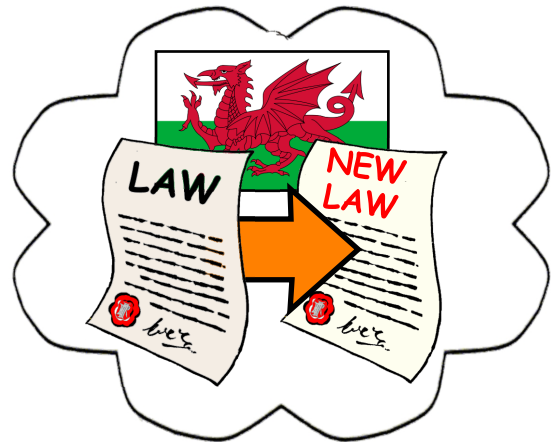
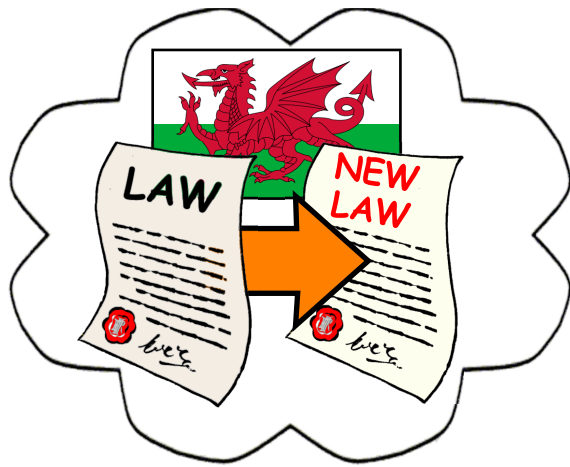




**Law
Commission**
Reforming the law



Devolved Tribunals in Wales. What do you think about our ideas to change the laws for Devolved Tribunals



EasyRead version of:
Summary of Consultation Paper:
Devolved Tribunals in Wales.



Introduction

1



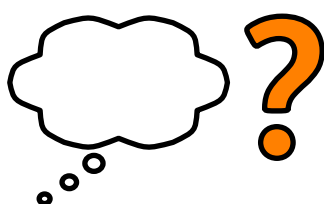
How to tell us what you think

5



Why we need to look at the law and devolved tribunals in Wales

7



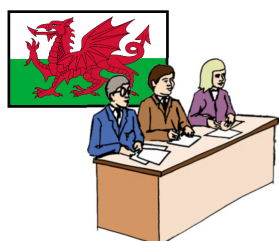
Our main ideas for change and questions for you

9



1. Make it clear which are devolved tribunals

11



2. A tribunals system for Wales

14



3. Appeals

19



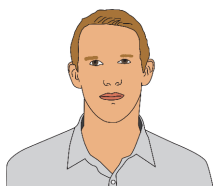
4. Rules about how tribunals work 25



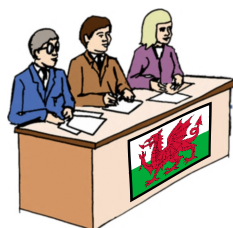
5. Who decides on tribunal members 33



6. Complaints about tribunals 37



7. The President of Welsh Tribunals 44



8. The Welsh Tribunals Unit 46



9. Keeping judges independent 48



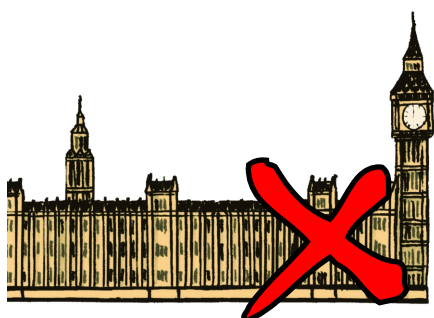
What the words mean 50

Introduction

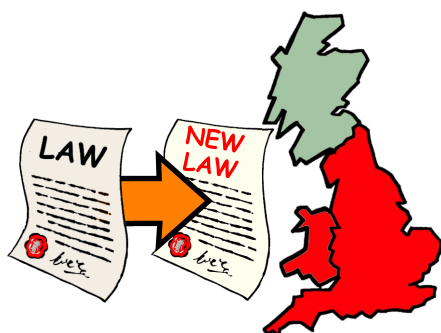


**Law
Commission**
Reforming the law

We are the **Law Commission** of England and Wales.



We are independent (not part of the government).



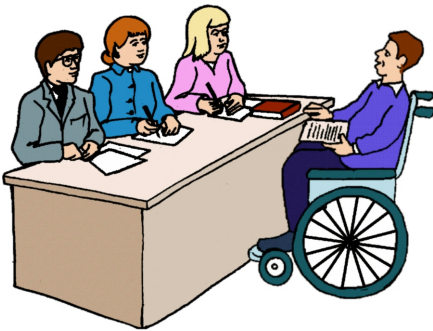
We make suggestions to the Government about changing laws in England and Wales.



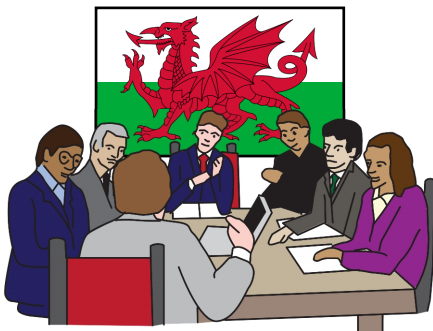
We have been asked to look at the laws for **devolved tribunals** in Wales.



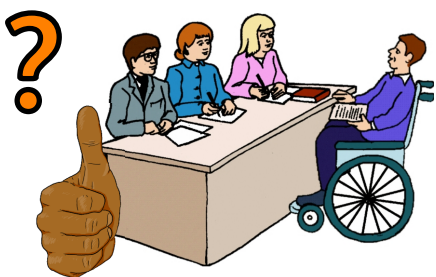
Now we want to know what you think about them.



If you do not agree with a decision by a public organisation, a **tribunal** can look at this again and make a final decision that everyone must stick to.



Devolved powers are things the Welsh Parliament can do without asking the UK Government.



The main areas we have been asked to look at are:

- how **tribunals** can work fairly and well



- what rules **tribunals** should follow



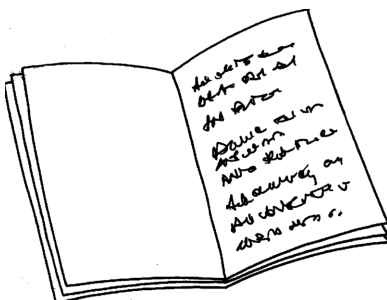
- who should choose **tribunal** members



- how people can complain or **appeal** if they are not happy with something a **tribunal** decides.



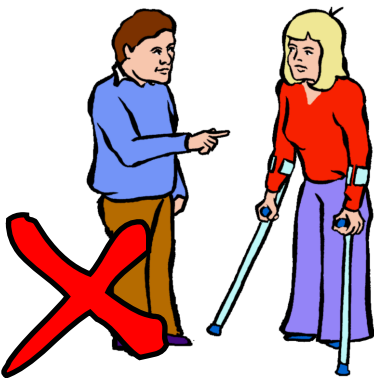
This is an EasyRead version of the paper we wrote called **Devolved Tribunals in Wales Consultation**.



Because it is about the law there are still quite a lot of difficult words in it. These are in **bold** and a list of what they mean is at the back.

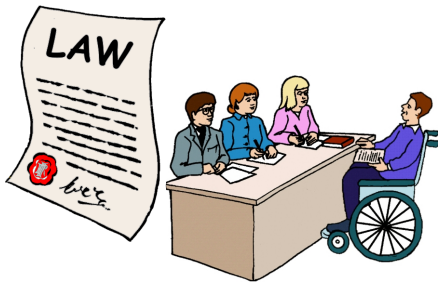


This paper has some important questions for you to think about. We would like to know what your answers are.



Please think about how you answer the questions. Do not give us information that means other people will know who you are or who you are talking about.

How to tell us what you think



Our consultation is about the laws for **devolved tribunals** in Wales.



We want as many people as possible to read this paper and tell us what they think about it.



You can find the full paper at:
<https://www.lawcom.gov.uk/project/devolved-tribunals-in-wales/>

It is not in EasyRead.

March 2021						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

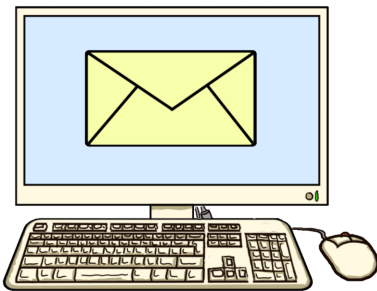
We need to hear from people by **19th March 2021.**



You can tell us what you think by:



Using the online form here:
<https://www.lawcom.gov.uk/project/devolved-tribunals-in-wales/>



Emailing:
DevolvedTribunalsWales@lawcommission.gov.uk

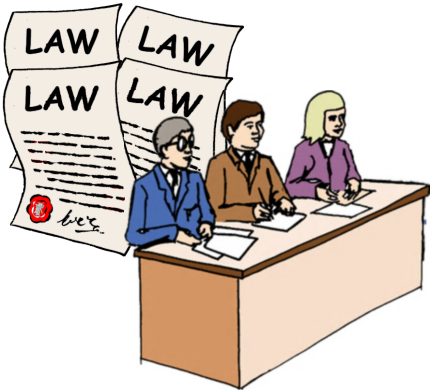


Posting your thoughts to:
**The Devolved Tribunals Team
Law Commission
1st Floor, 52 Queen Anne's Gate
London. SW1H 9AG.**



After we have read what everyone thinks,
we will decide what to suggest to the
Government.

Why we need to look at the law and devolved tribunals in Wales



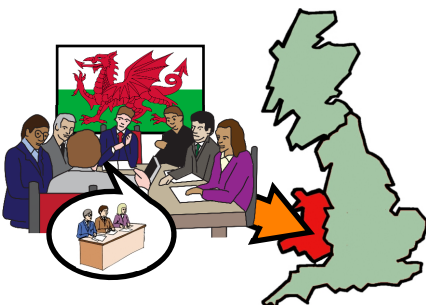
Welsh **tribunals** were set up over many years. They are governed by different laws and work in different ways.



We need to make sure all **devolved tribunals** work well and come together in one system.



The Government in Westminster still makes rules about **tribunals** that affect all parts of the UK.



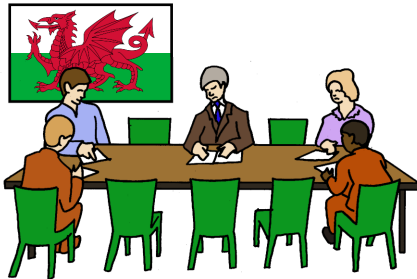
But the Welsh government makes laws about **devolved tribunals** that only affect Wales.



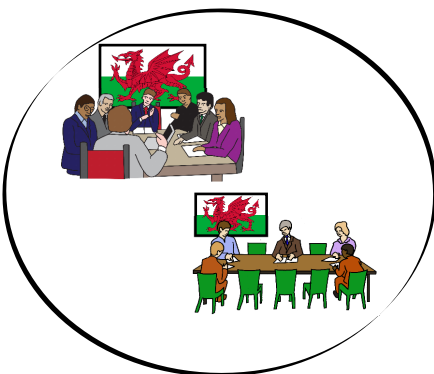
This can be confusing.



The **President of Welsh Tribunals** makes sure **devolved tribunals** in Wales work properly. We need clear rules about what this person can and cannot do.

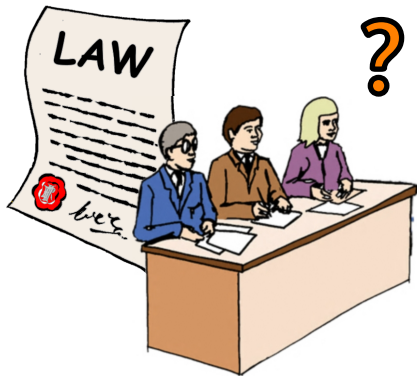


The **Welsh Tribunals Unit** supports some **devolved tribunals** in Wales to run smoothly.



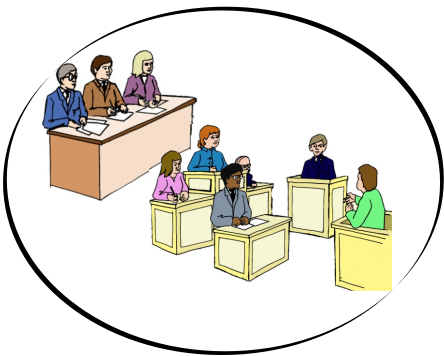
At the moment this unit is part of the Welsh Government. But it looks into many decisions made by the government or by local councils. We ask if it should be more independent.

Our main ideas for change and questions for you



Our main ideas for changes to laws for **devolved tribunals** are:

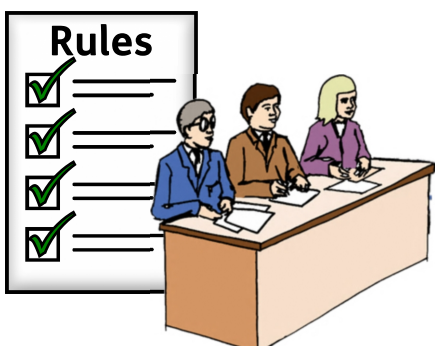
1. Make it clear which are **devolved tribunals** covered by these laws and which are not



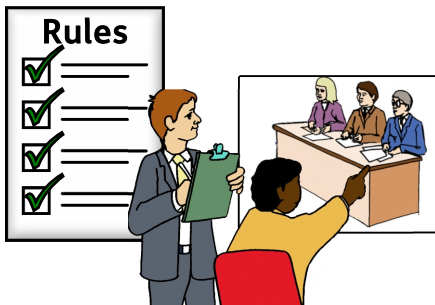
2. Bring **tribunals** together to make one simpler system



3. Deal with **appeals** to all **devolved tribunals** in the same way



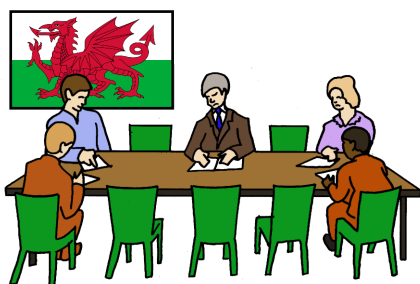
4. Have rules for all **devolved tribunals** to work in the same ways where possible



5. Have clear rules about who should choose members of all **tribunals**



6. Look into complaints about all **devolved tribunals** in the same way



7. Make the **Welsh Tribunals Unit** independent from the Welsh Government.



In the next part of this paper we tell you more about our ideas and ask what you think about them.

1. Make it clear which are devolved tribunals



We think a **tribunal** is any organisation that:

- settles arguments and looks at decisions made by public organisations



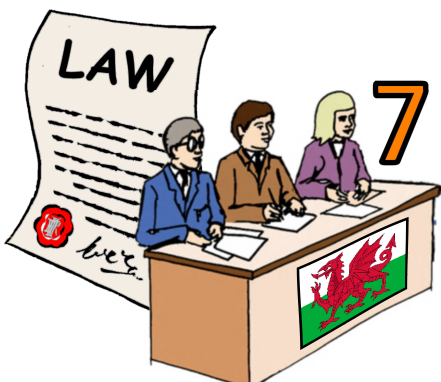
- makes a final decision.



Question 1

Do you agree with this?

Devolved or Welsh tribunals make decisions about things that only affect Wales.

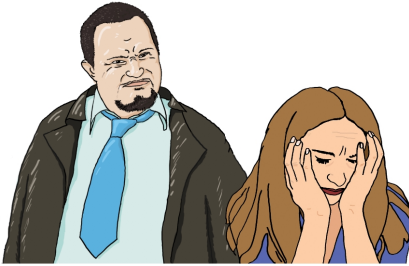


The law says there are 7 Welsh **tribunals**.



They look at decisions about:

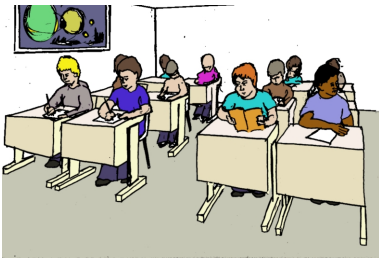
1. Farm land



2. Mental Health



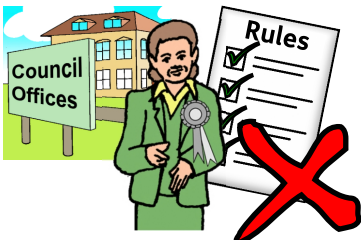
3. Residential buildings



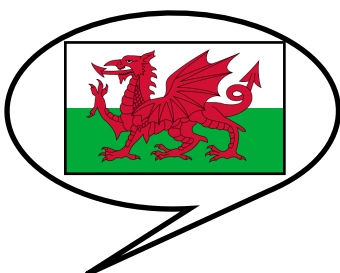
4. Education



5. School and nursery inspections



6. Members of councils that break rules about how they should behave

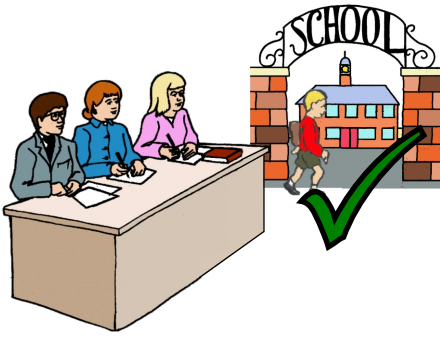


7. The Welsh Language

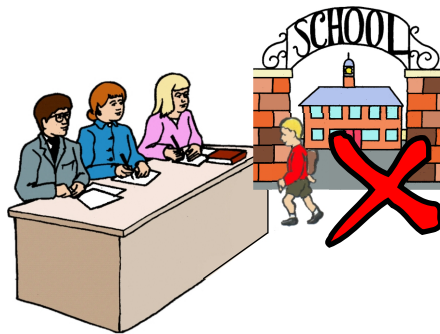


We think **devolved tribunals** should also include:

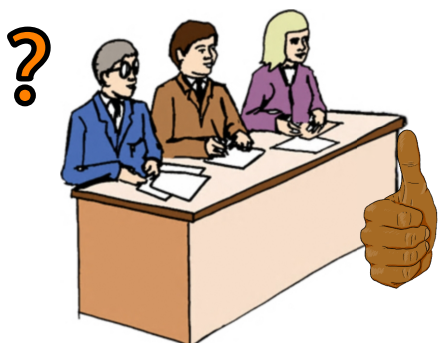
- the **Valuation Tribunal** for Wales that agrees how much property is worth for council tax or business rates



- panels (groups of people) that decide about **admissions** to schools



- panels that decide about school **exclusions**.



Question 2

Do you agree with our ideas for which are **devolved tribunals**?



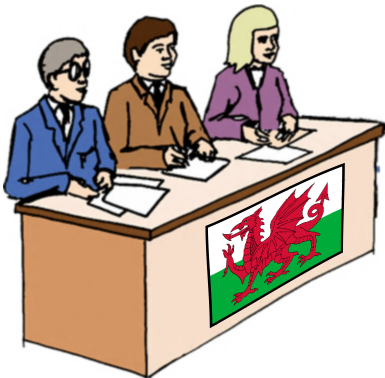
Question 3

Do you agree that other **tribunals** or organisations that make decisions are not **devolved tribunals**?

2. A tribunals system for Wales



At the moment there is a large **tribunal** that brings together many **tribunals** in the UK.



We think the **devolved** Welsh **tribunals** could come together into one large **tribunal** for Wales.



Different parts of this large **tribunal** would look at different types of decisions.



This would make it easier to look at different cases without having to set up a new **tribunal**.



An independent **tribunal** would look at decisions about schools or how much property is worth. Not the local council that made the decision.



This might be easier and fairer for decisions about property and **admission** to schools.



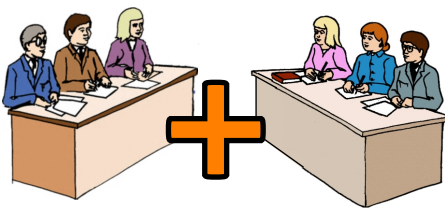
But it might be difficult for panels that look at **admissions** to schools. They are only busy in the spring and need local experts who know about schools in their area.



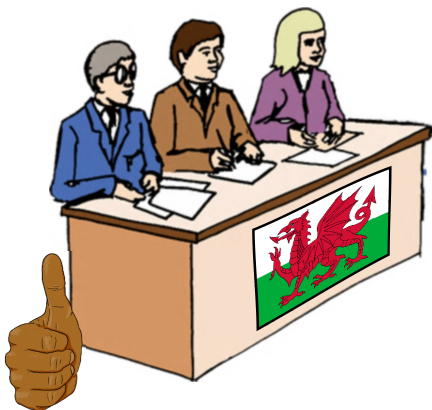
It would also be important for the large **tribunal** to use the skills of experts who work in different **tribunals** now.



At the moment it is difficult to say what the different parts of the new large **tribunal** should be.

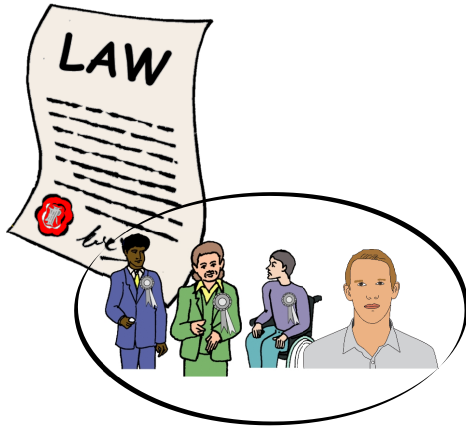


We have some ideas. But we think it should be set up in a way that makes it easy to add new sections when they are needed.



Question 4

Do you agree with the idea to bring all the **devolved tribunals** together into one large **tribunal**?



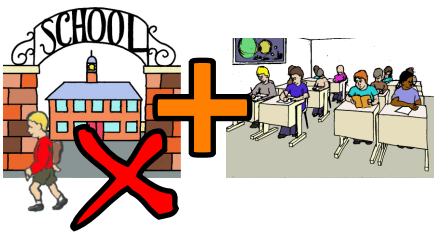
Question 5

Do you agree that **Welsh Ministers** should work with the **President of Welsh Tribunals** on laws to have a large **tribunal** with different parts?



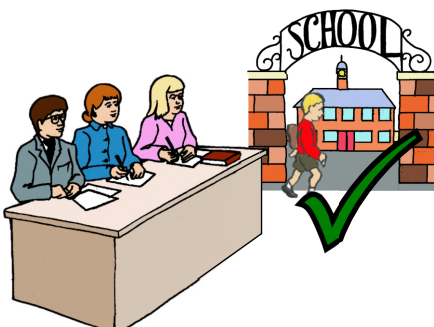
Question 6

Do you agree that the **Valuation Tribunal** for Wales should be part of the large **tribunal**?



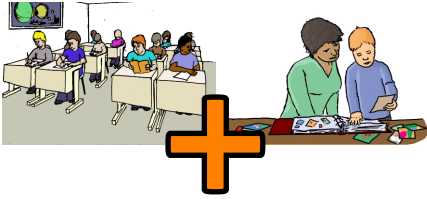
Question 7

Do you agree that school **exclusion** panels should join with other education **tribunals** and be part of the large **tribunal**?



Question 8

Do you agree that, for the moment, the school **admission** panels should not be part of the large **tribunal**?



Question 9

Do you agree other **tribunals** for decisions about schools and nurseries should join together as one part of the large **tribunal**?



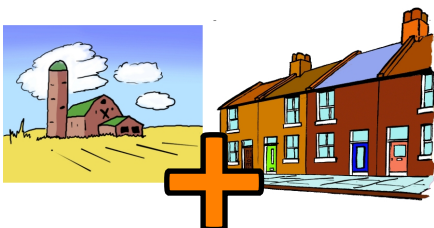
Question 10

Do you agree that all **tribunals** for decisions about residential property should join together as part of the large **tribunal**?



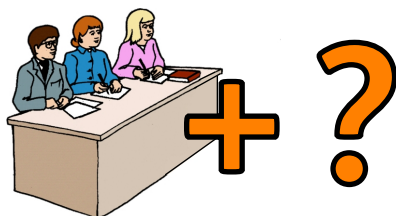
Question 11

Do you think there should be one part of the new large **tribunal** that checks other government decisions? If so, which **tribunals** do you think should come together into this part?



Question 12

Do you think the **tribunals** for farm land and residential property should come together as one part of the larger tribunal to look at all types of property?



Question 13

Should any other devolved **tribunals** come together into one part of the large **tribunal**?

3. Appeals



If you are not happy with what a **tribunal** decides, you can **appeal**. You need permission to do this. **Appeals** against different **tribunals** are dealt with in different ways.



We think it would be simpler to bring everything together so you **appeal** in the same way and to the same organisation for decisions by any **tribunal**.

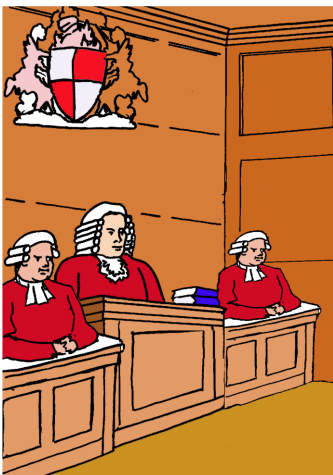
We have 4 suggestions for what could happen:



1. Leave things as they are

Judges who lead **tribunals** are happy with the way things are.

But it is complicated for people who use **tribunals** if they all work in different ways.



2. Send appeals to the Administrative Court

This court can look at decisions made by other courts, **tribunals** or public organisations.

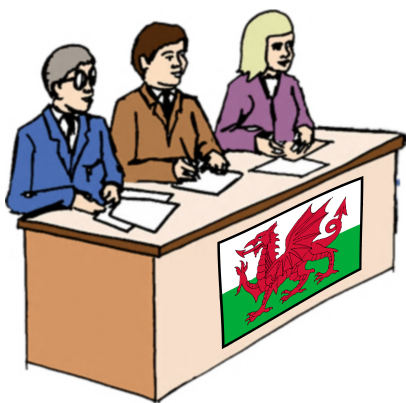
It already looks at some **appeals** but is not part of the **tribunal** system.

3. Send appeals to the Upper Tribunal.



The Upper Tribunal already looks at many decisions made by other **tribunals**. It might be easier for them to hear all **appeals**. But it would mean keeping links to the English system.

4. Set up a new Appeal Tribunal for Wales.



This might make things easier. But there might not be enough appeals to be worth setting up a new **tribunal**.

Question 14

Do you agree you should be able to **appeal** a decision by any **devolved tribunal** in the same way?





Question 15

If you agree, who should deal with these **appeals**;

1. The Upper Tribunal
2. The Administrative Court in Wales
3. A new Appeal Tribunal for Wales

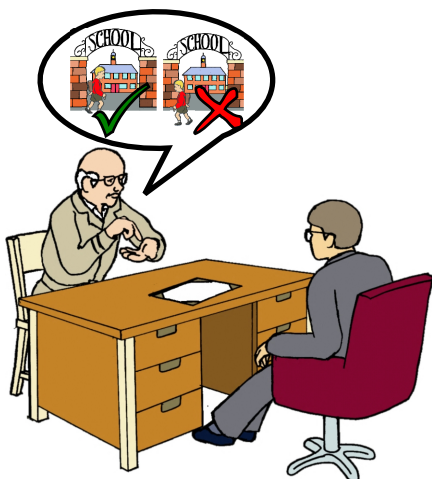


Some **tribunals** do not have a set way to **appeal** their decisions. New **tribunals** might have to be set up to hear these **appeals**.



Question 16

1. Should the rules say how people can **appeal** decisions by these **tribunals**?
2. What should the rules say?
3. Which **tribunals** should have their appeals heard this way?
4. Should we gradually move **tribunals** to working this way?



At the moment there is no set way to **appeal** decisions about school **admissions** or **exclusions**. We think these **appeals** should be quick and easy so children do not miss out on school.



Question 17

1. Do you think **appeals** against school **admission** panels should go to the Special Educational Needs Tribunal?
2. If you agree, when should people have the right to **appeal**?



Question 18

Do you think people should only be able to **appeal** an **admissions** decision by the Special Educational Needs Tribunal if there is a serious problem with how the tribunal dealt with it?

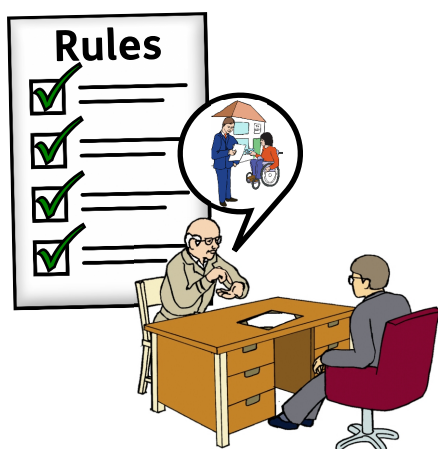


At the moment, **appeals** about different decisions by the Residential Property Tribunal for Wales are dealt with in different ways. This includes getting permission to **appeal rent assessment** decisions.



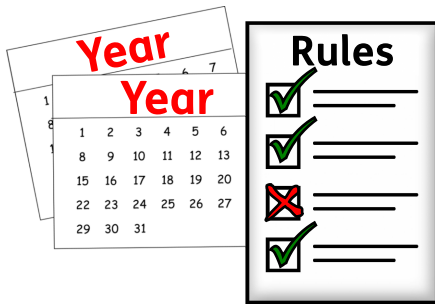
Question 19

Do you agree that there should just be one way to **appeal** all decisions by the Valuation Tribunal for Wales? If so, what should this be?



Question 20

Do you agree there should be the same rules to get permission to **appeal** about **rent assessments** as other decisions by the Residential Property Tribunal?

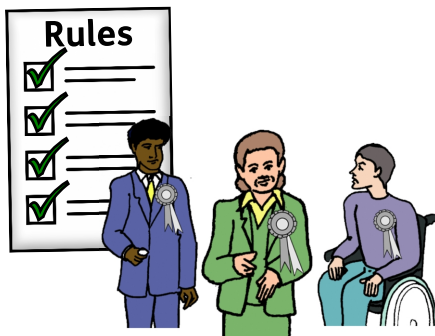


4. Rules about how tribunals work

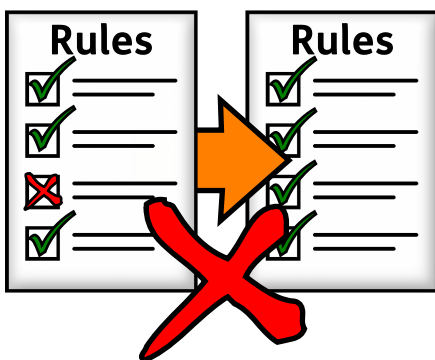
The rules for **devolved tribunals** in Wales are old and out of date.



Tribunals would be much easier for everyone if they worked in the same way where they can.

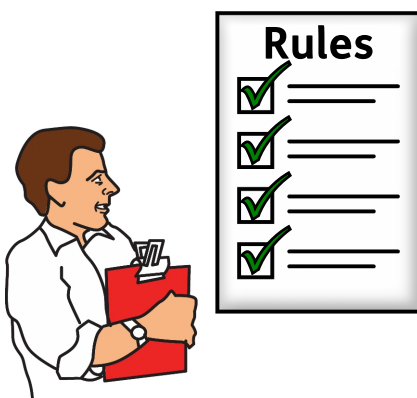


Welsh Ministers make the rules for most tribunals.

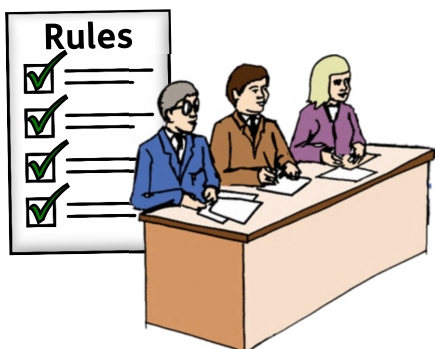


We cannot change these rules.

But we can suggest ways to make them work for better.



This includes checking the rules are working well and changing them if they need updating.



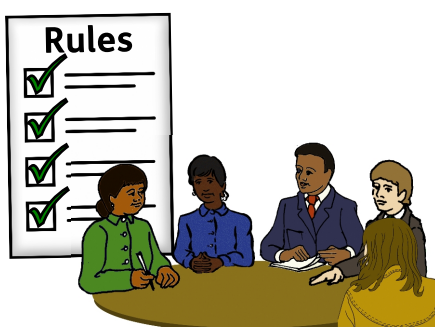
Question 21

Do you agree that rules for all **devolved tribunals** should say the **tribunal** must work fairly?



Question 22

Do you think rules for all **devolved tribunals** should have examples of what it means to work fairly? What sort of examples should they have?



Question 23

Do you think rules for all **devolved tribunals** should say everyone involved should work together and help the **tribunal** work fairly?

If so, should this include the Mental Health Review Tribunal?



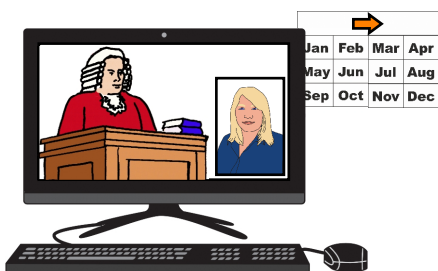
Some **tribunals** can check their own decisions and put things right if they make a mistake. This is quicker and easier than having to appeal to a different **tribunal**.



Covid-19 means organisations are using **technology** so people can stay home and not go to busy places.



Some **tribunals** email official papers and use video to hold **remote hearings** where people do not have to come together in one place.



We think some of this will carry on after Covid-19 if it helps organisations work better.



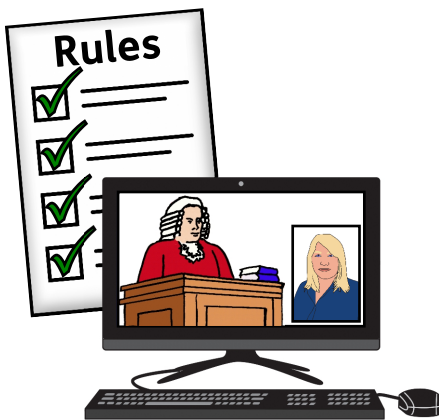
Question 24

Do you agree the rules should allow all **devolved tribunals** to send official papers by email?



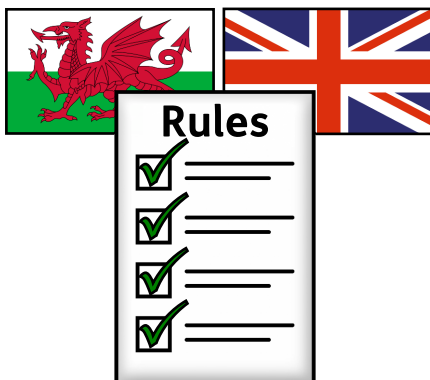
Question 25

Do you agree that rules for all **devolved tribunals** should allow them check their own decisions?



Question 26

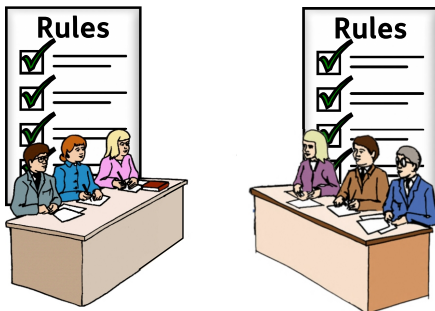
Do you agree that all **devolved tribunals** should have the same rules about remote hearings?



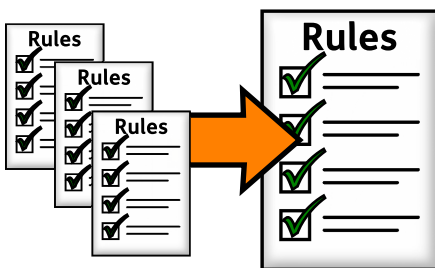
Sometimes different **devolved tribunals** need different rules about how they work. For example, the same people use the Mental Health Tribunal for England and the Mental Health Tribunal for Wales so the rules must be the same for each country.



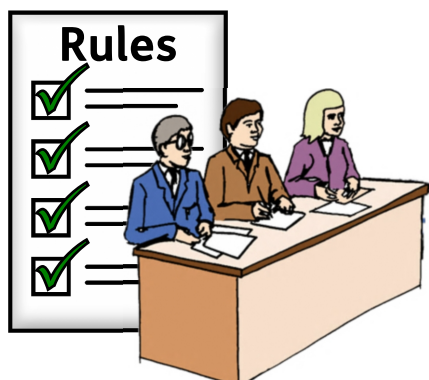
But all **tribunals** do things like sending official papers and it would make it easier for everyone if the rules for this were the same. Judges would not have to learn a whole set of new rules if they work on different **tribunals**. It would be easier for the public to understand.



It will take time to rewrite all the rules and look at where they could be the same. Our idea is to keep the separate rules for each **devolved tribunal** for a while to give people time to work on this.

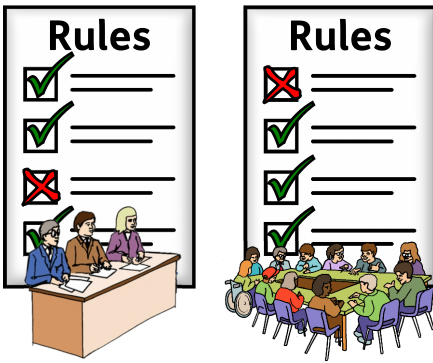


But we do think the 3 sets of rules for the Residential Property Tribunal could be brought together into one set of rules.



Question 27

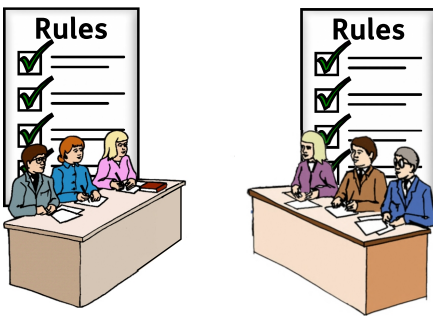
Do you agree the rules for all **devolved tribunals** should be the same if possible?



Question 28

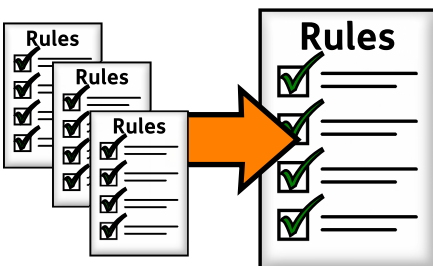
Is it a problem if rules for **devolved tribunals** are different from rules for the large **tribunal**?

How should **tribunals** deal with this?



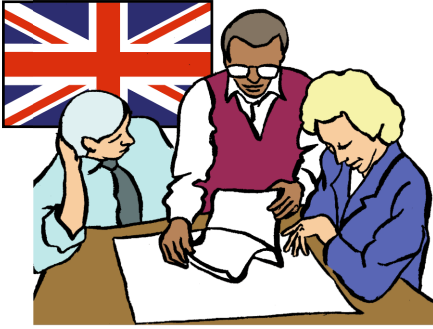
Question 29

Do you agree that each **devolved tribunal** should keep its own set of rules for a while?

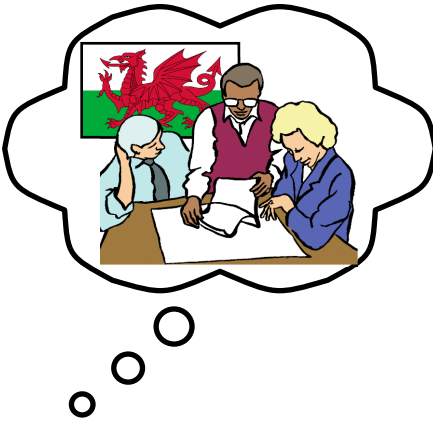


Question 30

Do you agree that there should just be one set of rules for the Residential Property Tribunal?



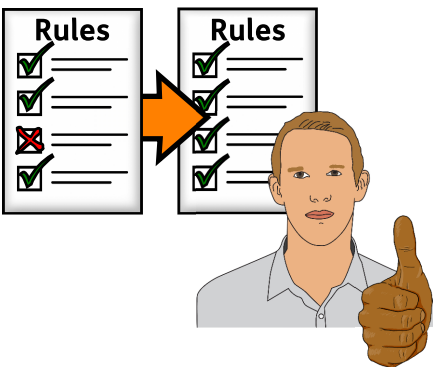
A Tribunal Procedural Committee looks at rules for all **tribunals** in the UK. It checks they are up to date and work well.



We think there should be a committee like this just for **devolved tribunals** in Wales.



We think the **President of Welsh Tribunals** is the right person to lead this committee and choose who is on it.



The Welsh Tribunal Procedural Committee will only be able to change rules if most committee members or the **President of Welsh Tribunals** agree.



We think Welsh Ministers will also have to agree to changes.



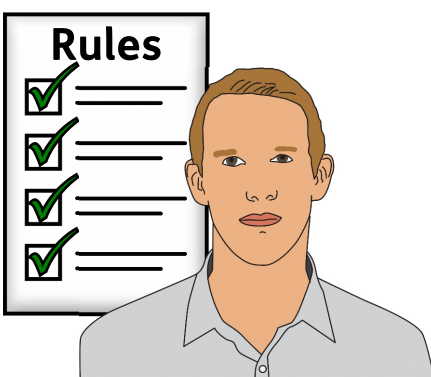
Question 31

Do you agree that there should be a Tribunal Procedure Committee for Wales?



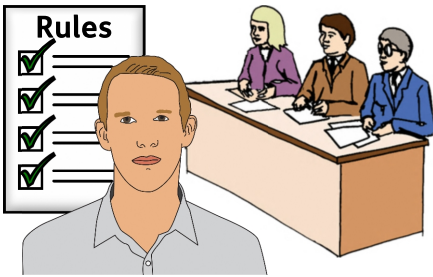
Question 32

Do you agree the **President of Welsh Tribunals** should lead the Tribunal Procedure Committee for Wales and choose its members?



Question 33

Do you agree there should be rules to help the **President of Welsh Tribunals** choose the right people to be members of the Tribunal Procedure Committee?



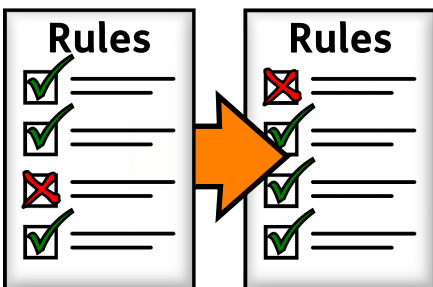
Question 34

Do you think the **President of Welsh Tribunals** or the Tribunal Procedure Committee for Wales should make rules for **devolved tribunals**?



5. Who decides on tribunal members

The public must be able to see how **devolved tribunal** members are chosen. This helps them trust **tribunals** and believe they are independent and fair.



But the rules have changed over time and different **tribunals** chose members in different ways.

We think members of all **devolved tribunals** should be chosen in the same way by a person or organisation that is:



- independent and not part of the government or local councils



- senior and important



- able to check that the person is right for the **tribunal**.

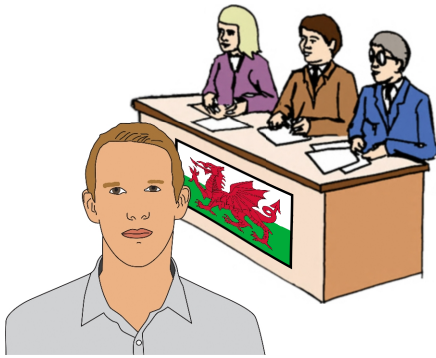


Some people think there should be a separate organisation to decide **devolved tribunal** members in Wales. But there is probably not enough work to need a new organisation.



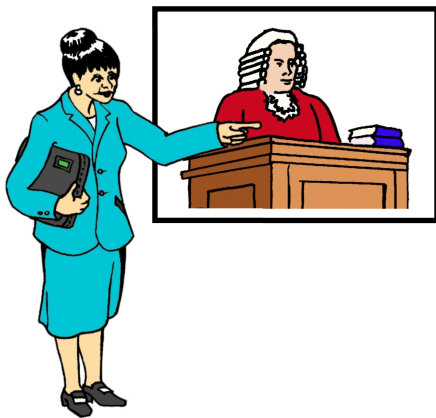
Question 35

Do you agree that the same person or organisation should decide on members of all **devolved tribunals** in Wales?



Question 36

Do you agree that the **President of Welsh Tribunals** should decide on members of all **devolved tribunals** in Wales?



The Judicial Appointments Commission decides on judges for courts and **tribunals** in England and Wales. We think they could also choose members for other **tribunals** and **appeal** panels in Wales. But the way they decide might be too complicated for people who want to volunteer.



Question 37

Do you agree that **Welsh Ministers** should decide on lead judges and deputies for all **devolved tribunals** in Wales. But the **President of Welsh Tribunals** must agree with their choice?



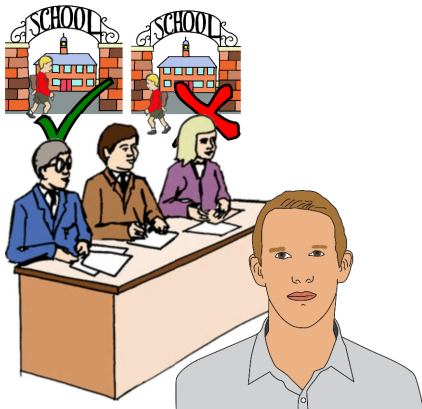
Question 38

Who should decide who becomes the President of the Valuation Tribunal for Wales?



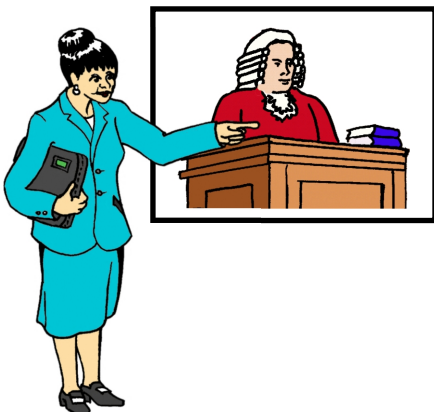
Question 39

Who should decide on members and the lead person for the Valuation Tribunal for Wales?



Question 40

Should the **President of Welsh Tribunals** decide the members of school **admissions** and **exclusions appeal** panels?



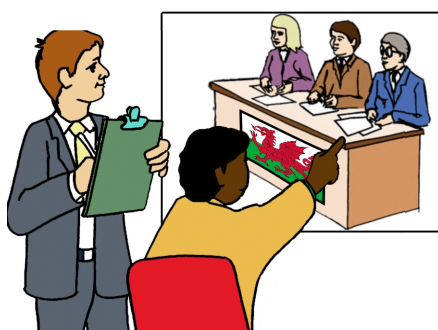
Question 41

Do you agree that we should not change the way the Judicial Appointments Commission chooses judges for **devolved tribunals** in Wales?



Question 42

How should the President of the Valuation Tribunal for Wales be chosen?



Question 43

How should members of the Valuation Tribunal for Wales be chosen?



Question 44

How should members of school **admissions** and **exclusions appeal** panels be chosen?

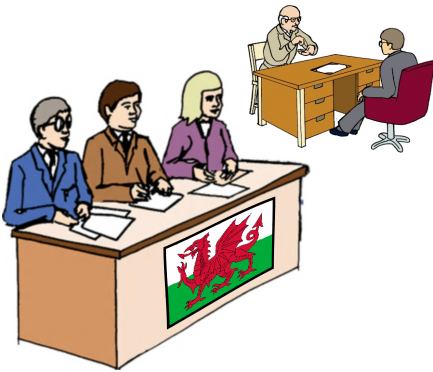


6. Complaints about tribunals

There are lots of different and complicated rules for complaining about members of **devolved tribunals**.



It makes it difficult for people to find out how to complain.



Question 45

Do you agree that all **devolved tribunals** in Wales should deal with complaints in the same way?

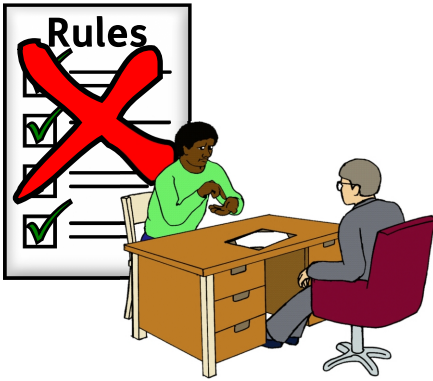


Question 46

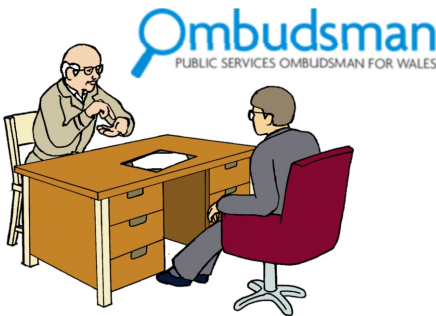
Do you agree that everyone should be able to get information about how to complain online or ask for a paper copy?



In English and Welsh **tribunals** you often complain to the organisation that chose the judge or **tribunal** member. They might not be independent enough.



Some **devolved tribunals** in Wales work in this way. Others do not have rules about how to complain.



Complaints about school **admissions** or **exclusions** panels go to the **Public Services Ombudsman for Wales** or to **Welsh Ministers**.

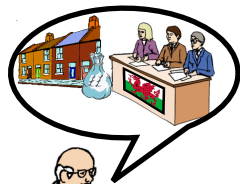


We think there should be a simple and fair way to complain about any **devolved tribunal**.



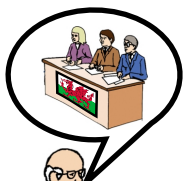
Question 47

Should there be information about how to complain about school **admission** or **exclusion** panels. As well as information about what the **Public Services Ombudsman for Wales** can do?



Question 48

Do you agree that people should be able to complain about what members of the Valuation Tribunal for Wales do?



Question 49

Do you agree that people should be able to complain about how any **devolved tribunal** in Wales is run?



Question 50

Do you agree there should be just one way to complain about members and judges of **devolved tribunals**?



Question 51

Do you agree that complaints about members of **devolved tribunals** should be dealt with by the judge who leads the **tribunal**?





Question 52

Do you agree an organisation like the Judicial Conduct Investigations Office should deal with complaints about judges who lead **devolved tribunals**?



Question 53

Who should look into complaints about how members of school **admission** or **exclusion** panels behave?



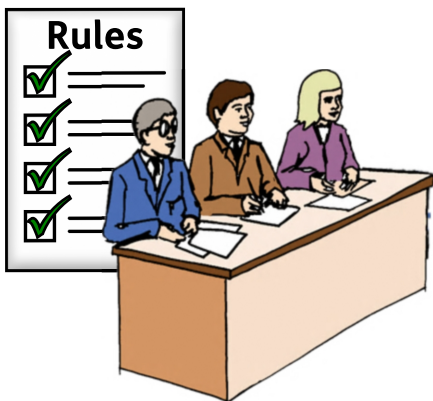
Question 54

Do you agree that the President of the **tribunal** should deal with complaints about members of the Valuation Tribunal for Wales?



Question 55

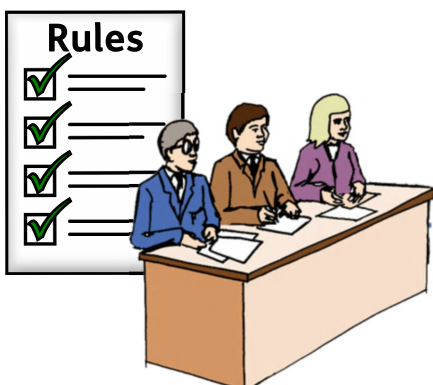
Do you agree an organisation like the Judicial Conduct Investigations Office should deal with complaints about the President of the Valuation Tribunal for Wales?



There are different rules about who can make **tribunal** members and judges keep to the rules or sack them. Often this is an organisation or person who is involved with the **tribunal** or judge. We think it should be someone more independent.

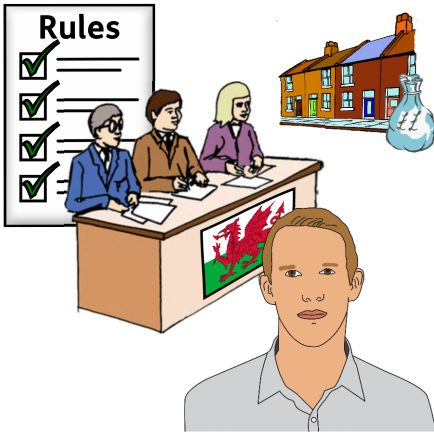


We need laws to make sure different people work together on these decisions to make sure they are fair.



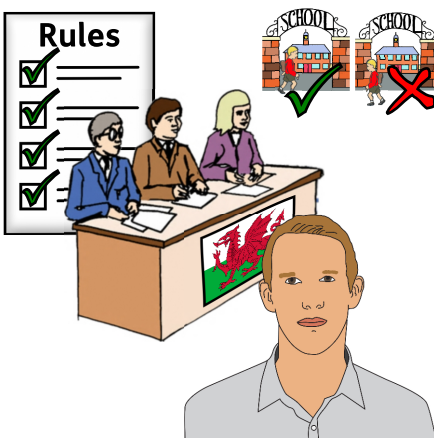
Question 56

Should the **President of Welsh Tribunals** have the power to make members of **devolved tribunals** keep to the rules or to sack them?



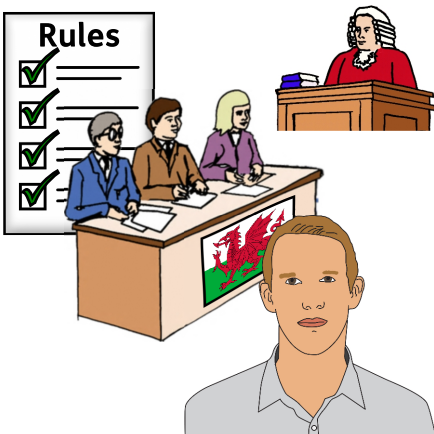
Question 57

Should the **President of Welsh Tribunals** have the power to make members of the Valuation Tribunal for Wales keep to the rules or to sack them?



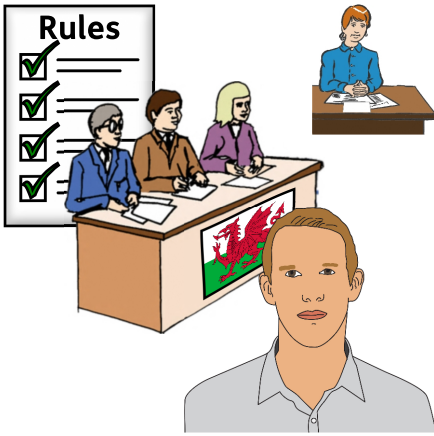
Question 58

Should the **President of Welsh Tribunals** have the power to make members of the school **admissions** or **exclusions** panels keep to the rules or to sack them?



Question 59

Do you agree the **President of Welsh Tribunals** should make the judges who lead **tribunals** keep to the rules or to sack them. If **Welsh Ministers** agree?



Question 60

Do you agree that the **President of Welsh Tribunals** should make the President of the Valuation Tribunal for Wales keep to the rules or to sack them. If **Welsh Ministers** agree?

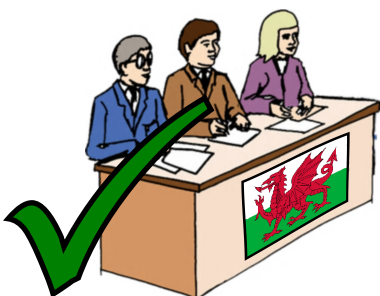


Question 61

Do we need any other rules to make sure **tribunals** stick to the law and keep judges independent?

7. The President of Welsh Tribunals

The **President of Welsh Tribunals** leads all the **devolved tribunals**. There are 2 parts to the job:



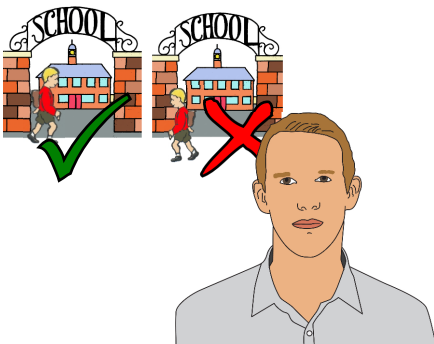
1. Make sure Welsh **tribunals** run well



2. Tell Welsh Ministers and the Welsh Parliament what is happening with the **tribunals**.



Some people think the **President of Welsh Tribunals** should be a judge who understands **tribunals**.

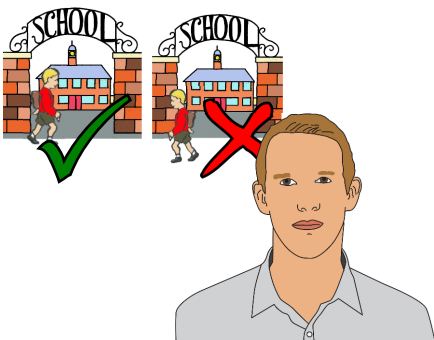


Our idea is to bring all the different **tribunals** together into one large **tribunal**. We looked at how this would work if the **President of Welsh Tribunals** managed other **tribunals** like school **admissions** and **exclusions** panels. This could make panels more independent.



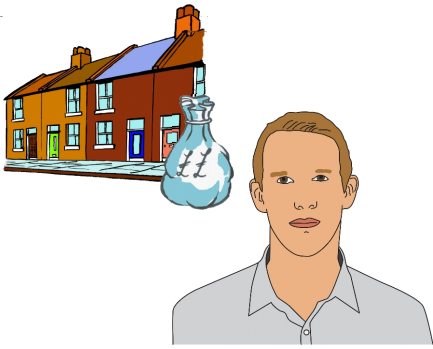
Question 62

Do you agree the **President of Welsh Tribunals** should be allowed to work as a judge for the **tribunals** they manage?



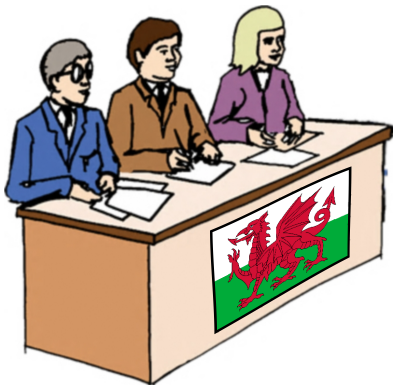
Question 63

Do you agree the **President of Welsh Tribunals** should manage the school **admissions** and **exclusions** panels?



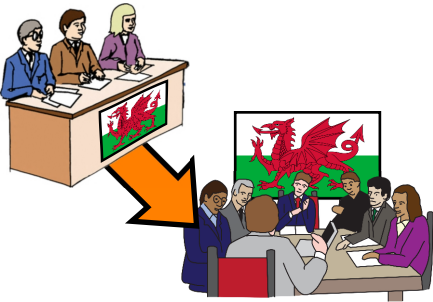
Question 64

Do you agree the **President of Welsh Tribunals** should manage the Valuation Tribunal for Wales?



8. The Welsh Tribunals Unit

The **Welsh Tribunals Unit** is the part of the Welsh government that manages the Welsh **tribunals**.



Because it is part of the government it is not independent.

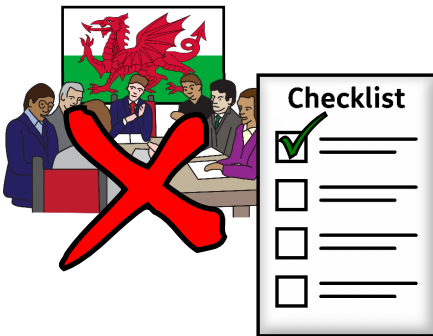


We looked at how this is done in different parts of the UK.



Our suggestion is to separate the Tribunals Unit from the Welsh government. This would:

- stop judges being put under pressure to make decisions the government want



- show people who use **tribunals** that someone who is not linked to the government is checking the decision



- involve judges in running the Tribunals Unit



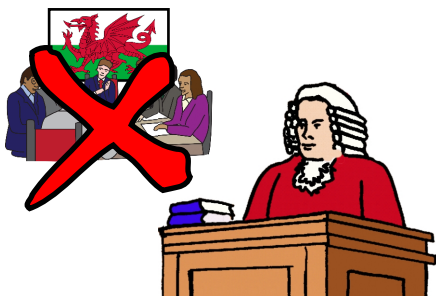
Question 65

Do you agree the **Welsh Tribunals Unit** should not be run by **Welsh Ministers**?

9. Keeping judges independent



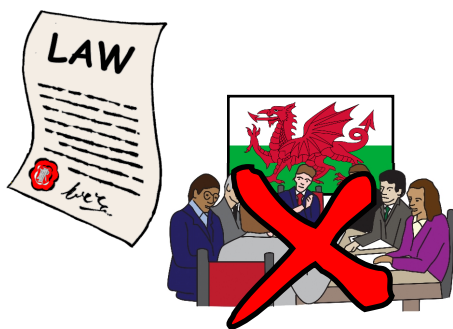
Judges can only make fair decisions if they are independent.



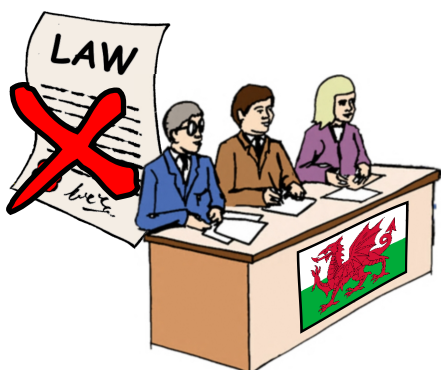
This means separate from the government or other organisations that might want them to make certain decisions.



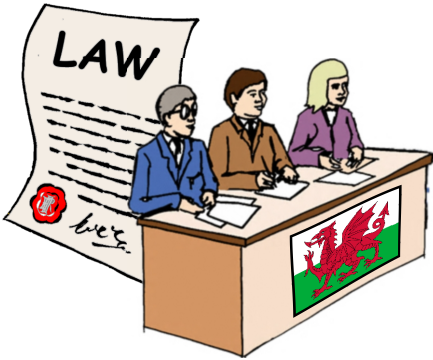
This is an important part of our work and we talk about it in different parts of this paper.



UK law says the government should not try to change what judges do or decide.



But this law does not apply to all devolved **tribunals** in Wales. We think this should change.

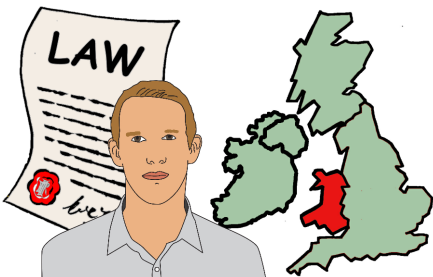


Question 66

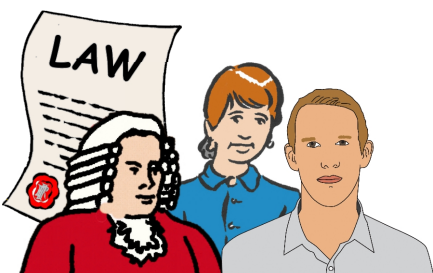
Do you agree the law should make Welsh Ministers and the justice system in Wales keep all **devolved tribunals** independent of the Welsh government?



Judges in the UK must swear an oath. This means they promise to be loyal to the Queen, keep to the law and make fair decisions.



In Wales the **President of Welsh Tribunals** swears the oath. But **tribunal** judges do not have to.



Question 67

Do you agree judges and other legal members of **devolved tribunals** should swear an oath to make fair decisions?

What the words mean

Appeal – a way to complain and ask for things to be looked at again if you are not happy with what a tribunal decides.

Appoint – decide who does something.

Admission - allow someone to go somewhere.
For example to a school.

Devolved powers - things the Welsh Parliament can do or make decisions about without asking the government in Westminster.

Exclusion – refuse to let someone do something or be somewhere. For example from a school.

Hearings – when a court or tribunals meets to look at information and decide what should happen.

Law Commissions - are independent and suggest changes to make laws better and fairer.

Tribunals – a group of people who settle arguments and look at decisions made by public organisations. They make a final decision about what should happen.

President of Welsh Tribunals – a senior judge who is in charge of Welsh tribunals.

Public Services Ombudsman for Wales – an organisation with legal powers to look into complaints about public services and independent care providers in Wales.

Remote hearings – when someone can be involved in a court case or tribunal using video instead of having to go to there.

Rent assessment – when your landlord decides what rent you have to pay or puts up your rent.

Technology – things like computers that help us do things

Welsh Ministers – members of the Welsh government.

Welsh Tribunals Unit – supports tribunals with paperwork and other things they need to run smoothly.



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