



Administrative Justice Council Meeting

Thursday 10 February 2022, 13:30-16:00

Via Zoom

Attendees:

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| Sir Keith Lindblom (“the SPT”) | Senior President of Tribunals (Chair) |
| Rosemary Agnew | Scottish Public Services Ombudsman (Deputy Chair) |
| Fiona Rutherford | JUSTICE |
| Samantha Pullin | HMRC |
| Lucy Scott-Moncrieff | Scott-Moncrieff |
| Naomi Creutzfeldt | Westminster University |
| Robert Thomas | Manchester University |
| Linda Mulcahy | Oxford University |
| Brian Thompson | Liverpool University |
| His Honour Judge Jonathan Swift | Head of the Administrative Court |
| Lord Stephen Woolman | Scottish President of Tribunals |
| Lindsey Poole | Advice Services Alliance |
| Rhian Davies-Rees | Welsh Tribunals |
| Paul Yates | Freshfields |
| Laura Lundy | Queen’s University, Belfast |
| Chris James | Commission for Justice, Wales |
| Rebecca Hilsenrath | Parliamentary and Health Service Ombudsman |
| Donal Galligan | Ombudsman Association |
| Michaela McAleer | Northern Ireland Public Services Ombudsman |
| Michael Reed | Free Representation Unit |
| Ursula O’Hare | Northern Ireland Law Centres |
| Ray Burningham | Consultant |
| Paula Stevenson | Devolved Tribunals, Scottish Government |
| Natalie Byrom | Legal Education Foundation |
| Irene de Noriega Quintanilla | OECD |
| Nizar Touhami-Chahdi | OECD |
| Tatyana Teplova | OECD |
| Chloe Lilievre | OECD |
| Laura Proctor | Northern Ireland Public Services Ombudsman |
| Stephanie Needleman | JUSTICE |
| Ken Butler | Disability Rights UK |
| Heidi Bancroft | AJC |
| Sally Hunt | AJC/JUSTICE |

Apologies: Mick King (LGSCO), Tracy Parker-Priest (HMCTS), Samantha Pullin (HMRC), Katrin Shaw (PSO Wales), Warren Seddon (Information Commissioner’s Office), Kate Gregory-Smith (MoJ).



1. Welcome and Introductions

Sir Keith Lindblom ('the SPT') opened the meeting and welcomed attendees. The SPT asked new members to introduce themselves: Fiona Rutherford (Chief Executive, JUSTICE); His Honour Judge Jonathan Swift (Head of the Administrative Court); Richard Blakeway (Housing Ombudsman); Professor Linda Mulcahy (Oxford University); and Chris James (Welsh Government). It was noted that two further new members had sent their apologies - Mick King (the Local Government and Social Care Ombudsman) and Tracy Parker-Priest Deputy Director of Tribunals, HMCTS).

2. Minutes of the last meeting

No amendments were forthcoming from those at the July 2021 Council meeting, so the Minutes were approved.

3. Chair's update

The SPT directed attendees to the [update](#) that had been circulated to all members in advance of the meeting and touched briefly on highlights:

- The Council's Annual Report had been published in July. Responses had been received from the Home Secretary and the Justice Minister, congratulating the AJC on its work. The SPT extended his gratitude to those who had assisted with that work.
- The Advice Sector Panel had commissioned a report published in October 2021, on the cost of not getting Personal Independence Payments right first time.
- A response had been submitted on the call for evidence on Alternative Dispute Resolution (ADR). The SPT thanked those members who had contributed to both the Advice Sector Panel's report and the ADR response.
- Since the Council's last meeting, the AJC had held three events: a comparative law workshop; an adult social care roundtable; and a networking/brainstorming event.

The SPT provided members with an update on tribunals including the court and tribunal reform programme, a diversity and inclusion taskforce and a new initiative to promote greater cohesion between courts and tribunals.

4. Governance

A) Terms of Reference

The Terms of Reference were revisited by the Council as a new term had commenced. The SPT invited comments on the draft and there followed a discussion on the inclusion of information on standards of evidence.

Actions: NB to provide wording regarding standards of evidence by email; all members to forward suggested alterations/additions to HB.

B) Project Prioritisation Principles



Members discussed the wording of the document that had been circulated prior to the meeting. It was suggested that additional wording to cover funding and consideration of scope and outcomes should be added.

Actions: HB to add a note on funding; RH to offer wording on scope and outcomes by email to HB.

C) Steering Group vacancies

The SPT reported that there are two current vacancies and that the Group are very keen to receive nominations. The Group meet quarterly and steered the work of the Council. Members are welcome to nominate themselves. HB would re-circulate the Expressions of Interest.

Actions: HB to re-circulate the Expressions of Interest and all members to consider applying.

5. Engaging children meaningfully in justice systems – Professor Laura Lundy, Professor of Children’s Rights, Queen’s University, Belfast

Laura Lundy (LL) introduced her work and Articles 12 and 13 of the United Nations Convention on the Rights of the Child, which expressed a child’s right to be heard in judicial and administrative proceedings affecting a child, and the provision of child-friendly information. The Convention had not been fully incorporated into UK law, but Scotland and Wales were showing signs of development.

There followed a general discussion on the distinction between child-friendly literature and accessible versions for people with learning disabilities; and members offered ways in which their work impacted on children. RA noted that the Scottish Public Services Ombudsman is in the process of drafting documentation to support child-friendly complaints.

6. Human Rights Act Review Consultation – Stephanie Needleman, Legal Director, JUSTICE

The SPT noted that the Council had not offered its own response to the consultation, but that Stephanie Needleman (SN) would offer some key points as identified by JUSTICE.

SN introduced the background to the consultation. It was published last December following an independent review of the Human Rights Act (“IHRAR”) chaired by Sir Peter Gross. SN explained that JUSTICE has set up an advisory group, comprised of a range of practitioners and academics to assist formulating its response to the consultation.

SN began by noting the differences between IHRAR report and the consultation – the Government appears to be pursuing reforms rejected by IHRAR and goes much further in scope than IHRAR – looking at the substantive content of rights and replacement of the HRA with a Bill of Rights.

SN provided members with a summary of JUSTICE’s [response](#) to the consultation and provided detail of the specific proposals and JUSTICE’s concerns.



There followed a discussion on conflicting streams of jurisprudence the proposals seem to be relying on. The SPT asked that Fiona Rutherford (FR) kept the AJC informed as to their next work in this area so that the Council could properly consider any related work it might engage in.

Actions: FR to keep the Council informed of JUSTICE's next steps in IHRAR work.

7. Parliamentary and Health Services Ombudsman Corporate Strategy 2022-2025 - Rebecca Hilsenrath, Director of Strategy and Communications, PHSO

RH noted that the Strategy was coming to the end of its drafting stage and reported that the launch event would be in April or May.

The [Strategy](#) set out a new primary purpose 'Resolving disputes to drive accountability and standards in public services', as well as its vision and objectives; and ensuring its work is within the standards set internationally. Reducing the queue which has resulted from the pandemic will remain at the forefront of efforts whilst the strategy is implemented.

The two key strategic themes identified were access to justice and data. PHSO also had a wealth of data that needed managing and exploiting, and the strategy sets out ambitious plans to use technology to do this. They would be introducing portals whereby complainants and organisations could access information on the progress of their complaint without having to contact the Ombudsman. They were also aware that they needed to broaden their access with approximately 80% of complaints received being on the health side. Other key projects include the completion of the current pilot of the NHS Complaint Standards, as well as developing Complaint Standards for public bodies in jurisdiction.

Members responded to the presentation including the offer of follow-up discussions in similar work streams. The importance of both training complaints handlers and analysing data was noted.

Actions: NB to link RH with the Health Services Research Agency; LM and RH to speak further on LM's research.

8. People-centred design and delivery of legal and justice systems -Tatyana Teplova, Chloe Lelievre, OECD

Tatyana Teplova (TT) introduced the OECD and this particular project that had been developed over a decade of research. The starting point had been everyday legal and justice problems that were experienced by many on a regular basis. The aim is to consider the needs and experiences of different groups, to look at how groups dealt with legal problems, and whether they are able to resolve them or not and to consider resolution of problems alongside wellbeing.

Chloe Lelievre (CL) introduced the framework, developed to help policy makers evaluate and promote a people-centred approach to justice, and took attendees through the principles which consisted of [four inter-dependent pillars](#).

There followed a discussion on data quality and availability.



9. Discussion on new AJC projects

The SPT explained that, as some projects had reached finality, the AJC is able to consider ideas for new project areas. Two themes had already been raised - digitisation and its effect on different parts of the administrative justice system; and environmental justice and the environmental rule of law (although he was already currently engaged in a project on behalf of the UK judiciary and in collaboration with the European Union Forum of Environmental Judges and the Brazilian judiciary that focussed on the protection of highly sensitive habitats in Brazil and Europe). The Council put forward suggestions of projects that could be considered for the current term.

The SPT added that he was keen to see work carried out in digitisation, access to justice and modernisation and how the AJC could contribute to the success of the courts and tribunals' processes in the post-reform system.

RA offered to provide feedback on a digital complaints project by the International Ombudsman Institute.

Further suggestions were to be sent via email to Heidi Bancroft. There being no further business, the SPT thanked members for attending and closed the meeting.

Actions: all members to offer ideas and volunteers to lead future project to HB; RA to feedback information on her meeting with the International Ombudsman Institute.