

**THE SCOTTISH LEGAL AID BOARD**  
**MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD AT 1.30 PM**  
**ON MONDAY 9 MAY 2011 AT 44 DRUMSHEUGH GARDENS, EDINBURGH**

Present: Iain Robertson, Chairman  
Ray MacFarlane  
Denise Loney  
Les Campbell  
William McQueen  
Susan McPhee  
Graham Watson  
Elaine Rosie  
Joseph Hughes  
Alastair Kinroy QC

In attendance: Lindsay Montgomery, Chief Executive  
Colin Lancaster, Director of Policy and Development  
Andrew Menzies, Director of Corporate Services and Accounts  
Ian Middleton, Director of Audit and Compliance  
Brian Sinclair, Financial Analyst (item 9 only)  
Kingsley Thomas, Criminal Applications Manager (items 1- 10 only)  
Douglas Haggarty, Head of Legal Services (Technical) (items 1-15 only)  
Matthew Auchincloss, Director, PDSO (item 11 only)  
Graeme Hill, Projects Department Manager (item 14 only)  
Clare Duffy, Assistant Manager, Policy and Development (item 16 only)  
John Osborne, Policy Development Officer (item 17 only)  
Marie-Louise Fox, Head of Chief Executive's Office and Communications  
Department  
Stuart Foster, Board Administrator

**1. APOLOGIES FOR ABSENCE**

Sheriff Ray Small and Paul McBride QC.

**2. DECLARATIONS OF INTEREST**

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

**3. DRAFT MINUTE OF MEETING HELD ON 14 MARCH 2011**

The draft minute of the meeting held on 14 March 2011 was approved.

**4. MINUTE OF THE LEGAL SERVICES POLICY COMMITTEE HELD ON 14 MARCH 2011**

The minute of the Legal Services Policy Committee held on 14 March 2011 was noted.

**5. MINUTE OF THE LEGAL SERVICES CASES COMMITTEE HELD ON 7 MARCH 2011**

The minute of the Legal Services Cases Committee held on 7 March 2011 was noted.

## **6. QUARTERLY ACTION POINTS**

An updated action points document would be circulated.

## **7. CHAIRMAN'S INTRODUCTION**

The Chairman referred to the result of the Scottish Parliamentary elections.

## **8. CHIEF EXECUTIVE'S UPDATE**

Members considered and noted a report by the Chief Executive updating them on matters of interest since the previous Board meeting.

## **9. LEGAL AID FUND AND ADMINISTRATION BUDGET SAVINGS UPDATE**

Members considered a paper reporting on the savings packages already introduced and further work being carried out to achieve savings from the Legal Aid Fund and the administration budget.

It was noted that despite the savings packages, there was a gap between the Board's forecast expenditure and the amount set aside in the Scottish Government's budget allocation. The Board had made the Scottish Government aware of this.

The coming year would be challenging to achieve the savings in Legal Aid Expenditure, across both the Legal Aid Fund and the Board's administration. Plans for much of these savings were well advanced and projects and regulations had already been implemented.

Members noted the position.

## **10. POLICE STATION DUTY PLAN UPDATE**

Kingsley Thomas provided a verbal update.

From 1 July the Board would have statutory responsibility for the availability of legal advice to suspects held for police interview. The profession would shortly be invited to submit applications to be entered on the new police station duty plans. The plans would be separate from, but operate in a similar way to, the court duty plans. The Board had discussed the proposals with the Law Society of Scotland.

Members noted the position.

## **11. PDSO UPDATE**

Members considered a paper reporting on the service provided by the Public Defence Solicitors' Office for the year April 2010 to March 2011.

It was noted that the past year had seen significant change in the criminal justice system and for criminal legal aid. The decision to allow suspects detained by the police access to legal advice, together with the Cabinet secretary's request that the Board make greater use of the PDSO on the court duty solicitor scheme in order to make savings to the fund, had created significant challenges for the PDSO. Careful monitoring would be required to ensure that staffing resources were adequate to cope with these new demands.

After discussion, members noted the position.

## **12. PERFORMANCE AND RESOURCES REPORT**

Members considered and noted a paper providing an update on operational performance and resources for the period from 1 January to 31 March 2011.

## **13. OPERATIONAL PLAN: 4<sup>th</sup> QUARTER UPDATE**

Members considered a paper reporting on the overall progress made in respect of the Operational Plan for 2010-2011.

It was noted that in 2010-2011 the Board had successfully delivered a large number of important and high priority projects both internally and in the wider justice system. It had been a very challenging year, not only for those involved in delivery of those projects but also for all staff affected by the increased volume in applications and changes to working practices through Legal Aid Online. The Board had maintained high levels of performance in the majority of application and account types.

Members expressed appreciation for the staff's hard work in achieving so much during the year.

## **14. LEGAL AID ONLINE UPDATE**

Members considered a paper which provided an update on the Legal Aid Online Project.

It was noted that some online messages were overlong and should be made clearer and more concise.

**ACTION: GH**

With the successful transition from paper applications to online advice and assistance, civil legal aid and criminal legal aid, the Board had met its corporate objective of discontinuing paper applications by 1 April 2011. The Board was now committed to mirroring that success with the phasing out of paper accounts over 2011/12.

Members congratulated Graeme Hill, John McLeod, Diane Ireland and all their staff in successfully delivering such an enormously challenging project on time and on budget, and thereby equipping the Board with what was regarded as the most advanced and sophisticated online legal aid system in Europe.

## **15. STRATEGIC RISK REGISTER**

Members considered a paper reporting on risk registers within departments and inviting the Board to review the content of the Strategic Risk Register.

The report and the register had been considered by the Audit Committee earlier in the day, and the Convener of the Audit Committee conveyed the Committee's two key messages to the Board: that the Committee would monitor the Scottish Government's review of their approach to risk management; and the risk of lack of awareness amongst the legal profession of the Scottish Government's likely future budget constraints.

Members noted the position.

## **16. RESEARCH PROGRAMME 2011-12**

Members considered a paper which reported on progress against the Research Programme during the financial year 2010/11 and outlined plans for the year ahead.

In discussion, it was confirmed that the research plans to support evaluation of the Grant Funding programme would not be used to plug gaps in data already required of the funded projects, and would add value over and above the operational reporting from the projects.

Members noted the progress made over the past year, and AGREED:

- to approve the current year's Programme and the broad scheduling of projects;
- future research on the views of users of the PDSO service should include the Crown Office and the Court Service.

**ACTION: CD**

## **17. PATTERNS OF SUPPLY OF CIVIL LEGAL ASSISTANCE**

Members considered a paper reporting on work to analyse patterns of supply of civil legal assistance. The paper focussed on areas of the legal services market which the Policy Memorandum of the Legal Services (Scotland) Act 2010 suggested were not operating effectively: family law; employment matters; and social welfare.

The newly convened Access to Legal Services Reference Group would receive reports on patterns of supply in civil legal assistance and the group would help the Board develop its understanding of potential access to justice issues.

Members noted the position.

## **18. PRESENTATION AND DISCUSSION ON OPTIONS FOR FURTHER DEVELOPMENT OF LEGAL AID IN SCOTLAND**

Colin Lancaster made a presentation which considered various ways in which the delivery of legal aid might be improved. Reference was made to: alternative means of solving and early resolution of problems; alternative funding arrangements; the scope of legal aid; management of supply; co-ordination of funding of civil legal assistance; increasing private client reality; reducing the cost of legally aided cases; the administration of legal aid; and changes to the justice system.

Members noted the position.

**DATE OF NEXT MEETING:** Monday 4 July 2011.

The meeting ended at 4.20 p.m.