

**NORTHERN IRELAND LEGAL SERVICES COMMISSION  
BOARD MEETING  
TUESDAY 02 OCTOBER 2007 AT 1.00PM  
BOARD ROOM, WATERFRONT PLAZA**

**MINUTES**

- Present:** Ronnie Spence Chairman  
Les Allamby  
Fiona Donnelly  
Joe Donnelly  
Dr Jeremy Harbison  
Wilson Matthews  
Hilary McCartan  
Miceal McCoy
- NILSC:** Gerry Crossan Chief Executive  
Theresa Donaldson Director of Policy & Service Development  
Lesley Johnston Director of Finance  
Drusilla Hawthorne Principal Legal Adviser  
Iona Milton-Jones Secretary to the Commission  
Linda Carmichael Corporate Governance & Communications  
Officer  
Rose Jellie Personal Secretary to Chairman and Chief  
Executive
- In attendance:** Paul Andrews, NICtS

**07/155 Apologies**

Breidge Gadd

**07/156 MINUTES of the meeting held of 20 September 2007**

The Minutes were agreed subject to minor amendments.

**07/157 Matters arising from the Minutes of 20 September 2007**

- 157.1 Pay and Pensions – The Chief Executive reported that, following discussion at the last Board meeting, a further offer had been made to the Trade Union side and, at a staff Trade Union meeting today, industrial action was being considered. The Board recommended that this should be further discussed at the end of the meeting without staff being present.
- 157.2 Action Plan Draft 3 – This was currently on hold.
- 157.3 Landscape Review – NICtS confirmed that there had been correspondence with the past Chairman who may wish to raise substantive points. The

Secretary to the Commission was coordinating responses which would be forwarded to NICtS.

- 157.4 PWC Report – It was reported that the initial draft PWC report had been received. This provided the framework for going forward. It was anticipated that the Business Plan would be available late October/early November.

**ACTION: NICtS gave approval for the draft PWC report to be circulated to Board Members.**

- 157.5 Draft Equality Impact Assessment – Financial Eligibility – It was reported that the paper would be sent to the printers within the next couple of days. There had been a slight delay because further tenders had to be sought to satisfy procurement procedures..

- 157.6 Financial Eligibility Working Group – Consultation Paper – as above.

- 157.7 Managing Attendance Policy – It was confirmed that the policy change had been communicated to all Business Managers.

- 157.8 Managing Shared Financial Risk in Administration and Reform of Legal Aid – The Board noted the handout of the presentation that the Chief Executive had not had time to present at the last meeting.

- 157.9 Road Shows – The Secretary to the Commission reported that Senior Management would be meeting with Weber Shandwick to discuss and agree the format for the Road Shows.

**ACTION: The Secretary to the Commission to circulate a Schedule of Board attendees to Board Members.**

#### **INSERTED ITEMS**

- 157 A LSC 06/06 – The Director of Policy & Service Development introduced a paper which Members had already received by email. It was reported that the paper detailed the steps to be taken during the month of October to establish an appeals mechanism facilitating the phasing in of the new appeals process as detailed in LSC 06/06 and reflecting the points raised by the internal audit report on Delegated Authority. The Director of Policy & Service Development reported that joint policy and service delivery meetings were now being held to work on this issue. A Departmental Risk Register for Appeals and Assessment was also being established. A report on work carried out in October would be brought to next Access to Justice Committee meeting in November 2007.

Green Form Appeals – The Board queried the current position. NICtS reported that they were no further forward on resolving the issue with Treasury.

Backlogs – A query was raised by the Board on the number of emergency applications and the effect the issuing emergency certificates had on the development of backlogs. It was reported that Internal Audit had provided an in depth report on Central Registry and Triage which would go before the Audit Committee on 22 November 2007 that had investigated the matter.

IT Changes – It was confirmed that IT changes to support LSC 06/06 had been incorporated into the service development programme.

- 157 B Scheme of Delegation – Appendix 2 – The Chief Executive introduced the paper which had been amended following the Board's previous comments/suggested amendments. If approved, this document would be

incorporated in the corporate governance framework. All issues would remain in draft until they were accepted as an ISO procedure. The scope of the delegation would be agreed by the Top Management Team in relation to the Legal Aid Committee and the Fees Assessment Committee. The Special Committee did not form part of the delegated authority under the transitional arrangements.

**ACTION: The Board formally approved the amendments, subject to the clarification that in-house documents could be approved in draft form.**

#### **07/158 Chairman's Business**

This had been discussed during the closed session at the beginning of the meeting.

#### **07/159 Reform Issues**

159.1 Life Sentence Review Cases - Remuneration Proposal for Counsel – The Director of Policy & Service Development introduced the paper and explained the process for these types of cases. She drew the Board's attention to the methodology and the proposed fee model set out in the document. If the Board approved the document, a business case would be prepared for NICtS approval. It was confirmed that interim payments for claims over £3000 had been paid and claims up to the value of £3000 had been paid in full and final settlement. There were a small number of these cases.

The Board queried if this specific proposal was congruent with the overall fixed fees that the Commission was working to achieve. It was explained that there was a fee for tariff hearings and life sentence review hearings and there was detailed correspondence history for these cases. This had been discussed at the Civil Fees Working Group. The Board discussed the complexities issue and suggested that any new system should be time controlled. NICtS agreed that in the context of developing a circular for a specific fixed fee it would be easier for the Commission to specify a time limit, allowing an option to exercise discretion.

**ACTION: The Board agreed that the recommendations should go back to the Civil Fees Working Group for consideration.**

159.2 Civil Fees Highlight Report – The Director of Policy & Service Development reported that a letter had been received from the Bar indicating rejection of the proposed payment by the Commission in relation to Article 3 cases, and seeking copies of Minutes and other relevant papers. This letter had been circulated to Board Members. A response had been drafted. It was reported that money drawn down in September would be used to commence payments to some of the solicitors on the basis of the proposal made to the Law Society. It was confirmed that claims had been sitting for 2 years. It was the Commission's intention that the letter needed to issue to the Bar during October and NICtS confirmed that they would provide their comments on the letter this week.

The Chief Executive reported that the Commission was working closely with NICtS in relation to payments from November on. NICtS indicated the critical issues that had to be managed and communicated to the Profession. There

was a fixed sum of money available which had to be spent appropriately throughout the year.

### 159.3 Community Legal Services

The consultation paper on Community Legal Services was now ready for issue when appropriate.

**ACTION: The Board accepted the paper and noted that further discussion would be needed at some stage.**

159.4 Financial Eligibility – A consultation paper on a proposal for a new financial eligibility test was currently with the Chief Executive's Office for publication. The KPMG report on the location of testing had taken much longer than anticipated to bring it to an acceptable standard and the NIO Procurement Unit had been alerted to the current difficulties.

159.5 Registration Scheme – The progress on mapping legal services was reported. This work was being conducted in partnership with DSD. The Board raised concerns at the delay by solicitors in completing questionnaires and the effect this could have on the contract with DSD who were working to a very tight timescale. It was reported that Commission staff had been telephoning solicitors to urge completion of questionnaires. Staff were also in close contact with Deloitte about timescales for the project to ensure no unnecessary delay was incurred.

159.6 Funding Code – Les Allamby introduced the report. A paper had been drafted and circulated in relation to High Cost Cases. When comments had been received, NICTS would take this forward with the Bar and the Law Society. The Chief Executive commented that the need for very high cost case management was accepted but this did have structural implications for the Commission in relation to medium term issues about the preparatory work and long term issues in relation to how this was resourced internally.

159.7 Statutory Charge – It was reported that the post had recently been filled to cover maternity leave. It was also reported that the Statutory Charge Working Group accepted that a change of policy was required in relation to the application of Statutory Charge to Article 26 of the Matrimonial Causes Order. An Equality Impact Assessment was required to be undertaken on this policy change. Advice was being sought from Business Assurance Manager as to how to take forward a number of requests for consultancy to assist with equality matters.

## **07/160 Service Delivery**

The Board noted the paper and, in particular, the following:

160.1 Staff Shortages - It was reported that staff shortages in Service Delivery continued to impact on productivity.

**ACTION: The Board asked if it would be possible to show the staff shortages in each section.**

160.2 Adjudication – It was reported that, again, there was a depletion of staff in the section. However, a part time adjudicator and a full time adjudicator had

- been employed and this would bring the complement up to 4. It was anticipated that work in progress would reduce over the next few weeks.
- 160.3 Civil Assessment – A member of staff returning from sick leave which should improve the overall figures.
- 160.4 1992 Rules – It was reported that, following communication with the Profession, very few reports had been returned to the Commission and there seemed to be no high cost cases that the Commission was aware of.
- 160.5 Criminal Other Court - The Board were concerned that backlogs were beginning to occur and work in progress was taking longer to clear.
- 160.6 Attendance – The Board were concerned at the increased figures which were due to the number of staff on long term sick leave.

#### **07/161 Chief Executive Business**

- 161.1 Disclosure of Payments made to Solicitors and Counsel – There was nothing further to report. The Board were concerned that the Commission was exposed by not releasing the information requested some time ago.
- 161.2 Publicly Funded Legal Services in Northern Ireland – Handout paper had been included in the Board papers for information. The Chief Executive was working with Human Resources in light of the PWC report.
- 161.3 Shared Financial Risk – As above.

#### **07/162 Freedom of Information Requests**

It was reported that no new FOI requests had been made.

#### **07/163 Complaints**

The Secretary to the Commission reported that 5 new complaints and 2 requests for information had been received and were being dealt with.

#### **07/164 Communications**

The Committee noted the LSC Circular 07/04 – Article 3 Children Order Cases – Family Care Centre – Solicitor Fees

#### **07/165 Section 75 – Update**

The Secretary to the Commission reported that there were three urgent pieces of work which a consultant was required to assist with.

#### **07/166 Board Diary**

The Board noted the diary dates.

#### **07/167 Date of next meeting – Tuesday 25 October 2007 at 9.30am.**

**Commission staff were asked to leave the meeting at 4.40pm.**

**The Board, Chief Executive and the Secretary to the Commission met to discuss the Pay and Pensions issue.**

**The meeting ended at 5.15pm**

**SIGNED:** .....

**DATED:** .....