



Ministry of  
**JUSTICE**

# **Tribunals Statistics Quarterly**

1 July to 30 September 2012

17 January 2013

## Executive Summary

### All Tribunals Combined

The statistics for the quarter 1 July to 30 September 2012 include details for new Tribunals which have recently joined HMCTS<sup>1</sup>. In this report, changes compared with earlier periods are made excluding figures for new Tribunals, so that comparisons are on a like-for-like basis.

- Between July and September 2012 (quarter 2), there were 206,300 receipts or claims. Excluding receipts for those Tribunals that joined HMCTS in 2011-12, this represents a 14 per cent rise over the same quarter of the previous year. The main reason for the rise was the large increase in appeals to the Social Security and Child Support tribunal and of Employment Tribunals multiple claims. If multiple claims to Employment Tribunals (which can vary substantially) are also excluded, the number of cases received in the second quarter of 2012-13 was 12 per cent more than at the same point in the previous year.
- There were 178,500 disposals in July to September 2012. Excluding details for the new tribunals, this was a decrease of 5 per cent on the same quarter of 2011-12.
- For all tribunals combined, the caseload outstanding at 30 September 2012 was 813,800 – 5 per cent higher than the 775,600 figure recorded at 30 June 2012. The caseload outstanding has risen for all of the largest Tribunals: by 22 per cent for Immigration and Asylum; by 6 per cent for Social Security and Child Support and by 4 per cent for Employment Tribunals (ET) multiple claims. It fell by 6 per cent for single ET claims – continuing the downward trend.

### Social Security and Child Support

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

- For SSCS, there were 119,000 receipts between July and September 2012 – representing 58 per cent of cases received by all Tribunals. When compared with the same quarter for the previous year, the number of receipts went up

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<sup>1</sup> Details of these and of other Tribunals that have joined HMCTS since 2006-07 are in the Data Quality and Sources section of this report.

by 31 per cent and this was mainly as a result of the increased number of Employment and Support Allowance appeals<sup>2</sup> (a 69 per cent increase).

- There were 113,400 disposals made by SSCS, 1 per cent more than in the July to September quarter of 2011.
- Between July and September 2011 and the same period of 2012, the number of ESA disposals rose 11,800 or by 23 per cent, to 63,200. Correspondingly, the number of Incapacity Benefit (IB) disposals fell by 94 per cent or 6,400 over the same period to reach 380. The fall in disposals of IB claims reflects the fact that no new claims to Incapacity Benefit have been accepted since February 2011, as the benefit has been replaced by ESA.
- There were 91,700 SSCS hearing clearances (those cases disposed of at hearing) during July to September 2012, 4 per cent more than in the same quarter of 2011-12.

## **Employment Tribunals**

The employment tribunals are independent judicial bodies which determine disputes between employers and employees over employment rights.

- Between July and September 2012, Employment Tribunals received 45,300 claims in total – 13 per cent more than in the same quarter of 2011-12. The increase was as a result of the rise in multiple claims (particularly those associated with Working Time Regulations). The number of receipts of multiple claims went up by 25 per cent, whilst the number of single claims went down by 9 per cent, continuing a downward trend.
- In July to September 2012, there were 27,300 disposals made by Employment Tribunals - a 1 per cent fall on the number for the same quarter of 2011-12. The number of single disposed cases decreased by 10 per cent, whilst those for multiple cases went up by 10 per cent.

## **First Tier Immigration and Asylum Tribunal**

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

- Compared with the same quarter of 2011-12, there was a fall of 26 per cent in the overall number of Immigration and Asylum receipts, to 23,800 – continuing the downward trend. This fall was apparent for all case types, with

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<sup>2</sup> Employment and Support Allowance appeals now include appeals against Employment and Support Allowance (Incapacity Benefit Reassessment). Reassessment commenced in DWP on the 11 October 2010 with two pilots, full national reassessment began in April 2011.

the largest percentage falls being for Managed Migration (35 per cent) and Family Visit Visa (26 per cent).

- The number of Immigration and Asylum disposals was 20,700 between July and September 2012, 37 per cent fewer than in the same quarter of 2011-12 and in line with the fall in receipts.

### **Special Educational Needs and Disability**

Parents whose children have special educational needs can appeal to the First-tier Tribunal (Special Educational Needs and Disability) against decisions made by Local Authorities in England about their children's education.

- In the academic year 2011-12, there were 3,600 Special Educational Needs (SEN) appeals, a similar amount to the number registered in the previous year.
- There were 3,100 SEN disposals in the academic year 2011-12, a 20 per cent fall on those in the previous year.

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## Introduction

This report presents information on Tribunals activity for 1 July to 30 September 2012. Information for the same quarter of earlier years is also given. This report shows information on the outcome of hearing by category (e.g. cases disposed of at hearing) for the first time for the three largest Tribunals.

Quarterly Official Statistics for Tribunals, for all four quarters of 2010-11 (April 2010 to March 2011), 2011-12 and the April to June quarter of 2012 have been published and are available at:

[www.justice.gov.uk/statistics/tribunals/quarterly](http://www.justice.gov.uk/statistics/tribunals/quarterly).

Annual Official Statistics for Tribunals for 2011-12 have been published. The report for this and previous years is available at:

[www.justice.gov.uk/statistics/tribunals/annual-stats](http://www.justice.gov.uk/statistics/tribunals/annual-stats)

Statistics for Employment Tribunals and Employment Appeal Tribunal activity for 2011-12 were published on 20 September 2012 in "Employment Tribunal and EAT statistics 2011-12". This publication is available at:

[www.justice.gov.uk/statistics/tribunals/employment-tribunal-and-eat-statistics-gb](http://www.justice.gov.uk/statistics/tribunals/employment-tribunal-and-eat-statistics-gb)

Statistics on the work of the civil, family, magistrates' and Crown Courts in England and Wales during the period July to September 2012 are also published by the MoJ at the same time as this report. These quarterly courts statistics, along with annual statistics, can be found in separate reports on the MoJ website, at: [www.justice.gov.uk/statistics/courts-and-sentencing/judicial-quarterly](http://www.justice.gov.uk/statistics/courts-and-sentencing/judicial-quarterly)

## Commentary

### Receipts (Table 1.1)

1. The statistics for the quarter July to September 2012 include, for the first time, figures for the Examination Board, which was created in May 2012. Comparisons with earlier periods are made excluding figures for new Tribunals, so that they are on a like-for-like basis<sup>3</sup>. This report shows information on the outcome of hearing by category (e.g. cases disposed of at hearing) and average waiting times, for the first time for the largest Tribunals.

2. Tribunals received 206,300 appeals in the period 1 July to 30 September 2012. Excluding those appeals received for new Tribunals introduced since October 2011, this represents a 14 per cent increase in the number of receipts when compared with the same period of 2011.

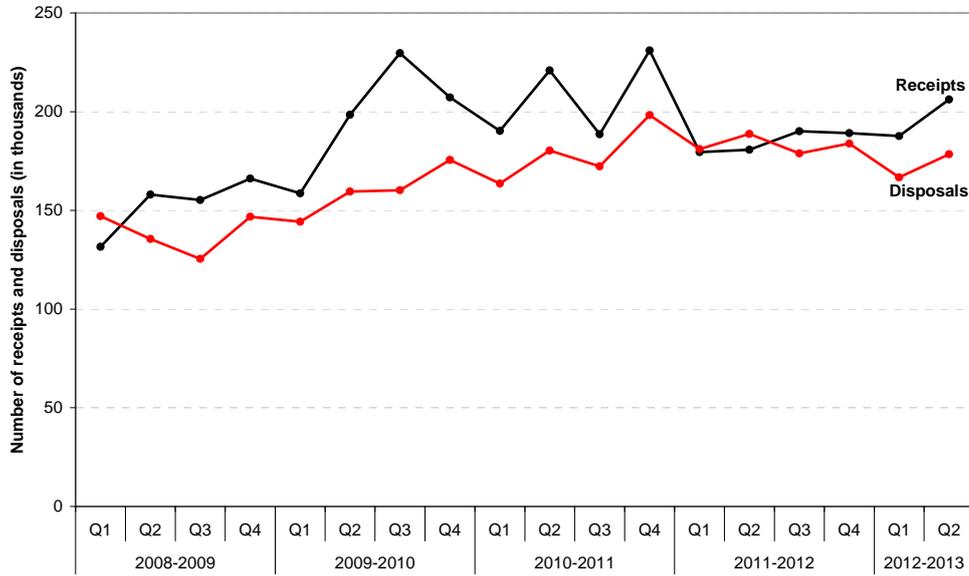
3. Excluding multiple claims to Employment Tribunals (which vary from year to year and can distort the picture on workload), there was a 12 per cent rise in the number of receipts when compared with those received in July to September 2011.

4. The rise in the overall number of receipts was mainly due to the 31 per cent increase in the number of appeals received in Social Security and Child Support, (particularly for the Employment and Support Allowance benefit) and the 25 per cent rise in Employment Tribunals multiple claims. However, there was a decrease in the number of receipts for Immigration and Asylum of 26 per cent, continuing the downward trend seen since 2008-09. The number of single Employment Tribunals claims fell by 9 per cent between July to September 2011 and the same quarter of 2012, continuing the past fall. Figure 1 shows trends in both receipts and disposals since 2008-09.

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<sup>3</sup> The Data Quality and Sources section gives details of changes to names of Tribunals and those Tribunals that have joined HMCTS since 1 April 2006.

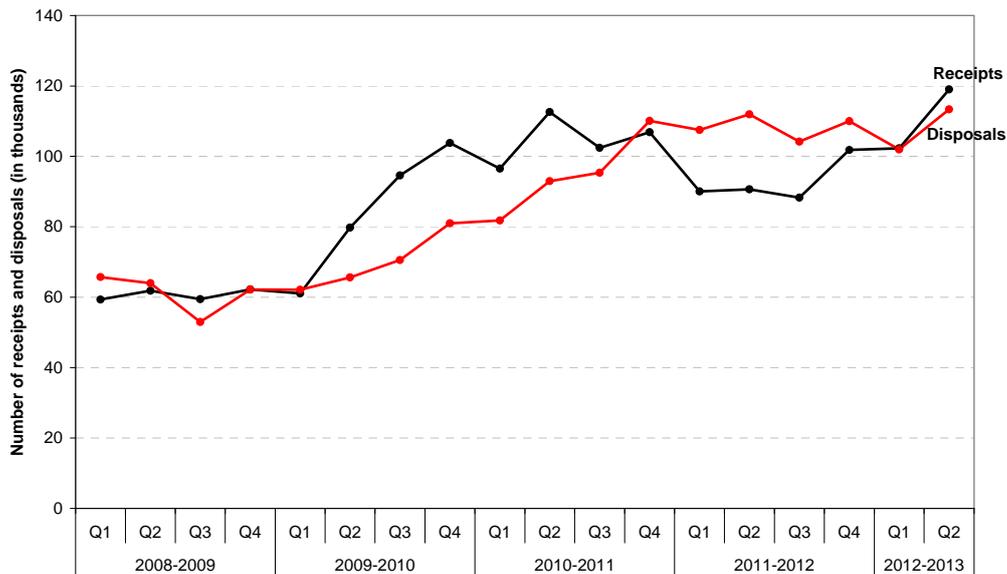
**Figure 1: Receipts and Disposals for all Tribunals, 2008-09 to 2012-13**



### Receipts by Jurisdiction

5. For Social Security and Child Support, there were 119,000 receipts in July to September 2012, 31 per cent higher than the number in the same quarter of 2011-12. This is mainly due to an increase in the number of receipts associated with Employment and Support Allowance.

**Figure 2: Social Security and Child Support Receipts and Disposals, 2008-09 to 2012-13**



6. Of the 119,000 appeals received by SSCS, 62 per cent related to Employment and Support Allowance (ESA) - the highest proportion to date; 17 per cent were for Attendance Allowance and Disability Living Allowance (AA/DLA) and 11 per cent for Job Seeker's Allowance. The number of receipts for ESA cases went up by 69 per cent between July to September 2011 and July to September 2012, to reach 73,700. This is the highest number of appeals received for this benefit. The reassessment of Incapacity Benefit claims from April 2011 has contributed to this increase.

7. There was a corresponding decrease in the number of receipts associated with Incapacity Benefit (IB), as no new claims have been accepted since February 2011, with the benefit being replaced by ESA. In July to September 2012 there were 200 receipts for IB as compared with 660 in the same period of 2011. There were also falls in the number of appeals received for Tax Credits of 36 per cent; Industrial Injuries Disablement Benefit of 26 per cent and AA/DLA of 10 per cent.

8. Comparing those appeals received in July to September 2012 with the same period of last year, there were increases for a number of benefits (some of which attract small numbers):

- Job Seeker's Allowance of 11 per cent (or 1,300);
- Income Support of 20 per cent (or 550);
- Pensions Credit of 42 per cent (or 190);
- Child Benefit Lone Parent of 45 per cent (or 140).

9. In Employment Tribunals (ET), the number of claims received in July to September 2012 was 45,300 – 13 per cent more than in the same period of 2011. The rise was due to increased numbers of multiple claims accepted (up by 25 per cent), particularly those associated with Working Time Regulations. However, the number of single claims accepted continued the downward trend and fell by 9 per cent. The multiple claims were grouped into 1,400 cases, or 'multiple claim cases'<sup>4</sup> – a decrease of 21 per cent compared with the same quarter of last year (and continuing a fall in numbers).

10. For ET, when the jurisdictional<sup>5</sup> mix of claims was considered (Table 1.2), there were 77,100 jurisdictional complaints received in the second quarter of 2012-13, a 2 per cent rise on the number received in the same quarter of 2011-12. This means that on average, there were 1.7 jurisdictional complaints per case.

11. Of the 77,100 jurisdictional complaints received in July to September 2012, 35 per cent were for unfair dismissal, redundancy and breach of contract; 27 per

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4 The number of grouped collective disputes being litigated before Employment Tribunals.

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

cent were for Working Time Regulations and 15 per cent for unauthorised deductions (formerly Wages Act).

12. When comparing the number of jurisdictional complaints received in July to September 2012, with those in the same period of the previous year, there was an increase of 81 per cent (or 9,300) in Working Times Regulations. This includes a large number of resubmitted airline cases. There was also a significant rise in receipts associated with Sex Discrimination (up by 66 per cent). Despite the overall increase in the number of jurisdictional complaints received, there were falls for:

- Equal Pay of 59 per cent;
- Age Discrimination of 38 per cent;
- Suffer a detriment/unfair dismissal – pregnancy of 32 per cent;
- Redundancy Pay of 29 per cent;
- Transfer of an undertaking - failure to inform and consent of 25 per cent; and,
- Unauthorised Deductions (formerly Wages Act) of 18 per cent.

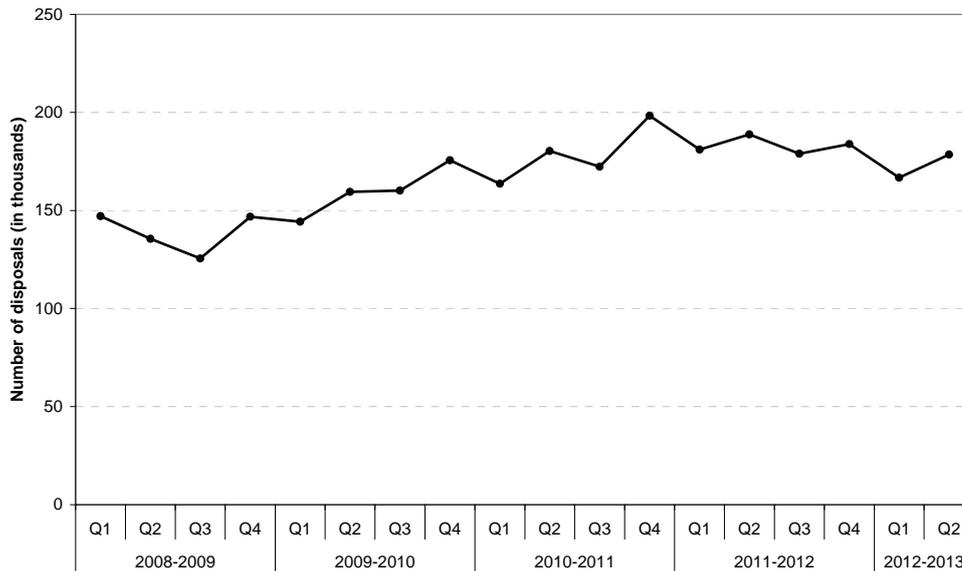
13. In the period 1 July to 30 September 2012, there were 23,800 receipts on Immigration and Asylum, a fall of 26 per cent when compared with the same period of 2011. This continues the trend of decreasing receipts seen since 2008-09. In recent years, but there has also been a change in the way that case creation takes place as a result of the introduction of fees for some case types. A fall was seen in all case types (Table 1.3): for Managed Migration, Family Visit Visa, Asylum, Entry Clearance of 35 per cent, 26 per cent, 25 per cent and 17 per cent respectively.

14. There was a marked increase in the number of receipts by the Environment Tribunal (from none to 440 in the second quarter of 2012). This was because of the transfer of appeals against the assessment of Nitrates Vulnerable Zones to the First-tier Tribunal (previously administered by DEFRA). Such assessments are carried out every four years and result in a large number of appeals in a short time frame. The majority of these appeals were and a large number of appeals were received in September 2012. The Upper Tribunal (Administrative Appeals Chamber), which considers appeals against decisions made by the Social Entitlement (which includes SSCS), Health, Education and Social Care, General Regulatory and War Pensions and Armed Forces Compensation Chambers of the First-tier Tribunal, had an increase of 23 per cent in appeals received and there were 18 per cent more for the Residential Property Tribunal.

### **Disposals (Table 2.1)**

15. There were a total of 178,500 cases or claims disposed of in July to September 2012. Excluding details for new tribunals introduced since October 2011, this represents a fall of 5 per cent on those cases disposed of in July to September 2011.

**Figure 3: Disposals for all Tribunals, 2008-09 to 2012-13**

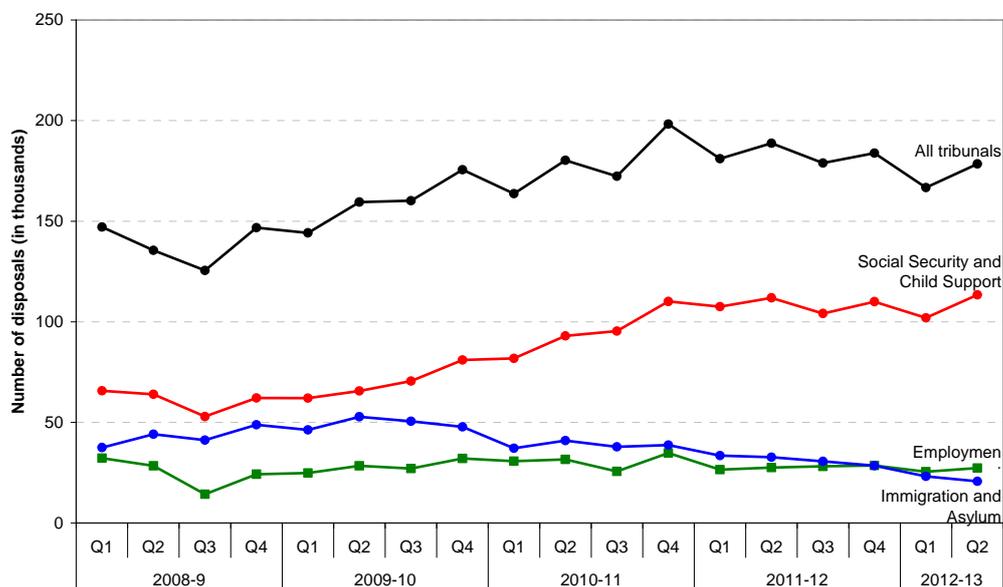


16. The fall in the overall number of disposals was seen in many tribunals: but predominantly for Immigration and Asylum (fall of 37 per cent and continuing the downward trend as receipts fall). There was a 10 per cent drop in disposals for single Employment Tribunals claims. Many of the smaller Tribunals also showed falls in the levels of disposals.

17. However, between July to September 2011 and the same period of 2012, the number of disposals for some tribunals rose. There was an increase of 10 per cent for multiple Employment Tribunal claims and of 1 per cent in disposals by SSCS. In the Financial Services and Markets and Pensions Regulator, the number of disposals went up markedly from 9 in July to September 2011 to over 700 in the same period of 2012. There was a 10 per cent increase in the number of disposals for Tax First Tier (continuing recent rises) and by 11 per cent for Upper Tribunals (Administrative Appeals Chamber). The latter is probably related to the increase in SSCS receipts, which has resulted in a higher volume of decisions going onward for appeal.

### Disposals by Jurisdiction

18. SSCS disposed of 113,400 cases in July to September 2012, a 1 per cent rise on the number disposed of in the same quarter of 2011. As can be seen from Figure 4, there has been a general increasing trend in disposals by SSCS.

**Figure 4: Disposals by Tribunal, 2008-09 to 2012-13**

19. Of the 113,400 SSCS cases disposed of: 56 per cent were for Employment and Support Allowance (ESA); 20 per cent for Attendance Allowance and Disability Living Allowance (AA/DLA) and 11 per cent for Job Seeker's Allowance.

20. Since the introduction of Employment and Support Allowance, to replace Incapacity Benefit (IB) in October 2008 and full national reassessment of existing Incapacity Benefit claims commencing in April 2011, both the number and proportion of all SSCS disposals associated with ESA have increased. Between July to September 2011, and the same period of 2012, the number of ESA disposals rose by 23 per cent. Correspondingly, the number of IB disposals fell by 94 per cent or 6,400 over the same period. The fall in disposals of IB claims reflects the fact that no new claims to Incapacity Benefit have been accepted since February 2011 as it has been replaced by ESA.

21. Whilst there have been falls in the number of disposals for some benefit types (e.g. Industrial Injuries Disablement Benefit of 51 per cent and Job Seeker's Allowance of 11 per cent), there have also been some increases. The number of disposals for Carers Allowance went up by 13 per cent and those for Pensions Credit by 41 per cent.

22. Table 2.6 provides some information on the outcome of Social Security and Child Support cases that were cleared at hearing<sup>6</sup> and whether the decision was found in favour of the appellant, or if the original decision made by DWP was upheld. Between 1 July and 30 September 2012, there were 91,700 cases cleared at a hearing – 81 per cent of all disposals. This represents a 4 per cent increase on the number of cleared cases at hearing in the same quarter of 2011-

<sup>6</sup> These were cleared via a Tribunal (could be a panel or a member of the Judiciary sitting alone) with a decision/outcome.

12. Of the 91,700, 37 per cent were found in favour of the appellant. This proportion varied by benefit type with 42 per cent of ESA; 41 per cent of AA/DLA; and 16 per cent of Job Seeker's Allowance hearing clearances being found in favour of the appellant.

23. Employment Tribunals disposed of 27,300 claims during the second quarter of 2012-13, 1 per cent fewer than in the same period of 2011-12. The number of disposals for single claims fell (by 10 per cent), but the number for multiples rose by a similar percentage. 1,800 multiple claim cases were disposed of in July to September 2012, a 2 per cent increase on the same quarter of 2011. This continues an upward trend.

24. Table 2.2 gives details of ET Jurisdictional complaints disposed of by type of jurisdiction and outcome. Between 1 July and 30 September 2012, 56,200 jurisdictional claims were disposed of (an 8 per cent fall on the 61,000 disposed of in the same period of the previous year). This means that on average, 2.1 jurisdictions were disposed of per claim.

25. There were falls in the number of disposals for some Jurisdictional Complaints, most notably: Age Discrimination (down by 42 per cent); Sex Discrimination (down by 14 per cent); Breach of contract, unfair dismissal and redundancy (down by 12 per cent). There was an increase in the number of disposed Jurisdictional Complaints for Equal Pay of 25 per cent.

26. Of the 56,200 jurisdictional complaints that were disposed of:

- 37 per cent were unfair dismissal, breach of contract or redundancy;
- 16 per cent were associated with unauthorised deductions (formerly Wages Act).

27. Of the total jurisdictions disposed of during July to September 2012:

- 31 per cent were withdrawn; 30 per cent were Acas consolidated; 14 per cent were struck out (not at a hearing) and 10 per cent were successful at hearing.

28. Overall, in Immigration and Asylum, there were 20,700 disposals in July to September 2012 – 37 per cent fewer than in the same quarter of 2011-12, and continuing the downward trend.

29. Comparing July to September of 2012 with the same period of 2011, and examining case type (Table 2.3), there was falls in the number of disposals of: 51 per cent for Family Visit Visa; 49 per cent for Entry Clearance, 23 per cent for Asylum and 10 per cent for Managed Migration. The table also shows the type of disposal, with "struck out" cases being identified (following the introduction of fee charging). Of the 20,700 disposals in the second quarter of 2012-13, 76 per cent were determined at hearing or on the papers; 21 per cent were withdrawn and 3 per cent were struck out.

30. Table 2.4 gives outcomes for those Immigration and Asylum cases that were determined at hearing or on the papers. Of the 15,800 cases that were determined between 1 July and 30 September 2012:

- 8,500 (54 per cent) were dismissed;
- 7,300 (46 per cent) were allowed.

### **Caseload Outstanding (Table 3.1)**

31. At 30 September 2012, the caseload outstanding was 813,800, an increase of 5 per cent on the number at 30 June 2012.

32. Just over two thirds (67 per cent) 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 (or 'stayed'), 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. The caseload outstanding of 546,200 multiple claims is around 5,600 separate multiple claim cases.

33. Compared with 30 June 2012, the caseload outstanding rose overall and for a number of tribunals, specifically for:

- Immigration and Asylum (up by 22 per cent);
- Social Security (up by 6 per cent);
- ET multiple claims (increase of 4 per cent);
- Mental Health (rise of 6 per cent);
- Upper Tribunal (Administrative Appeals Chamber) (increase of 14 per cent);
- Environment Tribunal (increase from 1 to 440). This was because of the Assessment of Nitrates Vulnerable Zones and a large number of appeals received in September 2012.

34. There were falls in caseload outstanding for some tribunals: of 6 per cent for single ET claims and of 8 per cent for Criminal Injuries Compensation. There was also a large decrease in the caseload outstanding for the Financial Services and Markets and Pensions Regulator with only 38 cases remaining to be disposed of. This follows the 700 disposals made in the current quarter.

## **Timeliness Measures**

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

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

37. HMCTS previously had a set of Primary Performance Indicators for each jurisdiction, which were largely based upon waiting times from receipt to disposal. The former performance indicators are no longer published in this report.

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

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

39. The tables and charts shows the age at which cases were cleared. There are differences by case or tribunal type, therefore, clearances have been presented for a number of tribunals by case type. Where available, information is given for two time periods – cases cleared in July to September of 2011 and July to September of 2012.

40. The measures examine the age of a case when it is cleared or disposed of and gives the point at which 25 per cent, 50 per cent (the median), 75 per cent were cleared, along with the average. For example, in SSCS, 75 per cent of cases that were cleared in the period 1 July to 30 September 2012 were aged 23 weeks or less.

## **Immigration and Asylum**

41. For those cases disposed of between July and September 2012, the cumulative percentages of cases are shown by the age of the case. The time is recorded from receipt to the time that a decision was notified to the appellant.

42. Of those cases disposed of in Immigration and Asylum between July 2012 and September 2012:

- 25 per cent were aged 9 weeks or less (i.e. 25 per cent were cleared in 9 weeks or less);
- 50 per cent (the median) were aged 15 weeks or less;
- 75 per cent were aged 25 weeks or less;
- the average age of a case at disposal was 19 weeks.

43. Variations in clearance times between case types are due to different processing timescales which apply to each of the Immigration and Asylum jurisdictions.

**Table 1: Cumulative percentage of Immigration and Asylum clearances that took place in July to September of 2011 and 2012, by age of case at clearance**

<b>Tribunal</b>	<b>25 per cent point</b>	<b>50 per cent point</b>	<b>75 per cent point</b>	<b>Average</b>
<b>Immigration and Asylum (all)</b>				
1 July - 30 Sept. 2011	7 weeks or less	13 weeks or less	24 weeks or less	18 weeks
1 July - 30 Sept. 2012	9 weeks or less	15 weeks or less	25 weeks or less	19 weeks
<b>Asylum</b>				
1 July - 30 Sept. 2011	5 weeks or less	6 weeks or less	9 weeks or less	8 weeks
1 July - 30 Sept. 2012	5 weeks or less	6 weeks or less	10 weeks or less	9 weeks
<b>Managed Migration</b>				
1 July - 30 Sept. 2011	6 weeks or less	7 weeks or less	9 weeks or less	9 weeks
1 July - 30 Sept. 2012	8 weeks or less	10 weeks or less	13 weeks or less	12 weeks
<b>Entry Clearance Officer</b>				
1 July - 30 Sept. 2011	20 weeks or less	26 weeks or less	32 weeks or less	27 weeks
1 July - 30 Sept. 2012	23 weeks	28 weeks	31 weeks	29 weeks

	or less	or less	or less	
<b>Family Visit Visa</b>				
1 July - 30 Sept. 2011	10 weeks or less	18 weeks or less	23 weeks or less	19 weeks
1 July - 30 Sept. 2012	15 weeks or less	23 or less	26 or less	23 weeks

### Employment Tribunals

44. For Employment Tribunals, the timescale recorded is from receipt to when details of the final judgement are given (excluding withdrawals and settlements). The distribution for all ET cases is heavily influenced by the age of multiple cases (which can be stayed or await decisions from Higher Courts). Of those cases disposed of (excluding withdrawals and settlements) by Employment Tribunals between July 2012 and September 2012:

- 25 per cent were aged 16 weeks or less (i.e. 25 per cent were cleared in 16 weeks or less);
- 50 per cent (the median) were aged 33 weeks or less;
- 75 per cent were aged 2-3 years;
- the average age of a case at disposal was 84 weeks.

**Table 2: Cumulative percentage of Employment Tribunals clearances that took place in July to September of 2011 and 2012, by age of case at clearance**

Tribunal	25 per cent point	50 per cent point	75 per cent point	Average
<b>Employment Tribunals (all)</b>				
1 July – 30 Sept. 2011	16 weeks or less	35 weeks or less	2-3 years	75 weeks
1 July – 30 Sept. 2012	16 weeks or less	33 weeks or less	2-3 years	84 weeks
<b>Single</b>				
1 July – 30 Sept. 2011	11 weeks or less	19 weeks or less	33 weeks or less	29 weeks

1 July – 30 Sept. 2012	11 weeks or less	19 weeks or less	32 weeks or less	29 weeks
<b>Multiple</b>				
1 July – 30 Sept. 2011	47 weeks or less	1-2 years	2-3 years	124 weeks
1 July – 30 Sept. 2012	39 weeks or less	2-3 years	4-5 years	144 weeks

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

**Table 3: Cumulative percentage of ET clearances (for jurisdictional groups) that took place in July to September 2012, by age of case at clearance**

ET Jurisdictional Group	25 per cent point	50 per cent point	75 per cent point	Average
Equal Pay	3-4 years	4-5 years	More than 5 years	214 weeks
Disability Discrimination	19 weeks or less	31 weeks or less	48 weeks or less	39 weeks
Race or Sexual Discrimination	31 weeks or less	2-3 years	More than 5 years	148 weeks
Religious Belief, Sexual Preference	19 weeks or less	30 weeks or less	49 weeks or less	41 weeks
Age Discrimination	19 weeks or less	30 weeks or less	47 weeks or less	42 weeks
Working Time Regulations	11 weeks or less	21 weeks or less	41 weeks or less	35 weeks
Unfair dismissal, redundancy, insolvency	15 weeks or less	22 weeks or less	40 weeks or less	35 weeks
National Minimum Wage	13 weeks or less	21 weeks or less	36 weeks or less	28 weeks
Unauthorised Deductions (Wages Act)	12 weeks or less	27 weeks or less	2-3 years	72 weeks
Breach of Contract	13 weeks	23 weeks	50 weeks	44

	or less	or less	or less	weeks
Others	17 weeks or less	27 weeks or less	50 weeks or less	43 weeks

### **Social Security and Child Support**

46. For those cases disposed of in July to September 2012, the cumulative percentage of cases is shown by the age of the case. For SSCS the time is recorded from receipt to the time that a decision was notified to the appellant.

Of those cases disposed of by SSCS between July and September 2012:

- 25 per cent were aged 8 weeks or less (i.e. 25 per cent were cleared in 8 weeks or less);
- 50 per cent (the median) were aged 13 weeks or less;
- 75 per cent were aged 23 weeks or less;
- The average of a case at disposal was 19 weeks.

47. SSCS hears appeals against decisions made by DWP on a number of different benefits as well as against decisions made by other government departments (HMRC) and local authorities. The composition of the Tribunal panel varies for each benefit and there are some differences in length of clearance time for each type of appeal. Those appeals which can be heard by a Judge sitting alone, such as appeals against decisions on Job Seekers' Allowance, Housing Benefit or Council Tax Relief take less time to clear than appeals where a panel including specialist Medical, Financial or Disability panel members is required.

48. Table 4 shows that the waiting time, from receipt to disposal of SSCS cases has gone down. SSCS has a policy of dealing with older cases first. The increased capacity and resource that has been put into the jurisdiction has therefore reduced the number of older cases and lead to significant decreases in the waiting times.

**Table 4: Cumulative percentage of SSCS clearances that took place in July to September of 2011 and 2012, by age of case at clearance**

<b>Tribunal Type</b>	<b>25 per cent point</b>	<b>50 per cent point</b>	<b>75 per cent point</b>	<b>Average</b>
<b>SSCS (all)</b>				
<b>1 July – 30 Sept. 2011</b>	9 weeks or less	21 weeks or less	34 weeks or less	24 weeks
<b>1 July – 30 Sept. 2012</b>	8 weeks or less	13 weeks or less	23 weeks or less	19 weeks
<b>Tribunal Types: (data for 1 July - 30 September 2012)</b>				
Judge (Job Seekers' Allowance, Housing Benefit, Council Tax Relief, Child Support, ESA/IB cases with no medical element)	6 weeks or less	10 weeks or less	20 weeks or less	16 weeks
Judge, Medical Member and/or Specialist Disability Member (Disability Living Allowance/ Attendance Allowance)	9 weeks or less	17 weeks or less	30 weeks or less	24 weeks
Judge and Medical Member (ESA/IB)	8 weeks or less	14 weeks or less	22 weeks or less	18 weeks
Judge and Senior Medical Member (Industrial Injury/Disablement Benefit, Vaccine Damage)	9 weeks or less	16 weeks or less	30 weeks or less	28 weeks
<b>Tribunal Types: (data for 1 July - 30 September 2011)</b>				
Judge (Job Seekers' Allowance, Housing Benefit, Council Tax Relief, Child Support, ESA/IB cases with	6 weeks or less	13 weeks or less	26 weeks or less	19 weeks

no medical element)				
Judge, Medical Member and/or Specialist Disability Member (Disability Living Allowance/ Attendance Allowance)	12 weeks or less	28 weeks or less	39 weeks or less	28 weeks
Judge and Medical Member (ESA/IB)	12 weeks or less	23 weeks or less	34 weeks or less	25 weeks
Judge and Senior Medical Member (Industrial Injury/Disablement Benefit, Vaccine Damage)	13 weeks or less	28 weeks or less	43 weeks or less	31 weeks

### Mental Health

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

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

**Table 5: Cumulative percentage of Mental Health clearances that took place in July to September of 2011 and 2012, by age of case at clearance**

Tribunal	25 per cent point	50 per cent point	75 per cent point	Average
<b>Mental Health - Section 2</b>				
1 July - 30 Sept. 2011	Not available	Not available	Not available	Not available
1 July - 30 Sept. 2012	Less than a week	Less than a week	Between 1 and 2 weeks	1 week
<b>Mental Health –</b>				

<b>Restricted Patients</b>				
1 July – 30 Sept. 2011	Not available	Not available	Not available	Not available
1 July - 30 Sept. 2012	More than 9 but less than 15 weeks	More than 9 but less than 15 weeks	Between 16 and 17 weeks	13 weeks
<b>Mental Health – Non Restricted Patients</b>				
1 July - 30 Sept. 2011	Not available	Not available	Not available	Not available
1 July - 30 Sept. 2012	More than 3 weeks but less than 7 weeks	Between 8 and 9 weeks	More than 9 but less than 12 weeks	8 weeks

### **Special Educational Needs and Disability (SEND) (Tables 4.1 to 5.6)**

51. There are a number of tables in this report providing details of the workloads, types of appeal in more detail, outcomes and representation. Information is presented for the period 1 September 2011 to 31 August 2012, which is the four-quarter period most closely corresponding with the academic year. This type of information was previously presented in SEND's Annual Reports.

#### **Special Educational Needs**

52. In the academic year 2011-12, there were 3,600 Special Educational Needs (SEN) appeals registered – a similar amount to the number registered in the previous year. Examined by the nature of the special educational need, 29 per cent were related to Autistic Spectrum Disorder, 10 per cent to Behaviour, Social and Emotional Difficulty and 8 per cent to Specific Learning Difficulty.

53. There were 3,100 disposals in 2011-12, a 20 per cent decrease on those in the previous year. Of these, 43 per cent were withdrawn, 30 per cent were conceded by the local authority and 26 per cent had a decision made at hearing.

#### **Disability Discrimination**

54. There were around 100 registered appeals alleging disability discrimination in the 2011-12 academic year – a decrease of 15 compared with the previous year. There were 33 disposals with 13 being upheld (at Tribunal) and the remainder being dismissed or withdrawn.

## **Annex A – HM Courts and Tribunals Service**

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

Statistics on the work of the civil, family, magistrates' and Crown Courts in England and Wales during the period July to September 2012 are also published by the MoJ at the same time as this report. These quarterly courts statistics, along with annual statistics, can be found in separate reports on the MoJ website, at: [www.justice.gov.uk/statistics/courts-and-sentencing/judicial-quarterly](http://www.justice.gov.uk/statistics/courts-and-sentencing/judicial-quarterly)

This executive summary page provides high-level findings for the courts and tribunals which are administered by HMCTS during the quarter July to September 2012.

## **Data quality and sources**

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

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

### **Revisions**

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

Some historic information for Immigration and Asylum has been revised due to the changes in the case creation process.

A new outcome category has been introduced for Immigration and Asylum disposals for "Struck Out for Non-Payment". This is as a result of the introduction of fees for certain Immigration and Asylum appeals introduced on 19 December 2011. Some of the historic disposal and outcome data has been revised following this.

### Change of Names of Tribunals

A number of Tribunals became part of the former Tribunals Service since it was formed, or have changed their name. Details of these changes are given in the table below.

<b>Tribunal or Jurisdictional Name</b>	<b>Formerly known as:</b>	<b>Details of Changes</b>
Agricultural Lands Tribunals		Joined HMCTS on 31 October 2011
Alternative Business Structure		Created on 3 October 2011
Asylum Support (AS)	Asylum Support Tribunal	Transferred to HMCTS (former Tribunals Service) from the Home Office on 1 April 2007
Care Standards (CS)	Care Standards Tribunal	Transferred to HMCTS (former Tribunals Service) from the Department of Health on 1 April 2007
Charity	Charity Tribunal	Created March 2008
Consumer Credit	Consumer Credit Tribunal	Created April 2008
Environment		Came into force on 6 April 2010
Estate Agents	Estate Agent Appeals Tribunal	Transferred to HMCTS from the former Department for Business Enterprise and Regulatory Reform, now the Department for Business, Innovation and Skills (BIS), on 1 <sup>st</sup> April 2008
Examination Board		Created in May 2012 as part of the General Regulatory Chamber.
First-tier Tribunal (Immigration and Asylum Chamber) & Upper Tribunal (Immigration and	Asylum and Immigration Tribunal	The 'First-tier Tribunal (Immigration and Asylum Chamber)' and 'Upper Tribunal (Immigration and Asylum Chamber)' (FTTIAC and UTIAC), replaced the Asylum and Immigration

Asylum Chamber)		Tribunal (AIT) on 15 February 2010.
Gangmasters Licensing Appeals		Created on 19 September 2011
Immigration Services	Immigration Services Tribunal	The Immigration Services Tribunal transferred into the General Regulatory Chamber of the First-tier Tribunal in January 2010
Local Government Standards in England	Adjudication Panel for England	Transferred to the HMCTS from the Standards Board for England (SBE) on 1st April 2009
Primary Health Lists	FHSAA	Family Health Services Appeal Authority transferred into HMCTS in April 2009
Reserve Forces Appeal Tribunals		Transferred to the HMCTS from the Ministry of Defence in April 2009
Residential Property Tribunal	Residential Property Tribunals Service	Joined HMCTS on 31 July 2011
First-tier Tax Chamber	Special Commissioners (Income Tax)  VAT & Duties Tribunal  General Commissioners of Income Tax	Established on 1 April 2009 as part of Tribunals, Courts and Enforcement ACT 2007 (TCE). Now includes all appeals against tax decisions formerly heard by three separate tax tribunals.
Upper Tribunal (Administrative Appeals Chamber)	Office of Social Security and Child Support Commissioners	The Upper Tribunal (AAC) was established in November 2008 under the TCE Act 2007, replacing OSSCSC. Information presented for 2007-08 refers to OSSCSC, and for November 2008 onwards to the Upper Tribunal Admin Appeals Chamber

Upper Tribunal (Tax and Chancery)		Management information recorded from 1 April 2012 onwards and included in Official Statistics.
War Pensions and Armed Forces Compensation Chamber	Pensions Appeal Tribunal	PAT became the War Pensions and Armed Forces Chamber in November 2008

## Definitions

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

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

**Hearing clearance (SSCS)** – these are cleared via a Tribunal (could be a panel or member of the Judiciary sitting alone) with a decision/outcome. The appellant may choose to attend or to have the case heard in their absence on the papers alone (paper hearing).

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

**Determined (IA)** – Decided by a Judge at, or following, an oral hearing or on paper

**Struck Out (IA)** – Appeal closed administratively where the fee has not been paid, remitted or exempted.

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

**ET Claim** – A claim presented to an employment tribunal by a claimant. It may be brought under one or more jurisdictions or subsequently amended or clarified in the course of proceedings, but will be counted only once.

**ET Single and Multiple Claims** – Claims to an employment tribunal may be classified into two broad categories – singles and multiples. Multiples are where two or more people bring claims, involving one or more jurisdiction(s) usually against a single employer but not necessarily so, for instance in TUPE cases, and always arising out of the same or very similar circumstances. As a multiple, the component claims are processed administratively, and managed and heard judicially together.

**ET Multiple Claim Cases** - the number of combined groupings or actions formed by component multiple claims. This will essentially equate to the number of grouped collective actions being litigated before the employment tribunals.

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

**ET Jurisdictional mix** – A claim may contain a number of grounds, known as jurisdictional complaints. When deciding any claim, the tribunal has to make determinations under each jurisdiction, e.g. unfair dismissal and sex discrimination. The number of jurisdictional complaints within a claim can affect the true workload represented by that claim: the higher the ratio of complaints to a claim, the more complicated the work will generally be. The jurisdictions

covered by ET are wide ranging, from discrimination and unfair dismissals to issues around salary and working conditions.

**Immigration and Asylum Case types:**

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

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

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

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

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

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

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

Examples of hearings include:

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

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

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

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

**Decision upheld (SSCS)** – The decision made by the First Tier Agency is upheld by the Tribunal.

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

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

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

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

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

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

**Withdrawn** – The appeal is withdrawn either by the appellant (claimant) or the respondent.

## Table conventions

### Rounding

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

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

### Notation

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

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

### Contact points for further information

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

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

Email: [press.office@justice.gsi.gov.uk](mailto:press.office@justice.gsi.gov.uk)

Other enquiries about these statistics should be directed to:

#### MoJ

Justice Statistics Analytical Services

7<sup>th</sup> Floor

102 Petty France

London SW1H 9AJ

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

General enquiries about the statistical work of the Ministry of Justice 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 [www.statistics.gov.uk](http://www.statistics.gov.uk)