**THE SCOTTISH LEGAL AID BOARD**

**approved MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD In person and by VIDEO CONFERENCE (VC) ON Monday 15 August 2022**

Present: Ray Macfarlane, Chair

Sheriff John Morris

Marieke Dwarshuis

Tim McKay

Brigid Whoriskey

Sarah O’Neill

Lesley Ward

Gerry Bann

Brian Baverstock

Steve Humphreys

Raymond McMenamin (by video)

David Sheldon QC (by video)

In attendance: Colin Lancaster, Chief Executive

Marie-Louise Fox, Director of Strategic Development (by video)

Ian Dickson, Principal Legal Advisor (by video)

Adam Ford, Director of Operations

Paul Haran, Director of Client Services

Andrew McIntosh, Corporate Support Manager

Stuart Drummond, Corporate Governance and Policy Officer (by video)

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 27th June 2022 was **approved**.

The following minutes were **noted**:

* Approved Minute of the LAPC 4th April 2022
* Approved Minute of the LSCC 13th June 2022
* Draft Minute of the LAPC 4th July 2022

1. **CHAIR’S REPORT**

The Chair reported that she had had her annual meeting with the Scottish Government Director of Justice. It was a positive meeting with the Director expressing his gratitude to SLAB for the way they had handled recent challenges. He had noted that he valued the role SLAB played in advising the Scottish Government and acknowledged the contributions SLAB’s deep corporate memory on legal aid could make to the strategic direction of publically funded legal assistance.

The Chair asked the Board for their views on hybrid meetings and whilst some of the drawbacks attending remotely were acknowledged it was felt that the flexibility remote attendance offered outweighed any teething problems. It was agreed that this format would mean that some Members on occasion could attend meetings which, in the absence of the option to join remotely, would not be possible and an apology sent.

1. **THE CHIEF EXECUTIVE’S REPORT**

The Board was updated on the latest developments in relation to the dispute with the criminal legal aid profession. It was reported that the Law Society of Scotland had not fully articulated what it expected and that would need to be interpreted by the Scottish Government during the formulation of any final proposal.

It was also reported that the Scottish Solicitor’s Bar Association had also been corresponding with the Scottish Government and this would also inform the Scottish Government’s next steps.

The Chief Executive reported that the recruitment for PDSO solicitors had gone live that morning. The recruitment was designed to fill both existing vacancies and also build capacity. It was made clear that the Scottish Government were not intending to replace the private criminal bar but rather to consider options in utilising the PDSO to secure access to justice during disruptive action or occasions where the private bar withdraw from specific services.

There followed a general discussion on recruitment and retention problems in the wider criminal profession and although the trainee fund was acknowledged the view was that the current discussion needed to move beyond the fees issue and discuss the structural changes required for a sustainable criminal bar.

The upcoming meeting with the Minister Ash Regan on 29 September was discussed and the Board shared topics that it would wish to raise with the Minister.

The remainder of the Chief Executive’s report was noted.

1. **SLAB ADMINISTRATION – FINANCE AND RESOURCE REPORT**

The Board was presented with the SLAB Administration Finance and Resource Report. The purpose of the report was to show expenditure for the period ended 30th June 2022. It was noted that expenditure was £3.5m which was in line with the budget profile of £3.6m (a 3.7% variance).

There were no significant concerns reported.

The report was noted.

1. **LEGAL AID FUND FINANCE REPORT**

The Board was presented with the Legal Aid Fund Finance report. The purpose of the report was to show current legal aid expenditure to June 2022 and reflected on the forecasted position and associated risks.

The current position showed a positive picture with legal aid expenditure at £4.7m higher than in the comparable period in 2021-22 and £1.6m behind profile.

The report was noted.

1. **BUSINESS PLAN UPDATE**

The Board was presented with a report which presented a snapshot of progress against the 2022-23 business plan. It was noted that progress in the first quarter had been generally good.

The Board’s attention was drawn to the status of the grant funding project where it was noted that there was a likelihood that a shift of resources would be required in order to set up a distinct funding project with Scottish Women’s Aid. This would mean that there would be no resource available to develop a plan for the use of future grant funding until at least the final quarter of the year. The Board accordingly noted that the decision had been taken by the Executive Team to remove the project from this year’s plan.

The Board queried the process for informing the existing grant funded projects and whether funding would continue. It was confirmed that as much notice as possible was given about whether funding was to be continued but there was currently no indication the current projects would not be rolled over.

The Business Plan update was noted.

1. **OPERATIONAL PERFORMANCE REPORT**

The Board were presented with the Operational Performance Report the purpose of which was to report on operational performance as at 30th June 2022.

The Board noted that performance across applications and accounts was good and in line with the agreed benchmarks.

The report was noted.

1. **TRENDS REPORT**

The Board was presented with a report on trends in legal aid which illustrated the applications and payments trends from January 2022 to July 2022.

It was noted that criminal volumes had returned close to pre-pandemic levels reflecting the increased volume moving through the courts. It was observed that there had been a fall in the volume of Civil Legal Assistance applications, particularly in non-family law work. It was confirmed to the Board that there would be further analysis down to individual firm level to ascertain what the cause of this might be.

The report was noted.

1. **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 Services Cases Committee: 22nd August, 19th September
* Legal Assistance Policy Committee: 3rd September, 3rd October
* Audit Committee: 26th September
* Board Meeting: 3rd October