

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.10 AM TUESDAY 28th JANUARY 2014**

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] (HI1) – items 4-7 & 16-19
[REDACTED] (HI2) items 4-7 & 14 & 15
[REDACTED] (Secretariat, minutes)

[REDACTED] (HRM) – items 4-7
[REDACTED] (SC) – items 4-7 & 16-17
[REDACTED] (IL) – item 18-19

Abbreviations used:

LSS – Law Society of Scotland
SGvt – Scottish Government
FO – Facilities Officer
HO – Head of Oversight
HI – Head of Investigations
IL – In-house Lawyer

RPOs – Relevant Professional Organisations
AC – Audit Committee
F&CSM – Finance and Corporate Services Manager
OM – Oversight Manager
HRM – Human Resource Manager
SC – Senior Clerk

1. Welcome

1.1 The Chair opened the meeting and welcomed everyone and noted the apologies recorded. The Chair adjusted the order of agenda to ensure the appropriate members of staff were present at the relevant time. The CEO was not present when items 23 and 24 were discussed.

2. Apologies

2.1 Apologies were received from [REDACTED] (F&CSM) and [REDACTED] (HO).

3. Declaration of Interests

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

4. Draft Budget 2014/15

4.1 The CEO spoke to the paper presented and explained that there were no major changes to the figures presented at the November meeting, other than the reserves were higher than our policy recommended. However, because of this surplus and other financial savings made by the SLCC, it would be possible to 'freeze' the general levy for all practitioners in 2014/2015 and reduce the levy for the groups which generate the least amount of complaints.

4.2 Proposed Operating Plan – Members noted the paper presented by the CEO and were content with the suggested Operating Plan. The Board requested timescales be included in the document to enable some measurement of progress. In addition it was agreed that the CEO would report back on progress at every 2nd Board meeting with a full update at every 4th Board meeting.

- 4.3 The CEO also advised that the covering letter issued as part of the Budget consultation would explain the issue in relation to reserves and how this together with other savings had enabled the freeze and where appropriate reductions in the general levy. Members suggested that additional explanation was required in relation to the increase in provision for Members Travel & Subsistence costs and capital depreciation. Members commented that the mobile phones were not being used to their full potential and asked that the F&CSM look at reviewing/cancelling these contracts, which would thus save and reduce more costs to the organisation.
- 4.4 Members also approved the Draft Budget 2014/15 subject to the minor amendments previously detailed and agreed that the CEO and F&CSM take these documents forward for consultation to the RPOs.

Action	Owner	Due Date
CEO to include timescales on the proposed Operating Plan.	CEO	25 March 2014
CEO/F&CSM to make minor amendments detailed above to draft 2014/2015 Budget and progress consultation process.	CEO/F&CSM	31 January 2014

5. Finance Report

- 5.1 The CEO presented the paper in the absence of the F&CSM. Members noted the position for the year to date and the projected out-turn for the full year.

6. Management Information

- 6.1 The CEO advised that he had asked each of the SMT present to speak to their area of responsibility.
- 6.2 The HI (1) provided an update in relation to Eligibility. She advised there had been a slight increase in the Work in Progress compared to the same time last year. She advised that staff were providing more detailed explanations to potential complainers at the Enquiry stage of the process in relation to the difference between a Conduct and a Service and this was probably the reason for less Conduct complaints being received
- 6.3 The HI (1) also advised that they were reviewing how they engaged in the Mediation process, with a view to reducing timescales at this stage. The Chair advised Members that he had now observed a Mediation and found the process very informative and encouraged all other Members to observe. The HI (1) advised that the next Mediators meeting would take place on 14 April 2014 and Members were welcome to attend. The Chair advised the Mediators had also been offered an opportunity to observe a Determination Committee should they so wish to do so.
- 6.4 The HI (2) provided an update in relation to the Investigation stage and advised that whilst there had been a slight increase in cases in the "unallocated" queue was continuing to fall. Members asked if it was possible to estimate when the "unallocated" queue would be Zero. The HI (2) said this was difficult to predict, but she was continually liaising with the SC and they were also managing the expectations of complainers by advising them that they have been placed in a queue.
- 6.5 The SC provided an update on the Determination stage and thanked Members for their recent feedback in relation to the existing process. Suggestions had been taken on board and it was noted that they will involve a change to the Rules, which will involve a consultation process with the RPOs. Members sought clarification on the timescales to the change to the Rules, and the CEO advised that the HO would be moving this forward and it was hoped within the next 10-12days.

- 6.6 Members advised they would like to have the ability to measure the consistency of decisions made between Determination Committees and Case Investigators at Determination Committees. The HI (1) advised Members that the new Workpro system would address this issue.
- 6.7 The CEO advised there was a slight increase in Work in Progress (WIP) due to additional work being done by the Eligibility and Clerking teams. The Chair requested that an additional line be added to the WIP figures to show the number of cases which were 'active' and in the 'queue' at the Investigation stage of the process.
- 6.8 In relation to the Management Information document members requested that in future a summary paper containing a written overview accompany the set of slides.

Action	Owner	Due Date
CEO to provide a written summary paper to accompany the Management Information Slides	CEO	25 March 2014

7. Summary Feedback Report January 2014

- 7.1 The CEO provided Members with an overview of the paper prepared by the FO and advised that this information was gathered from feedback via Survey Monkey and direct correspondence to the office. The CEO advised that the Survey Monkey Questionnaire had been revised to ask more concise questions. Members asked the CEO to pass on their thanks to the FO for a very comprehensive report. They felt the important point was for the SLCC to learn from the feedback with a view to improving all round performance of the organisation.

11.40am comfort break during which SMT Members left the meeting

11.45am meeting resumed

8. Minutes of Meetings from 19 November 2013 and 17 December 2013

- 8.1 Members agreed that the full Board Minutes would be noted for accuracy at the following Performance Management Conference Call Meeting and then formally approved at the next full Board Meeting as normal, thus aiding memory recall.
- 8.2 19 November 2013
- 8.2.1 The Minutes of the Board were approved.
- 8.3 17 December 2013
- 8.3.1 The Minutes of the Performance Management meeting were approved.

9. Matters Arising from 19 November 2013 and 17 December 2013

- 9.1 It was noted there were no matters arising from the Board meeting of 19 November 2013. However, the Chair advised that he had now received his own personal feedback on the Board Development Session with Margaret Williamson (MW) and has found it very helpful and encouraged other Members to do so. The CEO also advised that MW was carrying out the same work with the SMT.

Action	Owner	Due Date
Members requiring feedback from MW to contact Board Secretariat to arrange meetings.	Members/ Secretariat	31 January 2014

- 9.2 Members shared their learnings on preparation timescales for the first Non Quorate Determination Committee. The CEO advised that to ensure consistency the SC would Clerk all these Committees.

10. Board Actions Registers

- 10.1 The CEO provided Members on an update on the actions register and Members noted the updates and that cleared items have been removed from the Actions Register.

11. Chairman's Report

- 11.1 The Chair expanded on his attendance whilst observing a Mediation and encouraged other Members to do so. It was also noted he attended an interesting seminar on the recruitment of Non-Executive Directors for NDPBs.

12. Chief Executive's Report

- 12.1 Members noted the report presented.

13. Handling Complaints – Proposed Process Amendment

- 13.1 In the absence of the HO the CEO spoke to the paper presented and the amendments suggested. Members raised several issues which were satisfactorily explained by the CEO. Members approved the proposed amendments to the process for dealing with Handling Complaints by the Oversight team.

12.20pm HI (2) joined the meeting

14. Reporters – Progress to December 2013

- 14.1 The HI (2) spoke to the paper presented and gave an overview of the up-to-date position. Members sought clarification as to how long it was taking for Reporters to produce an Investigation Report. The HI (2) advised that at present they did not gather this information as Reporters were paid a flat rate per case. Members were keen to stress they were not taking a 'big brother approach' to time-management of cases, but felt it was reasonable to request that there was some measurement of how long it takes a Reporter and a Case Investigator to produce a typical Investigation Report. The HI (2) explained that more and more CIs were making use of the internal meeting rooms to draft Investigation Reports. The HI (2) also stressed that CIs were positive about the use of Reporters and were utilising them to manage their own caseloads more. Members thanked the CEO and HI (2) for their explanations to the paper presented and agreed with the proposed continuation of the Reporter Panel for a further six months to allow for the tightening up of our own processes. The CEO and SMT are to give consideration to the request from Members in relation to the measurement of how long it takes to draft a typical Investigation Report.

15. S9(2) Pilot – Progress to January 2014

- 15.1 The HI (2) spoke to the paper presented and Members confirmed they were happy with the new style letters and Investigation Report format used in the Pilot and agreed that this could continue.

12.50pm HI (2) left the meeting and both HI (1) and SC joined the meeting

16. Workpro Update

- 16.1 The HI (1) advised Members that unfortunately CAS were currently one week behind in the production of the 2nd round of prototype testing, but the new system is still expected to be live to start use in the new financial year (ie 1st July 2014). The HI (1) also explained to Members that the new system was very different in layout to the current system and suggested that Members attend the in-house training sessions that will be available.

17. Determining Eligibility Procedure

- 17.1 Some Members requested clarity regarding the process to be followed when they felt the need to consult with a colleague in order to make a decision regarding Eligibility. A general discussion ensued and it was agreed that it was important to ensure an audit trail was recorded on Workpro during the decision making process. The SC explained the current procedure to Members and it was agreed following discussion with the SC and HI (1), that procedures would be circulated by the SC.

Action	Owner	Due Date
SC to circulate the procedures for Members who wish to consult with colleagues during the Eligibility Process.	SC	28 January 2014

1.05pm SC left the meeting and IL joined the meeting

18. Appeals Update

- 18.1 The HI (1) gave a brief update and advised Members that they were still awaiting the outcome of the recent appeals that went to the Court of Session.

19. Legal Services Procurement Update

- 19.1 The Chair welcomed the new IL to her first meeting with the Board. The IL thanked the Chair and Members for their warm welcome. Members noted the revised timeline on the proposed Legal Services Procurement

1.10pm HI (1) and IL left the meeting and break for lunch

1.40pm meeting resumed after lunch

20. H&S Annual Update

- 20.1 The Chair updated Members on the recent H&S meeting which took place last week with the FO, GC, IL and himself. He advised that with immediate effect there would be no lone working on level 2 of the building and the Board will receive a quarterly H&S update going forward.

21. KPIs

- 21.1 The CEO spoke to the proposed changes to the KPI Matrix and following discussion Members agreed that this would form part of the Strategy Day Session with the SMT. Members agreed to the proposed KPIs for the next 6 months of this financial year.

22. Plans for Strategic Development Session

- 22.1 The CEO shared with Members the key themes that he thought both the SMT and Board should be focussing on during the Strategic Development Session. Members thanked the CEO for this information and noted that they were looking forward to the day and working with the SMT.

2.10pm CEO left the meeting

23. CEOs Performance Review July-Dec 2013

- 23.1 Members discussed the Chairs assessment of the CEO's performance for the previous 6 months and agreed with this assessment.

24. CEOs Performance Targets Jan-June 2014

- 24.1 Members noted the proposed new targets which the Chair has agreed with the CEO and suggested that though they were stretching, they were achievable. Members felt the Chair should make some adjustments to objectives 3 and 8.

25. Any Other Business

25.1 With no other business noted the meeting concluded.

26. Date of Next Meeting

26.1 Members noted the performance management meeting will take place at 10.15am on Tuesday 25 February 2014, followed by the Strategic Development Session with the SMT from 11.15am-4.00pm. The next full Board meeting taking place on Tuesday 25 March 2014, commencing at 10.15 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends at 2.30pm