

**MINUTES OF THE COUNCIL MEETING HELD ON SATURDAY 26 MARCH 2011
AT TEWKESBURY PARK HOTEL, LINCOLN GREEN LANE, TEWKESBURY,
GLOUCESTERSHIRE.**

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, Mr S Gowland, Mrs L Graham, Mrs J Hughes, Mrs V Loughnane, Mr K McCarthy, Mrs R Palmer, Mr R Ralph, Mr M Reeves, Mr L Shaw and Mrs D Slow. **Action Points**

IN ATTENDANCE: Mrs D Burleigh (Chief Executive), Mr J Burns (Head of Membership), Mr K Cerski (Director of Group Finance), Mrs A Hollyer (Head of Awards), Mr N Inge (Managing Director of ILEX Tutorial College (ITC)), Mr A Kershaw (Chair of ILEX Professional Standards Limited), Mrs D McDonald (Head of Communications & Marketing), Miss H Simpson (Head of Corporate Affairs), Mr I Watson (Chief Executive of ILEX Professional Standards Limited), Mr J Westwood (Director of International Development) and Miss D Harris.

1 The President welcomed Mrs Victoria Loughnane to Council and duly presented her with her badge of office.

ITEM 1 APOLOGIES FOR ABSENCE

2 The following apologies were received:

Miss J Gordon-Nichols – personal;
Mrs S Bruty – personal.

3 On a proposal from the Chair, Council unanimously approved the apology tendered by Miss Gordon-Nichols.

ITEM 2 MINUTES OF THE COUNCIL MEETING HELD ON 21 JANUARY 2011

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

5 On a proposal from the Chair, with 16 for, 0 against and 3 abstentions, Council approved the minutes of the Council meeting held on 21 January 2011.

ITEM 3	PRESIDENT'S ANNOUNCEMENTS	Action Points
6	The President referred Council to a list of engagements annexed to the Agenda. The list provided the Presidential engagements from 21 January to 15 July 2011.	
7	The President spoke briefly about his attendance at the Commonwealth Lawyers Association conference in India. He commented that the House of Commons' drinks reception to celebrate 100 partners and first judge was an enjoyable evening. Mrs McDonald commented that the guest list had been refreshed and there were a lot of new people in attendance. The President reminded Council that the Graduation Ceremony will be held on the 11 and 12 April and Council members should be in attendance on one of the days.	
ITEM 4	MATTERS ARISING AND ACTIONS FROM THE MINUTES OF THE COUNCIL MEETING HELD ON 21 JANUARY 2011	
8	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 January's Council meeting.	
	Page 2, Paragraph 13	
9	Mr Burns informed Council that a meeting with a consultant was being arranged to look at how the criteria can be set to recognise the experience of Associates. Mr Burns added that this item would be presented to Council in May.	JB
	Page 5, Item 9 – Investment Policy	
10	Mr Cerski informed Council that as this was a detailed document it required additional time before presenting it to Council. A draft Investment Policy and detailed investment proposals would be presented to Council in May.	KC
	Page 12, Item 20 – GMT Report – Head of Communications and Marketing	
11	Mr Watson informed Council that the recording of advocacy skills CPD was too detailed to be accommodated by MyILEX at this moment in time. However, this would be investigated further and would be presented to Council in May.	IW
ITEM 5	CHIEF EXECUTIVE'S REPORT	
12	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 Commonwealth Lawyers Association Conference (CLAC) and other engagements.	
13	Mr Kershaw asked the Chief Executive if she could expand on the CPD initiatives being developed in Malaysia and Canada. The	DB

Chief Executive commented that Malaysia was starting from scratch but Canada was looking at measuring personal development. She added that she would pass on the Canadian contact details to Mr Kershaw.

- 14 Mr Gowland commented that he had spent some time with the Lord Chief Justice at the CLAC. The President thanked Mr Gowland for attending and contributing to the Commonwealth Lawyers Association Conference.

ITEM 6 DEPUTY VICE-PRESIDENT NOMINATIONS

- 15 The two candidates, Mrs Edwards and Mr Gowland, gave presentations to Council.

- 16 The President reminded Council that they had until 1.00 pm to place their ballot paper in the ballot box. Consideration was asked to be given to a Council member who intended to be at the Council meeting but due to unforeseen circumstances, could not be in attendance and therefore, had missed the deadline for sending in their ballot paper. DH

ITEM 7 REFLECTION ON STRATEGY

- 17 The President commented that although he did not want to bind future Presidents, he would like Strategy to appear on each Council agenda although he felt the title should be Strategy 2011.

- 18 Mr Callan commented that there was little talk of key performance indicators. Mr Kershaw stated that key performance indicators are used by IPS for example, to measure the time it takes to respond to a complaint. A brief discussion took place on key performance indicators. Miss Simpson informed Council that the GMT reports are already based on performance activities from the business plan and it would be difficult for GMT to know what to include in their report if Council wanted an additional agenda item. Miss Simpson went on to add that she would put a template together based on issues identified at Strategy. HS

- 19 Mr Hanning expressed his concern that many of the actions identified by the GMT from their Away Days required the attention of the Communications, Awards and Membership departments and asked if the departments had sufficient resources. Mrs McDonald and Mrs Hollyer commented that the situation would be monitored during one-to-ones with the Chief Executive. In response to a question, the Chief Executive informed Council that by instigating the Purchasing Policy, better terms had been achieved. Miss Simpson asked if Council had a preference as to where the additional items identified by Council should appear. The President replied that apart from two, a timetable could be produced and this could be reviewed at Council.

ITEM 8	ANNUAL ACCOUNTS	Action Points
20	Mr Cerski informed Council that ILEX had opted to pay the LSB levy by installments and ILEX needs to identify these payments as liabilities at year end.	
21	Mr Hanning commented that the Auditors had picked up nothing of significance with our account procedures. The President commented that as the LSB cost for 2009 could not be accounted for in the 2009 accounts, an exceptional item had been created to take this expense into account. The President, on behalf of Council, thanked Mr Cerski and his team for all their work.	
22	On a proposal from Mr Hanning, seconded by Miss Silver, Council unanimously approved the accounts of the Institute and ILEX Group as presented and authorised their signing and of the associated documents.	
ITEM 9	REPORT AND FINANCIAL STATEMENTS FOR ILEX	
23	Council was referred to the report annexed to the Agenda. The report and financial statements covered the one month period to January 2011.	
24	The President asked if there was anything of significance in the February accounts. Mr Cerski replied that ILEX is currently ahead of budget.	
ITEM 10	REPORT AND FINANCIAL STATEMENTS FOR ITC	
25	Council was referred to the report annexed to the Agenda. The report and financial statements covered the one month period to January 2011.	
26	Mr Cerski informed Council that ITC is currently ahead of budget and ahead for the same period last year. Mr Inge commented that the pattern of enrolment is changing and it appears to be staying this way. During September/October recruitment will be taking place for the LLB in Legal Practice as well as for the Legal Practice Course.	
ITEM 11	FINANCIAL STATEMENT FOR THE BENEVOLENT FUND	
27	Council was referred to the report annexed to the Agenda. The income and expenditure account covered the one month period to January 2011.	
28	Miss Simpson informed Council that £1,000 had been raised following a fundraising campaign launched with the annual subscription notices. Miss Simpson added that the trustees are due to meet in April. Mrs Edwards asked whether it would be possible to include a donation tick box on the subscription form for example, £1.00. Miss Simpson replied that this was something that had happened in the past and would be re-looked at.	

ITEM 12	REPORT FROM FINANCE PORTFOLIO HOLDER	Action Points
29	Council was referred to a paper annexed to the Agenda.	
30	Mr Hanning informed Council that he had nothing further to add to his paper. However, Mr Hanning added that no one had come forward to take on the role of Finance Portfolio Holder. The President commented that he would be interested but would not be able to commit himself until after his Presidency. The President added that the area of Working Parties and Committees would be considered at May's Council meeting and the position could be considered then.	HS
ITEM 14	REPORT ON LEGAL SERVICES REGULATION – UPDATE	
31	Council was referred to a report annexed to the Agenda. The report updated Council on developments since the last Council meeting held on 21 January 2011.	
32	Miss Simpson informed Council that the LSC had consulted with the Law Society regarding the Criminal Litigation Accreditation Scheme (CLAS). The LSC are taking legal advice and in due course, meetings will be arranged to take the matter forward. Miss Simpson added that she had received comments from members stating that the ILEX Advocacy qualification was similar to the requirements of the Magistrates Court qualification (MCQ).	
33	Miss Simpson informed Council that following a consultation received from the Ministry of Justice it was likely that ILEX would be classed as a public body for the purposes of the Freedom of Information Act. She added that if ILEX is considered a public body we have asked for it to take effect from September 2012. Miss Simpson added that there would be resource implications.	
34	Mr Ralph asked if we should tell interested members to wait before proceeding with the MCQ until a decision had been made by LSC. Miss Simpson replied that it was an individual's decision. She added that ILEX hoped to receive an answer within the month.	
35	Mr Watson informed Council that the Quality Assurance of Advocacy Scheme (QAA) and in particular Level 1, was a moving target. It is anticipated that it will be assessed by Continuing Professional Development and it is unlikely that judicial evaluation will take place. The view taken is that Judges could be trained in a year. Mr Reeves asked if QAA will impact on our schemes. Mr Watson replied it would have an impact on the Criminal scheme as rule changes will need to be made.	
ITEM 15	ILEX PRO BONO CONSTITUTION	
36	Council was referred to a paper annexed to the Agenda. The paper provided recommendations to Council with respect to the constitution of the proposed board of trustees, the criteria for appointment and the roles of the board members. Council were also asked to nominate a committee member to work with the	

Corporate Projects Officer with respect to the appointment of the board.

Action Points

- 37 Miss Simpson guided Council through the paper. She informed Council that the ILEX Pro Bono Forum had decided to rename the ILEX Pro Bono Forum to ILEX Pro Bono. They had also, after weighing up the advantages and disadvantages, decided that ILEX Pro Bono should be registering as a charity taking the legal form of an unincorporated charitable trust. If Council agreed to this, the draft Trust Deed will be completed and brought back to Council for consideration in May. Miss Simpson added that the trustees will be appointed on a voluntary basis and each will bring specific skills to the role. To maintain consistency during the transitional period, Miss Gordon-Nichols will remain as Chair for an initial two year period.
- 38 Mr Hanning considered that one lay member may be too restrictive. Miss Simpson replied that the trustees will be members of ILEX and they are there to represent members' views. Mr Hanning stated that he would prefer to have more than one lay member. He added that to become a registered charity, a turnover of £5,000 is required. Mr Hanning went on to say that he would prefer it to become a Charitable Incorporated Organisation as it would have its own separate identity, although he appreciated that it was not available at this moment in time. Mr Gowland commented that perhaps it should be a minimum of one lay member. The Chief Executive felt that it should not be left open. Miss Simpson commented that currently all the administration was undertaken by the Corporate Projects Officer. Mrs Slow commented that it can be difficult to find people who have marketing experience and added two or perhaps three lay members should be appointed. Mr Callan commented that he thought it should be two. Council decided to defer appointing someone to the Appointments Committee to a later date. Miss Simpson said that Charitable Incorporated Organisations were unlikely to be introduced by the Charities Committee for some time but would be looked into and the item would be brought back to Council.
- 39 On a proposal from Mr Bishop, seconded by Mr Callan, Council unanimously approved the name change from the ILEX Pro Bono Forum to ILEX Pro Bono.
- 40 On a proposal from Mrs Hughes, seconded by Mrs Slow, Council unanimously approved the appointment of Judith Gordon-Nichols as Chair of ILEX Pro Bono as set out in the paper.
- 41 On a proposal from Mr Callan, seconded by Mr Shaw, Council unanimously approved the appointment of the Corporate Projects Officer as an ex-officio trustee of ILEX Pro Bono.

VR/JGN

ITEM 16	RENEWAL OF PROTOCOLS AND SLA'S BETWEEN ILEX AND IPS	Action Points
42	Council was referred to a paper annexed to the Agenda. The paper asked Council to consider the revisions to the existing Protocols and Service Level Agreements (SLA's), following a series of internal meetings between IPS and ILEX SLA managers. These revisions also included additions and amendments from the IPS Board which met on 24 February.	
43	Miss Simpson informed Council that both the Protocols and SLA's are reviewed annually and require approval by Council. Miss Simpson confirmed that in response to last year's assessment, the two outstanding items raised by the LSB have been incorporated into the documents. Mr Callan asked if the change to the Terms of Agreement on the SLA was an administrative issue. Miss Simpson replied that as this was an operational agreement it was felt, by both IPS and ILEX that it should refer to the Chief Executive's of each company rather than the Chair and President respectively.	
44	On a proposal from Mr McCarthy, seconded by Mr Callan, Council unanimously approved the amended Service Level Agreement and Protocols attached at Appendix B and C for onward submission to the LSB by April 2011.	
ITEM 17	CIVIL COSTS PAPER PART 2	
45	Council was referred to a paper annexed to the Agenda. The paper provided an update for Council.	
46	Mr Shaw informed Council that he had taken the project as far as he could. The President commented that he was attending the Civil Court Users Association Dinner and would mention it then. Mr Hanning asked if there would be a paper for Council to consider. The President replied there would be and it would be written jointly between Mr Shaw and himself. Mrs Slow commented that she can always claim Grade A rates but always had to argue for this. Mr Barrett agreed but felt that it should be automatic; it should focus on specialist knowledge. The President thanked Mr Shaw for his work.	LS/DMcG
47	The President informed Council that the GMT reports should be read and considered and was concerned that they did not always receive the attention they deserved.	
ITEM 18	GMT REPORT – CHIEF EXECUTIVE OF ILEX PROFESSIONAL STANDARDS	
48	Council was referred to a report annexed to the Agenda.	
49	Mr Watson informed Council that the litigation and advocacy rights for Associate Prosecutors now required Parliamentary approval. Mr Watson commented that the Admissions and Licensing Working Group had been wound up and the work transferred to the Admissions and Licensing Committee. Mr Watson thanked Mr	

Reeves and Mr Wells for their contribution to the Working Party and apologised for the limited notice given.

Action Points

50 Mrs Slow asked if there were any guidelines for work experience. Mr Watson explained that they were set out on the application form and he suggested that she speaks to Deborah Barnes. Mr Watson added that there is no timeframe as it will depend on what ILEX decides to do. Mr Ralph asked if you had to be a Fellow to provide immigration services. Mr Watson confirmed that a proposal is being considered that anyone new would need to be a Fellow.

ITEM 19 GMT REPORT – HEAD OF COMMUNICATIONS AND MARKETING

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

52 Mrs McDonald thanked the Chief Executive for writing a blog while at the Commonwealth Lawyers Association Conference; the blog received 1,000 views. Mrs McDonald went on to add that ILEX now has 500 followers on Twitter. ILEX had received a lot of media attention following the 100 partners and first judge celebrations. Mrs McDonald informed Council that 19 nominations had been received for the Employer's Award and 15 for the President's Award. Further nominations were being sought for the Pro Bono Award.

53 Miss Silver commented that thanks to Anne-Marie Dhillon, a ¼ page article appeared every month in the Law Society Messenger (Manchester). Miss Birchnall asked if it would be possible to be included in media releases. Mrs McDonald commented that numbers were restricted and this area was currently being investigated further. Mrs Edwards commented that she had written an article and wondered whether it should have gone through Head Office first. Mrs McDonald advised Council to send articles to her team if unsure. Mrs Palmer asked if there was an update on the Branches website. Mrs McDonald replied that Amy Simpson was currently looking into the issues and an update would be provided at the Branch Personnel Seminar on 9 May.

54 Mr McCarthy left the meeting after lunch.

ITEM 13 DEPUTY VICE-PRESIDENT NOMINATIONS ANNOUNCEMENTS

55 After lunch, the President announced that Mr Gowland had been elected to stand as Deputy Vice-President in July 2011. He thanked Mrs Edwards for applying and not to be discouraged from applying again next year. Mr Gowland thanked Council for their support.

56 The President commented that as it would soon be the 50th Anniversary of ILEX, a small working party should be convened.

DMcD

ITEM 20**GMT REPORT – HEAD OF MEMBERSHIP****Action Points**

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

58 Mr Burns informed Council that a new Branch is being formed in Birmingham which was due to be launched on 30 June; he thanked Mrs Palmer for her assistance. Mr Burns was pleased to report that Lynne Squires had been appointed, by her peers, to the position of Deputy Chair of the Standing Committee of Legal Wales. The President asked for Council's congratulations to be passed on to her. Mr Burns thanked Council for their support at various careers events. The President said that it was nice to support the staff. The President enquired whether it would be viable to hold a joint mini law fair with the Bar Council and Law Society.

ITEM 21**GMT REPORT – HEAD OF AWARDS**

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

60 Mrs Hollyer informed Council that the January examination results would be released on 31 March and the deadline for the June examinations was the 21 April; this deadline would be enforced. She added that the Risk Management Group would have its first meeting in May.

61 Mr Gowland asked if there were any further developments on 6th Form Colleges. Mrs Hollyer replied that she was due to have a teleconference with Ed Drake, Funding Consultant, in April on funding and 6th Form would also be discussed. Mr Hanning stated that no income was received from students following the embedded Graduate Fast Track Qualification. Mrs Hollyer confirmed that embedded students will have the opportunity to join ILEX in Year 3.

ITEM 22**GMT REPORT – HEAD OF CORPORATE AFFAIRS**

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

63 Miss Simpson informed Council that the Journal bureau service had secured a new contract and details will be released in due course. Miss Simpson commented that a new draft action plan had been passed to the Equality and Diversity Working Party.

64 Mr Barrett commented that it was the 20th Anniversary Conference of APIL. Miss Simpson advised that the Journal will have a stand at the Conference. The President asked for Council's congratulations to be passed on to Mrs Bruty and her team for securing the new contract. Mrs Palmer informed Council that she had attended 'An Evening with Mrs Justice Dobbs' and a follow up is needed as only Barristers and Solicitors were referred to.

