

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.15 AM TUESDAY 24th NOVEMBER 2015**

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:

[REDACTED] (HRM) (Items 1-13, 19&20)
[REDACTED] (FO) (Item 4)
[REDACTED] (CM) (Items 1-13, 19&20)
Neil Stevenson (CEO) (Items 1-21)

[REDACTED] (HO) (Items 1-13, 19&20)
[REDACTED] (F&CSM) (Items 1-13, 19&20)
[REDACTED] (HI) (Items 1-13, 19&20)
[REDACTED] (Secretariat, minutes)

Abbreviations used:

F&CSM – Finance and Corporate Services Manager
HI – Head of Investigations
WIP – Work in Progress
FMR – Financial Management Report
AC – Audit Committee
CI – Case Investigator
CIM – Case Investigations Manager
FO – Facilities Officer

CM – Clerking Manager
HO – Head of Oversight
DC – Determination Committee
LSS – Law Society of Scotland
HCF – Hybrid Conduct 1st
FoA – Faculty of Advocates
HSF – Hybrid Service 1st
IR – Investigation Reports

1. Welcome

1.1 The Chair opened and welcomed everyone to the meeting and advised that there would be a slight change to the Agenda in order to allow the FO to attend another meeting.

2. Apologies

2.1 No apologies were received as everyone in attendance at the meeting.

3. Declaration of Interests

3.1 It was noted the standard Declarations of interest were declared by George Clark, Ian Leitch and Maurice O'Carroll in relation to any pecuniary interest with regards to budget discussions.
3.2 All Members noted an interest in Agenda item 9, in relation to Members expenses.

4. Annual Health & Safety Update

4.1 The FO spoke to the paper presented and gave an overview of the work of H&S Committee for the year. Members specifically recorded their thanks on the paper presented by the FO and noted they were reassured on the work which is being done on such an important topic to the organisation.

- 4.2 One Member raised a concern regarding the access to the building car park over the weekend period, specifically when he had an occurrence to park one Sunday evening. Upon parking his car he was conscious that someone could have also entered into the car park when the main garage door was open, this individual would then have had access to all the offices within the building, as the doors to the lifts and stairs were not locked off. It was suggested that to minimise the H&S risk and access to the offices, an additional swipe card lock could be added to these doors, thus meaning that access is restricted to tenants of the building only. The FO agreed that this was an important point and would raise it at the Building Tenants meeting which she was attending later this morning.

Action	Owner	Due Date
FO to raise the H&S risk within the car park access at weekends at the Building Tenants meeting later today and suggest that a swipe access system be installed on the doors accessing the building and lifts to minimise the H&S risk to personnel of the building.	FO	24 November 2015

10.25am FO left the meeting

5. Management Information & KPIs

- 5.1 The HI circulated up to date numbers of cases still to be allocated, as of 23 November 2015, these are Eligibility 119 and Investigation 13. Members noted the reduction in cases still to be allocated.
- 5.2 Members noted that the figures presented today and enquired as to whether the new predictive model would show patterns and predictability of types of cases which are likely to go through the system. The CEO advised that they had provided 3yrs of data and when plotted shows a flat-line position rather than a statistical spike which was interesting in itself as an analysis.
- 5.3 Enquiry & Eligibility - The HI advised that they were still triaging the cases to ensure that they are being prioritised and investigated appropriately to ensure they are working on reducing the allocation tie and therefore the overall time taken in the system. The HI also confirmed that they had offered 4 x fixed term (12month) CI contracts and it was hoped they will all be in place by January 2016.
- 5.4 Mediation - The HI advised that the Mediators had their quarterly meeting and the observations that Mediators had noted, was that they seem to be more complicated cases to Mediate.
- 5.5 Investigation – The HI advised that as with Enquiry & Eligibility, the same reasoning applies to the increase in Journey time of cases.
- 5.6 Determination - The CM advised that there had been a slight increase in the number of final Determination Reports issued during the month of October. Members sought clarification on Working Time of 'red' cases being 0% which they did not think was correct. An explanation was given to the analysis of Working Time cases to Members which answered their query.
- 5.7 Members reiterated the need for Newpro to be able to report on the number of cases which are open and closed at any one time and also to show start/stop times of any given case.
- 5.8 WIP – Members noted that there had been a slight increase within the Eligibility, Mediation and Investigation stages and there had been a decrease within Determination stage.
- 5.9 Total Case Lifetime Averages – Members noted with concern the figures presented.

- 5.10 Draft Action Plan – The CEO spoke to the paper presented and sought assurance from Members that this was the level of detail they were seeking from the SMT going forward. Members confirmed that it was and agreed that the CEO would update them monthly on the data gathering project.

Action	Owner	Due Date
SMT to provide an update to the Board on the monthly Action Plan with regards to the Man Info figures.	CEO	15 December 2015 and ongoing

- 5.11 Members also sought an assurance from the SMT as to how confident they would be, to be able to deliver the proposed draft Action Plan. The CEO confirmed they were, as the work was ongoing with the predictive model and early indications were that the patterns look right to ensure that the draft Action Plan would be achieved.
- 5.12 Members thanked the SMT for their updates and explanations to the papers and noted the figures presented.

6. Appeals Update

- 6.1 The CM spoke to the paper presented today and advised that to date there had been no new appeals received to the SLCC. Members noted the paper presented but sought clarification on the recording of interlocutors into the office. It was agreed that the CM would clarify the process and update Members in the next Board paper.

Action	Owner	Due Date
CM to clarify the recording procedures for interlocutors served on the SLCC.	CM & CIM2	26 January 2016

- 6.2 Members noted the expenses recovered and those incurred by the SLCC and that Members will be updated on the ongoing costs as they occur.
- 6.3 Members noted and approved the minor revisions to the Appeals Process but suggested that there should be an initial discussion with the DC Chair prior to briefing Legal advisors and it was agreed the process would be amended to reflect this point.

7. Finance Report

7.1 FMR – 4 months to 31 October 2015

- 7.1.1 The F&CSM spoke to the FMR papers presented and advised that whilst we were only 4 months into the new financial year they were on track for year-end predictions and advised that he was content with the figures as presented. Members noted that the pre-audited figure would see a deficit of £20k, which includes a provision of £8k for additional pension liabilities. It was noted that this provision would be revised upon receipt of the year-end actuarial valuation from Lothian Pension Fund. This subsequently sees reserves at year-end of £717k.
- 7.1.2 The F&CSM also gave an overview of the Balance Sheet figures which were presented along with the FMR. The Chair suggested a slight change to the format of the figures as presented and the F&CSM confirmed that this would be possible.

Action	Owner	Due Date
F&SCM to revise the presentation layout of the FMR for future Board meetings to move the variance column to outcomes.	F&CSM	26 January 2016

8. Update on Lothian Pension Scheme Liability

- 8.1 The F&CSM updated Members on the recent meeting. Following discussion, it was agreed that the F&CSM would explore other possible options available to the SLCC and feedback to the March Board meeting and, if required, obtain external advice on this matter. Members noted the current position and thanked the F&CSM for his update on the potential liability to the SLCC.

Action	Owner	Due Date
F&CSM to explore other options and provide an update paper on the Lothian Pension Fund implications to the SLCC at the March Board meeting.	F&CSM	29 March 2016

9. Members Expenses

- 9.1 Members formally noted their Declaration of interests in relation to this item and following a brief discussion, approved the proposed updated policy and audit schedule by the CEO. Members also agreed to the CEO having authority to liaise with both the Internal and External Auditors to gain external independent comment on the proposed approach.

Action	Owner	Due Date
CEO to liaise with both Internal and External Auditors on the review of Members expenses.	CEO	

11.35am comfort break 11.45am meeting resumed

10. Consistent Decision Making

- 10.1 The CM spoke to the paper presented and gave an update on progress made on Consistent Decision Making and the future planned work.
- 10.2 Members agreed that the delivery of reasoning training should be carried out in April when the new Members will be in place.
- 10.3 Members also agreed in principle to the procurement of Oral Hearing training for Members and Clerks, again to be delivered following each of the next two intakes of new Members in April 2016 and January 2017.
- 10.4 Members confirmed their approval to the proposed changes within the extract of the Settlements and Disposal of Inadequate Professional Services Policy, in the paper presented by the CM.
- 10.5 The CM advised that due to the amount of work involved in the collation of the 'House Rules' information, this task may need to be outsourced. The CM advised he will liaise with Members to ensure this is facilitated within the planned timescales.
- 10.6 Members discussed the suggestion by the Legal Chairs, in that; Members propose an update to the layout of the Investigation Report template, to include:
- i) facts as found (premise)
 - ii) relevant points of law and/or standards (second premise), and
 - iii) application of the facts to the law and/or standards (conclusion).
- 10.7 Whilst the HI acknowledged that the IR had been reviewed approx. 2 years ago, the SMT and staff have seen the benefits of this in the early resolution figures. Members also agreed that they had, however they did not feel that the proposed change should wait until the 2016/17 Plan was implemented and agreed it was a stylistic approach and also a quick fix. Members agreed to the CEO's suggestion that a small working group be set up to review the IR template and update at the February Board Meeting.

Action	Owner	Due Date
A small working group to be set up to review IR templates and brought back to a future Board Meeting after the working group has met.	HI/CEO	By end February 2016

11. Sensitive Data

- 11.1 The CM confirmed that all staff were trained in the handling of sensitive data and there is no need to change the internal Policy, as it states, that any sensitive information which has been supplied in relation to a case, is only held on the case as long as it is required and will only be accessed by those who need to do so.
- 11.2 The CM also confirmed that this information would not be circulated or copied with any of the normal case papers, this information would be held safely and securely in a sealed envelope. Arrangements were also in place if Members were required to review this information in relation to DC cases.
- 11.3 Members thanked the CM for his verbal update in relation to this matter.

12. Future Planning

- 12.1 Consultation on four-year strategy - The CEO spoke to the papers presented and advised that the purpose of these draft papers were to assist Members in stimulating future discussions at the January Board meeting. Members agreed to the recommendations and suggested some minor typographical changes to the proposed Consultation document. Members also suggested that the CEO tailor the questions in the covering letters which will accompany the consultation documents.
- 12.2 Annual Plan 2016/17 – The CEO spoke to the paper presented and following discussion Members suggested that some of the objectives should be prioritised and it was agreed that the revised Annual Plan would be brought back to the January Board meeting.
- 12.3 Proposed Budget Commentary – The F&CSM spoke to the paper presented and after discussion Members suggested that the F&CSM proposed different scenario options prior to the next Board Performance Call meeting. This will allow Members to review and consider all options prior to issuing the draft Budget for consultation after the January Board Meeting.

Action	Owner	Due Date
CEO to update 4yr Annual Plan to be brought back to the January Board meeting for an update.	CEO	26 January 2016
F&CSM to provide different scenario options for proposed Budget consultation and circulate to Members to allow full discussion at the January Board meeting.	F&CSM	By 26 November 2015

- 12.4 Members thanked the CEO and F&CSM for their drafting of the papers presented today and agreed that these documents will assist Members in their future discussions at the January Board meeting.

13. Communications & Oversight Update

- 13.1 The HO spoke to the paper as presented and advised that the minute of the recent Consumer Panel meeting had still be approved by the Panel.
- 13.2 Members noted the interesting results of the recent first stakeholder survey and following discussion it was agreed that the HO and CEO would meet to discuss: how to move these results forward and in particular 'how to engage stakeholders with the SLCC'. Members agreed that this would be discussed again at the January Board Meeting.

Action	Owner	Due Date
It was agreed that the output of the Stakeholder Survey and in particular, how to engage stakeholders, would be discussed at the January Board meeting.	HO/CEO	26 January 2016

14. OPTUM Information

14.1 The HRM spoke to the information leaflet presented and advised that this was an additional service that is provided to staff and was keen to stress that this was not taking away the role of the line managers or HR service. This service costs £500 a year to run and it is only tracked by usage and by uptake of the service, which at the moment is low and the HR team do not receive any feedback as to the type of calls staff make to the service. Members agreed that this was a good additional service for staff and thanked the HRM for the update.

15. Absence Management Update

15.1 The HRM spoke to the paper presented. Members noted their concern that the annual absence percentage for all staff during 2014/15 was 4.76% and for 2015/16 was 3.98% which they felt for a small organisation were relatively high percentages.

15.2 The HRM confirmed that SMT were actively reviewing absence management and Occupational Health support was in place to support staff which were currently off on long-term sickness absence and that there had been a reduction in recent short-term absences

15.3 Members thanked the HRM for the update and confirmed that People Measures would be a standard Board Agenda item going forward for Quarterly updates.

Action	Owner	Due Date
HRM to provide a People Measures update at future Board Meetings.	HRM	Quarterly

1.25pm Members of the SMT, with the exception of the CEO, left the Meeting

16. Minutes of Meetings from 29 September 2015, 27 October 2015 and 9 November 2015

16.1 29 September 2015

16.1.1 The Minute of the Board Meeting was approved as read subject to minor typographical changes on pages 5 and 7.

16.2 27 October 2015

16.2.1 The Minute of the Performance Management meeting was also approved as read.

16.3 9 November 2015

16.3.1 The Minute of the Extra Board Meeting was also approved as read.

17 Board Actions Registers

17.1 The Chair provided Members with an update on the actions register. Members noted the updates and all cleared items had been removed from the Actions Register.

18 Matters Arising from 29 September 2015, 27 October 2015 and 9 November 2015

18.1 There were no matters arising to be discussed.

19 Chairman's Report

19.1 Members noted the meetings undertaken by the Chair.

19.2 The Chair also confirmed that they have now commenced the appointment of the new Commissioner Application process with the SGvt Sponsor Department and Members noted the timescales involved in this.

19.3 The CEO circulated a copy of the proposed draft Induction timetable.

20 Chief Executive's Report

20.1 Members noted meetings undertaken by the CEO.

20.2 Members sought further information regarding the meeting with the MSP. The CEO explained that it was often useful to meet with MSPs as whilst he doesn't discuss individual complaints with them he explains the role of the SLCC and how this can assist their constituents.

21 Update on SMT Quarterly Meeting

21.1 Members noted the paper as presented and the update from the CEO.

1.40pm CEO left the meeting

22 CEOs Probationary Performance Targets

22.1 Members noted and agreed the proposed objectives and performance targets of the CEO, which the Chair has agreed with the CEO.

23 AOB

23.1 Scheduling of future Board Development Sessions – Discussion took place as to whether or not it was beneficial for Member Development Sessions to take place at the end of Board Meeting Agendas and it was agreed that these would now take place on a separate day. The Chair proposed that these take place on the afternoon of Mondays prior to the Tuesday Board Meetings. Members agreed to this proposal and therefore the Chair confirmed that the planned Development Session on Unconscious Bias would now take place on Monday 25 January 2016 at 2pm.

24 Date of Next Meeting

23.1 The next **Performance Management meeting** will take place on **Tuesday 15th December 2015 at 10.15am**. There will be a **Board Development Session** on **Monday 25th January 2016 at 2pm** on **Unconscious Bias**, with the next full **Board meeting** taking place on **Tuesday 26th January 2015 at 10.15am**; all meetings will take place in the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends at 1.45pm

