

**Meeting of the Northern Ireland Legal Services Commission held
on Thursday 17 December 2009 at 9.30am, Board Room,
Waterfront Plaza**

MINUTES

Present:	Jim Daniell Les Allamby Fiona Donnelly Joe Donnelly Breidge Gadd Wilson Matthews Hilary McCartan Miceal McCoy Gillian McGaughey Ronnie Spence	Chairman
NILSC:	Paul Andrews Theresa Donaldson Josephine Kelly Sheila McPhillips Drusilla Hawthorne Jill Herron Rose Jellie	Interim Chief Executive Director of Policy & Service Development and Service Delivery (Civil) Director of Corporate Services Director of Criminal Defence Services Principal Legal Adviser Secretary to the Board Personal Secretary to Chairman and Chief Executive
NICtS:	Louise Laverty	

09/160 Apologies & Declaration of Board Members Interests

160. 1 Dr Harbison's apology was noted.
- 160.2 Commissioners submitted their annual declaration of interests.

09/161 Minutes of previous meetings

MINUTES of 3 November 2009 Board Meeting

- 161.1 The Minutes were agreed subject to minor amendment.

MINUTES of 19 November 2009 Board Meeting

- 161.2 The Minutes were agreed subject to minor amendment.

MINUTES of 1 December 2009 Board Meeting

161.3 The Minutes were agreed subject to minor amendment.

09/162 Action Point Report and matters arising from the above minutes

162.1 The Board agreed to the removal of the following items:

09/117 (August 2009) – Internal Audit Reports
09/126 (September 2009) – Confidentiality Agreements for Board Members
09/140 (October 2009) - Devolution of Justice
09/152 (November 2009) - Forward Look of key meetings

162.2 09/141 (October 2009) – Audit Committee (Further Report on Letter of Assurance and update report on a number of Internal Audit Reports) - It was reported that this item would be actioned through the February Audit Committee and thereafter brought to the Board.

162.3 Schedule of Board and Committee Papers 2010 – It was reported that the Interim Chief Executive and the Secretary to the Board would liaise with the Chairs of the Committees to compile the 2010 schedule.

09/163 Financial Report

163.1 Financial Update – The Interim Chief Executive reported on the meeting with HM Treasury on 8 December 2009 and confirmed that an additional £20M had been secured to enable the Commission to make the December payment run and the first January payment run. Discussions were ongoing with regard to the funding required to the year end; at this stage no disruptions to the remaining payment runs for 2009/10 were anticipated. A further update would be provided at the January Board.

163.2 GIA – The Director of Corporate Services reported that GIA expenditure would continue to be closely monitored on a monthly basis to the year end; small under spends in two areas were noted. It was confirmed that the draft 2010/11 Business Plan would be available for consideration at the Board Away Days in February 2010. Discussions took place around the need for the Business Plan to be affordable, given the financial constraints that were likely to be imposed across the public sector in 2010/11. It was confirmed that the draft Business Plan would be 'costed'. It was noted that the proposal to delegate budgets would be brought to the January GPC for consideration in the first instance.

163.3 Forecasting – It was reported that work continued in developing/refining the forecasting model; progress had been made in refining the accuracy of the forecasts but there was still further work required to clarify assumptions in certain areas. A useful meeting of TMT had taken place with the Chairman and the Chair of the Audit Committee to discuss and agree key planning assumptions. Following that meeting it was agreed that further work would be progressed which would also compare and contrast the planning assumptions that were being made with those adopted by PWC.

163.4 The Chairman stressed the need for clarity around the variances in the PWC model and the current Commission forecasting model; including an explanation of the differences in the planning assumptions. The Interim Chief Executive confirmed that discussions were ongoing with PWC to ensure that there was a full understanding of any differences in methodologies adopted.

163.5 The Board noted the progress that had been made. The Board advised that it was now imperative that the comprehensive finance paper was available for consideration at its next meeting. The paper should also include projections into the next CSR period. The Interim Chief Executive confirmed that the paper would be available for the next meeting of the Board. The Board again noted that substantial savings, over and above the planned reforms, would have to be realised from 2011/12 onwards.

ACTION: A comprehensive finance paper, including projections into the next CSR period, to be available for the January Board.

163.6 The Chairman referred the Board to his letter of 2 December 2009 to the Director of the NICtS; he advised that he would be following up this letter by speaking with the Director of the NICtS before the Christmas break. The Chairman reiterated the need to engage in discussions with other relevant stakeholders with a view to improving the identification of cases (that would attract legal aid) coming into the court system; this was necessary for all cases, but particularly VHCC's. Following discussion, it was agreed that the Chairman should write to the Director of the NICtS and the NIO to provide an update on the current forecasting information.

ACTION: The Chairman to write to the Director of the NICtS and the NIO to provide an update on the current forecasting information.

163.7 Provisions – It was reported that a presentation on the provisions model had been made to the Audit Committee as well as Internal and External Auditors. A further presentation would be made to the GPC in January. Work was continuing on testing on the live system.

163.8 Publication of Annual Reports and Accounts – It was reported that the 05/06 and 06/07 Annual Reports and Accounts had been forwarded to the NI Audit Office and it was hoped that confirmation as to whether the Comptroller & Auditor General was content with the reports would be received before the end of the week.

Mrs Gadd joined the meeting.

09/164 Chief Executive's Report

The Interim Chief Executive introduced his report noting the following:

164.1 Transformation Programme – Oversight of the work continued through the Transformation Programme Board. While progress continued under the original

reform agenda, it would be necessary to review the reform priorities (through the AJC) given the need to reduce costs from 2011/12 onwards. Notwithstanding the outcome of AJC deliberations, it was likely that early implementation of the statutory charge reforms and the new appeals mechanism would be possible. The development of an options paper on those reforms identified to make savings would accompany the draft Business Plan. The options paper would outline those objectives/reforms that were deemed deliverable in the short, medium and long term. It was also noted that a supporting communications plan would be essential to ensure that stakeholders were informed of any changes in a timely manner.

164.2 Rationalisation of Action Plans – As agreed at the last Board meeting, the Landscape Review Update and the Strand A Action Plan had been consolidated into one document. Any key issues still outstanding would be incorporated into the 2010/11 Business Plan for action.

164.3 Pensions – The Board was updated on the current position.

164.4 Performance Management Reporting/Management Information – The report outlining the development of a suite of management information was noted; this was being developed for internal and external use. This exercise was being taken forward in collaboration with the NICtS to ensure consistency in the materials being developed and deployed by both organisations. The Board welcomed this initiative to improve the reliability and availability of meaningful management information. Commissioners requested a copy of the final ‘pack’ for their own reference purposes.

164.5 Emergency Certificates – Write Off – Proposals to alter the basis on which emergency legal aid certificates were issued would be tabled at the January AJC. The rationale behind the proposals was to seek to minimise the Commission’s exposure to bad debt.

164.6 Commissioners Remuneration and Tax Position – The Board noted the current position.

164.7 51 Week Contract – It was reported that eight of the nine members of staff eligible had accepted substantive appointments and the remaining one was under review.

ACTION: The development of an options paper on those reforms identified to make savings would accompany the draft Business Plan.

Commissioners to be provided with a copy of the management information pack once developed.

09/165 Devolution of Justice

165.1 The Chairman provided an update to the Board; while timing was still uncertain, planning was ongoing.

09/166 Report from Committee Chairs on Issues and Matters Requiring Decision within the next few weeks and Risks

166.1 Access to Justice Committee Report – The Vice Chair of the Committee introduced the report which was noted by the Board with particular reference to the following:

- ASA Conference – This had been very successful and provided a good forum in bringing together those sectors involved in access to justice matters;
- Service Delivery Issues for the Board – The summary provided within the report was noted, particularly the issues within the Adjudication Section; it was noted that this issue was being kept under review by TMT and the AJC. The Board welcomed the continued progress that was being made across most areas.
- Expert Witnesses – The updated position on progression of the various strands of the programme of work was noted. It was recognised that this was a cross jurisdiction matter and therefore required discussion with E&W etc. Following discussion, it was noted that bodies of work/research were readily available from other sectors (academic and voluntary sectors), which could helpfully inform decision making on a range of matters. It was further suggested that the Commission should consider jointly hosting a conference on this issue; and
- Funding Code Consultation - The future of legal aid in money damages cases was a particular concern for the profession and alternative ways of funding these cases were being considered. Other issues raised by consultees included domestic violence, the legal needs of children, help at court for housing related matters and the use of alternative forms of dispute resolution.

Mr Allamby left the meeting.

166.2 Immigration and Asylum Contract – The Interim Chief Executive introduced the paper which set out the tender specification. Subject to some minor amendments the Board agreed to the tender specification.

Mr Allamby re-joined the meeting.

166.3 Audit Committee Report – The Board noted the Chair's report; with particular regard to the position on debt recovery. It was noted a further report would be brought to the Away Days for consideration.

166.4 12th and 13th PAC Reports – These were noted by the Board.

166.5 General Purposes Committee – The Board noted the Chair's report which included a quarterly performance report on correspondence handling.

ACTION: A further report on debt recovery to be brought to the Board Away Days.

09/167 Report from Complaints Working Group

- 167.1 The Chair of the Working Group reported on a recent meeting of the Group. Positive progress had been made in relation to complaints handling across the organisation and this was very much welcomed by the Group. Customer Service/Complaints Handling Training had been organised for January; the group had noted that it was important that this training was properly attended and had requested a report on the outcome/feedback of the training in due course. It was also noted that a computerised system for recording and monitoring complaints was now in place and a review of responses issued to complainants showed a notable improvement in the tone and approach. The Chair of the Working Group commended the staff and managers across the organisation for the developments in customer and complaints handling.
- 167.2 A couple of outstanding issues were noted. These included the need to continue to review the current complaints system to ensure that it continued to be used as intended, and the need to keep the Complaints Working Group as a sub group of the GPC in the short term (being around 3 times a year) to sustain Board/GPC oversight of complaints handling (this will be discussed further at GPC). Also, the need to make the complaints leaflet widely available was noted.

ACTION: The complaints leaflets to be distributed widely to key locations/customers.

09/168 Legal Update

- 168.1 The December report was noted.

09/169 Corporate Governance of the Board

- 169.1 Meeting Schedule 2010 – Noted.
- 169.2 Board Away Days – February 2010 – The dates had been agreed as 25/26 February 2010. It was noted that the away days would primarily deal with the Reform Programme and Financial Regulations within the context of the draft Business Plan 2010/11 and the financial forecasts for 2010/11 and beyond.
- 169.3 Confidentiality Agreement/Update to Register of Board Members Interests – Commissioners provided signed Confidentiality Agreements together with revised registers of interest.

09/170 Any Other Business

- 170.1 Report on ASA Conference – 20 November 2009 – An update had been provided at 09/166.

09/171 Date of Next Meeting – Thursday 21 January 2010 at 9.30am

Meeting ended at 12.20pm

