



An Roinn Dlí agus Cirt  
Department of Justice

# End to end review of International Protection Processes

## Tribunal Members' Roundtable Report

Prepared by the Service Design & Customer Insight team  
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## 1. Context

- 1.1 The roundtable was conducted as part of the end to end review of the International Protection process under Action 3.18 of the Catherine Day report. The roundtable was facilitated by the following Review Team members: Sarah Kennelly, Aisling Brennan and Julie-Anne Dunne.

## 2. Approach

- 2.1 Open invites to attend the roundtable were issued to all Tribunal Members. The Service Design Team carried out the roundtable with the participants on 26 February 2021, with the discussion taking around 1.5 hours
- 2.2 The themes to guide the discussion on the day were:
- Perceptions of the Catherine Day report
  - Interactions with the IPAT
  - Opportunities for improvement in the current process from Tribunal Members perspectives
- 2.3 Due to ongoing Covid-19 restrictions, the workshops were conducted over Zoom.
- 2.4 After the roundtable, the Service Design team collated all the information and discussion points noted during the session and put these together into themes to help frame the discussion on the day.
- 2.5 A draft of this report was shared with participants before presenting it to the Project Board, giving them a chance to validate or correct anything that was being put forward. Their responses have been incorporated into this final version.

## 3. General Insights

- 3.1 Below represents a **high level analysis** and synthesis of the discussion from the roundtables that. Due to the open discussion element of the roundtable on the three themes, there was some crossover in points raised.
- 3.2 The key issues coming through the discussion were:
1. Structures and independent nature of IPAT
  2. Communication with IPAT staff and other actors in the protection process
  3. Clarity on procedures, roles and responsibilities in particular remuneration

## 4. Key insights on perception Of Catherine Day Report

To frame this discussion theme, recommendations in the Catherine Day Report relating to IPAT were displayed on the screen.

- 4.1 There was mostly support for the recommendation in extending the period on the panel to 5 years, with members highlighting the length of time to get trained and loss of experience. . There was also a sense that after a year and a half they are looking over their shoulders, that they only have a year and a half left. One member noted there is a need for a limit, as a person can become jaded when doing this type of work all the time.
- 4.2 On the recommendation for the ombudsman there was a sense that this is already oversight in terms of Judicial Reviews, it was felt this could be a duplication of effort and clarity in this recommendation with the Judicial Review system was needed.
- 4.3 There was positive feedback in terms of remote hearings. It was felt this leads to more positive interactions with part time members and there is scope to increase capacity on the numbers of hearings in a single week as you are not fixed to the number of hearing rooms.
- 4.4 Other discussions centred on new IT systems. People highlighted the importance of changing them as they are an important factor in delays and the new systems would quickly pay for themselves. There was strong agreement on concerns over the timelines in the recommendations for introducing new IT systems. The feeling of importance of introducing new IT system was underpinned by at attendee stating that “IPAT does not need more admin staff but a proper IT system.”
- 4.5 There was a brief discussion around the recording of hearings. It was noted cases have been lost where there was disagreement in what was said at the hearing.

## 5. Key insights on Interactions with IPAT

### Communication channels

- 5.1 There was strong agreement that there can be confusion on the channels of communication, especially since the start of Covid-19. Members are asked to contact a central mailbox but can take a week to get an answer. Similarly, it was felt there was a lack of focus and clarity with communications often “shrouded in confusion”.
- 5.2 Members also felt the IPO are not properly responding to correspondence from IPAT.
- 5.3 It was highlighted by the group there are no formal channels for feedback. Adding to this there is no clear mechanism for complaints. In particular, where a difference of opinion arises with a HEO on a case or issue. Members are aware HEOs are responsible for assigning cases and there is concern on the impact of this for the member. There was strong agreement around this topic.

- 5.4 This lack of formal channels for feedback was also raised in relation to issues with interpreters. The group pointing out, where issues with an interpreter being flagged with IPAT but the same interpreter then being used for hearings with another member.
- 5.5 Another issue identified around communication channels, was the fact that tribunal members cannot feed into what gets assigned to them.

#### Relationship between IPAT and Department

- 5.6 It was discussed by the group that some were in their fourth year with the Tribunal and this workshop was the first engagement or formal meeting of any kind they have had with the Department.
- 5.7 There was a sense that IPATs needs, such as IT issues or IT requirements currently have to go through the Department which is causing undue delays.
- 5.8 The relationship with the Department brought much discussion and agreement around the structure of IPAT and its independence from the Department. Members who have worked for other tribunals and bodies noted they do not have the same structures and have their own dedicated resources which they can allocate themselves. It was also felt there is a high turnover of staff and staff are not recruited to fulfil and manage the administrative process of IPAT.

#### Structures

- 5.9 There was strong agreement and positivity around the training provided by IPAT, feeling that it is excellent and should be commended.
- 5.10 It was felt that the Tribunal inherited its process from ORAC and the system is designed around administrative processes which is not an ideal process
- 5.11 Also raised was that there is not always an appreciation of the system, not only must Justice be done but it must be seen to be done and delays in the process go against this sentiment.
- 5.12 The group highlighted everything is referred onto the members which creates a lot of back and forth.
- 5.13 It was raised that the member's role is to adjudicate and it was felt that the back fourth could prejudice the member. On this members noted this is not the norm with other tribunals where this is handled by the admin team.

- 5.14 The issues of files and the fact there is more information than is needed on the files was raised. It was highlighted only key documents should be sent on to members and that this is what happens in other Jurisdictions.
- 5.15 Clarity on the role, responsibility and function of the presenting officer was raised that their function is not always clear.

### Procedures and Processes

- 5.16 There was a sense the assignment of files was messy and “murky” with no transparency or understanding on what basis they are assigned, some members get more cases than others and they are allocated in fits and bursts.
- 5.17 It was felt the use of a proper IT system would clear up the assignments issues and the lack of a good system feeds into the lack of clarity. There was strong agreement on this.
- 5.18 Also raised was the fact members have no sight or visibility of decision once it has been sent to the administrative team, there can be delays in the issuing of the decision and members are unsure of the reasons for this.

### Interactions with other actors in the protection process

- 5.19 **Legal Representatives**-there was a sense that legal representatives are not working optimally. Examples discussed around the issues of legal reps not submitting appeals on time and/or without adequate detailed grounds for the appeal and also submitting documents late or not responding to requests from the Tribunal when asked.
- 5.20 **Presenting Officers**- issues with the presenting officers raised earlier was reiterated with issues of not receiving a response to request for documents, one member commenting “I never get a response from a Presenting Officer”. It was suggested dialogue between Tribunal members and panel members would be useful to gain understanding of their functions, roles and responsibilities.
- 5.21 **Interpreters**- As previously highlighted issues around translators are causing delays and inefficiencies. There was discussion around the fact interpreters cannot be used for AV hearings and this is not in IPATs control. Their perception is the urgency of this has been missed.
- 5.22 Members pointed out they do not have the power to enforce directions and have no way to report issues with legal representatives and presenting officers.

### Other issue identified of note.

- 5.23 A source of strong frustration for the group were the arrangements for out of pocket expenses, the burden of which tribunal members have taken on especially since the beginning of Covid. Members stated they are expected to pay for the couriering of files and using the registered post facility to send letters into the office. They highlighted they do not receive remuneration for these tasks.

## 6. Key insights on Opportunities for improvement

- 6.1 The group wanted to positively point out the training standards in the IPAT are excellent and at the “top end of international standards”. Members felt the refugee documentation centre and the availability and good relationships with the Chair and Deputy Chair should also be commended.
- 6.2 Areas for improvement highlighted are described below

### Scheduling of interviews

- 6.3 This came up as a particular frustration and pain point. There was discussion why hearings only take place 4 days a week. It was noted Fridays suit members better than Mondays with part time members commenting their work is lighter at the end of the week. From the perspective of the Tribunal members, there is no reason that they could not sit 5 days a week, thereby gaining an additional 50 sitting days per year. Additionally, Tribunal members are unclear as to the reasoning behind the current 4 day pattern, having been previously told this was to allow for administrative tasks by IPAT staff members.
- 6.4 The group stated these issues have been raised previously but there is a feeling of resistance and push back.
- 6.5 Members highlighted that there have been times that they have been willing to be flexible in shifting start times of a hearing where legal representatives have notified the court they will be late but that the administrative side has not been open to this.
- 6.6 Improvements to remote hearings was mentioned as an area for improvement, there is a sense there has been an undue delay as there is a lack of autonomy to organise own platform for its own needs. Similarly as they rely on the Departments contracted translators who will not do AV hearings, they cannot increase efficiencies.
- 6.7 There was a suggestion of giving applicants access to an IPAT laptop to facilitate remote hearings.

## Performance and interactions

- 6.8 Members highlighted they would like to get an annual review/appraisal each year from the Chair.
- 6.9 Mutual buy in with the Department was also raised. There was a sense of lack of support, that issues and changes for improvements that have been raised have either had no response or one with a sense of unwillingness to change.
- 6.10 The need for a mechanism to report inconsistency or response issues from legal representatives and presenting officer was highlighted, particularly on the lack of response to letters. Members have experiences a wait times of over 12 months for responses under section 44(2) of the Act. Again raising they have no power of compulsion in this regard.
- 6.11 There was a sense that the less prepared the presenting officer and legal representatives, the additional burden for members as they operate on a 'shared duty' principle.

## Procedures and Roles and Responsibilities

- 6.12 The Quality Control procedures were identified as a point of discussion. There was a feeling two rounds of QC was excessive and "insane". Most were in agreement one round was about right. There were concerns raised with decisions being Quality Controlled by legally unqualified staff. It seems to members to mainly be a check for spelling and grammatical errors.
- 6.13 It was felt members should develop a speciality in a few countries to drive efficiencies. Improvements in the assignment of cases was identified to help with members having the option to take particular cases. One member highlighted they are currently dealing with 17 different countries and it is impossible to be up to date on all of them in terms of History, Geography, Politics etc.

## Remuneration issues

- 6.14 It was felt the Department need to support the IPAT with the issues raised previously around additional expenses and remuneration. The point was made that the current fee structure is inadequate and disquiet was expressed that there had been no response to a business case submitted to the Department in March 2020 on behalf of all part-time members in which a reasoned case was made for significant improvements in the core rates paid for the work done.
- 6.15 The group highlighted they have signed up to be adjudicators but are doing additional tasks in terms of administration, case management and research, solving these issues

could solve the pay issue. To re enforce this issue the group mentioned High Court Judge Tara Burns stated she was amazed by the quality and intensity of their work.

- 6.16 It was felt improving systematic issues such as the absence of a case management system would improve the situation of postponements and issues around pay.

## 7. Conclusion and next steps

- 7.1. This roundtable workshop report was shared with all Tribunal members of the IPAT for their feedback and observations, prior to its completion and sharing with the Programme Board of the Catherine Day Implementation Working Group.
- 7.2. This series of roundtable workshops took place following the completion of user perspective and experience surveys by IPAT Tribunal Members, IPAT staff, IPO Legal Panel Members and IPO Staff. Overall there are 8 individual reports analysing each of these pieces of work.
- 7.3. These 8 reports have been looked at as a whole, and the insights within them used to develop one overall set of recommendations for improvements. In many cases, recommendations are based directly on or lead from ideas that people shared throughout the work. These recommendations will be based on what people shared about their experiences and their roles within the International Protection process, and so for the most part focus on what will improve the experience of working in the International Protection process.
- 7.4. These recommendations have then been cross-referenced with the overall recommendations arising from the overall body of work reviewing the end to end process review of the International Protection Process. Ultimately, this will result in one overall set of recommendations, supported by multiple strands of analysis and research. These recommendations will then be submitted to the Programme Board for consideration, approval and decisions on how to implement.