

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

APPOINTMENT OF THE LEGAL AID ADMINISTRATOR

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Appointment of the Legal Aid Administrator', dated 9th January 2023, they are of the opinion:

1. To reappoint Ms Lucinda Heather Haywood to the office of Legal Aid Administrator, for a period of five years, with immediate effect, pursuant to Section 2(2) of the Legal Aid (Bailiwick of Guernsey) Law, 2003.

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APPOINTMENT OF THE LEGAL AID ADMINISTRATOR

The Presiding Officer
Royal Court
St Peter Port
Guernsey

9th January 2023

Dear Sir

1. Executive summary

- 1.1 The Legal Aid Administrator 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 five-year term of office of the incumbent Legal Aid Administrator, Ms Lucinda (“Lucy”) Haywood, is due to expire on 11th February 2023. Paragraph 1(3) of the First Schedule to the Law provides that when the Administrator ceases to hold office by reason of the expiration of their term, they shall be eligible for reappointment. Ms Haywood has indicated that she would be amenable to remaining in office for a further period of five years. The Committee is satisfied that Ms Haywood has competently performed the functions and duties of the office and, therefore, nominates her for reappointment for a period of five years, with immediate effect.

2. Background

- 2.1 The Guernsey Legal Aid Service (GLAS) was established in September 2001. GLAS funds, “when the interests of justice so require”¹, the provision of legal advice and representation in civil and criminal cases for individuals resident throughout the Bailiwick of Guernsey who cannot otherwise afford that advice and representation.

¹ Section 1 of [The Legal Aid \(Bailiwick of Guernsey\) Law, 2003](#).

2.2 The Legal Aid Administrator is an independent holder of public office, appointed by the States of Deliberation in pursuance of section 2(2) of the Law, on the nomination of the Committee.

2.3 The Legal Aid Administrator's duties 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 GLAS 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 policies of States Committees which affect GLAS 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.

2.4 Ms Lucinda ("Lucy") Haywood, was appointed by the States of Deliberation to the office of Legal Aid Administrator for a period of five years with effect from 12th February 2018, upon nomination of the Committee following an open recruitment process. Prior to her appointment to the role of Legal Aid Administrator, Ms Haywood had been working as the Deputy Legal Aid Administrator since May 2010.

2.5 Ms Haywood's term of office is due to expire on 11th February 2023. Paragraph 1(3) of the First Schedule to the Law provides that when the Administrator ceases to hold office by reason of the expiration of their term, they shall be eligible for reappointment. Ms Haywood has indicated that she would be amenable to remaining in office for a further period of five years. The Committee is satisfied that Ms Haywood has performed competently the functions and duties of the office and, therefore, nominates her for reappointment for a period of five years, with immediate effect. A summary of Ms Haywood's curriculum vitae is appended to this Policy Letter.

3. Compliance with Rule 4 of the Rules of Procedure

- 3.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, propositions laid before the States.
- 3.2 In accordance with Rule 4(1)(a), the Committee confirms that this represents business as usual. Therefore, this is not referenced in the Government Work Plan.
- 3.3 In accordance with Rule 4(1)(b), it is confirmed that the Committee has not consulted with other Committees or stakeholders in respect of the propositions set out in this Policy Letter as this is considered unnecessary.
- 3.4 In accordance with Rule 4(1)(c), it is confirmed that the propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- 3.5 In accordance with Rule 4(1)(d), it is confirmed that the cost of the Office of the Legal Aid Administrator is factored into the approved budget for GLAS.
- 3.6 In this Policy Letter, the Committee has set out its proposals for Lucinda ("Lucy") Haywood to be reappointed to the role of Legal Aid Administrator, and seeks the States support for the proposition, which is based on the Committee's purpose:

"To foster a compassionate, cohesive and aspirational society in which responsibility is encouraged and individuals and families are supported through schemes of social protection relating to pensions, other contributory and non-contributory benefits, social housing, employment, re-employment and labour market legislation."

- 3.7 In accordance with Rule 4(2)(b), it is confirmed that the propositions have the unanimous support of the Committee.

Yours faithfully

P J Roffey
President

H L de Sausmarez
Vice-President

T L Bury
S J Falla
J A B Gollop

M R Thompson
Non-States Member

R J Le Brun
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
Feb 2018 **The States of Guernsey**
Deputy Legal Aid Administrator - assisting the
Administrator in the administration of the interim legal aid
scheme.

Feb 2018
to date **The States of Guernsey**
Legal Aid Administrator

FURTHER EDUCATION

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