

MINUTES
Board Meeting
Tuesday 19 November 2019 at 09.30

Attendees: Paul Andrews
Tom Burgess
Deborah Brown
Colette Donaghy
Stephen Martin
Nuala McAuley
Allen McCartney
Carolyn McDermott (Items 19/106)
Ciaran McGrath (Items 19/106)
Marcella McKnight
Louise Mellon

Secretariat: Julie Toner

LSA/19/103 Apologies & Declaration of Conflicts of Interest

103.01 Chair welcomed Deborah Brown and Nuala McAuley to the meeting. An apology was noted from Mandy McKay who had asked Colette Donaghy, Head of Adjudication, to attend in her absence. It was confirmed Marcella McKnight would join the meeting at a later stage.

103.02 No conflicts, other than those previously declared, were noted.

LSA/19/104 Governance

104.01 Minutes of October Board were agreed.

104.02 Progress Against Action Points – In respect of LSA/A/92 there was a discussion on publishing the approach to means testing cases involving domestic violence. It was agreed it may be prudent to raise awareness on this issue.

104.03 The Board agreed the removal of all action points.

104.04 NEM Engagement – Tom Burgess provided a verbal update on his recent engagement with external stakeholders. The Board discussed the issue of secondary disclosure in respect of applications for exceptional preparation.

LSA/19/105 Shared Service Reporting – NICS HR

105.01 Lesley Chambers advised that the new format of the HR report remained unavailable but an overview of Agency HR issues was provided in the report. It was noted that temporary promotions remained at a high level but that it was anticipated these would decrease as part of the post-digitisation stabilisation. Similarly it was noted the number of agency workers had decreased and would continue to do so.

105.02 An update was provided in respect of the current level of vacancies within the Agency and the various recruitment competitions. It was noted that a number of Agency staff were successful in the recent SO/DP competition and the Board extended their congratulations to those staff. It was further noted there would be a further tranche of candidates brought forward to assessment centres in the new-year. The Board queried the staff turnover rate in the Agency and it was confirmed that these figures would be made available for the December Board.

105.03 The Board noted the rate of compliance with NICS performance reporting arrangements had fallen significantly from previous years and, whilst it was recognised that this had been an exceptional year for Agency staff, emphasised the importance of all staff within the Agency complying with performance management requirements. It was confirmed that this issue was on the Agenda for the SMT and an updated position would be provided in advance of that meeting.

105.04 The Board noted the overall response rate in respect of the NICS People Survey was low and staff were encouraged to complete the survey. It was noted the ER roll out was to take place imminently but that it was not anticipated that this would have a significant impact on the Agency given current rates of sickness absence.

Carolyn McDermott, Louise Mellon & Ciaran McGrath joined the meeting at 10.00am

LSA/19/106 Shared Service Reporting – Finance and Payments

106.01 Carolyn McDermott provided a synopsis of the FSD report. The Board noted that the 2019-2020 resource expenditure indicated an overspend of £4.9m.

106.02 The Board were updated in relation to the Departmental Monitoring Round and were advised a further £2.8m had been made available to the Agency in relation to the declared fund pressure and in relation to pensions shortfall. The Board noted the work undertaken in preparation for the January Monitoring Round, including that there would not be any pressure in respect of resourcing. It was further noted that there had been a significant revision of the position in relation to receipts and the Board considered that this area would benefit from further work. In relation to the fund, it was confirmed that there was now an anticipated pressure of £1.4m which was largely attributable to exceptionality matters; and a small amount in relation to legacy matters, which would be drawn down from a separate fund. The Board discussed the impact of multi-defendant proceedings on the fund and on forecasting noting early communication to all interested parties was key. The processing capacity of the Payments Unit was explored and it was noted that there was some significant housekeeping to be undertaken in terms of the payments data which will have a consequent impact on processing. The Board discussed the approach to be taken in respect of provisions and forecasting in a LAMS-based context. It was confirmed that a meeting to set out the basis of the methodology would take place at the end of November and it was anticipated there would be an update in respect of the Provisions figure for the Board in the December meeting.

106.03 Deborah Brown noted that the Budget Engagement Document for 2020/2021 would be circulated imminently. Whilst it was recognised that the Agency remained in a stabilising state currently, it was emphasised that it would be important for the response to clearly set out the LSA's budgetary requirements.

- 106.04 Ciaran McGrath gave a synopsis of the Payments Highlight report. It was noted the volume and value of registration requests was significantly up against the profiled registrations for October bringing the liability on to the fund to £20.87m.
- 106.05 The Board discussed the current processing dates across payments against KPI objectives. The need to establish a sustainable level of processing within those targets was explored. The position in respect of claims received outside the statutory timeframe was also discussed and it was noted that there may be a need for a final housekeeping exercise in relation to claims believed to have been submitted to LSA.
- 106.06 The Board were updated as to the position in respect of the exceptionality cases noting the volumes granted and the number of applications awaiting adjudication. The processing capacity of this unit was explored and it was noted the DP vacancy would be filled imminently. The Board were updated in respect of the meeting which took place between the Chief Executive and the legal representatives in the multi-defendant exceptionality case and the interim payments in respect of same were discussed. The Board discussed the way forward in terms of dealing with exceptionality matters and explored a case management style approach to future such cases.

Carolyn McDermott, Louise Mellon and Ciaran McGrath left at 11.00am and Marcella McKnight joined the meeting

LSA 19/107 Agency Reports

- 107.01 Marcella McKnight indicated that the Transformation Highlight report had been delivered previously to the Stakeholder Forum. It was noted that October had been the Agency's best performance month in terms of LAMS in the volume and value of requests processed. The Board were pleased to note the improvements particularly in the area of Representation Higher applications which were significantly up on previous performance. It was noted that it would be important to bring forward a few key messages

through the engagement with the profession, notably in relation to the linking of proceedings on LAMS and the domestic violence waiver.

107.02 The Board were updated as to the level of queries currently being received and were advised these calls remained primarily of a business issue/operational nature, rather than technical support issues. The Board noted that work was ongoing to refine contact centre scripts to increase efficiency and to embed proper escalation to business areas in the process.

107.03 An update in relation to the PAR Review was provided and a copy of the Executive Summary and Recommendations was distributed to the Board. An outline of the highlight points was given noting that the report had found that the LAMS application and infrastructure were now stable and successfully embedding in business processes. The Board welcomed this positive report and were pleased that this reflected the work undertaken by the Agency in the implementation of LAMS. It was noted that the Risk Register, in particular Risk No. 7 (Future Engagement), would be updated in light of the PAR response. It was further noted that work was underway in relation to the 2 urgent recommendations made in the PAR response and the Board requested sight of the Action Plan to be developed in response to same. It was confirmed the report would be shared with all PAR participants and the Board discussed the engagement with stakeholders in light of the recommendations. It was confirmed the Terms of Reference of the Stakeholder Forum had recently been revised to reflect the 1st tranche of change controls to LAMS and the refocus of the forum on the printing requirements etc.

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| LSA/A/97 – Corporate Risk Register to be updated in light of PAR report |
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| LSA/A/98 – LSA Action Plan to be developed in response to the PAR report and shared with the Board |
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107.04 The Board were updated in relation to the outcome of the UK IT Awards. It was noted that although the team did not win in their category, the judges commended the project team and noted they were impressed by the scale and scope of the project. It was further noted the NICS Awards would take place on 28 November wherein the project was nominated in both the Digital and the Project Delivery categories.

Marcella McKnight left the meeting at 11.25am

107.05 The Board welcomed the update provided by Colette Donaghy in respect of Civil Legal Services Highlight Report in the absence of Mandy McKay. The business processes in Representation Higher were discussed and it was noted that whilst the emergency applications were being processed efficiently there was a significant number of non-emergency applications currently awaiting adjudication. The Board were advised that work was underway to develop a system for the escalation of applications which, owing to the passage of time, were now an emergency. It was noted that the proposed process by which these true emergencies would be dealt with would be used exceptionally and was not to be used to circumvent the normal LAMS processes. The Board queried the position in respect of the number of requests awaiting adjudication and the level of resourcing required to address same. It was noted that the issue had been exacerbated by the significant volumes of applications submitted pre-cut over and work was underway to recover the position from then. It was confirmed that this issue would be unpacked further at the December Board meeting.

107.06 The Board welcomed the Corporate Services Highlight report presented by Nuala McAuley. The Board noted that work was due to commence on the Agency's Business Plan for 2020/2021 and it was confirmed that some initial thoughts would be brought to the December meeting before the horizon scanning meeting to be held in January.

LSA/A/100 – Email to be circulated to members to confirm date in January 2020 for Business Planning meeting

107.09 An update was provided in respect of the Debt Recovery Unit, particularly in relation to the recoupment of interim payments. It was noted that the response from the profession had been underwhelming and firms involved would therefore be advised that the recoupments would be made in February 2020. The Board briefly discussed the refund of contributions in these cases.

107.10 The Board were advised of the work ongoing in respect of duplicate travel and mileage claims and in respect of the office accommodation. There was then discussion in relation to the error testing completed by DfC. It was noted that, owing to capacity issues within DfC, it may be necessary to recast the sample and the approach to be taken in so doing was outlined. The Board explored the handling of the official error rate report and the wider departmental impact.

107.11 The Board noted the KPI Report.

LSA/19/108 Governance and Corporate Risk

108.01 The Board noted the FOI/DPA monitoring report and an update was provided in respect of the recent FOI requests in relation to a specific applicant. The Board noted a number of complaints remained outstanding and it was emphasised that there is a need for greater transparency as to the reasons for delay.

108.02 The Security Incidents Report was noted.

108.03 The Board discussed the Corporate Risk Register and noted that same would be updated in light of the PAR response in particular Risk No. 7 – Future Engagement. The Board then discussed Risk No. 4 – Resources to Deal With Transformation and Deliver Reform. It was noted that the Agency continued to review the training needs of staff to ensure the transfer of skills

and knowledge and to stabilise the Agency in a post-LAMS implementation context. It was noted that the LAMS project was part of a wider Agency transformation and that the Agency was in the final stages of the organisational restructure. The Board discussed the extent to which the new structure will support a wider engagement by staff, particularly in relation to risk management. There was a discussion in relation to Business Continuity planning, noting that this was an area which was being looked at more widely across the Department. It was further noted that access points would be critical for the Agency in ensuring business continuity but recognised that there would be a departmental prioritisation of needs within which the Agency would sit. The Board discussed the provisions made in relation to potential ransom attacks on the system and it was confirmed that the Department were very much alive to this issue.

108.04 There was a short discussion in relation to the style of the Corporate Risk Register and it was noted that it would be helpful to note target dates for completion of control measures.

LSA/19/109 Reform Initiatives

109.01 Stephen Martin provided an update in respect of the EAJD Reform Briefing Paper. In relation to the introduction of standard fees in civil remuneration, it was anticipated a new project would be brought forward before the end of the financial year to look at the remuneration of Article 8 & Article 50 proceedings

109.02 The EAJD approach to reform proposals was discussed and it was noted that there would be an increased focus on the impact of any proposed reform on the legal aid budget and any consequent pressure created. Chair agreed this would be supported by the Agency's tracking of associated costs.

LSA/19/110 Correspondence

110.01 Update previously provided at 108.01 above.

LSA/19/111 AOB

111.01 Board discussed Values & Behaviours and no concerns were noted.

111.02 Chair thanked Deborah Brown for attending the meeting and it was agreed Deborah would attend periodically going forward. A draft timetable of dates for future meetings in 2020 was circulated.

111.03 The Chair noted that this would be Julie Toner's last meeting as secretary to the Board and the Board join him in acknowledging their thanks for all her work in support of the Board.

Meeting ended at 1.15 pm

Next Meeting: Tuesday 17 December 2019 at 09.30.