**THE SCOTTISH LEGAL AID BOARD**

**APPROVED MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD by VIDEO CONFERENCE ON monday 28TH June 2021**

Present: Ray MacFarlane, Chair

Sheriff John Morris

Marieke Dwarshuis

Stephen Humphreys

Tim McKay

Lesley Ward

David Sheldon QC

Brian Baverstock

Raymond McMenamin

Gerry Bann

Brigid Whoriskey

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**

There were apologies from Sarah O’Neill.

1. **DECLARATIONS OF INTEREST**

None

1. **REVIEW OF MINUTES**

The draft minute of the Board meeting held on 17 May 2021 was **approved.**

The draft LAPC minute 1 June 2021was **noted**. The Chair indicated that she had not tendered apologies, rather had been asked not to attend because she had been involved in the LSCC consideration of the application that was being reviewed by the LAPC.

The draft minute of the Legal Services Cases Committee 14 June 2021 was **noted**.

1. **CHAIR’S REPORT**

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

The Chair updated the Board on the meeting with the Cabinet Secretary for Justice, Keith Brown, and the Minister for Community Safety, Ash Denham on 22nd June. The Chair reported that it was a positive and constructive meeting.

1. **CHIEF EXECUTIVE’S UPDATE**

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

It was noted that the Payment Panel report had been finalised and that it would be published in July. Once the timescales for publication were clearer a copy of the report would be provided to the Board.

Also discussed with the Minister was the possibility of legislation during in a later parliamentary session. SLAB’s work in developing options for any such legislation would be discussed further with the Legal Assistance Policy Committee and the Board as necessary in due course.

The Chief Executive updated the Board on the latest situation with the Resilience Fund, noting that decisions awarding £2.3M had been intimated to Scottish Government against their commitment to pay out £9M in total, based on different criteria. The options for distributing the remaining money had been discussed with the Scottish Government and it was agreed that SLAB would provide data to Government. The Scottish Government would be administering the scheme, including the full application and award process and entering into funding agreements with solicitors. The Board noted its support for this approach.

The Board were updated on the case of Ormistons Law Practice -v- The Scottish Legal Aid Board and were informed that SLAB had won the appeal and that there was to be no counter-appeal from Ormistons Law Practice.

In relation to the Section 23 agreement with the Equalities and Human Rights Commission the Board were informed that further amendments had been accepted by the EHRC. The resultant implementation plan was to be amended to take account of the delay in finalising the agreement.

The report was noted.

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| 1. **LEGAL AID FUND: FINANCE REPORT AND FORECAST UPDATE**   The Board was presented with the Legal Aid Fund Finance Report and Forecast Update which showed the cash expenditure to May 2021 against the current forecast.  It was noted that the forecast spend for 2021-22 was £140.6 million but it was not clear at that stage the extent to which the ongoing recovery from the impacts of the Covid-19 pandemic would change this forecast as they year progressed.  The report was noted.   1. **OPERATIONAL PERFORMANCE REPORT**   The Board was presented with a report on operational performance as at 31st May 2021. It was noted that performance across applications and accounts was good with no major concerns.  The report was noted. |
| 1. **CASE MANAGEMENT SYSTEM FOR DIRECT SERVICES – BUSINESS CASE**   The Board was presented with a paper which sought approval of the Business Case for the purchase of a case management system for the three direct services: Public Defender Solicitors Office, the Civil Legal Assistance Office and the Solicitor Contact Line.  It was noted that the case management system would provide a number of benefits including improved transparency on the costs and benefits of the direct services, providing SLAB with information it had not previously been able to report on.  After discussion on cost, procurement process and implementation planning, the business plan was approved.  In response to questions about the timing of Board input into the process, it was agreed that consideration would be given to the appropriate timing for this on future procurements. This would include whether the Board could be consulted on a draft business case before going to the market.  The Board **APPROVED** the Business Case.   1. **STRATEGY PAPER – STRATEGIC POSITIONING AND COMMUNICATIONS**   The Board was presented with a discussion paper that considered SLAB’s strategic positioning and communications in light of the negative feedback directed at SLAB in connection with the Resilience Fund and proposals from the Scottish Government on fee reform previously.  There was support from the Board on the proposal for SLAB to engage more actively, directly, and publically on certain issues, including ensuring there was regular face to face dialogue with Ministers. This should also include being clear publicly about the role of SLAB as opposed to Ministers and the Parliament. It was also agreed that there should be a mix of approaches including direct engagement with individuals, Bar Associations and review of the use of social media to respond to debate or criticism.  It was acknowledged that the development and implementation of the new strategy would require senior level resource. It was agreed that the issue would be bought back to the Board meeting on 4 October for further discussion.  **ACTION: CL** |
| 1. **MEETINGS WITH OUTSIDE ORGANISATIONS**   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:   * Board 10th August 2021 * Cases Committee 16th August 2021, 20th September 2021 * Policy Committee 9th August 2021 * Audit Committee 20th September 2021 |

The meeting concluded at 15:30