

**CervicalCheck Tribunal**

An Binse um CervicalCheck

# **ANNUAL REPORT**

**2020**

## **Foreword**

On behalf of the CervicalCheck Tribunal it is a pleasure to present its first Annual Report. The Report outlines the preparatory work undertaken in 2020 by the (then nominated) Chairperson and Ordinary Members and by administrative support staff prior to the formal establishment of the Tribunal. It also discusses the Tribunal's activities in carrying out its functions since its establishment on 27 October 2020.

The worldwide pandemic paused the commencement of the Tribunal's mandate. It did not, however, prevent considerable work from being undertaken in the period prior to establishment. This preparatory work was to ensure that, once operative, the Tribunal would be in a position to receive applications, including, by way of electronic filing, and to hear and determine claims, remotely, if necessary. I want to acknowledge, with thanks, the commitment and dedication of the Tribunal Registrar and administrative staff during this challenging period and to express my gratitude to the officials within the Department of Health who provided the Tribunal with all necessary supports.

The appointment of Tribunal Members took effect on 1 December 2020, from which date the Tribunal was in a position to receive eligible claims.

It is true that, thus far, only a small number of claimants have chosen to use the mechanism which the Tribunal offers for the prompt resolution of disputes. The reasons for this are beyond the control of the Tribunal. However, such claims as have been lodged are being processed in accordance with the Tribunal's duty to ensure that claims are determined thoroughly, fairly and promptly. As Chairperson, I have emphasised to all parties who have appeared before the Tribunal, its commitment to processing claims expeditiously so that a date for hearing may be allocated at a case management meeting to be held within 30 weeks of a claim being filed. I want to acknowledge the cooperation and goodwill that has been shown by all the parties and their legal representatives, to date, whose collaboration with each other and with the Tribunal has been evident from the outset.

Whilst, thus far, all procedural hearings have been conducted remotely, the Tribunal's premises are open for business and, where necessary, physical hearings can be accommodated in a manner that is safe and in compliance with public health guidelines. These premises have been designed, specifically, with a view to ensuring that proceedings before the Tribunal are conducted in an environment that provides comfort and privacy.

Any party who may be considering whether to bring a claim to or consent to a claim being determined by the Tribunal is welcome to visit the Tribunal's premises (adhering to public health protocols) by making appropriate arrangements with the Tribunal Registrar. A 'Virtual Tour' showing the facilities that are available to parties who choose to bring claims before the Tribunal is available on its website.

The Tribunal Members remain vigilant in respect of ongoing public expenditure. To that end, it has responded positively to the Minister's request that it consider allowing its premises to be used, where possible, for the hearing of claims by parties who do not wish to use its legal mechanism for the resolution of their disputes.

It remains only for me to thank the Tribunal Members, the Tribunal Registrar and its dedicated staff who are committed to the Tribunal's success in delivering just and expeditious determinations of eligible applications.

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**The Hon. Ms. Justice Ann Power**

**Chairperson**

**25 June 2021**

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## Introduction

This Annual Report of the CervicalCheck Tribunal 2020 ('the Tribunal') has been prepared for submission to the Minister for Health ('the Minister') in accordance with the provisions of Section 35 of the CervicalCheck Tribunal Act, 2019 ('the Act').

Section 35 provides that –

(1) The Tribunal shall not later than 6 months after the end of each financial year of the Tribunal prepare and submit a report to the Minister on its activities during that year.

(2) A report under *subsection (1)* shall include –

- (a) information on the performance of the Tribunal's functions, including its functions under *Chapter 5*, during the period to which the report relates,
- (b) particulars of its accounts, and
- (c) such other information as the Tribunal thinks fit or the Minister may request.

The Report provides information on the Tribunal's activities during 2020 which includes activities both before and since its formal establishment. It sets out information on the performance of its functions under the Act as it pursued its key strategic goals.

The Chairperson and the Ordinary Members of the Tribunal acknowledge, with thanks, the contribution of the Registrar in assisting with the preparation of this Report.

## **The Composition of the Tribunal**



**Ms Justice Ann Power**  
**Chairperson of the Tribunal**

Ms Justice Power was educated at Mater Dei Institute of Education, the University of Dublin, The King's Inns and the University of Oxford. She was called to the Bar of Ireland in 1993 and to the Inner Bar in 2006. She practised in Public, Constitutional and Medical Law. Ms Justice Power is currently a Judge of the Court of Appeal. She also serves as a Judge of the World Bank Administrative Tribunal. In 2008, she was elected as a Judge of the European Court of Human Rights and, in 2017, as the Presiding Constitutional Court Judge of the Kosovo Specialist Chambers (The Hague). She has taught in universities throughout Europe and the United States and has published on a wide range of legal issues.



**Mr Justice Brian McGovern  
Tribunal Member**

Mr Justice McGovern was educated at Castleknock College, UCD and the King's Inns. Called to the Bar in 1972, he became a Senior Counsel in 1991. As a barrister he worked in areas of personal injury litigation, commercial law, maritime law and clinical negligence, and he sat as legal assessor for fitness to practice hearings in the Medical Council and the Nurses Board. In 2006 he was appointed as a Judge of the High Court where he sat for a time as Bankruptcy Judge, Admiralty Judge and as a Judge of the Commercial Court. From 2014 to 2018 he was the Judge in charge of the Commercial Court. In 2018 he was appointed to the Court of Appeal and retired from that position in March 2020.



**Mr Justice Tony O'Connor**  
**Tribunal Member**

Mr Justice O'Connor was appointed to the High Court in October 2015. He has delivered judgments on the Constitution, the application of EU and ECHR law, and on the law of companies, taxation, equity, tort, contract, property and on family law. He has heard Circuit Court appeals and sits, occasionally, on the Court of Appeal. As Senior Counsel he practised in EU, property and competition law. A specialist in personal injury litigation, with a particular focus on the conduct of professionals, he acted as legal assessor, defence Counsel and prosecuting Counsel. Before joining the Bar, he was a Solicitor with expertise in aviation and commercial law. He was an accredited and practising CEDR mediator from 2009 to 2015.



## **The Tribunal Registrar**

### **Mr Pádraig Mac Criostail**



Prior to his appointment as Registrar of the CervicalCheck Tribunal, Mr. Mac Criostail was a Senior Registrar in the Court of Appeal from 2019 to 2021. Before that he served for several years as a High Court Registrar. As a former Director of Comhdháil Náisiúnta na Gaeilge, he has significant experience in organisational leadership. He was appointed as Registrar to the Tribunal in March 2021.

### **Tribunal Address**

Infinity Building  
George's Court  
George's Lane  
Smithfield  
Dublin 7  
D07 E98Y

### **Contacts**

Tel: (01) 674 3300

For information: [info@cervicalchecktribunal.ie](mailto:info@cervicalchecktribunal.ie)

For lodging a claim: [claims@cervicalchecktribunal.ie](mailto:claims@cervicalchecktribunal.ie)

## **PART 1**

### **BACKGROUND TO ESTABLISHMENT**

#### **The proposal for an alternative system for dealing with claims arising from the State's Cervical Screening Programme**

On the 2 August 2018, the Government asked Mr. Justice Charles Meenan, Senior Counsel, to prepare a report setting out recommendations on how claims arising from the State's Cervical Screening Programme could be resolved outside of a court process and in a manner, which would be timely, sensitive and appropriate to cases involving complex issues of liability.

In so doing, regard was to be had to Dr Gabriel Scally's Scoping Inquiry into CervicalCheck and to the Expert Panel Review of Cervical Screening led by the Royal College of Obstetricians and Gynaecologists (RCOG).

On 16 October 2018, Mr. Justice Meenan's published his report and proposed to the government that a tribunal be established under statute for the purpose of hearing and determining claims arising from the CervicalCheck Screening Programme.

#### **The CervicalCheck Tribunal Act 2019**

The Government, in December 2018, accepted the recommendation to set up a statutory Tribunal. It would provide an alternative legal mechanism for the hearing and determination of Cervical Check claims in a timely and sensitive manner.

The legislation necessary to achieve this end – the CervicalCheck Tribunal Act 2019 - was signed into law on 23 July 2019.

Chapter 1 of the Act sets out the functions of the Tribunal. The scope of claims which may be brought before the Tribunal and the reckoning of time for the purpose of the Statute of Limitations are described in Chapter 2. Chapter 3 provides for the procedures where claims are made before the Tribunal. It makes provision, *inter alia*, for the form and manner in which evidence may be given and for the Tribunal's powers relating to witnesses and documents. Chapter 4 makes provision for appeals from determinations made by the Tribunal and provides for confirmation and publication of its determinations and for the enforcement of awards made by the Tribunal. Chapter 5 of the Act concerns the issue of 'Restoration of Trust'. Provision in relation to the making of recommendations by the Tribunal and the submission of Annual Reports are addressed in Chapter 6 of the Act. Chapter 7 provides for the dissolution of the Tribunal. Thereafter, miscellaneous provisions in relation, *inter alia*, to appeals to the High Court and to offences under the Act are set out.



## **PART 2**

### **THE CERVICALCHECK TRIBUNAL**

#### **Establishment**

On 27 October 2020, the CervicalCheck Tribunal was established pursuant to the provisions of the CervicalCheck Tribunal Act (Establishment Day) Order 2020 (S.I. 454 of 2020).

Following the Tribunal's establishment, however, a five-week period ensued before the Tribunal Chairperson and its ordinary Members were appointed.

Consequently, during this period, the Tribunal was not empowered to carry out any of its statutory functions as set out in the Act. Its nominated Chairperson and Members, together with the Tribunal Registrar and staff, did, however, continue to engage in preparatory work in anticipation of the appointment of the Tribunal Members. Information in relation to such preparatory work is set out in Part 4 below.

#### **Appointment of Tribunal Members**

On the 27 November 2020, the Minister wrote to the nominated Chairperson, the Hon. Ms. Justice Power, to say that he had formally appointed her as Chairperson of the CervicalCheck Tribunal with effect from 1 December 2020, in accordance with the provisions of Section 6(1) of the Act. In addition, the Minister confirmed that the Hon. Mr. Justice Tony O'Connor and the Hon. Mr. Justice Brian McGovern had been appointed as ordinary Members of the Tribunal. Consequently, on 1 December 2020 the appointment of the Tribunal Members took effect and the Chairperson and ordinary Members signed the Tribunal's Rules of Procedure.

The Tribunal was in a position to receive eligible claims as of 1 December 2020.

## **Tribunal Premises**

The Tribunal's premises are located on the 3<sup>rd</sup> floor of the Infinity Building, George's Court, George's Lane, Smithfield, Dublin 7.

## **Tribunal Office**

The Registrar of the Tribunal, Mr Pádraig MacCriostail, presides over the Tribunal Office. Full contact details are available on the Tribunal's website.

The premises include

- A large reception area
- Three large Hearing Rooms with high quality IT facilities
- Three comfortable Family Rooms for private use by claimants
- Six Consultation Rooms
- A large Conference Room
- Offices for the Tribunal's administrative support staff
- Chambers of the Chairperson and Members of the Tribunal



**Hearing Room**

## **Tribunal Facilities**

The premises were designed to ensure that cases that come before the Tribunal are heard in a context that is considerate of the personal situation of claimants and in an environment where proceedings may be conducted, sensitively, and in private. Comfortable family rooms with refreshment facilities are available for use by claimants.



**A Family Room for Claimants' Use**

## **A Virtual Tour of the Premises**

The Tribunal has published on its website a virtual tour of its premises. The video recording provides an insight into the facilities available for parties who consent to having claims determined by the Tribunal.

## **PART 3**

### **THE YEAR IN REVIEW**

Whilst this Report is concerned with the Tribunal's activities during the financial year ending 31 December 2020, it should be noted that for most of that year, the non-established Tribunal was in a preparatory phase. Most of the activities of the Tribunal since its establishment on 27 October 2020 and the appointment of its Chairperson and Members on 1 December 2020, were conducted during 2021 and will form part of the Tribunal's second Annual Report to be submitted within 6 months of the ending of the financial year 2021.

That being so, this part of the Report will focus on the preparatory phase of the Tribunal and will include an indication of activities from 27 October 2020. The next part of the Report will provide a brief look to the activities of 2021.

#### **Tribunal Website**

At the end of February 2020, the Tribunal's website—[www.cervicalchecktribunal.ie](http://www.cervicalchecktribunal.ie)—went live. It contained general information on how the Tribunal, once established, would operate and it described the procedures by which claims could be brought. The website also provided details for contacting the Tribunal Office.

#### **Pre-Establishment Measures**

Although the Tribunal was not in a position to receive eligible claims until 1 December 2020, significant preparatory work was undertaken by the relevant Registrar and the relevant nominated Tribunal Chairperson, throughout 2020.

Preparatory measures included:

- (i) the planning and preparation of the premises in which the Tribunal was to be located;
- (ii) the arrangement of service contracts for the upkeep and maintenance of the premises;

- (iii) the recruitment and appointment of administrative support staff;
- (iv) the overseeing of the installation of IT facilities and a remote hearing platform to accommodate adjustments required following the onset of Covid-19;
- (v) the development of a file management system that enables documentation and communications, whether delivered electronically or otherwise, to be processed, retained and retrieved in a timely and effective manner;
- (vi) the preparation of Rules of Procedure under the guidance of a recognised specialist in legal drafting;
- (vii) the preparation of an introductory video recording about the mandate and proposed workings of the Tribunal;
- (viii) the preparation of draft Practice Directions and draft procedures on Data Protection;
- (ix) the drafting of Protocols, including, on compliance with public health guidelines;
- (x) ongoing engagement with consultants to update and develop the Tribunal's website; and
- (xi) the installation of equipment, signage and procedures to allow the Tribunal to discharge its duty to comply with public health measures designed to reduce the spread of infection.

### **Post-Establishment Measures**

Where necessary and appropriate, some of the pre-establishment measures listed above were continued following the establishment of the Tribunal on 27 October 2020 and the appointment of its Members on 1 December 2020.

In October 2020, the Chairperson prepared a message of welcome for visitors to the Tribunal's website, providing an overview of the purpose of the Tribunal and the practices and procedures that would be adopted when processing eligible claims. This message was video recorded shortly prior to establishment and it was uploaded to the Tribunal's website on 1 December 2020.

In November 2020, in response to certain queries received, the Tribunal reviewed and clarified the provisions of Form 1 which claimants are obliged to complete when lodging



a claim with the Tribunal. The revision concerned Clause 3 of Form 1 and, in particular, the nature of the Agreement which claimants provide when subjecting their claim to determination by the Tribunal. The revised and amended version of Form 1 was uploaded to its website.

During the post-establishment period, progress continued to be made in updating the Tribunal's website. Information previously available only in draft form, including, a draft copy of the Rules of Procedure, was updated post-establishment. The Rules of Procedure were signed by the Members on 1 December 2020. They were uploaded immediately on to the Tribunal's website and they took legal effect as of that date. Data analytics available to the Tribunal indicate that the total number of 'Page Views' during 2020 was in the region of 16,890 and that c. 4,503 visits had been made to the website during that year.

On 1 December 2020 the Chairperson finalized and signed the Tribunal's Statement and Practice Direction (No. 1) on the Use of Technology and Remote Hearings. On the same day, she finalized and signed the Tribunal's Practice Direction (No. 2) on Time Limits in Accordance with Section 25(2) of the Act and its Practice Direction (No. 3) on the Recording of Tribunal Proceedings.

During November and December 2020, facilities for remote hearings which had been installed prior to establishment were tested and staff training in the use of the Pexip online video conferencing platform was undertaken.

Techniques to further facilitate and manage remote hearings in accordance with the requirements of justice were developed.

The electronic mechanism for the filing of pleadings and papers necessary for the preparation of remote hearings was also reviewed. Members of staff continued to advance their knowledge and understanding of the *Sharefile* platform – the document sharing system deployed by the Tribunal for the electronic lodgement of large files that are uploaded in advance of hearings.

Post-establishment, the Tribunal Office operated subject to compliance with public health guidelines. It remained open for business whilst members of staff worked from home on a roster basis.

The Tribunal Office continued to engage with contractors who provide security, hygiene, IT and other operational services on the Tribunal's premises.

Ongoing efforts were made to fine-tune all audio-visual and IT support facilities within the Tribunal's premises.

Finally, during 2020, the Office also maintained up-to-date financial accounts ensuring that services were provided in accordance with contractual terms and that invoices were processed promptly following approval from the Department of Health. Particulars of the Tribunal's accounts during the financial year ending 31 December 2020 are set out in Part 5 of this Report.



## **PART 4**

### **RESTORATION OF TRUST**

As noted above, s. 35(2)(a) of the Act provides that the Annual Report shall include information on the performance of the Tribunal's functions "*including its functions under Chapter 5*" during the period to which the Report relates.

Since its establishment, the Tribunal has not been required to engage in any activities relating to matters referred to under Chapter 5 of the Act and, in particular, to the Restoration of Trust. It understands that the Minister has appointed a Facilitator pursuant to s.31 of the Act.

Section 31(4) of the Act provides that:

*"The Facilitator shall, subject to this Act, be independent in the performance of his or her functions under this Chapter and shall in particular, be independent of the Tribunal and its functions under section 7(1)(a)."*

Notwithstanding the statutory independence of the Facilitator as provided for in s. 31(4), the Tribunal observes that s. 32(11) of the Act provides:

*"The Facilitator may, for the purposes of holding and maintaining the records of restoration of trust meetings, nominate one or more members of staff of the Tribunal to be the holder of the records, which records shall be confidential."*

In a number of meetings since their appointment, the Tribunal Members have considered the above provisions of the Act and how, if at all, they are to be reconciled. They considered that in circumstances where the Facilitator is recognised as being entirely independent in the performance of his or her functions, and, in particular, is independent of the Tribunal, a question arises as to how such independence is to be reconciled with the deployment by the Facilitator of a staff member of the Tribunal for the purpose of holding confidential records. The Tribunal considers that an issue pertaining to the duty of confidentiality and the potential for the appearance of a conflict may arise.

The Tribunal recommends that this is a matter that is required to be considered and resolved prior to any nomination being made by the Facilitator pursuant to s. 32(11) of the Act.

Insofar as the Tribunal is obliged to report on information relating to its functions under Chapter 5, the Tribunal confirms that, to date, no such functions under Chapter 5 have been discharged. It understands that the Facilitator's independence from the Tribunal will continue to be given effect, in practice.



## PART 5

### PARTICULARS OF TRIBUNAL ACCOUNTS

#### **Framework**

Pursuant to s. 35(2)(b), the Tribunal's Annual Report shall include particulars of its accounts in respect of the financial year in question.

The Tribunal is not allocated a specific budget over which its Chairperson and Members exercise independent control.

The framework of the Act under which the Tribunal carries out its functions is such that any expenditure on the part of the Tribunal is made only with the consent of the Minister and the approval of the Minister for Public Expenditure.

For example, s. 8(1) of the Act provides that *'the Tribunal may, with the consent of the Minister, given with the approval of the Minister for Public Expenditure and Reform, appoint such and so many persons to be members of the staff of the Tribunal as it may determine'*.

In a similar vein, pursuant to s. 9(1) of the Act, the Tribunal may, if it considers that it requires the advice or assistance of experts in respect of any manner, appoint such and so many persons having expertise in relation to that matter as it thinks fit. However, such a power is subject to ss. (2) which provides that:

*"Before making an appointment or a determination under subsection (1), the Tribunal shall obtain the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform."*

As the Tribunal is not allocated its own annual budget and all expenditure incurred by reason of its operation is subject to approval by the Department, the particulars set out in this part of the Annual Report of the Tribunal are based on information received from the Agency, Governance and Clinical Indemnity Unit of the Department of Health, the accounts of which are subject to audit by the Comptroller and Auditor General.

The Tribunal Office keeps a detailed record of particulars of all invoices and expenses which are forwarded to the Department and in respect of which approval for payment is sought. There are specific procedures and safeguards in place within Office that govern the recording and processing of all invoices received by the Tribunal for onward forwarding to the Department.

### **Fit Out Costs**

The Tribunal understands that the costs incurred by the Department of Health in the fit out of the Tribunal's premises by the Office of Public Works (OPW) was €1,627,645.00. This figure includes all construction fit out costs, consultants' fees, and VAT.<sup>1</sup>

The Chairperson and Members consider it important to point out that these costs were incurred on the basis of a first use fit out. Thus, a significant portion of the expenditure in question was of a 'once off' nature and would have been incurred irrespective of the purpose for which the premises were designated for use by the State.

The fit out was designed to ensure a suitable private space for participants which was as comfortable and relaxed as possible, while also providing a functional space for the efficient conduct of hearings.

### **Leasehold Costs**

The Tribunal understands that the Infinity Building—the third floor of which it occupies—is leased to the OPW from a private entity on a long-term basis and that a pro-rata allocation of the leasehold cost amounts to the sum of €303,144 per annum.

It understands that a further sum of €112,315 per annum is incurred by way of service charges.<sup>2</sup>

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<sup>1</sup> Minister Stephen Donnelly's Reply to Parliamentary Questions [1742, 1785 and 2197], 21 April 2021.

<sup>2</sup> Ibid.

## **Members**

Provisions governing the Membership of the Tribunal are set out in Section 6 of the Act. Currently, the Tribunal consists of the Chairperson and two Ordinary Members. Section 6(5) of the Act provides that:

*“Each member of the Tribunal, other than a member who is the holder of a judicial office in the Superior Courts, shall be paid such remuneration (if any) as may be determined by the Minister, with the consent of the Minister for Public Expenditure and Reform.”*

The Chairperson and one Ordinary Member of the Tribunal are currently serving Judges of the Court of Appeal and of the High Court, respectively. No additional expenses are incurred by reason of their service to the Tribunal.

The other Ordinary Member of the Tribunal is a retired Judge of the Court of Appeal and is paid at the rate of remuneration currently applicable to a Judge of that Court. In the financial year ending 31 December 2020, no payments were made in respect of the remuneration of this Member of the Tribunal.

6(6) of the Act provides that

*“Each member of the Tribunal shall be subject to such terms and conditions and be paid such allowances for expenses as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.”*

No expenses were claimed by any Member of the Tribunal in the financial year ending 31 December 2020.

## **Operational Costs**

As noted, the Tribunal Office forwards to the Department all invoices in respect of costs incurred for the operation of the Tribunal and for the maintenance of its premises.

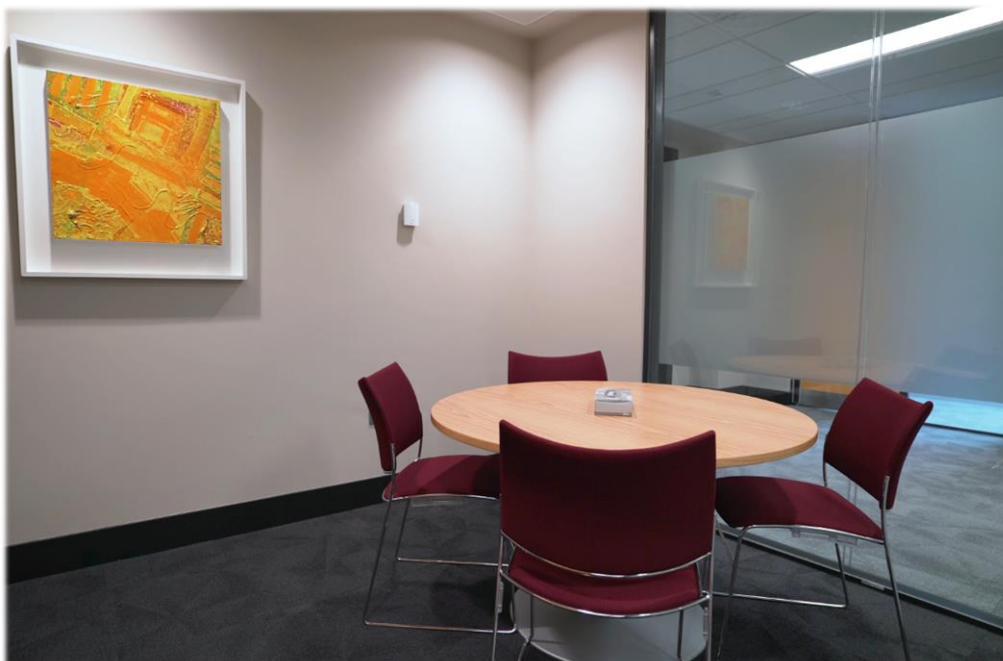
In the financial year ending 31 December 2020, the total sum paid by the Department in respect of these costs was **€217,123.41**. Particulars of operational costs are set out in Appendix 1.

### **Staffing Costs**

As of the date of this Report, the Tribunal was unable to obtain specific information on payments made by the Department for staffing costs in respect of the financial year ending 31 December 2020, only. It did, however, receive confirmation of a global figure for the costs of staffing the Tribunal from 2019 until March 2021. That global sum was in the amount of **€277,176** and was inclusive of the employer's PRSI.

### **Art Works**

Whereas art works have been provided and installed in the Tribunal's premises by the OPW, the Tribunal confirms that no expenditure on art allowance has been incurred, to date.





**PART 6**  
**A LOOK TO 2021**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Directions' Hearings**

Consistent with the Tribunal's commitment to process and determine claims expeditiously, an initial Directions' Hearing was scheduled for each case as soon as the requisite consent form (Form 2) was received by the Tribunal Office. The same procedure will be adopted in respect of every claim received.

These hearings took place before Ms. Justice Power, Tribunal Chairperson, and were conducted by remote means.

During the Directions' listings, the Chairperson reminded the parties that the speedy processing, efficient hearing and swift determination of eligible claims—fairly, impartially and in a 'case sensitive' manner—was central to the Tribunal's objectives. To that end, in some cases, it was necessary to grant a short (48 hours) adjournment to provide the parties with an opportunity to agree a timetable with a view to a date for hearing being allocated at a case management meeting to be held within 30 weeks of the claim being filed.

The Chairperson was impressed by and thanked the parties for their obvious commitment to work in collaboration with each other and with the Tribunal to ensure that its objective of delivering fair and expeditious determinations would be achieved.

The Tribunal looks forward to a similarly collaborative approach to the resolution of all claims brought before it for determination.

### **Staffing**

Following a recruitment and interview process, Mr Mac Criostail was appointed as Tribunal Registrar on 29 March 2021.

In May 2021, a review of the Tribunal's staffing requirements was conducted, in conjunction with the Department of Health. Although the Tribunal has a limited number of administrative support staff, it was agreed with the Department that redeployment to other areas of work could take place in some cases, pending the receipt of additional claims.

Notwithstanding that claims are now being lodged with the Tribunal, the existing vacancy for the position of Legal Secretary remains unfilled until it is considered justifiable from a costs' perspective.

In the interim, the Chairperson carries out her own administrative work (such as, the recording of Minutes of Tribunal Meetings, the preparation of the Annual and other

reports etc.), where necessary, with the support of the Registrar and her Judicial Assistant.

### **Meetings of Members**

The Chairperson and Members held regular consultations, both in person and via the Tribunal's Virtual Meeting Room on the Pexip platform. They were also in regular contact by telephone. Meetings have been scheduled on a weekly, fortnightly and ad hoc basis, as necessary.

In its meetings held during January and February 2021, the Members considered and agreed the Tribunal's plans for outreach and discussed its work on a draft Interim Report.

During meetings of the Members in the first part of 2021, the Chairperson kept the Members apprised of developments in relation to the Tribunal's activities. The Members reviewed various indicators of interest in the Tribunal, discussed the recruitment of the Tribunal Registrar, considered issues arising in respect of the 'Restoration of Trust' and planned and developed an outreach programme.

The Tribunal continues to schedule formal review meetings of its Members on a regular basis.



## **Interim Report**

On 29 January 2021, the Chairperson received a request from the Minister for a short Report on the work undertaken by the Tribunal since its establishment. The Report, submitted on 5 February 2021, contained, *inter alia*, an account of pre-establishment preparatory work, a note on indicators of interest (by way of queries made and website data analytics), an update on recruitment, a summary of Members' meetings, a discussion on the potential use of the Tribunal's premises and an outline of the Tribunal's planned outreach programme.

## **Outreach**

The Tribunal's Outreach Programme commenced with the publication of a Notification of Establishment in national newspapers on 13 and 14 February 2021. The Notification was also published on the Tribunal's website and remains available for review.

A virtual 'Open Day' introduction to the Tribunal's premises was created. The final editing of the video presentation was approved recently. This 'Virtual Tour' of the Tribunal's premises is available on its website.

## **Tribunal Reception**

The Office of the Tribunal remains open to receive applications by post and in person, subject to compliance with public health guidelines.



## **Conclusion and Recommendations**

Included in this report is a brief background to the establishment of the Tribunal together with an account of its activities in the discharge of its functions since its establishment on 27 October 2020 and the subsequent appointment of its Members on 1 December 2020.

The greatest part of the Tribunal's work during the financial year ending 31 December 2020 related to pre-establishment measures, the Tribunal only being in a position to receive eligible claims since December 2020.

Pursuant to the provisions of s. 35(2)(a) of the Act, this Annual Report includes information relevant to the Tribunal's functions under Chapter 5 and it also provides particulars of its account as required by s. 35(2)(b).

The Report concludes by taking a brief look to the activities performed in 2021 further details of which shall be submitted in the Tribunal's second Annual Report.

Going forward, the Tribunal recommends that the Minister considers how the provisions of s. 31(4) and s. 32(11) of the Act are to be reconciled, in practice.

Until larger volumes of claims are being processed by the Tribunal, the Minister may wish to consider, where possible, offering to parties involved in litigation arising from the State's Cervical Screening programme, the use of the Tribunal's premises, including, its Conference and Consultation Rooms, in the event that those parties indicate a wish to pursue an alternative dispute resolution process, such as, mediation.