

Interim Advisory Committee on Administrative Justice and Tribunals	Thistle House Edinburgh
Minute of Meeting	17 December 2013

ATTENDEES:

Marieke Dwarshuis, Chair (MD)
 Professor Tom Mullen, Glasgow University (TM)
 Shaben Begum, Scottish Independent Advocacy Alliance (SB)
 Paul McFadden, Complaints Handling Authority, SPSO (PMcF)
 Lauren Wood, Citizens Advice Scotland (LW)
 Sarah O'Neil, Consultant (SO`N)
 Alison Carmichael, Scottish Government (minute- taker) (AC)
 John Wallace, Scottish Government (secretariat) (JW)

APOLOGIES:

John Sturrock, Core Solutions Group

Overview and introductions

The Chair welcomed the members of the committee and thanked them for lending their expertise to the group. The committee members introduced themselves. MD informed everyone that this meeting would be mainly administrative to discuss the remit, working practices, further membership and developing a work plan for the committee.

1. Background to the committee

1.1 AC gave a brief background on the abolition of the Administrative Justice and Tribunals Council (AJTC) and confirmed that Roseanna Cunningham, Minister for Community Safety and Legal Affairs, MSP, first stated her intention to establish the new committee to the Scottish Parliament's Justice Committee in March 2013. Following the abolition of the AJTC in August, Scottish Government officials met with key stakeholders to obtain their views on what they thought would be the priorities of new committee.

1.2 AC also confirmed that the Ministry of Justice (MoJ) will provide funding for the two-year lifespan of the committee and that the Scottish Government could also provide funding if required.

2. Proposed remit of the committee

2.1 MD confirmed that she met with the Minister in October to discuss her intentions for the work of the committee. MD and the Minister shared the view that

engagement with key people across the system and the relevant Scottish Ministers would be critical to the success of the committee.

2.2 A short discussion followed on the committee keeping a watching brief on developments in reserved areas of administrative justice and tribunals. The committee agreed that this would be a sensible approach as reserved areas such as Employment and Social Security Tribunals affect significant numbers of people in Scotland. MD confirmed that she would write to the Presidents of these tribunals to begin early engagement. It was also highlighted that MD and LW have joined the Administrative Justice Forum (AJF), the group set-up by the MoJ to monitor reserved areas. TM highlighted that Northern Ireland's administrative justice and tribunals system is devolved in all areas bar immigration and asylum. LW informed the committee that the Nuffield Foundation had presented at the most recent AJF meeting on their **Law in Society** programme, which has a theme on Administrative Justice in it (with a fund of £250,000). Applications for funding close on 11 February 2014.

2.3 A short discussion followed on 'building networks and encouraging the sharing of good practice amongst practitioners' as part of the remit. The committee agreed that building links would be feasible but that any more substantial work on networks would need considerable resource and may not be possible given the other work envisioned for the lifespan of the committee. It was suggested that the wording on the draft remit should be changed to reflect this concern.

2.4 A short discussion followed on engagement with the Scottish Civil Justice Council (SCJC). MD confirmed that she has written to the Lord President to begin this. LW suggested that the remit could also be sent to the secretariat of the SCJC before their next meeting on 13 January 2013. The committee agreed MD could offer to attend an SCJC meeting to explain the work of the committee.

AP: AC to send the draft remit to the SCJC Secretariat. MD to offer to attend a SCJC meeting.

2.5 The committee agreed to adopt the definition of administrative justice as set out in Schedule 7 of the Tribunals, Courts and Enforcement Act 2007 in their remit. The committee also agreed to include relevant developments in the wider civil justice system in their remit. **AP: AC to update the remit.**

3. Working practices

3.1 PMcF suggested that a conflict of interest statement be included in the working practices and that committee members should opt out of any discussions/meetings where one arises. It was also agreed that a register of interests for the chair and members would be compiled and held by the Scottish Government. **AP: AC to update working practices statement and draw-up a registration of interests form and circulate to the chair and members.**

3.2 The committee also agreed that papers, minutes and other relevant documents would be made public. JW confirmed that he would set-up a page for this

on the Scottish Government website and that the link to it will be sent to committee members and relevant stakeholders. JW also advised that the Administrative Justice newsletter “Just News” could be used to publicise the work of the committee. **AP: JW to establish webpage and send link to website to the committee and key stakeholders.**

3.2 A short discussion and suggestions followed on the name of the committee. These will be circulated to the chair and members to vote for their preferred option. **AP: JW to circulate the name suggestions to the chair and members.**

4. Further membership

4.1 MD advised that the committee may benefit from having more membership, in particular decision makers and/or system operators. The members agreed and discussed what additional expertise would be most useful to have on the committee. **AP: MD to contact possible further members.**

4.2 A short discussion followed on how to involve users in the work of the committee. The chair and members agreed that this might be difficult given the diverse nature of the administrative justice and tribunals’ landscape in Scotland and the fact that most users do not have a continuing relationship with the system. LW advised that consumer research has been done by Citizens Advice on the user experience that could be shared with the committee. MD will discuss with Richard Henderson, former chair of the Scottish Committee of the AJTC how user involvement was approached by SCAJTC. **AP: LW to share Citizens Advice research with the committee. MD to discuss user involvement with Richard Henderson.**

5. Workplan

Shared knowledge of the landscape

5.1 It was agreed to circulate a number of key reports from the AJTC and the Administrative Justice Steering Group to all members, in order to establish a shared understanding of recent developments and principles that the committee may want to adopt as a starting point for its work. **AP: JW to circulate background reading links to members.**

5.2 The committee also agreed that a critical early piece of work would be to design an administrative justice and tribunals’ visual aid to map out the landscape, and a typical user journey, and also to illustrate the reach of administrative justice issues through the numbers involved. It was agreed that this piece of work should be completed quickly and could be commissioned. It was discussed that the user journey part of the map should focus on two or three of the most used parts of the system. The committee agreed that these should be:

- housing
- health and social care

The map would also illustrate entitlement, regulatory mechanisms for complaint, review and appeal and multi-agency approaches. LW advised that Citizens Advice Scotland may have some statistics that could be used for the health and social care map.

5.3 TM, PMcF, MD and SO'N will meet to discuss this further. AC suggested that the Scottish Government's Justice Analytical Services (JAS) could also be involved as they have experience of this type of work. **AP: MD to arrange meeting in early January. AC to contact JAS.**

Responding and contributing to policy developments

5.4 The committee agreed that its first priorities would be the Scottish Welfare Fund Consultation and the Housing (Scotland) Bill. It was agreed that members will provide their comments on both by 14 January 2014 (by email, to other committee members), so that a response can be pulled together by the time of the next meeting at the end of January. **AP: JW to circulate links to both consultations. TM to highlight most relevant areas of Housing Bill to committee. Committee to provide comments/views by 14 January. AC to check the dates for the written call for evidence for the Housing Bill.**

5.5 The committee also agreed to consider other key areas of work including continuing engagement and outcomes at the next meeting. **AP: Chair and members to consider these areas in advance of the next meeting.**

Stakeholder engagement event

5.6 MD confirmed that John Sturrock has offered to facilitate a stakeholder engagement event to discuss the key issues, objectives, concerns, aspirations and options in administrative justice and tribunals. The committee agreed that this would be useful. The aim of this event would be to encourage real involvement and buy-in to better inform the work of the committee. TM suggested that the committee's workplan and the landscape and journeys map should be the focus of the event.

5.7 The committee agreed that an event should be held in late March 2014. A planning meeting for the event will also be held in February/March. **AP: JW to check availability and book this meeting.**

6. AOB and dates of future meetings

6.1 No other business was raised. The dates of future meetings were agreed and will be circulated to members. **AP: JW to circulate the dates to members and book the meetings.**

6.2 The date of the next meeting is 29 January 2014, venue to be confirmed.