

A very warm welcome to our first conference as a fully fledged Administrative Justice and Tribunals Council. Many of you were at our launch event last year, when the fledgling AJTC was still lacking its Welsh Committee. That came into being in June, and we have since produced our first annual report and the first annual report of our Scottish Committee, our first programme of work, and most recently a paper on research, about which you will be hearing more from Genevra Richardson this afternoon. I think it can be said that the AJTC has well and truly taken off, though we still have a long way to climb.

This is the ninth annual conference held by the AJTC and its predecessor the Council on Tribunals, and the biggest yet. It was at the first conference in 2000 that Derry Irvine the then Lord Chancellor announced the setting up of the Leggatt review. Since then there have been several important landmarks: the publication of the Leggatt Report in 2001, the visionary White Paper Transforming Public Services in 2004, the launch of the Tribunals Service in 2006, and the establishment of the First-tier and Upper Tribunals just a fortnight ago. It may have taken a long time, but we have come a long way.

The structure for today's programme broadly reflects the AJTC's remit as the Administrative Justice and Tribunals Council. In the morning we shall be focusing mainly on Tribunals. Robert Carnwath the Senior President will talk to us about the big changes taking place under his leadership, and then we shall hear contributions from Lord Philip, Hugh Rawlings and Siobhan Broderick on reform in Scotland, Wales and Northern Ireland respectively.

In the afternoon, following an address by Bridget Prentice, Parliamentary Under Secretary of State in the Ministry of Justice, we shall be looking at the wider Administrative Justice landscape. Just how widely that landscape extends is reflected in the people who are here today. Not only do we have many old and newer friends from the world of tribunals, both within and outside the Tribunals Service. We also have delegates from the worlds of the courts and the ombudsmen, and many people from the academic research community and from the advice sector.

Throughout the day, we shall never lose sight of the needs of the users of the administrative justice system. We shall constantly keep in mind that the "system", such as it is, is there for the benefit of its users, and not the other way round. Indeed, the AJTC's overarching strategic objective is to focus first and foremost on the needs of users. In February we published on our website the report of the findings of a survey we had undertaken of tribunal user groups both within and outside the Tribunals Service. We sent the report to the Chief Executive of the Tribunals Service to help their longer-term consideration of the role of user groups within the Service. Those of you who are interested can now find the report at Appendix F in our Annual Report.

Last year we were also instrumental in setting up the Mental Health Review Tribunal Advisory Group. The group was established primarily as a forum for key stakeholders to express views on the implementation of the MHRT action plan for improvement following an unsatisfactory stakeholder survey in 2006. I continue to chair the group's meetings and the AJTC takes an active role in

setting its agenda. The feedback from stakeholders and the Tribunals Service itself has been very gratifying. On 3 November the MHRT jurisdiction transferred to the Health, Education and Social Care Chamber of the First-tier Tribunal. However, the group will continue to meet and I know that the Tribunals Service is keen to take its views on board and to respond positively to suggestions.

Without seeking to trespass on the territory of later speakers, perhaps I may refer to some of the themes that we shall be exploring during the day. I have already spoken of tribunal reform. With the establishment of the Tribunals Service and the new unified two-tier tribunal structure under Robert Carnwath, the AJTC expects that it will need to devote less of its time to the oversight of tribunals. It will continue to act as a “critical friend” to the Tribunals Service tribunals, while seeking to ensure that tribunals outside the Tribunals Service are not neglected.

We shall particularly value the contribution we hope that you will all be able to make to our discussions in the afternoon. One of the themes will be proportionate dispute resolution in administrative justice. We are greatly looking forward to hearing from Sir Henry Brooke, an old friend of mine from university days, who among many other activities chairs the Civil Mediation Council. He is returning from Vienna specially for the occasion. We are hoping he will also say something about his work for the Public Legal Education Network. Back in 1994, when he was Chairman of the Law Commission, he gave the opening speech at one of the Council on Tribunals’ conferences for Tribunal Presidents and Chairmen. We are delighted that he is paying us a return visit.

Two other themes this afternoon, which I see as being closely connected, are our projects for mapping the administrative justice landscape and developing general principles of administrative justice. The mapping exercise was initiated some while ago in collaboration with the British and Irish Ombudsman Association, and some invaluable preliminary spadework was done for us by Gordon Adams, formerly BIOA’s Secretary, and Margaret Doyle, who will be well known to many of you for her work for the Public Law Project and elsewhere.

As we take the mapping project forward we hope to integrate it closely with our work on developing general principles. With the principles, as you will hear, we are not exactly starting with a blank sheet of paper, but we would enormously welcome fresh insights from you. We are also expecting in due course to learn a great deal from Varda Bondy’s conceptual and empirical study “Design and choice of redress mechanism”, sponsored by the Nuffield Foundation, which she has recently embarked on.

Mention of bodies such as the Civil Mediation Council, the Public Legal Education Network, the British and Irish Ombudsman Association, the Public Law Project, the Nuffield Foundation, prompts me to reflect on the hugely increased range of organisations with which the AJTC now has regular contact. Others include the Law Commission, whose consultation paper on

Administrative Redress has recently engaged our attention; Citizens Advice, whose Annual Conference I had the privilege of addressing in York in September; the Legal Services Commission; the Equality and Human Rights Commission; and the Civil Justice Council, whose work we are obliged by statute to have regard to when drawing up our own work programme; and many others.

I think it is fair to say that in earlier years the Council on Tribunals could sometimes have been seen to exist in splendid isolation from other bodies with a stake in the field of administrative justice. Of course, the Council had regular and fruitful dealings with departments and the tribunals they sponsored, but its horizons were relatively narrow. Partly this may have been due to a very proper regard for its independence, though I was never convinced that independence need be threatened by listening to the views of others and discussing common concerns. Be that as it may, I firmly believe that with our enhanced remit as the AJTC we should be actively looking for opportunities to collaborate with other organisations with an interest in moving the world of administrative justice forward.

I have already mentioned our Work Programme, which was published in July. You have a copy in your packs, and you will be relieved to hear that I have no intention of going through it all now. But perhaps I may be allowed to say a few words about it. The AJTC is required by statute to formulate, in general terms, a programme of the work it intends to undertake in carrying out its functions, and to send a copy to the Lord Chancellor and the Scottish and Welsh Ministers. What we have tried to do in our first work programme is to outline the work on which we are currently engaged and expect to be engaged in the immediate future. The focus is mainly on 2008/09, but we have also included some pointers for later years.

You will be hearing more about our current projects later in the day. But one of the matters left over for future consideration is the very difficult issue of feedback to decision makers from tribunals, ombudsmen, the courts and others, and the improvement of initial decision making generally. This was of course a key theme of the 2004 White Paper. The Tribunals Service Framework Document describes one of its primary tasks as being “to contribute to the improvement of the quality of decision-making across government”. It goes on to say: “We will ... drive up standards of original decision making”. Some of you will remember that a considerable part of the Council on Tribunals conference two years ago was devoted to this theme. Everyone agrees that getting it “Right First Time” is a worthy aspiration, but it is much easier said than done.

We still have a great deal to learn about what drives up the quality of decision making. Some of the evidence seems to suggest that such feedback as there has been from tribunals, ombudsmen and courts has not been particularly effective in stimulating improvement. It may be that other factors, such as the corporate culture within organisations or the degree of political pressure to which they are subject, are more important. The Law Commission’s consultation paper on Administrative Redress, which I referred to earlier,

provides an interesting review of existing research into the impact of liability and other forms of 'redress' on the behaviour of public bodies and, on the basis of that research, it concludes that any impact is likely to be specific to the particular context and organisation.

Whatever the truth of the matter, no one can doubt that the quest for improved decision making is a worthwhile undertaking. In our Annual Report we refer to our visits to the Disability and Carers Service in Glasgow and Blackpool, where very interesting work is being done in this regard, including the *PIDMA* initiative (Professionalism in Decision Making and Appeals). As part of our wider remit, we are intending in the years ahead to engage in a more structured way with original decision makers across a broader front and to make special reports on areas of particular concern. It may be too much to hope that we can thereby help to put Robert Carnwath out of a job, but if we can assist in reducing the number of cases that come his way then the effort will be worthwhile.