



Tribunals and Gender Recognition Statistics Quarterly, October to December 2016 (provisional)

Main points

Social Security and Child Support (SSCS) tribunals continue to drive the increasing trend in tribunal receipts and disposals, with employment tribunal (particularly multiple claims) driving the trend in caseload outstanding.

103,400 receipts and 96,800 disposals recorded by the HMCTS	↑	Her Majesty's Courts & Tribunals Service (HMCTS) recorded a 4% increase in receipts (to 103,400) and an 11% increase in disposals (96,800). Outstanding caseload increased by 14% compared to the same period in 2015.
Employment Tribunal receipts almost halved while disposals and caseload increased by 8% and 14% respectively	↓	Single cases – receipts increased 3%, disposals decreased 8%, mean age at disposal fell to 27 weeks
	↑	Multiple cases – receipts decreased by 65%, disposals increased 18% , and mean age of disposal increased to 261 weeks (an increase of 65 weeks).
FTTIAC receipts continue to decline following the introduction of the Immigration Act 2014	↓	In October to December 2016, First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) receipts fell by a third (to 12,300) compared to the same period in 2015 while disposals increased by 23% (to 17,800).
SSCS appeals continue to increase, with ESA and PIP appeals driving the increase	↑	60,600 Social Security and Child Support (SSCS) appeals were received, up 47% . Employment Support Allowance (ESA) and Personal Independence Payment (PIP) accounted for 85% of all SSCS appeals received.

This publication gives tribunals and gender recognition certificate statistics for the latest quarter (Oct to Dec 2016), compared to the same quarter the previous year. For full and detailed commentary, please refer to the annual publication, and for information on data and policy changes refer to the accompanying guide to tribunal statistics.

We are changing how our quarterly bulletins look, and would welcome any feedback to commentary.champions@justice.gsi.gov.uk

For other feedback related to the content of this publication, please let us know at CAJS@justice.gsi.gov.uk

1. Overview of Tribunals

103,400 receipts and 96,800 disposals recorded by the HMCTS

Her Majesty's Courts & Tribunals Service (HMCTS) recorded a 4% increase in receipts (to 103,400) and an 11% increase in disposals (96,800). Outstanding caseload increased by 14% compared to the same period in 2015.

This summary bulletin focuses mainly on the three largest tribunals as they make up the majority (**79%**) of tribunal **receipts**. These are;

- Social Security and Child Support (SSCS) accounting for **59%** of receipts
- First Tier Tribunal Immigration and Asylum Chamber (FTTIAC) – **12%** of receipts
- Employment Tribunal (ET) – **9%** of receipts.

Figure 1: Receipts, disposals and outstanding caseload¹ for all tribunals (Source: Table S.2-4)

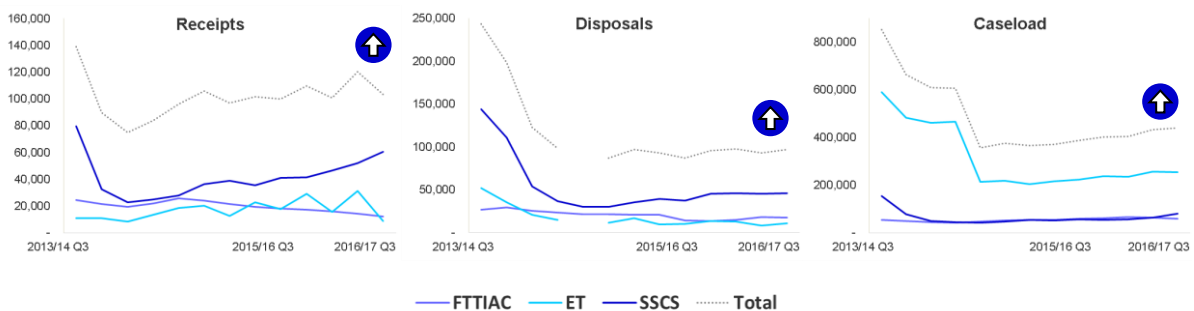


Figure 1 shows trends in receipts, disposals and caseload outstanding since October to December 2013 for the main tribunals and overall. For the October to December 2016 quarter, when compared to the same quarter in 2015, SSCS drove the increase in overall receipts and disposals while ET drove the increase in overall caseload outstanding. Receipts and disposals for all tribunals increased by 4% and 11% respectively while SSCS receipts and disposals increased by 47% and 24% compared to the same period a year ago. Overall caseload outstanding increased by 14%, from 386,736 (as at 31 December 2015) to 440,035 (as at 31 December 2016) and was driven by Employment Tribunal cases, which increased 14% to 253,637, driven by increases in caseload within Multiple ET and SSCS tribunals.

Of the remaining 32 tribunal jurisdictions, mental health is the largest (accounting for 8% of all tribunals), with 8,011 receipts in October to December 2016. Mental health receipts decreased by 3%, while disposals increased by 1% and caseload outstanding decreased by 26% compared to October to December 2015.

Over the longer term, there has been a gradual increase in mental health receipts and disposals since Q1 2009/10, while the caseload outstanding has gradually declined from 5,138 in October to December 2009 to 2,026 in October to December 2016.

Summary figures on the remaining tribunal types are covered in the accompanying tables.

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

2. Employment Tribunals

Employment Tribunal Fees

The proportion of total **remission applications granted** (across single and multiple cases) since the introduction of fees (July 2013), has **stabilised around 60%** of those applying.

In October to December 2016, there were 5,166 cases where an issue fee was expected. Of these, 3,362 cases (65%) had the full issue fee paid outright whilst 1,362 cases (26%) were awarded either a full or partial issue fee remission. The vast majority of these issue fees requested, full issue fee paid and full or partial remission awarded were for single claims (as opposed to multiple claims), and therefore these claims drive the overall trend.

Figure 2.1: Fees Issued, remissions applied for and remissions awarded for single cases (Source: Table ETF.1)

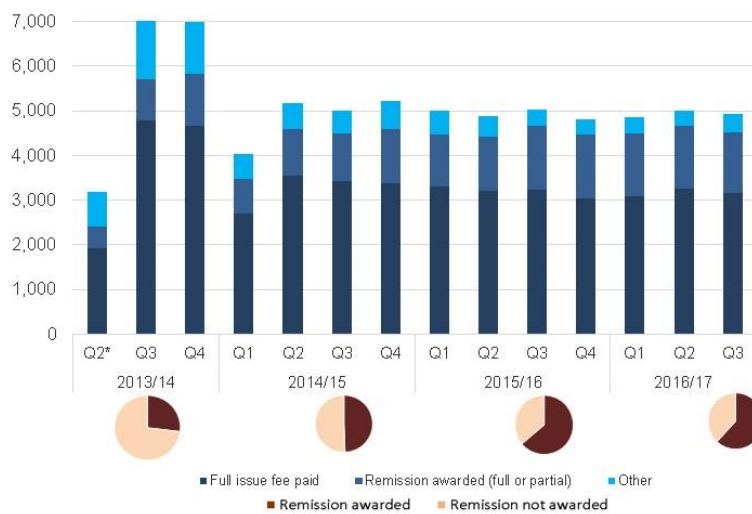
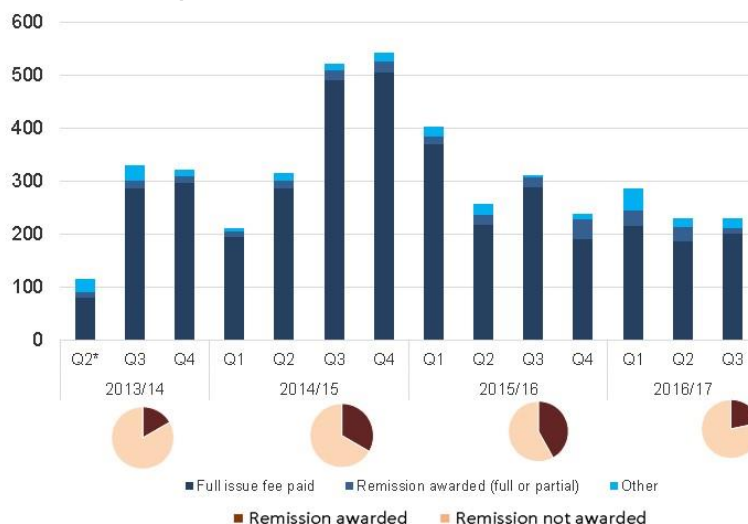


Figure 2.2: Fees Issued, remissions applied for and remissions awarded for multiple cases (Source: Table ETF.1)



For hearing fees, just over 3,000 were requested in October to December 2016 – at the time the data was extracted, 590 requests (19%) had the full hearing fee paid outright, taking on average 68.2 days for payment to be made (from the date the initial issue was requested) and 414 (14%) had been awarded either a full or partial remission. These data will be updated next quarter when more time has lapsed for outcomes to be recorded.

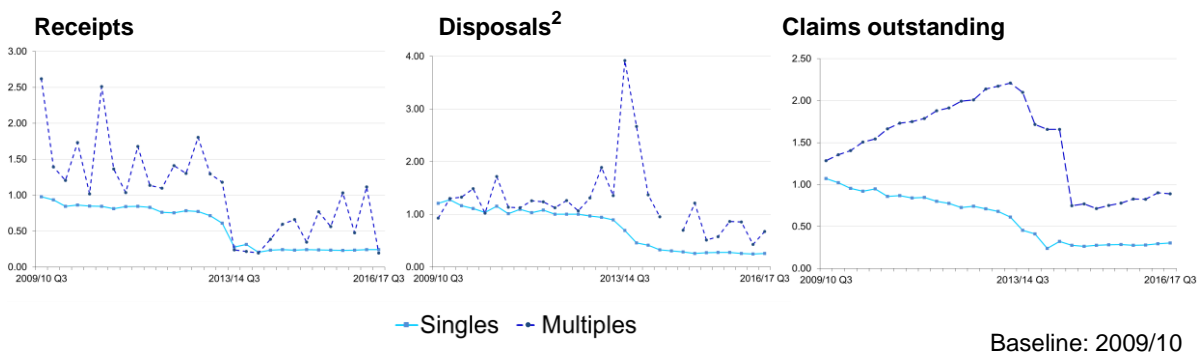
Single cases

In October to December 2016, **receipts increased 3%** and **disposals decreased by 8%**, which drove a **7% increase in caseload outstanding**.

Multiple cases

Receipts **decreased by 65%**, disposals and caseload outstanding **increased by 18%** and **14%** respectively. The **mean age of disposal increased to 261 weeks** (an **increase of 65 weeks**) compared to October to December 2015.

Figure 2.3: Index of Employment Tribunals single & multiple claim receipts, disposals & claims outstanding, Q3 2009/10-Q3 2016/17 (Source: Table S.2-4)



The number of single claims received in October to December 2016 was 4,355 – an increase of 3% on the same period of 2015. Figure 2 shows the trend in single claims had gradually declined from 2009/10 until Q2 2013/14, and then dropped sharply in Q3 2013/14 following the introduction of Employment Tribunal fees in July 2013. Since Q4 2013/14 single claim receipts have remained relatively stable, with around 4,300 claims per quarter.

There were 4,760 multiple claims received this quarter, a decrease of 65% on the same period last year. Multiple claims tend to be more volatile as they can contain a high number of claims against a single employer. The multiple claims related to 231 multiple claim cases (an average of 21 claims per multiple case), a decrease of 22% on the same period last year (when there were 298 multiple claims cases, with an average of 46 claims per case).

10,922 claims were disposed of in the Employment Tribunal during October to December 2016, up 8% on the same period in 2015, driven by an 18% increase in the number of multiple claims disposed of. The multiples claims relate to 195 multiple claim cases, a decrease of 21% when compared to October to December 2015 when there were 246 multiple claims cases disposed of. Single claim disposals also decreased over the same period (down 8%). In October to December 2016, 37% of jurisdictional complaints disposed of were Acas conciliated settlements, 16% were withdrawn, and 5% were successful at hearing. The most common jurisdictional complaint disposed of in this quarter was 'Equal Pay'.

The total caseload outstanding for Employment Tribunals at the end of December 2016 was 253,637, the majority (96%) relating to multiple claims.

² Peak in Q3 2013/14 is due to a large multiple airlines case relating to the Working Time Directive

3. Immigration and Asylum

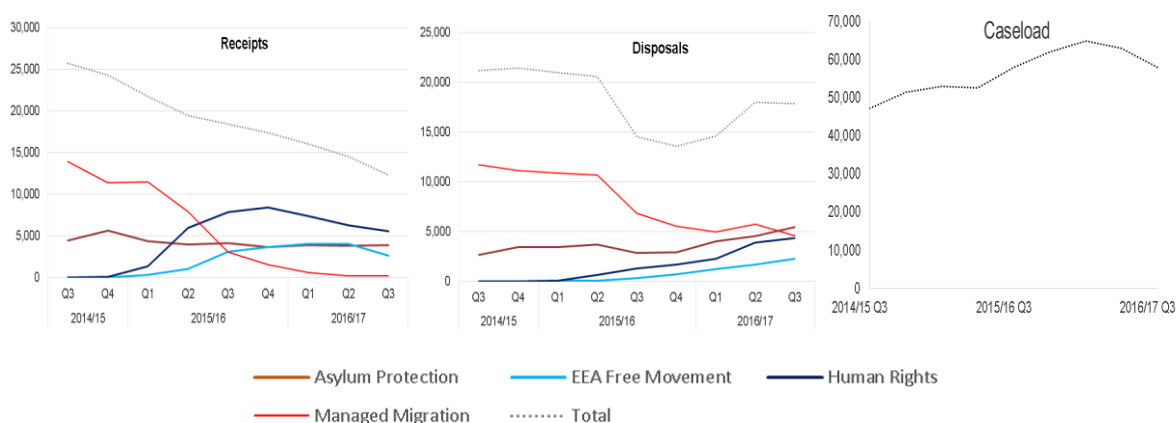
First-tier Tribunal Immigration and Asylum Chamber (FTTIAC)

In October to December 2016, there were **12,300 receipts** in the FTTIAC, **down 33%** on the same period in 2015. Continuing the **decline** seen following the introduction of the Immigration Act 2014.

Disposals have **increased** from 14,500 to **17,800, up 23%** on the same period in 2015, a **possible reversal of the trend** seen since the introduction of the Immigration Act.

Caseload outstanding has **remained stable** compared to the same period in 2015, possibly indicating a **change in trend** from the peak seen in Q1 2016/17.

Figure 3.1: First-tier Tribunal, Immigration and Asylum Chamber receipts, disposals and caseload outstanding, Q3 2014/15 to Q3 2016/17 (Source: Tables FIA.1 and FIA.2)



The Immigration Act 2014 tribunal categories (Human Rights (HR), EEA Free Movement (EEA) and Asylum Protection (AP)) make up the majority (97%) of the FTTIAC new receipts.

HR receipts decreased 29% from October to December 2015 (7,801 to 5,525), and proportionally represents 45% of all receipts (up from 42%). EEA receipts also decreased by 16% (3,104 to 2,613), but proportionally increased from 17% to 21% of all receipts. Asylum Protection receipts decreased by 6%, but increased from 22% to 31% of all receipts. Managed Migration decreased from comprising of 17% of all receipts in October to December 2015 to just 1% in October to December 2016.

The FTTIAC disposed of 17,839 appeals, up 23% on October to December 2015. 33% of First-tier disposals are comprised of pre-Immigration Act categories, of which Managed Migration accounts for 26% of all disposals. For the new (or re-classified) categories, Human Rights, EEA Free Movement, and Asylum, Protection and Revocation of Protection appeals accounting for 24%, 13% and 30% respectively.

Of the disposals made in the FTTIAC, 82% (14,620) were determined i.e. a decision was made by a judge at a hearing or on the papers³; 14% were withdrawn; 3% were invalid or

³ 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

out of time, and 1% were struck out. Of the 14,620 determined, 42% were allowed/granted, and this was similar across the new IA 2014 categories (38% for Asylum protection and 44% for human rights).

Of the three main appeal categories; the majority are disposed of within a year of receipt.

Total **overall timeliness** across all categories has **increased by 12 weeks to 48 weeks**, this is due to older categories increasing the average timeliness. The phased-out pre-Immigration Act categories average timeliness has roughly doubled (compared to the same period in 2015), whilst disposals within each category have decreased.

Of the of the three main appeal categories, average timeliness is lower at around 30-35 weeks, with Human Rights at 45 weeks, due to the complexity of cases.

For the UTIAC, both receipts and disposals are down 1% (to 1,675) and 17% (to 1,654) respectively. Managed Migration, one of the phased out immigration tribunal categories, accounted for the largest proportion of UTIAC receipts and disposals in October to December 2016 (with 40% of receipts and 41% of disposals). However receipts and disposals were 18% and 41% less respectively than in October to December 2015, showing the gradual phasing out of this old category type.

UTIAC Immigration and Asylum Judicial Reviews

In October to December 2016, there were **3,200 Immigration and Asylum Judicial Review receipts** and **3,400 disposed** of at the **UTIAC, down 23% and 36% respectively** on October to December 2015.

Of the 3,387 Immigration and Asylum Judicial Reviews disposed of in the UTIAC in October to December 2016, 71% were determined and 2% were transferred to the Administrative Court (the remaining 26% were in an 'other category, which included cases where no fee was paid, were withdrawn or not served) (see table UIA.2).

During October to December 2016, 2,570 judicial reviews were determined by paper hearing, of which 205 (8%) were allowed to continue to oral hearing stage. A further 749 were reconsidered at an oral renewal, of which 165 (22%) were allowed to continue to the oral hearing stage. There were 79 oral hearings which were determined in October to December 2016, of which 30% were granted in favour of the appellant (see table UIA.3).

4. Social Security and Child Support

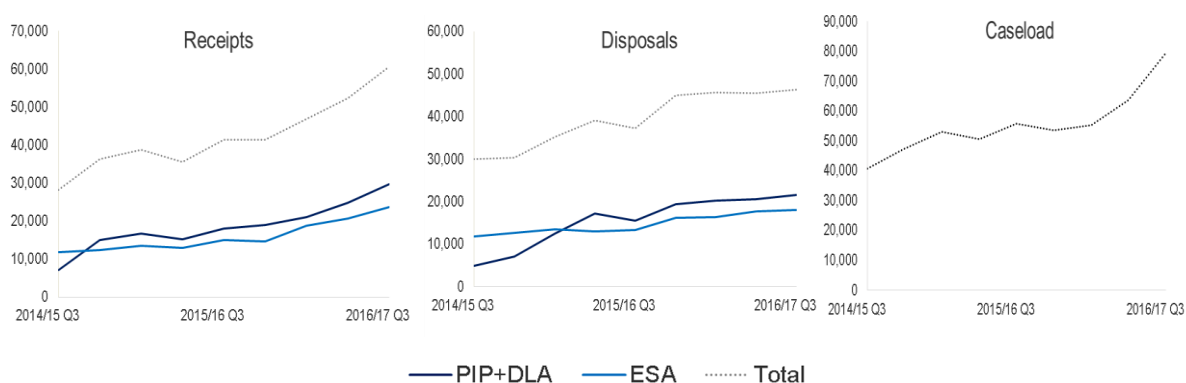
Increase in receipts and disposal rates, with a related increase in caseload

Overall **receipts up 47% to 60,600**, continuation of trend since April to June 2014. This increase is driven by two types of benefit – **Personal Independence Payment** and **Employment Support Allowance**, up 71% and 58% respectively, and comprise **85%** of receipts in October to December 2016.

86% of disposals were cleared at hearing with a 63% overturn rate

Of the 46,200 **disposals** in October to December 2016, **86%** were **cleared** at a hearing and of these, **63%** had the initial decision revised **in favour of the claimant** (up from 55% in the same period in 2015).

Figure 4.1: Social Security and Child Support receipts, disposals and caseload outstanding, Q1 2009/10 to Q3 2016/17 (Source: Table S.2 – S.4)



The number of appeals has been gradually increasing since April to June 2014. In October to December 2016, 60,577 appeals against decisions were received, up 47% when compared with the same period in 2015. This increase is mainly driven by increases seen in Employment Support Allowance (ESA) and Personal Independence Payment (PIP) appeals which accounted for 85% of all SCS appeals in this quarter.

Employment Support Allowance (ESA) and Personal Independence Payment (PIP) also make up the majority of SCS disposals, with 39% and 43% of total disposals respectively. Disability Living Allowance (DLA) is gradually being replaced by Personal Independence Payment (PIP) and comprises 4% of total disposals, down from 5% in the same quarter of 2015.

The number of disposals has gradually increased alongside receipts. In October to December 2016, 46,230 cases were disposed, up 24% when compared with the same period in 2015. Of these disposals, 39,696 (86%) were cleared at hearing and of these 63% were found in favour of the customer. This overturn rate varied by benefit type, with PIP having 65% in favour of the customer, ESA 68%, DLA 56% and JSA 38%.

There were 79,455 SCS cases outstanding at the end of December 2016, up 43% when compared to the same period in 2015. This has been driven by an increase in appeal receipts.

Of those cases disposed of by SCS in October to December 2016, the mean age of a case at disposal was 16 weeks, three weeks less than the same period in 2015.

5. Gender Recognition Certificate

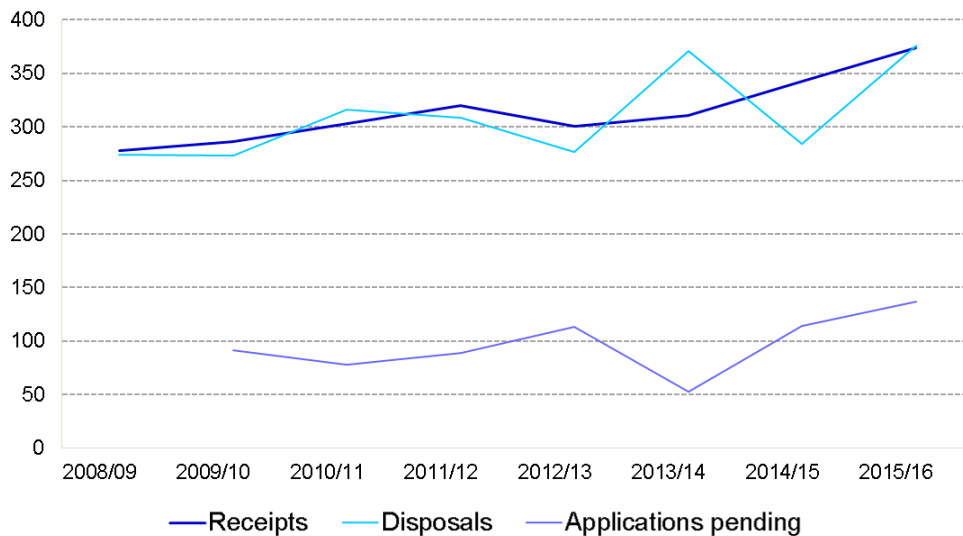
65 GRP applications received, 40 disposed of and 85 pending by December 2016

Of the 40 applications disposed of, a full Gender Recognition Certificate (GRC) was granted in 90% of cases, up from 85% in the same period in 2015.

Since April 2005/06, two thirds of interim certificates (129 of the 194) were converted into full GRC, 57% of which were within 30 weeks.

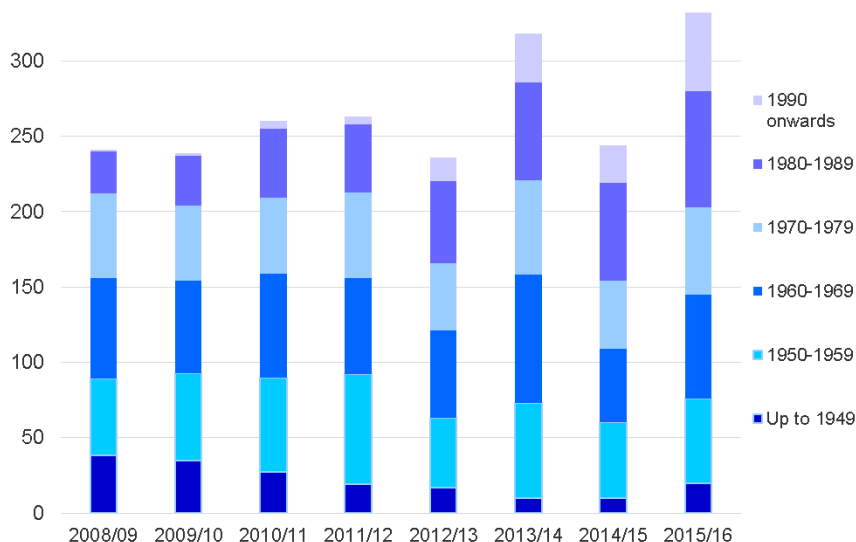
Over the long-term the number of receipts and disposals has been gradually increasing, although generally receipts have been higher than disposals, and in the most recent two years this has reflected an increase in applications pending.

Figure 5.1: Applications for Gender Recognition Certificates received, disposed of and pending, 2008/09 to 2015/16 (Source: Table GRP.1 and GRP.2)



In October to December 2016, 36 full certificates were granted, of which 3 were married and 31 were single (the marital status for the remaining two applicants is unknown). Twenty two (61%) of the individuals with full certificates granted were registered male at birth and 14 (39%) were registered female at birth. The age breakdown of individuals with full certificates granted over time is given below, by the year of birth.

Figure 5.2: Full Gender Recognition Certificates granted by year of birth, 2008/09 to 2015/16 (Source: Table GRP.4)



Further information

Provisional data and revisions

The data presented in this publication are provisional. Final data for Q1-Q3 in the financial year are published in June (the 4th quarter) and for Q4 the final data is published in September (Q1 of the following year). If revisions are needed in the subsequent year, these will be clearly annotated in the tables.

Rounding convention

Within the 'Key Findings' section, figures greater than 1,000 are rounded to the nearest 100.

Accompanying files

As well as this bulletin, the following products are published as part of this release:

- A supporting document providing further information on how the data is collected and processed, as well as information on the revisions policy and legislation relevant to trends and background on the functioning of the tribunal system.
- A set of overview tables, covering each section of this bulletin and two additional sets of tables on Employment Tribunals (for ET Fees and ET Management information)
- A set of CSV files including data on each of the three large tribunals (SSCS, Employment and Immigration and Asylum) and an overall receipts and disposals CSV, covering all tribunal types.

Contact

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