

Administrative Justice & Tribunals Council

ANNUAL REPORT 2007/2008

This Report is made to the Lord Chancellor,
the Scottish Ministers and the Welsh Ministers

It is laid before Parliament, the Scottish Parliament and the
National Assembly for Wales by the Lord Chancellor and the
Scottish and Welsh Ministers pursuant to paragraph 21 of Schedule 7
to the Tribunals, Courts and Enforcement Act 2007

The AJTC's Scottish and Welsh Committees publish their own annual reports
which are laid before the Scottish Parliament and the National Assembly
for Wales by the Scottish and Welsh Ministers respectively.

9 October 2008

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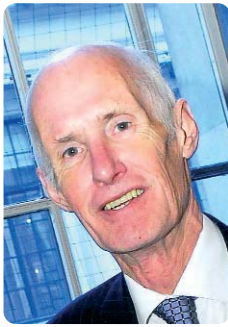
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Chairman's Preface



November 2007 saw the completion of our transition from Council on Tribunals to Administrative Justice and Tribunals Council with a well attended launch event at which we welcomed our Minister, Bridget Prentice MP, and the Lord Chief Justice, Lord Phillips of Worth Matravers, following earlier addresses from Senior President of Tribunals, Lord Justice Carnwath and Ann Abraham, the Parliamentary Ombudsman.

The wider remit of the AJTC across the whole landscape of administrative justice is an important one. In the end, it is about helping to promote good quality decision-making by government, local councils and agencies - and ensuring that there are accessible, fair and effective means of securing correction or redress when grievances arise. These are things that matter to every citizen.

Correspondingly, it presents a significant challenge, with a much wider range of interests and stakeholders than tribunals alone. Yet we approach it with confidence, having prepared the way in recent years with the extension of our contacts, improving the way we work, and building up our relationship with other key players like the British and Irish Ombudsman Association.

Among our early priorities will be encouraging good feedback from tribunals, etc., to help avoid problems arising in the first place; promoting alternative methods of dispute resolution where appropriate; and supporting greater flexibility between ombudsmen, tribunals and courts. The needs of users will be high on our agenda. Using our experience in creating a Framework of Standards for Tribunals, we intend also to explore the possibility of developing a set of generally applicable principles of administrative justice.

Meanwhile, tribunals both inside and outside the new Tribunals Service remain significant within our wider role. We shall continue to give much attention to playing our part as "critical friend" of the Service as it establishes its new structures and patterns.

To help in all this work, we welcome our newly-formed Welsh Committee alongside our established Committee in Scotland. After a year in which we have looked back with some pride on nearly 50 years of the Council on Tribunals, we are all now looking firmly forward to our future as the AJTC.

A handwritten signature in blue ink that reads "Tony Newton". The signature is written in a cursive style with a horizontal line underneath.

The Rt Hon. the Lord Newton of Braintree OBE, DL

Our Purpose, Vision and Values

PURPOSE

Our purpose is to help make administrative justice and tribunals increasingly accessible, fair and effective by:

- playing a pivotal role in the development of coherent principles and good practice;
- promoting understanding, learning and continuous improvement;
- ensuring that the needs of users are central.

VISION

Our vision for administrative justice and tribunals is a system where:

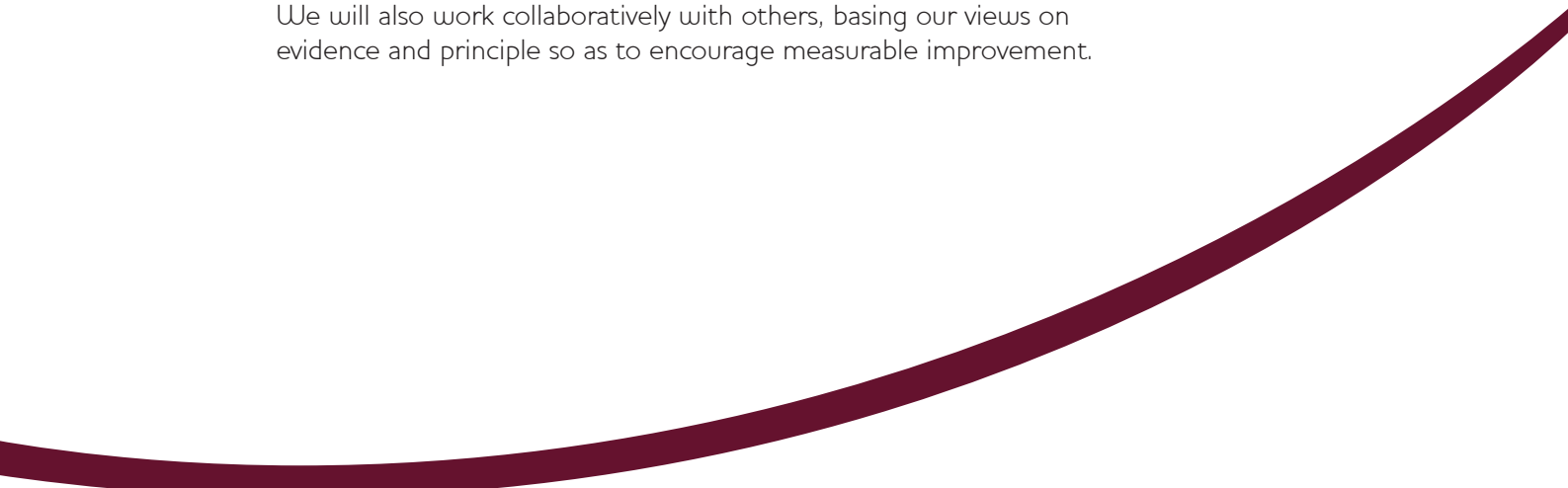
- those taking administrative decisions do so on soundly-based evidence and with regard to the needs of those affected;
- people are helped to understand how they can best challenge decisions or seek redress at least cost and inconvenience to themselves;
- grievances are resolved in a way which is fair, timely, open and proportionate;
- there is a continuous search for improvement at every stage in the process.

VALUES

The values we seek to promote in administrative justice and tribunals are:

- openness and transparency
- fairness and proportionality
- impartiality and independence
- equality of access to justice.

We will also work collaboratively with others, basing our views on evidence and principle so as to encourage measurable improvement.



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1. Introduction & Overview

1. This is our first Annual Report since we became the Administrative Justice and Tribunals Council (AJTC) on 1 November 2007. It formally covers the period from 1 April 2007 to 31 March 2008, bridging our last seven months as the Council on Tribunals and first five months as the AJTC. However, some matters contained in the main narrative reflect developments up to the end of July 2008.
2. Throughout much of the first half of the year we were occupied with putting in place the arrangements for our transition to the AJTC and for our formal commencement on 1 November 2007, which is discussed more fully in Chapter 4. During this period we worked closely with officials in the Ministry of Justice (MoJ) on the drafting of our new Framework Document, which is designed to support us in our work and to describe our working relationship with the MoJ as our sponsoring department. It also sets out our new Purpose, Vision and Values, which will underpin everything we do as an AJTC, and our new strategic objectives, which are reproduced at Appendix B. The full text of the Framework Document can be obtained from our website at www.ajtc.gov.uk.
3. We devoted a great deal of time and effort in the second half of the year to developing and agreeing our first programme of work as an AJTC, which at the time of drafting this report was being submitted to the Lord Chancellor and the Scottish and Welsh Ministers. The matters contained in our work programme derive from our primary objective of focussing first and foremost on the needs of users, and our three strategic objectives of:
 - keeping under review and influencing the development of administrative justice and tribunals
 - keeping under review the work of the Tribunals Service, the tribunals within it and other tribunals
 - responding to emerging issues and proposals in the administrative justice field.
4. We have adopted these strategic objectives as the framework for reporting on our activity in the past year. Our Scottish and Welsh Committees report separately on their activities to Scottish and Welsh Ministers respectively. The Committees take the lead in overseeing administrative justice, tribunals and inquiries within their respective territories, in both devolved and non-devolved areas. However, while having their own statutory identities, they play an integral part in furthering our overall work programme as an AJTC.
5. Some of the headline issues emerging from our 2008/09 work programme include:
 - publication of a paper on generally applicable principles of administrative justice;
 - collaborative work with the MoJ, the Civil Justice Council and others to identify opportunities for promoting proportionate dispute resolution across the administrative justice landscape;

- participation in the work of the Tribunal Procedure Committee in preparing draft rules for the new Tribunal Chambers and Upper Tribunal;
 - building on our Tribunal User Groups Survey to ensure that there is an effective network of user groups under the new Chamber structure;
 - working with the Tribunals Service and the Senior President to ensure that their respective reporting arrangements provide an adequate account of the performance of tribunals from the perspective of tribunal users;
 - publication of a paper reviewing sources of funding for research in the field of administrative justice, identifying current projects and assessing future research capabilities and priorities.
6. We will of course continue to maintain structured engagement with tribunals, both within and outside the Tribunals Service, through our usual programme of visits to observe tribunal hearings and our regular contacts with tribunal judiciary and administrators. Moreover, having regard to our wider remit as an AJTC, we have begun to engage more closely with other organisations across the administrative justice landscape, including the Legal Services Commission, the Equality and Human Rights Commission and the Public Legal Education Network. This is with a view to identifying issues of common interest and potential opportunities for future collaborative working.

2. 'Keeping under review and influencing the development of administrative justice and tribunals'

LEGISLATION

Employment Bill

1. We have paid close attention to the Employment Bill, which was introduced in the House of Lords on 6 December 2007 and have had meetings to discuss the Bill's approach with officials both from the Department for Business, Enterprise and Regulatory Reform and the Advisory, Conciliation and Arbitration Service (Acas).
2. Our Chairman subsequently wrote to the Minister for Employment Relations and Postal Affairs expressing our broad support for the Bill's provisions relating to reform of dispute resolution in the workplace, and in particular the repeal of the statutory dispute resolution provisions in Employment Tribunal cases, which had proven to be inflexible in their operation. However, the government's approach was not initially clear as regards promoting and supporting other forms of early dispute resolution, since at the time the Bill was introduced it had not published its response to Michael Gibbons' earlier report¹, to which we had contributed and discussed in our last report.
3. We welcomed the proposal for a more flexible Acas Code of Practice on discipline and grievance, which will be more principles-based in its approach, and supported by more detailed guidance. Before we had the opportunity to consider the supporting guidance, we expressed some reservations about the adequacy of the new principles-based Code, since we believed employers would need better and more detailed guidance than the Code alone contained. We are currently considering the new Code alongside the supporting guidance, and in particular whether the right balance has been achieved between the level of detail in the statutory Code and that in the supporting guidance.
4. We also welcomed the announcement of additional funding of up to £37 million for Acas to enable it to enhance its helpline and advice services and to offer assistance at any stage of a dispute, in order to ensure that it is never too late for the parties to a dispute to opt for informal dispute resolution. However, we remain keen to understand in detail how it is intended to promote better information, signposting and use of ADR at or nearer to the workplace. It seems to us that, although challenging to achieve, this still offers the best opportunity to reduce the number of disputes reaching tribunals in the first instance and avoid the economic and social consequences of failure to resolve disputes early.

¹ Better Dispute Resolution: A review of employment dispute resolution in Great Britain Michael Gibbons March 2007

5. We urged that the opportunity be taken to consider ways of improving the scope for developing structured feedback from the decisions of employment tribunals and employment appeal tribunals as a means of informing employers about good employment practice and educating employees about their legal rights. We were pleased to receive a positive response from the Minister on this and the other matters raised in the Chairman's letter.

Health and Social Care Bill

6. In last year's Report we mentioned a report by the Chief Medical Officer, Sir Liam Donaldson, *'Good Doctors, Safer Patients'*, and the government's subsequent *White Paper 'Trust, Assurance and Safety - The Regulation of Health Professionals'*, which both proposed the establishment of an independent body to adjudicate on serious fitness to practise cases, separate from the General Medical Council's investigation and assessment functions.
7. The Health and Social Care Bill, which was subsequently introduced in the House of Commons on 15 November 2007, included provisions for the establishment of a new independent body, the Office of the Health Professions Adjudicator (OHPA), to adjudicate in fitness to practise cases. This new body, comprising panels of legal, lay and professionally qualified members, appeared to us to have all the characteristics of a tribunal and we therefore sought to have it brought under our oversight. We had a helpful meeting with officials in the Department of Health who recognised the benefits of our having oversight of the OHPA in terms of our expertise in tribunals, in enhancing the OHPA's independence and helping to raise its profile alongside the other tribunals within our jurisdiction. It is anticipated that in due course the OHPA will be brought within our remit by an Order under paragraph 25 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007.

Schools Adjudicators

8. We had a meeting with the Chief Adjudicator, Sir Philip Hunter, to discuss work that the Secretary of State for Children, Schools and Families had invited him to undertake to establish whether his office (the OSA) should make routine checks on the conduct of admission appeal panels. Sir Philip was keen that this work should not be seen to be cutting across the AJTC's statutory role in overseeing the operation of the panels. However, in the light of our long-standing and well-documented concerns about admission appeal panels, our Chairman reassured Sir Philip that his interest in the panels was in fact welcomed by the AJTC.
9. The intention of this exercise was to pilot techniques for checking whether the admission and appeals processes administered by school admission authorities complied with the relevant statutory Codes of Practice and were efficient and effective; and to establish whether there was any evidence of the need for regular checks to be made.

10. The subsequent findings of this exercise were largely positive as the majority of local authority admission authorities were thought to be complying fully with the statutory Codes. However, in respect of the admission authorities for some voluntary-aided and foundation schools there was found to be evidence of widespread and serious departures from the Codes.
11. We welcomed Sir Philip's findings since they highlighted many of the same issues that we have raised over a number of years in our Annual Reports and our 2003 Special Report². However, our overall impression was that the findings presented an unjustifiably positive picture of the admission appeals system, due mainly to the methodology used to select participants, which Sir Philip acknowledged had been by self-nomination. We felt that those admission authorities who would have put themselves forward to participate in this exercise were likely to be those who were confident that they were operating the system in accordance with the law and the statutory guidance. We suggested that a more effective selection system should be established for any similar exercise in the future, which should also seek the views of the key users of the panels, namely parents.
12. Sir Philip Hunter is due to retire in the coming months and we wish to record our gratitude to him for the positive and cordial manner in which he has conducted his dealings with us and to wish him a happy retirement. We look forward to working closely with his successor, particularly in any follow-up exercise of this kind.
13. We subsequently met with policy officials in the Department for Children, Schools and Families to discuss proposals for extending the jurisdiction and role of the OSA, elements of which are being introduced in the Education and Skills Bill. We welcomed the proposed new duty on local authorities to report to the OSA on admission arrangements in their areas and for the OSA to advise on these arrangements. However, we pointed out that this new duty would be resource intensive and likely to require additional funding for the adjudicator's office, which officials said would be borne in mind in taking forward their review of the role of the OSA.
14. Officials advised that a number of other reviews were also being considered, including a consultation on options for admissions and appeals for self-managed faith schools and in respect of the arrangements for class-size appeals, which many consider to be a futile exercise. In respect of a suggestion that the schools adjudicator might assume responsibility for dealing with parents' complaints about the admissions system, we suggested that this appeared to be more akin to an ombudsman type role rather than that of an adjudication body like the OSA and pointed out the undesirability of a body like the OSA having such widely differing roles.

² Cm 5788 School Admission and Exclusion Appeal Panels

Planning Bill

15. The Planning Bill took forward proposals in the White Paper Planning for a sustainable future (May 2007) and associated consultative documents. We responded to the White Paper and the consultation *Improving the Appeal Process in the Planning System*. The most radical of the White Paper proposals was the proposed establishment of an independent Commission to determine applications for development consent for nationally significant infrastructure projects, against a background of national policy statements for key infrastructure sectors. The policy statements themselves would be subject to public consultation and Parliamentary scrutiny.
16. Our main concern about these proposals as a whole was that they should not adversely affect the position of ordinary members of the public. It is essential that people should feel that they have a real opportunity to have their say on planning matters that affect their lives and to put over their arguments properly. Otherwise, the system will not command public confidence. At the same time, we recognise that the interests of citizens may be better served by the more rapid development of major infrastructure projects. The challenge is to find the optimum balance between such wider collective citizens' interests and the adverse impact such projects can have on the quality of life for those immediately affected.
17. We supported in principle the introduction of national policy statements but emphasised the need for thorough and effective public consultation on them. Particular care would be needed to reach ordinary members of the public. Full consultation would also be required as part of the preparation of applications for consent for particular projects. We had great concerns about leaving the consultation process in the hands of the promoter, as we felt this would not command the necessary degree of public confidence.
18. We supported the rationalisation of the various different consent regimes, provided that existing rights to be heard were not reduced or removed where individual property rights were involved. So far as the examination of applications was concerned, we had doubts about how far a predominantly inquisitorial process can be made to work fairly and adequately from the point of view of members of the public affected. The fairness of the processes will depend greatly on their application in practice. We welcomed the Bill's provision for the AJTC to be consulted on the Commission's procedural rules. Once the Bill becomes an Act we will take a continuing close interest in its operation on the ground.
19. Aside from the proposals for the Infrastructure Planning Commission, there were measures proposed in connection with ordinary planning appeals that caused us concern. These included the fast tracking of householder appeals, which we thought would give householders insufficient time to prepare an appeal; the establishment of local member review boards to hear minor appeals in place of an inspector, which we thought would not command public confidence; giving the Planning Inspectorate, on behalf of the Secretary of State, the power to determine whether appeals should be heard by way of written

representations, hearing or inquiry, applying Ministerially approved and published indicative criteria; and charging a fee for appeals. The last two of these proposals had been strongly opposed by the Council on Tribunals on earlier occasions. The Bill included provision for all of them.

20. We were able to discuss these changes with the Planning Inspectorate at our annual meeting with them and their Advisory Panel on Standards in July 2008. We were told that a householder appeals pilot, where the appeal was based on the local authority file and an unaccompanied site visit, had been working well and that householders appreciated the new speed and certainty. The proposal for local member review boards to hear minor appeals was still under consideration by ministers and its future was unclear. So far as the choice of method for planning appeals was concerned, parties would be invited to make representations about it against the published criteria. The Department for Communities and Local Government would be consulting in due course on fees. We shall monitor these various developments with care.

Regulatory Enforcement and Sanctions Act 2008

21. The Regulatory Enforcement and Sanctions Act, which is largely an enabling measure, flowed from the Hampton and Macrory reviews (2005 and 2006) and the Government paper *Next Steps on Regulatory Reform* published in July 2007. Among other things, it provides for a wider range of administrative sanctions to be applied for various criminal breaches, in order to give regulators more options and greater flexibility. We responded to consultations both in 2006 and 2007 and were generally supportive of what was proposed. Our primary interest was in the provision for appeals against regulatory sanctions. We strongly supported the proposal that appeals should go to the First-tier Tribunal under the Tribunals, Courts and Enforcement Act 2007, with onward appeals to the Upper Tribunal. We were opposed to the creation of any new tribunals or to a continuing jurisdiction for the courts. Our main concern was that the enabling nature of the appeal provisions should not leave too much at large in this regard. The Bill as introduced took full account of our concerns.

Bill of Rights

22. We took the opportunity of putting in an early contribution to what has been described by Ministers as a 'national conversation' on a British Bill of Rights and Responsibilities. In our submission to the Ministry of Justice we argued that a right to administrative justice was a strong candidate for inclusion in any such document. Government proposals are expected to be brought forward shortly for consultation.

EXPLORING AND PROMOTING NEW APPROACHES TO DISPUTE RESOLUTION

23. In the Government's 2004 White Paper *Transforming Public Services: Complaints, Redress and Tribunals* it was envisaged that the new Administrative Justice and Tribunals Council, would, amongst other things: 'make suggestions for ... proportionate dispute resolution and for the balance between the different components of the system ... [and] be concerned to ensure that the relationships between the courts, tribunals, ombudsmen and other ADR routes satisfactorily reflect the needs of users.'
24. To further our strategic objective of "keeping under review and influencing the development of administrative justice and tribunals through exploring and promoting the scope for new approaches to dispute resolution" we published in February 2008 a 'PDR Special Edition' of our newsletter, *Adjust*. Among other items, this included a report of our survey of alternative and proportionate dispute resolution in tribunals, referred to immediately below. In fulfilling our statutory duty of reviewing tribunal procedural rules, we have sought to encourage specific mention of alternative dispute resolution processes wherever relevant. We have done the same in respect of primary legislation such as the Tribunals, Courts and Enforcement Act 2007.

Survey of Proportionate Dispute Resolution in Tribunals

25. In 2006-07, as the Council on Tribunals, we conducted a short survey of the use of 'alternative' and 'proportionate' dispute resolution techniques in tribunals. The aim of the survey was to identify good practice and opportunities in dispute resolution to encourage effective and swift resolution of disputes. The survey questionnaire was sent out to 44 tribunal systems throughout England, Wales and Scotland, of which 28 responded.
26. Though not comprehensive, the survey gave a good impression of the current position. It found that ADR techniques such as mediation and early neutral evaluation tended to be used more frequently in those jurisdictions that deal with party and party disputes as opposed to disputes between citizen and state. For the majority of jurisdictions in which ADR is not used, most respondents stated that this was because it was not appropriate for the types of matters heard in these jurisdictions. However, jurisdictions often employ procedures that aim to increase efficiency and encourage a flexible approach to resolving disputes, such as case management, early evaluation and the use of telephone and video linking.
27. We agree that some ADR techniques are not always appropriate in tribunals, particularly where issues of entitlement are concerned. But we consider that there is a need to promote better awareness of the range of such techniques generally. We will be considering further how we can assist with that process.

RELATIONSHIP BUILDING

28. We devoted the day of one of our monthly meetings to considering our networking needs, in the light of our wider remit across the administrative justice landscape. We are keen to extend our influence to those people and organisations that hitherto might have been thought to be outside the sphere of interest of the Council on Tribunals, for example the dispute resolution community, organisations with an interest in research in the administrative justice field, complaints-handling bodies and first-tier decision-makers. The output from this event helpfully enabled us to develop a programme of networking activity for the year ahead, outside our traditional visits to tribunal hearings.
29. We have continued to maintain close links with the British and Irish Ombudsman Association and to work closely with them to improve our understanding of administrative justice. We have also engaged closely with the Local Government Ombudsman, to which we refer in Chapter 4.

Equality and Human Rights Commission

30. The Chairman and one of our members had a meeting with senior officials from the Equality and Human Rights Commission (EHRC), initially to discuss issues of mutual interest but also to explore possible areas for joint working. One issue in which the EHRC and we share a common interest concerns children in care with special educational needs. The EHRC has raised concerns about the multiple roles that the local authority plays in respect of children in care, in terms of providing day to day care, identifying children with special educational needs (SEN) and seeking a statement of SEN, and where appropriate challenging any statement of need through the Special Educational Needs and Disability Tribunal. Both the EHRC and we believe that these multiple roles create a conflict of interest for the various players within the local authority, which is likely to operate to the disadvantage of looked after children. The EHRC has included this issue in its legal strategy plan for 2008-09 as one of its key human rights priorities and we look forward to working with them in this area.

Public Legal Education Network

31. Our Chairman and a member of the senior secretariat attended the launch of the Public Legal Education Network website, *Plenet*. Public legal education aims to provide people with awareness, knowledge and understanding of rights and legal issues, together with the skills and confidence needed to deal with disputes, gain access to justice and play an active part in society and its law-making processes.
32. *Plenet* is a new project funded by the Ministry of Justice and hosted by the Advice Services Alliance, aimed at promoting and developing public legal education and establishing a network of practitioners to work together to encourage better public legal education. At the launch our Chairman expressed his personal support for the work of *Plenet*

and indicated that the AJTC was keen to work collaboratively with them on issues of mutual interest. We will report next year on the outcome of our discussions and on any subsequent joint work we undertake.

Save the Children -

EAR to Listen: Education through Advocacy and Rights

33. We mentioned last year an innovative research project being piloted by Save the Children, examining the role of independent advocacy in supporting young people at risk of exclusion from full-time education. One of our members attended a national conference held by Save the Children to present the findings of this initiative, which highlighted a number of issues, including:
- clear links between poverty and exclusion;
 - children of black Caribbean ethnicity are three times more likely to be excluded;
 - children with SEN are also three times more likely to be excluded;
 - looked after children are more likely to be excluded;
 - 91% of primary and 76% of secondary school exclusions affect boys.
34. Save the Children is calling for the Department for Children, Schools and Families (DCSF) to fund independent education advocates in every local authority, based on the framework of the 'EAR to Listen' model. Their research findings show that a nationwide government funded service would cost £6.8m and lead to an expected 7,000 children being re-engaged with their education at a potential saving of £353.2m in respect of the annual cost of school and social exclusion. We hope that that DCSF ministers will give the findings of this research project serious consideration.

Independent Panel for Special Education Advice

35. We had a meeting with representatives from the *Independent Panel for Special Education Advice* (IPSEA), which provides information, advice and support to the parents of children with special educational needs. We were also joined by Rosemary, Lady Hughes, the President of the Special Educational Needs and Disability Tribunal (SENDIST). The IPSEA representatives shared their concerns about the implications of the tribunal reform programme for the users of SENDIST. Specifically, they fear that the proposals for tribunal Chambers with common procedural rules and the cross-ticketing of tribunal Chairs and members could lead to the loss of the specialist knowledge and expertise in dealing with the complex issues that arise in SEN appeals. Similar concerns have also been raised in respect of other specialist tribunal jurisdictions and we plan to monitor the position closely over the coming year. We will also have regard to these concerns in considering the development of the procedural rules for the new tribunal Chambers.

Tribunal User Groups

36. We mentioned last year that we had undertaken a survey of the attendees of tribunal user groups, including tribunals both within and outside the Tribunals Service, in order to learn more about their perceptions of how user groups operate and to identify best practice in this area. We published a report of the findings of our survey on our website in February and also forwarded a copy to the Chief Executive of the Tribunals Service to inform their longer-term consideration of the role of user groups within the Tribunals Service. The full survey report is included at Appendix F.

Mental Health Review Tribunal Advisory Group

37. We also mentioned in our last Report that we had agreed to facilitate a round table meeting with key MHRT stakeholders to discuss the proposed action plan to address concerns raised in the MHRT's 2006 stakeholder survey. The meeting, which took place in July 2007, was well attended by members of the key stakeholder groups and led to the establishment of the MHRT Advisory Group. The new group provides a forum to:

- enable key stakeholders to express views on:
 - implementation of the MHRT action plan for improvement
 - operational issues likely to impact on the action plan (e.g. the move of the administration from London to Leicester) and the priorities for the MHRT management team
 - opportunities for shorter-term improvement
- provide ongoing stakeholder feedback to MHRT managers on the issues identified in the 2005 and 2006 stakeholder surveys
- through its minutes provide commentary on the rate of progress to the AJTC, TSMB, MHRT Steering Board and MHRT National Stakeholder Group.

38. At the group's second meeting the TS proposed that the AJTC should take over the role of the key stakeholder group for the MHRT. We agreed therefore to continue to chair the group's meetings, which have been consistently well attended, and to play a proactive role in setting its agenda. The new Head of the MHRT Secretariat, Sarah Gane, has indicated that she is keen to take on board the group's views on the MHRT improvement action plan and to respond positively to suggestions.

Legal Services Commission/MHRT 'Whole System Reform'

39. We welcomed the introduction of the Legal Services Commission's (LSC) 'Whole System Reform' initiative, aimed at increasing the level of constructive collaboration between a broad range of its partners to improve efficiency across the civil and criminal justice systems. One such partnership project is that between the LSC and the Mental Health Review Tribunal (MHRT), which is one of the few tribunals for which legally aided representation is available. The aim of the project is to promote partnership working to improve the efficiency and effectiveness of the Mental Health Review Tribunal for the benefit of clients, providers and partner organisations. One of the key problem

areas being tackled is the high number of unnecessary adjournments and postponements of hearings, which the project aims to reduce, both in order to improve users' experience and also to reduce unnecessary costs. Whilst the project is still in its early stages, its overall aim of improving the efficiency and effectiveness of the MHRT for users is welcomed, particularly bearing in mind our long-standing concerns about poor administration associated with the MHRT.

WALES AND SCOTLAND

Wales

40. In keeping under review the administrative justice and tribunals system in Wales, we have sought to monitor Welsh language issues and to encourage the government to ensure access to tribunal hearing centres for all users of tribunals in Wales.

Welsh Language

41. We welcomed the launch of the Tribunals Service's Welsh Language Scheme at the 2007 Welsh National Eisteddfod in Mold. We have been pleased to note the activity that has been taking place to promote the scheme and ensure that service users can, if they so wish, deal with the Tribunals Service through the Welsh language. For example, the Tribunals Service is able to handle telephone calls and letters in both Welsh and English, arrange for appeal hearings in Welsh, and all Tribunals Service buildings in Wales have bilingual signage, leaflets and notices.
42. Over the coming year the Tribunals Service will be piloting the provision of its Internet portal pages in Welsh, to assess the potential for extending this to individual tribunal sites on its website. Our newly appointed Welsh Committee will take an active interest in the operation and outcome of this pilot. We are also represented on the Lord Chancellor's Standing Committee for the Welsh Language.

Hearing Centres

43. In our response to the government's consultation on the establishment of the new First-tier and Upper Tribunals, *'Transforming Tribunals: Implementing Part 1 of the Tribunals, Courts and Enforcement Act 2007'*, we urged that the Upper Tribunal should be accessible to users and flexible in its approach to sitting in regional centres if needed. We also relayed the concerns of some tribunals regarding the reduction in the number of hearing centres generally, particularly in social security, which will impact on access for users in more rural areas, especially in Scotland and Wales.
44. We were pleased to note that in its response to the consultation, the government gave the commitment that:

'decisions of devolved Welsh Tribunals should be challengeable in Wales, and ... this facility should be extended to all First-tier Tribunal decisions generated in Wales. The government is committed to establishing an Upper Tribunal Office in Wales and will explore the suggestion made by several respondents of the possibility of co-ordinating this office with the proposed

administrative court in Cardiff. Whilst Upper Tribunal work in Wales will initially be sent to London and dealt with by staff in the London Upper Tribunal Office, the Government will seek to establish a permanent presence in Wales as soon as possible after the establishment of the Upper Tribunal'.

45. The government has also stated that, even where work for the Upper Tribunal emanating from Wales is dealt with in London compliance with the Welsh Language Scheme will be maintained.
46. We are pleased to note these developments. Our new Welsh Committee, which was formally established on 1 June 2008 and held its first meeting two days later, will continue to monitor and address tribunal accommodation issues in Wales, with particular regard to the creation and operation of the First-tier and Upper Tribunals.
47. The Committee also decided to continue the practice of biennial Welsh conferences, with the next scheduled for June 2009. As outlined in our previous Annual Report for 2006/07, we held our second *'Administrative Justice in Wales'* conference on 21 June 2007. Speakers included the Rt. Hon. Rhodri Morgan AM, First Minister, and the Rt. Hon. Lord Justice Thomas.

The Scottish Committee's Conference

57. Our Scottish Committee has been actively seeking to enhance its role as a catalyst for sharing good practice and exploring opportunities for collaborative working. In February 2008, the Committee held a Conference "Advancing Administrative Justice and Tribunals - Where we are now and where do we go from here", the aims of which were to:
 - consider administrative justice as it is now
 - consider how it should develop in the future, and
 - explore a range of administrative justice issues in terms of users.
58. The morning session included a number of key speakers - Bill Aitkin, MSP and Convener of the Justice Committee of the Scottish Parliament; Lord Hamilton, Lord President and Lord Justice General; Professor Tom Mullen of the University of Glasgow; and Norman Egan, Regional Director North, Tribunals Service. Bill Aitkin addressed the topic of administrative justice in the Justice Committee and the Scottish Parliament, while Lord Hamilton spoke about the importance of administrative law and the part tribunals play in that body of law. Professor Mullen provided a critical analysis of the Scottish administrative justice landscape. Norman Egan gave an update on the Tribunals Service's Change Programme.
59. In the afternoon delegates had the opportunity to meet in workshops to discuss a variety of topics, including effective redress, led by Martin Evans, Scottish Consumer Council; new approaches to complaints handling, led by Professor Lorne Creer, Chair of the Independent Review of regulation, audit, inspection and complaints handling of

public services in Scotland; the practical application of alternative dispute resolution, led by Ewan Malcolm, Director of Scottish Mediation Network; and the structure and relationships between tribunals in Scotland, led by Lord Philip.

60. The response to the Conference from the administrative justice and tribunals community in Scotland has been heartening and it is anticipated that a number of initiatives and actions will flow from decisions taken as a result of it. It was also encouraging that the First Minister, the Rt. Honourable Alex Salmond MSP, had recently expressed an interest in administrative justice.

3. 'Keeping under Review the work of the Tribunals Service, the Tribunals within it and other Tribunals'

TRIBUNALS SERVICE

1. We have continued to monitor the work of the Tribunals Service (TS) in what has been termed our 'critical friend' role. We achieve this in a number of ways - our Chairman attends meetings of the Tribunals Service Management Board and the Tribunal Presidents Group and meetings of the Ministry of Justice's (MoJ) Tax Appeals Modernisation Project Board. Some of our members sit on the steering groups for particular tribunal jurisdictions, in particular Employment Tribunals and the Mental Health Review Tribunal. The Senior President of Tribunals, Lord Justice Carnwath, or a nominated representative, continues to attend our monthly meetings.
2. Throughout the year we have held meetings with TS officials, including the Chief Executive, Peter Handcock; Jeanne Spinks, at the time the Chief Operating Officer, now acting Chief Executive following Peter Handcock's appointment as MoJ's Director of Access to Justice; Deborah Lawrence, TS Customer Service Champion and her deputy, Kris Barnfield.
3. We have also had meetings with members of the tribunals judiciary, including Rosemary, Lady Hughes, President of the Special Educational Needs and Disability Tribunal; His Honour Judge Hickinbottom, Chief Social Security and Child Support Commissioner; His Honour Judge Meeran, President of Employment Tribunals in England and Wales and Colin Milne, President of Employment Tribunals in Scotland.
4. In the coming year we intend to put in place more formalised arrangements for liaising with TS Regional Directors and Area Managers in order to monitor closely the TS Pathfinder Project, which will deliver the first multi-jurisdictional Administrative Support Centre (ASC). The ASC will bring together case-processing administrative staff from multiple jurisdictions to support a more effective delivery of service to tribunal users.
5. The Tribunals Service's first Annual Report set out an assessment of its achievements against its key objectives of:
 - maintaining or improving standards of service
 - developing capacity to deliver reform
 - reducing the volume of appeals reaching tribunals and disposing of those which do so more effectively and efficiently,

on each of which the Chief Executive reported significant progress.

6. We warmly welcomed the good progress the TS had made in its first year of operation. However, we expressed some reservations about the extent to which the Report provided sufficient commentary about the individual tribunal jurisdictions within the TS, which previously produced their own annual reports covering both administrative and judicial matters. The TS Report is clearly focussed on administrative matters, with the result that there appears to be a regrettable loss of information pertaining to judicial developments in individual jurisdictions. The main exception to this is the statutory Report of the President of Social Security and Child Support Appeal Tribunals to the Secretary of State for Work and Pensions on standards of decision making. We also noted that the Chief Social Security and Child Support Commissioner, His Honour Judge Hickinbottom, also produced his own Annual Report for 2006/07. We have raised this matter both with the TS Chief Executive and the Senior President of Tribunals, Lord Justice Carnwath, as an issue requiring consideration for the future.
7. At the time this Report was being drafted the TS had just issued its 2nd Annual Report, describing its work during the year to put in place a new management structure and regional organisation with view to implementing a new business delivery model. We plan to monitor these developments closely in the coming year.
8. Our secretariat has also continued to engage regularly with TS and MoJ officials, particularly in the past year on the implementation of the Tribunals, Courts and Enforcement Act 2007. The secretariat has also established regular meetings with the new TS Key Account Managers, whose role is to provide the link between the TS and the policy makers in government departments whose decisions are subject to appeal.

Procedural Rules

9. Our Chairman is our nominated representative on the Tribunal Procedure Committee, which is responsible for making the procedural rules for the new tribunal Chambers. At the time this Report was being drafted, rules for the Social Entitlement Chamber, the Health, Education and Social Care Chamber and the Upper Tribunal were subject to public consultation. We were pleased to note that the drafting of the new rules had drawn heavily on our own Guide to Drafting Tribunal Rules. We raised concerns with MoJ officials about the short 6-week deadline for consultation on the rules, which we felt would have an adverse effect on external respondents' ability to comment meaningfully.

TRANSFORMING TRIBUNALS

10. We responded to the Tribunals Service consultation *Transforming Tribunals: Implementing Part 1 of the Tribunals, Courts and Enforcement Act 2007*. As well as addressing the specific consultation questions, we also made some general observations on the consultation proposals. We felt that the Tribunals Service had made good progress with its operational change agenda. However, we considered that the presentation of the consultation proposals sometimes lost sight of the fact that structural change, rationalisation and standardisation were not ends in themselves but were part of a wider reform with the needs of users at its heart.
11. We were concerned that there was little in the consultation about the impact of the proposed changes on users or the extent to which appellants will continue to need advice and assistance specific to particular tribunal jurisdictions. We were disappointed that the Enhanced Advice Project outlined in the 2004 White Paper appeared to have been abandoned and that the consultation paper gave no clear indication of how the need for advice will be met.
12. We also expressed the view that there is a need for a dedicated policy team within the Ministry of Justice, but outside the Tribunals Service, to consider administrative justice issues in a more holistic way. A dedicated policy unit of this kind would be able to accommodate a more systemic approach, linking access and justice so that the wider vision in the 2004 White Paper of improved knowledge and awareness of rights, with support into and through the institutions of administrative justice, can be realised. We look forward to engaging with those with lead responsibility for this important area of policy.
13. Of particular interest was the proposed mapping of existing non-legal members of tribunals into the new roles in a way that maximises the opportunity for their flexible use in hearing appeals. We feel we have a useful contribution to make to this exercise, on which we look forward to being consulted in due course.
14. In response to particular consultation questions, our observations included:
 - After a fixed period of time, it will be necessary for the Tribunals Service to conduct a structured review of the ticketing and assignment processes, to determine whether they are meeting the needs of users, the tribunal system and tribunal members.
 - Appropriate safeguards will be needed to ensure that the necessary individual characteristics, particularly of smaller and more specialised Tribunals, are maintained, including the provision of advice and assistance to appellants at hearing centres.
 - The Upper Tribunal should be accessible to users and flexible in its approach to sitting in regional centres if needed. It is important that the concerns of some tribunals about the reduction in the number of hearing centres generally are addressed, as this will be likely to impact on access in more rural areas, particularly in Scotland and Wales.

- The introduction of the Upper Tribunal should provide greater consistency in appeal rights across tribunals. Appeals to the Upper Tribunal should be less complex, cheaper and quicker than the current option of judicial review.
 - Provided that ‘non-legal expertise’ and ‘non-professional expertise’ are broadly interpreted, we agreed with the overriding principle expressed in the consultation paper that *‘the use of non-legal members at a particular hearing should bring to the table skills, experience or knowledge that tribunal judges cannot provide’*. This assists tribunals in assessing evidence and in making confident findings of fact to the benefit of users of the system.
 - Costs should normally only be awarded where a person has acted vexatiously or unreasonably, or in favour of an appellant where there is a successful appeal against an administrative decision affecting the appellant’s livelihood. In ordering costs, a tribunal should take account of the resources of the party against whom the order is to be made.
15. The consultation paper included chapters on tax appeals modernisation and land, property and housing tribunals. So far as the former is concerned, reform of the present system of tax tribunals is a discrete project within the wider tribunal reform programme. As regards land, property and housing tribunals, the government deferred reaching a final view until it had had the opportunity to consider the Law Commission’s work in this area, to which we refer in Chapter 4. We shall report more fully on these matters next year.
16. The government published its response to the consultation in May 2008 which largely confirmed the proposals put forward in the consultation paper.

ASYLUM AND IMMIGRATION TRIBUNAL

17. The consultation paper had said little about the Asylum and Immigration Tribunal (AIT), which as matters then stood was to constitute a separate pillar within the Tribunals Service. However, the government’s response indicated that thought was being given to integrating asylum and immigration appeals into the unified First-tier and Upper Tribunal structure. Among other things, this should help to alleviate the acute pressures on the High Court following the establishment of the single tier AIT in April 2005. Further consultation is expected shortly. In the meantime, we have continued to take a close interest in the working of the AIT. We took the opportunity of inviting two researchers in this area, Dr Robert Thomas and Sarah Craig, to our Awayday in Durham to speak to us about their work in this area. We have also given attention to reports by the Independent Asylum Commission. This is another area that we expect to report on more fully next year.

FEEDBACK FROM OUR VISITS TO TRIBUNAL HEARINGS

18. In April 2007 we introduced a system of providing feedback from our visits to observe tribunal hearings. Following a visit to a tribunal hearing, a copy of our member's written report of the visit is now forwarded to the tribunal Chair and, where appropriate, to the President or Head of the particular tribunal jurisdiction. The reaction of tribunals has been largely positive. A few reports have prompted follow-up correspondence, usually seeking clarification of specific comments in a report.
19. We have also begun providing six-monthly feedback reports from our visits to the Senior President of Tribunals, which he shares with the members of the Tribunal Presidents Group. As a regular attendee of our monthly meetings the Senior President sees our members' visit reports as a matter of course. However, he and the other tribunal Presidents have indicated that they find our six-monthly feedback useful.
20. For the purpose of reporting on our visits to tribunal hearings we decided to adopt the Council on Tribunals' *'Framework of Standards for Tribunals'*, which sets out the issues with which we are concerned in fulfilling our statutory role in respect of tribunals. In the light of our new wider remit to keep the administrative justice system under review we are currently considering the need to enhance our framework document to include wider principles of administrative justice.

OUR RESPONSES TO STATUTORY CONSULTATION

Police Appeals Tribunal Rules 2008

21. The Home Office consulted us on new rules for the Police Appeals Tribunal, which arose as a consequence of proposed changes to the Police (Performance) Regulations 2008 and the Police (Conduct) Regulations 2008. Under the new misconduct arrangements a police officer will have a right of appeal against the finding of, and any sanction imposed at, a misconduct hearing or special case hearing. Under new 'unsatisfactory performance and attendance' arrangements, a police officer will have a right of appeal against the finding and any outcome of a third stage meeting, which might comprise dismissal, reduction in rank or an extensions to a notice of improvement.
22. We felt that the grounds for appeal were too limited because of the way the relevant rule had been drafted and suggested it be amended to provide for the right of appeal under any of the three given grounds. We were also strongly of the view that the proposed time limit of 5 working days to submit a notice of appeal was unreasonable, even subject to a general provision to extend the statutory time limits. We suggested that 5 days was entirely inadequate to enable an officer to seek initial advice in order to properly frame an appeal. Moreover, we felt that such a short time limit might encourage the lodgement of unmeritorious appeals simply in order to meet the tight deadline. We suggested that Police Appeal Tribunal hearings should be held in public rather than in private, as was proposed, in the interests of greater openness, fairness and

transparency. This would be subject to a general power for a tribunal Chair to restrict those who may be present in the interests of morals, public order or national security. On the question of whether the costs of a hearing should fall to be paid by each party, we expressed the strong view that costs should normally only be awarded where a party has acted vexatiously or unreasonably. We felt that it would be particularly unjust to require an officer to pay costs for the right to defend him or herself against a charge of alleged misconduct or on grounds relating to performance, especially where the tribunal subsequently finds in the officer's favour.

The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Children's and Adults' Barred Lists) (Transitional Provisions) Regulations 2008

23. We were consulted on the transitional rules for appeals against decisions of the new Independent Safeguarding Authority (ISA) to place an individual's name on one or both of the lists of persons barred from working with children or vulnerable adults. The transitional rules affect those cases being transferred from the existing lists to the new lists under the Safeguarding Vulnerable Groups Act 2006. During the transitional period any appeal has to be about the ISA's decision to bar, and individuals will not be able to re-open the original barring decision taken by the Secretary of State or the Care Standards Tribunal (CST) where an appeal has previously been dismissed.
24. Our overriding impression of the rules was that the complexity and inconsistency in their drafting made them particularly impenetrable in parts. We suggested that the use of simpler and more consistent language would aid their understanding by the tribunals who operate them and, more importantly, by the users of the tribunal who need to be able to understand their rights in these important matters. The response we received argued that, since the regulations largely replicated the existing CST rules they would be familiar to those groups who may need to refer to them. We did not share this view. These were clearly transitional arrangements, which in our view were sufficiently different to other existing CST provisions. Nevertheless, we were pleased to learn that the ISA plans to produce comprehensive and clear guidance for users on both the transitional arrangements and appeals procedures.

The Education (Admission Appeals Arrangements) (England) (Amendment) Regulations 2007

25. We were consulted on a set of amendment regulations, which among other things, introduced a mandatory statutory requirement for training for panel members of admission appeal panels. In our response to an earlier consultation on a revision to the Admission Appeals Code of Practice we welcomed the greater emphasis being placed on the need for training but said that we would have preferred to see training made mandatory by law, as it was for exclusions appeal panels. We therefore welcomed the department's constructive response on this issue, which we believe will materially assist in raising the standards of decision making by the panels.

4. 'Responding authoritatively to emerging issues and proposals that affect or involve administrative justice, tribunals and inquiries more generally'

OMBUDSMEN

1. Ever since the enactment of the Parliamentary Commissioner Act 1967 the Parliamentary Ombudsman had been a member of the Council on Tribunals and played a valuable part in its deliberations. However, for the most part ombudsmen remained outside the Council's statutory remit. In recent years, in anticipation of our wider remit, we have sought to engage more closely with the ombudsman world and in particular with the British and Irish Ombudsman Association (BIOA), attending their conferences and involving them in ours, collaborating in joint projects and providing input to their publications. This relationship has continued to develop throughout the period under review.
2. During the year some other ombudsman issues arose for our consideration. The Criminal Justice and Immigration Bill contained provision for a Commissioner to consider complaints from offenders and immigration detainees and to investigate deaths of prisoners and other detainees, replacing the existing non-statutory Prisons and Probation Ombudsman. We shared concerns expressed by the Parliamentary Ombudsman and other key stakeholders about the lack of independence of the proposed Commissioner, particularly in respect of accountability and funding. We therefore welcomed the government's withdrawal of this part of the Bill to allow time for proper consideration, in consultation with relevant stakeholders, of the changes needed to meet the concerns that had been expressed.
3. The Consumers, Estate Agents and Redress Act 2007 provides for the possibility of more than one redress scheme operating in the energy, postal, water and residential property industries. Our Chairman expressed concerns about competing redress schemes during the Bill's passage. In response, the Minister indicated that the government's policy preference was for a single redress scheme for each sector. However, the government thought that this might not always be appropriate in all sectors or all circumstances, and that regulators were best placed to determine the appropriate number of schemes to be approved within each sector. We are monitoring the position closely.
4. Similar issues about competing ombudsman schemes were raised in a pamphlet published in March 2008 by the National Consumer Council entitled "*Lessons from Ombudsmania*". Points raised in the pamphlet included:
 - many markets which cause consumers the most problems still lack an ombudsman or other independent redress scheme;
 - there is a need for consolidation of existing ombudsman schemes around core themes related to the consumer experience;

- the current ombudsman model favoured by policy-makers, which permits multiple schemes set up by industry to operate in a single market creates a confusing picture for consumers and operates against the grain of modern markets;
 - there is scope for ombudsmen to do more to help raise industry standards within appropriate boundaries, using their unique intelligence to change markets for the better; and
 - there is an urgent need for a single organisation to develop and keep under review a joined-up strategy for all ombudsmen schemes.
5. As regards the last point, the pamphlet suggested that the AJTC was best placed to take the lead, which we are currently considering further.

HOUSING DISPUTES

6. In September 2007 we responded to the Law Commission's consultation paper *'Housing: Proportionate Dispute Resolution'*, which explored, among other things, the creation of a specialist housing tribunal. We recognised the benefits of a dedicated housing tribunal, with specialist legal and non-legal expertise, clearer arrangements for identifying cases with value as legal precedents, and the opportunity to provide more consistent feedback to first instance decision makers. However, we felt that the cost benefits of the proposals and the availability of funding needed to be clearly identified before embarking on such a major change programme.
7. In April 2008 the Law Commission published a report of its work on the reform of housing law and practice. We were encouraged that the recommendations on the creation of a specialist housing tribunal are more modest in scope than those provisionally put forward in the 2007 consultation paper and that the report develops the concept of 'triage plus' that featured predominantly in the earlier 2006 issues paper.

RESEARCH

8. Under the provisions of the Tribunals, Courts and Enforcement Act 2007 one of our new statutory roles is to *"make proposals for research into the [administrative justice] system"*. During the passage of the Bill, Baroness Ashton of Upholland said that she recognised the value of research into administrative justice and that there would be nothing to prevent the AJTC itself from commissioning research.
9. We anticipate that the knowledge we gain from our ties with the academic research community will materially assist us in advancing our understanding of the administrative justice system as a whole. The past year has seen the start of various research initiatives and we have engaged in regular interaction with government policy makers and academic researchers, and will again be expanding our delegate list for our forthcoming 2008 Conference.
10. Following on from the seminars held in 2006/7, we are pleased to report that the Nuffield Foundation has placed considerable emphasis on resources for empirical research in the field of administrative justice. The following projects are of particular note:

- (i) Bondy's *'Design and choice of redress mechanism - a conceptual and empirical study'*;
 - (ii) Halliday and Scott's *'A conceptual analysis of administrative justice and feedback mechanisms'*;
 - (iii) Genn and Thomas's *'Tribunal decision-making: impact of oral hearings and consistency of outcomes'*; and
 - (iv) Dunleavy's *'Information redress processes and administrative justice in the UK/England'*.
11. We were pleased to utilise our website in late 2007 as a platform for the publication of Professor Martin Partington's *'An Annotated Review of Research Published between 1992 and 2007'*, and as an overall vehicle for the wider dissemination of matters related to administrative justice. Professor Partington's study summarised and identified "principal themes" of the research reviewed, which included alternative dispute resolution, perception of tribunals and self-represented applicants, to name just a few. This useful piece of work encapsulated major studies on tribunals and will be a valuable resource for the administrative justice community.
 12. In addition to these initiatives we have continued to publish articles and editorial pieces on administrative justice in our online magazine, *Adjust*.
 13. We have now established a working group of members to take this work forward. In particular, we want to understand how we can best encourage academic and operationally focused research, identify potential funders and research priorities and with others, lift the profile of administrative justice generally.

IMPROVING FIRST INSTANCE DECISION MAKING

Disability and Carers Service

16. We reported last year on our visit to the Glasgow office of the Disability and Carers Service (DCS) to meet the staff involved in the processing of claims for Disability Living Allowance (DLA) and Attendance Allowance (AA). We learned about a number of initiatives that were being introduced to improve the quality of decision making and thereby reduce appeals. We followed this up with a further visit to the DCS office in Blackpool, which deals centrally with the maintenance of DLA/AA awards and changes of circumstances. Again, we were particularly interested in what the Agency was doing to improve decision making and reduce appeals, both through its internal review arrangements and through feedback from tribunal decisions.
17. The Disability Contact and Processing Unit (DCPU5) plays a Pathfinder role in piloting new initiatives in respect of alternative dispute resolution (ADR) and Professionalism in Decision Making and Appeals (PIDMA). The ADR pilot involves a district Tribunal Chairman assessing a selection of anonymised cases to establish whether it is more or less likely that the customer of the Agency will succeed at a hearing or if further medical evidence is required before a case can proceed to a hearing. In the event that it is thought that the customer's case will be successful at appeal, contact is made with the decision maker to

discuss the decision, as a result of which some cases have been conceded, mainly because proper account has not been taken of medical evidence or mental health issues. Decision-makers have also had the opportunity to attend appeal hearings in order to observe at first hand the matters that tribunals take into account and how they view issues such as conflicting medical evidence.

18. The *PIDMA* initiative, which we mentioned briefly in our last report, continues to be taken forward. *PIDMA*, a work-based learning programme leading to accreditation and higher education awards for DCS decision makers (DMs) and their managers, is reported to be making a real difference in raising decision making standards. The programme is modular, the number and level of modules undertaken by DMs and their HEO DMs being congruent with their role, responsibilities and experience. Early evaluation findings indicate that positive benefits are being realised, which will be used in future evaluation to measure any changes as a result of the rollout of *PIDMA*.
19. *PIDMA* is an exciting development within DCS, which appears to us to have clear potential to make real improvements in standards of decision-making, not just within DCS but also across the other Agencies of the Department for Work and Pensions. Moreover, we believe that this type of programme has potential benefits for decision making in other areas of administrative justice and we have been keen to promote it through our electronic newsletter, *Adjust*. We look forward to learning about the outcome of the evaluation exercise, which is expected to quantify the benefits accruing from *PIDMA*.

COMMUNICATIONS

Adjust

20. In 2008 we moved to bi-monthly rather than quarterly editions of our newsletter, *Adjust*. This move was prompted by the wealth of news and information relevant to the administrative justice and tribunals world and by the positive feedback we received from our growing readership.
21. Since our last Annual Report *Adjust* has included contributions from a diverse range of perspectives, and contributors have included members of the tribunal judiciary, ombudsmen, researchers, user representatives, mediators and initial decision-makers. We have developed our international section, with news items and articles from Australia, New Zealand and Canada. We have also added a new research section to encourage and promote research related to the administrative justice field. Over the coming year we hope to further develop our international content, by including more information from Europe and further abroad.

AJTC Website

22. When we became the Administrative Justice and Tribunals Council in November 2007 we launched our new website at www.ajtc.gov.uk. The website was completely re-designed and re-branded and included improved navigation facilities. Moreover, in addition to the information and links included in the previous CoT website, the new site now includes additional sections such as 'Empirical research on tribunals'.

Our Launch as the AJTC

23. Our 2007 Conference to officially launch our establishment as the Administrative Justice and Tribunals Council was attended by around 200 delegates from the tribunals, regulatory, complaints handling, academic and advice sectors.
24. We were also pleased to welcome Bridget Prentice MP, Parliamentary Under Secretary of State at the Ministry of Justice, and Lord Phillips of Worth Matravers, Lord Chief Justice, both of whom gave short speeches on tribunals reform and our new broader role and remit.
25. The event was opened by our Chairman and speakers included Lord Justice Carnwath, Senior President of Tribunals, and Ann Abraham, the Parliamentary and Health Services Ombudsman. The main focus of the speeches was the way forward under our new remit as an Administrative Justice and Tribunals Council - our purpose, priorities and interaction with stakeholders, both old and new.

Appendix A

Membership of the AJTC and its Scottish Committee

Judith Edwards retired from the Council on Tribunals in 2007, having been a member since 2003. She made a significant contribution to the Council's work, notably in her specialist field of tax law and practice, and represented the Council on the Tax Appeals Modernisation Stakeholder Group.

Heather Wilcox retired from the Administrative Justice and Tribunals Council in 2008, having served on that body and its predecessor since 2003. For more than five years, up to the establishment of the AJTC's Welsh Committee, she conscientiously represented the interests of people in Wales, while finding time to make frequent visits to tribunals, conferences and training events on both sides of Offa's Dyke. She was a member of the Lord Chancellor's Standing Committee for the Welsh Language.

We wish them both well for the future.

Our new Welsh Committee was formally established with effect from 1 June 2008. Chaired by Professor Sir Adrian Webb, its other members are Bob Chapman, Gareth Lewis and Rhian Williams-Flew.

In March 2008 we also said goodbye to Marjorie MacRae, who retired after nearly 13 years service as the Secretary to the Scottish Committee. Marjorie was an indomitable character, whose contribution to the work of the Scottish Committee and the Council will be sorely missed. Her successor as Scottish Secretary is Debbie Davidson.

AJTC MEMBERSHIP AT 31 MARCH 2007



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) and 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 and formerly MacRobert Professor of Land Economy and the University of Aberdeen. Member of the Lands Tribunal for Scotland (1989-2005). Member of the Council and Chairman of the Scottish Committee since September 2005. Member of the Economic & Regulatory committee and Tribunals Service Liaison 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. Member 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 Employment Task Group.



Mrs Sue Davis CBE: Chair of Sandwell & West Birmingham Hospitals Trust. Deputy Chair of RegenWUM, centre of excellence in regeneration for the West Midlands. Formerly an elected member of Telford & Wrekin Council and Shropshire County Council. Involved at senior level in regional, national and international local government for 25 years, most recently as Cabinet Member for Resources in Telford and as member of UK delegation to the Congress of the Council of Europe. Previously served as Chair of Telford's Primary Care Trust. 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 Tribunals Service Liaison Group.



Miss Judith Edwards: Barrister. A partner with tax consultants, Balfour Kent since October 2002, advising on tax planning for individuals, companies and trusts. Member of the Council since September 2003, and of the Economic & Regulatory Committee.



Ms Penny Letts OBE: Policy Consultant and Trainer specialising in mental health, mental capacity and disability law. Member of the Mental Health Act Commission 1995-2004. Policy Advisor to 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 Principles Task Group and the MHRT Advisory 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. Lead signatory and collator in child protection matters for a national voluntary organisation. 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.



Ms Bronwyn McKenna: Solicitor, qualified in England and Wales, and in Northern Ireland, specialising in employment, trade union and public inquiry law. Currently a Director at UNISON, leading the union's work on organising, member representation and participation. Principal legal advisor to UNISON's National Executive Council and Senior Management Group. Sits on the Central Arbitration Committee and formerly a member of the Industrial Injuries Advisory Council. Member of the Council since 2007 and of the Social Affairs committee and Employment and Principles Task Groups.



Mr Bernard Quoroll: Solicitor and commercial community 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, and of the Economic & Regulatory committee, the Research Group and Ombudsman, Principles and Employment Task Groups.



Professor Genevra Richardson CBE, FBA: 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 2001-2008. Trustee, Nuffield Foundation 2002 to date. Member of the Council since February 2001. Chair of the Economic & Regulatory committee and member of the Research Group, Principles Task Group and the MHRT Advisory Group.



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



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 Special Trustee of the Royal National Orthopaedic Hospital NHS Trust. Governor, University of Hertfordshire. Founder Governor, Motability; Vice-Chairman of the Mobilise Organisation. Member of Disability Appeal Tribunals 1992-2003. Member of the Council since November 2003 and of the Social Affairs committee.



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, and Vice-President/President 1984-85. Part-time chair of Blackpool Supplementary Benefit Appeal Tribunal 1980-85. Member of the Council since December 2005, and of the Economic and Regulatory committee and Ombudsman Task Group.



Mr Brian Thompson: Senior Lecturer in Law at the University of Liverpool with teaching and research covering the whole field of administrative justice. Member of the Panel of Specialist Advisers to the House of Commons Public Administration Select Committee, and Consultant on Public Law to the Northern Ireland Ombudsman. Member of the Council since 2007 and of the Social Affairs Committee, Research Group and Ombudsman task Group.



Heather Louise Wilcox: Accountant and former career civil servant. Director of Primary and Community Health, National Assembly for Wales until retirement in September 2001. Appointed by the Privy Council as a member of General Optical Council from January 2002 to December 2006. 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. 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 and of the Scottish and Welsh Committees 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, and remains a member of their validation committee.

SCOTTISH COMMITTEE MEMBERSHIP AT 31 MARCH 2007



Ms Lyndy Boyd: Solicitor, formerly a Children's Reporter, Welfare Rights Officer, solicitor with Aberdeen City Council and Professional Adviser (Legal) for the Care Commission. Former Associate Lecturer, Monitor and Consultant with the Open University. Legal member of the Parole Board for Scotland from January 2005. Member of the Scottish Committee since December 2004.



Eileen C Macdonald: A solicitor who has worked both within the private sector; latterly as an associate partner specialising in civil litigation, and in the public sector as a procurator fiscal depute and senior solicitor at the Scottish Environment Protection Agency with responsibility for enforcement, including working with the Crown Office in the prosecution of environment offences. Director of the Vine Trust from 2003 until 2007.



Michael Menlowe: A philosopher who was Head of the School of Philosophy, Psychology and Language Science in the University of Edinburgh until his retirement. An Associate of the General Medical Council, where he chairs Fitness to Practise panels. A board member of the Scottish Refugee Council since 2006, a member of the Home Office's DNA Database Ethics Group and a lay member of the Royal College of Pathologists.



Mrs Audrey Watson: Solicitor with West Lothian Council, responsible for licensing and training JPs. Depute Clerk of Court and Depute Clerk of the Peace. Former 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. Depute Clerk to the Scottish Solicitors Discipline Tribunal. Member of the Scottish Committee since August 2001.



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

Appendix B

Our strategic objectives

1. The AJTC will focus first and foremost on the needs of users.
2. The AJTC will keep under review and influence the development of administrative justice and tribunals through:
 - giving authoritative and principled advice and guidance to government, the Tribunals Service and others within the administrative justice system on changes to legislation, practices and procedures to improve the working of administrative justice, tribunals and inquiries, including a framework of generally applicable principles;
 - exploring and promoting the scope for new approaches to dispute resolution;
 - seeking to build up influence over forthcoming legislation, in particular in advance of publication;
 - recognising and responding to the diverse needs and circumstances of users, by applying effective monitoring arrangements and being alert to emerging issues;
 - raising awareness of the different approaches within the UK legal systems.
3. The AJTC will keep under review the work of the Tribunals Service, the tribunals within it and other tribunals:
 - offering advice and assistance on wider policy issues that complement the Tribunals Service's own work programme or otherwise affect tribunals;
 - commenting from time to time on Tribunals Service priorities, standards and performance measures;
 - monitoring progress and performance of tribunals against common standards and performance measures.
4. The AJTC will respond authoritatively to emerging issues and proposals that affect or involve administrative justice, tribunals and inquiries more generally:
 - identifying and responding to perceived needs and current/prospective concerns in relation to all aspects of administrative justice;
 - identifying priorities for, and encouraging the conduct of, relevant research;
 - monitoring the relationships between first instance decision makers, ombudsmen, tribunals and the courts to ensure they are clear, complementary and flexible;
 - promoting the accessibility of administrative justice and tribunals to users through open, fair and impartial procedures and high quality, user friendly information and advice;
 - employing a range of communication methods to give an account of its work and disseminate its views.

Appendix C

Note on the constitution and functions of the Administrative Justice and Tribunals Council

1. The Administrative Justice and Tribunals Council (AJTC) was set up by the Tribunals, Courts and Enforcement Act 2007 to replace the Council on Tribunals.
2. The AJTC consists of not more than 15 nor less than 10 appointed members. Of these, either two or three are appointed by the Scottish Ministers with the concurrence of the Lord Chancellor and the Welsh Ministers; and either one or two are appointed by the Welsh Ministers with the concurrence of the Lord Chancellor and the Scottish Ministers. The remainder are appointed by the Lord Chancellor with the concurrence of the Scottish Ministers and the Welsh Ministers.
3. The Lord Chancellor, after consultation with the Scottish Ministers and the Welsh Ministers, nominates one of the appointed members to be Chairman of the AJTC. The Parliamentary Commissioner for Administration (the Parliamentary Ombudsman) is a member of the AJTC by virtue of her office.
4. The Scottish Committee of the AJTC consists of the two or three members of the AJTC appointed by the Scottish Ministers (one being nominated by the Scottish Ministers as Chairman) and three or four other members, not being members of the AJTC, appointed by the Scottish Ministers. The Parliamentary Ombudsman and the Scottish Public Services Ombudsman are members of the Scottish Committee by virtue of their office.
5. The Welsh Committee of the AJTC consists of the one or two members of the AJTC appointed by the Welsh Ministers (one being nominated by the Welsh Ministers as Chairman) and two or three other members, not being members of the AJTC, appointed by the Welsh Ministers. The Parliamentary Ombudsman and the Public Services Ombudsman for Wales are members of the Welsh Committee by virtue of their office.
6. The principal functions of the AJTC as laid down in the Tribunals, Courts and Enforcement Act 2007 are:
 - a) to keep the administrative justice system under review;
 - b) to keep under review and report on the constitution and working of listed tribunals; and
 - c) to keep under review and report on the constitution and working of statutory inquiries.

7. The AJTC's functions with respect to the administrative justice system include considering ways to make it accessible, fair and efficient, advising the Lord Chancellor, the Scottish Ministers, the Welsh Ministers and the Senior President of Tribunals on its development and referring to them proposals for change, and making proposals for research.
8. The "administrative justice system" means the overall system by which decisions of an administrative or executive nature are made in relation to particular persons, including the procedures for making such decisions, the law under which they are made, and the systems for resolving disputes and airing grievances in relation to them.
9. The AJTC's functions with respect to tribunals include considering and reporting on any matter relating to listed tribunals that the AJTC determines to be of special importance, considering and reporting on any particular matter relating to tribunals that is referred to the AJTC by the Lord Chancellor, the Scottish Ministers and the Welsh Ministers, and scrutinising and commenting on legislation, existing or proposed, relating to tribunals.
10. "Listed tribunals" are the First-tier Tribunal and Upper Tribunal established by the 2007 Act and tribunals listed by orders made by the Lord Chancellor, the Scottish Ministers and the Welsh Ministers. The AJTC must be consulted before procedural rules are made for any listed tribunal except the First-tier Tribunal and Upper Tribunal. The AJTC is represented on the Tribunal Procedure Committee that makes procedural rules for the First-tier Tribunal and Upper Tribunal.
11. The AJTC's functions with respect to statutory inquiries include considering and reporting on any matter relating to statutory inquiries that the AJTC determines to be of special importance, and considering and reporting on any particular matter relating to statutory inquiries that is referred to the AJTC by the Lord Chancellor, the Scottish Ministers and the Welsh Ministers.
12. "Statutory inquiry" means an inquiry or hearing held by or on behalf of a Minister of the Crown, the Scottish Ministers or the Welsh Ministers in pursuance of a statutory duty, or a discretionary inquiry or hearing held by or on behalf of those Ministers which has been designated by an order under the Tribunals and Inquiries Act 1992. The AJTC must be consulted on procedural rules made by the Lord Chancellor or the Scottish Ministers in connection with statutory inquiries.
13. Members of the AJTC and the Scottish and Welsh Committees have the right to attend (as observer) proceedings of a listed tribunal or a statutory inquiry, including hearings held in private and proceedings not taking the form of a hearing.
14. The AJTC has no authority to deal with matters within the legislative competence of the Northern Ireland Assembly.

15. The AJTC must formulate, in general terms, a programme of the work that it plans to undertake in carrying out its functions. It must keep the programme under review and revise it when appropriate. It must send a copy of the programme, and any significant revision to it, to the Lord Chancellor, the Scottish Ministers and the Welsh Ministers.
16. The AJTC must make an annual report to the Lord Chancellor, the Scottish Ministers and the Welsh Ministers, which must be laid before Parliament, the Scottish Parliament and the National Assembly for Wales. The Scottish Committee must make an annual report to the Scottish Ministers, who must lay the report before the Scottish Parliament. The Welsh Committee must make an annual report to the Welsh Ministers, who must lay the report before the National Assembly for Wales.

Appendix D

Cost of the AJTC and its Scottish Committee

This section contains details of the income and expenditure of the Council on Tribunals and AJTC for the financial year ending 31 March 2008, with the 2006/07 figures of the Council on Tribunals for comparison.

The AJTC is funded through the Ministry of Justice (formerly the Department for Constitutional Affairs). Certain costs - in particular accommodation, IT and accounting/payroll services - 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 AJTC budget.

The total allocation for this year, excluding items funded centrally, was £1,265,000 (£1,185,000 in 2006/07).

	AJTC (Council on Tribunals)		Scottish Committee	
	2006/07	2007/08	2006/07	2007/08
Staff Salaries ¹	415,783	427,027	67,870	68,306
Members' Retainers ²	253,436	252,986	40,028	39,884
Members' Travel etc ³	53,221	53,440	4,729	6,139
Consultancy	15,359	-	-	-
Agency Staff ⁴	110,386	123,273	-	-
Printing and Publishing ⁵	17,820	39,624	2,624	2,642
Other Admin Costs ^{6,7}	105,795	82,371	13,443	19,239
Capital expenditure	-	-	-	-
Totals	971,800	978,721	128,694	136,210

Notes

1. The staff of the secretariat are civil servants seconded from the Ministry of Justice and the Scottish Government. Salary costs include employer's National Insurance Contributions and superannuation.
2. The Council and Scottish Committee Chairmen's salaries at 31 March 2008 were £53,876 and £26,938 respectively. The retainers for Members of the AJTC (based on 44 days work per year) and of the Scottish Committee (based on 35 days work per year) were £12,319 and £9,799 respectively. Salaries and retainers are reviewed annually. 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.
3. Members' expenses for attending meetings of the Council, visits to tribunals and other events, including Scottish Committee expenses for attending meetings held in London.
4. Agency personnel are engaged as required to cover vacancies and absences and to provide specialist skills such as additional legal work and the editing of our journal *Adjust*.
5. Design and printing including, in 2007/8, costs of the new logo and brand for the AJTC
6. Other general expenditure including the Council's conference and other events, office supplies, postage, and catering for meetings etc.
7. Adjusted to reflect changes in arrangements for funding of Scottish Committee expenditure.

Appendix E

Statutory Instruments 2007/2008

Listed below are the Statutory Instruments (excluding Orders under the Road Traffic Act 1991) considered by the Council on Tribunals or the Administrative Justice and Tribunals Council and made during the period 1 April 2007 to 31 March 2008.

The Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007	S.I. 2007/2951
The Administrative Justice and Tribunals Council (Listed Tribunals) (Wales) Order 2007	S.I. 2007/2876
The Administrative Justice and Tribunals Council (Listed Tribunals) (Scotland) Order 2007	S.S.I. 2007/436
The Agricultural Land Tribunals (Rules) Order 2007	S.I. 2007/3105
The Asylum and Immigration Tribunal (Procedure) (Amendment No.2) Rules 2007	S.I. 2007/3170
The Charity Tribunal Rules 2008	S.I. 2008/221
The Civil Aviation (Allocation of Scarce Capacity) Regulations 2007	S.I. 2007/3556
The Civil Enforcement of Parking Contraventions (England) General Regulations 2007	S.I. 2007/3483
The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007	S.I. 2007/3482
The Compulsory Purchase (Inquiries Procedure) Rules 2007	S.I. 2007/3617
The Consumer Credit Appeals Tribunal Rules 2008	S.I. 2008/668
The Council Tax (Valuations, Alteration of Lists and Appeals) (England) Regulations 2008	S.I. 2008/315
The Education (Admissions Appeals Arrangements) (England) (Amendment) Regulations 2007	S.I. 2007/3206
The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2008	S.I. 2008/532
The General Commissioners and Special Commissioners (Jurisdiction and Procedure) (Amendment) Regulations 2007	S.I. 2007/3612
The Patents Rules 2007	S.I. 2007/3291
The Personal Injuries (NHS Charges) (Reviews and Appeals) Amendment Regulations 2007	S.I. 2007/1613
The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment) Regulations 2007	S.I. 2007/1684

The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Review of Inclusion in the PoCA List and Review of Section 142 Directions) Regulations 2007	S.I. 2007/2620
The Rights of Way (Hearings and Inquiries Procedure) (England) Rules 2007	S.I. 2007/2008
The School Organisation and Governance (Amendment) (England) Regulations 2007	S.I. 2007/3464
The Town and Country Planning (Amendment of Appeals Procedures) (Wales) Rules 2007	S.I. 2007/2285
The Transport and Works (Scotland) Act 2007 (Inquiries and Hearings Procedure) Rules 2007	S.S.I. 2007/571
The Value Added Tax Tribunals (Amendment) Rules 2007	S.I. 2007/2351

Appendix F

Tribunal User Groups Survey

Introduction

1. Last year the Council on Tribunals (now the Administrative Justice and Tribunals Council) undertook a short survey focussing on the operation of tribunal user groups (sometimes known as 'stakeholder' groups). The purpose of the survey was to obtain some basic information about how tribunal user groups operate and, by seeking views from external attendees of user groups, to establish whether it was possible to identify examples of best practice in their operation.
2. Members of the AJTC regularly attend the meetings of tribunal user groups as part of fulfilling the AJTC's statutory role of overseeing the operation of tribunals. Members have over time noted a wide variety of practices in how different user groups operate. The increase in the number of user groups in recent years has been a phenomenon that the AJTC has been pleased to observe, and indeed has actively encouraged.
3. The AJTC is grateful to contacts within the Tribunals Service and the other tribunals systems it oversees for their assistance in compiling the mailing lists for the purpose of distributing the survey questionnaire. However, it soon became clear that some mailing lists were not as comprehensive in their coverage or as up to date as others. Because of the difficulties in obtaining complete and up-to-date lists of contact addresses for user group members the general findings of the survey can only be seen as anecdotal. However, they nevertheless provide a useful overall impression of the user group landscape. Moreover, in order to obtain a truly user-focussed perspective, survey questionnaires were only issued to the 'user' representatives of tribunal user groups.
4. In examining lists of attendees of user groups the AJTC noted that for some tribunals the membership of user groups is heavily dominated by government and tribunal officials. The majority of 'stakeholders' within user groups comprise representatives from organisations which support tribunal users rather than actual tribunal users themselves.

Summary

5. The user groups surveyed included those for tribunals within the Tribunals Service: Asylum and Immigration Tribunal, Asylum Support Tribunal, Care Standards Tribunal, Criminal Injuries Compensation Appeals Panel, Employment Tribunals, Financial Services and Markets Tribunal, Gender Recognition Panel, Mental Health Review Tribunal, Special Educational Needs and Disability Tribunal, VAT and Duties Tribunal, Social Security and Child Support Appeal Tribunals. Those outside the Tribunals Service included Parking Adjudicators, Planning Inspectorate, Residential Property Tribunal Service and Valuation Tribunals.

6. There was a relatively low overall response rate (17%), with 199 responses from 1,156 survey questionnaires issued. However, a good response rate was recorded for user groups for specific jurisdictions, e.g. Employment Tribunals (40%), SENDIST (43%) and Parking Adjudicators (57%). Nevertheless, the following observations can be made from the findings.

Overall Findings

- Overall, the survey's findings were generally favourable as regards the management of user groups, with most respondents considering them to be useful, well run and informative;
 - Most user groups appear to have 1-2 representatives from each user organisation who nearly always attend all the meetings, wherever possible. Most respondents believed that the membership of the user group was sufficiently representative of the users of the tribunal;
 - The majority of respondents were unaware of the existence of terms of reference for their particular user group, even where such terms of reference were reported to be available;
 - Most user groups meet on average twice a year and respondents were happy with this frequency of meetings;
 - The suitability of meeting venues is thought to be generally good and arrangements for meetings (in terms of refreshments etc.) were thought to be adequate. Where they are known in advance, arrangements for people with disabilities were accommodated;
 - In terms of the chairing of user group meetings, the majority of respondents felt their meetings were chaired effectively and that the tone of the meetings was about right;
 - Minutes and/or a report of meetings appear to be circulated after meetings as a matter of routine, although some respondents commented that minutes could be produced in a more timely fashion.
7. Overall, user groups appear to be welcomed by stakeholders as a useful discussion forum, providing the opportunity to discuss current issues of interest to user representatives and to receive updates on current developments. Meetings appear universally to be well chaired, with good information provision and opportunity to interact. There is perhaps not yet a complete sense of 'ownership' on the part of external stakeholders, with some, for example, doubting whether their contributions have a direct impact on policy or practice, either at a local or national level. The focus of user groups also appears to vary from jurisdiction to jurisdiction, with some functioning principally as a means of imparting information about policy updates, whilst others encourage active discussion of pertinent local issues affecting tribunals in their particular region.

8. The responses from three regional user groups, which elicited a higher response rate, were analysed more closely. These included a regional Employment Tribunal user group, a SENDIST group and a Social Security & Child Support Appeal Tribunals group. Examination of the overall findings from the survey results for these groups has identified some general best practice suggestions for the operation of user groups. These are not intended to be universally applicable, but rather aim to provide some best practice guidelines, which could be adopted, for example, when setting up a new user group.

Best practice suggestions

- User groups should have clear terms of reference for the group's operation in order to enhance its effectiveness;
 - The arrangements for user group meetings should be accessible to all user group representatives and take account of the needs of those with disabilities;
 - The membership of user groups should be reviewed regularly (at least annually) to ensure that it includes representatives from the tribunal's key stakeholders;
 - The frequency of meetings and future meeting dates should be agreed well in advance;
 - All user group members should be encouraged actively to contribute to the agenda for meetings;
 - User group members should be enabled and encouraged to provide regular feedback about the operation of the group;
 - Comprehensive minutes of meetings should be kept, recording agreed action points, which should be reported back at subsequent meetings;
 - Chairs of user group meetings should encourage active participation from group members.
9. The key messages from user groups were remarkably consistent in terms of the reported good standard of administration and organisation and the suggestions above include examples of good practice that are already in operation.

TRIBUNALS USER GROUPS SURVEY REPORT

OVERVIEW OF RESPONSES TO SURVEY QUESTIONS

1. Overview of the User Group

1.1 *Of which tribunal user group are you a member?*

See breakdown of responses at Annex A.

1.2 *How did you first learn about the user group and how did you become a member?*

The responses were broken down into four areas:

- taking over the role from a colleague
- invited to join by the tribunal, or governing body, by letter or nomination/publicity/flyer
- by word of mouth
- don't know/other

The clear **majority** of respondents first learned about the user group by direct invitation from the tribunal, through letter, via nominations, or other invitation through another body.

The next largest response group said that they had taken over the role from a colleague when they took over their job.

1.3 *How many representatives from your organisation typically attend user group meetings?*

The clear **majority** answered 1 or 2

1.4 *Do the same people attend every meeting?*

The majority of respondents replied “yes” or “usually where possible”, with a significant majority saying that if they were unable to attend someone would attend in their place.

1.5 *In your view, is the membership of the user group sufficiently representative of the tribunal's users?*

This question elicited a range of responses. The **majority** answered “yes”. In some instances responses indicated attendance leaning more towards local authority rather than user representatives [SENDIST].

1.6 *Are you aware whether the group has any terms of reference, and if so, are they sufficiently well framed to cover the relevant issues?*

A clear **majority** of respondents were unaware whether the group had any terms of reference.

1.7 *How often does the group meet and what percentage (%) of meetings are you able to attend?*

Responses varied from tribunal to tribunal, but in general indicated that the **majority** of users groups meet twice a year.

2. User Group arrangements

2.1 *In your view does the group meet frequently enough?*

The overwhelming **majority** said “yes”.

2.2 *Are there too many/ too few/ about the right number of people in the group?*

The overwhelming **majority** said that the groups were made up of about the right number of people.

2.3 *Is the location of the group’s meetings reasonably convenient for you to travel to?*

The overwhelming **majority** said that the groups met in a convenient location.

2.4 *Are the administrative arrangements for the meeting adequate - e.g. adequate notice, appropriate venue, sufficient seating, refreshments etc?*

Most respondents said that the meeting arrangements were adequate, although a small number said they would welcome better refreshment facilities.

2.5 *Is adequate provision made for people with special needs to attend and contribute to group meetings?*

The **majority** replied “yes”, but a significant number also put “don’t know” or didn’t express an opinion.

3. User Group meetings

3.1 *Does the agenda for meetings generally address the issues that matter to you?*

Responses were very positive, with the **majority** of respondents saying “yes”.

3.2 *Are you able to suggest items for the agenda for meetings?*

The **majority** of respondents said “yes”.

3.3 *Are user group meetings chaired effectively?*

The **majority** said “yes”, “very well”, or “very effectively”.

3.4 *Would you prefer a different arrangement for chairing user group meetings, e.g. would there be any benefit from rotating the chairing of meetings between the tribunal and user representatives?*

Generally, respondents replied “no”, stating that the existing arrangements worked well, for example, “*I find the present arrangement works well. The chair has the best combination of experience and involvement to chair the meeting. I do not believe there is neither a need nor a desire for the representatives to chair the meeting.*” [Employment Tribunal, Liverpool Group]

3.5 *What is the general tone of meetings, e.g. are they friendly, welcoming, interactive, participatory?*

Generally the feeling was that the meetings worked well. The question was perhaps too leading as most respondents used all or a combination of the descriptions in the question to describe meetings.

3.6 *How do you feed back information about the user group's discussions to your colleagues?*

Most respondents said that minutes and or reports of meetings were circulated through a variety of methods including email/ memo/ or by forwarding notes. Alternatively, feedback was given verbally in staff or committee meetings, or as part of a staff newsletter or forum.

3.7 *Does the tribunal welcome feedback about its work from attendees at the meetings?*

The overwhelming **majority** said "yes" without giving much detail.

3.8 *Are minutes and papers provided for the meetings, and if so, are they provided in a timely fashion?*

The **majority** said "yes", but there were quite a number of comments suggesting that minutes could be produced in a more timely fashion.

4. Further Comments or Suggestions

4.1 *Do you have any further comments or suggestions that might improve the effectiveness of the user group?*

25% of respondents did not reply to this question. However, of those who did comments included:

- I got a lot of information from the meetings which I might not otherwise have found out, so it was very useful to me [NPAS].
- The meetings are too dominated by a small number of lawyers and officials who focus on issues of concern to them. There are no service user representatives and not enough professional groups represented e.g. nurses, doctors, social workers [MHRT].
- It could be better publicised so more people are aware of the group, its work and how users generally can contribute to its effectiveness [ET Manchester Group].
- Most user groups are simply to provide clarification or updates. It would have been helpful to have more scope for open debate on issues [PATAS].
- Widen the parental participation. Actively invite parents who have attended a SENT hearing without representation to attend [SENT Wales].
- Regular monitoring by TS or the user group of the effectiveness of the action points take. The monitoring could last for 12 months after the agreed action point has been implemented [SSCSA National Customer Liaison Forum].

4.2 To what extent do you think the user group helps to shape the services provided by the tribunal to users?

Examples of comments made include:

- Whilst an important part of the group's function is the provision of information, I believe it is useful in providing comments that the ETS has taken into account. It remains to be seen how responsive the new TS organisation will be to the group's views [ET National User Group].
- It is very useful - we only visit tribunals as reps. These meetings are an excellent opportunity to see how it works and the issues that concern the members [SSCSA regional group].
- I still need to know TS better on a personal level as I rely on staff for help - details of names/ telephone extensions and area covered, regularly updated is a minimum for efficient administration. I need to have access to more senior staff when necessary.
- This will depend on the topics being discussed and whether the purpose of the meeting is to clarify issues/processes by the tribunal and also whether the topic is also bound by a rigid legislative framework. Furthermore, whether the leader of the tribunal is open to change or merely dictating to the Authorities [PTAS].
- As a part-time volunteer I advise representatives with not much support; it is easy to feel isolated and the user group helps to sort out some issues. For some reason, I constantly wish I had more feedback after tribunals. Would the same result have happened had I not been there? Could I have done better? I have no idea how this can be addressed in practice but I refer it up [SSCSA regional group].

FINDINGS FROM REGIONAL USER GROUPS

Administrative Practices

Employment Tribunal (Bristol)

1. Within this particular group, on average, 1 or 2 members from each of the stakeholder groups regularly attend user group meetings. Some took over membership from their predecessors or joined through word of mouth, or were invited to become members by the tribunal. Generally, most felt the groups were sufficiently representative of the tribunal's users, with two respondents commenting that the groups comprised a good mix of employers, employer representatives and user representatives. None of the respondents was aware of the group having any formal terms of reference.
2. The ET National User Group appears to have formal terms of reference, but according to the administrative contact there are no terms of reference for the regional groups. Moreover, mailing lists for regional groups had to be obtained from a regional contact as they are not held centrally.

3. All those who responded were satisfied with the frequency of meetings (which was roughly twice a year) and felt that there was the right number of people in the group. The locations for meetings were acceptable and the administrative arrangements (general facilities, refreshments etc) were thought to be adequate. Information about special provision for those with special needs, however, was generally not known.

SENDIST regional groups

1. For the purpose of analysing responses the data from all four SENDIST regional groups (North, Midlands, London/East and South/South West) has been grouped together. There is not enough individual data to analyse each group. The lists of attendees was provided by a central contact and accompanied a comprehensive explanation of the terms of membership and intended composition of the groups. However, some respondents were unaware whether the groups had any terms of reference.
2. Membership of SENDIST regional groups appears to be through invitation by the central administration to interested organisations such as the Association of Teachers and Lecturers, the British Dyslexia Association, IPSEA and the West Midlands Advisory Association on Special Education.
3. Membership of the user groups is thought to be broadly representative of the tribunal's users, but membership data is split over four regions so it is difficult to draw any firm conclusions.
4. Members were generally happy with the frequency of meetings (twice yearly) and the number of people in the groups. The locations for the meetings were thought to be good, with some efforts to alternate venues. The provision of refreshments at meetings was generally adequate, although around half the respondents were unclear as to whether special arrangements were available to meet special needs.

SSCSA (Bristol Group)

1. User group meetings are led by the judiciary and administrators in the regions. The lists of user group attendees were incomplete, comprising a mixture of e-mail and mailing addresses. The National User Group appears to have formal terms of reference but not the regional groups.
2. Most members of this group were co-opted as members through their predecessors or heard about it through their current role. Generally, stakeholders felt that the membership of the group was representative of the tribunal's users, but most were not aware of the existence of any terms of reference.
3. Respondents were generally happy with the frequency of the meetings (2 to 3 times a year) and felt that there were about the right number of people at the meetings. The location of the meetings was acceptable as well as the facilities provided. There was a greater awareness of the need for special provision for people with special needs.

Good practice suggestions:

- Provide clear terms of reference for the group to enhance transparency of the group's aims and objectives;
- Highlight provision/accessibility issues for those with special needs;
- Regularly review the membership of the group (and associated mailing lists) to ensure that it covers the tribunal's key user groups;
- Agree as a group the usual frequency of meetings and fix meeting dates well in advance.

Satisfaction levels with the organisation/management of user groups

The commentary below relates to the answers provided in section 3 of the user survey i.e. satisfaction levels regarding how the user groups are run - such as the ability to influence the agenda, the chairing of meetings etc.

Employment Tribunal (Bristol)

1. The responses indicated positive satisfaction levels overall, pertaining to the agenda in general and the ability of attendees to influence it. One respondent commented *'we are offered the chance to add topics to the agenda when we reply to the invitation to attend'*. The chairing of meetings was also thought to be effective.
2. All responded positively about the general tone of meetings, describing them as friendly, welcoming, interactive, participatory etc. One respondent commented *'I find them a very good forum and people are willing to participate'*. Another commented *'friendly - the chair encourages interaction and invites contributions to the forum'*.
3. Nearly all respondents indicated that they feed back information from the meetings to their own teams, either by memo, circulating minutes, email or orally in staff meetings. Nearly all commented that the tribunal welcomed feedback about its work from attendees. Nearly all respondents received minutes and papers in a timely fashion before the meeting.

SENDIST regional groups

1. All respondents generally agreed that the agenda for meetings addressed the important issues, although some comments reflected the following point: *'the agenda is usually set by SENDIST and so reflects issues more related to them'*. One respondent questioned whether there was any *'effective forward movement of points raised'*.
2. All agreed that it was possible to suggest items for the agenda and practically all were satisfied with the chairing of meetings. Regarding the suggestion of rotating the chairing of the meeting, there were a few hesitations, although most respondents preferred the current arrangements: one respondent commented *'given the membership of the North West group, I am not sure rotation would be a good idea. I feel that certain representatives have their own agenda and this might influence the running of the meeting'*.

3. When asked about the general tone of the meeting, most respondents agreed it was a positive atmosphere, although there were some concerns raised, '*...I am concerned that representatives of certain voluntary groups use the meetings as an opportunity to indulge in 'local authority bashing' at every opportunity. This is not discouraged by the Chair*'.
4. Another commented '*The meetings are...usually friendly and participatory, although [it] can take new attendees a while to realise..... they can become confrontational and try to use meeting as a forum for arguing a current case with an opponent, or trying to get legal advice from SENDIST panel members on a case*'.
5. There was also feedback from meetings to colleagues via staff meetings, emails or circulation of minutes.

SSCSA (Bristol Group)

1. All respondents agreed that the agenda for the meetings addressed issues of relevance and that there was opportunity to suggest further items or action points. Respondents agreed that meetings were chaired effectively, although a few mentioned that occasionally the agenda ran over time. No respondents suggested a different arrangement for chairing and felt that the tone of meetings was positive.
2. As with the other groups, feedback to colleagues about the meeting was either via internal team meetings, email or oral discussion.
3. Generally, participants felt able to provide feedback about the work of the user group in the meetings and were content with the timely fashion of any minutes and papers dispersed.

Good practice suggestions:

- User organisations should be encouraged to contribute to the agenda for meetings
- Attendees should be encouraged to provide regular feedback about the effectiveness of the user group;
- Minutes of meetings should be comprehensive and record actions points, which should be reported on at subsequent meetings;
- Chairs should have participative chairing skills;
- Regard should be had to the special needs of attendees.

COMMENTS/SUGGESTIONS FROM RESPONDENTS ON (A) EFFECTIVENESS OF GROUP AND (B) HOW THE GROUP HELPS TO SHAPE THE SERVICES PROVIDED BY THE TRIBUNAL TO ITS USERS

All comments are practically verbatim as they appear in the survey responses.

(a) Effectiveness of the user group

Employment Tribunal (Bristol)

- 'Greater use of email, for example a user website or blog'
- 'Prompt start time'
- 'Focus is on ET's operational side and also how the solicitors/barristers operate to assist the ET understand the pressure experienced'.

SENDIST

- 'Review membership. Representatives should be nominated, elected and represent a body/interested group - there should be a balance.'
- 'Even if it is not feasible to extend the membership of LA reps, the tribunal could email all LAs in a particular area prior to meetings and ask if they have any items they would wish discussed'.
- 'It would be helpful if recent legal rulings resulting from SENDIST appeals were made known to the group in order that we are all up to date. Often, reference is made to them in an incidental manner'.
- 'Would be good to invite parents, advocacy groups from across the whole of England & Wales. Easier and more transparent way for users to become part of the group'.
- 'Even if the minutes are not available, the time/date of the next meeting as soon as possible would be helpful'.

SSCSA (Bristol Group)

- 'Opportunity to discuss/input into changes in practices - e.g. appeal procedures'.
- 'Minutes issued within a few weeks of meeting'.
- 'Meetings can often reflect the nature of the chairman (judiciary) who attend - some are very open; others hide behind their status'.

(b) How the group helps to shape the services provided by the tribunal to its users

Employment Tribunal (Bristol)

- 'I think our views are taken into account at a local level'.
- (The meeting is) 'run efficiently, timely. Very important that they continue'.
- 'When potentially contentious issues come up e.g. new DDP's, there was much two-way discussion, but feeling that chair had decided how they would operate'.
- 'Helpful as they give an indication of local and national practice in various areas'.
- 'It helps significantly - a forum for the provision of honest feedback to the tribunal members on how they deal with cases and the legislation from a practical viewpoint, and encourages feedback from the users as to how the tribunal itself can be improved'.
- 'I expect users to be the most important group in terms of the shaping of the tribunals service'.
- 'Unable to say whether the tribunal has changed its practices'.

SENDIST

- 'A questionnaire to all users from time to time asking about how the tribunal is run etc. would be an effective way of gaining users' views'.
- 'Part of a broad consultation, direct feedback, open discussion. How much can any of us really influence govt. decisions? - e.g. Ministry of Justice'.
- 'I don't think it significantly affects the actual services but I do think it affects the way the services are delivered, to the benefit of users.'
- 'It would be useful to see what suggestions have been made and the outcome/how/if changes were made to the service as a result of the group's influence'.
- 'I feel it does help shape tribunal services as concerns are listened to and action taken'.
- 'Some issues which concern users result from the statutory framework under which SENDIST has to operate. Where there are no legal constraints SENDIST is amenable to adapting its processes and procedures when persuaded of the benefits to users'.
- 'I think the Group takes on board feedback from all representative parties and regularly re-examines and evaluates current working practices'.
- 'I feel the more 'minor' issues are responded to, but the crunch issue of inconsistency of chairing hearings is brushed aside'.

SSCSA (Bristol Group)

- 'It is very useful - we only visit tribunals as reps. These meetings are an excellent opportunity to see how it works and issues that concern the members'.
- 'Pretty good - if we understand and relay appellants' concerns accurately - and I doubt that we do sometimes'.
- 'I think it is a very useful forum and should continue'.
- 'I feel confident that our views are considered and action taken where relevant'.
- 'In general they are positive in shaping the nature of the Tribunals Service's approach. But often national policy can reduce the impact'.
- 'Difficult to say. I have the sneaking feeling that as with many organisations there is a pre-ordained agenda and the influence of meetings is helpful only within that agenda'.

February 2008

ANNEX A

Breakdown of survey responses

User Group	Issued	Returned
Asylum and Immigration Tribunal	18	1 (6%)
Asylum Support Tribunal	22	4 (18%)
Care Standards Tribunal	14	1 (7%)
CICAP	21	5 (24%)
Employment Tribunal		
<i>National</i>	13	2 (15%)
<i>Southampton / Brighton / Reading</i>	n/k	16
<i>Newcastle</i>	n/k	6
<i>Leeds / Sheffield</i>	n/k	2
<i>Nottingham / Leicester</i>	n/k	1
<i>Regional Group Manchester</i>	25	10 (40%)
<i>Regional Group Liverpool</i>	13	2 (15%)
<i>Regional Group Cardiff</i>	25	4 (16%)
<i>Regional Group Bristol</i>	54	12 (22%)
<i>Regional Group Exeter</i>	47	8 (17%)
Financial Services and Markets Tribunal	8	1 (13%)
Gender Recognition Panel	4	2 (50%)
Mental Health Review Panel	14	3 (21%)

Parking Adjudicators - NPAS	7	4 (57%)
Parking Adjudicators - PATAS	38	3 (8%)
Planning Inspectorate <i>(including Access to Countryside Inquiries, Enforcement Notice Appeals, Local & Unitary Development Plans, Planning Appeals)</i>	70	8 (11%)
Residential Property Tribunal Service	21	4 (19%)
Road Users Charging Adjudicator	27	0
National Customer Representative Liaison Forum (SSCSA)	34	9 (26%)
Special Commissioners of Income Tax	5	0
SENDIST <i>Midlands / North / South West / London & South</i>	49	20 (41%)
SENT Wales <i>North Wales / South Wales and West</i>	74	10 (14%)
Valuation Tribunals Service for Wales	4	0
Valuation Tribunals Service	5	0
VAT and Duties Tribunal	3	0
VAT and Duties Tribunal / Special Commissioners	7	3 (43%)
SSCSA <i>Truro / South East / Bristol & Cheltenham / Taunton / Swansea / North Wales / Exeter & Plymouth / Surrey / Cardiff</i>	522	53 (10%)
Downloaded from website anonymously	n/k	5

Appendix G

Tribunals and Inquiries overseen by the AJTC

This Appendix contains information about tribunals and certain inquiries overseen by the AJTC under paragraph 14 of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007.

Considerations

The statistical information shown is supplied by tribunal 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 2007 calendar year or the 2007/08 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. Links to websites for many of the listed tribunals and inquiries can be found at the AJTC's website (www.ajtc.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.
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.
o/standing:	undecided cases (including rescheduled and adjourned hearings) on the tribunal's books at the end of the period.
success:	percentage of 'decided' cases where decision went in favour of appellant/applicant in part or in whole.
oral:	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 / Inquiries overseen by the Council

Asylum and Immigration

Asylum and Immigration Tribunal ¹	s.81 of the Nationality, Immigration and Asylum Act 2002
Asylum Support Tribunal	s.102 of the Immigration and Asylum Act 1999

Immigration Services Tribunal ²	s.87 of the Immigration and Asylum Act 1999
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Education

Admission Appeal Panels ^{3,4}	s.94(5) and 95(3) of the School Standards and Framework Act 1998
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Additional Support Needs Tribunal for Scotland	s.17(1) of, and Sch.1 to, the Education (Additional Support for Learning) (Scotland) Act 2004
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Education Appeal Committees	s.280 of the Education (Scotland) Act 1980
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Exclusion Appeal Panels ³	para.2 of the Sch. to the Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002
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Schools Adjudicator ³	s.25 of the Schools Standards and Framework Act 1998
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Special Educational Needs and Disability Tribunal	s.333 of the Education Act 1996 or s.28H of the Disability Discrimination Act 1995
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Special Educational Needs Tribunal for Wales	s.336ZA of the Education Act 1996
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Employment

Employment Tribunals ⁵	s.1(1) of the Employment Tribunals Act 1996
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Industrial Arbitration Tribunal	Sch.3 to the Industry Act 1975
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Industrial Training Levy Referees	Reg.3 of the Industrial Training (Levy Exemption Referees) Regulations 1974
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Mines and Quarries Tribunals	s.150(3) of the Mines and Quarries Act 1954
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Police Appeals Tribunals ⁶	s.85 of the Police Act 1996
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Police Appeal Tribunal for Scotland	s.30 of, and Sch.3 to, the Police (Scotland) Act 1997
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Reserve Forces Appeal Tribunals	s.88 of the Reserve Forces Act 1996
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Reserve Forces Reinstatement Committees and Umpires	Sch.2 to the Reserve Forces (Safeguard of Employment) Act 1985
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Finance / Revenue

Claims Management Services Tribunal	s.12 of the Compensation Act 2006
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Financial Services and Markets Tribunal ⁷	s.132 of the Financial Services and Markets Act 2000
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Foreign Compensation Commission	s.1 of the Foreign Compensation Act 1950
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¹ Figures exclude bail cases and High Court Review (Filter) applications.

² 89% of cases were disposed of within 30 weeks of receipt.

³ Figures refer to the 2006/07 academic year.

⁴ Appeals to: Local Authority (Loc. Auth.) for Community and Voluntary Controlled Schools; Governing Body (Gov. Body) for Foundation and Voluntary Aided Schools.

⁵ 74% of cases heard within 26 weeks and 84% of decisions dispatched within 4 weeks.

	Judiciary pool / days sat	Cases received	w/drawn	decided	o/standing	success	oral	Waiting Times before	after
	709 / 35,053	205,716	16,416	181,346	67,924	32%	66%	22wks	8dys
England >	25 / 1,059	2,253	777	1,400	80	23%	80%	1wk	3dys
Wales >		103	29	99	–	13%	74%	1wk	3dys
Scotland >		56	24	39	–	4%	7%	1wk	3dys
	12 / 17	12	9	10	1	–	–	see note	
Loc. Auth. >	–	57,950	19,810	38,140	–	36%	–	–	–
Gov. Body >		22,060	3,580	18,480	–	31%	–	–	–
	33 / 47	76	49	27	10	77%	55%	16.7wks	7.4dys
	–	529	138	386	5	–	–	–	–
	–	1,050	–	970	–	25%	–	–	–
	10 / –	322	45	261	16	57%	–	–	–
	177 / 3,494	3,396	2,139	951	1,405	78%	100%	23wks	13dys
	13 / 108	124	99	31	29	68%	94%	18wks	9dys
England >	2,299 / 31,500	144,800	–	86,237	167,500	–	–	see note	
Wales >		11,500	–	–	12,800	–	–		
Scotland >		33,000	–	–	–	59,000	–	–	
	–	–	–	–	–	–	–	–	–
	–	–	–	–	–	–	–	–	–
	–	–	–	–	–	–	–	–	–
	–	–	–	–	–	–	–	–	–
	–	5	0	5	2	–	100%	–	–
Eng+Wal >	122 / 4	5	3	4	2	0%	100%	16wks	9dys
Scotland >	89 / 1	1	0	1	0	0%	100%	4wks	36dys
	–	–	–	–	–	–	–	–	–
	25 / –	2	2	0	0	–	–	–	–
	25 / 21	29	8	10	13	–	100%	–	–
	–	–	–	–	–	–	–	–	–

⁶ Data not collected centrally and therefore not available.

⁷ 94.4% of cases disposed of within 50 weeks of receipt.

Tribunals / Inquiries overseen by the Council

	General Commissioners	s.2 of the Taxes Management Act 1970
	Insolvency Practitioners Tribunal	s.396(1) of the Insolvency Act 1986
	Section 703 (706) Tribunal	for the purposes of the Income and Corporation Taxes Act 1988
	Section 704 Tribunal	Income Tax Act 1988
	Special Commissioners	s.4 of the Taxes Management Act 1970
	VAT and Duties Tribunal ¹	(for Eng, Wal & NI) Sch.12 to the Value Added Tax Act 1994
	VAT and Duties Tribunal (Scotland)	Sch.12 to the Value Added Tax Act 1994
Health and Care	Care Standards Tribunal	s.9 of the Protection of Children Act 1999
	Children's Hearings ²	Children (Scotland) Act 1995
	Discipline Committees of Health Boards or a Joint Committee of Health Boards	reg.3 of the National Health Service (Discipline Committees) (Scotland) Regulations 2006
	Family Health Services Appeal Authority	s.169 of the National Health Service Act 2006
	Mental Health Review Tribunals ³	(for Eng & Wal) s.65 of the Mental Health Act 1983
	Mental Health Tribunal for Scotland ⁴	s.21 of the Mental Health (Care and Treatment) (Scotland) Act 2003
	National Appeal Panel for Entry to the Pharmaceutical Lists	Part 2 of Sch.4 to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995
	National Health Service Tribunal Scotland ⁵	s.29 of the National Health Service (Scotland) Act 1978
	Primary Care Trusts Discipline Committees	reg.3 of the National Health Service (Service Committees and Tribunal) Regulations 1992
	Information / Data Protection	Information Commissioner
Information Commissioner		Freedom of Information Act 2000
Information Tribunal ⁶		s.6(3) of the Data Protection Act 1998
Intellectual Property	Comptroller General of Patents, Designs and Trade Marks ⁷	s.62(2) of the Patents and Designs Act 1907
	Controller of Plant Variety Rights	s.2(1) of the Plant Varieties Act 1997
	Copyright Tribunal	s.145 of the Copyright, Designs and Patents Act 1988

¹ 41.2% of Cat. 1&3 cases disposed of within 90 weeks of receipt and 86.8% of Cat. 2 cases disposed of within 35 weeks of receipt.

² Average waiting time before hearing is 71 days for offence referrals and 130 days for non-offence referrals.

³ Waiting times receipt to hearing: Section 2 - 5.6dys; Section 3 - 8.6wks. Waiting times hearing to decision: Section 2 - 35% in 3dys; Section 3 - 67% within 7dys; Restricted - 60% within 7dys.

⁴ Figures relate to 'open' cases in the tribunal's management system.

	Judiciary pool / days sat	Cases received	w/drawn	decided	o/standing	success	oral	Waiting Times before	after
	1,572 / 2,074	34,750	2,725	26,844	6,060	–	–	–	–
	–	–	–	–	–	–	–	–	–
	–	–	–	–	–	–	–	–	–
	–	–	–	–	–	–	–	–	–
	27 / 176.5	256	155	108	397	–	100%	–	–
	113 / 744	3,944	1,678	754	7,012	–	100%	–	–
	16 / 63	191	50	68	351	45%	99%	20wks	20dys
	83 / –	295	184	80	147	33%	95%	24wks	15dys
	– / 11,977	56,199	–	6,744	–	–	100%	see note	
	–	2	1	1	1	–	–	–	–
England >	69 / 80	74	23	57	20	68%	47%	10wks	21dys
Wales >	69 / 4	6	0	9	1	67%	22%	13wks	30dys
	1,089 / 11,919	21,849	10,380	9,137	3,157	17%	100%	see note	
	376 / 249	3,164	634	2,273	548	8%	100%	3wks	14dys
	45 / 32	48	1	49	8	31%	65%	14wks	5dys
	– / 10	3	1	3	2	100%	100%	–	–
	–	–	–	–	–	–	–	–	–
	–	7	1	0	1	–	–	31wks	–
	–	2,487	2,145	346	1,130	–	–	–	–
	48 / 988.5	136	34	90	86	–	47%	–	–
Patents >	7(19) / 23(72)	64	17	38(100)	61	–	33(66)%	9(11)w	29(38)d
Designs >	10(2) / 1(0)	25	11	1(0)	17	–	0%	6wks	30dys
T. Marks >	13(9) / –	1,398	1,025	204(1,675)	2,002	–	60(100)%	6(12)w	60(7)d
	–	–	–	–	–	–	–	–	–
	4 / 6	6	5	7	13	100%	100%	68wks	150dys

⁵ No full-time judiciary.

⁶ 49% of cases disposed of within 30wks.

⁷ *Inter partes* figures shown with *ex parte* figures in parentheses. Waiting times are estimated.

Tribunals / Inquiries overseen by the Council

Property / Land / Local Government

Plant Varieties and Seeds Tribunal	s.42 of the Plant Varieties Act 1997
Adjudication Panels for England and for Wales ¹	s.76 of the Local Government Act 2000
Adjudicator to HM Land Registry ²	s.107 of the Land Registration Act 2002
Agricultural Arbiters	s.63 of, and Sch.7 to, the Agricultural Holdings (Scotland) Act 1991
Agricultural Arbitrators	s.84 of the Agricultural Holdings Act 1986
Agricultural Land Tribunals	s.73 of the Agriculture Act 1947
Commons Commissioners ³	s.17(2) and (3) of the Commons Registration Act 1965
Crofters Commission	s.1 of the Crofters (Scotland) Act 1955, and continued in s.1 of the Crofters (Scotland) Act 1993
Forestry Committees	s.27 of the Forestry Act 1967
Lands Tribunal ⁴	s.1(1)(b) of the Lands Tribunal Act 1949
Lands Tribunal for Scotland ⁵	s.1(1)(b) of the Lands Tribunal Act 1949
Private Rented Housing Panel	Sch.4 to the Rent (Scotland) Act 1984
Residential Property Tribunal Service	(Rent Assessment Committees, Leasehold Valuation Tribunals or Residential Property Tribunals) s.65 and Sch.10 to the Rent Act 1977
Valuation Appeal Committees	s.29 of the Local Government (Scotland) Act 1994
Valuation Tribunals (for England)	regulations under Sch.11 to the Local Government Finance Act 1988
Valuation Tribunals for Wales ⁶	regulations under Sch.11 to the Local Government Finance Act 1988
Board of the Pension Protection Fund	s.107 of the Pensions Act 2004
Criminal Injuries Compensation Appeals Panel	adjudicators appointed under s.5 of the Criminal Injuries Compensation Act 1995
Fire Fighters Pensions Appeal Tribunals	Part 2 of Sch.9 to the Scheme set out in Sch.2 to the Firefighter's Pension Scheme Order 1992
Pensions Appeal Tribunals ⁷	(for Eng & Wa) para 1(1) of the Sch. to the Pensions Appeal Tribunals Act 1943 and s.8(2) of the War Pensions (administrative Provisions) Act 1919
Pensions Appeal Tribunals for Scotland	s.8(2) of the War Pensions (administrative Provisions) Act 1919 or the Pensions Appeal Tribunal Act 1943

¹ In Wales the appellant receives a copy of the tribunal's decision at the hearing. Full reasoned decision follows, average time for despatch 4wks.

² 53% of cases disposed of within 70wks of receipt.

³ Decision issued in England relating to case heard in Mar 2006. Decisions due to be issued on 2 hearings held in Wales in the period.

⁴ 70% of cases disposed of within 50wks of registration.

⁵ Waiting times are estimates.

	Judiciary pool / days sat	Cases received	w/drawn	decided	o/standing	success	oral	Waiting Times before	after
	–	–	–	–	–	–	–	–	–
England >	30 / 19	24	1	22	5	18%	59%	15.5wks	9dys
Wales >	8 / 12	4	5	1	8	25%	64%	35wks	–
	14 / 736.5	1,679	1,881	317	1,960	59%	22%	see note	
	–	0	0	4	8	–	–	–	–
	–	–	–	–	–	–	–	–	–
England >	143 / 30	99	95	33	158	100%	15%	–	10dys
Wales >	31 / 4	11	6	5	26	80%	40%	–	15dys
England >	2 / 0	0	0	1	0	100%	100%	82wks	728dys
Wales >	2 / 8	0	0	0	16	–	–	–	–
	8 / 19	24	1	19	8	58%	100%	10wks	40dys
	18 / 2	2	0	2	1	100%	100%	40wks	133dys
	7 / 890	1,431	422	580	1,191	–	–	–	–
	2 / 97	131	21	112	141	92%	51%	15wks	35dys
	29 / 49	202	10	168	33	–	72%	22wks	54dys
	363 / 8,170	8,227	2,941	3,734	2,928	65%	69.5%	11wks	17dys
	248 / 154	8,026	24,033	447	14,958	5%	74%	–	4dys
	834 / 250	126,530	144,218	23,415	78,271	14%	40%	20wks	–
	205 / 444	6,556	8,017	1,061	5,623	19%	99%	see note	
	4 / 11	22	1	19	2	0%	0%	77wks	11dys
England >	71 / 495	2,257	257	2,377	2,094	43.5%	86%	17wks	–
Wales >	2 / 24								
Scotland >	12 / 66								
	–	–	–	–	–	–	–	–	–
	67 / 558	2,765	229	2,637	1,015	26%	95%	–	1dy
	21 / 75	254	13	235	96	49%	89%	12wks	14dys

⁶ Waiting times before hearing: Non-domestic rates - 40wks; Council Tax - 16wks. Waiting times after hearing: Non-domestic rates - 95% in 2dys; Council Tax - 21dys.

⁷ 76% of cases disposed of within 20wks of receipt.

Tribunals / Inquiries overseen by the Council

Pensions Ombudsman and Pensions Fund Ombudsman	s.146(1)(c) and (d) of the Pensions Schemes Act 1993. and s.209 of the Pensions Act 2004
Pensions Regulator	s.1 of the Pensions Act 2004
Pensions Regulator Tribunal¹	s.102 of the Pensions Act 2004
Police Pensions Appeal Tribunals	Reg.H6(3) of the Police Pensions Regulations 1987
Police Pensions Appeal Tribunal (Scotland)	s.67(3) of the Police Pensions (Scotland) Regulations 2007 and s.35(3) of the Police (Injury Benefit) (Scotland) Regulations 2007
Social Security and Child Support Appeals	s.4 of the Social Security Act 1998
Social Security and Child Support Commissioners²	Sch.4 to the Social Security Act 1998 and s.22 of the Child Support Act 1991
Aircraft and Shipbuilding Industries Arbitration Tribunal	s.42 of the Aircraft and Shipbuilding Industries Act 1977
Civil Aviation Authority	s.2 of the Civil Aviation Act 1982
Parking Adjudicators	(Eng & Wal) s.73 of the Road Traffic Act 1991
Scottish Parking Adjudicators	s.73 of the Road Traffic Act 1991
Road User Charging Adjudicators	Reg.3 of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001
Traffic Commissioners	(Eng & Wal) s.4 of the Public Passenger Vehicles Act 1981
Traffic Commissioners (Scotland)	for the purposes of the Public Passenger Vehicles Act 1981 in respect of functions under s.18 of the Civic Government (Scotland) Act 1982
Traffic Penalty Tribunal	s.81 of the Traffic Management Act 2004
Transport Tribunal³	Sch.4 to the Transport Act 1985
Antarctic Act Tribunal	Reg.11 of the Antarctic Regulations 1995
Betting Levy Appeal Tribunal for Scotland	s.12 of the Betting, Gaming and Lotteries Act 1963
Scottish Charities Appeal Panel	s.75(1) of, and Sch.2 to, the Charities and Trustee Investment (Scotland) Act 2005
Chemical Weapons Licensing Appeal Tribunal	Rule 6 of the model provisions with respect to appeals as modified by the Chemical Weapons (Licence Appeals Provisions) Order 1996

Traffic / Transport

Other Tribunals

¹ 100% of cases disposed of within 50wks of receipt.

³ 91% of cases disposed of within 16wks of receipt.

² 88% of Eng/Wal cases disposed of within 30wks. In Scotland average time from receipt of application for leave to appeal to appeal decision issued was 10.9wks

	Judiciary pool / days sat	Cases received	w/drawn	decided	o/standing	success	oral	Waiting Times before	after
	–	74	208	–	–	–	–	–	–
	8 / 9	12	0	12	0	100%	16.6%	2wks	5dys
	25 / 1	5	1	1	4	–	100%	see note	
	–	–	–	–	–	–	–	–	–
	–	–	–	–	–	–	–	–	–
England >	1,186 / 38,042	171,158	15,417	121,756	32,865	43%	71%	9.5wks	–
Wales >	292 / 8,132.5	29,390	2,697	20,679	6,088	45%	70%	9.3wks	–
Scotland >	254 / 6,832	28,575	3,074	22,829	5,563	48%	83%	9.5wks	–
Eng+Wal >	26 / 2,485	5,835	189	5,618	1,727	25%	3.3%	see note	
Scotland >	2 / –	663	25	640	66	67%	7.4%	–	–
	–	–	–	–	–	–	–	–	–
	5 / 11	15	8	6	6	33%	100%	16wks	7dys
	51 / 266	68,270	26,455	34,569	13,943	51%	23.8%	9wks	–
	4 / 63	1,432	62	899	491	57%	35%	4wks	14dys
	41 / 267	10,149	3,845	5,916	1,145	12.6%	13.2%	8.5wks	–
England >	15 / –	–	–	178	–	–	–	–	–
Wales >	5 / –	–	–	19	–	–	–	–	–
	2 / –	–	–	37	–	–	–	–	–
England >	32 / –	10,673	3,769	6,786	64	61%	23%	6wks	3dys
Wales >	–	209	68	139	2	55%	–	7wks	4dys
	10 / 160	643	219	315	194	–	–	see note	
	–	–	–	–	–	–	–	–	–
	1 / –	–	–	–	–	–	–	–	–
	24 / 1	2	0	1	1	0%	100%	16wks	20dys
	–	–	–	–	–	–	–	–	–

Tribunals / Inquiries overseen by the Council

Competition Appeal Tribunal	s.12 of the Enterprise Act 2002
Gambling Appeals Tribunal ¹	s.140 of the Gambling Act 2005
Gender Recognition Panel ²	Sch.1(3) to the Gender Recognition Act 2004
Horse Race Betting Levy Appeal Tribunal	s.29 of the Betting, Gaming and Lotteries Act 1963
London Building Acts Tribunals	s.109 of the London Building Acts (Amendment) Act 1939
Mines and Quarries Tribunal	s.150(3) of the Mines and Quarries Act 1954
Misuse of Drugs Tribunal	s.14 of the Misuse of Drugs Act 1971
National Lottery Commission	s.3A of the National Lottery etc. Act 1993
Office of Fair Trading	Functions under the Consumer Credit Act 1974 and the Estate Agents Act 1979, not being executive functions
Sea Fish Licence Tribunal	s.4AA of the Sea Fish (Conservation) Act 1967

Planning Inquiries

Planning Inspectorate (Eng/Wal)	under various enactments including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the Countryside and Rights of Way Act 2000, the Anti-Social Behaviour Act 2003, the Wildlife and Countryside Act 1981 and the Highways Act 1980
Enforcement Notice Appeals (Scotland)	s.130 of the Town and Country Planning (Scotland) Act 1997
Local Plans (Scotland)	s.15 of the Town and Country Planning (Scotland) Act 1997
Planning Appeals (Scotland)	s.47 of the Town and Country Planning (Scotland) Act 1997

Other Inquiries

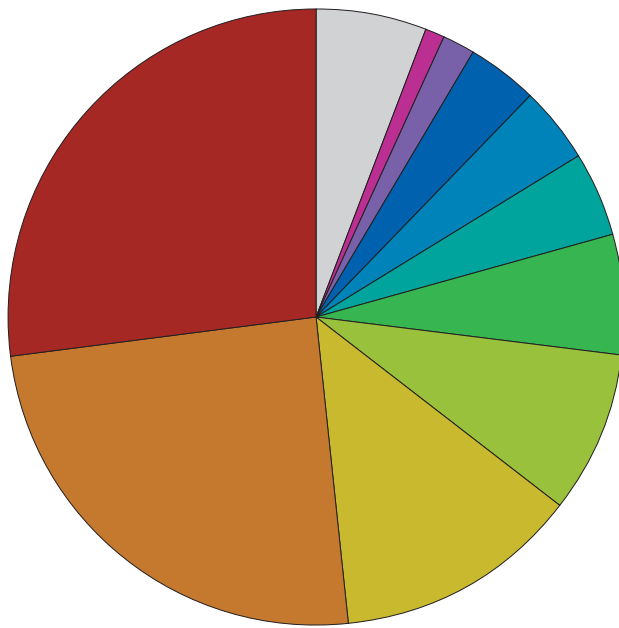
Fair Trading	Appeals to the Secretary of State from determinations and decisions of the Office of Fair Trading under the Consumer Credit Act 1974 (determinations) and the Estate Agents Act 1979 (decisions)
National Health Service	Appeals to the Secretary of State under the NHS (Pharmaceutical Services) Regulations 1992 as amended and reg.10 of and Sch.3 to the NHS (Service Committees and Tribunal) Regulations 1992












¹ 100% of cases disposed of within 30wks of receipt.

² 91% of cases disposed of within 20wks of receipt.

Cases Decided in 2007/08 in Great Britain

This chart and accompanying table depicts cases decided by the tribunals and inquiries listed previously in this appendix. Figures refer to the 2007 calendar year or 2007/08 financial year unless otherwise specified, and an approximate percentage increase or decrease relative to the previous annual period is provided for comparison.



	Asylum and Immigration Tribunal ¹	181,346	+16%
	Social Security and Child Support Appeals	165,264	0%
	Employment Tribunals	86,237	+9%
	Admission Appeal Panels ^{2,3}	57,006	0%
	Parking Adjudicators ³	42,273	-13%
	Planning Inquiries	29,756	+3%
	General Commissioners	26,844	-14%
	Valuation Tribunals ³	24,923	-23%
	Mental Health Review Tribunals ³	11,410	-16%
	Traffic Penalty Tribunal	6,805	n/a
	Other ⁴	38,917	-15%
	Total	670,781	+2%

¹ Figure excludes bail cases and High Court Review (Filter) work and relates to substantive Immigration Judge and Reconsideration hearings only.

² Current figure refers to the 2006/07 school year.

³ Figures include cases decided under equivalent or relevant Scottish jurisdiction.

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



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