

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

for the period 1 April 2006 to 31 March 2007

Laid before the Scottish Parliament  
at the request of Scottish Ministers

SE/2007/161

## Members of the Committee

### **Alistair MacLeary**

Honorary Professor, University of Heriot-Watt and formerly MacRobert Professor of Land Economy at the University of Aberdeen. Member of the Lands Tribunal for Scotland 1989-2005. Chairman of the Committee and member of the Council since September 2005.

### **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 since 2005. Member of the Committee since 2004.

### **Elizabeth Cameron**

Formerly worked for the Citizens' Advice Bureau, latterly in Edinburgh Sheriff Court as manager of the In-Court Advice Services and co-ordinator of the Mediation Service. Vice-Chair of the Scottish Mediation Network. Lay member of the Scottish Solicitors' Discipline Tribunal. Member of the Committee and the Council since 2002.

### **Douglas Graham**

Solicitor in private practice with experience in community and voluntary organisations. Chair of the Audit and Risk Committee and member of the Board of the Big Lottery Fund and member of its Scottish Land Fund Committee. Former non-executive director of NHS Highland. Member of the Committee since 2000.

### **Stephen 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. Lead signatory/collator in matters of child protection for a national voluntary organisation. Member of the Committee and the Council since 2001.

### **Audrey Watson**

Solicitor with West Lothian Council, responsible for licensing and for the training of JPs. Depute Clerk of Court and of the Peace. Project co-ordinator for the District Courts Association. Consultant providing training in relation to the practice and procedure of District Courts. Legal Assessor and former panel member for the Health Professions Council. Depute Clerk to the Scottish Solicitors' Discipline Tribunal. 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. Former manager, Ayrshire Centre, Scottish Marriage Care and resource worker with the Richmond Fellowship Scotland. Volunteer for Citizens' Advocacy Support Services. Independent Custody Visitor for Strathclyde Joint Police Board. Member of the Committee since 2000.

**Ann Abraham**

United Kingdom Parliamentary Ombudsman. *Ex-officio* a member of the Committee and the Council since 2002.

**Alice Brown**

Scottish Public Services Ombudsman. *Ex-officio* a member of the Committee and the Council since 2004.

This year the Committee bade farewell to two of its members. Douglas Graham brought a sharp perception, and at times wit, to Committee proceedings and his wide knowledge of employment law and more rural matters gave balance and insight to our deliberations. Mary Wood also left after seven years of sharing her deep interest in social justice and users' needs. She became the Committee's expert in education appeal committees and will be missed especially for asking those pertinent questions which others might think about but never actually voice. We wish them well for the future.

Secretary  
Assistant Secretary  
Admin Assistant

Marjorie MacRae  
Gordon Quinn  
Julia Hewitt

George House  
126 George Street  
EDINBURGH  
EH2 4HH

Telephone 0131 271 4300  
Fax 0131 271 4209  
Email [sccot@gtnet.gov.uk](mailto:sccot@gtnet.gov.uk)

[www.council-on-tribunals.gov.uk](http://www.council-on-tribunals.gov.uk)

## Foreword

This is the twenty second report of the Scottish Committee of the Council on Tribunals and it will be its last as presently constituted. With the passing of the Tribunals, Courts and Enforcement Act 2007 we will be reborn as the Scottish Committee of the Administrative Justice and Tribunals Council with a wider range of statutory duties. The Scottish Committee will continue its oversight of tribunals as evidenced in this report. However, it will now have a much wider remit to review and advise on administrative justice generally including the relationship between the various components of the system such as ombudsmen, tribunals and the courts. It is also given the express power to scrutinise and comment on legislation, both existing and proposed, relating to administrative justice. Our new role will be demanding but it is one we accept with enthusiasm bringing as it does the prospect of a more cohesive approach to administrative justice in Scotland.

Over the last year we have been preparing for this new role while faithfully observing our present responsibilities. We have continued to build on our relationship with the Tribunals Service and the Scottish Tribunals Forum. In alliance with the Scottish Public Services Ombudsman we have promoted research into the landscape of administrative justice in Scotland through an Administrative Justice Steering Group and with the support of the Scottish Executive. The product from this examination of administrative justice in Scotland will provide a basis for further, more specific, inquiries and a template from which desired improvements can be measured.

We have contributed to, and benefited from, our relationship with the Council through, for example, access to surveys of user groups and by contributing to a review of the use of audio-visual equipment in enabling better access to justice. We have also participated in and contributed to an ESRC series of seminars concerned with policy and practice in the field of administrative justice.

In all of this our primary concern remains with the user. We will strive to ensure that the people of Scotland have access to the quality of administrative justice that they deserve.

Alistair MacLeary, Chair

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## Summary

The topics covered in this report include:

- the imminent enactment of the Tribunals, Courts and Enforcement Bill
- our continuing involvement in the Scottish Tribunals Forum
- our response to the consultation on the future of Children's Hearings
- our response to the consultation on Education Appeal Committees and our ongoing concerns
- our first year's experience of visiting hearings of the Mental health Tribunal for Scotland
- observations from some of our routine visits to tribunal hearings

## **The Tribunals, Courts and Enforcement Bill**

1 Following publication of the White Paper 'Transforming Public Services: Complaints, Redress and Tribunals' in July 2004, which we commented on in earlier reports, the draft Bill was finally published in July 2006 and introduced in Westminster in November 2006. Apart from the significant proposals to create a new, simplified statutory structure for tribunals which operate on a GB-wide basis, the Bill replaces the Council on Tribunals with an Administrative Justice and Tribunals Council.

2 The first question for us to address is, what precisely is administrative justice? We know it covers an immensely wide field and we have already started to make contact with a number of organisations, beyond tribunals themselves, who are involved in representation, dispute resolution, advisory services, complaints handling and any aspect of a judicial process which falls short of court proceedings. As part of the parent AJTC, we will have a role to play in identifying research priorities in the administrative justice system and during the year we have been building our links with the academic world in anticipation of future collaboration.

3 Subject to the parliamentary timetables, we expect to take on our new identity before the end of the 2007-08 reporting year.

### **Scottish Tribunals Forum**

4 Our participation in meetings of the Forum continues to be of great value. This is an informal, non-statutory body but by its very nature, senior representatives of both reserved and devolved tribunals which hold hearings in Scotland have been able to discuss the implications of the significant developments which have taken place during the year as the Tribunals Courts and Enforcement Bill has progressed through Westminster and to share experiences and problems with like-minded colleagues.

5 The Bill has been the main subject for debate during the year. It has been particularly helpful that Lord Justice Carnwath, as senior President designate, and senior officials of the Tribunals Service have been willing to come to our Edinburgh meetings to explain the rationale behind certain provisions in the Bill and to listen to the concerns of practitioners who will have to operate under the new legislation. It is also important for those in the Tribunals Service to appreciate the nuances which Scots law places on the new arrangements so that we avoid the situation where impractical provisions, or indeed those which might be *ultra vires* in a Scottish context, are imposed on the operation of tribunals taking place in Scotland.

6 The inclusion of devolved Scottish tribunals in the Forum is no accident: it is important for them to understand what is happening to their English and Welsh counterparts but also for it to be seen clearly that they too have a significant role to play in administrative justice in Scotland. In terms of case throughput, the devolved tribunals are far from being minnows in the pool. It will be part of our expanded role to ensure that a divide between reserved and devolved tribunals does not grow to impact on the operation of, or resources available to, tribunals whichever legislation they are governed by.

7 Through the Forum we are hoping also to influence the provision of tribunal training in Scotland. This has long been our aim, and the advent of the Tribunals Service with its dedicated budget for training in the reserved tribunals has highlighted the need for increased centralised provision of training opportunities for the devolved tribunals. Training has taken place, and in some tribunals it is very detailed, but it has been organised on an individual piece-meal basis by committed tribunal heads. We believe firmly that economies of scale under a Scotland-wide initiative could be of tangible benefit to Scottish tribunals and their users. We played a small part with the publication of our Tribunal Training Register three years ago. We hope that that can be built on: although each tribunal has a need for specialist training in its particular legislative provisions, there is plenty of scope for generic training in fairness, weighing up evidence and impartiality which is common to any component of administrative justice. The Forum hopes to make progress with the Scottish Executive.

### **Children's Hearings**

8 Last year we reported the comments we had made in response to the Scottish Executive's consultation on the future of Children's Hearings. In early 2007 we studied carefully those parts of the draft Children's Services (Scotland) Bill which, amongst wider policy issues on social care and offending, included various proposals which would affect how Children's Hearings are conducted.

9 Whilst we support the intention behind the Bill to develop a single assessment, planning and recording tool, we felt there was a danger that this 'plan' would become confused with the now defunct record of needs and with the quite separate 'plan' which has already been introduced for the Additional Support Needs Tribunal. We found the statement in the Bill to be somewhat sweeping in its contention that every child who goes before a hearing will have the new plan in place before the end of 2007 and we were concerned that no mention was made of how these plans would be drawn up nor what would happen at a speedily convened hearing where the child involved has had no

previous need for guidance or help. We expect much more thought to be given to this; it is too important an issue to be open to confusion.

10 We have very serious concerns about the idea that community representatives or victims could be allowed to be present or know the outcome of a hearing and the linked proposal that information about hearings' decisions and outcomes should be provided to communities. Firstly, it is clearly contrary to the European Convention on Human Rights to divulge private family circumstances. Hearings are quite deliberately held in private to protect the interests of the child and to open the hearing process up to strangers will put the child and its family at risk. Secondly, even a so-called anonymous statistical report could lead to identification of an individual in small samples such as those in rural areas and the consequential intimidation and accusations will lead to far greater problems than the proposal seeks to resolve. We advised the Executive that we would not support any change to the procedural rules which widened the list of those entitled to be present to include community representatives or alleged victims.

11 There were some positive recommendations which we supported. We agree with the proposal that significant need and compulsion tests should be applied to referrals to a Children's Hearing. We were particularly pleased to see the intention for there to be a positive duty on agencies to implement actions agreed at a Hearing; too frequently we have been made aware that a panel's recommendations could be disregarded which makes a nonsense of the whole process. We believe it is vital for a panel to reach its carefully reasoned decisions in the knowledge that their conclusions will be acted upon; this was one of the strong recommendations in our special report on Children's Hearings as far back as 2002.

12 We also supported those proposals, which can be implemented without the need for legislation, to allow the frequency of hearings to be determined according to the child's needs and to enable the timing of hearings to be made much more flexible to take account of individual and family circumstances. This too has long been one of our recommendations for user accessibility and one which is increasingly being practised by a number of tribunal systems. The welcome intention to provide for continuity of panel membership from one hearing to another, where beneficial, was another of our recommendations; this can eliminate the need for harrowing facts to be repeated and we endorse it strongly. Although we were also pleased to see the proposed requirement for the provision of legal representation for children, we wonder at the practicality of finding sufficient solicitors with the necessary expertise. We cautioned also that careful guidance will be necessary so that the phrase '..where appropriate..' is interpreted consistently, fairly and timeously.

13 We now await the further consultations on this important arm of the justice system, not least the question of support arrangements for panel members because their commitment and dedication is crucial to the success of the whole system.

14 Our visits this year took in two sessions of hearings where our standards were met in full. These were examples of how to conduct hearings; thoughtful and sensitive handling by well trained panels. We will be anxious to ensure that any proposed changes to the support arrangements do not damage the dedication and team work of panel members which we have always observed on our visits.

### **Education Appeal Committees**

15 It is now seven years since this Committee published its special report on Education Appeal Committees with a number of core recommendations. In the intervening time we have continued to press our case wherever possible and there have certainly been some significant improvements in a number of authorities, especially in the perception of independence from education departments and the opportunities within many authorities for panel members to receive basic training. However even forward-looking authorities are limited in what they can do under the existing legislation.

16 We therefore welcomed the Scottish Executive's consultation paper at the end of 2006 outlining proposals for reform. Of particular interest within the consultation was the outcome of research commissioned by the Executive to inform its proposals. This confirmed many of our own observations expressed over the years.

17 Unfortunately our pleasure at seeing proposals for reform was tempered by disappointment that there is no promise to amend the underlying regulations under which EACs operate and which, in our view, are not human rights compliant. Without statutory change it is just tinkering at the edges and a wasted opportunity. Unless the composition of tribunals, with its inclusion of councillors who are there purely in that capacity, and the lack of mandatory training are addressed, hearings will not meet the required standard, no matter how well they are run. There is no transparent fairness or impartiality in panel membership and at times we have seen a rehearsal of local authority or party policy instead of consideration of evidence and weighing up of facts. We know of hearings where panel members have been brought into the system because 'someone knew them'.

18 There are arguments in favour of centralised recruitment for panel members throughout Scotland, on the same lines as the long-established procedures for recruiting Children's Hearing panel members. Indeed, such a centralised process need not be limited to

one tribunal system and it would be entirely open and transparent, as well as cost-effective, to have centralised recruitment for all devolved tribunal systems. We know that the Scottish Executive will shortly set up exactly that process for lay justice recruitment and, having done that, we do not see it as insurmountable to introduce it for tribunals.

19 We did support strongly the proposal for the Scottish Executive to fund the production of national training material for EAC members and we indicated that it should be a requirement for members to undertake this before sitting on a panel. But it needs to be arranged centrally otherwise there is a danger that it will not be implemented and it needs to be interactive: sending out papers to be read will not be effective.

20 The consultation asked whether non-statutory guidance should be produced but we fear that this will make little difference. Guidance from COSLA has been available for many years but we still attend hearings where the panel claims not to have seen it. Without statutory backing, it is inevitable that some authorities will not pay any heed to guidance. One of the questions posed in the consultation was whether authorities should produce an information leaflet for appellants. We endorse the provision of information but not if it is left to each authority to produce its own; inevitably this will lead to inconsistency across Scotland which is one of the difficulties existing now when authorities have their own interpretation of the out-of-date regulations.

21 We had some misgivings that the consultation analysis report appeared to be evaluated solely on a numerical basis. As might have been expected, the majority of responses came from local authorities who are not only involved in running the hearings but also have a vested interest in the outcome. We were not surprised that few local authorities were in favour of fundamental change but we hope that the Scottish Executive will give some weight to those independent interest groups who, like us, stressed that the current system does not meet the standards of fairness and impartiality which are paramount to a judicial process.

22 Our visits give us insight into different approaches by various authorities. We made two visits to hearings this year where our standards were met apart from the limitations of the legislation regarding committee membership; we saw focus on the users and sensitivity to the effects of the process and the decision on the child and its family. We saw panels which had been able to benefit from training sessions - and we attended two of them in addition to observing hearings - but this was because the authorities concerned were committed to training and had been prepared to devote time and resources to arranging it. They are to be congratulated on this; unfortunately it is not a universal practice.

23 We wait to learn whether reform will be carried forward by the new Executive.

### **Private Rented Housing Panel**

24 Last year we reported on our consideration of the Housing (Scotland) Act 2006 in respect of the proposals to allocate additional functions to the present Rent Assessment Panel.

25 This year we looked at the procedural rules under which the new panel will operate. We were conscious of the need to avoid confusion between these rules for the new panel and the continuation of the existing rules for rent assessment matters, both of which will be dealt with by the same panel members. The only point of substance which we pointed out was the total absence of reference to voluntary mediation which all agreed is a crucial element of the new process. We now understand that since the enabling Act does not provide for mediation to be part of the application to the panel, and the regulation-making power is restricted to the making or determination of applications, it was not possible to include details of that process in the regulations but the Department assures us that the importance of mediation will be provided in non-statutory guidance from the panel.

26 We did not succeed in persuading the Executive to revise the continuing separate rules relating to rent assessment matters. Whilst we accept that such cases are diminishing, we note that the rules are some twenty years old: they are out of date by any modern standards and were written long before the Human Rights Act 1998 came into force. We have no doubt that the panel President will continue to operate in a totally fair and impartial manner but the contrast between the two sets of regulations, for private rented housing or rent assessment matters, will be noticeable and it will be important for the administration and panel members to be aware of different provisions.

27 We look forward to visiting the new tribunals when they begin hearing applications later in the year.

### **Scottish Charities Appeal Panel**

28 Two years ago we noted the proposals in the then Charities and Trustee Investment (Scotland) Bill to establish a new tribunal to hear appeals against decisions of the Scottish Charities Regulator in connection with the registration of charitable organisations. This year we had the opportunity to comment on the proposed regulations. This tribunal system is interesting in that appellants could come from a very wide field, from multi-national organisations on the one hand to very small companies or individuals on the other. Not all will have the

benefit of professional advisers and whilst we appreciated the Executive's intention to make the appeal process a user-friendly experience, we are always aware that any tribunal is a judicial proceeding: what appears at quick glance to be overly formal rules is actually necessary phraseology to avoid confusion and legal challenge at a later date. We asked for a number of points to be incorporated which we believe strikes a fair balance between good judicial practice and easily understood requirements so that the rules now laid will be a good basis for future appeals, whoever the appellant may be.

### **Mental Health Tribunal for Scotland**

29 Last year we reported on the development of procedural rules for this important new tribunal and that we had begun to visit hearings. We have continued to make visits this year. We also had a helpful meeting with the President who had the daunting task of establishing an extremely high profile new system with a huge caseload.

30 Every panel we have observed has been caring and entirely focused on the patient. There was always positive interaction between the various panel members so that their individual backgrounds came together to decide what was fair, what the legislation allowed and what was in the best interests of the patient. But at all times there was a relaxed and informal manner: clearly it is a judicial process, with the possibility of life-changing decisions, but the positive steer away from legal jargon and a court-like atmosphere is to the benefit of all concerned.

31 The dedicated and high level of training was without doubt the single biggest factor in establishing a successful tribunal system, not least because many panel members were already senior professionals in their given field who might have felt that training was scarcely called for. But the training has contributed greatly to the teamwork which we now see and the emphasis on a fair hearing to preserve a patient's rights in a judicial process rather than yet another case conference. We were delighted to learn that the same organisation has been awarded the contract to provide ongoing training over the next three years and we know from our discussions with panel members that this, and the opportunity to meet other panel members outside the hearing process, will be appreciated.

32 We do have concerns about some of the premises used for hearings. The provision of these lies with health authorities rather than the tribunal. Obviously it is necessary at times to hold a hearing within the hospital or secure premises where the patient is, but the standard varies considerably: at times dingy uncomfortable rooms, too small for the inevitable numbers necessarily attending; no waiting areas and lack of soundproofing. Interestingly, we found that the most secure

accommodation in Scotland at the State Hospital provided the best, self-contained and relaxing hearing suite and thought had obviously been given to creating it. We will maintain a close interest in this aspect and make our views known as necessary.

33 Finally we want to comment on the presence of advocacy workers. Although they cannot act as legal representatives, in a situation of conflict the advocacy worker can be a most calming influence and of great benefit to the hearing. We have offered our support for the continued funding of such workers to the Scottish Executive. Since many advocacy workers come from a number of small organisations, we consider that this funding should be supplemented by guidance and the setting of appropriate standards.

### **Feedback**

34 Although our expanded role as an Administrative Justice and Tribunals Council will lead us to a much wider remit, we will still be responsible for overseeing the working of tribunals. We believe it is essential for us to continue to visit hearings – it is the only way in which we can see for ourselves how tribunals are working and whether there are inherent problems which we need to bring to the attention of those responsible for them. We have reported in recent years how our policy of feedback to the tribunals has developed and we, and our parent Council on Tribunals, have taken this a step further. From now on, rather than just giving the president or head of the system a résumé of what we observed, we will be sending them a copy of the report which visiting members complete – hitherto, this has been for our own members only. In these anonymised reports we comment on how well the Council's three standards – independence and fairness, accessibility to users and cost-effective procedures – have been met. We will continue to make our comments constructive and we hope the reports will be of value to the tribunals themselves.

### **Our routine visits**

35 As well as the visits already referred to, this year members have attended the following hearings:

36 *Additional Support Needs Tribunals for Scotland.* We always knew that the provisions of the Education (Additional Support for Learning) (Scotland) Act 2004 to introduce the co-ordinated support plan regime would take some time to be worked through. The caseload for the tribunal so far has been relatively small and we hope this will not lead to a falling off of interest by the panel members appointed to hear appeals. This is another tribunal system where the president has instigated an excellent, ongoing training programme and the benefits of this were borne out by our observations. The panels

operated as good teams: a structured but relaxed atmosphere with proceedings totally focused on the child.

37 One of our members also attended a user group meeting. This was a well-managed event which provided the most up-to-date information about the tribunal and was clearly appreciated by a good range of delegates including parents, advisers and local authority staff as well as panel and secretariat members. The mix of all those involved in a tribunal system is what user groups are all about so that each can understand others' problems and requirements and our visiting member felt that this goal was well met.

38 Our member's visit to an *Employment Tribunal Scotland* hearing was a good illustration of a sensitive, enabling chair dealing sympathetically with a distressed appellant. We understand that a number of cases are now coming to hearing, which would have been settled earlier in the past, because of a reduction in resources available to the Advisory, Conciliation and Arbitration Service. Clearly this concerns us but it must also concern the tribunal since it carries implications for case management and resources. It was also interesting to learn that large increases in the number of workers from other countries, especially Poland, may give rise to additional training needs within the tribunal, not least in dealing with interpreters.

39 We made one of our occasional visits to a hearing of the *Lands Tribunal for Scotland*. Our visiting member was interested to observe how the chair had taken steps to focus the parties on the key issues by writing to them in advance to clarify preliminary matters and initial submissions, which had helped greatly in the hearing of what turned out to be a test case under particular legislation. All of our standards were met.

40 We have come to expect that our visits to the *Social Security and Child Support Appeals Tribunal*, formerly The Appeals Service, would confirm all of our standards being met and this year was no exception. We have often commented on the excellent training which is made available to panel members and our visits showed again a tribunal working efficiently and effectively. As we have noted previously, however, the availability of a presenting officer would be a benefit in some cases, not least to provide background information and to explain the original decision maker's arguments, but we appreciate that this is not within the tribunal's control. We are coming to the view that some of the panel member training events, such as those which include sessions on how to use interpreters, should be extended to those who are designated as presenting officers so that problems can be avoided where the appellants do not have English as their native tongue.

41 We are also becoming aware of falling numbers of appeals for this jurisdiction. First indications are that this could relate to improvements in 1<sup>st</sup> tier decision making: as part of our wider role in relation to administrative justice, this is an issue which the Committee would like to return to in the future.

42 We made just one visit to a *Value Added Tax and Duties tribunal*. This was a well-conducted hearing and it enabled our member to test the tribunal facilities in the new building which is shared by a number of tribunals. Apart from a few minor issues on signage, which have now been addressed, the premises are an improvement on what went before with good access, modern facilities and a number of smaller rooms for witnesses and parties to converse in private.

43 Two visits were made to NHS related hearings. The first, *the NHS National Appeal Panel for entry into pharmaceutical lists*, confirmed the vast improvements which have been made in this system in recent years. The inclusion of a site visit prior to the actual hearing is now the norm and it makes a significant difference to the panel's ability to understand the case arguments. We still have concerns about the large number of panel members which the legislation requires but we accept that this cannot be changed unless the Regulations are amended. Our member saw a focused panel which worked well together and the now regular refresher training, which helpfully includes those within the health authority who make the original decision, seems to be appreciated.

44 Our second NHS visit was to part of an NHS Health Board meeting where the recommendation of an *NHS Discipline Committee* was being considered. Our reports over many years have detailed our concerns about this tribunal system, and although some changes were made last year, the lack of any timescales or central control continues to be an issue. We have again been promised consultation on a centralised administration; as before, we will keep pressing for this and we hope that the Scottish Executive will use an early opportunity for new legislation.

45 Our visit to a session of hearings by the *Criminal Injuries Compensation Appeal Panel* showed a highly skilled and sympathetic panel with members sharing their knowledge and experience to understand what can be difficult experiences for appellants. We continue to have concerns about the length of time to bring some cases to hearing, often complicated by long processes within the original decision makers who have to amass evidence and await the outcome of criminal proceedings.

## **Annex A - the role of the Scottish Committee**

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

2 In this reporting period our members made 73 visits: 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 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. Once proceedings are completed, we try to discuss the operation of the tribunal with the 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 which, as we report earlier, we now share with the relevant tribunal system or Government department. Our approach, which is increasingly focused on the user's experience, is open and we discuss what we have observed - both the positives and the negatives - with the panel members after the hearing is over. Any report or discussion is based on our Framework of Standards document.

5 We again record our appreciation of the assistance and co-operation of the appeal systems we visit.

6 We must stress that we are not a complaints body: we have no authority to investigate or adjudicate on complaints about the handling of individual cases by tribunals or inquiries under our supervision. Our statutory role 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 Ministry of Justice (formerly 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 Tribunals' and the Scottish Committee's budget respectively.

9 The breakdown of the expenditure for the financial years 2005-2006 and 2006-2007 is detailed below.

	<b>2005-2006</b>	<b>2006-2007</b>
Staff salaries *	63,790	67,870
Members' retainers **	38,564	40,028
Members' travel costs	5,954	4,730
Administrative costs including office supplies, postage etc	20,353	16,066
<b>Total</b>	<b>128,661</b>	<b>128,694</b>

\* Staff are permanent civil servants seconded from the Scottish Executive. These costs include NI contributions and superannuation.

\*\* Excludes the salary of the chair and 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) and the Scottish Public Services Ombudsman are *ex officio* members of both the Council and the Scottish Committee. Retainers and certain travel expenses are paid to all appointed 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 Guide to Drafting Tribunal Rules published in November 2003 which updates significantly, and replaces, the original Report on Model Rules of Procedure for Tribunals (Cm 1434, March 1991). 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 legislation 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 supervised tribunals

1 JANUARY TO 31 DECEMBER 2006 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

<b>TRIBUNAL</b> <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	<b>CASES</b> (a) b/f from 2005 (b) received in 2006 (c) withdrawn (d) decided in 2006 (e) c/f to 2007	<b>WAITING TIMES</b> (a) Weeks from receipt of appeal to hearing (b) Days from hearing to despatch of decision
<b>A</b> <b>AGRICULTURE</b> <i>Agricultural Arbiters under S.63 of the Agricultural Holdings (Scotland) Act 1991</i>	(a) 26 (b) 0 (c) 1 (d) 13 (e) 12	(a) Not available (b) Not available
<b>B</b> <b>AVIATION</b> <i>The Civil Aviation Authority constituted in accordance with S.2 of the Civil Aviation Act 1982</i>	UK 01.04.06 to 31.03.07 (a) 0 (b) 17 (c) 4 (d) 9 (e) 5	(a) 8 (b) 5
<b>B</b> <b>BETTING LEVY</b> <i>The Horse Betting Levy Appeal Tribunal for Scotland under S.29 of the Betting Gaming and Lotteries Act 1963</i>	(a) to (e) 0	Did not sit in Scotland during the reporting of the year.
<b>A</b> <b>CHARITIES</b> <i>Scottish Charities Appeal Panel appointed under the Charities and Trustee Investment (Scotland) Act 2005</i>	(a) to (e) 0	New tribunal – did not sit in Scotland during the reporting year.

<b>TRIBUNAL</b> <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	<b>CASES</b> <b>(a) b/f from 2005</b> <b>(b) received in 2006</b> <b>(c) withdrawn</b> <b>(d) decided in 2006</b> <b>(e) c/f to 2007</b>	<b>WAITING TIMES</b> <b>(a) weeks from receipt of appeal to hearing</b> <b>(b) days from hearing to despatch of decision</b>
<b>B</b> <b>COPYRIGHT</b> <i>The Copyright Tribunal under S.145 of the Copyright, Designs and Patents Act 1998</i>	(a) to (e) 0	Did not sit in Scotland during the reporting year.
<b>B</b> <b>CRIMINAL INJURIES</b> <i>Criminal Injuries Compensation Adjudicators appointed under S.5 of the Criminal Injuries Compensation Act 1995</i>	UK 01.04.06 to 31.03.07 (a) 3,284 (b) 2,136 (c) 305 (d) 2,968 (e) 2,147	(a) 15 (b) Given at hearing.
<b>A</b> <b>CROFTING</b> <i>Crofters Commission under S.1 of the Crofters (Scotland) Act 1993</i>	(a) 2 (b) 8 (c) 1 (d) 5 (e) 4	(a) 10 (b) 40
<b>A</b> <b>EDUCATION</b> <i>Additional Support Needs Tribunals for Scotland under S.17-21 and sch. 1 of the Education (Additional Support for Learning) (Scotland) Act 2004</i>  <i>Education Appeal Committees under S.28D of the Education (Scotland) Act 1980</i>	(a) 0 (b) 42 (c) 4 (d) 28 (e) 10  01.08.05 to 31.07.06 Placing (a) Not available (b) 691 (c) 238 (d) 449 (e) 4  No information available for exclusion cases	(a) 11 (b) 7          (a) Not available (b) Not available

<b>TRIBUNAL</b> <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	<b>CASES</b> <b>(a) b/f from 2005</b> <b>(b) received in 2006</b> <b>(c) withdrawn</b> <b>(d) decided in 2006</b> <b>(e) c/f to 2007</b>	<b>WAITING TIMES</b> <b>(a) Weeks from receipt of appeal to hearing</b> <b>(b) Days from hearing to despatch of decision</b>
<b>A</b> <b>EMPLOYMENT</b> <i>The Employment Tribunal under the Industrial Tribunals Act 1996</i>	(a) 12,082 (b) 28,827 (c) 7,096 (d) 4,738 (e) 33,684	(a) 16 (b) 19
<b>B</b> <b>FAIR TRADING/COMPETITION</b> <i>The Director General of Fair Trading under sch.1 to the Fair Trading Act 1973</i>  <i>Competition Appeal Tribunal established under S.12 of the Enterprise Act 2002</i>	UK 01.04.06 to 31.03.07  (a) 36 (b) 108 (c) 27 (d) 88 (e) 29  (a) 1 (b) 0 (c) 0 (d) 1 (e) 0	(a) 9 (b) 78  (a) Not available (b) Not available
<b>B</b> <b>FINANCE</b> <i>Financial Services and Markets Tribunal under S.132 of, and sch.13 to, the Financial Services and Markets Act 2000</i>	(a) to (e) 0	Did not sit in Scotland during the reporting year.
<b>A</b> <b>FORESTRY</b> <i>Forestry Committees appointed in Scotland for the purpose of the Forestry Act 1967</i>	(a) to (e) 0	Did not sit in Scotland during the reporting year.
<b>B</b> <b>GENDER</b> <i>Gender Recognition Panel under sch 1 to the Gender Recognition Act 2004</i>	(a) to (e) 0	Did not sit in Scotland during the reporting year.

<b>TRIBUNAL</b> <i>(unless otherwise indicated figures relate to hearings in Scotland)</i>	<b>CASES</b> <b>(a) b/f from 2005</b> <b>(b) received in 2006</b> <b>(c) withdrawn</b> <b>(d) decided in 2006</b> <b>(e) c/f to 2007</b>	<b>WAITING TIMES</b> <b>(c) Weeks from receipt of appeal to hearing</b> <b>(d) Days from hearing to despatch of decision</b>
<b>B</b> <b>IMMIGRATION</b> <i>Asylum Support Adjudicators</i> under S.102 of the Immigration and Asylum Act 1999  <i>Asylum and Immigration Tribunal</i> under S.81 of the Nationality, Immigration & Asylum Act 2002	01.04.06 to 31.03.07 (a) 0 (b) 41 (c) 3 (d) 34 (e) 0  UK 01.04.06 to 31.03.07 (a) 0 (b) 146,309 (c) 17,798 (d) 156,496 (e) 61,576	(a) 1 (b) 2   (a) 28 (b) 9
<b>B</b> <b>INFORMATION</b> <i>Information Tribunal</i> constituted under S.6 of the Data Protection Act 1998  <i>Information Commissioner</i> appointed under S.6 of the Data Protection Act 1998	(a) to (e) 0  (a) to (e) 0	Did not sit in Scotland during the reporting year.  Did not sit in Scotland during the reporting year.
<b>B</b> <b>INSOLVENCY</b> <i>Insolvency Practitioners Tribunal</i> under S.396 of the Insolvency Act 1986	(a) to (e) 0	Did not sit in Scotland during the reporting year.
<b>A</b> <b>LAND</b> <i>Lands Tribunal for Scotland</i> under S.1(a) of the Lands Tribunal Act 1949	(a) 113 (b) 125 (c) 21 (d) 74 (e) 143	(a) 19 (b) 35

<b>TRIBUNAL</b> <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	<b>CASES</b> <b>(a) b/f from 2005</b> <b>(b) received in 2006</b> <b>(c) withdrawn</b> <b>(d) decided in 2006</b> <b>(e) c/f to 2007</b>	<b>WAITING TIMES</b> <b>(a) weeks from receipt of appeal to hearing</b> <b>(b) days from hearing to despatch of decision</b>
<b>A</b> <b>LOCAL TAXATION</b> <i>Valuation Appeal Committees under S.29 of the Local Government (Scotland) Act 1994 and Local Government Finance Act 1992</i>	01.04.06 to 31.03.07 (a) 54,179 (b) 7,261 (c) 29,309 (d) 758 (e) 31,373	(a) 45 (b) 4
<b>A</b> <b>MENTAL HEALTH</b> <i>Mental Health Tribunal for Scotland under the Mental Health (Care and Treatment) (Scotland) Act 2003</i>	(a) 0 (b) 2,798 (c) 464 (d) 1,968 (e) 6	(a) 2 (b) 18
<b>A</b> <b>NATIONAL HEALTH SERVICE</b> <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) 12 (b) 1 (c) 6 (d) 6 (e) 1  (a) 2 (b) 2 (c) 0 (d) 2 (e) 2  (a) 4 (b) 33 (c) 2 (d) 25 (e) 10	(a) 33 (b) 180  (a) No average (b) No average  (a) 10 (b) 5
<b>B</b> <b>NATIONAL SAVINGS</b> <i>National Savings Bank and National Savings Stock Register Adjudicator under S.84 of the Friendly Societies Act 1992</i>	(a) to (e) 0	Did not sit in Scotland during the reporting year.

<b>TRIBUNAL</b> <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	<b>CASES</b> <b>(a) b/f from 2005</b> <b>(b) received in 2006</b> <b>(c) withdrawn</b> <b>(d) decided in 2006</b> <b>(e) c/f to 2007</b>	<b>WAITING TIMES</b> <b>(a) weeks from receipt of appeal to hearing</b> <b>(b) days from hearing to despatch of decision</b>
<b>B</b> <b>PATENTS, DESIGNS, TRADEMARKS AND SERVICE MARKS</b> <i>The Comptroller General</i> under S.7A(4) of the Deregulating and Contracting Out Act 1994	(a) to (e) 0	Did not sit in Scotland during the reporting year.
<b>A</b> <b>PENSIONS</b> <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) 88 (b) 227 (c) 26 (d) 207 (e) 82  (a) to (e) 0	(a) 12 (b) 14  Did not sit in Scotland during the reporting year.
<b>B</b> <b>POLICE</b> <i>The Police Appeal Tribunal</i> established under the Police and Magistrates Court Act 1994	(a) 2 (b) 4 (c) 0 (d) 5 (e) 1	(a) 19 (b) 13
<b>A</b> <b>RENT</b> <i>Rent Assessment Committees</i> under the Rent (Scotland) Act 1984 and the Housing (Scotland) Act 1988	(a) 27 (b) 58 (c) 11 (d) 65 (e) 9	(a) 9 (b) 22
<b>B</b> <b>RESERVE FORCES</b> <i>Reserve Forces Appeal Tribunal</i> under part IX of the Reserve Forces Act 1996	(a) 0 (b) 1 (c) 0 (d) 1 (e) 0	(a) 4 (b) 4

<b>TRIBUNAL</b> <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	<b>CASES</b> <b>(a) b/f from 2005</b> <b>(b) received in 2006</b> <b>(c) withdrawn</b> <b>(d) decided in 2006</b> <b>(e) c/f to 2007</b>	<b>WAITING TIMES</b> <b>(a) weeks from receipt of appeal to hearing</b> <b>(b) days from hearing to despatch of decision</b>
<b>B</b> <b>REVENUE</b> <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>	UK 01.04.06 to 31.03.07 (a) 0 (b) 41,600 (c) 3,074 (d) 31,114 (e) 8,411  (a) 452 (b) 301 (c) 223 (d) 126 (e) 404	(a) Not available (b) Not available  (a) Not available (b) Not available
<b>B</b> <b>ROAD TRAFFIC</b> <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>	01.04.06 to 31.03.07 (a) 731 (b) 1,638 (c) 1,039 (d) 1,300 (e) 30  (a) 0 (b) 0 (c) 0 (d) 102 (e) 0	(a) 4 (b) 5  (a) Not available (b) Not available
<b>B</b> <b>SOCIAL SECURITY</b> <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>  <i>Social Security and Child Support Appeals under the Social Security Act 1998</i>	01.04.06 to 31.03.07 (a) 105 (b) 799 (c) 20 (d) 824 (e) 60  (a) 14 (b) 24 (c) 6 (d) 24 (e) 8  (a) 0 (b) 29,496 (c) 9,611 (d) 21,666 (e) 6,419	(a) Not available (b) Not available  (a) Not available (b) Not available  (a) 9 (b) 0

<b>TRIBUNAL</b> <i>(unless otherwise indicated figures relate to hearings held in Scotland)</i>	<b>CASES</b> <b>(a) b/f from 2005</b> <b>(b) received in 2006</b> <b>(c) withdrawn</b> <b>(d) decided in 2006</b> <b>(e) c/f to 2007</b>	<b>WAITING TIMES</b> <b>(a) weeks from receipt of appeal to hearing</b> <b>(b) days from hearing to despatch of decision</b>
<b>A</b> <b>SOCIAL WORK</b> <i>Children's Hearings under the Children (Scotland) Act 1995</i>	01.04.05 to 31.03.06 (a) Not available (b) 53,883 (c) Not available (d) 6,255 cases proceeding to a first hearing (e) Not available	(a) Not available (b) Not available
<b>B</b> <b>TRANSPORT</b> <i>Transport Tribunal under sch.4 to the Transport Act 1985</i>	UK 01.04.06 to 31.03.07 (a) 125 (b) 388 (c) 136 (d) 307 (e) 70	(a) Not available (b) Not available
<b>A</b> <b>VALUE ADDED TAX</b> <i>VAT and Duties Tribunals for Scotland under sch.12 to the Value Added Tax Act 1994</i>	01.04.06 to 31.03.07 (a) 218 (b) 172 (c) 63 (d) 49 (e) 278	(a) 20 (b) 20

#### **INQUIRIES – Statistics for 1 April 2006 to 31 March 2007**

<b>Type of case</b>	<b>b/f from 2005- 06</b>	<b>Received</b>	<b>Withdrawn</b>	<b>Decided by Scottish Ministers or planning authorities</b>	<b>Decided by Reporters</b>	<b>c/f to 2007-08</b>
Planning appeals	390	1,065	43	17	930	465
Enforcement appeals	56	121	27	1	88	61
Local Plans	47	5	0	0	0	52
Inquiries opened		141				
Inquiries closed		118				
Reports issued		60				

## Annex E - Scottish Committee visits 1 April 2006 – 31 March 2007

Tribunal system visited	Number	Location
Additional Support Needs Tribunal Scotland	2	Clydebank; Polmont
Asylum & Immigration Tribunal	1	Glasgow
Children's Hearings	2	Glasgow; Selkirk
Criminal Injuries Compensation Appeals Panel	2	Dundee; Glasgow
Crofters Commission	1	Arisaig
Education Appeal Committee	4	Aberdeen; Airdrie; Dumfries; Edinburgh
Employment Tribunal	2	Dundee; Edinburgh
General Commissioners of Income Tax	1	Dundee
Lands Tribunal for Scotland	1	Aberdeen
Mental Health Tribunal for Scotland	7	Aberdeen; Ayr; Carstairs; Edinburgh; Glasgow; Inverness; Kirkcaldy
NHS National Appeal Panel	2	Aberdeen; Larbert
Pensions Ombudsman	1	Edinburgh
Police Appeal Tribunal	2	Edinburgh; Inverness
Scottish Parking Appeals Service	1	Edinburgh
Social Security & Child Support Appeal Tribunal	3	Aberdeen; Dundee; Glasgow
Special Commissioners of Income Tax	1	Edinburgh
Valuation Appeal Committee	1	Glenrothes
Value Added Tax & Duties Tribunal	1	Edinburgh
<b>Training Events</b>		
Additional Support Needs Tribunals for Scotland	1	Edinburgh
Council on Tribunals	1	London
Education Appeal Committee	2	Edinburgh; Glasgow
General Commissioners of Income Tax	1	Glasgow
Social Security & Child Support Appeal Tribunal	1	Edinburgh
<b>User Groups</b>		
Additional Support Needs Tribunals for Scotland	1	Perth
Asylum & Immigration Tribunal	1	Glasgow
Employment Tribunal Scotland	2	Glasgow
Social Security Unified User Group	1	Glasgow
Special Commissioners/VAT & Duties Tribunal	1	Edinburgh

<b>Tribunal system visited</b>	<b>Number</b>	<b>Location</b>
<b>Inquiries</b>		
Public Local Inquiry	1	Dollar
<b>Conferences/Seminars</b>		
Children's Hearings Review	1	Glasgow
Council on Tribunals	1	London
Royal Institute of Chartered Surveyors	1	Edinburgh
Scottish Association for the Study of Offending	1	Peebles
<b>Meetings</b>		
Video hearings research	2	Edinburgh; Glasgow
NHS Board meeting	1	Glasgow
Immigration Appellate Authority	2	Glasgow; London
Scottish Parliament Justice 2 Committee	1	Edinburgh
Administrative Justice steering group	2	Edinburgh
Scottish Tribunals Forum	4	Edinburgh
Other meetings with officials etc	9	Edinburgh; Glasgow
<b>TOTAL</b>	<b><u>73</u></b>	

**Annex F - membership of the Council on Tribunals  
at March 2007**

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

Professor Alistair MacLeary - Chair of the Scottish Committee

Ann Abraham *ex officio*

Carolyn Berkeley JP

Professor Alice Brown *ex officio*

Elizabeth Cameron

Susan Davis

Judith Edwards

Susan Howdle

Penny Letts

Stephen Mannion QPM

Bernard Quoroll

Professor Genevra Richardson

Dr Adrian Stokes OBE

Pat Thomas

Heather Wilcox