

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *for* EMPLOYMENT & SOCIAL SECURITY

**THE GUERNSEY LEGAL AID SERVICE – APPOINTMENT OF THE LEGAL AID
ADMINISTRATOR**

The States are asked to decide whether, after consideration of the Policy Letter of the Committee *for* Employment & Social Security entitled “The Appointment Of the Legal Aid Administrator”, dated 13 December 2017, they are of the opinion:-

1. To appoint Ms Lucinda Heather Haywood to the office of Legal Aid Administrator, for a period of 5 years, with effect from 12 February 2018 pursuant to Section 2(2) of the Legal Aid (Bailiwick of Guernsey) Law, 2003.

The above propositions have been submitted to Her Majesty’s Procureur for advice on any legal or constitutional implications in accordance with Rule 4 (1) of the Rules of Procedure of the States of Deliberation and their Committees.

COMMITTEE *for* EMPLOYMENT & SOCIAL SECURITY

THE GUERNSEY LEGAL AID SERVICE – APPOINTMENT OF THE LEGAL AID ADMINISTRATOR

The Presiding Officer
Royal Court
St Peter Port
Guernsey

21 December 2017

Dear Sir

1. Executive Summary

- 1.1 The Legal Aid Administrator ('LAA') is an independent holder of public office, appointed by the States of Deliberation in pursuance of section 2(2) of The Legal Aid (Bailiwick of Guernsey) Law, 2003 ("the Law"), on the nomination of the Committee *for* Employment & Social Security ("the Committee").
- 1.2 The incumbent LAA, Ms Hayley Cooper, will shortly be retiring from her post.
- 1.3 After a competitive recruitment process, the Committee is pleased to recommend to the States the appointment of Ms Lucinda ("Lucy") Heather Haywood, who has been the Deputy LAA since 2010, to the office of the Legal Aid Administrator, for a period of 5 years from 12 February 2018.

2. Report

The Guernsey Legal Aid Service and the Legal Aid Administrator

- 2.1 The Guernsey Legal Aid Service (GLAS) was established in September 2001. In its 16th year of operation, the GLAS continues to support the Bailiwick community, especially "*when the interests of justice so require*"¹, by providing funding for legal advice and representation in criminal and civil cases for individual members of the public who could not otherwise afford that advice and representation.
- 2.2 The Committee acknowledges the upcoming retirement of Ms Cooper and would like to place on record their thanks to Ms Cooper for all her work in the

¹ Section 1 of The Legal Aid (Bailiwick of Guernsey) Law, 2003.

provision of the Legal Aid Service since 2004². Ms Cooper has been instrumental in the development of the service. Over the years, she, together with Ms Haywood and other officers, have worked diligently to meet the increasing demands on the service from across the Bailiwick.

- 2.3 Following a joint internal and external recruitment process including interview by a panel including the President and Vice-President of the Committee, the Committee has selected Ms Haywood for the five-year contractual post as the new LAA, which she has accepted, subject to the necessary approval of the States.
- 2.4 Ms Haywood has been working as the Deputy LAA since May 2010. She is highly experienced in this field, working closely with Ms Cooper and assisting her with her broad-ranging statutory duties.
- 2.5 Ms Haywood's curriculum vitae is appended to this Policy Letter.
- 2.6 Should she be appointed by the States, Ms Haywood's new role and duties will be varied, ranging from the administrative responsibilities of her office to the determination of complex issues. Her duties will include, among others:
 - supporting applicants and providing general advice about legal aid;
 - the review and grant of all legal aid certificates, deciding if the financial and legal merits criteria are met for both civil and criminal legal aid for Guernsey, Alderney and Sark; and reviewing and recovering associated debts to legal aid as necessary;
 - responsibility for and managing the legal aid budget;
 - accrediting advocates to the schemes and evaluating, assessing (taxation) and authorising the payment of advocates' accounts;
 - reviewing and commenting on committees' policies which affect the legal aid service including new legislation;
 - liaising with and advising inter alia, the Committee, the police, court officials, advocates, civil servants and lawyers including from other Jurisdictions; and
 - reviewing, revising and issuing rules and guidance notes on legal aid and keeping abreast of changes to the legal aid landscape internationally.

² Advocate Nicholas Le Poidevin was the Legal Aid Administrator between the inception of the extra-statutory scheme in September 2001 and Ms Cooper's appointment.

The Legal Aid Ordinance

- 2.7 The schemes for civil and criminal legal aid currently operate under an extra-statutory basis known as the "Interim Scheme". The Interim Scheme operates in three main areas comprising: the Duty Advocate Scheme which provides free legal advice 24 hours a day to any person who is detained or who voluntarily attends at the police station or offices of the Border Agency; "Green Form" Assistance, which usually provides up to two hours of advice and assistance on a means-tested basis and which can also include the preparation of a case or a legal document and representation at court; Full Legal Aid covering more prolonged and/or complex court cases and this is both means and merit tested.
- 2.8 The Committee and its officers have been working closely with the LAA and Her Majesty's Comptroller to finalise a draft Ordinance which will place the Interim Scheme on a statutory footing. Although the former Policy Council had envisaged early completion of this work prior to the transfer of Legal Aid to the Committee, the preparation of the Ordinance has taken longer than anticipated due to the complexities of ensuring that the Ordinance takes into account upcoming changes in other legislation e.g. such as Data Protection, which impact on the administration of legal aid generally. This exercise should minimise the need for further legislative revisions to be made soon after the adoption of the Ordinance by the States.
- 2.9 The Committee is committed to sponsoring a legislative and administrative framework for legal aid which is appropriately broad in scope to enable the LAA to dispense her duties in full including addressing unforeseen matters which arise and require her decision. Operating the Interim Scheme has enabled the LAA, the former Policy Council and now the Committee to better understand and react to not only the needs of the service and its customers but the Island's obligations under the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

3. Conclusion

- 3.1 The Committee is satisfied that, following due process, it has selected a suitable candidate to fill the statutory position of Legal Aid Administrator, which will become vacant on the retirement of Ms Cooper. In accordance with the Law, the Committee is recommending the States to approve the appointment of Ms Haywood.

4. Propositions

- 4.1 The States are asked to decide whether, after consideration of the Policy Letter of the Committee *for* Employment & Social Security entitled "The Guernsey Legal Aid Service - Appointment Of Legal Aid Administrator", dated 13 December 2017, they are of the opinion:-

1. To appoint Ms Lucinda Heather Haywood to the office of Legal Aid Administrator, for a period of 5 years, with effect from 12 February 2018 pursuant to Section 2(2) of the Legal Aid (Bailiwick of Guernsey) Law, 2003.
- 4.2 These Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the Assembly and their Committees.
- 5. Committee Support for Propositions**
- 5.1 In accordance with Rule 4(4) of the Rules of the Procedure of the Assembly and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.

Yours faithfully

M K Le Clerc
President

S L Langlois
Vice - President

J A B Gollop
M J Fallaize
E A Yerby

M J Brown
Non-States Member

A R Le Lièvre
Non-States Member

APPENDIX 1

CURRICULAM VITAE - LUCINDA HEATHER HAYWOOD

PROFESSIONAL QUALIFICATION:

October 1995 **Solicitor of the Supreme Court of England and Wales**

EMPLOYMENT:

1993 to 1995 **Atkins Wilson & Bell, Guildford, Surrey**
Trainee Solicitor. Training Contract included seats in Family, Litigation, Wills & Probate and Conveyancing Department.

1995 to 1999 **Callaghans, Guildford, Surrey**
Assistant Solicitor in matrimonial and family law.

1999 to 2002 **Hartnells Family Law Practice, Exeter, Devon**
Associate Solicitor in matrimonial and family law.

2002 to 2004 **Walker Law Associates, Exeter, Devon**
Assistant Solicitor in Conveyancing Department.

2004 to 2007 **Boyce Hatton, Torquay, Devon**
Assistant Solicitor in Conveyancing Department.

October 2007 to
Dec 2008 **Self Employed**
Various locum assignments in Conveyancing

Jan 2009 to
May 2010 **F J Haskins & Co, St Peter Port**
Assistant to Partner in family law.

May 2010
to date **The States of Guernsey**
Deputy Legal Aid Administrator - assisting the
Administrator in the administration of the interim legal aid
scheme.

FURTHER EDUCATION

1989-1992 Westminster University, London LLB (Hons)
1993 Solicitors Final Examinations, College of Law, Guildford

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ISLAND OF GUERNSEY**

THE COMMITTEE *for* EMPLOYMENT & SOCIAL SECURITY

THE GUERNSEY LEGAL AID SERVICE – APPOINTMENT OF THE LEGAL AID ADMINISTRATOR

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St. Peter Port
GY1 1FH

21th December 2017

Dear Deputy St Pier

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, it is requested that the Policy Letter entitled 'The Appointment of the Legal Aid Administrator' be considered by the States of Deliberation at its meeting on 7 February 2018.

The request is made because the Committee would like the vacant post filled as soon as possible. The proposed appointment date is 12 February, so the meeting on 7 February will be the final opportunity for the States to appoint without amending the date. Ms Haywood is an excellent candidate, so we are confident that the States will approve the proposition quickly and very little time will be required to consider this item.

Yours faithfully



Michelle Le Clerc
President

Shane Langlois
Vice President
Matthew Fallaize, John Gollop, Emilie Yerby

Mike Brown, Andrew Le Lievre
Non-States Members