

CABINET

Date of Meeting	Tuesday, 19 th September 2023
Report Subject	A New Tribunal System for Wales
Cabinet Member	Cabinet Member for Governance and Corporate Services including Health and Safety and Human Resources.
Report Author	Chief Officer (Governance)
Type of Report	Operational

EXECUTIVE SUMMARY

The Welsh Government has published a white paper on proposed reforms to the devolved tribunals to create a unified tribunal system comprising of the First-tier Tribunal for Wales and the Appeal Tribunal for Wales.

The devolved tribunals in Wales have developed piecemeal over the years spanning the pre and post devolution periods. The consultation seeks views on reforms to devolved tribunals in Wales to create a unified system.

RECOMMENDATIONS

1	That Cabinet approves the draft response to the consultation.
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REPORT DETAILS

1.00	EXPLAINING THE RESPONSE TO THE WHITE PAPER
1.01	The Legal Services Manager has collated views from services that use the Tribunals proposed to be unified.
1.02	A draft response having regard to these views and with certain reasonable assumptions such as that there is agreement with the broad principle of a unified tribunal system for Wales. Broadly officers support the changes in principle.
1.03	The main point of disagreement to note is the proposed right of appeal on a point of law in respect of admission appeals. No such right exists at the moment. The proposal would result in a route of appeal that is free for parents, but which is un-costed and un-resourced for the Council. Officers therefore believe that the current remedy (of seeking Judicial Review) is preferable.
2.00	RESOURCE IMPLICATIONS
2.01	None identified.
3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	None identified.
4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	None required.
5.00	APPENDICES
5.01	App 1 - Flintshire County Council's draft response to a White Paper: A new tribunal system for Wales.
6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	https://www.gov.wales/a-new-tribunal-system-for-wales-chapter-1
7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Matthew Powell Telephone: 01352 70354 E-mail: matthew.powell@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	None.