

Administrative Justice Forum

Roundtable event

Royal Courts of Justice

Wednesday 6 July 2016

'What people need from administrative justice'

The Administrative Justice Forum hosted its annual Roundtable event on 6 July 2016, with the meeting focussing on what help and guidance users want and need when they have a complaint about or a dispute with Government and its agencies. The Roundtable took place in anticipation of both fundamental reform of the court and tribunal system and reform of the public sector ombudsman role. The event provided an opportunity at the planning stages of the reforms for user representatives, practitioners and leaders in the administrative justice sphere to discuss how the user perspective can be made central to the process and how disputes and complaints can be dealt with in a cohesive way.

This event was led by Jodi Berg OBE, Chair of the AJF, and was attended by representatives from across the administrative justice system, including senior judiciary, ombudsmen, academics, government and advice organisations. Also present were representatives from both the Justice Committee and the Public Administration and Constitutional Affairs Committee of the House of Commons. The focus of the event was to explore what people want from the administrative justice system to inform the basis of policy recommendations which the AJF will make to the Ministry of Justice.

Summary of key points raised by speakers:

Alex Thomas, Cabinet Office

The Government's approach to a Public Service Ombudsman

Alex Thomas from the Cabinet Office explained the background and the progress made on the development of a new Public Service Ombudsman (PSO), which it is proposed will take over the functions of the Parliamentary and Health Service and the Local Government Ombudsmen.

The new organisation will maintain the core principles of ombudsmen schemes of independence, fairness, effectiveness, transparency and openness, and accountability. It is hoped that it will offer better value for money than the current system and have benefits for citizens and State.

Sidonie Kingsmill, Customer Director, HMCTS

Customer focus and HMCTS reform

Sidonie Kingsmill, Customer Director in HMCTS, spoke about the importance of putting the customer at the forefront of the reform programme; this meant making sure the justice system is accessible and proportionate and provides users of the system with help and guidance to present their case and to understand how the

outcome was reached. Good customer experience should include quick responses to queries and complaints and using feedback from customers to improve services. The reform programme is centred on investing in technology so the system is 'digital by default'.

**Katherine Barry, Citizens Advice
Assisted digital and user need**

Katherine Barry, Expert Advice Lead and Solicitor Advocate at Citizens Advice (CA), gave a valuable insight into the work of Citizens Advice. She noted that people use a number of sources to find information. In any one month around 2.1 million people do a search about issues affecting them through Google and are then directed to agencies that can help, including CA. People choose the agency they can trust and who they consider will provide the quickest and most effective solution. The concept that legal language is fine is a myth. People search under plain English or well understood terms such as 'ESA medical.' That legal problems can be dealt with in isolation from other issues is another misapprehension

In summary, Google should be the homepage, natural language should be used and it should be remembered that problems are usually multi-faceted.

**Julie Bishop, Director, Law Centres Network
Accessing the System: Justice in 2016. The view from the Law Centres**

Julie Bishop, Director of the Law Centres Network could offer the experience of staff in Law Centres about the user issues that they deal with daily. There are 45 Law Centres, all not for profit organisations. In 2013 the funding for the centres decreased by 42%, Legal Aid has decreased by 70% and charitable donations by 50%. This is against a backdrop of an increase of a 400% in the number of queries and cases the centres deal with. Fifty percent of the LCs' clients are female, the majority have achieved a low standard of education and are on incomes of less than £15,000. A high percentage of clients have a disability or speak English as a foreign language. Many are facing life-changing problems when they turn to LCs and are unable to cope with the situation because of the stress and anxiety that they are suffering. People in these circumstances need independent legal assistance.

When people have problems they are unsure of where to go for assistance; Multi-functioning hubs with staff who can deal with a variety of issues could provide the answer and consistency in processes would be helpful. It is also important to give logistical information such as maps, central telephone numbers etc.

**Rt Hon Sir Ernest Ryder, Senior President of Tribunals
Shaping a vision for the future**

Sir Ernest Ryder, Senior President of Tribunals, spoke about the case for reform and his vision of the future for the justice system. He described the present system as being outdated and subject to delay. He described some of the improvements that it is hoped will come about through the reforms. These included flexibility in the deployment of judges across tribunals and courts. The system will be digital by

default, with online and virtual hearings and more flexibility in hearing times. Where appropriate, there will be delegation to case officers and legally qualified registrars.

Alternative methods of dispute resolution will be standard across the system with greater co-operation between all parts of the administrative justice landscape to make sure disputes and complaints are brought to a speedy and satisfactory resolution. The Senior President welcomed comments and suggestions from attendees at the roundtable after the event.

Key Discussion Points

Work of MPs

John Howell MP commented that a lot of people with problems turn to their MP for help and advice. He considered it would be beneficial to see this part of dispute resolution included in the overall picture.

Coordinated approach

There was consensus that a coordinated approach to deal with peoples' issues and problems was needed. This would require a holistic view of administrative justice with greater cooperation between government departments, agencies and other institutions.

One area that requires a coordinated approach is the use of feedback to improve user service. Feedback is provided both within public bodies through complaints processes, and externally by independent complaint reviewers, ombudsmen services and increasing by Tribunals. It is essential that this feedback is made best use of and that, where appropriate, information is shared across Government. This approach needs to be embedded in the culture of the public sector and AJF has previously advised that there should be a feedback champion at senior level in every department to take this forward.

Early resolution of problems

Government departments, such as DWP, Home Office and HMRC, which make decisions which affect every aspect of peoples' lives need better processes and improved systems. A problem should be dealt with at source and not allowed to continue through the system. This accords with the 'right first time' approach that most public bodies aspire to, and also requires best use of feedback and dissemination of information.

Help and guidance

When a person is presented with a problem or has a dispute or complaint generally they do not know who to turn to. Only 25% of people with problems seek legal advice – they use a variety of resources and go to a number of places to find help because they do not know the best way to resolve their dispute or complaint.

Digitalisation of system

It was generally agreed that digitalisation of processes and procedure in courts and tribunals will be beneficial. Good examples of this already are in place, for example in the Traffic Penalty Tribunal with an easy to use online digital system and in Employment Tribunals where 90% of claims are received online. For a number of reasons, a percentage of population are excluded from digital access and there must always be a fall-back position and assistance for people when necessary.

Simplifying the system

It was felt that the system could be simplified; and disproportionate process should be avoided wherever possible.

Comments about the system

Moving judiciary between courts and tribunals is potentially problematic because the underlying law is very difficult and complicated. This will require thought and planning.

The introduction of fees in tribunals has had an unexpectedly high deterrent effect on potential users, undoubtedly preventing some people from accessing justice e.g. Employment Tribunals.

Staff

Staff engagement with the reform process is crucial for them to be successful. People need to feel involved and that they have influence on decisions made about their work.

Northern Ireland and Wales

Representatives from NI (participated over the telephone) and Wales will be watching the progress on reform of the justice system with interest. There is a lot to be learnt from each other's experience.

Administrative Justice Forum and its successor

Attendees voiced concerns about how the work of the Forum will be taken forward when the AJF, considered by all to be a very useful and productive group, ceases to exist in April 2017. It was felt there was a wealth of knowledge around the table and a huge amount of information and expertise held by the participants. People are beginning to understand the user perspective and this work must continue, not be lost. Given the complexities of the administrative justice system it is vital that a strong voice such as that of AJF is retained to continue the work of bringing together all the disparate sections of the system.

The Chair thanked the speakers and participants for their contributions to the discussion. This discussion will be used by the AJF to frame recommendations for the reform of operations and policy of the justice system to the MoJ and HMCTS.