

THE SCOTTISH LEGAL AID BOARD

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

Present: Jean Couper, Chairman
Kenneth Ross
Susan McPhee
Ellen Morton
Graeme McKinstry
Elaine Rosie
Willie Gallagher
Margaret Scanlan
David Nicol

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
Colin Lancaster, Head of Policy and Planning (items 8, 9,10 and 14 only)
John McLeod, Head of Information Systems (item 13 only)
Audrey McColl, Financial Controller (items 11-13 only)
Ian Brown, Assistant Manager IS (items 11-12 only)
Douglas Haggarty, Head of Legal Services (Technical) (item 14 only)
Julia Wilson, Corporate Policy and Planning Officer (Equalities) (item 10 only)
Marie-Louise Fox, Solicitor-Legal and Policy Support
Stuart Foster, Board Administrator

1. APOLOGIES FOR ABSENCE

Apologies were received from Malcolm Thomson, Ian Percy and Peter Gray.

2. DECLARATIONS OF INTEREST

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

3. MINUTE OF MEETING HELD ON 12 SEPTEMBER 2005

The minute of the meeting of 12 September 2005 was approved.

It was reported that the Treasury Manager had arranged to meet with the company which was the subject of the proposed sequestration discussed at the previous meeting. It appeared that the company's failure to pay was not due to an inability to pay.

The Board had been asked by the Scottish Executive to cost direct employment of solicitors to provide civil legal assistance, and this was an indication of Ministers' support for the proposal. The Board's final response to the Strategic Review consultation would be circulated to members.

4. MINUTE OF THE LEGAL SERVICES COMMITTEE HELD ON 27 SEPTEMBER 2005

The minute of meeting of the Legal Services Committee held on 27 September 2005 was noted.

5. MINUTE OF THE LEGAL SERVICES SUB-COMMITTEE HELD ON 27 SEPTEMBER 2005

The minute of the Legal Services Sub Committee held on 27 September was noted.

6. NOTE OF MEETING WITH ROBERT GORDON

The note of meeting with Robert Gordon held on 27 September was approved.

7. CHIEF EXECUTIVE'S UPDATE

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

The Chief Executive expressed his concerns about the relationship between the Faculty of Advocates and the Board. He had written to the Dean about this, responding to a letter from the Dean.

The Chief Executive reported further on his appearance with the Chairman before the Justice Committees, and on the Joint Legal Aid conference.

Members noted the position.

8. OPERATIONAL PLAN

Members considered a paper by Colin Lancaster updating progress made with the operational plan during the second quarter of 2005-06.

Members once again expressed very strong concern and disquiet that, despite repeated requests, the Scottish Executive had still given no indication of their priority objectives to the Board. The development programme could not be completed in its entirety within the timescale proposed. It was therefore essential that priorities were identified. Little over 4 months remained in the financial year. Members were conscious that these matters were outwith their control, and that any further delay on the part of the Executive would seriously undermine the Board's ability to deliver the objectives finally decided upon. Delayed implementation would adversely affect the Executive's delivery on the Efficient Government initiative.

9. TRENDS UPDATE

Members considered a paper by Alison Taylor, Policy Analyst, which summarised legal aid trends for the period April-July 2005-06.

It was reported that overall expenditure on criminal legal aid was £30m - and not £34.3m as stated in the paper; total net expenditure was £48.3m instead of £37.1m – down 5% instead of the 3% stated.

In discussion, clarification was provided on a number of points raised. It was noted that differences in solicitor and sheriff behaviour were being experienced by the Glasgow and Edinburgh PDSOs.

After discussion, it was AGREED:

- the Director of the PDSO be invited to attend and report to the next meeting on solicitor utilisation, costs and related issues at the Glasgow PDSO.

ACTION: LM

10. REVIEW OF THE RACE EQUALITY SCHEME

Members considered a paper by Julia Wilson setting out the results of a three year review since the initiation of the Board's Race Equality Scheme.

It was noted that the recommendations within the review would be used to develop a revised Race Equality Scheme, which would be presented for consideration at the next meeting.

It was AGREED:

- the need for member training as part of the scheme would be considered at the next meeting;
- the report to the next meeting should set out those aspects of compliance with the relevant legislation for which the Scottish Executive had taken responsibility.

ACTION: JW

11. RESOURCES AND PERFORMANCE REPORT

Members considered a paper by Audrey McColl updating the position on operational performance and resources for the period ending 30 September 2005.

It was noted that some performance measures could not be provided until the completion of work on some aspects of the new civil computer system. It was expected these would be available by the end of November.

The benefits of the new system were evidenced in the significant improvement to civil applications timeliness and duration figures following introduction of the new system on 1 September.

In discussion, reference was made to the quality of some letters being sent out, and the system's capacity to cope with a large uptake of legal aid online by solicitors.

After discussion, it was AGREED:

- the quality of civil letters be checked;

ACTION: TCM

- members be kept informed of transaction levels for legal aid online.

ACTION: AM

12. MID-YEAR REVIEW OF LEGAL AID FUND FORECAST AND GRANT-IN-AID BUDGET

Members considered a paper by Andrew Menzies advising of the outcome of the most recent revision of the Legal Aid Fund forecast and providing an update on the likely outturn against the 2005 Grant-in-Aid budget.

It was noted that the revision to the forecast pointed to a lower outturn, by £7m, than previously expected in Legal Aid Fund expenditure. Grant-in-Aid expenditure was expected to be in line with budget at the end of the financial year at £12.5m.

Members noted the position.

13. STORAGE MANAGEMENT SOLUTION BUSINESS CASE

Members considered a paper by Andrew Menzies setting out the costs and options for the delivery of a storage management solution to support the Board's IT- based business processes, as planned in the ICT Strategy.

It was noted that the recommended option (storage management solution with external back-up and phased implementation of continuity) provided for the deferred implementation of mirroring of the legal aid online system. The option recognised the gradual build up of the legal aid online system and judged that the criticality of mirroring the system would not arise until around the beginning of 2007/08, by which time the number of firms using the system would fully justify the investment. The recommended option would not preclude implementation of the mirroring phase at an earlier stage than indicated if firms took up the system at a faster than expected rate.

In discussion, consideration was given to the respective costs of the two best options and the level of transactions at which mirroring of the system should be implemented.

After discussion, it was AGREED to approve the expenditure for the recommended option, with implementation of the mirroring of the system to be accelerated as quickly as circumstances would permit.

ACTION: AM

14. LEGAL AID BILL – UPDATE ON MATTERS FOR INCLUSION

Members considered a paper by Douglas Haggarty and Colin Lancaster which reported on progress with the proposed Legal Aid Bill, and sought approval for additional proposed amendments to the primary legislation identified by officials.

After discussion, it was AGREED, with the exception of the proposed amendment in relation to section 29 on the removal of the power of the court to grant children's legal aid, to approve the further legislative changes proposed for onward transmission to the Scottish Executive for consideration as part of the Bill development process.

ACTION: CL

15. CHAIRMAN'S REPORT

The Chairman advised that further details on the Strategy Away-day would be issued shortly. David Nicol pointed out that he had not in fact attended the meeting of the Quality Assurance Committee as stated in the information paper on meetings with outside bodies.

16. DATE OF NEXT MEETING

Monday 12 December 2005.

The meeting ended at 4.00pm.