



NORTHERN IRELAND  
Legal Services  
Commission

Corporate Plan 2004-2007

The Commission will promote fair and equal access to justice in Northern Ireland in its provision of publicly-funded legal services



## **Our Mission and Aim**

The Commission will promote fair and equal access to justice in Northern Ireland in its provision of publicly-funded legal services.

Our aim is to provide high quality, customer focussed services that target those in greatest need and demonstrate value for money.

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## Chairman's Foreword

The Commission is responsible for the improvement and reform of publicly funded legal services in Northern Ireland and I, and my fellow Commissioners, take this responsibility seriously.



I present to you the Northern Ireland Legal Services Commission Corporate Plan 2004/05 - 2006/07 and Business Plan 2004/05. This has been produced after taking into account the replies to the consultation process that the Board had put in hand under my predecessor. We are grateful for those replies.

The Northern Ireland Legal Services Commission is established under the Access to Justice (NI) Order 2003. In my view, access to justice means access for the general public. This is the primary purpose of legal aid within the justice system. We, and the legal profession, and all the other bodies in the voluntary sector who provide legal advice and assistance, are servants to this objective. The legal profession provides a means of delivering access to justice. We and the legal profession must be open to delivering access to justice in many different ways.

In Northern Ireland we have some unique advantages denied to the rest of the United Kingdom. First, we have the benefit of our size. Secondly, there is in place a network of small firms of solicitors enabling there to be a large number of delivery points. We must not destroy that, particularly in the rural areas. Thirdly, we can learn from others what not to do. Fourthly, we can develop from the best of a multiplicity of ideas and systems for delivering legal help for those who are in most need.

The Commission is responsible for the improvement and reform of publicly-funded legal services in Northern Ireland and I, and my fellow Commissioners, take this responsibility seriously.

We recognise that, first, we must robustly address the various financial and decision-making backlogs that have been present for some time and seem to have been a recurring feature of the past. These backlogs are a significant weight on the justice system, legal firms and the staff of the Commission. However, we have set ourselves the task of systematically addressing the root causes of these backlogs. The Commission's Corporate and Business Plans outline how we intend to do this.

I endorse the way forward that Sir Kenneth Bloomfield, my predecessor as chairman set out in the draft Corporate Plan. I wish Sir Kenneth well in his retirement. I am confident that the Corporate Plan fully reflects the aspirations, that he and the Commission and I share, for the future of publicly-funded legal services in Northern Ireland.

I intend to work with my fellow Commission members, management and staff, the legal profession and the Northern Ireland Court Service, in delivering a much more accessible, efficient and cost-effective service to our customer, the public. I hope and believe that Northern Ireland will in the future be an example to others of how problems that appear insoluble elsewhere can be resolved in our kind of community.

I hope and believe that Northern Ireland will, in the future, be a place that those concerned about the future of legal aid will beat a path here to see how problems that appear insoluble elsewhere can be resolved in our kind of community.

**Sir Anthony Holland**  
Chairman

## Chief Executive's Introduction

We are committed to developing an ongoing and constructive dialogue with all the people and organisations that have a responsibility for or an interest in access to justice in Northern Ireland.



Gerry Crossan  
Chief Executive

This is the first Corporate Plan and the first annual business plan of the Northern Ireland Legal Services Commission. The Corporate Plan sets out how the Commission will implement the requirements of the Access to Justice (NI) Order 2003 and meet the challenges that Sir Anthony Holland has referred to in his foreword. The Corporate Plan is available on the Commission's website at [www.nilsc.org.uk](http://www.nilsc.org.uk)

**Improving our current services**  
An early and urgent task for the new Commission is to examine how we currently process applications for legal aid and make decisions on these applications. We will introduce more effective and efficient processing of applications. There will be benefits for people who use legal services, the people who provide legal services and for us in the LSC in doing this.

### Management framework

Alongside this focus on improving our processing systems, we are also developing a management framework built around a shared understanding of quality, risk, resources and communication management between the Commission and all its stakeholders.

### Communications

We are committed to developing a constructive dialogue with all of the people and organisations that have responsibility for, or an interest in, access to justice in Northern Ireland. We think that this will be important to helping us deliver our current services. We will also be explicit in how we develop proposals for the reform of publicly-funded legal services in Northern Ireland.

### Managing accountability and performance

We will change our existing management information to make

sure it tells us what we need to know about our business. We will develop a comprehensive accountability and performance management framework which supports all aspects of the Commission's business.

#### **Delivering quality services**

We are determined to become an excellent public service organisation. We aim to benchmark all aspects of our business against recognised quality standards and to develop a culture of continuous improvement. We will continually develop our people and processes with a view to reaching the highest levels of both customer and staff satisfaction. This approach will be a keystone as the Commission develops proposals for the reform of publicly-funded legal services in Northern Ireland.

#### **Targeting social need**

The Commission is tasked with ensuring that, within the resources

made available to it, people in Northern Ireland will have access to civil legal services that meet their needs and that, where they are involved in criminal investigations, they have access to criminal defence services. This is our contribution to making the justice system in Northern Ireland fair, accessible and affordable for all, and to combating social exclusion.

I place a very high value on the importance of listening to our stakeholders and using what we hear to improve our services. This Corporate Plan is the first step in what I hope will be a constructive and participative dialogue about the future of publicly-funded legal services in Northern Ireland.

#### **Gerry Crossan**

Chief Executive

## Introduction

The Commission has in its first year established its mission, aims and values and addressed early priorities.

The Northern Ireland Legal Services Commission assumed responsibility on 1 November 2003 for the provision of publicly funded legal services in Northern Ireland.

This document contains the Commission's first Corporate Plan, covering the period 2004-2007, and the Commission's Business Plan for 2004/05.

The document -

- explains the context within which the plans have been prepared;
- sets out the Commission's mission, aim, and values;
- describes some immediate priorities;
- defines the Commission's main corporate objectives;
- provides the Commission's Business Plan for 2004/05 ; and
- indicates its outline Plans for the following two years.

### Context

The Commission is an executive Non-Departmental Public Body (NDPB) that is sponsored by the Northern Ireland Court Service, a part of the Department of Constitutional Affairs.

Details of the Commission's relationship with the sponsor Department are contained within the Management Statement and the Financial Statement that make up a Framework document.

The powers of the Commission are set out in Article 7 of the Access to Justice (Northern Ireland) Order 2003 and are reproduced at Annex 5.

The Commission operates within -

- the Access to Justice (Northern Ireland) Order 2003 (AJO) (available on our website [www.nilsc.org.uk](http://www.nilsc.org.uk));
- regulations, directions and guidance issued by the Department of Constitutional Affairs;

- the resources provided by Parliament through the Department of Constitutional Affairs;
- the draft implementation plan laid before Parliament with the AJO (reproduced in Annex 1);
- the letter of 16 July 2003 from the Lord Chancellor to the Chairman of the Commission (reproduced in Annex 2);
- the European Convention on Human Rights; and
- Section 75 of the Northern Ireland Act 1998.

### Our Mission

The Commission will promote fair and equal access to justice in Northern Ireland in its provision of publicly-funded legal services.

### Our Aim

Our aim is to provide high quality, customer-focused services that target those in greatest need and demonstrate value for money.

### Our values

The Commission is committed to these values in doing its work -

- Fairness and equity;
- Integrity and honesty;
- Responsiveness to our customers' needs;
- Commitment to quality;
- Valuing and developing our staff;
- Openness and accountability.

### Early priorities

On 1 November 2003, the Commission took over, from the Legal Aid Department of the Law Society, responsibility for the provision of publicly funded legal services. Annex 3 sets out the background to the establishment of the Commission. Prior to the establishment of the Commission, the Northern Ireland Court Service, its advisors and the Law Society undertook a great deal of valuable preparatory work.

In the initial stages of its work, the Commission has been giving a high priority to -

### Managing the transfer of responsibilities

- Developing our understanding of current services and the environment within which we operate;
- Ensuring continuity in delivering existing services;
- Addressing some inherited organisational and policy issues; and
- Tackling financial and decision making backlogs.

### Reviewing the quality of existing services

- Identifying the scope for early improvements in our systems;
- Gaining a better understanding of customer needs;
- Developing a culture of quality and continuous improvement; and
- Strengthening our approach to the management of risk.

### Strengthening the skills and experience of the commission's staff

- Investing in training and development;
- Promoting a positive and empowering culture;
- Replacing temporary by full-time staff;
- Devising and putting in place a strong management team; and
- Developing a performance management culture that supports quality, risk management, value for money, customer focus and good communications.

### Placing a high value on listening to customers and stakeholders

- Establishing regular communications with all our stakeholders; and
- Devising, funding and implementing a communications programme.

## The Commission's Corporate Objectives

Our two main Corporate Objectives for up to 2007 in improving access to justice are:

**To improve the delivery of existing legal aid services, and**  
**To reform publicly funded legal services.**

In this section, we explain what we want to do and how we will do it. The targets and dates are more specific in the first year - the Business Plan for 2004/05 - than in the subsequent two years of the Corporate Plan up to 31 March 2007.

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**In order to improve the delivery of existing legal aid services, we intend to -**

- Give priority to some critical inherited problems;
- Improve the processing of applications for legal aid;
- Develop our existing services; and
- Strive to become an excellent public sector organisation.

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**In order to improve access to justice by reforming publicly funded legal aid services, we intend to -**

- Examine the strengths and weaknesses of the current arrangements;
- Commission research into need, legal aid and access to justice;
- Learn from experience in other jurisdictions;
- Participate in the Government's fundamental review of legal aid;
- Develop proposals for reform, consult widely on these proposals and present final proposals for reform to Ministers and other stakeholders;
- Work with others in the justice sector and voluntary and community sectors to implement a reform programme.

## Corporate Plan Objectives & Target Outcomes at March 2007

### Corporate Objective -

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To improve the delivery of existing legal aid services.

### We will -

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Give priority to some critical inherited problems.

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Improve the processing of applications for legal aid.

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Develop our existing services.

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Strive to become an excellent public service organisation.

### By March 2007 we will -

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Have successfully addressed all of the transitional organisational and service delivery issues identified during 2004/05.

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Have reduced the amount of paperwork involved in making decisions.

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Have improved decision-making on all of the applications, claims, queries and appeals that we receive.

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Let people know the outcome of our decisions early.

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Be working to a robust business assurance framework based on the successful management of quality, risk, resources and communication in everything that we do.

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Be able to predict our expenditure reliably.

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Recognise and reward performance in our own people.

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Be conducting regular customer and stakeholder surveys.

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Be using what our customers and stakeholders tell us to improve what we do.

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Have ISO 9001(2000) registration.

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Have Investors in People accreditation.

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Encourage and support the personal development of everyone in the Legal Services Commission.

## Corporate Plan Objectives & Target Outcomes at March 2007

### Corporate Objective -

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To reform publicly funded legal services in Northern Ireland.

#### We will -

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Examine the strengths and weaknesses of the current arrangements for legal aid.

Commission research into need, legal aid and access to justice.

Learn from experience in other jurisdictions.

Participate in Government's Fundamental Review of Legal Aid.

#### By March 2007 we will -

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Have critically assessed the provision of civil legal services in conjunction with current and potential providers of services.

Have access to and be developing an appropriate high-quality research base to inform policy-making on publicly-funded legal services.

Be implementing pilot projects on alternative dispute resolution and developing a mixed-economy in the provision of publicly-funded legal services.

Have developed strong links with providers of publicly-funded legal services in the UK and elsewhere.

Be implementing, where appropriate in Northern Ireland, the recommendations of the Fundamental Review of Legal Aid.



**We will -**

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In tandem with the Fundamental Review of Legal Aid, develop proposals for reform, consult widely on these proposals and present final proposals for reform to Ministers and other stakeholders.

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Work with others in the justice sector and voluntary and community sector to implement a reform programme.

**By March 2007 we will -**

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Have framed proposals for reform and consulted with all stakeholders on how publicly-funded legal services will be funded and targeted in Northern Ireland.

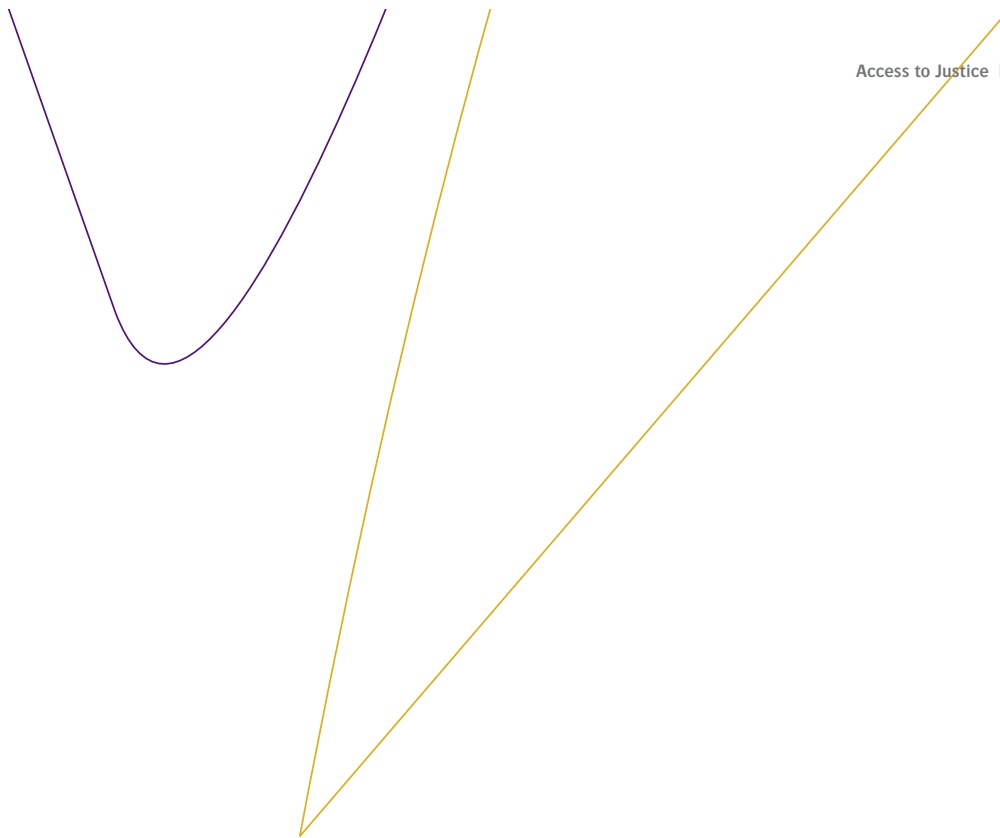
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In partnership with the legal profession and other stakeholders, including those in the voluntary and community sector, be implementing the reforms set out in the Access to Justice (NI) Order 2003.

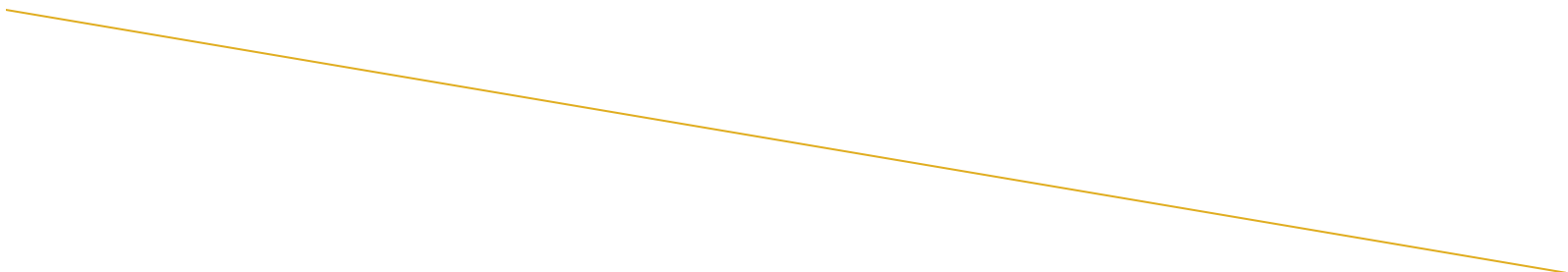
## Business Plan 2004/05 & Outline Business Plan Objectives for 2005/06 to 2006/07

<b>Corporate Objective: To improve our existing services.</b>	<b>Key Activities</b>	<b>Business Plan Objectives and Performance Measures</b>	<b>Target Dates 04/05</b>	<b>Outline Targets 05/06</b>	<b>Outline Targets 06/07</b>
<b>Give priority to some critical inherited problems.</b>	Address the range of organisational, management and service delivery issues that were identified by the Commission since 1 November 2004.	Clear Green Form and other financial backlogs in Criminal and Children’s Order services	Dec 04		
		Clear adjudication decision-making backlog	Mar 05		
		Implement revised Top and Senior Management Structures	Jan 05		
		Develop post-transitional arrangements for review and appeals across all business areas	Nov 04		
		Address outstanding human resource issues	Mar 05		
<b>Improve the processing of applications, assessments, queries and appeals in relation to legal aid.</b>	Identify improvements in all areas of the business.	Develop and begin piloting new legal aid application forms	Feb 05		
		Develop Fund Efficiency Plan	May 04 Feb 05	Feb 06	Feb 07
		Develop specification for revised case management and financial management systems	Jan 05		

(See Appendix 1 for continuous improvement targets in relation to this Corporate Objective)



<b>Corporate Objective: To improve our existing services.</b>	<b>Key Activities</b>	<b>Business Plan Objectives and Performance Measures</b>	<b>Target Dates 04/05</b>	<b>Outline Targets 05/06</b>	<b>Outline Targets 06/07</b>
<b>Develop our existing services.</b>		Develop proposals, consult on and implement Phases 2 and 3 of Green Form Project		Oct 05	
		Develop proposals for review of Statutory Charge	Feb 05		
		Develop proposals, consult and implement fees methodology for civil fees under current legislation		Apr 05	
<b>Strive to become an excellent public service organisation.</b>  (See Appendix 1 for continuous improvement targets in relation to this Corporate Objective)	Develop and implement best practice business policies, strategies and procedures which deliver high quality customer-focussed services.	Develop and implement Business Assurance Framework	May 04		
		Develop and implement best practice human resource, information technology, financial management and communications policies	Jan 05		
		Develop Equality Scheme		May 05	



<b>Corporate Objective: To improve our existing services.</b>	<b>Key Activities</b>	<b>Business Plan Objectives and Performance Measures</b>	<b>Target Dates 04/05</b>	<b>Outline Targets 05/06</b>	<b>Outline Targets 06/07</b>	
<p><b>Strive to become an excellent public service organisation.</b></p> <p>(See Appendix 1 for continuous improvement targets in relation to this Corporate Objective)</p>	<p>Develop and implement best practice in communications and stakeholder management.</p>	<p>Develop and implement staff, customer and stakeholder surveys</p>	<p>Mar 05</p>			
		<p>Develop concordats on the management of complaints, redress and litigation with NI Departments</p>	<p>Dec 04</p>			
		<p>Begin process of external accreditation.</p>	<p>Establish Quality Steering Group</p>	<p>Nov 04</p>		
		<p>Develop and implement ISO 9001 project</p>	<p>Dec 04</p>			
		<p>Submit for ISO accreditation</p>		<p>Sept 05</p>		
		<p>Develop customer-focussed performance management framework and performance indicators covering all areas of the business</p>		<p>Apr 05</p>		
		<p>Measured indicators of performance in adjudication, assessment, review, appeals and payment processes to improve over the period of the Corporate Plan</p>		<p>Apr 05</p>	<p>Apr 06</p>	



**Corporate Objective: To reform publicly funded legal services in Northern Ireland.**

**Key Activities**

**Business Plan Objectives and Performance Measures**

**Target Dates**  
**04/05**

**Outline Targets**  
**05/06**

**Outline Targets**  
**06/07**

**Examine the strengths and weaknesses of the current arrangements for legal aid.**

Have critically assessed the provision of civil legal services in conjunction with current and potential providers of services.

Identify the scope of the programme of research that we need to conduct

Sep 04

Develop proposals for a research programme

Apr 05

Develop an evidence-based Targeting Social Need Plan

Aug 05

**Commission research into the need for, use of legal aid and access to justice.**

Access and develop appropriate high quality evidence-based research bases to inform policy-making on publicly-funded legal services.

Identify appropriate research projects

Mar 05

Develop appropriate linkages with other research and policy organisations

Mar 05

Identify two pilot projects on alternative dispute resolution

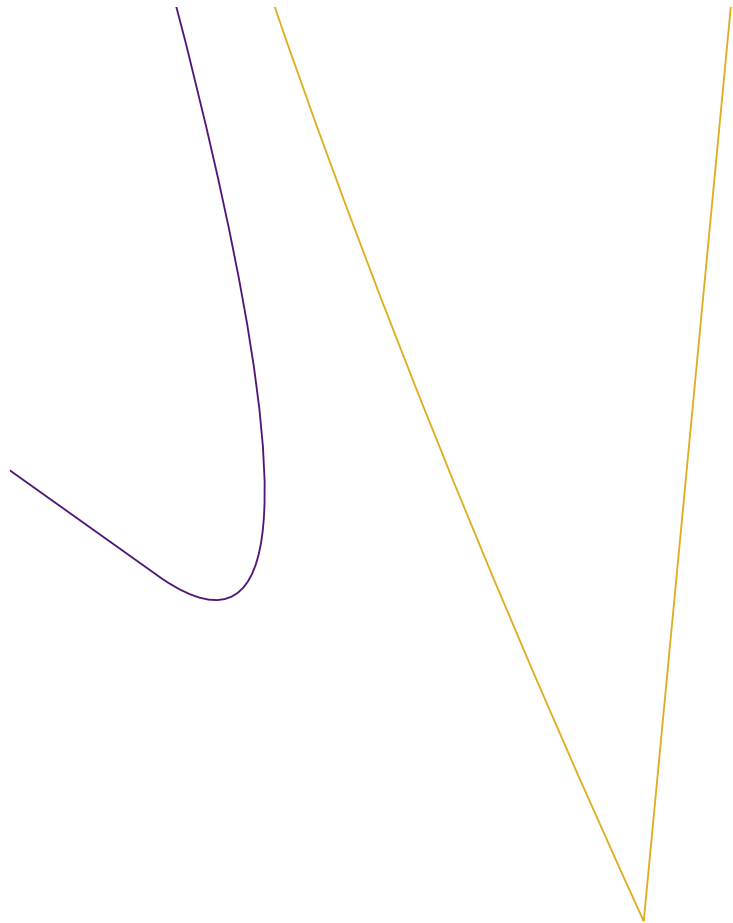
Oct 05

Develop, implement and evaluate the outcomes of pilot projects on alternative dispute resolution and developing a mixed-economy in the provision of publicly-funded legal services.

Examine the use of insurance-based funding models for money-damages cases in Northern Ireland

Date?

<b>Corporate Objective: To reform publicly funded legal services in Northern Ireland.</b>	<b>Key Activities</b>	<b>Business Plan Objectives and Performance Measures</b>	<b>Target Dates</b>	<b>Outline Targets</b>	<b>Outline Targets</b>
			<b>04/05</b>	<b>05/06</b>	<b>06/07</b>
<b>Learn from experience in other jurisdictions.</b>	Develop strong links with providers of publicly-funded legal services in the UK and elsewhere.	Establish regular communications at all levels with providers of publicly-funded legal services in the UK	Jan 05		
		Organise Conference of Joint Consultative Committee of Legal Aid providers			Nov 06
<b>Participate in Government's Fundamental Review of Legal Aid.</b>	Provide membership of the Steering and Project Groups established to take forward this review.	Assist NICTS in defining scope of FLAR in Northern Ireland	Nov 04		
		Actively support the achievement of the project milestones and objectives	Agreed with NICTS	Agreed with NICTS	
<b>In tandem with the Fundamental Review of Legal Aid, develop proposals for reform, consult widely on these proposals and present final proposals for reform to Ministers and other stakeholders.</b>	Develop proposals and consult on these proposals with all stakeholders on how publicly-funded legal services will be targeted and funded in Northern Ireland.	Develop agenda for reform, including AJO reform, for consultation with all stakeholders		Jun 05	



**Corporate Objective: To reform publicly funded legal services in Northern Ireland.**

**Key Activities**

**Business Plan Objectives and Performance Measures**

**Target Dates  
04/05**

**Outline Targets  
05/06**

**Outline Targets  
06/07**

**Work with others in the justice sector and voluntary and community sector to implement a reform programme.**

In partnership with the legal profession and other stakeholders, including those in the voluntary and community sector, develop and implement the reforms to publicly-funded legal services set out in the reforms set out in the Access to Justice (NI) Order 2003.

Draft proposals, consult on, and implement Article 6 Access to Justice Order

Sep 05

Draft a NI Funding Code for civil legal services

Nov 05

Draft proposals consult on and implement a registration scheme

Sep 06

Develop robust methodologies for fee and other payment structures for the provision of publicly-funded legal services

Date?

## Appendix 1

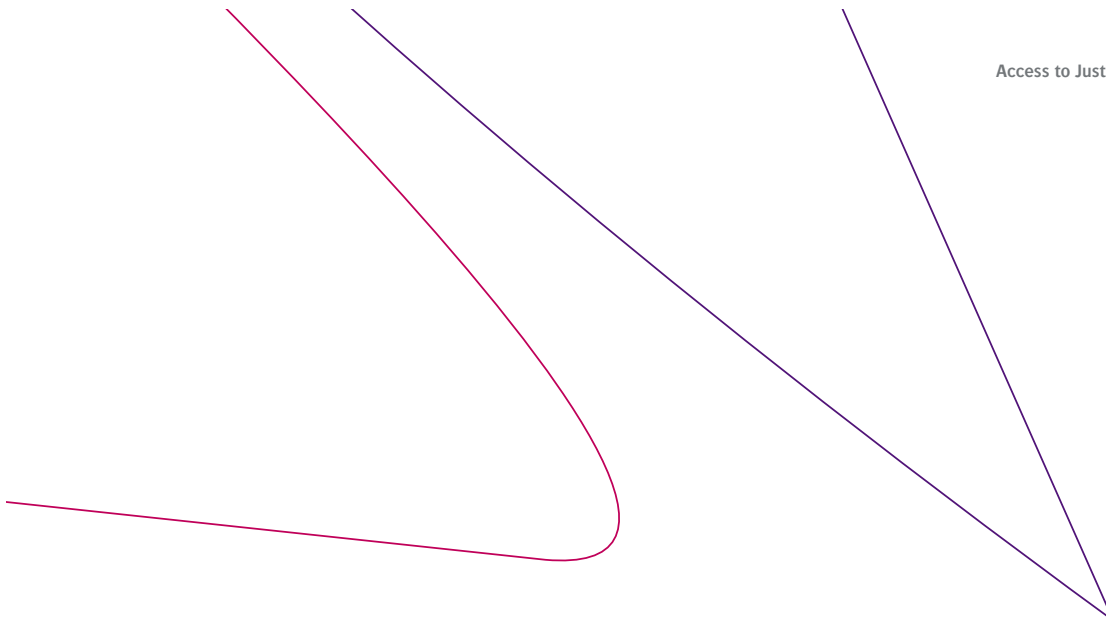
Continuous Improvement Objectives.  
 (This appendix relates to the Commission’s  
 Corporate Objective ‘To improve our existing services’)

Continuous Improvement Objective	Continuous Improvement Target	Target Dates 04/05	Outline Targets 05/06	Outline Targets 06/07
<b>Customer /Stakeholder Satisfaction</b>	Decision on a properly made application will issue within 4 weeks of the Commission receiving it			Mar 07
	95% of payments to suppliers will be made within 30 days of the liability accruing			Mar 07
	People appealing against the refusal of legal aid will receive a decision on the outcome of their appeal within 6 weeks of the appeal being lodged			Mar 07
	65% of all NI citizens who have been in contact with the Commission, or used its services, will know what the mission of the Legal Services Commission is			Mar 07
	The LSC target will be 80% of those asked will express high levels of satisfaction with the services received			Dec 06

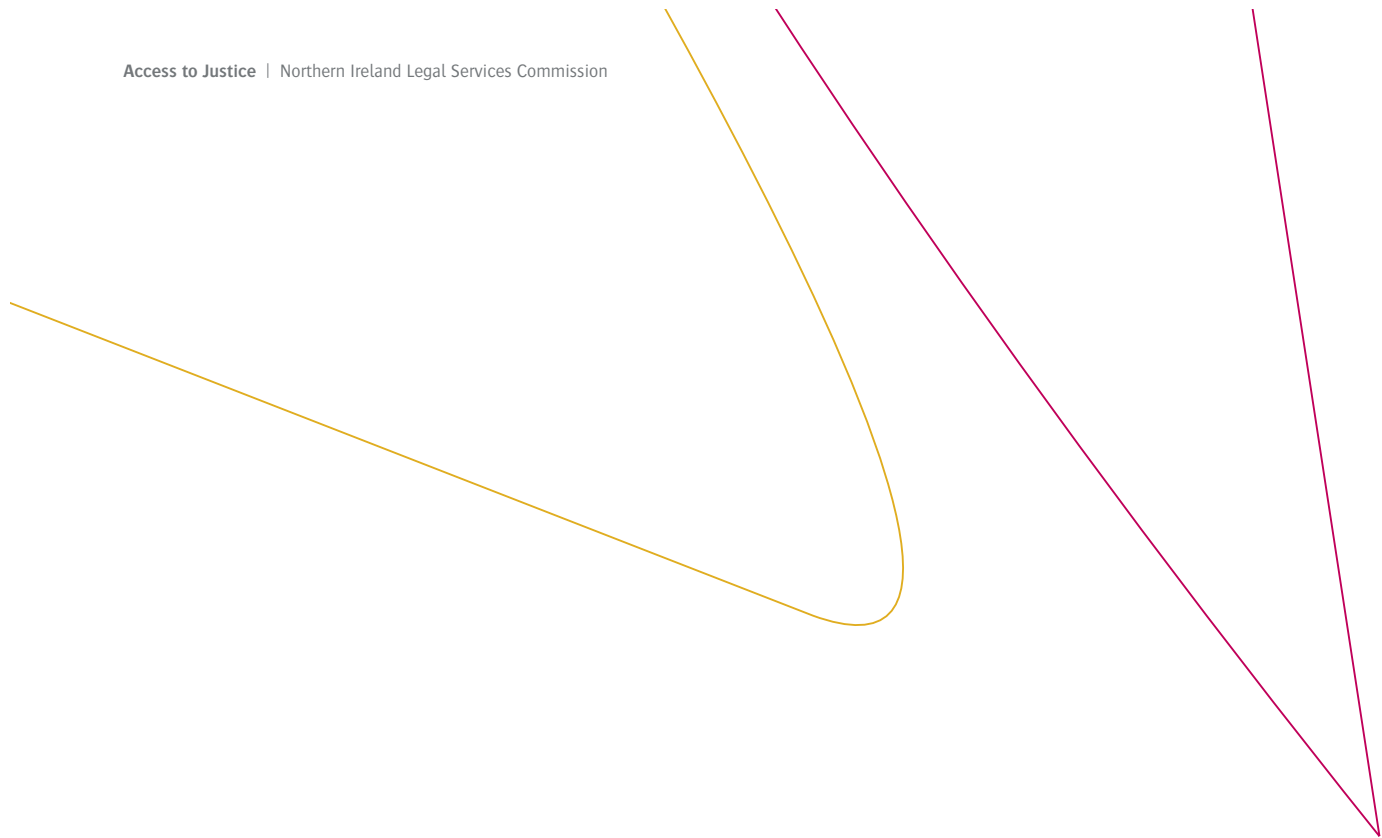


<b>Continuous Improvement Objective</b>	<b>Continuous Improvement Target</b>	<b>Target Dates 04/05</b>	<b>Outline Targets 05/06</b>	<b>Outline Targets 06/07</b>
<b>Organisational Development</b>	100% of all people who join the LSC will go through induction and a planned and appropriate initial training programme	Dec 04		
	The LSC will develop a comprehensive training and development programme for all staff, including new entrants	Jan 05		
	The annual staff turnover at LSC will be no greater than 15%	Mar 05		
	The annual staff turnover at LSC will be no greater than 10%		Mar 06	
	The annual staff turnover at LSC will be no greater than 5%			Mar 07
	The % of people who work in LSC who would recommend the LSC as a good place to work will be no less than 75%	Mar 05		
	The % of people who work in LSC who would recommend the LSC as a good place to work will be no less than 85%		Mar 06	
	The % of people who work in LSC who would recommend the LSC as a good place to work will be no less than 90%			Mar 07

Continuous Improvement Objective	Continuous Improvement Target	Target Dates 04/05	Outline Targets 05/06	Outline Targets 06/07
Organisational Development	Annual % attendance at work of LSC staff will be no less than 85%	Mar 05		
	Annual % attendance at work of LSC staff will at least equal to the public sector average in Northern Ireland.		Mar 06	
	Annual % attendance at work of LSC staff will exceed the public sector average in Northern Ireland.			Mar 07
	Expenditure on training and development will be no less than 5% of total salaries	Mar 05		
	Expenditure on training and development will be no less than 4.5% of total salaries		Mar 06	
	Expenditure on training and development will be no less than 4% of total salaries			Mar 07
	LSC staff will spend no less than 3% of their available time working on service development projects outside their normal service areas		2004/05	



Continuous Improvement Objective	Continuous Improvement Target	Target Dates 04/05	Outline Targets 05/06	Outline Targets 06/07
<b>Organisational Development</b>	The LSC will develop the specification for an integrated IT system which will support effective - <ul style="list-style-type: none"> <li>• Case management</li> <li>• Financial management, including financial modelling</li> <li>• Decision-making in service delivery, including scenario modelling</li> <li>• Customer relationship management</li> <li>• Contract and partnership management</li> </ul>	Dec 04		
	The LSC will consider the draft project plan to implement the target specification for the organisation	Jan 05		
	The LSC will develop a performance management framework based on quality, risk, resources and communications	Feb 05		
	The LSC will develop a project plan for implementation of the Business Assurance Framework	Jun 05		
<b>Quality Management</b>	The LSC will implement counter-fraud measures which reduce the evidence based estimate of risk of fraud to less than 2% of criminal and legal fund expenditure	Mar 05		



Continuous Improvement Objective	Continuous Improvement Target	Target Dates 04/05	Outline Targets 05/06	Outline Targets 06/07	
<b>Quality Management</b>	The LSC will implement counter fraud measures which reduce the evidence based estimate of risk of fraud to less than 1.5% of criminal and legal fund expenditure		Mar 06		
	The LSC will implement counter fraud measures which reduce the evidence based estimate of risk of fraud to less than 0.75% criminal and legal fund expenditure			Mar 07	
	The LSC will implement all aspects of Business Assurance Framework			Mar 07	
	Conduct a gap analysis of LSC in relation to ISO 9001 (2000) standards		May 05		
	The LSC will develop an action plan for achievement of ISO 9001 (2000)		Jul 05		
	The LSC will develop a draft Equality Scheme	Mar 05			
	The LSC will achieve ISO 9001 (2000) registration			Date?	
	The LSC will achieve an EFQM score of at least 250 points				Sep 06
	The Commission will maintain accreditation of ISO 9001 (2000) on a six-monthly basis through to March 2007			Dates?	
	The LSC will achieve an EFQM score of at least 350 points				Mar 07

## How to give us your comments

We place a very high value on the importance of listening to our stakeholders and explaining our decisions and welcome any views or comments you may have on our Corporate & Business Plans.

### Further information about the Commission

Further information about the work of the Commission can be obtained on its website [www.nilsc.org.uk](http://www.nilsc.org.uk) or by writing to the Commission at the address below.

### How to give us your comments

We place a very high value on the importance of listening to our stakeholders and explaining our decisions and welcome any views or comments you may have on our Corporate & Business Plans.

You can email the Commission Secretary with your comments at [NAME-NEEDED@nilsc.org.uk](mailto:NAME-NEEDED@nilsc.org.uk)

Alternatively post your comments to us at:

The Secretary  
**Northern Ireland Legal Services Commission**  
2nd Floor, Waterfront Plaza  
8 Laganbank Road  
Mays Meadow  
Belfast BT1 3BN

## Annex 1

### Access to Justice (Northern Ireland) 2003 Draft Implementation Plan (For Discussion with LSC on appointment)

Year	Activity
<p>Year 0</p> <p>2002/03</p>	<ol style="list-style-type: none"> <li>1. Order made.</li> <li>2. Recruitment programmes for Chair, Members and Chief Executive of LSC.</li> <li>3. Commence review of remuneration provisions/ or criminal cases.</li> </ol>
<p>Year 1</p> <p>2003/04</p>	<ol style="list-style-type: none"> <li>1. Appointment of Chair, Members and Chief Executive.</li> <li>2. Commencement of LSC.</li> <li>3. Administration - consolidating effective and efficient organisation to deliver legal aid scheme.</li> <li>4. Commencement of new Criminal Remuneration levels and arrangements.</li> <li>5. LSC prepare Budget, Corporate Plan and Business Plan.</li> </ol>
<p>Year 2</p> <p>2004/05</p>	<ol style="list-style-type: none"> <li>1. Preparatory work on Civil Legal Services.</li> <li>2. Research on legal need and financial eligibility.</li> <li>3. Preparatory work on civil remuneration.</li> <li>4. Preparatory work on introduction of options for funding money damages civil cases.</li> </ol>
<p>Year 3</p> <p>2005/06</p>	<ol style="list-style-type: none"> <li>1. Preparatory work on civil remuneration.</li> <li>2. Consultation Funding Code.</li> <li>3. Final decision on pilots for alternative funding/or option/or funding money damages cases.</li> <li>4. Commence research into Registration Scheme and Code of Practice.</li> </ol>

## Annex 2

### Letter from Lord Falconer To Sir Kenneth Bloomfield (16 July 2003)



I am writing to offer you appointment as the first Chair of the Legal Services Commission in Northern Ireland with effect from 28 July 2003 for a three year period until 31 July 2006.

This letter sets out the aims and objectives which I intend that the Commission should follow in its "shell" period.

#### Overall Aims

The Commission, once it is established, will be operating within the framework laid down by the Access to Justice (Northern Ireland) Order 2003 and any regulations, directions and guidance made under it. Within that framework, the Commission's overall aim should be to ensure that legal advice, assistance and representation is made available to those who need it. It should be provided in ways which are effective and give the best possible value for money.

#### Objectives during the Transitional Period

The immediate task of the Commission will be to take over responsibility for those functions currently administered by the Legal Aid Department of the Law Society of Northern Ireland. In accordance with the Commencement Order, the transfer will take place on 1 November 2003.

Before then, the Commission should consider whether the current administrative systems, including the management structure, the financial systems and the mechanisms for granting and controlling legal aid certificates, are appropriate and whether or not they are operating effectively and efficiently. It should consider whether appropriate controls are in place to ensure that publicly funded legal services granted only where the applicant is financially eligible and where grant is justified both by the merits and the particular

circumstances of the case; that where appropriate the scope of the certificate is limited; and that certificates once issued are adequately monitored to ensure that grant remains justified in all the circumstances of the cases and that cases are not unjustifiably prolonged or expenses wasted or unnecessarily incurred. The Commission should make any changes it regards as necessary as soon as possible after it has taken over full responsibility from the Law Society. The Commission should make arrangements for keeping these systems under regular review.

I am directing in accordance with Schedule 3 paragraph 9(1) of the Access to Justice (Northern Ireland) Order 2003 that the Commission should ensure that employees receive, not later than 31 July 2003, an offer of employment to all staff currently employed in the Legal Aid Department. The terms of this offer are, taken as a whole, to be not less

favourable than the terms on which the person is employed on the date the offer was made.

During the transitional period, the Commission should develop and maintain appropriate links with the legal profession, with lay agencies and with other interested bodies, and effective working relations with the Northern Ireland Court Service. The Commission should ensure that these working links are maintained and developed as appropriate in the future.

#### **Commission Objectives**

An Implementation Plan was laid before Parliament with the Access to Justice (Northern Ireland) Order 2003. The Commission should consider the implementation plan and discuss with the Court Service how it is to be given effect. In the light of this I would be grateful if the Commission would advise me of a suggested timetable and order of priorities for

providing substantive advice on the issues outlined in the implementation plan. The Commission's objectives in these areas in later years will obviously depend on the outcome of these reviews and will form the basis of its Corporate and Business plans. I should be grateful for the Commission's initial assessment by 31 January 2004.

The Government considers that applicants who can afford to pay towards the cost of legal services should do so. It also wishes to strengthen the incentives on those receiving publicly funded advice, assistance and representation to consider the cost, both to the taxpayer, and potentially, to themselves, of the actions in which they are involved. Against this background, the Government does not intend that the scheme should extend beyond broadly the same proportion of the population than at present. It intends that the present relationship between the

eligibility criteria for welfare benefits and the threshold for free legal advice and legal services should be broadly maintained. I wish the Commission to keep the arrangements governing eligibility and contributions for all forms of legal advice, assistance and representation under review, and to advise me if necessary on how they might be amended, or other changes introduced, in order better to achieve these aims and objectives.

#### Resources

The Commission should review existing targets and indicators for performance for both the administration of publicly funded legal services and for the provision of publicly funded legal services. It will need to agree with the Northern Ireland Court Service overall performance objectives to demonstrate efficient and effective administration. It will also need to have supporting indicators and targets

at all levels of management to achieve these objectives. The Commission should also monitor the operation of the legal aid scheme and should include a timetable for any necessary changes to be introduced as soon as possible thereafter. The Northern Ireland Court Service will wish to review performance with you on a regular basis.

#### The Commission's Report

The Commission is under a statutory requirement to report annually on the discharge of its functions. These reports should of course, where appropriate, cover the matters I have mentioned above. I wish the Commission also to advise me on improvements that might be introduced in order that the Government's aims and objectives might be achieved effectively and efficiently.

I congratulate you on your appointment and wish you and the members of the Commission every success. I look forward to working with you and the Commission to achieve the provision of high quality publicly funded legal services.

#### Lord Falconer

Secretary of State for  
Constitutional Affairs

## Annex 3

### The background to the establishment of the Northern Ireland Legal Services Commission

**1.** On 19 February 1998 the Government announced a review into the provision and administration of legal aid in Northern Ireland. The announcement indicated that officials would:

- a) undertake a review into arrangements for the administration and provision of legal aid in Northern Ireland, bringing forward recommendations for change where necessary;
- b) consider in the Northern Ireland context the proposed reforms to legal aid in England and Wales.

**2.** As a result of this review a Consultation Paper, "Public Benefit and the Public Purse" was published on 14 June 1999. Publication of the Consultation Paper marked the commencement of the first substantive public discussion on legal aid for many years. The Consultation Paper set out the Government's objectives for and commitment to the modernisation of legal aid in Northern Ireland.

The objectives set by Government in that Consultation Paper are summarised as follows:

- a) ensuring appropriate funding arrangements are in place to secure access to the most appropriate means to resolve legal issues for citizens;
- b) targeting resources to those in greatest need;
- c) ensuring that the overall cost of publicly-funded legal services is affordable and controllable;
- d) securing value for money from quality legal services; and
- e) establishing the most effective and efficient administrative structure to deliver publicly-funded legal services.

**3.** The key proposals set out in the Consultation Paper were:

- a) establishing a new Administrative Body (the Legal Services Commission);
- b) establishing capped budgets for publicly-funded legal services (other than in criminal matters);

- c) securing the services of quality providers at best value for money prices; and
- d) ensuring that the most appropriate and cost effective solutions are available to the public.

**4.** Following extensive consultation the Government published a Decisions Paper "The Way Ahead" [CM 4849] in September 2000. The Government stated that the approach set out in the Decisions Paper would provide a modern, transparent and accountable administrative structure to deliver quality assured publicly-funded legal services to all the people of Northern Ireland.

**5.** The Decisions Paper indicated that the first stage of the reform programme would be the establishment of a new independent body to administer legal aid, the Northern Ireland Legal Services Commission.

**6.** The Decisions Paper indicates that within the context of the reform programme the Government is determined to take effective control of the levels of public funding allocated to the provision of legal services, and to ensure that the funds available are targeted on meeting the real needs of the most vulnerable in society.

**7.** The third strand of the approach outlined in the Decisions Paper was the development of mechanisms to ensure that the taxpayer can be assured that the money spent on legal services is spent on a high quality service.

**8.** Following further consultation, on 27 February 2003, the Access to Justice (Northern Ireland) Order 2003 (The Order) was made. The most immediate and visible aspect of the changes to be introduced by the Order was the establishment of an

Executive Non-Departmental Public Body, in November 2003 - **the Northern Ireland Legal Services Commission (the Commission)** - to assume responsibility from the Law Society of Northern Ireland. 2003. The Commission consists of a Chair and ten other members. These members, between them, have experience or knowledge of the provision of services which the Commission can fund as civil legal services or criminal defence services, the work of the courts, consumer affairs, social conditions and management. The Commission assumed responsibility from the Law Society of Northern Ireland and its Legal Aid Department. The Commission recognises the role played by the Law Society in the administration and delivery of legal aid for the people of Northern Ireland over many years.

## Annex 4

### Chairman and Members of the Northern Ireland Legal Services Commission

#### Members of the Northern Ireland Legal Services Commission

<b>Sir Anthony Holland</b> Chairman	(From April 2004)
<b>Sir Kenneth Bloomfield</b> Chairman	(November 2003 - February 2004)
Mr Les Allamby	
Mrs Maeve Bell	
Professor Sean Doran	(November 2003 - February 2004)
Mrs Breidge Gadd	
Mrs Jennifer Greenfield	
Mr Jeremy Harbison	
Mr Frank Hewitt	
Mr Miceál McCoy	
Mr Peter Osborne	
Mr Ronnie Spence	

## Annex 5

### The powers of the Commission

#### Powers of Commission

[7]

1. Subject to the provisions of this Part and Article 41, the Commission may do anything which it considers -

- a) is necessary or appropriate for, or for facilitating, the discharge of its functions, or
- b) is incidental or conducive to the discharge of its functions.

2. In particular, the Commission shall have power -

- a) to enter into any contract,
- b) to make grants (with or without conditions),
- c) to make loans,
- d) to invest money,
- e) to promote or assist in the promotion of publicity relating to its functions,

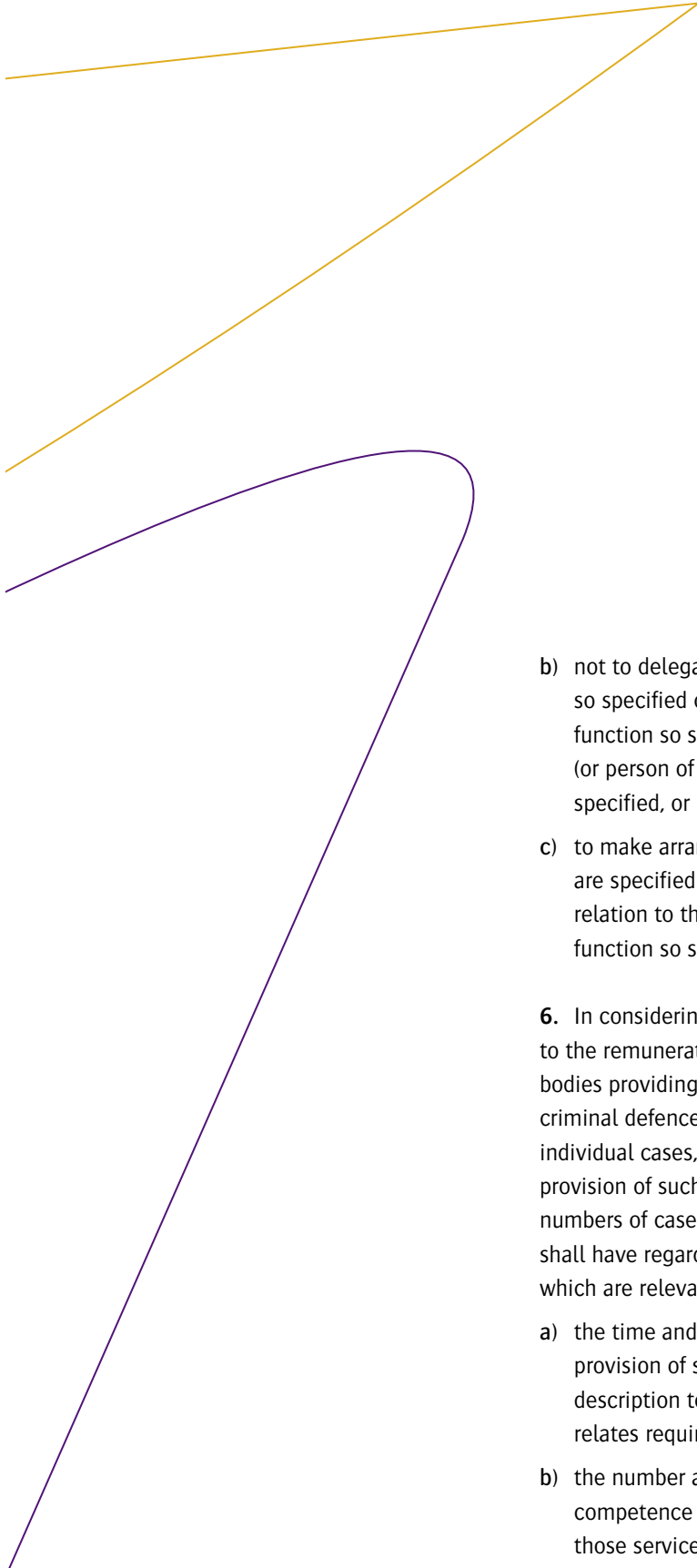
- f) to undertake any inquiry or investigation which it may consider appropriate in relation to the discharge of any of its functions, and
- g) to give to the Lord Chancellor any advice which it may consider appropriate in relation to matters concerning any of its functions.

3. Paragraphs (1) and (2) do not confer on the Commission power to borrow money.

4. The Commission may make such arrangements as it considers appropriate for the discharge of its functions, including the delegation of any of its functions.

5. The Lord Chancellor may by order require the Commission -

- a) to delegate any function specified in the order or to delegate any function so specified to a person (or person of a description) so specified,

- 
- b) not to delegate any function so specified or not to delegate any function so specified to a person (or person of a description) so specified, or
  - c) to make arrangements such as are specified in the order in relation to the delegation of any function so specified.

**6.** In considering any question as to the remuneration of persons or bodies providing civil legal services or criminal defence services (whether in individual cases, or by reference to the provision of such services in specified numbers of cases), the Commission shall have regard, among the matters which are relevant, 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 those 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.

**7.** Where the Commission sets fees which are to be paid to persons or bodies in respect of the provision of services by them, nothing in paragraph (6) requires it to have regard to any fee payable, otherwise than in accordance with this Order, in respect of the provision of such services.





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