

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 11.50AM ON MONDAY 18th MAY 2009**

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

PRESENT:

LAY:

Jane Irvine (Chairing Member)
Douglas Watson
George Irving
Linda Pollock

LAWYER:

Margaret Scanlan
Alan Paterson
David Chaplin
David Smith

Apologies: Ian Gordon

In attendance:

Eileen Masterman (CEO)
Doreen Graham (HOC) (part of the meeting)
Rosemary Agnew (HOI) (part of the meeting)
Allison Leitch (HR Manager) (part of the meeting)
Sheena Robson (Minutes)

Abbreviations used:

LSS Law Society of Scotland
FoA Faculty of Advocates
SG Scottish Government
SRA Solicitors Regulatory Authority

1. APOLOGIES

None.

2. CONFLICTS OF INTEREST

No conflicts of interests were noted.

3. MINUTES AND MATTERS ARISING FROM MINUTES OF 20.04.09

Minutes approved as accurate.

4. MATTERS ARISING

4.1 Members Code of Conduct – The Chair advised that the draft had now been approved and has been placed on the website.

4.2 Additional Lay Member Appointments – The Chair advised that this had been placed on hold at present and if required would be pursued with SGvt at a later date.

ACTION: Chair

5. CHAIR'S REPORT

5.1 The Chair advised that she had met with a representative from SGvt who has advised that Members would not have an automatic right to extend their appointment dates.

5.2 The Chair also advised that the meeting had been held with SGvt regarding the ABS comments submission.

6. CEO REPORT

6.1 The CEO advised that the feedback from staff regarding the Team Build Session was very positive.

6.2 The CEO stated that positive feedback had also been received from the in-house staff survey. This was conducted prior to the Team Build Session so the results were interesting. It was noted that on the whole: staff were positive about working for the SLCC; they generally feel supported by their line managers; and harmonisation was highlighted as an issue, which was expected. Members were encouraged by the results of this initial report.

6.3 Review of FOI Procedures – The CEO advised Members that SLAB have agreed to review our internal FOI processes and procedures. They have quoted a figure to carryout this review. It can be completed within two weeks of approval to commence and will be completed before the end of the financial year.

6.4 It was noted that learnings from the first Determination Committee would be taken on board with regards to the style of the report format and it was agreed that the CEO would pass sample reports to the HOI.

ACTION: CEO

6.5 The CEO advised that the presentation given by the External Auditors to the AFAC was very beneficial.

6.6 MP and GF Research – the CEO advised that an embargoed copy of the draft Report would be passed to the LSS and FoA. This would not be issued to individuals. It was noted that Prof Stephen will make a presentation to the Board on Friday 26th June at 2pm.

6.7 The CEO stated that the annual tax return for HMRC was due to be signed off and submitted tomorrow (19/5/09). It was noted that on Members expenses the dispensation on section 5 would remain.

7. UPDATE ON GOVERNANCE REVIEW AND APPROVAL OF A&RAG TERMS OF REFERENCE

7.1 Audit & Remuneration Advisory Group Draft Terms of Reference to be amended to reflect that they will now be known as an Advisory Committee.

7.2 The Chair advised that there now required a review of the Governance document to reflect these amendments and it was therefore agreed that the Chair and the CEO would meet to discuss this document in detail.

ACTION: Chair/CEO/PA

- 7.3 Following discussion it was proposed and agreed that membership of the new A&RAC would consist of: Chair – GI, Vice Chair – DC, Membership – LP, IG and MS. It was also noted that the initial meeting would take place on 15th June 2009, thereafter on 9th July and 7th October. [Now 9th July as first meeting.]

Lunch 12.45 and HOC joined 1.15pm

8. COMMUNICATIONS STRATEGY

- 8.1 Scottish Parliament Written Answers to Questions 12/5/09 – The HOC advised that there was a reply to Willie Coffey’s (SNP) Parliamentary Question which was tabled on 7/5/09 – “to ask the Scottish Executive when it expects the first review of the performance of the Scottish Legal Complaints Commission to be (a) initiated and (b) concluded.” Reply by Kenny MacAskill (SNP) – “We do not intend to carry out a review of the Scottish Legal Complaints Commission in the near future. It is too early to assess the effectiveness of the commission, as it has only been operational since October 2008. Under the Legal Profession and Legal Aid (Scotland) Act 2007, the commission is required to publish a report every year, as soon as practicable after the end of the financial year, reporting on the discharge of its functions in that year, and such action as the commission proposes to take in the following year. Scottish ministers lay these reports in Parliament.”

- 8.2 The HOC advised that there had been an enquiry from the Sunday Times but there was no further interest on being advised that the SLCC was not publicly funded.

- 8.3 The HOC reported on the tabled paper (08.10.8.1) and advised that work would be commencing shortly on the Annual Report. Discussion took place as to how the Annual Report should be launched in the media etc. It was agreed that this would be by invitation with a guest speaker.

ACTION: HOC

- 8.4 Following discussion it was agreed that the HOC would review standard office template letters to ensure there is a house-style and it is accessible.

ACTION: HOC

- 8.5 LSS Annual Conference – The HOC advised that following the conference, invitations have now been received to speak to members of the West Lothian and Ayr Faculties. Members enquired as to whether a standard PowerPoint presentation could be developed to allow Members to assist with these talks in their local areas. The HOC to pursue this. The Chair gave her thanks to all involved in the organisation and manning of the SLCC stand at the conference.

ACTION: HOC

- 8.6 Members enquired if there was a facility to record statistics from Complainers who were not happy with the service SLCC gave them in dealing with their complaint. The CEO advised that these statistics would be gathered within the remit of the Business Plan and would be presented in future Annual Reports. Discussion took place as to whether the legal profession were making clients aware of the SLCC service. It was agreed that the HOC would enquire what information was circulated by practitioners via the LSS and FOA and feedback to the Board.

ACTION: HOC

- 8.7 Discussion took place as to the budget line headings for the Communications Strategy and it was agreed that they would be more defined in the future.

ACTION: CEO

- 8.8 The HOC reminded Members that she was happy for contact to be made on her mobile should the occasion arise relating to any press enquiries.

- 8.9 Discussion also took place as to SLCC publication information/leaflets for the public. The HOC advised she is in the process of drafting these and would be utilising them when speaking to voluntary organisations, ie CA Scotland, Consumer Focus etc.

ACTION: HOC

9. STRATEGIC RISK REGISTER & BUSINESS PLAN

- 9.1 The CEO advised that all changes and amendments have been taken on Board, and the final documents will be re-circulated.

ACTION: CEO/PA

- 9.2 The CEO also advised that the Strategic Aims document had been amended to include the revised wording and comments on layout etc and it will be brought back to the September Board Meeting.

ACTION: HOC

10. PI & MASTER POLICY GUARANTEE FUND RESEARCH UPDATE

- 10.1 The CEO updated Members that Prof Stephen and his team had conducted 7 focus interviews to date. They have planned a focus group with Lawyers. They were on target for completion of all interviews by the end of May.

- 10.2 The CEO also advised that for the safety of the research team all future interviews would be conducted in public offices.

HOC left and HOI joined 3.50pm

11. COMPLAINTS UPDATE

- 11.1 The HOI reported on her tabled paper (08.10.11.1) and reviewed the statistical information presented. It was agreed that it was too early to set realistic targets or gather statistical information. It was however agreed that HOI would review the effectiveness of the complaint form after the SLCC's first year.

ACTION: HOI

- 11.2 A discussion was held about Member involvement in reviewing individually frivolous/vexatious and totally without merit cases. It was agreed individual Members could discuss cases with other Members or call for a Determination Committee.

ACTION: Chair/Members/HOI

- 11.3 Members suggested that SLCC staff might benefit from gaining an overview of 'a day in the life of a solicitor' which might aid their role. It was also suggested that Members and staff contact Solicitors Regulatory Authority (SRA).

ACTION: Chair/Members/HOI

- 11.4 Members also felt they would like to observe the process of receiving the initial complaints with the Gateway Team. It was agreed that HOI would facilitate this.

ACTION: Chair/Members/HOI

- 11.5 Conduct Oversight – The HOI confirmed a full report would be available for the July Board.

ACTION: Chair/HOI

HOI left and HR Manager joined 3.55pm

12. HR UPDATE

- 12.1 The HR Manager reported on her tabled paper (08.10.13.1).

- 12.2 Discussion took place regarding the presentation from GAD which staff found very helpful.

- 12.3 The HR Manager advised that a meeting was planned with HR Representatives from SGvt regarding Pay Policy, which will involve discussing the benefits of working with a similar organisation thus aiding the pay policy process. Members agreed the SLCC should explore an analogue relationship. The HR Manager will pursue.

ACTION: HR Manager

GI left 4.00pm

- 12.4 The HR Manager advised that harmonisation interviews were planned to commence later this week.

- 12.5 Following discussion it was agreed that the HR Manager's report would be renamed for the Agenda and would be called Staff Governance.

ACTION: HR Manager

DW left 4.15pm

13. AOB

- 13.1 Discussion took place as to the drafting of a policy/procedure following receipt of a Legal Appeal of a Decision and the impact on the reputation of SLCC. It was agreed that these would be passed to the CEO, copied to the Chair and copies circulated Members for information. The CEO will subsequently hold a discussion with the Chair who would involve other Board Members as necessary. It was agreed that a draft policy would incorporate this process.

14. DATE OF NEXT MEETING

The next Board Meeting will be held on Monday 20th July 2009, 10 am – 2 pm at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.