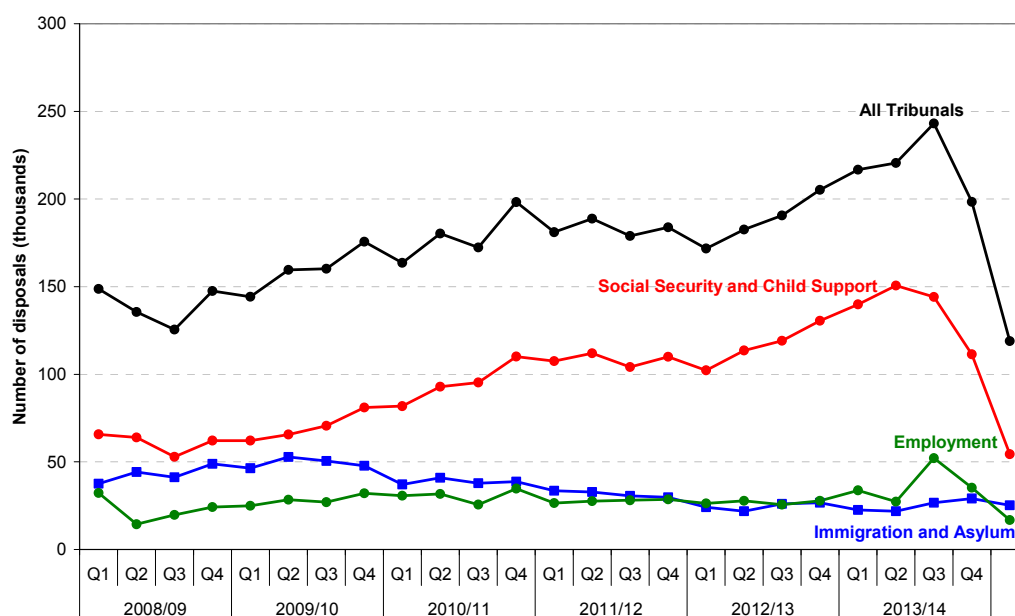
A disposal is the closure of a case when work is complete. This can be through a claim being withdrawn, settled, dismissed or being decided at a hearing (either orally or on paper).

There were a total of 118,917 cases or claims disposed of in April to June 2014. This represents a decrease of 45% on those cases disposed of in the same period in 2013. There was a reduction of 40% on the previous quarter, possibly as an impact in the reduction of receipts.

What has driven this?

Figure 4 shows disposals by the main tribunals. As SSCS is the largest jurisdiction, it drives the trend in disposals. SSCS disposals in April to June 2013/14 were 61% lower than in April to June 2012/13. This is likely to be related to the reduction in receipts from previous periods.

Figure 4: Disposals by Tribunal, 2008/09 to 2014/15

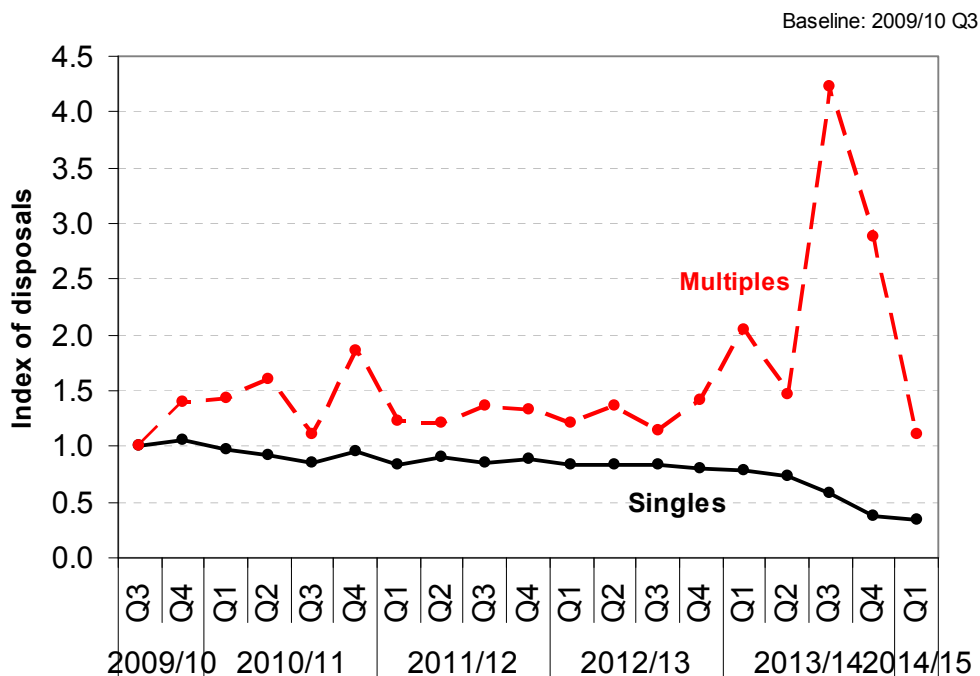


Employment Tribunals (Tables 2.1, 2.2 and 2.3)

Employment tribunals disposed of 16,797 claims during April to June 2014, 50% lower than the same period of 2013. The number of disposals for single claims decreased by 57% and the number for multiple claims decreased by 47%. as most of the cases relating to the airline industry have been disposed. The multiple volumes are more volatile, and have been affected by disposals of a few large cases. The 11,099 multiple claims in April to June 2014 actually related to 1,004 multiple claim cases. This is 11 claims per case based on a simple mean, although in reality

there is likely to be a large number of smaller cases and a few large cases, such as the Working Time Directive airline cases.

Figure 5: Index of ET single and multiple disposals



In April to June 2014, 58,497 jurisdictional claims were disposed of (similar to the same period of the previous year). This means that on average, 2.3 jurisdictions were disposed of per claim, slightly higher than previous quarters.

Of the jurisdictional complaints that were disposed of:

- 16% were for unauthorised deductions (Formerly Wages Act);
- 15% were for unfair dismissal;
- 13% were for equal pay;
- 11% were associated with working time

Three new outcome types came into effect in the second quarter of 2013/14, as a result of the Underhill Review of Employment Tribunal Rules (see Introduction). These were:

- Dismissed Rule 27 – complaints dismissed by an Employment Judge after initial consideration of claim and response¹¹.

¹¹ Under Rule 27, an Employment Judge can dismiss a claim, or any part of a claim, if s/he considers that it has no reasonably prospect of success, or that the tribunal has no

- Dismissed upon withdrawal – under new rule 52, an employment tribunal shall issue a judgment dismissing a claim where the claimant withdraws it, unless certain criteria are satisfied¹².
- Case discontinued – this records complaints dismissed under rule 40(1) where a party has not satisfied requirements in respect of paying a tribunal fee or demonstrating a case for remission¹³.

‘Case Discontinued’ accounted for seven per cent of all disposals in April to June 2014. ‘Dismissed Rule 27’ and ‘Dismissed upon withdrawal’ combined accounted for less than one per cent. A quarter of claims were resolved by ACAS, and a further third were withdrawn.

Immigration and Asylum (Tables 2.4 and 2.5)

The First-tier Tribunal Immigration and Asylum Chamber (FTIAC) disposed of 25,231 appeals, 12 per cent higher than April to June 2013. The Upper Tribunal Immigration and Asylum Chamber (UTIAC) disposed of 2,156 appeals in April to June 2014, a reduction of 22% on April to June 2013.

Managed Migration accounted for 53% of the First-tier disposals, with Entry Clearance Officer and Family Visit Visa appeals accounting for 20% and 16% respectively. Of the 25,231 disposals, 73% were determined i.e. a decision was made by a judge at a hearing or on the papers; 18% were withdrawn; 7% were invalid or out of time, and 2% were struck out. Rules to allow cases to be struck out¹⁴ were introduced following the introduction of fee charging.

Managed Migration accounted for 56% of the Upper Tribunal disposals, with Entry Clearance Officer and Asylum appeals accounting for 20% and 17% respectively. Of the 2,156 disposals, 80% were determined i.e. a decision was made by a judge at a hearing or on the papers; 5% were withdrawn and 16% were Remitted.

Of the 67,449 cases that were determined in the First-tier Tribunal in 2013/14, 58% were dismissed and the remaining 42% were allowed. For the Upper Tribunal, the figure was 56% and 34% respectively.

jurisdiction to hear the claim (or part thereof). This is a new provision introduced on July 29th 2013.

¹² Again, this provision is new to the rules of procedure. Its operation is being monitored through these statistics to monitor impact of the rule.

¹³ See footnote [11].

¹⁴ Appeal closed administratively where the fee has not been paid, remitted or exempted.

Social Security and Child Support (Tables 2.6 and 2.7)

Of the 54,432 SSCS cases disposed of in April to June 2014; 50% were for ESA; 14% for Disability Living Allowance and 9% for JSA.

83% of all SSCS cases were cleared at a hearing. Of these the overturn rate¹⁵ was 43%, i.e. 43% had the initial decision revised in favour of the claimant. This has increased from 38% in the same quarter last year.

The overturn rate varies by benefit type with 51% of ESA cases, 48% of Disability Living Allowance and 30% of JSA cases that were cleared at hearing having the original decision revised in favour of the claimant.

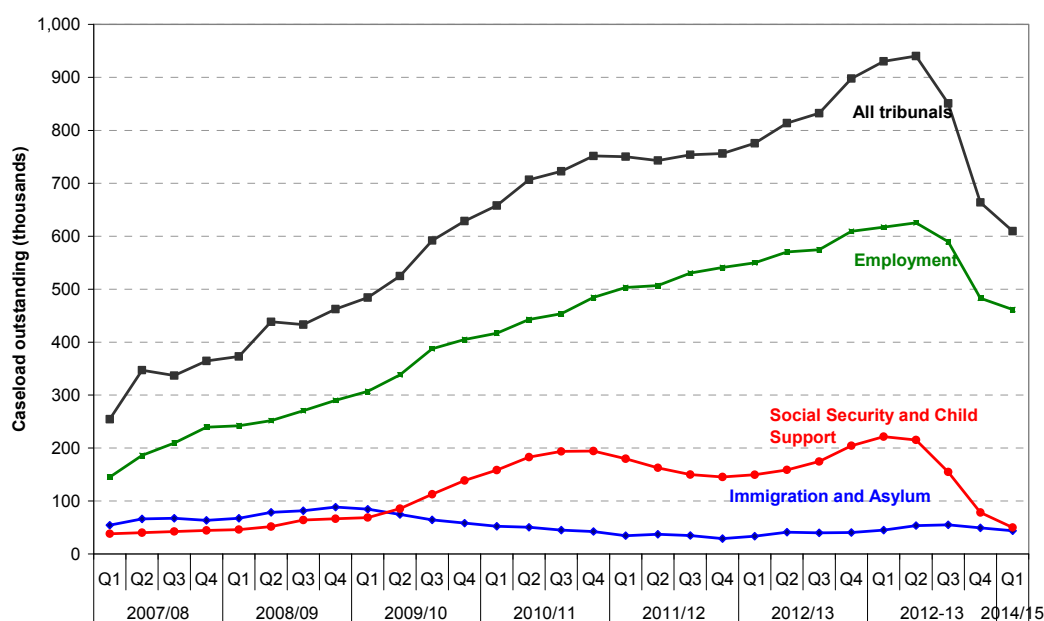
¹⁵ The overturn rate is the rate of decisions by the original body that are reversed

Caseload Outstanding

At the end of June 2014, the caseload outstanding was 609,551. This is 34% lower than the same period last year (see Figure 7). This is driven by drops in outstanding cases in both the employment and SSCS jurisdictions.

The published statistics cover receipts, disposals and caseload outstanding in the tribunal service over a specific period of time. Tribunals cover a range of different jurisdictions and work with a number of different live case management databases. The live caseload (caseload outstanding) is based on a snapshot of live cases at a specific point in time, once taken it cannot be revised or revisited. Because of this approach the caseload outstanding is currently based on a snapshot of the caseload on a specific day, and the change is not simply calculated by subtracting receipts and disposals.

Figure 6: Caseload outstanding at end of June 2014



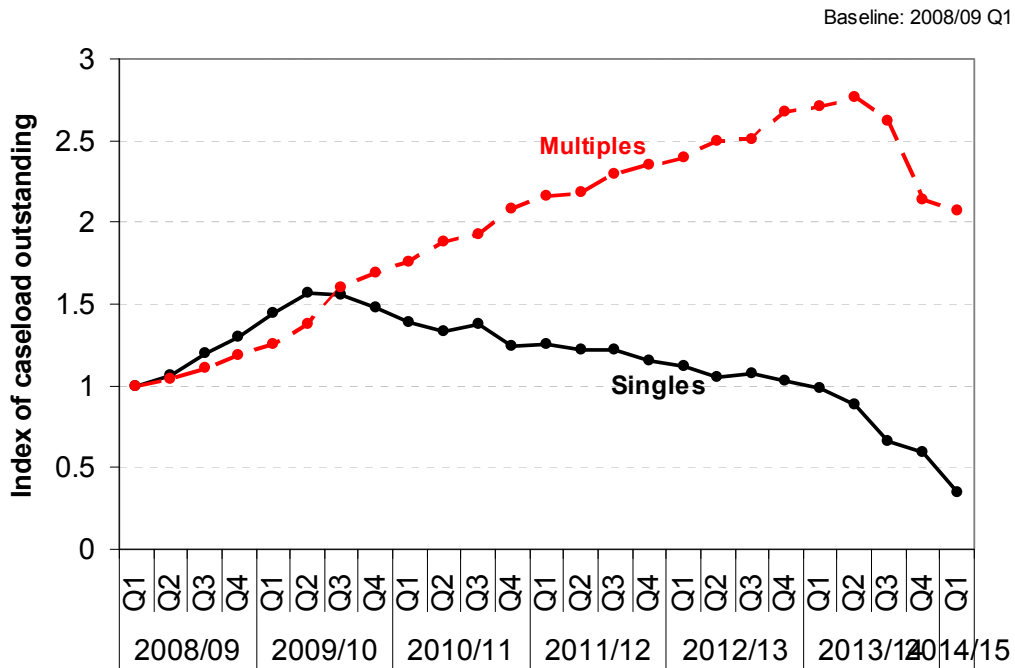
Caseload Outstanding (Table 3.1)

The caseload outstanding in the first-tier Immigration and Asylum tribunal saw a decrease of 11% compared to March 2014, related to the increased receipts discussed earlier. However, most (72%) of the outstanding caseload at the end of the quarter related to 'multiple' claims in Employment Tribunals. Multiple claims are often legally and factually complex and it is common for action on such claims to be deferred ('stayed', or 'sisted' in Scotland), for example pending the outcome of proceedings in appellate courts/tribunals on case management or other interim matters. This means that such claims are not yet ready to have a

final hearing in the employment tribunal, and so the claim cannot be progressed to disposal. Resubmitting some large multiple claims on a quarterly basis also skews the data.

Figure 7 clearly shows the increase of multiples since 2008/09; with many cases being 'stayed' and remaining outstanding in contrast to the disposal of single claims. The decrease in the last three quarters is due to the disposal of a large number of airline multiple claims.

Figure 7: Index of ET single and multiple claims outstanding



Timeliness

This section provides information about the operation of tribunals to assist users to assess the efficiency and effectiveness of public services. The timeliness measures generally examine the process from receipt to the point at which the appellant is notified of the outcome of the hearing (or when HMCTS are notified of a settlement, withdrawal or strike out). 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 instances, appeals can be stayed because a judgement is awaited from another body (for example European Courts), or may be legally complex.
- The measures can not be directly compared between one Tribunal and another because of the different processes and very diverse nature and requirements of individual jurisdictions. Thus, it is better to compare a specific Tribunal over time.

The information provided is based on the age at which cases were cleared.

Summary of Timeliness Measures (Tables 4.1 – 4.3)

The 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% of cases were cleared, along with the average (mean). For example, in Immigration and Asylum, 75% of cases that were cleared in April to June 2014 were aged 37 weeks or less.

Figure 8: Cumulative percentage of clearances in April to June 2014, by age of case at clearance

Tribunal	25% point	50% point	75% point	Average (mean)
First Tier Immigration and Asylum	14 weeks or less	26 weeks or less	41 weeks or less	29 weeks
Employment (single)	17 weeks or less	26 weeks or less	43 weeks or less	38 weeks
Employment (multiple)	49 weeks or less	2-3 years or less	3-4 years or less	140 weeks
SSCS (all)	13 weeks or less	25 weeks or less	38 weeks or less	30 weeks

Employment Tribunals

For Employment Tribunals, the timescale recorded is from the date the claim was accepted by the tribunal to when details of the final judgement are given. The distribution for all ET cases is heavily influenced by the age of multiple cases (which can be stayed or await decisions from Higher Courts). The mean age of a single claim at disposal was 38 weeks, whereas this was 140 weeks for multiple claims. Overall the mean age was 93 weeks, down from 102 weeks in April to June 2013. This was affected by the disposal of older multiple cases relating to the airline industry.

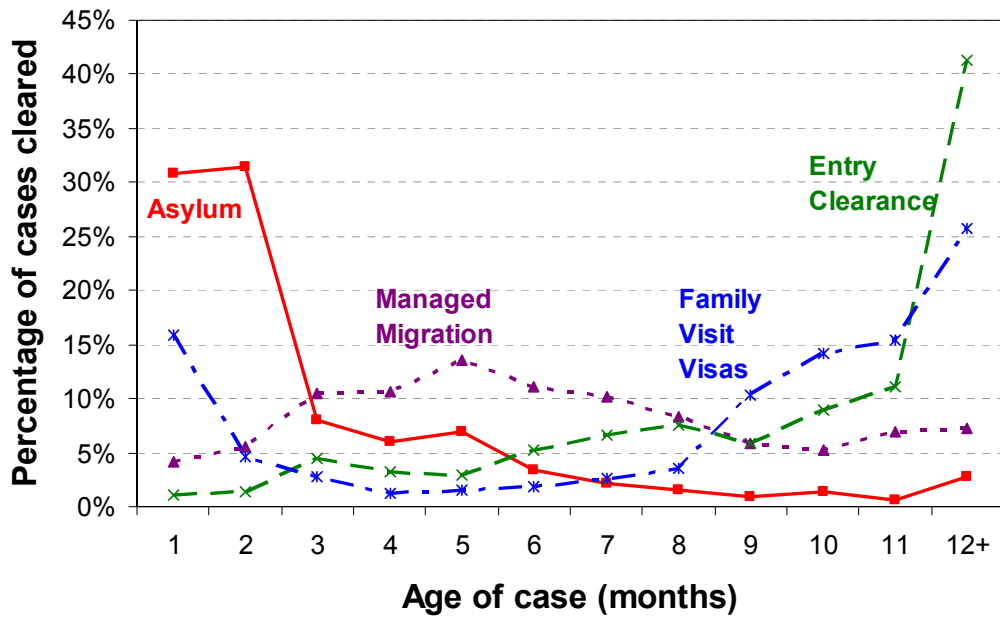
Clearances for Employment Tribunals were also examined by broad jurisdictional group. The results for April to June 2014 showed that Equal Pay cases had average of over four years (228 weeks), while National Minimum Wage cases had the shortest average clearance time of 42 weeks.

First- tier Immigration and Asylum

The time is recorded from receipt by the tribunal to the time that a decision was notified to the appellant. The mean age of a case at disposal was 29 weeks in April to June 2014, six weeks longer than the same period last year, and mainly due to the large increase in Managed Migration cases discussed earlier.

Variations in clearance times between case types are due to different processing timescales which apply to each of the Immigration and Asylum jurisdictions. For example in April to June 2014, three quarters of Asylum cases are completed in 15 weeks or less, whereas for Entry Clearance Officer appeals it is 52 weeks or less. Figure 9 shows the distribution of timeliness by jurisdiction. Timeliness will also vary according to disposal method e.g. an appeal struck-out for non-payment will be disposed far quicker than a case determined at hearing.

Figure 9: Timeliness of First- tier Immigration and Asylum Tribunals, April to June 2014



Social Security and Child Support

For SSCS the time is recorded from receipt by the tribunal to the time that a decision was notified to the appellant.

Of those cases disposed of by SSCS in April to June 2014, the mean age of a case at disposal was 30 weeks, 12 weeks longer than April to June 2013.

From April 2013, DWP began to introduce changes which were part of the Welfare Reform Act 2012. There were three changes:

- DWP will reconsider all decisions before an appeal (known as mandatory reconsideration);
- appeals must be sent directly to HMCTS (known as direct lodgement);
- and there are time limits for DWP to return responses to HMCTS¹⁶.

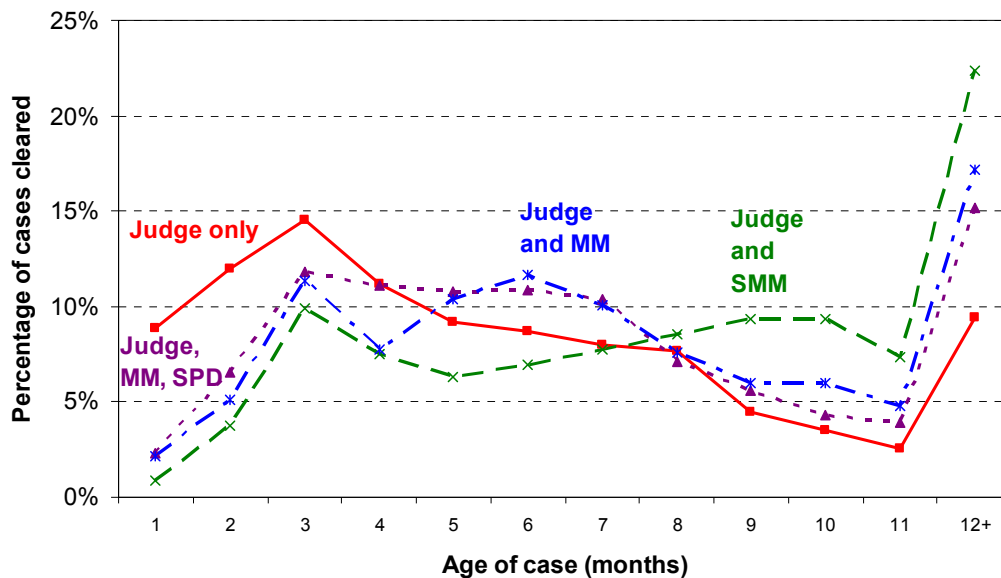
DWP introduced all three changes for Personal Independence Payment and Universal Credit in April 2013. On the 28th October 2013 they introduced mandatory reconsideration, direct lodgement and time limits for all other DWP benefits and child maintenance cases. Direct lodgement also applies to appeals against decisions made by HMRC after 1 April 2014.

¹⁶ Introduced October 2014

Direct lodgement means that up to 28 days (42 days in child maintenance cases) is now **included in** the HMCTS processing time, as appeal responses now need to be requested from DWP, rather than timeliness being counted from receipt of the response. Therefore current timeliness measures are not directly comparable with timeliness before the changes were implemented.

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) take less time to clear than appeals where a panel including specialist Medical, Financial or Disability panel members is required (see Figure 10).

Figure 10: Timeliness of Social Security Tribunals, April to June 2014



Employment Tribunals – financial year 2013/14

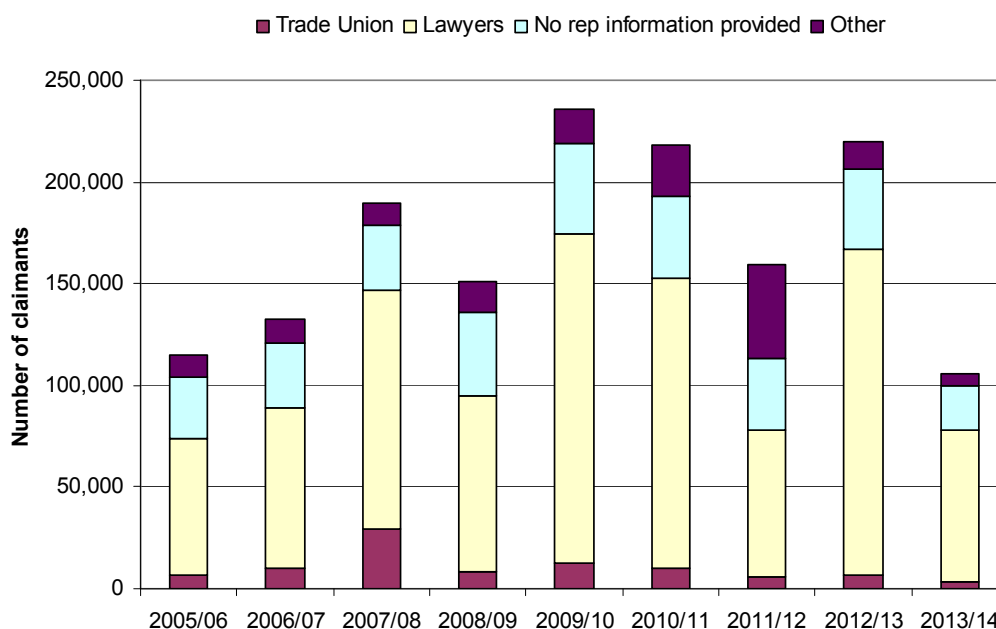
These statistics are published on an annual basis. See this link for historical reports:

www.gov.uk/government/publications/employment-tribunal-and-employment-appeal-tribunal-statistics-gb

Representation (Table E.3)

The highest proportion of claimants were represented by lawyers, 71% in 2013/14, a similar proportion to last year. This is recorded at the time of application and may change as case progresses.

Figure 11: Representation of claimants at Employment Tribunals, 2005/06 to 2013/14¹⁷



Costs and Compensation (Tables E.4 to E.12)

There are only centrally collated cost and compensation data for Unfair Dismissal and discrimination cases. In 2012/13, there were 1,884 claims that received compensation for Unfair Dismissal, compared with 348 for all discrimination jurisdictions combined. However, there is often more compensation awarded for discrimination cases, as there is no statutory cap on awards in cases of discrimination.

¹⁷ Lawyers includes represented by solicitors, Law Centres and Trade Associations. For 2011/12 this excludes those claims that were not included on IT system

Employment Appeal Tribunals (EAT)

The main function of the Employment Appeal Tribunal (EAT) is to hear appeals from decisions made by Employment Tribunals. An appeal must be on a point of law, i.e. it must identify flaws in the legal reasoning of the original decision.

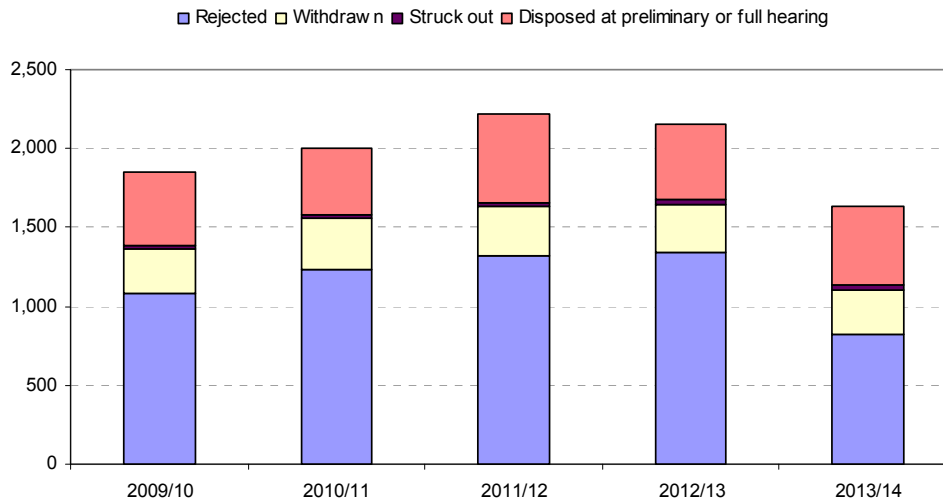
The Employment Appeal Tribunal will not normally re-examine issues of fact. It also hears appeals from (and applications relating to) decisions made by the Certification Officer or by the Central Arbitration Committee, however these are infrequent. The EAT may allow an appeal and substitute its own decision for that of the Employment Tribunal, or may remit it back to the Employment Tribunal for reconsideration.

EAT receipts and disposals (Table E13)

In 2013/14, the Employment Appeal Tribunal received 1,721 appeals (25% fewer than 2012/13) and disposed of 1,684 appeals (22% fewer than 2012/13).

Figure 12 shows the main reasons for disposals. This shows that only 451 cases in 2013/14 (27%) reached a full hearing. Over a third were rejected because they had no reasonable prospect of success.

Figure 12: Reasons for disposals at EAT, 2009/10 to 2013/14



Claimant type (tables E14 to E16)

In 2013/14, a third of cases were dismissed at a preliminary hearing. This proportion is slightly higher for cases brought by employees, and slightly lower for cases brought by employers.

Of those cases that reached a final hearing, just over half were dismissed. Again this was slightly higher for cases brought by employees.

Annex A: Data quality and sources

Information presented in this report is management information drawn from a number of different 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.

Further information on HMCTS and other court statistics, including information on the data sources and terminology used in this report can be found in **A Guide to Court and Administrative Justice Statistics**.

www.gov.uk/government/publications/guide-to-court-and-administrative-justice-statistics

Differences with Home Office statistics

Asylum appeals data published by Home Office Migration Statistics are sourced from the Home Office Case Information Database (CID) and relate to main asylum applicants at the First-tier Tribunal Immigration and Asylum Chamber. Records on the database are updated from record-level data provided by HMCTS, who produce similar statistics for main appellants. This procedure provides consistent data across all datasets relating to asylum published in the release Immigration Statistics, but different from those published by The Ministry of Justice.

The Ministry of Justice published statistics provide counts of principal appellants sourced from the HMCTS database. Within these statistics there tend to be higher numbers of principal appellants than main asylum applicant appeals because:

- 1) HMCTS has a wider definition of asylum appeals, including some human rights cases and appeals on extensions of asylum, humanitarian protection and discretionary leave; and
- 2) Principal appellants include some individuals classed as dependants by the Home Office.

The Home Office statistics on immigration and asylum appeals at First-tier Tribunal and subsequent stages are available from:

www.gov.uk/government/collections/immigration-statistics-quarterly-release

Revisions

All the statistics in this publication have been revised to show unit values rather than the rounded numbers shown previously. From 2014 new information has been included on the Upper Tribunal Immigration and Asylum Chamber; as such the totals have been revised accordingly. This is usually around 2,000 receipts and disposals per quarter, or one per cent of the total tribunals' workload. This has been revised back to 2010/11 when the UTIAC was created.

Historic receipt and disposal information for First-tier Immigration and Asylum has been revised to include appeals dismissed or withdrawn at the Preliminary Issue stage. This is where an appeal has been submitted outside the prescribed time limit or may be otherwise invalid. Such cases will only proceed to the appeal stage if decided by a Judge. A new disposal category of "Invalid/Out of Time" has been introduced to show appeals dismissed at the Preliminary Issue stage. Cases withdrawn at this stage are included in the "Withdrawn" category.

In 2012/13 a new outcome category was introduced for Immigration and Asylum disposals of "Struck Out for Non-Payment". This is as a result of the introduction of fees for certain Immigration and Asylum appeals introduced in 2011. Some of the historic disposal and outcome data has been revised following this.

Please note data from the fourth quarter of 2012/13 (1 January to 31 March 2013) onwards un-rounded figures have been provided. All previously rounded figures have been revised with the original un-rounded data, except some of the historical judicial sitting days.

Annex C: Monthly and Regional Employment Tribunal Receipts

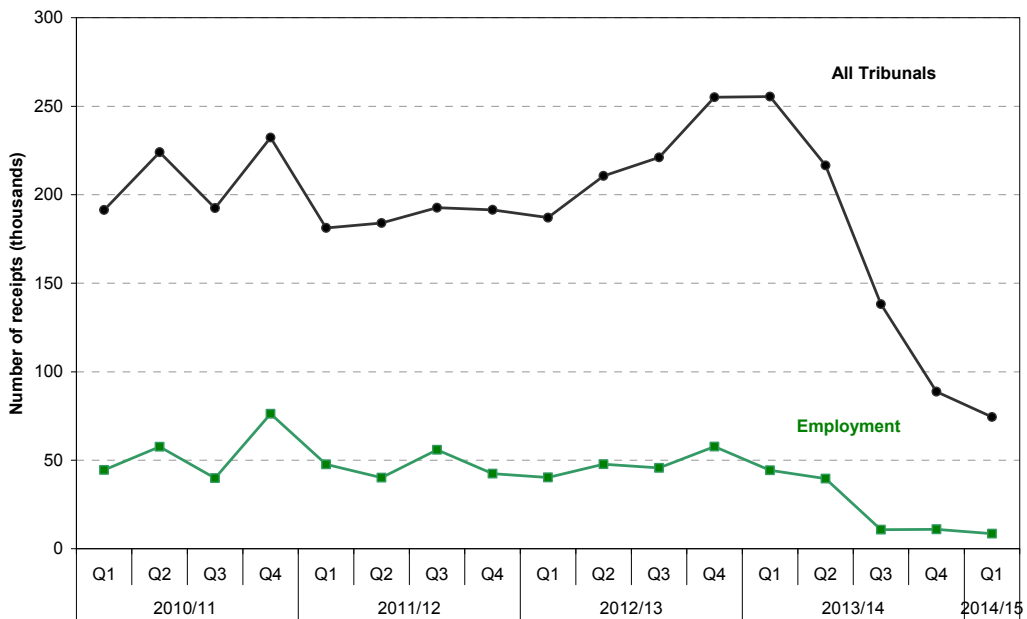
This information is additional management information that has been drawn from a live administrative system managed by HMCTS. The figures for this annex have been revised as is standard practice at end of the financial year.

The data presented in this report include historic information at the regional level, with a monthly breakdown. This information was a bespoke extraction for this report.

Trend in Employment Tribunal Receipts

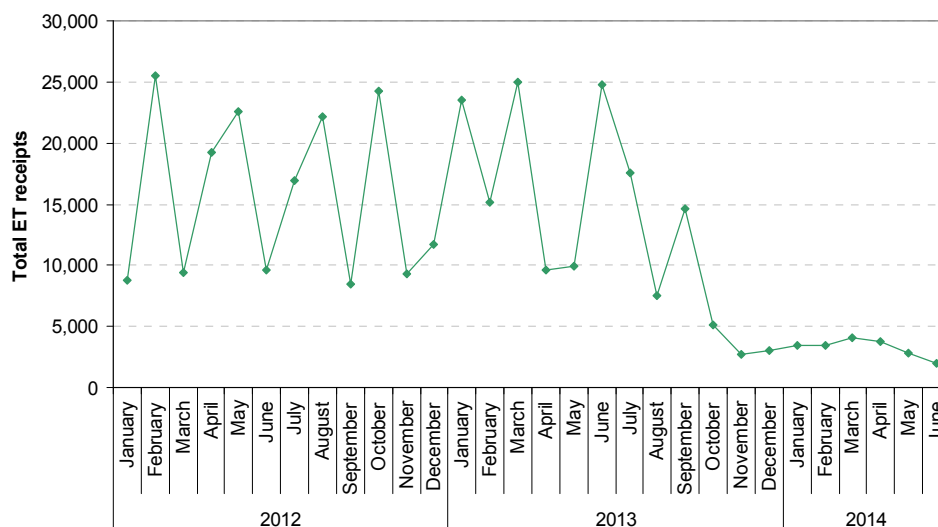
In 2012/13 the Employment Tribunal received on average 48,000 new claims per quarter. Figures for April to June 2014 show there were 8,540 new claims.

Figure 1: Employment Tribunal Receipts (quarterly), April 2008 to June 2014



This Annex also includes a monthly breakdown from January 2012 to June 2014 (Figure 2). This shows that the data are volatile and can change dramatically from month to month. Please note these data include both single and multiple claims.

Following the introduction of fees on 29th July 2013 there are 11 months of data available (August to June). Users are advised that a claim is not considered as accepted until the fee is paid, or remission granted, which may increase the time it takes to enter cases onto the system.

Figure 2: Employment Tribunal Receipts (monthly, January 2012 to June 2014)

Single and multiple claims

Employment Tribunal receipts can be broken down into single and multiple claims. Figure 2 above shows the total number of receipts, but this is not the same as the number of cases (where a number of multiple receipts can be counted as one case as they are bought against one employer¹⁸ by a number of people).

1. Single cases

A single case and single claim is the same thing, they involve one individual bringing a claim against an employer. In effect the alignment of case to claims is 1:1. Data shows that the number of single cases was volatile from April to October 2012, after October 2012 they began to gradually decrease from nearly 5,000 in October 2012 to just over 4,000 in June 2013. The number rose to nearly 7,000 in July 2013, possibly as more claims were submitted prior to the introduction of fees. The number of single cases then fell sharply to 1,000 cases in September 2013, and averaged around 1,600 cases between October 2013 and June 2014.

2. Multiple claims cases

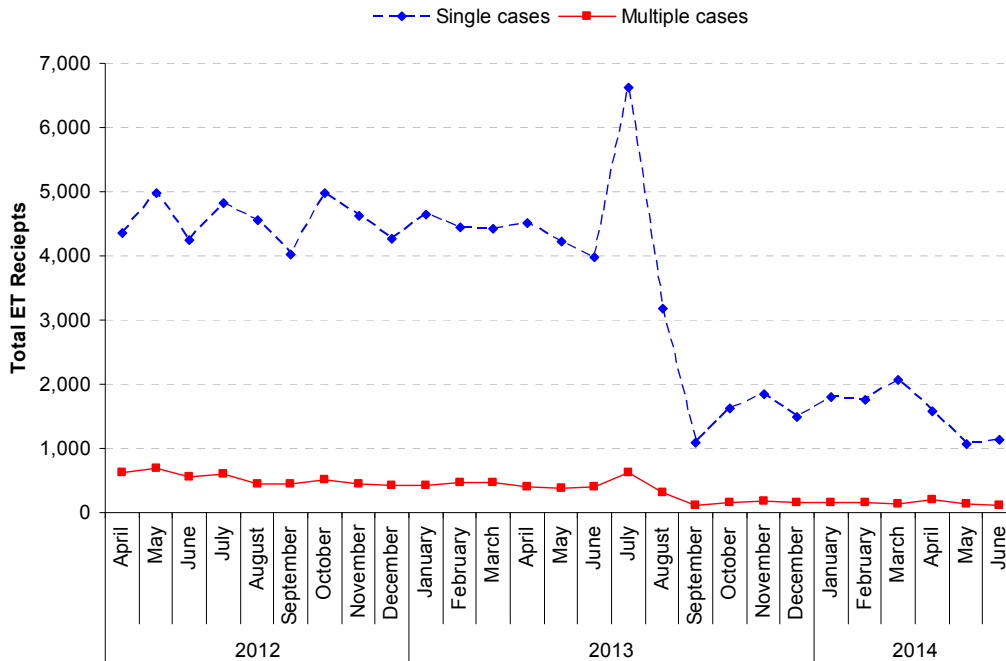
Multiple claims that are grouped, processed and managed together are called, collectively, a multiple claims case. Within a multiple claims case there will be two or more claims presented by individuals against a common employer (or, in some circumstances, employers). The alignment

¹⁸ Occasionally, more than one employer can be involved. See footnote 1, above.

of case to claims is one to many, where a multiple claims case could range from two individual claims to over 100, or even 1,000. Typically employment receipts show the number of individual *claims*, not *cases*, which can result in a lot of volatility (see Figure 2).

When looking at the number of multiple claims cases, regardless of the number of individuals involved, there is a broadly flat trend from April 2012 to June 2013. There is an increase in multiple claims cases for July 2013, again possibly due to people wishing to submit cases before the introduction of fees. There is then a decline in cases in August and September 2013 and an average of 150 cases per month since then (see Figure 3).

Figure 3: Single and multiple claims cases (January 2012 to June 2014)



As the number of multiple claims cases has been broadly flat for a number of months the volatility seen in the monthly data must be due to the number of people (or claims) involved in each multiple claims case. The volatility seen in the monthly data is due to the variation in the number of individuals involved in multiple claims cases.

Users are advised that these figures need to be treated with extreme caution for two reasons:

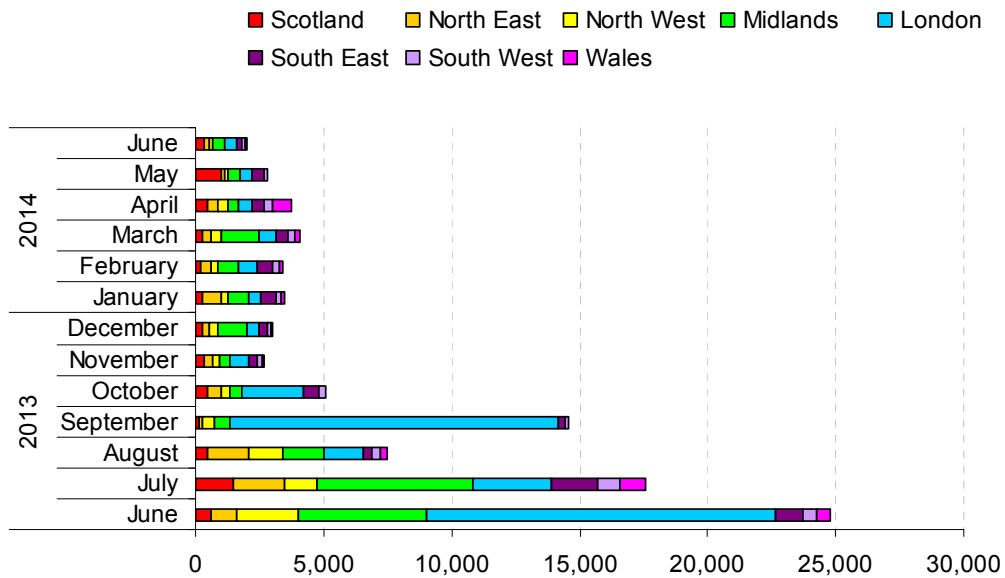
1. All figures after January 2012 have been re-extracted from the administrative data system for this publication. As such these figures have not been through the same Quality Assurance process as the Official Tribunals Statistics publication.
2. Under the business processes to facilitate fee-charging, a claim is not entered onto the internal case management system from which

statistical data are extracted until the relevant fee is paid or remission application granted. This means there may be a number of claims presented in post July 2013, but formally accepted at a later stage (for example after a remission application is granted).

Employment Tribunals claims by region

Claims can be submitted online or to an Employment Tribunal Office. Once a claim is received and acknowledged by HMCTS it is recorded on to the case management system and onwardly case managed through, ultimately, to disposal (for example, by listing for a hearing before the tribunal). The geographical data below relates to where the case was submitted and heard by the Tribunal panel, in most cases this will be the same location as the employer or the party that bought the claim.

Figure 4: Claims by region (June 2013 to June 2014)



Data Quality and Limitations

There are a number of issues for users to be aware of when considering these data.

- The monthly data for employment tribunal receipts shows a great deal of volatility. As such the figures should be treated with caution. Early analysis suggests this volatility is driven by the number of individual people involved in multiple claims cases.
- The monthly and regional data have been extracted specifically to produce Annex C; as such it is provisional and subject to revisions.
- The data have been extracted from a live administrative database in May 2014, and as such historic monthly data may aggregate to different figures to those already published. This will be reconciled at a later date.
- The introduction of fees may have resulted in a longer time lag for claims to be entered onto HMCTS' case management system, ETHOS. This is because claims are now not entered onto ETHOS until the fee has been paid or a remission has been granted. This means that data are likely to be revised upward in subsequent months.
- Figures may vary from previously published figures for a number of reasons, including:
 - revision to the administrative system, including claims being entered onto the system outside of the month they were lodged;
 - submission or re-submission of large numbers of multiple claims;
 - multiple claims disbanding and being re-submitted as single claims or vice-versa;
 - claims being re-submitted with a different jurisdictional breakdown and,
 - Additional information received from the tribunals that had not been entered onto the ICT system at the time of extraction.
- The monthly and regional breakdowns in this report are not routine and have been produced specifically for this publication.

Explanatory Notes

Notation

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

.. = Not applicable

~ = Figures too small to give meaningful calculations

0 = Nil

(r) = Revised data

Spreadsheet files of the tables contained in this document are also available to download along with csv files of historic information.

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