**Tribunals and ombudspeople**

This element introduces tribunals and ombudspeople

**Introduction**

**Keyword: Tribunals** are “specialist courts whose judges and members hear a wide range of cases, such as tax, employment, and immigration and asylum”.

(https://www.judiciary.uk/courts-and-tribunals/tribunals/)

**Keyword: Ombudspeople** are officials, usually appointed by the government, who investigate and seek to resolve complaints in specific areas (via a team of people).

Note, the term ombudsperson / ombudspeople is used as a gender-neutral alternative to ‘ombudsmen’. Another gender neutral alternative is simply ‘ombuds’. These terms are not widely adopted, even in relation to services where a number of the ombudspeople are female (for example, the Legal Ombudsman). You should be prepared in practice for people to be unfamiliar with the term ‘ombudsperson’ or ‘ombuds’.

**Tribunals – key features**

As the definition on the previous page makes clear, **tribunals are a type of court** – they follow the same basic principles of natural justice as any other court in order to make a fair decision about the matters before them. They operate in **specialist areas**.

In some tribunals, a tribunal decision might be made by a legally qualified tribunal judge sitting alone. **In other tribunals, the decision will be made by a panel of a legally qualified tribunal judge alongside one or more ‘tribunal members**’. The tribunal members will not generally be legally qualified but will have expertise in the particular subject matter of the tribunal. For example, the Upper Tribunal Tax and Chancery Chamber will have economist and financial services specialist members.

Parties to tribunal proceedings will need to follow the procedural rules of the tribunal. **Often one or more parties before a tribunal will not be legally represented**, and therefore the tribunal will need to take particular measures to ensure that they are able to take part, and understand the tribunal procedure, which will generally be less formal than court proceedings.

Most tribunals serve the purpose of providing a **forum for people affected by state decisions** to challenge those decisions. The exceptions are the employment tribunal and the property chamber which provide for disputes between non-state parties.

**Tribunals – structure**

The vast majority of claims are started in one of many first-tier tribunals. As shown on the next page, these tribunals are organised into 7 chambers. An appeal lies from a first-tier tribunal to the ‘Upper Tribunal’. References or appeals can also be made to the Upper Tribunal from certain decisions issued by the Financial Conduct Authority, Prudential Regulation Authority, the Pensions Regulator, Bank of England and HM Treasury. Decisions of the Upper Tribunal can be appealed to the Court of Appeal.

The system for employment claims is different, with claims starting in the Employment Tribunal and an appeal to the Employment Appeals Tribunal.

The following pages also show**examples** of the types of claim which might be heard in the tribunals in each chamber.

Health, Education and Social Care Chamber - Appeals in relation to special educational needs and people who have had their liberty restricted under the Mental Health Act.

Tax Chamber - Appeals against some decisions made by HMRC

Immigration and Asylum Chamber

Property Chamber - Disputes in relation to the land register or rent increases for ‘fair’ or ‘market’ rates

Social Entitlement Chamber - Entitlement to disability, work-related and other benefits, and criminal injuries compensation

War, Pension, and Armed Forces Compensation Chamber

General Regulatory Chamber - Broad range of appeals against government bodies in relation to information rights, charities, gambling and many other areas

The seven chambers above offer an appeal to the Upper Tribunal.

**Ombudspeople**

Ombudspeople are officials, usually appointed by the government, who investigate and seek to resolve complaints in specific areas (via a team of people).

**Example:** Financial Ombudsman Service (FOS)

Firms which are regulated in relation to the provision of financial services are obliged to operate their own complaints procedures. If a complaint remains unresolved after such a procedure is followed the consumer may refer the matter to the FOS or commence civil proceedings. The FOS’s statutory objectives are to resolve disputes quickly and with minimum formality on the basis of what is fair and reasonable in all the circumstances. The FOS’s governing rules are set out in the FCA Handbook. The FOS is only available to individuals (acting outside their business) and small businesses. The FOS will determine the complaint and issue a decision. If the FOS offers the complainant some sort of redress, the complainant is not obliged to accept that, and can issue proceedings instead. But if the complainant does accept the decision, that will bind the regulated firm.

Ombudspeople vary, but often they have the following features:

- They relate to a particular profession or industry.

- They offer a procedure based on positions being conveyed by post, email or telephone – much less often via a hearing, and certainly with less formality than a court or tribunal.

- They are available only to ‘consumers’ or ‘natural people’ or subject to some other similar limitation.

- They resolve disputes in a manner which is compliant with the law but which may also draw on broader principles of reasonableness or fairness (in the complainant’s favour), so they may not necessarily decide matters the same way that a court would.

- Connected with the above, the complainant is not usually obliged to accept any redress suggested by the ombudsperson, but the respondent often is.

**Summary**

- Tribunals are specialist courts whose judges and members hear a wide range of cases, such as tax, employment, and immigration and asylum.

- First-tier tribunals are organised into seven tiers, and an appeal lies to the Upper Tribunal (or, in the case of the Employment Tribunal, to the Employment Appeals Tribunal).

- Tribunals are generally characterized by panels that may include non-legal area experts, less formality than court proceedings and in some tribunals an absence of legal representation.

- Ombudspeople are officials, usually appointed by the government, who investigate and seek to resolve complaints in specific areas (via a team of people).

- Ombudspeople generally relate to a particular profession or industry, do not usually conduct hearings, are available to ‘consumers’ or ‘natural people’ only, resolve disputes on the basis of legal and non-legal considerations, and their decisions are not binding on the complainant.