

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 1.30PM MONDAY 18th OCTOBER 2021
VIA: ZOOM due to current lockdown situation**

PRESENT:

LAY:

Jim Martin (Chair)
June Andrews
Sara Hesp
Niki Maclean
Sarah McLuckie
Morag Sheppard
John Stevenson (new Member Observing)

LAWYER:

Denise Loney (Items 1-8 & Workshop Sessions 1-3)
Kay Springham (Items 1-8 & Workshop Sessions 1-3)

Apologies:

Richard McMeeken (new Member who was due to Observe)
Caroline Robertson (DoR)

In attendance:

Neil Stevenson (CEO)
Louise Burnett (DoBP)

[REDACTED] (Secretariat – minutes)
Vicky Crichton (DoPP)

Abbreviations used:

WIP – Work in Progress
FMR – Financial Management Report
AC – Audit Committee
CI – Case Investigator
RPO – Relevant Professional Organisation
IMT – Investigations Management Team
JT – Journey Time
DoR – Director of Resolution
DoBP – Director of Business Performance
RC – Remuneration Committee
WFH – work from home

DC – Determination Committee
LSS – Law Society of Scotland
FoA – Faculty of Advocates
CIM – Case Investigations Manager
SGvt – Scottish Government
CoS – Court of Session
WT – Working Time
DoPP – Director of Public Policy
IA – Internal Auditor
EA – External Auditor
BCP – Business Continuity Plan

1. Welcome and Apologies

- 1.1 The Chair welcomed everyone to the Board and Development Session joint meeting and thanked everyone for accommodating the changes to dates and times.
- 1.2 The Chair extended a warm welcome to new Member, John Stevenson who was observing.
- 1.3 The Chair noted apologies from new Member, Richard McMeeken who was due to observe today and from the DoR, Caroline Robertson.
- 1.4 The Chair also noted that both Legal Members Denise Loney and Kay Springham needed to leave the meeting at 4pm, so with this in mind it was agreed that the Agenda would be adjusted accordingly to allow for the approval of certain items on the Agenda.
- 1.5 Members continued to note the impact on staff, members of the profession and clients, of the various pressures coronavirus was still creating.

2. Declaration of Interests

- 2.1 The Chair noted the standard declarations of interest declared by Denise Loney and Kay Springham in relation to any pecuniary interest with regards to budgetary discussions and the reform consultation process/response by the SLCC.

3. Annual Accounts 2020/21 and External Audit Report

- 3.1 Annual Accounts 2020/21 – The DoBP and CEO spoke to the paper presented. The CEO thanked both the DoBP and FinO on the preparation of the annual accounts, which again took place remotely this year. The CEO advised the format presented, is as provided by our EA, Deloitte, and the requirements of public sector reporting. The Chair reminded Members the CEO signs off the Annual Accounts, in his role as the Accounting Officer upon final approval by the Board.
- 3.2 Members noted that these had been reviewed at the recent AC Meeting, along with being circulated prior to today’s meeting 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 8 October 2021.
- 3.3 The DoBP advised Members there were three main items to highlight:
- 3.3.1 the variance to budget surplus of £533,094, which would be returned to reserves;
 - 3.3.2 additional narrative at p20 relating to Members leaving; and
 - 3.3.3 p27 included staff engagement survey, which will enable a comparison for reporting next year.
- 3.4 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. AC Members confirmed the reserves policy figure was fully discussed at AC and the Auditors stated it was good governance to show due diligence on the final reserves position.
- 3.5 Members noted that the hyperlink on p22 appeared to be a dead-link to the website. The DoBP confirmed all hyperlinks would be checked prior to publication and laying in Scottish Parliament.
- 3.6 Members thanked the DoBP, AC Chair and Members for their update to the Annual Accounts.
- 3.7 External Audit Report – The DoBP and AC Chair spoke to the paper presented.
- 3.8 The DoBP noted the Quality Indicator ‘amber’ grading on “Timing of key accounting judgements” and advised this related to the dilapidations provision. The DoBP explained this error and confirmed steps had been implemented to ensure this did not reoccur.
- 3.9 The DoBP also reported that both EA and AC were happy the Workforce Plan and Succession Plan were now linked, with updates being provided to future meetings of both AC and RC.
- 3.10 The AC Chair advised the AC sought clarification and assurance from the EA on the ‘amber’ reporting. The EA reported this was a minor issue, with no additional financial controls required. The EA also reported it was a ‘good’ report, which was ‘high’ up by their reporting standards. The AC Chair reiterated they were pleased with this report.
- 3.11 The Chair reiterated his thanks for the work on the Annual Accounts.
- 3.12 Members noted and approved the Annual Accounts and EA Report for 2020-21.

NOTE: At this point (1.45pm – 2.45pm) the Board adjourned, for a pre-planned presentation. The Board then reconvened, starting with the next business item.

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 Covid-19 update – Members were disappointed to note SMT were still awaiting permission from the landlord to improve the office WiFi. The DoBP advised this had now been approved, with NVT booked in to attend on 21 October, to install new routers and WiFi boosters around the office.
- 4.3 Board Member Appointments – The CEO reported that whilst positive discussions have been taking place with SGvt on possible options, progress has been disappointingly slower than anticipated. The CEO stressed the SGvt Sponsor Team have been very helpful in moving this matter forward, on our behalf, with Ministers. Members also noted the risks exposed to the SLCC. The Chair reiterated an update would be provided as soon as available.

- 4.4 Joint work with LSS on Interim Improvements to the Complaints System – The DoPP advised SGvt were working on draft regulations which should be available for review before Christmas.
- 4.5 ABS – The CEO advised they have just received a copy of the LSS new revised scheme that was submitted to SGvt. This document needs to be fully considered in detail, in order for the SLCC to be ready to proceed when asked to by SGvt. It was noted this particular piece of legislation was now 10 years old.
- 4.6 Communication – The CEO reported the draft copy of the 2020/21 Annual Report had been issued with the Board papers, with SMT seeking feedback from Members to allow finalisation and publication, before the laying in Scottish Parliament. Members were encouraged by the Chair to respond, as requested. Members suggested the Mediation figures should reflect the point practitioners are often keen to mediate but complainers do not. It was agreed the DoPP would incorporate this point.
- 4.7 Oversight – The DoPP reported on positive engagement with RPOs and advised the Oversight Team were continuing to collate information on conduct complaint journey times. This is with a view to making a S36 recommendation to the LSS on the output of the trend data. For the benefit of new Members, the DoPP explained both S36 and S24. Following discussion, it was agreed the DoPP would share with Members, a copy of the LSS finalised conduct complaint report template and guidance for reporters, when available.
- 4.8 Cyber Update – The DoBP advised she would be attending a webinar as part of the SGvt Public Sector Cyber Resilience Network. They will hear from SEPA's business resilience team on how they responded to the cyberattack.
- 4.9 Scottish Futures Trust (SFT) – New Frontiers for Smarter Working – The CEO reported this was established by SGvt as a centre for infrastructure expertise. Their role is to provide additional skills, resource and knowledge to public sector organisations, by supporting them to plan, fund, deliver and manage their major construction projects and buildings better. The CEO noted the document has been reviewed, and learning would be fed into the lease review project.
- 4.10 Covid Recovery Strategy for Scotland – For a Fairer Future – The CEO reported they had attended the launch event of this report, hosted by Scotland Deputy First Minister, John Swinney. The CEO advised the document praises the response of public bodies to Covid, in particular, as organisations worked in a more agile way, at pace, often being more confident with risk and collaboration, showing greater creativity and seeking to prioritise the most vulnerable. The CEO reported this also has been the move within the SLCC over the last few years, in particular with regards to the agile / sprint work etc. and it was also the approach taken that supported our strong Covid response. The document will be fully reviewed for learnings and was based on a wide consultation with SGvt stakeholders. It was noted the report also seems to encourage this as the continued way of working, which may be one of the most relevant points in the document. Again, it was noted that relevant learning would be fed into the lease review project.
- 4.11 S17 Work Update – For the benefit of new Members the CEO explained S17 powers under the Act. The CEO gave an update on the one case where the solicitor has failed to comply with the Court Order, and this is regarded as a serious breach. The solicitor has been directed to attend Court in person to explain why they have not complied with the Court instruction. The CEO also reported there could be press coverage as a result, a press statement has been prepared and will be made should it be required.
- 4.12 Digital and AI – Members noted as they had discussed the FarrPoint report earlier in the meeting, it was agreed AI would also be included to ensure future thinking on this subject. Members noted that the CEO would be attending an AI event and would report back to the December Board.
- 4.13 Service Experience Team (SET) – in the absence of the DoR the CEO gave a short update on the results of SET survey output.
- 4.14 All other updates within the paper were noted by Members.
- 4.15 The Chair thanked the SMT for their updates to the paper presented and requested further updates be provided to the December Board Meeting.

Action	Owner	Due Date
Members to submit any additional points on the Annual Report to the DoPP and CEO ASAP to allow for finalisation of document.	Members/ DOPP/CEO	By 22 October 2021
DoPP to circulate a copy of the LSS finalised conduct complaint report template and guidance for reporters with Members for information.	DoPP	As soon as available

3.10pm comfort break, meeting resumed at 3.20pm

5. Q1 Long Term Trends and Management Information to 30 September 2021

- 5.1 In the absence of the DoR, the CEO spoke to the paper presented, and advised whilst it was slightly early to compare end of year figures having only performed one quarter, it had been a strong quarter. The CEO also advised SMT were seeking an input from Members on future reporting of the customer satisfaction results within this report. Following discussion, Members agreed this slide would be removed, as the information was now captured within the Customer Feedback update paper reported by the DoBP.
- 5.2 The CEO advised IMT were reviewing the QA criteria and also increasing the sample size for review. Members noted this will affect future reporting data.
- 5.3 Members noted that whilst WIP and JT had increased slightly, overall it remains historically low.
- 5.4 The CEO reported that staffing was below budget and with lower incoming cases, CIs continue to be adjusted between Eligibility and Investigation as required. Members sought clarification on how SMT measure the effectiveness of CIs, for example was it by number of cases closed per person. For the benefit of new Members the CEO explained the CI role, their targets and how they are measured on output of cases closed per month/quarter.
- 5.5 Following discussion, it was agreed Unallocated/Backlog would be reclassified as 'Backlog' for future reference. Members noted the number of unallocated cases were down this quarter, with the average Eligibility case waiting approximately 2weeks for allocation at present. At Investigation stage, there is effectively no backlog that SLCC can control, as all waiting cases are awaiting files from firms under S17 or for a small number of cases, files from the LSS. Members suggested the data relating to the number of cases being held up due to S17 issues be highlighted on the website. The CEO and DoPP agreed this was a good idea that could be explored further.

Action	Owner	Due Date
DoR to review LT Trends and MI paper for reporting to next Board Meeting.	DoR	By 6 December 2021

6. Q1 Appeals Update

- 6.1 In the absence of the DoR, the CEO spoke to the paper presented and advised Members, the Legal Chairs had met with the IMT/CIM lead on Appeals, where they discussed the current Appeal cases and reviewed the draft paper presented today.
- 6.2 Member, D Loney advised to date there were no new Appeals for last Quarter and no new comments to make at this point.
- 6.3 Members noted the paper presented.

7. Q1 Finance Report to 30 September 2021

- 7.1 The DoBP spoke to the papers presented and reported Income was £24,960 ahead of Budget, with Expenditure showing a saving of £78,911, with full budget assumptions being presented for discussion at the November Board Workshop.
- 7.2 The DoBP reported staff salary costs were £24,744 under budget for the month, with secondment income being £17,149 ahead of budget. Staff savings were a result of vacancies within the staff establishment, as there were no plans to recruit on current staff vacancies. Further savings of £2,500 have been made by not utilising reporters.

- 7.3 Members noted that whilst their costs were currently £15,764 under budget, there will be additional costs as new Board Members come in for Induction and shadowing from this month onwards.
- 7.4 Members sought clarification on whether the bad debt provision included expenses awarded against a party litigant during Appeals which is not recovered. The DoBP advised it did not, this figure only relates to complaint levy income that has been billed for and not been paid. Following discussion, it was agreed the DoBP would provide this information. It was also agreed, the Legal Chairs to liaise with the IMT lead on Appeals to include this information in the next Appeals paper to Board.

Action	Owner	Due Date
DoBP to review bad debt provision of expenses awarded against a party litigant and not recovered for reporting to next Board Meeting.	DoBP	By 6 December 2021
Legal Chairs to liaise with IMT Lead on Appeals to include this information in future Appeals paper to the Board.	Legal Chairs/ DoR	By 6 December 2021

- 7.5 Members noted the other figures presented by the DoBP.

8. Q1 Customer Feedback Update

- 8.1 The DoBP spoke to the paper presented and gave an update of Q1 response rate, which was 16%. This is down 4% on 2020/21. The DoBP confirmed the response rate is linked to decision outcomes and explained that in some instances no case reference number was provided in feedback, so they were unable to respond to parties who required a response back.
- 8.2 Members sought clarification on how this data was being used to improve service. The DoBP advised if a case reference number is provided, then SMT/IMT use this to feedback. The DoBP also confirmed it is linked to data presented in the Annual Report and reported to the Consumer Panel. The CEO reminded Members that the new Service Experience Team (SET) will also review this information, with a view to improving the customer experience.
- 8.3 Members enquired who had overall responsibility for customer service. The DoBP confirmed it would be the DoR who has the remit for service standards, whilst the DoBP reports on customer feedback. It was agreed the CEO would consider how reporting could be improved on the actions taken in response to customer feedback.

Action	Owner	Due Date
CEO/DoR to provide an update actions taken in response to customer feedback, reporting this to next Board Meeting.	CEO/DoR	By 6 December 2021

- 8.4 The Chair asked that the Consumer Panel Chair be invited to the next Board Meeting. The DoPP explained the current situation with Consumer Panel Chair, following which it was agreed the Vice Chair would be invited.

Action	Owner	Due Date
DoPP to invite Vice Chair of Consumer Panel to a future Board Meeting.	DoPP	During Q3/4 in 2022

- 8.5 All other updates within the paper were noted by Members.

3.50pm Members, K Springham and D Loney left the meeting

9. Risk Register Summary

- 9.1 The DoBP spoke to the paper presented and gave an update on the current Risks and advised, Risks 4 was currently the highest risk, which related to a major IT failure and cyber security.
- 9.2 The AC Chair advised the Risk Register had been discuss in detail at the recent AC meeting, with AC agreeing that it should be reviewed to ensure environmental changes are captured. AC also suggests that another 'de novo' review of the Risk Register be

carried out by SMT and the AC working together. The Chair agreed with the AC Chair and suggested that this be considered by SMT to be discussed at the next AC Meeting, with a view to the work being delivered for the start of the 2022/23 business year.

Action	Owner	Due Date
SMT to consider carrying out another 'de novo' review of the Risk Register with AC (with a view to an updated risk register for the start of the 2022/23 business year.	CEO/AC Chair	During Q3/4 in 2022

9.3 The DoBP advised that Risk 12 had also been increased to reflect the current situation with new Board Members and reported all other risks remain unchanged.

9.4 Following discussion, it was agreed, for the benefit of new Members, the DoBP would include a short summary within the Risk Register.

Action	Owner	Due Date
DoBP to include a short summary within the next Risk Register for next Board Meeting.	DoBP	By 6 December 2021

9.5 Members noted the paper presented and thanked the DoBP and AC Chair for their update.

10. Q1 HR Update

10.1 The DoBP spoke to the paper presented and gave an overview of the current staff FTE numbers, staff secondments and maternity leave positions. Members noted no recruitment had taken place in Q1. The DoBP advised following a review, the Digital Specialist role was made permanent.

10.2 Members noted the training in Q1, along with that planned in Q2.

10.3 The DoBP reported employee turnover for Q1 was 2 leavers, which was same YoY. Members noted a further 2 resignations have been received for Q2 to date.

10.4 The DoBP advised staff absence was 40 days for Q1, this is lower YoY with 95.5 days reported in 2020/21, showing a decrease of 55.5 days. Members noted the short term absence was linked to the side effects of the Covid-19 vaccines.

10.5 The DoBP gave an update on the PCS Pay Claim negotiations on the three areas still being considered. The DoBP confirmed they aim to complete negotiations by the end of this month, with a view to providing Board with a full update at the next meeting.

10.6 Members noted the end of year appraisals had concluded for all staff (excluding those on Secondment and Maternity Leave) and were pleased the results show YoY improvement, in each of the four categories. Members were also keen to ensure there was no bias on any of the awards made, for example by gender/full time/part time etc. The CEO advised all appraisals are reviewed for bias. For the benefit of new Members, the CEO explained the appraisal evaluation process by SMT/IMT, where they discuss the weighting awarded by a Line Manager and agree the final decision category awarded to staff. The DoBP explained this was discussed fully by RC and confirmed the presentation of information would be reviewed for next year.

10.7 Members noted the paper presented and thanked the DoBP for the update.

11. Update from Remuneration Committee

11.1 Members noted the paper presented and the DoBP gave an overview of the recent RC meeting. In particular, reiterating RC discussed the outcome of annual appraisals and how the information is presented, to obtain a better understanding of the data across the different departments. They were also updated on the PCS pay claim discussions and were supportive of reducing JT in pay grades, this is in line with SGvt and other public bodies. The DoBP reported the RC approved the updated Succession Plan, which has now been finalised. They also discussed the EA Report, as it touched on Workforce planning and the benefit of having a Board Member who sat on both Audit and Remuneration Committees, thus supporting the link between the two. Members also noted, RC viewed the "Your Job, Your Way" consultation document, the eLearning Portal and reviewed the draft staff engagement survey.

- 11.2 The RC Chair commended both the DoBP and HRA on their work with the consultation document and staff engagement in the process. This sentiment was echoed by other RC Members.
- 11.3 Members enquired if the eLearning portal link would be circulated to all Members. The DoBP agreed to ensure this action was done.

Action	Owner	Due Date
DoBP to ensure that eLearning Portal link is circulated to all Members.	DoBP	ASAP

- 11.4 Members thanked the DoBP for the update to the recent RC Meeting.

12. Update from Audit Committee

- 12.1 Members noted the paper presented and the DoBP gave an overview of the recent AC meeting. In particular, AC discussed the Annual Accounts for 2020/21 and the recommendations included within the ISA 260 Report. The DoBP advised during the FMR paper discussion, AC considered whether there was a better way to budget the complaint levy and it was agreed this would be explored further at for the November Board Workshop. AC also reviewed the BCP, which had been updated with learnings from remote working as a result of Covid-19. Members noted the BCP had been updated following a recommendation from IA.
- 12.2 The AC Chair confirmed the meeting was very constructive, with other business already covered earlier in today's meeting. The AC Chair also acknowledged the update on the BCP was a valuable piece of work and AC were also pleased to see the link between the Succession and Workforce Plans being established.
- 12.3 The Chair thanked both the DoBP and AC Chair for their update.

13. Q1 2021/22 Operational Plan Update

- 13.1 The DoPP spoke to the paper presented and Members noted this provided the RAG rating for all projects in the current operating plan.
- 13.2 The DoPP reported of the 34 projects set for the year, all projects were progressing and in line for completion by end of year (Green). Resulting in the quarter end position that 100% of priority objectives are currently on track, with 0% are not fully on track. Members noted the target set by Board (CEO, and cascaded to SMT appraisals) is that 85% of projects are delivered.
- 13.3 Members sought clarification on whether any projects would be de-scoped. The DoPP confirmed there were no projects planned to be de-scoped. The CEO advised priorities would be reviewed in Q2 for reporting to Board.
- 13.4 Members thanked the DoPP and CEO for their update.

14. Board Actions Register

- 14.1 Members noted the ongoing Actions and agreed all other completed actions should be removed from the register.
- 14.2 The CEO advised an update on Action 262 would be brought to the December Board Meeting.

15. Notes from 13 September 2021 Board Conference Call

- 15.1 The notes of the Board Conference Call was noted and approved as read.
- 15.2 Members were reminded that the Minutes of the July Board Meeting were approved at the September Conference Call.

16. Chief Executive's Report

- 16.1 The CEO gave a brief overview of meetings to date. Members were intrigued by the meeting on 'MindGym'. The CEO explained this was on hybrid ways of work, which focussed on 'on-line' way of working and how to make it a success. There were speakers who shared their learnings, which was interesting.
- 16.2 The Board noted the paper presented.

17. Chair's Report

17.1 The Chair also reported that both he and the CEO had met, virtually, with the SGvt Director General for Education and Justice, Joe Griffin, which was a good positive meeting.

18. Date of Next Meetings

18.1 Members noted the dates of the next meetings as:

- Board Workshop will take place at 10am on Monday 15 November 2021.
- Board Development Session will take place at 2pm on Monday 13 December 2021.
- Board Meeting commence at 10am on Tuesday 14 December 2021.

18.2 The Chair advised it was anticipated that these meetings will continue to take place remotely due to SGvt guidelines, however should the guidance change Members would be advised accordingly.

19. AOCB

19.1 none.

20. Review of the Meeting

20.1 The Chair thanked Members and SMT for their input into the condensed meeting today, and in particular, thanks were extended our new Member observing, John Stevenson. Member, J Stevenson reciprocated his thanks for the warm welcome to both, the SLCC and the meeting today and advised he looks forward to working with everyone.

20.2 With no other business the meeting concluded.

4.15pm Board Meeting ends