

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.15 AM TUESDAY 26th JANUARY 2016**

Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG

PRESENT:

LAY:

Bill Brackenridge (Chair)
Iain McGrory (Vice Chair)
Kevin Dunion
Ian Gibson
Fiona Smith

LAWYER:

George Clark
Ian Leitch

In attendance:

[REDACTED] (HRM) (Items 1-16)
[REDACTED] (CIM2) (Items 1-15)
[REDACTED] (CM) (Items 1-15)
Neil Stevenson (CEO) (Items 1-21)

[REDACTED] (HO) (Items 1-15)
[REDACTED] (F&CSM) (Items 1-15)
[REDACTED] (HI) (Items 1-15)
[REDACTED] (Secretariat, minutes)

Apologies:

Sam Jones
Maurice O'Carroll

Abbreviations used:

F&CSM – Finance and Corporate Services Manager
HI – Head of Investigations
WIP – Work in Progress
FMR – Financial Management Report
AC – Audit Committee
CI – Case Investigator
CIM – Case Investigations Manager
IR – Investigation Reports

CM – Clerking Manager
HO – Head of Oversight
DC – Determination Committee
LSS – Law Society of Scotland
HCF – Hybrid Conduct 1st
FoA – Faculty of Advocates
HSF – Hybrid Service 1st
DR – Determination Reports

1. Welcome

1.1 The Chair welcomed everyone to the meeting and acknowledged that CIM2 was in attendance to speak to the Appeals paper as presented today.

2. Apologies

2.1 The Chair advised that apologies had been received from Sam Jones and Maurice O'Carroll.

3. Declaration of Interests

3.1 It was noted the standard Declarations of interest were declared by George Clark and Ian Leitch in relation to any pecuniary interest with regards to budget discussions.
3.2 All Members noted an interest in Agenda item 12, in relation to Members expenses.

4. Management Information & KPIs

4.1 The HI circulated up to date numbers of cases still to be allocated, as at 25 January 2016, these were Eligibility 103 and Investigation 8. The HI also advised that it was anticipated these will reduce as planned by April. The CEO confirmed that they are aiming for a target of around 20 unallocated case target per month as a 'steady state' and the SMT will provide a full update at the March Board meeting.

- 4.2 **Enquiry & Eligibility** - The HI advised that the increase in number of cases at this stage was due to staffs annual festive holidays and the continuation of the trailing of the triage system of prioritising cases. The HI also advised that they had now concluded the interviews for 2 new fixed term Enquiry Handlers, one has started this week and the other will start 9 February 2016.
- 4.3 **Mediation** - The HI advised that Mediation was progressing as planned and they were mediating another HCF case. The HI also advised that unfortunately we were still awaiting the outcome of the research project report, which was due to the Researcher being unwell.
- 4.4 **Investigation** – The HI advised that as with Enquiry & Eligibility, the same reasoning applies to the increase in the number of Journey time of cases and confirmed that the additional 2 new Cis were now in place.
- 4.5 **Determination** - The CM advised that whilst there was a reduction in the number of DRs issued in December, a plan was in place to reduce the number of cases which were in the system greater than 6 months. A prediction was presented of how many cases could be cleared each month. The CM also advised that out of the 34 cases at this stage, 8 of these involved outgoing retiring Members and these cases would be made a priority. The Chair asked that all Members prioritise their diary availability to ensure these are completed before demitting from office.
- 4.6 **WIP** – Members noted that there had been a slight increase within the Eligibility and Determination stages and there had been a decrease within Investigation stage. The Hi reiterated that this was due to annual leave and the office being closed due for the festive period.
- 4.7 **Total Case Lifetime Averages** – Members noted the figures presented.
- 4.8 **SMT Action Plan** – The CEO spoke to the paper presented and advised that whilst it would still be 2weeks before all resources would be in place, SMT were starting to see inroads into reducing the number of unallocated cases, and the graphs gave a visual representation of the solid downward curve.
- 4.9 Members thanked the SMT for their updates and explanations to the papers and noted the figures presented.

5. Appeals Update

- 5.1 CIM2 spoke to the paper presented and advised that to date there had been no new appeals received to the SLCC. Members noted the update regarding the current ongoing Appeals.
- 5.2 The CEO advised that it was noticed that the CoS have not been consistently publishing decisions on SLCC cases. A recent finding against us had been published, but in two cases of cases we have won we have had to push through our lawyers for publication. It was noted CIM2 was working with our Legal Advisers to rectify this as this will allow us to comment on the published decisions.

Action	Owner	Due Date
CIM2 to provide an update on Appeals at the next Board meeting.	CM & CIM2	29 March 2016

- 5.3 Members noted that we were still awaiting sight of the account of expenses in relations to one particular appeal case this is with regards to the level of account and the level of uplift to be awarded which will be decided by the Auditor of the Court.
- 5.4 Members thanked CIM2 for the update and explanation to the paper as presented.

6. Finance Report

6.1 FMR – 6 months to 31 December 2015

6.1.1 The F&CSM spoke to the FMR papers presented and advised that the expenditure for the month was £237k, which will show a 4% variance on budget. The F&CSM advised that this was due to the increase in direct staff costs and non-staff costs, thus impacting on the predicted budget deficit for year end of £82k. This in turn will result in a reduction in our reserves provision of £614k for year-end. The F&CSM confirmed the SMT were content with the figures as presented.

6.1.2 The F&CSM also gave an overview of the Balance Sheet figures as presented along with the FMR.

6.1.3 Reserves Policy – The AC Chair updated Members of the recent AC meeting, during which, they discussed and agreed in principle with the revising of the Reserves Policy in line with the Risks Register. Members agreed that this should be reviewed by the F&CSM along with future budget planning and that a formal paper be presented to the March Board meeting for a full discussion and approval by the Board.

Action	Owner	Due Date
F&CSM to provide an update paper on the Reserves Policy at the March Board meeting.	F&CSM	29 March 2016

6.1.4 The Chair sought clarification as to whether there was any reason as to why Members' salaries and NICs were below budget for this month and the F&CSM advised that this was due to the reduction in number of cases being considered at DC stage by Members.

6.2 The Chair thanked the F&CSM for his update and explanation to the papers presented.

7. Update on Lothian Pension Scheme Liability

7.1 The F&CSM advised Members that, as requested by the Board, they have met with an Independent Financial Adviser and also have had discussions with both our Internal and External Auditors. The F&CSM confirmed it was still his intention to present an informed position to the March Board meeting. Members noted the current position and thanked the F&CSM for his update on the potential liability to the SLCC.

Action	Owner	Due Date
F&CSM to provide an update paper on the Lothian Pension Fund implications to the SLCC at the March Board meeting.	F&CSM	29 March 2016

8. Update on Budget Planning

8.1 The CEO spoke to the papers presented and sought approval of the draft strategy, budget and operating plan to allow the consultation process to begin within the timescales set by SGvt. The CEO advised that the SMT took into consideration both the Board's suggested revisions, along with SGvts strategy for Public Bodies, ie SGvts commitment to digital future services, living wage and low carbon levels - recycling etc. They have revised the Operating Plan with regards to planned projects and the SMT feel this is a deliverable Operating Plan.

8.2 Members confirmed their approval, subject to a minor typographical change, of:

- 8.2.1 the Draft Strategy, along with their approval of
- 8.2.2 the proposed Draft Budget and proposed Levies and
- 8.2.3 the 2016/17 Operating Plan documents,

8.3 Members also noted that final versions go out for consultation on Friday 29 January 2016.

- 8.4 The CEO advised the Board that as there is going to be a Scottish Election in May, SGvt have informed us that our final documents now need to be laid before Parliament on Thursday 24 March 2016. Unfortunately, this change to timescale is prior to our next planned Board Meeting on 29 March 2016. The Chair suggested that due to this change in date he proposes an extra Board Meeting at the end of the consultation process. This will allow the Board to fully consider any comments received and finalise all documents before the laying of them with Parliament on 24 March 2016. Members agreed to the Chair's proposal.
- 8.5 The Chair suggested that this extra Board meeting would be conducted by telephone conference call and is suggesting 10.15am on Thursday 17 March 2016.
- 8.6 Members also agreed to the Chair's request for approval to deviate from normal standing orders and allow this meeting to be chaired remotely.

Action	Owner	Due Date
The Secretariat to organise telephone conference meeting for the extra Board Meeting for 10.15am on Thursday 17 March 2016 and circulate details to the Board as soon as they are available.	Secretariat	29 January 2016

- 8.7 The Chair thanked the CEO for his update and explanations to the papers presented.

9. Proposed Approach to Legislative Change

- 9.1 The CEO spoke to the paper presented. Members noted that they were not being asked to approve any final policy provision but that they would be proposing how the SMT should develop the way forward. Three different options were considered. Members agreed with CEO and SMTs proposed approach (a wide review of legislation and regulation, with high level policy suggestions to engaged audiences and stimulate debate), in particular, that this should be an Agenda topic for a forthcoming Board Development Session.

Action	Owner	Due Date
Members to discuss the SLCCs proposed approach to Legislative Change at a future Board Development Session.	CEO/Chair	TBC

- 9.2 Members thanked the CEO for providing an informative paper.

10. Communications and Oversight Update

- 10.1 The OM spoke to the paper presented and the Board agreed that the CEO and OM would draft a protocol of follow up actions as appropriate in respect of any issues within the alert report.
- 10.2 The OM also asked Members if they could complete the website survey by 29 January 2016.
- 10.3 Members thanked the OM for his update and explanation to his paper presented.

11. Risk Register

- 11.1 The CEO spoke to the paper presented and advised that the AC requested that the Risk Register be reviewed, to include the additional risk of the possible delay in SGvt approving the appointment of the new 3 Members. The CEO explained that this was in relation to SGvt entering into the 'Purdah phase' prior to the Scottish Election in May. Members also raised concern that if SGvt delay the appointments this will have an impact on the existing Members, as a greater emphasis will be placed on their diary commitments for future Board and DC meetings.
- 11.2 The AC Chair also advised that the AC suggested that the CEO and F&CSM try to meet with other users of the CAS system to ascertain whether or not they are experiencing the same IT support issues as us. The AC also agreed that the Disaster Recovery Plan would be reviewed at their next meeting.

- 11.3 The Chair also suggested that it would be useful for Members to review the Risk Register at a Board Development Session.

Action	Owner	Due Date
Members to discuss the updated Risk Register at a future Board Development Session.	CEO/Chair	TBC

11.30am comfort break 11.40am meeting resumed

12. Update on Predictive Model

- 12.1 The CEO gave a brief update on the Predictive Model and advised Members that the SMT have now gathered the data and were working on various assumptions to insert into the model to forecast predictions. The CEO advised that the Consultant had now finished the building of the Model and was now supporting the SMT in an advisory capacity. The CEO acknowledged that more development work was still to be done by the SMT on the Predictive Model and it was still on schedule for an update at the March Board Meeting.
- 12.2 The CEO agreed to circulate a copy of the short update presentation to Members.
- 12.3 The Chair thanked the CEO for his update.

13. Members Expenses

- 13.1 Members formally noted their Declaration of interests in relation to this item.
- 13.2 Members noted the feedback from both Internal and External Auditors, specifically in relation to:
- 13.2.1 Travel Fines,
 - 13.2.2 Accommodation and
 - 13.2.3 Disclosure
- 13.3 It was also agreed that Members delegated authority to the CEO to make these changes, update the policy and register and circulate a copy of the new policy to Members as Members agreed with the CEO's proposal in the paper presented.
- 13.4 Members confirmed that their Expenses Policy should be amended by the CEO to reflect these amendments and once finalised a copy circulated.

Action	Owner	Due Date
CEO to finalise the Members expenses and circulate a copy of the final version to Members.	CEO	1 February 2016

14. Consistent Decision Making

- 14.1 The CM spoke to the paper presented and gave an update on progress made on Consistent Decision Making. The CM confirmed that the Working Group have scheduled another meeting on 9 February 2016 and they were still on track to update the March Board Meeting.
- 14.2 The CM updated Members on the cases which still required to be considered by outgoing Members and the Chair requested that the CM diarise these today if possible.

Action	Owner	Due Date
CM to set diary timetable to consider outstanding cases with outgoing Members.	CM	27 January 2016

15. New Format for Board Agenda

- 15.1 The CEO spoke to the paper presented and Members agreed to the proposed new format for Board meetings and the pilot 'balanced scorecard'.
- 15.2 The Chair confirmed this format would be trialled for the March Board meeting and 2 subsequent ones

11.55am Members of the SMT, with the exception of the HRM and CEO, left the Meeting

16. HR/People Update

- 16.1 The HRM spoke to the paper presented. Members noted that the SMT were actively reviewing absence management and Occupational Health support for staff that are currently off on short and long-term sickness absence.
- 16.2 Members thanked the HRM for the update to the paper presented.

12.05pm the HRM left the Meeting

17. Minutes of Meetings from 24 November 2015 and 15 December 2015

17.1 24 November 2015

- 17.1.1 The Minute of the Board Meeting was approved as read.

17.2 15 December 2015

- 17.2.1 The Minute of the Performance Management meeting was also approved as read.

17.3 9 November 2015

- 17.3.1 The Minute of the Extra Board Meeting was also approved as read.

18. Board Actions Registers

- 18.1 The Chair provided Members with an update on the actions register. Members noted the updates and all cleared items had been removed from the Actions Register.

19. Matters Arising from 24 November 2015 and 15 December 2015

- 19.1 There were no matters arising to be discussed.

20. Chairman's Report

- 20.1 Members noted the meetings undertaken by the Chair.

21. Chief Executive's Report

- 21.1 Members noted meetings undertaken by the CEO.
- 21.2 Members also noted the update on the CEO's progress against the induction objectives and performance targets.

22. AOB

- 22.1 With no other business noted the meeting concluded.

23. Date of Next Meeting

- 23.1 The next Performance Management meeting will take place on **Tuesday 23rd February 2016 at 10.15am**. There will be an extra telephone Conference Board Meeting on **Thursday 17th March 2016 at 10.15am**. The next full Board meeting taking place on **Tuesday 29th March 2016 at 10.15am**; all meetings will take place in the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends at 12.10pm