

**NORTHERN IRELAND LEGAL SERVICES COMMISSION
BOARD MEETING – TUESDAY 07 AUGUST 2007 AT 10.00AM
BOARD ROOM, WATERFRONT PLAZA**

MINUTES

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

The Interim Chairman opened the meeting and explained that in the interim period, and because of the work load facing the Commission, it had been agreed that the Board would meet twice a month with the first meeting focusing on issues that had gone previously to the Access to Justice Committee and the second meeting on the issues that had gone to the General Purposes Committee.

The Board had met earlier without NILSC officials to discuss how the Board and NICtS would, in the light of the recommendations in the draft landscape review, manage performance and agree targets for the Chief Executive post.

The Board had also discussed, with the Chief executive present, what changes might be made to the top management structure of the Commission in light of the Landscape Review and the departure of the Director of Service Delivery. The Board would meet with senior staff as soon as possible to discuss the decisions taken by the Board. It was intended that the outcome would be announced to the whole organisation as early as possible.

07/99 Apologies

Les Allamby
Brian Fee

07/100 MINUTES of the meeting held on 05 July 2007

Subject to minor amendments, the Minutes were agreed.

07/101 Matters arising from the Minutes of 05 July 2007

- 101.1 Access to Justice Committee – 03 July 2007 – The Minutes of the AJC were tabled and noted by the Board. The Minutes had been approved by the Chair of the Committee.
- 101.2 Freedom of Information – The latest letter from the Northern Ireland Law Society in relation to disclosure of payments for publicly funded legal services was tabled. The Chief Executive reported that the current position was that the PSNI had given assurance that there was no personal threat to any solicitor or barrister in Northern Ireland. The Law Society had indicated that there was a threat to one of their members. However, an assurance had been given to the Solicitor by the PSNI that there was no threat. The Board was concerned that the Commission was still not complying with the terms of the Freedom of Information Act.

The Interim Chairman queried with NICtS if the Minister should be made aware of the current situation and NICtS agreed that any disclosure had to be made with the support of the Minister.

ACTION: The Commission as a body believed the information should be published but agreed that it was important to ensure that the Minister was aware of what was being done and supported the action being taken. The Interim Chairman to write to the Director, NICtS.

- 101.3 Press Cuttings – It was reported that Weber Shandwick had advised that the Commission had not commissioned a media monitoring service from them. However, they would forward any press cuttings to the Secretary of the Commission or the Corporate Governance and Communications Officer who would then forward it on to Board Members.
- 101.4 Mackin Report – It was reported that a letter from the Audit Committee would issue to NICtS before the end of August.
- 101.5 NIALAS – A Working Group meeting had taken place and Minutes would be circulated in due course.
- 101.6 Declaration of Board Members Interests and Forthcoming Engagements – The Board asked the Interim Chairman to consider informing the Board of any forthcoming meetings and conferences and who and how selection of attendees was made. Any request for Commissioners to attend events should come through the Secretary of the Board.
- 101.7 ILAG Conference – A summary report would issue to Board Members within the next few days.

The Interim Chairman thanked Breidge Gadd on behalf of all the commissioners for hosting the farewell event for the outgoing Chairman.

07/102 Chairman's Report

102.1 Landscape Review – It was reported that a redraft had been received by NICtS and would be forwarded to the Commission in due course. A timetable was required for moving forward and discussions had to take place in relation to funding and other issues. An action/implementation plan had to be drawn up by early September. The Board felt this was very ambitious. NICtS stressed that a broad response would be useful at this stage together with a broad plan going forward. The document should be made available to Treasury in support of discussions about Commission's funding needs.

ACTION: It was agreed a Working Group (the Chairs of the various Committees) would commence work on an action plan once the revised draft was available and would report progress to the next Board meeting.

102.2 Board Away Day – The Board agreed that the Action Plan should be signed off at the Board meeting on the morning of the planned Board Away Day – 6 September 2007. It was reported that tenders for the facilitation of the Away Day had been received. However, it was agreed that the Away Day would need to focus on the 2007/8 business plan and the action plan on the landscape review which would probably require the full day. Members suggested the meeting on 6 September might be held in a different venue from the Waterfront Plaza. The possibility of a facilitated away day later in the year for the Board and senior management should remain open.

ACTION: The Secretary to the Commission to advise tenderers that their services would not be required on this occasion.

102.3 Inquiry into Devolution of Policing and Justice – The Board endorsed the draft response subject to some minor changes.

07/103 Declaration of Board Members Interests and Forthcoming Engagements

None were declared.

MATTERS FOR DECISION

07/104 Reform Issues

104.1 Efficiency Options – The Director of Policy & Service Development introduced the paper and explained the tight timescale. The Commission was working closely with NICtS in an exercise that NICtS were carrying out. The Director of Policy & Service Development pointed out the concerns of staff.

NICtS explained that the reality was quite stark. If NICtS had to go to Treasury for additional funding for the Commission, Treasury would expect the Commission to have looked very hard at the options for savings, including in areas where the savings would hurt. The Commission had been asked to look at what savings could be made in terms of civil legal aid and was trying to identify sensible and realistic areas that might be considered and the timeline of the life cycle of cases which would determine when savings would actually be made. NICtS were working with the Commission to take this to the next level. This was a negotiating document.

The Board said Commissioners had not been aware of the background and the information for this work came early in July. The Board were concerned at the amount of work that had to be done. The work cut across the Landscape Review work that the Commission had to do and some of the proposals would have the impact of worsening the difficulties in Service Delivery and would create more work and make service delivery much longer.

The Board asked where the efficiency savings were in relation to criminal legal aid as the bulk of the problems were in criminal legal aid as was the bulk of the expenditure. This was something over which the Commission had no control. It was a major worry that this work was, at times, against the thinking in taking forward the Landscape Review work.

The Board were concerned that there was a significant deficit in the Grant in Aid budget and there was a chance that Treasury would make decisions without the knowledge of the effect they would have on the Commission. Treasury had to be informed about provisions for accounts. If full provision for accounts, immediate savings could be made but it could be a lot longer if it was partial provision. The information provided to Treasury needed to be concise.

NICtS said that, in relation to provisions, the Landscape Review paper on resource consumption had already been looked at internally and had resulted in suggestions that, although they were not first preference, if the Commission was forced, then that was where efficiency savings could be made.

The Board agreed that the reality was that CSR had been around for some time and the Commission had been aware of it.

The Director of Policy & Service Development indicated that the Commission was working very hard on Statutory Charge but was facing resourcing difficulties. There were potential savings but it could not be predicted how much savings would actually be made. The Commission was also working hard with NICtS in relation to ancillary relief in divorce proceedings where again, potential savings could be made. The Funding Code was also a priority in order to control legal aid.

The Board were concerned that the nothing would be done in time for April 2008 and the Commission would, therefore, have to be careful when producing estimates.

ACTION: The Board accepted the text of the response and felt that Options 2, 10 and 14 were the most important.

- 104.2 Delivery Plan – The Board noted the content of the highlight reports. The Director of Policy & Service Development reported that the Commission had received a detailed comment from the Law Society on the Article 3 issues which had raised concern about the appeal process. An LSC Advance Circular was being prepared which would go back to the Law Society and the Bar before issue. The proposal had been pared back and the Commission was sticking with that.
- 104.3 Statutory Charge – It was reported that there was a resource issue as one member of staff was now on maternity leave and her replacement was leaving the Commission at the end of the week.

- 104.4 Funding Code – This was now at Red status due to the problems in getting guidance developed because of the pressure that Service Delivery colleagues were under.
- 104.5 Financial Eligibility – A first draft consultation paper had been prepared which would streamline financial eligibility. The paper should be available to the Board for the beginning of September.
- 104.6 Registration Scheme – The mapping process was ongoing. Again, resources were an issue.
- 104.7 Community Legal Services – Resources were being diverted into other areas such as efficiency savings.

07/105 Chief Executive's Report

- 105.1 Business Plan – The Chief Executive reported that the Top Management Team and NICtS had commented on the draft plan and the Secretary to the Commission had drawn up a schedule which included forthcoming Board meetings. The timetable set out the process for the Top Management Team to feed into the plan. Draft 2 would be available for the Board meeting on 23 August 2007. The Board indicated that work should shortly be starting on next year's Business Plan and that consideration would have to be given to production of a 3 year corporate plan for issue after devolution of responsibility for policing and justice matters.
- 105.2 Finance – The Director of Finance reported and invited comments from the Board on the draft budget papers which had previously been emailed to Members. The Board needed to be conscious about spending money to save money later on. It was confirmed that the Commission had been asked to pay for the Landscape Review and provision had been made for this. The Board were concerned that money had to be taken away from the fund for administration purposes and that whatever additional funding was requested had to be based on very robust arguments. The Board agreed that the Commission was very restricted on where reductions could be made. The Director of Finance pointed out that everything could not be done at the same time and would have to be prioritised. Next year the pot of money would shrink. The Director of Finance explained how recruitment was taken into account in the forecast. The Chief Executive explained that the work had been done to establish the baseline budget. All budgets would be monitored internally and information would be forwarded to NICtS as required to enable them to provide additional budgeting or not.

ACTION: The paper to be redrafted for the Board meeting on 23 August and to factor in anticipated recruitment and the changes to the top structure costs. The Board asked that the Legal Aid Committee and Commission costs were separated.

07/106 Audit Committee

ACTION: The Board confirmed they were content that two recommendations in the Civil Assessment follow up report be removed from the list of outstanding internal audit recommendations.

07/107 Legal Risk

- 107.1 Law Society Judicial Review – A response was awaited from NICtS.

- 107.2 Hemsworth – The Board asked how this was dealt with in terms of changing the practice, informing staff and what lessons had been learned. NICtS explained this was a particular context of an exceptional grant scheme. The exceptional grant scheme was now on a more formal basis and the gap would not occur again.
- 107.3 Omagh - The Principal Legal Adviser reported that an appeal had been lodged out of the Omagh hearing and Counsel would be taking this forward.

07/108 Freedom of Information

There were no new inquiries.

07/109 Draft Communications Strategy

109.1 Weber Shandwick joined the meeting and introduced the Communications Strategy and Plan for the Commission for 2007-2008. It was confirmed that an audit had not been carried out with solicitors. The Board said that they would have liked to have seen a clearer definition between the Commission's communication strategy and the media strategy. Weber Shandwick explained that this was a communications challenge and you could tell a good story if there was a good story to be told. Communications could dispel myths. If there was something positive to say, then it should be said and be repeated. The communications aspect of change was very difficult but it was important that the Commission made the right communication decisions. The Board suggested the following amendments/additions:

- Objective – insert “promote social inclusion”
- Audience – A fifth grouping to be inserted to include the broader social policy constituency including academics
- Legal Services Stakeholders – there was a need to get the current performance out and a twin track approach was required.

NICtS said that there was also a lot of work to be done in closed communication and it was suggested that in getting the message out, you did not encourage people to open up where they had not opened up before. The biggest player was the judiciary and the Commission needed to ensure that messages were not put out which could backfire. There needed to be a strategy for dealing with the range of issues brought by the Judiciary.

The Board said that drivers for change and reform were coming from different places and the Commission needed to look at a refined operational communications strategy and defensive communication.

ACTION: The Board agreed that a Working Group would be established to work with Weber Shandwick, the Secretary to the Commission and the Corporate Governance and Communications Officer on the Communications Strategy. The members would be Dr Jeremy Harbison, Breidge Gadd and Miceal McCoy.

The Working Group to consider the suggested amendments above.

07/110 Board Diary

ACTION: The Board requested a more detailed note of events and future meetings.

07/111 Date of Next Meeting – Thursday 23 August 2007 at 10.00am

Meeting ended at 2.00pm