



**Administrative Justice Council**  
**Annual Report**  
**2020-2021**

## Contents

Foreword by Sir Ernest Ryder, Chair of the AJC .....	3
Aims and Objectives .....	5
Themes and Activity .....	6
First Instance Decision-making.....	6
Tribunals Modernisation.....	7
Ombudsman Reform .....	8
The relationship between the tribunals and ombudsman schemes .....	10
Areas of the administrative justice system that would benefit from research .....	10
Communications and Outreach .....	14
Finances .....	15
Composition.....	17
Membership.....	18

## Foreword by Sir Ernest Ryder, Chair of the AJC

This is my final report as Chair to the Administrative Justice Council (AJC). I retired as Senior President of Tribunals in 2020 and was succeeded in that office by Sir Keith Lindblom. I am delighted that Sir Keith has agreed to assume responsibility for the AJC and I leave both him and the Council with my warmest wishes for the future.



This is the second annual report of the AJC since its creation in 2018 and it covers the period from early 2020 to the present. It will come as no surprise that the last year has been dominated by the impact of the pandemic. Our focus has been centred around barriers to accessing justice for users of the system; but also on delivering justice at a time when the Courts and Tribunals Modernisation Programme has rapidly accelerated as a result of the pandemic. The impact on those who operate within our systems - courts and tribunals, advice providers, ombudsman schemes and Government Departments has been demonstrable.

Council meetings over the year have focussed on this impact and members have shared their experiences on how they are getting up to speed on using new technology; reducing backlogs of cases; accessing and providing advice to hard-to-reach groups; and the challenges of using remote channels to deliver justice. Members have shared good practice on what has worked well and highlighted challenges they face. As the pandemic was emerging, we organised a webinar to hear from the different sectors and HMCTS on how they were adapting to the changes. This topic has been at the forefront of our agenda over the past year and will continue to be until the administrative justice system returns to some form of (changed) normality.

We have attempted to turn the challenges of COVID into positive outcomes and our work has continued to progress throughout the reporting period. While the Polluter Pay and Tribunals and Ombudsman Familiarisation projects have slowed down, we have picked up new and timely projects and continued our aim of promoting fairness, accessibility and efficiency in administrative justice at a time when it is needed the most. Evidence-based research has been at the forefront of our work and three reports were published this year – Social Welfare Provision During the Pandemic; Access to social welfare advice in a hospital setting: integration of services; and Reforming Benefits Decision-making; with a further two to follow later in the year. A special thank you to Dr. Naomi Creutzfeldt at Westminster University and Diane Sechi, Simmons & Simmons for the creation of the first of these timely reports; and to Lord Low of Dalston and Stephanie Needleman at JUSTICE for their work on Reforming Benefits Decision-making.

I am particularly pleased that we were able to turn our efforts to public engagement events throughout the year. Topics have ranged from human rights and administrative justice to the Windrush Compensation Scheme and this has provided us with the opportunity to engage with a wide range of stakeholders from across the system. Our newsletter has proved particularly popular in reaching out to the wider community.

It has been a challenging but productive year and I would like to take this opportunity to express my gratitude to all those who have contributed to our work. Now more than ever, the AJC's existence is key to helping vulnerable users of our systems who are becoming more isolated by the social and technological impacts we have identified. A huge thank you to JUSTICE for providing the Secretariat and driving the work of the AJC forward; the Chairs of the Panels and working groups for identifying and leading priority areas; our members for their ongoing contribution and, most importantly, our funders who have made the work of the AJC possible.

I wish the AJC the very best of luck with its future endeavours and look forward to hearing about its future successes over the coming years.

A handwritten signature in black ink, appearing to read 'Ernest Ryder', with a long horizontal line drawn underneath it.

Rt. Hon. Sir Ernest Ryder

Chair of the Administrative Justice Council

## Aims and Objectives

Set up in March 2018, the Administrative Justice Council (“the Council”, AJC) 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 AJC’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;
- ensuring that the needs of users are central.

### Membership

For the reporting period, the Council was chaired by the Right Honourable Sir Ernest Ryder, the former Senior President of Tribunals. 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, groups representing ‘users’ of administrative justice, academics and other experts in the field of administrative justice, including those from, and working with, devolved administrations.

A ‘Steering Group’ of core members oversees and guides the work of the Council. It is also advised by an academic panel, a pro bono panel and an advice sector panel.

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.

The aims, objectives and supporting activity of the AJC can be found in our [Business Plan](#). The composition of the Council and its membership can be found at Appendix A.

## Themes and Activity

The AJC updated its Business Plan at the start of the year setting out its strategic objectives, aims, activity and outcomes for 2020-2023. Over the reporting period 2020-2021, we have focused on four key themes: 1) The improvement of first instance administrative decision-making; 2) The impact of the courts and tribunals modernisation programme; 3) The impact of ombudsman reform; and 4) The relationship between the tribunals and ombudsmen. In addition, we have looked at the areas of administrative justice that would benefit from research and how to raise awareness of both our work and work across the administrative justice landscape. These themes all fall under our strategic objectives and the projects detailed below demonstrate the activity undertaken by the AJC over the reporting period.

### First Instance Decision-making

Under our objective “considering how to make the administrative justice system more accessible, fair and efficient”, one of our aims is “to strengthen and promote good quality decision-making by public bodies, identifying the costs and assessing the impact of those affected”. Poor quality decision-making by public bodies is a concern to the AJC and has been one of our key areas of focus over the life of the AJC. The Department of Work and Pensions (DWP), in particular, has attracted our attention when it comes to making benefits decisions. Tribunal overturn rates remain high, despite internal improvements at the mandatory reconsideration stage, with the following average overturn rates for the first three quarters of 2020/21 (April 2020-December 2020): Universal Credit - 63%; Personal Independence Payments - 76%; and Employment Support Allowance - 75%<sup>1</sup>. We have undertaken two projects to help improve the quality of DWP decision-making - a) a joint AJC/JUSTICE Reforming Benefits Decision-making working party; and b) a lesson learning project that outlines the financial benefits to the government by getting disability benefits decisions right the first time.

#### **a) Benefits Reform Working Party**

The joint AJC/JUSTICE working party is chaired by Lord Low of Dalston CBE, with corporate partners Weil, Gotshal & Manges LLP and BlackRock. The benefits system forms a huge part of the administrative justice landscape in the UK, yet there continues to be numerous issues with it. The focus of our working party has been on administrative and procedural reforms that aim to help improve initial decision-making and ensure routes of redress to remedy wrongly made decisions are effective, fair and efficient. A crucial part of this is making sure that claimants have access to clear information about these processes as well as specialist advice and assistance where required.

The working party has now concluded, having agreed its recommendations at a meeting in February and through subsequent email discussion. In this final stage we have had useful input from the DWP regarding its own reform proposals and how our ideas sit alongside these, as well as information on processes that has informed the working party’s thinking. Recommendations cover improvements to medical assessments, initial interviews and sanction processes; direct appeal to the tribunal but with mandatory review by DWP upon filing and better notification of the appeal process; a portal operated by DWP and which signposts to advice and support services; simple and accessible information on appealing; early legal help and co-location of legal advice with other support services. The [report](#) was published on 8 July 2021.

---

<sup>1</sup> HMCTS, Tribunal Statistics Quarterly: October to December 2020 Main Tables SSCS\_3  
<https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-october-to-december-2020>

## **b) DWP lesson learning project**

The Advice Sector Panel is continuing to progress the work on the DWP decision making for people claiming disability benefits. Having identified the problem (many Social Security Appeal Tribunals held where they over-turned both the original decision and the Mandatory Case Review decision), we have explored various ways to demonstrate the need to make better First Instance Decisions and hence avoid the need for any reviews or tribunals. We were delighted to be accepted as a project by Pro Bono Economics and have worked with their team over the past year to identify the key costs of the incorrect first instance decisions to the Government Departments, to the claimant personally and to others closely associated with them (for example, a housing provider). Using case studies drawn from the group, Pro Bono Economics are developing our understanding of how incorrect decisions cost the government by people needing to access additional services as a result of the negative decision. The report is due in the summer of 2021.

### **Tribunals Modernisation**

One of the AJC's aims is to consider the impact of the modernisation of tribunals on users of the system; and the capacity of those providing advice and support to assist digitally excluded appellants. To this end, the AJC published two reports – the first looking at the capacity of frontline organisations to assist people with digital appeal processes; and the second to look at social welfare advice provision during the pandemic.

#### **a) Digitisation and Accessing Justice in the Community**

An initial survey was carried out by the pro bono panel between March and July 2019 of front-line advice services across the UK. This was before the pandemic and the sudden shift to remote working and the reliance on digital technology for most communication.

The aim of the survey was to better understand how the move to a digital justice system under the Court and Tribunal Modernisation Programme would impact the advice sector. Specifically, the survey sought to interrogate the issue of digitisation and the ability and capacity of the sector to deliver integrated advice and digital services to those digitally excluded. At the time of sending out the survey, HMCTS were committed to delivering digital assistance but this was not to include legal advice or other support to resolve a problem. The concern behind the survey was the emphasis by HMCTS on digital processes rather than an integrated approach including the delivery of advice. The survey was sent to the well-known advice agencies together with other bodies responsible for delivering advice to the public. The survey received 346 responses and the data was analysed and produced in a report published in April 2020: [‘Digitisation And Accessing Justice within the Community’](#).

The survey produced many findings but the four key findings from the respondent organisations were:

1. There is a high need for digital assistance. The evidence found that between 35%-50% of service users would require digital assistance and support to access a digital justice system.
2. Barriers were preventing front line advice providers from meeting demand for digital assistance. These barriers included: lack of staff; lack of IT equipment; time constraints; lack of space; lack of specialist knowledge and other priorities. Due to these barriers, 34.4% organisations stated being unable to meet demand and of these 29% reported being completely unable to offer any digital assistance. A further 33% said that they were struggling to meet demand with only 5% reporting that they were able to meet demand.

3. Lack of funding was preventing advice agencies from being able to scale up in terms of offering digital assistance together with essential face to face advice. Of particular note was the need for funding to retain specialist advisors and also funding to train new specialist advisors.
4. Respondent organisations were unable to meet demand for services across all levels of social welfare law. The evidence showed that the request for advice and assistance in social welfare law outstripped capacity and services were having to turn people away.

Recommendations were made on these key findings. However, by the time of publication, the pandemic had hit advancing the need for digital services and accelerating the digitisation of the justice system. The pandemic would therefore test many of these findings and evidence whether these organisational concerns would come to light. A follow up survey ‘Welfare Benefit Advice During the Pandemic’ was carried out by the advice sector panel of the Administrative Justice Council to assess how the advice sector landscape had responded in light of the findings in the Digitisation report.

#### **b) Welfare Benefit Advice During the Pandemic report**

The second survey (Pandemic survey) was issued to ascertain the impact of this unanticipated transformation of the sector in light of the pandemic.

The results presented a contrast with the earlier Digitisation report. While the Digitisation survey suggested that many providers were deeply concerned about lack of preparedness for coping with the digitisation of the courts and advice, the Pandemic survey suggested a greater level of preparedness and that respondents were proud of how they had coped with adapting to remote provision during the pandemic. However, it was notable that systemic problems were prevalent and issues relating to funding, training, and digital literacy were common across the respondents.

The [report](#), which was published in March 2021, concluded with four recommendations which were made to the Ministry of Justice: 1) Comprehensive support must be provided to the advice sector; 2) Ensure proper funding for advice providers; 3) Develop a hybrid system within a setting to cater for all clients’ needs; and 4) Further research into best practices in the sector.

#### Digitisation and the impact of COVID-19 on Tribunals

In response to the pandemic, the AJC hosted a webinar in July 2020 on the tribunal’s response to the COVID-19 pandemic and how effectively they were operating due to the rapid acceleration of the modernisation programme. The webinar focused on three jurisdictions: Employment; Property; and Special Educational Needs and Disability. See p 11 for more details.

#### Ombudsman Reform

Another aim of the AJC is to work towards making Ombudsman schemes more accessible, effective and efficient. The Council has good representation from public services ombudsman schemes across the UK and we have provided a platform for ombudsman schemes to share best practice across jurisdictions. We have developed projects which look to improve the accessibility of ombudsman schemes; and raised awareness of the need for own initiative powers (across all UK jurisdictions) so ombudsman can have increased powers to investigate systemic maladministration. We held a webinar to discuss these issues and have commenced two new projects as set out below.

##### a) Webinar on ombudsman reform

In January 2021, a webinar on ombudsman reform was hosted by the Academic Panel to consider how ombudsman schemes can be further empowered to advance accountable government. Chaired by



Professor Naomi Creutzfeldt, and following on from the publication of A Manifesto for Ombudsman Reform, edited by Richard Kirkham and Chris Gill, the event gave the opportunity for both the Public Services Ombudsman for Wales and the Northern Ireland Public Services Ombudsman to provide an update on their first own initiative investigations, having recently been granted those powers. In the discussions that followed it was noted that the pandemic had disproportionately affected sections of society that don't typically take their complaints to an ombudsman e.g. the homeless, older people, those detained in institutions and ethnic minorities, highlighting the pressing need for own initiative powers for those ombudsman schemes overseeing public services in England and at the UK level.

An additional event to further consider ombudsman reform, engaging a wider audience of stakeholders, will take place later this year.

#### b) Complaint's Project

The pro bono panel's "polluter pays" project is on hold until some form of normality returns to the tribunals, therefore the focus shifted to complaints. Through the panel's pro bono practices in areas like welfare benefits and asylum support, the panel firms are regularly exposed to recurring shortcomings in first-instance decision making. Where these shortcomings amount to unlawful actions or omissions, they can give rise to legal remedies through appeals or judicial review. But not only can such routes be difficult in practice to pursue; there are also recurring shortcomings which may fall short of the threshold of "unlawfulness" but nevertheless amount to maladministration. How can these be addressed and therefore the quality of administrative decision making improved?

The answer should lie in the complaints process – and by extension if necessary with the ombudsman. But making a complaint against a public authority can be time consuming for the individual concerned and, given the Parliamentary and Health Service Ombudsman's lack of own-initiative powers, it is not clear that this route currently offers an effective way of addressing systemic issues.

The panel therefore decided to trial a complaints project. Firms will pick particular areas in which they encounter systemic issues of maladministration with first-instance decision making and, taking referrals from frontline advice agencies, help individuals with the drafting of complaints in those areas. They will track common data points, including the time spent by their lawyers on dealing with each stage of the process, giving them the option of combining their findings in a single report after 24 months.

The hope is that the complaints process – and the ombudsman, if necessary – provide an effective and straightforward route to addressing some of the systemic issues of maladministration the panel encounters. If not, it is hoped the data from the pilot may inform future reform of the complaints and ombudsman systems themselves.

#### c) Windrush Working Group

Following a webinar in September 2020 (see p12), the AJC set up a Windrush working group in March 2021. The working group's aim is to ensure that people claiming compensation have their claims adjudicated fairly, accurately and in a timely manner; and that the complaints process is efficient, accessible, and fair. Chaired by Professor Robert Thomas, Co-Chair of the AJC Academic Panel, the group comprises 16 members, including Martin Forde QC (the compensation scheme's former Independent Advisor), Helen Megarry (Independent Adjudicator), claimants with lived experience of the scheme, Rob Behrens (Parliamentary and Health Service Ombudsman), together with pro bono lawyers, advisers, academics, and a Home Office observer. Dechert LLP is providing pro bono research

assistance and support. The group have been further separated into sub-groups to examine the following three areas:

- 1) Home Office Decision-making and Evidence-Gathering.
- 2) Communication (with claimants and communities).
- 3) Appeals/Complaints (challenging delays, decisions, etc).

Of particular concern is the convoluted complaints and review process when claimants want to appeal the decision made by the Home Office; and the role of the Parliamentary and Health Services Ombudsman (PHSO) in providing redress. The MP filter has created a barrier to appellants accessing the PHSO, as it has added an additional tier to the complaints process, resulting in very few complaints. In addition, with the absence of own initiative powers the PHSO has been unable to investigate systemic maladministration by the Home Office due to a lack of complaints. One of the recommendations in the report will be around better transparency of the complaint's process and improved signposting to the PHSO, as well as the removal of the MP filter. The role of the Independent Adjudicator will also be examined.

The report will be published in September 2021.

### [The relationship between the tribunals and ombudsman schemes](#)

#### Ombudsman and Tribunals Familiarisation Programme

The Ombudsman and Tribunal Familiarisation Group met in February 2020 and October 2020 to discuss the arrangements that had been put in place between the Local Government and Social Care Ombudsman in England (LGSCO) and the First-Tier Special Education Needs and Disabilities (SEND) Tribunal, and the exploratory work underway between the Housing Ombudsman and the Property Tribunal.

Due to the impact of the pandemic on the resources and priorities of both ombudsman schemes and tribunals, the work of the Familiarisation programme had not developed as far as had been hoped during the year, but it is anticipated that the work will be picked up again going forward. The Parliamentary & Health Service Ombudsman will be engaging with tribunals as part of their Complaints Standards Framework activity and the Northern Ireland Public Services Ombudsman will be exploring how they can mirror the approach being taken in England by the LGSCO.

### [Areas of the administrative justice system that would benefit from research](#)

Under our aim "to carry out research on specific areas of the system and to provide recommendations to improve it", we have identified issues in the system that would benefit from research and provided practical solutions to improve them. Our Academic Panel brings a wealth of experience to the AJC and has been able to develop areas of research into workable solutions. Webinars hosted by the panel have also enabled us to bring together key stakeholders in administrative justice.

#### a) NHS/Health advice settings

Diane Sechi, Naomi Creutzfeldt, Heidi Bancroft, Lola Afolabi (intern) and Philip Worrall (a health economist) have been working on a pilot project about advice provision in hospital settings.

The COVID-19 pandemic has had a significant effect on the delivery of advice in England. The lack of face-to-face encounters and the remote delivery has highlighted the gaps in access to advice and access to justice for vulnerable groups who require help with a variety of problems. Specialist advice on welfare benefits, housing, family law, health and debt are now needed more than ever. The role of the NHS has never been as important and the extent to which health and wellbeing is a vital

component of the economy has been thrust under the microscope. The provision of early multifaceted advice and guidance for those who are most vulnerable in society has proven to be an effective approach to a longer-term solution for problems they face in their everyday lives. Where such advice and guidance is available in a health care setting can be transformational.

This pilot project launched in mid-June explores existing partnership hubs that provide welfare benefits advice in hospital settings. Working in partnership with frontline advice providers this project draws on existing research as well as in-depth interviews and consultation with practitioners, policy makers and stakeholders to produce a feasible proposal for this kind of integrated working. A partnership hub would enable especially vulnerable groups to access advice for various legal needs they might have and set them on a path that enables them to be more prepared for their everyday lives and achieve beneficial health outcomes. The settings covered in the report are:

Leicester Royal Infirmary / Great Ormond Street Hospital / Springfield Hospital / Sheffield Hospital/ Royal Brompton Hospital and Bethlem Royal Hospitals.

A webinar was held in June 2021 to launch the [report](#).

A funding application will be made for a much bigger project later in the year.

#### b) Webinars

Our webinars have covered a range of topics under the administrative justice remit. The pandemic has provided us with the opportunity to reach a wider audience through Zoom webinars. Downloading the recordings of webinars on our website has allowed further access for those who were unavailable at the time of the live webinar. Recordings for the webinars can be found [here](#).

Whilst our Academic Panel End of Year Conference was postponed due to the pandemic, we hope to host it at the end of the year, either in-person or virtually.

Information on the webinars (over the reporting period) can be seen overleaf.

## Webinars

### **AJC impact of covid-19 on the administrative justice system – April 2020**

This webinar focussed on the impact of covid-19 on the administrative justice system. Speakers provided an overview of how COVID-19 had impacted their sector (tribunals, ombudsman schemes and the advice sector), as well as outlining the challenges, the opportunities for improved working and the effect on vulnerable users. Speakers included: Dr Naomi Creutzfeldt (Chair), Westminster University; Sir Ernest Ryder, Senior President of Tribunals; Rob Behrens, Parliamentary and Health Services Ombudsman; Diane Sechi, South-West London Law Centre/Simmons & Simmons; Lindsey Poole, Advice Services Alliance; and Luc Altmann, HMCTS. Diane Sechi launched her report 'Digitisation and Accessing Justice in the Community' (see p 6).

### **Human Rights and Administrative Justice – June 2020**

Brian Thompson, Senior Lecturer of Law, Liverpool University hosted a webinar on Human Rights and Administrative Justice. Speakers spoke on the following topics:

Dr Ciara Fitzpatrick, Ulster University, presented her joint report, commissioned by The Legal Education Foundation and The Joseph Rowntree Foundation, on the role of the law and access to legal services (or lack thereof) in creating pathways into, and out of, destitution.

Professor Grainne McKeever, Ulster University, spoke about her research with Mark Simpson on 'Principles into Practice: Embedding dignity and respect in a Scottish social security system'.

Professor Colm O' Cinneide, University College London, looked at the legal avenues through which social rights are indirectly protected by law at present, and the relationship between national and international human rights law in this context.

### **Digitisation and the impact of covid on tribunals – July 2020**

Hosted by Robert Thomas, Professor of Public Law at Manchester University and co-chair of the AJC Academic Panel, panellists spoke on the following topics:

Sir Ernest Ryder, the then Senior President of Tribunals, provided an update and overview of how COVID-19 was impacting the operation of tribunals.

Judge Siobhan McGrath, President of the Property chamber, considered the Chamber's response to the Covid19 pandemic and reflected on opportunities for better access to justice in housing, landlord and tenant and property cases through the creation of a Property Portal and a Property Network to enhance a new approach to dispute resolution in this area of law.

Judge Barry Clarke and Judge Shona Simon, respectively Presidents of Employment Tribunals in England and Wales and in Scotland, summarised their collaborative response to the Covid-19 pandemic and their shared 'road map' for listing and hearing cases in the remainder of 2020. They discussed their efforts to increase use of video technology to safeguard access to justice insofar as that is consistent with public safety.

Judge Meleri Tudur, Deputy President of the Health Education and Social Care Chamber, covered the work undertaken by the Judiciary and HMCTS administrative teams to move the SEND/CS and PHL tribunal jurisdictions to fully digital working and fully video hearings from 23 March 2020.

Finally, Natalie Mountain, HMCTS, provided a response on how HMCTS were operating under the pandemic and how it impacted the tribunals modernisation programme.

### **Windrush: Falling Through the Gaps – September 2020**

In September 2020, a webinar was hosted by the AJC entitled ‘Falling Through the Gaps’. The purpose of the webinar was to discuss the operation of the Windrush compensation scheme. This webinar looked at: the administration of the Windrush compensation scheme; the difficulties faced by claimants; and redress mechanisms, including independent reviews by the Adjudicator and the Parliamentary and Health Service Ombudsman. Speakers included Martin Forde, Independent Advisor to the Scheme; Jacqueline McKenzie, Director at Centre for Migration Advice and Research and McKenzie Beute and Pope; Holly Stow, North Kensington Law Centre; Helen Megarry, Independent Adjudicator for the compensation scheme and Rob Behrens, Parliamentary and Health Services Ombudsman. As a result of the issues raised at the webinar, the Windrush working was set up to look at these issues in more detail.

### **A Manifesto for Ombudsman Reform – January 2021**

In January 2021, the AJC hosted a webinar entitled ‘A Manifesto for Ombudsman Reform’. The event was chaired by the AJC’s Academic Panel co-chair, Naomi Creutzfeldt. As well as hearing an update on the Manifesto from its co-authors, attendees heard from Margaret Kelly (Northern Ireland Public Services Ombudsman), Nick Bennet (Public Services Ombudsman for Wales), Rob Behrens (Parliamentary and Health Service Ombudsman), Mick King (Local Government and Social Care Ombudsman) and Rosemary Agnew (Scottish Public Services Ombudsman). See p8 for more details.

### **Welfare Benefit Advice Provision During the Pandemic: Conversations between academia and practice – March 2021 (see px)**

A launch event was held on 23 March 2021. Co-authors, Diane Sechi and Professor Naomi Creutzfeldt presented and discussed their report together with academics from Cardiff University and Australian National University, Jess Mant, Daniel Newman and Faith Gordon who had produced a related paper entitled ‘Vulnerability, Legal Need and Technology’. Amanda Finley CBE, Chair of Law for Life, and former chair of JUSTICE working party Preventing Digital Exclusion chaired the event. She warned of a post-pandemic ‘tsunami of need’ for welfare advice. The speakers discussed the high level of need for digital assistance that existed even before the pandemic, how the pandemic has had an impact on those seeking social welfare advice, and how this advice was being provided during the pandemic.



## Communications and Outreach

### a) Consultations

In October, the Secretariat worked on two submissions from the AJC – firstly that of the Independent Review of Administrative Law which was co-ordinated Professor Robert Thomas, co-chair of our Academic Panel, who took contributions from all Panels and members. The second submission was co-ordinated by Heidi Bancroft, Secretary to the AJC, on behalf of the Advice Sector Panel and in response to the Justice Committee’s Future of Legal Aid Inquiry.

The response on the Independent Review of Administrative Law highlighted the importance of maintaining and enhancing access to justice and the role of judicial review in providing people with remedies against unlawful administrative decisions and as a means of ensuring that public bodies comply with the rule of law. The consultation brought together a range of views from within the AJC and was used to highlight the importance of judicial review as a mechanism for ensuring effective administrative justice.

The legal aid response, drafted on behalf of the Advice Sector Panel, highlighted the challenges under the Legal Aid Sentencing and Punishment of Offenders Act 2012 and recommended that areas under social welfare law be brought back into scope of the legal aid scheme and that agencies are paid an hourly rate for complex areas of law. We also recommended that the Ministry of Justice and Legal Aid Agency take onboard the experience of the sector and provide more efficient and less bureaucratic systems to apply and deal with the financing and management of legal aid contracts.

The full submissions can be found on the AJC website page [here](#)

### b) Newsletter

The AJC’s tri-annual newsletter was launched in November 2020. Since then, the March publication has been circulated. The aim of the newsletter is to increase the profile of the AJC’s work across its membership and out to the wider administrative justice audience. Submissions are welcomed from those whose work falls within the scope of the Council. Subscribers are kept up to date on recent AJC events as well current and upcoming projects. News is also shared from stakeholders across the administrative justice landscape. The next edition will follow in July 2021.

### c) Website

The AJC’s website contains comprehensive information on the Council, its Panels and membership. Details on current working groups, upcoming and past events, together with links to the newsletter (and a sign-up facility) and webinar recordings are all available. It has been successfully utilised for sign-ups to public webinars, such as the Windrush compensation scheme. Members of the public routinely communicate with the Secretariat via the online contact sheet and this has led to connections being made with Council and Panel members.

### d) Social media

The Secretariat utilises the AJC’s Twitter account (@ajc\_justice), to update followers on the work of the Council, Panels and its members. It has been particularly useful for promoting upcoming events such as webinars and in circulating recordings of such events that have been uploaded onto the AJC website.

### e) International conferences

[Serbian Administrative Court and the Serbian National Academy Conference](#)

In November 2019, Professor Robert Thomas, Co-Chair of the Academic Panel, visited Belgrade, Serbia as an AJC member to give presentations to the Serbian Administrative Court and the Serbian National Academy of Public Administration on the work and role of the AJC. There is considerable interest in Serbia about the need to develop and enhance its administrative justice system and their governance arrangements. Serbian judges and policy-makers were especially interested in the oversight model provided by the AJC as an independent means of bringing together a range of stakeholders to ensure effective oversight of how the UK's administrative justice system works in practice with a view to ensuring its accessibility and effectiveness. This visit was highly successful in highlighting the AJC's work and demonstrates that it has stimulated interest far beyond the UK. The AJC has since been contacted asking for assistance to set up a similar model to the AJC in Serbia (subject to sponsorship).

#### OECD Conference

At the beginning of April 2021, Lindsey Poole, Chair of the Advice Panel, was invited to give a presentation on Accessible and People Centred Justice at the OECD 2021 (on-line) Global Workshop on Access to Justice. Sharing the panel with the Chair of the Social Security Tribunal, Canada and Senior Expert, National Ombudsman in The Netherlands, the workshop considered how to ensure justice systems work for the people who need to use them. Our presentation looked at how the Administrative Justice Council provides the only place where issues of access can be considered on a longitudinal perspective and how the inclusion of the voluntary social welfare advice sector as key players in the Council provides the view from the 'sharp end'. Connections were made with other panellists and the Administrative Tribunals Support Service of Canada have shown an interest in the work of the AJC.

## Finances

### **Income:**

The AJC has had the following income in 2020-21:

- d) Legal Education Foundation - £15,000 - grant ended in January 2020
- e) Trust for London - £15,000 in 2020-21 and committed for a further 2 years
- f) Ministry of Justice £20,000 in 2020-21 and committed another £20,000 for 2021-22

University of Westminster £410 funded for an event and £2,703 for an intern for AJC Health/advice partnership project, £2,420 of this was spent in the 2020-21 financial year, with the balance spent in the first month of 2021-22 as internship crossed financial years. Funding shortfall of £14,355 were covered by JUSTICE.

<b>Expenditure</b>	
Salaries and overheads	69775
Travel and Promotion	165
Website	440
Event	410
<b>Total</b>	<b>70790</b>

For more information on this amount has been carried forward, please refer to the JUSTICE accounts.

### 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. Due to the pandemic, we were unable to host in-person events and we therefore hope to carry over the funding to this year.

Appendix:

A - Composition and Membership



## Appendix A

### Composition

#### a) Full Council

Membership of the Council includes senior representatives from members of the judiciary, civil servants concerned with administrative justice, public service ombudsman schemes, 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 to 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 Professor Naomi Creutzfeldt.

#### e) Advice Sector Panel

The Advice Sector Panel was set up 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 sectors. This panel brings together leading organisations providing advice to the public including the Law Centres Network, 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.

### 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. Minutes of the Council meetings can be found on our [website](#).

## 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. Heidi Bancroft is the Secretary to the Administrative Justice Council and she is supported by Sally Hunt, the Legal Administrator at JUSTICE. Andrea Coomber is the Director at JUSTICE and sits on both the Steering Group and full Council.

## Membership

### Full Council

Andrea Coomber	Director, JUSTICE
Maurice Sunkin	Professor of Public Law and Socio Legal Studies, UK Administrative Justice Institute
Paula Stevenson	Head of Devolved Tribunals, Scottish Government
Caroline Sheppard OBE	Chief Adjudicator, Traffic Penalty Tribunal
Richard Guyatt	Former Chair, Compulsory Purchase Association
Claire Blades	Market Development Manager, Legal Services, Citizens Advice
David Slade	Justice Policy, Welsh Government
Ken Butler	Welfare Benefits and Policy Adviser, Disability Rights
Daniel Flury	Deputy Director, Tribunals, HMCTS
Michael Reed	Principal Legal Officer, Free Representation Unit
Tim Gilling	Director, Centre for Public Scrutiny
Donal Galligan	Chief Executive Officer, Ombudsman Association
Warren Seddon	Director of Policy and Insight, Parliamentary and Health Service Ombudsman
Robert Thomas	Professor of Public Law, University of Manchester
Lucy Scott-Moncrieff	Founding and Managing Director, Scott Moncrieff & Associates
Karen Ashton	Head of Public Law and Human Rights, Law Centres Network
Rhian Davies Rees	Head, Welsh Tribunals
Sir Wyn Williams	President, Welsh Tribunals
Niki Maclean	Director, Scottish Public Services Ombudsman
Katrin Shaw	Chief Legal Adviser and Director of Investigations, Wales Public Service Ombudsman
Jo Hickman	Director, Public Law Project
Ray Burningham	Consultant, former CEO of the Administrative Justice and Tribunals Council
Dr Natalie Byrom	Director, Legal Education Foundation
Samantha Pullin	Director of Litigation, HMRC
Lindsey Poole	Director, Advice Services Alliance
Mr Justice Peter Lane	President, Immigration and Asylum Chamber of Upper Tribunal
Dr Naomi Creutzfeldt	Senior Lecturer and Academic, Oxford and Westminster University
Tom Thomas OBE	Secretary, Civil Mediation Council
Brian Thompson	Hon Senior Research Fellow, Liverpool University
Paul Yates	Head of Pro Bono, Freshfields
Luc Altmann	Deputy Head of Insight, HMCTS
Martin Moore	Policy Adviser, Department of Justice, NI
Kate Gregory-Smith	Deputy Director, Courts and Transparency Policy, Ministry of Justice
Stephen Woolman	President of Tribunals, Scotland
Michaela McAleer	Director of Investigations, NI Public Services Ombudsman

Members of the panels and Steering Group can be found on our website: [www.ajc-justice.co.uk](http://www.ajc-justice.co.uk).