



Knowledge: What is judicial review?

Understanding what the law says, and that there are actions you need to take to ensure you're acting within it, is vital in avoiding costly court battles. This section will provide you with the basics and further reading.

What is judicial review?

As public bodies, local authorities make thousands of public-facing decisions. Each one has the potential to impact on individuals and groups. Judicial review is there to give the public the chance to challenge the council's use of its administrative powers. Where there is a claim against a decision in the public realm, a case may be heard by the courts.

The courts' scope is limited and supervisory. Often the court is looking at the procedural basis of decisions and making judgements about adherence to legal procedures as set down by Parliament. As such, your decisions will be at risk if you have not followed the laws that cover the decision-making function that you are exercising. These might be contained in any number of Government legislative acts such as The Local Government Act 2003 or The Childcare Act 2006. It is important to be on top of the legislation that is relevant to the work you are undertaking.

How does it impact on engagement?

Engagement tends to be part of a wider process of change in which decisions that impact on people will be made. You may be engaging residents on the potential of co-delivering cultural services with residents' groups. Some elements of the decision-making process, where they relate to statutory services such as libraries, demand a formal consultation. The consultation element of that decision is a recognised legal process and you need to adhere not only to the law that covers library provision but also the procedural law on consultation. The legal standards most often quoted in relation to consultation are the Gunning Principles and Legitimate Expectations.

For a fuller explanation of judicial review, read the Government's [Judge Over Your Shoulder](#) document.

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