

**Meeting 17 December 2013**

**Advisory Committee on Administrative Justice and Tribunals**

**Paper 1.4**

## **Developing a workplan**

The proposed remit of the Committee is very widely drawn, and both allows and requires for the Committee to determine its own priorities within the scope of the remit.

### **1. Possible shape of a plan**

It is proposed that the committee discuss whether it should consider its work being in four strands:

- 1) Developing a shared knowledge and understanding of the 'landscape', and a set of basic principles to work from.
- 2) Reactive work - responding and contributing to policy and practice developments
- 3) Proactive work – work the Committee initiates itself
- 4) Continuing engagement – with policy makers, key stakeholders, and with users

If these four strands of work were agreed as a way forward for structuring a workplan, it will be useful to discuss specific proposals under each of these strands of work, and how these may be planned over what is, as it stands, a limited period of two years.

### **2. Shared understanding and basic principles**

Of necessity, developing a shared understanding of the landscape and a set of basic principles needs to come early in the work of the Committee.

The Administrative Justice and Tribunals Council (and its Scottish Committee) early in their existence, did considerable work on the development of principles for administrative justice over the years (Developing Principles for Administrative Justice, November 2010<sup>1</sup>); AJTC formulated its own principles for administrative

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<sup>1</sup> [http://ajtc.justice.gov.uk/docs/principles22\\_10.pdf](http://ajtc.justice.gov.uk/docs/principles22_10.pdf)

justice (Principles for Administrative Justice, November 2010<sup>2</sup>) and from there produced two strategic reports that are relevant to this discussion (Right First Time, June 2011<sup>3</sup>, and Putting it Right, June 2012<sup>4</sup>).

The **discussion point** for the Committee at this first meeting is whether, in principle, it should build on work that has been done in the recent past, such as that of the AJTC or other bodies, and if so, how best to do so.

### 3. Reactive work

The Committee will need to discuss the extent to which it wants to contribute to current policy developments (and in particular proposals for legislation), and how it may best do so.

Of relevance to this discussion are for example:

- Tribunals Bill (now at Stage 2). [Read the Justice Committee's scrutiny of the Tribunals Bill here](#)  
[Read the Parliamentary debate on the Tribunals Bill here](#)
- Proposals for the merger of Scottish Tribunals Service and Scottish Court Service - consultation stage now closed. Twenty five formal responses were received. [These are published on the Scottish Government website.](#)
- Housing (Scotland) Bill introduced to Parliament on 21 November 2013, which provides for the transfer of jurisdiction for civil cases relating to the private rented sector from the sheriff court to the First-tier Tribunal and Third party applications to the Private Rented Housing Panel for local authorities in relation to the repairing standard.  
<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/70102.aspx>
- Welfare Funds (Scotland) Bill - currently out for consultation (closing 7 February 2014). This consultation is the first step in a legal process to underpin the Scottish Welfare Fund in legislation. It also seeks views on options for independent scrutiny of decisions made by local authorities on applications to the Scottish Welfare Fund. Read the consultation here:  
[www.scotland.gov.uk/Publications/2013/11/5175](http://www.scotland.gov.uk/Publications/2013/11/5175)
- Courts Reform (Scotland) Bill 2013 (consultation stage closed May 2013), in which a number of aspects are of interest for administrative justice, for example the proposals in relation to judicial review. The Bill is due for introduction in early 2014. Read the consultation report here:  
[www.scotland.gov.uk/Publications/2013/09/8083](http://www.scotland.gov.uk/Publications/2013/09/8083)

### 4. Proactive work

Under the strand of proactive work, the Committee will need to think about what, if any, work it wants to initiate itself.

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<sup>2</sup> [http://ajtc.justice.gov.uk/docs/principles\\_web.pdf](http://ajtc.justice.gov.uk/docs/principles_web.pdf)

<sup>3</sup> [http://ajtc.justice.gov.uk/docs/AJTC\\_Right\\_first\\_time\\_web\(7\).pdf](http://ajtc.justice.gov.uk/docs/AJTC_Right_first_time_web(7).pdf)

<sup>4</sup> <http://ajtc.justice.gov.uk/docs/putting-it-right.pdf>

The Committee may want to consider whether it wants to commission or undertake any research. For example:

- Would it, for the future work of the Committee, be of value to undertake a reasonably quick mapping exercise of the administrative justice system in Scotland, and the tribunals as part of that?
- Is it possible, within timescales and budget, to get an overview of relevance practice and policy in other jurisdictions?

The Committee may also want to consider whether it can and should seek to make a practical contribution to the operation of administrative justice, and if so what it may be achievable within the time available.

## **5. Continuing engagement**

How, and to what purpose should the Committee engage with these and other stakeholders?

- Policy makers across Scottish Government - policy teams as well as Ministers
- Users
- Key stakeholders, such as
  - Civil Justice Users Group
  - Civil Justice Council
  - Scottish Mediation Network
  - Equality and Human Rights Commission/Scottish Human Rights Commission
  - SLAB
  - COSLA, the Society of LA Chief Executives (SOLACE) or the Society of LA Lawyers and Administrators (SOLAR)
  - Information Commissioner
  - Scottish Courts Service
  - Scottish Tribunals Service
  - Scottish legal Complaints Commission
  - SPSO
  - Law Society

## **6. Outcomes**

Some thought will need to be given at this stage to what the Committee thinks could be indications of its own success: what outcomes do you think are critical to the success of the committee?

## **7. The wider system**

Some thoughts on engaging with decision makers, administrative justice strategy etc.