

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 11.10 AM TUESDAY 26th MAY 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 (via Skype)
Sam Jones (via Skype)
Fiona Smith

LAWYER:

George Clark
Ian Leitch
Maurice O'Carroll

In attendance:

[REDACTED] (HRM) – items 1-17
[REDACTED] (HO) – items 1-17
[REDACTED] (HI) – items 1-17
[REDACTED] (Secretariat, minutes)

[REDACTED] (F&CSM) – items 1-17
[REDACTED] (CM) – items 1-17
[REDACTED] (CIM1) – item 4

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	CM – Clerking Manager
WIP – Work in Progress	DC – Determination Committee
SMT – Senior Management Team	FMR – Financial Management Report
FoA – Faculty of Advocates	CIM – Case Investigations Manager
ADR – Alternative Dispute Resolution	SCI – Senior Case Investigator

1. Welcome

1.1 The Chair opened and welcomed everyone to the meeting.

2. Apologies

2.1 No Apologies were received as all were present; however the Chair did apologise for the late start to the meeting and explained this was due to them holding their Members' only session.

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.

4. Management Information & KPIs

4.1 The HI spoke to the paper presented and explained that as this was the 2nd month of presenting the figures in this format and advised that a great deal of work has been carried out to ensure that the Newpro Reports are being generated accurately going forward.

- 4.2 **Enquiry & Eligibility** - The HI advised that they were sitting with the highest number of cases in 2 years at this stage in the process and that steps were in place to address this influx of cases. In that, they have appointed an Interim Investigation Support Manager and recruited 2 x 12 month contract Case Investigators. Members sought clarification as to the reasons why there was a notable increase in the number of cases which were now at this stage in the process. The HI explained that this was due to the number of Enquiries and Complaints received and also due to staffing issues, which were being addressed. Members reiterated their concerns that this situation seemed to be ongoing and sought assurance that the correct solution was being applied to this area. The HI confirmed it was.
- 4.3 **Mediation** - The HI advised that there had now been 5 successful Mediations of Hybrid Conduct First cases and also that they have now carried out 2 Mediations within Prisons which also both been successfully Mediated.
- 4.4 **Investigation** – The HI advised that there was an increase in the number of cases which now averaged 6mths. The HI also acknowledged they had increased the use of Reporters to address this and they have been looking at rebalancing workloads within the Investigations teams. Members also asked that all figures were accurately recorded and the HI confirmed they would be going forward.
- 4.5 **Determination** - The CM advised that there has been a reduction in the number of cases which were now sitting over 6 months and that the team had currently been working hard in concluding cases which has resulted in an increased output this month. The CM advised that there was one full DC scheduled for June and at present there were 3 cases scheduled for a DC in July, with the date to be confirmed with Members.
- 4.6 Discussion took place regarding the frequency of DCs and the progression of cases through the system. Members also reiterated their concern that they are seeing a reduction to the number of DCs being scheduled per month, from 2 to 1 for the month of July. The CM advised that this again was due to the reduction in the number of cases being transferred from the Investigation to the Determination stage of the process.
- 4.7 **WIP** – Members noted that there had been an increase within the Eligibility and Investigation stages and sought an explanation for this. The HI advised that there were a number of issues as to why this had increased and they were being addressed.
- 4.8 Members suggested that the 'whole' profile of the organisation required a review to ensure that we have the right resources in the right place within the organisation, in that we might need to review that staff are in the right areas, if we have an increase in cases coming in at Enquiry and Eligibility stage then we need more resources working in this area etc. The HI explained that they have just reviewed their working practices and staff will now be working more within the Eligibility stage and less on Investigation, also that the Determination team had been reduced dramatically to shift the emphasis within the organisation.
- 4.9 Members also enquired if this shift within the organisation would mean more of a reliance on the use of Reporters within the Investigation stage and the HI confirmed that it has as it has allowed us to not increase the overall headcount of the organisation. The HRM confirmed this was the resourcing model which was proposed 2 years ago. The Chair asked that the HI provide a review of the use of Reporters for the next Board Meeting and also asked that Members be provided with a list of the names and backgrounds of all Reporters being used.

Action	Owner	Due Date
HI to provide an update review on the use of the Reporters and this should include a list of the names and backgrounds of all Reports to the Board at the next meeting.	HI	28 July 2015

4.10 Members acknowledged that whilst there were a number of cases sitting within the Eligibility stage it was unpredictable to determine how many would progress through to the Investigation and Determination stages of the process. The Chair advised that he would like himself and Members kept up to date with this matter so that Members would be able to make an informed strategic discussion at the next Board Meeting.

4.11 Members thanked the SMT for their updates and explanations to the paper and noted the figures presented.

11.40am CIM1 left the meeting

5. Appeals Update

5.1 In the absence of the CIM, [REDACTED] (CIM2), the HI spoke to the paper presented and explained that the CIM2 was currently at the Court of Session.

5.2 Discussion took place regarding the involvement of the 'decision-maker' being present during the meetings with Counsel and Members had strong views, in that they should be involved in this process. Whilst it was acknowledged that the timescales involved in the Appeals process was time critical. The Board decided that the Chair of the relevant DC be involved at all stages of the Appeal process and that the other Members of the DC be copied into all relevant documentation, including legal opinions. It was agreed that the HI would clarify this point and update Members at the next Board Meeting.

Action	Owner	Due Date
HI to provide an update regarding the inclusion of Members within the Appeal consultation process at the next meeting.	HI & CIM2	28 July 2015

6. Finance Report

6.1 FMR – 10 months to 30th April 2015

6.1.1 The F&CSM spoke to the FMR papers presented and advised that they were now 10 months into this financial year. The F&CSM advised that he was content with the figures as presented and that they were on track for the year-end. Members noted that the projected figures would see the reserves sitting within the upper level of the reserves policy.

6.1.2 The F&CSM also gave an overview of the Balance Sheet figures which were presented along with the FMR.

6.2 Members sought clarification as to the increase in Legal expenditure and the F&CSM explained that this was due ongoing legal advice and in relation to an Appeal case which was settled with costs being attached to it.

6.3 Members thanked the F&CSM for the papers and his explanation to the figures as presented today.

7. Scheme of Delegation

7.1 The F&CSM advised Members that this paper had been further updated to reflect the changes on how financial payments are made by BACS and electronic banking. Members suggested a slight rewording to one of the items in the first section so that it is very clear on the authorisations up to the value of £20,000. With this in mind, Members considered the proposed changes and approved the paper subject to the appropriate rewording being made by the F&CSM.

8. Bad Debt Provision

- 8.1 The F&CSM advised Members that as at 30 April 2015, there were bad debts to the SLCC of £60,030, of which £53,180 of the total provision has been lodged with judicial factors administering the affairs of various firms, sole traders and deceased practitioners.
- 8.2 Members sought clarification as to whether or not this amount included any outstanding monies due to Complainers? The F&CSM advised that this amount was purely monies owed to the SLCC from outstanding levies.
- 8.3 It was also noted that if a final decision is subject to an Appeal to the Court of Session then the pursuance of levy payment is suspended pending the outcome of the Appeal decision.

9. Risk Register Update

- 9.1 The F&CSM advised that following a recent discussion within the SMT, they wished to propose to the Board, that they felt they needed to fully involve the new CEO in this process and would therefore like to continue this matter and provide a full update at the next Board Meeting once the new CEO was in post. Members agreed that as there were a number of strategic nature items currently identified within the Risk Register that this would be appropriate.

Action	Owner	Due Date
SMT to provide an update on the Risk Register at the next meeting.	SMT	28 July 2015

10. Communications & Oversight Update

- 10.1 The HO spoke to the paper presented.
- 10.2 Members sought clarification as to the reasons for revising the job title and role of the Oversight Performance & Standards Auditor to the new role of Best Practice Adviser and the HO explained that the emphasis of this role was now on Best Practice rather than on Auditing.
- 10.3 Members noted the paper presented and thanked the HO for his update.

11. ADR Update

- 11.1 The HO advised that as per the Board's request they have now obtained legal advice and he had again tried to engage with our SGvt Sponsor Department, who unfortunately have advised that they have had to prioritise other matters within their department. Members noted their disappointment at this response and following discussion it was agreed that the Chair and HO would write to SGvt on this matter as a matter of urgency.

Action	Owner	Due Date
HO to draft a letter to SGvt and the Chair to send as a matter of urgency to our Sponsor Department.	Chair & HO	By 29 May 2015

- 11.2 Members thanked the HO for his update on the paper presented.

12. Consumer Panel Update

- 12.1 Members noted the Minute of the first meeting of the Consumer Panel which took place on 19 March 2015. The HO advised that once the Minutes of their second meeting have been approved they will be circulated to Members at the next Board Meeting.
- 12.2 Members thanked the HO for his update on the paper presented.

13. Complaint Levy Policy Update

- 13.1 The CM spoke to the paper presented and advised Members that the main change was contained within Rule 33(2), in that, *the due date for payment of the levy is 28 days after the sum is demanded*, instead of 21 days after. The CM also advised that template correspondence would be amended to reflect this change.
- 13.2 Members approved and agreed to the change in the Complaint Levy Policy.

14. Oral Hearing Procedure Update

- 14.1 The CM spoke to the paper presented.
- 14.2 Members sought clarification on whether a single Member can deal with a request for an OH for preliminary decisions during the process. It was agreed that the CM would research this point and report back to the next Board Meeting with an update.

Action	Owner	Due Date
The CM to research and report back to the next Board as to whether a single Member can deal with a request for an OH for the preliminary decisions instead of a DC as previously recommended.	CM	28 July 2015

- 14.3 Members noted the paper presented.

12.55pm break for Lunch

1.30pm meeting resumed

15. Consistent Decision Making Working Group (CDMWG) Update

- 15.1 The CM gave a brief update on the meeting from yesterday where it was agreed that the CM would organise a meeting with relevant staff and Members to consider a consistent approach to conveyancing. Members noted the paper presented and looked forward to receiving an update on this topic.
- 15.2 The Chair reiterated the timescale for completion was by the end of this year as he was conscious that the recruitment process would need to commence soon for the replacement of Members who finish their term of office in March 2016.
- 15.3 Members discussed their ongoing concern that they have not captured the broader context of knowledge management/learnings of current Members and the Chair asked the Members on the CDMWG to provide an update paper on these points in relation to the Work Plan.

Action	Owner	Due Date
The Chair asked Members to draft a report to update the Board on the broader context of knowledge management/ learnings of current Members and the Chair.	Members (FS & KD)	28 July 2015

- 15.4 Members also requested that the output from the Strategy Development Session from February 2014 be recirculated.

Action	Owner	Due Date
It was agreed the output from the February 2014 Strategy Development Session be recirculated to Members.	Chair/ Secretariat	23 June 2015

16. Update on Conference Call Facilities

- 16.1 The F&CSM advised Members that the FO has been looking into a number of different audio business facilities with a view to reviewing the existing facilities within the Boardroom.

16.2 The F&CSM also advised that an update will be provided at the next Board Meeting.

Action	Owner	Due Date
FO to provide an update on Boardroom Conference Call facilities at the next meeting.	F&CSM/FO	28 July 2015

16.3 The Chair thanked the F&CSM for the update.

**17. Updated Guide to Information Available through our Publication Scheme
POCS010**

17.1 In the absence of the Interim Information Officer (IIO), Members noted the paper presented and approved the amendments as proposed by the IIO.

1.50pm SMT left the meeting

18. Minutes of Meetings from 24 March 2015 and 28 April 2015

18.1 24 March 2015

18.1.1 The Minute of the Board Meeting was approved as read.

18.2 28 April 2015

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

19. Board Actions Registers

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

20. Matters Arising from 24 March 2015 and 28 April 2015

20.1 There were no matters arising to be discussed.

21. Chairman's Report

21.1 Members noted the meetings undertaken by the Chair.

22. Proposed Revised Board Timetable Autumn 2015

22.1 The Chair explained the reasoning behind the change to the August meeting date and reiterated the importance of involving the new CEO in the Board Planning Session for 2016-17, of which Members agreed and noted the changes.

22.2 The Chair also confirmed that going forward there will be no development sessions planned for Board Performance Calls these sessions will be added to the afternoon sessions of Board Meeting dates. With this in mind, the next development session will take place in the afternoon of Tuesday 28 July 2015

23. Date of Next Meeting

23.1 Members noted the next Performance Management meeting will take place at 10.15am on Tuesday 23rd June 2015, with the next full Board meeting taking place on Tuesday 28th July 2015, commencing at 10.15am followed by a Board Development Session commencing at 1.30pm at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends at 2.15pm