



# **Isle of Man Government**

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## **Tribunals' Centralised Administration**

### **Statistical Reports - Period Ending 31 December 2010**

**Tribunals' Centralised Administration**  
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## Statistical report for period ending 31 December 2010

The statistics within this report are based on the three year period ending 31 December 2010.

During 2010 there has been a notable increase in the number of applications/appeals made to the busiest Tribunals listed below, although it is somewhat surprising in the current economic climate that the number of appeals received by the Work Permit Appeal Tribunal are down when compared to 2009. That being said, it must be recognised that in 2009 there was a vast increase in the number of appeals to the same Tribunal when compared to 2008.

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 - an increase of 9 (8.5%), in the number of claims from 106 in 2009 to 115 in 2010;
- Social Security Appeal Tribunal - an increase of 15 (28%), in the number of appeals from 54 in 2009 to 69 in 2010;
- Rent & Rating Appeal Commissioners - an increase of 20 (143%), in the number of appeals from 14 in 2009 to 34 in 2010;
- Work Permit Appeal Tribunal - a decrease of 12 (24%), in the number of appeals from 51 in 2009 to 39 in 2010.

From the financial perspective, the following provides an indication of the average cost per case dealt with by the busier Tribunals at one, or more, hearings during 2010, including the costs incurred for time spent by Chairpersons preparing for the hearing and writing the decision afterwards:

- Employment Tribunal - £1,270.99. The highest single case cost in 2010 was £9,453.41 for a complex claim in which the decision ran to some 77 pages.
- Social Security Appeal Tribunal - £347.54. The highest single case cost was £3,922.90 in relation to a complex appeal concerned with National Insurance Contribution liability.
- Rent & Rating Appeal Commissioners - £145.41
- Mental Health Review Tribunal - £1,762.45. The highest single appeal cost was £4,563.10 in relation an an appeal that required the Tribunal to convene on three separate occasions and to consider both legal argument and evidence from an expert witness called by the patient's advocate.
- Work Permit Appeal Tribunal - £487.60

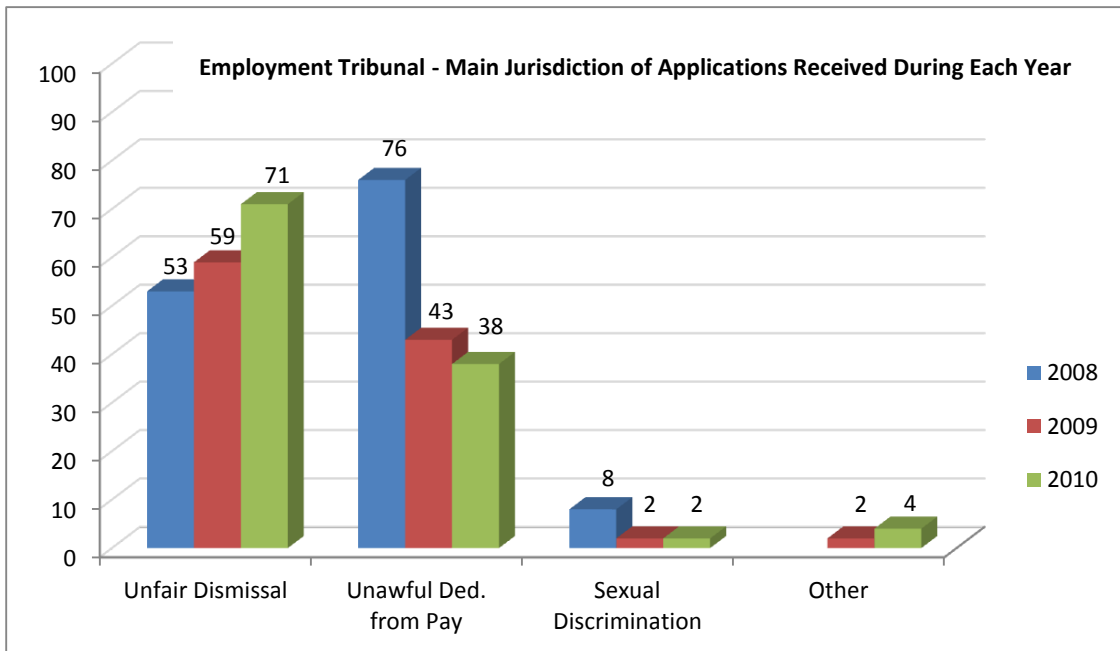
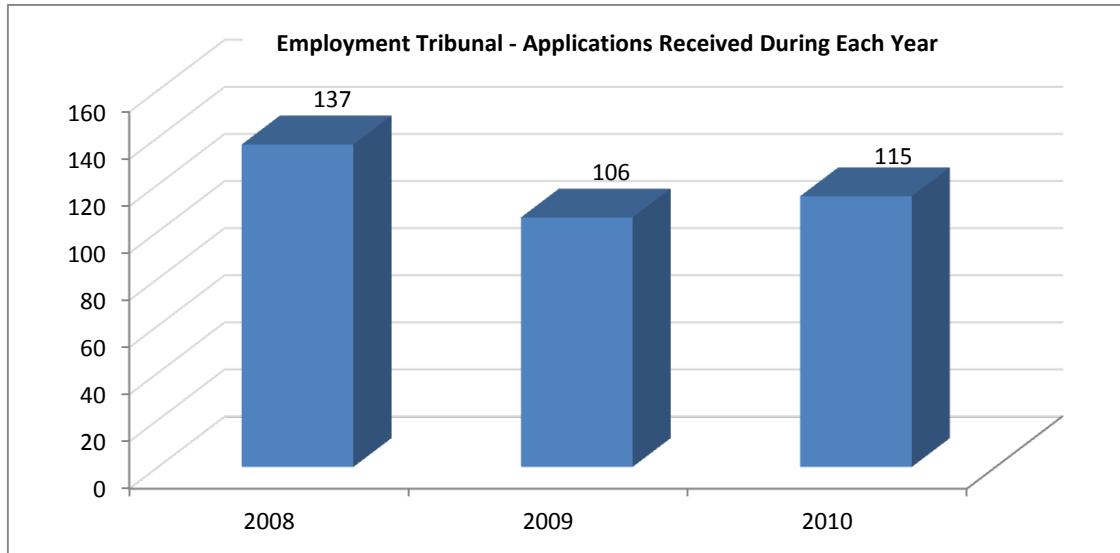
Ultimately, it is the issue of the Tribunal's decision that ordinarily brings closure to the parties appearing before the Tribunal, subject of course to any rights of review or appeal that apply, and it is therefore incumbent on Tribunals to expedite the issue of their decision as quickly as possible. In many cases, such as the Social Security Appeal Tribunal and the Rent & Rating Appeal Commissioners it is the practice of the Tribunal to issue the decision to the parties at the conclusion of the hearing, whereas in other cases, such as the Mental Health Review Tribunal, the time scale for the issue of the decision is fixed in legislation.

Of the other Tribunals, the average time to issue their decisions following the hearing is:

- Employment Tribunal - four weeks (down from seven weeks in 2009 - see page 8 of the report for further details).
- Work Permit Appeal Tribunal - at the start of 2010 there was a considerable delay in the issue of decisions which on average were taking over eight weeks. However, following the appointment of a new Chairperson of the Tribunal, the average time taken during the remainder of 2010 has fallen to less than one week.
- Isle of Man Income Tax Commissioners - although no cases were heard in 2010, decisions were issued during that year in respect of cases heard in 2008 and 2009, both decision taking approximately twenty months to produce.

**Total Number of Applications/Appeals to Tribunal or Committee for Years Ending 31 December 2010**

| <b>Tribunal/Committee</b>                      | <b>2008</b> | <b>2009</b> | <b>2010</b> |
|--|-------------|-------------|-------------|
| The Employment Tribunal                        | 137         | 106         | 115         |
| The Social Security Appeal Tribunal            | 104         | 54          | 69          |
| Isle of Man Rent & Rating Appeal Commissioners | 27          | 14          | 34          |
| The Mental Health Review Tribunal              | 9           | 5           | 8           |
| The Work Permit Appeal Tribunal                | 9           | 51          | 39          |
| The Health & Safety Tribunal                   | 2           | 0           | 0           |
| Civil Service Appeal Tribunal                  | 2           | 1           | 0           |
| A Financial Services Review Committee          | 2           | 0           | 0           |
| Financial Services Tribunal                    | 0           | 0           | 1           |
| Isle of Man Copyright Tribunal                 | 0           | 0           | 1           |
| Isle of Man Income Tax Commissioners           | 1           | 1           | 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.

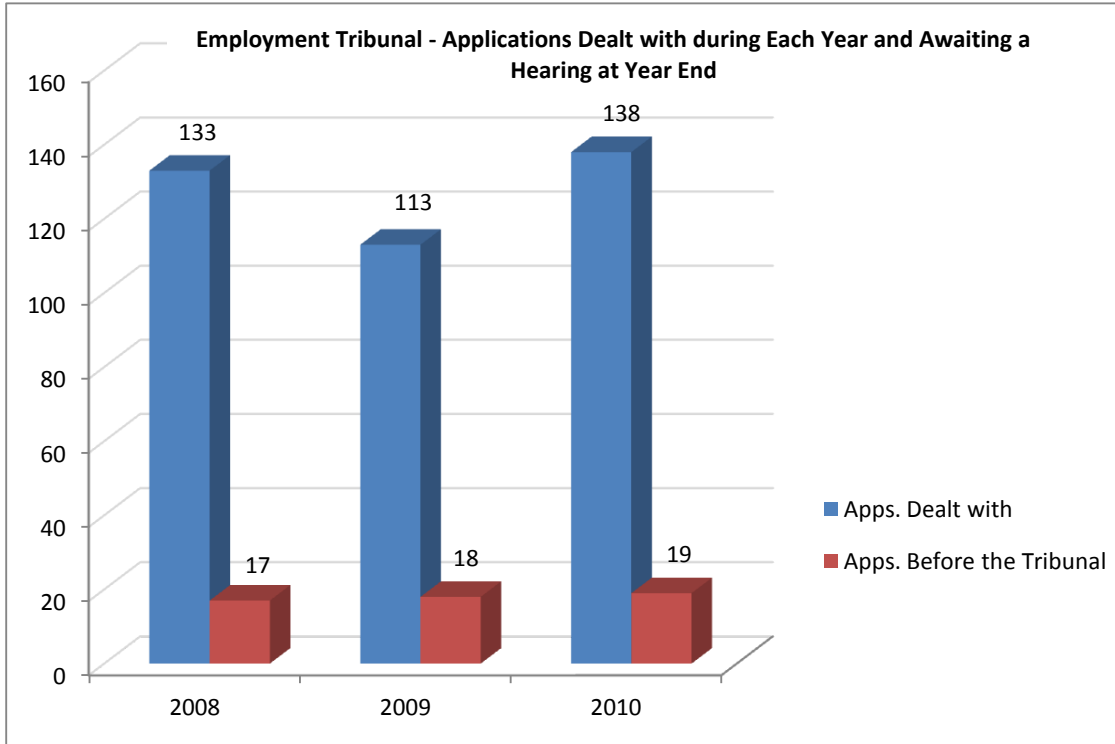
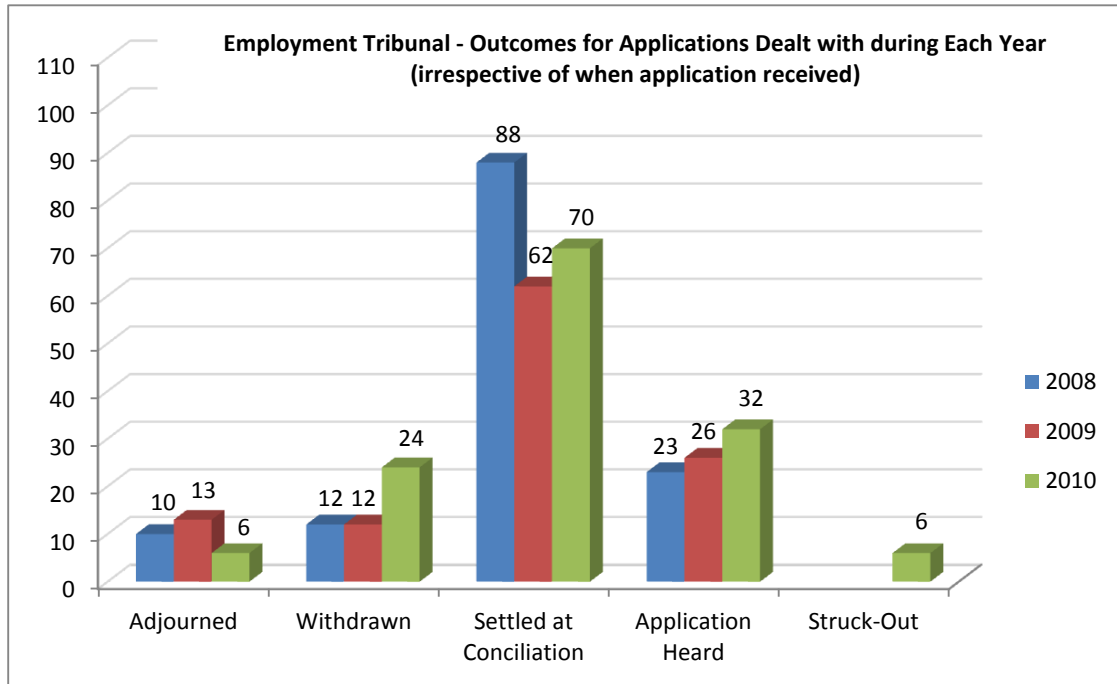
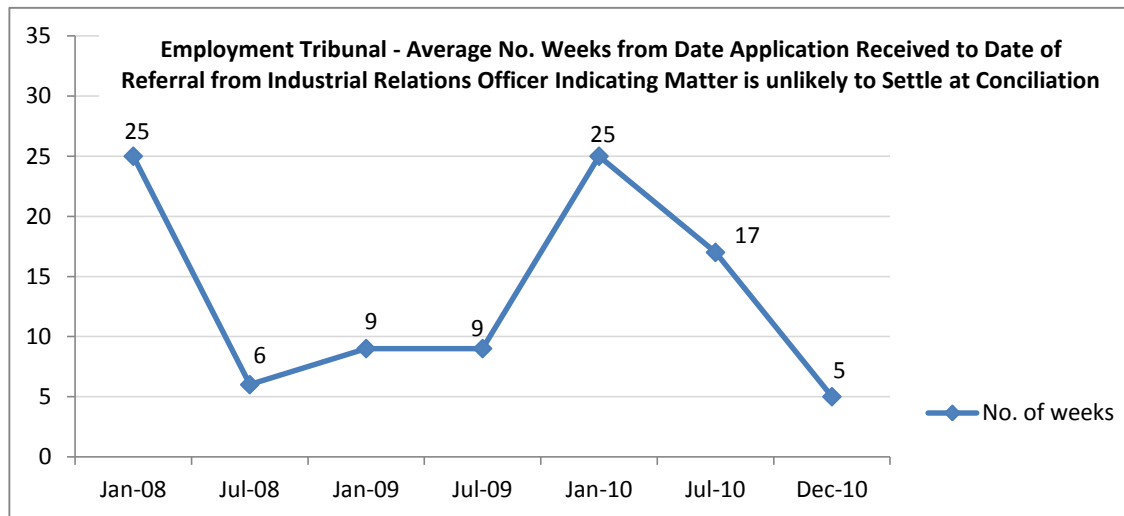


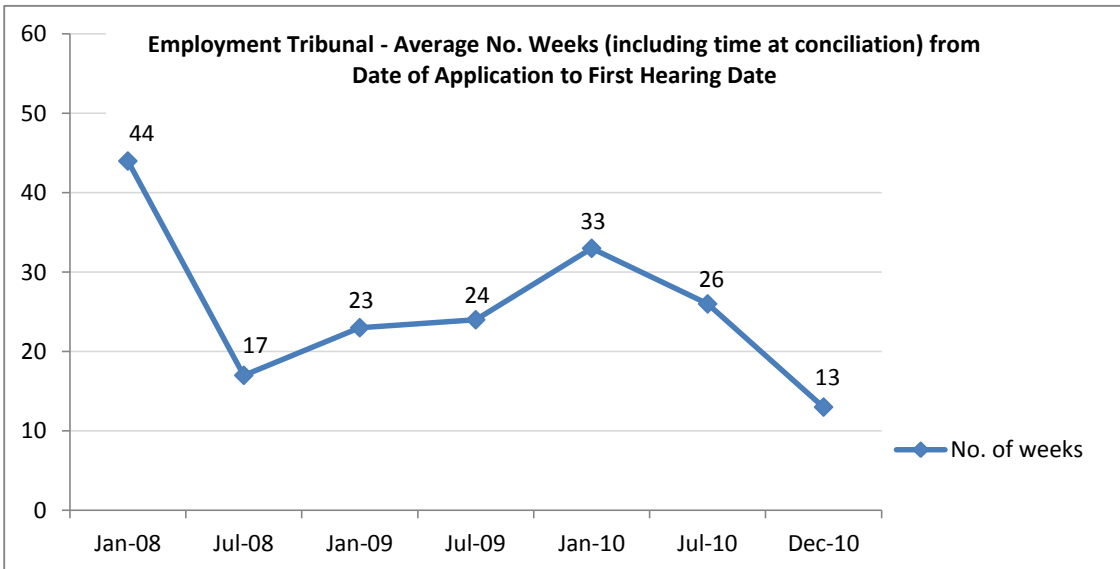
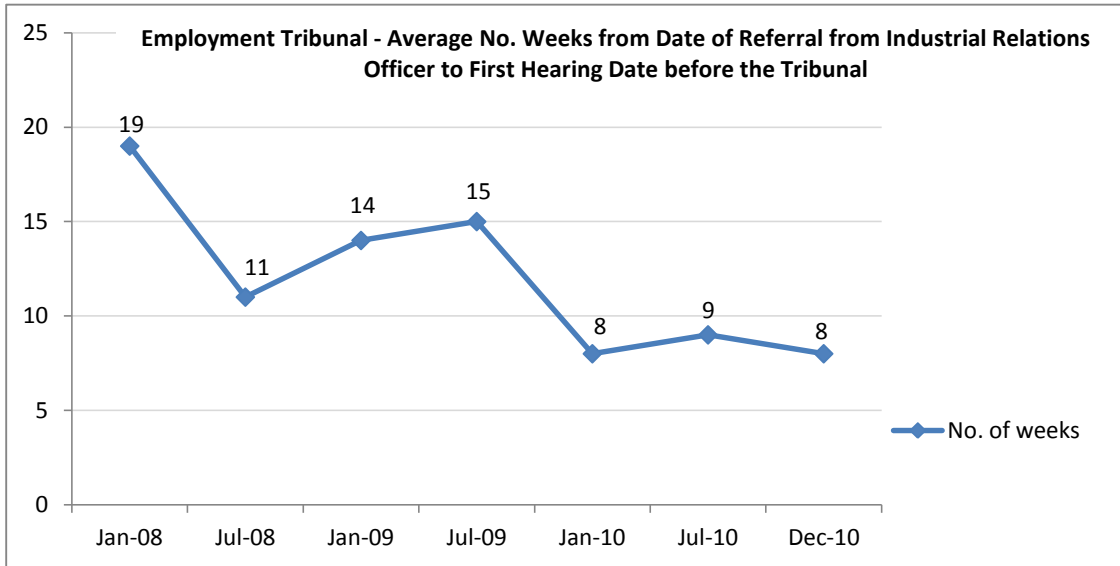
Chart does not include cases at conciliation. The figure of 19 cases awaiting a hearing at the end of 2010 includes 7 cases subject to a stay due to High Court proceedings.



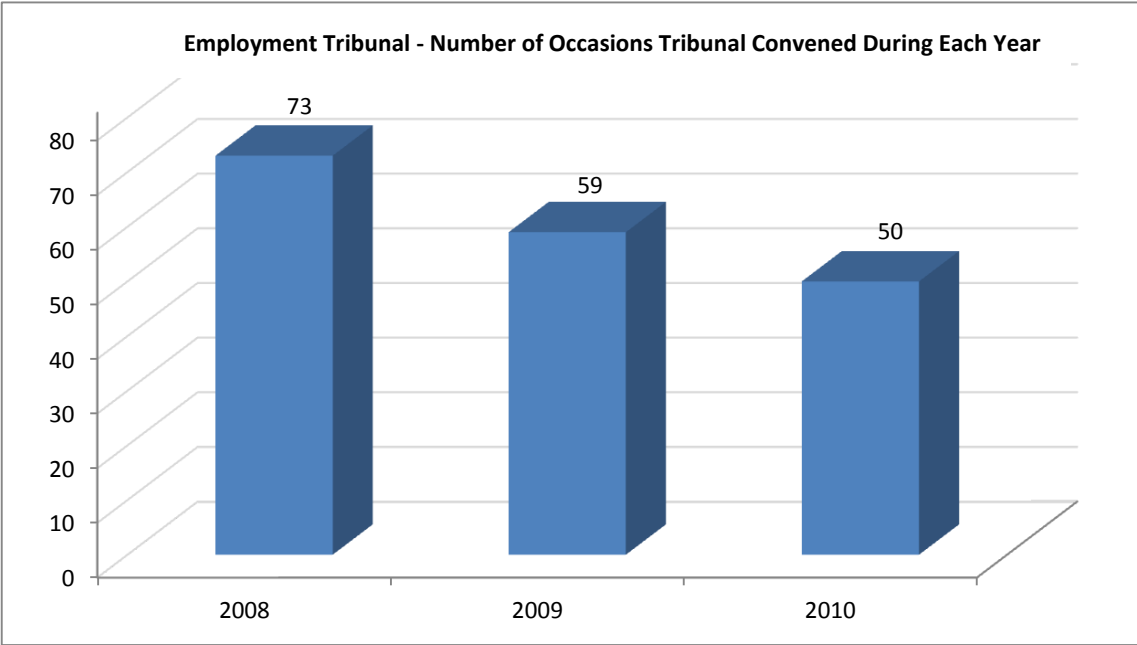
Applications are "struck-out" when they have not been actively pursued, for example as a result of a Claimant failing to maintain contact.



The average figure of 25 weeks in January 2010 includes one case where lengthy delay occurred due to the Claimant failing to advise Industrial Relations of a change of address during conciliation.







## **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 2010 was four weeks, as compared to seven weeks in 2009. 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.

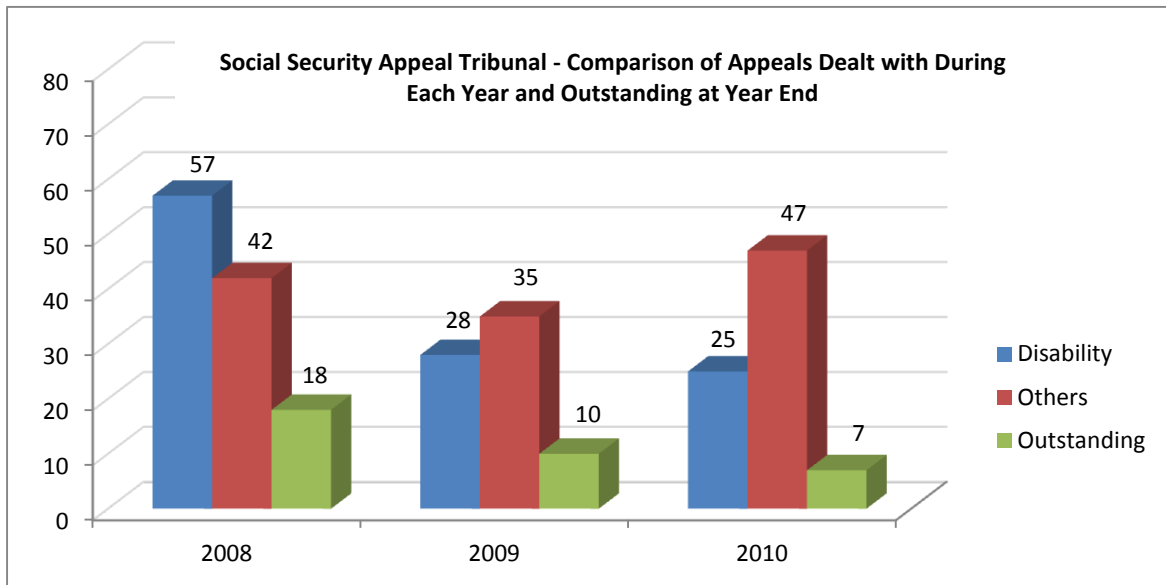
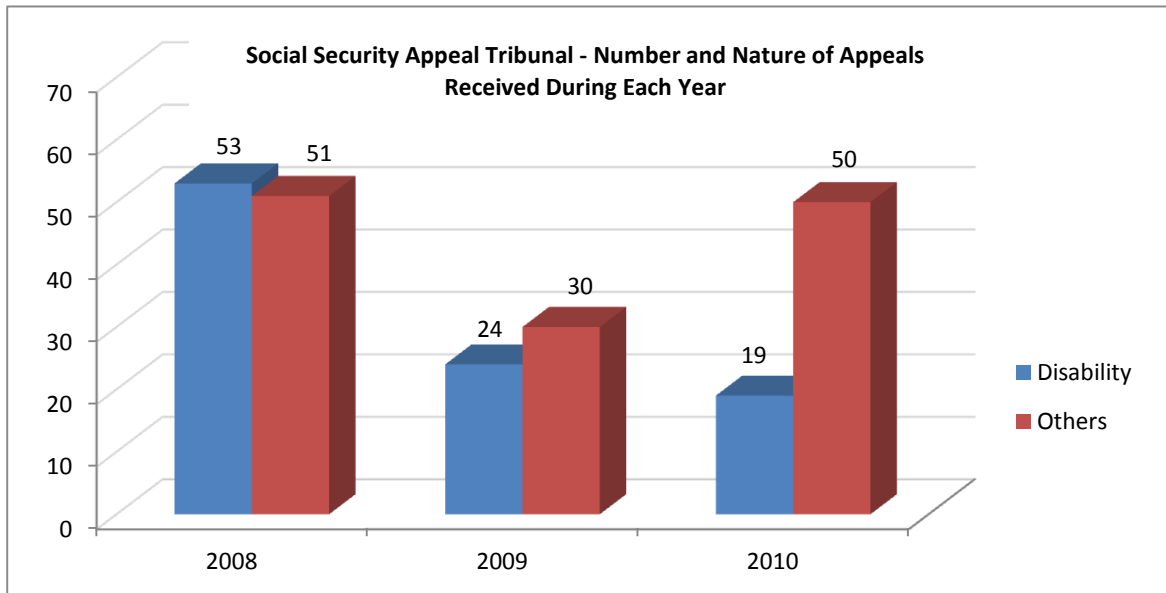
In calculating the average it should be noted that in 2010:

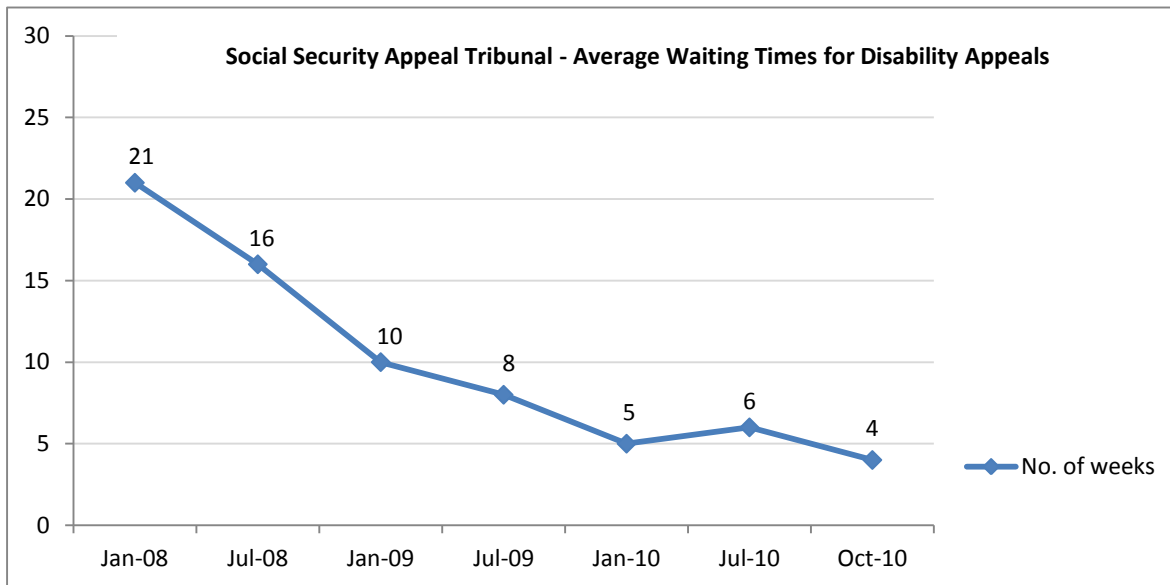
- four decisions were issued within one week of the hearing taking place;
- thirteen decisions were issued within four weeks of the hearing taking place;
- six decisions were issued within seven weeks of the hearing taking place;
- one decision was issued within ten weeks of the hearing taking place; and
- one decision, which extended to some seventy seven pages, took the longest period to issue of eleven weeks.

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

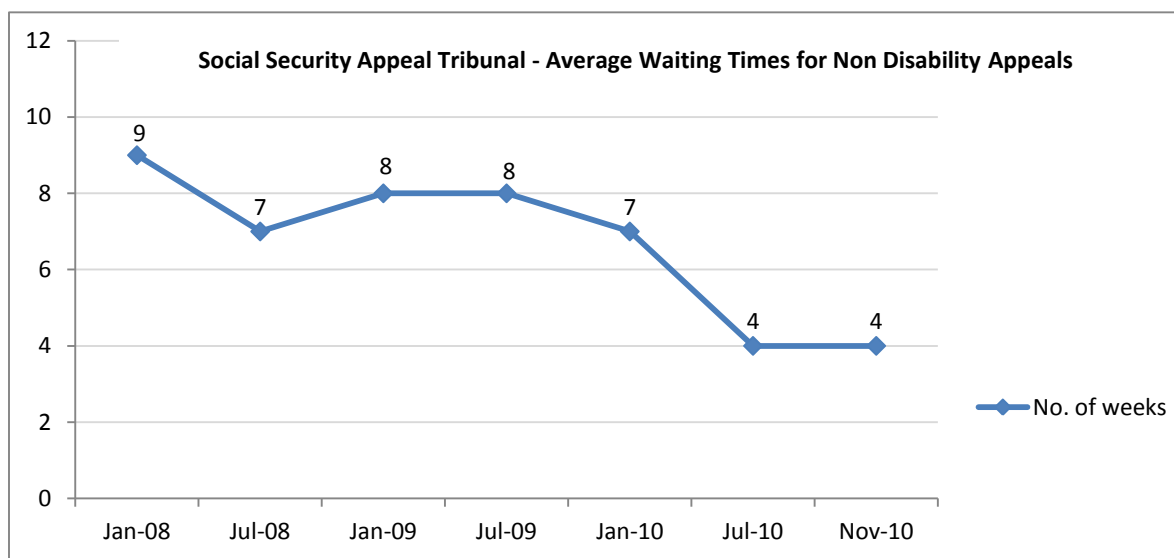
- twenty four cases were heard within one day;
- one case was heard over two days.

In 2010 the Employment Tribunal dealt with six applications for postponement/adjournment of proceedings, four of those applications being made by the Claimant.

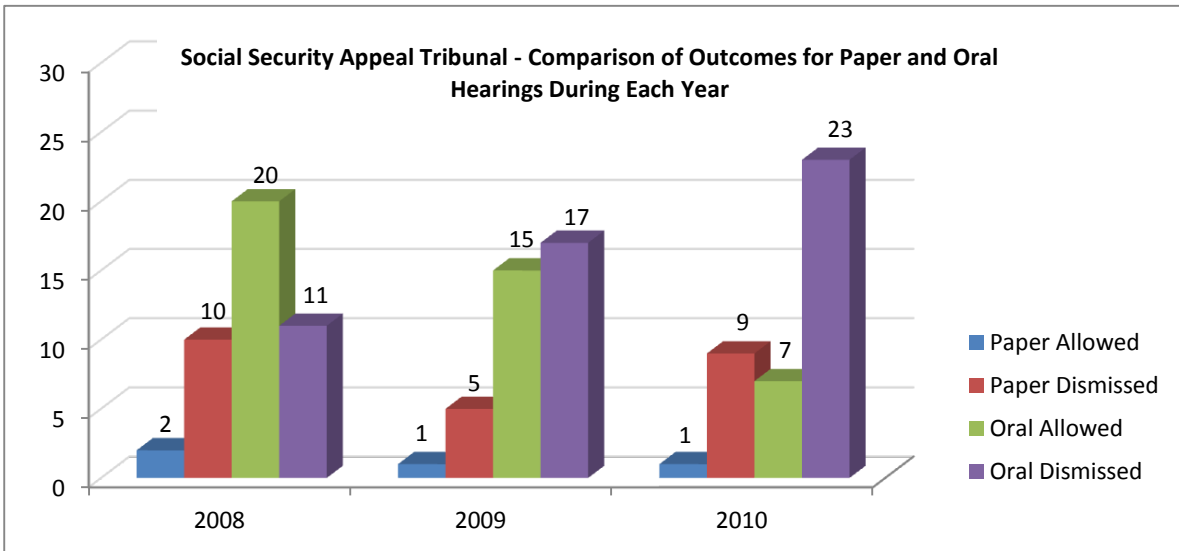
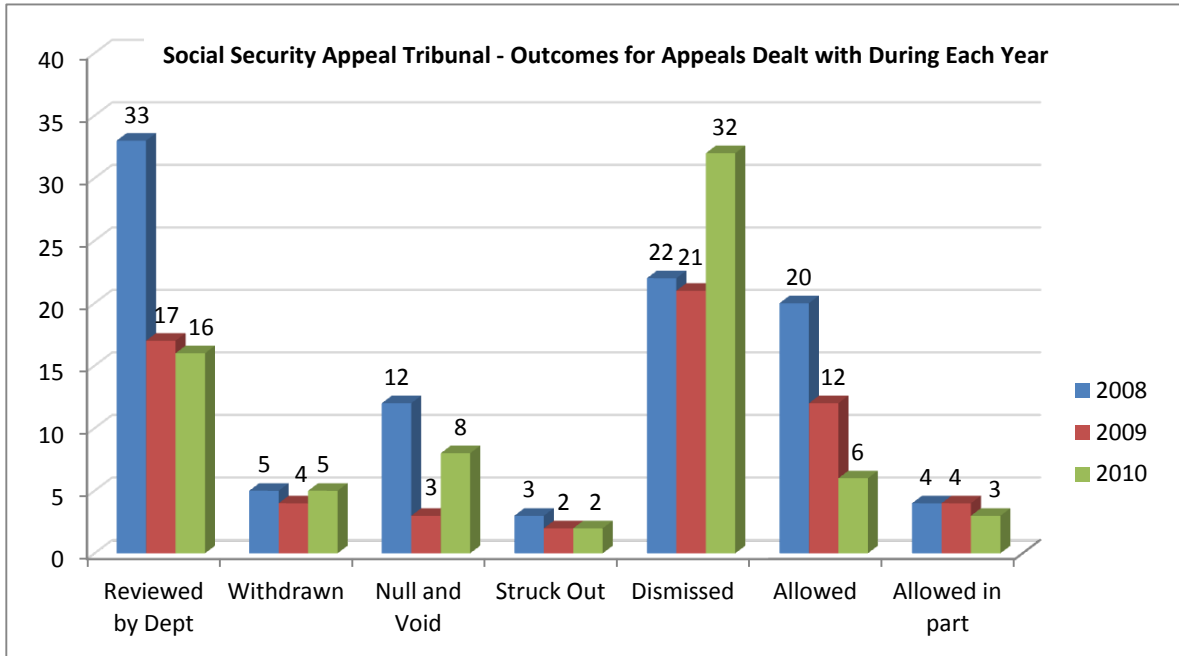


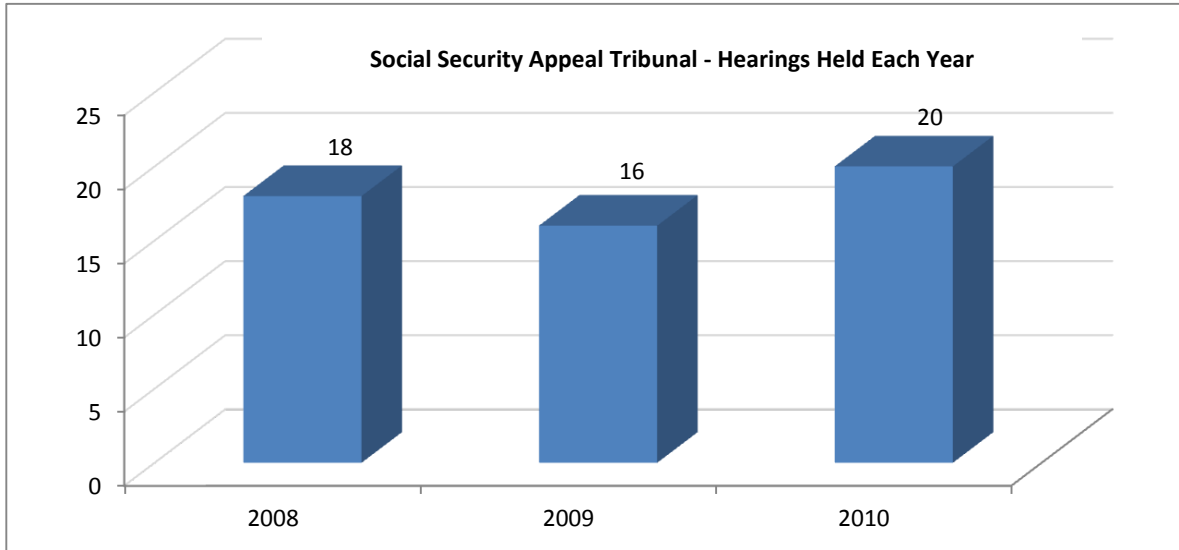


No Disability Appeals were heard in either November or December 2010.

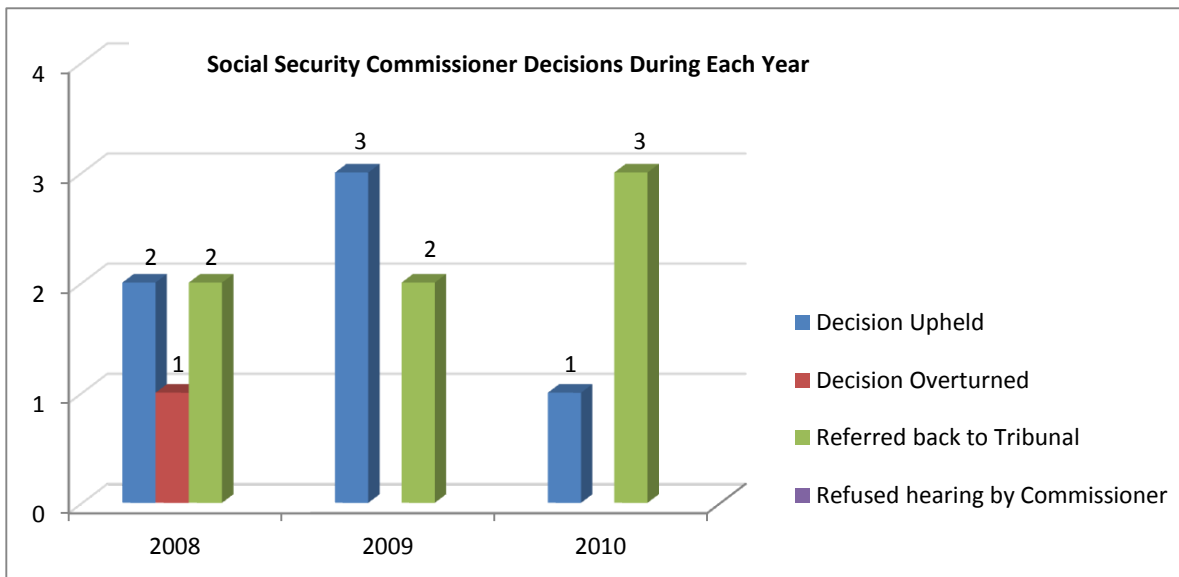


Although an adjourned case was considered, no new Non Disability Appeals were heard in December 2010.

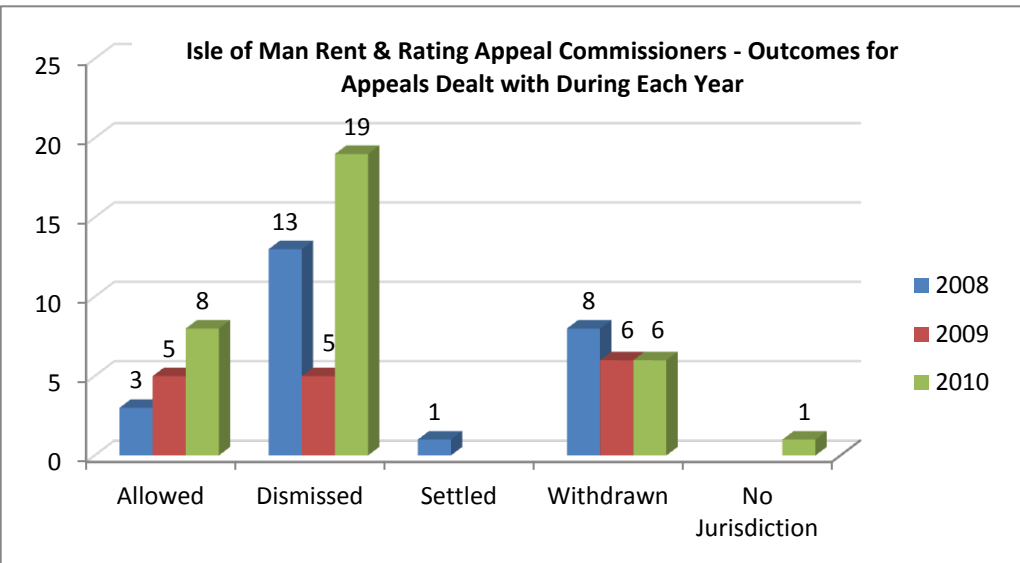
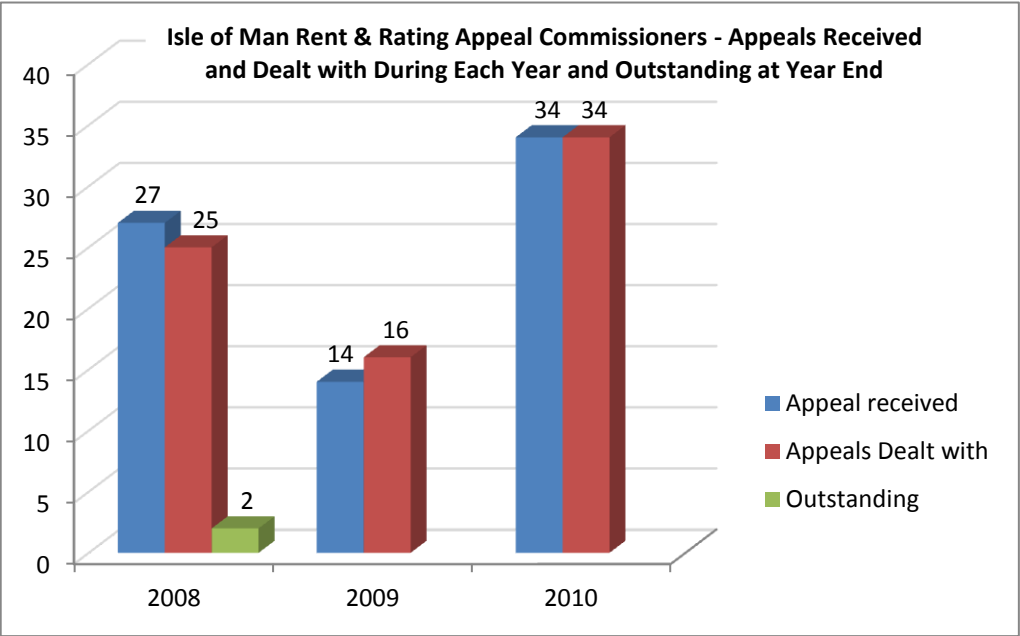


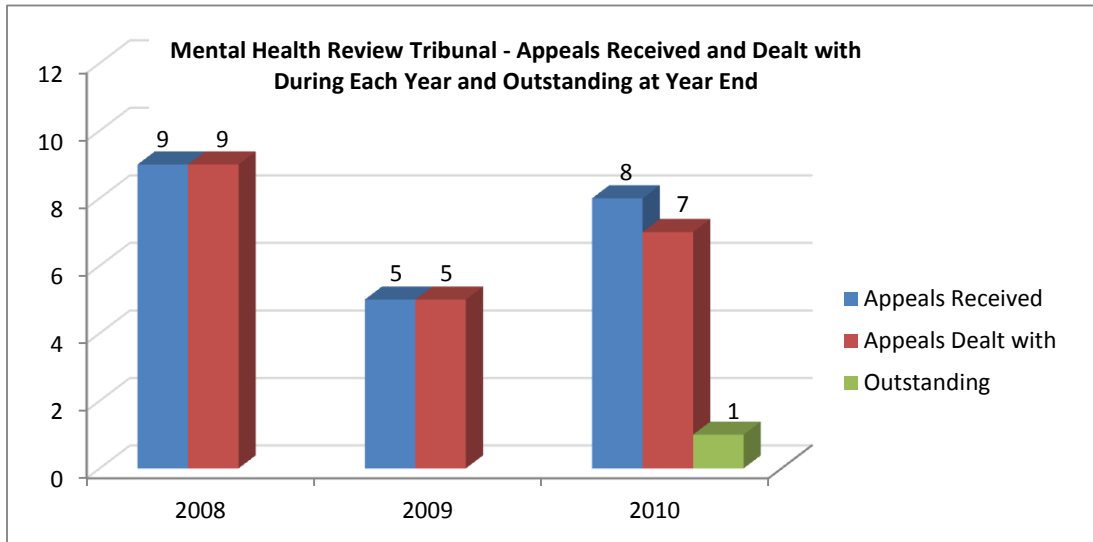


Multiple cases are normally listed for each hearing.

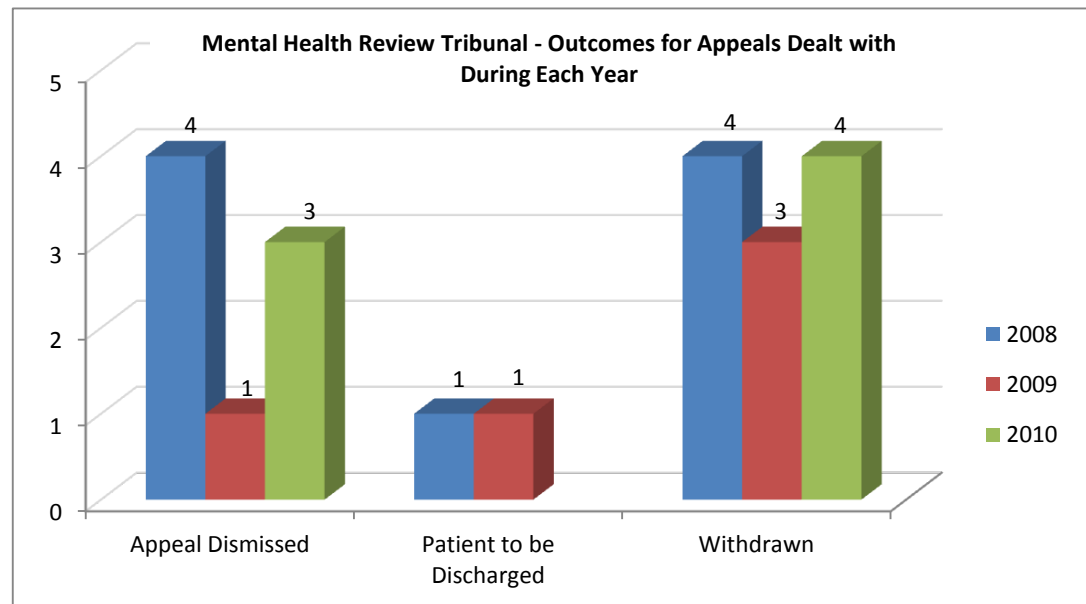


When expressed as a percentage of the total no. of appeals received in each year, Commissioner Decisions in 2008, 2009 and 2010 account for 3.8% (5 out of 104) 9.3% (5 out of 54) and 5.8% (4 out of 69) respectively.

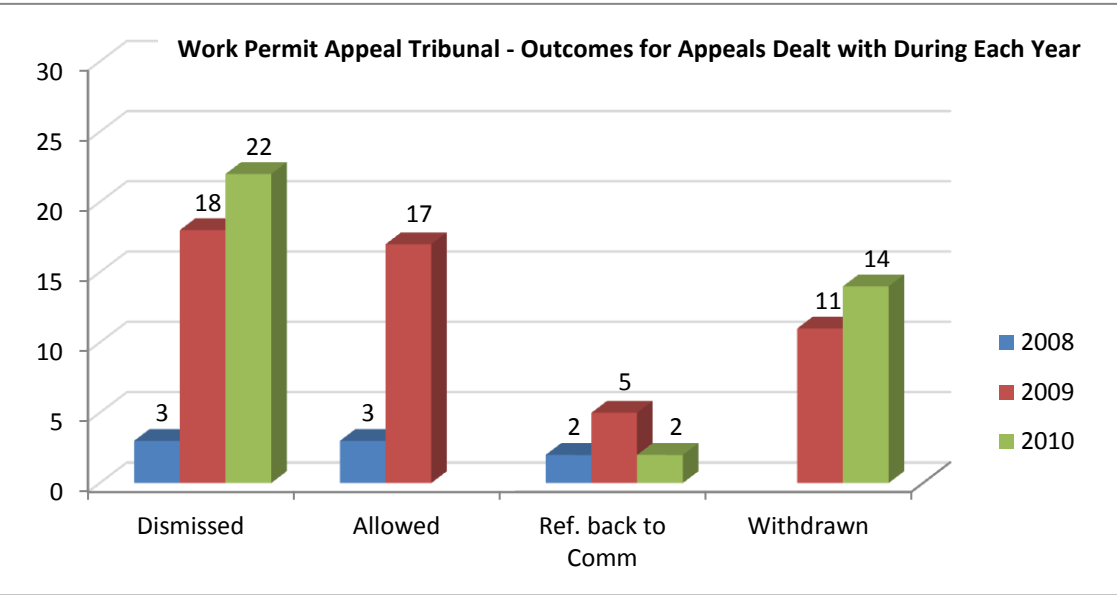
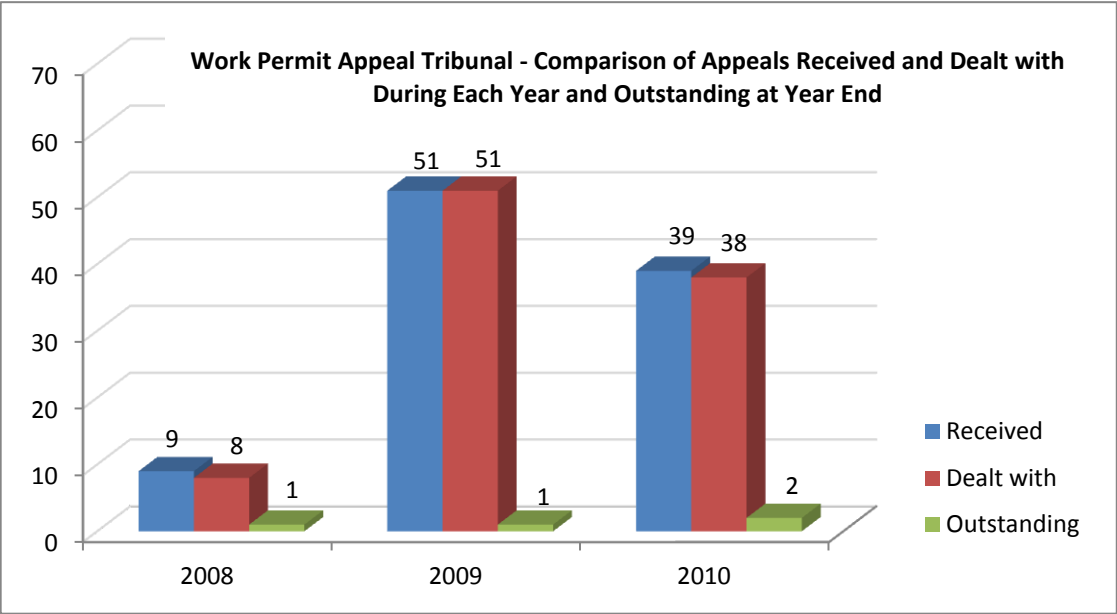


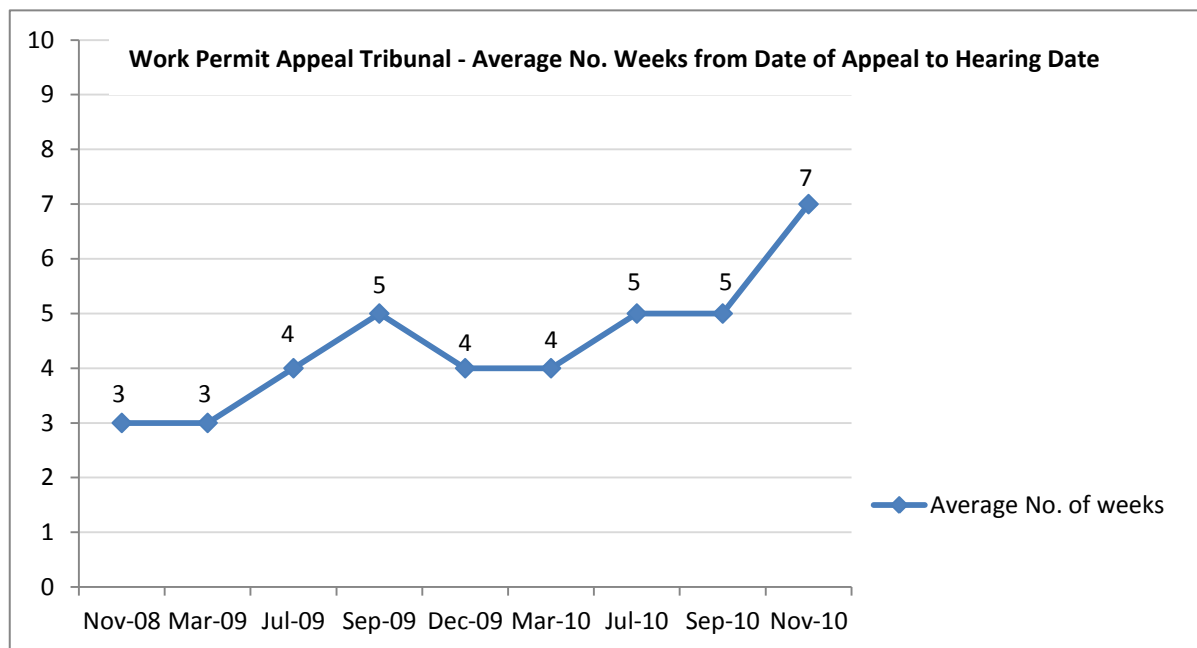


Appeals are brought by patients under Section 2 or Section 3 of the Mental Health Act 1998. Section 2 appeals have to be heard within 7 days and in the above totals for 2008, 2009 and 2010 amount to 7, 4 and 4 respectively.









For further information on the individual Tribunals please follow this link: [www.gov.im/registries/tribunals](http://www.gov.im/registries/tribunals)