

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.10 AM TUESDAY 24th MARCH 2015**

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
Fiona Smith

LAWYER:

George Clark
Ian Leitch
Maurice O'Carroll

In attendance:

Matthew Vickers (CEO)
[REDACTED] (CM) – items 1-12
[REDACTED] (CIM) – item 10

[REDACTED] (F&CSM) – items 1-12
[REDACTED] (HO) – items 1-12
[REDACTED] (Secretariat, minutes)

Abbreviations used:

LSS – Law Society of Scotland	RPOs – Relevant Professional Organisations
SGvt – Scottish Government	AC – Audit Committee
HO – Head of Oversight	F&CSM – Finance and Corporate Services Manager
HI – Head of Investigations	CM – Clerking Manager
WIP – Work in Progress	DC – Determination Committee
SMT – Senior Management Team	FMR – Financial Management Report
FoA – Faculty of Advocates	CIM – Case Investigations Manager
ADR – Alternative Dispute Resolution	SCI – Senior Case Investigator

1. Welcome

1.1 The Chair opened and welcomed everyone to the meeting.

2. Apologies

2.1 Apologies were received from [REDACTED] (HI).

3. Declaration of Interests

3.1 It was noted the standard Declarations of interest were declared by George Clark, Ian Leitch and Maurice O'Carroll in relation to any pecuniary interest with regards to budget discussions.

4. Finance Report

4.1 FMR – 8 months to 28th February 2015

4.1.1 The F&CSM spoke to the FMR papers presented and advised that they were now 8 months into this financial year. Members noted that whilst the projected revised figures would now give a revised deficit of £14k; again this would mean that there would another an increase in our reserves which would still put the amount held at the upper level of the reserves policy.

4.1.2 The F&CSM also gave an overview of the Balance Sheet figures which were presented along with the FMR.

4.2 Members thanked the F&CSM for the papers and his explanation to the figures as presented today.

5. Management Information & KPIs

- 5.1 In the absence of the HI, the CM and HO spoke to the paper presented on behalf of the SMT.
- 5.2 Enquiry & Eligibility - The CM advised that again there was an increase in the number of cases being considered at this stage of the process. Members noted their concern that there is an increase in the number of cases which were now over 3 months at this stage in the process and looked at this being addressed by SMT. The CEO confirmed that this area would continue to be monitored and additional plans/resources were now in place to address this issue. Members expressed their concerns that the position was getting worse over the past 2 months and sought assurance that the SMT would concentrate on developing a solution to this issue.
- 5.3 Mediation - The HO also advised that they would also be carrying out a research project, which will be undertaken jointly with Queen Margaret University, to find out the reasons why people might not take up Mediation. This project should commence late June early July.
- 5.4 Investigation – The CM advised that whilst there had been a reduction in the 'older' cases from last month there had been a slight increase in the number of cases which now averaged 5mths. The CEO reiterated that there had been a rebalance of workloads which should address this issue.
- 5.5 Determination - The CM also advised that like other stages in the process, there has been an increase in the number of cases which were now sitting over 6 months. However, these should be closed by the end of Q3/beginning of Q4. The CM advised that this was due to staff sickness and holiday cover. Members noted that they had also seen a reduction to the number of DCs being scheduled per month, from 3 to 2. The CM stated that this was due to the reduction in the number of cases being transferred from the Investigation to the Determination stage of the process.
- 5.6 WIP - The CM reiterated the figures presented in the paper and advised that the SMT were continuing to focus on all areas of the business.
- 5.7 Members thanked the SMT and CEO for their updates and explanations to the paper and noted the figures presented.

6. Communications & Oversight Update

- 6.1 The HO spoke to the paper presented and advised that since the paper had been drafted, the first meeting of the Consumer Panel had now taken place and Oversight had now issued guidance on Family Law; a copy of which was now on our website. It was agreed that the HO would circulate links to this information direct to Members.
- 6.2 Members also sought clarification as to how they would receive feedback from the Consumer Panel meetings. The HO advised that the output from their meetings would be placed on the website when approved. Following discussion the Chair asked the HO and Secretariat to check the Consumer Panel's Terms of Reference (ToR) for clarification.

Action	Owner	Due Date
HO and Secretariat to check the Consumer Panel's ToR and provide an update to the Chair and the Board at the next meeting.	HO/ Secretariat	28 April 2015

- 6.3 Members noted the paper presented and thanked the HO for his update.

7. Newpro Phase 2 Update

- 7.1 The HO spoke to the paper presented and advised that since the paper had been drafted, a meeting between CAS and Brightwire had now taken place and that Brightwire were now well engaged with CAS. The HO also advised that the risk which was highlighted in the project plan had now been reduced following this meeting and the project was still on line for the agreed timescales, ie for delivery beginning of July.
- 7.2 Members thanked the HO for his update on the paper presented.

8. ADR Update

- 8.1 The Chair advised that following the previous discussion in relation to ADR, it was agreed that this would be continued and discussed in more detail at the Performance Management meeting on 28 April 2015.

9. Proposed Budget and Operating Plan 2015/16

- 9.1 As the date for the consultation period had just closed on 20 March 2015, the CEO circulated a copy of the responses received to date. It was noted that these were from the LSS, FoA and SGvt. Members took time to consider these responses along with the CEO's already drafted response to the FoA. The HO advised that the FoA had been more engaging with Oversight which was seen by all as a positive step. The CEO advised that he had still to respond to SGvt as this letter had just been received. Following discussion it was agreed that the F&CSM and Chair would respond to SGvt in the absence of the departing CEO.
- 9.2 It was noted that as there were no changes from the responses received to the proposed Budget and Operating Plan 2015/16, it was agreed that the F&CSM would ensure that these documents would be laid before Scottish Parliament within the agreed timescales.
- 9.3 The F&CSM also advised Members that the CEO had provided a narrative to accompany the Governance Statement, this covers the period 1 July 2014 to 24 March 2015 during which the CEO was noted as the SLCC's Accountable Officer. This will be included in the Annual Accounts for this period.
- 9.4 Members also asked the Chair that in his reply to the LSS he acknowledged the points raised in the 2nd last para in their letter, in which, the SLCC hope they will continue to grow with the appointment of a new CEO.

Action	Owner	Due Date
F&CSM to ensure that the responses received from the LSS, FoA and SGvt and the replies from SLCC, if appropriate, are uploaded onto the website within the relevant timescales.	F&CSM	by 31 March 2015
F&CSM to ensure that the proposed Budget and Operating Plan for 2015/16 are laid with Scottish Parliament within the relevant timescales.	F&CSM	By 30 April 2015

10am CIM joined the meeting

10. Appeals Update

- 10.1 The Chair and Members noted their congratulations on the CIM being promoted to her new role from SCI to CIM.
- 10.2 The CIM spoke to the paper presented and advised Members that as per previous discussions, she had revised the format of the data gathered and presented today. The CIM also advised that this data now included trends which were over the past 3 financial years, rather than as previously recorded in calendar years, which was now in line with other reporting formats.

- 10.3 Members noted that the CM would be assuming responsibility for Appeals against the decisions of Determination Committees and that the CIM would continue to assume responsibility for Appeals against Eligibility decisions.
- 10.4 Members reiterated to the CIM they would still like to see a breakdown on the split of who appeals decisions within both stages of the process, ie were they complainers or the practitioners.
- 10.5 Members confirmed they liked the new format and thanked the CIM for this and collation of Appeal information and for her explanation to the paper presented today.

10.25am CIM left the meeting

11. Risk Register Update

- 11.1 The F&CSM advised Members that as per agreement at the last Board Meeting where it was agreed that the Risk Register would continue to be a focussed item on the Board Agenda. The F&CSM also confirm that it was scheduled for a full discussion at the next AC meeting on 14 April 2015. The F&CSM also advised that an update would be provided at the Performance Management meeting on 28 April 2015.

Action	Owner	Due Date
It was agreed that an update on the Risk Register would be provided at the next meeting.	F&CSM	28 April 2015

- 11.2 The CEO advised Members that there were no changes to the 'red' risks (2, 5 & 6) that had been previously identified; however, it was noted in relation to Risk 5 there would be an opportunity for the new CEO to develop links with the new Minister when he attends the launch of the Consumer Panel.
- 11.3 Members noted their concern in relation to risk 11 currently 'amber' which is linked to item 5.2 of this Minute, however, as previously agreed this issue will be addressed by the SMT and will continue to be monitored.
- 11.4 Members thanked the F&CSM and CEO for their update on the paper as presented and looked forward to an update at the next meeting.

12. Scheme of Delegation

- 12.1 The HO in the absence of the HI advised Members that this paper had been updated to reflect the new job titles which were part of the recent restructure. However, Members suggested that the Finance section on page 4, point 4 in the paper should be reworded. The F&CSM advised that this section had still to be revised and would be brought back to the next Board Meeting in May for an update.

Action	Owner	Due Date
It was agreed that an update on the Scheme of Delegation would be provided at the next meeting.	HI/F&CSM	26 May 2015

- 12.2 The Chair thanked the HO and F&CSM for their update on the paper.

13. Minutes of Meetings from 27 January 2015 and 24 February 2015

13.1 27 January 2015

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

13.2 24 February 2015

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

- 13.3 It was noted by the Chair following the last Performance Management Meeting that the quality of conference call facilities within the Boardroom were not as adequate as they could/should be. The Chair asked that the Facilities Officer look into sourcing other provisions of conference call providers for future meetings.

Action	Owner	Due Date
Facilities Officer to source information on other conference call providers/facilities for the Boardroom and an update to be provided at the next meeting.	F&CSM/FO	28 April 2015

14. Board Actions Registers

14.1 The 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.

15. Matters Arising from 27 January 2015 and 24 February 2015

15.1 There were no matters arising to be discussed.

16. Chairman's Report

16.1 Members noted the meetings undertaken by the Chair and interim arrangements for the SMT during the recruitment process for the new CEO.

17. Chief Executive's Report

17.1 Members noted the meetings undertaken by the CEO.

17.2 The CEO suggested to Members that once the new CEO was in place Members might wish to invite Chris Kenny along to a future Board Meeting. Mr Kenny is the former CEO of the Legal Services Board and is now based at the Medical and Dental Defence Union of Scotland (MMDUS) and is now based in Scotland.

18. Interim Arrangements

18.1 Members noted the content of the paper presented by the Chair, thus followed a free and frank discussion ensued regarding the current interim arrangements.

18.2 Members also noted that both the External Auditors and SGvt have been notified of the interim arrangements and that appropriate support mechanisms were in place for the SMT.

18.3 The CEO gave Members a brief synopsis on SMT performance appraisals prior to his departure and confirmed to Members that the SMT were aware of their personal objectives.

18.4 The Chair formally recorded his and the Boards thanks to the CEO for all his help and support over the last 2 years and 9 months. He also wished him well in his new role as Deputy Chief Ombudsman of the Ombudsman Services. The CEO reciprocated his thanks to Members for their gifts, help and support over the years and he also wished the SLCC well for the future.

19. Date of Next Meeting

19.1 Members noted the next Performance Management meeting will take place at **10.15am** on Tuesday 28th April 2015 followed by a Board Development Session commencing at **1.30pm**, with the next full Board meeting taking place on Tuesday 26th May 2015, commencing at **10.15am** followed by a Board Development Session commencing at **1.30pm** at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends at 11.20am