

AJC Advice Sector Panel Meeting

14:00 -16:00, Tuesday 17<sup>th</sup> September

PHSO, Millbank Tower, Westminster, London, SW1P 4QP

**Minutes**

<b>Attendees</b>	<b>Organisation</b>
Lindsey Poole (LP) (Chair)	Advice Services Alliance
Karen Ashton (KA)	Central England Law Centres
Claire Blades (CB)	Citizens Advice
Kari Gerstheimer (KG)	Mencap (by telephone)
Anne Killeen (AK)	Z2K
Chilli Reid (CR)	AdviceUK (by telephone)
Diane Sechi (DS)	Simmons & Simmons
Lisa Wintersteiger (LW)	Law for Life
Sarah Lomri (SL)	Public Law Project
Chris Minnoch (CM)	Legal Aid Practitioners Group (by telephone)
Linda Tomlinson (LT)	Parliamentary and Health Service Ombudsman
Paul Yates (PY)	Freshfields
Robert Thomas (RT)	University of Manchester (by telephone)
Alex Walters (AW)	JUSTICE
Jane Collier (JC)	JUSTICE
Heidi Bancroft (HB)	Secretary to the AJC, JUSTICE
Sally Hunt (SH)	JUSTICE
<b>Apologies</b>	<b>Organisation</b>
Ken Butler	Disability Rights UK
Andrew Medlock	Parliamentary and Health Service Ombudsman
Eileen Pereira	The PSU
Kirsty Thomson	JustRight Scotland
Rebecca Wilkie	Access to Justice Foundation
Alice Webb	ASA Project

**1. Welcome and Introduction**

LP welcomed the members and guests to the meeting.

**2. Minutes of the last meeting**

HB went through the action points arising out of the Panel's last meeting.

All items were completed or ongoing. She welcomed more case studies from members.

The minutes were approved.

### 3. Chair update

LP gave an update since the panel's last meeting:

- a) Council meeting - there was an interesting presentation from Dr Natalie Byrom from the Legal Education Foundation on evaluating the impact of the courts and tribunals modernisation programme.

The three themes the Council continued to concentrate on were first-instance decision-making; tribunal modernisation; and Ombudsman reform. The next full Council Meeting was scheduled for 31 January 2020.

- b) The Department for Work and Pensions had been awarded £36m in the latest funding round. Further details had not been released but LP welcomed additional information from members. It was agreed that the Council could write directly to the DWP to ask a) what their intentions were; and b) whether they would come and speak to the AJC about their plans.
- c) Academic Panel – RT gave a short update on the Panel's workshops following funding from the Arts and Humanities Research Council. They had a successful workshop in Manchester in June, where Sarah Nason of Bangor University presented her team's work on mapping administrative justice in Wales. This was part of a wider effort to make administrative justice more structured and coherent. A workshop on Tribunals and Ombudsman familiarisation would take place in October. HB would circulate the details.
- d) Annual Report – LP confirmed she had been asked to provide a small contribution on the work of the Advice Sector Panel over the past year. Members to contact her if they had specific items they wanted mentioned in the Report.

**Actions:** 1) HB to send a letter on behalf of the AJC to the DWP regarding the recent additional funding; 2) HB to distribute details of the forthcoming Academic Panel workshop; 3) Panel members to contact LP if they would like specific items to be included in the Annual Report by Friday 27<sup>th</sup> September.

### 4. Update on Complaints Standard Framework, Linda Tomlinson of Parliamentary and Health Services Ombudsman (PHSO)

LT outlined the background of the three-year strategy, which was launched in 2018, to support, help and improve frontline complaint handling. Their initial research had shown that complaint handlers felt undervalued, unsupported and in need of training. To that end, PHSO had been working together with the NHS to build a single voice on what good complaints handling looked like, and it was indicated that the first draft should be ready within weeks.

Linda confirmed that they are keen to get the voice of the advice sector heard within the work, and that the panel would be invited to upcoming workshops. LT would provide further contact details and the workshop information to HB. CR agreed to circulate details to his members. Discussions also included the issue of lesson learning and systemic issues, including those learnt

by organisations from their complaints. It was agreed that this issue would be discussed in a separate panel meeting.

**Actions:** 1) LT to provide further information to HB; and 2) HB to send out information to Panel members; 3) CR to circulate details to his members and 4) Session on lesson learning to be arranged for a future meeting.

#### **5. Update on Polluter Pays by Paul Yates, Chair of AJC Pro Bono Panel**

PY gave an update on the polluter pays project, which had two live strands: the Asylum Support Tribunal and SEND tribunal. The proposal was for a pilot (without a financial incentive) to run for four weeks at one of the two suggested tribunals.

There was a discussion on the pilot being tested in alternative tribunals including the Social Security Child Support Tribunal. It was noted that 'no one size fits all' and that different tribunals had different sift mechanisms in place, although flawed decisions were still getting through to trial.

The issue of mandatory reconsideration by the DWP was discussed and members reported that DWP continued to call appellants to offer 'deals', sometimes with very short windows for the appellants to accept/decline. Appellants were accepting a lower amount rather than go through the whole appeals process. Panel members were keen to do more research into this area. LW confirmed that Law for Life have been looking into this area, there was a 'live' survey and that a report is due out imminently. A briefing was requested from LW including information on what additional evidence was required from the Panel. The Public Law Project had also been looking at this area and were happy to share their work.

**Action:** LW to provide more information on Law for Life's report to Panel.

#### **6. Update on Stakeholder Survey by Diane Sechi, AJC Pro Bono Panel**

DS briefly explained the background to the survey - on the back of the UK-wide programme of digital assistance and court modernisation, the Pro Bono Panel had wanted to see whether frontline agencies were equipped to help the public with their online applications and appeals. The survey closed at the end of June, and 688 responses were received, 384 of which were full responses. DS hoped to have a report ready in the autumn.

An update on HMCTS Assisted Digital pilot was due soon. There was concern that the design of the pilot meant that legal advice and support would be excluded, and this was desperately needed.

#### **7. First-instance decision-making report**

HB presented a proposal for the AJC and JUSTICE to work together on a report into benefits reform. JUSTICE had been investigating the area of disability benefits reform for their next working party report and this could be a potential opportunity to combine resources. Should the Panel agree, JUSTICE would produce the final report, with members of the panel participating in the working party. The Advice Sector Panel's project on DWP lesson learning would be incorporated in the final report.

Alex Walters, the JUSTICE lawyer set out the intended membership, timescales and frequency of meetings.

The strengths of JUSTICE were noted including that their recommendations were seen as neutral, impartial and well respected, however, it was questioned about whether it could challenge unlawful behaviour, for example DWP decision-making. It was agreed that the preliminary work was essential and needed careful consideration so that the resulting report would not be too broad. It was noted that there could also be sub-groups for those who wanted to be involved but were unable to commit to the working party itself.

Suggestions were made for economists for the financial aspect of the project. PY agreed to look at in-house options at Freshfields.

#### **8. 'Getting it right the first time' Report, by Evan Odell of Disability Rights UK**

LP introduced Evan Odell's paper, who was unable to attend the meeting. There were positive discussions around Evan's proposal to compensate the appellant directly which meant fairness in remedy terms although those making the decisions were not impacted by the compensation. Any further comments to be sent to HB.

**Actions:** 1) LP to report back to the Panel regarding her meeting with Oxford University; 2) PY to explore in-house possibilities for a pro bono economist; and 3) Panel members to provide feedback on Evan's paper to HB/SH.

#### **9. Membership (representative groups)**

With an emphasis on BAME groups, there was a keenness to have community groups represented on the Panel. This was made difficult by the ongoing issues of time pressures and lack of funding faced by such groups. Suggestions to be forwarded to LP or HB.

**Action:** Recommendations of BAME/community groups to be sent to HB/LP.

#### **10. AOB**

LP highlighted that Advice Services Alliance were considering holding a national conference in March 2020 in Manchester, to mark their 40<sup>th</sup> anniversary. She welcomed suggestions for venues, workshops from the panel and key speakers.

**Action:** Members to forward suggestions for the Advice Services Alliance conference to LP.