

Tribunal Procedure Committee Lord Chancellor Appointments

Application Pack

Contents

Your application pack for the Lord Chancellor appointments to the Tribunal Procedure Committee should contain the following documents:

1. Copy of the advert
2. Role description/person specification
3. Application form (2 parts, plus cover note) **
4. Background Note
5. Note from the Office of the Commissioner for Public Appointments (OCPA) regarding complaints

** The application form can be downloaded separately as a Word document

Key Dates:

Closing date for applications: **Tuesday 8th December 2009** (applications will not be accepted after this date)

Sift date: **week commencing 14th December 2009**

Interview dates: **19th & 26th January 2010** (if you are invited to interview, reasonable standard class travel fares can be reimbursed)

Notification of outcome: By end of February 2010

References will be requested if successful at the sift

Submission of applications and queries:

Tribunal Procedure Committee Secretariat
Bay 2.38, 2nd Floor
102 Petty France
London SW1H 9AJ

tpcsecretariat@justice.gsi.gov.uk or tel: 020 3334 6562/5252

Tribunals Procedure Committee Members

Voluntary roles: half-day meetings in London, several times per year

3-year Term

These positions as Tribunals Procedure Committee Members are appointments made by the Lord Chancellor. They are voluntary roles that will see you contributing to the rules governing practice and procedure in the First-tier and Upper Tribunals.

These Tribunals exist to resolve disputes and handle appeals between individuals and government agencies – these can include everything from issues relating to child support claims through to war pensions, mental health and immigration.

Within this setting, you'll attend half-day meetings every one or two months (frequency of meetings depends on current priorities), to discuss and help develop the rules governing the practice and procedure of these Tribunals. With your help, we'll ensure that the Tribunal system remains accessible, fair and efficient.

Ideally with a legal background and understanding of the Tribunals system, you'll need the ability to travel to London for meetings. In addition, you should have good communication, negotiation and debating skills.

For more details, and to download an application form please visit : www.tribunalsservice.gov.uk/Tribunals/Rules/tribunalprocedurecommittee.htm

Completed application forms to be returned by Tuesday 8th December 2009.

For more information, visit our websites at www.tribunals.gov.uk or www.justice.gov.uk

The Ministry of Justice is committed to providing equal opportunities for all, irrespective of age, disability, gender, marital status, religion, sexuality, transgender and working patterns.

Member of Tribunal Procedure Committee Role Description/Person Specification

Role Title

“Member of the Tribunal Procedure Committee”

Main Purpose

To play an active role on the Tribunal Procedure Committee, which makes rules governing the practice and procedure in the First-tier and Upper Tribunals.

Key Duties

Attend and take an active role in Committee meetings

Keep abreast of paperwork and issues relating to the work of the Committee

Where required to, attend sub-committee meetings, or meetings with stakeholder groups

Where required to, contribute towards any reports or documents produced on behalf of the Committee

Remuneration

The post is offered without remuneration but reasonable travelling and out-of-pocket expenses can be claimed.

Time Commitment

We anticipate holding approximately 9 Committee meetings per year. Meetings are held in London and usually last 3 hours. However, meeting frequencies can vary to accommodate the priorities of the work coming before the Committee.

Knowledge and Skills

Current knowledge and experience of practice in tribunals, or advising persons involved in tribunal proceedings

An understanding of the work, and a commitment to the underlying principles, of the Tribunal Procedure Committee

Ability to work in Committee and to take an active and influential part in debate

Understanding of the needs of tribunal users

An understanding of diversity issues

PUBLIC APPOINTMENT APPLICATION FORM

Member of the Tribunal Procedure Committee

This application form is separated into 2 parts. Please read each page carefully and make sure you answer every question that is relevant to you. You can continue any answer on separate sheets if you wish, but must clearly mark each sheet with your name and the part of the form that it relates to.

Please either complete electronically or write legibly and use black ink.

You are asked to return the completed form to:

**Tribunal Procedure Committee Secretariat
Ministry of Justice
Bay 2.38
2nd Floor
102 Petty France
London SW1H 9AJ**

tpcsecretariat@justice.gsi.gov.uk

Closing date for applications: Tuesday 8th December 2009 (application forms will not be accepted after this date)

Please give examples to demonstrate your understanding of the work of the Tribunal Procedure Committee, and its underlying principles:

Please give examples of your ability to take an active and influential part in debate:

Please give examples that demonstrate your awareness of the needs of Tribunals Service customers:

Please give examples that demonstrate your understanding of diversity issues:

SECTION TWO: RELEVANT EXPERIENCE

Please include details of both your career history (if applicable) and other relevant experience. This might include employment, voluntary experience, involvement in the community, committee experience, caring responsibilities, and should include any public appointments held. Please continue on a separate sheet if required and attach to this section.

Dates From and To	Details (including positions held and nature of work)	Name/Address of Employer or Organisation.

Please continue on a separate sheet if required and attach to this section.

OTHER INFORMATION

If there is any other general information you would like to include about your past experience, personal qualities and skills, please do so here.

SECTION THREE: POTENTIAL CONFLICTS OF INTEREST

Please give details of any business or other interests or any personal connections which, if you are appointed, could be misconstrued or cause embarrassment to the Tribunal Procedure Committee or the Ministry of Justice. These could include financial interests or share ownership, [active connections with a field of expertise in which the Committee works], membership of societies, activities associations or employment of a partner or friend in the particular field in which the public body operates. Any potential conflicts of interest detailed here will not prevent you going forward to interview but may, if appropriate, be explored with you during your interview to establish how you would address the issue(s) should you be successful in your application.

I declare that the information given on this application is complete and correct to the best of my knowledge. I have also read the information pack and can confirm that I am eligible to be considered for appointment to this body. I also certify that I will immediately inform the Department of any changes in circumstances that affect the answers I have given.

Signed.....

Date.....

C.V.s Please do not include a separate CV as it will not be seen or considered by the selection panel.

Closing date: **Tuesday 8th December 2009** (please note that applications will not be accepted after this date)

Interviews: Interviews will be held on **19th and 26th January 2010**.
Please indicate your availability below

19 th January	Yes	No
26 th January	Yes	No

Tribunal Procedure Committee Lord Chancellor Appointments

Application Form: Part 2

SECTION ONE: PERSONAL DETAILS

Title (Mr/Mrs/Miss/Ms/Other [please specify])

Surname

First Name

Home Address

Home Contact Numbers

Other Contact Details (optional)

SECTION TWO: REFERENCES

Please give the details of two people who may be asked to act as referees for you. At least one of the referees will be expected to have authoritative and personal knowledge of your achievements. The referees will be approached only if you are to be invited for interview following the initial sift.

Reference One:

Name

Address

Reference One:	
Name	
Address	

Telephone	
Email	

Reference Two:	
Name	
Address	
Telephone	
Email	

SECTION THREE: PUBLIC APPOINTMENT MONITORING FORM

The Office of the Commissioner for Public Appointments (OCPA) requires us to collect information on the gender, age, ethnic origin and disability of all those appointed. OCPA also requires information on whether appointees have been politically active in the past five years and whether other public appointments are held.

In addition, we may also be asked to provide information – in summary form only that does not identify individuals – in response to Parliamentary Questions and other public enquiries. In line with Government policy, and in accordance with the provisions of the Data Protection Act, the information you provide will be held confidentially and can only be used if you give us your consent. This form therefore includes a question asking you whether you are happy for this information to be made publicly available.

This form will be kept separate from your application form and will not be seen by the sift or interview panel. Assessment of your suitability for the post is made purely on the information you give on the application form and your performance at the interview should you be invited. Appointments are made strictly on merit. We hope that this encourages you to complete the form.

Should you have any questions, please contact: the TPC Secretariat at tpcsecretariat@justice.gsi.gov.uk

PUBLIC APPOINTMENTS CURRENTLY HELD

Body	Period Of Appointment	Government Department

GENDER:

Male	
Female	

AGE:

66+	
56-65	
46-55	
36-45	
35 & under	

DISABILITY:

The Disability Discrimination Act defines a person as disabled if they have a physical or mental impairment which has substantial and long term (i.e. has lasted or is expected to last at least 12 months) adverse effect on their ability to carry out normal day-to-day activities. Adverse effects may arise from external barriers experienced by people with impairments.

When you answer the question, you should not take into account the effect of any medication or treatments used or adjustments made (for example at work or at home) which reduce the effects of impairments. Instead, you should think about the effect the impairment would have if these were not being used or made.

Taking this into account, do you consider yourself to be a disabled person?

Yes	
No	

ETHNIC ORIGIN:

Which group do you identify with? Please tick one box. The options are listed alphabetically.

ASIAN OR ASIAN BRITISH	
Bangladeshi	
Indian	
Pakistani	
Any Other Asian background (specify if you wish)	

CHINESE OR OTHER ETHNIC GROUP	
Chinese	
Any Other (specify if you wish)	

BLACK OR BLACK BRITISH	
African	
Caribbean	
Any Other Black background (specify if you wish)	

MIXED	
Asian and White	
Black African and White	
Black Caribbean and White	
Any other Mixed Ethnic Background (specify if you wish)	

WHITE	
British	
Irish	

Any Other White Background (specify if you wish)	
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POLITICAL ACTIVITY QUESTION

All applicants for a public appointment should complete the question below. This question is asked as it enables the monitoring of political activity of candidates for a public appointment in so far as it is already in the public domain. Neither activity nor affiliation is a criterion for appointment (except where statute dictates specific representation). If you are successful, the information provided will be published with the announcement of your appointment.

Please indicate which of the following activities you have undertaken during the past five years by ticking the appropriate box and by providing details of your involvement. Name the party or body for which you have been active. If you have been or are an Independent or have sought or obtained office as a representative of a particular interest group, you should state this. You should tick all relevant categories.

Please note that Committee membership is a disqualifying office listed in the House of Commons Disqualification Act. Serving MPs, SMPs, AMs and MEPs will therefore not be considered for these appointments

Obtained office as a Local Councillor, MP, MEP etc	
Stood as a candidate for one of the above offices	
Spoken on behalf of a party or candidate.	

Acted as a political agent	
Held office such as Chair, Treasurer or Secretary of a local branch of a party	
Canvassed on behalf of a party or helped at election	
Undertaken any political activity which you consider relevant	

Made a recordable donation to a political party ¹	
None of the above activities apply.	

¹ The Political Parties, Elections and Referendums Act 2000 requires the Electoral Commission to publish a register of recordable donations (donations from an individual totalling more than £5000 in any calendar year, or more than £1000 if made to a subsidiary accounting unit such as a constituency association, local branch, women's or youth organisations). These provisions became effective from 16 February 2001.

Name of Party of which activity undertaken:.....

DETAILS OF INVOLVEMENT

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Note: this form is for monitoring purposes only and therefore will be detached from your application and will not be seen by any selection panels. However, it is appreciated that such activities may have given you relevant skills, including experience gained from committee work, collective decision making, resolving conflict and public speaking. If, therefore, you have had such experience and you consider it relevant to your application for this post, you should include it separately in the main body of your application form.

DECLARATION

I confirm that the information I have given is, to the best of my knowledge and belief, true and complete. I confirm that I understand the purpose of the form and the reasons for the collection of my personal data and that I agree to my personal data being used as stated.

Yes	
No	

Name:.....

Signature:.....

Date:.....

In order to help us monitor the effectiveness of the way in which we publicise our appointments and plan for future recruitment rounds, please tell us how you found out about this vacancy.

The Tribunal Procedure Committee

Background Note

Introduction

The Tribunal Procedure Committee is an advisory Non-Departmental Public Body, sponsored by the Ministry of Justice. The Tribunals, Courts and Enforcement Act 2007 provides for the Committee, and appointments to it are governed by this Act. The Committee was created on 19th May 2008. Its purpose is to make rules governing the practice and procedure in the First-tier and Upper Tribunals.

The Committee's Terms of Reference (as at 2009)

The Tribunal Procedure Committee exists to make rules governing the practice and procedure in the First-tier Tribunal and Upper Tribunal.

Power to make Tribunal Procedure Rules is to be exercised with a view to securing:

- a. that, in proceedings before the First-tier Tribunal and Upper Tribunal, justice is done;
- b. that the tribunal system is accessible and fair;
- c. that proceedings before the First-tier Tribunal or Upper Tribunal are handled quickly and efficiently;
- d. that the rules are both simple and simply expressed; and
- e. that the rules, where appropriate, confer on members of the First-tier Tribunal, or Upper Tribunal, responsibility for ensuring that proceedings before the tribunal are handled quickly and efficiently.

Before the Committee makes Rules, the Committee must:

- a. consult such persons (including such of the Chamber Presidents) as it considers appropriate;
- b. consult the Lord President of the Court of Session if the Rules contain provision relating to proceedings in Scotland; and
- c. meet (unless it is inexpedient to do so).

Rules made by the Committee must be:

- a. signed by a majority of the members of the Committee, and
- b. submitted to the Lord Chancellor, who may allow or disallow the rules.

The Committee will also be consulted on Practice Directions received from the Senior President or Chamber Presidents.

The Role of Members

A role description/person specification is included in the application pack. A member of the Committee would be expected to commit to and attend approximately 9 meetings per year. The meetings are usually 3 hours in length and are held in London. In addition to committee meetings, time is required for consideration of supporting papers. The posts are unremunerated, but reasonable travelling and out-of-pocket expenses can be claimed.

The Work of the Committee

When developing new rules, the Committee has been guided by the following principles: to make the rules as simple and streamlined as possible; to avoid unnecessarily technical language; to enable tribunals to continue operate tried and tested procedures which have been shown to work well; and to adopt common rules across tribunals wherever possible, so that rules specific to a chamber or a tribunal are permitted only where there is a clear and demonstrated need for them.

Inevitably experience will demonstrate difficulties with the operation of the rules, or gaps in their coverage. However, the Committee's remit is also to keep rules under review, and periodic amendments can be made to try to ensure that the rules work as smoothly and fairly as possible.

Consultation is a fundamental part of the rule making process. Those involved in the day to day work of particular tribunals are often best placed to assess the potential impact of rule changes. The Committee has benefited considerably from the responses to its consultations; they have helped eradicate errors, identify problems in the initial drafts, and suggested improvements. Even where proposed amendments have not been adopted, they have frequently generated important debates in the Committee which have helped sharpen the drafting process.

The Committee has, to date, completed rules consultations and published Rules for the following 7 Chambers:

Upper Tribunal

Administrative Appeals Chamber
Finance and Tax Chamber

First-tier Tribunal

Social Entitlement Chamber
Health, Education and Social Care Chamber

War Pensions and Armed Forces Chamber
Taxation Chamber
General Regulatory Chamber

Currently, the Committee is consulting on the following jurisdictions to allow for their transfer to the unified structure: Asylum and Immigration; Pensions Regulator; Financial Services and Markets

Committee Membership (as at 2009)

The Tribunals, Courts and Enforcement Act 2007 states that the Committee shall be made up of the Chair, 4 members appointed by the Lord Chancellor, 3 members appointed by the Lord Chief Justice, and 1 member appointed by the Lord President. In addition to the standing members of the Committee, the Senior President of Tribunals can request up to 4 additional appointments to cover particular areas of experience or knowledge. Members of the Committee have between them a broad and diverse knowledge of the practical operation of the Tribunal system. Current membership is as follows:

Chair

The Right Honourable Lord Justice Elias

Lord Chancellor Appointments

Bronwyn McKenna
Carolyn Kirby
Michael J. Reed
Philip Brook Smith QC

Lord Chief Justice Appointments

Lesley Clare
Nicholas Warren
Mark Rowland

Lord President's Appointment

Douglas May QC

Additional Appointments

Alison McKenna
Peter Lane

Biographies for current members can be found at Annex A.

**Tribunal Procedure Committee
Biographies of Current Membership**

The Rt Hon Lord Justice Elias (Chair)

Sir Patrick Elias has been a judge of the Court of Appeal since February 2009. Prior to that he was President of the Employment Appeal Tribunal from January 2006 to December 2008; he has been a judge of the High Court, Queen's Bench Division, since 1999. He was educated at Cardiff High School, the University of Exeter and King's College, Cambridge, where he took a Ph. D. Between 1973 and 1984 he was a fellow of Pembroke College, Cambridge, and from 1975 to 1984 was a lecturer at the University of Cambridge, teaching a variety of subjects, specialising in particular in labour law. He wrote extensively in that field, including a book on internal trade union law. He was called to the Bar, Inner Temple in 1973, took up practice in 1983 and became a QC in 1990.

Ms Bronwyn McKenna (Appointed by the Lord Chancellor)

Bronwyn McKenna is a solicitor admitted in England and Wales and Northern Ireland who specialises in employment and discrimination law. She is currently Director of Organising and Membership at UNISON. She was appointed to the Central Arbitration Committee in 2002. She is a member of the Employment Law Committee of the Law Society of England and Wales and of the Legislative and Policy Committee of the Employment Lawyers Association. Since May 2007, she has been a member of the Administrative Justice and Tribunals Council and represents the Council on the Tribunal Procedure Committee.

Mrs Carolyn Kirby (Appointed by the Lord Chancellor)

Carolyn Kirby is a member of the Law Society's council and a former President of the Law Society. She has been chairman of the Mental Health Review Tribunal for Wales since 1999. She is familiar with the implications of the Tribunals, Courts and Enforcement Act 2007, and has an understanding of the work of other tribunal as a founder member of the tribunal presidents group and as a member of the conference organising committee for the Council on Tribunals (now the Administrative Justice and Tribunals Council).

Michael J Reed (Appointed by the Lord Chancellor)

Mr. Reed is a barrister who has spent the last 3 ¼ years as a Legal Officer specialising in Employment Law. He was a volunteer at first and then became a Legal Officer taking on some 36 cases before the Employment Tribunal, the Employment Appeals Tribunal and in one case the Court of Appeal. He has also provided guidance to volunteers taking on their own cases and has thus had some involvement in at least 200 - 300 other cases.

Philip Brook Smith QC (Appointed by the Lord Chancellor)

Philip Brook Smith was called to the Bar in 1982, gaining silk in 2002, and practises from Fountain Court Chambers. His work is primarily commercial. His professional expertise extends across many jurisdictions in which rules of procedure apply, both nationally and overseas. He is also a Recorder, sitting in the Crown Court. Philip is a committed supporter of pro bono work and a longstanding Management Committee member of (and reviewer for) the Bar Pro Bono Unit. In that context he has considerable experience of a wide range of tribunals and their procedures, particularly their use by those with limited access to legal services.

Nicholas Warren (Appointed by the Lord Chief Justice)

Mr. Warren qualified as a solicitor in 1973. He worked for the Child Poverty Action Group and the Family Rights Group before running a community advice centre from his home until 1992. He was appointed in 1992 to be a Full Time Chairman of the Independent Tribunal Service to chair Social Security Appeal Tribunals, and in 1998 as the Regional Chairman of the North West Region. He has national responsibility for Tribunal procedure and has lately taken on national responsibility for training SSCS Tribunal Judges and Panel Members. He was a member of the Lord Chancellor's Advisory Committee on legal aid from 1992 to 1995. He has been a Recorder since 1992 and was appointed President of the Gambling Appeals Tribunal in 2007. He was a Deputy Social Security Commissioner 1997 to 2004. For many years a CAFOD board member, he became a Trustee in 2000.

Mark Rowland (Appointed by the Lord Chief Justice)

Mr Rowland was called to the Bar in 1975 and worked for three and a half years at the Child Poverty Action Group before going into private practice. He was a member of social security appeal tribunals from 1985 to 1989 and was then a fee-paid chairman until 1993 when he was appointed as a salaried Social Security Commissioner and Child Support Commissioner. He also sat as a chairman of the Registered Homes Tribunal from 1995 and the Care Standards Tribunal from 2002. Since 3 November 2008, he has been a Judge of the Upper Tribunal, sitting in the Administrative Appeals Chamber.

Lesley Clare (Appointed by the Lord Chief Justice)

Ms. Clare is a Member of First Tier Tribunal Social Entitlement Chamber Criminal Injuries Compensation. Non legally qualified ticketed Chairman. She has been a member of the Chairman's Advisory Committee; helped to devise and implement the Tribunal's peer appraisal system; had lead role in drafting of Practice Guides and public information; and contributes to ongoing facilitation of internal training. Also a Tribunal Member of the Scottish Charity Appeals Panel. Other work mainly as a recruitment and senior selection assessor for the Police and Prisons Services.

Mr Douglas May QC (Appointed by the Lord President)

Mr. May was admitted to the Scottish Bar in 1971 and became Queen's Counsel in 1989. He was appointed as a full-time Social Security and Child Support Commissioner in 1993 and was Senior Social Security and Child Support Commissioner in Great Britain and in Scotland. From 3 November 2008 he has been the Senior Upper Tribunal Judge sitting in the administrative Appeal Chamber in Scotland. He sat as a temporary sheriff between 1989 and 2000. Accordingly, he has a deep understanding of tribunal work and Scots law and legal practice generally. As a member of the Scottish Tribunal Forum and as Senior Commissioner and Upper Tribunal Judge in Scotland, he has taken a keen interest and participated in the implementation of the 2007 Tribunals, Courts and Enforcement Act.

Alison McKenna (Appointed by the Lord Chief Justice)

Alison McKenna took up full-time appointment as the first President of the Charity Tribunal in June 2008. Her title changed to Principal Judge of the First-tier Tribunal (Charity) in September 2009, as a result of tribunal reforms under the Tribunals Courts and Enforcement Act 2007. Alison was called to the Bar (Middle Temple) in 1988, and since 2003 has held dual qualification as a Barrister and a Solicitor Advocate. Her legal career has included practice at the independent Bar, several different roles in the Government Legal Service (including that of an in-house legal adviser to the Charity Commission), and immediately prior to taking up her current appointment, she was in private practice as a charity law specialist and was Head of the Charities Department at Wilsons LLP, a Salisbury based law firm. Alison has a long-standing interest in mental health issues, having served as a member of the Mental Health Act Commission between 1995 and 2002. She recently chaired an independent investigation for NHS London. Alison has sat as a part-time President of the Mental Health Review Tribunal (now the First-tier Tribunal (Mental Health)) since 2002 and still devotes one day per week to hearing cases in that jurisdiction. She has recently been appointed as a member of the Tribunal Procedure Committee.

Peter Lane (Appointed by the Lord Chief Justice)

Mr. Lane is a solicitor and was appointed a part-time immigration adjudicator on 5th August 1996; a salaried immigration adjudicator on 2 April 2001; and a Vice President of the Immigration Appeal Tribunal on 31 March 2003. Prior to this he was an Assistant Parliamentary Counsel from 1980 to 1985 and in private practice as a solicitor and Parliamentary Agent from 1985 to 2001. Peter became a Senior Immigration Judge of the Asylum and Immigration Tribunal on 4 April 2005 and is also a member of the Special Immigration Appeals Commission.



The Commissioner for Public Appointments

The Commissioner for Public Appointments Janet Gamer CBE regulates and monitors ministerial appointments to a number of public bodies. Government departments are required to follow the Commissioner's Code of Practice and detailed guidance when processing these public appointments.

The commissioner is also charged with the responsibility for investigating complaints. She will examine the process used to make an appointment or the manner in which an application for appointment was handled. She will only investigate reasons for non-selection if she feels that the guidance has been breached. The Commissioner does not investigate how a body is run or the actions of its members.

If you feel you have reason to complain you should first direct your concerns to the relevant department. If after receiving a comprehensive response you are still concerned, you can write to the Commissioner at the address below.

Departments are required to provide the Commissioner with a detailed report on all complaints received by them.

If you would like more information on either the role of the Commissioner or the appointment process, please contact this office:

The Office of the Commissioner for Public Appointments (OCPA)
3rd Floor
35 Great Smith Street
London
SW1P 3BQ

Telephone: 020 7276 2625

Facsimile: 020 7276 2633

E-mail: ocpa@gtnet.gov.uk

Web site: www.ocpa.gov.uk