5. Impartiality and independence

This chapter examines impartiality and independence in public administration. The topics that are discussed include judicial bias, administrative bias, waiver, determining civil rights, compound decision making, and the value of independence, with an explanation of the requirement of an independent tribunal in Art 6 of the European Convention on Human Rights. The chapter also explains the difference between bias (which is unlawful), and a lack of impartiality (which may be lawful), and explains when bias will be presumed. Bias is presented as both a lack of due process, and also as a flaw in the substance of a decision maker's reasoning.

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