

TRIBUNAL PREMISES IN SCOTLAND

A Special Report by

**THE SCOTTISH COMMITTEE
OF THE COUNCIL ON TRIBUNALS**

May 2005

The Scottish Committee of the Council on Tribunals

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Part 1

The Purpose of this Report

We aim to provide information and comment on a wide variety of tribunal premises currently in use in Scotland. We draw attention to good and less good premises. We make proposals for improvement.

1 In November 2002 the Council on Tribunals and its Scottish Committee produced a Framework of Standards in order to provide their members with an appropriate reference for their observations and as a basis for providing feedback to tribunals and their governing departments.

2 This report has been based on the Committee's visits programme since the introduction of the Framework and reflects members' findings when comparing the premises used for hearings against these Standards.

3 During the course of each reporting year Scottish Committee members aim to undertake approximately fifty visits taking in a wide variety of tribunal systems. The visits programme does not adhere rigidly to observing a tribunal in operation. Members also attend training sessions provided by the systems to their membership, sometimes only to observe the training and sometimes to take an active part by explaining what the role and functions of the Scottish Committee are. Members also attend user group meetings, which are organised by tribunals as a medium for obtaining and sharing information with stakeholders.

4 During the period November 2002 to December 2004, covered by this report, the Committee attended seventy-three tribunal hearings sitting at locations spread throughout the length and breadth of Scotland. This foothold in the tribunal world provides the Committee with a unique insight into not only how tribunals operate but also the standard of accommodation in which the tribunal systems have to function.

5 We believe that it is important to the whole ethos of administrative justice that the venues used for tribunal hearings match the needs of the system and take full account of the needs of its client group. The venue should be independent from the department that has been involved in the initial decision making process and, in line with the Disability Discrimination Act, it should be accessible for all. Many of the larger tribunal systems have dedicated hearing venues operating mainly in Edinburgh or Glasgow whilst other systems are required to operate on the coat tails of the local authority responsible for their operation. We thoroughly agree with the use of local premises to improve accessibility unless that compromises independence.

6 Through the production of this report we record our findings and experiences which we have obtained from the many visits undertaken to tribunal hearings in Scotland.

Part 2

Location of hearing venues in Scotland

7 In this section we provide an overview of the tribunal systems which sit in Scotland and report if the system has a dedicated hearing venue in which to operate. This is not a comprehensive list of tribunals sitting in Scotland. There are other systems which have never or have hardly ever sat in Scotland: as this report is based on our members' findings it would be impossible to include such systems. A full list of the tribunals operating in Scotland is given in the Committee's Annual Report. This report covers visits to 19 of the tribunal systems operating in Scotland.

<i>Tribunal</i>	<i>Dedicated tribunal venue</i>
The Appeals Service	Yes - throughout Scotland
Children's Hearings	Yes - throughout Scotland
Criminal Injuries Compensation Appeals Panel	Yes - in Glasgow. Other accommodation is hired elsewhere in Scotland on a rolling programme
Crofters Commission	No - hearings are usually held locally
Education Appeal Committees	No - hearings held in various local authority premises
The Employment Tribunal	Yes - in Aberdeen, Dundee, Edinburgh and Glasgow
General Commissioners of Income Tax	No - hearings usually held in the local Clerk's office
Asylum and Immigration Tribunal	Yes - in Glasgow
Lands Tribunal for Scotland	Yes - in Edinburgh although tribunal sits in other parts of the country as demands justify
NHS Discipline Committees	No - hearings usually held in NHS premises throughout Scotland

NHS National Appeal Panel	No - hearings held locally usually in NHS premises or sometimes utilising facilities of a local hotel
Pensions Appeal Tribunals for Scotland	Yes - in Edinburgh
Police Appeal Tribunal	No - hearings held locally, usually in council buildings
Rent Assessment Committees	Secretariat based in Glasgow which sometimes houses a Committee hearing. On most occasions hearings held locally sometimes in an hotel or in the applicant's home.
Scottish Parking Appeals Service	Yes - secretariat based in Edinburgh where hearings for that city are held. As more cities sign up for this regime, the Service hires a network of independent venues to accommodate local hearings
Traffic Commissioners	Yes - in Edinburgh
Valuation Appeal Committees	No - hearings usually held in a variety of local premises
Value Added Tax & Duties Tribunal	Yes - in Edinburgh although the tribunal sits in other areas of Scotland as the need arises

Part 3

Accommodation used for hearings: meeting the Standards

Framework of Standards

8 We mentioned earlier in this report that the Council on Tribunals and its Scottish Committee had produced a Framework of Standards in November 2002; this is reproduced at Appendix 2. This Framework is used by our members when visiting tribunal hearings and provides a mechanism for giving feedback to the tribunal systems. Standard two, which records that tribunals should be accessible to users and focus on their needs, is effectively the one which our member will use to gauge the suitability of premises.

9 In judging compliance with Standard 2 we have regard for the following areas:-

- independence of the hearing venue and separation from the relevant department
- convenience and accessibility
- access and provisions for those with special needs
- car parking
- reception area and signposting of the hearing venue
- the provision of waiting rooms for all parties
- comfort and cleanliness
- toilets and refreshments
- room layout and parity in seating arrangements for both parties
- introductions and use of nameplates
- audibility of proceedings
- availability of a payphone

10 As can be seen from the above list, all of the categories which our visiting member considers are fairly straightforward and should be provided by tribunal systems. In the main our findings report favourably on this standard and reflect that many of the categories are being met. However our visits have also shown that there are significant lapses such as poor introductions, lack of signposting and refreshments, inaccessible toilets, all of which could be solved without incurring major costs to the tribunals. A more detailed analysis taken from the Committee's visits is recorded in the next section of this report.

Independent venue

11 We are told that not all systems have the required resources to use hearing centres which are independent of the organisation under which they operate, particularly in appeal systems under local authority control. However, we consider it reasonable for a hearing to take place in a setting which truly reflects that the tribunal is an independent decision making body. For example, the hearing could be held in another building which has no

obvious connection with the department involved in the appeal. It can be done: our experiences show that some local authorities have introduced such measures quite satisfactorily, for example holding hearings in their Registrar's facilities. Although council run, these offer a clearly independent setting in which the hearing can take place. We have also noted that appeal systems attached to the NHS are able to use other NHS facilities to hold a hearing in premises which offer an independent setting.

The venue

12 Ideally the tribunal venue should be clearly signposted with someone in the reception area with responsibility for showing people attending where to go and where to find things such as the hearing room and the toilet facilities. In the absence of personnel, clear signposting would help. It takes very little effort to ensure that the waiting area, the hearing room and toilet facilities are clean and tidy. Whilst we recognise that many people now have mobile phones, we think it is still important for a payphone to be in place or at least the use of a phone to be readily available when required. It is also desirable that some provision for refreshments is made even if it is just a water cooler.

Access for those with special needs

13 On the whole much has been done to improve access but we found some premises being used which do not comply with the Disability Discrimination Act. There are still doors which are not wide enough for the passage of a wheelchair and still premises where steps to the hearing accommodation have to be negotiated. Although many systems now routinely ask at the time an appeal is lodged whether special facilities are necessary, and react accordingly, more work needs to be done in this area.

Formality

14 Tribunals are a judicial process and must be conducted in a manner befitting that. Although we accept that the gravity of some matters calls for a more formally structured setting, many systems do not require such an approach. There is much which can be done to make the process less intimidating for users, especially appellants who are unrepresented, and the layout of the hearing rooms, as well as the actions and attitude of the Chair and any panel members, can make a tremendous difference. We found the majority of tribunals to be run with a satisfactory degree of flexibility in an informal, but still suitable, setting which made the process as relaxed as possible but still allowed the procedures to be followed properly.

Parity of treatment

15 It is essential that all parties to any hearing are shown parity. It should be obvious in the matter of seating arrangements that suitable arrangements have to be made to ensure equality of treatment. On occasion it has been less obvious to those organising and chairing hearings that parity must apply also to presenting officers and other officials so that these persons are not

alone with the hearing panel when the appellant or one party is not present and waiting facilities need to be in place for this.

Shared Accommodation

16 In 1996 the Council on Tribunals and its Scottish Committee, in conjunction with the Property Advisers to the Civil Estate, produced the last edition of a Tribunal Hearing Accommodation Register. This Register was an attempt to provide tribunal systems operating throughout the UK with a list of available accommodation which could be shared by other tribunals. Unfortunately it became apparent that there was a general apathy towards this whole enterprise and the Register is no longer produced. The Scottish Committee regards this as a missed opportunity.

17 We think that many tribunals would benefit from sharing accommodation particularly when it involves a tribunal needing to sit in a location on a one-off basis. This could certainly be the case when a rural hearing has to be organised but it could be considered also in almost any setting. It would make sense to contact another system to see if it has accommodation available before making alternative arrangements.

Information to appellants

18 When a visit to a tribunal is organised, one of the first things our member considers is the actual physical condition of the venue that is being used for the hearing. He or she will look at this from the viewpoint of an appellant attending a tribunal.

19 The member will consider how easy the building was to find and whether it was easily accessible by public and private transport. In most cases, as part of the visit arrangements, our member will have been provided with the same information as the appellant. The journey may seem fairly straightforward to someone who frequently uses a particular tribunal or to individuals familiar with the cities that house the tribunals, but to someone who has never visited that place or someone attending from a rural community it can be daunting.

20 Individuals are appearing before tribunals in cases which may affect their life or livelihood. We think it is imperative that the information given to appellants is clear and easily understood and a contact name and telephone number should be included as standard practice. Details relating to public transport and car parking facilities should also be included along with what payments appellants or their witnesses are entitled to claim towards meeting the costs of their travel to attend the hearing.

The Tribunals Service

21 The White paper 'Transforming Public Services: Complaints, Redress and Tribunals' set out detailed plans for the creation of a new service which will be entitled the Tribunals Service. Whilst the Tribunal Service will

effectively concentrate on matters in England and Wales since it is concerned only with tribunals operating under GB-wide legislation, it will undoubtedly impact on those GB tribunals which hold many - often daily - hearings in Scotland. The Tribunal Service will see the coming together of some major tribunals on a rolling programme from 1 April 2006. Within its remit we expect the Service will look at the benefits of sharing resources which will include tribunal hearing rooms.

22 A model for the future may be the Newport Tribunal Hearing Centre which opened in January 2005. In addition to being Wales' only dedicated immigration and asylum centre, it is a venue for Pensions Appeal Tribunals, the Criminal Injuries Compensation Appeals Panel and in the future will look to host other tribunal hearings. The Centre houses nine hearing rooms and ancillary accommodation including an IT training suite, library, conference and prayer rooms. There are facilities for the Home Office, Immigration Advisory Service, Refugee Legal Council and interpreters, as well as a self-contained unit for Pensions Appeal Tribunals complete with a hearing and medical room.

23 The Committee commends of this form of development and we would encourage communication between the various jurisdictions which would enable such facilities to be established in the main centres of population.

Conclusion

24 There is nothing in this report which should come as a surprise to any of the tribunals under our statutory supervision. Since the introduction of our feedback policy we highlight to each system both the positive and negative aspects from our visits and this includes accommodation issues. The suggestions we make are all easily achievable and do not require vast sums of money to be invested. Whilst appreciating that the needs of the system must be met we would urge the administrators of the tribunal systems to consider the needs of the appellant.

25 From the evidence of its findings the Scottish Committee believes that most tribunal systems are meeting the standard. Hearings are normally in premises which are independent, they are quite easy to get to and provide the foundations for a fair hearing to be achieved. We are also impressed by the efforts of many tribunals to take the hearing to a local setting and on some rare occasions we have visited a hearing taking place in an appellant's home.

26 Where we have concerns we make them known. We expect that any serious failings will be addressed by the system concerned or by the relevant department and we would normally revisit the premises in question or maintain contact with those responsible for the tribunal's premises until we are satisfied that any possible remedial action is being taken.

27 The Scottish Committee would like to take this opportunity to convey its thanks to tribunals for their co-operation with the visit arrangements to the hearings observed.

Part 4

Record of visits to tribunals

During the period November 2002 to December 2004 visits were made to 73 tribunals

<i>Tribunal</i>	<i>Location</i>
The Appeals Service	Aberdeen, Dundee, Edinburgh, Galashiels, Glasgow, Inverness, Irvine, Kirkcaldy and Stirling
Children's Hearings	Ayr, Bathgate, Dunfermline, Elgin, Falkirk, Girvan, Inverness and Oban
Criminal Injuries Compensation Appeals Panel	Glasgow
Crofters Commission	Inverness and Lochcarron
Education Appeal Committees	Aberdeen, Ayr, Bellshill, Cumnock, Dundee, Edinburgh, Forfar, Glasgow, Greenock, Inverness, Irvine, Keith and Peterhead
The Employment Tribunal	Aberdeen, Dundee, Edinburgh and Glasgow
General Commissioners of Income Tax	Aberdeen
Asylum and Immigration Tribunal	Glasgow
Lands Tribunal for Scotland	Edinburgh and Perth
NHS Discipline Committees	Dumfries, Dundee, Edinburgh and Glasgow
NHS National Appeal Panel	Duntocher and Port Glasgow
Pensions Appeal Tribunals	Edinburgh
Planning Inquiries	Edinburgh and Stirling

Police Appeal Tribunal	Dumfries, Edinburgh and Inverness
Rent Assessment Committee	Dundee
Scottish Parking Appeals Service	Edinburgh, Glasgow and Perth
Traffic Commissioners	Edinburgh and Skye
Valuation Appeal Committees	Ayr, Edinburgh, Jedburgh, Perth and Stranraer
VAT and Duties Tribunal	Edinburgh

Part 5

Findings from visits undertaken to tribunal hearings during the period November 2002 to December 2004

Separation from the relevant Department

28 In this category the Committee concluded that 76% of the venues visited could be viewed as being independent from the decision making organisation with no perceived links to the department/authority. The downside was that 24% did not offer an independent setting and of those, 18% were totally unacceptable.

29 Members' reports indicate that the tribunal systems which have no dedicated premises for holding hearings are the systems that have a problem in providing an independent venue. Whilst the Committee appreciates that sometimes hearings are held wherever accommodation is offered - usually free of charge or at a reduced cost - this concept needs to be carefully examined. Holding an Education Appeal Committee hearing in the headquarters of the Education Authority or a NHS hearing in NHS premises throws into question the perception of the independence of the tribunal.

30 We have welcomed the initiative of some local authorities in utilising a Registrar's premises to get round this problem. Whilst the venue is still under the remit of the local authority it can be seen to have no connection with the department being appealed against.

Positive comments

Premises totally separate

Negative comments

This is the headquarters of the Education Department whose decision is being appealed

While the premises are ideal and a big improvement on what they had in the past, they house the organisation being appealed against

<p>Recommendation 1 - venues must be separate from the organisation which is being appealed against. Cost is not the critical factor. Imagination should be used in order to meet this important standard.</p>

Convenience and Accessibility

31 94% of the hearings were considered to be held in venues that were central and easy to access.

Positive comments

Two minutes from the station with frequent trains to Glasgow

Good internal bus service

Negative comments

Accommodation not in the city centre so appellants from a wide area who may not be in good health may have a long journey

Recommendation 2 - systems need to be aware of the difficulties some people may have in attending a tribunal hearing. Tribunals should examine the possibility of holding hearings later on in the day to help with travel difficulties for those appellants further afield who may need an overnight stay.

Access and provision for those with special needs

32 When the Disability Discrimination Act 1995 came fully into force in October 2004 it required providers of goods and services to make reasonable adjustments to the physical features of the buildings to make their services more accessible to disabled people. The Scottish Committee has always taken an interest in this aspect when visiting tribunal premises and the Act reinforced the need for tribunals to address this important issue. Our visits have shown that 75% of the premises visited have indeed achieved a satisfactory marking but sadly there is still 25% of premises requiring some form of action to be taken to make the venue more accessible or to improve the provision for those who have special needs.

Positive comments

Disabled car parking and ramp available

Negative comments

There are no provisions for the disabled

It is possible to use a room downstairs if wheelchair access is required. This is entirely dependent on the goodwill of the Registrar

A ramp for disabled access has been created at the rear of the building but it was totally blocked by wheelie bins and rubbish

Recommendation 3 - all tribunal premises should have easy access for the disabled and provide the necessary equipment for a hearing to take place such as wheelchair access and a hearing loop system. It is imperative that tribunals check the needs of each appellant in advance and plan accordingly, if necessary holding the hearing in a venue which is more suited to the needs of the user.

Car Parking

33 80% of the hearings were held in areas with nearby car parking available although this could be quite expensive.

Reception/Signposting

34 73% of the venues had suitable signposting in place with a dedicated reception area to welcome attendees.

Positive comments

The building is signposted and the clerk was waiting in the hallway

A receptionist/doorkeeper is seated at a table very close to the entrance of the building and directs people to the various agencies

Negative comments

None, no central information point. The building housed a number of GPs' surgeries each in its own section. If you stood around long enough someone eventually asked if she could help

No reception or signposting specifically for the hearing

Recommendation 4 - a clear sign to the hearing area, even a temporary one, should be in place. People attending a hearing should be personally met by the clerk or receptionist .

Waiting Rooms

35 We found that 76% of the venues offered suitable waiting rooms and of the 24% which did not, only 4% of these offered totally unsatisfactory facilities. We are told that it is not always possible to provide a waiting room for those attending a hearing, particularly when it is held in local premises hired on an *ad hoc* basis. We consider that this should be accepted by the tribunal only in an exceptional case.

Positive comments

One of the best facilities I have visited

Open plan waiting room plus several additional offices used by legal representatives

Negative comments

This consisted of chairs outside the Committee room

Recommendation 5 – tribunals should accept the need for, and provide, suitable waiting facilities which could be used for private conversations between appellant and representative.

Comfort/cleanliness

36 The Committee had no real concerns in this area with 96% of the venues visited meeting the required standard.

Toilets and refreshments

37 The Committee found that the toilet facilities at most hearings are of an acceptable standard and that refreshments of some kind were often provided to those attending.

Positive comments

Commensurate with a modern council office, tea and biscuits for everyone

Negative comments

Refreshments on view for the panel but none for the parties

The hearing room had a key pad lock so any visitor using the toilet facilities could not re-enter the hearing without finding a tribunal official and explaining where they had been

Recommendation 6 - we recommend that refreshments are put in place for all in attendance at the hearing. Toilet facilities should be easily accessed.

Room layout and parity with seating arrangements

38 Our members have reported that, in the main, tribunals address both of these issues well with 76% of the hearing rooms visited being laid out in a manner that was conducive to the right atmosphere being achieved. We found that 87% achieved parity between all parties attending the hearing.

Recommendation 7 – we encourage those responsible for physically arranging the hearing room to strive for a degree of informality. We appreciate that certain hearings will require a formal setting and we accept this need. From the perception of the appellant the tribunal should encourage parity between all parties, including as they enter and leave the hearing.

Introductions and nameplates

39 Members reported favourably on both of these aspects with 84% of the hearings being introduced in a manner which benefited all in attendance. The use of nameplates is on the increase.

Recommendation 8 - introductions should be used to set the scene and explain the roles of all involved. At the start of the hearing the Chair should introduce everyone present and indicate in what capacity they are there. We would also like to see nameplates in use at all hearings.

Part 6

Summary of Recommendations

We expect that all tribunals, whether large or small, sitting daily or infrequently, will familiarise themselves with the Framework of Standards

We recommend that:-

- independent venues are used
- tribunal systems examine carefully the difficulties faced by appellants in reaching the hearing venue
- access and provisions for those with special needs are in place
- signs to hearing venues are in place and someone is on hand to direct or meet those attending
- waiting rooms and private discussion areas are provided for all parties
- refreshments and easily accessible toilet facilities are available
- the room layout reflects parity of treatment as well as the formality/informality of the proceedings
- introductions are made, roles explained and nameplates used
- the benefits of sharing tribunal hearing rooms/services are considered

We think that there are real opportunities for making better use of resources within the existing tribunal framework and the recommendations made in this report are realistic and achievable.

The Scottish Committee

The Council on Tribunals and its Scottish Committee are independent advisory bodies first established in 1958, following the publication of the Franks Report on Administrative Tribunals and Inquiries and now operating under the Tribunals and Inquiries Act 1992.

The principal functions of the Council and the Scottish Committee, as laid down in the 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 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.

FRAMEWORK OF STANDARDS FOR TRIBUNALS NOVEMBER 2002

Introduction

1 The Council has a statutory role to “keep under review the constitution and working of tribunals”.

2 The framework of standards sets out for the benefit of all the tribunals under the Council’s supervision the issues the Council is concerned with in fulfilling this role. The Council hopes the framework will:

- provide a useful template for the Council to use when it is considering the constitution and working of tribunals and when providing feedback to tribunals;
- make more transparent to tribunals and Government departments the Council’s priorities and concerns;
- provide a tool for Government and tribunals themselves to assist them in reviewing their performance;
- provide guidance for new tribunals;
- promote best practice.

General principles

3 Since tribunals are established to provide a form of redress, mostly in disputes between citizen and State, the Council believes that the principle hallmark of any tribunal is that it must be independent, and perceived as such. The tribunal should be able to reach decisions according to law without pressure either from the body or person whose decision is being appealed, from any party to a dispute or from anyone else. Judicial decisions should be uninfluenced by resource or other external considerations.

4 The 1957 Franks Committee on “Administrative Tribunals and Inquiries” which led to the establishment of the Council identified certain general and closely linked characteristics that should be reflected in tribunal procedures, and which remain important today. These were openness, fairness and impartiality – procedures should be open to scrutiny if they are to retain public confidence; they should provide a fair hearing at which citizens can state their case and be informed of all the evidence; tribunals should reach their decisions demonstrably free from all personal interest and bias. A fair hearing must be available to all sections of the community in an increasingly diverse society.

5 In addition, the Council thinks that accessibility to, and a focus on the needs of, tribunal users are now key indicators of a tribunal’s performance. Although many tribunal users will be private individuals in dispute with the

state, other bodies including representative organisations and government departments will also use tribunals regularly. Tribunals need to be pro-active in making their service accessible to all users and to keep their service under continual review in consultation with them.

6 Tribunal systems must operate efficiently, with trained and competent administration and judiciary. They must be properly resourced and organised, both judicially and administratively, offering good value for taxpayers' money. They should also offer cost effective procedures that enable fair decisions to be reached promptly.

Overseeing tribunal performance against the standards

7 In keeping tribunals under review the Council aims to provide advice, to promote good practice and to highlight problems. The Council hopes that these standards will help it in fulfilling these aims, and will provide tribunals with clear guidance on the Council's expectations and priorities.

8 The Council does not have the resources systematically to monitor the day-to-day performance of all tribunals, and in any event sees this as the responsibility of others, particularly tribunals themselves. The Council expects all tribunals to have their own performance and service standards in place, together with mechanisms to monitor these.

9 The Council will maintain oversight of performance through:

- continued data collection from tribunals;
- discussions with judicial and administrative heads;
- visits to observe hearings;
- research;
- discussions with users, their advisers and representatives.

10 It will continue to report on the performance of individual systems or themes of particular interest or concern in its Annual Reports and Special Reports.

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November 2002

STANDARD 1

TRIBUNALS SHOULD BE INDEPENDENT AND PROVIDE OPEN, FAIR AND IMPARTIAL HEARINGS

- a) **Tribunals should be free to reach decisions according to law without influence (actual or perceived) from the body or person whose decision is being challenged or appealed, or from anyone else**
- b) **Judicial officers should be independent**
 - i Procedures for the selection and appointment of tribunal members should be fair and independent of related departments of government and other interested parties¹
 - ii Appointees must have appropriate security of tenure, subject to procedures for re-training or removal from office in case of poor performance, misbehaviour, incapacity or persistent failure to comply with sitting requirements
 - iii Procedures should be in place to ensure conflicts of interest are identified and avoided
- c) **Appointments to judicial office² should take account of the diversity of our society, and the composition of tribunals should be monitored to inform those making appointments**
- d) **Tribunal hearings should be open and fair**
 - i Hearings should normally take place in public, although a private hearing should be provided in appropriate circumstances³
 - ii At the hearing, the identity of the tribunal membership should be communicated to the parties

¹ *In respect of appointments within her remit, the Commissioner for Public Appointments published a code of Practice for Ministerial appointments to Public Bodies in July 2001, reflecting the principles formulated by the Committee on Standards in Public Life.*

² *The reference to “judicial office” is intended to include all tribunal Chairs and members who exercise judicial powers. The Lord Chancellor makes many appointments to the tribunal judiciary. The Lord Chancellor’s approach to equality and diversity in the judicial appointments processes, including current policies and aspirations for the future, are on the LCD website (www.lcd.gov.uk). The text is also available from the LCD Judicial Appointments Policy and Diversity Unit.*

³ *All hearings should be in public except that the press or public may be excluded from all or part of the hearing in the interest of morals, public order, national security, where the interest of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the tribunal in special circumstances where publicity would prejudice the interests of justice (Article 6, European Convention on Human Rights). See also the Council’s Model Rules of Procedure for Tribunals available on the Council’s website (www.council-on-tribunals.gov.uk).*

- iii Hearings should be conducted with an appropriate degree of informality, and the necessary steps taken to ensure all relevant issues are explored
- iv Appropriate guidance about evidence and procedures should be given at hearings especially where individuals have no legal representation
- v Special procedures should be provided for hearings involving children or other vulnerable groups eg those with severe mental health problems
- vi The parties should be accorded equal status, eg presenting officers should not be present with tribunal members in the absence of an appellant
- vii If the hearing proceeds in the absence of a party, or his or her representative, the tribunal should nevertheless seek to ensure that the party's case is fully considered
- viii Where an interpreter is required by a party, he/she should be used throughout the hearing to ensure the proceedings are understood
- ix Decisions should be soundly based on the evidence and relevant law
- x Decisions should wherever reasonably possible be given on the day of the hearing and if not, as soon as possible thereafter. They must be supported by reasons, explained clearly to the parties, and if given orally confirmed in writing. Reasons should identify findings of fact, apply the relevant law and explain the decision.

STANDARD 2

TRIBUNALS SHOULD BE ACCESSIBLE TO USERS AND FOCUS ON THE NEEDS OF USERS

(a) Potential users of the tribunal should be given access to information about its services

- i Information in plain language about the tribunal, translated where appropriate into other languages, should be disseminated to interested organisations, and made available in places where it is likely to be seen by potential users. It should inform users about:

- the range of issues that can be referred to the tribunal
- how to contact the tribunal
- what information the tribunal will require
- where to get help and advice

- where previous decisions of the tribunal are recorded
- ii Makers of decisions from which there is a right of appeal to a tribunal should be obliged to inform those affected by decisions of the right of appeal and how a guide to such rights and procedures can be obtained

b) Procedural Rules should be short, clear, simple and up to date

- i The same procedures and prescribed forms (if any) should be used without local variations except where necessary for the greater convenience of local users
- ii Full written copies of all the tribunal's rules, procedures and prescribed forms relevant to a party's case should be made available, free of charge, to all parties and their advisers on request
- iii Requirements imposed on parties under procedural rules should be appropriately modified where a party is not legally represented
- iv An up-to-date plain language guide to the procedures should be available for users. This should be translated where appropriate into other languages
- v Rules should be regularly reviewed in consultation with users and with the Council on Tribunals. The object of a review should be to improve accessibility to users, simplicity, fairness, effectiveness and speed⁴
- vi Whenever amendments are necessary they should be made promptly and brought to the attention of users

c) Forms should be short and simple

- i Where there are timetables, eg for the submission of documents, they should be made clear

d) The papers required by the tribunal should be proportionate and appropriate to the issues at stake

- i Users should be able to understand
 - what papers they have to provide
 - what papers the other party will provide
 - what additional papers the other party can be required to provide
- ii Provision should be made for users with special needs, eg, braille, audio tape, large print, translation into languages other than English

⁴ The Council's guidance on Procedural Rules is set out in its Guide to Drafting Tribunal Rules available on the Council's website (www.council-on-tribunals.gov.uk).

- iii There should be a clear time limit for the lodging of all papers
- e) Tribunals should provide users with clear information about how their case will be handled**
 - i Users should be clearly informed about what is expected of them, what they have to provide, what will happen at a hearing, the circumstances in which travelling expenses are payable and how to make a claim
 - ii Users should be provided with clear and timely information about the date and venue of any hearing
 - iii Users should be clearly informed where a tribunal has the power to order one party to pay the costs or expenses of another. Wherever practical that information should include an indication of the scope and extent of a likely award
 - iv Users should be able to find out about the progress of their case and how long they are likely to have to wait for a hearing or decision
 - v Where it is possible to do so, users should be given a specific time for the hearing
 - vi Users should be informed whether they have to attend or not, and advised whether it will usually be in their interest to do so
 - vii Information about the venue should include parking facilities and public transport routes, refreshment and other facilities, access for people with disabilities⁵ and a map
 - viii The tribunal's decision should be accompanied by information about appeal rights and where independent advice may be obtained
- f) A complaints policy and procedure should be in place in relation to the performance to both judiciary and administration, and should be publicised to users⁶**
- g) Tribunals should establish and publish a clear policy on the payment of travelling expenses**
- h) Tribunals should establish and publish a clear policy on equal treatment and continuously monitor compliance**

⁵ *The Council has published guidance on access to tribunals for disabled people. This was developed in consultation with the Disability Rights Commission and a working group of tribunal representatives*

⁶ *This standard concerns complaints which may appropriately be dealt with through an administrative procedure, and not those which amount to an appeal against a judicial decision and to which a judicial remedy may apply*

STANDARD 3

TRIBUNALS SHOULD OFFER COST EFFECTIVE PROCEDURES AND BE PROPERLY RESOURCED AND ORGANISED

- a) **Judicial resources should be managed to provide a good service and to ensure that individuals sit often enough to maintain knowledge and skills**
- b) **Standards for judicial behaviour and performance should be set and monitored**
 - i The result of monitoring should be regularly assessed and used to raise standards
 - ii All chairs and members should participate in a review of performance at appropriate intervals to identify areas of good performance and areas for improvement. Suitably experienced colleagues, specially selected and appropriately trained to be able to give constructive feedback on performance, should undertake annual reviews
- c) **Cases should be heard, and a final decision given, within a reasonable period**
 - i Judicial practice should take account of the need for expedition and reasonable economy
 - ii Management information about the age and type of outstanding cases should be collected and monitored
 - iii Waiting time targets for cases should be set and monitored
- d) **Programmes of induction and refresher training ⁷ should be provided for tribunal chairs, members and administrative staff**
 - i Induction and training should take place before members begin sitting
 - ii Regular refreshing training should be provided to all members, including the opportunity to discuss matters of concern with colleagues
 - iii Lead members of tribunals should be trained on the skills of chairing
 - iv Guidance on law and practice should be provided regularly to members

⁷ *The Judicial Studies Board Tribunals Committee has developed a Competence Framework for tribunal judiciary. Training should enable Chairs and members to acquire the full range of competences required for their respective roles*

- v Chairs, members and administrators should have participated in training in diversity and equal treatment issues
- e) Appropriate levels of administrative and clerical support should be provided for the proper conduct of tribunal hearings**
 - i Tribunals should provide appropriately trained and skilled staff and administrative facilities sufficient to ensure that tribunals are properly administered and hearings are properly supported, with advice and assistance from clerks, ushers and other administrative staff
 - ii Role and responsibilities of tribunal clerks and other administrative staff should be clearly determined and communicated to those concerned
- f) Standards for hearing venues and for service and performance should be set and monitored in consultation with users**
- g) Appropriate planning, budgeting and monitoring procedures should be in place**
 - i Data about patterns in the caseload of the system (errors in first tier decision making, cost of cases going to judicial review etc) should be collected and monitored
 - ii Administrative processes should be responsive to the needs of those who wish to use them
 - iii Targets should be reviewed regularly and improved where possible
 - iv Information about the performance of the tribunal should be published at least once a year
 - v Information about performance should include, where relevant:
 - Key performance statistics (waiting times, outstanding caseload, age of caseload, intake and clearance)
 - Performance against quality standards
 - Expenditure and investment figures
 - Details of training for judiciary and administrative staff
 - Information about complaints
- h) Where relevant, tribunals should work with first tier decision making and/or second tier tribunals continuously to improve the “end to end” experience of the user, eg to ensure the whole appeals process is completed in a reasonable time**