



Ministry  
of Justice

# **Tribunals and Gender Recognition Certificate Statistics Quarterly**

October to December 2015

Ministry of Justice  
Statistics bulletin

10 March 2016



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## Introduction

Tribunals are specialist judicial bodies which decide disputes in particular areas of law. Appeals to tribunals are generally against a decision made by a Government department or agency. The main exception to this is the Employment Tribunal where cases are on a party v party basis (specifically, employee versus employer). There are tribunals in England, Wales, Scotland and Northern Ireland covering a wide range of areas affecting day-to-day life. Her Majesty's Courts & Tribunals Service (HMCTS) administers many of them although some are the responsibility of the devolved governments in Scotland, Wales and Northern Ireland.

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, Immigration and Asylum, and Social Security and Child Support). These three largest tribunals accounted for over 70% of tribunal receipts in 2014/15. Statistics relating to Gender Recognition Certificates, which were previously in a separate publication, are now provided in this report. Annex C provides monthly and regional breakdowns of receipts for Employment Tribunals. Annex D provides experimental statistics on Employment Tribunal Fees.

In this publication, Public Interest Disclosure claims in the Employment Tribunal have been split out of the 'Other' category and reported separately for the first time from 2013 onwards. In the next publication we will provide a longer time series. We are currently in the process of reviewing the jurisdictions recorded under 'Other' in the Employment Tribunals to see if they can be recorded separately.

Excel tables that accompany this report contain details of the smaller volume tribunals which are not covered in the text presented here. Please note that this publication does not include data on tribunals not covered by HMCTS. The accompanying CSV files contain the same data as in the Excel tables, but in a machine readable format. This allows users to conduct their own analysis, and is part of the Ministry of Justice's commitment to open data.

Further information on Civil and Administrative Justice statistics, including information on the data sources and terminology used in this report, can be found in the [Guide to Civil and Administrative Justice Statistics](#).

The next issue of Tribunal and Gender Recognition Certificate Statistics Quarterly is scheduled to be published on 9 June 2016, covering the period January to March 2016 and annual statistics for the financial year 2015/16. It will also include an annual series of statistics relating to the number of cases adjourned or postponed and the number of tribunal judicial salaried and fee-paid sitting days.

We have assessed the way the statistics are used and have seen that the primary interest is within jurisdiction and therefore from the next issue, we

propose to restructure the publication in order to improve the usability of the statistics. Each large tribunal (Employment Tribunal, First-tier Tribunal Immigration and Asylum Chamber, and Social Security and Child Support) will be presented in individual chapters, which will contain statistics relating to the respective tribunal's receipts, disposals, caseload and timeliness. These will be in line with the way the Gender Recognition Certificates chapter is currently presented. There is still an opportunity to feed into this proposed change, please send any comments by 29 April 2016 to [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk).

### **Users of the statistics**

The main users of these statistics are Ministers and officials in central government responsible for developing policy with regards to tribunals. Other users include lawyers and academics, other central government departments such as the Department for Education, the Department for Business, Innovation and Skills (BIS), the Home Office and the Department for Work and Pensions (DWP), and non-governmental bodies, including various voluntary organisations, with an interest in administrative justice.

## Key Findings

This report presents the latest statistics on type and volume of tribunal cases that are received, disposed of or outstanding as of the third quarter of the financial year 2015/16 (October to December 2015). There is also a chapter presenting the latest trends in Gender Recognition Certificates awarded.

### Receipts and disposals

In October to December 2015, HMCTS tribunals recorded a 4% increase in receipts (to 99,000) and a 74% decrease in disposals (to 87,000) compared to October to December 2014. The decrease in disposals is due a large multiple claims case ending in the Employment Tribunal in October to December 2014 – the case contained 244,000 claims.

### Caseload outstanding

For all tribunals combined, the caseload outstanding at the end of December 2015 was 387,000, up 9% on last year. In Employment Tribunals, single claims and multiple claims accounted for 2% and 55% of the total caseload respectively, First-tier Tribunal Immigration and Asylum Chamber cases accounted for 15% and Social Security and Child Support accounted for 14%.

### Timeliness

In October to December 2015, the average age of a Social Security and Child Support Tribunal appeals at disposal was 19 weeks, which is down 4 weeks on the same period in the previous year.

For First-tier Tribunal Immigration and Asylum Chamber cases, the average clearance time for cases disposed of in October to December 2015 was 36 weeks, 8 weeks longer than last year.

For Employment Tribunals, the average clearance time of a single claim was 29 weeks, 24 weeks less than in the same period last year. Average clearance time for single claims has been gradually improving since the closure of around 10% cases following a review of all outstanding cases in October to December 2014. Many of the closed outstanding cases were very old, the impact of which was a large increase in timeliness for that quarter only. The average clearance time for multiple claim cases was 196 weeks, down from 205 weeks in the previous year.

### Gender Recognition Panel

In October to December 2015, 86 applications were received by the Gender Recognition Panel, down from 94 in the same period last year. Of the 93 disposals, 79 (85%) were granted full Gender Recognition Certificates.

### **Employment Tribunal Fees**

In October to December 2015, there were 5,300 Employment Tribunal issue fees requested. Of these, 3,500 (66%) cases had the full issue fee paid outright whilst 1,400 (25%) cases were awarded either a full or partial issue fee remission. For the remaining 400 (8%) cases, it appears that the claim was not taken further.

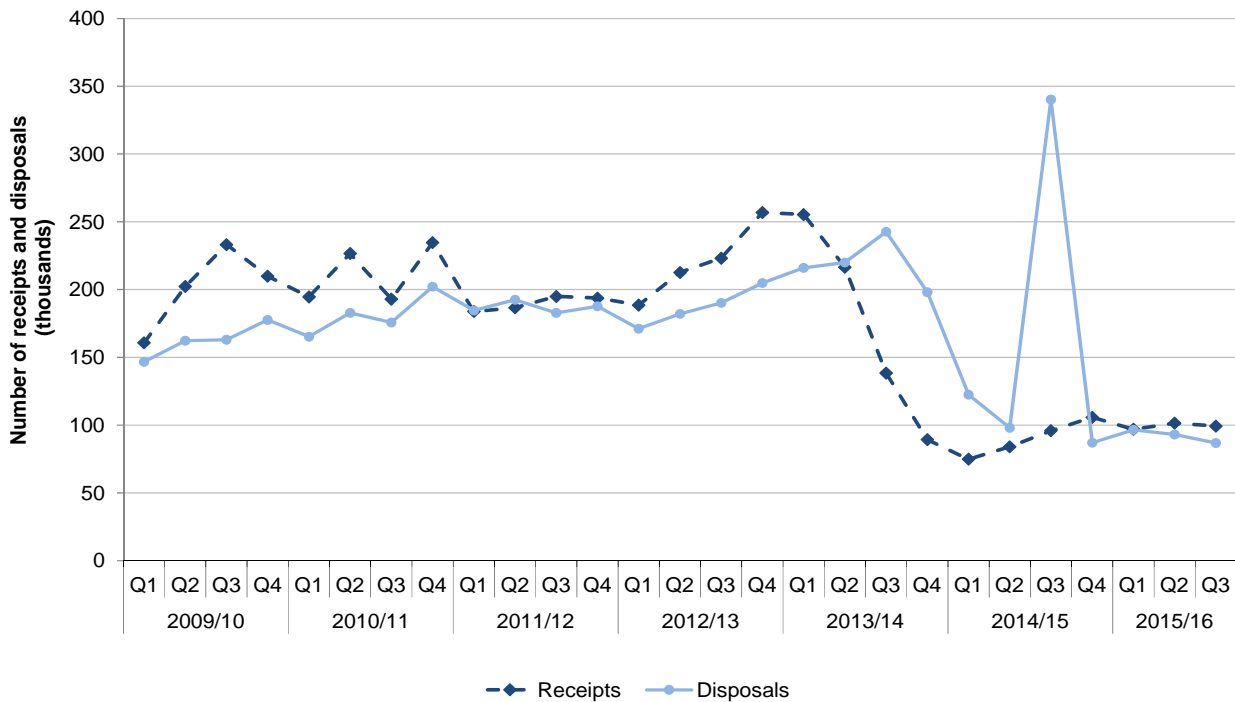
The proportion awarded full or partial issue fee remission increased by 5 percentage points compared to the same period in 2014 and is the highest since fees were introduced – in October 2015, a new fee remission application 'Help with fees' was introduced providing clearer guidance and a simplified form.

# 1. Receipts

HMCTS Tribunals recorded 99,358 receipts in October to December 2015, which is up 4% when compared with the same period of 2014. Social Security and Child Support (SSCS) accounts for 42% of these receipts, a further 18% were in Employment Tribunals (ET) and 18% were in the First-tier Tribunal Immigration and Asylum Chamber (FTTIAC).

Figure 1 shows trends in both receipts and disposals since Q1 2009/10. Typically the number of receipts has been greater than the number of disposals. However, between Q2 2013/14 and Q3 2014/15, HMCTS has disposed of more tribunal claims than it received. Note that these figures are receipts and disposals in the quarter being reported, and receipts in one period are likely to be dealt with in subsequent periods.

**Figure 1: Receipts and disposals for all tribunals, 2009/10 to Q3 2015/16<sup>1</sup>**



## What has driven the trend?

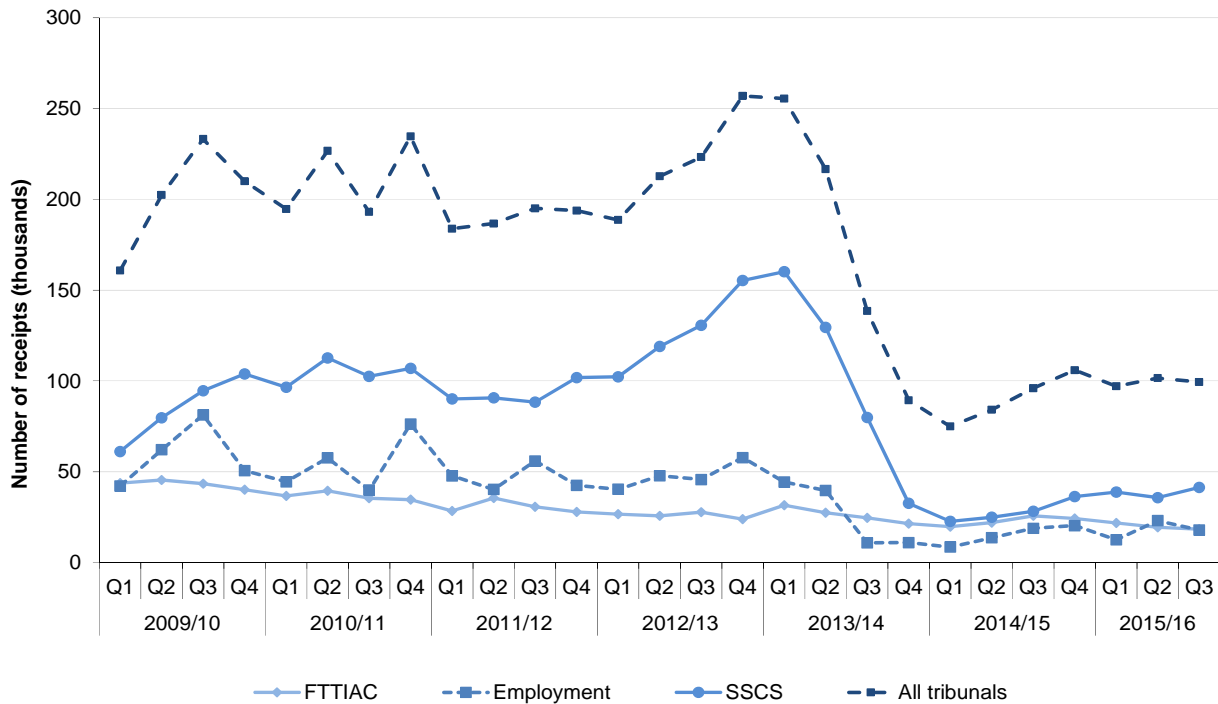
Figure 2 illustrates the receipts by the largest tribunals. As SSCS is the largest tribunal, this drove the overall trend to Q1 2014/15, when the number of SSCS appeals fell to its lowest. This fall in SSCS appeals was due to a number of factors, one of which may be the Government's welfare reforms, including the introduction of mandatory reconsideration of

<sup>1</sup> The peak in Q3 2014/15 is due to 243,000 Employment Tribunal multiple disposals relating to one case.



an initial decision made by the Department for Work and Pensions (DWP) before an appeal can be lodged with the Tribunal. After this point, the overall trend followed a gradual increase that can be seen across all three tribunals up to the end of 2014/15, and has stabilised at around 100,000 claims during 2015/16.

**Figure 2: Tribunal receipts by jurisdiction, 2009/10 to Q3 2015/16**



**Employment Tribunals (Table 1.2)**

Claims are counted as received in the Employment Tribunal once the relevant issue fee has been paid or remitted, and the tribunal have accepted the claim as valid. Table D1 in Annex D shows the total number of cases (see below for definitions) where a fee request was issued to the claimant, and the fee activity that occurs subsequently. In most cases the fee is paid or remitted, but not all. Those that do not pay the fee, or balance of it, will not be passed to the Employment Tribunal and will not appear in the cases received total. Those that do pay, or are remitted, are then vetted by the Employment Tribunal to ensure they have a valid claim; if they do not, the claim will be rejected. Those that do have a valid claim are accepted and acknowledged by the Employment Tribunal and are shown in Table 1.2 as receipts on the date they are accepted. Cases received in Table 1.2 will, therefore, not correspond to Table D1.

Claims in employment tribunals can be classified into either single<sup>2</sup> or multiple<sup>3</sup> 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 October to December 2015, there were 1.7 jurisdictional complaints per claim accepted.

The number of single claims received in October to December 2015 was 4,338 – an increase of just 3 cases on the same period of 2014.

The trend in single claims had gradually declined from 2009/10 until Q2 2013/14, and then saw a sharp drop in Q3 2013/14 following the introduction of Employment Tribunal fees in July 2013 (further information on this can be found in Policy Changes section, page 41). There was a small increase in single claims in Q4 2013/14 which was then followed by a historically low number of claims in Q1 2014/15 when the Advisory, Conciliation and Arbitration Service (ACAS) introduced mandatory Early Conciliation.

The number of multiple claims received in October to December 2015 was 13,546, down by 7% on the same quarter last year. These claims related to 272 multiple claim cases, down by 54% (321) on the same quarter last year, there was however a high number of working time directive and part time directive claims received during October to December 2014.

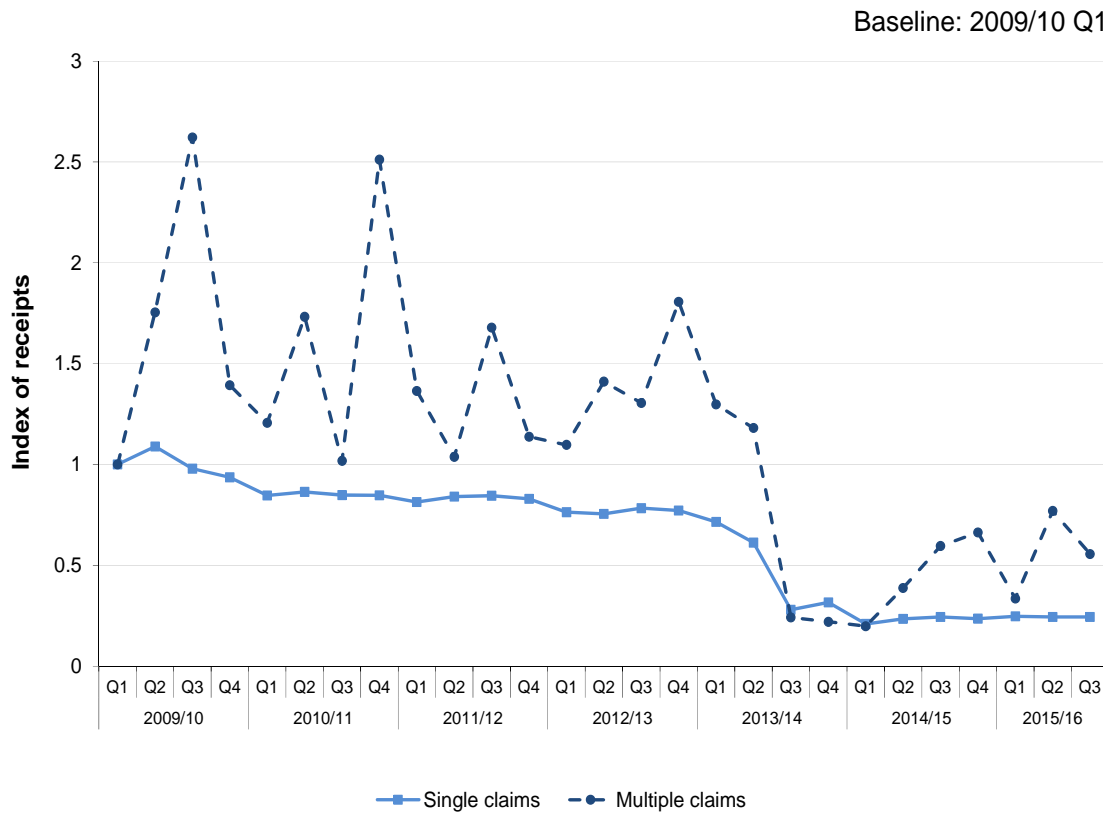
The trend in multiple claims is more volatile than single claims due to large numbers of claims against a single employer which can skew the national figures. This was particularly acute prior to October 2013 when a small number of multiple cases against the airline industry had to be resubmitted each quarter. This is illustrated in Figure 3. 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.

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<sup>2</sup> 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.

<sup>3</sup> 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, and always arising out of the same or very similar circumstances. As a multiple, the cases are processed together.

**Figure 3: Index of Employment Tribunals multiple and single claim receipts<sup>4</sup>, 2009/10 to Q3 2015/16**



**Immigration and Asylum (Tables 1.3a and 1.3b)**

The First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) is an independent Tribunal which deals with appeals against decisions made by the Home Office in immigration, asylum and nationality matters. The Upper Tribunal Immigration and Asylum Chamber (UTIAC) is a superior court of record dealing with appeals against decisions made by the FTTIAC.

In the period October to December 2015, there were 18,368 FTTIAC receipts; a decrease of 29% when compared with the same period in 2014. In the UTIAC there were 1,691 receipts, down 18% (381 receipts) when compared with the same period in 2014.

**Immigration Act 2014**

The Immigration Act 2014 removed a number of existing appeal rights against Home Office decisions. Refused applicants can now only appeal by first asserting a fundamental right to enter or remain in the UK. These rights are Protection, Removal of Refugee Status, Human Rights, or

<sup>4</sup> 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.

European Free Movement. Where appeal rights were removed and the applicant asserts the Home Office has made an error in its decision, there is now a right to an Administrative Review by the Home Office. Deprivation of Citizenship and Deportation were not affected by the implementation of the Act as the appeal right is given by European law.

The removal of appeal rights under the Immigration Act 2014 has been phased, initially focussing on applications made and refused in the UK under the Home Office's points based system.

In October 2014, refusals for points based applications from Students and their dependents had their associated appeal rights removed. Appeal rights were also removed for non-European Foreign National Offenders. In March 2015, the scope of the Immigration Act was extended to include the remaining points based decisions made in the UK. Finally, in April 2015, the Immigration Act was implemented in full for decisions made both in the UK and overseas.

As well as reducing the number of appeal rights, the Immigration Act introduced an Administrative Review process into the Home Office. The applicant may also assert a fundamental right (Protection or Human Rights) to enter or remain in the UK and if refused, those decisions do have an associated right of appeal. In order to accommodate this move from appealing the original refusal decision to appealing the fundamental rights decision, new appeal categories were created.

In October to December 2015, a total of 14,005 cases were registered under the new post Act categories in the FTTIAC, 7,797 of which were Human Rights appeals. A total of 95 cases were registered under the post Act categories in the UTIAC in October to December 2015.

Due to the phasing in of the new appeal rights under the Immigration Act 2014 and the additional steps introduced in some cases before a decision with an appeal right is given, the receipt of Post Act cases from the points based decisions was slower than anticipated.

Since the Act was fully implemented, the majority of appeals result from refusals where these fundamental rights have been raised and considered as part of the initial application, allowing them to enter the appeal process more quickly.

While we continue to receive and deal with pre-Immigration Act appeals there has been an overall decline in receipts recorded under Asylum, Managed Migration, Entry Clearance, and Family Visit Visa.

Following changes made under the Immigration Act 2014, Asylum appeals in the FTTIAC and UTIAC are now recorded under the Protection and Revocation of Protection categories. In October to December 2015, there were a total of 1,184 Asylum appeals received in the FTTIAC (down 73% last year), 2,868 Protection and 40 Revocation of Protection appeals

received. In the UTIAC, the number of Asylum appeals increased by 74% (to 593 appeals) over the same period and 15 Protection and 7 Revocation of Protection appeals were received.

Under the Immigration Act 2014, individuals seeking to challenge a Home Office immigration refusal are able to lodge an appeal under the Human Rights and EEA Free Movement categories. While the volume of Managed Migration has decreased by 78% to 3,054, Entry Clearance has decreased by 98% to 106 and Family Visit Visa has decreased by 99% to 19 appeals in the FTIAC in October to December 2015, there were 7,797 Human Rights appeals and 3,102 EEA Free Movement appeals.

In the UTIAC, Managed Migration accounted for 48% of all appeals in the UTIAC and saw a 35% decrease to 814 receipts compared to October to December 2014. Entry Clearance appeals and Family Visit Visas also decreased in UTIAC by 33% to 165 and by 67% to 24 respectively.

On 1 November 2013, 3,230 Immigration and Asylum Judicial Reviews (JRs) transferred from the Administrative Court to the Upper Tribunal in a bulk transfer. However since then, transferred JRs are re-registered by the importing office (because the Upper Tribunal and Administrative Court have separate case management systems), so a case may show up in both sets of figures if it started the process in one and was concluded in the other. The table below shows the impact for 2013 and 2014 annual data – note that this includes all JRs, Civil (Immigration and Asylum), Civil (other) and Criminal.

**Table 1: Total number of JRs across all courts**

	<b>Total JRs (Admin court and UTIAC)</b>	<b>Of which Admin court JRs transferred to UTIAC</b>	<b>Of which UTIAC JRs transferred to Admin Court</b>	<b>Total JRs removing transfers</b>
<b>2013</b>	18,797	3,755	13	15,029
<b>2014</b>	20,063	105	336	19,622

**Source:** Administrative Court data

In the most recent quarter there were 4,127 Immigration and Asylum JR receipts at the UTIAC. The number of Immigration and Asylum JR cases that are dealt with by the Administrative court, can be found in the [Civil Justice Statistics Quarterly](#) publication.

### **Social Security and Child Support (Table 1.4)**

Following the staged introduction of mandatory reconsideration from April 2013, the number of appeals declined during 2013/14, reaching their lowest in April to June 2014. Since then, the number of appeals have been gradually increasing. In October to December 2015, 41,379 appeals against decisions were received, which is an increase of 47% when compared with the same period in 2014.

Personal Independence Payment (PIP) was introduced in April 2013 and is gradually replacing<sup>5</sup> Disability Living Allowance for people aged between 16 and 64 who need assistance with personal care or mobility as a result of a physical or mental disability. PIP appeals now account for 39% of all SSCS appeal receipts and the number of appeals has been steadily increasing - from 5,427 in October to December 2014 to 16,249 in the most recent quarter.

Employment Support Allowance accounted for 36% of the total SSCS Tribunal receipts in October to December 2015 and saw a 28% increase from 11,709 in the same period in 2014 to 15,013 in the current quarter.

Housing/Council Tax benefit accounted for 6% of SSCS appeals in October to December 2015, which has decreased by 7% to 2,381 when compared to the same period in 2014.

Disability Living Allowance accounted for 5% of SSCS appeals in October to December 2015 and increased by 14% on the same period in 2014, up by 226 appeals.

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<sup>5</sup> Personal Independent Payment Official Statistics from DWP show an increase in registrations and clearances: [www.gov.uk/government/statistics/personal-independence-payment-april-2013-to-october-2015](http://www.gov.uk/government/statistics/personal-independence-payment-april-2013-to-october-2015)

## 2. Disposals

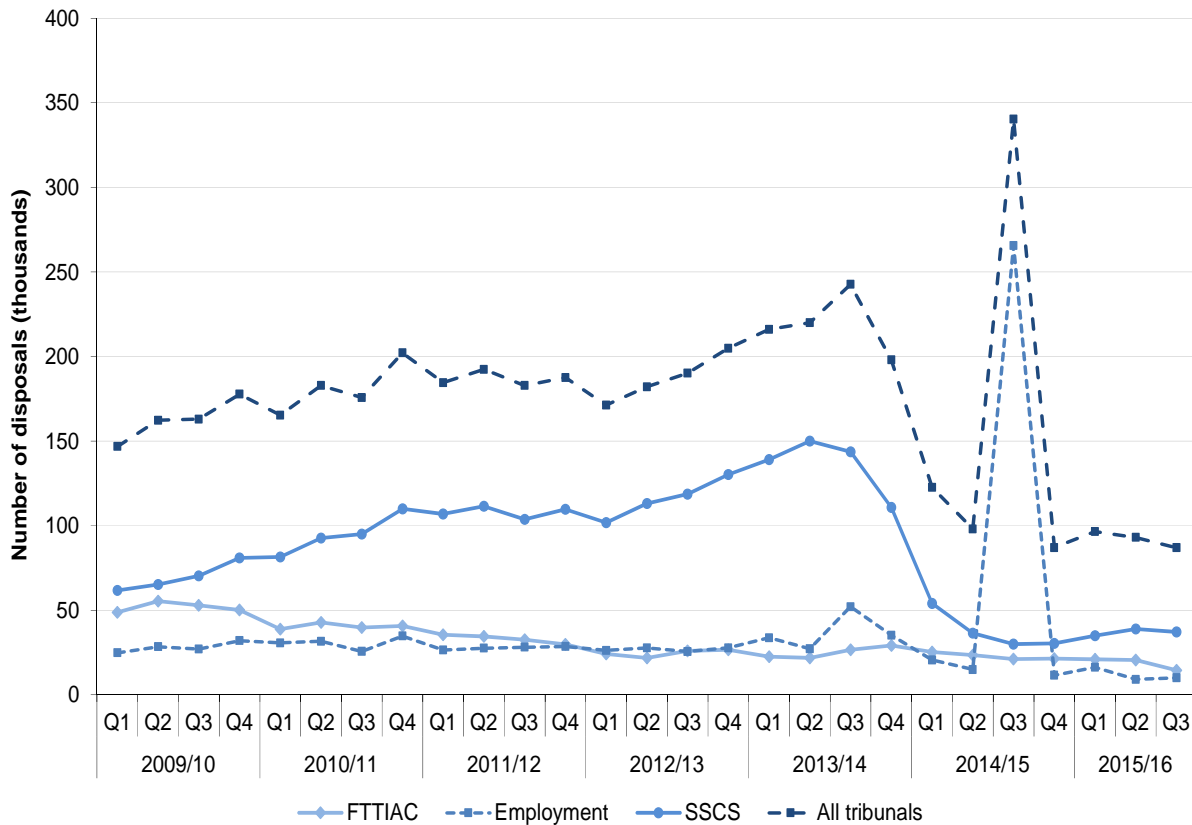
A disposal is the closure of a case when work is complete. This can be through a claim being withdrawn, settled, dismissed, transferred or being decided at a hearing (either orally or on paper).

There was a total of 86,998 cases or claims disposed of in October to December 2015, representing a decrease of 74% on the same period in 2014.

### What has driven this?

Figure 4 shows disposals by the main tribunals. In October to December 2014, a very large multiple airlines case ended in the Employment Tribunal, relating to Working Time Directive, which accounted for the large decrease seen in the current quarter when compared to the same period in 2014/15. However since this large multiple claims case closed, the total number of disposals has stabilised over 2015/16.

**Figure 4: Disposals by Tribunal, 2009/10 to Q3 2015/16**

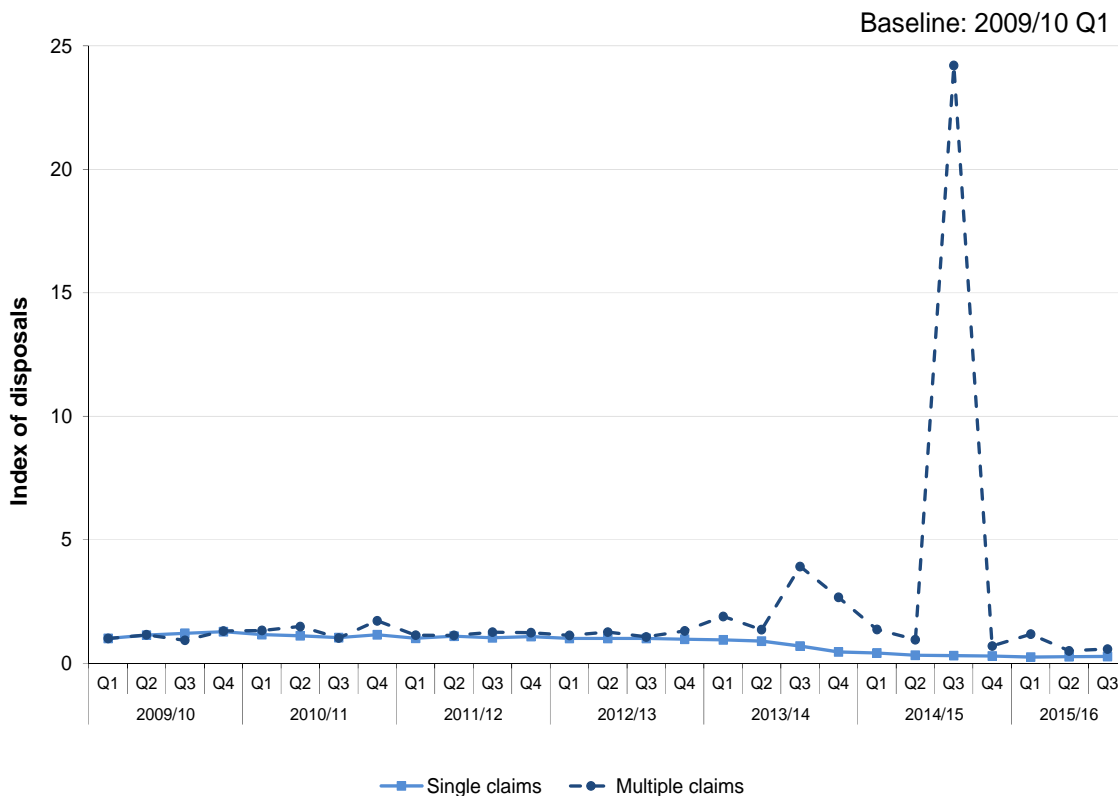


### Employment Tribunal (Tables 2.1, 2.2 and 2.3)

The Employment Tribunal disposed of 10,047 claims during October to December 2015, a decrease of 96% on the same period in 2014. This decrease is due to the ending of a large multiple airlines case relating to Working Time Directive in October to December 2014. In the current quarter, 6,213 multiple claims were disposed of, accounting for 62% of Employment Tribunals disposals, down 98% on October to December 2014. There were 3,834 single claims disposed of in October to December 2015, accounting for 38% of all disposals, down 11% on the same period last year.

The disposal rates for multiple claims tend to be more volatile than single claims, and can be affected by disposals of a few large cases. The peak in Figure 5 for multiple claims in Q3 2014/15 is due to the disposal of a large resubmitted Airline multiple claims case in that quarter. The 6,213 multiple claims disposed of in October to December 2015 related to 253 multiple claim cases, giving an average of 24.6 claims per multiple claims case.

**Figure 5: Index of Employment Tribunal single and multiple disposals, 2009/10 to Q3 2015/16**



In October to December 2015, 21,538 jurisdictional complaints were disposed of which is 92% less than same period of the previous year due to the large decrease in disposals relating to Working Time Directive. On average, 2.1 jurisdictions were disposed of per claim.



Of the jurisdictional complaints that were disposed of in October to December 2015, 18% were for Unauthorised Deductions (formerly the Wages Act), 17% were for Equal Pay, 14% were related to Working Time Directive and 14% were for Unfair Dismissal.

The largest change in jurisdictional complaints in comparison to the same period last year was seen in Working Time Directive, which is down 99% from 254,607 to 3,076 due to the closing of a very large multiple airlines case during the same period of 2014/15. Other large changes were seen in Unauthorised deductions (formerly Wages Act), down 69% from 12,609 to 3,913; Age Discrimination disposals, down 54% from 426 to 197 and Redundancy Pay, down 40% from 1,011 to 603.

When considering the outcomes of Employment Tribunal disposals in October to December 2015, the largest proportion of outcomes were 'ACAS Conciliated Settlements', accounting for 27% of disposed claims, 26% of cases were Withdrawn and 19% of cases were Dismissed Upon Withdrawal.

### **Immigration and Asylum (Tables 2.4a, 2.4b, 2.5a and 2.5b)**

The First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) disposed of 14,534 appeals, down 31% on October to December 2014.

The Upper Tribunal Immigration and Asylum Chamber (UTIAC) disposed of 1,997 appeals in October to December 2015, a decrease of 9% on the same quarter last year.

Managed Migration accounted for just under half (47%) of the First-tier disposals in October to December 2015, with Entry Clearance Officer and Asylum appeals accounting for 18% and 17% respectively. Of the 14,534 disposals, 73% were determined i.e. a decision was made by a judge at a hearing or on the papers<sup>6</sup>; 15% were withdrawn; 8% were invalid or out of time, and 4% were struck out<sup>7</sup>. Rules to allow cases to be struck out were introduced following the introduction of fee charging.

Managed Migration accounted for 57% of the Upper Tribunal disposals in October to December 2015, with Asylum and Entry Clearance Officer appeals accounting for 22% and 12% respectively. Of the 1,997 disposals, 70% were determined i.e. a decision to allow or dismiss the appeal was made by a judge at a hearing; 6% were withdrawn and 24% were remitted to the First-tier Tribunal.

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<sup>6</sup> Paper cases are considered in chambers on the basis of the evidence submitted by both parties rather than at an oral hearing, which can include the application and documentation from Home Office

<sup>7</sup> Appeal closed administratively where the fee has not been paid, remitted or exempted.

Of the 10,603 cases that were determined at hearing or on paper (Table 2.5) in the First-tier Tribunal in October to December 2015, 59% were dismissed and 41% allowed. For the Upper Tribunal, of the 1,391 cases determined during the same period, 73% were dismissed and 27% allowed.

There were 5,324 Immigration and Asylum Judicial Reviews disposed of in October to December 2015, of which 78% were determined and 3% were transferred to the Administrative Court.

### **Social Security and Child Support (Tables 2.6 and 2.7)**

The Social Security and Child Support (SSCS) disposed of 37,169 cases in October to December 2015, which is an increase of 24% on the same period in the previous year. This increase was mainly driven by the increase in the number of Personal Independence Payment (PIP) disposals which increased from 2,669 to 13,673 over the last year, which is in line with the increasing rate of PIP appeal receipts.

PIP disposals accounted for 37% of the total in October to December 2015, 36% were Employment Support Allowance (ESA) disposals and 6% were related to Housing/Council Tax Benefit.

Of the total 37,169 SSCS disposals, 84% (31,232) were cleared at a hearing. The overturn rate<sup>8</sup> for those cleared at hearing was 55%, i.e. 55% had the initial decision revised in favour of the claimant. This has increased from 49% in the same quarter last year.

The overturn rate varies by benefit type with 61% of PIP cases, 58% of ESA cases, 43% of Job Seeker's Allowance cases and 23% of Housing/Council Tax benefit were cleared at hearing having the original decision revised in favour of the claimant.

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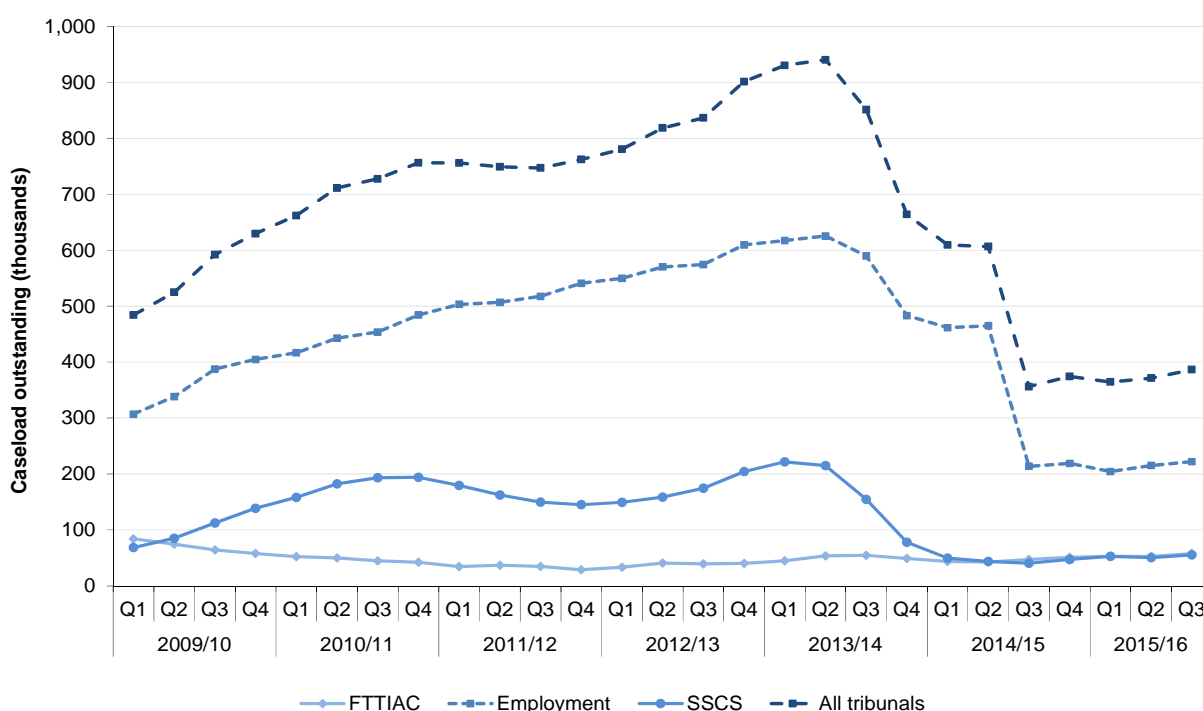
<sup>8</sup> The overturn rate is the rate of decisions by the original body that are reversed.

### 3. Caseload Outstanding

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.

At the end of December 2015, the caseload outstanding was 386,587. This is an increase of 9% on the same period last year (see Figure 6).

**Figure 6: Caseload outstanding as at the end of each quarter, June 2009 to December 2015**



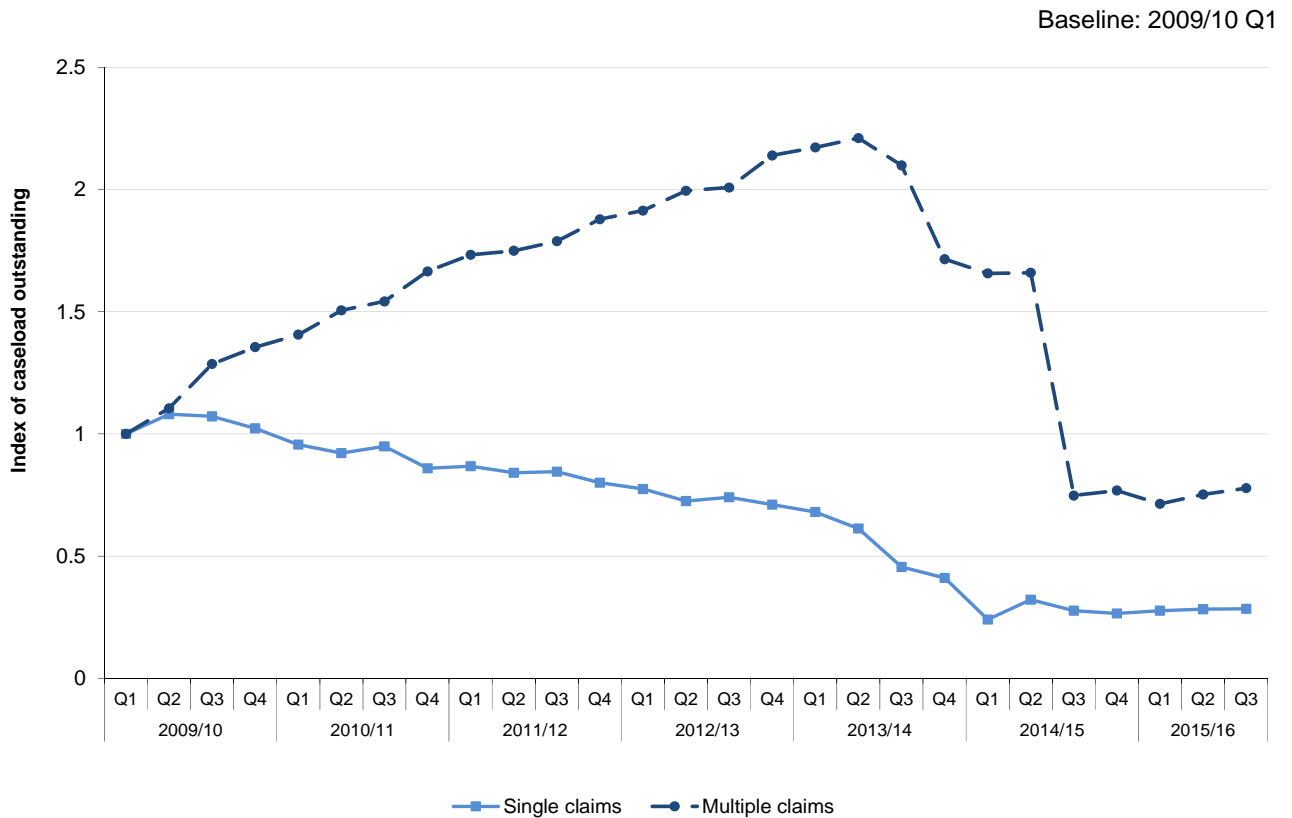
#### Caseload Outstanding (Table 3.1)

The majority (55%) 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 skewed the data up to September 2013.

Figure 7 clearly shows the increase of multiples since 2009/10; with many cases being 'stayed' and remaining outstanding in contrast to the disposal of single claims. The decrease seen from Q2 2013/14 is mainly due to the

disposal of a large number of multiple claims relating to a multiple working time regulation airline case, and those claims no longer being resubmitted as new receipts. In addition, during October to December 2014, there was a review of all Employment Tribunals cases and around 10% of existing single cases were closed and removed from the outstanding caseload.

**Figure 7: Index of Employment Tribunals single and multiple claims outstanding, 2008/09 to Q3 2015/16**



The caseload outstanding at the end of December 2015 in the First-tier Tribunal Immigration and Asylum Chamber accounted for 15% (57,951) of the overall cases outstanding and has increased by 23% compared to the same point in 2014. The caseload outstanding for Upper Tribunal Immigration and Asylum Chamber accounted for 1% (3,950) of the overall total and increased by 65% in comparison to the same period in 2014.

There were 55,595 SSCS cases outstanding at the end of December 2015, accounting for 14% of all cases outstanding and an increase of 36% when compared to the same period in 2014.

## 4. 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 a case settles, is withdrawn or struck 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 the Court of Appeal, Supreme Court or Administrative Court), or may be legally complex.
- The measures cannot 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, for the Social Security and Child Support (SSCS) Tribunal, 75% of cases that were cleared in October to December 2015 were aged 21 weeks or less.

**Table 2: Cumulative percentage of clearances in October to December 2015, by age of case at clearance**

<b>Tribunal</b>	<b>25% point</b>	<b>50% point</b>	<b>75% point</b>	<b>Average (mean)</b>
First-tier Tribunal Immigration and Asylum	23 weeks or less	34 weeks or less	47 weeks or less	36 weeks
Employment (single)	14 weeks or less	22 weeks or less	34 weeks or less	29 weeks
Employment (multiple)	41 weeks or less	2-3 years	5 years or more	196 weeks
SSCS (all)	11 weeks or less	14 weeks or less	21 weeks or less	19 weeks

## **Employment Tribunals**

For Employment Tribunals, the timescale recorded is from the date the claim was received by the tribunal to when details of the final judgement are given. The distribution for all Employment Tribunal 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 in October to December 2015 was 29 weeks which is 24 weeks less than the same period in 2014. There was a review of all outstanding single cases in October to December 2014 which resulted in the closing of around 10% cases; many of the closed outstanding cases were very old, the impact of which was a large increase in timeliness for that quarter only. Since then, the average time taken from receipt to final judgement has improved. The mean age of a multiple claim case at disposal was 196 weeks, which is down by 9 weeks on the same period in 2014.

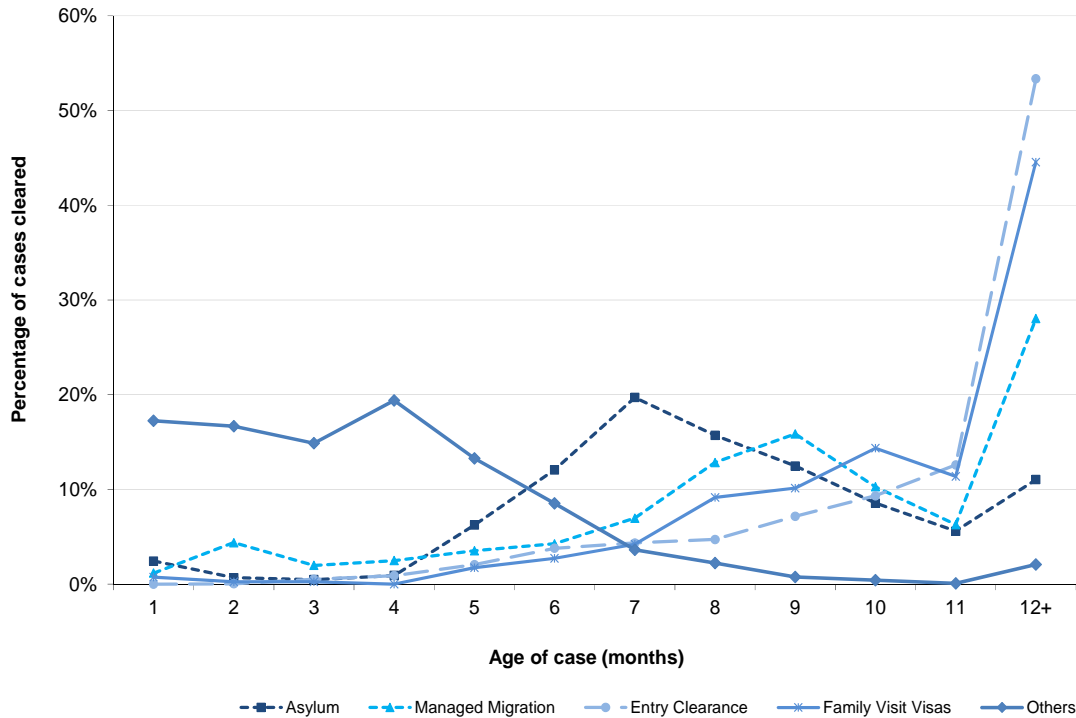
Clearances for Employment Tribunals were also further broken down by jurisdictional group (Table 4.3). The results for October to December 2015 showed that Equal Pay cases had the longest mean clearance time of over five years (341 weeks), while Sexual Orientation cases had the shortest average clearance time of 28 weeks.

## **First-tier Tribunal Immigration and Asylum Chamber**

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 36 weeks in October to December 2015, which is 8 weeks longer than the same period last year.

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 October to December 2015, 75% of Asylum cases were completed in 38 weeks or less, whereas 75% of Family Visit Visa cases were completed in 51 weeks or less. Figure 8 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 8: Timeliness of First-tier Tribunal Immigration and Asylum Chamber, October to December 2015<sup>9</sup>**



### Social Security and Child Support (SSCS)

For SSCS, the time is recorded from receipt by the tribunal to the time that a final decision was notified to the appellant. Of those cases disposed of by SSCS in October to December 2015, the mean age of a case at disposal was 19 weeks, 4 weeks less than the same period in 2014.

From April 2013, changes to the appeal process through the Welfare Reform Act 2012 began to be introduced. There were three changes:

- Department for Work and Pensions (DWP) will reconsider all decisions before an appeal (known as mandatory reconsideration);
- appeals must be sent directly to HMCTS (known as direct lodgement);
- there are time limits for DWP to return responses to HMCTS<sup>10</sup>.

<sup>9</sup> The 'Others' category includes Deport, Deprivation of Citizenship and new categories that were introduced as part of the Post Immigration Act 2014: Protection, Human Rights, EEA Free Movement and Revocation of Protection

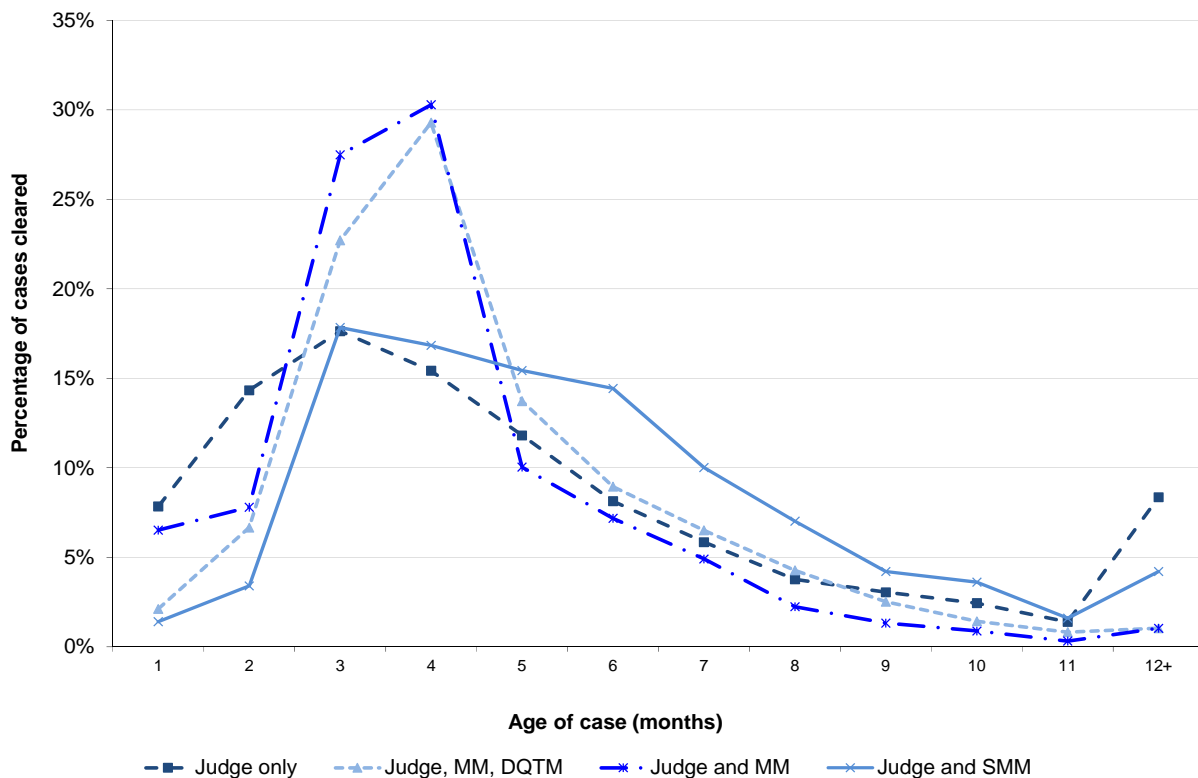
<sup>10</sup> Introduced October 2014

Mandatory reconsideration and direct lodgement were introduced for Personal Independence Payment and Universal Credit appeals in April 2013. On 28 October 2013, they were introduced for all other DWP-administered benefits and child maintenance cases, and for appeals against decisions made by HM Revenue and Customs (HMRC) on 1 April 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 the DWP and HMRC, 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.

There are several factors that can affect how long it takes for cases to be cleared including the complexity of the case, the evidence required and requests for adjournment. The composition of the Tribunal panel also varies between appeal type and there are some differences in length of clearance time for each type of appeal. Those appeals that can be heard by a Judge sitting alone (such as appeals against decisions on Job Seeker’s Allowance) can take less time to clear than appeals where a panel including Medical Member (MM), Senior Medical Member (SMM) or Disability Qualified Tribunal Member (DQTM) is required (see Figure 9).

**Figure 9: Timeliness of SSCS Tribunals, October to December 2015**





## 5. Gender Recognition Certificate Statistics

The Gender Recognition Panel (GRP) was established under the Gender Recognition Act 2004 (GRA), which enables transsexual people to change their gender legally and gain the rights and responsibilities of their acquired gender. All applications are determined by the Panel and applicants who meet the GRA's requirements are granted a Gender Recognition Certificate.

The GRP is part of Her Majesty's Courts and Tribunals Service (HMCTS) and comprises of legal and medical members, supported by an administrative team. The panel sit in private and consider the documentary evidence supplied by the applicant in support of their application to have their gender recognised.

The introduction of the Marriage (Same Sex Couples) Act 2013 and the Marriage and Civil Partnerships (Scotland) Act 2014 changed the law in England & Wales and Scotland, meaning it is now possible for some married applicants to remain married while obtaining gender recognition. Prior to December 2014, if an applicant was married or in a civil partnership, they had to annul or dissolve the marriage/civil partnership before being granted a full Gender Recognition Certificate (GRC).

For further background information on the Gender Recognition process please refer to the [Guide to Civil and Administrative Justice Statistics](#).

### Applications for Gender Recognition Certificates

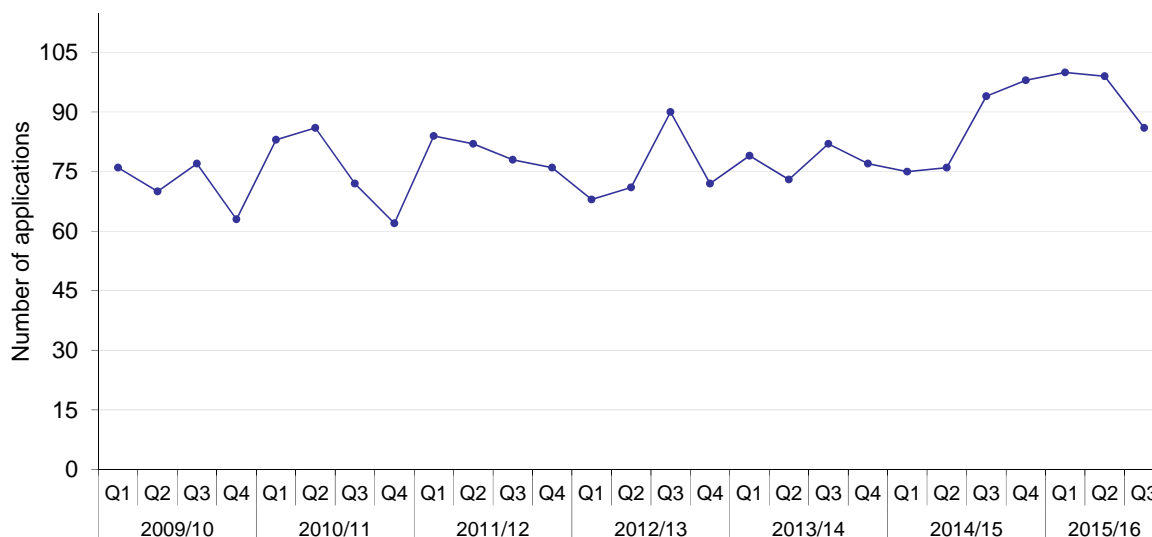
A total of 86 applications were received by the Gender Recognition Panel (GRP) in October to December 2015 (see Tables 5.1 and 5.2), down by 9% on the same period last year.

There are 3 types of application process; standard, alternative and overseas. The standard application is completed by individuals who have been living permanently in the acquired gender for 2 years or more, have or have had gender dysphoria and intend to live permanently in the acquired gender. Of the total applications in October to December 2015, 80 were standard track, down by 2% on the same period in 2014.

The alternative application track commenced on 10 December 2014 (for Scottish protected marriages and civil partnerships this date is 16 December 2014) and is completed by individuals who have lived permanently in the acquired gender for 6 years or more prior to this date and intend to continue to do so permanently, have or have had gender dysphoria or have undergone surgery to modify sexual characteristics and were in a protected marriage or protected civil partnership on or before the date of application. The alternative track is for individuals who are ordinarily resident in England, Wales and Scotland. In October to December 2015, there were 2 alternative track applications.

Finally, there is the overseas track which is for individuals whose acquired gender has been legally accepted in an approved country or territory outside the United Kingdom; 4 of the total applications in October to December 2015 were overseas track.

**Figure 10: Applications received by the Gender Recognition Panel, April 2009 to December 2015**



At the end of December 2015, a total of 119 applications were in progress awaiting final resolution, some of which are from earlier periods. This has increased by 24% since the same period last year, which is in line with the increased number of applications across the various tracks.

### Initial outcome of applications (Table 5.1)

A total of 93 applications were disposed of by the GRP during the period October to December 2015, whereby a decision had been taken to grant either a full or interim Gender Recognition Certificate (GRC), the applicant was refused or withdrew their application, the applicant did not pay the fee, or there was an error in the application process.

Of the applications disposed of in October to December 2015, a full GRC was granted in 79 cases (85% of the total, see Figure 11), reflecting a 13% increase on October to December 2014. In these cases the person was judged by the GRP to have satisfied the criteria for legal recognition in their acquired gender. The proportion of cases where a full GRC was granted has been largely stable over the last five years.

Interim certificates are granted to applicants who meet the criteria for gender recognition, but who:

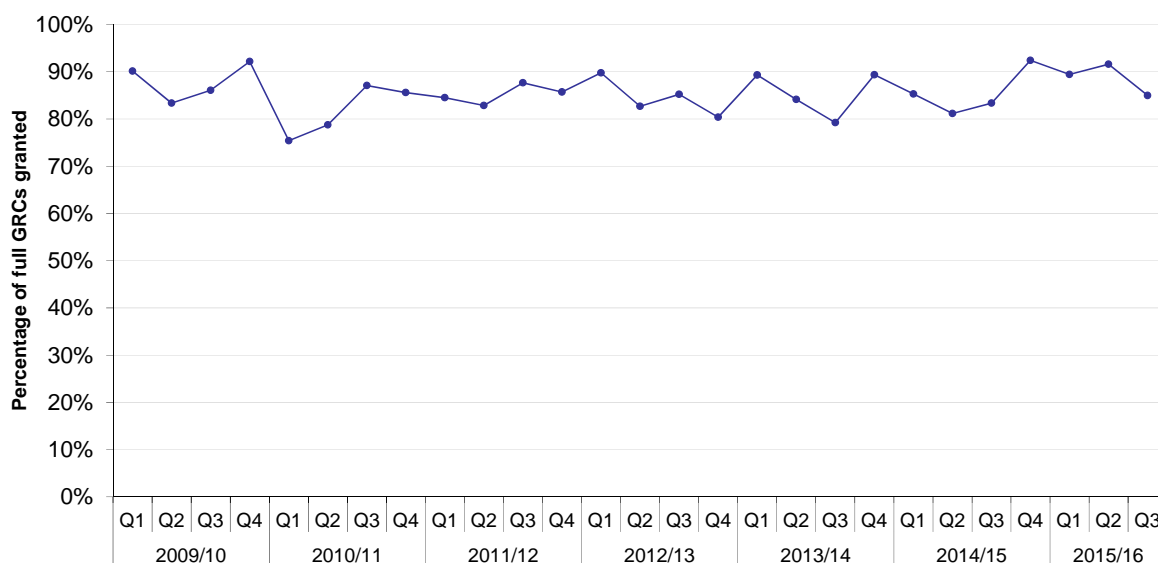
- are not eligible to remain married following their gender recognition because they were married under the law of Northern Ireland or

- are eligible but either they and/or their spouse have decided that they do not wish to remain married after the issue of their full Gender Recognition Certificate or
- are in a protected civil partnership<sup>11</sup> or Scottish protected civil partnership<sup>12</sup>, where only one partner has applied for gender recognition (or where both have applied and only one is successful) or
- are in a civil partnership but one which is not a protected or Scottish protected civil partnership.

In these circumstances, once the successful applicant has ended their marriage or civil partnership, they can then be issued a full GRC. There was 1 interim certificate granted in October to December 2015.

There were 6 applications refused in October to December 2015, no fee was paid for 4 and 3 applications were withdrawn.

**Figure 11: Proportion of applications dealt with where a full Gender Recognition Certificate was granted, April 2009 to December 2015**



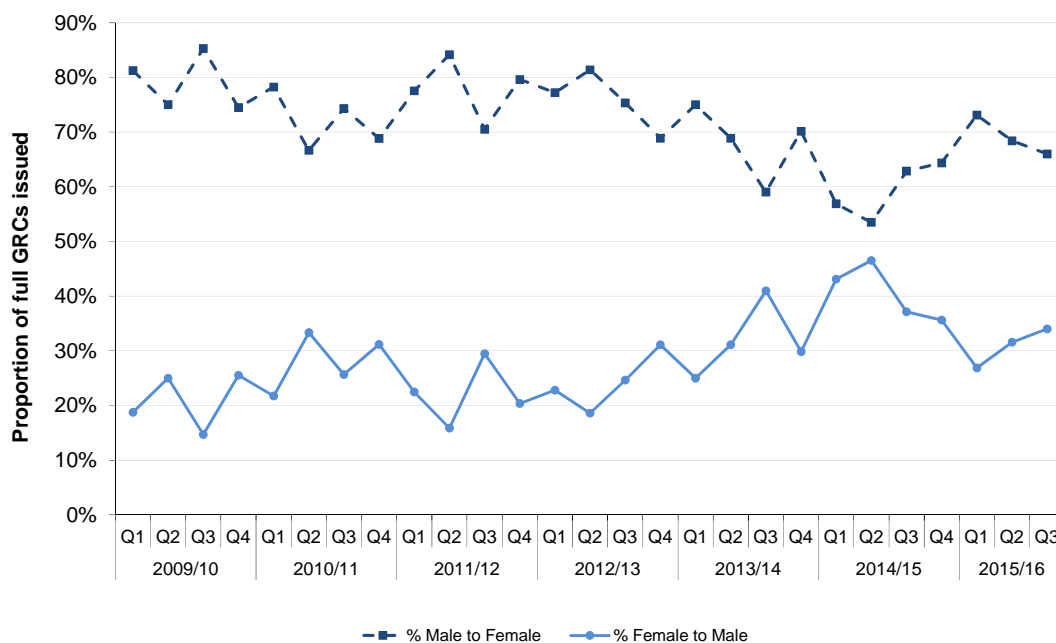
<sup>11</sup> **Protected civil partnership:** means a civil partnership under the law of England and Wales. It would include a civil partnership contracted on UK consular premises or on an armed forces base, where the couple elected England and Wales as the relevant part of the UK.

<sup>12</sup> **Scottish protected civil partnership:** is a civil partnership registered in Scotland. It would include a civil partnership contracted on UK consular premises or on an armed forces base, where a couple elected Scotland as the relevant part of the UK.

### Gender Recognition Certificates granted – demographic statistics (Table 5.4)

Of the 79 full GRCs granted in October to December 2015, 52 (66%) were granted to individuals who were registered male at birth (who thus became legally female as a result). The remaining 27 (34%) were granted to individuals who were registered female at birth.

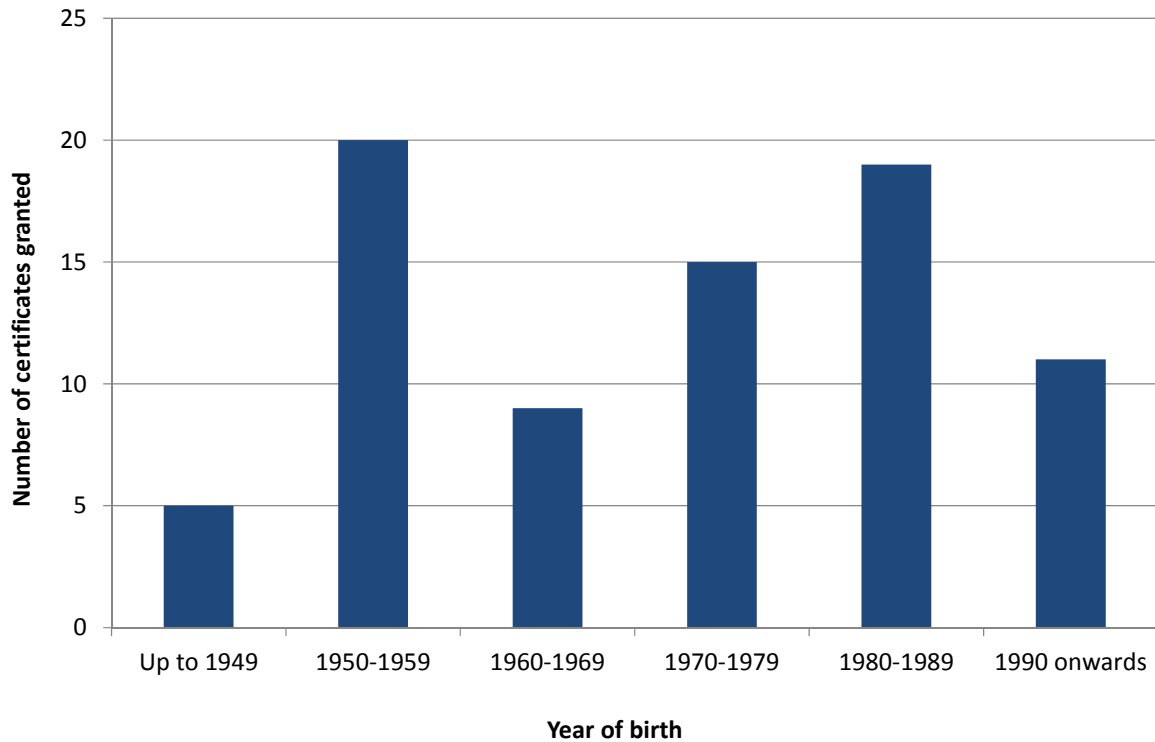
**Figure 12: Full Gender Recognition Certificates granted, April 2009 to December 2015, by gender**



Full GRCs were granted to applicants of a range of ages. In October to December 2015, the highest number of certificates (20, 25%) was granted to applicants born between the years 1950-1959 (see Figure 13).

The introduction of the Marriage (Same Sex Couples) Act 2013 and the Marriage and Civil Partnerships (Scotland) Act 2014 changed the law in England & Wales, and Scotland, meaning it is now possible for some married applicants to remain married while obtaining gender recognition. Prior to December 2014, if an applicant was married or in a civil partnership, they had to annul or dissolve the marriage/civil partnership before being granted a full GRC. Of the full GRCs granted in October to December 2015, 66 (84%) applicants were single and 13 (16%) were married.

**Figure 13: Full Gender Recognition Certificates granted in October to December 2015, by year of birth**



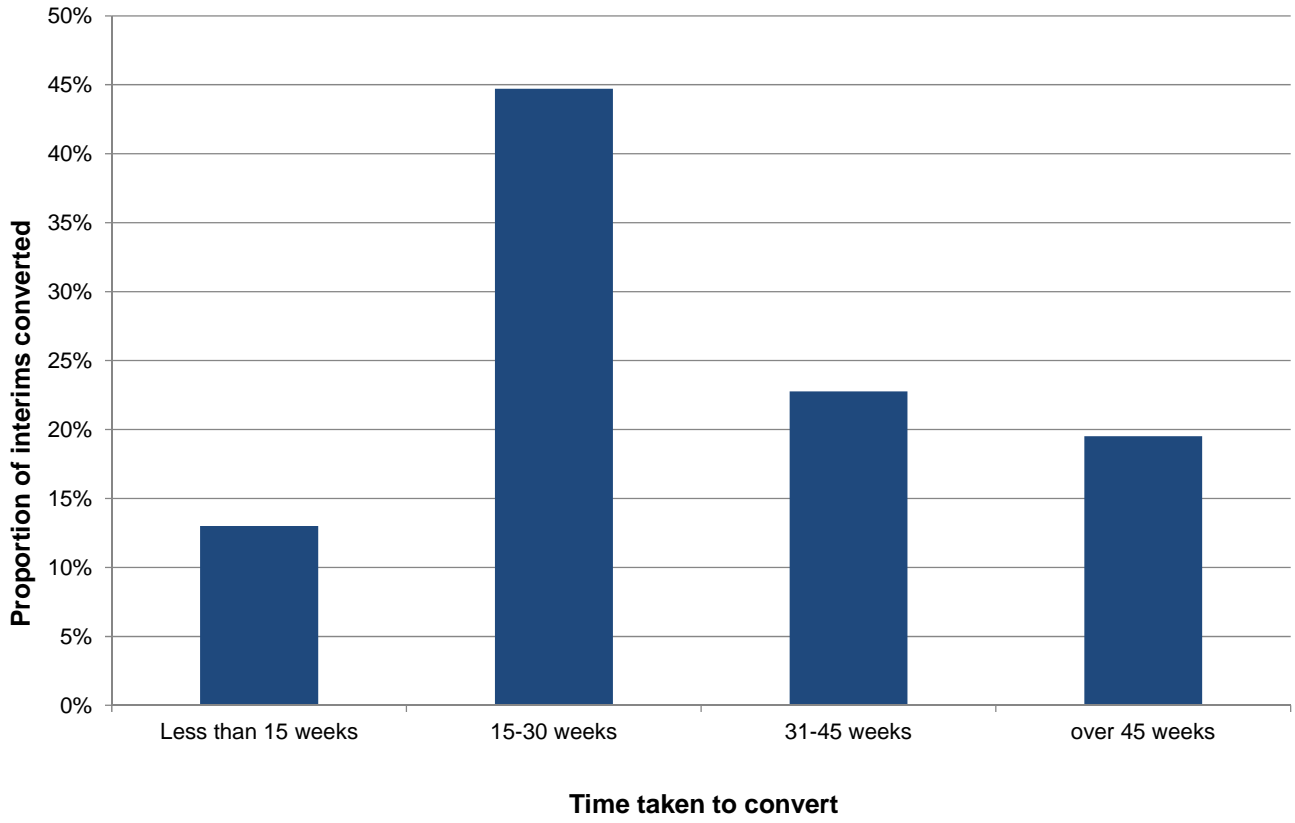
### **Conversion of Interim to Full Gender Recognition Certificates**

This analysis looks at the conversion of interim to full GRCs. The timeliness figures are based on cases where full details of the dates are available.

Between 1 April 2005 and 31 December 2015 there were 185 interim certificates issued by the GRP (see Table 5.5). As of 31 December 2015, 66% of these had been converted to a full GRC. Please note this proportion may change in subsequent periods as more data become available.

For those people who converted interim certificates to full certificates, the majority (58%) of certificates were converted within 30 weeks.

**Figure 14: Time for conversion from interim to full Gender Recognition Certificates between 1 April 2005 and 31 December 2015**



## **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 in future publications.

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 the [Guide to Civil 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 it is 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](http://www.gov.uk/government/collections/immigration-statistics-quarterly-release)

## **Revisions**

As part of an annual data reconciliation exercise, the data have been refreshed and figures revised accordingly.

Historical disposal figures for Social Security and Child Benefit were revised in October to December 2014 (Tables S.1, 2.1, 2.6 and 2.7). Investigations into the methodology used within the Social Security and Child Benefit Database established that there were some cases that had been double counted - cases that had been Withdrawn or Struck Out prior to hearing but subsequently reinstated and cleared at hearing. This has now been corrected and the disposal numbers revised.

All Upper Tribunal Immigration and Asylum Chamber (UTIAC) Judicial Review figures were revised in October to December 2014; historical figures previously only included cases which took place in London and excluded cases which took place in regional courts.

From 2014, new information has been included on the UTIAC; all relevant 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. Totals have been revised back to 2010/11 when the UTIAC was created.

The methodology for obtaining the outstanding snapshot data for UTIAC Judicial Reviews was improved in January 2015 and now reflects a more accurate representation of the caseload.



## **Explanatory Notes**

### **Notation**

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

.. = Not available

- = Nil

(r) = Revised data

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

## **Annex B: Tribunal and Jurisdiction List**

In the accompanying tables a full list of Tribunals and Jurisdictions is given (Table B.1), alongside the date they were created or, if applicable, what they were formally known as and the date in which they changed.

## Annex C: Monthly and Regional Employment Tribunal Receipts

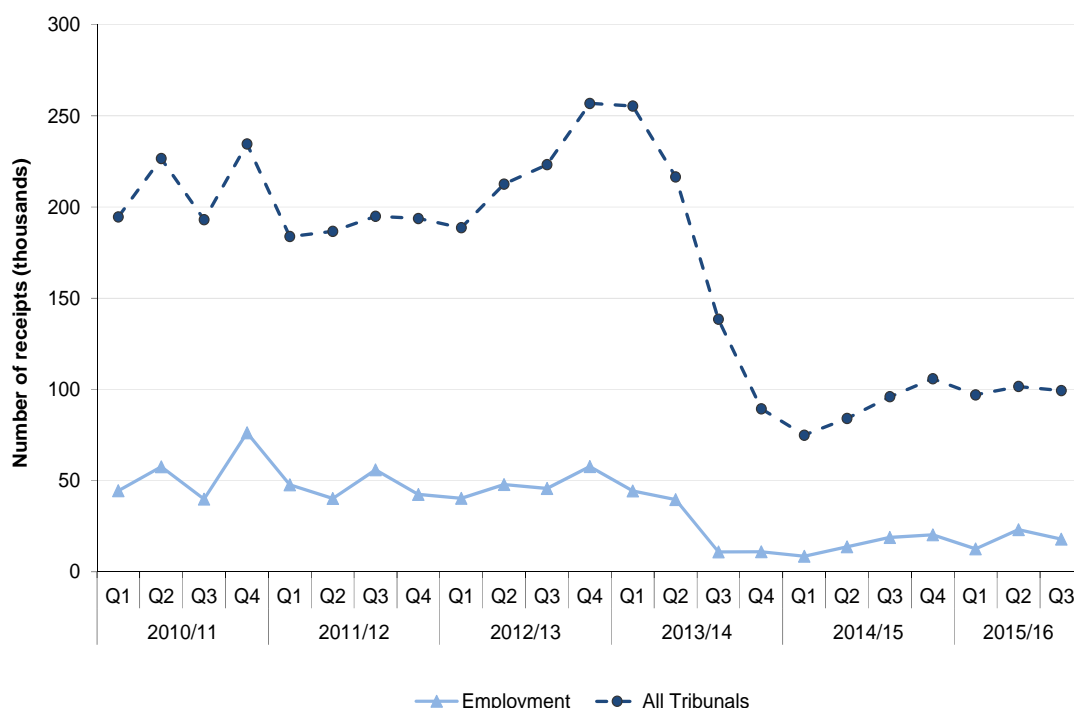
This information is additional management information that has been drawn from a live administrative system managed by HMCTS. The data presented in this section include historical information at the regional level, with a monthly breakdown. This information was a bespoke extraction for the purpose of this report.

### Trend in Employment Tribunal Receipts

In 2012/13, the Employment Tribunal received on average 52,000 new claims per quarter, which declined to an average of 26,500 in 2013/14. The average of new claims per quarter in 2014/15 was 15,300, showing a further decline in volume of claims over the financial year.

The number of receipts in Q1 2014/15 was the lowest on record in this series and has since increased gradually throughout the financial year. Figures for October to December 2015 show there were 17,884 new claims.

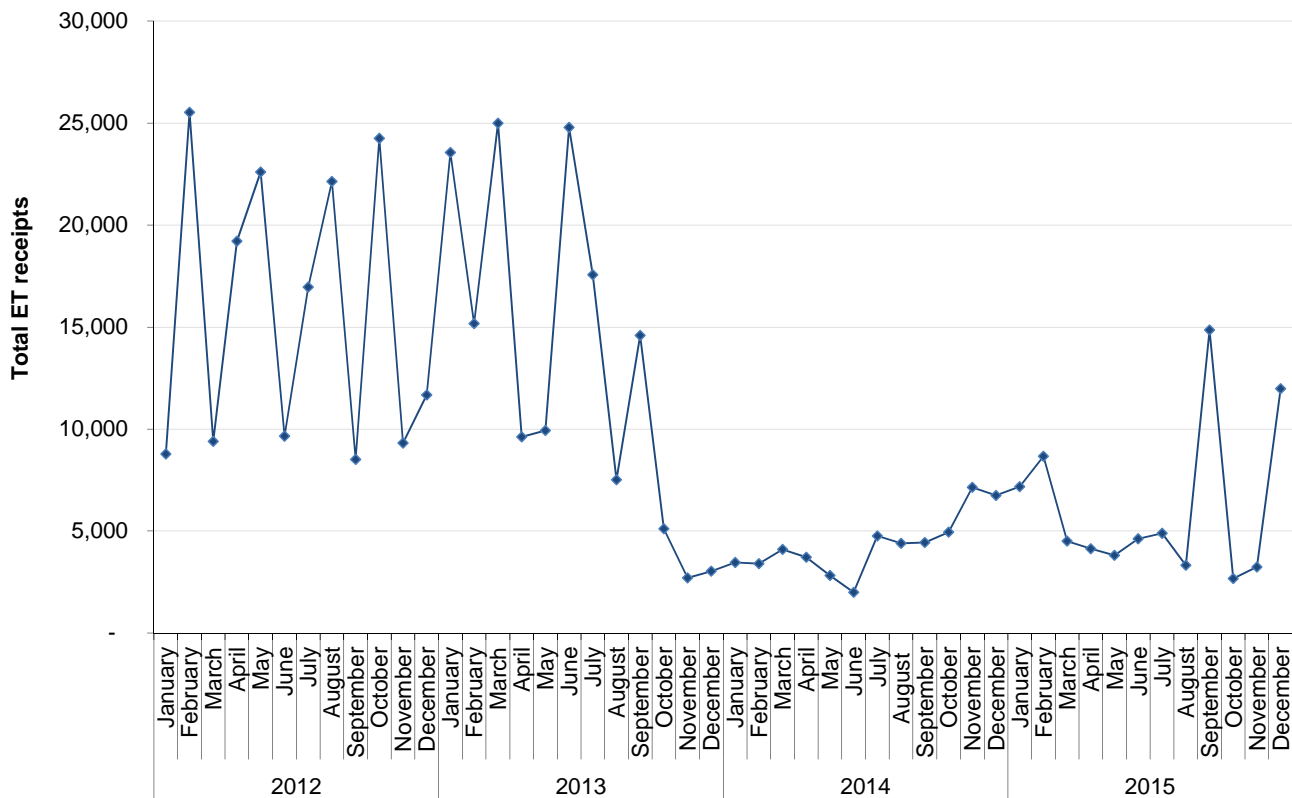
**Figure C.1: Employment Tribunal Receipts (quarterly), April 2010 to December 2015**



This Annex also includes a monthly breakdown from January 2012 to September 2015 (Figure C.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 29 July 2013, there are 29 months of data available post fees (August 2013 to December 2015). 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 C.2: Employment Tribunal Receipts (monthly, January 2012 to December 2015)**



### 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 employer<sup>13</sup> 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

<sup>13</sup> Occasionally, more than one employer can be involved.

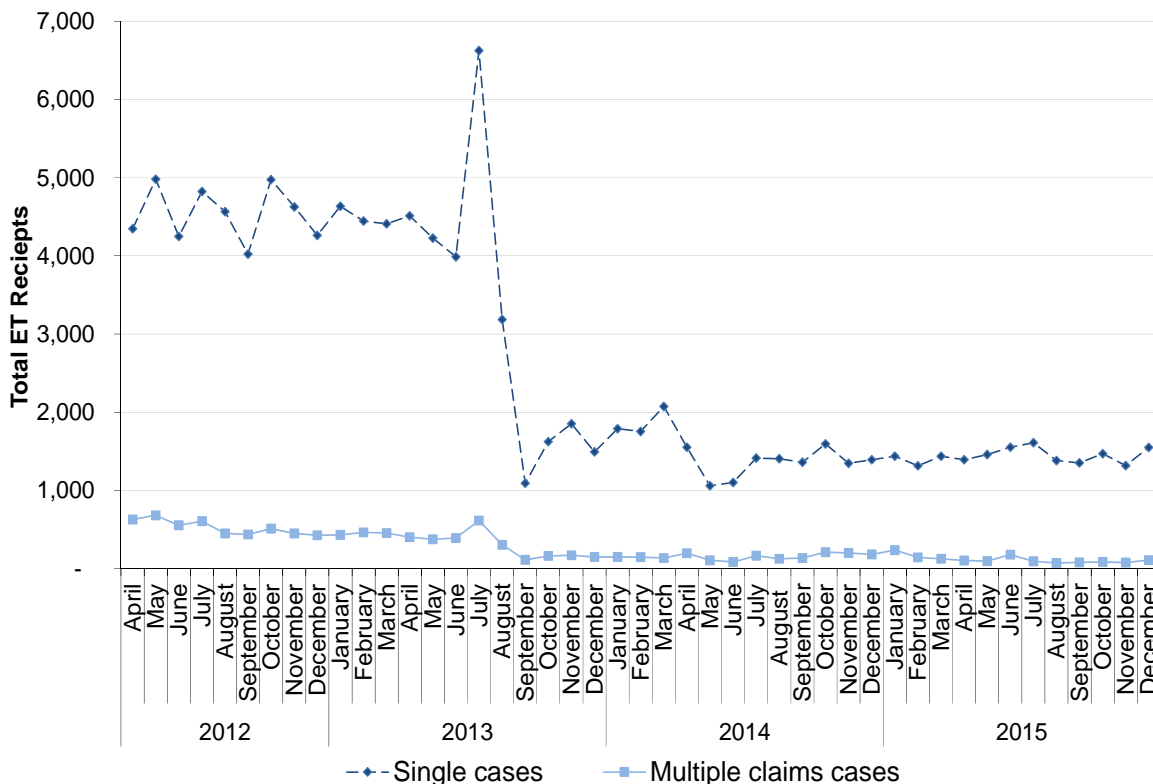
gradually decrease from nearly 5,000 in October 2012 to just under 4,000 in June 2013. The number rose to just over 6,500 in July 2013, possibly as more claims were submitted prior to the introduction of fees. The number of single cases then fell sharply to 1,000 cases in September 2013, and averaged around 1,500 cases between October 2013 and December 2015.

## 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 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 C.2).

When looking at the number of multiple claims cases, regardless of the number of individuals involved, there is a broadly flat trend from August 2012 to June 2013. There is an increase in multiple claims cases for July 2013, up 57% compared to June 2013, possibly due to people wishing to submit cases before the introduction of fees. There is then a decline in cases in September 2013 and an average of 139 cases per month since then (see Figure C.3).

**Figure C.3: Single and multiple claims cases (April 2012 to December 2015)**



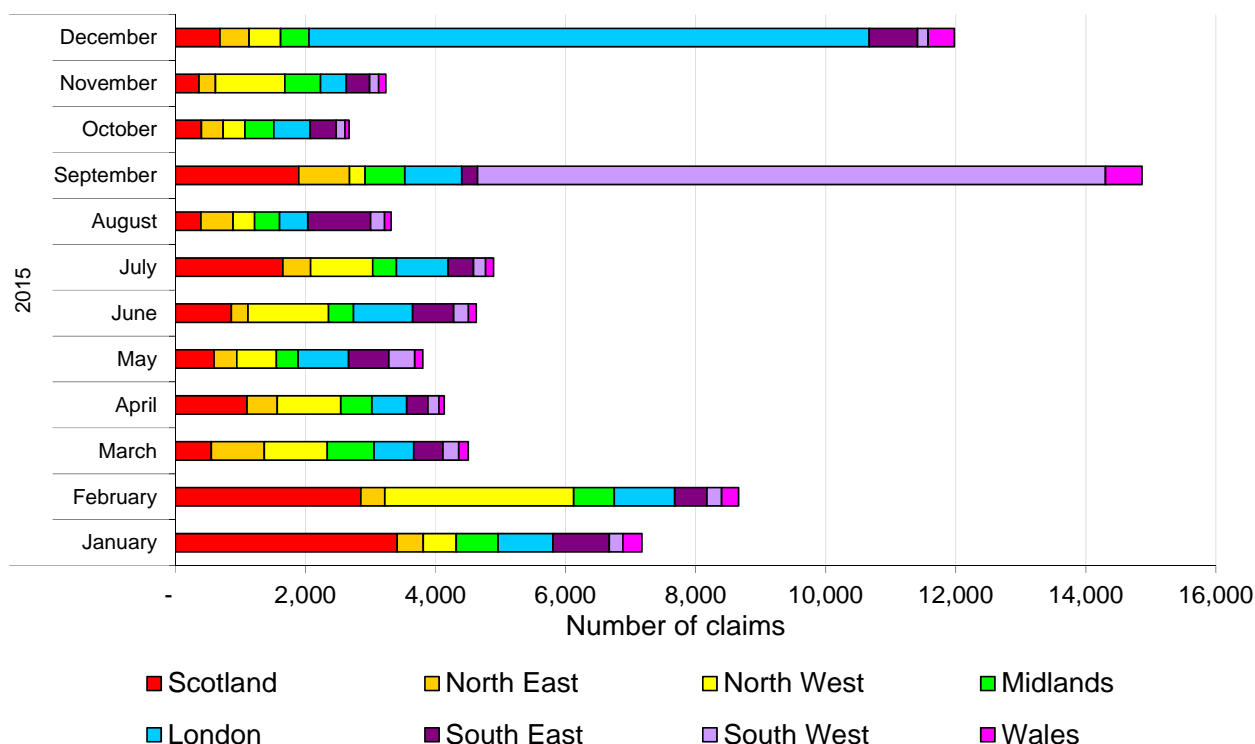
Users are advised that these figures need to be treated with extreme caution for two reasons

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 post July 2013, but formally accepted at a later stage (for example after a remission application is granted). Please see annex D for more information and figures on employment tribunal fees.

### 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 the case management system and 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 C.4: Claims by region (October 2014 to December 2015)**



## 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 breakdowns in this report are not routine and 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 February 2015, and as such historical 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.

## Annex D: Experimental statistics – Employment Tribunal Fees

### Introduction

This section covers the fifth series of quarterly experimental statistics on Employment Tribunal Fees. Data for claimant characteristics are produced annually and the statistics for 2014/15 can be found here:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/434176/tribunal-gender-statistics-jan-mar-2015.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/434176/tribunal-gender-statistics-jan-mar-2015.pdf).

Fees were introduced for claims submitted to an Employment Tribunal on or after 29 July 2013. Claimants pay two separate fees: the first to issue the claim and the second to have it heard. The fee levels vary according to the nature of the claim. Respondents may also pay fees for a number of applications they may make although these are far less common.

Claims can be separated into two distinct types, each attracting a different fee. 'Type A' claims tend to be more straightforward, and so have a lower fee. These include claims about unpaid wages, payment in lieu of notice and redundancy payments. 'Type B' claims involve more complicated issues, and therefore attract a higher fee. These types of claim tend to be those involving unfair dismissal or discrimination complaints.

Single claim cases have standard fees associated with them, whereas multiple claim cases have different fees depending on the number of claimants they contain. The fee levels for different case types are outlined in Figure D.1.

When a claim (either single or multiple) has more than one jurisdictional complaint and at least one of the complaints is a Type B, a Type B fee is payable.

**Figure D.1: Fee levels in single and multiple cases**

<b>Single cases</b>	Type A	Type B	
Issue fee	£160	£250	
Hearing fee	£230	£950	

<b>Multiple cases</b>	<b>Number of claimants</b>		
	2-10	11-200	Over 200
<b>Type A</b>			
Issue fee	£320	£640	£960
Hearing fee	£460	£920	£1,380
<b>Type B</b>			
Issue fee	£500	£1,000	£1,500
Hearing fee	£1,900	£3,800	£5,700

## **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 associated fees for the Employment Appeal Tribunal are £400 to lodge the appeal and £1,200 to have it heard.

### **Fee remission**

Claimants for both single and multiple Employment Tribunal claims may qualify for a fee remission depending on their circumstances, and this may cover whole or part of the fee. Fee remission may also be awarded for Employment Appeal Tribunal fees.

Separate remission applications must be submitted for the issue/lodgement and hearing fees. Claimants in receipt of certain benefits (including income support and income-based Job Seeker's allowance) are entitled to full remission. Full or partial remissions may also be granted depending on the claimant's gross monthly income. Remission applications may be unsuccessful for a number of reasons, such as if they do not meet the remission award criteria or if insufficient evidence is provided.

## **Data sources and key caveats**

The statistics in this annex are classified as experimental because the data and analyses are in a developmental stage. Additional analyses will be carried out to assess their quality and that of the administrative system the data are extracted from. The statistics are still subject to testing in terms of their volatility and ability to meet customer needs and they do not yet meet the rigorous quality standards of National Statistics.

However, it is our view that the experimental statistics have considerable immediate value to users. Since the introduction of fees for Employment Tribunals, there has been a significant user demand for related statistics - the Ministry of Justice has received a high number of both parliamentary questions and requests under the Freedom of Information Act on this subject. This annex has also been included to invite feedback from the public about what information regarding Employment Tribunal fees is of specific interest. For feedback on the Employment Tribunal Fees chapter, please email [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk).

The data on fees and remissions is sourced from the online Employment Tribunal Fees administrative system, which is used for case management and the processing of remission applications and fee payments.



It is not currently possible to identify when single claims are subsequently grouped into multiple claim cases. These cases have associated single issue fee requests but will appear not to progress past the issue fee stage, even though it is possible they have had a multiple case hearing. This may partially account for difference between the number of fees paid/remissions granted and the numbers of hearing fees requested for single cases.

This experimental annex gives quarterly figures on fees requested and tracks through the subsequent fee activity. Therefore, the fees paid/remission applications submitted/remissions granted shown in a given quarter correspond to the date the fee requests were made, not the date the remission application was made or granted, unless it was in that same quarter. As a result, the figures in this publication may vary slightly from those published previously.

## Results

The following results are based on initial analysis of the progression of cases through the Employment Tribunal fees system, for each quarter since the introduction of the fees on 29 July 2013 up to the end of December 2015.

### Initial findings

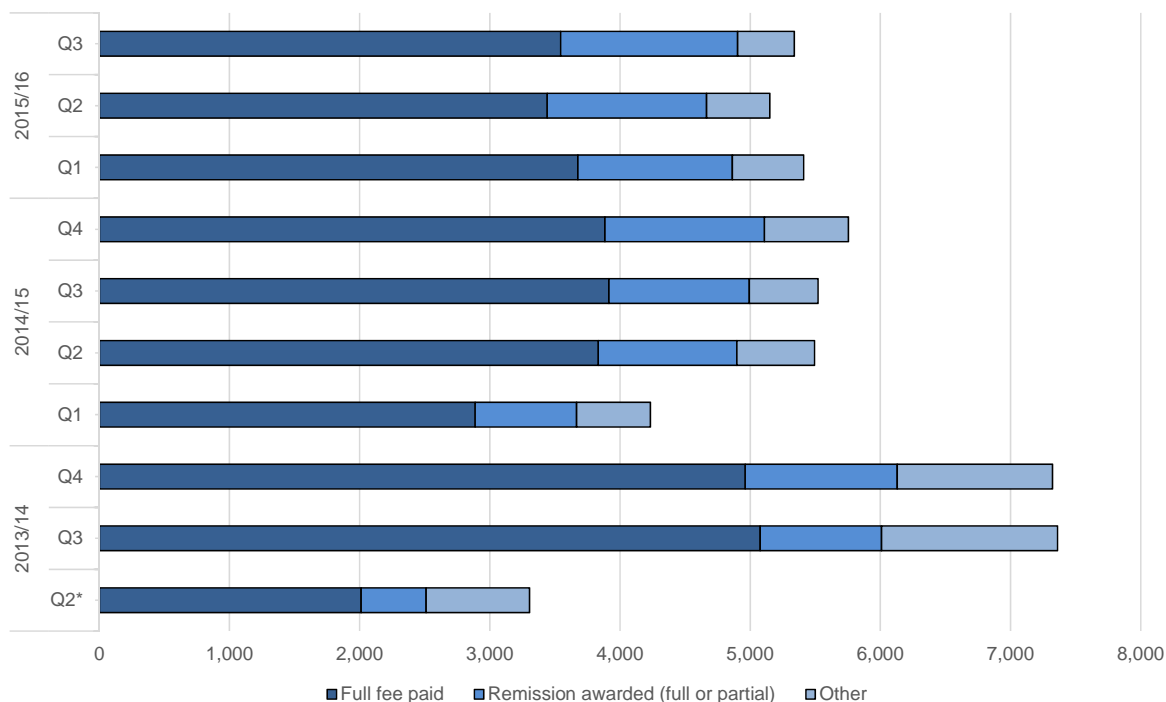
#### Issue fee (Table D.1)

Before a claim will be considered, the relevant issue fee must be paid. Figure D.2 shows the total number of cases submitted to the Employment Tribunal website since 29 July 2013. It shows the number of cases where a full issue fee was paid or a full or partial remission was awarded. The 'other' category includes cases where an issue fee was expected<sup>14</sup> but there is no record of a subsequent payment or remission. These figures include both single and multiple claim cases, and cover type A and type B claims.

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<sup>14</sup> An issue fee is required when applicant submits a completed claim unless a remission application is made.

**Figure D.2: Number of Employment Tribunal issue fees by outcome, 29 July 2013 to 31 December 2015**



\* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29<sup>th</sup> July 2013.

In October to December 2015, there were 5,339 cases on which an issue fee was expected. Of these, 3,543 (66%) cases had the full issue fee paid outright whilst 1,361 (25%) cases were awarded either a full or partial issue fee remission. This is an increase of five percentage points on the proportion of cases awarded remission in the same period last year and is the highest proportion recorded since Employment Tribunal fees were introduced. In October 2015, a new fee remission application ‘Help with Fees’ was introduced, providing clearer guidance, together with a new simplified form. Evidence of income is no longer required (unless asked for) which has speeded up the process and attributed to the increase.

For the remaining 435 (8%) cases, it appears that the claim was not taken further. It is possible that some of these cases are yet to progress through the system and additional analyses are required to confirm the specific outcomes of these issue fee requests. In those cases where the issue fee was fully paid it took on average of just over 2 days for the payment to be made in October to December 2015, compared to an average of just over 3 days in the same period last year.

For single claims, the vast majority (94%) of issue fee remissions awarded were full remissions - partial fee remissions accounted for around 6% of all remissions awarded in October to December 2015. Due to data limitations, it is not currently possible to identify the proportion of partially remitted issues fees for multiple claim cases. Table D.1 (in the accompanying

tables) gives a breakdown of the issue fees by type. In October to December 2015, 66% of all Type B claimants (both multiple and single claims) paid the issue fee in full, compared with 70% of Type A claims. In the same period, 63% of Type B claimants who applied received a full or partial remission of the issue fee, compared with 53% of Type A claimants.

The vast majority of fees requested, full issue fee paid and full or partial remission awarded were for single claims (as opposed to multiple claims). These accounted for 94% 92% and 99% respectively and therefore this drives the overall trend.

### **Hearing fee (Table D.2)**

If a case requires a hearing, a hearing fee will be requested. This will be after the issue fee is paid and the case is accepted by the Employment Tribunal.

Figure D.3 shows the total number of hearing fee requests made each quarter and of those, the number where the fee was fully paid, a full or partial remission was awarded and those that were subsequently withdrawn, struck out or settled before being heard. Cases may have also been withdrawn, struck out or settled before reaching the hearing fee stage, in which case a hearing fee will not have been requested. The 'other' category includes cases where a hearing fee was requested<sup>15</sup> but there is no record of a specific outcome. Figure D.3 covers requests for hearing fees for both single and multiple claim cases of both Type A and Type B.

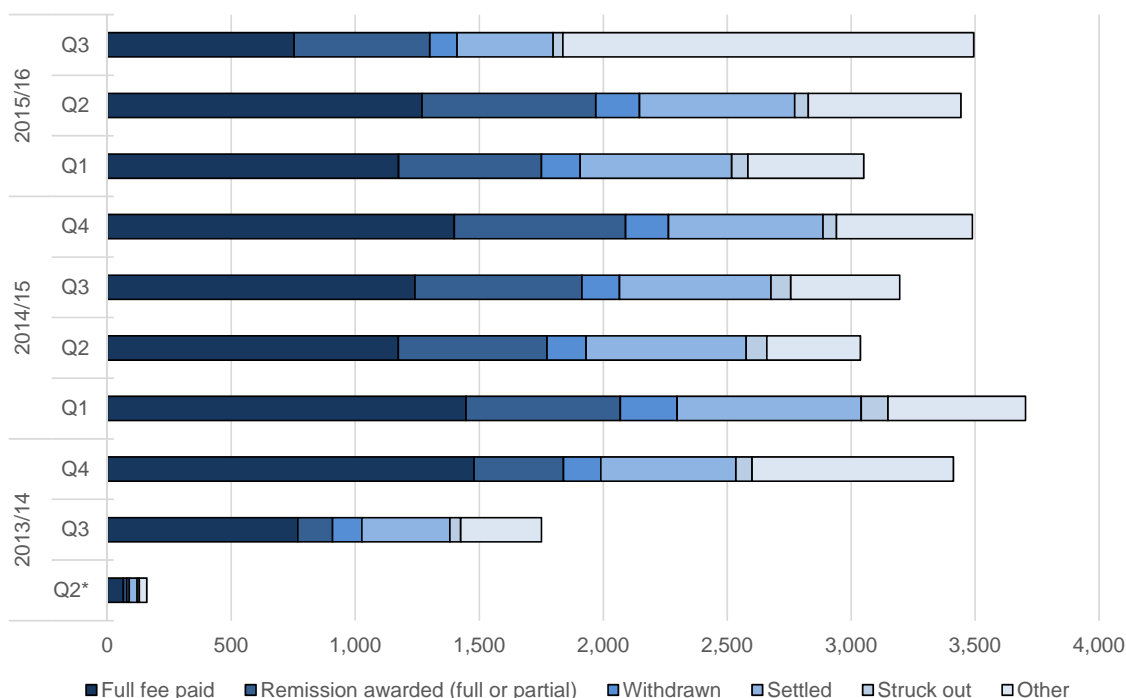
In October to December 2015, a total of 3,495 hearing fees were requested – at the time the data was extracted 754 (22%) requests had the full hearing fee paid outright, taking on average just under 59 days for payment to be made and 547 (16%) had been awarded either a full or partial remission. A further 387 (11%) settled before reaching a hearing, 110 (3%) were subsequently withdrawn and 40 (1%) were struck out. For the remaining 1,657 (47%) cases, there was no specific outcome recorded. This may be in part due to some cases not yet progressing through the system, as the most recent quarter shows the biggest proportion in the 'other' category. As the cases progress, the data is updated each quarter and for this reason, we do not currently compare proportionate changes in hearing fees in comparison to the previous year.

To illustrate this, the proportion of cases in the 'other' category in July to September 2015 published in Q2 was 35% and following the update in the current quarter, the proportion of for the same time period was 18%.

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<sup>15</sup> A hearing fee is payable only if the case is listed for hearing.

**Figure D.3: Number of hearing fees requested by outcome; 29 July 2013 to 31 December 2015**



\* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29<sup>th</sup> July 2013.

Table D.2 also gives a breakdown of the hearing fee requests by type. In October to December 2015, 18% of all Type B claimants (both single and multiple claims) paid the hearing fee in full, compared with 37% of Type A claimants. In the same period, 88% of all Type B claimants who applied received a full or partial remission of the hearing fee, compared with 82% of Type A claimants.

As with issue fees, single claim cases (both Type A and B claims) accounted for the majority of cases with either full hearing fee payment or those awarded a remission (95% and 99% respectively), and therefore drive the overall trend. The majority (86%) of single case hearing fee remissions awarded were full remissions - partial fee remission accounted for 14% of all hearing fee remissions awarded in October to December 2015.

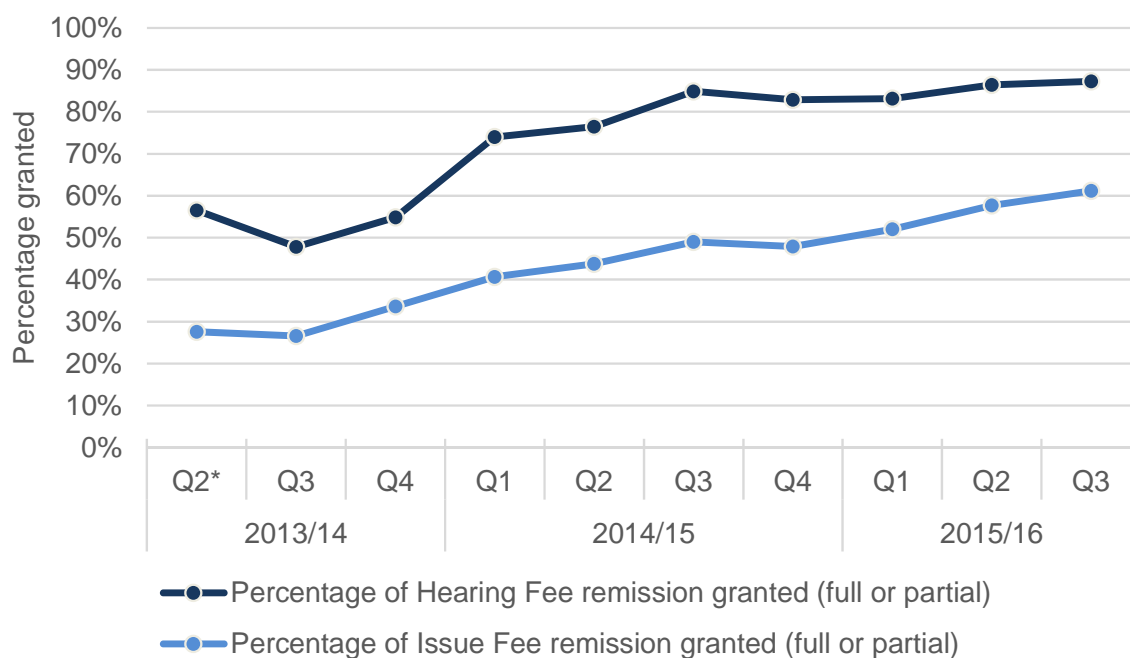
**Remission applications (Tables D.1 and D.2)**

Figure D.4 shows the quarterly volumes of remission applications, as well as the numbers granted, for both issue and hearing fees. These figures cover both single and multiple cases and are limited to one remission application per case. In October to December 2015, 2,225 remission applications were submitted for the issue fee and 627 for the hearing fee. During this period, 61% of remission applications for the issue fee were either fully or partially successful (12 percentage points higher than the

same quarter last year) compared with over 87% of hearing fee remission applications (two percentage points higher than last year).

In October to December 2015, on average it took just over 2 days for a decision to be made on remission applications. Due to data limitations it is not possible to assess the timeliness of issue and hearing fee remission applications separately.

**Figure D.4: Remission applications and proportion granted, 29 July 2013 to 31 December 2015**



\* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29<sup>th</sup> July 2013.

### Employment Appeal Tribunal (EAT) – (Table D.4)

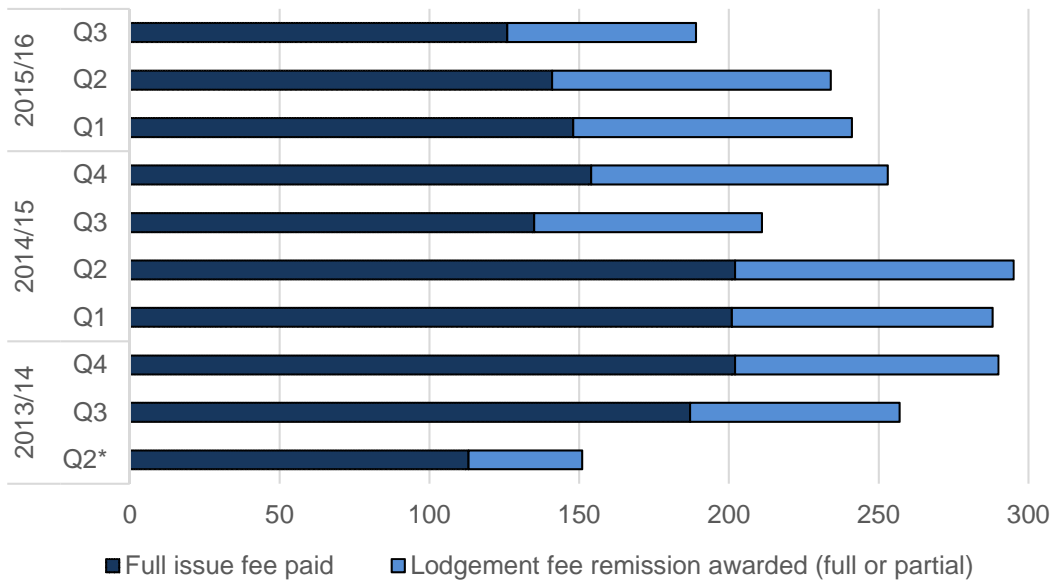
Figure D.5 gives the quarterly number of EAT lodgement fees that were requested, with the proportions that were fully paid and remitted before reaching the hearing fee stage<sup>16</sup>. In October to December 2015 there were 204 EAT lodgement fees requested. Of these, 126 (62%) had the full fee paid outright and 63 (31%) had full or partial fee remission awarded. For the remaining 15 (7%) cases, there is no specific outcome currently recorded, which may be due to cases not yet progressing through the system.

Figure D.6 shows the number of EAT hearing fees that were requested, with the proportions that were fully paid or had a remission awarded. In October to December 2015, there were 85 EAT hearing fees requested.

<sup>16</sup> Due to issues with data quality, the number of struck out or withdrawn cases has been removed. These issues are currently being investigated.

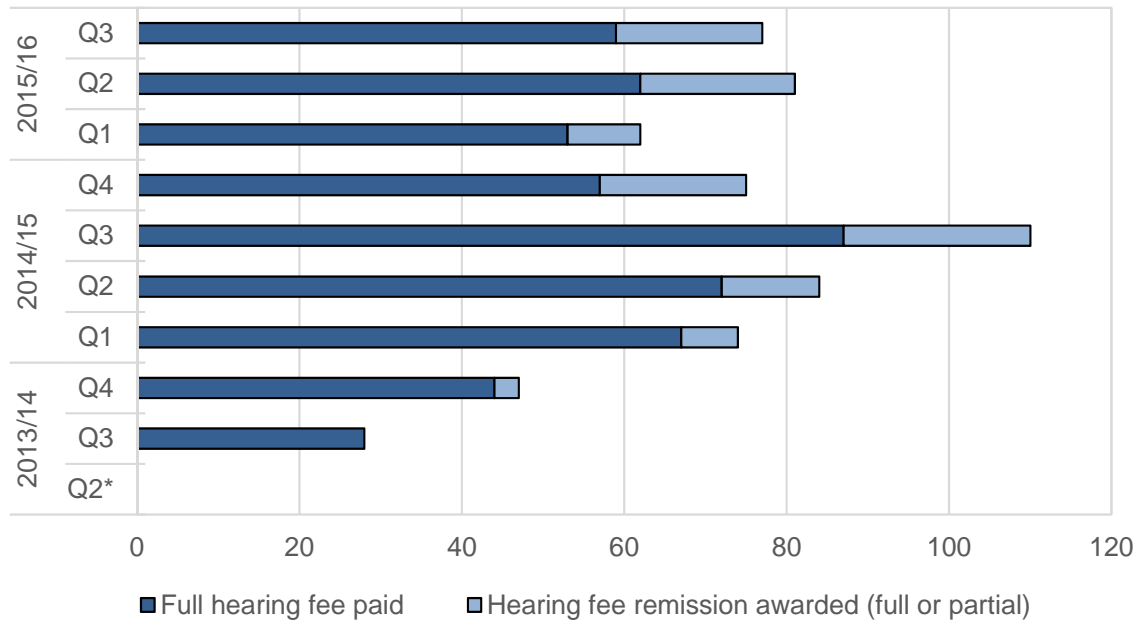
Of these, 59 (69%) had the full fee paid outright and 18 (21%) had full or partial fee remission awarded. For the remaining 8 (9%) cases, there is no specific outcome currently recorded, which may be due to cases not yet progressing through the system.

**Figure D.5: Number of Employment Appeal Tribunal (EAT) lodgement fees requested by outcome; 29 July 2013 to 31 December 2015**



\* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29<sup>th</sup> July 2013

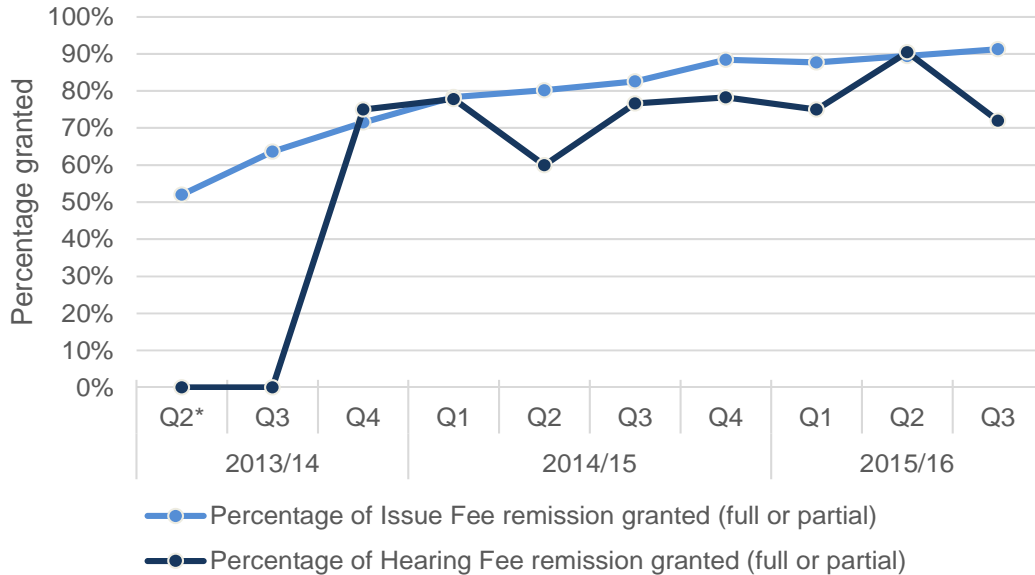
**Figure D.6: Number of Employment Appeal Tribunal (EAT) hearing fees requested by outcome; 29 July 2013 to 31 December 2015**



\* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims – those submitted before 29<sup>th</sup> July 2013.

Figure D.7 gives the quarterly volumes of remission applications, as well as the proportion granted, for the EAT lodgement and hearing fees. These figures are limited to one remission application per case. In October to December 2015, 69 remission applications were submitted for the lodgement fee and 25 for the hearing fee. During this period, 91% of remission applications for the lodgement fee were either fully or partially successful compared with 72% of hearing fee remission applications.

**Figure D.7: Employment Appeal Tribunal (EAT) granted remission applications by proportion granted, 29 July 2013 to 31 December 2015**



\* The figures for Q2 2013/14 (which cover July, August and September 2013) do not include any pre-fee claims (those submitted before 29<sup>th</sup> July 2013).

### Limitations of the analyses and future work

The statistics in this annex are based on initial analyses of data extracted from the Employment Tribunal Fees administrative system and are classified as experimental. Further work is required to quality assure and verify these statistics.

Future work may enable identification of the specific outcomes of cases, for example whether they are settled/struck out/withdrawn before the hearing fee stage (or after the hearing fee stage for EAT cases). There may also be further work possible in the following areas:

- Number of fees paid by the respondent
- Breakdown of remission applications by grounds for remission (salary, benefits or net disposable income)
- Reasons for remission applications being unsuccessful



## **Annex E: Accompanying Tables and files**

The following supplementary tables and CSV datasets are available alongside this publication, allowing users to analyse the data themselves.

### **Main Tables**

#### **Summary**

- S.1 Annual total number of receipts, disposals and caseload outstanding by jurisdiction, 2007/08 to 2014/15

#### **Receipts**

- 1.1 Annual and quarterly total number of tribunal receipts by jurisdiction, 2007/08 to Q3 2015/16
- 1.2 Employment Tribunal - Total number of receipts by jurisdiction, 2007/08 to Q3 2015/16
- 1.3a First Tier Tribunal (Immigration and Asylum Chamber) - Total number of receipts by case type, 2007/08 to Q3 2015/16
- 1.3b Upper Tribunal (Immigration and Asylum Chamber) - Total number of receipts by case type, 2010/11 to Q3 2015/16
- 1.4 Social Security and Child Support - Total number of receipts by benefit type, 2009/10 to Q3 2015/16

#### **Disposals**

- 2.1 Annual and quarterly total number of tribunal disposals by jurisdiction, 2007/08 to Q3 2015/16
- 2.2 Employment Tribunal - Total number of disposals by jurisdiction, 2007/08 to Q3 2015/16
- 2.3 Employment Tribunal - Percentage of disposals by outcome and jurisdiction, 2007/08 to Q3 2015/16
- 2.4a First Tier Tribunal (Immigration and Asylum Chamber) – Number of appeals disposed of by category and by case type, 2007/08 to Q3 2015/16
- 2.4b Upper Tribunal (Immigration and Asylum Chamber) – Number of appeals disposed of by category and by case type, 2010/11 to Q3 2015/16

- 2.5a First Tier Tribunal (Immigration and Asylum Chamber) - Number of appeals determined at hearing or on paper, by outcome category and case type, 2007/08 to Q3 2015/16
- 2.5b Upper Tribunal (Immigration and Asylum) - Number of appeals determined at hearing or on paper, by outcome category and case type, 2010/11 to Q3 2015/16
- 2.6 Social Security and Child Support - Number of disposals by category and benefit type, 2009/10 to Q3 2015/16
- 2.7 Social Security and Child Support - Number of disposals cleared at hearing by outcomes and benefit type, 2007/08 to Q3 2015/16

### **Caseload outstanding**

- 3.1 Annual and quarterly total number of tribunals caseload outstanding by jurisdiction, 2007/08 to Q3 2015/16

### **Timeliness**

- 4.1 Cumulative percentage of clearances that took place in 2013/14 and 2014/15, by age of case at clearance
- 4.2 Percentage of clearances that took place in October to December 2015, by age of case at clearance
- 4.3 Percentage of clearances that took place in October to December 2015, by age of case at clearance by Jurisdiction

### **Gender Recognition**

- 5.1 Applications received and disposed of by the Gender Recognition Panel, by outcome, 2004/05 to Q3 2015/16
- 5.2 Applications received by the Gender Recognition Panel, by type of track, Q1 2009/10 to Q3 2015/16
- 5.3 Applications disposed of by the Gender Recognition Panel, by type of track and outcome, Q1 2009/10 to Q3 2015/16
- 5.4 Gender at birth, year of birth and marital status for full Gender Recognition Certificates granted, Q1 2005/06 to Q3 2015/16
- 5.5 Interim certificates converted to full certificates, by time taken, Q1 2005/06 to Q3 2015/16

## **Annex B**

### **B.1 Change of Names of Tribunals**

#### **Management Information on Employment Tribunal Receipts (Annex C) Tables**

- Table C.1 Monthly Total Number of Employment Tribunal Receipts by Single and Multiple cases, January 2012 to December 2015
- Table C.2 Monthly Total Number of Employment Tribunal Receipts by Jurisdiction, January 2012 to December 2015
- Table C.3 Monthly Total Number of Employment Tribunal Receipts by Region, January 2012 to December 2015
- Table C.4 Monthly Total Number of Employment Tribunal Receipts by Jurisdiction and by Region, January 2013 to December 2015

#### **Experimental Statistics: Employment Tribunal Fees (Annex D) Tables**

- Table D.1 Employment Tribunal Fees - Issue fees requested, fees paid in full and remissions awarded, Q2 2013/14 to Q3 2015/16
- Table D.2 Employment Tribunal Fees - Hearing fees requested, fees paid in full and remissions awarded, Q2 2013/14 to Q3 2015/16
- Table D.3 Employment Tribunal Fees - Fully or partially granted remissions on single cases, Q2 2013/14 to Q3 2015/16
- Table D.4 Employment Tribunal Fees - Employment Appeal Tribunal, Q2 2013/14 to Q3 2015/16

## Annex F: Policy Changes

### Employment Tribunals

Fees for Employment Tribunals and the Employment Appeals Tribunal were introduced for claims received on or after 29 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](http://www.justice.gov.uk/tribunals/employment)

[www.gov.uk/government/publications/employment-tribunal-receipt-statistics-management-information-july-to-september-2013](http://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](http://www.gov.uk/government/consultations/employment-tribunal-rules-review-by-mr-justice-underhill)

As a result of the Underhill Review of Employment Tribunal Rules (see Introduction), three new outcome types (Table 2.3) came into effect. These were:

- Dismissed Rule 27 – complaints dismissed by an Employment Judge after initial consideration of claim and response. An Employment Judge can dismiss a claim, or any part of a claim, if s/he considers that it has no reasonable prospect of success, or that the tribunal has no jurisdiction to hear the claim (or part thereof). This is a new provision introduced on 29<sup>th</sup> July 2013.
- 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 satisfied. The operation and impact of this new provision is being monitored through these statistics.
- 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 remission.

On 6 April 2014, the Advisory, Conciliation and Arbitration Service (ACAS) introduced Early Conciliation<sup>17</sup>. 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:

[www.acas.org.uk/index.aspx?articleid=4960](http://www.acas.org.uk/index.aspx?articleid=4960)

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<sup>17</sup> [www.acas.org.uk/index.aspx?articleid=4028](http://www.acas.org.uk/index.aspx?articleid=4028)

## **Social Security and Child Support**

From April 2013, changes to the appeal process through the Welfare Reform Act 2012 began to be introduced. There were three 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 HMCTS<sup>18</sup>.

Mandatory reconsideration and direct lodgement were introduced for Personal Independence Payment and Universal Credit appeals in April 2013. On 28 October 2013, they were introduced for all other DWP-administered benefits and child maintenance cases, and for appeals against decisions made by HMRC on 1 April 2014. 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](http://www.gov.uk/government/publications/appeals-process-changes-for-dwp-benefits-and-child-maintenance)

## **Immigration and Asylum**

In the last three years, there have been changes to the Family Visit Visa appeal rights. 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 visitor<sup>19</sup>. 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.

The Immigration Act 2014 removed a number of existing appeal rights against Home Office decisions. Refused applicants can now only appeal by first asserting a fundamental right to enter or remain in the UK. These rights are Protection, Removal of Refugee Status, Human Rights, or European Free Movement. Where appeal rights were removed and the applicant asserts the Home Office has made an error in its decision, there is now a right to an Administrative Review by the Home Office. Deprivation of Citizenship and Deportation were not affected by the implementation of the Act as the appeal right is given by European law.

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<sup>18</sup> Introduced October 2014

<sup>19</sup> [www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/june/25-family-visit-visa-appeal](http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/june/25-family-visit-visa-appeal)

The removal of appeal rights under the Immigration Act 2014 has been phased, initially focussing on applications made and refused in the UK under the Home Office's points based system.

### **Gender Recognition Certificates (GRC)**

The introduction of the Marriage (Same Sex Couples) Act 2013 and the Marriage and Civil Partnerships (Scotland) Act 2014 changed the law in England & Wales and Scotland, meaning it is now possible for some married applicants to remain married while obtaining gender recognition. Prior to December 2014, if an applicant was married or in a civil partnership, they had to annul or dissolve the marriage/ civil partnership before being granted a full GRC.

## **Annex G: Useful Publications**

For previous publications of all Tribunals Statistics please see:

[www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics](http://www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics)

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

[www.justice.gov.uk/about/hmcts/tribunals](http://www.justice.gov.uk/about/hmcts/tribunals)

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

[www.judiciary.gov.uk/about-the-judiciary/the-justice-system/court-structure/](http://www.judiciary.gov.uk/about-the-judiciary/the-justice-system/court-structure/)

For information on Tribunal judgements please see:

[www.bailii.org/databases.html#uk](http://www.bailii.org/databases.html#uk)

### **Non-MoJ Scotland Tribunals**

**For information on non-MoJ Mental Health Tribunals Scotland please see:**

[www.mhtscotland.gov.uk/mhts/Annual\\_Reports/Annual\\_Reports\\_main](http://www.mhtscotland.gov.uk/mhts/Annual_Reports/Annual_Reports_main)

For Additional Support Needs Tribunals in Scotland please see:

<http://www.asntscotland.gov.uk/>

Information on the Private Rented Housing Panel (prhp), which help Scottish tenants and landlords resolve their differences can be found at the following link:

[www.prhpscotland.gov.uk/](http://www.prhpscotland.gov.uk/)

### **Non-MoJ Northern Ireland Tribunals**

For information on Tribunals in Northern Ireland not covered by this report please see the following publications:

[www.courtsni.gov.uk/en-GB/Services/Statistics%20and%20Research/Pages/default.aspx](http://www.courtsni.gov.uk/en-GB/Services/Statistics%20and%20Research/Pages/default.aspx)

### **Employment Tribunals**

The Department for Business, Innovation and Skills (BIS) have 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](http://www.gov.uk/government/publications/payment-of-employment-tribunal-awards)

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

[www.gov.uk/government/statistics/employment-tribunal-applications-2013-survey-findings](http://www.gov.uk/government/statistics/employment-tribunal-applications-2013-survey-findings)

### **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](http://www.gov.uk/government/publications/employment-and-support-allowance-6)



## Contacts

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Tel: 0845 355 5155

Email: [grpenquiries@hmcts.gsi.gov.uk](mailto:grpenquiries@hmcts.gsi.gov.uk)

Other enquiries about these statistics should be directed to the Justice Statistics Analytical Services division of the MoJ:

**Alison Colquhoun**

Ministry of Justice

102 Petty France

London

SW1H 9AJ

Email: [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)

General enquiries about the statistics work of the MoJ can be e-mailed to [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)

General information about the official statistics system of the UK is available from [statisticsauthority.gov.uk/about-the-authority/uk-statistical-system](http://statisticsauthority.gov.uk/about-the-authority/uk-statistical-system)