



## Administrative Justice Forum

### Minutes and action points

**Eighth meeting – 20 May 2015 at 2:30pm  
Queen’s Conference Room, Royal Courts of Justice, London.**

<b>Attending:</b>	<b>Organisation:</b>
Jodi Berg	Chair
Jo Clift	Cabinet Office
Chris Wilford	Chartered Institute of Arbitrators
Gael Scott	Citizens Advice Scotland
Claire Blades	Citizens Advice UK
Sir Alan Ward	Civil Mediation Council
Anita Hurrell	Coram
Rob O’Carroll	Department for Work and Pensions
Michael Reed	Free Representation Unit
Kevin Sadler	HMCTS, Civil Family and Tribunals
Alison Harvey	Immigration Law Practitioners’ Association
Ruchi Parekh	Justice
Tim Miller	Local Government Ombudsman
Craig Robb	Office of the Senior President of Tribunals
Lewis Shand Smith	Ombudsman Association
Donal Galligan	Ombudsman Association
Alicia McKay	Scottish Government
Professor Adrian Webb	Chair, Committee for Administrative Justice and Tribunals, Wales
Andrew Felton	Justice Policy, Welsh Government
Professor Maurice Sunkin	UK Administrative Justice Institute
Des Healey (Observer)	Department for Work and Pensions
Alex Skinner (Observer)	Department for Work and Pensions
Eleni Skaliotis (Observer)	MoJ
Paula Waldron (Observer)	MoJ
Karina Kumar (Secretariat)	MoJ

<b>Apologies:</b>	<b>Organisation:</b>
Steve Johnson	Advice UK
Dr Carol Homden	Coram
Tim Gilling	Centre for Public Scrutiny
Mat Kinton	Care Quality Commission
Sue Bott	Disability Rights UK
Laurene McAlpine	Department of Justice Northern Ireland

Steven D'Arcy	Judicial Office for Scotland
Alison Fiddy	Mind
Richard Mason	MoJ
Nicholas Taynton	Parent Partnership Network
Sir Jeremy Sullivan	Senior President of Tribunals
Marieke Dwarshuis	Scottish Tribunals and Administrative Justice Advisory Committee
Margaret McCabe	Welsh Government

## **1. Welcome and introductions.**

- JB welcomed everyone to the forum's eighth meeting, and gave a short update on meetings since the forum last met. These included a meeting with Oliver Letwin and Shailesh Vara on raising the profile of feedback across government. JB also met with Natalie Ceeney, Chief Executive of HMCTS, to discuss HMCTS reform and use of more proportionate dispute resolution methods.

**Action point:** Invite Natalie Ceeney/Kevin Sadler to speak about HMCTS reform at next AJF meeting

## **2. Mandatory Reconsideration**

- Mandatory Reconsideration (MR) is a process which allows individuals who disagree with a social security benefit decision to request that DWP reconsider and revise it. An appeal cannot be lodged with HM Courts and Tribunals Service until the MR process has been completed. MR was introduced to all DWP-administered benefits in October 2013.
- Rob O'Carroll from DWP came to update the Forum on how mandatory MR is working. DWP has been closely monitoring the MR process, working with users, support organisations and feedback from tribunals to understand where the process is working well and where it could be improved.
- The group discussed how long cases are taking, the proportion of decisions which are overturned and upheld during MR, volumes of complaints about MR, and how the success of MR is being measured.
- Two key statistical publications were referenced during these discussions:

<https://www.gov.uk/government/statistics/mandatory-reconsiderations-of-dwp-benefit-decisions-data-to-october-2014>

<https://www.gov.uk/government/statistics/jobseekers-allowance-and-employment-and-support-allowance-sanctions-decisions-made-to-december-2014>

**Action point:** DWP to find out complaints volumes and if there are particular areas of concern.

## **3. Public Service Ombudsman Consultation**

- Cabinet Office is currently consulting on proposals to reform key aspects of the Ombudsman landscape, as recommended by Robert Gordon in his 2015 review of the system. The key proposal is the creation of a new Public Service Ombudsman (PSO), incorporating the existing jurisdictions of the Parliamentary and Health Service Ombudsman (PHSO), Local Government Ombudsman (LGO), and Housing Ombudsman.
- Jo Cliff from Cabinet Office attended the meeting to set out the key proposals and answer questions on the consultation, to help inform the Forum's formal consultation response.

- Members of the group discussed a range of issues, including the devolved implications of a new service, how success ought to be benchmarked, and how PSO will fit within the wider administrative justice system.

**Action Point:** Draft a consultation response and circulate amongst Forum members before submission

#### **4. New emergency payments schemes ('social fund')**

- At the last Forum meeting, the group discussed public awareness of review, appeal, and complaints mechanisms under Local Authority managed emergency payment schemes. There was concern amongst Forum members that low complaints volumes might indicate that individuals are not being appropriately signposted to redress mechanisms. Following this discussion, JB wrote to DWP setting out the Forum's concerns.
- The group discussed the letter and the reply. Discussions focused on the changing nature of local government services and the need for administrative justice to adapt to these new circumstances. In particular, the group considered the role of central government, and its responsibility to ensure that Local Authorities are aware of their responsibility to provide redress mechanisms.

**Action point:** Write to DCLG about LA complaints and redress mechanisms, and copy Local Government Association.

#### **5. Update on Subgroup on signposting**

- At the last subgroup on signposting meeting, the group discussed the migration of content from the Justice Website to GOV.UK. Though complimentary about the GOV.UK website, the group expressed concerns that content was being redrafted and not appropriately checked. The group wanted to understand what safeguards were in place to mitigate against this. In addition technical content, which is primarily used by legal practitioners and advice organisations is not being migrated. Following this discussion, the AJF had written to the Government Digital Service, setting out the concerns of the Forum.
- Members of the group discussed the issues raised at the subgroup meeting, echoing a number of the sub groups concerns, in particular whether the safeguards in place were sufficient to prevent inaccurate content being published online. AH explained that for immigration content, a taskforce of immigration lawyers was established to review content before it was put online.

**Action point:** Members of the Forum to review the correspondence with GDS and send in examples of particular issues or errors.

#### **6. Any other business and next meeting**

- KS updated on tribunal trends and HMCTS reform.
- CW updated on an increase in public sector workers seeking arbitration training.

The next meeting will be in November 2015.