

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS  
COMMISSION: 10.40 AM TUESDAY 29<sup>th</sup> JULY 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:**

Matthew Vickers (CEO)  
[REDACTED] (HO) – items 1-8  
[REDACTED] (SC) – items 1-8  
[REDACTED] (Secretariat, minutes)

[REDACTED] (F&CSM) – items 1-8  
[REDACTED] (HI 1) – items 1-11 & 14  
[REDACTED] (HI 2) items 1-8 & 12-14

**Abbreviations used:**

LSS – Law Society of Scotland	RPOs – Relevant Professional Organisations
SGvt – Scottish Government	AC – Audit Committee
HO – Head of Oversight	F&CSM – Finance and Corporate Services Manager
HI – Head of Investigations	HRM – Human Resource Manager
IL – In-house Lawyer	SC – Senior Clerk
MC- Mediation Co-ordinator	WIP – Work in Progress
FO – Facilities Officer	DC – Determination Committee
SMT – Senior Management Team	FMR – Financial Management Report

**1. Welcome**

1.1 The Chair opened and welcomed everyone to the meeting. The Chair apologised to the SMT for the short delay and advised that Members had just had a short meeting with Jan Marshall, Deputy Director of Justice. Ms Marshall gave an informative synopsis of her role as Deputy Director of Justice, and on the SGvts Strategy for Justice Scotland which was produced in 2012 and how this links to the Justice Department being the SGvts Sponsor Department for the SLCC. The Chair revised 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 [REDACTED] (HRM).

**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. Finance Report

- 4.1 The F&CSM spoke to the FMR papers presented; these figures were pre Audit as this is due to take place mid-August and for the year-end 30 June 2014. The F&CSM advised that the Audit will finalise the year-end accounts and he did not foresee the final position changing dramatically from that of the budget projections presented today. In that, the end-of-year reserves position would see us sitting with the top-end of the 3mths reserves which was a good position to be going into the next financial year. They were also changing how the SMT monitored this year's budget and tighter controls were now in place for the SMT to take more ownership over their particular business areas.
- 4.2 Members sought clarification as to whether or not there had been any impact on the projected budget due to the increase in recent Appeal cases received. The F&CSM advised that whilst the increase in the number of Appeals was a concern, it will be closely monitored in the new financial year. It was noted by the CEO that Appeals would be discussed later in the Agenda.
- 4.3 Members noted the position for the end-of-year and the projected out-turn. The F&CSM confirmed that the Auditors were in on 18<sup>th</sup> August 2014 and the 1<sup>st</sup> draft of finalised Accounts should be presented at the Board Meeting in September. Members thanked the F&CSM for the papers and his explanation to the figures as presented.

Action	Owner	Due Date
Draft finalised Accounts to be presented to the next full Board meeting.	F&CSM	30 September 2014

#### 5. Management Information & KPIs

- 5.1 The CEO advised that as we were in the transition of moving cases from Workpro to Newpro, the year-end figures for 2013/14 did not include the average length of open cases at each stage of the process. However, it is anticipated that this would be recorded more accurately in the Newpro system going forward.
- 5.2 The HI 1 (■) provided an update on Eligibility and advised that they were continuing to focus on resolution and this was reflected in the percentage of cases resolved. The HI 1 (■) also advised that a number of Case Investigating staff had now completed their third day of the Conflict Resolution training, which was helping to reduce WIP cases.
- 5.3 The HI 1 (■) advised that as with Eligibility cases the Mediation Co-ordinator was continuing to try to resolve cases to reduce costs. It was also noted that the new Mediation Co-ordinator commences on 5<sup>th</sup> August 2014 and advised that there would be a handover period. The CEO advised that both himself, HI 1 (■) and the current Mediation Co-ordinator would be speaking at a forthcoming Mediate Scotland 2014 Conference on 8<sup>th</sup> and 9<sup>th</sup> September 2014. It was agreed that the HI 1 (■) would circulate a copy of their proposed presentation to Members.

Action	Owner	Due Date
HI 1 (■) to provide a copy of the Mediation presentation to Board Members.	HI 1 (■)	Before 8 <sup>th</sup> September 2014

- 5.4 The HI 2 (■) provided an update on the Investigation stage and advised that the "unallocated" queue would all be "allocated" out to all Case Investigators (CIs) by the end of this week. Unfortunately, this means that the CIs would have a slightly higher than normal case load at present.
- 5.5 The SC also advised that the Clerking team were continuing to focus on 'older' cases and were reducing the WIP within the Determination stage of the process. The SC also advised Members that as planned in the new financial year they were now working within the new DC process which was implemented on 1<sup>st</sup> July.

- 5.6 The CEO advised that though the EoY figures were showing decrease in the overall WIP at the Eligibility, Mediation and Investigations stages of the process, there had been a slight increase at the Determination stage. This was due to efficiencies with the processes, use of Reporters and the Non-Quorate work. Members acknowledged that staff had worked hard to reduce the backlog and increased efficiencies in the process and hoped that the new case management system would soon start to produce the statistical data required for KPI analysis. Members also asked the CEO to show separately the number of Hybrid cases in the system, so that this reflects the number of cases which are/being considered by the LSS.
- 5.7 Proposed KPIs for 2014/15 - The CEO and HO spoke to the paper presented by the CEO regarding the proposal to agree the targets in relation to objectives headings: 1. *high quality of service*; 2. *early resolution*; 3. *efficient* and 4. *accountable*. Members also agreed that the HO would review the targets in relation to objective heading: 5. *influential* and resubmit the targets to the next Board meeting for consideration. Members also considered the possibility of a separate 3<sup>rd</sup> party organisation comparing the data and seeking the views of parties who are/have been involved in making a complaint to the SLCC, as a similar process has been carried out with the English Ombudsman organisation and this data might be considered helpful to the SLCC. However, it was agreed that this was a topic for discussion at a later date.
- 5.8 The Chair confirmed that Members agreed the 9 proposed KPIs and would review the other 9 from the HO at the September Board Meeting. Members thanked the Members of the SMT and CEO for their updates on both papers.

Action	Owner	Due Date
HO to provide an update on the proposed KPIs for 2014/15 to the next full Board meeting.	HO	30 September 2014

## 6. Health and Safety Update

- 6.1 The Chair confirmed that the H&S committee had met last week with the FO, and they had reviewed the H&S week update and it was noted that this had been positively received by staff in the office. The Chair also advised that one particular area under review was the sink area. Members noted their thanks to the FO on the H&S Audit and paper submitted.

## 7. Workpro/Newpro Update

- 7.1 The HI 1 (■) advised that the new system was now live and that they had signed-off the Certificate of Completion for the project and advised that as with any new system they are starting to identify a number of new issues to be included in the next planned upgrade. Again, Members recorded their thanks to the HI 1 (■) that this project was completed on time and on budget, with as little impact to staff as possible. The HI 1 (■) advised that the migration work would be finished by the end of this week though it would be a few more weeks before data reports could be run from the system, as training was still ongoing on Report building.

## 8. Oversight & Communication Update

- 8.1 Operating Plan 2014/15 - The HO spoke to his papers presented and advised that the Oversight Operational plan reflected a challenging year ahead for the Oversight team, unfortunately, there were a couple of deliverable objectives carried over from last year. The Chair asked that the HO provide an update on the Operational plan at each Board meeting.

Action	Owner	Due Date
HO to provide an update on the Oversight Operating plan at future Board meetings.	HO	30 September 2014 and ongoing

- 8.2 Revised Annual Report Timetable - Members noted the revised Annual Report timetable and requested that a draft copy of the Annual Report be circulated to them by email for discussion/approval for the August Performance Call. However, the F&CSM raised concern that the financial information would not be finalised for insertion by this date. This was acknowledged by the Chair and advised that Members were seeking the opportunity to raise any issues with the HO and CEO prior to the publication of the Annual Report deadline.
- 8.3 Proposed Communications “Spikes” – Members noted the paper presented by the HO.
- 8.4 Consumer Panel Terms of Reference – Discussion took place regarding the “Panel” issuing public statements and it was agreed that the HO would revise the wording slightly to reflect the discussion today. Members did acknowledge that the “Panel” would issue public statements, they would also be providing an update on their work to the SLCC and that this would be reflected in the Annual Report.

Action	Owner	Due Date
HO to revise the wording on the ToR to reflect discussions today.	HO	29 July 2014

*11.50am comfort break during which the SMT Members left the meeting and the HI 1 (■) re-joined the meeting*

## 9. Legal Tender Procurement Update

- 9.1 The HI 1 (■) spoke to the paper presented and confirmed that the initial meetings had now all been set up and a Legal Strategy would be presented at the September Board Meeting. Members noted and approved the paper presented.

## 10. Appeals

- 10.1 The HI 1 (■) advised that since the paper had been drafted another intimation of an Appeal had been received.
- 10.2 Members raised concern that they had not been advised of an Appeal prior to it being reported in the update paper. It was subsequently agreed that Members who had been involved in a case that was subject to an Appeal would be advised of that by the HI 1 (■) or the Clerking Manager.
- 10.3 Following a discussion on where a Determination Committee (DC) departed from the original CIs recommendation, it was agreed that an additional internal review step would be built into the process. It was also agreed that the Clerks would raise any potentially high-risk cases to the Clerking Manager or the HI 1 (■), who would carry out a review of draft Determination Reports, thus ensuring the highest quality of documents coming to DCs.
- 10.4 Also following this discussion, it was agreed that the Mindset and Preference training would be completed, as a matter of priority, before the end of the next Quarter, at the very latest early next year. The CEO was tasked with moving this forward as a matter of urgency. It was also considered that once the Clerking Manager was in post the DC procedures would be reviewed as to whether it was appropriate to seek Counsel’s opinion before issuing final Determination Reports on high-risk cases. However, on an interim basis the Clerks would continue to raise any cases where the DCs disagree with the CIs recommendation with the HI 1 (■) and CEO.
- 10.5 The Chair requested that Appeals return to be a standing Agenda item at future Board Meetings. The Chair also asked the HI 1 (■) if Members could have some collective information regarding Appeals, ie how many? At what stage they are in the system? And what learnings can be made from them? The CEO and HI 1 (■) reiterated that the Appeals outcome paper has been shared with the Clerks and will be a matter of priority for the new Clerking Manager.

Action	Owner	Due Date
Secretariat to ensure that Appeals is placed on future Board Agendas.	SR	30 September 2014
The HI 1 ( ) to include in future Appeals update papers a collective analysis of Appeals within the system.	HI 1 ( )	30 September 2014

## 11. Time-bar Policy/Changes to the Rules

- 11.1 Members discussed and confirmed their agreement the proposal presented by the HI 1 ( ) regarding the time-bar policy. Members also agreed that there would be a consultation process on the SLCC's 2013 Rules before they could be altered to incorporate these changes, by the implementation date of 1 January 2015.

1.00pm HI 2 ( ) re-joined the meeting

## 12. Mindset and Preference Update

- 12.1 The CEO gave an overview of the work carried out to date. It was also acknowledged by Members and SMT that an additional piece of work needs to be included regarding recent Appeals. Members noted the action plan and framework proposed by the CEO. However, the Chair raised concern regarding the completion date of January 2015 and feels that in light of the recent increase in Appeals this plan should be delivered well before then. The CEO reiterated that the new Clerking Manager would soon be in post and this would be a priority task for the SMT.
- 12.2 Members noted the action plan and timescales within the project.

1.05pm HI 1 ( ) left the meeting

## 13. Reporters Update

- 13.1 Members discussed and confirmed their agreement to the proposal presented by the HI 2 ( ) with regards to continuing with the use of the Reporter Panel and looked forward to receiving an update at the next meeting.

## 14. Time Recording Progress

- 14.1 Members noted the paper presented by the HI 2 ( ) and agreed to the timescales proposed by the HI 2 ( ) in presenting a future analysis on outcomes of data gathered.

1.10pm HI 2 ( ) left the meeting

## 15. Minutes of Meetings from 25 March 2014, 27 May 2014 and 24 June 2014

- 15.1 25 March 2014
- 15.1.1 Following further discussion on the amendments made by the Chair and Vice Chair regarding the requested changes made by Members on points 17.2 and 17.3, it was agreed that the Minutes of the Board would be further revised and circulated to email for approval by Members.
- 15.2 27 May 2014
- 15.2.1 Following discussion it was agreed that the Minutes of the Board would be revised at point 8.2 and circulated by email for approval by Members.
- 15.3 24 June 2014
- 15.3.1 The Minutes of the Performance Management meeting were approved.

**16. Board Actions Registers**

16.1 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.

**17. Matters Arising from 27 May 2014 and 24 June 2014**

17.1 There were no matters arising to be discussed.

**18. Chairman's Report**

18.1 Members noted the meetings undertaken by the Chair.

**19. Chief Executive's Report**

19.1 Members noted the meetings undertaken by the CEO and Members sought clarification on the meeting with the Mr Walker from Resolver. The CEO advised that Resolver collated Energy complaints by the use an App/Website programme to record all correspondence and case-file-builder for complainers and companies.

19.2 The Chair reminded the CEO that they were still looking for an output of points of interest to share with Members from all his meetings and conferences attended.

Action	Owner	Due Date
CEO to pull together a synopsis on points of interest for Board Members on meetings and conferences recently attended.	CEO	<del>29 July 2014</del> 30 September 2014

**20. AOB**

20.1 With no other business noted the main Board Meeting concluded.

**21. Date of Next Meeting**

21.1 Members noted the performance management meeting will take place at 10.15am on Tuesday 26<sup>th</sup> August 2014, with a Members Development Session taking place on Monday 29<sup>th</sup> September 2014 at 2.00pm and the next full Board meeting taking place on Tuesday 30<sup>th</sup> September 2014, commencing at the earlier time of **9.15am** at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

*Board Meeting ends at 1.20pm*