

**AJC Academic Panel Meeting**  
**11 October 2019, 2.15pm – 4pm**  
**Simmons & Simmons, London**

<b>Attendees</b>	<b>Organisation/University</b>
Robert Thomas (RT)	Manchester University
Naomi Creutzfeldt (NC)	Westminster University
Luc Altmann (LA)	HMCTS
Cris Coxon (CC)	MoJ
Ann Sherlock (AS)	Bangor University
Brian Thompson (BT)	Liverpool University
Richard Kirkham (RK)	Sheffield University
Margaret Doyle (MD)	Essex University
Nick O'Brien (NB)	University of Liverpool
Libby Wright (LW)	HMCTS
Lindsay Stirton (LS)	University of Sussex
Alex Walters (AW)	JUSTICE
Ellen Lefley (EL)	JUSTICE
Diane Sechi (DS)	Simmons & Simmons
Joe Tomlinson (JT)	University of York
Chris Hodges (CH)	Oxford University
Heidi Bancroft (HB)	Secretary, Administrative Justice Council
Sally Hunt (SH)	Administrative Justice Council and JUSTICE
<b>Apologies</b>	
Huw Pritchard	Cardiff University
David Southern QC	Queen Mary University of London
Emma Laurie	Southampton University
Grainne McKeever	Ulster University
Abi Adams	Oxford University
Tom Mullen	University of Glasgow

**1. Welcome and Introductions**

NC and RT welcomed all attendees.

**2. Workshops**

***Mapping administrative justice in Wales workshop*** - AS gave a brief overview and update on the mapping research she, Sarah Nason and Huw Pritchard had undertaken, and which had been the subject of the Academic Panel's workshop held in Manchester in June. Their original idea had been to illustrate to policy makers the complexity of the current system, but after they had achieved that, they believed the map itself could be a useful interactive tool for users. The team had recently presented their work to the Alliance of Independent Advice Providers, and the next stage would be to trial the map. AS explained that they were awaiting the outcome of the Welsh Justice Commission report on which was due to be produced on 24 October 2019. Sarah Nason would be giving a further update at the AJC Council meeting at the end of January.

***Ombudsman and Tribunals Familiarisation Workshop*** – RK found the discussions fascinating, the workshop had provided an invaluable opportunity to get representatives from both sides talking to each other. RT hoped that it would provide a basis for research and subsequent data to work with. There was a discussion around the benefits of involving other organisations such as regulators and inspectors, as well as first-instance decision makers.

***Topics for future workshops*** – NC explained that funding was available for two further workshops, and a final conference. A report would be produced from any workshop held.

One suggestion had been to hold an event immediately following the Council meeting on 31 January in Edinburgh.

Topics suggested –

- Human rights and administrative justice: BT agreed to scope around this subject and report back to the Panel;
- The role of Scottish Public Services Ombudsman scheme, looking at complaints systems and the Complaints Standards Authority role; and
- Housing – new regulatory systems.

It was noted that work had recently been done by the Law Commission on internal review systems and by the Equalities and Human Rights Commission (EHRC) on human rights and administrative justice in their human rights manual.

BT offered to lead on a workshop on one of these topics and HB would provide him with assistance.

**Action:** BT to scope around human rights and administrative justice with a view to a future workshop

### **3. Manifesto for Change – Richard Kirkham**

RK gave some background on the Ombudsman Reform workshop in January. A series of papers had been presented by academics and they would be written up in a book - Ombudsman Manifesto for Ombudsman Reform. It will be published next February and there would be a book launch event.

### **4. Update on evaluation of continuous online resolution (COR) – Luc Altmann, HMCTS**

LA explained that this was the process by which Social Security and Child Support appellants could resolve their appeal without attending a face-to-face hearing. The evaluation applied to personal independence payments (PIP) applications only. They were midway through the process, wherein they were aiming for 250 appellants. An interim report would be produced by the end of October, and LA would circulate to the Panel in November. The fieldwork would be finished by the end of November, and a draft report available early in the New Year with formal publication to follow.

LA reported that they have had some very positive feedback so far, particularly from users who did not want to attend a hearing. Delving deeper, there was more work to be done to understand any issues relating to access to justice. Discussions evolved around the distinctive design of the interface to ensure a clear distinction between Department for Work and Pensions and the tribunal, and on capturing feedback on procedural justice points not just user

satisfaction. LA confirmed that appellants would be able to ask for a face-to-face hearing if they do not get their preferred outcome.

LA further reported on a project being undertaken by the data science team to examine judges' summary decision notices. It involved taking a sample of a few thousand such notices and extracting data from them to provide quantitative information.

LA also reported on a special tribunals project which would include areas such as mental health, tax, SEND and employment. Reform would start in new year until 2022. They would welcome academic involvement and would send more information when they had decided which jurisdictions to start with.

**Action:** LA to forward report on evaluation of COR to Panel.

## 5. 'Reimagining Administrative Justice' – Margaret Doyle and Nick O'Brien

Margaret Doyle (MD) and Nick O'Brien (NB) gave background on their new publication, [Reimagining Administrative Justice: Human rights in small places](#) (Palgrave Pivot 2019), explaining that the aim was to examine administrative justice through a different lens and to highlight the alliance between administrative justice and human rights. They noted that many of the areas explored in the book overlap with priority areas identified by the Academic Panel of the AJC. A summary was provided in the [paper](#), which was circulated to attendees in advance.

The book examines the relationship between individuals and the state, primarily looking at the English landscape, as this was where reform was most needed, but drawing on the approach taken by devolved administrations. It noted the social rights aspects of recent tragedies such as Grenfell and Windrush and the failure of the administrative justice 'system' to engage with these aspects.

The book attempted a radical re-think, but many of its proposals did not require legislative change but a willingness to move beyond the limitations of legalism and new public management and embrace more deliberative and meaningful practices.

## 6. 'Delivering Dispute Resolution' – Professor Chris Hodges

Chris Hodges (CH) explained that his new book attempted to take a holistic view of current dispute resolution systems in England and Wales. A summary was circulated as a [paper](#). The analysis concluded that the adversarial model failed to deliver justice to most people and businesses.

The areas he had focused on included consumer disputes, property, family, employment, SME's, commercial and claims against the state. He had looked at three issues:

- a) How do people identify and access information, advice, support and assistance in solving their problems?
- b) How to ensure that dispute resolution pathways are simple, effective and cost-effective and deliver justice to people and organisations? A comparison of various developments in online systems (Court, Tribunal, Ombuds, citizen platforms, redress schemes) showed that there were many similarities. However, there was a need to make it easier for people to identify and access what can sometimes be a confusing number of options.

- c) How to identify systemic problems, and address them so as to reduce future risk of recurrence? Some sectors that contained regulatory authorities and Ombuds circulating data were good at identifying data, feeding it back, and driving interventions to improve behaviour and culture.

Discussions ensued around possible next stages and research opportunities. CH confirmed that he had discussed mapping the advice service landscape with Lindsey Poole (Director, Advice Services Alliance and Chair of AJC Advice Sector Panel). CH believed that mapping should form part of a lobbying effort to show how justice was not being delivered, and was also a useful tool in highlighting gaps in the system that urgently needed reforming. For example, the powers of ombudsman schemes and the absence of regulators overseeing government departments.

#### **7. Update on MoJ Legal Support Action Plan – Cris Coxon, MoJ (not on Agenda)**

CC explained that following LASPO, the MoJ had acknowledged that there were gaps in legal aid advice, and they were taking a wider look at the area with a view to encouraging earlier problem resolution. The six main workstreams were listed on the circulated [factsheet](#). The MoJ were currently agreeing budgets and timelines for this work, and information gathered would be presented to the Treasury to facilitate funding. CC is looking for feedback from the Panel, specifically on awareness on public legal education signposting services and identifying gaps in the system. He asked the panel to look at the paper and come back with questions.

**Action:** Panel members to provide feedback to CC.

#### **8. Outsourcing in Administrative Justice – Professor Robert Thomas**

RT was researching outsourcing in administrative justice and would circulate a paper.

**Action:** RT to circulate paper.

#### **9. AOB**

None.