



RESOLVING HOUSING DISPUTES

**Report of a seminar
held on 9 September
2004**

**Public Law Team
Law Commission**

October 2004

RESOLVING HOUSING DISPUTES
SEMINAR ON THURSDAY 9 SEPTEMBER 2004

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INTRODUCTION

This report records the presentations and the discussions in workshops at the seminar on 9 September. I would like to take this opportunity to express my thanks to all those who took part. In particular, I'm very grateful to Paul Stockton for stepping in at virtually no notice when we lost the Minister, and then providing us with a fascinating insight into DCA's far-sighted thinking on these issues.

The seminar has provided us with an extremely useful point of departure for the project. In particular, it has proved to be most valuable to have had at least one member of the team in each of the ten workshop sessions. As work on the project progresses, we find ourselves continually returning to those discussions, and sharing the insights gleaned from each discussion with the team as a whole. I know that sometimes it feels as if a conference or seminar workshop session provides an opportunity for an interesting discussion, but that it goes no further than that. In this case, those discussions have already proved to be of enduring value, and the record in this report will ensure that they remain available, both to us and to others. I hope you find the report useful.

We will be putting a copy of this report on the website. As ever, we would be most grateful for any further views or suggestions (to Helen Carr, The Law Commission, Conquest House, 37-38 John Street, Theobalds Road, London WC1N 2BQ; helen.carr@lawcommission.gsi.gov.uk).

Professor Martin Partington CBE
Law Commissioner

PROGRAMME

9.30 – 10.00 REGISTRATION AND COFFEE

10.00 – 10.05 INTRODUCTION AND WELCOME

10.05 – 11.15 Why now? Setting the policy context

Paul Stockton, title Department for Constitutional Affairs (in the absence of Lord Filkin CBE, Parliamentary Under-Secretary of State)

- The Department manifesto;
- The broad approach of the DCA to dispute resolution;
- The Administrative Justice White Paper;
- Other policy initiatives relating to appropriate dispute resolution.

Professor Martin Partington CBE, Law Commissioner

- The Law Commission's housing adjudication project;
- What the project aims to achieve;
- What they do in other jurisdictions;
- Relationship of the project to the Administrative Justice White Paper and our work on *Renting Homes*.

Helen Carr, Public Law Team, Law Commission

- Innovation in dispute resolution;
- New types of process;
- New types of court/tribunal;
- The place of ADR;
- Local initiatives.

11.15 – 11.45 COFFEE

11.45 – 1.00 DISCUSSION GROUPS - SESSION 1
What are housing disputes?

Who is in dispute with whom? In what ways, if any, are housing disputes different from other types of dispute considered in the Administrative Justice White Paper? Do we know how many housing disputes there are? Who holds the information? What new research is needed? What is currently in progress? Can the fundamental principles of the White Paper be translated into the housing context?

1.00 – 2.15 LUNCH

2.15 – 3.30 DISCUSSION GROUPS - SESSION 2
What do users want from a housing dispute resolution system?

In the light of current knowledge about housing disputes in particular, and developments in policy across government more generally, what should a housing disputes resolution scheme look like? What do users want? What can we learn from experience overseas? What should be the contribution of advisers, mediators, ombudsmen, tribunals and courts? How can any scheme take best advantage of new information technologies?

3.30 – 4.00 TEA

4.00 – 5.00 FEEDBACK and CONCLUSIONS

Feedback from discussion sessions

- preliminary summary of workshop;
- suggestions for persons/groups to be consulted;
- next steps.

THE POLICY CONTEXT

Paul Stockton
Head of Administrative Justice, Department of Constitutional Affairs

The DCA Manifesto

- DCA is a new Department - different from old LCD.
- Central aim of Manifesto is to focus on needs of public not on maintenance of institutional apparatus of the legal system.
- That aim goes to heart of civil justice and dispute resolution - now focus of DCA's work is the public and their needs, and getting a better resolution for them.
- Must be fair and effective justice for all, including the socially excluded, poor and vulnerable.
- Traditional approach to civil justice focussed on courts, judges and court procedure. New vision - proportionate dispute resolution - is a radical departure.

Proportionate Dispute Resolution

- PDR begins with what people actually need:
 - what problems they encounter
 - what can be done to alleviate those problems or avoid them altogether
 - then, if problems develop into disputes, to resolve those disputes as early and efficiently as possible.
- In many cases people's needs will continue to be met through a modernised, quick, efficient and cost effective civil court service; in others a non-court solution is likely to be more appropriate.

There are a number of facets to this vision:

- Minimise people's legal problems:
 - framework of law defining people's rights and responsibilities as fair, simple and clear as possible
 - state agencies make better decisions and give clearer explanations.
- Early and appropriate advice and assistance - potential disputes nipped in bud before escalating into formal legal action.
- Range of suitable dispute resolution options - choice depends on nature of dispute.

- Recognise courts and tribunals will be the best option for certain cases (example). Therefore, need to continue to improve court and tribunal services.

What we need to do (this will take time):

- Change people's behaviours - refer to Consumer Strategy:
 - Asked thousands of people about experience of problems with the justice system
 - Evidence gained invaluable
 - Government needs to think more seriously about better education, information and advice
 - Need to build life skills to deal effectively with problems
 - Need coherent strategy across Government.
- Develop a full range of effective tailored dispute resolution options:
 - Currently testing some around court-annexed mediation
 - Evaluating pilots
 - Need to learn from elsewhere in world
 - Planning further pilots in due course in new areas.
- Change way Legal Aid works (refer to Fundamental Legal Aid Review):
 - £2 billion spent on legal aid in England and Wales (up from £1.5 billion in 1997).
 - Legal aid helps access to justice; helps social inclusion. Last year 1 million people helped with family, housing, debt, welfare, other problems. Can be used in mediation cases.
 - Current heavy emphasis on litigation lawyers is unsustainable given other priorities and pressures on resources
 - Review is to make sure taxpayers' money focussed in best way to improve lives and prevent social exclusion.
 - Will still subsidise lawyers and the court system
 - Should we get more funding into alternative forms of dispute resolution which may involve lawyers and others acting outside the courts?

Administrative Justice White Paper

- Refer to White Paper "*Transforming Public Services: Complaints, Redress and Tribunals*"
 - Describes the way the principles just mentioned will be embodied in administrative justice and employment dispute resolution

- Outline the State's decision-making responsibilities
 - Millions of decisions made each year
 - No system will be perfect
 - Mistakes and challenges will always occur
 - Likewise, there will always be disputes between employees and their employers

- It is therefore right to have more efficient and effective tribunal system to deal with these disputes
 - This is the reason for creating the Tribunals Service
 - Its core mission will be to help prevent and resolve disputes
 - It will use a range of innovative and flexible services

- Creating the service
 - Bringing together the largest central Government tribunals
 - Single organisation
 - Maximises the opportunities for improvement
 - Brings about the manifest independence required
 - Putting the needs of the public first.

- Want to take a much more fundamental view
 - Want to prevent disputes arising
 - Looking at whether the tribunal the best way to resolve them?
 - Working with decision-making departments and agencies
 - Raising the standard of original decision making.

- Example
 - New evidence often emerges between the original decision and tribunal
 - Original decision would have been correct had evidence been available
 - Want to try to resolve this problem

- Need to look at the way decisions are conveyed
 - Are decision letters of a good enough standard?
 - Do they convey enough of the right information clearly?
 - Is the accompanying documentation right?
 - Or do they leave the recipient confused about exactly what has been decided, why and what (if anything) they can do about it?

- Where disputes do arise
 - Want to look for a proportionate and appropriate way of resolving them
 - ‘Proportionate’ to the issues involved
 - ‘Appropriate’ from the point of view of the user
 - Tribunal hearings are often very daunting for individuals
 - They require a substantial amount of preparation.
 - Are there better ways of dealing with these disputes?

- What can we learn from ACAS
 - They play a significant role settling disputes between employees and employers
 - This does away with the need for a tribunal hearing for many people

- Learning from Ombudsmen Services
 - They provide first rate examples of dispute resolution in both public and private sector
 - The Financial Ombudsman service also shows us how these techniques can be made to work in high volume situations:
 - Almost one hundred thousand investigations last year
 - But with the need for some thirty hearings only
 - Valuable things to learn from these organisations that we think might be applied to the way we deal with administrative justice disputes
 - White Paper sets out how we are going to test these new approaches through pilot projects over the coming months.
 - DCA officials are working with tribunal judiciary, administrators, decision-makers and user representatives to set up these projects to begin in the New Year.

- DCA has always been keen to support the “Resolving Housing Disputes Project” that Professor Partington is leading
 - We hope it will be an early example of how this approach can be applied in practice.
 - The future resolution of housing based disputes should not be constrained by conventional court or tribunal based processes,
 - But should use them where that is the most effective process for all concerned.
 - The outcome of this project will have important implications for how the government takes forward the recommendations made in the report “*Land, Valuation and Housing Tribunals: The Future*”, and how tribunals such as the Lands Tribunal are integrated into the future Tribunals Service.

- Look forward to seeing your recommendations in due course.

SETTING THE CONTEXT

Martin Partington
Law Commissioner

Outline

- The involvement of the Law Commission
- The objective of the seminar
- The reform of civil justice
- The reform of administrative justice
 - previous work by the Law Commission
- The implications of the user perspective

The involvement of the Law Commission

- Historic approach - proposals for reform of substantive law
- Less focus on practice and procedure
- Exceptions
 - criminal evidence
 - judicial review
- A new departure for the Law Commission?

The involvement of the Law Commission (2)

- The 'fit' with our housing project - the 3 branches
- *Renting Homes* - getting the law better
- 'Compliance'
 - the framework for better housing management and occupier behaviour
- Housing disputes and their resolution
 - what to do when things go wrong

The objective of the seminar

- Early engagement with principal stakeholders
- Encouraging radical ideas
- Ensuring that the consultation paper reflects those ideas
- Ensuring that making proposals for reform are constructive, not destructive

The reform of civil justice

- Implications of Woolf still coming through
- Proportionality
- Merger of High Court and County Court?
- ADR
- Implications of the Human Rights Act
- Relationship between the civil justice system and the criminal justice system
 - anti-social behaviour

The reform of civil justice (2)

- The delivery of legal services
- CLSDirect
- The provision of specialist housing law advice
- The relationship between the provision of housing advice and other matters
- Ensuring the provision of cost-effective services

The reform of administrative justice

- Leggatt
- Law Commission work on housing tribunals
- The White Paper
- The tribunals service
- Getting disputes resolved as early and as quickly as possible
- Preventing disputes arising in the first place

The reform of administrative justice (2)

- Experience overseas
- New forums?
- The housing disputes project as a case study?

The implications of the user perspective

- Need to find out what *users* want, not what others think they may want
- Ensuring speed and cheapness
- Removing procedural barriers
- Lessons from other parts of the system
- Improving housing management and occupier behaviour

INNOVATION IN DISPUTE RESOLUTION

Helen Carr
Law Commission

Outline

- Motivations for innovation
- models from other jurisdictions
- model from the private sector
- innovation within the UK
- new approaches to housing dispute resolution
- some questions

Motivations

- cost effectiveness
- 'problem solving' approach
- increase specialisation
- user centred approach
- increase trust in justice system

Specialist courts in other jurisdictions

- Not limited to common law jurisdictions
- Variety of specialisms
 - drugs courts
 - domestic violence courts
 - community justice courts
 - mental health courts
- Characteristics
 - generally a criminal focus although housing issues do arise
 - problem solving judges
 - continued involvement with offenders
 - community representation

US Community courts

- Aim to change lives of individual offenders
- and to achieve 'macro-level' change in the community
- characteristics include replacing fines and jail time with community service, strict monitoring of compliance; access to treatment and social services and ongoing communication with the community
- 20+ courts in the US with more planned
- best known is Red Hook in Brooklyn
- developments overseen by New York Center for Court Innovation

Les Maisons de Justice et du Droit

- Aim to make justice more accessible and rapid
- urban and local focus
- emphasis on increasing the 'proximity' of justice

Financial Services Ombudsman

- a semi-judicial organisation with a non-adversarial approach
- focus on early resolution of disputes
- free, high volume service which is cost effective and has a high level of user satisfaction
- in addition to solving individual complaints it also provides feedback to financial services sector

Liverpool community justice centre

- Based US community court model but adapted for local needs
- aim is to improve outcomes for victims, communities and defendants
- partnerships between relevant agencies and the court
- community ownership of court

Domestic violence courts

- Aim to increase the effectiveness of court and support services for victims by
- Clustering and fast tracking of domestic violence cases
- improving multi-agency and information sharing processes
- improving the participation of the victim

Mediation

- Pilots in Central London County Court, Manchester and Exeter
- aim to provide cost effective solutions which enhance customer satisfaction
- 'Alternatives to Court' leaflet provides information on ADR to court users

Innovation within housing law

- Internal reviews for homelessness and allocation decisions
- Disrepair protocol
- Housing Ombudsman Service
 - tenancy deposit scheme
 - commonhold
- RPTS
 - extended jurisdiction in the Housing Bill

Examples of local innovation

- Social landlords eviction panels
- Duty representation schemes
- Local mediation schemes - Southwark
- Disrepair arbitration - Hackney
- TPAS - developed procedure for resolving disputes between tenant groups and landlords

Questions

- To what extent is innovation being driven by the limitations and expense of the formal court process?
- Is innovation driven by a lack of housing lawyers?
- Are we seeing new processes because of new problems arising?
- Is there a need for a more coherent system and/or a more specialised system?
- How can we preserve flexibility and responsiveness?

WORKSHOPS REPORT: NARRATIVE

Compiled by Richard Turney
Law Commission

1. Delegates took part in two workshops, one in the morning and the second in the afternoon. Delegates came from a wide range of backgrounds: government, social work, charities, local authorities, interest groups and so on. A wide range of issues was raised. What follows is not a complete minute of all that was said, but an indication of the key themes which emerged.
2. Our approach was to ask delegates to address two broad questions:
 - (1) what are housing disputes; and
 - (2) what do users want from a housing dispute resolution system?
3. Much of the discussion was centred on current mechanisms of dispute resolution, and what was wrong (in some cases right) with them. Some discussion went further, to consider broader underlying issues that affect the way in which housing disputes arise and are disposed of.

The content of housing disputes

4. There was a general feeling that a “housing dispute” should be defined broadly. It should not just focus on matters that may be the subject of litigation, but include the hidden issues which litigation so often fails to address. There needed to be an awareness of the social and economic background to disputes, and an understanding of the cultural issues and of the inequalities that may exist between those in dispute. Further, any particular dispute may in fact be the crystallised or filtered version of a more significant grievance or unhappiness. Therefore the process by which a particular set of events becomes defined or shaped as a dispute must be understood. Although the statistical evidence is incomplete, there was universal agreement that the scope of housing problems was far greater than those which reach the current dispute resolution methods.

5. Housing disputes were often notable for the fact that they spilled over into several areas of law. For example: actions for the recovery of rent arrears may involve the enforcement of other obligations under a tenancy agreement; antisocial behaviour may involve not only criminal law, but also family law (through domestic violence) and public law (through Antisocial Behaviour Orders).
6. The range of housing disputes was wide, ranging from homelessness decisions to pest infestation, from refuse collection to mortgage repossession; from leasehold management (soon to include commonhold) to racism.
7. Further, the identity of actors in the housing disputes was very varied. A typical dispute may be between landlord and tenant; but disputes also exist between tenants, between owner-occupiers and between them and local authorities – acting in a variety of capacities as landlord, other service provider or regulator.
8. Certain underlying themes recurred in discussion:
 - (1) The actors are often in ongoing relationships; the resolution process should recognise this.
 - (2) Poor benefits administration and the proposed withdrawal of direct payments of housing benefit to landlords were a cause of concern.
 - (3) Broader structural issues were also raised, such as areas of low quality housing and variable provision of healthcare and social services.
 - (4) Social tensions may also affect housing disputes through differing cultural expectations among ethnic and demographic groupings.
 - (5) To some extent, the state itself may be seen as fostering disputes through the regulatory regimes it creates.

It is important that any reconsideration of the dispute resolution system takes account of these factors.

9. The provision of advice is pivotal in the formulation and resolution of housing disputes. Delegates talked of the worrying deficit of competent specialist advice in housing law matters. Poor diagnosis of housing problems means that disputants do not always follow the best routes to resolution. Lawyers are often disinclined to refer clients to other agencies (for debt advice and so on) which means a holistic approach is not provided.

What do users want from a dispute resolution system?

10. Delegates thought the current system was open to criticism for (at least a perceived) lack of consistency in the way housing disputes are addressed. Therefore consistency of process must be achieved, even if there remained some variation in outcome to take account of local needs and the wishes of the parties to the dispute. The vulnerability of weaker parties must be addressed in any dispute resolution forum to ensure fairness. Further, the need for appropriate representation and funding for that representation must be considered when designing a dispute resolution system.
11. A common theme to the discussion was a demand for a single entry-point for the resolution of housing disputes. Whether this is carried out by an officer of the court, a centralised agency or some other structure was a matter of debate. There must be efficient diagnosis of problems, co-ordination of responses and, where necessary, referral between dispute resolution mechanisms. Housing disputes are often polycentric (i.e. they often arise around several issues), and the mechanism by which they are resolved should allow for the consideration of surrounding problems. For example, it may be necessary to consider the tenant's wider debt problems in rent arrears disputes rather than merely focussing of the overdue rent.
12. The cost and speed of the dispute resolution method must also be considered. Expense and delay discourage the use of the system and may leave significant disputes unresolved. Speed and effectiveness are particularly important where dealing with anti-social behaviour.
13. Finally, users must be confident that outcomes are achieved. Remedies must be effective and it must be acknowledged that a judgment is not necessarily the end of a dispute; enforcement often brings further problems (and expense).

How suited are alternative dispute resolution methods to housing disputes?

14. Many users favour internal review mechanisms when dealing with institutions. Some housing associations already provide such mechanisms, but it may not

always be easy to argue the business case for the provision of an internal review procedure. The process by which a complaint is “escalated” into a dispute that requires external solution is vital when dealing with institutions in the housing field.

15. In this context, ombudsman services were discussed at length. Particular mention was made of the Financial Ombudsman Service, which was seen as an example of a (well-resourced) dispute resolution service being established with the consent and co-operation of institutional actors. The role of ombudsman services in any new scheme must be considered. They have the capacity to establish and promote good management practice and carry out wide-reaching investigations. The diagnostic expertise of the Financial Ombudsman Service was particularly valued.
16. Mediation is a popular method of dispute resolution, and is seen as cheaper and quicker than other processes. Some delegates felt that it was important to mediate early in the dispute process to prevent the entrenchment of the parties’ positions; others pointed to research showing that mediation may still be effective at a later stage. It was suggested that any mediator must be able to diagnose the nature of the dispute and refer the parties elsewhere if mediation is not the most suitable method of dispute resolution.
17. The voluntary nature of mediation was important. There is a risk of devaluing the process by making it compulsory. However, it may be necessary to encourage mediation through, for example, a refusal to mediate impacting upon the availability of funding for actions in court. Parties should be asked to justify their reasons for declining to mediate. Views were expressed that mediation would not be suited to some housing disputes. Some felt there is a risk of weaker parties having their expectations moderated and therefore accepting unsatisfactory compromises. As mentioned above, any reformed dispute resolution structure must address any imbalance of power between the parties.
18. The possibility of a specialist housing court was also discussed. The initial problems raised by this were funding, practical complexities and a lack of political support, as well as the general concern that there may be a lack of sufficiently competent representation. A single entry-point would be important in such a court system. One group suggested a specialist officer of the court as the first port of

call in housing disputes. It was generally accepted that such a court could not be the sole solution to the housing dispute problem, and alternative mechanisms must be in place to deal with appropriate cases.

19. A specialist court and any other dispute resolution mechanism must be brought to the community. Users identify themselves with the *place* where the dispute is located, not with their strict legal status. Furthermore, a dispute resolution system should take account of local needs and values, including regional differences in housing provision and demography. Accordingly dispute resolution mechanisms need both a local presence (to promote access) and a local knowledge (to achieve the most appropriate outcomes).
20. Dispute resolution mechanisms must be buttressed with real powers; the outcomes of the system are the way by which users judge its effectiveness.
21. The provision of information and advice was one of the core themes of the discussion. Users need to know about the availability of remedies and any choice they may have as to what mechanism is used to access those remedies. Information must be shared between agencies and there should be efficient systems of referral. Advice must be accessible.
22. New technologies (internet sites, telephone call centres) may help to disseminate knowledge and to process complaints, but it must be recognised that such facilities are not available to all users due to low incomes, language barriers, disability and so on.
23. Keeping users informed of what they are entitled to expect, their legal status and rights and the availability of remedies is essential. A general lack of clear advice was noted, as was the inability of current structures to deal with the polycentric nature of many housing problems. Many users are significantly disenfranchised in terms of access to remedies when problems arise in relation to their homes or, in the case of landlords, their occupied properties. Their resources may be limited, they may be poorly advised, there may be barriers to the receipt and understanding of information, or they may be wilfully ignorant.
24. There was a lot of support for the filtration of disputes - a structure that allocates disputes to the appropriate route to resolution with sensitivity to users' needs and

their broader concerns. Moreover, some delegates felt that our basic conceptions of housing disputes needed to be reassessed. The characterisation of the actors in disputes as “landlords” and “tenants” is a historical one, and may not reflect the way in which the problems in relation to an individual’s home actually take shape. For example, the landlord may bring a possession action as a means of compelling the housing benefits office to deal promptly with the tenant’s application for housing benefit, not to evict the tenant. By putting users at the centre of a dispute resolution mechanism, problems may be addressed in a more holistic way, rather than within the pre-existing legal frameworks.

Conclusion

25. Discussion at the seminar was wide-ranging. More time was spent criticising the current system than suggesting new processes for resolving housing disputes. But some delegates were willing to look beyond the current structures at the underlying frameworks in which disputes arise.
26. Housing disputes arise from a complex mix of social and economic issues. Where the opportunity arises to reconsider the legal framework in which housing disputes are defined and resolved, these issues must guide and inform our understanding of this complex area. Delegates gave us the sense that all actors in the area demand a fluid and flexible but joined-up response to housing problems.

WORKSHOPS REPORT: POINTS FROM GROUPS

Each group was asked to identify three key points from each session. They are reproduced here for reference.

Morning Session

GROUP 3

- Poor quality of legal advice and ability of lawyers to respond to housing problems.
- The diagnostic skills required for dispute resolution are extremely sophisticated.
- Huge mismatch between what legal system thinks is going on and what is going on at the grass roots level.

GROUP 4

- The study should be inclusive and look at mortgage disputes, neighbour disputes, long leasehold issues, and access to and possession of social housing. Agents are an unseen party – their role needs to be recognised.
- Is there a housing dispute if the facts are agreed? There may be a mismatch between the substance of the disagreement and the legal form in which it is pursued (e.g. a tenant seeking a transfer may argue that there is disrepair in their current property). The legal framework is overcomplicated and needs simplifying.
- There is no need for further research – the knowledge is there, but needs collating from disparate sources. Pilot schemes need evaluation.

GROUP 5

- Talk about “housing unhappiness” rather than “housing disputes”.
- Lamented lack of statistical information on causes and nature of housing unhappinesses; and lack of information *to* people who are unhappy about housing (a contribution to social exclusion).
- The broadness of disputes means this is a *perfect* field for applying the White Paper because it is about appropriateness of forum and proportionality of outcome.

GROUP 6

- The concept of housing disputes was very broad and should not operate to exclude people from dispute resolution systems.
- Recognise that there is a massive knowledge gap with landlords and tenants/users about legal rights and obligations.

- The legal system should not provide traps in terms of disputes caused by process – technicalities and delays caused by legal system should not aggravate housing disputes. In this context, this represents management problems for local authorities. A co-ordinated problem solving response is required (e.g. with different local authority departments and officers and other public bodies being aware of each other's roles and practices).

MAIN HALL GROUP

- Housing disputes can be categorised into “problems which affect people’s housing”; “proper” disputes as to the existence of a legal right or obligation; and the enforcement of undisputed legal rights.
- Housing disputes are multi-faceted: they are rarely simple and there may be a number of underlying issues.
- In housing disputes there will always be an ongoing relationship e.g. between neighbours, a landlord and tenant, mortgagor and mortgagee. Even when someone leaves their home, there will be a future relationship e.g. with a new landlord. Ongoing relationships mean housing problems may be ongoing.

Afternoon session

GROUP 3

- Consistency of process: a national perception of fairness with underlying principles expressed at local level.
- Courts have an important role in stating human rights and other principles and this should inform local decisions.
- Dispute resolution system needs to cover all needs, not just those of the articulate and well informed.
- Effective remedies must underpin system. Otherwise, we’re wasting our time.

GROUP 4

- Support for pre-adjudication ADR conducted by tribunal staff.
- Unified jurisdiction/tribunal.
- Access to advice important.
- Refusal to use should have impact on legal funding, but individuals should have funded advice pre-ADR.

GROUP 5

- Triage of disputes necessary. Dislike over the term ‘one-stop shop’ and concerns over advisors retaining their independence.
- Concern over lack of current provision. Need to redistribute resources to the frontline, whilst retaining some gold-plated court provision.
- Need to develop Housing Disputes Protocol.

GROUP 6

- Clear information on options for users. Allow for choice and provide for diagnostic function.
- Accessibility.

- Court should be local; institution and not a place; can accommodate different levels eg. Tribunal/Court functions.

MAIN HALL GROUP

- Point of entry / gateway to the system could be / should be locality-based rather than sector-based.
- Easy and early access to the system.
- Menu of responses selected appropriately...but who selects?