



# Tribunals and Gender Recognition Statistics Quarterly, April to June 2017 (Provisional)

including annual (2016/17) Employment and Employment Appeal  
Tribunal Statistics

## Main points

**Increase in overall volumes of receipts, disposals and caseload outstanding**



Her Majesty's Courts & Tribunals Service (HMCTS) recorded an **increase in receipts, disposals and caseload outstanding** this quarter compared to the same quarter in 2016, up 3%, 5% and 17% respectively. **Driven by the SSCS tribunal.**

**ESA and PIP continue to drive SSCS appeal increases**



**Caseload outstanding** for Social Security and Child Support (SSCS) appeals continues to **increase (up 88%**, to 103,800 at the end of June 2017). Receipts and disposals were also **up 29% and 19% respectively**, when compared to April to June 2016.

**FTTIAC receipts continue to fall while disposals rise, leading to a fall in caseload outstanding**



In April to June 2017, First-tier Tribunal Immigration and Asylum Chamber (FTTIAC) **receipts** more than **halved** (to 7,800) compared to the same period in 2016 while **disposals increased** by a fifth (to 17,600) leading to a fall in **caseload outstanding**.

**Employment Tribunal issue fees requested down 1% when compared to April to June 2016**



There were 5,100 Employment Tribunal (ET) issue fees requested in April to June 2017. Of these, 3,200 (64%) cases had the full issue fee paid outright and 1,400 (28%) cases were awarded either a full or partial remission, the same proportions as in April to June 2016.

**Overall receipts and disposals decreased for Employment Tribunals, and caseload outstanding increased**



Single cases – this quarter **receipts increased 2%**, **disposals decreased 6%** and **caseload outstanding increased by 11%**



Multiple cases – **receipts and disposals decreased by 19% and 43% respectively**, and **caseload outstanding increased by 17%**

This publication gives tribunals and gender recognition certificate statistics for the latest quarter (April to June 2017), compared to the same quarter the previous year. Additional annual chapters on Employment and Employment Appeal Tribunals are included this quarter. For technical detail about data sources, quality, policy changes and terminology, please refer to the accompanying guide to tribunal statistics.

# 1. Overview of Tribunals

## 104,500 receipts and 103,800 disposals recorded by HMCTS

Her Majesty’s Courts & Tribunals Service (HMCTS) recorded an **increase in receipts, disposals and caseload outstanding** in this quarter when compared to the same quarter in 2016, **up 3%, 5% and 17% respectively. Driven by the SCS** tribunal.

This summary bulletin focuses mainly on the three largest tribunals as they make up the majority (**78%**) of tribunal **receipts** in April to June 2017. These are;

- Social Security and Child Support (SSCS) - **58%** of receipts
- Employment Tribunal (ET) – **13%** of receipts.
- First Tier Tribunal Immigration and Asylum Chamber (FTTIAC) – **8%** of receipts

**Figure 1: Receipts, disposals and caseload outstanding<sup>1</sup> for all tribunals (Source: Table S.2-4)**

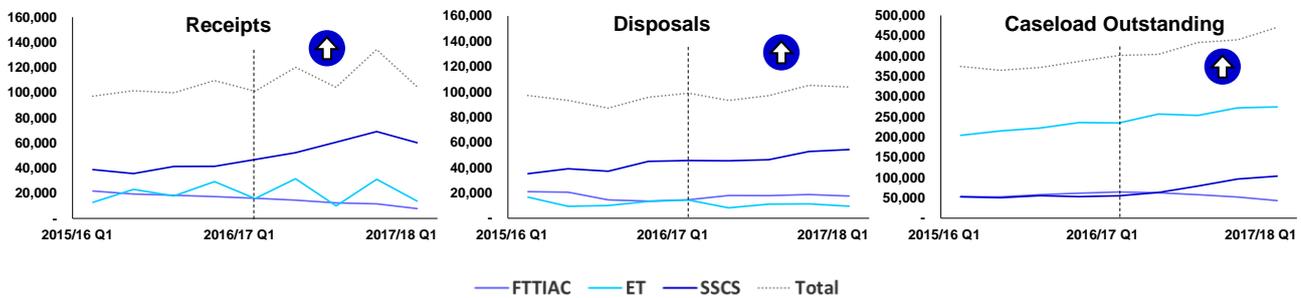


Figure 1 shows trends in receipts, disposals and caseload outstanding over the last 3 years for the main tribunals and overall. In April to June 2017, SCS drove the increase in overall receipts, disposals and caseload outstanding. Tribunal receipts increased by 3% as a result of a 29% increase in SCS receipts. FTTIAC receipts on the other hand fell by 51% while ET receipts decreased by 13%. Overall, tribunals disposed of 5% more cases this quarter, compared to April to June 2016. This was driven by a 19% and 20% increase in SCS and FTTIAC disposals respectively.

Of the remaining 32 tribunal jurisdictions, mental health is the largest (accounting for 8% of all tribunal receipts), with 8,315 receipts and 8,250 disposals in April to June 2017 (up 1% and down 4% respectively when compared to April to June 2016).

Overall caseload outstanding increased by 17%, from 404,105 (as at 30 June 2016) to 471,620 (as at 30 June 2017), again driven by SCS cases outstanding which increased 88% to 103,758.

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

## 2. Social Security and Child Support

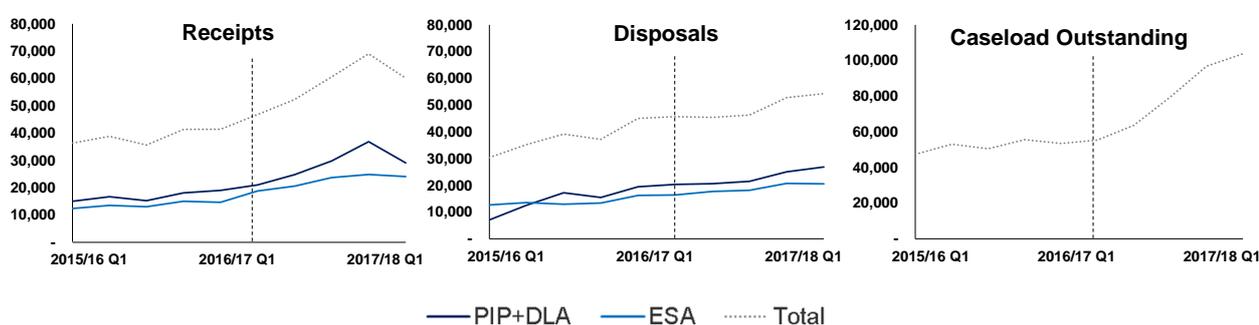
### ESA and PIP continue to drive SSCS appeal increases

**Caseload outstanding** for Social Security and Child Support (SSCS) appeals continues to **increase** (up 88%, to 103,800 at the end of June 2017). **Receipts** and **disposals** were also **up** 29% and 19% respectively, when compared to April to June 2016

### 85% of disposals were cleared at hearing with a 63% overturn rate

Of the 54,300 **disposals** in April to June 2017, 85% were **cleared** at a hearing and of these, **63%** had the initial decision **revised in favour of the claimant** (up from 58% in the same period in 2016).

**Figure 2.1: Social Security and Child Support receipts, disposals and caseload outstanding, Q1 2015/16 to Q1 2017/18 (Source: Table SSCS.1 and SSCS.2)**



In April to June 2017, there were 60,142 SSCS tribunal receipts, up 29% compared with the same period in 2016. This increase was mainly driven by increases seen in Employment Support Allowance (ESA) and Personal Independence Payment (PIP) appeals which accounted for 85% of all SSCS appeals in this quarter. This proportion has been gradually increasing since 2015/16 Q1, when ESA and PIP accounted for 73% of all SSCS receipts.

ESA and PIP also make up the majority of SSCS disposals, with 38% and 46% of total disposals respectively. Disability Living Allowance (DLA) is gradually being replaced by PIP and comprised 3% of total disposals this quarter, down from 5% in the same quarter of 2016.

The number of disposals has gradually increased alongside receipts. In April to June 2017, 54,274 cases were disposed, up 19% when compared with the same period in 2016. Of these disposals, 46,058 (85%) were cleared at hearing and of these 63% were found in favour of the customer. This overturn rate varied by benefit type, with ESA having 68% in favour of the customer, PIP - 65%, DLA - 55% and Job Seekers Allowance - 49%.

There were 103,758 SSCS cases outstanding at the end of June 2017, up 88% compared to the same period in 2016. This was driven by a larger increase in appeal receipts than disposals. Of those cases disposed of by SSCS in April to June 2017, the mean age of a case at disposal was 20 weeks, 3 week more than the same period in 2016.

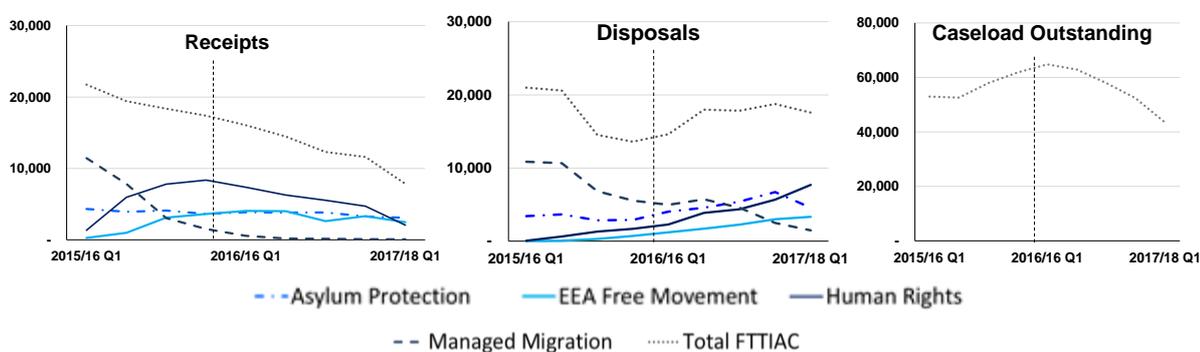
### 3. Immigration and Asylum

#### First-tier Tribunal Immigration and Asylum Chamber (FTTIAC)

In April to June 2017, FTTIAC receipts more than halved (to 7,800) compared to the same period in 2016 continuing the **decline** seen following the introduction of the Immigration Act 2014.

In the same period, **disposals increased** from 14,600 to 17,600, **up 20%**. This decrease in receipts and increase in disposals led to a drop in **caseload outstanding** (down by a third to **43,400**), continuing the decline seen since the peak in April to June 2016.

**Figure 3.1: First-tier Tribunal, Immigration and Asylum Chamber receipts, disposals and caseload outstanding, Q1 2015/16 to Q1 2017/18 (Source: Tables FIA.1 and FIA.2)**



The Immigration Act 2014 (IA 2014) tribunal categories of Human Rights, EEA Free Movement (EEA) and Asylum/Protection (AP) continue to make up the majority (97%) of the FTTIAC new receipts (26%, 32% and 39% respectively).

Human Rights receipts continue to decline, dropping 72% to 2,057 in April to June 2017, compared to the same period in 2016. This proportionally represents 26% of all FTTIAC receipts (down from 46% a year ago). EEA receipts also decreased by 39% (from 4,052 to 2,475), but proportionally increased from 25% to 32% of all FTTIAC receipts. Asylum/Protection receipts decreased by 21%, but increased from 24% to 39% of all FTTIAC receipts.

The FTTIAC disposed of 17,584 appeals, up 20% on April to June 2016. 11% of First-tier disposals are comprised of pre-Immigration Act categories, of which Managed Migration accounts for 8% of all disposals.

Of the disposals made in the FTTIAC, 81% were determined i.e. a decision was made by a judge at a hearing or on the papers; 14% were withdrawn; 4% were invalid or out of time, and 1% were struck-out for non-payment of the appeal fee. Of the 14,170 determined, 47% were allowed/granted, although this varied across the IA 2014 categories (from 38% for Asylum/Protection to 55% for Human Rights).

Total average **overall timeliness** across all categories has **increased by 7 weeks to 51 weeks**. Asylum/Protection had the lowest average time to clearance with 29 weeks, having decreased from 38 weeks in April-June 2016, while most of the other appeal categories took over 52 weeks to be cleared.

For the UTIAC, receipts increased 19% (to 1,781) and disposals are down 28% (to 1,652). In April to June 2017, Asylum/Protection accounted for the majority of UTIAC receipts (43%) and disposals (40%). Managed Migration, one of the phased out categories, accounted for the second largest proportion of UTIAC receipts and disposals (with 26% of receipts and 32% of disposals). However Managed Migration receipts and disposals were down 35% and 53% respectively on April to June 2016, demonstrating the gradual phasing out of this case type.

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### **UTIAC Immigration and Asylum Judicial Reviews**

In April to June 2017, there were 2,600 Immigration and Asylum **Judicial Review receipts** and 3,200 **disposed** of at the **UTIAC, down 30% and 10% respectively** on April to June 2016.

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Of the 3,182 Immigration and Asylum Judicial Reviews disposed of in the UTIAC in April to June 2017, 76% were determined and 2% were transferred to the Administrative Court. The remaining 21% were in an 'other category', which included cases where no fee was paid, were withdrawn or not served (see table UIA.2).

During April to June 2017, 2,387 Judicial Review applications were determined by paper hearing, of which 7% were allowed to continue to the substantive hearing stage. A further 705 were reconsidered at an oral renewal, of which 28% were allowed to continue to the substantive hearing stage. There were 78 substantive hearings which were determined in April to June 2017, of which 38% were granted in favour of the appellant (see table UIA.3).

## 4. Employment Tribunals

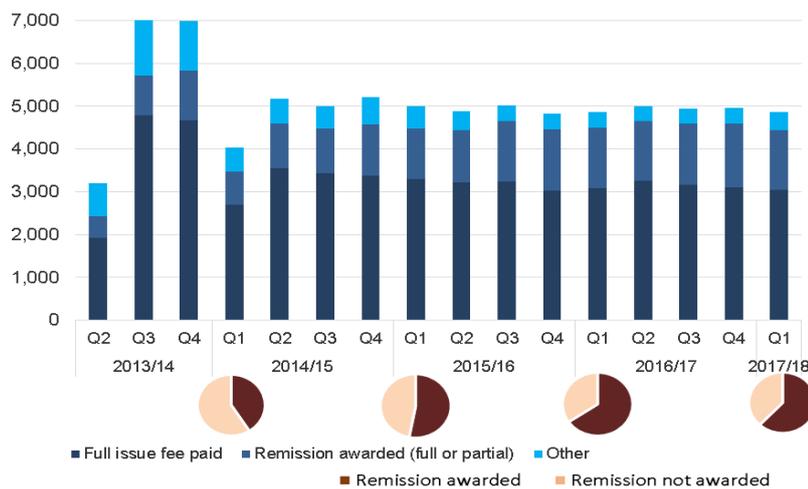
### Employment Tribunal Fees

Employment Tribunal **issue fees requested down 1%** when compared to April to June 2016.

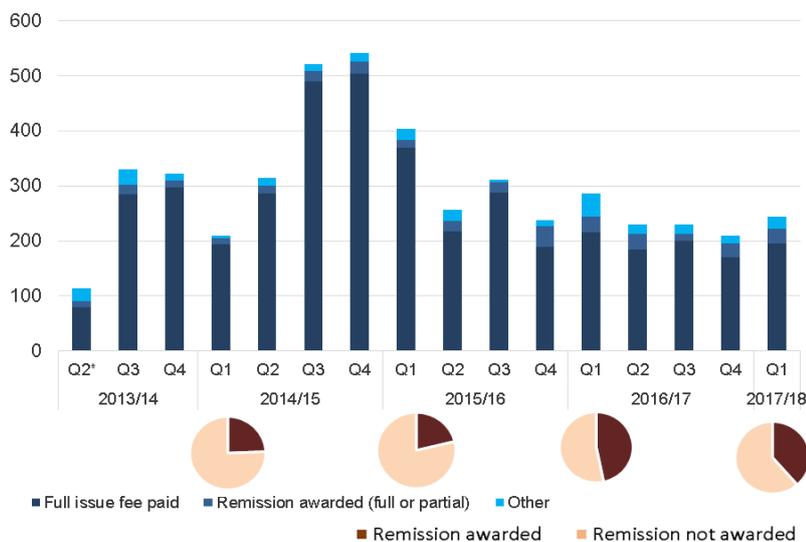
There were 5,100 Employment Tribunal (ET) issue fees requested in April to June 2017. Of these, 3,200 (64%) cases had the full issue fee paid outright and 1,400 (28%) cases were awarded either a full or partial remission, the same proportions as in April to June 2016.

Between 29 July 2013 (when ET fees were first introduced) and 30 June 2017, 85,741 ET issue fees and 47,846 hearing fees were requested. Over the same period, 67% of the issue fees and 35% of the hearing fees were paid. Additionally 19,272 issue fee remissions and 9,204 hearing fee remissions were awarded (representing 22% and 19% of all fees requested respectively).

**Figure 4.1: Fees Issued, remissions applied for and remissions awarded for single cases (Source: Table ETF.1)**



**Figure 4.2: Fees Issued, remissions applied for and remissions awarded for multiple cases (Source: Table ETF.1)**



For hearing fees in the most recent quarter (April to June 2017), 3,154 were requested and 472 of these requests (15%) had the full hearing fee paid outright, taking on average 75

days for payment to be made from the date the fee was requested. There were 553 hearing remission applications, of which 468 (85%) were awarded either a full or partial remission.

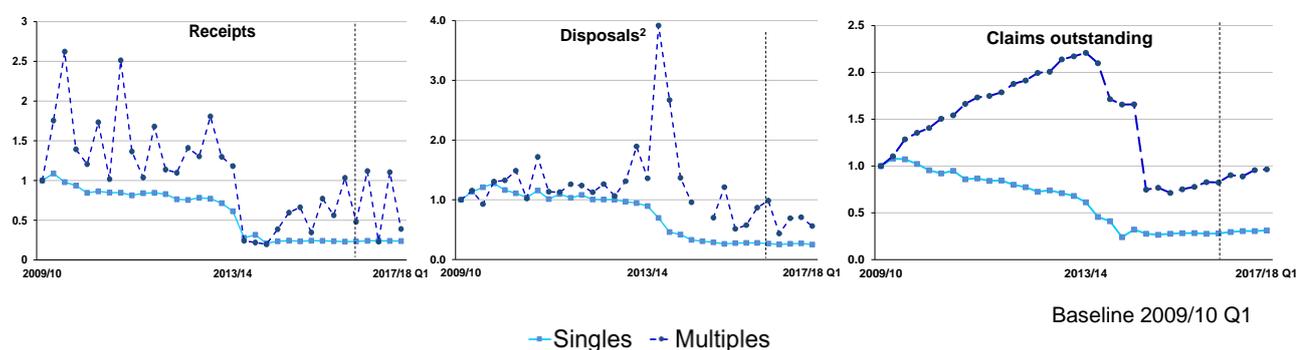
### Employment tribunal single cases

In April to June 2017, **receipts increased 2%** and **disposals decreased by 6%**, which **drove an 11% increase** in single case **caseload outstanding**. **Mean age at disposal decreased by 1 week to 28 weeks**, compared to the same period in 2016.

### Employment tribunal multiple cases

**Receipts decreased by 19%**, **disposals decreased 43%**, and **mean age at disposal increased to 318 weeks** (an increase of 97 weeks) over the same period.

**Figure 4.3: Index of Employment Tribunals single & multiple claim receipts, disposals & claims outstanding, Q4 2009/10-Q1 2017/18 (Source: Table S.2-4)**



There were 4,241 single claims received in April to June 2017, up 2% on the same period of 2016. Since Q2 2014/15 single claim receipts have remained relatively stable, with around 4,200 claims per quarter.

There were 9,518 multiple claims received this quarter, a decrease of 19% 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 254 multiple claim cases (an average of 37 claims per multiple case) - down 24% from 333 cases with an average of 35 claims per case).

The Employment Tribunal disposed of 9,538 claims during April to June 2017, down 34% on the same period in 2016. This was driven by a 43% decrease in multiple claims disposals, which make up almost two-thirds of all disposals. The multiple claims relate to 187 multiple claim cases, down 35% on April to June 2016. Single claim disposals also decreased over the same period (down 6%). In April to June 2017, 18% of jurisdictional complaints disposed were Acas conciliated settlements, 9% were withdrawn, and 16% were successful at hearing. The most common jurisdictional complaint disposed of was 'Unauthorised deductions (formerly Wages Act)'.

The total caseload outstanding for Employment Tribunals at the end of June 2017 was 274,468, the majority (96%) relating to multiple claims.

## 5. Gender Recognition Certificate

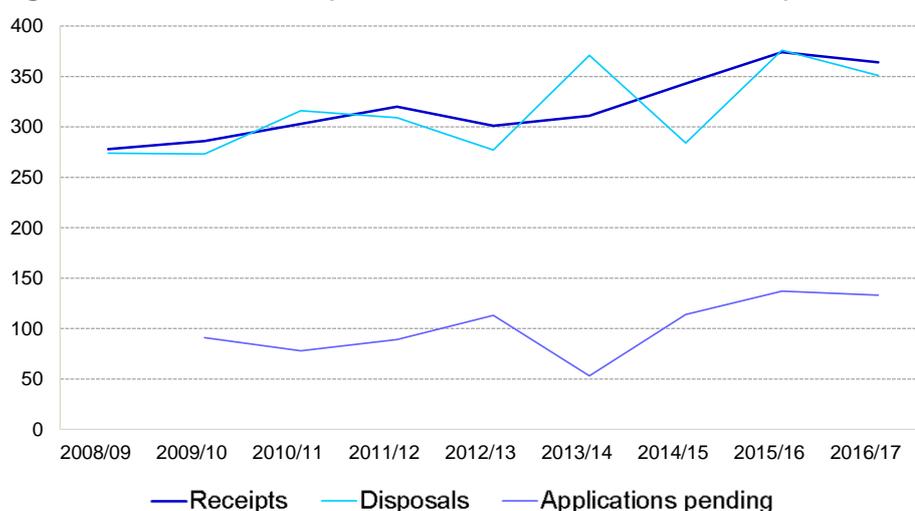
**98 GRP applications were received and 80 were disposed of between April and June 2017, 141 applications were pending by the end of June 2017**

Of the 80 applications disposed of, a full Gender Recognition Certificate (GRC) was granted in 88% of cases, down from 94% in the same period in 2016.

Since April 2005/06, two thirds of interim certificates (129 of the 195) were converted into full GRC, 57% of which were within 30 weeks.

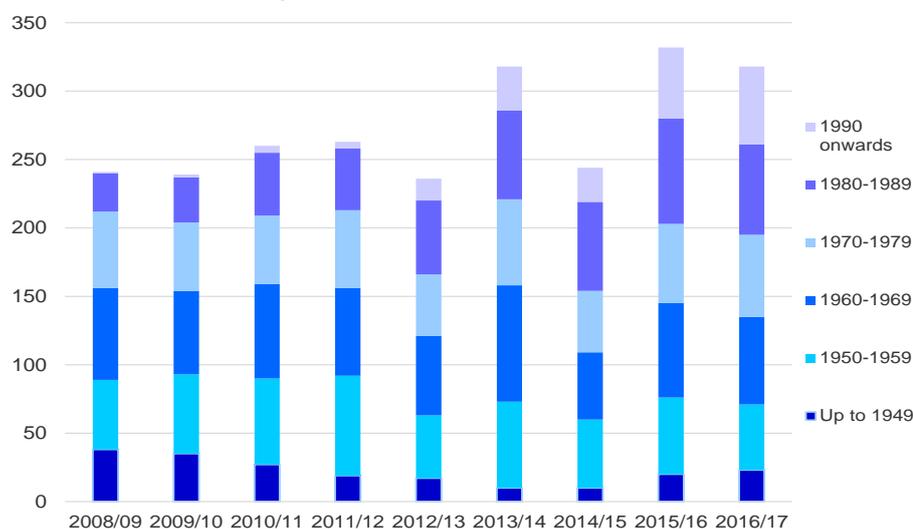
Over the long-term the number of receipts and disposals has been gradually increasing, although the increases seen in receipts have been greater than disposals, and in the most recent two years this has reflected an increase in applications pending.

**Figure 5.1: Applications for Gender Recognition Certificates received, disposed of and pending, 2008/09 to 2016/17 (Source: Table GRP.1 and GRP.2)**



In April to June 2017, 70 full certificates were granted, of which 5 were for married applicants and 65 for single applicants. 38 (54%) of the individuals with full certificates granted were registered male at birth and 32 (46%) 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 2016/17 (Source: Table GRP.4)**



## 6. Employment tribunal and Employment Appeal tribunal, 2016/17

### Employment tribunal Representation

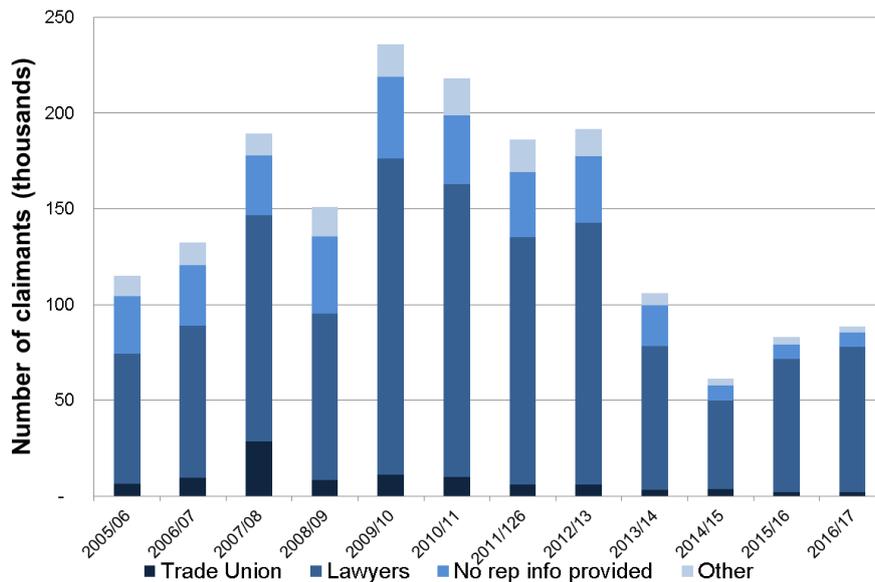
The majority of claimants were represented by a lawyer<sup>2</sup> in 2016/17 at 86%, two percentage points higher than in 2015/16. In contrast, 9% of claimants in 2016/17 had no representation<sup>3</sup>, the same proportion as 2015/16.

### Costs and Compensation

In 2016/17 the maximum compensation awarded was for Unfair Dismissal, where £1.7 million was awarded, followed by Race Discrimination with a maximum compensation of £0.5 million.

Claimant representation is recorded at the time of application and may change as case progresses. The proportion of claimants represented by a lawyer in 2016/17 was 86%, up two percentage points higher than in 2015/16.

**Figure 6.1: Representation of claimants at Employment Tribunals, 2006/07 to 2016/17**



There are only centrally collated cost and compensation data for Unfair Dismissal and discrimination cases. In 2016/17, there were 587 claims that received compensation for Unfair Dismissal, where the maximum award was £1.7 million and the average (mean) award was £16,543.

There were 158 discrimination cases where compensation was awarded, the maximum amount awarded (£456,464) was in the Race Discrimination jurisdiction.

<sup>2</sup>Includes: represented by solicitors, Law Centres and Trade Associations.

<sup>3</sup> For those individuals representing themselves, there is no need to provide information on representatives. Therefore all cases where the representative information was left blank are included here.

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## Employment Appeal Tribunals (EAT)

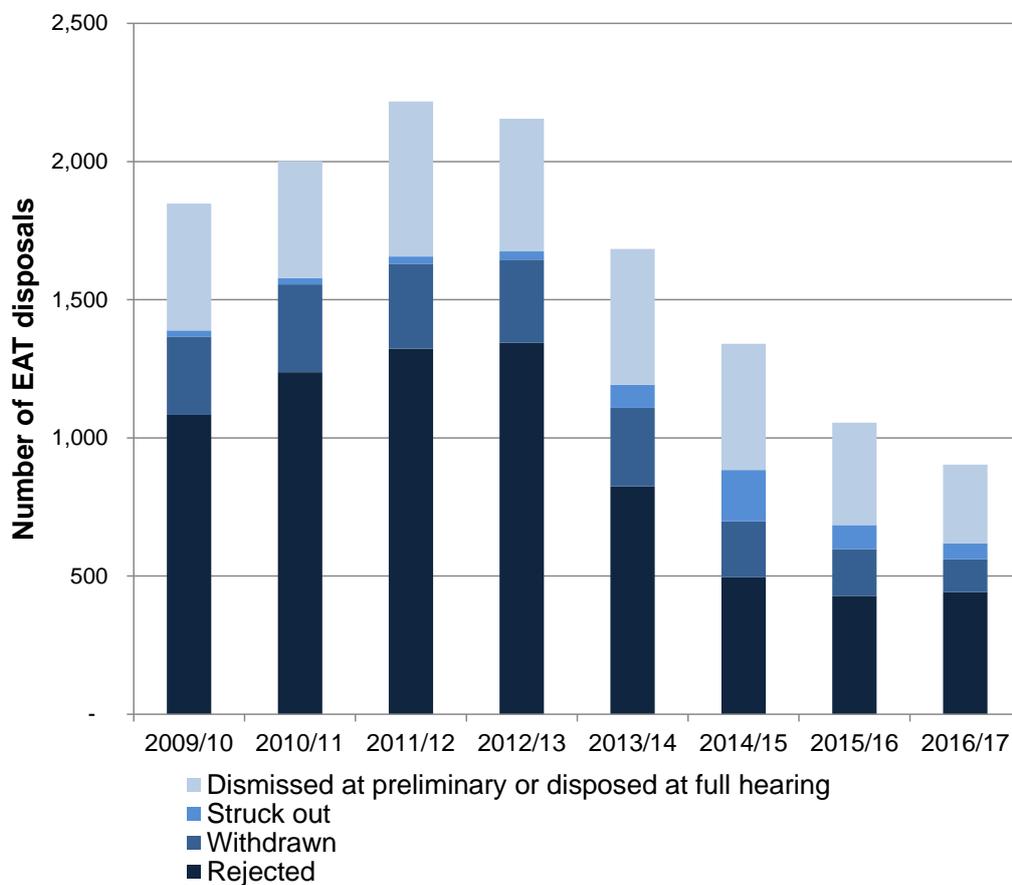
In 2016/17, the Employment Appeal Tribunal received 889 appeals (down 8% on 2015/16) and disposed of 903 appeals (down 14% on 2015/16).

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In 2016/17, 41% of appeals dealt with at a preliminary hearing were dismissed. This proportion is higher for appeals brought by employees, where 47% appeals were dismissed compared to 29% appeals brought by employers which were dismissed.

Of those appeals that reached an EAT final hearing, 42% were disposed of at full hearing. For appeals brought by employees 41% were dismissed compared to 46% of appeals brought by employers.

**Figure 6.2: Outcome of EAT Disposals, 2009/10 to 2016/17**



## Further information

### Provisional data and revisions

As part of an annual data reconciliation exercise, final revised data for January to March 2017 has been refreshed and figures revised accordingly. If revisions are needed in the subsequent year, these will be clearly annotated in the tables.

### Rounding convention

Within the 'Key Findings' sections, 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, an annual set of tables covering further breakdown of Employment tribunal and Employment Appeal tribunal statistics for 2016/17 and two additional sets of tables on Employment Tribunals (for ET Fees and ET Management information – Annex C).
- A set of CSV files including data on each of the three large tribunals (SSCS, Employment and Immigration and Asylum) and an overall receipts and disposals CSV, covering all tribunal types.
- Two additional statistical notices are being published alongside this quarter's statistical release covering a further breakdown of Non-Suspensive Appeals heard by the FTTIAC in 2017, and information relating to Detained Immigration Appeals and immigration appeals of Foreign National Offenders who are either held in immigration removal centres or HM prisons.

### Contact

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

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