



Administrative Justice Forum

Minutes and action points

Seventh meeting – 11 November 2014 at 2:00pm
102 Petty France, London.

Attending:	Organisation:
Jodi Berg OBE (JB)	Chair
Lauren Wood (LW)	Citizens Advice Scotland
Tim Gilling (TG)	Centre for Public Scrutiny
Chris Wilford (CW)	Chartered Institute of Arbitrators
Tim Miller (TM)	Local Government Ombudsman, Ombudsman Association
Alison Fiddy (AF)	MIND
Andrea Coomber (AC)	Justice
Sir Jeremy Sullivan (JS)	Senior President of Tribunals
Craig Robb (CR)	Senior President of Tribunals' Office
Professor Adrian Webb (AW)	Chair, Committee for Administrative Justice and Tribunals, Wales
Andrew Felton (AF)	Justice Policy, Welsh Government
Alison Harvey (AH)	Immigration Law Practitioners' Association
Marieke Dwarshuis (MD)	Scottish Tribunals and Administrative Justice Advisory Committee
Professor Maurice Sunkin (MS) (Guest)	Essex University School of Law
Varda Bondy (VB) (Guest)	UKAJI
Richard Mason (RM) (Observer)	MoJ, Administrative Justice and Tribunals Policy
Kevin Sadler (KS) (Observer)	HMCTS, Civil Family and Tribunals
Julie McCallen (JM) (Secretariat)	MoJ, Administrative Justice and Tribunals Policy

Welcome and introductions

The Chair welcomed everyone to the meeting

UK Administrative Justice Institute (UKAJI)

- The Nuffield Foundation has established a new research initiative, the UKAJI, which will focus on improving the quality of research in the administrative justice space, and plugging information gaps.
- Forum members were keen for UKAJI to develop change-generating research, like '[Right First Time](#)'. There was also a strong interest in comparative work, looking at user behaviours and patterns in the different jurisdictions of the UK.
- It was agreed that both UKAJI and the Forum would benefit from close co-operation.

Feedback from Justice Select Committee

- The Chair attended the JSC in July 2014. Members of the Committee had raised various issues of interest to the Forum and JB agreed to raise these at this meeting.
- The JSC had raised the issue of publication of Forum meeting minutes. The practice has been to publish a list of action points arising from minutes and JB proposed that in line with the Forum's commitment to openness, brief minutes of meetings should be published online. This was agreed.
- Social Security and Child Support arena, the effect/consequences of mandatory reconsideration would be monitored by the Forum. It was suggested that this might also be an area for future UKAJI research. Discussion was held on the role and availability of Presenting Officers at the SSCS Tribunal, and on the high rate of litigants in person at the Tribunal.
- Immigration and Asylum issues, the Committee had raised a number of issues which were discussed by Members. It was agreed that JB and AH would take these discussions further in a 1:1 meeting and would report back the outcome to the next Forum meeting.

Action point: It was agreed that a teleconference would be arranged between JB and AH to discuss to discuss Immigration and Asylum issues of interest to the Forum.

Social fund

- JB reminded members that this issue had been raised at the previous Forum meeting.
- The Forum agreed that it has a legitimate interest in the principle of ensuring that people had not lost their ability to challenge unfair decisions and process under the new arrangements.
- The group discussed public awareness of review, appeal, and complaints mechanisms under the newly administered Local Authority managed payments schemes. It was noted that under Local Authority management of the scheme, complaints and appeals have fallen dramatically in England. It was noted that in Scotland local authorities would be required under the provisions of the Welfare Funds Bill to establish an internal review mechanism and an appeal process.
- As the scheme is administered differently in the devolved nations, members of the group suggested that UKAJI might be able to compare the position across different jurisdictions. The Forum would also continue to take an interest in this area.
- Discussion ensued and it was agreed that this was an area for further action on the part of the Forum.

Action point: JB is to meet with the Local Government Ombudsman to discuss this issue and other areas of interest.

Action point: JB will send a letter to the appropriate DCLG Minister, on behalf of the Forum, to raise the question of challenge and redress arrangements.

Complaint mechanisms

- JB reported that she had held successful meetings with the Cabinet Office and PHSO in order to understand ongoing work/projects and share information about the Forum's activities.
- The group discussed the importance of the ombudsman and tribunals communities working closely together. The potential for the creation of one public services ombudsman was discussed.
- Members noted that the forthcoming report on the Robert Gordon review of public sector ombudsmen and agreed to take an interest in this.
- There was a discussion on how ombudsman techniques such as less formality and early dispute resolution mechanisms used by ombudsmen might be helpful in Tribunal settings.
- The Forum agreed to monitor developments in the complaint handling and ombudsman arena.

Updates from UK-wide jurisdictions

- **Wales:** The Forum received an update on the Welsh Government review of devolved tribunals operating in Wales. Following consultation with stakeholders, work is underway to improve consistency of standards between devolved and non-devolved tribunals. A new Welsh Language Tribunal is also being established.
- **Scotland:** The Forum received an update on the implementation of the Tribunals (Scotland) Act, including the appointment of Lady Smith as the President of Scottish Tribunals; the implementation timetable; and merger of Tribunals. Audit Scotland is conducting a study into the impact of not getting decisions right first time, with the aim of improving decision making.

Key Tribunal trends

- An update was given on key trends in the biggest tribunals.
- The forum was particularly interested in the effects of mandatory reconsideration on case volumes in the Social Security and Child Support Tribunal, and the effects of fees on case volumes in the Employment Tribunals and agreed to monitor the situation.

AOB Amongst items discussed were: Judicial Review and the Criminal Justice and Courts Bill; Consumer schemes and the BIS review of the ADR landscape; Special Educational Needs disagreement resolution arrangements review.

Action point: At the suggestion of the Forum, MoJ to write to DWP for a statement on the position of mandatory reconsideration volumes and duration which could be shared with AJF

Action point: MoJ to provide a written update on the fees review, in relation to the impact of fees in Employment Tribunals.