

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10AM ON MONDAY 20th APRIL 2009**

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

PRESENT:

LAY:

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

LAWYER:

Margaret Scanlan
Alan Paterson
David Chaplin
David Smith

In attendance:

Eileen Masterman (CEO)
Rosemary Agnew (HOI) (part of the meeting)
Allison Leitch (HR Manager) (part of the meeting)
Sheena Robson (Minutes)

Abbreviations used:

LSS Law Society of Scotland
FoA Faculty of Advocates
SG Scottish Government

1. APOLOGIES

None.

2. CONFLICTS OF INTEREST

No conflicts of interests were noted.

3. MINUTES AND MATTERS ARISING FROM MINUTES OF 16.03.09

Minutes approved as accurate with one amendment at point 6.1.

4. MATTERS ARISING

4.1 Proposed Budget 2009-10 – The CEO confirmed that all actions relating to the proposed Budget were completed prior to the 31st March 2009. The Budget was however not laid until 8th April 2009 by the SGvt. The CEO advised that the press coverage was good in the Scotsman. Unfortunately there was an amendment to the proposed Budget that was laid before Parliament to include Conveyancing and Surveying Practitioners. The Chair advised Members that this error was noted and corrected prior to SGvt Ministers reviewing the Budget, and copies were re-circulated to the SGvt, LSS and FoA.

4.2 Policy Documents – The Chair confirmed that the HOI has amended the tabled documents that were approved at the last meeting. Still to be drafted was a 'glossary of terms' which Members suggested would assist the reading of policies.

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| ACTION: HOI |
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5. CHAIR'S REPORT

- 5.1 The Chair advised that the draft Members Code of Conduct should have initially been approved by the Standards Commission. Minor amendments were being made to the document and once revised would be re-circulated to Members by the HOI.

ACTION: HOI

- 5.2 The Chair advised Members that the Register of Interests should be kept up to date and any changes should be notified as soon as possible so that information on the website is always current and accurate.

ACTION: Members

- 5.3 The Chair also advised that SGvt have agreed to defer the additional appointment of Lay Members to the Board until there is greater clarity over need by the SLCC.

- 5.4 Members acknowledged the Chair's paper on Conduct Conversation and agreed that this was a good proposal for the SLCC.

- 5.5 The Chair advised Members that if anyone wished a hard copy of the integrated statutes they should contact the PA. It was noted that there might be a statute database by the Lord Advocate available on-line. AP to advise.

ACTION: Members

6. CEO REPORT

- 6.1 The CEO confirmed that herself, the Chair and the HOI were attending the BOIA conference in Warwick 6-8 May 2009.

- 6.2 The CEO stated that positive feedback had been received from the staff and Members who have attended the recent computer training.

- 6.3 The CEO confirmed that Professor Frank Stephen, from Manchester University was the successful tender to carry out Research into MP and GF. It was noted that Professor Stephen had still to confirm information to be placed on our website and a date for a presentation to Members. Professor Stephen will carry out interviews with our key stakeholders and other interested parties.

- 6.4 It was agreed that the CEO would provide an update report on Research at future meetings.

ACTION: CEO

- 6.5 The CEO also confirmed that the proposed Budget had been laid before Parliament and accepted. The invoices will be pursued with the LSS and FoA in time for the 30th June 2009 deadline, and the LSS have also been advised that their suggestion of staged payments will not be pursued by the SLCC.

ACTION: CEO

- 6.6 Review of FOI Procedures – The CEO advised that further mandatory training on FOI and DPA for all staff and Members was planned with dates to be advised.

- 6.7 The CEO advised that all FOI requests to the SLCC are being considered.

- 6.8 The CEO also stated that in order to refine the internal process of FOI enquiries all those received by email would be directed to a dedicated email address.
- 6.9 The Chair stressed it was important to review issues raised, learn from our recent past experience and review our procedures periodically to ensure that they are robust.
- 6.10 Discussion took place in relation to the SLCC's charging policy for FOI requests. The CEO explained the charging process.
- 6.11 Following a detailed discussion it was agreed that the CEO and the Chair would enquire if SLAB would carry out a review of our FOI procedures. Following this review it would be possible to determine whether there was a need to appoint an additional member of staff.

ACTION: Chair/CEO

- 6.12 Members suggested that the CEO track the costs involved in processing FOI requests and it was agreed that these costs would be estimated and reported. Members also suggested that the CEO and Office Manager visit other organisations in order to review their FOI policies and procedures.

ACTION: CEO/OM

7. FINANCIAL MANAGEMENT REPORT – MARCH

- 7.1 The CEO advised that there was no major change to our financial forecast. [information withheld under the terms of FOISA and/or DPA]. Members agreed the Financial Management report presented.
- 7.2 Draft Audit & Finance Advisory Group Minutes from 5th March 2009 – Members sought clarification as to the policies outstanding (point 1.4), and the CEO advised that these related to the Risk Register. Timescales were still to be agreed with SLAB.

ACTION: CEO

- 7.3 The Chair advised that at the next Board meeting Members would be considering changes to the Governance document in relation to the new Audit and Remuneration Advisory Group.

ACTION: Chair of AFAC/CEO

- 7.4 It was noted that the External Auditors would be attending the next AFAC on 11th May 2009, and it was agreed that the CEO would draft an Agenda for this meeting.

ACTION: CEO

8. STRATEGIC RISK REGISTERS & BUSINESS PLAN

- 8.1 Draft Strategic Risk Register – Members thought that the responsibility for risks should be named against one staff member as it was felt it should be only one person's responsibility to drive the risk areas forward. It was agreed that the CEO would review the responsibilities and circulate for approval by email to Members.

ACTION: CEO

- 8.2 Draft Strategy Document – Members did not like the proposed draft layout and suggested that this be looked at again. Members also suggested a change to the wording of bullet point 2 under the heading Impartial – which should now read: 'We

offer advice to any party to a complaint to facilitate early resolution and to avoid, where appropriate the submission of a formal complaint.' It was noted that the draft Business Plan will need to reflect this change in wording.

ACTION: CEO/PA

- 8.3 Members also suggested a change to the wording under the Consistency heading on page 2 to state: '*We make similar decisions on cases with similar circumstances and facts and learn from experience.*'

ACTION: CEO/PA

- 8.4 Discussion took place as to whether this document should be considered as 'Our Aims' rather than a draft Strategy Document as some Members felt it did not reflect a 3 year Strategic Plan. It was stressed to Members that this document links to the Business Plan and was drafted to give an overview of the SLCC, whereas the Business Plan would drill into the detail of work covered by the SLCC.

- 8.5 Draft Business Plan – Discussion took place as to whether the draft Business Plan should be a 3 year plan, and whether the ownership should also be assigned to one person with more financial costs included in the document.

- 8.6 Members also suggested that the draft Business Plan should determine the type of Board Reports Members would receive, ie Annual Training Report, Annual Report on H&S with lead responsibilities listed. It was noted that the measurement in point 15 needs to reflect the budget.

- 8.7 Following further discussion on both the draft Strategy Document and the draft Business Plan it was agreed by Members that there should be minor text adjustments to the content and a review of the overall presentation of the documents. Members asked that both documents be redrafted and presented at the next Board meeting in May.

ACTION: CEO/HOC

9. COMMUNICATIONS UPDATE – for noting

- 9.1 The Chair noted that the HOC would be presenting the draft Communications Strategy at the next Board meeting in May, and therefore today there were no issues to report.

- 9.2 The CEO advised that the HOC would be representing the SLCC on a stand at the LSS Exhibition on 8th-9th May 2009.

HR Manager joined 2.25pm

10. HR Update

- 10.1 The HR Manager reported on the tabled paper (08.09.12.1).

- 10.2 Members were advised that additional information was required from Members for completion of the HMRC end of year data collection. The HR Manager explained the time deadline for the return to HMRC and that Members were asked to complete the questionnaire online at the HMRC website and details would be forwarded to those concerned.

ACTION: HR Manager/Members

HR Manager left and HOI joined 2.45pm

11. COMPLAINTS UPDATE

11.1 The HOI reported on her tabled paper (08.09.9.1) and explained that unfortunately there were system issues with Workpro which were being addressed by Scotslite.

11.2 Members felt it would be beneficial to obtain a copy of the LSS Client Care Annual Report.

ACTION: HOI/PA

11.3 It was agreed that the HOI would prepare a discussion paper on Redress & Settlements for the 4th June discussion meeting.

ACTION: HOI

11.4 Discussion took place as to whether there was a need to amend the Rules via the Process & Rules Advisory Group, it was agreed that the Board would review the Rules adjustments after a paper was provided by the HOI.

12. CONDUCT OVERSIGHT UPDATED

12.1 Papers (08.09.10.1) were noted from the HOI. Members were in agreement that there should be a more detailed discussion by the Board on this topic. It was agreed that this would take place in a July discussion meeting.

ACTION: Chair/HOI

13. AOB

13.1 Following discussion it was agreed the following topics would be discussed on the following dates:

- 27/4/09 – S&W training in the morning, followed by cases studies in the afternoon.
- 18/5/09 – Board Meeting.
- It was agreed that the Discussion Forum planned for 1/6/09 would move to 4/6/09 and would cover 3rd party case studies and the draft Redress & Settlement paper from HOI.
- 6/7/09 – would include a discussion on Conduct Oversight.
- 20/7/09 – Board Meeting.
- 3/8/09 – a Discussion Forum – topic still to be planned, this meeting may be cancelled if not required.

13.2 It was noted that the AFAC would agree a provisional 1st meeting date of the new joint Audit & Remuneration Advisory Group on 11th May.

14. DATE OF NEXT MEETING

The next Board Meeting will be held on Monday 18th May 2009, 10 am – 2 pm at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.