

Mickey Kelly
Assistant Director

By email only: Mickey.Kelly@communities-ni.gov.uk

29 January 2021

Dear Mickey,

Applicant Fraud and Error Workstream – Letter of Delegation

The powers of the Legal Services Agency (LSA) are set out in the Legal Aid and Coroners' Court Act (Northern Ireland) 2014, under which my post is designated as the Director of Legal Aid Casework ("the Director").

Fundamental to my role as Director, and as Accounting Officer for the LSA, is the detection and prevention of fraud and error within the legal aid system. To this end I appreciate the strategic partnership which has been established with the Department of Communities to assist in providing an estimate of official and applicant fraud and error within the legal aid system. I am grateful for the close and effective working relationships with your Standards Assurance Unit (SAU) in delivering this partnership.

One strand of this work is to identify the level of fraud and error arising from applications for legal aid. Plans are being finalised which will enable SAU to directly engage with individuals who have benefited from legal aid in civil cases. The engagement will take the form of an interview with assisted persons to identify whether the original financial information provided was complete and accurate and whether subsequent material changes to their financial position have been disclosed to the LSA as required by legislation. While the initial work will be in respect of concluded cases, this will be expanded to include ongoing cases which will provide Future Overpayment Prevention.

I write to formally set out the basis upon which this work will be undertaken by SAU. Section 4 of the Act provides that the functions conferred on the Director by any statutory provision may be exercised by, or by employees of, a person authorised by the Director for that purpose. This letter formally exercises this power to delegate functions to SAU to make enquiries as to the financial eligibility of assisted persons.

This delegation is based on powers in the Civil Legal Services (General) Regulations (Northern Ireland) 2015 which require individuals, if requested, to attend for interview in respect of their applications for legal aid and enables actions to be taken to suspend, discharge or revoke legal aid for applicants who made an untrue statement as to their financial resources or failed to disclose any material fact concerning their financial resources.

As such I delegate functions in respect of requiring attendance at and conducting interviews for the purpose of establishing the accuracy and completeness of the financial information provided by applicants to the LSA when applying for legal aid and in respect of changes to their circumstances during the period in which legal aid was in place.

The full extent of the work to be undertaken is set out in the Memorandum of Understanding between the LSA and the SAU and I have enclosed a copy of the revised version for 2021. The delegation is also set out in short form to the individual assisted persons who will be interviewed by SAU, as below.

This delegation will remain in place unless varied or revoked by the Director.

Yours sincerely,



Paul Andrews

Director of Legal Aid Casework