

Administrative Justice Council meeting

Wednesday 1st March 2023

13:30 – 15:30, Via Zoom

Minutes

Sir Keith Lindblom (“the Chair”)	Senior President of Tribunals, Judiciary
Rosemary Agnew (Deputy Chair)	Scottish Public Services Ombudsman
Lindsey Poole	Advice Services Alliance
Warren Seddon	Information Commissioner’s Office
Naomi Creutzfeldt	University of Kent
Sir Jonathan Swift	Judiciary
Brian Thompson	Honorary Fellow Liverpool University
Lord Stephen Woolman	Scottish President of Tribunals
Tracy Parker-Priest	HMCTS
Luc Altmann	HMCTS
Kate Gregory-Smith	MoJ
Bill Dowse	MoJ
Rhian Davies-Rees	Welsh Tribunals
Paul Yates	Freshfields
Chris James	Commission for Justice, Wales
Katrin Shaw	Public Services Ombudsman Wales
Donal Galligan	Ombudsman Association
Caroline Sheppard	Retired
Ursula O’Hare	Northern Ireland Law Centres
Ray Burningham	Consultant
Richard Blakeway	Housing Ombudsman
Natalie Byrom	Legal Education Foundation
Rebecca Hilsenrath	Public and Health Services Ombudsman
Maurice Sunkin	Essex University
Diane Sechi	Simmons & Simmons
Linda Mulcahy	Oxford University
Helen Timpson	MoJ
Natasha Widowson	MoJ
Laura Glazebrook	MoJ
Cari Jones	Senior President of Tribunal’s office
Heidi Bancroft	AJC/JUSTICE
Sally Hunt	AJC/JUSTICE



Apologies: Fiona Rutherford, JUSTICE; Robert Thomas, Manchester University; Ryan McRobert, Scottish Tribunals; Samantha Pullin, HMRC; Katrin Shaw, PSOW; Ken Butler, Disability Rights UK; and Joe Tomlinson, York University and Sir Wyn Williams, President of Welsh Tribunals

1. Chair's welcome and update

The Chair welcomed members and provided an update since the last meeting in July 2022.

- The AJC has convened four working groups and the focus has been on developing the work for these projects including their scope, membership, and objectives.
- Membership - Margaret Kelly, the Public Services Ombudsman for Northern Ireland has joined the Council; Mick King, the Local Government and Social Care Ombudsman, has stepped down from the Council due to his imminent retirement; Sir Wyn Williams (President, Welsh Tribunals) is also retiring and his successor Sir Gary Hickenbottom, would join the Council.
- Professor Linda Mulcahy, Oxford University and Professor Joe Tomlinson, York University, have been appointed as the new co-chairs for the Academic Panel. Dr. Natalie Byrom, Legal Education Foundation, and Diane Sechi, Simmons & Simmons, have joined the Steering group. Congratulations to all new members.
- Updates from the Secretariat: The first is a reminder to register for a [report launch](#) on SEND and housing: "How has the pandemic changed the way people access justice". The report focuses on digitalisation and reform in the areas of housing and SEND. Secondly, members to send contributions to Sally for the next edition of the newsletter.

2. Minutes of the last meeting

No amendments were provided on the Minutes making them an accurate record of the July meeting. All action points had been completed.

3. Matters Arising

There were no matters arising.

4. Update on the AJC Projects

- a) First instance decision-making in SEND – Chris Gill

Chris Gill (CG) gave an overview of the SEND project. He had taken over as the Chair from Mick King, the Local Government and Social Care Ombudsman. The working group were focussing on providing non-policy recommendations to improve first instance decision-making in SEND with the aim of reducing the number of cases going to the tribunal. Four sub-groups had been set up: a) local authority guidance; b) training; c) communication and collaboration; and d) lesson learning from mediation and the ombudsman. The draft report would be circulated to the Council for approval before publication.

b) Digitisation – Caroline Sheppard (CS)

CS provided an overview of the digitisation project. The project initially had a wide scope, but the group had narrowed it down to focus on social security. The methodology would involve evaluating the extent to which digital services and processes meet the users' needs and expectations. This would include what had been working well, as well as what had not. The group would sub-divide to each focus on one of the five identified user groups, to provide a 360-degree view of the programme.

Members raised issues around the definition of 'digitally able', accessibility to technology, situational disadvantage/vulnerability and the fact that the justice system can be stress inducing.

c) Mental health – Lucy Scott-Moncrieff

Lucy Scott-Moncrieff (LSM) updated the Council on the progress of this working group. She highlighted that a wide variety of people do not get justice because of various vulnerabilities, including their circumstances. The lack of ability to get justice could be a trigger for deteriorating health in the mental health system. The group had held their first meeting and the draft terms of reference would be confirmed in their next meeting.

Linda Mulcahy, the co-chair of the Academic Panel, offered to liaise with the panel and act as a dating agency to match them with the work. She would be running a session with the academic panel at an upcoming academic conference.

d) Public Education – Donal Galligan

Donal Galligan emphasised that the purpose of this group was to increase people's awareness of their rights and how to enforce them. The group explored what already exists and the next step is to develop a strategic plan on how to take the work forwards. They are keen for more people to offer their assistance and invite those with expertise in this area to join the group. Members were encouraged to get in touch with Heidi Bancroft (HB) if they are interested or to recommend others.

Action: Linda Mulcahy to provide information to Academic Panel on mental health project; members to send LSM examples of best practice when helping vulnerable people access the justice system; and members to contact HB if they are interested in joining any of the working groups.

5. Data Mapping Exercise – Dr. Natalie Byrom (NB)

NB had sent her apologies to the meeting. HB informed the Council that NB would circulate a paper with more information about the data mapping exercise that she was undertaking with the Civil and Family Justice Councils. She would be invited to give a presentation at the next Council meeting in July (should the Steering group agree to the project sitting within the AJC).

Action: NB to circulate paper on the data exercise to the Council and present at next Steering Group meeting.

6. Tribunal Reform Programme in Wales, Chris James (Welsh Government)

Chris James (CJ) offered a brief background to the Reform Programme. The Programme's remit is the six devolved tribunals, in line with the recommendations in the Law Commission's 2021 report and dealt with by s59 of the Wales Act 2017. Within scope are the Mental Health Review Tribunal for Wales, the Agricultural Land Tribunal for Wales, the Residential Property Tribunal for Wales, the

Valuation Tribunal for Wales and the School Admission and Appeal Panels. CJ noted that criticisms had included a lack of consistency and coherence across the devolved tribunals, characterised by contrasting processes in relation to aspects such as rule-setting, appointments and appeals.

The reform would create a unified tribunal structure consisting of a First-tier Tribunal and Appeal Tribunal to initially cover the devolved tribunals but with the flexibility to absorb additional jurisdictions in time. The Welsh Government's intentions in relation to reforming tribunals are set out in the 2022 report entitled 'Delivering Justice for Wales'. It is expected that a White Paper on next steps will be published this year.

7. Damp and Mould Report, Richard Blakeway (Housing Ombudsman)

Richard Blakeway (RB) offered contextual background information on the Housing Ombudsman scheme that had been operational since the 1990's. All social landlords had an obligation to be members of the scheme and private landlords could join on a voluntary basis.

RB noted that the issue of damp and mould in housing had come into focus before Christmas when, in a landmark decision, a Rochdale coroner determined that two-year-old Awaab Ishak had died as a result of prolonged exposure to mould. RB had been asked to give evidence at that inquest because of the scheme's 2021 [report](#) on damp and mould which had been prompted, in part, by the numbers of upheld complaints regarding this issue that the scheme was already involved in. The 2021 research involved reviewing 142 cases and the resultant report offered 26 recommendations. RB highlighted the cultural change that was required by landlords in their responses to tenants' requests for assistance, as well as the introduction of formal strategies to deal with issues as they arose.

Since the report's publication, the scheme continues to monitor the priorities that require action. RB noted that there were positive signs that landlords were beginning to adjust their approaches since the publication of its 2021 report.

8. Online Procedure Rules Committee, Helen Timpson (MoJ)

Helen Timpson (HT) introduced this new Committee that had arisen out of the Government's longstanding commitment to its original idea that was included in the Briggs Report of 2016. The remit of the Committee includes creating rules for online courts, as well as pre-action online dispute resolution, and setting data and behavioural standards for online dispute resolution providers. The intention is for unresolved cases to seamlessly transfer from pre-action to the online courts system without the need for the lodging of a new claim. HT noted that the hope was for alternative dispute resolution providers, such as ombudsman schemes, to align with the services to provide an end-to-end digital journey for users.

With aims that include improving access to justice and increasing efficiency in dispute resolution, the Committee will comprise of six members, including the Senior President of Tribunals. Interviews had recently been completed for the three positions that remain outstanding, and the expectation is that further sub-committees will be formed in time to offer expert information.

The Chair noted that the Committee represented a revolutionary modernisation of the justice system and stressed that its work would fully coordinate with that of the existing rules committees. Helen Timpson was invited back at a future date to offer a further update on the Committee's work.



Action: Helen Timpson to be invited back to further update members.

9. AOB

No further business was offered and the Chair thanked members for attending and closed the meeting.