

Report from OSSCSC User Group Meeting 28.02.06

Present

Peter Banks	Appeals Service
Prof Trevor Buck	University of Leicester
Robert Colledge	Appeals Service
Stephen Cooper	DWP Solicitors' Office
Sue Davis	Camden Tribunal Unit
Peter Derrick	RBL
Tony Goulth	Department of Social Development N Ireland
Mick Guy	Durham Welfare Rights
Caroline Hanlon	Judicial Studies Board
Alison Hannah	Legal Action Group
Alban Hawksworth	Age Concern England
Anne Meehan	ACIB
Khalid Rashid	Welfare Benefits Team – LB Redbridge
Leo Scoon	DWP Solicitors' Office
Fiona Seymour	Citizens Advice SSU
Keith Spencer	RNID
Linda Thomas	National Deaf Children's Society
HH Judge Gary Hickinbottom	Chief Commissioner
Douglas May QC	Chief Commissioner Scotland
Mark Rowland	Commissioner
Tanya Parker	Commissioner (Scotland)
David Williams	Commissioner
Paul Stockton	Director of Reviews and Legislation.
Guy Tompkins	Director of Tribunals Group
Jill Walker	Senior Legal Officer
Miranda Bayliss	Legal Information Officer
Clare Zubler	The Commissioners' Office
Kim Marcus-Jones	The Commissioners' Office
Bernadette Egan	The Commissioners' Office

The Chief Commissioner, His Honour Judge Hickinbottom, welcomed everyone present.

1. The new OSSC1 form

Commissioner Rowland invited comments on the new form. This is for use only for applications and appeals to Commissioners; applications to Chairman for leave should now be by letter. There had been some transitional problems with information provided by the Appeals Service, but those now appeared to be resolved.

Q. Duplication of effort to repeat the grounds of application at Commissioner stage. Would applications/appeals on the old form be rejected?

A. It did not matter what form was used, provided the necessary information was provided. "See letter to chairman" in the grounds section of the form

would be perfectly acceptable, but some reps might welcome the opportunity to change or refine their grounds at Commissioner stage.

2. Tribunal reform

The Chief Commissioner reported that the enabling Bill was now unlikely to be introduced in Parliament before November 2007 owing to lack of parliamentary time, ie the legislation was unlikely to be in force before 2008.

In the meantime the Commissioners would continue much as before. However work was progressing to implement reform, so far as possible without legislation, and he introduced two senior managers to report on that work.

Presentation by Guy Tompkins (Director of Tribunals Group (Tribunals Development Group from 3.4.06)

Timetable

April 2006 was the launch of the Tribunals Service, which would bring together the current DCA tribunals (Asylum and Immigration, Finance and Tax, Commissioners plus a number of smaller ones) and the largest central government tribunals: Appeals Service, Employment Tribunals Service, Special Educational Needs and Disability Tribunals, Criminal Injuries Compensation Appeals Panel and Mental Health Review Tribunal.

The transfer of a number of smaller tribunals was agreed for 2008. Others were keen to join and there would be a review during 2006 to determine whether these would come in.

The challenge

To create a single multi-jurisdictional organisation focused on delivery to its users:

Key areas for rationalisation:

Estate – aiming for multiple jurisdictions offered from single sites

Processes – looking at business processing in -all jurisdictions – which processes are specialised and which can be done in common?

Hearing centres – aiming for national network of shared hearing centres offering good standards and facilities, advice and information, flexible use for different needs of jurisdictions and common IT

Clerking – making best use of resources

IT – to reduce the number of IT systems, use the best systems across the Service and introduce systems that allows electronic scanning and transfer of documents

A key aim was to maintain performance in the meantime.

He emphasised the importance of consultation with partners and stakeholders, especially judiciary but also policy-making government departments and other stakeholders, including groups such as the user Group. The Tribunals Service should provide feedback and receive early warnings on changes, and should contribute to improvements in original decision-making

He referred to http://www.tribunalservice.gov.uk/news/latest_news.htm as the source for the latest information

Talk by Paul Stockton (Director of Reviews and Legislation)

Legislation

The Bill would be published in draft and public comment invited.

It would provide for:

- Setting up two all-purpose tribunals (upper and lower) with judicial officers to match, divisible into chambers, with Presidents and Senior President.
- Reform of Council on Tribunals (COT) to give it wider remit covering all administrative justice, not just tribunals.
- Procedure Committee to co-ordinate procedural rules across tribunals.

Administration

Meanwhile reforms would proceed as far as possible without legislation:

- Carnwath LJ would continue as acting Senior President.
- An advisory Committee would be set up this year by the Lord Chancellor to make recommendations on co-ordinating procedural rules across tribunals. The rules reform programme would look at the whole appeal process from the user's point of view.
- New appointments to COT would reflect the intended wider remit.

Reviews

Reviews planned over the next 12 – 18 months:

Position of non-legal members as part of a wider review of the role and work of all tribunal judiciary – will be completed by the end of this year: see DCA Press Release [Major review helps tribunals connect with users](#).

Judicial support and how best to provide it

Local Government Tribunals and should they be part of the new system.

Q. How would reform affect issues of non-appealability, ie decisions that currently can only be challenged by judicial review (JR).

A. More flexible use of the judiciary across the High Court and Upper Tribunal and possibility of release of JR powers to Upper Tribunal so that where Upper Tribunal confirmed no appeal powers, a substantive decisions could be given without need to instigate new (JR) proceedings.

3. AOB

Q. There seemed to be an increase in the number of oral hearings on applications for leave.

A. That may be because more applications for leave are being refused

Q. There seemed to be low take-up of video-conferencing facilities.

A. Some technical problems initially. Also disability issues, eg for deaf users. Many users not aware of facilities in their area.

The Chief Commissioner undertook that OSSCSC would prepare a directory of video-conferencing facilities.