

Scottish Tribunals and Administrative Justice Advisory Committee (STAJAC)	Cosla, Edinburgh
Minute of Meeting	29 April 2015

ATTENDEES: Marieke Dwarshuis, Chair (MD)
Professor Tom Mullen, Glasgow University (TM)
Sarah O'Neill, Consultant (SO`N)
Douglas Proudfoot, East Lothian Council (DP)
Shaben Begum, Scottish Independent Advocacy Alliance (SB)
Lauren Wood, Citizens Advice Scotland (LW)
Tom Drysdale, retired solicitor and tribunal Judge (TD)

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

APOLOGIES: Sandra Wallace, Scottish Government (SW)
Alicia McKay, Scottish Government (AMcK)
John Wallace, Scottish Government (JW)
Lesley Black, STS (LB)
Paul McFadden, Complaints Handling Authority, SPSO (PMcF)

1. Welcome and apologies

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

2. Conflicts of interest

2.1 No conflicts of interest were declared

3. Minutes of meeting 25 February 2015

3.1 The minute of the last meeting was discussed and agreed.

3.2 The action points from the previous meeting were reviewed. Actions to be carried forward are: **Previous minutes ACTION Point 7: AC to re-send the Social Care Alliance information to the Committee.**

4. Smith Commission Proposals Draft Response Paper (*Paper 9.1*)

4.1 **MD** thanked **TD**, **TM** and **SO`N** for their work on this and advised that **TM** had drafted the response. MD invited the Committee to add any comments or amendments. MD noted that the response should be sent in as soon as possible, and copied to: the Scotland Office; Paul Wheelhouse MSP; the Judicial Office; and the Law Society. MD would provide covering letters and send these to **AM/JW** to send out from the STAJAC mailbox.

4.2 **SO`N** commented that an addition regarding specialisation of tribunal

members, and the danger of this being lost, should be added to the response.

- **Action Point 1: TD to draft paragraph on specialisation of tribunal members and send this to MD.**
- **Action Point 2: MD to edit the response and create final draft for members approval.**
- **Action Point 3: AM/JW to send the paper with relevant covering letter to: Scotland Office; Judicial Office; Paul Wheelhouse MSP; Law Society.**

5. Future Options for an Advisory Committee (Paper 9.2)

5.1 MD invited the Committee to comment on the draft consultation paper (produced by AM) and suggest amendments. SO'N agreed to edit the paper and make any amendments. The Committee discussed additions to the paper and agreed that the following issues would be included:

- the legal status of the Committee
- a more robust link with the Scottish Parliament
- a comparator with the Scottish Civil Justice Council (SCJC)
- input into the Tribunals Committee of the SCJC for draft tribunal rules.

5.2 The Committee agreed that the covering note would include key questions and set out the timescales for consultation responses. It was agreed to push back the next Committee meeting by one week to allow more time for responses.

- **Action Point 4: SO'N to re-draft the consultation paper and to circulate this to members before sending out for responses on 6th May.**
- **Action Point 5: JW to rearrange next Committee meeting to June 24th at 2pm.**

6. Mapping Project – Progress Update (Paper 9.3)

6.1 The Committee discussed the work done on the mapping project so far. It was agreed that the text and visual maps were both very useful for the two subjects covered to date. It was agreed that reserved matters as they affect people in Scotland should be included within the scope of the project, and also to include all tribunals.

6.2 MD noted that it would be helpful if the same tables could be used throughout to indicate the processes, and also as a point of consistency, even

where this involved only one body. The Committee also discussed the inclusion of professional regulatory bodies, and decided that a rationale (for inclusion or not) would become clear as the work progressed. It was agreed that the introductory chapters would explain how the scope was decided.

- **Action Point 6: MD to meet with AM to discuss planning and timetables for the mapping project going forward.**

7. User Research – Progress Update (Paper 9.4)

7.1 **SO’N** provided an update on the user research project. The Committee were informed that the Scottish Government’s Justice Analytical Services will fund the project – £80,000 over two years. It was noted that the next steering group meeting is to be held on 21st May and that a revised specification will be discussed. **SO’N** also noted that the role of the newly merged Scottish Courts and Tribunals Service in the governance of the project is, as yet, unclear.

8. Excellence in Administrative Justice Project with Audit Scotland – Progress Update

8.1 **MD** provided the Committee with a verbal update. Members were advised that work on the project is progressing well. The draft case studies were examined at the last steering group meeting. It was noted that publication of the report has now been pushed back until after August. MD also informed the Committee that members of the steering group will be engaging with COSLA, SOLACE and SOLAR in order to provide a talk on the project at their meetings at the end of May and in June.

8.2 **MD** advised that the Scottish Government’s Legal Directorate are thinking of refreshing their “Right first time” report and that there is scope for a combined event for this. It was noted that this will be discussed at the next steering group meeting.

9. Updates on Reactive Work

9.1 **Scottish Welfare Fund: MD** informed the Committee that she has been invited to chair a consultation event on the Scottish Welfare Fund on 3rd June. MD advised that she will use this opportunity to talk of the work the Committee has undertaken in this area. DP and LW noted that the Scottish Government have been very good at actively taking a user-centred approach to the welfare fund and have continued to do so, which is to be commended.

9.2 **Tribunals Reform: TD** provided an update on the meeting he and **TM**

had with Sandra Wallace and Hannah Frodsham from the Tribunals Policy Team of the Scottish Government. The Committee was advised that progress on tribunal reform is progressing in line with the timescale, and that the Committee will be consulted on the proposed Chamber structure.

9.3 **Housing: LW** advised that the new rules on tenancies will not come into force until the new Tribunal Chamber structure is set up, and that the remedy will be to a Tribunal rather than to the Courts.

9.4 **Health and Social Care Integration: MD** informed the Committee that a joint letter of concern was sent to civil servants after the event organised by Citizens Advice Scotland.

- **Action Point 7: LW to find out if the Health and Social Care Integration Letter has received a response yet.**

9.5 **Mental Health: SB** advised the Committee that the Mental Health (Scotland) Bill will be debated on 19th May. The Committee was informed that changes have been made regarding default named persons and advance statements.

10.AOB

10.1 No other business was discussed

11.Date of next meeting.

11.1 The next meeting will be on Wednesday 24 **June 2015** at **2 pm**. The meeting will last for 2.5 hours.

ACTION Point review.

C/F Action Point 7: AC to re-send the Social Care Alliance information to the Committee.

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Action Point 2: MD to edit the response and create final draft for members approval.

Action Point 3: AM/JW to send the paper with relevant covering letter to: Scotland Office; Judicial Office; Paul Wheelhouse MSP; Law Society.

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