

THE SCOTTISH LEGAL AID BOARD
DRAFT MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD AT 1.30 PM. ON
MONDAY 11 FEBRUARY 2019 AT THISTLE HOUSE, EDINBURGH

Present: Ray Macfarlane, Chairman
Sheriff John Morris
Raymond McMenamin
Steve Humphreys
Brian Baverstock
Lesley Ward
Sarah O'Neill
Marieke Dwarshuis
Paul Reid
David Sheldon QC
Rani Dhir

In attendance: Colin Lancaster, Chief Executive
Graeme Hill, Director of Corporate Services and Accounts
Marie-Louise Fox, Director of Operations
Ian Dickson, Principal Legal Adviser
Andrew McIntosh, Corporate Support Manager
Matt Taylor, Assistant Manager, Analysis and Management Information
(items 7 to 9 only)
Stuart Foster, Board Administrator

1. APOLOGIES FOR ABSENCE

Tim McKay.

2. DECLARATIONS OF INTEREST

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

3. DRAFT MINUTE OF BOARD MEETING HELD ON 10 DECEMBER 2018

The draft minute of the Board meeting held on 10 December 2018 was **approved**.

4. MINUTE OF THE LEGAL SERVICES CASES COMMITTEE HELD ON 10 DECEMBER 2018

The minute of meeting of the Legal Services Cases Committee held on 10 December 2018 was **noted**.

5. CHAIRMAN'S INTRODUCTION

The Chairman reported that Board member re-appointment letters had been issued. The Chairman had received a letter from the Minister asking SLAB to recommend members for appointment to the Expert Payment Review Panel. The Chairman and Chief Executive had met with the Chief Executive and Lord President of the Law Society to discuss the legal Services Review and the exclusion of public bodies such as SLAB from regulation by the Society.

6. CHIEF EXECUTIVE'S UPDATE

The Chief Executive reported on matters of interest since the previous meeting, and updated the position on a staffing issue, the Legal Aid Review consultation, and Grant Funding.

Discussion took place in relation to the SG Pay Policy and the process for its implementation at SLAB, and development of the SLAB website.

After discussion, it was **agreed**:

- consideration be given to user testing of the new website prior to launch.

Action: DM

7. PERFORMANCE REPORT

Members considered a paper reporting on operational performance as at 31 December 2018.

It was noted that the applications performance across Criminal, Civil & Children's was good; in Accounts, the overall performance was mixed, although the accuracy results were good.

In discussion, reference was made to resourcing in Accounts and the use of surveys to test end user experience of the service.

After discussion, members **noted** the position.

8. PERFORMANCE PRESENTATION

Members heard a presentation outlining proposed refinements to SLAB's approach to measurement of its performance.

It was proposed to introduce a fixed benchmark (which would be specified at the next meeting), a declaration of 'where better is' instead of a target, and move towards a pictorial rather than numerical presentation of performance. The focus was on managing performance as opposed to managing targets.

Topics raised in discussion included: the pros and cons of using average rather than actual figures, and pictorial rather than numerical presentation of performance; the level of management information behind the top level report; the proposed terminology for describing progress; what constituted optimal performance; and the effect of introducing further indicators, such as utilisation of resource.

After discussion, it was **agreed**:

- consideration be given to backing up the pictorial presentation of performance with numbers and narrative, and with clarification to be provided on the meaning of the 'toward' indicator.

Action: MT

9. TRENDS ANALYSIS UPDATE

Members considered a paper presenting trends in legal aid in the twelve months to December 2018.

It was noted that there had been a significant increase in immigration and asylum volumes and expenditure during the period, although the reason for this was as yet unclear.

Points raised in discussion included: the fall in benefit appeals; measures SLAB was able to take in response to the drop in housing applications; monitoring of the lack of representation and advice at First Tier housing Tribunals; and the operation of the Children's Hearings system.

After discussion, it was **agreed**:

- the fall in benefit appeals was still something that the Board would be interested in understanding more about.

Action: MT

10. FINANCE (FUND) REPORT INCLUDING RE-FORECAST

Members considered a paper reporting on the Legal Aid Fund financial position, including Re-Forecast, for the period ending 31 December 2018.

Discussion took place on resourcing issues and communication with the Justice Board.

After discussion, members **noted** the position.

11. FINANCE (ADMIN AND RESOURCES) REPORT

Members considered a paper reporting on the Administration finance and resources outturn.

It was noted that cash expenditure as at end December 2018 was £8.6m, and this was £0.2m under budget.

In discussion clarification was provided on the nature of the Scottish Government pension receipt.

After discussion, members **noted** the position.

12. BUSINESS PLAN UPDATE

Members considered a paper reporting on progress with the Business Plan 2018-19.

It was noted that the majority of projects sat at an amber status. In most cases this was driven by issues of complexity or matters beyond SLAB's control, rather than serious concerns about ability to deliver the project. These projects would be rolled into next year's plan, a paper on which would be submitted to the next meeting.

Members **noted** the position.

ITEM FOR INFORMATION

Following conclusion of deliberations on the substantive agenda items, members noted a paper circulated for information (Meetings with Outside Bodies).

DATE OF NEXT MEETING: Monday 25 March 2019.

The meeting ended at 3.25 pm.

