THE SCOTTISH LEGAL AID BOARD
MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD AT 1.30PM ON MONDAY 16 MARCH 2009 AT 44 DRUMSHEUGH GARDENS, EDINBURGH

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

In attendance: Lindsay Montgomery, Chief Executive
Andrew Menzies, Director of Corporate Services and Accounts
Colin Lancaster, Head of Policy and Development
Ian Middleton, Director of Audit and Compliance
Claire Duffy, Assistant Manager, Policy and Development (items 12-13 only)
Marie-Louise Fox, Legal and Policy Support to the Chief Executive
Stuart Foster, Board Administrator

1. APOLOGIES FOR ABSENCE

Paul McBride.

2. DECLARATIONS OF INTEREST

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

3. DRAFT MINUTE OF MEETING HELD ON 9 FEBRUARY 2009

The draft minute of the meeting of 9 February 2009 was approved.

4. DRAFT MINUTE OF THE LEGAL SERVICES POLICY COMMITTEE HELD ON 2 FEBRUARY 2009

The draft minute of the Legal Services Policy Committee held on 2 February 2009 was noted.

5. DRAFT MINUTE OF THE LEGAL SERVICES CASES COMMITTEE HELD ON 2 FEBRUARY 2009

The draft minute of the Legal Services Cases Committee held on 2 February 2009 was noted.

6. CHAIRMAN'S INTRODUCTION

The Chairman advised members that appraisals were in the process of being arranged.

7. CHIEF EXECUTIVE'S UPDATE

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

In discussion, reference was made to the high volumes of casework being experienced in the Civil Legal Assistance Office (Highlands and Islands) and the need for additional resource to cope with it.

Members noted the position.

8. GRANT-IN-AID BUDGET & LEGAL AID FUND FORECAST REPORT 2009-11

Members considered a paper reporting 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 2009/10 and beyond.

It was reported that grant-in-aid funding was sufficient to meet the Board's needs for 2009/10, and that the Legal Aid Fund forecast outturn for the current year was within the Scottish Government budget for the Scottish Legal Fund.

Members noted the position.

9. BUSINESS CASE FOR REMOTE ACCESS

Members considered a paper that set out a business case for a Remote Computer Access Solution and, consistent with the delegated authority limits for expenditure over £100,000, sought approval for expenditure on the recommended option.

The paper listed the key business drivers behind the proposal, and evaluated the options available. It was recommended that the option providing for the roll out of Citrix to provide remote access, centralised management and audit of PCs, and network support and infrastructure for Part V and PDSO be approved.

After discussion, it was AGREED to approve the recommended option.

10. OPERATIONAL PLAN 2009-2010

Members considered a paper which provided an overview of the draft Operational Plan for 2009/2010.

It was noted that final outcomes would be dependent on a range of issues including Ministers' decisions during the year, particularly if policy changes arose as a result of the recession or the likely pressure on public finances in 2010-11 and onwards.

After discussion, members noted the position.

11. TRENDS REPORT

Members considered a paper summarising legal aid trends for the 12 month period from January to December 2008, compared with the four previous years.

After discussion, it was AGREED:

- for future reports, all cases related to immigration and asylum should be presented together, whether A&A, ABWOR or civil legal aid;
- as experience in the advice sector suggested employment / redundancy cases was a major growth area, the volumes of such cases should be given consideration in the next report.

ACTION: CL

13. CRIMINAL MODELLING

Members considered a paper reporting on progress with a modelling project designed to provide information on the economic position of firms undertaking criminal legal aid.

It was reported that, since the Board had last considered the subject, the costs side of the model had been refined and verified to the extent that it was considered to realistically reflect the cost of delivering a criminal legal assistance service, following discussions with firms of accountants and a number of legal aid practitioners. In addition, the methodology for modelling profits based on different levels of caseload had been refined and the assumptions applied to several real firms.

In discussion, the view was expressed that, once finalised, the findings from the project should be shared with the Scottish Government and the profession.

After discussion, it was AGREED:

- Members be given more time to digest the content of the paper;
- in the meantime, the cost assumption be further verified with more practising solicitors in different parts of the country, and the model be tested against data from more firms in order to further establish its validity.

ACTION: CL

12. POLICY RESEARCH PROGRAMME

Members considered a paper updating the position on progress made against the Research Programme in 2008/09 and outlining plans for 2009/10 and onwards.

It was noted that a key area of work was the programme of research to collect views from applicants. This would involve measuring levels of satisfaction with the services provided by the Board, as well as applicants' solicitors. People's understanding and experience of the court process, and views on In Court Advice Services, would also be obtained.

It was AGREED:

- to approve the future programme and the broad scheduling of projects.

ACTION: CD

13. RESEARCH UPDATE: VIEWS AND EXPERIENCES OF CIVIL SHERIFF COURT USERS

Members considered a paper concerning research commissioned jointly by the Board and Consumer Focus Scotland with the aim of describing the experiences and views of people coming before Sheriff Courts in Scotland for civil matters. The research stemmed from Lord Gill's review of the civil courts.

It was noted that the first draft of the findings had now been received, and the Board would work with Consumer Focus Scotland to submit an overview of the main implications arising from it to the Civil Court Review Team, after which the findings would be published.

In discussion, reference was made to the appropriateness of the sample size and the testing of perceptions with reality. Members were advised that, as this was qualitative, in-depth research, no attempt would be made to extrapolate findings, or describe them as representative of the population as a whole. As such, sample sizes were not problematic to the validity of the research. It was confirmed that views on the conduct of family cases would be explored as part of the applicants' research project.

Members noted the position.

DATE OF NEXT MEETING: Monday 11 May 2009

The meeting ended at 4.00pm.