

## COMMISSIONERS' STRATEGIC ISSUES MEETING 21 MAY 2015

Present: Chairman  
Professor Elizabeth Cooke  
Stephen Lewis

Chief Executive  
Adrian Hogarth

Professor David Ormerod  
Nicholas Paines QC

Sara Smith – Head  
of Strategic Planning

Catherine Vine for  
Item 5  
Sarah Taylor, Amy  
Perkins and Amina  
Hussain for part of  
Item 5

Registry

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### Item 1: Minutes of the Strategic Issues meeting on 22 April 2015

1. The minutes of the Strategic Issues meeting on 22 April were approved with no amendments.

### Item 2: Matters Arising

2. The Chief Executive provided Commissioners with an update on a number of areas:

#### 50<sup>th</sup> Anniversary

3. Preparations for the Parliamentary Reception to be held on 16<sup>th</sup> July were well underway. Catherine Vine, Head of Strategic Engagement, would join the meeting for the agenda item on Parliamentary Engagement, and would provide a more detailed update on the plans for the Reception.

4. On the University Competition, Law Schools across the country had now been contacted, via the Society of Legal Scholars network, to obtain an indication of the likely level of interest and gauge the possible number of entrants. The closing date for entries had been set as the end of November. The rules and guidance for the competition were currently being developed and, in line with the agreement of Commissioners at their last meeting, would be approved by the Chairman and the Chief Executive on behalf of the Commissioners.

#### Recruitment of Law Commissioner and Non-Executive Board Members

5. The recruitment for a successor for Professor Cooke continued to progress well. The sift meeting had been held, and a shortlist of candidates had been identified who would now be interviewed. The date for that interview was now likely to be early in July due to availability in panel member's diaries. The Chairman stressed the importance of completing the recruitment process, including seeking the approval of the Lord Chancellor to the preferred candidate, before summer recess to enable the successful candidate to start with the Commission as soon as possible in the autumn.

6. The Chief Executive reported that the Permanent Secretary had now given her approval to the appointment of the Non-Executive Board Member. The appointment itself would be made by the Chairman, and a formal announcement

would take place before the summer recess. The first meeting the Non-Executive Board Member would attend would be the September Strategic Issues Meeting.

### **Item 3: Commissioners' Awayday – Follow-up Actions**

7. The Chief Executive had circulated a short paper summarising the key points of discussion at the Commissioners' recent awayday, and noting the actions that had been agreed.

8. The Chief Executive asked Commissioners whether they had any further reflections on the topics discussed at the awayday, and whether they would find it helpful to hold further discussions on some of the issues raised. Commissioners agreed that it would be helpful to hold further discussions – be that either at another awayday, or potentially by bringing discrete topics to Commissioners' Strategic Issues meetings as appropriate. The Chief Executive noted that one key area for additional discussion would be the Commission's budget over the next spending review period, and the development of some potential scenarios. The Chief Executive asked whether, as a first step, Commissioners would be content for some early thinking on the issue to be presented to their peer review meeting on the 3<sup>rd</sup> June as a special agenda item. Commissioners agreed that this seemed very sensible, particularly in light of the recent Government announcements regarding further cuts to budgets in this financial year.

9. The Chairman and Commissioners expressed their thanks to the Chief Executive for arranging the awayday, and commented that they had found the discussions very useful.

### **Item 4: Framework Document**

10. The Chief Executive presented the latest draft of the Framework Document, which had now been agreed with HM Treasury, the Cabinet Office and the MoJ Sponsor team. There had been some small amendments made to the text as a result of queries raised by HM Treasury and the Cabinet Office, which the Chief Executive brought to Commissioners attention. Professor Cooke questioned the use of the term "personally responsible" in the document when referring to the Chief Executive's responsibilities. The Chief Executive confirmed that this was standard terminology, and in accordance with Managing Public Money, the relevant HM Treasury guidance. Professor Ormerod commented on the reference to a future Triennial Review of the Commission, and asked whether it was necessary to include that in the text. The Chief Executive confirmed that, as Triennial Reviews remained a cross-Government policy, there did need to be a reference to them in the document. She also confirmed, however, that she had been given assurances by the MoJ that the next Triennial Review would be light-touch and focus on the implementation of recommendations from the last review. Nicholas Paines suggested one drafting point – amending para 4.2 of the document.

11. The Chairman thanked the Chief Executive for her work on the document, and noted that the next step would be for the MoJ Sponsor Team to seek the agreement of the Lord Chancellor to the document. Once that agreement had been obtained, the Framework Document would be formally signed by the Chairman and by Catherine Lee, Director General of the Law and Access to Justice Group, ahead of being laid in the libraries of both Houses of Parliament and being published on the Commission's website.

### **Item 5: Engaging with Parliamentarians**

12. Catherine Vine, Head of Strategic Engagement, then joined the meeting to present a paper to Commissioners on Engaging with Parliamentarians. Catherine had recently spent some time shadowing officials in the Houses of Parliament, and her paper noted the key issues raised and suggested some areas for further work.

13. Catherine had been working with a small team from across the office on the broader engagement piece, and Sarah Taylor, Amy Perkins and Amina Hussain joined the meeting at this point to hear the discussion of their work. Catherine noted that contact had been made with all the new Ministers in MoJ appointed since the General Election – the Chairman had written to the Ministers, and they would also be invited to the Parliamentary Reception. In addition, the team had been working on some analysis of the interests of all the new MPs in order to be able to assess which areas of law reform they may have a particular interest in. Work was also underway to develop biographies of all Cabinet Ministers.

14. One of the key strands of the team's work was communications. The team were producing a pack of communication materials which could be used at events – including infographic cards on Law Commission projects, following an example of best practice which had been used with success in the House of Commons. The Commission would be hosting a stand in the atrium of the Petty France building from the 15<sup>th</sup> to the 17<sup>th</sup> June, to coincide with the 50<sup>th</sup> anniversary of the Commission and the Five Jurisdictions Law Commission conference. It was unlikely that these new materials would be ready for this event, but it was hoped they could be used at the Parliamentary Reception in July. The save-the-date for the Parliamentary Reception had been issued, and formal invitations would be sent from the Chairman shortly. There were 200 places available at the event, and around 400 invitations were being sent to ensure a strong turn-out. Catherine also noted that, as many of the invitees were known personally to Commissioners, it would be helpful to have their support in encouraging people to attend.

15. The Chairman thanked the Catherine and the team for their work. Catherine, Sarah, Amy and Amina then left the meeting.

#### **Item 5: Draft Welsh Protocol**

16. The Chairman thanked the Chief Executive and the Head of Strategic Planning for their work on the draft Welsh Protocol. He noted that he had some drafting comments which he would pass on, but no changes of substance. Commissioners made no comments on the draft.

17. The Chairman noted that it would be helpful to finalise the document ahead of his meeting with the First Minister at the beginning of July. Ahead of that, the approval of the Lord Chancellor would need to be sought to the document.

#### **Item 6. Work Programme**

18. Commissioners had discussed their updates against the business plan in their earlier peer review meeting, and as such discussions focused instead on corporate issues. The Chief Executive reported that work on the new website for the Commission was progressing well, although it was taking longer than originally envisaged to migrate the content from the old site. A demonstration of the new site had been arranged for Commissions on the 9th June, and it was hoped that the website would then be launched by the end of June.

19. The Chief Executive then introduced the Finance Report – noting that the core budget had been increased slightly due to the Marriage project. It was early days in the financial year, and the Commission was currently carrying a very small underspend.

**Item 7: AOB**

20. The Chief Executive noted that the Business Plan for the Commission for 2015-16 was currently in development, and would come to the Commissioner's June Strategic Issues meeting for agreement.

21. Professor Ormerod had previously circulated to Commissioners an email he had been sent regarding a proposed conference to tie in to the consultation for the 13<sup>th</sup> Programme. The Chairman and the Chief Executive both welcomed the idea in principle, however they noted that the approach to consulting on the 13<sup>th</sup> Programme had not yet been developed, so it was too early to formally commit to such a conference.

22. Professor Ormerod asked whether, in light of the Government's announcements on the Human Rights Act, the Commission needed to develop a Line to Take on the impact such a change might have on its projects. The Chairman agreed this was a sensible course of action.

23. Finally, the Chairman asked that the minutes note his, and the Commission's appreciation for Professor Cooke, who was leaving the Commission, for the important work she had led over her tenure. The Commissioners wished Professor Cooke every success in her future endeavours.