

Isle of Man
Government

Reiltys Ellan Vannin

Tribunals' Centralised Administration

**Statistical Reports -
Period Ending 31 December 2012**

Tribunals' Centralised Administration
Statistical Reports
INDEX

Pages 1-3	Overview, including financial information
Page 4	Employment Tribunal - applications received during each year
Page 4	Employment Tribunal - main jurisdiction of applications received during each year
Page 5	Employment Tribunal - applications dealt with during each year and awaiting a hearing at year end
Page 6	Employment Tribunal - outcomes for applications dealt with during each year
Page 6	Employment Tribunal - average no. weeks from date of application to referral from Ind. Relations
Page 7	Employment Tribunal - average no. weeks from date of referral from Ind. Relations to first hearing
Page 7	Employment Tribunal - average no. weeks from date of application to first hearing
Page 8	Employment Tribunal - number of occasions Tribunal convened during each year
Page 9	Employment Tribunal - further information
Page 10	Social Security Appeal Tribunal - number and nature of appeals received during each year
Page 10	Social Security Appeal Tribunal - appeals dealt with during each year and outstanding at year end
Page 11	Social Security Appeal Tribunal - average waiting times for disability appeals
Page 11	Social Security Appeal Tribunal - average waiting times for non disability appeals
Page 12	Social Security Appeal Tribunal - outcomes for appeals dealt with during each year
Page 12	Social Security Appeal Tribunal - outcomes for paper and oral hearings during each year
Page 13	Social Security Appeal Tribunal - hearings held during each year
Page 13	Social Security Appeal Tribunal - Social Security Commissioner decisions
Page 14	Isle of Man Rent & Rating Appeal Commissioners - appeals received, dealt with & outstanding at year end
Page 14	Isle of Man Rent & Rating Appeal Commissioners - outcomes for appeals dealt with during each year
Page 15	Advocates Disciplinary Tribunal - complaints received and dealt with during each year and outstanding at year end
Page 15	Advocates Disciplinary Tribunal - outcomes for complaints dealt with during each year
Page 16	Mental Health Review Tribunal - appeals received, dealt with & outstanding at year end
Page 16	Mental Health Review Tribunal - outcome for appeals dealt with during each year
Page 17	Work Permit Appeal Tribunal - appeals received, dealt with & outstanding at year end
Page 17	Work Permit Appeal Tribunal - outcomes for appeals dealt with each year
Page 18	Work Permit Appeal Tribunal - average waiting time from date of appeal to hearing date

Statistical report for period ending 31 December 2012
Overview, including financial information

Applications/Appeals received

The following table gives an overview, in respect of the three year period ending 31 December 2012, of the annual number of application/appeals received by each Tribunal.

Tribunal	2010	2011	2012
Employment Tribunal	115	111	129
Social Security Tribunal	69	43	52
Isle of Man Rent & Rating Appeal Commissioners	34	20	60
Advocates Disciplinary Tribunal*	~	14	16
Mental Health Review Tribunal	8	13	11
Work Permit Appeal Tribunal	39	10	10
Financial Services Tribunal	1	8	0
Collective Investment Schemes Tribunal	0	2	0
Isle of Man Income Tax Commissioners	0	1	1
Isle of Man Data Protection Tribunal	0	0	1
Civil Service Appeals Tribunal	0	0	2
Total	266	222	282

*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.

Financial Information

The following table provides details of the average cost of each case dealt with by the Tribunal during 2012, together with details of the comparative figure in 2011. The table also provides a comparative for each year of the highest single case cost dealt with by each Tribunal.

The costs shown are only those related to the payment of members' expenses and (with the exception of the Advocates Disciplinary Tribunal) the costs incurred by the Chairperson(s) preparing for the hearing and writing the decision afterwards. Please note that costs incurred through the administration, be that staff or accommodation related costs, have not been included.

Tribunal	Average Cost (£)		Highest single case cost (£)	
	2011	2012	2011	2012
The Employment Tribunal	£1,380.36	£1,338.75	£4,087.10	£7,210.17
The Social Security Appeal Tribunal	£320.55	£398.79	£596.10	£2,372.93
Rent & Rating Appeal Commissioners ⁽¹⁾	£215.50	£94.62	£505.04	£1,036.55
The Advocates Disciplinary Tribunal ⁽²⁾	£1,354.58	£920.03	£3,187.32	£2,914.85
The Mental Health Review Tribunal	£1,043.58	£1,408.00	£1,585.47	£2,441.54
The Work Permit Appeal Tribunal	£1,054.75	£674.90	£1,922.36	£987.86
The Financial Services Tribunal ⁽³⁾	£1,135.29	£5,090.36	£1,135.29	£5,090.36
The Isle of Man Copyright Tribunal ⁽⁴⁾	£0.00	£1,824.00	£0.00	£1,824.00
IOM Income Tax Comm. Tribunal ⁽⁵⁾	£926.40	£483.60	£926.40	£483.60

⁽¹⁾ Rent & Rating Appeal Commissioners - the average cost of each 'Rent' matter heard in 2012 was £52.00 (compared to £375.27 in 2011), each 'Rate' matter averaging £88.00 (£180.00 in 2011) and Property Service Charge cases averaging £309.00 (no Property Service Charge cases were considered in 2011).

⁽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 £701.16 (compared to £443.78 in 2011, the increase being attributable in part to greater use of Tribunal meetings to consider specific case management issues and directions).

⁽³⁾ Financial Services Tribunal - the figure for the "Average cost in 2012" and the "Highest single cost in 2012" are the same, namely £5,090.36, as costs were only incurred in 2012 in respect of three appeals lodged/progressed together. The three appeals remain ongoing and therefore further costs may still be incurred.

⁽⁴⁾ The Isle of Man Copyright Tribunal - costs were incurred in 2012 in respect of certain references made to the Tribunal. The references were considered by the Tribunal to be deficient and not capable of being progressed.

⁽⁵⁾ The Isle of Man Income Tax Commissioners Tribunal - the 2012 costs indicated are in relation to the only appeal heard during December 2012 - 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)
- Advocates Disciplinary Tribunal - less than one week
- Work Permit Appeal Tribunal - less than two weeks
- Financial Services Tribunal - no decisions have been issued in 2012
- Isle of Man Income Tax Commissioners - the decision following the hearing held on the 13th December 2012 is still awaited at the time of this report
- Data Protection Tribunal - no decisions have been issued in 2012
- Civil Service Appeals Tribunal - no decisions have been issued in 2012

Additional Information - Websites

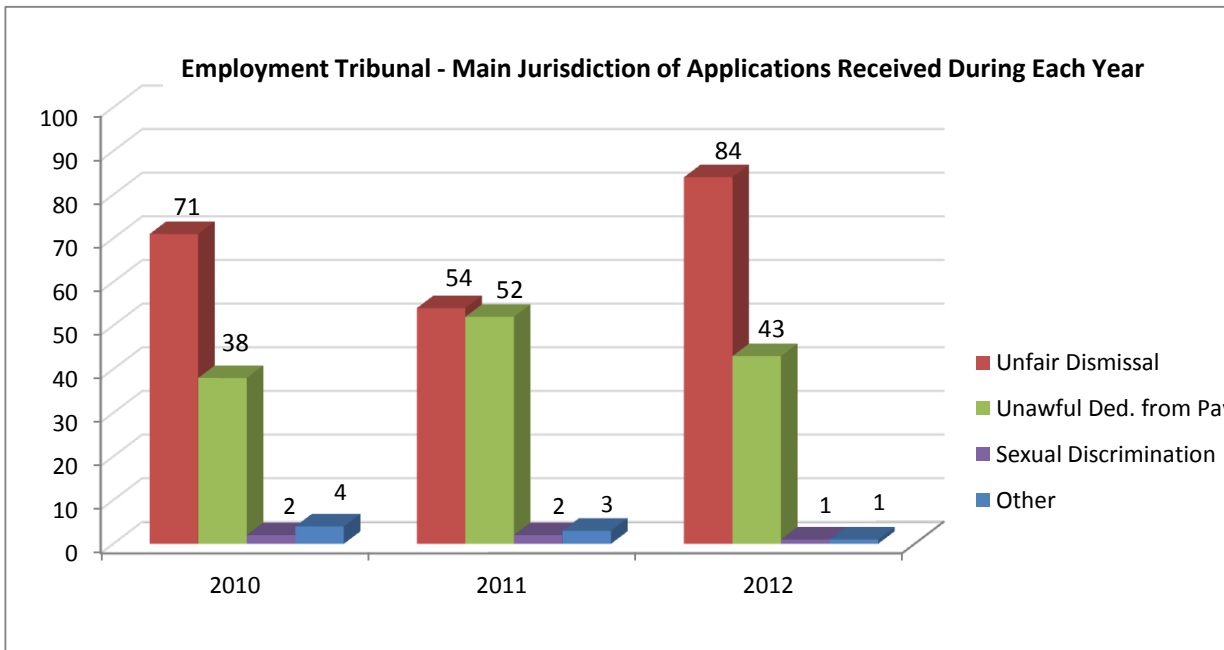
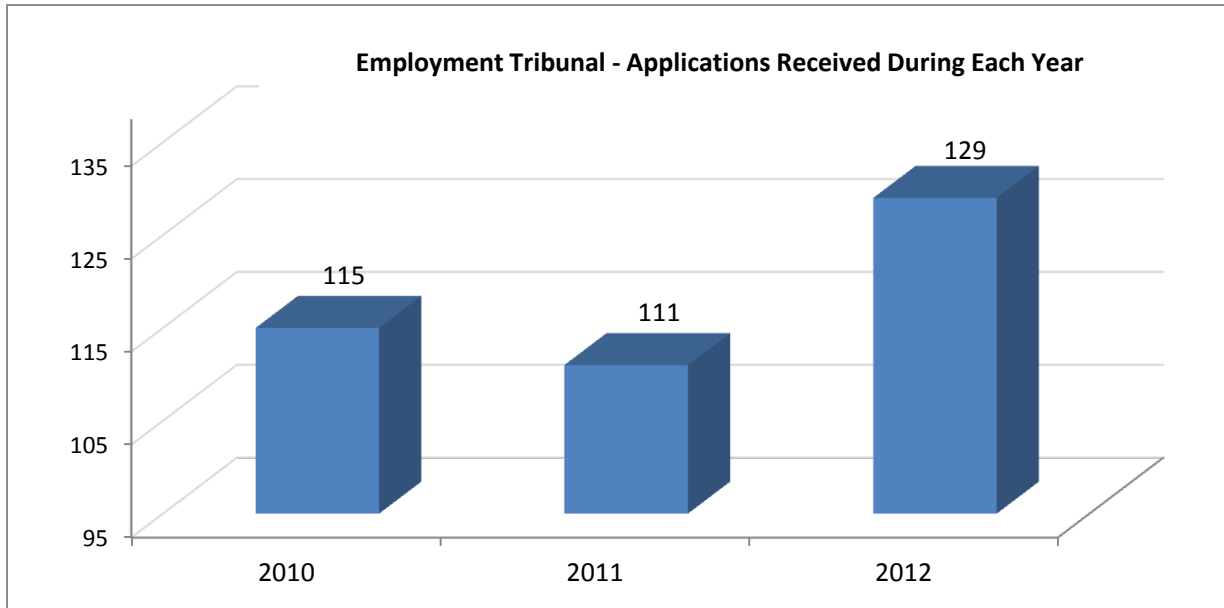
Tribunal vacancies are advertised in the local press as and when they arise. However, any person interested can check for vacancies on the following website: www.gov.im/registries/tribunals/vacancies.xml

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 Tribunals 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 be viewed at: 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



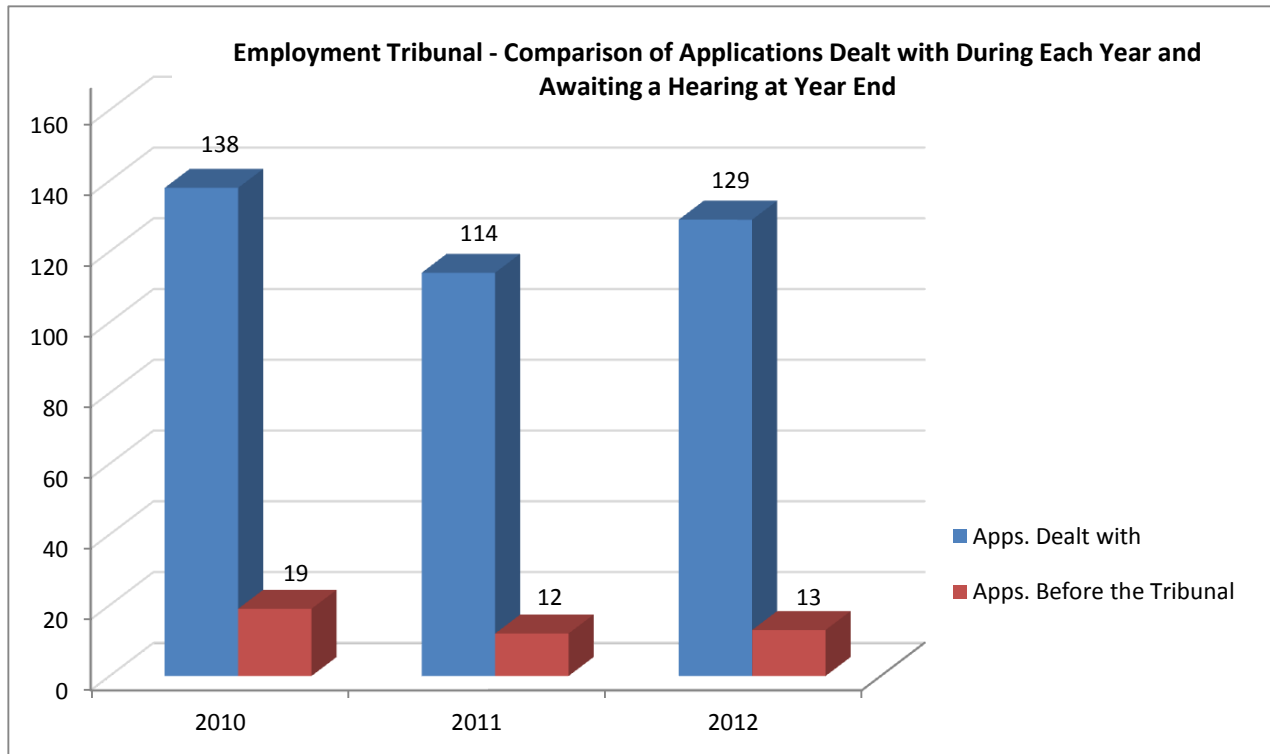
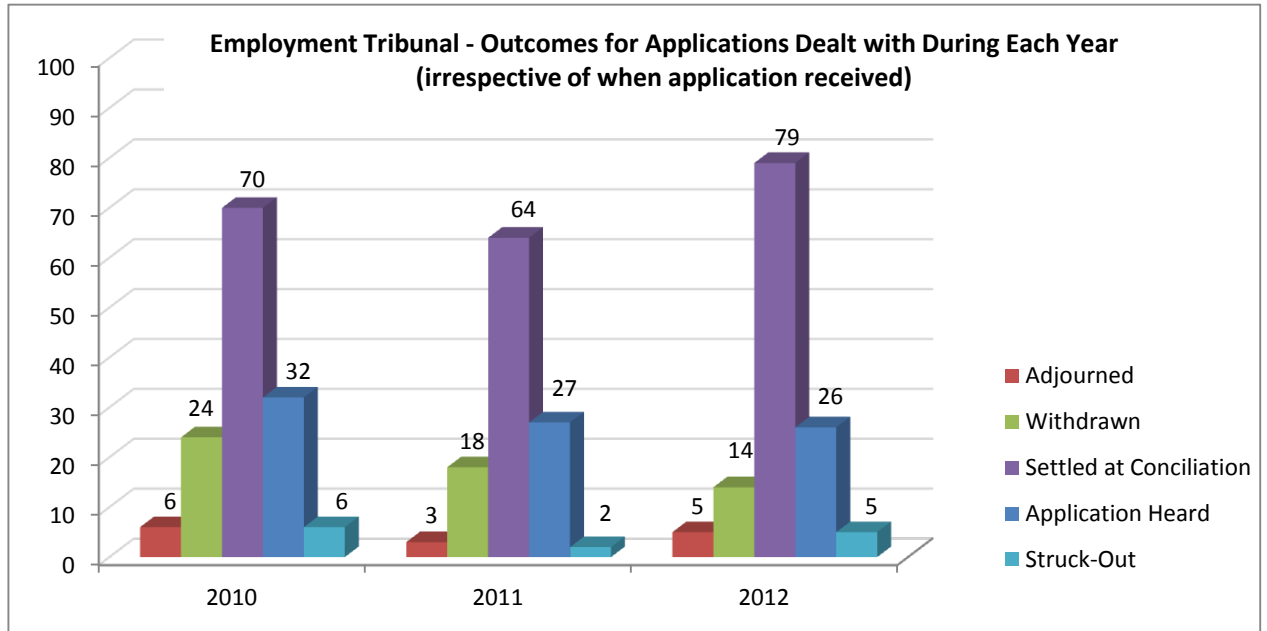
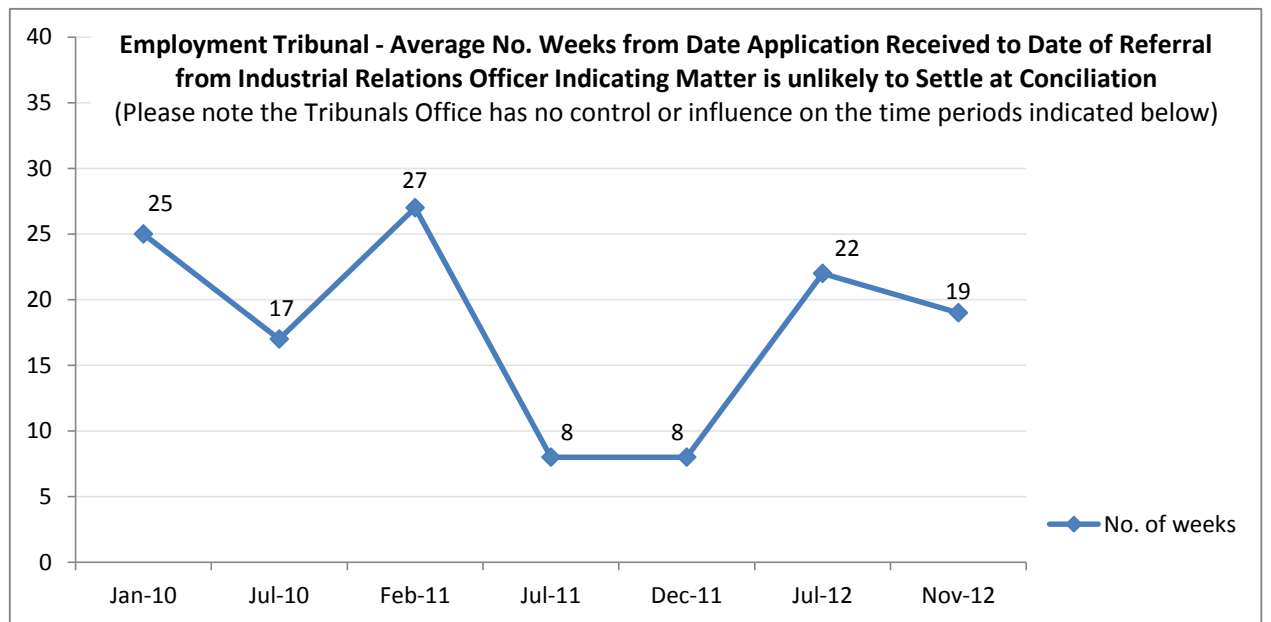
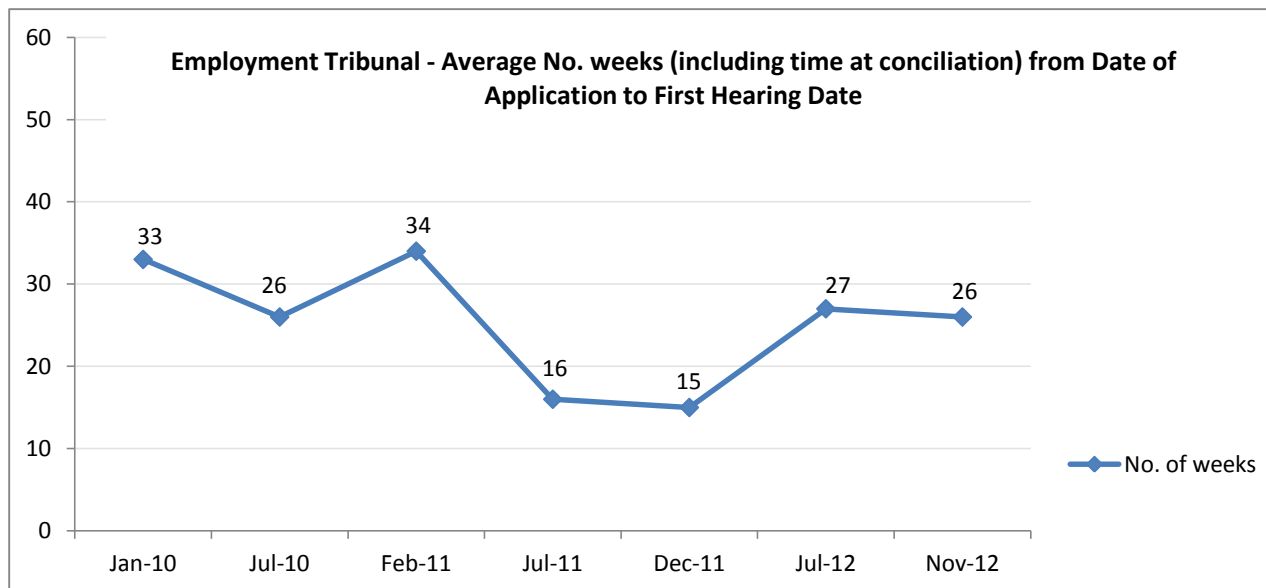
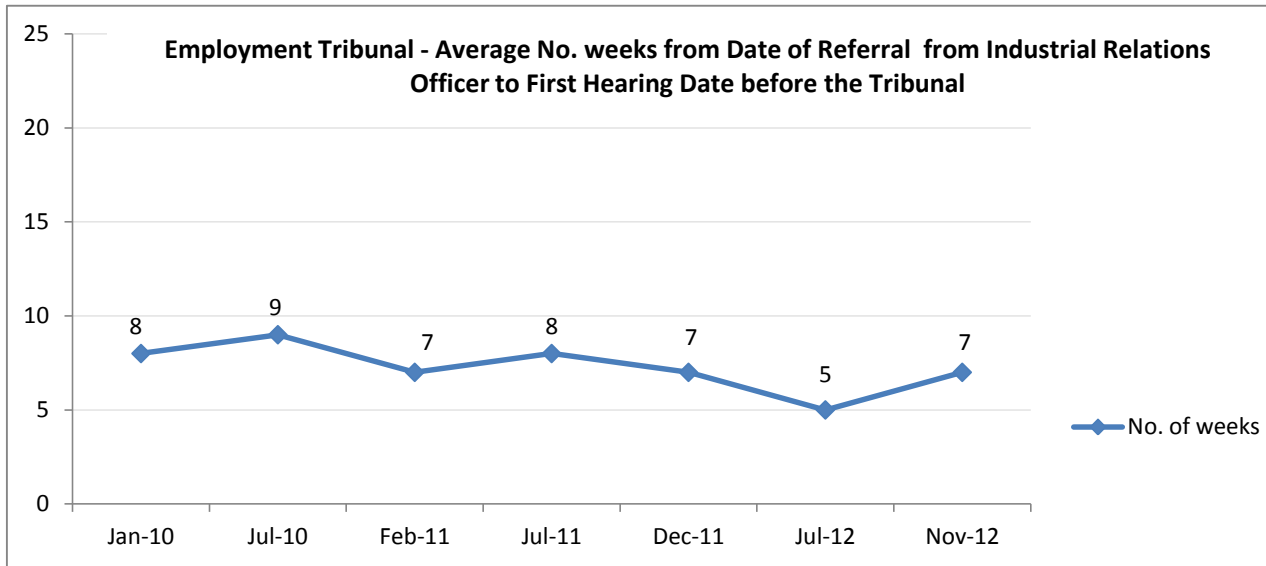


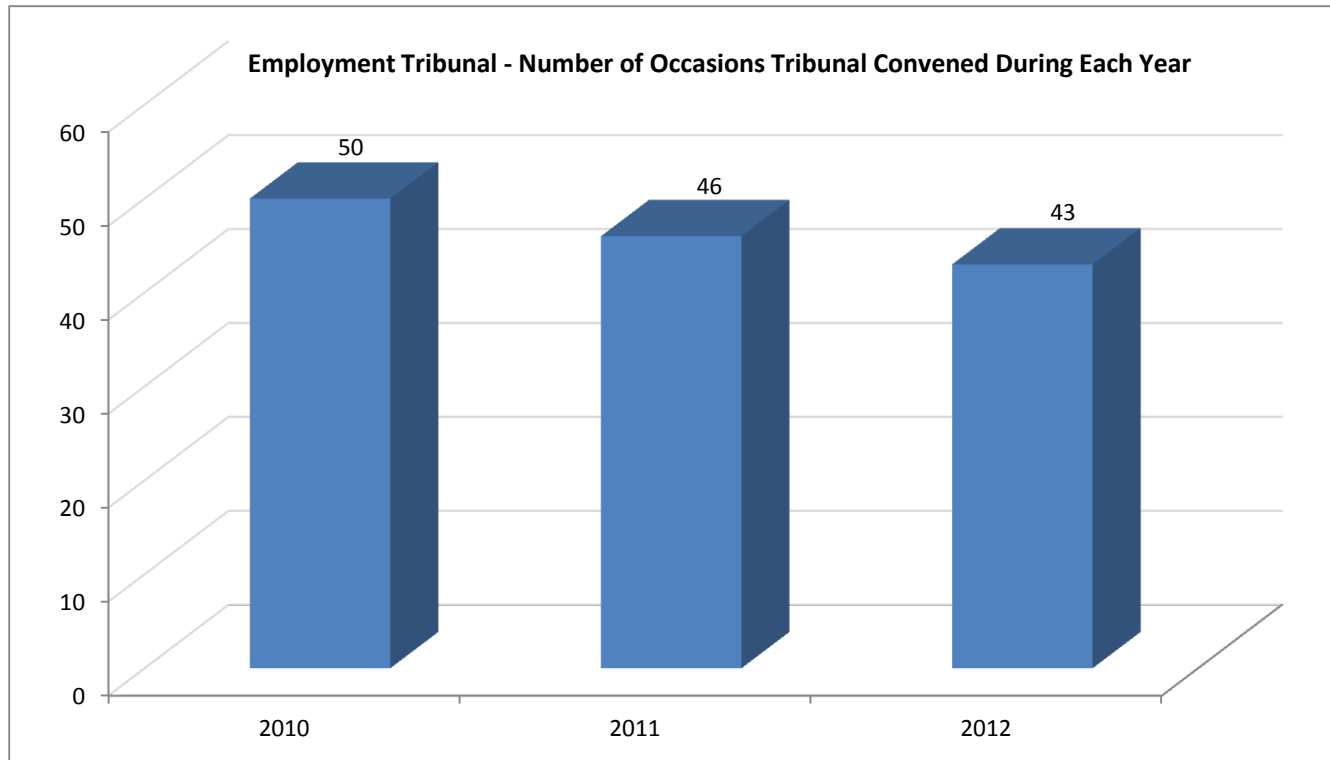
Chart does not include cases at conciliation. The figure of 19 cases awaiting a hearing at the end of 2010 included 7 cases subject to a stay due to High Court proceedings; there were 4 such cases at the end of Dec. 2011 and 2 such cases at the end of Dec. 2012



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







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 2012 was four weeks, the same average figure as in both 2010 and 2011. 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.

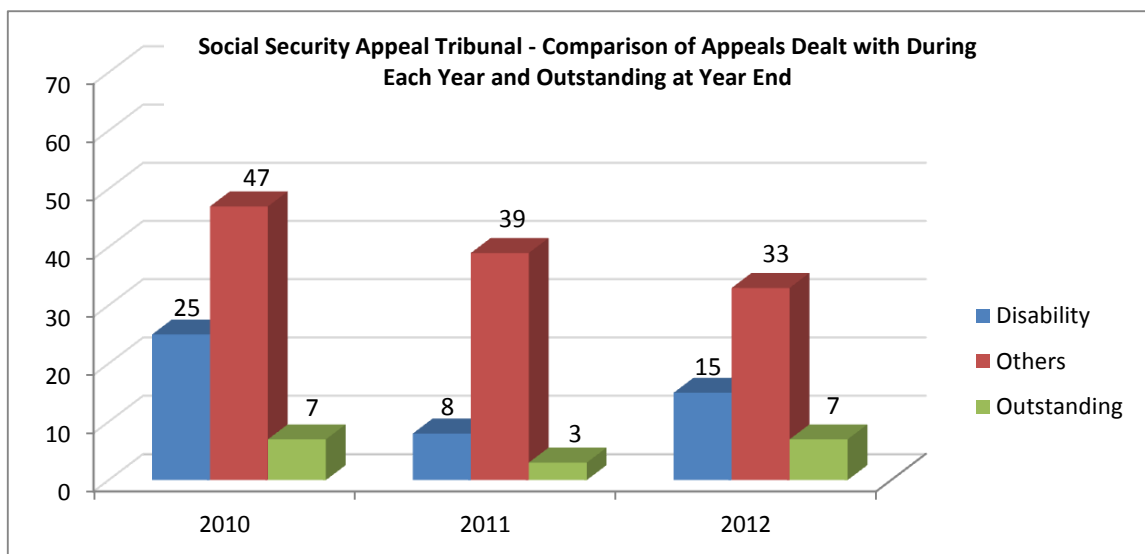
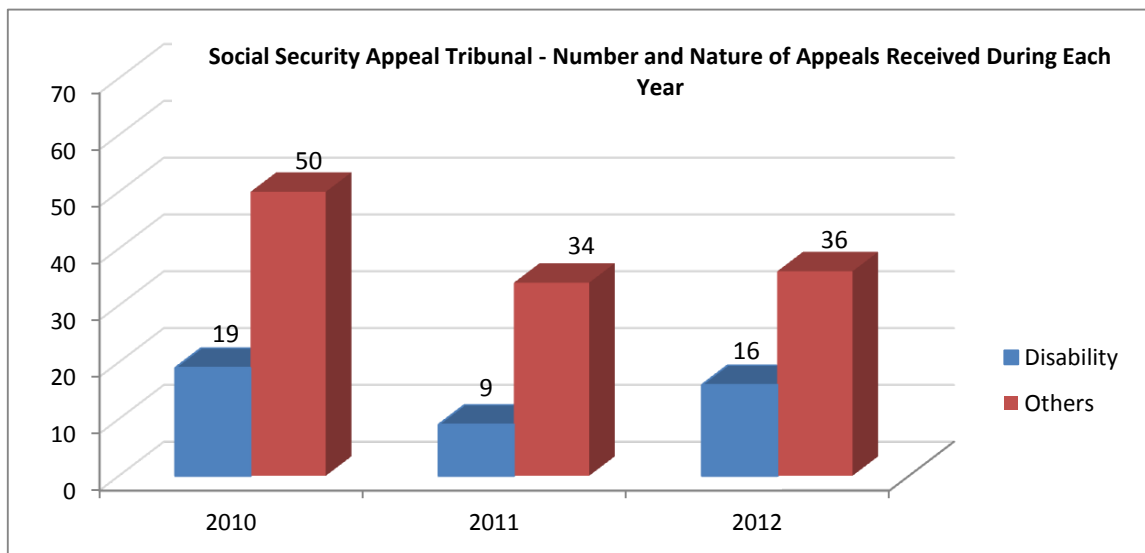
In calculating the average, the following was noted:

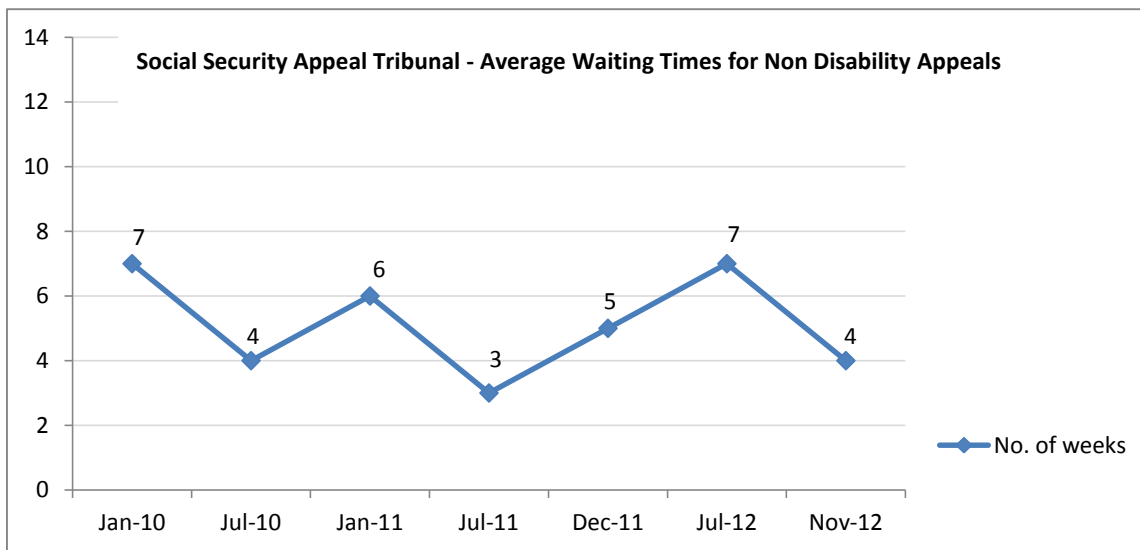
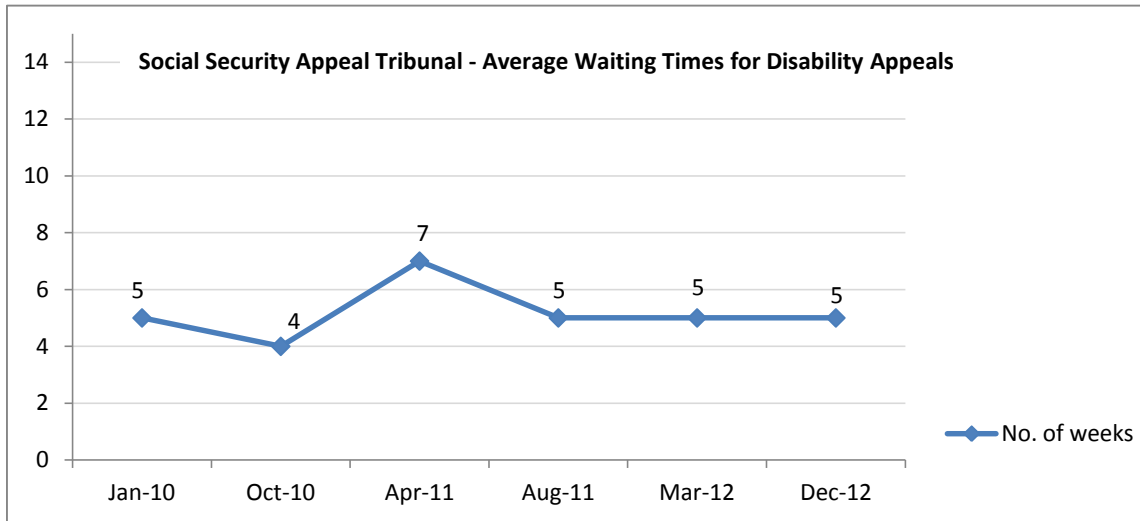
- in 2012 nine decisions were issued within one week of the hearing taking place. In 2011 two decisions were issued in the same timescale;
- in 2012 nine decisions were issued within four weeks of the hearing taking place. In 2011 twenty decisions were issued in the same timescale;
- in 2012 five decisions were issued within seven weeks of the hearing taking place. In 2011 six decisions were issued within six weeks of the hearing;
- in 2012 three decisions were issued within ten weeks of the hearing taking place. In 2011 three decisions were issued within nine weeks of the hearing; and
- in 2012 one decision took fourteen weeks to issue. In 2011 the longest period to issue a decision was fifteen weeks.

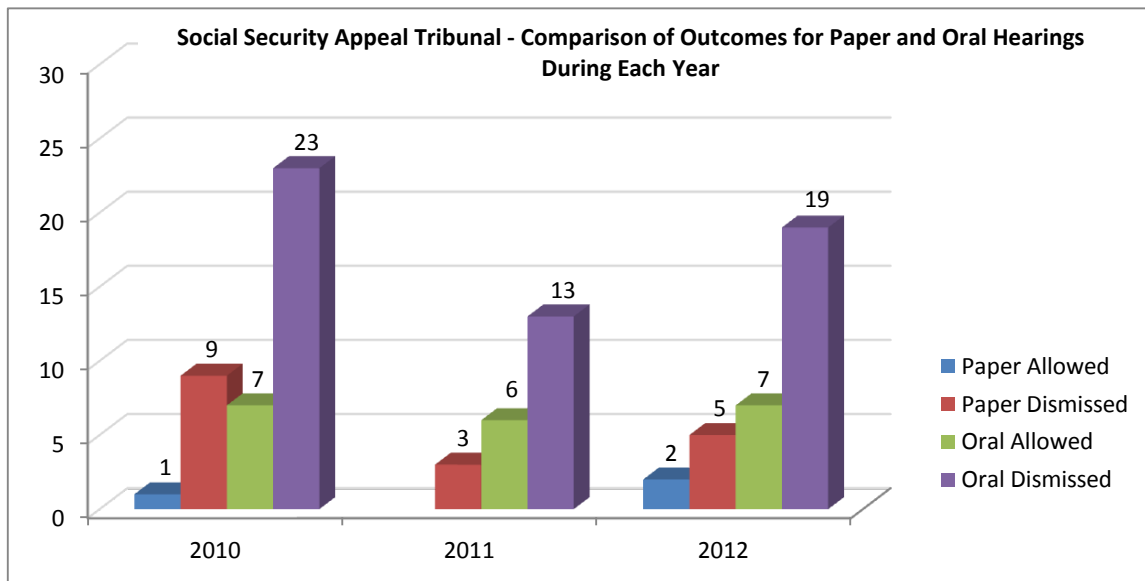
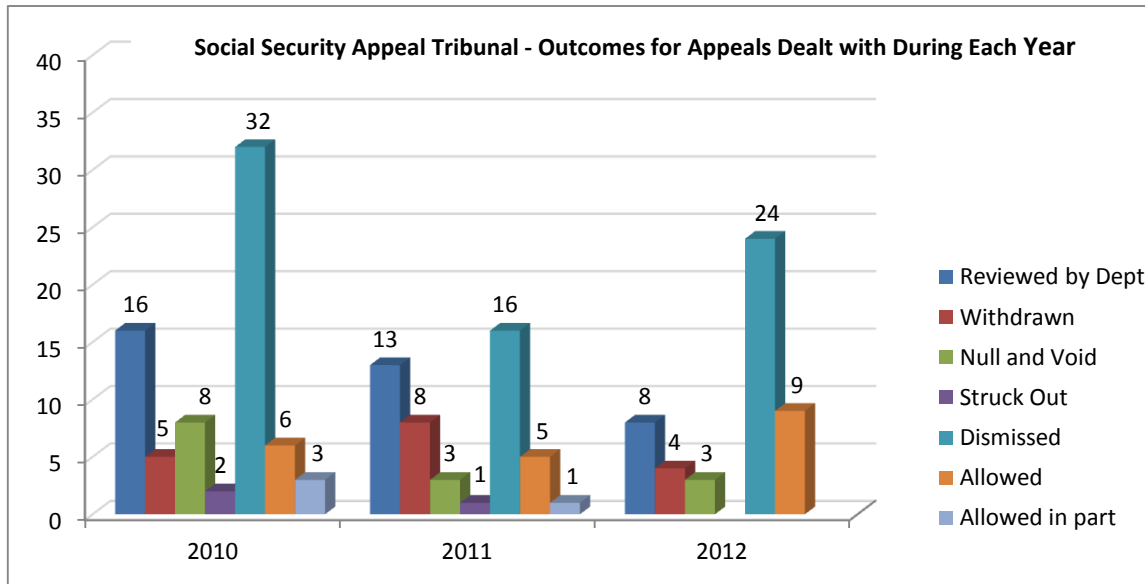
In terms of the number of days spent in hearing those cases (substantive hearing only with parties present):

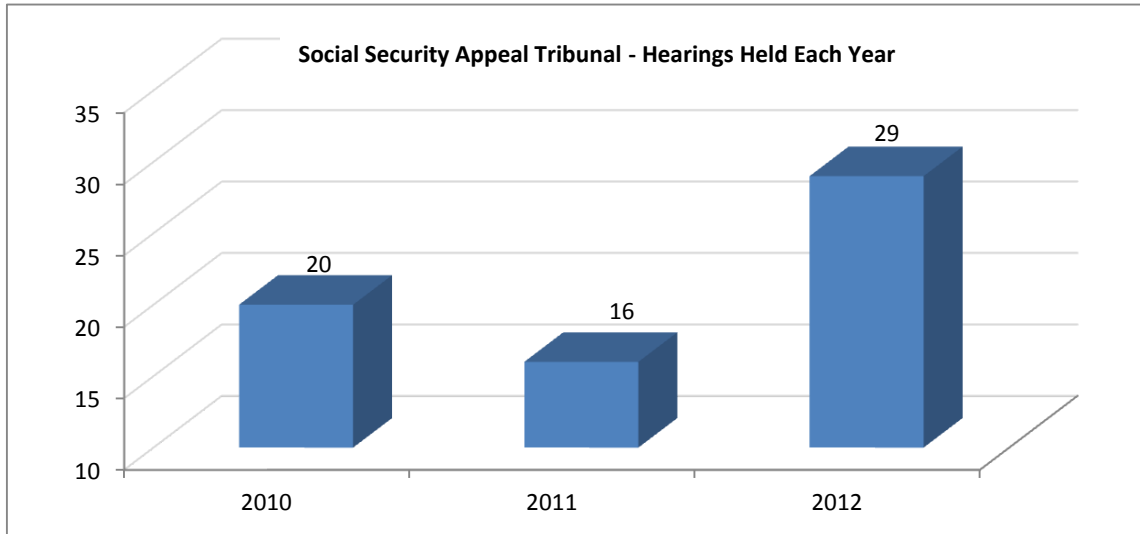
- in 2012 twenty four cases were heard within one day. In 2011 twenty eight cases were heard within one day;
- in 2012 three cases were heard over two days, five cases being heard over two days in 2011.

In 2012 the Employment Tribunal dealt with 5 applications for postponement/adjournment of proceedings, 2 of those applications being made by the Claimant. In 2011 the Tribunal dealt with three such applications, two of which were made by the Claimant.

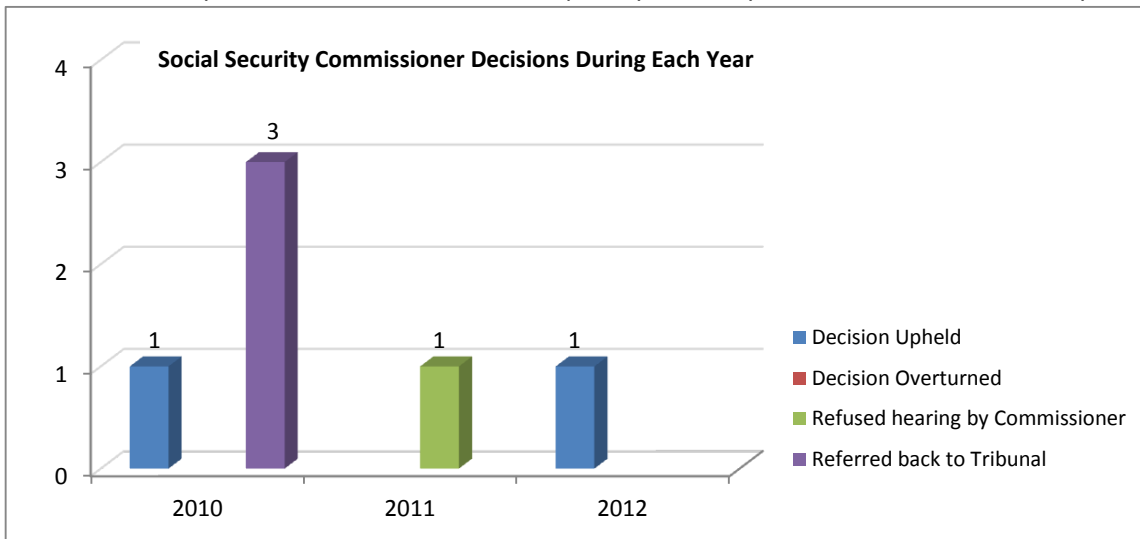




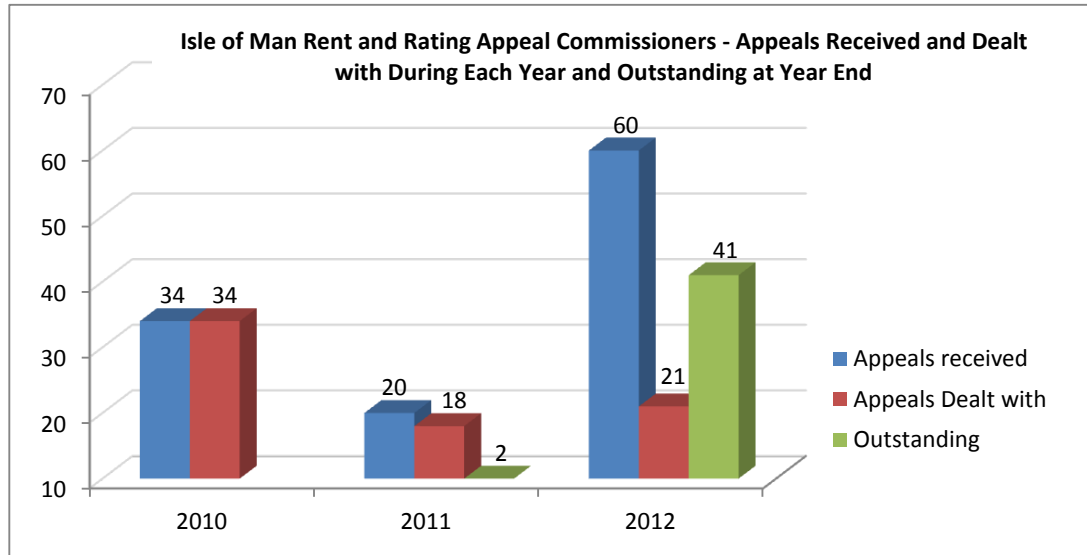




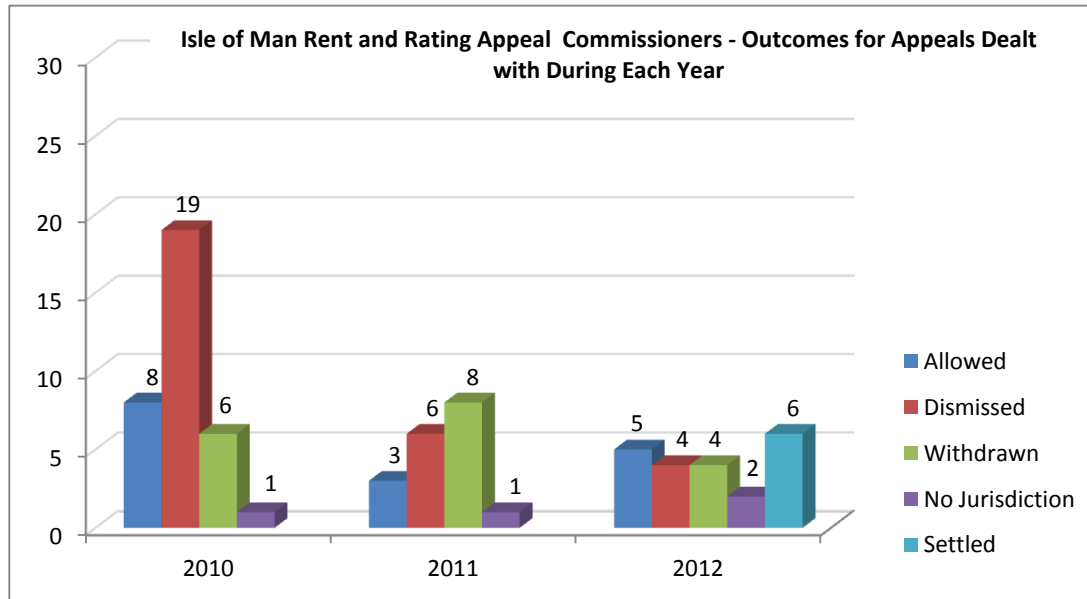
Multiple cases are normally listed for each hearing. In 2012 hearings before disability and non-disability Tribunals, which are differently constituted, have been counted separately when they have convened on the same day.

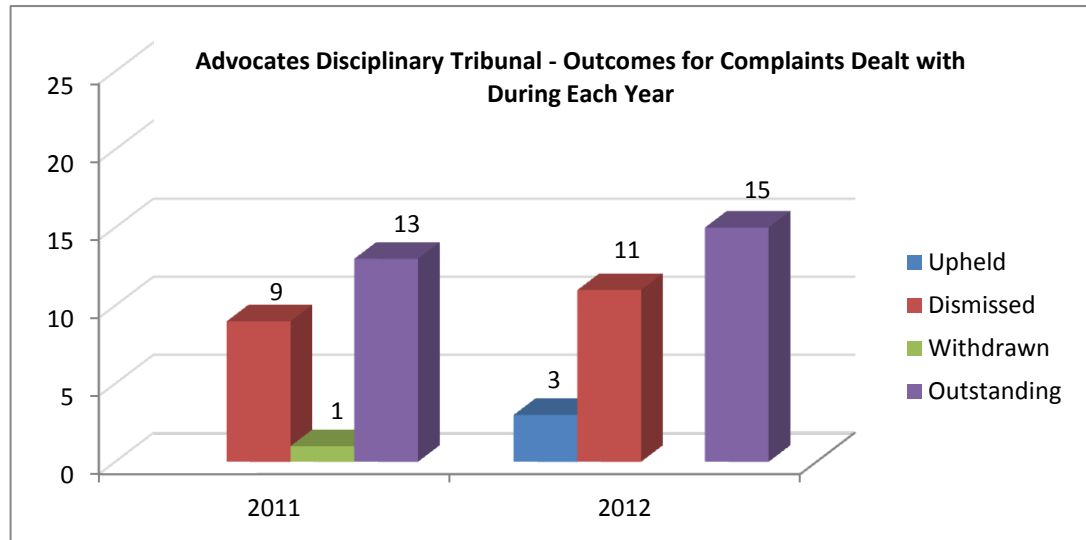
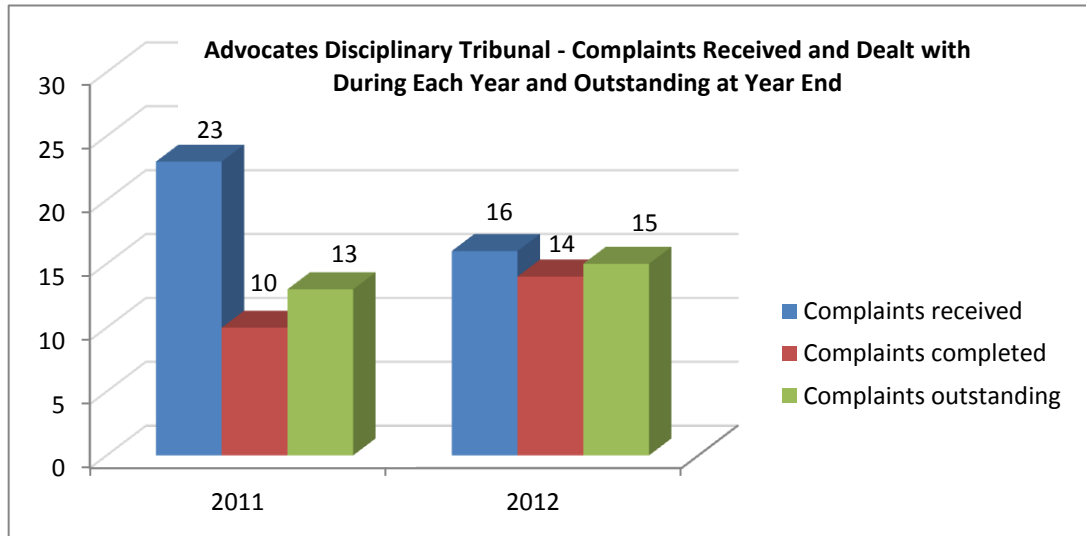


When expressed as a percentage of the total no. of appeals received in each year, Comm. Decisions in 2010, 2011 and 2012 account for 5.8% (4 out of 69), 2.3% (1 out of 43) and 1.9% (1 out of 52) respectively.

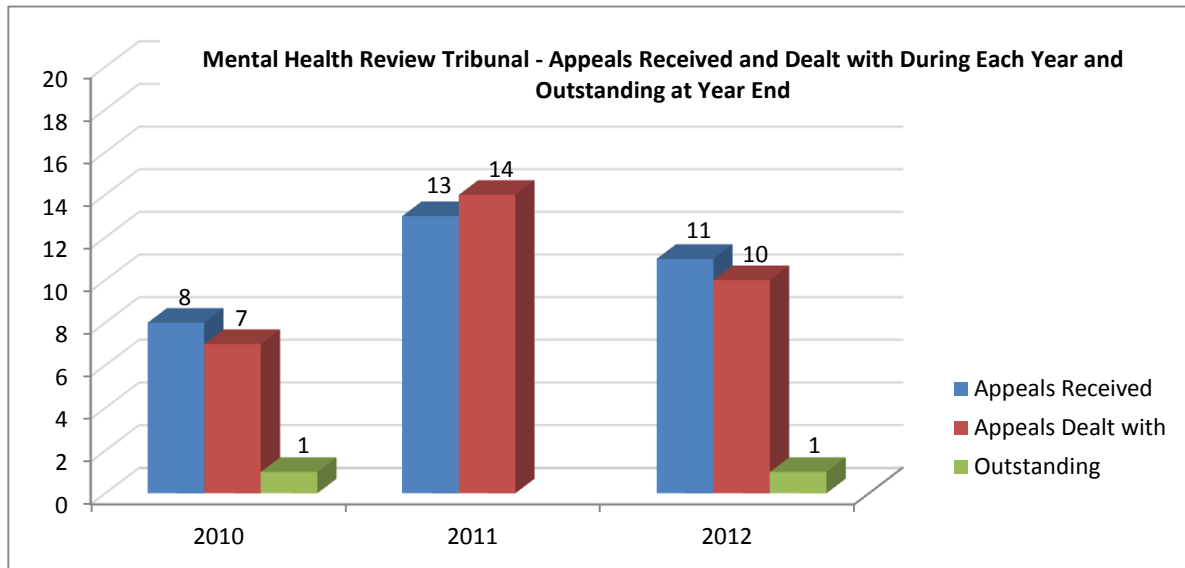


Appeals received in 2012 include 39 rating objections in respect of the same apartment block.

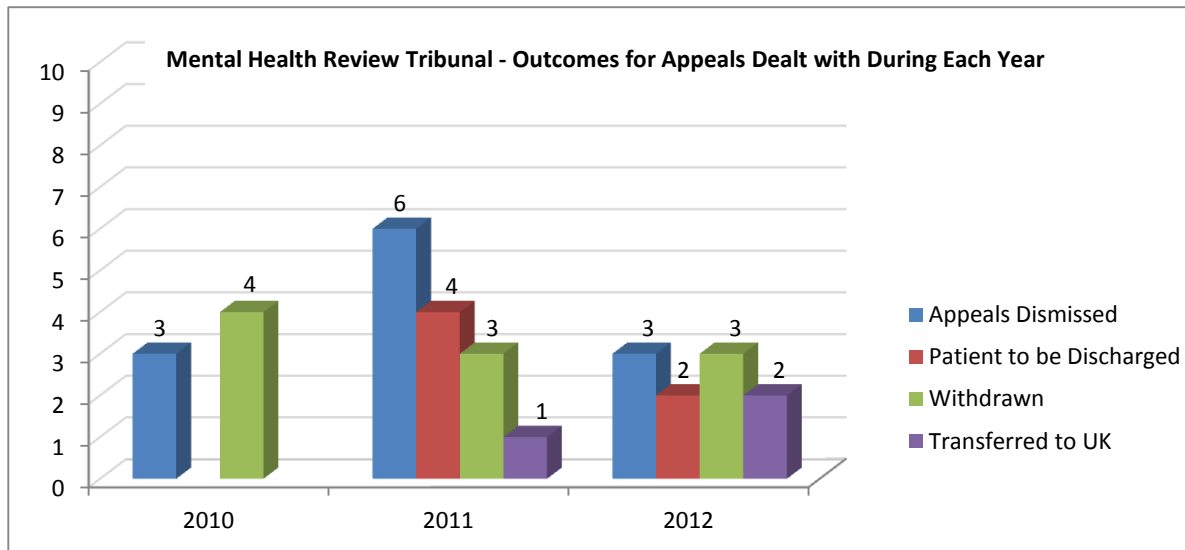


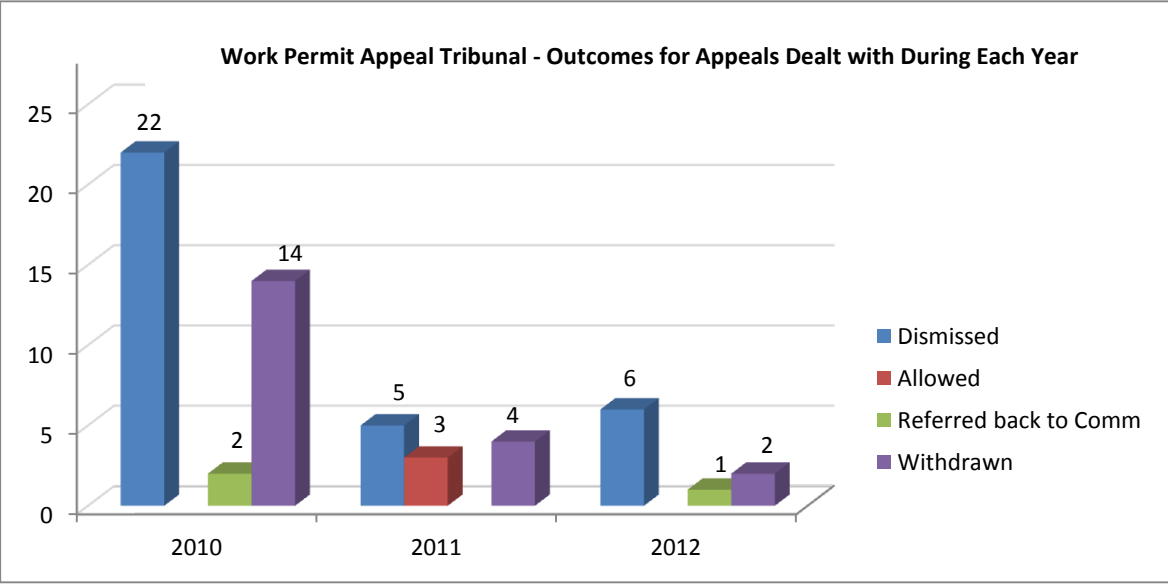
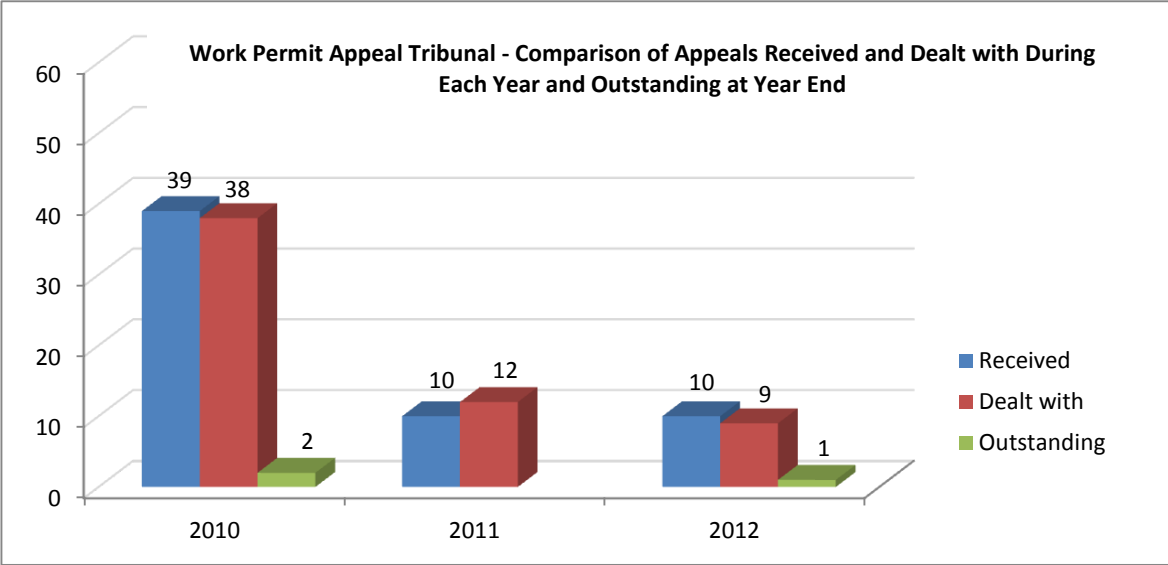


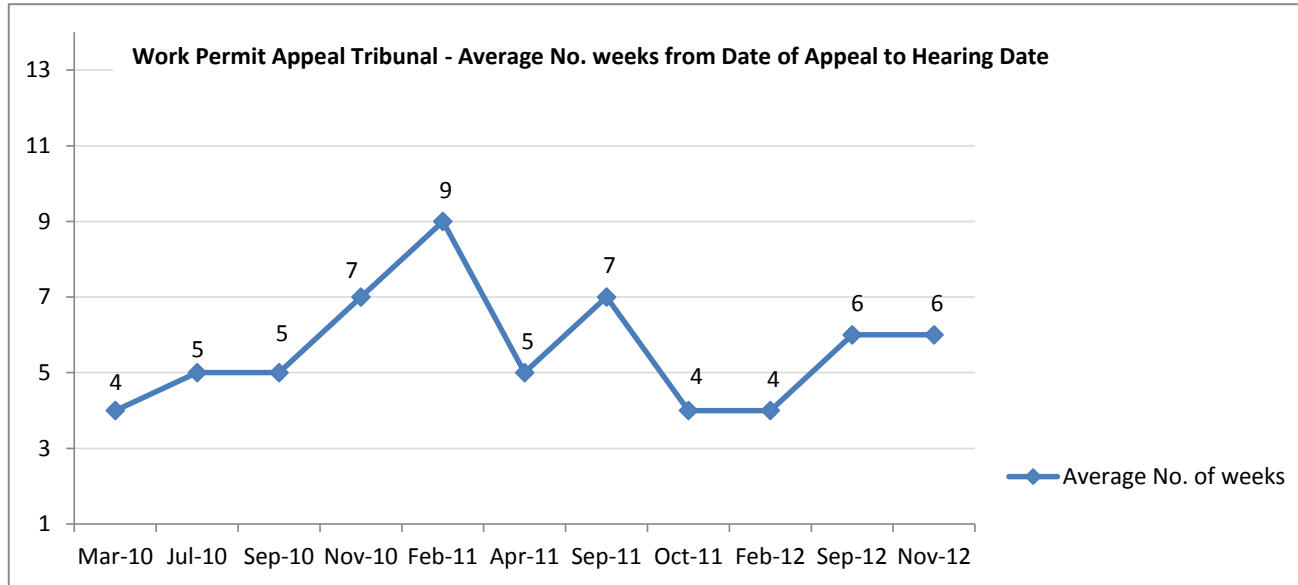
In 2012 one matter was referred to His Excellency for a re-hearing and was subsequently dismissed. In 2012 four of the matters outstanding at year end were subject to Sub-Judice Stays.



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 2010, 2011 and 2012 amount to 4, 11 and 6 respectively.







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