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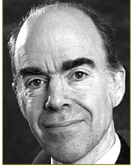
Editorial



In this Autumn 2008 issue of the journal, we continue our series on the work of those decision-makers who sit outside the formal structure of the Tribunals Service, with two articles. On page 9, Katrine Sporle looks at the work of the Planning Inspectorate with whose subject many readers will be familiar. Possibly less familiar, but no less interesting, is the work of the Standards Committees in Wales, whose role it is to hear complaints relating to local councillors. Gwyneth Roberts describes their decision-making processes on page 13.

We are pleased to be able to include a reflective piece by Judge Robert Martin, the President of the new Social Entitlement Chamber, on page 17. Based on a speech given to the Senior President's conference in Birmingham in May this year, and therefore before 3 November 2008, the points raised remain relevant and of interest. Also in this issue, an article on page 2 by Leslie Cuthbert on de-escalation techniques looks at how to deal with disappointment and anger in the tribunal room, and offers the kind of practical help to tribunal chairmen and members that we hope is the mainstay of the journal.

Finally, on page 8, Nuala Brice writes about the work of the Claims Management Services Tribunal. Her perspicacity and clear writing style have been a feature of the journal since 1994 when she wrote an article for our first issue. We wish her well as she retires from the editorial board with this issue.

Godfrey Cole CBE

Any comments on the journal are most welcome. Please send to *publications@jsb.gsi.gov.uk*.

Tribunals Journal – Editorial Board Member

Applications are invited for membership of the editorial board for the JSB's *Tribunals* journal, and in particular a tribunal member or academic with an interest in the development of administrative law through the decisions of tribunals and the Administrative Court, and the emerging jurisprudence of the First-Tier and Upper Tribunals.

Three issues of the journal are published each year, with the aim of providing interesting, lively and informative analysis of the reforms currently under way in different areas of administrative justice.

The JSB is now keen to establish a regular series of case notes within the journal, with the intention of continuing to promote high standards of adjudication in tribunal hearings. The new editorial board member will be closely involved in selecting the cases for inclusion, and in writing the case notes themselves.

Successful candidates will have:

- **An understanding of the needs and concerns of those appearing in front of tribunal hearings.**
- **The ability to contribute their own thoughts and experiences, with the aim of benefiting others.**
- **Good communication and interpersonal skills.**
- **Ideally, some writing experience.**

Members of the editorial board are asked to attend three meetings a year at the JSB's London office The closing date for this post is 23 January 2009, and interviews for those who best meet the criteria for appointment will be invited to attend a selection interview in London in February 2009.
An application form is available from *competitions@jsb.gsi.gov.uk*.

STAY CALM AND NEUTRAL IN MANAGING ANGER

Although the risk of violence occurring in a tribunal is low, there may be occasions when aggression threatens and a measured response is called for, says *Leslie Cuthbert*.

'WHAT QUALIFICATIONS do you have that makes you think you can judge me? Who pays you? You've already made your decision, haven't you!' This was the opening salvo from an appellant to whom I had introduced myself before hearing his appeal in the Road User Charging Adjudicator Tribunal against the imposition of a £100 penalty charge. To say that he was irate would be something of an understatement, and it took time, patience and assertiveness to calm him down sufficiently to enable the hearing to proceed.

Similar situations happen in all forms of tribunal every week. In many cases, parties to the hearing don't arrive angry, but get irritated and angered as the proceedings unfold, especially if they perceive matters are not going the way they want. This article will provide pointers, to help spot when conflict is imminent, and tips to help calm down a volatile individual once they have become inflamed.

Anger

Everyone can get angry. Anger is a form of arousal, an emotional response, often associated with aggression and violence, although this is not inevitable. One definition of anger links it to a sense of being endangered – the adrenal 'flight or fight' response. In a tribunal context, this could occur if someone perceives that their evidence is not believed. They may feel that 'the best form of defence is attack'.

Sometimes individuals may use 'instrumental aggression', using aggressive behaviour such as shouting, banging their hand down, pointing their finger and so on, in order to achieve a specific goal. Anger may not be present at all. This is different from 'hostile' aggression, which is fuelled almost entirely by anger. Instrumental aggression, as opposed to hostile aggression, will often quickly dissipate once the person concludes that the aggression is not working or they have failed to achieve what they were seeking.

Fair hearing

Of course, it is best if anger doesn't arise in the first place. A great deal of tribunal skills training, and previous articles in this journal, on subjects such as active listening and communication are concerned with making the tribunal experience as positive as possible for the parties. Principles of a fair hearing often tie in with managing a party's response. For example, a person who is continually interrupted while giving their evidence is likely to become irritated and ultimately angry.

Flashpoints

Different types of tribunals may have different 'flashpoints'. In a Mental Health Review Tribunal, a patient may get angry while their doctor is describing their diagnosis and behaviour, especially as they are being spoken about but not necessarily being spoken to.

It is anger, therefore, rather than aggression, which is the starting point for a de-escalation intervention.

Violence

Research[1] has concluded that for anger to tip over into violence three further elements must

be present: a *target*, a *weapon*, and a *trigger*. By removing any one of these, you can reduce the risk of violence taking place.

Target

Although as the decision-maker you are inevitably going to be the target for any violence, if someone starts to become angry there are actions you can consider taking. Simplest of all is to remove yourself from the environment by taking a break or, if necessary, adjourning the proceedings for a longer period. This can give a party the opportunity to 'cool off' if their feelings are starting to become out of control.

Weapon

Again this is a difficult one to change since parts of the body may be used as a weapon, as well as inanimate objects. It is always worth considering whether particular items need to be present in the location where the hearing is taking place.

Trigger

These may be verbal (phrases, opinions or decisions that evoke anger or frustration), physical (poor use of body language, the pain or discomfit the individual is suffering) or environmental (noisy surroundings, a lack of privacy and so on). In the Parking Appeals Tribunal in London, personal hearings take place in individual rooms but the door to the hearing room is left open and the walls are made of glass panels. This creates a sense of privacy, while ensuring that if someone raises their voice or begins to act in a violent manner, a member of security will be immediately aware.

It is important to recognise the distinction between the anger that may occur during the gathering of facts or consideration of the evidence in the hearing itself, and the point when the judgment is given. People are entitled to be upset or angry at a decision going against them, and you should not seek to alter these feelings. Instead, what members of tribunals must seek to ensure is that the evidence individuals give, or the way they present their case during the hearing, is not affected adversely by emotions such as anger.

Self-awareness

The first step to de-escalation of another person's anger is to monitor and manage your own emotions. You can do this by recognising and acknowledging signs of your own anxiety, such as becoming aware of your heart beating faster. If you find yourself becoming anxious or angry, take one deeper than normal breath and exhale slowly. At the same time use positive statements – 'I can cope with this' – to boost your self-belief. Avoid falling into the trap of defending what you have said or done, and then attacking the other party by criticising them, which will simply increase conflict. An assertive response may be needed, but never an aggressive one.

Physical factors

Be aware of the layout and size of the hearing room. Angry people have an increased need for personal space, which may prove challenging if you are in a small room, sitting just a few feet away from the individual.

Be careful not to adopt a confrontational posture – appearing to 'look down your nose' at the individual, shaking your head in apparent frustration, rolling your eyes and so on. Be conscious also of your own hand movements. Avoid folding your arms, gesticulating widely or pointing your finger, any of which may be seen as being either defensive or aggressive.

Although eye contact is appropriate to a degree, prolonged direct eye contact should be avoided as it can be interpreted as being provocative. Equally, however, avoidance of eye contact altogether could be interpreted as submissive or fearful behaviour.

A neutral facial expression is ideal. Smiling can be taken as laughing at the person or being condescending towards them. At the same

time, it should be apparent that you are paying attention to what they are saying and that you are engaged with what is going on. Do not let a neutral face and posture give the perception of disinterest, which itself may act as a trigger.

Physical contact should be avoided. It is often inappropriate and can provoke an unpredictable response.

Verbal communication

Learn to be aware of and to manage the pitch, tone and volume of your voice. As people get more agitated and angered, their voice becomes more high-pitched, louder and faster. By deliberately slowing your voice down, lowering the pitch and speaking more softly you may calm the person you are communicating with.

If the situation appears to be unravelling, load what you are saying with agreement. Seek to avoid disagreeing with the person unnecessarily – instead try to find areas where you can agree with them until they have calmed down. This does not mean that you deceive them, but rather that you find areas of common ground – 'I understand why this matters so much to you', 'I believe your response is entirely justified', 'I think you were right to make that point' and so on. This is a tactic often employed by hostage negotiators, so there must be some value in it.

Acknowledge and empathise with the person's feelings. A useful test is to try always to imagine how you would feel in the individual's situation. What would you want at that point? How would you want to be treated?

A further useful technique that can distract a person from their anger is to ask them a number of detailed questions. This requires the individual to engage in more intensive memory recall. This in turn can prompt them to re-engage rational control and become less influenced by their emotions. For example, an individual who is angry at the delays in arranging a hearing date and is complaining about this, is getting more and more angry. Simply by asking them to explain the precise meaning of parts of their written submissions may refocus their mind and enable them to regain rational control.

Another useful tip is to start negotiations to remove the anger or aggression from the hearing. Ground rules for negotiation include setting limits, e.g. 'I will listen to you but I need you to stop swearing before I am going to be able to do that.' Be careful to honour any agreement you make though, otherwise your breaking the agreement may act as another trigger.

If de-escalation fails

If, after all this, the conflict continues to escalate and you feel as though you are losing control, it is most important to keep your options in mind.

These are likely to include:

- Adjourning the proceedings, either briefly or to another day.
- Leaving the hearing room yourself.
- Requesting security remove the individual from the hearing room.

None of these steps are ones that any decision-maker wants to take at the first sign of conflict, but sometimes they will be the only option in managing the risks that exist.

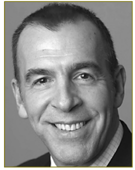
Finally, it is important to put the risk of violence actually occurring in tribunals in context – they are, after all, low. So, in the words of Nick Ross from Crimewatch – 'Don't have nightmares!'

Leslie Cuthbert has a number of roles including as a Legal Member of the MHRT and as a Road User Charging Adjudicator.

[1] 'De-escalation in the management of aggression and violence.' *Nursing Times,* September 3, Volume 93, No 36 (1997).

Flexible, relevant and practical

Mark Hinchliffe **describes the JSB's plans to promote and develop more high-quality courses.**



Later this year, the JSB will be launching a mini-prospectus, followed in the Spring of 2009 by a full prospectus of new courses. The new prospectus follows the evaluation of tribunals training, a JSB learning needs analysis, and a brainstorming event involving judges from across the judicial and tribunals world. From these significant pieces of work has come a clear recognition that judges in all jurisdictions value face-to-face training and contact with other jurisdictions – especially in a working environment that can be somewhat insular.

A unique advantage of JSB training is that it exposes delegates to the wider judicial world, and this cross-pollination is of particular relevance today, with the advent of mapping, assignment and cross-ticketing. Our flagship tribunal judgecraft courses are being redesigned to focus more clearly on the tribunal competences, which have the full support of the Senior President of Tribunals, and which provide a blueprint for common training, mentoring and appraisal schemes.

> *JSB training exposes delegates to the wider judicial world . . .*

To reflect the five core competences, there will be five modules within the new Essential Skills and Competences Course, with the emphasis on active and interactive learning. This course will offer stand-alone sessions on diversity and impartiality, but will also, like all our courses, have fair treatment issues woven throughout. Individual modules will also be offered to individual jurisdictions for inclusion in their own training programmes. Even the full residential course will have options allowing a more bespoke package to be constructed for legally and non-legally qualified members. New sessions include judicial values, conduct and complaints, case-management skills and directions hearings. On top of that, we are pioneering a separate e-training module in decision-making and writing.

The Tribunals Advanced Career Development Course, targeted at experienced decision-makers, will look at career development, the senior tribunal judicial appointments process, judicial leadership, the skills involved in transferring and adapting to new jurisdictions, complex cases (preparation, case management, judicial fact-finding and decision-writing), troubleshooting (anger de-escalation, and the avoidance and use of adjournments), and the use of technology.

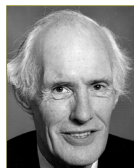
Mentoring and appraisal against the core competences are fundamental to the raising of consistent judicial standards. The JSB will now offer a two-stage programme for those who undertake mentoring and appraisal. Where possible, induction training is specific to a jurisdiction, chamber or organisation with a multi-jurisdiction follow-up 18 to 24 months later comparing experiences, learning lessons and further developing people skills.

For judges with a managerial role, we will offer an intense Leadership and Support Course. For non-legal members (and for lawyers working with others on a panel for the first time) we will have a specific course looking at the Role of the Non-Legal Tribunal Member. The aim here is to boost confidence, promote teamwork and make the best use of panel expertise.

Above all, we hope to be flexible and to respond positively to those who need something specific while continuing to promote and develop high-quality, relevant and practical multi-jurisdiction courses. I very much hope that you will take advantage of our new programme of collegiate judicial education, and find it of practical help in your role as a decision-maker within our wide and diverse tribunals family.

Mark Hinchliffe is the JSB's Training Director.

The things that matter to every Citizen



Almost a year has passed since the Administrative Justice and Tribunals Council succeeded the Council on Tribunals, and the AJTC has now published its first programme of work. *Tony Newton* outlines the areas where the AJTC, and its Scottish and Welsh Committees, will be focusing their attention.

Under the Tribunals, Courts and Enforcement Act 2007, the AJTC is charged with keeping under review the overall administrative justice system. The Act provides a statutory definition of the 'system', which embraces not just tribunals and inquiries, but first-tier decision-makers, ombudsmen and aspects of the work of the courts.

In the end, this wider remit is about helping to promote good-quality decision-making by government, local councils and agencies – and ensuring that there are accessible, fair and effective means of securing correction or redress when grievances arise. These are things that matter to every citizen.

Focus on users

The first point to emphasise is that at the heart of all our work will be a focus, first and foremost, on the needs of users of the administrative justice system.

Against that background, our programme has four central themes:

- Working towards a better understanding of the administrative justice 'system' and pursuing some key themes of the 2004 White Paper aimed at improving the system for the benefit of the citizen.
- Acting as a 'critical friend' to the Tribunals Service and the tribunals inside and outside it.
- Responding to, and participating in, work led by others that affects or involves administrative justice, tribunals and inquiries more generally.
- Making proposals for research into the administrative justice system.

Extent

Clearly, as a new organisation we need to devote some of our energies to developing our own understanding of the 'system' and promoting a better understanding among others who are part of it or have an interest in it. One of our first tasks will be to publish a paper exploring the extent of the 'system'. Using our experience in creating a *Framework of Standards for Tribunals*, we intend also to examine the possibility of developing a set of generally applicable principles of administrative justice. That is without a doubt a major challenge, but we think it will be an important foundation for our future work, helping to ensure that our advice is both authoritative and principled.

We will also be building on earlier work to pursue two White Paper themes which we think are important in improving the experience of users of the system. The first is continuing to encourage a dialogue between tribunals and the original decision-maker in an effort to avoid disputes arising in the first place. The second is to promote the use of proportionate dispute resolution techniques across the system.

New structure

Meanwhile, tribunals both inside and outside the new Tribunals Service remain significant

within our wider role. We shall continue to give much attention to playing our part as a 'critical friend' of the service as it establishes its new structures. We will work with the Tribunals Service to ensure the achievement of high standards, continuous improvement, and flexibility of service delivery.

With implementation of the TCE Act under way and 'T-Day' now having taken place in November 2008, we will work to support the formation of the First-Tier and Upper Tribunals, paying particular attention to their procedural framework. However, we are also mindful of our ongoing role in relation to tribunals outside the Tribunals Service and will ensure that their priorities and issues are not neglected.

A comprehensive understanding of empirical and other research on administrative justice issues is essential – particularly in order to stay alert to emerging issues and the impact of proposed reforms on users. Under the TCE Act we are required to make proposals for research into the administrative justice system. We have created a group within the AJTC to focus purely on this task, which has been identifying and engaging with members of the academic community on research initiatives in the field of administrative justice. Our aim is to be in a position to make authoritative recommendations as to areas within the field of administrative justice requiring further research.

The Scottish Committee

Our Scottish Committee is working to come to grips with its own correspondingly expanded remit, and establish an understanding of its role within the developing administrative justice framework in Scotland. There are a number of interesting reviews of administrative justice currently under way in Scotland, including the First Minister's Review of Tribunals, and our Scottish Committee will seek to provide considered advice to the Scottish and UK governments on these developments as well as continuing to be instrumental in the discussions being led by Lord Philip in his review of administrative justice as a whole within Scotland.

The Welsh Committee

We welcome the establishment of our newly formed Welsh Committee. As a new committee of the AJTC, the Welsh Committee has some initial work to do in identifying and prioritising key issues for Wales and raising awareness of administrative justice and the role and work of the AJTC among key stakeholders.

Some initial concerns of the Welsh Committee are to identify potential mechanisms for achieving a separation of powers in respect of devolved tribunals, and pursuing with the Welsh Assembly government the role of citizen redress in a citizen-centred approach to the provision of public services.

Looking ahead

The AJTC is still at an early stage in its consideration of its role within the administrative justice system. However, our work programme is designed to uncover the true breadth of our role, and that of our Scottish and Welsh Committees. Essentially, we wish to work with others to ensure that the administrative justice system is kept under review and that the overall system is more accessible, fair and efficient.

Ultimately, we envisage an administrative justice landscape with a greater focus on the needs of users, in accordance with the AJTC values of openness and transparency, fairness and proportionality, impartiality and independence, and equality of access to justice.

After a year in which we have looked back with some pride on nearly 50 years of the Council on Tribunals, we are all now looking firmly forward to our future as the AJTC.

Lord Newton of Braintree is President of the Administrative Justice and Tribunals Council.

Regulating the ambulance-chasers

Nuala Brice describes the regulation of the claims business, designed to protect consumers, including the work of the Claims Management Services Tribunal.

Before 2006 there were concerns about claims management businesses, including 'ambulance chasers' and other claims intermediaries. There was a view that these intermediaries encouraged people to claim compensation but that some claimants had to enter into loans to finance the cost of making claims, that some claims were dropped if they were not considered lucrative, and that some compensation awards were swallowed up by the fees and costs associated with making the claim. The conclusion was that the claims management sector should be regulated to bring protection to consumers.

Part 2 of the Compensation Act 2006 provides for the regulation of certain claims management services. The Act provides that in general a person may not provide such management services unless he is authorised or exempt. Claims management services are advice or other services in relation to the making of a claim. A claim is a claim for compensation or other remedy in respect of loss or damage where the claim is made by way of legal proceedings, or in accordance with a scheme or regulation, or in accordance with a voluntary undertaking. Services are regulated if they are of a kind prescribed by order.

There was a view that these intermediaries encouraged people to claim compensation . . .

The Compensation (Regulated Claims Management Services) Order 2006 (SI 2006 No 3319) provides that the kinds of claim that are regulated include those for personal or criminal injuries, employment, housing disrepair and financial services. Regulated services include: advertising for, or otherwise seeking out, persons who may have a cause of action; advising a claimant in relation to his claim; referring details of a claimant to another person, including a person having the right to conduct litigation; investigating the circumstance of a claim with a view to pursuing it; and representing a claimant, including before a tribunal.

The Act provides for the designation of a Regulator to authorise persons to provide regulated services, to regulate the conduct of authorised persons and to exercise other functions. The present Regulator is the Secretary of State at the Ministry of Justice where there is also a Head of Claims Management Regulation. The Act also establishes the Claims Management Services Tribunal to hear appeals against decisions of the Regulator refusing an application for authorisation, or imposing conditions on authorisation, or suspending or cancelling an authorisation. The Regulator may also refer to the tribunal complaints about the professional conduct of an authorised person.

In respect of the matters referred to it, the tribunal may take any decision that the Regulator could have taken. The Act also provides that the tribunal shall be constituted so that the President, chairmen and members are the President, chairmen and members of the Financial Services and Markets Tribunal. (Thus the President is Sir Stephen Oliver QC who is also the President of the Financial Services and Markets Tribunal.) There is a right of appeal from decisions of the tribunal to the Court of Appeal.

The tribunal's rules are the Claims Management Services Tribunal Rules 2007 (SI 2007 No 90). The tribunal is administered as part of the grouping of tribunals known as the Finance and Tax Tribunals. So far there have been only three appeals lodged with the tribunal and none has, as yet, proceeded to a hearing.

Dr Nuala Brice is a full-time chairman at the Finance and Tax Tribunal.

Openness, fairness and Impartiality

The Planning Inspectorate's mission is 'to use its impartial expertise in planning and land use to help shape well-planned environments and deliver sustainable development'. *Katrine Sporle* explains how the inspectorate works and considers the challenges ahead.

The work of the Planning Inspectorate for England and Wales derives mainly from the Town and Country Planning Acts, but we also deal with work from about 200 other statutes covering areas such as listed buildings, heritage, rights of way, highways, ports, harbours, environmental protection, water, pollution and energy. While the inspectorate is an executive agency, reporting to the Secretary of State for Communities and Local Government and the Welsh Assembly Government, it also does work for other government departments.

Planning inspectors

We are based in Bristol with a small presence in Cardiff. We currently employ just over 870 full-time staff. Of those, 380 are salaried planning inspectors who are home-based and live all over the country, and the rest are mainly administrative staff and office-based. We have a small team of planning officers based in Bristol. Since the early 1980s we have also used fee-paid non-salaried inspectors to help us manage the peaks and troughs of our workload.

Background

Planning inspectors come from a range of professional disciplines. The bulk are professional planners but we also employ engineers, architects, lawyers, landscape architects, surveyors, transport planners and others with more specialist expertise. This enables us to handle the wide range of our case work while ensuring that the appropriate degree of professional knowledge is brought to bear.

Induction

Planning inspectors currently undergo an intensive one-year induction training programme that equips them to deal with all types of planning appeals by all types of procedure. Decisions are closely monitored throughout each inspector's career in order to ensure that quality standards are maintained. The inspectorate provides intensive training in skills and in specialist policy areas, where possible in partnership with others, and expects inspectors to undertake continuing professional development in order to fulfil the requirements of their respective professional bodies.

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History

Our history dates back to 1909 although our modern role was largely established by the 1947 Town and Country Planning Act. This required local planning authorities to prepare development plans for their areas showing the broad pattern of land use proposed, to provide a background against which applications for planning permission may be judged. The plans required approval by the then Minister who would hold a public inquiry to consider any objections to the plan.

The Act also required applications for development requiring planning permission to be made to the local planning authority and provided for a right of appeal to the Minister against a refusal, against conditions imposed or against the failure of the authority to give a decision within a prescribed period. The Minister was to hold a public inquiry into the appeal.

Finally, the Act gave the Minister the power to 'call in' any planning application – that is, to direct the local planning authority to refer it to him for decision. In such a case, the authority and the applicant was given a right to a hearing. The Act gave no right of appeal to third parties so in cases where there was considerable public criticism of a proposed development the 'call-in' process allowed the Minister to arrange a public inquiry prior to a decision being taken.

Under the 1947 Act public inquiries into development plans and planning appeals in England and Wales were to be carried out by departmental inspectors of the then Ministry of Housing and Local Government.

What do we do?

The Planning Inspectorate's mission is 'to use its impartial expertise in planning and land use to help shape well-planned environments and deliver sustainable development'. We follow principles set down in the Report of the Committee on Administrative Tribunals and Enquiries chaired by Sir Oliver Franks and published in 1957. These are 'openness, fairness and impartiality'.

We pride ourselves on the reputation we have for delivering high-quality decisions which underpin the planning system. We manage our work against stringent ministerial targets, which include the requirement that 99 per cent of casework is free from justified complaint or successful legal challenge. We are overseen by an independent panel – the Advisory Panel on Standards – who report annually to the Secretary of State on the quality of our work.

We have four main functions:

1. To determine planning and enforcement appeals.
2. To report to the Secretary of State on 'called in' or recovered planning cases.
3. To determine or report to the relevant Secretary of State on a range of other casework for other government departments.
4. To examine regional spatial strategies and local authorities' development plans.

Appeals

Despite numerous planning acts since 1947, the statutory role of the Planning Inspectorate in relation to planning appeals has remained largely unchanged. However, in the late 1960s the decision-making function of the Minister started to be transferred to inspectors who, in over 99 per cent of cases, now take the decision on appeals on behalf of the Secretary of State or Welsh Ministers. In 2007–8 the Planning Inspectorate received 22,900 appeals in England and 1,170 in Wales. Our workload includes small householder schemes such as roof dormers and conservatory extensions, major housing and commercial developments and schemes of regional or national importance such as large-scale wind farms and airport expansions.

A further 4,000 or so appeals result from enforcement action being taken by local planning authorities against development carried out without planning permission.

Different methods

Appeals are considered by three methods: written representations, hearings and inquiries. Since 2004 the Planning Inspectorate has been using ministerially agreed indicative criteria to determine which method is most suitable, based on the complexity of the case. Appellants

and local planning authorities are encouraged to use the written representations procedure wherever possible, as this is the quickest and most economical of the three. Under current legislation, however, the appellant and the local planning authority must be given the opportunity for an oral hearing if they so wish. The procedures are governed by rules that include timetables for setting events and submission of evidence. We operate to a range of ministerial targets on which we report annually to the Secretary of State.

In written representation cases (about 80 per cent of all appeals) the inspector inspects the site and determines the case on the basis of the written material provided by the parties.

In hearings cases (12 per cent) the inspector conducts a structured discussion in public with the appellant, local planning authority and anyone else interested in the case and, after inspecting the site, makes a decision based on written and oral evidence. It is very rare for lawyers to attend hearings and cross-examination is not normally permitted. The inspector adopts an inquisitorial role, leading the discussion and questioning those present in order to obtain the information needed to make a fair and reasoned decision.

In inquiry cases (8 per cent) the inspector conducts a formal public inquiry where the main parties are usually represented by legal advocates who call professional expert witnesses. It is an adversarial process involving the presentation of evidence and cross-examination of witnesses, although the inspector is expected to lead and drive the proceedings in a proactive manner. Again the inspector will inspect the site before writing the decision based on written and oral evidence tested at the inquiry.

A small proportion of appeal cases are recovered for decision by the Secretary of State or Minister, usually because they raise issues of wider than local interest.

Decisions

Decisions are made after the event and in the form of a written notice setting out the decision to either allow or dismiss the appeal, with the inspector's reasons set out in sufficient detail that anyone reading the decision should know why the decision was reached. The inspector, if allowing the appeal, can impose conditions on the permission that is being granted.

At present there is no charge for making an appeal in a planning case, and the parties are normally expected to meet their own expenses. However, upon application inspectors can award costs against either party (and exceptionally against third parties) where unreasonable behaviour leading to unnecessary expense is judged to have occurred.

Recovered cases and call-ins

A small proportion of appeal cases are recovered for decision by the Secretary of State or Minister, usually because they raise issues of wider than local interest. For similar reasons, a handful of cases are 'called in' for decision by the Secretary of State. Published criteria set out the basis on which the Secretary of State will recover or call in cases for her consideration. In 2007–08, 159 cases were recovered and 31 were called in.

In such cases the inspector will produce a detailed report setting out the main parties' cases, any interested party's views and his or her conclusions and recommendations. Communities and local government officials review the report and draft a decision for the Secretary of State. The Secretary of State may disagree with the inspector's recommendation by attaching different weight to policy and other issues. Occasionally, the Secretary of State will seek further evidence or consult with the parties on an issue that has arisen since the inquiry was concluded.

Decisions made by inspectors on appeal or by the Secretary of State are final and only challengeable in the courts on legal grounds. In considering any challenges, judges will not interfere with the inspector's (or Secretary of State's) planning judgements. In 2007–8 there was a total of 156 legal challenges of which 29 were successful.

Development plans

A fundamental change took place in 2004 when the Planning and Compulsory Purchase Act introduced a new spatial planning process that requires the production of Development Plan Documents (DPD) in England and Local Development Plans (LDP) in Wales, and their examination for soundness.

The role introduced in 2004 requires the inspector to examine the DPD and determine whether it is sound. Soundness has been defined in policy as 'justified', 'effective' and 'consistent with national policy'. A plan will be justified if it is 'founded on a robust and credible evidence base' and it is 'the most appropriate strategy when considered against reasonable alternatives'; it will be effective if it is 'deliverable, flexible and able to be monitored'. Furthermore, the inspector is required to prepare a report with recommendations that are binding on the authority so that, if they decide to adopt the plan, they must do so in accordance with the inspector's recommendations.

The cost of the examination process is borne by the authority which is charged at a standard rate by the Planning Inspectorate, the rate having been approved by Parliament.

We are also responsible for administering and supporting the examination into Regional Spatial Strategies, which set the regional framework for local development plans. Regional strategies are approved and published by the Secretary of State following an examination in public that examines selected key issues with invited participants. Such examinations are publicly funded.

The requirements of the Planning Bill . . . will present opportunities for further customer improvements, leading to more certainty in the streamlined delivery of sound development plans and the timeliness and quality of decision-making in appeals.

Looking to the future

As with all organisations whose prime focus is to provide continuous improvement in public services, we face continuing change and challenge. The requirements of the Planning Bill currently going through Parliament will present opportunities for further customer improvements, leading to more certainty in the streamlined delivery of sound development plans and the timeliness and quality of decision-making in appeals.

In particular, the Planning Bill includes measures to:

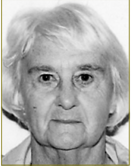
1. Enable the inspectorate (on behalf of the Secretary of State) to determine the appeal method, in order to help ensure that each case is dealt with in the most efficient way, according to its complexity.

2. Introduce an appeal fee.

3. Introduce fast-track procedures for householder and tree preservation order appeals, reducing the requirement for written submissions in order to cut the time taken to determine these cases to a maximum of eight weeks.

Katrine Sporle is Chief Executive at the Planning Inspectorate. More information, including the annual report, is available on the website *www.planning-inspectorate.gov.uk/pins*.

When the personal becomes Prejudicial



Standards Committees, set up in 2001 to ensure accountability in local government, can often raise difficult questions. *Gwyneth Roberts* explains their work in Wales.

Healthy democracies rely on trust, which in turn relies on the integrity, openness and transparency of our elected representatives. Although only a minority of local government councillors will abuse that trust, local government is sometimes perceived as an area of public life where political and personal interests may be in conflict with, and on occasion override, the best interests of the electorate and the general public.

A comparatively recent mechanism for ensuring accountability in local government was the setting-up in 2001 of Standards Committees to regulate standards of conduct in local government. In Wales, the 22 unitary authorities have responsibility for appointing a Standards Committee for their authority, and the community and town councils within their area.

Role and functions

Standards Committees have three main functions. The first is to promote good ethical standards among members of the authority, bearing in mind the Nolan principles of public life[1] and the three additional principles which apply in this context.[2] Councillors must also comply with the specific provisions of the authority's code of conduct, each of which incorporates the basic principles of the statutory model code.[3]

Following election, every member of a local authority must confirm, in writing, that they have read and understood the local code, and are willing to observe its requirements. Standards Committees must also keep all relevant codes under review and advise an authority of the need for revision. They must also ensure that appropriate training on ethical issues is made available to members of the authority. The committee's second main role is in granting dispensation to councillors, and up to March 2008, allowing them to take part and, possibly, vote on issues where they had a personal interest.

The committee's third function is in adjudicating on cases of alleged misconduct . . . This function is likely to be the most onerous and contentious, and raises questions of a quasi-judicial nature.

Since then, however, a new provision has been introduced in Wales, adopting the approach already in existence in England. As a result, a dispensation will be necessary only where a person has both a personal and a prejudicial interest in the matter, that is, where a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant as to be likely to prejudice the member's judgement of the public interest.

The committee's third function is in adjudicating on cases of alleged misconduct referred to it (in Wales) by the Public Services Ombudsman, in which it operates as the local arm of a more general regulatory and sanctioning process. This function is likely to be the most onerous and contentious, and raises questions of a quasi-judicial nature.

Misconduct

Allegations of misconduct often refer to the duty placed on a councillor to show respect and consideration for others. Another provision places a duty on a councillor not to act, in their official capacity or otherwise, in a manner which could reasonably be regarded as bringing the office of member of the authority into disrepute.[4]

Cases that relate to a financial or other interest which involves the councillor himself, a relative or a friend are particularly problematic and give rise to difficulties in a closely knit community where the line between acquaintanceship and friendship can be extremely narrow and where issues of kinships – and degrees of kinship – may also arise. The actions of a councillor in voting for his son to fill a vacancy on the community council of which he was a member was a particularly clear example of breach of this requirement. Issues of conflict of interest also frequently arise in connection with planning applications, such as allegations that a councillor has enjoyed the hospitality of the applicant on more than one occasion – including in one case attending the 18th birthday party of the

And in England . . .

England has 473 local government authorities, each with its own standards committee. In England those committees perform the role carried out by the Public Service Ombudsman in Wales, receiving all complaints and considering whether to take any action, or to refer the case to the monitoring officer or the Standards Board for England. The Standards Board can refuse to take the complaint and pass it back, pass the case to the monitoring officer, investigate it and decide either to take no action or to refer the case for a local hearing, or refer it for a hearing before the Adjudication Panel for England (APE) if it is more serious.

When referring a case to the monitoring officer, the local standards committee can make a direction to investigate the case, or to take some other action, such as arranging conciliation, mediation or training for the parties. Other actions preclude the case from subsequently being investigated.

The monitoring officer or an investigator appointed by him will produce a report of the investigation, which must be considered by a hearing body – the standards committee or a sub-committee set up by them for that purpose. If the report indicates that there has been no breach of the code, the hearing body will decide whether they agree with that finding. If so, the case ends there. If there is to be a hearing, the hearing body will decide if the case looks too serious for them to deal with. If, however, the APE rejects it, the hearing body must hold a hearing.

Although no specific procedure is prescribed for the conduct of a hearing, the Standards Board has produced guidance about the process to follow when preparing for, holding and dealing with the aftermath of a hearing. There are a number of sanctions available to the hearing body, in addition to those available to its Welsh counterpart. These include: the ability to require a written apology; to order training or conciliation; to restrict a member's access to their council's premises or resources for up to six months; and to order suspension until an apology, training or conciliation has taken place.

An appeal from the decision of the hearing body lies to the APE. There were 13 in 2007, and there have been four so far this year.

Mark Jones, Principal Legal Adviser, Standards Board for England

applicant's daughter – or an allegation that there has been a recent contractual and commercial relationship.

Support and assistance

A written allegation of a breach of a code of conduct must be directed initially to the Public Services Ombudsman,[5] who acts as a filter by determining whether there is evidence of any failure to comply with the code of conduct, and whether any action needs to be taken.

Serious allegations can be referred to the Adjudication Panel for Wales, which has the power to suspend, and even disqualify, a councillor for specified period of time. Other allegations can be referred to the monitoring officer of the relevant authority for consideration by its Standards Committee.

Monitoring officer

Every authority in Wales must appoint a monitoring officer, normally from their legal section, whose main duty is to report on any proposal, action or decision which is likely to be in breach of the law or any relevant code of practice, or on any matter that might give rise to a complaint to the Ombudsman. They also provide support to the committee by providing them with legal advice on both substantive and procedural issues, although this may not be the easiest of roles for the monitoring officer to perform as an officer of the authority. Nonetheless, my personal experience has shown the value of such professional support in ensuring that the committee's decisions are legally sound and well founded.

In spite of this support, a Standards Committee may face a number of dilemmas and difficulties in carrying out its adjudicatory role effectively. These difficulties concern the structure and membership of the committee, issues concerning the preliminary hearing and, finally, the conduct of formal hearings.

Structure and membership

Although the Nolan Committee proposed that Standards Committees should consist solely of experienced councillors with representation from the main political groups, the Government decided there should also be a number of independent members, in order for the committees to function effectively. Even so, the presence of councillors can give rise to a number of difficulties, particularly in a relatively small authority located in a closely knit community where members may find themselves subject to political and other pressures, whether direct or indirect. These pressures may be more intense as the result of the decision of the overwhelming majority of authorities in Wales, in their interpretation of the relevant rules and regulations, to open all meetings of the Standards Committee, including its adjudicatory hearings, to the public, unless there is business that is exempt under the Freedom of Information Act.

. . . the presence of councillors can give rise to a number of difficulties, particularly in a relatively small authority located in a closely knit community . . .

The preliminary hearing

The committee's role, at this stage, is to consider the Ombudsman's report and to determine, on that basis, whether or not to proceed to a full hearing. The committee is heavily reliant on the Ombudsman's report at this stage – it is not the committee's role to carry out a fresh investigation, unless it is so dissatisfied with the report's findings that it determines it necessary in the interests of justice and fair play.

Should the committee decide, on the basis of the Ombudsman's findings, to conduct a full hearing of the case, it must give notice to the councillor against whom the allegation is made of the time and place of the hearing.

Conducting a hearing

No specific procedure is prescribed for the conduct of a hearing before the Standards Committee. However, they must be conducted in a fair and consistent manner, in accordance with the rule of natural justice and any relevant provisions of the Human Rights Act 1998. Such procedures assist the committee in reaching decisions that are both authoritative and well founded and which promote a sound ethical framework for decision-making within the authority. This in turn helps to bolster public confidence in the work of the authority.

The committee's decisions can have far-reaching consequences for individual councillors, in terms of their reputation, standing in the community and chance of re-election, which also makes it important for its procedures to be fair, balanced and transparent. All committee members should get proper and up-to-date training on such issues as the nature of evidence and the proper standard of proof to be applied in reaching a decision, as well as on recent case law.

The committee's decisions can have far-reaching consequences for individual councillors, in terms of their reputation, standing in the community and chance of re-election . . .

The chair of the committee, who is always an independent member, must ensure that both parties – that is, the councillor against whom the allegation of misconduct has been made and the monitoring officer who presents the report on behalf of the Ombudsman – are given the opportunity to set out their case fully. The councillor also has the right to have his or her case put to the committee by a representative, who may or may not be legally qualified.

Both sides must also be given the opportunity to question, and respond to, any allegations made at the hearing. Members of the committee must also have the opportunity to question both parties.

Making the decision

Having heard all the relevant facts and arguments and allowed the parties to present their case, the committee retires to consider its decision. That decision is based on whether or not, on a balance of probabilities, the allegation of misconduct has been upheld and, if so, whether a penalty should be imposed, that is, a censure, or suspension or partial suspension for a period not exceeding six months. Whatever its conclusion, the committee must give adequate and proper reasons for its decision. Before deciding to impose a penalty, however, the committee must allow the councillor to make submissions to it of any mitigating factors.

A councillor has a right of appeal to the Adjudication Panel for Wales, which may endorse the penalty, refer the matter back to the committee with a recommendation that a different penalty be imposed, or overturn the committee's decision. In 2006–7, the Adjudication Panel for Wales carried forward two appeals from the previous year and received two further appeals for consideration.

Dr Gwyneth Roberts was previously a Senior Lecturer in Social Policy at the University of Bangor.

The author gratefully acknowledges the helpful comments of Meirion Jones in writing this article.

[1] Selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

[2] Upholding the law, stewardship, and equality and respect for others.

[3] Local Authorities (Model Code of Conduct) (Wales) Order 2008 SI 1008 No788 (W.82).

[4] See *Livingstone v Adjudication Panel For England* (2006) and subsequent legislation.

[5] The office of Public Services Ombudsman for Wales came into force on 1 April 2006 and amalgamated previous ombudsmen.

The question is: to what end?

Robert Martin **describes the true aim of the transformed tribunals system – and it isn't 'efficiency savings' – and predicts what the changes will mean for rank-and-file members of the tribunals judiciary.**

Here are some of the things I really like about the Tribunals, Courts and Enforcement Act 2008.

First, it represents a further major advance in securing the independence of administrative tribunals, so that we can no longer be seen as adjuncts of a sponsoring department. That advance is epitomised by the introduction of a Tribunal Procedure Committee to take ownership of our rules. When tribunal rules have been in the hands of a sponsoring department, it has often proved hard, even for the most self-effacing department, to produce a set of rules that are even-handed. A neutral Committee should reliably achieve a fairer balance. However, as the draft rules are the subject of consultation, and departmental reluctance to accept mundane requirements, like filing a submission within a time limit, becomes manifest, it is clear that ownership of the rules will remain a contested issue for some time.

Second, the Act brings tribunal judges and members away from the shadowy margins and draws us more into the mainstream, almost putting us on a constitutional par with colleagues in the courts. When the Constitutional Reform Act 2005 was introduced, redefining the relationship between the executive and the judiciary, tribunal office-holders were only brought within the definition of the 'judiciary' in the Act for the purposes of complaints and discipline. That, under the new Ministry of Justice structure, would have had the effect of placing us not in the Access to Justice Directorate but in Offender Management. The 2007 Act goes a long way towards recognising the tribunals judiciary and the courts judiciary as equal though different.

Third, by drawing together in a new collegial structure, tribunals can become a more forceful player on the field of administrative justice, complementing an expanded and more ambitious Ministry of Justice. Key to exercising this collective strength is being united under a senior judicial spokesman who can voice our concerns.

. . . the conditions under which justice can be promoted . . .

The real test

The Tribunals, Courts and Enforcement Act creates the architecture for a new tribunal system. (An elegant, if synthetic, neo-Classical style composed of pillars, tiers and chambers.) But the real question has to be: 'To what end?' For me the test has to be whether the Act leads to an improvement in the quality of administrative justice.

The quality of administrative justice does not lie exclusively within the hands of the tribunals judiciary. The Tribunals Service and, by extension, the Ministry of Justice create the conditions under which justice can be promoted or stifled.

Savings

Funding and 'efficiency savings' are often raised, and we need to address this issue head on.

It is true that the Leggatt Report envisaged savings being made from introducing a unified tribunal system. So far as I can find, savings were mentioned at paragraph 5.35 of the report, where it was said that savings might be expected from avoiding duplication of tribunal accommodation and suchlike. But that was one paragraph in a 260-page report. The report was not about saving money. It was entitled 'Tribunals for Users', not 'Tribunals for Usurers'. Whole chapters were devoted to designing and delivering a scheme that would confer real benefits on users of tribunals.

Real benefits

Take, for example, chapter 4, which is headed 'A more user-friendly system' and sets out the range of information and practical help that should be made available to users so that they can take advantage of their legal rights conferred by Parliament. On the need for better information, the report says:

'The effective communication of information about how to start a case, prepare it for submission to the tribunal and present it at a hearing is not an optional extra of good service to users. It is fundamental to the reason why tribunals exist, separate from the ordinary courts.'

. . . how do you monetise the contribution of tribunals to the administrative justice system, which contributes in turn to a democratic, constitutional society?

Unfortunately, it seems to be a characteristic of the process of policy implementation that benefits tend to fall by the wayside while costs emerge to the fore. I do not believe for a moment that this evaporation is due to any deliberate act on the part of administrators. From working in partnership with administrative colleagues in the Tribunals Service, I am convinced that they are committed to improving the position of tribunal users. The problem, as I see it, is endemic to the public sector, where, unlike the vivid costs of any endeavour, it is very difficult to monetise the anticipated benefits, that is, to quantify them in money or money's worth.

Costing the benefits

You can count the cost of running a hearing centre. You can count the cost of having more than one person on a tribunal. But how do you monetise the contribution of tribunals to the administrative justice system, which contributes in turn to a democratic, constitutional society?

As a tribunal President, I regularly see exchanges of correspondence between Ministers and MPs over constituents' problems. Typically, a constituent will write to the MP complaining that he or she has been wrongly turned down by the Department for Work and Pensions when claiming a particular benefit and setting out, often at length, the fairness of the claim to entitlement. The MP forwards the letter to the Minister with words of endorsement of the constituent's case. The Minister replies sympathetically pointing out that the constituent does have a right of appeal to an independent tribunal. How much is that worth – having a tribunal to lend credibility and legitimacy to the functioning of government?

But where in the scheme of public finance do you see book entries for the value of overturning a wrong administrative decision that denies a citizen compensation for a criminal injury or detains a citizen in a mental hospital or deports someone?

Value of justice

Much of the language of retrenchment in the programme of transforming tribunals is couched in terms of 'efficiencies'. Efficiency is simply the ratio between input and output. Seldom is any attempt made to place a value on our true output,

which is delivering justice. Instead, the easy route is taken and what is measured is throughput, namely how many cases have been cleared, how quickly, at what unit cost.

It is not just the things that can be counted that have value.

Staying a little longer on the subject of 'efficiency savings' brings me to the Acting Chief Executive's statement that £25.5 million of savings are expected from judicial efficiencies by 2010–11. I am minded of an interesting phrase that did not appear in the Leggatt Report but was coined in the Government's response to Leggatt – the White Paper *Transforming Public Services*. The phrase is: 'a manifestly independent and more flexible judiciary'.

I find it a curious juxtaposition: a bit like 'virtuous and amenable' or 'upright and pliable'.

So far as I am aware, the figure of £25.5 million is not derived from any reasoned analysis of judicial expenditure, nor particularised in any way. It seems to be a make-weight figure to balance the accounts of the programme. I fear it mortgages our future.

If this anticipated saving is expected to come from changes in the deployment of the tribunals judiciary, then there is a real problem so long as the issue of judicial remuneration remains unresolved. There are acknowledged anomalies and unjustified differentials in fee and salary levels across the tribunals, which present considerable internal barriers to the 'flexible deployment' of the judiciary. The move towards a unified system brings those disparities into bold relief.

Seeds of solidarity

Karl Marx, as perceptive as always, highlighted the problem. When, in the interests of gaining economies of scale, capital draws workers together in increasing concentrations, it also sows the seeds of solidarity among the workers in opposition to capital. Now that members of tribunals are being drawn together out of their previous isolation, they are busily comparing their conditions. 'Do you mean to say that you get paid for advance reading of appeal papers? We don't.' 'How much time do you get allowed for writing up a judgment? That seems fairer than we get.'

Let me turn to a prediction of what the implementation of the Tribunals, Courts and Enforcement Act may mean for the rank and file tribunal judge and tribunal member. The extent of the impact is likely to depend, according to:

- Whether you are caught up in the introduction of Administrative Service Centres. I can appreciate what the ASC project is trying to achieve but it is a high-risk venture, involving major upheavals of administrative staff, IT systems, processing and premises. You may find that the familiar centre you have been used to dealing with for the allocation of your sessions, sending out your papers and sorting out your clerical problems has been shifted to the other end of the country.
- Whether the hearing centre you sit at is affected by the 'rationalisation of venues'. You may be lucky and find yourself upgraded to a showcase multi-jurisdictional hearing centre that offers much better working conditions. You may be unlucky and find that your local hearing centre has been closed and you are expected to travel to a substitute centre some distance away. This could prove a real obstacle for members (not to mention users) with disabilities.
- Whether you are assigned to a Chamber which has a surplus or shortfall of judiciary. Where there is a shortfall, there may be good opportunities for cross-ticketing. Where there is a surplus, cross-ticketing may be at the expense of spreading work even more thinly.

Chambers

What will it be like belonging to a Chamber? I imagine it's something like finding yourself on a mixed-sex ward in a hospital. At the rational level, you know it's probably a sensible arrangement and that it means that they can manage with fewer nurses. But somehow it makes you feel uneasy and self-conscious. You have to be on your best behaviour and it's simply not done to start drawing invidious comparisons with your bedfellows.

T-day, 3 November 2008, may have proved a bit of an anti-climax for the judges and members of the inaugural Chambers. Once you have been 'mapped across' from your former jurisdictions, taken the judicial oath, become used to the new titles (try squeezing 'Member of the First-Tier Tribunal (Health, Education and Social Care Chamber)' into the space for 'Occupation' on any form), and memorised the new Procedural Rules, there's not a lot else.

The pressing need now is to ensure continuity of service. Appeals will need to be decided, justice will need to be done, as on every working day. We do not have the privilege of any period of respite in order to prepare for change.

Second wave

The second wave of Chambers is launched in April 2009 and includes jurisdictions such as tax and property, which have the additional burden of undergoing major internal reorganisations as well as slotting into the new system.

After consolidating the changeover, we can begin to exploit the potential given by the Act. We can build a common platform around judicial support, including appraisal, training and information, which are prerequisites for effective cross-ticketing. We can pool resources. We can hone and refine our practice, taking advantage of the greater degree of autonomy offered under the new system.

The Senior President has said that he expects the development of the new system to be an evolutionary, not a revolutionary process. We know that evolution cannot take place without diversity. The rationale for tribunals is their specialist knowledge. That is the feature that distinguishes us from courts.

The application of that particular expertise also influences our working methods, our public image and our relations with our respective constituencies of users. Standardisation across tribunals would be anathema to those distinctive qualities. The new system must be able to accommodate the wide range of tribunals, from the First-Tier Tribunal to the Upper Tribunal.

After consolidating the changeover, we can begin to exploit the potential given by the Act.

As the unified and diverse tribunal system evolves, we must be outward-looking and not lose sight of the fundamental purpose of the whole enterprise. Our success or failure must be measured by the impact we have on the quality of administrative decision-making.

Tribunals are where the citizen seeks redress against bad decisions by agencies of the state. We can overturn wrong decisions – or, equally, confirm good decisions – that have been taken in that tiny fraction of all administrative decisions that ever get appealed. But what we surely have to do is go beyond that and aim to influence the quality of administrative decision-making in its entirety. Ultimately, that may cut the need for tribunals – a real efficiency saving – but somehow I think that might be a little way off.

Judge Robert Martin is President of the Social Entitlement Chamber of the First-Tier Tribunal.

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AIMS AND SCOPE

1 To provide articles to help those who sit on tribunals to maintain high standards of adjudication while remaining sensitive to the needs of those appearing before them.

2 To address common concerns and to encourage and promote a sense of cohesion among tribunal members.

3 To provide a link between all those who serve on tribunals.

4 To provide readers with material in an interesting, lively and informative style.

5 To encourage readers to contribute their own thoughts and experiences that may benefit others.

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