

**NORTHERN IRELAND LEGAL SERVICES COMMISSION  
LSC BOARD MEETING – THURSDAY 06 SEPTEMBER 2007 AT  
9.30AM, THE EDGE**

## **MINUTES**

**Present:** Ronnie Spence            Interim Chairman  
Les Allamby  
Fiona Donnelly  
Breidge Gadd  
Jeremy Harbison  
Wilson Matthews  
Hilary McCartan  
Miceal McCoy

**NILSC:** Gerry Crossan            Chief Executive  
Drusilla Hawthorne    Principal Legal Adviser  
Theresa Donaldson    Director of Policy & Service Development  
Iona Milton-Jones    Secretary to the Commission  
Linda Carmichael    Corporate Governance & Communications  
   Officer  
Elaine Stewart Chief    Executive's Office

**In attendance:**                    Paul Andrews NICtS

**07/125            Apologies & Declaration of Board Members Interests**

125.1            Apologies            Joe Donnelly  
   Brian Fee

125.2            Declaration of Board Members Interests - None were declared.

**07/126            MINUTES of the 23 August 2007 Board Meeting**

Subject to minor amendments, the MINUTES were agreed as a new shortened version.

The Interim Chairman reported that The Edge had agreed to provide up to seven car parking spaces on pre-arranged dates twice per month. Lunchtime sandwiches for these meetings would be ordered from The Edge.

**07/127            Matters Arising from the MINUTES of 23 August 2007**

127.1            Freedom of Information Requests - The Board expressed concern that the recent Freedom of Information requests regarding payments to solicitors and barristers had not been fulfilled. The last response from

the PSNI had indicated that they had conducted an updated threat risk analysis and could report that they were not in possession of any current intelligence which would indicate a threat to any firm of solicitors or individual barristers who had received payment from the legal aid fund. It was clarified that the Law Society had written a further letter enclosing correspondence from one of their members regarding a specific issue which the LSNI felt had not yet been addressed by the PSNI. The LSNI wanted this to be resolved before their concerns about information being released would be alleviated. The NICtS confirmed that a further meeting would take place between NICtS and a PSNI representative.

The Board expressed concern that the credibility of the Commission was under scrutiny while the FOI requests remained outstanding. The Commission was awaiting advice from NICtS regarding obtaining ministerial support for the release of the information. The NICtS representative confirmed that the Minister would want to be satisfied and consider fully that any issue raised with him was resolved. It was reported that the position of the Bar Council was similar to that of the Law Society and that this would also be raised by NICtS.

The Board re-confirmed that the Commission was fully committed to the release of the information and would be seeking to rely on the assurance provided by the PSNI with the benefit of additional support from the relevant minister.

127.2 Counter Fraud Report

**ACTION: The Board requested that the Counter Fraud Audit Report should be replied to as soon as possible.**

127.3 Pay/Pensions – It was reported that a small working group had been formed and that TOR for the group had been drawn up. It was hoped that these issues could be resolved by November 2007. However if Treasury approval was required, it could be significantly longer. Consultations had already taken place with Management and NIPSA and ASM Horwath had been asked to provide an estimate of costs for the next Board Meeting. The Board emphasised the importance of this as matters had been ongoing since August 2003. The Interim Chairman commented on the importance of establishing the affordability of the proposed pay deal by the Commission. NICtS had identified the problem of rectifying the NILGOSC issue. The Chief Executive reported that NIPSA had been informed that both a 1 year and a 3 year pay settlement were currently being considered. Further discussions were to be held with NIPSA. The Pay remit would be approved by NICtS. In the meantime, it was agreed that until the resolution of both issues, an interim payment of 2% of annual salaries should be offered to staff, subject to formal approval by NICtS.

LSC 06/06 transitional arrangements were discussed. The additional workload on staff was noted. It was agreed a high level overview of the current situation would be available for the Board on 20 September 2007.

## Presentation by Weber Shandwick

A presentation was given detailing the Road Shows to the Profession which are to commence in October 2007. The need to engage with the Profession was emphasised. The concept of the Road Shows was approved by the Board and it was agreed a briefing paper and information sessions would be made available to Commissioners prior to the commencement of these events.

The revised Communications Strategy was made available to the Board and was approved.

### 07/128 Chairman's Business

128.1 Chairman - It was reported that interviews for the new Chairman of the Commission had taken place. The Minister may wish to meet with some candidates and it was hoped that an appointment would be made by the end of the month.

128.2 Top Structure – Proposals had been made to NICtS in respect of the structure at Director and grade 7 levels. The Board commented the need to take into account both the needs of service delivery and the Reform Agenda. Input from the new Chairman would also be essential.

128.3 Risk Management - There was an open invitation to all Board Members to attend the next meeting of the Audit Committee. Training Courses would be arranged for staff and Commissioners.

### 07/129 Service Delivery Issues

129.1 Financial Position - The Commission's financial position was discussed in detail. The Chief Executive reported that monthly payments to the Profession stood at £5M and 2007/08 expenditure was being closely monitored. The Board sought clarity on the policy on the internal transfers of staff within the Commission. It was clarified that staff moved around the organisation for many reasons mainly due to internal promotions. The Board felt that, subject to meeting business needs, internal transfers of this kind were beneficial for staff development within the Commission.

**ACTION: A request was made that the Board should be provided with a broad list of types of queries being dealt with by staff in service delivery**

129.2 2005 Rules – The Director of Policy & Service Development reported that staff shortages within the Criminal Section would have an effect, on service delivery on this issue as would the ongoing issue of staff employed on a 51 week contract basis.

The detail contained within the management information reports was discussed. It was suggested that some of the detail may not be necessary for the Board.

**ACTION: A review to be done at a later stage to establish the best way to present the statistical information to the Board.**

129.3 Life Sentence Review Hearings - The Director of Policy & Service Development reported that a paper would go to the meeting of the Civil Fees Working Group on the 17 September 2007. It was suggested that this issue could be considered further at another forum as the current version was for information only. No agreement had yet been reached with the Bar Library.

**ACTION: The Board to circulate comments to the Director of Policy & Service Development**

129.4 Civil Fees Working Group – The Director of Policy & Service Development reported that a great deal of work had already taken place with the Law Society and the Bar Library although there was no agreement in regard to the figures suggested in the Advance Draft Circular. The Bar Library would probably contact both NICtS and the Minister. It was a concern as this would have a direct impact on the Legal Aid Fund. NICtS commented on the need to complete consultation in order to move this issue forward and ensure an appropriate fee was set. The Chief Executive confirmed the importance of the matter as this would be the first fee the Commission would be setting and it would be subjected to close scrutiny. The Board felt a robust process needed to be put in place to respond to any legal challenges. NICtS also commented on a time limited consultation period.

129.5 Funding Code - It was reported that there was a proposal to carry out a twelve month trial with LSC E&W in which some cases would be forwarded to the Commission in England & Wales by using the Public Interest Advisory Panel for advice and consultation. The Working Group proposed that training should be put in place for the Profession following on from the road shows as part of the ongoing communications strategy, and the Board agreed.

129.6 Statutory Charge – A further meeting had been scheduled. It was reported that this needed to be linked to financial eligibility and therefore it might not be appropriate to issue now an article to the profession via the Writ. It was further reported that there were no staff resources to progress this. A vacancy had been advertised internally. It was reported that an EQIA needed to be done as a matter of urgency. The Board felt this issue should be prioritised.

129.7 Financial Eligibility – The Draft Consultation Paper would come to the next Board meeting.

129.8 Registration Scheme – There had been no changes since the last Board Meeting.

**07/131 Chief Executive's Business**

The Chief Executive reported that there had been a series of meetings with Price Waterhouse Coopers, the Commission and NICtS to finalise the in year legal aid budget and agreed framework of assumptions.

**07/132 Audit Committee**

It was reported that the final Accounts for 2005/06 had been sent to NICtS. 2006/07 would be completed by the end of October 2007 and would be presented to the Board meeting in November 2007.

**07/133 Freedom of Information**

No new Freedom of Information Requests had been received.

**07/134 Complaints**

134.1 It was reported that two new complaints had been received since the date of the last Board meeting. The Board felt there was still some confusion among staff as to what constituted a complaint and agreed further training should be arranged.

**ACTION: Update to be provided to Board in 3 months including details of staff training.**

**07/137 Section 75**

The Board agreed further training for staff should continue and the contract for the Training Provider should be extended.

**07/138 Board Diary**

- Dates for Board Meetings 2007:
- Tuesday 02 October 2007
- Thursday 25 October 2007

**07/139 Date of Next Meeting – Thursday 20 September 2007**

The meeting concluded at 2.30pm.

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

**DATED:** .....

