**THE SCOTTISH LEGAL AID BOARD**

**APPROVED MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD by VIDEO CONFERENCE ON Tuesday 4th october 2021**

Present: Ray Macfarlane, Chair

Sheriff John Morris

Marieke Dwarshuis

Stephen Humphreys

Tim McKay

David Sheldon QC

Brian Baverstock

Raymond McMenamin

Brigid Whoriskey

Sarah O’Neill

Lesley Ward

In attendance: Colin Lancaster, Chief Executive

Graeme Hill, Director of Corporate Services and Accounts

Marie-Louise Fox, Director of Operations

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 Gerry Bann

1. **DECLARATIONS OF INTEREST**

None

1. **REVIEW OF MINUTES**

The draft minute of the Board meeting held on 10th August 2021 was approved.

The following minutes were **noted:**

* Minute of the Audit Committee 14th June 2021
* Minute of the LAPC meeting 9th August 2021
* Minute of the Legal Services Cases Committee 16th August 2021

1. **CHAIRMANS REPORT**

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

The Chair reported that the annual Board appraisal process had been completed and that the feedback had been positive.

The Chair also reported that she had met with Neil Rennick of the Scottish Government and, among other things, had discussed the recent shared experience with the resilience fund for the profession. Mr Rennick praised SLAB for the work that had been done.

1. **CHIEF EXECUTIVE’S UPDATE**

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

The Chief Executive reported on his recent appearance before the Scottish Parliament’s Criminal Justice Committee round table on Legal Aid. The engagement with the committee had been positive and they had questioned the profession’s assertion that an increase in fees was a solution to wider sustainability issues.

It was also reported that the Chief Executive would be attending a pre-budget scrutiny meeting with the same Committee on 6th October.

The Chief Executive briefed the Board on the latest developments with the Glasgow Bar Association’s proposed action planned for COP26. The GBA had written to ministers expressing their concerns and requesting adequate remuneration.

The recruitment arrangements for senior staff vacancies was also discussed and it was noted that a tender had been issued for recruitment support and that an appointment was imminent. In the meantime it was reported that interim arrangements were in place.

The report was noted.

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| 1. **LEGAL AID FUND FORECAST**   The Board was presented with a paper that showed the cash expenditure to August 2021 along with the reforecast. It also set out the approach to the reforecast, the risks associated and the main changes made.  The Board noted the revised full year forecast as being £133.5 million, which represented a reduction from the previous forecast. It was also noted that the year to date actual cashflow was £44.5m, which was lower than the forecast £46.8m. The difference was accounted for by the higher level of stock in accounts assessment and that by the year end the £2m difference should be made up.  It was acknowledged that the second half of the year might impact on the forecast depending on how court volumes recover from the pandemic.  The situation in relation to staff resources within Accounts Assessment and the anticipated improvement was noted.  The report was noted.   1. **RISK MANAGEMENT UPDATE AND REGISTER**   The Board was presented a paper which focused on risks which have changed, were likely to change soon, and/or where the risk is sitting above the Board’s risk appetite.  The Board noted that the risk register had been discussed at the Audit Committee meeting of 20th September 2021.  The senior staffing risk was discussed and it was noted that the matter had been raised with the R&A Committee and that there would be a further consultation with that committee. In the meantime it was noted that Marie-Louise Fox, Graeme Hill and Colin Lancaster would be reported to by Anne Dickson’s former teams and separate arrangements would be put in place for the PDSO. It was also noted that a recruitment consultant would be used.  It was reported that risk 20 and 22 were currently outwith the risk appetite level and measures to reduce those risks to a comfortable level would be taken.  The paper was noted.   1. **AUDIT COMMITTEE ANNUAL REPORT TO THE BOARD**   The Board was presented a paper, the purpose of which was to provide a summary report on operational performance of the Audit Committee during the financial year 2020-21. The Audit Committee had discussed the issues, and considered it to be a true and fair reflection of their activities to 31 March 2021.  The Board noted the Audit Committee’s oversight of the control changes made in relation to the support offered to the profession during the pandemic and in particular the audits made of Accounts Assessment and ICQU, which provided assurance that adequate controls were in place.  In relation to Interim Payments it was noted that the risk sits with SG with the regulations requiring SLAB to pay the full amount at the interim stage and although there was still a reputational risk for SLAB this was being addressed.  The Board noted the report and thanked the Committee for their work.   1. **OPERATIONAL PERFORMANCE REPORT**   The Board was presented with a report on operational performance. It was noted that performance across applications and accounts was good with no major concerns.  The positive customer satisfaction survey results were noted and it was highlighted that solicitor dissatisfaction had been restricted matters of the wider justice system and covid impacts.  It was reported that the telephone system was now in place and although there were some technical issues these were being addressed.  The report was noted. |
| 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:   * Legal Services Cases Committee 18th October, 15th November * Legal Assistance Policy Committee 1st November * Audit Committee 6th December * Board 6th December |

The meeting concluded at 15:00