

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.00 AM TUESDAY 11th December 2012**

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

PRESENT:

LAY:

Jane Irvine (Chair)
Iain McGrory
Ian Gibson
Sam Jones
Fiona Smith

LAWYER:

George Clark
Ian Leitch
Maurice O'Carroll

In attendance:

Matthew Vickers (CEO)
[REDACTED] (F&CSM) (for part of meeting)
[REDACTED] (FO) (for part of meeting)
[REDACTED] (GWTM) (for part of meeting)
[REDACTED] (minutes)

Abbreviations used:

LSS – Law Society of Scotland
SGvnt – Scottish Government
RPOs – Relevant Professional Organisations
CIM – Case Investigations Manager
GWTM – Gateway Team Manager
F&CSM – Finance and Corporate Services Manager
IO – Information Officer
OD – Operations Director
KPIs – Key Performance Indicators

1. WELCOME, APOLOGIES AND DECLARATION OF INTERESTS

- 1.1 Declarations of interest were declared by George Clark, Maurice O'Carroll and Ian Leitch in relation to the discussion to take place in relation to the pecuniary interest within the draft budget. All Members declared a note of interest in relation to the discussion due to take place on the draft Members' Disciplinary Policy.

2. MINUTES, MATTERS ARISING AND BOARD ACTIONS REGISTER

- 2.1 Further discussion took place regarding the output of the Minutes from 20 November 2012.

Point 2.3 - Particularly, in relation to previous discussions on the KPIs set within the new proposed structure, and the need to capture qualitative KPI information. It was agreed that the CEO would provide detail on the 4 stages of the Complaint Handling process, ie Eligibility, Mediation, Investigation and Determination, as this information would be of assistance to the new Operations Director (OD). The CEO agreed that this information is required for the commencement of OD. It was agreed that the operating plan would reflect the KPIs of the organisation, and that the CEO would provide a qualitative output of the KPIs for March 2013.

Action	Owner	Due Date
CEO to provide a qualitative analysis of the KPI information on the 4 stages of the Complaint Handling Process on a monthly/quarterly and yearly basis.	CEO	January 2013

Point 3.2 – Members sought clarification on this point which would be covered under the draft Budget discussion later in the meeting.

Point 4.2 – Further discussion took place regarding the review of the Scheme of Delegation, in that there was a need to consider the transitional arrangements of the Chair role which should be reviewed if appropriate upon the appointment and commencement of the new Chair. It was recorded that in the interim the Vice Chair, Iain McGrory would take up the role of Chair with delegated authority until the SGvt appointment of the new Chair. Members are mindful of Schedule 1 of the Act.

Action	Owner	Due Date
CEO to overall review the Scheme of Delegation to incorporate new signatories and transitional arrangements of the new Chair.	CEO	By 21 December 2012
The CEO to circulate a list of out of hours contact numbers for cover over the Festive period.	CEO	By 21 Dec 2012

Point 7.3 – It was noted that within the Annual Health & Safety Report, the SLCC should be ensuring they are compliant with current Display Screen Equipment Regulations on an on-going basis.

Action	Owner	Due Date
CEO to ensure the SLCC is compliant with current Display Screen Equipment Regulations.	CEO	February 2013

Point 8.2 – It was acknowledged by Members that the information which is currently on the SLCC website was of a good standard however, Members were keen for this to be expanded upon by the Oversight team. It was agreed that the Timebar Policy was to be reviewed, and it was suggested that IL assist GWTM in the revising of this policy.

Action	Owner	Due Date
Time-bar Policy Paper to be reviewed to incorporate fairness to consumers, redraft paper and include reasons for admitting complaints.	CEO/GWTM/IL	February 2013

The Board approved the minutes of 20 November 2012 subject to the above amendments.

- 2.2 **Board Actions Register:** The Chair reviewed the Board Action register and it was noted that whilst some points would be covered in today's agenda, it was agreed that the outstanding actions would be reviewed and an updated register circulated including the actions from the last Board Meeting.

F&CSM and FO joined the meeting

3. BUDGET

3.1 The F&CSM provided Members with an explanation to the previous Board Minutes of point 3.2 who expanded on this for the benefit of the Members. It was agreed that the explanatory information on the calculations of the forecast outturn would be provided by the F&CSM before the draft Budget is circulated.

3.2 **Financial Management Report to November 2012:** The F&CSM updated the Board on the most recent FMR which is broadly similar to October's, which will assist in providing a supporting analysis of expenditure trends to inform the 2013-14 budget. Total expenditure to date is £1,242,402, which is higher than budget. A number of significant variances are contained within the figures, and the key points arising from these are noted below:

- Staff salary costs are £75,439 higher than budget. The total includes £60,223 of outsources and agency staff costs up to the end of December and the net effect reviewed to the end of December which will impact onto the staffing costs in January.
- Indirect staff costs remain higher than normal at £13,747 as they include training in the new IT system. The job evaluation costs incurred to date are under other staff costs which are higher than last year.
- Direct case costs (case related legal costs etc) are £15,797 higher than budget and it was noted that Appeals are impacting on this cost.
- IT costs are £71,801 higher than budget. Expenditure shown includes £39,000 for Workpro report development, £17,333 for Workpro support costs to November, and £6,000 for the NVT support contract to November. The balance of expenditure is for additional equipment and licences.
- Savings have been achieved in a number of areas: insurance, office running costs. It was noted there was no change to forecast from last month and these have been reflected in the estimated out-turn.

3.2 The estimated expenditure out-turn is shown as £2,913,519, which is £126,688 higher than budget. Income is projected to be £48,174 higher than budget, and the net effect of the forecast, after taking into consideration the original budgeted deficit of £125,488, is to produce an overall deficit of £204,002. This would in turn reduce reserves to £748,998 at the end of June 2013, broadly in line with current policy of retaining 3 months turnover.

3.3 The Audit Committee Chair advised that going forward within Indirect Staff Costs, the heading - Members Expenses would be re-named Member Travel and Subsistence which is in line with the title contained within the Annual Accounts.

3.4 There was a general discussion about the policy on the use of reserves. The F&CSM would present an amended policy to the Audit Committee in January 2013.

Action	Owner	Due Date
F&CSM to present an amended Reserves Policy to the Audit Committee.	F&CSM	29 January 2013

11.45am FO left the meeting

- 3.5 **Draft Budget 2013/2014:** The CEO and F&CSM presented the revised paper setting out the proposed expenditure budget and indicative levy in line with the SLCC's policy for budget setting. The Chair sought clarification as to whether this was the final version which was ready to be communicated to the RPOs. The CEO confirmed that the document would be supported by an explanatory rationale. Members agreed that this information would be circulated separately for approval.
- 3.6 Members sought clarification on the increase in staff costs and the impact on the levy. The CEO advised that the increase in staffing costs was due to the Operations Director appointment and the restructure of the organisation and the costs associated with staff changing roles.
- 3.7 Members approved the proposed Draft Budget paper but noted that the CEO to provide explanatory notes by email to Members.

Action	Owner	Due Date
The CEO and F&CSM to circulate the explanatory notes which will accompany the Budget documents to RPO by email.	CEO	21 December 2012

12.15pm F&CSM left the meeting

4. CEO UPDATE

- 4.1 Members sought clarification from the CEO regarding the completed grading analysis. Due to a conflict in this discussion the Minute taker left the meeting to allow a free and frank discussion on the matter by Members and the CEO.

12.20pm Minute taker left the meeting followed by a break for lunch meeting resumed after lunch at 1.20pm

- 4.2 The CEO advised the Board that the interviews had now concluded on the role of Operations Director and we were now in a position to make an offer and confirmation would be communicated to Members once the individual has accepted.
- 4.3 The Board noted the rest of the CEO Update regarding the initial meeting with RPOs and Consumer Groups around areas of the 2007 Act which could be improved on a collaborative means. It was noted that further clarification was being sought in relation to the preparations for the 2010 Legal Services Act and the CEO would appraise the Board on the role of the SLCC in handling these complaints.
- 4.4 Members sought clarification regarding the projected impact of workflow from Investigations to Determination and when they were likely to be considered by Members. This then led Members on to a discussion regarding the timescales of notification of cases and papers to Members for Determination and it was decided that this would remain at 3wks notice for conflict checks and a maximum of 7 cases considered at any one time at Determination stage.

5. HR/STAFF GOVERNANCE

- 5.1 **Workforce Trends Report:** Members noted that there was a general rise in sickness levels within the SLCC and noted the contents of this good paper prepared by the MA.
- 5.2 **Annual Workforce Equalities Report:** The Board noted the content of this good paper prepared by the MA. This report triggered a wider discussion about the responsibilities of the SLCC with regards to carrying out a Quality Impact Assessment and the statutory obligation of the SLCC to comply with the Equalities Act 2010. It was acknowledged that the SLCC would carry out an Impact Assessment on our policies in the 1st Quarter of the New Year. It was also agreed that the CEO would review the Equality Objectives of the organisation in preparation of the statutory obligation of the SLCC in gathering data under the Equalities Act 2010.

Action	Owner	Due Date
CEO to review the SLCC's Equality Strategy obligation.	CEO	By April 2013

- 5.3 **Draft Members' Disciplinary Policy:** The Chair explained reasoning behind the drafting of this policy externally due to the Members having declared a conflict in this matter. However, following a discussion it was suggested that the policy be amended to include the right of Members to have legal representation, to ensure the fairness to all parties involved in the process. Members agreed that it was appropriate for the Chair to establish the facts and make the decision but be assessed by two others in the process. It was agreed that the Chair would amend the draft policy in light of the discussion and re-circulate a copy to Members by email.

Action	Owner	Due Date
Chair to amend and re-circulate the Members' Disciplinary Policy.	Chair	By 21 Dec 2012

2.40pm GWTM joined the meeting

6. ANY OTHER BUSINESS

- 6.1 **Appeals Update:** The GWTM reported that since the paper had been sent out, there had been another appeal heard at the Court of Session and gave Members a synopsis of this appeal and an update of current appeals. It was agreed that the GWTM would continue to update Members on the status of live appeals and let them know when there is a court case coming up via email so Members can attend, if appropriate.

2.50pm GWTM left the meeting

- 6.2 **Strategic Risk Register:** Members agreed with the CEO regarding the changes to risks 3 and 5 but also suggested a change to risk 8 in light of the discussions earlier regarding the transitional arrangements upon the appointment of the new Chair. Members also agreed that this topic should be conducted earlier in future Board meetings, and would follow the standing items of Minutes, Matters Arising and Board Actions Register discussions going forward and tabled with the CEOs Update Paper.
- 6.3 It was noted that this was the official last meeting of the current Chair, Jane Irvine and a vote of thanks was given to the Chair.

7. DATE OF NEXT BOARD MEETING

- 7.1 The next Board Meeting due to be held on Tuesday 22nd January 2013 at 10.10 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends 2.55pm