

Advancing Administrative Justice in Wales

Conference Report

St David's Hotel, Cardiff

23 June 2005

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The Rt Hon. the Lord Newton of Braintree

Welcome and thanks

Lord Newton is the Chairman of the Council on Tribunals

Lord Newton welcomed delegates to the first conference ever organised by the Council on Tribunals in Wales. He extended his thanks to **Heather Wilcox** (Council Member), **Carolyn Kirby** (Chairman, Mental Health Review Tribunal for Wales) and **Rhiannon Ellis Walker** (President, Special Educational Needs Tribunal for Wales) for their assistance organising this event.

The Rt Hon. Rhodri Morgan AM

Keynote Speech

Rhodri Morgan is the First Minister of the Welsh Assembly

Rhodri Morgan opened the conference with a few words in Welsh, saying how pleased he was to speak at the first ever conference on Administrative Justice in Wales.

He spoke about changes in the perception of tribunal justice within a modern society since the Franks report nearly 50 years ago.

In the context of Welsh administrative justice, the Minister spoke about the implications for Wales of the Department for Constitutional Affairs White Paper, and looked forward to an interesting and informative conference on the issue of administrative justice in Wales.

Professor Martin Partington

Advancing Administrative Justice – the Contribution of the Law Commission

Appointed to the Law Commission in January 2001, Martin Partington was Professor of Law at Bristol University from 1987 where he was Dean of Law, Head of Department and Pro-Vice Chancellor. He has also been a member of the Judicial Studies Board, the Council on Tribunals and the Civil Justice Council.

Professor Partington gave an overview of the Law Commission's work, and spoke about recent projects concerning the publication of local authority inquiry reports, property tribunals reform, housing reform projects and proceedings against public authorities.

He outlined the work of the Law Commission in relation to Local Authority Inquiry reports, arising from The Waterhouse inquiry. This raised issues about whether local authorities could publish their own inquiry reports, running inquiries and the insurance position in relation to defamation and admissions of liability. The Commission has proposed amending the law on qualified privilege and giving local authorities power to set up a new sort of inquiry that could compel, with a court order, the attendance of witnesses.

The report on Property Tribunals developed ideas put forward in the Leggatt report, though these were now the subject of a different approach by the Tribunals Service.

Housing reform projects involved getting the law right, creating a new framework for problem solving and dispute resolution, and improving landlord and occupier behaviour. The dispute resolution project was a joint venture between DCA and the National Assembly for Wales.

Recently they had started a new project looking at proceedings against public authorities. This involved looking at Human Rights Act issues, EU issues, the limits of judicial review, questioning if the tort system is the right way forward, problems of over and under compensation and a discussion paper which looked at monetary remedies in public law.

The project also examined how to avoid opening new areas of liability through making the range of remedies in citizen redress more flexible and breaking down unnecessary barriers, (including access to Ombudsmen and courts, Courts and tribunals and the implications of a unified civil court).

Lord Justice Robert Carnwath

Tribunal Justice – a Quiet Revolution

Sir Robert Carnwath is a Lord Justice of Appeal, having been appointed in September 2001. Before that he was a Judge of the High Court, Chancery Division, from 1994. He also sat regularly to hear cases in the Crown office List, dealing with judicial review and administrative law. In July 2004 he was appointed Senior President designate of Tribunals.

Lord Justice Carnwath extended his thanks to the Council on Tribunals for facilitating the conference. The AJTC will have an important role in facilitating roles and discussions within the administrative justice world and he intends to work closely with the Council.

The creation of the Tribunals Service is a unique project. The judiciary has been fully involved from the outset, beginning with the Leggatt report and following with the White Paper.

On the training side the Judicial Studies Board (JSB) has a strong tribunals committee and has undertaken work in the development of new guidance on training and appraisal standards.

Tribunals and courts systems have blurred demarcation lines with some tribunals operating only in NI, some in England, some across the UK, and some only in Scotland. The system is quite messy. However, cross border issues are not going to stand in the way of the White Paper reforms. Nevertheless, it is important to be careful not to tread on the toes of devolved bodies.

Lord Justice Carnwath expressed a strong personal view that all stakeholders should work together towards the objectives of the reforms and not worry about lines of demarcation. He is keen to establish judicial and administrative lines of communication. On a recent visit to Scotland it was agreed to establish a Scottish equivalent to the Tribunal Presidents Group. In principle the Lord Chief Justice in NI has agreed to do the same.

Wales has different issues, for example related to the Welsh language. Lord Justice Carnwath is keen to establish similar arrangements for Wales as exist for Scotland.

Paul Stockton

Administrative Justice White Paper

Paul Stockton is the Head of Administrative Justice Division in the DCA. He was responsible for the drafting of the White Paper. His division is now responsible for the development of legislation on tribunal reform and for taking forward the White Paper's proposals as regards proportionate dispute resolution, better information and decision-making and enhanced advice.

Sir Andrew Leggatt published his report on the review of tribunals in August 2001, on the basis of which the government subsequently issued a consultation paper. In March 2003 the government published its response to the consultation paper, announcing its intention to create a unified Tribunals Service comprising of the 10 largest central government tribunals. With the creation of the DCA in June 2003 a new focus was placed on putting the needs of the citizen above the needs of institutions. The White Paper 'Transforming Public Services: Complaints, Redress and Tribunals' articulated that change of emphasis and focus for tribunals and administrative justice.

At the heart of the White Paper is a recognition that what users ultimately want is their problem resolved as quickly and proportionately as possible. In taking forward these ideas in the context of tribunals it is important to ensure that the institutions remain connected to the users they serve. However, administrative tribunals are just one part of the AJS and should not be viewed in isolation.

Central and local government make millions of decisions each year which impact on individuals. These decisions and the institutions that make them form the AJS. The user view of the AJS tends not to distinguish between the end to end dispute process. Therefore for the proposals to deliver real benefit we must approach these issues in a holistic manner.

The White Paper also forms part of DCA's vision for improving civil and administrative justice through enabling people to avoid problems and legal disputes – Proportionate Dispute Resolution (PDR). The existing landscape of dispute resolution options is confusing.

The Paper also deals with private sector redress. Redress against business (and by business) has traditionally been the job of the courts. But the regulated sector in particular has sought to adopt and adapt the Ombudsman model, adopting an inquisitorial approach but with a remit to resolve disputes. There will be lessons for the new organisation, which

must not only provide for formal hearings but to resolve more disputes informally, either by itself or in conjunction with the original decision-maker.

Sir Andrew Leggatt's assessment of the present system as incoherent and inefficient is universally accepted. Tribunals have had to compete for scarce resources within departments whose core business is removed from the running of tribunals. Nevertheless, the total cost of the tribunal 'system' is in the region of £280 million. However, this money is not being spent as effectively as it should be and for the same resources a much better and more efficient system can be created.

The new agency (the Tribunals Service) will initially be created from the existing 10 largest tribunals, and will subsume all newly created tribunals thereafter. The new agency will be a new type of organisation, and not merely a federation of tribunals. The new organisation will also have a remit to work with decision-making departments to improve original decisions.

Peter Handcock was appointed Chief Executive designate in September 2004. The transition year began in April 2005, with full launch in April 2006.

In terms of legislation, the key provisions of the Courts and Tribunals Bill will be as listed below. The legislation will in many ways be an extension of the Constitutional Reform Act:

- Creation of two new tribunals
- Appeals
- Relationship with the courts
- Appointments to tribunals
- Deployment of tribunal members
- Judicial Leadership (Senior President)
- Procedure committee
- Reform of the Council on Tribunals.

Devolved tribunals do not form part of the proposals, but unlike the courts, tribunals have a bewildering array of territorial remits and consequently there is an undertaking to work together.

Moving forward, the DCA need to establish the new statutory framework for the new institutions and agree collectively across government which tribunals are 'in' or 'out' in the next phase. It will be important to integrate related reform proposals

It will be necessary to develop proposals for rationalising judicial resources that best utilise available resources.

Whilst the tribunal reforms are a 'quiet revolution' the end result will definitely be evolutionary.

Michael Bird

The Welsh Language in Tribunals

Michael Bird is a Regional Chairman of the Employment Tribunals. His speech was delivered part in Welsh and part English and the full text appears below.

In 1856 Evan James wrote some verse about matters which he said were dear to him. He wrote about his country, the homeland of his ancestors. He praised its poets and singers. Three of those sang his words at the Millennium Stadium on 19 March. Evan James would not have experienced such an event but it would have reinforced his sentiments. He recalled his countrymen who had fought for freedom. Within a few years some 7,000 of his countrymen would be fighting for freedom on another continent, in their newly adopted country, the United States. As Dr Jeffrey Hunter has recently illustrated they took part in the Civil War of 1861-1865. He ended with a special prayer. His words echoed those of Rabbie Burns – till a' the seas gang dry. For as long as the sea is a wall to the dear loved land, may the old language endure.

And a very old language it is. Spoken in this island since the 6th century, it has survived invasion, although as Taliesin predicted driven back to its heartland. Even so it has left a legacy in the place names of Scotland and England from Strathclyde and Govan to Derwent and Avon as well as Dawlish. There are many others. It has survived the deception of Edward I and the domination of his ring of castles. It has survived expulsion from the legal system and government by the 1535 Act of Henry VIII. It has survived expulsion from the

state education system brought about by the infamous Blue Books of 1847. It has survived the caning of children caught speaking their native tongue in the schoolyard. Who can forget the humiliation of wearing a wooden denunciation around the neck, and encouragement to pass on the penalty to playmates. And all of this to enforce a uniformity upon loyal subjects who happened to have their own traditions and customs. Henry VII disposed of the laws of Hywel Dda as easily as he did his several wives.

Lord Justice Judge in Williams-v-Cowell [2000] ICR 85 referred at page 97 to the historic grievances of the Welsh nation. He said “The Laws in Wales Act 1535 sometimes called the Act of Union, the main legislative provision for Wales enacted by the Reformation Parliament, asserted supremacy of the Imperial Crown of England and incorporated united and annexed Wales. The Welsh language, spoken daily by the people of Wales was nothing like nor consonant to what was said to be the natural mother tongue within this realm. It was therefore enacted that the language to be used in the Courts was to be English not Welsh and those who continued to speak Welsh were to be excluded from any office, including judicial office. In other words Welsh people appearing in Courts in Wales, litigating over problems in their own country were prohibited from using their own language.” Lord Justice Judge described that legislation as an outrage, not least because the use of English as the language to be spoken in Courts in England had been enforced nearly 200 years earlier by the Pleadings in English Act 1362 precisely because, as the statute itself asserted: “The said laws and customs then rather shall be perceived and known, and better understood in the tongue used in the said realm, and by so much every man of the said realm may the better govern himself without offending the law, and better keep, save, and defend his heritage and possessions: and in the diverse regions and countries, where the King, the Nobles, and the others of the said realm have been, good governance and full right is done to every person because that their laws and customs be learned and used in the tongue of the country.” He went on “The good sense and fairness of these provisions continue to echo down to the present, yet for hundreds of years what we now regard as elementary principles were deliberately not applied in Wales.”

That long preamble brought him, and now me, to the Welsh Language Act of 1993 which proclaims the principle that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on the basis of equality.

Despite the title of the Act, and despite those words, I am going to suggest that the Act is not just about preserving the Welsh language. The Act is about securing fair play to those who have been brought up in the tradition of Evan James and people like him. It returns some equality to those who choose to use their native language in their native country in all the

dealings of their daily lives. There is no compulsion on anyone to learn or to use the language. Insofar as it applies to Tribunals it merely gives those individuals the right to do so. Section 22 of the 1993 Act provides that in any legal proceedings in Wales the Welsh language may be spoken by any party, witness or other person who desires to use it, subject in the case of proceedings in a Court other than a Magistrates Court to such prior notice as may be required by rules of Court; and any necessary provision for interpretation shall be made accordingly. Taken in isolation Section 22 might presumably be read as a requirement to provide translators and interpreters. However that would ignore the principle proclaimed in the Act that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on the basis of equality. That phrase recurs throughout the Act. For example, Section 3(2)(b) which describes the functions of the Welsh Language Board. The Government of Wales Act 1998 which created the National Assembly underlined the principle that as both appropriate in the circumstances and reasonably practicable the English and Welsh languages should be treated on a basis of equality. I think it follows that the requirement goes beyond mere translation and interpretation. Real equality requires that the parties and witnesses using the language of Welsh should receive the same treatment as those heard in English. The quality of communication between the judges and the judged should be of the same standard. I would suggest that this requires a strategy to ensure that those who use the language are understood by those who judge. This is not to suggest that all who hold judicial office in Wales should be Welsh speakers. I do suggest that there should be a sufficient number to achieve that which is implicit in the Act.

Coming as I do from the Employment Tribunal system I am acutely aware of how little I know about the Administrative Tribunals with which we are to be amalgamated within the unified Tribunal system. It is quite clear however that there are a wide variety of tribunals which are administrative in nature. Employment Tribunals, which have more in common with the Civil Courts, add to that variety and increase the difficulty of assimilation. The Employment Tribunal is the only jurisdiction where there is adjudication between party and party as opposed to citizen and state. It is not devolved as some are. The 1993 Act has vastly different implications for the individual Tribunals: none for immigration; as great as the Civil Courts for Employment Tribunals. Where the need arises however the principles applied should be the same. It is to those principles that I now turn.

I have referred to the principle underlying the Welsh Language Act that the English and Welsh languages should be treated on the basis of equality. If that is the principle, then it cannot be sufficient merely to adopt some local limited strategy for dealing with those who on the odd occasion insist on exercising their right to be heard in Welsh. It is a common

experience when discussing the principle with administrators, to be asked how many cases do we receive where this is a requirement. That should not be the test. I have referred elsewhere to the widespread impression that Tribunals, including Employment Tribunals, do not provide a Welsh language service. There is not likely to be high “take up” for a service which no one knows exists. Demand can only be assessed when the service is provided. Moreover it should not be assumed that the current unmet need will remain at the same level in the future. There are features of Welsh life which indicate that this need will grow. I refer to the growth of education through the medium of Welsh since 1960. One quarter of children in Wales attend schools which teach predominantly through the medium of Welsh. The rest study Welsh as a second language. Welsh language television S4C was established in November 1982. The advent of television has had profound impact upon such major languages as Italian. It may well have the same impact upon the use of Welsh. That however is speculation but I think it follows that whatever arrangements are made now, they should be made upon the assumption that the need will grow and not be limited to current levels of uptake.

It seems to me to be self-evident that Welsh speakers who have the right to have their business conducted in Welsh, can only be properly served if there are sufficient Tribunal Judges, lay members and staff to deal with them. Unless there is a strategy to that end then the objectives cannot be met. A statutory scheme is a good job description but it not a strategy for obtaining suitable personnel. Such a strategy must cover recruitment and training. Recruitment is a difficult area, because there are likely to be suggestions that some will be unduly favoured in selection because they have linguistic skill. That need not be the case. Like any other skill it deserves recognition. Such recognition does not amount to unfair favouritism. The second aspect is that of training. Provided that training is given, there can be no complaint or favouritism. Suitable appointees on merit can be afforded the appropriate training. The Wales and Chester Circuit has already set up a sub-committee under the chairmanship of His Honour Judge Philip Richards which has made recommendations which would meet that requirement. It provided a report to the Standing Committee in November 2002. The draft was sent to interested parties for consultation. Sadly they have not been endorsed by the Employment Tribunal system or by the Employment Tribunal Service. I suspect that that is because both have coped. In recent times we have had sufficient Welsh speaking Chairmen to deal with the cases which have arisen. That however owes nothing to any strategy on the part of anyone beyond the level of the Regional Chairman. I tell you from personal experience that his powers are limited. So far as I know, no Chairman presently appointed has ever been asked whether he speaks the language. Those who currently do

were all appointed full-time to other regions. There are no Welsh speaking part-time Chairmen.

A few short years ago I persuaded the DTI to advertise for Members in the Welsh language press in the hope that this would result in some Welsh speaking appointees. I am not privy to the selection process. I can tell you however that out of a membership of 150 in the entire region, there are 10 Welsh speakers, all men. In the Employment Tribunal Service in Wales there are no Welsh-speaking members of staff. When I last raised this topic, I was reminded by the Operations Manager that the ETS provides translation facilities. Quite so. I applaud those arrangements. I question however whether that it is sufficient to meet the Welsh Language Scheme of the ETS. That is a matter for the ETS and the Welsh Language Board to decide. It underlines however the need to have a strategy to provide sufficient Tribunal Judges, lay members and staff to fulfil what is not just a moral obligation, but an instruction from Parliament of Westminster. The establishment of a Unified Tribunals System presents a challenge but also an opportunity. An opportunity to replace “Make, Do and Mend” with Make Plan and Mean”. We have a precedent and a good example. In July 1999, the then Presiding Judges of the Wales and Chester Circuit, the then Circuit Administrator of the Wales and Chester Circuit and the Counsel General of the National Assembly for Wales with the support of the Permanent Secretary to the Lord Chancellor’s Department and the Head of the Court Services established the Lord Chancellor’s Standing Committee for the Welsh Language. The purpose of the Standing Committee is to ensure that various bodies concerned with the administration of justice in Wales adopt the same policies towards the Welsh Language and the implementation of the Welsh Language Act 1993. It is a vehicle by which to minimise costs and difficulties and ensure that proper and uniform practices are in place. It is to be hoped that the Unified Tribunal System will either join or replicate that initiative.

In setting out my stall, I bear in mind the wisdom of those members of the Lord Chancellor’s Standing Committee for the Welsh Language and also the Welsh Language Board, who say that these objectives can only be met by consensus. I applaud what was said by the Welsh Language Board in the statement they made to mark the occasion of ten years of the Welsh Language Act “The aim of taking the language out of politics and politics out of the language was one clearly set early in the Board’s life and it has worked to the benefit of the language. We can all now engage in constructive dialogue about the language and its future.” It further said “By acting in a realistic and responsible way, the Board was determined to make progress at a pace which would ensure that the language had more friends at the end of its first decade of discharging its statutory responsibilities than it had at the beginning. Such

support however must never be taken for granted, it needs to be cultivated and nurtured.” As Lord Justice Judge said “The infamous Act of 1535 is indeed being rolled back, perhaps, it may be said, not yet far enough, but at an ever increasing pace.” I hope that we will all say amen to all that.

Hugh Rawlings

The Public Services Ombudsman for Wales

Hugh Rawlings is Director of the Local Government, Public Service and Culture Department

The Public Services Ombudsman for Wales is a very distinctive office and needs to be seen in the context of devolution to Wales, one feature of which has been the creation of new public offices, for example the Auditor general for Wales, Children’s Commissioner, Older Peoples Commissioner.

There was a review of Public Ombudsmen in 2000 in the UK and in 2002 the Wales Office and the Welsh Assembly Government jointly published a consultation paper titled ‘Public Services Ombudsmen: Time for Change?’. As a result, it was decided that the three existing Welsh Ombudsmen’s offices should be merged into one.

Legislation then ensued. The new office will come into effect in 2006. Under a wider remit the new Public Services Ombudsman for Wales is now able to investigate complaints of alleged mal-administration, failure of listed authorities to provide a service etc. Under the legislation, the Ombudsman makes recommendations about making redress against grievances.

The Ombudsman can also issue guidance to public authorities on good administrative practice, in the expectation that the knowledge gained from individual complaints can be used to improve across public administration in Wales.

Elizabeth Thomas

Public Services Ombudsman for Wales

Elizabeth Thomas is Director of Investigations, Public Services Ombudsman for Wales

Ms Thomas spoke about the role of the Public Services Ombudsman for Wales and how the organisation has set about developing a “one stop shop” service.

The Ombudsman’s primary role is to investigate complaints from members of the public about the way that they have been treated by a public body. In fulfilling that role they want to provide a first class Ombudsman service. The way in which they achieve this is by investigating complaints thoroughly and impartially. When complaints are upheld the Ombudsman will tell the public body concerned what it should do to make amends.

Like the White Paper, the view is also taken that what matters to people is finding a quick solution to a problem, therefore if early local resolution can be achieved without undertaking a full investigation - so much the better. Accordingly, they have been placing more emphasis on the desirability of achieving a local resolution – as long as it results in the right and fair outcome for all concerned.

What the Ombudsman expects from public bodies is that they should treat members of the public fairly and efficiently. If someone thinks they’ve been badly treated the Ombudsman must provide an easily accessible means of being heard and, if the complaint is up-held, of receiving appropriate redress. As an organisation they will be rigorous in their search for a remedy that is proportionate to the harm suffered by the complainant.

Any lessons learnt from investigations are publicised - along with those learnt by fellow ombudsmen. When they are investigating complaints officers are always alert to the possibility that the case may not be an isolated complaint and that others may have suffered similar injustice. If that does prove to be the case the Ombudsman will be proactive in seeking redress for those people also.

As well as investigating complaints the Ombudsman has an important part to play in promoting good administration by bodies within his jurisdiction. Again, they would prefer to see complaints resolved at source. Therefore, part of the Ombudsman’s role is to give guidance on good administrative practice to bodies within his jurisdiction.

Adam Peat was appointed the Commissioner for Local Administration in Wales and the Welsh Health Services Ombudsman in October 2003. Raising the profile is the next task.

New leaflets have been produced, which have been designed to be as user friendly as possible, and they have made a concerted effort to see these distributed not only to organisations such as local authorities, NHS trusts, etc, but also to all local libraries, and every GP surgery in Wales. Public awareness of the Ombudsman is low compared to awareness of the Citizens Advice Bureau.

Lord Newton of Braintree

Towards an Administrative Justice and Tribunals Council

Lord Newton is Chairman of the Council on Tribunals. Below is an abbreviated version of his speech.

One of the main proposals in last year's White Paper "Transforming Public Services: Complaints, Redress and Tribunals" is that the present Council on Tribunals should become an Administrative Justice and Tribunals Council.

The Council's present role is to keep under review the constitution and working of some 80 or so tribunals under its supervision and from time to time report on them. The Council also has a similar role in relation to statutory inquiries. It is envisaged that the Council's present role in relation to tribunals will be continued by the AJTC.

In addition to this the Administrative Justice and Tribunals Council will have the following new functions:

- keep under review the performance of the administrative justice system as a whole drawing attention to matters of particular importance or concern;
- review the relationships between the various components of the system (in particular ombudsmen, tribunals and the courts) to ensure that these are clear, comprehensible and flexible;
- identify priorities for, and encourage the conduct of, research;

- provide advice and make recommendations to government on changes to legislation, practice and procedure which will improve the workings of the administrative justice system.

It is anticipated that legislation will strengthen the AJTC's voice within the administrative justice world. One drawback of the present arrangements is that other government departments are not in any way obliged to respond to our recommendations. However, that will change as the government has agreed in principle to:

- introduce a code of practice dealing with consultation with the Council on all forms of legislation affecting tribunals;
- give the Council authority to publish its comment on legislation, should it think appropriate;
- commit sponsoring government departments, through the Code of Practice, to publish responses to the Council's comments as part of the process of publishing primary and subordinate legislation;
- ensure that the Council's reports will be drawn to the attention of the appropriate Select Committee of the House of Commons.

The Council will also play an important interim role in advising DCA and the Senior President of Tribunals on the establishment of the new Tribunals Service.

The concept of administrative justice is not easily defined or understood but has become well established as a notion. However, its precise limits are probably impossible to define in any useful way. Most of the tribunals under the oversight of the Council on Tribunals are concerned in some way with disputes between the citizen and the state, and so may seem naturally to fall within the concept of administrative justice. But there are a significant number of tribunals that are concerned with disputes between citizens, be they employer and employee, landlord and tenant or whatever. Some tribunals, such as the Lands Tribunal, have jurisdictions of both types. The White Paper does of course recognise the distinction and talks of administrative justice and justice in the workplace as different things. Both, however, would come within the purview of the AJTC.

The position with inquiries is no clearer. Ordinary planning inquiries seem to fall fairly plainly within the concept of administrative justice. But what of ad hoc inquiries into matters of public concern, for example the Scott or Hutton inquiries? They are often chaired by senior judges, but does that make them part of the administrative justice scene? Or are they better

regarded as part of the machinery of government? Much may depend on the nature of the particular inquiry.

When it comes to ombudsmen, the position is even more complex and less susceptible to generalisation. There are statutory and non-statutory ombudsmen, public and private sector ombudsmen, ombudsmen who make recommendations and ombudsmen who make binding decisions, and various permutations and combinations.

But that list raises more questions than it answers. We envisage that in addition to the areas I have already mentioned – first instance decisions and internal departmental review, tribunals, inquiries, ombudsmen, the courts, ADR and so on – the landscape would also include a wide range of regulators and complaints procedures of various kinds. No doubt it could include prison discipline and parole. Whether it would extend to professional disciplinary bodies, for example in the areas of health and the law, may be more open to debate. And there are other areas, such as the universities, the churches, or the armed forces that one would perhaps not normally think of as falling within the administrative justice field.

The Council, in an attempt to clarify one area of the administrative justice landscape, is in the early stages of agreeing a 'mapping' project, which will be undertaken in collaboration with British and Irish Ombudsman Association. It is hoped that the project will clarify the sorts of organisations and issues with which the AJTC might become involved in the context of ombudsmen and complaint handlers.