



**MoJ Media Suite, 102 Petty France, London.  
2 p.m., 4<sup>th</sup> November 2015**

<b>Attending:</b>	<b>Organisation:</b>
Jodi Berg OBE (JB)	Chair
Claire Blades (CB)	Citizens Advice UK
Ray Burningham (RB)	Committee on Administrative Justice and Tribunals, Wales
Olaf Cramme (OC)	Cabinet Office
Andrew Felton (AF)	Justice Policy, Welsh Government
Hannah Frodsham (HF)	Scottish Government
Donal Galligan (DG)	Ombudsman Association
Tim Gilling (TG)	Centre for Public Scrutiny
Alison Harvey (AH)	Immigration Law Practitioners' Association
Jean-Benoit Louveaux (J-BL)	Justice
Tim Miller (TM)	Local Government Ombudsman, Ombudsman Association
Michael Reed (MR)	Free Representation Unit
Kevin Sadler (KS)	HMCTS, Civil Family and Tribunals
Caroline Sheppard	Traffic Penalty Tribunal
Professor Maurice Sunkin (MS)	Essex University School of Law
Brian Thompson (BT)	University of Liverpool
Paula Waldron (PW)	Ministry of Justice
Sir Alan Ward (AW)	Civil Mediation Council
Jessica Whitehead (JW)	Coram Children's Legal Centre
Chris Wilford (CW)	Chartered Institute of Arbitrators
Mary Dallas (Secretariat)	Ministry of Justice
By telephone	
Adele Watters	Department of Justice, Northern Ireland

<b>Apologies:</b>	<b>Organisation:</b>
Lord Justice Ryder	Senior President of Tribunals
Craig Robb	Senior President's Office
Rhian Davies Rees	Welsh Government
Rowena Moffatt	Immigration Law Practitioners' Association
Lewis Shand Smith	Ombudsman Association
Alison Fiddy	Mind

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

JB welcomed everyone to the Forum's ninth meeting.

## **2. Review of actions from last meeting.**

The minutes from 20 May had previously been agreed and circulated.

## **3. Chair's update**

### i) Response from DCLG

JB had written to DCLG about Local Authorities' complaints and redress mechanisms, and had copied in the Local Government Association. She had received a response from Minister recognising that LAs should inform people of their rights re complaints/appeals and noting LGO responsibility in this area.

### ii) Chief inspector of Borders and Immigration

JB had met with Chief Inspector. Following a helpful exchange of views, the Chief Inspector had suggested that there were two inspections currently being pursued where the outcome would be of interest to AJF. These are an inspection of the handling of complaints and MP correspondence, and an inspection of the administrative review process; it is planned to publish reports on these inspections in February and March respectively. Accordingly it was agreed that his attendance at the Forum meeting should be delayed until these reports are laid before Parliament.

## **4. Court and Tribunal Fees**

It was agreed a written update on Court and Tribunal Fees would be sent out to AJF members and the Fees Team would be invited to the next AJF.

## **Group discussion**

- There was a discussion about fees in tribunals and courts and the effect of their introduction on users. A number of members expressed concern at the deterrent effect this had engendered;
- fees should be considered in their entirety, data needs to be collected by HMCTS to provide information across all the jurisdictions;

## **5. Complaints handling and feedback mechanisms – Cabinet Office**

Olaf Cramme (OC) explained how the Cabinet Office is currently developing two strands of work on complaints: the reform of Ombudsman service, which the Forum had already been advised about at the previous meeting; the work being carried out to trial new methods of capturing and utilising complaints.

To date, the Cabinet Office has engaged with two departments/bodies, the Department of Work and Pensions (DWP) and the Land Registry. Both organisations have piloted a digital complaints channel through which they now receive feedback and complaints from the public.

This work is part of a wider agenda to move to 'digital by default'. The main policy objective and challenge is to reconcile a user centred approach, which puts the customer first, with the need to capture and analyse suitable feedback which can be used for service improvements.

The Cabinet Office has presented the agenda at the Cross Government Complaints Forum and is currently thinking about wider roll out plans. HMRC in particular are doing a lot of work in this area. It also fits in neatly with the HMTCS digitisation agenda/change programme that was presented by KS (see item 4).

The Cabinet Office is also engaged with external providers in this space, including Resolver<sup>1</sup>, Citizens Advice and others, to reflect on how this is best being rolled out in the future.

### **Group discussion**

- The majority of users did not raise complaints about a policy, rather about the way an issue was dealt with;
- there should be a 'right first time' agenda with a frontline process into a complaints procedure, a one-stop shop approach;
- Information on how organisations are acting on feedback and complaints should be published;
- It should be accepted that not all people want to communicate electronically, the response should reflect the customer's choice of method of communication.

### **6. Update on HMCTS Reform**

Kevin Sadler, Courts and Tribunals Development Director, gave an update on developments in the HMCTS Reform Programme. He confirmed there was both ministerial and judicial commitment to the reform. The reform was linked to the Government's Spending Review and an announcement about the shape of the reform would be made on the 25 November.

KS referred to the speech made by the Secretary of State for Justice, Michael Gove<sup>2</sup>, about the reform which would require a major overhaul of Information Technology, with the system based on needs of users rather than professionals. Users would be consulted throughout the development of the system. He stressed in the future the default will be digital, with as many procedures as possible carried out electronically. KS cited Employment Tribunals as an example of where this was happening currently with 86% of claims being made electronically. There would be much less reliance on hearings where parties are present – where appropriate, proceedings would be conducted online or by telephone. The jurisdictions with the biggest volumes will be reformed first, e.g. Social Security and Child Support.

KS detailed the improvements made to date which include:

- better use of IT in criminal courts
- upgrade of the video link between police sites, prisons and 64 Crown and magistrates' courts
- HMCTS and HMRC have worked together to create a new case management system to deal with the increase in cases in tax tribunals

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<sup>1</sup> <http://www.resolver.co.uk>

<sup>2</sup> <https://www.gov.uk/government/speeches/what-does-a-one-nation-justice-policy-look-like>

- the form and guidance for fee remissions (now called 'Help with Fees') in courts and tribunals have been revised to make the system easier for both users and staff and a new digital service, supported by a link between HMCTS and DWP, has been developed for staff to check whether an applicant for a reduced fee is receiving certain benefits.

## **7. Any Other Business**

### **Consolatory payments**

JB voiced concerns over reports about what appeared to be a short sighted approach to the payment of consolatory awards. It was reported that the Treasury policy is that any consolatory payments (for worry and distress) over £500 have to be approved by the Treasury. This could potentially encourage simple disputes to be escalated rather than resolved quickly and proportionately. It could also mean delay in people receiving redress.

### **Next Round table meeting**

JB suggested 'User experience' as the subject for the next roundtable event (6 July 2016).

### **Date of next meeting.**

To be confirmed.