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criminal injuries compensation appeals panel annual report and accounts 2004/05

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cicap

annual report and
accounts

2004/05



criminal injuries compensation appeals panel
ninth annual report and accounts for the
year ended 31 march 2005

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criminal injuries compensation appeals panel annual report and accounts 2004/05

To:
The Secretary of State for the Home Department
The Scottish Ministers

On behalf of the Criminal Injuries Compensation Appeals Panel I have the honour to submit our Report and Accounts for the year from 1 April 2004 to 31 March 2005.

Roger Goodier
Chairman, Criminal Injuries Compensation Appeals Panel 7 February 2006

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12 Farringdon Road, London EC1M 3HS

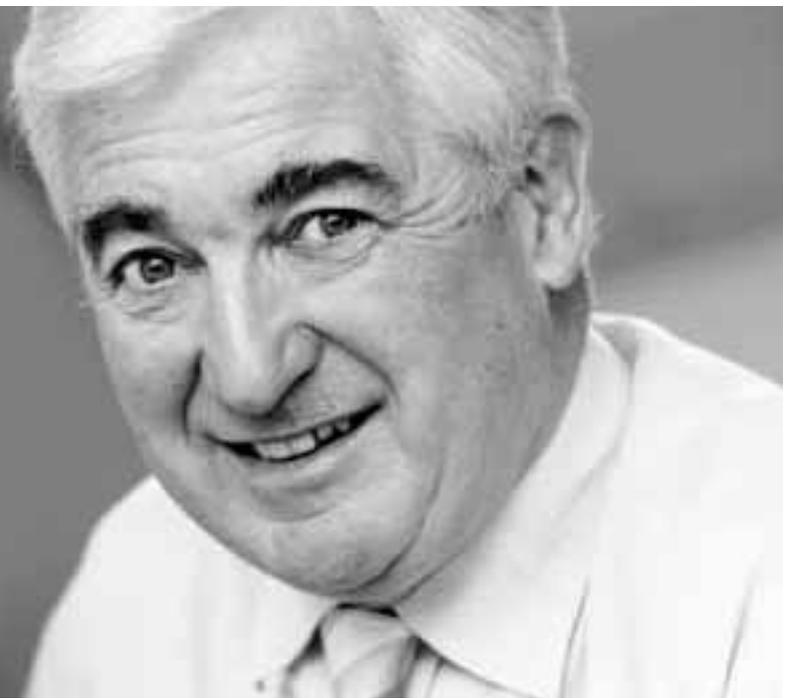
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chairman's foreword



This Report takes in the 3rd year of my office since I was appointed Chairman on 1 April 2002.

Grant McCulloch was appointed Deputy Chairman in February 2004 but his tenure was regrettably short because, in September 2004, he was appointed to a full time judicial office in Scotland. There are no plans to recruit a replacement at this stage.

The pressures increased when our full time Panel Legal Adviser, Prakash Bachoo, left us, also in September, on promotion to a position within the Treasury Solicitor's office.

In addition to the loss of key personnel, the year brought unwanted pressures to CICAP, due to our sponsors reducing our administration budget by 12% compared with 2003/04. This followed a 3.5% reduction in the previous year.

We pride ourselves in being a high quality decision making organisation, but reductions in budget of this magnitude inevitably create challenges and strains which are bound to affect performance. Great credit is due to our Chief Executive and Accounting Officer, Roy Burke, our staff and adjudicators for the way that these challenges have been met. After three years of admirable service, Roy left CICAP on 29 April 2005, on promotion to a position in the Cabinet Office. His replacement is Jeanette Martin who joins from the Department for Constitutional Affairs (DCA), and all at CICAP look forward to working with her.

In the past, the composition of panels determining tariff scheme cases has normally been three adjudicators, namely one legally qualified, one medically qualified and one lay member. One consequence of the reduced administration budget has been two member panels determining appeals in a good number of oral hearings. I am in no doubt that three member panels provide the appropriate degree of experience, balance and diversity for fair, just and consistent determinations. It is unfortunate that financial constraints interfere with, and run the risk of compromising, our objective of **enabling victims of crimes of violence to have their appeals decided sensitively, fairly and independently in accordance with the Scheme.**

We expect to transfer from sponsorship by the Home Office to the DCA in April 2006. I am pleased that the proposed transfer date has been brought forward by two years so that CICAP, as one of the so called 'top ten' tribunals, will be under the umbrella of the new organisation at the outset and we can plan and focus on all issues that will affect us in the not too distant future. During the year, Roy Burke and I have been involved in the planning for the proposed unified Tribunals Service; the planning has moved apace since the appointments of Lord Justice Carnwath as Senior President of the Tribunals Service and Peter Handcock as its Chief Executive.



One area where CICAP must always be strong is the high quality of its decision making. I am honoured to be leading panel members of such high quality. This year, 3,655 decisions were made by CICAP adjudicators. For the second year running, none of the decisions made by CICAP adjudicators was overturned by an appellate Court at a full hearing.

One significant achievement this year was the completion of our first formal appraisal of all our adjudicators. CICAP's 'peer appraisal' scheme is based on the competency framework drawn up by the Judicial Studies Board. Following training, eight CICAP adjudicators were responsible for carrying out appraisals. The feedback has been excellent and there is no doubt that this was a worthwhile exercise. The results of our appraisals have been fed to Home Office, Scottish Executive, DCA, JSB, Council on Tribunals and the Scottish Committee of the Council on Tribunals. I hope that our experience will assist all concerned in the development of a consistent appraisal scheme for all tribunal jurisdictions. I was immensely impressed with the performance of our appraisers and it may be that other jurisdictions will wish to make use of the experience they have gained. The outcome of the appraisals was also very satisfactory – general and individual training and development needs were identified and are being addressed. Following on from the round of appraisals, a 'Good Practice Guide' has been drawn up for our adjudicators and this initiative has been well received by, amongst others, Lord Newton of Braintree, Chairman of the Council on Tribunals.

A criticism which is sometimes made is the propensity for delay in final resolution of appeals. I have continued to prioritise the need to keep to a minimum the time between date of appeal and final decision. Appellants are entitled to an early decision on their appeal. Nobody benefits from unnecessary delay.

In many cases there is an issue on eligibility, i.e. whether, under the Scheme, an award of compensation can be made. Where

there is such an issue, it will often be capable of resolution as a preliminary issue before time and money are spent obtaining evidence relating to the value of a claim; where appropriate, the assessment of compensation can then be dealt with by a single panel member.

In accordance with planned objectives, the proportion of older unresolved tariff cases continued to reduce. At the beginning of 2002, 42% of unresolved appeals were more than one year old. At the end of 2005, that percentage had reduced to 32%. I aim to continue this trend. Most of the older cases are the more serious and complicated cases – these take longer to hear than most others and this inevitably leads to a reduction in the number of appeals that can be decided in a day. We could easily resolve more cases than we do, but without more 'ready to list' files from Presenting Officer's Unit of the Criminal Injuries Compensation Authority, and without the necessary financial resources from our sponsors, this is not possible.

A small number of appellants cause or contribute to delays. Some do not seem to want their cases resolved; in other cases, the co-operation of appellants and their representatives is not as full as we would expect. In a number of cases, it has been necessary to intervene and make directions to speed up final resolution.

The question we constantly ask is **'What do users want?'**. I believe that most users understand that there has to be a balance between speed, quality and cost. This Annual Report, and the experience of users, will hopefully demonstrate that this balance is broadly right and we are on the right track to maintain the year on year improvement in our overall performance.



Roger Goodier

2

annual report



Chairman, Deputy Chairman, Chief Executive

The positions of both Chairman and (when in post) Deputy are part time. In September 2004, Grant McCulloch, resigned as Deputy Chairman to take up a full time judicial appointment. No replacement has been appointed.

Roger Goodier completed the third year of his four year appointment as Chairman. Roy Burke, full time Chief Executive and Accounting Officer, also completed three years service with CICAP. He left CICAP on 29 April 2005, on promotion to a post in the Cabinet Office; Jeanette Martin took over the duties of Chief Executive, Secretary and Accounting Officer with effect from 23 May 2005.

Panel members

We started off the year with 102 panel members and ended the year with 100. The appointments of all panel members expired in March 2005. Following full discussions between Home Office, DCA and the Chairman, and on application for re-appointment by panel members, the Secretary of State has re-appointed 94 panel members (35 lay members, 35 legally qualified and 24 medically qualified) for varied periods, ranging from one to five years, from 1 April 2005.

Sir Richard Gaskell (a long serving member) and Grant McCulloch both resigned during the year. Other long serving members, the Hon. Sir Jonathan Clarke, Alistair Hill QC and His Honour Eric Stockdale, together with Richard Greenslade, Sir Anthony Holland and

Austin Wilson were not able to accept re-appointment from 1 April 2005. All have given excellent service to CICAP (and those with long service to the old Board) and they will be missed.

Many informed and independent observers are impressed by the backgrounds, achievements and 'tip top' quality of CICAP's adjudicators. The commitment of panel members in: attending training courses; keeping up with developments in the tribunal arena generally; and in matters affecting CICAP in particular: their skills in preparing for hearings; taking evidence; making and giving fair and reasoned decisions; and, generally doing all that is necessary to be good adjudicators, is reflected in our overall performance over the year with no CICAP decisions being overturned by an appellate Court at a full hearing.

On rare occasions when he was satisfied that there had been an error of law made by a panel resulting in manifest injustice, the Chairman has exercised his implied inherent discretionary power to set aside a decision and direct a re-hearing.

Tariff cases

Tariff cases are those cases where applications were received on or after 1 April 1996.

During the year CICAP sat at 14 venues in England, Scotland and Wales. As the Scheme is currently administered, we need to sit on about 650 days a year to avoid an increase in the number of outstanding appeals. The Chairman would like to reduce the number of outstanding



	2002/03	2003/04	2004/05
New Appeals received	4765	4434	3211
Cases disposed of	3975	4079	3655
Sitting days	656	752	695.5

appeals to 2,500, but this will not be achievable without a very substantial increase in 'ready to list' cases from POU and a substantial increase in our administration budget.

During the year, eight planned hearing weeks had to be cancelled because there were insufficient 'ready to list' appeals at certain hearing centres. About 10% of appeals are withdrawn each year: 328 in 2004/05. The number of appeals outstanding at the beginning of the year was 4,970 and by the end of the year, this figure had reduced to 4,058, down by 912, a welcome, but still not wholly satisfactory, reduction of 18%.

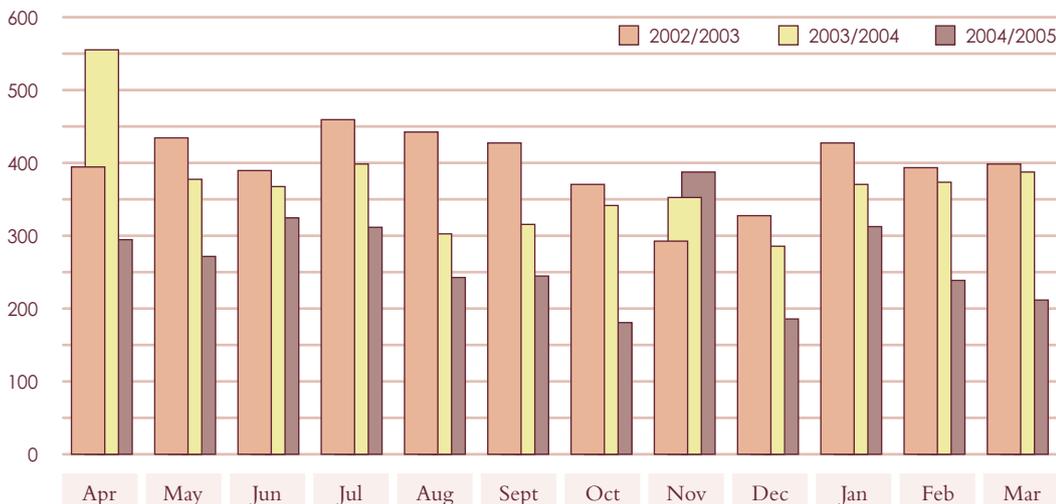
The number of appeals recorded as 'ready to list' at the beginning of the year was 1,102 (1,427 in the previous year), and at the end of the year it was 1,115. In fact, the stock of cases actually capable of being listed at the end of March 2005 was

not 1,115 but only 873. There are a number of reasons why a case seemingly ready for hearing cannot be listed – they include:

- unavailability of key witnesses, in particular police officers;
- an ongoing parallel civil claim in respect of the same incident which can make it inappropriate for the appeal to be determined;
- an applicant suffering two or more separate criminal injuries, where it may be necessary for all cases to be linked and heard at the same time so that justice can be done;
- an impending criminal charge, which might have a bearing on the appellant's eligibility to receive an award.

Bearing in mind we have to ensure availability of witnesses, wherever possible give six weeks, and in any event no less

Figure 1.0 Tariff Cases – Appeals received by month



than three weeks, notice of the hearing date, have reasonably balanced and full lists, assign some cases to specialist panels and take account of travelling times and arrangements, a stock of 873 'ready to list' appeals is too low for the efficient operation of CICAP's business.

The number of unresolved appeals, 4,058 at the end of the year, is still too high, but the downward trend is in the right direction and, subject to an increase in the flow of 'ready to list' appeal bundles from the Authority and sufficient resources, coupled with a reduction in the levels of appeals from the Authority's review decisions, this downward trend should continue.

The number of appeals from decisions made by the Authority has gradually reduced over the years, resulting in most panel members not sitting as often as expected on appointment. The 695.5 sitting days in the year was spread between our 102 panel members.

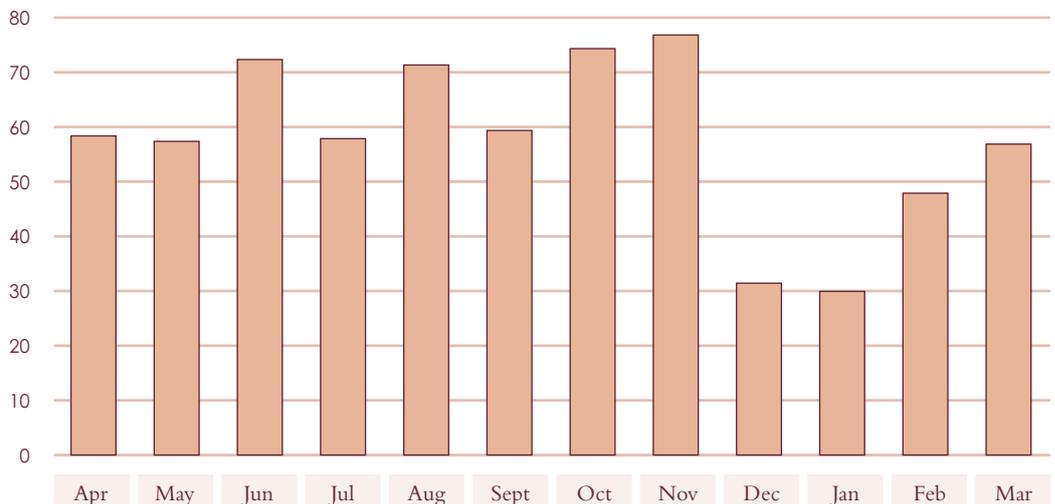
Now, more than in the early years of the tariff scheme, a greater number of 'heavier', more complex, cases are coming to appeal. More of these were resolved in the year than in any previous year since the tariff scheme was introduced in 1996. Typically, these are

cases where the victim has received serious injury, there is a claim for continuing financial loss (loss of earnings, loss of pension, special expenses) and a need for careful consideration and evaluation of medical records and experts' reports of different disciplines. Such cases need careful preparation and substantial hearing time for all issues to be dealt with and for panels to reach fair and reasoned decisions. This inevitably reduces the overall daily resolution rate compared with what was achieved in the early years of the scheme. Even so, such cases are dealt with far more quickly and efficiently than in an adversarial court environment.

Of the 3,983 resolved appeals, 1,890 (or 47.4%) were successful, measured by the appellant doing better than the review decision of the Authority that was appealed against. The successful appeal rate reflects the fact that most of the determinations by the Appeals Panel are at an oral hearing, whereas the Authority's are all paper decisions.

During the year, improvements continued to be made on the number of cases where appellants and witnesses were kept waiting for an unacceptably long time for their cases to be called on the hearing day. This was mainly as a result of positive discussions

Figure 2.0 Hearing days month by month in 2004/05



with the Authority and greater experience of staff. Listing of appeals and accurate time estimates will never be an exact science, because some cases will take longer than the best estimates. No matter how sophisticated the listing arrangements it is inevitable that, from time to time, some cases will not be called for hearing on time. The aim is for every oral hearing to be called on time or shortly after the appointed time. We continue to work in this area. The Chairman does not find it acceptable for appellants, representatives and witnesses to be kept waiting at hearings for longer than is reasonable.

‘Old Scheme’ cases

These are cases where the application for compensation was made before April 1996. They are not tariff based and, subject to eligibility, awards are essentially based on common law principles, with no compensation cap.

The Authority administers these cases, the Appeals Panel resolves them. Only legally qualified panel members with experience and expertise in personal injury law, of whom there are now only 16 on the Panel, hear these cases.

A majority of the cases dealt with in the year, and most of the remaining unresolved cases, involve applicants who have suffered very serious injuries; typically the victim is a seriously injured baby or young child, who will often need to attain the age of 19 before a panel can properly assess the final amount of compensation. Where appropriate, the Panel make substantial interim payments on account of compensation in these cases.

There were 120 ‘Old Scheme’ sitting days in the year (226 in the previous year), the reduction reflecting to a considerable extent the inevitable reduction of remaining cases currently capable of final resolution.

127 Old Scheme cases were resolved during the year. Of these, an award was made in 90 cases (78%), compared with 71% in the previous year. In addition, 54 applications to medically re-open under paragraph 13 of the 1990 Scheme were

made in the year (84 in the previous year). 47 medical re-opening requests were resolved (100 last year), of which 13 (30 last year) were allowed and 44 (70 last year) refused. The total amount of compensation awarded in ‘Old Scheme’ cases was £13,138,783 (an average award of £145,986) confirmation that these cases are, in the main, very serious and tragic.

Interim payments on account of compensation were made totalling £5.3m, compared with £7.5m in 2003/04 and £5m in 2002/03. These are often required when the age of the applicant and/or uncertain prognosis and future care needs make it inappropriate for a final assessment of compensation to be made.

The total compensation payments, including interim awards, made on cases resolved in the year, was therefore £18.4m.

By the end of the year, 306 ‘Old Scheme’ cases (including applications to medically re-open under paragraph 13 of the 1990 Scheme) remained outstanding, compared with 425 at the same time last year and 748 in the previous year. Some applicants are, even now, less than 10 years of age, and it is inevitable that a small number of ‘Old Scheme’ cases will not be capable of final resolution until about 2014. The Panel is pleased to pay tribute to the Authority’s experienced advocates and case workers who have prepared these cases and been of great assistance to the Panel, applicants and their representatives at hearings.

Representation

43% of appellants were represented at oral hearings. Some others received advice in connection with their appeal but were not represented.

Representation can be by Victim Support, Counsel, Solicitors, Citizens Advice Bureau personnel, Welfare Rights organisations,



specialist support agencies, or a friend or relation of the appellant. The quality of representation is variable, but experience at hearings shows that appellants generally appear to feel more comfortable if they have representation, whatever its quality.

The Scheme does not provide for the payment of legal costs of representation, in common with the policy of other tribunals. A lack of professional representation continues to cause some unease to panels, especially where the appeals concern seriously injured children or those who have a serious mental

achieve a correct and fair outcome, have to be alert to introduce issues, which can be, but are not always, potentially favourable to appellants – such issues may not be obvious or referred to in the appeal papers.

We await, with interest, the publication – expected in Autumn 2005 – of research carried out on behalf of DCA under the direction of Professor Hazel Genn of University College, London, into the outcome of appeals made to CICAP and two other tribunal jurisdictions.

The Chairman will continue to engage with interested parties, in particular those involved in 'pro-bono' initiatives, to discuss how to achieve higher levels of adequate representation, especially in the more serious cases.

In an effort to inform applicants how they might prepare and what they might expect at an oral hearing, CICAP has updated its user friendly booklet 'Your Panel Hearing' issued to all applicants, either in English or Welsh as appropriate, after they have appealed.

Equal treatment, cultural and ethnic diversity issues

All panel members and staff are committed to awareness of and respect for cultural and other differences among all who are involved at oral hearings and in all CICAP's work, including differences in age, beliefs, gender, race, religious customs, sexual orientation and lifestyles. Commitment to these issues is demonstrated by:

- provision to panel members of JSB publications '**Equal Treatment Benchbook**', '**Fairness in courts and tribunals**', '**Equality before the Courts**' and '**Race and the Courts**';
- panel members' appraisal, which includes the evaluation of equality and diversity issues;
- CICAP signing up to the equality and diversity action plan set up by the Justice and Witness, and the Victims & Confidence Units of the Home Office;

disorder. Unlike the adversarial system in the Courts, the Panel has an inquisitorial function and, using all its experience and expertise, endeavours to make what is considered to be a fair and just determination.

CICAP is pleased to acknowledge the valued assistance given to applicants by representatives, often professionals, representing appellants for little or no charge.

CICAP is very conscious of the need to try and achieve the same result whether or not an applicant is represented. This sometimes means that panels, as part of their inquisitorial function and in attempting to



- equality and diversity issues being a routine agenda item at senior management meetings;
- equality and diversity training at panel member Conferences;
- at year end the training and development needs of staff were being addressed despite the severe reduction in our administration budget. We continued to support staff on externally accredited courses, and CICAP continues along the route to *Investors in People* accreditation.

The Panel adjudicators and staff have diverse backgrounds; their understanding and appreciation of cultural and ethnic diversity issues is perhaps best demonstrated by the fact that no valid complaints of discrimination were received in the year.

Interpreters

CICAP provides for language and other interpreters in all instances where one is requested or required.

Appraisal of panel members

2003 saw CICAP embracing the concept of appraisal of panel members. It started with a steering group of panel members looking at appraisals generally, attending a Judicial Studies Board course 'Training the Trainers' and adapting the JSB model on appraisals to suit CICAP use. A pilot project followed in London and Glasgow where a number of panel members went through a pilot appraisal process. After that pilot, a number of refinements were made, and the scheme was then sanctioned for full use in early 2004.

During the year, the formal appraisal of all CICAP's adjudicators was completed, and a report was sent to the Home Office, DCA and JSB. Full details of the individual appraisals were received by the Chairman for his consideration and for him to address training and developmental needs.

The CICAP appraisal procedures are as follows: two appraisers attend a panel hearing and sit unobtrusively to observe panel members in action during a series of hearings. The Panel members are appraised against a series of core competencies. The following day, there is a feedback session with each panel member, a report is completed and submitted to the Chairman, and there is then an opportunity for discussion between the Panel member and the Chairman at which future training needs and future development opportunities can be identified, ideas exchanged and advice given. Panel members recognise the benefits of having an appraisal process and CICAP will continue to use appraisals as a valuable tool in the development and enhancement of panel members already considerable skills.

The nominated appraisers for the various periods were all panel members, namely Lesley Clare, Richard Irwin, Erica Norton, Tony Summers, Thomas Ward, Bernard Whyte, Gillian Wild and Robert Wood. They are due our thanks for the sensitive and efficient way in which they introduced and implemented this new process to panel members. A number of other tribunals, committed to appraisal but not as far advanced as CICAP, are aware of our scheme and have sought our assistance in developing their own.

Training and education

All panel members continue to receive ongoing training, education and information on issues affecting their work as adjudicators.

CICAP's Benchbook gives guidance to panel members on all aspects of the Scheme, relevant law, procedures, policy and interpretation. It continues to be updated as the law develops and needs change. During the latter part of the year, much preparation was done for CICAP's main residential Conference for all panel members in mid April 2005.

Key Performance Indicators (KPIs) and targets

KPIs and targets	2002/03	2003/04	2004/05
a) determine 90% of appeals on eligibility within 6 months of receipt of the 'ready to list' bundle from POU	Targets were established	69%	67%
b) determine 80% of all appeals within 12 months of receipt of this bundle	mid year; figures for	88%	88%
c) determine 100% of appeals within 2 years	2002/03 are	96%	96%
d) determine 6 appeals (eligibility and assessment) per hearing day	not available.	6	5

The Chairman regards high quality decision making as paramount. The Home Office has been made aware that some of the targets above are not achievable for reasons that are outside CICAP's control.

Advisory Committee

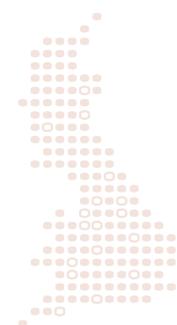
Six panel members sit on this Committee with the Chairman, Chief Executive and (Acting) Legal Adviser, Rodney Huggins. A member of the Victims & Confidence Unit of the Home Office is also invited to attend. The Committee meets every quarter. It is a very important conduit between the Chairman, Chief Executive and panel members and its function includes the giving of advice on all matters affecting the Scheme and performance of the Panel. The Panel members who were appointed to sit on this Committee from April 2002 have served with enormous commitment. The Chairman wishes to record his appreciation to them for their hard work, commitment and sound advice. They are Lesley Clare, Diana Cotton QC, Anthony Meier, Michael Shorrocks QC, Desmond Smith and Dr. David Williams. After three years (and in some cases more) service on this Committee, these members stood down at the end of the year and a differently constituted Committee has been appointed for a two year period from 1 April 2005, consisting of Alma Hardie, Dr. Valerie Kaye, Dr Angus

MacCuish, Dr. Ahmed Mukhtar, Neville Radcliffe and Nalini Varma.

Audit & Finance Committees.

Both Committees meet at least quarterly and were chaired by Mike Innes, a panel member. The other panel members on these Committees were Alan Tripp and Nicholas Lowe. All three have a professional financial background and are admirably qualified for this work. Their immense contribution to the work of the Committees has been much appreciated over the year. After many years of sterling service on these Committees, Nicholas Lowe stood down at the end of the year and will be replaced by Elaine Rassaby, with Alan Tripp taking over as Chairman.

The Audit Committee advises CICAP's Accounting Officer on matters of corporate governance by reviewing the scope and effectiveness of the organisation's systems and processes of internal control, both operational and financial. Others who attend meetings of this Committee are colleagues from the Audit and Assurance Unit at the Home Office (Internal Audit), the National Audit Office and CICA. During the year, the members of the Audit Committee, as well as the Chairman and Chief Executive, attended a training course run by the Home Office and a self assessment workshop run by the National Audit Office.



Ad hoc panel member Advisers.

During the year, the Chairman benefited from advice and assistance from panel members on a number of important issues, including: data protection; loss of earnings; procedural rules; proposed Scheme changes; panel appraisal development and implementation; medical matters; and, the Panel's continuing education and training programme.

CICAP and the proposed unification of tribunals.

In 2002, the Home Secretary agreed that, subject to certain safeguards, the Home Office would transfer its responsibility as sponsor department for CICAP to the Lord Chancellor's Department (LCD), since re-named the Department for Constitutional Affairs (DCA). The aim is that, following legislation, all tribunals will come under the jurisdiction of DCA. Indications are that CICAP will transfer to DCA in 2006. Much consultation, preparation and strategic work has already been undertaken and more will be required before changes are implemented.

The Chairman sits on The Tribunals Presidents Group with the jurisdictional Presidents of the other 'Top Ten' tribunals, chaired by the Senior President of the Tribunals Service, Lord Justice Carnwath, a Lord Justice of Appeal and former Chairman of the Law Commission. The Chief Executive is on strategic planning committees designed to bring together the administrations of other tribunals.

A crucial and overriding objective will be to ensure that at all times, both before and after any change of sponsor department, the quality of decision making in CICAP cases remains of the highest standard. CICAP, as one of the 'Top 10' tribunals, is keen to continue to play a full part in the development of a structured and efficient unified tribunals service.

Written reasons

Although appellants have always had a right to request written reasons for a panel's decision, it is a right that was not

often exercised until two or so years ago. Nearly all decisions made at oral hearings are given on the day. Acknowledging that appellants are entitled to be made aware of their right to be given written reasons for panel's decisions, this right has been publicised in the booklet issued to all appellants 'Your Panel Hearing' – it is also on CICAP's website. The number of requests for written reasons decreased. In 2004/05, 22 such requests were made (75 in 2003/04). The numbers remain relatively small, perhaps explained by the quality of the oral explanations of decisions given to appellants by the Hearing Panel chairman on the day. The availability to appellants of written reasons is good tribunal practice.

Complaints

During the year the Panel made 3,655 decisions and received 85 letters (78 last year) from appellants that were treated as complaints. The term 'complaints' covers a very broad definition, and most of the communications fell into the category of expressions of displeasure at the decision rather than complaint about the conduct or process of the case. All complaints were dealt with according to the published complaints procedure under the management of the Chief Executive, with the Audit Committee scrutinising the handling of complaints and, where necessary, making recommendations to improve the quality of complaints handling.

Administration development.

During the year, the Chief Executive, with a significant contribution from staff at all levels in the organisation, and in the face of significant budget cuts, continued to make the necessary changes to our processes to enable a full programme to be run during the year. We are indebted to our colleagues in other Tribunals for the use of their facilities and as the year



progressed we worked closely with other Tribunals to set up a 'clearing house' for the efficient use of hearing centres, and we also began a process of training and utilising staff at other centres to clerk our hearings. This has been a very difficult year for the administration yet we emerge from it a stronger organisation with a great deal to contribute to the new Tribunals Service

The considerable contribution of staff in these and other areas was commendable. The Chairman and Chief Executive have yet

on CICAP's website. For ease of reference, they are separated into:

- compensation
- eligibility
- procedure.

This facility has been of considerable benefit to panel members and all users, in particular representatives and Presenting Officers.

Video links and 'vulnerable witnesses'

Although CICAP is not subject to the rules of evidence in the criminal court jurisdiction, we embrace the provisions of legislation to protect the interests of vulnerable witnesses. All appellants are informed in advance of the hearing that if there are any reasons why they feel they should be protected, they should contact us so that appropriate measures can be taken to enable them to have the best available opportunity of giving the evidence they wish to give.

Following the introduction of a video-link facility at our two offices in previous years, a number of oral hearings took place with the use of a video link. This helped not only vulnerable witnesses, but also appellants or other witnesses living abroad, who would not otherwise have been able to give oral evidence.

Cases of alleged sexual abuse require particularly skilled handling, often involving evidence from a young person for which video link technology can reduce the degree of inevitable stress to such persons.

The video link was also used for meetings between our London and Glasgow staff.

Data protection/Freedom of Information; publication scheme

CICAP processes all personal data it receives in accordance with the Data Protection Act 1998 and is compliant with the Act.

CICAP took all necessary steps in readiness for the implementation of The Freedom of Information Act in January 2005.

CICAP has a publication scheme, created in response to the Freedom of Information

again been greatly impressed with the quality of staff and their dedication to assisting victims of crimes of violence whilst at the same time seeking to achieve improvements in the efficiency of the service we deliver.

Website development

During 2004/05, CICAP's website was developed further. Continued updating of the website was carried out during the year for the benefit of both staff and other users who continued to 'hit' the judicial precedents web site in great numbers. All decisions of the appellate Courts relating to the various Schemes since the first one was introduced in 1964 can be accessed



Act 1998, which enables anyone to access CICAP's publications. This scheme, approved by the Information Commissioner in November 2002, is revised annually. Procedures are in place to ensure that requests are dealt with in accordance with the Act.

Management Statement revision

The Management Statement agreed between CICAP and its sponsor department has not been amended since November 1996. In 2002/03, CICAP recognised the need for amendments in the light of ongoing developments and, during that year, submitted a draft revised Management Statement and Financial Memorandum to the Home Office. Home Office colleagues in the NDPB Advisory Team provided their contribution; this document has not yet been agreed with sponsors.

Advice to Home Office

During the year, the Chairman gave advice to the Home Office on a number of matters including:

- proposed amendments to the 2001 Scheme for greater clarity and efficiency
- interpretation of 2001 Scheme
- DCA's White Paper *Transforming Public Services: Complaints, Redress and Tribunals*
- medical issues
- 'Old Scheme' issues
- CICAP funding and resources
- panel membership
- terms and conditions of panel membership
- assessment of panel membership needs from April 2006
- appraisals
- relationships with the police

CICA relationship

During the year, the good professional working relationship with CICA, built up

over previous years, continued. CICAP is pleased to acknowledge the contributions made by the Authority, especially its Chief Executive, Deputy Chief Executive, Senior Solicitor, Senior Presenting Officers and Advocates, in maintaining this good working relationship.

Judicial Studies Board (JSB)

The Chairman has been greatly assisted by the training materials provided by JSB who have been supportive generally and particularly interested in the outcome of CICAP's appraisals of all panel members. It is hoped that CICAP's experience will contribute to a core uniform appraisal scheme for other tribunal jurisdictions.

Council on Tribunals/Scottish Committee of the Council on Tribunals.

During the year, members of the Council and Committee visited panel hearings at a number of venues. Their reports were very positive on the conduct and fairness of the hearings, but somewhat critical of the age of some appeals and the suitability of some hearing venues, a problem mainly caused by the need to use accommodation at no charge to CICAP. These criticisms were entirely fair and embraced matters that were already of concern and being addressed. The Chairman attended the Council's Annual Conference and attended a separate (and very positive) meeting to discuss issues relating to CICAP with the Council's Chairman and 3 other Committee members.

CICAP Users Forum

A CICAP Users Forum was held in April 2004. Those attended included representatives of Victim Support, Citizens Advice Bureaux, firms of Solicitors, Counsel, Association of Personal Injury Solicitors, Council on Tribunals, Scottish Committee of Council on Tribunals, Victims & Confidence Unit of Home Office, DCA, CICA and panel members. The main purpose of the forum was to consult with representative bodies with a view to increasing CICAP's present and future effectiveness from users' perspectives.

Agenda items included Tribunal Reform, CICAP processes, CICAP's website, potential Scheme changes, ethnic and diversity issues, costs of representation, hearing venues and Procedural Rules. The feedback was extremely encouraging. This is an annual event.

Judicial Reviews

The Schemes do not provide for an appeal or review from a final determination by CICAP. The Panel itself has an appellate function, following two paper decisions by the Authority, first at 'Case Assessment' stage, and then on 'Review'. Where it is contended that the Panel has made an error of law, application can be made for Judicial Review to the Administrative Court in England and Wales, or Outer House of the Court of Session in Scotland.

During the year, 12 applications for Judicial Review were made and a further 11 applications were outstanding from the previous year. Nine Judicial Review applications were determined by the Courts, and none of them was overturned at an oral hearing. Consent was conceded in six cases where either the applications for review were agreed by the Court at the preliminary permission stage or would probably have been successful. These appeals were referred back for re-hearing before a differently constituted panel. The low number of further appeals to higher appellate courts demonstrates the high quality of decision making by panels.

By the end of the year seven cases where an application for Judicial Review had been made were awaiting determination by the Courts. A summary of some of the judicial review decisions of appellate Courts is given at page 18.

Panel's Legal Adviser

The Panel's Legal Adviser, Prakash Bachoo, left us during the year. Rodney Huggins, one of CICAP's adjudicators with relevant previous experience, stepped in to fill the void, and he has succeeded in overseeing all applications for written reasons and judicial review applications. Working with the Chairman, he has maintained a good

Figure 3.1
Resolution of Appeals 2004/05

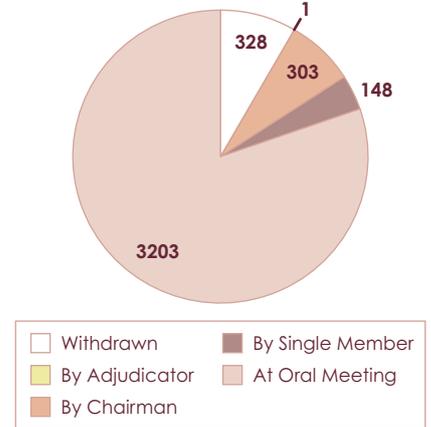


Figure 3.2
Resolution of Appeals 2003/04

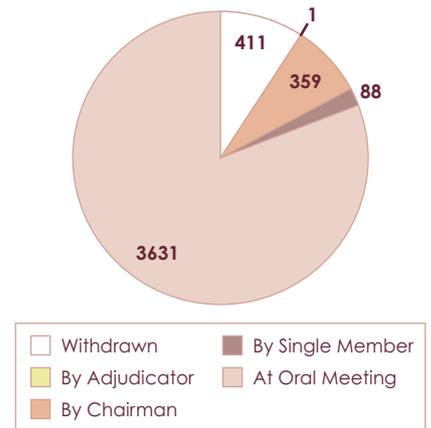
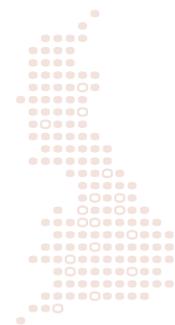
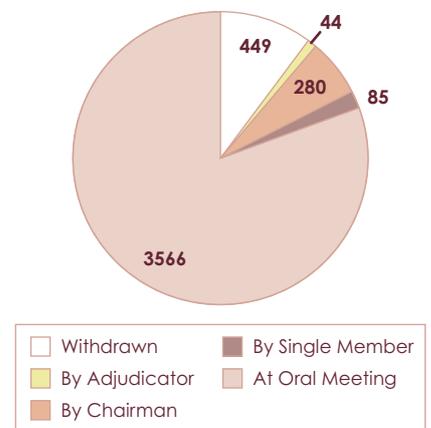


Figure 3.3
Resolution of Appeals 2002/03



professional relationship with Treasury Solicitor and the Office of the Solicitor to the Attorney General in Scotland (OSAG).

General

In addition to the activities already mentioned, the Chairman's activities during the year included:

- dealing with requests for appeal decisions to be reheard, reviewed and re-opened on medical grounds;
- interpretation of the scheme for the benefit of panel members;
- issues relating to payment for local authority residential care;
- ensuring consistency and efficiency in the delivery of single adjudicator decisions;
- ensuring that a written decision notice is issued to all appellants on the day of hearing;
- advising on issues relating to implementation of trusts for compliance with the schemes;
- advising on cases where a Receiver has to be appointed and Court of Protection issues;
- obtaining statistics relevant to the Schemes from the Office for National Statistics;
- considering issues relating to spent convictions under the Rehabilitation of Offenders Act;
- updating, considering and advising on policy issues relating to social security benefits in connection with the Schemes;
- keeping up to date on management statistics affecting the efficient disposal of appeals;
- overseeing the hearing programme and allocation of panel members to hearings;
- keeping panel members informed of up to date developments;

- consideration of cases where potentially fraudulent evidence has been given
- attendance at the opening of the new IAA development in Newport, South Wales
- preparation for CICAP's Conference in April 2005
- 30 days sitting on oral appeal hearings.

In April, the Chairman made a presentation at the National Victims Conference and later the same day attended a reception hosted by the Prime Minister and his wife for those involved with victims of crime. In May he gave a presentation to Nottinghamshire Medico-Legal Society, and met with representatives of Derbyshire Police and Association of Chief Police Officers (ACPO). In June he met with the authors of a proposed new reference book *Criminal Injuries Compensation Claims* to assist them in its content (this book has now been published). In October he met a delegation from *National Association of Crime Victims and Surviving Families* from Japan, headed by the Vice Chancellor of the University of Tokyo, who were seeking information in anticipation of the introduction of a compensation scheme in Japan.

case studies

The appellant was the victim of sexual abuse and by the time the case came on for hearing in 2000 she had incurred numerous convictions. The Panel made a reduced award. She raised an application for Judicial Review in August 2001 when a fresh Panel was ordered to rehear the case. By the time the new Panel sat in 2003 the Appellant had amassed further convictions and her appeal was rejected in its entirety under Paragraph 13 (e) of the 1995 Scheme because of her convictions. Eventually, the Court of Appeal supported the Panel by refusing leave to appeal. It was stated in the judgment that (i) the Panel has a wide discretion in these cases; the normal consequences of a bad criminal record can be mitigated by a finding that, on the probabilities, there is a causal connection between the abuse and the criminality; where further criminal convictions are committed after an application for compensation/preliminary hearing, there is less scope for mitigating the normal consequences of the applicant's criminal record.

Claimant was assaulted at a work Xmas party where he had called a Scottish colleague 'Jock' on several occasions. The Panel found that the applicant had been asked to desist before the assault took place and his conduct made it inappropriate that an award should be made under Paragraph 13 (d) of the 2001 Scheme. The Court found that the Panel was fully justified in reaching its decision.

At the time of his assault, the applicant was a student and whilst attending the Notting Hill Carnival was stabbed in the back when a scuffle broke out. He gave his shirt to the police but no foreign fibre was found. Despite repeated attempts by the police he did not give a statement for another 15 days. He was also asked to give a mouth swab for forensic purposes which he never did. The applicant put forward his reason for the delay that he was suffering from PTSD at the time. This was diagnosed much later. The Panel decided that no award should be made because he failed to co-operate with the police. They accepted the evidence of the police officer that he was not able to conduct a full investigation because of the applicant's lack of help. The Court upheld the Panel's decision.

The applicant aged 9 at the time was indecently assaulted by her natural father when she was visiting him. The father was convicted of indecent assault. Unfortunately, the applicant had an uncorrectable form of congenital disease and therefore a considerably reduced life expectancy. Having considered a psychiatric report the Panel found that she was suffering from considerable psychological distress which reflected the emotional confusion she had suffered as a result of her upbringing and the assault. The Panel took the view that under Note 5 of the General Notes to the Tariff of injuries in the 2001 Scheme an award could only be made either for the sexual assault or for the mental injury. The applicant's Counsel submitted that the Panel could make an award for both injuries. The Panel made an award in respect of the sexual assault as they were not satisfied that her mental illness was wholly and directly attributable to the one incident of sexual assault and the award for the physical injury was greater than she could have achieved under disabling illness. The Court agreed with the Panel's interpretation of Note 5.



The applicant claimed that when he was riding a bicycle he was struck in the eye by something fired from a catapult by a youth who then ran away and scaled a wall. A few days later his eye became painful and watered and he thought it was conjunctivitis. He then went to an optician 18 days later and was told that his eye was scratched. The optician attributed the damage to the incident. The next day the applicant reported the incident to the police. The Panel made an award for a corneal abrasion but in exercise of its discretion reduced the award by 50% for failure to report the crime immediately to the police. The Court granted permission for the application to proceed on the ground that the Panel failed to consider the applicant's blurred eyesight when making its decision. A fresh Panel hearing was arranged.



3

accounts



foreword to the accounts

Statutory background

The Criminal Injuries Compensation Appeals Panel (CICAP) presents its accounts for the financial year ended 31 March 2005. These accounts have been prepared in accordance with the Accounts Direction given by the Secretary of State for the Home Office with the consent of the Treasury in accordance with Section 1 of the Criminal Injuries Compensation Act 1995.

The Secretary of State is required to make arrangements for the payment of compensation to, or in respect of, persons who have sustained one or more criminal injuries. These arrangements are set out in the Criminal Injuries Compensation Act 1995 which applies to all applications made on or after 1 April 1996 (the 1996 Scheme), later superseded by the 2001 Scheme for applications made on or after 1 April 2001.

Payments of compensation under the 1996 and 2001 Schemes (known as 'Tariff' Schemes) are made by the Criminal Injuries Compensation Authority (the Authority). Appeals against decisions taken on review under this Scheme are determined by adjudicators. Persons appointed as adjudicators are appointed as members of the Criminal Injuries Compensation Appeals Panel (the Appeals Panel). The Secretary of State also appoints one of the adjudicators as Chairman of the Appeals Panel. For part of the year the Secretary of State also appointed one adjudicator to be Deputy Chairman.

Section 6(3) of the Criminal Injuries Compensation Act 1995 requires that the Scheme includes provision for such persons, as the Secretary of State considers appropriate, to prepare a statement of accounts in each financial year in such form as the Secretary of State may direct. Under the Scheme the Accounting Officer must prepare such a statement of accounts for the Appeals Panel.

History

CICAP is a Non-Departmental Public Body (NDPB) sponsored by the Home Office. It was established from 1 April 1996 to determine appeals arising from claims for compensation for criminal injuries made on and after that date. It considers appeals solely on claims lodged under the 'Tariff' Schemes (but has from 1 April 2000 had responsibility for resolving the residue of 1990 (Old Scheme) cases with the winding up of the Criminal Injuries Compensation Board (the Board) on 31 March 2000).

There has been a scheme in existence in Great Britain for payment of compensation to victims of crimes of violence since 1964. Until April 1996, the Scheme operated under the Royal Prerogative and awards were made on the basis of common law damages.

The 1996 Scheme made changes to both the administration and the substance of compensation for criminal injuries. The most significant are that a victim's general damages for pain and suffering and loss of

amenity were replaced by a tariff of awards; and that the entitlement to and amount of awards are now assessed by claims officers, who are civil servants and the staff of the Authority, and not by the senior lawyers who formed the membership of the Board, with a right of appeal to the Appeals Panel. The rules as to eligibility for an award have, generally, not been altered.

CICAP is administered from offices in London and Glasgow.

Panel members

At the end of the financial year CICAP consisted of 100 adjudicators, including the Chairman and Deputy Chairman.

Panel members serving for part or all of the year, with their CVs, are shown in Annex A.

Staffing

At year end Staff numbers in London fell from 43 to 37 and in Glasgow fell from 33 to 32. These numbers include both permanent and temporary staff.

Permanent staff are all Home Office employees. Their roles include deciding which appeals should be sent to oral hearing, an adjudicator or the Chairman, the issuing of invitations to applicants and witnesses, serving as receptionists and hearings clerks at hearing centres throughout England, Wales and Scotland and a range of casework associated with the hearings procedure.

CICAP is committed to developing each member of staff so that all reach their potential. To that end CICAP has introduced a communications policy and continued the process of seeking to reach the standard required for Investors in People accreditation.

Review of activities

The Appeals Panel's principal activity is determining appeals but the Appeals Panel is given the subsidiary duty (under

paragraph 5 of the Criminal Injuries Compensation Act 1995) of giving advice to the Secretary of State both on matters on which he seeks advice and on such other matters as it considers appropriate. The Appeals Panel's advice was sought and given on a number of occasions during the year in relation to potential changes to the operation of the Scheme.

During 2004-2005 the Appeals Panel has mainly been concerned with its core task of resolving appeals.

Financial aspects

The Appeals Panel is wholly funded through a Grant-in-Aid borne by the Vote of the Home Office which receives a contribution from The Scottish Executive. The total resource funding of Grant-in-Aid amounted to £5,100,000 of which the cash element drawn down amounted to £4,467,000 as described under note 2 to the Accounts.

The Appeals Panel prepare a budget to cover capital, administrative and payroll costs.

The Appeals Panel's accounts for the year to 31 March 2005 have been prepared on an accruals basis. Accordingly the accounts set out on pages 28 to 44 consist of an Income and Expenditure Account which shows a deficit of £14,537 after transfers from Reserves £155,700 (2003-04 a deficit of £89,140) and a Balance Sheet which shows accumulated funds of £424,340 (2003-04 £601,197). Details of the General Fund and Reserves are given in Notes 12 and 13 to the Accounts.

The Appeals Panel supports the CBI prompt payment code with the aim that payments should routinely be made within the stated credit terms or within 30 days of receipt.



Jeanette Martin
Acting Chief Executive

The Appeals Panel rents its London and Glasgow accommodation and its fixed assets consist principally of IT (computer) equipment which remains in use.

The Appeals Panel has undertaken no research or development this year, although we have been continued to be involved with research into diversity issues undertaken by University College London.

The Comptroller and Auditor General is the external auditor appointed by CICAP, and is appointed under statute, reporting to Parliament. The cost of the statutory audit for 2004-05 was £25,300 (2003-04 £25,800).

Accounting Officer's responsibilities

In accordance with the Scheme, the Accounting Officer must submit a report to the Secretary of State as soon as possible after the end of each financial year, dealing with the operation of the Scheme and the discharge of functions under it.

Policy in respect of disabled employees

CICAP adopts Home Office policy in all aspects of Human Resources and equality issues.

Environmental policy

CICAP has adopted the Home Office policy on environmental issues. We have introduced a policy which reduces waste and encourages recycling. In our Glasgow office we have joined a scheme to recycle all waste paper and in London we have joined the local council run scheme Waste Watch and we recycle all waste paper, plastic and aluminium cans.

Future developments

During the year negotiations with our sponsors and the Department for Constitutional Affairs (DCA) have resulted in agreement that CICAP will join the Tribunals Service in April 2006, some two years earlier than originally planned. This will mean, amongst other things, that staff in CICAP

will transfer from the Home Office to the DCA. The Senior Management team at CICAP will continue to work with colleagues in the DCA and the Home Office to effect a smooth transition in 2006.

Jeanette Martin

Acting Chief Executive
Criminal Injuries Compensation
Appeals Panel
28 November 2005

statement of criminal injuries compensation appeals panel's and accounting officer's responsibilities

The Panel's responsibilities

Under the Cabinet Office's Guidance on Codes of Best Practice for Board Members of Public Bodies, the Appeals Panel is responsible for ensuring propriety in its use of public funds and for the proper accounting of their use.

The Criminal Injuries Compensation Scheme, under section 6(3) of the Criminal Injuries Compensation Act 1995, requires the Accounting Officer of the Appeals Panel to prepare a statement of accounts in each financial year in such form and on the basis directed by the Secretary of State for the Home Office, with the consent of the Treasury. The accounts are to be prepared on an accruals basis and must give a true and fair view of the Appeals Panel's state of affairs at the year end and of its income and expenditure, total recognised gains and losses and cash flows for the financial year.

In preparing the accounts the Appeals Panel is required to:

- observe the accounts direction issued by the Secretary of State, with the consent of the Treasury, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards have been followed, and disclose and explain any material departures in the financial statements; and

- prepare the statements on the going concern basis unless it is inappropriate to presume that the Criminal Injuries Compensation Appeals Panel will continue in operation.

The Accounting Officer's responsibilities

The Principal Accounting Officer for the Home Office has appointed the Acting Chief Executive of the Criminal Injuries Compensation Appeals Panel as the Appeals Panel's Accounting Officer. Her relevant responsibilities as the Accounting Officer, including her responsibility for the propriety and regularity of the public finances and for the keeping of proper records, are set out in the Non-Departmental Public Bodies' Accounting Officers' Memorandum issued by the Treasury and published in 'Government Accounting'.

Jeanette Martin

Acting Chief Executive
Criminal Injuries Compensation
Appeals Panel
28 November 2005

statement on internal control

Scope of responsibility

As Accounting Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of CICAP's policies, aims and objectives, whilst safeguarding public funds and the Appeals Panel's assets for which I am personally responsible, in accordance with the responsibilities assigned to me in Government Accounting. CICAP's constitution is governed by a management statement and financial memorandum agreed with Home Office ministers. Risk is managed by means of a risk management strategy and by the involvement of the Home Office's Audit and Assurance Unit in identifying and mitigating the risks identified. CICAP senior management meet with the sponsor Department on a quarterly basis to discuss operational effectiveness.

Purpose of the system of internal control

The system of internal control is designed to manage risk to a reasonable level rather than eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness.

The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Appeals Panel's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The system of internal control has been in place in CICAP for the year ended 31 March 2005, and up to the date of approval of the annual report and accounts and accords with Treasury guidance.

Capacity to handle risk

During the year, our key risks, which had been identified as part of an ongoing process of risk management in the Appeals Panel were reviewed with senior managers and our internal auditors during the course of review of the Panel and consolidated in the form of a high level risk register. We considered CICAP's objectives and risks and determined a control strategy for each significant risk. Each section of CICAP is aware of the policy, and risk management is discussed regularly by the management team. CICAP's risk management policy and the risk strategy, developed and amended during the course of the year, have been reviewed by the Panel's Audit Committee. Risk management is embedded in the organisation and reviewed by managers and staff during the year. Low level risk registers were updated during the year and are regularly reviewed by section managers.

The risk and control framework

CICAP has a well established process of risk management which includes:

- an Advisory Committee which meets quarterly and has responsibility for monitoring CICAP's efficiency and effectiveness;
- quarterly meetings of the Appeals Panel's Audit and Finance Committees which consider risk and internal control;
- regular reports by Internal Audit, to standards defined in the Government Internal Audit Manual, on the adequacy and effectiveness of CICAP's system of internal control together with recommendations for improvement and an annual assurance from the Head of Internal Audit;
- establishment of key performance and risk indicators;

- establishment and maintenance of an organisation-wide risk register;
- a regular review of risks at all levels within CICAP to maintain an up-to-date record of risks facing the organisation;

Review of effectiveness

As Accounting Officer I have responsibility for reviewing the effectiveness of the system of internal control. My review of the effectiveness of the system of internal control is informed by the work of the internal auditors and the managers within CICAP who have responsibility for the development and maintenance of the internal control framework, and comments made by the NAO in their management letter and other reports. I have been advised on the implications of the result of my review of the effectiveness of the system of internal control by the Audit Committee and a plan to address weaknesses, and ensure continuous improvement of the system is in place.

Procurement

Although CICAP does not procure goods and services of such a value as to require a specific policy statement, a strategy and system for procurement in CICAP has been agreed with the Home Office. This includes consideration of delegated limits and states where approval is appropriate.

Jeanette Martin

Acting Chief Executive
Criminal Injuries Compensation
Appeals Panel
28 November 2005

the certificate and report of the comptroller and auditor general to the houses of parliament

I certify that I have audited the financial statements on pages 28 to 44 under Section 6(3) of the Criminal Injuries Compensation Act 1995. These financial statements have been prepared under the historical cost convention as modified by the revaluation of certain fixed assets and the accounting policies set out on pages 32 and 33.

Respective responsibilities of the Panel, Acting Chief Executive and Auditor

As described on page 23 the Panel and Acting Chief Executive are responsible for the preparation of the financial statements in accordance with Section 6(3) of the Criminal Injuries Compensation Act 1995 and directions by the Secretary of State with the consent of Treasury made thereunder and for ensuring the regularity of financial transactions. The Panel and Acting Chief Executive are also responsible for the preparation of the Foreword and other contents of the Annual Report. My responsibilities, as independent auditor, are established by statute and guided by the Auditing Practices Board and the auditing profession's ethical guidance.

I report my opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with the Criminal Injuries Compensation Act 1995 and directions by the Secretary of State with the consent of Treasury made thereunder, and whether in all material respects the income and expenditure have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. I also report if, in my opinion, the Foreword is not consistent with the financial statements, if the Panel has not kept proper accounting

records, or if I have not received the information and all explanations I require for my audit.

I read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. I consider the implications for my certificate if I become aware of any apparent misstatements or material inconsistencies with the financial statements.

I review whether the statement on pages 24 and 25 reflects the Panel's compliance with Treasury's guidance on the Statement on Internal Control. I report if it does not meet the requirements specified by Treasury, or if the statement is misleading or inconsistent with other information I am aware of from my audit of the financial statements. I am not required to consider, nor have I considered, whether the Accounting Officer's Statement on Internal Control covers all risks and controls. I am also not required to form an opinion of the effectiveness of the Panel's corporate governance procedures or its risks and control procedures.

Basis of audit opinion

I conducted my audit in accordance with United Kingdom Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Panel and Acting Chief Executive in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Panel's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by error, or by fraud or other irregularity and that, in all material respects, the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. In forming my opinion I have also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In my opinion:

- the financial statements give a true and fair view of the state of affairs of the Criminal Injuries Compensation Appeals Panel at 31 March 2005 and of the Deficit, total recognised gains and losses and cash flows for the year then ended and have been properly prepared in accordance with Section 6(3) of Criminal Injuries Compensation Act 1995 and directions made by the Secretary of State with the consent of the Treasury; and
- in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

I have no observations to make on these financial statements.

John Bourn

Comptroller and Auditor General
20 January 2006

National Audit Office
157-197 Buckingham Palace Road
Victoria
London SW1W 9SP

financial statements

income and expenditure account
for the year ended 31 march 2005

		2004/5	2003/4
	Note	£	£
Income			
Grant-in-Aid	2	4,467,000	5,718,223
Other Income	5	68,361	153,890
		4,535,361	5,872,113
Expenditure			
Salaries and Wages	3	2,893,215	3,564,653
Other Operating Expenses	4	1,656,683	2,396,600
Depreciation	6&7	129,533	245,259
Unrealised Loss on Revaluation of Fixed Assets	13	26,167	–
Total Operating Expenditure		4,705,598	6,206,512
Operating Surplus/(Deficit)		(170,237)	(334,399)
Notional Cost of Capital	1h	(17,946)	(23,054)
Retained Surplus/(Deficit)		(188,183)	(357,453)
Transfer from Reserves	13	155,700	245,259
Notional Cost of Capital Reversal	1h	17,946	23,054
Retained Surplus/(Deficit) for the Financial Year		(14,537)	(89,140)

The notes on page 32 to 44 form part of this account

statement of total recognised gains and losses for the year ended 31 march 2005

	Note	2004/5 £	2003/4 £
Retained Surplus/(Deficit) for the Financial Year		(14,537)	(89,140)
Unrealised Gain/(Loss) on Revaluation of Fixed Assets	13	(6,620)	82,616
Total Recognised Gains/(Losses) for the Financial Year		(21,157)	(6,524)
Grant-in-Aid Received for Capital Expenditure	2	–	136,777
Transfers from General Reserve	13	(155,700)	(245,259)
Movement in Government Funds		(176,857)	(115,006)

The notes on page 32 to 44 form part of this account

balance sheet as at 31 march

		2005	2004
	Note	£	£
Fixed Assets			
Tangible Assets	6	619,974	740,427
Intangible Assets	7	34,840	76,708
		654,814	817,135
Current Assets			
Debtors	8	24,327	62,579
Prepayments	9	181,084	177,227
Cash at Bank and in Hand	15	230,630	356,701
Creditors due within One Year	10	(278,632)	(446,562)
Net Current Assets		157,409	149,945
Provisions for Liabilities and Charges	11	(387,883)	(365,883)
Total Assets less Liabilities		424,340	601,197
General Fund	12	(209,804)	(195,267)
Other Reserves	13	634,144	796,464
Total Government Funds		424,340	601,197

Signed on behalf of the Criminal Injuries Compensation Appeals Panel

Jeanette Martin

Acting Chief Executive and Accounting Officer

28 November 2005

The notes on page 32 to 44 form part of this account

cash flow statement for the year ended 31 march 2005

		2004/5	2003/4
Operating Activities	Note	£	£
Net Cash Inflow/(Outflow) from Operating Activities	14	(126,071)	(122,640)
Capital Expenditure and Financial Investment			
Payment to Acquire Fixed Assets		–	(136,777)
Net Cash Inflow/(Outflow) before Financing		(126,071)	(259,417)
Financing			
Grant-in-Aid for Capital Expenditure	2	–	136,777
Increase/(Reduction) in cash	15	(126,071)	(122,640)

The notes on page 32 to 44 form part of this account

notes to the accounts

1. Accounting policies

a) Basis of Accounts

The financial statements have been prepared on an accruals basis in accordance with the Accounts Direction given by the Secretary of State with the consent of the Treasury in accordance with Section 6 paragraph 3 of the Criminal Injuries Compensation Act 1995. The accounts are prepared using the historic cost convention modified by the inclusion of fixed assets at current cost.

Further to the transfer of CICAP to the Department for Constitutional Affairs ('DCA') on 1 April 2006 as disclosed in note 20, the Accounting Officer has determined that these accounts can be prepared on a going concern basis and no adjustments have been made to the carrying value of assets.

b) Accounting Conventions

The accounts meet:

- (i) the accounting and disclosure requirements of the Companies Act 1985 to the extent that such requirements are appropriate to the Panel and are in line with the requirements of the Accounts Direction;
- (ii) standards issued by the Accounting Standards Board;
- (iii) disclosure and accounting requirements of the Treasury;
- (iv) the requirements of the Accounts Direction and the Financial Memorandum issued to the Panel by the Secretary of State for the Home Office.

c) Grant-in-Aid

Grant-in-Aid for revenue expenditure is credited to income in the year to which it relates. Grant-in-Aid for capital expenditure is credited to a Government Grant Reserve. Each year, an amount equal to the depreciation charge on the fixed assets acquired through Grant-in-Aid, and any deficit on their revaluation in excess of the balance on the Revaluation Reserve, will be released from the Government Grant Reserve to the Income and Expenditure Account.

d) Fixed Assets

Assets (both tangible and intangible) are capitalised as Fixed Assets if they are intended for use on a continuous basis and their original purchase cost, on an individual or grouped basis, is £1,000 or more. Fixed Assets are valued at current replacement cost by using the Price Index Numbers for Current Cost Accounting published by the Office for National Statistics for furniture and office equipment, computer equipment and computer licences and by the Department for Trade and Industry for refurbishment costs, except in the year of acquisition when their current and historical cost will not be materially different.

Any surplus on revaluation is credited to the Revaluation Reserve. A deficit on revaluation is debited to the Income and Expenditure Account if the deficit exceeds the balance on the Revaluation Reserve.

e) Depreciation

Depreciation is provided on all Fixed Assets on a straight-line basis to write off the cost or valuation evenly over the asset's anticipated life as follows:

Refurbishment Costs – over the remaining term of the lease

Computer Equipment – four years

Furniture and Office Equipment – up to ten years

f) Systems Development Expenditure

Systems development expenditure on IT systems is written off in the period in which it is incurred.

g) Notional Costs

Notional costs of Home Office services provided to the Criminal Injuries Compensation Appeals Panel in 2004/2005 are not reflected in these accounts. These costs are included in total Home Office expenditure although not significant within the overall sums.

h) Notional Charges

In accordance with the Treasury booklet, Executive Non-Departmental Public Bodies: Annual Reports and Accounts Guidance, a notional charge for the cost of capital employed in the period is included in the Income and Expenditure Account along with an equivalent reversing notional income to finance the charge. The charge for the period is calculated using the Treasury's discount rate of 3.5 per cent applied to the mean value of capital employed during the period.

i) Value Added Tax

The Panel is not eligible to register for VAT and all costs are shown inclusive of VAT.

j) Accounting for Retirement Benefits

Under FRS 17 the Panel is required to provide for the full long-term Pension liabilities of any qualifying staff not covered under the Principal Civil Service Pension Scheme ('PCSPS') arrangements. The liability in the scheme as notified by the Government Actuarial Department is recognised in full in the Balance Sheet. The difference between the value of the liability between two Balance Sheet dates is charged to the Income and Expenditure Account.

2 Grant-in-Aid

	2004/5	2003/4
	£	£
Received for Revenue Expenditure	4,467,000	5,718,223
Received for Capital Expenditure	–	136,777
Total Grant-in-Aid	4,467,000	5,855,000

Grant from Home Office Resource Accounts

A contribution towards expenditure of approximately £491,370 (2003/2004 £697,760) was paid to the Home Office by the Scottish Executive from Vote 5 (Subhead C2)

3 Salaries and wages

(a) Panel members

Panel member emoluments were in the following ranges:

	2004/5	2003/4
	No.	No.
£ 0 to 5,000	13	8
£ 5,001 to 10,000	38	23
£ 10,001 to 15,000	33	42
£ 15,001 to 20,000	15	19
£ 20,001 to 25,000	–	9
£ 25,001 to 30,000	2	4
£ 30,001 to 35,000	1	2
£ 35,001 to 40,000	–	–
£ 40,001 to 45,000	–	1
£ 45,001 to 50,000	–	–
£ 50,001 to 55,000	–	–
£ 55,001 to 60,000	–	–
£ 60,001 to 65,000	–	–
	102	108

(b) Senior employees

The salary and pension entitlements of the most senior employees were as follows :

PCSPS

Mr R Burke - Chief Executive Officer

Salary Including Performance Pay (£000)	Benefits in kind (rounded to the nearest (£000))	Real Increase in Pension (£000)	Total Accrued Pension (£000)
50-55	Nil	0 - 2.5 pension plus 0 - 2.5 lump sum	10-15 pension plus 35-40 lump sum
CETV at 31/3/04 (nearest £'000)	CETV at 31/3/05 (nearest £'000)	Real Increase in CETV after adjustment for inflation and changes in market investment factors	Employer contribution to Partnership pension account including risk benefit cover (nearest £100)
136	154	7	Nil

The Chief Executive Officer, Mr Roy Burke, was the most senior full time member of the staff employed by the Panel.

By Analogy

Mr R Goodier - Panel Chairman

Salary Including Performance Pay (£000)	Total Accrued Pension Liability at 31/03/2004 (£000)	Total Accrued Pension Liability at 31/03/2005 (£000)
70-75	36	57

The emoluments disclosed above for Mr. Roger Goodier represent the total amounts paid in connection with his employment as Panel Chairman on a part-time basis. In addition he undertakes work as a panel member for which he was paid £10,880 during the year.

(c) Principal Civil Service Pension Scheme

The Principal Civil Service Pension Scheme ('PCSPS') is an unfunded multi-employer defined benefit scheme but the Criminal Injuries Compensation Appeals Panel is unable to identify its share of the underlying assets and liabilities. A full actuarial valuation was carried out at 31 March 1999. Details can be found in the resource accounts of the Cabinet Office; Civil Superannuation (www.civilservice-pensions.gov.uk).

For 2004-05, employer's contributions of £158,369 were payable to PCSPS (2003-04 £137,183) at one of four rates in the range of 12 to 18.5 per cent of pensionable pay, based on salary bands. Rates will remain the same for the next two years, subject to revalorisation of the salary bands. Employer contributions are to be reviewed every four years following a full scheme valuation by the Government Actuary. The contribution rates reflect benefits as they are accrued, not when the costs are actually incurred, and reflect past experience of the scheme.

Remuneration received by panel members is non-pensionable.

(d) Broadly by Analogy Pension Scheme

The Broadly By Analogy Pension Scheme is an unfunded defined benefit scheme. The provision within these accounts represents the pension liabilities relating to one current and one former employee. Each member has their own individual scheme. As a result the Panel is able to identify its share of the underlying assets and liabilities. An actuarial valuation was carried out at 31 March 2005 by the Government Actuaries Department in respect of the two qualifying members.

The financial assumptions used for the calculation of the FRS 17 liability were:

- an investment return in excess of price increases of 3.5% pa
- an investment return in excess of earnings of 2.0% pa
- gross rate of return is assumed to be 6.1% pa although this assumption has a minor impact on the calculation of the liability
- in nominal terms, these assumptions are then equivalent to an allowance for increases in pensionable salaries of 4% pa and an allowance for price inflation of 2.5% pa

For 2004-05 the employer's contribution represents the difference between the combined liabilities at 31 March 2005 and 31 March 2004 as advised by the actuary which can be broken down into the following components:

	2004/5	2003/4
	£	£
current service cost	17	14
employee contributions	1	-
cost of interest	6	5
actuarial loss	3	11
benefit payments	(5)	(5)
	22	25

The total of £22k for 2004/5 includes £1k in respect of a former employee and can be reconciled with the increase in the By-Analogy scheme accrued pension liability of £21k in respect of the current members as detailed at note 3(b).

(e) Staff costs including panel members' remuneration

Panel members:

	2004/5	2003/4
	£	£
Salaries and Emoluments	1,068,267	1,479,435
Social Security Contributions	108,116	140,754
Total	1,176,383	1,620,189

Staff:

Salaries and Emoluments	1,354,593	1,282,852
Social Security Contributions	97,778	91,769
PCSPS Contributions	158,369	137,183
Broadly by Analogy Pension Scheme Contributions	22,000	25,000
Contract Staff	84,093	407,660
Total	1,716,833	1,944,464

Employment costs including panel members:

Salaries and Emoluments	2,422,860	2,762,287
Social Security Contributions	205,893	232,523
Pension Contributions	180,369	162,183
Contract Staff	84,093	407,660
Total	2,893,215	3,564,653

(f) Average number of staff

The average number of staff (excluding panel members) employed during the year was 74 (2003/2004 – 83). All were administrative staff.

	2004/5	2003/4
Senior Management	2	2
Administrative	69	68
Contract Staff	3	13
	74	83

4 Other operating expenses

	2004/5	2003/4
	£	£
Accommodation – Hearings	85,020	480,175
Accommodation – Offices	600,622	576,629
External Audit Fees	25,300	25,800
Internal Audit Fees	11,427	8,205
Equipment Rental	58,554	46,967
IT Expenses	108,455	181,064
Legal Costs	61,481	156,313
Medical and Miscellaneous Fees	7,090	11,054
Office Supplies	75,252	72,940
Other Expenses	6,289	6,645
Panel Seminar	6,227	38,136
Post Office and Telephone Services	93,801	129,687
Repairs and Maintenance	492	2,359
Training	22,751	56,966
Travel and Subsistence	493,922	603,660
Total	1,656,683	2,396,600

5 Other income

	2004/5	2003/4
	£	£
Other Income	20	41
Judicial Review Reimbursements	68,341	153,849
	68,361	153,890

6 Tangible fixed assets

	Refurbishment Costs	Furniture and Office Equip	Computer Equipment	Total
	£	£	£	£
Cost at 1 April 2004	845,473	307,414	232,795	1,385,682
Additions	–	–	–	–
Disposals	–	–	–	–
Revaluation	–	13,446	(25,120)	(11,674)
Cost at 31 March 2005	845,473	320,860	207,675	1,374,008
Depreciation at 1 April 2004	268,351	224,100	152,804	645,255
Provided during the Year	61,267	32,033	15,479	108,779
Depreciation Provided on Disposals	–	–	–	–
Depreciation at 31 March 2005	329,618	256,133	168,283	754,034
Net Book Value at 31 March 2005	515,855	64,727	39,392	619,974
Net Book Value at 1 April 2004	577,122	83,314	79,991	740,427

There were no additions to or disposals of Tangible or Intangible Fixed Assets during the period.

7 Intangible fixed assets

	Computer Licences	Total
	£	£
Cost at 1 April 2004	181,814	181,814
Additions	–	–
Disposals	–	–
Revaluation	(21,114)	(21,114)
Cost at 31 March 2005	160,700	160,700
Depreciation at 1 April 2004	105,106	105,106
Provided during the Year	20,754	20,754
Depreciation Provided on Disposals	–	–
Depreciation at 31 March 2005	125,860	125,860
Net Book Value at 31 March 2005	34,840	34,840
Net Book Value at 1 April 2004	76,708	76,708

8 Debtors

	2005	2004
	£	£
Sundry Debtors	24,327	62,579
Total	24,327*	62,579

9 Prepayments

	2005	2004
	£	£
Accommodation Costs	181,084	135,906
IT Costs	–	29,847
Other	–	11,474
Total	181,084	177,227

* At 31st March 2005 there were no material intra-government debtor or creditor balances held by the Panel.

10 Creditors due within one year

	2005	2004
	£	£
Trade Creditors	99,190	277,237
Taxation and Social Security	45,027	45,935
Other Creditors	134,415	123,390
Total	278,632*	446,562

* At 31st March 2005 there were no material intra-government debtor or creditor balances held by the Panel.

11 Provisions for liabilities and charges

	2005	2005	2005	2004	2004	2004
	Pensions	Dilapidations	Total	Pensions	Dilapidations	Total
	£	£	£	£	£	£
Balance at 1 April	100,000	265,883	365,883	75,000	265,883	340,883
Increase in Provision	22,000	–	22,000	25,000	–	25,000
Balance at 31 March	122,000	265,883	387,883	100,000	265,883	365,883

12 General fund

	2005	2004
	£	£
General Fund at 1 April	(195,267)	(106,127)
Retained Surplus / (Deficit) for Period	(14,537)	(89,140)
General Fund at 31 March	(209,804)	(195,267)

13 Reserves

	2005 £	2004 £
Government Grant Reserve		
Balance at 1 April	750,043	803,917
Assets at Cost	–	136,777
Unrealised Loss on Revaluation of Fixed Assets	(26,167)	–
Unrealised Gain on Revaluation of Fixed Assets	13,446	54,608
Depreciation Transferred to General Fund	(129,533)	(245,259)
Disposed Assets less Depreciation	–	–
Balance at 31 March	607,789	750,043
Revaluation Reserve		
Balance as at 1 April	46,421	18,413
Surplus/(Deficit) on Revaluation of Fixed Assets	(20,066)	41,030
Realised Element of Depreciation on Revaluation	–	(13,022)
Balance at 31 March	26,355	46,421
Total	634,144	796,464

Between 31 March 2004 and 31 March 2005 net decreases to Reserves totalled £162,320 (decrease of £25,867 in 2003/2004), this being the difference between the balances on each date. When added to the retained deficit for the year of £14,537 (2003/2004 £89,140), note 12, this results in an overall decrease in Government funds of £176,857 (2003/2004 £115,006 decrease).

	2005 £	2004 £
Transferred to General Reserve		
Unrealised Loss on Revaluation of Fixed Assets	26,167	–
Unrealised Gain on Revaluation of Fixed Assets	–	–
Depreciation	129,533	245,259
Cost of Disposed Assets Less Depreciation	–	–
Realised Element of Depreciation on Revaluation	–	–
	155,700	245,259

14 Reconciliation of the operating surplus to net cash inflow/(outflow) from operating activities

	2005	2004
	£	£
Operating Surplus/(Deficit) for the Accounting Period	(170,237)	(334,399)
Depreciation	129,533	245,259
Unrealised Loss (Gain) on Revaluation of Fixed Assets	26,167	–
(Increase)/Decrease in Debtors	38,252	5,997
(Increase)/Decrease in Prepayments	(3,857)	(55,462)
Increase/(Decrease) in Creditors	(167,930)	(9,035)
Increase in Provisions	22,000	25,000
Net cash inflow/(outflow) from Operating Activities	(126,071)	(122,640)

15 Analysis of changes in cash

	2005	2004
	£	£
Balance at 1 April 2004	356,701	479,341
Increase (Decrease) in Cash	(126,071)	(122,640)
Balance at 31 March 2005	230,630	356,701

16 Capital commitments

At 31 March 2005 there were no capital commitments contracted for.

17 Commitments under operating leases

	2005	2005	2004	2004
	Building	Equipment	Building	Equipment
	£	£	£	£
Payable in the following year relating to operating leases that expire:				
Within 1 Year	–	9,153	–	–
Between 2 and 5 Years	–	14,507	–	9,153
After 5 Years	320,276	–	316,274	–

During the year to 31st March 2005 expenditure amounting to £336,169 was incurred under operating leases.

18 Contingent liabilities

There were no contingent liabilities at 31 March 2005.

19 Derivatives and other financial instruments

FRS 13, Derivatives and Other Financial Instruments, requires disclosure of the role which financial instruments have had during the period in creating or changing the risks an entity faces in undertaking its activities. Because of the non-trading nature of its activities and the way NDPBs are financed, the Panel is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which FRS 13 mainly applies. The Panel has no power to borrow, invest surplus funds or purchase foreign currency. Financial assets and liabilities are generated by day to day operational activities and are not held to change the risks facing the organisation in undertaking its activities.

As permitted by FRS 13, debtors and creditors which mature or become payable within 12 months from the balance sheet date have been omitted from this note.

The Panel has no borrowings and relies on funding from the Home Office for its cash requirements and is therefore not exposed to liquidity risks. It also has no material deposits, and all material assets and liabilities are denominated in sterling, so it is not exposed to interest rate risk or currency risk. The fair value of cash is the same as the book value.

20 Post balance sheet events

On 1 April 2006, CICAP will transfer to the Department for Constitutional Affairs ('DCA') along with a number of other tribunals to form the Tribunals Service. CICAP will lose its NDPB status and will fall within the accounting arrangements for the newly-formed Tribunals Service.

An agreed schedule of CICAP's assets and liabilities will transfer to the DCA at the point of transfer. All staff in post at that time will become DCA employees.

21 Related party transactions

The Home Office and the Criminal Injuries Compensation Authority are related parties to the Panel. During the year ended 31 March 2005 the Home Office provided the Panel with Grant-in-Aid and under a service level agreement the Criminal Injuries Compensation Authority provided assistance with IT and training and storage facilities. The Criminal Injuries Compensation Authority also refunded the Panel £57,838 relating to Judicial Review expenses incurred on their behalf. A further £10,503 has been included in the debtors balance at 31 March 2005.

All services were provided on commercial terms.

During the year ending 31 March 2005 no panel members or any key managerial staff undertook any material transactions with the Panel.

21 Losses and special payments

There were no losses or special payments during the year to 31 March 2005.



4

annex



CICAP panel members – 2004-2005

Patrick Akar FRCS, FFAEM, 63.

Consultant in A&E medicine. Scarborough and North East Yorkshire Healthcare NHS Trust. Formerly Consultant Orthopaedic Surgeon. Forensic Medical Examiner. Born in Ghana. Trained in Poland and UK.

Prof John Andrews CBE, 70.

Former Chief Executive of Further and Higher Education Funding Councils for Wales. Barrister. Career as professor of law (including criminal law). Former Professor of Law and Vice Principal University of Wales, Aberystwyth. Now Emeritus Professor of University of Wales. JP.

Sir John Allison KCB CBE, 62.

Career in Royal Air Force retiring in 1999 as Air Chief Marshal RAF (Commander-in-Chief, Strike Command). Subsequently, Operations Director Jaguar Racing Limited. Since February 2005 Project Director for Rolls-Royce PLC.

Ram Banerjee, OBE TD DL FRCSEd LLD (Hon) 68.

Born in India. Trained in India and UK. Former Consultant A & E and Hand Surgeon in Sunderland as Ex-TA Officer. Commander two General Hospitals (Colonel Commanding), One Div. Field Ambulance. ADC to HM Queen 1988-1992.

Peter Anderson, 54.

Practising Solicitor and Solicitor/ Advocate in the Scots courts. Senior litigation with Simpson & Marwick, Solicitors in Edinburgh. Part-time Sheriff Court Judge; Part-time Senior Law Lecturer, Edinburgh University.

George Bardwell CBE, 59.

Former Civil Servant (Director of Personnel, Benefits Agency). Formerly on Secretariat of the Royal Commission on Civil Liability and Compensation for Personal Injury. Management Consultant.



David Barker QC, 73.

Former practising Barrister in Leicester. Former Recorder and Deputy High Court Judge. Member of the Criminal Injuries Compensation Board for 10 years. Experienced in personal injury and criminal law.

Dr Thelma Bates OBE, 75.

Former Consultant Clinical Oncologist and Clinical Director Oncology Centre, St Thomas' Hospital, London. Former Chairman Health Committee of General Medical Council.

Ms Shazadi Beg, 46.

Special Adviser to International Bar Association on Pakistan. Former practising barrister. Immigration Judge on Asylum Appeals. Legal Consultant for DFID.

Martin Bethel QC, 62.

Practising Barrister in Leeds. Recorder and Deputy High Court Judge. Experienced in personal injury and criminal law. Member of the Criminal Injuries Compensation Board for 2 years.

**Sir Derek Bradbeer
OBE TD DL, 73.**

Solicitor, former Senior Partner with Newcastle Solicitors. Former President of Law Society. Member of the Criminal Injuries Compensation Board for 12 years. Formerly Chairman of the Governors of the College of Law and Deputy Chairman Northumbrian Water.

David Brown, 67.

Private sector career in business. JP. Chairman Sussex Magistrates Courts Committee 2002-2005.

Ms Judith Bryant, 62.

Former Regional Nursing Officer (NE Thames) and Chief Nurse. Fellow of King's Fund since 1995. Consultant in delivery of clinical care.

**Dr Ian Christie FRCP
FRCPsych, 71.**

Career as Consultant Psychiatrist to hospitals in Portsmouth, Southampton, Salisbury and Ministry of Defence at R H Haslaw. One time Director of Services, Knowle Hospital, Medical Director Worthing, and Clinical Teacher Southampton University. Member of Mental Health Review Tribunal.

Ms Lesley Clare, 56.

Former Civil Servant in the (then) Scottish Office. Responsibilities included criminal justice and victim issues, personnel and equal opportunities, and national level trade union activities. Currently recruitment and selection assessor for police and prison services and volunteer with Friends of the Earth Scotland.

**His Honour Sir Jonathan Clarke,
75, retired 31 March 2005.**

Career as Solicitor in Swindon. Former President of Law Society. Former Recorder and Circuit Judge. Member of the Criminal Injuries Compensation Board for 7 years.

Paul Coates, 59.

Full-time Immigration Judge. Former Solicitor and Higher Court Advocate. Former Recorder. Experienced in personal injury and criminal law.

Gita Conn, OBE 68.

Career in television production and print journalism. Founder and President Salford Child Contact Centre. Chair Pro-Contact (Greater Manchester Supervised Children Contact and Assessment Centre). Greater Manchester Board of the National Probation Service. Advisory Committee OFCOM. JP

Miss Diana Cotton, QC, 63.

Practising Barrister in London. Recorder and Deputy High Court Judge. Member of the Criminal Injuries Compensation Board for 11 years. Experienced in personal injury and criminal law.

Dr Alexander Craig, 61.

Career as Doctor in Royal Navy. (Surgeon Rear Admiral and Medical Director General). Former Chairman of Medical Board of Survey and Invaliding, and Royal Navy Medical Employability Board. Former Honorary Physician to HM The Queen.

David de Peyer, 71.

Former Director General Cancer Research Campaign, Under Secretary DHSS, Secretary Royal Commission on NHS, Vice Chairman Suffolk Health Authority. Wheelchair user since 1955.

Manny Devaux, 66.

Retired Assistant Director of Social Services and former Non Executive Director (Area Health Authority). Former Justice of the Peace and London Borough Councillor 1994-2002. General Medical Council Member (Lay) 1996-2002, service on PCC, ARC, REG, and IOC. Chair Fitness to Practice Panels. Member of the NHS Security and Confidentiality Advisory Group. During the past 10 years has served as a Trustee of three Charitable Trusts.

**Prof Andrew Elkington
CBE FRCS, 69.**

Chairman of British Council for the Prevention of Blindness. Former Consultant Ophthalmologist at University of Southampton, now Emeritus Professor of Ophthalmology. Former President Royal College of Ophthalmologists. Member of Conduct Committee of GMC. Former Consultant Adviser to Chief Medical Officer and member of Standing Medical Advisory Committee.

John Entwistle OBE, 64.

Consultant Solicitor. Former partner with Liverpool firm, now Consultant. Former Member of Parole Board. Former President of The British Chambers of Commerce. Special Adjudicator Immigration Appeals. Disciplinary Committee member of Mortgage Code Compliance Board. Deputy District Chairman Appeals Service.



Anthony Favell, 66.

Solicitor. Founder and retired Senior Partner of Sheffield Solicitors. Former Chairman of acute services NHS trust. Former MP. Chairman, Mental Health Review Tribunals.

**Jonathan Foster QC, 57,
retired 31 March 2005.**

Practising Barrister in Manchester. Recorder and Deputy High Court Judge. Member of the Criminal Injuries Compensation Board for 5 years. Experienced in personal injury, criminal and family law.

Dr Ann Fingret, 71.

Consultant Physician in Occupational Medicine. Career spans both private and public Sectors. Former JP and past President of the Society of Occupational Medicine. Former member of DFEE's National Advisory Council on the Employment of People with Disabilities and of the HSE's Working Party on Mental Health at Work. Has written and lectured extensively on mental health in the workplace and on occupational health practice.

David Gabbitass FCI Arb, 70.

Solicitor. Former Senior Partner of Plymouth and Taunton Solicitors. Higher Court Advocate. Member of the Criminal Injuries Compensation Board for 6 years. Chairman, Appeals Service. Chairman Sports Disputes Resolution Panel of Arbitrators. Experienced in criminal and personal injury work.

James Fitzpatrick CBE DL, 75.

Solicitor. Former Managing Director and then Chairman of Mersey Docks and Harbour Company. Former Chairman, Liverpool Health Authority and Royal Liverpool Hospital Trust. Member of Lord Chancellor's Independent Inquiry Inspectorate. Special Adjudicator Immigration Appeals. Chairman, Independent Tribunal Service.

**Sir Richard Gaskell, 68,
retired 31 March 2005.**

Solicitor. Former Senior partner and now consultant with Bristol Solicitors. Former President of Law Society. Member of the Criminal Injuries Compensation Board for 8 years. Experienced in personal injury and criminal law.

Edward Gee, 74.

Solicitor. Member of the Criminal Injuries Compensation Board for 14 years. Experienced in personal injury law.

Colin Forsyth OBE, 65.

Career as general dental practitioner. Former Chairman Dental Practice Board for England and Wales. Former Councillor, then Chairman, Rutland District Council.

Dr Eric Godfrey, 76.

General Practitioner in Manchester, experienced in Industrial Medicine. Former member, Secretary and Chairman of the Manchester Local Medical Committee. Former member of the General Medical Service Committee. Medical Officer in charge HM Prison Styal for 31 years. Experienced in evaluating Industrial injuries and complaints. (Medical Officer to Manchester Buses for many years).

Roger Goodier, 60.

Solicitor. Partner and latterly Senior Partner of national firm specialising in personal injury work for 24 years to 1998. Part-time Chairman, the Appeals Service 1998-2002. Secretary of Association of Personal Injury Solicitors for 5 years. Appointed to CICAP in 2000 and as Chairman in April 2002.

Trevor Grannum, 58.

Solicitor with a career in the public sector and former Assistant Director of Legal Services, Birmingham. Deputy District Judge for 5 years. Experienced in personal injury law.

Dr Judith Gratton, 53.

Formerly General Practitioner in local practice for 18 years and also school health and family planning doctor N. West Herts Health Authority. Part-time member of The Appeals Service. JP.

Richard Greenslade CBE, 69, retired 31 March 2005.

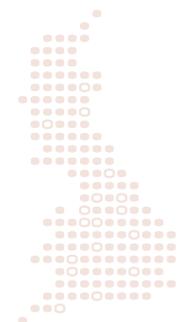
Solicitor. Former District Judge and President Association of District Judges. Assessor to Lord Woolf's Inquiry into Civil Justice. Author of legal text books and articles. Consultant in Judicial Reform Sector, Caribbean and Russia. Chair of Medical Charity.

Mrs Alma Hardie, 60.

Former Director of Youth and Voluntary Sector, Quality Scotland Foundation. Career as a Senior Manager in the Benefits Agency. Experience of adjudication and specialist appeal training and counselling in DHSS.

George Helsby, 63.

Private sector career leading to chairmanship of Rand Corp of South Africa and other executive and non-executive directorships in public corporations world-wide. Chairman/Adjudicator: Mental Health Appeals Panel, South Yorkshire Strategic Health Authority Appeals Panel, Post-graduate Medical Education and Training Board Appeals Panel, Accountancy Investigations & Disciplinary Board Appeals Panel. Member of Sheffield Teaching Hospitals' Clinical Ethics Group. Business Consultant, Accredited Mediator & Writer.



**Alastair Hill OBE QC, 69,
retired 31 March 2005.**

Career as Barrister. Recorder. Senior Crown Prosecutor (on Police Complaints work). Experienced in personal injury and criminal law.

Ms Elizabeth Hinds, 60.

Former Civil Servant (Assistant Under Secretary of State, Home Office). Previous responsibilities as Director of Services and Parole in Prison Service. Independent Assessor for Association of Chartered Certified Accountants. Lay member of the Alternative Dispute Resolution Committee of the General Council of the Bar. Volunteer neighbourhood mediator.

His Honour Derek Holden, 70.

Career as Solicitor. Former Circuit Judge. President of Independent Tribunals Service and Chairman of Tribunals Committee of Judicial Studies Board. Immigration Judge. Chairman of the Appeals Body for the Office of Supervision of Telephone and Information Services.

**Sir Anthony Holland, 66,
retired 31 March 2005.**

Career as Solicitor. Former President of Law Society. Former Principal Ombudsman, Personal Investment Authority. Co-chairman of Securities and Futures Authority. Chairman, Social Security Appeals Tribunal. Former Chairman of Board of Justice. Currently Chairman of Northern Ireland Parades Commission. Chairman of the Standards Board for England. Author of legal textbooks and articles.

Frank Howard, 75.

Career as Trade Union Official (Assistant Secretary NASUWT). JP. Former County Councillor.

Rodney Huggins, 69.

Solicitor. Former senior partner with Reading solicitors. Former National Chairman of Independent Tribunals Service. Chairman, Appeals Service and VAT and Tax Tribunals. Former National President of Rotary International Great Britain and Ireland. Chairman of Trustees of Almshouses Charity.

Michael Innes, 59.

Chartered Certified Accountant. MBA. Career in merchant banking. Former Director of S G Warburg & Co. Member of the Asylum and Immigration Tribunal and Member of the Rent Assessment Panel for Scotland.

**Rear Admiral Richard Irwin
CB, 62.**

Career in Royal Navy retiring as Rear Admiral (Chief Executive, Strategic Systems). Former Chairman W. Sussex Health Authority. Independent Assessor for Departments of Education and Skills, Work and Pensions and Culture, Media and Sport. Former Chairman for NHS Complaints Procedure. Independent Investigator for the Financial Services Compensation Scheme.

Dr Valerie Kaye, 59.

Career as clinical psychologist and Health Service Manager in Scotland. Formerly Dean, Faculty of Health and Social Care, Leeds Metropolitan University. Formerly Consultant for therapy and medico-legal work. JP. Non-executive Director Leeds Teaching Hospitals NHS Trust.

Dr David Kett, 61.

Retired General Medical Practitioner. Senior Partner of Birmingham Medical Practice. Examining Medical Practitioner for DLA/AA Claims for Atos Origin on behalf of DWP. Member of Child Protection Committees. Named Doctor for Child Protection for Local PCT. Former Divisional Police Surgeon. Previously approved in diagnosis and treatment of mental illness.

Miss Fiona King, 52.

Career as Solicitor (private practice, local government and CPS). Former Assistant Chief Prosecutor London. Member of Criminal Cases Review Commission.

**Dr Robin Knill-Jones
FRCP FFPHM, 65.**

Retired Reader in Epidemiology and Honorary Consultant in Public Health, University of Glasgow. Former President of the European Society for Medical Decision Making. Senior Medical Member of Appeals Service and Member of General Medical Council's Fitness to Practice and Registration Committees.

Michael Lewer CBE QC, 72.

Career as Barrister in London. Former Recorder and Deputy High Court Judge. Former Chairman of the Criminal Injuries Compensation Appeals Panel (CICAP). Member of the Criminal Injuries Compensation Board for 14 years. Experienced in personal injury and criminal law. Parliamentary Boundary Commissioner for England.

Nicholas Lowe, 69.

Former Chartered Accountant and National Director of Barnardo's. Charity Adviser and Consultant. JP.

Harley Lumsden WS, 72.

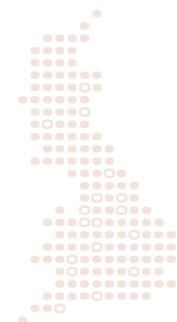
Solicitor, Scotland. Career in insurance sector (former Director and Deputy Chairman of Sedgwick UK Ltd). Retired Consultant to The Chartwell Group of Lloyds Underwriters.

John Lusby, 62.

Career in Health Services Management (General Manager Lothian Health Board). Trustee Stirling University Dementia Services Development Centre.

**Dr Angus MacCuish
MD FRCP, 62.**

Former Consultant Physician (Internal Medicine and Diabetes), Glasgow Royal Infirmary. Senior Research Fellow University of Glasgow. Experienced in medico-legal work.



**Grant McCulloch, 53,
retired September 2004.**

Practising Solicitor with right of audience in Court of Session. Managing partner and head of litigation with Edinburgh firm. Former President of Law Society of Scotland. Former Temporary Sheriff.

Dr Ross McHardy, FRCP, 74.

Former Consultant Physician and Respiratory Physiologist. Former President Scottish Thoracic Society. Former Medical member of Medical Appeals Tribunals and Pension Appeal Tribunal for Scotland.

**Alexander McIlwain
CBE WS, 72.**

Retired Solicitor (Scots). Honorary Sheriff. Former President of Law Society of Scotland. Former President, The Temporary Sheriff's Association. Former Member Judicial Studies Committee. Former Chairman Legal Aid Central Committee. Member of the Criminal Injuries Compensation Board for 2 years. Experienced in personal injury and criminal law.

Gerard McLoughlin FRCS, 62.

Consultant surgeon at hospitals in Liverpool, with speciality in vascular surgery. Lecturer in clinical surgery, Liverpool University. Member of Medical Appeals Tribunal.

Anthony Meier CB OBE, 67.

Career in Army retiring as Major-General: Director General Management and Support of Intelligence. Subsequently 7 years as Non-Executive Director, Eastbourne Hospitals NHS Trust, including Chairman Mental Health Act Appeals, then Convenor Independent Reviews of Complaints; latterly Trust Board Vice Chairman. Non-executive Chairman of a MOD Agency since 2003.

John Melville Williams QC, 74.

Formerly a Practising Barrister in London now retired from active practice. Legal assessor to GMC and GDC since 1983. Former Recorder. Member of the Criminal Injuries Compensation Board for 3 years. Former and inaugural President Association of Personal Injury Lawyers (APIL). Until recently on the editorial board of The Journal of Personal Injury Law. Experienced in personal injury law.

Dr John Miles, 71.

Former Civil Servant (MoD Project Director). Former physics lecturer (Ph.D). Worked for Prince's Trust, 1996-2001.

Dr Ahmed Mukhtar FRCP, 60.

Consultant paediatrician and former Medical Director at NHS hospital in Northamptonshire. Born in Sudan and trained in Sudan and UK.

Graham Park CBE, 64.

Practising Solicitor. Consultant and formerly Senior Partner with Manchester Solicitors. Member of Parole Board and Mental Health Review Tribunal. Experienced in criminal work.

Kenneth Mure QC, 58.

Practising Advocate, with experience in criminal, family and personal injury law. Barrister. Former Temporary Sheriff. Former law lecturer Glasgow University. Part-time Chairman: VAT Tribunal.

Mrs Anne Parker CBE, 65.

Chair Audit Commission Independent Complaints Panel. Former Chair National Care Standards Commission. Formerly Chair Carers UK. Former Independent Case Examiner for the Child Support Agency (DSS). Former Director of Social Services for Berkshire County Council. Trustee Lloyds TSB Foundation and Independent Reviewer. Parliamentary and Health Services Ombudsman to the current jobs.

Harry Narayan, 59.

Practising Barrister in Manchester. Recorder. Special Adjudicator in Asylum and Immigration Appeals. Experienced in criminal work.

Ms Sara Nathan, 49.

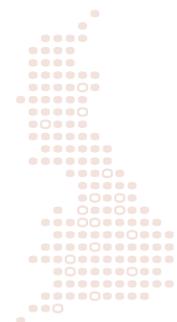
Former career as television and radio editor and producer. Worked for ITN as editor of Channel 4 News and for BBC on TV and Radio News and Current Affairs and Radio 5 Live. Member of Human Fertilisation and Embryology Authority and Ofcom. Deputy Chairman Content Board. Working freelance in broadcasting.

Laurence Peterken CBE, 73.

Career in industry then in public sector (local government and NHS). General Manager Greater Glasgow Health Board and Director Special Projects NHS Scotland; Controller of Operational Services GLC. Lay member Professional Conduct Committee, Nursing and Midwifery Council. Lay Member, Professional Conduct Committee, The Chartered Institute of Management Accounts.

Ms Erica Norton OBE, 58.

Former Assistant Chief Constable, Leicestershire Constabulary and former member of HM Inspectorate of Constabulary, Parole Board and Home Office Advisory Board on Restricted Patients.



Dame Anne Poole DBE, 71.

Career in nursing management (Government Chief Nursing Officer). Former Independent Appointments Board Chairman, Civil Service Selection Board now Independent Assessor for Public Appointments. Independent Chairman for NHS Complaints. Former Director and Trustee Marie Curie Health Care.

Alan Rawley QC, 70.

Practising Barrister in London and on Western Circuit. Former Recorder. Fellow-commoner, Magdalene College, Cambridge. Member of the Criminal Injuries Compensation Board 1999-2000: CICAP 2000 to date. Experienced in personal injury and criminal law.

Andrew Popat CBE, 61.

Practising Barrister in London. Recorder. Experienced in criminal work. Born in Tanzania and trained in UK and USA.

Miss Jane Reynolds, 52.

Career in management, working with people with learning disabilities and older people (former Chief Executive Royal Masonic Benevolent Institution, and Manager of large NHS mental handicap hospital). Chairman of Charity running Homes for people with learning disabilities. Chairman of Complaints Review Panels for many Local Authority Social Services Departments JP. Member, Postgraduate Medical Education and Training Board. Chair, Continuing Care Review Panels for 2 Strategic Health Authorities in London.

Neville Radcliffe, 72.

Solicitor. Former senior partner with Nottingham firm. Chairman Ethical Committee of Queen's Medical Centre University Hospital Nottingham. Former President Nottinghamshire Law Society. Experienced in personal injury law.

John Scampion CBE, 63.

Solicitor. Chairman of the Determinations Panel of the Pensions Regulator. Member of the Committee for the Supervision of Standards of Telephone Information Services. Member of the Criminal Injuries Compensation Appeals Panel. Former Commissioner for Social Fund for Great Britain and Northern Ireland. Former Town Clerk and Chief Executive, Solihull Metropolitan Borough Council. Commissioner, Healthcare Commission.

Mrs Elaine Rassaby, 53.

Trained as psychologist. Formerly Mental Health Act Commissioner, OFSTED Complaints Adjudicator, Mental Health Advisor to firm of Solicitors. Member of the Police Complaints Authority. Member of the Mental Health Review Tribunal, Office of Fair Trading Adjudicator.

Mrs Margaret Scorer, 63.

Career as lecturer in law and social history. Former Senior Lecturer at Bramshill Police Staff College, Inspector, HM Magistrates Courts Service Inspectorate and Member Police Complaints Authority. JP. Australian born.

Mrs Margaret Seymour, 64.

Private sector career in company management, (Managing Director/Owner of specialist engineering company). Lay chair for National Health Clinical Assessment Authority for England and Wales. Chairperson of Neuroscience Foundation. Member of the Board of Venture Scotland, REHAB Scotland, Postwatch Scotland and Water Customer Consultation Panel for Scotland.

**Dr Richard Shepherd
FRCPath, 52.**

Consultant in Forensic Medicine. Home Office Pathologist.

Michael Shorrock QC, 62.

Practising Barrister in Manchester. Recorder. Member of the Criminal Injuries Compensation Board for 5 years. Experienced in personal injury and criminal law.

Amolak Singh MBE BDS, 71.

General dental practitioner, legally and medico-legally qualified. Former member of the General Dental Council, past Chief Executive of the General Dental Practitioners' Association. Past President of the Anglo Asian Odontological Group. Past Chairman of the Managerial and Professional Staffs Association and Employment Tribunals.

Desmond Smith, JP, LLM, 53.

Public, Community Business & Enterprise. Voluntary Sectors career in economic, social regeneration, diversity policies, management & mediation. Former Director / Management, -Business Enterprise and Training Centre, Assistant County Clerk (Urban Policies), Chief Executive – Race Equality Council, Youth & Community lead. Non-executive Director – NHS Trust, Board Member – ST Yorkshire probation Service, Director – Business Link (Sheffield), Chairman – Owls Against Racism (Sheff Wednesday F.C.) Lay-member – Employment Appeal Tribunal & General Medical Council – Fitness to Practice Panel.

Mrs Reshma Spafford, 52.

Career as social worker and social work manager (North Tyneside Council and Gateshead MBC). Now a freelance consultant and researcher in project development and child care issues. Born in India and trained in UK.



Dr Memo Spathis FRCP, 70.

Former Consulting Physician at hospitals in South London, with speciality in endocrinology and diabetes. Former Sub Dean St George's Hospital Medical School. Former Vice Chairman South West Thames Regional Health Authority. JP. Born in Greece and trained in UK.

Alan Tyrrell QC, 72.

Practising Barrister in London. Former Deputy High Court Judge. General Commissioner of Income Tax. Lord Chancellor's legal visitor. Former MEP. Member of the Criminal Injuries Compensation Board for 2 years. Experienced in personal injury and common law.

His Honour Eric Stockdale, 76, retired 31 March 2005.

Practice at Bar for 22 years, followed by 22 years as a Circuit Judge and then 7 years on the Board/Panel.

Ms Nalini Varma, 48.

Career as social work manager predominantly in voluntary sector organisations. Formerly Chief Executive of the Rainer Foundation, a national young people's charity. Management consultant to statutory and voluntary organisations. Trained in the UK. Born in South Africa. Former Board Member of Children and Family Court Advisory Support Services. Lay member of the General Medical Council. Trustee of Comic Relief and Chair of their UK Grants Committee.

Anthony Summers, 60.

Solicitor. Former senior partner in Liverpool solicitors. Member of the Criminal Injuries Compensation Board for 2 years. Experienced in personal injury law.

Mrs Frances Walker, 55.

Practising Consultant with South Shields Firm. Chairman, Child Support and Social Security Appeals and medical and disability appeals; Chairman Appeal Committee of ACCA; Deputy Commissioner for Social Security and Child Support Scotland. Former member of Parole Board. Trained mediator. Former Non-Executive Director of Health Care Trust.

Ms Josephine Thompson, 61.

Career as Solicitor in private practice. Building Societies Ombudsman, with wide experience of dispute resolution and adjudication.

Alan Tripp, 54.

Chartered Accountant. Private sector career in financial and general management in the electronics and technology industries. Member of Scottish Further and Higher Education Funding Councils. Acts as independent director in the private sector.

Dr Frances Walters, 64.

Career as General Medical Practitioner. Former Chairman Local Medical Committee. Medically qualified Member Unified Appeals Tribunal. Branch Medical Officer British Red Cross. Past President British Medical Pilots Association. Previously Regimental Medical Officer TA.

Mrs Gillian Wild, 55.

Career as Chartered Surveyor in the public sector specialising in commercial development. JP. Member of the Prince's Trust Cambridgeshire. Non-Executive Director Cambridgeshire and Peterborough Mental Health Partnership Trust. Chair Cambridgeshire Courts Board.

Thomas Ward, 52.

Practising Solicitor and Solicitor-Advocate in the High Court of Justiciary. Consultant and former senior criminal law practitioner in Greenock. Part-time Immigration Judge. Former Temporary Sheriff. Legal Assessor to the General Medical Council. Legal Assessor PMETB.

Dr David Williams FRCP, 67.

Former Clinical Director of A&E Department (Guy's and St Thomas'). Past President British Association for A&E Medicine and Faculty of A&E Medicine. President European Society for Emergency Medicine. Clinical adviser to the Parliamentary Health Commissioner (Ombudsman).

Miss Diana Whittingham, 71.

Career in personnel management and training. (Director of Personnel, British Red Cross). Former Civil Service Commissioner and member Nurses and Professions Review Body. Member Employment Appeal Tribunal. London Borough Councillor. Non-Executive Director Kingston Hospital Trust.

Donald Williams, 77.

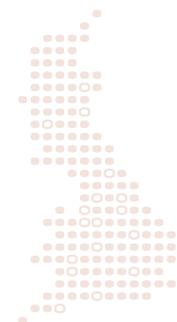
Career as litigation partner with London Solicitors. Former Chairman of Employment Tribunals and Recorder. Lecturer on law and writer mainly on legal subjects, including criminal injuries compensation.

Bernard Whyte, 64.

Former Deputy Chief Constable Cambridgeshire Constabulary. Former Director of Police Central Planning and Training Unit, and Chief Examiner, Police Promotion Examination Board.

Dr Pamela Wills, 64.

Retired Consultant Psychiatrist. Established West Lothian Child and Family Psychiatric Service and also former Consultant at Child Psychiatry Department, Royal Hospital for Sick Children in Edinburgh. Specialist in Child and Adolescent Psychiatry, with experience of court and Panel work involving children and families. Appointed Member of new Mental Health Tribunal for Scotland in 2005.



**Austin Wilson, 67,
retired 31 March 2005.**

Former Civil Servant (Assistant Under Secretary of State, Home Office). Previous responsibilities for criminal justice policy included victim compensation matters. Member of the Panel for the Disciplinary and Regulatory Committees of the Association of Chartered Certified Accountants. Board Member, Yorkshire Community Housing Ltd.

Prof Robert Wood FRCP, 66.

Consultant Physician. Director of Medical and Dental Defence Union of Scotland; Trustee of Royal College of Physicians Edinburgh. Former Professor of Clinical Medicine, Aberdeen University, and Postgraduate Medical Dean.

