



**Courts and
Tribunals Judiciary**

Senior President of Tribunals' Annual Report

2024



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Tribunals structure chart

Key:

- 1 United Kingdom. 2 Great Britain. 3 England and Wales.
- 4 England only. 5 Scotland only.

Court of Appeal, Court of Session, Court of Appeal (NI)

Upper Tribunal and First Tier Tribunal Presided over by Senior President: The Rt. Hon. Sir Keith Lindblom.

Upper Tribunal

Administrative Appeals Chamber
 President: Mrs Justice Heather Williams
 (First instance jurisdiction: forfeiture cases and safeguarding of vulnerable persons. It has also been allocated some judicial review functions).
 Also hear appeals from: PAT (Scotland), PAT (NI) ('assessment' appeals only), MHRT (Wales), SENT (Wales).

Tax and Chancery Chamber
 President: Mrs Justice Bacon
 (First instance jurisdictions: Financial Services and Markets and Pensions Regulator).
 Hears appeals from: Taxation Chamber and from the Charity jurisdictions in the General Regulatory Chamber. It has also been allocated some judicial review functions.

Immigration and Asylum Chamber
 President: Mr Justice Ian Dove.

Lands Chamber
 President: Mr Justice Edwin Johnson.

Employment Appeal Tribunal 2
 President: Mrs Justice Eady.

First Tier Tribunal

War Pensions and Armed Forces Compensation Chamber
 President: Judge Fiona Monk.
 England and Wales appeals only 3

Social Entitlement Chamber
 President: Judge Kate Markus KC.
 Jurisdictions:
 Social Security and Child Support 2
 (Except NHS charges in Scotland)
 Asylum Support 1
 (No onward right of appeal)
 Criminal Injuries Compensation 2

Health, Education and Social Care Chamber
 President: Judge Mark Sutherland Williams.
 Jurisdictions:
 Mental Health 3
 Special Educational Needs and Disability 3
 Care Standards 3
 Primary Health Lists 3

General Regulatory Chamber
 President: Judge Mark O'Connor.
 Jurisdictions include:
 Charity (onward appeals to Tax & Chancery) 3
 Animal welfare 1
 Estate Agents 1
 Transport (Driving Standards Agency Appeals) 2
 Information Rights 1
 Pensions, Professional Regulation 3
 Gambling 2
 Immigration Services 1
 Environment 3

Tax Chamber
 President: Judge Greg Sinfield.
 Jurisdictions include:
 Direct and indirect taxation 1
 MPs Expenses 1

Immigration and Asylum Chamber
 President: Judge Melanie Plimmer.
 Immigration and Asylum 1

Property Chamber
 President: Judge Siobhan McGrath.
 Residential property 4
 Agricultural lands and drainage 4
 Land Registration 3

Employment Tribunal (England and Wales) 3
 President: Judge Barry Clarke.
Employment Tribunal (Scotland) 5
 President: Judge Susan Walker KC (hon)

Introduction

The tribunals in 2024

2024 has been a busy year for the tribunals. With many policy and legislative changes affecting several chambers and steadily increasing caseloads, judicial office holders, officials in the Judicial Office, and the HMCTS staff who help us every day have been working hard throughout the country to continue to deliver justice and provide access to justice for our users.



In each Annual Report I begin by recalling the strategic objectives I set for myself when I became Senior President of Tribunals in 2020. Providing this update every year gives me the opportunity to celebrate the successes we have had, and to reflect on what more we can do.

This year's Annual Report takes the form of my own introduction together with a review of the jurisdictions for which I am responsible. The following pages demonstrate the commitment shown by everyone in the tribunals community to maintaining access to justice, upholding the rule of law, and helping me to achieve my strategic priorities.

'One Judiciary'

The shared ambition of 'One Judiciary' remains a priority for me as we make progress towards greater unity between the courts and tribunals judiciary, while respecting the unique identities of the different jurisdictions. The enthusiasm shown by the Lady Chief Justice for 'One Judiciary' has given the project new energy and we have taken some significant steps forward.

In 2023, the Government published proposals on reforming the office of the Senior President of Tribunals – to create a unified leadership structure for the courts and tribunals judiciary in England and Wales, with the office of Senior President of Tribunals continuing to lead the reserved tribunals judiciary in Scotland and Northern Ireland under separate statutory powers. The Government's response to the consultation was delayed during July's General Election, and I hope we shall see this published soon. The proposals will require primary legislation to be enacted, and we will continue to work with the Government to find an opportunity to make these important changes.

Enhancing flexible deployment remains a core part of the 'One Judiciary' vision. This year saw deployment of First-tier and Employment Tribunal judges into the Family Court, as well as expressions of interest for Civil and Family District Judges and Deputy District Judges to sit in the General Regulatory Chamber, the Social

Entitlement Chamber, and the Property Chamber. To ensure that opportunities for flexible deployment are taken when they can be, we are also undertaking 'lessons learned' exercises for recent larger-scale cross-deployment to improve the process whenever possible.

This year also saw the start of work to reinvigorate our network of Regional Liaison Judges. These judges will work closely with Presiding Judges in the Courts to increase understanding of the work of the tribunals and encourage greater engagement between judges at a local level.

My Diversity Taskforce has also been helping to realise the aims of the 'One Judiciary' project by increasing awareness and understanding of the tribunals, both within the judiciary and beyond. The Taskforce has been working with the Judicial Appointments Commission (JAC) on this front and has taken part in a training event for JAC Lay Members who sit on judicial recruitment interview panels. Presentations were made and discussions held about the range and complexity of the tribunal jurisdictions, and the specialised nature of much of the work. The event was very successful, with many of the JAC members present reporting that it had enhanced their understanding of tribunals.

I encourage all judicial office holders to consider opportunities where they can work more closely with counterparts in the courts – such as hosting shared events, extending invitations to legal or training events or other similar opportunities. We are all responsible for enhancing our collegiate culture, and we can all play a part in realising 'One Judiciary'.

Equality, diversity, and inclusion

I remain committed to improving equality, diversity and inclusion across the tribunals. [The Judicial Diversity Statistics for 2024](#) show that some progress has been made this year for some underrepresented groups.

The statistics show an increase in the proportion of females within the tribunals; 53% of all tribunal judges are female, and females occupy nearly two-thirds (62%) of our most senior leadership roles. The proportion of non-legal members who are female has also increased this year to 57%.

These are positive steps. But we must focus on the representation of ethnic minority identities throughout the judiciary and the role that intersectionality plays.

There has only been a marginal increase in the representation of black, Asian, and minority ethnic judicial office holders. 13% of tribunal judges are from an ethnic minority background, which is lower than the 25- to 74-year-old national working population. However, 18% of non-legal members are from an ethnic minority background, which is slightly higher than the working age population.

While posts in the tribunals tend to be held by higher proportions of white female (46%) and ethnic minority female judges (8%) than in the courts, only 5% of tribunal judges are male and from an ethnic minority background. In the more senior tribunal posts, only 7% of Upper Tribunal Judges are female and from an ethnic minority background, and 33% of Upper Tribunal Judges are female and from a white background, compared with 10% of Upper Tribunal Judges being from a male ethnic minority background and 50% of Upper Tribunal Judges being from a white male background. It is clear that there is much more to be done to ensure that our judiciary reflects the society it serves, particularly in the more senior tribunal roles.

Since it was established in February 2021, my Diversity Taskforce has been responsible for supporting and progressing the four main objectives of the [Judicial Diversity and Inclusion Strategy](#) in the tribunals. The Taskforce comprises members of all ranks of the tribunals judiciary in the First-tier and Upper Tribunal, the Employment Tribunals in England and Wales and in Scotland, and the Employment Appeal Tribunal. Its members have been drawn from a range of backgrounds, which assists in understanding a variety of perspectives and experiences. The Taskforce has continued to support the informal network of Diversity Leads in each chamber and tribunal in putting into effect initiatives for diversity and inclusion. This has proved to be a good forum for judges to share best practice and gain inspiration from each other.

One of the aims of the Judicial Diversity and Inclusion Strategy is to support and develop the career potential of judges. To help achieve this in the tribunals, the Taskforce launched the Judicial Career Development and Progression Scheme as a permanent mentoring scheme, following a successful pilot last year. The scheme is open to tribunal judges seeking guidance from a court or tribunal judge on ways in which to develop a judicial career. Those who participate in the mentoring scheme will benefit greatly from the knowledge and experience of their colleagues. I look forward to seeing how the scheme progresses.

Other projects have included reviewing and developing the policies for salaried part-time working, working with the Judicial Communications team to enhance the means by which chambers and tribunals can report on D&I achievements, and initiatives to bring together courts and tribunals judiciary to make progress towards achieving 'One Judiciary'.

In the spirit of 'One Judiciary', the Taskforce has strengthened its co-operation with the Judicial Diversity Committee of the Judges' Council. The chair of the Taskforce, Judge Kate Markus K.C., President of the Social Entitlement Chamber, is now the Deputy Chair of the Judicial Diversity Committee. Other members of the Taskforce are now also members of the Judicial Diversity Committee. This has enabled the Taskforce to work more effectively to achieve the aims of the Judicial Diversity Strategy.

I am also pleased to report that Regional Tribunal Judge Elizabeth McMahon has been appointed by the Lady Chief Justice as the new Lead Diversity and Community Relations Judge. She is responsible for leading the 140+ Diversity and Community Relations Judges who each play an important role in educating the community about what the work of a judge involves.

To make real improvements in the diversity of the judiciary, it is important that all judicial office holders do what they can to maintain an inclusive and welcoming environment for their colleagues. I am proud of the efforts shown each day by tribunal judges and members to achieve this.

Efficient and effective justice and access to justice

As I predicted in last year's annual report, 2024 has seen continuing efforts in the tribunals to look at their ways of working with a critical eye, and to seek new and innovative ways to ensure they are operating efficiently and effectively.

By 'efficiently and effectively' I mean, for example, that all those involved in an appeal or case are told the outcome as swiftly as is reasonably possible. Delays in the making of decisions not only contribute to backlogs within the tribunals, but also cause anxiety and frustration to our users. Over the past year we have been exploring listing changes to speed up our processes, working with HMCTS on ways to deploy staff to ensure we make the most we can of judicial time on those tasks that only judges are able to do, and we have proposed a number of rule changes to make our processes more efficient.

While promulgating decisions in good time is essential, so is writing decisions which are accessible and can be easily understood by our users. To this end, in June this year I issued a new [Practice Direction](#) which gives guidance on principles underpinning the giving of written reasons for decisions in the First-tier Tribunal. Where written reasons are given, they must always be adequate, clear, appropriately concise, and focused on the principal controversial issues on which the outcome of the case has turned.

I also believe that the tribunals should be making the best use they can of the digital tools and processes available to us. In previous Annual Reports I have reported progress with HMCTS's Reform Programme. We have now reached the end of the Programme for the tribunals. While there have been many challenges, now is an opportunity to celebrate some successes.

The Employment Tribunal project and the Criminal Injuries Compensation Tribunal project have completed their national roll-out, and with it their projects have now closed. The First-tier Tribunal (Immigration and Asylum Chamber) project also closed in September this year, with its aim to digitise appeals and eliminate paper files almost fully realised. The First-tier Tribunal (Social Security and Child Support) project also closed in September. With List Assist being used in Wales and the South-West, we have realised an end-to-end digital process for benefit appeals in

this region. HMRC appeals to the Chamber have also been digitised. However, there are significant improvements still to be made, including the implementation of integrated List Assist and the essential Work Allocation component nationwide. I expect modernisation to continue to advance with the support of HMCTS's Digital Technology Services team.

The new Video Hearings service, a bespoke platform for online hearings to replace the 'off-the-shelf' products currently used in the tribunals, is operating in several jurisdictions, including the Employment Tribunal in Bristol, the First-tier Tribunal (Immigration and Asylum Chamber) in Newport, and the First-tier Tribunal (Property Chamber) across various regions (Northern, Southern, Midlands, London, and Land Registry), and at a national level in the Upper Tribunal (Lands Chamber) and the First-tier Tribunal (Tax Chamber). While work is still to be done to improve the stability of the platform, we look forward to improvements in the service so that it can support the large number of video hearings conducted in the tribunals every day.

HMCTS is moving to a new governance structure for modernisation, with a commitment to 'continuous improvement' in the reformed system and also to improving processes for the tribunal jurisdictions not included within the programme.

I am grateful to the HMCTS and Judicial Office officials who have worked constructively with the judiciary in the Reform Programme. It has been a joint effort, and not always easy, but I hope it will stand as an example of how the judiciary and officials can work together effectively.

As I reported last year, some tribunals have been removed from the Reform Programme, and at that time the future of modernisation in those jurisdictions was uncertain. I am pleased to report this year that the judiciary and HMCTS have worked together to achieve improvements.

In the First-tier Tribunal (Property Chamber) the legacy Land Registration Division system has been replaced, and a replacement for the Residential Property division case management system has been developed.

The First-tier Tribunal (General Regulatory Chamber) has also seen significant change. After much work by the judiciary, HMCTS administrative staff, and the Ministry of Justice's 'NS Change Team', all appeals lodged after 1 February 2024 are subject to a new and more cohesive process, with further reform in prospect. The Chamber will also be one of the first jurisdictions to pilot the use of Large Language Models on old casefiles, evaluating the benefits and disadvantages of the use of this technology in the judicial sphere.

In the First-tier Tribunal (War Pensions and Armed Forces Compensation Chamber) there has been significant progress in introducing digital working. The legacy case management system has been decommissioned, and in mid-April the Chamber moved to the same platform as that used by the First-tier Tribunal (Tax Chamber) and the General Regulatory Chamber. Electronic referrals to judges and Legal Officers have been introduced, which will make the process much smoother and quicker, and will, in turn, reduce waiting times for parties and their representatives. Work will continue in the coming year to introduce bulk scanning and digital bundles, and with HMCTS in digitising case files.

2024 saw another change which I hope will further my aim to build an effective and accessible administrative justice system for all. Since 2020 I have chaired the Administrative Justice Council (AJC), the oversight body for the administrative justice system. Having previously sat in JUSTICE, AJC's Secretariat moved to the Judicial Office in April 2024, which brings it in line with the Civil Justice Council and the Family Justice Council. This is a welcome move, and I hope it will enable better collaboration between the judiciary and others involved in the administrative justice sphere.

Alongside the meetings of the full Council and sector-based panels, over the last year the AJC has convened three working groups: to concentrate on first instance decision-making in special education needs and disability (SEND); to explore tribunal users' experience in the modernised HMCTS systems; and to understand disadvantage in the administrative justice system.

In addition to these three projects, in June 2024, the AJC also hosted a joint event with the Parliamentary and Health Service Ombudsman to resume the collaboration between ombuds and tribunals. The event consisted of presentations from experts in the field, and discussions on the practical solutions to improve ways of working. This theme will continue to feature throughout the AJC's work over the next year.

As we move into the third term of the AJC, I look forward to appointing new members for the next term. I would like to express my gratitude to members whose term has ended; they have contributed a great deal to our efforts to improve the administrative justice system.

Recruitment

Between September 2023 and September 2024, we welcomed 372 legal and 71 non-legal judicial office holders to the tribunals. Several large-scale specialist non-legal member campaigns for 2023/24 are also due to conclude shortly.

Regular recruitment into salaried and fee-paid roles within the First-tier Tribunal has continued, with both campaigns forming part of the rolling programme of recruitment. As in previous years, the campaigns have been generic, seeking appointments to the First-tier Tribunal with deployment of the successful candidates to specific chambers undertaken after appointment.

Recruitment into the First-tier Tribunal and Employment Tribunal has had mixed success in 2023/24. Exercises for fee-paid judiciary have tended to fare better than for salaried; they remain highly competitive with a significant number of applications. Competitions for salaried positions have seen significant shortfalls in comparison with previous years, and difficulties in recruiting into specific regions. The Judicial Office is working with the judiciary and the JAC to address these shortages, reviewing the timing and frequency of campaigns. It has also created an Outreach and Attraction team, which works with the JAC and others with the aim of attracting candidates into various judicial roles, including salaried judiciary in the First-tier Tribunal and Employment Tribunals. I recently made the decision to remove some of our smaller Chambers from the generic exercise, to ensure that we can attract enough candidates with expert knowledge in these specialist jurisdictions with a better targeted approach.

The 2023/24 programme of recruitment included several successful medium and large-scale specialist non-legal member campaigns, as well as recruitment to the Upper Tribunal (Immigration and Asylum Chamber). The 2024/25 recruitment programme continues to see a high number of specialist non-legal member campaigns as well as exercises for fee-paid and salaried judges of the First-tier Tribunal. An exercise for more salaried Employment Judges will also be launched at the end of 2024.

Earlier in this introduction I noted the steps we are taking to improve diversity and inclusion within the judiciary. We are also doing everything we can to encourage and support those from a diversity of backgrounds to apply for judicial office. New Entrant Data from the Diversity of the Judiciary Statistics shows that between 2020 and 2024 there was an overall increase of new entrants into the tribunals who were women (from 54% to 67%). Ethnicity data for judicial office holders in the tribunals shows that 17% identified as black, Asian or minority ethnic in 2024, compared with 16% in 2023. This is encouraging, but, as I have said, there is much more we can do.

I strongly support the JAC's Targeted Outreach Programme, which works with candidates from groups traditionally under-represented in the judiciary and provides guidance on the process of judicial appointment, helping potential candidates to obtain mentoring, coaching and sitting experience, or advice about confidence-building, overcoming 'imposter syndrome' and building resilience. 76 Tribunal judges act as guides on the programme, which is currently working with over 400 potential candidates as they make applications for a range of judicial roles. Early outcomes are promising. For example, female ethnic minority solicitors on the programme were appointed at rates more than three times higher in the first three years of the programme, compared with applicants who did not access the programme. Female white solicitors on the programme were appointed at rates twice as high over the same period, compared with applicants not availing themselves of the programme.¹

While beyond my jurisdiction, I am pleased to welcome two new members of the Tribunals Judicial Executive Board. Lady Wise has succeeded Lord Stephen Woolman as President of the Scottish Tribunals, and Sir Gary Hickinbottom has followed Sir Wyn Williams as President of the Welsh Tribunals. I look forward to working with them on matters of shared interest.

Training

The Judicial College is responsible for helping me to fulfil my statutory duty for the training of the tribunals judiciary. The Judicial College Board, chaired by Lady Justice King, sets the overall direction for the College and oversees the delivery of the objectives in the College's [2021-25 strategy](#). The tribunals are represented on the Board by the Director of Training for Tribunals and the Chair of the Tribunals Training Committee.

Employment Judge Philip Rostant, Director of Training for Tribunals, retired in June 2024 having held that role for four years. Judge Melanie Plimmer, President of the First-tier Tribunal (Immigration and Asylum Chamber), stepped down as Chair of the Tribunals Training Committee in March 2024. I pay tribute to Judge Rostant and to Judge Plimmer for their hard work and commitment to tribunals training. In May 2024, Employment Judge Rebecca Howard was appointed Director of Training for Tribunals for an initial term of three years, having previously held roles as Deputy Training Lead for the Employment Tribunal (England and Wales), and as a member of the Faculty Training Group and the editorial boards for the Equal Treatment Bench Book and Tribunals Journal. Mr Justice Edwin Johnson was appointed to chair the Tribunals Training Committee in June 2024. I am grateful to both of them for taking on these important roles.

¹ <https://judicialappointments.gov.uk/targeted-outreach-and-research-team/>

Between October 2023 and the end of September 2024, the College provided 259 tribunals and cross-jurisdictional training events for approximately 9,299 participants. This included 39 tribunals-specific induction seminars for 742 delegates authorised in new jurisdictions or areas of responsibility and five faculty induction seminars for 282 participants new to judicial office. The College also provided a range of continuation courses for existing tribunals judiciary to keep them up to date on developments and specialist skills. It ran five essential leadership programmes to 92 delegates in tribunals and courts. This training is mandatory for judicial office holders newly appointed to a leadership position, including Regional Tribunal Judges and their equivalents. The College also responded to the passage of the Illegal Migration Act by delivering new training this year to existing Upper Tribunal Judges and Deputy Upper Tribunal Judges of the Upper Tribunal (Immigration and Asylum Chamber), and to judges who were deployed to the chamber from the First-tier Tribunal (Immigration and Asylum Chamber) to support an increase in judicial capacity.

By the end of March this year, the College had delivered 163 inclusion training sessions to the tribunals and courts judiciary. As I said in my 2023 annual report, this training forms part of my commitment to foster a more inclusive culture throughout the tribunals judiciary, in line with the Judicial Diversity and Inclusion Strategy. I am pleased to see individual chambers' efforts to embed this training into their regular patterns of work.

An appreciation for the diversity of our users is also important to ensure every person appearing before the tribunal receives a fair hearing. The Equal Treatment Bench Book (ETBB) is an essential tool to help the judiciary in this respect. The ETBB is an important resource for judges and members; it aims to increase understanding of the different circumstances of those who use the courts and tribunals. A new edition of it was published in July 2024. The revised edition is more up to date, concise and user-friendly. A number of tribunal judges contributed to the publication as part of the editorial panel.

Two editions of the Tribunal Journal have been published this year. The Journal aims to inform and engage tribunal members and support them to maintain high standards of adjudication. The College also launched a new Employment e-letter, on the initiative of Judge Barry Clarke, President of the Employment Tribunal (England and Wales).

The College has also continued with its international engagement. For example, in partnership with the European Judicial Training Network, the College delivered a seminar in March of this year in Germany on designing an e-course and the journey from preparation to evaluation, as part of a wider seminar on applying new technologies to judicial training. The College has also continued to attend the annual UK and Ireland Judicial Studies Council (UKIJSJC) meeting, which provides an opportunity for it to meet its counterparts from Scotland, Northern Ireland and the Republic of Ireland.

Conclusion

Next year sees the 50th anniversary of the Employment Appeal Tribunal and the 75th anniversary of the Upper Tribunal Lands Chamber. These occasions are an opportunity to reflect on the long history of tribunals justice in all its different forms; and I hope this year's Annual Report will itself be seen as a celebration of our tribunals as they are today – a modern system of tribunals justice, which adapts with the times, and justly prides itself on its style and culture, and the attention it gives to its users – putting access to justice at the heart of everything it does.

We could not do this without the excellent people within the system who are committed to delivering the absolute best for our users. We as judges would not be able to do our jobs effectively without the hard work of the many unsung heroes in the background – we owe our thanks to the HMCTS staff who ensure the effective operation of the tribunals, and the Judicial Office officials who support us in our leadership duties.

I would not be able to do my job leading the Tribunals without the dedication of every judge and member, salaried and fee-paid. In the final year of my five as Senior President, I want to end this introduction to my Annual Report by thanking each of them, and their Associations, for their invaluable support to me. I am especially indebted to the Chamber and Tribunal Presidents, and their leadership judges, for so ably leading their jurisdictions day-to-day, with remarkable resilience in what can often be difficult and testing circumstances.

I am hugely grateful to every one of them.



The Rt Hon Sir Keith Lindblom

Upper Tribunal

Administrative Appeals Chamber

President: The Honourable Mrs Justice Heather Williams DBE

The jurisdictional landscape

The Upper Tribunal (Administrative Appeals Chamber) (UTAAC) has approximately 60 jurisdictions in total. However, the bulk of the Chambers' caseload continues to comprise appeals on points of law from decisions of the First-tier Tribunal (Social Entitlement Chamber) relating to social security benefits administered by the Department for Work and Pensions (DWP) and His Majesty's Revenue and Customs (HMRC); second-tier appeals on points of law in relation to information rights, mental health and Special Educational Needs (SEN) and judicial review challenges to decisions of the Criminal Injuries Compensation Authority (CICA).

The breadth of the Chambers' work is reflected in the notable cases that have been decided over the last year.

In terms of social security benefits, SSWP v JA (UC) [2024] UKUT 52 (AAC) concerned the intersection between universal credit (UC) and housing benefit (HB). The loss of transitional protection when the claimant moved from HB-funded accommodation to mainstream rented accommodation funded by UC constituted an unlawful breach of article 14/A1P1 ECHR. IB v Gravesham Borough Council and SSWP (HB) [2023] UKUT 193 (AAC) involved a claimant who was a devout Muslim and so regarded the charging or paying of interest to be prohibited by his religion. The issue was whether applying for a student loan would be a "reasonable step" (for the purposes of regulation 64(3) of the Housing Benefit Regulations 2006) for the claimant to take. Four UTAAC cases dealt with different aspects of the entitlement of claimants in custody to universal credit and employment and support allowance: SSWP v NC (ESA) [2023] UKUT 124 (AAC); SSWP v AH (UC) [2023] UKUT 274 (AAC); SSWP v PL (UC) [2023] UKUT 288 (AAC) and JC v SSWP (ESA) [2024] UKUT 13 (AAC).

CICA cases included R (CFP) v FTT and CICA [2023] UKUT (AAC) 145 (AAC), a challenge to the exclusion from the 2012 Criminal Injuries Compensation Scheme of the effects of abuse suffered before 1 August 1964, the date when the first such scheme was created; and KM v FTT and CICA [2023] UKUT 239 (AAC), a human rights challenge to the unspent conviction rule in the 2012 Scheme in the context of sexual or domestic abuse.

[A Multi Academy Trust v RR \[2024\] UKUT 9 \(AAC\)](#) examined the statutory modifications of the reasonable adjustments duty when it is applied in the context of a special school; and [Hampshire CC v GC \(SEND\) \[2024\] UKUT 128 \(AAC\)](#) was a test case concerning local authority responsibility for the child of armed forces personnel deployed overseas.

In the information rights field, [Information Commissioner v Experian Ltd \[2024\] UKUT 105 \(AAC\)](#) considered the principle of transparency in both the overarching duty in General Data Protection Regulation Article (GDPR) 5(1)(a) and the more detailed obligations under GDPR Article 14; [Fryers and Hogg v Secretary of State for Northern Ireland \[2024\] UKUT 48 \(AAC\)](#) was a test case for more than 100 other claims challenging the Secretary of State's refusal to release unredacted detention records to individuals who had been interned in the early 1970s for alleged IRA involvement; and [Lownie v Information Commissioner and FCDO \[2024\] UKUT 116 \(AAC\)](#) addressed the interpretation of the Freedom from Information Act 2000 and the requirement to give reasons in a national security case relating to a request for information about the Soviet spy Guy Burgess.

Over the next year, the Chamber's first-tier appellate jurisdiction will expand significantly to include appeals in respect of OFCOM enforcement decisions under the Online Safety Act 2024 and appeals from the Social Entitlement Chamber in relation to decisions under the Infected Blood Compensation Scheme.

A new [Practice Direction](#) from the Senior President introduced in October 2023, with accompanying Guidance from the Chamber President, mandated the use of CE-File for legally represented parties and judicially reviewable bodies.

Diversity, inclusion and wellbeing

UTAAC's expanded Equality, Diversity and Inclusion (EDI) Committee has been active over the last year. The Chambers' EDI Plan has been updated and follow-up sessions on inclusivity have been held with salaried and visiting judges, following training the previous year. An annual 'temperature check' survey has been introduced to obtain feedback from judges and members on existing EDI initiatives and their suggestions for further steps to enhance our existing work.

A handbook has been prepared and circulated to all of the visiting judges who sit in the Chamber, aimed at making them feel welcomed and supported and providing them with the practical information that they need when sitting in UTAAC. An equivalent handbook for specialist members is in preparation. The Chamber has introduced a voluntary appraisal scheme for visiting judges and has continued its popular Shadowing Scheme for First-tier Tribunal judges, adapting the arrangements to increase its accessibility for those who sit outside of London. The Chamber has also developed opportunities for First-tier Tribunal judges to have informal one-to-one conversations with Upper Tribunal Judges, to find out more about their role. We are also working with the Head of Targeted Outreach and

Research at the Judicial Appointments Commission to develop a scheme to provide enhanced support for 'near miss' candidates from under-represented groups.

People and places

Upper Tribunal Judge Phyllis Ramshaw retired on 12 May 2023; and Upper Tribunal Judge Mark Hemmingway on 22 September 2023. They will be much missed by the Chamber.

However, since September 2023, we have been delighted to welcome some new colleagues. Following a JAC recruitment exercise, Upper Tribunal Judge L. Joanne Smith joined UTAAC as a salaried judge on 6 November 2023; Upper Tribunal Judges Holly Stout and Michelle Brewer joined on 13 November 2023; and Upper Tribunal Judge Judith Butler joined on 11 December 2023. They have already showed what an asset they are to the Chamber.

Deputy Upper Tribunal Judge Sophie Buckley was authorised to hear appeals from Traffic Commissioners on 17 April 2024 and an additional four fee-paid specialist members were appointed to this jurisdiction on 17 June 2024 – Craig Barker, Leanne Curle-Maddock, Ian Luckett and Jonathan Scott.

Fee-paid specialist member Heather Reid retired from office with effect from 31 May 2024.

Tax and Chancery Chamber

President: The Honourable Mrs Justice Bacon DBE

The jurisdictional landscape

The last year has seen a number of important tax cases which have clarified the law in areas of uncertainty, across the spectrum of individuals, employees, partnerships and groups of companies.

The Supreme Court's decision in [HMRC v Fisher \[2023\] UKSC 4](#) is particularly important in clarifying anti-avoidance rules in the "transfer of assets abroad" code, which, said the Supreme Court, "have continued to perplex and concern generations of judges". The rules impose a tax charge where a UK resident individual transfers assets to a person overseas, so that instead of that individual receiving and paying tax on income arising from the assets (such as dividends from shares), the overseas person either retains the income or transfers it to the individual in the form of capital. The Supreme Court clarified that the Fisher family were not, individually or collectively, the "transferors" of the assets in this case, with the result that the rules did not apply. This is an important limitation on the scope of the code.

Clarification of a number of significant issues in relation to partnership taxation was provided by the Court of Appeal in [HMRC v Bluecrest Capital Management LP \[2023\] EWCA Civ 1481](#) and [BCM Cayman LP v HMRC \[2023\] EWCA Civ 1179](#). The Court of Appeal upheld the decisions reached in both cases by the Upper Tribunal.

For many years, the position in relation to the tax-deductibility of borrowing costs by companies, under the "loan relationship" rules, has been uncertain in relation to various financing structures commonly used by groups of companies. In three decisions, the Court of Appeal has now provided much needed certainty and set out the principles to be applied. The decisions are [BlackRock Holdco 5 LLC v HMRC \[2024\] EWCA Civ 330](#), [Kwik-Fit Group Limited v HMRC \[2024\] EWCA Civ 434](#), and [JTI Acquisition Company \(2011\) Limited v HMRC \[2024\] EWCA Civ 652](#).

In the UTTCC there have been several cases dealing with 'IR35' status, namely whether an individual providing services through a personal service company should be taxed as if they were an employee: [McCann Media Limited v HMRC \[2024\] UKUT 00094 \(TCC\)](#), [HMRC v RALC Consulting Limited \[2024\] UKUT 00099 \(TCC\)](#), and [HMRC v Basic Broadcasting Limited \[2024\] UKUT 0065 \(TCC\)](#). These decisions highlight the unpredictable nature of the current test for determining employment status, which is based on case law over the last 50 years and remains in a state of flux. They also illustrate the toll which consequential litigation can take on the individuals involved. In [Basic Broadcasting](#), the Tribunal said, "it should not be forgotten that behind every personal service company is a person, and, as we have seen in this case, the uncertainty and financial exposures generated by the difficulty in establishing a clear and stable legal position continue to produce a very real human cost".

In HMRC v The Taxpayer [2024] UKUT 00012 (TCC) the UTTCC allowed HMRC's appeal against an order granted to the taxpayer for anonymity in respect of interim proceedings, affirming the importance in the tribunal system of the principle of open justice.

Diversity, inclusion and wellbeing

The UTTCC has continued to deliver on the four objectives of the Judicial Diversity and Inclusion (D&I) Strategy. At the annual Tax Training Conference, a bespoke D&I training and discussion session was facilitated by the lead D&I judges in the Upper and First-tier chambers, accompanied by presentations from the respective Chamber Presidents. Several ideas were generated during group discussions, which are being taken forward by the Joint FTT Tax Chamber and UTTCC Diversity and Inclusion Steering Group, and the tribunals-wide Diversity Leads Network. A Microsoft Teams channel was created to share links to helpful resources and information about D&I events or initiatives with the judges and members.

Various initiatives to strengthen collegiality, inclusion and wellbeing within the Chamber were introduced during the year, including weekly meetups over lunch for the salaried judges, and monthly teas to bring together salaried and fee-paid judiciary to discuss specific topics of interest/concern, whether substantive or procedural. More recently, UTTCC's salaried judges have started to have lunch together once a week with the salaried judges of UTAAC and the EAT, whose offices are located on the same floor of the Rolls Building as UTTCC.

UTTCC judges have offered work shadowing to students, legal professionals and judicial candidates, with one of the latter going on to be successful in the recent recruitment competition for salaried judges. One of the UTTCC judges, who is a Pre-Application Judicial Education programme facilitator, also delivered a session to three groups of 25 legal professionals from under-represented backgrounds, which gave them an introductory understanding of the role of a UT judge and an enhanced understanding of some of the core aspects of judicial decision-making.

The increased efforts of the UTTCC to engage with and promote D&I initiatives over the last year most likely contributed to the increased response rate to the 'temperature check' survey on diversity and inclusion, which received its highest response rate in the March 2024 Tax Training Conference: 50 judges and members responded, compared with 15 in the previous two iterations.

People and places

As a result of the JAC competition launched earlier in 2023, two salaried judges took up post in April and June 2024, bringing the chamber back up to its full complement of four salaried judges. Judge Jonathan Cannan was previously a salaried judge at the FTT Tax Chamber, and Judge Jeanette Zaman was a fee-paid judge of the FTT Tax Chamber.

Judge Alison McKenna has now retired. In her place Judge Nicholas Aleksander, an existing fee-paid judge in UTTCC, was authorised to hear Charity cases following an Expression of Interest exercise in May-June 2024.

The Chamber has also welcomed four new Financial Services lay members who joined us in April 2023: Duncan Black, Charles Farquharson, Jean Price and Adam Samuel. In October 2023, four new Economist members were recruited in anticipation of the transfer of the Trade Remedies jurisdiction to UTTCC: Schellion Horn, Stephen Gifford, Kirsty Rockall and Judith Tyson. To date, no Trade Remedies appeals have yet been registered.

Immigration and Asylum Chamber

President: Mr Justice Ian Dove

The jurisdictional landscape

The theme of the continual challenge presented by changes to immigration law and practice continues from last year's report. The unprecedented scale of the preparation required for the implementation of the Illegal Migration Act 2023 saw the training of a very significant number of judges, including a large number of colleagues from First-tier Tribunal (Immigration & Asylum Chamber) (FtTIAC). We are indebted to our training judges, Upper Tribunal Judges (UTJ) Frances and O'Callaghan, for compiling and co-ordinating the comprehensive programme of training which was required to ensure that the judges were fully prepared. Working in partnership with our colleagues in HMCTS, new courts were commissioned for the work alongside improvements to IT and the recruiting of additional staff to support the case progression work which this initiative required. It was a Herculean effort and demonstrated the powerful potential for change which can be accomplished by close collaboration between judges and HMCTS staff. The state of readiness remains a lasting achievement for which all who were involved can take great credit.

Particular topics that are featuring in the Upper Tribunal (Immigration & Asylum Chamber) (UTIAC) caseload regularly include the jurisdiction in relation to deprivation appeals (as reported last year). In relation to international protection, guidance has been provided in the case of JCK v Secretary of State for the Home Department [2024] UKUT 00100 in relation to the provisions of the Nationality and Borders Act 2022 pertaining to the proof of refugee status. The departure of the UK from the EU and the provisions put in place as a consequence continue to provide a source of casework. In particular, the application of the EU Settlement Scheme (EUSS) to the circumstances of deportation cases was the subject of detailed consideration in Abdullah v Secretary of State for the Home Department [2024] UKUT 00066. The question of the compliance of the legislation relating to immigration bail and electronic tagging with Article 8 of the ECHR was examined in detail in the recent case of R(on the application of Nelson) v Secretary of State for the Home Department [2024] 00141. The need for procedural rigour in the appeals heard in the IAC has also been a continuing theme this year in cases such as Maleci v Secretary of State for the Home Department [2024] 00028.

UTJ Rintoul has recently taken over as the chair of our Reporting Committee which ensures that cases providing important decisions are identified and publicised appropriately.

Diversity, inclusion and wellbeing

The active and continuing work on diversity, inclusion and wellbeing is firmly embedded in the approach to all of our activities in UTIAC. This work is supervised by our Diversity and Inclusion Committee which is chaired by UTJ Bruce.

During the past year UTIAC judges, led by UTJ Kamara, participated in campaigns to recruit new salaried and Deputy UTIAC judges. The campaign was preceded by an extensive outreach programme to increase the diversity of the potential candidates for the competitions and encourage people to apply. The salaried posts were made available for those requiring fractional working and many of those successful in the competition have taken advantage of this.

The salaried and Deputy judges are all supported by the work of our Welfare Committee which is chaired by UTJ Norton-Taylor. This committee allocates each of our judges to small groups, called welfare pods, to enable regular informal support and assistance to be provided. The Welfare Committee also tackles wider issues affecting the quality of the working environment for our judges.

Again, we are indebted to our training judges, UTJ Frances and O'Callaghan, for preparing and implementing a training programme for more than 70 new judges who have joined us. Making all of our new judges feel welcome and at home is key initiative for all of us at the time of writing.

UTIAC, particularly through the hard work and energy of UTJ Bruce, continues to play a very active part in the Advocates for Change initiative alongside welcoming students and aspiring lawyers from a wide variety of backgrounds to marshal with our judges. Strong links have been built with a number of universities including Queen Mary University London, Goldsmiths University London, Manchester Metropolitan University, Wolfson College Cambridge and Liverpool University to provide their students with opportunities to observe cases and discuss the work of UTIAC with the judges. UTIAC judges act as mentors to prospective judges through the various schemes available to encourage people from non-traditional backgrounds to apply for judicial appointment.

A further key element of this work is fostering the career progression and development of our judges, as well as ensuring that their caseload is meeting their expectations and aspirations. To that end, regular one-to-one sessions are held with judges to discuss these issues. A recent initiative has been launched to re-examine the distribution of complex cases to ensure they are fairly and transparently allocated. Our deputy judges are supervised by UTJ Gleeson and UTJs Sheridan and Kamara, who have recently fully revised the comprehensive handbook for deputies and who oversee the provision of mentors to support deputies. There is a programme of appraisal for the deputies run by UTJ McWilliam assisted by UTJ Jackson.

People and places

Field House continues to provide the London home of UTIAC, and in December we were pleased to welcome a visit from the Lady Chief Justice during which she met the staff and had lunch with the judiciary. More recently, Field House was visited by Nick Goodwin, the Chief Executive of HMCTS, who took time to discuss current issues with the judiciary as well as spend time with the staff. Again, this was very much appreciated by all who had the chance to meet him.

UTIAC is very fortunate to have highly dedicated and hard-working staff who support our operations. In the last year they have successfully implemented 'mandation' or the new requirement that all represented parties upload their documents to the CE-file system, which has assisted an improvement in efficiency. The judiciary are heavily dependent on the important work of our lawyers and legal officers who are integrally involved in case management and case progression and we are continually grateful for the invaluable support that they provide.

We continue to seek to expand our operations in the regions and have in recent days established a new Regional Cabinet, chaired by UTJ Mandalia and supported by liaison judges in each of the regions, to manage and develop our work outside London. Again, the regional staff and lawyers are instrumental in this endeavour and we are very appreciative of the support that they provide.

This year has seen the retirements of a number of our distinguished judicial colleagues. UTJ Kopieczek, who served with distinction as our Principal Resident Judge during the pandemic, has recently retired, along with Deputy Principal Resident UTJ Pitt. After leading our operations in Scotland for many years, UTJ Macleman has now retired, and, after many years of distinguished service, so have UTJs Gill and Pickup. This year has also seen the retirement of Vice President Mark Ockelton who will be greatly missed, having devoted many years to the enhancement of the prestige of this jurisdiction and the intellectual rigour of its work. His contribution to UTIAC and its predecessors cannot be overstated. We wish all these colleagues a long, healthy and fulfilling retirement.

Lands Chamber

President: Mr Justice Edwin Johnson

The jurisdictional landscape

One of the hallmarks of the tribunal system is its flexibility and this has been demonstrated in the work of the Lands Chamber in the year under review. More than 900 new cases were registered, another record, and more than a third of these were claims for rights under the Electronic Communications Code. As reported last year, all routine telecommunications cases are now transferred to the First-tier Tribunal, which has concurrent jurisdiction with only cases raising points of significance being retained. The novelty of conferring jurisdiction on both the Upper and First-tier Tribunals has been invaluable in ensuring the early resolution at Upper Tribunal level of key issues in this complex new legislation, while the ability to transfer cases easily between levels has facilitated the proportionate disposal of more routine work. The operation of the Code is now well understood, and the necessary changes have recently been made to enable all claims to be commenced in the First-tier Tribunal; from now on, the Lands Chamber's role will be purely appellate.

The Lands Chamber's core valuation jurisdictions, in compensation for compulsory purchase or injurious affection of land and in non-domestic rating, have been less busy. Activity in these areas has not returned to pre-pandemic levels with rating appeals, in particular, arriving in historically low numbers. Compensation references have been a little healthier and have featured a number of claims arising out of measures to protect land from flooding. Damage to the sixteenth century King's Lodging in Sandwich gave rise to one such claim under the compensation provisions of the Water Resources Act 1991 following changes to ground water levels which the Tribunal found were a consequence of flood defence works along the adjacent River Stour ([Brookhouse v The Environment Agency \[2023\] UKUT 282 \(LC\)](#)). In the same case the Tribunal experimented with receiving expert evidence concurrently, with hydrology experts on each side appearing side by side to answer questions put by the Tribunal. This was found to be a most effective way for the Tribunal to get to the heart of a technical subject and to identify and resolve the critical issues in a less confrontational and more constructive atmosphere than is usually generated by conventional cross examination by skilled counsel.

The Lands Chamber was again concerned with the more effective use of expert evidence, this time on drier land, in [Castlefield Property Ltd v National Highways \[2023\] UKUT 217 \(LC\)](#), where it questioned the practice of specialists in the assessment of compensation for compulsory purchase being called to give "independent" evidence after spending years negotiating a claim on behalf of their clients.

Appeals from the Property Chamber continue to provide a substantial portion of the Lands Chamber's caseload. Appeals concerning rent repayment orders still predominate, but there are encouraging signs that the application of principles developed through the case law of recent years is resulting in more consistent decision making and fewer successful applications for permission to appeal.

The first appeals under the new Building Safety Act 2022 have also been determined this year, highlighting a number of the complex issues which this important legislation gives rise to. The earliest topics addressed have included the retrospective application of the leaseholder protections, the "just and equitable" test for the making of remediation contribution orders, and whether a tribunal appointed manager can be an "accountable person". A number of these subjects were addressed in the context of an application for remediation contribution orders concerning buildings constructed to provide the athletes village for the 2012 Olympic Games, ([Triathlon Homes LLP v Stratford Village Development Partnership \[2024\] UKFTT 26 \(PC\)](#)). The leaseholder protections are particularly complex, yet they are likely to be of significance in many routine service charge cases, and it is essential that they be understood and consistently applied; in [Lehner v Lant Street Management Co Ltd \[2024\] UKUT 135 \(LC\)](#) the Tribunal attempted to provide a route-map to assist in that task.

In the context of appeals from the Property Chamber, another notable event was the recent grant of permission to appeal to the Supreme Court in [Brown v Ridley \[2024\] UKUT 14 \(LC\)](#), a case concerned with the operation of the adverse possession regime in Schedule 6 to the Land Registration Act 2002. The appeal to the Lands Chamber was heard by the President, who granted permission for a leapfrog (direct) application for permission to appeal to the Supreme Court. The leapfrog application was successful, and the case will now be heard by the Supreme Court. Previously, a telecoms case decided by Judge Cooke in the Lands Chamber also went to the Supreme Court by the same leapfrog route. Both cases illustrate the value of concentrating decision making in highly specialist fields in a specialist tribunal, whose judges are well placed to identify problems in these areas which have widespread implications and require the attention of the Supreme Court.

Diversity, inclusion and wellbeing

The annual planning conference of the Lands Chamber and Property Chamber, attended by salaried judges and surveyor members, included a thoughtful joint seminar on the leadership challenges of diversity and inclusion. Discussions focused on receiving feedback as leaders and on managing pushback to diversity and inclusion initiatives. Judges and surveyor members of the Lands Chamber continued their regular outreach activities, including hosting visits to the Royal Courts of Justice, hosting work experience pupils and holding a mock trial at Nottingham Law School.

People and places

Behind the scenes the Lands Chamber's operation has been refreshed by a number of excellent new appointments to our administrative team, who we welcome.

We thank our many professional users who participate in our Users Groups, which held two meetings this year, and which provides a forum for the exchange of information and ideas on how the Lands Chamber's service can be improved. We are particularly grateful to those representatives of professional associations (the Compulsory Purchase Association, the Property Litigation Association and the Planning and Environmental Bar Association) who volunteered to join a working group reviewing the Lands Chamber's costs powers and suggesting how they may be made clearer and more comprehensive.

Finally, we congratulate our senior surveyor member, Peter McCrea FRICS, who was honoured in the King's Birthday Honours list with an OBE for services to the profession of chartered surveying.

First-tier Tribunal

Social Entitlement Chamber

President: Judge Kate Markus KC

The jurisdictional landscape

The Social Entitlement Chamber comprises three jurisdictions, Social Security and Child Support (SSCS), Criminal Injuries Compensation (CIC) and Asylum Support (AS). The jurisdictions of SSCS and CIC are Great Britain-wide and that of AS is UK-wide. SSCS is divided into seven regions, each led by a Regional Tribunal Judge. CIC and AS are each led by a Principal Judge. We are one of the largest Chambers although our headcount has reduced over the last few years. Presently we have around 1,700 judicial office holders (JOHs) but there are a number of vacancies to be filled in recent and forthcoming competitions.

In the period since the last report, we have continued to take steps to improve performance and to engage with the Reform Programme. As ever, the judiciary, legal officers and administrative staff have shown great flexibility in adjusting to change. Everyone has worked extremely hard to address our growing caseload, and the Chamber is indebted to them.

Social Security and Child Support

Appeals before the SSCS tribunals often raise complex points of law and procedure, many of which find their way to the Upper Tribunal and Court of Appeal. Among these is [SSWP v AT \[2023\] EWCA Civ 1307](#). The Court of Appeal upheld the decision of the Upper Tribunal, which had itself upheld the decision of the First-tier Tribunal, that the UK/EU Withdrawal Agreement enables claimants after 31 December 2020, who have only pre-settled status, to rely on the EU Charter of Fundamental Rights to claim state benefits if a risk of destitution threatens their ability to live in “dignity”, in effect disappling provisions of the Universal Credit Regulations.

Human Rights issues continue to arise in SSCS. In [SSWP v JA \(UC\) \[2024\] UKUT 52 \(AAC\)](#) the claimant faced the erosion of transitional protection when moving from accommodation funded by housing benefit to accommodation funded by universal credit. The Upper Tribunal decided that this breached the claimant’s rights under the European Convention on Human Rights and the First-tier Tribunal had correctly disapplied the offending provisions of secondary legislation.

There is expected to be an increase in appeals coming before the First-Tier Tribunal which involve claimants moving from so-called ‘legacy benefits’ (such as housing benefit) to universal credit which is progressively replacing them.

Asylum Support

The intake of appeals has continued to rise steeply. A small percentage of the appeals concerned challenges from appellants required to relocate from hotel accommodation to the Bibby Stockholm Barge, moored in Dorset.

The lead case was determined by the Principal Judge in February 2024. A second lead case on implicit withdrawal of appeals was determined in June 2024 and clarifies the position on the Tribunal's jurisdiction to hear appeals against refusal or termination of asylum support where an asylum claim has been withdrawn for breach of conditions.

Criminal Injuries Compensation

The Tribunal continues to operate nationally using the Cloud Video Platform. A small number of cases are listed for face-to-face oral hearings, in accordance with victim requests and to achieve best evidence.

The live load has increased but not significantly. Cases are being dealt with more quickly, the hearing clearance rate has increased, and the number of disposals has increased. Interlocutory processes and special projects continue to reduce appeal waiting times and progress cases.

There have been a number of significant decisions of the Upper Tribunal and Court of Appeal. In [KM V FtT \[2023\] UKUT 239 \(AAC\)](#) the UT decided that the scheme did not breach article 14 in excluding a victim of child sexual abuse from compensation due to having an unspent conviction. In [R\(AXO\) v FtT \[2024\] EWCA Civ 226](#) the Court of Appeal examined the nature of HRA damages for the purpose of the rule against double recovery.

Diversity, inclusion and wellbeing

The Chamber's Diversity and Inclusion Committee has developed more new initiatives and has continued with projects and ways of working commenced previously. More judicial office holders are involved in outreach work with the encouragement of Regional and Jurisdictional D&I Leads.

The main achievements have been:

- Every training event now has a session about D&I. This may be in the form of an update on local initiatives or outreach work or focusing on a topic such as workplace adjustments.
- The Chamber has a Workplace Adjustment Lead judge.
- Leadership judges cascade career development opportunities and signpost JOHs to careers support such as mentoring and Judicial College Learning.

- The Chamber has been working with the National Justice Museum, the Black Lawyers Association and the Anthony Walker foundation on training events and outreach work.
- Every edition of the Judicial Information Bulletin (an SCS publication) contains an article about D&I.
- All JOHs are given an exit questionnaire when they leave the Chamber. The results of those completed in 2023 have been collated and analysed. 'Trends' which are D&I related are being considered by the Chamber President and D&I Committee.

People and places

It is with great sadness that I report that one of our salaried judges in SCS London, Judge Ashley Dias-Patel, died in December 2023. He was a greatly respected judge and colleague, and the loss has been felt very deeply by all who knew him.

Judge Sehba Storey retired as Principal Judge of AST in June 2024. Judge Storey led that tribunal for 24 years and fulfilled other important leadership roles in tribunals. She will be greatly missed. Until her role is filled following a JAC competition, it is being covered jointly by District Tribunal Judges Vicky King and Martin Penrose.

Health, Education and Social Care Chamber

President: Judge Mark Sutherland Williams

The jurisdictional landscape

The Health, Education, and Social Care Chamber (HESC) is made up of five principal jurisdictions: Mental Health (MH), Special Educational Needs and Disability (SEND), Disability Discrimination in Schools (DD), Care Standards (CS), and Primary Health Lists (PHL).

One of the core strategic objectives of the Chamber is to ensure access to justice. This is crucial in HESC, as many of our users have complex needs and are often vulnerable. This year we have broadened content and enhanced accessibility to information on our Judiciary.uk public-facing web pages, together with updating HESC information leaflets.

Our collaboration with external agencies, such as the Ministry of Justice's User Insight team, has also proven beneficial. This partnership led to the creation of an electronic notice of appeal form in SEND, which can be completed and saved online, further facilitating access to justice for our users.

Our vulnerable users often find it beneficial to participate in a hearing from a familiar environment, and so we are pleased to be able to offer a choice where we can. In the MH jurisdiction, patients may choose between an online hearing or an in-person hearing. A significant amount opted for online participation, facilitating quicker listing and administrative processes. Importantly, the outcome for patients does not differ.²

The SEND jurisdiction continues to list its hearings to video by default, maintaining a high level of user satisfaction, but with the option to request an in-person hearing. Final hearings in CS and PHL can be conducted in various formats: online via video, in person, or as a hybrid with some attendees present in the hearing room and others joining via video. We see this approach to hybrid listing as promoting transparency and open justice.

Despite the challenging volume of receipts, the HESC leadership team continuously looks to review and enhance working practices. This year our focus shifted towards case management and forward planning.

In CS and PHL, administrative staff have smoothly adapted to the introduction of new case management software, streamlining their work. Performance within these jurisdictions continues to demonstrate high standards of delivery, with ongoing efforts to further optimise the use of resources.

² [Care Quality Commission report](#), March 2024: the success rates for appeals have remained consistent with previous levels.

In the SEND jurisdiction, we renewed our offer that if parties can agree a date for an oral hearing in August, the Chamber will look to accommodate it. Our focus in SEND remains on the swift progression of cases, especially phase transfer appeals where children transition from one stage of their education to another. Phase transfer appeals have been listed on a shortened timetable of 12 weeks to ensure as many children as possible are informed of their next school placement. With careful planning, hearing slots for over 2,000 such appeals before the end of the summer term were arranged.

Despite the high number of live cases in SEND and the pressures on the jurisdiction, 65% of appeals were disposed of within the 22-week target for the year 2023-24. Judicial office holders and administrative staff continue to exceed expectations, with 95% of decisions being issued within 10 working days of the hearing's conclusion.

In our smaller jurisdictions, we have seen the number of Disability Discrimination cases increase over the last year, while appeal numbers in CS and PHL have remained steady and stable.

MH continues to excel in efficiency and the prompt delivery of justice. There is no backlog, with Section 2 cases heard within 10 days of application, unrestricted cases within eight weeks, and restricted cases within 17 weeks. We provide oral decisions on the same day in almost all cases, with written reasons delivered within either three or seven days of the hearing date.

In terms of case law and legislation, the Chamber is currently reviewing applications for decision reasons from victims following the [Maher v FtT \(Mental Health\) and Ors \[2023\] \[EWHC 34 \(Admin\)\]](#) case and the issuing of Presidential Guidance. This is integral to balancing privacy against the open justice principle and the disclosure considerations under rule 14 of the HESC Procedural Rules.

The Victims and Prisoners Act 2024, which received Royal Assent in May 2024, allows a victim in a MH case, where the court has made a hospital order, to forward a victim impact statement to the tribunal and request permission for it to be read at a hearing. At time of writing, we are awaiting the commencement order.

Under the Mental Health Act 1983, patients who have not made an application are automatically referred to a tribunal within certain time frames. The Chamber has requested the Tribunal Procedure Committee consider amending Rule 35 of the HESC Procedural Rules to allow inpatients the same rights as outpatients in how their cases are determined. The outcome of this second consultation is pending.

Regarding proposed changes to the Mental Health Act, the King's Speech includes reform to mental health legislation. The details of these proposed changes are yet to be published.

Diversity, inclusion, and wellbeing

Outreach initiatives by the HESC judiciary has encompassed presentations to various professional bodies and seats of learning, along with organised visits to hearing centres. Highlights include a team of judges mentoring children in underprivileged areas to explore career paths they might not have previously considered, and, in January 2024, Specialist Trainees in Child and Adolescent Psychiatry being given the opportunity to attend a training session on evidence presentation. Training for Forensic Psychiatry Specialist trainees has also been ongoing, culminating in a presentation at the Annual Forensic Faculty Conference.

People and places

HESC has approximately 1,700 judicial office holders, including Tribunal Judges, Circuit Judges, specialist members, physicians and psychiatrists.

Seven new salaried judges joined the team this year. A warm welcome is extended to Christabel Ashby, Matthew O'Neill, Katherine Southby, Victoria Sheppard-Jones, Lorna Pape, Dawn Hyland and Clare Hockney.

I would like to extend my personal gratitude once again to the senior management team in HESC, all our judicial office holders, our HMCTS administrative teams, my private office, the Judicial Office, and the Senior President and his office for their dedicated work this year.

As a postscript to this annual report, I wanted to pay tribute to our close colleague, Judge Belinda Cheney, who passed away in September 2024. Belinda was a Cambridge educated lawyer who became a mentor to many. More than that, she was someone we could call a friend and someone upon whom we could always count. Her sudden passing has been difficult for the whole salaried judicial team. She will be remembered fondly as a judge, Judicial College trainer, writer and bon viveur. We were lucky to have had her in our lives for the time that we did. I extend on behalf of us all our sincerest condolences to her family and friends.

War Pensions and Armed Forces Compensation Chamber

President: Judge Fiona Monk

The jurisdictional landscape

The War Pensions and Armed Forces Compensation Chamber hears appeals from former or serving members of the Armed Forces who are seeking compensation for injury or illness which can be attributed to Service in some way. They make a claim under one of two compensation schemes administered by Veterans UK for the Ministry of Defence.

In last year's Annual Report, I celebrated the long-awaited introduction of Direct Lodgement, which facilitates appeals against decisions to come directly to the Chamber, rather than going back to Veterans UK as they have done previously. In the period April 2023 to March 2024, we received 464 directly lodged appeals. The administrative team has adapted well to the new process, and we have seen these appeals move swiftly through the process. There has been a significant reduction in timescales for getting cases to final hearing and that has ensured more timely access to justice for members of the Armed Forces Community.

We are now tackling delays where an appeal has been lodged with the Chamber before the mandatory reconsideration has been carried out by the Secretary of State. We are working with Veterans UK to look at whether we can agree timescales for those appeals so they too can be listed efficiently.

I also mentioned in last year's report that there were potentially significant changes on the longer-term horizon as a result of the Government's Quinquennial Review into the Armed Forces Compensation Scheme. The Chamber provided input into this, and the results were published in late March: [The Government's response to the Quinquennial Review of the AFCS - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/the-governments-response-to-the-quinquennial-review-of-the-afcs). We await further developments.

We are still reaping the rewards of access to online hearings by video and a majority of our appellants are still opting to have their hearing conducted via video rather than attend a face-to-face hearing at a court or tribunal venue. Many of our appellants have physical or mental conditions that can be adversely impacted by having to travel, and so the use of video hearings is of great benefit. Currently, around 70% of our hearings are conducted using CVP, with the remaining 30% either being conducted face-to-face or on the papers.

We have had recent significant guidance from the Court of Appeal. As I flagged in my report last year the case of [Pearson v Secretary of State for Defence CA-2023-001072](https://www.courtsandtribunals.gov.uk/decisions/used-in-reports/Pearson-v-Secretary-of-State-for-Defence-CA-2023-001072) was expected to be heard and to provide some guidance on the interpretation of what amounts to a severe or moderate disablement caused by a mental health condition in the context of the ability to work. The Court of Appeal

overturned the Upper Tribunal and the FtT decisions and set wider parameters for considering the descriptors that govern awards under the AFCS. In essence, we should now ensure a holistic approach is taken and we look at the totality of the evidence and the trajectory of the illness or condition over time. Mr Pearson's appeal was remitted to the FtT and has since been settled but appeals turning on similar issues are relatively frequent.

Diversity, inclusion and wellbeing

Our recruitment for new Service Members has now concluded and posts have been offered to 10 candidates. We are waiting for their appointments to be officially announced, and then will be very glad to introduce them to the Chamber. We conducted extensive outreach to encourage a wide, diverse pool of applicants, and preliminary analysis shows that we have succeeded in our goal of encouraging an improvement in the representation of women on the service member cohort.

We still participate in other mentoring and outreach work, though our longstanding partnership with Migrant Leaders has had to be put on hold as they go through some technological changes. Our salaried team has provided many mentoring and coaching opportunities through schemes such as the Judicial Appointment Commission's Targeted Outreach Programme, the MOJ's Social Mobility Programme and the National Justice Museum.

We have held our first Diversity and Inclusion (D&I) 'temperature check' in the Chamber and had a healthy response rate. The feedback has shown that, overall, our judges and members are happy with what we are doing, and like that D&I is a key tenet of our Chamber's priorities. We have updated our D&I strategy for 24/25 and have shared it with our judicial office holders, so they are aware of issues we wish to focus on.

People and places

Our administration team were based at Arnhem House in Leicester. Unfortunately, the staff had to cope with an unexpected relocation to the Crown House Courts and Tribunals Service Centre in Loughborough. This has been a significant upheaval for the staff, and they have dealt well with the challenges. I would like to thank all the Chamber's support staff and the HMCTS leadership team for their continued dedication to the important work of the Chamber through some very difficult times and also to thank the team at Crown House for being so very welcoming and accommodating.

There have been long established plans to move the Chamber's base and only dedicated hearing space from Fox Court in London to new premises on Newgate Street. We do not as yet have a definitive moving date, but it is likely to take place in mid-2025, so for now the salaried team is still based at Fox Court in London. The new accommodation is being designed to meet the needs of not just our

Chamber but also the Social Entitlement Chamber (SEC) and Employment Tribunal's Central London regions. We are all very much looking forward to being in a multi-jurisdictional, purpose designed, flagship building.

Judge Bilal Siddique stepped down from his salaried post in October 2023 upon his appointment to the Circuit Bench. Bilal had been with us since 2021 and brought considerable judicial and armed forces experience as he had previously sat as a Deputy District Judge and continued to sit as a Recorder and Deputy High Court Judge, as well as having spent over 20 years in the Army Legal Services. We were sorry to lose him to the Circuit Bench but are grateful that he still continues to sit for us. This salaried post is currently filled through an expressions of interest exercise. We have three judges who are job-sharing the role, splitting their time between WPAFCC and SEC: Judge Christopher Heron, Judge Jacqueline Guest and Judge Nigel Sellar. They have already made a very real difference to the Chamber – we are very lucky to have them all. They are assigned to us until September 2025 when we will hopefully have the salaried post filled by the upcoming JAC recruitment campaign.

We have said goodbye to the following colleagues over the past year: Judge Richard Wilkin (three years) who was also appointed to the Circuit Bench, Dr Mair Bourne (four years, resigned), and Judge Sehba Storey (six years, retired).

The constant over the past year has been the resilience of all the judicial office holders in this Chamber. Because we are a relatively niche jurisdiction I am often asked by others about our work, and I invariably respond to say that one of our undoubted strengths is the really strong collegiate ethos. It is a real pleasure, and a genuine privilege, to work with so many dedicated and impressive professional and judicial colleagues. I thank all of them, and in particular thank my senior salaried Judge Surinder Capper, my Chief Medical Member, Dr Laleh Morgan. I also thank the HMCTS team, our Legal Officers, and my Private Office for their support. Without them the Chamber would not have achieved any of the continued transformation and successes of the last year.

Tax Chamber

President: Judge Greg Sinfield

The jurisdictional landscape

Although each Finance Act brings new complexities and “tax simplification” remains a paradigm example of an oxymoron, the nature and scope of the business of the Tax Chamber of the First-tier Tribunal (‘FTT Tax’) remains much the same as it has been for the last few years. During the period covered by this report there have not been any new taxes or duties or any significant changes to the machinery of assessment and collection. The impact of the UK ceasing to be a member of the EU on indirect tax matters has been muted by section 28 of the Finance Act 2024 which provides that UK VAT and excise legislation will continue to be interpreted in the same way as it was before 1 January 2024.

In my last two reports, I referred to the significant increase in our case load caused by the mini umbrella company (MUC) appeals which were lodged in bulk within a relatively brief period of time. As at 31 March 2024, there were approximately 34,000 MUC appeals. I am pleased to say that four appeals were heard over three weeks in January 2024 using the lead case procedure under rule 18 of the FTT Tax Rules which should enable the vast bulk of the cases to be disposed of without a separate hearing. The decision ([Elphysic Ltd & Ors v HMRC \[2024\] UKFTT 291 \(TC\)](#)) was published in March 2024 and is the subject of an appeal to the Upper Tribunal Tax and Chancery Chamber (‘UT Tax’).

Aside from the MUC appeals, the number of cases in the FTT Tax at the end of March 2024 was lower than the year before. There appear to be two reasons for the continuing reduction in our usual appeals. First, receipts of new appeals unexpectedly remain lower than they were before the pandemic. Secondly, the number of hearings held continues to increase. I have been particularly pleased to see more face-to-face hearings which has also meant seeing many more judges and members in Taylor House.

Diversity, inclusion and wellbeing

As part of our commitment to supporting the aims and objectives of the Judicial Diversity and Inclusion Strategy, we developed and delivered a bespoke Diversity and Inclusion (D&I) training event for all judges and members facilitated by D&I lead judges from both the FTT Tax and UT Tax. Participants were able to raise any D&I issues they had encountered and discuss initiatives to support the D&I objectives. We have also expanded our D&I steering group, which now includes two Upper Tribunal Tax (UT Tax) judges, five FTT Tax judges and one FTT Tax member. We include D&I as a standing agenda item in our monthly online meetings of all FTT Tax judges and members and we monitor progress by conducting a D&I ‘temperature check’ survey twice a year.

Another initiative that promotes inclusion is the Judicial Recruitment Support Scheme which was created, developed and launched in autumn 2021. The scheme provides guidance on the judicial appointment application process and supports potential candidates for appointment as judges in the FTT Tax from the widest range of backgrounds. It was subsequently extended to support those considering applying to be judges of the UT Tax. The scheme continues to be popular and successful. Following an online seminar held in March 2023 to highlight the benefits of the scheme, ahead of our joint exercise with the UT Tax to recruit salaried judges referred to below, we received a further 19 expressions of interest from a wide range of candidates. Since its launch, 51 potential candidates for judicial appointment have been supported through the scheme and five of those candidates have been appointed to judicial roles, including three salaried judges in the FTT Tax this year, with the majority of candidates and judicial appointments coming from groups that are currently under-represented in the judiciary.

On a more light-hearted note, the FTT Tax promotes well-being through social events. A highlight this year was an outing to 'A Jaffa Cake Musical', a musical comedy about the famous 1991 VAT Tribunal case which concerned whether the eponymous item was a cake or a biscuit.

People and places

When I wrote last year's report, the FTT Tax had 10 salaried judges, 49 fee-paid judges and 39 members, including one authorised presiding member. I announced that we had launched a joint exercise to recruit four new FTT Tax salaried judges and two for the UT Tax. I am pleased to report that this exercise was a complete success, and we now have four new salaried judges. They are: Michael Blackwell, Amanda Brown KC, Rosa Pettifer, and Michaela Snelders.

They are all based in London except for Michael Blackwell who is based in Birmingham (but also sits in London).

However, our gains were balanced by losses from the same competition. One of our salaried judges, Jonathan Cannan, and a fee-paid judge, Jeanette Zaman, were successful and are now salaried judges of the UT Tax. Although we will miss them, we congratulate them on their well-deserved appointments. There have also been other losses of judges and members during the period covered by this report. 10 other judges and five members have resigned or retired. There are too many to refer to each individually, but we are profoundly grateful to all of them for their contributions to the work and life of the FTT Tax and wish them well in the future.

In 2023, we joined in a generic fee-paid judge recruitment exercise and, in 2024, we held expression of interest ('Eol') exercises for existing fee-paid judges and members in other FTT jurisdictions to apply to be assigned to sit in the FTT Tax. As a result of those initiatives, I am pleased to announce that we have gained five brand new judges from the recruitment exercise and five judges and 10 members from the Eol exercises.

Another welcome increase in resources is the enhanced Private Office Team within the Judicial Office, which now consists of a Deputy Private Secretary, Assistant Private Secretary and an Executive Assistant. They are now able to support me in a wide range of tasks and particularly in engagement with FTT Tax users and stakeholders. I am grateful to the Private Office team for their help with a range of matters, not least assembling materials for this report.

Looking further ahead, I am pleased to say that we are hoping to launch an exercise in the first half of 2025 to recruit a further four salaried judges. There will also be an exercise to recruit a new Chamber President as I will be retiring in April 2025, which it is hoped will launch in October 2024. Accordingly, this will be my last report. Although it has certainly not been without its challenges, I have enjoyed being Chamber President for the last seven years more than any other role in my career. With the additional judges, members and administrative support, I believe that I leave my successor, whoever that might be, with a FTT Tax in good shape to face whatever difficulties and obstacles the future may bring.

General Regulatory Chamber

President: Judge Mark O'Connor

The jurisdictional landscape

The work of the Chamber is split into 15 jurisdictions: Charity, Community Right to Bid, Environment, Energy & Infrastructure, Estate Agents, Exam Boards, Food Safety, Gambling, Immigration Services, Information Rights (Data Protection & Freedom of Information), Pensions, Licensing and Standards, Transport, Welfare of Animals and Individual Electoral Registration.

New rights of appeal are received into the Chamber on a regular basis and in the period covered by this report, the Chamber saw, among others, the introduction of new appeal rights relating to Biodiversity Net Gains, The Windsor Framework (movement of goods between Britain and Northern Ireland), baseline cybersecurity requirements, cat microchipping, heat networks, and HDV CO2 emissions reduction targets.

The Chamber's caseload has continued its upward trajectory in the past year, with the significant drivers being the Information Rights jurisdiction and the Transport jurisdiction. The forecasting suggests that the introduction of the Biodiversity Net Gains legislation has the potential to double the caseload of the Chamber's Environment jurisdiction over the coming year.

There were many notable decisions of the Chamber throughout the year. In [Odysea Ltd v London Borough of Waltham Forest \[2024\] UKFTT 157 \(GRC\)](#) the Tribunal considered the issue of whether all honey is 'raw' honey and, if not, whether Odysea's honey was 'raw honey', with Piglet's' view on the topic being acknowledged. In [Clearview AI Inc v Information Commissioner \[2023\] UKFTT 00819 \(GRC\)](#), the Tribunal considered, among other things, whether the Information Commissioner had jurisdiction to issue an Enforcement Notice, and a £7.5 million money penalty, to a facial recognition software company based in the United States.

The Tribunal also considered the application and scope of several 'new' rights of appeal, for example, in relation to the Fluorinated Greenhouse Gas Regulations ([Tool-Temp Ltd v Environment Agency \[2024\] UKFTT 293](#)), and the Energy Savings Opportunity Scheme ([Safeguard World International Ltd v Environment Agency \[2024\] UKFTT 34](#)).

Diversity, inclusion and wellbeing

The Chamber's diversity and inclusion (D&I) committee, under the guidance of Lynn Griffin, has been active during the year, with the incorporation of diversity and inclusion training and discussions into each of the training events held by Chamber. The judges of the Chamber have been involved in multiple D&I activities throughout the period covered by this report, such as mentoring, shadowing, school visits (including a joint school visit with the National Crime Agency and Forensics), a webinar watched by approximately 4-500 Ministry of Justice staff on the '*Day in the Life of a Judge*', and an appearance on HMCTS' regular podcast, '*Can I Speak to a Manager*'.

People and places

This has been another period of both increased workload and substantial change within the Chamber. Many challenges have arisen, but these have been met head on in a collaborative approach by the Chamber's judicial office holders, legal officers, registrars and HMCTS staff.

I relayed last year that, in a change with the past, the Chamber was aspiring to ticket all judges to all areas of the Chamber's work within the next two years. Due significantly to the efforts of Judges Lynn Griffin and Joe Neville, training in the Chamber's four largest jurisdictions, plus Welfare of Animals, has now been offered to all judges of the Chamber, which has significantly improved the Chamber's ability to deploy judges with the right expertise more flexibly to meet fluctuating caseloads. In the expert hands of Lynn Griffin, the Chamber has also delivered training to judicial office holders on diversity and inclusion, procedural fairness, open justice, unconscious bias, data security, working with digital bundles, case management and decision writing.

I would like to start by recording my personal thanks to Judges Lynn Griffin and Joe Neville, who have taken on a considerable number of extra duties to help lead the Chamber through this time of administrative and judicial change. The Chamber has recently bid farewell to Joe, upon his elevation to the Upper Tribunal and, by the time this goes to press, Lynn will also have departed from her role as a salaried judge of the Chamber, upon her elevation to the Circuit bench. In positive news for the Chamber, both Joe and Lynn will be periodically returning to sit in the Chamber.

In same vein, the Chamber's Registrars and Legal Officers have been instrumental in ensuring that the new legal and administrative processes have bedded in. They have been innovative in their approach to the processes and quick to resolve the inevitable issues that arose from their introduction.

The ranks of the salaried judiciary in the Chamber have recently been substantially bolstered by the arrival of District Judge Lindsey Moan and District Judge Rachel Watkin, who have been cross deployed to the Chamber from the District bench until February 2025. This is an exciting opportunity for the Chamber to embrace the legal and procedural knowledge Lindsey and Rachel bring with them from the Courts.

On the day of writing of this report, the Chamber also welcomed the appointments of Thomas Barrett, Gilda Kiai, John Maton, Peri Mornington, Shenaz Mycock, Bridget Sanger, Jonathan Scherbel-Ball, Louise Taft and Lydia Watton to the ranks of its fee paid judiciary. I very much look forward to working with our new judges, and I hope they find the work of the Chamber as rewarding as I do.

This year has also seen a great deal of change in the support provided to me by the Judicial Office and a reorganisation of the Presidents' Private Offices. I was glad to welcome into the Office a new Assistant Private Secretary and Executive Assistant – both of whom have proved to be excellent appointments.

I finish this year's section on 'People and Places' much as I started the 2022 report, with news of the retirement of the former Chamber President, Alison McKenna. Alison retired from the salaried judiciary in 2022 but sat in the Chamber in retirement until early 2024. During that time, Alison continued to be an invaluable resource not only for the Chamber as a whole, but for me personally in my role as Chamber President. Once again, I would like to thank Alison for all that she has given to the General Regulatory Chamber.

Immigration and Asylum Chamber

President: Judge Melanie Plimmer

The jurisdictional landscape

The First-tier Tribunal (Immigration and Asylum Chamber) ('FtTIAC') conducts appeals against decisions of the Secretary of State relating to international protection, deportation, the EU Settlement Scheme, deprivation of citizenship and human rights. FtTIAC also deals with bail applications by applicants held in immigration detention and foreign national offenders.

In 2023/24, FtTIAC receipts increased by 53% to 58,000, compared with 2022/23. This mirrors an increase in Home Office decision-making of asylum claims. It is expected that asylum appeals will continue to significantly increase, alongside the outstanding caseload. Such appeals often involve vulnerable appellants and detailed evidence of difficult and traumatic events including torture, persecution and family separation, and are among the more complex and demanding of our caseload.

A salient feature of the work over the past year has been an increase in the number of deprivation of citizenship appeals. Again, these are among our more difficult cases, with guidance from the higher courts still emerging.

Appeals must be determined pursuant to a changing and complex legal landscape, often in the public eye, including changes to Refugee Convention interpretation in the Nationality and Borders Act 2022 ('NABA') and preparation for the Illegal Migration Act 2023 ('IMA'). This has demanded intense preparation and planning on the part of leadership judges, training leads and subject leads, working in collaboration with the Upper Tribunal ('UT'), the MOJ, HMCTS and the Judicial College.

The year has embedded changes to judicial working practices, consistent with the 'Programme for Change' I referred to in last year's report. The overarching aim to re-focus preparation, hearings and written decisions through a more issues-based and structured lens, has been bolstered by a judicial toolkit of up-to-date online guidance and support for judges in the main subject areas of FtTIAC work. This has been the result of the hard work of judicial subject leads under the supervision of the training team, led by Resident Judge (RJ) Julian Phillips and his deputies RJ Holmes and Judge Landes.

After many years of unstinting commitment to training, Judge Holmes has stood down and Judge Landes was appointed to the Upper Tribunal. The new deputy training leads are Judge Athwal and Judge Buchanan.

An integral part of the Programme for Change is the foundation of an Improvement Group which works closely with the Upper Tribunal and whose focus is on procedural rigour in the IAC through collaboration with relevant stakeholders including the Home Office and the Immigration Law Practitioners Association ('ILPA'). This has led to improved working relationships, specific commitments to reflect on and improve the quality of decisions under appeal before the FtTIAC.

The FtTIAC Virtual Region ('the VR') has successfully corralled appeals that can be heard and dealt with in a just and effective way by remote means, increasing the Chamber's overall hearing capacity. It has been possible to shorten the time usually taken between inception of the appeal and delivery of the written decision, leading to greater efficiency and making best use of the available UK-wide judicial resource, with deployment to virtual lists not necessarily tied to a particular hearing centre or region.

The judicial leads have sought to work closely with HMCTS colleagues to ensure appeals are listed, heard and determined in a manner that is both efficient and fair. This has included collaborative working on detained appeals. FtTIAC has closely analysed its caseload of deportation and detained appeals to identify means of ensuring the appeal journey can be shortened wherever possible. Its recommendations have been fed into a multi-agency improvement group leading to the reduction of obstacles to effective hearings and a streamlined detained process map has been developed.

Diversity, inclusion and wellbeing

Proactive efforts have been made to ensure the Chamber benefits from the diversity and inclusion of its judicial family through lunch-time training and talks on a variety of subjects including resilience and mindfulness. This has been spearheaded by the Diversity and Inclusion Committee under the leadership of RJ Grant-Hutchison, working together with the training team.

There have been many hearing centre gatherings, including legal officer certification ceremonies and judicial swearing-in ceremonies. These have involved judges, legal officers and administrative staff celebrating together. We were delighted to welcome the Senior President to the Taylor House London Centre twice during the year. The Senior President was able to observe a full day of hearings, meet legal officers and judges, and conduct the swearing-in ceremony for the President and RJ Feeney.

The Chamber has run a further series of focus groups for fee-paid and salaried judges to develop flexible working. The Diversity and Inclusion Committee has also assisted in building on local initiatives to involve outside groups in the work of judges. Special mention must be made of Judge Meyler who worked tirelessly with a wide cross-section of judges across the jurisdictions to produce two successful conferences for Liverpool law students from non-traditional backgrounds.

People and places

This has been a particularly busy year for judicial deployment and movements. We have welcomed 23 new salaried judges.

Two very popular and experienced RJs retired: RJ Campbell (Taylor House, London) and RJ Davidge (Birmingham). Judge Campbell continues to be part of the FtTIAC judicial family by sitting in retirement. Two new RJs have been appointed following a JAC selection exercise: RJ Frantzis (Manchester) and RJ Feeney (Taylor House). Both have made impressive starts in their centre leadership role, as well as their national lead roles assisting the President. Acting RJs Chohan and Hughes job-share the RJ role in Birmingham.

We have also said goodbye to five salaried judges (Judges Bulpitt, Grey, Landes, Lodato and O'Brien) and seven fee-paid judges (Judges Hoffman, Loughran, Mahmood, Meah, Pinder, Rastogi, Neville and Ruddick) who have taken up appointments in the Upper Tribunal. 18 salaried and 16 fee-paid judges have been appointed Deputy Upper Tribunal judges. We wish them all the best.

We also thank the 26 salaried Judges who have retired in the last year for their service to the Chamber and wish them a healthy and happy retirement.

Finally, we pay tribute to Judge Samimi, a much-loved colleague at Hatton Cross, who sadly passed away on 27 February 2024.

Property Chamber

President: Judge Siobhan McGrath

The jurisdictional landscape

The Property Chamber deals with numerous landlord and tenant, housing, and property disputes. We have three Chamber Divisions: Residential Property, Land Registration, and Agricultural Land and Drainage. At hearings, judges may sit with experts and lay members. In Residential Property we also have valuer chairmen. We provide expert adjudication in a wide range of jurisdictions. Our aim is to continue to provide accessible and proportionate justice as the Chamber's jurisdictions increase.

Overall, the number of applications, references and appeals that we received increased over the past year. In Land Registration and Agricultural Land and Drainage, numbers have remained stable but in Residential Property there has been an upward trend which generally reflects the increases in 'cost of living' and its impact on service charges, rents, and pitch fees.

Cases under Building Safety Act 2022 continue to be significant. The legislation was introduced to address issues that were identified following the Grenfell Tower Fire. Applications for Remediation Orders and Remediation Contribution Orders are often of very high value. The law is complex, and the Act has recently been amended. Three important cases are pending in the Court of Appeal: [Adriatic Land 5 Ltd v Long Leaseholders at Hippersley Point \[2023\] UKUT 271](#), [Triathlon Homes LLT v Stratford Village Development Partnership et al \[2024\] UKFTT 26 \(PC\)](#) and [Undsdorfer v Octagon Oversea Ltd \[2024\] UKUT](#).

In our leasehold jurisdictions there have been numerous Upper Tribunal cases and three Court of Appeal decisions: [89 Holland Park \(Management\) v Dell \[2023\] EWCA Civ 1460](#) and [Eastpoint Block A RTM Company Limited v Otudbaga \[2023\] EWCA Civ 879](#) and [Assethold v Eveline Road RTM Company Ltd EWCA Civ 187](#). The Upper Tribunal have continued to provide guidance in Financial Penalty and Rent Repayment Order cases and in [Global 100 Ltd v Jimenez & Ors \[2023\] EWCA Civ 1243](#), the Court of Appeal considered the status of property guardians.

In May 2024, the Leasehold and Freehold Reform Act was passed. We now await news on implementation. The Act is far reaching and significant and, if fully enacted, would change the basis for valuation for lease extensions and for enfranchisement. It would also introduce regulation for freehold estate charges, make provision for greater transparency in how service charges are calculated and levied, bring further regulation for insurance costs, and change the basis on which legal costs can be charged and recovered. All of this will mean a significant increase in the Residential Property Division's work.

In the King's Speech a new Renters Rights Bill was announced. This will replace the previous Renters Reform Bill which was lost to the election. The Bills seeks to abolish 'no-fault' eviction and to regulate the private rented sector by introducing a landlord registration scheme, imposing a 'decent homes standard' for residential property, and strengthening a tenant's right to challenge rent increases. Again, if enacted, this will also mean a significant increase in our work.

This year we have been able to increase the number of mediations that we can offer. This is part of a drive within the Tribunal to ensure that parties have an opportunity to access appropriate ways of resolving their dispute. We believe that mediation can represent a good way of resolving cases where there is likely to be a continuing relationship between the parties. We are working with the Ministry of Justice to improve and deliver evaluation of the project over the next 12 months.

In our Southern Region a project is underway to test whether 'conciliation' can be effective. This is where the Tribunal does not mediate, but with the parties explores the best way to resolve a dispute. If appropriate, a judge or valuer chairman will give an early neutral evaluation of the merits of the case. Going forward, we will consider whether this approach can be rolled out to other regions.

Finally, we are working with the Property Ombudsman to provide signposting for complainants and claimants to ensure that they are able to access the appropriate forum to determine disputes between landlords and lessees or tenants. We plan to expand this initiative to include other Ombudsmen within the sector.

Diversity, inclusion and wellbeing

Our action plans for the Property Chamber in response to the Judicial Diversity and Inclusion Strategy have ensured that diversity and inclusion is a standing item on all meeting agendas and included in all our training programmes. As the judicial intranet has developed, we also ensure that all JOHs are aware of the offer in respect of support and the procedure for raising grievances. Inclusion training was rolled out to existing JOHs as part of our regional training days in 2023/24 and we are building on that training this year, to ensure that the Statement of Expected Behaviour is fully embedded in all we do.

Last year we mentioned that our baseline statistics reflect less representative diversity than other tribunals in terms of gender balance. This year we welcomed four new female salaried JOHs and are seeing more women appointed as fee-paid members too. Further recruitment is ongoing this year and we have redoubled our efforts on outreach. We therefore hope that by 2025 at least, our gender balance will have improved, meeting one of the main aims of the strategy.

People and places

We are very pleased to welcome Muninder Gandham who has been appointed as a Deputy Regional Judge in our Midland Region. We are also delighted to welcome three new Regional Surveyors: Jo Coupe and Amanda Clist, who will be based in our Southern Region, and Liz Radcliffe in London. Due to the ever-changing work that the Chamber does, we also recruited five Building Safety Expert members. This is a new category of membership required to hear work from the Building Safety Act legislation. They have all joined the Chamber at an interesting and challenging time.

As ever, I am very grateful for the work and dedication of the Principal and Regional Judges and their teams who lead the jurisdictions so well. I would also like to thank the fee-paid judiciary who make high quality and expert decisions in a complex and important area of law.

Finally, I would like to express my thanks to Regional Judge David Jackson for his outstanding and original work in the post of Training Director which he had held for a period of six years.

In conclusion, the next year is likely to be very interesting but also busy and we are fortunate to have the support of our administrative teams, our registrars, and legal officers and, as always, my Private Office.

Employment Tribunals

Employment Appeal Tribunal

President: The Honourable Mrs Justice Eady DBE

The jurisdictional landscape

The Employment Appeal Tribunal (EAT) is an independent tribunal which determines legal disputes relating to employment law throughout Great Britain; it is a superior court of record. Most of the EAT's work relates to appeals against decisions made by the Employment Tribunal; an appeal lies to the EAT against a decision of the Employment Tribunal on any question of law (section 21 Employment Tribunals Act 1996). The EAT also hears appeals and applications about decisions made by the Certification Officer and the Central Arbitration Committee and has a limited original jurisdiction.

The workload of the EAT has continued on an upward trajectory, with new appeals having increased from 1,560 in 2022/23 to 1,760 in 2023/24. The EAT sits principally in London and Edinburgh. During the course of this year, the EAT has resumed sittings in Cardiff.

The EAT Rules 1993 were amended on 30 September 2023: (i) to remove the requirement to lodge the ET1 and ET3 in order to institute an appeal to the EAT; and (ii) to provide greater flexibility to extend time for the lodgement of appeals where the delay arose from a minor omission in lodging the required documents and this was promptly rectified. The changes have been welcomed and have nearly halved the numbers of appeals that are not properly instituted, increasing access to justice and improving efficient use of the EAT's limited resources.

At the same time, a new [Practice Direction](#) was introduced. The Practice Direction adopts simplified language and has been well received being seen to assist in the just, proportionate, and accessible administration of justice. Plans to amend the EAT Rules to mandate e-filing for legally represented parties and to make some minor improvements to the Practice Direction, led by HHJ James Tayler, were paused on the announcement of the General Election.

Pro bono legal advice schemes – the Employment Law Appeal Advice Scheme (ELAAS) in London and Scottish Employment Law Appeal Legal Assistance Scheme (SEALAS) in Scotland – continue to operate successfully at the EAT. We also benefit from the contribution of professional representatives appearing pro bono on full appeal hearings, generally acting through the Free Representation Unit and Advocate.

The EAT continues to maintain contact with a wide range of judicial and legal organisations. There are regular meetings with the Presidents of the ETs in both England and Wales (Judge Barry Clarke) and Scotland (Judge Susan Walker KC). A user group, chaired by Deshpal Panesar KC, meets the judges of the EAT twice yearly to discuss issues of concern.

EAT judgments are often of importance to employment law and raise issues of more general importance. Significant decisions include: [Ajao v Commerzbank AG \[2024\] EAT 11](#) relevance of Sexual Offences (Amendment) Act 1992 to anonymity in the EAT; [The British Council v Beldica \[2024\] EAT 92](#) territorial reach of employment protections; [Ms Seyi Omooba v \(1\) Michael Garrett Associates Ltd \(ta Global Artists\) \(2\) Leicester Theatre Ltd \[2024\] EAT 30](#) religion and belief case involving an actor; [Sullivan v Isle of Wight Council \[2024\] EAT 3](#) whether protected disclosure protection applies to job applicants.

Diversity, inclusion and wellbeing

The EAT fosters inclusion and collegiality and pursues an active outreach programme, seeking to encourage those from less well represented backgrounds to consider a career on the bench; over the last year, this has included an 'in conversation' programme, enabling those interested to have a confidential discussion with EAT judges about their work, and a pilot mentoring partnership between EAT judges and potential applicants for senior judicial roles.

More generally, EAT judges undertake a range of external engagement and outreach work in order to increase people's understanding of the work of the EAT, which includes marshalling, meetings with the Employment Law Bar Association and Employment Lawyers Association, participation in the Bridging the Bar Outreach Programme, and presenting at 2024 Council of Employment Judges' annual conference. Employment Tribunal judges have continued to be welcomed to sit in and observe proceedings to better understand the work of the EAT.

Annual career discussions are now offered to the salaried judges of the EAT, which include: a performance self-assessment; and feedback from the President on a selection of judgments and, where appropriate, a hearing. A follow-up meeting is then held with the President to discuss and identify development opportunities. A voluntary appraisal scheme, offering feedback on judgments and the conduct of proceedings, has also been introduced for fee-paid judges, and this will soon be extended to visiting salaried judges.

HHJ Auerbach is the EAT's training lead judge. The EAT held its annual training day for its judges and lay members in June 2024, which was an enjoyable and stimulating gathering. We were honoured and delighted to welcome back our past President, Lady Simler JSC, to give the keynote address.

People and places

The EAT has three permanent judges: the President, and two Senior Circuit Judges, HHJ Auerbach and HHJ Tayler. The EAT is otherwise dependent upon its visiting judges, both salaried and fee-paid, who (consistent with the aims of One Judiciary) are drawn from the judiciary of both the Courts and Tribunals.

In November 2023 we welcomed Lord Craig Colbeck, following his appointment as a Scottish judge of the EAT, and we said farewell to Lord Michael Stuart.

HHJ Tariq Sadiq and HHJ Alison Russell were appointed as Temporary Additional Judges of the EAT in February 2024 and are welcome additions to the EAT's cohort of visiting judges.

In May 2024, Dame Elizabeth Slade's sitting in retirement appointment expired, marked by a valedictory on 17 May 2024. We formally thank Dame Elizabeth for her service.

Also, Employment Appeal Tribunal Member Dr Virginia Branney resigned from her appointment on renewal in March 2024, and she is thanked for her long and dedicated service to the EAT.

Although such full hearings rarely occur, three of our Members have been cleared to hear National Security appeals and the clearance of further Members is in process.

The high calibre of all the Judges assigned to the EAT reflects the complexity and importance of the cases we hear, and we also recognise the EAT's long tradition of sitting with lay members with special knowledge and experience of industrial relations. We are grateful for the work and commitment of all those who sit with us.

The efficient, effective, and well-managed operation of the EAT continues and I take this opportunity once again to thank all our staff for their hard work, commitment, and professionalism: the EAT is very lucky to have them.

Employment Tribunals in England and Wales

President: Judge Barry Clarke

The jurisdictional landscape

The last 12 months have been especially significant for the Employment Tribunals. I can offer five reasons for why that is so.

First, responsibility for our [procedural rules](#) passed in April 2024 from the Department for Business and Trade to the [Tribunal Procedure Committee \(TPC\)](#). This will soon result in a new iteration of our rules. More substantive changes to the rules will await the outcome of two consultation processes that the TPC has already commenced: one on [possible future rule changes](#) and the other on the [provision of written reasons](#). The Law Commission's consultation on [contempt of court](#), may also further impact the Employment Tribunals.

Second, responsibility for the composition of Employment Tribunal panels passed from the Secretary of State to the Senior President of Tribunals and, following a [consultation process](#), a new [Practice Direction on panel composition](#) takes effect on 29 October 2024. Perhaps the most significant consequential change is that, with a few exceptions, the composition of the tribunal will be a matter of judicial discretion in each case. The Presidents of Employment Tribunals north and south of the border will shortly issue joint guidance on the exercise of this discretion.

Third, the Employment Tribunals have concluded national rollout of what is called '[HMCTS reform](#)', at least in its current state. The various products that collectively constitute the Reform Programme, introduced in partnership with the judiciary, will bring about overdue modernisation. We bid a slow farewell to old manual or paper-based processes, which will steadily decline as we work through our legacy of pre-reform cases, and we welcome digital files for new claims. Staff, judiciary and users alike will interact with the new cases through an online portal. These products have previously been available only in a few 'early adopter' locations, such as Leeds, Nottingham and Bristol. Between May and July 2024, they were extended to all administrative offices throughout England and Wales. Over the coming months users can expect to see enhancements to the service as further reform products are embraced.

Fourth, in my contribution to last year's annual report, I referred to the imminent release of a [joint Practice Direction and Presidential Guidance](#) on the recording of Employment Tribunal hearings and their transcription. They were eventually promulgated in November 2023. We are now in a position where we have routine recording of hearings. This is mostly achieved by joining a 'Cloud Video Platform' room to an in-person hearing, so that it acts as a proxy recording device. It remains the case that it is the responsibility of HMCTS rather than the judiciary to provide the appropriate equipment and facilities for recording and transcription. The

approach by which parties or members of the public can request transcripts largely mirrors the approach in the civil jurisdiction, and [the same form is used](#), save that Employment Tribunal judges can approve a transcript at public expense (or allow access to the recording) where that is necessary in the interests of justice to ensure the effective participation of a vulnerable party or witness or by way of reasonable adjustment for a person with a disability.

Fifth, we have seen our first full year of 'DRAs' (Dispute Resolution Appointments), following the promulgation last year of my [Presidential Guidance on Alternative Dispute Resolution](#). We recently launched a [short YouTube video](#) explaining the process, which represents this jurisdiction's first foray into mediation with a more compulsory element. The early signs are promising, as more cases end by agreement and thereby free up time and resources for those that do not.

More generally, following significant efforts to reduce the backlog of cases from its pandemic peak, the outstanding stock of cases remains stubbornly high. The [latest quarterly statistics published by HMCTS](#) refer to an open caseload of 33,000 single cases and 6,200 lead multiple cases. On a positive note, the virtual region remains a success, covering about 2,500 hearings in the last financial year and helping to redirect judicial resources to London and the South East where waiting times are longest.

Readers who want to know more about these developments can read [the published minutes of the meetings of the national user group](#).

Diversity, inclusion and wellbeing

This jurisdiction's work on equality, diversity and inclusion continues, overseen by a committee of salaried judges drawn from all regions across England and Wales.

Over the last year, several key actions have been taken: we conducted a survey of our judges about their workplace attitudes; we started to offer career conversations with non-legal members possessing legal qualifications, to assist them in pursuing an appointment as a judge; and, alongside our long-established tradition of mentoring, we began a 'professional review' scheme introducing appraisals for judges, which included an accompanying training programme. Also, wherever possible, judges continue to give talks to students in schools and universities, to improve understanding of the rule of law and to promote judicial careers to those from non-traditional backgrounds.

To promote wellbeing, following an expressions of interest exercise, we appointed several of our judges to act as 'welfare judges', able to offer peer support and effective signposting for colleagues experiencing professional or personal difficulties. We also introduced new training modules designed to assist judges in developing best practice methods of judgment-writing, while maintaining their resilience and coping with the demands of lengthy back-to-back hearings.

People and places

Regional Employment Judge Lorna Findlay retired from her leadership role in the West Midlands in November 2023. Her replacement as REJ was recently announced: Jennifer Jones. The vacant REJ role in London South region was recently filled by Omar Khalil. We welcome both to our leadership team.

19 new salaried Employment Judges were appointed during the period covered by this annual report: Safia Iman; Laura Howden-Evans; Sophie Park; Pavel Klimov; Kate Hutchings; Sally Cowen; Amanda Hart; Farin Anthony; Navdip Wilson; Ashley Fredericks-Bowyer; Sarah Keogh; Sarah Matthews; Barry Smith; James Dick; Amy French; George Alliot; Hugh Lumby; Elizabeth Ord; and Bellamy Forde. All have been deployed to regions across London and the South East. In turn, this facilitated full or partial internal relocations of existing salaried judges.

In addition to Lorna Findlay, eight other salaried judges retired during the period covered by this annual report: Mark Emerton; Sara Woffenden; Anne Martin; Michael Ord; Robin Lewis; Philip Rostant; Julia Jones; and Susan Cox. Another judge, Alison Frazer, resigned. Judges Findlay, Woffenden, Martin and Jones all expressed a wish to sit in retirement on a fee paid basis and were appointed to do so.

Two other salaried Employment Judges saw their careers progress outside of this jurisdiction: Holly Stout was appointed to be a salaried judge of the Upper Tribunal (Administrative Appeals Chamber), while Alison Russell joined the Circuit Bench. In these capacities, both now sit as Visiting Judges of the Employment Appeal Tribunal.

As at September 2024, this jurisdiction now comprises one President; 10 Regional Employment Judges; 161 salaried Employment Judges (equating to 138 full-time equivalent judges); 371 fee paid Employment Judges (including 24 judges cross assigned from other chambers of the First-tier Tribunal); and 767 non-legal members.

Employment Tribunals in Scotland

President: Judge Susan Walker KC

The jurisdictional landscape

When originally introduced, industrial tribunals (as they were then called) were made up of a legally qualified chairman and two non-legal members; one nominated by the Trades Union Congress and one by the Confederation of British Industry. This was often described as an 'industrial jury'. The process for appointing non-legal members has changed over the years but they are still appointed for their experience from an employer or employee perspective. Over time, employment judges have been permitted, by statute, to sit alone in some jurisdictions, including unfair dismissal. Otherwise, a panel including non-legal members is required, most commonly where there is a complaint of discrimination or detriment for 'blowing the whistle'.

Section 35 of the *Judicial Review and Courts Act 2022* gave the Lord Chancellor the responsibility to make regulations determining panel composition in the Employment Tribunals and the Employment Appeal Tribunal. [The Employment Tribunals and Employment Appeal Tribunal \(Composition of Tribunal\) Regulations 2024](#) were made in January 2024 delegating that responsibility to the Senior President of Tribunals. The Senior President consulted on how that power should be exercised and published his response on 8 July 2024. This response included a Practice Direction, taking effect from 29 October 2024, that a judge will decide, having regard to the interests of justice and the overriding objective, whether the Tribunal for any contested final hearing, is to consist of a judge sitting alone or as a panel (including an employer or employee member). It introduces the possibility of a leadership judge deciding that a panel should consist of two judges for the purposes of training and development. There will be a default (that can be overridden by a judicial direction) of a judge sitting alone for preliminary hearings or for final hearings where the respondent does not contest the case.

The Practice Direction anticipates that the Presidents of Employment Tribunals (Scotland) and Employment Tribunals (England and Wales) will produce Presidential Guidance to assist judges in deciding whether a case should be heard by a panel, and to encourage the application of consistent principles across Great Britain. The Presidents have circulated draft joint Presidential Guidance to system users, employment judges and non-legal members for comments. The expectation is that Presidential Guidance will be issued with effect from 29 October 2024.

Recording of proceedings, whether conducted by video or in person, is well-established in Employment Tribunals (Scotland). This is now supported by a [Practice Direction and Presidential Guidance](#) issued jointly by the Presidents of Employment Tribunals (Scotland) and Employment Tribunals (England and Wales). These documents provide a process whereby a party (or a non-party) may obtain a transcript of the recording of a hearing (or part of a hearing) for a fee. Exceptionally

a transcript may be provided at public expense where it is necessary in the interests of justice to ensure the effective participation of a vulnerable party or witness, or by way of reasonable adjustment for a person with a disability.

Turning to the day-to-day work in Employment Tribunals (Scotland), the number of incoming claims is reasonably stable, but the outstanding caseload of the Tribunal has reduced significantly due to the settlement of a very large number of local authority equal pay claims. The majority of judicial time, at least for salaried judges, is spent case managing and hearing the most complex discrimination and whistleblowing cases. The focus continues to be on proportionate case management of these claims, especially with litigants in person. The aim is to have early judicial intervention, with a case management hearing being listed automatically on receipt of the claim, to clarify and focus the issues. These case management hearings now take place on video to assist constructive dialogue with litigants in person who are dealing with complex factual and legal issues. However, further judicial case management has to be proportionate, and the potential value of an intervention has to be carefully balanced with the need to ensure that such cases reach a final hearing within a reasonable time.

Judicial mediation continues to play a significant role in resolving cases that would require three days or more at a final hearing. All the salaried employment judges in Scotland (with the exception of those who have most recently been appointed) have received specialist training to equip them to act as judicial mediators.

Many cases attract significant publicity, particularly cases involving allegations that a person has been disadvantaged after 'blowing the whistle' and cases brought by people who allege they have been discriminated against because of their gender critical beliefs. One such case that received significant publicity was a case brought against Edinburgh Rape Crisis Centre. The judgment can be found [here](#). Such cases often lead to multiple requests to observe the proceedings remotely and, in some cases, applications to 'live tweet' what happens at the hearing.

Diversity, inclusion and wellbeing

Through this year, all employment judges in Scotland and almost all non-legal members have received specialist training on diversity and inclusion arranged by the Judicial College and provided by an external consultancy.

The scheme for appraisal (called professional review) is now well established in Employment Tribunals (Scotland) and the second three-year cycle has almost completed. Some new reviewers have been appointed and trained to carry out this important work. The Professional Review Scheme not only provides public assurance as to the quality of judicial work but is also a supportive mechanism for judges. This scheme sits alongside the judicial mentoring scheme that has been in place for over 15 years and provides important support for newly appointed judges from an experienced colleague.

Externally, the focus is on outreach work targeted at students from non-traditional backgrounds. This work is led by Judge Robison, the Lead Diversity and Inclusion Judge for the Tribunal. As well as visiting universities, she is developing links with existing schemes in Scotland and the United Kingdom to provide work experience, mentoring and judicial shadowing for such students.

People and places

Appointments of employment judges in Scotland are made by the Lord President. Employment Judge Ian McPherson retired at the end of March 2024 after 13 years as a salaried judge and, before that, nine years as a fee paid employment judge. Following an exercise run by the Lord President's office, three new salaried judges have been recruited: Eleanor Mannion, Lesley Murphy and Jacqueline McCluskey. Fractional working is an increasing feature of salaried judicial working in Employment Tribunals (Scotland), and Judges Mannion and Murphy will be operating on a job share basis.

Legal officers continue to provide significant support to employment judges in Scotland. They have provided assistance to judges and staff in adjusting to new digital ways of working as a result of HMCTS Reform. They have also worked closely with the Vice-President to ensure that the large number of settlements of local authority equal pay claims have been properly withdrawn and dismissed. In addition to their regular work, legal officers continue their involvement in a pilot where they are intervening in defended money claims to clarify the issues in dispute. Early indications are that this intervention can assist resolution of many such claims without a hearing.

Judicial security has been a keen focus for leadership judges in Employment Tribunals (Scotland) this year. Working closely with administrative colleagues, security protocols have been reinforced in each office. Judges have had the opportunity to test panic alarms and, in conjunction with security guards, to rehearse agreed protocols in the event of a security risk developing in the hearing room. In the Edinburgh office, changes have been made to the physical estate to provide increased protection to those conducting hearings there.



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