

THE SCOTTISH LEGAL AID BOARD
MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD AT 12.45PM
ON MONDAY 25 JUNE 2007 AT 44 DRUMSHEUGH GARDENS, EDINBURGH

Present: Iain Robertson, Chairman
Graham Watson
David Nicol
Elaine Rosie
Ellen Morton
Kenneth Ross
Joseph Hughes
Denise Loney
Mahendra Raj
Susan McPhee

In attendance: Lindsay Montgomery, Chief Executive
Andrew Menzies, Director of Corporate Services and Accounts
Tom Murray, Director of Legal Services and Applications
Ian Middleton, Director of Audit and Compliance
Hazel Thoms, Project Manager, Policy and Development
Ian Dickson, Head of Service
Marie-Louise Fox, Legal and Policy Support to the Chief Executive
Stuart Foster, Board Administrator

1. APOLOGIES FOR ABSENCE

Paul McBride, Graham Bell and Les Campbell.

2. DECLARATIONS OF INTEREST

No interests not previously registered in the Register of Board Members' Interests were declared.

David Nicol declared an interest in the subject of the meeting as a solicitor who provides civil legal assistance.

3. EMPLOYMENT OF SOLICITORS TO PROVIDE CIVIL LEGAL ASSISTANCE

Members considered a paper by Colin Lancaster and Hazel Thoms updating the position in relation to the employment of solicitors to provide civil legal assistance.

It was noted that a report had been submitted to the Board meeting on 18 June setting out detailed proposals for location, remit and operational arrangements for 3 Civil Legal Assistance Offices. Due to time constraints the report was not considered, but postponed to a separate meeting of the Board on 25 June.

However, it was now reported that, during the week following 18 June, there had been changes to the advice the Board had from the new administration as to priorities, as well as possible changes in some of the evidence upon which recommendations have been made.

The Chief Executive had been asked at short notice to meet with the Cabinet Secretary for Justice and the Community Safety Minister, along with senior civil servants on 21st June following briefing provided to the Ministers by officials. Strong concerns had been expressed by the Cabinet Secretary about whether there was any need for offices to be based in Edinburgh and Glasgow. It appeared that those concerns stemmed from views expressed to Ministers by Helen Hughes of the Family Law Association and the Glasgow Bar Association. There was also some concern about locating an office in Inverness, with the Minister for Community Safety, who had attended the meeting, unconvinced that a need for this office had been demonstrated.

The Head of Service and Director of Policy and Development had also attended meetings on 21 June with Glasgow Bar Association and the Family Law Association. The Associations expressed the view that there were no problems with access to advice for people experiencing civil legal problems in Glasgow, and the Family Law Association did not think there were access problems in Edinburgh. This was in direct contrast to views previously expressed by the profession and others that there was a crisis in access to solicitors, with clients potentially, or actually, being turned away. These included statements by the FLA about widespread difficulties being faced by applicants for civil legal aid across Scotland in finding solicitors prepared to take their case, including difficulties in Edinburgh and Glasgow. The Board continued to receive letters from solicitors withdrawing from civil legal aid provision.

In discussion, members expressed the view that there was a need to allow time for the Board's relationship with the new administration to develop, and that it would be unhelpful to fail to recognise the clear concern of the Cabinet Secretary. However, in pursuing the Board's strategic aim of access to justice for all, the view remained that the situation in the Highlands and Islands regarding access to civil legal assistance was of sufficient concern to warrant early availability of a small directly employed solicitor service who would work alongside private solicitors. The Board also remained concerned about the supply of civil practitioners elsewhere in Scotland given the reduction in the number of outlets doing civil legal aid and the reduction in applications.

After discussion it was AGREED:

- to assist the Scottish Executive in providing the Cabinet Secretary with further information necessary to allow him to take a decision on the need for employed solicitors in the Highlands & Islands;
- a further paper be submitted to the September Board meeting with further and better information on the need for solicitors to be employed in other locations where there appeared to be access to justice issues, this to include consideration of the question of grants and alternative means of provision (i.e. Part V).

ACTION: HT

The meeting ended at 1.20pm.