**THE SCOTTISH LEGAL AID BOARD**

**approved MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD In person at 10am at the bonham hotel ON Monday 12 december 2022**

Present: Ray Macfarlane, Chair

Marieke Dwarshuis

Brigid Whoriskey

Sarah O’Neill

Lesley Ward

Brian Baverstock

Steve Humphreys

Raymond McMenamin

David Sheldon KC

Sheriff John Morris KC

Tim McKay

Gerry Bann

Brian Baverstock

In attendance: Colin Lancaster, Chief Executive

Marie-Louise Fox, Director of Strategic Development

Ian Dickson, Principal Legal Advisor

Adam Ford, Director of Operations

Linda Ross, Director of Corporate Services

Andrew McIntosh, Corporate Support Manager

Stuart Drummond, 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 3 October 2022 was **approved**.

The following minutes were **noted**:

* Approved Minute of the Legal Assistance Policy Committee 15 August 2022
* Approved Minute of the Legal Services Cases Committee 17 October
* Approved Minute of Audit Committee 26 September
* Approved Minute of the Legal Services Cases Committee 21 November 2022.

1. **CHAIR’S REPORT**

The Chair provided an update on the meeting with the Minister for Community Safety, Elena Whitham, that she and the Chief Executive had recently attended. The meeting was very positive. The focus of the discussion had been future reform of legal aid.

The Chair also reported that recruitment for Board members to replace Marieke Dwarshuis and Tim McKay, whose terms were due to end in March 2023, was to begin in January.

1. **THE CHIEF EXECUTIVE’S REPORT**

The Chief Executive reaffirmed the Chair’s description of the positive meeting with the Minister, who had a background in working with women experiencing domestic abuse and young offenders and had experience with joined up services within the criminal justice system. Accordingly, the Minister was keen to look at what related outcomes reforms to legal aid could be designed to achieve.

The Chief Executive provided an update on the legal aid fee negotiations, reporting that a paper was in preparation setting out a proposal for data gathering to inform the answer to the question about appropriate remuneration and a mechanism for ongoing regular review of fees. It was noted that the Law Society of Scotland had previously declined a request from Scottish Government to support a process of gathering additional evidence to assist with this. It was acknowledged that there was some frustration with progress on the payment panel recommendations but the Chief Executive noted that Scottish Government intended to move this forward constructively in parallel with development of the legal aid reforms.

The Chief Executive discussed the recent publication of Law Society research into the geographical availability of legal aid lawyers. Noting that the research was flawed in several important respects such that its reported findings were not particularly helpful in identifying potentially genuine gaps in supply or problems with access, the Chief Executive expressed his hope that a more collaborative approach to such research would be the way forward and that a more constructive working relationship with the Law Society could be built.

It was reported that Carolyn McLeod had been appointed as Head of Client Legal Services and was due to take post on 20 February 2022.

The Board noted the publication of the Staff Survey results. It was noted that there had been a delay between completion of the survey and the publication and there was an agreement to reduce that gap for future surveys.

The remainder of the report was noted.

1. **LEGAL AID FUND FINANCE REPORT**

The Board was presented with the Legal Aid Fund Finance Report, which showed that the current position was a positive picture with legal aid expenditure at £8.4m higher than in the comparable period in 2021/22 and £0.5m behind profile.

The report was noted.

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

The Board was presented with the SLAB Administration Finance and Resource Report, which showed expenditure for the period ended 31st October 2022 was £8.1m which was marginally lower than budget profile of £8.3m (a 2.4% variance). The paper also contained staff absence and leaver stats for the 6 month period Apr-22 to Sep-22.

The Board requested a more detailed breakdown of the demographics of leavers and a more detailed analysis of the mental health related absence figures.

The report was noted.

**ACTION: LR**

1. **BUSINESS PLAN 2021-22 UPDATE**

The Board was presented with the 2021-22 business plan update which provided the Board with a snapshot of progress against the 2022-23 business plan as at November. It was noted that progress was generally good.

The report noted that two projects were off track – the new business plans for Direct Services and the review of HR policies but it was acknowledged that this has been driven primarily on both projects by resourcing issues, which were in the process of being resolved with the appointments of the new Director of Client Legal Services and Head of Human Resources.

The update was noted.

1. **COMPLAINTS UPDATE**

The Board was presented the Quarter 1 and Quarter 2 (April to September 2022) complaints update. It was noted that in Q1 there was one part-upheld frontline complaint and four part upheld investigation complaints. In quarter two there was one upheld frontline complaint, one upheld and two part upheld investigation complaints. It was noted that all related to minor errors and no systemic problems were identified.

The Board noted that although complaint numbers were low the figures did not capture the resource intensive nature of some of the complaints and the instances of repeat complainers.

It was reported that SLAB’s Customer Service and Unacceptable Behaviour Policies were to be published shortly.

The report was noted.

1. **OPERATIONAL PERFORMANCE REPORT**

The Board was presented with the Operational Performance Report the purpose of which was to report on operational performance as at 31 October 2022.

The Board noted that performance across applications and accounts was improving but that there were still challenges being experienced.

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 paper was noted.

1. **AGENDA PLANNER**

The agenda planner, which set out the main agenda items for forthcoming meetings, was noted.

1. **DATES OF NEXT MEETINGS**

The dates of the next meetings were noted

* Legal Services Cases Committee, 16 January and 20 February 2023
* Legal Assistance and Policy Committee, 6 February and 20 March 2023
* Audit Committee, 6 March 2023
* Board Meeting, 20 March 2023

The meeting concluded at 11:50am.