

**Meeting of the Northern Ireland Legal Service Commission to
be held on THURSDAY 16 OCTOBER 2008 at 9.30AM, Board
Room, Waterfront Plaza**

MINUTES

Present: Jim Daniell (Chairman)
Les Allamby
Fiona Donnelly
Joe Donnelly
Breidge Gadd
Dr Jeremy Harbison
Hilary McCartan
Miceal McCoy
Wilson Matthews
Ronnie Spence

NILSC: Gerry Crossan Chief Executive
Theresa Donaldson Acting Director of Operations
Lesley Johnston Director of Finance
Drusilla Hawthorne Principal Legal Adviser
Pauline Killen Interim Secretary to the Commission
Linda Norris Interim Change Manager
Rose Jellie Personal Secretary to Chairman and
Chief Executive

In attendance: Paul Andrews, NICtS

08/145 The first section of the meeting was restricted to the Chairman, Board Members and the Top Management Team, followed by a meeting with the Chairman, Board Members and the Chief Executive.

During this part of the meeting, the Board considered papers attached to the Chairman's email of 10 October 2008 (12.57pm) and agreed:

- That the Chairman would write to the Director of NICtS about arrangements post devolution.
- A strategy for the development of the TMT structure in the future.

08/146 Apologies & Declaration of Board Members Interests

146.1 Apologies - Linda Carmichael, Corporate Governance and Communications Officer

146.2 Register of Interests – Board Members were asked to review the current Register and update as necessary.

ACTION: The Secretary to the Board to issue a pro-forma return to be completed by Board Members by the November 2008 meeting.

08/147 MINUTES of the 11 September 2008 Board Meeting

The Minutes were agreed, subject to minor amendment.

08/148 Action Point Report and matters arising from the Minutes of 11 September 2008

148.1 SEGP – It was reported that the Guidance was ready to be closed off and could be signed off by the Chairman.

148.2 Pensions – It was reported that meetings had been held with NICtS colleagues and further queries had been raised. A further briefing had been provided to the Commission's legal advisers. The Board noted that the Chairman and the Chair of the GPC would be involved in the working group going forward.

148.3 Civil Fees Working Group – It was reported that a meeting had been arranged with NICtS to consider how to take matters forward. The Commission wanted to be in a position to give a date for the introduction of agreed fees.

148.4 Landscape Review – NICtS reported that it was their intention to publish the report by the end of the year. The Board and the Commission were pressing hard for publication which was the responsibility of NICtS. The Board expressed serious concern at the delay in the publication of the Review and asked the Chairman to write to the Director, NICtS, seeking publication at the earliest opportunity and definitely before the end of the year.

ACTION: The Chairman to write to the Director, NICtS, requesting publication as soon as possible.

08/149 Financial Performance – Summary Report

149.1 Grant-in-Aid 2008/09 – The Board noted the report and the Director of Finance updated the Board as follows:

- Accounts – 2003/04 – Work was almost complete
- Accounts 2004/05 – Work was almost complete
- Accounts 2005/06 – The Annual Report had been circulated to Commissioners for comment and amendments included.
- Accounts 2006/07 – These were ongoing but nearing completion
- Accounts 2007/08 – These were ongoing due to the complexity of the conversion from full to partial provision. The Audit Office had indicated they would be completed by January 2009.

149.2 Balance Sheet for 2008/09 – This was being taken forward with NICtS.

- 149.3 Budget for 2008/09 and 2009/10 – Work was ongoing in house and would be forwarded to NICtS when completed.
- 149.4 IT Strategy – Tribal Helm had submitted a draft report which would be considered by the TMT in detail in due course, with updates to the GPC and Board.
- 149.5 Job Evaluations - Deloittes had commenced work on job evaluations.
- 149.6 Current Spend – Management reported an estimated £500k underspend on GIA for 2008/09.
- 149.7 Fund – The Board discussed, in depth, the following:
- In year expenditure;
 - what would be required for years 2 and 3 and the CSR;
 - what liabilities have been acquired;
 - the estimated requirement for the future.

NICtS reported that a detailed paper had gone to Treasury who had agreed that there were no outstanding question that NICtS needed to answer to enable Treasury to come to decision. However, due to the current economic climate, the feedback from Treasury had not been positive. The position would be clearer on the publication of the outcome of Winter Supplementary bids at the beginning of November.

ACTION: It was agreed that the Commission would work with NICtS to develop strategic options that could be implemented in the event of insufficient additional funding being available in time for payments to continue at their normal rate.

Years 2 and 3 – A substantial amount of expenditure had already been committed for year 2 and the Commission needed to consider now how to show some saving for next year.

ACTION: The Board agreed that staff should work with NICtS to produce options for savings in Years 2 and 3 to be discussed with Commissioners at a time to be arranged.

8/150 Developing the Corporate Plan 2009/10 – 2011/12 and the Business Plan 2009/10

The Chief Executive asked for the Board's agreement to the production of a Business Plan for 2009/10. The Secretary to the Commission and the Chief Executive would co-ordinate the document. It was acknowledged that the structure could be agreed but the content and timetable could not be determined until the budget was known. The Board adopted the structure and format of the Business Plan but agreed that progressing the Business Plan 2009/10 would require the clarity over funding and any related actions that the forthcoming discussions with NICtS would bring.

ACTION: The Chief Executive to bring a revised Business Plan 2009/10 timetable to the November Board meeting in light of discussions with NICtS.

08/151 Business Plan 2008/09 – Performance against published Targets to end of August 2008

This had been brought to the Board for information, having been considered by the AJC. 4 out of the 12 targets had been met, 6 were well progressed and 2 had been missed. It was suggested that an additional column listing targets that had been missed by 5% should be inserted. The Board noted the paper and asked that a further column be inserted showing those performance measures that had been missed by less than 5 percentage points.

ACTION: The Director of Finance to amend the report to the Board to include separate disclosure of those targets that are missed by less than 5 percentage points – the report to be submitted to the November Board meeting through the Access to Justice Committee.

08/152 Chief Executive's Report

152.1 Disclosure of Payments to Solicitors and Barristers – It was reported that the Commission was working closely with NICtS. The Board noted the timetable. It was agreed that documentation would issue to Commissioners before the information was released.

ACTION: The Secretary to the Commission to amend the disclosure plan accordingly.

152.2 Draft IS/IT Strategy - The Board noted the receipt of the draft IS/IT Strategy which was being considered by management.

152.3 Annual Reports and Accounts – Noted.

152.4 Capacity to Support Transformation – Merit Lists – It was reported that this issue was moving to a conclusion.

152.5 Implementing Audit Recommendations – The Audit Committee had raised concerns and the process had been set out in the paper explaining how the TMT would take this forward.

08/153 Devolution of Justice

There was nothing further to report.

08/154 Report from Committee Chairs on Issues and Matters requiring Decision within the next few weeks and Risks

154.1 Access to Justice Committee – The Chair of the Committee highlighted the following issues to the Board:

- The AJC recommended the removal of the LSC 06/06 arrangements from the Commission's web site. **The Board agreed to the recommendation.**
- Executive Summary on Mapping – Presentation to be made by PWC to the Voluntary Sector and stakeholders.

- Immigration and Asylum Tribunals – the Board approved the fees recommended by the Access to Justice Committee and asked that they be processed through NICtS as a matter of urgency before being put to the Law Society and Board.
- Non Molestation and Occupation Orders – The Board agreed the proposed fees and recommendations for clearance with the NICtS before discussion with the Bar.

154.2 Audit Committee – A report from the Risk Management meeting of the Audit Committee held on 15 October 2008 was tabled which the Vice Chair of the Committee introduced. The Board was concerned at the high level of audit activity and the number of days and effect in terms of staff time.

ACTION: The Audit Committee was asked to consider the high risk issues.

154.3 Accounting Officer Action in relation to Suspected Fraud: The Chief Executive drew the Board's attention to a particular case and the procedure that the Commission had followed, including taking legal advice and Audit Office advice and the next steps that had to be taken. The Board noted the information. NICtS confirmed they were content to receive the legal advice that the Commission received. The Board noted the action recommended by the Chief Executive and agreed NICtS should be invited to enter into discussions.

154.4 General Purposes Committee – The Chair of the Committee reported on the following:

- the Committee had requested a training strategy by December 2008
- Change Management Programme – Pacific Institute had met with all staff on 15 October 2008 and the survey material would issue on 20 October 2008. The Chairman would issue a note to staff encouraging participation in the survey.

08/155 Judicial Review Report

155.1 The Board noted the paper.

08/156 Draft Confidentiality Agreement

156.1 It was reported that this paper had gone to the GPC and a few recommendations for change had been made before coming to the Board today. It was also recommended that the Commission should have a data protection policy which should be referred to in this document. It was pointed out that Article 24 should be referred to, not Article 32. It was agreed this should be referred back to the TMT.

ACTION: The Interim Change Manager to revise the draft paper in light of the Board's comments and present to GPC in November 2008.

08/157 Any Other Business

08/158 Board Diary

- General Purposes Committee – 10.00am Monday 27 October 2008
- Access to Justice Committee – 1.30pm Tuesday 04 November 2008
- Board Meeting – Thursday 13 November 2008
- Audit Committee - 2.00pm Wednesday 17 November 2008

08/159 Date of Next Meeting – Thursday 13 November 2008 at 9.30am

Meeting ended 2.25pm

SIGNED:
CHAIRMAN

DATED: