

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 11.00AM ON MONDAY 18TH JANUARY 2010, 10.00 AM
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG**

PRESENT:

LAY:

Jane Irvine (Chairing Member)
Ian Gordon (conference call, part of mtg)
Linda Pollock
Douglas Watson
George Irving

LAWYER:

Margaret Scanlan
David Smith
Alan Paterson

APOLOGIES:

David Chaplin and Eileen Masterman (CEO)

In attendance:

Rosemary Agnew (ACEO, HOI) (part of the meeting)
Doreen Graham (HOC) (part of the meeting)
Sam Hudson (Minutes)
(Case Investigators) (part of meeting)

Abbreviations used:

LSS Law Society of Scotland
FoA Faculty of Advocates
SGvt Scottish Government
SRA Solicitors Regulatory Authority

1. APOLOGIES

As noted above.

2. DECLARATION OF CONFLICT OF INTERESTS

None.

3. MINUTES & MATTERS ARISING OF 23&24.11.09 and 22.12.09

3.1 **23&24.11.09** – The minutes of the 23rd and 24th November were agreed subject to minor typographical changes.

3.2 **22.12.09** – The minutes of the 22nd December were agreed subject to minor typographical changes.

3.2.1 Matters Arising from 22.12.09

A Determination Committee was held last week which Members would like to request some advice in relation to.

9	ACTION: ACEO to obtain feedback from Clerk	DUE: ASAP
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3.2.2 Members discussed the process in responding to public consultations and asked that the ACEO prepare a policy on Responding to Public Consultations.

10	ACTION: ACEO to prepare draft policy for Board.	DUE: Board meeting – March 15 th 2010
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3.2.3 Members from ARAC updated the Board that Grant Thornton gave assurance that in relation to their audit, they did not consider legal Members to be representatives of the profession as part of the SLCC process.

3.2.4 **VAT:** External Adviser has not yet provided their report .

11	ACTION: ACEO to chase VAT report and update Board.	DUE: Board meeting – February 15 th 2010
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4. ACEO REPORT

The ACEO provided a verbal update for the Board on the following:

- 4.1 The priority has been working on the monthly reports and budget;
- 4.2 A meeting has been arranged for the ACEO and Chair to meet with SLAB regarding the internal audit arrangements.
- 4.3 A new Board Meeting 'Actions Register' has been created and will be distributed to senior management and Board Members following every Board meeting.
- 4.4 Legal advice has been sought in relation to matters relating to the organisational structure and basic advice has now been provided. Members asked that a detailed paper be provided for the next Board meeting for consideration.

12	ACTION: ACEO to prepare paper on organisation structure to bring to the Board.	DUE: Board meeting – Feb 15 th 2010
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4.5 Members asked that an update on the draft Policy be brought to the next Board meeting for consideration.

13	ACTION: HRM to provide update on draft policy for next meeting.	DUE: Board meeting – Feb 15 th 2010
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- 4.6 The ACEO confirmed she had commissioned a User Requirement for an IT system. This is being done on the basis that if the SLCC need to purchase a system, there will be a complete User Requirement for tender purposes.
- 4.7 The ACEO is due to meet with Angela McArthur's replacement regarding moving the Management Agreement forward.
- 4.8 The ACEO issued all Members with a folder of current policies. As new policies are agreed, these will be given to Members to update their folders.

4.9 **Complaints Statistics:** The ACEO provided members with an overview of the most recent statistics. Members agreed they were happy with the format subject to a small change in presentation of graphs.

4.9.1 It was agreed that the Clerk would provide Members with further breakdowns on the VFTM figures.

14	ACTION: Clerk to provide Members with breakdown on FVTWM figures.	DUE: Quarterly
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4.9.2 It was agreed that the quarterly statistics would be published on the website and passed to the SG in the same format on a quarterly basis.

5. BUDGET & FINANCE

5.1 The ACEO provided a presentation on the budget and levy setting for the Board. A discussion ensued and the following recommendations were made and agreed by the Board:

5.1.1 The complaint levy remains unchanged;

5.1.2 The reserves are set at up to 6 months;

5.1.3 The general levy remains unchanged;

5.1.4 Members agreed they were content with the allocation of the levies;

5.1.5 It was agreed that the budget would go out to consultation on this basis

5.2 **Reserves Policy:** The ACEO will write a draft Reserves Policy now that a reserves level has been agreed.

The principle of setting the reserve fund of up to 6 months of running costs was agreed.

15	ACTION: ACEO to provide draft Reserves Policy for next Board meeting	DUE: Board meeting – Feb 15 th 2010
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5.3 **Complaint Levy:** It was agreed that the complaint levy would remain as is, allowing the SLCC to exercise discretion to waiver down. The policy will be used to exercise adjustments.

5.3.1 Members agreed that they would like to see a link between the size of levy and the cost of work undertaken in relation to the case.

5.3.2 In light of changes to the Rules which give the SLCC discretion to waive some or all of the levy, the Policy will be re-drafted following further discussion.

The Chair recorded thanks to the ACEO and HRM for their hard work on the budget.

6. REQUESTING INFORMATION

The HOI and two Case Investigators presented a proposed policy for 'Requesting information, documentation and explanations'. A discussion ensued and the Members requested a small change in that court-related decisions will be made at CEO level. This policy is to be re-presented to the Board in February for approval. In the interim, these requests will be made to the Chair from the ACEO.

16	ACTION: CEO and Case Investigators to make appropriate change and bring back to Board.	DUE: Board meeting – Feb 15 th 2010
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Member only discussion and lunch 12.10pm

Meeting resumed 2.24 pm

7. CHAIR REPORT

7.1 The ACEO and Chair updated Members on current determination appeals. The Board gave a direction that in the Appeal updated by ACEO, the SLCC should be pursuing a Bond of Caution in respect of expenses.

8. OVERSIGHT

The Chair of the Research Group gave an overview of the paper on Oversight and a brief discussion ensued. It was agreed that the Board would authorise the Chair of the Research Group:

- 8.1 to instruct Professor Stephen to conduct the necessary statistical analysis of such worthwhile data as is made available to him by the Law Society and Marsh in relation to the two schemes at a cost not exceeding £6k inclusive of VAT;
- 8.2 and to prepare a tender for the survey research of a stratified sample of claimants and practitioners of each scheme if the Law Society and Marsh confirm in writing that they will assist in the distribution of such questionnaires

9. ANNUAL REPORT

The HOC provided the Board with a preview of the Annual Report due to be launched February 8th 2010. The Board agreed they were all happy with the format and content, and thanked the HOC for her work in producing an excellent report.

5. DATE OF NEXT MEETING

The next Board Meeting will be held on Monday 15th February 2010, 10 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.