

Legal Aid Committee

Minutes of a meeting held at 2.30pm on Wednesday 2nd March 2016 at the Public Records Office, Unit 40A, Spring Valley Industrial Estate

Members Present:	Andrew Swithinbank (Chair)	AS
	John Wright (Vice Chair)	JW
	Chris Callow	CC
	Tony Jones	TJ
	Jane O'Rourke	JO
	David Trace	DT
	Tony Warham	TW
Officers Present:	Ross Stephens	RS
Apologies:	Martin Blackburn	MB
Note taker:	Kendra Lace	KL

Action

15/16 MINUTES OF PREVIOUS MEETINGS

The minutes of the meeting held on 3rd February 2016 were confirmed.

16/16 MATTERS ARISING

(a) Service to the Committee (07/16)

MB had written to thank John Kennish for his service to the LAC.

(b) Register of Members' Interests (09/16(a))

The policy had been circulated and all forms had now been submitted.

(c) Legal Aid Handbook – version 3 (09/16(g))

The amended Handbook had now been uploaded to the website.

JW reported work is well underway to produce a "Plain English" Handbook. A template will be used for editing and revision purposes to ensure consistency.

JW/MB

(d) Procedure for the submission of bills and interim payments (09/16(g))

A meeting had taken place on 29th February 2016 and would be reconvened.

JW/MB

(e) Mediation, Current Process, Procedures and Remuneration (10/16(b))

See also item 17/16(b).

(f) Legal Aid Appeal Tribunals (10/16(c))

Statistics were awaited from Wendy Montgomerie.

MB

(g) **Pilot Scheme that has been introduced in the running of Care Proceedings – letter from Deemster Roberts (10/16(d))**

See item 17/16(d).

(h) **Application for admission to Legal Aid Panel and appeal process (10/16(e))**

See item 17/16(e).

(i) **WiFi Access (10/16(f))**

WiFi access in the Committee meeting room had been raised with Government Technological Services and a response was awaited.

(j) **Legal Aid Consultation (11/16(a))**

See item 18/16(a).

(k) **Amendment to Regulations – time limits for submitting bills of costs (11/16(b))**

See item 18/16(b).

(l) **Audit of Legal Aid (11/16(b))**

A meeting had been scheduled on 14th March 2016.

(m) **Summary Courts User Group (11/16(c))**

See item 18/16(c).

(n) **Legal Aid in the Small Claims Procedure (11/16(e))**

See item 18/16(d).

(o) **Ineligibility for Legal Aid (13/16(b))**

This was ongoing.

MB

(p) **Changes to Policy and Procedures (13/16(d))**

MB had diarised the review dates.

MB

17/16 **CURRENT PROCESSES AND CONTROLS – (ADMINISTRATION/FINANCE/STRUCTURE)**

(a) **Register of Members' Interests**

No additional interests were declared.

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

Website has been amended to display currently practising mediators.

JO continues search for Government (DHA?) mediation research papers from 2005/6.

JO

JO provided an update on the meeting with the mediators held on 23rd February 2016. A written report would be circulated to Members and attendees. It was agreed that JO, JW, TW and Wendy Montgomerie should now meet to review the interim arrangements, with a view to further revising the scheme. KL would diarise a suitable date.

KL

A paper by the UK All-Party Parliamentary Group on Alternative Dispute Resolution (ADR) was tabled for information by JO.

The possibility of compulsory mediation assessment meetings in legally aided civil cases was discussed. E-forms may facilitate the process (see also item 20/16(a)). To be discussed with Internal Audit.

(c) Legal Aid Committee Membership

JW advised that applications would be invited from 3rd March and the deadline for applications was 18th March, in respect of the places currently occupied by AW and JW whose terms expire.

It was noted that legal advice on definition of "legal member" was not expected to be available by 18th March.

(d) Pilot Scheme that has been introduced in the running of Care Proceedings – letter from Deemster Roberts

A letter had been sent to Deemster Roberts to ascertain data to establish cost implications and a response was awaited.

(e) Application for admission to Legal Aid Panel and appeal process

The Person Specification Panel entry was discussed and will be further reviewed by JW, CC and MB.

MB

The requirements of Financial Directive 8 were discussed and it was agreed that RS would circulate FD8. MB would provide further advice to the Committee as to impact of FD8 in context of a unified legal aid service.

RS
AS

(f) Application of Proportionality Principle in Criminal Matters

Emails from John Kennish dated 28th January 2016 and Wendy Montgomerie dated 11th February were discussed.

Policy should continue as articulated by WM but WM be invited to make suggestion as to how policy might be further developed.

MB

(a) **Legal Aid Consultation**

(i) **Review of Legal Aid – latest draft report**

The latest draft was tabled, further amendments due.

It was agreed that:

- CC & MB to revise text concerning a unified service; CC/MB
- AS & DT to revise composite document (excluding a unified service) with Simon Mann and Alex Powell and a meeting had been scheduled for 10th March; AS/DT
- Alex Powell should correct minor and grammatical errors KL
- e versions of the current report to be emailed to members; KL
- CC should look at the report from page 42 in conjunction with MB; CC/MB
- Alex Powell should check that the Bishop report was formally published; MB
- Members should notify any substantive changes or factual errors to Alex Powell no later than 10th March; ALL
- sub-Committees should agree revisions to their sections of the report within the current structure and send their agreed revisions (rather than comments) to Alex. ALL

(ii) **Rescheduling of postponed Consultation Seminar**

It was agreed that the seminar would be scheduled for 18th April from 3.45pm to 6.30pm in the Barrool Suite (Alex Powell to make the arrangements) and would follow the same schedule as last time. RS confirmed that MB would be made available to attend. KL

It was noted that it was intended that the seminar outline would be provided to attendees at the start, with the interim report being provided to them after the seminar.

Invites to the seminar would be as previously agreed, with the intention of subsequently holding focus group meetings.

(b) **Amendment to Regulations – time limits for submitting bills of costs**

It was noted that a meeting had taken place on 29th February and would be reconvened. An update would be provided at the April meeting. JW/MB

(c) **Summary Courts User Group**

A letter had now been issued and a copy provided to Members. A response was awaited. MB

(d) **Legal Aid in the Small Claims Procedure**

Letters had now been issued and responses were awaited. MB

19/16 **REVIEW OF THE WEBSITE**

Nothing to report.

20/16 **ANY OTHER BUSINESS**

(a) **Online Services**

RS advised that the development of e-forms dovetailed with the development of online services for Social Security and it was noted that Legal Aid would be included within Social Security's work stream.

(b) **Staffing**

RS provided an update on MB's temporary secondment. It was expected that this would be effective from 21st March 2016, but that MB would be available for the meeting on 6th April.

21/16 **DATE OF NEXT MEETING**

2.30pm on Wednesday 6th April 2016 at Public Records Office.

TJ would be unavailable for the above meeting and AS was potentially unavailable.

The meeting closed at 5.00pm.

Minutes agreed by Chairman



Date

04/05/2016