**THE SCOTTISH LEGAL AID BOARD**

**Approved MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD by VIDEO CONFERENCE ON Monday 16 MAY 2022**

**PRESENT:** Ray Macfarlane, Chair

Sheriff John Morris

Marieke Dwarshuis

Tim McKay

Raymond McMenamin

Brigid Whoriskey

Sarah O’Neill

Lesley Ward

Gerry Bann

**IN ATTENDANCE:** Colin Lancaster, Chief Executive

Marie-Louise Fox, Director of Strategic Development

Ian Dickson, Principal Legal Advisor

Linda Ross, Director of Corporate Services

Adam Ford, Director of Operations

Paul Haran, Director of Client Services

Andrew McIntosh, Corporate Support Manager

Sarah Lynchehaun, Corporate Governance and Policy Officer

**APOLOGIES FOR ABSENCE**

Apologies were received from Brian Baverstock, Stephen Humphreys and David Sheldon QC

**DECLARATIONS OF INTEREST**

There were no interests declared.

**REVIEW OF MINUTES**

The draft minute of the Board meeting held on 21 March 2022 was **approved**.

The following minutes were **noted**:

* Approved Minute of the LAPC meeting of 1st February 2022
* Approved Minute of the LSCC meeting of 11th April 2022.

**CHAIR’S REPORT**

The Chair welcomed the newly appointed Directors, Linda Ross and Adam Ford.

The Chair brought to the Board’s attention two items contained in the Chief Executive’s Report which were of importance; the item of returning to face to face meetings and the proposed meeting with the Minister. It was decided to discuss the items following the update from the Chief Executive.

**THE CHIEF EXECUTIVE’S REPORT**

The Chief Executive welcomed the newly appointed Directors to their first meeting of the Board. The report continued on matters of interest since the last meeting and focussed particularly on the continued impact on PDSO and the proposals which had been compiled and submitted to the Government following their direct request. It was noted that the Board would be updated when there was a response from Government regarding how they intended to take the recommendations forward.

Members noted the significant amount of work that had gone into the conclusion of the recent settlement reached with some members of Faculty of Advocates regarding the Advocates Interest.

The Chair then led a discussion on the preferred options for handling future meetings of the Board and Committees now that Covid-19 restrictions had been removed and staff were now regularly accessing Thistle House for work.

It was noted that parameters could be usefully set and that effective technology was key to making hybrid meetings a success. Parameters might be different for the Board as opposed to meetings of the Committee. The general consensus expressed the positives of meeting in person whilst acknowledging that facilitating hybrid meetings would maximise attendance. It was agreed that face to face meetings were preferable and that people should attend in person if able. The point was made that whilst hybrid meetings allowed people to attend meetings when they might not otherwise be able to attend the office, there should be no expectation to attend online if on holiday. A suggestion was made that key meetings like the strategy day could consider insisting on in person attendance.

It was confirmed that staff were looking to facilitate a face to face/hybrid meeting for the Board on 27 June.

Members discussed arrangements to meet with the Minister in the coming weeks. Mondays would not be possible due to the Ministers’ constituency commitments so it was agreed that, rather than arrange a pre-agreed date for a Board meeting, the Ministers office would be canvassed for available dates and an ad-hoc meeting arranged.

**ACTION: CEO OFFICE**

**SLAB ADMINISTRATION – FINANCE AND RESOURCE REPORT**

The Board was presented with the Legal Aid Finance and Resource Report. The purpose of the paper was for the Board to be fully appraised of the financial position of the organisation to the financial year end of 2021-22.

In discussion, Members queried the exact cost of the four-year Oracle Licenses.

Members queried the reasons for three individuals leaving the organisation during their probationary period. The Executive noted that there was nothing to suggest that this was other than coincidental.

The Report was **noted**.

**LEGAL AID FUND FINANCE REPORT**

The Board was presented with the Legal Aid Fund Finance report by the Director of Corporate Services. The purpose of the paper was for the Board to be made aware of the Fund and Direct Services spend up to 31 March 2022 as well as setting out the trend comparisons and continuing impact of the pandemic.

The report showed the draft cash expenditure for 2021-22 at £117.4m, which was £18.3m higher than 2020-21.

It was noted that in the case of criminal justice, signs of recovery could be seen.

The paper was **noted**.

**BUSINESS PLAN END OF YEAR REPORT**

The Board was presented with the Business Plan, end year report. The purpose of the report was to present to the Board a high level assessment of the delivery against the 2021-22 Plan.

It was noted that the delivery was good and that delays which were encountered had been out with the control of the organisation.

Members welcomed the report which they considered to be clear and well set out.

Congratulations were extended on the successful delivery of the new case management system and in ensuring the system was up and running as quickly and smoothly as possible.

Members raised queries regarding the EHRC work, the hard deadline which needed to be met and work involved in the review of people policies. It was noted that there was regular contact with the EHRC along with reporting to provide updates and ensure expectations were being managed.

In respect of the research work, Members queried whether they would see the results of the staff survey. It was confirmed that Members would be briefed on this is due course.

**ACTION: AMCI**

The Report was **noted**.

**BOARD MEMBERS CODE OF CONDUCT**

The Board was presented with the updated Model Code of Conduct for Board Members as approved by the Scottish Parliament. The purpose of this paper was for the Board to be made aware of the changes and to approve the Code.

The point was made that at present it was not possible for the Board to comply with paragraph 3.32 as currently papers for Board and Committee meetings have to be downloaded to the devices provided.

It was agreed to approve the substantive Code and for SLAB staff to consider the wording in relation to the access to papers again. This would be done in conjunction with consideration of issuing new laptops to Members and revised software for the accessing of board papers.

It was confirmed that the updated wording will be circulated to Board members once completed and their approval will be sought by correspondence.

**ACTION: AMCI**

The Code of Conduct (minus text on handling of information) was **approved.**

**COMPLAINTS UPDATE (Q3 & Q4)**The Board was presented with the Complaints Update. The purpose of the paper was to provide the Board with an update on complaints received by the organisation from October 2021 to March 2022. It was noted that overall complaints remained low.

Attention was drawn to the outcome of complaints which had been referred to the SPSO. It was noted that SPSO had not upheld any of the complaints received and it was noted that in their responses they set out how well the organisation had respond to the complaints which provided Members with assurance around the policy.

The Report was **noted**.

**OPERATIONAL PERFORMANCE REPORT**

The Board was presented with the Operational Performance Report. The purpose of the paper was to provide the Board with an overview of the performance of Applications and Accounts over the three months January, February and March 2022.

It was noted that the performance remained good.

A query was raised in relation to the performance for civil accounts (Legal Aid and A&A/ABWOR average calendar days to bank) which had been worse than the benchmark since September 2021. Members asked whether any issues or dissatisfaction had been raised by those who we pay. It was confirmed that some concerns were being raised by solicitors. It was noted that this was receiving attention in relation to recruitment and work being undertaken by the relevant team to address the issue.

The Report was **noted**.

**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.

There was a query in relation to a meeting with the Government Actuary and further information on this was given.

The Report was **noted**.

* **DATES OF NEXT MEETINGS**

The dates of the next meetings were **noted**:

* + Audit Committee: 6th June 2022
  + Legal Assistance Policy Committee: 6th June 2022
  + Legal Services Cases Committee: 13th June 2022
  + Board meeting: 27th June 2022.