

Scottish Tribunals and Administrative Justice Advisory Committee (STAJAC)	General Register House
Minute of Meeting	12 August 2015

ATTENDEES: Marieke Dwarshuis, Chair (MD)
Professor Tom Mullen, Glasgow University (TM)
Sarah O'Neill, Consultant (SO`N)
Sandra Wallace, Scottish Government (SW)
Lauren Bruce, Citizens Advice Scotland (LB)
Paul McFadden, Complaints Handling Authority, SPSO (PMcF)

SECRETARIAT: Alan Morrison, Scottish Government (minute-taker) (AM)

APOLOGIES: Alicia McKay, Scottish Government (AMcK)
John Wallace, Scottish Government (JW)
Alison Carmichael, Scottish Government (AC)
Lesley Black, SCTS (LB)
Tom Drysdale, retired solicitor and tribunal Judge (TD)
Shaben Begum, Scottish Independent Advocacy Alliance (SB)
Douglas Proudfoot, East Lothian Council (DP)

1. Welcome and apologies

1.1 **MD** welcomed everyone to the meeting.

2. Conflicts of interest

2.1 **SO`N** noted that she is a legal member of the home owner housing panel and the private rented housing panel.

3. Minutes of meeting 25 February 2015

3.1 **SW** noted that under section 7.2 of the last minute, there was an error in the naming of the Tribunals (Scotland) Act which was of 2014 not 2015. It was agreed that this would be changed and the minutes published.

3.2 The action points from the previous meeting were reviewed. Actions to be carried forward are: **Previous minutes ACTION Point 10: TM to provide a copy of the UKAJI workshop report to the Committee.**

4. Future options for an advisory committee (*Paper 11.4.1 and Paper 11.4.2*)

4.1 **AM** provided a final draft of the consultation report to the committee. It was agreed that AM will add references to the STAJAC website to the consultation report which will allow access to the consultation responses and

advice to the Minister.

4.2 **MD** advised that she is to meet with the Minister on 17th September to discuss the future options for an advisory committee and the consultation responses.

- **Action Point 1: AM to add references to the consultation report.**
- **Action Point 2: JW to publish advice to Minister on STAJAC website and then to publish consultation report on website.**

5. Projects Update

5.1 **User Research** – **SW** advised that the project specification is still with SCTS researchers but that they have not yet come back with any official response to it. **MD** agreed to discuss the project with the Minister in September.

5.2 **Excellence in Administrative Justice** – **MD** informed the committee that a new draft of the report has been prepared. It was noted that the report contains a number of useful toolkits for Local Authority officers and elected members in terms of considering administrative justice and how this impacts users. **PMcF** has seen the draft and noted that greater clarity should be given to the distinction between complaints and appeals. The Committee agreed. **LB** suggested that a form of glossary could help explain the distinctions. **MD** agreed to circulate the draft report to members for comment after the project steering group has commented after it meets on 27th August.

- **Action Point 3: MD to send draft Admin Justice Report to Committee members for comment after the Project Steering Group on 27th August.**

5.3 **Mapping Project** – **AM** informed the committee of the progress made on the Mapping Project to date. It was noted that the majority of first drafts for the chapters have been completed. **AM** noted that the next stage will require accuracy checking and that suitable experts will require to be identified to do this.

- **Action Point 4: AM to meet with MD this month to discuss progress in detail.**

6. Consultations

6.1 **Tribunals Chamber Structure (paper 11.6.2)** - **SW** advised the committee of the reasons for non-inclusion of the Scottish Solicitors Discipline Tribunal (SSDT) and the Council Tax Reduction Review Panel (CTRRP). **SW** informed the committee that the rationale for not including the SSDT in the new structure was because it was a privately funded tribunal, paid for by the Law Society. The reason for non-inclusion of the CTRRP was that it was a

new tribunal which will be reviewed in 2016. Policy for the CTRRP also sits out-with the Tribunals Policy team at the SG, but dialogue regarding future inclusion in the new structure will be opened up.

6.2 **Scottish Tribunals Eligibility Criteria (paper 11.6.3)** – **TM** noted that there are a few areas where it would be worth responding to in regard to the proposed regulations for eligibility criteria for appointment to the Scottish Tribunals. It was pointed out that in regard to legal members, there was a danger that the criteria could be too restrictive. **SO’N** also pointed out that a point should be made regarding the achieving and retaining specialisation of members. **SO’N** noted that the distinction between judicial and legal members was quite confusing in the regulations. Members agreed to submit bullet point comments to **TM** by 28th August. **TM** agreed to collate these and draft a response by the end of September.

- **Action Point 5: All members to submit bullet point comments to TM on the Eligibility Criteria by 28th August.**
- **Action Point 6: TM to draft a response to the Eligibility Criteria for the Scottish Tribunals Consultation and to circulate to members for comment at the end of September.**

6.3 **Welfare Funds (paper 11.6.1)** – **TM** discussed the areas at issue which he identified in the paper. **TM** pointed out that more detail is required regarding the meaning of “residence” given the likelihood of disputes between Local Authorities. **TM** also noted that there requires to be more detail regarding reviews, as the regulations and the guidance are differently worded. It was agreed that the term “in writing” in regard to making an application requires to be clarified. The committee also discussed concerns regarding the possibility of review results being communicated other than in writing. **MD** also pointed out that greater clarity should be sought regarding the timing for fulfilment of successful applications. **TM** agreed to redraft the submission and to circulate this to members for comment.

- **Action Point 7: TM to redraft response to the Scottish Welfare Funds regulations and statutory guidance and to circulate to members for approval.**

7. Closing Event

7.1 The committee discussed options for a closing event in November. It was agreed that the event should last for half a day, ideally in the morning. The mapping report and the administrative justice report would be launched at

the event. **MD** informed the committee that she is considering speakers for the event and that these should focus on how the reports would be utilised following the end of the committee's lifespan.

8. Any other Business

8.1 No other business was discussed.

9. Date of Next Meeting

9.1 The next meeting will be on Thursday **8 October 2015** at **2pm**. The meeting will last for 2.5 hours.

ACTION Point review.

C/F ACTION Point 10: TM to provide a copy of the UKAJI workshop report to the Committee.

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Action Point 3: MD to send draft Admin Justice Report to Committee members for comment after the Project Steering Group on 27th August.

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