

Developing excellence in administrative justice in Scotland

Background

The Scottish Government established the Scottish Tribunals and Administrative Justice Advisory Committee (STAJAC) in November 2013. Its role is to keep a strategic overview of the administrative justice system in Scotland. This involves promoting the interests of users in administrative justice, encouraging better decision making and engaging with decision makers to improve procedures and rules. It has been established initially for a period of two years.

One of the early priorities for STAJAC is to consider the impact – both on users and decision makers – of not getting decisions right first time. At a meeting on the 7th May 2014, chaired by Marieke Dwarshuis (Chair of STAJAC), a group of interested parties agreed to progress a development project to better understand the costs of administrative justice and increase the likelihood of getting it right first time.

Project aim and objective

The overall aim of the project is to support more effective decision making by public authorities, particularly councils, in areas of administrative justice. Good decisions are accurate, timely and well communicated.

The project has three primary objectives:

- To better understand the impact of not 'getting it right first time' – both in relation to the user and the decision making authority.
- To develop a *methodology* for better understanding the impact of administrative justice decisions, for use by decision making authorities.
- To develop tools and guidance to support good practice in administrative decision making and getting it right first time.

Project approach

The proposed approach will be to identify a selection of case studies to model the user journey for administrative justice, with costs attached to each. An early task for the project team will therefore be to identify some potential areas for focus (e.g. housing repairs, planning, housing benefit determination, social care).

We will focus initially on decisions made by councils, as the authorities where the bulk of administrative justice decisions (on devolved matters) are made, across a wide range of issues affecting individual citizens in all areas of life. The work will include the other parts of the administrative justice system outside councils (i.e. when decisions are challenged or appealed) in order to provide a whole system view.

The project will not seek to establish baseline costs for all administrative justice decisions as this would be very time consuming and costly. However, we are going to check whether there is any

existing data or information in local government that we could build on. The project will be careful not to blur the lines between complaints handling and administrative justice.

Project outputs

The project will deliver two key outputs:

1. An easy to use methodology/approach for use by councils to assess the impact of administrative justice. Impact would include costs, time, effort, user experience, reputational risk etc.
2. A suite of tools and guidance for 'getting it right first time'. This would include support for councillors and others involved in scrutiny of administrative justice

Project Governance

The group of representatives that met in Edinburgh on 7th May 2014, will form the project Steering Group. It is anticipated that it would meet every three months or so, from August 2014

Marieke Dwarshuis, Chair of STAJAC, will chair the steering group and will be responsible for reporting progress to STAJAC and the Minister. The proposed members of the Steering Group are:

- Douglas Sinclair – Chair, Accounts Commission
- Paul McFadden – Head of Complaints Standards, SPSO and Member, Scottish Tribunals and Administrative Justice Advisory Committee
- Fraser McKinlay – Director of Performance Audit and Best Value, Audit Scotland
- Mark MacAteer – Director Governance and Performance Management, Improvement Service
- Malcolm Burr – Chief Executive, Comhairle nan Eilean Siar, for SOLACE
- Linda Pollock - Head of Administrative Justice Policy - Scottish Government
- Douglas Proudfoot – Member, Scottish Tribunals and Administrative Justice Advisory Committee
- Ronnie Hinds, Chair, Local Government Benchmarking Board
- Ken Graham, Head of Legal & Democratic Services, Renfrewshire Council, for SOLAR (to be confirmed)

Audit Scotland will provide some resource to manage the project, under the overall direction of Martin Walker, Assistant Director, and working with colleagues from Scottish Government (particularly justice analytical services), SPSO, the Improvement Service and, potentially, local government itself. Exact time commitments are still to be agreed.

Project timeline

We want to have the project completed (i.e. publication of the outputs) by June 2015. We would therefore expect to have drafts available for circulation and consultation with key stakeholders in Spring 2015. The project manager will agree more specific milestones for agreement with the steering group.