

## MINUTES

### Board Meeting

**Friday 26 November 2021 at 9.30am**

**Attendees:** Paul Andrews (Chair)  
Daphne Johnston  
Paul Mageean  
Kerry McGill  
Mandy McKay  
Louise Blair  
Eamon O Connor (EAJD)

**Secretariat:** Maria Dowds  
Kathleen McMenamin (Observer)

#### **LSA/21/54 Apologies & Declaration of Conflicts of Interest**

- 54.01 The meeting was conducted on site. Apologies were received on behalf of Nicola Mullan.
- 54.02 No conflicts, other than those previously declared were noted at the meeting.
- 54.03 The minutes from the previous meeting of 27 September 2021 were agreed as accurate by all parties with no amendments requested. The action points were discussed with the recommendations for closure endorsed.
- 54.04 The Chair advised that the NICS HR action points would be discussed at Agenda 6(2) Corporate Services Paper.
- 54.05 The Chair highlighted that the Agency received £1.5million in the October Monitoring Round and the funding position would be discussed in detail at Agenda item 5(2).

54.06 The paper on the rate of successful appeals per appeal panel was noted. The Board noted that 56% of legal aid appeal applications were granted, 43% refused and 1% adjourned. A discussion ensued in relation to the inconsistency of the panels in granting legal aid. It was suggested that the paper tabled to the Board, which highlighted analysis across each of the appeals panels should be shared with the panel members.

LSA/A/172 LSA to share analysis of appeal awards and refusals across appeal panels with panel members. LSA and EAJD to arrange refresher training for appeal panel members concerning standards and legal aid policy in early 2022.

54.07 The Non-Executive Members (NEMs) provided an update on the training sessions completed to date and highlighted that these had been beneficial coupled with the induction sessions held by the Agency's Senior Management Team.

### **LSA/21/55 Shared Services Reporting –Financial Services Division**

55.01 The Board noted the content of the Finance Report.

55.02 FSD presented the outcome of the October Monitoring Round noting that a bid for £5million to meet fund pressures and reduce unassessed bills had been submitted, however only £1.5 million was awarded. It was noted that funding would allow Operations to continue to meet or improve upon KPI's.

55.03 FSD confirmed that the January Monitoring Round exercise had been commissioned, completed and submitted to the Department on 4<sup>th</sup> November. A bid for an additional £3,500k which included an anticipated £500k pressure in income was submitted and £100k for a staff pressure. The pressure at October Monitoring Round was £5,317k and the bid in the January Monitoring Round reinforced the message at October and also took account of the timing of confirmation of any additional budget being provided prior to the end of the financial year.

55.04 The Board asked to be kept abreast of the outcome of the January Monitoring Round and queried when the outcome would be known and when potential additional funding would be available. FSD confirmed it would be late January 2022.

LSA/A/173 NEMs to be informed of the outcome of the January Monitoring Round.
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55.05 There was a discussion on whether the Agency could spend the additional funding if received late in the financial year. The Chair stated that adjustment could be made in relation to resources and payment structures and noted that the additional funding would ease the pressure of unassessed bills for the 2022/23 financial year. The Board noted that early notice of the outcome would be key in managing and utilising the additional resource.

### **LSA/21/56 Agency Reports**

56.01 The Board noted the content of the EAJD Paper.

56.02 An update was provided by EAJD on the following projects, Magistrates Court Rules – Statutory Review, Crown Court Rules – Statutory Review, Implementing the changes resulting from the Domestic Abuse Act.

56.03 EAJD highlighted that the Magistrates Court Rules Statutory Review consultation closed on 1 September 2021. The Justice Committee had approved this consultation and the Board noted the business case had been reviewed and approved by FSD. The amended rules will come into effect early January 2022.

56.04 The Board noted that a consultation paper on Crown Court Rules would issue early 2022.

56.05 It was noted that the Implementing the changes resulting from the Domestic Abuse Act contained two strands of work, one to produce a report as required by section 29 of the Act and one to introduce a legal aid

financial eligibility waiver as required by section 28. The business case for the legal aid waiver is being drafted and the waiver will be introduced in February along with the criminal offence, subject to business case approval.

- 56.06 Finally, the Chair updated the NEMs on correspondence received by the Minister on behalf of the Bar Council.

LSA/A/174 EAJD to select and discuss specific projects in detail at each board moving forward.

### **Louise Blair and Eamon O'Connor left the meeting at 10.35am**

- 56.07 The Board noted the contents of the Operations Report.
- 56.08 The Board discussed the high volume of applications and payment requests being received by the Agency and that the increased volume had a detrimental impact on some of the organisation KPI's, however it was noted by the Board that performance had increased in a number of areas due to the filling of long-term vacancies. These staff members are being trained with 100% checking in place.
- 56.09 The Board noted that all areas of work within Criminal Authorities and Exceptionality are being reached within KPI, which had allowed staff to focus on historic matters such as removing paper files to offsite storage in advance of the planned accommodation move.
- 56.10 The Board agreed that in general there were currently no issues in processing applications or payments within the Operations section.
- 56.11 The Board reflected on the impact of solicitors failing to verify the attendance of interpreters at zoom meetings. The Board agreed that for those cases where an interpreter could not be vouched for, the Agency would close the case. This case could not be paid until the solicitor provided evidence of the interpreter's attendances. The Board were told that this had a negative effect on the KPI as cases were closed and had to

be reopened to allow payment to be made dating back to the original payment request, which were outside of the 30-day target.

- 56.12 The Board noted that the Practitioner Error and Fraud Pilot had been running for a month and had generally been operating well. It was noted that despite extensive engagement and detailed guidance practitioners had not read and fully understood what was being asked of them. It was further noted that files had been received and were being reviewed to allow payments to proceed subject to satisfactory evidence.
- 56.13 The Chair updated the Board regarding the CJINI review of the Agency. The Board noted that the Director of Operations was the last internal member of the Agency to be interviewed by the Inspectorate. It was noted that recommendations were yet to be received, as the inspectorate had to complete their review with external stakeholders. It had been highlighted that it was clear that the performance of Operations had improved due to the development of LAMS and the training of new resources.
- 56.14 The Director of Corporate Services took the Board through the content of the HR Reports 5(1) in the absence of Nicola Mullan.
- 56.15 The Board noted that as at the 25 November 2021 96.7% of In Year Reviews had been completed against a target of 90%. Those that had not been completed were for staff currently off on long term sick, which means the Agency was fully compliant.
- 56.16 The Director of Corporate Services updated the Board in relation to the 25 vacancies within the Agency, noting that these had decreased since the report was run as a number of AO's and EO1's had joined the Agency in November. It was noted that there were still priority vacancies at SO, DP and G7 level and that there was currently no supply at these grades. The DP Legal Officer posts were due to be filled substantively in the upcoming month. An update was also provided on the CARB G7 post.
- 56.17 A short discussion took place regarding the Agency's sickness record. The Board noted that there were currently four long-term sickness absences within the Agency and the Senior Management Team were

continuing to work with NICSHR Case Managers in relation to these. It was also noted that a request had been made for sickness absence training for line managers to help improve targets in this area.

- 56.18 The Board noted that there was a ban on elective transfers across Department. The NICS Board had agreed to suspension of elective transfers as a method to fill DP level and below.

LSA/A/175 NICS HR to provide long term sickness absence statistics for the Agency in comparison to statistics in the Department.
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- 56.19 The Board noted that contents of the Corporate Services Report. The Director of Corporate Services provided an update on two projects, Accommodation and LAMS Support Contract Procurement. It was noted that as the landlord for Waterfront Plaza had not engaged with the Agency and the lease was due to expire in July 2022, the Estates Team and Land and Property Services had issued a commercial circular to the market to seek alternative premises options. This provided a long list of options, which were shortlisted, based on the Agency's requirements. A business case had been developed, a preferred option identified which had been approved by the Departmental economist. The preferred option presented significant savings based on current rental and service charge costs incurred by the Agency. The preferred option is currently in shell condition and this presented a risk to the Agency based on the tight timeline to decant the current premises. This was reflected on the Agency's Risk Register.

- 56.20 It was noted that high-level service mapping in relation to the future new ways of working has been factored into capacity requirements and one of the limiting factors of the move was the amount of storage for physical files. A special exercise was underway to transfer files to offsite storage, where appropriate.

- 56.21 Following the LAMS Support Contract procurement process, a preferred bidder had been identified and a final business cases prepared based on bid costs, which were significantly (37%) less than forecast and expenditure, incurred at present. CPD had signed off on assurances in relation to cost and the final business case had been approved by the departmental economist. There is a slight delay to go live of approximately one month due to issues, which arose during the procurement process.
- 56.22 The Board noted that the Fraud and Error Update, including the action plan progress position as at 31 October 2021. This action plan had been presented to the Justice Committee in October with further update requested for March 2022. The Board agreed that the Agency should seek agreement from the Committee to delay the update until September 2022 as this would be more meaningful as the Annual Report and Accounts would be published in July 2022.
- 56.23 The Board noted the content Practitioner Pilot Review report and there were some issues obtaining responses from solicitors. It was noted that the additional resources and training of new starts would provide an opportunity to increase identification and reporting of practitioner error. Internal Audit had completed a review of applicant fraud and error, which was expected to provide a satisfactory marking with minor housekeeping recommendations. The Director of Corporate Services noted that this was also expected for the internal audit of the Counter Fraud and Error Action Plan.
- 56.24 The Board endorsed the Debt Management paper. The Director of Corporate Services provided a brief introduction on debt management within the Agency that debt arose from six sources and highlighted methods for recovery action.
- 56.25 The Board discussed the grounds for Write Off and the Chair explained the delegated authority limits approved by FSD. It was noted that the Director can authorise amounts up to £5,000, with the Chief Executive

authorising write offs up to £10,000. It was noted by the Board that if there cases of expected fraud the write off required DoF approval.

## **LSA/21/57 Updates and Questions on Reports**

57.01 No further issues arising.

## **LSA/21/58 Corporate Governance**

- 58.01 The Budget 2022-2025 and Business Planning report was noted. The Chair updated the Board on the Agency Budget 2022-25 process and the Agency's approach to business planning for this period. It was noted that the Chair had held an internal meeting with Heads of Branch and commissioned draft business priorities for discussion at a further session in December. It was agreed that a business planning session with the NEMs would be scheduled in January 2022.
- 58.02 The Corporate Risk Register was noted. The Chair noted that the Agency would be reviewing the risks in conjunction with the business plan, aims and objectives.
- 58.03 The Chair suggested that the Corporate Risk Register be reviewed and discussed at the business planning session in January, as risk management and corporate planning were interlinked.
- 58.04 The Board discussed separately the risk of information security within the Agency. A discussion ensued in relation to the Practitioner Error and Fraud Pilot and the increased risk as the solicitor firm was not completing the form to record the number of pages.
- 58.05 The Board members discussed the Data Management Project and compliance with file closure. The Director of Operations had allocated staff to close cases/files within the rules and regulations of the Department Retention and Disposal schedule.



- 58.06 An update was provided on historic information security breaches and noted that these have significantly reduced due to the introduction of LAMS.
- 58.07 The Chair thanked Daphne Johnston for the Audit and Risk Committee (ARC) update from the October meeting. It was agreed that this summary was beneficial for those Board members who were not members of the ARC.

### **LSA/21/59 The Forward Look /Key Events**

- 59.01 The Forward Look/Key Events report was noted. The Chair noted that this report would be developed throughout the next 2 to 3 months to manage board reporting and agendas.

### **LSA/21/60 AOB**

- 60.01 The Board agreed that the business planning day would be scheduled week commencing the 24 January 2022.

The meeting ended at 13.00 pm.

**Next Meeting: 31 January 2022 at 9.30am**