

# Legal Aid Committee

Minutes of a meeting held at 3:15pm on Wednesday 11<sup>th</sup> April 2018  
In the Third Floor Meeting Room, Markwell House, Douglas

Members Present:	Andrew Swithinbank (Chair)	AS
	David Trace (Deputy Chair)	DT
	Tony Jones	TJ
	Jane O'Rourke	JO
	Tony Warham	TW
	Steph Lowe	SL
	Margaret Mansfield	MM
Officers Present:	Christine Clucas	CC for part of meeting
	Wendy Montgomerie	WM for part of meeting
Note Taker:	Alex Powell	AP
Apologies:	None Received	

## 13/18 MINUTES OF PREVIOUS MEETING

The minutes of the meeting of 07 March 2018 having previously been circulated, were amended again and a clean copy to be sent to the Chairman for approval and signature.

AP

## 14/18 MATTERS ARISING

- a) 02/18 (b) (ii) Bereaved Families – WM spoke to a missive which was submitted to the LAC ahead of the meeting advising as follows:

*"In respect of the queries about Legal Aid for bereaved families of people who have died in custody or in care: I have heard from the Legal Aid section in London who have indicated that legal help is available for an inquest subject to merits and means testing. Legal Aid may be available in respect of a claim against a public authority. It would be subject to means and merits testing and any damages would be subject to the Statutory Charge. Depending on how serious the issue was, Legal Aid may be available in respect of an investigation by the Prisons Ombudsman. Under the Manx Legal Aid system, Legal Aid may be available in respect of inquests and also taking proceedings against public authorities for damages in the High Court. Both applications are subject to means and merits testing and any damages recovered would be subject to the Statutory Charge."*

The Committee agreed that a final decision would need to be made after due consideration.

- b) 02/18 (b) (iii) Proceeds of Crime – No further information at present.

WM

02/18 (b) (iv) Care Proceedings – As above. WM awaiting a response from Howard Connell at the AG's Office.

WM

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- c) *04/18(b)* Public Defender Unit (PDU) Sub-Committee. A letter of invitation be drafted to Mr Attorney to ask him, in his capacity as project lead, to ask him to attend a future meeting of the LAC. A letter of thanks be drafted to the Chief Secretary in response to his letter informing LAC of the decision of the Council of Ministers to progress the PDU.

AP

## 15/18 MATTERS REQUIRING DECISION AND ACTION

### a) Update from Legal Aid Certifying Officer (LACO)

- (i) The LACO advised she had been working, in conjunction with Katie Ward of the Cabinet Office, on the website, and the Legal Aid Handbook was being reviewed and revamped to be more of an aide memoire to assist practitioners. This 'user friendly' request was a directive from Cabinet Office, and the Law Society will be advised formally before the Handbook goes live - suggestions from practitioners will be welcomed. WM reiterated it is the style not the substance which has been updated. Going forward, Legal Aid Panel members will be advised by the LACO on the Legal Aid website of any changes/updates to the Handbook.
- (ii) Green Forms – WM spoke to correspondence circulated to the LAC prior to the meeting on this issue which had arisen further to procedural queries from two firms of Advocates. It was agreed that, in order to draft definitive advice on this matter. The LAC agreed that further to the settling of the aforementioned date, that payments under the previous instruction up to and including 31<sup>st</sup> March should be honoured and WM agreed to deliver a 'Lunch & Learn' session in order to assist advocates in their understanding of any changes going forward.
- (iii) There was some discussion around the powers of the LAC to remove advocates from the Panel when they had been found guilty by the Advocates Disciplinary Tribunal of an offence – for example 'double charging'. The Committee requested that WM look into their authority in this area.

WM/KW

WM/LA  
Office

WM

*WM left the meeting at 16:15*

### (b) Staffing/Operational Matters

CC advised that a full admin staffing compliment was now in place which would be finalised once the new LACO was appointed. She further advised Katie Ward of the Cabinet Office had been seconded to Social Security for 12 months to work on projects such as relocation of the Legal Aid Office to Markwell House. Meetings re progress in technology with the relevant Business Partner were ongoing and the team was working in partnership with others to improve delivery of service, whilst at the same time, ensuring new staff members receive appropriate and effective training.

CC/AP

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## **(c) Recruitment of incoming LACO**

CC reported that, subject to the Committee's agreement, the LACO post would be advertised as soon as practicable. There was further discussion on the draft person specification which had been circulated prior to the meeting. It was agreed that the Terms & Conditions would be reviewed and some aspects may reflect current Civil Service levels, it was also agreed that three members of the LAC plus one senior Treasury officer comprise the interviewing panel. It was agreed that should no suitable candidates be identified that the post would be re-advertised.

CC

## **16/18 REPORTS FROM SUB-COMMITTEES AND OTHER MEETINGS**

### **(a) Public Defender Unit Sub-Committee**

See 14/18 (c) 04/18 (b) above.

### **(b) Legal Advice Centres (aka Legal Services Centres) Sub-Committee**

Papers circulated prior to the meeting were discussed and changes by the relevant Committee members were noted. The LAC was in accord that they wanted to avoid the situation which has arisen in Ireland whereby waiting times for applicants to Legal Aid need to be reduced and the Committee wanted to ensure that sufficient resources were in place on the Isle of Man. When a full business case/implementation plan is costed the details must be finely tuned to ensure that it can be regarded in full – CC was asked to undertake this project. The LAC agreed that the concept of establishing Legal Aid Centres needs to be further explored including via further consideration of other jurisdictions.

CC

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

The meeting referred to papers previously circulated. J'OR updated the LAC on correspondence exchanged with John Allison who facilitated a Community Mediation conference which she attended in October 2017. The Committee agreed that whilst it could support and actively encourage the Law Society to promote mediation work on the Island but it was noted that they could not take this any further other than as a signposting resource. JO'R due to meet with VU of the Law Society w/c 16/04/18 on this issue and to continue research which should be amalgamated into the feasibility report on establishing Law Centres.

The Committee queried the figures of the LACO report into mediation and requested that CC revert to WM for further clarification.

CC/WM

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## 17/18 ANY OTHER BUSINESS

None.

## 18/18 DATE OF NEXT MEETING

3.15pm on Wednesday 02<sup>nd</sup> May 2018 in the Ground Floor Board Room, Markwell House. Apologies received from TJ.

**The meeting closed at 5:30pm**

Minutes agreed  
By  
Chairman



Date

13-6-2018