

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS COMMISSION: 11.00 AM MONDAY 6<sup>th</sup> SEPTEMBER 2010**  
**Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG**

**PRESENT:**

**LAY:**

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

**LAWYER:**

Margaret Scanlan  
 Alan Paterson  
 David Chaplin

**APOLOGIES:**

David Smith (Lawyer)

**In attendance:**

Rosemary Agnew (ICEO)

Name withheld under section 38 (1) (b) of FOISA (minutes)

Name withheld under section 38 (1) (b) of FOISA (observer)

**Abbreviations used:**

LSO Legal Services Ombudsman  
 GTM Gateway Team Manager

**1. APOLOGIES**

As above.

**2. DECLARATION OF CONFLICT OF INTERESTS**

Members confirmed that there were no conflicts of interest.

**3. MINUTES & MATTERS ARISING OF 17.05.2010**

The minutes of the 5<sup>th</sup> July were agreed subject to a minor change in Action 41 – ‘once determination has been taken’ has been deleted from the action.

**4. COMPLAINTS UPDATE**

- 4.1 A discussion was held regarding numbers, trends and complaint category descriptions that Members would like to see in complaints statistics. The ICEO explained that she considered much of this information is already contained within the update sent out quarterly. It was agreed that to ensure Board meetings included a full consideration of complaints work in future the statistics would always tie into the financial year quarter in time to be reported to the relevant Board meetings.

46	ACTION: ICEO to tie in all complaints stats to the financial quarters for future updates.	DUE: By next meeting
47	ACTION: MA to check that Board dates tie in with 1/4ly statistical reports.	DUE: By next meeting

- 4.2 The ICEO reported that KPI's are being built into the Workpro system and that CAS have assured her they will be completed by mid-October.
- 4.3 The ICEO asked that Members provide her with comments on their statistical requirements for the complaints update report and what it is that they would like to see so that she can prepare a paper for the Discussion Day. Members agreed they would.

48	ACTION: Members to provide the ICEO with comments on what should be in the quarterly statistical complaints update	DUE: By Friday 10 <sup>th</sup> September
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- 4.4 Members asked for training on the process for investigating handling complaints.

49	ACTION: ICEO to organise training for Members on the handling complaints process.	DUE: TBC depending on Members' availability, trying to tie it in with other meetings
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- 4.5 **Mediation:** Members suggested that the cost given for mediation may not be a true cost as it does not take into account staff time, overheads, mediator payments etc. Members stated that as mediation has no levy implications for the lawyer, a true cost needs to be calculated to show what the actual cost to the profession is.

50	ACTION: ICEO to task Mediation Manager with calculating the true overall cost of a mediation session.	DUE: By next Board meeting
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- 4.6 **Appeals:** Members asked that they have an ongoing paper/section on Appeals which keeps them up to date on what cases have gone to appeal and why.

51	ACTION: ICEO to provide an Appeals update/paper on a regular basis outlining what cases have gone to appeal.	DUE: All future Board meetings
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## 5. OVERSIGHT

- 5.1 **Guarantee Fund Research:** An update was provided. Members noted the progress being made on procuring a suitable research company.

- 5.2 **Master Policy Research:** The approach to information gathering was discussed and the cost implications of this piece of research. Once costings have been attained a further discussion will take place at the next suitable Board meeting. There was wider debate about the direction of the research and the ongoing need for a steering committee separate to the Board and whether the project should report directly to the Board via the ICEO. It was agreed that the Chair, AP and ICEO should meet separately to discuss this.

52	ACTION: ICEO to arrange meeting with AP & Chair.	DUE: asap
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- 5.3 **Conduct Oversight:** The ICEO confirmed that the working timetable for the scoping work had been brought forward and that activity is progressing well against the plan, specifically the initial data ingathering.

5.3.1 It was noted that the paper flagged that further Case Investigator time may be required to undertake oversight work. A brief discussion took place, but no further action was suggested at this time.

Lunch 12.30pm – 1.05pm

## 7. ICEO UPDATE

The paper was noted and the general format agreed. Discussion and comment took place on the following:

7.1 **Financial Governance:** Members noted the Update paper on Annual Accounts 2009/10 which was tabled. The ICEO confirmed that the figures were accurate but had not yet gone through the audit process.

7.1.1 The ICEO intimated that that it may be difficult to meet the October timescale for the Annual Report output as the HoC would be dependent on the accounts being audited which in turn was dependent on receipt of a form FRS17 from the pensions provider – areas where the SLCC have no control over timing. The ICEO assured Members that this should not be an annual occurrence as the Annual Planning Cycle would be formally implemented at the start of 2011 and that for future years November is a more realistic target date.

7.1.2 Members asked that they see the draft SLCC Annual Accounts, including the narrative, even if the figures are still only in draft at this stage.

53	ACTION: ICEO to arrange for Draft accounts to be circulated & for external auditors to attend meeting for time that Annual Accounts are being discussed.	DUE: asap
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7.1.3 A debate ensued as to the level of Reserves, and Members agreed that Chair and ICEO would explore as to whether there would be any legal impediment with regard to paying monies back to the Profession, and whether this is a feasible option.

54	ACTION: ICEO and Chair to approach relevant persons to investigate whether returning monies is a feasible option	DUE: asap
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7.1.4 The Board discussed Action Point 24 in the Board Actions Register and agreed it could be removed from the register.

55	ACTION: Action 24 to be removed from the Board register and added to the Audit Committee register for the paper to be presented to the next AC meeting.	DUE: asap
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7.1.5 Members discussed the new proposal for member expense sheets but decided a less detailed form based on the current one was appropriate

56	ACTION: ICEO to re-draft new Members' Expense form.	DUE: By end of September 2010
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7.1.6 The ICEO updated members of the position regarding the taxing of expenses. She confirmed that all necessary steps were being taken and appropriate systems put in place to administer this.

7.2 **Staff Governance:** Members asked that a Staff Governance update is provided in the regular ICEO's update, and that the operational HR Update in current format was no longer required.

7.2.1 It was agreed that the Board would receive Annual Reports on the areas highlighted by the ICEO, and anything else would be reported by exception i.e. disciplinary issues and KPI reporting.

7.3 **Complaints and Oversight:** It was noted that this section would highlight more strategic issues relating to this area as opposed to the more detailed separate reports provided for each Board meeting.

7.3.1 **Section 40 Guidance:** There was some discussion on this area and how the SLCC will publish guidance. The ICEO stated that the SLCC requires a more structured approach to how it issues guidance. The Board agreed. The ICEO will bring a proposals paper to a future board meeting.

57	ACTION: ICEO to produce paper on approach to publishing Section 40 Guidance	DUE: By end of December 2010
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7.3.2 **MOUs:** There was some discussion over the need for MOUs with other organisations but this is dependent on the type of information to be shared. There was a general feeling that the SLCC would benefit from having discussions with the SCCRb to see where commonalities lie.

58	ACTION: GI to arrange and facilitate a discussion on information-sharing between SLCC and SCCRb.	DUE: Meeting to have been arranged by next Board meeting.
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## 8. FOISA UPDATE

The Members noted the paper and requested that the following information is included in the next update:

- What the work/time spent on FOISA is costing the SLCC;
- How many requests go to Appeal stage;

59	ACTION: ICEO to provide additional information in FOISA update – cost of time spent and how many requests are reaching appeal stage.	DUE: For next Board meeting
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## 9. FINANCIAL GOVERNANCE POLICIES

9.1 **Treasury Management Policy:** The Members approved the policy subject to minor typographical changes.

9.2 **Depreciation and Disposal of Fixed Assets Policy:** The Members approved the policy.

## 10. CHAIR UPDATE

The Chair gave a verbal update to confirm that no external meetings had been held.

## 11. ARAC UPDATE

11.1 Minute of 12.07.10 was noted by Members.

11.2 Minute of 2.08.10 was noted by Members.

11.3 The new Model Terms of Reference for the new Audit Committee were noted and agreed subject to the requirement of financial management reports being added to the section 'Information Requirements'.

11.4 The Remuneration function which has now been removed from this committee was discussed and Members agreed that in due course they would look at where this function will be 'placed' in light of the governance information on HR. Members acknowledged there was a need for formal sign-off of remuneration issues such as pay this financial year because of the current two-year pay agreement with SG. As a result no new remuneration group will be established this year.

11.5 **Internal Audit:** A discussion took place regarding the Internal Audit Visit Memorandums and how the audit action plan for management was now functioning.

11.5.1 **Corporate Governance:** It was agreed that any actions relating to Board composition are removed as this is outwith the SLCC's control.

60	ACTION: ICEO and Chair to agree a form of words for the register to allow for the actions in relation to the Corporate Governance AVM to be updated and where appropriate cleared	DUE: asap
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11.5.2 **Best Value:** A brief discussion took place around understanding the issues. The Board acknowledged the need to address the matters raised but agreed that in terms of business risk, there were other business areas of higher priority and that the points raised in the AVM should be built into future corporate and business plans.

11.5.3 **Communications and Awareness:** The ICEO stressed that this was an area of high risk at present in regards to what we are communicating and to whom we are communicating. The Board acknowledged the importance of communication and agreed it needed a wider and longer debate. It was agreed that this would be part of a wider debate at a future Board Meeting.

61	ACTION: Chair to ensure a full discussion regarding the Communication and Awareness Audit.	DUE: next available Board meeting
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11.5.4 It was agreed that any Internal Audit Updates would be monitored by the Audit Committee in future.

11.6 **Risk Management:** The Risk Management Policy was approved.

11.6.1 Members agreed that the cover sheets to papers presented to the Board should continue to report on risks with direct reference to the risk register.

## 12. COMMUNICATIONS UPDATE

The Members noted the update paper and lengthy discussion took place on the draft of the Annual Report. It was agreed that several sections would be re-drafted, with an additional section added called 'Issues affecting Practice' which will include operational difficulties.

62	ACTION: HoC to re-draft sections of Annual Report in line with discussions at the Board meeting – ICEO to report comments to HoC.	DUE: By 29 <sup>th</sup> September
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63	ACTION: Chair to re-draft part of the Annual Report in line with Board discussion	DUE: By 29 <sup>th</sup> September
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## 13. HR UPDATE

13.1 The content of the HR Update paper was noted by Members who thanked HRM. They requested that from now on the Staff Governance update should be included in the ICEO's Update paper and be more focused on outputs and exceptions.

13.2 The Members welcomed the fact that the SLCC now have appointed Staff Representatives.

*Meeting ends 4pm*

## 14. DATE OF NEXT MEETING

The next Board Meeting will take place 10.00 am Monday 8<sup>th</sup> November 2010  
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG