

# Legal Aid Committee

Minutes of a meeting held at 3.15pm on Wednesday 10 January 2018 in the Third Floor Meeting Room, Markwell House, Douglas

Members Present:	Andrew Swithinbank (Chair)	AS	
	David Trace (Deputy Chair)	DT (notes)	
	Margaret Mansfield	MM	
	Tony Jones	TJ	
	Jane O'Rourke	JO	
	Tony Warham	TW	
	Steph Lowe	SL	
Officers Present:	Ross Stephens	RS	<i>for part of meeting</i>
	Christine Clucas	CC	<i>for part of meeting</i>
	Wendy Montgomerie	WM	<i>for part of meeting</i>
Apologies:	Alex Powell	AP	

## 01/18 **MINUTES OF PREVIOUS MEETINGS**

The minutes of the meeting of 06 December 2017 having previously been circulated, were approved with amendments.

## 02/18 **MATTERS ARISING**

- (a) Legal Determinations Officer has now retired. Appointment of replacement imminent. Further meeting with GTS later in January. LACO post job description virtually finished, by end of month – Chair suggested process should be LAC member's comments to Chair/Deputy Chair who will put a composite revision to CC. CC
- (b) (i) LAC to write to AG and Coroner and Law Society, CC to draft letter. CC  
(ii) Bereaved Families - still waiting for info from UK, which is only relating to legal aid to families in death in custody cases, the Committee want to consider extending to some circumstances of death in care. WM  
(iii) Proceeds of Crime - not certain of costs to legal aid for enabling people to access legal aid. WM to work on an estimate and draft a proposal. WM  
(iv) Care Proceedings –response awaited from AG's CC

## 03/18 **MATTERS REQUIRING DECISION AND ACTION**

- (a) **Staffing/Operational Issues/IT Developments in Legal Aid Administration.**

The focus over Christmas has been answering 3 Freedom of Information requests which are time consuming.

**(b) Update from Legal Aid Certifying Officer**

The Committee thanked the LACO for her verbal overview of the recent meeting with the Law Society Legal Aid User Group. She noted reference to time spent on disbursements and had asked for specifics. Nothing received yet. Also reference to rudeness to staff, would be an ADT matter. Contemporaneous notes to be kept in future with witnesses and Social Security has a procedure for safety of staff and difficult visitors. The Committee asked the Director that this is shared with Legal Aid staff. The LAC needs to be satisfied that training is in place, if appropriate. Increased number of assisted people coming to the office claiming have been advised to do so by their advocate. Appointments now offered within 48 hrs. Advocates informed via the Law Society newsletter.

Mediation fees - some confusion about claiming which WM has clarified in Law Society newsletter. Mediation report to be prepared for February meeting including comparisons with previous years to see trends.

WM

Big improvement in streamlining in 2017, acknowledged by the Law Society.

*WM left the meeting at 16.19*

Committee Members Terms of Reference - list of periods of office were circulated prior to the meeting and indicated that there would be continuity over the next year at least.

**04/18 REPORTS FROM SUB-COMMITTEES AND OTHER MEETINGS**

**(a) Legal Aid Users Group**

See above.

**(b) Public Defender Unit Sub-Committee**

In the absence of anything concerning PDU from the AG's chambers, the LAC will seek an update/progress report from AG and Treasury on the current position so that it can be considered. At some point an opinion will be required on who has the vires to introduce a PDU. CC to speak to AG and Treasury.

CC

**(c) Legal Advice Centres (aka Legal Services Centres)**

Paper put together following the Irish visit has been updated with the figures supplied for PDU regarding the full year costs of providing Legal Aid through the current systems. The Irish model excludes court fees as does ours. The LAC were surprised that it was difficult to ascertain these figures as the LAC used to

receive 6 monthly update on the financial position - NB future agenda item.

What the paper shows is that the cost of providing the current volume of Civil Legal Aid could, if the comparisons used are accurate, be reduced by creating a Legal Services Centre and release around £0.5m for a combination of :

- expanding access to justice and successful dispute resolution through developing the quantity and range of services the Legal Services Centres would offer
- ensuring continuous improvement and professional development and quality assurance
- Savings in public expenditure

The proposal supports the Programme for Government (PFG) objectives including: caring and social inclusion, financial responsibility and public service, services fit for purpose, modern and in the right place and make access to services more focussed around needs of customers. Also encourages change to improve services. Proposal needs a section linking it to PFG - JOR to add a section along these lines at the beginning of the proposal. AS will send (via AP) the paper once revised and the Irish/Manx cost comparisons to the Legal Aid Board officers in Ireland to be certain all cost aspects have been covered. Also, needs mediator staffing splitting out from junior advocates in the main budget or as in the Irish model the budget for mediation was separate and additional adding a potential service development section for expansion. JOR to check on salaries of mediators at Govt. welfare. Also there is the need for another paragraph relating this proposal to PDU and the possibility of the two being run together as one with one Director. AS to draft a letter for AP to send to Ireland. Sub committee to amend paper.

JOR

AS/AP

JOR

AS  
AS/TJ

#### (d) **Alternative Dispute Resolution/Mediation Sub-Committee**

It was agreed too that mediation would now form a key focus point of the Legal Advice/Service Centres initiative (above).

05/18

#### **ANY OTHER BUSINESS**

##### (i) Stakeholders Meetings.

It was agreed LAC chair/ vice chair plus a member and officer would attend a regular meeting of relevant stakeholder groups in response to invitations: Council of Voluntary Organisations regular meetings are on 3rd Tuesday of the month. The next available slot is on April 17th at 5.30, Masham Court.

AS + JOR

Criminal Justice Strategy Board March 22<sup>nd</sup> at Tromode House.

A meeting of LAC members with the Policy & Reform Minister and Law Society had suggested use of Dan Davies, Director of Change, to facilitate a meeting of stakeholders bringing everyone together. It was agreed the LAC should aim to hold an event after Easter.

(ii) Next meeting to discuss the overall plan when we might have AG information about PDU, officer confirmation of LA cost figures, and a revised LA Centres document to order to inform LAC's discussion. AP would ask CC and RS not to leave the meeting so they can advise on procedure for taking forward LAC proposals.

CC/RS

06/18 **DATE OF NEXT MEETING**

**3.15pm on Wednesday 31<sup>st</sup> January 2018 in the Ground Floor Board Room, Markwell House.**

The meeting closed at 4.56pm.

Minutes agreed by Chairman



Date 22-3-2018