

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10AM TUESDAY 1st MAY 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:

Denise Loney
Amanda Pringle

Guest in attendance as an Observer:

Carol Brennan, Chair of SLCC Consumer Panel

In attendance:

Neil Stevenson (CEO) (Items 1-20) [REDACTED] (secretariat – minutes Items 1-20)

Apologies:

Kay Springham and John Ferrie, F&CSM

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

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

Private Member only session

This session was attended only by the Board and the CEO, and the minute was taken by the CEO.

The Board noted again the paper from Janet Paraskeva (received at the last meeting), and the information the CEO presented on costs, benefits and issues around implementing the management structure proposed.

The Board supported the creation of a new three member management team, and delegated to the CEO the required steps to achieve this, noting that two external recruitments were planned. The Board noted that further change at the supporting management level was likely in due course, both because of the SMT restructure and on the back of process reform work.

The Board noted that their key priority remained process change and culture change around complaints handling performance. As there was continuity of leadership in that area this would remain the focus of scrutiny while other appointments were made. Leadership of the complaints side of the business would be kept under review and formally reviewed once the two other appointments were embedded, and in light of the process reform work which would be further forward by that point.

The Board noted that accountability for the performance of the new structure would be part of the CEO's performance targets.

The Board agreed the costs of recruitment and the appointments, noting the potential impact on reserves and levy, with the CEO instructed to take all reasonable steps to mitigate the impact.

The Board supported a leadership development programme being put in place for the whole team as part embedding the new structure.

The private session concluded, and the Observer and Secretariat joined the meeting (at 10.55am).

1. Welcome

- 1.1 The Chair welcomed everyone to the Board meeting and thanked everyone for their input into the private member session.
- 1.2 The Chair in particular, extended a warm welcome to our Observer, Carol Brennan, who is Chair of the SLCC Consumer Panel; introductions were made around the table.

2. Apologies

- 2.1 The Chair advised that apologies were received from Member, Kay Springham and F&CSM, John Ferrie.

3. Declaration of Interests

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

4. Key issues briefing

- 4.1 The CEO spoke to the paper presented and gave a short overview and update on:
 - 4.1.1 Publication of 2018/19 budget, which was laid on time, in Scottish Parliament on 20 April.
 - 4.1.2 Process Improvement, both the project leadership team and the project team have been appointed and are in place. Staff briefings have taken place and work has commenced on the three projects at Eligibility, Investigation and Determination stages. Members were reminded that the July Workshop would include a session from the process improvement consultant and statistician, Mike Titchen.
 - 4.1.3 Joint work with LSS on interim improvements to the complaints system, it was noted that a joint meeting has been set with SGvt and LSS for 30 May, with an update being provided at the July Board Meeting.
 - 4.1.4 ABS Update, Members noted the change in implementation date, which has been brought forward by SGvt to 31 October 2018. Members agreed to delegate approval of a response to ABS regulations to the CEO. The CEO agreed to consult with the Chair, and if required seek the views of the Board prior to responding to SGvt.
 - 4.1.5 Lease, the CEO confirmed that agreement on the Lease has now been reached, with conclusion of missives; this allowed all costs to be included in this financial year. The Chair recorded thanks to the SMT for all their hard work on a satisfactory outcome in this matter.
 - 4.1.6 Digital first and cyber (security) essentials, it was noted that work for Cyber Essentials was in hand for certification by the end of October. The CEO updated the Board on a recent security incident. A 'comms update' email included a link from Holyrood magazine and that site temporarily triggered a virus alert., The IT Security Plan and Protocol was immediately actioned and reduced the impact to the business before any issue escalated to infect our IT systems. Members enquired if review of our website will include testing with consumers and the CEO confirmed it was anticipated it would.

- 4.1.7 Cap Ex planning / Smarter Working, the CEO advised that now the Lease was concluded, the focus of work will now turn to the Operating Plan objective to develop a five year plan on capital expenditure on facilities and IT. Both the CEO and F&CSM have carried out a few site visits to other similar organisations to review IT and case management systems, a fuller paper will be brought to the Board in due course for input from members.
- 4.1.8 Prior year case costs, Members noted the figures presented, which indicates that Eligibility has become the most costly stage of the process. Members sought clarification as to whether there was any particular reason for the relative cost per case to increase year on year in relation to eligibility (when the cost of other stages had fallen). The CEO advised that we had become risk averse on cases due to the possibility of CoS Appeals, and the outcome of cases which tended to lead to more and more work being required at that stage in the process. Members enquired whether there were particular reasons for appealing and they also wanted to know the ratio of who appealed, i.e. was it mainly complainers or practitioners. The Chair agreed this was an interesting point for analysis and asked for this to be included in the Appeal Update paper for the July Board Meeting.

Action	Owner	Due Date
SMT to include a comparative figure on the number of appeals in each year since we started, or at least over the last five years, to be included in the Appeals Update paper for the July Board Meeting.	CEO/CM/CIM3	31 July 2018

4.2 Members thanked the CEO for his update noted the rest of the paper as read.

5. Long Term Trends

5.1 The CEO spoke to the paper presented. Members noted that customer satisfaction was showing an aggregated downward trend and wondered if there were particular reasons being highlighted for this and whether more importantly, anything else could be done to improve these figures. It was noted that there will always be some level of dissatisfaction in any complaints process and often delays will be a reason for this. Observer, C Brennan suggested there was scope for dialogue to be explored with parties to work through some of the issues highlighted and the Consumer Panel often suggest this is done by way of 'Roundtable Workshops'. Members also suggested that SMT might wish to ask if 'parties' found "the complaints process fair" as a trackable figure. The Chair noted that the experience of every individual will vary and delay will be an ongoing issue. Members noted that a progress report will be provided at the July Board Meeting.

6. Management Information

- 6.1 The CEO spoke to the paper presented and advised that WIP was slightly down on last month to 829. Members enquired if there were any 'quick wins' which can be implemented to reduce the lengthy CI training process. The CEO stated there could be if we move towards a more 'checklist type' sift, then a review could be carried out to reduce the standard length of Eligibility reports etc. Members suggested the option of a 'triage' system.
- 6.2 The Chair noted that incoming cases remained consistently high, with the overall trend still showing an increase in new complaints. Based on current data it is anticipated there will have been around a 5% increase by year end, resulting in around a 20% increase over the last 36 months. The Chair requested a comparison of Levy costs over this same period.

Action	Owner	Due Date
CEO to provide comparison figure of Levy costs for the Chair.	CEO	4 May 2018

7. Financial Management Report

7.1 The CEO spoke to the paper presented.

7.2 FMR – 9 months to 31 March 2018 – Members enquired whether there had been a shift in judiciary towards costs of legal expenses awarded with regards to appeals. The CEO advised this often appeared to be down to individual Judges and circumstances, for example, in a recent appeal where the decision was in our favour, however, the Judge did not award expenses to or by either party, so we were not able to reclaim expenses for defending an appeal against a DC decision. Members thought it would be interesting to monitor the approach of the judiciary.

7.3 Balance Sheet – Members noted the papers presented.

8. 2017/18 Operating Plan Update

8.1 The CEO spoke to the Quarterly update to the Operating Plan, which Members noted as read.

9. Customer Feedback

9.1 The CEO spoke to the paper presented. Members noted more positive comments within the report. Members also enquired whether there were plans to try to increase feedback response rates. The CEO advised that the feedback form has been reviewed, reminders have been set and we are also considering the ability of being able to provide feedback via a mobile phone.

9.2 Members suggested that a sample of customer feedback could be taken at the different stages of the process. Members enquired as to whether feedback was ever followed up with individuals who provide feedback. The CEO advised that this was done only in cases where specific questions are asked and where the individuals provide contact details but generally no, as most of the feedback is anonymous.

9.3 Members noted that 'delay' was an issue for both complainers and practitioners; this is also mirrored on journey time issues. The Chair wondered if the Consumer Panel had a view on customer feedback. Observer, Ms Brennan advised that the Consumer Panel were always concerned about customer feedback but stressed it was important to manage individuals expectations earlier in the process. Ms Brennan stated the Panel feel it is important to follow up on comments provided in feedback and often it is helpful to pick up the telephone to get more information and importantly to learn from complaints, as there is a lot to be learnt from unsatisfied customers.

9.4 Members noted that feedback results had been better in previous quarters. The CEO advised that it was important as complaint numbers are used to be utilised to drive innovations and change processes. Members enquired whether the demographics were known of where complaints come from. Ms Brennan advised that the Consumer Panel did monitor demographics and they had recently appointed a new member to the Consumer Panel from Women's Aid and the Panel would continue to review demographics of complainers.

9.5 Members noted the collated feedback comments and the need for SLCC to remain impartial in the process and not 'coach' any individuals who complain, though it was acknowledged that there was a need to increase complainers' knowledge about what a practitioner can and can't do for them.

10. HR Update

10.1 The CEO spoke to the paper presented. Members sought clarification on the headcount figures which are different to those reported to AC. The CEO advised that there are two different headcount figures reported and the figures at 3.5 is a snapshot of the number of actual 'bums on seats'. The Annual Report gives a full year average of staffing levels.

10.2 Members also enquired how the use of 'hot desking' was working with staff. The CEO advised that it was and confirmed now the lease had been concluded, additional desks would be installed to assist with this but they will be continuing with 'hot desking'.

10.3 Members were pleased to see the results of the equality and diversity survey and wondered if these will be shared with all staff. The CEO confirmed it would.

10.4 Member S McLuckie advised that she had been working with the HR Manager on Mental Health Week, and it was suggested that training be provided for staff to deal with any complainers who intimate they wish to commit suicide etc. The CEO reiterated that it was acknowledged more support could be given to service users and to assist the management of the business.

11. GDPR

11.1 The CEO spoke to the paper presented and Members enquired as to when they would be receiving their training. The CEO advised this would be carried out soon and reminded Members that any breaches must be reported within 72 hours, SMT are confident with processes which are in place at present. Members reiterated the importance of spotting breaches, for example sending documents to the wrong place is a breach.

12. Risk Register Summary

12.1 The CEO spoke to the paper presented and advised that the Risk Register had been fully discussed at the AC meeting last week, with an action to review 4 Risks, and an update being provided to the next AC and Board Meeting in July.

12.2 Members noted the paper presented.

13. Board Actions Register

13.1 The Chair noted the update to actions and the CEO advised that Action 267 would be removed as it is embedded in the Operating Plan and Action 268 now has a process to ensure completion by the F&CSM, this was agreed.

13.2 Members agreed all other completed actions should be removed from the register.

14. Minutes of Previous Meeting from 20 March 2018

14.1 The Minute of the Board Meeting from 20 March 2018 were noted approved as read.

15. Minute of the AC Meeting of 24 April 2018

15.1 The AC Chair gave a brief update on the recent AC meeting and advised that the Internal Auditors (IA) had presented their two reports, i) staff performance process and ii) management information. The IA was very satisfied overall with the staff performance process review and the CEO has been tasked with sharing the output of this report to all staff. The second report was a first phase audit which has raised some actions for SMT to review, ie the duplicate use of spreadsheets due to not being able to rely on the accurate recording on the case management system by staff. The second phase of the audit will review whether information reported through case management system is accurate and appropriate for reporting to the Board. They also did not report on IT/cyber security as this will be reported directly to the Board.

15.2 The AC Chair also advised that the External Auditors will be focussing their audit on year-end, which includes a review of any outstanding audit actions from all previous internal audits.

15.3 The AC Chair has tasked the CEO with reviewing the slides for the Predictive Model Workshop and preparing a strategic overview paper to update the Board and facilitate discussions with Members that at the July Board Workshop with Mike Titchen.

15.4 Members thanked the AC Chair for the update.

16. Chair of Audit Committee and new AC Member

16.1 The Chair proposed that Member M Hynd be nominated as permanent AC Chair, Members agreed and this was accepted by Member M Hynd.

16.2 The Chair also proposed that Member M Sheppard be nominated as a new Member of AC, Members agreed and this was accepted by Member M Sheppard.

17. Chairman's Report

17.1 The Board noted the paper presented.

18. Date of Next Meetings

18.1 Members noted the dates of the next meetings as:

- Board Conference Call at 10am on Monday 28 May 2018 will consider and approve the CEO's annual performance, annual objectives and contractual pay review.
- Board Development Workshop will commence at 2pm on Monday 30 July 2018 with Mike Titchen leading the Predictive Model Session.
- Board Meeting will take place at 10am on Tuesday 31 July 2018

19. AOCB

19.1 Oral Hearing date - Member's enquired whether a date had been arranged and the Secretariat confirmed it had been for 19 June 2018.

20. Chief Executive's Report

20.1 The Board noted the paper presented.

21. Review of the Meeting

21.1 The Chair thanked Members for their input into both meetings and in particular thanks were given to Observer, Carol Brennan. Ms Brennan also extended her thanks for being allowed to observe the meeting which she found very interesting.

21.2 A private Member only session followed to conclude the meeting.

21.3 With no other business the meeting concluded.

12.10pm Board Meeting ends