

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS  
COMMISSION: 10.00 AM MONDAY 8<sup>TH</sup> NOVEMBER 2010**

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

**PRESENT:**

**LAY:**

Jane Irvine (Chairing Member)  
Linda Pollock  
Douglas Watson  
George Irving

**LAWYER:**

David Smith  
Alan Paterson  
David Chaplin  
Margaret Scanlan

**NOT PRESENT:**

Ian Gordon

**In attendance:**

Rosemary Agnew (CEO)

**Name withheld under section 38 (1) (b) of FOISA** (CIM) (part of meeting)

Doreen Graham (HoC) (part of discussion session)

**Name withheld under section 38 (1) (b) of FOISA** (Clerk) (part of discussion session)

**Name withheld under section 38 (1) (b) of FOISA** (MA) (minutes)

**Name withheld under section 38 (1) (b) of FOISA** (SCB) (observer)

**Abbreviations used:**

CIM Case Investigations Manager

GTM Gateway Team Manager

**1. WELCOME, APOLOGIES & DECLARATION OF CONFLICT OF INTERESTS**

1.1 Apologies – Ian Gordon.

1.2 Members confirmed that there were no conflicts of interest.

**2. APPROVAL OF PREVIOUS MINUTES**

2.1 Draft SLCC Minutes 6<sup>th</sup> September 2010 – requested rewording of points 7.14 and 7.15.

2.2 Draft Discussion Day Notes 23<sup>rd</sup> August 2010 – approved.

**3. MATTERS ARISING FROM LAST MINUTES (not on agenda)/AOB**

3.1 In relation to the notes from the Draft Discussion Day, some matters were raised with regard to the action points, and it was pointed out that the CEO did not attend the whole of that meeting and so had only recently been made aware of the action points from that meeting. As regards the content Members agreed the detail was helpful but that in future discussion notes should be included in the same document as the Board minutes and contain just a summary of action points and decisions. Ultimately it was agreed that on this occasion minutes would remain as drafted.

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| 63 | ACTION: CEO to report back on Action Points from August Discussion Day notes at the next Board meeting, however most have been superseded. | DUE: By next meeting |
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#### 4. COMPLAINTS

4.1 **Complaints Update:** The CEO talked to the Management Team's update paper which was presented as a statistical report as agreed at the last Board meeting. A lengthy discussion took place over the format of the statistics and the information provided. The following inserts/changes were agreed for the next update:

- 4.1.1 Handling and service cases numbers to be split into two tables;
- 4.1.3 Breakdown of 3<sup>rd</sup> party complaints into conduct and service;
- 4.1.4 Continue with pie chart to demonstrate breakdown of eligible complaints;
- 4.1.5 6-monthly update to be provided detailing brief narrative by case of the detail of the settlement/disposal.
- 4.1.6 Format for showing KPIs was agreed and dependent on technical work being completed in time, KPIs update to be provided at next Board meeting.
- 4.1.7 Verbal update given on advice received since the Macintosh appeal. CEO recommended Members withdraw the policy in relation to investigation at gateway. This was agreed.

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| 64 | ACTION: CEO to reformat the content and populate complaints update report as soon as information is available. | DUE: Meeting following information becoming available |
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| 65 | ACTION: CEO to let all staff know that Policy POL01 – Eligibility – Amount of Investigation POLICY v1.00 is withdrawn. | DUE: immediately |
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4.2 **Members' Discussion Paper:** item deferred to discussion session.

11.25 am – CIM attends

#### 5. OTHER STATUTORY FUNCTIONS

5.1 **Conduct Complaints Oversight:** The CIM attended to talk to his paper, specifically the recommendation on staffing levels. Members asked that the paper is re-presented at the next Board meeting to include a business case for the Oversight staffing proposal. This should include the cost analysis, benefits of the function to the organisation and detail how the case work would fit in with the rest of the case investigators' work loads in order for Members to make an informed decision about the staffing levels recommended.

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| 66 | ACTION: CIM to provide business case for the Conduct Complaints Oversight staffing proposal. | DUE: By next meeting |
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11.35 am – CIM leaves

5.2 **Master Policy/Guarantee Fund:** The CEO updated the Board further since the time of issuing the paper that she was still awaiting the report from research carried out by Manchester University.

5.2.1 **Master Policy:** There was a brief discussion on the further work due to take place and several options were considered in terms of issuing questionnaires to claimants and which would be the most cost effective option. The Members authorised the CEO to pursue Option 3.

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| 67 | ACTION: CEO to pursue Option 3 in relation to ongoing work on the Master Policy. | DUE: By next meeting |
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5.2.2 **Guarantee Fund:** Members discussed and noted the comments on the Guarantee Fund in relation to timescales.

## 6. FINANCE

6.1 **AC Minutes 11/10/10:** The minutes were approved and comments noted by Members. Members asked that the Risk Register is submitted to the Board on a quarterly basis.

6.2 **Any Other Matters from the Audit Committee:**

6.2.1 **Communications Audit Visit Memo:** deferred to Discussion Session.

6.2.2 **Best Value Audit Visit Memo:** The CEO assured Members that Best Value principles will be built into all operational and work plans on an ongoing basis.

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| 68 | ACTION: CEO to arrange Best Value training for Members to be held in March 2011. | DUE: March 2011 |
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## 7. OPERATIONAL PLAN

The paper on the operational plan was noted and Members were asked to approve a way forward for the CEO to report on this to the Board. A discussion took place and the following was agreed:

7.1 The Board approved the format of the Operational Plan and the Action Plan that supports it.

7.2 The CEO will monitor and track the action plan, reporting by achievement and exception as part of her monthly Board update. The CEO will be responsible for adding new Board action points to the plan.

7.3 At six months, the Board will receive the full action plan for review.

7.4 A 'traffic light system' will be applied to the actions points in the Action Plan.

## 8. CHAIR REPORT

Members noted the comments.

## **9. CEO REPORT**

9.1 Members noted the contents and actions points updates, and a discussion over the format of the CEO Update Report followed around how the issues normally contained should be fitted into the new agenda format. The following points were agreed:

9.1.1 The update should only refer to external matters.

9.1.2 Operational matters should be 'lifted' from the update and fitted in under other agenda items.

9.1.3 Actions Updates should be provided under 'Matters Arising' on the agenda.

9.2 The Board approved the Destruction/Retention policy and further agreed that office procedure policies did not require to be approved at Board level but the Board should be informed that they are put in place.

9.3 The Board authorised the invoice in relation to the external HR Consultant's additional costs.

9.4 The Board instructed the CEO to commence with a full structural review and approved an initial budget for an external consultant. Work is to commence as soon as possible and Board to be notified of timetable and workplan at next meeting.

9.5 The Board considered the CEO's recommendation that when a Member is minded to take a different decision to the GWT recommendation, that the case goes to the next available determination committee for a decision. After a lengthy discussion it was agreed that there would be no change to the current process.

## **10. DATE OF NEXT BOARD MEETING**

The next Board Meeting will be held on Monday 13<sup>th</sup> December 2010, 10 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

*Board Meeting ends 1.10 pm*