

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 11.00AM ON MONDAY 15TH FEBRUARY, 10.00 AM
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG**

PRESENT:

LAY:

Jane Irvine (Chairing Member)
Ian Gordon
Linda Pollock
Douglas Watson
George Irving

LAWYER:

David Chaplin
David Smith
Alan Paterson

APOLOGIES:

Margaret Scanlan and Eileen Masterman (CEO)

In attendance:

Rosemary Agnew (ACEO, HOI)
Doreen Graham (HOC) (part of the meeting)
Sam Hudson (Minutes)
Allison Leitch (HR Manager) (part of meeting)

Visitors in attendance:
(For Budget part of mtg)

Lorna Jack, CEO, LSS
Alison Atack, Convenor of Regulatory Committee, LSS
Philip Yelland, Director of Regulation, LSS
Non-solicitor Observer
Iain Armstrong, Vice-Dean, FoA
Carole Ferguson-Walker, Faculty Solicitor FoA

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. BUDGET

3.1 **Attendance by the LSS** – The Chair thanked the LSS for visiting today. The LSS CEO thanked the SLCC Board for the opportunity to comment directly on the proposed Budget for 2010/11 and stated that she hoped that the comments would be taken into consideration. The LSS stated they would like to comment on particular points:

3.1.1 The LSS's main concerns were regarding the levels of Reserves and Contingency in the budget.

- 3.1.2 The LSS proposed that the SLCC reduce the practising certificate levy by a further £50 to 'return what is due to the profession for what they paid at the start up of the SLCC'.
- 3.1.3 The LSS also expressed concern at the amount designated to Special Projects.
- 3.1.4 A discussion took place regarding whether firms were informally settling complaints more effectively and the LSS indicated this was possible, but only anecdotally.

The Chair assured the LSS that the Board will look at the budget again and come back to the LSS with their response.

LSS left the meeting at 11.20 am

3.2 Attendance by the FoA – The Chair thanked the Vice-Dean and FoA Solicitor for attending the Board meeting today. The Vice-Dean had three main contentions to make:

- 3.2.1 With four legal Members on the Board, none are or have been Members of the FoA and he would like to see that addressed.
- 3.2.2 The FoA would like the SLCC to give consideration to proportionate Levy Fees for the FoA in relation to the relatively few complaints upheld against Faculty Members, and asked for a discount to be made of 2/3rds.
- 3.2.3 The FoA also expressed some concern over the level of Reserves.

The Vice-Dean stated he would raise these points in writing to the SLCC, and the Chair assured the FoA that the Board will address these matters and come back with their response.

4. MINUTES & MATTERS ARISING OF 18.01.10

- 4.1 The minutes from 18.01.10 were approved by the Board subject to some minor typographical amendments.
- 4.2 Item 7.1 – In relation to the point, it was agreed that with regard to the particular case being discussed, that a Bond of Caution would not be pursued in that instance.

5. CHAIR REPORT

The Chair briefly ran over the main points on her update paper.

6. ACEO REPORT

The ACEO ran over her ACEO update paper, with specific reference to the following:

- 6.1 **Helpdesk Pilot:** The ACEO tabled a proposal written by legal advisors for the provision of a Helpdesk Pilot for a period of 3 months for Members and nominated Managers. It was noted that the Members could ask the Clerk to call the helpdesk on their behalf. Other authorised users are Case Investigations Manager, Gateway Team Manager and Head of Investigation.

- 6.2 **FOISA:** The ACEO updated Members on the alternative arrangements being put in place to deal with FOISA requests and all Members recorded that they agreed with the new arrangements.
- 6.3 **Organisational Structure:** The ACEO updated the Members that she was confident the SLCC had the correct complaint structure in place.
- 6.4 Members expressed some concern regarding the ACEO's workload in the CEO's absence, and the ACEO assured the Board that she was managing, with the assistance of Management in relation to some tasks. The Board acknowledged and thanked the ACEO for the work that was being undertaken.
- 6.5 **Staff Survey:** Members noted the findings from the Staff Survey and further to these, they agreed that there should be at least one staff development day per year that also involved Members.

16	ACTION: ACEO with HR Manager to organise a further staff development day	DUE: no date agreed
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- 6.6 **Management Meetings:** The ACEO updated the Board on the new arrangements for Management meetings and that decisions and actions from these meetings are made available to staff. The Board agreed this was a good idea.
- 6.7 **Internal Auditors:** The ACEO confirmed that new internal auditors had been appointed and distributed an overview of the services and terms and conditions from the provider amongst the Members. The ACEO confirmed she would be bringing a proposed work plan to the next ARAC meeting.
- 6.8 **Board Administration:** All Members noted the paper and agreed with the proposals made.
- 6.9 **Complaints Update:** The ACEO updated Members on complaints figures.

7. POLICIES

- 7.1 **Settlements & Determination:** This policy was generally agreed by Members subject to some changes including the reference to settlements, which should be changed to either settlement/disposal, or just disposal. It was agreed that this would be edited to reflect changes, and agreed by Members by email.

17	ACTION: ACEO to update Settlements & Determination policy and email to Members for approval	DUE: asap
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- 7.2 **Demanding of Information:** This policy was approved.
- 7.3 **Complaint Levy:** This policy was approved

8. COMMUNICATIONS UPDATE

- 8.1 The HOC updated Members on activity in relation to talks/seminars by the SLCC.

9. HR UPDATE

9.1 The HR Manager updated Members on harmonisation.

9.2 **Policies:** Members asked to see an update on HR Policies and timescales at next Board Meeting. They agreed that a redundancy policy was no longer a priority, however, they agreed that the current grievance policy is not fit for purpose and would like to see a draft at a future Board meeting.

18	ACTION: HR Manager to provide draft Grievance Procedure Policy and an update on HR Policies in hand and timescales for being at the Board for approval.	DUE: May 10 th Board Meeting
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10. OVERSIGHT

10.1 **Scope of Oversight Function:** The ACEO updated the Board on her paper and intimated that she intended to have a full-time investigator carrying out work on conduct oversight. The Chair asked that the investigator attends the appropriate meetings.

19	ACTION: ACEO to arrange for Investigator to attend the conduct conversation meeting	DUE: asap
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10.2 The paper was approved and a lengthy discussion ensued on the scope of investigations that the SLCC will undertake in carrying out the conduct oversight function and this would become a standing agenda item at Board Meetings. It was agreed that the ACEO prepare a paper on how the SLCC move forward.

19b	ACTION: ACEO to prepare paper on moving forward with Conduct Oversight.	DUE: 10 th May Board Meeting
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DC left meeting at 4.35 pm

10.3 AP updated all present on the progress of the Master Policy and Guarantee Fund Research. AP is still waiting on a response from the LSS and will ask for a response by the 5th March.

20	ACTION: AP to chase the LSS for a response in relation to the Master Policy.	DUE: asap
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11. AUDIT AND REMUNERATION ADVISORY COMMITTEE UPDATE

11.1 There were no recommendations to make to the Board from ARAC.

11.2 The ACEO is checking arrangements in place for Members' Remuneration

21	ACTION: ACEO to collate information regarding arrangements for Member expenses and draft an agreement for the Board Members.	DUE: before end of financial year
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12. DATE OF NEXT MEETING

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