

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

Present: Ray Macfarlane, Chairman
Sheriff John Morris
Raymond McMenamin
Steve Humphreys
Sarah O'Neill
Marieke Dwarshuis
Paul Reid
Tim McKay

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 9 and 12 only)
Steven Carrie, Senior Technical Specialist, Accounts Specialist Unit (item
12 only)
Morven Fraser (Audit Scotland)
Stuart Foster, Board Administrator

1. APOLOGIES FOR ABSENCE

Brian Baverstock, Lesley Ward, David Sheldon QC, Rani Dhir.

2. DECLARATIONS OF INTEREST

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

3. DECISIONS ON PAPERS TO BE PUBLISHED

After discussion, it was **agreed**:

- papers would be published on the SLAB website as recommended in the papers.

Action: MF

4. REVIEW OF MINUTES

- **DRAFT MINUTE OF BOARD MEETING HELD ON 11 FEBRUARY 2019**

The draft minute of the Board meeting held on 11 February 2019 was **approved**. In discussion, an update on the position with user testing of the new website was provided.

- **MINUTE OF THE LEGAL SERVICES CASES COMMITTEE HELD ON 25 FEBRUARY 2019**

The minute of meeting of the Legal Services Cases Committee held on 25 February 2019 was **noted**.

- **DRAFT MINUTE OF THE AUDIT COMMITTEE HELD ON 28 JANUARY 2019**

The draft minute of meeting of the Audit Committee held on 28 January 2019 was **noted**.

5. CHAIRMAN'S REPORT

The Chairman reported on a recent meeting with Ash Denham MSP, Board member involvement in the Legal Aid Payment Panel and a meeting of the Section 31 Committee earlier in the day, and advised that Board member reviews were being arranged.

6. CHIEF EXECUTIVE'S UPDATE

The Chief Executive reported on matters of interest since the previous meeting. Additional updates were provided in relation to meetings held with justice partners to put in place arrangements for PDSO coverage of Edinburgh Sheriff Court should the need arise; and recent adverse and inaccurate press coverage of legal aid provision in a recent high profile murder case.

Members were advised of a change by HMRC to the way tax was charged on travel expense claims which would result in tax being accounted for through payroll at the point of reimbursement.

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

7. BUSINESS PLAN 2019-20 UPDATE

Members considered a paper proposing priority activity for 2019-20 and inviting views.

It was noted that a further draft of the plan would be submitted to the May Board meeting for approval.

In discussion, reference was made to delay to projects dependent on Scottish Government direction and the potentially resource intensive work SLAB may need to provide in support of the Legal Aid Review consultation and possible Bill.

Members noted that the proposed list of activity was at they would have expected and looked forward to a further discussion at the next meeting.

8. PERFORMANCE REPORT

Members considered a paper reporting on operational performance as at 31 January 2019.

It was noted that overall departmental performance was good; in Accounts, where staff sickness absence had been a factor the overall performance was mixed, although the accuracy results were also good.

In discussion, clarification was provided on the performance measure for the average duration for initial assessments.

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

9. BENCHMARK PROPOSALS FOR 2019/20

Members considered a paper seeking approval for proposed performance benchmarks for 2019-20.

It was noted that the proposed benchmarks were challenging but achievable, and were based on current performance.

Discussion took place on factors supporting the legitimacy of using the current year's performance as an initial benchmark, and the pros and cons of including numerical and narrative detail as well as the colour highlighting of benchmarks in future reports. It was considered that complaints should also be included in the non-operational performance measures, and it was confirmed that a measure for solicitor satisfaction was being worked on and would be re-introduced in due course.

After discussion, it was **agreed**:

- to approve the operational and non-operational benchmarks as proposed, with the addition of complaints.

Action: GH

10. RISK MANAGEMENT

Members considered a paper reporting on recent consideration of risk by the Audit Committee (including the Corporate Risk Register considered by the Audit Committee) and the current risk environment.

Discussion took place on engagement with the Law Society; and the envisaged timescale for reporting to the Board on financial scenario planning.

After discussion, it was **agreed**:

- The information that was produced for the Audit Committee on further action required to mitigate risks and the timescales for these actions to also be included with the paper that is submitted to the Board.

Action: AMcl

11. GRANT-IN-AID BUDGET 2019-20

Members considered a paper reporting on the Admin, PDSO, CLAO, SCL, QA & Glasgow Courts Budget submissions for 2019/20 and a high level overview of 2020/21.

In discussion, reference was made to pay policy and increased running costs; the relevance of the cash balance; pension provision; vacancy carry-forward planning and possible impact on service delivery; and income from tenants at Thistle House.

After discussion, it was **agreed**:

- subject to removing the cash balance, to approve the Budget submissions as proposed.

Action: GH

12. LEGAL AID PAYMENT PANEL PRESENTATION

Members heard presentations and summaries of discussion relating to the first meeting of the Panel.

After discussion, members noted that messaging around the Panel would need to be managed very carefully - it provided opportunities to consider new ways of managing the system but the reaction of the legal profession as the review progressed would not necessarily be supportive.

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 7 May 2019.

The meeting ended at 3.55 pm.