

The Lord Faulks QC
Chair of the Independent Review of
Administrative Law



By email: iral@justice.gov.uk

26 October 2020

Dear Lord Faulks QC,

We are writing to you as leaders of the main national bodies representing civil society organisations. Our members work to support people and communities across the country, providing both a voice and services on issues ranging from domestic violence to homelessness, rehabilitation, the environment, health and social care.

Judicial review is an important tool for the advancement of public benefit for many of our members. We therefore want to ensure that the views and experiences of civil society organisations are properly considered as you and your colleagues on the panel leading the independent review of administrative law consider options for reforming the process of judicial review and make recommendations to government.

We are united in our support for the role that public law and judicial review play for the public good. We also share the concern about any proposal to reduce the availability of judicial review, and in particular the implication from the consultation questions that public interest standing is currently treated too leniently by the courts.

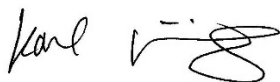
Public interest standing for charities and civil society organisations is vital to the proper functioning of our country as a constitutional democracy. It is a democratic requirement that the public be able to hold the government to account, but sadly individual claimants do not always have the time, funds or knowledge required to play this important role alone. If the rules on standing were tightened, there would be decisions that could not be challenged at all,

which would prevent the courts from performing the supervisory function so crucial to democracy.

Charities and civil society organisations also play an important role in making use of judicial review to improve decision making, by ensuring that decisions with adverse consequences for the wider population are brought to light early. It is in everyone's best interests for adverse unintended consequences of public decisions to be highlighted early.

We therefore hope that you and your colleagues on the panel recognise and support the many ways in which charities and civil society organisations make use of public law and judicial review for the wider public good, and that this will be reflected in your final recommendations.

Yours sincerely,



Karl Wilding
Chief executive

With the support of:

David Cutler, Director, The Baring Foundation

Sarah Llewellyn, Chief executive, The Barrow Cadbury Trust

Caron Bradshaw, Chief executive, Charity Finance Group

Paul Streets OBE, Chief executive, Lloyds Bank Foundation for England & Wales

Rita Chadha, Chief executive, Small Charities Coalition

Kathy Evans, Chief executive, Children England

Vicki Browning, Chief executive, ACEVO