

**NORTHERN IRELAND LEGAL SERVICES COMMISSION
LSC BOARD MEETING
THURSDAY 08 MAY 2008 AT 9.30AM
BOARD ROOM, WATERFRONT PLAZA**

MINUTES

Present: Jim Daniell Chairman
Fiona Donnelly
Joe Donnelly
Jeremy Harbison
Wilson Matthews
Hilary McCartan
Miceal McCoy
Ronnie Spence

NILSC: Gerry Crossan Chief Executive
Theresa Donaldson Director Policy & Service Development
Lesley Johnston Director of Finance
Iona Milton-Jones Secretary to the Commission
Drusilla Hawthorne Principal Legal Adviser

In attendance: Paul Andrews, NICtS

The Chairman opened the meeting and requested two action points to be noted:

ACTION: The Secretary to include operational and financial performance as standing items on future agendas

ACTION: The Chief Executive and Committee Chairs to produce concise written summaries of their reports prior to Board meetings

08/59 Apologies

Les Allamby
Breidge Gadd

08/60 MINUTES of the meeting held on 10 April 2008

Subject to minor amendments the Minutes were agreed.

08/61 Action Point Report and matters arising from the Minutes of 10 April 2008

61.2 Resignation from the Board - NICtS reported that the proposed job share option had been considered unfeasible. A recruitment exercise based on one appointee would be commenced by NICtS

61.3 Commissioners Remuneration - It was reported that this was currently being considered by the Lord Chancellor. Once agreed, the arrangements would be effective from 1 April 2008

61.4 Terms of Reference

ACTION: The Secretary to the Commission to co-ordinate TOR for all committees to be brought to the June Board meeting for approval

08/62 Business Plan 2008/09

The Chairman introduced the paper. The Board agreed the general structure and content of the plan.

ACTION:

- **The Chairman and NICtS to collaborate on the drafting of financial references**
- **Further comments/drafting points from Board members to be forwarded to the Chairman by 16 May 2008**
- **Final draft to be circulated week commencing 19 May 2008**

08/63 Landscape Review – Draft Action Plan

The Chairman led discussion of the action plan which had been emailed to Board members prior to the meeting.

ACTION:

- **The Board agreed that the draft action plan should be sent to the former Chairman by NICtS as a matter of courtesy.**
- **Final version to be transmitted to NICtS in the week commencing 12 May 2008**

08/65 Family Care Centre Fees

The Director of Policy and Service Development presented the paper which was discussed by the Board. The Board agreed the following:

- Appeals should not be included in the remedial settlement subject to internal legal advice to be obtained on the issue of legitimate expectation.
- A letter to the Bar council to be drafted in such a way that it was left open to the possibility that the Bar Council could revert to the Commission with further evidence justifying making higher payments in relation to appeals

ACTION:

- **Decision to be communicated to the Bar Council – Director of Policy and Service Development to provide draft letter for the Chairman's signature by 19 May 2008. Board Internal Legal advice to be obtained by 23 May 2008**

08/86 Chief Executive's Report – verbal

86.1 LSNI v. NILSC Judicial Review - It was reported that the Chief Executive and NICtS were meeting with Counsel and a report would be brought to the next meeting.

86.2 Pay and Pension – It was reported that staff had accepted the pay settlement. The Board agreed that the pensions review should now commence as a matter of urgency with a paper to be prepared for the next GPC meeting.

ACTION:

- **The Chief Executive to write to NICtS to notify them of the resolution of the pay issue.**
- **The Chief Executive, in consultation with Wilson Matthews, to produce a preliminary options and strategy paper on pensions for the next Board meeting**

86.3 Management Restructuring - It was reported that this process was underway and that a temporary Head of HR with particular responsibility for change management had recently been appointed. The Board agreed that recruitment for all vacancies in existing posts should be taken forward with immediate effect and that some operationally urgent new posts should be filled. However a clear budget would need to be provided prior to any decisions on overall restructuring. It was noted that one generic recruitment campaign could be mounted in order to ensure candidates for all upcoming vacancies.

ACTION: The following posts to be filled as soon as possible

- **Grade 7 – Head of Finance**
- **Grade 7 – Head of Reform**
- **Grade 7 - Civil**
- **Criminal – 2 DPs**

ACTION: The Chief Executive and TMT to produce a comprehensive budget for the GPC and the Board in June

86.4 Disclosure of Payments to the Profession - It was reported that the deadline for queries about the process of publication was 9 May 2008. The Secretary to the Commission and the Chairman would be meeting with NICtS to take forward the resolution of the matter as soon as possible.

ACTION:

- **The Chief Executive and Board Secretary to ensure that all queries received responses**
- **The Chief Executive to ensure that legal advice was obtained regarding legal and Human Rights issues**

86.5 Consultancy Support for Organisational Change - It was reported the tendering process was being progressed through the NICtS. The Board noted the urgency of securing this support.

86.6 Development of Merit Lists – SO and EO Grades - The Chief Executive reported that following discussions with TUS it had been agreed that the proposed test aspect should not be used in this particular merit list recruitment exercise. The possibility of using such tests in the future was left open.

ACTION:

- **Recruitment for merit list exercise to be progressed**
- **The Chief Executive to confirm how long the merit list would be effective**

08/67 Transformation Programme

The Chair of the AJC reported on discussions that had taken place at the AJC. It had been agreed that one set of update reports would be produced for the AJC and Board. It was noted that a change management Board had been convened and would meet for 1 hour prior to each Board meeting. This board would be chaired by Ronnie Spence and Committee Chairs would be invited to attend.

08/68 E Forms Project

The Chief Executive advised that priority would now be given to the production of forms for use with the Funding Code and also Criminal Crown Court forms.

ACTION: A short paper to be prepared for the next AJC and Board meeting setting out the financial implications

08/69 Director of Finance Report

69.2 Budget - The Director of Finance advised that a detailed draft budget would be brought to the June Board meeting.

69.3 Annual Accounts - The Director of Finance advised that the 03/04 accounts were close to completion. The statement of internal control had been slightly amended and the Commission's response to the 2004/05 audit report was being drafted.

ACTION:

- **The Chairman and the Chair of the Audit committee to sign off the accounts on behalf of the Board and the Audit Committee respectively**
- **The Chief Executive to ensure that they are made available for the original members of the Board to review the audit qualification regarding Commissioners remuneration**

69.4 Counter Fraud Strategy - The Director of Finance advised that the Counter Fraud Strategy was being progressed with the PSNI.

ACTION: The Counter Fraud Strategy to be brought to the August Board meeting

08/70 Devolution of Justice

The Chairman reported on his meeting with the NIO.

ACTION: It was agreed that devolution would be a standing item on the agenda going forward – the Board Secretary to action

08/71 Report from Committee Chairs

71.1 Access to Justice Committee – The Chair of the Committee reported.

71.1.1 Service Delivery - Improved performance was being maintained however competing demands would have an impact on capacity and month on month fluctuations were inevitable. The weekend meetings of the Appropriate Authority had been a success and would continue.

71.1.2 VHCC Unit and support for Taxing Master - It was reported that a meeting was taking place between the Commission and NICtS in the week commencing 12 May 2008 to discuss criminal work going forward

71.1.3 Delivery Plan - The Board endorsed the progress that had been made and noted that there was a Funding Code Working Group in the week commencing 12 May 2008

71.1.4 Financial Regulations - The Board agreed that the 3 Chairs of the Funding Code, Statutory Charge and Financial Eligibility Working Groups should be delegated responsibility to take forward the financial eligibility regulations. The Board noted that a meeting regarding Ministerial sign off for the regulations was taking place on 9 May 2008.

71.1.5 NIALAS - The Chairman updated the Board. He had subsequently met with LSNI who would identify a representative to work with the Commission on developing medium/long term options.

Fiona Donnelly left the meeting.

71.2 Audit Committee - The Chair of the Committee reported as follows:
There had been no meeting since the last Board. 5 June 2008 would be the next formal meeting. CIPFA training on Audit Committee work had been arranged for 21 May 2008.

71.3 General Purposes Committee – The Chair of the meeting reported as follows:

71.3.1 Draft Budget - The draft budget would be discussed at the next GPC meeting. The TMT had been asked to provide a report setting out how the Commission could live within the budget constraints.

71.3.2 Performance Reporting Year - It was reported that the GPC had recommended moving the performance review period to align with the corporate planning period. The Board endorsed this action.

08/72 Judicial Review Report

The Principal Legal Adviser introduced the paper and advised the Board of any notable changes.

08/73 Communications

ACTION: A revised Communications Strategy to be brought to the next Board meeting

08/74 Any Other Business

74.1 Delegated Authority Arrangements – A review of Delegated Authority arrangements currently under way in the light of the McAteer Case. This would remain on the Action Point Summary until complete

08/75 Board Diary

08/76 Date of Next Meeting – Thursday 12 June 2008

Meeting ended at 12.20pm

SIGNED:
CHAIRMAN

DATED: