

## CARE STANDARDS TRIBUNAL USERS GROUP MEETING -26<sup>TH</sup> FEB 2008

### **MOVE TO NEW TRIBUNALS SYSTEM**

Judge Pearl explained plans for the new Tribunal Structure as provided for in the Tribunals, Courts and Enforcement Act 2007–

- New Chamber structure into which all TS tribunals will move.
- CST to move into the Health, Education & Social Care Chamber together with SENDIST and MHRT at the end of October 2008. CST will cease to exist in its current form.
- Establishment of a First Tier and Upper Tribunal structure. First tier tribunals will deal with first instance appeals, Upper Tribunal will deal with onward appeals (appeals on a point of law) from first tier and in some instances may be the first instance tribunal.
- Eventual administrative structure will deliver Administrative Support Centres where admin arrangements will be organised across tribunals and jurisdictions.
- Network of hearing Centres throughout the country.
- Consultation on new tribunals structure ‘Transforming Tribunals’ ended 22<sup>nd</sup> February 2008.

**Action: CST to keep users informed of changes resulting from implementation of new tribunal structure and will work with users on developing new forms, guidance and ensuring seamless transition.**

Mark Rowland explained that Ministry of Justice lawyers were working on generic procedural rules for tribunals in the new structure and that these would be chamber specific. As part of this development, the current CST rules were under review and Mark raised some specific issues:

- Length of time it takes to bring an appeal under the CST rules to hearing
- Possibility of shortening this time by :
  - removing the need to have a ‘response stage’ immediately after the appeal application is received – appeal applications should provide all the information concerning the decision against which an appeal is brought to enable the appeal to progress;
  - removing the need for the ‘further information stage’;
  - introduction of standard directions.

However, concerns were raised:

- Litigants in person often did not understand the appeals process and failed to provide all the information required in their appeal application;
- Decision letters did not always provide full information about the reasons for the decision, although appellants will have been informed of the full reasons;
- Appeal forms should ask more direct questions about the reasons for the decision & include better instructions on what the applicant must provide with the appeal;

- Sometimes further relevant information comes to light after the appeal is lodged;
- Standard directions would not be appropriate in some cases;
- Guidance for third parties would be helpful – especially if standard directions are introduced.

**Action: CST to consider changing appeal forms/guidance to help applicants provide all the information and documents required to ensure appeals can be expedited. Users to be sent the final draft of the generic procedural rules for the HESC chamber as soon as ready for public consultation.**

## **ADMINISTRATIVE ISSUES**

The following issues were raised by users:

- Website : search facility was difficult to use and often did not work at all;
- Welsh legislation was not listed on the legislation section of the website;
- Reference to National Assembly for Wales in appeal forms and on website needs to be changed to ‘The Welsh Ministers’;
- There is often a long delay between the supply of availability for a hearing and the setting of a hearing date – it would be helpful if stakeholders could be kept informed where delays occurred;
- Audio recording of appeals was not always available in premises outside Pocock Street – directions should set out the need for recording of a hearing where considered necessary;
- Out of time appeals are often forwarded to respondents without any indication that the appeal had first been considered by the President.

**Action: CST secretariat to address all the above and rectify any problems**

## **CURRENT CASELOAD**

CST provided some graphs setting out appeal receipts for 2006-07 and for the period October 07– Jan 08. Users requested more detailed information on withdrawals, cases heard etc.

**Action: CST to send users up to date, detailed statistics.**

## **NEXT MEETING**

**Action: CST to arrange another users’ meeting in about 6 months’ time to facilitate a fuller discussion on the implications of the new tribunal and chamber structure.**