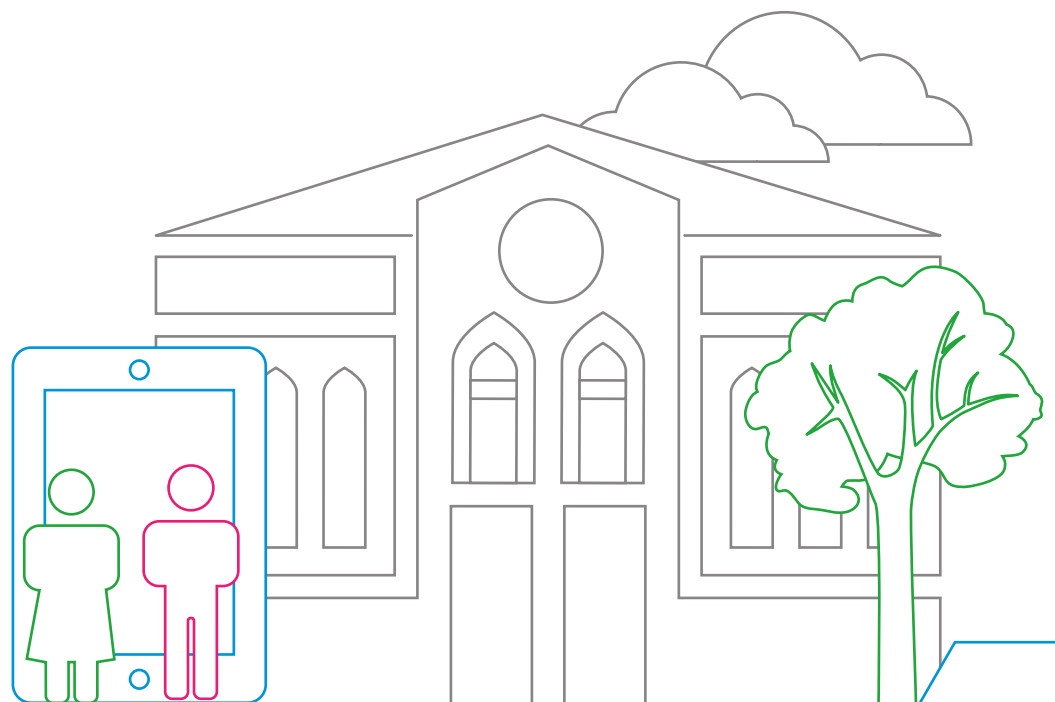




HM Courts &
Tribunals Service

Jurisdictional guidance to
support media access to
courts and tribunals

Tribunals Guide



Tribunals

Although journalists can, in many cases, attend tribunal hearings, you may still be contacted to verify the facts about a case they have heard about or to obtain details of a specific case after the event. In general, you can release factual information contained within a tribunal document that is open to public inspection or placed on a public notice board at a tribunal venue.

You may also be approached by the media about a forthcoming case. In most cases you can give out the basic details of case i.e. name of parties, their representatives etc. in advance of the hearing once the date has been fixed.

For details of the hearings the media may attend, the types of information that can be given to them and those tribunals that publish decisions please see the details for each tribunal below.

First-tier Tribunal – Health, Education and Social Care Chamber Mental Health

All mental health cases are heard in private unless the tribunal considers that it is in the interests of justice for the hearing to be held in public. Where a judge has ordered that a hearing should take place in public, please contact press office as far in advance as possible for advice on handling media attendance at the hearing.

Unless the tribunal gives a direction to the contrary, information about mental health cases and the names of any parties to the case must not be made public.

Where a Mental Health Tribunal hearing is being held in public, judicial direction must be sought as to whether information about the case can be released to members of the public or media. Please make press office aware of any requests for information from journalists about specific cases.

Mental Health Tribunal decisions and other documents are not available to members of the public or media unless a judge has directed otherwise.

Care standards

Journalists may attend any hearing held in public. Current public cases are listed on the following website: <https://www.gov.uk/guidance/care-standards-tribunal-hearing-list>

Basic case details – name of appellant, case number, date of hearing, venue – for listed cases are available at the above link and should be provided to journalists enquiring about specific cases.

Journalists should be advised that Care Standards Tribunal decisions are published on the following website: <http://carestandards.decisions.tribunals.gov.uk//Public/search.aspx>

Primary Health Lists

Journalists may attend any hearing held in public. There is a register of current public cases, including hearing dates, on the following website: <https://www.gov.uk/guidance/primary-health-lists-tribunal-hearing-list>

Basic case details – name of appellant, case number, date of hearing, venue – for listed cases are available at the above link and should be provided to journalists enquiring about specific cases.

Journalists should be advised that Primary Health Lists Tribunal decisions are published on the following website: <http://phl.decisions.tribunals.gov.uk/>

Special Educational Needs and Disability Discrimination in schools

All special educational needs cases and disability discrimination in schools' cases are heard in private unless the tribunal considers that it is in the interests of justice

for the hearing to be held in public. Any request to attend a hearing made by a member of the media or public would need to be considered and agreed by the parties and by the tribunal panel.

The same principle would apply to requests made by third parties for information or documents relating to particular cases.

First-tier Tribunal – Immigration and Asylum Chamber

Journalists may attend any hearing held in public.

Listings are published on the following website and are updated daily with information for the following day's hearings: <https://www.gov.uk/guidance/immigration-and-asylum-daily-court-lists>

Parties may apply for anonymity. If granted, names do not appear on the cause lists published on the website or displayed in the tribunal venue. The judge will then decide who can attend the hearing. The judge should be alerted to any members of the media enquiring about attending hearings of anonymised cases.

Children in Immigration/Asylum proceedings – where they are the litigant – are anonymised on Court Lists and reporting restrictions may apply.

Basic case details – name of appellant, name of solicitor or firm of solicitors, case number, date of hearing, venue – for listed cases are available at the above link and should be provided to journalists enquiring about specific cases.

In the First-tier Tribunal of the Immigration Chamber, decisions are not published.

However, members of the media can apply to the tribunal for a copy of a decision in a specific case and their request will be considered by the President of the Immigration and Asylum Chamber of the First-tier Tribunal.

First-tier Tribunal – General Regulatory Chamber (GRC)

Jurisdictions include:

- charities
- claims management services
- community right to bid
- consultant lobbyists
- conveyancing
- copyright licensing
- driving instructors
- electronic communications and postal services
- environment
- estate agents
- exam boards
- food
- gambling
- immigration services
- information rights
- letting and managing agents
- microchipping dogs
- pensions regulation

Journalists may attend any hearing held in public. Some jurisdictions have registers of current public cases, including hearing dates. These can be found at: <https://www.gov.uk/courts-tribunals/first-tier-tribunal-general-regulatory-chamber>

Basic case details – name of appellant, case number, date of hearing, venue – for listed cases may be available at the above link in some GRC jurisdictions. These details can be provided to journalists enquiring about specific cases. If details are not published, members of the media and public can make themselves known to the tribunal clerk at the

venue and request to attend a particular hearing.

Some GRC decisions are published and maybe found via the above link. If a decision is not published it may be requested by contacting the tribunal office (details at above link) and their request will be considered by the Chamber President.

First-tier Tribunal – Social Entitlement Chamber Asylum Support

All Asylum Support Tribunal hearings are held in public unless a tribunal judge has directed that a hearing should be held in private.

Asylum Support Tribunal lists are not published except at the tribunal venue. However, members of the public and media wishing to attend a hearing can make themselves known to the tribunal clerk at the Tribunal venue and request to attend a particular hearing.

Basic case details – name of appellant, case number, date of hearing, venue – for listed cases should be provided to journalists enquiring about specific cases.

Journalists should be advised that decisions are published on the following website: <http://www.asylum-support-tribunal.gov.uk/public/search.aspx>

Criminal Injuries Compensation (CIC)

All CIC hearings are heard in private unless the appellant consents to the hearing being held in public and the tribunal considers that it is in the interests of justice for the hearing to be held in public. Where a judge has ordered that a hearing should take place in public, please contact press office as far in advance as possible for advice on handling media attendance at the hearing.

CIC tribunal lists are not published and are not available at the venue.

If held in private only parties to proceedings are invited to attend. Requests to attend the hearing from members of the public and media may be directed to the tribunal judge for consideration.

Judgments and other documents are not available to members of the public or media.

Social Security and Child Support (SSCS)

All SSCS tribunal hearings are held in public unless a judge has directed that a hearing should be held in private.

SSCS tribunal lists are not published except at the tribunal venue. However, members of the public and media wishing to attend a hearing can make themselves known to the tribunal clerk at the tribunal venue and request to attend a particular hearing.

Basic case details – name of appellant, case number, date of hearing, venue – for listed cases should be provided to journalists enquiring about specific cases.

Decisions are not published but a journalist can put in a request for a particular judgment by contacting the tribunal. The request will be considered by a judge.

First-tier Tribunal – Tax Chamber

All Tax Tribunal hearings (including hearings on MPs expenses) are held in public unless a judge has directed that a hearing should be held in private.

Tax and MPs expenses tribunal lists are not published except at the tribunal venue. However, members of the public and media wishing to attend a hearing can make themselves known to the tribunal clerk at the tribunal venue and request to attend a particular hearing.

Basic case details – name of appellant, case number, date of hearing, venue – for listed cases should be provided to journalists enquiring about specific cases.

Tax Tribunal decisions from April 2003 are published on the following website: <http://www.financeandtaxtribunals.gov.uk/Aspx/default.aspx>

First-tier Tribunal – War Pensions & Armed Forces Compensation Chamber

All War Pensions and Armed Forces Compensation tribunal hearings are held in public unless a judge has directed that a hearing should be held in private.

War Pensions and Armed Forces Compensation tribunal lists are not published except at the tribunal venue. However, members of the public and media wishing to attend a hearing can make themselves known to the tribunal clerk at the tribunal venue and request to attend a particular hearing.

Basic case details – name of appellant, case number, date of hearing, venue – for listed cases should be provided to journalists enquiring about specific cases.

Judgments are not published but a journalist can put in a request for a particular judgment by contacting the tribunal. The request will be considered by a judge.

First-tier Tribunal – Property Chamber

Journalists may attend any hearing held in public.

Listings for cases before the Property Chamber are not published except at the tribunal venue. However, members of the public and media wishing to attend a hearing can make themselves known to the tribunal clerk at the tribunal venue and request to attend a particular hearing.

Basic case details – name of appellant, case number, date of hearing, venue – for listed cases should be provided to journalists enquiring about specific cases.

Journalists should be advised that decisions of the Property Chamber in respect of residential property and land registration are published on the following website:

<http://landregistrationdivision.decisions.tribunals.gov.uk/Public/Search30May.aspx>

http://www.residential-property.judiciary.gov.uk/search/decision_search.jsp

Decisions of the Property Chamber in respect of agricultural land and drainage matters are not published but a journalist can put in a request for a particular judgment by contacting the tribunal. The request will be considered by a judge.

Employment Tribunal

Journalists may attend any hearing that is held in public. The general rule is that all hearings are held in public. Exceptions to that rule are:

- any preliminary hearings, except where it involves the determination of substantive issues beyond case management (see rule 56 in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013)
- any hearing directed to be private under rule 50 – note that reporting restrictions can also be applied under rule 50, and must be provided to journalists upon request
- national security proceedings, conducted under rule 94.

In response to a specific enquiry a journalist should be told if a particular hearing is being held in private.

Employment Tribunal listings for the next two or three weeks are available from the Courtserve service on the following website: <https://www.courtserve.net/services/tribunal-express/employment-tribunal-landing-page.php>

Journalists should be told that they can register, free of charge, to access the listings at the above link. They can also be provided with hearing dates in response to enquiries about specific cases, if the listing has been published on the Courtserve website.

Please note, we do not expect journalists to have case numbers. Where a case is a matter of public record (i.e. it is listed for public hearing and published on the Courtserve website; or there is a public judgment on the register) case details about specific cases can be provided verbally, upon request, as follows:

- full names of parties
- case number
- names of solicitors on record for the parties
- full name of the judge
- details of any reporting restrictions
- outcome of case i.e. whether judgment has been given or the case has settled

These details may not be provided if the case is not yet a matter of public record. The Acas conciliation process is not a matter of public record, and therefore the above details cannot be provided in relation to matters undergoing Acas conciliation.

At the hearing, the public and the media are entitled to be shown a copy of the hearing bundle and any witness statement or other documents referred to in evidence, unless the tribunal orders otherwise.

Journalists should be advised that copies of judgments and orders are accessible through the following website: <https://www.gov.uk/employment-tribunal-decisions>

Employment Appeal Tribunal

Journalists may attend any hearing that is held in public. In response to a specific enquiry a journalist should be advised if a particular hearing is being held in private.

Journalists enquiring about listings should be told that the Employment Appeal Tribunal listings for the following week are available on the following website: <http://www.employmentappeals.gov.uk/public/causelist.aspx>

The list is updated on the Friday of the week before and is updated during the week if there are any changes.

Case details about specific cases that can be provided verbally, upon request are as follows:

- Full names of parties
- Case number
- Originating Employment Tribunal office
- Full name of solicitor (or firm of solicitors) and barrister representing either party
- Full names of the judge and lay members
- Current position or outcome of case

As well as judgments (see below), any member of the public (including journalists) is entitled to inspect or request a copy of any notice of appeal, respondent's answer, or order. They are also entitled to make an application to inspect or receive a copy of any other document. Please refer to paragraphs 7.3 and 7.4 of the EAT Practice Direction 2013.

Journalists requesting a copy of a judgment should be told that all judgments from full hearings since mid-1999 which have been transcribed can be viewed on the following website: <https://www.gov.uk/employment-appeal-tribunal-decisions>

Judgments from other hearings which have been transcribed are available from the tribunal on request. If a judgment has not been transcribed then a copy cannot be provided.

Paragraph 7.3 of the EAT Practice Direction 2013 also provides that any member of the public (including journalists) is entitled to inspect any judgment lodged at the Central Office of the EAT in London or in the EAT office in Edinburgh.

Gender Recognition Panel

All Gender Recognition Panel cases are either dealt with on paper or heard in private. Any request to attend a hearing made by a member of the media or public would need to be considered and agreed by the parties and by the tribunal panel.

The same principle would apply to requests made by third parties for information or documents relating to particular cases.

Reserve Forces Appeal Tribunal

Journalists may attend any hearing held in public.

Reserve Forces Appeals tribunal lists are not published except at the tribunal venue. However, members of the public and media wishing to attend a hearing can make themselves known to the tribunal clerk at the tribunal venue and request to attend a particular hearing.

Basic case details – name of appellant, case number, date of hearing, venue – for listed cases should be provided to journalists enquiring about specific cases.

Journalists should be told that determinations are not published but copies may be requested from the Regional Secretary at the Manchester Employment Tribunal.

The telephone number for the Regional Secretary is 0161 833 6150.

Gangmasters Licensing Appeals

Journalists may attend any hearing held in public.

Gangmasters Licensing Appeals tribunal lists are not published except at the tribunal venue. However, members of the public and media wishing to attend a hearing can make themselves known to the tribunal clerk at the tribunal venue and request to attend a particular hearing.

Basic case details – name of appellant, case number, date of hearing, venue – for listed cases should be provided to journalists enquiring about specific cases.

Journalists should be told that decisions are not published but copies can be requested from the Regional Secretary at the Manchester Employment Tribunal. The telephone number for the Regional Secretary is 0161 833 6150.

There is also a register of recent appeal decisions on the following website: <http://www.gla.gov.uk/our-impact/appeals-against-the-gla/>

Re-instatement Committees

Journalists may attend any hearing held in public.

Re-instatement Committee lists are not published except at the tribunal venue. However, members of the public and media wishing to attend a hearing can make themselves known to the clerk at the tribunal venue and request to attend a particular hearing.

Basic case details – name of applicant, case number, date of hearing, venue – for listed cases should be provided to journalists enquiring about specific cases.

Journalists should be advised that decisions are not published but copies may be requested from the Regional Secretary at Manchester Employment Tribunal. The telephone number for the Regional Secretary is 0161 833 6150.

Special Immigration Appeals Commission (SIAC)

Journalists may attend any hearing held in public. The judge can decide to hear evidence in closed sessions. In such cases the public and media would be asked to leave.

The cause list is published on the SIAC website: <https://www.gov.uk/guidance/special-immigration-appeal-commission-cause-list>

Anonymity orders in SIAC are governed by a Practice Direction which is published on the SIAC website: <https://www.gov.uk/guidance/appeal-to-the-special-immigration-appeals-commission>. When an anonymity order has been made in accordance with the Practice Direction, the appellant cannot be identified as an appellant to SIAC. If an anonymity order has not been made, an appellant can be identified as an appellant to SIAC.

Basic case details – name of appellant (if an anonymity order has not been made, case number, date of hearing, venue – for listed cases are available at the above link and should be provided to journalists enquiring about specific cases.

Journalists should be advised that SIAC decisions are published on the following website: <http://siac.decisions.tribunals.gov.uk/>

Upper Tribunal – Administrative Appeals Chamber

Journalists may attend any hearing held in public.

Journalists should be told when enquiring about a specific case if a judge has decided that the case should be heard in private.

London hearings are published on the following website <http://www.justice.gov.uk/courts/court-lists/upper-tribunal-administrative-appeals-chamber> Hearings outside London are generally published at the tribunal venue.

If the judge has granted a private hearing prior to the day of the hearing, the cause list should note that it is in private. If one has been granted at the hearing itself, the judge will inform members of the media and public as appropriate.

Journalists should be advised that some final decisions which have been deemed to be of particular interest are placed on the following website: <https://www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/judicial-roles/tribunals/tribunal-decisions/osccs-decisions/>

Upper Tribunal – Lands Chamber

Journalists may attend most hearings except Reference of Consent cases (case references beginning with 'CON').

There is a register of current public cases, including hearing dates, on the following website: <http://www.justice.gov.uk/courts/court-lists/list-cause-rcj#Lands-Tribunal>

Final decisions of the Tribunal dating from 2000 are available on the following website: <http://www.landstribunal.gov.uk/Aspx/Default.aspx>

Journalists should be told that they can request a copy of any decision that is not on the website.

Upper Tribunal – Tax & Chancery Chamber

Journalists may attend any hearing held in public.

There is a register of current public cases, including hearing dates, on the following website: <https://www.gov.uk/courts-tribunals/upper-tribunal-tax-and-chancery-chamber>

Basic case details – name of appellant, case number, date of hearing, venue – for listed cases are available at the above link and should be provided to journalists enquiring about specific cases.

Journalists should be told that decisions are published on the following website: <http://www.tribunals.gov.uk/financeandtax/Decisions.htm>

Upper Tribunal – Immigration and Asylum Chamber

Journalists may attend any hearing that is held in public.

Listings are published on the following website and are updated daily with information for the following day's hearings. <https://www.gov.uk/guidance/immigration-and-asylum-daily-court-lists>

Parties may apply for anonymity. If granted, names do not appear on the cause lists published on the website or displayed at the tribunal venue and the judge will decide on the conduct of a hearing i.e. who can attend.

Journalists enquiring about a particular case should be told about any reporting restrictions that have been imposed.

Basic case details – name of appellant (where anonymity has not been granted), case number, date of hearing, venue – for listed cases are available at the above link and should be provided to journalists enquiring about specific cases.

In the Immigration Asylum Chamber of the Upper Tribunal, all reported determinations are published on the following website: <https://tribunalsdecisions.service.gov.uk/utiac>

Journalists should be told to contact utiacdecisions@hmcts.gov.uk if they would like a copy of an unreported decision from before 1 June 2013.

Guidance for the Court of Protection

This section of the guidance is currently being revised and will be updated as soon as possible.