

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS  
COMMISSION: 10.40 AM TUESDAY 29<sup>th</sup> MARCH 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  
Sam Jones (till 1.40pm)  
Fiona Smith

**LAWYER:**

George Clark  
Ian Leitch

**In attendance:**

Alison Allan (HRM) (Items 1-25)  
[REDACTED] (CIM2) (Items 1-25)  
[REDACTED] (CIM4) (Items 1-15)  
[REDACTED] (CIM3) (Items 1-15)  
[REDACTED] (Secretariat, minutes)

David Buchanan-Cook (HO) (Items 1-25)  
John Ferrie (F&CSM) (Items 1-15)  
Keith MacConnachie (CM) (Items 1-25)  
Neil Stevenson (CEO) (Items 1-26 & 28)

**Apologies:**

Maurice O'Carroll  
Caroline Robertson (HI)

**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  
RPO – Relevant Professional Organisation

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

**1. Welcome**

1.1 The Chair welcomed everyone to the meeting, in particular CIM4 who was observing as part of CIM development opportunities. The Chair also welcomed and acknowledged that CIM2 and CIM3 were in attendance on behalf of the HI.

**2. Apologies**

2.1 The Chair advised that apologies had been received from Maurice O'Carroll and Caroline Robertson (HI).

**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.

**4. Management Information & KPIs**

4.1 Enquiry & Eligibility - The CIM3 spoke to the paper presented and advised that as at 21 March 2016, the up to date numbers of cases still to be allocated, were in Eligibility 147 and as at today it was now 132. Members noted that this was still an upward trend since January, showing an increase in the number of new complaints received.

- 4.2 Members discussed reasons as to why the increase in resource was not now starting to reflect the number of cases being categorised as 'unallocated' being reduced. The CIMs explained the trial triage system to Members. Members then considered whether there should be an additional stage reported on in the process, whereby 'premature' cases should be listed separately, as these are cases where complainers have not advised the practitioners of their complaint. The CEO advised that this data should be shown clearer in the predictive model once a full quarter of data has been gathered. Further discussion ensued regarding the impact of classifications of complaints at prematurity and whether they should have the clock 'stopped' on them till they become an eligible complaint. Members sought clarification as to a CI's target in dealing with new eligible complaints and the CIMs advised that whilst they are expected to take '2' number of new cases per week/month to assess and close '2' number of cases. The CIM also advised that individual performance is monitored on a weekly, monthly and quarterly basis. Members raised concern that if the equivalent of 11.5FTE CIs were working on the eligibility part of the process then based on the '2' figure, they should be closing on average 75-90 case per month and it is apparent this has only happened on 2 occasions since July 2015. Therefore Members wondered whether or not there was an issue with, either the volume of cases being received or our processes in how to deal with them. The CEO advised that since the last Board meeting another new CI which started in December 2015 had unfortunately resigned, so as part of the most recent recruitment process they had appointed an additional CI to cover this particular vacancy. This will mean that in early April, there will be a new fixed term Enquiry Handler and 2 new fixed term CIs joining the SLCC. Members requested that a review of the number of unallocated cases at pre-eligibility stage be carried out and an update and set of options for tackling issues be presented at the August Board Meeting. The Chair noted that Members understand the challenges facing the SMT but Members need to see a significant change to these figures and that these need addressed within a review of our processes.
- 4.3 Mediation – Members noted the figures as presented and acknowledged the recent success of telephone mediation.
- 4.4 Investigation – The CIM2 advised that there were 39% of cases not settled at Investigation being transferred to Determination stage and that the trial of requesting solicitor's files and responses earlier in the process is helping reduce the CI's time on a case when they receive it for Investigation. Members discussed again the process of categorising complaints 'pre' eligibility and suggested that they should only be categorised a complaint when they are not premature and are on the system. Members reiterated that maybe there is a need for a 'pre-allocation' stage for enquiries which would capture premature complaints.
- 4.5 Determination - The CM advised that a plan was in place to reduce the number of cases in the system which was greater than 6months. The CM also advised that out of the 31 cases within the Determination stage, 1 of these cases involved an outgoing retiring Member and would be finalised later today. The Board congratulated the SMT on ensuring all cases had been dealt with before members departed, and noted the SMT should start planning for the next set of departures.
- 4.6 WIP – Members noted that the figures as presented.
- 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 due to the continuing increase in cases waiting to be allocated the SMT were reviewing their Action Plan to reflect the exceptionally high input of cases during February (107 new cases). The Chair reiterated that Members were concerned with the increasing numbers; Members looked to see a significant improvement on these figures and wished to receive an update at the August Board meeting with regards to the key points the SMT have implemented to review these figures and processes. SMT were asked to be mindful of risks and to the fact that long-term they may need to review the processes.

*11.55am comfort break 12.05am meeting resumed*

4.9 The Chair reiterated the Members concerns but in particular wanted to thank both CIM2 and CIM3 for their valued contribution to the discussions today, as Members found their updates and explanations to the papers very helpful and noted the other figures presented.

Action	Owner	Due Date
SMT to provide an update action plan paper on reviewing and improving the number of cases to be allocated and if appropriate a review of current processes to the August Board meeting.	CEO & SMT	23 August 2016

**5. Appeals Update**

- 5.1 The CM spoke to the paper presented and advised that to date there had been 3 new appeals received to the SLCC and gave Members an overview of the current status on prospects of these new appeals. Members also noted the update regarding the current ongoing Appeals.
- 5.2 Members noted that we have now received the final account of expenses in relation to one particular appeal case, it was noted that we have made a counter offer to this expense, this is in respect of the level of account and the level of uplift to be awarded, this will now be decided by the Auditor of the Court.
- 5.3 The Chair reiterated that the new Member Induction should include an overview of the Appeal process and the CEO confirmed it would.
- 5.4 Members thanked CM for the update and explanation to the paper as presented.

**6. Finance Report**

**6.1 FMR – 8 months to 29 February 2016**

- 6.1.1 The F&CSM spoke to the FMR papers presented and advised the expenditure for the month was on track for yearend, however there had been an increase in staff costs which Members were aware of. The F&CSM also advised that he was anticipating a variance to Members expenses during the next few months whilst new Members are trained. However, he was expecting the figures to be close to budget. This in turn will result in a reduction in our reserves provision of £611k 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 Members sought clarification as to whether the F&CSM would source other banking providers in the next financial year and the F&CSM confirmed they would if appropriate but at the moment monies were sitting in the best accounts for the SLCC.
- 6.2 The Chair thanked the F&CSM for his update and explanation to the papers presented.

**7. Communications and Oversight Update**

- 7.1 The HO spoke to the paper presented and advised that they were in the process of collating the results of the recent survey with recently qualified solicitors.
- 7.2 The Chair requested that the Board receive an update on the Operation Communications Plan quarterly.

Action	Owner	Due Date
The HO to provide a quarterly update paper on the Operations Communications Plan to the SLCC at the May Board meeting.	HO	31 May 2016

**8. Consistent Decision Making Update**

- 8.1 The CM spoke to the paper presented and advised that the Clerks along with himself had reviewed all Determination Reports which dealt with Conveyancing. From this review they have now compiled an internal learning resource which, going forward, might be useful to gather precedence information for Members use.
- 8.2 The Chair thanked Members F Smith and K Dunion for their participation on this small Working Group and advised that he proposed that one of the new Members join K Dunion on this group as a replacement for F Smith when she demits from office.
- 8.3 The Chair thanked the CM for his update and explanations to the papers presented.

**9. Strategy, 2016/17 Annual Plan and 2016/17 Budget**

- 9.1 The CEO spoke to the papers presented and reminded Members they there was a necessity to publish the Consultation responses by 31 March 2016. The CEO also advised that in light of the level of responses received to the Consultation process full responses should be given to all parties. Following discussion it was agreed that the CEO would prepare draft response for approval by the Chair, along with a press release to be placed on our website by 31 March 2016.
- 9.2 Following discussion Members approved the recommendations proposed by the CEO.
- 9.3 Members also suggested that the CEO offer to meet with the RPOs to discuss their responses in detail.

Action	Owner	Due Date
CEO to draft replies to Consultation responses to be approved by Chair, for publication on the website by 31 March 2016.	CEO/Chair	31 March 2016

- 9.4 Members also agreed that the SMT should revise both the proposed Strategy and Operating Plans for 2016/17 and present an update to the Board Meeting in May.

Action	Owner	Due Date
SMT to review both the proposed Strategy and Operating Plans and present an update to the Board Meeting in May.	CEO/SMT	31 May 2016

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

*Break for lunch 1.05pm meeting resumed 1.40pm*

**10. Stakeholder Feedback**

- 10.1 The HO spoke to the paper presented and the Board noted the 3 main themes from this are: accountability, openness and impartiality. It was noted that these themes have been captured in the proposed 4-year Strategy and next year's Operational Plan. The HO also advised that the new CRM Newsletter was aiding with regards to openness in publishing final decisions.

- 10.2 The HO also spoke to the paper presented on Complainer Demographics statistics which had recently been collated for the Consumer Panel. Members noted these with interest, that it was a diverse range of areas that people complained from and that the age group range does not match the population. Members wondered if there was a now a need to look at different avenues to redress this, ie presentations to CAB or Law Centres, as this might break down the barriers for accessing our services. Members agreed that further work could be carried out in this area. The HO confirmed that the Consumer Panel were seeking a review of the demographic areas.
- 10.3 The CEO reiterated that further analysis was required and an update would be received from the next Consumer Panel meeting minutes.
- 10.4 Members thanked the HO for his update and explanation to his paper presented.

**11. Update on Lothian Pension Scheme Liability**

- 11.1 The F&CSM advised Members that they have now engaged the services of an Independent Pensions Adviser, who has requested valuation reports on a number of assumptions and options available to the SLCC. Members noted the current position and thanked the F&SM for his update today and await further information on this issue.

**12. Update on Predictive Model**

- 12.1 The CEO spoke to the paper presented and gave a brief update on the Predictive Model status to date. The CEO also advised that the Consultant would be returning to assist the SMT with further development work and an update would be provided at the May Board Meeting.
- 12.2 Members wondered whether the model would highlight if our processes were fundamentally flawed in anyway and looked forward to reviewing the Balance Scorecard data at the next Board Meeting.

Action	Owner	Due Date
Balance Scorecard date to be presented by the SMT to the May Board Meeting.	CEO / SMT	31 May 2016

- 12.3 The Chair thanked the CEO for his update.

**13. Process Efficiency and Quality**

- 13.1 In the absence of the HI, the CEO spoke to the paper presented. Members were concerned that there was a need to focus on reducing the number of 'unallocated' cases, however they did not want to detract from reviewing the overall process efficiency and journey time of cases which were in our system.
- 13.2 It was agreed a phased (rather than 'big bang') approach should be followed, and that focus of this particular set of work should be on efficiency and reducing 'journey time'.
- 13.3 The CEO reiterated that the Hi and CIMs were continuing with the triage system and were also aware that they need to the efficiencies of our processes.
- 13.4 Members thanked the CEO for his update.

**14. Reserves Policy**

- 14.1 The F&CS spoke to the paper presented and gave an overview of the paper.
- 14.2 The AC Chair confirmed that the AC had reviewed this policy in line with the Risks Register and endorsed the recommendation proposed by the SMT.
- 14.3 Members agreed with the Reserves Policy.

**15. Partnership for Change – commitment to 50:50 by 2020**

- 15.1 The CEO spoke to the paper presented and Members noted that whilst it was not in their remit to appoint Board Members, as this falls to the powers of SGvt and Ministerial approval; signing up to the scheme only involved committing to encouraging greater diversity.
- 15.2 It was agreed that the CEO would respond on behalf of the SLCC and should confirm that SLCC's commitment to the 50:50 standard.
- 15.3 The Chair advised that in the most recent round of new Member recruitment there were 91 applications and the 3 new Members have been offered appointed from 1 April 2016.

**16. Reporter Update**

- 16.1 In the absence of the HI, the CEO spoke to the paper presented.
- 16.2 The Chair suggested there might be a rewording of a point in the Reporter Panel paper.
- 16.3 The CEO also advised that the HI would be carrying out a further recruitment drive for new Reporters to sit on the Reporter Panel. Members reiterated that there should be notes made of conflict of interests of any additional Reporters appointed.

**17. Options for Legislative Change**

- 17.1 Following discussion it was agreed, that in light of the invitation received from the LSS for the CEO and HO to attend a Workshop on 28 April 2016, Members felt it would be prudent to have a full and frank discussion about this at a later date, however, Members agreed this would need to take place prior to the LSS Workshop. The CEO and Chair suggested that this could take place after the next Performance Call on 26 April 2016, however, the Secretariat reminded Members that the next AC meeting would be taking place at that time, the Chair subsequently suggested prior to the Performance Call at 9.15am. It was agreed that the Secretariat would seek availability for 9.15am on 26 April. It was agreed that as Members could not agree a date and time at present, the CEO would draft a short email on this matter and the Chair reiterated that this should be discussed prior to the Board Meeting in May.

Action	Owner	Due Date
The CEO to circulate a short update email to Members on the Options for Legislative Change prior to the LSS Workshop on 28 April 2016.	CEO	ASAP??

- 17.2 It was agreed that the Chair, CEO and HO would attend the LSS Workshop on 28 April 2016.

**18. Absence Management HR/People Update**

- 18.1 The HRM spoke to the paper presented. Members noted the paper as read.
- 18.2 Members thanked the HRM for the update to the paper presented.

**19. Consumer Panel Update**

- 19.1 The HO spoke to the paper presented and advised that in Appendix A, the Consumer Panel had appointed a new Chair and that they had also re-invited Which? to re-join the Panel. It was also noted that there was a vacancy from Citizens Advice Scotland.
- 19.2 The Chair noted that it was important the Consumer Panel did not become disconnected from the Board; the HO reiterated that this was an independent panel and should remain so. The Chair requested that the Consumer Panel Chair be invited to attend our July Board to present their Annual Statement.

Action	Owner	Due Date
The HO to invite the Consumer Panel Chair to the July Board Meeting to present their Annual Statement.	HO	26 July 2016

**20. Board Actions Registers**

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

**21. Minutes of Meetings from 26 January, 23 February and 17 March 2016**

**21.1 26 January 2016**

21.1.1 The Minute of the Board Meeting was approved as read.

**21.2 23 February 2016**

21.2.1 Subject to a minor typographical change in job title at points 6.1 and 6.2, the Minute of the Performance Management meeting was also approved as read.

**21.3 17 March 2016**

21.3.1 Again subject to a minor typographical change on page 3, the Minute of the Extra Board Meeting was also approved as read.

**22. Chairman's Report**

22.1 Members noted the meetings undertaken by the Chair.

**23. AOB**

23.1 No other business noted and Members of the SMT departed the meeting.

*3.05pm all SMT left the Meeting*

**24. Chair's Report on the Performance of the CEO**

24.1 The Chair spoke to the paper presented and Members noted the update on the CEO's progress against the induction objectives and performance targets to date and those set by the Chair to the end of this financial year.

24.2 Members also confirmed their agreement with the Chair that the CEO had satisfactorily completed his Probationary Period on 21 March 2016 and therefore confirmed the CEO's substantive appointment date of 20 July 2015.

*3.10pm the CEO re-joined the Meeting*

24.3 The Chair shared with the CEO the decision of the Members Private Session, in that, Members confirmed the CEO's satisfactory completion of his Probationary Period. The Chair and Members offered congratulations to the CEO.

**25. Chief Executive's Report**

25.1 The CEO spoke to the paper presented and Members noted meetings undertaken. It was noted that there should be an amendment to the listings of meetings, in that, the Minister for Community Safety and Legal Affairs did not attend the SLCC on 17 March 2016 as planned.

25.2 Members thanked the CEO for his update to the paper presented.

**26. Review the Meeting – feedback for SMT and CEO**

26.1 The Chair reiterated the future focus of the SMT for the next few months should be in the reduction of Eligibility cases, the Predictive Model implementation and a structure to focus on efficiency of our staff and processes within the SLCC.

26.2 The Chair and CEO reminded Members that the new Member Induction was taking place on 18 and 19 April 2016.

26.3 With no other business noted the meeting concluded.

**27. Date of Next Meeting**

27.1 The next **Performance Management meeting** will take place on **Tuesday 26 April 2016 at 10.15am**. There will be a **Board Development Session** on **Monday 30 May 2016**, commencing at **2pm**, with the next full **Board meeting** taking place on **Tuesday 31 May 2016 at 10.15am**; all meetings will take place in the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

*Board Meeting ends at 3.40pm*