



The Fundamental Review of the First-tier Tribunal Immigration and Asylum Chamber

A joint review by the judicial and administrative arms of the First-tier Tribunal (IAC) taking an in depth look at the operations of the Tribunal

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About this Report

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Executive Summary

1. When this review was commissioned it was to be carried out in the light of a significantly falling workload; planned changes in policy and legislation (e.g. the removal of family visit visa appeal rights); and the need to maximise speed and efficiency, whilst maintaining justice, in the current financial climate.
2. Workloads have, however, been rising with receipts increasing dramatically since April 2013. It has been necessary for us to take this changed circumstance into account, but the need for consideration of the other factors mentioned above still holds good.
3. This report was written before the announcement in the Queen's Speech of a new Immigration Bill, so this report does not take account any proposals which may emerge as part of that.
4. The Review Group membership has been drawn from both the judiciary and HMCTS, and the review has been wide ranging in scope. As co-chairs we both thank the other members for their collegiate approach, willingness to consider 'the new', diligence, knowledge, perseverance, and hard work. We are also very grateful to the stakeholders consulted for their time and willingness to support the review with their ideas and input.
5. Not all recommendations had unanimous support within the Review Group. In arriving at these recommendations the Review Group also recognises that a number of implementation steps need to be made to reach the envisaged future state.
6. The main body of the report contains information supporting the recommendations we have made. The recommendations we have made are set out below.
7. Our picture of how we envisage the jurisdiction operating in the future, should the recommendations be implemented, is as follows;
 - a. All parties to the proceedings will work together to ensure that matters are resolved as speedily and effectively as possible. Wherever possible this should be through the use of electronic ways of working e.g. email rather than hard copy and post.
 - b. All parties to the proceedings will work together to ensure that matters are resolved as speedily and effectively as possible. Wherever possible this should be through the use of electronic ways of working e.g. email rather than hard copy and post.
 - c. This joint approach will be led by the judiciary through directions and case management powers underpinned by an ability to award costs should either party unreasonably fail to comply.
 - d. Appellants will have a key responsibility to provide all of their supporting evidence before an appeal is listed.
 - e. The Home Office will have a key responsibility to review the evidence and decide whether their original decision still stands and an appeal hearing needs to go ahead.

- f. The judiciary will have a key responsibility to ensure that the parties work efficiently and, where necessary, together, to lead to an early resolution of the appeal. This will involve either oral or paper based case management review (CMR) procedures, for any type of appeal. CMRs will be geared to focusing on those matters which are agreed and those which are still disputed.
- g. Following the CMR, the norm is that a hearing will be listed for the amount of time it is expected to take, including time for an oral reasoned judgement to be given in those cases where it is appropriate.
- h. Judgements, whether written or oral, will be focused and relevant to the matters in dispute, following a structured decision making approach.
- i. Hearings may be listed at specific times during the working day rather than all hearings being listed at 10am.
- j. An oral judgement given at the end of the hearing will be digitally recorded so that either party to the proceedings will be able to request a transcript.
- k. Appellants should find that their appeals are dealt with more quickly, and that hearings will focus more effectively on matters which are genuinely in dispute.
- l. The Home Office should find that an earlier provision of the appellant's evidence will in turn enable an earlier decision to be made as to whether or not to contest an appeal. This will enable Presenting Officer resources to be focused where they are most needed.
- m. The judiciary should find that they have more time to prepare before a hearing; that they are better able to enforce directions; that they can lead parties to agree on matters not in dispute; and that they can focus on the key areas of law or fact in question. Using structured decision making they will also be able in appropriate cases to give reasoned oral judgements or shorter, more focused, written reasons.
- n. In general all parties will know more accurately when a hearing will start and finish; what areas of fact or law remain in dispute, and, in appropriate cases should expect a judicial decision to be given on the day.
- o. Earlier case management and better use of electronic communication will also mean that appeals will be listed earlier than is currently the case.
- p. Staff in HMCTS should find that there are far fewer appeal hearings which have to be adjourned and rescheduled or are withdrawn on the day, and that there will be more judicial capacity to hear appeals every day. This will improve court room utilisation and efficiency.
- q. Where possible the Tribunal will make use of video technology to allow parties or witnesses to attend hearings remotely and will use

more electronic channels to send and receive information (e.g. evidence bundles).

- r. Where appropriate legal advisers will support HMCTS staff and judiciary in case managing appeals, resolving minor legal questions within a tightly defined judicial delegation.
 - s. Where possible work will be distributed across the national jurisdiction to take pressure off regions where workload volumes are high.
- 8. None of the foregoing should be seen as an implied criticism of the current system, nor the contributions of those involved. Implementing a more efficient process will benefit users of the appeals system, as well as saving money.
 - 9. Estimates of the sort of savings which could be achieved have been prepared by HMCTS' performance analysts and finance directorate and are presented in Section 13 of the main report and in Annex I.
 - 10. The Review Group recognises that the journey from where we are now, to successfully reach the destination envisaged, can be fully achieved only with the support and involvement of, and a cultural change by, all parties to the system (appellants; respondents; representatives; judiciary and HMCTS staff).
 - 11. We feel therefore, that close engagement by all parties in the development and piloting of the underpinning processes required to deliver the recommendations is essential, as is comprehensive training and guidance, and also strong senior leadership, before any changes are fully implemented into the jurisdiction.

Nigel Poole, Resident Judge and Jason Yaxley, HMCTS.

Main Recommendations

1. It is recommended that, where appropriate, the recommendations below are piloted before full implementation.

Decision making and Determination of appeals

2. Use “structured decision making”, as referred to in the main report, to facilitate the composition of full oral judgments to be given where appropriate with parties able to request a transcript of the judgement and, where required by the nature of any onward appeal, the full proceedings. The structured decision making approach would be equally applicable to written judgments.
3. Pilot the use of oral judgements in specific appeal types incrementally (e.g. Points Based System appeals) prior to any roll out.
4. Following an oral judgement a record of the decision (without reasons) should be produced, which states the outcome of the appeal and any cost awards, to be sent to the parties who will then decide whether to seek a transcript.
5. In time, reserved written judgements may be used sparingly, generally having been identified as necessary at a Case Management Review Hearing (CMRH) where the case is subject to judicial scrutiny and oversight.
6. Where written decisions have been reserved, the judiciary use structured decision making (supported by training and Presidential direction) to help write shorter, more focused decisions which are not stand alone documents and cross refer to key arguments/evidence (e.g. skeleton arguments) rather than repeating them in full.
7. Enhance existing judicial training and guidance to tackle the judicial perception that determinations must be “stand alone”.
8. Introduce digital audio recording equipment for use in all hearing rooms. The technical solution should be capable of providing either a recording/transcript of just an oral judgement, or the full proceedings. The needs of the Upper Tribunal in terms of onward appeals should also be captured.

Case management

9. That there is a change to the existing processes so that when an appeal is made appellants are asked to provide their full evidence bundle to Home Office for consideration. An appeal is only listed after Home Office have decided not to withdraw their original decision in light of the evidence provided. The judiciary will have a key role to play in ensuring that this process is completed (by all parties) in a timely manner.
10. Introduce a pre-hearing reply process for all asylum and in-country appeals. Consider whether there would be sufficient efficiency gains to extend this to out of country appeals.

11. Ensure that any Pre Hearing Review questionnaire is written in Plain English and can be used effectively by unrepresented appellants.
12. Judiciary to lead on ensuring both parties focus on areas of agreement and dispute at a Case Management Review Hearing (CMRH), with a proper record of these matters being kept.
13. Use the enhanced CMR process to identify complex and less complex cases so that time can be allocated to a hearing and listed accordingly (i.e. not on a points basis). The principle is to list the appropriate amount of time for the individual appeal not for a day's list.

Listing

14. "Effective Listing", as referred to in the main report, should be adopted in place of the current 1+1 system.
15. A formal decision to end the rolling list pilot should be made and announced.
16. A movement away from all cases being listed at 10am, as a minimum listing morning (possibly complex) and afternoon (possibly less complex) cases. As a principle, ideally moving to individually timed cases listed in a day, to include time for judicial preparation and, where applicable, judicial thinking and giving either an oral judgement or write up a (shorter) judgement.
17. Considering allocating more appeals to float lists (the Resident Judges' Forum having reported lists collapsing due to short notice withdrawals by Home Office and there being insufficient float cases listed), although caution needs to be exercised regarding float lists to ensure time is not wasted.
18. As the recommendations in this Review are implemented and new working practices are introduced regarding listing, the Points Committee may need to revisit the current points allocation made with regard to specific appeal types which continue, during a transitional period, to be subject to current listing procedure.
19. Task the currently constituted points committee with ascertaining how well time estimates at CMRH stage translate into actual hearing length and to identify any trends/problems which are to be resolved locally (either time estimate wrong; management of proceedings not as efficient as would hope; or unexpected developments caused delay beyond anyone's control). This group should seek views of users and HMCTS staff and use evidence based analysis of Management Information (MI).
20. A very limited use of "paper hearings" for bail renewals and variations should be introduced. This would be limited to the entirely non-controversial situations i.e. where there is no dispute between the parties or where reasons for renewal or variation are minor (an inconsequential change of address).
21. Hearing Centres which operate a high proportion of bail hearings by video link should work with hearing centres that operate none/a very low proportion to share best practice and increase the level of video link usage. This will be of benefit in helping to reduce the number of hearings that are

postponed as prisoners are not produced. Account will need to be taken of concerns raised by Bail for Immigration Detainees (BID) and the Bail Observation Project (BOP) in the use of video link technology.

22. Pilot the use of video link hearings for Fast Track Asylum Appeals at Yarl's Wood. If successful, the longer term aim should be to increase the use of video links for other appeal hearings.

Compliance with directions

23. Use the enhanced CMR process and judicial/administrative monitoring to better ensure compliance with directions and to reduce the volume of adjournments and postponements. This will also enable the key issues to be identified which will help with judicial preparation prior to a substantive hearing taking place.
24. Introduce new powers in the procedural rules to drive better compliance with judicial directions by having cost award or strike out powers.

Adjournments and postponements of hearings

25. Resident Judges consider a consistent system to effectively support judicial management of adjournments.
26. If there is going to be strong judicial case management, leading to cultural change, then judicial training will be required and training for the HMCTS staff may be necessary to ensure that listing is efficiently managed.
27. HMCTS should lead work with the judiciary, Home Office, the Immigration Law Practitioners Association (ILPA), and the Legal Aid Authority to look at the end to end process and the causes of the high levels of adjournments and postponements in certain appeal categories (e.g. asylum) and agree ways to improve the system to reduce the instances of this.
28. Consider an extension of time limits for asylum and deport appeals. Noting that for the majority of appeals the current timescales are sufficient we would not see this recommendation being taken forward until other options to address the problems faced had been considered first.
29. The Review Group has identified concerns over the accuracy of the data on reasons for adjournments. This in part is due to how adjournments are classified and the form used. This should be reviewed in detail and a new process/form introduced. This should include refreshed guidance for the judiciary on how to complete the form.
30. Judicial leadership should consider further approaches that can be made to address any cultural perception that adjournments will always be granted and, instead, encourage compliance with Rule 21 where appropriate and/or support judicial case management and a move away from a perceived 'default' position of adjourning hearings at the request of a party to the proceedings.

Estates

31. That the current (sensible) practice of local clusters allocating underused hearing capacity in the IA jurisdiction to other jurisdictions should continue.
32. Links should be made to the current work in HMCTS to look at the current Estates strategy to explore whether there is under capacity in HMCTS estates in the East of England that could be used to hear immigration and asylum appeals which would take pressure off IA hearing centres in London. In parallel, look at the current postcode allocation of appeals to hearing centres to see if a more efficient allocation can be established.
33. Considering the current limitations on secure court rooms available to the IA jurisdiction (especially in London) coupled with the increase in fast track appeals being processed by Home Office, work should be undertaken in the London region to explore if more secure court capacity can be found from across the wider HMCTS estate and centralised into a single venue to be used for all FtT(IAC) hearings which require such facilities.
34. To relieve work pressure on hearing centres in hotspots such as London more paper based judicial work such as First Tier Permission Applications should be allocated to judiciary in regional hearing centres.
35. Noting the work on the national estate picture being undertaken elsewhere in HMCTS no recommendation has been made regarding the future of any current FtT(IAC) hearing centre.
36. Ensure that Home Office are regularly engaged on discussions about the location of FtT(IAC) hearing centres so that any proposals can be aligned with changes they may be considering as to the location of Presenting Officer Units or appeal processing centres.

The use of registrars

37. Use Registrars, whose remit shall be determined by the Senior President of Tribunals, to assist both the National Business Centre and hearing centres in enhancing the case management process which will be of benefit to the appeals system.
38. Formalise arrangements for line management of Registrars prior to any changes being implemented.

Non legal members

39. As a short term measure, the current interim arrangements for booking Non-Legal Members (NLMs) should be formally introduced.
40. As a longer term measure the current presumption of NLMs taking part on every deport hearing should shift to being invited by the judiciary to support only the most complex hearings or those where there is considerable public interest in the outcome.

41. If a decision is taken to continue the utilisation of NLMs in every deport appeal then more NLMs need to be appointed. Consideration should be given to the use of existing NLMs from other chambers to meet the demand and to assist in decreasing the travel costs associated with using the current pool of NLMs across the country.
42. If more NLMs become available to attend deport appeal hearings then an upper sitting limit for the NLMs should be introduced in line with that for fee paid judiciary.

Electronic bundles and other documentation

43. That consideration be given to extending the roll out of electronic bundles to other appeal types in addition to asylum appeals.
44. Continue to build on the joint working with Home Office to deliver improvements to the end to end appeals system. This should focus as a priority on joint work to improve how we move to a more 'digital' way of working. This should include the ability to receive supporting evidence to appeals electronically and the distribution of written determinations (and other correspondence) by e-mail.

Interpreters

45. We support the proposal that a system of block booking interpreters should be piloted and introduced where there is benefit in doing so. Current listing practice should be changed to make more efficient use of interpreters.
46. That the use and booking of interpreters is reviewed to align with the new listing processes recommended by this review.

Continuous improvement

47. Introduce an alternative approach in the National Business Centre to help address the current problems arising from the high volume of appeals received by fax. Also consider receipt of appeals and bundles by e-mail.
48. Introduce changes to the current process around the issuing of the IA10 notice to the Home Office where supporting evidence has not yet been received to improve efficiency of the Entry Clearance Manager review.
49. Look at ways to incentivise appellants and representatives to lodge their appeal via the website. This could be achieved by introducing a pricing differential for the appeal fee, which makes it cheaper to lodge on line rather than through any other route.
50. Use the Business Delivery Network to act as a central co-ordinating and commissioning function for Continuous Improvement activity arising from problem solving activities.
51. Following implementation of these recommendations and widespread judicial training, Resident Judges should look at sitting patterns, list completion rates, the proportion of adjournments, and the length of

determinations, in order to discuss judicial performance with individual colleagues and provide mentoring/training where they have not been able to move to the new way of working easily.

Typing

52. Review the arrangements for the provision of typing services in the second quarter of 2014 following the implementation of the wider changes set out in this report.

Introduction

1. The FtT(IAC) was created when the functions of the Asylum and Immigration Tribunal (AIT) were transferred into the two tier structure by the provisions of the Tribunals Courts and Enforcement Act 2007 on 15th February 2010.
2. The work of the Chamber is to determine appeals brought against immigration and asylum decisions made by the Secretary of State for the Home Department, Immigration Officers and Entry Clearance Officers. Its other functions include deciding bail applications and deciding whether a determination contains an arguable error on a point of law.
3. Over the course of the last five years the receipt volumes within the FtT(IAC) have reduced from a level of 205,891 appeals in 2008/09 to 103,923 in 2012/13.
4. Further policy changes will decrease the volume coming into the tribunal. The introduction of appeal fees continues to have an impact and the government has introduced legislation to remove the right of appeal for family visitors with only residual rights of appeal remaining. This is expected to reduce family visit visa appeals by up to 90% based on 2012/13 receipt numbers. (<https://www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics>).
5. However, in 2013-14, overall receipt volumes have risen. The revised forecast for 2013/14 is 119,608. The current draft projection for 2014/15 is 87,298. However, possible changes as currently proposed in the Immigration Bill have significant implications for the jurisdiction and initial indications are that this would lead to insufficient work to fully occupy the judicial resource allocated to this jurisdiction.
6. All work within the Chamber is carried out in ways that give effect to the current overriding objective;

“The overriding objective of these Rules is to secure that proceedings before the tribunal are handled as fairly, quickly and efficiently as possible; and, where appropriate, that members of the Tribunal have responsibility for ensuring this, in the interests of the parties to the proceedings and in the wider public interest.” (Rule 4, Asylum and Immigration Tribunal (Procedure) Rules 2005).
7. The purpose of the review is to obtain a thorough overview of the work and practice of the FtT(IAC) in order to produce recommendations setting out how the tribunal will respond to the current changes whilst continuing to produce a just and efficient service.
8. This review, like its predecessors, is undertaken on the basis that inefficiencies in the judicial system have the potential of undermining the overriding objective and should be eradicated and avoided.
9. It is uncontroversial that judges should be engaged in judicial decision-making activities or judicial management functions during the standard Court day.

10. There are also other duties, such as keeping up with developments in the law, which will fall outside these hours.
11. Whilst no conclusion has been reached as to whether judges are working at either under or over full stretch, Management Information would indicate that court utilisation is not as efficient as it could be. Moving forward, there may be less work for the current judicial headcount in view of legislative changes referred to above. Views have been expressed by various stakeholders (including the judiciary) that there is capacity for improvement in the current appeals system.
12. The question remains whether the work done in the standard court day could be done more efficiently so as to increase productivity without either under working or overworking the judges or HMCTS staff.

Methodology

1. Although there have been a number of reviews of the Immigration Appellate Authority (IAA) and AIT over the last 14 years, this is the first review of the FtT(IAC).
2. We have taken the previous reviews as our starting point. A list of the earlier reviews is contained in Annex G. Our investigations began by considering which of their conclusions and recommendations remain valid. Previous reviews that looked at the burdens on judges, include the PA Consulting report (2007), which established the ratio of 1:3 between time spent in court and that required to be spent in out of court activities (including preparation time), and the Thayne Forbes report, which indicates that, in accordance with the working practices and the 2005 procedural rules then in force, judges are working at full stretch without the capacity to do any greater quantity of work. The PA Consulting report (2001) had a number of recommendations, not all of which have been taken forward, particularly around the need to introduce a strong case management review process to reduce the number of adjournments and postponements.
3. We have sought to identify the current context of the Chamber's work through management information, by interviewing a wide range of members of the Chamber, administrative staff and judicial officers, and meeting with a wide range of people who use or have an interest in the work of the Chamber.
4. A list of all those consulted is contained in Annex D and key MI is contained in Annex E. The evidence raises a number of issues relating to efficiency and quality, which we can address through the following principal questions. Is there anyway to ensure that resource matches need and that the hearing space allocated to the FtT(IAC) is utilised to maximum efficiency? Should judicial office holders have greater involvement in case management and if so what involvement should they have? Would the existence of sanctions encourage the parties and their representatives to co-operate at all times with the FtT(IAC)? The quality of determinations does not appear to be improved merely by giving judges more time for writing. What factors improve the quality of determination?
5. Using these sources, we identified four main areas for investigation which the Review Group believes will have the biggest impact;
 - a. Decision making and determination of appeals.
 - b. Case management.
 - c. Listing.
 - d. Compliance with directions.
6. We have three observations regarding this list;
 - a. We recognise that although these themes were raised by almost all the people we consulted, there were considerable differences in how different groups approached them.
 - b. We also noted that the same four themes have been the focus of the previous reviews of the jurisdiction.
 - c. Finally, we believe a number of other benefits will flow from improvements in these areas involving increased court room

utilisation, a reduction in adjournments and postponements, quicker resolution of appeals and promulgation of determinations, and the more effective and efficient delivery of justice for all parties involved.

7. We also consider;

- Adjournments and postponements of hearings
- Estates
- The use of registrars.
- Non Legal Members.
- Electronic bundles and other documentation.
- Interpreters.
- Continuous improvement.
- Typing services.
- Costs and benefits.

8. We deal with these matters in the ensuing sections.

9. We have proceeded on the following assumptions;

- a. That pre-hearing reply forms will be issued for most types of appeal.
- b. More CMRs will be listed for all appeal types.
- c. Structured decision making will be introduced, which should lead to shorter determinations being produced.
- d. Implementation of any recommendations is fully supported by training and guidance.
- e. Any recommendations have the support of the senior judiciary (Upper Tribunal and Court of Appeal).
- f. Any relevant supporting changes to Procedural Rules are implemented.
- g. Because of the introduction of oral decisions, a full written decision will not be required for every appeal.
- h. That any oral judgements given in court will be supported by the implementation of digital audio recording of proceedings.
- i. That sufficient time will be allocated to allow judiciary to prepare for a hearing, conduct the hearing, consider the judgement, and to give an oral decision or write up the decision. However, the time required to undertake these 4 stages could, collectively, be reduced, when compared with current practice, if the recommended changes are implemented.

Main Report

1. Decision making and determination of appeals

Background

1. The parties do not know the outcome of an appeal until the written determination is issued. Everything leads up to this end point and it is, therefore, the most significant part of the appeal process.
2. The FtT(IAC)'s appeal process is unlike other chambers or the courts in that most expect the decision to be given at the end of the hearing and do not always expect a decision in writing. The IAC inherited the previous system that its decision will only be conveyed in writing, a legacy from when the appeal system mainly dealt with overseas appellants who were unable to attend their appeal hearings and who would, as a result, not know of the outcome of the hearing without it being put in writing. Over the years, that system has been maintained and expanded at the request of the parties to the extent that it is contemplated that a move away from written decisions would be detrimental to justice.
3. Our enquiries identified that judiciary in other Chambers of the First-tier Tribunal are concerned by the increasing pressure arising from requests for full written reasoned decisions. Work is being undertaken by the Tribunals Committee of the Judicial College as to how to train judges to write decisions and it is investigating the legal requirements as to their content. Common to the different Chambers is the fact that precedents and form-type decisions are no longer regarded as satisfactory and there is a move to training in "Structured Reasoning" techniques, as set out in sub paragraph 5 below, to ensure that decisions are focused on giving reasons for findings and decisions rather than on rehearsing the documentation provided and what happened during a hearing. The aim in other chambers has been on enhancing the quality of decisions as well as easing the burden on judicial office holders by identifying what needs to be contained in a written decision.
4. Our discussions with a number of judges have established that a great deal of time and effort is expended in setting out matters of detail which are not directly relevant to the issues in the appeal being decided. There is a perception that this is necessary to avoid successful onward appeals, and that a determination has to be a 'stand alone' document setting out within itself all the material in the case. The result is over long determinations, and perhaps the expenditure of too much time on them.
5. We propose the introduction of "Structured Decision Making" as is practised in, notably, the Employment Tribunal. This is not decision making by tick box, but a methodical order of dealing with issues, linked with the ability to incorporate other documents by reference, rather than by reciting them in detail in the body of the decision. It is an approach supported for all jurisdictions by the Judicial College. In addition, structured decision making complements the case management approach we have advocated as it is also a structured approach.

6. Discussions with the UT(IAC) judiciary have established their views as follows:
- a. Determinations do not need to be long (their assessment was 5 – 10 pages on average) – ‘there is no virtue in long decisions per se’.
 - b. Determinations do not need to repeat all of the evidence or background information (i.e. they can cross refer to skeleton arguments), but do need to refer to relevant evidence.
 - c. Judges do need preparation time to enable an effective hearing.
 - d. Determinations need to focus on the decision, the reasons for that decision and then provide the relevant background narrative (identifying the issues, being clear on the reasons for the decision and explaining what evidence has been considered and why).
 - e. Determinations should be structured for the losing party (not the UT) explaining why they have lost.
 - f. A structured decision making guide would be helpful.
 - g. A good decision does not need to contain everything.
 - h. The UT would not expect to have to intervene in an appeal if the determination was focused.
 - i. The UT experience of oral decisions was that it was achievable but not desirable in every case.
 - j. The UT would not overturn an appeal if a decision to use existing powers to exclude (or not accept late) evidence (thereby avoiding an adjournment or postponement) as long as this approach was fair and explained in the determination.

Recommendations

- 7. We **recommend** the use of structured decision making to facilitate the composition of full oral judgments to be given where appropriate with parties able to request a transcript of the judgement and, where required by the nature of any onward appeal, the full proceedings. The structured decision making approach would be equally applicable to written judgments.
- 8. We further **recommend** the piloting of the use of oral judgements in specific appeal types incrementally (e.g. Points Based System appeals) prior to any roll out.
- 9. Following an oral judgement we **recommend** a record of the decision (without reasons) should be produced, which states the outcome of the appeal and any cost awards, to be sent to the parties who will then decide whether to seek a transcript.
- 10. Where written decisions have been reserved, we **recommend** that the judiciary use structured decision making (supported by training and Presidential direction) to help write shorter, more focused decisions which are not stand alone documents and cross refer to key arguments/evidence (e.g. skeleton arguments) rather than repeating them in full.
- 11. In our view it is desirable to record the whole proceedings using digital audio recording equipment. This ensures that any allegations of judicial misconduct can be considered as well as any onward appeals which claim that a matter raised during the hearing was not appropriately addressed in the final judgement. In terms of onward appeals we feel that it is desirable to be able to, upon request, provide the transcript of the full proceedings. We

also feel that for many appeals the key interest will be the full judgement and therefore we **recommend** that the technical solution be capable of easily providing a transcript of either just the judgement or, where necessary, the full proceedings.

12. We **recommend** that these factors are taken into account when considering the technical solution. Views should also be taken from the Upper Tribunal to ensure that their needs are also considered.

2. Case management

13. The review group **recommends** the following, which is supported in principle by both ILPA and the Home Office, would be beneficial. Whilst this needs more thought as to the details, the broad concept is as follows;
 - a. An appeal would be lodged with the tribunal and registered.
 - b. The appellant (or their representative) would prepare a full appeal bundle (including any expert witness evidence).
 - c. The bundle would be passed to the Home Office for consideration.
 - d. At this point the Home Office would have full sight of all relevant evidence and would consider whether to contest the appeal or not.
 - e. The Home Office inform both the tribunal and the appellant of their decision. If an appeal is to be challenged then it is listed for hearing, whilst if the Home Office accepts the appeal then the original decision is withdrawn.
14. Whilst some limits would have to be imposed to stop the preparation of appeal bundles taking an unreasonably long time, this approach would have the advantage of allowing the appellant to fully prepare their appeal and the Home Office to be apprised at an early stage of the full evidence. This would lead to quicker resolution, the reduction in withdrawals and adjournments, and the avoidance of issues arising from the production of late evidence. We envisage there would be strong judicial management of the end to end process to ensure both parties operate in an efficient and timely manner.
15. The subsequent recommendations in this report around case management and listing are based on the assumption that the above recommendation is implemented and the volume of appeals that actually go forward for listing, case management, and a decision, is reduced beyond current workload planning assumptions due to the Home Office withdrawing the original decision.
16. We feel that key to this is the need to have a system which enables, where required, the case management of an appeal, of any type, coupled with a renewed emphasis by all parties involved in the proceedings (including the judiciary and HMCTS staff) to be focused on proactively moving the appeal forward to a speedy and efficient resolution. We see this as an over-arching principle and recognise that this will require a cultural change. We see this as being led by the judge responsible for any given appeal to work with all the parties involved.

Background

17. Case management is a secondary tool that regulates the flow of work through the Chamber. 71% of appellant-classified adjournments at substantive hearing were due to the appellant, witness or sponsor failing to attend, in the year to 31st August 2012 [see Annex E (i), Table 5.4]. Effective CMR hearings (CMRH) would address the availability of all parties, thereby minimising avoidable adjournments.
18. There is currently relatively little judicial involvement in case management work. HMCTS staff undertake the majority of work in creating an appeal, issuing standard directions, compiling lists and dealing with correspondence and enquiries. They undertake this work in accordance with judicial instructions issued from time to time. As a result, unless something is received which is out of the ordinary or there is a specific request or an application in relation to a pending appeal, a judicial office holder is unlikely to be involved prior to the appeal hearing itself.
19. There are some significant exceptions to this general position. In some of the smaller hearing centres, all correspondence relating to pending appeals is placed before a judicial office holder. In addition, all centres involve judicial CMRHs or by dealing with such issues by way of directions and written replies. Some centres report that judges may contact the parties directly in relation to case management issues.
20. Several centres approach deportation appeals in ways similar to the current method of case management of asylum appeals.
21. All contributors thought that greater judicial involvement in case management and the use of sanctions would be a welcome development, but for different reasons. Responses from the parties appeared to be predicated on the basis that early judicial involvement might lean the appeal one way or the other at an early stage. For example, if an appellant had failed to submit documents or applied late to amend grounds of appeal, then judicial involvement in case management might limit future evidence or arguments. Judges and administrative colleagues thought that earlier involvement in case management might give more force to directions.
22. However, comments and observations from senior members of the Upper Tribunal (UT(IAC)) indicated that their attempts to introduce a similar process had not been successful, in that there continued to be attempts by parties to amend grounds of appeal late in the day and judges found that some of those late requests were difficult to resist because they related to fundamental issues and it would be contrary to justice to exclude them. In addition, effective case management depends on the parties complying with directions and the UT(IAC) continued to find significant numbers of parties failing so to do, even in an environment where they were able to impose financial and other sanctions. We have heard from other jurisdictions, however, that the threat of financial sanctions has led to a change in culture.
23. We recognise that case management can be effective for reasons other than to limit the evidence and issues to be addressed in an appeal. Good case management can ensure that appeals are not brought on for hearing until they have reached a point where they can proceed. This does not mean that parties should or could be given unlimited time to prepare.

However, the FtT(IAC) could be more pro-active in liaising with parties to check that they can comply with directions and their time scales. This would not require oral hearings in every case as information can be gathered through directions and replies. Some hearing centres are already experimenting with this approach and early indications suggest that adjournments of appeals not previously case managed have fallen (e.g. at Newport).

24. Essentially, at present there is no case management between the hearings because of a lack of communication among the parties. There is potentially a role for Registrars here and this will be discussed further later in this report.
25. Effective case management should lead to a cultural change in behaviour by those involved in the appeal and, by extension, a reduction in adjournments and postponements. An important aim of an efficient administrative process is to avoid unnecessary adjournments. It is the view of the review group that, if there is a postponement/adjournment request, the Resident Judge or Designated Judge (or their nominee) should deal with that request. If an adjournment request is made careful consideration should be given to Rule 21 of the existing Procedure Rules. If an adjournment is granted it should be for the shortest time possible taking into account all the circumstances of the case. If an adjournment is refused all the reasons should be put in a note on the file. The file should be tracked by making a diary entry. If there is no change in circumstances there should normally be no change to the decision to refuse the adjournment. If the adjournment request is made afresh at the hearing and, because of a change of circumstances, the Judge feels that the case should be adjourned, it will be for that judge to make that decision. If the case is adjourned a further diary note should be made so that the case can be tracked to avoid any further, unnecessary, adjournments. It must be stressed that the final decision on any renewed adjournment request is for the individual Judge to make.

Recommendations

26. We **recommend** the introduction of a pre-hearing reply process for all asylum and in-country appeals, with consideration to be given as to whether sufficient efficiency gains would be made to extend this to out of country appeals.
27. We **recommend** that the Judiciary lead on ensuring both parties focus on areas of agreement and dispute at a Case Management Review Hearing (CMRH), with a proper record of these matters being kept.
28. We also **recommend** use of an enhanced CMR process to identify complex and less complex cases so that time can be allocated to a hearing and listed accordingly (i.e. not on a points basis). The principle is to list the appropriate amount of time for the individual appeal not for a day's list.
29. We **recommend** that work should be undertaken to ensure that any PHR questionnaire is written in Plain English and is as accessible as practicable for unrepresented appellants.
30. Further to the recommendation at paragraph 24 above we propose introducing a procedure where, following case creation and allocation of an

appeal to a specific hearing centre, the following process is introduced. This would include activity by HMCTS staff to ensure that delays in case creation and initial listing etc are reduced to a minimum.

Proposed Case Management Process

31. Both parties to an appeal where there will be a hearing (i.e. not appeals being considered on the papers alone) are, where appropriate, contacted and asked to complete a pre-hearing reply. This includes a number of standard directions and will ask the parties to identify, among other things;
 - a. Their skeleton argument.
 - b. Whether they require an interpreter.
 - c. Any reasons they wish to advance to assist the judge in deciding whether a CMRH should take place.
 - d. The time estimate they feel will be needed for either the CMRH or the substantive hearing.
 - e. Availability to attend a CMRH by telephone or other alternative means.
 - f. Any other matters they wish to bring to the attention of the Judge at this point e.g. evidence they will be seeking (medical reports etc).
 - g. If they will be seeking legal aid funding and, if so, whether this funding has already been secured.
 - h. If they are ready to proceed with a hearing or whether they need to gather further evidence.
32. Consideration will need to be given as to whether every appeal type will need a pre-hearing reply. Our view is that this should definitely be adopted for asylum and in-country appeals. We are less persuaded that such an approach would offer significant efficiency gains for out of country appeals, but suggest that this is considered by the operational business as part of any pilots/implementation. Consideration should also be given as to whether the information requested needs a specific pre-hearing reply form or whether the appeal form could be amended to capture that information from the outset of the appeals process.
33. Once the reply is returned it can be considered (precise process to be developed but possibly involving a combination of administrative and judicial resource with judicial managers allocating this activity as box work to be completed after hearings have been completed). There will be 2 outcomes; either identification of an appeal where a CMRH is needed, or identification of an appeal where a CMRH is not needed.
34. Where no CMRH is needed these can be listed (possibly to a float list – see Section 3) the expectation is that these would be less complex appeals and that they would be listed on the basis of a standard hearing time (including time to give a full oral judgement, or writing time if appropriate).
35. Where a CMRH is required then the appeal will be allocated to a Judge who will, if possible, actively case manage that appeal through to conclusion (unless circumstances require otherwise). Our expectation is that many asylum and deport appeals will need a CMRH, as will appeals involving complex issues regarding children.

36. It is intended that when an appeal has been subject to a CMRH the judge will be able to prepare more quickly and comprehensively as; the main substantive legal arguments will have been identified, they will be able to confirm that directions have been complied with (leading to a reduction in postponements/ adjournments and increasing the likelihood of the hearing running to time) and they will be able to start to form their preliminary views on the likely outcome and eventual decision. With the CMRH and pre-hearing preparation it should also be possible, in appropriate appeals, for a Judge to give a recorded oral judgement, at the end of the hearing (as opposed to in writing).
37. The above proposals represent a move away from the current system where the work is 'back loaded' to one where the work is 'front loaded' with less time being taken to conclude a judgement after the hearing. This would require a culture change for everyone currently involved at all levels in the appeals system, as well as sufficient training, judicial management and leadership to support the new way of working. In arriving at these proposals the Review Group has noted the representations made by Judges in both the Manchester and Bradford hearing centres.

3. Listing

Preliminary Observations

38. Broadly speaking, Resident and Designated Judges have a leadership role in working with judicial colleagues and HMCTS staff in ensuring that time allocated for a hearing is accurate, for addressing any issues which may emerge with hearings being over or under estimated, and on any issues arising from writing up appeals. It is recognised in other jurisdictions that listing is not a mechanistic process as there will always be a proportion of cases which do not follow the norm and for which an element of judgement will have to be used when listing.
39. The work of the Chamber comes from people exercising their legal rights to appeal against immigration and asylum decisions or to apply for bail. Listing is the primary tool of the Chamber to regulate the flow of work.
40. The judiciary has overall responsibility for listing appeals to ensure that listing remains independent, so that no party can gain an advantage over any other. Of course, the judiciary work closely with administrative colleagues and give instructions about how to compile the vast majority of lists according to the expected complexity of appeals.

Background

41. The weightings given to different types of appeals are reviewed quarterly by the Points Committee, which makes recommendations to the Chamber President for discussion at the Resident Judges' forum. In broad terms, appeals relating to international protection issues or deportation are allocated 3 points, settlement appeals have 2 points, cases under the points based system receive 1 point, and family visitor visa and other non settlement appeals are given 0.75 of a point. The present judicial

instructions to administrative colleagues are to compile lists comprising of a range of appeal types where six points worth of appeals are the norm.

42. The allocation of points takes account of likely preparation, hearing and writing up time. In terms of preparation time, most judges allow themselves at least two hours to prepare the appeals they are going to hear. Salaried judges either prepare the appeals they are going to hear the following day on the evening before or arrive at hearing centres early in the morning to be ready to hear the appeals at 10am. Fee paid judges generally can only prepare on the morning of the hearing.
43. In terms of hearing time, Management Information ('MI') indicates that only 443 hearings [see Annex E (i), Table 5.3], less than 1% of the total, were adjourned due to lack of court time in the year to 31st August 2012. It is therefore clear that the current approach to listing means that the Chamber can be confident that most appeal hearings listed on any particular day will be completed during that day, except where adjourned at a party's request. However, MI for the same period also shows that 36% of lists finished before 1pm (i.e. within three hours of the start of the hearing day), rising to 52% by 2pm [see Annex E (iii)].
44. It is noted that although MI measures court utilisation much more work is done by a judge outside of the court (i.e. the current 3:1 ratio).
45. Hearings often last less than one hour [see Annex E (iv)], with nearly one third of Asylum appeals lasting for one hour or less in the year to 31st December 2012 [see Annex E (v)]. This is in part a consequence of the way the Home Office and Entry Clearance Officers handle applications. Applicants are required to provide a great deal of either documentary or oral evidence with their applications and this means that there is usually very little dispute over the contents of an application. The evidence presented and gathered as part of the Home Office's process forms the basis of the evidence presented to the Chamber.
46. As a result of the steps that were taken during the application process, an appeal hearing is usually an opportunity for a party to highlight certain parts of their application/evidence and to explain to the judge how they think the evidence should be interpreted and what legal issues need to be resolved. There are usually only a limited number of such issues and this is the principal reason why actual hearing time required is often not as great as expected. Judicial views that we have heard expressed have also said that hearings can be relatively quick, even for the more complex appeal types, as often the issue at dispute requires findings of fact rather than a long, complex, and detailed analysis of the application of the law to specific circumstances.
47. We also note that a number of specialist list types are compiled regularly. These include CMR lists, float lists, bail lists and deportation lists in secure court facilities. Although we will examine case management under a separate heading, we mention here the current listing practice.
48. Case management lists are intended to include up to ten asylum appeals. There is significant local variation in these specialist lists. Several hearing centres do not list any case management hearings, dealing with such issues by telephone and through correspondence. Other centres list deportation

and other complex appeals (e.g. an appeal which has had to be adjourned for specific reasons) for case management type hearings.

49. Bail lists are intended to include up to six bail applications. They are regularly filled as evidenced by the fact that the Chamber is unable to fully meet the three day listing target for bail applications.
50. Bail for Immigration Detainees and the Bail Observation Project shared with us information they had collected to show that detainees and their representatives had encountered difficulties using video link equipment to give and take instructions and to participate in hearings. The information presented raised a question about whether sufficient time was allowed for each bail application and conferencing.
51. Case management and bail lists have split start times, with morning and afternoon listing.
52. Deportation lists at secure court facilities are for those appeals where an appellant is completing a custodial sentence or where an appellant is detained and would pose a risk of harm to others. Although the aim is to list two such appeals on any one day, the availability of such appeals together with logistical difficulties relating to production of appellants, often mean that only one such appeal proceeds. We record that the Chamber President requires deportation appeals to be heard by one legal and one non legal judicial member.
53. Float lists are maintained on a daily basis in order to ensure that no list goes light. The appeals listed in a float list may move into an assigned list prior to the date of hearing if another appeal is moved out of the list. The remainder are allocated on the hearing day, usually taken by a judicial officer holder who has adjourned an appeal or where an appeal has been conceded or withdrawn. Float lists usually contain appeals allocated one point. Resident Judges give instructions to take into account different local circumstances. For example, where the appellant has a long journey to the hearing centre, the appeal will not usually be allocated to a float list.

Stakeholder Comments

54. Speaking with the HMCTS staff at various hearing centres there seems to be a general consensus that they can estimate the amount of appeals that should be allocated to the float list on any given day with a high degree of confidence, and that the appeals will be heard (this does sometimes rely on flexibility by the judiciary to sit slightly longer to ensure that the appeal is heard).
55. Despite the fact that many lists can be completed before lunch (see Paragraph 43) we have heard differing views regarding the advantages or otherwise of whether it was more efficient to continue listing all appeals to be heard at 10am except in respect of the specialized lists (bails, case management and deportation appeals). This accorded with two previous studies undertaken in Taylor House and North Shields regarding split lists which identified that such lists had adverse consequences regarding flexibility (e.g. where a party was late or an interpreter did not attend on time) which undermined any potential gain to the parties or the Chamber. However it should be noted that the evaluation of these previous pilots

found that they had not been fully supported or managed as efficiently as would have been desired so the results should not be taken as especially surprising. Our investigations, however, continued to show that many of those representing appellants; the administration; Home Office; and some judiciary see advantages to moving to a timed listing process.

56. Hearing time is often extended by the late production of new evidence and new legal arguments, often in areas quite a distance from the original application made or grounds of appeal. We will look at this in greater detail under the separate theme of compliance with directions.
57. Some of the judicial office holders we consulted indicated that the current system could be seen as encouraging judges to spend as little time in a hearing as possible in order to maximise the writing up time available. Although efficiency is to be encouraged, the concern was that this could lead to judges not engaging sufficiently with the evidence and issues prior to reserving a decision, leaving them with more work to do after a hearing than if they had spent longer on the hearing. This reflected a similar concern which was expressed relating to lack of time being available for preparation of some appeals because it was not possible to go through all the papers in advance. This sometimes resulted in something being overlooked and hearings having to be reconvened, although this was rare.
58. Earlier reviews indicate that no slack in the system was discovered. None of the evidence we uncovered suggests, given current working practices, that this has changed. Legislative changes suggest that the future work of the FtT(IAC) will focus more heavily on appeals relating to international protection and human rights issues, which are more complex in terms of being “fact-heavy” and raising multiple legal issues. These appeals are the ones which require the greatest amount of decision making time because of the number of issues that have to be resolved. It would seem unrealistic to expect judicial office holders to deal with longer substantive appeal lists without radical change to the current system.
59. However, most judges and other people we consulted were agreed that the current CMRH lists often had spare capacity with insufficient cases and in terms of what could realistically be achieved in the form of case management where an appellant was without legal representation or where there were insufficient resources available to the Home Office to provide Presenting Officers fully prepared to deal with the appeals.
60. We have recorded difficulties regarding the time allocated for bail applications and conferencing. However, we think that the difficulties complained of are more to do with how some judges run some hearings rather than the time available. This would suggest that more needs to be done to ensure the full range of judicial skills are used during such hearings to enable appellants to participate fully rather than allocate more time which would, given limited video conferencing facilities, reduce the capacity to hear bail applications. However, we acknowledge that if these resources were made available, then there would be capacity to lengthen the available time for bail hearings and conferencing.

Historical Listing Model

61. The preparation of determinations has become the focus of the judicial work of the FtT(IAC). The proportion of judicial time available for determination writing compared to other judicial work has increased significantly over the last decade.
62. The listing model proposed in 2000 and adopted throughout the IAA by 2002 was for a judicial office holder to sit one day and have the next day 'in chambers' to write the determinations. This has been the usual judicial working pattern since 2002. Salaried judges are listed to sit on alternate days and fee paid judges are encouraged to follow a similar pattern (the consolidated fee being the principle incentive).
63. The assumption in 2002 was that there was a 1:1 relationship between hearing time and writing up time. Later reviews identified that in fact judicial officer holders were spending between $\frac{1}{2}$ and $\frac{3}{4}$ of their time in post-hearing work. Most of this work related to the preparation of determinations, and included legal research.
64. As a result, and as already described, the composition of lists was altered and a system of 'points' introduced to reflect the fact that when listing appeals account had to be taken not only of the time taken to hear the appeal, but also for preparation, legal research and writing up. The points system reflects the conclusions of the reviews since 2007.

Basis for Listing Recommendations

65. Despite the time available, we found no evidence that there has been any improvement to the quality or efficiency of determinations or the throughput of work as a result of the listing points system. For example, a 90% target to complete promulgations within 10 days of the hearing has been introduced but this has rarely been met (by judicial office holders and HMCTS staff). Similarly, the percentage of appeals granted permission to appeal to the UT(IAC) remains about a third of all applications.
66. Judicial leaders and the senior judiciary of the UT(IAC) indicated that there seemed to be little correlation between the time available for writing a determination and the quality of that determination in terms of whether it is legally sustainable. The quality of a determination related to whether it engaged with the issues raised by the parties and determined those in a fair and reasoned way. That depended on a range of factors quite separate from the time available, such as the ability of the judge, the ability of representatives, and the quality of the evidence.

Revised Listing Models

67. Taking the recommendations as a whole, this would mean that a list could be constructed which does not necessarily have all hearings scheduled to start at 10am, and instead could result in structured time listing where hearings can be scheduled across the day. It would be necessary to see how time estimates worked before considering fully moving toward this. As a principle however we see this as the desirable eventual outcome.
68. Where a hearing will conclude with an oral judgement, time needs to be allocated to give that judgement and, if necessary, up to 30 minutes time (for example) to allow a judge to consider how they will frame their

judgement. In all cases it will also be necessary to produce a very short written decision which addresses: whether the appeal is upheld or not; and any issue to do with the award of costs. This will enable Home Office processes to be 'triggered' to action the appeal outcome.

69. There will be appeals where a judge will, either at CMRH or during the substantive hearing (e.g. because of new, complex, material evidence on a point of law), direct that a final reasoned oral judgement cannot be given at the conclusion of the hearing. In which case, they should direct that the judgement be reserved, giving a time estimate for the period to be allocated to writing up.
70. In reaching our conclusions regarding appeals where decisions can be given at the end of the hearing, we have considered three models:
 - a. Oral decisions (i.e. 'one liner' notes of what has been decided, as opposed to reasoned judgements) with the right to request full written reasons.
 - b. The rolling list model (hearing followed by the preparation of judgement, whether oral or written, before moving on to the next case)
 - c. Oral reasoned judgements recorded in court with a right to request a transcript of the judgement, and the right to apply for a transcript of the hearing if a point taken in the appeal requires it.
71. Model a. is that used in the social security appeals. We do not, however, consider that it would be appropriate in immigration appeals because the facts and law involved in immigration decisions are more multifarious and less uniform, and because the losing parties are likely, in almost every appeal, to require written reasons. The preparation of such reasons a significant time after the hearing would be a time consuming and inefficient process.
72. We **strongly recommend against** model b., the rolling list model, because it is a 'back loaded' system which does not provide case management with accurate time estimates, does not allow for judicial management of resources, ties up both courtrooms and chambers while reasoned judgements are being prepared, and it has attracted significant criticism from both judiciary and HMCTS staff.
73. We conclude that model c. avoids the shortcomings of the other models, and that it is in line with the recommendations currently being made by the Tribunals Procedure Committee (TPC). The judge would have a residual discretion to reserve such a decision if it turned out to be significantly more complex than was contemplated at PHR or CMRH.
74. As parties and judiciary become more familiar with the process, the norm may become the giving of oral judgements. However, any move in this direction must be incremental and organic. This process can be assisted by the fact that some judges already sit in other jurisdictions where such judgements are given. It should proceed by way of pilots relating to specific subject areas (e.g. points based appeals) in the first instance. All pilots need to be sufficiently resourced with clearly identified individual judges given adequate time to be responsible for leading them.

75. It is the responsibility of judicial managers to use the judicial resources of the FtT(IAC) in the most efficient manner. It is for the staff of HMCTS to ensure that the physical resources of the FtT(IAC) are used in the most efficient manner. Both the judiciary and HMCTS staff have a joint responsibility to work together and achieve the effective, efficient, and speedy operation the FtT(IAC) (see paragraph 2.4 of the HMCTS Framework Document). Staff in HMCTS work subject to the directions of the judiciary in relation to the conduct of the business of the FtT(IAC) in matters such as listing, case allocation, and case management (see paragraph 2.5 of the Framework Document).
76. It follows therefore, that judiciary and HMCTS should work together to ensure that resources, including court rooms and judicial time, are deployed in the most efficient way possible including, where appropriate, flexibly in order to meet the specific needs at that time. This means that it may not always be most appropriate for a judge to write up a judgement immediately after a hearing (e.g. because other appeals need to be heard). Equally it would be desirable to avoid situations where a court room cannot be used to hear an appeal as it is being used to write up a judgement. This would be perpetuating one of the disadvantages of the rolling list which we have decisively rejected.
77. It should be possible though for the judiciary and HMCTS staff to, where required, employ a form of 'hot benching' of court rooms, under which a judge would vacate the court at the conclusion of a hearing to allow another judge to use it. Such a possible solution, and how lists would be constructed to allow for this, would need to be carefully trialled in a pilot scheme.
78. Similarly the Review Group recognises that there may be occasions where, in order to allow the most business efficient way of organising the writing up of reserved decisions, may be for that work to be done on separate days, as close as possible to the point of time of the hearing.
79. Where appeals are of sufficient complexity or length to require a reserved determination, it must be a matter for judicial managers (the Resident Judges/Designated Judges) to decide when the time allocated for that task will be listed. It would be open to them to direct that the writing up time allocated to a case should immediately follow the hearing.
80. Whatever system of organising resources is adopted in the case of reserved decisions, the present proposals, described as "Effective Listing", would replace the principles of 1+1. Time spent writing up would be accurately accounted for by way of case managed time estimates, each writing up period would be tailored to the case it relates to rather than a conglomerate list, and the resulting use of judicial time would be more finely tuned and less 'hit and miss'. The incidence of over or under work on writing up days under the present system would be reduced or eliminated.
81. The Review finds no reason in principle to distinguish between the arrangements made for salaried and fee paid judges. We do acknowledge that in implementing these recommendations detailed work will need to be undertaken to develop supporting systems and processes.

Recommendations

82. We **recommend** that “Effective Listing” should be adopted in place of the current 1+1 system.
83. We further **recommend** a movement away from all cases being listed at 10am, as a minimum listing morning (possibly complex) and afternoon (possibly less complex) cases. As a principle, ideally moving to individually timed cases listed in a day, to include time for judicial preparation and, where applicable, judicial thinking and giving either an oral judgement or write up a (shorter) judgement.
84. We also **recommend** considering allocating more appeals to float lists (the Resident Judges’ Forum having reported lists collapsing due to short notice withdrawals by Home Office and there being insufficient float cases listed), although caution needs to be exercised regarding float lists to ensure time is not wasted.
85. We recognise that, in the light of the recommendations made in this paper, the Points Committee, and its terms of reference, will need to evolve to meet new procedures including how MI is used to assess the effectiveness of the new procedures and implications of any proposed changes. We do not of course intend to go behind the principle that listing is a judicial function with support and input from the HMCTS staff.

Bail Hearings - Background

86. As a Review we found that many of the representative groups that we discussed this matter with (BID, BOP and ILPA) all shared our feeling of being uncomfortable with the idea that bail hearings could be undertaken without a hearing except in very limited circumstances such as repeat bail applications on the same grounds with no change in circumstances (we note that appeals in this specific circumstance are currently subject to a direction limiting the hearing).
87. As a starting point we considered whether the current provisions in the Bail Guidance have addressed the perception that the current process is inefficient and subject to systematic repeat applications with little merit or chance of success. A sampling exercise at two hearing centres [see Annex E (viii) and Annex E (ix)] indicated that applicants are largely complying with current guidance on repeat bail applications, with the minority of cases being repeat applications made within 28 days. As a result it would seem unnecessary at this time to proceed with a measure that would be seen as potentially restricting the right to liberty.

Recommendations

88. Given the importance of the issue of the applicant’s liberty which is being determined we would only **recommend** a very limited use of “paper hearings” for bail renewals and variations. This would be limited to the entirely non-controversial situation where bail is renewed or varied because the applicant seeks to change his/her bail address and where the parties agree that no hearing is necessary i.e. because of agreement on the change.

Use of Video Links - Background

89. The table below gives a snapshot of bail application hearings dealt with by video link. Four hearing centres did not use video link at all for Bail application hearings over the five month period of data provided.
90. It is clear from the data that use of video links varies in different hearing centres. We note that Bradford has access to three video link units but does not appear to hold any hearings in this manner.
91. As a Review Group we found that many stakeholders consulted were concerned about extending the use of hearings by video links to hearings other than bail, generally on the basis of concerns about the quality of the technology and the ability of the individual to fully take part in the proceedings and therefore on the ability of justice to be fully served.
92. However, it is recognised that the ability to travel to a more local (or convenient) location and attend by video link would be seen by some users as being beneficial. It would also assist with reducing the number of adjournments or postponements where appeals cannot go ahead because a witness or party to the proceedings is not able to attend (this can be a particular issue for detained prisoners who need to be transported to the hearing). In line with the government's move to a more digital approach; the fact that video hearings are used in other jurisdictions; and developments in the quality of the technology (including the improvements to the HMCTS infrastructure), we feel that there is scope to consider using video technology for more appeal types than just Bail hearings. In the first instance, we suggest piloting this technology for fast track asylum appeals at Yarl's Wood to see if the concerns expressed by stakeholders, such as BID, can be addressed, then rolling out this approach nationally and extending it to other appropriate appeal types. Assuming issues around the technology can be made to work, it may be possible in the future to hold appeals that overseas appellants could attend.

Bail Application Hearings By Video Link 1 April to 31 August 2012

Hearing Centre	Total Bail Application Hearings	Total Bail Application Hearings by Video Link (VL)	VL Hearings as a % of total
Birmingham	470	378	80%
Bradford	68	0	0%
Glasgow	264	211	80%
Hatton Cross	1354	937	69%
Manchester	70	2	3%
Newport	327	292	89%
North Shields	21	3	14%
Nottingham	65	0	0%

Stoke	424	8	2%
Taylor House	1305	964	74%
Field House	2	0	0%
Yarl's Wood	34	0	0%
Unknown	4	0	0%
Total	4408	2795	63%

Data Source BCS03 as at 26 September 2012

Note - above table includes only Bail Application Hearings (excludes Forfeiture, Renewals etc)

Recommendations – Video Links

93. We **recommend** that hearing centres that operate a high proportion of bail hearings by video link should work with hearing centres that operate none/a very low proportion to share best practice and increase the level of video link usage. This will be of benefit in helping to reduce the number of hearings that are postponed as prisoners are not produced. Account will need to be taken of concerns raised by BID and BOP in the use of video link technology.
94. We **recommend** a pilot of the use of video hearings for Fast Track Asylum Appeals at Yarl's Wood. If successful the longer term aim should be to increase the use of video links for hearings.

4. Compliance with directions

Background

95. All those we consulted, whether they worked within the FtT(IAC) or used the FtT(IAC), agreed that it is the exception rather than the norm that the parties complied with directions. The MI we examined reflected this fact insofar as a significant number of appeal hearings could not go ahead because one of the parties was not ready. Everyone we consulted sought to lay the blame elsewhere.
96. The reality is that the statutory framework for the work of the FtT(IAC) often requires judicial office holders to take account of information and evidence relating to an appellant that was not presented to the Home Office. This underlies the one-stop process, which itself was a recognition that although independent, the FtT(IAC) retains a place as part of the decision making process itself and is not merely a review body.
97. Although the FtT(IAC) has extensive powers in relation to giving directions, it recognises that such powers need to be exercised cautiously. No judicial organisation is able to function efficiently without the co-operation of those who use it.
98. In addition, the FtT(IAC) recognises the fact that it cannot expect the parties to co-operate with each other. For example, it is often not in the interests of the parties to co-operate with each other because any concession given

may undermine that side's case. Because concessions on any point are rarely given, judicial officer holders are called on to decide all issues raised by the parties and the legal concepts of burden and standard of proof are ones that have to be constantly applied. It is well known that the parties often dispute the application of these legal principles in onward appeals and it is unrealistic for the FtT(IAC) to expect either side to give up any advantage. Whilst we have heard views that Presenting Officers cannot concede any points Home Office does acknowledge that Presenting Officers do have the authority to concede points at a hearing/CMR.

99. In this context, the giving of directions is complex and challenging. Despite this, however, many of those we consulted indicated that they thought the absence of any sanction resulted in behaviour by some parties that went beyond what was reasonable, even when taking into consideration their right to reserve their positions.

Recommendations

100. We **recommend** the introduction of new powers in the procedural rules to drive better compliance with judicial directions by having cost award or strike out powers.
101. We **recommend** use of an enhanced CMR process and judicial/administrative monitoring to better ensure compliance with directions and to reduce the volume of adjournments and postponements.

5. Adjournments and postponements of hearings.

Background

102. For the judiciary adjournments and postponements all come under the same heading of adjournments but for administrative analysis purposes they are recorded separately. For this document postponement refers to adjournment requests made prior to the first hearing and adjournment refers to adjournment requests made on the day of the hearing.
103. Postponements are normally dealt with by a Resident Judge, Designated Judge or Duty Judge who allows or rejects the application by reference to the Procedure Rules and puts a note on the file giving reasons for his decision. If a judge rejects the request and a further adjournment request is made on the day of the hearing on the same grounds, it is unlikely that any change will be made to the original decision. The Procedure Rules which have to be considered are Rules 4 and 21 of the Asylum & Immigration Tribunal (Procedure) Rules 2005.
104. The overriding objective of these Rules is to secure that proceedings before the Tribunal are handled as fairly, quickly and efficiently as possible and where appropriate that members of the Tribunal have responsibility for ensuring this, in the interests of the parties to the proceedings and in the wider public interest.
105. Adjournment and postponement data for the period Sept 11 to Aug 12 has been examined. The detail is shown in Annex E (i) and Annex E (ii).

106. The overall adjournment rate across all appeal types over this period was 10%, but was considerably higher for asylum (19%) and deport appeals (24%) [see Annex E (i), Table 2.1]. The postponement rate was 8% of substantive hearings. Again the figures for asylum (14%) and deport appeals (20%) were higher than the other case types [see Annex E (ii), Table 3.1].
107. The judge categorises the reasons for each adjournment/postponement in accordance with a laid down list. It is accepted that these categories do not always accurately reflect the cause for the adjournment or the party responsible. For example: RE11 – New Home Office issue unexpectedly raised. This is classed as a representative cause, but it could be considered that the Home Office, by presenting new evidence/argument, forced the representative to request the adjournment and that, therefore, this should be classed as a Home Office cause. There are other examples where there is some ambiguity and reasons could be interpreted differently by individual judges e.g. RE07 - Representative to supply expert report and RE08 - For further evidence to be supplied by representative.
108. It is not possible to capture detail of multiple reasons for adjournments. The judge's opinion of the major reason is the only one recorded.
109. The Review Group has identified concerns over the accuracy of the data on reasons for adjournments. This is in part due to how the data is collected and the form used.
110. Analysis of the data shows: 50% of all adjournments [see Annex E (i), Table 4.1] and 61% of all postponements [see Annex E (ii), Table 6.1] are attributed to representatives. Amongst the top reasons for this is for the representative to provide further evidence/medical report/expert report or requiring more time. Deport and asylum cases have the highest percentage adjournments and postponements. The reasons for this directly relate to obtaining further evidence and requiring more time. Asylum appeals dealt with under the Fast Track process are included in these figures. The adjournment rate and the reasons are broadly the same although the postponement rate is lower for non-Fast Track appeals.
111. There would appear to be a direct correlation between the time between lodgement of the appeal and the date of hearing and the number of cases adjourned because the one or more of the parties requires more time. ILPA has made reference to the tribunal timetable in setting hearing dates and say that this often does not allow sufficient time. They provided examples as:
 - Client may come to legal representative late – having decided they do need a representative, or been dropped by a previous representative.
 - Legal Aid Agency funding approval – it can sometimes take up to 10 days to get the Legal Aid Authority approval for funding on expert reports.
 - May need Subject Access Request and/or prison records and the Home Office is taking far longer than the statutory 40 days to meet subject access requests.
 - Time pressures. Difficult to get an appointment to see clients in detention.

- Limited resources - Legal representatives may have to copy and paginate themselves/sometimes 3-4 appeals at a time.
 - Often evidence comes in late or last minute.
112. However, it should be noted that the Legal Aid Authority (LAA) does not accept the position as set out by ILPA on the basis that representatives have a delegated authority to authorise expenditure on expert reports and only need to approach LAA if the proposed cost exceeds their delegation. LAA argues that representatives should be aware of circumstances where they will need to seek LAA approval and factor this into their planning when an appeal date has been set.
113. Freedom from Torture has contributed views concerning adjournments in their paper dated 6 February 2013 and make the following points:
- “Adjournments in the FtT(IAC) are often a consequence of unrealistic listing dates set without the benefit of a Case Management Review Hearing at which representations can be made by the parties about the time needed to assemble the appeal including the necessary evidence.”
114. They have suggested a joint Presidential guidance note be issued on the role of expert medical evidence in the jurisdiction. They refer to the Medical Foundation Reports, which usually take a considerable time to prepare and they may only be instructed after the refusal letter is issued. They feel that if adjournments are not granted for these reports to be supplied, there are poor outcomes for the appellant.
115. This adjournment data was presented to the Business Delivery Network at which hearing centres are represented. Anecdotally, they were aware that many adjournments were granted, particularly in asylum and deport cases, to allow the parties more time to prepare their case and gather supporting evidence.
116. It should be noted, however, that from the MI a high proportion of asylum or deport appeals do go ahead within the timescales set. ILPA have accepted that some delays may be more due to poor practice by representatives rather than a problem with the timescales.
117. In addition to the recommendation that appellants provide their full evidence bundle to the Home Office for consideration prior to an appeal being listed the Review Group also **recommends** that joint work is undertaken by HMCTS, judiciary, Home Office, ILPA and LAA to look at the causes of postponements and adjournments and introduce measures to address this.
118. This may include consideration of piloting an increase in the time between appeal lodgement and hearing date for asylum and deport cases to establish if this additional time reduces the number of adjournments and has any impact of the average end to end time in the appeals system. We note, however, that this is a significant step and, for asylum listing times, would require a change of the Tribunal Procedure Rules. Noting that for the majority of appeals the current timescales are sufficient we would not see this **recommendation** being taken forward until other options had been considered first.

119. Statistics show that 16% of all adjournments [see Annex E (i), Table 4.1] and 7% of postponements [see Annex E (ii), Table 6.1] are attributed to the Home Office. Amongst the top reasons for this are that there are documents/bundle missing, the Home Office not complying with directions and the presenting officer requiring more preparation time [see Annex E (i), Table 5.2 and Annex E (ii), Table 6.3].
120. In the FtT(IAC) itself the highest operational causes are due to a lack of court time and interpreter related issues. On examination of a sample of appeals adjourned because of lack of court time, most had been adjourned late in the afternoon, and were cases where several days court time had been allocated and so they were adjourned to continue the next day or they had family linked cases (so if one was adjourned, all the linked cases followed). Recording information in these cases as adjournments can be misleading and consideration should be given to how data in these instances is captured.
121. It has been possible to consider the number of adjournments for each centre and look at the varying ways in which each centre deals with adjournments and which approaches are the most successful. This is complicated because of the different size of each hearing centre and the types of case each hearing centre receives. The lowest adjournment figures for all case types, apart from deportation appeals are at the Newport hearing centre. An essential aim of an efficient administrative process is to cut down on unnecessary adjournments.

Recommendations

122. We **recommend** that Resident Judges consider a consistent system to effectively support judicial management of adjournments.
123. We further **recommend** that HMCTS should lead work with the judiciary, Home Office, the Immigration Law Practitioners Association (ILPA), and the Legal Aid Authority to look at the end to end process and the causes of the high levels of adjournments and postponements in certain appeal categories (e.g. asylum) and agree ways to improve the system to reduce the instances of this.
124. The Review Group also **recommend** that the data on the levels of adjournments should be reviewed in detail and a new process/form introduced. This should include refreshed guidance for the judiciary on how to complete the form.
125. The Review Group **recommend** that judicial leadership should consider further approaches that can be made to address any cultural perception that adjournments will always be granted and, instead, encourage compliance with Rule 21 where appropriate and/or support judicial case management and a move away from a perceived 'default' position of adjourning hearings at the request of a party to the proceedings.

6. Estates

Background

126. We have noted the good practice within this jurisdiction to consider workload at a national level and move work between hearing centres as required and practicable. We also note the good practice at regional level where HMCTS takes a cross jurisdictional approach and uses spare Immigration and Asylum hearing room capacity in jurisdictions where there is a high demand (i.e. Social Security and Child Support (SSCS)).
127. We are also aware of the work taking place elsewhere within HMCTS to review the entire HMCTS estate with a view to moving towards more centralised functions in the form of business centres with more complex work and hearings being dealt with in a reduced number of hearing centres. This will necessarily lead to future changes in the HMCTS hearing centre footprint which, as this work has not yet completed, limits the scope for this review to make comments.
128. We recognise that it is appropriate for a national jurisdiction of this type to have a geographical presence across the country. There is nothing to suggest that the current locations are any better, or worse, than any other regional presence.
129. Generally we have not found any compelling evidence that the existing sites should be shifted to either: better meet user needs; or more effectively align with the location of Home Office Presenting Officer Units; processing centres; or Immigration Removal Centres. In moving forward to meet the government's Digital Strategy and with the possibility of more efficient ways of working (e.g. via e-mail or use of video links) geographical presence should increasingly become less of an issue.
130. We have identified a couple of issues, however, with respect to London and the South. These are the limited secure hearing room facilities available to London based hearing centres (noting that hearings requiring this type of venue are increasing) and the apparent geographical anomaly that there is no hearing centre between London and Wales (Newport) which can require appellants etc to have to travel considerable distances.
131. We have also noted that that venues in London (Hatton Cross and Taylor House) have the highest number of fee paid judiciary (111 and 115 respectively as at 1st April 2012) and we should explore moving work away from those venues to places where full time salaried judiciary have capacity to take extra work (for example First Tier Permission Applications). The planned review of post codes and how appeals are allocated to hearing centres may help in this regard.

Recommendations

132. We **recommend** that the current (sensible) practice of local clusters allocating underused hearing capacity in the FtT(IAC) to other jurisdictions should continue. Noting the potential drop in appeal volumes (arising from legislative changes) consideration should be given to transferring any excess capacity to other jurisdictions for their use.
133. We also **recommend** that links should be made to the current work in HMCTS to look at the current Estates strategy to explore whether there is under capacity in HMCTS estates in the East of England that could be used to hear immigration and asylum appeals which would take pressure off

FtT(IAC) hearing centres in London. In parallel look at the current post code allocation of appeals to hearing centres to see if a more efficient allocation can be established.

134. We further **recommend** that considering the current limitations on secure court rooms available to the FtT(IAC) jurisdiction (especially in London) coupled with the increase in fast track appeals being processed by Home Office, we recommend that work should be undertaken in the London region to explore if more secure court capacity can be found from across the wider HMCTS estate and centralised into a single venue to be used for all IA hearings which require such facilities.
135. We **recommend** that to relieve work pressure on hearing centres in hotspots such as London we recommend that more paper based judicial work such as First Tier Permission Applications should be allocated to judiciary in regional hearing centres.
136. Noting the work on the national estate picture being undertaken elsewhere in HMCTS, no **recommendation** has been made regarding the future of any current IA hearing centre.
137. We **recommend** that Home Office are regularly engaged in discussions about the location of FtT(IAC) hearing centres so that any proposals can be aligned with changes they may be considering as to the location of presenting Officer Units or appeal processing centres.

7. The Use of Registrars

Background

138. The Review Group noted the proposals in the TPC consultation regarding changes to the current procedural rules which will provide for the use of Registrars in preliminary issues and case management.
139. The Review group also considered the work that has already been undertaken in HMCTS on the use of Registrars and supports the concept that Registrars could assist in the National Business Centre with preliminary issues and other work undertaken by fee paid judiciary. We understand that work is in hand to consider undertaking a pilot in this area so will limit our comments to supporting that concept.
140. We therefore focused our review on whether Registrars should be used in hearing centres and discussed a number of issues with those running such a scheme in Special Educational Needs and Disability jurisdiction and identified advantages, particularly with regard to case management.
141. We consulted three hearing centres regarding their views from an administrative perspective. It was generally felt that Registrars could play a positive role in hearing centres regarding a limited amount of interlocutory work although concern has been expressed that the use of Registrars could take work away from staff and judiciary. Work could be limited to pre-hearing work such as validity and timeliness of appeals, questions in relation to the payment of fees and possibly the question of whether initial directions have been complied with - the readiness of a file for judicial oversight. The

work which they undertake would have to be carefully defined and limited so that they are not usurping the judicial function and not taking on work that would otherwise be within the remit of the judiciary.

142. We have considered whether CMR hearings could be undertaken by appropriately trained Registrars (as is done in certain other jurisdictions) Whilst we would have to avoid any possibility of a judicial function not being undertaken by a judge, such an approach could be achieved using existing powers to delegate some judicial functions. On balance however we feel that the use of Registrars is not appropriate because experience of hearing substantive appeals is an essential requirement for conducting preliminary hearings.
143. Issues were noted relating to line management of Registrars. They are line managed as part of the administration in other jurisdictions. They undertake judicial work but are not subject to the requirements of independence and impartiality as they are part of the Executive. This issue will need to be resolved as part of any implementation.

Recommendations

144. We **recommend** the use of Registrars, whose remit shall be determined by the Senior President of Tribunals, to assist both the National Business Centre and hearing centres in enhancing the case management process which will be of benefit to the appeals system.
145. We **recommend** that the arrangements for line management of Registrars is formalised prior to any changes being implemented.

8. Non Legal Members

Background

146. The Review is aware of the interim agreement between the FtT(IAC) President and HMCTS staff regarding an alteration to the booking and use of NLMs pending the outcome of this review. This focused on booking the limited number of available NLMs to attend hearings in the most economic and cost effective way. We note that a consultation on NLMs is now in progress.
147. We are aware that the number of NLMs is decreasing and that the number of deportation appeals is not changing in line with the decreases in other areas of immigration work This has resulted in some NLMs sitting in excess of 50 times per year. We are also aware that the geographical distribution of NLMs is not cost effective. Whilst recognising the difficulties in making NLM bookings due to the (reducing) numbers available to book, we are aware that there is an upper sitting limit for fee paid judiciary and it seems incongruous that no such upper limit exists for NLMs. If more NLMs are to be recruited it is our view that an upper sitting limit should be introduced to ensure that work is evenly distributed which would help maintain NLM skills.
148. There would appear also to be a tension between the aspiration to meet the direction that NLMs attend all deport hearings and the capacity to achieve this, noting the reducing pool of NLMs and some of the long distances they

need to travel. This can have cost implications especially if a hearing is withdrawn or postponed/adjourned. Partially in light of this, and partially in light of the role that NLMs actually undertake and the fact that, due to their limited availability, some deport hearings go ahead without a NLM being present, we question the current practice that NLMs should ideally be part of every deport hearing. It is felt that a better alternative would be for NLMs to be used in deport hearings where there is particular public interest or especially complex areas of law being considered which would have significant implications for subsequent appeals. It would be in these types of appeals where a non legal perspective could be of most benefit.

Recommendations

149. We **recommend** that, as a short term measure the current interim arrangements for booking NLMs should be formally introduced.
150. We further **recommend** that as a longer term measure the current presumption of NLMs taking part on every deport hearing should shift to being invited by the judiciary to support only the most complex hearings or those where there is considerable public interest in the outcome.
151. We also **recommend** that if a decision is taken to continue the utilisation of NLMs in every deport appeal then more NLMs need to be appointed. Consideration should be given to the use of existing NLMs from other chambers to meet the demand and to assist in decreasing the travel costs associated with using the current pool of NLMs across the country.
152. If more NLMs become available to attend deport appeal hearings then we **recommend** that an upper sitting limit for the NLMs should be introduced in line with that for fee paid judiciary.

9. Electronic bundles and other documentation

Background

153. In order to improve the efficiency of the appeals system a joint HMCTS and Home Office Appeals Improvement Programme has been agreed, supported by the Appeals Steering Group. This forum, reporting to the HMCTS Director of Civil, Family & Tribunals and Home Office Director of Immigration and Settlement, is designed to identify improvements to, and resolve problems with, the end to end appeals system. This includes consideration of operational issues and proposed pilots.
154. To date, two pilot schemes to improve the timely delivery of fully compiled Home Office bundles to the tribunal have been commissioned as part of this programme:

Asylum Electronic Bundles Pilot

155. Manchester Hearing Centre participated in a Home Office project to improve the service of asylum appeal bundles on hearing centres. This involved the use of an electronic sharing portal which will give HMCTS access to the asylum bundles at a much earlier stage. HMCTS were then able to print the

bundle from the portal in good time for the case management review hearing/substantive hearing.

156. This will give potential to shorten the time asylum appeals take to conclude, save asylum support costs and better equip those presenting asylum appeals by ensuring the bundle is available for the hearing.
157. An evaluation of the pilot demonstrated that the Home Office had been able to provide a significantly higher proportion of bundles at a much earlier stage of the process, by day 3 following appeal lodgement. There were zero postponements/adjournments as a result of late Home Office bundles at the Manchester hearing centre during the pilot.
158. Through the Appeals Steering Group, HMCTS have agreed to work with Home Office on planning a national rollout of the electronic bundle system for asylum appeals. This will be linked to the roll out in HMCTS of improved printing capacity through the Sustainable Print Solution Programme.

Abu Dhabi Courier Pilot

159. Home Office are currently piloting the replacement of the current Diplomatic Bag method of appeal document transfer with a twice weekly courier service. National Business Centre staff now send any Abu Dhabi documentation to the Appeals Processing Centre (APC) in Croydon instead of directly to Abu Dhabi. APC then use the new courier service to transport all documents overseas.
160. To date the earlier return of bundles from Abu Dhabi had enabled a much earlier listing of the appeal. Initial Home Office data indicates a reduction in time for case conclusion of 15 weeks for Entrance Clearance Officer cases in the pilot.
161. The Appeals Steering Group has approved an extension of the pilot to other overseas posts to test the emerging findings. It has also been agreed that such a reduction in bundle delivery time could prompt a review of listing processes and procedures at the National Business Centre, providing a speedier appeals process.
162. Both of the aforementioned pilot schemes have enabled improvements to the efficiency of the end to end administrative procedure. Further pilots will be identified through the forum of the Appeals Programme Steering Group. Evaluated pilot schemes that improve the end to end administrative process are to be supported as a means to improve the service provided by the tribunal.

Recommendations

163. We **recommend** that consideration be given to extending the roll out of electronic bundles to other appeal types in addition to asylum appeals.
164. We **recommend** that HMCTS continues to build on the joint working with Home Office to deliver improvements to the end to end appeals system. This should focus as a priority on joint work to improve how we move to a more 'digital' way of working. This should include the ability to receive

supporting evidence to appeals electronically and the distribution of written determinations (and other correspondence) by e-mail.

10. Interpreters

Background

165. In January 2012, the provision of interpretation and translation services within HMCTS was contracted to Capita (formerly Applied Language Solutions). As the level of performance was not at an acceptable level, a number of remedial actions were taken.
166. Initially, in certain cases, this involved the reversion to previous practise whereby booking of interpreters was undertaken by the booking team in Loughborough.
167. In August 2012, the Interpreters Contract Project Board was set up to specifically to manage performance improvements to levels specified in the contract. FtT(IAC) have two administrative and one judicial representative on the Board.
168. The Project Board continue to work with Capita to drive performance improvements. This includes recruitment work to increase the supply of interpreters in all languages required by the Tribunal. In the year to 31st August 2012, 2% of adjournments across all case types were the result of a lack of an interpreter in the required language. 2% were due to the wrong/no interpreter having been booked and 2% due to an inadequate interpreter [see Annex E (i), Table 6.1].
169. It is evident that a large number of appeals require an interpreter booking. In practice this often includes regularly booking multiple interpreters of the same language each day. Current listing practises whereby there is often only one asylum case in a list can result in a situation in which if there are four asylum cases requiring an interpreter in the same language they are often listed into different hearing rooms and therefore an interpreter is booked for each.
170. FtT(IAC) interpreters booked through Capita are booked for the day, which means that they should not take further bookings until they have been released. As they are only paid for the hours that they have actually worked, and data shows that in practise many interpreters are actually released before lunch and only paid for the duration of time spent in court, it has been suggested that it reduces their earning capacity.
171. It has been proposed that, whilst recognising that listing is a judicial function, the way interpreters are booked for some frequently used languages should be explored. This includes considering a Block Booking system piloted at one or two hearing centres and a review of the National Business Centre listing procedure for cases where rare languages are involved. The intention of both of these approaches would be to make the best use of interpreter resources available and to guarantee availability of interpreters in key languages on a regular basis.

Recommendations

172. We **recommend** and support the proposal that a system of block booking interpreters should be piloted and introduced where there is benefit in doing so.
173. We **recommend** that current listing practice should be changed to make more efficient use of interpreters.

11. Continuous improvement

Background

174. In May 2012 a programme of change and CI activity was introduced in HMCTS, designed to improve the service for users of the FtT(IAC) and to address failure demand within processes. Within this jurisdiction much of this CI activity has focused on processes following the introduction of appeal fees. As a Review Group we have noted that there is a good culture in terms of adopting the CI approach in this jurisdiction.
175. The Review Group is aware of the CI activity that has already been undertaken (such as changing the front end of the fees process so that payment is taken after case creation to reduce the number of multiple payments taken for the same appeal due to the appellant sending the same appeal in multiple times) and further work that is planned.

Recommendations

176. It is **recommended** that the use of an alternative to fax is explored for the post and payments team. This would attract considerable savings in toner cartridge costs and servicing of the 7 fax machines as well assisting the teams to better identify duplicate appeals and prevent large fax queues from forming each Monday in the post room due to weekend lodgement.
177. It is **recommended** that the production of IA10 notice of appeal receipt be relocated to the registration team and managed as an integral part of the registration process to prevent bottle necks and delay in the production of IA10 notices, as has been seen previously. This produces a more systematic approach to the flow of work in the centre.
178. It is **recommended** that work with Home Office is progressed to enable the National Business Centre to produce the IA10 notice of appeal receipt on all hard copy appeals lodged, when payment has been successfully taken on the Barclaycard system, before payment reconciliation occurs between ARIA and Liberata. This will reduce unnecessary storage of appeals in the centre and improve service to users by 5 days. This should also reduce the volume of calls received at the Contact Centre in Loughborough related to customers chasing progress of the IA10 notice of appeal. During January 2013, 6% of calls received at the Contact Centre in Loughborough related to customers chasing progress of the IA10 notice of appeal.
179. In advance of the implementation of our recommendation that a full evidence bundle is provided to Home Office by the appellant prior to an appeal being listed it is **recommended** that work with Home Office is progressed to agree a process to improve the efficiency of the Entry

Clearance Manager Review of an appeal where the appeal has been lodged on line; the IA10 has been issued to all parties; but the supporting documentation sent to the Tribunal at a later date in hard copy has not yet been received (making it difficult for the Entry Clearance Manager to review the appeal without the supporting evidence). The aim would be to hold the issue of the IA10 to Home Office until any supporting evidence has been received, but this will have implications for the timescales in which Home Office have to respond.

180. There is extensive IT work planned to improve the user experience when lodging appeals online and also to reduce failure demand. Once the IT improvement work is complete the Review Group **recommends** that further work be explored to incentivise in some way the use of the online payment and lodgement route. This could be achieved by introducing a differential in the level of appeal fee so that it is cheaper to the appellant to lodge their appeal on line. This would benefit the business as the online route prevents the need to resource the receipt of appeals in the post room and it removes the need for payment to be taken via the Barclaycard system. It also reduces the likelihood of duplicate appeals being lodged via fax and hard copy and due to electronic connections into ARIA from the web site, significantly speeds up the administrative registration process. This particular piece of improvement work will result in significant productivity gains if take up of the online route could be improved. Current take up of appeals lodged on line is 10% [see Annex E (x)] against an initial projection by the IA fees project of 40%.
181. It is **recommended** that further work is undertaken to enable lodgement of appeals and supporting evidence via email in the National Business Centre. A significant proportion of correspondence received at the Business Centre each week relates to appeals that are due for hearing within a 6 day period and where the file is already at the relevant hearing centre. The National Business Centre then forward the correspondence via post or fax to the relevant hearing centre for action/attention of the judge. A route to signpost those customers directly to the appropriate hearing centre will prevent double handling, and improve service to FtT(IAC) users. The correspondence address highlighted on the IA30 notice of hearing could be amended to reflect this. The notices also encourage customers to wait to send documents to the tribunal five days prior to the hearing when, in fact, any information relating to the appeal is required at the earliest possible point.
182. In order to share best practice and maximise efficiency it is **recommended** that the Business Delivery Network acts as a central co-ordinating and commissioning function for CI activity arising from local problem solving activities.

12. Typing services

Background

183. The Review Group has looked at the current model for providing typing services for judges which offers a number of options:
 - a. Use of typing services within a hearing centre.

- b. Use of typing services at Arnhem House.
- c. Use of an external typing service.
- d. Self-typing.

184. The last two methods are used exclusively by fee paid judges who are then paid a set fee per determination. The use of internal typing services is done by two alternative methods - either the use of Winscribe or mini-cassette, from which the typists will transcribe the dictated determination or using Dragon voice recognition software.

185. Initial information led to the following information as to usage, value for money and quality of the different typing methods.

Number of Judges using typing pool (including UT judges)	
Salaried Judges	97 (out of a total of 171 in post on 1 st April 2012)
Fee Paid Judges	52 (out of a total of 421 in post on 1 st April 2012)

186. Quite clearly for fee paid judges the use of the typing pool is minimal (12%) and even for salaried judges it is only 57%.

187. It is worth noting that Upper Tribunal judges account for, on average, 19% of the total usage of the typing pool and so the First-tier remains the most significant user.

188. The use of Dragon Software is even more minimal and we can, at the moment, draw no particular conclusions about the use of the software other than it appears so minimal that consideration could or should be given to training/encouragement of further use subject to any possible survey of defects or difficulties. There are no on-going cost implications to the use of Dragon Software as the licence fee is a one-off payment and no further costs are incurred. However, low usage suggests either dissatisfaction with the software or a lack of knowledge about its use. There is no clear reason to change the current arrangement where the software is available for those salaried judges who want to make use of it. We would encourage all users to make sure that, if requesting Dragon, it is properly utilised.

Determinations promulgated within 10 days of the hearing, according to typing method (2011/12)	
3rd party typing	87%
Self-typing	86%
IAC typing	72%
Unclassified	74%

189. The figures in the table above are incomplete since not all appeals have the typing method recorded. However, they are sufficient to show that the two typing methods best used in order to meet determination targets are either third party typing or self-typing. However, the difference is marginal and a balance needs to be struck to allow for those judges for whom self-typing is out of the question and those who would not consider any other method. It is likely that the reduced performance seen by using the typing pool is as a result of determinations being passed between the judge and the typist on more than one occasion. We would like to minimise this as far as possible.
190. Quality control, to the extent that it can be determined, takes place on output from in-house typists, and the samples checked range from 4.5% to 7.8% of files. More than 90% of all determinations achieved the requisite quality standard. The checks done involve a comparison of the typed determination with the dictated original.
191. There is no breakdown of how determinations failed to meet quality standards but, once again, there is no discernible concern about quality of determinations and no discernible statistical difference in quality between the different typing methods.
192. The breakdown of costs per determination appears to be based on a very low estimate of the length of a determination.
193. The future costs must take consideration of changes in rules (particularly the changes introduced in July 2012) which mean that, for example, asylum and deportation determinations entail further considerations and more complex considerations. Similarly, family appeals (out-of-country) will include complex calculations of finance and support, and the cost of typing any determination includes the hidden cost of the research required by the judge of the FtT(IAC) along with the simple cost of actual drafting/planning/thinking through the decision.
194. The last calculations were in 2009 and there has been significant change since then that has entailed the inclusion of additional features in determinations, particularly for deportation cases.
195. It is evident that the fee paid per determination (for those that claim such a fee) is based on outdated information as to the determinations and their length and complexity. At that time costs were calculated as:

Digital file (received via Winscribe) or analogue tape received and word processed by typist	Cost per determination
Visit visa determination (average 3.5 pages based on 3 month analysis)	£15.44 (estimated 29% of determinations)
Immigration determination (average 4.2 pages based on 3 month analysis)	£17.24 (estimated 63% of determination)
Asylum determination (average 10.2 pages based on 3 month analysis)	£45.27 (estimated 8% of determinations)

196. Anecdotally, it is clear that the average length of determination is now much longer. Whilst we have not sought to re-cost these determinations (as it is likely that there will be changes as a result of recommendations for process changes and changes to the delivery of determinations) we have established that the typing pool in Arnhem House has a unit cost of £40 per determination. This puts it on a comparable basis with the current fees paid to judges for self typing.
197. Information as to monthly costs for typing fees provided for 2011 for third party and self-typed claims do not provide us with a the complete picture as it simply serves to indicate that those who do not use the in-house facilities prefer to self-type rather than use a third party.
198. The Review Group also makes the observation that this is the only jurisdiction in which an additional typing fee is paid. Whilst historically there have been agreed reasons for this it is important to note that this arrangement is now unique.
199. When the question of typing was looked at previously the Council of Immigration Judges (CIJ) responded formally. In their report of 2011 they showed that they believed there are very specific requirements for FtT(IAC) typing because of the nature of the appeals and the jurisdiction including issues about quality, confidentiality and understanding of the determination. They concluded that it was not wise for typing services to be too far removed (by 'contracting out' or any other means) from either internal providers or self-typing.
200. The 2011 report also identified a potential problem, if using contractors, of marrying up capacity with need given the rapidly changing needs of the FtT(IAC)
201. A wider concern this review has raised is that all previous work on contracting out was based on achieving economies of scale. With a contracting workload we need to be very careful about committing to a course of action which could become more expensive as workload declines.
202. The key issue that the Review Group has encountered is whether it is appropriate to look at current typing provision using the existing processes noting the implications of the recommendations in this report. Whilst there is a desire to reduce cost and provide a simplified system it is not possible to fully identify the ideal solution without understanding the changes which will impact on the volume and length of determinations and the sitting pattern. The only conclusion that can be considered at this stage is that it is too early to reach a conclusion as to what, if anything should be changed in the current arrangements. It is not obvious that as currently constituted the typing services have areas of inefficiency or ineffectiveness that warrant any significant change. It is also not clear if any changes at this stage would realise any real benefit as we have not identified that they represent poor value for money. Previous work which was considered showed that only 1 company out of 9 approached would deliver significant savings and this was on the basis of a much higher workload. With a contracting workload it is unlikely those benefits still exist. The evidence has not suggested that either model for typing is particularly better (in terms of cost, quality and meeting targets) than any other. Any future decision needs to be taken in light of: the possible changes to the length of determinations and to the sitting pattern;

and the recommendations we have made about digital audio recording; as these changes could provide an opportunity for a new or more appropriate solution. Otherwise there is a danger we develop a solution which does not fit with a change in practice.

Recommendations

203. It is **recommended** that with respect to typing provision the situation be reviewed in twelve months time, following the implementation of wider changes.

13. Next Steps and Indicative Costs and benefits

204. The expectations of the Review Group are that all of the recommendations will be accepted and taken forward.
205. Once the Report has been considered by the Immigration and Asylum Jurisdictional Board we would expect to then publish the Report.
206. In terms of the Review itself the members of the Review Group do not anticipate having to reconvene unless required to do so.
207. As stated previously we recognise that the scale and implications of many of the recommendations are considerable. Any change requiring 'cultural change' should be approached in a manner best suited to ensuring successful delivery which we feel in this instance includes: full resourced and supported piloting of key recommendations, and close engagement with representatives of those most affected.
208. Ideally we feel that the next steps piloting and implementation work should be run as a dedicated HMCTS project. The costs of this in financial terms are negligible (i.e. primarily the project staff cost) which would be outweighed by the benefit of a dedicated team who can focus their efforts on the practical arrangements of setting up a pilot; ensuring that accurate data is gathered and analysed; and translating this into any national roll out.
209. In terms of benefits we have made some high level assumptions and models around the possible collective impacts of the most significant changes we have proposed. The details of this can be seen at Annex I.
210. Using the original 2013/14 forecasts (agreed in February 2013) as our baseline, we have modelled the impact of removing the current 1+1 sitting pattern in conjunction with introducing the proposed new case management process. This is based on oral judgements as the norm and CMRHs on all case types. In itself, removal of the 1+1 pattern would release nearly 9,000 salaried 'writing up' days in 2013/14 and approximately 8,500 in 2014/15. However, any consequent reductions in fee paid judge deployment will be offset by the higher number of CMRHs expected and the new approach to listing appeals, which will be based on estimated timings rather than listing points. We have therefore considered a series of permutations based on 100%/75%/50%/25% of appeals receiving an oral judgement in concert with 100%/75%/50%/25% having a CMRH. The estimated cumulative financial savings over the two-years 2013/14 to 2014/15 range, for example, from £1,235,147 (based on 100% CMRHs and 25% oral judgements) to

£12,832,819 (25% CMRHs and 75% oral judgements). These figures have been calculated by estimating changes in judicial fee and Travel & Subsistence payments, reduction in typing costs and the level of composite fee claims. Further adding assumptions for reduced adjournments and higher Home Office withdrawals would generate savings ranging from £5,907,650 to £14,998,581 under the same scenarios. Most modelled scenarios based on 2013/14 workload would require some level of fee paid deployment. The picture changes in 2014/15 (again using the profile correct at February 2013) , following the further expected decrease in workload, where many of the modelled scenarios show a surplus of salaried judges and no requirement for fee paid.

211. The figures quoted above are indicative, based on broad, illustrative, modelling scenarios. The assumptions used will need to be fully evaluated during the implementation pilots and are, therefore, subject to change. Whilst we are aware that the workload forecast for the jurisdiction has subsequently changed, the modelling indicates that the fundamental review recommendations should deliver significant savings against any given baseline.

Annex A – Members of the Review

Judge Nigel Poole	Resident Judge nomination
Judge Michael Dineen	CIJ nomination
Judge Gail Elliman	Fee Paid Judge nomination
Judge John McCarthy	Training Judge nomination
Judge Isobel Murray	Scottish Judge nomination
Judge Edward Woodcraft	Designated Judge nomination
Judge David Zucker	Designated Judge nomination
Jason Yaxley	Head Immigration & Asylum Jurisdictional & Operational Support Team
Lesley Armes	Centre Manager
Clare Brown	Cluster Manager
Edward Castle	Performance, Analysis and Reporting Team.
Olwen Kershaw	Jurisdictional Lead
Jonathan Wood	National Business Centre Manager
Jo Hills	IA JOST and Review Secretariat
Aundrae Jourdine	IA JOST and Review Secretariat

Annex B – Terms of Reference

Review:	First Tier Tribunal of the Immigration & Asylum Chamber
Report Author:	Jason Yaxley

<u>Version Control</u>			
Issue No:	Issue Date:	Issue Author:	Reason for Issue:
0.1	25/05/12	Jason Yaxley	First draft.
0.2	28/05/12	Jason Yaxley	Update following comments.
0.3	28/05/12	Jason Yaxley	Update following comments.
0.4	22/06/12	Jason Yaxley	Update following comments.
0.5	11/07/12	Jason Yaxley	Update following comments.
0.6	22/08/12	Jason Yaxley	Update following comments.
0.7	03/10/12	Jason Yaxley	Update following Delivery Director consideration.
0.8	30/10/13	Jason Yaxley	Update following comments.

<u>Distribution</u>	
Name:	Role:
Lesley Armes	Centre Manager
Clare Brown	Cluster Manager
Edward Castle	Performance, Analysis and Reporting Team.
Judge Michael Dineen	CIJ nomination
Judge Gail Elliman	Fee Paid Judge nomination

Olwen Kershaw	Jurisdictional Lead
Judge John McCarthy	Training Judge nomination
Judge Isobel Murray	Scottish Judge nomination
Judge Nigel Poole	Resident Judge nomination
TBC	Delivery Director
Judge Edward Woodcraft	Designated Judge nomination
Jonathan Wood	National Business Centre Manager
Judge David Zucker	Designated Judge nomination
Jason Latham	Deputy Director, Tribunals
Judge Michael Clements	President First Tier Tribunal (IA Chamber).
Joanna Hills	IA JOST and Review Secretariat

Background Information

Over the course of the last five years the appeal volumes within the FTT IAC have reduced from a level of 205,891 in 2008/09 to 103,923 last year (2012/13).

Further policy changes, and a long term trend of reducing appeals (15% reduction last year) will decrease the volume coming into the Tribunal. The introduction of appeal fees continues to have an impact and the Government has introduced changes to Family Visitor Visa appeals; the first is to tighten the definition of a family visitor and require the family sponsor to have permanent status within the UK. This was introduced in July 2012..

The second is to remove the right of appeal for family visitors, with only residual rights of appeal remaining. This, alongside some more minor changes to Home Office decision making procedures, means by 2014/15 it is expected the Tribunal will receive approximately 87,300 appeals per year.

The administration has agreed with the President of the FTT IAC that a joint judicial and administration review of the Tribunal will be undertaken to produce a series of recommendations setting out how the Tribunal will respond to the major changes in workload.

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Annex A – Specific Responsibilities	

Purpose of the Review

1. The purpose of the review is to undertake a joint review of the First Tier Tribunal - Immigration & Asylum Chamber, in order to produce recommendations setting out how the Tribunal will respond to changes in Government policy (e.g. removal of Family Visit Visa appeal rights) and declining workloads.

Scope of the Review

2 The review will consider the end to end delivery system for appeals. The scope will cover the following:

- The writing and preparation of determinations and the 1 + 1 sitting pattern.
- The evaluation of the potential benefits from implementing the Rolling list process and the potential for digital audio recording equipment to support this.
- Increased use of video hearings
- Listing procedures and policy to respond to changes in demand
- The distribution of work between salaried and fee paid judiciary
- The use of Registrars for preliminary issues and/or interlocutory work in the Leicester Business Centre (Back Office) as a first phase to inform wider use in the system as a second phase.
- Potential for procedural reforms as a second phase of the harmonisation work.
- Review current practices, usage, and arrangements for booking Non Legal Members.
- Hearing Centre footprint and estates opportunities in light of proposals in the HMCTS future operating strategy and wider work on cross HMCTS estates utilisation.

- The role of FTT judicial office holders in other jurisdictions, particularly using their expertise in European/Human Rights areas of law e.g. family court matters.
- Administrative procedures including booking interpreters, pilots and work with HOME OFFICE to improve the end to end administration of appeals.
- Adjournment trends – including multiple adjournments and how access to appeal bundles electronically will support a reduction in adjournments
- Review the model for the provision of typing service and associated costs.
- Possibility of bail hearings only being heard on the papers.

Also within scope are any other proposals that the working group agree are appropriate to consider.

The following do not fall within the scope of work of the review:

- The wider HMCTS review of remissions
- The removal of legal aid from immigration matters.
- Any proposals to increase immigration and asylum appeal fees.

Terms of reference for the Working Group

3. The working group represents the administrative and judicial interests of the jurisdiction. Members to the group are appointed to provide overall direction for the review and are accountable for its success.
4. Working group members have authority and responsibility for setting the priorities and planning how the review will be conducted within the direction set by the Jurisdictional Board.
5. The working group will consider all matters within scope and may extend the scope subject to final agreement by the Jurisdictional Board.
6. The working group is responsible for ensuring that the review is finished and delivers its report and recommendations within a maximum timeframe of 9 months from its start.
7. The working group is responsible for ensuring that effective communication and stakeholder engagement takes place.
8. The working group is responsible for producing an agreed report and set of recommendations. The report will also consider the financial implications as well as risks to the efficient delivery of justice of any recommendations that are made.
9. The working group will be responsible for commissioning and considering specific reports relating to the scope of the review and for discussing these at working group meeting.
10. The working group is responsible for making recommendations to the IAC Jurisdictional Board (on cross project matters) as well as looking to the Board to resolve any matters not resolvable at the working group, or where full agreement by Board members is not obtained.

11. The working group will be responsible for seeking formal confirmation from the Jurisdictional Board that the review has been completed and can close.
12. **The working group does not have a financial budget or authority to approve or authorise expenditure by HMCTS.**

Working Group Membership

13. Membership to the Working Group has been agreed as follows:

Working Group Co-Chairs:

Member	Title	Role on Working Group
Jason Yaxley	Head of Immigration and Asylum Jurisdictional & Operational Support team,	Administrative Lead for the Review
Resident Judge Nigel Poole	Resident Judge nomination	Judicial Lead for the Review

Working Group Members:

Member	Title	Role on Working Group
Lesley Armes	Centre Manager	Member
Clare Brown	Cluster Manager	Member
Edward Castle	Performance, Analysis and Reporting Team.	Member
Judge Michael Dineen	CIJ nomination	Member
Judge Gail Elliman	Fee Paid Judge nomination	Member
Joanna Hills	IA JOST	Member
Olwen Kershaw	Jurisdictional Lead	Member
Judge John McCarthy	Training Judge nomination	Member
Judge Isabel	Scottish Judge nomination	Member

Murray		
Designated Judge Edward Woodcraft	Designated Judge nomination	Member
Jonathan Wood	National Business Centre Manager	Member
David Zucker	Designated Judge nomination	Member

Working Group Support:

Member	Title	Role on Working Group
Aundrae Jordine	IAC JOST	Secretariat

Working Group Member Responsibilities

14. The members have the following key responsibilities:

- Delivery of their individual agreed actions to the agreed timescales.
- Overall guidance and direction of the management of the review
- Agree roles and responsibilities within the working group
- Agree and quality assure the final report and recommendations.
- Provide approvals and decisions affecting progress and delivery throughout the review
- Monitor progress against the review timetable
- Manage communications with stakeholders
- Resolution of conflicts
- Ensure delivery of value for money
- Attend working group meetings or provide a representative if unable to attend
- Understand and be responsible for ensuring that their area is fully aware of the potential impact of any changes brought about by implementing the review recommendations.
- Lead by example and demonstrate commitment and direct involvement

Please also see Annex A below.

Skills and Attributes

15. The working group members should be able to:

- Understand the review delivery timescales and monitor progress against the plan
- Understand and act on those factors that affect the successful delivery of the review
- Broker relationships with stakeholders within and outside the review
- Be aware of the broader perspective of the jurisdiction business and how it affects the review

Working Group Support Responsibilities

16. The IAC JOS Team will be responsible for managing the working group meetings, including:

- Making the arrangements for the meetings
- Agreeing agendas, commissioning, clearing for distribution and circulating papers five working days prior to working group meetings
- Producing the formal record of proceedings and actions arising within ten working days of working group meetings
- Actively chasing matters arising from working group meetings so they are completed to agreed timetables
- Wider communication e.g. sharing key documents agreed by the working group should go to the President of the FTT, the President of the UT, and the President of the NLM and others as directed.

Frequency of Working Group Meetings

17. Meetings will be held as frequently as deemed necessary by the Chair. Initially a meeting once a month may be appropriate but will be discussed and agreed at the inaugural meeting of the working group.
18. All working group members are asked to ensure their attendance at each meeting; if members are unable to attend, they must inform the IAC JOS Team as soon as possible, and, ideally, provide a representative on their behalf.

Governance

19. The Working Group will report to the IAC Jurisdictional Board.

Annex A

Judicial Representation

The Judicial Representatives to the working group represent the interests of the judiciary, and are an equal part of the decision making and approvals process as with all working group members.

Key Responsibilities:

- Communicating with judicial colleagues on the proposals, plans, and timescales, as well as feeding back any comments or concerns to the working group.
- Advising on the impact on the judiciary of any of the proposals or implementation plans (covering both the first-tier and Upper Tribunal).
- Ensure the desired outcome of the review from the judicial perspective is specified.
- Make sure that progress towards the outcome required by the judiciary remains consistent.
- Promote and maintain focus on the desired review outcomes.
- Prioritise and contribute judicial opinions on working group recommendations.
- Resolve judicial requirements and priority conflicts.
- Provide the judicial view on follow up actions/recommendations.
- Specify that the judiciary needs cited to the working group are accurate, complete and unambiguous
- Identify any judicial risks arising from any recommendations made in the review report.

Annex C - Review Principles

1. The aim is for the group to reach consensus on the report and its recommendations. Views of individual group members are confidential to the group and, if consensus cannot always be reached, the report can reflect (on a non attributable basis) different views.
2. The review has no fixed views at the outset. The group shall be a safe environment to think and discuss 'the unthinkable' even if only to quickly discount.
3. The review group, and final report, will be focussed on looking at how to improve efficiency, productivity, quality, and the cost effective delivery of justice for the benefit to the service users.
4. The group recognises the importance of encouraging and seeking views from all interested parties who have an opinion to share, and will take all reasonable steps to engage stakeholders so that the review is fully informed by their views.
5. Members of the review will be ambassadors for the whole review. There will be many different people that the group will need to talk to - whilst we can share current thinking we will need to stress that no final decisions have been taken during these discussions.
6. The group will aim to be transparent to all interested parties (within the limits of points 1 and 2 above). We will publish regular monthly key messages on the progress of the review and the final report.
7. We anticipate that our report and initial thinking may generate strong feelings and disagreement from stakeholders – all views will be carefully considered but may not in the final analysis form part of the recommendations made by group.
8. Whilst the review will make recommendations, and not be responsible for implementation, we will take into account the external environment (i.e. funding in the current economic climate) and be aware of the implementation challenges of any recommendations we make.
9. We recognise that the Jurisdictional Board will be the owners of the report and will decide what to do about the recommendations.
10. We need to recognise existing previous historical research but also current Management Information and that the environment today is very different from a

few years ago. Our recommendations will be based, wherever possible, on an analysis of evidence and information.

11. Each work stream is responsible for progressing their own work and keeping the rest of the group informed. They will be responsible for drafting their element of the report.
12. The main group meetings will spend a short period of time reporting on progress but the main focus will be to discuss and resolve issues currently being experienced. Work streams will circulate their thoughts/problems in advance of the actual meeting.

Annex D – List of Stakeholders Consulted

Asylum Aid

Bail for Immigration Detainees (BID)

Bail Observation Project (BOP)

Freedom From Torture

Immigration Law Practitioners' Association (ILPA)

Scottish Immigration Law Practitioners' Association (SILPA)

Legal Aid Agency (Legal Aid Agency)

The Home Office

The President of the Immigration and Asylum Chamber of the Upper Tribunal – Sir Nicholas Blake

Upper Tribunal Judiciary

The Senior President of Tribunals – Sir Jeremy Sullivan

The Points Committee

Judicial College

Judiciary and HMCTS staff at various IA Hearing Centres (Bradford, Hatton Cross, Manchester & Sheldon Court)

Staff at Central London County Court

Staff and Judiciary at Scottish Employment Tribunal

Staff and Judiciary at Scottish SCS Tribunal

President of the Scottish Mental Health Review Tribunal

Irwin J (Special Immigration Appeals Commission)

HHJ Sycamore (Health Entitlement and Social Care)

HHJ Walton (Designated Civil Judge Newcastle)

Judge Clements (IAC)

Judge Martin (Social Entitlement)

Judge Latham (Employment)

Judge Warren (General Regulatory Chamber)

Judge Bishopp (Tax)

Judge Stubbs (War Pensions and Armed Forces Compensation)

Judge Aitken (Special Educational Needs and Disability)

Judge Findlay Regional Judge (Social Entitlement)

Sarah Gane (Judicial Appointments Commission)

Carol Morgan (Judicial Appointments Commission)

Michael Dineen (Council of Immigration Judges)

Cheyne Mitchell (Internal audit)

Leueen Fox (SPT's Office)

Edward Castle (Performance – HMCTS)

Kerry Broomfield (Judicial Workforce Planning)

Andrew Falconer

Representatives from the HMCTS Interpreter Project Team

The Business Delivery Network of Operational Managers from all HMCTS regions and the IAC Business Centre.

A request was sent to all Resident Judges for details of their approach to the consideration of adjournment and postponement requests within their Hearing Centres.

Annex E – Management Information Report List & Key Enclosures

Annex E (i)	Analysis of Immigration and Asylum First-tier Adjournments September 2011 to August 2012
Annex E (ii)	Analysis of Immigration and Asylum First-tier Postponements September 2011 to August 2012
Annex E (iii)	Court End Times September 2011 to August 2012
Annex E (iv)	Immigration and Asylum First-tier Hearing Time Analysis January 2010 to December 2012
Annex E (v)	Immigration and Asylum First-tier Duration of Asylum Hearings - January to December 2012
Annex E (vi)	Judicial Sitting Days April 2011 to March 2012
Annex E (vii)	Judicial Sitting Days April 2012 to September 2012
Annex E (viii)	Repeat Bail Applications – Birmingham December 2012
Annex E (ix)	Repeat Bail Applications – Taylor House December 2012
Annex E (x)	Analysis of Immigration and Asylum First-tier Receipts – Method of Lodgement - April to December 2012

Management information presented in the Annexes is drawn from a number of different administrative sources. Although care is taken when processing and analysing the data, the details are subject to inaccuracies inherent in any large-scale recording system and it is the best data that is available at the time of publication. Judicial sitting, adjournment and postponement data will not match Official Statistics due to differing data cohorts, time periods and dates of extraction from the case management database.

For official statistics on tribunals please see:

<https://www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics>

Analysis of Immigration and Asylum First-tier Adjourments
September 2011 to August 2012

Annex E (i)

1. CMR adjourments

There were 62 CMR adjourments in the period from 13,935 CMR hearings across all case types. For Asylum there were 52 CMR adjourments from 12,075 CMR hearings. Table 1.1 shows the breakdown by case type, along with the party identified as responsible for requesting the adjourment.

Table 1.1

Case type	Party	Adjourment reason	Number
Asylum	IAC	Case transferred following instruction from IJ	11
	Representative	Representative to supply expert report	7
	Representative	Other reasons for Representative needing more time	6
	Representative	Others	5
	Appellant	Appellant/Sponsor sick or pregnancy related	4
	Representative	Representative to supply medical report	4
	Home Office	Home Office have not complied with directions	3
	Representative	New Home Office issue unexpectedly raised	3
	Home Office	Presenting Officer require more preparation time	2
	Representative	For further evidence to be supplied by representative	2
	Appellant	Appellant's documents missing	1
	Appellant	Appellant has not instructed/found a representative	1
	Home Office	Home Office Documents/File/Bundle missing	1
	IAC	Notice of hearing incorrectly served or not served	1
	Representative	Representative instructed late	1
	Total Asylum adjourments		52
ECO	Representative	For further evidence to be supplied by representative	3
	Total Entry Clearance adjourments		3
Managed Migration	IAC	Case transferred following instruction from IJ	1
	IAC	Others	1
	Home Office	Home Office have not complied with directions	2
	Total Managed Migration adjourments		4
Deport	Home Office	Home Office have not complied with directions	1
	Representative	For further evidence to be supplied by representative	1
	Representative	Other reasons for Representative needing more time	1
	Total Deport adjourments		3

Table 1.2 shows the breakdown by the party identified as responsible for requesting the CMR adjourment. Over half of the CMR adjourments granted were attributed to representatives.

Table 1.2

Party	Number	Proportion of CMR adjournments
Representative	33	53.2%
IAC	14	22.6%
Home Office	9	14.5%
Appellant	6	9.7%
Total	62	100%

2. Overall adjournment rates for substantive hearings

During the period there were 8,242 First-tier adjournments granted from 79,245 substantive hearings, giving an overall adjournment rate of 10.4%.

Table 2.1

Case type	Adjournments	Hearings	Adjournment Rate based on Hearings
Asylum	2,617	14,145	18.5%
Entry Clearance	1,741	17,960	9.7%
Managed Migration	2,645	25,407	10.4%
Visit Visa	972	20,625	4.7%
Deport	260	1,086	23.9%
HR/RD/DC	7	22	31.8%
All Case Types	8,242	79,245	10.4%

67% of adjournments granted were for in-country appeals (Asylum, Managed Migration, and Deport).

3. Analysis of substantive hearings by case type

Table 3.1 shows how the 8,242 adjournments are split between the case types along with the split of the 79,245 hearings by case type

Table 3.1

	Asylum	ECO	MM	FVV	Deport	HR/RD/DC
% Split of Adjournments in the period	31.8%	21.1%	32.1%	11.8%	3.2%	0.1%
% Split of Hearings in the period	17.8%	22.7%	32.1%	26.0%	1.4%	0%

Asylum appeals are disproportionately affected by adjournments with Asylum accounting for approximately a fifth of all hearings, but nearly a third of all adjournments.

4. Analysis by party and case type

Half of all adjournments granted were attributed to representatives.

Table 4.1

Party	Number	Proportion of Adjournments
Representative	4,126	50.1%
IAC	1,471	17.8%
Home Office	1,355	16.4%
Appellant	1,290	15.7%
Total	8,242	100%

Table 4.2 shows the breakdown of the party identified as responsible for requesting the adjournment by case type.

Table 4.2

Case type	Number of adjournments	Party identified as requesting adjournment				Total
		Appellant	Home Office	IAC	Reps	
Asylum	2,617	14.1%	14.7%	22.4%	48.8%	100%
ECO	1,741	12.6%	16.5%	11.0%	59.9%	100%
MM	2,645	15.9%	18.7%	14.3%	51.2%	100%
FVV	972	25.8%	12.6%	28.2%	33.4%	100%
Deport	260	12.3%	25.4%	15.8%	46.5%	100%
HR/RD/DC	7	0%	0%	0%	100%	100%
Total	8,242					

Although there is a variation by case type, the representatives are identified as being responsible for requesting the highest proportion of adjournments for all case types. There were 7 HR/RD/DC adjournments all of which were adjourned by the representative as a “New HO issue” unexpectedly raised.

5. Adjournment reasons by party

Tables 5.1 to 5.4 show the top 5 reasons by each party identified as requesting the adjournment, along with the proportion by party and the proportion of total adjournment requests (8,242). The figures include all case types.

Table 5.1

Top 5 Representative reasons (All case types)	Number	Proportion	Proportion of total adjournments
For further evidence to be supplied by rep	1,288	31.2%	15.6%
New Home Office issue unexpectedly raised	627	15.2%	7.6%
Other reasons for rep needing more time	448	10.9%	5.4%
Representative to supply medical report	317	7.7%	3.9%
Representative to supply expert report	279	6.8%	3.4%
Sub-total of top 5 reasons	2,959	71.9%	35.9%
Other representative adjournments	1,160	28.1%	14.1%
Total representative adjournments	4,126	100%	50%

In Table 5.1, the top 5 reasons account for over a third of all adjournments. These reasons would suggest that the representatives would argue that the process time does not allow sufficient time for them to submit a robust case for their client.

Table 5.2

Top 5 Home Office reasons <i>(All case types)</i>	Number	Proportion	Proportion of total adjournments
Home Office Documents/File/Bundle missing	458	33.8%	5.6%
Home Office have not complied with directions	316	23.3%	3.8%
Presenting Officer require more preparation time	301	22.2%	3.7%
Appellant not brought from Detention Facility	80	5.9%	1.0%
Home Office served bundle too late to proceed with hearing	69	5.1%	0.8%
Sub-total of top 5 reasons	1,224	90.3%	14.9%
Other Home Office adjournments	131	9.7%	1.6%
Total Home Office adjournments	1,355	100%	16.4%

The issue of Home Office documentation missing applies to all case types. The production of the appellant from detention is the responsibility of the Home Office via an Escort Service Provider Contract.

Table 5.3

Top 5 IAC reasons <i>(All case types)</i>	Number	Proportion	Proportion of total adjournments
Lack of court time	443	30.1%	5.4%
No interpreter available in required language	188	12.8%	2.3%
Wrong/No interpreter booked	173	11.8%	2.1%
Inadequate interpreter	134	9.1%	1.6%
Notice of hearing incorrectly or not served	104	7.1%	1.3%
Sub-total of top 5 reasons	1,042	70.8%	12.6%
Other IAC adjournments	429	29.2%	5.2%
Total IAC adjournments	1,471	100%	17.8%

Approximately a third of IAC adjournment requests are due to a lack of court time. A sample check showed that in most instances these cases were adjourned late in the afternoon due to the estimated hearing duration.

Table 5.4

Top 5 Appellant reasons (All case types)	Number	Proportion	Proportion of total adjournments
Appellant/Sponsor sick or pregnancy related	423	32.8%	5.1%
Witness unable to attend	260	20.2%	3.2%
Other reason given for appellants/sponsors non attendance	238	18.5%	2.9%
Appellant's documents missing	237	18.4%	2.9%
Appellant has not instructed/found a rep	76	5.9%	0.9%
Sub-total of top 5 reasons	1,234	95.7%	15.0%
Other Appellant adjournments	56	4.3%	0.7%
Total Appellant adjournments	1,290	100%	15.7%

71% of the appellant adjournment requests (or 11% of overall adjournments) are due to the appellant, witness or sponsor not turning up for the hearing.

6. Interpreter related adjournments

As shown in table 6.1 over a third of IAC related adjournments are interpreter related. The "ALS Interpreter Contract" commenced January 2012. During the period 1 September to 31 December 2011 there were 105 interpreter related adjournments.

Table 6.1

Interpreter related reasons	Total	Asylum	ECO	MM	FVV	Deport
No interpreter available in required language	188	108	25	39	14	2
Wrong/No interpreter booked	173	85	20	46	21	1
Inadequate interpreter	134	90	22	21	0	1
Other reason given for interpreters non-attend	39	28	10	0	0	1
Interpreter fails to attend due to illness	6	6	0	0	0	0
Total	540	317	77	106	35	5

7. Adjournment reasons by case type

Tables 7.1 to 7.5 specify the top 10 adjournment reasons by case type. The adjournment reason “Lack of court time” features in the top 5 for all case types apart from Entry Clearance which had 39 adjournments, putting it in 14th place within the ECO category.

Asylum - Table 7.1

Party	Adjournment reason	Number	Proportion
Representative	For further evidence to be supplied by representative	317	12.1%
Representative	New Home Office issue unexpectedly raised	158	6.0%
Representative	Representative to supply medical report	153	5.8%
IAC	Lack of court time	150	5.7%
Appellant	Appellant/Sponsor sick or pregnancy related	146	5.6%
Representative	Representative to supply expert report	123	4.7%
IAC	No interpreter available in required language	108	4.1%
Home Office	Home Office Documents/File/Bundle missing	108	4.1%
Representative	Further evidence to be authenticated/translated/transcribed	107	4.1%
Representative	Other reasons for Representative needing more time	105	4.0%
Sub-total of top 10 reasons		1,475	56.4%
Other Asylum adjournments		1,142	43.6%
Total Asylum adjournments		2,617	100%

Managed Migration - Table 7.2

Party	Adjournment reason	Number	Proportion
Representative	For further evidence to be supplied by representative	467	17.7%
Representative	Other reasons for Representative needing more time	186	7.0%
Representative	New Home Office issue unexpectedly raised	184	7.0%
Appellant	Appellant/Sponsor sick or pregnancy related	146	5.5%
IAC	Lack of court time	145	5.5%
Home Office	Home Office Documents/File/Bundle missing	139	5.3%
Home Office	Home Office have not complied with directions	117	4.4%
Home Office	Presenting Officer require more preparation time	115	4.3%
Appellant	Witness unable to attend	113	4.3%
Representative	Representative to supply expert report	80	3.0%
Sub-total of top 10 reasons		1,692	64.0%
Other Managed Migration adjournments		953	36.0%
Total Managed Migration adjournments		2,645	100%

Entry Clearance - Table 7.3

Party	Adjournment reason	Number	Proportion
Representative	For further evidence to be supplied by representative	388	22.3%
Representative	New Home Office issue unexpectedly raised	179	10.3%
Home Office	Home Office Documents/File/Bundle missing	135	7.8%
Representative	Other reasons for Representative needing more time	114	6.5%
Representative	Representative to supply medical report	82	4.7%
Appellant	Appellant/Sponsor sick or pregnancy related	67	3.8%
Home Office	Presenting Officer require more preparation time	62	3.6%
Representative	Representative to supply expert report	61	3.5%
Appellant	Appellant's documents missing	61	3.5%
Home Office	Home Office have not complied with directions	58	3.3%
Sub-total of top 10 reasons		1,207	69.3%
Other Entry Clearance adjournments		534	30.7%
Total Entry Clearance adjournments		1,741	100%

Visit Visa - Table 7.4

Party	Adjournment reason	Number	Proportion
Appellant	Other reason given for appellants/sponsors non attendance	112	11.5%
Representative	New Home Office issue unexpectedly raised	82	8.4%
IAC	Lack of court time	80	8.2%
Representative	For further evidence to be supplied by representative	78	8.0%
Home Office	Home Office Documents/File/Bundle missing	69	7.1%
Appellant	Appellant/Sponsor sick or pregnancy related	56	5.8%
IAC	Notice of hearing incorrectly served or not served	46	4.7%
Appellant	Appellant's documents missing	44	4.5%
IAC	No Immigration Judge available	43	4.4%
Representative	Other reasons for Representative needing more time	34	3.5%
Sub-total of top 10 reasons		644	66.3%
Other Visit Visa adjournments		328	33.7%
Total Visit Visa adjournments		972	100%

Deport - Table 7.5

Party	Adjournment Reason	Number	Proportion
Representative	For further evidence to be supplied by representative	38	14.6%
IAC	Lack of court time	29	11.2%
Home Office	Appellant not brought from Detention Facility	29	11.2%
Representative	New Home Office issue unexpectedly raised	17	6.5%
Representative	Representative to supply expert report	15	5.8%
Home Office	Home Office have not complied with directions	13	5.0%
Representative	Other reasons for Representative needing more time	9	3.5%
Representative	Representative to supply medical report	9	3.5%
Home Office	Presenting Officer require more preparation time	9	3.5%
Appellant	Witness unable to attend	9	3.5%
Sub-total of top 10 reasons		177	68.1%
Other Deport adjournments		83	31.9%
Total Deport adjournments		260	100%

The data in this report will not match Official Statistics due to differing data cohorts, time periods and dates of extraction from the case management database.

Analysis of Immigration and Asylum First-tier Postponements
September 2011 to August 2012

Annex E (ii)

1. CMR postponements

There were 95 CMR postponements in the period. Table 1.1 shows the breakdown by case type along with the party identified as responsible for the requesting the postponement.

Table 1.1

Case Type	Party	Postponement reason	Number
Asylum	Representative	Other reasons for Representative needing more time	11
	Representative	Case transferred following request from Representative	9
	IAC	Needs a combined hearing	6
	Appellant	Appellant/Sponsor sick or pregnancy related	5
	Home Office	Appellant transferred to another place of detention	4
	IAC	Case transferred following instruction from Imm Judge	4
	Representative	For further evidence to be supplied by representative	4
	Appellant	Appellant has not instructed/found a representative	3
	Representative	Other reason for Representative's non attendance	3
	Representative	Representative to supply medical report	3
	Representative	New Home Office issue unexpectedly raised	3
	IAC	Notice of hearing incorrectly served or not served	2
	Representative	Representative awaiting decision on public funding	2
	zzUnknown	zz Unknown	2
	Appellant	Other reason given for appellants/sponsors non attendance	1
	Home Office	HO02 Non appearance by Presenting Officer	1
	Home Office	Home Office Documents/File/Bundle missing	1
	Home Office	Home Office reconsidering their decision	1
	Representative	Representative Sick	1
	Representative	Representative instructed late	1
	Representative	Representative to supply expert report	1
	Total Asylum postponements		68
Managed Migration	Representative	Other reasons for Representative needing more time	5
	Home Office	Home Office reconsidering their decision	4
	Representative	For further evidence to be supplied by representative	2
	zzUnknown	zz Unknown	2
	Appellant	Appellant/Sponsor sick or pregnancy related	1
	Home Office	Presenting Officer require more preparation time	1
	Home Office	Home Office Documents/File/Bundle missing	1
	IAC	No Immigration Judge available	1
	IAC	Case not listed before the correct IJ/panel	1
	IAC	Needs a combined hearing	1
	Representative	Representative double booked in more than one court	1
	Representative	Representative to supply expert report	1
	Representative	New Home Office issue unexpectedly raised	1
	Total Managed Migration postponements		22
Depot	IAC	No Immigration Judge available	1
	Representative	Representative instructed late	1
	Representative	Other reasons for Representative needing more time	1

	Total Deport postponements		3
Case Type	Party	Postponement reason	Number
ECO	IAC	Case transferred following instruction from Immigration Judge	1
	Total Entry Clearance postponements		1
DoC*	Representative	RE11 New Home Office issue unexpectedly raised	1
	Total Deprivation of Citizenship postponements		1

* Deprivation of Citizenship

Table 1.2 shows the breakdown by the party identified as responsible for requesting the postponement. As with adjournments, over half of the CMR postponements granted were attributed to representatives.

Table 1.2

Party	Number	Proportion of CMR postponements
Representative	51	53.7%
IAC	17	17.9%
Home Office	13	13.7%
Appellant	10	10.5%
Unknown	4	4.2%
Total	95	100%

2. Paper postponements

There were 9 postponements for appeals decided on paper. The Home Office had no postponements attributed to them during the period.

Table.2.1

Case type	Party	Postponement reason	Number
ECO	IAC	Case transferred following instruction from IJ	1
ECO	Representative	Representative to supply medical report	1
ECO	Representative	Representative to supply expert report	2
ECO	Representative	Representative awaiting decision on public funding	1
Managed Migration	IAC	Case transferred following instruction from IJ	1
Visit Visa	Appellant	Other reason given for appellants/sponsors non attendance	1
Visit Visa	Representative	Case transferred following request from Representative	2
Total			9

3. Overall postponement rates for substantive hearings

During the period there were 6,310 First-tier substantive postponements, giving an overall postponement rate of 8%.

Table 3.1

Case type	Total Substantive Postponements	Total Hearings	Postponement Rate (%) based on Total Hearings
Asylum	1,982	14,145	14.0%
Entry Clearance	1,592	17,960	8.9%
Managed Migration	1,505	25,407	5.9%
Visit Visa	1,009	20,625	4.9%
Deport	220	1,086	20.3%
HR/RD/DC	2	22	9.1%
All Case Types	6,310	79,245	8.0%

4. Analysis of substantive hearings by case type

Table 4.1 shows how the 6,310 postponements are split between the case types along with the split of the 79,245 hearings by case type

Table 4.1

	Asylum	ECO	MM	FVV	Deport	HR/RD/DC
% Split of Postponements in the period	31.4%	25.2%	23.9%	16.0%	3.5%	0%
% Split of Hearings in the period	17.8%	22.7%	32.1%	26.0%	1.4%	0%

Asylum appeals are disproportionately affected by postponements with Asylum accounting for approximately a fifth of all hearings, but nearly a third of all postponements.

5. Analysis by case type and party

Table 5.1 shows the breakdown of the party identified as responsible for requesting the postponement.

Table 5.1

Case type	Number of postponements	Party identified as requesting postponement					Total
		Appellant	Home Office	IAC	Reps	unknown	
Asylum	1,982	10.8%	9.4%	5.1%	74.1%	0.6%	100%
ECO	1,592	23.8%	4.3%	4.3%	66.3%	1.3%	100%
MM	1,505	30.4%	9.6%	7.4%	50.0%	2.7%	100%
FVV	1,009	53.0%	2.0%	3.9%	40.6%	0.5%	100%
Deport	220	10.9%	11.8%	15.0%	59.5%	2.7%	100%
HR/RD/DC	2	0%	50%	0%	50%	0%	100%
Total	6,310						

Although there is a variation by case type, the representatives are identified as being responsible for requesting the highest proportion of postponements in all case types except Family Visit Visa.

6. Postponement reasons by party

Three-fifths of all postponement requests are attributed to representatives.

Table 6.1

Party	Number	Proportion of Postponements
Representative	3,819	60.5%
IAC	355	5.6%
Home Office	445	7.1%
Appellant	1,609	25.5%
zzunknown	82	1.3%
Total	6,310	100%

Tables 6.2 to 6.5 show the top 5 reasons by each party identified as requesting the postponement, along with the proportion by party and the proportion of total postponement requests (6,310). The figures include all case types.

Table 6.2

Top 5 Representative postponements (All case types)	Number	Proportion	Proportion of total postponements
Representative to supply medical report	720	18.9%	11.4%
For further evidence to be supplied by representative	632	16.5%	10.0%
Representative to supply expert report	606	15.9%	9.6%
Case transferred following request from Representative	567	14.8%	9.0%
Other reasons for Representative needing more time	418	10.9%	6.6%
Sub-total of top 5 reasons	2,943	77.0%	46.6%
Other representative postponements	876	23.0%	13.9%
Total Representative postponements	3,819	100%	60.5%

Table 6.3

Top 5 Home Office postponements (All case types)	Number	Proportion	Proportion of total postponements
Home Office Documents/File/Bundle missing	199	44.7%	3.2%
Home Office have not complied with directions	134	30.1%	2.1%
Presenting Officer require more preparation time	47	10.6%	0.7%
Home Office reconsidering their decision	25	5.6%	0.4%
Non appearance by Presenting Officer	17	3.8%	0.3%
Sub-total of top 5 reasons	422	94.8%	6.7%
Other Home Office postponements	23	5.2%	0.4%
Total Home Office postponements	445	100%	7.1%

Table 6.4

Top 5 IAC postponements (All case types)	Number	Proportion	Proportion of total postponements
Case transferred following instruction from Immigration Judge	116	32.7%	1.8%
Needs a combined hearing	78	22.0%	1.2%
No interpreter available in required language	70	19.7%	1.1%
Lack of court time	29	8.2%	0.5%
Notice of hearing incorrectly served or not served	23	6.5%	0.4%
Sub-total of top 5 reasons	316	89.1%	5.0%
Other IAC postponements	39	10.9%	0.6%
Total IAC postponements	355	100%	5.6%

Table 6.5

Top 5 Appellant postponements (All case types)	Number	Proportion	Proportion of total postponements
Other reason given for appellants/sponsors non attendance	732	45.5%	11.6%
Witness unable to attend	388	24.1%	6.1%
Appellant/Sponsor sick or pregnancy related	380	23.6%	6.0%
Appellant has not instructed/found a representative	57	3.5%	0.9%
Appellant's documents missing	50	3.1%	0.8%
Sub-total of top 5 reasons	1,607	99.9%	25.5%
Other Appellant postponements	2	0.1%	0%
Total Appellant postponements	1,609	100%	25.5%

7. Postponement reasons by case type

Asylum - Table 7.1

Party	Postponement reason	Number	Proportion
Representative	Representative to supply expert report	407	20.5%
Representative	Representative to supply medical report	346	17.5%
Representative	For further evidence to be supplied by representative	212	10.7%
Representative	Other reasons for Representative needing more time	161	8.1%
Representative	Representative instructed late	141	7.1%
Appellant	Appellant/Sponsor sick or pregnancy related	98	4.9%
Home Office	Home Office Documents/File/Bundle missing	88	4.4%
Appellant	Witness unable to attend	61	3.1%
Home Office	Home Office have not complied with directions	59	3.0%
Representative	Case transferred following request from Representative	53	2.7%
Sub-total of top 10 reasons		1,626	82.0%
Other Asylum postponements		356	18.0%
Total Asylum postponements		1,982	100%

Managed Migration - Table 7.2

Party	Postponement reason	Number	Proportion
Appellant	Appellant/Sponsor sick or pregnancy related	182	12.1%
Representative	Case transferred following request from Representative	145	9.6%
Appellant	Other reason given for appellants/sponsors non attendance	138	9.2%
Representative	For further evidence to be supplied by representative	130	8.6%
Representative	Other reasons for Representative needing more time	120	8.0%
Appellant	Witness unable to attend	109	7.2%
Representative	Representative instructed late	80	5.3%
Representative	Representative to supply medical report	68	4.5%
Representative	Other reason for Representative's non attendance	68	4.5%
Home Office	Home Office Documents/File/Bundle missing	57	3.8%
Sub-total of top 10 reasons		1,097	72.9%
Other Managed Migration postponements		408	27.1%
Total Managed Migration postponements		1,505	100%

Entry Clearance - Table 7.3

Party	Postponement reason	Number	Proportion
Representative	Representative to supply medical report	274	17.2%
Representative	For further evidence to be supplied by representative	221	13.9%
Appellant	Other reason given for appellants/sponsors non attendance	201	12.6%
Representative	Case transferred following request from Representative	178	11.2%
Representative	Representative to supply expert report	130	8.2%
Appellant	Witness unable to attend	94	5.9%
Representative	Other reasons for Representative needing more time	91	5.7%
Representative	Other reason for Representative's non attendance	59	3.7%
Appellant	Appellant/Sponsor sick or pregnancy related	58	3.6%
Representative	Representative instructed late	51	3.2%
Sub-total of top 10 reasons		1,357	85.2%
Other Entry Clearance postponements		235	14.8%
Total Entry Clearance postponements		1,592	100%

Visit Visa - Table 7.4

Party	Postponement reason	Number	Proportion
Appellant	Other reason given for appellants/sponsors non attendance	355	35.2%
Representative	Case transferred following request from Representative	184	18.2%
Appellant	Witness unable to attend	117	11.6%
Representative	Other reason for Representative's non attendance	98	9.7%
Appellant	Appellant/Sponsor sick or pregnancy related	39	3.9%
Representative	For further evidence to be supplied by representative	38	3.8%
Representative	Representative instructed late	37	3.7%
Representative	Other reasons for Representative needing more time	27	2.7%
Appellant	Appellant's documents missing	16	1.6%
IAC	Case transferred following instruction from Immigration Judge	14	1.4%
Sub-total of top 10 reasons		925	91.7%
Other Visit Visa postponements		84	8.3%
Total Visit Visa postponements		1,009	100%

Deport - Table 7.5

Party	Postponement reason	Number	Proportion
Representative	For further evidence to be supplied by representative	30	13.6%
Representative	Reps to supply medical report	23	10.5%
Representative	Representative to supply expert report	19	8.6%
Representative	Representative instructed late	18	8.2%
Representative	Other reasons for Representative needing more time	17	7.7%
IAC	Case transferred following instruction from Immigration Judge	17	7.7%
Home Office	HO have not complied with directions	13	5.9%
IAC	Lack of court time	11	5.0%
Appellant	Other reason given for appellants/sponsors non attendance	10	4.5%
Home Office	HO Documents/File/Bundle missing	8	3.6%
Sub-total of top 10 reasons		166	75.5%
Other Deport postponements		54	24.5%
Total Deport postponements		220	100%

Deprivation of Citizenship - Table 7.6

Party	Postponement reason	Number	Proportion
Home Office	PO require more preparation time	1	50.0%
Representative	Other reasons for Representative needing more time	1	50.0%
Total Deprivation of Citizenship postponements		2	100%

The data in this report will not match Official Statistics due to differing data cohorts, time periods and dates of extraction from the case management database.

Court End Times – September 2011 to August 2012 Annex E (iii)

Court End Times							
SMR-04 Court End Times							
Between 01 September 2011 and 31 August 2012, as at 21 May 2013							
FtT							
Regional Court End Times							
	Court Days Used	Before 1pm	1pm to 2pm	Court End Times 2pm to 3pm	3pm to 4pm	After 4:00pm	No End Time
Loughborough	2	0%	50%	50%	0%	0%	0%
Not known at this time	1	0%	0%	0%	0%	100%	0%
Amhem House	34	0%	3%	21%	18%	50%	3%
Barrow Magistrates Court	1	0%	0%	0%	0%	0%	100%
Belfast	1	0%	100%	0%	0%	0%	0%
Belfast - Laganside	128	50%	20%	10%	12%	5%	3%
Birmingham	2,098	30%	18%	17%	13%	13%	0%
Birmingham Magistrates Court (VLC)	40	25%	25%	28%	10%	13%	0%
Bradford	1,301	24%	12%	10%	30%	16%	0%
Bradford Magistrates Court	22	27%	5%	14%	23%	32%	0%
Cardiff Magistrates Court	24	38%	13%	25%	13%	4%	8%
Dorking Magistrates Court	102	20%	18%	24%	17%	12%	1%
Dorking Magistrates Court (HX)	19	32%	32%	5%	11%	11%	11%
Glasgow (Eagle Building)	878	40%	15%	11%	10%	0%	8%
Harmondsworth (HX)	88	30%	8%	10%	25%	22%	0%
Harmondsworth Fast Track	470	60%	0%	11%	14%	0%	0%
Hatton Cross	5,249	34%	14%	15%	23%	13%	1%
Kingston Crown Court (HX)	11	27%	0%	27%	45%	0%	0%
Kingston Crown Court (TH)	45	22%	18%	18%	18%	22%	2%
Liverpool, Cunard Building	119	67%	13%	13%	3%	2%	2%
Manchester (Piccadilly)	1,813	20%	10%	24%	20%	11%	1%
Manchester Crown Court	16	44%	10%	0%	10%	13%	0%
Newport (Columbus House)	1,041	48%	17%	14%	15%	7%	0%
Newport Crown Court (Newport IA)	5	20%	40%	20%	0%	0%	20%
North Shields (Kings Court)	609	27%	10%	15%	18%	10%	5%
North Tyneside Magistrates Court	12	25%	17%	17%	8%	8%	25%
Nottingham Magistrates Court	427	37%	20%	14%	14%	8%	0%
Richmond (HX)	30	17%	37%	17%	17%	13%	0%
Royal Courts of Justice (TH)	4	0%	0%	0%	0%	0%	100%
Stoke (Bennett House)	812	48%	18%	14%	13%	7%	0%
Stoke on Trent Combined Court	12	8%	33%	17%	33%	8%	0%
Sutton IAC	130	40%	0%	15%	10%	4%	7%
Taylor House	4,939	28%	10%	17%	21%	14%	1%
Walsall	291	81%	13%	3%	2%	1%	0%
Yar's Wood	198	07%	11%	11%	5%	0%	1%
Yar's Wood (TH)	47	70%	0%	11%	0%	2%	0%
Area Total	20,982	38%	18%	18%	19%	12%	1%
Total	20,982	38%	18%	18%	19%	12%	1%
FtT Total	20,982	38%	18%	18%	19%	12%	1%



**HM Courts
& Tribunals
Service**

Hearing Time Analysis
Between 01 January 2010 and 31 December 2012, as at 11 June 2013

This report is based on the cohort of promulgations in the specified period. It only looks at substantive First Tier Hearing promulgations. Any hearings which are less than 10 mins and greater than 360min (6 hours) are excluded from the cohort. This removes hearings where the appeal is a linked case or adjourned at the outset, together with hearings longer than the standard court day.

Column Definitions

= The number of hearings in the dataset

Avg = The average (mean) duration of the hearings in the dataset.

Min / Max = The minimum and maximum hearing durations within the dataset.

Mode = The most frequently occurring duration within the dataset.

Median = The mid-point duration in the dataset. (The duration at the 50th percentile)

Std Dev (Sample Standard Deviation) = Measures the deviation of the hearing duration from the average (mean) duration. (Measured in the same units of data).

Var (Sample Variance) = Measures the amount of variation of the hearing duration from the average (mean) duration.

Totals for the period

	Total							
	#	Avg	Min	Max	Mode	Median	Std Dev	Var
Total	206,235	51	10	356	30	35	43	1,879
Asylum	37,638	94	10	356	60	90	51	2,595
Immigration ECO	44,303	48	10	350	30	40	33	1,119
Managed Migration	65,308	47	10	355	30	35	39	1,519
Visit Visa	56,441	26	10	310	15	20	16	242
Deportation Appeal	2,527	118	10	355	120	110	59	3,466
HR/RD/DC	18	48	10	180	10	30	46	2,083

Immigration and Asylum First-tier Tribunal Hearing Time Analysis - January 2010 to December 2012

Annex E (iv)

Totals for the Period - Settlement / Non Settlement

	Total							
	#	Avg	Min	Max	Mode	Median	Std Dev	Var
Total	109,611	47	10	355	30	35	37	1,358
Immigration ECO	44,303	48	10	350	30	40	33	1,119
Settlement	36,779	50	10	350	30	45	34	1,167
Non Settlement	7,228	37	10	220	30	30	27	714
Other	296	41	10	210	30	30	34	1,170
Managed Migration	65,308	47	10	355	30	35	39	1,519
Settlement	20,870	60	10	345	60	50	42	1,780
Non Settlement	40,819	36	10	355	30	30	29	844
Other	3,619	90	10	340	60	80	60	3,552

Totals for the Period - Non Settlement - PBS Breakdown

	Total							
	#	Avg	Min	Max	Mode	Median	Std Dev	Var
Total	48,047	36	10	355	30	30	29	824
Immigration ECO	7,228	37	10	220	30	30	27	714
Non Settlement	7,228	37	10	220	30	30	27	714
PBS	397	31	10	170	10	25	24	582
Non-PBS	6,831	37	10	220	30	30	27	721
Managed Migration	40,819	36	10	355	30	30	29	844
Non Settlement	40,819	36	10	355	30	30	29	844
PBS	27,425	30	10	350	10	25	22	464
Non-PBS	13,394	49	10	355	30	40	37	1,389

Annual breakdown

	2010								2011								2012							
	#	Avg	Min	Max	Mode	Median	Std Dev	Var	#	Avg	Min	Max	Mode	Median	Std Dev	Var	#	Avg	Min	Max	Mode	Median	Std Dev	Var
Total	85,015	48	10	355	10	30	42	1,743	72,025	51	10	356	30	35	43	1,882	49,195	56	10	350	30	40	46	2,072
Asylum	15,904	92	10	350	60	85	49	2,419	12,338	96	10	356	60	90	51	2,650	9,396	95	10	350	60	90	53	2,811
Immigration ECO	17,127	46	10	290	30	40	32	1,022	16,585	49	10	315	30	40	34	1,149	10,591	51	10	350	30	45	35	1,211
Managed Migration	26,456	42	10	355	10	30	36	1,291	23,157	47	10	350	30	35	39	1,525	15,695	55	10	345	30	45	42	1,797
Visit Visa	24,682	25	10	310	15	20	15	222	19,056	26	10	215	15	25	16	242	12,703	28	10	180	30	25	17	274
Deportation Appeal	841	119	10	355	90	115	58	3,323	887	120	10	345	120	115	58	3,386	799	116	10	330	120	105	61	3,707
HR/RD/DC	5	82	15	180	15	60	69	4,783	2	10	10	10	10	10	0	0	11	39	10	95	20	30	26	674

Immigration and Asylum First-tier Hearing Time Analysis - January 2010 to December 2012

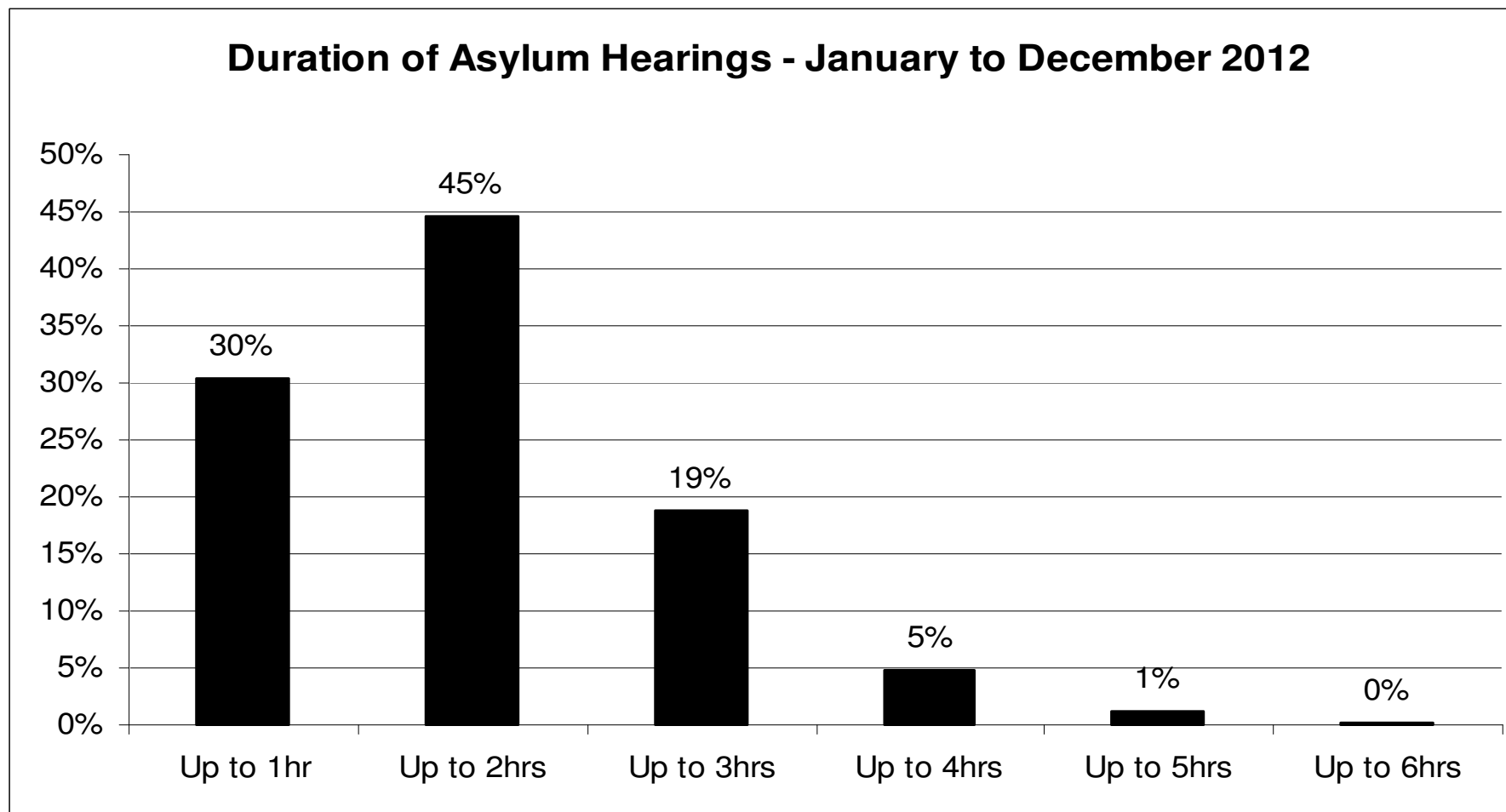
Annex E (iv)

Annual Breakdown - Settlement / Non Settlement

	2010								2011								2012							
	#	Avg	Min	Max	Mode	Median	Std Dev	Var	#	Avg	Min	Max	Mode	Median	Std Dev	Var	#	Avg	Min	Max	Mode	Median	Std Dev	Var
Total	43,583	43	10	355	30	30	34	1,189	39,742	48	10	350	30	35	37	1,369	26,286	53	10	350	30	45	40	1,564
Immigration ECO	17,127	46	10	290	30	40	32	1,022	16,585	49	10	315	30	40	34	1,149	10,591	51	10	350	30	45	35	1,211
Settlement	13,913	48	10	290	30	40	33	1,074	14,057	51	10	315	30	45	35	1,196	8,809	53	10	350	30	45	35	1,254
Non Settlement	3,011	34	10	200	30	30	25	622	2,472	37	10	220	30	30	27	738	1,745	40	10	210	30	30	29	820
Other	203	37	10	180	30	30	31	969	56	41	10	130	15	33	28	772	37	62	10	210	30	45	49	2,446
Managed Migration	26,456	42	10	355	10	30	36	1,291	23,157	47	10	350	30	35	39	1,525	15,695	55	10	345	30	45	42	1,797
Settlement	8,387	57	10	345	30	50	40	1,586	6,801	60	10	325	60	50	43	1,859	5,682	63	10	345	60	55	44	1,953
Non Settlement	16,986	31	10	355	10	25	25	628	14,863	38	10	350	30	30	30	894	8,970	44	10	345	30	30	33	1,065
Other	1,083	90	10	330	60	75	59	3,488	1,493	81	10	340	30	70	58	3,422	1,043	102	10	335	120	90	60	3,553

Annual Breakdown - Non Settlement - PBS Breakdown

	2010								2011								2012							
	#	Avg	Min	Max	Mode	Median	Std Dev	Var	#	Avg	Min	Max	Mode	Median	Std Dev	Var	#	Avg	Min	Max	Mode	Median	Std Dev	Var
Total	19,997	32	10	355	10	25	25	628	17,335	38	10	350	30	30	30	872	10,715	43	10	345	30	30	32	1,027
Immigration ECO	3,011	34	10	200	30	30	25	622	2,472	37	10	220	30	30	27	738	1,745	40	10	210	30	30	29	820
Non Settlement	3,011	34	10	200	30	30	25	622	2,472	37	10	220	30	30	27	738	1,745	40	10	210	30	30	29	820
PBS	197	29	10	170	30	20	22	492	131	33	10	170	10	30	25	618	69	33	10	120	30	25	28	763
Non-PBS	2,814	34	10	200	30	30	25	629	2,341	37	10	220	30	30	27	744	1,676	40	10	210	30	30	29	821
Managed Migration	16,986	31	10	355	10	25	25	628	14,863	38	10	350	30	30	30	894	8,970	44	10	345	30	30	33	1,065
Non Settlement	16,986	31	10	355	10	25	25	628	14,863	38	10	350	30	30	30	894	8,970	44	10	345	30	30	33	1,065
PBS	11,623	26	10	290	10	20	19	350	9,936	31	10	350	30	25	22	468	5,866	36	10	235	30	30	25	612
Non-PBS	5,363	42	10	355	30	30	33	1,059	4,927	51	10	320	30	40	39	1,495	3,104	57	10	345	60	50	40	1,638



Judicial Sitting Days April 2011 to March 2012 Annex E (vi)

Judicial Sitings

1st April 2011 - 31st March 2012

	Total Sitting Days	Bail Days (included in total)	Substantive Hearings				Other Hearings					Total Hearings
			Asylum	Immigration	Family Visit Visa	Other	Family Visit Visa paper	CMR	Bail	Other Paper	Other	
National Summary												
Fee-paid	14,525	267	10,018	35,761	15,953	512	8,198	1,743	1,866	4,970	1,076	80,097
MOJ Salaried	15	0	10	31	14	0	0	12	2	3	0	72
Salaried	7,887	1,054	3,815	11,193	6,458	536	3,359	9,331	6,871	1,963	1,522	45,048
Salaried - Part Time	2,782	390	1,550	3,920	2,205	114	1,282	3,378	2,413	794	523	16,179
National Total	25,209	1,711	15,393	50,905	24,630	1,162	12,839	14,464	11,152	7,730	3,121	141,396
North East												
Bradford												
Fee-Paid	798	0	799	1,290	1,151	13	558	41	28	462	45	4,387
Salaried	730	0	466	1,141	1,242	120	328	1,089	236	253	80	4,955
Salaried - Part Time	18	0	7	12	15	3	7	31	5	0	0	80
Centre Total	1,546	0	1,272	2,443	2,408	136	893	1,161	269	715	125	9,422
North Shields												
Fee-Paid	322	0	434	295	232	0	176	219	9	300	3	1,668
Salaried	165	0	175	188	91	8	93	237	22	177	10	1,001
Salaried - Part Time	154	0	137	224	91	3	105	318	21	116	4	1,019
Centre Total	641	0	746	707	414	11	374	774	52	593	17	3,688
Regional Total	2,187	0	2,018	3,150	2,822	147	1,267	1,935	321	1,308	142	13,110
North West												
Manchester/Liverpool												
Fee-Paid	744	0	705	1,438	1,062	15	542	13	33	370	7	4,185
Salaried	787	0	539	1,277	980	25	269	1,363	154	116	29	4,752
Salaried - Part Time	643	0	555	810	810	21	362	1,035	106	226	9	3,934
Centre Total	2,174	0	1,799	3,525	2,852	61	1,173	2,411	293	712	45	12,871
Regional Total	2,174	0	1,799	3,525	2,852	61	1,173	2,411	293	712	45	12,871
Midlands												
Birmingham/Walsall												
Fee-Paid	1,501	4	583	3,889	2,815	0	1,791	10	22	846	12	9,968
Salaried	908	157	510	1,001	725	59	238	1,058	764	158	947	5,460
Salaried - Part Time	467	83	256	463	323	31	126	613	394	88	456	2,750
Centre Total	2,876	244	1,349	5,353	3,863	90	2,155	1,681	1,180	1,092	1,415	18,178
Stoke/Nottingham												
Fee-Paid	560	36	186	1,249	971	32	580	6	216	269	0	3,509
Salaried	819	90	264	1,111	965	98	710	510	537	268	5	4,468
Salaried - Part Time	140	25	89	217	153	5	123	21	120	109	2	839
Centre Total	1,519	151	539	2,577	2,089	135	1,413	537	873	646	7	8,816
Regional Total	4,395	395	1,888	7,930	5,952	225	3,568	2,218	2,053	1,738	1,422	26,994
London												
Hatton Cross/Harmondsworth												
Fee-Paid	4,435	30	3,022	12,683	4,572	95	1,670	30	209	811	9	23,101
MOJ Salaried	4	0	0	8	4	0	0	0	0	0	0	0
Salaried	1,716	308	628	2,929	1,038	83	318	1,649	1,865	200	27	8,737
Salaried - Part Time	1,039	191	380	1,731	651	34	237	1,010	1,221	163	3	5,430
Centre Total	7,194	529	4,030	17,351	6,265	212	2,225	2,689	3,295	1,174	39	37,280
Taylor House/Yarl's Wood												
Fee-Paid	4,646	117	3,055	12,278	3,934	322	1,666	825	856	866	973	24,775
Salaried	1,774	420	727	2,377	799	99	905	2,252	2,414	388	411	10,372
Salaried - Part Time	321	91	126	463	162	17	322	350	546	92	49	2,127
Centre Total	6,741	628	3,908	15,118	4,895	438	2,893	3,427	3,816	1,346	1,433	37,274
Regional Total	13,935	1,157	7,938	32,469	11,160	650	5,118	6,116	7,111	2,520	1,472	74,554
Wales												
Newport												
Fee-Paid	615	0	479	1,304	646	17	530	45	49	455	13	3,538
Salaried	746	0	396	913	488	37	496	763	560	402	13	4,068
Centre Total	1,361	0	875	2,217	1,134	54	1,026	808	609	857	26	7,606
Regional Total	1,361	0	875	2,217	1,134	54	1,026	808	609	857	26	7,606
Scotland												
Glasgow/Belfast												
Fee-Paid	904	80	755	1,335	570	18	685	554	444	591	14	4,966
MOJ Salaried	11	0	10	23	10	0	0	12	2	3	0	60
Salaried	242	79	110	256	130	7	2	410	319	1	0	1,235
Centre Total	1,157	159	875	1,614	710	25	687	976	765	595	14	6,261
Regional Total	1,157	159	875	1,614	710	25	687	976	765	595	14	6,261

Notes

The data in this report will not match Official Statistics due to differing data cohorts, time periods and dates of extraction from the case management database. Official Statistics include Upper Tribunal and Non Legal Member Sitings, which are not shown on this report.

For official statistics on tribunals please see: <https://www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics>

Judicial Sitting Days April 2011 to March 2012 Annex E (vi)

Judicial Sitings - Percentage Analysis

1st April 2011 - 31st March 2012

			Substantive Hearings				Other Hearings					Total Hearings
	Total Sitting Days	Bail Days (included in total)	Asylum	Immigration	Family Visit Visa	Other	Family Visit Visa paper	CMR	Bail	Other Paper	Other	
National Summary												
Fee-paid	58%	16%	65%	70%	65%	44%	64%	12%	17%	64%	34%	57%
MOJ Salaried	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Salaried	31%	62%	25%	22%	26%	46%	26%	65%	62%	25%	49%	32%
Salaried - Part Time	11%	23%	10%	8%	9%	10%	10%	23%	22%	10%	17%	11%
National Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
North East												
Bradford												
Fee-Paid	52%	-	63%	53%	48%	10%	62%	4%	10%	65%	36%	47%
Salaried	47%	-	37%	47%	52%	88%	37%	94%	88%	35%	64%	53%
Salaried - Part Time	1%	-	1%	0%	1%	2%	1%	3%	2%	0%	0%	1%
Centre Total	100%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
North Shields												
Fee-Paid	50%	-	58%	42%	56%	0%	47%	28%	17%	51%	18%	45%
Salaried	26%	-	23%	27%	22%	73%	25%	31%	42%	30%	59%	27%
Salaried - Part Time	24%	-	18%	32%	22%	27%	28%	41%	40%	20%	24%	28%
Centre Total	100%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Regional Total	100%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
North West												
Manchester/Liverpool												
Fee-Paid	34%	-	39%	41%	37%	25%	46%	1%	11%	52%	16%	33%
Salaried	36%	-	30%	36%	34%	41%	23%	57%	53%	16%	64%	37%
Salaried - Part Time	30%	-	31%	23%	28%	34%	31%	43%	36%	32%	20%	31%
Centre Total	100%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Regional Total	100%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Midlands												
Birmingham/Walsall												
Fee-Paid	52%	2%	43%	73%	73%	0%	83%	1%	2%	77%	1%	55%
Salaried	32%	64%	38%	19%	19%	66%	11%	63%	65%	14%	67%	30%
Salaried - Part Time	16%	34%	19%	9%	8%	34%	6%	36%	33%	8%	32%	15%
Centre Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Stoke/Nottingham												
Fee-Paid	37%	24%	35%	48%	46%	24%	41%	1%	25%	42%	0%	40%
Salaried	54%	60%	49%	43%	46%	73%	50%	95%	62%	41%	71%	51%
Salaried - Part Time	9%	17%	17%	8%	7%	4%	9%	4%	14%	17%	29%	10%
Centre Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Regional Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
London												
Hatton Cross/Harmondsworth/Sutton												
Fee-Paid	62%	6%	75%	73%	73%	45%	75%	1%	6%	69%	23%	62%
MOJ Salaried	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Salaried	24%	58%	16%	17%	17%	39%	14%	61%	57%	17%	69%	23%
Salaried - Part Time	14%	36%	9%	10%	10%	16%	11%	38%	37%	14%	8%	15%
Centre Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Taylor House/Yarl's Wood												
Fee-Paid	69%	19%	78%	81%	80%	74%	58%	24%	22%	64%	68%	66%
Salaried	26%	67%	19%	16%	16%	23%	31%	66%	63%	29%	29%	28%
Salaried - Part Time	5%	14%	3%	3%	3%	4%	11%	10%	14%	7%	3%	6%
Centre Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Regional Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Wales												
Newport												
Fee-Paid	45%	-	55%	59%	57%	31%	52%	6%	8%	53%	50%	47%
Salaried	55%	-	45%	41%	43%	69%	48%	94%	92%	47%	50%	53%
Centre Total	100%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Regional Total	100%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Scotland												
Glasgow/Belfast												
Fee-Paid	78%	50%	86%	83%	80%	72%	100%	57%	58%	99%	100%	79%
MOJ Salaried	1%	0%	1%	1%	1%	0%	0%	1%	0%	1%	0%	1%
Salaried	21%	50%	13%	16%	18%	28%	0%	42%	42%	0%	0%	20%
Centre Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Regional Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Notes

The data in this report will not match Official Statistics due to differing data cohorts, time periods and dates of extraction from the case management database. Official Statistics include Upper Tribunal and Non Legal Member Sitings, which are not shown on this report.

For official statistics on tribunals please see: <https://www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics>

Judicial Sitting Days April 2012 to September 2012

Annex E (vii)

Judicial Sitings

1st April 2012 - 30th September 2012

	Total Sitting Days	Bail Days (included in total)	Substantive Hearings				Other Hearings					Total Hearings
			Asylum	Immigration	Family Visit Visa	Other	Family Visit Visa paper	CMR	Bail	Other Paper	Other	
National Summary												
Fee-paid	5,239	109	4,143	12,262	3,667	225	2,237	1,133	705	1,935	201	26,508
MOJ Salaried	5	0	5	7	1	0	0	5	0	0	0	18
Salaried	3,437	597	1,692	4,212	1,573	209	964	4,240	3,579	892	140	17,501
Salaried - Part Time	1,263	192	772	1,746	665	69	391	1,278	1,079	358	31	6,389
National Total	9,944	898	6,612	18,227	5,906	503	3,592	6,656	5,363	3,185	372	50,416
North East												
Bradford												
Fee-Paid	255	0	332	379	274	5	97	22	8	160	31	1,308
Salaried	311	0	300	384	263	43	68	563	82	113	12	1,828
Salaried - Part Time	11	0	0	10	7	3	1	20	3	2	0	46
Centre Total	577	0	632	773	544	51	166	605	93	275	43	3,182
North Shields												
Fee-Paid	163	1	242	136	46	1	105	122	12	152	3	819
Salaried	51	0	53	57	25	3	32	74	8	37	3	292
Salaried - Part Time	63	0	67	61	25	5	26	113	14	69	3	383
Centre Total	277	1	362	254	96	9	163	309	34	258	9	1,494
Regional Total	854	1	994	1,027	640	60	329	914	127	533	52	4,676
North West												
Manchester/Liverpool												
Fee-Paid	251	0	368	373	175	7	156	2	5	178	2	1,266
Salaried	325	0	258	466	303	15	56	584	46	74	2	1,804
Salaried - Part Time	289	0	312	339	238	14	122	489	49	110	4	1,677
Centre Total	865	0	938	1,178	716	36	334	1,075	100	362	8	4,747
Regional Total	865	0	938	1,178	716	36	334	1,075	100	362	8	4,747
Midlands												
Birmingham/Walsall												
Fee-Paid	388	1	236	942	404	0	372	14	14	223	6	2,211
Salaried	399	80	188	398	220	23	145	441	386	146	3	1,950
Salaried - Part Time	216	41	95	270	81	15	52	218	183	47	2	963
Centre Total	1,003	122	519	1,610	705	38	569	673	583	416	11	5,124
Stoke/Nottingham												
Fee-Paid	204	31	81	428	181	16	179	10	152	183	2	1,232
Salaried	339	80	89	437	197	39	152	221	389	195	2	1,721
Salaried - Part Time	29	14	9	43	8	0	22	0	60	21	0	163
Centre Total	572	125	179	908	386	55	353	231	601	399	4	3,116
Regional Total	1,575	247	698	2,518	1,091	93	922	904	1,184	815	15	8,240
London												
Hatton Cross/Harmondsworth												
Fee-Paid	1,673	2	1,078	5,013	1,428	49	586	22	50	291	0	8,517
Salaried	728	170	276	1,040	283	46	68	672	1,009	27	23	3,444
Salaried - Part Time	463	92	212	781	244	24	84	221	551	38	8	2,163
Centre Total	2,864	264	1,566	6,834	1,955	119	738	915	1,610	356	31	14,124
Taylor House/Yarl's Wood												
Fee-Paid	1,685	38	1,209	4,163	914	128	330	625	207	281	145	8,002
Salaried	948	237	378	1,134	177	27	368	1,266	1,154	198	93	4,795
Salaried - Part Time	192	45	77	242	62	8	84	217	219	71	14	994
Centre Total	2,825	320	1,664	5,539	1,153	163	782	2,108	1,580	550	252	13,791
Regional Total	5,689	584	3,230	12,373	3,108	282	1,520	3,023	3,190	906	283	27,915
Wales												
Newport												
Fee-Paid	236	0	256	373	97	13	228	1	18	204	6	1,196
Salaried	260	0	116	236	79	7	73	307	387	100	1	1,306
Centre Total	496	0	372	609	176	20	301	308	405	304	7	2,502
Regional Total	496	0	372	609	176	20	301	308	405	304	7	2,502
Scotland												
Glasgow/Belfast												
Fee-Paid	384	36	341	455	148	6	184	315	239	263	6	1,957
MOJ Salaried	5	0	5	7	1	0	0	5	0	0	0	18
Salaried	76	30	34	60	26	6	2	112	118	2	1	361
Centre Total	465	66	380	522	175	12	186	432	357	265	7	2,336
Regional Total	465	66	380	522	175	12	186	432	357	265	7	2,336

Notes

The data in this report will not match Official Statistics due to differing data cohorts, time periods and dates of extraction from the case management database. Official Statistics include Upper Tribunal and Non Legal Member Sitings, which are not shown on this report.

For official statistics on tribunals please see <https://www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics>

Judicial Sitting Days April 2012 to September 2012

Annex E (vii)

Judicial Sitings - Percentage Analysis

1st April 2012 - 30th September 2012

			Substantive Hearings				Other Hearings					Total Hearings
	Total Sitting Days	Bail Days (included in total)	Asylum	Immigration	Family Visit Visa	Other	Family Visit Visa paper	CMR	Bail	Other Paper	Other	
National Summary												
Fee-paid	53%	12%	63%	67%	62%	45%	62%	17%	13%	61%	54%	53%
MOJ Salaried	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Salaried	35%	66%	26%	23%	27%	42%	27%	64%	67%	28%	38%	35%
Salaried - Part Time	13%	21%	12%	10%	11%	14%	11%	19%	20%	11%	8%	13%
National Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
North East												
Bradford												
Fee-Paid	44%	-	53%	49%	50%	10%	58%	4%	9%	58%	72%	41%
Salaried	54%	-	47%	50%	48%	84%	41%	93%	88%	41%	28%	57%
Salaried - Part Time	2%	-	0%	1%	1%	6%	1%	3%	3%	1%	0%	1%
Centre Total	100%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
North Shields												
Fee-Paid	59%	100%	67%	54%	48%	11%	64%	39%	35%	59%	33%	55%
Salaried	18%	0%	15%	22%	26%	33%	20%	24%	24%	14%	33%	20%
Salaried - Part Time	23%	0%	19%	24%	26%	56%	16%	37%	41%	27%	33%	26%
Centre Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Regional Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
North West												
Manchester/Liverpool												
Fee-Paid	29%	-	39%	32%	24%	19%	47%	0%	5%	49%	25%	27%
Salaried	38%	-	28%	40%	42%	42%	17%	54%	46%	20%	25%	38%
Salaried - Part Time	33%	-	33%	29%	33%	39%	37%	45%	49%	30%	50%	35%
Centre Total	100%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Regional Total	100%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Midlands												
Birmingham/Walsall												
Fee-Paid	39%	1%	45%	59%	57%	0%	65%	2%	2%	54%	55%	43%
Salaried	40%	66%	36%	25%	31%	61%	25%	66%	66%	35%	27%	38%
Salaried - Part Time	22%	34%	18%	17%	11%	39%	9%	32%	31%	11%	18%	19%
Centre Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Stoke/Nottingham												
Fee-Paid	36%	25%	45%	47%	47%	29%	51%	4%	25%	46%	50%	40%
Salaried	59%	64%	50%	48%	51%	71%	43%	96%	65%	49%	50%	55%
Salaried - Part Time	5%	11%	5%	5%	2%	0%	6%	0%	10%	5%	0%	5%
Centre Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Regional Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
London												
Hatton Cross/Harmondsworth												
Fee-Paid	58%	1%	69%	73%	73%	41%	79%	2%	3%	82%	0%	60%
Salaried	25%	64%	18%	15%	14%	39%	9%	73%	63%	8%	74%	24%
Salaried - Part Time	16%	35%	14%	11%	12%	20%	11%	24%	34%	11%	26%	15%
Centre Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Taylor House/Yarl's Wood												
Fee-Paid	60%	12%	73%	75%	79%	79%	42%	30%	13%	51%	58%	58%
Salaried	34%	74%	23%	20%	15%	17%	47%	60%	73%	36%	37%	35%
Salaried - Part Time	7%	14%	5%	4%	5%	5%	11%	10%	14%	13%	6%	7%
Centre Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Regional Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Wales												
Newport												
Fee-Paid	48%	-	69%	61%	55%	65%	76%	0%	4%	67%	86%	48%
Salaried	52%	-	31%	39%	45%	35%	24%	100%	96%	33%	14%	52%
Centre Total	100%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Regional Total	100%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Scotland												
Glasgow/Belfast												
Fee-Paid	83%	55%	90%	87%	85%	50%	99%	73%	67%	99%	86%	84%
MOJ Salaried	1%	0%	1%	1%	1%	0%	0%	1%	0%	0%	0%	1%
Salaried	16%	45%	9%	11%	15%	50%	1%	26%	33%	1%	14%	15%
Centre Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Regional Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Notes

The data in this report will not match Official Statistics due to differing data cohorts, time periods and dates of extraction from the case management database. Official Statistics include Upper Tribunal and Non Legal Member Sitings, which are not shown on this report.

For official statistics on tribunals please see: <https://www.gov.uk/government/organisations/ministry-of-justice/series/tribunals-statistics>

Annex E (viii)

Repeat Bail Applications

Birmingham Hearing Centre

Date: Dec 2012	Total No. of bail applications received	Number of new bail applications	Number of repeat applications	Number of repeat applications made 28 days or less since previous bail application
3	4	2	2	2
4	3	2	1	0
5	4	3	1	1
6	1	0	1	0
7	6	4	2	1
10	5	1	4	0
11	4	3	1	0
12	5	4	1	1
13	7	6	1	1
14	8	4	4	1
17	7	2	5	0
18	4	3	1	0
19	7	8	0	0
20	5	4	1	1
21	3	1	2	1
27	3	2	0	0
28	4	2	2	2
31	4	4	0	0
Totals	84	55	29	11

Annex E (ix)

Repeat Bail Applications

Taylor House Hearing Centre

Date: Dec 2012	Total No. of bail applications received	Number of new bail applications	Number of repeat applications	Number of repeat applications made 28 days or less since previous bail application
3	23	9	14	8
4	17	11	6	5
5	11	6	5	1
6	21	11	10	5
7	11	6	5	1
10	9	5	4	4
11	19	7	12	7
12	16	6	10	2
13	23	6	17	8
14	21	9	12	7
17	18	7	11	6
18	16	5	11	3
19	11	7	4	2
20	13	4	9	7
21	12	8	4	2
27	6	4	2	0
28	8	6	2	1
31	4	1	3	3
Totals	259	118	141	72

Analysis of Immigration and Asylum First-tier Receipts – Method of Lodgement - April to December 2012

Annex E (x)

Breakdown of method of appeal receipt

	Total	Fax		Fax and Post		Hand		On-Line		Post		Unclassified	
Total	80082	33388	42%	182	0%	9	0%	7833	10%	38108	48%	562	2%
Asylum	8179	6573	80%	33	0%	7	0%	234	3%	1298	16%	34	1%
Oral	8106	6540	81%	32	0%	7	0%	227	3%	1268	16%	32	0%
Paper	73	33	45%	1	1%	0	0%	7	10%	30	41%	2	6%
Entry Clearance	20668	7819	38%	47	0%	0	0%	2437	12%	10249	50%	116	1%
Oral	17461	7424	43%	44	0%	0	0%	1589	9%	8314	48%	90	1%
Paper	3207	395	12%	3	0%	0	0%	848	26%	1935	60%	26	7%
Managed Migration	21276	12237	58%	54	0%	0	0%	1009	5%	7845	37%	131	1%
Oral	17769	10911	61%	46	0%	0	0%	822	5%	5884	33%	106	1%
Paper	3507	1326	38%	8	0%	0	0%	187	5%	1961	56%	25	2%
Family Visit Visa	28772	5771	20%	31	0%	2	0%	4106	14%	18603	65%	259	4%
Oral	18559	4682	25%	29	0%	2	0%	1804	10%	11915	64%	127	3%
Paper	10213	1089	11%	2	0%	0	0%	2302	23%	6688	65%	132	12%
Deport	1186	988	83%	17	1%	0	0%	47	4%	112	9%	22	2%
Oral	1179	983	83%	17	1%	0	0%	47	4%	110	9%	22	2%
Paper	7	5	71%	0	0%	0	0%	0	0%	2	29%	0	0%
Other	1	0	0%	0	0%	0	0%	0	0%	1	100%	0	0%
Oral	1	0	0%	0	0%	0	0%	0	0%	1	100%	0	0%
Paper	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%

A THEMATIC REVIEW OF THE REPORTS¹ INTO THE WORKING OF THE FtT(IAC) AND ITS PREDECESSORS.

The following tables are prepared for use by the Review Group and focus on issues that have already arisen in our deliberations. The tables draw on the series of investigations into the workings of the FtT(IAC) and its predecessors that have taken place since 2001. To add flavour to the points arising in the following table, some quotes from the reports have been included which identify the issues more clearly. They are reproduced below the main table.

<i>Date of report</i>	<i>Case preparation and case management</i>	<i>Listing</i>	<i>Decision making and delivery</i>	<i>Other</i>
25 September 2001	<p>(section 4.2)</p> <p>Recommended case management to be a joint activity between judiciary and administration.</p> <p>Recommended that adjudicators should have time to explore fully the issues of an appeal and to make specific directions to ensure the appeal</p>	<p>(section 4.1)</p> <p>Recommended making listing a joint activity between judiciary and administration.</p> <p>Recommendation to list determination writing time alongside substantive hearing time.</p>	<p>(section 4.3)</p> <p>Recommended changing sitting patterns to ensure determinations written up within one day of the substantive hearing.</p> <p>Recommended aiming for greater consistency in determination writing through the use of standard formats and structured templates to produce</p>	<p>(section 3.6)</p> <p>Compares different sitting patterns.</p> <p>(sections 5.1 and 5.2)</p> <p>Recommended developing the role of Regional Adjudicator to provide greater judicial</p>

¹ The full titles of the reports are listed in Annex 1

	<p>progresses at second hearing.</p> <p>Identified the need for additional staff resources to undertake case preparation and case management tasks.</p>	<p>Recommended greater use of float cases to fill up lists that go short.</p> <p>Identified the need to ensure judiciary understand the rationale behind listing.</p> <p>Identified the need for experienced staff resources to undertake listing duties.</p>	<p>determinations more quickly and to a better quality.</p> <p>(section 5.1)</p> <p>Recommended making the management of the determination process to be an explicit role of Regional Adjudicators.²</p>	<p>leadership.</p> <p>Introduce a more formal line management and appraisal system.</p> <p>(sections 5.3 to 5.6)</p> <p>Observations and recommendations regarding communicating with judiciary, training, mentoring and hearing room management)</p>
18 April 2002	<p>(page 2.8)</p> <p>Lower adjournment rates identified as being the result of better discipline of the parties and judiciary, better list splitting and better case management.</p>	<p>(page 4.18)</p> <p>Adjudicators were very supportive of the 1+1 sitting pattern.</p> <p>The new listing patterns that</p>	<p>(page 3.14)</p> <p>Adjudicators did not deliver the target decision rate but overall dealt with more work.</p>	<p>(page 5.24)</p> <p>Assessment/evaluation criteria discussed.</p>

² Now Resident Judge

	<p>(page 5.22)</p> <p>Identified a continuing need for administrative processes which allow for much more case management prior to first hearing and between hearings. (see full quote below).</p>	<p>ran alongside the sitting pattern required significantly greater judicial management by the Regional Adjudicator and administration.</p>	<p>(page 4.19)</p> <p>Faster turnaround of determinations beneficial to all.</p>	
December 2006	<p>(p.7)</p> <p>Case management on the day of hearing suffered because of conflicting duties.</p>	<p>(p.5)</p> <p>Listing was more complex as less flexibility.</p> <p>Increase in adjournments because of lack of court time.</p> <p>Problem for part heard appeals.</p>	<p>(p.6.)</p> <p>Problems arose regarding judicial deployment and accommodation.</p> <p>Paper cases returned as judges unable to write them as well as heard cases.</p> <p>(p.7)</p>	

		(p.6) Impact on volume of float case that could be taken.	Judiciary felt there was insufficient time for preparation and decision making.	
16 February 2007	<p>(Executive summary)</p> <p>Judges often start before 9.00 am to prepare their cases.</p> <p>(page 91)</p> <p>Regional differences in case management may be one of the factors that affects variations in judicial time spent on various tasks.</p>	<p>(Executive summary)</p> <p>Recommended retaining the 1+1 system but to understand it as encompassing all the judicial duties and not a simple balance of sitting to writing time.</p> <p>(section 13.2)</p> <p>Examined the change in case mix and considered whether the system needed to be rebalanced.</p>	<p>(Executive summary)</p> <p>Recommended that best practice should be identified and shared regarding how cases can be processed more quickly given that there are significant regional differences in judicial time taken to process the same case type.</p> <p>(section 13.4, p. 70)</p> <p>Whilst examining the ½ + ½ pattern, it was noted that time spent writing up in that pilot exceeded that on the 1+1 pattern, but no conclusions could be drawn as the data was</p>	<p>(Executive summary)</p> <p>Recommendation for oral judgements with audio recording in court. (see full quote below)</p> <p>(pages 84 ff)</p> <p>Various tables comparing processes in AIT with various other jurisdictions. <i>[Unfortunately the printed version I have is illegible so I cannot comment.]</i></p>

			incomplete.	<p>(page 89)</p> <p>The list of recommendations and reasons are essential reading. They include comments about:</p> <ul style="list-style-type: none"> • Judicial accommodation • Allocation of appeals • Judicial appointment • Sharing best practices • Oral judgements
April 2008		<p>Staggered listing (10am – 2pm) to see if it would assist judiciary or stakeholders. Concluded insufficient benefit and not liked by most stakeholders or judges.</p> <p>Reduced flexibility which had negative consequences including more adjournments.</p>		

29 September 2009		Describes change in case mix anecdotally.	<p>Considers oral determination of appeals.</p> <p>Identifies that judicial competences should enable this and many judges in the AIT have experience of doing so in other jurisdictions.</p> <p>Identifies increase in throughput.</p>	
12 December 2009		<p>(para 10ff)</p> <p>Considers change in case mix since 2001/02.</p> <p>(para 13ff)</p> <p>Identifies that the 1+1 pattern remains effective and efficient despite all the changes that have occurred in and around</p>	<p>(para 35f)</p> <p>Comments on oral determination.</p>	<p>(para 24)</p> <p>Impact of 1+1 pattern on other resources, e.g. hearing rooms.</p> <p>(para 31 (and elsewhere))</p> <p>Identified that the 1+1 pattern is necessary because of Rule 22 of the Procedure Rules requiring a written</p>

		<p>the AIT since 2001.</p> <p>(para 18ff)</p> <p>Considers the points system of listing and found it generally effective.</p> <p>(para 32)</p> <p>Identified need to fine tune the points system.</p> <p>(para23)</p> <p>Considered rolling lists and other local variants.</p>		<p>determination in every appeal.</p> <p>(para 33)</p> <p>Identified the need for judicial management to ensure no abuse of the system.</p>
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Selected extracts

CASE MANAGEMENT

25 September 2001 Report - section 4.2	<p>“More needs to be done to make case management a truly joint activity between judiciary and administration. This will improve not only the likelihood of case management of individual appeals being effective but will increase the understanding of the crucial importance that case management occupies in the whole IAA process.” (p.4.24)</p> <p>“We recommend that the judiciary should become actively involved in this case management process. The judiciary in each centre should agree with the local Listing Officer how long before an appeal’s hearing date the file should be reviewed for case management purposes. In addition, adjudicators whose lists complete early or who are available for extra work should be encouraged to spend time with the clerks reviewing difficult cases or issues. This would not be to review all cases, but clerks would set aside particularly thorny issues which adjudicators could assist with progressing. We recommend that the degree of judicial input at this stage can be varied between centres on the basis of case volumes. For example, it might be open to smaller centres to increase judicial input to case management given the smaller number of cases to review and other constraints on the ability of the centre to list these adjudicators for substantive hearings.” (p.4.27)</p>
18 April 2002 Report – section 5	<p>“The pilot has exposed a continuing need for administrative processes which allow for much more case management prior to first hearing lists and between hearings. More checks are needed by experienced or trained staff to ensure that cases will be effective, to chase up directions and to ensure effectiveness on the day. A dedicated case management function needs to be created which does much more than checking the simple ‘mechanics’ of a case. It will require well trained or experienced staff with a knowledge of the immigration appeals process and an ability to identify and address issues which will prevent individual appeals from proceeding.” (p.5.22, cf p.4.19 “Success also depends upon more active case management prior to and between hearings.”)</p>

LISTING

25 September 2001 Report - section 4.1	<p>“Until now the Authority has lacked sufficient dedicated staff to provide the necessary focus on listing. The Listing Project has been established to address this issue and is now on the point of rolling out Listing Officers to the centres starting in Hatton Cross in September.</p> <p>Broadly speaking the purpose of the project is to move the Authority to the kind of listing arrangements used elsewhere in the Courts Service, such as in the Crown Court, where there is a dedicated listing officer in each court. Officially the role of the Listing Officers will be to work in partnership with the judiciary to improve service, modernise procedures and maximise effectiveness and efficiency. In practice, we believe that the role will be wide-ranging but should be primarily:</p> <ul style="list-style-type: none">• To produce in advance of the hearing day (and in conjunction with the judiciary where appropriate) a more accurate assessment of time estimates on a given list and, where necessary, bring in floating cases to fill gaps in the list.• To resolve problems on the day which might prevent a case having to be adjourned.• To make judgements about the time needed to hear a case and therefore where in the hearing day it should be placed.• To move cases on the day to make more effective use of court rooms and adjudicators.• To assign floating cases to adjudicators who finish their lists early.• To provide better information about what goes on in the hearing room.• To manage the listing process informally with Regional Adjudicators on an ongoing basis. <p>The skills, knowledge and experience of Listing Officers are therefore crucial. ... It will also be important that the Listing Officer can take on an active role and work alongside the Regional Adjudicators to address problems and manage the listing process. This indicates a person of sufficient seniority to develop a relationship with the judiciary and to be able to get things done. ...” (p.4.21)</p>
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DECISION MAKING

18 February 2002	<p>“Adjudicators were not able to say that they were hearing and determining many more appeals per week but felt that they were hearing at least as many as in the pre-pilot pattern. ... The regional Adjudicator highlighted that since the pilot began members of the full-time judiciary rarely if ever appeared on the Outstanding Determination list.” (p.4.19)</p> <p>“Quality of decisions. Anecdotal evidence from the Regional Adjudicator ... indicates that there has been no noticeable increase in the number of grants of leave to appeal during the pilot period.” (p.4.19 <i>[NB Questionable statistical analysis]</i>).</p>
December 2006	<p>“One major concern was the affect on judicial and staff morale. The ½ + ½ pilot was more pressure and increased workload. judiciary felt increased pressure as the pilot went on and felt this had a detrimental effect on their performance. Judicial opinion argued that there was little time for preparation and decision making and that they felt like they were on a ‘conveyor belt’ system. This resulted in them returning paper cases allocated to make up points missed in the court room. The judiciary opinion felt the pilot reduced their ability to maintain their good performance level.” (p.7, cf pp 10-11))</p>
16 February 2007	<p>“There may be greater scope for verbal (extemporary) judgements being given, with audio recording in court, and shorter written summaries only being produced as is done in some other jurisdictions including the Employment Tribunal. Moving to extemporary judgements, at least for some case types, could significantly speed up the writing up time for cases, and since this is usually the most significant contributor to overall case processing time, would allow more case to be processed. It is likely that this would be restricted to those less complex case types, such as visit visa and some immigration cases rather than asylum cases. Alternatively it would be possible, although we understand it would require a change in legislation, to introduce court recorders alongside extemporary judgements in order to remove the requirement for even a written summary to be produced.” (Executive summary, KF08)</p>
12 December 2009	<p>“I have no doubt that Immigration Judges have the necessary skills to deliver satisfactory oral judgements, suitably recorded, in appropriate cases. Indeed, I heard a number of excellent oral decisions being given at the end of the bail applications that I observed. Most of the judges to whom I spoke, accepted that there was scope for the giving of oral judgements, although all were anxious to maintain the current high standards and made the point that only cases such as Visit Visa appeals would be sufficiently straightforward and simple as to make oral determination (suitably recorded) a</p>

	<p>practical proposition.” (para 35)</p> <p>“Given the constraints of time and resources for this analysis, I am not in a position to make a firm recommendation that suitable provision should be made for the giving or oral determinations, although I am satisfied that there is scope for them and that there is likely to be an improvement in productivity following introduction. ... “ (para 36)</p>
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Annex 1: Full titles of the Reports considered

<i>Date</i>	<i>Title</i>	<i>Prepared by</i>	<i>Prepared for</i>
25 September 2001	Immigration Appellate Authority	PA Consulting Group (Beer, N, Adam Pemberton and Philip Mackey)	Simon Smith and HHJ Hodge
18 April 2002	Immigration Appellate Authority: Evaluation of the Hatton Cross Sitting Pattern Pilot	PA Consulting Group (Beer, N, Adam Pemberton and Philip Mackey)	Simon Smith and HHJ Hodge
December 2006	Taylor House in-house Evaluation Report ½ & ½ Pilot	Dawn Miles, Office Manager (Listing) Taylor House	Asylum & Immigration Tribunal
January 2007	Judicial Time Analysis – Validation of initial findings – Taylor House	PA Consulting Group	Asylum & Immigration Tribunal
16 February 2007	Analysis of Judicial Time	PA Consulting Group	Asylum & Immigration Tribunal
April 2008	North Shields PM Listing Pilot	Tribunals Service	Asylum & Immigration Tribunal
29 September	Efficiency and Cost Reductions in the	Judge David Kelly	Asylum & Immigration

2009	Asylum and Immigration Tribunal		Tribunal
12 December 2009	An Analysis of Judicial Time in the AIT	Sir Thayne Forbes	Asylum & Immigration Tribunal

Annex F – Glossary of Terms

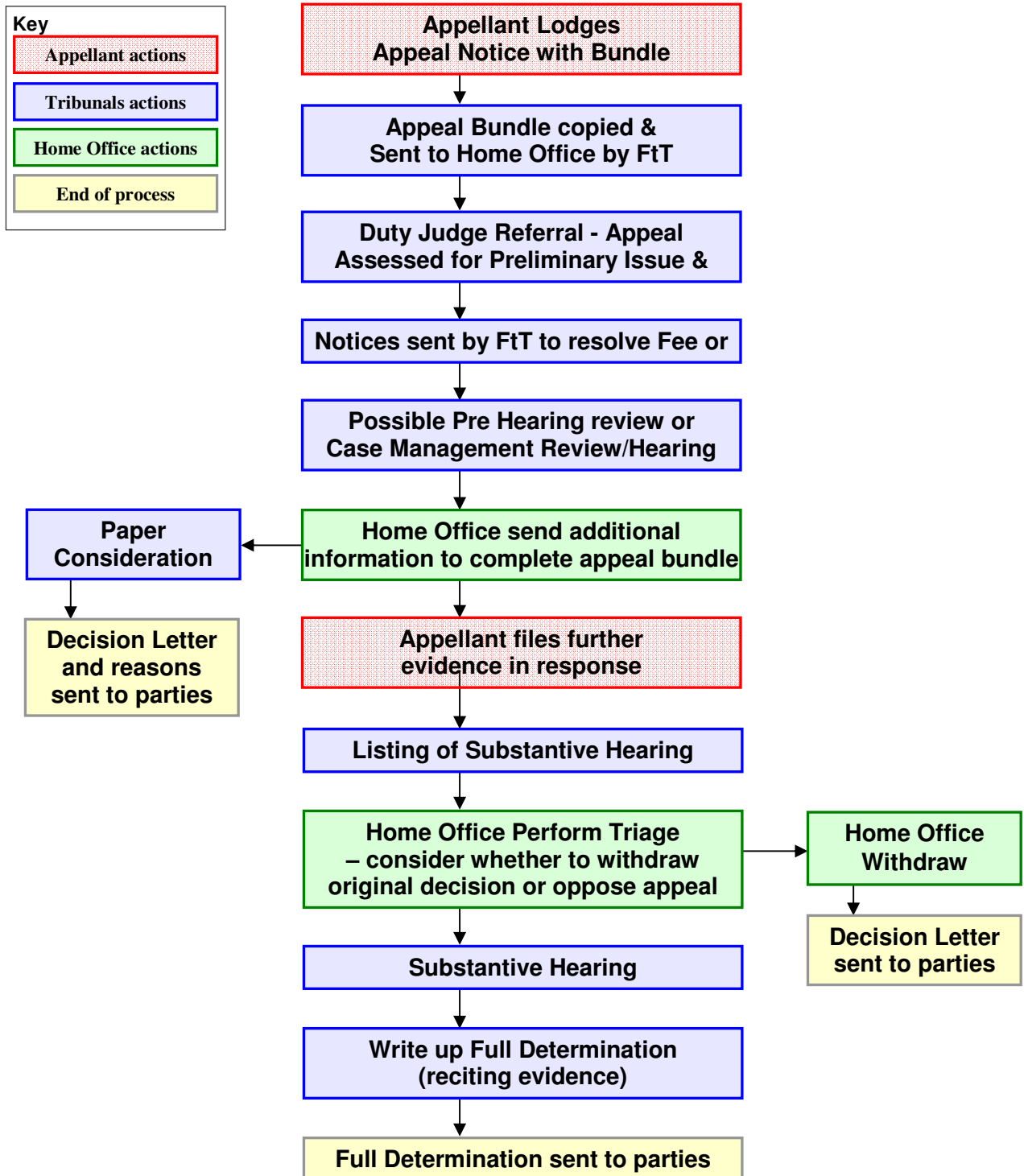
AIT	Asylum and Immigration Tribunal
APC	Appeals Processing Centre
CIJ	Council of Immigration Judges
CMR	Case Management Review
CMRH	Case Management Review Hearing
DAR	Digital Audio Recording
ECO	Entry Clearance Officer
FTPA	First Tier Permission Application
FtT(IAC)	First-tier Tribunal (Immigration and Asylum Chamber)
HMCTS	Her Majesty's Courts and Tribunals Service
IAA	Immigration Appellate Authority
JAC	Judicial Appointments Commission
MI	Management Information
NBC	National Business Centre
NLM	Non-Legal Member
PHR	Pre-Hearing Review
SEC	Social Entitlement Chamber
SEND	Special Educational Needs and Disability
SPT	Senior President of Tribunals
SSCS	Social Security and Child Support
TPC	Tribunal Procedure Committee
UT(IAC)	Upper Tribunal (Immigration and Asylum Chamber)

Annex G – List of Previous Reviews of the Tribunal or evaluations of pilots undertaken at the Tribunal Considered by the Review

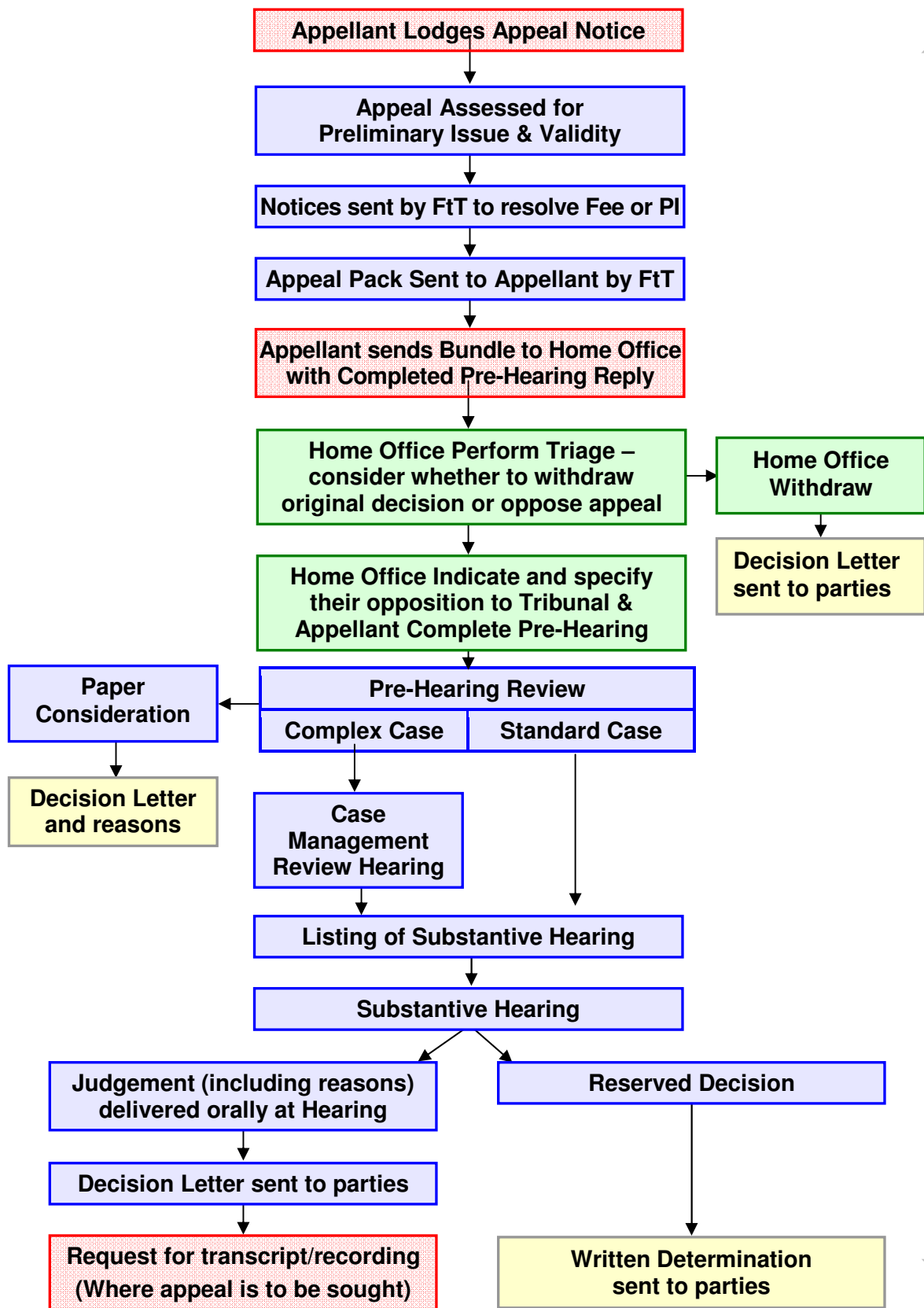
25 September 2001	Immigration Appellate Authority	PA Consulting Group (Beer, N, Adam Pemberton and Philip Mackey)
18 April 2002	Immigration Appellate Authority: Evaluation of the Hatton Cross Sitting Pattern Pilot	PA Consulting Group (Beer, N, Adam Pemberton and Philip Mackey)
December 2006	Taylor House in-house Evaluation Report ½ & ½ Pilot	Dawn Miles, Office Manager (Listing) Taylor House
January 2007	Judicial Time Analysis – Validation of initial findings – Taylor House	PA Consulting Group
16 February 2007	Analysis of Judicial Time	PA Consulting Group
April 2008	North Shields PM Listing Pilot	Tribunals Service
29 September 2009	Efficiency and Cost Reductions in the Asylum and Immigration Tribunal	Judge David Kelly
12 December 2009	An Analysis of Judicial Time in the AIT	Sir Thayne Forbes
February 2011	Proposed changes to typing provision	HMCTS

Annex H – Overview of Key Processes

Current Process of the First-tier Tribunal Immigration & Asylum Chamber



Proposed process for the First-tier Tribunal Immigration & Asylum Chamber



Fundamental Review - Financial Modelling 2013-2015

Annex I

			FORECAST SITTING DAYS 2013/14							SAVING (-) / COST (+) 2013/14			
The baseline is the agreed 2013/14 sitting forecast and draft 2014/15 sitting forecast, derived from current workload estimates and business processes			Total Sitting Days	Variance from baseline	Salaried Sitting Days Available	Variance from baseline	Salaried Surplus	Fee-Paid Sitting Days Required	Variance from baseline	Judicial fees	T&S	Judicial fees and T&S	% variance from baseline
1	Baseline		18,989	0	11,059	0	0	7,930	0	£0	£0	£0	0%
2	Remove 1+1 sitting pattern - no other changes		18,989	0	20,014	8,955	1,025	0	-7,930	-£7,755,540	-£853,109	-£8,608,649	-100%
3	Replace points system with actual average hearing times. Allow 1:2 ratio for oral judgements (preparation and consideration time). 1:3 ratio for reserved written decisions. Removal of 1+1 increases salaried sitting time by est 75%	1:2 ratio (100%), 1:3 ratio (0%) 1:2 ratio (75%), 1:3 ratio (25%) 1:2 ratio (50%), 1:3 ratio (50%) 1:2 ratio (25%), 1:3 ratio (75%)	20,762 22,590 24,418 26,247	1,773 3,601 5,429 7,258	20,014 20,014 20,014 20,014	8,955 8,955 8,955 8,955	0 0 0 0	748 2,576 4,404 6,233	-7,182 -5,354 -3,526 -1,697	-£7,023,996 -£5,236,212 -£3,448,428 -£1,659,666	-£772,640 -£575,983 -£379,327 -£182,563	-£7,796,636 -£5,812,195 -£3,827,755 -£1,842,229	-91% -68% -44% -21%
4	Introduce optional CMRs for all cases (instead of mandatory CMRs for Asylum). Assume 30m per appeal. Requirement to be decided on receipt of pre-listing questionnaire. Modelled on current 1+1 pattern.	CMR on 25% of appeals CMR on 50% of appeals CMR on 75% of appeals CMR on 100% of appeals	19,311 20,337 21,363 22,389	322 1,348 2,374 3,400	11,059 11,059 11,059 11,059	0 0 0 0	0 0 0 0	8,252 9,278 10,304 11,330	322 1,348 2,374 3,400	£314,916 £1,318,344 £2,321,772 £3,325,200	£34,641 £145,018 £255,395 £365,772	£349,557 £1,463,362 £2,577,167 £3,690,972	4% 17% 30% 43%
5	Appeals not listed until UKBA consider entire bundle of evidence. Assume UKBA withdraws a proportion of appeals they currently lose. Modelled on current 1+1 pattern.	25% of allowed appeals to be withdrawn 50% of allowed appeals to be withdrawn 75% of allowed appeals to be withdrawn	17,749 16,519 15,279	-1,240 -2,470 -3,710	11,059 11,059 11,059	0 0 0	0 0 0	6,690 5,460 4,220	-1,240 -2,470 -3,710	-£1,212,720 -£2,415,660 -£3,628,380	-£133,399 -£265,723 -£399,122	-£1,346,119 -£2,681,383 -£4,027,502	-16% -31% -47%
6	Reduced level of adjournments post-CMR. Enables uplift in adjournment time to be reduced from current 13% of sittings. Modelled on current 1+1 pattern.	Adj uplift reduced to 10% Adj uplift reduced to 7% Adj uplift reduced to 4%	18,647 18,305 17,963	-342 -684 -1,026	11,059 11,059 11,059	0 0 0	0 0 0	7,588 7,246 6,904	-342 -684 -1,026	-£334,476 -£668,952 -£1,003,428	-£36,792 -£73,585 -£110,377	-£371,268 -£742,537 -£1,113,805	-4% -9% -13%
7	Remove 1+1 sitting pattern with 100% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	1:2 ratio (100%), 1:3 ratio (0%), 25% CMR 1:2 ratio (100%), 1:3 ratio (0%), 50% CMR 1:2 ratio (100%), 1:3 ratio (0%), 75% CMR 1:2 ratio (100%), 1:3 ratio (0%), 100% CMR	21,084 22,110 23,136 24,162	2,095 3,121 4,147 5,173	20,014 20,014 20,014 20,014	8,955 8,955 8,955 8,955	0 0 0 0	1,070 2,096 3,122 4,148	-6,860 -5,834 -4,808 -3,782	-£6,709,080 -£5,705,652 -£4,702,224 -£3,698,796	-£737,999 -£627,622 -£517,245 -£406,868	-£7,447,079 -£6,333,274 -£5,219,469 -£4,105,664	-87% -74% -61% -48%
8	Remove 1+1 sitting pattern with 75% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	1:2 ratio (75%), 1:3 ratio (25%), 25% CMR 1:2 ratio (75%), 1:3 ratio (25%), 50% CMR 1:2 ratio (75%), 1:3 ratio (25%), 75% CMR 1:2 ratio (75%), 1:3 ratio (25%), 100% CMR	22,912 23,938 24,964 25,990	3,923 4,949 5,975 7,001	20,014 20,014 20,014 20,014	8,955 8,955 8,955 8,955	0 0 0 0	2,898 3,924 4,950 5,976	-5,032 -4,006 -2,980 -1,954	-£4,921,296 -£3,917,868 -£2,914,440 -£1,911,012	-£541,343 -£430,965 -£320,588 -£210,211	-£5,462,639 -£4,348,833 -£3,235,028 -£2,121,223	-63% -51% -38% -25%
9	Remove 1+1 sitting pattern with 50% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	1:2 ratio (50%), 1:3 ratio (50%), 25% CMR 1:2 ratio (50%), 1:3 ratio (50%), 50% CMR 1:2 ratio (50%), 1:3 ratio (50%), 75% CMR 1:2 ratio (50%), 1:3 ratio (50%), 100% CMR	24,741 25,766 26,792 27,818	5,752 6,777 7,803 8,829	20,014 20,014 20,014 20,014	8,955 8,955 8,955 8,955	0 0 0 0	4,727 5,752 6,778 7,804	-3,203 -2,178 -1,152 -126	-£3,132,534 -£2,130,084 -£1,126,656 -£123,228	-£344,579 -£234,309 -£123,932 -£13,555	-£3,477,113 -£2,364,393 -£1,250,588 -£136,783	-40% -27% -15% -2%
10	Remove 1+1 sitting pattern with 25% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	1:2 ratio (25%), 1:3 ratio (75%), 25% CMR 1:2 ratio (25%), 1:3 ratio (75%), 50% CMR 1:2 ratio (25%), 1:3 ratio (75%), 75% CMR 1:2 ratio (25%), 1:3 ratio (75%), 100% CMR	26,569 27,595 28,621 29,647	7,580 8,606 9,632 10,658	20,014 20,014 20,014 20,014	8,955 8,955 8,955 8,955	0 0 0 0	6,555 7,581 8,607 9,633	-1,375 -349 677 1,703	-£1,344,750 -£341,322 £662,106 £1,665,534	-£147,923 -£37,545 £72,832 £183,209	-£1,492,673 -£378,867 £734,938 £1,848,743	-17% -4% 9% 21%
11	"Low" aggregate savings	1:2 ratio (25%), 1:3 ratio (75%); 100% CMR; Adj uplift reduced to 10%; 25% of allowed appeals to be withdrawn	26,896	7,907	20,014	8,955	0	6,882	-1,048	-£1,024,944	-£112,744	-£1,137,688	-13%
12	"Medium" aggregate savings	1:2 ratio (50%), 1:3 ratio (50%); 50% CMR; Adj uplift reduced to 7%; 50% of allowed appeals to be withdrawn	21,185	2,196	20,014	8,955	0	1,171	-6,759	-£6,610,302	-£727,133	-£7,337,435	-85%
13	"High" aggregate savings	1:2 ratio (75%), 1:3 ratio (25%); 25% CMR; Adj uplift reduced to 4%; 75% of allowed appeals to be withdrawn	17,075	-1,914	20,014	8,955	2,939	0	-7,930	-£7,755,540	-£853,109	-£8,608,649	-100%

Colour Key:

SALARIED SURPLUS
NIL FEE-PAID
INCREASED FEE-PAID

The figures quoted on this worksheet are indicative, based on broad, illustrative, modelling scenarios. The assumptions used will need to be fully evaluated during the implementation pilots and are, therefore, subject to change.

Fundamental Review - Financial Modelling 2013-2015

Annex I

		FORECAST SITTING DAYS 2014/15							SAVING (-) / COST (+) 2014/15				CUMULATIVE 2013/15	
		Total Sitting Days	Variance from baseline	Salaried Sitting Days Available	Variance from baseline	Salaried Surplus	Fee-Paid Sitting Days Required	Variance from baseline	Judicial fees	T&S	Judicial fees and T&S	% variance from baseline	Judicial fees and T&S	% variance from baseline
The baseline is the agreed 2013/14 sitting forecast and draft 2014/15 sitting forecast, derived from current workload estimates and business processes														
1	Baseline	14,939	0	10,835	0	0	4,104	0	£0	£0	£0	0%	£0	0%
2	Remove 1+1 sitting pattern - no other changes	14,939	0	19,377	8,542	4,438	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£13,063,870	-100%
3	Replace points system with actual average hearing times. Allow 1:2 ratio for oral judgements (preparation and consideration time). 1:3 ratio for reserved written decisions. Removal of 1+1 increases salaried sitting time by est 75%	16,363	1,424	19,377	8,542	3,014	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£12,251,856	-94%
		17,748	2,809	19,377	8,542	1,629	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£10,267,416	-79%
		19,133	4,194	19,377	8,542	244	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£8,282,975	-63%
		20,517	5,578	19,377	8,542	0	1,140	-2,964	-£2,898,792	-£318,867	-£3,217,659	-72%	-£5,059,888	-39%
4	Introduce optional CMRs for all cases (instead of mandatory CMRs for Asylum). Assume 30m per appeal. Requirement to be decided on receipt of pre-listing questionnaire. Modelled on current 1+1 pattern.	14,933	-6	10,835	0	0	4,098	-6	-£5,868	-£645	-£6,513	0%	£343,043	3%
		15,618	679	10,835	0	0	4,783	679	£664,062	£73,047	£737,109	17%	£2,200,471	17%
		16,303	1,364	10,835	0	0	5,468	1,364	£1,333,992	£146,739	£1,480,731	33%	£4,057,898	31%
		16,987	2,048	10,835	0	0	6,152	2,048	£2,002,944	£220,324	£2,223,268	50%	£5,914,240	45%
5	Appeals not listed until UKBA consider entire bundle of evidence. Assume UKBA withdraws a proportion of appeals they currently lose. Modelled on current 1+1 pattern.	13,998	-941	10,835	0	0	3,163	-941	-£920,298	-£101,233	-£1,021,531	-23%	-£2,367,650	-18%
		13,066	-1,873	10,835	0	0	2,231	-1,873	-£1,831,794	-£201,497	-£2,033,291	-46%	-£4,714,674	-36%
		12,142	-2,797	10,835	0	0	1,307	-2,797	-£2,735,466	-£300,901	-£3,036,367	-68%	-£7,063,869	-54%
6	Reduced level of adjournments post-CMR. Enables uplift in adjournment time to be reduced from current 13% of sittings. Modelled on current 1+1 pattern.	14,682	-257	10,835	0	0	3,847	-257	-£251,346	-£27,648	-£278,994	-6%	-£650,262	-5%
		14,425	-514	10,835	0	0	3,590	-514	-£502,692	-£55,296	-£557,988	-13%	-£1,300,525	-10%
		14,169	-770	10,835	0	0	3,334	-770	-£753,060	-£82,837	-£835,897	-19%	-£1,949,702	-15%
7	Remove 1+1 sitting pattern with 100% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	16,357	1,418	19,377	8,542	3,020	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£11,902,299	-91%
		17,042	2,103	19,377	8,542	2,335	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£10,788,494	-83%
		17,727	2,788	19,377	8,542	1,650	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£9,674,689	-74%
		18,412	3,473	19,377	8,542	965	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£8,560,884	-66%
8	Remove 1+1 sitting pattern with 75% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	17,742	2,803	19,377	8,542	1,635	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£9,917,859	-76%
		18,427	3,488	19,377	8,542	950	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£8,804,054	-67%
		19,112	4,173	19,377	8,542	265	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£7,690,249	-59%
		19,797	4,858	19,377	8,542	0	420	-3,684	-£3,602,952	-£396,325	-£3,999,277	-90%	-£6,120,500	-47%
9	Remove 1+1 sitting pattern with 50% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	19,127	4,188	19,377	8,542	250	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£7,932,333	-61%
		19,812	4,873	19,377	8,542	0	435	-3,669	-£3,588,282	-£394,711	-£3,982,993	-89%	-£6,347,386	-49%
		20,496	5,557	19,377	8,542	0	1,119	-2,985	-£2,919,330	-£321,126	-£3,240,456	-73%	-£4,491,044	-34%
		21,181	6,242	19,377	8,542	0	1,804	-2,300	-£2,249,400	-£247,434	-£2,496,834	-56%	-£2,633,617	-20%
10	Remove 1+1 sitting pattern with 25% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	20,512	5,573	19,377	8,542	0	1,135	-2,969	-£2,903,682	-£319,405	-£3,223,087	-72%	-£4,715,760	-36%
		21,196	6,257	19,377	8,542	0	1,819	-2,285	-£2,234,730	-£245,820	-£2,480,550	-56%	-£2,859,418	-22%
		21,881	6,942	19,377	8,542	0	2,504	-1,600	-£1,564,800	-£172,128	-£1,736,928	-39%	-£1,001,990	-8%
		22,566	7,627	19,377	8,542	0	3,189	-915	-£894,870	-£98,436	-£993,306	-22%	-£855,437	7%
11	"Low" aggregate savings	20,514	5,575	19,377	8,542	0	1,137	-2,967	-£2,901,726	-£319,190	-£3,220,916	-72%	-£4,358,604	-33%
12	"Medium" aggregate savings	16,377	1,438	19,377	8,542	3,000	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£11,792,656	-90%
13	"High" aggregate savings	13,375	-1,564	19,377	8,542	6,002	0	-4,104	-£4,013,712	-£441,508	-£4,455,220	-100%	-£13,063,870	-100%

Colour Key:

SALARIED SURPLUS

NIL FEE-PAID

INCREASED FEE-PAID

The figures quoted on this worksheet are indicative, based on broad, illustrative, modelling

scenarios. The assumptions used will need to be fully evaluated during the implementation pilots and are, therefore, subject to change.

Fundamental Review - Financial Modelling 2013-2015

Annex I

		2013/14	2014/15	CUMULATIVE	2013/14	2014/15	CUMULATIVE	2013/14	2014/15	CUMULATIVE	
<i>The baseline is the agreed 2013/14 sitting forecast and draft 2014/15 sitting forecast, derived from current workload estimates and business processes</i>		<i>Indicative fee reductions from fee-paid judges receiving sitting fee only</i>			<i>Reduction in typing costs</i>			<i>Overall totals</i>			
1	Baseline	£0	£0	£0	£0	£0	£0	£0	£0	£0	
2	Remove 1+1 sitting pattern - no other changes	£0	£0	£0	£0	£0	£0	£0	£0	£0	
3	Replace points system with actual average hearing times. Allow 1:2 ratio for oral judgements (preparation and consideration time). 1:3 ratio for reserved written decisions. Removal of 1+1 increases salaried sitting time by est 75%	1:2 ratio (100%), 1:3 ratio (0%) 1:2 ratio (75%), 1:3 ratio (25%) 1:2 ratio (50%), 1:3 ratio (50%) 1:2 ratio (25%), 1:3 ratio (75%)	£-337,348 £-871,332 £-993,102 £-702,771	£0 £0 £0 £-128,535	£-337,348 £-871,332 £-993,102 £-831,306	£-1,382,455 £-1,036,841 £-691,228 £-345,614	£-1,197,160 £-897,870 £-1,289,808 £-299,290	£-2,579,615 £-1,934,711 £-1,289,808 £-644,904	£-9,516,439 £-7,720,369 £-5,512,085 £-2,890,614	£-5,652,380 £-5,353,090 £-5,053,800 £-3,645,484	£-15,168,819 £-13,073,459 £-10,565,885 £-6,536,098
4	Introduce optional CMRs for all cases (instead of mandatory CMRs for Asylum). Assume 30m per appeal. Requirement to be decided on receipt of pre-listing questionnaire. Modelled on current 1+1 pattern.	CMR on 25% of appeals CMR on 50% of appeals CMR on 75% of appeals CMR on 100% of appeals	£0 £0 £0 £0	£0 £0 £0 £0	£0 £0 £0 £0	£0 £0 £0 £0	£0 £0 £0 £0	£0 £0 £0 £0	£349,557 £1,463,362 £2,577,167 £3,690,972	£-6,513 £737,109 £1,480,731 £2,223,268	£343,043 £2,200,471 £4,057,898 £5,914,240
5	Appeals not listed until UKBA consider entire bundle of evidence. Assume UKBA withdraws a proportion of appeals they currently lose. Modelled on current 1+1 pattern.	25% of allowed appeals to be withdrawn 50% of allowed appeals to be withdrawn 75% of allowed appeals to be withdrawn	£0 £0 £0	£0 £0 £0	£0 £0 £0	£0 £0 £0	£0 £0 £0	£0 £0 £0	£-1,346,119 £-2,681,383 £-4,027,502	£-1,021,531 £-2,033,291 £-3,036,367	£-2,367,650 £-4,714,674 £-7,063,869
6	Reduced level of adjournments post-CMR. Enables uplift in adjournment time to be reduced from current 13% of sittings. Modelled on current 1+1 pattern.	Adj uplift reduced to 10% Adj uplift reduced to 7% Adj uplift reduced to 4%	£0 £0 £0	£0 £0 £0	£0 £0 £0	£0 £0 £0	£0 £0 £0	£0 £0 £0	£-371,268 £-742,537 £-1,113,805	£-278,994 £-557,988 £-835,897	£-650,262 £-1,300,525 £-1,949,702
7	Remove 1+1 sitting pattern with 100% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	1:2 ratio (100%), 1:3 ratio (0%), 25% CMR 1:2 ratio (100%), 1:3 ratio (0%), 50% CMR 1:2 ratio (100%), 1:3 ratio (0%), 75% CMR 1:2 ratio (100%), 1:3 ratio (0%), 100% CMR	£-482,570 £-945,296 £-1,408,022 £-1,870,748	£0 £0 £0 £0	£-482,570 £-945,296 £-1,408,022 £-1,870,748	£-1,382,455 £-1,382,455 £-1,382,455 £-1,382,455	£-1,197,160 £-1,197,160 £-1,197,160 £-1,197,160	£-2,579,615 £-2,579,615 £-2,579,615 £-2,579,615	£-9,312,104 £-8,661,025 £-8,009,946 £-7,358,867	£-5,652,380 £-5,652,380 £-5,652,380 £-5,652,380	£-14,964,484 £-14,313,405 £-13,662,326 £-13,011,247
8	Remove 1+1 sitting pattern with 75% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	1:2 ratio (75%), 1:3 ratio (25%), 25% CMR 1:2 ratio (75%), 1:3 ratio (25%), 50% CMR 1:2 ratio (75%), 1:3 ratio (25%), 75% CMR 1:2 ratio (75%), 1:3 ratio (25%), 100% CMR	£-980,249 £-1,327,293 £-1,674,338 £-2,021,382	£0 £0 £0 £-142,065	£-980,249 £-1,327,293 £-1,674,338 £-2,163,447	£-1,036,841 £-1,036,841 £-1,036,841 £-1,036,841	£-897,870 £-897,870 £-897,870 £-897,870	£-1,934,711 £-1,934,711 £-1,934,711 £-1,934,711	£-7,479,728 £-6,712,968 £-5,946,207 £-5,179,447	£-5,353,090 £-5,353,090 £-5,353,090 £-5,039,212	£-12,832,819 £-12,066,058 £-11,299,297 £-10,218,658
9	Remove 1+1 sitting pattern with 50% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	1:2 ratio (50%), 1:3 ratio (50%), 25% CMR 1:2 ratio (50%), 1:3 ratio (50%), 50% CMR 1:2 ratio (50%), 1:3 ratio (50%), 75% CMR 1:2 ratio (50%), 1:3 ratio (50%), 100% CMR	£-1,065,939 £-1,297,076 £-1,528,439 £-1,759,802	£0 £-98,093 £-252,335 £-406,802	£-1,065,939 £-1,395,169 £-1,780,774 £-2,166,604	£-691,228 £-691,228 £-691,228 £-691,228	£-598,580 £-598,580 £-598,580 £-598,580	£-1,289,808 £-1,289,808 £-1,289,808 £-1,289,808	£-5,234,279 £-4,352,697 £-3,470,255 £-2,587,813	£-5,053,800 £-4,679,666 £-4,091,371 £-3,502,216	£-10,288,079 £-9,032,362 £-7,561,625 £-6,090,029
10	Remove 1+1 sitting pattern with 25% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	1:2 ratio (25%), 1:3 ratio (75%), 25% CMR 1:2 ratio (25%), 1:3 ratio (75%), 50% CMR 1:2 ratio (25%), 1:3 ratio (75%), 75% CMR 1:2 ratio (25%), 1:3 ratio (75%), 100% CMR	£-739,076 £-854,758 £-970,439 £-1,086,121	£-127,971 £-205,092 £-282,326 £-359,560	£-867,048 £-1,059,850 £-1,252,765 £-1,445,681	£-345,614 £-345,614 £-345,614 £-345,614	£-299,290 £-299,290 £-299,290 £-299,290	£-644,904 £-644,904 £-644,904 £-644,904	£-2,577,363 £-1,579,239 £-581,115 £417,008	£-3,650,348 £-2,984,933 £-2,318,544 £-1,652,155	£-6,227,711 £-4,564,171 £-2,899,659 £-1,235,147
11	"Low" aggregate savings	1:2 ratio (25%), 1:3 ratio (75%); 100% CMR; Adj uplift reduced to 10%; 25% of allowed appeals to be withdrawn	£-775,946	£-128,197	£-904,142	£-345,614	£-299,290	£-644,904	£-2,259,247	£-3,648,403	£-5,907,650
12	"Medium" aggregate savings	1:2 ratio (50%), 1:3 ratio (50%); 50% CMR; Adj uplift reduced to 7%; 50% of allowed appeals to be withdrawn	£-264,061	£0	£-264,061	£-691,228	£-598,580	£-1,289,808	£-8,292,723	£-5,053,800	£-13,346,524
13	"High" aggregate savings	1:2 ratio (75%), 1:3 ratio (25%); 25% CMR; Adj uplift reduced to 4%; 75% of allowed appeals to be withdrawn	£0	£0	£0	£-1,036,841	£-897,870	£-1,934,711	£-9,645,491	£-5,353,090	£-14,998,581

Colour Key:

SALARIED SURPLUS

NIL FEE-PAID

INCREASED FEE-PAID

The figures quoted on this worksheet are indicative, based on broad, illustrative, modelling scenarios.

The assumptions used will need to be fully evaluated during the implementation pilots and are, therefore, subject to change.

Fundamental Review - Financial Modelling 2013-2015

Annex I

The baseline is the agreed 2013/14 sitting forecast and draft 2014/15 sitting forecast, derived from current workload estimates and business processes		Change in average cost of determination in 2013/14	Variance from baseline	Change in average cost of determination in 2014/15	Variance from baseline
1	Baseline	827	0%	976	0%
2	Remove 1+1 sitting pattern - no other changes	692	-16%	866	-11%
3	Replace points system with actual average hearing times. Allow 1:2 ratio for oral judgements (preparation and consideration time). 1:3 ratio for reserved written decisions. Removal of 1+1 increases salaried sitting time by est 75%	705	-15%	866	-11%
		736	-11%	866	-11%
		767	-7%	866	-11%
		798	-3%	897	-8%
4	Introduce optional CMRs for all cases (instead of mandatory CMRs for Asylum). Assume 30m per appeal. Requirement to be decided on receipt of pre-listing questionnaire. Modelled on current 1+1 pattern.	832	1%	976	0%
		850	3%	994	2%
		867	5%	1,012	4%
		884	7%	1,030	6%
5	Appeals not listed until UKBA consider entire bundle of evidence. Assume UKBA withdraws a proportion of appeals they currently lose. Modelled on current 1+1 pattern.	806	-3%	951	-3%
		785	-5%	926	-5%
		764	-8%	901	-8%
6	Reduced level of adjournments post-CMR. Enables uplift in adjournment time to be reduced from current 13% of sittings. Modelled on current 1+1 pattern.	821	-1%	969	-1%
		815	-1%	962	-1%
		809	-2%	955	-2%
7	Remove 1+1 sitting pattern with 100% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	711	-14%	866	-11%
		728	-12%	866	-11%
		745	-10%	866	-11%
		763	-8%	866	-11%
8	Remove 1+1 sitting pattern with 75% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	742	-10%	866	-11%
		759	-8%	866	-11%
		776	-6%	866	-11%
		794	-4%	877	-10%
9	Remove 1+1 sitting pattern with 50% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	773	-7%	866	-11%
		790	-4%	878	-10%
		807	-2%	896	-8%
		825	0%	914	-6%
10	Remove 1+1 sitting pattern with 25% oral judgement rate and stepped proportion of CMR (25%/50%/75%/100%) - no other changes	803	-3%	897	-8%
		821	-1%	915	-6%
		838	1%	933	-4%
		856	3%	951	-2%
11	"Low" aggregate savings	809	-2%	897	-8%
12	"Medium" aggregate savings	712	-14%	866	-11%
13	"High" aggregate savings	692	-16%	866	-11%

Colour Key:

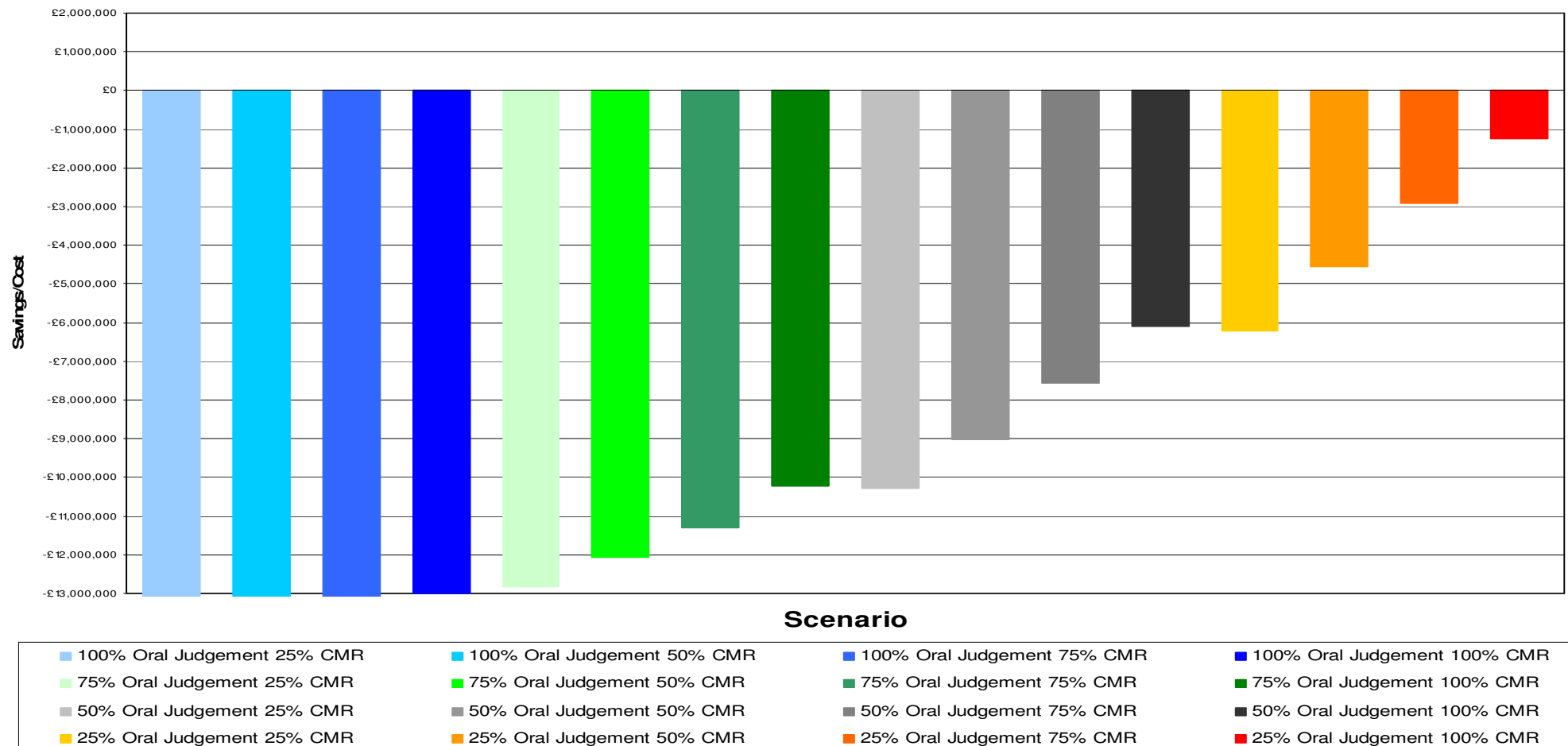
SALARIED SURPLUS

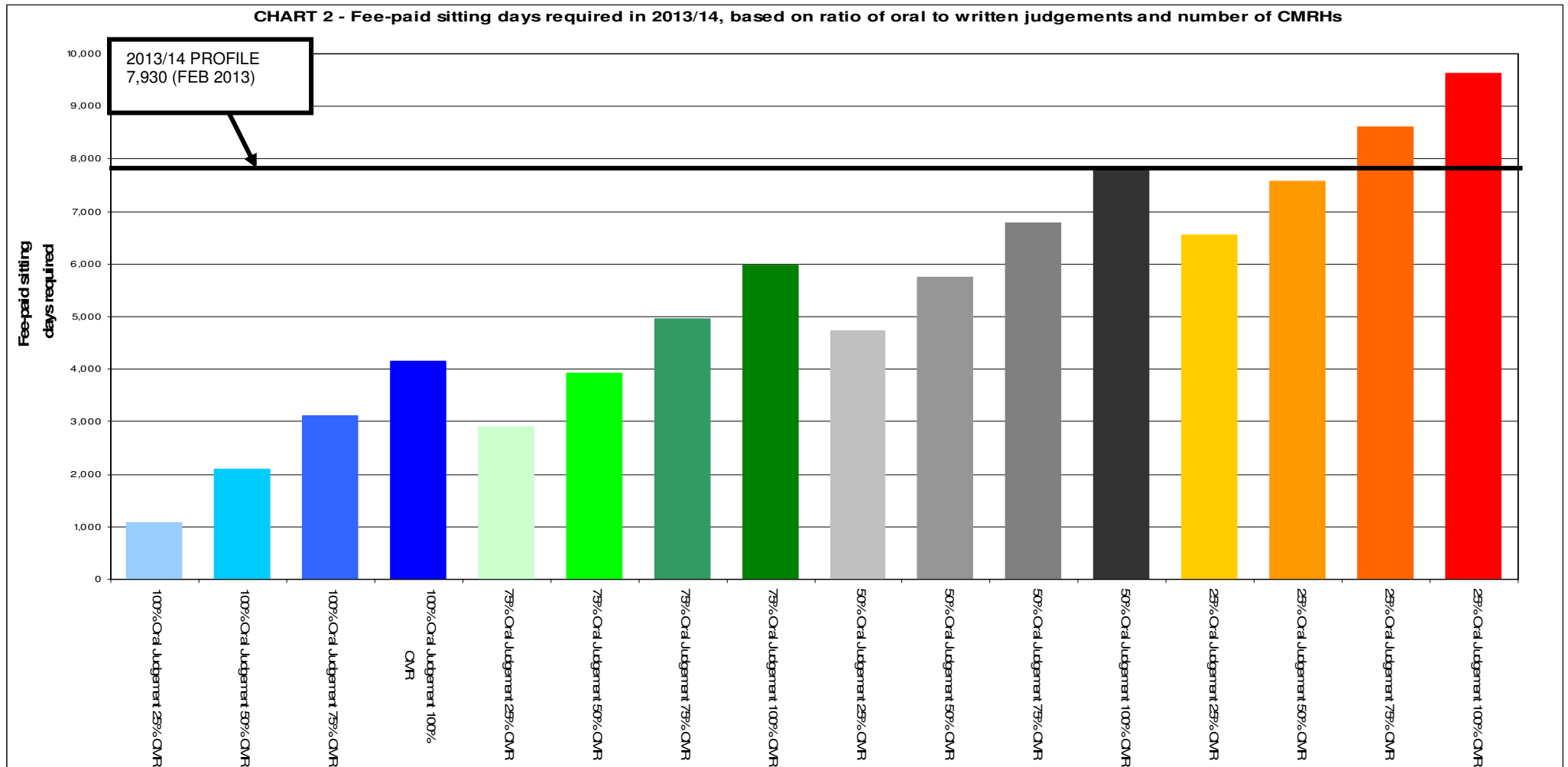
NIL FEE-PAID

INCREASED FEE-PAID

The figures quoted on this worksheet are indicative, based on broad, illustrative, modelling scenarios. The assumptions used will need to be fully evaluated during the implementation pilots and are, therefore, subject to change.

CHART 1 - Total cumulative savings forecast 2013/14-2014/15, based on ratio of oral to written judgements and number of CMRHs





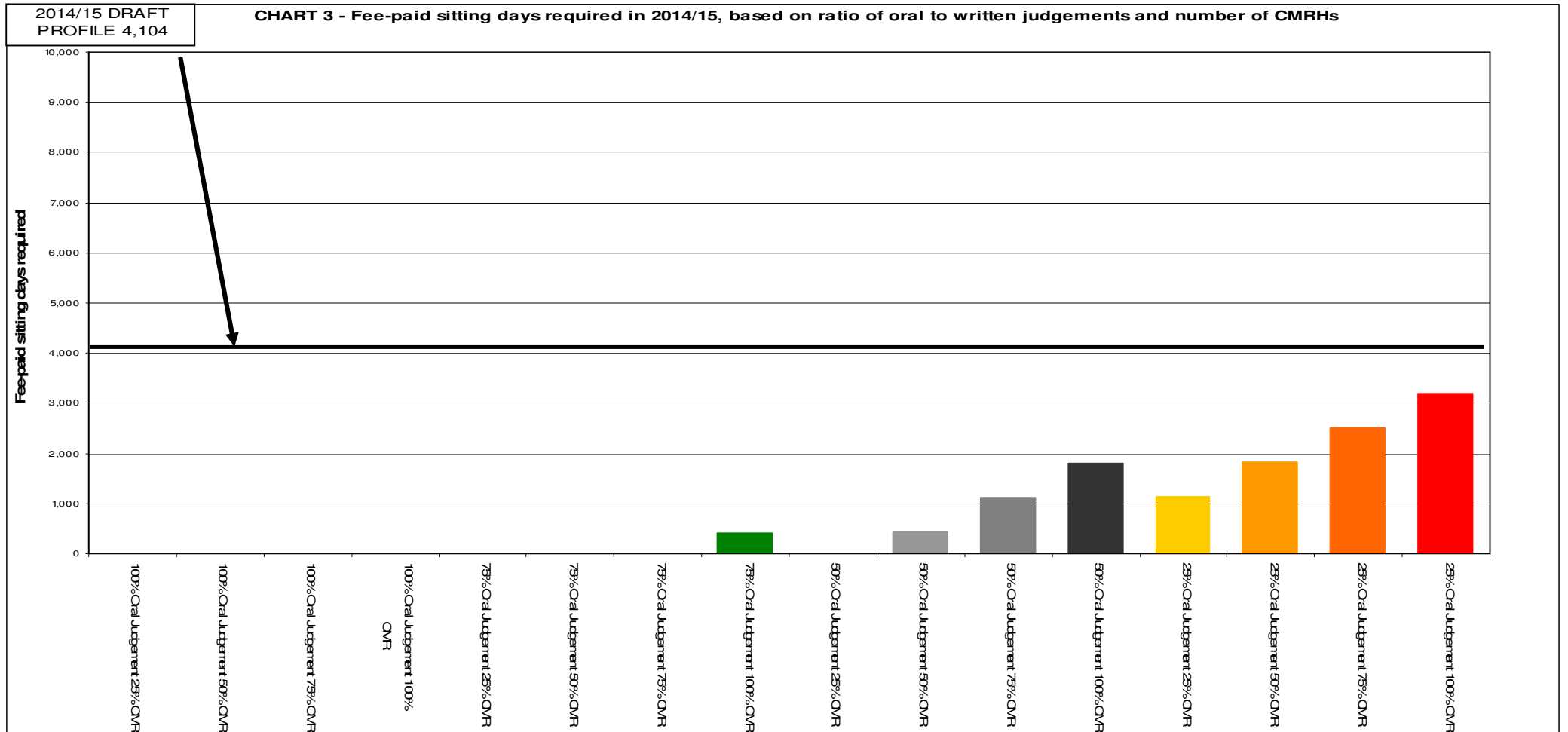


CHART 4 - Total cumulative savings forecast 2013/14-2014/15, based on ratio of oral to written judgements, CMRHs, reduced adjournments and higher withdrawal rate

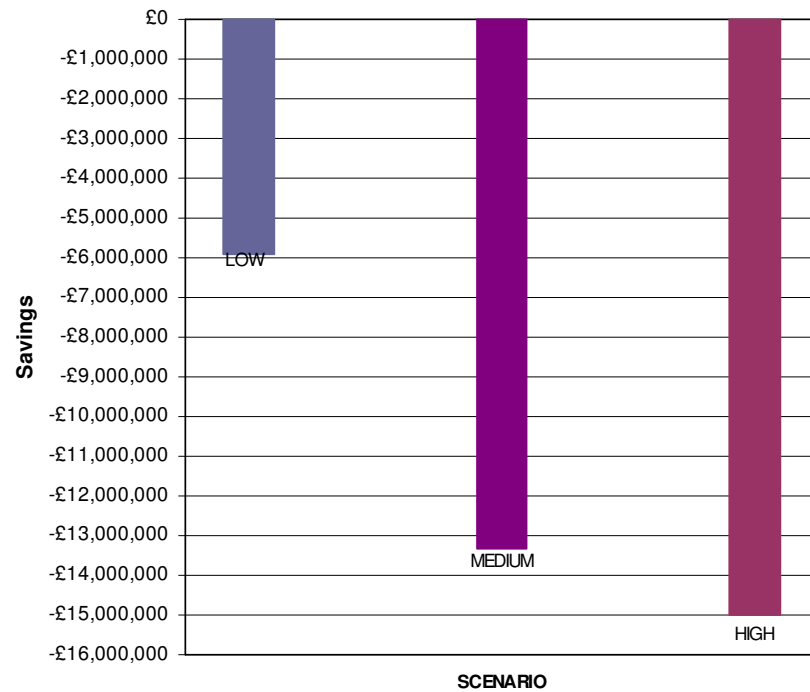
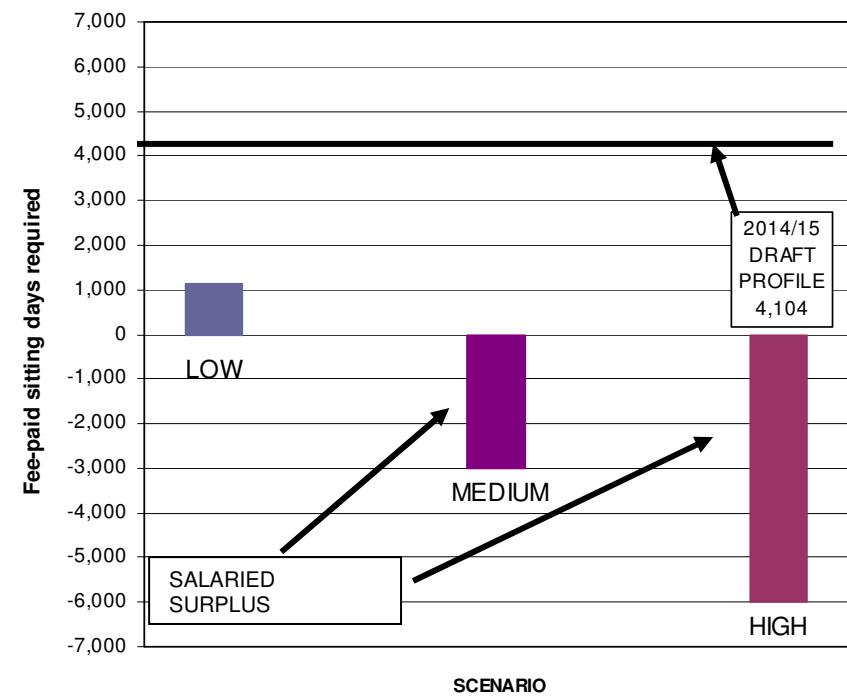


CHART 5 - Fee-paid sitting days required/salaried surplus in 2014/15, based on ratio of oral to written judgments, CMRHs, reduced adjournments and higher withdrawal rate



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13 January 2014