

MINUTES

Board Meeting

Tuesday 22 October 2020 at 9.30am

- Attendees:** Paul Andrews (Chair)
- Tom Burgess
- Nuala McAuley
- Allen McCartney
- Mandy McKay
- Mairead McGreevy (EAJD)
- Lesley Chambers (items 64.01 – 64.06)
- Carolyn McDermott (items 64.07 – 64.09)
- Secretariat:** Joan McShane

LSA/20/62 Apologies & Declaration of Conflicts of Interest

- 62.01. An apology was received from Stephen Martin, Mairead McGreevy was welcomed in Stephen's absence. The meeting was conducted on site with Lesley Chambers, Carolyn McDermott and Mairead McGreevy attending via remote access.
- 62.02. No conflicts, other than those previously declared were noted.
- 62.03. NEM Update. It was reported that the Lay Magistrates were back in Court performing their duties. The Chair provided an update on a combined Law Society and Bar Council meeting of the Operational Forum which Stephen Martin had also attended. A range of issues had been discussed

including EAJD's consultation on mediation and the impact of Brexit. The Chair reported that Stephen Martin had written to the professional bodies advising that the Registration Scheme Project had been relaunched. Tom Burgess reported that the Law Society were delighted with the level of information contained in the LSANI dashboard reports. The Board noted that the extended school closures had not adversely impacted on service delivery as staff had the facility to work from home. It was noted that the Jury trials had restarted.

LSA/20/63 Governance

- 63.01. The minutes of the September Board were approved.
- 63.02. Progress Against Action Points – The updates on the action points were noted and agreed.

LSA/20/64 Shared Service Reporting – NICS HR

- 64.01. The HR Reports were noted by the Board. It was reported that there had been major changes in direction since the papers issued in respect of filling vacancies. The Board noted that a meeting had taken place on 19 October when there had been a review of all competitions and a temporary hold had been placed on internal moves including trawls, transfers and elective transfers. Deborah Brown had directed that additional information was required from each business area so that a list of priority posts could be identified based on a high, medium and low priority approach. It was reported that a resourcing exercise had been initiated in which priority pools would be reviewed, checked for DDA and surplus staff over the next two weeks. It is planned that offers will issue to the external candidates who had been successful at the AO, SO and DP recruitment exercises in the hope that there would be a supply situation at those grades, which would help with workforce planning. It was reported that NICS HR were leading on a new induction pack for all new recruits

which would include on line corporate inductions, guidance for line managers, 'buddy' roles and a list of mandatory training requirements.

- 64.02. Discussions took place in relation to vacancy management and it was noted that there had been a green light to fill 17 vacancies in LSANI prior to the new restrictions. It was further noted that posts filled by temporary promotion in LSANI that had reached or exceeded 51 weeks should be reviewed by the business areas and managed in line with HR Policy. NICS HR confirmed they would raise the surplus AA posts with the Resource team so that the post holders could be redeployed as soon as possible to meet the demands of other business areas in NICS. The Board were updated that the recent restrictions necessitated a stocktake of all vacancies to identify priority posts which would have to be endorsed at Department Board level and ultimately the Permanent Secretary.
- 64.03. The Board raised their concerns about the number of vacancies in LSANI, the impacts on service delivery, Fraud & Error, the Accounts and Provisions work. It was noted that with the reinstatement of the DoJ HUB there was also potential for a further reduction in staff numbers.
- 64.04. A brief discussion took place on the recommendation of the NICS HR Board that staff be encouraged to take annual leave and it was noted that there had been an increase in the number of LSA staff using annual leave. It was highlighted that there was no existing business justification that would require the carryover of annual leave above the permitted 9 days.
- 64.05. A verbal update was provided on Performance Management. It was noted that the In Year Reviews for LSA were at 67% either agreed or in the process of agreement which compared positively against other departments. It was noted that the deadline for completed midyear reviews was 31 October.
- 64.06. The number of staff on long term sickness absence was noted. The Board were updated that action plans were in place; OHS were resuming reviews and would be carrying out telephone appointments to comply with COVID guidance. It was highlighted that OHS were dealing with

backlogs. It was reported that the HR Employee Relations team processes were resuming and the HR team would be keeping in touch and supporting managers in the managing attendance processes.

Lesley Chambers signed off from the meeting at 10.15am

- 64.07. The FSD report was noted by the Board. The Board noted the 2020-2021 resource expenditure to the end of September showed an over- spend of £1.7m, which was predominantly as a result of the Fund/ Payments. It was noted that Fund had received an allocation as part of the October Monitoring Round to assist with managing payments and this would continue to be reviewed as part of the January Monitoring Round. Discussions took place in relation to the monitoring rounds and the difficulties in projecting spend because of COVID-19, volume of bills received pre COVID-19 and reduction in Court business. It was highlighted that this was a major concern of the Board.
- 64.08. Further discussions took place in relation to whether budgets could be fully utilised within timescales. It was noted that certain high profile cases could have disproportionate impacts with large sums of money paid to a small number of firms. The Chair updated that there was important work ongoing in Provisions specifically volume and average cost of cases at a high level and also scrutiny of cases that may never result in a cost to the fund e.g. RTA or Tripping cases.
- 64.09. The Board congratulated FSD on the considerable work that was ongoing and were pleased with the style and content of the papers on forecasting and provisions, however they asked that a timeline and how methodology was being tested be incorporated into future papers for the Board.

LSA/A/127 The Board to be given feedback on any variances in the approved priority posts that could be filled on the basis of Departmental Review.
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LSA/A/128 The FSD papers to be developed to include timeline and methodology testing.

Carolyn McDermott signed out of the meeting at 10.40am.

LSA/20/65 Agency Reports

- 65.01. An update was provided on the audit of the LSANI Audit Reports. It was reported that the audits had not yet been finalised and it was not clear what papers would be available for the Audit & Risk Committee meeting scheduled to take place on 5 November 2020. A discussion took place in relation to the audit and potential impact on existing qualifications.
- 65.02. The Board noted the content of the Operations paper. An update was provided on the contemporaneous records. The Board commended the quality assurance work and excellent efforts of staff in reviewing, assessing and reducing the assessment time when the report, which triggered a payment was received. The Board noted the process instigated to reduce the number of queries, the positive impact this would have on Provisions, improvement on accuracy and on the official error rate.
- 65.03. A brief discussion took place on the work that was underway with the Taxing Master and SAU and how this had translated into desk instructions for staff and guidance for the Profession. It was reported that a new post of EO1 Training Officer was in the recruitment stages and it was anticipated that the post holder's role would be instrumental in improving accuracy and consistency of approach. It was noted priority would be given to a central review of the legislation supported by the SAU team.
- 65.04. Discussions took place on the reasons for the number of unanswered messages on LAMS. The Board were updated that the messages were work in progress and they were being given greater priority. A list of

FAQ's was being developed which could, in the long term reduce the number of messages. The draft FAQ's would be shared with the profession so that they could feed into the topics. The Chair updated that the agenda for the November stakeholder meetings included an item for suggested improvements from the Profession.

- 65.05 The Board congratulated staff on the outputs for payments and also adjudication on non - emergency applications which were well within target.
- 65.06. The Board noted the Corporate Services report and an update was provided. It was noted that the lease was due to cease in 2022 and the options under consideration were discussed. An update was given on the LSA exposure in respect of Fraud and Error Risk. The Board noted that the recruitment for the Grade 7 Head of Fraud was underway with interviews taking place w/c 26th October and 2nd November 2020.
- 65.07. The Board noted that the procurement of the new contract for LAMS was progressing, with some material changes identified. It was reported that the LAMS team were taking the lead in the Data Management project with a draft work programme issuing later in the week.
- 65.08. The NI Direct Contract Exit was discussed with the key dates highlighted and the work carried out to date outlined. It was noted that a Working Group was being constituted with responsibility for reviewing the existing specification, liaising with Central Procurement Directorate and scoping out the requirements for the new contract. The Board noted that the current system would be handed over to a new contract provider and ITAssist would provide the new system platform.
- 65.12. The Board noted the Enabling Access to Justice Project Update – October 2020. The Board noted that the Legal Aid Strategy Group had given approval for reinstatement of the Registration Scheme project. Stephen Martin and John Bradley were before the Justice Committee that day in relation to the Expert Witness Project with the proposal to Pilot in the Family Court commencing in January 2021. The Committal Reform Bill was progressing and, subject to Assembly approval would be introduced

in the next few weeks. A brief discussion took place about Committal Reform, Appeals in extradition cases and taxation in High Court Bails cases.

LSA/20/66 Updates and Questions on Reports

66.01. There were no updates and Q&A were covered throughout meeting.

LSA/20/67 Governance and Corporate Risk

67.01. The FOI/DPA monitoring report was noted as part of the Corporate Services Highlight Report.

67.02. It was noted that there had been two Security Incidents reported in September, but no sensitive information had been released.

67.03. It was noted that there had been 1 AQW's received and answered since the last meeting.

67.04. The amendments to the Corporate Risk Register were noted and agreed.

67.05. The Chair updated that the Accounts would be presented to the Board in due course.

LSA/20/68 AOB

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

68.02. The Audit and Risk Committee Annual Report was recommended to the Board and formally adopted.

Meeting ended at 12.30

Next Meeting: Tuesday 17 November 2020 at 9.30am