

**ADMINISTRATIVE JUSTICE & TRIBUNALS COUNCIL  
CONFERENCE  
18 NOVEMBER 2008**

**INTRODUCTION & WELCOME**

**Good afternoon and thank you very much for inviting me to today's event. I am delighted to have the chance to speak to the first full conference of the Administrative Justice and Tribunals Council and to reflect on some of the momentous achievements of the last year.**

**This has been an extremely busy 12 months for the Council and I'm really grateful to all of those people, many attending today, who have shown dedication and commitment to making the first year a success.**

**I have seen the programme for this afternoon, which covers some very interesting features on the wider administrative justice landscape. Unfortunately, my diary commitments mean that I can't stay for the rest of the event. But I look forward to receiving feedback on the areas discussed.**

**Both the Justice Secretary and I have seen and read the AJTC annual report and have been extremely impressed by the many ways in which the AJTC have contributed to tribunal reform. The vision set out in the report is bold and ambitious and it seems that the year ahead is going to be an exciting one. But first, I want to focus on the progress we've made over the last 12 months.**

**At the launch on 20 November last year, Lord Justice Carnwath and I proudly announced a new framework for advancing administrative justice. The AJTC had just replaced the Council of Tribunals and we were looking forward to the implementation of the rest of Part 1 of the Tribunals, Courts and Enforcement Act 2007 (TCEA). A year on, an enormous amount has been achieved.**

### **Announcement of changes to the tribunals system**

**Tribunals deal with more than 500,000 cases a year ranging from those involving the most vulnerable in society to multi-national businesses and it's vital that**

**the system is fair, effective and serves consumer needs.**

**As a result, on November 3 this year, the radical shake up of the tribunals system took a major step forward with the commencement of a simplified two-tier system, and the transfer of many existing jurisdictions into them. This represents one of the most significant changes to the tribunal system in 50 years.**

**This simplified, unified service will make it easier for people to understand how they can challenge decisions or seek redress, and will allow people to have their grievances addressed more quickly and efficiently. This is enormously important, particularly as tribunals often form the public's only experience of the legal process.**

**The new system will also bring together the considerable expertise that exists in each jurisdiction.**

**We have established first tier chambers in: Social Entitlement; War Pensions and Armed Forces Compensation; and Health, Education and Social**

**Care; and Administrative Appeals Chamber in the Upper Tribunal.**

**New tribunal judges and members have started work and new “cross ticketing” arrangements will enable the more flexible deployment of Tribunal members. Work is well underway to agree common appraisal, mentoring and training and there is a new set of generic rules for each chamber.**

### **Tribunal Procedure Committee**

**Rules have been drafted by the Tribunal Procedure Committee. The establishment of this Committee has been another important development in for the reform of tribunals. The considerable knowledge and expertise of the members has been utilised effectively to ensure fair and effective rules for users.**

**The fact that the AJTC have a statutory place on the committee, a role which the Chairman of the AJTC is currently filling, places the AJTC at the heart of the rule-making process.**

## **WORK IN SCOTLAND, WALES AND NORTHERN IRELAND**

**There has been progress in all areas of the United Kingdom on tribunal reform over the last year and I know that this morning Lord Philip, Hugh Rawlings and Siobhan Broderick gave an update across the UK.**

**As you will be aware, the Scottish Executive participated in Lord Philip's review as part of the commitment given in the First Minister's statement to Parliament to "look at the case" for an integrated Tribunal service for Scotland.**

**Tribunal reform in Scotland remains a priority for the Scottish Executive. Independent research has also been commissioned into tribunal training provision and judicial training needs and the result will be published by the end of January 2009.**

**The next steps are for the three of the five options presented by Lord Philip, including the Scottish Executive's preferred option of an integrated Tribunal Service for Scotland to be evaluated further. However,**

**neither the status quo nor a UK wide integrated service will be further considered**

**In Wales, the new committee of the AJTC have set out their objectives for the year ahead in the Work Programme.**

**In Northern Ireland, the Law Centre organised a round table seminar in July 2008 with Lord Justice Carnwath and Lord Newton as principal speakers.. The seminar examined progress to date on tribunal reform in Britain followed by a discussion on how to move in Northern Ireland. There' ll be a further conference in 2009 which will also involve members of the N I Assembly.**

### **AJTC Research Paper**

**I would like to briefly turn to the important issue of research. I am aware that later on this afternoon, you will be hearing from Professor Richardson about Administrative Justice Research. The AJTC have also today published a paper: “Developing Administrative Justice Research”**

**This paper will stimulate discussion about how the AJTC might encourage the growth of strategic partnerships with a view to developing research on this important area.**

**I very much welcome this – particularly as it highlights the need for sound analytical and empirical evidence to inform the advice given to government, and the need to promote a more inter-disciplinary approach. I look forward to seeing the results of this research, once published.**

### **PROPORTIONATE DISPUTE RESOLUTION**

**One other area where the AJTC can have a positive impact is progressing work on proportionate dispute resolution or PDR as it is more commonly known.**

**I welcome the commitment of the AJTC to understand and promote PDR techniques and services and their plan to work in partnership with the Ministry of Justice, the Civil Justice Council and others. I look forward to seeing this work progress over the next year or so. I know Sir Henry Brooke – who, as chair of**

**the Civil Mediation Council, has a particular expertise in this area – will be expanding on PDR later today.**

**PDR refers to the overall framework of ensuring that disputes are dealt with appropriately and at the right level. It requires clear and accessible law, improved information, access to appropriate dispute resolution channels and an efficient and effective hearing system. A critical part of PDR is influencing decision makers so that initial decisions are correct and based on evidence, thus reducing the need for redress in tribunals.**

**I believe a greater emphasis on PDR will both improve consumer satisfaction and help reduce costs. Not least because consumers who experience problems can get them resolved more quickly and easily, and problems and disputes can be prevented from escalating.**

### **PUBLIC EDUCATION**

**Early intervention in many forms of dispute can prevent them becoming complicated and protracted. But early intervention depends on the public being**

**educated about their rights and about what options are available to them.**

**Public legal education is therefore enormously important, particularly in the current economic climate where people are increasingly drawn into risk of debt, employment and housing difficulties. So in practical terms, we need to help people to recognise when they may need support, to understand what sort of advice is available, and to know how to go about getting it.**

**If we can de-mystify the ways tribunals operate, we will be able to improve the public's experiences of them and make sure disputes are resolved in a way which is timely and appropriate.**

**So, I am very grateful to the AJTC and to Sir Henry Brooke for actively supporting the development of Public Legal Education (PLE).**

**Looking to the future, in April 2009 we will be implementing the first step in phase 2 of the establishment of the unified tribunal system with the transfer of tax and finance appeals. We will be**

**transferring other tribunals into the new structure over the next year and beyond and I look forward to working together to make these transitions as smooth as possible.**

**In closing, I'd like to express my sincere thanks and appreciation to Lord Newton of Braintree who will be retiring as Chair of the AJTC in 2009. Over the years, Lord Newton, as Chair of the former Tribunals Council and then the AJTC, has shown an enormous commitment to administrative justice and all forms of citizens' redress.**

**He has inspired and commanded the confidence of all those he has worked with, and his advice, enthusiasm and expertise have been greatly appreciated. His will be a difficult act to follow.**

**Thank you, once again, for inviting me to be here. I trust you will very much enjoy the rest of your day.**