Courts and Tribunals Judiciary

Consultation on the Deployment of Tribunal Members

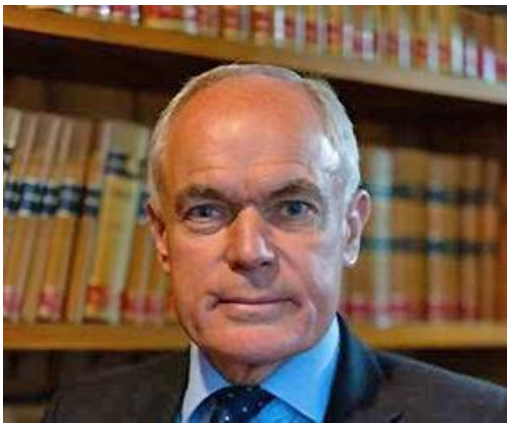
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Foreword



Tribunal Members have long made an important contribution to the work of our tribunals. Their specialist knowledge, professional experience and practical insight bring a valuable perspective to tribunal decision-making.

As our tribunals and the demands placed upon them continue to evolve, it is right that we keep our working practices under review and consider how that expertise can best be used. I am pleased to launch this consultation, which seeks views on whether Tribunal Members could be deployed more selectively in certain jurisdictions and types of case, while maintaining fair and high-quality decision-making.

I welcome views from judicial office holders and any interested parties on the proposals. The responses to this consultation will help inform our consideration of the appropriate role and deployment of Tribunal Members in the jurisdictions covered by the consultation.

I would like to thank our Tribunal Members, and all those working across the tribunals judiciary, for their continued hard work and dedication.

Lord Justice Dingemans
Senior President of Tribunals

Introduction

The Senior President of Tribunals is undertaking a review of the use of Tribunal Members in some cases across five jurisdictions in the First-tier Tribunal: the Mental Health Tribunal, the Social Security and Child Support Tribunal, the General Regulatory Chamber, the Tax Chamber and the War Pensions and Armed Forces Compensation Chamber; and one jurisdiction in the Upper Tribunal: the Administrative Appeals Chamber. This consultation seeks views from judicial office holders and other interested parties on proposals to optimise the deployment of Tribunal Members, including whether their deployment should be more closely targeted in certain types of case.

Tribunal Members play an important role in tribunals, often bringing subject-matter expertise and a broader perspective to decision-making. However, working practices, judicial appointment and training, case types and the wider justice system have evolved over time. Case receipts into the tribunals have grown significantly in recent years, leading to backlogs and delays for users. There is now an opportunity to consider whether current panel composition arrangements remain the most effective way of delivering justice for tribunal users.

This consultation forms part of a wider programme of work to improve the efficiency and effectiveness of tribunals, while maintaining the quality of judicial decision making and preserving the distinctive features of the tribunal system.

The consultation will run for 10 weeks, from 17 November to 25 January 2027. The proposals considered in this document are not uniform across the six jurisdictions. In some jurisdictions, the question is whether a defined category of work should move to judge-alone decision-making. In others, the issue is whether a smaller panel would be sufficient, while retaining specialist input. In the Tax Chamber, the consultation also considers whether appeals should ordinarily be determined by judges sitting alone, rather than Tribunal Members continuing to form part of tribunal panels. Some proposals would require a new or amended Practice Direction by the Senior President of Tribunals, following consultation with the Lord Chancellor. Others may be capable of being progressed through existing judicial or chamber arrangements. This consultation is separate from any changes that have already been consulted upon or approved in principle and which may be progressed through a Practice Direction before the outcome of this consultation. Any changes requiring a new Practice Direction would not be implemented before April 2027.

Purpose

The purpose of this consultation is to seek views on whether, and to what extent, the deployment of Tribunal Members should be changed in certain jurisdictions and/or types of case, so that their expertise is used where it makes the greatest contribution.

In particular, the Senior President of Tribunals is interested in whether some cases that are currently heard by panels including Tribunal Members could instead be heard by a judge sitting alone, without compromising the fairness, quality or authority of decisions.

The responses to this consultation will inform decisions by the Senior President of Tribunals and Chamber Presidents on future panel composition and deployment arrangements.

Background

Tribunals have traditionally operated with a flexible approach to panel composition, often combining judges and Tribunal Members to reflect the nature of the jurisdiction. Tribunal Members contribute specialist knowledge and experience, which can be particularly valuable in complex or technical cases.

In some high-volume jurisdictions, cases are listed using standard panel arrangements before a judge has considered whether the circumstances of the individual case require specialist expertise. This may result in Tribunal Members being deployed routinely rather than by reference to the particular issues arising in the case.

At the same time, there has been a sustained shift towards more streamlined ways of working across the justice system. In many jurisdictions, a significant proportion of cases are now less complex, more standardised, or determined on the papers. In these circumstances, the routine use of full panels may not always be necessary.

There are also practical considerations. The availability of Tribunal Members can affect listing and timeliness, and panel hearings typically require more resource to administer. Targeting the use of Tribunal Members in appropriate cases could therefore improve efficiency, reduce delay and enable better use of judicial capacity for the benefit of users.

This review is not driven by a single factor. Rather, it reflects a combination of considerations, including changes in case mix, the increasing use of digital processes, and the need to ensure that tribunals are operating in a way that is proportionate, efficient and sustainable.

Previous Consideration of Panel Composition

The question of panel composition is not a new one. Over the last decade, there have been several reviews and consultations examining whether tribunal panels should be composed more flexibly and whether some categories of case could be determined by judges sitting alone or with fewer Tribunal Members.

In 2016, as part of the wider programme of tribunal reform, the MoJ consulted on proposals to simplify panel composition across the tribunal system. The consultation recognised the important contribution made by Tribunal Members, but argued that many composition arrangements reflected historic practice rather than the needs of modern tribunals. It proposed giving the Senior President of Tribunals greater flexibility to determine panel composition according to the nature of the case and the expertise required. The consultation emphasised that specialist expertise should continue to be available where necessary, but that Tribunal Members should be deployed in a more targeted and proportionate way rather than as a matter of routine.

A number of subsequent consultations considered more specific changes within particular jurisdictions. In 2020 and 2022, the Senior President of Tribunals consulted on amendments to panel composition arrangements across a range of chambers. Many of the proposals were designed to permit a greater use of judges sitting alone, or smaller panels, where the specialist expertise of Tribunal Members was not considered necessary for the fair determination of the case. The consultations also drew on operational experience during the Covid-19 pandemic, when temporary arrangements enabled some cases to be heard by judges sitting alone or with reduced panels where this was necessary to avoid delay.

These consultations resulted in a number of changes across the tribunal system, most of which were implemented in 2023. In several jurisdictions, more cases are now routinely determined by judges sitting alone than was previously the case. Some changes in the Social Entitlement Chamber were delayed because corresponding changes were required to HMCTS systems. Experience from the reforms that have been implemented suggests that targeted changes to panel composition can be introduced while retaining appropriate safeguards and judicial discretion.

The present review builds on that earlier work. It does not start from the premise that Tribunal Members should no longer participate in tribunal decision-making. Rather, it seeks to consider whether existing arrangements continue to reflect the nature of the cases being decided and whether specialist expertise is being deployed in the most effective and proportionate way.

Importantly, there is no intention to remove the role of Tribunal Members altogether across the Tribunals taken as a whole. The aim is to ensure that they are deployed where their contribution adds the greatest value, rather than as a default.

The review has also been informed by developments within individual jurisdictions. In a number of chambers, judges with leadership responsibilities have already undertaken

assessments of where specialist expertise is essential, where reduced panels may be appropriate, and where existing arrangements remain justified. Those assessments generally point towards a more nuanced approach to deployment, with panel composition determined by the characteristics of the case rather than by a single default model.

Objectives

The review is being conducted with the following objectives in mind:

- ensure panel composition is proportionate to the nature and complexity of the case;
- improve efficiency and timeliness in tribunal proceedings for all users;
- enable more effective use of judicial and administrative resources;
- maintain, and where possible enhance, the quality and consistency of decision making; and
- preserve confidence among parties and the wider public in the fairness of tribunal processes.

These objectives are aligned with the broader aim of modernising tribunal working practices and ensuring that the system remains fit for purpose.

Principles

In considering potential changes to panel composition, the review is guided by a small number of core principles. Any approach must ensure that decisions remain fair, lawful and properly reasoned, in accordance with the relevant statutory framework. The composition of a tribunal should always support the just disposal of the case.

Panel composition should be determined by reference to what is needed in the particular case, rather than by established practice alone. While Tribunal Members have an important and well established role, their use should be focused on those cases where their expertise makes a material difference to the outcome or to the quality of deliberation. This reflects a more targeted and proportionate approach to deployment.

It is also essential that any changes maintain, and where possible strengthen, confidence in the tribunal system. Users must continue to feel that their cases are being considered with appropriate care and expertise. The review is therefore proceeding on the basis that flexibility should be retained, including the ability to direct the use of specialist Tribunal Members in cases where that is justified by the circumstances and the interests of justice.

Taken together, these principles are intended to ensure that any reforms strike the right balance between efficiency and the maintenance of high quality, authoritative decision making.

Factors Informing Panel Composition

In applying these principles, the central consideration is whether specialist knowledge or experience beyond that ordinarily expected of the judge is required for the fair and effective determination of the case. This may include technical, medical, professional, commercial, industry or other relevant experience that would materially assist the tribunal in understanding the evidence or issues in dispute.

The complexity or volume of a case would not, of itself, require the involvement of a Tribunal Member. Nor would the existence of a novel or finely balanced point of law. The relevant question is whether the particular subject matter or evidence would materially benefit from expertise or experience not ordinarily expected of the judge.

Consideration may also be given to whether the presence of a Tribunal Member would make a distinct contribution to the quality, authority or legitimacy of the decision, including in cases raising professional standards or matters of wider public importance.

These considerations are not intended to be exhaustive or prescriptive. They provide a framework for principled decisions about panel composition while preserving the flexibility required to respond to the circumstances of each jurisdiction and case.

Mental Health

In the Mental Health Tribunal, panels traditionally comprise a judge, a medical member and a specialist member. This reflects the clinical and social context in which decisions are made.

The review has considered whether there is scope to reduce the use of Tribunal Members in certain types of cases, for example where the issues are more straightforward or where the contribution of a third member is less central to the determination.

At the same time, it is recognised that many Mental Health cases involve complex clinical assessments and sensitive issues relating to risk, treatment and patient rights. In such cases, the input of Tribunal Members is likely to remain essential.

This issue has been considered on a number of previous occasions. In 2016, the Ministry of Justice consulted on proposals that would have provided significantly greater flexibility in tribunal panel composition. The proposals were considered across the tribunal system and prompted particular discussion within the Mental Health jurisdiction because of the specialised nature of Mental Health Tribunal work and the significance of decisions affecting liberty, treatment and patient rights. A number of stakeholder organisations expressed concern that reducing the involvement of medical and specialist members could weaken the interdisciplinary nature of tribunal decision-making and diminish confidence in the process.

More recently, the Senior President of Tribunals consulted in 2022 on proposals that would have allowed certain categories of Mental Health Act references to be determined by a judge sitting alone. The proposal was informed by operational experience during the pandemic, when temporary arrangements had enabled some automatic references to be dealt with by a single judge where the patient did not wish to participate and the matter was effectively uncontested. The consultation suggested that such an approach could improve efficiency and reduce delay while preserving safeguards through judicial discretion to convene a full panel where required.

Although these earlier discussions did not result in wider changes to panel composition within the Mental Health jurisdiction, they identified a number of themes which remain relevant today. These included the need to balance specialist expertise and public confidence against proportionality, timeliness and the effective deployment of judicial resources. They also highlighted the importance of distinguishing between different categories of case, recognising that the contribution made by Tribunal Members may be greater in some types of appeal than in others.

The present consultation therefore seeks views not on whether three-member panels should cease to exist, but on whether there are clearly defined categories of case in which alternative arrangements may be appropriate while maintaining fairness, confidence and appropriate safeguards.

The proposal under consideration in the Mental Health jurisdiction is more specific than a general move away from three-member panels. It would retain the ordinary three-member panel of a judge, a medical member and a specialist member for contested, complex or sensitive cases. However, views are invited on whether two defined categories of proceedings could be determined by a salaried judge sitting alone, subject to safeguards:

- Community Treatment Order proceedings, including both applications and references/referrals;
- certain automatic referrals or Secretary of State referrals where the factual dispute is limited and the professional evidence is consistent.

Section 2 Mental Health Act cases are not proposed for immediate change and would be considered separately.

For CTO proceedings, the proposal is that a salaried judge sitting alone would become the default position where the case concerns whether a community patient should remain subject to a CTO and, if so, on what conditions. Where a CTO has been revoked and the patient has returned, or is likely to return, to hospital under detention, the matter would fall outside that proposed category and would continue to be treated as a case concerning detention.

For automatic referrals, the proposal would apply only where the patient is aged 18 or over and either the patient has stated in writing that they do not wish to attend or be represented, with the judge satisfied as to capacity, or the patient's representative has stated in writing that the patient does not wish to attend or be represented. In every case, the judge would retain a discretion to direct that the matter be heard by a full panel where fairness requires it.

Social Security and Child Support

In Social Security and Child Support, many appeals are currently heard by panels comprising a judge, a medical member and, in some cases, a disability-qualified member.

Separately from this consultation, a more limited change has previously been proposed for a small category of PIP appeals that do not involve an assessment of a person's ability to carry out daily living or mobility activities. Under that proposal, those appeals would ordinarily be determined by a judge sitting alone. Implementation was delayed because changes were required to HMCTS systems.

The review has identified that a significant proportion of cases may not require the routine involvement of Tribunal Members, particularly where the issues are less complex or can be determined on the basis of documentary evidence.

The broader proposal considered in this consultation is that more SSCS appeals should be capable of being heard by a judge sitting alone, subject to appropriate safeguards and staged implementation.

The proposed approach would be incremental. One option would be to begin with salaried judges sitting alone in defined categories of appeal, before considering whether the approach should be extended to fee-paid judges with the 01 ticket and then, if appropriate, to fee-paid judges with sufficient experience and training following an expression of interest process. This would allow best practice to be developed and assessed before any wider rollout.

The consultation also seeks views on whether disability-qualified members and medical members should continue to sit as a matter of course in all PIP, DLA, AA, ESA and UCWCA appeals, or whether they should instead be deployed where the judge considers that the medical or disability issues in the case make specialist input necessary. The aim would not be to remove specialist expertise altogether, but to deploy it where it is needed to reach a fair and properly informed decision. This would be similar to the approach taken to financially qualified members, who are deployed where the issues in the appeal require their particular expertise.

Potential benefits include improved timeliness for tribunal users, increased judicial capacity and greater flexibility in listing. However, the consultation also recognises the importance of maintaining confidence in decisions, particularly in appeals involving disability and health conditions. Views are therefore sought on how specialist expertise should be deployed, what safeguards should apply, and whether additional training or guidance would be needed if greater use were made of judge-alone hearings.

War Pensions and Armed Forces Compensation Chamber

In the War Pensions and Armed Forces Compensation Chamber (WPAFCC), War Pensions appeals are currently heard by a panel comprising a judge, a medical member and a service member.

The review has identified that, in a proportion of cases, the issues in dispute may relate solely to points of law and may not require the routine involvement of all Tribunal Members.

One proposal under consideration is that certain appeals could be heard by a judge sitting alone, subject to appropriate safeguards. Under this approach, only clearly defined categories of appeal involving legal issues alone would be eligible for consideration by a judge sitting alone, with specific criteria governing any departure from the current three-person panel.

A more limited change is also being considered through a separate Practice Direction. This would enable the Chamber President to direct that an appeal be determined by one judge where it raises only questions of law and the expertise of the medical and service members is not required. The wider question for this consultation is whether there should be a more general move towards the targeted deployment of medical and service members in War Pensions appeals.

The consultation also seeks views on whether medical and service members should continue to sit as a matter of course in all War Pensions appeals, or whether their expertise should instead be deployed where the judge considers that the medical or service-related issues in a case would particularly benefit from specialist input. The intention is not to diminish the value of that expertise, but to ensure that it is available where it will most assist the Tribunal in reaching fair, informed and properly reasoned decisions.

Potential benefits include improved timeliness for veterans, increased judicial capacity and greater flexibility in listing. At the same time, the consultation recognises the importance of maintaining veterans' confidence in the appeals process, particularly given the distinctive nature of military service and the specialist knowledge required to understand service-related injuries and conditions. The contribution of medical and service members is highly valued, and their combined expertise remains an important strength of the Tribunal.

Views are therefore invited on whether appeals involving legal issues alone should be capable of being determined by a judge sitting alone; whether medical and service members should continue to sit in all War Pensions appeals; and what criteria and safeguards should govern any more targeted deployment of their specialist expertise.

General Regulatory Chamber

The General Regulatory Chamber has already undertaken significant work to review the routine deployment of Tribunal Members. Following a review of panel composition arrangements between 2022 and 2023, a number of changes were introduced which increased the proportion of cases determined by judges sitting alone and more closely aligned panel composition with the nature of the issues being decided. As a result, the majority of GRC work is now undertaken by judges sitting alone, with Tribunal Members concentrated in those areas where their expertise is considered to add the greatest value.

The review has identified that relatively few GRC jurisdictions make routine use of Tribunal Members. In some areas, such as Environment cases, members continue to provide specialist expertise which may assist the tribunal in understanding technical evidence. In Information Rights cases, members have historically played an important role in considering issues arising under freedom of information and data protection legislation, although previous reforms have already created greater flexibility for judge-alone determinations in certain categories of case.

The principal area identified for potential further change is the Transport jurisdiction. Panel composition has already been reduced substantially, and Tribunal Members now sit routinely only in a limited category of appeals. Tribunal Members in the Transport jurisdiction are required to have substantial experience of transport operations and its law and practice. Consideration has been given to whether some additional categories of Transport cases could be determined by a judge sitting alone. The rationale for this proposal is that the expertise held by Transport members does not always align closely with the specific issues arising in all First-tier Tribunal Transport appeals, particularly those concerning driving instructors and decisions of the Registrar of Approved Driving Instructors. It has therefore been suggested that further reductions in the use of Tribunal Members may be possible in a limited range of cases without adversely affecting the quality of decision-making.

Views are invited on whether the current balance is appropriate and whether there are opportunities to deploy Tribunal Members in a more targeted way in the GRC.

Tax Chamber

The Tax Chamber has historically made use of Tribunal Members in a significant proportion of substantive appeals. The present arrangements largely reflect the historical development of the jurisdiction and its predecessor bodies, including the General Commissioners and the VAT and Duties Tribunal, both of which incorporated non-legally qualified members as part of their decision-making structures.

The Tax Chamber now generally differs from a number of other tribunal jurisdictions in that it is a jurisdiction whose judges are recruited, trained and deployed on the basis of tax expertise. The specialist knowledge required to determine tax disputes therefore forms part of the expected expertise of the judge. The original rationale for the use of Tribunal Members may consequently warrant reconsideration in the context of the modern Tax Chamber and the wider principles set out in this consultation concerning proportionality, expertise, efficiency and the effective deployment of judicial resources.

Any change to panel composition would proceed on the basis that judges assigned to the Tax Chamber continue to possess the specialist tax knowledge required for the jurisdiction. Views are invited on whether any additional safeguards would be needed to ensure that this expertise is maintained in future judicial appointment and assignment arrangements.

A significant proportion of the current cohort of Tax Chamber Tribunal Members is expected to retire in the coming years or is serving under arrangements that will require review. This presents a natural opportunity to consider the future role of Tribunal Members within the jurisdiction before decisions are required concerning future recruitment, reappointment and deployment.

Against that background, and in the context of the broader review of the use of Tribunal Members there are considered to be two broad options:

(1) The first option would be for Tax Chamber appeals ordinarily to be determined by a judge sitting alone. This approach would proceed on the basis that the specialist expertise required to determine tax disputes is already provided by the judiciary. Such a model would be consistent with the approach taken in the courts and in some other tribunal jurisdictions.

(2) The second option would be to retain a more limited role for Tribunal Members. Under this approach, Tribunal Members would not ordinarily be deployed solely on the basis of tax knowledge that is already expected of the judge. Their role would instead focus on professional, commercial, industry or other relevant experience that is not ordinarily expected of the judiciary and that may materially assist the Tribunal in determining particular issues.

This consultation does not proceed from the assumption that either model is preferable.

In addition to the general consultation questions, views are particularly invited on whether the current balance and continued use of Tribunal Members are appropriate and whether there are opportunities to deploy Tribunal Members in a more targeted way in the Tax Chamber. In particular:

(1) What contribution do you consider Tribunal Members make to the determination of tax appeals that is distinct from that of a specialist tax judge?

(2) Do you have any suggestions about how such contributions could be assessed or measured?

(3) If Tribunal Members continue to be deployed, what factors should determine when their participation is justified?

(4) Should Tribunal Members be deployed only where they bring relevant professional, commercial, industry or other experience not ordinarily expected of the judge? If so, what forms of experience are likely to be of particular value?

(5) Should Tax Chamber appeals ordinarily be determined by judges sitting alone?

Upper Tribunal Administrative Appeals Chamber

In contrast to many First-tier Tribunal jurisdictions, UTAAC makes only limited use of Tribunal Members. Most UTAAC work involves appeals on points of law and is therefore determined by judges sitting alone. Tribunal Members are generally used only in two specialist jurisdictions: appeals relating to safeguarding decisions made by the Disclosure and Barring Service (DBS) and appeals from decisions of Traffic Commissioners.

A recent review undertaken by the Chamber identified different considerations in relation to those two jurisdictions. In DBS appeals, the view of the leadership judges is that specialist members continue to provide important experience and perspectives in a jurisdiction involving significant safeguarding issues and factual determinations. No immediate change to existing arrangements is therefore proposed.

Under the UTAAC Composition Practice Statement, Information Rights cases transferred from the GRC under rule 19(3) are subject to specific panel composition arrangements. Such transfers are very rare and no change to those arrangements is proposed as part of this consultation

The retention of appropriate specialist expertise may also affect the approach of an appellate court or tribunal to findings made by an expert tribunal. In considering any change, regard should therefore be had not only to the contribution made at first instance, but also to whether specialist composition supports the authority and finality of the resulting decision.

In Traffic appeals, however, consideration has been given to whether the default position should move from a judge sitting with two members to a judge sitting with one member. The review concluded that specialist expertise remains valuable in these cases, but that a single member may provide sufficient support in most appeals. The proposal would therefore retain specialist input whilst reducing the overall use of Tribunal Members.

The review also raised a broader question about whether certain jurisdictions that currently sit within UTAAC remain best placed there, given that they involve substantial fact-finding rather than appeals confined to questions of law. Although this issue falls outside the scope of the present consultation, it forms part of wider discussions about the future structure of tribunal jurisdictions and provides additional context for consideration of panel composition.

Views are invited on whether the current use of Tribunal Members within UTAAC remains appropriate and whether the proposed reduction in member numbers for Traffic appeals strikes the right balance between specialist expertise and proportionate deployment of judicial resources.

Consultation Considerations

In responding to this consultation, consultees may wish to consider:

- The impact of any change in the deployment of Tribunal Members on the quality and robustness of decision-making;
- The likely impact on timeliness, listing flexibility and the efficient use of judicial and administrative resources;
- The potential effect on user confidence, particularly for parties who may value the presence of specialist members;
- The implications for training, deployment and retention of Tribunal Members; and
- Whether there are safeguards or criteria that should govern decisions about panel composition.

Legal Powers and Implementation

The legal and procedural route for any change will depend on the jurisdiction and the nature of the proposal. In general, changes to tribunal panel composition may be made by the Senior President of Tribunals through a Practice Direction, following consultation with the Lord Chancellor. The current position is that some, but not all, of the proposals may require a new or amended Practice Direction.

Where a new or amended Practice Direction is required, no change would be implemented before April 2027. The consultation is intended to inform decisions on whether to proceed, the scope of any Practice Direction, and the safeguards that should apply.

In WPAFCC, a separate Practice Direction is under consideration that would permit the Chamber President to direct that a War Pensions appeal be determined by one judge where it raises only questions of law and the expertise of the medical and service members is not required. The wider proposal considered in this consultation is whether medical and service members should continue to sit as a matter of course in all War Pensions appeals, or whether they should be deployed more selectively. Any further change following this consultation would require the appropriate legal and procedural route to be confirmed.

In SSCS, the proposed wider changes considered in this consultation are separate from the more limited PIP composition change that has already been developed. That earlier change was delayed to allow the necessary HMCTS system changes to be made. The legal and procedural route for any further changes arising from this consultation would depend on the scope of the proposals ultimately adopted.

The position in UTAAC is different. Most UTAAC work is already determined by judges sitting alone, and Tribunal Members are used only in limited categories of case, principally DBS safeguarding appeals and Traffic Commissioner appeals. The proposal in this consultation is limited to whether Traffic appeals should move from a judge sitting with two members to a judge sitting with one member. Wider questions about whether particular jurisdictions are properly located in UTAAC fall outside the scope of this consultation.

The legal and procedural route for any change in the Tax Chamber will depend on the option ultimately adopted. Any proposal would also need to take account of the arrangements for appointing, assigning and deploying judges and Tribunal Members within the Chamber. The consultation does not make any decision on future recruitment, reappointment or deployment arrangements.

Consultation Questions

Question 1: Do you agree that Tribunal Members should be deployed in a more targeted way in the jurisdictions covered by this consultation? What factors should determine when their involvement is required?

Question 2: Are there particular types of case, issues or areas of expertise for which the involvement of Tribunal Members is essential? Please explain why.

Question 3: Are there particular types of case in which a judge sitting alone, or a judge sitting with fewer Tribunal Members, would be appropriate?

Question 4: What impact would the proposed changes have on the quality, consistency and authority of tribunal decision-making?

Question 5: What impact would the proposed changes have on user confidence?

Question 6: What impact would the proposed changes have on timeliness, listing flexibility and the effective use of judicial and administrative resources?

Question 7: What safeguards, training or guidance would be required to support any change in panel composition?

Question 8: Please provide your views on any of the specific proposals or questions set out in the relevant chamber sections.

Question 9: Do you have any other comments on the future deployment of Tribunal Members?

Responses

All responses should be submitted through the Microsoft response form.

The consultation will be open for 10 weeks, from 17 November 2026 until 25 January 2027. Consultees do not need to answer every question if only some are of interest or relevance. Please note that responses are limited to 4,000 characters per question, around 650 words. Any response longer than 4,000 characters will be cut off at 4,000 characters.

If you want to supply any response not in text form, or if you want to submit a response longer than 4,000 characters, please email jostrategyandmodernisation@judiciary.uk for details on how to do so.

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