MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.00AM TUESDAY 20th OCTOBER 2020
VIA: ZOOM due to current lockdown situation

PRESENT:

LAY:                             LAWYER:
Jim Martin (Chair)              Amanda Pringle
Sara Hesp                      Kay Springham
Emma Hutton
Michelle Hynd
Sarah McLuckie
Morag Sheppard

Apologies:
Denise Loney

In attendance:
Neil Stevenson (CEO) (Items 1-26) (Secretariat – minutes) (Items 1-27)
Caroline Robertson (DoR) (Items 1-9) Louise Burnett (DoBP) (Items 1-5, 10-17)
Vicky Crichton (DoPP) (Items 1-5, 18)

Abbreviations used:
WIP – Work in Progress       DC – Determination Committee
AC – Audit Committee          FoA – Faculty of Advocates
CI – Case Investigator        CIM – Case Investigations Manager
RPO – Relevant Professional Organisation SGvt – Scottish Government
IMT – Investigations Management Team CoS – Court of Session
JT – Journey Time             WT – Working Time
DoR – Director of Resolution  DoPP – Director of Public Policy
DoBP – Director of Business Performance IA – Internal Auditor
RC – Remuneration Committee   EA – External Auditor
WFH – work from home

Private Member only session
This session was attended only by the Board and no minute was taken of this private session.

With the private session concluded with the CEO, DoBP, DoR, DoPP and Secretariat joining the meeting at 10.15am.

1. Welcome
1.1 The Chair welcomed everyone to the Board meeting and thanked everyone for their input to yesterday’s Board Development Session.
1.2 Members noted the continued impact of coronavirus and lockdown on staff, members of the profession and clients, and the various pressures this was creating.

2. Apologies
2.1 The Chair noted apologies from Member, Denise Loney.

3. Declaration of Interests
3.1 No other declarations of interest were made, other than the standard declarations of interest declared by Amanda Pringle and Kay Springham in relation to any pecuniary interest with regards to budgetary discussions.
4. Key Issues

4.1 The CEO spoke to the paper presented and it was agreed that all items would be taken as read, with additional updates provided on specific matters.

4.2 Law Society / Master Policy (Locktons) – Members sought clarification on whether further redress was being paid to long outstanding complaints. The DoPP advised that some outstanding payments are being paid. Members were pleased to hear this. The DoPP also advised that they have contacted the LSS regarding the forthcoming retendering process. It was agreed that a further update would be provided at the next meeting.

4.3 ABS – The CEO provided an update on the latest information provided from SGvt and LSS.

4.4 IT Update – The DoBP confirmed the previous battery back-up issue has been resolved. It was noted that a new 24/7 - Helpdesk service is being provided by NVT. This will ensure that all staff and Members can access IT support outwith current 'normal' office hours. Members sought clarification on the cost of providing this extra service. The DoBP advised that to provide this level of cover till the end of the financial year (July 2021) was approx. £6k. This is more cost effective than extending hours by a small margin to cover new work patterns, as it would prove more expensive to add extra hours to the current times provided by NVT, 8.30am-6pm. Members who recently used the new Helpdesk service, found the response very efficient and effective, which was helpful to them. The DoBP was pleased to hear this and encouraged Members to utilise this service as and when required. Members sought clarification on the response times to calls logged on this new service. The DoBP advised there were different tiers of response times, which can be circulated to Members for information.

4.5 Communication and Stakeholder Engagement – The CEO updated Members on the change in senior personnel within the LSS, and advised that initial meetings have taken place with the new Executive Director of Regulation, Rachel Wood, with himself and the DoPP.

4.6 Customer Service and Quality – Members sought clarification on how SMT/IMT will evaluate the ongoing projects, themes and activities planned within the strategy. The CEO anticipates that this will be through continued training, implementation, and a package of sustaining work. For example, reviewing templates, ensuring they are clearer to read and use of plain English, this could be measured through Consumer Panel feedback, and improvements in KPIs. Members agreed this should be reflected in the quality statistics reported to Board. Members also sought clarification on the timescale for seeing a full impact from work, ie 6-12months. The CEO thought it might be longer, ie 12-18months as customer feedback is often not normally provided till one month after a case is closed, and full impact would mean a case being managed start to finish in the new style. Members agreed it was important to see the results of the applied learning. The DoR advised the training is being carried out differently this year due to remote working, it is anticipated that this is enhancing and improving the training techniques provided by the trainer with staff.

4.7 Members noted comments within the Customer Feedback paper, mentioned restricted telephone accessibility in contacting the SLCC. The CEO explained the current phone system needs reviewed. As a short term measure, we provided the two CSO staff with two mobile phones, they answer the phones within the office. As they are both working remotely at home, the restricted call times, allow them both to have adequate comfort breaks throughout their working day. Calls are answered between 10am-12.30pm and 1.30-4pm each day. A longer-term solution and costing was being explored. Following a free and frank discussion on the restricted availability to vulnerable groups, who may not have any other means of accessing the SLCC, other than by phone, it was agreed SMT would consider the points raised by Members and provide an update at the next Board Meeting.

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<tr>
<td>CEO/SMT to consider Member points in relation to restricted access to telephone services and report back to the Board</td>
<td>CEO/SMT</td>
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4.8 Annual Report – The Chair sought assurance that Members would review the draft for comment and approval. The DoPP confirmed this would be circulated by email to Members for comment and feedback prior to approval of the final document.

4.9 All other updates within the paper were noted by Members. The Chair thanked the SMT for their updates to the paper presented.

5. Coronavirus response and Budget/Op Plan for 2021/22
5.1 Coronavirus response - The Chair reported this matter was discussed in detail at the Board Development Session Workshop with SMT the previous day, and enquired whether Members wished to raise any further points with SMT. Members confirmed they did not and were content with the previous day’s discussions.

5.2 Budget/Op Plan for 2021/22 – The Chair reported that the CEO had captured the output from the Board Development Session Workshop with SMT, and it was agreed this would be circulated to Members and the output included within today’s Minute.

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<td>CEO to circulate the captured points from the Board Development Session Workshop with Board and SMT following today’s meeting.</td>
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5.3 The CEO spoke to the drafted output from Board Development Session Workshop, which was captured by CEO and circulated to Members by email on 20 October 2020.

Aim
To assess if there are practical options to improve the business performance by changing our delivery model.

Actions
- Set up a small Board/SMT working party.
- Define improved performance (principles/success factors).
- Consider learning from other organisations.
- Create some discussions models (staffing, facilities, IT, outsourcing), flagging risk and opportunity.
- Consider how we might seek views/consult (internal/external).
- Consider what costings we would need (not get the costing, but identifying the work).
- Report by December Board (so can influence budget discussion), or as a back-stop January Board.

5.4 Members agreed with the wording shared by the CEO. The Chair requested Members who are interested in being involved in the working party to let him know. It is anticipated the first meeting would be arranged quickly, to meet timescales for reporting to future Board Meetings.

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<td>Members</td>
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10.50am DoBP and DoPP left the meeting

6. Q1 2020/21 Long Term Trends
6.1 The DoR spoke to the paper presented and advised the incoming cases for end September was 87, with WIP being 392 for end of quarter.

6.2 Members sought clarification on the comparators between RDC and DCM production. The DoR advised the target figures are based on average production last year and not based on separate resources. It was acknowledged that case numbers are lower but overall the resolution rate has been higher at Investigation, so before cases reach RDC or DCM stage. There is no backlog, this is simply just less cases needing determined.
6.3 Members also sought clarification on the low production output for July, compared with YoY. The DoR advised, in particular this year, it was due to holiday leave, as staff kept holding off on their annual holidays to see if restrictions would be eased during lockdown. However, when it became apparent there would be no change, there was an increase in staff taking annual leave in this quarter. As noted last month, this was also impacted by peak lockdown in Mar-May, as that ‘washed through’. Sept production is improved.

6.4 Members had a free and frank discussion on the incoming case figures and how these compare with similar organisations. The CEO reported most Ombudsman Association members are experiencing the same fluctuations, unless they are in an industry particularly impacted by Covid-19, then they are seeing a spike in complaints directly related to the situation. Following discussion it was agreed that the CEO would compare incoming trend reduction figures year to date, with last year and circulate information to Board.

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6.5 The DoR advised JT had continued to reduce for the month/quarter overall.

6.6 The Chair enquired whether Hybrid Conduct cases that are referred to the relevant professional bodies (LSS/FoA) were impacting on our JT and WIP. The DoR and CEO advised that this is being closely monitored by SMT, as any backlogs with cases at the relevant professional bodies, will impact on our investigation work and ‘total WIP’ (although the figures presented to Board, also include WIP for SLCC alone, taking out cases we await back from the RPOs).

6.7 The Chair thanked the CEO and DoR for their explanation to the paper presented.

7. Management Information to 30 September 2020

7.1 Members noted the paper presented.

8. Q1 2020/21 Appeals Update and Update on Legal Chairs Meeting (Appeals)

8.1 Members noted the revised Appeals Update paper presented.

8.2 Update on Legal Chairs Meeting (Appeals) - Members noted the output from this recent meeting, included the proposal for a 6month Sprint for new Board Appeals Oversight Procedure. The CEO gave an overview of this new sprint procedure for the benefit of all Members. This process will now ensure that SMT and IMT utilise the skills knowledge of current and departing Legal Chairs, to hopefully have a system well established for new Members when they are recruited.

8.3 Members discussed the practicalities of implementing this new trial, in that, once an appeal is received: the IMT lead will allocate the appeal to a Legal Chair to have oversight/discuss with the IMT lead on how to proceed; if IMT lead and Legal Chair cannot agree a way forward to proceed, this will be escalated and the IMT lead will schedule a meeting between IMT lead, Legal Chair, DoR, CEO and Chair of the Board to discuss the matter further. The Chair of the Board will oversee how the final decision on whether to proceed is made.

8.4 Members agreed to endorse the 6month Sprint trial for new Board Appeals Oversight Procedure with immediate effect.

8.5 Q1 202/21 Appeals Update – Members enquired whether the IMT lead for Appeals would be attending to speak to the paper presented. The DoR advised they wouldn’t, but any questions that she was unable to answer would be circulated to Members following the meeting. The Legal Chairs found it helpful that going forward this paper would be shared with them prior to Board meetings. Members discussed whether there was any future learning on cases reported this quarter. Following discussion it was agreed that the CEO and DoR would clarify points raised by Members and provide an update to Members by email following this meeting.
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<td>CEO/DoR to clarify points with the IMT Lead in light of discussions with Members and provide an update by email following today’s meeting.</td>
<td>CEO/DoR</td>
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9. **DC a new QA System**

9.1 The DoR reported that this paper had previously been circulated to Members by email in September and it was hoped that this would be implemented for trial in Q2. The DoR reiterated that this process would be another tool for IMT to capture trends within their area to feedback into team meetings. Members stressed this should not form part of the formal appraisal process. The DoR confirmed it would not.

9.2 Members were keen that this system be applied to both RDC and DCM cases and enquired if this would be completed individually by Members. The DoR envisaged it would, as it was hoped that by Members completing it individually, it would ensure that feedback was fair and easier to collate. Members had a free and frank discussion regarding this approach, following which, it was agreed that this would be trialled, with trends reporting being shared with Members. It was also agreed that the DoR would also draft a template for Members to use when considering Eligibility cases.

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<tr>
<td>DoR to draft a QA template for Members to also use at the Eligibility stage of the process and share the output of the trial with Members at the end of Q2.</td>
<td>DoR</td>
<td>End Q2</td>
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9.3 Members thanked the DoR for the update.

**11.27am comfort break, during which the DoR left, meeting resumed at 11.35am, with the DoBP re-joining**

10. **Annual Accounts 2019-20**

10.1 The DoBP and CEO spoke to the paper presented. The CEO thanked DoBP on her 1st full year of annual accounting and advised the format presented, is as provided by our Auditors, Deloitte, and the requirements of public sector reporting. The Chair reminded Members that the CEO signs off the Annual Accounts as the Accounting Officer on final approval by the Board.

10.2 Members noted that these had been reviewed at the recent AC Meeting, along with being circulated prior to Board for consideration by Members. The DoBP advised that these have been formally approved by the AC and provisionally signed, by both the CEO and Deloitte, on 6 October 2020.

10.3 The DoBP advised Members there was one main change from the presentation of accounts last year, it now includes the disclosure of creditors greater than one year, and the yearend budget surplus of £266k was prudently returned to reserves.

10.4 The AC Chair confirmed these papers had been discussed in detail at the AC, and reported there were no concerns raised in relation to the Accounts. They did challenge about the length of the report, however the EA agreed all inclusions were pertinent. The AC Chair also reported the information was transparent, in particular, within the CEO Report section and the Auditors were very comfortable about the final reserves position.

10.5 It was noted AC Members were satisfied that additional cross-checks had been carried out by the Auditors during the audit process. The EA gave assurance that staff had fully complied and supplied all information requested, during this different audit process this year and there were no issues to report to Board.

10.6 Members thanked the DoBP, AC Chair and Members for their update to the Annual Accounts. Members noted and approved the Annual Accounts for 2019-20.
11. **External Auditor Report**

11.1 The AC Chair advised the EA Report had been discussed in detail at the AC and reported it was a good report, the process had been well managed, with good engagement from the team. Improvements had been made in short/long term financial planning. There were two recommendations for action: 1) dilapidations for provision needs updated; and 2) medium-term funding gap. The EA are keen for Board to reduce/redress this funding gap, this was touched on at the Board Development Session.

11.2 Members sought clarification on the anticipated funding gap of £507k and wondered what the timescale for reducing this was. Members also wished to know, whether it was £507k per year or was it £507k to the end of the strategy period. The CEO reported this was a theoretical gap, made on projections of incoming complaints made during the strategy development and four year forecasting project in Nov/Dec last year. Many of these assumptions would now be changed, and then any likely gap be smaller. Following a free and frank discussion it was agreed that further projected assumptions would drafted by SMT and shared with Board at the November Workshop Meeting. However, the DoBP confirmed the funding gap was the end of the strategy period.

11.3 Members acknowledged that this figure would be revised within the updated assumptions, which will be brought to the next meeting for update.

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<td>DoBP/SMT to revise the projected assumptions to reduce the anticipated funding gap and provide an update to Board at the next meeting.</td>
<td>DoBP/SMT</td>
<td>By 16/11/20</td>
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11.4 The AC Chair reported that Deloitte had noted positively the decision on reserves, and the handling of Covid-19.

11.5 The Chair reiterated his thanks for the work on the Annual Accounts.

12. **Financial Management Report to 30 September 2020**

12.1 The DoBP spoke to the papers presented.

12.2 Members noted the variance summary to date. Overall income is ahead on the year date to budget by £2,050 and expenditure is showing a saving of £73,780.

12.3 The DoBP reported that bank interest earned to the end of September was lower at £1,838 against a budget of £10,800, over 3 months, this is down £8,962. It is expected this income would be less than budget, as this is linked to Covid-19, and interest rates being lowered. We are also not holding the same levels of cash in our deposit account due to the LSS agreed payment plan. The Chair sought assurance that the final instalment from the LSS was still planned for payment on 1st December, the DoBP confirmed it was.

12.4 Members noted the explanation for accounting of Members' salaries and reporting within the annual accounts. The DoBP advised this would be reviewed for next years' accounts reporting.

12.5 The Chair thanked the DoBP and CEO for their update and explanation to the figures presented and for their work on completion of the Annual Accounts.

13. **Q4 Customer Feedback**

13.1 The DoBP spoke to the paper presented and advised, of the 198 cases closed during the quarter, only 77 responses were received, meaning the response rate was only 19%, which was disappointing. However, it was noted that overall, the satisfaction rates had increased, albeit slightly.

13.2 Members noted that within the free text feedback, there was a perception by complainers that ‘we’ still favour the profession. Members suggested that the project on ‘clarity’ in templates, they could be reworded to aid and address these points. The CEO advised that this was part of the project, alongside the more general language used within letters and reports, where profession discretion was required or where they were case specific (which was being supported by the training and focus of QA). Members sought a timescale for the changes to templates and letters. The CEO advised this was part of the Op Plan, and was currently scheduled to be complete for the end of this year.
13.3 Members also suggested it would be helpful to know at what stage of the process the customer service feedback was provided at, i.e., Eligibility, Mediation, Investigation or Determination. The DoBP advised this was a question asked on the survey form, though not currently included within the Board analysis. As we had done before, this could be done as a one-off analysis for the next quarter, and Board could discuss the learning and the value of future reporting.

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<td>DoBP to review survey form data to include information about which stage of the process customer service feedback was provided on and report back in the next Quarterly update to the Board.</td>
<td>DoBP</td>
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14. Risk Register Summary

14.1 The DoBP advised that this had been fully discussed at the recent AC Meeting prior to presenting at Board. The following Risks had been reviewed and updated from this meeting.
- 14.1.1 Risk 7 – remains high.
- 14.1.2 Risk 11 – has been reduced due to current job climate.
- 14.1.3 Risk 12 – has been re-evaluated due to the increased risk of cybercrime.
- 14.1.4 Risk 14 – is being actively monitored, changed and updated as required.

14.2 Members sought clarification on Risk 10, in relation to the planned IA on Appeals and timescales for reporting the output to Board. The DoBP advised this would involve: the reviewing of the current Appeals Policy; controlling of spend; checks that controls are in place; and that policy steps are followed by staff. Members asked for the output to be shared with the Legal Chairs. The DoBP agreed this would be, as soon as it was available.

14.3 The AC Chair confirmed the AC reviewed each Risk in detail and following discussion at AC it was agreed that Risk 13 would be increased. This is due to the transition of new Board Members and timescales of recruiting new Members. The Chair acknowledged that timescales would be tight and dependent on the availability of SGvt Ministers but it is currently anticipated they would be met on time.

14.4 Members thanked the DoBP and AC Chair for their explanation to the paper presented.

15. Q1 2020/21 HR Update

15.1 The DoBP spoke to the paper presented and advised that within the recent recruitment, the internal Digital Specialist role has now commenced and the new Oversight and Assurance Manager would be starting next week. Due to Maternity Leave commencing next week, they have recruited a 9th temporary Facilities Officer via a recruitment agency, who Members of the H&S Committee will meet later this afternoon. Members noted the current staffing was 8.54FTE under budget, as recruitment was tightly constrained by the management team in the face of Covid-19 and reduced incoming numbers.

15.2 The DoBP reported that all performance and appraisals have been concluded, the higher rate of unsatisfactory was being continually monitored and actively managed by IMT and SMT. Members sought clarification as to the reason for the YoY rise from 2% to 11%. The DoBP reported this was due to staff not meeting targets, poor quality of work, and being actively managed via support and Performance Improvement Plans (PIPs).

15.3 Members noted that sickness absence (S&A) was below the average CIPD Health and Well Being at Work figures. The Chair enquired if it was anticipate there would be longer term mental health issues with staff continuing to WFH. The DoBP reported currently there were not, however this is being monitored by SMT. It was noted that staff are able to attend the office on either a Wednesday or Friday, booking a slot via a rota system to help with their mental health and wellbeing, and staff who are doing so, are finding this beneficial.

15.4 The DoBP reported on all other ongoing HR activities.

15.5 Members noted the other updates within the paper presented.
16. **Update from Remuneration Committee**
16.1 Members noted the update paper presented. The DoBP gave an overview from the recent meeting, which included a benchmarking exercise against the IIP framework. This benchmarking will now be used to show areas of strengths and weaknesses against the framework. Areas of weakness will be used help shape the HR Op plan for 2021-2022. The Chair enquired if costs were associated with this exercise. The DoBP confirmed there were no costs involved, as the exercise was being done internally, utilising the framework with no formal accreditation being achieved.

16.2 The RC also reviewed changes to the Member Expenses Policy, in light of their discussions and that of the AC, further changes are required. Once updated by the DoBP it will come to Board for final approval.

16.3 Members also reported there was a good discussion on all areas covered at RC, which the Board will see reflected in future updates.

16.4 The Chair thanked RC Members and DoBP for their update.

17. **Update from Audit Committee**
17.1 Members noted the update paper presented.
17.2 The Chair confirmed, that both the AC Chair and DoBP had provided an overview from the recent AC meeting, along with their earlier updates on the Annual Accounts, IA Report and Risk Register.

17.3 The Chair thanked the AC Chair and DoBP for their earlier updates and paper was noted as read.

12.15pm DoBP left and DoPP re-joined the meeting

18. **Q1 2020/21 Operating Plan Update**
18.1 The DoPP spoke to the paper presented and gave an update on projects to date.
18.2 The DoPP reported that the 29 projects were underway and on track for conclusion by yearend. Members sought clarification on the reported ‘green’ status. The DoPP explained the RAG status and ‘green’ was where a project is anticipated to be at yearend. Following discussion, it was agreed that RAG definitions would be reviewed.

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<td>CEO/DoPP to review RAG definitions of the Op Plan to be reviewed and included in next reporting to Board.</td>
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18.3 The Chair thanked the DoPP and CEO for their update.

19. **Review of Equality Statement and Accessibility**
19.1 The DoPP spoke to the papers presented and reported this was an outstanding project from 2019-20 Operating Plan, relating to a refresh of our approach to equality and diversity. An external consultant was commissioned to help us deliver this project, which involved various workshops that included a broad mix of staff and some Members. The work delivered three linked outputs:
- a new overarching equality statement
- training/facilitated discussion sessions with staff
- a final report containing an audit of our existing approach, and recommendations for improvement.
19.2 Members sought clarification in relation to sign-posting to other Agencies. The DoPP advised that staff often refer onto other Agencies, such as advocacy services. It was noted that staff have access to a list of sign-posting Agencies that can be used during conversations with parties, if required.
19.3 Members also sought clarification on where the Equality Policy and Statement will link into Gender Equality. The CEO reported this will link into wider equality work, through training and values with staff, professionals and parties. It was acknowledged there was a need to keep the message live.
19.4 Members were pleased to note this and reported that during the session they attended, there was good engagement by staff and good practice already being displayed within the organisation. Members suggested that SMT should be mindful of the fact that the current Board Member complement would be significantly changing, so there was an opportunity to engage and raise awareness with future Board Members. This was agreed by the Chair and CEO.

19.5 Following a free and frank discussion on the wording of the opening paragraph of the draft Equality Statement, it was agreed, by the Board, that this would be reviewed prior to publication.

19.6 Members agreed, that subject to this minor typographical change, the draft Equality Statement was approved by Board and would be published on the website.

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12.35pm DoPP left the meeting

20. **Board Actions Register**
20.1 Members noted the ongoing Actions and agreed all other completed actions should be removed from the register.

21. **Minutes of Previous Meeting from 28 July 2020 and Notes from 14 September 2020 Board Conference Call**
21.1 The Minute of the Board Meeting, along with the notes from the Board Conference Call were both noted and approved as read.

22. **Draft Minutes of Consumer Panel Meeting**
22.1 The draft notes of the recent Consumer Panel Meeting was taken as read for information.
22.2 The Chair reported that he had attended this meeting, which was very informative. The Chair also advised he was very impressed by the commitment shown by the Panel Members.

23. **Chair’s Report**
23.1 The Chair reported that he had met, virtually via Zoom, with the new LSS President and also with the SGvt Justice Director, Neil Rennick. Further meetings were planned with SGvt to progress the new Member recruitment process.

24. **Date of Next Meetings**
24.1 Members noted the dates of the next meetings as:
   - Board Workshop will commence at 10am on Monday 16 November 2020
   - Board Development Session will commence at 2pm on Monday 7 December 2020
   - Board Meeting will take place at 10am on Tuesday 8 December 2020
24.2 The Chair advised it was anticipated that these meetings will continue to take place remotely due to SGvt guidelines.

25. **AOCB**
25.1 None.
26. **Chief Executive’s Report**  
26.1 The CEO gave a brief overview of meetings to date. Members were intrigued by the short demonstration by Luminance, an AI in legal services. The CEO acknowledged that while this was interesting, it was not an imminent project for the SLCC. There were more basic operational issues to address first (for example, resolving the telephone issues), and no budget had been approved for AI by Board this year. However, the aim was to develop knowledge and skills, keep the state of the art under review, and to allow future business planning if there were potentially viable options.

26.2 The Board noted the paper presented.

12.36pm CEO left the meeting

27. **Chief Executive’s Annual Salary Review**  
27.1 Members noted and agreed with Chair’s presented paper. The Chair confirmed he would request the DoBP to draft and submit the CEO’s Annual Salary Review letter, as per the proposal to Board, to SGvt.

12.39pm Secretariat left the meeting

A Private Member only session took place.

28. **Review of the Meeting**  
28.1 With no other business the meeting concluded.

12.50pm Board Meeting ends