



Legal Aid Review Panel

Records of Meetings

Year: 2018

The following records of meetings have been approved by the Panel.

Signed

A handwritten signature in black ink, appearing to be 'Steve Ahier'.

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Chairman
Deputy Steve Ahier

Legal Aid Review Panel

Record of Meeting

Date: 18 July 2018

Present	Constable Richard Vibert Deputy David Johnson Deputy Steve Ahier Deputy Jess Perchard Deputy Rob Ward
Apologies	
Absent	
In attendance	Simon Spottiswoode, Scrutiny Officer

Agenda matter	Action
<p>1. Appointment of Chair</p> <p>It was agreed to appoint Deputy Steve Ahier as Chairman of the Review Panel.</p>	
<p>2. Panel remit</p> <p>It was noted that the Panel had been formed to review proposals to reform Jersey's Legal Aid system contained within P.50/2018 Draft Access to Justice (Jersey) Law.</p> <p>It was noted that the draft law had been due to be debated by the States Assembly on 10th July 2018, but had been deferred by the Chief Minister. Given the time period since the law was first lodged, the Panel was informed that the draft law would need to be withdrawn and re-lodged</p> <p>It was agreed to write to the Chief Minister to ascertain his intentions with regards to new lodging and debate dates.</p>	SS
<p>3. Review objectives and methodology</p> <p>The Panel discussed the briefing on this matter provided to the Corporate Services Scrutiny Panel on 3rd July and attended by the members of the Review Panel.</p> <p>It was noted that the review was likely to be made up of two separate parts:</p> <ol style="list-style-type: none"> 1. A review of the draft Access to Justice (Jersey) Law 2. A review of the detail of the new legal aid scheme which would be implemented by the Legal Aid Guidelines Advisory Board once the Access to Justice (Jersey) Law had come into force. <p>It was noted that development of the rules of a new legal aid scheme under the draft law would be undertaken by the Legal Aid Guidelines Advisory Board. However, an early version of the rules had been circulated by the Law Society of Jersey in a previous consultation and could form the basis of any public engagement undertaken by the Panel.</p> <p>It was agreed to prepare a simple explanatory sheet of the key features of the new legal aid scheme that could be published by the Panel and shared on social media.</p>	

<p>The Panel also agreed to consider what other forms of public engagement could be used in order to reach as wide an audience as possible. This might include an online survey, or use of social media comments pages.</p> <p>The officer was asked to develop an explanatory sheet and communications plan.</p> <p>The Panel also requested that research be undertaken into the Legal Aid system operating in Guernsey.</p>	<p>AH/SS</p> <p>SS</p>
<p>4. Briefings</p> <p>It was agreed to contact the Acting Batonnier to request a briefing on the current legal aid scheme.</p>	<p>SS</p>
<p>5. Future meetings</p> <p>The Panel agreed to meet again on Monday 20th August at 2pm.</p>	

Legal Aid Review Panel

Record of Meeting

Date: 20 August 2018

Present	Deputy Steve Ahier, Chairman Constable Richard Vibert Deputy David Johnson Deputy Jess Perchard Deputy Rob Ward
Apologies	
Absent	
In attendance	Simon Spottiswoode, Scrutiny Officer Item 3: Advocate David Cadin, Bâtonnier Neville Benbow, Chief Executive of the Law Society of Jersey Advocate Rose Colley

Agenda matter	Action
1. Records of Meetings The Panel approved the record of the meeting held on 18 July 2018.	
2. Draft Access to Justice (Jersey) Law The Panel reviewed the draft law and identified areas of concern that it might wish to amend. The Panel considered and approved a scoping document and terms of reference for its review.	
3. Briefing on current legal aid system The Panel welcomed the Bâtonnier and Chief Executive of the Law Society to provide a briefing on the current legal aid system. The briefing covered the structure and operation of the current legal aid system, the costs involved and the differences between Jersey's legal aid system and other jurisdictions. Discussions also covered the proposed new legal aid scheme, the consultation undertaken in developing the scheme and expected timescales for implementing it.	

Legal Aid Review Panel

Record of Meeting

Date: 28 August 2018

Present	Deputy Steve Ahier, Chairman Constable Richard Vibert Deputy David Johnson Deputy Jess Perchard Deputy Rob Ward
Apologies	
Absent	
In attendance	Simon Spottiswoode, Scrutiny Officer Andy Harris, Scrutiny Officer

Agenda matter	Action
<p>1. Draft Access to Justice (Jersey) Law</p> <p>Recalling that it had received a briefing from the Bâtonnier on 20th August on the current legal aid system in Jersey, the Panel discussed the key points arising from the briefing.</p> <p>The Panel then discussed specific parts of the draft Access to Justice (Jersey) Law which it had concerns about. These focused on the composition of the proposed Legal Aid Guidelines Committee and the process set out in the draft law by which a new Legal Aid Scheme would be brought forward. It was agreed to invite the relevant policy officer to attend the Panel's next meeting to discuss possible amendments to the draft law.</p> <p>The Panel also noted concerns about provisions in the proposed new legal aid scheme rules which would mean that spouses without dependent children would not receive legal aid in divorce cases.</p> <p>The eligibility criteria set out in the proposed new legal aid scheme rules were also discussed and it was agreed to obtain statistics on the number of households in Jersey that would be affected by the changes to the legal aid system.</p> <p>The Panel reviewed a draft summary consultation document that would be used to gather public comments on the draft law and proposed new legal aid scheme. Changes to the consultation document were agreed and it was noted that an amended version would be circulated prior to the Panel's next meeting.</p>	

Legal Aid Review Panel

Record of Meeting

Date: 4 September 2018

Present	Deputy Steve Ahier, Chairman Constable Richard Vibert Deputy David Johnson Deputy Jess Perchard Deputy Rob Ward
Apologies	
Absent	
In attendance	Simon Spottiswoode, Scrutiny Officer Andy Harris, Scrutiny Officer Item 1 only: David Le Marquand, Private Secretary to the Minister for Home Affairs Dennis Dixon, Law Officers Department

Agenda matter	Action
<p>1. Draft Access to Justice (Jersey) Law – meeting to discuss amendments</p> <p>The Panel met with the policy officer responsible for the draft Access to Justice (Jersey) Law to discuss the feasibility of making amendments to certain parts of the draft law.</p> <p>The discussions focused around the composition of the proposed Legal Aid Guidelines Advisory Committee and the balance of different interests represented on the committee. A revised list of members of the committee was suggested by the Panel, which ensured more clear representation for consumers and States Members. The Panel also suggested a change to the quorum of the committee and requested that consideration be given to ensuring an appropriate gender balance.</p> <p>The approval process for new legal aid guidelines was discussed and the Panel asked whether it might be possible to amend the law so that new legal aid guidelines had to be approved by the States before taking effect.</p> <p>It was agreed that the Policy Officer would take away the Panel's suggestions and discuss with Ministers possible amendments to the draft law.</p>	
<p>2. Public consultation</p> <p>The Panel discussed a draft public consultation document which it would use to obtain the views of the public on the draft Access to Justice (Jersey) Law, and noted that changes had been made from an earlier version it had reviewed. The document was approved, subject to minor changes being made. It was agreed to commence the public consultation once the draft law had been re-lodged.</p> <p>Methods of publicising the Panel's review were discussed, with a view to ensuring the widest possible circulation of the consultation document.</p>	

Legal Aid Review Panel

Record of Meeting

Date: 19th September 2018

Present	Deputy Steve Ahier, Chairman Constable Richard Vibert Deputy David Johnson Deputy Rob Ward
Apologies	
Absent	
In attendance	Simon Spottiswoode, Scrutiny Officer Andy Harris, Scrutiny Officer

Agenda matter	Action
<p>1. Records of Meetings</p> <p>The Panel approved the records of the meetings held on 20th and 28th August and 4th September 2018.</p>	
<p>2. Panel Membership</p> <p>It was noted that Deputy Jess Perchard had resigned from the Panel.</p>	
<p>3. Draft Access to Justice (Jersey) Law</p> <p>The Panel discussed updates received from policy officers on the following:</p> <ul style="list-style-type: none"> • The expected lodging and debate timeframe for the draft law • Feedback on suggested amendments to the draft law <p>The Panel also discussed question areas for future public hearings.</p>	
<p>4. Submissions</p> <p>Copies of submissions received to date were reviewed by the Panel. It was noted that a number of other stakeholders had indicated that they would be making submissions in due course.</p> <p>The Panel discussed other stakeholders to contact, including prisoners and charities working with offenders.</p>	
<p>5. Public call for evidence</p> <p>The Panel noted an indicative timeframe for its public call for evidence and approved a press release announcing the publication of submissions received to date.</p>	
<p>6. Future Meetings</p> <p>The Panel agreed that its next meeting would be held on Wednesday 3rd October at 9.30am.</p>	

Legal Aid Review Panel

Record of Meeting

Date: 18th October 2018

Present	Deputy Steve Ahier, Chairman Constable Richard Vibert Deputy David Johnson Deputy Rob Ward
Apologies	
Absent	
In attendance	Senator John Le Fondré, Chief Minister David Le Marquand, Policy Officer Andy Harris, Scrutiny Officer

Agenda matter	Action
<p>1. Meeting with the Chief Minister</p> <p>The Panel received Senator John Le Fondré, Chief Minister and David Le Marquand, Policy Officer to discuss the Draft Access to Justice (Jersey) Law 201-.</p> <p>The record of the meeting is classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Absolute Exemption Article 26.</p>	
<p>2. Future Meetings</p> <p>The Panel agreed that its next meeting would be held on Friday 26th October at 2:00pm in the Blampied Room, States Building.</p>	AH

Legal Aid Review Panel

Record of Meeting

The record of this meeting is classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended). (Exemption shown below)

Date: 18th October 2018

Present	Deputy Steve Ahier, Chairman Constable Richard Vibert Deputy David Johnson Deputy Rob Ward
Apologies	
Absent	
In attendance	Senator John Le Fondré, Chief Minister David Le Marquand, Policy Officer Andy Harris, Scrutiny Officer

Agenda matter	Action
<p>AE Article 26</p> <p>1. Meeting with the Chief Minister</p> <p>The Panel received Senator John Le Fondré, Chief Minister and David Le Marquand, Policy Officer to discuss the Draft Access to Justice (Jersey) Law 201-.</p> <p>The Chief Minister explained that the draft law had now been discussed by the Council of Ministers and it had been agreed that the draft law could be re-lodged with amendments.</p> <p>The Chief Minister acknowledged that the submission from the Bailiff raised significant concerns about the proposed scheme included with the proposition and agreed that they needed to be explored further. It was noted that the draft law in itself had been largely accepted, and therefore an alternative solution would be to re-lodge it without the scheme attached. Subject to the draft law being agreed by the States Assembly, the current scheme could be maintained whilst further work was undertaken by the Legal Aid Guidelines Panel to bring forward a new scheme.</p> <p>The Policy Officer explained that the following amendments (as suggested by the Review Panel) had been accepted and included in some form in the draft law:</p> <p><u>Article 6</u></p> <ul style="list-style-type: none">The membership of the Legal Aid Guidelines Committee had been updated to include two States Members. It was noted that this was in addition to the Members already stated in the draft law, as opposed to the Panel's suggestion that a nomination of the Bailiff and the Chief Executive of the Law Society should be removed.	

- Under paragraph g of the draft law, it was now stipulated that the nominations of the Chief Minister should be residents of Jersey and not Members of the States Assembly.
- The quorum of the Legal Aid Guidelines Committee, as per the Review Panel's suggestion, had now been raised to seven. Likewise, the number of members required to sign off reports of the Advisory Panel had been raised to seven.
- It was explained that serious consideration had been given as to how gender balance could be enforced on the Advisory Panel, however, due to the number of ex-officio members required on the Panel, it would not be possible to guarantee this.

Article 7

- Before the Chief Minister could publish the approved guidelines for the scheme, they would need to be laid before the States Assembly for a period of four weeks. This would then allow any Member to bring a proposition seeking the annulment of the proposed guidelines that would be voted on in the Assembly. It was explained that in the event the proposed guidelines were annulled, the scheme would revert to the one in place prior to the debate.

The Chief Minister explained that the draft law as amended was intended to be lodged during the following week, and a final draft would be shared with the Panel prior to this taking place. It was noted that the lodging deadline for the debate to take place on 4th December was unlikely to be met and, therefore, it was highly likely that it would take place at the first sitting in 2019.

Legal Aid Review Panel

Record of Meeting

Date: 2nd November 2018

Present	Deputy Steve Ahier, Chairman Constable Richard Vibert Deputy David Johnson
Apologies	Deputy Rob Ward
Absent	
In attendance	Simon Spottiswoode, Scrutiny Officer

Agenda matter	Action
<p>1. Draft Access to Justice (Jersey) Law</p> <p>The Panel noted receipt of an updated draft of the Draft Access to Justice (Jersey) Law. It was noted that this version of the draft law had been considered by the Council of Ministers at its previous meeting but that no date for lodging the draft law had been set.</p> <p>It was agreed to write to the Chief Minister to note the approaching Christmas break and to request that the lodging period take account of this.</p> <p>The Panel reviewed the draft law and noted queries about particular sections to raise with government officials and the legislative drafters.</p>	<p>SS</p>