

LEGAL SERVICES COMMISSION BOARD

MINUTES OF THE MEETING HELD ON 30 NOVEMBER 2011

[Note: These minutes are subject to be reviewed and the information that is exempt from disclosure under the Freedom of Information Act will be deleted and replaced by an explanation of the exemption that applies.]

Present: Sir Bill Callaghan, Chair
Barry Elliott
Tom Jones OBE
Julian Lee
Beryl Seaman CBE
David Wolfe (except items LSC11/90 – LSC11/93, LSC11/97, and LSC11/102 – LSC11/105)
Owen Mapley, Interim Chief Executive and Director of Finance and Corporate Services

Attendees: Hugh Barrett, Director of Legal Aid Commissioning & Contract Management
Ruth Wayte, Director of Legal and Service Development
Helen Riley, Director of Case Management
Holly Perry, Head of Chief Executive's Office (items LSC11/91 – LSC11/101 only)
Hannah Stephenson, Governance Officer (minutes)

For particular items: LSC11/94 Neil Lewis, Head of Service Development
LSC11/95-96 Sandra Corrigan, Head of HR and Organisation Design
LSC11/95-96 & LSC11/101 Damon Norville, Director of Integrated Delivery and Change
LSC11/96 Kenneth Clarke, QC MP, Lord Chancellor and Secretary of State for Justice
Sir Suma Chakrabarti, Permanent Secretary
Charlotte Baker, Assistant Private Secretary to Kenneth Clarke
Severine Gould, Assistant Private Secretary to Suma Chakrabarti
LSC11/100 Patrick Bloom, Corporate Planning and MI Manager

Announcements: Owen Mapley was welcomed in his new capacity as Interim Chief Executive and Accounting Officer. In addition, on behalf of the Commission the Chair thanked Holly Perry for her work at the LSC. Holly would be leaving the LSC on 16 December.

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Minutes of the meeting held on 26 October 2011

The minutes were approved with no amendments.

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Matters Arising

LSC11/87 LSC website convergence onto the Justice portal

The Commission discussed availability of information for clients following website convergence. It was stressed that information for clients was now available on the DirectGov web portal, rather than the Justice site, with the Community Legal Advice (CLA) website having closed.

It was noted that there had also been a reduction in calls to the CLA public telephone helpline, and that the reduction in marketing activity was likely to be a contributing factor. Commissioners discussed the impact of this on client access, but it was noted that it was government policy to reduce costs by consolidating government websites. The Acting Head of Communications had been discussing this issue with MoJ, and would report back to the Commission on the feasibility of increasing marketing activities for the CLA helpline **(LG)**.

The following actions have been taken to ensure public awareness of the CLA helpline:

- Holding page for old CLA website has been removed and people are now directed straight to the relevant page on Directgov with CLA contact details. This has resulted in a large increase in visits to this page
- A newsletter will be sent out to third parties advising them of the LSC website closure and move to Justice website. This communication will remind organisations where they can find information about CLA on the Directgov site as well as a reminder of services provided by CLA
- Checks will be made over the next few months on local authority sites with links to CLA to ensure their links are up to date
- As part of the proposed Legal Aid Reform changes, MoJ Communications will be responsible for communication to clients and other government departments regarding the CLA helpline and this being the gateway to civil legal aid – this will not be implemented until the bill has gone through all stages of the parliamentary process.

In addition, the Legal Services Research Centre report on telephone access would be circulated to the Commission to inform future Board discussions about the single gateway proposal in the Legal Aid Bill **(HB/MS)**.

Complete. The LSRC report on telephone advice was circulated with the Commissioner weekly update on 9 December.

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Agenda

LSC11/90 Non-executives' only strategy session

An informal meeting attended by non-executives only was held to discuss the latest developments with Chief Executive recruitment.

LSC11/91 Commission feedback session

The Interim Chief Executive informed Commissioners that the Fund strategic analysis paper would be circulated out of committee, following discussion at the Executive Team meeting in December **(OM/NC)**.

Complete – Circulated with Commissioner weekly update on 6 January.

The Audit Committee Chair provided an update on the Audit Committee meeting held on 24 November, at which praise had been given for the quality of the paperwork submitted.

At the meeting the NAO had submitted their Management Letter for the 2010/11 Fund accounts. The Committee were satisfied that this contained no issues of which they had not been aware previously, and they noted the NAO's acknowledgement of the improvements

made to the LSC's financial controls. However, the Committee remained conscious of the challenges ahead.

The accounts timetable for 2011/12 had also been discussed at some length. The timetable was based on an earlier pre-summer recess laying date, in line with the Government-wide Clear Line of Sight project. The plan produced by the Finance team was welcomed by both the Committee and the NAO, but it was noted that the timetable would be extremely challenging to deliver.

[Freedom of Information Act 2000 Exemption: s36(2)(b)(ii) – the free and frank exchange of views for the purpose of deliberations]



The Commission agreed that the LSC should proceed as planned but requested that the Commission be given timely updates on progress against the plan.



The Chief Executive would present proposals on debt collection, as discussed by the Audit Committee, to the Commission Board before raising the issue formally with Ministers **(OM/NC)**.

In hand.

The Commission noted the updates.

LSC11/92 Re-appointment of Independent Chair of Pension Trustees

The LSC would consider the requirements for a Chair of Pension Trustees following the LSC's transition to executive agency status.

The Commission agreed to extend the Independent Chair of the LSC pension schemes' appointment for one year to 31 March 2013, subject to circulation of the existing terms and conditions being received **(OM/HP)**.

Complete – The terms and conditions were sent to the Chair on 9 December and the re-appointment letter has been sent.

The Commission delegated authority to the Chair to write to the Chair of Pension Trustees confirming the extension of their term.

LSC11/93 Family re-tender: Progress and analysis of outcomes

The Director of Legal Aid Commissioning and Contract Management presented an overview of the outcomes from the family tender exercise, which was now in the post-appeals process stage (examination of provision across individual geographical areas).

[Freedom of Information Act 2000 Exemption: s42 – legal professional privilege]



The allocations results were better than had been expected, and demonstrated that new providers were still prepared to join the legal aid market with previous providers willing to remain.

The next tender for civil contracts was likely to be more challenging, given the impact of the proposed scope cuts. The LSC's Commissioning approach would be presented to the Commission Board in January.

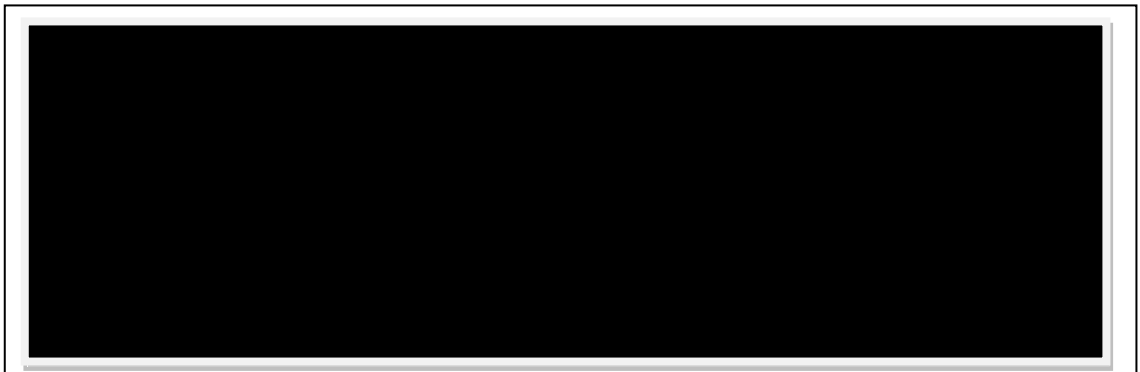
The Commission noted the update.

LSC11/94 Quality Assurance Scheme for Advocates (Crime)

[Freedom of Information Act 2000 Exemption: s36(2)(b)(i) – the free and frank provision of advice]



A further update on QASA would be provided for the Commission once the Joint Advocacy Group had published its response to the consultation (**HB/NL**).



The Commission noted the update and would return to the recommendations once a further update had been provided.

LSC11/95 Ministerial visit pre-meeting

The Commission held an informal discussion of the proposed topics for the Ministerial visit and agreed to the topics previously suggested.

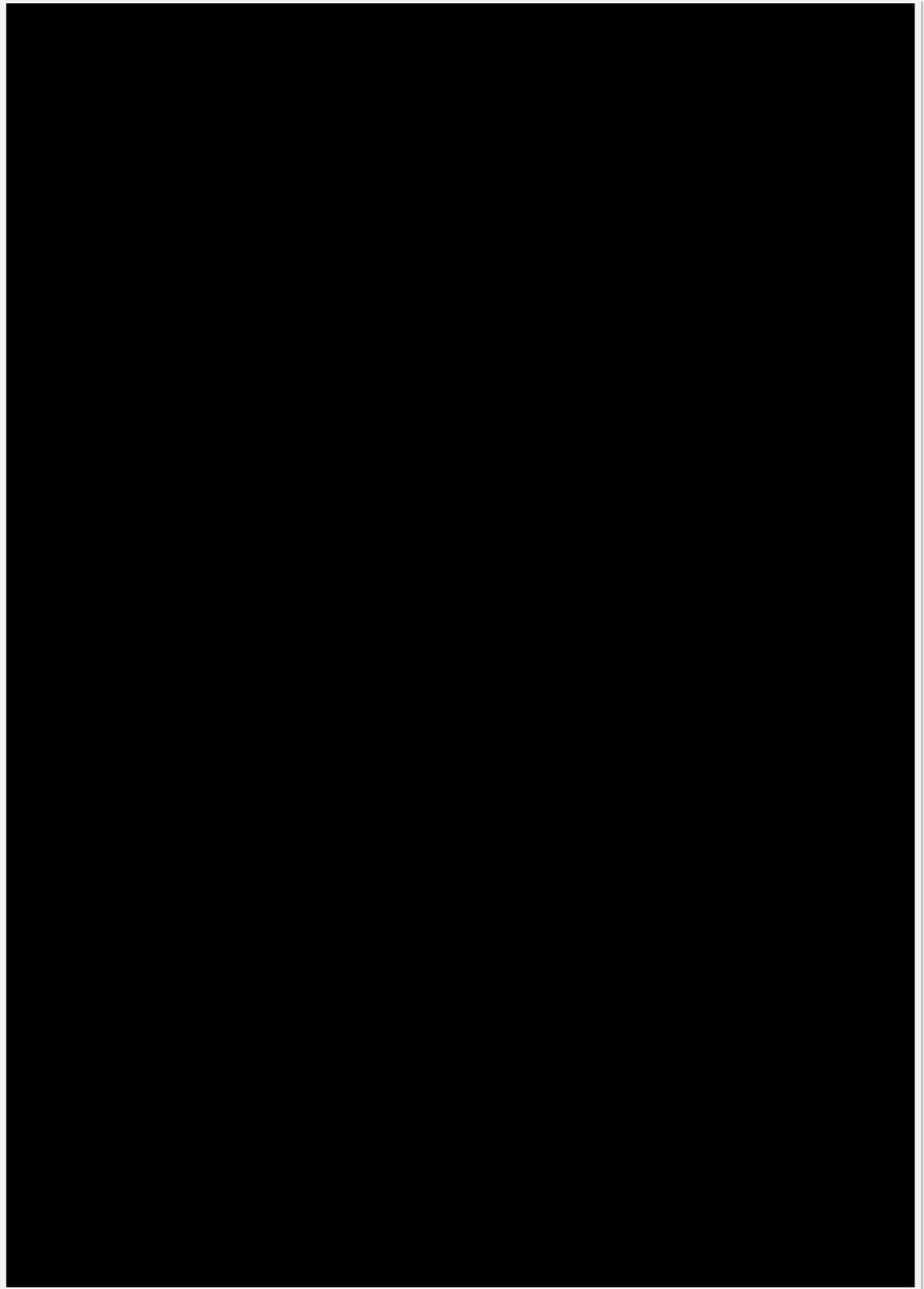
LSC11/96 Ministerial visit

The Chair welcomed to the meeting the Lord Chancellor and Secretary of State for Justice, the Permanent Secretary, and private office staff. An informal discussion took place which covered the following main topics:

- Independence of decision making in the new executive agency
- The scale and nature of the LSC change programme

- LSC operational issues, including the Advocates Graduated Fee Scheme (AGFS) and Crown Court Means Testing (CCMT).

[Freedom of Information Act 2000 Exemption: s36(2)(b)(ii) – the free and frank exchange of views for the purpose of deliberations – and s36(2)(c) – prejudice to the effective conduct of public affairs]





LSC11/97 Public Defender Service Annual Report and future proposals

[Freedom of Information Act 2000 Exemption: s36(2)(b)(ii) – the free and frank exchange of views for the purpose of deliberations – and s43(2) – prejudice to the commercial interest of any person (including the public authority holding it)]



The Commission noted the PDS annual report.

LSC11/98 Report on the work of the Special Controls Review Panel

[Freedom of Information Act 2000 Exemption: s36(2)(c) – prejudice to the effective conduct of public affairs]



It was noted under paragraph 9 of Annex A that there was a pressing need to expand the Panel and recruit specialist members. It was stressed however that this should be done through an open and transparent recruitment process, and guidelines on public appointments would be consulted for this purpose **(DK/CJ)**.

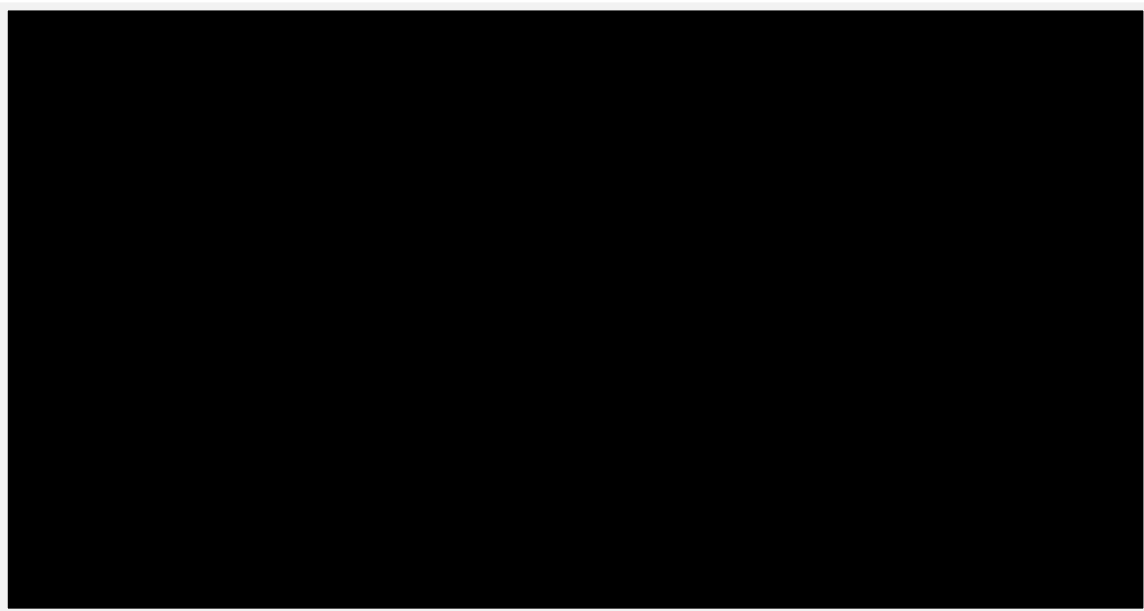
MoJ's Public Appointments Unit have been consulted and advised that this is not a public appointment so the LSC can continue to follow the existing process as set out in the Arrangements, which is sufficiently open and transparent.

The Commission noted the report and agreed to expand the Panel within existing rules, subject to amending paragraph 9 of Annex A to reflect that an open and transparent recruitment process was required.

LSC11/99 Audit Committee Governance Review

The review of Audit Committee governance had been updated following discussion at the LSC Board meeting in October, at which an issue had arisen regarding the recruitment of an external independent member (LSC11/85 refers).

[Freedom of Information Act 2000 Exemption: s36(2)(b)(ii) – the free and frank exchange of views for the purpose of deliberations]

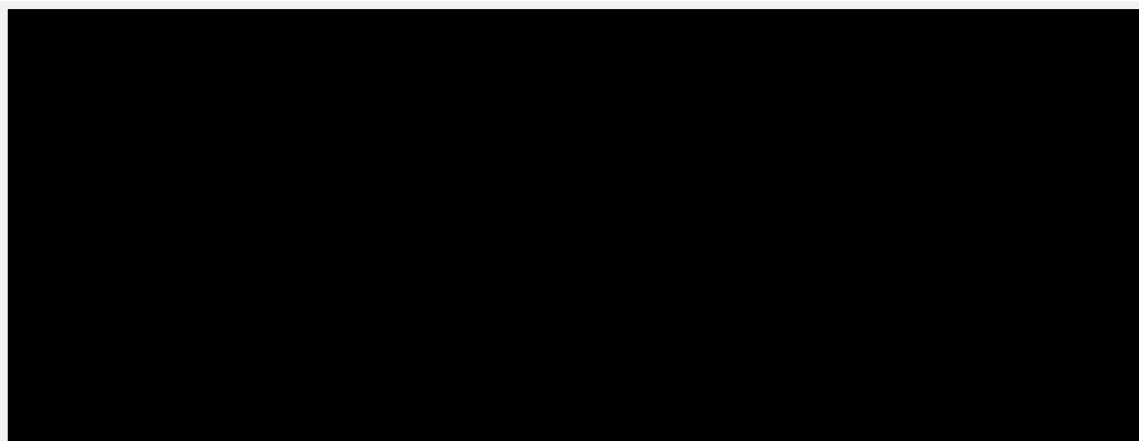


In hand.

LSC11/100 Corporate Performance Report

At the moment KPI 5 (legal aid processing times) is rated as amber/red and KPI 6 (customer service) red. KPI 5 was accompanied by detailed narrative, and KPI 6 would be revised next year to bring targets for responding to complaints and MPs correspondence in line with MoJ targets.

[Freedom of Information Act 2000 Exemption: s36(2)(b)(ii) – the free and frank exchange of views for the purpose of deliberations]



On the agenda at LSC12/08.

The Commission discussed progress against the Business Plan milestones, in particular around Legal Aid Reform where progress against some milestones was recorded as “highly problematic”. This was due to the changes to the Legal Aid Reform implementation timetable which occurred after the Business Plan had been published. The milestones would be re-baselined to correspond with the latest timetable for internal reporting. Reporting in the 2011/12 LSC Annual Report will, however, have to be on the basis of the deadlines in the published Business Plan, but with appropriate supporting narrative to explain the reasons for any delays and setting out the new deadline **(PB)**. The LSC would also consider using less granular milestones in future **(OM/PB)**.

In hand – The draft Business Plan for 2012/13 is on the January agenda (LSC12/10 refers).

The Commission discussed the usefulness of the Business Plan milestone chart as a tool for assessing the LSC’s performance, both internally and externally, as the milestones were also now published in the Annual Report. The Commission requested that greater explanation of progress be provided against each milestone **(PB)**.

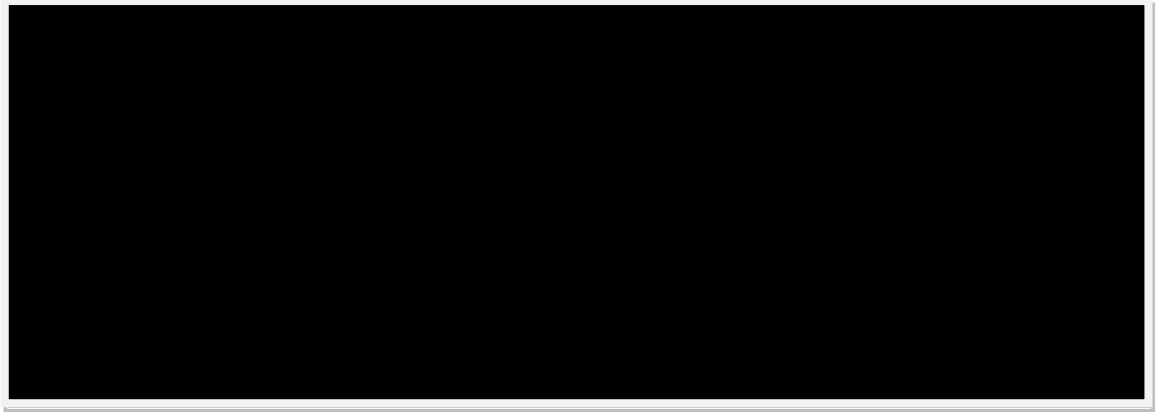
In hand – On January agenda (LSC12/11 refers).

The Commission noted the report.

LSC11/101 Integrated Delivery Programme update

[Freedom of Information Act 2000 Exemption: s36(2)(c) – prejudice to the effective conduct of public affairs]





A demonstration of the application would be provided for Commissioners early in 2012 (DN/CJ).

The demonstration will take place on Wednesday 15 February, 11am to 1pm in room 1B.

The Commission noted the update.

LSC11/102 Update on Parliamentary and Health Service Ombudsman case – Noble

The Audit Committee had also discussed the implications of the Parliamentary and Health Service Ombudsman’s recommendation. In terms of lessons learned, the Commission agreed that early clarity and decision-making were key, as well as the need to ensure appropriate expertise was in place.

[Freedom of Information Act 2000 Exemption: s36(2)(c) – prejudice to the effective conduct of public affairs]



The Commission noted the final report, business case for approval of the compensation payment, and the lessons learnt document.

LSC11/103 Finance update

In addition to presenting the management accounts for October, the Interim Chief Executive provided an oral update on the indicative 2012/13 allocations.

[Freedom of Information Act 2000 Exemption: s36(2)(c) – prejudice to the effective conduct of public affairs]



The Commission noted the update.

LSC11/104 Equality and Diversity update

The Commission noted the update.

LSC11/105 Governance update on information requests

Commissioners noted the large volume of information requests that the LSC continued to receive, and the impact this must have on workload. It was also noted that information requests were starting to be received as part of the appeals against the Family tender.

The Commission noted the update.

Any other business

The Legal Director provided an update on some high profile litigation; in particular, the Henthorn judgment on historic un-recouped payments on account, which was being heard in the Court of Appeal. A further update would be provided for Commissioners on this case once judgment had been received on the solicitor test cases **(RW)**.

An update was given in the Commissioner weekly update sent on 1 December.

Next meeting

The next Commission meeting would take place on 24 January 2012.