

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.00 AM MONDAY 14TH FEBRUARY 2011**

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

PRESENT:

LAY:

Jane Irvine (Chairing Member)
Linda Pollock
Douglas Watson

LAWYER:

David Smith
Alan Paterson
Margaret Scanlan
David Chaplin

APOLOGIES:

George Irving
Ian Gordon

In attendance:

Rosemary Agnew (CEO)
Withheld under FOISA Section 38(1)(b) (MA) (minutes)
Philip Yelland, Director of Regulation, LSS (part of meeting)
Alison Atack, Council Member, LSS (part of meeting)

Abbreviations used:

LSS – Law Society of Scotland
RPBs – Relevant Professional Bodies

1. ANNUAL RECURRING MATTERS

1.1 Budget

- 1.1.1 Face to Face Consultation with the LSS:** The Chair welcomed the LSS to the Board meeting and invited comments regarding the draft budget for 2011/12. The main points raised by the LSS were as follows:
- 1.1.1.1 The LSS confirmed they did not have significant comments on the draft budget as proposed by the SLCC. They accepted the levy would rise 2012-13, and their members needed this communicated clearly.
 - 1.1.1.2 The LSS noted that there was a modest proposed increase in relation to staff and asked if the SLCC would be recruiting only as needed over the next year. The Chair and CEO explained that as the Conduct Oversight work would be commencing this year, particular skills are required to carry out the work, alongside an Internal Auditor.
 - 1.1.1.3 The LSS enquired as to what research projects the SLCC would be undertaking in the next budget year. The CEO stated that the SLCC were looking at carrying out a piece of research to look into which routes legal complaints were taking if not coming directly to the SLCC. The LSS agreed this work might be useful.
 - 1.1.1.4 The LSS made reference to the change in Direct Case Costs and asked for some more information in relation to the cost of the mediation process. They acknowledged the resolutions achieved

by the mediation process at the SLCC but were interested in looking at the costs.

- 1.1.1.5 With regard to Legal Expenses & Contingency, the LSS asked whether the SLCC would take the appeals into consideration when planning future budgets. The LSS asked the SLCC to continue to keep them informed about the number of appeals.
- 1.1.1.6 The LSS asked when the SLCC would be planning significant capital expenditures. The CEO stated that there would be some capital expenditure in the next year which would be redecoration of the office in line with the terms of the SLCC's lease, but this would be relatively low. At some point the IT hardware would require to be updated/replaced.
- 1.1.1.7 There was a discussion about the level of reserves.
- 1.1.1.8 The Board thanked the LSS for attending the meeting with their comments.

LSS left the meeting 12pm

- 1.1.2 The board noted that the Faculty of Advocates and the Association of Commercial Attorneys had not taken up the offer of a meeting.

- 1.2 **Budget Timetable:** The Board agreed the CEO's Budget Timetable paper and confirmed the proposal that because of the Scottish election there will be a delay in the budget being laid before Parliament. The budget will be lodged by 30th April. The RPBs will pay what levy they have collected and pay by 1st July 2011, but will be a minimum of 50% of the total required amount. There will be no interest charged on the remainder if it is paid within 2 months of the date the budget is laid before Parliament.

(note: MS and DC stepped down from the vote to ensure a quorate decision. No conflicts of interest were declared as regards the budget)

*Members only session with CEO
Meeting resumed 12.45 pm*

2. WELCOME, APOLOGIES & DECLARATION OF CONFLICT OF INTERESTS

- 2.1 Apologies – Ian Gordon and George Irving.
- 2.2 Members confirmed there were no conflicts of interest.

3. APPROVAL OF PREVIOUS MINUTES

- 3.1 The draft SLCC Board Minutes of 24th January were approved subject to minor changes.

*Lunch 12.55pm
Resume 1.20pm*

4. COMPLAINTS UPDATES

4.1 **Appeals Update:** The Board noted the contents of the paper on appeals, and the CEO confirmed that two Board Members would continue working with her at present on the appeals.

4.1.1 The Board agreed that for a six month trial period with a review at the end, that the eligibility of all third-party service complaints would be determined by Members in determination committees to help deliver greater consistency. Gateway Team Members will be allowed to sit in and observe these determinations.

(note: MS and DS stepped down from the vote to ensure a quorate decision)

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| 82 | ACTION: CEO to implement and inform Managers to change to temporary third-party complaints process. | DUE: asap |
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4.2 **Complaints Policy Approval:** The Board approved the Policy Approval paper and agreed that they would be copied into operational level policies as approved by the Management Team.

5. OVERSIGHT

5.1 **Master Policy Update:** There was a discussion on the previous oversight research being undertaken on the Master Policy and the Guarantee Fund and the outstanding analysis.

5.1.1 It was agreed that Manchester University would be asked to submit their report on the Master Policy & Guarantee Fund by 31st March, otherwise the instruction to Professor Stephen would have to be reviewed.

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| 83 | ACTION: CEO to write to Manchester University and ask them to produce the report on the Master Policy & Guarantee Fund by 31 st March | DUE: asap |
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5.1.2 With regard to the questionnaire and research work due to be undertaken on the Master Policy, it was agreed that the CEO would obtain indicative costs. The Board will then consider the best way forward once this information has been received and the CEO can provide recommendations, including a full overview of costs, what work would be carried out by the researchers and clarity over what the SLCC envisages learning from the exercise.

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| 84 | ACTION: CEO to produce paper on Master Policy Research including costs, and the preferred way forward | DUE: March Board Meeting |
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5.2 **Guarantee Fund Update:** The questionnaires are due to be sent out imminently and research collated before the end of the financial year. Members noted the CEO's update.

5.3 **Conduct Complaints Oversight:** The Members noted the CEO's verbal update.

8. CEO REPORT

8.1 The CEO's update was noted.

9. DATE OF NEXT BOARD MEETING

The next Board Meeting will be held on Monday 14th March 2011, 10 am at the Stamp Office
10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends 14.50pm