

AJC Academic Panel Meeting
19 June 2019, 2.15pm – 4.15pm
Freshfields, Manchester

Attendees	Organisation/University
Robert Thomas (RT)	Manchester University
Naomi Creutzfeldt (NC)	Westminster and Oxford University
Lindsey Poole (LP)	Advice Services Alliance
Sarah Nason (SN)	Bangor University
Ann Sherlock (AS)	Bangor University
Peter Butcher (PS)	Bangor University
Brian Thompson (BT)	Liverpool University
Huw Pritchard (HP)	Cardiff University
Richard Kirkham (RK)	Sheffield University
Jackie Gallard (JG)	Edinburgh University
Javier Oliver (JO)	Manchester University
Engin Saygin (ES)	University of Ankara (visiting Manchester University)
Ray Burningham (RB)	Consultant
Rosemary O'Neill (RO)	The Law Society, Scotland
Kevin Hogan (KH)	Eticlab
Sarah Craig (SC)	Phd Student, Glasgow University
Susannah Paul (SP)	Phd Student, Glasgow University
Heidi Bancroft (HB)	Secretary, Administrative Justice Council
Sally Hunt (SH)	Administrative Justice Council and JUSTICE
Apologies	
Luc Altmann	HMCTS
Emma Laurie	Southampton University
Cris Coxon	MoJ
Abi Adams	LSE
Charlotte O'Brien	University of York
Chris Gill	Glasgow University
Christopher Hodges	Oxford University
David Cowan	University of Bristol
Graham Gee	University of Sheffield
Grianne McKeever	Ulster University
Helen Fenwick	Durham Law School
Joe Tomlinson	Kings College London
Lindsey Stirton	University of Sussex
Margaret Doyle	UK AJI
Stephen Hardy	Coventry University
Tom Mullen	Glasgow University

1. Introductions and Welcome

RT thanked and welcomed attendees.

2. Administrative Justice Council – An Overview

Heidi Bancroft, Secretary to the AJC, gave attendees some background to the Council, which has been running for just over a year. She explained that there were three Panels – Academic, Advice Sector and Pro Bono. Each Panel met regularly to identify issues within administrative justice and potential project ideas. She gave a summary on each of the panel's projects:

- The Pro Bono panel were focusing on two areas – a polluter pays principle and a stakeholder engagement survey;
- The Advice Sector panel were in the early stages of putting together a portfolio of case studies to illustrate how poor first instance decision-making impacts on the lives of individuals, together with costings to show the financial implications on the State;
- An ombudsman and tribunals familiarisation working group had also been set up, with the aim of the two sectors gaining greater insight into each other's work. It is envisaged that this working group will host an academic workshop in the autumn.

3. Future areas of work

Naomi Creutzfeldt (NC) informed attendees that the panel had received funding from the Arts and Humanities Research Council (AHRC) for a series of workshops over the year. The first workshop was the one held that morning and the next one would be in October on Ombudsman and Tribunals Familiarisation. She welcomed suggestions for the third topic. She hoped that the AJC could help build a community of administrative justice scholars who would engage with stakeholders and assist with areas of research that had been identified. There were real opportunities for research and data collection and analysis for projects, for example with the ombudsman and tribunals familiarisation project.

RT confirmed that it would be beneficial for academics to encourage post doctorates and students to become involved in research. On the topic of workshops, he suggested an area that may be of interest to the advice sector, and he welcomed input from LP, was on the knowledge gaps that lay in the advice sector. LP responded by highlighting the current radical change, which was digitisation, and the positive and negative impacts that was having on the sector. She also emphasized that previous, standalone research done within the sector was not always well documented and was sometimes difficult to find.

Action: 1) Members to suggest a topic/theme for the third AJC workshop; and 2) Academics to speak to RT, NC or HB about their research work which may be of interest to the AJC.

4. Potential Areas of Research

RT opened up the discussion, asking for upcoming areas within the administrative justice forum which would benefit from research.

Possible Areas for Future Research: -

- Dispute resolution and how it fitted into the administrative justice system;

- The Complaints Standards Authority Role and regulation of Ombudsmen;
- The implications of the disappearance of the Social Fund and the Social Fund Commissioner, an organisation set up to make emergency payments to those fleeing domestic violence or care. There was a discussion about local authorities, outsourcing and privatisation;
- A Comparative geographical workshop. JO offered to provide HB with eight students he believed would be interested in assisting with further research;
- How the current court closure programmes were affecting access to justice – leaving members of the public struggling to get to court hearings. Data collection here would be useful and could be used to force change. There was a discussion on the impact of digitisation and the research carried out by UCL into the area of the provision of digital assistance; and
- The area of algorithms and artificial intelligence and their use in decision-making in immigration and the worry that discrimination will be built into any system.

5. First Instance Decision Making

RT led a discussion on first instance decision-making. He gave an overview of his research on asylum and immigration judicial reviews which was funded by Nuffield. He was looking at judicial reviews for immigration cases with an emphasis on people who were wrongfully refused. It was clear that decision-making was variable at best, and that standards had collapsed in recent times. He emphasized that polluter pays mechanism (being explored by the Pro Bono Panel) could be one of the mechanisms to improve the quality of decisions. The idea was that there would be a fee if the decision was found to be unlawful. At the working group meeting, they discussed whether a pilot could be carried out in a tribunal but they were informed by tribunal judges that there were already systems in place in the different tribunals. For example, a triage mechanism was being employed by Social Security and Child Support tribunals, whereby cases were scanned, and if the original decision is deemed so poor a hearing is not necessary, they were removed from the caseload.

JG reported that Scotland was taking a different approach to deal with poor quality decision-making. There had been a huge effort to have consultation with potential beneficiaries and interest groups. New Scottish laws regarding disability benefits were to be implemented which would focus on the principles of dignity and respect. There should be an emphasis on how these would be applied and costed. She suggested a comparative look at different geographical approaches to first instance decision making.

LP mentioned that she and HB had met with the Behavioural Insights Team (BIT) regarding the subject of changing behaviours in first instance decision-making at the DWP. The BIT was very keen to be involved in this work, but the problem would be gaining buy-in from the DWP. She thought that they could be brought on board, however, by illustrating to them that they are building up future problems for themselves by ignoring the current feedback, or by putting an incorrect decision into economic terms which may be of interest to the National Audit Office or the Treasury. This was the area that the Advice Sector were interested in taking forward.



RT closed the meeting and thanked everyone for attending.