

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.15 AM TUESDAY 27TH MAY 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)
██████████ (HRM) – items 1-9
██████████ (IL) – items 17 & 18
██████████ (HI 2) items 1-9 & 15
██████████ (Secretariat, minutes)

██████████ (F&CSM) – items 1-9
██████████ (HO) – items 1-9 & 15
██████████ (SC) – items 1-9 & 19

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

1. Welcome

1.1 The Chair opened the meeting and welcomed everyone and noted the apologies recorded and advised that unfortunately, Jan Marshall, Deputy Director of Justice was no longer able to make the meeting today. The Chair advised the order of agenda to ensure the appropriate members of staff were present at the relevant time. The CEO was not present when items 21 and 22 were discussed.

2. Apologies

2.1 Apologies were received from Jan Marshall, SGvt and ██████████ (HI 1).

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 which were for 10 months up to 30 April 2014 and advised that they were on target for the budget projections. 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.

5. Management Information

- 5.1 In the absence of HI 1 the CEO provided an update in relation to Eligibility. He advised that he was aware that he was yet to present the total no. of cases at red/amber/green but Members should note average length of open cases at each stage in the process, which is:
Eligibility – 1.7 month;
Mediation – 0.6 month;
Investigation – 4.7 months; and
Determination – 2.7 months.
- 5.2 The CEO also advised that a number of Case Investigating staff had now completed their first day of the Conflict Resolution training, which will help reduce WIP cases.
- 5.3 Members noted that the WIP at the Mediation stage was continuing to decrease, which continues to reflect efficiency improvements to the Mediation process. Members asked the CEO to ensure that we 'celebrate the success' of Mediation within the Annual Report and this was agreed by the Chair and CEO.
- 5.4 The HI 2 provided an update to the Investigation stage and like the Eligibility stage they were continuing to focus on 'older' cases and reduce the "unallocated" queue.
- 5.5 The SC also advised that the Clerking team were continuing to focus on 'older' cases and reducing the WIP within the Determination stage of the process. The SC also advised Members that they had appointed a new Clerk to cover the Clerk currently on Maternity leave.
- 5.6 The CEO advised that though there was a slight increase in WIP at the Eligibility stage of the process, there had been a reduction at both Investigation and Determination stages. Members sought clarification from the HI 2 as to the current average length of time a case was in the system and the HI 2 advised that it was now averaging at 16 months.
- 5.7 Members thanked the Members of the SMT and CEO for their updates.

6. Non-Quorate Update

- 6.1 The SC provided an update to her paper presented and shared the learnings from Members and Clerking on this issue. The main learning from this process was whereby a Determination Committee (DC) is making a different decision from that of the recommendation of the Investigation Report substantial reasoning should be provided by the DC.
- 6.2 The SC agreed to circulate an update by email to Members once the final Appeal dates had passed regarding these decisions.

7. Workpro Project Update

- 7.1 The CEO advised Members that the Newpro project was overall green, on target for budget, implementation and the 'going live' date and that the HI 1 was developing a training pack for all users of the Newpro system.
- 7.2 Members noted the Risk R4 still being Red, however the CEO advised that steps were in place to ensure that both CAS and NVT ensure that the transition happens smoothly. Also the HI 1 has ensured that there is a plan to have enough resources in place to ensure that the information from the 'old' system is accurately recorded in the 'new' system for all 'live' current cases transferred between. The CEO anticipated that this information transition/keying might take 4wks, so there will be no management information reporting during this time.

8. Oversight & Communication Update

8.1 The HO spoke to his paper presented and advised that the Oversight team had been working closely with the Operations team and the LSS regarding articles presented in the Journal. The HO advised that they would also be carrying out an overview session at Scottish Parliament with a view to developing leaflets for MSPs and their staff on the role of the SLCC. Members advised they looked forward to receiving an update on how this session went at the July board meeting.

Action	Owner	Due Date
HO to provide an update on the SGvt presentation to the next full Board meeting.	HO	29 July 2014

10.50am Fiona Smith joined the meeting

8.2 Consumer Panel Proposed Arrangements – The Board discussed the proposal to establish a Consumer Panel. Members discussed the principles for recruiting to the Panel and whether to invite organisations or named individuals. The Board agreed with the proposal to invite a limited number of organisations who were deemed best able to represent consumers. One Member recorded his dissent having failed to secure the addition of a further nominee. Members agreed that the HO would provide the July Board meeting with a Report on the ToR and Remit of the Consumer Panel before they signed off on this proposal. The Chair also asked that when considering the ToR that if the organisations who are Members of this Panel cannot attend for some reason or another, would it be appropriate to send a Deputy in their place, ie the CEO of CAB couldn't attend would they send a Member of their SMT in place of themself.

Action	Owner	Due Date
HO to provide a Report on the ToR and Remit for the Consumer Panel.	HO	29 July 2014

9. Annual Report Timetable

9.1 Following discussion it was agreed that the HO should add an additional date of presenting the Annual Report (AR) to MSPs, however due to the impending Scottish Referendum the timescales presented will need to be moved. It was agreed that all dates would be moved by 2wks.

Action	Owner	Due Date
HO to amend the Annual Report timetable.	HO	29 July 2014

11.10am comfort break during which the remaining SMT Members left the meeting and the IL joined the meeting

10. Legal Services Procurement Update

10.1 The IL spoke to the paper presented and it was noted by Members that the deadline for submissions was today. Members also noted the current timelines and thanked the IL for paper and explanation to the process.

11. Rule Change Update

11.1 The IL spoke to the paper presented. Following discussion regarding the proposed recommendations by the IL Members suggested that to aid confusion on application of the Rules that all complaints should be colour highlighted and the Investigation Report should include reference the appropriate Rules version used.

- 11.2 Members confirmed agreement with the IL on the recommended commencement dates and application of the new Rules for (1) the changes to the Rule on draft determinations and settlements; and (2) the consolidated changes to the Rules which will include changes to reflect the amendments to the 2007 Act. It was also agreed that in light of the proposed changes to Rules 24 to 26 the IL would draft a Policy on Oral Hearings (OH) to reflect experience in practice.

Action	Owner	Due Date
IL to draft a Policy on Oral Hearings to be discussed at the September Board Meeting.	IL	30 September 2014

- 11.3 Members agreed that once the full Rules revision was concluded the IL would circulate the final version of the Rules.

11.55am IL left the meeting

12. Minutes of Meetings from 25 March 2014 and 29 April 2014

11.1 25 March 2014

- 11.1.1 Following discussion it was agreed that the Minutes of the Board should be revised at points 17.2 and 17.3 and brought back to the next meeting for approval.

11.2 29 April 2014

- 11.2.1 The Minutes of the Performance Management meeting were approved subject to a minor typographical change.

- 11.3 Minutes from the Audit Committee Meeting of 15 April 2014 were noted and approved by the Board and the Chair recorded his thanks to the work of the Audit Committee.

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. Matters Arising from 25 March 2014 and 29 April 2014

- 14.1 There were no matters arising to be discussed.

15. Chairman's Report

- 15.1 Members noted the meetings undertaken by the Chair. The Chair advised that the meeting with Bridget Campbell, Director of Justice from SGvt was a very constructive and informative one.

16. Chief Executive's Report

- 16.1 The CEO spoke to his paper presented and expanded on Ombudsman Associations Annual General meeting, which had the main theme this year on Alternative Dispute Resolution and the main opportunity for us at the SLCC will be it fitting in within the scope of our Act. Members sought clarification on the meeting with the CEO of HBJ Gateley and the CEO advised that they had met at an Executive Coaching event and this meeting was not case related.

- 16.2 The Chair asked the CEO to formulate 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	29 July 2014

12.05-12.10pm comfort break, following which HO and HI 2 re-joined the meeting

17. Policy Time-bar

- 17.1 Members noted the contents of the CEOs paper and were in agreement with the proposal of an extension to our time bar policy, in that, the policy be changed to a three year limit (currently 12 months) from when a complainer would have reasonably been aware or six months from a final letter which the practitioner sends to the complainer to say they have finished dealing with a complaint at the first tier and passing on our details should they wish to take matters further.
- 17.2 However, it was agreed that the SMT carry out further modelling work on the impact of this Rule change before we go out on consultation with the professional organisations and consumer groups as required by the 2007 Act.
- 17.3 It was agreed that the CEO and SMT would present a full update to the July Board Meeting.

Action	Owner	Due Date
CEO and SMT to prepare a full update on the impact of the change to the time bar policy on the SLCC.	CEO	29 July 2014

12.25pm HO and HI 2 left the meeting

18. Strategy and Risk Report

- 18.1 The CEO spoke to his papers presented and gave an overview of the Board/SMTs output from the Strategy Day which took place in February. From this the SMT have devised a set of workstream visions for the Board to approve and the SMT to drive them forward for the organisation. Members were comfortable with the proposed workstream visions, as they felt they were moving in the right direction, however, would like more detail included in the workstream issues measures. It was agreed that the CEO would take this forward with the SMT to develop a 3-year Operating Plan.

Action	Owner	Due Date
CEO to work with SMT to revise the workstream issues measures to develop a 3-year Operating Plan.	CEO	29 September 2014

- 18.2 Strategic Risk Register – Following a discussion on the proposed revised Strategic Risk Register by the CEO, Members suggested that a more cohesive approach to developing a revised Strategic Risk Register would be to keep the current Risk Register and carrying out a joint session with both the Board and SMT with a view to developing a new revised Strategic Risk Register. It was agreed that until the joint session takes place the original Strategic Risk Register remains.

Action	Owner	Due Date
Joint session between the Board and SMT to develop a new revised Strategic Risk Register.	CEO/Chair	29 September 2014

1.15pm – 1.35pm break for Lunch, after which the SC joined the meeting

19. DC Processes Update on New DC Process

19.1 The Chair thanked the SC for all the preparation of the new DC process documents. The SC gave an overview of why Clerking had taken the decision to review and revise the DC process. Following discussion it was suggested by a DC Chair that the Clerk should review each case before it is allocated to their DC and if any additional information is required then it is referred back to the Investigators. Members also suggested that the pre-DC timescales could be adjusted slightly and the SC agreed to amend the new DC process flowchart to reflect the discussions today.

Action	Owner	Due Date
SC to revise the new DC process in light of the discussions today and update at the next SMT meeting, for implementation from 1/7/14.	SC	1 July 2014

20. AOB

20.1 Appeals – Members requested that as there had been an increase in recent Appeals to decisions made by the SLCC they would like to receive an updated Report at the next Board Meeting.

Action	Owner	Due Date
HI 1 to provide an update paper on Appeals for the next Board meeting.	HI 1	29 July 2014

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

2.00pm CEO left the meeting

21. Board Plan Proposal

21.1 Members discussed, agreed and confirmed the proposal presented by the Chair regarding the revised dates for Board and other meetings. It was also agreed that the amended yearly planner would be circulated to all Members.

22. CEOs Contract and Remuneration

22.1 Members discussed, agreed and confirmed the proposal presented by the Chair. It was noted that the Chair was due to provide an update on the CEOs targets at the next Board Meeting.

23. Date of Next Meeting

23.1 Members noted the performance management meeting will take place at 10.15am on Tuesday 24 June 2014, with the next full Board meeting taking place on Tuesday 29 July 2014, commencing at 10.15 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends at 2.05pm