

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 9.20 AM TUESDAY 25th NOVEMBER 2014**

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

PRESENT:

LAY:

Bill Brackenridge (Chair)
Kevin Dunion
Ian Gibson
Sam Jones
Fiona Smith

LAWYER:

George Clark
Ian Leitch
Maurice O'Carroll

In attendance:

Matthew Vickers (CEO)
[REDACTED] (F&CSM) – items 1-12
[REDACTED] (CM) – items 1-12
[REDACTED] (FO) – item 10

[REDACTED] (SCI) – item 8
[REDACTED] (HI 1) – items 1-8
[REDACTED] (HI 2) – 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	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 to the 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 Iain McGrory (Vice Chair), [REDACTED] (HO) and [REDACTED] (HR).

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 – 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 four months of this financial year, up to the 31st October 2014. The F&CSM also advised there had been a slight increase in income from Complaint Levy payments received from our bad debt provision. The Chair requested an update on the Complaint Levy payments at the next full Board Meeting.

- 4.1.2 The F&CSM also gave an overview of the Balance Sheet figures which were presented along with the FMR. Members enquired if the F&CSM knew whether or not there would be a projected increase in Members Levy to allow for future budget preparation. It was noted that the LSS had an increase in the number of women now in the profession (approx. 49% of LSS Members were women). The F&CSM confirmed that the LSS and FoA etc would be required to provide projected numbers to allow future Budget planning.
- 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 Enquiry & Eligibility - The HI 1 (■) provided an update and advised that the resolution rate was continuing to increase, and it was acknowledged that there had been an increase in the number of cases which had been accepted as Service complaints and this was due to the ongoing work being carried out at Enquiry stage of the process.
- 5.3 Mediation - The HI 1 (■) also advised that as with last month, unfortunately the uptake rate of Mediation was lower than expected, however the rate of successful Mediations that do agree to Mediate had increased slightly. The HI 1 (■) reiterated that increase in refusals to participate in Mediations was mainly due to the refusal of Practitioners willing to participate in the process. The HI 1 (■) reiterated that where both parties agree to participate in Mediation, the resolution rate had increased. It was noted that Mediation would be offered on some hybrid cases where the Conduct elements have already been dealt with by the RPO.
- 5.4 Investigation – The HI 2 (■) advised that 40% of cases at investigations had now resolved either at pre-report or on report stage and that they were continuing to resolve within the timescales. Members noted that there 33% of cases recorded Hybrid Conduct first and these still had to have the Service element of the complaint investigated by the SLCC.
- 5.5 Determination - The CM advised that whilst the position remained similar to last month for the Clerking team, they were continuing to focus on ‘older’ cases and this should reduce the WIP for next month. The Chair enquired as to when the figures would be able to report on individual issues of complaint rather than the overall number of complaints. The CEO confirmed that this information was being recorded in Newpro but it would be a few months before this information would be available.
- 5.6 WIP - The CEO advised that they were in the transition of capturing cases on a month by month basis, they were now reporting on the number of cases sitting within the Compliance stage of the process.
- 5.7 Members thanked the CEO and SMT for their updates and explanations to the paper presented.
- 6. Communications & Oversight Update**
- 6.1 Rules Consultation – In the absence of the HO, the CEO spoke to the paper presented and advised Members that the deadline for comments had now passed (17th November 2014). He also advised that during this consultation period they became aware of future potential changes to timelimits which will be required under the new EU ADR Directive that is due to come into force on 1st July 2015. It has therefore been agreed that there will be no change to our proposed Timebar Policy that was due to come into effect on 1st January 2015; this will now be deferred until the EU ADR Directive implementation date of 1st July 2015. It was noted that all other Rules changes will go forward for implementation from 1st January 2015, will be those that are required to coincide with the changes of the Act.
- 6.2 LSS/SLCC Video – Members requested a viewing of the video which was now on both websites and it was agreed that this would be shown at the end of the meeting.

- 6.3 Potential Research topic – Members noted that a further research topic might be to review service standards from the Consumers perspective and agreed that this would be an interesting piece of work and research.
- 6.4 Outreach activities – Members reminded the CEO that they would like to be more involved in ambassadorial roles and could be utilised for future outreach activities. Members also advised they would like to have an indication of how many practitioners attend the outreach workshops.

Action	Owner	Due Date
HO to include in future Communications and Oversight Update papers, an indication on how many practitioners attend outreach workshops.	HO	27 January 2015

- 6.5 Operating Plan – Members noted the content of the Oversight Operating Plan and that as the overall business Operating Plan would be reviewed at the January Board Meeting. It was agreed that this might have an impact on the Oversight Operating Plan and therefore might need revised at a later date.

7. Proposed Budget 2015/16

- 7.1 The F&CSM spoke to the papers presented and Members agreed in the importance of forward planning, as this will give greater emphasis on the predictions currently being made by SGvt regarding reducing spending options in the future. Following discussion it was agreed that going forward, an assurance would be given that there would be more joint training between Members and staff, as Members raised concern that there was still an outstanding training issue for them.
- 7.2 Members agreed with the proposed draft Budget and noted that this would be finalised in January along with the revised Operating Plan, which will include future objectives and activities for the SLCC.
- 7.3 Members discussed the option of ‘polluter paying’ with regards to continuing with the policy of increasing the proportion of total levy then this will increase the amount from Complaint Levy Income received.
- 7.4 Members reiterated their agreement with the proposed Budget for 2015/16 however stressed that the narrative would be important for the Budget Consultation in January 2015.
- 7.5 Following discussion it was agreed that the CM would provide an update paper on the application of the Complaint Levy Policy to the January Board Meeting.

Action	Owner	Due Date
Update paper on the Complaint Levy Policy.	CM	27 January 2015

10.45am comfort break after which SCI (■) joined the meeting

11.00am meeting resumed

8. Appeals

- 8.1 The HI 1 (■) advised that since the paper had been drafted another leave to Appeal had been received.
- 8.2 Members thanked the HI 1 (■) for the update and explanation to the paper presented.
- 8.3 The HI 1 (■) also advised that as she was due to leave later this week, the SCI (■) would be continuing to progress ongoing and new Appeals in her absence.

11.10am SCI (■) left the meeting

- 8.3 The Chair and Members gave a vote of thanks to the HI 1 (■) for all her hard work whilst at the SLCC and in particular on Appeals and took the opportunity to wish her every success in her new role.

11.12am HI 1 () left the meeting

9. Consumer Panel Update

9.1 In the absence of the HO, the CEO spoke to the paper presented and advised Members that it would be the organisations that were represented on the Consumer Panel and not the individuals. Members agreed with the organisations represented and any changes in personnel should be noted to the Board, as and when required.

11.15am FO joined the meeting

10. Annual Health & Safety Report

10.1 The FO gave an overview of the paper presented and advised Members that there were 5 recommendations for action and the Chair confirmed that these should be completed by the January Board Meeting.

10.2 Members thanked the FO for the production of a good report on H&S matters.

10.3 The Chair also took the opportunity to remind Members to 'sign-in'.

11.20am FO left the meeting

11. Risk Update

11.1 Members noted the paper presented by the CEO and agreed with the overall summary given. However, it was agreed that as this had not been considered by the AC it should be done so by them at their next meeting and then brought back to the following Board Meeting.

Action	Owner	Due Date
AC to consider the Risk Update at their next meeting and then an updated Risk Register to be presented to the following Board Meeting.	CEO & AC	January 2015

12. Consistent Decision Making

12.1 The CEO gave a brief overview of the Member and SMT Development Session which took place yesterday (24th November 2014). Both Members and SMT agreed that this was a beneficial session for all who took part. It was agreed that the HI 2 () would circulate a list of future discussion topics.

Action	Owner	Due Date
HI 2 () to circulate the list of future discussion topics.	HI 2 ()	ASAP

12.2 Members reiterated that they were keen to not lose sight of the Mindset and Preference issue which has been a long-standing action and it was agreed that the CEO would arrange a Working Group meeting with FS, KD, the HI 2 (), the CM and himself. The Chair asked that this group give a brief report to every future Board Meeting.

Action	Owner	Due Date
Small working group to meet with the CEO to discuss – consistent decision making and mindset and preference, and report back to future Board Meetings.	CEO, FS, KD, the HI 2 () & the CM	January 2015

11.30am the CM, HI 2 () and F&CSM left the meeting

13. Minutes of Meetings from 30 September 2014 and 28 October 2014

13.1 30 September 2014

13.1.1 Following discussion it was agreed that the Minutes of the Board would be revised at point 19, with an additional action being added and these Minutes circulated by email for approval by Members.

13.2 28 October 2014

13.2.1 The Minute of the Performance Management meeting was approved.

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.

14.2 It was also agreed an update on the Actions Register be given at both future Performance Management and Board Meetings.

15. Matters Arising from 30 September 2014 and 28 October 2014

13.1 There were no matters arising to be discussed.

16. Chairman's Report

16.1 Members noted the meetings undertaken by the Chair and the Chair advised that both he and the CEO would be meeting with the new Minister, Paul Wheelhouse, on 11 December 2014. The CEO advised that Jan Marshall would still remain our contact within the SGvt Sponsor Department.

17. Chief Executive's Report

17.1 Members noted the meetings undertaken by the CEO.

18. Board Plan Proposal

18.1 Members discussed, agreed with the revised proposal presented by the Chair for Board and other meetings. It was also suggested by Members that if there is a requirement for reconvened DCs then they take place on Monday's prior to Board Meetings.

Action	Owner	Due Date
Clerks to arrange reconvened DCs on Mondays prior to Board Meeting dates.	CM	Ongoing & as required

19. Date of Next Meeting

19.1 Members noted the next Performance Management meeting will take place at **10.15am** on Tuesday 16th December 2014, with a Members Strategy Session taking place on Monday 26th January 2015 at 10.15am and the next full Board meeting taking place on Tuesday 27th January 2015, commencing at **9.30am** 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 11.45am