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Public justice at risk, warns Administrative Justice and Tribunals Council

It's getting much tougher for ordinary people to challenge government decisions, an official report warns today.

"It is a fundamentally important aspect of justice that people should have access to effective means for correcting mistakes or misunderstandings by officials at central and local level," said Richard Thomas, chairman of the Administrative Justice and Tribunals Council (AJTC), launching the report. "Thousands of decisions affecting a wide span of family life are made every day - including health, education, benefits, tax and immigration. High success rates at tribunals and other appeal bodies show that far too many mistakes are being made. But making it more difficult for people to pursue their case must be the wrong response to unprecedented levels of demand – around a million formal challenges each year. Government needs to tread very carefully when dealing with a system that enables people to challenge Government."

The AJTC is charged with keeping the administrative justice system under review and proposing improvements for access, fairness and efficiency. But today's stock-taking report - **Securing Fairness and Redress:**

Administrative Justice at Risk? – warns that the system is facing changes

which will go in the other direction. The report argues that suppressing demand ignores appeal success rates around 40%, with hundreds of thousands of governmental decisions over-turned every year. These include around 50,000 successful Employment & Support Allowance appeals, 20,000 successful Disability Living Allowance appeals and 60,000 successful Immigration appeals. Getting it right first time would be much better for individuals, for efficient use of government resources and for taxpayers.

The report points to delays in some areas, notably social security appeals, which are unacceptably long. Legal aid cuts, coupled with the reduced availability of advisory services, risk huge inefficiencies and frustrations as people try to navigate the system alone and make their case without any help or advice. The introduction of costly fees will erect new barriers to justice in immigration and employment cases. Justice is threatened as many may simply give up in the face of cost, stress and bureaucracy.

The report sets out an agenda where long-term strategic change in five areas is required to secure the administrative justice system:

- better and more stable laws and regulations, especially in the areas of welfare benefits and immigration;
- a 'Right First Time' culture in government decision-making;
- proper access to help, advice and representation for citizens pursuing redress against government decisions;
- further reforms to ensure coherent access to administrative justice across the whole of the UK;
- new and proportionate models for resolving disputes faster and in more user-friendly ways.

Richard Thomas continued: “It is time for a fresh strategic look at administrative justice across the UK. Many of the problems in the system stem from laws and regulations that have become so complex and contradictory that even officials struggle to apply them correctly. Constant tinkering by successive governments has left a morass of labyrinthine legislation that serves nobody’s interests. A concerted effort at simplification would reap rewards in better decisions. With faster and more proportionate appeal routes, there is scope for better justice at lower cost.

“UK citizens must be confident that they can challenge government decisions – which have a huge effect on them and their families – quickly, easily and proportionately. At a time of increasing economic and social fragility, it is especially important to have meaningful arrangements for the resolution of genuine grievances against the might of government. When so much emphasis is rightly placed on empowering people, on improving public services, on fairness and on upholding the Rule of Law, it is astonishing that there is so little focus on the framework for ensuring that the State gets it right in its dealings with Citizens.

“We live in an era of austerity and cutbacks, but many of our concerns are about waste and inefficiency. This report is an invitation to government and others to step back from immediate fire-fighting and consider a strategic and long-term change programme to make access to administrative justice fit for the 21st century.”

Notes to Editors

1. “Securing Fairness and Redress: Administrative Justice at Risk” can be found at www.justice.gov.uk/ajtc.
2. The report emphasises the scale and complexity of administrative justice, involving tens of millions of government decisions every year (at national and local level), around one million appeals against those decisions and more appeal hearings being held than trials in the criminal and civil justice systems.
3. The AJTC is an independent advisory non-departmental public body sponsored by the Ministry of Justice. It was created by the Tribunals, Courts and Enforcement Act 2007 as the successor organisation to the Council on Tribunals. The Public Bodies Bill currently before Parliament proposes its abolition in 2012.
4. The AJTC does not have a press office. For more information or to speak to Richard Thomas directly please call 07899 912 570.