



Y Cyngor Cyfiawnder Gweinyddol a
Thribiwnlysoedd Pwyllgor Cymru
Administrative Justice & Tribunals Council
Welsh Committee
Hywryddo Cyfiawnder Gweinyddol
Advancing Administrative Justice

Administrative Justice & Tribunals Council Welsh Committee

ANNUAL REPORT 2008/2009

This Report is made to the Welsh Ministers

It is laid before the National Assembly for Wales by Welsh Ministers pursuant to paragraph 21 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007

The AJTC and its Scottish Committee publish their own separate annual reports

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Chair's Preface



What is Administrative Justice? And does it matter; is it of great moment to the people of Wales?

The Welsh Committee of the Administrative Justice & Tribunals Council could, perhaps, have been forgiven for putting such large questions to one side. We only came into being in June 2008 and in our first year we have had to work hard simply to understand the administrative justice landscape in Wales: a landscape made complex by the intertwining of devolved and non-devolved systems. This, our first, annual report reflects many of the discussions and meetings we have had with the judiciary, government Ministers, officials and advice providers in our attempt at understanding.

Beginning with the world of tribunals, we have identified a need for a separation of powers – a transparent guarantor of independence – relating to the policy, funding and administration of tribunals. To address this issue, we have initiated a review of tribunals operating in Wales. We will present our initial thoughts to our Wales conference in June and intend to present our report to Ministers in autumn 2009.

Important as they are, however, tribunals are but one part of the wide brief now assigned to the AJTC. The boundaries and characteristics of administrative justice are issues with which the Council as a whole is having to grapple. But one thing that is clear from the outset is that administrative justice is not merely about citizen redress (“putting it right”), but also about learning lessons from what goes wrong and incorporating them into a vision of good public administration (“getting it right”). Focusing on improving initial decision-making in government is an essential aspect of improving the experience of users of the system. It should lead to a better result for citizens, less work for appeal systems and lower costs for government.

It is at this point that the large questions facing us chime precisely with the major theme of Welsh public service: the citizen focused approach. The issues raised in the Making the Connections/Beecham agenda adopted by the Welsh Assembly Government go to the heart of the AJTC’s primary objective - focusing first and foremost on the needs of users. Our vision of a coherent, accessible and fair administrative justice system in Wales is one – indispensable – part of the WAG agenda.

Inevitably, therefore, we see a need for a single focal point for administrative justice in the Welsh Assembly Government. A focal point capable of fostering understanding and expertise and of delivering coherent policies across all aspects of administrative justice. Without this we see little prospect of the strong and informed leadership needed to make the pursuit of administrative justice a key component in the drive to citizen centred public service. It is a development for which we will continue to press.

A handwritten signature in black ink, appearing to read 'Ad Webb'.

Professor Sir Adrian Webb

Overview

PURPOSE

The AJTC's purpose is to help make administrative justice and tribunals increasingly accessible, fair and effective by:

- playing a pivotal role in the development of coherent principles and good practice;
- promoting understanding, learning and continuous improvement;
- ensuring that the needs of users are central.

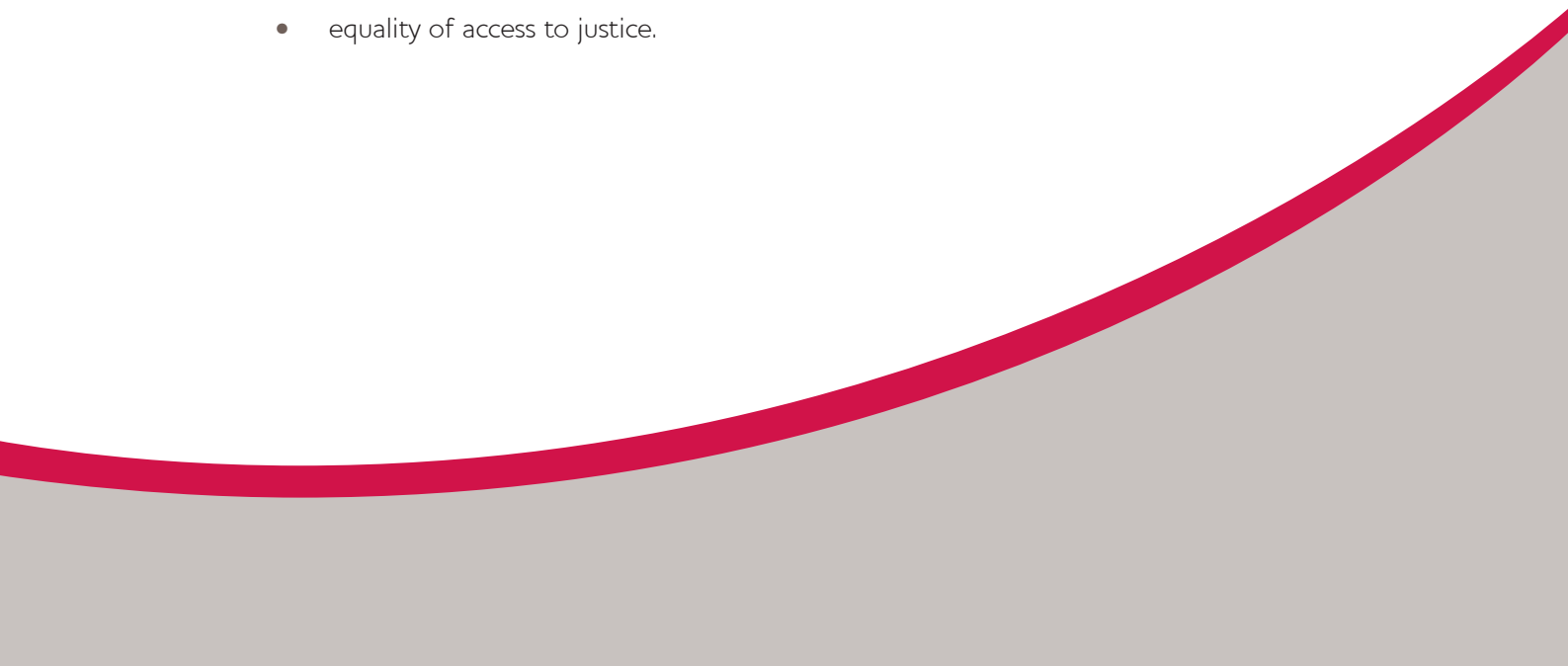
VISION

The AJTC's vision for administrative justice and tribunals is a system where:

- those taking administrative decisions do so on soundly-based evidence and with regard to the needs of those affected;
- people are helped to understand how they can best challenge decisions or seek redress at least cost and inconvenience to themselves;
- grievances are resolved in a way which is fair, timely, open and proportionate;
- there is a continuous search for improvement at every stage in the process.

VALUES

The values the AJTC seeks to promote in administrative justice and tribunals are:

- openness and transparency
 - fairness and proportionality
 - impartiality and independence
 - equality of access to justice.
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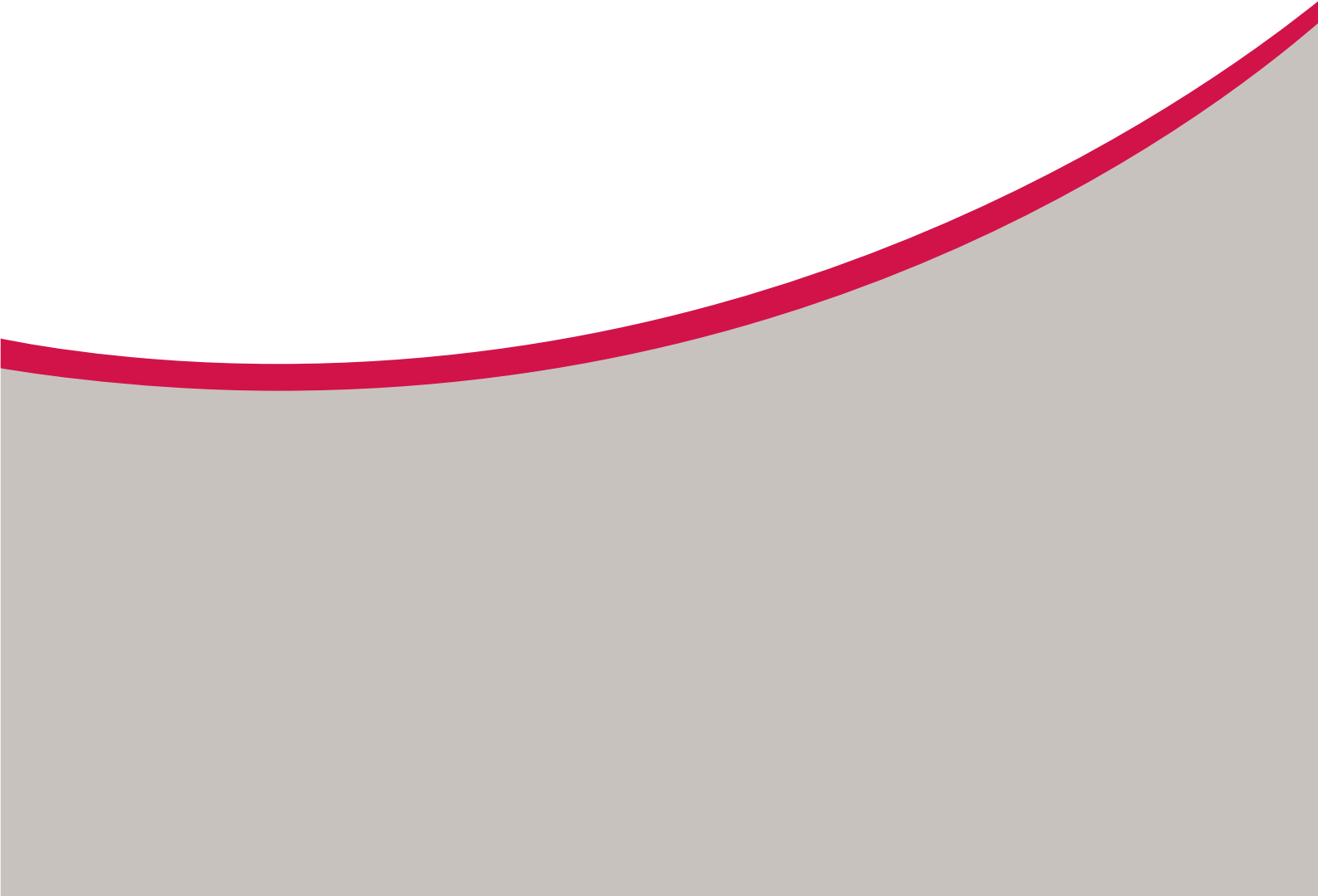
STRATEGIC OBJECTIVES

The AJTC will focus, first and foremost, on the needs of users.

The AJTC will:

- Keep under review and influence the development of administrative justice and tribunals;
- Keep under review the work of the Tribunals Service, the tribunals within it and other tribunals; and
- Respond authoritatively to emerging issues and proposals that affect or involve administrative justice, tribunals or inquiries.

KEY ISSUES FOR THE WELSH COMMITTEE

- The need for a coherent policy for administrative justice in Wales
 - The need for a separation of powers relating to policy, funding and administration of tribunals in Wales
 - The need to focus on improving original decision-making by government
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Introduction and Summary

The...remit of the AJTC across the whole landscape of administrative justice is an important one. In the end, it is about helping promote good quality decision-making by government, local councils and agencies – and ensuring that there are accessible, fair and effective means of securing correction or redress when grievances arise. These are things that matter to every citizen.

AJTC Chair, Lord Newton of Braintree,
AJTC Annual Report 2007/08

1. This is the first Annual Report of the Welsh Committee of the Administrative Justice and Tribunals Council (AJTC), which was established under the *Tribunals, Courts and Enforcement Act 2007* [the Act]. The Committee came into existence on 1 June 2008 and this report formally covers the period from then until 31 March 2009. However, some of the matters included reflect developments up until the end of April 2009.
2. The key functions of the AJTC and its Committees are set out in the Act and include:
 - keeping the overall administrative justice system under review
 - considering ways to make the system accessible, fair and efficient
 - advising on the development of the system
 - making proposals for changes in the system
 - making proposals for research into the system
 - keeping under review the constitution and working of the tribunals designated as being under the AJTC's oversight
 - keeping under review the constitution and working of statutory inquiries
3. The 'administrative justice system' is defined under the Act as:

*the overall system by which decisions of an administrative or executive nature are made in relation to particular persons, including the procedures for making such decisions, the law under which they are made, and the systems for resolving disputes and airing grievances in relation to them.*¹

¹ *Tribunals, Courts and Enforcement Act 2007*, Schedule 7, para 13(4).

4. As a new Committee, we have been concentrating on establishing an understanding of the administrative justice landscape in Wales and identifying and prioritising key issues for Wales. We developed our first programme of work [Appendix C] as part of the broader AJTC Work Programme, which was submitted to the Lord Chancellor and the Welsh and Scottish Ministers.
5. The matters contained in our work programme stem from our primary objective of focusing first and foremost on the needs of users, and the AJTC's three strategic objectives of :
 - Keeping under review and influencing the development of administrative justice and tribunals
 - Keeping under review the work of the Tribunals Service, the tribunals within it and other tribunals
 - Responding to emerging issues and proposals in the administrative justice field.

We have adopted these strategic objectives as the framework for reporting on our activity.

Relationship with the AJTC

6. While we have our own separate identity and take the lead in overseeing administrative justice in Wales in both devolved and non-devolved areas, we also play an important part in the AJTC's work as a whole. Our Chair sits as a member of both the Welsh Committee and the AJTC.
7. In conjunction with the AJTC and its Scottish Committee, we have drawn up a protocol describing arrangements for giving effect to the statutory provisions governing relations between the AJTC and its Committees outlined in Schedule 7 to the Act. This protocol reflects our desire to maintain open and collaborative working relationships, and to take a 'no surprises' approach to the conduct of business.

Summary of Our Work

8. Since our first meeting in June 2008, we have:
 - Engaged with stakeholders to understand their views and concerns on key administrative justice issues, including hosting a launch event in December 2008, planning for our first conference in June 2009 and holding individual meetings with the judiciary, government ministers, officials and agencies, ombudsmen and advice providers.
 - Initiated a review of tribunals operating in Wales, in order to provide advice to Welsh Ministers on options for reform. We have observed a number of tribunal hearings and attended tribunal training events and conferences.
 - Provided advice to Ministers on a number of administrative justice and tribunal issues in response to government consultations.

Summary of Key Issues

9. Since our inception in June 2008, we have identified the following three key administrative justice issues for Wales, on which we intend to focus in the year ahead:

The need for a coherent policy for administrative justice

We are concerned that the Welsh Assembly Government has not developed a consistent vision of administrative justice in Wales. It has tended to look at redress mechanisms individually, rather than the wider perspective of a system of administrative justice in Wales. Over the coming year, starting with our conference in June 2009, we will seek to work with the Welsh Assembly Government and others to develop and promote a citizen-focused and coherent policy for administrative justice in Wales.

The need for a separation of powers relating to policy, funding and administration of tribunals.

Departments whose decisions are being challenged currently provide the policy, funding and administration for devolved tribunals in Wales. We consider that this is not sufficiently independent, open, impartial or efficient. We have initiated a review of tribunals in Wales to explore these issues, and will make recommendations to the Welsh Assembly Government on options for reform in 2009/10.

The need to focus on improving original decision-making by government

We consider that better initial decision-making is one of the most important aspects in improving the experience of users of the administrative justice system. "Right First Time" means a better result for the individual, less work for appeal systems and lower costs for government. Our broad remit places us in a unique position to bring together stakeholders from across the system and highlight lessons learnt from redress mechanisms. We have begun to build relationships with key stakeholders in Wales, and will pursue this issue over the coming year.

Objective 1: Keeping under review and influencing the development of administrative justice

OUR ROLE

We have been appointed by the Welsh Ministers² to undertake the following statutory functions:

- keeping the administrative justice system in Wales under review
- considering ways to make the system accessible, fair and efficient
- advising the Welsh Ministers and others on the development of the system in Wales
- referring proposals for changes in the system to the Welsh Ministers and others
- making proposals for research into the system in Wales.³

The Welsh Ministers or the Lord Chancellor can ask us to report on particular issues, or we can initiate reports of our own volition.

OUR PRIORITIES

To meet Objective 1, our main priorities for 2008/09 were to:

- Establish an understanding of the administrative justice landscape in Wales
- Begin to identify and prioritise key issues for Wales
- Raise awareness of administrative justice and the role and work of the AJTC and the Welsh Committee
- Plan for an Administrative Justice conference in Wales in 2009
- Pursue with the Welsh Assembly Government the role of citizen redress in a citizen-centred approach to the provision of public services.

² *Tribunals, Courts and Enforcement Act 2007*, Schedule 7, para 7.

³ *Tribunals, Courts and Enforcement Act 2007*, Schedule 7, para 13.

OUR ACTIVITIES

Developing Our Understanding of Administrative Justice

We are all entitled to receive correct decisions on our personal circumstances; where a mistake occurs we are entitled to complain and have the mistake put right with minimum difficulty; where there is uncertainty we are entitled to expect a quick resolution of the issue; and we are entitled to expect that where things have gone wrong the system will learn from the problem and will do better in the future.

This is the sphere of administrative justice. It embraces not just courts and tribunals but the millions of decisions taken by thousands of civil servants and other officials.

Transforming Public Services: Complaints, Redress and Tribunals, White Paper produced by the Department for Constitutional Affairs, 2004, p.3

1. Our remit is to look at the whole cycle of administrative justice, beginning with the quality of original decision making, through different forms of adjudication, review and redress (both internal and external), and relationships between government agencies, the courts and tribunals.
2. In order to be in a position to advise Welsh Ministers authoritatively on the development of the system, we have focused on developing our understanding of the administrative justice landscape in Wales. A central theme to emerge has been its **complexities**, particularly as a result of devolution. While 'justice' is not a devolved area, a large part of 'administrative justice' is - where substantive areas of government have been devolved, aspects of the administrative justice system in those areas have been devolved as well.
3. To take but one example, there are a number of administrative justice aspects in the devolved area of health and social services, including:
 - decisions concerning, for instance, a person's eligibility for social care support or medical treatment
 - the various mechanisms for handling complaints about service provision and decisions, such as the three stage Social Services complaints system and the new two stage NHS complaints procedures
 - the consideration of complaints of maladministration relating to health and social service provision by the Public Services Ombudsman for Wales

- UK-wide tribunals and professional bodies established under statute that are concerned with the regulation and discipline of public health professionals
 - the Mental Health Review Tribunal for Wales, which hears applications and references for people detained under the Mental Health Act 1983.
4. As well as being complex, the administrative justice landscape in Wales is also **developing rapidly**, partly as a result of devolution. The National Assembly for Wales is acquiring new legislative powers as a result of the *Government of Wales Act 2006* and through provisions in Westminster legislation. As a result, legislation affecting administrative justice issues relating to topics as diverse as childcare, education, health and planning is developing in ways that are specific to Wales.

Raising Awareness

The existence of the [AJTC Welsh] Committee, together with the new office of Public Services Ombudsman for Wales...gives us the chance to look afresh at the picture of administrative justice in Wales...

Hugh Rawlings, Director of the Constitutional Affairs, Equality and Communications Department, speaking at the AJTC conference in November 2008

5. We have hosted and attended a number of events at which we have sought to raise our own profile, and that of administrative justice.

AJTC Conference

6. At the AJTC conference in London on 18 November 2008, Hugh Rawlings, Director of the Constitutional Affairs, Equality and Communications Department of the Welsh Assembly Government gave a presentation on administrative justice in Wales, as part of a broader panel discussion concerning developments in administrative justice across the UK.
7. He explained our role in “develop[ing] an holistic view of tribunals, and indeed of administrative justice in Wales more generally...” and outlined two factors that contribute to the complexity of administrative justice in Wales:
- Some aspects of administrative justice lie with the Welsh Assembly Government and others with Westminster
 - The rapidly developing constitutional context in Wales leads to an inability thus far to develop a government-wide vision of administrative justice.

Launch

8. On 9 December 2008 we held an evening reception to celebrate the establishment of the Committee. The event was attended by a diverse range of people, including Welsh Assembly Government officials, tribunal and court judiciary and support staff, Ombudsman representatives and others. Our Chair spoke at the event about our purpose, remit and strategic objectives, and emphasised:
 - the need for an **integrated policy approach** to administrative justice in Wales
 - the need for a **separation of powers** between devolved tribunals and the government departments being appealed against.
9. He also pointed to the unique features in Wales which should enable the development of a joined-up administrative justice system, such as a small and potentially highly coherent government system and a citizen-centred approach to public services. He stated our ambition to work with the Welsh Assembly Government and other stakeholders *to make a difference to public service users in Wales via 'large issues' of policy and principle, and 'workaday issues' that affect users, such as tribunal hearing venues and the availability of advice and representation.*

AJTC Welsh Committee Conference

10. We have been working towards holding our first conference on 18 June 2009 in Cardiff. The theme of the conference is 'Administrative Justice in Wales: Citizens at the Centre'. Speakers will include the Minister for Finance and Public Service Delivery, the Public Services Ombudsman for Wales and the Permanent Secretary of the Welsh Assembly Government. We will report more fully on this event in our next Annual Report.

Relationship Building

11. Throughout the year we have met with a number of individuals and organisations to learn about and influence developments in administrative justice in Wales and have begun to build a network of key organisations and individuals.

Ombudsmen

12. Both the **Public Services Ombudsman for Wales**⁴ (PSOW) and the **UK Parliamentary Ombudsman**⁵ are *ex officio* members of our Committee and have been actively engaged in our work and meetings. We see the Ombudsmen as key partners in overseeing the administrative justice system. In March 2009 we visited the office of the PSOW to learn more about his role.

⁴ In April 2006 the Public Services Ombudsman for Wales (PSOW) replaced the previous offices of the Local Government Ombudsman for Wales, the Health Service Ombudsman for Wales, the Welsh Administration Ombudsman and the Social Housing Ombudsman for Wales. The PSOW investigates complaints made by the general public regarding services provided by Welsh public bodies, including health care, government departments and their agencies, social services, planning, education, local government, and housing, and (so far as their conduct impacts on Wales) certain other public authorities.

⁵ The UK Parliamentary Ombudsman has jurisdiction over some complaints in Wales, such as those about social security, immigration and taxation matters.

Welsh Assembly Government

13. We have sought to make connections on a variety of issues with those in the Welsh Assembly Government with an interest in administrative justice. We have engaged the Minister for Social Justice and Local Government regarding the consultation on the Reorganisation of the Valuation Tribunals for Wales and the Deputy Minister for Social Services on the urgent need for procedural guidance for the operation of the Independent Review of Determination Panels (see Objective 3 below for more details).
14. In late 2008, we wrote to the Minister for Finance and Local Government Improvement, expressing our interest in becoming involved in a project to consider **unifying complaint mechanisms** across government⁶. Our Chair attended a meeting of Welsh Assembly Government officials to consider the policy and research on public service complaints in Wales, England and Scotland. Discussions centred on the nature of the problems associated with current complaint handling processes and additional action needed to improve the handling of, and learning from, complaints in the light of current research and evidence. We look forward to working with the Welsh Assembly Government in taking these issues forward in 2009/10.
15. We have also met with officials from the Department for Constitutional Affairs, Equality and Communication, who are working on a project to map complaint-handling mechanisms across government.

Advice and Representation Providers

16. In November 2008, one of our members gave a presentation on our role and remit to a meeting of the **Neath Port Talbot Welfare Rights Unit**. The Welfare Rights Unit is a team of local authority staff formed to promote the take-up of social security and welfare benefits. Concerns were raised at the meeting about the training of tribunal members sitting at disability appeals, and inefficiencies in the scheduling of hearings. It was observed that presenting officers from JobCentre Plus and the Pension Service rarely attend appeal hearings, which means that the appeal panels have to take a more active role in the proceedings. This is an issue on which the AJTC and its predecessor, the Council on Tribunals, have commented on many previous occasions. We were concerned to hear that on succeeding at an Incapacity Benefit appeal, appellants were often faced with an immediate new negative decision on their claim (as the appeal usually related to a period some months in the past), and were forced to start the whole appeal process again.

⁶ The project was first mentioned as part of the National Assembly for Wales consideration of the Public Services Ombudsman for Wales Annual Report for 2007/08 on 12 November 2008 at <http://www.assemblywales.org/bus-home/bus-chamber/bus-chamber-third-assembly-rop.htm?act=dis&id=105680#3>.

17. In January 2009 one of our members attended a meeting of Welfare Rights Advisers Cymru to explain our role and to gather feedback on social security appeal tribunals, at which welfare rights advisers regularly represent their clients. **Welfare Rights Advisers Cymru** is a network of welfare rights advisers from all over Wales, which meets quarterly to exchange information, discuss policy issues and developments to the law and undertake training. We will seek to build on this initial contact over the coming year.
18. In November 2008 one of our members attended the first conference of the **Public Legal Education Network (Plenet)** entitled 'Developing Capable Citizens: Civil Justice and Public Legal Education' in Cardiff. Plenet is a network of organisations and individuals working in the field of public legal education. The event brought together practitioners and policy-makers to develop a better understanding of the notion of legal capability, to discuss the development of citizenship education and introduce Plenet's research and evaluation work. We were impressed by the potential of public legal education initiatives to improve the experience of users, and are keen to explore the possibility of working collaboratively with Plenet.

Wales Legislation On-line

19. In September 2008 we met with David Lambert and Marie Navarro of the **Cardiff Law School** to learn more about the nature and scope of the National Assembly's legislative powers, the constitutional impact of Welsh measures, and the scrutiny of draft legislation. We were particularly interested in the Wales Legislation On-line service, created by the Cardiff Law School and supported by the National Assembly for Wales and the Welsh Assembly Government. This website provides information on the executive powers and the subordinate legislation made by the Welsh Ministers alone or together with central government, and the legislative powers and Measures made by the Assembly.
20. Given the complex legislative and constitutional landscape in Wales, the website is a valuable resource to help people navigate the legislative system. To highlight the website, we featured an article by Marie Navarro in the December edition of the AJTC's e-newsletter, *Adjust*.

Consumer Focus Wales

21. In March 2009 we met with a representative of Consumer Focus Wales to learn more about their work and explore opportunities for collaboration. Consumer Focus is the new statutory organisation created through the merger of the Welsh Consumer Council, Postwatch Wales and Energywatch Wales and its remit is to campaign for a fair deal for consumers in Wales. Areas of mutual interest include the need to better understand the existing provision of advice services across Wales and the promotion of improved decision-making by government.

Tribunals

22. Our interactions with tribunal stakeholders in Wales are discussed under Objective 2 below.

Administrative Court in Wales

23. We have been interested in the establishment of administrative court facilities at the **Civil Justice Centre** in Cardiff in April 2009. Two of our members attended an informal presentation on the arrangements for the Administrative Court in Wales in June 2008. Also, in March 2009 our Chair met with representatives of the Administrative Court judiciary. We were pleased to learn that:
 - There will be robust arrangements for transferring cases from London to Cardiff for hearing in Wales, the presumption being that cases having a connection to Wales will normally be heard in Wales
 - There will be provision for hearing cases at suitable venues across Wales
 - The court will be well staffed, and two of the seven designated judges are Welsh speakers.

Lord Chancellor's Standing Committee on the Welsh Language

24. We are represented on the Lord Chancellors Standing Committee on the Welsh Language. The Committee's purpose is to ensure that various bodies concerned with the administration of justice in Wales adopt a common approach to policies towards the Welsh language and the implementation of the Welsh Language Act 1993. One of our members attended the two meetings of this group held over the past year.
25. The Committee has recommended a training protocol to justice agencies in Wales to disseminate the good practice that has been developed (for example by North Wales Police) in training staff in matters regarding the Welsh language. The Committee has also welcomed the report by His Honour Judge Philip Hughes (Diversity and Community Relations Judge for North Wales) and His Honour Judge Wyn Rees (Diversity and Community Relations Judge for South Wales) on *Courts and Community Relations in Wales*. The frustrations caused by current information technology systems to the provision of bilingual services by several of the justice agencies has also been noted.

Citizen-Centred Focus

The development of the relationship between citizens and public services must be pursued effectively and urgently... mechanisms for informing and engaging the public need to be transformed...

Beyond Boundaries: Citizen-Centred Local Services for Wales, Review of Local Service Delivery: Report to the Welsh Assembly Government, 2006, p.57

Credibility and reputation depends on continued dialogue with well-informed citizens. This should include simple and speedy processes for complaint and redress. Organisations must be mature enough to apologise when things go wrong, put things rights and provide suitable redress.

Beyond Boundaries: Citizen-Centred Local Services for Wales, Review of Local Service Delivery: Report to the Welsh Assembly Government, 2006, p.58

26. The Welsh Assembly Government has adopted a citizen-centred approach to public services. We consider that there are a number of synergies between this policy goal and our role and remit, particularly the focus on:
- **Speedy and appropriate redress mechanisms**, requiring organisations to ensure that systems of complaint and redress are simple, accessible and congruent across organisational and sectoral boundaries
 - A citizen-centred approach that incorporates the needs of service users as the primary concern
 - High quality, personalised, joined-up services, planned across organisational boundaries
 - Improved organisational culture and public service capacity
 - **Well-informed citizens** that have meaningful, diverse ways to express their expectations, experiences and needs within all spheres of government.
27. We have recently begun to pursue these issues at meeting in April 2009 with officials from the Welsh Assembly Government to explore complaints handling systems across government. We expect to make further progress on this priority over the coming year, and 'Citizens at the Centre' is the theme for our conference in June 2009.

Objective 2: Keeping under review the work of the tribunals and inquiries operating in Wales

It should never be forgotten that tribunals exist for users, and not the other way round. No matter how good tribunals may be, they do not fulfil their function unless they are accessible to the people who want to use them, and unless the users receive the help they need to prepare and present their cases.

Tribunals for Users: One System, One Service: Report of the Review of Tribunals by Sir Andrew Leggatt, March 2001, p.6

OUR ROLE

We have been appointed by the Welsh Ministers⁷ to undertake the following statutory functions:

- keeping under review, and reporting on, the constitution and working of listed tribunals⁸ operating in Wales in general, and of each such tribunal
- considering and reporting on any matter relating to listed tribunals operating in Wales that we determine to be of special importance
- considering and reporting on any particular matter relating to tribunals that is referred to us by the Welsh Ministers or the Lord Chancellor⁹.

We have similar functions in relation to statutory inquiries¹⁰.

We also have the right to attend (as observer) proceedings of a listed tribunal or a statutory inquiry, including hearings held in private and proceedings not taking the form of a hearing.

⁷ *Tribunals, Courts and Enforcement Act 2007*, Schedule 7, para 7.

⁸ 'Listed tribunals' are the First-tier Tribunal and Upper Tribunal established by the *Tribunals, Courts and Enforcement Act 2007* and tribunals listed by orders made by the Lord Chancellor, the Scottish Ministers and the Welsh Ministers. The AJTC must be consulted before procedural rules are made for any listed tribunal except the First-tier Tribunal and Upper Tribunal. The AJTC is represented on the Tribunal Procedure Committee that makes procedural rules for the First-tier Tribunal and Upper Tribunal.

⁹ *Tribunals, Courts and Enforcement Act 2007*, Schedule 7, para 14.

¹⁰ *Tribunals, Courts and Enforcement Act 2007*, Schedule 7, para 15. 'Statutory inquiry' means an inquiry or hearing held by or on behalf of the Welsh Ministers in pursuance of a statutory duty, or a discretionary inquiry or hearing held on behalf of the Welsh Ministers which has been designated by an order under the *Tribunals and Inquiries Act 1992*.

OUR PRIORITIES

To meet Objective 2, our main priorities for 2008/09 were to:

- Initiate a review of tribunals operating in Wales
- Identify issues specific to Wales in the work of the Tribunals Service and the creation of the First-tier and Upper Tribunals
- Agree a programme of visits and stakeholder meetings sufficient to inform members and bring the existence of the Committee to the attention of tribunal stakeholders
- Observe both devolved and non-devolved tribunal hearings.

OUR ACTIVITIES

Review of Tribunals in Wales

1. In November 2008 we initiated a review of tribunals operating in Wales, as a result of our observations of:
 - the **complexity and fragmentation** of tribunals in Wales, with significant differences in the way the various devolved tribunals operate and are administered
 - instances of reform relating to devolved tribunals being considered in an *ad hoc* and disjointed way
 - an apparent **lack of independence** of Welsh Tribunals, with responsibility for tribunals and their administration lying with those whose policies or decisions it is the tribunal's duty to consider.
2. We have adopted the following methodology for the conduct of the review:
 - Research on both devolved and non-devolved tribunals aimed at collecting detailed and consistent information on tribunals operating in Wales
 - The formulation of general standards and principles for tribunals
 - Analysis of tribunals operating in Wales against best practice standards and principles
 - Exploration of options for reform.
3. During the first part of 2009, we started detailed research on the operation of tribunals in Wales. We formulated a standard questionnaire, which we distributed to a variety of tribunal and government representatives asking for information on issues such as tribunal structure, appointments, caseload, training and Welsh language provision. We have also begun to consider general principles for tribunals, based on human rights and natural justice principles, and tribunal reform in other jurisdictions. We are mindful of the unique Welsh context in which devolved tribunals operate, and will be conscious of this when considering options for reform.

4. Our goal is to produce an authoritative and comprehensive report on Tribunals in Wales to the Welsh Ministers in autumn 2009. The report will provide an evidence base to enable improvements in the administration of tribunals in Wales by identifying proposals for changes to policy and practice.

The First-tier Tribunal and Upper Tribunal in Wales

The new tribunal system is a significant provider of justice in...Wales... So far as is consistent with the limits of my statutory role, I will work with judicial and administrative agencies to promote as far as possible a consistent approach to tribunal justice across the country as a whole, while ensuring that the services provided by the new tribunals system for which I will be directly responsible are sensitive to the distinctive needs and interests of the different parts of the UK.

Senior President of Tribunals First Implementation Review,
June 2008, p.5

5. The GB tribunals supported by the Tribunals Service are experiencing a period of rapid reform as a result of the *Tribunals, Courts and Enforcement Act 2007*, including:
 - The creation of a unified tribunal structure
 - The creation of the Upper Tribunal, leading to new and rationalised rights of appeal
 - The establishment of the office of Senior President as a free-standing senior judicial office to provide focus and leadership for tribunals covered by the Act
 - The ability to 'cross-ticket' and assign tribunal judges and members across different jurisdictions.
6. As part of the reform process, on 3 November 2008 two new unified tribunals were established, consisting of a First-tier and an Upper Tribunal. Initially, these tribunals comprised:
 - Three First-tier Chambers - Social Entitlement; Health, Education and Social Care; War Pensions & Armed Forces Compensation;
 - The Administrative Appeals Chamber of the Upper Tribunal.

7. The second phase of tribunal unification will occur progressively from April 2009. This phase will include:
 - The transfer and reform of the tax and duties tribunals
 - Lands Tribunal moving into the Upper Tribunal
 - Establishing the General Regulatory Chamber (comprising regulatory tribunals including Estate Agents appeals; Consumer Credit Appeals Tribunal; Information and Charity Tribunals).
8. The Welsh Assembly Government has decided that devolved tribunals will not join the Tribunals Service or the new unified tribunal structure. However, the non-devolved jurisdictions of the new tribunal structure operate in Wales, for example, the social security and child support jurisdiction of the Social Entitlement Chamber and the tax and duties jurisdictions.
9. Where a new right of appeal to the Upper Tribunal is created in England in relation to a tribunal that joins the First-tier Tribunal, appeals from the equivalent Welsh Tribunal will also normally be to the Upper Tribunal¹¹. Thus, when the jurisdictions of the Special Educational Needs and Disability Tribunal (SENDIST) in England and the Mental Health Review Tribunal (MHRT) for England transferred to the First-tier Tribunal with a right of appeal to the Upper Tribunal on 3 November 2008, an appeal right from the equivalent Welsh tribunals to the Upper Tribunal was also established.
10. We have met twice with the **Tribunals Service Area Manager for Wales and the South West** to discuss the impact of UK tribunal reform in Wales. We have explored the following issues:
 - The establishment of an Upper Tribunal hearing centre in Cardiff to ensure accessibility for users in Wales, and that appeals from Welsh tribunals such as SENTW can be heard in Wales
 - The availability of Tribunals Service hearing centres in Wales
 - The Welsh language capacity of the Tribunals Service.
11. We have provided advice to the AJTC on particular Welsh issues concerning the draft procedural rules for the First-tier tribunal, specifically Welsh language implications.

Observations of Tribunal Hearings

12. We have exercised our statutory right to attend (as observer) proceedings of listed tribunals on a number of occasions. A full list of our visits to tribunals is at Appendix E. The purpose of these visits is to enable us to:
 - see the tribunals at work, and observe the experiences of tribunal users
 - talk to members and staff of tribunals and explain our work
 - develop a knowledge and understanding of the problems facing tribunals in Wales, in order to advise the Welsh Ministers and the AJTC.

¹¹ *Tribunals, Courts and Enforcement Act 2007*, s32.

13. We identified particular issues from observing proceedings of Independent Review of Determination Panels. These Panels were established in 2006 to review adoption agencies' determinations as to whether a person is suitable to adopt a child¹². On the basis of our visits to these panels, we wrote to the Minister for Children, Education, Lifelong Learning and Skills expressing our concerns about the lack of procedural guidance for panel members. We were pleased to receive a positive response from the Deputy Minister for Social Services giving a commitment to produce procedural guidance and training for members.

Relationship Building

14. We have had introductory meetings with most of the judicial leaders of the tribunals operating in Wales and have attended a number of tribunal conferences and training events, details of which are at Appendix E.

Training

15. A number of our tribunal stakeholders have raised with us the issue of training for the members and judiciary of Welsh Tribunals, in particular:
- Individual departments and local authorities set training budgets for devolved tribunals, which has led to inconsistencies in the provision of training across tribunals. It is also felt that in some cases government departments have a limited understanding of the training needs of tribunal members, as a tribunal is only a small aspect of their work, and not seen as part of 'core business'
 - The practice of some Welsh tribunals in sharing training with their English counterparts has become more difficult with the move of some jurisdictions to the First-tier Tribunal in England
 - Particular Welsh language training needs, including training in Welsh language technical and legal terminology.
16. In response to these concerns, we contacted the **Judicial Studies Board (JSB)** in December 2008 and have since met twice with the JSB Tribunals Training Director. We support the JSB's proposal to conduct an evaluation of training in three Welsh tribunals - MHRT for Wales, SENTW and the Agricultural Land Tribunal (ALT) for Wales. We intend to follow this process closely in the coming year, and await the results of the analysis with interest.
17. Given the relatively small numbers of tribunal members for the Welsh tribunals, we feel that there is scope in Wales for joint training sessions involving different Welsh tribunals on generic issues such as judge-craft, equality and diversity and developing Welsh language technical proficiency. While we are not in a position to provide this training ourselves, we are eager to do all we can to facilitate and encourage it.

¹² While these tribunals are listed tribunals for the purpose of the Tribunals, Courts and Enforcement Act 2007, they are not an appeal authority and cannot overturn adoption agencies determinations. They make a recommendation after reviewing the information before the original adoption panel; any other relevant information received by the adoption agency after the original panel hearing; and the applicant's grounds for requesting the review. The original adoption panel must then take into consideration this recommendation when making its final decision.

Tribunal User Groups

18. We have been specifically interested in feedback from tribunal users and have attended user group meetings of the **Special Educational Needs Tribunal for Wales (SENTW)** and the **Asylum and Immigration Tribunal**.
19. We were impressed by the usefulness of the SENTW User Group, which holds meetings twice a year at three regional locations across Wales. The meetings seem to be well attended by representatives from local authorities and the advocacy services that support families of children with special educational needs, as well as the parents themselves. They provide an opportunity for information sharing and feedback to the tribunal, as well as an opportunity for networking and discussion between representatives. To highlight this good example, we published an article by the tribunal Secretary in the March 2009 edition of the AJTC's e-newsletter, *Adjust*.
20. Conversely, our observation of the AIT User Group was that it was poorly attended by tribunal users, and thus of limited use. We intend to look more closely at tribunal User Groups over the coming year.

Objective 3: Responding authoritatively to emerging issues and proposals

OUR ROLE

We were appointed by the Welsh Ministers¹³ to do the following in the exercise of our statutory functions:

- respond to consultations on procedural rules for tribunals with jurisdiction in Wales¹⁴
- respond to consultations on procedural rules for statutory inquiries held in Wales¹⁵
- scrutinise and comment on legislation, existing or proposed, relating to tribunals operating in Wales¹⁶.

A significant element of our work is reactive, in response to work produced by others concerning the administrative justice system, tribunals and inquiries. In fulfilling our role of advising Welsh Ministers and the Lord Chancellor on administrative justice, tribunals and inquiries in Wales, we will respond constructively and authoritatively to relevant statutory and other consultations.

OUR PRIORITIES

To meet Objective 3, our main priorities in 2008/09 were to:

- Monitor the administrative justice landscape in Wales, in order to be aware of emerging issues
- Identify and respond as appropriate to draft legislation in and pertaining to Wales
- Respond to public consultations and other initiatives in Wales.

¹³ *Tribunals, Courts and Enforcement Act 2007*, Schedule 7, s7.

¹⁴ *Tribunals, Courts and Enforcement Act 2007*, Schedule 7, para 24

¹⁵ *Tribunals and Inquiries Act 1992*, s9, as amended by the *Tribunals, Courts and Enforcement Act 2007*, Schedule 8, para 28

¹⁶ *Tribunals, Courts and Enforcement Act 2007*, Schedule 7, para 14(2)

OUR ACTIVITIES

1. Over the past year, we have responded to a number of Welsh Assembly Government and other consultations. Copies of some of our consultation responses are available on the AJTC website (www.ajtc.gov.uk). One of the main challenges we have faced has been monitoring the administrative justice landscape in order to be aware of emerging issues and upcoming consultations. The administrative justice landscape in Wales is a tangential aspect of the work of most government departments, with no single Welsh Assembly Government department or team having overall responsibility for administrative justice issues. We have begun to raise our profile and develop our networks so that stakeholders contact us as issues emerge.

Consultation Responses

Parliamentary and Health Service Ombudsman: Principles of Good Complaint Handling

2. In August 2008 we responded to the PHSO consultation on proposed *Principles of Good Complaint Handling*. The Principles are broad statements of how the PHSO believes bodies within her jurisdiction should handle complaints about the service received by their customers, members of the public or other client organisations. We agreed with the strong message throughout the paper that complaint management should not be considered as an afterthought, but should be integral to the delivery of the service that an organisation is providing.
3. We suggested that in order to ensure that complaint handling leads to continuous improvement and better first-instance decisions, the document could be expanded to specify practices to embed good complaint handling in the culture of an organisation. For example, through training programmes and linking complaint handling to incentives or disincentives that affect the behaviour and performance of individuals. We also commented that *Principle 6* – seeking continuous improvement – could be made more robust by including a requirement for public bodies to publish their analysis of lessons learnt from complaints in their annual reports.

Mental Health Review Tribunal for Wales: Procedural Rules

4. In September 2008 we were consulted on new procedural rules for the Mental Health Review Tribunal (MHRT) for Wales. One of the reasons for the introduction of the new Rules was to provide equal access to justice in England and Wales by ensuring that a new onward appeal right to the Upper Tribunal, introduced for the MHRT for England, was also available in Wales¹⁷.

¹⁷ The powers within section 32 of the *Tribunals, Courts and Enforcement Act 2007* were used to provide for appeals from the MHRT for Wales to go to the Upper Tribunal.

5. In considering the draft rules we had particular regard to the developing rules for the Health, Education and Social Care (HESC) Chamber of the First-tier Tribunal under the Tribunals, Courts and Enforcement Act 2007 (TCE), which apply to the mental health review cases in England. We made a number of detailed comments on the Rules, including that:
 - the ‘serious harm’ test should be used to determine withholding the disclosure of documents, rather than the test outlined in the draft rules of ‘*adversely affecting the health or welfare of the patient or others*’. The Tribunal has to balance the patient’s ECHR Article 5 right to be heard and to challenge the lawfulness of detention with the need to protect the patient or others. The presumption, therefore, should be that all information is disclosed to the patient unless there are strong reasons for not doing so (i.e. the likelihood of causing serious harm) (Rule 16).
 - for many years the Council on Tribunals, and now the AJTC, has expressed concern about the dual role of the MHRT medical member as both fact-finder and decision-maker, particularly from the perspective of patients - i.e. how a patient might be affected by an examination by the medical member prior to the tribunal hearing. We argued that in order to ‘form an opinion of the patient’s mental condition’ the medical member must examine the patient’s medical records, but that it may not be necessary for them to examine the patient in every case (Rule 19).

Giving Children the Right to Appeal to the Special Educational Needs Tribunal for Wales

6. In October 2008 we responded to the Welsh Assembly Government consultation on giving children the right to appeal to the Special Educational Needs Tribunal for Wales (SENTW). We were broadly supportive of the proposal to give children, in certain circumstances, the right to appeal to SENTW, particularly ‘looked-after’ children, whom we considered especially vulnerable.
7. We felt that the success of the proposal would depend on careful implementation in close consultation with key stakeholders. Given the pioneering nature of the proposals, we suggested piloting the scheme with a discrete group, such as ‘looked-after’ children, or in a particular geographical area. Also, we felt that a large determinant of the success of the policy would be the quality and accessibility of the independent advocacy service.
8. We also responded to a subsequent Welsh Assembly Government consultation on allowing children to make claims of disability discrimination to SENTW. Again, we were broadly supportive of the proposal, but considered that this right for children should be extended to disability discrimination claims relating to admission to, and permanent exclusion from, LEA maintained schools.

9. To assist us in understanding the issues faced by SENTW users, in September 2008 we met with representatives of SNAP Cymru, a charity that offers information and support to families of children and young people who have special educational needs. We agreed with their advice that increased meaningful participation by children in SEN processes (as outlined in Chapter 3 of the SEN Code of Practice) could lead to more consensual SEN decisions, and result in a lower number of appeals (by both parents and children).

Reorganisation of the Valuation Tribunals for Wales

10. In November 2008 we responded to a Welsh Assembly Government consultation on proposals to reorganise of the structure of the Valuation Tribunals (VTs) for Wales, including the establishment of a single Valuation Tribunal for Wales, with a President and Vice-Presidents. In particular, we commented on some general issues of principle and our Chair met with the Minister for Social Justice and Local Government in March 2009 to discuss our concerns.
11. While warmly welcoming the proposal for a single VT for Wales with a National President, we felt that Ministers were in danger of losing an opportunity for a more radical reform of the VT system. We considered that the changes currently under way in the VTs in England, including the appointment of a President and Vice-Presidents and members by the Lord Chancellor, could only serve to draw attention to the conspicuously less independent system in Wales.
12. We felt that the creation of a single VT for Wales was an improvement on the present situation and could provide better judicial leadership and promote improved standards of decision making, consistency of approach and dissemination of best practice. However, we also thought that further reforms were desirable, including:
 - Appointment of tribunal members following an independent merit-based selection process to reinforce tribunal independence, make the appointment system more transparent and ensure greater coherence.
 - Ensuring a closer match between the number of tribunal members and the actual and projected workload at hearings so that members are able to participate regularly in hearings.
 - Lodging appeals directly with the VT, rather than through the body whose decision is being challenged (the Valuation Office Agency), in order to demonstrate the independence of the appeal system.
13. We considered that a national president would enable more effective leadership and that the President and any Vice-Presidents should be appointed by Welsh Ministers with clear terms of appointment and an outline of the extent of their powers and duties.

Schools Admission Appeals

14. In December 2008 we responded to the Welsh Assembly Government consultation on proposals relating to school admissions, school admission appeals and associated regulations. We found the overall structure of the Admissions Code logical and easy to follow and were particularly impressed by the clear drafting of the Code. We made the following comments:
- While welcoming the inclusion in the Admissions Appeals Code of mandatory training of panel members, we would have liked for this requirement to be prescribed in legislation
 - It would be helpful to mention that unrepresented appellants will be at a disadvantage and that the Chair will often have to take an “enabling” role in assisting parents and/or young people
 - There should be reference to the need for parents and young people to be given further details of where to obtain further information, advice and assistance and a possible need for specific, targeted advice for young people.

Special Educational Needs Tribunal for Wales: Welsh Language Scheme

15. In February 2009 we provided comments on a draft SENTW Welsh Language Scheme. We warmly welcomed the scheme, and suggested that it would be prudent to provide for situations where a person wishes to address a hearing in Welsh without prior notice. We also felt that the Scheme might benefit from a specific reference to Welsh Language training, as included in the Welsh Language Scheme for the Tribunals Service.

Compulsory Purchase (Inquiries Procedure) (Wales) Rules

16. In February 2009 we were consulted on the Compulsory Purchase (Inquiries Procedure) (Wales) Rules. These new rules represented an amalgamation of two existing sets of rules that originally applied to England and Wales, but now apply only to Wales. There were a number of adaptations to reflect the post-devolution position, and some updates to the terminology used. We expressed our overall satisfaction with these Rules.

Welsh Assembly Government Reviews

Review of Social Services Complaints System

17. In January 2009 we learnt that Eskrigge Social Research, on behalf of the Welsh Assembly Government, was undertaking a review of the procedures for investigating complaints about social services in Wales, with a focus on the effectiveness of the Stage 3 Independent Complaints Panels.
18. We registered our interest with the Welsh Assembly Government and asked how we could best contribute to the review. Given that we have statutory oversight of the Independent Social Services Complaints Panels (Stage 3 Panels) we were disappointed not to have been consulted at an earlier stage.

19. Eskrigge Social Research provided us with the opportunity to complete an online questionnaire and also asked for key points regarding the principles for complaints procedures and the administration of complaints systems. We learnt that the review would consist of the following:
- An evaluation of the complaints process, particularly the operational effectiveness of the stage 3 panels by scrutinising evidence of dissatisfaction, analysing satisfaction questionnaires, stage 3 reports and the evidence from key stakeholders, including local authority social services
 - Consideration of how better to align the resources for the scheme with the priorities for improving the standard of the panels
 - Assessment of risks and the key priorities for improvement
 - Consideration of whether the appointment of a clerk to the stage 3 panels would assist the policy aims of the complaints process. If so, setting out the role and responsibilities of the clerk and developing a business case and process for recruitment and employment for the appointment
 - Development of clear procedures for dealing with the priorities for improvement which may include:
 - appointment of new panel members
 - re-appointing or not re-appointing panel members at the end of their term of appointment
 - whether there should be a separate pool of chairs
 - performance management including induction, appraisal and training plans for lay and expert panel members
 - complaints and grievances about the panels
 - addressing the unsuitability of panel members.
20. We have recently been given an opportunity to comment on the draft report of the review, and will elaborate further in our next Annual Report.

National Behaviour and Attendance Review Report

21. In March 2009 the Welsh Assembly Government published a response¹⁸ to an earlier National Review of Behaviour and Attendance¹⁹ indicating that it will, among other things:
- Assess and follow up with local authorities information collected by the Children's Commissioner for Wales on unlawful exclusions
 - Produce a guide to the new model of delivering advocacy services which will enable Children and Young People's Partnerships to consider developing universal advocacy services as well as integrating specialist advocacy services for vulnerable children and young people on a regional or sub-regional basis

¹⁸ *Behaving and Attending: Action Plan Responding to the National Behaviour and Attendance Review*, <http://wales.gov.uk/topics/educationandskills/learningproviders/schools/nbaractionplan/?lang=en>

¹⁹ *National Behaviour and Attendance Review (NBAR) Report*, <http://wales.gov.uk/topics/educationandskills/educationandskillsnews/2233523/?lang=en>

- Move forward with discussions on developing a national independent appeal panel to replace those currently being set up by local authorities, possibly through expanding the Special Educational Needs (SEN) Tribunal's role. This could help to establish greater consistency of practice across Wales whilst at the same time reducing burdens on local authorities to set up panels and train those involved.
22. Since we have specific oversight of both Independent Appeal Panels for exclusions and SENTW we expect to be involved in discussions with the Welsh Assembly Government and the Children's Commissioner on these issues over the coming year.

Appendix A: Membership of the Welsh Committee of the AJTC



Professor Sir Adrian Webb (Chair): Chair of the Pontypridd and Rhondda NHS Trust until the end of March 2008. Was also non-executive member of the Welsh Assembly Government's Executive Board but stepped down from this role following the successful appointment of the new Permanent Secretary. He was Vice-Chancellor of the University of Glamorgan until December 2005. He was previously an academic at the London School of Economics and Professor of Social Policy at Loughborough University. He has held many committee and advisory roles both in Whitehall and in Wales, including HM Treasury's Public Service Productivity Panel, and has chaired several national enquiries. He was a member of the Review Team which reported to the Welsh Assembly Government in 2006 on Local Service Delivery (the "Beecham Review"), and Chair of the review of Post 14 Education in Wales (the Webb Review, published as "Promise and Performance" in December 2007). He grew up in and currently lives in South Wales.



Bob Chapman: Part-time management consultant working mainly in the legal sector, and a Member of the Board of Consumer Focus Wales. Following 25 years in advice work at Citizens Advice Bureaux and local authority Welfare Rights Units he joined the Legal Services Commission where he became the Acting Wales Director before taking early retirement in 2007. He is a school governor, and was until recently a member of the Trustee Board of Shelter Cymru (Welsh Housing Aid Ltd.)



Gareth Lewis: Member of the Employment Appeal Tribunal; a Member of Council of the University of Wales and a part-time Director of the Office of the Independent Adjudicator for Higher Education. He was previously Secretary of University College, Cardiff and Deputy Principal and Clerk to the Board of the Royal Welsh College of Music and Drama.



Rhian Williams-Flew: Qualified mental health nurse and registered social worker. She is a member of the Mental Health Act Commission and a member of the First-tier Tribunal, Health, Education and Social Care Chamber (Mental Health, England). She was previously a freelance investigator of complaints made by social service users and carers and a Regulatory Inspector for the Commission for Social Care Inspection.



Peter Tyndall: Public Services Ombudsman for Wales. *Ex officio* member of the AJTC Welsh Committee. He was Chief Executive at the Arts Council of Wales from 2001 to 2008 and previous to that Head of Education and Cultural Affairs with the Welsh Local Government Association.



Ann Abraham: UK Parliamentary Ombudsman and Health Service Ombudsman for England. *Ex officio* member of the AJTC and its Welsh and Scottish Committees. *Ex officio* member of the Commission for Local Administration in England. Chair of the British and Irish Ombudsman Association 2004-2006 and currently a member of its Validation Committee.

Appendix B: Membership of the AJTC and its Scottish Committee

THE ADMINISTRATIVE JUSTICE & TRIBUNALS COUNCIL

The Rt Hon. The Lord Newton of Braintree OBE, DL *Chair*
Professor Alistair MacLeary *Chair of the Scottish Committee*
Professor Sir Adrian Webb *Chair of the Welsh Committee*
Jodi Berg (from 1 December 2008)
Professor Alice Brown (from 1 December 2008)
Elizabeth Cameron
Sue Davis CBE
Penny Letts OBE
Steve D Mannion QPM (until 9 August 2008)
Bronwyn McKenna
Bernard Quoroll
Professor Genevra Richardson CBE
Dr Jonathan Spencer CB
Dr Adrian V Stokes OBE
Pat Thomas CBE
Brian Thompson
Ann Abraham*

Chief Executive
Ray Burningham

THE SCOTTISH COMMITTEE OF THE AJTC

Professor Alistair MacLeary *Chair*
Lyndy Boyd (until 30 November 2008)
Elizabeth Cameron
Richard Henderson (from 1 January 2009)
Eileen Macdonald
Steve D Mannion QPM (until 9 August 2008)
Michael Menlowe
Michael Scanlan (from 1 January 2009)
Audrey F Watson (until 9 August 2008)
Ann Abraham*
Professor Alice Brown** (until 31 March 2009)

Secretary
Debbie Davidson

* *ex officio* (as UK Parliamentary Ombudsman)

** *ex officio* (as Scottish Public Services Ombudsman)

Appendix C: Work Programme

OBJECTIVE 1

The Welsh Committee of the AJTC will keep under review and influence the development of Administrative Justice and tribunals in Wales.

As a new Committee of the AJTC, a main concern of our Welsh Committee is to establish an understanding of the administrative justice landscape in Wales, and identify and prioritise key issues for Wales.

To this end, our Welsh Committee will:

- Map the administrative justice landscape in Wales, including the interface between Wales, England and the United Kingdom
- Map the support, information and advice available to the public and the users of the administrative justice system in Wales
- Identify the views of key stakeholders on the early priorities for Wales.

In order to influence the development of administrative justice and tribunals in Wales our Welsh Committee will:

- Seek to raise awareness of administrative justice and the role and work of the AJTC and the Welsh Committee within the Welsh Assembly Government, the National Assembly for Wales, public service providers and user groups
- Develop a programme of Administrative Justice Conferences in Wales, commencing in 2009.

Our Welsh Committee is committed to building on the work undertaken by the Council on Tribunals before the Committee came into being, for example in relation to Welsh language issues.

In 2008/09 our Welsh Committee will:

- Identify potential mechanisms for achieving a separation of powers in respect of devolved tribunals
- Pursue with the Welsh Assembly Government the role of citizen redress in a citizen-centred approach to the provision of public services.

OBJECTIVE 2

The Welsh Committee of the AJTC will keep under review devolved and non-devolved tribunals, and the work of the Tribunals Service as it affects Wales.

Our Welsh Committee will take the lead in overseeing tribunals operating in devolved areas. There are also tribunals operating in non-devolved areas that sit in Wales, some of which are administered by the Tribunals Service. Our Welsh Committee will take the lead in overseeing these tribunals in Wales.

To this end, in 2008/09 our Welsh Committee will:

- Agree a programme of visits and stakeholder meetings sufficient to inform members and bring the existence of the Committee to the attention of tribunal stakeholders
- Visit both devolved and non-devolved tribunals
- Identify and, as necessary, address accommodation issues as they affect both devolved and non-devolved tribunals in Wales
- Identify and, as necessary, address issues specific to Wales in the work of the Tribunals Service
- Identify and, as necessary, address issues specific to Wales relating to the creation and operation of the First-tier and Upper Tribunal.

OBJECTIVE 3

The Welsh Committee of the AJTC will respond authoritatively to emerging issues and proposals that affect or involve administrative justice, tribunals and inquiries in Wales.

Our Welsh Committee will:

- Monitor the administrative justice landscape in Wales, in order to be aware of emerging issues
- Develop relationships with the Welsh Assembly Government and other stakeholders, in order to influence administrative justice issues at an early stage
- Identify and respond as appropriate to draft legislation in and pertaining to Wales
- Respond to public consultations and other initiatives in Wales.

Appendix D: Cost of the Welsh Committee

The Welsh Committee's funding is made available via the Administrative Justice and Tribunals Council, which in turn is funded by the Ministry of Justice. Certain costs, in particular accommodation, IT and accounting/payroll services, are funded centrally and do not feature in the account below. Other costs, such as staff pay rates, are determined centrally but paid from the Administrative Justice and Tribunals Council budget. The Committee is currently supported from London and the staff costs below are based on a best estimate of salaries/agency staff costs apportioned by time devoted to the Committee.

The Costs of the Welsh Committee	2008/09
Staff Costs ¹	47,315
Members' Retainers ²	14,242
Members' Travel etc ³	4,076
Meeting Costs ⁴	2,430
Administrative Costs including office supplies, postage ⁵	-
Totals	68,063

¹ Member of staff based in London acting as Secretary to the Welsh Committee and other administrative support.

² Members of the Welsh Committee receive, as at 31 March 2009, a retainer of £6,314 based on 22 days work per year. The Committee Chairman receives a salary of £27,611 including his service on the AJTC and accounted for in its Annual Report.

³ Members' expenses for attending Committee meetings, visits to tribunals and other events.

⁴ Cost of hiring rooms etc for meetings of the committee.

⁵ Administrative costs are met by the AJTC and cannot be separately identified.

Appendix E: Meetings and Tribunal Visits

FROM 1 JUNE 2008 - 30 APRIL 2009

Welsh Committee meetings		
3 June 2008		Cardiff
9 Sept 2008		Cardiff
18 Nov 2008		London
9 Dec 2008		Cardiff
3 Mar 2009		Cardiff
Tribunal Visits		
June 2008*	School Admission Appeal Panel	Wrexham
July 2008*	Employment Tribunal	London
July 2008*	Social Security and Child Support Appeal Tribunal	London
Aug 2008	Independent Review of Determinations Panel	Wrexham
Sept 2008*	Asylum and Immigration Tribunal	Newport
Nov 2008	Special Educational Needs Tribunal for Wales	Cardiff
Nov 2008	Mental Health Review Tribunal for Wales	Cardiff
Dec 2008	Independent Review of Determinations Panel	Treforest
Feb 2009	Social Services Independent Complaints Panel	Pembrokeshire
Mar 2009	Employment Tribunal	Cardiff
Mar 2009	Special Educational Needs Tribunal for Wales	Denbighshire
Mar 2009	School Admission Appeal Panel	Flintshire
Mar 2009	Agricultural Land Tribunal for Wales**	Llandrindod Wells
Mar 2009	North Wales Valuation Tribunal	Bangor, Gwynedd

* Induction visits - A Welsh Committee member accompanied by a member of the AJTC

** This visit was undertaken by a member of the AJTC.

Stakeholder Meetings

9 June 2008	Resident Senior Immigration Judge, Asylum and Immigration Tribunal	Cardiff
14 July 2008	President, Adjudication Panel for Wales	Cardiff
15 July 2008	Counsel General, Welsh Assembly Government	Cardiff
31 July 2008	Chief Executive, Legal Services Commission	London
5 Aug 2008	Chair, Mental Health Review Tribunal for Wales	London
5 Sept 2008	President, North Wales Valuation Tribunal and Chief Executive, Valuation Tribunal Service for Wales	Newport
8 Sept 2008	Area Manager Wales & South West, Tribunals Service	Newport
9 Sept 2008	Chief Executive Director and Assistant Director, SNAP Cymru	Cardiff
9 Sept 2008	Research Associate and Research Fellow, Cardiff Law School, Wales Legislation On-line	Cardiff
9 Sept 2008	Chair, Mental Health Review Tribunal for Wales	Cardiff
16 Sept 2008	Children's Appeals Working Group	Merthyr Tydfil
13 Oct 2008	Children's Appeals Working Group	Merthyr Tydfil
12 Nov 2008	Neath Port Talbot Welfare Rights Unit	Port Talbot
12 Nov 2008	Special Educational Needs Tribunal for Wales User Group	Cardiff
26 Nov 2008	Director, Citizens Advice Cymru	Cardiff
9 Dec 2008	President, Special Educational Needs Tribunal for Wales	Cardiff
10 Dec 2008	President, Rent Assessment Panel for Wales	Cardiff
23 Jan 2009	Welfare Rights Advisers Cymru	Llandrindod Wells
16 Feb 2009	Asylum and Immigration Tribunal User Group	Newport
20 Feb 2009	Director, Department for Constitutional Affairs, Equality and Communications	Cardiff

24 Feb 2009	President, Traffic Penalty Tribunal and members of the Patrol Adjudication Joint Committee and Working Group	Cardiff
2 Mar 2009	Public Services Ombudsman for Wales	Pencoed
2 Mar 2009	Chancery Circuit Judge for Wales	Cardiff
2 Mar 2009	Deputy Senior Director, Consumer Focus Wales	Cardiff
3 Mar 2009	Director, Department for Constitutional Affairs, Equality and Communications	Cardiff
3 Mar 2009	Tribunals Training Director, Judicial Studies Board	Cardiff
3 Mar 2009	Area Manager for Wales & South West, Tribunals Service	Cardiff
4 Mar 2009	Regional Tribunal Judge, Employment Tribunal	Cardiff
11 Mar 2009	Minister for Social Justice and Local Government	Cardiff
17 Mar 2009	Liaison Judge for the Administrative Court in Cardiff and Presiding Judge for Wales	London
2 Apr 2009	Public Service Complaints Review meeting, Welsh Assembly Government	Cardiff
3 Apr 2009	Lord Chancellor's Standing Committee on Welsh Language	Aberystwyth
16 Apr 2009	The Chief Executive, Welsh Local Government Association	Cardiff

Conferences and Events

19 June 2008	Presentation on the Administrative Court in Wales	Cardiff
6 Aug 2008	Legal Wales presentation at the Royal National Eisteddfod	Cardiff
24 Sept 2008	Adjudication Panel for Wales Training Seminar	Cardiff
7-8 Oct 2008	Agricultural Land Tribunal Wales Residential Training Seminar	Llandrindod Wells
16 Oct 2008	Launch of the Social Fund Commissioner's Annual Report	Cardiff
23 Oct 2008	Welsh Members Valuation Tribunal Training Day	Cardiff
4 Nov 2008	Unified Tribunal Structure Launch Event	Cardiff
12-13 Nov '08	Public Legal Education 'Developing Capable Citizens: Civil Justice and PLE'	Cardiff
18 Nov 2008	AJTC Annual Conference	London
27 Nov 2008	Reception for the launch of the First-tier and Upper Tribunals	Cardiff

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