

Introduction

- Specialist courts date back to the birth of the welfare state
- **Administrative, domestic and employment**
- **Tribunal Service:**
 - Two tiers – **First Tier** (deals with first hearings) and **Upper Tier** (deals with appeals from the First Tier)
 - Possible appeal to Court of Appeal (Civil Division) from Upper Tier but this is very rare
 - Tiers grouped into **Chambers** according to the type of case they deal with
- Tribunal members and Judges are appointed by the **Judicial Appointments Commission**
- Composition – **Tribunal Judge** and **lay members** who have expertise in the area
- Tribunals are overseen by **Her Majesty's Court and Tribunal Service**
- **Administrative Justice and Tribunals Council** is responsible for the administration of tribunals.

Key Reports / Timeline of Tribunal Reforms

1957 Franks Committee recommended that tribunal procedures should be an example of **"openness, fairness and impartiality"**. The recommendations were implemented in the **Tribunals and Inquiries Act 1958**.

The 1958 Council on Tribunals was set up to supervise and review tribunal procedures. The Council was a body that would deal with complaints and submit recommendations for improvement. However, it was regarded as a *"watchdog with no teeth"* meaning it had very little power to make changes.

2000 Sir Andrew Leggatt: "Tribunals for Users - One System, One Service" – this report marked a radical reform of the tribunal system, since Leggatt reported that tribunals lacked independence, coherence and were not user friendly.

RECOMMENDATION	DETAILS
A single tribunal service to be responsible for the administration of all tribunals.	<ul style="list-style-type: none"> • Tribunal service is independent of its relevant government department. • The support is unified both in procedure and administration.
Tribunals should be organised into divisions grouping together similar tribunals.	<ul style="list-style-type: none"> • Chambers have clear areas of specialism e.g., Social Entitlement, Tax. • Each Chamber is headed by a Registrar who takes on case management duties in line with the <u>Civil Procedure Rules</u>.
The system should be user friendly.	<ul style="list-style-type: none"> • Users are encouraged to bring their own cases without legal representation. • Written judgments should be given in Plain English. • Information about procedures, venues etc. should be made freely available. • There is a single route of appeal.
Single route of appeal.	<ul style="list-style-type: none"> • With each Division having a corresponding Appeal Tribunal, only then will there be a redress to the Court of Appeal.

2007 **Tribunals, Courts and Enforcement Act**

This was the Act that formalised and implemented most of **Leggatt's** Reforms and contributed to the most radical shake up of the Tribunal system seen for many years.

Advantages

Cost

Parties are encouraged to take their own cases without the need for representation. This has been made even easier with the availability of application forms online and a more transparent **Tribunal Service** since the reforms.

Expertise

At least one member of the Tribunal will be an expert in the relevant field, so this will save time explaining complex technicalities to a judge in court.

Independence

Because of the involvement of the Judicial Appointments Commission in appointing tribunal judges, the tribunal system is much more transparent, independent and thus fair. Further, the unified set of procedures and rules minimises the risk of inconsistencies between tribunals.

Speed

There is a duty on the tribunal judges to take on case management duties, so they are able to impose strict timetables to ensure that most cases can be heard within one day.

Informality

It is much less formal than a court hearing, though they are more formal than other methods of ADR. The parties benefit from a private hearing and have the chance to maintain a relationship after the case is over.

Disadvantages

Delay

If the case is one of a complex nature, then there can be a delay in getting the case heard.

Lack of Precedent

Tribunals do not operate a strict system of precedent, so there is sometimes an element of unpredictability to the outcomes of cases.

Lack of Funding

Funding is not always available, which can be detrimental to a person taking on a big company who has the benefit of the most expensive representation. (Fees in employment tribunals have now been removed).

Intimidated Parties

There is still the problem of parties feeling intimidated and daunted at the prospect of taking a case to "court", particularly without the comfort of having a legal representative.