

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.30AM ON MONDAY 20th JULY 2009**

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

PRESENT:

LAY:

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

LAWYER:

David Chaplin
Alan Paterson

Apologies: Margaret Scanlan and David Smith

In attendance:

Eileen Masterman (CEO)
Doreen Graham (HOC) (part of the meeting)
Rosemary Agnew (HOI) (part of the meeting)
Sheena Robson (Minutes)

Abbreviations used:

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

1. APOLOGIES

As noted above.

2. CONFLICTS OF INTEREST

No conflicts of interests were noted.

3. MINUTES AND MATTERS ARISING FROM MINUTES OF 18.05.09

Minutes approved as accurate with a minor typographical change relating to removal of action point at 6.2.

4. MATTERS ARISING

4.1 Review of Governance – The Chair advised that the reviewed Governance document would be presented at the next Board Meeting in August. It was agreed that a paper would be drafted to highlight the changes within the document.

ACTION: Chair/CEO

4.2 Public Awareness Raising – It was agreed that a copy of the standard presentation used for talks to members of Faculties would be circulated to Members for information.

ACTION: HOC

4.3 Staff Governance – Members requested an update on Appraisals and pay awards implemented to date for all staff at the August Board Meeting.

ACTION: CEO/HR Mgr

5. CHAIR'S REPORT

- 5.1 The Chair reported on her tabled paper (08.11.4.1) and advised that she had met with a representative from SGvt on the impact of the forecasted swine flu pandemic. The CEO also advised that draft policies were in place and a meeting had been planned with the Management Team to discuss this fully and the Board would be updated on the SLCC policy.
- 5.2 The Chair also advised there was no further update from the SGvt following the ABS comments submitted.
- 5.3 In addition that she would provide Members with a forward plan of Board meetings after the CEO had considered her yearly planning cycle.

ACTION: Chair/CEO

6. CEO REPORT

- 6.1 The CEO reported on her tabled paper (08.11.5.1) and advised that the Office Manager, the HOI and herself had a very productive visit to an external organisation for an overview of their FOI policies and procedures which was very beneficial.
- 6.2 The CEO stated that verbal feedback from the Internal Auditors advised that robust processes/systems were in place however testing was still to be carried out which would be done shortly. The External Auditors were due in this week, however their report is not due until after the A&RAC Meeting in October. The FOI review would be available at the same date.
- 6.3 The CEO advised that a letter had now been received in relation to the ISIS Agreement and it was agreed that the Chair and CEO would review this issue and update the Board at the next meeting. Members were asked to feedback any IT issues to the Office Manager so they can be logged.

ACTION: Members

- 6.4 The CEO stated that written confirmation had now been received from the SGvt legal team that any monies received from sale of set-up equipment should be returned to SGvt. However when the SLCC purchases and subsequently sells any new equipment; the monies will remain the SLCC's.
- 6.5 The CEO confirmed that all levies had been collected and payments received by the due date.
- 6.6 Following discussion, it was agreed that the CEO would have the management responsibility for the role of the Clerk, with the proviso that the HOI should give professional guidance on a day-to-day basis and this was agreed and would be shown as a dotted line on the organisation chart.

7. AUDIT & REMUNERATION ADVISORY COMMITTEE

- 7.1 The A&RAC Chair advised that unfortunately the minutes were not finalised from their meeting of 9th July for today's meeting. However he reported that going forward the

Board would receive Quarterly Financial Management Reports. A Yearly Work Plan had also been drafted which incorporates all timelines for budgets, strategic aims etc.

- 7.2 The A&RAC Chair also advised that they were impressed by the efficiency of both the Internal and External Auditors and looked forward to receiving the final reports.
- 7.3 The A&RAC suggested that the CEO seek advice regarding the pursuance of the reclaim of VAT and the CEO stated that she had written to ask and was awaiting feedback.
- 7.4 It was noted that all staff Appraisals had been completed within the timescales and ARAC are content with the update provided.

8. FINANCIAL MANAGEMENT REPORT – JUNE

- 8.1 It was noted that the LSS membership numbers had not fallen as the LSS had anticipated. This will be noted as the annual budget process moves forward. The CEO reported that the LSS had requested movement of the collection of the levy date and this was a matter for the SGvt.
- 8.2 The CEO requested that Members consider investing monies for longer periods within the Treasury Deposit Accounts. This was agreed.

ACTION: CEO/Accountant

12.05pm HOC joined and AP left at 12.10pm

9. COMMUNICATIONS/WEBSITE UPDATE

- 9.1 The HOC reported on her tabled paper (08.11.8.1).
- 9.2 Website Live 6/7/09 – The HOC advised that the website was successfully launched on Monday 6th July. Feedback so far has been positive.
- 9.3 News Release on MP & GF Research – It was noted that unfortunately the Scotsman published two different articles in different editions on the same day. The final edition carried the correct article which was well balanced. No feedback had been received from either the LSS or FoA in relation to this. Coverage was also received in Scottish Legal News and The Firm.
- 9.4 The HOC reported that recent invitations to speak at Faculty events had been well attended by LSS members. The HOC also advised that the Scottish Council of Voluntary Organisations Conference, 'The Gathering', was planned for January 2010 and consideration was being given to the SLCC having a stand at this event.

ACTION: HOC

- 9.5 The HOC advised that she was currently working with the HOI on standard office templates for letters. The Chair advised that Members had requested a copy of the presentation used with Faculty Members.

ACTION: HOC

- 9.6 The HOC reported that as previously requested she had clarified how the legal profession were making clients aware of the SLCC service. There is not a consistent approach on this issue. The Board noted they act as dispute resolvers when practitioners fail to resolve complaints locally. Thus it was an immediate route to

consumers to notify complainers about the SLCC via practitioners. It was agreed that a Guidance Note as provided for by the 2007 Act would be prepared for the FoA and LSS so it was clear that all practitioners should advise clients of their right to go to the SLCC in writing when complaints are raised and at each point a complaint procedure is explained, i.e. within letters of engagement provided by solicitors also.

ACTION: CEO/HOC

- 9.7 The HOC is currently working on information leaflets which will be available to legal practitioners to give to their clients. These would be available in August/September.

ACTION: CEO/HOC

12.20pm HOC left

10. STAFF GOVERNANCE

- 10.1 In the absence of the HR Manager the CEO advised that the Mediation Manager's Contract had been renewed for another year.

- 10.2 Also that all the Harmonisation interviews had been completed by the HR Consultant however the job matching element of this process had still to be completed.

- 10.3 All staff who wished to opt into the pension scheme had now done so.

- 10.4 The CEO gave an update on pay reviews. A discussion followed on developments on how pay reviews would operate and in line with SGvt Finance Pay Policy. Members requested an update on the pay awards process.

ACTION: CEO/HR Mgr

Lunch 12.30pm and HOI joined 1.10pm

11. COMPLAINTS UPDATE

- 11.1 The HOI reported on her tabled paper (08.11.10.1) and advised that they were already starting to see the benefits of having additional Gateway Team Members in place. The Chair thanked the HOI for the clear format of her report and it was suggested that this be adopted going forward.

ACTION: CEO/Man Team

- 11.2 Members discussed the order of information contained within files which are reviewed by them in frivolous/vexatious and totally without merit cases and it was agreed that this would be discussed in more detail at a later date.

ACTION: Chair/HOI

12. CONDUCT OVERSIGHT

- 12.1 The HOI reported on her tabled paper (08.11.11.1) and following discussion it was agreed that the HOI would organise an overview of Workpro for Members on 3rd August.

ACTION: HOI

- 12.2 Members reviewed the draft standard letters produced by the HOI and following minor amendments, Members were in agreement with the content and format for use. Members also agreed that a report style should be adopted for the drafting of Reasons for Decisions for frivolous/vexatious and totally without merit cases.

ACTION: HOI/PRAG

2.10pm HOI left

13. MASTER POLICY & GUARANTEE FUND RESEARCH REPORT UPDATE

- 13.1 The CEO reported on her tabled paper (08.11.12.1) and sought approval from the Board to the re-convening of a Steering Group to review the Report published by Prof Stephen. Members were in agreement of the CEO's recommendation and also agreed the membership would remain as previous.

ACTION: CEO

14. AOB

- 14.1 Following discussion it was agreed that the following dates would be cancelled out the diary:
- 7/9/09 – Board Discussion Forum
 - 14/9/09 – Board Meeting

15. DATE OF NEXT MEETING

The next Board Meeting will be held on Monday 24th August 2009, 10 am – 2 pm at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.