

THE SCOTTISH LEGAL AID BOARD
MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD AT 1.30PM
ON MONDAY 15 MARCH 2010 AT 44 DRUMSHEUGH GARDENS, EDINBURGH

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

In attendance: Lindsay Montgomery, Chief Executive
Andrew Menzies, Director of Corporate Services and Accounts
Colin Lancaster, Head of Policy and Development
Tom Murray, Director of Legal Services and Applications
Ian Middleton, Director of Audit and Compliance
Vince Simmons, Financial Controller (item 11 only)
Hazel Thoms, Project Manager, Policy and Development (item 12 only)
Clare Duffy, Assistant manager, Policy and Development (item 16 only)
Colin McKinnell, Facilities Manager (item 14 only)
Matt Taylor, Assistant Manager, Policy and Development (item 15 only)
Andrew McIntosh, Corporate Support Manager
Stuart Foster, Board Administrator

1. APOLOGIES FOR ABSENCE

Graham Bell QC, Paul McBride QC, Les Campbell.

2. DECLARATIONS OF INTEREST

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

Kenneth Ross declared a non-financial interest in relation to item 14 (Property Asset Management Plan). He did not leave the meeting.

3. DRAFT MINUTE OF MEETING HELD ON 8 FEBRUARY 2010

Subject to noting that reference should be made in the minute to the fact that members had homologated the decisions taken at the meeting of the Board held on 7 December 2009 in relation to the Debt Management System and the Equalities Annual Report, the draft minute of the meeting of 8 February 2010 was approved.

4. DRAFT MINUTE OF THE AUDIT COMMITTEE HELD ON 8 FEBRUARY 2010

The draft minute of the Audit Committee held on 8 February 2010 was noted.

5. CHAIRMAN'S INTRODUCTION

The Chairman outlined the backgrounds of the new Board members. Official announcement of their identities and appointments was imminent.

All members were invited to attend a lunch between the committee meetings on 29 March.

The Chairman thanked members for their comments on the Financial Contributions paper, which would be discussed with the Scottish Government.

6. CHIEF EXECUTIVE'S UPDATE

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

Members noted the position.

7. CORPORATE PLAN 2010-2013

Members considered a paper on and a draft of the Corporate Plan, which set out the Board's contribution to the Scottish Government's National Performance Framework through a very substantial programme of development, reform and continuous improvement.

In discussion, it was noted that the Scottish Government's input regarding their priorities in relation to national outcomes was awaited.

After discussion, it was AGREED:

- subject to minor amendment and further editing, this to include ensuring consistency of wording in relation to the Board's strategic aims and national outcomes, to approve the plan for sharing with Scottish Government officials prior to submission to the Cabinet Secretary.

ACTION: M-LF

8. DRAFT OPERATIONAL PLAN 2010-11

Members considered a paper providing an overview of the draft Operational Plan for 2010-11.

It was noted that the draft plan built on the considerable progress and delivery achieved in 2009-10 and set out a full programme for the year ahead. Final outcomes would be dependent on a range of issues, including Ministers' decisions during the year, particularly if policy changes arose as a result of pressure on public finances in 2010-11 and onwards.

9. OPERATIONAL PLAN 2009-10

Members considered a paper updating on progress in the third quarter against the Operational Plan 2009-2010.

It was noted that good progress had been made in the quarter, against a backdrop of significantly increased workload and pressure on budgets. Work was generally on-schedule for the large number of very substantial projects to be delivered in the year, although the Board remained reliant on a number of regulatory changes being delivered by the Scottish Government.

10. OPTIONS FOR THE FUNDING OF CASEWORK SERVICES

Members considered a paper outlining options for the development of contracting as an approach to the purchasing of legally aided casework services.

It was noted that the impetus for exploring a movement towards a contracted or purchaser/provider model stemmed from a recognition that the current system was inadequate for effective management of legal aid expenditure and ensuring it related to both the need for legal advice and contributed to the achievement of Ministers' strategic outcomes agenda.

In discussion, members referred to potential difficulties in cases with more than one accused, and potential restrictions on access to the market for new entrants.

After discussion, it was AGREED:

- the options explored in the paper be refined with a view to sharing them with the Scottish Government to help inform Ministers' decisions on the strategic direction of criminal legal assistance.

ACTION: CL

11. GRANT-IN-AID BUDGET & LEGAL AID FUND FORECAST 2010-11

Members considered a paper providing an update on the budget for the forthcoming financial year and on the outcome of the most recent revision of the forecast of Legal Aid Fund spend for 2010/11.

Increases in fees, case costs and applications in some areas, together with growth in demand for legal assistance associated with the economic recession had created a gap between the Fund forecast and the Scottish Government's budget provision for 2010-11. Decisions on addressing this gap were a matter for the Scottish Government since legal aid was demand led. However, it was open to the Government to implement aspects of the legal aid efficient government programme to assist them in managing this difficulty.

Members noted the position.

12. ECONOMIC DOWNTURN PROGRAMME FUNDING

Members considered a paper providing information on the programme management of the economic downturn targeted funding programme, with a specific focus on the management of funds across the period to March 2011.

It was noted that there was non-incurred expenditure in a small number of projects which commenced slightly later than originally planned, and this created a risk of ending the programme with an underspend. It was proposed to further mitigate that risk by managing costs within individual project budget allocations and by allowing for additional expenditure to proceed on activity additional to that already included in the programme.

After discussion, it was AGREED:

- to proceed to allocate £45,000 of funds to provide training for lay advisors, as was the intention of the Home Owner and Debtor protection Bill. It was noted that the need for

this had been identified in the policy memorandum for the Bill and that there was strong support from the Repossession Advice Group.

ACTION: HT

13. PROPOSED DE-REGISTRATION

Members considered a paper recommending that the Board remove the name of a solicitor and of the firm of which he is principal from the Criminal Legal Assistance Register.

After discussion, it was AGREED:

- the name of the solicitor and of the firm of which he is principal be removed from the Criminal Legal Assistance Register.

ACTION: IGM

14. PROPERTY ASSET MANAGEMENT PLAN

Members considered a paper, together with a draft asset management plan, which set out the proposed direction the Board should follow in relation to property matters for the remainder of the Corporate Planning period and beyond.

After discussion, members AGREED to approve the plan.

ACTION: AM

15. TRENDS ANALYSIS UPDATE

Members considered a paper summarising legal aid trends for the 12 month period to December 2009 compared with the four previous years.

Members noted the position and in particular the substantial growth in civil legal aid applications.

16. RESEARCH PROGRAMME: 2009/10 ACTIVITY AND FUTURE PLANS

Members considered a paper providing an update on progress made against the Research Programme in 2009/10 and outlining plans for 2010/11 and onwards.

After discussion, it was AGREED:

- to note progress made to date and to approve the outline programme and the broad scheduling of projects;
- if there were to be any further phases of research into court user views, this should include views on lay representatives.

ACTION: CD

VALEDICTION

The Chairman and Chief Executive expressed their gratitude to Sheriff Kenneth Ross, Ellen Morton, David Nicol and Graham Bell QC for their highly valued and much appreciated contributions to the work of the Board over many years.

DATE OF NEXT MEETING: Monday 10 May 2010.

The meeting ended at 3.20 p.m.