

**SENIOR PRESIDENT OF TRIBUNALS**  
**THIRD IMPLEMENTATION REVIEW**

## INTRODUCTION

1. My First and Second Implementation Reviews were published respectively in June and October 2008. They described the steps leading to the first stage of implementation of the Part I of the Tribunals, Courts and Enforcement Act 2007, including the governance structure of the new systems and its relationship with other bodies. That took place on the 3rd November 2008, with the establishment of the Upper Tribunal and the First-tier Tribunal. The Upper Tribunal began with a single chamber: the Administrative Appeals Chamber. The First-tier Tribunal had three chambers: Social Entitlement; Health, Education and Social Care; and War Pensions and Armed Forces Compensation. I am grateful to all concerned that the transfer took place with minimal disruption to ordinary business.
2. The first two Reviews are available on the Tribunals Service website at <http://www.tribunals.gov.uk/Tribunals/Publications/publications.htm>. The purpose of the present Third Review is to bring the story up to date, to highlight any significant changes from the arrangements set out in the previous review, and to outline the next few months. In the Autumn I intend to publish my first Annual Report, which will complete the account of the first year and meet the statutory requirements for reporting under section 43 of the Tribunals, Courts and Enforcement Act 2007.
3. Since November, there have been two significant further additions to the new system: tax and lands. The next steps include the establishment of the General Regulatory Chamber in the First-tier, and the transfer of the jurisdictions of the Asylum and Immigration Tribunal. At Annex A is a chart and table showing how the new tribunal system will look in 2010, if all goes according to plan.
4. During the implementation process a number of matters have come to light on which legislative amendment would be desirable. I have submitted a request with an explanatory note to the Lord Chancellor which I understand is currently under active consideration. The note is reproduced at Annex B.
5. Finally, I record with sadness the death of Henry Hodge – Mr Justice Hodge – on 18 June 2009. Among his many accomplishments in a legal career committed to the interests of the least fortunate members of society he made a vital contribution as President of the Asylum and Immigration Tribunal, not just to that tribunal but as source of wise advice and leadership to the tribunal system as a whole.

## TAX JURISDICTIONS

6. On 1<sup>st</sup> April (“T2-Day”) the tax and duties jurisdictions were transferred into the new system at both levels. In the First-tier Tribunal, a new Tax and Duties Chamber brings together most of the first-instance work of the former General and Special Commissioners of Tax, the VAT and Duties Tribunal, and the Section 706 Tribunal. In the Upper Tribunal, the new Finance and Tax Chamber will hear appeals on points of law from the First-tier, as well as some selected first-instance cases raising legal issues of special importance or complexity. As explained below, the work of the Upper Tribunal Chamber will be expanded to encompass other appeals which currently go to the Chancery Division of the High Court in England and Wales, and it will become known as the “Tax and Chancery Appeals Chamber”.<sup>1</sup>
7. The establishment of the new First-tier Chamber brings to the end the work of the former General Commissioners of Income Tax and their clerks, who have played such an important part in the administration of the tax system for more than 200 years. I am very grateful for their co-operation in the transition process and am pleased that a number of them were successful in the exercise conducted by the Judicial Appointments Commission to appoint new judges and members for the Tax Chamber. The transition from the General Commissioners to the new tribunal occasion was marked by a reception at Goldsmiths’ Hall on 17<sup>th</sup> May and I have signed over 650 certificates of long service and 1500 letters of appreciation. I am confident that the special characteristics of the General Commissioners brought – particularly their accessibility and independence of mind – will be carried over into the new system.
8. The judges of the Upper Tribunal chamber will be drawn from the former Special Commissioners of Income Tax, and High Court judges (or Court of Session judges in Scotland) by request under the TCE Act. The Lord Chief Justice has agreed to my request for all the current judges of the High Court Chancery Division to be available when required. The detailed arrangements will be agreed between the President of the Chamber and the Chancellor. The Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland respectively have nominated certain judges to deal with these appeals in the Upper Tribunal. The High Court and Court of Session judges, and some of the other judges, will also be assigned to the Administrative

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<sup>1</sup> This title (rather than simply “Chancery Appeals Chamber”) was agreed following consultation with the Lord President, to take account of the tax jurisdiction in Scotland, for which the term “chancery” would not be appropriate.

Appeals Chamber so that they can deal with any tax-related judicial reviews transferred to the Upper Tribunal. At present the judicial review jurisdiction within the Upper Tribunal has been assigned only to the Administrative Appeals Chamber, but this is likely to change in the Autumn to allow tax-related judicial reviews to be dealt with in the Tax Chamber.

9. In the new First-tier Chamber, the judges and members are a mix of members of the former jurisdictions, new appointments through the Judicial Appointments Commission and assignments from other Chambers. This was the first use of the assignment power under the TCE Act. The respective numbers are 92 new appointments and 40 assignments of judges and members.
10. By appointment of the Lord Chancellor, Mr Justice Warren has become first President of the Upper Tribunal Chamber. I have appointed His Honour Sir Stephen Oliver QC (former Presiding Special Commissioner) as Acting Chamber President of the First-tier Chamber, until his expected retirement in 2011. In order to provide continuity at both levels, I have asked him to combine this statutory office with the non-statutory post of Vice-President of the Upper Tribunal. I am particularly grateful for him for his work in leading the judicial contribution to the preparation of the reforms.
11. The reform of the tax appeal system represents the most radical part of the tribunal programme so far. It will provide a more coherent, unified structure for tax and duties appeals. It has been carried out in close co-operation with HMRC. It will be supported by a new administrative team, including a tax qualified registrar based in the Tribunals Service's Administrative Support Centre in Birmingham.

### **Lands Chamber**

12. A new Lands Chamber was added to the Upper Tribunal on 1 June. This takes on the work of the Lands Tribunal. It will initially operate in much the same way as the Lands Tribunal but there will be a further exercise to propose reforms to the procedural rules governing the jurisdiction. The Tribunals Procedure Committee will publish the new rules for consultation in November or December
13. Following a selection exercise by the Judicial Appointments Commission George Bartlett QC, the President of the Lands Tribunal, has been appointed Chamber President. He has taken the lead in the preparation for the transfer, and I am pleased that he is now able to continue that work in the new system.

14. The most immediate impact of the change from the Lands Tribunal to the Lands Chamber has been to make judges from elsewhere in the courts and tribunals available to sit from time to time in the Chamber, to supplement the available legal expertise without the need for a JAC competition. This has already enabled the Chamber to “borrow” two circuit judges with experience of Lands Tribunal work to deal with cases which would otherwise have been delayed by shortage of judicial resources.
15. With George’s assistance, I am keen to press ahead with the establishment of Land and Housing Chambers at both levels. This has been delayed by other priorities. I expect the next step to be the creation of a First-tier Chamber into which will be transferred the jurisdiction of the Adjudicator to the Land Registry. I also hope that it will be possible to carry forward negotiations for the transfer of the Residential Property Tribunals, currently administered by Department for Communities and Local Government, into the new system. In the longer term, there is great scope for the evolution of a more coherent structure for the specialist tribunals concerned with land, valuation and housing, creating a single route of appeal to the Upper Tribunal and rationalising their relationship with the courts.

### **General Regulatory Chamber**

16. Meanwhile work is going ahead on the creation of the General Regulatory Chamber in the First-tier Tribunal. This chamber will bring together a number of tribunals<sup>2</sup> which deal with a wide range of subjects, and, while the combined caseload is not large at present, a proportion of the work is particularly complex or sensitive. In view of this, there will be provision for some cases to be dealt with from the outset in the Upper Tribunal. The workload is likely to increase, as regulators begin to use the new enforcement powers made possible by the Regulatory Enforcement and Sanctions Act 2008.
17. The chamber will be brought into being in two phases, one in October 2009 which will bring in the jurisdictions of the Charity Tribunal, the Consumer Credit Appeal Tribunal and the Estate Agents Appeal Panel, and the Transport Tribunal; the other in January 2010 which will bring in the remaining jurisdictions. Appeals will go to the AAC, except for appeals and reviews in the charity jurisdiction which will go to the Tax and Chancery Chamber, where use can be made of the specialist expertise of Chancery judges. From the judicial side the preparation work is being led by John

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<sup>2</sup> See Annex A for a full list.

Angel, the chairman of the Information Tribunal, who will become Acting Chamber President when the chamber is created, pending a JAC competition which will be held during 2010. I am grateful to him for leading this work.

18. The consultation on the proposed new rules was completed on 8 May.

### **Asylum and Immigration**

19. The next major step in the creation of the new tribunal system will be the incorporation of the work of the Asylum and Immigration Tribunal into the new structure, by the creation of new chambers at each level. This change was announced by the government on 8 May. I welcome the change, which I see as a vote of confidence in the new tribunal system. In recognition of the current balance of work I have proposed that we use the name "Immigration and Asylum Chamber". I expect the new arrangement to provide a stronger and more logical structure for this important jurisdiction. It should also relieve the pressure on the High Court and Court of Appeal, by limiting duplication, and restricting onward appeals to cases of real importance.
20. A great deal of work will be required in order to implement this change. The transfer is likely to take place in January or February 2010. Much preparatory work has been done already, following the government's consultation on the possibility of change. The Tribunals Service has set up a Change Board for this jurisdiction on which the tribunals judiciary is represented. Major stakeholders will be closely involved in the changes.
21. I have already written to all AIT judges and members outlining the proposed arrangements for their transfer into the new system. This letter is reproduced as Annex C to this Review. Arrangements are in hand for the selection of a High Court judge to lead the Upper Tribunal Chamber. I have asked Libby Arfon-Jones, one of the Deputy Presidents of the AIT, to become the Acting Chamber President in the First-tier, until a selection exercise by the JAC can be completed. She and the other Deputy President, Mark Ockelton, will at my request become non-statutory Vice-Presidents of the Upper Tribunal Chamber.

### **ORDERS, RULES AND PRACTICE DIRECTIONS**

22. The orders made for the purpose of establishing the new Chambers are available on the Tribunals Service website: <http://www.tribunals.gov.uk/Tribunals/Rules/rules.htm> .

23. New sets of rules for all the new Chambers at both levels have been developed by the Tribunals Procedure Committee in consultation with interested parties. Again I am pleased to record my appreciation of their work in creating a accessible and harmonised system of rules for the whole of the new system.
24. All rules and practice directions which have been made in connection with the Chambers established during 2009, including those required for the General Regulatory Chamber, are available on the website.

### **Employment and Employment Appeal Tribunals**

25. The Employment Tribunals in England and Wales and in Scotland, and the Employment Appeal Tribunal continue largely unchanged as a separate “pillar” of the new system. They are subject to my authority as Senior President for certain purposes, notably training and welfare. For governance purposes I have treated them as having the same status as Chambers in the First-tier and Upper Tribunals. Their Presidents have played an important part in the development of the new system, going beyond their jurisdictional responsibilities.
26. In the Employment Appeal Tribunal, Mr Justice Elias was replaced as President at the end of last year by Mr Justice Underhill. I congratulate Elias J on his appointment to the Court of Appeal. I am particularly grateful for his inspirational chairmanship of the Tribunals Procedure Committee. He has kindly agreed to continue to chair the Committee until the end of the year.
27. In the Employment Tribunals I record my gratitude to Judge Goolam Meeran and Colin Milne who have played a very active part in our work. In addition to leading their tribunals, respectively in England and Wales and in Scotland, they have provided great assistance in other areas; the former particularly as our representative on the JAC Diversity Committee, and the latter on “cross-border” issues. I was delighted that Goolam was honoured with a knighthood in the New Year Honours. I welcome his successor, David Latham, who became President at the end of the year following a JAC competition. He was already an established figure in the employment tribunal world, as Regional Chairman for Central London. Colin has indicated his wish to retire as President of the Employment Tribunal for Scotland later in the year. The appointment of his successor will be a matter for the Lord President, and steps are already in hand.

28. The employment tribunals have seen some important changes since my last review. As a result of a major review of dispute resolution in the workplace there have been substantial changes to the tribunals' procedures. In addition the tribunals themselves have developed a judicial mediation scheme, complementary to the services provided by Acas. This has had a significant effect on the longer cases. Meanwhile the development of a new, IT-based case management system, called Caseflow (developed jointly with Acas), is, I hope, approaching the stage where it will be available for general use in the employment tribunals.

## **JUDICIAL GOVERNANCE AND LEADERSHIP**

29. The basic structure for governance of the tribunals judiciary remains as described in previous implementation reviews. Formal statutory powers are conferred on me as Senior President with certain additional powers conferred on the Chamber or Tribunal Presidents. I have delegated my powers extensively. The tribunal leadership meets as the Tribunals Judiciary Executive Board (TJEB). TJEB is supported by a number of sub-groups, each chaired by a TJEB member.
30. In the Upper Tribunal the Lord Chief Justice has agreed to the appointment of High Court judges as Chamber Presidents in the Administrative Appeals, Finance and Tax, and (in the future) Immigration and Asylum Chambers. Mr Justice Hickinbottom was the first president of the AAC. After Easter, he was succeeded by Mr Justice Walker. As already noted, Mr Justice Warren has become President of the Finance and Tax Chamber, from its establishment on 1<sup>st</sup> April. An appointment to the Immigration and Asylum Chamber will be made later this year.
31. In the First-tier Tribunal the Presidents have been selected following JAC competitions. The current presidents are.
- i) Social Entitlement Chamber: HHJ Robert Martin
  - ii) Health, Education and Social Care Chamber: HHJ Phillip Sycamore
  - iii) Tax Chamber: HH Sir Stephen Oliver QC (Acting President)
  - iv) War Pensions and Armed Forces Compensation Chamber: Judge Andrew Bano
32. The TCE Act makes provision for the appointment of Deputy Chamber Presidents, through a JAC competition. In agreement with Philip Sycamore, President of the Health, Education and Social Care Chamber, I have asked for the appointment of two



Deputy Presidents for that Chamber, to take the lead respectively in the jurisdictions of Mental Health, and of Special Educational Needs and Care Standards. A JAC selection exercise is currently under way to fill the posts.

33. Until March 2009 Mr Justice Hickinbottom held the non-statutory office of Deputy Senior President. On his departure to other duties in the High Court I decided not to appoint another deputy but to redistribute his functions more widely. In Annex D I set out an extract from my circular explaining the new arrangements, which came into effect after Easter. I am grateful for the willingness of all those named to take on these important leadership roles, in addition to their other tribunal duties. I am particularly grateful to HHJ Phillip Sycamore for taking on the new role of Senior Tribunals Liaison Judge.
34. Now that most of the jurisdictions have been brought into the Chambers structure, I have decided (with the agreement of its members) to wind up the Tribunal Presidents Group. This group, established before my appointment in 2004, has proved an invaluable means of communication and discussion in the preparation of the new system. However, there will be other arrangements to ensure that contact is maintained with tribunals and jurisdictions outside the new system. We held our second annual Senior President's Conference in May, to which representatives from other tribunals were invited. I intend also to hold an extended TJEB meeting at least once a year, in which tribunal leaders from outside the new system will be able to participate.

#### **THE TRIBUNALS SERVICE AND THE SENIOR PRESIDENT'S OFFICE**

35. In my first Review I described my relationship and joint working with the Tribunal Service and its Chief Executive. They have continued under Kevin Sadler, whom we welcomed as the new Chief Executive in January. Peter Handcock, the first Chief Executive, continues as Director-General of the Access to Justice Group in the Ministry of Justice, where he has overall responsibility for both courts and tribunals. I have regular meetings with both of them.
36. A vital part of these arrangements is the support of the Tribunals Judicial Office (TJO), led by Paul Stockton. It is now well-established that, although formally part of the Tribunals Service, the office owes exclusive loyalty to the Senior President and through him to the tribunal judges and members. This arrangement has worked very well, and I have seen no reason to seek more formal separation of the office from the

Tribunals Service. The TJO includes my private office. In April we welcomed Ann Gaffney as head of my office, so allowing Leueen Fox to become my Policy Adviser. My office can be contacted on 0207 029 9711. In Annex E I set out the TJO's current Business Plan.

## **JUDICIAL REMUNERATION AND TERMS AND CONDITIONS**

37. I regret the long delay in the conclusion of the linked reviews of tribunals judicial remuneration and of terms and conditions of service. While a harmonised system is essential for the future development of the combined tribunals system, and to facilitate the flexible use of judges and members across tribunals, the transition inevitably raised a large number of complex issues. I was very pleased that the SSRB was willing to undertake this task, and that their report has now been submitted to the Lord Chancellor. I hope that the government's decisions on the review will be announced without further delay. In the meantime, it has been decided to proceed with the terms and conditions changes as a separate exercise. The new terms and conditions were announced on 22 June and will take effect in April 2010.

## **APPOINTMENTS**

38. While some tribunal business need can be met by deployment and assignment there is an ongoing need for recruitment. For this we depend upon the Judicial Appointments Commission. The Commission in turn depends upon the tribunals to forecast our needs and to assist them in setting and marking tests, and in interviewing candidates, although they decide the selection process. We engage in close dialogue with JAC at all levels about the way they work and the impact they have on the service we can provide.
39. In 2008/09 they completed the following selection services for us:
- Regional Chairs, Social Security and Child Support Tribunals
  - Senior Immigration Judges
  - Designated Immigration Judges
  - Salaried Legal Members of the Mental Health Review Tribunal
  - Legally Qualified Chairs, Pensions Appeal Tribunals
  - Social Security and Child Support Commissioners

- Chamber Presidents, First-Tier Tribunal
- Ordinary Members of the Charity Tribunal
- Legal Members of the Charity Tribunal
- Non-Legal Members of the First-Tier Tax Tribunal
- Fee-Paid Judges of the First-Tier Tax Chamber
- Salaried Judges of the First-Tier Chamber
- Salaried Judges of the First-Tier Tax Chamber
- President of Employment Tribunals

These constituted over half (13 out of 24) of the exercises completed that year and a third (172 out of 516) of the selections made.

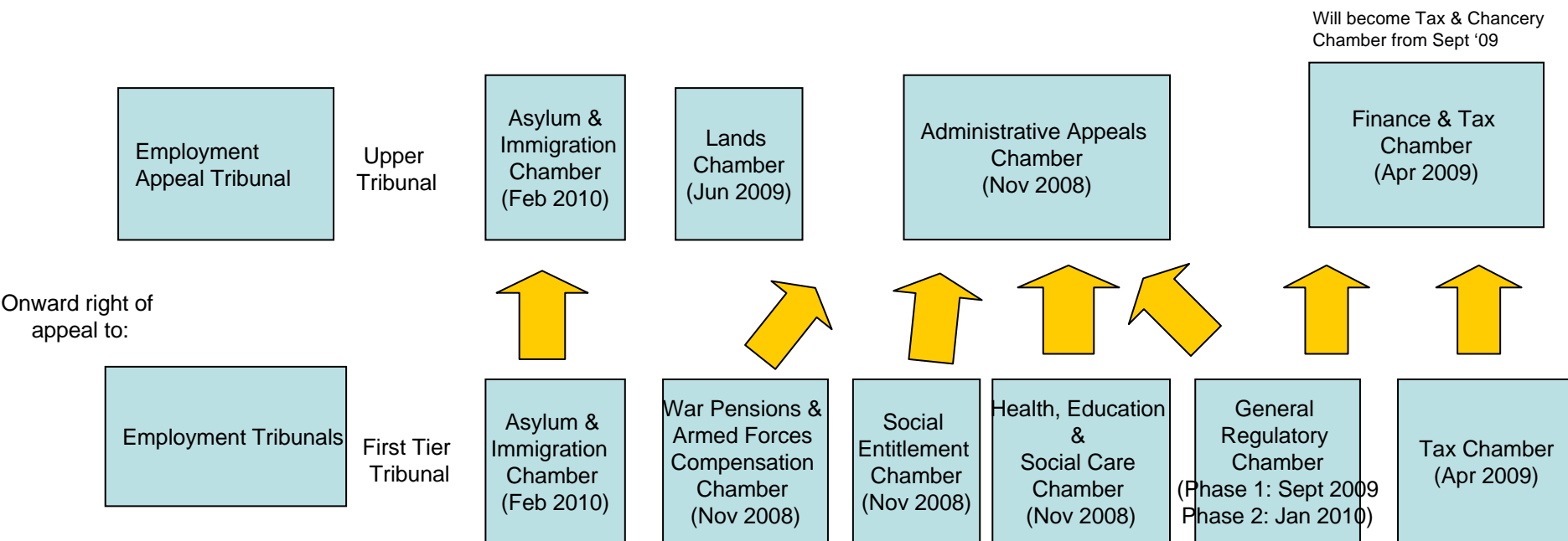
#### **AJTC**

40. Finally I should record my gratitude to Lord Newton, who will be retiring shortly as Chairman of the Administrative Justice and Tribunals Council. He has been an invaluable source of support and advice over the last five years. I look forward to continuing that fruitful relationship with his successor, Richard Thomas.

Robert Carnwath

July 2009

## First Tier Tribunal and Upper Tribunal structure as created by the TCE Act 2007



### Notes

- All first instance appeals will be dealt with in the First Tier Tribunal apart from the following which will be dealt with in the Upper Tribunal:
  - > Lands appeals (Lands Chamber)
  - > some Transport appeals – Traffic Commissioner cases (Admin Appeals Chamber)
  - > some Charity appeals (Finance & Tax Chamber)
  - > some Information appeals (Admin Appeals Chamber)
  - > FINSMAT & PRT (Finance & Tax Chamber)
- Onward appeals from the Upper Tribunal will lie to the Court of Appeal.
- The Employment Tribunal and Employment Appeal Tribunal will not transfer into the TCE structure

# Jurisdictions within each chamber:

## The First Tier Tribunal

- Social Entitlement Chamber:
  - Asylum Support (no onward right of appeal)
  - Social Security and Child Support
  - Criminal Injuries Compensation
- War Pensions and Armed Forces Compensation Chamber:
  - War Pensions and Armed Forces Compensation
- Health, Education and Social Care Chamber:
  - Care Standards
  - Mental Health
  - Special Educational Needs & Disability
  - Family Health Services Appeals Authority -transfer date : early 10
- Tax Chamber:
  - General Commissioners of Income Tax
  - Special Commissioners of Income Tax
  - VAT & Duties Tribunals
  - Section 706 Tribunal

The forthcoming chambers will take on the work of the following existing tribunals/ panels:

- General Regulatory Chamber (Sept 2009):
  - Charity Tribunal – transfer date: Sept 09
  - Consumer Credit Appeals Tribunal – transfer date: Sept 09
  - Estate Agents Appeals Panel – transfer date: Sept 09
  - Transport Tribunal (appeals against decisions of the Driving Standards Agency)– transfer date: Sept 09
  - Gambling Appeals Tribunal – transfer date: Jan 10
  - Claims Management Services Tribunal – transfer date: Jan 10
  - Information Tribunal – transfer date: Jan 10
  - Immigration Services Tribunal – transfer date: Jan 10
  - Adjudication Panel for England – transfer date: Jan 10

## The Upper Tribunal

- Administrative Appeals Chamber :
  - Onward appeals from the Social Entitlement Chamber
  - Onward appeals from the War Pensions and Armed Forces Compensation Chamber
  - Onward appeals from the Health, Education and Social Care Chamber
  - Criminal Injuries Compensation (JR only – no onward right of appeal)
  - Transport Tribunal (appeals against decisions of the Traffic Commissioners) – transfer date: Sept 09
  - Onward appeals from the General Regulatory Chamber (except for Charities cases) (Sept 2009 and Jan 2010)
  - Some first instance Information appeals – transfer date: Jan 10
- Finance and Tax Chamber (will become Tax & Chancery Chamber late 10):
  - Onward appeals from the First Tier Tax chamber
  - Onward appeals Charities (and some first instance appeals) transfer date: Sept 09
  - Financial Services & Markets Tribunal – transfer date: early 10
  - Pensions Regulator Tribunal – transfer date: early 10
- Lands Chamber :
  - Lands Tribunal

SENIOR PRESIDENT'S PROPOSED CHANGES TO TRIBUNALS  
LEGISLATION – JULY 2008

***Confirming the Upper Tribunal status***

1. ***Finality of permission to appeal decisions.*** *I suggested that legislation confirm the finality of refusals by the Upper Tribunal of permission to appeal from the First-tier. However, finality will shortly be considered by the High Court following a number of judicial review challenges to decisions of the Upper Tribunal.*
2. **Leapfrog Appeals.** Under section 12 to 15 of the Administration of Justice Act 1969, subject to specified conditions, an appeal may be brought direct to the House of Lords from a decision of the High Court in any civil proceedings. This mode of appeal, known as a “leapfrog appeal”, thus bypasses the Court of Appeal. It is proposed that the same provision should be made, under the same conditions and with the permission of the House of Lords (or the new Supreme Court) for leapfrog appeals from the Upper Tribunal (at least in England and Wales, if it is not possible within the devolution settlement to extend it to the whole of the UK) and the Employment Appeal Tribunal.
3. This proposal was discussed at the time of the consideration of the Tribunals Bills, and had the support of Lord Bingham. But it was not pursued because of pressures of Parliamentary time.
4. “Leapfrog” appeals have been relatively rare in practice. However, they could become useful under the tribunal system as a means of streamlining the appellate system where appropriate. It is already accepted by the Government that appeals from the Upper Tribunal to the Court of Appeal will only be on cases of general importance. In some cases it will be obvious to all parties that the issue is of sufficient importance for consideration at the highest level, and that authoritative guidance is needed urgently so as not to delay other cases awaiting decision. This is likely to be of particular significance in relation to asylum and immigration cases, but will also be relevant to other jurisdictions (for example, the Employment Appeal Tribunal: see the comments of Mr Justice Bean in *Botham v MOD* 2004 WL 2700861 (EAT) para 23).
5. **Declarations of Incompatibility.** The proposal is to enable the Upper Tribunal to make declarations of incompatibility under section 4 of the Human Rights Act 1998 (HRA) in any proceedings before it, including transferred judicial reviews. This power is currently limited to the courts listed in section 4 of the HRA as having power to make declarations of incompatibility. The Upper Tribunal is not included in that list.
6. This issue was not considered at the time of the drafting of the Tribunals Bill. However, the status of the Upper Tribunal in the appellate system is now becoming clearer. It will be presided over by a Lord Justice of Appeal, and arrangements are under discussion with the LCJ for making High Court judges available for cases which justify it. It has also been accepted by Parliament that the Upper Tribunal is a suitable body to exercise judicial review powers, subject in some circumstances to the condition that the judges should be High Court judges or others agreed by the Lord Chief Justice with

the Senior President. There seems no reason why the Upper Tribunal should not have the same power as the High Court to make Declarations of Incompatibility, where the need arises in proceedings before it, subject to the same condition.

7. This is likely to become a live issue in certain categories of tribunal business. The first Declaration of Incompatibility was made by the Court of Appeal in relation to section 72 and section 73 of the Mental Health Act 1983 (*R (on the application of H) v MHRT* [2001] EWCA Civ 415). The case was an appeal from the High Court, which had declined to make a declaration of incompatibility. It was only in the course of the hearing in the High Court that the applicant applied for permission to amend his grounds to include a claim for a declaration of incompatibility. Following implementation of the TCEA 2007, such cases will normally be heard in the Upper Tribunal instead of the High Court. It is desirable that it should have the same powers.
8. I see no reason why the power to make declarations of incompatibility should not also be extended to the Employment Appeal Tribunal.
9. **Deputy High Court Judges.** It is proposed that judges authorised under section 9 of the Supreme Court Act 1981 to sit in the High Court (and any equivalents in Scotland and Northern Ireland) may also be available to sit by request in the Upper or First-tier Tribunals. Their exclusion is an anomaly which was overlooked at the time of the Bill.
10. Those authorised under section 9 are either Circuit Judges or Recorders. Circuit Judges are listed in section 6 of the TCEA 2007 and so can be requested to sit in the new tribunal system, but Recorders cannot. Thus, section 6 of the TCEA 2007 needs amending to facilitate the use of Recorders or to include those authorised under section 9 of the 1981 Act. Since they have been accepted as suitable to sit in the High Court, there can be no reasonable objection to their being available in principle for the Upper Tribunal.
11. This is likely to be especially important if the Asylum and Immigration Tribunal transfers into the new tribunal system. A number of Recorders have just been authorised to sit in the High Court to help deal with the pressures resulting from reconsideration applications and fresh claim judicial reviews. They will thus have highly relevant expertise to sit in the new tribunals.

### ***Incidental improvements***

12. **Criminal injuries Compensation Appeals.** There should be an onward right of appeal from the First-tier Tribunal in cases under the Criminal Injuries Compensation Scheme. Appeals under the Scheme will transfer to the First-tier Tribunal on 3 November 2008, but exceptionally there will be no onward right to the Upper Tribunal (s11(5)(a) of the TCE Act). It is understood that the exclusion arose out of discussions at the time between the then Lord Chancellor's Department and the Home Office. Now that all aspects of the Scheme are a MoJ responsibility, it seems appropriate to reconsider the exclusion.
13. There seems to be no logical reason for maintaining this exclusion. The lack of a statutory appeal on law leaves open the possibility of judicial review, by which the same issues can in practice be raised. It is proposed that this

category of judicial review cases should be transferred to the Upper Tribunal, by an order under s18(6) of the Act.<sup>1</sup> This would be an anomalous and procedurally less convenient means of reviewing decisions. Further, judicial reviews in Scotland cannot be transferred because criminal injuries compensation is devolved, so that these cases will have to be dealt with in the Court of Session. This change would require a Legislative Consent Motion in the Scottish Parliament.

**14. Transfer of “devolved” judicial review: Scotland.** Consideration should be given to allowing “devolved” judicial review to be transferred to the Upper Tribunal. Under the TCE Act where the subject matter of an application to the Court of Session is a devolved Scottish matter it cannot be transferred to the Upper Tribunal. This is despite the fact that the new tribunal system has a UK wide jurisdiction and Scottish judges could be deployed to hear such cases. As set out above it also produces an anomaly where the First-tier Tribunal exercises jurisdiction in relation to subject matter which is devolved. This change would also require a Legislative Consent Motion in the Scottish Parliament.

**15. NHS Recharging Appeals.** All the jurisdictions of the social security appeal tribunals will be transferred into the First-tier Tribunal on 3 November, with one exception. The jurisdiction under section 158 of the Health and Social Care (Community Health and Standards) Act 2003 is a devolved matter and so cannot be transferred (s30(5)). As a consequence the social security appeal tribunals have to continue to exist in Scotland to deal with this very small aspect of their work, even though the rest of their jurisdictions will be transferred. This was an oversight during the passage of the TCE Bill. Consideration should be given to clearing up this anomaly. This change would also require a Legislative Consent Motion in the Scottish Parliament.

**16. Acting Deputy Chamber Presidents.** Under paragraph 6 of Schedule 4 to the TCEA 2007, the Senior President can appoint an Acting Chamber President to preside over a chamber during any vacancy. There is no equivalent provision to allow the appointment of an *Acting* Deputy Chamber President. Deputy Chamber Presidents may become significant leadership posts within the new tribunal system. However, appointments are currently subject to the JAC competition process, which is likely to delay their provision. The SPT should have the power to fill a vacancy.

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<sup>1</sup> This has since been achieved by the Lord Chief Justice's Direction On Class Of Case Specified Under Section 18(6) of the Tribunals, Courts and Enforcement Act 2007 available at [http://www.tribunals.gov.uk/Tribunals/Documents/Rules/DirectionClassesofCasesSpecifiedundersection18\(6\).pdf](http://www.tribunals.gov.uk/Tribunals/Documents/Rules/DirectionClassesofCasesSpecifiedundersection18(6).pdf)





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SENIOR PRESIDENT  
OF TRIBUNALS

**SIR ROBERT CARNWATH CVO**

27<sup>th</sup> May 2009

**TO ALL JUDGES AND MEMBERS OF THE  
ASYLUM AND IMMIGRATION TRIBUNAL**

Dear Colleague,

**TRANSFER OF THE AIT JURISDICTIONS INTO THE NEW TRIBUNALS**

The decision to transfer the AIT jurisdictions into the new tribunals under the Tribunals Courts and Enforcement Act 2007 was announced by the government on 8 May 2009. The purpose of this letter is to explain how, in relation to the judicial aspects, it is presently intended to take the transfer forward. Although these proposals are reasonably firm and have been agreed with senior AIT judiciary, I am still interested to hear and consider other comments or suggestions. I shall be arranging visits to different parts of the country to meet judges and stake-holders and exchange views.

The proposals are of course subject to the approval of the necessary statutory orders. No precise date can be regarded as final until that process is complete, which we expect will not be until the Autumn. However, we are aiming for implementation by very early in 2010. There is an immense amount to do between now and then. My general approach will be to keep disruption to the minimum and encourage "business as usual" during the transitional period, except in so far as change is required by the statute or desirable for other reasons.

**Judicial leadership**

Henry Hodge will continue as President of the AIT until the new structure comes into being. During his absence through illness, Mark Ockelton and Libby Arfon-Jones will continue their responsibilities as Deputy Presidents. I shall be working closely with them on implementation issues, and for that purpose will be chairing a Jurisdictional Working Group. Peter Lane will be taking the lead on issues relating to rules and practice. I am very grateful for their leadership and support during this challenging period.

In the new structure there will be Immigration and Asylum Chambers in both the First Tier and the Upper Tribunal. Each will require a Chamber President. For the Upper Tribunal I shall be seeking the appointment by the Lord Chancellor of an appropriate successor to Henry, to become the first President at the same time as the new Chamber is established. Arrangements for this are under discussion, with a view to the nominated judge being able to take part in preparations well in advance of formal appointment. In recognition of their key leadership roles in the existing tribunal, and in order to preserve continuity in the transition, I

have invited Mark and Libby to continue for at least two years as non-statutory “Vice-Presidents” of the new Upper Tribunal Chamber. Libby has also agreed to my proposal to nominate her under the statute to be Acting Chamber President of the new First-tier Chamber, pending the selection of a Chamber President through a JAC competition (which is not expected to start until some time in 2010).

### **Transfer of AIT judges and members**

All existing judges and members will be mapped into the new structure by an Order made under the TCE Act.

#### *Judges*

The current intentions, subject to formal orders, are as follows:-

- All Senior Immigration Judges (including RSIJs) will be mapped in as judges of the Upper Tribunal.
- All Designated Immigration Judges will be mapped as both Deputy Judges of the Upper Tribunal and Judges of the First-tier Tribunal.
- All other Immigration Judges will be mapped as First Tier Tribunal Judges. Their current salaried or fee-paid status will not change.

It is to be noted that all judges and members of the Upper Tribunal are by their office also judges or members of the First Tier Tribunal.

Although the TCE does not distinguish between the titles of tribunal judges in different chambers, I see no reason why we should not in practice continue to use the title “Immigration Judge”.

My intention is that existing leadership roles and titles (SIJ, RSIJ and DIJ) should continue, albeit on a non-statutory basis, over the transitional period and for the foreseeable future. However, the new Chamber Presidents may of course wish to review the arrangements when they are appointed.

#### *Members*

Non-legal members will be mapped into the First-tier and the Upper Tribunal. This will enable them if necessary to sit at either level. However, the expectation is that in practice they will sit in the First-tier Tribunal, on work similar to that undertaken under the present guidelines. I have agreed, as part of the implementation process, to have further discussions with their representatives to review the guidelines.

### **Permission applications and appeals**

The transfer into the new structure will not affect the way in which first instance appeals are dealt with, but it will result in the replacement of the existing process of reconsideration and opt-in with one of appeal to the Upper Tribunal.

Our present thinking is that applications to the First-tier Tribunal for permission to appeal to the Upper Tribunal will initially be dealt with by SIJs (sitting as judges of the First-tier). Where an application is unsuccessful but renewed to the Upper Tribunal it will be dealt with by a High Court Judge or by one of the Vice-Presidents, or by one of a nominated group of Upper Tribunal Judges (drawn principally from SIJs). The details of these arrangements have still to be developed.

Where the Upper Tribunal allows an appeal on a point of law, it will be able to redetermine the case itself (rather than remit it to the First-tier), and if necessary to hear evidence for that purpose. My hope is that as far as possible redeterminations will take place at that level. The DIJs, as deputy judges of the Upper Tribunal, will be able to provide support for this aspect of the work. However, present projections suggest that this work is likely to require more judicial

resources for the Upper Tribunal than those available from transfer. The JAC has therefore been asked to include in their programme a selection exercise for Deputy Upper Tribunal Judges, which is expected to start in December 2009.

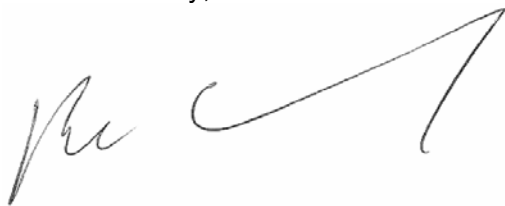
### **Other changes**

Other changes will be affecting the AIT jurisdictions over this period, particularly initiatives to run the operation more efficiently, stemming from the Ministry of Justice's Performance and Efficiency Programme. It is important that the judiciary are fully involved in these initiatives, and that this complex and demanding process of change is properly managed. To that end, the Tribunals Service has set up an AIT Change Board, chaired by Guy Tompkins as the senior responsible officer (SRO) for AIT change. Libby will represent judicial interests on that Board, which will have overall supervision. Beneath it there will be a number of projects, dealing with different aspects. The main project will cover all the necessary legal changes to bring AIT into the two tier structure created by the Tribunals, Courts and Enforcement Act 2007. That project board is chaired by Nick Chibnall and the judicial representative is Peter Lane. I am currently discussing with the Chief Executive the detail of other projects, and appropriate judicial representatives where needed.

### **Conclusion**

This letter signals the start of a period of intensive work in order to establish the new system. I am sure that the transfer of the AIT into the new two tier structure will prove to be beneficial for everyone – judges, members and users - and I am sure I will be able to count on your support in ensuring that it is successful. Good communications will be essential in carrying forward this work. The Tribunals Service has a communications strategy and plans designed to ensure that judges, members, staff and external stakeholders understand and are involved in the developments that affect them. I intend myself to be closely involved in policy decisions and communications including a number of events in and out of London. Please do not hesitate to contact your judicial leaders, or if necessary my office, if you have any queries or concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Carnwath', with a long, sweeping flourish extending to the right.

**ROBERT CARNWATH**

## Annex D

Extract from Senior President's Circular to TJEB members dated 1<sup>st</sup> April 2009

1. I do not at this stage propose to nominate a “**Deputy Senior President**” as a direct successor to Gary Hickinbottom. With the appointment of two High Court judges to the CP posts in the UT, I propose a clearer division between traditional judicial leadership functions in the UT and the more general administrative/operational tasks. Most of the latter can now be devolved to the Chambers leaderships.
2. My general approach will be in summary:
  - a. Principal lines of judicial responsibility will be through the Chambers, to the **Chamber Presidents**. (For the purpose of this note, I treat the EAT, ETs and AIT as equivalent to “Chambers”.)
  - b. The **TJEB** will remain the principal judicial decision-making body, which will meet bi-monthly. The membership will consist of the Chamber Presidents (or their equivalents) and leaders of specialist sub-groups. Where possible the TJEB meetings will be linked to joint meetings with the senior management team (**TSET**), chaired jointly by the Senior President and Chief Executive.
  - c. The TJEB will be supported by issue-specific **TJEB sub-groups** as (see list in Annex). In addition to chairing the sub group each chair will take the overall lead on his or her remit on behalf of the tribunals judiciary (for example, in relations with the courts and other outside bodies, such as the JAC).
  - d. The TJEB and its sub-groups will be supported administratively by the SPT's Office. The calendar of meetings, and **Minutes** (or summaries for sub-groups) should normally be published on the Intranet.
  - e. To provide overall co-ordination and a regular channel of communication between judiciary and administration, I propose that there be a “**Senior Tribunals Liaison Judge**”. **Phillip Sycamore** has kindly agreed to take on that role, which he will combine his role as Chamber President (in which he will be supported in due course by two Deputy Chamber Presidents.) His role would in particular include:
    - i. One-to-one meetings with Chief Executive, including preparing agreed agenda for TSET/TJEB meetings;
    - ii. Chairing TJEB meetings, when SPT is not present, and otherwise standing-in for SPT as necessary.
    - iii. Co-ordinating links with the tribunals administration, including judicial involvement in groups for TS projects or initiatives.<sup>1</sup>
    - iv. Co-ordinating links with the Judicial Office and the court judiciary.

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<sup>1</sup> There should be a running list of projects or initiatives and an agreed procedure for nominating judges and defining their authority. As a general rule judicial representation for projects/initiatives which are confined to a chamber will be decided by the Chamber President. At the TJEB/TSET meeting on 29.3.09 it was agreed that Philip Sycamore and Joy Coles would discuss and report proposals to the next meeting.

- v. Maintaining links (and arranging meetings as necessary) with the Presidents or leaders of tribunals outside the system (whether or not expected to join in the future).
- f. Gary's other main leadership roles will be reassigned:
- i. AAC judicial leadership: **Paul Walker J**
  - ii. Lead for Appointments/Assignments and Chair of Group: **Phillip Sycamore**
  - iii. Lead for Communications and Chair of Group: **Alison McKenna**
  - iv. Lead on Estates issues: **David Latham.**
  - v. Lead on Welsh issues and language: **Libby Arfon-Jones.**
3. *Membership of sub-groups* I will ask the Chairs to the Sub-groups to review their membership and terms of reference with Leueen, to ensure that they are consistent and up to date, and to consult Chamber Presidents on representatives. In general, each TJEB sub group should have members representing all the present and future chambers, to be nominated by their Presidents (or equivalent). Representatives should have a clear remit to represent the whole chamber and all its judges and members (legal or non-legal).

#### ***Links with court judiciary***

- 4. The Judicial Office has different governance arrangements for the court judiciary. The JEB is the principal decision-making body. It has no direct responsibility for tribunal judges. The Judges' Council is made up of representative of all the different branches of the judiciary, and includes tribunal judges.
- 5. There are a number of committees and working groups, reporting to the JEB or to the Judges' Council, whose work wholly or partially corresponds to that being undertaken in the tribunals. On some matters (training, welfare and guidance) the LCJ and the SPT are under a statutory duty to co-operate. On others it is desirable for us to work to avoid duplication of effort and to ensure that a common approach to issues of mutual interest.
- 6. Accordingly, where there is a parallel court group, I will seek to ensure that the equivalent TJEB lead is able to join the group (in addition to any existing tribunals membership for example Andrew Bano on the Judicial Technology Board). This will have to be agreed with the LCJ or individual chairmen.

RC

1 April 2009

# **TRIBUNALS JUDICIAL OFFICE**

## **BUSINESS PLAN**

**2009/10**

## What is the Tribunals Judicial Office?

The Tribunals Judicial Office (“TJO”) is an administrative unit within the Tribunals Service. It was set up in December 2007 specifically to support the Senior President of Tribunals and his senior judicial colleagues in their judicial leadership roles.

The Tribunals Service (“TS”) is an executive agency of the Ministry of Justice and part of its Access to Justice Group. TS’s business plan can be read at <http://www.tribunals.gov.uk/Tribunals/Publications/publications.htm>.

Although TJO is staffed by civil servants and is part of the TS it serves the independent tribunal judiciary, not MoJ Ministers. Constitutionally, therefore, it is similar to the Judicial Office which serves the Lord Chief Justice, although the Judicial Office is a free-standing organisation not part of the Access to Justice Group or an executive agency.

But despite its constitutional position TJO works closely with the rest of TS and with colleagues across the MoJ, in line with the general approach and culture of the tribunal system. This emphasises collaborative working between judiciary and administration, underpinned by common aims and a common understanding of the respective roles and accountabilities. As a practical guide to how we work, and what we will and what we can’t do TJO has adopted a set of rules:

### **RULES FOR PRESIDENTS’ STAFF**

1. You work for a judge. That means that you do not advise Ministers, directly or indirectly, as to what they should do. However, Ministers and their officials may want to know facts in your possession or what your judge’s view is, or is likely to be. You should feel free to tell them, if you know, and to offer to help them to draft advice which correctly reflects your judge’s view.
2. It is up to colleagues advising Ministers as to whether they share their advice with you. Likewise it is up to you whether you share your advice with them. But you should share as much as possible and neither of you should allow the other to be misled.
3. You have no secrets from your judge. Colleagues advising Ministers (and other judges) should understand that you cannot be told things on the basis that you will not pass them on. If they don’t want your judge to know they shouldn’t tell you.
4. You are not a post office. Unless it’s straightforward or convenient officials should communicate directly with your judge if they want his/her view on something, though keeping you copied in on the discussions.
5. You are still a civil servant in MoJ and TS. That means you are still bound by all the rules and procedures of the Ministry and by the ethical standards which govern all civil servants.

The framework for the role of the Senior President of Tribunals and the Chamber Presidents was created by the Tribunals, Courts and Enforcement Act 2007. The way in which the tribunals are now organised is largely determined by subordinate legislation made under that Act.

For a full account of the role of the Senior President, the legislative framework and practical implementation of the new judicial structure see the Senior President's first two Implementation Reviews at:

<http://www.tribunals.gov.uk/Tribunals/Publications/publications.htm>.



## How is TJO organised?

When created originally TJO had a number of judiciary-related functions, not all of which fitted easily together, or were consistent with the ways in which similar functions were organised elsewhere in the tribunals, or in the courts. These included:

- The Senior President's private office
- Private offices for some tribunal Presidents
- Secretariat for the Tribunals Judiciary Executive Board and its sub-groups
- Legal and research support for the Asylum and Immigration Tribunal
- Judicial training administration for most jurisdictions
- Provision of and accounting for books and other publications
- Central functions in relation to judicial appointments for TS and the tribunals judiciary

This range of functions had two main disadvantages:

- TJO staff were spread across Great Britain making management and communications difficult and expensive;
- The senior team spent a disproportionate amount of their time on managerial functions to the detriment of policy development.

From April 2009, as part of the Ministry of Justice's Performance and Efficiency Programme, TJO has reorganised and reduced in size so as to concentrate on private office and policy development functions. Other functions are now managed in TS operations or in central units in Access to Justice Group (judicial appointments) or Democracy, Constitution and Law Group (procurement of books and publications). TJO now has a different role in relation to these functions. Where TS has agreed that the judiciary should set the priorities within a given budget (eg for judicial training) TJO will support the judicial decision-making machinery, as it does for the machinery for making cross-jurisdictional policy generally.

Overleaf is a list and brief description of the groups supported by TJO.

## **JUDICIAL SUB-GROUPS**

### **Tribunals Judiciary Appointments and Assignments Group**

The group oversees the judicial input into the end to end forecasting and appointments lifecycle and the assignment and ticketing processes.

### **Tribunals Judiciary Training Group**

To maintain and improve judicial standards through training, the group advises the Senior President on training issues generally, and in particular develops and costs the annual judicial training programme.

### **Tribunals Judiciary Appraisal and Welfare Group**

The group's purpose is to develop policy and proposals which support the Senior President in his welfare role and for a consistent and comprehensive appraisal system for the tribunals judiciary.

### **Tribunals Judiciary Communications Group**

The group's primary purpose is to ensure that the Judicial Communications Strategy is implemented by developing better means of internal communications within the tribunals judiciary.

### **Tribunals Judiciary Publications Group**

TJPG advises the Senior President on the procurement of publications, on-line services and other reference materials for judicial use.

### **Tribunals Medical Advisory Group**

The object of the group is to provide advice and recommendations to the Senior president and TS matters relating to medical members including recruitment, qualifications, and deployment

**BUSINESS PLAN OBJECTIVES  
2009/2010**

**These detailed objectives are grouped in line with the themes in the TS business plan.**

<i>Working effectively in partnership with Judiciary and others.</i>		
<p>1. We will provide effective secretariat support to TJEB, its sub-groups and the judicial leadership decision-making machinery generally.</p> <p>Performance Measures</p> <ul style="list-style-type: none"> <li>- We will identify issues early and where they look likely to become problems, suggest ways of resolving them</li> <li>- we will circulate the agenda and papers at least 5 days prior to the meetings</li> <li>- we will prepare or commission papers so as to meet the 5-day deadline;</li> <li>- clear minutes and actions will be taken and circulated within 5 working days of the meeting.</li> </ul>	Ann Gaffney	
<p>2. We will ensure that the SPT is effectively represented and involved in appointment related activities.</p> <p>Performance Measures</p> <ul style="list-style-type: none"> <li>- we will liaise with MOJ and update senior judiciary on appointment issues as agreed;</li> <li>- we will respond to requests for information within deadlines</li> <li>- we will ensure that statutory consultation with the SPT is completed within deadlines</li> </ul>	Ann Gaffney	
<p>3. We will continue to work with the judiciary to take forward the recommendations in the TJWAG report (submitted to TJEB) to establish a comprehensive Appraisals system.</p> <p>Performance Measures</p> <ul style="list-style-type: none"> <li>- we will provide updates to TJEB as appropriate;</li> <li>- we will assess the financial impact of the recommendations and report to TJEB and TSET by October 2009;</li> <li>- we will keep stakeholders and delivery partners informed and involved throughout the year.</li> </ul>	Ann Gaffney	
<p>4. We will continue to work with the judiciary to take forward the recommendations in the TJWAG report (submitted to TJEB) to establish a comprehensive welfare system.</p> <p>Performance Measures</p> <ul style="list-style-type: none"> <li>- we will provide updates to TJEB as appropriate;</li> </ul>	Ann Gaffney	

<ul style="list-style-type: none"> <li>- we will work with DJO to develop the recommendations, so as to ensure consistency between courts and tribunals and minimise cost;</li> <li>- we will keep stakeholders and delivery partners informed and involved throughout the year.</li> </ul>	
<p>5. We will provide high quality support to the SPT.</p> <p>Performance Measures</p> <ul style="list-style-type: none"> <li>- we will meet deadlines where possible or agree extensions;</li> <li>- we will provide briefing papers as required and in time for deadlines;</li> <li>- we will improve communications with judicial and administrative colleagues;</li> <li>- we will measure success quarterly by requesting feedback from the key judicial and admin leads.</li> </ul>	<p>Paul Stockton Leueen Fox Ann Gaffney Clare Radcliffe</p>
<p>6. We will provide effective administrative support to enable the SPT to produce his annual report under s.43 of the TCE Act 2007.</p> <p>Performance Measures</p> <ul style="list-style-type: none"> <li>- the reports will be drafted to deadlines and guidance for completion will be followed.</li> <li>- The scope will be agreed with the TS Customer Champion and AJTC</li> </ul>	<p>Leueen Fox</p>
<p>7. We will support the Senior President in developing a strategy for advice and representation in the tribunal system</p> <p>Performance measures</p> <ul style="list-style-type: none"> <li>- Strategy to be agreed by January 2010</li> <li>- Scope to be agreed with TS Customer Champion</li> </ul>	<p>Leueen Fox</p>
<p>8. We will devise, for TJEB approval, a strategy for judicially-led proportionate dispute resolution initiatives</p> <p>Performance measures</p> <ul style="list-style-type: none"> <li>- present recommended way ahead to TJEB by January 2010</li> <li>- assess financial and performance implications</li> <li>- work with TS and other MoJ colleagues to ensure strategies are aligned</li> </ul>	<p>Leueen Fox</p>
<p>9. We will work with and contribute to MoJ and JAC initiative to improve diversity in the tribunals judiciary</p> <p>Performance measures</p> <ul style="list-style-type: none"> <li>- we will make timely and constructive proposals</li> <li>- we will ensure that the Judicial Database is as up-to-date</li> </ul>	<p>Leueen Fox</p>

<p>and accurate as possible</p> <ul style="list-style-type: none"> <li>- we will arrange for the publication of judicial diversity data either when satisfied that the data is accurate or with appropriate caveats</li> <li>- we will work closely with DJO, JAC and MoJ colleagues, including statisticians, and any diversity groups established by our partners</li> </ul>	
<p>10. We will co-ordinate and provide support for judicial aspects of implementation of the Tribunals, Courts and Enforcement Act 2007</p> <p>Performance measures</p> <ul style="list-style-type: none"> <li>• We will meet deadlines or agree extensions in relation to requests for the Senior President's views on legislation or issues connected with implementation.</li> <li>• We will brief jurisdictional leads prior to transfer of a jurisdiction on judicial strands of implementation and provide support to ensure statutory requirements are fulfilled e.g. the requirement to take oaths.</li> </ul>	Clare Radcliffe
<p><b><i>Making efficient use of available resources and infrastructure</i></b></p>	
<p>11. We will facilitate decisions on the use of the judicial training programme and budget and plan and review throughout the year.</p> <p>Performance Measures</p> <ul style="list-style-type: none"> <li>- we will co-ordinate budget bid information and present this to TJTG for a decision at the agreed meeting;</li> <li>- we will communicate this information to admin and finance colleagues;</li> <li>- we will co-ordinate information for the TJTG meeting reviewing the budget and spend information throughout the year and take action as agreed and appropriate</li> <li>- we will look for ways of delivering the programme at a lower cost</li> <li>- we will support TJTG in devising a three-year programme for judicial training</li> <li>- we will facilitate decisions on how tribunal training should be provided in the longer term, including the relationship with the JSB.</li> </ul>	Leueen Fox

<p>11. We will facilitate decisions on the use of the judicial publications programme and budget and plan and review throughout the year.</p> <p>Performance Measures</p> <ul style="list-style-type: none"> <li>- we will establish a Judicial Publications Group</li> <li>- working with LIS, we will co-ordinate programme and budget bid information and present this to the Publications Group for a decision at the agreed meeting;</li> <li>- we will communicate this information to admin and finance colleagues;</li> <li>- we will co-ordinate information for the Publications Group meeting reviewing the budget and spend information throughout the year and take action as agreed and appropriate</li> </ul>	<p>Peter Banks</p>
<p>12. We will ensure that effective records are kept and risks identified and managed.</p> <p>Performance Measures</p> <ul style="list-style-type: none"> <li>- the risks and issues log will be reviewed and updated monthly;</li> <li>- the business continuity plan will be developed in Q1;</li> <li>- the WFCB information will be reviewed, updated and provided on a monthly basis;</li> <li>- the payroll and SiP will be reconciled on a monthly basis;</li> <li>- the asset register, sickness returns, and staff database will all be updated monthly;</li> <li>- the hospitality register will be kept up to date and all staff reminded about it at least once;</li> <li>- we will monitor expenditure and re-forecast monthly, taking corrective action as appropriate;</li> <li>- all information will be stored securely and in line with departmental guidance.</li> </ul>	<p>Ann Gaffney</p>
<p>13. We will manage all budget and resources effectively and maintain accurate records.</p> <p>Performance Measures</p> <ul style="list-style-type: none"> <li>- we will look for ways to save money without detriment to services</li> <li>- we will ensure that value for money is achieved wherever possible;</li> </ul>	<p>Paul Stockton Leueen Fox Ann Gaffney Clare Radcliffe</p>

<ul style="list-style-type: none"> <li>- we will deliver an agreed level of efficiency savings throughout the year.</li> </ul>	
<b><i>Building our capacity to deliver by unlocking our people's potential.</i></b>	
<p>14. We will induct the new TJO team effectively</p> <p>Performance measures</p> <ul style="list-style-type: none"> <li>- roles and line management arrangements to be settled by 1 June</li> <li>- programme of visits and bilaterals to be arranged for first month after joining</li> <li>- regular team meetings, whatever the line management arrangements</li> <li>- review how system operating mid-year with relevant Presidents</li> </ul> <p>15. We will ensure that each member of TJO has the tools and skills to do their job.</p> <p>Performance Measures</p> <ul style="list-style-type: none"> <li>- we will integrate the learning and development plan into the business planning process;</li> <li>- all managers will follow the MOJ guidance for managing and developing their staff</li> <li>- all managers (band C and up) will attend the TS Leadership Development Programme.</li> <li>- All TJO staff will undertake the information assurance e-learning package</li> </ul>	<p>Paul Stockton Leueen Fox Ann Gaffney Clare Radcliffe</p>