



EMBARGO – 00.01 MONDAY 1 DECEMBER 2014

CHARITIES AND NGOS ASK MPs TO PRESERVE THE RIGHT TO TAKE YOUR COUNCIL TO COURT

Today over 35 different charities and NGOs representing children and older people, people with disabilities, bereaved families and victims of torture; and organisations working on issues as diverse as housing, fair treatment at work and in healthcare, freedom of expression and privacy online come together to call on MPs to vote against significant restrictions to judicial review in Part 4 of the Criminal Justice and Courts Bill.

Judicial review is a legal process by which individuals can challenge decisions made by any public authority – including your local authority - on the basis that they are unlawful, irrational, unfair or disproportionate. It is a directly accessible check on abuse of power, a means of holding the executive to account, increasing transparency, and of providing redress when public agencies and central Government act unlawfully. Part 4 of the Criminal Justice and Courts Bill includes Government proposals which would make significant restrictions on the procedure for judicial review. During last month, Peers voted to reject most of the Government’s changes, with powerful statements made by members of both Government parties’ backbenches. **On 1 Dec 2014 –Monday – the House of Commons will be asked to reinstate the Government’s original plans, with a minor amendment which will do little to temper a new and significant costs risk for charities and other organisations who offer their expertise to our courts in complex cases which affect the public interest**

These proposals are not principally about the law or lawyers. They will affect decisions about the countryside, about schools, hospitals, our armed forces, police and security

services; about housing, healthcare, education and transport. Ultimately these changes will affect how and whether Government will abide by the rules which Parliament sets.

In a joint statement, a group, including Age UK, INQUEST, JUSTICE, Liberty, Mencap, Mind, the Howard League, the Child Poverty Action Group and Shelter, express concern that the effect of these proposals will be to deter legitimate challenge; limit judges' discretion to act in the public interest and shield public agencies from effective oversight.

Caroline Abrahams, Charity Director of Age UK said,

“Judicial review is a vital way for individuals and groups to hold powerful public authorities to account for important decisions like which public services they provide, how they provide them and who can access them.

We have brought judicial review applications as a claimant and we have also intervened in other cases where the outcome is particularly relevant for vulnerable older people.

We fear that the Government's proposals on judicial review risk preventing Age UK and others from standing up for older people in this way in future. Age UK only uses litigation very sparingly and where we believe the issues to be really significant for older people.”

Alison Garnham, Chief Executive of Child Poverty Action Group said:

“Judicial review is often the last line of protection the most vulnerable people in our society have against bad decisions made by powerful decision-makers. The public interest is served by empowering ordinary citizens to challenge unlawful decision-making, not by rewriting the rules so decisions made by the state, in effect, are put beyond the rule of law.”

Frances Crook, Chief Executive of the Howard League for Penal Reform, said:

“Fearless and independent judgments by courts are vital to shine a light on unlawfulness and stop abuses of power.

The Howard League's successful judicial review allowed children in prison to be treated and protected in the same way as children in the community. Our legal challenge with Just for Kids Law resulted in the protection of 17-year-old children in the police station.

It now falls to our Members of Parliament to vote for justice by ensuring Lord Pannick's amendments are preserved.”

Deborah Coles, Co-Director, INQUEST, said:

"Judicial Review is a vital tool for ordinary people to hold the state to account when it exceeds or abuses its powers and to ensure effective challenge and scrutiny of decision making. In the absence of an appeals system for coroners, judicial review of coroners decisions has important repercussions not just for a bereaved family but for the improvement of practice and procedure in coroners courts for the benefit of society as a whole."

Andrea Coomber, Director, JUSTICE, said:

"Judicial review is one of the very few means we can challenge public bodies and Government departments which act unlawfully. We should all be watchdogs when the Government tries to rewrite the rules in its favour."

Changes made in the House of Lords would leave the Government's reforms intact, but preserve the discretion of the court to do justice in the public interest in individual cases.

Government – big or small - will be the defendant these claims and the greatest beneficiary of any changes. When a council or a hospital gets the law wrong the only option for normal people should not be the local MP's constituency office. "

Sara Ogilvie, Policy Officer, Liberty, said:

"These changes will make it vastly more difficult for the most vulnerable in our country to challenge the most powerful. Should the Government of the world's oldest unbroken democracy really be slamming courtroom doors shut in the face of ordinary people?"

Rossanna Trudgian, Head of Campaigns, Royal Mencap Society, said:

"Judicial review is an important way that people with a learning disability and their families can challenge public bodies such as local authorities about the decisions they make which affect their lives."

Mencap is particularly worried that proposals to restrict access to judicial review comes at a time when many cash strapped local authorities are seeking to cut and restrict care and support. If the Government over turns the House of Lords amendments we risk seeing people with a learning disability being unable to challenge important decisions which affect their ability to live independently."

Ali Fiddy, Head of Legal at Mind, said:

“The Criminal Justice and Courts Bill 2014 proposes significant restrictions on the ability of charities like Mind to intervene in cases that have wider implications for their beneficiaries. We have intervened in a number of cases that raise issues of wider public interest for people with mental health problems, including the landmark case earlier this year that clarified what constitutes a deprivation of someone’s liberty in a social care context, which has helped ensured better protection for many vulnerable people.

These cases are important because they test, develop and clarify the law, for all our benefit. If this Bill is passed, it is likely that opportunities to do this will be lost.”

John Gallagher, Principal Solicitor, Shelter, said:

“Judicial review is an essential part of the safety net which ensures that families receive the help they need when faced with the trauma of losing their home. At a time of increasing pressure on local authorities it is vital not to make it even harder for homeless families to challenge decisions that are unlawful. It is equally important that charities and organisations are not deterred from intervening in cases where their specialist knowledge can have a major impact.”

For further comment, please contact Angela Patrick on 020 7762 6415 (direct line) or apatrick@justice.org.uk.

Notes for editors

1. The full statement issued by the group of charities and NGOs is available, here: <http://www.justice.org.uk/data/files/resources/364/CJC-Bill-NGO-Joint-Brief-Judicial-Review-Part-4-Ping-Pong-FINAL.pdf>
2. The supporters include Action against Medical Accidents, Age UK, AIRE Centre, Amnesty International UK, Article 19, Asylum Support Appeals Project, Campaign for Freedom of Information, Child Poverty Action Group, Children’s Rights Alliance England, Disability Law Service, English PEN, Equality and Diversity Forum, Fair Trials International, Human Rights Watch, Immigration Law Practitioners Association, INQUEST, The Howard League for Penal Reform, Law Centres Network, JUSTICE, JustRIGHTS, Just for Kids Law, Liberty, The Media Legal Defence Initiative, National Autistic Society, NDCS, Mencap, Mind, Open Rights Group, Prisoners’ Advice Service, Privacy International, Public Concern at Work, Reprieve, REDRESS, Rights Watch UK, Shelter and Sense.
3. The Criminal Justice and Courts Bill will return to the House of Commons for consideration of the House of Lords amendments – “ping-pong” - on 1 December 2014. Full details are available, here: <http://services.parliament.uk/bills/2014-15/criminaljusticeandcourts.html>
4. Full briefing on the Bill is available here: <http://www.justice.org.uk/resources.php/364/criminal-justice-and-courts-bill>