

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 11.00 AM MONDAY 17TH MAY 2010**

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

PRESENT:

LAY:

Jane Irvine (Chairing Member)
Linda Pollock
Douglas Watson

LAWYER:

David Smith
Alan Paterson
David Chaplin

APOLOGIES:

George Irving
Ian Gordon
Margaret Scanlon
Douglas Watson

In attendance:

Rosemary Agnew (ACEO)

Name withheld under section 38 (1) (b) of FOISA (part of the meeting)
Name withheld under section 38 (1) (b) of FOISA (Minutes)

Abbreviations used:

SLSO Scottish Legal Services Ombudsman

1. APOLOGIES

As noted above.

2. MEMBER ONLY MEETING

Member only discussion until 12.30 pm

Lunch 1.00pm – 1.30pm

3. DECLARATION OF CONFLICT OF INTERESTS

Members agreed that the test for whether there is a conflict of interest is: "The question is whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the [Tribunal] was biased." from Lord Hope in Porter v Magill [2002] 1 All ER 465 and adjusted.

Members confirmed that there were no conflicts of interest.

4. MINUTES & MATTERS ARISING OF 15.03.10 & 23.04.10

3.1 The minutes of the 15th March were agreed subject to minor typographical changes and amendments/additions to section 5 and ACTION points 24, 25, 29 & 32

3.2 The minutes of the 23rd April 2010 were agreed subject to minor changes and amendments/additions to section 4.1 and the paragraph numbering from section 4 onwards.

- 3.3 Members noted some inaccuracies in the dates detailed on the minutes due to meeting dates being altered and agreed that mention should not be made to specific meeting dates.

33	ACTION: Where appropriate, ACEO to ask SH not to refer to specific dates within the DUE section of ACTION points in minutes, but instead references are to be made to e.g. "the next Board Meeting". Also, that the typographical amendments are made to the minutes of 15 March 2010 and 23 April 2010.	DUE: ASAP
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5. CHAIR REPORT

- 5.1 The Chair gave a verbal overview of her activities since the last Meeting.

6. ACEO REPORT

The ACEO ran over the points in her paper, with reference to the following points in particular:

- 6.1 **Legal Tender:** The ACEO updated Members on progress and confirmed that 9 tenders had been received from which Shepherd & Wedderburn and Anderson Strathern had been selected. [Information withheld under section 33 (1)(b) of FOISA.
 [redacted]] The ACEO confirmed that the SLCC's tendering process had been approved by Government Procurement.
- 6.2 **HR Policies:** The ACEO confirmed that the closing date for bids was 14 May 2010 but that as three bids had not been received Members agreed that the SLCC would instead opt for straight quotes in order that they could compare the market.
- 6.3 **Finance Procedures:** Members agreed the first phase of finance procedures. The ACEO confirmed that the process for ordering would be set out in the SLCC's finance manual. Further, that a procurement policy would now be drafted.
- 6.4 **Complaints Update:** A lengthy discussion took place regarding all of the points in the ACEO's paper, and in particular to three issues which had emerged. The issues related to 1. How Members would deal with VFTWM cases, 2. Guidance in relation to third party complaints, and 3. The SLCC's policy in respect of off-setting. In terms of issue 1 it was agreed that Members would continue to deal with VFTWM cases on an individual basis. In terms of issue 2, it was agreed that guidance would be presented in the form of a Q&A sheet. In terms of issue 3, it was agreed that the SLCC's existing policy not to off set would be adhered to.
- 6.5 The following action points were agreed:

34	ACTION: Clerk to improve the feed back of VFTWM decision to Members.	DUE: ASAP
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35	ACTION: ACEO to arrange for Q&A guidance document to be produced.	DUE: ASAP
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36	ACTION: ACEO to provide Members with guidance in	DUE: ASAP
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	relation to third party complaints for approval.	
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- 6.6 **Appeals:** A lengthy discussion took place regarding the issue of how the SLCC will deal with appeals. Members agreed that the SLCC's policy was to continue to investigate complaints, notwithstanding any threat or notice to appeal being received. Where an appeal has been lodged it will be at the discretion of the ACEO to decide whether to continue with the investigation or whether to place investigations on hold pending the outcome of the appeal.

37	ACTION: ACEO to advise Case Investigators that any cases which may be appealed are referred to her to make a decision on with regard to placing it on hold or not.	DUE: ASAP
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- 6.10 **Annual Planning Cycle:** The ACEO presented the Annual Planning Cycle and Members expressed their approval of the way in which the planning cycle had been set out. Members agreed that once dates had been arranged in terms of the corporate plan it was important that these dates were strictly adhered to.

7. STRATEGY

The ACEO presented on the amended corporate plan and Members approved this subject to minor changes and amendments/additions to sections 1.4, 1.6 and 1.7.

38	ACTION: HOC to put the Corporate Plan onto the SLCC website	DUE: Next Board Meeting
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8. SLCC APPROACH TO CONSULTATIONS

joined the meeting 3:35pm

The ACEO presented the paper on SLCC Consultations and Members approved the approach and criteria set out in this.

left the meeting 3:50pm

9. HR AND GOVERNANCE UPDATE

- 9.1 The ACEO's Scheme of Delegation paper was approved subject to; 1, A typographical error in relation to the amount of money requiring one signatory for cheque books, bank account and approvals of BACS payments. The figure should have read £10,000 and not £1,000. And 2, In relation to Staffing, clarification was given that in the case of the ACEO, where the Chair was unable to be the authorised signatory, the Vice Chair would do this.
- 9.2 It was agreed that the Management Agreement paper would be forwarded on to the next Board Meeting for consideration.
- 9.3 The HR Manager Update was presented by the ACEO and its contents were noted. Members asked that the HR Manager should provide them with a breakdown of the costs of the harmonisation process as soon as possible after the Pensions Transfer process is completed.

9.4 The ARAC minutes and the March Quarterly Financial Management Report were discussed in some detail. These were approved subject to the following amendment: The column entitled Estimated Out-turn provides for a Contingency of £250k, whereas £200k of this is to be moved into the SLCC Pensions Costs so as to reflect the fact that this year's pensions costs will not be incurred until next year.

9.5 The following action point was agreed:

39	ACTION: HR Manager is to provide a breakdown of the costs of the harmonisation process once the Pensions Transfer process has been completed.	DUE: ASAP
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10. COMMUNICATIONS UPDATE

The ACEO presented the Communications Update paper and Members noted its contents.

Members noted that in terms of the ACTION point 31 contained within the last meeting's minutes, HOC had been unable to provide comparative information/benchmarks alongside website stats to allow Members to attain a view on the effectiveness of the website. This was because figures could not be provided in this regard.

Members noted the position and agreed that they would nonetheless like confirmation that what the SLCC was doing in relation to this was increasing access to consumers.

40	ACTION: HOC to collate her own results using trend data gathered over the next 6 months.	DUE: 6 months time and ongoing
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11. MASTER POLICY & GUARANTEE FUND OVERSIGHT UPDATE

11.1 AP updated Members and reported that research continued to be undertaken in terms of the Master Policy. Members expect to be in a position to complete the research by the end of the financial year.

12. ANY OTHER BUSINESS

12.1 **Quarterly Statistics:** Members asked that these be attached to Board Papers.

41	ACTION: ACEO to arrange for quarterly statistics to be attached to Board Papers	DUE: Next Board Meeting
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12.2 **Determination Committees:** Members confirmed that it was the SLCC's policy not to divulge the names of Members who sat on Determination Committees. Members confirmed that the reasoning for this was that the decisions made by Determination committees were the SLCC's.

Jl left the meeting at 4:15pm.

13. DATE OF NEXT MEETING

The next Board Meeting will be held on Monday 5th July 2010, 10 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.