

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10AM TUESDAY 31ST JULY 2018**

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

PRESENT:

LAY:

Jim Martin (Chair)
Sara Hesp
Michelle Hynd
Emma Hutton
Sarah McLuckie
Morag Sheppard

LAWYER:

Amanda Pringle
Kay Springham

In attendance:

Neil Stevenson (CEO) (Items 1-20) [REDACTED] (secretariat – minutes Items 1-20)
Caroline Robertson (HI) (Items 1-4) [REDACTED] (CIM3) (Items 1-4)

Apologies:

Denise Loney

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
SGvt – Scottish Government
ABS – Alternative Business Structures
IMT – Investigations Management Team
JT – Journey Time
WIP – Work in Progress

CM – Clerking Manager
HO – Head of Oversight
DC – Determination Committee
LSS – Law Society of Scotland
FoA – Faculty of Advocates
CIM – Case Investigations Manager
FO – Facilities Officer
OH – Oral Hearing
CoS – Court of Session
WT – Working Time

Private Member only session

This session was attended only by the Board no minute was taken of this private session.

With the private session concluded with the CEO, HI, CIM3 and Secretariat joining the meeting at 10.20am

1. Welcome

1.1 The Chair welcomed everyone to the Board meeting and thanked everyone for their input into the private member session.

2. Apologies

2.1 The Chair advised that apologies were received from Member, Denise Loney.

3. Declaration of Interests

3.1 No other declarations of interest were made other than the standard declarations of interest declared by Kay Springham and Amanda Pringle in relation to any pecuniary interest with regards to budgetary discussions.

4. Update on Progress with Process Efficiency

- 4.1 The HI spoke to the paper presented and gave a brief background as to why it was agreed that a process review should be carried out. It was noted this would involve a review of the whole process by taking a different approach to reduce WIP and JT. The CEO reiterated the necessity for this review due to incoming cases having risen by 23% in the last 36 months. SMT have been working with different assumptions within the predictive model, reviewing historical trends and then reworking the model based on 5 different scenarios. It was noted that JT will reduce if WIP reduces.
- 4.2 The CIM3 explained the previous 'pilot' processes, for example, CIs trialling start to finish, had resulted in no additional efficiency gain, so SMT and IMT are now carrying out a trial of 'Sprints' at three different stages. At Eligibility stage, this included moving to a 'checklist' type approach which should result in a reduction of WIP. There are 4 CIs working on this trial process during Quarter 1, these CIs will have a 'soft' closed case target of 23 per Quarter, instead of the 'normal' target of 18. This should show a 2 or 3 per person increase in closed cases for the month. With the Investigation 'Sprint' trial, this includes categorising cases, and issuing only an 'initial view' on simpler and lower risk cases, and these progressing straight to Determination in that format if they did not settle. Determination stage has also included a 'Sprint' trial which Members have been considering during Determination Committees. The trial is showing positive results, so far, in that, Eligibility have seen a 10-15% increase in closed cases, however, it was noted that they were waiting to progress the Investigation pilot until feedback has been fully collated on the Determination pilot.
- 4.3 The Chair reminded the Board they should be taking a strategic view and not to be bogged down with the finer detail of each stage of the pilots. The Chair enquired as to what was the percentage of cases which went to Determination stage. The HI advised that approximately 50% of Investigation cases went to Determination; this was 10% of overall cases received.
- 4.4 The CIM3 reiterated that both eligibility 'Sprints' were running in tandem with the current process in order for them to be measured on a comparative basis, it was acknowledged that the second eligibility 'Sprint' would be more difficult to measure (as it involved changing the whole eligibility process, not just the final report stage). The project team meet fortnightly with those involved in all stages of the trial 'Sprint' process and each case is also being measured on an individual basis.
- 4.5 Members were keen to ascertain how the success of the trial would be measured and CIM3 advised the success would be a reduction in both JT and WIP. Members noted that the new style report formats were mapped out to use clearer 'plain' English and wondered if feedback had been received from service users. The CIM3 advised it was too early at the moment as decisions were just beginning to be issued out to parties at Eligibility stage. Positive feedback has been received from Members on the new style of Eligibility forms. The HI advised that Investigation were using a slightly different layout depending on which IR is being used, no negative comments have been received to say that individuals have not received enough information. The CEO stated they would need to review complaints for practitioners who have multiple complaints in the system, as they might end up receiving 3 different styles of reports, this will need monitored to ensure a consistent approach is applied.
- 4.6 Members probed further to ascertain what the optimum impact would be on JT to get to a reduced target of 6 months. The CEO advised if we continue with the current trial this may be able to deliver a consistent JT of 9 months, but in order to get a lower JT, WIP will need to reduce further before we see JT improving naturally.
- 4.7 The Chair sought clarification as to when the current 'Sprint' trial process would be rolled out to be used by other CIs. CIM3 advised that by the end of September the Project Team should be in a position to have potentially all CIs on the same process for eligibility. Members sought assurance that the 'trial' would reduce the backlog, which in effect will impact on and reduce JT. The HI advised that speeding up the process will reduce 'dead time' in cases. Members were reminded that there were statutory waiting times already built into our process which will impact on JT.

- 4.8 It was noted that one point raised in the Report by Dame Janet Paraveska on the management structure was the 'number' of hands which handled a case from start to finish in our process. The CEO advised this was not being tested currently, but if some of the current sprints assisted in reducing handling times it may be more viable to look at (although it was something that had not always worked well in other complaints bodies).
- 4.9 Members discussed various different systems with similar complaint body organisations. For example, start to finish, or rapid online triage (as was being used by google on advertising and content). The CEO noted we would continue to look at other models for ideas. Members were keen that whatever system was adopted, it was important to have staff 'buy-in', if they don't, then the operational model and output of cases will not increase, resulting in JT and WIP still remaining high. Members also reiterated that quality should be maintained as well as output. The Chair reminded Members that an update would be given at the September Board Meeting.
- 4.10 The Chair thanked Members, CEO, HI and CIM3 for their input to the paper presented.

11.25am comfort break during which HI and CIM3 left the meeting

11.30am meeting resumed

5. Key issues briefing

- 5.1 The CEO spoke to the paper presented and gave a short overview and update on:
- 5.1.1 Management Structure Change, first round of interviews have now taken place for each of the new roles. An excellent set of applicants were interviewed with the second round of interviews due to commence as planned over three days from 22 August onwards, with a decision being made by 4 September at the latest.
- 5.1.2 Joint work with LSS on interim improvements to the complaints system, it was noted that a joint meeting took place with SGvt and LSS on 30 May. It should be noted that SGvt are not available to meet at the moment due to the work on ABS but we are pursuing a date for September/October. The Chair confirmed he has now met with the new President of the LSS.
- 5.1.3 ABS Update, Members noted that we have secured some set-up funding from SGvt and that we have received our first levy from the LSS. Members sought clarification as to whether the levy was paid annually and the CEO confirmed this could be sought every year. The Chair advised that correspondence had been received from the LSS.
- 5.1.4 Cap Ex Planning / Smarter Working, Members sought clarification on what SMT had planned in relation to 8.2 c) to create a refreshed environment for our committed staff and future colleagues. The CEO advised this would involve refurbishment of the kitchen area and carpet cleaning etc. Members also enquired whether this would involve the purchase of replacement furniture. The CEO confirmed it would due to the increased capacity of staff and the additional requirement for 'hot desking'.
- 5.2 Members thanked the CEO for his update noted the rest of the paper as read.

6. Long Term Trends

- 6.1 The CEO spoke to the paper presented. Members noted the upward trend of incoming cases which had increased again in July, there was also a slight increase in productivity over the quarter, and there has been a drop in customer satisfaction. Members sought clarification as to the variances of productivity at certain stages. The CEO advised that for example, at Determination they have had a static team, whereas at Eligibility and Investigation stages they have had an increase in staff, but they are still in the training which impacts the output of productivity of these stages.

- 6.2 Members suggested that there should be a move to a culture of continuous improvement and personal ownership of cases which is good for staff. Members also sought clarification as to whether other 'small' process changes were being made along with the 'Sprint' trial. The CEO advised that they were not at the moment, as the focus was on those changes most likely to have a bigger impact on WIP and JT.
- 6.3 Members asked that this report show total volume of cases at each stage of the process at the front of the report. The CEO confirmed this would be circulated and included in future reports.

Action	Owner	Due Date
CEO to provide volume of cases at each stage of the process to Members.	CEO	By 25 September 2018

7. Management Information

- 7.1 The CEO spoke to the paper presented and advised that WIP was slightly down on last month to 836. Members noted that there had been an increase in the uptake of Mediation and wondered if there was a particular reason for this. The CEO advised that a new information guide has been produced, along with a refresh of the video on the website but that it was not possible to know for sure if they were the reasons for the increase in Mediations. Members suggested it might be of benefit to use case study 'quotes' to market the facility of Mediation and showcase the benefits of this process. The CEO confirmed that these were used in the information guide and on the video.
- 7.2 Members sought clarification as to whether there was a reason for the YoY reduction of both JT and WT at Determination stage of the process. The CEO advised that one key reason was down to Members not continuing cases, which had been an issue previously. Members enquired as to why this was not the case at Eligibility stage and the CEO advised this was where the backlog is sitting. Members agreed with the CEO's observations.
- 7.3 Members noted the rest of the paper as read.

8. 2017/18 Operating Plan Update

- 8.1 The CEO spoke to the Quarterly update to the Operating Plan. Members sought an update on priority objective 1.4 and whether this objective had been met within timescale. The CEO advised that the Eligibility pilot time recording is being done by SMT and confirmed it could be shared with the interested Member.
- 8.2 Members also enquired as to whether the recent Newpro upgrade was showing any improvements in the capturing and recording of data etc. The CEO stated that the 'Sprint' trial was outwith Newpro recording, but stressed all cases are recorded on Newpro with a spreadsheet capturing other data as part of this trial process.

Action	Owner	Due Date
CEO to provide a copy of the report provided by M Titchen to the interested Member.	CEO	1 August 2018

- 8.3 Members thanked the CEO for his update and noted the rest of the report as read.

9. Customer Feedback

- 9.1 The CEO spoke to the paper presented. Members sought clarification on one of the graph plot lines and the CEO agreed to clarify the original graph and data and recirculate after the meeting.

Action	Owner	Due Date
CEO to provide recirculate a copy of the customer feedback response graphs to Members.	CEO	Done 23 July 2018

- 9.2 Members noted compliments have been received and asked that SMT ensure these are shared with staff. The CEO confirmed they were.

- 9.3 Members sought an update on the new website timetable. The CEO confirmed work had commenced, though the project was still in its early stages, work will include accessibility on mobile phone apps and clearer disability access facilities within the website refresh.
- 9.4 Members noted that feedback results in the paper presented and look forward to receiving an update next quarter.

12.15pm F&CSM joined the meeting

10. Financial Management Report

- 10.1 The F&CSM spoke to the paper presented and reminded Members the figures presented were pre-audit as the External Auditors are in the week of 27 August 2018.
- 10.2 FMR – 12 months to 30 June 2018 – Members noted the total expenditure for the year is currently out-turning at £3,136,213 subject to the finalisation of accruals. The expenditure deficit has been revised down to £12,698, with reserves as at 30 June 2018 currently £408,337. The F&CSM advised that the total income for the year to 30 June 2018 was £3,123,515, which was less than budgeted variance of less than 0.05 of one percent.
- 10.3 The AC Chair advised the AC had reviewed these figures at their recent meeting and were pleased that the F&CSM had ensured that we were again in a good position for year-end this year.
- 10.4 Members discussed the financial pressures for 2018/19 and agreed these will be closely monitored and reflected in future FMRs presented to the Board.
- 10.5 The Chair reminded Members that the setting of the new levy for 2019/20 will take place at the October and December Board Meetings. The F&CSM also confirmed the income for 2018/19 Levy was now received from all the professional bodies.
- 10.6 Balance Sheet – Members noted the papers presented.
- 10.7 The Chair thanked the F&CSM and CEO for their update and explanation to the figures presented.

12.25pm F&CSM left the meeting

11. HR Update

- 11.1 The CEO spoke to the paper presented. Members sought an update on the restructure process and recruitment of new roles. The CEO confirmed meetings had now taken place with all affected teams, with staff having received written feedback via Staff Reps, it was acknowledged there was a very unsettling few weeks but this was settling down quickly. The Staff Survey has been circulated to all staff to complete and once this has been collated and analysed the output will be shared with Board. The CEO also confirmed that interviews were planned for both new roles and on schedule for the agreed timetable.
- 11.2 Members noted the training time for a CI remains at 6-12months and wondered what actions were being taken to reduce this timescale. The CEO advised that whilst a CI was classed as 'in training for this time', they would have a full case load by the end of 6months being performance managed by their line manager and then for the next 6months will be subject to additional quality assurance checks.
- 11.3 Members sought an update on the ongoing HR issue which the CEO provided an update on.
- 11.4 Members thanked the CEO for his update and noted the rest of the report as read.

12. Appeals Update

- 12.1 Members noted the paper presented.
- 12.2 Members asked that SMT are reminded that Board should be advised if a case is appealed which they made a decision on. The Secretariat confirmed this was the process and the CEO confirmed a reminder would be given to SMT.

13. Predictive Model

13.1 Members noted the paper presented.

14. Draft Outline Response Plan to Independent Review of Legal Regulation

14.1 Members noted the paper presented and confirmed the delegated authority to the CEO to ensure an initial response on behalf of the Board and SLCC.

15. DC Feedback

15.1 Members noted the paper presented.

16. Board Planner 2019

16.1 Members raised concern about a 13wk gap between the April and July dates and also the 11wk gap between July and October meetings. Following discussion it was agreed that the April dates would be moved to mid-May but the October dates would remain as advised. Once confirmed by the Chair and SMT, a copy will be recirculated to Members.

Action	Owner	Due Date
Secretariat to update Board planner dates for 2019 and recirculate to Members.	Secretariat	Done 28 Aug 2018

17. Risk Register Summary

17.1 Members noted the paper presented.

18. Board Actions Register

18.1 The Chair noted the update to actions 260 and 262 and agreed all other completed actions should be removed from the register.

19. Minutes of Previous Meeting from 1 May 2018

19.1 The Minute of the Board Meeting was noted and approved as read.

20. Chairman's Report

20.1 Members noted the paper presented.

21. Future Development Sessions

21.1 The CEO sought ideas from Members to topics they would like covered at future Development sessions. It was noted that:

- 21.1 September would cover Budget Planning Cycle and Risk Register, and
- 21.2 October would include a refresher on Eligibility themes and ABS/Independent Review.

21.2 Members suggested it would be helpful to have:

- 1. a broader Governance/Management team review,
- 2. earlier exposure of staff/SMT to the Board,
- 3. governance and the role of non-executives on Boards, it was suggested that this could be provided by IOD, with a public sector steer for the practical application of governance.

21.3 The CEO thanked Members for their input and suggestions.

22. Date of Next Meetings

22.1 Members noted the dates of the next meetings as:

- Board Development Session will commence at 2pm on Monday 24 September 2018
- Board Meeting will take place at 10am on Tuesday 25 September 2018

23. Chief Executive's Report

23.1 Members noted the paper presented.

24. AOCB

24.1 Complaint Levy Policy update - Member's enquired when this would be circulated. The CEO advised he would ask for it to be circulated to Members.

Action	Owner	Due Date
CEO to ask Clerking Manager to circulate the updated Complaint Levy Policy to Members.	CEO/CM	By 14 Aug 2018

25. Review of the Meeting

25.1 With no other business the meeting concluded.

1.00pm Board Meeting ends