

This is a repository copy of *Whose procedural fairness?*.

White Rose Research Online URL for this paper:

<https://eprints.whiterose.ac.uk/id/eprint/201897/>

Version: Published Version

Article:

Tomlinson, Joe orcid.org/0000-0001-9433-1123, Kasoulide, Eleana, Meers, Jed orcid.org/0000-0001-7993-3062 et al. (1 more author) (2023) *Whose procedural fairness?* Journal of Social Welfare and Family Law. ISSN: 1469-9621

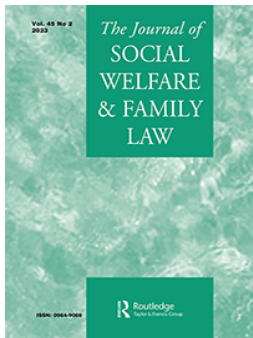
<https://doi.org/10.1080/09649069.2023.2243150>

Reuse

This article is distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivs (CC BY-NC-ND) licence. This licence only allows you to download this work and share it with others as long as you credit the authors, but you can't change the article in any way or use it commercially. More information and the full terms of the licence here: <https://creativecommons.org/licenses/>

Takedown

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.



Whose procedural fairness?

Joe Tomlinson, Eleana Kasoulide, Jed Meers & Simon Halliday

To cite this article: Joe Tomlinson, Eleana Kasoulide, Jed Meers & Simon Halliday (2023): Whose procedural fairness?, Journal of Social Welfare and Family Law, DOI: [10.1080/09649069.2023.2243150](https://doi.org/10.1080/09649069.2023.2243150)

To link to this article: <https://doi.org/10.1080/09649069.2023.2243150>



© 2023 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.



Published online: 17 Aug 2023.



Submit your article to this journal [↗](#)



Article views: 104



View related articles [↗](#)



View Crossmark data [↗](#)

Whose procedural fairness?

Joe Tomlinson^a, Eleana Kasoulide^b, Jed Meers^c and Simon Halliday^d

^aProfessor of Public Law, University of York, York, United Kingdom; ^bResearch Assistant, University of York, York, United Kingdom; ^cSenior Lecturer in Law, University of York, York, United Kingdom; ^dProfessor of Socio-Legal Studies, University of Strathclyde, Glasgow, United Kingdom

ABSTRACT

Thought on procedural fairness in administrative justice has traditionally focused on the relationship between public decision-makers and the person or group formally subject to the decision-making process. Yet, people who are not the direct subject of such processes but are, in various ways, able to access the experiences of others can also have salient and consequential experiences of procedural fairness. This article demonstrates empirically this phenomenon, which we label ‘vicarious administrative fairness’, and observes that it is vital to developing a fuller understanding of the sociology of administrative justice. In turn, this richer sociological understanding raises new questions about if and how institutions, including the law itself, ought to respond to it – not least as it calls into question the default, individualistic unit of analysis underpinning conventional thinking.

KEYWORDS

Procedural fairness; vicarious administrative fairness; homes for Ukraine scheme; administrative justice

Introduction

The idea of procedural fairness is a fundamental building block of the contemporary understanding of administrative justice. It is the basic notion that, putting aside the outcome, the way a public decision is made about a person or group matters to whether we deem that decision to be fair and legitimate. Traditional thinking on procedural fairness is diverse in some respects. For instance, the normative value assigned to the idea has been characterised in differing ways – some see it as protecting the dignity of the person (*e.g.* Allan 1998) whereas others emphasise the beneficial effects it has on the quality of decision-making (*e.g.* Galligan 1996). Yet, thinking on procedural fairness in administrative justice is remarkably limited in other respects. One important way in which this is true is that it has tended to focus narrowly on procedural fairness within the relationship between public decision-makers and the person or group formally subject to a decision-making process. This article departs from this narrow paradigm and ventures towards exploring the wider sociology of procedural fairness relations.

This article proposes, and demonstrates empirically, the phenomenon of ‘vicarious administrative fairness’, suggesting it to be central to developing a fuller understanding of the sociology of administrative justice. Vicarious administrative fairness is the

CONTACT Jed Meers  jed.meers@york.ac.uk  Senior Lecturer in Law, University of York, York, United Kingdom

© 2023 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.

This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivatives License (<http://creativecommons.org/licenses/by-nc-nd/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited, and is not altered, transformed, or built upon in any way. The terms on which this article has been published allow the posting of the Accepted Manuscript in a repository by the author(s) or with their consent.

intuitive but intellectually neglected idea that perceptions of procedural fairness and unfairness in public processes are not just forged first-hand. They are also forged vicariously through people seeing or learning of the experiences of friends, family members, colleagues, and even wider society. Moreover, these vicarious experiences can have effects on attitudes in ways akin to direct experiences of processes. We are thus suggesting that a richer sociology of procedural fairness relations calls into question the default, individualistic unit of analysis underpinning conventional thinking about procedural fairness.

This article demonstrates the phenomenon of vicarious administrative fairness through an empirical study of the Homes for Ukraine scheme. The scheme was set up by the UK government to allow certain members of the UK public to take in and host Ukrainian refugees fleeing war. Through volunteering to host a refugee or a refugee family, sponsors were placed in a position where they not only had to be subject to various administrative processes themselves but were also exposed to their guests' various engagements with frontline government processes in the UK. In many instances, hosts were exposed to new bureaucratic processes in their own country with which they had previously no cause to interact; they were, in effect, placed in a position to see their own state afresh through the experiences of refugees. We trace the dynamics of these vicarious experiences and how they mattered, despite those experiences not being their own in formal terms. While this study concerns a particular policy and administrative context, it points to the wider relevance of vicarious administrative fairness experiences and to new pathways for developing theory and practice in administrative justice. In essence, we suggest our study proves the value of a concept which is worthy of much more extensive inquiry.

This article is structured into three main parts. The first part introduces the concept of 'vicarious administrative fairness' in more detail and connects it to existing thinking about second-hand experiences of unfairness developed in other fields. Second, we briefly introduce the context of the present empirical study and its methods. Third, we present our analysis of the data we collected and the insights it holds in relation to vicarious administrative fairness, unpacking a series of themes which give shape to this important, and to date under-explored, frontier in administrative justice thought. We conclude by setting out some of the new questions of political theory, law, and public administration our analysis points towards.

Vicarious administrative fairness

By the term 'vicarious administrative fairness', we mean the perceptions of the fairness of public decision-making processes that are generated not by one being directly subjected to such processes but through information received indirectly about the experiences of others. Information may come from various sources at different proximities. For instance, it may come from supporting close family or friends through a process (e.g. an application for social care for a spouse or social security benefit for a neighbour) or even through media or social media reports of distant, unknown others (e.g. documentaries, news stories, or online posts). The essential features of the vicarious administrative fairness are, in its most simple expression, that the perceived procedural fairness experiences of another are informing and shaping one's attitudes. Perceived experiences of

fairness may be positive (fair) or negative (unfair), but, for ease of expression, we use the term ‘fairness’ to broadly to include both.

Vicarious administrative unfairness has lurked, in various ways, in administrative justice thought throughout its history. For instance, work examining procedural fairness in administrative law has explored how the concept is ‘sensitive to its environmental context’ – where building trust in decision-making stretches beyond the immediate individuals concerned with a decision (Kirkham *et al.* 2019, 256. See also Hovell’s arguments on the ‘contextual’ nature of ‘due process’, Hovell 2016).

For instance, it is regularly observed that failures in bureaucratic systems can have profound impacts on people’s families and friends, such as stress and ill health. But such effects are often remarked upon in limited, general terms, often to reiterate the ‘real-world’ consequences of poor-quality decision-making (*e.g.* Thomas and Tomlinson 2017). It is, therefore, the case that something akin to vicarious administrative fairness – particularly in a negative sense – has long been acknowledged in this field, yet it remains peripheral and under-explored. Helpfully, more advanced study of vicariously generated perceptions of governmental and organisational unfairness – and the focus has very much been on negative effects – has occurred in other fields of research.

One such interesting, related body of evidence has developed in the context of workplace relations. For instance, Huang *et al.*’s study sought to examine the extent to which perceptions of one’s colleague’s fair treatment by an authority figure – which they termed ‘vicarious justice’ – can affect an individual’s satisfaction with and cooperation towards that authority, even after controlling for one’s own personal justice experience from the same authority figure (2015). Their study consisted of two components. The first involved 1,172 employees completing a survey about personal and vicarious justice experiences at work. The second part of the study involved 2,208 undergraduate students participating in an online scenario experiment that manipulated vicarious justice experiences. Both elements of the study suggest that vicarious justice perceptions positively influenced individuals’ satisfaction with the authority figure, and the effect on satisfaction was stronger for individuals who saw themselves as more similar to their colleagues. Results of the experiment also suggested that vicarious justice led to more willingness to cooperate with the authority.

Kray and Allan Lind’s earlier study also explored the workplace context (2022; see also Allan Lind *et al.* 1998). They examined three variables – participant injustice experience, co-worker injustice severity, and prior contact with co-worker’s supervisor. They expected each variable would influence the degree to which individuals express ‘victim empathy’ (*i.e.* acceptance of the other’s injustice report) and ‘victim derogation’ (*i.e.* assigning at least some blame to the victim) when a co-worker reports an injustice experience. They found that personal experiences with injustice would facilitate victim empathy and that the severity of a co-worker’s injustice report would simultaneously lead to victim empathy and victim derogation. They also found that the effect of prior contact with a co-worker’s supervisor would be moderated by personal experience and the severity of the co-worker’s injustice experience.

Workplace environments can be related to public decision-making processes in some important respects (*e.g.* interpersonal decision-making interactions, expressions of authority, imbalances of power), but there are closer parallels available. For instance, Ronald G. Worsham Jr. explored, in the 1990s, the salience of indirect experiences of

procedures within the U.S. tax system (1996). The central objective of the study was to determine if tax collection procedures that are perceived to be unfair caused taxpayers to underreport their taxable income, and thus undermine effective tax policy. The study focused on the direct experience of procedural justice but also included vicarious experiences. Procedural justice was, for the purpose of the study, defined by reference to two variables: consistency and accuracy in enforcement action. The findings indicated that an indirect perception of procedural injustice leads to a greater effect on increased non-compliance behaviours than direct experiences.

Criminology is where arguably the most theoretically and empirically sophisticated work on vicarious injustice has developed – perhaps reflecting the rapid development of the ‘procedural justice’ movement in that discipline in recent decades (e.g. Tyler 2006, 2011). Mondak *et al*, for instance, drew upon frameworks related to social communication, social network composition, and negativity biases in perception and judgment to try to explain why vicarious experiences magnify racial and ethnic disparities in evaluations of judicial actors (2017). They tested this framework against data collected through a survey in Washington, which found strong evidence that vicarious experiences influence citizens’ evaluations of both police and courts, and they do so in a manner that widens racial divides in how those actors are perceived.

In another criminological study, Pryce *et al* explored the relationship between the police and African Americans by interviewing 77 African Americans in the City of Durham, North Carolina, about the relationship between their community and the police (2021). They found that African Americans’ perceptions of the police are nuanced and complicated by personal experience but also vicarious experiences of relatives and friends, as well as news from social media and television regarding policing practices and treatment. They characterised this effect as ‘the transmission of trauma’. Daniel Herda and Bill McCarthy’s study considered the growing body of evidence linking racial discrimination and juvenile crime (2018). Drawing upon Agnew’s ‘strain theory’ (Agnew 1992, 2001), they examined vicarious discrimination by analysing data on black, white, and Hispanic young people in Chicago. Their work established that vicarious discrimination significantly predicts violent crime independent of a set of neighbourhood, parental, and individual level controls, including prior violent offending. They suggest that, like other ‘strains’, discrimination may not have to be experienced directly to influence offending behaviours.

There is also a growing body of evidence on the vicarious effects of discrimination, and especially racism, on health and well-being. For instance, Chae *et al*’s recent study sought to examine if there was a link between experiences of vicarious racism and symptoms of depression and anxiety among Asian and Black Americans (2021). They drew upon data from a cross-sectional study of 604 Asian American and 844 Black American adults, aged over 18 and recruited from five US cities. Controlling for sociodemographic characteristics, among both Asian and Black American, greater self-reported vicarious racism was associated with increased symptoms of depression. Another recent study in the US, by Zimmerman and Miller-Smith, explored the link between vicarious racial and ethnic discrimination for depression and suicidal behaviours (2022). Drawing upon a sample of 1147 young people from within 79 neighbourhoods in Chicago, they established that vicarious racial and ethnic discrimination was associated with an increased risk of

depression and suicidal behaviour. Additionally, the study found African American and Hispanic young people were disproportionately exposed to – but not differentially impacted by – racial and ethnic discrimination. Similarly, Wofford *et al* examined the effects that discrimination has on a victim's partner (2019), establishing a link between partner discrimination and poorer health, greater depression, and greater relationship strain.

One of the most striking findings in this field in recent years emerged from a study by Herda on the challenges that racial discrimination presents for children of colour regarding their education (2021). Drawing upon data concerning black and Hispanic adolescents – again from Chicago – the study found that, while vicarious discrimination demonstrated weaker effects than some other forms of indirect experiences of discrimination, there were still clear effects and vicarious discrimination impacted educational engagement.

The totality of the insights that can be extracted from other fields suggests strongly that there is value in conducting further inquiry into vicarious administrative fairness, and particularly into negative experiences of unfairness. However, in principle, there is value in engaging with both positive and negative experiences – to put it another way, both perceived vicarious procedural fairness *and* unfairness. We see no reason why developing a greater understanding of potentially harmful effects ought to be given analytical priority over potentially beneficial effects.

Administrative fairness close to home

To further our inquiry into vicarious administrative fairness, we conducted an empirical study of the experiences of sponsors under the Homes for Ukraine scheme. In this part of the article, we, first, introduce the context of this administrative scheme, including the role of sponsors. Second, we set out the methods we used for our study.

Homes for Ukraine

The Homes for Ukraine scheme, added as an appendix to the Immigration Rules, allows eligible UK residents to sponsor Ukrainian refugees who are then granted a visa permitting their entry and residence in the UK for up to three years. As of 27 June 2023, 200,600 visas have been issued through the scheme, with a further 8,000 applications still waiting for approval (Government 2023).

The main responsibility of becoming a sponsor is hosting the sponsored refugee or refugees in a spare room, or another property, without charging rent. Potential sponsors could express their interest in participating in the scheme either through the government's website or by contacting independent organisations that are working to help refugees use the scheme. The scheme requires that the sponsor names the person they are looking to sponsor, and thus a matching process initiated by local councils, relevant organisations, or the participants themselves takes place before the application is made.

To be eligible, a sponsor must be a resident of the UK with approved immigration identification documentation (*e.g.* citizenship, EU settled status, biometric residence card *etc.*) who has already been in the UK for six months, can commit to hosting the refugees for six months, and can pass security and accommodation checks. All adults in a

potential home are required to pass security checks regardless of who is the lead sponsor, with more extensive checks undertaken where children are to be hosted.

In return for volunteering, sponsors were given a monthly 'thank you payment' of £350, which was increased to £500. The expected time duration of hosting was initially set at six months, but hosts can end or extend the arrangement. Local councils are responsible for rehosting the refugees in case of a relationship breakdown and, generally, sponsors were encouraged to extend their hosting for an additional six months.

The operation of the scheme entails that sponsors themselves interact with the government multiple times depending on the pathway they choose. Some will have to rely on local councils to match them with a refugee or ensure that any breakdowns in relations are handled amicably. All will have to coordinate with government agencies to make an application, pass the eligibility checks, keep up to date with their guest's visa application, receive their monthly compensation, and ultimately ensure their guest's smooth transition at the end of the hosting period. Moreover, the unspoken requirements of being a sponsor, such as helping refugees access universal credit and healthcare services, to open a bank account and register with local school, typically necessitated further contact with public services, some of which sponsors might never have had to deal with themselves.

The Homes for Ukraine scheme is innovative in some respects, but far from unique. Similar schemes have gained popularity across Europe since 2015, in the wake of the Syrian refugee crisis (Feith Tan 2020), while Canada is home to the longest-running private sponsorship scheme (Lenard 2016). These 'private' or 'community' sponsorship schemes do not have a single definition but can be broadly described as schemes where individuals or groups of individuals provide financial, emotional, and practical support towards the reception and integration of refugees (Feith Tan 2020). Community sponsor schemes have so far primarily been used, including in the UK, for resettlement purposes (Phillimore *et al.* 2022). Past studies on such schemes have investigated the experience of sponsors, but without focus on administrative processes. Broadly, such studies have found that while sponsoring can be fulfilling, it is also a very demanding and challenging experience, while some suggest that vetting, training, the sharing of the financial burden, and ongoing guidance are essential to mitigate negative effects such as sponsor burnout and inappropriate relationship dynamics between sponsors and the sponsored (Fratzke and Dorst 2019). A recurring concern with such schemes is whether they are being used by governments as an excuse to evade their humanitarian responsibilities (Lenard 2016, Labman 2020). The Homes for Ukraine scheme has been the subject of similar criticism. It has been viewed by many as preferential treatment, above that provided both in the general asylum system and to others assigned to specific 'pathways' in similar circumstances, such as the schemes established for refugees fleeing Afghanistan at broadly the same time (Tomlinson 2022).

So far, the main insights into the experiences of sponsors of the Homes for Ukraine scheme are derived from an Office of National Statistics (2022). The survey investigated the demographic profile of the hosts, their motivations for participating, the type of support they provided, the challenges they faced and what additional support might find helpful.

In terms of demographics, the ONS data indicated most sponsors were over 30 years old— 38% were aged 20–49, 48% were aged 50–69, and 10% were aged 70

and over. Only 4% of sponsors were aged 18–29. 67% of sponsors were employed, of which 40% were in full-time employment, and 25% were retired. Most sponsors were motivated to volunteer as they want to help people flee a war zone (94%) and because they had the space to do so (79%). Only 8% reported that the monthly payments they received motivated them.

As regards how sponsors met their guest(s), 36% met via social media, 19% were formally matched, and 16% were informally matched. At the point of the survey, 43% were no longer hosting. Of those still hosting at the time of the survey, 6% had been hosting for three months or less, 34% had been hosting for more than three months but less than six months, 20% had been hosting for 6 months, and 40% had been hosting for more than six months. 2% of active sponsors expected to host for less than six months overall, 26% expected to host for 6–12 months, 27% expected to host for 12 months, and 27% expected to host for longer than 12 months. In terms of accommodation, 92% of guests lived in the sponsor's primary homes, 8% stayed in another property owned by sponsors, and 1% stayed in another property not owned by the sponsor. 32% of sponsors hosted one person, 32% hosted two guests, and 34% hosted more than two.

Sponsors reported providing a variety of forms of support to their guests, including helping with accessing services (91%), settling into the community (78%), transport (73%), emotional support (70%), interpreting and learning English (70%), finding work (66%), shopping for groceries (60%), cooking (53%), cleaning (48%), financial support (31%), and childcare (20%). Sponsors also reported incurring extra costs as part of their hosting duties, including in relation to utilities (85%), transport (58%), and bedding and toiletries (62%)—18% reported that their ability to provide support to their guests is being affected by the rising cost of living.

Sponsors also reported several challenges, including uncertainty as to what will happen to guests (66%), difficulties relating to visas (50%), difficulties with helping guest(s) access public services (29%), difficulties with helping guests access benefits and financial support (25%), uncertainty about expectations of sponsor role (25%), and difficulties with their own sponsor application (25%). Some sponsors suggested they would have found it helpful to have support for administrative tasks for their guest(s) (59%), advice providing support and dealing with challenges (52%), and better sign-posting for available guidance (48%).

Mainstream media have also been interested in this scheme, with it giving rise to several stories that provide accounts of the hosting experience. Many stories, even those describing less-than-ideal circumstances, show the altruistic motivations of hosts and the development of friendly or familial relationships between hosts and guests (e.g. Russell 2022). At the same time, there have been relationship breakdowns (e.g. Fyfe 2022), and there have been reports of hosts being overwhelmed in dealing with situations and systems they had never encountered before (Russell 2022, Bryant and Townsend 2022, Berthier 2023, Hickey 2023). A brief critical analysis by the human geographer Kathy Burrell also suggested the shortcomings of the scheme include a failure to properly account for rising living costs, the reluctance of hosts to prolong their service, and hosts' frustration at the slow speed with which visas are being processed, as well as the efforts that go into hosting (2015).

Method

The analysis that follows draws on a qualitative dataset of 43 semi-structured interviews, conducted between 8th March and NaN Invalid Date . The majority of the interviews were one-on-one, but three involved couples, culminating in a total of 46 participants. The research received full ethical approval from the Economics, Law, Management, Politics and Sociology ethics committee at the University of York.

Participants were recruited using a two-pronged approach: online advertisements and ‘snowball sampling’. Advertisements were posted via University of York accounts onto Twitter, Facebook, and LinkedIn, directing potential participants to a sign-up form. ‘snowball sampling’, sometimes known as ‘chain referral’ sampling, was used to extend the reach of the recruitment process. This technique relies on current participants referring others who are eligible for the study (Dosek 2021, Leighton *et al.* 2021). Combining these strategies enabled us to achieve a diverse sample representing a broad range of experiences of the scheme. Anyone with experience of hosting in the Homes for Ukraine Scheme was eligible to participate, whether they were currently hosting or if they had prior experience of doing so. All interviews were conducted remotely via Zoom, with audio recordings taken and then transcribed. To uphold participant anonymity, all identifying information was removed from the transcripts, and participants assigned pseudonyms.

Questions covered a range of issues, including the participants’ motivations for becoming a host, experience with the application process and hosting, expectations of the scheme, and views on the overall impact of the hosting experience on them. A series of questions explored vicarious experiences of administrative processes specifically. These covered the participant’s involvement in helping guests settle into the UK and access services, with follow-on questions about their experiences of any such involvement. On average, interviews lasted 45 minutes.

Although some large-scale quantitative data on the experiences of sponsors is available (Office for National Statistics 2023), this is the largest qualitative study undertaken to date on the experiences of Homes for Ukraine hosts. It is important, however, to acknowledge the limitations of our data. Our objective was to delve into a detailed understanding of the experiences and perspectives of the participants, rather than generalising our findings to all sponsors within the scheme. Such qualitative insights are valuable for theory-building within the administrative justice field. Our sample is not statistically representative of all the sponsors in the Homes for Ukraine scheme. As such, the views expressed by participants may not capture the full diversity of experiences and perspectives of all sponsors in the scheme. Therefore, while our findings provide valuable insights, they should be interpreted within the context of these limitations.

Dynamics of vicarious administrative fairness

Our dataset presented us with ample evidence of hosts’ perceptions of the fairness of public processes being shaped by vicarious experiences of processes to which their guests – and, in some cases, other people – were formally subject. Some of those vicarious experiences arose through one’s observation of another’s experience, resulting in a sense of newfound understanding and knowledge. Others appeared to be a more intimate kind

of vicarious experience where someone who is not the subject of the process almost feels and experiences it as their own. Our purpose here is to interrogate some key dynamics of vicarious administrative fairness that arose. We divide our discussions of the dynamics that emerged from our data into three themes: the subject matter of vicarious experiences; the modes through which vicarious experiences occurred; and the consequences of vicarious experiences.

The subject matter of vicarious experiences

Hosts under the Homes for Ukraine scheme interacted with a variety of different public bodies and decision-makers, either on behalf of or alongside their guests, or they simply observed such interactions. An important initial question is, therefore, what sorts of administrative processes were the subject of vicarious experiences?

Initially, there was much interaction with the Home Office, with hosts often being very involved in application form-filling that was intended to be completed by guests. Aside from the initial application forms, the two main areas inducing contact with the Home Office was when hosts tried to expedite visa decisions and helping guest secure their Biometric Residence Permit. In some instances, sponsors effectively took over the process for their guests. When asked how their guest had found the application process, one sponsor remarked: 'I don't know. I hope they found it okay because, I mean, I did it all for them' (Participant 5). Another sponsor reported that their guests 'didn't have any direct contact with the Home Office. I handled all of that for them' (Participant 1).

Other common interactions with public processes included accessing social security benefits (typically Universal Credit) and accessing the NHS, either for mere registration purposes or to help their guest receive treatment. If children were hosted, then there was often the additional necessity to find and register with local schools. The result of this is that hosts were wrestling with multiple such processes at the same time:

The UK admin is massive. So the two without passports had a [Biometric Residence Permit] at [location], so we had to drive them to [location] to collect it. The two with international passports, we had to make appointments at Croydon and get those . . . We registered them with the GP, which was six forms per person. We registered the ten-year-old with a school, which was eleven forms. Yeah, there's a lot of duplication, so we did all of that. Endless visits to the Job Centre to try and get Universal Credit. (Participant 12)

[I]t was full on. It was really, really hard for about six weeks because we've got a mum and a thirteen-year-old girl, and an eight-year-old boy and we had to do school applications and visas and doctors. The daughter's got significant health problems as well, so we had to get her into the system for that. (Participant 20)

People who had stopped hosting or were in the process of ending the hosting arrangement also commonly vicariously experienced processes to secure social housing, even if their guest was not eventually given a property or opted out of the process.

Less common but still mentioned interactions include finding out how to bring over pets from Ukraine to the UK, securing a UK driving licence, registering for vehicle tax, and trying to transfer foreign qualifications for the purposes of UK employment. Hosts were also often in a position to observe how local councils treated their guests in terms of the support and information they provided. They sometimes stepped in to help them

access benefits set up by the scheme, such as welcome payments. Hosts further helped guests access several private services such as creating bank accounts, getting a phone number, registering for car insurance, and in many cases renting or attempting to rent a private property. While these are private services, it is important to remember that the UK's 'complaint environment' policy often means that such interactions are quasi-public in nature.

The dataset ultimately reveals not only that vicarious experiences were occurring frequently, but also that they were often happening across multiple public processes at once. Some of the processes vicariously experienced were familiar to hosts (such as healthcare registration), but many were new or less familiar to them (such as social security). This is, in effect, a microcosm of an important aspect of the sociology of administrative justice: we are all being routinely vicariously exposed, albeit to a greater or lesser degree, to a wide range of public processes.

Modes of vicarious experiences

Given the ample evidence of the occurrence of vicarious experiences in our dataset, we were also able to observe how sponsors positioned themselves in relation to the ways by which the processes in question differed. In effect, hosts took on different roles in experiencing different services vicariously. These roles are interchangeable and could be held by the same host at the same time or at different points throughout the hosting arrangement, but it was clear there were different modes of vicarious experience.

Several hosts became their guests' advocate or mediator in relation to public processes, stepping in to defend their rights, galvanise parts of the system the guest would not normally have access to, speaking on their guest's behalf, and representing them throughout interactions with service providers. Many even contacted their MPs in relation to their guests' visas, with three speaking or threatening to speak with journalists over the delays.

It was getting desperate, so I got up one morning and thought, right, that's it, I'm going up to Sheffield, which was a five-hour drive. I got in the car, drove up there, couldn't get any sense out of anyone there. They wouldn't even see me. I couldn't even get past the security guard on the desk. So, I came back and then I went straight to the MP's office and absolutely ripped into him that this is a ridiculous situation, because I was really angry at that point, and he still couldn't do anything. It was, 'Go home and wait'. Then at that point, somebody I knew said to me, 'Ring this lady. She's a Guardian journalist', and I sent her a text and said, 'Look, I'm in a bit of a situation', and she said, 'Leave it with me. I'll see what I can chase up'. And, lo and behold, within twenty-four hours it was all sorted. (Participant 38)

Another participant intervened to stop the Job Centre in their area trying to convince their guest to get a different job, which they thought would be inappropriate, given the guest's circumstances:

They started to put pressure on her to get a full-time job and I just went, no she's, she wouldn't, she'd be earning less because she'd then have to go and get childcare, which she doesn't have, she's got no family here, I can't help, so you know, basically, just stop with the bothering, which they did. (Participant 26)

Sponsors in this position experienced the administrative encounters of others by essentially becoming their representative, and, in many cases, utilising their sharp elbows.

It was very common for hosts also to play a supportive role that was less hands-on than being a mediator or advocate but still significant as a mode of vicarious experience. The supportive role includes instances where hosts found out information for their guests, answered questions about the UK and the UK bureaucracy, worked together with their guests to fill in the forms, drove them places, attended meetings with them, and provided moral support. One of the most prominent ways hosts provided support was by helping translate application forms and other information from Ukrainian to English, usually using translation software. Some hosts who adopted this approach were conscious of ensuring that their guests maintained their agency, even where that interfered with what was easier for them:

I was kind of guided by [my guest] to a large extent about what order we did them in. She would come to me and say, 'Shall we do this?' Almost the day she arrived she was like, 'I want to do the biometric residents *[sic]* permit straightaway'. That wouldn't have necessarily been my suggestion for the first thing. But I didn't want to patronise her, I didn't want to do things to her, but be alongside her and assist with her. So, I [was] really led by her, by what she wanted to do. (Participant 8)

We were trying not to disenfranchise [our guest] and trying to get her to do as much as she could, but obviously she didn't have the language. She wanted to be independent, so that made it difficult because a lot of mistakes would be made and then we'd have to unpick them. (Participant 20)

Hosts occupying this type of supportive role would often be able to, on the one hand, observe close-up the process experiences of their guests and, on the other hand, have a meaningful sense of themselves going through the process.

Other vicarious experiences of hosts were experienced more as a bystander, where they were simply observing their guests navigating public processes. A number of sponsors also clearly had developed views on processes shaped not just by their own guests, but through the stories they had heard from other hosts they knew or came to know. A number of hosts reported being members of online communities on social media sites, which sought to establish networks between sponsors, and heard of the experiences of other hosts via reading their posts. These second-hand accounts can also have an effect, and clearly shaped the process assessments of a number of participants. This is also indicative of how there are different mediums through which vicarious perceptions are generated.

The dataset overall demonstrated that vicarious experiences of administrative processes can be transmitted in different ways. These modes may differ, and there may be differing degrees of proximity to the actual process in question, but there was evidence of perceptions of administrative fairness in all of these ways.

Consequences of vicarious experiences

It is significant to merely observe that vicarious experiences can shape perceptions of administrative fairness, but there is also a potentially even more important question which arises as a result: can these administrative fairness perceptions, in turn, alter an

individual's wider attitudes? Within our dataset, the vicarious experiences described elicited several responses from hosts and seemed to be affecting their attitudes and emotions. Here, we set out a few key ways in which this occurred.

Hosts were, by virtue of the policy's parameters, typically people who had had little to no contact with much of the welfare benefits system and had limited direct personal experience with such processes. Hence, one of the main attitudinal consequences of having the type of vicarious experiences we have documented above is that hosts experienced a 'steep learning curve', especially with administrative processes they might not have interacted with otherwise (Participant 20). Sponsors commented on the challenges of trying to get social security benefits, describing the experience as 'eye-opening' (Participant 29) to the struggle of both refugees and those who rely on the welfare system. Many hosts appeared disillusioned with the Home Office and were surprised by the treatment they received, especially its perceived slowness. A prevailing feeling among hosts with negative experiences is that the less contact they have with administrative processes the better, and many expressed a hope that they will never need to rely on them themselves. One host explained how their view of the quality of the Home Office's operations was reversed:

I guess the biggest surprise, I think, has been how shabbily the Home Office are. You'd think our Home Office, or I thought, or I had it in my head, was sleek, they knew exactly what was going on. But when you actually delve into the system, there are a lot of people that haven't got a clue what's going on and there's a lot of paperwork that goes missing and files that go missing. It's quite horrific . . . I wouldn't have relied on the Home Office to tell me what they were doing and being so gullible. (Participant 10)

Such changes in wider outlook were sometimes welcomed by hosts as a positive outcome of these interactions:

It's like, yes, this is how poor people get treated in this country. How have you never noticed? There's a bit of me that goes, yeah, well actually, it's about time people noticed, actually. (Participant 3)

Another, related attitudinal consequence of positive vicarious experiences is that hosts had the opportunity to observe how processes treated Ukrainian refugees, and this often led them to question how refugees from other countries were treated. Hosts often commented on the generous nature of the Homes for Ukraine scheme and the wider goodwill shown by many, including public authorities, towards their guests. One host had a running joke with their guest that their Ukrainian passport could open any door. This was a positive perception of public process, but it catalysed critical thoughts about wider public policy and processes:

I guess what really struck me is how helpful people can be, if they want to, and it struck me that, okay, well in other spheres when the council and government is not helpful, that's because there just isn't the political will there. (Participant 1)

[I]t begs the question, what about all the other refugees? And it does feel very unfair because they have had so much given to them. . . . They've been given so much and there's a massive imbalance because they've got it really easy, actually, relatively speaking. (Participant 20)

There was a common perception of inequality in the better treatment received by Ukrainians by public processes in the UK, with the government being characterised as

‘xenophobic’ for not doing more for other refugees, ‘abandoning’ them because they are not from Europe (participant 14):

I think the Homes for Ukraine scheme is brilliant, and it’s great that Ukrainian refugees have been able to access all these services from day one. But I kind of feel it should be the gold standard for all refugees. Why should Ukrainians get a better deal than Syrians or Afghans, you know? So, structurally, I think the British government should offer this to all refugees, not just Ukrainian refugees. But it’s brilliant the Ukrainian refugees have been able to access benefits and the NHS and the right to work and public services from day one, that’s just how it should be. (Participant 8)

Many hosts also reported broader raised social awareness, and some expressed their vicarious experiences led to them questioning authority that they previously accepted. One host observed how his experience of processes changed his outlook in this respect:

It wasn’t really on my radar. In my own little world, everything was ticking along, it didn’t really affect me, as in things tick along, and I’m okay. Whereas now, I can see how inept they are and how frustrating everything is. . . . I read things, I watched things, but it didn’t affect my little, wee world and my bubble. But now, I get very frustrated when I see and read what’s going on. So yeah, it does, it makes you more aware, I think. . . . I’m old-school and I was always brought up that people in authority knew what they were doing . . . and I just see that, actually, no, they’re absolute idiots, the lot of them. (Participant 10)

What our dataset shows is that vicarious perceptions of administrative fairness do not merely generate views of those specific processes, but that those views can influence and change how people think about government processes and policies more generally. This is, what we might call, the ‘social side’ of fair process, and it has been broadly omitted from the study of administrative justice thus far. Our study has allowed us to map some ‘social side’ responses in respect of the Homes for Ukraine scheme, but, more broadly, this underlines the need to understand how experiences of administrative processes shape public attitudes and behaviours in the long term.

We would expect the consequences of vicariously-generated administrative fairness perceptions to go beyond the attitudinal to the behavioural – put another way, that vicarious experience may affect individuals by changing their behaviours in the future. Indeed, the responses we identify above speak to the broader literature on the importance of emotions in engaging with public services and how emotional reactions can drive behaviour and coping strategies (for an overview of this literature, see Bandes *et al.* 2021, p. 1). Although there was very limited evidence of this within our study – for instance, one host expressed a reluctance to re-engage with local government in the future – more dedicated work needs to be done to explore this potential impact of vicarious administrative fairness in greater detail.

Conclusion

Our study of the Homes for Ukraine Scheme effectively proves the concept of vicarious administrative fairness insofar as we have established it as part of the social experience of administrative justice. This, we suggest, gives rise to a need for further inquiry across different settings to understand in greater detail the

sociology of vicarious administrative fairness. But it also provokes other questions which are normative and institutional in character. Two questions are, in our view, most pressing. First, should we consider vicarious experiences as relevant to how we theorise the demands of administrative justice and, if so, how should it reshape our theory of justice in this context? Second, if we do reshape our theory of administrative justice to embrace vicarious experiences, then how might that have implications for how public institutions, including law, ought to be developed?

Other fields concerned with elaborating the demands of justice have sought to accommodate vicarious experience in different ways. By way of example, in criminal justice, *The Code of Practice for Victims of Crime in England and Wales* (Ministry of Justice 2020), roots its articulation of ‘rights’ in a definition of ‘victim’ which extends beyond the immediate victim of a crime. For instance, a close relative of a person whose death is caused by a crime can be considered a ‘victim’ for the purpose of the code (p.3). In a similar way, *The Code for Crown Prosecutors* (2018) instructs prosecutors to, as part of the public interest test they must consider, ‘take into account the views expressed by the victim about the impact that the offence has had’ and that ‘[i]n appropriate cases, this may also include the views of the victim’s family’ (para. 4.14). It also instructs prosecutors considering accepting a guilty plea to ‘ensure that the interests and, where possible, the views of the victim, or in appropriate cases the views of the victim’s family, are taken into account’ (para. 9.5). In a different context, the law of negligence has evolved to recognise the concept of a ‘secondary victim’ – someone who is ‘no more than the passive and unwilling witness of injury caused to others’ (*Alcock v Chief Constable of the South Yorkshire Police* [1992] 1 A.C. 310, 407). Should we not seek to recognise similar interests in our conception of administrative justice?

In domains where the possibility of vicarious unfairness is recognised, it is a striking commonality that debates about the limits to be placed on that recognition follow. In the field of negligence, for instance, the courts have articulated a range of ‘policy restrictions’ which limit the type of claims which can be brought, such as the need for a ‘secondary victim’ to have a ‘close tie of love and affection’ with the primary victim (Tettenborn 2022, para. 7–76; Law Commission 1998). While care must be taken in drawing analogies across differing domains of justice, such relatable developments are potentially instructive: the in-principle recognition of vicarious administrative unfairness within a conception of administrative justice is perhaps less contestable than how it is given effects through institutions, including in law. Thus, our observation that vicarious administrative fairness is an important part of the sociology of administrative justice gives rise to further complex problems at the intersection of political and legal theory.

Questions of public administration also arise. It is likely that an administrative justice system where processes are effective in minimising vicarious unfairness and maximising vicarious fairness almost certainly looks very different to the one that presently exists. But what innovations and interventions in processes, or elsewhere, might have these effects? Could we, for example, trial more targeted information for the family members of people going through complex administrative processes or greater scope for close friends and family themselves to play an active supporting role within processes? Interventions of this sort demand both an expansion of the procedural policy imagination and rigorous

evaluation, not least because, as our study shows, the dynamics of vicarious administrative unfairness are not necessarily straightforward or predictable.

We do not seek to offer a developed view on these matters, but rather suggest that our observations on vicarious administrative fairness point to such questions as important but neglected, both theoretically and practically. Our empirical data calls into question the default, individualistic unit of analysis underpinning conventional thinking about procedural fairness, and it is time administrative justice scholars adopt a more critical approach to it.

Acknowledgments

We are grateful to the Homes for Ukraine Humanitarian Taskforce and the Department for Levelling Up, Housing and Communities for engaging with our research and to the sponsors who gave their valuable time to be interviewed.

Disclosure statement

No potential conflict of interest was reported by the authors.

Funding

Funding for this work came from the Research England Policy Support Fund, as administered via The York Policy Engine, University of York.

References

- Agnew, R., 1992. Foundation for a General Strain Theory of Crime and Delinquency. *Criminology*, 30 (1), 47–88. doi:10.1111/j.1745-9125.1992.tb01093.x.
- Agnew, R., 2001. Building on the Foundation of General Strain Theory: Specifying the Types of Strain Most Likely to Lead to Crime and Delinquency. *Journal of Research in Crime and Delinquency*, 38 (4), 319. doi:10.1177/0022427801038004001.
- Allan, T.R.S., 1998. Procedural Fairness and the Duty of Respect. *Oxford Journal of Legal Studies*, 18 (3), 497–516. doi:10.1093/ojls/18.3.497.
- Allan Lind, E., Kray, L., and Thompson, L., 1998. The Social Construction of Injustice: Fairness Judgments in Response to Own and Others' Unfair Treatment by Authorities. *Organizational Behavior and Human Decision Processes*, 75 (1), 1–22. doi:10.1006/obhd.1998.2785.
- Bandes, S., et al., 2021. Introduction. In: S. Bandes, J. Madeira, K. Temple, and E. White, eds. *Research Handbook on Law and Emotion*. London: Edward Elgar, 1–14. doi:10.4337/9781788119085.00006.
- Berthier, M., 'Letters: My Experience as a Sponsor in the Homes for Ukraine scheme' (*Bedford Independent*, 2022). <https://www.bedfordindependent.co.uk/letters-my-experience-as-a-sponsor-in-the-homes-for-ukraine-scheme/> [Accessed 20 Jan 2023].
- Bryant, M. and Townsend, M., '50,000 Ukrainian Refugees in UK Facing Homelessness 'Disaster' Next year' (*The Guardian*, 2022) <https://www.theguardian.com/world/2022/aug/28/50000-ukrainian-refugees-in-uk-facing-homelessness-disaster-next-year-homes-for-ukraine> [Accessed 20 Jan 2023].
- Crown Prosecution Service, 2018. *The Code for Crown Prosecutors*. London.
- Dosek, T., 2021. Snowball Sampling and Facebook: How Social Media Can Help Access Hard-To-Reach Populations. *Politic Science & Politics*, 54 (4), 651–655. doi:10.1017/S104909652100041X.
- Feith Tan, N., 2020. 'A Study on the Potential for Introducing a Community Sponsorship Program for Refugees in Sweden'. Available from: <https://www.unhcr.org/neu/wp-content/uploads/sites/>

- 15/2020/12/UNHCR-Study-on-Community-Sponsorship-Program-in-Sweden.pdf [Accessed 25 Jan 23].
- Fratzke, S. and Dorst, E., 2019. 'Volunteers and Sponsors: A Catalyst for Refugee integration?' Available from: <https://www.volunteeringnz.org.nz/wp-content/uploads/TCM-Refugee-Integration-Volunteering-FINAL.pdf> [Accessed 25 Jan 23].
- Fyfe, W., 'Ukrainian Refugees 'Broken' After Leaving UK host' (BBC, July 2022). Available from: <https://www.bbc.com/news/uk-wales-62239396.amp> [Accessed 27 Jan 2023].
- Galligan, D., 1996. *Due Process and Fair Procedures*. Oxford University Press. doi:10.1093/acprof:oso/9780198256762.001.0001.
- Government, U.K., January 2023. 'Ukraine Family Scheme, Ukraine Sponsorship Scheme (Homes for Ukraine) and Ukraine Extension Scheme Visa data'. Available from: <https://www.gov.uk/government/publications/ukraine-family-scheme-application-data/ukraine-family-scheme-and-ukraine-sponsorship-scheme-homes-for-ukraine-visa-data-2> [Accessed 26 Jan 2023].
- Hickey, S., 'Caller Regrets Hosting Ukrainian Refugees as It Has Cost 'Hundreds of pounds' (LBC, 2022). Available from: <https://www.lbc.co.uk/radio/presenters/nick-ferrari/woman-hosting-ukrainian-refugees-tells-lbc-she-regrets-it/> [Accessed 20 Jan 2023].
- Hovell, D., 2016. *The Power of Process: The Value of Due Process in Security Council Sanctions Decision-Making*. Oxford: Oxford University Press.
- Kirkham, R., et al., 2019. The Procedural Fairness Limitations of Fitness to Practise Hearings: A Case Study into Social Work. *Legal Studies*, 39 (2), 339–357. doi:10.1017/lst.2018.42.
- Labman, S., 2020. Conclusion: Sponsorship's Success and Sustainability? In: S. Labman and G. Cameron, eds. *Strangers to Neighbours: Refugee Sponsorship in Context*. McGill-Queen's University Press. doi:10.2307/j.ctv176kqtqs.
- Law Commission, 1998. Liability for Psychiatric Illness (*Law Com. No.249*). London.
- Leighton, K., et al., 2021. Using Social Media and Snowball Sampling as an Alternative Recruitment Strategy for Research. *Clinical Simulation in Nursing*, 55, 37–42. doi:10.1016/j.ecns.2021.03.006
- Lenard, P.T., 2016. Resettling Refugees: Is Private Sponsorship a Just Way Forward? *Journal of Global Ethics*, 12 (33), 300–310. doi:10.1080/17449626.2016.1247290.
- Ministry of Justice, 2020. *The Code of Practice for Victims of Crime in England and Wales*. London: UK Government.
- Office of National Statistics December 2022. 'Experiences of Homes for Ukraine Scheme Sponsors – Follow-Up, UK 21 to 28 November 2022'. Available from: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/experiencesofhomesforukrainschemesponsorsuk/21to28november2022> [Accessed 27 Jan 2023].
- Office of National Statistics, 'Experiences of Homes for Ukraine scheme sponsors, UK: 7 to 14 July 2022' (August 2022) <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/experiencesofhomesforukrainschemesponsorsuk/7to14july2022> [Accessed 27 Jan 2023].
- Phillimore, J., et al., 2022. "I Have Felt so Much joy": The Role of Emotions in Community Sponsorship of Refugees. *Voluntas: International Journal of Voluntary & Nonprofit Organizations*, 33 (2), 386–396. doi:10.1007/s11266-021-00349-3.
- Russell, A., 'Letter from the U.K. The Ukrainians Living in British Spare rooms' (*The New Yorker*, 2022) <https://www.newyorker.com/news/letter-from-the-uk/the-ukrainians-living-in-british-spare-rooms> [Accessed 20 Jan 2023].
- Tettenborn, A., 2022. *Clerk & Lindsell on Torts*. 23rd ed. London: Sweet & Maxwell.
- Thomas, R. and Tomlinson, J., 2017. Mapping Current Issues in Administrative Justice: Austerity and the 'More Bureaucratic rationality' Approach. *Journal of Social Welfare and Family Law*, 39 (33), 380–399. doi:10.1080/09649069.2017.1363526.
- Tomlinson, J., 2022. Bureaucratic Warfare: Administrative Justice and the Crisis of the 'New Bepokism'. *Journal of Immigration, Asylum, and Nationality Law*, 36, 178. doi:10.2139/ssrn.4119575.
- Tyler, T.R., 2006. *Why People Obey the Law*. Princeton University Press.
- Tyler, T.R., 2011. *Why People Cooperate*. Princeton University Press. 10.1515/9781400836666.