



## **Tax Appeals Stakeholder Group**

**7<sup>th</sup> April 2005**

**Paper No. 2 –training; research and  
improving the users’ experience of dispute  
resolution: an update on progress**

**SG02/02**

# Foreword

## Document Control

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Author: Leueen Fox

Document Approver Tax Appeals Stakeholder Group

Signature \_\_\_\_\_

Date \_\_\_\_\_

Document Purpose This document provides information regarding work currently being undertaken across the spectrum of all tribunals who will come in to the new tribunal structure, in the areas of judicial training; user experiences; and ADR

## Amendment History

Issue	Date	Amended By	Amendment Details
0.1	21/02/05	Leueen Fox	First draft for comments.
1.0	31/03/05	Vicky Molloy	Final version for Stakeholders

## **INTRODUCTION**

1. At the first tax reform stakeholder group meeting on 3<sup>rd</sup> March, several questions were asked concerning issues which are outside the direct remit of the group but which are crucial to successful design of a reformed tax jurisdiction in particular and the new overall tribunal structure in general.
2. This paper briefly sets out the work that is currently being scoped and undertaken in relation to:
  - Judicial training
  - Research on the user experience of tribunals
  - Better decisions, advice and information
  - Alternative dispute resolution mechanisms and their deployment within the Tribunals Service.

## **JUDICIAL TRAINING**

3. The existing Judicial Studies Board (JSB) programme for tribunal members concentrates on generic judgecraft skills offering induction and advanced level courses. Additional JSB training is available for trainers, small group facilitators and appraisers. Jurisdiction specific training is arranged by the individual tribunals.
4. Judicial training for the new judicial offices is a matter for the Senior President designate of Tribunals, Lord Justice Carnwath, in conjunction with the Judicial Studies Board. LJ Carnwath has convened a training sub-group (comprising judiciary and officials from JSB) under the direction of Mr Justice Sullivan and including Judge Meeran (President of the Employment Tribunal Service).
5. In order to plan for future training requirements, the JSB will be seeking the views of the Presidents' Group in April on its induction skills programme. The JSB will also be consulting the Senior President and the Presidents' Group on whether there is demand for training in judicial management skills, for presidents and regional heads who have significant management roles.
6. The training sub group will have a number of specific tasks, to:
  - survey the training provision across tribunals to inform the Senior President about current arrangements;
  - assist in deciding on future training in tribunals; and
  - feed into the JSB's plans to develop a programme to evaluate the provision of training and appraisal in tribunals on behalf of the senior President. A JSB evaluation working group, chaired by Godfrey Cole and including Judge David Pearl (President of the Care Standards tribunal) and Siobhan McGrath (President of Residential Property Tribunal Service) will consult Presidents during the summer on how evaluation might operate.

## **RESEARCH ON THE USER EXPERIENCE OF TRIBUNALS**

7. The general approach to research is to look across the spectrum of tribunals that will eventually be party to the new structure rather than for individual jurisdictions to commission their own research etc. This does not preclude a pilot project or research into a particular jurisdiction but does ensure that there is cohesion to the

whole programme of research under the specific direction of the 'user focus' team within DCA.

8. There has been some research on the users' experience of tribunals. In November 2003 the Council on Tribunals published a literature review 'Tribunal Users' Experiences, Perceptions and Expectations' by Michael Adler and Jackie Gulland of the University of Edinburgh which summarises research to date. The DCA has commissioned further research in this area from MORI, which is currently underway.
9. The MORI research is a qualitative approach that aims to help us to understand what users' experiences and perceptions of the appeals process (not solely tribunals) are like now and how the system might be improved in the future. The work involves 3 tribunals (Special Educational Needs and Disability Tribunal, Criminal Injuries Compensation Appeals Panel and the General Commissioners of Income Tax) and uses a mixture of interviews and focus groups with appellants panel members/commissioners and representatives along with observation of hearings. These differing views of the system are designed to provide a comprehensive assessment that will be described in MORI's final report. We expect the work to be completed by the end of April 2005. The final report will be circulated to stakeholder group members.

## **PILOT PROJECTS**

10. In addition to the research into users' experiences of tribunals, a number of other project's centred around better customer service for users have been identified and are currently under consideration. These are clustered around two main themes:

### **BETTER DECISIONS, ADVICE AND INFORMATION**

- An Information Working Group has been established, comprising representatives of most of the tribunals currently planned to form the Tribunals Service. This group exists to inform and agree best practice relating to development and distribution of information about tribunals.
- An Enhanced Advice project run jointly with the Legal Services Commission (LSC) designed to test how better advice and information can be provided for appellants and would-be appellants. The approach is likely to be based on "self-help" and would be developed in conjunction with existing advice providers. Topics covered would include options for resolution at an early stage, improved understanding of the tribunal environment and preparation for the tribunal itself

### **ALTERNATIVE DISPUTE RESOLUTION MECHANISMS AND THE TRIBUNALS SERVICE.**

- A Proportionate Dispute Resolution project to examine the impact of early neutral evaluation of welfare benefits cases turning on medical evidence. This would test whether using tribunal judges to conduct this kind of preliminary assessment can achieve a faster, easier and equally fair result in a context where a negotiated compromise is not an acceptable outcome.
- A "gateway processing", early resolution/filtering project applicable to welfare benefits cases. This would test the capacity of staff supported by judges to identify and resolve key issues.

- A mediation/brokering approach to employment cases. This envisages a more proactive input by selected tribunal chairs than that currently provided by Acas and would test the impact that these alternative techniques might have on the just resolution of disputes.
  - An assessment of cases that may resolved through an investigative approach negating the need for decision-makers to provide detailed submissions, so speeding up the process and reducing cost for both the tribunal and the decision-making agency.
  - A mediation/proportionate dispute resolution project in connection with the Land Registry Adjudicator's Office. This project would involve a suite of measures to tackle recent dramatic workload increases and would include arrangements for dispute resolution at a much earlier stage and possibilities for more disputes to be resolved through this forum instead of via the courts.
11. These projects are likely to run over the next two to three years, and the key output in each case will be a comprehensive and robust evaluation report designed to support future investment and development decisions. A number of them will be run and managed on a day-to-day basis within specific jurisdictions, but they will form part of an overarching strategy to determine how best alternative approaches can be used across all tribunals.