

**THE SCOTTISH LEGAL AID BOARD
MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD AT 1.30PM
ON MONDAY 17 MARCH 2008 AT 44 DRUMSHEUGH GARDENS, EDINBURGH**

Present: Iain Robertson, Chairman
Graham Watson
David Nicol
Susan McPhee
Elaine Rosie
Ellen Morton
Graham Bell
Kenneth Ross
Joseph Hughes
Denise Loney
Les Campbell

In attendance: Lindsay Montgomery, Chief Executive
Andrew Menzies, Director of Corporate Services and Accounts
Tom Murray, Director of Legal Services and Applications
Ian Middleton, Director of Audit and Compliance
Colin Lancaster, Head of Policy and Development
Hazel Thoms, Policy Project Manager (item 17 only)
Eleanor Campbell, Legal Support to the Director of Legal Services and Applications (item 14 only)
John McLeod, Head of Information Systems (item 13 only)
Stuart Foster, Board Administrator

1. APOLOGIES FOR ABSENCE

Willie Gallagher and Paul McBride.

2. DECLARATIONS OF INTEREST

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

Susan McPhee declared an interest in relation to item 17 (Proposals for Part V).

3. DRAFT MINUTE OF MEETING HELD ON 11 FEBRUARY 2008

The draft minute of the meeting of 11 February 2008 was approved.

4. DRAFT MINUTE OF THE AUDIT COMMITTEE HELD ON 11 FEBRUARY 2008

The draft minute of the meeting of the Audit Committee held on 11 February 2008 was noted.

5. DRAFT MINUTE OF THE LEGAL SERVICES POLICY COMMITTEE HELD ON 18 FEBRUARY 2008

The draft minute of the Legal Services Policy Committee held on 18 February 2008 was noted.

6. DRAFT MINUTE OF THE LEGAL SERVICES CASES COMMITTEE HELD ON 18 FEBRUARY 2008

The draft minute of the Legal Services Cases Committee held on 18 February 2008 was noted.

7. QUARTERLY ACTION POINTS

Noted.

8. CHAIRMAN'S INTRODUCTION

The Chairman congratulated Kenneth Ross, Elaine Rosie and Susan McPhee on the Scottish Government's decision to re-appoint them as Board members.

The Scottish Government had approved a 1.4% increase in Board members' remuneration.

Graham Watson would replace Willie Gallagher as Chairman of the Remuneration and Appointments committee.

It was the time of year again for Board Members' Performance Appraisals. The Chairman will begin these on 31 March.

9. CHIEF EXECUTIVE'S UPDATE

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

Updates were provided on: summary justice reform; Highlands and Islands Part V Service; pay/Scottish Government/NDPB Reward Working Group; recruitment and retention of Scottish lawyers; enhancing firm details for the SLAB online solicitor finder tool; legal aid helpline and online map location service; legal aid surgeries for the public; meeting with legal aid chief executive colleagues from England and Ireland.

The Chief Executive also reported very positive responses from members of the profession who had attended the Board's civil simplification Roadshows.

After discussion, it was AGREED:

- consideration be given to providing links to the Board's website aimed particularly at attracting young people's attention to legal aid.

ACTION: CL/CS

10. GRANT-IN-AID BUDGET AND LEGAL AID FUND FORECAST

Members considered a paper on the budget for the forthcoming financial year, and on the outcome of the most recent revision of the forecast of Legal Aid Fund spend for 2008/09 and beyond.

Having compared the funding provisions of the Scottish Government budget with the forecast spend for both Administration and the Legal Aid Fund, it could be concluded that:

- in terms of Administration (grant-in-aid) the funding was sufficient to meet the Board's needs, although the challenge to meet inflationary pressures, especially in pay, would become more acute in 2009/10 and 2010/11; and that
- in the case of the Legal Aid Fund (notwithstanding changes not yet reflected in the model because of the degree of uncertainty surrounding their magnitude or timing) the forecast outturn was currently around £153m - slightly in excess of the published 2008/09 Scottish Executive budget for the Scottish Legal Aid Fund - and, given the change in perception regarding the now apparent lack of growth in solemn Criminal Legal Assistance, there seemed to be sufficient funding for 2009/10 and 2010/11.

Members noted the position.

11. EFFICIENT GOVERNMENT

Members considered a paper outlining the Board's efficiency plans for both the Administration budget and the Legal Aid Fund.

It was noted that:

- it was expected that the revised Efficient Government target for 2007/08 of £9m would be met;
- for the next Efficient Government savings package incorporating 2008/09, 2009/10 and 2010/11, the size and timing of continued savings within the Legal Aid Fund would depend on the pace of regulatory change – a pace which would be governed by the actions of the Scottish Government;
- the Board had also identified potential savings within its Administration budget for 2008/09 to meet the 2% savings target which had been set, these primarily deriving from the use of technology, improved procurement and more efficient asset management. A gap had been identified for 2009/10 and 2010/11, and work would be undertaken to identify the means to eliminate it;
- the key risk to the achievement of the planned efficiency savings was the ability of the Scottish Government to make the necessary regulatory changes.

Members noted the position.

12. BEST VALUE

Members considered a paper which updated on progress with existing actions relating to the achievement of the Best Value criteria, and set out the focus for actions in the coming year.

The paper concluded that, two years on from Audit Scotland's baseline assessment, an objective assessment of the Board's overall arrangements for achieving Best Value would find that these were still *Well Developed*, with further good progress having been made. In relation to the individual characteristics, those previously assessed as *Well Developed* would remain so; while those that had been assessed as *Under Development* or *Planned* had improved on that assessment, even over that reported to the end of 2007.

Members noted the position and commented favourably on the proposed approach.

13. IS STRATEGY UPDATE

Members considered a paper updating on progress against the ICT Strategy 2006-09. The paper reflected that presented to the ICT Steering Group at its meeting on 4 February 2008.

It was noted that the ICT Steering Group had concluded:

- the broad strategy of expanding web-based services, the integration of Case Management through the entire lifecycle; and the streamlining of the technology, remained both appropriate core objectives for the strategy and consistent with the Board's Corporate and Operational Plans;
- the overall delivery plan remained on schedule to ensure delivery of the projects underpinning the achievement of the strategy; and that
- resources were being utilised effectively to ensure appropriate priority was attached to each of the individual delivery objectives.

The overall view was that although there had been slippage in some areas, delivery of the key components of the ICT strategy was still on target.

Consideration of the next ICT Strategy would take place during the second half of 2008/09, with a view to seeking Board approval of the new strategy for 2009-2012 in March next year.

After discussion, it was AGREED:

- the next report update the risk profile for key elements of the strategy;
- Graham Watson to join the ICT Steering Group to replace Willie Gallagher;
- otherwise, to note the position.

ACTION: JMcL

14. OPERATIONAL PLAN 2008-2009

Members considered a paper setting out an overview of the new Operational Plan for 2008/09.

It was noted that the year ahead would bring implementation of an unusually large number of major changes, particularly in relation to summary criminal legal assistance and civil simplification, that would require careful monitoring and reporting.

In discussion, it was noted that the question of interdependencies between projects would be discussed at the forthcoming Managers' Away Day. The projects for the review of sanction and introduction of quality assurance for counsel should be kept separate at this stage.

Members approved the operational plan.

15. SUMMARY CRIMINAL REFORM

Members considered a paper updating the position on Summary Criminal Legal Assistance Reform.

It was noted that the Cabinet Secretary had invited representatives from the Law Society and the Board, and a number of Deans of Faculty to a meeting to be held on 26 March to discuss the amended proposals, set out in the paper, which had resulted from the revised assumptions issued by the Crown Office on 22 February and subsequent meetings with the profession's representatives during the continuation to the consultation period. It was hoped that the Cabinet Secretary would be in a position to make a formal announcement on the reforms shortly thereafter.

Members noted the position and commended the Board staff involved for the way they had handled this difficult and complex project.

16. TRENDS UPDATE

Members considered a paper which presented an analysis of legal aid trends for the calendar year from January to December 2007, compared with the previous four calendar years.

In discussion, it was noted that civil ABWOR grants had risen by 17 % in the course of the year, and that this rise had been driven by the large increase in ABWOR intimations in mental health of 52% year on year. There were concerns about charging by some firms operating in this area and these were being investigated. There were also concerns about the effectiveness of peer reviewers in the mental health field, an issue to be raised with the Mental Health Tribunal.

Members noted the position.

17. PROPOSALS FOR PART V

Members considered a paper which set out the reasoning behind the selection of two Part V Thematic Projects from the range of potential thematic areas previously identified by the Board, and recommended their inclusion in the Part V Programme from April 2008.

The proposed projects - the National Prison Outreach Project and the National Mental Health Project – aimed to contribute to the government's priority of tackling re-offending and promoting rehabilitation, and to address unmet legal needs of people with mental health problems.

In discussion, questions were asked about the adequacy of the proposed solicitor resource, given the scope of the projects and the financial constraints applying. Also, whilst recognising the intention behind the flexible approach proposed, it would be helpful to have a clearer view of the timescales, costs, activities and intended outputs of the projects. Also, the projects would require appropriate names that more accurately reflected the scope of the projects.

After discussion, it was AGREED:

- a further paper be submitted to the next meeting of the Board reflecting the issues raised in discussion.

ACTION: CL

DATE OF NEXT MEETING: Monday 12 May 2008

The meeting ended at 4.25pm