

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 9.20 AM TUESDAY 30th SEPTEMBER 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

LAWYER:

George Clark
Ian Leitch
Maurice O'Carroll

In attendance:

██████████ (CEO)
██████████ (F&CSM) – items 1-10
██████████ (CM) – items 1-10

██████████ (HRM) – items 1-10
██████████ (HI 1) – items 1-10
██████████ (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	HRM – Human Resource Manager
IL – In-house Lawyer	CM – Clerking Manager
MC – Mediation Co-ordinator	WIP – Work in Progress
FO – Facilities Officer	DC – Determination Committee
SMT – Senior Management Team	FMR – Financial Management Report

1. Welcome

1.1 The Chair opened and welcomed everyone and especially the new Clerking Manager, ██████████ to his first meeting. The Chair revised the order of Agenda to ensure the appropriate members of staff were present at the relevant time.

2. Apologies

2.1 Apologies were received from Fiona Smith, ██████████ (HO) and ██████████ (HI 2).

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 and Draft Finalised Accounts – 30 June 2014

4.1 FMR – 2months to 31st August 2014

4.1.1 The F&CSM spoke to the FMR papers presented and advised that they were for the first two months of the new financial year, up to the 31st August 2014. The F&CSM also circulated a copy of the Balance Sheet, and it was noted that whilst it was too early to amend the projected estimated year end out-turn figures, he reiterated that they will be closely monitored and revised, with the Board being updated as required.

- 4.1.2 The F&CSM also advised that there had been a last minute adjustment to the Year End Accounts as at 30 June 2014, and this was in relation to the annual actuarial report received regarding Final Salary pension liability. The F&CSM explained that whilst there was no obligation on the SLCC to accept these revised actuarial report figures, they have been accepted in keeping with best practice and as a consequence our year end reserves position has been reduced to this effect. The F&CSM advised that there might be a requirement to make future provisions in the budget. It was noted that the reserves position still remained at the upper end of the reserves policy guidelines.
- 4.2 Draft Finalised Accounts Year Ended 30 June 2014
- 4.2.1 The F&CSM spoke to the papers presented and advised that the Audit Committee had met yesterday, 29 September 2014, and confirmed subject to a couple of minor typographical changes recommended that the Annual Accounts are adopted as presented today. Members agreed and approved the formal adoption of the Annual Accounts for year ended 30 June 2014.
- 4.3 Members thanked the F&CSM for the papers and his explanation to the figures as presented today.
- 5. Management Information & KPIs**
- 5.1 The CEO advised that though we were still in the transition of building Reports from Newpro, they were now able to present the average length of open cases at each stage of the process.
- 5.2 Eligibility - The HI 1 (■) provided an update and advised that whilst they were continuing to focus on resolution. It was acknowledged there had been an increase in the number of cases being considered at this stage and that this had resulted in an increase in the average time taken at this stage during this quarter. The HI 1 (■) advised that this was due to the impact of holidays taken over the summer months, staff off long term sick and the implementation of Newpro, but that steps were in place to reduce the current WIP.
- 5.3 Mediation - The HI 1 (■) also advised that unfortunately the current uptake rate of Mediation has reduced this quarter, though the Mediation Co-ordinator was still continuing to try to resolve cases. The HI 1 (■) advised that this rise was due to a marked refusal of Practitioners willing to participate in the process. It was noted that the Mediation Co-ordinator was working on a number of initiatives to encourage both Complainers and Practitioners to participate in Mediation. The CEO advised that both himself, HI 1 (■) and the Mediation Co-ordinator were encouraged by their recent participation at the Mediate Scotland 2014 Conference on 8th and 9th September 2014. The HI 1 (■) reiterated that where both parties agree to participate in Mediation, the resolution rate is excellent.
- 5.4 Investigation - The CEO provided an update in the absence of the HI 2 (■) and advised that whilst there was no “unallocated” queue of cases, unfortunately there was still a heavy reliance on the use of Reporters. However, the CIs were like Eligibility and Mediation stages continuing to work on early resolution to reduce the WIP.
- 5.5 Determination - The CM advised that whilst the workload for quarter one had reduced, the Clerking team were working on the new DC process with Members and were continuing to focus on ‘older’ cases and thus reducing the WIP.
- 5.6 WIP - The CEO advised that though the end of quarter figures were showing decrease in the overall WIP at the Investigation and Determination stages of the process, there had been a slight shift in the increase at the Eligibility and Mediation stages. Members noted that the figures now showed where the Hybrid cases were sitting within the system, and that this now reflects the number of cases which are being considered by the LSS.

5.7 Members thanked the CEO and SMT for their updates to the paper presented.

6. Members Code of Conduct

6.1 The CEO spoke to the paper presented and advised that Members had previously considered this matter at the March and May Board Meetings and this had now been amended to clarify the position of Legal Members in relation to conflict. The Chair also drew Members attention to Section 2, which now included 9 Key Principles instead of the previous 8. Members agreed subject to a minor typographical change to approve and adopt the amended Code as the Code of Conduct for Members, with effect from 30 September 2014.

7. Oversight & Communication Update

7.1 The CEO provided an update in the absence of the HO and spoke to the papers presented and advised that the main focus for the team had been: the production of the Annual Report; and carrying out a number of outreach activities. Members also agreed with the revised Oversight Operational Plan and noted the proposed revised KPIs.

7.2 Draft Annual Report – Members noted the draft Annual Report tabled and agreed, subject to minor typographical changes, with the proposed draft Annual Report be laid before Scottish Parliament.

8. Health & Safety Policy Statement Update

8.1 The Chair advised Members that the FO had set the date for the next H&S meeting and an update would be presented to the next Board meeting. Members noted and approved the Policy Statement presented.

9. Appeals

9.1 The HI 1 (■) advised that since the paper had been drafted another leave to Appeal had been received.

9.2 Members agreed to that they would like to consider the learning points from concluded appeals. The Chair also stated that this item should be a discussion topic at a future Member/SMT Development Session.

9.3 The HI 1 (■) agreed to re-circulate the Appeals outcome paper to Members.

Action	Owner	Due Date
Outcome learning points on concluded Appeals to be a discussion topic at a future Member/SMT Development Session.	Chair/CEO/ HI 1 (■)	Next Dev Session 2015

10. Consistent Decision Making

10.1 The CEO spoke to the table presented and following discussion it was agreed that the SMT would progress the proposed milestones for improving consistency of decision making. It was also noted by the Chair that the original working group was now superseded and no longer required to meet as the Board have instructed that this longstanding action be completed by the January 2015 Development Session.

10.10am comfort break during which the SMT Members left the meeting

10.15am meeting resumed

11. Minutes of Meetings from 29 July 2014

11.1 29 July 2014

11.1.1 Subject to a minor typographical change the Minutes of the Board meeting was approved.

12. Board Actions Registers

- 12.1 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.
- 12.2 It was also agreed that the Chair and CEO would meet prior to the next Board meeting to discuss Legal Strategy.

Action	Owner	Due Date
The Chair and CEO to meet to discuss the Legal Strategy with the In-house Lawyer.	CEO/Chair	Before 25 November 2014

13. Matters Arising from 29 July 2014

- 13.1 There were no matters arising to be discussed.

14. Chairman's Report

- 14.1 Members noted the meetings undertaken by the Chair and the Chair advised that the next Quarterly meeting with the LSS would also include both CEOs, as both himself and the President of the LSS found this to be a very informative and conducive use of their time.

15. Chief Executive's Report

- 15.1 Members noted the meetings undertaken by the CEO and sought clarification on the forthcoming Healthcare Regulation Conference. The CEO advised that this was about the Healthcare profession handling conduct complaints and improving on service and sharing knowledge with other organisations. Members thanked the CEO for this and looked forward to the output on points of interest from this at the next Board meeting.

16. AOB

- 16.1 Possible Review to the Annual Holiday Calendar Dates – it was suggested by the Chair, that as it had been mentioned earlier in the meeting, that one of the major reasons for the impact on KPI targets and increase in WIP, was due to a last minute use of annual leave entitlement being taken before the end of the holiday year end, ie by 30 September. The Chair asked that the CEO and SMT be tasked with considering a possible change to the annual holiday entitlement dates. As at present the annual holiday calendar for staff is from 1st October – 30th September. Members agreed with the Chair's suggestion.

Action	Owner	Due Date
CEO to consider the possible change to the annual holiday entitlement dates.	CEO	25 November 2014

- 16.2 Update from AC – the AC Chair gave a brief synopsis of the AC meeting which took place yesterday afternoon and agreed to circulate a copy of the draft Internal Audit Report on IT to all Members for information. The Chair thanked the AC Chair for his update today and asked that the CEO and F&CSM provide an update at the next Board meeting.

Action	Owner	Due Date
CEO to provide an update on the draft Internal Audit Report on IT at the next Board Meeting.	CEO/F&CSM	25 November 2014

- 16.3 With no other business noted the main Board Meeting concluded.

10.40am CEO left the meeting

17. CEOs Performance Review January – June 2014

17.1 Members discussed the Chairs assessment of the CEO’s performance from 1st January – 30th June 2014 and agreed with this assessment and review.

18. CEOs Performance Targets 2014 - 2015

18.1 Members noted and agreed the proposed new targets, which the Chair has agreed with the CEO for the period from 1st July 2014-30th June 2015.

19. CEOs Performance Development Plan 2014 - 2015

19.1 Members noted and agreed the proposed Development Plan, which the Chair has agreed with the CEO for the period from 1st July 2014-30th June 2015.

19.2 Members suggested that they would like to become more involved in ambassadorial roles within the SLCC, with regards to outreach work planned for the coming year. The Chair agreed with this suggestion and that a small working group, of GC, IG and IMcG be set up to see how Members could be utilised going forward.

Action	Owner	Due Date
Small Member working group to meet with the HO to discuss - how Members could be utilised in ambassadorial roles for the SLCC.	GC, IG, IMcG & HO	Meeting to take place by end of February 2015

20. Date of Next Meeting

20.1 Members noted the next Performance Management meeting will take place at **9.30am** on Tuesday 28th October 2014, with a Members Development Session taking place on Monday 24th November 2014 at 2.00pm and the next full Board meeting taking place on Tuesday 25th November 2014, commencing at the earlier time of **9.30am** at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends at 10.55am