

**Standard Policy for:**

**Title: Northern Ireland Funding Code – Policy on Risk Management**

**Document Reference: ChCEO/POL/0001/02**

<b>Date</b>	<b>Prepared by</b>	<b>Approved by</b>	<b>Comments</b>
24 June 05	Chief Executive	Commission	Amended from non-ISO 9001 version approved on 18 February 2005

## **CONTENTS**

	<b>Page</b>
1 Introduction	<b>3</b>
2 Statement of Responsibilities	<b>4</b>
3 Northern Ireland Funding Code Risk – Policy on Risk Management	<b>6</b>

## **1. Introduction**

### **1.1 Scope**

This procedure is intended to apply to the development of

(a) procedures in support of the implementation of the Access to Justice (NI) Order 2003, including the development and implementation of the NI Funding Code;

(b) the Corporate and Operational Plans of the Commission.

### **1.2 Purpose**

1.2.1 The purpose of this policy is to ensure that the Commission has an appropriate framework for considering the research, policy development and service development issues which will implement the NI Funding Code and the operational environment which will support the development and implementation of the NI Funding Code.

1.2.2 This policy

(a) sets out the basis of the legislative framework which the Commission will use to develop the Northern Ireland Funding Code and the remuneration associated with services provided under this Code;

(b) the characteristics of the service delivery environment that the Commission aims to have in place to meet the requirements of this legislative framework;

(c) the key risk and quality issues that the Commission will address to achieve this service delivery environment;

(d) the role of this policy in informing operational decision-making, and the development of the Commission's Corporate and Business Plans.

1.2.3 The Commission will use this policy to determine

(a) the objectives and performance measures it will set in the Corporate and Business Plans across all its business, including the development of the NI Funding Code;

(b) the communications and stakeholder strategy;

(c) the financial management strategy.

### **1.3 Relationship to other policies, frameworks and procedures**

1.3.1 Management Statement and Financial Memorandum: The Management Statement sets out the delegated authorities within which the Commission may operate.

### **1.4 Definitions and Abbreviations**

1.4.1 The definitions and abbreviations used in this operating procedure are set out below:

**The Commission:** The Board of the Northern Ireland Legal Services Commission;

**NILSC** – the management and staff of the Northern Ireland Legal Services Commission;

### **1.5 Related Documents**

1.5.1 The following documents are referred to in this operating procedure:

- Access to Justice (NI) Order 2003
- Corporate and Business Plans
- NILSC Management Statement and Financial Memorandum

## **2 Statement of Responsibilities**

### **2.1 Introduction**

2.1.1 This section sets out the responsibilities that the Commission, the Chairman and the Chief Executive have in relation to the development and implementation of this policy.

### **2.2 The responsibilities of the Commission**

2.2.1 The Commission will consider and approve changes to this policy in the light of the Commission's progress in achieving the objectives set out in the Corporate and Operational Plans and changes in the operating environment of the Commission.

### **2.3. The responsibilities of the Chief Executive**

2.3.1 The Chief Executive will ensure that

- (a) this policy is reviewed to ensure that it supports the development and implementation of the Northern Ireland Funding Code under the Access to Justice (NI) 2003;

- (b) this policy underpins the development of the Commission's draft Corporate and Business Plans.

### **3 Northern Ireland Funding Code – Policy on Risk Management**

#### **3.1 Legislative Framework for the development of the Northern Ireland Funding Code**

3.1.1 Article 15 of the Access to Justice (NI) Order 2003 (AJO(NI) , when commenced, will give the Commission the statutory power to develop the NI Funding Code.

3.1.2 Article 15(6) of the AJO(NI) states that

“Before preparing the code the Commission shall undertake such consultation as appears to it to be appropriate; and before revising the code the Commission shall undertake such consultation as appears to be appropriate unless it considers that it is desirable for the revised version to come into force without delay.”

#### **3.2 The statutory criteria on setting fees**

3.2.1 Article 7 (6) of the AJO obliges the Commission to have regard to

- (a) the time and skill which the provision of services of the description to which the question relates requires;
- (b) the number and general level of competence of persons providing these services;
- (c) the cost to public funds of the remuneration of persons or bodies providing those services; and,
- (d) the need to secure value for money.

#### **3.3 The service delivery objectives**

3.3.1 In order to meet the legislative requirements of the AJO 2003, the Commission aims to establish a service delivery environment characterised by

- (a) services which effectively target social need and promote social inclusion in the provision of access to justice through targeting based on evidence-based research;
- (b) a planned mixed economy in service provision (able to support partnerships with (and including) private, public and voluntary suppliers of services;

- (c) a shift to early intervention to reduce justiciable disputes and minimise the profile of social exclusion characterised by progressive engagement in the legal process
- (d) an holistic and in-depth understanding of advice, legal and judicial processes in Northern Ireland based on effective partnerships and communications with partners in the public, private and voluntary sector, and a structured evidence-based methodology to underpin this understanding;
- (e) fixed-fees for the provision of solicitors and counsel services linked to ensuring quality of services provided;
- (f) a structured programme of review of fixed-fees at all times within Spending Review criteria set by the Northern Ireland Court Service;
- (g) a regulation regime based on compliance with quality, value-for-money, regularity and propriety standards set by the Commission;
- (h) keeping to a minimum the cost of doing business with the Commission;
- (i) Criteria for financial eligibility which are simple and easy to determine and which target legal aid on those who most need it.

### **3.4. Managing the risk and quality issues**

3.4.1 The key quality issues that the Commission will need to manage to achieve a service delivery environment which will meet the legislative requirements are

- (a) a robust case management and financial management system which can provide timely and high-quality management information to support service delivery, service development, reform, accountability and communications;
- (b) a robust and timely research programme which will underpin service development and reform;
- (c) developing and maintaining positive working relationships with current and future providers of legal services to enable the Commission to achieve the understanding and capability to set fixed fees, as described at 3.3.1 above;
- (d) as part of the positive working relationships, a clear framework of quality management, regulation and compliance to underpin the Commission's relationship with all suppliers.

**END**