

THE SCOTTISH LEGAL AID BOARD
MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD AT 1.30PM
ON MONDAY 14 JUNE 2010 AT 44 DRUMSHEUGH GARDENS, EDINBURGH

Present: Iain Robertson, Chairman
Graham Watson
Ray MacFarlane
Joseph Hughes
William McQueen
Denise Loney
Alastair Kinroy QC
Sheriff Ray Small
Les Campbell (items 1-9 only)

In attendance: Lindsay Montgomery, Chief Executive
Andrew Menzies, Director of Corporate Services and Accounts
Colin Lancaster, Director of Policy and Development
Tom Murray, Director of Legal Services and Applications
Kingsley Thomas, Manager, Criminal Legal Assistance (items 1-6 only)
Matthew Auchincloss, Director, PDSO (item 7 only)
Ian Dickson, Head of Service, CLAO (item 8 only)
Hazel Thoms, Manager, Policy and Development (items 9 -10 only)
Graeme Hill, Project Manager, Projects Office (item 11 only)
Marie-Louise Fox, Head of Secretariat and Chief Executive's Office
Andrew McIntosh, Corporate Support Manager
Stuart Foster, Board Administrator

1. APOLOGIES FOR ABSENCE

Elaine Rosie, Susan McPhee, Paul McBride QC.

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 10 MAY 2010

The draft minute of the meeting held on 10 May was approved.

4. QUARTERLY ACTION POINTS

Noted.

5. CHAIRMAN'S INTRODUCTION

The Chairman made his customary report.

6. 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 also outlined the steps taken and being considered by the Board to accommodate the Crown's decision that accused be offered access to a solicitor if detained by the Police for interview.

The Board was liaising with the Scottish Government, ACPOS and the Crown to ensure that arrangements were in place to meet the new requirements and to pay solicitors for such work. (For example, as things stood, it would not be possible to pay the first solicitor separately for attending the interview if the case moved from A&A to summary criminal legal aid and was dealt with by another solicitor)

Members noted the position.

7. PUBLIC DEFENCE SOLICITORS' OFFICE OPERATIONAL REPORT

Members considered a paper reporting on the operation of the PDSO for the year April 2009 to March 2010 and some current criminal justice issues from the perspective of the PDSO.

It was noted that the period had seen an overall growth in caseload of 14%. The Scottish Government had only very recently indicated broad agreement with the PDSO objectives approved by the Board in June 2009, and discussions were taking place on the prioritisation of objectives in light of Ministers consideration of PDSO expansion on the duty solicitor scheme as a means of achieving savings to the legal aid fund. A paper would be submitted to the July meeting on the cost-effectiveness of the PDSO in comparison with private practice.

The PDSO would be moving to a full electronic case management system for all offices over the course of the summer to enable it to better report on the outcome of cases and to inform any future government review of the service. This would also result in efficiency gains.

It was noted that there was capacity for the solicitors in the network to take on more cases, and if more duty work was awarded, a further increase in the numbers of cases per solicitor would be seen. This would also result in savings in legal aid. The Board noted the various criminal justice system issues set out in the report and the intention to report them to the Crown Office.

After discussion, members noted the position and welcomed the report.

8. CIVIL LEGAL ASSISTANCE OFFICE OPERATIONAL REPORT

Members considered a paper reporting on development of the Part V programme of work since the previous report to the Board in December 2009.

It was noted that the first half of 2010 had seen increasing volumes of economic downturn related work. The Service continued to make an important contribution to the resolution of problems for clients with unmet legal needs, and providing a complementary service to private practice in routing clients to the most appropriate source of help.

Members noted that the Board could evidence that the CLAO was successfully delivering the original purpose of the service which was to ensure advice and representation was available in the Highlands and Islands. Further work was required to show the outcomes achieved from this work and to consider how best to measure cost effectiveness. Both these presented challenges. It was also recognised that a substantial proportion of the network's business was referred by private practice choosing not to take particular cases.

Joseph Hughes raised a query as to why some CLAO potential clients were pointed in the direction of Hamilton Burns in Glasgow. Ian Dickson said that this would only happen if CLAO could not act e.g. in actions for a spouse or other related party and the case could not be transferred to an Inverness solicitor. Ian agreed to look into this further.

Discussion also took place regarding the appropriate measures of success for the Service, particularly when solicitors were not dealing with casework. The next report would include further consideration of this.

ACTION: ID

9. REPORT ON GRANT FUNDED PROJECTS

Members considered a paper reporting on the operational progress of the 16 targeted projects funded by the Board against their agreed objectives during their first 2 quarters of operation.

It was noted that evidence from the monitoring and evaluation frameworks covering each project demonstrated that the majority of projects had become well established within a short timescale and highlighted the success of the programme to date in addressing identified gaps in access to advice provision.

Members commended the achievement of staff involved in successfully establishing engagement with a many and varied range of projects. There was a need to seek early clarification with the Scottish Government about continued funding for the grants programme. Current funding was until March 2011.

10. REPORT ON IN-COURT ADVICE PROJECTS

Members considered a paper reporting on the operational progress of the 8 In-Court Advice projects, the funding of which the Board had taken over from the Scottish Government in April 2009.

It was reported that an overall assessment of performance over the past year showed that for the most part these were a very high-performing set of projects providing advice and other assistance to large numbers of unrepresented litigants in the busiest courts in Scotland. The Board would be seeking early clarification from the Scottish Government regarding the future funding arrangements for the projects.

After discussion, members noted the position.

11. UPDATE ON LEGAL AID ONLINE STRATEGY

Members considered a paper which provided an update on the Legal Aid Online Project and the strategy supporting the corporate objective of being virtually electronic by the end of 2010/11.

It was noted that, for advice and assistance, civil legal aid and criminal legal aid, progress was on schedule to move to virtually electronic applications by the end of March 2011. Assessments in relation to Children's and Solemn Legal Aid would need to wait until products were introduced in the autumn although indications pointed towards a good outcome in these areas. A number of accounts products would not be available until later in the year.

Good progress was being made on all remaining online products. The paper recognised that whilst online applications would be mandatory from April 2011, it would not be possible or sensible to achieve the same position for submission of accounts. This was because many accounts received next year related to cases which may have been ongoing for some considerable time and had been originally produced on paper.

After discussion, members noted the position.

12. UPDATE ON BEST VALUE

Members considered a paper which provided an update on the status and future focus of the Board's arrangements to secure Best Value.

The report concluded that, were an objective assessment of the Board's arrangements for Best Value to be carried out, it would conclude that the overall arrangements for achieving Best Value were well developed.

Members agreed the position.

13. ACTUARY'S ASSUMPTIONS IN RELATION TO VALUATION OF RETIREMENT BENEFITS

Members considered a paper which set out the assumptions, as proposed by the Board's actuary, that would be adopted in arriving at the valuation of the Board's pension scheme liabilities in the accounts for the period ending 31 March 2010.

Members noted the position.

DATE OF NEXT MEETING: Monday 19 July 2010.

The meeting ended at 3.40 p.m.