



ANNUAL REPORT
2018/2019

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Foreword

The Administrative Justice Council (AJC) was set up in March 2018 as the successor body to the Administrative Justice Forum. It is an independent body with the function of advising the Executive, the Legislature and the Judiciary throughout the United Kingdom from the perspective of the user. We have an impressive Council representative of the diverse range of decision making in the administrative law jurisdictions of ombudsman, regulators, adjudicators and both the courts and tribunals judiciary. We held our first Council meeting in July 2018 and this is our first annual report covering the period from our creation until November 2019.



In our first year we have made remarkable progress. We have established the full Council, a Steering Group and three panels that have worked very hard on their own and on joint projects - the Pro Bono Panel, the Academic Panel and the Advice Sector Panel. The Council has agreed a business plan and each panel has an agenda of work in progress. The panels comprise exceptional individuals who are experts in their field from across the administrative justice landscape. They have identified real problems for users and the rule of law that they would like to solve. The aim of each of the projects is to improve decision making for the user by demonstrating through validated research what works. I have been delighted by the passion, determination and drive of each of the panels and I am very grateful to the chairs and members for their huge support over the year. The success of the AJC so far has been driven by their contribution and enthusiasm to undertake projects and research.

Over the year the panels have identified key areas within the administrative justice system that need scrutiny and/or improvement and have undertaken and commissioned the work that is outlined in the report. Our first four areas of focus are:

- The improvement of first instance administrative decision-making;
- The impact of the courts and tribunals modernisation programme;
- The impact of ombudsman reform; and
- The relationship between the tribunals and ombudsman.

While it is common ground among our members and justified by research and informed comment, we have been struck over the year by the extent of the fragmentation of the administrative justice system, and the way in which its leadership and governance has developed in a piecemeal fashion over the years. We have tried to address that question by putting the 'user' at the heart of our endeavour and our desire to help build a more coherent and collaborative administrative justice system that streamlines the decision making and appeals processes, making them more effective, efficient, fair and accessible for users.

We have been astute to learn from the success of public and private sector colleagues, both internationally and in the devolved contexts and we will continue to identify challenges within the system. We hope that our work will provide opportunities for research and lead to

recommendations about good practice that Governments, Parliaments and other decision makers can implement.

We are very grateful to our funders and to the independent charity, JUSTICE, who provide our administration and policy support. I am particularly grateful to their Director, Andrea Coomber, and to Heidi Bancroft, for providing the Secretariat, to our Chairs for keeping the momentum going, our members for offering their time and ideas, the legal firms on the Pro Bono Panel for providing us with meeting facilities and to the many stakeholders who contribute to our work. There is much to be done, but a great deal of dedicated determination to make it happen.

A handwritten signature in black ink, appearing to read 'Ernest Ryder', with a long horizontal line extending from the bottom of the signature.

Rt Hon. Sir Ernest Ryder

Senior President of Tribunals and
Chair of the Administrative Justice Council

The Council

The Council is the only body with oversight of the administrative justice system in the UK, advising government, including the devolved governments, and the judiciary on the development of that system. It has the following objectives:

- To keep the operation of the administrative justice system under review;
- To consider how to make the administrative justice system more accessible, fair and efficient;
- To advise the Lord Chancellor, other relevant ministers and the judiciary on the development of the administrative justice system;
- To share learning and areas of good practice across the UK;
- To provide a forum for the exchange of information between Government, the judiciary, and those working with users of the administrative justice system;
- To identify areas of the administrative justice system that would benefit from research; and
- To make practical proposals for reform.

The aims, objectives and supporting activity of the AJC can be found in its Business Plan at **Annex A**.

Composition

a) Full Council

The Council is chaired by the Senior President of Tribunals, currently the Rt Hon. Sir Ernest Ryder. Membership of the Council includes senior representatives from members of the judiciary, civil servants concerned with administrative justice, public service ombudsman and other public sector complaint handling bodies, legal professional bodies, non-governmental organisations or groups representing 'users' of administrative justice, academics and other experts in the field of administrative justice, including those from, and working with, devolved administrations.

b) Steering Group

The Steering Group sets the direction and agenda for the Council and acts as an advisory group to the Chair of the Council. The Steering Group consists of a core group from the full Council including the Chairs of each panel. The Steering Group meet quarterly and discuss issues to put forward to the Council for consideration.

c) Pro Bono Panel

The Pro Bono Panel includes five law firms that, through practice, have hands on experience through advising and representing individuals within the administrative justice system. They work in areas such as early advice, ombudsman complaints, social security and asylum support.

The role of the panel is to provide research and advice to the Council and to provide a resource for Council and panel meetings. The panel is chaired by Paul Yates, Head of Pro Bono at Freshfields.

d) Academic Panel

The Academic Panel consists of leading academics in the field of administrative justice from across the UK. The panel identifies and provides research on areas in administrative justice and presents it to the Council. It also organises academic workshops that bring together stakeholders to discuss topics within the system. The panel is co-chaired by Professor Robert Thomas and Dr Naomi Creutzfeldt.

e) Advice Sector Panel

At the Council Meeting in July 2018, it was unanimously agreed that an Advice Sector Panel was required to inform and respond to the work of the Council. When the public are confronted by problems in relations to administrative justice, they most frequently turn to the not-for-profit advice sector. This panel brings together leading organisations providing advice to the public including the Law Centres Network, Citizens Advice, AdviceUK as well as organisations providing advice as part of their service offer. The Panel is chaired by Lindsey Poole, Director of the Advice Services Alliance.

Membership of the panels can be found at **Annex B**.

Meetings of the Council

The full Council meets twice a year; the Steering Group and panels meet quarterly. In addition, workshops, working group meetings and smaller focused groups meet throughout the year. The minutes of all meetings can be found on the AJC website at www.ajc-justice.co.uk.

Secretariat

JUSTICE provides the AJC with an independent, non-partisan and dedicated secretariat function. It also acts as a liaison between ministers, civil servants and the AJC. The Council is funded by the Ministry of Justice and charitable sources.

Overview of the year 2018/19

Under four key themes, the panels have worked on number of projects throughout the year. The **Pro Bono Panel** has worked on two specific projects - a stakeholder engagement survey and a polluter pays proposal. The stakeholder engagement survey aimed to better understand the current and potential capacity of front-line agencies and other advice services to provide online/digital assistance. A report of the findings will be published in the late Autumn 2019. The work on a polluter pays proposal seeks to incentivise better government decision-making by shifting the cost of the hearing from Her Majesty's Courts and Tribunal Service (HMCTS) to the department when the decision was deemed to be prima facie unlawful or in breach of material procedural rules. A working group including relevant stakeholders is testing the feasibility of the proposal and the possibility of running a pilot (without a financial incentive) in a tribunal.

The AJC has also sought to bring together parts of the administrative justice system. This includes the introduction of an **ombudsman and tribunals familiarisation programme** to bring together ombudsman schemes and tribunals. The aim is for two related jurisdictions to have a better understanding of each other's work through observation, shadowing and training with the final outcome of signposting between the two and cross-referral of cases. A working group is overseeing a pilot between the Special Educational Needs and Disability jurisdiction of the First-tier Tribunal (Health, Education and Social Care Chamber) (the SEND tribunal) and the Local Government and Social Care Ombudsman for England.

The **Academic Panel** has organised a series of workshops over the year including administrative decision-making and procedures; tribunals modernisation; ombudsman reform; an academic/practitioner pop-up event; mapping administrative justice in Wales and ombudsman and tribunals familiarisation. The workshops brought together a range of stakeholders to discuss administrative justice issues, form collaborations and share best practice. Funding from the Arts and Humanities Research Council enabled them to host the latter two workshops and further workshops will be organised later in the year.

Being keen to place the user at the centre of its work and research, the **Advice Sector Panel** have been concentrating on first-instance decision-making and lesson learning. Their work over the year has focused on disability benefits and the wider implications of poor decision-making on the individual together with the financial cost to the public purse.

Sir Ernest Ryder provided written and oral evidence to the UK Parliament's Access to justice inquiry in July 2019. His evidence included the AJC's work on tribunals modernisation.

A website was launched in February 2019 to share the work of the AJC, its panels and working groups: www.ajc-justice.co.uk.

Themes and Activity

The AJC produced a business plan at the start of the year which sets out the strategic objectives, aims, activity and outcomes for 2018-2019 (Annex A). Each theme below has been linked to the aims in the business plan and the projects for each section demonstrates the activity which the AJC has undertaken.

1) First Instance Decision-Making

Aim: To strengthen and promote good quality decision-making by public bodies, identifying the costs and assessing the impact of those affected.

Poor government decision-making has been a prime area of concern for the AJC, with all three panels identifying as a priority. The statistics are stark, with, for example, 71% of social security appeals currently being overturned by tribunals (Ministry of Justice, 2019). Such decisions affect millions of people, many of whom are among the poorer in the population.

Taking this into consideration, the panels have considered mechanisms to help incentivise better quality decision-making, through both financial inducements; and by demonstrating the impact of incorrect decisions on the individual and to the government (for disability benefits).

a) Pro Bono Panel

Polluter pays fee

The panel was tasked in June 2018 with “identifying thematic areas in the administrative justice system with a view to improve the quality of access to justice for individuals”. The panel identified six such issues as priorities. Following feedback from the Steering Group and Council in July 2018, the panel decided to combine two of these issues and to undertake research on whether a “polluter pays” mechanism might be one of the ways of improving the incentives to address them. The two issues identified were:

- (a) improving the quality of first-instance decision making, and
- (b) improving state party compliance with tribunal rules and directions.

The panel undertook comparative research and reviewed previous recommendations on the introduction of such a mechanism in the UK, and why these had been unsuccessful. The panel then worked up a proposal, which differs from previous proposals in two ways:

- (a) it is not linked to appeal outcomes, and
- (b) it is formulated as a fee payable to HMCTS rather than as a costs order (its purpose being to reimburse HMCTS for the costs incurred in arranging the appeal).

The fee mechanism is not presented as a “silver bullet” that would on its own solve the issues identified but could be a useful part of a wider attempt to improve both first-instance administrative decision making, and compliance by public bodies with tribunal procedure.

A working group was established to get further feedback on the proposal, including several tribunal judges.

The panel is currently working to operate a “pilot” in two tribunal jurisdictions of a form which could be completed by tribunal judges, with a view to having some results in time to feed back to the next full council meeting in January.

b) Advice Sector Panel

Impact/cost on individual and government proposal

Early on, the Advice Sector Panel identified various administrative justice failures including tribunal representation, digital exclusion from online justice and access to public law advice. They agreed to focus on learning from mistakes in first instance decision making, particularly in relation to the Department of Work and Pensions (DWP).

The Advice Sector will focus on how the DWP can learn from current behaviour to improve their decision-making looking at: 1) the impact on the individual (based in part on case studies); and 2) the financial cost to government.

Research is currently being undertaken for a joint JUSTICE/AJC working party focussed on benefits reform which will include DWP decision-making and incorporate the findings of the Advice Sector Panel.

2) Tribunals Modernisation Programme

Aims

a) To advise on tribunal reform and, in particular, on issues arising out of the £1bn HMCTS Reform Programme of courts and tribunals, so as to ensure that the new tribunal structures better facilitate access to justice for those without legal representation; and

b) To consider impact of modernisation of tribunals on litigants in person

a) Survey – Digitisation – Pro Bono Panel

As more justice systems become digitised as part of the Courts and Tribunals Modernisation Programme, one of the Pro Bono Panel’s areas of concern (in addition to those described above) was the potential impact on access to justice for the digitally excluded and for those most vulnerable in our society. In particular, the Pro Bono Panel wanted to explore issues around the effectiveness of automated triage within the online court systems (so-called “Briggs Stage 1” systems) and the availability and effectiveness of assisted digital support.

The Panel had initially discussed a project designed to gather evidence from appellants who had lodged an appeal online in the Social Security and Child Support Tribunal and who were engaged with tracking their appeals online. However, early investigation into this area showed that there had been insufficient activity online such as to make any meaningful

findings. A second limb to the project, a Digitisation survey, was then discussed and taken forward, with input from and approval of the Steering Committee and full Council.

The aim of the Digitisation survey is to understand the capacity of front-line services to meet demand for digital assistance both now and in the future and to ascertain what, if any, are the barriers preventing meeting demand.

It is well known that many people in our society are digitally excluded for a variety of reasons and online procedures for these individuals present real difficulties. Without assistance, many would be unable to navigate the system which could afford them their rights.

The survey was sent to organisations that may deal with vulnerable individuals facing problems. These included advice agencies, local authorities, libraries, MP surgeries and NHS settings. The questions for the survey were agreed with members of the Advice Sector Panel, the Academic Panel and with input from HMCTS. The survey was sent UK wide to capture regional differences where possible.

There have been over 600 responses to the survey; including 372 are full responses to all questions. The data is now being analysed with the support of the Academic Panel. The early findings appear to indicate that front line services are already at capacity and are struggling to provide an appropriate level of service either digitally or otherwise. Shortage of staff, lack of facilities and skills are cited as the main reasons.

b) Council Meetings

The representation of HMCTS on the AJC has enabled the Council to receive regular updates on the progress of the tribunals modernisation programme including the developments of continuous online resolution and the Asylum and Immigration tribunal pilot. This has given Council members the opportunity to better understand the programme, voice their concerns and provide feedback.

Through Council meetings, the AJC has also gained an insight into Dr. Natalie Byrom's report 'Evaluating the impact of Court and Tribunals reform in England and Wales on the access to and the fairness of the justice system'; and the HMRC Customer Insight Team's evaluation on continuous online resolution in Social Security and Child Support.

c) Academic Panel

In December 2018, the Academic Panel organised a workshop with tribunal judges to discuss current issues of the modernisation programme. The event provided private space for free discussion about modernisation and how it was being put into practice **(p12)**.

3) Ombudsman Landscape and Reform

Aim: To work towards making Ombudsman schemes more accessible, effective and efficient.

Through the life of the Council, ombudsman reform has been at the forefront of our agenda. We have representation from ombudsman schemes across the UK and have used Council meetings as an opportunity to discuss issues affecting the ombudsman sector. Our academics have also been invaluable in highlighting some of the key issues and bringing together stakeholders to discuss some of the current challenges to the sector.

Academic Panel Workshop (January 2019)

The Ombudsman Legislative Reform Roundtable event, organised by Richard Kirkham and jointly supported by the University of Sheffield, the Nuffield Foundation, the AJC and the Ombudsman Association, took place in Sheffield on 18 January 2019. The event brought together leading figures from across the ombudsman community and academia, as well as representatives from public sector providers, the judiciary, and former complainants, to discuss and take forward some of the key principles that should underpin reform of the public services ombudsman schemes covering England/UK Government.

Various challenges were discussed, including the complexity of the complaints maze, the delays in obtaining redress, the frustrations of the process and the deterrence from complaining experienced by many sections of society. A central premise of a universal legal right to complain that should underpin the new legislation was put forward, which would expand the jurisdiction of the ombudsman sector in several aspects, for example to cover school academies.

There was a broad discussion on the need to be more ambitious, for the ombudsman to be seen as a strong part of the democratic process rather than simply a mass complaint-handler, and to equip the ombudsman with the widest set of powers appropriate for an ombudsman scheme, for example through own-initiative powers and a complaints standards authority role, to bring the ombudsman into line with the powers their sister organisations have in Scotland, Wales and Northern Ireland.

A broad debate was also had around the best model to ensure effective oversight, scrutiny and accountability, be that through the traditional corporate sole model or via a statutory board, and the role of Parliamentary Committees in both scrutinising and supporting the work of the ombudsman.

The roundtable concluded that further initiatives and interactions were required to build a broad constituency in support of a more ambitious proposal, as set out in the Manifesto for Ombudsman Reform which will be published in 2020.

4) Ombudsman and Tribunals Familiarisation

Aim: To share learning between ombudsman schemes and tribunals

Working Group

An Ombudsman and Tribunals Familiarisation Working Group was set up in Spring 2019 and met in June and September 2019. The Working Group is exploring how the two sectors can work together more closely, from more effective signposting to encouraging sharing of best practice and learning between the sectors. The Working Group consists of representatives from tribunals, ombudsman schemes, academics, the UK Ministry of Justice, frontline advice and advocacy sector organisations, and the Pro-Bono Panel.

The Working Group also aims to develop pilots that can be shared and rolled out to other jurisdictions, with the main focus to date being on the work undertaken between the Local Government and Social Care Ombudsman for England (LGSCO) and the SEND Tribunal which has culminated in a programme of shadowing and information exchange and an Information sharing protocol.

The Working Group has also provided a forum for further discussions around research into the interactions between the two sectors, of a potential research project to map the different jurisdictions and the journey of a complainant/appellant, and to provide a sounding board for the workshop in October 2019.

Ombudsman Association Conference

In April 2019, our Chair Sir Ernest Ryder gave a presentation at the Ombudsman Association conference where he set out a possible manifesto for change - 1) The ability of administrative courts and tribunals to refer matters that are prima facie maladministration to an ombudsman who can consider them using their own initiative powers; 2) A corresponding power in an ombudsman to refer to the Administrative Appeals Chamber of the Upper Tribunal; 3) A programme of interoperability where judges able to work as ombudsman and vice-versa, including career paths for case workers and case officers; and 4) a strong and single voice for change rooted in what users want. His presentation introduced the idea of ombudsman schemes working with the judiciary to enable a collective administrative justice system. This initiative was explored further in the AJC workshop in October 2019 which brought together ombudsman schemes and tribunal judges, alongside academics and user representatives.

5) Academic Panel workshops

Aims:

a) To bring together key stakeholders in administrative justice; and

b) To promote the work of the AJC

The Academic Panel have organised workshops over the year to bring together stakeholders to discuss key areas of concern in the administrative justice system.

I. Administrative Justice Decision-making and Procedures (November 2018)

In November 2018, the Academic Panel organised a workshop on administrative justice decision-making and procedures. The purpose was to bring together stakeholders and people from different parts of the administrative justice system to share perspectives and approaches and to discuss reform proposals. By drawing together a range of leading participants and prominent stakeholders, the workshop considered a variety of themes across different contexts. Key themes and issues included: tribunals modernisation and reforms; the quality of decision-making and the costs of poor decisions; administrative review systems; the experience of users and non-users; role of ombudsman schemes and their reform; cognitive biases and decision-making; and case-worker competency frameworks.

A report was drafted on the findings of the workshops and can be found at: <https://ajc-justice.co.uk/wp-content/uploads/2019/02/AJC-workshop-report-November-2018-1.pdf>

II. Tribunals Modernisation workshop (December 2018)

The Academic Panel workshop took place in December 2018 and involved members of both the tribunals judiciary and the AJC Academic Panel. It discussed current issues of tribunals modernisation. The idea behind the event was to have some private space for free discussion about tribunals modernisation and how it is being put into practice. There were presentations by Chamber Presidents on tribunals reform in the following tribunals: the Traffic Penalty Tribunal (online dispute resolution); and various chambers of the First-tier and Upper Tribunals including: the Social Entitlement Chamber (on Continuous Online Resolution), the Tax Chamber (video link hearings); Immigration and Asylum Chamber; Property Chamber (cross-jurisdictional working); General Regulatory Chamber; and the Health, Education and Social Care Chamber (tribunal case-workers). There were also wider discussions about the tribunals reform programme.

III. Academic/Practitioner Pop-Up Event (February 2019)

In February 2019, the Academic Panel organised an Academic/Practitioner pop-up event that was hosted at Freshfields. The aim was to bring together practitioners to identify research that is needed in their areas and to give academics the opportunity to follow this up with a conversation and potential collaboration. The panel provided a platform for an exchange of ideas, identifying gaps in knowledge and exploring where academics and practitioners can best help each other and develop collaborations. Seven panellists outlined

areas in their everyday practise that would benefit from research, an independent look, and empirical analysis. After brief presentations of each of the panellists the audience had the opportunity to talk to the practitioners about potential projects in a more informal setting.

IV. Mapping Administrative Justice in Wales (June 2019)

In June 2019, the Academic Panel organised a workshop on mapping administrative justice in Wales, which was held in Manchester. Dr Sarah Nason, Peter Butcher and Ann Sherlock of Bangor University, and Huw Prichard of Cardiff University presented their interactive mapping project (funded by Nuffield) which focuses on housing and education. Dr Sarah Nason gave some background on administrative justice in Wales and highlighted the challenges in identifying administrative justice as a system. The team shared their interactive tool and explained that it had been built around the 'users' issue and the redress mechanisms available. Attendees included academics, practitioners and policy makers. Dr Jackie Gulland of Edinburgh University provided a positive response to the mapping tool and gave some background into the Scottish administrative justice system. The project was well received, and the question arose as to whether a similar mapping exercise should take place in England and across the UK.

V. Ombudsman and Tribunals Familiarisation Workshop (October 2019)

This workshop brought together ombudsman schemes, tribunal judges, academics, civil servants and members of the advice sector. Naomi Creutzfeldt, co-chair of the academic panel, introduced a proposed research project, accompanying the formed pilot projects between ombudsman schemes and tribunals. The SPT outlined his proposed manifesto for ombudsman schemes and tribunals working together based on a series of speeches he gave earlier this year. Richard Kirkham and Naomi Creutzfeldt responded to his manifesto, with a plea for change and more academic involvement. The workshop explored existing models of cooperation (McKenna-Berg Model – developed between the first-tier charity tribunal and the independent complaints reviewer) and gave ombudsman and tribunal judges the opportunity to discuss potential pilots in their jurisdictions, building on what works and also taking into consideration their specific jurisdictions and contexts: Local Government & Social Care Ombudsman (LGSCO) / SEND Tribunal; Housing Ombudsman / Property Chamber; and Parliamentary & Health Service Ombudsman (PHSO) / Social Entitlement Chamber. The participants then discussed the next steps in the case study of the LGSCO/SEND Tribunal pilot. Overall there was great enthusiasm for the planned pilots and both ombudsman and tribunal judges saw the benefit of such a familiarisation.

Finances

Legal Education Foundation - £12,500 per year for two years, grant ends in January 2020

Trust for London - £15,000 for 3 years, ends in November 2020

Ministry of Justice (who gave £15,000 in the first year and have committed £20,000 for the 2018-19 and 2019-20 financial years)

| Expenditure | |
|------------------------|---------|
| Salaries and overheads | £57,433 |
| Travel and Promotion | £225 |
| Website | £4289 |
| | £61,947 |

Academic Panel

The Arts and Humanities Research Council awarded £22,153 to the Academic Panel of the AJC to facilitate workshops four workshops and an end of year conference up until Spring 2020.

The ESRC IAA awarded Professor Robert Thomas, University of Manchester £4160 for two workshops which were held in 2018 (Administrative Justice Decision-making and Procedures and Tribunals modernisation).

Administrative Justice Council - Business Plan 2018-2019

The Business Plan sets out the strategic objectives of the Administrative Justice Council and the activity to meet these objectives for 2018-2019. Each objective falls under our overall principles listed below.

Objectives

The Administrative Justice Council ('the Council') has the following objectives:

- To keep the operation of the administrative justice system under review;
- To consider how to make the administrative justice system more accessible, fair and efficient;
- To advise the Lord Chancellor, other relevant ministers, and the judiciary on the development of the administrative justice system;
- To share learning and areas of good practice across the UK;
- To provide a forum for the exchange of information between Government, the judiciary, ombudsman, academics and those working with users of the administrative justice system;
- To identify areas of the administrative justice system that would benefit from research; and
- To make proposals for reform.

Principles

The Council's purpose will be to help make the administrative justice system increasingly accessible, fair and effective by:

- playing a pivotal role in the development and sharing of good practice;
- promoting understanding, learning and continuous improvement; and
- ensuring that the needs of users are central to the operation and ongoing reform of the system.

| Strategic Objective 1: To keep under review the operation and delivery of the administrative justice system, and to make recommendations for improvements | | | | |
|--|--|---|--------------------|--|
| Aim | Activity | Responsible Body | Target Date | Outcome |
| To bring together key stakeholders in administrative justice to identify problems and propose solutions to the most pressing issues | Identify areas for review and report on possible reforms to improve the system | Pro Bono Panel, Academic Panel, Advice Sector Panel, Steering Group and Council | Ongoing | That grievances would be resolved in a fair, timely, open and proportionate manner, and with a continuous search for improvement at every stage of the process |
| | Engage with groups who represent users of the system to help shape the views of policy makers and influence reform | Council, Pro Bono, Academic Panel, Steering Group, Advice Sector Panel | Ongoing | |
| | Identify and respond to relevant bills, consultations and calls for evidence on administrative justice as appropriate. | Council | Varied | To ensure that the AJC responds and contributes to policy making by adding expert views on proposals |
| | Annual roundtable discussion with relevant stakeholders | Secretariat | July 2019 | |

| Strategic Objective 2: To consider how to make the administrative justice system more accessible, fair and efficient | | | | |
|--|--|---|--------------------------|---|
| Aim | Activity | Responsible Body | Target Date | Outcome |
| To strengthen and promote good quality decision- making by public bodies, identifying the costs and assessing the impact of those affected | Workshop with relevant representatives to discuss and identify key issues | Academic Panel/ administrative decision-making working group | November 2018 | Those taking administrative decisions do so on soundly-based evidence and with regard for the individual needs of those affected |
| | Working group focusing on decision-making and procedures | Academic Panel/ administrative decision-making working group | October 2018 | |
| | Explore a new one-way fee in tribunals, where the state party pays a fixed sum to HMCTS where its original decision is found to have been unlawful and impose stricter rules on state parties to tribunal decision-making | Pro Bono Panel | Report – January 2019 | Cost saving to HMCTS by reimbursing unnecessary proceedings |
| To consider impact of modernisation of tribunals on litigants in person | Monitoring the development and effectiveness by HMCTS and others of “Stage 1” (Briggs) automated triage and information / guidance and research whether users of the new online interface can navigate the system effectively with the assistance available (including “assisted digital”) | Pro Bono Panel/Academic Panel | Report - January 2019 | Litigants are able to navigate and use the system more effectively |

Annex A

| | | | | |
|--|--|--|--|---|
| | <p>Working group on tribunals modernisation</p> <p>Workshop to discuss the modernisation issues with relevant stakeholders</p> | <p>Academic Panel, tribunals modernisation working group</p> <p>Academic Panel/working group</p> | <p>October 2018</p> <p>December 2018</p> | |
| <p>To work towards making Ombudsman schemes more accessible, effective and efficient</p> | <p>Working group on Ombudsman reform</p> <p>Ombudsman reform roundtable event with academics, lead members of the ombudsman profession and policy-makers</p> <p>Keep the draft Public Ombudsman Bill on the government's agenda and contribute to further consultation</p> | <p>Academic Panel/ Ombudsman reform working group</p> <p>Academic Panel/ Ombudsman Reform working group</p> <p>Council, Secretariat, working group</p> | <p>September 2018</p> <p>January 2019</p> <p>Ongoing</p> | <p>Government engagement on the re-introduction of a Public Services Ombudsman Bill</p> |

| Objective 3: To advise the Lord Chancellor, other relevant ministers, and the judiciary on the development of the administrative justice system | | | | |
|--|--|--|-------------------------------|--|
| Aim | Activity | Responsible Body | Target Date | Outcome |
| To advise on tribunal reform and, in particular, on issues arising out of the £1bn HMCTS Reform Programme of courts and tribunals, so as to ensure that the new tribunal structures better facilitate access to justice for those without legal representation | Research and advise on the effectiveness of the online appeals form in the Social Security Tribunal | Council | Draft Report – January 2019 | Advice helps to inform government policy |
| Objective 4: To share learning and areas of good practice across the UK | | | | |
| Aim | Activity | Responsible Bodies | Target Date | Outcome |
| To exchange information with similar oversight bodies, government departments and NGOs | Communication and engagement with Civil and Family Justice Council, NGOs and government departments | Secretariat, Council | Ongoing | An increased awareness of good practice across government and oversight bodies |
| To share areas of best practice across the separate UK jurisdictions | Information sharing across UK devolved administrations To agree arrangements that enable the AJC to operate effectively as a UK wide body | Council | Ongoing September 2018 | Improvements to the administrative justice system across the United Kingdom |
| To share learning between ombudsman schemes and tribunals | Set up a familiarisation programme between Ombudsman and tribunals | Ombudsman Association/working group/Academic Panel | Ongoing | Shared understanding, best practice with potential for cross-referrals |

| Strategic Objective 5: To provide a forum for the exchange of information between government, the judiciary, ombudsmen, academics and those working with users of the administrative justice system | | | | |
|--|--|--|--------------------|---|
| Aim | Activity | Responsible Body | Target Date | Outcome |
| To bring together key stakeholders in administrative justice | Bi-annual Council meetings | Secretariat | Ongoing | Have a broad reach engaging with stakeholders from all parts of the administrative justice system |
| | Workshops and events bringing together key members of the administrative justice system | | Ongoing | |
| To promote the work of the AJC | Sharing the work of the Council with government departments, among the tribunal judiciary, Ombudsman, and in user representative organisations | Secretariat | Ongoing | Increased visibility and transparency of the Council's work |
| Strategic Objective 6: To identify areas of the administrative justice system that would benefit from research | | | | |
| Aim | Activity | Responsible Body | Target Date | Outcome |
| To exchange ideas between the Steering Group, Academic panel, Pro Bono Panel, Advice Sector Panel and the Council | Meetings of the panels, Steering Group and Council | All | Ongoing | Research informs government policy. |
| To carry out research on specific areas of the system and to provide recommendations to improve it. | Academic, Pro Bono Panel and Advice Sector panels present research to the Council for consideration | Academic Panel/Pro Bon Panel/Advice Sector Panel | Ongoing | Increased evidence-based research into how the system could work better. |

Membership

Steering Group

| Name | Role | Organisation |
|---------------------------------|---|--|
| Sir Ernest Ryder (Chair) | Senior President of Tribunals | Judiciary |
| Karen Ashton | Head of Public Law and Human Rights | Law Centres Network |
| Heidi Bancroft | Secretary to the AJC | JUSTICE |
| Claire Blades | Market Development Manager (Legal Services) | Citizens Advice |
| Ray Burningham | Consultant and former CEO to the Administrative Justice and Tribunals Council | |
| Andrea Coomber | Director | JUSTICE |
| Naomi Creutzfeldt | Reader in Socio Legal Studies | Westminster University |
| Donal Galligan | Director | Ombudsman Association |
| Mr Justice Lane | President of the Immigration and Asylum Chamber of the Upper Tribunal | Immigration & Asylum Chamber of the Upper Tribunal |
| Niki Maclean | Director | Scottish Public Services Ombudsman |
| Lindsey Poole | Director | Advice Services Alliance |
| Robert Thomas | Professor of Public Law | University of Manchester |
| Paula Waldron | Head of Administrative Justice | Ministry of Justice |
| Paul Yates | Head of Pro Bono | Freshfields |

Pro Bono Panel

| Name | Role | Organisation |
|---------------------------|-----------------------------------|-------------------------|
| Paul Yates (Chair) | Head of Pro Bono | Freshfields |
| David Boyd | Head of Pro Bono for UK & Ireland | Clifford Chance |
| Marion Edge | Pro Bono Lead UK/UK & EMEA | Herbert Smith Freehills |
| Helen Rogers | Senior Pro Bono Manager | Allen & Overy |
| Diane Sechi | Solicitor | Simmons & Simmons |

Advice Sector Panel

| Name | Role | Organisation |
|------------------------------|---|--|
| Lindsey Poole (Chair) | Director | Advice Services Alliance |
| Karen Ashton | Head of Public Law and Human Rights | Law Centres Network |
| Claire Blades | Market Development Manager (Legal Services) | Citizens Advice |
| Ken Butler | Welfare Benefits and Policy Adviser | Disability Rights UK |
| Kari Gerstheimer | Director of Information and Advice | Royal Mencap Society |
| Jo Hickman | Director | Public Law Project |
| Kevin Higgins | Head of Policy | Advice Northern Ireland |
| Anne Killeen | Head of Casework and Support | Zacchaeus 2000 Trust |
| Andrew Medlock | Deputy Director | Parliamentary and Health Service Ombudsman |
| Chris Minnoch | CEO | Legal Aid Practitioners Group |
| Eileen Pereira | CEO | Support Through Court |
| Michael Reed | Principal Legal Officer | Free Representation Unit |
| Chilli Reid | Executive Director | AdviceUK |
| Diane Sechi | Solicitor | South West London Law Centre |
| Kirsty Thompson | Director | JustRight Scotland |
| Rebecca Wilkie | Programme Director | Litigant in Person Support Strategy |
| Lisa Wintersteiger | Chief Executive | Law for Life |

Retired

| | | |
|-------------------|----------------------------|----------------------------|
| Mathew Cunningham | Business Support Team | Shelter |
| Alan Roberts | Policy Development Manager | National Union of Students |

Academic Panel

| Name | Role | Organisation |
|-------------------------------------|---|---|
| Naomi Creutzfeldt (Co-Chair) | Reader in Socio-Legal Studies | University of Westminster |
| Robert Thomas (Co-Chair) | Professor of Public Law | University of Manchester |
| Abi Adams | Associate Professor in Economics Applied Microeconomics Convenor | Oxford University |
| Luc Altmann | Deputy Head of Insight | Her Majesty's Courts and Tribunals Service |
| David Cowan | Professor Law and Policy | University of Bristol |
| Cris Coxon | Principle Analyst, Access to Justice Analytics Team | Ministry of Justice |
| Margaret Doyle | Research Fellow | University of Essex & UKAJI |
| Helen Fenwick | Professor of Law | Durham University |
| Graham Gee | Professor of Public Law | University of Sheffield |
| Chris Gill | Lecturer in Public Law | University of Glasgow |
| Stephen Hardy | Professor of Law | Coventry University |
| Christopher Hodges | Professor of Justice Systems | Oxford University |
| Richard Kirkham | Senior Lecturer | University of Sheffield |
| Emma Laurie | Associate Professor of Law | Southampton University |
| Grainne McKeever | Professor of Law and Social Justice | Ulster University |
| Tom Mullen | Professor of Law | University of Glasgow |
| Sarah Nason | Lecturer in Administrative Law and Jurisprudence | Bangor University |
| Professor Charlotte O'Brien | | University of York |
| Huw Pritchard | Lecturer in Law | Cardiff University |
| Ann Sherlock | Senior Research Fellow | Bangor University |
| David Southern QC | Director of School of Tax Law | Queen Mary University of London |
| Lindsay Stirton | Professor of Public Law | University of Sussex |
| Brian Thompson | Senior Lecturer in Law | Law School, Liverpool University |
| Joe Tomlinson | Lecturer in Public Law | University of York |

Retired:

| | | |
|----------------------|---------------------------|-------------------------|
| Tamara Hervey | Professor of European Law | University of Sheffield |
|----------------------|---------------------------|-------------------------|

Council

| Name | Role | Organisation |
|---------------------------------|---|--|
| Sir Ernest Ryder (Chair) | Senior President of Tribunals | Judiciary |
| Karen Ashton | Head of Public Law and Community Care | Law Centres Network |
| Claire Blades | Market Development Manager (Legal Services) | Citizens Advice (UK) |
| Ray Burningham | Consultant (former CEO of the Administrative Justice and Tribunals Council) | |
| Ken Butler | Welfare Benefits and Policy Advisor | Disability Rights |
| Dr Natalie Byrom | Director of Research and Learning | Legal Education Foundation |
| Andrea Coomber | Director | Justice |
| Dr Naomi Creutzfeldt | Reader in Socio-Legal Studies | Westminster Law School |
| Rhian Davies Rees | Head | Welsh Tribunals |
| Daniel Flury | Deputy Director | Her Majesty's Courts and Tribunals Service |
| Donal Galligan | Director | Ombudsman Association |
| Tim Gilling | Director | Centre for Public Scrutiny |
| Richard Guyatt | Former Chair | Compulsory Purchase Association |
| Jo Hickman | Director | Public Law Project |
| Clare Irvine | Head of Tribunals & Judiciary Branch | Department of Justice, Northern Ireland |
| Mr Justice Lane | President of the Immigration and Asylum Chamber of the Upper Tribunal | Immigration & Asylum Chamber of the Upper Tribunal |
| Angela MacDonald | Director General for Customer Service | HM Revenue and Customs |
| Niki Maclean | Director | Scottish Public Services Ombudsman |
| Michael Reed | Principal Legal Officer | Free Representation Unit |
| Lucy Scott- Moncrieff | Founding & Managing Director and House of Lords Commissioner for Standards | Scott-Moncrieff |
| Warren Seddon | Director of Insight and Public Affairs | Parliamentary and Health Service Ombudsman |
| Katrin Shaw | Director of Policy, Legal and Governance | Public Service Ombudsman for Wales |
| Caroline Sheppard OBE | Chief Adjudicator | Traffic Penalty Tribunal |
| David Slade | Justice Policy: Constitutional Affairs and Inter-Governmental Relations | Welsh Government |
| Lady Anne Smith | President | Scottish Tribunals |
| Paula Stevenson | Head of Devolved Tribunals | Scottish Government |
| Maurice Sunkin | Professor of Public Law | Administrative Justice Institute |
| Mr Justice Supperstone | Judge in Charge of the Administrative Court | Judiciary |

Annex B

| | | |
|-------------------------|--|--|
| Nicholas Taynton | Deputy Head of Service | Information, Advice and Support Services Network |
| Robert Thomas | Professor of Public Law | University of Manchester |
| Brian Thompson | Senior Lecturer in Law | Liverpool University School of Law |
| Ronan Toal | Barrister | Garden Court Chambers |
| Tom Thomas | Secretary to the Civil Mediation Council | Civil Mediation Council |
| Sir Wyn Williams | President | Welsh Tribunals |

Retired:

| | | |
|-----------------------|--|---|
| Kathryn Stone | Parliamentary Commissioner for Standards | Parliamentary Commissioner for Standards Office |
| Marie Anderson | Ombudsman | Northern Ireland Public Services Ombudsman |
| Richard Mason | Deputy Director for Administrative and Civil Justice | Ministry of Justice |

Ombudsman and Tribunals Familiarisation Programme Working Group

| Name | Role | Organisation |
|-------------------------------|--------------------------------|--|
| Donal Galligan (Chair) | Director | Ombudsman Association |
| Judge Fiona Monk | Regional Employment Judge | Midlands (West) Employment Tribunal, Principal Judge (Strategy & Implementation) |
| Emma Foxhall | Assistant Housing Ombudsman | Housing Ombudsman Service |
| Andrew Medlock | Deputy Director | Parliamentary and Health Ombudsman |
| Sharon Chappell | Deputy Ombudsman | Local Government and Social Care Ombudsman |
| Diane Sechi | Solicitor | Simmons & Simmons |
| Chilli Reid | Executive Director | AdviceUK |
| Dr Naomi Creutzfeldt | Reader, Socio-Legal Studies | Westminster University |
| Ann Sherlock | Senior Research Fellow | Bangor University |
| Richard Kirkham | Senior Lecturer | Sheffield University |
| Brian Thompson | Senior Lecturer in Law | Liverpool University |
| Margaret Doyle | | UK Institute of Administrative Justice |
| Paula Waldron | Head of Administrative Justice | Ministry of Justice |
| Jason Greenwood | Delivery Manager | SEND Tribunal |
| Eileen Pereira | CEO | Support Through Court |

Polluter Pays Working Group

| | | |
|--------------------------------|---|--------------------------------|
| Paul Yates (Chair) | Head of Pro Bono | Freshfields |
| Judge John Aitken | Chamber President Social Entitlement Chamber | Judiciary |
| Dr Natalie Byrom | Director | Legal Education Foundation |
| Richard Guyatt | | Womble Bond Dickenson |
| Judge Mark Loveday | Chair of the Tribunal Procedure Committee Costs Sub-group and Judge of the First Tier Tribunal (Property Chamber) | Judiciary |
| Judge Alison McKenna | Chamber President General Regulatory Chamber | Judiciary |
| Michael Reed | Principle Legal Officer | Free Representation Unit |
| Katrin Shaw | | Welsh Public Service Ombudsman |
| Professor Robert Thomas | Professor of Public Law | University of Manchester |
| Paula Waldron | Head of Administrative Justice | Ministry of Justice |
| Judge David Zucker | Resident Judge, First Tier Tribunal (Immigration and Asylum Chamber) | Judiciary |