

AJTC Annual Conference - 12 November 2009

ADMINISTRATIVE JUSTICE AND TRIBUNALS COUNCIL

ANNUAL CONFERENCE

THURSDAY 12 NOVEMBER 2009

Introduction and Welcome

1. Good morning. I'm very grateful for the invitation to speak today. I was pleased to be able to speak at your first event last year and it's clear to me that a great deal of progress has been made in the last twelve months.

2. My only regret is that, like most ministers, my diary has many calls upon it and so I am afraid I won't be able to stay for the whole of today's event. However, I look forward to hearing about the discussions taking place today.

3. Last year, I spoke about the transfer of Tribunals into the unified structure and the radical shake up this had brought to the tribunal system. I'm pleased to report that the transfers of tribunals has now become a slicker process. Moreover, we're already reaping its benefits. I know, for instance, of the impact of 'cross-ticketing' arrangements which allow more flexible deployment of Tribunal members across jurisdictional borders.

4. And, for example, we've just appointed 50 non legal members into the Employment Tribunals from other parts of the Tribunals Service. This is a far more flexible and efficient use of the skills and resources available to us.

5. One of the next key milestones is the planned transfer of the Asylum and Immigration Tribunal (the AIT). This will be replaced by specialist immigration and asylum chambers in the First-tier and Upper Tribunals. This is an exciting moment, representing a major step in the reforms of tribunals. It will enable a simplified and more streamlined appeals process and I'd particularly like to pay tribute to ALL those who have enabled the work on this to progress so smoothly.

Challenges presented by the recession and increasing workloads

8. The establishment of the new model is a significant achievement. But we cannot rest on our laurels, not least because the highly challenging economic situation means that more people will be seeking our services - against a backdrop of increasingly limited resources available for them.

9. Over half a million people make applications to tribunals every year, and that number is rising. These are mostly private citizens, many of whom have no other experience of redress systems. Their applications, whether they concern employment, schools or asylum and immigration, or other matters, relate to issues that are central to their lives. We therefore need to continue to be sensitive to the need to deal with their applications as efficiently as possible.

10. Coping with the overall increase in workload is a major challenge for the Tribunals Service. I'm very pleased to see that the disposal rate has improved and that for the first four months of the financial year it was up 6% compared with the same period the previous year. I want to put on record my *personal* thanks to the Tribunals Service staff who have worked so hard.

11. But the workload continues to rise, and although extra resources have been identified to help manage the pressures, performance won't yet be restored to pre-recession levels. And, despite increased hearing activity and other initiatives, the level of outstanding caseload also continues to rise.

13. This means that increasing numbers of people, anxious about the situations in which they find themselves, will be waiting longer to have their cases dealt with. I'm particularly concerned about the pressures on the social security and employment tribunals.

14. We've taken steps to increase judicial capacity, administrative capacity and estates capacity across the Tribunals Service. And we'll continue to look at how we can increase the Tribunals Service's capacity to process cases. But it is clear that this increased workload, especially at a time of increasing pressure on resources, is not going to go away for at least a while. And it's equally clear that simply finding ways to deal with rising numbers of cases is not the whole answer.

15. It therefore behoves us to think very carefully about how we can improve what we do AND how we do it.

Future Direction

16. We all want to build improved public services and make sure they are focused upon the people we serve. I don't want to detract from our achievements on tribunals' reform. But we now need to concentrate more on improving the end-to-end process, and understand how the people who use our services experience them.

17. We need to work with primary decision-making agencies to improve original decisions; their internal reconsideration and appeal processes; promote alternative dispute resolution (ADR), and then we need to make sure the Tribunals structure deals with the cases that reach it quickly and effectively.

19. Both Richard Thomas and I are very keen to support the work on the original decision-maker ‘getting it right the first time’ and understanding the systemic issues. “Getting it right the first time” benefits everybody – not least the millions of people whose lives are affected by the decisions that Government regulates.

21. The broad remit of the AJTC puts it in a unique place to help with 'getting it right the first time', by bringing together stakeholders from across the system and highlighting lessons learned from redress mechanisms. The AJTC has already begun to build links with Government Departments and agencies that make original decisions, such as the UK Border Agency (UKBA) and the Agencies of the Department for Work and Pensions (DWP).

Access to Justice Strategy

22. These improvement can only be made if we forge strong links – because better links and relationships mean better policy and better decision making. For that reason I'd like to move on to put your work into the broader context of the Ministry of Justice's responsibilities.

23. We intend to publish a new Access to Justice Strategy for 2009 to 2014 in the New Year, setting out what we want the justice system to look like – and how we will deliver justice. It will thus set out a sea change in our thinking and approach.

24. We will design our services around the needs of the people who use them and join up with other public bodies to ensure that people can get access to the right services - *at the right time*. For example, we'll work with local authorities to encourage their staff to explain how mediation and other Alternative Dispute Resolution options work, and the benefits of ADR, when talking with clients who could end up bringing a tribunal case.

25. We will make our services more accessible, and flexible, with better use of online and telephone services, and putting administrative functions into 'back offices' to free up more front line staff. We will ensure, 'user-facing' guidance, currently on the Tribunal Service's web-site, will be available on the 'DirectGov' web-site, so that potential users of the service will be able to find what they need in one place, in a user-friendly format.

27. We're going to plan and identify improvements to service delivery. And as we do so, we will develop and implement a more streamlined operating model which will, among other things, make better use of estates and use 'back offices' more efficiently.

28. HMCS and the Tribunals Service, are for example, already sharing hearing venues and looking for further opportunities; moving to centralised 'back office' processing centres handling multi-jurisdictional work; and in the longer term, reflecting on the merits of relocating HMCS processing centres with Tribunals 'back offices'.

29. In addition, we use what we've learned about users' experiences to determine how services can be improved. We want to understand why people end up making an application to a tribunal, so we can divert them wherever that is sensible and gain an insight into how the people's experience of the service we provide can be improved.

The AJTC

30. Finally I'd like to say a few words about the AJTC and its future. I want to thank Tony Newton for his contribution to the AJTC, and the Council on Tribunals before it, and the tribunal reform programme. We were lucky to have a chair of such standing and he leaves a strong legacy; the AJTC on a firm footing from which it can grow.

31. However, as you are all aware the AJTC has a new Chairman now, and having met Richard, I believe that this is the beginning of a new era for the AJTC.

32. Richard is of course no stranger to the ministers in MoJ and I have talked to Richard about his vision for the AJTC. I very much welcome it.

34. I know that Richard plans to make the AJTC more visible, to make their results more tangible and with a more explicit focus on our users. I support his intention to act as the 'Voice of the User' for Administrative Justice. You will be hearing about his planned new strategic directions for the AJTC this afternoon.

35. Richard has promised me a new AJTC Corporate Plan in the New Year - which I am keen to read and digest.

36. Thank-you once again for inviting me to be here. I hope that the rest of the day will be both fruitful and enjoyable.