

## **Redress and Administrative Justice in Scotland (2009)**

Research summary about systems of redress in administrative justice in Scotland. This page contains an outline of this research, and a summary of the key findings. Details of how to find the full report can be found at the bottom of the page.

### **Administrative Justice in Scotland – The Way Forward: The Final Report of the Administrative Justice Steering Group**

#### **What is it about?**

The report provides an overview and comprehensive analysis of all aspects of administrative justice in Scotland. It considers how the administrative justice system should respond to, and be focused on, the needs of the citizens who use it. One aspect of the evaluation examines effective redress when things go wrong.

#### **Who did it?**

The report was produced by the Administrative Justice Steering Group (AJSG) and published by Consumer Focus Scotland (formerly the Scottish Consumer Council) in June 2009. The AJSG was established in 2006 by the Scottish Public Services Ombudsman (SPSO), in conjunction with the former Scottish Committee of the Council on Tribunals and with the support of the then Scottish Executive.

#### **Key findings**

Existing redress mechanisms were evaluated against the following criteria:

- the probability of producing appropriate outcomes
- impartiality and independence
- fairness of procedures
- speed
- cost and
- accessibility

The study found that existing redress mechanisms appear to be operating well, but there are concerns, particularly in relation to access. Barriers to accessing redress include cost, lack of expertise, low visibility of some complaints mechanisms and lack of systematic and comprehensive availability of advice and assistance.

**Confusing landscape:** The study also found that the number and variety of redress mechanisms is a problem, and as a result citizens may be confused about what mechanism to use, or even where to start.

**When advice and assistance are needed:** It is not always clear which redress mechanisms can be used by complainants on their own, and which require assistance. The design of redress systems does not always take this issue into account – for example, the extent to which legal aid or other forms of public funding are available to support provision of advice

and representation. It is, according to the study, 'absolutely essential' to consider the need for advice and assistance, and how it can be supported. Policy in this should be evidence-based.

A number of recommendations are made, including

- provision of a single complaints portal for each public body
- publicly funded signposting across the public sector
- a 'one-door' approach to complaints and appeals
- standardized complaints processes
- redress mechanisms should be designed so that complainants can pursue grievances unaided, but also publicly funded support and advice should be available
- jurisdiction of mechanisms should be reviewed and rationalized, although some overlap should be allowed as not all redress mechanisms are mutually exclusive
- a duty on public bodies to review decisions when requested by citizens
- review of the cost-effectiveness of redress mechanisms
- appeal/review/complaints processes should be structured so as to
- provide feedback to front-line decision-makers.

The study also recommends that there be a relaxation of the presumption against ombudsmen taking on complaints where there is a right of appeal, and consideration of how to integrate different forms of ADR.