

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS  
COMMISSION: 10AM TUESDAY 31<sup>st</sup> OCTOBER 2017  
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG**

**PRESENT:**

**LAY:**

Bill Brackenridge (Chair)  
Kevin Dunion  
Emma Hutton  
Michelle Hynd  
Sarah McLuckie

**LAWYER:**

Denise Loney  
Amanda Pringle  
Kay Springham

**In attendance:**

David Buchanan-Cook (HO) (Items 1-25)  
Caroline Robertson (HI) (Items 1-25)  
[REDACTED] (secretariat - minutes)

John Ferrie (F&CSM) (Items 1-25)  
Neil Stevenson (CEO) (Items 1-25)

**Apologies:**

Sara Hesp and Keith MacConnachie (CM)

**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

**1. Welcome**

1.1 The Chair welcomed everyone to the meeting.

**2. Apologies**

2.1 The Chair advised that apologies were received from Sara Hesp who was attending a CIPFA training course and also from Keith MacConnachie, CM who was attending an external meeting.

**3. Declaration of Interests**

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

**4. Update on Anderson Strathern vs SLCC Appeal Update**

4.1 The HI advised that of the original 17 Appeals, there are now only 6 cases which have still to be concluded but SMT are progressing these with the LSS. It was noted that all other 11 cases were either concluded or progressing through the system.

**5. Long Term Trends Q1**

- 5.1 The CEO spoke to the paper presented, explaining the revised layout, following the request from Members. The Chair suggested that the document be considered page by page which would aid SMT. Following discussion Members noted overall the graphs are showing increasing trends in relation to the number of Incoming cases, WIP and Unallocated cases, in particular, at Eligibility stage. It was also noted that at present it takes approx. 16weeks from a case coming in to being triaged for allocation. Members raised concern about this initial timescale, options were considered as to how best to manage expectations of parties and the need to reduce these targets. Members enquired if parties were kept informed as to the timescales throughout the process. The HI confirmed they were and that this information was contained in all notice letters issued to parties and that the website has been updated to reflect this.
- 5.2 Members suggested to aid and try to reduce these incoming trends, SMT consider the additional recruitment for CIs; this was noted and agreed by the CEO and SMT. Members also suggested that it would be helpful to show the actual headcount in Q2 figures.
- 5.3 Members also suggested that the graphs showing each stage of the process be reviewed as they are not helpful in their current format. The CEO agreed this would be done for Q2.

Action	Owner	Due Date
SMT to review Man Info stats within Long Term Trends to show: 1) 'headcount' figure within p8 graph on Total Salary costs, and 2) review p14 graph on Putting it all together, to show WIP & JT and cost of this on Total Salary.	CEO/SMT	Q2 reporting (30 Jan 2018)

- 5.4 Members sought clarification as to whether the SMT utilised the same statistical data performance review of CIs or whether this was solely produced for Board Reporting. The CEO and HI advised it was purely for Board, as the IMT utilise different reports for the Management Information reporting with their staff. Members were in agreement that from an audit function the reporting of CI production capacity was a marked improvement. The AC also finds the Assurance Map very beneficial from an auditing purpose. The CEO advised that there had been a collective push from all colleagues to recording dates etc throughout the different stages of the process, which is aiding the capture of data for recording purposes.

**6. Management Information**

- 6.1 The Chair and Members noted that these figures had greatly improved over the years.
- 6.2 The HI advised that overall production was good but reminded Members that individual CI targets were set quarterly and not month by month.
- 6.3 Members noted that the number of enquires had increased substantially since last month (204) and sought clarification for this. The HI advised that unfortunately they had not been previously recorded properly, and the figures presented now reflected the correct recording procedure. Members reiterated the importance of recording data accurately and the HI confirmed staff had been reminded of this, which also helps with signposting to other organisations, which will focus the staff on dealing with complaints. Members noted that the number of complaints had again slightly increased to 109, and Members were pleased to note that the average total Journey Time was 10.4 months.
- 6.4 Members sought clarification as to whether 'click rates' information from the website was gathered. The HO advised this was and the information used in awareness raising strategies. The CEO confirmed that a new monitoring tool was being developed for our website and further information would be shared with Members at a later date.
- 6.5 The Chair summarised that, the number of new cases was continuing to increase, the Journey Time was now just over 10mths which was the best it has been for a while, though Members were still concerned about the Unallocated case waiting time (16weeks) being too long but productivity was moving in the right direction.

- 6.6 Members sought clarification on the oversight of data on types of complaints. The HO confirmed that S40 guidance was around this and the oversight team do gather this information. Members wondered what the trends were telling. The CEO stated that the trend was the same for the top areas, Wills/Executives, Conveyancing, breakdown on communication between parties, these all remain static. However, Members felt they were not reflective within the data presented. It was agreed that the data would be reviewed to show 5year trend for the development of 10year plan. Following discussion it was agreed that the HO would lead a Board Development Workshop on trend data and outcomes of trends for February/March next year.

Action	Owner	Due Date
SMT to arrange a Board Dev Workshop on Trend data and outcomes of trends.	HO/SMT	19 March 2018

- 6.7 Members noted the other figures presented within the paper and thanked the SMT for their updates.

**7. Update on the 2017/18 Operating Plan**

- 7.1 The HO spoke to the paper presented and advised that there was no update to Project 7 on ABS. Unfortunately, two meetings had been set up and both had been cancelled by SGvt and the LSS. Members noted that the anticipated live date for the ABS project was still planned for 3 April 2018.

- 7.2 Members sought clarification on how we measure the time a complaint takes to go through the SLCC process. The CEO advised that this project has been started and confirmed that the HI was working with Mike Titchen from 100% Effective (the company assisting us) to develop this further for Board reporting. Following discussion it was agreed that instead of Mr Titchen speaking only to the AC, as previously agreed, he would come and speak to the Board as a whole.

Action	Owner	Due Date
SMT to arrange a Board Dev Workshop on Predictive Model.	HI/SMT	ASAP

**8. Finance Report**

- 8.1 The F&CSM spoke to the paper presented.

- 8.2 FMR – 3 months to 30 September 2017 – The F&CSM advised that these figures were on track and as predicted at this point in time within the financial year. Following the earlier discussion on CI recruitment it was agreed that SMT would bring forward the original recruitment planned for January for additional CIs, replacement Administration Assistants and maternity cover

- 8.3 Members noted the overview of the Balance Sheet figures presented with the FMR.

- 8.4 Members and thanked the F&CSM for his explanation to the papers presented.

Action	Owner	Due Date
SMT to immediately advertise the CIs posts.	CEO	ASAP

**9. Customer Feedback Q1**

- 9.1 The CEO spoke to the paper presented and advised Members that disappointingly the response rate was still low overall on the feedback of the process. However, the Corporate Services team have suggested a few ideas in order to increase the response rate and these are being considered by SMT.

- 9.2 The Chair enquired as to whether the Consumer Panel would be considering this paper, in order to suggest ways of:

9.2.1 how to increase response rates,

9.2.2 how to improve communication on both sides and

9.2.3 how to improve the imbalance which appears to be a theme, ie 'bias' how do we assure both sides that we are not on either side and that we are an independent body.

- 9.3 Members also suggested that HO share the extract the Consumer Service graph from the Long Term Trends paper with the Consumer Panel at their next meeting.

Action	Owner	Due Date
SMT to extract the Long Term Trends graph on customer service to update the Consumer Panel.	HO/SMT	7 November 2017

**10. HR Update Q1**

- 10.1 The CEO advised that unfortunately due to absence, the HR paper would not be presented, however, it was noted that the Chair had been apprised of the ongoing situation. It was acknowledged by the Chair that in the absence of the HR Manager, the CEO and Secretariat have been working very hard at keeping things moving along with the external support of Magenta, however, it was suggested that this 'temporary' situation might need reviewed longer term if required.

*11.40am comfort break*

*11.50am meeting resumed*

**11. Draft Annual Report**

- 11.1 Members noted the paper presented and suggested a few typographical changes to the Chair's Opening Statement and CEO's Report. Members enquired as to whether or not all their previous suggestions had been included in the most recent version. The HO confirmed they had been and the CEO requested that Members submit any further changes by close of play today. The CEO confirmed that a further review would be carried out by the SMT, once this was finalised it will be sent to our external publisher for drafting the final version, this will be shared with the Chair for final sign-off. It was also agreed that a copy would be circulated to Members at this stage, probably mid-December.

**12. Final Annual Accounts for year ended 30 June 2017**

- 12.1 The F&CSM advised that the figures contained in the draft Annual Accounts presented to the September Board Meeting had not changed from those presented in the paper.
- 12.2 The AC Chair confirmed that the AC had met prior to the Board Meeting to confirm and approve the final version presented to the Board.
- 12.3 Members confirmed their approval of the Final Annual Accounts for year ended 30 June 2017, as presented, and it was noted that they would be laid before Scottish Parliament within the agreed timescale.
- 12.4 The CEO and F&CSM gave a free and frank overview of their experience of the process with the new External Auditors, Deloitte and following discussion it was agreed that feedback should be given to Audit Scotland. The CEO also advised that a follow-up meeting would take place with Deloitte after the next AC meeting. The Chair requested that an update of this meeting be given to the December Board Meeting.

Action	Owner	Due Date
SMT to update the Board on their meeting with the External Auditors (Deloitte) on 23/11/17 regarding the issues on the Annual Accounts etc. along with a copy of the response given to Audit Scotland.	CEO/ F&CSM	12 December 2017

**13. Development of SLCC Budget and Operating Plan 2018/19**

- 13.1 The CEO spoke to the paper presented and sought clarification as to whether or not this captured and reflected previous Board discussions. Following a free and frank discussion of the paper, it was agreed that the SMT would review the predictive model data in relation to: 1) the number of incoming cases and 2) number of CI's etc in order to provide an update to Members at the November Performance Call. This in turn will allow the Board to formal approve of the final draft of the Operating Plan and Budget at the December Board Meeting, ready for consultation with our stakeholders in January 2018.

- 13.2 The Board noted the financial assumptions and projections. The SMT were asked to further refine options, with the focus on the Board's priority being funding being sufficient to reduce WIP and Journey time.

Action	Owner	Due Date
SMT to update the Board on Development of SLCC Budget and Operating Plan 2018/19.	CEO/SMT	20 November 2017

**14. Update on Eligibility Process Pilot**

- 14.1 The HI spoke to the paper presented. Members noted that this 6month pilot commenced beginning of October 2017 and that a further update will be provided in due course.

**15. Letter from LSS re Eligibility Process**

- 15.1 The CEO spoke to the paper presented. Members noted and agreed the policy parameters, and that the SMT were positively engaging with the LSS on this process.

**16. ABS**

- 16.1 The HO advised that unfortunately there was no further update to be provided on this item at present.

**17. Update on Lease**

- 17.1 The CEO advised that matters were progressing with both himself and the F&CSM having reviewed a number of other properties for future consideration. The CEO stated that Eric Young have been very helpful with this process and they were meeting again later today. The CEO also confirmed that SGvt have been appraised at every stage of the process and acknowledged that the biggest challenge would be to finding another venue comparable to our current.
- 17.2 Members noted the update on process to date and agreed that the CEO and F&CSM would continue to progress matters and provide updates to the Board as matters progress.

**18. Risk Register**

- 18.1 The CEO spoke to the paper presented and advised that following the Member Development discussion on the impact of the departure of the current Chair and Member - Risk 13, Members agreed that they will ensure that this is seamlessly carried out. The CEO will ensure the Strategic Risk Register will be reviewed to reflect the Risk appetite following these discussions. Members noted the paper presented.

**19. Policy Review**

- 19.1 Members noted there were no Policies presented for review this month.

**20. Board Actions Register**

- 20.1 The Board noted all actions were on track for completion, with updates due to be presented to the November Board Meeting.
- 20.2 Members sought clarification as to the timescale for the Members' new IT equipment, Action 240. The CEO advised he would check with the FO for the delivery date but it was anticipated it would be here in time for the November Performance Call or at the very latest the December Board Meeting.
- 20.3 It was also agreed that Action 244, in relation to 'house styles' for Investigation and Determination Reports be added to the forthcoming DC Legal Chairs Meeting.
- 20.4 Members agreed all completed actions should be removed from the register.

**21. Minutes of Previous Meeting from 26 September 2017**

- 21.1 The Minute of the Board Meeting was approved as read.

**22. Chairman's Report**

22.1 The Board noted the paper presented.

**23. Date of Next Meetings**

23.1 The next Performance Call will take place at 10am on Monday 20 November 2017. The next Board Development Session will take place at 2pm on Monday 11 December 2017 and the next Board Meeting will take place at 10am on Tuesday 12 December 2017.

**24. AOCB**

24.1 Response to Petitions Committee PE1660 and PE1661 – The CEO spoke to the papers circulated and apologised to Members about the tight deadline for response which was shorter than we would have expected. Following discussion it was agreed by Members that the Chair and CEO would draft a response on behalf of the Board.

**25. Chief Executive's Report**

25.1 The Board noted the paper presented. Members sought clarification on the meeting with SGvt on consumer research and the HO advised that the Consumer Panel next week will be discussing how to take forward consumer research. Members looked forward to hearing more about this at a later date.

**26. Review of the Meeting**

26.1 The Chair thanked Members for their input to both meetings, which he reiterated have been very constructive and informative.

*12.55pm SMT and Secretariat left the Meeting*

*13.15pm Board Meeting ends*