

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS  
COMMISSION: 10AM ON MONDAY 22<sup>nd</sup> DECEMBER 2008  
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG**

**PRESENT:**

**LAY:**

Jane Irvine (Chairing Member)  
Linda Pollock  
Ian Gordon  
George Irving (via telephone conference to 11.30am)

**LAWYER:**

David Smith  
David Chaplin  
Alan Paterson

**APOLOGIES:** Dougie Watson  
Margaret Scanlan

**In attendance:** Eileen Masterman (CEO)  
Rosemary Agnew (Hol)  
Doreen Graham (HoC)  
Allison Leitch (HR Mgr)  
Sam Hudson (Minutes)  
Sheena Robson (Minutes)

**Abbreviations used:**

LSS Law Society of Scotland  
FoA Faculty of Advocates  
SG Scottish Government

**1. APOLOGIES**

Apologies were noted from Dougie Watson. Margaret Scanlan stood down from the meeting to ensure the quorum of lay to lawyers was appropriate.

**2. CONFLICTS OF INTEREST**

No conflicts of interests were noted.

**3. MINUTES AND MATTERS ARISING FROM MINUTES OF 8.12.08**

Minutes approved as accurate. Amendment was noted to the Declaration of Conflict of Interest – test quote should read Lord Hope not Bingham. No other amendments.

**4. NO MATTERS ARISING**

**5. CHAIR UPDATE**

5.1 Paper was noted from the Chair.

**6. CEO UPDATE**

6.1 Paper was noted from the CEO.

## 7. BUDGET, LEVY & CASE FEE APPROVAL

- 7.1 Discussion took place as to the relevance of supplying explanatory notes with the consultation budget document. It was agreed that these might be helpful background information during the consultation process.
- 7.2 Following discussion it was suggested that any reference to 'polluter pays' should be removed and read 'focus on encouraging early resolution of service complaints'.
- 7.3 It was accepted that the Cash Flow paper was helpful for monitoring purposes.
- 7.4 The timetable for the consultation process was agreed and would be included in the covering letter drafted by the CEO for circulation during the consultation process.
- 7.5 Timetable:
- 7.5.1 Budget being circulated during January 2009.
  - 7.5.2 End of the consultation period being 28<sup>th</sup> February 2009.
  - 7.5.3 The AFAC will consider responses received on 5<sup>th</sup> March 2009 with publication of these by 31<sup>st</sup> March 2009.
  - 7.5.4 Final budget proposal being submitted to the Board by 23<sup>rd</sup> March 2009.
  - 7.5.5 The Budget should be laid before Parliament before 30<sup>th</sup> April 2009; however SG would like the papers 1 week prior to this date.
- 7.6 It was agreed that the Budget proposed was accepted by the Board and would be circulated to the appropriate professional bodies for consultation.
- 7.6.1 Budget - £2,985,102.
  - 7.6.2 Case Fee – Mediation reduced to zero, all others doubled from 2008/09 levels.
  - 7.6.3 Practitioner Levy - £275 pa.

ACTION: CEO/AFAC

## 8. COMMUNICATIONS UPDATE

- 8.1 Following discussion it was agreed that the HoC would re-word the Budget press release for circulation to Members and issue the first week in January 2009 with the Budget proposals.

ACTION: HoC/Chair

## 9. INSURANCE OVERSIGHT PROPOSAL APPROVAL

- 9.1 The CEO tabled the revised policy paper. It was noted there was an amendment to page 4, 1<sup>st</sup> line date should read 24<sup>th</sup> November 2008, not 24<sup>th</sup> December 2008. It was also noted that the document should be clear that the CEO is leading the tendering process.
- 9.2 The Board agreed independent research in the effectiveness of Master Policy and Guarantee Fund to enable the SLCC to exercise its oversight role under Section 39 of the 2007 Act.
- 9.3 Finally Members agreed that the WEB site information should be updated to include full information about the SLCC proposals for the oversight role.

ACTION: CEO/Chair

## 10. COMPLAINTS & MISCONDUCT UPDATE

- 10.1 Following discussion it was agreed that there would be no change to the Complaint Form in relation to conduct complaints to meet LSS requirements. The rationale for this was that the SLCC wished to retain independence. In addition because Complaint Form amendments required consultation as they comprised Rule amendments.

(11.30am George Irving left the conference call)

## 11. STAFF GOVERNANCE & REMUNERATION ADVISORY COMMITTEE UPDATE

- 11.1 The Minutes from SGAR Meeting of 21<sup>st</sup> November 2008 were noted by Board Members. It was agreed that the Risk Matrix would be discussed at the next Board meeting on 19<sup>th</sup> January 2009.

ACTION: SGAR

- 11.2 The HR Manager advised the Board that the Pensions process was moving slowly as action was awaited by both GAD and Lothian Pension Fund. It was anticipated that all information would be collated early in the New Year. It was agreed that the HR Manager would provide the Board with a paper providing information about the current situation and Pension proposals and finance and risk implications at the next Board meeting on 19<sup>th</sup> January 2009. The HR Manager confirmed she has kept all staff up to date on this process.

ACTION: HR Mgr

- 11.3 It was noted that Members' payments had been subject to a small increase and this would be backdated to 1<sup>st</sup> August 2008.

## 12. AUDIT & FINANCE ADVISORY COMMITTEE UPDATE

- 12.1 The Minutes from the AFAC Meeting of 28<sup>th</sup> November 2008 were noted by Board Members. An amendment to point 4.12 was accepted so the Minutes should read Stationery not Stationary.

- 12.2 It was noted that this minute recorded the meeting concentrating on the preparation of the proposed Budget, and the Internal and External Audit arrangements. It was suggested that an additional signature be placed on the bank accounts. It was proposed that for convenience this would fall to a Board Member who resided in Edinburgh, and this was agreed by the Board.

ACTION: CEO/Accountant

- 12.3 Following the next AFAC meeting on 5<sup>th</sup> January 2009, it was agreed that a Quarterly set of accounts would be presented to the Board meeting on the 19<sup>th</sup> January 2009.

ACTION: CEO/Accountant

## 13. AOCB

- 13.1 Action Register – points 2 & 3 – the CEO confirmed that circulation of the Business Plan and Strategic Plan would be on or before 24<sup>th</sup> December 2008, for discussion at the Strategic Objectives Meeting date on 26<sup>th</sup> January 2009.

ACTION: CEO

- 13.2 It was noted that the Law Society's new conduct rules and standards for service will be implemented for service complaints on 1<sup>st</sup> January 2009 and that details are on the LSS website.
- 13.3 Board Members were advised they will be asked to introduce themselves to all staff with a 5 minute presentation explaining their motivation for joining the SLCC during the next Board meeting on 19<sup>th</sup> January 2009.
- 13.4 Board Members were also advised a FOISA training date has been set for members on 2<sup>nd</sup> February 2009. It was noted that the next topic for training would be Data Protection with arrangements in hand through HOI.

ACTION: Chair/HOI

[information withheld under the terms of FOISA and/or DPA]

#### **14. DATE OF NEXT MEETING**

The next Board Meeting will be held on Monday, 10 am – 2 pm 19<sup>th</sup> January 2009 at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.