

Isle of Man Government

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Tribunals' Centralised Administration

Statistical Reports - Period Ending 31 December 2011

Tribunals' Centralised Administration
Statistical Reports
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Statistical report for period ending 31 December 2011
Overview, including financial information

Applications/Appeals received

The following table gives an overview, in respect of the three year period ending 31 December 2011, of the annual number of application/appeals received by each Tribunal.

Tribunal	2009	2010	2011
Employment Tribunal	106	115	111
Social Security Tribunal	54	69	43
Isle of Man Rent & Rating Appeal Commissioners	14	34	20
Advocates Disciplinary Tribunal	~	~	14*
Mental Health Review Tribunal	5	8	13
Work Permit Appeal Tribunal	51	39	10
Financial Services Tribunal	0	1	8
Collective Investment Schemes Tribunal	0	0	2
Isle of Man Income Tax Commissioners	1	0	1
Total	231	266	222

*Responsibility for providing administrative support to the Advocates Disciplinary Tribunal transferred to the Tribunals' Centralised Administration, from the Chief Secretary's Office in April 2011. At the time of the transfer 9 complaints to the Tribunal were on-going, with a further 14 new complaints having been received since.

Financial Information

The following table provides details of the average cost of each case dealt with by the Tribunal during 2011, together with details of the comparative figure in 2010. The table also provides a comparative for each year of the highest single case cost dealt with by each Tribunal.

Aside from the basic payment of members' expenses, the costs incurred by Chairpersons preparing for the hearing and writing the decision afterwards have been included when calculating the costs shown.

Tribunal	Average Cost (£)		Highest single case cost (£)	
	2010	2011	2010	2011
The Employment Tribunal	£1,270.99	£1,380.36	£9,453.41	£4,087.10
The Social Security Appeal Tribunal	£347.54	£320.55	£3,992.90	£596.10
Rent & Rating Appeal Commissioners ⁽¹⁾	£145.41	£215.50	£415.54	£505.04
The Advocates Disciplinary Tribunal ⁽²⁾	n/a	£1,354.58	n/a	£3,187.32
The Mental Health Review Tribunal	£1,762.45	£1,043.58	£1,762.45	£1,585.47
The Work Permit Appeal Tribunal	£487.60	£1,054.75	£1,110.67	£1,922.36
The Financial Services Tribunal ⁽³⁾	£89.50	£1,135.29	n/a	£1,135.29
The Collective Inv. Schemes Tribunal	n/a	n/a	n/a	n/a
IOM Income Tax Comm. Tribunal ⁽⁴⁾	n/a	£926.40	n/a	£926.40

⁽¹⁾ Rent & Rating Appeal Commissioners - the average cost of each 'Rent' matter heard in 2011 was £375.27, each 'Rate' matter averaging £180.00. Only 'Rate' matters were considered by the Tribunal in 2010.

⁽²⁾ Advocates Disciplinary Tribunal - in addition to the average cost shown, the Tribunal meets on a monthly basis during which a number of cases may be discussed and progressed by the Tribunal. The average costs of the monthly meetings is £443.78.

The "Highest single case cost in 2011" figure of £3187.32 reflects the highest cost incurred in relation to an individual case during 2011, however certain matters remain ongoing in relation to this case and therefore further costs may still be incurred.

⁽³⁾ The Financial Services Tribunal - the "Average cost in 2010" figure of £89.50 reflects the minimal cost incurred in respect of the only appeal lodged, and subsequently withdrawn during 2010.

The figure for the "Average cost in 2011" and the "Highest single cost in 2011" are the same, namely £1135.29, as costs were only incurred in 2011 in respect of three appeals lodged/progressed together.

⁽⁴⁾ The Isle of Man Income Tax Commissioners Tribunal - the costs indicated are in relation to the only appeal heard during December 2011 and reflect the Tribunal claims received to date - further costs are anticipated once the decision is delivered.

Time taken for decision of Tribunal to be issued

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 and 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 (see page 9 of the report for further details)
- Work Permit Appeal Tribunal - just under two weeks
- Financial Services Tribunal - no decisions have been required to be issued
- Collective Investment Schemes Tribunal - no decisions have been required to be issued
- Isle of Man Income Tax Commissioners - the decision following the hearing held on the 8 December 2011 is still awaited at the time of this report.

Additional Information - Websites

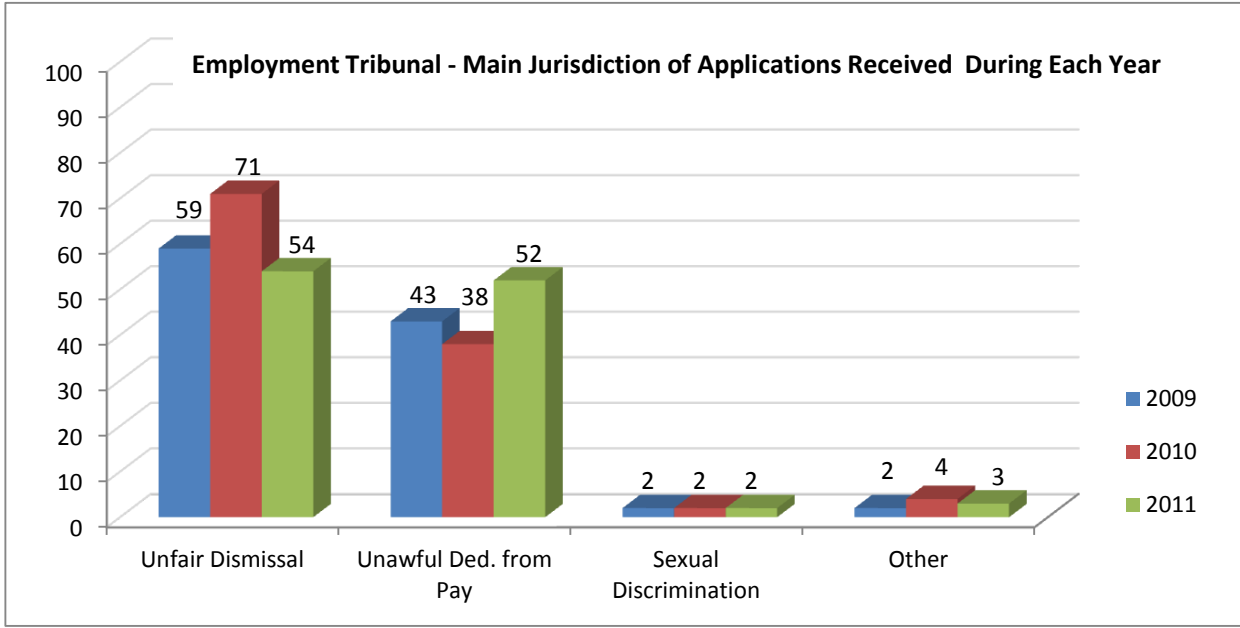
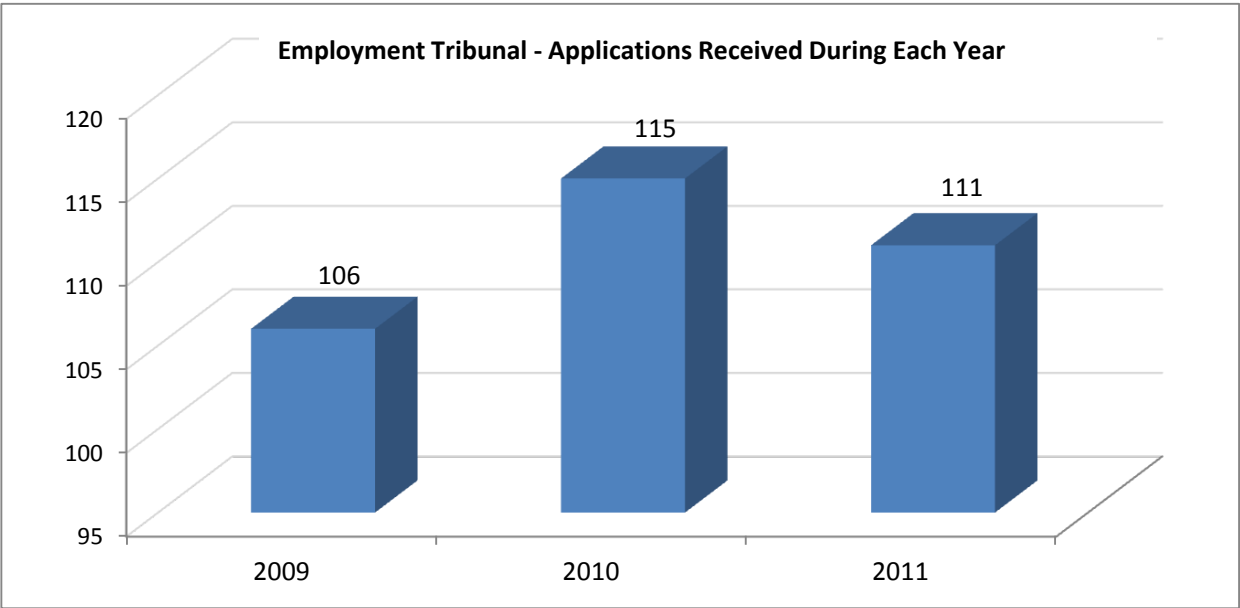
Tribunal vacancies are advertised in the local press as and when they arise. However, any person interested can check for vacancies on the following website: www.gov.im/registries/tribunals/vacancies.xml

Tribunal hearings - for any person interested in observing at a tribunal hearing, or indeed any person serving on a Tribunal, please note that details of future hearings can be viewed and/or checked on the Tribunals' website: www.gov.im/registries/tribunals/hearings_info.xml

Tribunals - further information about the various Tribunal the Tribunals' Centralised Administration support can be viewed at: www.gov.im/registries/tribunals

Employment Tribunal Decisions - please note all decisions issued by the Employment Tribunal, since 1 November 2006, can now be viewed on the following webpage: www.gov.im/registries/tribunals/employment_decisions.xml

Social Security Commissioner Decisions - all decisions issued by the Commissioner in the Isle of Man since 1993 can be viewed at: www.gov.im/registries/tribunals/ssc_decisions.xml



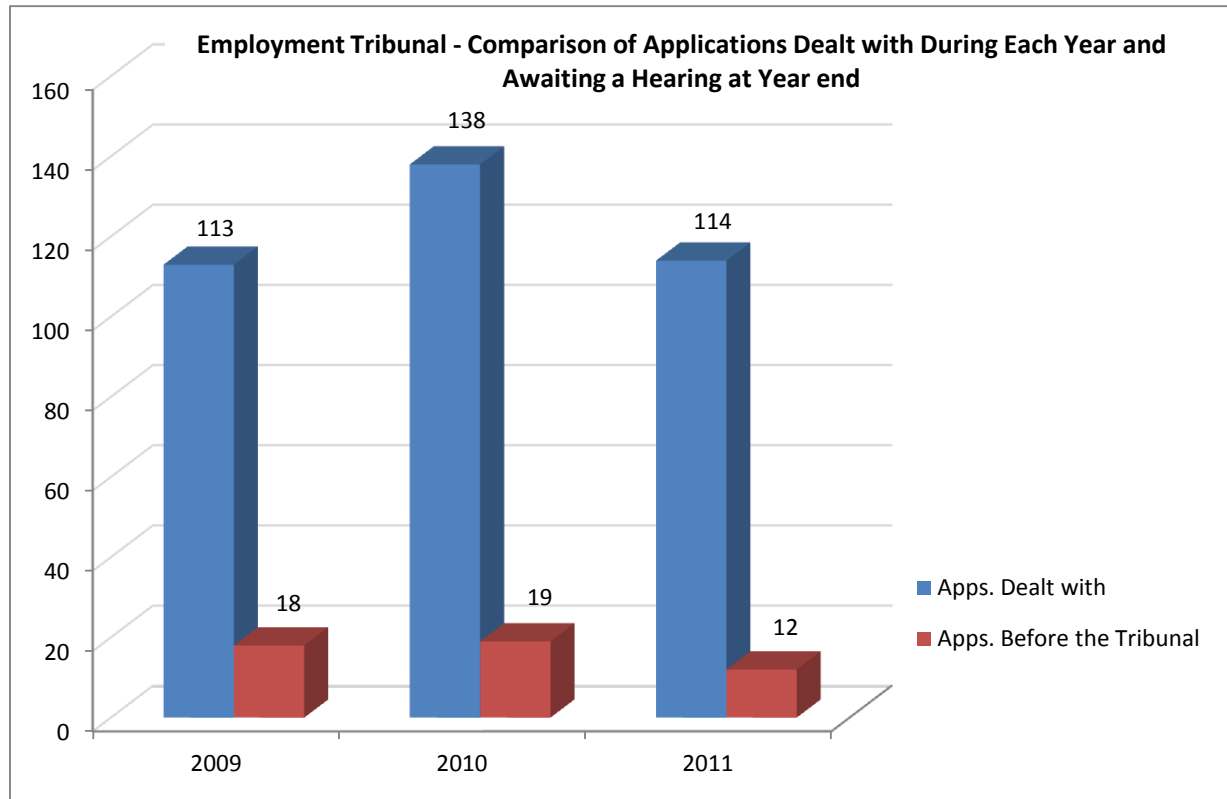
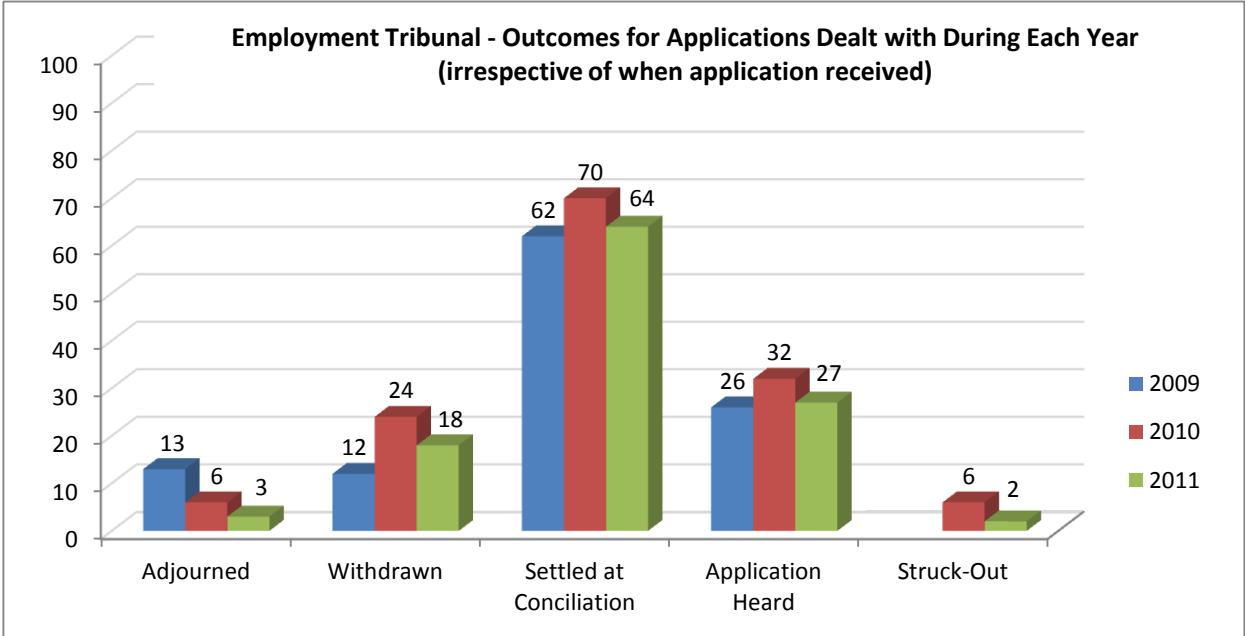
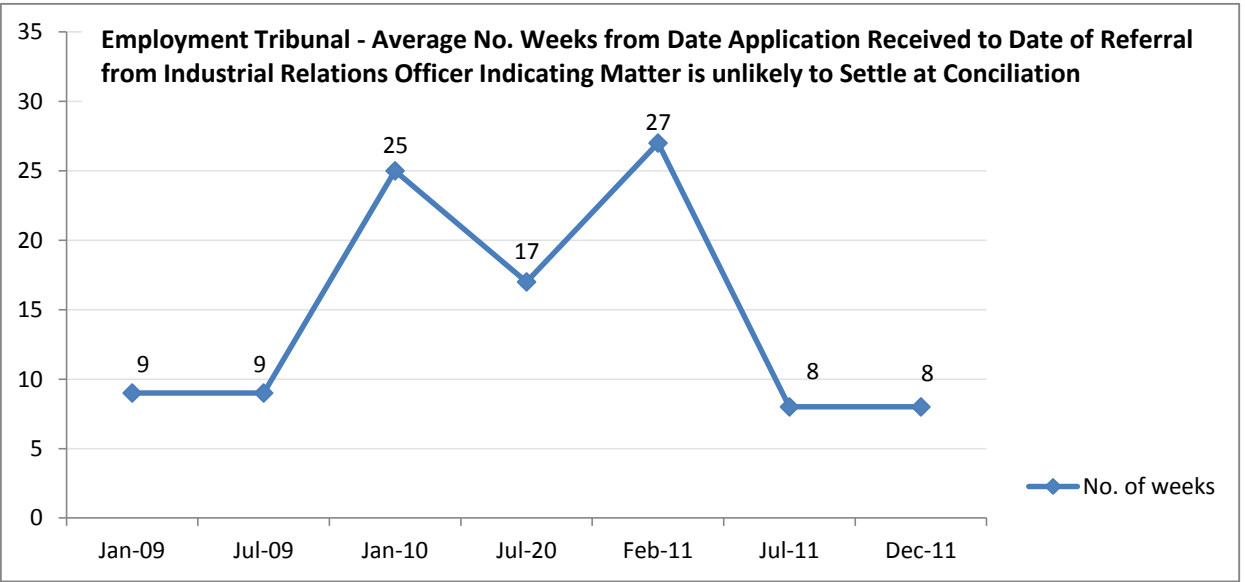


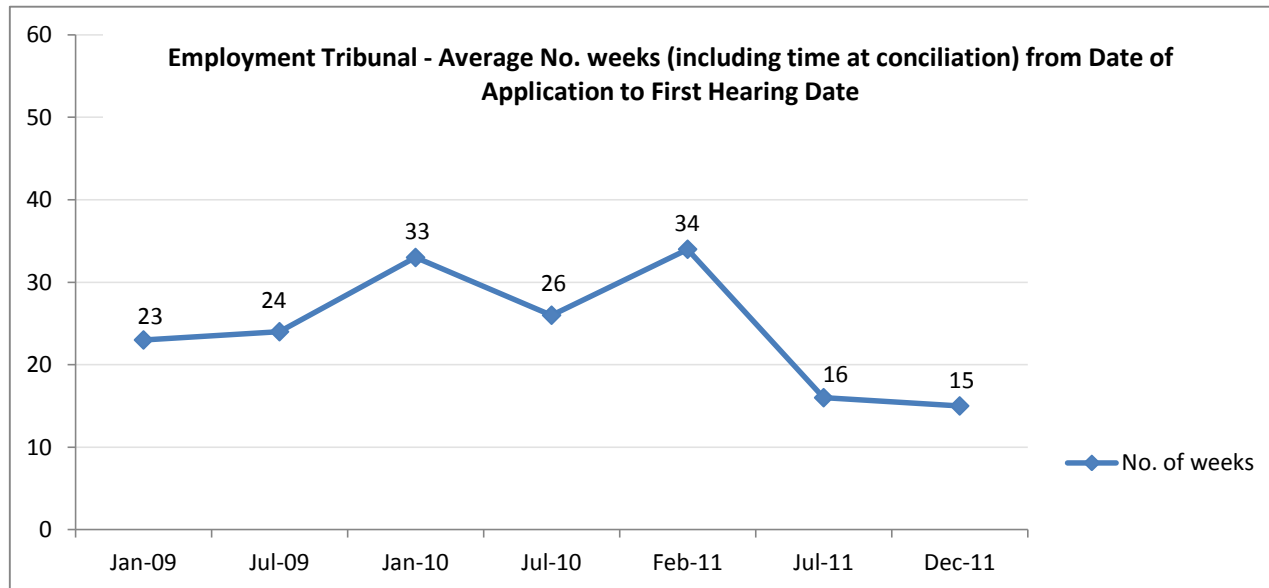
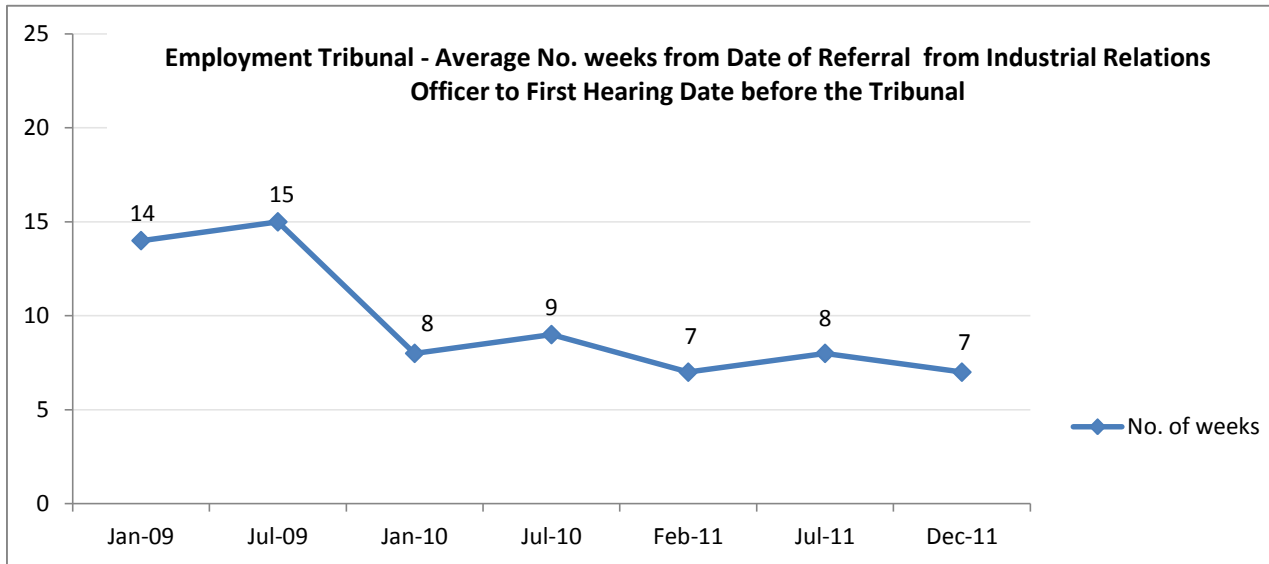
Chart does not include cases at conciliation. The figure of 19 cases awaiting a hearing at the end of 2010 included 7 cases subject to a stay due to High Court proceedings; there were 4 such cases at the end of Dec. 2011

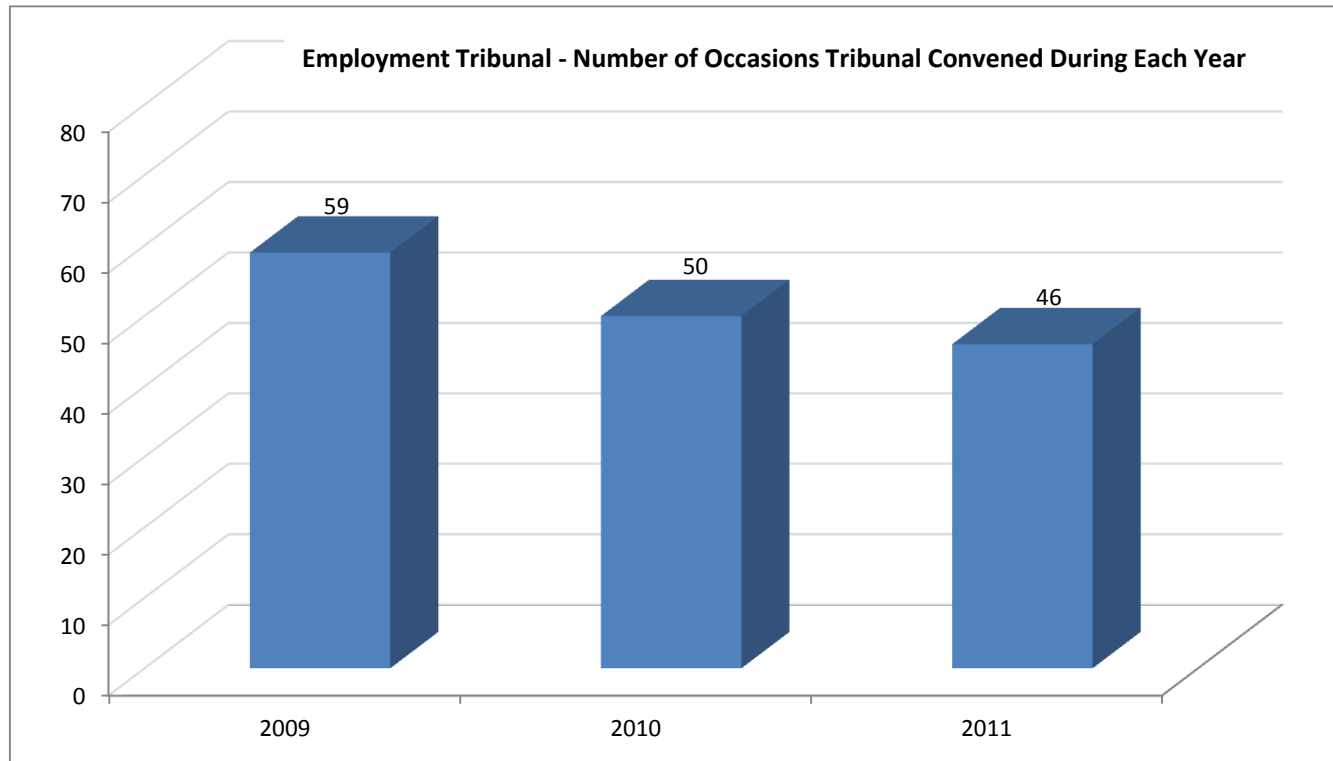


Applications are "struck-out" when they have not been actively pursued, for example as a result of a Claimant failing to maintain contact



Please note the Tribunals Office has no control or influence on the time periods indicated above.





Further Information Regarding the Employment Tribunal

The average time for the Employment Tribunal to issue a written Decision (following a full hearing or Pre-hearing Review, but excluding any interlocutory matters) in 2011 was four weeks, the same average figure as in 2010. 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.

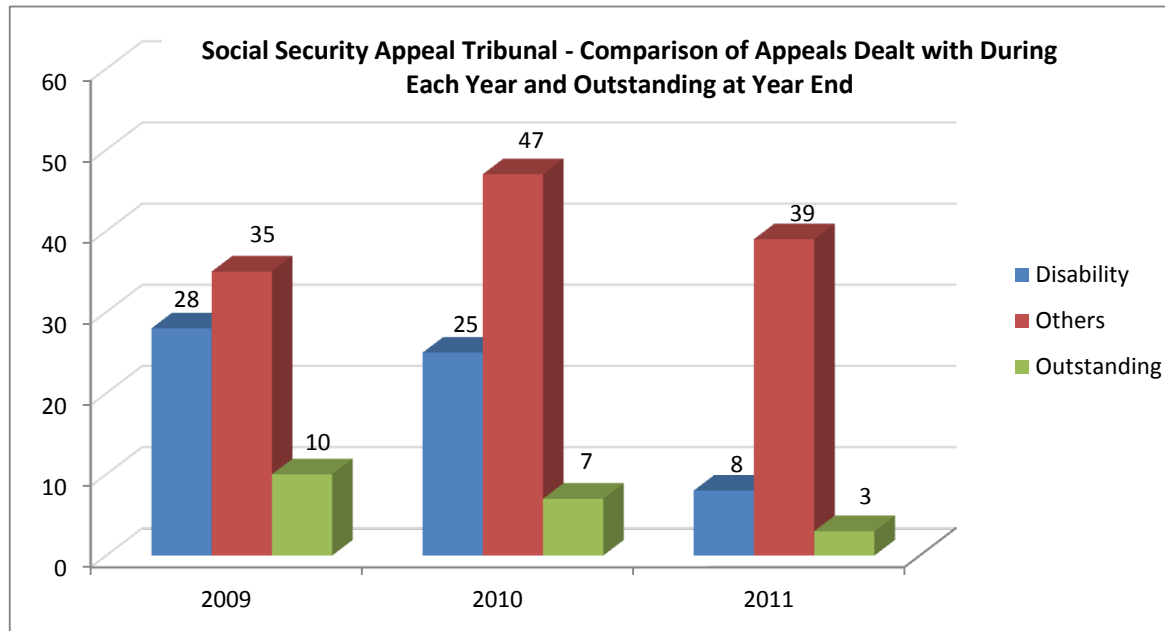
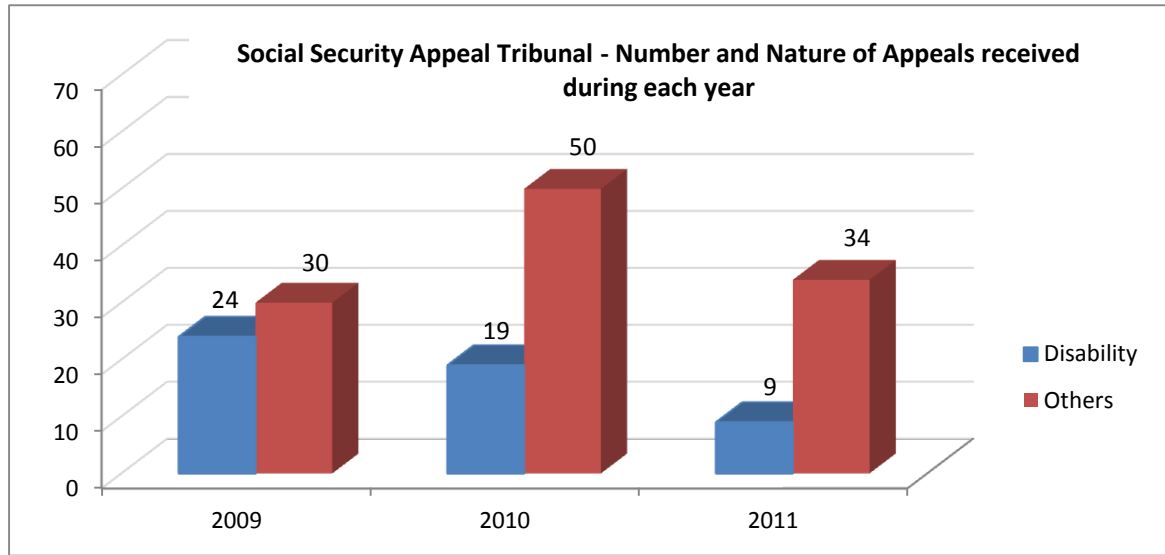
In calculating the average, the following was noted:

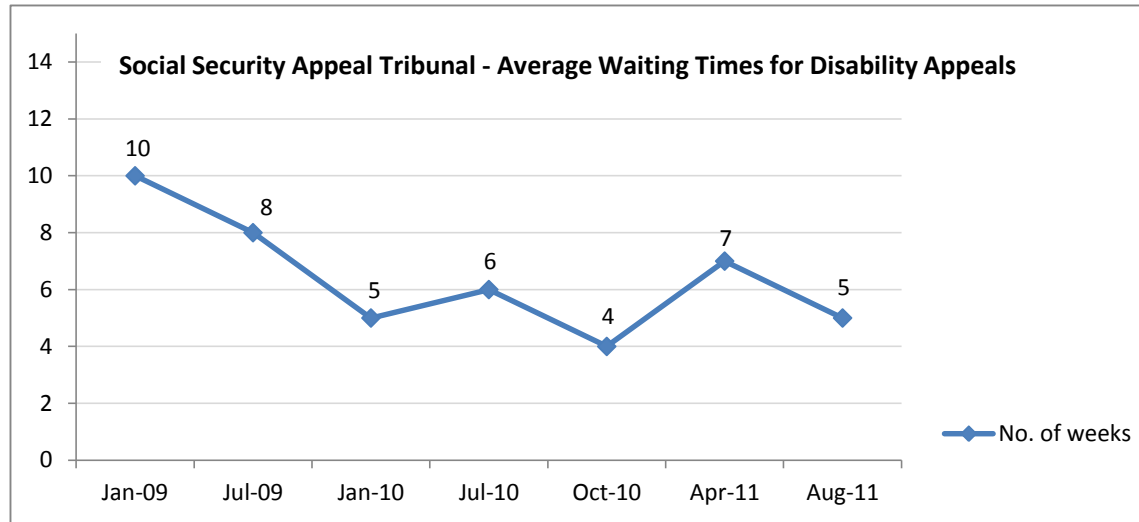
- in 2011 two decisions were issued within one week of the hearing taking place. In 2010 four decisions were issued in the same timescale;
- in 2011 twenty decisions were issued within four weeks of the hearing taking place. In 2010 thirteen decisions were issued in the same timescale;
- in 2011 six decisions were issued within six weeks of the hearing taking place. In 2010 six decisions were issued within seven weeks of the hearing;
- in 2011 three decisions were issued within nine weeks of the hearing taking place. In 2010 one decision was issued within ten weeks of the hearing;
- in 2011 one decision, in which closing submissions were submitted by the parties in writing subsequent to the hearing, took eleven weeks to issue; and
- in 2011 one decision took fifteen weeks to issue. In 2010 the longest period to issue a decision was eleven weeks.

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

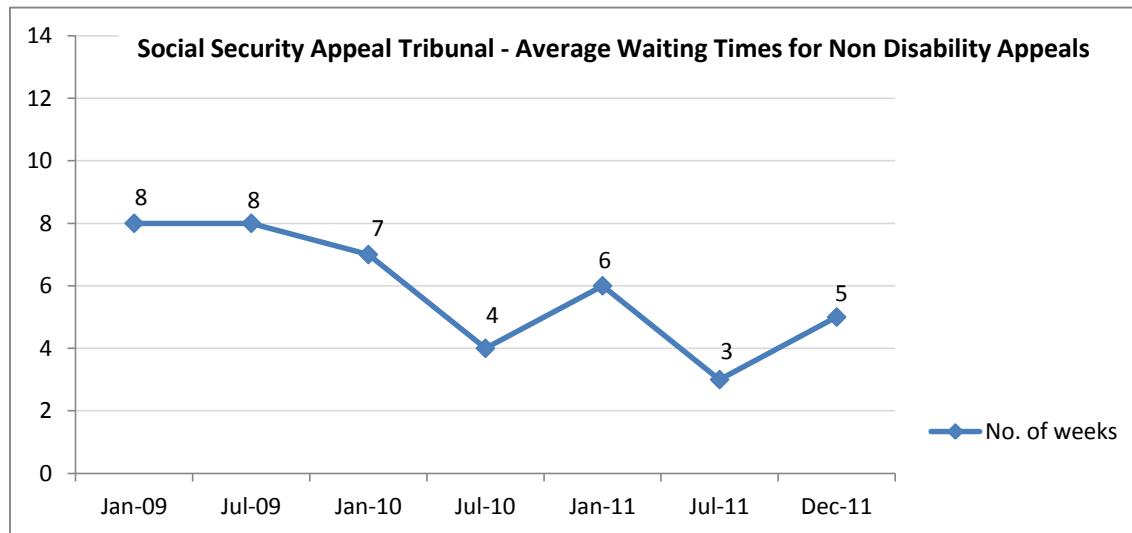
- in 2011 twenty eight cases were heard within one day. In 2010 twenty four cases were heard within one day.
- in 2011 five cases were heard over two days, one case being heard over two days in 2010.

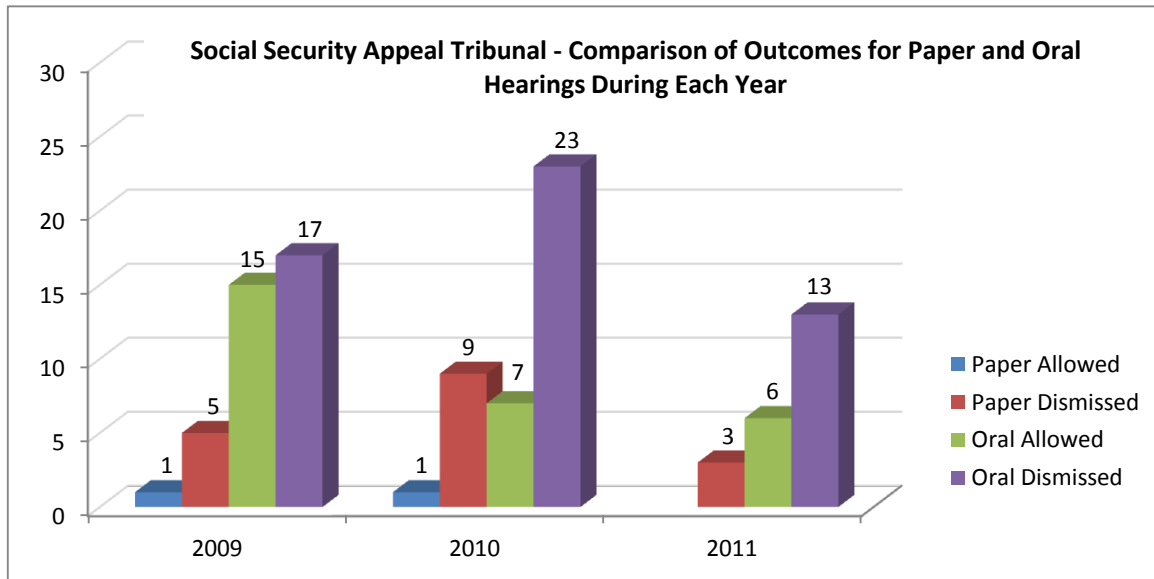
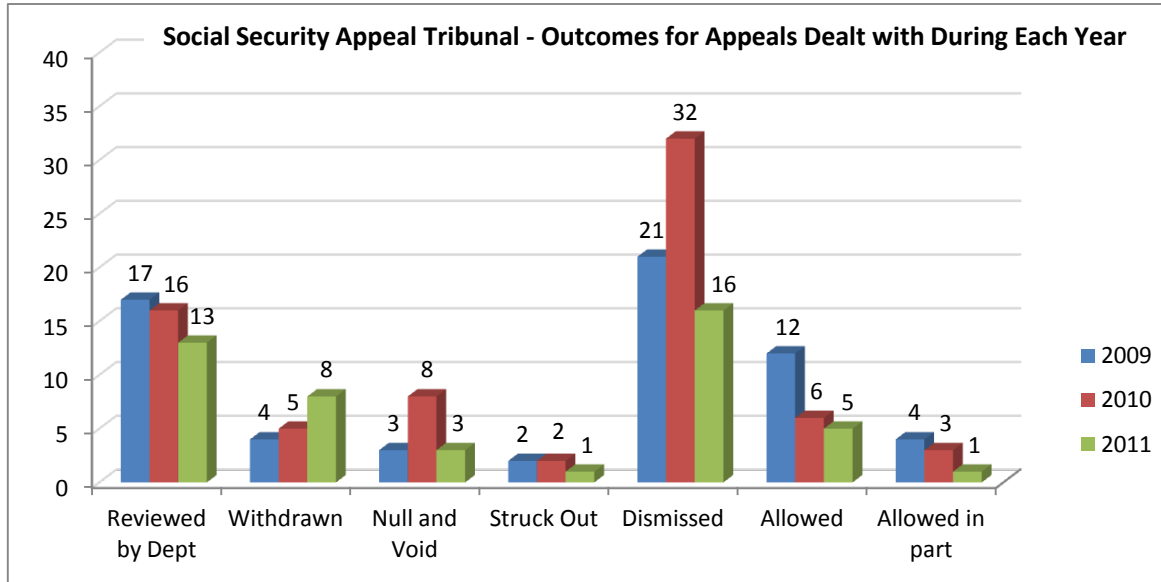
In 2011 the Employment Tribunal dealt with three applications for postponement/adjournment of proceedings, two of those applications being made by the Claimant. In 2010 the Tribunal dealt with six such applications, four of which were made by the Claimant.

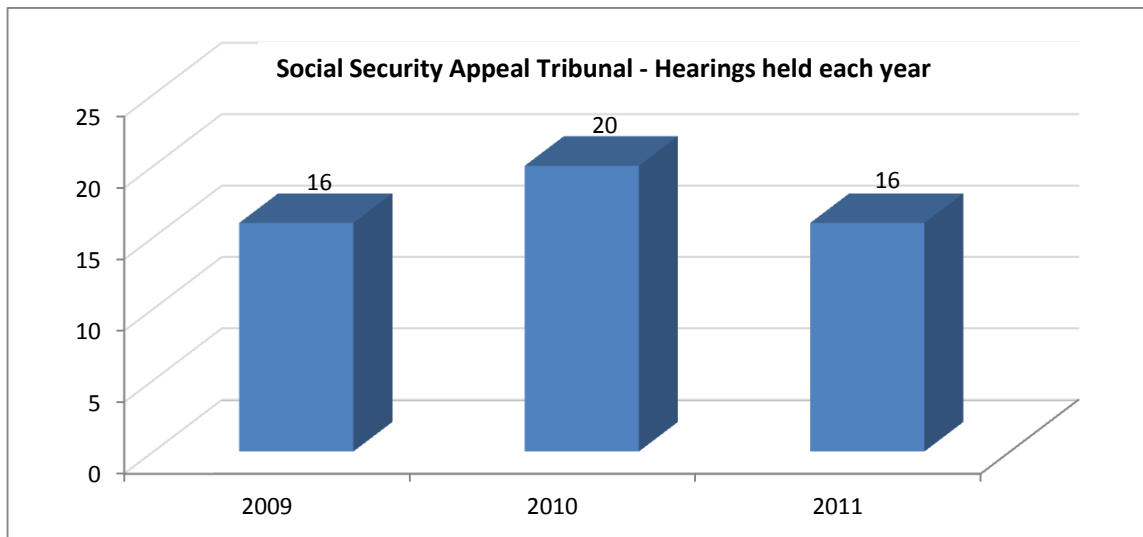




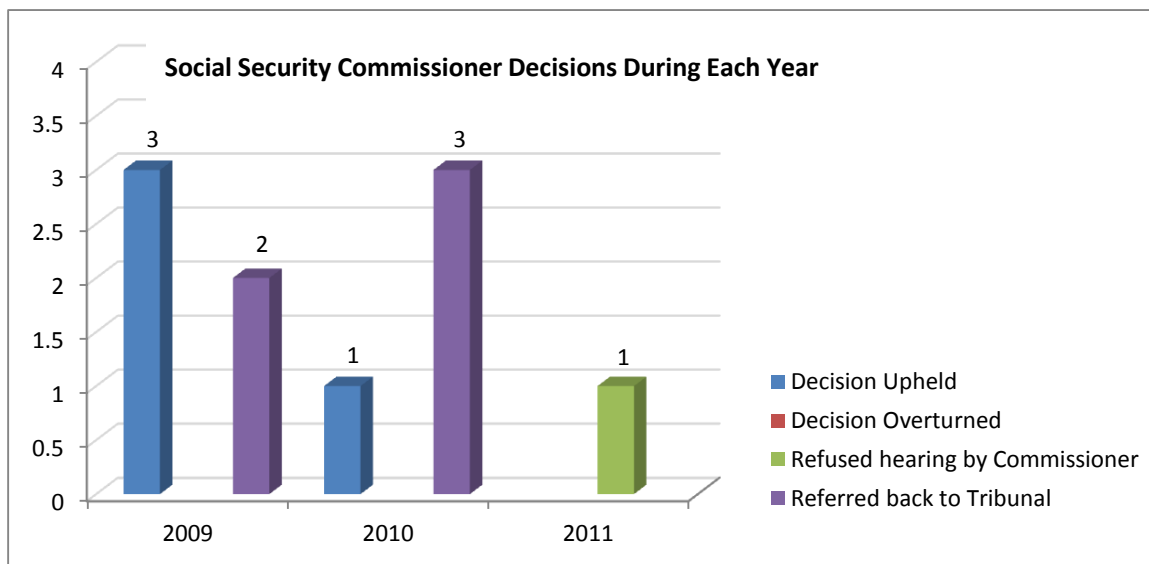
No Disability Appeals were required to be heard between November 2010 and March 2011 nor in July 2011. The last such hearing was in August 2011.



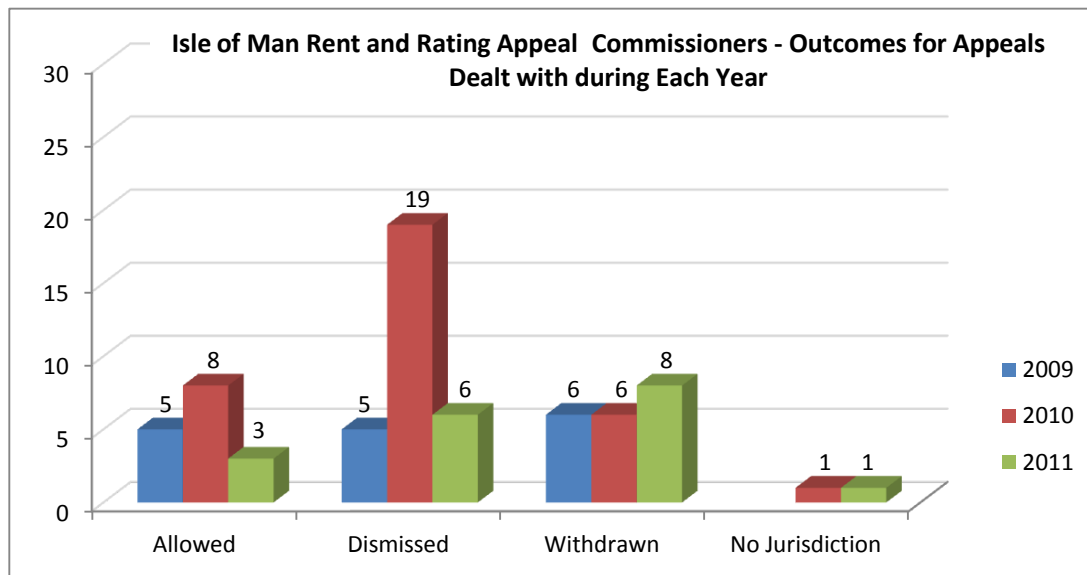
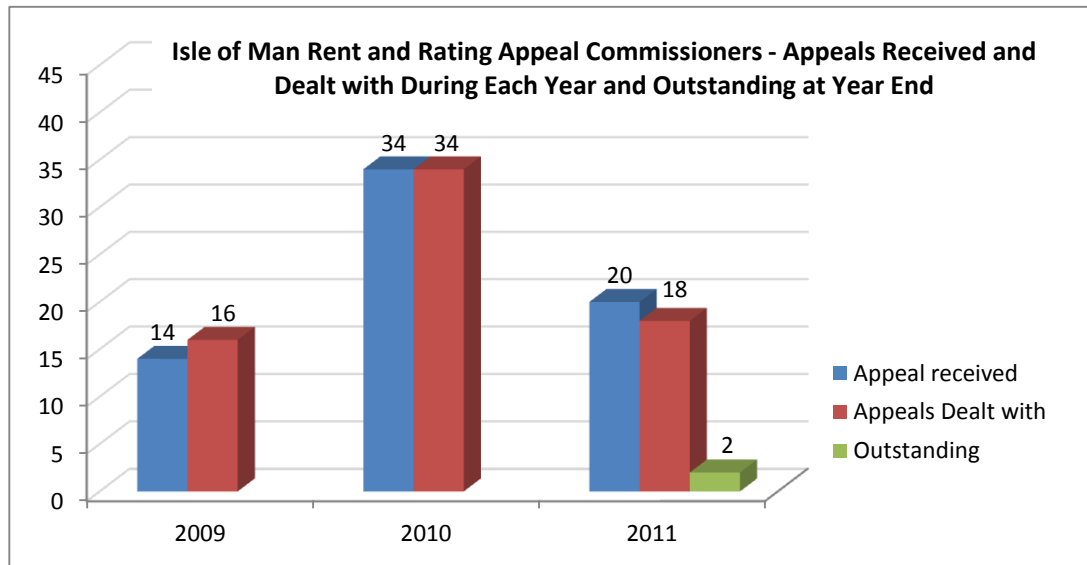


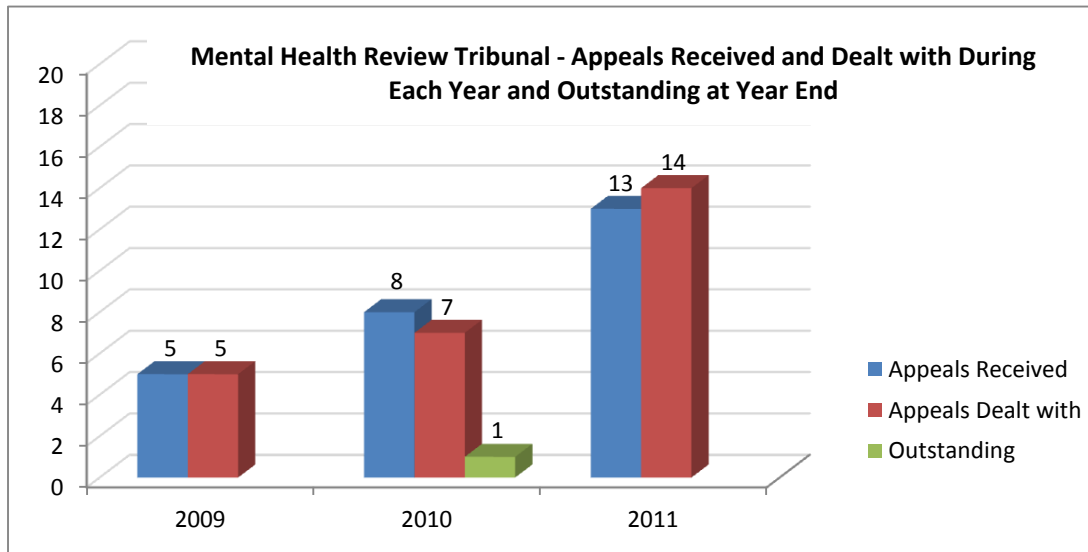


Multiple cases are normally listed for each hearing.

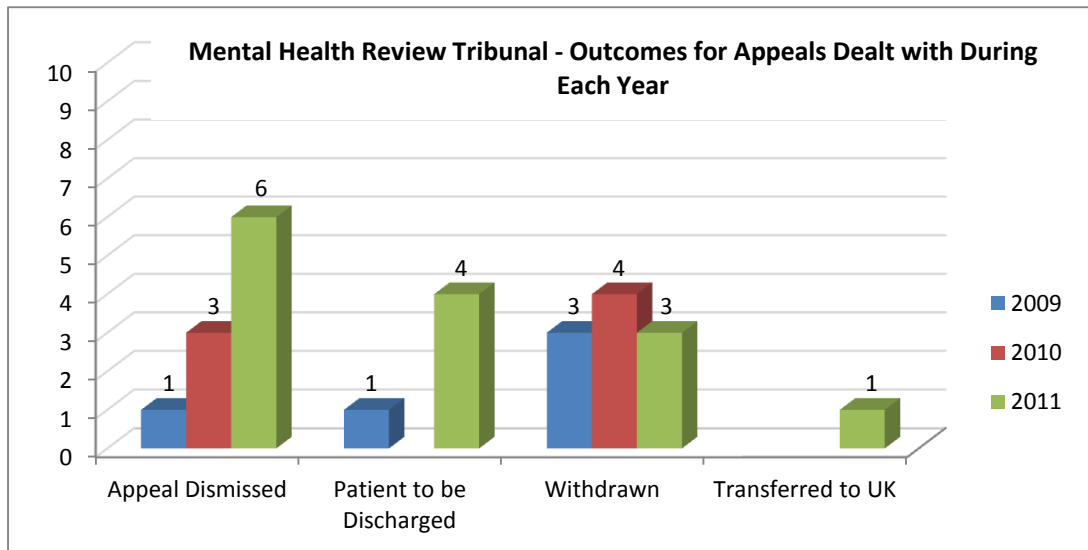


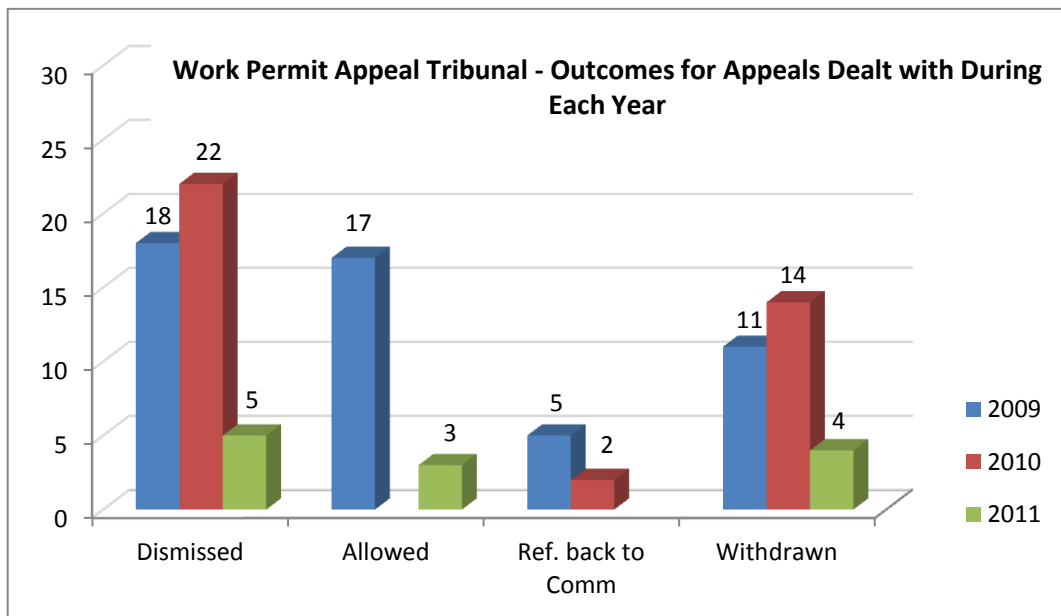
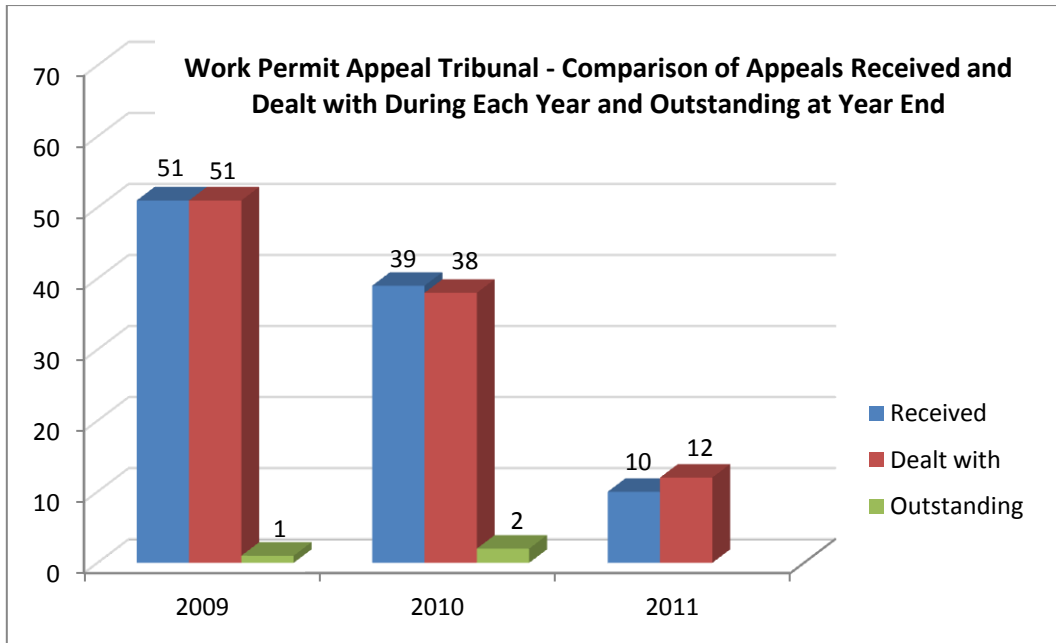
When expressed as a percentage of the total no. of appeals received in each year, Comm. Decisions in 2009, 2010 and 2011 account for 9.3% (5 out of 54), 5.8% (4 out of 69) and 2.3% (1 out of 43) respectively.

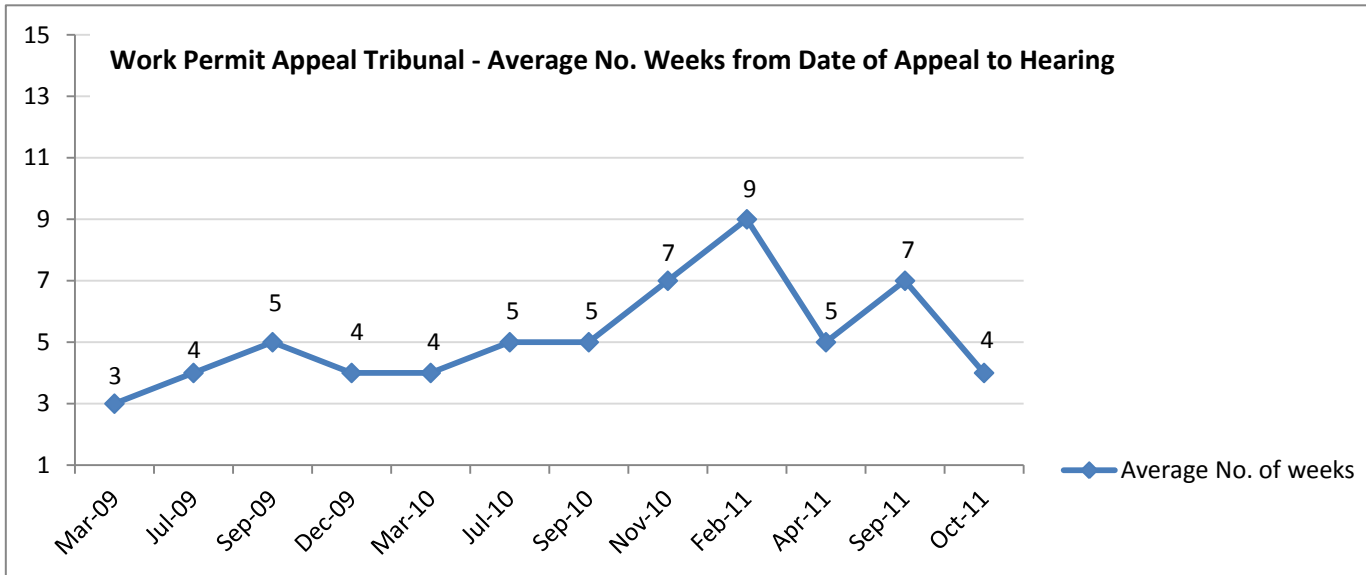




Appeals are brought by patients under Sec. 2 or Sec. 3 of the Mental Health Act 1998. Sect. 2 appeals have to be heard within 7 days and in the above totals for 2009, 2010 and 2011 amount to 4, 4 and 11 respectively.







There have been no Work Permit Appeals since October 2011.

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