

Tribunal Procedure Committee (TPC) Meeting Minutes

Thursday 05 June 2025

Meeting (Hybrid) at 7 Rolls Building, London

Present

- Mrs Justice Joanna Smith (JS)
- Philip Brook Smith (PBS)
- Matt Jackson (MJ)
- Susan Humble (SH)
- Michael Reed (MJR)
- Faridah Eden (FE)
- Gillian Fleming (GF)
- Angela Shields (AS)
- Mark Loveday (ML)
- David Franey (DF)
- Anne Scott (ASC)
- Razana Begum (RB)
- Shane O'Reilly (SOR)
- Catherine Gaskell (CG)
- Vijay Parkash (VP)
- Hanna Polanszky (HP)

Apologies

- Gabriella Bettiga (GB)
- Mark Blundell (MB)

Minutes

1. Introductory matters

- 1.1. GB, and MB sent their apologies as they were unable to attend the meeting. CG will join the meeting later due to another clashing work commitment.
- 1.2. JS informed the TPC that Jeremy Rintoul has formally tendered his resignation with immediate effect. JS acknowledged the significant and valued contributions he has made throughout his tenure on the Committee. On behalf of the TPC, JS and the members expressed their sincere gratitude for his commitment, insight, and service.

TPC Appointments

Lady Chief Justice Upper Tribunal Member appointment

- 1.3. JS informed the committee that Mark Blundell has been appointed by the Lady Chief Justice (in consultation with the Lord Chancellor) as the TPC

Upper Tribunal member. His 3-year term runs from 08 May 2025 to 07 May 2028.

Tribunal Procedure (Amendment) Rules 2025

- 1.4. The Spring TPC (Amendment) Rules statutory instrument (SI) was laid on 09 May 2025 and came into force on 30 May 2025.

Publication of the TPC Meeting Minutes

- 1.5. The minutes for the TPC meetings held on 06 February, 06 March and 03 April 2025 have been published on the TPC website.
- 1.6. The minutes of the 01 May 2025 TPC meeting have been approved by the TPC and will be published by the secretariat in due course on the TPC website.

AP/51/25: To publish the minutes of the 01 May 2025 TPC meeting – Secretariat

2. Rule changes on 'Written Reasons and Practice Directions in the First-tier Tribunal'

- 2.1. PBS presented an overview of the current position on the drafting exercise to prepare the 'Written Reasons' response draft document. PBS said that RB had raised several points for consideration by the TPC, to which clarification is required to assist in preparing drafting instructions for the SI Hub drafting team. PBS stated that he would address each of the points in turn, inviting the TPC's views and feedback, to ensure that all members were in agreement with the final conclusions reached.

Matter addressed -

- Immigration Asylum Chamber (First-tier Tribunal (FtT)): Written Reasons; timeframe for overseas appellants.
 - Time limits for War Pensions and Armed Forces Compensation Chamber (FtT) (which is currently 42 days), the proposed rule change involves reducing the time limits to 28 days.
 - Time frame for the sending of decisions in relation to Tax Chamber (FtT) rules.
 - Timeframe for allocation in relation to jurisdiction.
 - Track allocation in the General Regulatory Chamber (GRC-FtT).
- 2.2. After an in-depth discussion on the matters raised by PBS, the attendees were largely aligned on their views and came to an agreed position on each point addressed.

- 2.3. MJR raised a query in relation to the proposed introduction of a “track” allocation system, which would be achieved through amendments to the Tribunal Procedure (FtT) (General Regulatory Chamber) Rules 2009 (“the GRC Rules”). MJR expressed concern as to whether the proposed amendment, involving the implementation of a track allocation system within the GRC, is the optimal approach for case categorisation to support the provision of written reasons. The TPC noted that no respondents had replied to questions included in the consultation document specifically in respect to the GRC and any proposed modification to the existing process. MJR stated that if the proposed amendment is to go ahead there should be a clear rationale as to its purpose, particularly as it is not in alignment with proposed amendments in other Tribunals such as the Employment Tribunals.
- 2.4. JS invited SOR to elaborate further on the underlying rationale for the establishment of a tracking allocation system in the GRC. SOR responded by noting that he understood that the GRC Chamber President’s strategic vision encompasses objectives that could surpass the immediate scope of the present proposal. The track enables a distinction to be made between cases and will be supported by Practice Directions to assist tribunal users better to understand the new practice and process to be followed in the GRC.
- 2.5. The TPC expressed concerns regarding rule changes designed partially to facilitate plans that have yet to be clearly defined.
- 2.6. The TPC discussed the justification for the introduction of track systems in the GRC. The members provided their observations and views in relation to wider objectives such as the efficient management of workload, the disposal of proceedings and the better utilisation of the existing judicial resource. PBS suggested that he return to the GRC Chamber President to obtain further clarification on the matters discussed and to better understand the rationale behind the proposal to create an assignment ‘track’ for ‘Written Reasons’, including how the GRC would explain to tribunal users the distinction between cases where full written reasons are appropriate and cases which require only summary reasons.
- 2.7. PBS said that the intention is to continue working with RB to progress the rule making exercise in relation to ‘Written Reasons’ with a view to obtaining a sign-off of the draft reply to consultation out of committee prior to the next scheduled meeting on 03 July 2025. The TPC agreed with this approach.

Oral summary reasons in the Employment Tribunal (ET):

- 2.8. MJR presented a comprehensive overview of the proposed amendment concerning oral summary reasons in the Employment Tribunals, outlining the key considerations and implications involved. He shared his opinion on the

most effective approach to address the issue, highlighting the rationale behind his recommendations. Following this presentation, the TPC engaged in a thorough discussion, carefully evaluating the points raised. After deliberation, the committee reached a consensus in support of MJRs suggested approach. This course of action will be incorporated into the formal response document, which is scheduled for publication in due course.

AP/52/25: To gain further information from the GRC President in relation to the proposed track allocation system to be operated in the GRC, proposed amendments to rule 38, and the matter of timing for allocation. - PBS

3. HSW Subgroup

- 3.1. In relation to possible amendments to the Health Education and Social Care Chamber Rules regarding proposed changes to the rules in relation to special educational needs and disability (SEND) cases (to be dealt with on the papers without the consent of both parties). AW reported that she had been working with FE and RB on progressing the drafting instructions exercise. She added that the proposed rule amendment is to be implemented into the upcoming Autumn 2025 TPC amendment statutory instrument exercise.

4. Employment Tribunals Subgroup

- 4.1. MJR reported that the Employment Tribunals (ET) consultation exercise seeking views on a number of potential further changes to the Employment Tribunals Procedure Rules 2024 ("ET Rules") closed on 19 May 2025.
- 4.2. MJR presented a comprehensive summary of the replies, after which the TPC engaged in a detailed discussion of the key themes and issues raised.
- 4.3. MJR noted that RB had submitted several follow-up questions in response to the replies received. In particular, RB raised a question concerning the clarity of rule 13 of the ET Rules. The TPC consulted on amending rule 13 in its recent consultation on further proposed changes to the ET rules, to make clear that both a claim form and a response form must contain the grounds on which the claim is respectively brought or defended.
- 4.4. MJR proposed that the matter be referred to an ET Subgroup meeting for further deliberation, with the intention of reporting back to the committee at the July meeting. MJR also noted the subgroup's intention to produce a draft response to the consultation on further changes to the ET rules for the 03 July 2025 TPC meeting.

AP/53/25 – To report back to the TPC on the outcome of the ET Subgroup meeting and to commence work to prepare a first draft reply to consultation document - MJR

5. Immigration and Asylum Chamber (IAC) Subgroup

- 5.1. JS referred to the policy paper from the MoJ Irregular Migration team ("MOJ Policy") regarding proposed clauses in the Border Security, Asylum and Immigration Bill to provide a 24-week statutory timeframe for determination of two groups of cases lodged with the IAC (FtT). MoJ Policy sought a preliminary view from the TPC as to whether the legislative clauses as tabled before Parliament were likely to require associated rule changes once the measures came into force.
- 5.2. The TPC decided at its 01 May 2025 meeting, based on the information it had received, that it is unlikely that additional rule changes will be required in the immediate future. JS stated that she had notified MoJ policy of the TPC's decision.

Immigration Asylum Chamber subgroup organisation

- 5.3. JS referred to the recent appointment of Mark Blundell, who has been appointed by the Lady Chief Justice (in consultation with the Lord Chancellor) as the Upper Tribunal member to the TPC. JS noted that prior to this appointment, MB had been serving as an Upper Tribunal (UT) IAC liaison Judge responsible for immigration business for the TPC. With MB's transition to become a full serving TPC member, his former liaison UT (IAC) role is now vacant, and JS highlighted that this position remains unfilled at present.
- 5.4. In light of the TPC's current reduced membership following recent departures, the TPC reviewed the IAC subgroup's capacity to manage forthcoming responsibilities and agreed to ask the judicial office of the IAC President (UT) to initiate an expression of interest process to appoint Stephen Smith's successor.

AP/54/25 – To confirm the TPCs request for a new UT IAC liaison judge member to the UT IAC judicial office – VP

6. GTCL Subgroup

Provision of documents to other parties/ persons in tribunal proceedings (paper)

- 6.1. JS reported that the consultation document on 'Direction for Service by Parties' in the Property Chamber (FtT) concerning an amendment to rule 7 of the Property Chamber Rules was published on Wednesday 14 May 2025. The consultation runs for 8 weeks and closes on July 09 2025.

- 6.2. MJ suggested that the consultation may be of interest to the Transparency and Open Justice Board (TOJB). JS requested that the TOJB be alerted to the consultation.

Renters Rights Bill 2025 Rule proposed amendments

- 6.3. PBS said that he continues to work with Judge McGrath, the Chamber President of the Property Chamber (FtT), and RB with regards to the preparatory work related to proposed rules changes to accommodate the Leasehold and Reform Act 2024 and Renters Rights Bill 2025.

AP/55/25: To alert the TOJB to the consultation document on 'Direction for Service by Parties' in the Property Chamber concerning an amendment to Rule 7 of the Property Chamber Rules - VP

7. Costs Subgroup

Interest on costs, payments on account of costs & pro-bono costs awards & costs in the Lands Chamber of the Upper Tribunal

- 7.1. ML presented an update on the progress of the drafting exercise to prepare a consultation paper on 'Interest on costs, payments on account of costs & pro-bono costs awards & costs in the Lands Chamber of the Upper Tribunal'.
- 7.2. MJ raised an issue which had arisen at the 01 May 2025 TPC meeting regarding pre interest costs awards in the Employment Tribunals. RB said that as part of her preparatory work she has sought to establish an agreed government position of the intended effect of Section 14 of the Employment Tribunals Act 1996 when considered against the rule making powers that have been transferred to the TPC. RB added that she is still awaiting responses from governmental policy counterparts and that she will report back to the TPC once a response is received.
- 7.3. ML stated that the Costs Subgroup is currently preparing a final draft of the consultation paper, which is scheduled to be presented at the 03 July 2025 TPC meeting. ML also emphasised that receiving input or feedback from the relevant governmental policy departments (in relation to interest on costs) by that time would be valuable, as it could help ensure the final agreed paper reflects a comprehensive and well-informed perspective before publication.

AP/56/25: To feedback to the TPC on the policy position regarding interest on cost awards in the ET- RB

8. The Tribunal Procedure (Amendments) Rules 2025 SI

8.1. The TPC discussed the proposed rule changes that had been identified and agreed in principle for inclusion in the Autumn 2025 TPC (Amendment No.2) SI package. The proposed rules were as following:

- Changes to certain procedure rules concerning the provision of 'written reasons' for decisions and other case management measures.
- Further changes to the Employment Tribunals Procedure Rules 2024.
- Amendments to the Health Education and Social Care Chamber Rules 2008 to permit SEND appeals to be dealt with on the papers without the consent of both parties.
- Changes to Property Chamber Tribunal Procedure Rules 2013 resulting from potential legislative changes in the Renters' Rights Bill.

9. Overview Subgroup

9.1. The TPC work programme has been updated and circulated as of 29th May 2025.

10. AOB

10.1. JS said that the Online Procedure Rule Committee (OPCR) has circulated a paper to inform TPC members of their public engagement documents due to be published by the OPRC in July 2025.

Next Meeting: Thursday 3 July 2025