

PRESS RELEASE

FOR IMMEDIATE PUBLICATION

“Get it Right First Time”, public bodies told

Public bodies must improve the quality of their decision-making by aiming for a ‘Right First Time’ culture and avoiding the expense and stress of appeals from aggrieved citizens.

A report launched today – 14 June 2011 – by the AJTC (Administrative Justice and Tribunals Council) argues that a determined focus on getting things right first time should be a core concern for all public services. But there are currently few initiatives to improve the quality of decisions and there is little learning from appeals – it is the exception now for public bodies even to attend tribunal hearings.

According to Richard Thomas CBE, Chair of the AJTC:

“Every day public bodies at central and local level make tens of thousands of decisions about individuals – on matters as diverse as welfare benefits, immigration, education, tax, health and so on. Unfortunately, evidence suggests that far too many of these decisions are incorrect – regularly up to a third of appeals made to tribunals are upheld. It seems that the same mistakes keep being made time and again. It must be far better for all concerned to get things right at the outset, rather than have them put right on appeal.

The number of appeals and challenges against decisions which people bring to tribunals and ombudsmen has risen sharply – it’s now over a million a year. Appeals involve considerable financial and other costs for the users of public services, for the organisation concerned and for the wider public purse. However, there is little evidence that the true costs of their mistakes are fully understood or considered by public bodies.”

The report offers practical advice to public bodies on how to create a right first time organisation, reduce appeals rates and learn from their mistakes. Case studies of good practice initiatives undertaken by the Midlands and East region of the UK Border Agency and the Criminal Injuries Compensation Authority, are used to demonstrate the value of improved decision-making.

Professor Alice Brown CBE, report author, emphasises the “Right First Time Fundamentals”:

“A focus on the user is fundamental for a right first time organisation. Real leadership is needed to get the right culture. Good communication with users establishes the facts early on. Aiming for resolution rather than letting the problem pass to a tribunal or ombudsman would avoid the need for all parties to go through a lengthy, stressful and costly process of challenging decisions. In cases where a genuine mistake has been made and discovered when the applicant appeals, we want to encourage organisations to hold their hands up and put things right. Organisations must also have in place mechanisms to learn from their mistakes, using information gathered from appeals and complaints to stop the same errors from occurring time after time.”

As well providing practical advice for front-line decision-making bodies, the report makes a series of Recommendations to original decision-makers, governments, parliamentary bodies and tribunals across the UK. As part of this, the report reviews the impact of perverse

incentives and suggests that the time has come to develop more sophisticated methods for funding tribunals.

Richard Thomas says:

“One specific focus is the cost of running tribunals. If original decision-makers fail to get their decisions right first time, then a strong case can be made for holding them responsible for paying the full cost of subsequent proceedings where their decisions are overturned – the “polluter pays” principle. We are calling on the Lord Chancellor to work with the Cabinet Office to find ways to ensure that the costs of poor decision-making are borne by the department or public body concerned.”

Notes to Editors

1. The 'Right First Time' report can be found at www.justice.gov.uk/ajtc.
2. The report was written by a team led by Professor Alice Brown CBE – former Scottish Public Services Ombudsman and a current member of the AJTC.
3. The AJTC does not have a press office. For more information or to speak to Professor Alice Brown please call 020 7855 5210. To speak to Richard Thomas please call 07899 912 570.
4. 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.
5. The project team looked at two public sector organisations where there was concern about the level and cost of appeals and where criticism had been made about their performance. Both organisations undertook 'right first time' initiatives to address these concerns. We visited the organisations and interviewed key staff with a view to drawing out lessons that could be transferred across the other public sector bodies.
6. The report lists the Fundamentals of right first time as Leadership, Culture, Responsiveness, Resolution and Learning.