


Briefing Paper A – Peter Handcock, Director-General – Access to Justice Group (Ministry of Justice)

Background

1. A biography of Peter Handcock and a note on the scope of his Directorate are attached (**Annex 1 and 2**). He was invited to the Board on 28 September to “give a presentation, perhaps concentrating on the Ministry of Justice’s work on Access to Justice, (but with a wider invitation to pick up any issue with the Board)..... It would be really useful for the Board to hear your perspective on the issue and how you see the MoJ’s agenda dovetailing with the LSB’s own responsibilities”, but was unable to attend due to illness.

Objectives

2. 
3. The objectives for the core policy content of the session might therefore be defined as:
 - building confidence in our ability to deliver high profile, high impact strategy and to live within reasonable resources (provided that we do not face micro-management);
 - ensuring that MoJ recognises synergy between what we are seeking to achieve and its wider strategic challenges in the Access to Justice field;
 - considering the impact of a change of government on our and MoJ strategy and plant ideas about where our role might expand post-election; and
 - emphasising, more generally, the scope for LSB to undertake tasks for MoJ, given the scale of the public expenditure challenge facing the department.

Points to make in discussion

4. After Peter’s presentation, we expect the session to open into discussion / Q&A. Suggested questions for Peter are below. In opening the session, and in discussion, it is recommended that the following points are made:
 - Significant progress since Board Members took up their posts on 1 September 2008. Delivered start-up on budget and three months early, got similar momentum behind the Office for Legal Complaints (OLC) and delivered substantive policy change on independence and alternative business structures (ABS) in particular, whilst still in set up, significantly shifted regulatory philosophy on partnership at the Bar and principles-based regulation at Solicitors Regulation Authority (SRA); and built a credible, lean organisation. In other words, we have already a track record on managerial and policy delivery and effective influencing;

- Very good alignment between our objectives and those of current government – and we believe any future administration. For example:
 - freeing up the market via ABS will both enable more competitive responses and better value for money (vfm) from legal aid expenditure and help to reduce pressure for further increases by ensuring that those on incomes at and just above legal thresholds are better served;
 - Quality Assurance for Advocacy helps Legal Services Commission (LSC) gets better vfm and should also mean better vfm from more effective management of court procedures;
 - independence of regulation should mean that such objectives can be pursued more systematically by avoiding blocking tactics from 'union' arms of The Law Society and The Bar Council;
 - establishment of Legal Ombudsman – better service for consumers and safety valve for Ministers when the next miners-type scandal emerges;
- So, we think that we have the right vision, values and 'can do' attitude to achieve common objectives without compromising regulatory independence;
- [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

The LSB/MoJ relationship

5. At the abortive September meeting, we were planning to discuss MoJ's desire to impose a 'performance management' framework on our activities, and an Access to Justice Group wide approach to developing relations with ALBs. The former has actually worked well in practice, with two amiable low-key meetings, in which MoJ's main concern has been that we have not blown our own trumpet loudly enough.
6. On the latter, we understand that there will not be a publication until March and hence probably no action until after the election. We might press for any emerging details from Peter, but, as the process is being run from the centre of MoJ, he may not be totally sighted on the detail.
7. We also need over the coming months to review our framework documentation with MoJ. The absence of the Director of Finance and Services has meant that this has progressed more slowly than we would have wished in January, but our intent remains to let MoJ have a revised document to form the basis of discussion over the next couple of months. Other than giving a message about the need to ensure that such documents are fit for specific purpose, rather than reflecting a 'one size fits all' philosophy, there is no need to cover the issue in detail with Peter.

8. We have not seen a draft agenda for the meeting of non-executives of MoJ NDPBs on 2 February, to which we have all been invited. I suggest that we do not spend time on this event with Peter, but do discuss objectives afterwards. The key, I think, is to emphasise to MoJ how much NDPBs can do and the need to avoid double handling on substantive policy issues, rather than getting stuck into the minutiae of governance arrangements.
9. To the extent that we need to deal with these relationship issues with Peter, we suggest that the following objectives are key:
 - ensuring maximum freedom for both LSB and OLC within the ongoing review of management of MoJ ALBs;
 - [REDACTED]
 - emphasising the need for the review of framework documentation to build on progress of the past year and recognise the special position of an independent regulator.

However, we would suggest that these subjects should take a maximum of 20% of the hour long session.

10. Possible points to make in this part of the discussion include:

- our relationship with the Department has improved significantly. We receive valuable support from our sponsor team on day-to-day issues – and we hope that the process of budget and business plan agreement will be less painful than last year;
- MoJ's review of relationships with ALBs is welcome. It provides an opportunity for common understanding of the basic principles that should underpin any ALB/MoJ relationship, not least political realism on the part of the former and proportionality of management on the latter;

- [REDACTED]

- [REDACTED]

Next Steps

11. We will be briefing Peter orally before the Board meeting and will circulate any necessary update by email in advance of the meeting.

Chris Kenny, Chief Executive
Julie Myers, Director of Corporate Affairs

January 2010

Possible questions:

- a) What is your assessment of the contribution that ABS could make to the Access to Justice agenda? And in light of that, how much appetite is there across MoJ for their speedy introduction? Our understanding is that the Opposition's appetite remains high. Is that your intelligence too?
- b) Are you able to give us your personal assessment of the implications that any change in Government might have for the Access to Justice agenda – both in policy and management terms?
- c) We've been urging the pace on NHS Direct style solutions and are pleased to see a joined up response in the Ministry. Shifting services to web and phone is likely to be vital both for publicly funded and, increasingly, for private advisory work as well. What can we do to help develop radical thinking and selling it to new Ministers?
- d) How will the Government manage its response to the Jackson Review of Civil Litigation Costs and where can the Board best help to develop thinking, both in relation to regulatory issues and more widely?
- e) Clear appetite in our discussions with LJ Jackson and the LCJ for reform of court processes – albeit with a price tag attached – which they see as one key component of securing timely and cheaper access to justice. Do you see a role for us here – either in looking at system efficiency per se or at underlying issues which determine it, such as the level of understanding of court procedure imparted through legal education?
- f) Are there areas where LSB could take on functions to help MoJ manage costs? Are there any areas of policy work which could be outsourced to us, for example, if too expensive to do inhouse and too important to drop? For example, if LSC became an executive agency, would it be helpful for the Board to have an access to justice advisory role in relation to legal aid?
- g) In terms of relationships, is there any scope for mutual learning about whether the way we relate to the bodies we oversee has any read across to Government relationships with NDPBs? There could be things to learn on both sides.
- h) Can you say anything about progress on the ALB review and, in particular, talk us through how the controls within your Directorate relate to broader requirements at the corporate MoJ level – and vice versa?

Biography (from MoJ website)



Peter Handcock was appointed as Director General, Access to Justice on 1 April 2008. He has worked in the court system for over 30 years, in both operational and headquarters posts. Most recently he was the Principal Adviser to the Secretary of State on Criminal Justice, Department for Constitutional Affairs Delivery Director and Accountant General of the Supreme Court before his appointment to Chief Executive of the Tribunals Service on 6 December 2004.

Peter started in the civil service as a county court clerk before spending the next 12 years in progressively senior operational posts and then joining the department's fast streamer programme.

In 1992, Peter took on his first senior civil service post and now has a wide experience of developing approaches to managing criminal court processes and procedures, both strategic and operational, in partnership with the judiciary and other justice system agencies. He has been closely involved with major procedural reform of the civil justice system and had a leading role in planning further modernisation, including the development of new IT-enabled business models.

Peter was made a Commander of the Order of the British Empire in the New Year 2005 Honours List.

He is married with five children and lives in Kent.

MoJ Access to Justice Group remit

Delivery of justice system including:

- HR operations
- HM Courts Service
- Tribunals Service
- Office of Public Guardian
- Sponsorship of Legal Services Commission

Policy on:

- Legal aid
- Civil, family and administrative justice
- Coroners and burials
- Regulation of legal profession
- Judicial HR

Sponsorship:

- Judicial bodies (where not in Democracy, Constitution and Law)
- Legal Services Ombudsman
- Legal Services Complaints Commissioner
- Parole Board