**THE SCOTTISH LEGAL AID BOARD**

**APPROVED MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD at 1:30 pm at thistle house ON Monday 31 JULY 2023**

Present: Ray Macfarlane, Chair

Brigid Whoriskey

Sarah O’Neill

Lesley Ward

Steve Humphreys

Raymond McMenamin (by VC)

David Sheldon KC (by VC)

Sheriff John Morris KC

Brian Baverstock

Gavin Stevenson

Judith Robertson

Gerry Bann

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

Carolyn McLeod, Director of Client Legal Services

Andrew McIntosh, Corporate Support Manager

Stuart Drummond, Corporate 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 22nd May 2023 was **approved**.

Outstanding Actions: Refresher on Legal Aid Reform Agenda

It was agreed that there would be a paper for the Board on 18th September providing an up to date briefing on the current situation with legal aid reform and the topic will be discussed in detail as part of the Board Strategy Day in November.

The following minutes were **noted**:

* **Audit Committee** Approved Minute Monday 6 March 2023
* **Audit Committee** Draft Minute Monday 19 June 2023
* **Legal Services Cases Committee** Approved Minute 5 June and 10 July 2023

1. **CHAIR’S REPORT**

The Chair reported on her recent meeting with the new Minister for Victims and Community Safety, Siobhian Brown. The Chair reported that it was a positive meeting. Whilst it was acknowledged there was a large and challenging agenda for the Minister, it was made clear that urgent changes were required for legal aid and that, in particular, the reform agenda should be a priority.

The Chair also reported that the board member appraisals were underway. Feedback from members was positive, particularly in relation to the support provided by the Executive and the work of other board members.

1. **THE CHIEF EXECUTIVE’S REPORT**

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

An update was provided on the staff pay award, which was currently the subject of discussion with the union, who would be balloting members on the proposed offer. It was hoped this would be resolved as soon as possible.

A brief oral report was given on the Chief Executive’s attendance at the ILAG conference, which was held in Harvard on 21st-23rd June. One of the key insights was that although the problems faced by different jurisdictions over the last twenty year or so were quite similar, radically different approaches have been adopted to address these problems by countries without a historically established legal aid system.

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 the re-forecast for 2023-24 which, at £143.3m, was £1.3m higher than previously forecast.

It was noted that Legal aid expenditure for the year to date to June 2023 showed a positive picture at £4.2m higher than in the comparable period in 2022-23 and £0.1m lower than the forecast expenditure.

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 that expenditure for the quarter ended 30 June 2023 was £3.7m compared to budget profile of £4.2m.

The excellent invoice turnaround times were noted and thanks to the team expressed.

The report was **noted**.

1. **RISK UPDATE**

The Board were presented with a paper on the corporate risk register, which provided an update on a revised register in light of the new Corporate Plan for 2023-26 that had recently been approved by Ministers and published.

It was noted that the Audit Committee was generally content with the risks identified and the risk appetite statements when it had considered the revised register at its meeting on 19 June.

Risk 8 (*If there is no wide scale legal Aid reform then we will continue to work with inconsistencies in Legal Aid types or fail to develop effective policies due to legislative restrictions*) was discussed. It was reported that during an Executive review of the register post the meeting with the Audit Committee it was concluded that there did not appear to be a risk appetite statement under the strategic delivery risk category that fitted the risk description adequately.

The following statement was therefore proposed for addition:

“We have a medium risk appetite in the way in which we seek to influence the development of policies and processes in pursuit of modern, forward-looking and person-centred legal aid service for Scotland.”

The Board **APPROVED** the additional risk appetite statement. It was noted that although this would move the risk to within the risk appetite on the version of the register presented, the next review of the risk, in light of the recent meeting with the Scottish Government, would likely move it to outwith the appetite again.

The paper was **noted**.

1. **AUDIT COMMITTEE ANNUAL REPORT TO THE BOARD**

The Board considered the Audit Committee’s Annual Report, which provided a summary report on activity of the Audit Committee during the financial year 2022-23, and the assurances that can be provided from this oversight and scrutiny. The Audit Committee had discussed the issues and considered it to be a true and fair reflection of their activities to 31 March 2023.

The Board endorsed the report and thanked the committee for its hard work.

1. **BUSINESS PLAN UPDATE**

The Board were presented with the Business Plan update for the first quarter of 2023-24. It was reported that as it was only the end of the first quarter, there were no significant issues with delivery and all projects were generally on track. However, it was noted that the project involving SLAB input into the legal aid reform programme might soon move into amber in light of the meeting with the Scottish Government on 28 July.

The Board commented on the fact that the report had a good level of detail but were of the view that further information about milestone dates and end dates for project would be useful.

**ACTION: AMc**

With reference to the Customer Insight Project, the Board were of the view that the definition of “customer” should be made clearer.

**ACTION: AF**

The update was noted.

1. **PERFORMANCE REPORT**

The operational performance report as at 30th June 2023 was presented and the following noted:

*Applications* – The performance across Applications was good and there were no particular concerns or issues to highlight.

*Accounts* – Strong improvements had been seen in the civil A&A Accounts durations performance. Overall the performance remained broadly in line with expectations

The paper was **noted**.

1. **STAFF PERFORMANCE**

The Board was presented with a paper that set out the measures in place to manage staff performance reviews following the internal audit consultancy review of staff performance in conjunction with HR. This had identified gaps in the review process, with findings reported to the Audit Committee in June 2023 and a resultant Audit Committee request that this be discussed with the Board.

It was noted that pending a full review of policy and exploration of Oracle system usage, an interim process had been put in place for 2022-23. Furthermore, annual performance discussions were supplemented by regular meetings between line managers and their staff. These meetings that had been introduced during the covid period and augmented by wellbeing conversations were continuing and were well embedded.

The Board were assured that the interim process in place was robust.

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. **CRIMINAL QUALITY ASSURANCE COMMITTEE ANNUAL REPORT TO BOARD**

The Board considered a paper which set out the statistics, issues, and findings from the Criminal Quality Assurance scheme for the 4-year period 1 April 2019 to 31 March 2023.

It was noted that that out of the 163 routine reviews carried out from 1 April 2019 to 31 March 2023, 95% were passed. 64% of the reviews were marked as Competent, while 18% were rated as Very Good. Only 3% of the reviews were failed.

The Board was satisfied that it was a diligent and robust process.

The report was noted.

1. **DATES OF NEXT MEETINGS**

The dates of the next meetings were noted:

* **Audit Committee** meeting on 28 August 2023
* **Legal Assistance Policy Committee** meeting on 11 September 2023
* **Legal Services Cases Committee** meeting held on 7 August 2023
* **Board meeting** on 18 September 2023.

The meeting concluded at 15:10