

THE SCOTTISH LEGAL AID BOARD

**MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD AT 1.30PM
ON MONDAY 7 FEBRUARY 2005 AT 44 DRUMSHEUGH GARDENS, EDINBURGH**

Present: Jean Couper, Chairman
David Nicol
Ian Percy
Elaine Rosie
Susan McPhee
Ellen Morton
Satnam Singh(items1-12 only)
Malcolm Thomson
Graeme McKinstry
Margaret Scanlan
Willie Gallagher

In attendance: Lindsay Montgomery, Chief Executive
Andrew Menzies, Director of Corporate Services and Accounts
Ian Middleton, Director of Audit and Compliance
Tom Murray, Director of Legal Services and Applications
Hazel Thoms, Policy and Planning Project Manager (item 12 only)
Lindsay Jessiman, Policy and Planning Development Officer (item 12 only)
Mathew Auchincloss, Director, PDSO (item 14 only)
Marie-Louise Fox, Solicitor- Legal and Policy Support
Stuart Foster, Board Administrator

The Chairman welcomed two new Board members, Susan McPhee and Elaine Rosie, to their first Board meeting.

1. APOLOGIES FOR ABSENCE

Apologies were received from Peter Gray and Kenneth Ross.

2. DECLARATIONS OF INTEREST

No interests not previously registered in the Register of Board Members' Interests were declared.

3. MINUTE OF MEETING HELD ON 20 DECEMBER 2004

The minute of the meeting of 20 December 2004 was approved.

**4. MINUTE OF THE LEGAL SERVICES COMMITTEE HELD ON 13 DECEMBER
2004**

The minute of meeting of the Legal Services Committee held on 13 December 2004 was noted.

5. MINUTE OF THE LEGAL SERVICES SUB-COMMITTEE HELD ON 13 DECEMBER 2004

The minute of the meeting of the Legal Services Sub-Committee held on 13 December 2004 was noted.

6. DRAFT MINUTE OF THE LEGAL SERVICES SUB-COMMITTEE HELD ON 17 JANUARY 2005

Subject to replacing the word “detailed” with *detained* in the final bullet point of item 7, the draft minute of the meeting of the Legal Services Sub-Committee held on 17 January 2005 was noted.

7. CHIEF EXECUTIVE’S UPDATE

Members considered a report by Lindsay Montgomery, Chief Executive, updating them on matters of interest since the previous Board meeting.

It was reported that freedom of information requests were proving to be time-consuming and resource-intensive to deal with. This was being monitored.

The Chairman referred to the President of the Law Society’s letter to Deans of Faculty on the Strategic Review. The letter had contained surprising and sweeping statements critical of the Board’s performance that had not previously been raised with the Board or the Strategic Review Team. However, the critical tone had been amended following intervention by the Board and the Scottish Executive prior to publication

This episode underlined the potential fragility of good working relations with key stakeholders and the need for vigilance in protecting the Board’s reputation.

The Chairman would write formally to Valerie Macniven to set the record straight with regard to the Board’s performance, and to emphasise the Board’s resolve to work with the Society to address any actual concerns arising from the Society’s exercise to prompt criticism of the Board from their local Faculties. Any concerns raised by solicitors will be reviewed by the Joint Working Group and Members informed of any issues found.

Members noted the position.

8. CORPORATE PLAN 2005-2006

Members considered a draft of the corporate plan.

In discussion, a number of suggestions were made for inclusion and clarification.

After discussion, it was AGREED:

- the amendments proposed be incorporated, and the plan finalised for submission to Ministers with a view to approval and publication by the end of March.

ACTION: CS

9. PERFORMANCE INDICATORS AND TARGETS FOR 2005/06

Members considered a paper by Colin Lancaster, Head of Policy and Planning, which reviewed performance against targets and identified where these could be increased.

It was noted that such responses as had been received from consultation with key stakeholders, which included the Law Society, were generally supportive.

In discussion, it was noted that there was a need for a mechanism to demonstrate that cases missing the initial target then became a priority. There was also recognition that there came a point at which setting and meeting increased targets had to be justified in terms of efficient use of resources. The concern that the Law Society had expressed about the length of the end-to-end process of dealing with applications should be balanced against the fact that 40% of applications had to be returned because solicitors had failed to complete application forms properly, and that this was a significant source of delay.

After discussion, it was AGREED:

- compliance with the Freedom of Information Act be included as a corporate target;
- to approve the performance targets as proposed;
- for the future, to develop a target to measure the action on cases which miss the initial target.

ACTION: CL

10. OPERATIONAL PLAN 2004/05 MONITORING

Members considered a paper updating progress made with the operational plan during the first nine months of the year, April to December, and reviewing the impact on the rest of the year.

It was noted that there was a very heavy workload being undertaken.

Members noted the substantial progress being made across most of the plan and in particular congratulated the Executive Team on the substantial progress being made at a time of increasing demands on time, particularly for high priority development work.

11. STRATEGIC REVIEW: DRAFT CONSULTATION PAPER

Members considered a paper by Lindsay Montgomery and Colin Lancaster which set out the background to preparation of a Scottish Executive consultation paper on the issues raised in the Strategic Review on the Delivery of Legal Aid, Advice and Information, together with the draft consultation paper.

In discussion, reference was made to the tightness of the proposed timescale to publication. The document itself included non-strategic content and over-technical language. Consideration was given to the best means of engaging the Law Society and local authorities (it was felt that financial incentive was preferable to a duty). The Board was reviewing its structure in the knowledge that this would have to change to accommodate the proposals. However, the document did not set out a sufficiently clear direction to enable members to comment in any great depth at this stage, and more time was needed to allow this to be done.

After discussion, it was AGREED:

- Lindsay Montgomery convey the views of the Board to the Scottish Executive;

- the Board's contribution to taking forward the consultation process and the development and finalisation of the consultation document be the subject of further consideration at a future meeting (a special meeting if need be) once a revised draft had been received.

ACTION: CL

It was hoped that the Deputy Justice Minister would attend the next Board meeting to discuss the Strategic Review.

12. PART V DEVELOPMENT

Members considered a paper by Meg Houston, Project and Policy Officer, and Lindsay Jessiman, Policy Development Officer, setting out how the proposed process for selecting new projects was being taken forward, together with initial ideas for new projects and ways of developing existing projects.

Members considered that the chosen projects must show a degree of innovation and potential high impact as well as showing that the proposed work required to be done by a solicitor under Part V.

In response to a question, there was discussion on whether there should be a wider invitation to organisations to bid for a Part V project. The Chairman said the Board had already decided that it would be difficult to accommodate a wider exercise. The main reasons were: possible wasted effort by advice sector organisations; tight timescales for determining the projects to utilise fully the Scottish Executive confirmed funding; and the need to target priority areas.

It was agreed that mediation, domestic violence, ASBOS and discrimination be added to the list of subjects for possible Part V projects.

It was noted that proposals for new projects and the re-working of existing projects would be submitted to the June meeting for decision.

13. PERFORMANCE AND RESOURCES REPORT

Members considered a paper reporting on operational performance and resources for the period ending 31 December 2004.

It was reported that overall operational performance was good, with headline targets being met in all areas. The final outturn for Fund expenditure was estimated at £151-£152m; and Grant-in-Aid expenditure was forecast to remain within budget.

Members noted the position.

14. PDSO UPDATE

The Chairman welcomed the new Director of the PDSO, Matthew Auchincloss, to his first Board meeting and wished him well in his new role.

Members considered a paper by Alistair Watson, outgoing Director of the PDSO, updating the position on the operation of the various offices.

It was noted that the strong performance and positive trend being seen at the Edinburgh office bode well for the development of the Glasgow and Inverness offices. Advertisement of the trainee positions had attracted a strong field of applicants, both in terms of numbers and quality of applicant. This belied the belief that there was a shortage of interest in doing criminal work, and suggested it was rather the case that firms were not taking on trainees.

Members noted the position.

15. CHAIRMAN'S REPORT

The Chairman reported that:

- a date in the diary was being identified for the next strategy away-day;
- Yvonne Osman had been awarded the O.B.E. and Sandy Wyllie had been appointed as a Senator.

Members asked for their congratulations on these achievements to be recorded.

16. DATE OF NEXT MEETING

Monday 14 March 2005.

The meeting ended at 4.00pm.