

Meeting of the Northern Ireland Legal Service Commission to be held on THURSDAY 14 AUGUST 2008 at 9.30AM, Board Room, Waterfront Plaza

MINUTES

Present: Jim Daniell (Chairman)
Les Allamby
Fiona Donnelly
Breidge Gadd
Miceal McCoy
Wilson Matthews
Ronnie Spence

NILSC:

Gerry Crossan	Chief Executive
Theresa Donaldson	Director Policy & Service Development
Drusilla Hawthorne	Principal Legal Adviser
Lesley Johnston	Director of Finance
Linda Norris	Interim Change Manager
Linda Carmichael	Corporate Governance & Communications Officer
Rose Jellie	Personal Secretary to Chairman and Chief Executive

In attendance: Paul Andrews, NICTS

08/117 Apologies & Declaration of Board Members Interests

Hilary McCartan

Joe Donnelly

The Chairman reported that he had taken on consultancy work for the Northern Ireland Prison Service.

08/118 MINUTES of the 10 July 2008 Board Meeting

Subject to amendment, the Minutes were agreed.

08/119 Action Point Report and matters arising from the Minutes of 10 July 2008

119.1 Landscape Review – NICTS reported that no further progress had been made. However, it was hoped that there would be something to report at the next Board meeting.

119.2 Pensions – Counsel’s preliminary advice had been received and further instructions had been prepared to go to Counsel for his final advice.

119.3 Civil Fees – A Business Case for Freeing for Adoption had gone to NICtS. NICtS confirmed that a further Business Case in relation to the authority for introducing fees under Girvan J’s judgment was necessary.

ACTION: The Board agreed generally that that where items on the Action Report appeared as agenda items, they could be removed from the report.

MATTERS FOR DECISION

08/120 ISO Corporate and Business Planning: Revised ISO Procedure and Programme for Corporate Plan 2008/10 – 2011/12 Business Plan 2009/10

120.1 The Chairman and Chief Executive introduced the paper which highlighted the Corporate Plan and Business Plan development. The Board was asked to adopt the draft procedure and the timetable for the development of the Business Plan 2008/09. Given the uncertainties over resources and devolution, the Board queried if the Commission was under an obligation to produce a corporate plan. There was also concern that a corporate plan might be seen as pre-empting possible decisions by new Ministers under a devolved regime. On the other hand, it was important for public accountability purposes to make clear the long term vision and strategy to which the Commission was currently working.

ACTION: The Board asked the Chief Executive to produce a benchmark paper for October that could be used as a Business Plan and the basis for the Corporate Plan.

It was agreed that there would be a formal meeting with NICtS with the Chairman, Chief Executive and Committee Chairs attending to discuss issues such as targets and to ensure the plan fitted with the requirements of the Lord Chancellor. The planning process would be kept under review at meetings between the Chair and Chief Executive and NICtS.

It was also agreed the Strategic Planning Group was no longer necessary.

08/121 Draft Workforce Plan as at August 2008 and Draft Business Case

121.1 The Interim Change Manager introduced the paper and explained the level of detail that had been used as the basis for the information provided.

It was reported that three major issues had not been addressed:

- File Closure
- VHCC

- Taxing Master Support

121.2 Senior Management – It was critical that the senior management team was in place and it was suggested that, in order to keep the momentum going, steps necessary to recruit were taken now up to the point of appointment. It was anticipated that Deloitte should have G7 JEGS'd within the next few weeks and the posts would be advertised in September.

121.5 Staffing Budget - The Chairman asked NICtS if the Commission was close to being informed of the agreed budget which would enable the Commission to plan the completion of the recruitment process. NICtS confirmed they did not need to approve posts that did not report to the Chief Executive but they had to agree the package associated with posts.

121.6 Taxing Master Support - The Board was gravely concerned at the expense for Taxing Master support and the VHCC and the impact on the organisation's capacity to deliver. NICtS explained that the VHCC unit would save money in the long run.

ACTION: It was agreed that the Commission could move ahead with G7 and DP posts in as far as the JEGS could be done with the anticipation of recruiting as soon as a budget had been agreed.

The letter from NICtS would be circulated to members.

It was agreed that, for the next Board meeting, the Chief Executive would meet with NICtS to deal with points raised in the letter and to discuss budgets.

The Commission agreed that it was essential that the budget was known by September 2008.

The Board approved the action of proceeding with new internal time bound posts being filled from merit lists and the backfill of such posts.

The Board expressed thanks to the HR Team and appreciated the extreme pressure they were working under.

08/122Draft Counter Fraud Strategy

122.1 The Director of Finance introduced the paper and reported that Internal Auditors had agreed to quality assure the exercise. This was the first early draft of the new document. A number of additional points were suggested for inclusion:

- an analysis of the nature of the threat
- co-operation with the professional bodies to address the issue
- role of periodic checks of practitioners
- making the policy on probity and counter-fraud known to the profession

ACTION: The Board agreed that an amended document should go before the September GPC and include the amendments suggested in the above paragraph.

MATTERS FOR INFORMATION

08/123 Financial Performance – Summary Report

- 123.1 2003/04 Accounts – It was reported that these had been submitted but had not laid due to the summer recess. 2004/05 may be ready to be laid at the same time, ie, October.
- 123.2 Annual Report – This was being taken forward by the Chief Executive following discussion with the NIAO. A change had been made to the underlying guidance and more detail would be required.
- 123.3 Meeting with Treasury - NICtS reported on a high level meeting with Ministry of Justice and Treasury at the end of June. There would be a further meeting on 15 August 2008.
- 123.4 Provisions - The Chairman reported on the first of two in-house seminars on provisions.

08/124 Chief Executive Report

- 124.1 Disclosure of Payments to the Profession – This was awaiting a response from the Police through NICtS.
- 124.2 Complaints Policy – Staff training on the policy would be raised at the GPC and a paper would be prepared for the next Board meeting.
- 124.3 Parliamentary Ombudsman – Complaint – The Chief Executive explained the background to the Complaint which had been through the Commission and proceeded to the Ombudsman. This was being addressed.
- 124.4 Certification/Laying of Annual Accounts – See 08/123 above.
- 124.5 Project Management Arrangements – It was reported this was close to finalisation.
- 124.6 Upgrade to Oracle – It was reported that an upgrade may not necessary in order to implement the changes to Phoenix under the AJO, although there were a wider range of business issues which did have to be considered. HELM were taking a closer look at the upgrade and what was required. Assurance from NICtS was being sought that procurement rules were being followed. The Chief Executive would review the situation with NICtS.
- 124.7 Development of IS/IT Strategy 2008/09 – 2013/14 – See 124.6 above.
- 124.8 Family Care Centre Fees – The Chairman reported that negotiations with the Bar were continuing.

124.8 Recognition as Training Organisation by Northern Ireland Law Society – It was reported that this issue had first been raised in 2007. The Commission was liaising with the Law Society in taking this forward.

124.9 NILSC/NICtS Joint Risk Management – The first joint risk management meeting had taken place and shared risks had been recognised.

124.10 Communications Programme to September 2008 – Ongoing

08/125 Devolution of Justice

The Chairman confirmed there was nothing further to report. It was anticipated a further meeting would take place with the Department of Justice in September 2008.

08/126 Business Plan 2008/09 – Performance against Targets – 1 April 2008 to 30 June 2008

126.1 The Acting Director of Operations introduced the paper and explained that this information would come through the AJC and commentary would be added before the paper was brought back to the Board.

08/127 Report from Committee Chairs on Issues and Matters requiring Decision within the next few weeks and Risks

127.1 Access to Justice Committee – The Chair of the Committee introduced the tabled report which highlighted the issues discussed at the meeting which was held on 5 August 2008.

127.2 Audit Committee – The Chair of the Committee introduced the tabled report from the meeting that was held on 13 August 2008. The draft annual assurance had been limited and the AJC had asked the Chief Executive to develop a process for Internal Audit reports.

Commissioners Remuneration – The Committee has discussed the report in relation to this and were concerned that limited assurance had been given because Internal Audit had not been aware of the history of this issue. The Chief Executive reported that, from a process point of view, he disagreed with the conclusions of the report.

127.3 General Purposes Committee – The Chair of the Committee gave a verbal report on the meeting which was held on 28 July 2008. The Committee agreed that follow up audit reports should be considered by the TMT and highlighted issues brought back to the appropriate Committee.

127.4 Change Management Programme – It was reported that the Change Management Group met for an hour before each Board meeting to discuss the culture change process. Tenders had been awarded to Pacific Institute, HELM and Deloitte to take forward:

- Culture Change Survey
- IT Strategy

- HR Strategy
- Job descriptions and JEGS.

08/128 Judicial Review Report

The Board noted the content of the paper.

08/129 Any Other Business

129.1 The Legal Aid in Criminal Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2008 – the Board noted the paper.

129.2 Reform on the Law of Murder, Manslaughter and Infanticide – the Board noted the paper.

08/130 Board Diary

- General Purposes Committee – 10.00am Wednesday 27 August 2008
- Access to Justice Committee – 1.30pm Tuesday 02 September 2008
- Audit Committee Risk Management – 2.00pm Monday 08 September 2008

08/131 Date of Next Meeting – Thursday 11 September 2008 at 9.30am

Meeting ended 1.50pm

SIGNED:
CHAIRMAN

DATED: