

APPENDICES

Appendix 1

Some examples of AJTC non-tribunal consultations & reports

AJTC response to Family Migration - A Consultation The AJTC has responded (06 October) to the UK Border Agency's consultation on Family Migration. (12 October 2011) [View](#)

Resolving Workplace Disputes – AJTC Consultation Response The AJTC responded on 19 April 2011 to the above consultation, expressing concern both about the lack of strategic vision underpinning government plans and about proposed legislative tinkering which may have a negative impact on claimants with legitimate grievances. (14 June 2011) [View](#)

AJTC Response to Consultation on DLA Reform The AJTC has responded to the Department for Work and Pensions' public consultation on Disability Living Allowance Reform (17 February 2011) [View](#)

AJTC Response to Consultation - Fitness to Practise Adjudication for Health Professionals AJTC response to Department of Health Consultation. (01 December 2010) [View](#)

Scottish Committee Response - Control of entry arrangements relating to NHS pharmaceutical services The Scottish Committee's response to the Scottish Government consultation. (21 June 2010)

AJTC Response - Work and Pensions Select Committee inquiry into decision making and appeals in the benefits system Response of the AJTC. (18 November 2009)

Scottish Government's consultation on the Review of the Mental Health (Care and Treatment) (Scotland) Act 2003 Response of the Scottish Committee of the AJTC to the Scottish Government's consultation (05 November 2009) [View](#)

Amendments to the Mental Health Legislation in the Event of a Civil Emergency or Influenza Pandemic The Scottish Committee of the AJTC's response to the Scottish Government consultation. (05 November 2009) [View](#)

The AJTC's response to the consultation on the draft guidance from the Secretary of State for Transport to the Senior Traffic Commissioner Consultation response from the AJTC. (08 October 2009)

The Scottish Committee response to the Scottish Government's consultation

on the draft Crofting Reform (Scotland) Bill Consultation response from the Scottish Committee. (13 August 2009) [View](#)

The Scottish Committee response to Scottish Government on the Administrative Justice Steering Group's report 'Options for the Future Administration and Supervision of Tribunals in Scotland' This was the Steering Group's first report and was published in September 2008. (13 July 2009) [View](#)

The Scottish Committee's response to the Interpretation & Legislative Reform (Scotland) Bill Consultation response from the Scottish Committee. (26 May 2009) [View](#)

AJTC response to consultation: Civil Bid Rounds for 2010 Contracts This is the AJTC's response to the Legal Services Commission's (LSC) Consultation 'Civil Bid Rounds for 2010 Contracts'. (29 January 2009) [View](#)

AJTC response to DCSF consultation on proposals for a new way of handling parents' complaints about school issues The Administrative Justice & Tribunals Council has responded to the Department for Children, Schools and Families consultation on proposals to replace the Secretary of State's role in handling parents' complaints. (07 January 2009) [View](#)

AJTC response to Law Commission's Consultation Paper 'Administrative Redress: Public Bodies and the Citizen' The Administrative Justice & Tribunals Council has responded to the Law Commission's consultation paper seeking views on how to create a clear, simple and just system of redress for individuals who have suffered loss as a result of seriously substandard administrative action. (07 January 2009) [View](#)

AJTC response to 'Immigration Appeals: Fair Decisions, Faster Justice' consultation The Administrative Justice & Tribunals Council has responded to the UK Border Agency's consultation paper on proposed reforms to the immigration appeals process. (07 January 2009) [View](#)

Fees in Immigration & Asylum Cases The AJTC has responded to the recent consultation on introducing fees for appeals in the Immigration and Asylum Chambers of the First-tier Tribunal and the Upper Tribunal (25 January 2011) [View](#)

The Scottish Committee response to the Review of Fatal Accident Inquiry legislation Consultation response from the Scottish Committee. (07 April 2009) [View](#)

Appendix 2

Prof Rohr, in his recent book, concludes that ***American administrative law has structured safeguards to protect the integrity of administrative decision-making while also holding it accountable.*** The constitutional role of American civil servants comes not only from specific American experiences but also from the very nature of civil service. Rohr definitively shows how and why public administration is inevitably and strongly bound up with constitution-making and constitutional governance. He states: "nothing is more fundamental to governance than a constitution; and therefore to stress the constitutional character of administration is to establish the proper role of administration as governance that includes management but transcends it as well."

JOHN A. ROHR is professor of public administration at the Center for Public Administration and Policy at Virginia Polytechnic Institute. A recipient of the ASPA Distinguished Research Award, he is the author of six other books, including *Public Service, Ethics, and Constitutional Practice*, *Founding Republics in France and America: A Study in Constitutional Governance*, and *To Run a Constitution: The Legitimacy of the Administrative State*.

Appendix 3

CONSUMER FOCUS SCOTLAND (Oct 2011) concludes:

We believe a risk of abolishing the AJTC and its Scottish Committee is that ***its wider function to examine the full range of issues relevant to administrative justice may be lost, together with the associated ability to ensure the effectiveness of the system as a whole.*** Should the functions of the SCAJTC pass to the proposed Civil Justice Council or another organisation, it is essential that the focus for these bodies ***should include the ability to consider and examine earlier decision making by a wide range of public sector organisations, including those outwith the justice sector,*** as well as ensuring the effective operation of the tribunals system.

Appendix 4

Public Administration Select Committee Announcement. Released: 8 March 2012

PASC CHALLENGES GOVERNMENT OVER PLANS TO ABOLISH ADMINISTRATIVE JUSTICE AND TRIBUNALS COUNCIL (AJTC)

In a report released several months ago, the Public Administration Select Committee (PASC) has found that there is a “fundamental difference of view” between the Government and others over whether there is a continuing need for the functions performed by the Administrative Justice and Tribunals Council (AJTC). PASC also doubted the level of cost savings that the Government estimates will be achieved by the abolition of the AJTC, and called for Ministers to provide further details to support its estimate.

“Administrative justice” includes the procedures used by public authorities for making decisions in relation to individual people, the law that regulates decision-making, and the systems (such as the various tribunals and ombudsmen) that enable people to challenge these decisions.

There are around 650,000 administrative justice hearings each year—more than **three times** the number of criminal justice hearings—and it is estimated that resolving citizen’s complaints costs central government over £500 million per year.

The functions of the AJTC include keeping the whole administrative system under review and considering ways to make the system accessible, fair and efficient.

The Government proposes to abolish the AJTC using powers in the Public Bodies Act 2011, and to give its functions to the Ministry of Justice. It is expected to bring forward the necessary secondary legislation later this year.

The Committee found that the Government’s rationale for winding up the AJTC was questionable, and that the Ministry of Justice may not have either the resources or the expertise to take on its functions. PASC also recommended that the House of Commons Justice Committee take its findings from this inquiry into account when it considers the Government’s proposed legislation.

Bernard Jenkin MP, Chair of the Committee said:

“The AJTC should be part of the machinery to help government get decisions „right first time“. Instead, over half a million decisions have to be reviewed each year, at great cost and considerable injustice and inconvenience to citizens. If the AJTC is abolished, what will take its place, and how will Government do better?”