

Council
on
Tribunals

Feedback from the Council's Users Support Workshops

April 2006

Council on Tribunals

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Background

The Government's White Paper *Transforming Public Services: Complaints, Redress and Tribunals* proposed a number of new roles for the Council in supporting the reform and unification of the tribunal system and in facilitating the establishment of the new system, including:

“obtaining the views of [tribunal] users and the advice sector on issues arising from the unification process, formulating advice to DCA on user priorities and concerns, and promoting ongoing dialogue between the unified tribunals and the user community”.

In order to fulfil the first part of this role the Council and its Scottish Committee held a series of workshops between October 2004 and October 2005 in London, Manchester, Bristol and Livingston in Scotland, in order to consult the organisations which support tribunal users on the proposals in the White Paper.

The workshops were attended by delegates from the organisations that provide support to tribunal users, with particular focus on those tribunals which would be part of the new Tribunals Service when it launches in April 2006. The majority of the delegates came from a welfare benefits background, reflecting the fact that the Appeals Service is by far the largest of all the tribunals which will form the unified Tribunals Service. The list of invitees is at Annex A.

The programme for the workshops comprised a mix of presentations by Council members or guest speakers and discussion in breakout groups, in which delegates were invited to consider particular issues and to feed back their group's views. The list of speakers is at Annex B.

The workshops focussed on two key issues:

- (1) How can user support be improved?
- (2) How can dispute resolution arrangements be improved?

An example of the questions which the breakout groups were asked to consider is at Annex C.

Key Messages and Areas for Further Work – overview

This document:

- (i) sets out the key messages from the workshops, representing the main views expressed by delegates at the workshops and
- (ii) highlights potential areas for further work arising from the key messages.

Key Messages from the workshops

- Tribunal users need access to better information at each of the stages leading to an appeal hearing.
- Departments should give better and clearer explanations of the reasons for decisions at the initial decision making stage and make more effective use of the provisions for reviewing and revising decisions.
- Decision makers, particularly within the agencies of the Department for Work and Pensions, need to be more readily accessible to their customers and the advice agencies that support them.
- More effective arrangements need to be put in place for funding the advice sector and to promote further cohesion between the various players in this sector.
- The problems faced by tribunal users whose first language is not English need to be addressed.
- The problems faced by disabled tribunal users need to be addressed.
- Pilot studies are needed to establish how best, and where, alternative forms of dispute resolution could be made to work within individual tribunal jurisdictions.
- Greater simplification across the board is desirable, from underlying policy and procedures, to the arrangements for tribunal hearings, and everything in between.
- Better use of new technology is needed, but also bearing in mind the needs of those who may not be familiar with, or have access to, IT.

- More effective learning through feedback from tribunals to initial decision makers could lead to improvements in the quality of initial decision making.

Potential areas for further work identified from the key messages

A number of potential areas for further work, listed below, have been identified from the key messages. The Council is aware that many of these matters are already being considered or actively pursued by the Department for Constitutional Affairs or the Tribunals Service. It is hoped that this report will provide useful information, both to endorse current initiatives as well as to identify priorities for future work in developing more effective support for tribunal users. The potential areas for further work are in relation to:

- The provision of information about appeals and appeal tribunals;
- The arrangements for first tier decision making, the operation of internal review mechanisms and the provision of feedback from tribunals on standards of decision making;
- The funding arrangements for the advice and voluntary sectors;
- The potential costs and benefits of increasing legally-aided representation at tribunal hearings and the funding of legally-aided representation in exceptional cases;
- The services provided to customers by tribunals, including their compliance with the Disability Discrimination Act 1995, and the ways in which customers can communicate and transact with tribunals;
- The scope to apply ADR within tribunals.

Key Messages

1. Better Information

- 1.1 It was widely recognised by the workshop delegates that there have been significant improvements in recent years in the provision of information about tribunal processes and there are already pockets of good practice across the tribunals world. However, it was generally felt that more could be done to assist users through the process, by providing better explanations of first-tier decisions, including clear explanation of the reasons for the decision, what evidence had been considered, details of appeal rights and time limits for appeal. Explanation notices should also specify a named contact within the department or agency that the customer can approach for further information or clarification.
- 1.2 In addition, users need information about where they might be able to obtain independent advice from other agencies or the availability of access to free advice, legal or otherwise, in order to be able to take an informed view on the merits of their case and the likelihood of mounting a successful appeal.
- 1.3 Thereafter, users need separate information about the appeals process itself, including a clear explanation about what the tribunal can and cannot do and what they can expect to happen on the day of the hearing. Again, users should have access to a named contact within the tribunal system.

Good Practice:

Some tribunal systems, e.g. SENDIST and the Care Standards Tribunal, have produced a video/DVD showing users what happens at an appeal hearing.

- 1.4 There is support for the commissioning of a video/DVD depicting a typical appeal hearing scenario, so far as this might be possible, although it is recognised that there may need to be some tailoring to different jurisdictions.
- 1.5 Finally, information needs to be available in a variety of formats, either as a matter of course or on request, to meet the needs of tribunal users with special needs and those for whom English may not be their first language (see sections 5 and 6 below). Staff who have regular contact with users, either in person or on the telephone, should receive training in diversity awareness.

Potential areas for further work:

A review of information provision across the jurisdictions within the Tribunals Service, taking account of research findings on the effectiveness of information provision, with a view to filling gaps in provision and identifying best practice which could be applied across the board.

A feasibility study of the practicality of producing a video/DVD depicting a typical appeal hearing scenario.

2. Better explanations and more effective use of review and revision

- 2.1 There was a universally shared view among delegates that many appeals could be avoided if decision makers could be encouraged to make more effective use of the provisions for reviewing and revising decisions. This was one of the underlying policy intentions of the Department for Work and Pensions' decision making and appeals proposals in the Social Security Act 1998. However, despite the enactment of new legislation to make it easier for decision-makers to change their decisions, too many appeals still go forward unnecessarily to the Appeals Service. This view has been borne out by work that Sir Leonard Peach, a non-Executive Director of the Appeals Service, has been asked to undertake, to examine how numbers of social security appeals could be reduced. This is also an issue that the President of the Appeals Service, His Honour Judge Michael Harris, has raised repeatedly in his annual reports to the Secretary of State for Work and Pensions on standards of decision making.
- 2.2 The key to raising the quality of decision making, both at the initial decision and review stages, is thought to lie in the provision of better decision making training for staff and in further simplification of the provisions pertaining to review of decisions. Moreover, if the basis for decisions were explained more clearly and comprehensively, including details of what information and evidence has been taken into account in reaching the decision, users and their representatives might be better able to identify any errors and omissions that would allow the decision to be reconsidered.
- 2.3 There is perceived to be a specific problem with regard to disability benefits, such as Disability Living Allowance (DLA) and Incapacity Benefit (IB), particularly in respect of the treatment of different sources of medical evidence, as between the user's own GP and the department's examining medical practitioners. In the face of conflicting medical evidence decision makers are more likely simply to remit the matter to an appeal tribunal for

a decision rather than to revise a decision of their own volition. The high success rate of DLA/IB appeals suggests that many more cases could and should be reviewed and revised by decision makers themselves.

Good Practice:

The Disability and Carers Service is undertaking a pilot study in which appeals in disability cases undergo an initial sift to establish whether there is a need for further evidence by way of a report by an Examining Medical Practitioner. Initial findings suggest that the majority of cases where an EMP report is obtained are able to be disposed of at the first hearing.

- 2.4 Finally, the point was made very clearly by delegates that, wherever possible, appeals should be lodged with the appeal body and not with the decision making body from whom the initial decision originated. It was strongly felt that the appeal body should be responsible for managing appeals from the outset and setting a challenging timescale for arranging hearings. For example, at present the first time the Appeals Service learns of an appeal is when they receive the papers along with the department's submission, which can often be some months after the appeal was lodged by the user. This impacts on a user's perception of the independence of the Appeals Service. Asylum appeals, which previously lay to the Home Office, are now lodged directly with the new Asylum and Immigration Tribunal.

Potential areas for further work:

A review of decision letters across appeals jurisdictions with a view to identifying best practice and how best this might be applied across the board.

A review of the provisions across jurisdictions for reviewing first tier decisions in order to identify the most effective arrangements, as well as ways of avoiding practices which could lead to delay or injustice.

A review of training for staff involved in initial decision making and reviewing decisions.

A review of the arrangements for lodging appeals within the jurisdictions in the Tribunals Service in order to identify best practice, and wherever practicable, ensure the lodgement of appeals with appeal bodies.

3. Decision-makers need to be more accessible

- 3.1 Delegates highlighted the advantages of having first-hand access to decision-makers, which enables advisers to discuss a customer's benefit entitlement informally. Disputes or queries can often be resolved quickly over the telephone, without the need for protracted enquiries and correspondence, which benefits the department and customers alike.

Good Practice:

Informal communication arrangements were said to work particularly well between advisers and the local authorities who administer housing and council tax benefits, where decision-makers can more easily be identified and good liaison practices put in place.

- 3.2 However, with the greater centralisation of benefits processing and the computer-generated nature of decision letters, identifying decision makers within the Agencies of the Department for Work and Pensions can often be difficult. Staff occasionally cite data protection considerations as the reason for refusing to divulge personal information to advisers, although it is unlikely that any such data protection issues actually arise.
- 3.3 Encouraging decision makers to engage more directly with customers and their advisers, particularly where there may be a need to seek clarification of evidence, would assist in achieving better quality initial decisions and enable erroneous decisions to be corrected at the earliest opportunity without recourse to the appeal process. There is also a widely shared view that decision-makers are too anonymous and should be prepared to take greater responsibility for, and ownership of, their decisions.
- 3.4 Similarly, appeals systems should also provide a named contact to deal with any queries users may have about their appeals or the appeals process more generally.

Good Practice:

Decision makers should routinely identify themselves and provide contact details in decision letters.

Tribunals should routinely provide a named contact in their communications for dealing with customers' enquiries.

4. Better cohesion between advice agencies and more effective arrangements for funding advice

- 4.1 There is a great deal of advice and information about appeals produced by the advice and voluntary sector, which delegates felt could be better managed and shared between the advice agencies, and better resourced and signposted. There is a general perception of a degree of “reinventing the wheel” in the provision of advice, which, with better co-ordination between providers, could free up resources for use elsewhere; for example, to fund the development of better information for socially excluded groups or to provide training in representation. This issue arose time and time again.

Good Practice:

Careful evaluation of the usefulness of information and the effectiveness of different methods of advice provision, such as that carried out by Advice Services Alliance AdviceNow and Citizens Advice, can assist in sharing knowledge and promoting good practice.

- 4.2 Information provision is seen as a valuable activity that often needs active follow-up support. There is a wide continuum of need for advice and support by tribunal users, from straightforward information packs at one end of the scale to step-by-step assistance, including representation at an appeal hearing, at the other. Information also needs to be provided in manageable portions rather than all in one go.
- 4.3 Some particularly vulnerable groups have a greater need for tailored advice services. However, delegates expressed the view that information and advice services for people with special needs are under-developed and this requires urgent attention.

Example:

John Wright, the then Chairman of the Independent Panel for Special Educational Needs (IPSEA), indicated that users of SENDIST often need a significant level of assistance in bringing a case before the tribunal, particularly in connection with obtaining expert reports about a child’s condition underlying the need for special educational provision. Moreover, parents often require assistance with representation at a tribunal hearing to enable them to present their case effectively. It is not always possible for IPSEA or the other advice agencies to cope with the increasing level of demand for support with representation in this specialist area.

- 4.4 Delegates suggested that the voluntary sector provides a valuable service but considers itself to be under-resourced, with funding generally provided only on a short-term basis with no guarantee of renewal, making service planning impossible. Funding arrangements were thought to be too complicated and not entirely rational in application. With more adequate and secure funding, delegates believe that the voluntary sector could play a greater role in providing a more tailored support service to meet the specific needs of customers, from giving general advice to offering support with representation at hearings.
- 4.5 Whilst legal aid is generally not available for tribunal hearings (other than for cases coming before the Mental Health Review Tribunals and Asylum and Immigration Tribunal) it was suggested that consideration should more often be given to making funded legal representation available for exceptional cases in other jurisdictions.
- 4.6 There was some scepticism about the White Paper's underlying aim of enabling more tribunal users to represent themselves at tribunal hearings. The view was expressed that, even with access to the best information and advice, most people would find it too difficult, and more often too daunting, to put their own case effectively. Tribunals would need to adopt a much more "enabling" approach in order to facilitate self representation. However, recently published research by Professor Hazel Genn, *Tribunals for Diverse Users*, has confirmed that, even with a wholly enabling approach, there are limits to the ability of tribunals to compensate for users' difficulties in presenting their own case.
- 4.7 Delegates thought that the White Paper did not take account of the cost implications that arise as a consequence of self representation, as a result of potentially longer overall hearing times. A good representative can enable a tribunal to arrive quickly at the key issues and thereby reduce hearing times considerably.

Example:

The new Employment Tribunal rules have become increasingly complex, mainly as a result of new strict time limits for bringing a claim and the requirement to provide a high degree of information in support of a claim, to be made from the outset in prescribed forms. The new requirements are said to have rendered self representation practically impossible for the ordinary citizen, thus making more people turn to the advice sector for support.

Potential areas for further work:

An examination of the current funding arrangements for the advice and voluntary sectors, including whether they are sufficiently cohesive, and the extent to which the arrangements are failing to meet the needs of certain groups of tribunal users.

A cost benefit review of the potential costs and savings that would result from more (legally-aided) representation at tribunals, including the time and cost savings that could ensue from more efficient hearings.

A review of the scope for extending the funding of legally-aided representation before tribunals in exceptional cases, and the criteria under which this might operate.

The development of best practice guidance and training for tribunal Chairs and members in adopting a more “enabling” role, in particular taking account of the findings in Professor Hazel Genn’s study report *Tribunals for Diverse Users*.

5. Tribunal users whose first language is not English

- 5.1 The complexity of the appeals system is further compounded for those people whose first language is not English. The tribunal unification process provides the opportunity to put in place more responsive services for this group of people to better meet their needs.
- 5.2 Advice and information needs to be available in the wide range of languages spoken within local communities, either as a matter of course, or on request.
- 5.3 Delegates suggested that, wherever practicable, users should have access to staff who are able to communicate with them in their own language, to enable them more easily to access the tribunal’s services from the outset, to deal with queries and to assist with issues such as form-filling. Tribunal staff and judiciary should as a matter of course receive diversity awareness training to enable them to deal effectively with a multi-cultural customer base.
- 5.4 The issue of the Welsh language was not expressly mentioned in the workshops but the Welsh Language Act 1993 makes provision for the use of the Welsh language in tribunal proceedings in Wales.

- 5.5 Access to good quality, accredited interpretation services at tribunal hearings is of paramount importance, both to tribunal users and to tribunals themselves. Tribunals, and in particular tribunal Chairs, should receive appropriate training to equip them with the skills to manage proceedings involving interpreters effectively.

Potential areas for further work:

A review of the provision of information in different languages in each of the jurisdictions within the Tribunals Service, with a view to identifying best practice, which should be promulgated across the board.

Diversity training for tribunal staff and judiciary.

A review of the provision of interpretation services by the jurisdictions within the Tribunals Service in order to identify best practice in its use.

Training for tribunal Chairs in managing hearings involving interpreters.

6. Disabled tribunal users

- 6.1. Tribunals are required by law to take full account of the needs of disabled people in the services they provide. Whilst tribunals are subject to the access to goods and services provisions of the Disability Discrimination Act 1995, many disabled users of tribunals continue to experience difficulty in fully accessing their services. The creation of a unified Tribunals Service provides the opportunity to establish fully accessible services for disabled people. Delegates cited examples of where special provision needed to be made for disabled tribunal users, which are set out in the following paragraphs.
- 6.2 Information should be available in a range of alternative formats, e.g. on DVD, video, audio cassette, braille etc. “Easy read” versions of key documents should also be available for people with learning difficulties. Users should be invited, as a matter of course, to specify any special needs they may have, which should be taken into account in tailoring services to meet specific needs.
- 6.3 Tribunal hearing venues should be fully accessible to wheelchair users and other users with mobility problems. Information about hearing venues should, as a matter of course, include details of local car parking facilities, either on-site or in the vicinity of where the hearing is being held, and travelling costs should be reimbursed where they are necessarily incurred.

- 6.4 Local tribunal hearing venues should also be accessible by public transport and users should not have to undertake excessively long journeys to reach the nearest hearing centre. Tribunals should also operate a consistent policy in the provision of domiciliary hearings for users who are housebound by reason of a disability.
- 6.5 Provision should also be made to cater for the needs of visually and hearing impaired users of tribunals: for visually impaired people, through access to information about the appeals systems and the tribunal papers in an alternative medium such as braille, audio cassette or CD; and for hearing impaired people, through access to accredited interpretation services and the availability of induction loop systems in tribunal hearing rooms.
- 6.6 Again, staff who have regular contact with members of the public should acquire skills in dealing with disabled people as part of diversity awareness training.

Potential areas for further work:

A disability audit of appeal hearing venues to establish the extent to which they comply fully with the requirements of the Disability Discrimination Act 1995.

Any review of the Tribunals Service's estate should bear in mind the need for tribunal hearing venues to be situated with reasonable travelling distance of tribunal users.

7. The use of Alternative Dispute Resolution in Tribunals

- 7.1 Few delegates at the workshops had any practical experience of ADR and its use. There was some confusion about the practicalities of its use. Delegates recognised the potential benefits of ADR techniques such as mediation or conciliation in certain types of appeals, principally party v. party cases, where there is some scope for flexibility. However, they could not see how ADR could operate in citizen v. state cases, where there is no room for compromise; for example, in the award of benefits or the amount of benefit payable. There is no simple answer to the question whether, and if so how, ADR would work in appeals, and it was suggested that pilot studies should be undertaken and evaluated across a number of jurisdictions to test out how different ADR techniques might best be applied.

Example:

Currently, there is provision for ADR in connection with appeals to Employment Tribunals and the Special Educational Needs and Disability Tribunal. The former is thought to work well because of the involvement

of the Advisory, Conciliation and Arbitration Service, but the latter is thought to be less successful because it is not mandatory and parents and local education authorities generally see nothing to be gained by participating in a conciliation process.

- 7.2 Delegates cited a number of potential disadvantages associated with ADR in tribunals: it is questionable whether it would be cost-effective; its use may not be in the best interests of users; it could create more barriers to the appeals process; and appeals time limits could work against the effective operation of ADR.
- 7.3 A number of other pre-conditions were also raised in relation to the operation of ADR in tribunals - all parties must agree to ADR otherwise it cannot work; there would be a need for protocols in order to establish the parameters within which ADR would operate; advisers in the voluntary sector would need training in ADR; and more trained mediators would be needed to meet the likely demand.

Potential areas for further work:

A scoping study to establish how and where alternative forms of dispute resolution might best be applied in a sample of the jurisdictions in the Tribunals Service, with a view to identifying and taking forward potential pilot studies.

8. A need for greater simplification across the board

- 8.1 Delegates at each of the workshops expressed the view that any attempt to create more accessible and customer-focussed appeals systems must address the complexity of the processes and legislation underlying them. The complexity of appeals processes and legislation creates a barrier which impedes easy access to the systems by users.

Example:

This view is borne out in a recent report by the National Audit Office, *Dealing with the complexity of the benefits system*, in which the Auditor General concluded “*The complexity of the benefits system is one of the most important issues affecting the performance of the Department for Work and Pensions. There is a balance to be struck between a system that is detailed enough to respond to needs and yet straightforward enough to be run efficiently, communicating clearly with customers and minimising error. This balance has not yet been reached... I recommend that the Department builds on current work to tackle the problem both in the short and long term*”. The NAO report also highlights a direct

causal link between the complexity of the benefits system and the administrative burden on the department through having to deal with high numbers of reviews and appeals.

- 8.2 Greater simplicity is seen as being required across the board, with processes being re-designed primarily with the needs of users in mind. Claims processes and associated forms for making claims need to be made simpler, shorter and more customer-friendly. The legislation under which decisions are made is also too complicated, both for the public and administrators alike, and would benefit from greater simplification. Similarly, the procedural rules under which tribunals operate are too complex and act as a barrier to self representation. Delegates cited the Employment Tribunal's procedural rules, which had recently been revised with greater simplicity in mind, but which are still widely considered to be too complex for the layman to comprehend fully.
- 8.3 Written communications also need to be made simpler and clearer, in recognition of the varying degrees of literacy among tribunal users. Delegates specifically cited the unnecessary complexity of the paperwork for tribunal hearings, which can often be intimidating to users. Whilst tribunal papers need to be complete and comprehensive, there is considerable scope for simplification through more effective presentation and the use of simpler language.

Potential areas for further work:

Within policy making, emphasis should be on the need for greater simplicity and clarity in communicating the reasons for decisions, including decisions on review and on appeal, and in the procedures under which tribunals operate, including the paperwork needed for tribunal hearings.

- 8.4 Delegates suggested that advances in new technology provide the opportunity for government departments and tribunals to improve the ways they communicate with their customers, how they disseminate information about their services and the ways in which they enable their customers to interact with them.
- 8.5 For example, e-mail provides a new means for users to communicate with decision makers and tribunals. To that end all official communication notices should, as a matter of course, include an e-mail contact address. Moreover, in the same way that HM Revenue and Customs now provides an on-line facility for completing and submitting tax returns, so too other government departments and tribunals should enable claims to be made and appeals to be submitted on-line.

- 8.6 Many departmental and tribunal websites are already used effectively to disseminate information about appeal rights to customers. However, the format, content and presentation of websites are thought to be inconsistent and the development of best practice guidance would be welcomed.
- 8.7 However, it is also recognised that many people do not have access to or experience of new technology. Therefore, whilst encouraging greater use of new technology and the Internet to improve communication, interaction and information provision, this should be as an adjunct to, and not a replacement for, traditional means of communication.

Potential areas for further work:

A review of the methods by which customers can communicate and interact with the various jurisdictions within the Tribunals Service, with a view to applying best practice across the board.

A review of tribunal websites, with a view to making them easily accessible to meet the information needs of both tribunal members and users.

9. Feedback from tribunals to initial decision makers

- 9.1 Delegates suggested that the new Tribunals Service should play a key role in stimulating improvements in decision making by publishing its views on the standards of first tier decision making. Currently, only the President of the Appeals Service is required statutorily to provide this kind of feedback, through his published report to the Secretary of State for Work and Pensions.
- 9.2 Delegates saw structured feedback from tribunals as an effective means of stopping wrong decisions being made over and over again and was also thought to be of significant use to policy makers and advisors. Moreover, departments should be required to respond formally to feedback, giving details of how they proposed to address the issues raised in feedback.
- 9.3 The view was also expressed that more could be done to encourage departments to take individual tribunal decisions more seriously, in order to learn lessons; for example, from the numbers of cases being overturned by tribunals or from the repeated incidence of specific decision-making errors.
- 9.4 Delegates also reported a specific problem within some appeals systems of tribunal decisions either not being implemented or taking a long time to be implemented.

Example:

Users of SENDIST and the Employment Tribunals in particular experience problems either of delays in tribunal decisions being implemented or decisions not being implemented at all, and in the latter case often have to resort to the civil courts to pursue a remedy.

Potential areas for further work:

An examination of the potential for providing structured feedback from tribunals on the standards of decision making across the jurisdictions within the Tribunals Service.

An examination of the difficulties some users face in getting tribunal decisions implemented, with a view to identifying how best to resolve this problem.

10. Conclusion

10.1 The Council was grateful to all those who attended the users support workshops for their contribution to their success, and particularly those who played an active part, including:

- Adam Griffith, Advice Services Alliance
- Teresa Perchard, Citizens Advice
- Nony Ardill, Legal Action Group
- John Wright, Independent Panel for Special Education Advice
- Ian Moss, Citizens Advice Specialist Support Unit
- Paul Stockton, Department for Constitutional Affairs.

10.2 This was the first time that the Council had engaged in such a direct way with the organisations that support tribunal users, which also provided the opportunity for the Council to raise awareness of its own work and the role it has played over the past fifty or so years.

10.3 The messages from each of the workshops were remarkably consistent, including those from the workshop in Livingston in Scotland, which was organised and run separately from the others by the Council's Scottish Committee. The groups who were represented at the workshops had a particular interest in the tribunal jurisdictions that would be joining the Tribunals Service, covering areas such as social security, mental health,

special educational needs, immigration and asylum and criminal injuries compensation. Despite the wide range of interests of those attending, there were many common areas of shared interest and mutual concern.

- 10.4 So far as the potential areas for further work are concerned, the Council recognises that many of these will have resource implications and may need to be prioritised. It hopes, however, that flagging up these issues will assist the collective voice of user organisations and be influential in confirming the importance of existing work or research and identifying the need for new work. The Council is also aware that the experiences of user organisations varies from tribunal to tribunal and that some of the assertions in this report may need to be tested or proved in practice.
- 10.5 The Council believes that many of the issues discussed are equally applicable to the tribunal jurisdictions not currently programmed for transfer to the Tribunal Service and to local government tribunals. To this end, the Council is keen to continue to engage in dialogue with tribunal users and the organisations that support them in the coming years, and not just in respect of those tribunals within the Tribunals Service, but also those that currently remain outside the Service.
- 10.6 The Council invites the Department for Constitutional Affairs to consider these matters and looks forward to discussing their feasibility, practicality and relative priority, and also where the Council itself might best be able to add value with regard to these matters.

Annex A: Organisations Invited to Attend the Council's Users Support Workshops

- ACAS
- Access Committee for Leeds
- Advice Now
- Advice Services Alliance
- Advisory Centre for Education
- Advocacy Network Leeds
- Age Concern
- Agricultural Lands Tribunal
- Airdrie Sheriff Court
- Citizens Advice
- Citizens Advice Scotland
- Citizens Advice Wales
- CAB representatives
- Benefits and Work
- Black Communities Education Support Group
- Black South West Network
- Bristol Community Workers
- Bristol Mediation
- Bristol Racial Equality Council
- Bristol Survivors Network
- BIOA
- British Council of Disabled People
- British Nuclear Test Veterans
- CAFCASS
- Cheetham Hill Advice Centre
- CPAG
- Community Legal Service
- Community Bilingual Advocates Project
- DIAL UK
- Disability Alliance
- Disability Rights Commission
- Employment Tribunals Members Council
- Equal Opportunities Commission
- Family Mediation Service
- Federation of Small Businesses
- Governors Wales
- Greater London Action on Disability
- Information Commissioner's Office

- Institute of Mental Health Act Practitioners
- Intercom Trust
- IPSEA
- Judicial Studies Board
- Law Commission
- Law Society
- Legal Action Group
- Legal Services Commission
- Local Government Ombudsman
- Manchester Carers Forum
- Mediation Wales
- Mencap
- Mental Health Lawyers Association
- Miles Platting Advice Centre
- Milestones
- NASUWT
- National Autistic Society
- North Bristol Advice Centre
- Parents Autism Campaign for Education
- Education Advice Line
- Refugee Voice Wales
- Rights Advice Scotland
- RNID
- Rochdale Advice Centre
- Royal British Legion
- SCOLAG
- Scottish Child Law Centre
- Scottish Employment Rights Network
- SENDIST
- SENSE
- Solicitors Pro-Bono Group
- The Care Forum
- Trafford Benefits Advice Centre
- University of Edinburgh
- University of Liverpool
- Victim Support
- Welfare Rights
- Welfare Rights Scotland (*East Renfrewshire, Glasgow City Council, Dundee City Council, Scottish Employment Rights Network, Perth & Kinross*)

Annex B: Workshop Speakers

London

- Paul Stockton, DCA
Transforming Public Services: Complaints, Redress and Tribunals
- Adam Griffith, Advice Services Alliance
Supporting the User
- Teresa Perchard, Citizens Advice
Supporting the User
- John Wright, IPSEA
Proportionate Dispute Resolution and Resolving Disputes
- Nony Ardill, Legal Action Group
Proportionate Dispute Resolution and Resolving Disputes

Manchester

- Ros Hepplewhite, Council on Tribunals
The Role of the Council on Tribunals
- Paul Stockton, DCA
Transforming Public Services: Complaints, Redress and Tribunals
- Ian Moss, Citizens Advice
The User Perspective - Employment Tribunals
- Liz Cameron, Council on Tribunals
Proportionate Dispute Resolution and Resolving Disputes

Bristol

- Liz Cameron, Council on Tribunals
The Role of the Council on Tribunals
- Bernard Quoroll, Council on Tribunals
Proportionate Dispute Resolution and Resolving Disputes

Livingston

- Liz Cameron, Council on Tribunals
Proportionate Dispute Resolution and Resolving Disputes
- Audrey Watson, Scottish Committee of the Council on Tribunals
The White Paper Proposals
- Steve Mannion, Council on Tribunals
The Role of the Council on Tribunals

Annex C: Questions for Workshop Breakout Groups

Morning Breakout Groups

How can user support be improved?

1. How can information and advice about tribunals and other methods of dispute resolution be improved and made more accessible to the public?
2. How might initial decision making processes be made more effective so that decision-makers get more decisions right first time?
3. How can the services provided by advice and voluntary sector organisations be enhanced to better meet the needs of tribunal users?
4. What additional support might advisers need to provide effective advice in individual cases about the most appropriate ways of resolving disputes?
5. How might communications best be improved between the different players in dispute resolution systems, i.e. between initial decision-makers, users, their advisers and appeals systems?

Afternoon Breakout Groups

How can dispute resolution arrangements be improved?

1. What might be the criteria for determining which types of cases could be suitable for resolution otherwise than by a tribunal hearing?
2. What might be the best method of directing users to the dispute resolution process which is most appropriate for resolving their particular dispute; and who should do this?
3. As regards the tribunal system you are most familiar with, is the existing dispute resolution process as good as it can be from the user's point of view; could it benefit from other forms of dispute resolution; and if so, in what way?
4. What are the advantages and disadvantages of oral hearings? Is an oral hearing always necessary in resolving disputes?
5. What is the role of advice and representation in the ADR process?