

WALES COMMITTEE FOR THE CLS

Minutes of the Meeting held on Friday 30th April 2010 Marland House, Cardiff

Present:

Tom Jones - Commissioner for Wales, LSC (Chair)
Rhys Evans – Consumer Focus Wales
Fran Targett – Citizens Advice Cymru
Catrin Williams – CAFCASS Cymru (via teleconference)
Rob Heaton-Jones – NOMS Cymru
Rob Brandon – Wales Office

Legal Services Commission Staff:

Tiana Pathmanathan – Wales Civil Policy Manager
Hilary Williams – Wales Civil Policy Manager (effective from 1st May 2010)
Paul Davies – Wales Director
Sara Kovach-Clark – Head of Civil Policy

Apologies for Absence:

Lynne Schofield – Welsh Assembly Government
Graham Benfield – Wales Council for Voluntary Action
Eleanor Williams - Equality & Human Rights Commission
Tim Luke - HMCS

1. Introductions, Apologies and Welcome

Tom Jones welcomed everyone to the meeting. It was noted that the current meeting had been postponed to allow for the outcome of the Magee review. There had been several resignations from the Committee and it was also Tiana Pathmanathan's last day at the Commission. Hilary Williams had been seconded to take over as Wales Civil Policy Manager for six months, pending deliberations of the future of the LSC and the Committee.

Alan Davies from HMCS had resigned and had been replaced by Tim Luke, who had been unable to attend the meeting.

Gareth Moss, from SOLACE had also resigned. There was currently no replacement but it was hoped that a name would be provided after the SOLACE meeting in early May.

The Children's Commissioner's office for Wales had written to say that financial cut backs had impacted on their ability to attend meetings, but they still wished to be involved and receive minutes of the meetings.

Dr Caroline Turner from the Welsh Assembly Government had moved to another job but Lynne Schofield would continue as a Committee member and represent the Welsh Assembly Government.

It was noted that Paul Newell had retired from the commission and Tom wished to place formally on record his thanks and recognition for all his hard work. The Committee particularly appreciated the fact that he had spent a lot of time

	working in Wales and it was hoped that this was something that would be continued.	
2.	<p>Minutes of the meeting held on 11th September 2009</p> <p>The minutes of the previous meeting were approved as an accurate record.</p>	
3.	<p>Matters Arising</p> <ul style="list-style-type: none"> • Tom reported that he had not taken steps to formally invite representation from the Older People’s Commission on to the Committee, pending the outcome of the Magee review. • Fran reported that there was no update on the research being undertaken by Glamorgan University, as it had not currently been taken forward. • Paul Davies reported that discussions with key stakeholders and organisations to roll out the Mortgage Rescue pilot were currently on hold. Contracts were in the process of being renewed and there was no resource for any additional work in engaging with providers. Tiana Pathmanathan reported that she had raised it at the Assembly run Housing Repossession Task Group and had tried to get it included in the action plan. It was meant to have been on the last agenda, but subsequent meetings had been postponed due to the weather. Hilary Williams agreed to take it forward and ensure that the group have an active role. Fran Targett confirmed that both the CAB and Shelter Cymru also had seats on the working group and would assist in pushing the matter forward. Action – Hilary Williams ▪ Fran Targett indicated that there was nothing further to report on WAG’s Feasibility Study into joint commissioning. Communication for feeding into the study had been generally by email rather than meetings and everyone was awaiting the outcome. 	
4.	<p>Sir Ian Magee’s Legal Aid Review</p> <p>Tom thanked the Committee members who came to meet with Sir Ian Magee and those who responded individually. His recommendation was that the MOJ and the LSC should consider the points raised regarding governance and Wales issues. The main recommendation relating to the LSC becoming an executive agency, if it took place, would take time. The goal was to reach executive agency status by April 2011, but this was subject to various factors. This was a Labour Government initiative, which had all party support before it had been announced.</p> <p>Paul Davies reported that the LSC had to consider 22 recommendations resulting from the review, Executive agency was clearly the one that the LSC</p>	

had focussed on. A project manager had already been appointed within the LSC along with one from within the MOJ. Work was being undertaken to understand what could stay and what was going to be taken centrally. The LSC's informal arrangements as an arm's length body had worked extremely well and it was important not to lose all the good things when it became more formal. All the Directors at the LSC had been asked to put their names forward to lead a project and Paul had put himself forward for the project relating to Wales. It could be led by the MOJ, and Paul hoped to be a major player. No decisions had yet been communicated. The LSC had already written to the people writing the Bill in the MOJ to ensure they include the Welsh element. Consultation would be key. There was a 4-way stakeholder engagement taking place in Wales. Paul Davies had met with Tim Hemmings at the Wales Office, Jim Gallagher the constitutional lead at the MOJ and Carl Sargeant, the Welsh Assembly Minister for Social Justice and Local Government. The 4th was stakeholder engagement in Wales and this Committee was the key element. Agreement had already been reached with Tim, Jim and the Minister about the issues which were:

- Somebody who understood the diverging laws was needed to ensure that the differences were accepted. Where that person was based would be part of the engagement.
- An open commitment had been made to a Wales policy team that was based in Cardiff.
- The Welsh language must be protected. Either the MOJ Welsh language scheme could be adopted, an MOJ Wales scheme could be considered, or the current LSC Welsh language scheme could continue to be rolled out. The recommendation was that the current LSC scheme be rolled out as it was relevant to the LSC, robust and also had the backing of the Welsh Language Board.
- Agreement had been reached with regards to ongoing stakeholder engagement in Wales. The debate would be around whether the Wales Committee would be statutory or advisory. It was accepted that the implications of the law and the Welsh language had to be understood when developing policy.
- A Welsh champion was needed to ensure legal aid had a voice and was protected. As an executive agency, there would be no commissioners and it was being explored whether one of the non executives on the board should have a similar status. If this did not happen, there was still the desire for a Wales Director in the LSC to be maintained.
- The Lyon Review had said that moving staff out of Wales was not a one way process. It had to be considered whether English staff could be brought into Wales as part of an equal discussion and assessment before decisions were made. This clearly linked to the potential closure of the operations team in Cardiff. The Wales Office, WAG and the Welsh Affairs Committee had all said the LSC needed to be mindful that

if it made decisions on job switches, it had to be an equal weighting of Wales in and Wales out. There would have to be proper consultation.

Rob Heaton-Jones commented that from a NOMS perspective, he fully supported the approach.

Tom Jones commented that it was an opportunity to look at the justice family and other bodies in Wales, to see if there is was an MOJ Wales brand in terms of sharing facilities, resources, etc., that would provide better connectivity.

Paul Davies reported that an MOJ Wales badge was being used between NOMS, HMCS and LSC. A meeting had taken place that week which had been badged as MOJ Wales and there were already some projects working in Wales. There would be a meeting held between the LCS, NOMS and HMCS with the HR Director at the MOJ, to discuss an integrated 'HR MOJ' system in Wales. There was also support from Westminster.

Rob Brandon stressed the fact that the Wales Office was there to support everybody to ensure that Wales wasn't overlooked. Whether it was a new Parliamentary decision or policy being made, there was a need to ensure that the best for Wales was given. If something arose, the Wales Office would need to be informed and they would ensure that it was flagged up directly to Ministers.

Fran Targett confirmed that she was supportive of the priorities that had been set out. Ensuring the policy team was based in Cardiff was important as one couldn't sit in London and have a feel for what was happening. It wasn't just about legislation, but more importantly the difference in the policy approach, which was vital. This was lost if your policy people were not mixing with those policy people from other organisations and within the Assembly. It also impacted on the way people got their services. Tom Jones commented that the timing of initiatives was important as they could be out of sync with what was happening in Wales.

Rhys Evans commented that he had recently attended a meeting regarding central re-organisation of consumer organisations. One of the questions asked was whether there was duplication in efficiency when the decision making was being made far away from where the delivery was? This was where mistakes in duplication could be seen, or policy that did not fit. What the Committee had been doing had worked. The terms of reference of the Committee should be tested and proven fit for purpose.

Catrin Williams commented that it was encouraging to hear the proposals that kept Wales firmly in the forefront of the MOJ's mind.

The Committee was asked to consider whether any stakeholders had been missed. Graham Benfield was suggested along with ACPO Cymru, the Association of Directors in Social Services in Wales and Local Family Justice Councils.

	<p>Tom Jones suggested that as a large number of attendees were unable to attend that day's meeting, they be given the opportunity to feed in. He welcomed Committee members going back to their own organisations if they needed to obtain endorsement, or explain to their chief officers or colleagues before reporting back to Paul Davies. It was agreed that Hilary Williams would collate any feedback.</p> <p>ACTION: HW to collate feedback</p>	
<p>5</p>	<p>Wales Committee for CLS Annual Report 2009/10</p> <p>The Committee reviewed the draft Annual Report. Agreement was reached that the report be amended to show the Mortgage Rescue Scheme had been developed by the Wales Director of the LSC, a local solicitor practice and Shelter Cymru.</p> <p>Action – HW to amend Annual Report</p> <p>Subject to the above amendment, the report was officially accepted.</p> <p>Tiana confirmed that the report would be translated and posted on the website. It would also be circulated to Welsh MPs, AMs and Local Authority Chief Executives. Committee members would also be asked to cascade them down to their partners and others within their own organisations.</p>	
<p>6</p>	<p>Young People Evaluation Report</p> <p>The Committee agreed that the young people's event had been successful. Tom Jones thanked the Committee members who had attended the event and taken an active role.</p> <p>Tiana Pathmanathan suggested the report drafted by Article 12 be an element of focus for the providers meeting in June. The Committee needed to discuss the suggestions made by Article 12 more widely.</p> <p>Suggestions in the report had covered issues that had been looked at previously with young people representative organisations, rather than children and young people partnerships. A greater integration into those seemed to be a way of tapping into a wide range of young people and groups that operate on a local authority level.</p> <p>The issue had always been raised about enabling outreach through contracts, but this posed a number of challenges in the current bid round. The idea of piloting clinics where young people actually were rather than expecting them to come to advisers was another theme that came out of the day. Facebook could be used as a method of promoting services. Promotional materials needed to be adapted to be young people friendly and young people themselves could be involved in the re-design. Promoting in the right places such as on public transport and making more of grass roots organisations such as youth clubs was another recommendation. Referrals was always one of the key themes that came out of any client group and Article 12 looked at setting up referral procedures to aid partnership working across youth support services. In particular, both in the report and from discussion with a number of individuals</p>	

within local authorities, there was a lack of understanding about where young people could access help. It was noted there was a perception that young people could not access legal aid. A free telephone helpline had been suggested in the report and the Committee agreed that this was challenging for any public service organisation. People now had access to less money and things were much tighter. Another issue was the barrier facing a young person having to pay for a call, particularly when typically using a mobile involving increased call costs.

Tom Jones suggested that a discussion take place at the next meeting with the providers forum to consider who else could be invited, who might have an interest or ability to help with the limited funds available.

Fran Targett distributed a document to the Committee showing the information obtained from bureaux members about services provided for young people. Some services were taking place in limited areas and were funded from a variety of sources. The Committee agreed it was worthwhile looking at these in more detail at some point to consider whether it could spread some of the good practice.

Rob Heaton-Jones reported on the programme called 'Locked in Locked Out' which focused on youth learning disability difficulties and communication issues. Some of the issues concerning young people going to court were due not to lack of intelligence, but their inability to communicate their feelings. How they were perceived in court depended on how the magistrate dealt with their attitude. Hilary agreed to contact Ron Heaton-Jones for further details and he would put her in touch with the programme. **Action – HW to contact Rob Heaton-Jones**

Fran Targett suggested it was important that the Committee went back to the work undertaken by Youth Access regarding young people and access, as it threw up some surprising results. One such example was young people not being particularly interested in web based advice, but wanting face to face advice.

Sara Kovach-Clark commented the indications were that there would be a legal aid review and now would be the time to feed this type of information in.

Fran Targett commented it was important to understand that the Committee didn't just discuss things that could be funded by the LSC, but things that needed to be done in terms of advice and information and how it connected together. When she had pulled information together on things that had been happening in Wales, none of it had been funded by the LSC. That didn't make it any less valuable and it was important to not focus solely on the contracts. Rob Heaton-Jones agreed that this was very valuable as the budget for NOMS needed to be looked at collaboratively with others to deliver services. NOMS was looking at ways of preventing people coming into the criminal justice system with its local authority colleagues with each putting in some resources, as they would effectively be dealing with the same clients.

7

AOB

Tom Jones confirmed that for the time being he was still a Commissioner. The Committee needed to think whether there would be an advantage in having somebody at the table from time to time for example, at a non executive strategic level, as well as having a Director for Wales, and policy capacity. The answer would not be to have someone within MOJ visiting Cardiff infrequently. There would need to be involvement from the very outset.

Rob Heaton-Jones reported that there had been a similar situation in NOMS in the way that Wales was represented. There had been ministerial representation on the Welsh Assembly Government run National Reoffending Board, as well as official level representation on the National Programme Board.

Rob Brandon reported that their Minister was part of the National Policing Board.

Tom Jones asked the Committee members what they would like to discuss at the remaining Committee meetings. The providers meeting had already been discussed and everyone was committed to this in principle. Fran Targett suggested that services for young people be taken forward as a theme and a joint agenda be drafted, as had happened in the past. It was suggested that the next meeting be put back. It was agreed that the next meeting would take place on Friday 23rd July. **Action – FT & HW to draft agenda**

Fran Targett gave the Committee an update on the latest quarterly figures. Enquiries had increased by 13% overall, not just in Wales. Advice UK and Shelter Cymru were also seeing similar increases. Debt continued to be one of the biggest increases but worryingly, fuel debt was growing continually. There was also a 78% increase in enquiries with regards to private bailiffs. A piece of work would shortly be undertaken, that looked at local government use of bailiffs. Despite the financial industry indicating that the recession was over, this was not the case for clients and was something that should be borne in mind. The CAB was continuing with its programme of network planning, which looked at moving to bureau per Local Authority area. There were 2 sets of mergers ongoing, with a further about to start. Some Local Authorities were seeing advice as key in this difficult time, and were either maintaining or slightly increasing funding. There were others who were continuing to cut.

Catrin Williams reported that their Chief Executive was retiring that day and arrangements for a replacement were not yet known. There had been a new Practice Direction issued by the President of the Family Division with regards to a revised private law programme, which would have a significant impact on the organisation. The new duties had to be delivered within current resources and would present quite a significant challenge. The level of demand for CAF/CASS Cymru was continuing to increase significantly. Year on year increase of private law referrals were currently growing at around 5% each year, but the growth in the year 1st April 2009 to 31st March 2010 compared to the previous year had a significant overall increase of 32%, with a 59% increase in S.31 Care Applications across Wales.

Rhys Evans reported that in general, all consumer advocacy bodies and

	<p>everyone working in the consumer field were being asked to justify their existence. Fairly big re-arrangements within the entire sector were expected the following week.</p> <p>Tom Jones reported that the LSC was also downsizing with many people having already left.</p> <p>Sara Kovach-Clark commented it was important that continuity of service was maintained and that the dialogue kept going. The relationships that had been built up needed to be maintained until the future was clear. A lot of her team's resources were focused on making sure the right financial stewardship measures were in place and there was a commitment to making the guidance clearer for providers. It was suggested that it be put on the stakeholder agenda for the summer.</p> <p>Tom thanked Tiana Pathmanathan for the tremendous work she had done as Policy officer and guardian of the Committee, since its inception and wished her the best for the future.</p> <p>Fran Targett also thanked Tiana, not just for the work in her current role, but in previous roles, for how much support she had given to members of the CAB and others in the provider sector.</p>	
<p>8</p>	<p>Close of Meeting</p> <p>Tom thanked everyone for attending and contributing to the meeting. It was noted that the next meeting would take place on Friday 23rd July in Cardiff.</p>	