**THE SCOTTISH LEGAL AID BOARD**

**APPROVED MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD by VIDEO CONFERENCE ON monday 15TH march 2021**

Present: Ray MacFarlane, Chair

Sheriff John Morris

Sarah O’Neill

Stephen Humphreys

Tim McKay

Lesley Ward

Rani Dhir

David Sheldon QC

Brian Baverstock

Raymond McMenamin

Marieke Dwarshuis

In attendance: Colin Lancaster, Chief Executive

Graeme Hill, Director of Corporate Services and Accounts

Marie-Louise Fox, Director of Operations

Anne Dickson, Director of Strategic Development

Ian Dickson, Director of Legal Services

Andrew McIntosh, Corporate Support Manager

Stuart Drummond, Corporate Governance and Policy Officer

1. **APOLOGIES FOR ABSENCE**

None

1. **DECLARATIONS OF INTEREST**

None

1. **REVIEW OF MINUTES**

The draft minute of the 14th December Board meeting was **approved.**

The minute of the Audit Committee held on 27 November 2020 was **noted**.

The minute of the Legal Services Cases Committee held on 18 January 2020 was **noted**.

1. **CHAIR’S REPORT**

The Chair reported on matters of interest since the last meeting.

The Chair reported that she would be meeting with Ash Denham, the Minister for Community Safety on 18th March.

The Chair also remarked that this would be Rani Dhir’s last Board Meeting and that she would be sorely missed. The Chair, and the rest of the Board, wished her all the best for her future endeavours.

The Chair reported that two new Board Members had been appointed. The legal member was Gerry Bann and Brigid Whoriskey the non-legal member. Both would bring a wealth of experience and knowledge to the Board and the Chair was looking forward to working with them.

1. **CHIEF EXECUTIVE’S UPDATE**

The Chief Executive reported on matters of interest since the last meeting.

The latest developments in relation to the support being provided to the profession through the Resilience Fund were reported to the Board. This included numbers of applications received, information about the data sharing agreement with the Scottish Government, and the key aspects of the criteria being used to assess applications.

Discussion took place on the possible reaction from the legal profession to both grant awards and refusals, and the expected approach from the Scottish Government to this and wider communications.

It was also reported that the Criminal Justice Board had been discussing the Recover, Renew, Transform programme and a paper had been prepared. It was agreed that this paper would be shared with the Board as useful background information.

**ACTION: SD**

In relation to the reporting duties on climate change, it was noted that SLAB was already reporting on some aspects of this such as its Carbon Management Plan so was well placed to manage the additional reporting requirements which were not excessive.

The Board **noted** the remainder of the report.

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| 1. **ADMINISTRATION FINANCE AND RESOURCES REPORT**   The Board were presented with a paper which set out the expenditure and resources for the period ending 31st January 2021. It was noted that the expenditure for the period ending 31st January 2021 was £10.7m.  Although a slight underspend was reported, Graeme Hill was confident that by the end of the financial year the full budget would be spent. Overall the year end picture was predicted to be positive.  It was noted that there had been a reduction in staffing costs and costs in relation to running the building. The number of staff retirements was raised by the Board as a potential area of concern but it was explained that these had been anticipated.  The Board **noted** the report.   1. **LEGAL AID FUND – FINANCE REPORT**   The Board were presented with a paper which showed the Legal Aid Fund cash expenditure to January 2021 against the revised forecast.  It was noted that the current view was that it was likely that the Fund would end the year at around £100m. The main cause of the reduction was the impact of Covid on criminal summary and solemn accounts, which had reduced dramatically. The projected upturn for 2021-22 was being assessed on a risk basis as there remained a great deal of uncertainty over the timing of the justice recovery plan.  The Board also noted the potential impact of the Beroghani case on counsel’s fees and possibly solicitor fees.  The Board **noted** the report.   1. **ADMINISTRATION BUDGET SUBMISSIONS 2021/22**   The Board were presented with the Annual Administration budget for Scottish Legal Aid Board (SLAB) along with the Public Defender’s Office (PDSO), Civil Legal Assistance Office (CLAO) Solicitor Contact Line (SCL) and Glasgow Court Budgets for 2021/22, and a high level budget for 2022/23.  Discussion with the Board highlighted a SLAB budget (Covid-19 Adjusted) of £12,584K which resulted in an under-commitment of £501k against the in-year funding available from Scottish Government excluding pension costs, which were separately funded. The under-commitment had arisen from a number of issues including a pay award which was lower in 2021/22 and the ongoing impacts of Covid-19 in the early part of the year, along with an increase in core funding of £500k for 2021/22 which was part of the Scottish Government Covid consequentials.  The budget was approved; however it was agreed that the Board should be updated on the considerations made from forthcoming work on utilising the under-commitment. |
| 1. **REVIEW OF RISK APPETITE**   The Board were presented with a paper that sought their approval to a revised set of SLAB risk appetite statements. These had been reviewed in light of the new Corporate Plan. The proposed changes were summarised as:   * + A simpler risk appetite classification range (no appetite, low appetite, medium appetite and high appetite);   + Changed broad risk themes and allowing for variation of appetite within the broad theme;   + Changed our risk appetite for some activity which would improve our capability to become a strategic legal aid body if government requires us to make that change;   + Improved link between the risk appetite and the risk register by operationalising its use;   + new risk themes to categorise risks faced.   The Board acknowledged the amount of work that had been put into the review and the input from Audit Committee members.  The Board **approved** the revised risk appetite statements and the approach to reflecting the risk appetite in the risk register.   1. **CORPORATE RISK REGISTER**   The Board were presented with a paper setting out proposed changes to the corporate risk register in light of the new Corporate Plan. A draft of the register had been discussed with the Audit Committee the previous month.  It was acknowledged that since the new risk appetite paper had been approved that there was a need to amend the presentation of the risk register itself to allow for any necessary changes to the scoring matrix. This would be ready for the next discussion on risk at the May meeting of the Audit Committee.  The Board **noted** the paper.   1. **BUSINESS PLAN –PROGRESS IN 2020-21AND FUTURE ACTIVITY**   The Board were presented with a paper which brought together a report of activity in 2020-21 to take forward the themes of the Corporate Plan together with a draft business plan for 2021-22.  The Board **noted** the report **approved** the Business Plan for 2021-2022.   1. **EQUALITIES OUTCOME PLAN**   The Board were presented a paper which set out SLAB’s equality priorities up to 31st March 2023 and the 2021-2023 Equalities Outcome Plan.  The Board **approved** the plan.   1. **COMPLAINTS UPDATE**   The Board were presented a paper which outlined the numbers and outcomes of complaints received during the period April 2019 to March 2020. It was noted that the report had been delayed and there was an undertaking to report again to the Board on the 2020/21 statistics at the May Board meeting.  The plans to adopt the revised Scottish Public Services Ombudsman Model Complaints Handling Procedure were also noted.  The Board **noted** the report.   1. **PERFORMANCE REPORT**   The Board considered the operational performance report noting the following:   * the figures reported for January were a three month average i.e. they reflected the position for November, December and January 2021 as a whole. * The performance across applications was good and there were no particular concerns or issues to highlight. * The reported performance in accounts remains good with all measures reported as ‘met’ or ‘better than’ the benchmark.   The Board **noted** the remainder of the report.   1. **KEY PERFORMANCE INDICATORS AND BENCHMARKS**   The Board considered a paper which proposed the benchmarks for performance reporting for financial year 2021-22. Benchmarks had been proposed that balanced the aim of being challenging but achievable but also the needed to manage the risks and uncertainty around the coming year. They were based on performance during the pandemic in 2020-21 and also pre the pandemic in 2019-20.  The Board **agreed** the proposed benchmarks. |
| 1. **MEETINGS WITH OUTSIDE ORGANISATONS**   The Board noted a paper setting out the details of key meetings attended by senior SLAB staff with external organisations.   1. **DATES OF NEXT MEETINGS**   The Board noted the following dates:   * Policy Committee – 29th March * Cases Committee – 12th April, 10th May * Audit Committee – 4th May * Board – 17th May |

The meeting concluded at 15:45.