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Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation Document

# Amending the Valuation Tribunal for Wales 2010

**Date of issue: 20 February 2017**

**Action required: Responses by 16 April 2017**

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

<b>Overview</b>	The Welsh Government are seeking views on proposals to make amendments to 'The Valuation Tribunal for Wales Regulations 2010'.
<b>How to respond</b>	Responses to this consultation can be sent by completing an online form, or alternatively can be emailed or posted to the address below by 16 April 2017.
<b>Further information and related documents</b>	<p><b>Large print, Braille and alternative language versions of this document are available on request.</b></p> <p><a href="https://consultations.gov.wales/">https://consultations.gov.wales/</a></p>
<b>Contact details</b>	<p>For further information:</p> <p>Local Taxation Policy Branch</p> <p>Cathays Park</p> <p>Cardiff</p> <p>CF10 3NQ</p> <p>Email:LGF1Consultations@wales.gsi.gov.uk</p>
<b>Data protection</b>	<p><b>How the views and information you give us will be used</b></p> <p>Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.</p> <p>The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.</p>

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.



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## Introduction

1. The Valuation Tribunal for Wales (VTW) is a Welsh Government Sponsored Body (WGSB). It is independent of the Welsh Government and the Valuation Office Agency. VTW provides a free service to the public, dealing with appeals concerning council tax, non-domestic rates (NDR) and drainage rates.
2. The VTW plays an integral role in maintaining the fairness of the local taxation system by providing an accessible mechanism of challenge and redress for taxpayers. Appeals are heard and determined by volunteer members. A team of paid staff, led by the chief executive, provides the necessary support services.
3. As an organisation, the VTW has a wealth of knowledge and experience in making complex decisions on local taxation issues in Wales. VTW staff also have expertise and skills in delivering administrative justice in a Welsh context. While the membership consists of unpaid volunteers, they are highly trained and carry out an important and professional role at local taxation hearings.
4. Following discussions with the VTW and in response to recommendations made by the Committee for Administrative Justice and Tribunals for Wales (CAJTW), the Welsh Government has reviewed the current governance and operational arrangements as prescribed by the Valuation Tribunal for Wales Regulations 2010 (“the 2010 Regulations”) and is proposing a number of amendments to facilitate future reforms.
5. Public bodies play an important role in public life, making decisions and delivering the essential services that benefit the communities they serve, in an efficient and cost effective manner. The proposed reforms are intended to ensure that the VTW is well placed to continue to provide an independent, fair and ‘citizen-centred’ appeals system in the continued financially challenging environment.
6. Modernising the operation of the VTW and ensuring it is flexible enough to adapt to future demands will also be the first stage in the Welsh Government’s proposals to reform the wider non-domestic rates appeals process in Wales. The amendments proposed will lay the groundwork to facilitate changes to the wider appeals process from April 2018.

## **Why is the Welsh Government seeking to make amendments to the Valuation Tribunal for Wales Regulations 2010?**

7. A valuation tribunal in some guise has been in place in Wales for more than 50 years. VTW in its current form was established via the 2010 Regulations and replaced four regionally-based tribunals. Whilst the 2010 Regulations established the tribunal as a single organisation, they did not affect the operational arrangements which were left largely unchanged.
8. The VTW is a Welsh Government Sponsored Body. As part of the overall governance arrangements, the Welsh Government puts in place a formal framework agreement and its delivery and performance is monitored through regular meetings between the VTW and the Welsh Government sponsorship branch.
9. The 2010 Regulations set out the operating procedures which VTW is required to follow. They include provisions in relation to the operation of the appeals service, and to the appointment of members, the president, regional representatives and chairpersons, as well as provisions related to administration, accommodation and equipment.
10. The Welsh Government recognises changes to the 2010 Regulations are required to ensure that VTW operating procedures align with best practice in administrative justice and to ensure the VTW has sufficient flexibility to operate in an increasingly tight financial environment, whilst maintaining a high quality service for the public.
11. In response to recommendations in the 2016 report 'A Cornerstone of Social Justice in Wales', commissioned by the Committee for Administrative Justice and Tribunals for Wales ('the CAJTW Report') the Welsh Government made a commitment to review the governance procedures of VTW as set out in the 2010 Regulations.
12. The purpose of the proposals outlined in the consultation is to reform the structure and organisational procedures provided for in the 2010 Regulations to:
  - Ensure the VTW is able to operate as flexibly and efficiently as possible to respond to future demands;
  - Reflect best practice in the delivery of administrative justice;
  - Remove unnecessary bureaucracy, simplify administrative procedures and enable efficiency savings;
  - Strengthen governance arrangements to ensure the independence and accountability of the organisation; and
  - Facilitate future reforms to the non-domestic rates appeals process.

The specific proposals are outlined in the next section.

## Strengthening Governance Arrangements

13. The 2010 Regulations prescribe the governance structure of the VTW. It outlines the make-up of the Governing Council and the method of the appointment of members, the president, regional representatives, deputy regional representatives and chairpersons.
14. An effective public body needs to draw from a mix of people with different skills, experiences and backgrounds to serve on the governing board. Evidence shows that the most successful boards embrace a range of perspectives delivered by those with an understanding of the local issues as well as the bigger picture. It is important to strike a balance between continuity and renewal<sup>1</sup>.
15. As such, to ensure the VTW's governance arrangements are robust and adaptable to future challenges, as well as reflective of good practice in the delivery of administrative justice, it is proposed that changes are made to the make-up of the Governing Council and the method for appointing members.

### Current Arrangements for the Governing Council

16. Currently the Governing Council is made up of:

- One Welsh Government appointee (made by public appointment);
- Four regional representatives and four deputy regional representatives (elected from the membership); and
- The president (elected from the membership)

The period of appointment for regional posts and the president is two years. Elections are required as and when there is a vacancy for a regional post or the president.

17. The Welsh Government appointee is made via the public appointments process in line with the Commissioner for Public Appointments Code of Practice. This method of appointment is not prescribed in Regulations in respect of the VTW but is aligned with best practice for public services.

### Proposed New Arrangements for the Governing Council

18. It is proposed that the Governing Council will comprise a total of seven people and, to be quorate, would need to have a minimum number of four in attendance, one of whom must be a Welsh Government appointee.

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<sup>1</sup> The Independent Commission for Good Governance in Public Services (2016) The Good Governance Practice for Public Services: <http://www.cipfa.org/policy-and-guidance/reports/good-governance-standard-for-public-services>



19. The reformed Governing Council would consist of:

- Three Welsh Government appointees;
- Three national representatives who will replace the current regional representatives and their deputies (appointed via national elections from the membership); and
- The president (appointed via national elections from the membership).

20. It is also proposed that the period of appointment between elections for the national representatives and the president would be increased from two years to three years. Elections will be undertaken as and when there is a vacancy for a national post or the presidency.

21. The three Welsh Government appointees will be made via the public appointments process in line with the Commissioner for Public Appointments [Code of Practice](#). The appointment period will be up to a maximum of ten years.

#### *Transitional Arrangements for the Governing Council*

22. In order to ensure a smooth transition to the new arrangements for the Governing Council, the four current regional representatives and the president will stay in post until the end of their existing two-year term. Their posts will become 'national representatives' once any amending regulations come into force.

23. Two additional Welsh Government appointees (three in total) will be made to coincide with the amending regulations coming into force. This will mean that during the transitional period, there will be a total of eight serving members of the Governing Council.

24. The deputy regional representative posts will cease to exist as soon as the amending Regulations come into force, as their roles will no longer be required.

25. To be quorate and make valid decisions, the Governing Council will need to have a minimum number of four in attendance including at least one Welsh Government appointee.

26. Going forward, a new national representative will only be appointed if there is a vacancy in the new structure. In practice, this means that if one of the former regional representatives steps down during the transitional period, they will not be replaced as the new Governing Council structure will only comprise three national representatives.

27. When a vacancy for the post of president or a national representative occurs, the term of appointment will be three years.

## Rationale for change

### *Governing Council*

28. Increasing the number of external appointments on the Governing Council is in line with good practice<sup>2</sup> for good governance in public services, ensuring there is an appropriate level of external scrutiny at the top of the organisation.
29. All public bodies are increasingly required to operate in a much tighter financial environment. It is more important than ever that they are able to adapt and operate in innovative ways to ensure organisations are both flexible and efficient whilst continuing to provide a high quality service to the public.
30. These public appointments will ensure that there is sufficient stability and continuity in the membership of the Governing Council, as well as ongoing scrutiny. This will enable the organisation to develop and implement a longer term vision. It will also ensure the Governing Council benefits from a wide range of skills and experience, to complement those of the national representatives and president.
31. The introduction of a provision for members to elect three national representatives will represent a further consolidation of the national structure of the tribunal. The appointment of regional representatives is based on a historical structure which dates back to when the tribunal consisted of four separate regionally based tribunals. The VTW was brought together into a single tribunal in 2010.
32. The proposals to change the role of 'regional representatives' to 'national representatives' reflect the fact that the Tribunal operates as a pan-Wales organisation. It will also enable members to choose their representatives from a larger pool of candidates, enabling the membership a greater degree of choice when selecting their national representatives. This will help to ensure that the person with the best skills and experience gets the job, further strengthening the principle that any appointment should be 'merits-based'.
33. Increasing the period of appointment of national representatives and the president from two to three years is intended to ensure a greater level of continuity and consistency, whilst also reducing some of the administrative burden resulting from more frequent election processes.

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<sup>2</sup> The Independent Commission for Good Governance in Public Services (2016) The Good Governance Practice for Public Services: <http://www.cipfa.org/policy-and-guidance/reports/good-governance-standard-for-public-services>

## **Questions**

- 1. The above proposals are intended to strengthen the governance arrangements ensuring they are in line with best practice in administrative justice.**

**Comments are invited on whether the following proposals achieve this aim. The proposals include:**

- Increasing the number of external appointments on the Governing Council from one to three;**
- Changing the role of 'regional representatives' to 'national representatives and reducing the number appointed to the Governing Council from four to three, and removing the role of deputy regional representative;**
- Increasing the appointment term for the new national representatives and the president from two to three years; and**

## **Reforming the appointment procedures for members and chairpersons**

34. One of the core recommendations included in the CAJTW Report was that the Welsh Government should ensure that the procedures for the selection of tribunal members are open, fair and based on merit. A particular area of concern was the role of local authorities in the appointment process and whether this could be perceived as limiting the independence of the VTW, given that authorities are part-funded by the revenue raised through the local taxation system.
35. As such, it is recognised that some changes need to be made to the 2010 Regulations to improve the appointment procedures and ensure greater clarity and accountability in relation to the overall number of members appointed.

### *Current arrangements for appointing members and chairpersons*

36. When hearing appeals, a panel of three members (one of which has to hold the position of chairperson) makes a decision on the outcome of that appeal. There needs to be a sufficient number of members and chairpersons in the organisation to ensure appeals can be held on a timely basis.
37. The membership needs to reflect expected workload to ensure that all members are able to partake in a minimum number of hearings to maintain their experience. Currently the 2010 Regulations state that a minimum number of 186 members and a maximum number of 236 members can be appointed.
38. The president and local authorities are jointly responsible for appointing members and this is specified in the 2010 Regulations. The number required in relation to each local authority is fixed and reflects the size of the local authority area. Local authorities can find this role in the appointment system a burden and there is sometimes a lack of understanding of the authority's statutory obligation.
39. In recent years, the appeals workload has decreased reflecting the period of time since the council tax revaluation, as well as the postponement of the 2015 non-domestic rates revaluation which means that the current rating list has been open for almost seven years. As a result, it has been increasingly difficult for all the membership to sit regularly on appeals panels and continue their learning and development (although the Governing Council has implemented measures to address this). The impact has been mitigated in part by members voluntarily not seeking reappointment. However, the membership still remains higher than the current workload would indicate is necessary.

40. Currently members are appointed for a period not exceeding six years at the end of this term, members can put themselves forward for reappointment. This means that there is no maximum term. Consequently, some members have been in post for over twenty years.
41. The Governing Council decides on the number of chairpersons which is needed each year, based on projected workload. When there is a vacancy for a chairperson, an election takes place. Candidates can put themselves forward for nomination and, if there is more than one candidate, an election takes place and members can vote for their preferred candidate.

*Proposed changes to the arrangements for appointing members and chairpersons.*

42. Concerns were raised in the CAJTW Report about the 2010 Regulations and specifically the formal involvement of local authorities in the process of appointing members. It is recognised that their role in appointing members should be removed to underline the independence of the VTW.
43. Instead, the VTW as an organisation will be solely responsible for appointing members. Amending regulations will prescribe that members will be appointed via a selection panel made up of three members of the Governing Council, one of whom must be a Welsh Government appointee. Mandating the role of a Welsh Government appointee as part of the selection process will provide external scrutiny replacing the role of local authorities in the process.
44. The current election process which is used to appoint chairpersons will be removed to reduce some of the administrative burden, and instead selection panels will also be introduced for appointing chairpersons. This selection panel would be made up of three national representatives or two national representatives and the president. The decision to appoint a member as a chairperson must be made in consultation with a Welsh Government appointee. Therefore the appointment of chairpersons will still be decided by the membership, but with an element of external scrutiny embedded in the process.

*Proposed changes to the membership number range in legislation*

45. A maximum and minimum number of members will continue to be prescribed in legislation. The minimum number will be fixed at 16 members (the base requirement considered necessary to enable a functioning Governing Council and enable a limited number of appeals to continue) and the maximum number would be 160 members. These numbers are in line with current projections for appeals caseload in future years and will allow an appropriate number of members to be appointed. These numbers will be kept under review and can be adjusted in future years if forecast workloads indicate this is necessary.

### *Implementing a maximum ten-year term for members*

46. A maximum ten-year term will be implemented for members. New members will be initially appointed for a five-year term and, if it is considered that they have completed their first term satisfactorily, they will have the option to complete one further five-year term.
47. To ensure a smooth transition to the new membership term and to avoid a sudden and unmanageable decrease in the number of members, it is proposed that this provision is implemented differently for newly appointed members and existing members depending on the length of term they have already served.
48. From the Coming into Force date of the Amending Regulations:
- Newly appointed members will be appointed for a five-year term. Following this they can be reappointed for another five-year term. There will be a maximum ten-year term;
  - Existing members who were appointed under the 2010 Regulations, or their predecessor, who, at the end of their term will have served over ten years will not be eligible for reappointment once their current term ends.

### *Rationale for Change*

49. The new minimum and maximum number of members better reflects the needs of the organisation to deal with the likely appeals workload over the next ten years. This will ensure the number of members serving each year reflects the appeals workload and that the VTW is able to make plans effectively. It is important that the number of members is not set artificially high as this makes it more difficult and expensive for the VTW to provide appropriate training and support for all serving members.
50. Implementing the ten-year maximum term, through the method outlined above, is intended to have the effect of gradually increasing the flexibility of the organisation to adjust the number of members over the coming years. It will enable the organisation to hold on to longer serving members for a number of years until their current term ends. This will provide a degree of stability and allow the organisation to retain experienced members for a period of time.
51. The removal of the requirement to elect chairpersons, and the introduction of selection panels will ensure that candidates are selected on the basis of their knowledge and skills. It will also reduce the administrative resource associated with the election procedures. This aligns with best practice and the principle that members should be appointed in a fair and open manner, based on merit.

52. The role of the local authority will be completely removed from the process of appointing members, which will underline that VTW and the appeals process are completely independent from local authorities. In addition, the external appointee on the selection panel will ensure that the make-up of selection panel aligns with good practice and that members are appointed in an open and fair manner, based on the merit of the candidate

**Question**

**2. The above proposals for appointing members and chairpersons are intended to reflect best practice in administrative justice.**

**We invite comments on the following proposals to:**

- **Remove the role of local authorities in the appointment process;**
- **Introduce selection panels for members and chairpersons;**
- **Change the membership number range within legislation; and**
- **Implement a maximum ten-year term for the membership with transitional arrangements.**

## **Simplifying administrative procedures and enabling efficiency savings**

53. Many of the proposals described in the earlier sections will have the effect of simplifying and strengthening the governance arrangements and appointment processes. This will help ensure efficiency savings can be achieved whilst ensuring a quality service continues to be provided to the public, based on good practice in administrative justice. There are additional amendments to the 2010 Regulations which can be made to further simplify administrative procedures, specifically in relation to election procedures.
54. The proposals outlined in the previous sections will mean the election process will be removed altogether for chairpersons. Additionally, no elections will take place for deputy regional representatives as these posts will no longer exist.
55. This will effectively mean elections will apply to just four posts (the president and the three national representatives). The proposals below set out how the election procedures for these posts will be simplified.

### *Current Arrangements*

56. There is a general consensus that at present the election procedures in the 2010 Regulations are cumbersome for the VTW, prescriptive and result in considerable administrative overheads.
57. Schedule 2 in the 2010 Regulations sets out a very detailed election procedure which needs to be followed for the appointment of the president, the regional representatives and their deputies, and chairpersons.
58. In the case of each vacancy, the VTW is required to give at least 56 days notice for the 'election day' for a vacancy to all eligible candidates. Nominations to fill the vacancy must be received by a fixed date which must be at least 35 days before the election day. If more than one candidate puts themselves forward, an election must be held.
59. A notice of the poll must then be sent to the whole membership at least 21 days before the 'election day'. On the election day, the membership can vote for their preferred candidate. This can be accompanied by a statement (maximum 500 words) from the candidate providing information about why they are suitable for the post. The candidate receiving the highest number of votes is then appointed.
60. In the case of the current 'regional representative' posts, the 2010 Regulations state that only members appointed by a council in the region in which the vacancy applies can put themselves forward for



nomination. In the case of the president any member can put themselves forward for nomination.

61. There are also detailed provisions which set out prescribed processes in relation to the:

- Format of the voting paper;
- Procedures for electronic voting;
- Procedures if a candidate withdraws from the process or if there is notification of their death; and
- Circumstances by which it should be considered if a voting paper has been spoilt or incorrectly completed.

#### *Proposals for change*

62. It is our intention to simplify the procedure set out in legislation. The proposed amendments will:

- Remove all timescales in relation to the election process and replace them with a requirement which ensures proportionate arrangements be put in place. The Amending Regulations will prescribe that arrangements must be put in place to ensure eligible candidates have adequate time to put themselves forward for election if there is a vacancy and that all eligible members should have a sufficient opportunity to vote in each election;
- Remove all provisions set out in paragraph 64.
- Replace the current provisions in relation to electronic voting with one simple provision which states that any member that wishes to vote via electronic means should be able to do so.
- Remove provisions which state that only members in a specified region can apply for a 'representative' post
- Require all nominees for the posts of national representatives and the president to submit a statement (between 250-500 words) on why, based on their skills and experience they are suitable for the job.

#### *Rationale for Change*

63. These new arrangements will ensure the elections remain fair and open but are also proportionate for a governing body of a public organisation such as the VTW. It will reduce the administrative overhead of arrangements for elections and allow the flexibility to deliver a quality service to the public in resource constraints.

64. The removal of the provisions which state that only members in a specified region can apply for a 'representative' post will ensure that Regulations are concurrent with the policy intention to reaffirm that the VTW is a national service.

## ***Questions***

**3. The above proposals are intended to simplify the election procedures in order to reduce the administrative burden. We invite comments on the extent to which the proposals:**

- **Reduce the administrative burden of the election procedures; and**
- **Still ensure the election process is fair and just to both potential candidates and the membership.**

**4. Are there any additional amendments to the 2010 Regulations which would reduce the administrative overhead of the election procedures?**

## **Introduction of 'Strike Out' powers in relation to Non-Domestic Rates Appeals**

65. It is proposed new powers are introduced to enable the VTW to handle the large volume of non-domestic rates (NDR) appeals it receives more efficiently. These changes are intended to help facilitate wider reforms of the NDR appeals process from April 2018 onwards.
66. It is proposed new 'strike-out' powers are introduced in relation to NDR appeals. These new provisions will enable the VTW to halt the appeals process or 'strike out' the appeal before the hearing date is reached in certain cases where agreement has already been reached between the appellant and the Valuation Office Agency (VOA) or where the appellant stopped engaging in the appeals process prior to the hearing date.
67. The aim of the proposals is simply to reduce some of the costs associated with arranging unnecessary Tribunal Panel meetings to simply rubber-stamp decisions already agreed upon. It is considered the current arrangements are an inefficient use of public resources.

### Current Arrangements

68. In 2015-16, there were 8,719 new NDR appeals in Wales. This accounted for approximately 82% of new appeals received by the VTW during the year. However, this number is somewhat misleading as approximately 85% of these cases (roughly 7,000 appeals in 2015-16) did not result in a contested hearing before the tribunal panel. The role of the tribunal panel in these cases is effectively rubber-stamping a decision already reached by the parties involved. This process incurs unnecessary costs such as the administration of convening a panel and arranging a hearing, as well as the associated members' costs.
69. There are a number of reasons why a decision is simply rubber-stamped by the tribunal panel. For example:
- An agreement between the parties is reached too late in the process or too close to the hearing date for the appeal to be withdrawn;
  - An owner might have appealed and agreed a valuation with the VOA but this is yet to be agreed by the occupier; or
  - The VOA and rating agent have reached an agreement on a valuation but the ratepayer has not yet agreed.
70. In other cases, appeals do not result in a contested hearing as the appellant does not comply with a direction issued by the VTW or has failed to engage in the process. In some cases, there is no realistic case to be made, as no documentation outlining the reasons why the appellant disagrees with the VOA's rating, has been put forward by the appellant.

71. Again these cases represent an unnecessary use of tribunal resource as a result of the problems caused by non-compliance with procedures by the various parties involved. This creates an unnecessary administrative burden and represents an inefficient use of public resources.

### Proposed Changes

#### *Strike Out proposals for appeals where initial agreement has already been reached*

72. New 'strike-out' powers will mean that a panel will no longer have to meet in relation to these appeals and the costs associated with arranging a tribunal panel meeting will be removed.
73. It is proposed a new 'Strike Out' provision could be introduced which enables the VTW to dispose of the appeal (without a hearing) if the VTW has been informed that an agreement has been reached between the appellant and the VOA and one of the parties has requested the VTW dispose of the case without hearing. The VTW would then inform all the parties that they intend to dispose of the appeal without a hearing outlining how they intend to dispose of it.
74. The various parties would have two weeks to respond to the proposal to 'strike out' the appeal. If none of the parties respond, the appeal will be struck out by VTW and determined without a hearing, if any one of the parties involved does respond, then the appeal will go to a full hearing. These provisions will ensure that if any of the parties actively disagree with the decision made to dispose of the hearing, the appeal process can be completed to its conclusion.
75. As a further safeguard, if following this process an appeal is struck out, and there is good reason that a party has not had the opportunity to respond within the timescale, the party may request that the appeal be reinstated. A party may also appeal the decision whether to reinstate an appeal to the Upper Tribunal.

#### *Strike Out Proposals where the appellant has failed to engage in the process*

76. It is also proposed that the VTW will be able to 'strike out' an appeal if:
- The VTW does not have jurisdiction in relation to the proceedings or that part of them;
  - The appellant has failed to cooperate with the VTW to such an extent that the VTW cannot deal with the proceedings fairly and justly; or
  - The VTW considers there is no reasonable prospect of the appellant's appeal or part of it succeeding.

77. In these circumstances, the VTW will give the parties two weeks' notice that it intends to 'strike out' the appeal and give the appellants opportunity to respond. If there is no response, it will be struck out.
78. Following a strike out, an appellant will have one month to apply for the proceedings or part of the proceedings to be reinstated. In these cases, the appeal will be reinstated and heard as normal.
79. These provisions will ensure that there are appropriate safeguards so that if any of the parties actively disagree with the decision to strike out, the appeal process can be completed to its conclusion.
80. Again as a further safeguard, if following this process an appeal is struck out, and there is good reason that a party has not had the opportunity to respond within the timescale, the party in question can request that the appeal be reinstated. A party may also appeal the decision whether to reinstate an appeal to the Upper Tribunal.

### ***Rationale for Change***

81. These new arrangements are intended to ensure that the VTW has powers so that it does not need to hear appeals which only require rubber-stamping or which have no reasonable prospect, as convening a full panel in these circumstances represents an unnecessary use of scarce public resources.
82. Providing strike out powers should allow the VTW to dispose more effectively of some of the large number of NDR appeals which are not contested. This will enable the VTW to focus judicial resources on contested cases, ensuring the organisation has flexibility to adapt to the implementation of wider reforms to the NDR appeals process from April 2018. These will be set out in a subsequent consultation.

### **Questions**

**4. The above proposals are intended to facilitate the VTW in more effectively managing the large volume of NDR appeals. We invite specific comments on the above proposals in relation to:**

- **The extent to which they reduce unnecessary administration costs.**
- **The likely number of cases which could potentially be 'struck out' in a timely manner. Whether or not the proposals ensure that all parties will be satisfied that the appeals process is conducted in a fair and just manner.**
- **Whether a decision to strike out an appeal should be made the clerk or a tribunal panel.**

## General Duties

83. The proposals included in this consultation will enable the VTW to make continuous improvements to the service they provide to the citizens of Wales. Strengthening the governance arrangements will ensure the VTW is well placed to ensure it meets its general duties which it must have due regard to when carrying out its functions.
84. The VTW is required to ensure it complies with requirements under the Welsh Language Standards. The duties which come from the standards mean that organisations should not treat the Welsh language less favourably than the English language, together with promoting and facilitating the use of the Welsh language (making it easier for people to use in their day-to-day-lives).
85. The VTW is also required to meet its duties under the Equality Act 2010, in respect of the duties imposed on service providers, as well as on those exercising public functions.

### **Our Questions**

- 5. Comments are invited about whether the proposals ensure the VTW is able to meet its duties under the Equality Duty 2010.**
- 6. Comments are invited about the effects (whether positive or adverse) the introduction of the proposals would have on opportunities for persons to use the Welsh language and on treating the Welsh language no less favourably than the English language.**
- 7. We invite comments on whether the proposals could be formulated or revised to have positive effects or decreased adverse effects, on opportunities for persons to use the Welsh language and treating the Welsh language no less favourably than the English language.**

## **Impact**

86. We believe that the introduction of these proposals will enable the VTW to make continuous improvements to the service it provides to the citizens of Wales. The reforms will ensure the VTW is well placed to provide an independent, fair and citizen-centred appeals system in the financially challenging environment.

## **Implementation**

87. Following consultation and any subsequent changes made to the detail of these proposals, the Welsh Government intends to implement the new arrangements in early 2017. Subordinate legislation is likely to be required and it is anticipated draft regulations will be laid before the National Assembly for Wales in April 2017.

## **Responses**

88. Specific questions are listed in the separate response form and you are invited to provide answers to these questions, or to comment in more general terms. This may be submitted electronically or in hard copy, using the contact details on page 2 of this document.