



## Administrative Justice Forum

### Detailed minutes and action points

Conference Room, Field House, London.

2 p.m., 6<sup>th</sup> April 2016

<b>Attending:</b>	<b>Organisation:</b>
Jodi Berg OBE (JB)	Chair, AJF
Claire Blades (CB)	Citizens Advice UK
Bill Dowse (BD)	Ministry of Justice
Andrew Felton (AF)	Justice Policy, Welsh Government
Donal Galligan (DG)	Ombudsman Association
Alison Harvey (AH)	Immigration Law Practitioners' Association
Mat Kinton (MK)	Care Quality Commission
Jason Latham (JL)	HM Courts and Tribunals Service
Jean-Benoit Louveaux (J-BL)	Justice
Tim Miller (TM)	Local Government Ombudsman
Alan Morrison (AM)	Scottish Government
Michael Reed (MR)	Free Representation Unit
Craig Robb (CR)	SPT's Office
Lord Justice Ryder (SPT)	Senior President of Tribunals
Kevin Sadler (KS)	HMCTS, Civil Family and Tribunals
Jack Sharples (JS)	HM Treasury
Caroline Sheppard (CS)	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
Kevin Westall (KW)	Ministry of Justice
Chris Wilford (CW)	Chartered Institute of Arbitrators
Mary Dallas (Secretariat)	Ministry of Justice
<b>Apologies:</b>	<b>Organisation:</b>
Rowena Moffatt	Immigration Law Practitioners' Association
Lewis Shand Smith	Ombudsman Association
Alison Fiddy	Mind
Steve Johnson	Advice UK
Carol Homden	Coram
Tim Gilling	Centre for Public Scrutiny
Ken Butler	Disability Rights UK
Rebecca Marsh	Parliamentary and Health Service Ombudsman

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

JB welcomed everyone to the Forum's tenth meeting.

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

The minutes from 4 November 2015 had previously been agreed and circulated.

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

Since the last AJF meeting, amongst others, JB had met with the Justice Minister, Shailesh Vara, and the Permanent Secretary, Richard Heaton. At the meetings they discussed how to use reforms as a time of opportunity for Ombudsmen and Tribunals to work together for the benefit of users and to settle disputes in the most appropriate manner; and the benefit of feedback and how best to ensure this is utilised to improve services.

JB advised on the need to be clear in the HMCTS reform arrangements what the changes will achieve for the users. On feedback and complaints handling JB put forward AJF's view that there was a need for a feedback champion at senior civil servant level in each department.

JB also attended the Parliamentary Group on Alternative Dispute Resolution (ADR).

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

New fees and revised fees will be introduced in the Lands Chamber of the Upper Tribunal and Immigration; it is likely this Fees Order will be laid in April 2016. Fees for the General Regulatory Chamber of the First-tier Tribunal will be introduced in January 2017.

A great deal of work has been done on the review of Employment Tribunal fees to gather evidence as to how the volume of claims received has been affected with the number of claims monitored on a monthly basis. One objective of the review is to examine the extent to which alternative dispute resolution can be used. The financial objective of introducing fees is to ensure the small proportion of the cost paid by individuals reduces the cost of the tribunals to taxpayers. The team are considering further research into the effect of fees on individuals.

Discussion points introduced by members of AJF included:

- the diminishing number of claims is due to early conciliation which is in the public interest.
- the effect of the introduction of ET fees on the number of claims received.
- If the impact of the introduction of fees on labour relations cannot be quantified.
- Judges have reported that behaviour has changed and it was clear employers were not making offers to settle.

JB summed up by asking that the lessons learnt from the impact of ET fees should be taken into account when other fee schemes are developed taking into account the objective of settling disputes early.

Noting that good data collection and analysis are crucial MS offered UKAJI assistance in working with MoJ to carry out research to inform decision-making.

## **5. Consolatory payments**

An official from HM Treasury attended the meeting to discuss consolatory payments, i.e. one-off payments made to individuals when they have suffered stress or inconvenience through the actions of an organisation. These payments do not involve financial loss. The guidance recently issued suggests that any consolatory payment over £500 has to be Treasury approved.

The group discussed the guidance:

- The general feeling was that there was a lack of understanding across the piece about these payments.
- The Parliamentary and Health Service Ombudsman has experienced delays and concern about making payments due to misunderstanding the guidance.
- Members suggested that it would be helpful to add to the guidance introductory information which set out the context in which consolatory payments were appropriate, explaining how the Treasury supported early settlement of disputes where possible.

JB noted that consolatory payments can often facilitate early dispute resolution and the most cost effective way so settle disputes.

## **6. Court Reform**

It is planned that the Lord Chancellor and the Lord Chief Justice will make a joint announcement about the reforms in due course. The transformed system is expected to be much better for users and to support vulnerable people.

The changes will create systems to process claims in less time, be 'digital by default' thereby reducing the amount of paper used, and mitigate the risk of loss of documents. Electronic submission will mean the case can be sent to the other department, judge and other interested parties quickly and parties will be able to interact on line.

The reform team are aware that a proportion of users may not be able to or want to use online systems so there will be a number of initiatives to assist: different approaches will be taken depending on the user's need – e.g. 'webchat', call centres, and in some cases paper systems will be kept.

## **7. AOB**

### **Research**

A recent seminar was held by the UK Administrative Justice Institute (UKAJI) and the Centre for Analysis of Social Inclusion to explore the impact of welfare benefit sanctions on vulnerable groups and individuals. UKAJI are hoping to establish a research group for user perspectives in the future.

### **Next Round table meeting**

The annual roundtable event is planned for 6 July 2016 and will focus on how proposed court and tribunal reforms, together with proposed ombudsman reforms, will impact on users and what key issues should be taken into account in the implementation of the reforms.