

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.00 AM MONDAY 5TH SEPTEMBER 2011**

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

PRESENT:

LAY:

Jane Irvine (Chairing Member)
Linda Pollock
Douglas Watson
Ian Gordon
Siraj Khan (part of meeting)
Fiona Smith

LAWYER:

David Chaplin
Maurice O'Carroll (part of meeting)
Alan Paterson
Margaret Scanlan

APOLOGIES:

[REDACTED]

Iain McGrory
David Smith

In attendance:

Rosemary Agnew (CEO)

[REDACTED]

Abbreviations used:

LSS – Law Society of Scotland
SGvt – Scottish Government
RPBs – Relevant Professional Bodies

1. WELCOME, APOLOGIES & DECLARATION OF CONFLICT OF INTERESTS

1.1 Apologies –Iain McGrory and David Smith and [REDACTED]

1.2 Members confirmed there were no conflicts of interest.

2. APPROVAL OF PREVIOUS MEETINGS MINUTES

2.1 The draft SLCC minutes of 18th July 2011 were approved with minor typographical changes at 3.1 and 4.2.1.

3. MATTERS ARISING FROM LAST MINUTES

3.1 It was noted that the Chairs action point from 7.3 would be ongoing from the last Board meeting.

4. COMPLAINTS UPDATE

4.1 **Investigations Update:** The CEO reported on behalf of the Case Investigations Manager on complaints paper 4.2. which summarised the actions being taken in respect of old cases at investigation stage and reasons for variations between investigators of numbers held, it was also noted that there was an increase in cases being closed at Investigation stage.

- 4.2 Members noted that the Case Investigators were now making in-roads to reducing their case loads and that steps were being taken in respect of performance and peer review.
- 4.3 Members also requested a quarterly update and the CEO agreed that this would be provided for the December/January meeting.

Action	target	actual	Comment / update
ACTION: CEO to provide a quarterly update for Dec/Jan Board meetings.	Dec 2011		

- 4.2 **Appeals Update:** The CEO gave an update on the current appeals with the SLCC. Members noted that appeals should be reflected within the Risk Register, which the CEO confirmed it was.

10.40am [REDACTED] joined the meeting

5. OVERSIGHT

- 5.1 **Handling Complaints Update:** Members thought that the proposed change in this procedure should go to the Rules Committee. The CEO proposed that a working party be set up to review the SLCC Rules and suggested that this involve our legal advisers, the Clerks, Case Investigators in order to have a structured review of the Rules and feedback any proposed changes to the Rules. The Chair suggested that this should also include representatives from existing and new Members of the Board in order for this to be taken forward next year.
- 5.2 The process also highlighted the need for an amendment to the Rules. The CEO explained her proposal for setting up a working party to review all of the Rules. Members agreed this setting up of the working party, whose output would be presented to the full Board for comment and approval prior to consultation. The Board was keen to ensure that the experience and expertise of existing members is drawn upon and that the working party should include an existing Member. It was agreed that those interested in being on the working party should send nominations to the Chair who will select, ideally one existing original member and one existing new member
- 5.3 The CEO advised that timescales were dependent on a legal opinion currently being sought and which would impact on the rules.

Action	target	actual	Comment / update
ACTION: Members to express interest to the Chair and existing Members to feed into the Rules revisal Working Party.	ASAP		

10.05am [REDACTED] left the meeting

- 5.4 **Guarantee Fund Research Update:** The CEO confirmed that the information was now on the website and it was noted that a freepost address had been set up for replies to further questionnaires. The SLCC is waiting for confirmation from the LSS that it will be issuing the questionnaires.

6. AUDIT COMMITTEE – QUARTERLY UPDATE

- 6.1 **Approval of AC Minutes from 21.07.11:** It was noted that the AC had now met on 4 occasions and had made a contribution to the governance of the SLCC. The Minutes of the AC included the feedback from the Internal Auditors which was noted to be very helpful and constructive.
- 6.1.1 It was suggested that a few of the topics raised could be discussed in more detail at the Members off-site meeting on 21st September 2011, these include:
- Improvements in QA procedures and the role of the Board as key-decision makers.
 - Management of Board Members.
- 6.1.2 Financial Management Report – overlap to the Annual Accounts, it was noted that the final reserves were not hugely different and would be discussed in more detail when the Finance and Corporate Services Manager joined the meeting.
- 6.1.3 Risk Management – in line with the recommendation from the Internal Auditors the revised Risk Register was circulated.
- 6.2 **Annual AC Report to the Board:** Members noted the content of paper 6.2 and were advised that there would be a statement about the Audit Committee in this year's Annual Report. Members intimated that this was a comprehensive and well-written document.
- 6.3 Members approved the AC Minutes and Annual AC Report. Thanks was also expressed to the Chair of the AC for the work put into the review of the AC over the last year.

11.15 – 11.25am break, S Khan left the meeting and [REDACTED] joined the meeting

- 6.4 **Financial Management Report:** The CEO tabled the FMR which was approved by the AC. The CEO explained the variance within the staffing budget which took into account staffing changes.

7. ANNUAL ACCOUNTS & ANNUAL REPORT

- 7.1 **Draft Annual Accounts 2011:** Members were happy with the content of paper 7.1. The CEO advised that this draft version was as close to the final version that has gone before the Auditors for finalising this years Accounts.
- 7.2 **Draft Annual Report 2011:** Members enquired to the deadline for the production of the Annual Report. The CEO advised that this should be presented in draft format for early November for production during November. It was agreed that the draft should be circulated to Members by email for approval for publishing early November.

Action	target	actual	Comment / update
ACTION: CEO to circulate the draft Annual Report to Members for approval by email	Early Nov		

8. INTERNAL AUDIT

8.1 **Summary of Internal Audit Findings:** The Chair of the AC advised that the AC had reviewed the full IA findings and the CEO's summary provided a concise overview of the IA report. Following discussion it was agreed that a few points should be parked and discussed at the Member off-site meeting later this month:

- 5.8 – Member Board QA targets and how are these measured and reviewed;
- 5.11 – who is responsible for identifying ongoing Member training needs and prioritising Members' training budget.

Action	target	actual	Comment / update
ACTION: Chair to implement Board Quality Assurance processes and targets. Assess Member training needs and required budget.	Dec Board meeting		

8.1.1 Members discussed the outstanding HR Strategy referred to in the report, which is currently in draft. It was agreed that the CEO would aim to present this at the November Board meeting in order to stimulate a discussion between Members.

Action	target	actual	Comment / update
ACTION: CEO to present the revised draft HR Strategy to the Board.	Nov's Board Mtg		

8.1.2 Discussion ensued regarding the use of electronic files or whether to continue using paper files. Members concluded that they found paper files beneficial and suggested they continue to do so.

8.2 **Annual Review of Risk Register:** The CEO explained the change in policy and why strategic and operational risks need to be recorded in separate registers. The Board approved the policy change but specified that the operational risk register should make it clear which operational risks were in relation to Members' operational complaint decision-making functions.

8.2.1 After discussion it was agreed that a Strategic Risk Register would be monitored as now by the AC, who would also have access to the Operational Risk Register. The CEO would report quarterly to the Board on the strategic risk register. The Strategic Risk Register will go to every Board Meeting.

12noon M O'Carroll left the meeting

8.2.2 Members confirmed they were content with the proposed Strategic Risk Register with an overview of the Operational Risk Register Report being provided by the CEO.

Action	target	actual	Comment / update
ACTION: CEO to implement risk policy and report to next AC.	Oct AC		

12.20pm [REDACTED] left the meeting

9. GOVERNANCE

- 9.1 **Review of Governance Arrangements:** Members raised concern they were being asked to approve a document which did not highlight any tracked changes to be made within the document. It was therefore agreed that the Chair and CEO would circulate a copy by email to Members, along with a cover note explaining the changes and this would be discussed in detail at the October Board Meeting.

Action	target	actual	Comment / update
ACTION: CEO to circulate a copy of the Governance Arrangements paper 9.2a with tracked changes to Members. These will be discussed at the next Board meeting.	ASAP		

- 9.2 **Revised Standing Orders:** Members agreed that in light of their earlier discussion on the review of the Governance Arrangements they would also discuss Standing Orders and Code of Conduct all together at the next Board meeting in October.

Action	target	actual	Comment / update
ACTION: Standing Orders and Code of Conduct to be discussed along with Governance Arrangements at next Board meeting.	Oct Board Mtg		

- 9.3 **Remuneration and Staff Governance Advisory Committee:** Members noted that the title of this Advisory Committee had changed from the agreed Remuneration Advisory Committee, however paper 9.2c was agreed in principal with the revision of the title. Members agreed with the Chairs proposal that this Committee should be Chaired by F Smith who would work with the CEO and feedback to future Board meetings.

Action	target	actual	Comment / update
ACTION: CEO and FS to present proposed TOR for the Remuneration Advisory Group	Oct Board Mtg		

- 9.3.1 It was also agreed that the previous minutes from the Remuneration and Staff Governance Meeting would be added as an Agenda item for the next Board Meeting in October.

Action	target	actual	Comment / update
ACTION: Remuneration & SG Minutes to be presented at next Board meeting by CEO.	Oct Board Mtg		

- 9.3.2 **CEO Update:** The CEO gave a verbal report to the Board on her main areas of activity over the last month which included attending the NDPB CEO Forum Meeting.

10. CHAIR UPDATE

- 10.1 The Chair reported that there had been a good response to the recent advert for new Board Member recruitment and there were 3 days planned this week for interviews. The Chair has been asked to Chair a Health Professionalism Conference which will take place later this year and has also been asked to review a case as temporary Judicial Ombudsman on behalf of the Ombudsman in England and Wales.

11. ANY OTHER BUSINESS

- 11.1 Members suggested a proposed change to the Standing Orders should review the option for participating at meetings via conference calls as this raised issues when discussing confidential matters. However, it was agreed that this would remain included to ensure we comply with the Equalities Act.
- 11.2 The CEO suggested a proposed change to the Board Meeting dates for 2012 in that they move from Monday to Tuesday. It was agreed this would be given consideration.

12. DATE OF NEXT BOARD MEETING

The next Board Meeting due to be held on Monday 24th October 2011, 10 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends 12.55 pm