



## **Tribunal User Groups Survey**

**February 2008**

## **Introduction**

1. Last year the Council on Tribunals (now the Administrative Justice and Tribunals Council) undertook a short survey focussing on the operation of tribunal user groups (sometimes known as 'stakeholder' groups). The purpose of the survey was to obtain some basic information about how tribunal user groups operate and, by seeking views from external attendees of user groups, to establish whether it was possible to identify examples of best practice in their operation.
2. Members of the AJTC regularly attend the meetings of tribunal user groups as part of fulfilling the AJTC's statutory role of overseeing the operation of tribunals. Members have over time noted a wide variety of practices in how different user groups operate. The increase in the number of user groups in recent years has been a phenomenon that the AJTC has been pleased to observe, and indeed has actively encouraged.
3. The AJTC is grateful to contacts within the Tribunals Service and the other tribunals systems it oversees for their assistance in compiling the mailing lists for the purpose of distributing the survey questionnaire. However, it soon became clear that some mailing lists were not as comprehensive in their coverage or as up to date as others. Because of the difficulties in obtaining complete and up-to-date lists of contact addresses for user group members the general findings of the survey can only be seen as anecdotal. However, they nevertheless provide a useful overall impression of the user group landscape. Moreover, in order to obtain a truly user-focussed perspective, survey questionnaires were only issued to the 'user' representatives of tribunal user groups.
4. In examining lists of attendees of user groups the AJTC noted that for some tribunals the membership of user groups is heavily dominated by government and tribunal officials. The majority of 'stakeholders' within user groups comprise representatives from organisations which support tribunal users rather than actual tribunal users themselves.

## **Summary**

5. The user groups surveyed included those for tribunals within the Tribunals Service: Asylum and Immigration Tribunal, Asylum Support Tribunal, Care Standards Tribunal, Criminal Injuries Compensation Appeals Panel, Employment Tribunals, Financial Services and Markets Tribunal, Gender Recognition Panel, Mental Health Review Tribunal, Special Educational Needs and Disability Tribunal, VAT and Duties Tribunal, Social Security and Child Support Appeal Tribunals. Those outside the Tribunals Service included Parking Adjudicators, Planning Inspectorate, Residential Property Tribunal Service and Valuation Tribunals.
6. There was a relatively low overall response rate (17%), with 199 responses from 1,156 survey questionnaires issued. However, a good response rate was recorded for user groups for specific jurisdictions,

e.g. Employment Tribunals (40%), SENDIST (43%) and Parking Adjudicators (57%). Nevertheless, the following observations can be made from the findings.

## Overall Findings

- Overall, the survey's findings were generally favourable as regards the management of user groups, with most respondents considering them to be useful, well run and informative;
  - Most user groups appear to have 1-2 representatives from each user organisation who nearly always attend all the meetings, wherever possible. Most respondents believed that the membership of the user group was sufficiently representative of the users of the tribunal;
  - The majority of respondents were unaware of the existence of terms of reference for their particular user group, even where such terms of reference were reported to be available;
  - Most user groups meet on average twice a year and respondents were happy with this frequency of meetings;
  - The suitability of meeting venues is thought to be generally good and arrangements for meetings (in terms of refreshments etc.) were thought to be adequate. Where they are known in advance, arrangements for people with disabilities were accommodated;
  - In terms of the chairing of user group meetings, the majority of respondents felt their meetings were chaired effectively and that the tone of the meetings was about right;
  - Minutes and/or a report of meetings appear to be circulated after meetings as a matter of routine, although some respondents commented that minutes could be produced in a more timely fashion.
7. Overall, user groups appear to be welcomed by stakeholders as a useful discussion forum, providing the opportunity to discuss current issues of interest to user representatives and to receive updates on current developments. Meetings appear universally to be well chaired, with good information provision and opportunity to interact. There is perhaps not yet a complete sense of 'ownership' on the part of external stakeholders, with some, for example, doubting whether their contributions have a direct impact on policy or practice, either at a local or national level. The focus of user groups also appears to vary from jurisdiction to jurisdiction, with some functioning principally as a means of imparting information about policy updates, whilst others encourage active discussion of pertinent local issues affecting tribunals in their particular region.
8. The responses from three regional user groups, which elicited a higher response rate, were analysed more closely. These included a regional

Employment Tribunal user group, a SENDIST group and a Social Security & Child Support Appeal Tribunals group. Examination of the overall findings from the survey results for these groups has identified some general best practice suggestions for the operation of user groups. These are not intended to be universally applicable, but rather aim to provide some best practice guidelines, which could be adopted, for example, when setting up a new user group.

### **Best practice suggestions**

- User groups should have clear terms of reference for the group's operation in order to enhance its effectiveness;
  - The arrangements for user group meetings should be accessible to all user group representatives and take account of the needs of those with disabilities;
  - The membership of user groups should be reviewed regularly (at least annually) to ensure that it includes representatives from the tribunal's key stakeholders;
  - The frequency of meetings and future meeting dates should be agreed well in advance;
  - All user group members should be encouraged actively to contribute to the agenda for meetings;
  - User group members should be enabled and encouraged to provide regular feedback about the operation of the group;
  - Comprehensive minutes of meetings should be kept, recording agreed action points, which should be reported back at subsequent meetings;
  - Chairs of user group meetings should encourage active participation from group members.
9. The key messages from user groups were remarkably consistent in terms of the reported good standard of administration and organisation and the suggestions above include examples of good practice that are already in operation.

# Tribunals User Groups Survey Report

## Overview of Responses to Survey Questions

### 1. Overview of the User Group

#### ***Q1.1 Of which tribunal user group are you a member?***

See breakdown of responses at **Annex A**.

#### ***Q1.2 How did you first learn about the user group and how did you become a member?***

The responses were broken down into four areas:

- taking over the role from a colleague
- invited to join by the tribunal, or governing body, by letter or nomination/publicity/flyer
- by word of mouth
- don't know/other

The clear **majority** of respondents first learned about the user group by direct invitation from the tribunal, through letter, via nominations, or other invitation through another body.

The next largest response group said that they had taken over the role from a colleague when they took over their job.

#### ***Q1.3 How many representatives from your organisation typically attend user group meetings?***

The clear **majority** answered 1 or 2

#### ***Q1.4 Do the same people attend every meeting?***

The **majority** of respondents replied “yes” or “usually where possible”, with a significant majority saying that if they were unable to attend someone would attend in their place.

#### ***Q1.5 In your view, is the membership of the user group sufficiently representative of the tribunal's users?***

This question elicited a range of responses. The **majority** answered “yes”. In some instances responses indicated attendance leaning more towards local authority rather than user representatives [**SENDIST**].

**Q1.6** *Are you aware whether the group has any terms of reference, and if so, are they sufficiently well framed to cover the relevant issues?*

A clear **majority** of respondents were unaware whether the group had any terms of reference.

**Q1.7** *How often does the group meet and what percentage (%) of meetings are you able to attend?*

Responses varied from tribunal to tribunal, but in general indicated that the **majority** of users groups meet twice a year.

## **2. User Group arrangements**

**Q2.1** *In your view does the group meet frequently enough?*

The overwhelming **majority** said “yes”.

**Q2.2** *Are there too many/ too few/ about the right number of people in the group?*

The overwhelming **majority** said that the groups were made up of about the right number of people.

**Q2.3** *Is the location of the group’s meetings reasonably convenient for you to travel to?*

The overwhelming **majority** said that the groups met in a convenient location.

**Q2.4** *Are the administrative arrangements for the meeting adequate – e.g. adequate notice, appropriate venue, sufficient seating, refreshments etc?*

Most respondents said that the meeting arrangements were adequate, although a small number said they would welcome better refreshment facilities.

**Q2.5** *Is adequate provision made for people with special needs to attend and contribute to group meetings?*

The **majority** replied “yes”, but a significant number also put “don’t know” or didn’t express an opinion.

## **3. User Group meetings**

**Q3.1** *Does the agenda for meetings generally address the issues that matter to you?*

Responses were very positive, with the **majority** of respondents saying “yes”.

**Q3.2** *Are you able to suggest items for the agenda for meetings?*

The **majority** of respondents said “yes”.

**Q3.3 Are user group meetings chaired effectively?**

The majority said “yes”, “very well”, or “very effectively”.

**Q3.4 Would you prefer a different arrangement for chairing user group meetings, e.g. would there be any benefit from rotating the chairing of meetings between the tribunal and user representatives?**

Generally, respondents replied “no”, stating that the existing arrangements worked well, for example, *“I find the present arrangement works well. The chair has the best combination of experience and involvement to chair the meeting. I do not believe there is neither a need nor a desire for the representatives to chair the meeting.”* [Employment Tribunal, Liverpool Group]

**Q3.5 What is the general tone of meetings, e.g. are they friendly, welcoming, interactive, participatory?**

Generally the feeling was that the meetings worked well. The question was perhaps too leading as most respondents used all or a combination of the descriptions in the question to describe meetings.

**Q3.6 How do you feed back information about the user group’s discussions to your colleagues?**

Most respondents said that minutes and or reports of meetings were circulated through a variety of methods including email/ memo/ or by forwarding notes. Alternatively, feedback was given verbally in staff or committee meetings, or as part of a staff newsletter or forum.

**Q3.7 Does the tribunal welcome feedback about its work from attendees at the meetings?**

The overwhelming majority said “yes” without giving much detail.

**Q3.8 Are minutes and papers provided for the meetings, and if so, are they provided in a timely fashion?**

The majority said “yes”, but there were quite a number of comments suggesting that minutes could be produced in a more timely fashion.

## **4. Further Comments or Suggestions**

**Q4.1 Do you have any further comments or suggestions that might improve the effectiveness of the user group?**

25% of respondents did not reply to this question. However, of those who did comments included:

- I got a lot of information from the meetings which I might not otherwise have found out, so it was very useful to me [NPAS].
- The meetings are too dominated by a small number of lawyers and officials who focus on issues of concern to them. There are no service

user representatives and not enough professional groups represented e.g. nurses, doctors, social workers **[MHRT]**.

- It could be better publicised so more people are aware of the group, its work and how users generally can contribute to its effectiveness **[ET Manchester Group]**.
- Most user groups are simply to provide clarification or updates. It would have been helpful to have more scope for open debate on issues **[PATAS]**.
- Widen the parental participation. Actively invite parents who have attended a SENT hearing without representation to attend **[SENT Wales]**.
- Regular monitoring by TS or the user group of the effectiveness of the action points take. The monitoring could last for 12 months after the agreed action point has been implemented **[SSCSA National Customer Liaison Forum]**.

***Q4.2 To what extent do you think the user group helps to shape the services provided by the tribunal to users?***

Examples of comments made include:

- Whilst an important part of the group's function is the provision of information, I believe it is useful in providing comments that the ETS has taken into account. It remains to be seen how responsive the new TS organisation will be to the group's views **[ET National User Group]**.
- It is very useful – we only visit tribunals as reps. These meetings are an excellent opportunity to see how it works and the issues that concern the members **[SSCSA regional group]**.
- I still need to know TS better on a personal level as I rely on staff for help – details of names/ telephone extensions and area covered, regularly updated is a minimum for efficient administration. I need to have access to more senior staff when necessary.
- This will depend on the topics being discussed and whether the purpose of the meeting is to clarify issues/processes by the tribunal and also whether the topic is also bound by a rigid legislative framework. Furthermore, whether the leader of the tribunal is open to change or merely dictating to the Authorities **[PTAS]**.
- As a part-time volunteer I advise representatives with not much support; it is easy to feel isolated and the user group helps to sort out some issues. For some reason, I constantly wish I had more feedback after tribunals. Would the same result have happened had I not been there? Could I have done better? I have no idea how this can be addressed in practice but I refer it up **[SSCSA regional group]**.

## **Findings from regional user groups**

### **Administrative Practices**

#### **Employment Tribunal (Bristol)**

1. Within this particular group, on average, 1 or 2 members from each of the stakeholder groups regularly attend user group meetings. Some took over membership from their predecessors or joined through word of mouth, or were invited to become members by the tribunal. Generally, most felt the groups were sufficiently representative of the tribunal's users, with two respondents commenting that the groups comprised a good mix of employers, employer representatives and user representatives. None of the respondents was aware of the group having any formal terms of reference.
2. The ET National User Group appears to have formal terms of reference, but according to the administrative contact there are no terms of reference for the regional groups. Moreover, mailing lists for regional groups had to be obtained from a regional contact as they are not held centrally.
3. All those who responded were satisfied with the frequency of meetings (which was roughly twice a year) and felt that there was the right number of people in the group. The locations for meetings were acceptable and the administrative arrangements (general facilities, refreshments etc) were thought to be adequate. Information about special provision for those with special needs, however, was generally not known.

#### **SENDIST regional groups**

1. For the purpose of analysing responses the data from all four SENDIST regional groups (North, Midlands, London/East and South/South West) has been grouped together. There is not enough individual data to analyse each group. The lists of attendees was provided by a central contact and accompanied a comprehensive explanation of the terms of membership and intended composition of the groups. However, some respondents were unaware whether the groups had any terms of reference.
2. Membership of SENDIST regional groups appears to be through invitation by the central administration to interested organisations such as the Association of Teachers and Lecturers, the British Dyslexia Association, IPSEA and the West Midlands Advisory Association on Special Education.
3. Membership of the user groups is thought to be broadly representative of the tribunal's users, but membership data is split over four regions so it is difficult to draw any firm conclusions.
4. Members were generally happy with the frequency of meetings (twice yearly) and the number of people in the groups. The locations for the meetings were thought to be good, with some efforts to alternate venues. The provision of refreshments at meetings was generally adequate, although around half the respondents were unclear as to whether special arrangements were available to meet special needs.

### SSCSA (Bristol Group)

1. User group meetings are led by the judiciary and administrators in the regions. The lists of user group attendees were incomplete, comprising a mixture of e-mail and mailing addresses. The National User Group appears to have formal terms of reference but not the regional groups.
2. Most members of this group were co-opted as members through their predecessors or heard about it through their current role. Generally, stakeholders felt that the membership of the group was representative of the tribunal's users, but most were not aware of the existence of any terms of reference.
3. Respondents were generally happy with the frequency of the meetings (2 to 3 times a year) and felt that there were about the right number of people at the meetings. The location of the meetings was acceptable as well as the facilities provided. There was a greater awareness of the need for special provision for people with special needs.

#### *Good practice suggestions:*

- *Provide clear terms of reference for the group to enhance transparency of the group's aims and objectives;*
- *Highlight provision/accessibility issues for those with special needs;*
- *Regularly review the membership of the group (and associated mailing lists) to ensure that it covers the tribunal's key user groups;*
- *Agree as a group the usual frequency of meetings and fix meeting dates well in advance.*

### **Satisfaction levels with the organisation/management of user groups**

The commentary below relates to the answers provided in section 3 of the user survey i.e. satisfaction levels regarding how the user groups are run – such as the ability to influence the agenda, the chairing of meetings etc.

#### Employment Tribunal (Bristol)

1. The responses indicated positive satisfaction levels overall, pertaining to the agenda in general and the ability of attendees to influence it. One respondent commented '*we are offered the chance to add topics to the agenda when we reply to the invitation to attend*'. The chairing of meetings was also thought to be effective.
2. All responded positively about the general tone of meetings, describing them as friendly, welcoming, interactive, participatory etc. One respondent commented '*I find them a very good forum and people are willing to participate*'. Another commented '*friendly - the chair encourages interaction and invites contributions to the forum*'.
3. Nearly all respondents indicated that they feed back information from the meetings to their own teams, either by memo, circulating minutes, email or orally in staff meetings. Nearly all commented that the tribunal welcomed

feedback about its work from attendees. Nearly all respondents received minutes and papers in a timely fashion before the meeting.

### SENDIST regional groups

1. All respondents generally agreed that the agenda for meetings addressed the important issues, although some comments reflected the following point: *'the agenda is usually set by SENDIST and so reflects issues more related to them'*. One respondent questioned whether there was any *'effective forward movement of points raised'*.
2. All agreed that it was possible to suggest items for the agenda and practically all were satisfied with the chairing of meetings. Regarding the suggestion of rotating the chairing of the meeting, there were a few hesitations, although most respondents preferred the current arrangements: one respondent commented *'given the membership of the North West group, I am not sure rotation would be a good idea. I feel that certain representatives have their own agenda and this might influence the running of the meeting'*.
3. When asked about the general tone of the meeting, most respondents agreed it was a positive atmosphere, although there were some concerns raised, *'...I am concerned that representatives of certain voluntary groups use the meetings as an opportunity to indulge in 'local authority bashing' at every opportunity. This is not discouraged by the Chair'*.
4. Another commented *'The meetings are...usually friendly and participatory, although [it] can take new attendees a while to realise.....they can become confrontational and try to use meeting as a forum for arguing a current case with an opponent, or trying to get legal advice from SENDIST panel members on a case'*.
5. There was also feedback from meetings to colleagues via staff meetings, emails or circulation of minutes.

### SSCSA (Bristol Group)

1. All respondents agreed that the agenda for the meetings addressed issues of relevance and that there was opportunity to suggest further items or action points. Respondents agreed that meetings were chaired effectively, although a few mentioned that occasionally the agenda ran over time. No respondents suggested a different arrangement for chairing and felt that the tone of meetings was positive.
2. As with the other groups, feedback to colleagues about the meeting was either via internal team meetings, email or oral discussion.
3. Generally, participants felt able to provide feedback about the work of the user group in the meetings and were content with the timely fashion of any minutes and papers dispersed.

*Good practice suggestions:*

- *User organisations should be encouraged to contribute to the agenda for meetings*
- *Attendees should be encouraged to provide regular feedback about the effectiveness of the user group;*
- *Minutes of meetings should be comprehensive and record actions points, which should be reported on at subsequent meetings;*
- *Chairs should have participative chairing skills;*
- *Regard should be had to the special needs of attendees.*

**Comments/suggestions from respondents on (a) effectiveness of group and (b) how the group helps to shape the services provided by the tribunal to its users**

All comments are practically verbatim as they appear in the survey responses.

**(a) Effectiveness of the user group**

Employment Tribunal (Bristol)

*'Greater use of email, for example a user website or blog'*

*'Prompt start time'*

*'Focus is on ET's operational side and also how the solicitors/barristers operate to assist the ET understand the pressure experienced'.*

SENDIST

*'Review membership. Representatives should be nominated, elected and represent a body/interested group - there should be a balance.'*

*'Even if it is not feasible to extend the membership of LA reps, the tribunal could email all LAs in a particular area prior to meetings and ask if they have any items they would wish discussed'.*

*'It would be helpful if recent legal rulings resulting from SENDIST appeals were made known to the group in order that we are all up to date. Often, reference is made to them in an incidental manner'.*

*'Would be good to invite parents, advocacy groups from across the whole of England & Wales. Easier and more transparent way for users to become part of the group'.*

*'Even if the minutes are not available, the time/date of the next meeting as soon as possible would be helpful'.*

SSCSA (Bristol Group)

*'Opportunity to discuss/input into changes in practices - e.g. appeal procedures'.*

*'Minutes issued within a few weeks of meeting'.*

*'Meetings can often reflect the nature of the chairman (judiciary) who attend - some are very open; others hide behind their status'.*

**(b) How the group helps to shape the services provided by the tribunal to its users**

Employment Tribunal (Bristol)

*'I think our views are taken into account at a local level'.*

*(The meeting is) 'run efficiently, timely. Very important that they continue'.*

*'When potentially contentious issues come up e.g. new DDP's, there was much two-way discussion, but feeling that chair had decided how they would operate'.*

*'Helpful as they give an indication of local and national practice in various areas'.*

*'It helps significantly - a forum for the provision of honest feedback to the tribunal members on how they deal with cases and the legislation from a practical viewpoint, and encourages feedback from the users as to how the tribunal itself can be improved'.*

*'I expect users to be the most important group in terms of the shaping of the tribunals service'.*

*'Unable to say whether the tribunal has changed its practices'.*

SENDIST

*'A questionnaire to all users from time to time asking about how the tribunal is run etc. would be an effective way of gaining users' views'.*

*'Part of a broad consultation, direct feedback, open discussion. How much can any of us really influence govt. decisions? - e.g. Ministry of Justice'.*

*'I don't think it significantly affects the actual services but I do think it affects the way the services are delivered, to the benefit of users.'*

*'It would be useful to see what suggestions have been made and the outcome/how/if changes were made to the service as a result of the group's influence'.*

*'I feel it does help shape tribunal services as concerns are listened to and action taken'.*

*'Some issues which concern users result from the statutory framework under which SENDIST has to operate. Where there are no legal constraints SENDIST is amenable to adapting its processes and procedures when persuaded of the benefits to users'.*

*'I think the Group takes on board feedback from all representative parties and regularly re-examines and evaluates current working practices'.*

*'I feel the more 'minor' issues are responded to, but the crunch issue of inconsistency of chairing hearings is brushed aside'.*

### SSCSA (Bristol Group)

*'It is very useful - we only visit tribunals as reps. These meetings are an excellent opportunity to see how it works and issues that concern the members'.*

*'Pretty good - if we understand and relay appellants' concerns accurately - and I doubt that we do sometimes'.*

*'I think it is a very useful forum and should continue'.*

*'I feel confident that our views are considered and action taken where relevant'.*

*'In general they are positive in shaping the nature of the Tribunals Service's approach. But often national policy can reduce the impact'.*

*'Difficult to say. I have the sneaking feeling that as with many organisations there is a pre-ordained agenda and the influence of meetings is helpful only within that agenda'.*

### Breakdown of survey responses

User Group	Forms Issued	Forms Returned	% Returned
Asylum and Immigration Tribunal	18	1	6%
Asylum Support Tribunal	22	4	18%
Care Standards Tribunal	14	1	7%
CICAP	21	5	24%
Employment Tribunal – National	13	2	15%
Employment Tribunal – Southampton/Brighton/Reading	N/K	16	---
Employment Tribunal – Newcastle	N/K	6	---
Employment Tribunal – Leeds/Sheffield	N/K	2	---
Employment Tribunal – Nottingham/Leicester	N/K	1	---
Employment Tribunal – Regional Group Manchester	25	10	40%
Employment Tribunal – Regional Group Liverpool	13	2	15%
Employment Tribunal – Regional Group Cardiff	25	4	16%
Employment Tribunal – Regional Group Bristol	54	12	22%
Employment Tribunal – Regional Group Exeter	47	8	17%
Financial Services and Markets Tribunal	8	1	13%
Gender Recognition Panel	4	2	50%
Mental Health Review Panel	14	3	21%
Parking Adjudicators – NPAS	7	4	57%
Parking Adjudicators – PATAS	38	3	8%
Planning Inspectorate (including Access to Countryside Inquiries, Enforcement Notice Appeals, Local & Unitary Development Plans, Planning Appeals)	70	8	11%
Residential Property Tribunal Service	21	4	19%
Road Users Charging Adjudicator	27	---	0%
National Customer Representative Liaison Forum (SSCSA)	34	9	26%
Special Commissioners of Income Tax	5	---	0%
SENDIST – Midlands/North/South West/London & South	49	20	41%
SENT Wales – North Wales/South Wales and West	74	10	14%
Valuation Tribunals Service for Wales	4	---	0%
Valuation Tribunals Service	5	---	0%
VAT and Duties Tribunal	3	---	0%
VAT and Duties Tribunal/Special Commissioners	7	3	43%
SSCSA – Truro/South East/Bristol & Cheltenham/Taunton/Swansea/North Wales/Exeter & Plymouth/Surrey/Cardiff	522	53	10%
Downloaded from the website anonymously	---	5	---