

VTW BEST PRACTICE PROTOCOL 2B

THE ROLE OF THE TRIBUNAL CLERK

Introduction

1. The general role of the tribunal clerk is to provide technical and administrative support to the Tribunal/Appeal Panel.

During the hearing

2. The tribunal clerk should:
 - Advise the Tribunal/Appeal Panel on
 - (a) questions of law
 - (b) practice and procedure
 - (c) any relevant decision of the superior courts and/or tribunals
 - take notes of the evidence and submissions of the parties at the hearing
 - only ask questions of the parties/witnesses for clarification of the evidence

At the conclusion of the hearing

3. The tribunal clerk will normally be invited to retire with the Tribunal/Appeal Panel.
4. If, in the course of discussions in the retiring room, the tribunal clerk gives substantive advice to the Tribunal/Appeal Panel which has not been previously raised during the hearing, it will be necessary to reconvene to enable that advice to be tested in the presence of the parties and for them to be given an opportunity to comment.
5. It is the duty of the chair to ensure that the tribunal clerk is informed of the Tribunal/Appeal Panel's reasoning so that the full written decision may be drafted on its behalf. In addition, the tribunal clerk may assist the chair with the wording of any announcement that is to be communicated to the parties.
6. Where there is no separate retiring room the Tribunal/Appeal Panel may request parties and members of the public to withdraw from the hearing room while it deliberates.
7. Where the Tribunal/Appeal Panel has decided to conduct a site inspection, the tribunal clerk will accompany it.

Decision

8. The tribunal clerk is responsible for recording the Tribunal/Appeal Panel's reasons and drafting the decision for approval or amendment by the chair.
9. The tribunal clerks should ensure that the draft accurately records the findings of fact and law made by the Tribunal/Appeal Panel.