

**MINUTES OF THE COUNCIL MEETING HELD ON FRIDAY 15 JULY 2011  
AT CREWE HALL, WESTON ROAD, CREWE, CHESHIRE WA1 6UZ**

**PRESENT:** Mr David McGrady (President), Miss Susan Silver (Vice-President), Mr Nick Hanning (Deputy Vice-President), Mr K Barrett, Miss G Birchnall, Mr M Bishop, Mr M Callan, Mr D Edwards, Mrs F Edwards, Miss J Gordon-Nichols, Mr S Gowland, Mrs L Graham, Mrs J Hughes, Mrs V Loughnane, Mr K McCarthy, Mrs R Palmer, Mr R Ralph, Mr R Reeves, Mr L Shaw and Mrs D Slow. **Action Points**

**IN ATTENDANCE:** Mrs D Burleigh (Chief Executive), Mrs S Bruty (Business Manager Journal), Mr J Burns (Head of Membership), Mr K Cerski (Director of Group Finance), Mrs A Hollyer (Head of Awards), Mr A Kershaw (Chair of ILEX Professional Standards Limited), Mrs D McDonald (Head of Communications & Marketing), Miss H Simpson (Head of Corporate Affairs) and Miss D Harris.

1 The President informed the meeting that a notice had appeared in the May Journal stating that Mrs Victoria Loughnane had been nominated to represent the East Midlands Constituency. As no further nominations had been received, Mrs Loughnane was duly appointed to represent the East Midlands Constituency on 6 June 2011. With immediate effect, Mrs Loughnane resigned as a Co-opted Council member.

**ITEM 1 APOLOGIES FOR ABSENCE**

2 The following apologies were received:

Mr N Inge – annual leave;  
Mr I Watson – business;  
Mr J Westwood - business.

**ITEM 2 MINUTES OF THE COUNCIL MEETING HELD ON 20 MAY 2011**

3 The President informed Council that no amendments had been made to the minutes prior to their inclusion in the Agenda.

4 On a proposal from Miss Silver, seconded by Mr Shaw, Council unanimously approved the minutes of the Council meeting held on 20 May 2011.

**ITEM 3                    MINUTES OF THE GENERAL MEETING HELD ON 20 MAY 2011                    Action Points**

5                    On a proposal from Miss Silver, seconded by Miss Gordon-Nichols, Council unanimously approved the minutes of the General meeting held on 20 May 2011.

**ITEM 4                    PRESIDENT'S ANNOUNCEMENTS**

6                    The President referred Council to a paper annexed to the Agenda. The paper provided Council with the President's views on the value of attending the various functions to which the President of ILEX receives an invitation. The President informed Council that the paper was for reflection by future Presidents.

**ITEM 5                    MATTERS ARISING AND ACTIONS FROM THE MINUTES OF THE COUNCIL MEETING HELD ON 20 MAY 2011**

7                    The President referred Council to a paper annexed to the Agenda. The paper provided Council with the actions taken following the decisions and action points made at May's Council meeting.

8                    The President apologised to Council if he implied that he would be writing an article in the Journal notifying members of the Investment Policy. However, he would be happy to approve such an article.

9                    Miss Simpson informed Council that the submission on hourly rates for Fellows had been submitted to the Master of the Rolls who is currently consulting on this.

**Item 20, Review of Payments for Vice-President and President**

10                    Council was referred to a paper annexed to the Agenda. The paper provided Council with figures that took into account inflation from 2004.

11                    Mr Gowland asked whether the average percentage rise should be comparable to that given to GMT. Mr Barrett commented that any GMT salary increase would be based on performance. The Chief Executive added that these were discretionary payments. The President commented that there appeared to be no great enthusiasm for change.

12                    Mr Reeves entered the meeting.

**ITEM 6                    CHIEF EXECUTIVE'S REPORT**

13                    Council reviewed the Chief Executive's report annexed to the Agenda. The report was for monitoring and updated Council on issues that had been dealt with since the last Council meeting. These included the Kempston Manor site; staff resources; the Bribery Act 2010; success statements and engagements.

14                    The Chief Executive informed Council that the Bermuda Registration Bill had now been passed and this would recognise

## Action Points

- the status of Legal Executives on the island. The Legal Executive qualification is seen as a cost effective way of enabling Bermudian citizens to enter a career in law, without having to leave the island to study expensively abroad. The Chief Executive added that since the Bill had been passed, 40 individuals had signed up for ILEX Courses. The President thanked everyone involved for enabling this to happen.
- 15 The President asked if additional resources were needed to fulfil ILEX's obligations under the Bribery Act 2010. The Chief Executive replied that the Head of Human Resources had attended a training session and she would be cascading this information.
- 16 The President stated that sufficient time needed to be devoted to discussing the Success Statement and he suggested that it be deferred to September's meeting. DB
- 17 Mr Callan asked if there was an error, on Page 47, with the graphical information provided. The Chief Executive replied that the information was correct and the reason for the sudden 'decline' in student numbers was due to the redistribution of students to other grades ie Affiliates and Associates. The President asked if it would be possible to provide the membership figures over a five year period. The Chief Executive replied that she would see if this was possible. DB
- ITEM 7 INVESTMENT POLICY**
- 18 Mr Barrett and Mr McCarthy declared an interest in this item and stated they would not take part in any discussion or decision if one was required.
- 19 Council was referred to a paper annexed to the Agenda. The paper updated Council on the progress of the development of the ILEX investment policy.
- 20 Mr Cerski informed Council that he had had meetings with the Independent Financial Advisers and their corresponding Investment Managers. Mr Cerski informed Council that a paper would be presented to Council in September. KC
- ITEM 8 REPORT AND FINANCIAL STATEMENTS FOR ILEX**
- 21 Council was referred to the report annexed to the Agenda. The report and financial statements covered the five month period to May 2011.
- 22 Mr Cerski informed Council that generally, ILEX was ahead of budget with membership income virtually on budget.
- ITEM 9 REPORT AND FINANCIAL STATEMENTS FOR ITC**
- 23 Council was referred to the report annexed to the Agenda. The report and financial statements covered the five month period to May 2011.

24 Mr Cerski informed Council that course sales had increased; with the core ILEX products doing well. The remaining costs were both on budget and on track. **Action Points**

**ITEM 10 FINANCIAL STATEMENT FOR THE BENEVOLENT FUND**

25 Council was referred to the income and expenditure account for the five month period to May 2011.

26 Mr Cerski informed Council that it was too early to know how much income had been received from the Legal Charities Garden Party.

**ITEM 11 STRATEGY**

27 Council was referred to a paper annexed to the Agenda. The paper provided Council with an overview of apprenticeships and how the ILEX qualifications may form part of them.

28 The Chief Executive informed Council that the Government is interested in apprenticeships and funding is available. She added that Mr Richards and Mr Westwood would be meeting with the National Apprenticeship Service (NAS) in London to talk about apprenticeships and in September, Mr Richards would be producing a paper on the Skills for Justice Apprenticeship Framework. **SR**

29 Mr Gowland asked to be kept informed of developments as he is an Ambassador for NAS. Mr Hanning asked if apprenticeships would go above Levels 2 and 3. The Chief Executive replied that there is a Higher Apprenticeship. Mr Barrett commented that the Mayor of London has reached the target of 100,000 apprenticeships. The President asked if there was a pot of money available. The Chief Executive commented that the Department for Business Innovation and Skills appears to have three priority policy areas one of which is apprenticeships and it appears money is going in to this area. Mrs Edwards asked if ILEX is late, will ILEX miss out. The Chief Executive commented that apart from the components ERR (employee rights and responsibilities), English, Maths and ICT, the ILEX units could form the knowledge component. Mrs Edwards asked if ILEX should be contacting large firms. Mrs Hollyer informed Council that changes in personnel had taken place at Skills for Justice and this had slowed the process of creating an Apprenticeship Framework. Mrs Hollyer added that ILEX will need support from firms.

**ITEM 12 2012 PRACTISING CERTIFICATE FEES**

30 Council was referred to a paper annexed to the Agenda. The paper reported back to Council on a consultation with Fellows regarding the proposed subscription rates for 2012.

31 The Chief Executive provided Council with an overview of the responses that had been received from Fellows. Although the number of responses was low (32), the majority of responses came from Fellows who work in local government and

conveyancers. The Chief Executive added that the Law Society had changed how it levied its fee; it was based more on entity regulation rather than on individuals and next year, the latter was more likely to be inline with ILEX's Practising Certificate fee.

- 32 Mr Gowland asked if similar responses had been received last year. The Chief Executive replied that this was the first year a consultation had taken place. Mr Callan expressed a little concern that Council was revisiting this item again. The Chief Executive replied that ILEX is required to consult with the Fellowship and must be open to change. Mr Edwards commented that it was still worthwhile being a Fellow in local government. He added that it would be difficult to change the decision but perhaps in future, ILEX could highlight the value for money it gives. Mrs Palmer commented that we cannot disregard members' views and Council should reconsider its decision. Mr Shaw commented that 32 responses represented a small proportion of Fellows. In future, Mr Shaw suggested that 'value for money' should be highlighted. Miss Silver commented that Fellows had taken the trouble to write to ILEX. Miss Birchnall commented that Council did not take the decision lightly. Mrs Slow asked whether a small concession could be made if Fellows paid early or online. Miss Gordon-Nichols agreed that Council should review the decision, but this did not necessarily mean changing the decision; she sympathised with Fellows who work in local government. She asked if ILEX would be writing to them. The Chief Executive replied that she would. Mrs Palmer commented that it was not the number of Fellows that had responded but the points they raised. Miss Simpson informed Council that the consultation was a requirement from the Legal Services Board (LSB). She added that this year, the consultation letter to Fellows would look different as it would provide a more detailed breakdown of the costs involved. Mr Bishop said that Miss Simpson had pre-empted his question; at the moment Council can see the costs involved but Fellows cannot.
- 33 On a proposal from Mr Hanning, seconded by Miss Silver, with 19 for, 0 against, 1 abstention, Council having carefully considered the consultation responses, reconfirmed the decisions it made at the Council Meeting on the 20 May 2011 to approve the proposed subscription fees for all membership grades 2012.

**ITEM 13 AJAG AND ILEX**

- 34 Council was referred to a paper annexed to the Agenda. The paper invited Council to discuss ways to protect access to justice with regards to the Jackson reforms and with particular reference to the Access to Justice Action Group (AJAG).
- 35 Mr Gowland thanked the Chief Executive and Mrs Tyrrell for their assistance. Mr Gowland asked whether it would be possible to point members towards AJAG to lobby their MP, alternatively although it may be too costly, for ILEX to set up its own system for lobbying MPs.

36 Mr Shaw informed Council that along with Mr Barrett, he had attended a meeting of the Society of Labour Lawyers. There were not many lawyers in attendance but APIL was. Mr Shaw added that Government was more interested in hearing from the public rather than ATE organisations and lawyers. Mr Callan commented that ILEX was apolitical and the membership should be lobbying MPs on this issue. Mr Barrett confirmed that it was the number of people who lobbied that was of interest to Government. He added that AJAG would most likely want all members to register their interest. Miss Simpson informed Council that ILEX's number one priority was the Legal Aid Bill consultation and written evidence would be ready for Parliament's return in October. Mr Gowland queried whether an article in the Journal and/or on the website could be written providing the membership with more information. Mr Bishop asked if AJAG receive funding. Mr Gowland was not sure although Mrs Slow confirmed that they are run on donations. Mr Shaw commented that defendants as well as claimants were against these issues. Miss Simpson confirmed that the Editor of the Journal could write an article, presenting an objective and unbiased approach.

**Action Points**  
NR

**ITEM 14 REPORT ON LEGAL SERVICES – UPDATE**

37 Council was referred to a report annexed to the Agenda. The report updated Council on developments since the last Council meeting held on 20 May 2011.

38 Miss Simpson informed Council that a briefing paper, with facts and figures, had been produced for the second reading of the Legal Aid, Sentencing and Punishment of Offenders Bill.

39 A draft submission for the Practising Certificate Fee has been submitted to the LSB and feedback was due today. Following this feedback, ILEX has two weeks in which to submit the final submission.

40 Miss Simpson informed Council that ILEX was not mentioned in Alan Milburn's first 'Opening Doors, Breaking Barriers' report. ILEX had published a second response to Mr Milburn's latest request for information on progress in meeting the recommendations.

41 Miss Simpson added that the Terms of Reference for the ILEX Strategy Taskforce had been produced and a meeting would be taking place on 10 August. Mr Hanning commented that many Council members were keen to join the ILEX Strategy Taskforce however, it had been agreed that those Council members involved in the Regulatory Committee would sit on this Taskforce. He confirmed a paper would be produced for November's Council meeting.

42 Miss Simpson provided an oral update on our Charter application.

43 On a proposal from the Chair, Council unanimously approved the Practising Certificate Fee as provided in Appendix A of the paper.

<b>ITEM 15</b>	<b>AWARDS DEPARTMENT REPORT: ILEX PROFESSIONAL SKILLS REGULATIONS AND EXAMINATION REGULATIONS 2012</b>	<b>Action Points</b>
44	Council was referred to a report annexed to the Agenda. The report asked Council to consider and approve the 2012 ILEX Professional Skills Regulations and Examinations Regulations.	
45	Mrs Hollyer brought to Council's attention the penalties that would be incurred if malpractice was proven. Mrs Hollyer added that subject to Council's decision, they would be approved by IPS at its next Board meeting.	
46	On a proposal from Mr Barrett, seconded by Mr Callan, Council unanimously approved the ILEX Professional Skills Regulations for 2012 and the ILEX Examination Regulations for 2012.	
<b>ITEM 16</b>	<b>A LAWYER'S OATH</b>	
47	Council was referred to a paper annexed to the Agenda. The paper followed from Council's decision at its May 2011 meeting to develop an Admission Oath for new Fellows who attend a Graduation Ceremony and who wish to take such an Oath.	
48	The Chief Executive thanked Mr Ralph and Mr Kershaw for their help in developing the Oath. Mr Barrett asked if a Fellow did not attend the Graduation Ceremony and they wanted to take the Oath, who would hear it. The Chief Executive commented that Council members and Branches could do so.	
49	On a proposal from Mr Hanning, seconded by Miss Silver, Council unanimously approved the Oath, subject to the changes made.	DB
50	Council agreed to offer the Oath in Welsh. The Chief Executive informed Council that Lord Phillips will be delighted.	
<b>ITEM 17</b>	<b>NOMINATIONS COMMITTEE</b>	
51	Council was referred to a paper annexed to the Agenda. The paper asked Council to consider an application for co-option; the re-appointment of the lay member to the Committee and to nominate a Council member to the Committee.	
52	On a proposal from Mr Barrett, seconded by Miss Gordon-Nichols, Council unanimously declined the application for co-option.	
53	On a proposal from Miss Gordon-Nichols, seconded by Mr Shaw, Council unanimously approved the re-appointment of Mrs Bennett as the Nominations Committee's lay member.	
54	On a proposal from Miss Gordon-Nichols, seconded by Miss Silver, Council unanimously approved the appointment of Miss Birchnall to fill the vacancy left on the Nominations Committee by Mr Barrett.	

**ITEM 18 CHANGES TO CONSTITUENCIES****Action Points**

- 55 Council was referred to a paper annexed to the Agenda. The paper provided Council with the finalised composition of Council following the General Meeting in May.
- 56 Miss Simpson apologised to Mr Ralph for the inaccuracy at paragraph 6 of the paper. Miss Simpson provided Council with an overview and explained that the North and Midlands and East Anglia Constituencies were to be represented by four Council members but at the conclusion of the AGM, they would each be represented by five. Mr Gowland and Mr Reeves are due to retire by rotation in 2012, which would mean that only one North Constituency seat would be available; likewise for Mrs Slow and Mrs Palmer who are due to retire by rotation in 2013, there would only be one Midlands and East Anglia Constituency seat available. However, the situation may change in the meantime.
- 57 Mr McCarthy asked if an election would be required. Miss Simpson replied that a ballot would be held in the relevant region. Mr Gowland commented that the situation had now changed and Council could be losing talent. Miss Gordon-Nichols commented that one option available to Council had been for more regional members and less Co-opted. Mr Hanning commented that the original concept was to make Council leaner and fitter. Mr McCarthy asked if there was a backup plan. Miss Simpson replied it could only be dealt with when and if it happened. Mr Gowland commented that the information was not available at the time. Mr Hanning replied the information was there. The changes were approved so to assist Council in the long-term. The President commented that Council should reflect on this.

**ITEM 19 JOINT ADVOCACY GROUP**

- 58 Council was referred to a paper annexed to the Agenda. The paper set out the scheme for Quality Assurance Scheme for Advocacy (Criminal) (QASA) proposed by the Joint Advocacy Group (JAG).
- 59 Mr Kershaw drew Council's attention to the key issues for consideration. He added that it was an area that ILEX needed to participate in and it was anticipated that ILEX would contribute 10% towards the costs involved.
- 60 Mr Hanning commented that it was more expense and regulation. He was unhappy that ILEX would have to contribute 10% but he would not quibble over it. Mr Ralph commented that he had taken part in the assessment test and he had received a good response. Mr Kershaw informed Council that ILEX Advocates were well placed. Mr Kershaw added that Mr Watson and Mrs Basra had put a vast amount of work into this project. The Chief Executive commented that Level 1 reflects the current position of ILEX and it is anticipated that the cost of accreditation/re-accreditation will decrease. Mrs Edwards asked if it would be the same fee for each grade. Mr Kershaw was unsure but he would find out.

AK

		<b>Action Points</b>
61	On a proposal from Mr Callan, seconded by Mr Ralph, Council unanimously endorsed the principles of the assessment framework, proposals for progression and arrangements for joint management of the scheme.	
62	On a proposal from Miss Silver, seconded by Miss Gordon-Nichols, Council unanimously agreed to meet the reasonable costs of implementing and running the scheme as indicated in Appendix 2A to the paper.	
<b>ITEM 20</b>	<b>GMT REPORT – CHIEF EXECUTIVE OF ILEX PROFESSIONAL STANDARDS</b>	
63	Council was referred to a report annexed to the Agenda.	
64	Mr Kershaw informed Council that the Court of Appeal hearing was being heard today but no decision had been reached. Mr Kershaw informed Council that a meeting is to be held with Mr Edmonds regarding the Smedley Report. A report of this meeting would be produced and passed to the ILEX Strategy Taskforce. Mr Kershaw added that it was likely that will writing would become a reserved activity but it would not be a solicitor’s monopoly and therefore, an opportunity for ILEX. Mr Kershaw added that there was no limit to gaining practice rights there are just more hurdles.	AK
<b>ITEM 21</b>	<b>GMT REPORT – HEAD OF COMMUNICATIONS AND MARKETING</b>	
65	Council was referred to a report annexed to the Agenda.	
66	Mrs McDonald informed Council that she was working with ITC to inform 4,000 students that they do not have to go to university. Articles would be appearing in the Sunday Times (14 August); Not going to Uni and All About Law.	
67	Mr Callan asked if the data could be expanded. Mrs McDonald replied that it could. Mr Ralph informed Mrs McDonald that he had been approached by the Solicitors Journal to write an article but he would liaise with her. The President asked if there had been any communication with regard to the rights applications. Mrs McDonald replied no but the letter was only sent yesterday.	RR
<b>ITEM 22</b>	<b>GMT REPORT – HEAD OF MEMBERSHIP</b>	
68	Council was referred to a report annexed to the Agenda.	
69	Mr Burns informed Council that he was currently looking into the possibility of using e-invoicing. Mr Burns confirmed that a member could still print off the invoice and pass it to their finance department for payment. Mr Burns informed Council that members who pay on line will need to confirm their acceptance of the Code of Conduct. Any member who avoids it, will automatically be referred to IPS. Miss Birchnall asked if it would be possible to send out a paper based invoice for instance, to those members who are on maternity leave. Mr Burns replied that this would be	

possible.

**Action Points**

**ITEM 23      GMT REPORT – HEAD OF AWARDS**

70            Council was referred to a report annexed to the Agenda.

71            Mrs Hollyer informed Council that following Ofqual's strategic review, a paper would be presented at September Council's meeting seeking Council's approval of the General Conditions of Recognition. Mrs Hollyer added that the educational team of Awards is attending all the Ofqual roadshows. Mrs Hollyer informed Council that with Mrs Basra and Mr Inge, she attended the Legal Education and Training Review. Mrs Hollyer informed Council that she will be providing Council with the latest ILEX Brochure so that if they receive enquiries from GCSE or A level pupils, they will possess the most up to date information on the examinations. AH

**ITEM 24      GMT REPORT – HEAD OF CORPORATE AFFAIRS**

72            Council was referred to a report annexed to the Agenda.

73            Miss Simpson informed Council that the Equality and Diversity Committee had met on 1 July to discuss a new Action Plan and Scheme and this is recommended to Council for approval. Miss Simpson informed Council an article would appear in the August Journal informing members how to use MyILEX. Miss Simpson informed Council that there were a number of active consultations but a holding letter is being sent to those ILEX is unable to participate in. Miss Simpson informed Council that a number of applications had been received for the various trustee positions on the ILEX Pro Bono Board; a short listing process was now taking place, interviews will be held at the end of July. HS

74            Mr Callan asked if Miss Simpson was confident of meeting the timescales in the Action Plan and Scheme. Miss Simpson replied that it was ambitious but she would update Council in six months' time. Mr Callan asked for clarification on the ILEX logo policy. Miss Simpson replied our IP policies need updating.

**ITEM 25      GMT REPORT – DIRECTOR OF INTERNATIONAL DEVELOPMENT**

75            Council was referred to a report annexed to the Agenda.

76            The Chief Executive informed Council that as Mr Westwood was on business, she would be happy to pass any questions on to him. Council had no questions.

**ITEM 26      GMT REPORT – MANAGING DIRECTOR OF ITC**

77            Council was referred to a report annexed to the Agenda.

78            The Chief Executive informed Council that as Mr Inge was on annual leave, she would be happy to pass any questions on to

him. Council had no questions.

**Action Points**

**ITEM 27 ANY OTHER BUSINESS**

*Larry Shaw*

79 The President informed Council that after 15 years service, Mr Shaw was now retiring from Council. He said that he was a legend and he will be missed. The President was sad that Mr Shaw had never been President. The President then duly presented Mr Shaw with gifts on behalf of Council.

80 Mr Shaw provided Council with a résumé of his time on Council adding that it had been a privilege to sit on Council and to represent the London constituency. Mr Shaw said that he would always be committed to ILEX and he knew that he was leaving it in good hands. Mr Shaw added that he would miss the camaraderie and the friendships he had made over the years. Finally, Mr Shaw paid particular thanks to the Chief Executive and Mrs Camfield but thanked all staff that had assisted him over the years.

**ITEM 28 DATE OF NEXT MEETING**

81 The date of the next Council meeting is scheduled for 23 September 2011 at Kempston Manor.

**MR DAVID McGRADY  
PRESIDENT**

**Approved by  
MISS SUSAN SILVER  
PRESIDENT  
23 SEPTEMBER 2011**