

Isle of Man Government

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Tribunals' Centralised Administration

Statistical Reports - Period Ending 31 December 2009

Tribunals' Centralised Administration
Statistical Reports
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Statistical report for period ending 31 December 2009

The statistics within this report, based on a three year period ending 31 December 2009, cover the period since the Tribunals' Centralised Administration was formed.

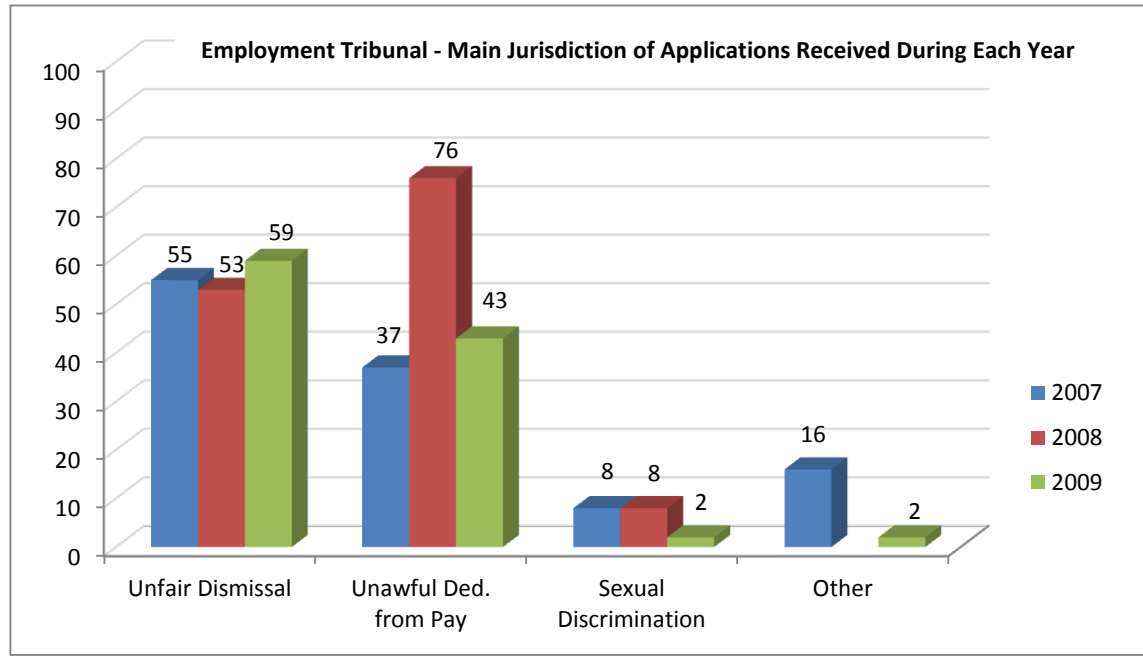
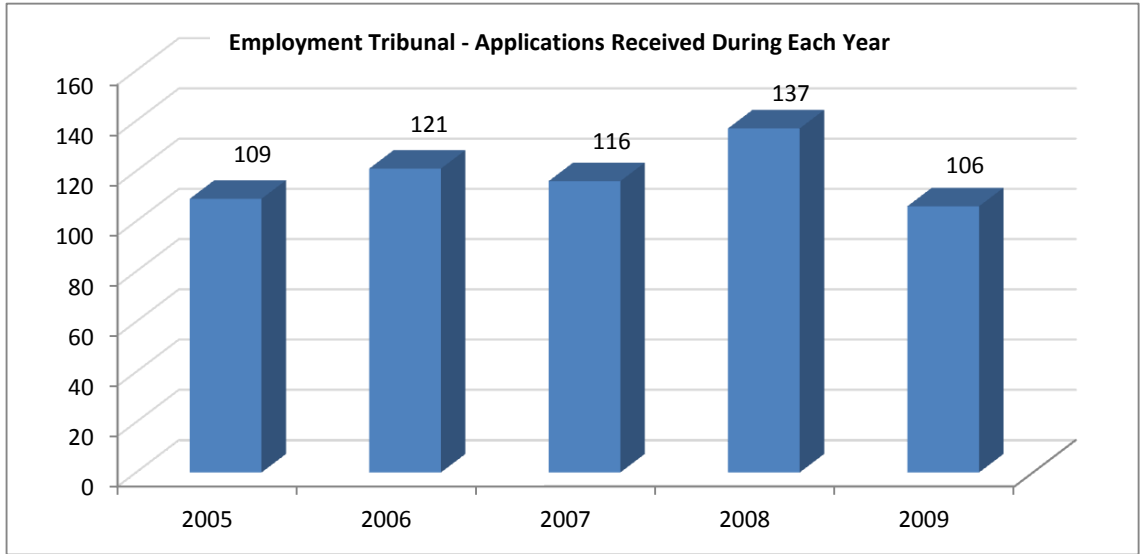
Although the total number of applications to the Tribunals listed below decreased during the last twelve months, there has been a considerable increase in the number of applications made to the Work Permit Appeal Tribunal which, given the current economic situation, is both understandable and possibly to be expected. It is also quite apparent that there is an ever increasing complexity in matters before the Tribunals, an observation supported in some way by the fact that in the past year four appeals have been brought in the Hight Court against Tribunal decisions; two against decisions arising from the Work Permit Appeal Tribunal, both of which were conceded by the Tribunal, and two against decisions arising from the Employment Tribunal, one of which was subsequently withdrawn with the outcome of the other still being awaited as this report is issued.

The table below provides an overview of the total numbers of applications/appeals brought to each Tribunal or Committee for each year ending 31 December. Most notable changes when comparing the two most recent years are:

- Employment Tribunal - after an increase of 21 (18%) in 2008, the number of applications reduced by 31 (23%) to 106 in 2009;
- Social Security Appeal Tribunal - a decrease of 50 (48%), in the number of applications from 104 in 2008 to 54 in 2009 although it has to be recognised that legislative changes requiring the DHSS to review a decision before an appeal can be lodged were introduced from November 2008; and
- Work Permit Appeal Tribunal - an increase of 42 (467%), in the number of applications from 9 in 2008 to 51 in 2009.

Total Number of Applications/Appeals to Tribunal or Committee for Years Ending 31 December 2009

Tribunal/Committee	2007	2008	2009
The Employment Tribunal	116	137	106
The Social Security Appeal Tribunal	130	104	54
Isle of Man Rent & Rating Appeal Commissioners	25	27	14
The Mental Health Review Tribunal	4	9	5
The Work Permit Appeal Tribunal	7	9	51
The Health & Safety Tribunal	2	2	0
Civil Service Appeal Tribunal	0	2	1
A Financial Services Review Committee	1	2	0



The figure of 76 applications citing Unlawful Deduction from Pay in 2008 was somewhat distorted by a group of 33 applications brought against one employer, all of which were subsequently settled at conciliation.

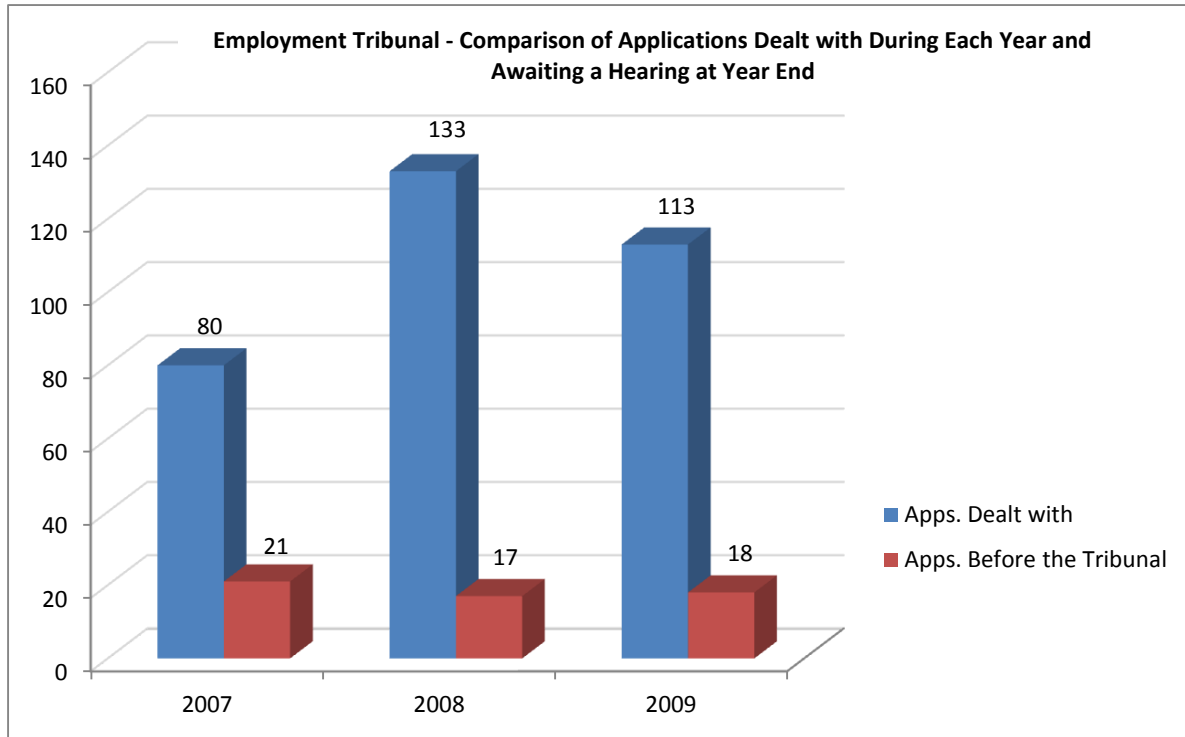
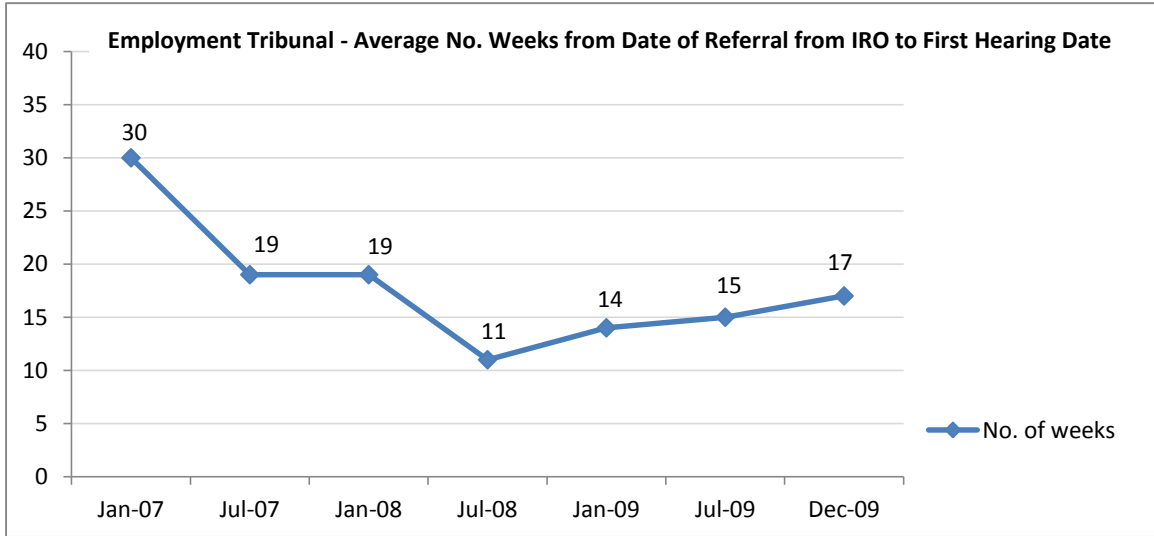
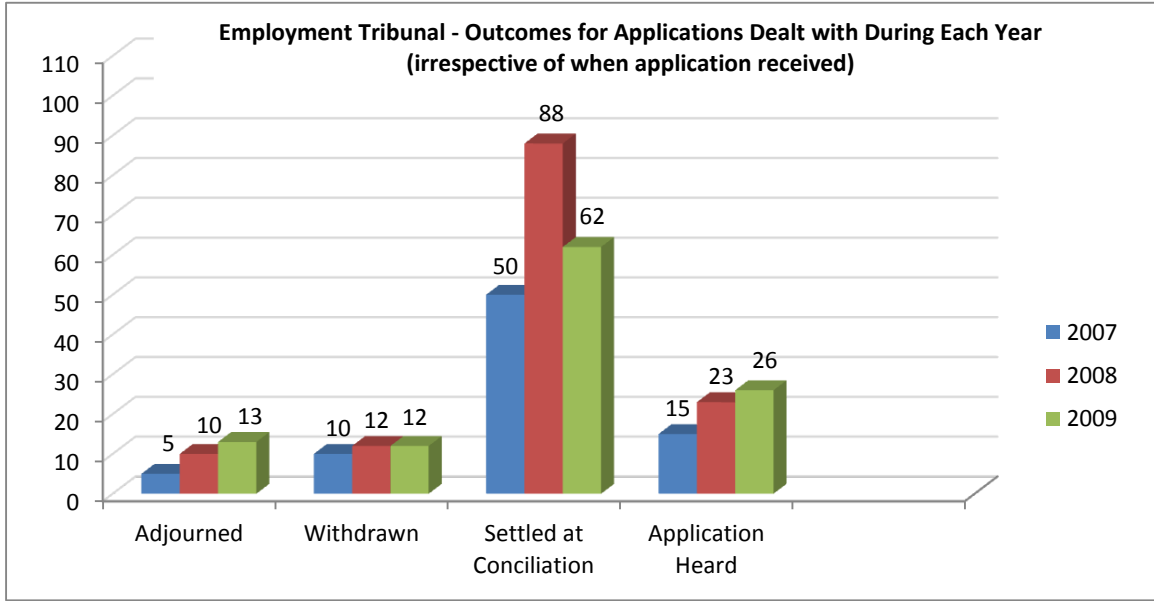
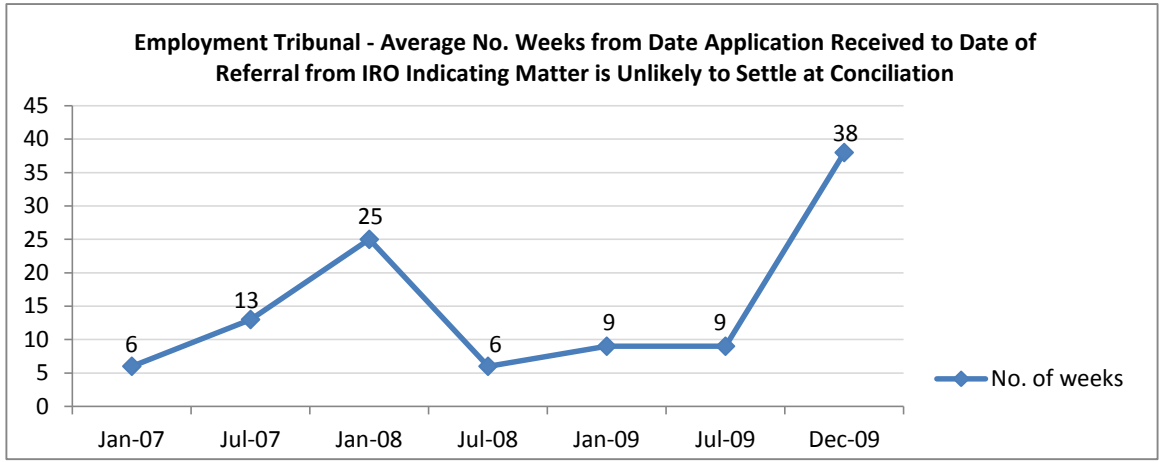
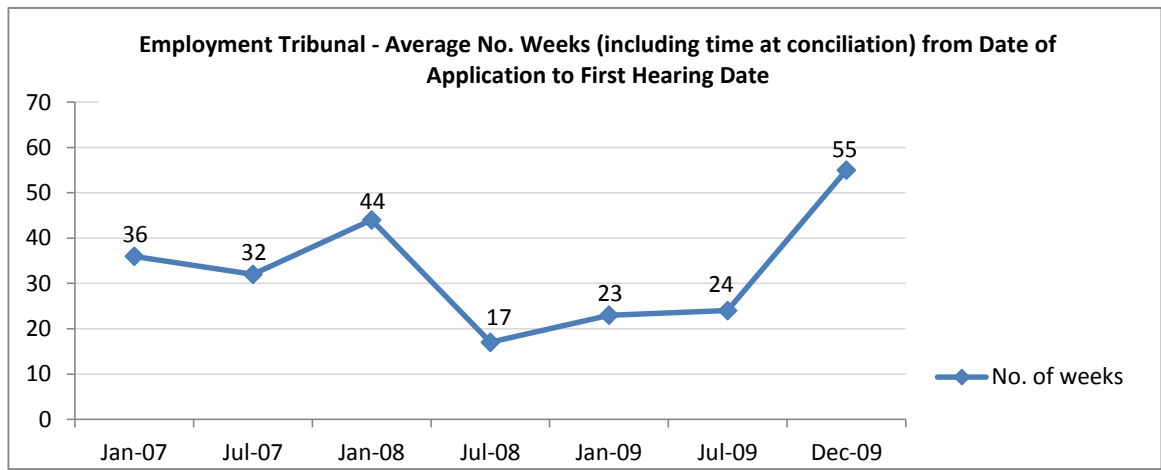


Chart does not include cases at conciliation.

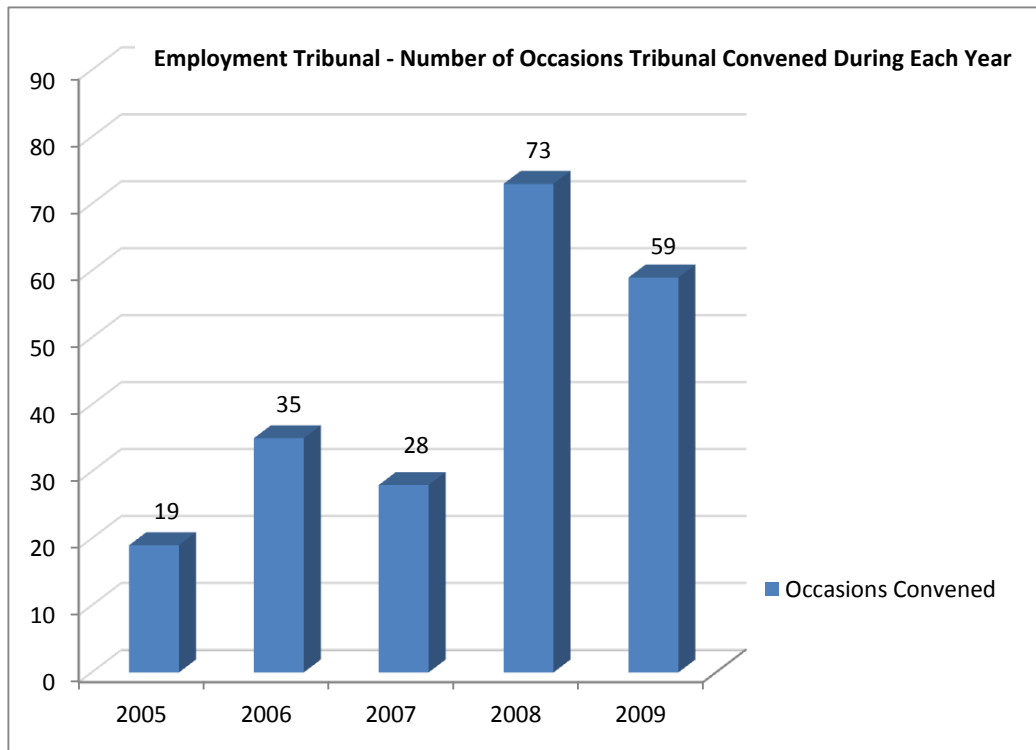




The average figure of 38 weeks in Dec. 09 includes one case which, due to loss of contact with the Applicant, remained at conciliation for over a year before then being referred for hearing.



The average figure of 55 weeks in Dec. 09 includes one case which, due to loss of contact with the Applicant, remained at conciliation for over a year before then being referred for hearing.



Further Information Regarding the Employment Tribunal

The average time for the Employment Tribunal to issue a written Decision (following a full hearing but excluding any interlocutory matters) in 2009 was seven weeks. It is important to note that in producing a written decision, time is taken not only when the decision is initially drafted by the Chairperson, but also when such is typed-up and then passed for consideration/input by the members of the Tribunal before any final amendments are made by the Chairperson and ultimately the decision is signed.

Written decisions may extend to many pages given the requirement in the Tribunal Rules to include the following: issues identified as being relevant to the claim; what issues were not determined and why they were not; findings of fact relevant to the issues determined; a concise statement of the applicable law; how the relevant findings of fact and applicable law have been applied in order to determine the issues; and a table or description showing how any compensation or award has been calculated.

In calculating the average, the following was noted:

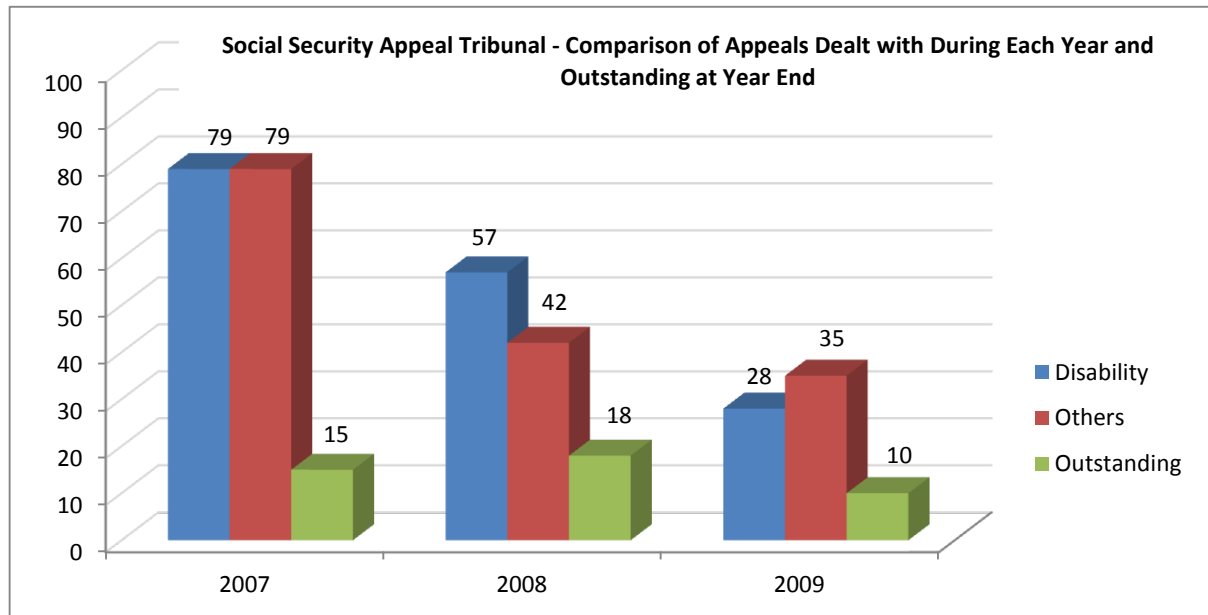
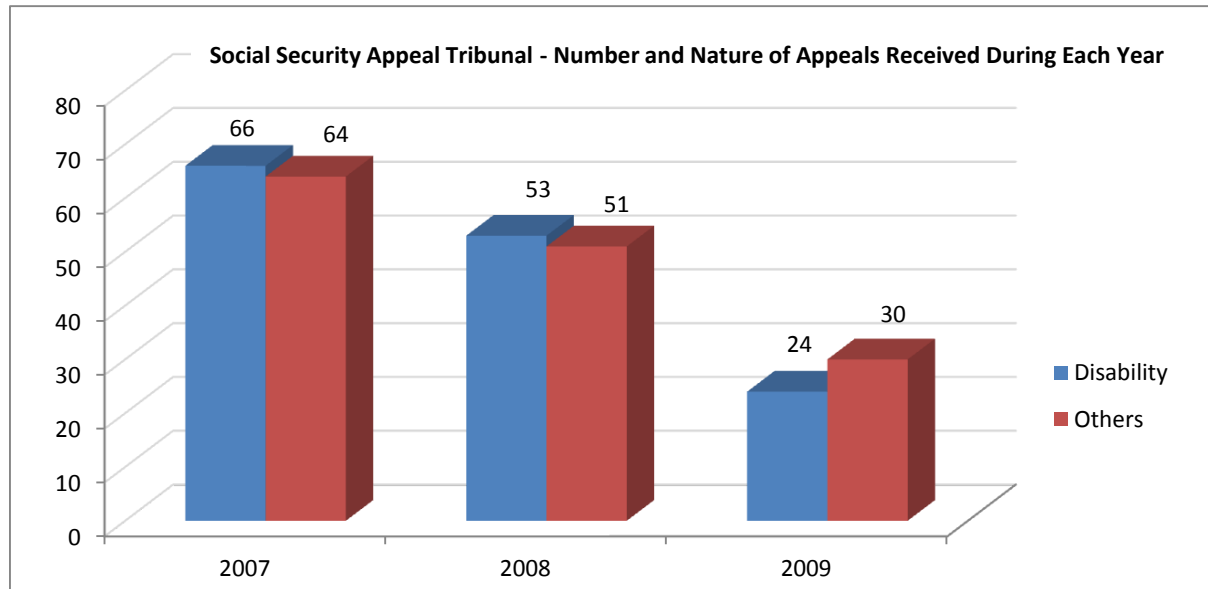
- one decision was issued within one week of the hearing taking place;
- fifteen decisions were issued within four weeks of the hearing taking place;
- seven decisions were issued within eight weeks of the hearing taking place;
- six decisions took thirteen weeks or longer to issue;
- the longest period to issue decisions was twenty three weeks in respect of two cases heard together, although the hearing of those cases had taken eight days spread over a considerable period of time and the combined decision extended to seventy five pages.

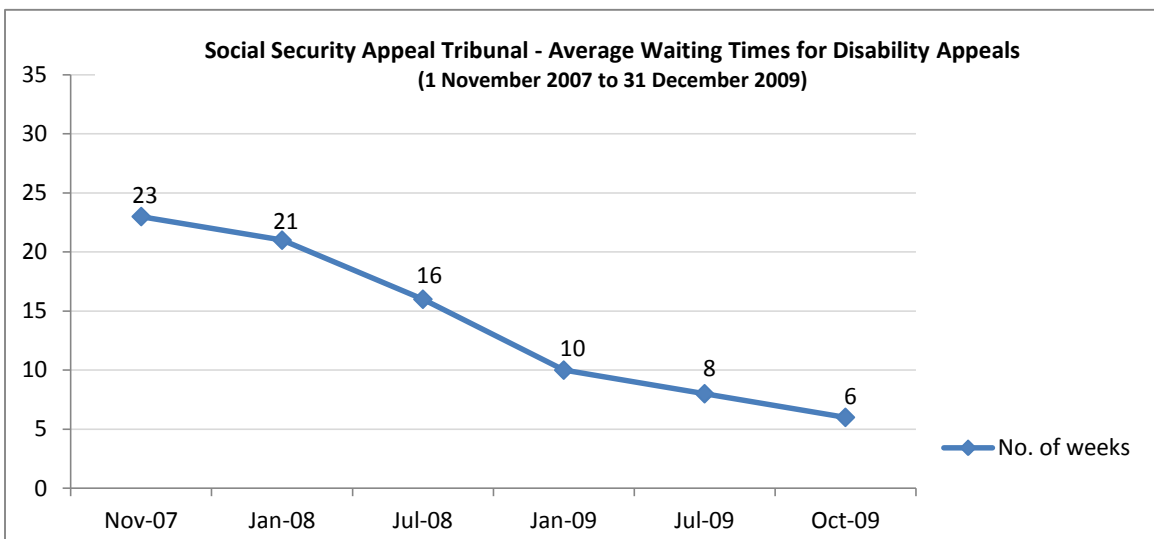
In terms of the number of days spent in hearing those cases (substantive hearing only with parties present):

- twenty four cases were heard within one day;
- two cases were heard over two days;
- one case was heard over four days;
- two cases involved hearings over eight days.

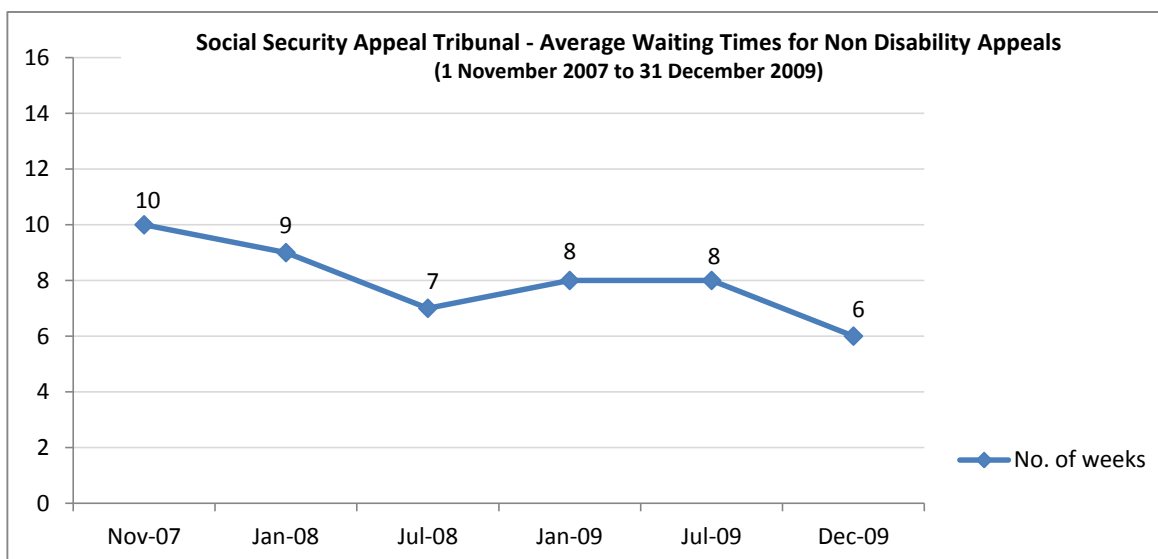
In 2009 the Employment Tribunal dealt with thirteen applications for postponement/adjournment of proceedings, ten of those applications being made by the Respondent.

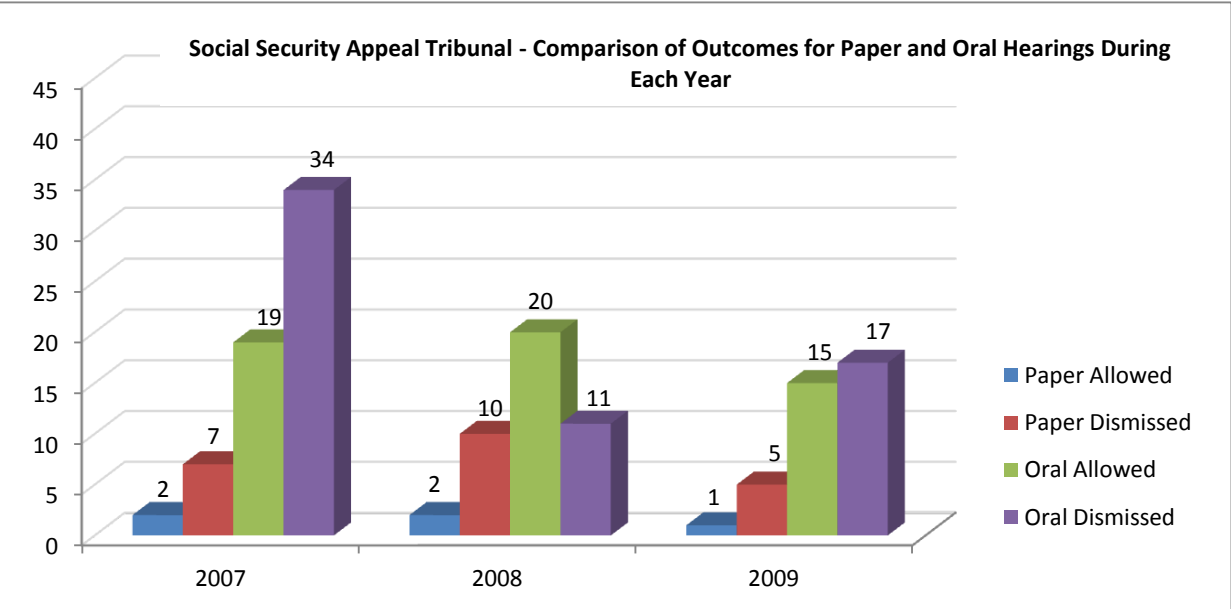
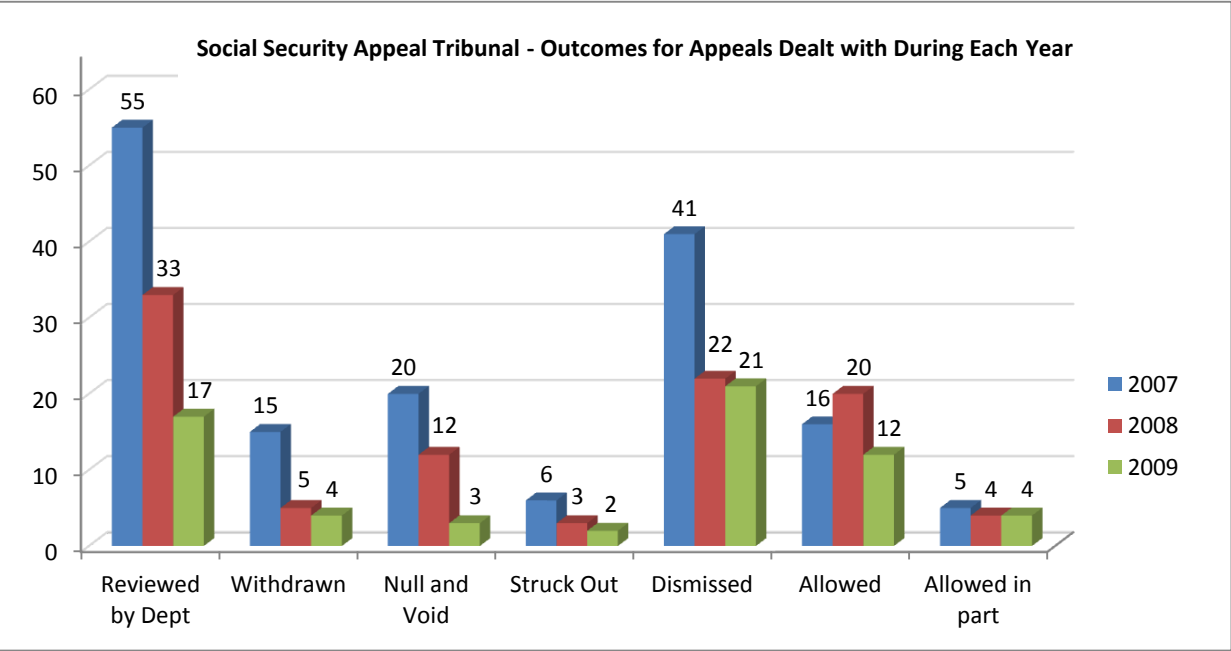
One particular change of note was the establishment by the Department of Trade & Industry of new rules of procedure, "The Employment Tribunal Rules 2008", which applied in respect of claims lodged on or after the 31 January 2009.

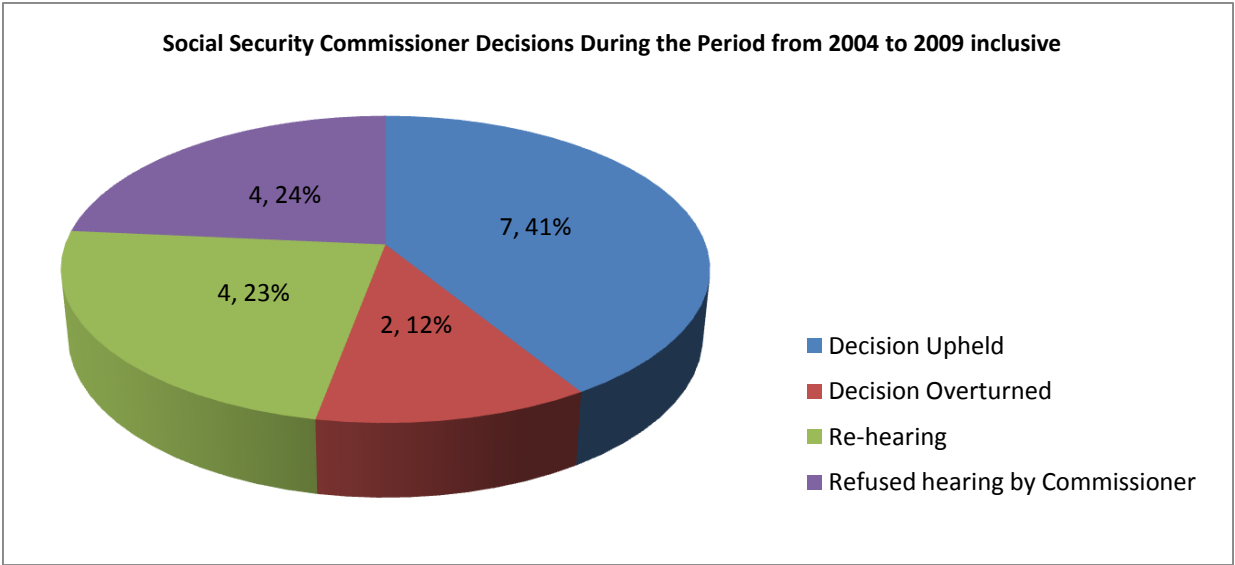
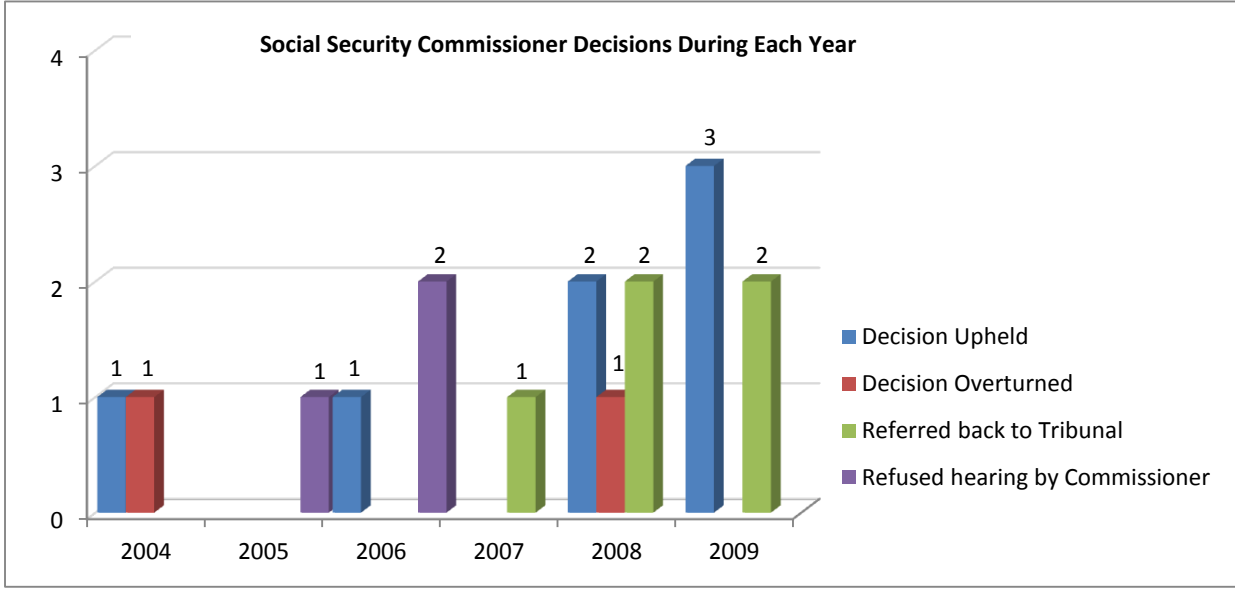


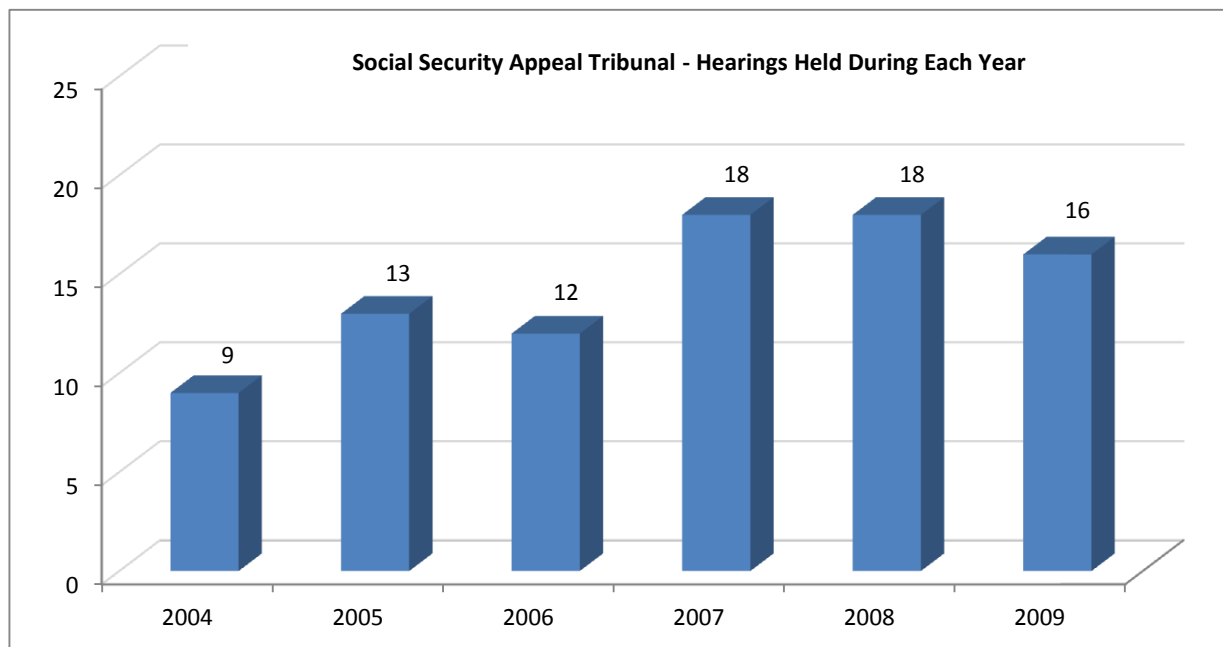


No Disability Appeals were heard in either November or December 2009.

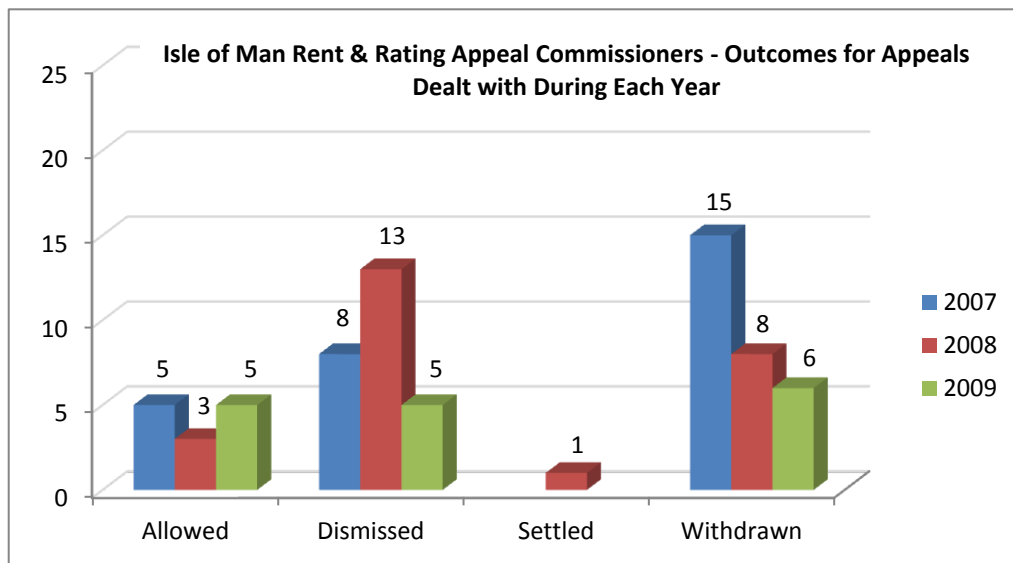
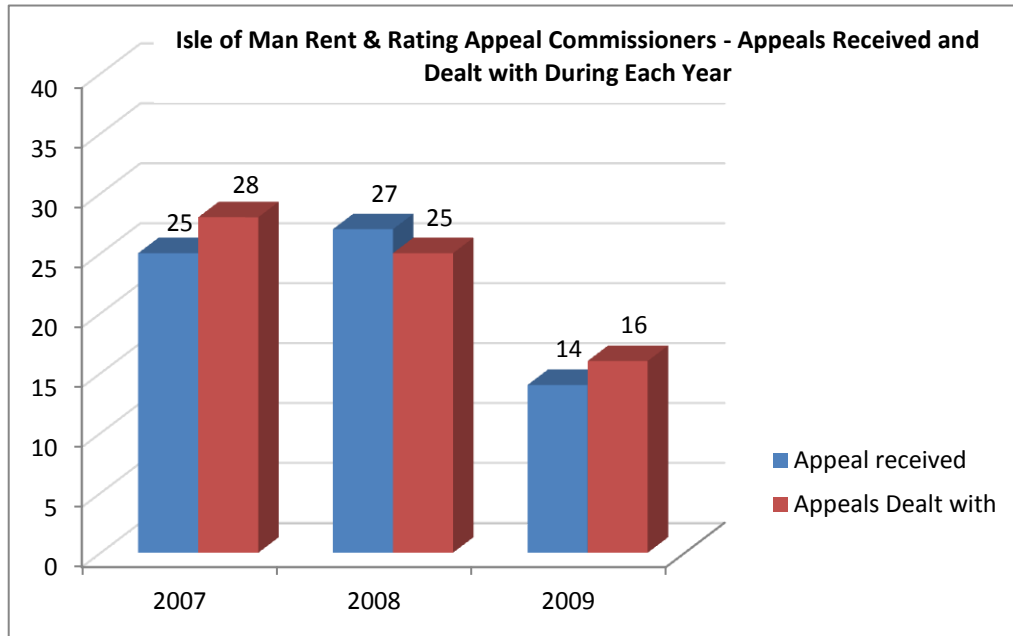


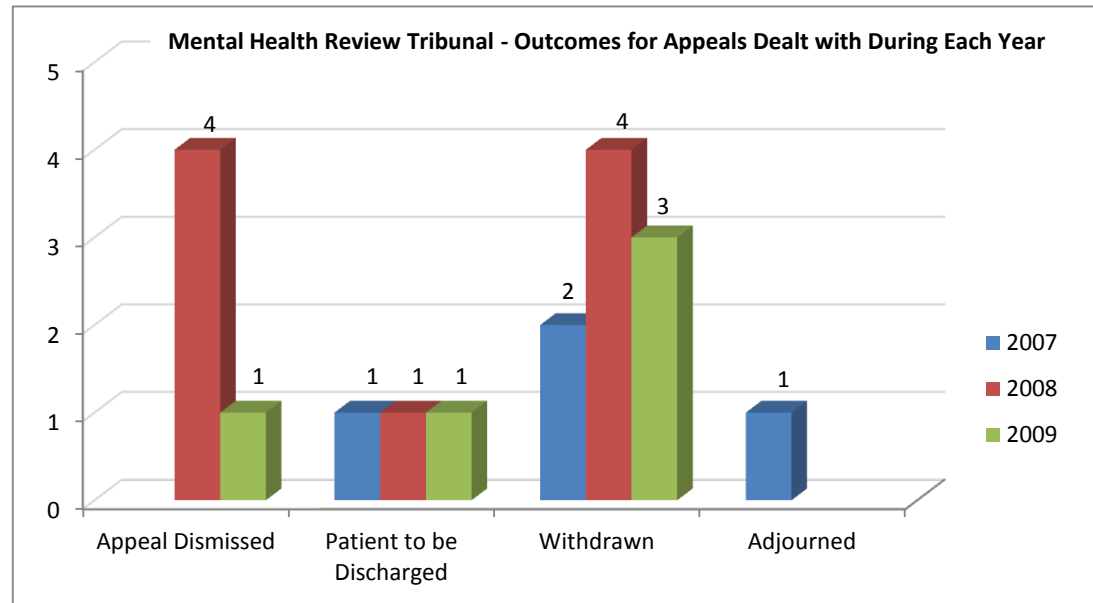
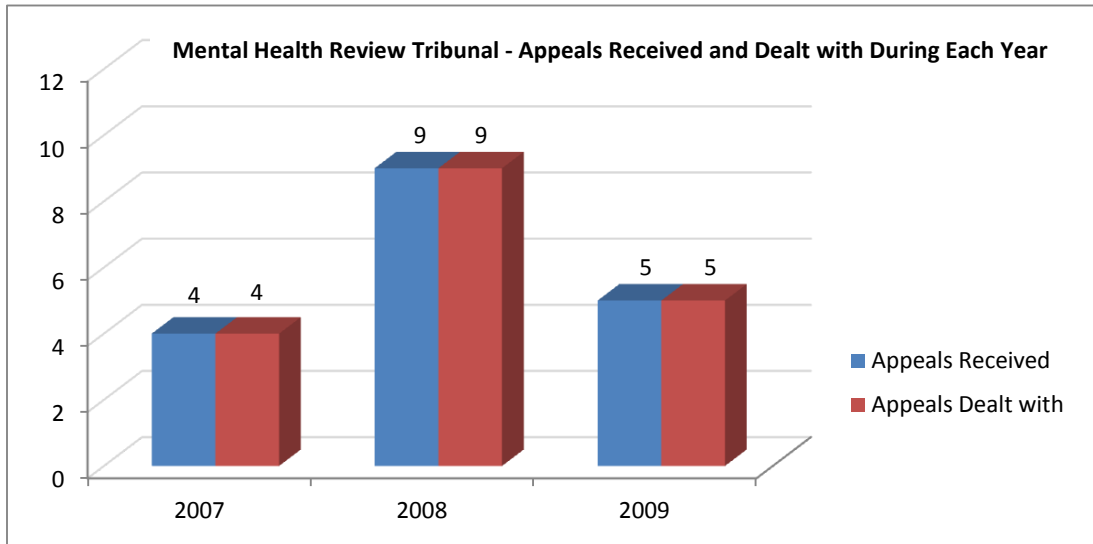


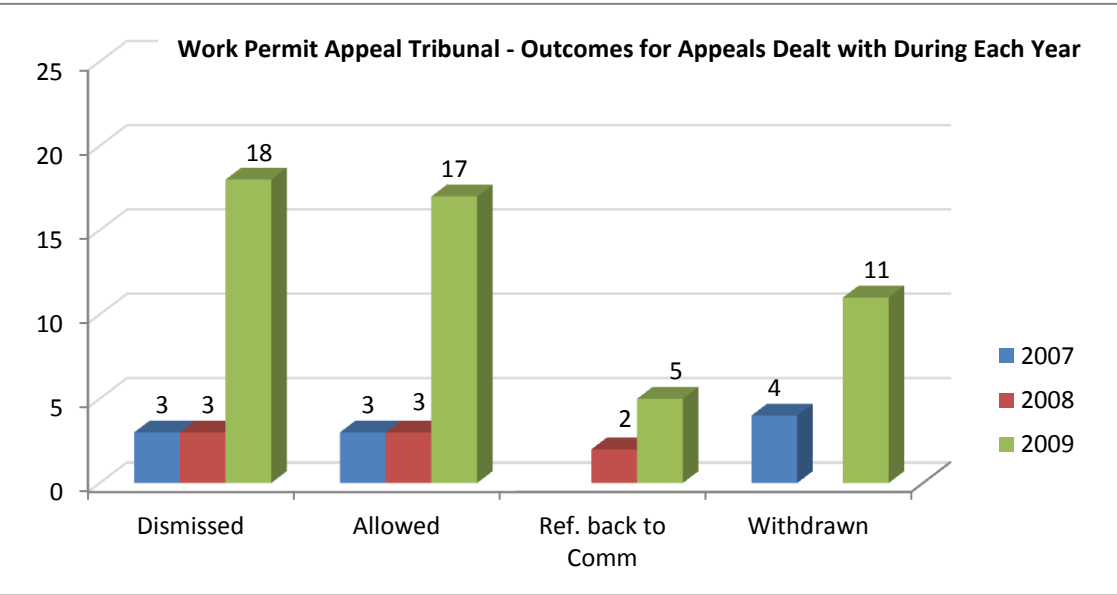
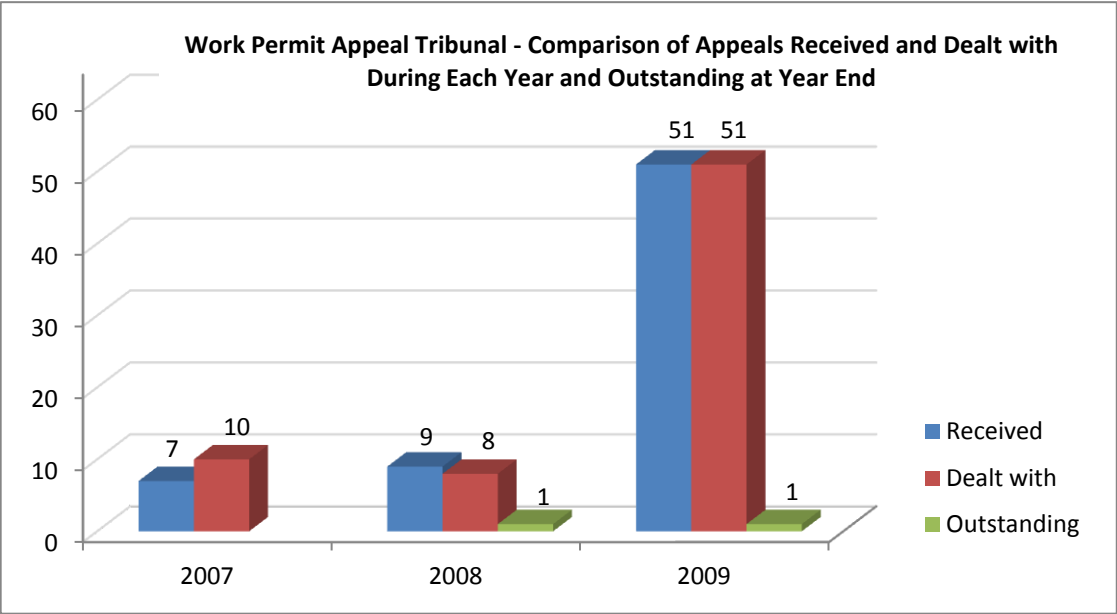


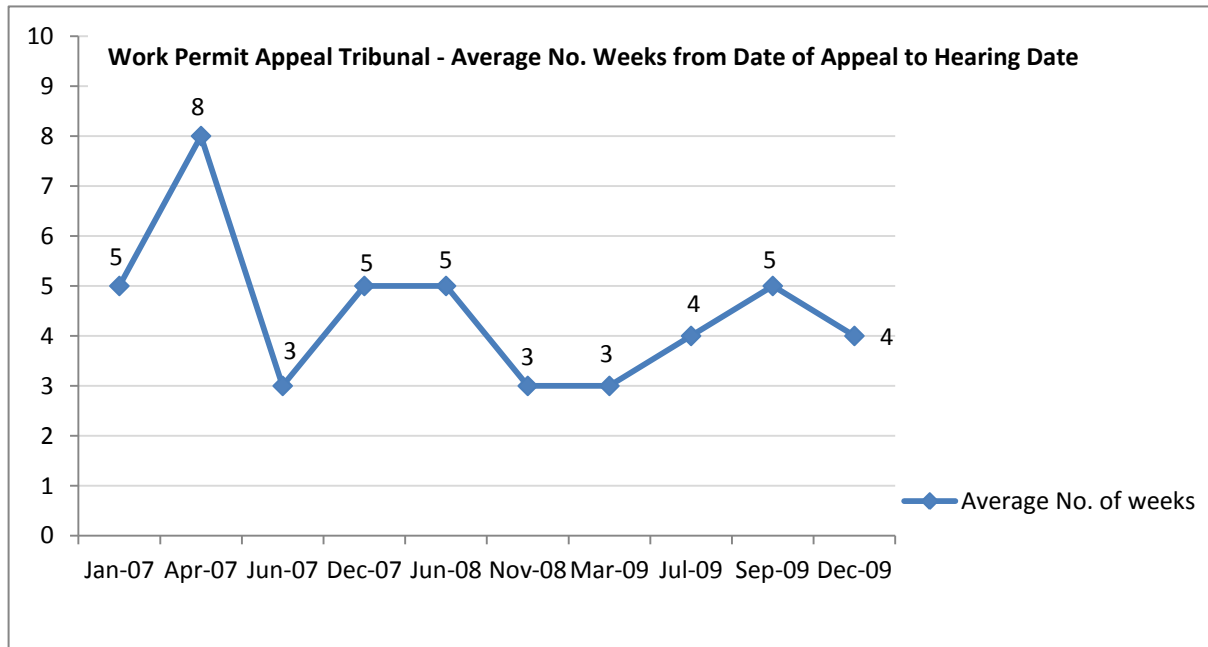


Multiple cases are normally listed for each hearing.









Delays experienced in April 2007 was as a result of having no Chairperson appointed to the Tribunal.

For further information on the individual Tribunals please follow this link: www.gov.im/registries/tribunals