

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.15 AM TUESDAY 25th MARCH 2014**

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

PRESENT:

LAY:

Bill Brackenridge (Chair)
Iain McGrory (Vice Chair)
Kevin Dunion
Ian Gibson
Sam Jones
Fiona Smith

LAWYER:

George Clark
Ian Leitch
Maurice O'Carroll

In attendance:

██████████ (CEO)
██████████ (HI 1) – items 1-8
██████████ (HI 2) items 1-9
██████████ (Secretariat, minutes)

██████████ (F&CSM) – items 1-9
██████████ (SC) – items 1-9
██████████ (IL) – item 16

Abbreviations used:

LSS – Law Society of Scotland
SGvt – Scottish Government
HO – Head of Oversight
HI – Head of Investigations
IL – In-house Lawyer
MC- Mediation Co-ordinator
RPOs – Relevant Professional Organisations
AC – Audit Committee
F&CSM – Finance and Corporate Services Manager
HRM – Human Resource Manager
SC – Senior Clerk

1. Welcome

1.1 The Chair opened the meeting and welcomed everyone and noted the apologies recorded. The Chair adjusted the order of agenda to ensure the appropriate members of staff were present at the relevant time.

2. Apologies

2.1 Apologies were received from ██████████ (HRM) and ██████████ (HO).

3. Declaration of Interests

3.1 It was noted the standard Declarations of interest was declared by George Clark, Ian Leitch and Maurice O'Carroll in relation to any pecuniary interest with regards to budget discussions.

4. Draft Budget 2014/15

4.1 Members noted the two comments have been received to date. One from the LSS and the other from the FoA, and it was agreed that the CEO would reply to both letters and that in in line with the Budget Consultation Process the comments would now be placed on the website.

4.4 Members formally adopted the Draft Budget 2014/15.

Action	Owner	Due Date
CEO to acknowledge and reply to comments received on the draft 2014/15 Budget, and comments to be placed on the SLCC website.	CEO	31 March 2014

5. Finance Report

- 5.1 The F&CSM spoke to the FMR papers presented which were for 8 months up to 28 February 2014. Members noted the position for the year to date and the projected out-turn for the full year and thanked the F&CSM for the papers and his explanation to the figures as presented.

6. Management Information

- 6.1 The CEO advised that he had asked each of the SMT present to speak to their area of responsibility.
- 6.2 The HI 1 provided an update in relation to Eligibility. She advised that there had again been a slight increase in the Work in Progress compared to the same time last year, and that this was due to the team concentrating on 'older' cases in anticipation of the new Case Management System being implemented on 1 July 2014.
- 6.3 The HI 1 also advised that as a result of reviewing the Mediation process they were starting to see the average time taken at the Mediation stage reducing. The HI 1 advised Members that the MC was working hard with parties to try and resolve their complaints and was also in the process of drafting a Mediation Manual. The HI 1 reminded Members that the next Mediators meeting would take place on 14 April 2014 and they were most welcome to attend. It was also noted that the Mediators will start to observe a Determination Committee from April on.
- 6.4 The HI 2 provided an update in relation to the Investigation stage and advised that the number of cases in the "unallocated" queue was continuing to fall. The HI 2 also advised there were now 14 Reports trained on the SLCC procedures. Members asked the HI 2 whether data was now available to advise Members as to the average number of days a case is in the system at each particular stage of the process. The HI 2 advised that they were gathering this data but unfortunately at present it required further analysis before it could accurately be reported to Members.
- 6.5 The CEO advised that they working on providing KPIs for the average case at each stage of the process and the current averages are:
Eligibility – 2 months;
Mediation – 0.9 month;
Investigation – 8 months; and
Determination – 5 months.
- 6.6 The CEO also advised that the aim was to reduce the KPIs down from the approx 15mths to under 12mths in the current operating year.
- 6.7 The Chair thanked the HI 2 and CEO for this but reiterated that Members were still seeking to ascertain that a case will take 'X' days to complete through each stage of the process.
- 6.8 The SC provided an update on the Determination stage and advised Members that as with Eligibility they were concentrating on 'older' and continued cases. Members were reminded that the last date for comments on the Rules had just past and the CEO advised that comments had been received from Lord Presidents Office.
- 6.9 The CEO advised that though there was a decrease in Work in Progress (WIP) at the Eligibility and Determination stages of the process this did not necessarily mean there have been less complaints admitted or considered by the SLCC.
- 6.10 The Chair reminded the CEO that a summary paper should accompany the Management Information slides.

7. Non-Quorate Update

- 7.1 The SC spoke to her paper presented and advised Members that they were in the final stages of finalising the last few draft Determination Reports to be issued to parties. It was agreed that the SC would capture the changes in practice and learnings for future reference to be shared by other Members.
- 7.2 The Chair thanked the SC and the Clerking Team for the way in which this issue had been dealt with so efficiently and effectively.

8. Workpro Project Update

- 8.1 The HI 1 advised Members that the migration fields have now been agreed but it was noted that there were a number of fields that will not be carried over to the new system. It was noted that the old version of Workpro would still remain accessible but new data will be added to this system when the new one is operational on 1 July 2014. The HI 1 also advised that the target date for the data migration scheme was 28 March 2014.
- 8.2 The HI 1 reminded Members that they will not be able to access/use the new system until they have been trained and everyone should be trained by 15 July 2014.
- 8.3 Members sought clarification whether the new system would be able to provide a precedent database, and the HI 1 advised that the search functions were much better, even allowing filtering searches. The SC advised that once we saw the new system in operation it was agreed that the functionality of a precedent database would be reviewed.
- 8.4 Members noted their concern about the recent IT data issue with NVT and the R4 risk by CAS as being Red. The HI 1 advised that this was being closely monitored by CAS and the SMT. The HI 1 also advised that there will still be a great deal of work to be keyed with regards to all current 'open' cases as this data will need to be keyed manually by staff as mentioned earlier not all fields will be migrated as they are named differently. The CEO stated that, with this in mind, there was a concentrated effort on all staff reducing their case loads and that some PT staff have agreed to work extra hours during the going live week of 1 July 2014.
- 8.5 The CEO also wanted to formally recognise and record his thanks for the extra work which has been carried out by the HI 1, the Oversight Manager and the Performance & Standards Auditor on this Project.

11.05am HI 1 left the meeting

9. Oversight & Communications Update

- 9.1 In the absence of the HO the CEO spoke to the paper presented and advised that as the theme from the Strategy Day was Oversight and highlighting to the profession where Oversight sits within the Operational Plan. Members noted that they would also like to see measured outcomes, ie are the 'bad' practices of the profession reducing, and they would also like to see an analysis of the outreach work planned with Client Relations Managers. Members also wished further information on Information Sharing Protocols with 3rd parties so there is no breach of confidentiality of sharing information.
- 9.2 The Chair thanked Members for their input on this paper and asked the CEO to ensure that Members are appraised of Oversight and Communications updates prior to uploading to the website.

11.35am comfort break during which the remaining SMT Members left the meeting

11.40am meeting resumed and the IL joined the meeting

10. Legal Services Procurement Update

- 10.1 The IL spoke to the paper presented and Members noted that the Working Group were meeting later today to review the 10 submitted bids. It was noted that in the interests of fairness, those involved in the Tendering process would decline to score on the bids where they had a declared conflict with the firm. Members agreed that this should be recorded accurately for auditing purposes. Members noted the current timelines and thanked the IL for paper and explanation.

11.55am IL left the meeting

11. Minutes of Meetings from 28 January 2014 and 25 February 2014

- 11.1 In line with the previous Minutes, Members formally approved the full Board Minutes that had been noted for accuracy during the Performance Management Conference Call Meeting on 25 February 2014.
- 11.2 28 January 2014
11.2.1 The Minutes of the Board were approved.
- 11.3 25 February 2014
11.3.1 The Minutes of the Performance Management meeting were approved.

12. Matters Arising from 28 January 2014 and 25 February 2014

- 12.1 It was noted there were no matters arising from the Board meeting of 28 January 2014 or the Performance Management meeting of 25 February 2014. However, it was agreed by the Chair and CEO that they would capture the output from the recent Strategy Day which would be shared at the next Board Meeting in May.

Action	Owner	Due Date
Output of Strategy Day to be presented at the next Board meeting in May.	CEO/Chair	27 May 2014

13. Board Actions Registers

- 13.1 The CEO provided Members on an update on the actions register and Members noted the updates and that cleared items have been removed from the Actions Register.

14. Chairman's Report

- 14.1 The Chair extended his thanks to all Members for participating in their recent 1-1 meetings with him. It was noted that an 'anonymous' general summary would be drafted and shared with Members, and he would use this to prepare a Board Action Plan for the next financial year. The Chair also advised that he had a meeting jointly with the CEO and Jan Marshall, Deputy Director of Justice from SGvt which was unfortunately missed off his Report. The Chair also reminded everyone that Jan Marshall will be attending the May Board Meeting.

15. Chief Executive's Report

- 15.1 The CEO spoke to his paper presented and expanded on his interesting meetings with the CEO of the Ombudsman Services in Warrington, and the Lay Observer for Northern Ireland, who were in Scotland for other meetings. It was also noted that he attended the Association of Regulatory and Disciplinary Lawyers (ARDL) talk where Jim Martin was the speaker and enquired if it would be possible for the CEO to obtain a copy of Mr Martin's presentation as it sounded very interesting. Members noted the report presented and thanked the CEO for his update.

Action	Owner	Due Date
CEO to try to obtain and circulate a copy of Mr Martin's presentation to the ARDL talk.	CEO	31 March 2014

16. Members Code of Conduct

16.1 Members agreed and adopted the Model Code of Conduct for Public Bodies produced by the Standards Commission for Scotland as the SLCC Members Code of Conduct.

17. AOB

17.1 The Chair advised that he proposed that all Members who had participated in the personal feedback on the Board Development Session with Margaret Williamson would meet once everyone had completed their personal feedback.

17.2 Determination Committee (DC) Governance – Discussion took place regarding the extent to which a Determination Committee could direct further investigations or indeed require a fresh investigation carried out by a different Case Investigator. The Board agreed with the CEO that a DC was not empowered to direct who should conduct further investigations. However, it was agreed that a DC did have the remit send a case back for further investigation. If further investigation is required the DC should give clear direction and detail exactly what is required.

17.3 Deceased Practitioners – A discussion took place regarding the acceptance of complaints by the commission about deceased practitioners. A Chair of a Determination Committee had given his opinion on the law and the DC received an opinion from external advisers. The CEO sought further legal advice. The CEO agreed to have procedures prepared for dealing with complaints against deceased practitioners. One Member did not agree with this as this issue was one of law and not policy and asked that this dissent to be recorded.

	Owner	Due Date
CEO to draft a Policy/Procedure on handling cases on Deceased Practitioners.	CEO	27 May 2014

17.4 **Update Note: subsequent to the discussion and following receipt of further advice, it was now accepted that a deceased sole practitioner cannot be the subject of a valid complaint. Consequently the procedures referenced to by the CEO are no longer needed.**

17.5 With no other business noted the meeting concluded.

18 Date of Next Meeting

18.1 Members noted the performance management meeting will take place at 10.15am on Tuesday 29 April 2014, with the next full Board meeting taking place on Tuesday 27 May 2014, commencing at 10.15 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends at 1.05pm