



Administrative Justice
& Tribunals Council
Advancing Administrative Justice

TOWARDS PRINCIPLES OF ADMINISTRATIVE JUSTICE

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The AJTC's Purpose

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

Franks Report (1957)

“... Decisions should be made by the application of known principles or laws. In general such decisions will be predictable, and the citizen will know where he is. On the other hand, there is what is arbitrary. A decision may be made without principle, without any rules. It is therefore unpredictable, the antithesis of a decision taken in accordance with the rule of law”

Report of the Committee on Administrative Tribunals and Enquiries (1957)

What is “the administrative justice system”?

“the overall system by which decisions of an administrative or executive nature are made in relation to particular persons, including:

(a) the procedures for making such decisions

(b) the law under which such decisions are made

(c) the systems for resolving disputes and airing grievances in relation to such decisions.”

TCE Act, Schedule 7, para 13

Purpose of “Landscape” Paper

- demonstrates the potential breadth of administrative justice as a subject area
- fosters links among actual and potential stakeholders
- breaks down barriers in thinking between original decision makers, redress providers, adjudicators and policy makers
- emphasises the centrality of users and their needs
- helps identify relationships, overlaps and gaps in relation to redress provision

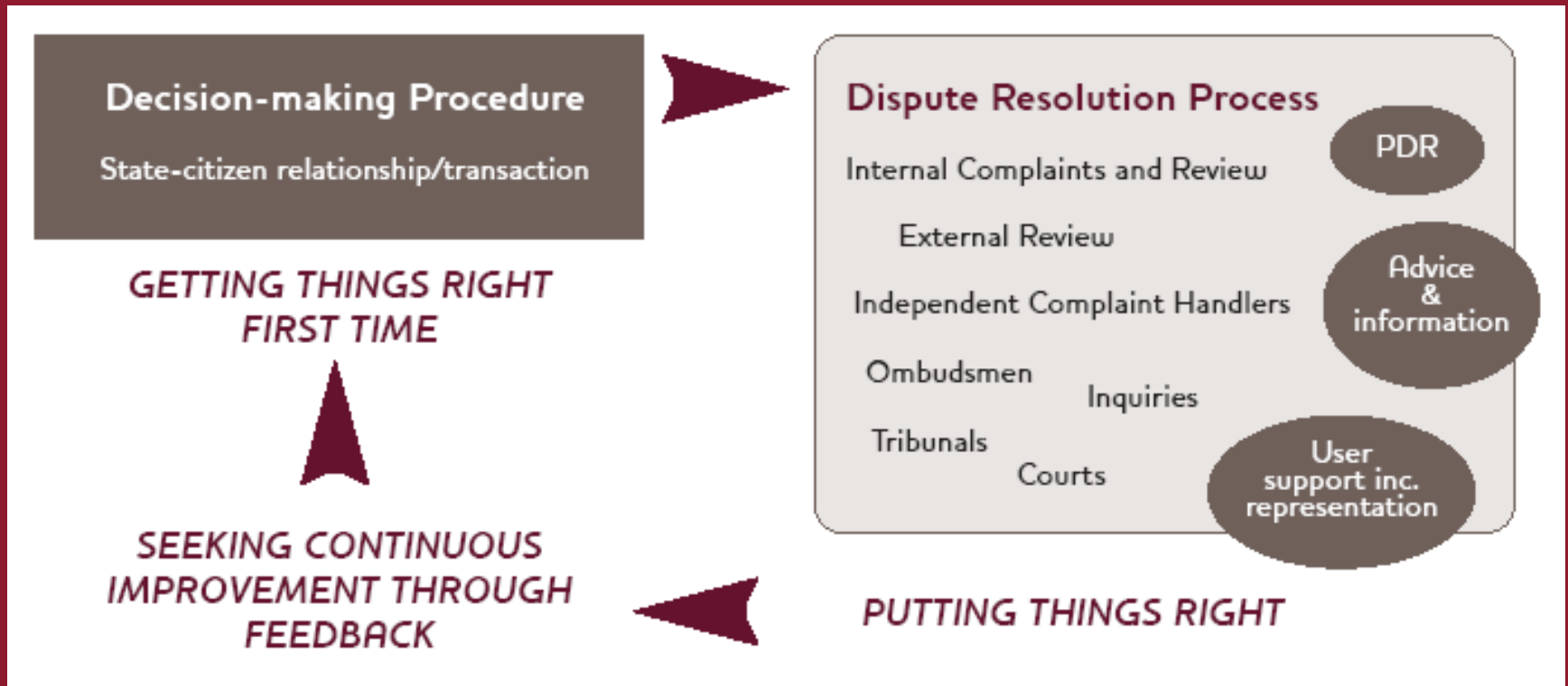
Why Principles?

- Franks doctrine naturally applies to initial decisions
- Applies also in unified tribunal system: creates expectation of **harmonisation + predictability**
- Supported by robust **internal complaints systems and ombudsmen schemes** to promote sound first instance decision-making....
-and by the Courts

Good Administration plus??

- Parliamentary Ombudsman's principles of good administration as a starting point....
- ...along with much other UK and international work over the last 50 years
- How to consolidate?
- Administrative Justice not just the avoidance of maladministration
- Substance of decisions as well as their processing

Dynamic model



Progress on “Principles”

- Principles Task Group established
- “Developing Principles of Administrative Justice” (July 2009 internal working draft)
- Principles Advisory Group review (Sept 2009)
- Re-drafting in response to helpful feedback

Drafting Principles – Challenges

- One size fits all ? – central and local govt administrative decisions, public bodies, appellate bodies (courts, tribunals, ombudsmen) themselves?
- Differentiation from other models – or not?
- Systemic principles or user focus ... or both?
- Deciding on the right audience(s) – decision making bodies, tribunals etc and/or the wider public as users

How to bring Principles to life

- Self assessment
- Measurement toolkit
- Supplementary standards and indicators e.g.
 - time limits
 - access to advice and guidance
 - lodging appeals
 - user accessibility
 - provision of interpretation
 - publication of decisions
 - fees/costs

Looking ahead

AJTC plans to issue a consultation draft of its “Principles and Assessment Framework” in the first quarter of 2010