

**THE SCOTTISH LEGAL AID BOARD
MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD AT 1.00PM
ON MONDAY 12 MAY 2008 AT 44 DRUMSHEUGH GARDENS, EDINBURGH**

Present: Iain Robertson, Chairman
Graham Watson
David Nicol
Susan McPhee
Elaine Rosie
Paul McBride
Graham Bell
Kenneth Ross
Joseph Hughes
Denise Loney
Les Campbell

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
Colin Lancaster, Head of Policy and Development
Hazel Thoms, Policy Project Manager (item 8 only)
Gemma Craik, Policy Assistant (item 9 only)
Susan King, Research Officer (item 11 only)
Nick Macdonald, Senior Auditor (item 13 only)
Stuart Foster, Board Administrator

1. APOLOGIES FOR ABSENCE

Ellen Morton.

2. DECLARATIONS OF INTEREST

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

Susan McPhee declared an interest in relation to item 8 (Proposals for Part V).

3. DRAFT MINUTE OF MEETING HELD ON 17 MARCH 2008

The draft minute of the meeting of 17 March 2008 was approved.

4. DRAFT MINUTE OF THE LEGAL SERVICES POLICY COMMITTEE HELD ON 31 MARCH 2008

The draft minute of the Legal Services Policy Committee held on 31 March 2008 was noted.

5. DRAFT MINUTE OF THE LEGAL SERVICES CASES COMMITTEE HELD ON 31 MARCH 2008

The draft minute of the Legal Services Cases Committee held on 31 March 2008 was noted.

6. CHAIRMAN'S INTRODUCTION

The Chairman reported that Board members' appraisals were virtually completed. A most enjoyable evening event had been held to mark the end of Willie Gallagher's term of office as a Board member.

7. CHIEF EXECUTIVE'S UPDATE

Members considered a report by Lindsay Montgomery updating them on matters of interest since the previous Board meeting.

Updates were provided on: Glasgow Bar Association disruption of court business; pay; Highlands and Islands Part V Service; timetable for preparation and approval of Annual Report and Accounts; meeting with Bill Aitken MSP, Convener of the Justice Committee; meeting with Dean and Vice-Dean of Faculty; civil fees increase.

In relation to the Glasgow Bar Association's dispute with the Government, the Board's role was to aid justice, and in that regard the Cabinet Secretary had been informed that PDSO solicitors were available to help the court, if necessary. The Board's main concern was the impact of the action on achieving implementation of the new criminal system by 30 June.

It was AGREED:

- in relation to the relatively high proportion of clients with learning difficulties being referred to the Highlands and Islands Part V Service, to establish if these clients had been unable to access services from other solicitors.

ACTION: CL

- otherwise, to note the position.

8. PART V PROJECT PROPOSALS

Members considered a paper which provided supplementary information about two Part V Thematic Projects proposed to the Board in March 2008 for inclusion in the Part V Programme.

At the meeting in March members had asked *inter alia* for more clarity on what the projects were intended to achieve, and whether the proposed resource was adequate.

In discussion, members requested and received clarification in relation to evaluation frameworks, the need to avoid solicitors spending too much time at Mental Health Tribunals, and the adequacy of the duration of the projects.

After discussion, it was AGREED to approve the projects, noting that the recruitment process would now commence, and external stakeholders would be informed of the projects' initiation.

ACTION: HT

9. OPERATIONAL PLAN 2007-08

Members considered a paper setting out overall progress made in respect of the operational plan during 2007-2008.

It was noted that the plan showed that a great deal had been achieved during year against a wide range of challenging objectives. Substantial delays on the part of other organisations had

however, caused delays on a number of projects. Several important projects had been delivered, such as the setting up of the Board's Highland and Islands Part V office, and four more PDSO offices had been opened. Substantial progress had been made on on-going projects such as legal aid online, summary criminal legal assistance reform and the simplification of civil legal assistance. These projects would be taken forward in the Operational Plan 2008/09, which members had already considered and approved.

After discussion, members noted the position.

10. POLICY RESEARCH PROGRAMME

Members considered a paper reporting on progress with the Policy Research Programme.

It was noted that the projects within the programme covered a range of areas and were designed to support the Board as it developed its strategic approach to the current legal aid system, as well as exploring new areas.

In discussion, reference was made to the timetable for completion of the PDSO report, and the view was expressed that there was a risk of misinterpreting the proper role of the PDSO through placing too much emphasis on the attraction and retention of business.

Members noted the progress made to date and approved the outline programme and the broad scheduling of projects.

It was AGREED:

- some research be undertaken to show what savings would result from a PDSO operating at full capacity in order to gauge the potential for this kind of provision.

ACTION: CL/MA

11. EMPLOYEE OPINION SURVEY

Members considered a paper reporting the key findings from the Board's Employee Opinion Survey and setting out an action plan to take forward the key corporate level issues identified from the survey results.

It was noted that, overall, the results were very positive for the Board, with a high response rate and favourable comparison with responses to the previous survey and with staff views of working for other public sector organisations surveyed by Ipsos MORI. The survey had also been useful in identifying issues where staff would like to see further development or change. The initial action plan set out where and what actions were planned to address these issues. It was also intended to have further discussion with staff and their representatives to try to clarify some aspects of the survey's findings. It was also recognised that the action plan included further work on the question of possible harassment and bullying.

After discussion, it was AGREED:

- the finalised action plan, with timescales, be circulated to members;
- the changes implemented as a result of the survey be reported on in one year's time.

ACTION: SK

12. BUDGET AND PERFORMANCE AND RESOURCES REPORT

Members considered a paper updating the position on operational performance and resources for the period from 1 January to 31 March 2008.

It was noted that:

- all Headline indicators were met or exceeded in the year.
- as had been predicted for some time, 95% of invoices met the Corporate target of being paid within 30 days. In addition to significant resource issues within this area throughout the year, the actual volume of invoices received had also risen by 11% compared to the previous year, due mainly to the set-up and running of an expanded PDSO network during the year.
- total Grant-in-Aid expenditure for 2007/08 was £13.1m compared to a budget of £13.2m.
- Legal Aid Fund cash spend was £154.3m compared to an expected £154.9m.

Members noted the position.

13. RISK REGISTER ANNUAL REPORT

Members considered a paper informing of the current status of the Risk Registers and summarising strategic risks for annual review.

It was noted that the paper had been the subject of consideration by the Audit Committee earlier in the day, where it had been agreed that in light of a change in policy at the Scottish Government, there was no longer a risk that required to be reported in relation to the re-location of Board premises.

After discussion, it was AGREED:

- to approve the removal from the register of the risk of Board premises re-location;
- to amend the wording in relation to sheriffs' understanding of legal aid;
- otherwise, to note the position.

ACTION: NMacd

14. ANNUAL ACCOUNTS: ACTUARIAL ASSUMPTIONS

Members considered a paper that set out the assumptions, as proposed by the Board's actuary, which would be adopted in arriving at the value of the Board's pension scheme liabilities in the Board's accounts for the period ending 31 March 2008.

It was noted that the Board had an unfunded pension scheme, where there were no underlying assets. Thus the development of assumptions was purely in relation to the valuation of pension liabilities. The absence of assumptions relating to the valuation of capital assets or the performance of capital markets made the choice of assumptions fairly straightforward.

Members noted the actuarial assumptions underlying the valuation of the pension liabilities to be included in the Board's forthcoming accounts.

DATE OF NEXT MEETING: Monday 16 June 2008

The meeting ended at 2.35pm