

**NORTHERN IRELAND LEGAL SERVICES COMMISSION
BOARD MEETING – THURSDAY 15 JUNE 2006 AT 9.15AM
BOARD ROOM, WATERFRONT PLAZA**

MINUTES

Present: Sir Anthony Holland Chairman
Les Allamby
Maeve Bell
Breidge Gadd
Jennifer Greenfield
Jeremy Harbison
Frank Hewitt
Miceal McCoy
Ronnie Spence

NILSC: Gerry Crossan Chief Executive
Theresa Donaldson Director of Policy & Service Development
Ian Hearst Director of Service Delivery
Rose Jellie Personal Secretary to Chairman & Chief Executive
Sheila McPhillips Secretary to the Commission

In attendance: Linda Devlin NICtS Observer

OPEN SESSION

06/77 Apologies

Peter Osborne Geoff Brooks (NILSC)

06/78 Minutes of the May Board Meeting

The Minutes were agreed.

06/79 Matters arising from the Minutes of 4 May 2006

- 79.1 Evaluation of Senior Posts – The Chair of the Audit Committee, as a member of the Remuneration Committee involved with the evaluation of certain senior posts, reported that staff reserved the right to request a re-evaluation of their posts. NICtS had requested a Business Case for Treasury in relation to performance related pay for the Top Management Team and NICTS had offered to assist with preparing the Business Case, which he would be taking forward. The Chairman reported that he was still awaiting feedback from the Director, NICTS in relation to the Chief Executive's salary.
- 79.2 International Legal Need Conference – The Joint Consultative Committee would be hosted by the Commission on 22/23 October 2006.

79.3 Money Damages – Big Tent Event – The Chair of the Reform Committee reported that this had been a very successful event and there had been positive engagement with key stakeholders. A subsequent meeting had taken place at which Professor John Peysner and Colin Stutt had attended to discuss the way ahead and the Board's endorsement was sought in relation to the following:

- the need to commission an Economic and Financial Appraisal which would feed into the development of a financial strategy to support the Targeting Social Need. The aim would be to develop the specification as soon as possible and invite proposals during the summer;
- the notes from the Big Tent Event would be sent out to all participants. There was a need to maintain the interactions and it was intended to meet and report back to all participants in September;
- it had been the intention that there would be a draft consultation paper with the Board in September. However, it was felt this was too early and the money damages consultation should be delayed, but the Commission should move ahead with the full Funding Code consultation in July. NICtS had indicated general agreement to the way ahead.
- it was suggested that all current performance information should be made available on the Commission's web site and given to participants.

ACTION: 1. The Board approved the commissioning of an Economic and Financial Appraisal on money damages options and endorsed the remaining recommendations.

06/80 Declaration of Board Members Interests and Forthcoming Engagements

- The Chairman reported that he had met with Judge Burgess on 14 June 2006 and he would be meeting with the Bar on the 28 June 2006.
- The Chairman updated the Board on the Quarterly Liaison Meeting with the Law Society which had taken place on 14 June 2006.

06/81 Chairman's Report

81.1 Business Plan 2006/07 – The Plan had been laid before House of Commons on 25 May 2006 and had been published.

81.2 Risk of delay in responses from stakeholders to consultations: The Secretary reported that Law Society was experiencing difficulties at present with normal business due to on-going preparations for relocation to new premises. There were also delays in the Law Society's responding to NILSC Consultation Documents. There was the risk that this delay may effect the outcomes of the Delivery Plan. The Law Society had been advised that the

Commission had no room for manoeuvre on the Delivery Plan target dates. While the Commission is not in a position to extend deadlines for receipt of responses to consultations, the Commission will make every effort to take on board any comments that come in while preparations are being made for further consultations and communications and for the implementation of the revised arrangements.

06/82 Delivering Value for Money in Access to Justice

82.1 The Chief Executive explained the background to the document in that it was not a consultation document as it was giving effect to statutory responsibility. The Chairman thanked the Chief Executive for the hard work that was put in to producing the document. The Board approved the paper subject to minor changes.

- ACTION:**
- 1. The Chief Executive to prepare the final document which will issue as an LSC Circular to all service providers.**
 - 2. The Chairman to prepare an Article for the Writ on the Value for Money paper.**

06/83 Corporate Plan 2007/08

The Chief Executive introduced the paper and asked the Board to adopt the Project Plan. The Corporate Plan and Corporate Risk Register would be on the agenda items for the Board Meeting on 6 July 2006. The Board provided further issues to be included in the Horizon Scan. The Board adopted the Corporate Plan 2007/08-2009/10 project plan.

- ACTION:**
- 1. Chief Executive to update Horizon Scanning document and issue as part of Corporate Planning process.**
 - 2. Chief Executive to monitor and report on progress against the Project Plan.**

06/84 Delegated Authority for Civil Legal Aid

84.1 Draft ISO CS/OP/000/V1 Recruitment and Selection of External Lawyers - The Board were asked to approve the proposed ISO Procedures for the recruitment and selection of external lawyers. Following clarification on a number of points the Board approved the proposals which would be presented in the form of a Business Case at the next Board Meeting.

- ACTION:**
- 1. Chief Executive to prepare Business Case on the implementation of Delegated Authority for Civil Legal Aid to the July 2006 Board Meeting.**
 - 2. The composition of the Interview Panel to be agreed and Equality Interview Training to be arranged in advance of the interviews for any panel member who has not been trained in the past 3 years.**

3. Interviews to take place in mid September 2006.

06/85 Chief Executive's Report

85.1 Performance against Business Plan 2006/07 and the Development of the Delivery Plan – The Chief Executive thanked the NICTS for the assistance with the reporting format and explained that reporting at this level would be on an exceptional basis. The Board approved the format of the Chief Executives Reports on the Business Plan and Delivery Plan. The Board asked the Chief Executive to ensure that

(a) one report was produced in future which incorporated the Corporate Plan, the Business Plan and the Delivery Plan; and,

(b) future reports included appropriate reference to the potential and actual risks to the achievement of the objectives in all of the Plans.

85.2 Debt Recovery Project: The NICTS Observer confirmed that a Business Case had not been received by NICTS.

- ACTION:**
1. **The Chief Executive to clarify the position on the Business Case on the Debt Recovery Project.**
 2. **Chief Executive to ensure that reports make appropriate reference to potential and actual risks.**

06/86 Audit Committee

86.1 The Chair of the Audit Committee reported on the Audit Meeting held on 22 May 2006.

- A Corporate Governance Workshop with ASM Howarth took place on 14 June 2006 and a follow-up meeting would take place on 6 July 2006
- The Audit Plan 2006/07 was considered and Internal Audit had been asked to review the number of contingency days and report back.
- Three internal audit reports were considered by the Committee. Internal Audit had provided reasonable assurance on these reports. It was important to note that these three reports all focused on areas of the business which had not been audited before. Staff had performed magnificently, against the requirement to reform.

The Board expressed its gratitude to the TMT.

06/87 General Purposes Committee

87.1 The Chair of the General Purposes Committee reported on the meetings held on 18 May and 14 June 2006.

Finance Agenda

- R v Donaldson, Burke and Others – The General Purposes Committee had been advised of the Burke case and the potential cost to the Legal Aid Fund. The Chair asked the Board to consider carefully the need to foster a working relationship between the Commission and the Assets Recovery Agency.
- Ensuring Quality Decision Making – The Committee considered the draft paper and made recommendations to Chief Executive on refining the document.

Human Resource

- Staff Attendance – The Chair reported that staff attendance was showing signs of improvement and it was clear that the whole management of attendance to include the referral to the Occupational Health Provider was all starting to take affect.
- Human Resource Framework Document – The Committee felt that the draft document was still only the foundation to the HR Framework. The Committee stressed the importance of having the Framework in place before the autumn.
- Support for the Secretary to the Commission/Chief Executive's Office – The Chair reported that the Committee had taken the decision to support the external communications of the Commission with the assistance of a Public Relations Officer 1-2 days per week, and in light of this decision the role of the Communications Officer post (Staff Officer grade) had changed to Corporate Governance Officer (Staff Officer grade).

- ACTION:**
1. **Tenders to issue for the Public Relations Officer**
 2. **NICtS to be asked to JEGS the Corporate Governance Officer Post.**
 3. **Chair of General Purposes Committee and Vice Chairman to sit on the Tender Panel.**
 4. **Chair of General Purposes Committee to chair the Recruitment and Selection Panel for the post of Corporate Governance Officer, CEO Office.**

- NILSC Complaints Procedure - The Chair of the Committee thanked Breidge Gadd and Maeve Bell for their personal contribution to the revised Complaints Procedure. He explained that the views of other members of the Complaints Working Group had also been considered.

- ACTION:**
1. **The Final Draft for Approval to go to the Board Meeting on 6 July 2006**

06/88 Reform Committee

- 88.1 The Chair of the Reform Committee reported on the Reform Committee held on 30 May 2006 and said that members were concerned at the lack of response to date from the Law Society and the Bar on different aspects of the Plan, and the consequences this could have on delivery. The Delivery Plan,

although generally moving ahead, could also suffer as a result of delays in the recruitment of staff identified to take forward work on the reform side.

ACTION: 1. The Chairman to write to the President of the Law Society if a response was not forthcoming by Friday 16 June 2006

- 88.2 Funding Code - A meeting of the Funding Code Working Group, chaired by Les Allamby had taken place to consider the criteria for the Funding Code. Drafting of the guidance had begun for Judicial Reviews and Special Children Order Proceedings.
- 88.3 Exposure Document - Funding Code - Copies of the responses received to date on the Funding Code exposure document had been circulated to Board members. The Chair of the Reform Committee explained that the responses would be considered and a final draft consultation paper would be put to the Board Meeting on 6 July 2006.
- 88.4 Meeting with the Bar - The Board noted that representatives from the Commission had met with members of the Bar on Monday 12 June 2006.
- 88.5 Tender for Equality Scheme and Equality Impact Assessment - The Chair reported that a Panel had considered the tenders for the provision of services to the Commission to develop its equality work and a preferred supplier had been selected.

06/89 Service Delivery Committee

- 89.1 High Cost Criminal Case - The Chair of the Service Delivery Committee reported that it had also been advised of R v Donaldson, Burke and Others. He stressed that it was paramount that systems were put in place in conjunction with NICtS to ensure identification of any high costs cases which could still be a liability on the Fund under the Criminal Proceeding Costs Rules 1992.

In relation to this high cost case, the NICtS Observer indicated that this would put NICtS in difficulty. The Commission's budget had increased from the £53M allocated by 10% to cover the £8.5M potential cost of this case (currently with the Taxing Master). This was an old case under the 1992 Rules and there would have to be a mechanism to identify any such cases still outstanding under the 1992 Rules. She understood from the Commission's monthly reporting that there were approximately 1000 certificates still outstanding under these Rules. Horizon Scan on such cases would allow NICtS the flexibility to review the Commission's forecast and expenditure against the fund.

The Director of Service Delivery said that the Commission was in a difficult position as the Commission was only aware of the value of the claims when they were submitted for payment. The NICtS Observer said that NICtS were trying to see if the Courts could assist with identifying any such cases under the old Rules.

- 89.2 Performance against Targets - The Board noted the performance against targets against all areas of Service Delivery.

06/90 Finance Report

90.1 The Board noted the financial position on the Fund and Grant-in-Aid as outlined in the reports available to the Committee.

06/91 Service Delivery Reports

91.1 The Board noted the content of the Reports.

06/92 Legal Risk

92.1 Judicial Reviews against the Commission – The Board noted the update report on current Judicial Reviews against the Commission

06/93 Freedom of Information Requests

93.1 The Board noted the advice to the Commission on the release of fee earners names against payments for work done in legally aided cases as required under Freedom of Information Act.

- ACTION:**
1. **The Law Society and the Bar to be formally notified of the advice.**
 2. **The Commission to write to the Northern Ireland Office**
 3. **The Chief Executive and Secretary to the Commission to consider the issue of a Press Release.**

06/94 Staff Briefing

93.2 The Board noted the question and answers from the last Commission Staff Briefing.

06/95 Any Other Business

95.1 The NICtS Observer put the following issues to the Board:

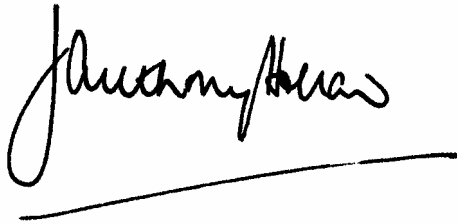
- There was a proposal that the Commission and the NICtS should be brought statutorily within the remit of the Criminal Justice Inspectorate, which the NICtS supported. The NICtS had worked informally with the CJI to date in advance of statutory obligation and asked the Commission to do the same.
- The NICtS Observer tabled a letter from PWC which suggested a workshop for Commissioners. The purpose of the proposed workshop was to clarify the role of Board Members in relation to financial management. The workshop would substitute for the questionnaire which the Commissioners had been asked to complete. The Board asked for clarification on whether or not the workshop had anything to do with the draft Report prepared by PWC.
- The NICtS Observer said the draft PWC Report would be re-cast as PWC had not received a great amount of factual information in relation to the

Appendices. The Director of Service Delivery said as far as the Commission was concerned the PWC report was a draft and that the LSC had been assured that the report was withdrawn. The Director of Service Delivery said he had trawled 62 pages of the document which was full of inaccuracies and that these had been highlighted to PWC

- The NICtS Observer said the Financial Management Review was a requirement of Treasury. The purpose was to identify a way forward to help the organisation to grow in terms of financial management. NICtS would help to strengthen the Commission to make the organisation more effective.

95.2 The Chairman expressed serious concern at the number of bodies being asked to crawl over the Commission. Currently there was PWC and now there was to be Criminal Justice Inspectorate. How the staff were meant to cope was beyond him. It would inevitably delay progress and that should be clearly minuted for future reference. The Chair of the Audit Committee also expressed concern at the burden of audit and inspection processes on the Commission and agreed with the Chairman's comments.

Meeting ended 1.00pm



SIGNED:
CHAIRMAN