**THE SCOTTISH LEGAL AID BOARD**

**APPROVED MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD by VIDEO CONFERENCE ON Monday 21 March 2022**

Present: Ray Macfarlane, Chair

Sheriff John Morris

Marieke Dwarshuis

Stephen Humphreys

Tim McKay

David Sheldon QC

Raymond McMenamin

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, Principal Legal Advisor

Paul Haran, Acting Director of PDSO

Andrew McIntosh, Corporate Support Manager

Sarah Lynchehaun, Corporate Governance and Policy Officer

1. **APOLOGIES FOR ABSENCE**

There were no apologies.

1. **DECLARATIONS OF INTEREST**

There were no interests declared.

1. **REVIEW OF MINUTES**

The draft minute of the Board meeting held on 6 December 2021 was **approved**.

The following minutes were **noted**

* Approved minute of the Audit Committee meeting of 6th December 2021
* Approved minute of the Legal Assistance Policy Committee meeting of 17th December 2021
* Approved minute of the Legal Services Cases Committee meeting held on 13th December 2022
* Approved minute of the January 2022 Legal Services Cases Committee meeting (circulated papers)

1. **CHAIR’S 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 new CEO of the Law Society of Scotland to discuss the profession’s current grievances and to discuss potential solutions.

It was also noted that following successful recruitments, posts had been offered to successful candidates for the Director of Operations and Director of Director of Corporate Services positions.

1. **THE CHIEF EXECUTIVE’S REPORT**

The Chief Executive updated Members on progress with filling the Director of Client Services vacancy. The report continued on matters of interest since the last meeting and gave further updates on the discussions with the legal profession and the Scottish Government.

Members reiterated their concern that the Law Society’s proposals focussed only on increasing fees rather than strategic solutions. A continuation of disruptive action was discussed and the risk that the profession would now focus their disruption to include not accepting instructions relating to summary cases prosecuted under the Sexual Offences (Sc) Act 2009 and s.1 Domestic Abuse (Sc) Act cases. Members noted the desire to work with the Law Society on a shared evidence base but suggested that this could be promoted as evidence gathering across the justice system, rather than looking at the profession in isolation.

The position in relation to the impact on the wellbeing of PDSO staff was discussed and members raised their concerns in this regard. Members noted that whilst the profession were private firms the situations had the hallmarks of an industrial dispute and suggested that appropriately trained and skilled personnel in this area should be called upon within the Scottish Government. The position of the profession was noted in relation to equality of arms regarding salaries and investment in comparison to the Crown.

It was agreed it would be appropriate for the Chair to write to the Scottish Government and set out the concerns around PDSO staff wellbeing and capacity articulated.

**ACTION: RMCF/AMCI**

1. **FINANCE: LEGAL AID FUND FINANCE REPORT (INC. FORECAST)**

The Board were presented with the Legal Aid Fund Finance Report in order to be fully appraised of the financial position of the organisation particularly as this was the final meeting with Director of Corporate Services and Accounts Graeme Hill.

There followed discussion around forecasting and also a request for the circulation of additional background information regarding what staff took into account when formulating the five year forecast and which was provided to the Scottish Government. It was further noted that for the organisation’s forecasting to be accurate it would be necessary to work very closely with justice partners and Scottish Government to monitor the impact on the forecast of investment being made in the Courts and Crown to progress higher volumes of cases.

The Report was noted.

**ACTION: BS**

1. **FINANCE: GIA BUDGET UPDATE**

The Board was presented with the GIA Budget Update paper by the Director of Corporate Services and Accounts Graeme Hill. The purpose of this paper was for the Board to be made fully aware of the budget position and were asked to approve the Budget.

There was a discussion on the bank balance and spending which could be made now and the five year renewal of the Oracle license was noted. There was also discussion about the income from the tenants at Thistle House and any risk around the space not being able to be rented out. It was noted that this was minor.

The budget was **approved** by the Board.

1. **GOVERNANCE: ASSET MANAGEMENT PLAN**

The Board was presented with the Asset Management Plan by the Director of Corporate Services and Accounts Graeme Hill who had undertaken a full review of the organisations assets. The plan set out the approach to property matters, supporting the objectives of the new business plan over the course of the next year and beyond.

A discussion was held around carbon emissions as it was noted that the five year target had been met and would have still been met without the move to home working bought about by Covid. A suggestion was made that the organisation’s Environmental, Social and Governance (ESG) agenda could be a discussion point at a future strategy session.

The Report was noted.

**ACTION: SL**

1. **GOVERNANCE: ICT STRATEGY UPDATE**

The Board was presented with the ICT Strategy Update paper by the Director of Corporate Services and Accounts Graeme Hill. The purpose of this paper was to provide the Board with an update of current progress against the 2020-23 Plan.

A discussion was held on main security and cyber security. It was noted that cyber essentials plus offered better protection and the developer would be undertaking testing the following week. A further discussion was held around the risk of the outdated Case Management technology. It was confirmed that the best mitigation was the highly skilled IT staff within the organisation.

A point of clarification was sought in relation to the back-up data centre and its location. It was noted that it was in a triangulated situation and it was confirmed that this would be looked into and reported back to the Board.

The Report was noted.

**ACTION: GH**

1. **GOVERNANCE: RETURN TO OFFICE UPDATE – MARCH 2022**

The Board was presented with the Return to Office Update paper by the Director of Corporate Services and Accounts Graeme Hill. The purpose of this paper was to provide the Board with an update on the current progress of the DANWE Project.

It was noted that attendance in the office would be driven by collaborative working rather than task related.

The Report was noted.

1. **BUSINESS PLAN 2022-23 FORWARD LOOK**

The Board was presented with the Business Plan by Andy McIntosh, Corporate Support Manager. The purpose of this report was to present the Board with findings of the Executive’s consideration of business plan activity for 2022-23. The Board were asked to consider and approve the plan.

It was noted that the Board was now in the final year of the 2020-23 Corporate Plan. Members agreed with the proposal not to add additional activity to the 2022-23 plan as staff were at capacity and there may be additional work in relation to legal aid reform and the continuing issues regarding disruptive action from the profession. The organisation’s delivery objectives were discussed and it was noted that the organisation was delivering well but stretched, with a small number of people working on large high priority projects. It noted also noted that new Directors were joining the organisation would need time to settle into their roles.

The Business Plan for 2022-23 was **approved**

1. **OPERATIONS: PERFORMANCE REPORT**

The Board was presented with the Performance Report by Marie-Louise Fox, Director of Operations. The purpose of the paper was to provide the Board with an overview of the performance of Applications and Accounts over the three months November, December 2021 and January 2022.

As there were new benchmarks for 2022-23 it was necessary to bring these to the attention of the Board. The civil applications and accounts benchmarks were also discussed.

The Report was noted.

1. **DIRECT SERVICES: THE PDSO UPDATE**

The Board was presented with the PDSO update report by Paul Haran, Acting Director of PDSO. The purpose of the paper was to provide the Board with an update on the operations of the PDSO.

A discussion was held around the recruitment and retention in the PDSO office. Appreciation was extended to Paul Haran for all that had been achieved since he stepped into the interim position at such a volatile and challenging time. Staff morale and consequences of stress impacting on service delivery and professional standards was also discussed.

It was suggested that the Board should have more regular information from PDSO.

The Report was noted.

1. **Direct Services: CLAO UPDATE**

The Board was presented with the CLAO update report by Jennifer Laughland, Head of Services. The purpose of the paper was to provide the Board with an update on the operations of CLAO.

The Report was noted.

1. **For information: MEETINGS WITH OUTISIDE BODIES REPORT**

The Board was presented with a paper setting out the details of key meetings attended by senior SLAB staff with external organisations.

The Report was noted.

1. **DATES OF NEXT MEETINGS**

The dates of the next meetings were noted

• Legal Assistance Policy Committee: 4th April 2022, 3rd May 2022

• Legal Services Cases Committee: 28th March, 11th April, 9th May 2022

• Board meeting: 16th May 2022

Prior to the conclusion of the meeting a vote of thanks was extended from the Board to Graeme Hill who was retiring at the end of the month.