**THE SCOTTISH LEGAL AID BOARD**

**APPROVED MINUTE OF A MEETING OF THE LEGAL ASSISTANCE POLICY COMMITTEE HELD AT**

**10:30 A.M. ON MONDAY 1st FEBRUARY 2022 by Video Conference**

Present: Raymond McMenamin (Chair)

 Sarah O’Neill

 Marieke Dwarshuis

 Gerry Bann

 Stephen Humphreys

 Colin Lancaster

In attendance: Marie-Louise Fox, Director of Operations

 Ian Dickson, Director of Legal Services

 Stuart Drummond, Corporate Governance and Policy Officer

 Kieran Forbes, Policy Development Officer

 Wendy Dalgleish, Head of Civil

 Nicola Cameron, Solicitor, Civil Merits

1. **Rani Dhir**

It was reported that former Board and Committee member Rani Dhir had recently died. The Committee acknowledged her contribution to the Board during her term and expressed their condolences.

1. **Apologies for absence**

There were apologies from Ray Macfarlane.

1. **Declaration of Interests**

None.

1. **Draft minute of the Legal Assistance Policy Committee meeting held on 17 December 2021**

The draft minute was **approved** by the Committee.

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1. **GALA**

Review of policy on approval for family therapy, civil legal aid

The Committee were presented a paper which provided an overview of an issue faced by the Civil Merits team: whether certain forms of work now being described as ‘family therapy’ are ones which SLAB are content to pay for in line with the current policy or whether the policy requires to be amended to take these new forms of therapy into consideration.

It was reported to the Committee that new forms of therapy are appearing in sanction applications and it is difficult to identify a consistent pattern or type of therapy. Often these therapies were court ordered.

It was agreed that costs were a concern and deciding what therapies would be considered for payment and what would not be paid would be difficult.

The Committee were of the view that it would be useful to research the outcomes and see which therapies contributed to positive outcomes. It was suggested that speaking to the sheriffs who order the therapies to see what benefit they see would be a good starting point and that the Sheriffs’ Principal and the Judicial Institute could be contacted.

It was acknowledged that research would take time and it was clarified that in the meantime the process was that a court ordered therapy would be paid for and anything else would be the subject of further inquiry to understand the benefit.

The committee were of the view that other factors to be considered should include:

* Is the therapy in the best interest of the child?
* Would the best interests of the child be adversely affected if the therapy were not implemented?

It was therefore agreed that further research would be carried out before developing the revised policy.

**ACTION: Kieran Forbes, Wendy Dalgleish**

1. **Legal Services Cases Committee – case C785350521**

The Committee were presented a paper which set out the decision of a sheriff on legal aid application for case C785350521. Sheriff Ross had refused to grant civil legal aid in this application. He was not satisfied that the tests of probable cause and reasonableness were met. This decision has been intimated to the applicant and his solicitors. The LSCC have also been notified of, and have noted, the decision.

The Committee **NOTED** the decision.

1. **Review of Application - C820360721**

The Committee reviewed application C820360721, an application by the applicant for civil legal aid to appeal to the Inner House of the Court of Session in respect of the decision by the Scottish Information Commissioner issued under Decision Notice 103/2021 on 29 June 2021 as the initial application was considered and refused by the Legal Services Cases Committee.

After consideration the Committee unanimously agreed to grant the legal aid application.

1. **AOB**

The Convener confirmed that the next meeting was due to be held on 21st March 2022.

The Convener closed the meeting at 11:10