



Research Strategy 2020



The Public Law Project (PLP) is an independent national legal charity. Our mission is to improve public decision making and facilitate access to justice. We work through a combination of research and policy work, training and conferences, and providing second-tier support and legal casework including public interest litigation.

Our strategic objectives are to:

- Uphold the Rule of Law
- Ensure fair systems
- Improve access to justice

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Introduction from Research Director



I became Research Director of PLP in 2017, at a time when PLP already had a strong record of independent, rigorous, and impactful research in public law. The present demand for and value of such research is more urgent than at any point in recent history. It is therefore a fitting moment for PLP to reaffirm its commitment to research and expand its ambitions in this area.

This document sets out an initial research strategy for PLP, to operate from 2018 to 2020. The context of this strategy is PLP's overarching strategic plan, and the organisation's agreed priorities and goals for the period. In addition, a key aim for myself, in this initial period, is to confirm the PLP's identity as a producer of high-quality, independent, and impactful research. The strategy outlines both our strategic priorities for as an organisation, our approach to research, and the issues and areas in which our research will be focused in this initial phase.

As research at PLP expands and our ambitions grow, it is vitally important that we reflect. Therefore, a review of this strategy, led by myself and PLP's Senior Management Team, will be undertaken at two points. First, at the end of 2018 there will be an internal review of the strategy. Second, at the end of the 2019 there will be a formal review, which will include the production of a long-term research strategy for PLP.

This is an exciting time for research at PLP. We look forward to producing high-quality research that contributes to the debates around the most pressing issues concerning our public law system, as well as working closely with a range of partners. I am delighted to be a part of this very exciting endeavour.

Dr Joe Tomlinson
Research Director, Public Law Project

Introduction from Professor Sir Jeffrey Jowell KCMG QC



PLP has always played a major role in the democratisation of the skills and benefits of public law. It has, above all, shown that targeted research can greatly enhance our knowledge of the system and thus provide a practical tool for furthering the value and impact of judicial review, other methods of grievance-resolution and the strategic use of law.

This long-term research strategy once again seeks to identify crucial current issues which could benefit from research. These include online courts and tribunals and access to justice through both judicial review and legal aid. Sensibly, Brexit and the rule of law is also included, thus providing a welcome element of due diligence in this area, which has been so significantly lacking elsewhere.

These important projects will be will be aided by collaboration with other like-minded institutions and individual experts, specialised research links and casework research-synergies. These are to be supplemented sensibly by a responsive mode, when research will benefit the understanding of unforeseen issues.

The PLP team are to be greatly commended for the thoughtful, original and energetic way they are carrying forward its vital mission of furthering the rule of law, ensuring fairness and improving access to justice.

Professor Sir Jeffrey Jowell KCMG QC
Blackstone Chambers

Continuing a tradition of independent analysis

PLP has a strong record of independent, rigorous, and impactful research. Recent years have also provided a number of opportunities to evidence the continued value and relevance of PLP's research functions.

Beginning in 2012, various reforms to the judicial review system were proposed. Our published research (including *The Dynamics of Judicial Review Litigation*) and ongoing analysis provided a robust evidence base against which such claims could be objectively tested, and enabled us to support many consultations. PLP articles—including “*How Many JRs are too many? An evidence based response to ‘Judicial Review: Proposals for Further Reform’*”—and other PLP research was widely cited throughout debates on the reforms. Throughout 2014, PLP continued to provide written briefings for parliamentarians and for civil society groups, met with individual parliamentarians, held a briefing session in the Lords, and gave oral evidence to the Bill Committee.

In the wake of the Criminal Justice and Courts Act 2015, we published *Judicial Review and the Rule of Law: An Introduction to the Criminal Justice and Courts Act 2015, Part 4*, collaborating with the Bingham Centre for the Rule of Law and JUSTICE. Lord Woolf stated of this report: “I commend its contents without qualification and very much hope that judges, lawyers and anyone else who is involved with the Act will have the benefit of being assisted by its contents.”

Later that year we finalised *The Value & Effects of Judicial Review: The Nature of Claims, their Outcomes and Consequences*. This empirical research study, conducted together with the University of Essex & the London School of Economics, examined 502 cases. It explored the consequences of judicial review (both for individual claimants and for the law in general) and obtained significant fresh data on levels of costs (including the relationship between legal aid and outcomes).

PLP has also conducted detailed research on legal aid, in particular, the Legal Aid, Sentencing and Punishment of Offenders Act 2012. When the initial application of a telephone “gateway” to access any advice in three areas of law (education, discrimination, and debt) was piloted by the government, PLP undertook its own complementary research on this system. In March 2015, we published *The Keys to the Gateway: An Independent Review of the Mandatory Civil Legal Advice Gateway*. The conclusions of the report were widely disseminated, discussed at the All Party Parliamentary Group for Legal Aid and at PLP's London conference, and were reported in the legal press.

Along with the direct policy impact of PLP's research, the projects conducted by PLP have made a great contribution to the academic debate about public law in the UK. In particular, PLP has played a key part in advancing the use of empirical research methods in UK public law.



**The Dynamics of
Judicial Review Litigation:**
The resolution of public law challenges
before final hearing

Varda Bondy
Maurice Sunkin

**Designing redress: a study about
grievances against public bodies**

Varda Bondy
Andrew Le Sueur



**The Value and Effects of
Judicial Review:**
The Nature of Claims, their Outcomes
and Consequences

Varda Bondy
Lucinda Platt
Maurice Sunkin



**JUDICIAL REVIEW AND THE RULE OF LAW:
AN INTRODUCTION TO THE CRIMINAL JUSTICE AND
COURTS ACT 2015, PART 4**

Our approach to research

PLP uses research as a tool to inform our own thinking, and to achieve our charitable goals. Research ultimately helps PLP achieve its key strategic objectives to uphold the Rule of Law, ensure fair systems, and improve access to justice. With these purposes in mind, we want to build upon our established reputation as a producer of high-quality, independent, and impactful research.

To achieve our aims, our work is conducted within a research framework. That framework is based on the premise that research at PLP can have three broad, often overlapping, functions:

- **Creation of knowledge:** the general production of knowledge that contributes to the understanding and analysis of the public law system;
- **Decision-maker impact:** research that can influence the approaches of relevant decision-makers within the public law system; and
- **Casework and strategic use of law:** research that can feed into and inform public law casework.

Not all research work will be capable of achieving all three of these benefits. However, PLP strives to design and carry out projects that are capable of performing each of these functions.

PLP is committed to transparent, objective, and rigorous social science research methodologies. Research undertaken at the PLP need not, however, adhere to any particular method. It can therefore be empirical research, doctrinal research *etc.* As part of this approach, PLP has a proactive approach to interdisciplinary engagement. PLP research is also underpinned by relevant expertise, and seeks to draw upon both theory and practice. Where possible, research will take a ‘whole issue’ approach—examining issues from every possible perspective.

We are committed to making our research accessible. All of our research outputs will be made available free of charge via PLP’s website. For all of our key research projects, we will produce reports and briefing suitable for a wider readership. At the same time—to ensure that all of our work is of high quality—we will seek to publish the full underlying research for any project in a peer-reviewed academic journal. In this way, we also hope to make a contribution to the academic study of public law.

Expanding our capacity for research

Good research requires certain foundations. PLP, as its track record both in research and other areas shows, has many of these foundations already in place—these include strong research links and in-house expertise in key areas. As PLP’s research ambitions grow, however, it will be necessary to ensure there is a concerted effort to consolidate these foundations. Six areas are initial strategic priorities.

Strengthening existing networks and building specialised research links: PLP has links with many research partners. For instance, PLP is currently partnering with UCL academics on a project concerning the strategic use of law, funded by Lankelly Chase. PLP has previously collaborated with the Bingham Centre for the Rule of Law and also has close links with the UK Administrative Justice Institute. These are just a few examples, but such links are invaluable in ensuring the success of PLP’s research agenda. It is a priority to strengthen further these relationships, through both formal and informal collaboration. At the same time, it is essential that, as PLP’s research functions grow, new research partnerships and relationships are formed. PLP will therefore be proactive in engaging with universities, research centres, and any other organisations where mutually beneficial partnerships can be developed.

Developing funding streams to match our ambitions: PLP has a track record of working successfully with a diverse range of funders. We hope to develop these relationships further to support our research. We are also working to secure funding for increasingly ambitious projects, which correspond with the size of the present challenges in the public law system.

Building an agile and expert research team: PLP research is carried out by an experienced and expert team. Research at the PLP is broadly supported by the wider staff and casework team, but the core research work is carried out by a flexible team of researchers who are committed to PLP’s core aims. PLP’s research team will be developed to ensure it is agile—that is, arranged to ensure that the relevant expertise is available for projects and the value of external partnerships is maximized.

Developing capacity for responsiveness: Sometimes research is urgently needed in order to respond to challenges that arise in the public law sphere. While we have an agile research team working on established projects, we are committed to building a core team of researchers that provide continuous capacity at PLP.

Research informed by frontline experience: PLP’s casework and policy functions provide our research with a unique capacity: immediate access to frontline public law issues. We are establishing mechanisms to ensure our research is informed and directed by this ground-level experience.

Integrating research into all of our functions: Just as our research is informed by frontline experience of casework and policy initiatives, we are exploring ways to ensure our casework and policy work are also informed by rigorous research. For instance, we are using a current research project on immigration adjudication after Brexit to develop a new casework strategy, in order to maximise its effectiveness.

Our research priorities

There are many pressing issues facing the public law system. For the period of this 2020 strategy, we have identified four priority themes where research will be developed.

Online courts and tribunals: HM Courts and Tribunals Service are carrying out reforms to put courts and tribunal appeal procedures online. These reforms are novel globally and PLP is directly engaged with these developments. For instance, PLP has produced a report with the UK Administrative Justice Institute, the University of Sheffield, and the University of Manchester on *What we know and what we need to know about online tribunals*.

Brexit and the Rule of Law: Brexit requires a fundamental reordering of the administrative state and this has multifaceted Rule of Law implications. PLP is committed to providing useful, independent, and distinctive research on how Brexit can be managed both lawfully and fairly. For example, we are conducting research—funded in part by the Legal Education Foundation and by Unbound Philanthropy — on how Brexit will affect current decision-making and redress processes in the immigration context. More generally, Brexit also presents an opportunity to reflect on the major challenges facing government in the next 10 years. As part of our research strategy, we will pursue a deeper understanding of what priority issues for civil society organisations concerned with public law and human rights should be. At present, we are developing a collaborative project on this theme with Liberty and the Bonavero Institute of Human Rights.

Access to justice, in particular through judicial review and legal aid: Research produced by the PLP on access to justice, and specifically on access to justice in judicial review, has been vital in responding to previous reform proposals. We will continue with – and are expanding – this important stream of research. For instance, we are engaged in a collaborative project with academics at University College London on financial barriers to accessing judicial review. We are also developing the use of ethnographic research methods to monitor practical access to justice issues. We are also working to consider how best to support and inform the Government’s LASPO review.

Modelling casework–research synergies: PLP, with its experienced casework team and long record in public interest litigation, is in a great position to develop existing understandings on the relationship between casework and broader research on the public law system. PLP is developing a stream of research in this area. For instance, PLP is currently partnering with UCL academics Dr Lisa Vanhala and Jacqueline Kinghan on a project concerning the strategic use of law, funded by Lankelly Chase. We are also establishing mechanisms to ensure our research is informed and directed by our casework experience and, at the same time, we are exploring ways to ensure all aspects of our casework are effectively informed by wider research.



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PLP RESEARCH PAPER

Exceptional Case Funding Clinics in University Law Schools:

A study into the feasibility of extending access to legal aid through clinical legal education programmes

Emma Marshall



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PLP RESEARCH PAPER

Literature Review on the Use and Impact of Litigation to Effect Systemic Change

Dr Lisa Vanhala and Jacqui Kinghan



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PLP RESEARCH PAPER

The Digitalisation of Tribunals: What we know and what we need to know

Robert Thomas and Joe Tomlinson



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PLP RESEARCH PAPER

Financial Barriers to Accessing Judicial Review: An Initial Assessment

Ravi Low-Beer and Joe Tomlinson



The PLP research team

PLP research is carried out by an expert team, led by the Research Director Dr Joe Tomlinson, who is also an academic at the University of Sheffield. Research at the PLP is broadly supported by the wider staff and casework team, but the core research work is carried out by a flexible team of experienced researchers who are committed to PLP's core aims. PLP's research team is agile: it is arranged to ensure that expertise is available for projects, the value of external partnerships is maximised, and that there is a core set of researchers to provide a continuous research hub within the organisation. For this, we rely on a combination of researchers, including post-doctoral research fellows, research consultants, Ph.D researchers, and research volunteers.

Dr Joe Tomlinson, Research Director

Joe recently joined PLP as Research Director. He is also Lecturer in Public Law at the University of Sheffield School of Law and a member of the Wider Core Team at the UK Administrative Justice Institute. He completed an LL.B and Ph.D in law at the University of Manchester, and has held visiting positions at King's College London and Osgoode Hall Law School. He researches widely on public law, and particularly the administrative justice system. Joe's work has been published widely and been funded by a range of organisations, including the ESRC and the Nuffield Foundation. His work has been cited by a variety of bodies, including the Ministry of Justice, the All Parliamentary Group on the Rule of Law, and the House of Commons Library. His work (with Professor Robert Thomas) on administrative review will also form the basis of a Law Commission project. Before joining PLP, Joe worked in the President's Chambers of the EFTA Court, at Joseph Hage Aaronson LLP, at the British Institute for International and Comparative Law, and as Legal Assistant to Gerard McDermott QC.

Emma Marshall, Associate Research Fellow in Access to Justice

Emma joined the research team at PLP in September 2017. She is also a Ph.D candidate at the University of Exeter, where she is based in the Geography Department and her doctoral research focuses on access to immigration advice and legal aid deserts. Emma has a degree in Politics and International Studies from the University of Warwick, a Masters in International Human Rights Law from the University of Exeter, and a Masters of Research in Critical Human Geographies from the University of Exeter.

Emma has a longstanding interest in administrative justice in the UK – particularly immigration decisions – from her work with refugee communities in the South West of England. Emma previously managed a community drop-in centre for refugees and asylum seekers, and more recently helped to set up a legal aid clinic for exceptional funding applications at the University of Exeter. She is a member of the South West Doctoral Training Partnership, and her doctoral research is funded by the Economic and Social Research Council. Her work at PLP focuses on Exceptional Case Funding and ethnographic research on civil and administrative justice.

Byron Karemba, Research Fellow in Brexit and the Rule of Law

Byron is part of a team at PLP looking into the impact of Brexit on administrative Justice, within the specific context of immigration. He will formally join PLP in August 2018, after completing a Ph.D. in Constitutional Law and Theory at the University of Leeds, where he is a University 110th Anniversary Scholar. Byron holds an LL.B and a Master's of Arts Degree in Political and Legal Theory from the University of York.

Byron's research interests lie in public law with a particular emphasis on institutional approaches to public law and the nature of judicial decision-making. He has contributed to a volume of the *Journal of Social Welfare and Family Law* and regularly posts on the *UK Constitutional Law Blog*. Byron's work on the Investigatory Powers Commissioner has been cited by the All Parliamentary Group on the Rule of Law, and has subsequently participated in a seminar focusing on the competence of the judicial commissioners created by the Investigatory Powers Act 2016. During his doctoral studies, Byron was a student visitor at the University of New South Wales, Australia, and maintains an interest in the degree of convergence and divergence between the public law of the United Kingdom and the remaining Commonwealth realms.

Ravi Low-Beer, Associate Research Fellow in Access to Justice

Ravi was admitted as a solicitor in 1994. After working PLP from 1995-1996, he worked as an immigration lawyer conducting judicial review and statutory appeal litigation, first in private practice, and, from 2002, for the Refugee Legal Centre, where he was one of two solicitors heading the litigation team. He re-joined PLP from 2007 to 2014, and was joint head of casework from 2012.

Ravi no longer practises as a solicitor, but has continued his association with PLP as an Associate Research Fellow. He is also a volunteer advocate for the Asylum Support Appeals Project, and a member of the expert panel advising the fundholders on awards of funding for strategic litigation to further the interests of vulnerable young migrants under the Strategic Legal Fund initiative. He has a particular interest in judicial review, public interest litigation, and access to justice. At PLP, he is currently working on a project concerning financial barriers to accessing judicial review.

Work with us

We are happy to field enquiries from possible collaborators, whether organisations or individuals. We are also keen to hear from researchers and others interested in PLP's research work. Please visit PLP's website for further details and information on how to get in touch.



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