

Council
on
Tribunals

Annual Report

2005/2006

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the Lord Chancellor and Scottish Ministers

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with the agreement of Scottish Ministers

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The Council on Tribunals

The Lord Newton of Braintree OBE, DL – Chairman

Professor Alistair MacLeary – Chairman of the Scottish Committee

Carolyn Berkeley JP

Elizabeth Cameron

Sue Davis CBE (from Dec 2005)

Judith Edwards

Susan R Howdle

Penny Letts

Steve D Mannion QPM

Bernard Quoroll

Professor Genevra Richardson

Dr Jonathan Spencer CB (from Dec 2005)

Dr Adrian V Stokes OBE

Pat Thomas CBE (from Dec 2005)

Heather Wilcox

Ann Abraham*

Professor Alice Brown**

Acting Secretary:

Ray Burningham, Council on Tribunals, 81 Chancery Lane, London WC2A 1BQ

Tel: 020 7855 5200 Fax: 020 7855 5201 Email: enquiries@cot.gsi.gov.uk

www.council-on-tribunals.gov.uk

The Scottish Committee of the Council

Professor Alistair MacLeary – Chairman

Lyndy Boyd

Elizabeth Cameron

Douglas Graham

Steve D Mannion QPM

Audrey F Watson

Mary Wood

Ann Abraham*

Professor Alice Brown**

Secretary:

Marjorie MacRae, Council on Tribunals (Scottish Committee)

George House, 126 George Street, Edinburgh EH2 4HH

Tel: 0131 271 4300 Fax: 0131 271 4309 Email: sccot@gtnet.gov.uk

* *ex-officio* as Parliamentary Commissioner for Administration

** *ex-officio* as the Scottish Public Services Ombudsman

Chairman's Preface

The year we cover was perhaps the most significant for the tribunals world since 1958, when the Council on Tribunals itself was established after the Franks Report. April 2006 saw many of the most significant tribunal systems from around Whitehall joined into a new Tribunals Service under the aegis of the Department for Constitutional Affairs.

The Council has consistently and strongly supported this move. It is a major step forward in reinforcing those qualities of openness, fairness and impartiality which Franks set as the benchmarks nearly 50 years ago. We shall seek to provide continued support, along with constructive scrutiny, as it moves forward.

Against this background, it was of course a disappointment that Parliamentary time could not be found to legislate for the intended evolution of the Council into an Administrative Justice and Tribunals Council. But we have not allowed this to deflect us from continuing to develop our activities in ways which both serve our existing remit and strengthen our ability to fulfil the wider role in due course.

Our Annual Conference in November again attracted wide participation among those interested in administrative justice. We welcomed as keynote speaker DCA Minister Baroness Ashton, who made clear her commitment to a continuing role for non-legal tribunal members and a review of how their contribution could best be made – work in which we are involved.

Our May 2005 consultation paper on the use and value of oral hearings produced a wide response, two valuable events, and some important strands of thinking for the future. We completed the series of “user workshops” begun the previous year and reported on the views and insights we gained.

We facilitated an event which sparked a new forum for sharing experience and best practice among school admission and exclusion appeal clerks in London. We continued to develop our links across the tribunals and administrative justice landscape, notably through two important pieces of work with the British and Irish Ombudsman Association.

We look forward to building on all this again in 2006–07.



The Rt Hon the Lord Newton of Braintree OBE, DL



Statement of Purpose

The purpose of the Council is to keep under review, and report on, the constitution and working of the tribunals under its supervision, and where necessary to consider and report on the administrative procedures of statutory inquiries.

The Council seeks to ensure that tribunals and inquiries:

- are independent
- are open, fair and impartial
- are accessible to users
- have the needs of users as their primary focus
- offer cost effective procedures
- are properly resourced and organised
- are responsive to the needs of all sections of society

Strategic Objectives

In support of its purpose the Council has the following strategic objectives:

1. To oversee the performance of tribunals and inquiries against common standards and to draw attention to matters of particular importance or concern;
2. To promote the accessibility of tribunals and inquiries to all their users through fair, open, proportionate and straightforward procedures and high quality, user friendly information and guidance;
3. To promote the provision of training for all tribunal and inquiry judiciary and administrators;
4. To promote modern, user friendly, efficient and effective tribunal and inquiry administration;
5. To promote a culture of excellence in tribunals and inquiries through collaboration and sharing of best practice among judiciary and administrators.



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| Overview of the Year



1. This Report relates to the period 1 April 2005 to 31 March 2006. We reported last year on the proposals contained in the Department for Constitutional Affairs' (DCA) White Paper *"Transforming Public Services: Complaints, Redress and Tribunals"*, which was published in July 2004. The proposals were far-reaching, impacting on the wider landscape of administrative justice, including decision making by government departments, ombudsmen and the courts. They also included a proposal that we should in due course become an Administrative Justice and Tribunals Council (AJTC) with a wider remit. This, and some of the White Paper's other proposals, require primary legislation and the illustrative timetable contained in the White Paper contemplated a Courts and Tribunals Bill being introduced in June 2005.
2. As matters developed, other pressures on parliamentary time prevented the introduction of a Bill in the 2005–06 session, but substantial progress has nevertheless been made this year on the aspects of the reform proposals which do not require legislation, including our own sustained efforts to reposition ourselves to take on the AJTC role.

Tribunals Service

3. The Tribunals Service (TS) was formally launched as an executive agency of the DCA on 3 April 2006. This was the most significant development in the administration of tribunals that has taken place within the lifetime of the Council on Tribunals. The TS comprises the tribunals already within the DCA and a number of other tribunals that have transferred to DCA from other government departments: the Appeals Service (now called the Social Security and Child Support Appeals Tribunal), transferring from the Department for Work and Pensions; Employment Tribunals, transferring from the Department of Trade and Industry; the Criminal Injuries Compensation Appeals Panel, transferring from the Home Office; the Mental Health Review Tribunal, transferring from the Department of Health; and the Special Educational Needs and Disability Tribunal, transferring from the Department for Education and Skills.
4. We have actively supported the creation of a unified tribunal service as a major step in achieving real independence for tribunals and this year devoted a considerable amount of our time to overseeing the implementation process. Our Chairman served as a member of the DCA Tribunals Service Programme Board, which oversaw the work to establish the Tribunals Service. Our members, including the Chairman, also participated as observers on the Implementation Boards for the individual tribunals joining the new Tribunals Service, to consider issues of particular relevance to those jurisdictions. Following the establishment of the Tribunals Service a new Tribunals Service Management Board has been set up, on which our Chairman will sit. Our members will also sit on the Steering Boards that have been established to oversee the operation of each of the transferring tribunals.
5. We believe that the bringing together of tribunals within the DCA represents a significant advance for the independence of tribunals and provides the opportunity for a number of benefits to be realised for tribunal users. A significant number of tribunals still remain outside the unified service and consideration will be given this year to the

timetable for additional tribunals to join the TS. We expect to contribute to discussions about later phases of the unification process.

6. The TS published a Framework Document, setting out its purpose and accountabilities, including details of how it will relate to other organisations with which it will maintain operational links. It also published a Business Plan, setting out its key priorities and objectives for 2006–07. An extract from the Business Plan is included at Appendix A.

Senior President Designate of Tribunals

7. The White Paper proposed the appointment of a Senior President of Tribunals, who would also be an *ex-officio* member of the AJTC. Lord Justice Carnwath was subsequently appointed as Senior President designate, pending the necessary legislation. The Senior President is not a member of the Council, nor is it now proposed that he should be a member of the prospective AJTC. We have however welcomed Lord Justice Carnwath at our meetings and value our collaborative relationship with him.
8. Lord Justice Carnwath assumed chairmanship of the Tribunal Presidents Group (TPG), which had been set up by Lord Justice Brooke for the tribunal judiciary to consider the White Paper's proposals. The TPG has become an established forum and our Chairman now participates in its meetings. A smaller Tribunal Judges Executive Board, comprising representatives from the main constituent tribunals, has also been established and meets more frequently.
9. We also welcomed the establishment in September 2005 of the Scottish Tribunals Forum, to liaise with the Senior President of Tribunals and other interested parties on Scottish aspects of the reforms and their implementation. The Forum is chaired by Lord Abernethy, a judge in the Court of Session in Scotland, and includes representation from our Scottish Committee.

Users Support Workshops

10. We have continued to canvass the views of tribunal users about the tribunal reform programme. Following on from our earlier workshops in London, Manchester and Livingston, we held a further workshop in Bristol last October.
11. The key themes of the workshops were drawn from the issues arising in the DCA White Paper. The White Paper proposed that the Council should have an important role to play in obtaining the views of users and the advice sector on issues arising from tribunal unification and formulating advice to DCA on user priorities and concerns. Delegates were asked to explore in particular:
 - how support to tribunal users could be improved, with particular focus on the need for better advice and information
 - the scope for employing proportionate dispute resolution techniques so that more disputes might be resolved at an earlier stage without the need for an appeal hearing.

12. A wide range of delegates from organisations that provide support to tribunal users attended the workshops. We have reviewed and collated all the key messages representing the views expressed by delegates at the workshops and produced a report of the feedback, which was published in April 2006. Copies of the report have been circulated widely to all those with an interest, including key DCA officials, workshop delegates and other contacts within the administrative justice field.
13. The report sets out the emerging key messages and highlights potential areas for further work. Whilst we recognise that some of these further areas of work have already been identified by the DCA our intention in producing the report has been to provide a faithful account of the views of the workshop attendees. We are also considering where we ourselves can work with the TS in taking forward some of the further work identified in the feedback report.

Judicial Studies Board

14. We continue to enjoy a close collaborative working relationship with the Judicial Studies Board's Tribunals Committee, on which we are represented by one of our members. During the year we were invited to comment on a draft Framework for the Evaluation of Training, Appraisal and Mentoring Arrangements in Tribunals and our Chairman took part in a consultative workshop where the proposals were discussed with those responsible for training and appraisal in a range of tribunal jurisdictions. We welcomed the evaluation framework, which aims to encourage a consistent approach to training and development across tribunals and to promote good practice. Following a successful pilot evaluation of the Special Educational Needs and Disability Tribunal, the JSB will undertake a programme of evaluation visits over the next 18 months to those tribunals within, or soon to join, the Tribunals Service.
15. At the Council's conference in November 2005 Mr Justice Sullivan, Chairman of the JSB's Tribunals Committee, announced the publication of the Framework for Induction of New Chairmen and Members of Tribunals, the latest in the JSB's series of guidance and framework documents. Also, during the year, at the request of the Senior President, the JSB has conducted a survey of current training provision in tribunals, in order to update the survey previously carried out in conjunction with the Council in 2002. Preliminary results indicate that substantial progress has been made by many tribunals during this time, both in the development of judicial training and the introduction of appraisal schemes.

Judicial Appointments Commission

16. Our Chairman has had the opportunity to meet Baroness Usha Prashar, Chair of the new Judicial Appointments Commission (JAC), which came into operation on 3 April 2006. The JAC is an independent public body set up by the Constitutional Reform Act 2005 to select judicial office holders, including appointments to tribunals. The members of the JAC with a particular interest in tribunals include His Honour Judge David Pearl, President of the Care Standards Tribunal, and Professor Dame Hazel

Genn DBE. We look forward to developing an appropriate working relationship with the JAC in the future.

Research Advisory Group

17. During the year we welcomed the opportunity to join with Lord Justice Carnwath in establishing a Research Advisory Group. Its remit is to advise the Senior President and the Council on the availability, desirability and dissemination of research to assist them in the fulfilment of their respective duties. The Group is chaired by Professor Martin Partington, himself a former Council member, who also acts as a special adviser to the Senior President. The Council is represented on the group by Professor Geneva Richardson and Bernard Quoroll.

Oral Hearings Consultation

18. The White Paper emphasised the need to reduce reliance on formal oral hearings and we considered that if we were to be in a position to contribute fully to the consequent policy debate we should consult widely among the relevant stakeholders. Accordingly, in May 2005 we published a consultation paper entitled *“The Use and Value of Oral Hearings in the Administrative Justice System”*. Two events were held alongside the consultation: the first was an Oral Hearings Seminar, held at our Chancery Lane premises in July 2005 and attended by key members of the tribunals judiciary, academics and representatives of the legal and advice sectors; the second was an Oral Hearings Workshop, held during the afternoon of our annual conference in November 2005.
19. The consultation generated a great deal of interest and a large number of thoughtful written responses. In January 2006 we published a summary of responses on our website, together with most of the responses themselves. The summary is at Appendix B. We plan to build on the success of the consultation exercise and to continue to engage stakeholders. Areas of particular interest to us include the form and style adopted when an oral hearing is used, and, more generally, mechanisms for the sorting and distribution of cases in systems of redress (or “triage” as some commentators refer to it).

Nuffield Foundation and Economic & Social Research Council

20. During late 2005 and early 2006 the Nuffield Foundation held a series of six seminars on Administrative Justice, at which a range of distinguished British and international speakers shared experiences and viewpoints. They included advisers, members of tribunals, judges, ombudsmen, and complaint handlers, as well as academics and policy-makers. The three main aims of the seminars were to stimulate an informed and strategic discussion, ensure that the wider issues raised in current reform proposals could be discussed dispassionately, and to help identify future research needs. The seminars were organised by Professor Maurice Sunkin. One of our members, Professor Geneva Richardson, also sits on the Nuffield Foundation Board of Trustees and was closely involved in devising and introducing the seminars. Our Chairman and several of our members and staff attended the seminars.

21. Also during the year the Economic and Social Research Council began sponsoring a series of seminars on administrative justice, with a slightly different focus. The aims of this series of seminars are to review the current state of theoretical work on administrative justice, defined as work concerned with the justice and fairness of administrative procedures; to consider recent changes in the nature of the state, recent developments in public administration in the UK and elsewhere and their implications for accountability; and, against this background, to assess the current state of administrative justice in the UK, in particular the balance between external and internal forms of accountability and the degree of co-ordination between them, and to consider how administrative justice might be enhanced. The seminars are being organised by Professor Michael Adler and Dr Richard Whitecross. The Chairman of our Scottish Committee, Alistair MacLeary, attended the first seminar, which was held in Edinburgh in March 2006.

Communications Strategy

22. The underlying aims of the review of our communications strategy last year were to:
- develop better systems for exchanging information with our stakeholders;
 - strengthen our communications to enable us to consult more easily with tribunals and tribunal users; and
 - promote best practice across the administrative justice field.
23. We had hoped that our transition to a AJTC would help define the progress of our communications work. But whilst the former has not been realised, we have still made a productive and promising start to widening our communications network and engaging with our stakeholders. We will continue our work to fulfil the “hub of the wheel” role that Sir Andrew Leggatt envisaged in his Report.
24. We describe in paragraphs 10 to 13 above the series of users workshops we held to seek views on the tribunal reform programme and to promote the Council’s work among the user and advice sector. As a by-product of this work we have established a useful network of user representatives with whom we plan to engage further as we evolve into our new AJTC role.
25. We have also redesigned our website at www.council-on-tribunals.gov.uk in order to improve its appearance and accessibility. Further work is also in progress to expand its functionality, which will enable it to be updated more easily and quickly.

“Adjust” electronic newsletter

26. Our quarterly electronic newsletter “Adjust” has evolved both in design and content, the original format having been replaced with a more user-friendly design. *Adjust* has become an informative newsletter and a useful medium for us to communicate the work of the Council and also wider issues pertaining to administrative justice. This year we have welcomed interesting articles from a wide variety of contributors from different backgrounds, including academics, user representatives and tribunals. We have endeavoured to continue building our relationship with user representatives

and advice groups and have profiled various agencies such as the Specialist Support Services division of Citizens Advice, PEACH (Parents for the Early Intervention of Autism in Children) and the Legal Casework Service division of the RNID.

27. In October we produced an *Adjust* 'Education Special', a one-off edition focusing on education appeals in England and Wales. This was partly inspired by the workshop we ran for admission and exclusion appeal clerks in London to promote the work of the Education Appeals Support Initiative (EASI) group. The aim of the education special was to help support and promote the sharing of best practice and provide a medium for networking and sharing of experiences.
28. We have continued to build the readership of *Adjust* to ensure that it reaches a larger audience within the administrative justice world, both here and overseas.

British and Irish Ombudsman Association

29. We have sought to strengthen our relationship with the British and Irish Ombudsman Association (BIOA) by collaborating in areas of common interest. Work has begun on a joint exercise designed to map out ombudsman and complaint handling bodies in the United Kingdom, in order to inform a wide range of individuals and organisations. It is anticipated that this will be particularly useful to policy-makers.
30. One of our members has been participating in a BIOA working group tasked with developing principles of good complaint handling. The group held its inaugural meeting in October 2005, bringing together BIOA members from the public and private sectors, both large and small, from across Great Britain and Ireland. The terms of reference of the group are:
 - to identify the over-arching principles and standards in escalated complaint handling which reflect best practice in the establishment of schemes and the delivery of service;
 - to draw up a statement of principles and standards which value the breadth and diversity of BIOA members whilst articulating and defining BIOA's core values;
 - to publish a statement which can be used as a measure of quality assurance by current and potential BIOA members, other complaint handling schemes and individuals and also those interested in the provision of such services and the recipients of them.

The working group has now produced a draft consultation document which has been circulated for comment within BIOA.

Our 2005 Annual Conference

31. Our 2005 annual conference included participants from more than 40 different administrative justice jurisdictions, as well as representatives from the advice sector, user groups and academia. The main theme of the conference was once again the DCA White Paper and the establishment of the Tribunals Service. Peter Handcock,

Chief Executive of the Tribunals Service, updated the conference on the substantial progress that had been made.

32. We were particularly pleased to welcome as keynote speaker Baroness Ashton, the Parliamentary Under Secretary of State in DCA. Announcing a review of the role of non-legal tribunal members, Baroness Ashton described non-legal members as 'often neglected and under-valued'. We welcome her commitment to a continuing role for non-legal members and we are actively participating in the review.
33. Other speakers included Lord Justice Carnwath, Senior President of Tribunals; Mr Justice Sullivan, Chairman of the Judicial Studies Board's Tribunals Committee; Professor Hazel Genn, University College London (whose appointment as a DBE in the 2006 Birthday Honours gave us particular pleasure); and our own Professor Geneva Richardson, who reported on our oral hearings consultation. Our Chairman described our evolution to an Administrative Justice and Tribunals Council, outlining three themes emerging in our work, which would help to determine our new role:
 - establishing the ways in which we would communicate with the administrative justice sector;
 - placing an increasing emphasis on promoting and publicising research to produce materials of value to stakeholders;
 - continuing our work on promoting the needs and priorities of tribunal users.



Speakers at our 2005 Annual Conference included (left to right): Baroness Ashton; Professor Hazel Genn; Professor Geneva Richardson.

Tribunals for Diverse Users

34. We were pleased to be invited to attend a reception to launch the publication of Professor Hazel Genn's eagerly awaited research report "Tribunals for Diverse Users", at which Professor Genn presented an outline of her findings. The report was based on a study of access, expectations, experiences and outcomes of tribunal hearings from the perspective of users of the Appeals Service, Criminal Injuries Compensation Appeals Panel and the Special Educational Needs and Disability Tribunal. The report found that users of those three tribunals are on the whole treated well at hearings and that the majority of users across ethnic groups perceive this to be true. The study also

highlighted the importance of pre-hearing preparation, the perception of fairness and the need for the judiciary to have the skills to enable unrepresented parties to present their case. We have since had a meeting with Professor Genn to discuss her report, which also highlighted a number of areas for further work.

Diversity

35. The introduction of the Equality Bill, now the Equality Act 2006, prompted us to undertake a review of our existing policy statement on diversity, which we first published in 2000. We were keen that any new statement should adopt a more proactive approach by specifying the positive steps we would take in carrying out our statutory functions, to demonstrate our commitment to eliminating discrimination and promoting equality and diversity. Our revised policy statement is at Appendix C.

Wales

36. Following on from the success of our first conference on Administrative Justice in Wales last June, we look forward to building on the positive relations fostered with tribunal colleagues in Wales and to this end plan to hold a further conference in Wales in 2007.
37. The reform of the tribunals system in England has raised many issues for the future agenda of the Welsh Assembly Government and we look forward to being involved in these discussions. We continue to remain in touch with developments in Wales through Heather Wilcox, our member who represents the interests of people in Wales.

Northern Ireland

38. Although tribunals in Northern Ireland are for the most part outside our statutory remit, we take an interest in developments there. In September 2005 our Chairman spoke at a conference in Belfast organised by the Office of the President of Appeal Tribunals in Northern Ireland. One of our members, Susan Howdle, also attended, as did two members of our staff. The conference theme was "*Tribunals: A Time for Change*". And so it has proved. In March 2006 the Secretary of State for Northern Ireland announced that the administration of tribunals currently sponsored by the Northern Ireland departments is to become the responsibility of the Lord Chancellor to form part of a new Courts and Tribunals Service. We warmly welcome this development.

International

39. We continue to develop good relations with overseas administrative justice contacts to encourage networking and the sharing of good practice. We were delighted to welcome Trish McConnell, Principal Adjudicator of the Tenancy Tribunal in New Zealand, who visited the Council at the end of November as part of a networking tour. The Tenancy Tribunal, part of the Ministry of Justice in New Zealand, is a court established under the Residential Tenancies Act 1986 to deal with unresolved

problems between landlords and tenants. We were also visited by Steve Karas, Principal Member of the Australian Migration Review Tribunal and Refugee Tribunal.

40. Our Dispute Resolution Committee met Professor Peter Spiller, who had been appointed as Principal Disputes Referee of the Disputes Tribunal in New Zealand. This meeting provided a useful opportunity to discuss dispute resolution processes across two different jurisdictions.
41. The European Ombudsman, P. Nikiforos Diamandouros, visited us as part of a programme of visits to EU Member states. We were pleased to welcome Mr Diamandouros and to give him an overview of our work.
42. During the year we also welcomed Anton Alexandrovitch Ivanov, President of the Supreme Arbitration Court of the Russian Federation, who was leading a study tour as part of an EU Tacis Programme project. The jurisdiction of the Arbitration Courts of the Russian Federation includes some areas of law dealt with by tribunals in the UK.
43. We were pleased to meet a delegation headed by Professor Ying Songnian, Director of the Law Department of the National School of Administration and Member of the National People's Congress in China. The visit was organised by the Great Britain-China Centre to enable the delegates to learn about the UK system of administrative tribunals. Our Chairman, the Chairman of our Scottish Committee and one of our members presented an overview of the Council to the delegation.
44. The Senior President of Tribunals, one of our members and academics in the field of administrative justice took part in an International Tribunals Workshop in Canberra, Australia in April 2006. The workshop, which was organised by Professor Robin Creyke of the Centre for International and Public Law at the Australian National University, enabled a comparison of developments in the tribunals systems in Australia, Canada, New Zealand and the United Kingdom.

Visits

45. During the year our members, both of the Council and the Scottish Committee, observed 75 tribunal and inquiry hearings and participated in 60 conferences, training seminars and user group meetings. Details are at Appendix G.
46. In advance of our anticipated transition to a AJTC we have been undertaking a review of our visits reporting system, including the arrangements for providing feedback to tribunals following our visits to observe appeal hearings. We are keen to put in place an open, transparent and informative process for tribunals and will undertake a trial of new arrangements for reporting and giving feedback to tribunals, involving letting tribunal Heads have sight of our resulting visit reports. We aim to begin piloting these new arrangements from Autumn 2006.

| Policy Issues



Asylum and Immigration

Asylum and Immigration Tribunal

1. In last year's Annual Report we set out our concerns about how the new single tier Asylum and Immigration Tribunal (AIT), established by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, would operate. We were particularly concerned about the very short time limits, especially for fast track appeals, and also about the availability of advice, assistance and representation following changed arrangements introduced in 2004.
2. The new Tribunal came into being on 4 April 2005. Shortly afterwards, the Government set up an interdepartmental review to:
 - consider whether the AIT is realising its primary objectives
 - make recommendations, during the course of the review and in a final report, to ensure that the AIT fully realises its primary objectives
 - identify areas where there are additional opportunities for realising the primary objectives.

For this purpose the primary objectives of the AIT were described as being to:

- speed up the asylum and immigration appeals process
- reduce the proportion of appeals (including onward appeals) to the AIT, the High Court and the Court of Appeal by improving the quality of decisions on applications and appeals and introducing measures to discourage appeals with little merit.

These objectives must be read in the light of the overriding objective of the statutory rules, which is "to secure that proceedings before the Tribunal are handled as fairly, quickly and efficiently as possible; and, where appropriate, that members of the Tribunal have responsibility for ensuring this, in the interests of the parties to the proceedings and in the wider public interest".

3. In December 2005 we responded to an invitation to submit evidence to the review. At this early stage, we did not consider that we were able to draw firm conclusions about how the system was operating. However, our members had in the meantime made several visits to hearings, including four visits to fast track cases. We are also represented on the AIT stakeholder group and we keep abreast of developments in other ways. In responding to the review we drew attention to the concerns we had expressed in last year's Annual Report and made the following points.
4. We were very concerned about the high proportion of cases in which appellants are not represented, particularly in fast track cases. Good representation can make a great difference to the effective working of a tribunal. But at present it seems that about a half of fast track appellants are not represented at hearings. The situation seems to have deteriorated since the changes to the funding arrangements in 2004, and that cannot be helpful to appellants or indeed the AIT judiciary.

5. This may be connected to another continuing concern, namely the extremely short time limits in the rules, not only for fast track cases but for other asylum cases too. We adhere to the view that these time limits are capable of leading to injustice. The problem is compounded if potential representatives withdraw from asylum work because they feel unable to comply with the time limits and do full justice to cases.
6. We were aware that the AIT found itself in a very difficult situation from the start because of a large backlog of cases inherited from the Home Office and Immigration Appeal Tribunal. We understand that delays in immigration appeals are lengthy but coming down. We know that the AIT is doing all it can within existing constraints to tackle its substantial work in progress. It is equally clear that it will be some time before the backlog is clear. This is another reason why it would be premature to draw firm conclusions about the operation of the new appeals system.
7. We were also aware of difficulties in the deployment of the AIT's non-legal members. As mentioned elsewhere in this report, the Department for Constitutional Affairs has embarked on a more general review of the role of non-legal members in tribunals in which we expect to play a part. The role of AIT non-legal members will be considered in the course of it.

Other matters

8. Another significant development in the course of the year was the passage of the Immigration, Asylum and Nationality Act 2006. Among other things, this measure substantially curtails rights of appeal in respect of leave to enter and leave to remain. This goes hand in hand with the Government's intention to introduce a points-based system for immigration. We expect in due course to take a close interest in seeing that the new arrangements operate fairly.
9. In the course of the coming year we intend to pursue with relevant stakeholders the issue of advice, assistance and representation in asylum and immigration appeals. In some respects there have been improvements in recent years. The regulatory system set up by the Immigration and Asylum Act 1999 seems to have largely succeeded in overcoming the problem of unscrupulous advisers. In the past year there has also been a very substantial increase in the proportion of cases in which a Home Office presenting officer appears. Another important development is the publication by the Immigration Law Practitioners' Association, in association with the Office of the Immigration Services Commissioner, of an excellent Best Practice Guide on Representation at Immigration Appeals, launched in March 2006. All these developments are very welcome. What does concern us, however, is the fact that advice, assistance and representation do not seem to be readily accessible for a substantial proportion of appellants.
10. Our ability to monitor the working of tribunals under our supervision is greatly enhanced by our representation, through our members or staff, at user and stakeholder meetings and similar gatherings. In the field of asylum and immigration, we much appreciate the fact that we are invited to meetings of the AIT Stakeholder Group. We are also very glad to be represented at meetings of the Asylum Support

Adjudicators User Group and to be able to offer accommodation for those meetings at our premises in Chancery Lane. In December 2005 we were pleased to be asked to the annual conference of the Immigration Services Tribunal, where the new Immigration Services Commissioner, Suzanne McCarthy, gave an account of her first few months in office. We are keen to build on contacts of this kind, which give us an insight into users' needs that might otherwise be more difficult to obtain.

Education

School Admission and Exclusion Appeal Panels

Education and Inspections Bill

11. The Education and Inspections Bill, which was introduced in Parliament on 28 February 2005, includes measures concerning the establishment, discontinuance or alteration of schools in England. The Bill contains specific proposals to enable all schools to acquire self-governing status, and the support of a charitable Trust (formed by a business, faith group, university, successful local school or a local voluntary, community or parent group). The Trust will hold land and buildings in trust for the benefit of the school and will be able to appoint a majority of governors. One implication of these measures is that, in future, many more schools may operate outside local education authority (LEA) control, being their own admission authority with responsibility for managing their own admission arrangements, including the appeals process.
12. In our earlier Special Report on School Admission and Exclusion Appeal Panels (Cm 5788) we specifically highlighted our concerns about the operation of appeal panels for foundation and voluntary-aided schools, particularly as regards:
 - the unacceptable arrangements for the appointment of panel members, which we did not consider to be sufficiently open and transparent;
 - the isolated position of the clerks to the panels;
 - the lack of expertise of the appeals clerks;
 - the lack of training for panel members; and
 - hearings taking place in inappropriate venues, such as the Headteacher's study.
13. We recommended that all admission appeals, including those for foundation and voluntary-aided schools, should be managed and run by LEAs regionally. In its response the Department said *"Had the recommendation been for voluntary-aided and foundation school appeals to be handled by LEAs at LEA level, it would have found majority support. But there is still significant opposition from those schools and their representatives, so even this move would require controversial legislation, for which we have no plans"*.
14. As we mentioned in our last Report the admission appeals process was also heavily criticised by the Education and Skills Committee of the House of Commons in its 2004 report *"Secondary Education: School Admissions"* (HC 58-1), which also

highlighted for particular criticism the appeal panels for voluntary-aided and foundation schools, urging, as we did, that all appeals should be managed by LEAs.

15. It is therefore particularly disappointing that once again the Department has failed to take the opportunity to address both our and the Select Committee's concerns about admission appeal panels for foundation and voluntary-aided schools. This could easily have been achieved by including a provision in the Bill to transfer the management and operation of all school admission appeals to LEAs, which, as the Department acknowledged in the response to our Special Report, would have found majority support.

Consultation on the draft School Admission Appeals Code of Practice and associated draft Regulations

16. We were consulted by the Department on an update to the School Admission Appeals Code of Practice, which aimed to clarify and strengthen the guidance to which both appeal panels and parents look for advice. We submitted a number of detailed comments, the most significant of which included:
 - the need to include an explanation of the “enabling” role of the panel; that is, in taking account of the disadvantaged position of some parents the panel should do its best to “enable” parents to put their case, for example by the Chair of the panel assisting parents to frame any questions they may wish to put to the LEA representative;
 - decision letters from admission authorities should include advice about where parents might obtain further information and advice locally about making an appeal;
 - the need for a clear statement in the guidance to the effect that research in other appeals systems has demonstrated that parents who attend a hearing to put their own case stand a far greater chance of success than those who do not attend;
 - the need for better and more detailed guidance about the panels' jurisdiction in disability discrimination cases.
17. Ministers decided subsequently not to issue the updated Code of Practice and we understand that a more thorough revision of the Code is taking place, on which we look forward to being consulted in due course.

Education Appeals Support Initiative

18. As we mentioned in our last Report we have continued to support and promote the wider proliferation of the networking groups of the Education Appeals Support Initiative (EASI), which comprise groups of appeal clerks who meet regularly to share their experiences and examples of best practice. We identified the need for a networking group in London and to this end jointly sponsored a workshop for admission and exclusion appeal clerks from across the London boroughs. The event was well attended with only one or two boroughs not being represented. Speakers included a member of the Council, a representative of the existing EASI network,

Information for Schools and College Governors (ISCG), the Disability Rights Commission and the Department for Education and Skills.

19. The outcome of the workshop was a unanimous agreement to establish an EASI group for London based appeals clerks. The group meets at our offices in Chancery Lane, which are easily accessible to clerks from across the London boroughs.
20. Our Diversity sub-group also had a useful meeting with representatives from across the EASI network to discuss how the constitution of the appeal panels might better reflect the diversity of the population they serve. The meeting included a wide-ranging discussion of the problem of attracting applications for membership of appeal panels from minority ethnic groups, particularly since the role is voluntary and unpaid. A number of positive suggestions were discussed, including:
 - targeting minority ethnic groups directly through their local associations;
 - advertising for new members locally in libraries, schools, radio and even local supermarkets;
 - selling the benefits of panel membership more positively;
 - being more flexible about the time for appeal hearings;
 - developing best practice in advertising for panel members.
21. The group plans to meet again later in the year to monitor progress and consider the scope for issuing some good practice guidance to assist other appeals clerks across the country in attracting a more diverse panel membership.



Speakers at the EASI workshop included (left to right): Felicity Taylor (ISCG); Sheila Sturgeon (EASI); Beth Coxon (DRC); Neil Lawson (DFES).

Information for School and College Governors

22. We facilitated a training seminar for panel chairs and clerks jointly with the organisation Information for School and College Governors (ISCG). The seminar's aims were:
 - to provide a forum for discussion of good practice and ways of improving appeal hearings based on natural justice, the law and the statutory guidance; and
 - to raise awareness of the need for rigour and fairness in appeal hearings.
23. The seminar, which was initially over-subscribed, was well attended on the day. Feedback from those who attended the seminar was positive and we hope that ISCG will be able to continue these useful one-off events since there is clearly a demand for them.

24. We were, therefore, disappointed to learn that the Department for Education and Skills was no longer providing funding for ISCG, particularly since ISCG has been instrumental in securing significant improvements in the provision and delivery of training for school admission and exclusion appeal panel members in recent years. Our Chairman raised our concerns in writing with the then Minister for Schools, Jacqui Smith MP, who replied that the department's funding for ISCG was never intended to be open-ended and the contract with ISCG had run its course. This response fails to recognise that ISCG's training material will quickly become obsolete unless it is kept up to date, which ISCG will be unable to do without funding. It will be regrettable if all the excellent work that ISCG has done over the past few years in the provision and delivery of training for panel members were to be undone for the sake of relatively modest funding.

Special Educational Needs and Disability Tribunal

25. Rosemary, Lady Hughes, President of the Special Educational Needs and Disability Tribunal (SENDIST), published what would be the last Annual Report to the Secretary of State for Education and Skills, pending the transfer of SENDIST to the Tribunals Service under the Department for Constitutional Affairs. Our Social Affairs Committee is meeting with Lady Hughes to discuss the headline issues in her Report, including the reasons for:
- the continuing decrease in appeals for the second year running, with a 3.4% decrease over the previous year;
 - the continued increase in the numbers of appeals concerning children with Autistic Spectrum Disorder;
 - the high appeals success rate remaining fairly static at 77%, (78% & 75% in the previous 2 years);
 - a significant reduction in the number of complaints received, particularly judicial complaints, with the introduction of a judicial appraisal scheme expected to continue this trend;
 - the more complicated nature of disability discrimination claims, which has resulted in a general increase in legal representation;
 - a reduction in the number of successful appeals to the High Court.

Special Educational Needs Tribunal for Wales

26. Our member who represents the interests of people in Wales attended one of the user group meetings run by the Special Educational Needs Tribunal for Wales (SENTW). The tribunal runs three user groups covering South, mid and North Wales and meetings are usually chaired by the SENTW President, Rhiannon Ellis Walker. Our member reported on a rewarding meeting, which was welcomed enthusiastically by those attending.

27. We reported last year on our attendance at a SENTW mock hearing training event and have learned that a DVD of the hearing is being produced for those interested in seeing how the tribunal operates and what happens on the day of a hearing. It is impressive what can be achieved by a relatively small tribunal like SENTW in the provision of better information and advice for its users, which is a good example of best practice for other tribunals to follow.

Adjust “Education Special”

28. We produced a special “education” edition of our electronic newsletter *Adjust*, which comprised news and articles about the education appeals world, including:
- feedback from our workshop for London-based appeals clerks;
 - the SENTW mock appeals training event;
 - a report from the Secretary of SENDIST on the preparations for the Tribunal’s transfer to the DCA;
 - an article by an appeals clerk in Kingston about her experiences as a clerk;
 - the perspective of a lay member of school admission and exclusion appeal panels;
 - an article from Dr Philip Hunter, the Chief Schools Adjudicator, about his role.
29. Our aim in producing this special edition was to help support and promote the sharing of best practice and provide a medium for networking and sharing of experiences within the world of education appeals.

Employment

30. We reported last year on our first impressions of the operation of the Employment Tribunals’ new rules, procedures and forms, which came into effect in October 2004, and specifically whether they were achieving the original policy intention of simplifying the system. At our visits to observe appeal hearings during the past year our members have reported that the tribunals (and users and their representatives) are still getting to grips with the new rules, as well as with a substantial volume of new discrimination legislation. Our members have noted a particular problem pertaining to the high numbers of claims that are rejected at the outset for failure to follow mandatory internal grievance procedures, the vast majority of which do not subsequently come back to the tribunal. Whilst many such cases may well have been resolved satisfactorily at the earlier grievance stage, there may be many applicants who have simply given up in frustration. This matter warrants further investigation. Many claims are also being rejected for failure on the part of applicants to complete the application form accurately, which we flagged up last year as a potential problem. There are also continued reports of problems with the use of on-line forms, whose introduction was initially delayed because of technical difficulties.
31. We note that the Department of Trade and Industry is embarking on a review of the new dispute resolution regulations, to which we look forward to contributing.

32. One of our members attended a meeting of the Employment Tribunals' East Midlands user group and reported on a constructive and wide-ranging discussion covering issues such as caseloads, achievement of targets, the operation of case management orders, judicial resources, premises and the new case flow management system. We hope to attend more of these events in the future.

Health and Care

Draft Mental Health Bill

33. In last year's Report we detailed our comments on the Government's draft Mental Health Bill, which was published for pre-legislative scrutiny in September 2004. Our Chairman and one of our members, along with His Honour Judge Sycamore, the Liaison Judge for the Mental Health Review Tribunal, and Mrs Carolyn Kirby, the President of the Mental Health Review Tribunal for Wales, gave evidence to the Joint Select Committee on the draft Mental Health Bill. The Committee subsequently published its Report in March 2005.
34. In its response to the Committee's report the Government indicated that it had commissioned further work on the Bill's Regulatory Impact Assessment and, as part of the Bill implementation project, established a Mental Health Tribunal Project Group. The group included representatives from key stakeholders groups, including the Institute of Mental Health Act Administrators, the National Institute for Mental Health for England, the Department for Constitutional Affairs (DCA) and the Legal Services Commission. One of our members represented our interests on this group.
35. The group's terms of reference were:
"To develop and make recommendations to the mental health legislation programme board and DH Ministers, via the Project Manager, for a workable and deliverable tribunal model, which delivers the policy objectives of the proposed Mental Health Bill and is accessible and useable by all patients, taking into account their diverse circumstances and needs."
36. In its submission to Ministers the group recommended that urgent action needed to be taken to make the existing Mental Health Review Tribunal (MHRT) fit for purpose and improve compliance with acceptable performance targets as a precursor to implementation of any new Mental Health Tribunal; and that until the MHRT was shown to be functioning competently and efficiently no further action should be taken to introduce a new tribunal. Whilst this might appear to be a rather disappointing position in the light of all the work that had gone into the development of the new legislative proposals, we recognised that it represented a realistic assessment of the current position of the MHRT.
37. On 23 March 2006 Rosie Winterton MP, the Minister of State for Health, announced that the Government had decided not to proceed with the Bill in its original form but instead planned to introduce a shorter, streamlined Bill which would amend the

Mental Health Act 1983. The Bill is due to be introduced when parliamentary time allows. We await details of what this will be likely to mean for the Mental Health Review Tribunal and look forward to early consultation on any new proposals.

38. The Department also established a Tribunal Rules Advisory Group, chaired by Professor Jeremy Cooper, one of the full-time regional Chairmen, to review the current MHRT procedural rules in order to determine how they might need to be updated. A member of our secretariat sits as a member of the group, which is using our “Guide to Drafting Tribunals Rules” as a benchmark for this work.

Mental Health Review Tribunal

39. We were pleased to learn that the MHRT was to be among the first wave of tribunals to transfer to the Tribunals Service in April 2006, as obvious benefits could accrue from its early transfer both for the staff and judiciary alike and, we would hope, also for the users of the tribunal. A member of the Council sat as an observer on the Project Implementation Board set up by the DCA to oversee the arrangements for the transfer.
40. Our Social Affairs Committee had a constructive follow-up meeting with Mr Jack Fargher, the Head of the MHRT secretariat, who had met the Committee earlier in the year. Mr Fargher helpfully provided us with advance copies of the MHRT’s Business Plan for 2005–06 and Review of Activity from April 2001 to March 2005. Since our last meeting with him a good deal of progress was reported to have been made:
- the MHRT secretariat had moved to new accommodation on one site in Victoria;
 - previous IT problems were being addressed, with the aim of having a fully functioning on-line booking system for hearings;
 - staff turnover had been reduced significantly, most of the staff now being permanent civil servants rather than agency staff;
 - pilot studies were underway aimed at improving the administration of the MHRT and trialling new case management arrangements;
 - a survey of stakeholders had been undertaken, the findings from which would inform next year’s business plan;
 - the clerking problem was being addressed with Hays Specialist Recruitment.
41. We are pleased to note the progress that has been made in the short time since Mr Fargher took over as the Head of the secretariat and look forward to seeing the impact of these initiatives at our forthcoming visits to observe MHRT hearings. However, at a visit to a hearing after our meeting with Mr Fargher one of our members reported many of the same issues that we have raised in the past, e.g. the inadequate standard of the tribunal hearing room, delays in the tribunal receiving the papers for the hearing, continuing problems with booking hearing dates in advance, communication difficulties with the secretariat in London. We hope that the new initiatives and working practices that are being introduced will address these shortcomings as soon as possible.

42. The results of a recent MHRT Stakeholder Opinion Survey have shown that key stakeholders are least satisfied with:
- timeliness of receiving reports;
 - design and running of the MHRT secretariat processes; and
 - willingness of MHRT staff to take responsibility.

Particularly low levels of satisfaction among stakeholders were highlighted in areas such as tribunal administrative support, MHRT processes and the arrangements for listing hearings. The survey has provided useful information about where remedial action urgently needs to be taken in the MHRT administration.

Mental Health Review Tribunal for Wales

43. The Mental Health Review Tribunal for Wales is a separate organisation, which is administered and funded by the National Assembly for Wales. The tribunal also operates its own procedures and forms etc. During the year we have observed hearings of the MHRT in Wales, where no particular problems were identified. The administration difficulties that are prevalent in England are largely absent in Wales, which might be attributable to the smaller size of the jurisdiction, making for better communication and more closely involved administration and leadership.

Care Standards Tribunal

44. The Care Standards Tribunal (CST) Annual Report for 2004–05 reported a 34% increase in the total number of appeals over the previous year, with appeals against decisions of Ofsted and the General Social Care Council accounting for most of the increase. In his Report the President, His Honour Judge Pearl, described the tribunal's achievements during the year, including:
- the publication of a digest of cases decided by the tribunals;
 - training for members on the new protection of vulnerable adults scheme;
 - the introduction of an appraisal system for tribunal members, which also gathers members' feedback on the tribunal, which shapes future developments in the CST;
 - the production of a DVD/video "*Making Your Case – How to appeal to the Care Standards Tribunal*".
45. We were pleased to receive copies of the "Making Your Case" DVD, which will materially assist users of the tribunal to prepare for a hearing by giving them a flavour of what will be likely to happen on the day and useful guidance on how best to prepare for a hearing. It is impressive what can be achieved by a relatively small tribunal like the CST in the provision of information and advice to its users, which is a good example of best practice for other tribunals to follow.

Safeguarding Vulnerable Groups Bill

46. The Safeguarding Vulnerable Groups Bill, which was introduced in the House of Lords on 28 February 2006, makes provision for the protection of children and vulnerable adults. Among other things the Bill provides for the creation of the Independent Barring Board (IBB), which will be responsible for the establishment and maintenance of the children's and adults' barred lists, comprising the lists of people considered to be unsuitable to undertake "regulated activity" with children or adults.
47. Our attention was drawn to the Bill by His Honour Judge Pearl, President of the Care Standards Tribunal (CST), to whom appeals from decisions of the IBB will lie on a point of law. In his response to a consultation on the constitution of the IBB Judge Pearl questioned whether limiting the right of appeal to a point of law would be compliant with the European Convention on Human Rights and pointed out that, whilst the CST is a tribunal of first instance, limiting the right of appeal in this way would give the CST the status of a second tier tribunal.
48. We share Judge Pearl's concern about limiting the right of appeal to points of law only and concur with his view that any right of appeal to the CST should be on grounds of law and fact. Moreover, we are not aware of any other first tier tribunal to whom the right of appeal is fettered in this way. We are pursuing this matter with policy officials in the Department for Education and Skills.

Family Health Services Appeal Authority

49. We have not had the opportunity in the past year or so to undertake visits to observe hearings of the Family Health Services Appeal Authority, which we reported in our 2003/04 Annual Report was continuing to receive relatively low numbers of cases in its first few years of operation. However, we intend to address this in the coming year by attending hearings and through follow-up contact with the President, Mr Paul Kelly.

Property and Land

Housing disputes

50. During the year the Law Commission continued its work on a project on resolving housing disputes, which we mentioned in our last Annual Report. In April 2006, just outside our reporting period, the Commission published an issues paper entitled "*Housing: Proportionate Dispute Resolution*", supported by a large quantity of background material. The paper is of great interest to us not only by reason of our supervisory role in relation to a number of tribunals concerned with housing matters but also because of our prospective role as an administrative justice council with oversight over the whole range of dispute resolution processes. We look forward to commenting further in our next report.

Property tribunals

51. The main tribunal system concerned with housing is the Residential Property Tribunal Service (RPTS). We continue to take a keen interest in this system, whose jurisdiction expands year by year. One of our members attends RPTS Management Board and National User Group meetings. In September 2005 we were pleased to welcome Siobhan McGrath and Michael Ross, respectively the Senior President and the Chief Executive of the RPTS, to one of our monthly meetings. The discussion covered a wide range of topics, including the 46% growth in total workload in 2004–05, largely as a result of increased public awareness of the Commonhold and Leasehold Reform Act 2002; the breadth of the jurisdictions, now amplified by several new jurisdictions under the Housing Act 2004; mediation and telephone hearings pilot studies in London; and the efforts made by the RPTS to promote public awareness of its work.
52. Valuation tribunals constitute another major system that deals with disputes about property. We mentioned last year that the Valuation Tribunal Service (VTS) had published a consultation paper making important proposals for changes to the present system of appeals and the organisation and administration of the tribunals in England. We responded to that consultation, expressing our general support for the proposals; we welcomed the emphasis on greater coherence, better partnership working and increased customer focus. The summary of the results of an independent survey of appellants who attended tribunal hearings in the first year of the VTS confirmed this and provided additional detail on where the priorities for improvement lay.
53. Following their consultation the VTS Board made recommendations to the responsible Minister. In October 2005 our Chairman, addressing the Valuation Tribunal Presidents' and Chairmen's Conference in Stratford Upon Avon, expressed our warm support for the following recommendations in particular: a single English valuation tribunal under a National President; the ending of local authority involvement in the appointment process for members; the appointment of chairmen and vice-presidents against a framework of skills and competencies; and appeals to be made direct to the VTS, rather than through the Valuation Office. We believe that the VTS is seeking to move in the right direction.
54. Our Chairman also addressed the agricultural land tribunals' national training event in York in November 2005. This is a system where the rules of procedure require updating to incorporate the modern case management powers that are now needed. Work on this has been resumed.

Planning matters

55. Through force of circumstances we have paid less attention to planning inquiries than in some previous years. We intend to remedy this in the months ahead. The past year did, however, see a development that we warmly welcome namely the Planning Inspectorate's electronic newsletter. The first two issues were full of interest and

information, and we are sure that the newsletter will be a worthy successor to the Planning Inspectorate Journal and of great benefit to users.

Social Security and Criminal Injuries Compensation

The Appeals Service

56. We reported last year on a meeting our Social Affairs Committee had with Dr. Christina Townsend, Chief Executive, and Sir Leonard Peach, non-Executive Director of the Appeals Service, to discuss work that Sir Leonard was undertaking on a feasibility study of decision making and appeals in social security benefits. The key objective of the study was to improve the quality of decision making and reduce the volume of social security appeals.
57. We had a follow-up meeting with Dr. Townsend and Sir Leonard Peach to discuss the key findings of his preliminary report to the Secretary of State for Work and Pensions and the discussion included the following points:
 - the legislation underpinning the social security system is too complex and the subjective nature of benefits such as disability living allowance did not aid consistent and confident decision making;
 - customers do not understand the claim forms or the conditions of entitlement for benefits, with the result that the standards of completion of forms is poor, which leads to poor decision making;
 - there is a lack of confidence in the operation of the reconsideration process and wide variations in practices between decision makers;
 - there are considerable differences in working practices between the offices in the Disability and Carers Service, which administers benefits for sick and disabled people and their carers;
 - claims targets impose limits on the time that can be spent on some cases, which may lead to poor decision making;
 - written explanations are inadequate, with the result that some people do not have enough information to make a reasoned judgement on the further merits of their claim;
 - evidence from customers at the initial claim and reconsideration stages is not always in a format that allows decision-makers to revise the decision.
58. Many of the issues raised in Sir Leonard's first report chime closely with the findings from our users support workshops, particularly as regards the complexity of the benefits system, the need for better training for decision-makers, the lack of reasons in decisions, the difficulty in getting decision makers to reconsider decisions and the inconsistent treatment of medical evidence. Sir Leonard's report invited the Secretary of State to consider a number of recommendations:

- the creation of a specialist grade of decision maker to be responsible for undertaking reconsiderations;
- greater opportunities for direct contact between decision makers and customers prior to the appeal submission;
- decision makers to have the opportunity to consider new evidence received after the release of the appeal documents to the Appeals Service and prior to the hearing;
- pre-viewing of cases by District Chairmen in the Appeals Service to assess the quantity and quality of evidence;
- Appeals Service judiciary to be involved in the training and accreditation of decision makers.

59. We see a great deal of merit in these recommendations which, if taken forward, would go some way to securing the much needed improvements in the quality of first tier decision making, ensuring that errors are corrected at the earliest opportunity and thereby reducing the number of cases that need to go to the Appeals Service. A second report from Sir Leonard is awaited.

How to appeal – A step by step guide and The Standards You can Expect

60. The Appeals Service published two new guides aimed at the users of its services. “*How to Appeal*” provides a step by step users guide to the appeals process, containing comprehensive information and advice written in simple, user-friendly language, which should be easily understood by users of the tribunal. An “easy read” version of the leaflet has also been produced in association with Mencap and the Disability Rights Commission. The Appeals Service was discussing with the Department for Work and Pensions how best to get these leaflets to customers at an early stage in the appeals process.
61. “*The Standards You can Expect*” provides a guide to the Appeals Service’s customer service standards, covering guidance on what customers should do if things go wrong, including information about other avenues of redress where a complaint cannot be dealt with fully by the Appeals Service. Again the information guide is well presented in simple user-friendly language, setting out a clear commitment to high standards of customer service.

Appeals Service Annual Report and Accounts 2004–2005

62. The Appeals Service’s Annual Report for 2004–05 reported significant improvements in its service to customers, highlighting developments such as:
- the MORI survey of appellants which provided useful feedback about appellants’ needs for better information, a shorter appeals process, competent and professional staff and a flexible service;
 - the development of a blueprint for a “Modern Tribunal Venue”, setting a standard for all tribunal hearings and removing existing variations across the Appeals Service estate;

- involving appellants and representatives in the development of a new appeals leaflet in response to their request for better information.
63. We were pleased to note that waiting times for hearings have continued to fall, to an average of 10.4 weeks. However, this is not an end-to-end waiting time figure, as it only covers the time from when the Appeals Service receives the appeal papers from the decision making agency to the point of first hearing. In his 2004–05 report on standards of decision making by the Secretary of State, the President of the Appeals Service, His Honour Judge Harris, reported on the average times from lodgement of appeals with the decision making agencies to receipt of the papers by the Appeals Service. These waiting times ranged from 5.9 weeks for Attendance Allowance cases to 12.9 weeks for child support appeals. This means that overall end to end waiting times are at best 16.3 weeks and at worst 23.3 weeks. We, like Judge Harris, consider a waiting time of nearly 6 months unacceptable and concur with his view that work remains to be done within the agencies to improve appeals clearance times.

CAB evidence on medical assessments for incapacity and disability benefits

64. We attended the launch of a report by Citizens Advice highlighting flaws in the process and quality of medical assessments for disability and incapacity benefits and the decisions based upon them. The report included the following findings:
- the quality of the current system of medical assessments and the quality of decision making is not acceptable and there is great scope for improvement;
 - evidence from examining doctors is too often preferred over other evidence from practitioners who are more familiar with the applicant's condition;
 - the administration and quality of medical assessments needs to be improved;
 - there is a need to improve the way medical examinations for incapacity and disability benefits are conducted and decisions made;
 - the Personal Capability Assessment does not assess mental health conditions adequately;
 - systems used to complete assessment reports are inflexible and generate standard responses;
 - a review of decision-making and appeals processes for disability and incapacity benefits is needed.
65. Again, these are issues which were raised at each of our users support workshops and which are highlighted in our feedback report (published in April 2006 and available on our website at www.council-on-tribunals.gov.uk). We will continue to monitor this matter closely at our forthcoming visits to hearings of disability and incapacity benefits appeals.

Criminal Injuries Compensation Appeals Panel

66. In his Annual Report for 2004–05, the Chairman of the Criminal Injuries Compensation Appeals Panel, Roger Goodier highlighted the key developments during the year, including:
- a 12% reduction in CICAP’s administration budget for 2004–05, which followed a 3.5% reduction in the previous year;
 - of the 3,655 decisions made by CICAP during 2004–05, for the second year running none was overturned by an appellate Court;
 - completion of the first formal appraisal of panel members, which led to the production of a ‘Good Practice Guide’;
 - the expiry of all panel members’ appointments in March 2005 was resolved by the re-appointment of 94 panel members for varying periods from 1–5 years;
 - a decrease in sitting days from 752 days in 2003–04 to 695.5 in 2004–05 – the Chairman has confirmed that, as currently administered, panels need to sit about 650 days per year to avoid an increase in arrears;
 - targets for hearings are 90% of eligibility appeals heard within 6 months of receipt of the ready to list bundle from the Criminal Injuries Compensation Authority (CICA); 80% of all appeals within 12 months; 100% of all appeals heard within two years, with 67%, 88% and 96% respectively actually achieved.
67. We were concerned to note that the reduction in the administration budget had led to the decision to reduce the composition of the panels from three member to two member panels. We shared the CICAP Chairman’s unease that financial constraints should not be allowed to compromise the objective of hearing appeals independently. Our Chairman raised this matter with Peter Handcock, the Chief Executive of the new Tribunals Service, who explained that two person panels had only operated in about 50% of cases but that, in any event, three member panels had been re-introduced in 2005 once it became apparent that budgetary pressures were significantly less than anticipated. He also confirmed that the programme for 2006–07 was based on running three member panels.

Consultation Paper: Rebuilding Lives – supporting victims of crime

68. A consultation paper “*Rebuilding Lives – supporting victims of crime*” was published jointly by the Home Office, Department for Constitutional Affairs and the Attorney General, setting out the government’s proposals to improve victim support and reform the Criminal Injuries Compensation Scheme. Our interest in the consultation lay principally in the extent to which the proposals would be likely to impact on CICAP. We had the benefit of seeing the response to the consultation submitted by the CICAP Chairman, with which we concurred.
69. Our concern about the cases which come before CICAP relates principally to the long waiting time to reach the hearing stage, most of which is spent in the gathering of evidence by the CICA. Only once the necessary evidence is collated can a case be confirmed to CICAP as ready to be listed. We strongly endorsed the case for a more

effective review process within the CICA, which might lead to a greater number of cases being settled on review without the need for an appeal hearing, and for those cases which do go on to a hearing to get there more quickly.

70. We also suggested that the proposal to remove the least serious cases from the ambit of the scheme could potentially lead to a significant increase in the numbers of appeals as applicants resort to CICAP to argue the merits of their case in order to convince the appeal panel that their case is sufficiently serious to be brought within the scheme.

Tax

Tax appeal reform

71. Work continues on drawing up detailed proposals for reforming the tax appeals system, with a view to introducing legislation when Parliamentary time allows. Our Chairman sits on the Tax Appeal Modernisation Project Board set up by the Department for Constitutional Affairs. Lord Justice Carnwath, the Senior President designate of Tribunals, has established a Tax Appeal Modernisation Stakeholder Group under the chairmanship of His Honour Stephen Oliver QC, President of the VAT & Duties Tribunal, Presiding Special Commissioner, and Chairman of the Section 703 Tribunal. The group feeds in recommendations to the Project Board. One of our members, Judith Edwards, is a member of the group.
72. In May 2005 we responded to a consultation on proposals to reform Section 703 Tribunal appeal routes. The Section 703 Tribunal has a very specialised jurisdiction. It deals with cases relating to certain provisions of the Income and Corporation Taxes Act 1988 involving the cancellation of a tax advantage arising from certain transactions in securities. It has been in existence since 1960. The aim of the proposals was to reform Section 703 appeal routes in line with the wider plans for administrative justice reform outlined in the 2004 White Paper. Views were sought on how the current related jurisdictions of the Tribunal and the Special Commissioners in this area of tax law could best be accommodated in a unified tax jurisdiction within the new tribunal structure proposed in the White Paper.
73. We welcomed the proposals set out in the consultation paper. We noted the commercial reality behind many Section 703 cases and suggested that the reforms could go even further, to include fast track and proportionate dispute resolution mechanisms in line with the general thinking underlying the White Paper. As regards the composition of appeal panels dealing with Section 703 cases, we considered that it was important to have some expertise drawn from the wider business community.
74. The reform of the tax appeals system, which we strongly support, has now been on the Government's agenda for a long time, and it is disappointing that so far a legislative slot has not been found. We very much hope that one will be found in the reasonably near future.

Transport

Civil Aviation

75. Several bodies concerned with transport matters are under our supervision, though sometimes this is limited to particular functions of the body in question. That is the case with the Civil Aviation Authority. The CAA is the United Kingdom's independent aviation regulator. Our supervision is restricted to certain prescribed functions of the CAA, all of them of an adjudicative character and capable of giving rise to oral hearings. Hearings are in fact relatively infrequent, though one of our members was able to visit one in January 2006.
76. In August 2005 the CAA consulted on procedures for allocating scarce bilateral capacity rights. These cases may involve several competing airlines seeking to operate on the same routes. They can be very complex and technical, with a great deal at stake for the parties. Among the matters on which the CAA sought views was whether there might be a case for moving away from the adversarial form of hearing that has hitherto been the norm in such cases. We agreed with the CAA's view that in this instance the case for doing so was not strong. Another issue concerned the treatment of commercially sensitive information. The CAA proposed that it should be free to consider commercially sensitive information from an airline that was not made available to the other parties at a hearing, though giving it less weight. We thought that, in the context of an adversarial hearing, ordinary principles of fairness dictated that each party should have a right to know and comment on all the evidence adduced. The CAA accepted our advice on this matter.

Traffic Commissioners

77. Traffic commissioners are also under our supervision, but not in respect of their executive functions. Appeals from traffic commissioners lie to the Transport Tribunal, a court of record under our supervision and now part of the unified Tribunals Service. One of our members, Steve Mannion, was pleased to be invited to attend and speak at a well structured and useful two day training conference for the traffic commissioners in Edinburgh in November 2005.
78. In December 2005 the Department for Transport issued a consultation paper entitled *"Modernising Operator Licensing: A streamlined regulatory system for operators of goods and public service vehicles"*. We commented on proposals for allocating cases involving multiple licence holders to a lead traffic commissioner. We believe that this should materially assist operators holding licences in more than one traffic area while safeguarding the public interest. We offered suggestions as to how it might best work, emphasising the importance of ensuring that the locally based nature of inquiries is maintained and that there is no adverse impact on local planning considerations.

Parking Adjudicators

79. We also supervise parking adjudicators, road user charging adjudicators and bus lane adjudicators. We were interested in a report on *“User Perspectives on the National Parking Adjudication Service”* based on research conducted by the University of Birmingham on behalf of the NPAS. While satisfaction among appellants appears to be very high, it is clear that more work needs to be done to educate both potential appellants and local authorities about the nature of the parking adjudicators’ role as an independent tribunal.
80. We also noted that the House of Commons Transport Committee had embarked on an inquiry into the current effectiveness of parking provision and enforcement policy. Among the matters examined were whether local authorities are carrying out parking control reasonably, fairly and accountably, and whether the appeals process is fair and effective. Caroline Sheppard, Chief Parking Adjudicator for England and Wales, and Martin Wood, Chief Parking Adjudicator for London, gave evidence to the Committee in December 2005. We look forward to the Committee’s report.
81. A concern in this area is the indifferent quality of some local authority decisions following the making of representations by car owners about penalty charges. This emerged not only from the evidence to the Transport Committee but also from a Special Report by the Commission for Local Administration in England on *“Parking enforcement by local authorities: Consideration of representations under the Road Traffic Act 1991”* (December 2004). The performance of local authorities is not a matter within our present statutory remit, but we have an interest to the extent that poor performance must affect the working of parking adjudicators. This is a matter that we intend to pursue further.



Appendix A | Extract from the Tribunals Service Business Plan

Strategic objectives

- To maintain current standards of service delivery and improve them wherever possible
- To develop the capability of the organisation to deliver reform, and
- To reduce the volume of appeals reaching a full tribunal hearing and to dispose of those that do in more effective and efficient ways.

Purpose, vision and values

Purpose

The primary tasks of the Tribunals Service are:

- to provide a responsive and efficient tribunals administration
- to contribute to the improvement of the quality of decision-making across government
- to reform the tribunals justice system for the benefit of its customers and the wider public, and
- to promote and protect the independence of the judiciary.

Vision

In delivering our primary tasks we aim to be a modern, customer-focused organisation that delivers excellent performance in improving the quality of original decision making and the resolution of tribunals disputes. We will:

- work effectively in partnership with the judiciary and others
- drive up standards of original decision making
- use creativity and innovation to transform service delivery
- provide customers with choice, where possible, in the way they access services
- engage with everyone – staff, customers and stakeholders – at each stage of the business, and
- make efficient and effective use of resources.

Values

In common with the rest of DCA we will value:

- customers – putting our customers first
- achievement – valuing our people and their contributions to service delivery and making the Tribunals Service a place where people are proud to work

- leadership and teamwork – giving people the freedom and support to succeed
- personal responsibility – doing what we promise and making a difference, and
- diversity – recognising that we are all different.

The Tribunals Service

A full list of the Tribunals that the Tribunals Service provides the administration for, and which comprises the new service at the time of its launch in April 2006:

- Adjudicator to HM Land Registry
- The Appeals Service (now known as the Social Security and Child Support Appeals)
- Asylum and Immigration Tribunal
- The Commissioners Office
- Criminal Injuries Compensation Appeals Panel
- Employment Appeals Tribunal *
- Employment Tribunals for England and Wales
- Employment Tribunals for Scotland
- Financial Services and Markets Tribunal
- Gender Recognition Panel
- General Commissioners of Income Tax
- Information Tribunal
- Immigration Services Tribunal
- Lands Tribunal for England and Wales
- Mental Health Review Tribunal for England
- Pathogen Access Appeals Commission *
- Pensions Appeal Tribunals for England and Wales
- Pensions Regulator Tribunal
- Proscribed Organisations Appeals Committee *
- Special Commissioners of Income Tax
- Special Educational Needs and Disability Tribunal
- Special Immigration Appeals Commission *
- Transport Tribunal
- VAT and Duties Tribunals

* Tribunals within the Tribunals Service but not overseen by the Council on Tribunals

Appendix B |

Oral Hearings Consultation: Summary of responses

Introduction

This document is a post-consultation summary of responses to the consultation paper “The Use and Value of Oral Hearings in the Administrative Justice System” (May 2005).

It covers:

- The background to the consultation;
- A statement on common themes and looking ahead;
- The breakdown of responses;
(a full list of respondents and copies of many of the responses themselves, where permission has been obtained, can be found on the Council’s website at www.council-on-tribunals.gov.uk)
- Information on how to interpret the summary of responses; and
- The summary of responses.

Background

The wider context within which this consultation process is being held is largely set out in a Department for Constitutional Affairs White Paper called “*Transforming Public Services; Complaints, Redress and Tribunals*” (July 2004). This White Paper encourages the adoption of proportionate dispute resolution across the whole field of administrative justice and emphasises the need to reduce reliance on formal oral hearings. The Council on Tribunals considers that the pursuit of this agenda will require careful consideration of the respective merits and demerits of all the various forms of dispute resolution currently employed within administrative justice, and that the Council as it evolves into an Administrative Justice and Tribunals Council, will need to be in a position to contribute to that debate. With this object in mind the Council wished to elicit views on the role of traditional oral hearings as currently employed and to enhance its own understanding of the alternative forms of oral exchange available in administrative justice.

The consultation paper “*The Use and Value of Oral Hearings in the Administrative Justice System*” was published in May 2005. The consultation made no proposals but sought views on the complex and sensitive issues around the value of oral hearings in the administrative justice system. Two events were held alongside the consultation. The first was an Oral Hearings Seminar held at the Council in July 2005, and the second was an Oral Hearings Workshop held during the afternoon of the Council’s annual conference in November 2005. Full written reports of both these events can be found on the Council’s website at www.council-on-tribunals.gov.uk.

The consultation period closed in late 2005 and this report summarises the content of the responses. The Council would like to thank all those who contributed to the consultation process.

Common Themes and Looking Ahead

The considerable degree of interest shown in the consultation exercise, and the volume and quality of responses it generated, has reinforced the Council's view about the significance of this topic for the future. Certain common themes can be identified as emerging from the responses. These include:

- Oral hearings can play a valuable role in the dispute resolution process within administrative justice in terms of both effectiveness and the perception of fairness
- There is a range of steps available to assist in the resolution of disputes without resort to an oral hearing, but in some situations ultimate access to an oral hearing is essential to the pursuit of justice
- The form and style adopted by an oral hearing can significantly affect the user's experience
- Within certain groups of respondents there was relatively little knowledge and experience of the forms of ADR, beyond adjudication, which might be available within administrative justice
- The need for advice and assistance remains significant whichever form of dispute resolution is adopted

In the short term, the Council will consider the implications arising from these themes and where necessary encourage the conduct of further work, possibly in partnership with other interested parties. Areas of particular interest to the Council are the form and style adopted when an oral hearing is used, and, more generally, mechanisms for the sorting and distribution of cases ("triage" as some commentators describe it) in systems of redress.

In the longer term the Council hopes to build on the success of this consultation exercise as its role evolves, and to continue to engage stakeholders in the debate about the way forward so that the AJTC is able to take full account of the views of others in formulating its advice to Government.

Breakdown of responses

The Council received a total of 110 responses to this consultation.

However, in some respects this figure underrates the true degree of response to this consultation. Many respondents consulted on our consultation paper within their own networks. In some cases, these internal consultations were detailed and extensive. For example, the single response of Citizens Advice Scotland was in fact not only based on responses from thirteen Scottish bureaux, but also represented feedback from the CAB clients themselves, made possible through the Service's social policy feedback mechanism. This is not an isolated example.

A full list of respondents and copies of many of the responses themselves can be found at www.council-on-tribunals.gov.uk (responses have only been published where specific permission from the author was obtained). The breakdown is as follows:

- Advice Sector (46)
- Tribunals (27)
- Professional bodies / Practitioners / Departmental Lawyers (13)
- Regulators / Complaint-handling Bodies (6)
- Ombudsmen (5)
- Academics (4)
- Other (9)

In addition to the responses themselves, the Council has drawn on opinions that were expressed at an Oral Hearings Seminar held in July 2005, and an Oral Hearings Workshop held at the Council's Annual Conference in November 2005.

Interpretation

Terminology

It may assist readers if a working definition of terms used in the summary of responses is given. "Most respondents" is used to refer to a majority of respondents overall, but when it is qualified with "who answered this question" that indicates that a view was shared by a majority of respondents who answered a particular question. "Large minority" is used to refer to instances where 20–40 respondents shared a view, and the term "small minority" is used where about 10–20 respondents shared a view. "Other views" or "another view" indicates that a group of less than 10 respondents shared a view. "Prevailing views" is used generally to indicate views shared by more than 10 respondents. Where a list of views has been presented, the list will begin with the most commonly held view and end with the least commonly held view.

Anomalies

Certain anomalies have emerged in the summary of responses, some more obvious than others. To give an example, in response to question 1 most respondents who answered the question thought that oral hearings are more user-friendly than other dispute resolution processes, but in response to question 7 most respondents who answered the question thought that oral hearings are more legalistic and daunting than other dispute resolution processes. In some cases, such apparent anomalies can be made clearer by referring to the actual text of the responses themselves. In this case, for example, in answering question 7 respondents may simply be acknowledging one negative aspect of oral hearings, while retaining a positive overall view in answer to question 1.

General Considerations

- The consultation process was not designed as a piece of formal quantitative research. It was intended rather to elicit views about oral hearings across a range of interested parties within the administrative justice system in order to assist the Council in the performance of its advisory role
- Some respondents made efforts to consult those individuals who use the dispute resolution mechanisms under consideration. Generally, however, end-users themselves were not directly consulted
- Responses tended, understandably, to focus on the respondent's own immediate area of experience. There was a clear tendency for respondents to advocate the status quo within their own system
- Throughout most of the consultation paper, consultees were invited to compare oral hearings with other undefined dispute resolution processes. This gave consultees the freedom to comment upon the other processes with which they were familiar. It is worth noting that many respondents, especially from the Advice Sector and Tribunals categories, chose to compare oral hearings with paper hearings and Departmental (mostly paper-based) review processes. Many respondents did not answer questions 18–20, with some commenting that this was because they had no direct experience of other oral elements, such as for example, face to face negotiations in mediation. The summary of responses should be read with this in mind
- The degree of detail given to supplement responses varied between respondents and some questions, in particular questions 18–20, attracted few answers

Summary of responses

Q1 Are oral hearings more or less user-friendly than other dispute resolution processes?

Most respondents who answered this question thought that oral hearings are more user-friendly than other dispute resolution processes. This view was particularly prevalent amongst respondents from the Advice Sector and Tribunals. A large minority of respondents thought that oral hearings are less or neither more nor less user-friendly than other dispute resolution processes. This view was particularly prevalent amongst Ombudsmen and Regulators and Complaint-handling Bodies

The prevailing views amongst respondents when discussing the user-friendly aspects of an oral hearing were:

- Oral hearings are more user-friendly because it is easier for most people to communicate orally, and they are able to ask questions
- They are more user-friendly because the process is highly transparent, users are made to feel part of the process, and there is an opportunity to meet and gain understanding of participants and judge the fairness of the system
- Advice, support and representation help to make oral hearings more user-friendly
- A skilful sensitive Chairperson can enhance the user-friendliness of a tribunal

The prevailing views amongst respondents when discussing the less user-friendly aspects of an oral hearing were:

- They are less user-friendly because they are too formal and rigid, and complex procedures give opportunity for delay

Other views included:

- It is difficult to generalise. Oral hearings are both more and less user-friendly because it is dependent on the individual participants or tribunal
- Oral hearings are more user-friendly because participants are able to focus on the relevant issues, and clarify misunderstandings instantly
- They are less user-friendly because they are generally less accessible
- They are less user-friendly because oral testimony can place witnesses under considerable strain
- They are more user-friendly where users are unrepresented because it is more difficult for inexperienced users to identify the real issues in dispute without a hearing (from, for example, the papers)
- They are more user-friendly than paper-based processes, but less user-friendly than other ADR processes
- They are less user-friendly because users have only one opportunity to present their case. Other processes, like, for example, ombudsman processes, provide users more than one opportunity to make their case

Q2 *Do some users find it easier or harder to express themselves through speaking?*

Most respondents who answered this question thought that users generally found it easier to express themselves through speaking. A small minority of respondents pointed out that there was a significant portion of users who find it harder to express themselves through speaking. This latter view was particularly prevalent amongst Academics, the Advice Sector, Professional Bodies and Practitioners, and Tribunals.

The prevailing views amongst respondents were:

- Most users find it easier to express themselves through speaking, because many users have difficulty in reading and writing. In many cases the difficulty with reading and writing is due to illiteracy, but it also extends to many people who are perfectly literate, but simply struggle with tribunal forms and with presenting their case effectively in writing
- A skilled Chairperson can make it easier for users to express themselves through speaking at an oral hearing
- Advice, support and representation can make it easier for users to express themselves through speaking
- Many users find it hard to express themselves through speaking, or specifically through speaking in the circumstances of an oral hearing
- An inquisitorial or informal style makes it easier for users to express themselves through speaking at an oral hearing

Q3 Do oral hearings increase or decrease the cost of determining a dispute, and if so please explain by how much?

Most respondents who answered this question felt that oral hearings increase the cost of determining a dispute. This view was particularly prevalent amongst Departmental Lawyers, Ombudsmen, Regulators and Complaint-handling Bodies, and Tribunals. A large minority of respondents said that oral hearings would neither increase nor decrease the cost of determining a dispute. A small minority of respondents thought that oral hearings decrease the cost of determining a dispute.

The prevailing views amongst respondents when discussing an increase in costs due to oral hearings were that they increase costs because of:

- The costs of setting up and holding a hearing
- The costs to the users themselves

The prevailing views amongst respondents when making the point that oral hearings neither increase nor decrease the cost of determining a dispute were:

- Oral hearings may increase the immediate cost of determining a dispute, but this is offset by the overall savings and benefits they bring to the administrative justice system and society at large. Or, “a price cannot be put on justice”
- It should not be assumed that alternatives to oral hearings are less costly. For example, the costs associated with written procedures in an adversarial system are not insignificant, and may even potentially increase the cost of resolving a dispute

Other views included:

- The question of whether oral hearings increase or decrease the cost of determining a dispute is very difficult to quantify without comprehensive research
- Effective case management can reduce costs

Q4 Are oral hearings more or less effective than other processes in dealing with complex matters? Please explain.

Most respondents thought that oral hearings are more effective than other processes in dealing with complex matters. This view was prevalent across the range of respondents, except that it was not prevalent amongst Departmental Lawyers or Ombudsmen. Another view was that oral hearings are less or neither more nor less effective than other processes in dealing with complex matters.

The prevailing views amongst respondents when discussing the effectiveness of oral hearings in dealing with complex matters were that they are more effective where:

- The facts are complex or in dispute, and where there is a higher number of participants
- The tribunal is dealing with very technical issues and the law is complex
- There is potential for missing information, conflicting information, errors or misconceptions
- Users are advised, supported or represented

Other views included:

- They are more effective where users do not have advice, support and representation
- They are less effective than other processes in dealing with complex legal issues only
- They are less effective because they provide an opportunity for bias
- They are less effective because they provide an opportunity to deviate from the point
- They are less effective because they provide only a single opportunity to present case

Q5 *Are oral hearings more or less effective than other processes where evidence and credibility are in question, and if so in what way?*

Most respondents thought that oral hearings are more effective than other processes where evidence and credibility are in question. This view was prevalent across the range of respondents, except that it was not prevalent amongst Ombudsmen.

Another view was that oral hearings are neither more nor less effective than other processes where evidence and credibility are in question.

The prevailing views were that they are more effective because:

- They provide an opportunity to probe areas of doubt through questioning by the tribunal and the use of cross-examination and other specific techniques
- Users can be observed directly, and credibility can be assessed in person
- Relevant evidence can be identified and exchanged more efficiently

Other views included:

- Oral hearings are neither more or less effective than other processes because a tribunal's ability to determine credibility by demeanour is questionable

Q6 *Are oral hearings more or less effective at uncovering evidence not otherwise disclosed, and if so how?*

Most respondents who answered this question thought that oral hearings are more effective at uncovering evidence not otherwise disclosed. This view was prevalent across the range of respondents, except that it was not prevalent amongst Ombudsmen. Another view was that oral hearings are neither more nor less effective at uncovering evidence not otherwise disclosed.

The prevailing views were:

- Oral hearings are more effective at uncovering evidence not otherwise disclosed because an oral exchange is the most efficient way for all participants to understand what information is relevant
- Preliminary procedures such as the gathering of written evidence can provide a useful starting point which can enable a tribunal to elicit further relevant information at an oral hearing

Other views included:

- A skilled Chairperson can effectively "tease out" evidence and information not otherwise disclosed

Q7 Are oral hearings more or less legalistic and daunting than other dispute resolution processes? Please explain.

Most respondents who answered this question thought that oral hearings are more legalistic and daunting than other dispute resolution processes. This view was prevalent amongst all respondents. A large minority of respondents thought that they are neither more nor less legalistic and daunting. Another view was that oral hearings are less legalistic and daunting than other dispute resolution processes.

The prevailing views were:

- A skilful sensitive Chairperson can make oral hearings less legalistic and daunting
- Advice, support and representation can make oral hearings less daunting
- The formality and strict procedure (including any preliminary procedures prior to a hearing) associated with oral hearings make them more legalistic and daunting
- A less formal or enabling or inquisitorial approach makes oral hearings less legalistic and daunting

Other views included:

- A paper-based alternative is not necessarily less legalistic or daunting. This was thought to be particularly so in certain contexts, for example where there is a mental health issue
- A competitive and adversarial style makes oral hearings more legalistic and daunting
- It is difficult to generalise. Oral hearings are sometimes more and sometimes less legalistic and daunting because it depends on the subjective characteristics of the user
- The need to prepare and make representations makes oral hearings more legalistic and daunting
- Mediations are less legalistic and daunting on account of their being freer in form

Q8 Is the opportunity to have a “day in court” important to users and can it be satisfied only through an oral hearing? Please explain.

A large minority of respondents thought that the opportunity to have a “day in court” was important to users, or that it was important to a small minority of users. Many respondents thought that a “day in court” was less important to users.

A lesser but nonetheless large minority of respondents directly addressed the second aspect of this question. Those that did were equally divided between thinking that the opportunity to have a “day in court” can only be satisfied by an oral hearing and thinking that it can be satisfied by other processes.

The prevailing views when discussing the importance of a “day in court” to users were that:

- It is important to many users because it gives users a date to prepare for, and makes them feel more involved in the process and in control of getting their case across
- It is important to many users because it represents a transparent process: the participants can be “seen” by the decision-maker, and the participants can see the tribunal at work

The prevailing view of those who thought a “day in court” was less important to users was that:

- Most users are simply concerned that their case is considered objectively and fairly, and that a timely decision is given

Other views included:

- The amount of advice, support and representation being given to users will have an impact on the degree to which they want a “day in court”. For example, users who are advised they won’t succeed are very much less likely to want a “day in court”
- The opportunity to have a day in court can be satisfied by other means as long as the users feel their evidence has been heard

Q9 Are oral hearings more or less time consuming for participants than other dispute resolution processes? Please explain.

This question was intended to address the amount of time expended in preparing for and attending an oral hearing. It was not intended to address the overall length of an oral hearing process from the initiation of a dispute resolution process to the receipt of a decision.

A large minority of respondents thought that oral hearings are more or neither more nor less time consuming for participants than other dispute resolution processes. Another view was that oral hearings are less time consuming for participants.

The prevailing views were:

- Oral hearings are in themselves less time consuming than other processes because it takes less time to make points orally than it does to make them in writing
- It is difficult to generalise. Oral hearings are both more and less time consuming for users because the time taken is dependent on the tribunal, the participants and the complexity of the issues

Other views included:

- Travelling long distances to the hearing venue can significantly increase the time participants have to commit to an oral hearing
- Oral hearings where users are advised, supported or represented will be less time consuming

Q10 From the date a dispute resolution process is started to the date an agreement, recommendation, or decision is made, what impact does the oral component of the process have on the overall length of the process? For example, do traditional oral hearings lengthen a dispute resolution, and if so, why?

This question was intended to address the overall length of an oral hearing process from the initiation of a dispute resolution process to the receipt of a decision.

Most respondents who answered this question thought that oral hearings lengthen or at best have no impact on a dispute resolution. This view was prevalent amongst all respondents. Another view was that oral hearings shorten a dispute resolution.

The prevailing views were:

- Oral hearings lengthen the overall process because of the number of preparatory stages that have to be completed before the hearing itself. These stages include such things as processing the appeal, identifying and gathering evidence, adjournments, and fixing a date for the hearing
- Other processes are not necessarily quicker, for example, paper hearings can involve lengthy preparation and correspondence. This is especially so in contexts where a strong duty to act fairly exists

Other views included:

- More complexity, participants, and special requirements will lengthen the oral hearings process
- Oral hearings lengthen the overall process because of the delay between the hearing and receipt of the decision
- Oral hearings both lengthen and shorten the overall length of the process because it is dependent on the resources and efficiency of individual tribunals
- Advice, support and representation can lengthen the overall process

Q11 Are oral hearings the best or only way in which to ensure that justice is perceived to be done both by the participants themselves and the public at large? Please explain.

Most respondents who answered this question thought that oral hearings are the best way in which to ensure that justice is perceived to be done by the participants themselves and the public at large. This view was particularly prevalent amongst respondents from the Advice Sector and Professional Bodies and Practitioners. A large minority of respondents thought that oral hearings are not the only way in which to ensure that justice is perceived to be done. Another view was that they are not the best or that they do not make a material difference in the perception of justice being done.

The prevailing views of those who thought that oral hearings are the best way were:

- They are the best way to ensure that justice is perceived to be done because oral hearings are transparent to users, they are able to see the tribunal operating first hand

- They are the best way to ensure that justice is perceived to be done because participants and the public at large can attend the hearing and any subsequent decision is made public

Other views included:

- Oral hearings are not the only way in which to ensure that justice is perceived to be done because any such perception is intrinsically linked to the quality of the final decision. It is very important that a full explanation and full reasons are given for any decision that is made
- They are not the only way in which to ensure that justice is perceived to be done. The publication of an Annual Report, and the publication of details about specific cases, are important ways in themselves of ensuring that justice is perceived to be done
- The argument that oral hearings are the best way to ensure that justice is seen to be done is specious because in reality the public at large never, or very rarely, make use of the public gallery
- They are not the only way to ensure that justice is perceived to be done. The nature of the issues in any one context will be the main influence on the type of process that is required to satisfy perceptions that justice is done in that context
- An oral exchange between users and the tribunal is the best method of creating a fuller understanding of both the original decision and the decision of the tribunal. This understanding can in itself lead to greater confidence in the system and in the decisions that come out of it

Q12 Do oral hearings inhibit some potential users? Please explain.

Most respondents who answered this question thought that oral hearings inhibit at least some users. This view was prevalent amongst all respondents. A large minority of respondents thought that they do not inhibit users.

The prevailing views were:

- Users who are advised, supported or represented are less likely to be inhibited by an oral hearings
- Oral hearings can inhibit users with health or mobility problems
- They inhibit those who are less confident or articulate
- The written aspects of oral hearing processes can inhibit those with low levels of literacy
- They inhibit some users but no more or less so than other processes. No system is perfect
- They can be inhibitive for users who have access difficulties like those who travel long distances or take time off work
- They are more inhibitive in certain jurisdictions where users may not be familiar or experienced with the processes, and this is particularly so if the subject matter and rules are technical and legalistic

Other views included:

- Oral hearings can be made less inhibitive with the right use of technology, such as video links
- They inhibit users who would prefer to deal with a dispute privately
- The presence of other participants at oral hearings, particularly witnesses, can inhibit users

Q13 *They create difficulties in securing attendance and appropriate venue, have resource implications and increase the potential for delay / adjournment. Are these valid concerns? Please explain.*

Most respondents who answered this question thought that oral hearings create difficulties in securing attendance and appropriate venue, have resource implications and increase the potential for delay / adjournment. This view was prevalent amongst all respondents. Another view was that the concerns are not valid, or at least that oral hearings are capable of improvement.

Views included:

- The difficulties mentioned are unavoidable because there is no substitute for oral hearings. Adjournments, for example, often occur for a necessary reason such as evidence gathering activities by the parties
- Advice, support and representation throughout oral hearing processes reduce the difficulties mentioned
- Greater use of technology to facilitate oral hearings would reduce the difficulties mentioned. For example, video-conferencing

Q14 *In your experience, what are the particular advantages of adversarial procedures? Please explain.*

The prevailing views in response to this question were:

- Adversarial procedures provide an opportunity for evidence to be tested and credibility to be evaluated
- They ensure that users are in control of putting their own case, and hearing and responding to the other side
- All the relevant factual and legal issues can be thoroughly examined, meaning that any preliminary or final decisions will be fully considered
- Any relevant issues that might have been overlooked can be drawn out
- They enable the tribunal to quickly identify the salient points
- They limit the risk of judicial abuse of power
- Adversarial procedures are particularly advantageous in complex cases
- They give structure to the process

Q15 What are their disadvantages?

The prevailing views in response to this question were:

- Parties without experience, skilful advice or representation can be at a significant disadvantage, often regardless of the merits of the case
- Adversarial procedures can polarise and escalate conflict between parties, lead to point scoring, focus on argument rather than truth
- They take up more time and are more expensive than other processes
- Certain types of citizen and state disputes are not particularly suited to adversarial style resolution
- The decision-maker is restricted to the facts that are put by the parties, which may not be relevant, or may not include relevant facts
- They cause anxiety for users, particularly those with mental or other health problems
- There is a risk that new issues will arise that parties do not have a chance to fully consider

Q16 How can a tribunal maintain its independence in an inquisitorial situation?

The prevailing views in response to this question were:

- In an inquisitorial context it is even more important for tribunals to be fair, and be seen to be fair. They must hear and question both sides, give each side an opportunity to comment, be visibly unbiased, even-handed, and open to persuasion right up until the end of the process
- A tribunal's role must be clearly explained during preliminary procedures and the Chairperson must clearly explain the tribunal's role again at the hearing itself
- Tribunals should use inquisitorial techniques to gather evidence, but to preserve independence tribunals should "probe" participants with caution. The tribunal should be particularly careful when asking open questions and leading people, and it should be particularly careful when doing so with an unrepresented user
- A tribunal should avoid explaining the reasons for the original decision that is being appealed
- There must be a clear set of sound procedural rules that everyone is aware of
- Full and clear reasons must be given for decisions made after any oral hearing
- It is difficult to maintain impartiality, as set out in the ECHR, in an inquisitorial situation
- A tribunal can maintain its independence in an inquisitorial situation by using a panel of members as opposed to a judge sitting alone
- Tribunals must encourage diversity to prevent perceptions of bias

Q17 What effect would an increasingly inquisitorial style have on the participants?

The prevailing views in response to this question were that an increasingly inquisitorial style would:

- Mean relevant evidence would be more likely to come to light and as a result of that any final decision would be based on relevant evidence
- Reduce the need for advice, support and representation, the onus to present their case as best as possible would diminish, and the participants would find the process less daunting. There would be less “point scoring”
- Risk leading participants to believe that the tribunal is less independent because the tribunal and original decision-maker could be perceived to be “ganging up”
- Surprise and unsettle participants, though it was generally felt that this could be overcome with sensitive handling
- Enable participants to be more relaxed and less belligerent
- Lead to greater participation by users
- Risk creating a perception of bias, particularly amongst those who lose their case
- Lengthen the process

Q18 In other dispute resolution processes the oral element may be less central and designed to perform a different task; face to face negotiations in mediation, for example, or fact finding interviews conducted by an ombudsman. In your experience what form do these other elements take and what tasks do they perform?

Q19 What are their particular advantages and disadvantages?

Q20 Do they offer examples of good practice that could be adopted elsewhere?

ADR processes generally

The views of respondents on the advantages of ADR processes generally were:

- They are a more consensual experience (and therefore ultimately participants are more likely to respect the decision)
- They are quicker, cheaper and simpler than formal adjudication
- They place less pressure on parties to maintain their position. They can be more realistic
- They have evidence gathering in common

The view of respondents on the disadvantages of ADR processes generally was:

- They can be ad hoc, disparate and unregulated

Mediation and Conciliation

The views of respondents on the advantages of mediation and conciliation were:

- They can take place in private. Participants are able to be franker. This gives rise to a clearer understanding between them

- They can allow participants to express what they feel and want
- They are quicker / cheaper than formal hearings
- They encourage participants to feel accountable, involved in reaching resolution

The views of respondents on the disadvantages of mediation and conciliation were:

- They occur in a private setting and therefore do not satisfy the notion of justice being done in public
- They give rise to “compromise” solutions, that may not be appropriate

Discussions with a view to settlement achieved around a table or by a telephone conference, or at the last minute before an adjudication (not necessarily with an independent third person facilitating e.g. tax “settlements”)

The views of respondents on the advantages of discussions with a view to settlement were:

- The intransigent attitudes that can be adopted in correspondence are not maintained at face-to-face meetings
- Arguments are exposed better in open discussion
- They can quickly lead to settlement
- Participants can bring new points to the table that can unlock the dispute

Ombudsman type contact (including telephone conversations, face to face or video link meetings, visits, and interviews)

The views of respondents on the advantages of Ombudsman type contact were that:

- It can be flexible according to users needs
- It can more efficiently focus the investigation, and clarify the complaint
- It enables key documents/evidence to come to light
- It can enable a dispute to be resolved early if possible
- It provides opportunities to manage expectations and explain processes
- It avoids confrontation
- It enables a series of opportunities for users to present their case, as compared to the once-and-for-all opportunity provided by an oral hearing

The views of respondents on the disadvantages of Ombudsman type contact were that:

- It means parties don't have direct communication which could perpetuate misunderstandings, lead to confusion over final decision
- There is a procedural necessity to ensure that a party who does not take part in any one-sided conversation is informed of the outcome
- It provides a platform for vexatious complainants
- There is no substitute for having things in writing if they are crucial
- It can raise expectations

- Face-to-face meetings are time intensive and costly
- It is concerned with reasonableness of actions not lawfulness of decision
- It is not “public”
- It can be protracted

Q21 In your view what features of a dispute should indicate the need for an oral component in general and an oral hearing in particular?

The views in response to this question were:

- Where the relevant facts are not agreed (and where credibility is an issue)
- Where there are complex facts
- Where there are issues at stake that are of high importance to the participants e.g. issues of life and liberty, and also decisions of the state regarding rights, entitlements or obligations
- Where there are complex legal issues
- All appropriate ADR processes should have been attempted before a dispute is referred to an oral hearing
- Where medical issues indicate the need for an oral hearing
- Where it is necessary to expose the dispute to public gaze
- An oral hearing should not be held where all parties choose a paper hearing
- An oral hearing should not be held where the cost is disproportionate to the dispute
- An oral hearing should not be held to determine legal issues, which are better suited to a paper hearing

Q22 What features of the dispute should influence the form any oral component might take?

The views in response to this question were:

- The degree of complexity of issues (the more complex, the more formal/adversarial the oral component ought to be)
- The degree of a user’s abilities to present case / access to advice, support and representation
- The degree of special needs and vulnerability of participants

Appendix C | Diversity Policy

Our Commitment

The Council on Tribunals is fully committed to playing a role in the elimination of discrimination and the promotion of equality and diversity, within the context of our statutory defined role and purpose. We will do this by:

- recognising our responsibility to take account of the interests of all sections of society in our work and ensure that the tribunals we oversee do likewise;
- consulting fully with all those likely to be affected by our work, including the variety of different groups within society;
- paying particular attention to the composition of tribunals in our visits to tribunal hearings to enable us to monitor whether they reflect the diversity of society;
- in commenting on the procedural rules for tribunal, paying particular attention to any potential adverse impact on particular people or groups of people;
- paying particular attention in our visits to tribunal hearings to the accessibility of the services provided by the tribunal, including such matters as access for disabled customers, the availability of services in alternative formats and languages, and the provision of special services such as interpreters and sign language;
- promoting equal access to tribunals for all members of society;
- overseeing how tribunals are meeting their obligations to provide inclusive services;
- ensuring that our business processes and the way that we communicate enables us to provide an inclusive service to all of our customers and stakeholder bodies;
- assessing the impact of our work, and if any aspect adversely affects particular groups within society, taking action to remove that effect;
- having full regard to guidance concerning the tone and language of our publications to ensure that they are fully accessible;
- designating a member of the Council as having particular responsibility for equality and diversity issues, which will be reflected in his/her objectives;
- ensuring that members and staff receive diversity training and refresher training as appropriate;
- ensuring that the physical facilities and arrangements for our visitors meet their particular needs, wherever possible;
- promoting a culture in the tribunals world which values diversity, inclusiveness and respect.

Appendix D | Membership of the Council and Scottish Committee

Following the departure of three members last year, we welcomed in their place three new members, Mrs Sue Davis, Mrs Pat Thomas and Mr Jonathan Spencer, who were appointed with effect from 1 December 2005.

Council Membership at 31 March 2006



The Rt Hon. the Lord Newton of Braintree OBE, DL: Chairman of the Council since 1 October 1999. Lord Newton was Conservative Member of Parliament for Braintree, Essex, from 1974–97. During that period he held many Ministerial offices including Secretary of State for Social Security (1989–92). Lord President of the Council and Leader of the House of Commons (1992–97). He became a Life Peer in 1997.



Professor Alistair MacLeary: Honorary Professor, University of Heriot-Watt. Member of the Lands Tribunal for Scotland (1989–2005). Formerly MacRobert Professor of Land Economy at the University of Aberdeen. Previous public appointments included membership of the Natural Environment Research Council and the Scottish Valuation and Rating Council. Member of the Council and Chairman of the Scottish Committee since September 2005. Member of the Economic & Regulatory committee and Dispute Resolution Group.



Mrs Carolyn Berkeley JP: Justice of the Peace since 1989. Chair of Enfield Primary Care Trust since April 2001 and Enfield Community Care NHS Trust 1998–2001. Lay Inspector, OFSTED 1995–99. Non-Executive Director and Mental Health Manager, Barnet Healthcare NHS Trust 1995–97. Member of the Social Security Appeal Tribunals 1995–97. Member of the Council since April 1999. Deputy chair of the Social Affairs committee and member of the User Issues Group.



Mrs Elizabeth Cameron: Formerly worked for the Citizens Advice Bureau, latterly in Edinburgh Sheriff Court as manager of the In-Court Advice Services and co-ordinator of the Mediation Service. Vice Chair of the Scottish Mediation Network. Lay member of the Scottish Solicitors' Discipline Tribunal since 2001. Member of the Council and the Scottish Committee since September 2002, and of the Social Affairs committee and User Issues Group.



Mrs Sue Davis CBE: Chair of Telford and Wrekin Primary Care Trust and Councillor for Dawley Magna Ward, Telford and Wrekin Council. Involved in senior, elected, local government for 20 years and most recently served as Cabinet Member for Resources in the Borough of Telford and Wrekin. Before the creation of the Unitary Authority in 1997 was leader of Shropshire County Council, having served on it since 1981. Deputy Chair of the Advantage West Midlands Regional Development Agency 1998–2004. Member of the Council since December 2005, and of the Social Affairs committee and Dispute Resolution Group.



Miss Judith Edwards: Barrister. A partner with tax consultants, Balfour Kent since October 2002, advising on tax planning for individuals, companies and trusts. Director, Global Tax Advisory Services, Alliotts, London. Member of the Council since September 2003, and of the Economic & Regulatory Committee, User Issues Group and Diversity sub-group.



Mrs Susan Howdle: Former lecturer in law at the University of Sheffield. Vice-President of the Methodist Conference 1993–94, and Chair of MHA Care Group 1996–2002. Vice-President of the Yorkshire Rent Assessment Panel 1991–98. Part-time Chair of the Social Security Appeal Tribunals 1996–98. Member of the Council since April 1998. Chair of the Economic & Regulatory committee.



Ms Penny Letts: Policy Consultant and Trainer specialising in mental health, mental capacity and disability law. Member of the Mental Health Act Commission 1995–2004. Policy Advisor for the Law Society 1987–2001. Member of the Judicial Studies Board's Tribunals committee since May 2003. Member of the Council since September 2002. Chair of the Social Affairs committee and member of the User Issues Group.



Mr Stephen Mannion QPM: Scottish Area Commander of the British Transport Police 1992–99 following a career with Strathclyde Police 1960–92, reaching the rank of Assistant Chief Constable. Awarded the Queen's Police Medal for Distinguished Service in 1997. Lay member of the Employment Tribunal Service 1999–2001. Member of the Council and the Scottish Committee since August 2001. Member of the Economic & Regulatory committee, Dispute Resolution Group Committee and Diversity sub-group.



Mr Bernard Quoroll: Solicitor and CEDR registered mediator with an extensive career in local government. Held the post of Chief Executive in three local authorities: Aylesbury Vale District Council 1985–95; Royal Borough of Kingston upon Thames 1995–99; Isle of Wight County Council 1999–2001. Member of the Council since May 2003. Chair of the Dispute Resolution Group and member of the Economic & Regulatory committee.



Professor Geneva Richardson: Professor of Law, King's College London. Member of the Mental Health Act Commission 1987–92. Chair of the Prisoners' Advice Service 1994–2003. Chair of the Expert Committee on Reform of Mental Health Legislation 1998–99. Member of the Medical Research Council 2001 to date. Trustee, Nuffield Foundation 2002 to date. Member of the Council since February 2001. Deputy chair of the Economic & Regulatory committee and member of the Dispute Resolution Group.



Dr Jonathan Spencer CB: Civil servant 1974–2005, the last 8 years as Director General and Departmental Board Member first at the DTI (Director General Resources and Services, then Director General Business Group) and for the last 3 years at LCD/DCA (Director General Clients and Policy) where among other tasks he was responsible for the work leading up to publication of the DCA White Paper on Tribunal reform. Over the last 25 years has worked in a wide variety of government roles in three different departments (Cabinet Office, DTI, LCD/DCA). Now a public policy consultant, and a member of the Law Society Regulation Board. Member of the Council since December 2005, and of the Economic & Regulatory committee and User Issues Group.



Dr Adrian V Stokes OBE: Chief Executive of CAT Ltd, a consultancy specialising in health informatics, international standards and computer networking. Worked in NHS 1981–2000, retiring as Joint Director of the Information Management Centre. Non-Executive Director of Barnet Primary Care Trust and a Special Trustee of the Royal National Orthopaedic Hospital NHS Trust. Governor, University of Hertfordshire. Member of Disability Appeal Tribunals 1992–2003. Member of the Council since November 2003 and of the Social Affairs committee and User Issues Group.



Mrs Pat Thomas CBE: Local Government Ombudsman in the north Midlands and the north of England 1985–2005 and Vice-chairman of the Commission for Local Administration 1993–2005. Previously head of School of Law at Lancashire Polytechnic. Member of the Greater Manchester and Lancashire Rent Assessment Panel 1977–85, Vice-President and President 1984–85. Part-time chair of Blackpool Supplementary Benefit Appeal Tribunal 1980–85. Member of the Council since December 2005, and of the Social Affairs committee and Dispute Resolution Group.



Heather Louise Wilcox: Accountant and former career civil servant. Director of Primary and Community Health, National Assembly for Wales until retirement September 2001. Appointed by the Privy Council as a member of General Optical Council January 2002. Serves on Quaker Finance and Property Central Committee and as a director of Friends Trusts Limited. Former Treasurer of Cruse Cymru. Member of the Council since February 2003 and of the Social Affairs committee and User Issues Group. Also represents the interests of people in Wales.



Ms Ann Abraham: UK Parliamentary Ombudsman and Health Service Ombudsman for England. *Ex-officio* member of the Council since her appointment in November 2002. *Ex-officio* member of the Commission for Local Administration in England. Chair of the British and Irish Ombudsman Association 2004–06.



Professor Alice Brown: Scottish Public Services Ombudsman. *Ex-officio* member of the Council and the Scottish Committee since July 2004.

Scottish Membership at 31 March 2006



Ms Lyndy Boyd: Solicitor with a history of working in the public sector as a Children's Reporter, Welfare Rights Officer, and Solicitor with Aberdeen City Council and the Care Commission. Monitor and Consultant with the Open University. Freelance trainer in legal aspects of social work, public administration, and social care regulation. Legal member of the Parole Board for Scotland. Member of the Scottish Committee since December 2004.



Mr Douglas Graham: Solicitor in private practice. Board member, Chair of the Audit and Risk Committee and member of the Scottish Land Fund Committee of the Big Lottery Fund. Member of the Scottish Committee since May 2000.



Mrs Audrey Watson: Solicitor with the legal services section of West Lothian Council, responsible for training JPs. Depute Clerk of Court and Depute Clerk of the Peace. Project co-ordinator for the District Courts Association. Consultant providing training in relation to the practice and procedure of District Courts. Legal Assessor and former panel member for the Health Professions Council and Depute Clerk to the Scottish Solicitors Discipline Tribunal. Member of the Scottish Committee since August 2001.



Mrs Mary Wood: Former senior Governor in the Scottish Prison Service, involved in developing Code of Conduct training. Deputy Chair of the Water Commissioner's West of Scotland Consultative Committee until its disbandment in April 2002. Manager, Ayrshire Centre, former manager of Scottish Marriage Care. Citizen's Advocacy Support Services volunteer and former part-time resource worker with the Richmond Fellowship Scotland and a volunteer with learning disabled, promoting social inclusion. Member of the Scottish Committee since July 2000.

Appendix E |

The Council's Committees

Set out below are the Council's committees and their spheres of interest. The committees meet prior to Council meetings to discuss current consultation issues and their workplans, and also transact a great deal of business electronically. They report back to the full Council as necessary.

Social Affairs committee: Policy and procedural issues in respect of tribunals and appeals systems in the areas of education, social security, pensions, criminal injuries compensation, health and care, employment.

Economic & Regulatory committee: Policy and procedural issues in respect of tribunals and appeals systems in the areas of asylum and immigration, property and land, housing, planning and local government, finance and tax, transport, competition and fair trading, information, intellectual property.

User Issues group: Advice to the Council on user issues and priorities. Liaison with the user community, advice sector and pressure groups. Making proposals for other opportunities for joint working with users support organisations and the advice and voluntary sectors.

Dispute Resolution group: Advice to the Council on appropriate and proportionate dispute resolution and the role of the prospective Administrative Justice and Tribunals Council in reviewing the balance between components in the administrative justice system. Liaison with British and Irish Ombudsman Association and other interested organisations.

Chairman's committee: Oversight of all planning and strategic issues concerning the Council.

Sub committees/groups: Tribunal training and JSB liaison; Diversity; Communications; Welsh issues.

Appendix F | The Council's Secretariat

Secretariat at 31 March 2006

- Ray Burningham – Acting Secretary
- Alexander Hermon – Legal Adviser
- Paul T Smith – Policy Adviser
- Simon Butterworth – Policy and Operations Manager
- Jackie Cummins – Policy Assistant
- David Sier – Policy Assistant
- Diana Worman – Policy Assistant
- Simon Catherall – Legal Assistant
- Angela Gittens – Office Manager and Policy Assistant
- Lisa Chilver – Personal Secretary
- Brenda Harrow – Visits Manager
- Yemi Balogun – Office Assistant
- Karen Chappell – Office Assistant

Scottish Committee Secretariat

- Marjorie MacRae – Secretary
- Gordon Quinn – Assistant Secretary
- Julia Hewitt – Administrative assistant

Appendix G |

The Council's Work 2005/2006

Statutory Instruments

Listed below are the Statutory Instruments (excluding Orders under the Road Traffic Act 1991) considered by the Council and the Scottish Committee and made during the period 1 April 2005 to 31 March 2006.

- The Additional Support Needs Tribunals for Scotland (Practice and Procedure) Rules 2005 S.S.I. 2005/514
- The Additional Support Needs Tribunals for Scotland (Practice and Procedure) Rules 2006 S.S.I. 2006/88
- The Education (Admission Appeals Arrangements) (Wales) Regulations 2005 S.I. 2005/1398 (W.112)
- The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) (No.2) Regulations 2005 S.I. 2005/1865
- The Financial Assistance Scheme (Appeals) Regulations 2005 S.I. 2005/3273
- The Lands Tribunal (Amendment) Rules 2006 S.I. 2006/880
- The Leasehold Valuation Tribunals (Procedure) (Amendment) (Wales) Regulations 2005 S.I. 2005/1356 (W.104)
- The Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 S.S.I. 2005/420
- The Mental Health Tribunal for Scotland (Practice and Procedure) (No.2) Rules 2005 S.S.I. 2005/519
- The Mental Health Tribunal for Scotland (Practice and Procedure) (No.2) Amendment Rules 2006 S.S.I. 2006/171
- The National Health Service (Service Committees and Tribunal) (Scotland) Amendment (No.2) Regulations 2005 S.S.I. 2005/334
- The National Health Service (Service Committees and Tribunal) (Scotland) Amendment Regulations 2006 S.S.I. 2006/139
- The National Health Service (Tribunal) (Scotland) Amendment Regulations 2005 S.S.I. 2005/335
- The National Health Service (Tribunal) (Scotland) Amendment Regulations 2006 S.S.I. 2006/122
- The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) (Amendment) Regulations 2006 S.I. 2006/1035 (W.105)
- The Patents (Amendment) Rules 2005 S.I. 2005/2496
- The Pension Protection Fund (Reference of Reviewable Matters to the PPF Ombudsman) Regulations 2005 S.I. 2005/2024

- The Residential Property Tribunal (Right to Buy Determinations) Procedure (England) Regulations 2005 S.I. 2005/1509
- The Residential Property Tribunal Procedure (England) Regulations 2006 S.I. 2006/831
- The Seed (Registration, Licensing and Enforcement) (England) (Amendment) Regulations 2005 S.I. 2005/2676
- The Seed (Registration, Licensing and Enforcement) (Wales) Regulations 2005 S.I. 2005/3038 (W.226)
- The Town and Country Planning (Major Infrastructure Project Inquiries Procedure) Rules 2005 S.I. 2005/2115
- The Tribunals and Inquiries (Bus Lane Adjudicators) (England) Order 2005 S.I. 2005/2758
- The Valuation Tribunals (Wales) Regulations 2005 S.I. 2005/3364 (W.261)
- The Water Services Charges (Billing and Collection) (Scotland) Order 2006 S.S.I. 2006/71

Visits

Our visits to tribunals are the most effective means by which we can discharge our statutory duty to “keep under review the constitution and working” of the tribunals we supervise. The discharge of our duty in relation to inquiries is effected in the same way. The details below expand the summary given in the introduction to this Report.

Tribunals

- Adjudication Panel for England Suffolk
- Agricultural Land Tribunals (2) Cumbria, Lancashire
- Appeals Service (3) Bristol, Merseyside, Shropshire
- Appeals Service (Scotland) (2) Glasgow, Inverness
- Asylum and Immigration Tribunal (7) London (5), Greater Manchester, Tyne & Wear
- Asylum and Immigration Tribunal (Scotland) Glasgow
- Asylum Support Adjudicators Surrey
- Care Standards Tribunal West Midlands
- Children’s Hearings (Scotland) (2) Aberdeen, Glenrothes
- Civil Aviation Authority London
- Education Appeal Committee (Scotland) (9) Dalkeith, Dundee, Edinburgh, Fort William, Haddington, Inverness, Kilmarnock, Renfrew, Rothesay
- Employment Tribunals (3) Hertfordshire, West Midlands, West Yorkshire
- Employment Tribunals (Scotland) Aberdeen
- Financial Services and Markets Tribunal London

- Information Tribunal (2) Leicestershire, London
- Immigration Services Tribunal London
- Mental Health Review Tribunals Tyne & Wear
- Mental Health Review Tribunals for Wales (2) Cardiff, Mid Glamorgan
- Mental Health Tribunal (Scotland) Edinburgh
- NHS Discipline Committee (Scotland) (3) Glasgow (2), Motherwell
- NHS National Appeal Panel (Scotland) Ayr
- NHS Tribunal (Scotland) Edinburgh
- Parking Adjudicators (NPAS) Bedfordshire
- Parking Adjudicators (PTAS) London
- Pensions Appeal Tribunals Birmingham
- Pensions Appeal Tribunals (Scotland) Edinburgh
- Pensions Ombudsman London
- Police Appeal Tribunal Edinburgh
- Residential Property Tribunal Service Greater Manchester
- School Admission Appeal Panels (3) Hampshire, West Midlands, Merthyr Tydfil
- School Exclusion Appeal Panels (3) Berkshire, London, Cardiff
- School Admissions Adjudicator Bristol
- Scottish Parking Appeals Service (Scotland) (2) Dundee, Glasgow
- Special Educational Needs and Disability Tribunal London
- Special Educational Needs Tribunal for Wales Gwynedd
- Traffic Commissioners West Yorkshire
- Traffic Commissioners (Scotland) Aberdeen
- Transport Tribunal London
- Valuation Appeal Committee (Scotland) (2) Inverness, Stirling
- Valuation Tribunals Kent
- VAT and Duties Tribunal (2) Greater Manchester, London

Inquiries

- Planning Inquiries Hampshire
- Public Local Inquiry (Scotland) Edinburgh

Conferences, Training Seminars and User Groups

- Access to Justice: Resolving Housing Disputes Awayday Oxfordshire
- Additional Support Needs Tribunal Training Events (2) Glasgow, Stirling
- Adjudication Panel for England Training Event London
- Advice Services Alliance Users Event (3) London

- Alternative Dispute Resolution Academic Network London
- Appeals Service Training Events (3) Glasgow, London, South Glamorgan
- Appeals Service User Group (2) Edinburgh, Glasgow
- Asylum and Immigration Tribunal User Group Glasgow
- British and Irish Ombudsman Association Annual Conference London
- Citizens Advice Bureau Seminar Edinburgh
- Competition Commission Lecture London
- Criminal Injuries Compensation Appeals Panel Users Forum London
- Criminal Injuries Compensation Appeals Panel Annual Seminar Warwickshire
- Education Appeal Committee Training Event Edinburgh
- Education Appeal Panels Training Events (4) West Yorkshire, Cambridge, Camden, Portsmouth
- Employment Tribunals User Group (3) Edinburgh (2), Glasgow
- Employment Tribunals User Group Nottinghamshire
- Immigration Services Tribunal Conference London
- JSB Annual Lecture London
- JSB Training Event London
- Mental Health Review Tribunal Stakeholders Meeting (3) London
- Mental Health Tribunal (Scotland) Conference Glasgow
- Mental Health Tribunal (Scotland) Training Event Glasgow
- NHS National Appeal Panel Training Event Edinburgh
- Office of the President of Appeal Tribunals Conference Northern Ireland
- Residential Property Tribunal Service Users Group London
- Residential Property Tribunal Service Reception London
- Scottish Consumer Council Conference Edinburgh
- Social Security and Child Support Commissioners Training Day London
- Special Commissioners and VAT & Duties Tribunal Training Berkshire
- Special Educational Needs Tribunal for Wales User Group Gwynedd
- Special Educational Needs Tribunal for Wales Training Event Clwyd
- Special Educational Needs Tribunal for Wales Conference Clwyd
- Tax Appeals Modernisation Project Seminar Edinburgh
- Tax Appeals Stakeholders Group Meeting (5) London
- Traffic Commissioners Conference Edinburgh
- Valuation Tribunals Service Conference London
- Value Added Tax & Duties Tribunal User Group Edinburgh

Meetings

Apart from routine meetings held by our committees, we had meetings during the course of the year with:

- Professor Martin Partington, Tribunals Service Research Advisory Group
- Peter Handcock, Chief Executive of the Tribunals Service

The Dispute Resolution Group had meetings with:

- Ian Pattison, Secretary, and Jodi Berg, British and Irish Ombudsman Association;
- Professor Peter Spiller, Principal Disputes Referee, Wellington Tribunals Unit

The Diversity sub-group had a meeting with:

- Sheila Sturgeon, Liz Houghton, Angela Bridgman, Geoff Rudd, Dawn Turner, Joanne Dore, Mike Wyebrow, Geetha Mazarelo, members of the school admissions and exclusions EASI groups

The Economic and Regulatory committee had meetings with:

- Siobhan McGrath, Senior President, Residential Property Tribunal Service
- Trish McConnell, Principal Adjudicator of the Tenancy Tribunal in New Zealand

The Social Affairs committee had meetings with:

- Jack Fargher, Head of Mental Health Review Tribunal Secretariat
- Christina Townsend, Chief Executive, and Sir Leonard Peach, non-Executive Director of the Appeals Service

The User Issues Group had a meeting with:

- Tony Wall, Atul Sharda and James Wood, Department for Constitutional Affairs

Our Chairman has attended regular meetings of the Department for Constitutional Affairs Tribunals Service Programme Board, the Appeals Service Implementation Board and Tax Appeals Project Board meetings. He also had meetings with the British and Irish Ombudsman Association and attended the Tribunals Service Judicial Conference, the Valuation Tribunal Service Annual Conference, and a Conference on Leggatt Reform in Belfast. He and other members of the Council attended a series of seminars on administrative justice run by the Nuffield Foundation.

Apart from those he met at these events and at the Council's own Conference, the Chairman had separate meetings with:

- Baroness Ashton, Lord Kingsland and The Countess of Marr
- Anne Galbraith OBE, Chair of the Valuation Tribunal
- Steve Karas, Principal Member of the Australian Migration Review Tribunal and Refugee Review Tribunal
- P. Nikiforos Diamandouros, The European Ombudsman

Appendix H |

Cost of the Council and Scottish Committee

This page contains details of the Council's income and expenditure for the financial year ending 31 March 2006, with the 2004/05 figures for comparison.

The Council's funding is provided through the Department for Constitutional Affairs in accordance with Section 3(3) of the Tribunals and Inquiries Act 1992. Certain costs¹ are funded centrally and do not feature in the account below. Other costs, such as staff pay rates, are determined centrally but paid from the Council's budget.

The total allocation for this year, excluding items funded centrally, was £1,253,000 (£1,096,000 in 2004/05). The Council's actual expenditure for the year was less than budget at £1,074,401².

£	Council on Tribunals		Scottish Committee	
	2004/2005	2005/2006	2004/2005	2005/2006
Staff Salaries ³	389,698	399,688	61,078	63,790
Members' Retainers ⁴	262,274	220,159	37,512	38,564
Members' Travel etc ⁵	44,127	40,897	8,624	5,955
Consultancy ⁶	30,189	17,221	-	-
Agency Staff ⁷	107,409	167,144	-	-
Printing and Publishing ⁸	10,842	10,111	2,971	2,811
Other Administrative Costs ⁹	93,487	90,519	17,545	17,542
Total	938,546	945,739	127,730	128,662

¹ In particular accommodation, IT and accounting/payroll services.

² An underspend of £178,599 occurred, in part due to a senior staff post and a number of member positions being unfilled for all or part of the year. In addition, the delay to the Courts and Tribunals Bill meant that we were unable to utilise funds set aside for transitional tasks.

³ The staff of the Council's Secretariat are civil servants seconded from the Department for Constitutional Affairs and the Scottish Executive. Salary costs include employer's National Insurance Contributions and superannuation.

⁴ The Council and Scottish Committee Chairmen's salaries were last increased in April 2005 and are £50,541 and £25,271 respectively. The retainers for Members of the Council (based on 44 days work per year) and of the Scottish Committee (based on 35 days work per year) are £11,556 and £9,192. Salaries and retainers are currently under review. The figures for Members' retainers include the remuneration of the Scottish Committee Chairman and

the two members of the Council who are also members of the Scottish Committee. These costs include employer's National Insurance Contributions.

⁵ Members' expenses for attending meetings of the Council, visits to tribunals and other events, including Scottish Committee expenses for attending meetings held in London.

⁶ Primarily the fees to consultants engaged to advise on our communications strategy and preparation of our newsletter.

⁷ Agency staff are engaged as required to cover vacancies and absences and to provide specialist skills including desk top publishing and additional legal support.

⁸ The cost of printing the Council's Annual Report and other publications throughout the year.

⁹ Other general administrative expenditure including the conferences held in London and Cardiff and the user support workshops, together with usual office supplies, postage, catering for meetings etc.

Appendix I |

Note on the functions and constitution of the Council

1. The Council was set up by the Tribunals and Inquiries Act 1958 and now operates under the Tribunals and Inquiries Act 1992.
2. The Council is to consist of not more than 15 or less than 10 members appointed by the Lord Chancellor and the Scottish Ministers. In addition, the Parliamentary Commissioner for Administration (the Parliamentary Ombudsman) and the Scottish Public Services Ombudsman are members by virtue of their office. In appointing members, regard is to be had to the need for representation of the interests of persons in Wales.
3. The Scottish Committee of the Council is to consist of two or three members of the Council designated by the Scottish Ministers, and three or four non-members of the Council appointed by them. The Parliamentary Ombudsman and the Scottish Public Services Ombudsman are also *ex-officio* members of the Committee.
4. The Council has 15 members, of whom one is appointed primarily to represent the interests of people in Wales. The Scottish Committee has seven members, of whom three are members of the Council.
5. The principal functions of the Council as laid down in the Tribunals and Inquiries Act 1992 are:
 - a) to keep under review the constitution and working of the tribunals specified in Schedule 1 to the Act, and, from time to time, to report on their constitution and working;
 - b) to consider and report on matters referred to the Council under the Act with respect to tribunals other than the ordinary courts of law, whether or not specified in Schedule 1 to the Act; and
 - c) to consider and report on matters referred to the Council, or matters the Council may consider to be of special importance, with respect to administrative procedures which involve or may involve the holding of a statutory inquiry by or on behalf of a Minister.
6. The term “statutory inquiry” means (i) an inquiry or hearing held in pursuance of a statutory duty, or (ii) a discretionary inquiry or hearing designated by an order under section 16(2) of the Act. The relevant order is the Tribunals and Inquiries (Discretionary Inquiries) Order 1975 (S.I. 1975/1379) as amended.
7. The Council must be consulted before procedural rules are made for any tribunal specified in Schedule 1 to the 1992 Act, and on procedural rules made by the Lord Chancellor or the Scottish Ministers in connection with statutory inquiries. It must also be consulted before any exemption is granted from the requirement in section 10 of the Act to give reasons for decisions. It may make general recommendations to Ministers about appointments to membership of the scheduled tribunals.

8. The jurisdiction of the Council extends over the whole of Great Britain but it has no authority to deal with any matter in respect of which the Parliament of Northern Ireland had power to make laws.
9. The Council is required to make an annual report which must be laid before Parliament and the Scottish Parliament and may, at any time, make a special report on its own initiative under (a) or (c) of paragraph 5 above.
10. References to the Council or reports by it are made by or to the Lord Chancellor and the Scottish Ministers, either both or one or other of them according as the matter in question relates to Great Britain as a whole, to England and Wales or to Scotland.
11. Certain tribunals operating in Scotland, which are specified in Part II of Schedule 1 to the 1992 Act, come under the particular supervision of the Scottish Committee. Before making any reports in regard to these, or on any matter referred by the Scottish Ministers, the Council must consult the Scottish Committee. In addition, the Scottish Committee has the right in certain circumstances to report directly to the Scottish Ministers.

Appendix J |

Tribunals overseen by the Council and Scottish Committee

This appendix contains information about tribunals and certain inquiries within the Council's jurisdiction, and that of its Scottish Committee, under the Tribunals and Inquiries Act 1992 as at 31 March 2006. It is divided into the following sections:

- Tribunals overseen by the Council;
- Tribunals overseen by the Council's Scottish Committee;
- Some inquiries overseen by the Council and Scottish Committee;
- Cases decided in 2005/06 in Great Britain (chart).

Considerations

- The statistical information shown is supplied by the systems themselves or their sponsoring departments, and is intended to provide a broad overview of workloads and waiting times.
- The figures relate to either the 2005 calendar year or the 2005/06 financial year, except where otherwise stated.
- Where a jurisdiction has changed recently the statistical information normally relates to the superseded jurisdiction.
- Where a hyphen '-' is shown, data is either inapplicable or unavailable.
- Where a tilde '~' is used before a figure, this indicates that the figure is approximate.
- Links to websites for many of the listed tribunals and inquiries can be found at the Council's website (www.council-on-tribunals.gov.uk).

Terminology

- *pool*: number of chairmen and members (full and part time) available to conduct the tribunal's work
- *days sat*: total number of days that judiciary sat to consider cases during the period.
- *existing*: undecided cases on the tribunal's books at the start of the period.
- *received*: new cases submitted during the period.
- *w/drawn*: cases settled or withdrawn before a final judgement was required.
- *decided*: final determinations made by judiciary within the period.
- *remaining*: undecided cases (including rescheduled and adjourned hearings) on the tribunal's books at the end of the period.
- *successful*: percentage of 'decided' cases where decision went in favour of appellant/applicant in part or in whole.
- *oral hearing*: percentage of 'decided' cases that were determined via an oral hearing (as opposed to a 'paper' or 'ex parte' hearing).
- *before*: average weeks from tribunal's receipt of appeal/application to hearing.
- *after*: average days from hearing to despatch of written decision.

Tribunals overseen by the Council [1 of 3]

Asylum and Immigration

Asylum and Immigration Tribunal constituted under s.81 of the Nationality, Immigration and Asylum Act 2002. ^{1,2}

Asylum Support Adjudicators established under s.102 of the Immigration and Asylum Act 1999.

Immigration Services Tribunal established under s.87 of the Immigration and Asylum Act 1999. ³

Education

Admission Appeal Panels constituted in accordance with regulations under s.94(5) and 95(3) of the School Standards and Framework Act 1998. ^{1,4,5}

Exclusion Appeal Panels constituted in accordance with regulations under s.52 of the Education Act 2002. ^{1,4,5}

Registered Inspectors of Schools Tribunal constituted under Sch.2 to the Schools Inspections Act 1996. ⁷

Schools Adjudicators appointed under s.25 of the Schools Standards and Framework Act 1998. ⁴

Special Educational Needs and Disability Tribunal under s.28H of the Disability Discrimination Act 1995.

Special Educational Needs Tribunal for Wales under s.195 of the Education Act 2002.

Employment

Employment Tribunals for England and Wales established under s.1(1) of the Employment Tribunals Act 1996. ⁸

Police Appeals Tribunals constituted under the Police Act 1996. ⁹

Reserve Forces Appeal Tribunals constituted under Part IX of the Reserve Forces Act 1996. ¹⁰

Reserve Forces Reinstatement Committees and Umpires appointed under Sch.2 to the Reserve Forces (Safeguard of Employment) Act 1985.

Finance/Revenue

Financial Services and Markets Tribunal under s.132 of the Financial Services and Markets Act 2000. ¹¹

General Commissioners (for England and Wales) acting under s.2 of the Taxes Management Act 1970.

Insolvency Practitioners Tribunal referred to in s.396 of the Insolvency Act 1986.

Section 703 Tribunal for the purposes of the Income and Corporation Taxes Act 1988.

Special Commissioners appointed under s.4 of the Taxes Management Act 1970. ¹²

VAT and Duties Tribunal for England and Wales and for Northern Ireland, established under Sch.12 to the Value Added Tax Act 1994. ¹³

Health and Care

Care Standards Tribunal constituted under s.9 of the Protection of Children Act 1999.

Family Health Services Appeal Authority constituted under s.49S of the National Health Service Act 1977. ¹⁴

Primary Care Trusts Discipline Committees under reg.3 of the National Health Service (Service Committees and Tribunal) Regulations 1992 (as amended). ⁹

Mental Health Review Tribunals constituted or having effect as if constituted under s.65 of the Mental Health Act 1983. ¹⁵

¹ Data is provisional.

² Caseload figures exclude bail cases. Unless otherwise specified, figures include Immigration Judge appeals, High Court Review (Filter) applications and Reconsideration hearings. Judiciary pool as at 31st March 2006. Cases decided figure is total disposals less withdrawn cases. Successful, Oral Hearings and Waiting Time figures excludes High Court Review (Filter) work. Waiting times 'before' figure is for substantive hearings and includes older appeals (lodged pre-AIT).

³ Waiting Times: 81.8% of cases were disposed of within 30 weeks of receipt.

⁴ Figures refer to the 2004/05 school year.

⁵ Appeals to: Local Education Authority (LEA) for Community and Voluntary Controlled Schools; Governing Body (Gov. Body) for Foundation and Voluntary Aided schools.

⁶ Figures exclude non-maintained special schools.

⁷ Operating under transitional arrangements and soon to dissolve.

Judiciary pool / days sat	Cases existing	received	w/drawn	decided	remaining	successful	oral hearings	Waiting Times weeks before / days after	
628 / 34,109	37,123	201,828	12,442	139,566	87,663	30 %	76 %	21 / 9	England
23 / 1,311	-	3,666	566	2,506	-	25 %	64 %	1 / 2	England
	-	159 (87)	14 (6)	28 (16)	-	2 (1) %	5 (2) %	-	Wal (Sco)
13 / 18	8	13	5	15	3	-	-	see note	
-	-	60,820	-	41,070	-	38 %	-	-	LEA
		22,590		18,260		30 %			Gov. Body
-	-	1,090	-	1,030	-	21 %	-	-	
10 / 3	3	0	0	3	0	33 %	67 %	72 / 21	
11 / -	19	227	16	189	22	63 %	0%	-	
202 / 225	-	3,244	1,270	1,078	1,242	78 %	-	17 / 12	
13 / 60	42	173	98	49	68	90 %	98 %	23 / 8	
2,040 / 26,502	89,549	88,191	89,090	38,323	92,316	18 %	90 %	16 / 16	
10 /	-	-	-	-	-	-	-	-	
252 / -	0 (1)	2 (0)	2 (0)	0 (1)	0 (0)	-	-(100%)	-	Eng (Sco)
81 (8) [-] / -	2 (-) [-]	3 (-) [1]	4 (-) [1]	1 (-) [-]	0	0 %	100% (-) [-]	-	Eng (Wal) [Sco]
26 / 76	22	29	28	10	13	-	100%	see note	
1,576 / 2,080	-	32,686	1,972	26,704	6,362	4 %	9 %	-	England
150 / 99		1,472	53	1,375	95	2 %	7 %		Wales
19 (1) / -	0	0	-	-	-	-	-	-	Eng (Sco)
8 (1) / 0	0	1	0	0	1	-	-	-	Eng (Wal)
27 / 138	191	485	126	109	441	-	98 %	see note	
113 / 934	4,894	2,576	1,970	675	5,009	-	100%	see note	
92 / (89) [12]	77	213	85	118	87	(63) [50] %	(89) [100]%	(19) [15] / (28) [13]	(Eng) [Wal]
73 / 73	18	83	24	43	34	see note	91 %	12 / 18	England
-	-	-	-	-	-	-	-	-	
1,038 / 27,699	1,800	20,510	10,090	10,420	1,363	15 %	100 %	see note	England
87 / 1,975	125	1,194	365	363	80	16 %		7 / 4	Wales

⁸ Withdrawn, decided, successful and oral hearing figures are taken at jurisdiction, rather than case, level.

⁹ Data not collected centrally.

¹⁰ Figures supplied by DCA. Judiciary 'pool' correct at May 2005.

¹¹ Waiting Times: 73.8% of cases were disposed of within 40 weeks of receipt.

¹² Waiting Times: 72.3% of cases were disposed of within 40 weeks of receipt.

¹³ Waiting Times: 67.1% of Category 1&3 cases were disposed of within 70 weeks of receipt; 80.3% of Category 2 cases within 35 weeks of receipt.

¹⁴ Success Rate: 60% overall (43% for 'practitioner' appeals and 80% for applicant Primary Care Trusts).

¹⁵ Waiting Times 'before': Section 2 (5.2 days); Section 3 (5.9 weeks); Restricted (17.6 weeks). Waiting Times 'after': Section 2 (5 days); Section 3 (4.9 days); Restricted (4.9 days).

Tribunals overseen by the Council [2 of 3]

Property/Land/ Local Government

Adjudication Panels for England and for Wales case or interim case tribunals appointed under s.76 of the Local Government Act 2000.

Adjudicator to HM Land Registry under s.107 of the Land Registration Act 2002. ¹

Agricultural Arbitrators appointed (otherwise than by agreement) under Sch.11 to the Agricultural Holdings Act 1986. ²

Agricultural Land Tribunals established under s.73 of the Agriculture Act 1947.

Commons Commissioners appointed under s.17(2) and (3) of the Commons Registration Act 1965.

Forestry Committees appointed in England and Wales under s.16, 17B, 20, 21 or 25 of the Forestry Act 1967.

Lands Tribunal constituted under s.1(1)(b) of the Lands Tribunal Act 1949. ³

Rent Assessment Panels constituted as Rent Assessment Committees, Leasehold Valuation Tribunals or Residential Property Tribunals in accordance with Sch. 10 to the Rent Act 1977.

Valuation Tribunals established by regulations under Sch.11 to the Local Government Finance Act 1988. ⁴

Social Security/ Pensions/ Criminal Injuries Compensation

Appeals Service tribunals constituted under Chapter I of Part I of the Social Security Act 1998.

Board of the Pensions Protection Fund established by s.107 of the Pensions Act 2004.

Criminal Injuries Compensation Appeals Panel adjudicators appointed under s.5 of the Criminal Injuries Compensation Act 1995.

Pension Protection Fund Ombudsman in respect of his functions under or by virtue of s.213 of the Pensions Act 2004.

Pensions Appeal Tribunals for England/Wales constituted under s.8 of the War Pensions (Administrative Provisions) Act 1919 or the Pensions Act 1943. ⁶

Pensions Ombudsman in respect of his functions under or by virtue of s.146(1)(c) and (d) of the Pensions Schemes Act 1993. ⁷

Pensions Regulator established by s.1 of the Pensions Act 2004. ⁸

Pensions Regulator Tribunal established by s.102 of the Pensions Act 2004.

Social Security and Child Support Commissioners appointed under Sch.4 to the Social Security Act 1998 and s.22 of the Child Support Act 1991 and any tribunal presided over by such a Commissioner. ⁵

Traffic/Transport

Civil Aviation Authority established under s.2 of the Civil Aviation Act 1982.

Parking Adjudicators appointed under s.73(3)(a) of the Road Traffic Act 1991. ⁹

Road User Charging Adjudicators appointed under reg.3 of the Road User Charging (Enforcement and Adjudication)(London) Regulations 2001.

Traffic Commissioners for any area constituted for the purposes of the Public Passenger Vehicles Act 1981. ¹⁰

Transport Tribunal constituted under Sch.4 to the Transport Act 1985. ¹¹

¹ *Waiting Times: 72.2% of cases were disposed of within 50 weeks of receipt. Cases decided figure represents all disposals.*

² *Cases are party/party arbitrations. The President of The Royal Institution of Chartered Surveyors appoints the arbitrator.*

³ *Waiting Times: 67.3% of cases were disposed of within 50 weeks of receipt.*

⁴ *Wales – Waiting Time before hearing: 6–12 months (Council Tax); 9–12 months (Non-domestic). Waiting Time after hearing 14–21 days in 95% of cases.*

⁵ *England/Wales – Waiting Times before hearing: 92.3% of cases were disposed of within 20 weeks of receipt, the average being 20 weeks,*

⁶ *Waiting Times before hearing: 72% of cases were disposed of within 30 weeks of receipt, the average being 20.5 weeks.*

Judiciary pool / days sat	Cases existing	received	w/drawn	decided	remaining	successful	oral hearings	Waiting Times weeks before / days after	
33 (8) / 125 (4)	38 (0)	84 (13)	1 (1)	101 (4)	20 (8)	15 (25) %	92 (100)%	-15 (24) / 14 (0)	Eng (Wal)
13 / 156	1,330	1,876	-	1,215	1,991	-	-	-	Eng + Wal
129 (20) / -	132 (18)	124 (15)	54 (8)	4 (0)	48 (6)	-	-	4 (4) / -	Eng (Wal)
169 (34) / 53 (5)	194 (36)	183 (12)	106 (15)	65 (5)	206 (28)	89 (60) %	34 (40) %	- / 12 (62)	Eng (Wal)
2 / 1 (0)	5 (17)	0	0	3 (0)	2 (17)	100% (-)	100% (-)	-	Eng (Wal)
24 / 4	2	-	-	2	-	-	-	12 / 63	
5 / 167	451	725	187	336	653	-	-	see note	Eng + Wal
339 / 8,705	2,051	7,735	1,603	5,592	2,591	64 %	51 %	10 / 8	Eng + Wal
1,177 / 2,762	142,061	306,771	220,841	41,391	177,448	25 %	35 %	-36 / 13	England
238 / 468	2,200	25,484	16,100	1,258	11,584	-	-	see note	Wales
1,252 / -	35,661	181,348	18,777	210,742	33,233	43 %	52 %	11 / 19	England
274 / -	2,598	13,655	1,414	15,556	2,425	48 %	50 %	9 / 19	Wales
318 / -	6,600	31,317	2,808	36,558	4,776	43 %	53 %	9 / 20	Scotland
-	-	-	-	-	-	-	-	-	
74 / 818	4,058	2,715	230	3,318	3,225	50 %	94 %	24 w / -	
-	-	-	-	-	-	-	-	-	
96 / 602	849	3,014	140	2,700	1,023	-	~96 %	see note	Eng + Wal
-	-	-	110	172	-	-	-	-	
8 / 7	1	11	-	10	2	90 %	10 %	3 / 5	
26 / 0	0	4	0	0	4	-	-	-	
17 / 190	1,134	5,677	136	5,387	1,288	53 %	4 %	see note	Eng + Wal
2 / -	142	1,020	45	998	119	70 %	-		Scotland
4 / -	2	3	2	2	1	50 %	100%	12 / 7	
32 / -	50 (0)	9,325 (124)	202 (3)	9,237 (123)	88 (1)	57 (52) %	38 (32) %	7 / 4	NPAS (Wal)
52 / 297	14,727	55,892	13,238	42,290	13,900	51 %	28 %	16 / 1	PTAS
36 / 297	8,437	16,583	5,665	20,021	2,078	19 %	10 %	30 / 1	London
18 / -	-	-	-	1,418	-	-	-	-	England
5 (2) / -	-	-	-	110 (189)	-	-	-	-	Wal (Sco)
10 / 40	163	656	280	414	125	-	-	see note	Eng + Wal

⁷ The Council's jurisdiction over the Pensions Ombudsman is confined to cases involving disputes of fact or law.

⁸ In most cases the Pensions Regulator is the applicant.

⁹ Administration provided by the Parking and Traffic Appeals Service (PTAS) in Greater London and the National Parking Adjudication Service (NPAS) elsewhere in England and Wales.

¹⁰ Figures refer to the work of the Commissioners and their Deputies on Public Inquiries.

¹¹ Waiting Times: 83.4% of cases were disposed of within 16 weeks of receipt.

Tribunals overseen by the Council [3 of 3]

Other

Competition Appeal Tribunal established under s.12 of the Enterprise Act 2002.

Comptroller-General of Patents, Designs and Trade Marks

and any other officer authorised to exercise the functions of the Comptroller under s.62(3) of the Patents and Designs Act 1907

(includes Design Right, Licence of Right, matters under Copyright Designs and Patents Act 1988 and Registered Designs Act 1949). ¹

Copyright Tribunal constituted under s.145 of the Copyright, Designs and Patents Act 1988.

Gender Recognition Panel constituted under Sch.1 to the Gender Recognition Act 2004.

Information Commissioner appointed under s.6 of the Data Protection Act 1998. ²

Information Tribunal constituted under s.6, in respect of its jurisdiction under s.48, of the Data Protection Act 1998.

Meat Hygiene Appeals Tribunal constituted in accordance with regulations under Part II of the Food Safety Act 1990.

Office of Fair Trading in respect of its functions under the Consumer Credit Act 1974 and the Estate Agents Act 1979,
and any members of its staff authorised to exercise those functions.

Rarely Convened/ Moribund

Aircraft and Shipbuilding Industries Arbitration Tribunal established under s.42 of the Aircraft and Shipbuilding Industries Act 1977.

Antarctic Act Tribunal established under reg.11 of the Antarctic Regulations 1995.

Controller of Plant Variety Rights and any authorised officer under Sch.1 to the Plant Varieties Act 1997.

Dairy Produce Quota Tribunal for England and Wales reconstituted under reg.7(1) of the Dairy Produce Quotas (General Provisions) Regulations 2002.

Fire Service Pensions Appeal Tribunals constituted under s.26 of the Fire Services Act 1947.

Foreign Compensation Commission constituted under s.1 of the Foreign Compensation Act 1950.

Horse Race Betting Levy Appeal Tribunal for England and Wales established under s.29 of the Betting, Gaming and Lotteries Act 1963.

Industrial Arbitration Tribunal established under Sch.3 to the Industry Act 1975.

Industrial Training Levy Exemption Referees established by the Industrial Training (Levy Exemption Referees) Regulations 1974.

Justices and Clerks Indemnification any person appointed under s.54(6) of the Justices of the Peace Act 1997.

London Building Acts Tribunals constituted in accordance with s.109 of the London Building Acts (Amendment) Act 1939.

Mines and Quarries Tribunals for the purposes of s.150 of the Mines and Quarries Act 1954.

Misuse of Drugs Tribunal in England and Wales constituted under Part I of Sch.3 to the Misuse of Drugs Act 1971.

National Lottery Commission under s.10 and 10A of, and Sch.3 to, the National Lottery etc. Act 1993,
or any person likewise authorised under s.2A to that Act to exercise any of these functions.

Plant Varieties and Seeds Tribunal referred to in s.42 of the Plant Varieties Act 1997.

Police Pensions Appeal Tribunals appointed under s.1 of the Police Pensions Act 1976.

Sea Fish Licence Tribunal established under s.4AA of the Sea Fish (Conservation) Act 1967.

¹ *Inter partes* figures shown with *ex parte* figures in parentheses. 110 *ex parte* Trade Mark cases and 36 *ex parte* Patent cases were heard in Newport. 61 *ex parte* Trade Mark cases and 1 *ex parte* Patent case were heard in Glasgow.

² *The Council's jurisdiction is confined to the Commissioner's non-executive functions. Figures refer to 'enforcement' cases only.*

Tribunals overseen by the Council's Scottish Committee

Additional Support Needs Tribunal for Scotland constituted under s.17(1) of the Education (Additional Support for Learning) (Scotland) Act 2004.

Agricultural Arbiters appointed otherwise than by agreement under s.61 of or Sch.7 to the Agricultural Holdings (Scotland) Act 1991.

Children's Hearings constituted and arranged in pursuance of the Children (Scotland) Act 1995. ¹

Crofters Commission constituted under s.1 of the Crofters (Scotland) Act 1993.

Discipline Committees of Health Boards or a Joint Committee of Health Boards being constituted in accordance with regulations made under the National Health Service (Scotland) Act 1978.

Education Appeal Committees set up under s.280 of the Education (Scotland) Act 1980.

Employment Tribunals for Scotland established under s.1(1) of the Employment Tribunals Act 1996. ²

General Commissioners (for Scotland) acting under s.2 of the Taxes Management Act 1970.

Lands Tribunal for Scotland constituted under s.1(1)(a) of the Lands Tribunal Act 1949 and established in Scotland on 1 March 1971.
The principal justification for the Scottish Tribunal was sections 1 and 2 of the Conveyancing and Feudal Reforms (Scotland) Act 1970.

Mental Health Tribunal for Scotland constituted under s.21 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

National Appeal Panel for Entry to the Pharmaceutical Lists convened in accordance with Part 1 of Sch.4 to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995.

National Health Service Tribunal Scotland constituted under s.29 of the National Health Service (Scotland) Act 1978.

Pensions Appeal Tribunals for Scotland constituted under s.8 of the War Pensions (Administrative Provisions) Act 1919 or under the Pensions Appeal Tribunal Act 1943.

Police Appeal Tribunal for Scotland established under s.55 of the Police and Magistrates' Courts Act 1994.

Rent Assessment Panels (Scotland) constituted in accordance with Sch.4 to the Rent (Scotland) Act 1984.

Scottish Parking Appeals Service appointed under s.73 of the Road Traffic Act 1991. ³

Traffic Commissioners (Scotland) appointed under the Public Passenger Vehicles Act 1981 in respect of functions concerning taxi fares under the Transport Act 1985. ⁴

Valuation Appeal Committees constituted in accordance with s.29 of the Local Government (Scotland) Act 1994 and s.81 and 82 of the Local Government Finance Act 1992.

VAT and Duties Tribunals for Scotland established under Sch.12 to the Value Added Tax Act 1994.

Rarely Convened/
Moribund

Betting Levy Appeal Tribunal for Scotland established under s.29 of the Betting, Gaming and Lotteries Act 1963.

Dairy Produce Quota Tribunal for Scotland re-constituted under reg.7(1) of the Dairy Produce Quotas (General Provisions) Regulations 2002.

Forestry Committees (Scotland) appointed in Scotland for the purposes of s.16, 17B, 20, 21 or 25 of the Forestry Act 1967.

Independent Schools Tribunal for Scotland constituted under ss.100 and 103 of and Sch.2 to the Education (Scotland) Act 1980.

Meat Hygiene Appeal Tribunal constituted under s.26 of the Food Safety Act 1990.

Police Pensions Appeal Tribunal for Scotland appointed under s.1 of the Police Pensions Act 1976.

¹ *Waiting Times before hearing: 75 days (offence referrals); 129 days (non-offence referrals).*

² *Withdrawn, decided, successful and oral hearing figures are taken at jurisdiction, rather than case, level.*

³ *Decided figure includes 519 non-contested cases.*

⁴ *Figures refer to the work of the Commissioner and Deputy on Public Inquiries.*

Judiciary pool / days sat	Cases existing	received	w/drawn	decided	remaining	successful	oral hearings	Waiting Times weeks before / days after	
23 / 2	0	2	0	2	0	100%	0 %	8 / 5	
-	28	0	2	-	26	-	-	-	
2,500 / 10,915	-	50,529	-	5,793	-	-	100%	see note	
8 / 8	0	20	0	20	0	47 %	100%	-11 / -42	
-	10	5	0	3	12	-	-	33 / 62	
-	-	642 47	286 -	353 47	3 -	- -	- -	- -	<i>Placing Exclusions</i>
296 / 2,536	10,539	8,461	7,232	2,248	10,371	12 %	79 %	17 / 18	
197 / 142	-	3,688	366	3,227	114	2 %	5 %	-	
4 / 109	109	90	47	46	113	89 %	48 %	-22 / -38	
300 / 124	0	4,544	474	3,518	552	8 %	100%	2 / 17	
47 / 19	6	17	0	21	2	43 %	90 %	11 / 5	
3 / 1	2	1	1	0	2	-	-	-	
21 / 76	35	247	46	193	43	27 %	96 %	12 / 7	
-	2	9	1	9	1	62 %	100%	18 / 18	
30 / 37	37	82	15	78	27	-	65 %	10 / 34	
5 / 10	504	1,914	45	1,642	731	22 %	42 %	4 / 5	
2 / -	-	-	-	189	-	-	-	-	
251 / 87	2,417	62,160	10,204	188	54,185	6 %	100%	26 / 4	
16 / 75	221	127	72	58	218	31 %	97 %	25 / 20	
-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	

Some Inquiries overseen by the Council and Scottish Committee

Planning (Eng/Wal)

Access to the Countryside mapping appeals under s.6 of the Countryside and Rights of Way Act 2000.

Enforcement Notice Appeals under s.174 of the Town and Country Planning Act 1990.

Planning Appeals under s.78 of the Town and Country Planning Act 1990.

Local and Unitary Development Plans under ss.16 and 42 of the Town and Country Planning Act 1990.

Rights of Way under Sch.14 of the Wildlife and Countryside Act 1981, ss.26, 118 and 119 of the Highways Act 1980, and 257 and 258 of the Town and Country Planning Act 1990.

Planning (Scotland)

Enforcement Notice Appeals under s.130 of the Town and Country Planning (Scotland) Act 1997.

Planning Appeals under s.47 of the Town and Country Planning (Scotland) Act 1997. ¹

Local Plans under s.15 of the Town and Country Planning (Scotland) Act 1997. ¹

Other

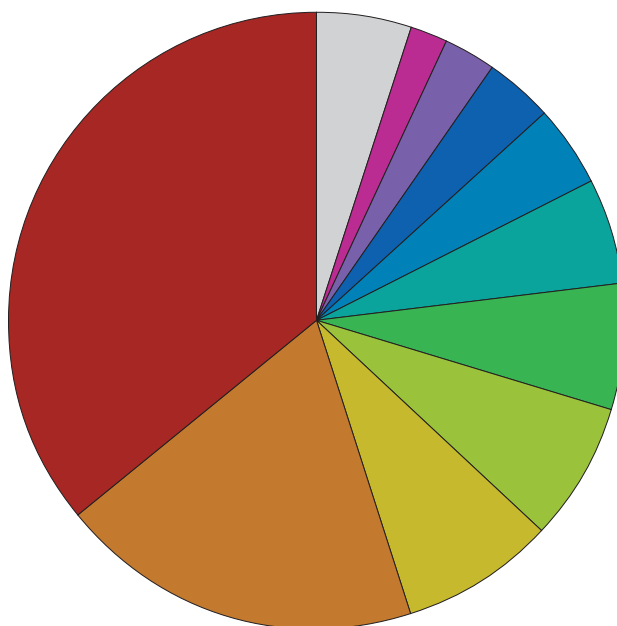
Fair Trading Appeals to the Secretary of State from determinations and decisions of the Office of Fair Trading under the Consumer Credit Act 1974 (determinations) and the Estate Agents Act 1979 (decisions).

National Health Service Appeals to the Secretary of State under the NHS (Pharmaceutical Services) Regulations 1992 as amended and reg.10 of and Sch.3 to the NHS (Service Committees and Tribunal) Regulations 1992. ²












¹ Cases decided by Reporters shown with cases decided by Scottish Ministers or Local Inquiry in parentheses. ² Delegated to the Family Health Service Appeal Unit (FHSAU).

Cases decided in 2005/06 in Great Britain

This chart and accompanying table depicts all cases decided by the tribunals and inquiries listed previously in this appendix. Figures refer to the 2005 calendar year or 2005/06 financial year unless otherwise specified, and an approximate percentage increase or decrease relative to the previous annual period is provided for comparison.



Judiciary pool / days sat	Cases existing	received	w/drawn	decided	remaining	successful	oral hearings	Waiting Times weeks before / days after	
-	-	0 (6)	0 (1)	201 (4)	-	-	-	-	Eng (Wal)
-	-	3,768 (144)	643 (48)	2,534 (70)	-	-	-	-	Eng (Wal)
-	-	21,894 1,142	2,091 106	21,476 991	-	-	-	-	England Wales
-	-	37 (5)	0 (2)	69 (6)	-	-	-	-	Eng (Wal)
-	-	433 47	18 4	421 52	-	-	-	-	England Wales
-	53	107	22	82 (0)	56	-	-	-	
-	346	1,009	49	906 (10)	390	-	-	-	
-	42	6	0	0 (1)	47	-	-	-	
16 / 13 (4) 12 / 1	7 (6) 1	14 (0) 0	6 (0) 0	8 (6) 0	7 (0) 1	25 (0) % -	100% -	20 (21) / 42 (28) -	Eng (Wal) Scotland
50 / 55 30 / 0	70 0	300 2	45 1	245 0	80 1	25 % -	24 % -	19 / 27 -	Phar. Serv. Serv. Comms.

	Appeals Service	262,856	+ 56 %
	Asylum and Immigration Tribunal ¹	139,566	- 5 %
	School Admission Appeal Panels ²	59,330	- 1 %
	Parking Adjudicators ³	53,292	+ 9 %
	Valuation Tribunals ³	48,429	+ 18 %
	Employment Tribunals	40,571	+ 27 %
	General Commissioners	31,306	+ 74 %
	Planning Inquiries	26,823	+ 11 %
	Road User Charging Adjudicators	20,021	- 24 %
	Mental Health Review Tribunals ³	14,301	+ 17 %
	Other ⁴	36,452	+ 0 %
	Total	732,947	+ 19 %

¹ Percentage change relates to combined figure of former Immigration Adjudicators and Immigration Appeal Tribunal.

² Figure refers to the 2004/05 school year.

³ Figure includes cases decided under equivalent or relevant Scottish jurisdiction.

⁴ Non-availability of data from some tribunals means that this figure is an estimate.

Appendix K |

Previous Publications

Annual Reports

- 1959 (39-81-1)
- 1960 (39-81-2)
- 1961 (39-81-3)
- 1962 (39-81-4-65)
- 1963 (39-81-5-64)
- 1964 (39-81-6-65)
- 1965 (39-81-7-66)
- 1966 (11-390007-4)
- 1967 (HC 316)
- 1968 (HC 272)
- 1969-70 (HC 72)
- 1970-71 (HC 26)
- 1971-72 (HC 13)
- 1972-73 (HC 82)
- 1973-74 (HC 289)
- 1974-75 (HC 679)
- 1975-76 (HC 236)
- 1976-77 (HC 108)
- 1977-78 (HC 74)
- 1978-79 (HC 359)
- 1979-80 (HC 246)
- 1980-81 (HC 89)
- 1981-82 (HC 64)
- 1982-83 (HC 129)
- 1983-84 (HC 42)
- 1984-85 (HC 54)
- 1985-86 (HC 42)
- 1986-87 (HC 234)
- 1987-88 (HC 102)
- 1988-89 (HC 114)
- 1989-90 (HC 64)
- 1990-91 (HC 97)
- 1991-92 (HC 316)
- 1992-93 (HC 78)
- 1993-94 (HC 22)
- 1994-95 (HC 64)
- 1995-96 (HC 114)
- 1996-97 (HC 376)
- 1997-98 (HC 45)
- 1998-99 (HC 30)
- 1999-2000 (HC 23)
- 2000-2001 (HC 343)
- 2001-2002 (HC 14)
- 2002-2003 (HC 1163)
- 2003-2004 (HC 750)
- 2004-2005 (HC 472)

Special Reports

- *Recommendations arising from the “Chalkpit” case (handling of new factual evidence after a public inquiry has ended)* 1962 (App. D to Annual Report 1961)
- *The position of “third parties” at Planning Appeal Inquiries* 1962 (Cmnd 1787)
- *The Award of Costs at Statutory Inquiries* 1964 (Cmnd 2471)
- *The Packington Estate, Islington, Public Inquiry* 1966 (App. A to Annual Report 1965)
- *Stansted Airport* 1968 (Cmnd 3559, App. A to Annual Report 1967)
- *The Functions of the Council on Tribunals* 1980 (Cmnd 7805)
- *Social Security – Abolition of independent tribunals under the proposed Social Fund* 1986 (Cmnd 9722)
- *Model Rules of Procedure for Tribunals* 1991 (Cm 1434)
- *Tribunals: their Organisation and Independence* 1997 (Cm 3744, App. A to Annual Report 1996-97)
- *Mental Health Review Tribunals* 2000 (Cm 4740)
- *School Admission and Exclusion Appeal Panels* 2003 (Cm 5788)

Other

- *Framework of Standards for Tribunals* (Nov 2002)
- *Making Tribunals Accessible to Disabled People – Guidance on Applying the Disability Discrimination Act* (Nov 2002)
- *Guide to Drafting Tribunal Rules* (Nov 2003)

Reports more than 3 years old are out of print. Recent publications are available at the Council's website (www.council-on-tribunals.gov.uk)

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