

AJTC Conference – London 18th November 2008

I have been asked to provide you with a brief update on the position in Northern Ireland in respect of tribunal reform. It may be helpful to some if I set out briefly the background to tribunal reform in NI before I bring you up to date.

Background

An Inter-departmental Group considered in 2005 – 6 the Leggatt Review and the Government's White Paper (Transforming Public Services, Complaints, Redress and Tribunals). The Group concluded that many of the criticisms of the tribunals system described by Leggatt – real or perceived lack of independence, absence of a coherent user-focused system – had relevance for Northern Ireland. Consequently the then SOSNI, Peter Hain, announced in March 2006 that the NI Court Service should take on administrative support responsibilities for tribunals in Northern Ireland.

This work stalled on the establishment of the new Executive/Assembly in 2007 as it was obviously important that the Executive consider and endorse the reform programme.

Executive Endorsement

NI Executive considered TR at a meeting in April this year.

It endorsed the continuation of the TR programme. The Executive asked that we (Court Service and colleagues in the Office of the First Minister and deputy First Minister's Office):

- develop and agree arrangements which would permit the subsequent transfer of responsibility for the administration of NI tribunals to NICtS;**
- identify the benefits both financial and non-financial of the reforms; and**
- report back to it on these arrangements and benefits before implementation commences.**

Transfer arrangements

We have been working since April with each of the 6 NI departments which sponsor tribunals to agree the arrangements for the transfer of responsibility for their tribunals to Court Service. We have agreed these arrangements which do not presently provide for us to assume statutory responsibility for the tribunals.

This arises due to the devolution arrangements in NI where at present responsibility for the courts unlike tribunals is not devolved to the Northern Ireland Assembly. It may be helpful

if I briefly explain the devolution arrangements here for Northern Ireland.

Devolution in Northern Ireland is a 2 staged process. The first stage took place early last year with the majority of the day to day administration including the majority of tribunals was devolved to the NI Assembly and Executive in 2007. The second stage will see the devolution of policing and justice, including the administration of the courts to the Assembly.

This second stage is to take place on a future date to be agreed by the main political parties. There has until today been political stale-mate between the two main political parties in Northern Ireland in respect of the arrangements for the second stage. Today the First Minister and deputy First Minister have made a statement that an agreement has been reached on how this second stage will take place. There is as yet no indication as to its timing.

This provides an opportunity for us to assume statutory responsibility for tribunals as well as courts. The announcement today is therefore a welcome development for the tribunal reform programme.

Benefits

In respect of the second issue the Executive asked us to report on; identifying the benefits of reform. We are working with colleagues in the Office of the First Minister and deputy

First Minister in setting these out for the benefit of our Department of Finance and Personnel who essentially act as Treasury in approving any significant reform programme. This is undoubtedly a challenge particularly in the new economic environment where any reform is required to demonstrate value for money and real benefits to the consumer/citizen.

Report to Executive

This work will take a further short period of a number of months to allow us to be in a position to report back to the Executive to seek their agreement to move to implementation. Hopefully in the New Year we can obtain approval to assume statutory responsibility for tribunals.

Next Steps

It is planned that the tribunals will transfer on a phased basis so that by the end of next financial year we will be responsible for the majority of NI tribunals.

Thereafter consideration is likely to be given to a more fundamental reform in Northern Ireland, like the Tribunals Courts and Enforcement Act 2007.

Such reform would be an opportunity to look at an oversight role for NI. As you may know, the AJTC and its predecessor the Council on Tribunals had no real remit in NI. The issue for

us will be whether a NI Committee of the AJTC (like Scotland and Wales) is the future or a free-standing body for NI.