

**Meeting of the Northern Ireland Legal Service Commission to be held on  
THURSDAY 10 JULY 2008 at 9.30AM, Board Room, Waterfront Plaza**

## **MINUTES**

**Present:** Jim Daniell (Chairman)  
Les Allamby  
Fiona Donnelly  
Joe Donnelly  
Hilary McCartan  
Miceal McCoy  
Wilson Matthews  
Ronnie Spence

**NILSC:**

Gerry Crossan	Chief Executive
Theresa Donaldson	Director Policy & Service Development
Drusilla Hawthorne	Principal Legal Adviser
Iona Milton-Jones	Secretary to the Commission
Linda Norris	Interim Change Manager
Linda Carmichael	Corporate Governance & Communications Officer
Rose Jellie	Personal Secretary to Chairman and Chief Executive

**In attendance:** Angela Ritchie, NICtS

### **08/101 Apologies & Declaration of Board Members Interests**

Breidge Gadd  
Dr Jeremy Harbison  
Lesley Johnston, Director of Finance

### **08/102 MINUTES of the 12 June 2008 Board Meeting**

The Minutes were agreed.

### **08/103 Action Point Report and matters arising from the Minutes of 12 June 2008**

103.1 SEGP – Approval awaited from NICtS.

103.2 Pensions – It was reported that legal advisers had been briefed and, if the fee was affordable, advice would be sought from a leading QC in London who specialised in this area. The Pension Committee were taking this forward.

103.3 Merit Lists - The required action had been taken in relation  
103.4 Communications Strategy - to each of these items and they could be  
103.5 Delegated Authority - removed from the rolling action point list.

103.6 Complaints Policy – A meeting to be arranged to take this forward.

103.7 Family Care Centre Fees - It was reported that there was no question of applying the intermediate settlement to appeal cases. The Bar had been informed that any increase in currently applied rates would have to be supported by evidence.

103.8 Article 3 – At a meeting with them on 4 July, the Bar had suggested meeting with Commission staff for half a day so that the Commission understood the scale and nature of the work of the Bar in this area. It was agreed that the best way forward might be to work on the basis of the Commission's 2006 fees proposal with the Bar, identifying those aspects with which they had serious difficulty. There would be a smaller meeting with the Bar again at the end of July to try and move this forward.

103.9 Data Security – This was being taken forward with NICtS.

## **MATTERS FOR DECISION**

### **08/104 Civil Fees Working Group – Proposal Paper regarding Fee Setting**

The Chair of the Working Group provided an overview of the paper and explained that if the Board approved the paper, a Business Case for each proposal would be prepared for approval by NICtS. The paper was discussed at length and approval was sought from the Board on the fees for:

1. Mental Health Review Tribunals

**ACTION:** The fee levels were approved subject to the business case being prepared for NICtS clarifying that the fees covered the work done by both solicitors and barristers, and spelling out the resource implications.

2. Life Sentence Review Hearings

**ACTION:** The proposed fee was agreed.

3. Article 3 Mixed Proceedings

**ACTION:** The proposed fees were agreed subject to explicit reference being made in the business case to the implications of cases involving domestic violence.

4. Separation and Maintenance

**ACTION:** The proposed fees were agreed.

### **08/105 Financial Performance Summary Report**

The Chief Executive introduced the paper and reported as follows:

105.1 Workforce Plan – This was emerging and a paper should be available for the August Board meeting.

105.2 03/04 Accounts – Given the imminence of the Parliamentary recess, it was unlikely that publication of the accounts would take place before October 2008.

**ACTION:** The Board recommended that a revised media handling strategy and timetable be prepared in conjunction with Weber Shandwick for this and other issues arising over the coming months.

105.3 Remuneration Issues – This could not be closed off until comments were received from the Comptroller and Auditor General.

**ACTION: The Chief Executive to contact NIAO with regard to publication of the accounts and an estimate of when this would take place.**

#### **08/106 Chief Executive's Report**

106.1 Training Organisation – It was reported that the Commission had been recognised as a training organisation by the Law Society.

106.2 Disclosure of Payments to the Profession – A letter from the NIO to NICtS had effectively removed the last remaining barrier to publication and this would be progressed on Paul Andrews' return from leave.

106.3 Management Restructuring – This would be refined by the Interim Change Manager's work as part of the Workforce Plan. The Head of Finance post was currently being advertised on line.

106.4 Workforce Planning 2008/09-2010/11 – See 105.1 above.

106.5 Recruitment and Selection of Management – The Board suggested that in papers submitted covering this subject, it would be helpful to note whether recruitment was for replacement or new posts.

106.6 Consultancy Support – The consultancy tendering exercises for Organisational Development had ended with three firms being engaged on different aspects of the work.

106.7 Merit Lists – This exercise was now complete.

106.8 Business Plan 08/09 – This would be published on 16 July 2008.

106.9 Landscape Review – This remained with NICtS for completion; the Commission's Action Plan was ready for publication alongside the report of the Review.

106.10 Annual Accounts – See 105.2 and 105.3 above.

106.11 Staff Conference – It was reported that the process and format for the conference had been successful. The Corporate Governance and Communications Officer was currently in the process of receiving feedback from staff and was arranging for analysis of the outcome of the break out groups. The Chairman thanked the Law Centre in particular for its highly effective presentation and the participation of the asylum seeker which had had a big impact. Many of the break out groups had been led by COs and a number of points had been raised in terms of culture change and the HR Strategy.

106.2 Coroner's Notification of Inquests – It was reported that inquests arising from the Stalker inquiry would begin in September 2008.

**08/107 E-forms Project** – Included in 08/108 below.

#### **08/108 IS/IT Upgrade – Business Case**

107.1 It was reported that a business analyst had been made available by BT, under the managed service contract, to oversee the Oracle upgrade and changes to the Phoenix system. Approval had been received in principle from NICtS for this project. This project was being driven to support the Funding Code and the implementation of the Access to Justice Order.

**ACTION: The Board requested a flow chart in relation to the timing for the introduction of downloadable forms and the Oracle upgrade.**

**The Board noted the following:**

- 1. Audit and counter fraud functions would be built into the strategy.**
- 2. A business case would be prepared for NICtS when a project plan had been received from BT.**

#### **08/109 Devolution of Justice**

109.1 The Chairman reported on his last meeting with the NIO and NICtS and said he had encouraged the NIO to draw on the experience and expertise of the Ministry of Justice in England & Wales in organising and structuring its justice functions for the post devolution environment.

#### **08/110 Family Care Centre Fees**

See 08/104 above.

#### **08/111 Report from Committee Chairs on Issues and Matters Requiring Decision within the next few weeks and Risks**

111.1 Access to Justice Committee Report – The Vice Chair of the Access to Justice Committee highlighted the following:

- Funding Code – The Business Manager had left and replacement procedure and options were being considered by the Working Group. A revised timetable paper would issue shortly. It was stressed that so much else was driven by the Funding Code that there was no choice but to push ahead quickly.
- VHCC – A consultation paper had issued from NICtS.
- Statutory Charge – The AJC had recommended expenditure for a single tender action for less than £1000 to consider postponement issues and for additional work to be carried out by Professor Tony Dignan at around £5500.

**ACTION: The Board approved the expenditure.**

- Resources – The Chairman said that as well as civil, it was equally important that resource planning in relation to service delivery was factored into the development of fee structures on the criminal side. There were resource implications in relation to Magistrate's Court Rules and high cost cases. NICtS reported that the Law Society had not accepted the proposals made in relation to the Magistrate's Court.

111.2 Audit Committee Report - The next meeting scheduled for 13 August 2008.

111.3 General Purposes Committee Report – The Chair of the Committee reported as follows:

- Transformation Programme – The Change Programme Board met before each Board meeting and would focus on the following:
  - A high level vision of where the organisation would be in 5 years time
  - A high level overview of where there had been slippage
  - Oversee culture change and deal with structure issues and new posts
  - The HR Strategy
  - The IS/IT Strategy

#### **08/112 Judicial Review Report**

112.1 The Board noted the paper.

#### **08/113 Communications**

113.1 Staff Conference – See 106.11 above.

#### **08/114 Any Other Business**

114.1 Authorisation for Funding in Freeing for Adoption Cases – The Board noted the paper reporting that the Lord Chancellor had authorised the waiving of the financial eligibility test in freeing for adoption cases.

114.2 Meetings with the Bar – The Chairman reported on his agreement with the Chair of the Bar Council that there should be regular more structured meetings, with fewer attendees.

114.3 Board Membership – The Chairman reported that the recruitment would follow the normal process through NICtS in the autumn for someone with a background and experience as a barrister.

**ACTION: The Board agreed to this proposal.**

114.4 Secretary to the Commission – The Chairman and the Board thanked Iona Milton-Jones for her work over the past year and wished her well in her new post.

#### **08/115 Board Diary - Meeting Dates 2008**

Change Management Board Meeting – Thursday 10 July 2008 at 8.30am  
General Purposes Committee Meeting – Monday 28 July 2008 at 10.00am  
Access to Justice Committee Meeting – Tuesday 05 August 2008 at 1.30pm  
Audit Committee Meeting – Wednesday 13 August 2008 at 2.00pm

#### **08/116 Date of Next Meeting – Thursday 14 August 2008 at 9.30am**

**The meeting ended at 12 noon.**

**SIGNED:** .....  
**CHAIRMAN**

**DATED:** .....