

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 11.00AM ON MONDAY 19th OCTOBER 2009**
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG

PRESENT:

LAY:

Jane Irvine (Chairing Member)
Ian Gordon
George Irving

LAWYER:

Margaret Scanlan
David Chaplin
David Smith
Alan Paterson

APOLOGIES:

Linda Pollock and Douglas Watson

In attendance:

Eileen Masterman (CEO)
Rosemary Agnew (HOI) (Minutes)

Abbreviations used:

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

MS agreed to step down for voting.

1. APOLOGIES

As noted above.

2. DECLARATION OF CONFLICT OF INTERESTS

- 2.1 AP, as already made public in Members' Register of Interests, is an ad hoc adviser to the Scottish Legal Aid Board (SLAB)
- 2.2 MS, as already made public in Members' Register of Interests, is a former Member of SLAB.

3. MINUTES AND MATTERS ARISING

- 3.1 Minutes approved as accurate.
- 3.2 Matters arising
Dealt with under relevant agenda items as per 3.2.1 of previous meeting.

4. CHAIR REPORT

- 4.1 The Chair reported on her tabled paper (5.1). She informed Members that she was arranging for a speaker to present to the SLCC on developments in Money Laundering Regulation, probably in February 2010. She also informed Members that the general feedback from the Conveyancing Conference was that the volume of work in this area was generally 'low'.

5. ISIS MOU

- 5.1 The Chair reported on her tabled papers 6.1 and 6.2. The issue under discussion relates to a contractual agreement with current provider over data security and their reluctance to enter into one for technical reasons. A suggested solution was to separate the data elements from the general MOU, a proposal which the current provider was considering and which the Board agreed was appropriate.
- 5.2 If agreement cannot be reached, the Board agreed in principle that the SLCC should look for alternative IT provision.

ACTION: Chair and HOI – Some initial work to be done on alternative IT provision as a contingency.

6. SLAB

- 6.1 The Chair and CEO reported on the tabled paper 7.1 seeking agreement that the SLCC does not continue to share internal auditing services with the current provider, to avoid any perception of conflict of interest.
- 6.2 Members discussed the background to the original selection of SLAB as internal auditors, the type of conflicts that might be perceived as affected, particularly in relation to complaint handling and SLAB raising complaints.
- 6.3 The CEO also outlined the action she had taken in relation to identifying an alternative provider piggy-backing on existing public body contracts to enable the SLCC to appoint and keep within Government Best Value guidelines.
- 6.4 Members agreed that SLAB should complete the current internal audit but that an alternative provider be put in place for the next financial year.

ACTION: CEO

7. GOVERNANCE

- 7.1 Paper 8.1 was considered and approved.

ACTION: HOC to put on website

8. CEO REPORT

8.1 Matters arising from minutes of 24 August 2009

- 8.1.1 5.4 - Security issues had been resolved to CEO's satisfaction.
- 8.1.2 6.2 – CEO updated the Board on progress of the publication of the guidance note to practitioners about notifying clients of the SLCC at the appropriate time, and in particular liaison with all stakeholders. Members discussed the general approach – does the SLCC consult with stakeholders or does it advise them about the guidance the SLCC has agreed. The view was that the approach was similar to consultation on the Rules: the SLCC consults but ultimately it is our guidance and should reflect what we want to say.

8.2 Annual Accounts and Report on the Accounts

8.2.1 CEO gave verbal update on progress with the Annual Accounts and Report on the Accounts (ie narrative) and the External Auditor's report. This is due to be completed by the middle of November 2009.

8.2.2 It was clarified that the 'Annual Accounts and Report' and the 'Annual Report' are two separate and distinct documents but that the Annual Report will include some financial information. The timing is also interdependent because the Accounts Direction signed by the SG has asked that the SLCC append our accounts to the Annual Report.

8.2.3 The final Annual Accounts and Report on the Accounts will be considered by ARAC independently of the Annual Report.

8.2.4 Members discussed the level of information that would be included in the Annual Report and the timetable for both. There is no formal guidance from SG on what information the SLCC must include in the Annual Reports about the accounts, the only direction being in relation to the laying of the Annual Report.

8.3 Paper 9.2 – Internal Audit Report on FOI

8.3.1 The CEO reported on the tabled paper 9.2. The report was not as detailed as expected but overall the CEO reported it concluded SLCC processes are satisfactory and the SLCC's handling of FOI requests is operating efficiently and effectively.

8.3.2 Members discussed the level of detail in the report and in particular that the SLCC expected to see more in the way of signposts for improvement and how the SLCC addresses particular issues such as vexatious requests.

8.3.3 Members then discussed the FOI process, particularly in relation to charging, the cost to the SLCC and quality assurance of how the process is applied and responses issued.

8.3.4 Members noted the paper and agreed:

8.3.4.1 The CEO should report any errors in dealing with FOI requests be reported to the Board.

ACTION: CEO

8.3.4.2 The CEO should report approximate costs of dealing with FOI requests to the Board.

ACTION: CEO

8.3.4.3 FOI files should show exactly what action has been taken on an FOI request, including a note of the time and costs involved, what information is released or withheld and what had been done with the information released where known.

ACTION: CEO to check and review information being supplied in all FOI's, this should involve quality control checks before FOI's are sent out.

8.4 Paper 9.3 – ARAC Internal Audit Update

8.4.1 The CEO reported on the tabled paper 9.3 and updated on her meeting with the external auditors regarding the Report on the Annual Accounts.

8.4.2 The CEO acknowledged the report was less detailed than expected but it was pleasing to note that overall the conclusion was that the SLCC's controls and governance were satisfactory. The SLCC would have liked to see more detail in respect of signposting improvements.

8.5 Paper 9.4 – Transitional Arrangements

8.5.1 The paper was noted. There followed a general discussion about other relevant factors, such as complaint numbers, and the recommendation that the transitional date is not changed was approved.

8.6 Paper 9.5 – Draft WorkPlan

8.6.1 The paper was noted. The Chair and CEO to examine this and build it into 2010 Board timetable.

ACTION: CEO

Break for Lunch

9. FINANCE & REMUNERATION ADVISORY COMMITTEE – Verbal Update

9.1 GI gave verbal update on action since last meeting in relation to ARAC activity since last meeting. No decisions or recommendations made.

10. FINANCIAL MANAGEMENT – QUARTERLY REPORT

10.1 The CEO spoke to tabled paper 12.1. CEO outlined the changes that had been made to the format following the last meeting and confirmed that the variance was prepared on an accruals basis and that this should be reflected more fully in the next quarterly report. CEO also confirmed that the heading/title would be changed on the next report.

11. PROCESS & ADVISORY GROUP UPDATE

11.1 The notes of the last meeting were discussed, and in particular the relationship between Board discussion and how discussion is ratified and agreed by the Board. The role of PRAG is to make recommendations. These recommendations should include options for consideration where appropriate.

ACTION: DS & HOI to reflect this after the next PRAG meeting.

12. COMMUNICATIONS & WEB-SITE UPDATE

12.1 HOC presented tabled papers 10.1, 10.2, 10.3 and 10.4. HOC was told to ensure future communication updates to include summary of actual action points and updates.

ACTION: HOC to ensure future communication updates to include summary of actual action points and updates.

12.2 Web-Site Update

12.2.1 HOC explained the statistical reports on the web-site, answering any questions about what the figures represented. The Board discussed the reports but agreed that they were too detailed and that in future they wished to see something much simpler that highlighted the key issues and information. An action point was given to the HOC with a steer that the types of information sought was: numbers using the website, top traffic sources (ie where users come from), key words used to find us, how many repeat users there are and the level of information in the 'dashboard'.

12.2.2 Update covered action point from previous meeting at 6.1.

ACTION: HOC to provide summary report on web-site in future.

12.3 Intranet

12.3.1 HOC explained that work had been put on hold pending the outcome of discussions with provider covered earlier. Members noted this and gave a further steer that in future the need for and expense of an intranet should be revisited in light of the current environment.

ACTION: HOC to revisit rationale for and costs of Intranet once situation with current provider is resolved.

12.4 Talks and Events

12.4.1 HOC spoke to information in her paper on recent visits. There has been a change in approach to outreach work, moving away from general road shows as originally planned to working directly with consumer groups to ensure we are accessible to all groups who might use the SLCC's services.

12.5 Information Leaflet

12.5.1 HOC handed-out the final draft (subject to final proof) to Members and the 'postcard'. Both of which were due to be distributed to consumer groups and Client Relations Partner's (CRP's) in November 2009.

12.5.2 Mailing to CRP's to also include information on how to contact the SLCC for speakers at CPD and similar events.

12.5.3 Action points at 6.4 and 6.5 covered and replaced by new action point.

ACTION: HOC to issue printed information to consumer groups, CRP's and advocates, including in the information to practitioners information about how to contact the SLCC for speakers.

12.6 Annual Report

12.6.1 Chair, CEO and HOC were working on the content of the Annual Report. HOC handed out images and artwork for Members to consider, explaining the concept. Members agreed on picture '2' for the cover.

12.6.2 Members gave a steer on production and distribution that the print run should be kept low and the main publication be via the web-site or email.

12.6.3 Members went on to discuss more general issues, such as the overall purpose of the Annual Report, confirming that they wanted to contribute to the authorship. There

was considerable discussion about the timetable for the production and launch (including press coverage) of the Annual Report which is dependent on the production of the Annual Accounts/auditor's report. Members particularly wished to know what the timetable was for producing the main content of the report.

- 12.6.4 HOC was asked to provide by the end of the week a timetable which showed the steps that need to be taken by when and when the launch can take place.

ACTION: HOC to issue timetable for production and launch of the annual report by 23 October 2009.

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13. STAFF GOVERNANCE

- 13.1 HRM gave verbal update on harmonisation. All one-to-one meetings had taken place and it was now a matter of responding to their questions and for staff to accept the proposals or not. The Board noted progress with approval.

- 13.2 HRM also gave an explanation of the pay remit process, approach used and output verbally approved by SGvt. The HRM was asked what policies were complete and when all policies would be complete. The HRM confirmed that 1 draft policy was sent to the board for consideration in August after the update provided at the March Meeting and that a number of policies are in 1st draft format requiring further work to check they fully meet SLCC needs. The CEO confirmed an update was provided in March. The Board confirmed they understood that pension set up, harmonisation and pay remit were prioritised by the HRM to date.

ACTION: HRM agreed to provide an update at the next meeting which will include a list of policies.

14. MASTER POLICY

- 14.1 This item was introduced by AP who outlined what had been done to date and suggested the way forward was to carry out a further piece of research, building on the first. There were issues to resolve such as how far the SLCC would have to re-tender but these were being looked at.

- 14.2 Members agreed the way forward suggested by AP thanking him for his work on this.

ACTION: AP & CEO to take forward further research project on Master Policy and Guarantee Fund.

15. COMPLAINTS UPDATE

15.1 Complaint Statistics

- 15.1.1 HOI presented the statistical information set out in her paper 13.1 and apologised for late issue due to her absence. The figures showed the first full year but it was agreed that they were not representative and should be considered with some caution, especially in relation to staffing levels and budget planning.

- 15.1.2 The figures raised some interesting points of discussion, particularly those for the number of complaints rejected as being vexatious, frivolous or totally without merit and the apparent trend of a reducing number of complaints overall.

16.30 Meeting ended to be resumed following week.

16. DATE OF NEXT MEETING

The next Board Meeting will be held on Monday 26th October 2009, 11 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.