

'Tribunal Decision-Making: An Empirical Study'

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THE STUDY

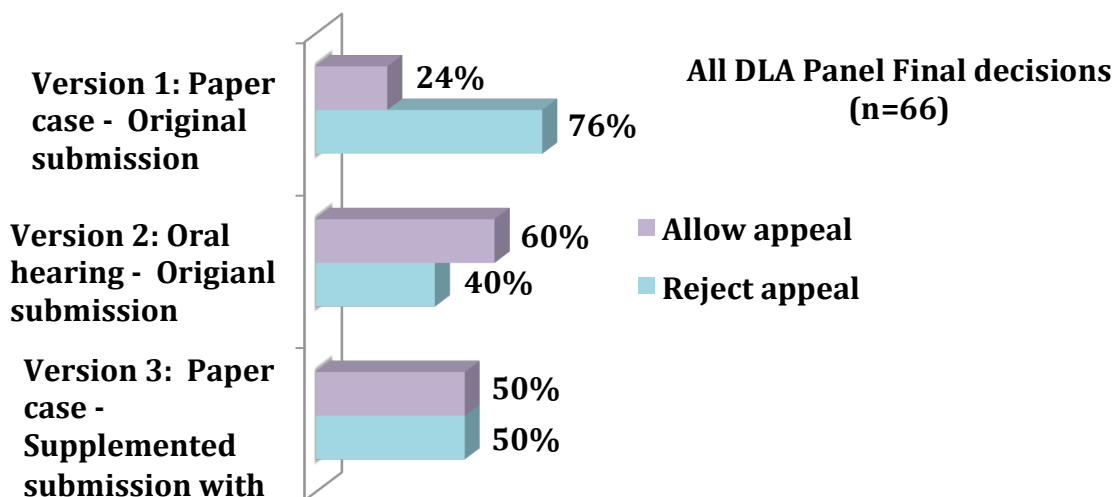
This is the first empirical study of judicial decision-making by the professional judiciary in the United Kingdom using case simulation. Using a real Disability Living Allowance appeal, a large number of tribunal panels around the country decided the same case in the course of their normal working day. Some panels decided the case based only on a written submission, while others also saw a film of the oral hearing in the case.

This study is designed to examine several specific questions:

1. Hearing form: Is the main benefit of an oral hearing the ability to obtain more evidence? Or does an oral hearing affect outcomes even when a written submission contains identical evidence?
2. Consistency: To what extent does the form of the hearing contribute to the consistency of tribunal decision-making? Are other factors more determinative of consistency: such as institutional factors (decision options, legal rules), personal factors (panel member background, attitudes), or peer effects (composition of panels and process of deliberation)?
3. Panel discussions: Are panel members' initial assessments (from a first reading of the written submission) highly predictive of case outcomes? Or do panel discussions significantly affect case outcomes?
4. Decision-maker's background: Do different types of tribunal panel members perceive evidence or judge cases differently?

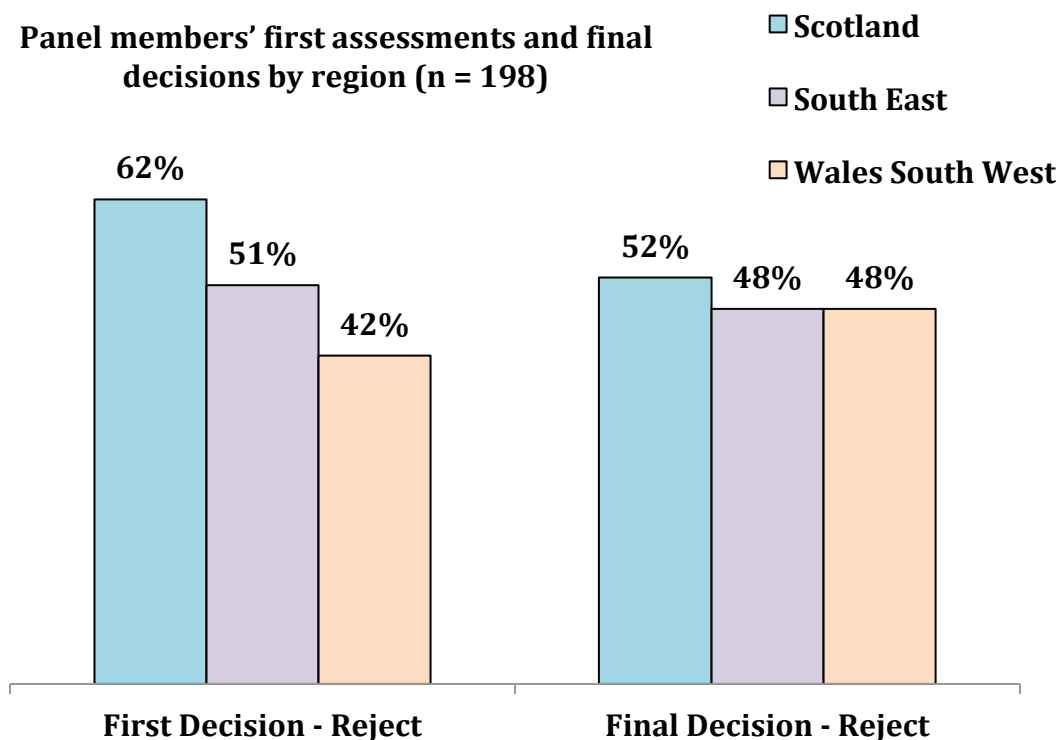
QUESTION: What difference does an oral hearing make?

FINDING: It is clear that the form of the appeal coupled with the information contained in the submission affected tribunal decision-making.



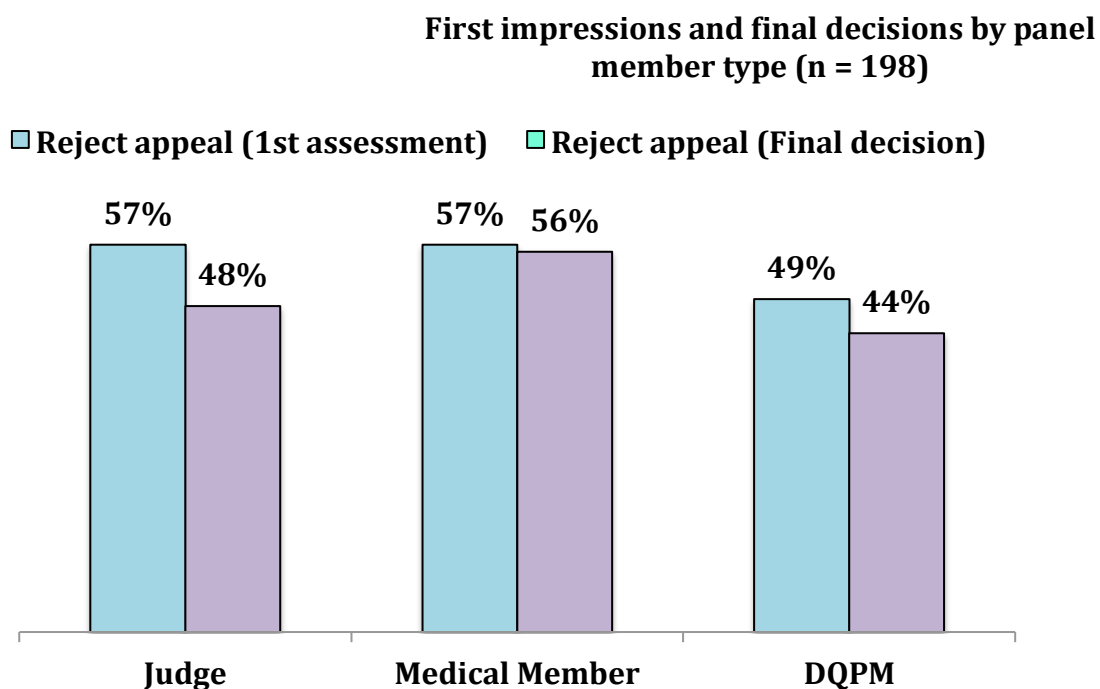
QUESTION: Are panel members' first assessments and final decisions by region?

FINDING: In their final decision, the proportion of panel members who rejected the appeal was very similar in all regions.



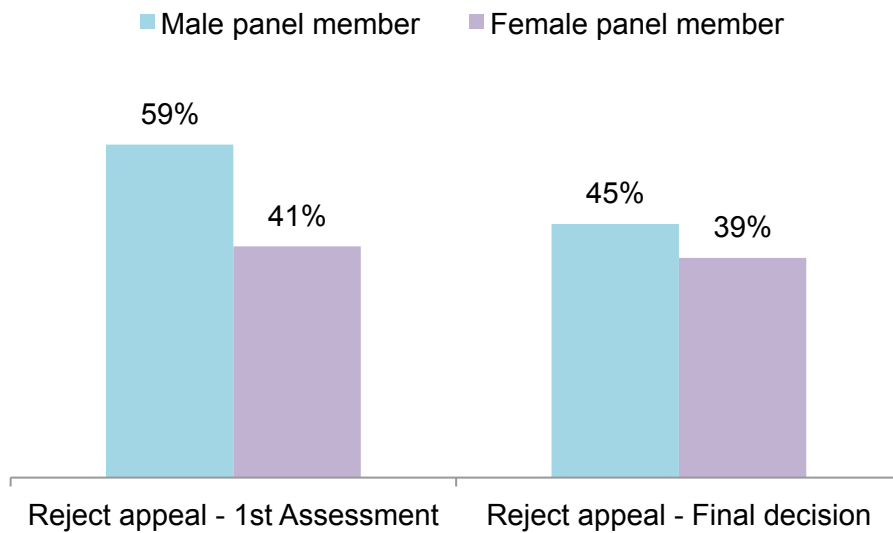
QUESTION: Does panel member type affect decision-making?

FINDING: There were no significant differences in either first impressions or final decisions according to the member's position on the tribunal panel.



QUESTION: Do the background characteristics of panel members affect decision-making?

FINDING: There was no significant difference in decision-making by male and female panel members.



QUESTION: What is the impact of panel discussion?

FINDING:

**Members on panels who changed with view
(n = 198)**

