

**THE SCOTTISH LEGAL AID BOARD**

**MINUTE OF A MEETING OF THE LEGAL SERVICES POLICY COMMITTEE HELD  
AT 10.30 AM ON MONDAY 23 APRIL 2007 AT 44 DRUMSHEUGH GARDENS,  
EDINBURGH**

Present: Kenneth Ross (Convener)  
Graham Bell  
Iain Robertson  
Lindsay Montgomery  
Joseph Hughes  
Graham Watson  
Elaine Rosie  
David Nicol

In attendance: Tom Murray, Director of Legal Services and Applications  
Catriona Whyte, Head of Legal Services – Civil (item 8 only)  
Kingsley Thomas, Head of Criminal Legal Assistance (item 9 only)  
Marie-Louise Fox, Legal and Policy Support to the Chief Executive  
Eleanor Campbell, Legal Assistant to the Director of Legal Services and Applications  
Stuart Foster, Board Administrator

**1. APOLOGIES FOR ABSENCE**

Mahendra Raj.

**2. DECLARATIONS OF INTEREST**

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

Graham Bell declared an interest in relation to item 5 of the Legal Services Cases Committee minute held on 19 March 2007.

**3. DRAFT MINUTE OF MEETING HELD ON 19 MARCH 2007**

Subject to an amendment to item 11 to the effect that the Committee had not in fact agreed to apologise to the applicant, the draft minute of the Legal Services Policy Committee held on 19 March was approved.

**4. DRAFT MINUTE OF THE LEGAL SERVICES CASES COMMITTEE HELD ON 19 MARCH**

The draft minute of the Legal Services Cases Committee held on 19 March was noted.

**5. MONTHLY ACTION POINTS**

The Committee considered a paper by Tom Murray setting out progress with the implementation of actions arising at the previous meeting.

Subject to amending the position in relation to the Scottish Public Services Ombudsman's report to reflect the amendment to be made to the minute of the Committee's meeting on 19 March in that regard, the Committee noted the position.

## **6. DIRECTOR'S REPORT**

The Committee considered a paper by Tom Murray reporting on matters of interest which had arisen since the previous meeting. The following matters were reported on: Lord Coulsfield's review of disclosure; the civil register; Glasgow "Bonomy" reforms pilot; JCPC; and a meeting with the Lord President.

The Committee noted the position.

## **7. QUARTERLY REPORT ON OUTCOMES FROM CIVIL QUALITY ASSURANCE COMMITTEE**

The Committee considered a paper by Tom Murray summarising issues arising from the Civil Quality Assurance Committee work during the first quarter of January to March considered to be of interest to the Committee.

The paper identified those firms that had passed their routine review with favourable comment and those noted by the Quality Assurance Committee as giving cause for reasonably serious concern. It was also reported that the Committee had agreed that administrative audits be replaced with a self-certification scheme, and that the memorandum of understanding with the Law Society would be amended in that regard.

The Committee noted the position.

## **8. USE MADE OF ADVICE AND ASSISTANCE TEMPLATES**

The Committee considered a paper by Catriona Whyte detailing the use currently being made by the profession of available templates.

It was noted that whilst the use of templates to date was somewhat disappointing, this was expected to change significantly as a result of the new A&A increase forms.

After discussion, it was AGREED:

- further analysis be undertaken post 1 May to identify the number of increase applications submitted as non-template applications under categories that have an increase template, perhaps indicating a difficulty with the templates concerned;
- uptake be monitored on a quarterly basis.

**ACTION: CAW**

## **9. CIVIL ADVICE AND ASSISTANCE REFORM**

The Committee considered a paper by Tom Murray concerning an issue raised by the Law Society in relation to the definition of the Approved Category for Debt matters, and also reporting on the issues raised at the recent roadshows on Civil Advice and Assistance reform.

It was reported that the main theme that had emerged at the roadshows was verification of financial eligibility.

After discussion, it was AGREED:

- the message needed to go out to the profession that the Board was carrying out financial verification checks, and that these checks were leading to prosecutions and convictions as well as terminations of legal aid;
- that what is covered by Debt in the Approved Category be revised to: “Debt – where debts exceed £500, and the advice does not include multiple repayment plans”;
- the Committee’s thanks and appreciation for all the work that had gone into the solicitor roadshows be conveyed to the staff concerned.

**ACTION: TCM**

**DATE OF NEXT MEETING:**

**TUESDAY** 22 May 2007 at 10.30 am.

The meeting ended at 11.30am .