

THE ANNUAL REPORT
of the
SCOTTISH COMMITTEE
of the
COUNCIL ON TRIBUNALS

for the period 1 August 2002 to 31 July 2003

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at the request of Scottish Ministers

SE/2003/248

Foreword

I have pleasure in presenting our eighteenth Annual Report. This tells you about the work of the Committee in fulfilling its role to keep under review the constitution and working of tribunals and inquiries.

Every year seems to get busier for us, so much so that we've had to increase the number of our meetings from four to five each year. Last year we set out the Framework of Standards which we expected tribunals to operate to. The Framework is aspirational – not all tribunals will operate to all of the standards – but they do very much represent 'best practice'.

In the year under review we assessed tribunal hearings at which we were present against the Framework. This has given us the opportunity to measure the success of hearings in meeting our standards and we are glad to report that, in many cases, they did. But we also went further than that by offering feedback to panels which we had observed and this report explains how we did that.

We think the oral feedback to the panel has proved quite successful. Of course it is never easy to tell some people that they haven't performed terribly well but mostly we have given praise because that has been due. The feedback session has allowed us to discuss what has occurred and has informed our own views; it has therefore become an increasingly important part of our process. Also, many of the heads of systems to whom we have written have responded in detail and that has given us a more in-depth assessment of the way that the tribunal system is operating. We appreciate that our visits to tribunals can only be snapshots and indeed in some cases cover just a small proportion of the hearings actually taking place. However such visits are a vital part of our work.

The second important event that has taken place is our first conference which we held in Edinburgh in May. This focused on the theme of training and proved most successful with over 50 people attending. We are very grateful to those who gave presentations and to everyone who attended.

This Committee believes strongly that a good appraisal and training system is a vital part of any tribunal system and we explain in the report what we are doing to try to encourage a structure for tribunal training in Scotland.

During the year we had all our normal activities of commenting on proposals and changes in rules surrounding tribunal hearing systems

and appeals from administrative decisions. As part of the Council on Tribunals, we are affected by changes that are taking place south of the border and, for example, the putative Tribunals Service arising from the Leggatt Report may occupy some attention for the future. For the present, however, we seem pretty busy and we think that we are achieving a good deal. But if you disagree, let us know!

Finally can I remark on the development of a Judicial Appointments Board in England and Wales and the affect that it will have on tribunals in Scotland? That Committee will appoint tribunal chairmen, including those operating in Scotland (except for Employment Tribunals). It is vital that there is at least one Scottish representative when these decisions are made. It would be quite wrong if an English Committee made a Scottish judicial appointment.

John Elliot, Chair

Members of the Committee

John Elliot

Chairman of Lindsays WS, Edinburgh. Deputy Keeper of Her Majesty's Writers to the Signet. President of the Law Society of Scotland 1997-98. Member of the Review Board, part of The Accountancy Foundation, 2000 to date. Member, Age Concern Management Group. Chairman of the Committee and member of the Council since 1998.

Ann Abraham

Parliamentary Commissioner for Administration. *Ex-officio* a member of the Committee and the Council since 2002.

Barbara Bruce

Consultant providing post-qualifying training for solicitors. Deputy Convener of the Peterhead Bay Authority. Trustee of Grampian Primary Care NHS Trust. Member of the Committee since 1998.

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. Member of the Committee and the Council since 2002.

Douglas Graham

Solicitor in private practice with wide experience in employment law, Employment Tribunals and community organisations. Chair of Audit Committee and member of Board and Scotland Committee of the Community Fund (National Lottery Charities Board). Member of the Scottish Land Fund Committee of the New Opportunities Fund. Member of the Committee since 2000.

Steve D Mannion QPM

Former Assistant Chief Constable with Strathclyde Police and former Scottish Area Commander of the British Transport Police. Lay member of the Employment Tribunal Service until 2001. Member of the Committee and the Council since 2001.

Audrey F Watson

Solicitor with the legal services section of West Lothian Council, responsible for training JPs. Depute Clerk of Court and Depute Clerk of the Peace. Project co-ordinator for the District Courts Association. Consultant providing training in relation to the practice and procedure of the District Courts. Member of the Committee since 2001.

Mary Wood

Former senior Governor in the Scottish Prison Service, involved in developing training in the new Prison Service Code of Conduct. Manager, Ayrshire Centre, Scottish Marriage Care. Former part-time resource worker with the Richmond Fellowship Scotland and Citizen's Advocacy Support Services volunteer. Member of the Committee since 2000.

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Contents

	Page
Summary	6
Framework of Standards and feedback	7
Meeting the Standards	7
Training	8
Our conference	10
Appraisal	10
Tribunals for Users Programme	11
Role of the Council on Tribunals	11
Children's Hearings	12
Tax Appeal Reform Project	13
Additional Support for Learning	15
User Groups	15
Mental Health Tribunal	16
Our routine visits to tribunals	16
Annex A	Role and costs of the Scottish Committee
Annex B	Constitution and functions
Annex C	Code for consultation
Annex D	Tribunal statistics
Annex E	Scottish Committee visits
Annex F	May 2002 conference delegates
Annex G	Membership of the Council on Tribunals

Summary

The topics covered in this report include:

- how we are delivering feedback and how we find the standards in our Framework of Standards are being met.
- the need for a structured approach to training for tribunal members; our conference looking at training and appraisal programmes; and our initial work towards the development of a training resource.
- developments in the Tribunals for Users Programme.
- positive action following our 2002 special report on Children's Hearings.
- some good interim developments on tax appeals but still a need for underpinning reforms.
- our routine visits to a range of tribunals – our observations of some good and some less than good aspects.

Framework of Standards

Feedback

1 This year saw the introduction of the Council's Framework of Standards enabling us to begin our formal mechanism of giving feedback from our visits to tribunals.

2 We send the Framework to panel members ahead of our visit so that they know what we will be looking for. It gives us the basis for a useful dialogue with chairs and members when the hearing has been completed; although we are there primarily to observe the proceedings we can only get the full picture if we hear what the panels themselves think about the process and their part in it. Some tribunal user groups and some training sessions run by tribunals have used the Framework as a benchmark.

3 Last year we considered writing to the tribunal or relevant Department if particular points arose which needed following up. In fact we decided to write after every visit. We think it is important to praise as well as offer critical comment and some of our feedback letters include nothing but compliments. We decided also to write to tribunals after any visit we make to their training days. We enjoy attending these events and often we do participate as any other panel member. As this report indicates later, we believe that regular, relevant training is an essential element of any successful tribunal system.

4 As far as we can judge our provision of feedback has been well received. On the day, it has opened a dialogue with panel members which we welcome. Most of the tribunal systems to whom we have subsequently written have responded: often they have been able to explain why they have certain procedural or accommodation issues which cannot be changed. However some have been grateful for our observations, which come from the perspective of an outsider looking in, and have said they would alter a specific practice in order to make the whole process easier or fairer for an appellant.

Meeting the Standards

5 We found that the first standard, *that tribunals should be independent and provide open, fair and impartial hearings*, was generally met. In most cases chairs were effective and in control. There were good explanations about procedure and usually the right balance between informality and the needs of a judicial process. In the main panel members were focused and demonstrated their commitment as a team to being fair and impartial, although we observed some hearings where this was not the case.

6 We continue to observe a number of hearings where the panels do not reflect the diversity of our current society. Often panels comprised only male members and within the same, older, age group. We know that efforts are being made by some systems to recruit female panel members; we hope that this, combined with the need to persuade representatives of ethnic minority groups to participate, will lead to a more socially diverse mix of panel members. Our other main concern is the lack of a performance appraisal scheme, especially in the smaller tribunals or those which meet infrequently. This is referred to later in our report.

7 The second standard, *that tribunals should be accessible to users and focus on their needs*, was met fully on only some occasions. Some hearing venues continue to be unsuitable, mostly through their inaccessibility to disadvantaged appellants. There continues to be a problem with some local authority venues which are not adequately separated from, and thus not seen as independent of, the decision making authority. We understand about resource constraints and we do applaud those authorities which ensure as much separation as possible: for example, we are beginning to enjoy our visits to hear education appeals in nicely presented, or indeed opulent, marriage rooms. We still come across tribunal hearings where no basic refreshments are provided: at one, refreshments appeared to be available to the panel but not to the appellant sitting in the same room. To us, this kind of treatment does not indicate consideration of the user.

8 The third standard, *that tribunals should be properly resourced and organised*, was generally met in regard to organisation. However there is still a wide disparity between systems which do or do not put resources into training for panel chairs and members. The picture is an improving one, especially for GB-wide tribunals, but there is still much scope for change and enlightenment in others. The whole question of training is covered next.

Training

9 The subject of tribunal training in Scotland has been a recurring theme in our reports for many years. It is still very central to our work and this year we embarked on a series of measures which we hope will be the start of a structured approach to training.

10 The basic problem continues to be that there is no single body in Scotland to correspond with the work done by the Tribunals Committee of the Judicial Studies Board for tribunals in England and Wales. As well as offering training courses, that organisation develops and offers core training material which can be used across the whole range of tribunals. Some of the JSB's publications, such as the

excellent Competence Framework for Chairmen and Members of Tribunals published in October 2002, are available to anyone. However without the catalyst to train the trainers or to develop individual needs some tribunal systems will not have the resources nor impetus to get a training programme off the ground.

11 The Judicial Studies Committee in Scotland, headed by Lord Wheatley, provides judicial and shrieval training but its remit does not extend to tribunals.

12 Tribunal systems which operate throughout Great Britain may thus have the advantage over their Scottish-only colleagues in being able to access the JSB's knowledge and help. A lot of tribunal systems - including some Scottish ones - do have ongoing, quality training programmes but we want to see all systems committed to training so that a fair hearing with a high standard of performance will never be in doubt at any tribunal.

The need for consistency

13 We need to ensure consistency and an improvement in standards across the board. There are many good practices but some poor ones and evidence of inadequate training which we have observed in a number of systems. Quite often, panel members perform well despite the lack of good and regular training programmes. Equally importantly, there are not always appraisal systems in place so that training needs can be assessed.

Development of a training resource

14 It was against this background that the Committee's chairman met Lord Wheatley and senior executives from the Scottish Executive Justice Department at the beginning of the year to explore how a national training resource could be taken forward. The scenario we have suggested is for the appointment of a national training manager, reporting to a representative national committee, who would provide generic training packages and develop a competence-based framework as the JSB has done. Each tribunal system should be required to devise both induction and ongoing training programmes for its own members and to support those programmes by a mentoring and appraisal scheme: all of these would be audited. The encouragement and motivation would come from the national training manager.

15 That initial meeting was extremely useful and we have arranged two further meetings over the next few months when we will bring together presidents and regional heads of the larger tribunal systems in Scotland to discuss what training systems are currently employed

and how we might go about providing a training programme if such a national resource is considered to be of value. Before that, we are carrying out the first nationwide survey in order to establish with every tribunal just what training is presently carried out.

16 We accept that there are currently no resources in place to take forward our proposal. But we could (and must) build towards it if there is a consensus that some type of national programme should be established.

Raising standards in tribunals - our Conference

17 As part of our efforts to raise the profile of tribunal training we hosted our first ever conference, in Edinburgh in May, at which over 50 representatives from organisations across Scotland met to look at examples of training and appraisal programmes; to consider how effective they were; and to look at how best practice might become common practice. Those attending, listed at Annex F, heard Lord Wheatley describe current and future training and appraisal for the judiciary in Scotland: Godfrey Cole from the JSB explained in detail the Competence Framework: Chris Orr from Glasgow City Welfare Rights gave an illuminating insight into an appellant's perspective of the hearing process: Jessica Burns explained the appraisal system in the Appeals Service: and Alan Taylor outlined the Children's Hearings' experience of regular, mandatory training.

18 From the evaluation sheets completed at the end of the day it was clear that delegates had found much of value in the event. Most referred to the worth of hearing others' views and experiences and over half said that the conference would help them in their capacity as a tribunal member or administrator. Some of those present were tasked with designing and introducing appraisal systems within their organisation and they felt that the presentations would help them to do that. The discussion on competences was also found to be particularly useful to those who were trainers. We are making plans to hold another event in Glasgow next spring.

Appraisal

19 Appraisal schemes can play a part in developing suitable training where specific needs are identified in the course of an appraisal interview. It is now becoming more common for panel chairs and members to be appraised.

20 We believe properly structured appraisal is a vital tool in improving performance. It identifies weaknesses and training needs and encourages best practice to be formulated and introduced. Above all it allows much greater consistency of treatment for appellants.

Tribunals for Users Programme

21 Last year we reported that we were awaiting the Government's response to the Leggatt review of GB tribunals. Although detailed proposals, in the form of a White Paper, are not now expected until at least the end of 2003 there has been a lot of progress within the Department for Constitutional Affairs (DCA), formerly the Lord Chancellor's Department.

22 In 2002 a newly created Tribunals for Users programme team within the Department began its work to determine how best to meet the challenge set by the Leggatt Report. Following extensive consultations the then Lord Chancellor announced the Government's plans for the reform of tribunals in March 2003. He proposed the creation, over time, of a unified Tribunals Service whereby most non-devolved central Government tribunals would be brought together into a single service: however individual tribunals would retain their own identity. The Service will reflect the needs and specialisms of individual jurisdictions and will be a distinct part of the justice system. Initially, and over a number of years, the largest 10 tribunal systems will transfer from other Departments and public authorities which currently administer them into a single executive agency. Subsequently other tribunal systems may be brought within the Service.

The role of the Council on Tribunals

23 As part of these wider proposals it is also proposed that the Council should have an enhanced role, centred on the identification of best practice and the development of strategies for performance improvement. Indications are that the Council may be resourced in respect of wider responsibilities from April 2004. As a first step towards planning the way forward a management consultancy report was commissioned by the Council early in 2003.

24 Together with our Council colleagues we are starting to identify key priorities for the coming years so that we can gear up for change. Notwithstanding that the unified Tribunals Service will include only GB-wide tribunal systems, as part of the Council our Committee will be closely involved in any changed role. A significant number of GB tribunal hearings are held in Scotland and it will be important for us to ensure that the improvements envisaged under the new Service are fully available to Scottish appellants.

25 At this point in time none of the above proposals will have any effect on the operation of Scotland-only tribunals where the responsibility rests with Scottish Ministers. It is important that tribunals operating in Scotland do so as part of the Scottish justice system. Thus, for example, appointments to such tribunals should be made

either within Scotland or with significant Scottish input to the process. Training should acknowledge the impact of Scots law on the way that the tribunal operates in Scotland.

Children's Hearings

26 We reported last year that we had just presented our special report on the Children's Hearings system to Ministers. We are pleased that positive action was being taken, in particular:

- *increasing efforts to recruit new panel members* - the 2002 national recruitment campaign had been longer and a higher response rate had been achieved. Local authorities had been provided with better material to issue to those expressing interest and at the end of the process, 577 new panel members were recruited.
- *issuing further advice to Reporters on their role* - we understand that the Scottish Children's Reporter Administration (SCRA) is re-emphasising guidance and introducing practice audit to identify and spread best practice.
- *urging local authorities to devote adequate resources to support the system* - resources for children and families work had been increased but it is still for local authorities to determine their own spending priorities. A Glasgow University research team reported early in 2003 on a study of the implementation of supervision requirements. The Executive was aware of the need for closer monitoring of time intervals and, separately, had funded a campaign to recruit and train social workers. We understand that SCRA is playing a central role in that monitoring.
- *strategic review of available secure places* - an increase of 25 secure places was announced in September 2002.
- *continuity of hearing membership* - the Executive noted our concern that there was no requirement for a reconvened panel to include at least one member from the original hearing. We were pleased to be told that as part of piloting the new fast-track hearings in East Lothian and the Borders, Dundee and Ayrshire, consideration would be given to increasing continuity and that that experience would be evaluated in any future review of the system as a whole. We plan to look at how this is operating during the coming year.
- *provision to appoint legal representatives* - the Executive believed that this scheme had not thrown up any significant difficulties but views on its operation were to be canvassed. It is proposed to consult on longer-term options in due course.

27 The response from the Scottish Children's Reporter Administration (SCRA) on those recommendations under its remit was also encouraging:

- *speeding up implementation of property standards schedule and introducing an accommodation monitoring scheme* - a 20% increase in resources has been made available to SCRA which, amongst other things, will enable the property team to be expanded so that a bigger capital and maintenance programme can be managed. A property strategy is being developed: we are advised that this will ensure reviews of standards; ensure compliance with the Disability Discrimination Act; improve child friendliness; and put in place effective property management and monitoring. We know that new premises are being completed in several towns and cities which will enable SCRA to continue to improve its service for children and families.
- *reviewing the style of communication with children* - whilst we appreciated the legislative requirements we were concerned at the appropriateness of communications; some of the terminology was frankly not suitable when dealing with children. We know that the Administration is carrying out a number of child-friendly initiatives, including the development and introduction of a process for consultation and feedback with children and families, and we trust that this will lead to a review of formal communications.
- *ongoing training for Reporters especially in relation to human rights* - resources for training and development have been doubled for 2003-2004 and an SQA accredited programme of Reporter training, equivalent to post-graduate qualification, is being launched. We understand that the significant preparation work to appoint and train mentors and internal assessors is well in hand for the first programme to be introduced early in 2004-2005.

Tax Appeal Reform Project

28 Proposals for reform in the tax appeals system have been under discussion for a number of years ever since the Tax Law Review Committee of the Institute of Fiscal Studies published its Interim and Second Reports in 1996 and 1999. We and our parent Council welcomed many of the recommendations because they addressed concerns which we had had for some time about the fragmented nature of the divisional appeal structure; the lack of central direction; the absence of consistent procedures; and the perceived, if not apparent, lack of separation from Inland Revenue whose decisions were being appealed against.

29 We know that the Department for Constitutional Affairs had been developing new policies which were given impetus by the implementation of the Government's Budget decisions to replace certain social security benefits with tax credits in April 2003. In the event, the Department concluded that these new tax credit appeals would place such different demands on the existing tax appeal system that the reforms would need to be much more far-ranging than at first thought. The proposed creation of a Tribunal Service was also a determining factor. Agreement was therefore reached that the Appeals Service would continue to hear tax credit appeals until reform of the tax appeal system could be fully implemented and we provide more detail on this when we describe our visits to the Appeals Service later in this report.

30 Although this means that we are still not in a position to see the basic underpinning reforms to the tax appeal system which are long overdue, we are pleased that reform is still firmly on the Department's agenda and that interim measures are being put in place currently to improve the efficiency and performance of the existing system. The appointments system is being strengthened; local tribunals are being amalgamated where there are sound business reasons to do so; work is ongoing with Inland Revenue to look at case processing times and to encourage the perception of independence; the main site for taxpayers on the TARP website has been improved; and since December 2002, hearings before the General Commissioners have taken place in public. A new Scottish branch of the National Association of General Commissioners has been set up.

31 We were glad to be told that the recent training effort has been of considerable value and that, in conjunction with the Judicial Studies Board, the National Association is continuing its national training programmes with an impressive number of events throughout the United Kingdom this autumn. One of our members will attend a session in Glasgow later in the year.

32 During the current year we visited two sessions of General Commissioners' hearings. The panels took their role very seriously and members brought much from their professional backgrounds but our observations reinforced why change is needed. One of our main criticisms is that no papers are made available to the panels. We accept the difficulties of balancing time and resources when many scheduled cases are settled at the last minute but if the case is a complex one, we cannot see how any panel can arrive at a proper and impartial decision based only on oral presentation, especially if the two sides to the dispute comprise an unrepresented appellant and a well-versed Inland Revenue official. In one case we observed, the decision was made by a relatively inexperienced panel on the Inland Revenue's unsupported statement which was not questioned. We really do hope

that the training now being carried out is addressing the very basic issues of questioning skills and weighing up facts. We also trust that all Commissioners, however experienced they might appear to be, will be required to attend.

Additional Support for Learning

33 Earlier in the year we submitted our views on the establishment of a new Additional Support Needs Tribunal proposed under the Education (Additional Support for Learning) Scotland Bill. As we said in last year's report, we do believe that an expert tribunal is the right way forward to safeguard the interests of children with special needs and we welcomed many of the features now proposed, including especially the requirement for education authorities to make arrangements for mediation services to be available.

34 But we did express some reservations. We are concerned at the proposed restriction on which parts of the new Co-ordinated Support Plan may be appealed against. We accept that the responsibility for the educational development of a child rests with the education authority but we felt that the limitation whereby the tribunal will have jurisdiction only over education authorities and not also other agencies involved in the process could adversely affect the whole tribunal process. However we understand from the draft Bill that other agencies will be expected to assist in the education authorities' functions: we hope that authorities will ensure that those agencies are requested to contribute to the deliberations.

35 We accept that the existing Education Appeal Committee route will still be used for children without a Co-ordinated Support Plan. However we also noted the intention to develop a separate provision for those in the process of obtaining a Plan or those appealing to have one drawn up. We said that the existence of two new appeal routes, together with the existing system, creates a very real danger of confusion and missed deadlines unless the Scottish Executive and education authorities make very clear which appeals go to which appeal system. We were pleased to be told that detailed guidance will be made available to ensure that the new system is more streamlined and user-friendly than the current system.

User Groups

36 We are strong supporters of user groups as a means of encouraging less formal debate amongst practitioners and users of tribunal systems. During the course of the year we visited several. The **Unified User Group for Scotland**, in respect of the Social Security and Child Support Commissioners and the Appeals Service,

reviewed performance and demonstrated significant improvement over previous waiting periods. We are very impressed with the 3-year Modernising Appeals Programme with its target of reducing the current delay from 29 to 14 weeks by using electronic solutions. It was good to hear that the case load in Scotland is at an all-time low and that the total of older cases is as low as it has ever been.

37 Our attendance at the third annual meeting of the joint **VAT and Duties Tribunals and Special Commissioners User Group** provided a useful opportunity to hear of recent rule and jurisdictional changes and the increasing use of electronic facilities. The visiting member was also able to participate in a wide ranging discussion on the vexed current subject of Customs and Excise's seizure and non-restoration of vehicles. We and our parent Council consider it to be quite wrong that someone's goods and vehicle can be destroyed before any appeal is heard. One of our members observed a VAT and Duties hearing dealing with such an appeal. It is essential for Customs and Excise urgently to complete its consideration of the appeal route for such cases. It is simply too confusing and upsetting for appellants that appeals against seizure are heard in the Sheriff court while those against non-restoration of vehicles have to go before a VAT and Duties Tribunals' hearing. We hope to see some developments here soon.

Mental Health Tribunal

38 We noted that the Mental Health (Care and Treatment) (Scotland) Act 2003 confirms the establishment of a Mental Health Tribunal for Scotland to make decisions in a wide range of situations. Before the Act and the new tribunal system come into operation in early 2005 the Scottish Executive will be working to establish premises and to appoint a legally qualified President as well as a chief executive and other staff to complete the administrative structure. We like the Scottish Executive's use of a regular newsletter to keep everyone in touch with the implementation of this important new legislation. We look forward to seeing the proposed rules of procedure for the tribunal which will be under our supervision.

Our routine visits to tribunals

39 During the year we made a number of visits to **Appeals Service** hearings. Here we continue to observe skilled panels who benefit from a structured, ongoing training programme and a performance appraisal system which allows training needs to be identified. We noted that this appraisal was now being extended to the medical members of a panel.

40 One of our visits was to the newly opened premises in Inverness; we are delighted that these are now in use. They are a great improvement on what was available before.

41 We are very concerned about the non-attendance of Presenting Officers at many of these hearings. We appreciate that they are staff of the Department and not the Appeals Service but their absence does impact on the operation of the tribunal if they are not present to answer panels' queries; on occasions the panel has no option other than to adjourn the hearing which obviously has implications for all concerned, not least an appellant. One visiting member was especially concerned to be told that even if a hearing is adjourned with a request that a Presenting Officer attends, there is no guarantee that this will happen at the reconvened hearing so the process could be affected yet again. We drew this to the attention of the Appeals Service; officers said that the absence of Presenting Officers is 'very regrettable' and we entirely agree. Although there seem to be wide regional variations there are many areas of the country where Presenting Officers are not routinely present and we support the Appeals Service in its endeavours to secure a greater attendance.

42 One of our members also attended an Appeals Service training day to consider appeals under the new Working Tax Credit. As usual, the training itself was excellent. But we will need to monitor how this whole form of appeal is working. We do not doubt the Appeals Service's ability to take these cases on board, even though the Tax Credit is an employment subsidy rather than a benefit which all other Appeals Service cases are. Our concern is that panels may be asked to make decisions in principle as to whether a penalty should be paid but the actual financial settlement of the case is then to be negotiated between the claimant and Inland Revenue. This will be a totally new scenario which, in our view, cries out for the use of mediation to resolve such disputes. There will also be a need for appellants, especially the many unrepresented ones, to have clear guidance on how to approach and take part in negotiation.

43 We visited two sessions of **Children's Hearings**. We covered this system in some depth last year following publication of our special report in June 2002 and we refer to recent developments earlier in this report. Our visits bear out what we said last year: caring, focused panels whose members were well trained for the often harrowing cases which they have to consider. We are still finding some of the hearing rooms to be too small and cramped; in one case, fourteen people were necessarily present in a hot room not designed for that number. As we mentioned earlier, we know that the Scottish Children's Reporter Administration is in the process of making significant improvements to many of its properties and we look forward to visiting the new centres in due course.

44 Our chairman also sat in on one of the Children's Panel training days for recently recruited members. How pleasing to see delegates being treated as sophisticated individuals who should not be talked down to. It was clear that those present valued the intensive training and the opportunity to discuss, and practise through role play, the difficult issues which inevitably arise in Children's Hearings.

45 One of our members visited a **Police Appeal Tribunal**. The appeal procedure was well-organised and serviced and this open system is a great improvement on the process which used to exist. However the visit raised one serious matter as far as we are concerned. Under the regulations, the tribunal includes a person who is, or has been, a chief constable (but not the chief constable of the police force from which the appeal arises). The tribunal must also include a retired constable but the regulations make no requirement for that person to be from a different force. In the appeal observed, the retired constable was a former member of the same police force as the appellant and in fact did know him. In our view most of the Scottish police forces are sufficiently small that this former member is bound to know the appellant and indeed would have himself operated under the policies and practices of the force whose judgement is being appealed against.

46 Our visiting member was satisfied that the decision and outcome of the tribunal was not unduly influenced on this occasion but the possibility of that happening should be removed. We have asked the Scottish Executive to offer advice to Police Boards on best practice and tribunal member selection, especially the desirability of ensuring that the panel member is not from the same force as the appellant.

47 We made two visits to **Criminal Injuries Compensation Appeals Panel** hearings. These continue to be carried out with experience, skill and care but we remain concerned about the considerable delays in bringing cases to hearings. We accept that the process before an appeal is sent to the Appeals Panel can be lengthy especially if criminal or civil action is involved in the case. What worries us is the time between an appeal being lodged with the Authority and the relevant details being passed to the Appeals Panel to allow the hearing to be arranged. At our visit in September 2002, an apparently simple and straightforward case had taken seventeen months to work its way through the system within the Authority before the Panel was sent the papers to enable it to arrange a hearing. Our most recent visit, in June of this year, observed two cases which had been in the actual appeal system for twenty three and thirteen months although the Panel had only had the papers for a few weeks before hearings were held.

48 We know that the Panel's target is to resolve 80% of appeals within six months of the case being forwarded to them and we have been told that particular efforts are being made to reduce the backlog of the oldest cases. In the cases we observed the Panel was clearly well within its target but there is a clear need for improvement in the earlier stages.

49 Our observation of an **Immigration Adjudicator's** hearing confirmed a well-supported tribunal system with easy access to up-to-the-minute case law and information from various sources as to the political situation in the countries involved. The hearing was run in a fair and extremely competent manner. However it was difficult to ascertain what the appellant would have made of the procedure, given the formality of the surroundings; the technical nature of the communication between the Adjudicator, the Presenting Officer and the appellant's representative; and the high level of stress. We are aware that the Government's policy of dispersal of asylum seekers from London has resulted in a heavier workload for the Adjudicators but it is good to know that this has been recognised and that additional full-time Adjudicators have been appointed in Scotland.

50 We also attended a hearing of the **Immigration Appeal Tribunal** using the now established system of video-linking, with the appellant and his representatives being able to remain in Glasgow while the IAT panel based in London heard the appeal. The installation of this video link has speeded up the process and as far as we could see the participants seemed to be quite at ease with both the principle and the technology.

51 We made two visits to **Employment Tribunals** this year. This is a jurisdiction where late cancellations are not unusual when parties settle at the last minute but the system copes with this as the norm. The hearings we observed were conducted well with decisions properly based on evidence and relevant law.

52 We took advantage of a rare opportunity in Scotland to observe an adjudication under the **Consumer Credit Act 1974**. The event was well organised by the clerk and conducted with skill by the experienced adjudicator. An example of a good tribunal in operation.

53 It is now over three years since we published our special report on **Education Appeal Committees** in Scotland. Whilst there have been some improvements these have not been across the board; the main problem continues to be the lack of any central direction from the Scottish Executive, leaving it up to each education authority to decide whether fundamental matters such as training for their committees are necessary. Two of our visits proved the COSLA Code of guidance for education appeal committees was still not being circulated widely to

the panel members. Nor was there any training, either induction, refresher, chairmanship or on diversity issues: and no thought of a pre-hearing meeting with appellants which could have prevented a lot of unnecessary stress and false hope.

54 Fortunately some authorities are more enlightened than others and we are beginning to see some of them introducing training schemes on their own initiative. The benefit of this is plain to see and we hope that others will become equally committed. We think that effective training should be compulsory.

55 One of the recommendations in our special report was for the Scottish Executive to reconsider the constitution and working of education appeal committees. We were pleased to learn that the Executive has now written to local authorities asking for views on the current practices of committees, training programmes and feedback from appellants so that an assessment can be made of the way forward. The Scottish Executive Education Department is involved in our tribunal training initiative, which we described earlier, and we hope that the results of its enquiries will inform our debate and ultimately lead to a positive outcome.

56 One of our members attended an Education Law conference, organised by Glasgow City Council and the Education Law Unit at Govan Law Centre, for education officers and specialists involved in special educational needs. We also understand that discussions are ongoing between those two organisations about a project whereby Glasgow Council will fund the production of a training video for EACs. We fully support such moves.

57 One member attended a hearing of the **National Appeal Panel for Entry to Pharmaceutical Lists**. The procedural guidelines, to which we have referred in our last two annual reports, were finally issued in early 2003. We do welcome them as a basis for consistent hearings and we are glad that our views were taken into account wherever possible. However there continues to be a number of aspects, including panel membership and voting procedures, which we do not agree with but which cannot be altered without amendment to the underlying statutory regulations. Our contention that these are seriously flawed is unchanged and we very much regret that there is no current proposal for the necessary changes to be made. However we now understand that work is progressing within the Scottish Executive to introduce a new contract for NHS community pharmacists and to implement 'The Right Medicine – a strategy for pharmaceutical care in Scotland' which was published in 2002. We have been advised that the legislative provisions for control of entry to NHS community pharmacies in Scotland will be re-examined as this work goes forward.

58 That said, we observed an excellent hearing which was clearly open and fair and which followed properly the guidelines and regulations. There was also a very useful pre-meeting of the panel which offered the opportunity for members to achieve a degree of cohesion; this is especially helpful in a system with relatively few hearings and where members have not sat together before.

59 We know that refresher training is now being established on a regular basis and we acknowledge the benefit of including members of the Pharmacy Practice Committees who make the original decisions which may be challenged at a NAP hearing. But we still want to see that training made mandatory, preferably with induction training being a condition of appointment.

60 The decriminalisation of parking is becoming more common across Scotland and we made a visit to observe hearings in Perth, the latest city to introduce this scheme. The **Scottish Parking Appeals Service** organises and services these hearings well and all appellants in the cases we saw will have felt that they had a very fair hearing with every opportunity to present their case to the Adjudicator.

61 We made four visits to **Valuation Appeal Committees**. This system also suffers from many last minute cancellations; several of our own attempts to make a visit have fallen through because appeals were settled just before the scheduled hearing day. It seems to be a device used by Assessors to bring matters to a conclusion. This causes frustration for panel members and certainly in some rural areas there now seems to be little opportunity for members to hear cases and practise their skills. But those hearings which we did see were well conducted and appellants will have felt that they had a fair hearing.

62 One member attended a **Traffic Commissioner's public inquiry** on the Isle of Skye. Here we saw a well run and effective hearing, chaired sympathetically despite the inevitable formality of this legislative process. We also observed a **Transport Tribunal** in operation. As we would expect, it was soundly led by a chair knowledgeable in both statute and case law. A very good tribunal.

63 The **Lands Tribunal**, by its very nature, operates in a generally formal atmosphere but on our visit we did see a light touch being applied where appropriate. As we would expect, all procedures were followed properly and the tribunal has the backing of an excellent administrative facility.

64 We attended a **public local inquiry** where we observed a skilful reporter who clearly had the respect of the professionals taking part; this is a well organised and resourced system. We visited a session of

hearings of the **Pensions Appeal Tribunals** which were competently chaired with full participation by the tribunal members. The Tribunal's premises continue to be somewhat unsuitable due to difficult access and limited waiting facilities but this did not adversely affect open, fair and impartial hearings.

65 One of our members also visited a fact-finding hearing of the **Crofters Commission**. This jurisdiction is quite different from other tribunal systems since the hearing is taken by a single Board member but the decision is subsequently taken by the full Board. Nevertheless the hearing process was independent, fair and impartial and this was obvious to all concerned who were given every opportunity to air their views.

Annex A - the role of the Scottish Committee

1 Each year our members visit a wide variety of tribunals and public inquiries to see at first hand the operation of current procedures in force. Some tribunal systems hold infrequent hearings, others many hundreds in a year, and we try to ensure that each system receives at least one visit every two years. On occasion, when there has been a change in the governing legislation, we might increase the number of visits so that we can see how the changes are affecting procedures. From time to time we also make extra visits to a chosen tribunal system with the objective of producing a more in-depth analysis.

2 In total we aim to undertake some 50 visits a year. This year our members have attended 36 tribunal hearings; 1 public inquiry; 4 training events and 7 other meetings. Full details are at **Annex E**.

3 Members of this Committee are not involved in the proceedings, nor the decisions taken at hearings, nor the recommendations following inquiries. Our backgrounds cover a wide range of professions and experience but we are not expert in any one of the diverse subjects dealt with by tribunals. We are present only to observe the procedures. We take a close interest in matters such as the suitability of the premises; the working of the tribunal and its staffing; the conduct of the hearing; the panel membership and its training; and the quality of any guidance literature. During any visit we try to discuss the operation of the tribunal with the chair, members and clerk involved in the hearing.

4 Our prime concern is to be satisfied that the hearing is seen to be conducted in an open, fair and completely impartial way. Our visiting member produces a report on each visit: this report is for our own internal use only. There is no statutory report back to the tribunal. In the past we have only raised matters with the relevant tribunal system or Government department if we have identified serious problems. However our approach is now much more open and we do discuss what we have observed - both the positives and the negatives - with the panel members after the hearing is over before we write to the tribunal system or the relevant department. This change in policy has been made possible with the availability of our Framework of Standards document, details of which have been given earlier in this report.

5 We again wish to record our appreciation of the assistance and co-operation of the appeal systems we visit, without which we could not carry out our statutory duties properly.

6 We must stress that we are not a complaints body: the Tribunals and Inquiries Act gives us no authority to investigate or

adjudicate on complaints about the handling of individual cases by tribunals or inquiries under our supervision. Our statutory role, and that of our parent Council on Tribunals, is to advise the Government and its departments on matters concerning the rules of procedure under which tribunals operate and to provide advice on proposals to change the jurisdiction, constitution or procedures of the tribunals we supervise.

7 Those who are unhappy about the handling of an individual case should seek advice from the Citizens' Advice Bureau, legal advice centre or solicitor. Such advice can often be obtained at a reduced fee or at no charge.

Costs of the Scottish Committee

8 The Scottish Committee's funding is made available from the Council on Tribunals and ultimately through the Department for Constitutional Affairs in accordance with Section 3(3) of the Tribunals and Inquiries Act 1992. Certain costs, in particular accommodation and IT, are funded centrally and do not feature in the account below. Other costs, principally staffing and travel and subsistence, are determined centrally but paid from the Council on Tribunal's and the Scottish Committee's budget respectively.

9 A breakdown of the expenditure for 2002-2003 and the comparative costs incurred for the 2001-2002 financial year are detailed below.

	2001-2002	2002-2003
Staff salaries *	54,695	56,691
Members' retainers **	29,772	33,750
Members' travel costs	6,112	5,260
Administrative costs including office supplies, postage etc	15,135	12,711
Total	105,714	108,412

* The staff of the Scottish Committee secretariat are permanent civil servants seconded from the Scottish Executive. These costs include National Insurance contributions and superannuation.

** Excludes the salary of the chair and the retainers for members of the Scottish Committee who also serve on the Council. These costs are shown in the Council's own report.

Annex B - the constitution and functions of the Council and the Scottish Committee

1 The Council on Tribunals and its Scottish Committee are independent bodies first established in 1958 and now operating under the Tribunals and Inquiries Act 1992.

2 The principal functions of the Council, as laid down in the 1992 Act, are:

- to keep under review the constitution and working of the tribunals specified in Schedule 1 to the Act and, from time to time, to report on their constitution and working;
- to consider and report on matters referred to the Council under the Act with respect to tribunals other than the ordinary courts of law, whether or not specified in Schedule 1 to the Act; and
- to consider and report on these matters, or matters the Council may consider to be of special importance, with respect to administrative procedures which involve or may involve the holding of a statutory inquiry by or on behalf of a Minister.

3 The term "statutory inquiry" means (i) an inquiry or hearing held in pursuance of a statutory duty, or (ii) a discretionary inquiry or hearing designated by an Order under section 16(2) of the Act. The relevant Order now in force is the Tribunals and Inquiries (Discretionary Inquiries) Order 1975 (SI 1975/1379) as amended (SI 1976/293, SI 1983/1287, SI 1990/526 and SI 1992/2171).

4 The 1992 Act stipulates that the Council must be consulted before procedural rules are made for any tribunal specified in Schedule 1 and on procedural rules made by the Lord Chancellor or Scottish Ministers which relate to statutory inquiries. They must also be consulted before any exemption is granted from the requirement in section 10 of the Act to give reasons for decisions. In turn, the Council must consult the Scottish Committee on any rules relating to tribunals which come under its direct supervision or on any matter referred by Scottish Ministers prior to finalising any report. In addition, the Scottish Committee has the right in certain circumstances to report directly to Scottish Ministers.

5 In general terms the Scottish Committee supervises those tribunals and inquiries which are constituted under Scottish legislation and acts for the Council in overseeing tribunals held in Scotland that have a

basis in Great Britain legislation. It has long been accepted practice for Departments to approach the Scottish Committee directly with proposals relating to tribunals and inquiries in Scotland.

6 The Council consists of 15 members appointed by the Lord Chancellor and Scottish Ministers, one of whom is appointed as chair. The Scottish Committee is made up of 3 members of the Council designated by Scottish Ministers plus a further 4 persons, not Council members, whom they also appoint. The Parliamentary Commissioner for Administration (Ombudsman) has a right to sit on both the Council and the Scottish Committee by virtue of her office. Appointees to the Scottish Committee normally hold office for a 3 year period which can, with the agreement of Scottish Ministers and the member concerned, be extended by a further 3 year appointment. Retainers and certain travel expenses are paid to all members of the Council and Scottish Committee.

7 The Scottish Committee meets five times a year with those members who sit on the Council additionally attending a monthly meeting in London.

8 The Council is required to make an annual report which must be presented to both the Westminster and Scottish Parliaments and may, at any time, make a special report on its own initiative under paragraphs 2.1 or 2.3 above. Although not required to do so by statute, the Scottish Committee also produces an annual report which concentrates heavily on Scottish issues and details consultations handled directly by the Scottish Committee. The report is laid before the Scottish Parliament and is given a very wide circulation to interested bodies throughout Scotland.

Annex C - code for consultation with the Scottish Committee

Introduction

1 This Code has been prepared to remind Departments of the obligation on them to consult the Scottish Committee of the Council on Tribunals on proposals for certain subordinate legislation and to suggest the desirability of consulting it on proposals for certain other primary and subordinate legislation. It also suggests the form and timing of such consultations. The Code was originally circulated to coincide with the coming into force of the Tribunals and Inquiries Act 1992.

Subject Matter and Timing of Consultation

2 Under Section 8 of the Tribunals and Inquiries Act 1992 no power of a Minister, the National Assembly for Wales, the Lord President of the Court of Session, the Commissioners of Inland Revenue or the Foreign Compensation Commission to make, approve, confirm or concur in procedural rules for certain tribunals is exercisable except after consultation with the Council: a similar obligation to consult the Council is placed on the Treasury. Rules made after such consultation usually state that consultation has taken place. The tribunals concerned are referred to in this Code as "scheduled tribunals", a term further explained at paragraph 9 of this Code. Similarly, the Lord Chancellor and Scottish Ministers are under a statutory obligation to consult the Council with regard to procedural rules for statutory inquiries. Where consultation is mandatory, it is necessary for instruments containing the proposed rules to be submitted to the Council in draft form before they are made.

3 Before seeking advice on procedural rules, the Council and the Scottish Committee recommend those responsible for drafting them to consult and make use of, so far as may be appropriate, the Council's Report on Model Rules of Procedure for Tribunals (Cm 1434, March 1991). An interim revised edition of the Model Rules, incorporating amendments to take account of jurisprudential developments on Article 6 of the European Convention on Human Rights since 1991, was prepared in September 1999. A major revision is due to be published in the autumn of 2003. Copies are available from the Scottish Committee Secretary.

4 Consultation on proposals for primary legislation affecting tribunals or statutory inquiries, or on rules for statutory inquiries other than those referred to in paragraph 2, is not mandatory, but usually takes place and is welcomed. As explained in paragraph 8 of this Code, we consider that

such consultation is most effective and beneficial to Departments if it takes place at an early stage in the formulation proposals.

5 Consultation on proposals for primary legislation affecting the rights of the citizen which may require consideration of whether, and in what form, new adjudicative procedures are necessary or desirable is also welcomed.

Time allowed for Consultation

6 The Scottish Committee expects that Departments consulting it will always allow as much time as possible to prepare and submit its comments. This is particularly important when consultation is mandatory and the statutory instrument will state that such consultation has taken place. The Committee normally meets in February, April, June, September and November. It is hoped that Departments will understand that, if considered advice on any important matter is required, certain minimum periods of consultation are necessary. The Committee suggests that the following should be regarded as the *optimum* periods for consultation:

(a) where proposals are of a routine kind and do not raise major questions of principle or require significant reading: 3 weeks;

(b) where proposals involve major new issues: 6 weeks.

7 Where, for unavoidable reasons, consultation has to be completed in a shorter time, the minimum periods which will enable the Committee to give proper consideration to proposals may be taken to be two weeks and three weeks respectively. If these suggested minimum periods cannot be adhered to and an explanation is given, the Committee will endeavour to complete the consultation process in such time as may be available. The Committee accepts that many proposals cannot be timed to match fixed meetings and the Secretary frequently undertakes consultation by post and e-mail. However this of necessity adds a further time factor and makes the above-suggested minimum periods even more relevant.

8 The Committee is very conscious of the constraints imposed on Departments by the Parliamentary timetable. The Committee considers, however, that if difficulty is foreseen in meeting the recommended minimum periods, consultation need not be delayed until a full draft of the new legislation has been produced but in suitable cases may be initiated at an earlier stage, perhaps with regard to specific provisions. Indeed, particularly with regard to non-mandatory consultations, the Committee suggests that the best time for consultation will often be when proposals have taken reasonably firm shape but before Ministers are committed; the Committee may be able to suggest means of solving an adjudication

problem which may not have occurred to the Department, eg. by amending the powers of an existing tribunal to enable it to undertake the work rather than by creating a new tribunal.

Scheduled Tribunals

9 The tribunals which come within the jurisdiction of the Council and the Scottish Committee (referred to in this Code as "scheduled tribunals") are (i) those which are listed in Schedule 1 to the Tribunals and Inquiries Act 1992 and (ii) those tribunals which have been specified in orders made under section 13 of that Act amending Schedule 1. The Committee will be able to give a view of any case in doubt.

Process of Consultation

10 In submitting draft instruments to the Committee in cases of mandatory consultation, a copy of the draft should be sent to the Committee with an explanatory statement and any necessary covering letter. Where proposals for primary legislation are concerned, a letter will usually suffice, although material such as draft clauses or instructions to Parliamentary Counsel is particularly helpful.

11 The Committee's comments will be submitted in writing.

Reporting the Results of Consultation

12 It is usual for the outcome of the consultations between Departments and the Committee to be reported in the Committee's annual report, but in every case the accuracy of such reports is cleared with the Departments concerned before publication. Where consultation has taken place on a confidential basis, that confidence is respected.

13 Where the Committee has, when consulted, expressed views on an important question of principle, and it is intended to inform Parliament or the public that it has been consulted, the Committee trusts that the general tenor of its advice will be stated at that time.

Annex D - statistics relating to tribunals supervised by the Scottish Committee

1 JANUARY TO 31 DECEMBER 2002 UNLESS OTHERWISE STATED

A = Tribunals under the direct supervision of the Scottish Committee

B = GB tribunals supervised in Scotland by the Scottish Committee on behalf of the Council

All figures provided by the relevant tribunal

TRIBUNAL <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	CASES (a) b/f from 2001 (b) received in 2002 (c) withdrawn (d) decided in 2002 (e) c/f to 2003	WAITING TIMES (a) weeks from receipt of appeal to hearing (b) days from hearing to despatch of decision
A AGRICULTURE <i>Agricultural Arbiters under S.61 of or sch.7 to the Agricultural Holdings (Scotland) Act 1991</i>	(a) 32 (b) 32 (c) 15 (d) 2 (e) 47	(a) Not available (b) Not available
B APPEALS SERVICE <i>Unified Appeal Tribunals under S.4 of the Social Security Act 1988</i>	(a) 7,829 (b) 35,360 (c) 2,367 (d) 38,266 (e) 8,368	(a) 10 (b) 18
B AVIATION <i>The Civil Aviation Authority constituted in accordance with S.2 of the Civil Aviation Act 1982</i>	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year
B BANKING <i>The Banking Appeal Tribunal under S.28 of the Banking Act 1987</i>	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year
B BETTING LEVY <i>The Betting Levy Appeal Tribunal for Scotland under S.29 of the Betting Gaming and Lotteries Act 1993</i>	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year

TRIBUNAL <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	CASES (a) b/f from 2001 (b) received in 2002 (c) withdrawn (d) decided in 2002 (e) c/f to 2003	WAITING TIMES (a) weeks from receipt of appeal to hearing (b) days from hearing to despatch of decision
B BUILDING SOCIETIES <i>The Building Societies Appeal Tribunal under S.47 of the Building Societies Act 1986</i>	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year
B COPYRIGHT <i>The Copyright Tribunal under S.145 of the Copyright, Designs and Patents Act 1998</i>	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year
B CRIMINAL INJURIES <i>Criminal Injuries Compensation Adjudicators appointed under S.5 of the Criminal Injuries Compensation Act 1995</i>	GB Figures (a) 8,512 (b) 4,612 (c) 665 (d) 3,667 (e) 8,792	(a) 80 (b) 0 - given at hearing
A CROFTING <i>Crofters Commission under S.1 of the Crofters (Scotland) Act 1993</i>	(a) 2 (b) 4 (c) 1 (d) 5 (e) 0	(a) 8 (b) 36
A DAIRY PRODUCE <i>Dairy Produce Quota Tribunal for Scotland under sch.6 to the Dairy Produce Quota Regulations 1997</i>	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year
A EDUCATION <i>Education Appeal Committees under S.280 of the Education (Scotland) Act 1980</i>	Placing: (a) Not available (b) 739 (c) 117 (d) 619 (e) 3 Exclusions: (a) Not available (b) 144 (c) Not available (d) Not available (e) Not available	(a) Not available (b) Not available (a) Not available (b) Not available

TRIBUNAL <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	CASES (a) b/f from 2001 (b) received in 2002 (c) withdrawn (d) decided in 2002 (e) c/f to 2003	WAITING TIMES (a) weeks from receipt of appeal to hearing (b) days from hearing to despatch of decision
EDUCATION (Cont'd) <i>Independent Schools Tribunal</i> under S.100 and 103 of, and sch.2 to, the Education (Scotland) Act 1980 <i>Self-Governing Schools</i> constituted under S.7 of, and paragraph 2(b) of Part II of sch.1 to, the Self-Governing Schools etc (Scotland) Act 1989	(a) to (e) 0 (a) to (e) 0	This tribunal has not sat in Scotland during the course of the year. This tribunal has not sat in Scotland during the course of the year
A EMPLOYMENT <i>The Employment Tribunal</i> under S.5(1) of the Industrial Tribunals Act 1996	(a) Not available (b) 8,515 (c) 6,020 (d) 1,806 (e) 13,112	(a) 24 (b) Not available
B FAIR TRADING <i>The Director General of Fair Trading</i> under sch.1 to the Fair Trading Act 1973	(a) to (e) not available	(a) Not available (b) Not available
B FINANCE <i>Financial Services and Markets Tribunal</i> under S.132 of, and sch.13 to, the Financial Services and Markets Act 2000	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year
A FOOD <i>Meat Hygiene Appeal Tribunal</i> under S.26 of the Food Safety Act 1990	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year
A FORESTRY <i>Forestry Committees</i> appointed in Scotland for the purpose of the Forestry Act 1967	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year
B FRIENDLY SOCIETIES <i>Friendly Societies Appeal Tribunal</i> under S.59 of the Friendly Societies Act 1992	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year

TRIBUNAL <i>(unless otherwise indicated figures relate to hearings in Scotland)</i>	CASES (a) b/f from 2001 (b) received in 2002 (c) withdrawn (d) decided in 2002 (e) c/f to 2003	WAITING TIMES (a) weeks from receipt of appeal to hearing (b) days from hearing to despatch of decision
B IMMIGRATION <i>Asylum Support Adjudicators under S.102 of, and sch.10 to, the Immigration and Asylum Act 1999</i> <i>Immigration Adjudicators under sch.3 to the Immigration and Asylum Act 1999</i> <i>Immigration Appeal Tribunal under sch.2 to the Immigration and Asylum Act 1999</i>	GB Figures 1/04/02-31/03/03 (a) 0 (b) 3,845 (c) 1,544 (d) 2,301 (e) 0 (a) 25,249 (b) 91,945 (c) 4,203 (d) 88,738 (e) 24,744 (a) 3,778 (b) 41,889 (c) 484 (d) 37,050 (e) 8,339	(a) 1 (b) 2 (a) 8 (b) 22 (a) Not available (b) 30
B INFORMATION <i>Information Tribunal constituted under S.6 of the Data Protection Act 1998</i> <i>Information Commissioner appointed under S.6 of the Data Protection Act 1998</i>	(a) to (e) 0 (a) to (e) 0	This tribunal has not sat in Scotland during the course of the year.
B INSOLVENCY <i>Insolvency Practitioners Tribunal under S.396 of the Insolvency Act 1986</i>	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year.
A LAND <i>Lands Tribunal for Scotland under S.1(a) of the Lands Tribunal Act 1949</i>	(a) 190 (b) 88 (c) 55 (d) 37 (e) 186	(a) 19 (b) 48

TRIBUNAL <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	CASES (a) b/f from 2001 (b) received in 2002 (c) withdrawn (d) decided in 2002 (e) c/f 2003	WAITING TIMES (a) weeks from receipt of appeal to hearing (b) days from hearing to despatch of decision
A LOCAL TAXATION <i>Valuation Appeal Committees under S.29 of the Local Government (Scotland) Act 1994 and Local Government Finance Act 1992</i>	(a) 50,066 (b) 5,966 (c) 39,275 (d) 245 (e) 16,512	(a) 52 (b) 5
A MISUSE OF DRUGS <i>Misuse of Drugs Tribunal for Scotland under part 1 of sch.3 to the Misuse of Drugs Act 1971</i>	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year
A NATIONAL HEALTH SERVICE <i>Discipline Committees in accordance with S.19 of the NHS (Scotland) Act 1978</i> <i>National Health Service Tribunal under S.29 of the NHS (Scotland) Act 1978</i> <i>National Appeal Panel for Entry to Pharmaceutical Lists under sch.4 to the NHS (Pharmaceutical Services) (Scotland) Regulations 1995</i>	(a) 19 (b) 7 (c) 18 (d) 3 (e) 5 (a) 1 (b) 0 (c) 1 (d) 0 (e) 0 (a) 5 (b) 15 (c) 2 (d) 15 (e) 3	(a) 35 (b) 68 (a) Not applicable (b) Not applicable (a) 14 (b) 4
B NATIONAL SAVINGS <i>National Savings Bank and National Savings Stock Register Adjudicator under S.84 of the Friendly Societies Act 1992</i>	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year

TRIBUNAL <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	CASES (a) b/f from 2001 (b) received in 2002 (c) withdrawn (d) decided in 2002 (e) c/f to 2003	WAITING TIMES (a) weeks from receipt of appeal to hearing (b) days from hearing to despatch of decision
B PATENTS, DESIGNS, TRADEMARKS AND SERVICE MARKS <i>The Comptroller General</i> under S.7A(4) of the Deregulating and Contracting Out Act 1994	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year.
A PENSIONS <i>Pensions Appeal Tribunals for Scotland</i> under S.8 of the War Pensions (Administrative Provisions) Act 1919 or the Pensions Appeal Tribunal Act 1943 <i>Police Pensions Appeal Tribunal</i> under S.1 of the Police Pensions Act 1976	(a) 45 (b) 409 (c) 30 (d) 379 (e) 45 (a) to (e) 0	(a) 13 (b) 7 This tribunal has not sat in Scotland during the course of the year.
B POLICE <i>The Police Appeal Tribunal</i> established under S.55 of the Police and Magistrates Court Act 1994	(a) 1 (b) 2 (c) 1 (d) 2 (e) 0	(a) 15 (b) 20
A RENTS <i>Rent Assessment Committees</i> under sch.4 to the Rent (Scotland) Act 1984	(a) 11 (b) 84 (c) 14 (d) 49 (e) 32	(a) 7 (b) 21
B RESERVE FORCES <i>Reserve Forces Appeal Tribunal</i> under part IX of the Reserve Forces Act 1996	(a) to (e) 0	This tribunal has not sat in Scotland during the course of the year.

TRIBUNAL <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	CASES (a) b/f from 2001 (b) received in 2002 (c) withdrawn (d) decided in 2002 (e) c/f to 2003	WAITING TIMES (a) weeks from receipt of appeal to hearing (b) days from hearing to despatch of decision
B REVENUE <i>General Commissioners of Income Tax under S.2 of the Taxes and Management Act 1970</i> <i>Special Commissioners of Income Tax under S.4 of the Taxes and Management Act 1970</i>	(a) not available (b) 1,480 (c) 456 (d) 601 (e) not available UK Figures (a) 272 (b) 161 (c) 131 (d) 93 (e) 209	(a) not available (b) not available (a) 26 (b) 30
B ROAD TRAFFIC <i>Scottish Parking Appeals Service under S.73 of the Road Traffic Act 1991</i> <i>The Traffic Commissioner under part 1 of the Transport Act 1985 and the Public Passengers Vehicles Act 1981</i>	(a) 501 (b) 3,077 (c) 33 (d) 2,966 (e) 579 (a) 40 (b) 964 (c) 68 (d) 834 (e) 102	(a) 4 (b) 5 (a) not available (b) not available
B SOCIAL SECURITY <i>Social Security Commissioners under sch.4 to the Social Security Act 1998</i> <i>Child Support Commissioners under S.22 of the Child Support Act 1991</i>	(a) 386 (b) 1,086 (c) not available (d) 1,165 (e) 307 (a) 17 (b) 15 (c) not available (d) 23 (e) 9	(a) not available (c) not available (a) not available (b) not available
A SOCIAL WORK <i>Children's Hearings under the Children (Scotland) Act 1995 (Figures for 01.04.01 to 31.03.02)</i>	(a) Not available (b) 68,380 (c) 54,704 (d) 13,676 (e) Not available	(a) 4 from Reporter's decision to convene a hearing (b) 5 but orally on the day

TRIBUNAL <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	CASES (a) b/f from 2001 (b) received in 2002 (c) withdrawn (d) decided in 2002 (e) c/f to 2003	WAITING TIMES (a) weeks from receipt of appeal to hearing (b) days from hearing to despatch of decision
B TRANSPORT <i>Transport Tribunal under sch.4 to the Transport Act 1985</i>	(a) 3 (b) 15 (c) 2 (d) 16 (e) 0	(a) 11 (b) 5
A VALUE ADDED TAX <i>VAT and Duties Tribunals for Scotland under sch.12 to the Value Added Tax Act 1994</i>	(a) 246 (b) 210 (c) 126 (d) 102 (e) 228	(a) 24 (b) 14

INQUIRIES – Statistics for 1 April 2002 to 31 March 2003

Type Of case	b/f from 2001- 02	received	withdrawn	decided by Scottish Ministers or planning authorities	decided by Reporters	c/f to 2003-04
Planning appeals	294	735	60	8	663	298
Enforcement appeals	49	76	14	0	77	34
Local Plans	32	16	0	20	0	28
Inquiries opened	111					
Inquiries closed	68					
Reports issued	83					

Annex E - Scottish Committee visits 2002-2003

Tribunal system visited	Number	Location
The Appeals Service: Unified Appeal Tribunal considering:		
Disability Appeal	1	Edinburgh
Council Tax/ Housing Benefit Appeal	1	Dundee
Medical Appeal	1	Stirling
Social Security Appeal	2	Galashiels, Inverness
Children's Hearings	2	Bathgate, Perth
Criminal Injuries Compensation Appeals Panel	2	Dundee, Glasgow
Crofters Commission	1	Lochcarron
Director General of Fair Trading	1	Glasgow
Education Appeal Committee	8	Bellshill, Dundee, Edinburgh (2), Fort William, Greenock, Irvine, Keith
Employment Tribunal	2	Edinburgh, Glasgow
General Commissioners of Income Tax	2	Aberdeen, Perth
Immigration Adjudicators	1	Glasgow
Immigration Appeal Tribunal	1	Glasgow
Lands Tribunal	1	Edinburgh
NHS National Appeal Panel	1	Inverness
Pensions Appeal Tribunal	1	Edinburgh
Police Appeal Tribunal	1	Dundee
Scottish Parking Appeals Service	1	Perth
Traffic Commissioners	1	Skye
Transport Tribunal	1	Edinburgh
Valuation Appeal Committee	4	Jedburgh, Perth, Renfrew, Stranraer

Training Events

Appeals Service	2	Edinburgh (2)
Children's Hearings	1	Edinburgh
Education Appeal Committee	1	Edinburgh

Opening of New Premises

Appeals Service	1	Inverness
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User Groups

Appeals Service	1	Glasgow
Social Security Commissioners	1	Edinburgh
Value Added Tax & Duties Tribunal	1	Edinburgh

Seminars

Education	1	Glasgow
Additional Support for Learning Bill	1	Stirling
Scottish Solicitors Discipline Tribunal	1	Edinburgh

Inquiries

Public Local Inquiry	1	Drumoak
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TOTAL **48**

Annex F - conference 2002 delegates

**The following organisations were represented at the May 2002 conference
'Raising Standards in Tribunals'**

Children's Panel training Organisation
Criminal Injuries Compensation Appeal Panel
Crofters Commission
Dumfries and Galloway Valuation Appeal Panel
Edinburgh City Council Education Appeal Committee
Employment Tribunals (Scotland)
Falkirk Council Education Appeal Committee
Immigration Appellate Authority
Lanarkshire Primary Care NHS Trust
Lands Tribunal for Scotland
Lothian Valuation Appeal Panel
NHS National Appeal Panel
North Ayrshire Council Education Appeal Committee
Rent Assessment Panel
Scottish Executive Inquiry Reporters Unit
Scottish Executive Justice Department
Scottish Parking Appeals Service
Scottish Solicitors Discipline Tribunal
Social Security Commissioners
The Appeals Service
West Lothian Council

Annex G - membership of the Council on Tribunals at July 2002

The Rt Hon the Lord Newton of Braintree OBE, DL - Chair

Mr John Elliot DKS - Chair of the Scottish Committee

Ms Ann Abraham

Mrs Carolyn Berkeley

Mrs Elizabeth Cameron

Mrs Ann Galbraith

Mrs Rosalind Hepplewhite

Mrs Susan Howdle

Ms Penny Letts

Mr Steve Mannion QPM

Mr Bernard Quoroll

Mr Douglas Readings

Professor Genevra Richardson

Mr Sandy Russell

Mr Paddy Waring

Mr Barrie Wilcox