**THE SCOTTISH LEGAL AID BOARD**

**APPROVED MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD by VIDEO CONFERENCE ON Tuesday 6th december 2021**

Present: Ray Macfarlane, Chair

Sheriff John Morris

Marieke Dwarshuis

Stephen Humphreys

Tim McKay

David Sheldon QC

Brian Baverstock

Brigid Whoriskey

Sarah O’Neill

Lesley Ward

Gerry Bann

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

Esther Scoburgh, External Auditor, Audit Scotland

1. **APOLOGIES FOR ABSENCE**

Raymond McMenamin

1. **DECLARATIONS OF INTEREST**

Brian Baverstock declared that he was an associate of “On Board”, the training provider referred to in the board effectiveness paper, but was not directly involved in the day to day management. It was not necessary therefore for him to withdraw from the discussion.

1. **REVIEW OF MINUTES**

The draft minute of the Board meeting held on 4th October 2021 was **approved**.

It was noted that a paper on strategic positioning and communications had been scheduled to come to the October meeting. The Board were informed that although that paper was not presented at that meeting the content of a future strategy session would focus on that topic.

The following minutes were **noted:**

* Approved minute of the Legal Services Cases Committee meeting of 18th October 2021
* Approved minute of the Legal Services Cases Committee meeting of 15th November 2021

1. **CHAIRMANS REPORT**

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

The Chair reported that she, along with Colin Lancaster, had met with the President and the CEO of the Law Society of Scotland to discuss the profession’s current grievances and their suggested solutions. There was to be a meeting with the Scottish Government to discuss the Law Society’s proposals and other matters including the COP26, the means assessment consultation, legal aid reform and interaction with the bar associations.

The Chair thanked Colin Lancaster and his team for all the work done in relation to COP26 and mitigating the impact of the profession’s boycott as well as the positive state of SLAB’s relationship with the Scottish Government during this difficult period.

1. **CHIEF EXECUTIVE’S UPDATE**

The Chief Executive reported on matters of interest since the last meeting and gave further updates on the discussions with the legal profession and the Scottish Government. There was some concern that the Law Society’s proposals focussed on increasing fees rather than more nuanced solutions and it was therefore likely that the profession’s actions would continue.

The Board were concerned that SLAB’s position needed to be clearly articulated so that the profession could target their concerns to the appropriate organisation – in this case the Scottish Government. It was also noted that many of the concerns articulated by the profession might be of merit and as such it was important that a dialogue continued.

It was agreed that a future strategy day should examine the different models of legal aid provision and discuss how to move the dialogue with the Law Society of Scotland and the profession in a positive direction.

**ACTION: CL**

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| 1. **ANNUAL REPORT AND ACCOUNTS**   The Board were presented with the Annual Report and Accounts for 2020 - 21. The Audit Committee had considered the report earlier in the day and was of the view that it was a well written and transparent report that was a fair and true reflection on the year’s developments and achievements. The Committee had been content to recommend the Annual Report and Accounts to the Board for their consideration and approval  It was noted that the disclosures remained relatively unchanged from 2019-20.  Esther Scoburgh confirmed that, as the external auditor, she was satisfied that the annual report and accounts and that no significant findings were identified by the auditor.  The process for electronically signing the documents after the conclusion of the Board meeting was explained.  On the basis of a satisfactory recommendation from the Audit Committee, and the positive report from the External Auditor, the Board **agreed** that it could recommend to the Accountable Officer that he sign the Annual Report and Accounts and make arrangements for its submission, through Audit Scotland, the Auditor General and Scottish Government, for laying in the Scottish Parliament.   1. **SLAB ADMINISTRATION – FINANCE AND RESOURCE REPORT** |
| The Board were presented the Administration Finance and Resources Report which showed that expenditure for the period ending 31st October 2021 was £7.3m.  The Board discussed the £174k under commitment (after Q2 adjustments) noting the intention to improve the office environment and spending to provide future benefits. The improved invoice turnaround times were noted.  There was discussion about the level of mental health and wellbeing support for staff and the Board were informed of various initiatives including the “wellbeing Wednesday” and regular manager and team check-ins.  The Board **noted** the report.   1. **BUSINESS PLAN UPDATE**   The Board were presented with a business plan update which gave the Board a snapshot of progress against the 2021-22 Business Plan.  It was noted that although there had been an increase in the numbers of projects showing as amber since the last report, the vast majority of projects were still on track.  It was reported that the ability to resource development and improvement work in tandem with operational duties (which must be a priority) remained a challenge and was the key risk to projects not delivering outputs or outcomes as opposed to simply being delayed.  The Board **noted** the report.   1. **BOARD EFFECTIVENESS**   The Board were presented with a paper presenting the board effectiveness tool that had been completed following an assessment of comments made by members in discussions with the Executive or through performance appraisals. It also relied on an assessment of board support activity by the Chief Executive’s Office.  It was reported that there was an intention to bring a consistent approach to reviewing the committees. The proposed training plan was considered and the Board considered this to be a positive development.  The Board was of the view that refresher training upon re-appointment was a sensible idea and the plan to introduce a monthly bulletin highlighting key issues would be welcomed but that it would require to be balanced against the resource available in the CEO department.  The Board noted the report and its support for the training plan.   1. **QUARTERLY COMPLAINTS REPORT**   The Board was presented with a report setting out the complaints received by SLAB between July and September 2022. The Board noted the relatively low number of frontline and investigation complaints.  The Board **noted** the report. |
| 1. **OPERATIONAL PERFORMANCE REPORT**   The Operational Performance Report, reporting on operational performance as at 31st October 2021 was presented to the Board. It was noted that the figures reported were a three month average i.e. they reflected the position for August, September and October 2021 as a whole.  The following was noted:  Applications – The performance across Applications was good and there were no particular concerns or issues to highlight.  Accounts – Performance remained in line with expectations although some areas were being were reported as “worse than” the benchmark. This would be kept under close review.  The Board **noted** the report. |
| 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.  The Board **noted** the report.   1. **DATES OF NEXT MEETINGS**   The Board noted the following dates:   * Legal Assistance Policy Committee: 17th December 2021, 1st February 2021, 21st March 2022 * Legal Services Cases Committee: 13th December 2021, 17th January 2022, 21st February 2022 * Audit Committee 7th March 2022 * Board: 21st March 2022 |

The meeting concluded at 15:20.