

Legal Aid Committee

Minutes of a meeting held at 2.30pm on Wednesday 2nd September 2015 at the Public Records Office, Unit 40A, Spring Valley Industrial Estate

Members Present:	Andrew Swithinbank (Chair)	AS
	John Wright (Vice Chair)	JW
	Jane O'Rourke	JO
	David Renecke	DR
	Tony Jones	TJ
Officers Present:	John Kennish	JK
Apologies:	Tony Warham (Member)	TW
	Martin Blackburn (Officer)	MB
In Attendance:	Ross Stephens	RS
Note taker:	Kendra Lace	KL

Action

46/15 MINUTES OF PREVIOUS MEETINGS

The minutes of the meeting held on 19th August 2015 were confirmed subject to the following amendments:

Item 42/15(a) should be amended to read:

"FH and NP addressed the Committee on the subject of mediation.

It was agreed to consider their input in conjunction with feedback and input from other parties as part of the consultation process."

The fourth paragraph of item 42/15(d) should be amended to read:

"The possibility of briefing advocates on the use of the Handbook was discussed and it was agreed that MB should arrange for himself and AS to provide a fairly high level briefing on the work of the Committee, including an update on the consultation process (preferably at a larger venue than the Law Society itself), with some future training on the use of the Handbook to be delivered at a later date".

TJ joined the meeting at 2.35pm.

47/15 MATTERS ARISING

(a) Committee Membership (42/15(b))

See item 48/15(b).

(b) **Revised policy – Regulation 7(1) removal of advocate from Legal Aid Panel (42/15(d))**

JW highlighted recent problems experienced with the completion of legal aid applications and it was agreed that MB and the Legal Aid Certifying Officer should speak to the Law Society about providing an induction session on the use of the Handbook and a series of training sessions on the completion of paperwork.

MB

It was also agreed that, as part of the consultation process, a requirement for advocates to undertake training in the completion of paperwork as part of the qualification process for the Legal Aid panel be examined.

AP

(c) **Legal Aid Appeal Tribunal Rules (42/15(f))**

An email from the Chief Registrar was noted. It was agreed that MB should advise that the Committee had nothing to add to the rules in the latest draft and that the Deemsters should now be consulted.

MB

(d) **Legal Aid Consultation (43/15(a))**

The draft letter was considered and some amendments agreed.

It was also agreed that:

- an extract from the letter to the Chief Registrar should be posted on the website;
- that same extract should be used in a media release;
- MB should keep the website up-to-date and advise the Committee on new postings at each meeting;
- where draft correspondence is requested by the Committee, it should be approved by the Chair or Vice-Chair outside of the regular Committee meetings.

MB

MB

(e) **Impact Assessment – Legal Aid for Interviews under Caution which take place other than in a Police Station (43/15(c))**

The statistics provided by MB were noted. It was agreed that the discussion should be deferred until the next meeting when MB could advise on whether he thinks the statistics make a case for change. MB should also provide some information on trends.

MB

(f) **Sub-Committees (44/15(a))**

See item 48/15(d).

48/15 **CURRENT PROCESSES AND CONTROLS – (ADMINISTRATION/FINANCE/STRUCTURE)**

(a) **Mediation, Current Process, Procedures and Remuneration**

It was noted that the list of approved mediators had now been published on the website and that the Certifying Officers would need to agree some sort of qualifying and exclusion criteria with the mediators for inclusion onto the approved mediator list.

JO requested that statistics be produced at the next meeting to indicate how many legally aided family mediations have been authorised at the new fee rates and how many active certificates there are in force. It would be helpful if those statistics could include the LACO figures as to savings and the growth and scope of mediation.

MB

RS advised that he would be reminding MB about the requirements of Financial Directive 8 and procurement procedures.

RS

It was noted that JO had procured a draft response from FMAS, but it was agreed that she should ask them to submit a formal response within 2 weeks in order that the issue could be considered at the October meeting.

JO

(b) Committee Membership

The response from the Appointments Commission was noted and it was agreed that the voluntary code of conduct should remain unchanged.

AS reported that he had received an email from Diane Kelsey who had indicated that she had advised the Appointments Commission of her resignation. The Appointments Commission would be revisiting the previous shortlist with a view to appointing her replacement – MB to maintain a watching brief.

MB

AS advised that he would be writing to Diane to thank her for her input to the Committee.

AS

(c) Judicial Pilot Scheme – efficient running of Care Proceedings

A submission was awaited from Deemster Roberts – MB to issue a reminder.

MB

(d) Sub-Committees Update

(i) Facts & Figures

The sub-Committee currently consisted of AS, TJ and MB and the template for quarterly reports had now been established.

It was agreed that once the reports were consistent and stable the future of the sub-Committee would be reconsidered.

The sub-Committee will meet to consider the next quarterly report (July – September) and feedback to the November meeting of the Committee. KL to schedule a meeting in October.

KL

(ii) Consultation

This sub-Committee had been a limited-life group with the work now ended and passed to AP for action.

AS was to meet with AP and MB to discuss the draft and format of the report so it was in a manner to aid easier discussion for the Committee.

It was envisaged that short-life task groups would result from the Committee's discussions and the membership would be relevant to the

subject matter.

(iii) **Other sub-committees**

It was noted that the other limited-life sub-Committees had done their job and were now at an end. As and when issues arise the Committee will discuss how they are dealt with and resourced.

49/15 **LOOKING FORWARDS AND OUTWARDS**

(a) **Legal Aid Consultation**

The draft report is expected to be circulated in advance of the October meeting.

50/15 **ANY OTHER BUSINESS**

(a) **Cost Assessments**

The background to this item was provided by RS and JK and RS provided an update on the current position. It was noted that discussions were ongoing with the Chief Registrar.

(b) **Terms of Reference**

It was noted that the terms of reference require to be amended on the website. MB

It was also noted that the terms of membership for AS and JW expire next year.

51/15 **DATE OF NEXT MEETING**

2.30pm on Wednesday 7th October 2015 at Public Records Office.

The meeting closed at 4.15pm.

Minutes agreed by Chairman



Date

7/10/15