**THE SCOTTISH LEGAL AID BOARD**

**approved MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD at 1:30pm at thistle house ON Monday 20 march 2023**

Present: Ray Macfarlane, Chair

 Marieke Dwarshuis

Brigid Whoriskey

Sarah O’Neill

Lesley Ward (by VC)

Steve Humphreys

Raymond McMenamin

David Sheldon KC (by VC)

Sheriff John Morris KC

Tim McKay

Gerry Bann

In attendance: Colin Lancaster, Chief Executive

Ian Dickson, Principal Legal Advisor

Adam Ford, Director of Operations

Linda Ross, Director of Corporate Services

Carolyn McLeod, Director of Client Legal Services

Andrew McIntosh, Corporate Support Manager

Stuart Drummond, Corporate Governance and Policy Officer

John Osborne, Policy Projects Manager

Matt Taylor, Analytics Manager

1. **APOLOGIES FOR ABSENCE**

There were apologies from Brian Baverstock and Marie-Louise Fox.

1. **DECLARATIONS OF INTEREST**

There were no interests declared.

1. **REVIEW OF MINUTES**

The draft minute of the Board meeting held on 12 December 2022 and the draft note of the Board Strategy session held on 12 December 2022 were **approved**.

The following minutes were **noted**:

* Audit approved minute, 21 November 2022
* LAPC draft Minute of the meeting on 6 December 2022
* Legal Services Cases Committee Approved Minutes of the meetings on 16January and 20February 2023.
1. **CHAIR’S REPORT**

The Chair provided an update on the recruitment of two new Board members. The recruitment had been successful with three candidates referred to the Minister for approval.

1. **THE CHIEF EXECUTIVE’S REPORT**

The Chief Executive reported on matters of interest that had arisen since the last meeting.

It was reported that the latest progress report had been sent to the Equalities and Human Rights Commission and they had indicated that they were considering extending the term of the agreement. It was confirmed that the team was continuing to work with the EHRC to assist them coming to a view.

There were no significant updates available in relation to the Grant Funding work but holding letters had been sent to some projects in the hope that the projects could continue once appropriate funding had been found. The Board expressed their concern given that projects would need to make decisions about employees. The Board requested that consideration be given to the best way of raising these concerns with the Scottish Government, including the possibility of a letter from the Chair. The Board hoped that the extension of funding would be agreed quickly.

The Board welcomed the publication of the Customer Service and Unacceptable Behaviour policies.

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 legal aid expenditure (to the end of January) was a positive picture at £15.4m higher than in the comparable period in 2021-22 and £4.2m higher than in 2019-20.

The report was **noted**.

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

The Board was presented with the SLAB Administration Finance and Resource Report, which reported that expenditure for the period ended 31 January 2023 was £11.5m which was marginally lower than budget profile of £11.6m. It was noted that expenditure was increasing and forecast to be £135M.

The report was **noted**.

1. **SLAB BUDGET 2023-24**

The Board were presented with a paper that provided details of the Admin and Client Legal Services budget submissions for 2023-24 and a high level overview of 2024-25.

It was noted that the core funding expected to be received from the Scottish Government had increased by £1,200k from the previous year.

It was noted that the details of the pay policy were still to be determined and that an estimate had been used for the budget paper.

The Board **APPROVED** the budgets submitted.

1. **CORPORATE PLAN 2023-26**

Colin Lancaster presented a paper, which provided a report on the work that had been done in developing the 2023-26 Corporate Plan and the rationale behind the choices made in the focus and themes of the plan.

The level of engagement with managers in SLAB was noted, in particular the session held on 9March, which saw a lot of positive engagement and feedback.

The Board were satisfied with the work carried out so far, **APPROVED** the new Corporate Objectives and were content for the development of the plan to proceed as suggested in the paper.

1. **EQUALITIES OUTCOMES 2023-26**

John Osborne introduced a report, which set out draft equality outcomes for the period of the next corporate plan, 2023-26, which were consistent with and support the delivery of the corporate objectives.

It was noted that the ambition of the outcomes were to tackle the biggest inequalities within SLAB’s remit and that the detail of the proposals would be developed over the next few months with a view to publishing the outcomes at the same time as the Corporate Plan.

There was some discussion around whether the plan was designed specifically to address issues raised by the Equality and Human Rights Commission but it was confirmed that although it was not designed in this way it would sit alongside and complement the work in this area.

The Board queried why children, British Sign Language users and those with a cognitive impairment had been identified and not other groups. It was confirmed that these groups had been identified via the stakeholder engagement carried out and was therefore the best information available upon which to proceed. It was highly likely that any improvements carried out for these groups would also benefit other disadvantaged groups.

The Board **APPROVED** the draft outcomes and associated activities.

1. **RISK UPDATE**

The Board were presented with and update on the current functional and corporate risks and the risk register.

It was noted that a programme of training that had been delivered to managers, which had proved useful in engendering a recognition of the importance of risk management. As a result of that training there were a number of immediate changes made, which included:

* slight tweaks to the format of the risk register, for example, to weave in the wording used in the training sessions on how best to define a risk
* creating guidance on definitions of risk likelihood and updating guidance on definitions of risk impact.

It was also noted that the risks scores had been reduced for the following risks:

* **Risk 30** - Withdrawal of solicitors from aspects of legal assistance through disruptive action.
* **Risk 31** - Withdrawal of solicitors from aspects of legal assistance due to market conditions.

It was noted that Risk 35, the threatened strike action by the SLAB staff, had been removed from the register.

The Board were also advised that a new risk register would be developed after the new Corporate Plan was published. The new risk register would be workshopped with the Executive Team and brought back to the Board for approval as would any changes to the risk management framework.

The paper and the Corporate Risk Register were noted.

1. **OPERATIONAL PERFORMANCE REPORT AND BENCHMARKS FOR 2023-24**

The Board was presented with the Operational Performance Report the purpose of which was to report on operational performance as at 31 January 2023. The Board were also presented with the revised performance benchmarks for 2023-24 for approval.

It was noted that the performance across Applications was good and there were no particular concerns or issues to highlight and in Accounts there had been strong improvements in the civil A&A Accounts durations performance. Overall the performance remained broadly in line with expectations.

The Board considered the revised benchmarks and **APPROVED** them.

The report was noted.

1. **TRENDS REPORT**

Matt Taylor presented the Board with the trends report for application and accounts volumes up to the week commencing 27 February 2023.

It was noted that the recovery of civil applications had not been as strong as might have been expected and that the reasons for this would be looked at in more detail.

The Board were informed that a project has started that would be looking at the sub-national trends and examining data on different aid types, geographical spread and court locations.

The Board were informed that the proposed closer look at Civil Legal Aid would be part of that project.

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 - 27 March 2023.
* Legal Assistance and Policy Committee - 9 May 2023.
* Board Meeting - 22 May 2023
* Audit Committee - 19 June 2023.

The meeting concluded at 14:45PM.