

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.00AM TUESDAY 28th January 2020
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG**

PRESENT:

LAY:

Jim Martin (Chair)
Sara Hesp
Emma Hutton
Michelle Hynd
Sarah McLuckie
Morag Sheppard

LAWYER:

Denise Loney
Amanda Pringle

Apologies:

Kay Springham

In attendance:

Neil Stevenson (CEO) (Items 1-21)
Caroline Robertson (DoR) (Items 1-8)
Vicky Crichton (DoPP) (Items 1-6, 17-18)



(Secretariat – minutes) (Items 1-21)
Louise Burnett (DoBP) (Items 1-6, 9-13)

Abbreviations used:

F&CSM – Finance and Corporate Services Manager
WIP – Work in Progress
FMR – Financial Management Report
AC – Audit Committee
CI – Case Investigator
RPO – Relevant Professional Organisation
IMT – Investigations Management Team
JT – Journey Time
DoR – Director of Resolution
DoBP – Director of Business Performance
RC – Remuneration Committee
CIO – Communications & Information Officer

CM – Clerking Manager
DC – Determination Committee
LSS – Law Society of Scotland
FoA – Faculty of Advocates
CIM – Case Investigations Manager
SGvt – Scottish Government
CoS – Court of Session
WT – Working Time
DoPP – Director of Public Policy
IA – Internal Auditor
EA – External Auditor

Private Member only session

This session was attended only by the Board and no minute was taken of this private session.

With the private session concluded with the CEO, DoBP, DoR, DoPP and Secretariat joining the meeting at 10.25am.

1. Welcome

1.1 The Chair welcomed everyone to the Board meeting and thanked everyone for their input into the private member session and yesterday's Board Development Session.

2. Apologies

2.1 Noted from Member, Kay Springham.

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

- 4.1 The CEO spoke to the paper presented and it was agreed that all items would be taken as read, with additional updates provided on specific matters.
- 4.2 Fit for the Future /Scottish Government (SGvt) Working Party – Members sought clarification as to the purpose of a further consultation by SGvt. The CEO explained the reasons for this and noted that an extra Working Party meeting was scheduled for March to further consider the Robertson Review and alternative models. The CEO also shared the high-level detail of the different models which SGvt will consult on. Members noted the current position.
- 4.3 Employment Tribunal – future updates will now be removed, as all appeal periods have now expired. Members agreed.
- 4.4 Public Services Reform (Scotland) Act 2010: Extension of Part 2 Order Making Powers – The DoPP gave an update on the consultation by SGvt Public Bodies Unit seeking to extend the duration of part 2 order making powers in the Public Services Reform (Scotland) Act 2010 for a further 5 year period to June 2020. Following discussion, the Board agreed to delegate decision making powers to the CEO and SMT.
- 4.5 SSDT Standard of Proof – The DoPP advised the outcome of the consultation on standard of proof and noted the Tribunal have decided to keep using the criminal standard of proof (beyond reasonable doubt) in professional misconduct proceedings. It was also noted that SSDT considered it “unwise to change one part of a whole system which is already under review and which might be altered by legislative change in due course. Members recorded their disappointment in this decision by SSDT and noted the DoPP will provide further updates in due course.
- 4.6 Equality and Diversity OP Plan Project - Member, Emma Hutton reported she met with the DoPP and CIO, where they discussed the challenges around accessibility for our service users and how this sits within the business needs. It was acknowledged that there is a need to be mindful that we will be unable to make all the changes at any one time, and that we also need to consider the views of external users when making changes. The DoPP, who found the meeting helpful, agreed.
- 4.7 The Chair reverted back to the SGvt Working Party Officials meeting with the Consumer Panel, in particular, discussing the role of the Consumer Panel and how this interacts with the SLCC. The DoPP gave a short overview of this meeting and explained this was to gain a better understanding of the functional role of the Consumer Panel, how it sits with the SLCC and in the broader landscape, with the SGvt Working Party comparing them with English models, which sit differently to ours. The DoPP reported the Consumer Panel shared experiences with SGvt, which was a positive meeting.
- 4.8 All other updates within the paper were noted by Members. The Chair thanked the CEO and DoPP for their updates to the paper presented.

5. Draft Consultation Document

- 5.1 The CEO spoke to the paper presented and reminded Members that the consultation documents require to be issued on Thursday to meet statutory deadlines. It was important that all budget items and figures were specifically approved by the Board. Final drafting changes on other issue could be delegated. The Chair sought general views from the Board, of which Members provided constructive feedback. It was agreed with and SMT would make the relevant changes within the document.
- 5.2 There then followed a free and frank discussion regarding grammar and drafting issues noted by Members. The CEO advised that the document had been considered by two different proof readers and the grammar was based on the SLCC’s adopted style guide. It was suggested and agreed that the current SLCC style guide be circulated to all Members for reference.
- 5.3 The Chair requested that the CEO and SMT ensure that all amendments are incorporated, the document is fully proof read for consistency before issuing for publication and consultation. The Chair reminded Members, if they haven’t already done so, to forward all suggested changes to the CEO following this meeting.

Action	Owner	Due Date
Members to pass all suggested changes to CEO to be incorporated into the draft Consultation document after the meeting.	Members	By 28 January 2020
The CEO and SMT to ensure that all changes are included and document reviewed for consistency and grammar before issuing for Consultation.	CEO/SMT	By 30 January 2020
Current document style guide to be circulated to Members for reference.	CEO	By 30 January 2020

6. Q2 2019/20 Customer Feedback

- 6.1 The CEO spoke to the paper presented.
- 6.2 Members wondered whether this paper had been shared with the Consumer Panel. The DoPP advised it had not as yet, but would be included for noting/discussion at their March Meeting.
- 6.3 Members discussed whether response rates were benchmarked against other similar organisations and how we compare. The CEO advised that the Ombudsman Association have previously carried out a review which can be shared with Members.

Action	Owner	Due Date
CEO to circulate a copy of previous Ombudsman Association research with Members for information.	CEO	By 31 January 2020
CEO to circulate further information, if available, about the concern raised in term of LGBTI issues in the customer feedback.	CEO	

- 6.4 Members also sought clarification as to whether the recent 'agile' sprints were impacting, either positively or negatively, on the responses received. However, it was felt it was too early to correlate any direct links to response rates from the 'agile' projects. It was agreed this would be monitored.

11.20am DoBP and DoPP left the meeting

7. Q2 2019/20 Long Term Trends and Management Information to 31 December 2019

- 7.1 The DoR spoke to the papers presented and Members sought an update on the approximate number of incoming cases for January to date. The DoR reported it was approximately 100, which is comparative with the predictive model figures.
- 7.2 Members noted the 42 linked cases which were at Investigation stage had settled at pre-report stage. This was due to mutual settlement agreements being reached between parties. These cases closed early January and will be reflected in next months' closure figures.
- 7.3 The DoR advised that whilst WIP has increased slightly overall in the quarter, the JT has slightly reduced. Members were also pleased to see the number of backlog cases has reduced and the DoR confirmed this has also reduced the waiting time for allocation.
- 7.4 Members noted that incoming cases had reduced for December but this figure still remains within the predicted bands, though at the lower end. However, the DoR and SMT think it is too early to link this to a trend or require alteration to previous prediction trends. Independent statistical advice had been sought. The CEO noted that this would be carefully monitored. Two additional months' data would be available to the Board in March, and the budget projections could be reassessed at this alongside consultation responses.
- 7.5 The Chair sought an update on the oldest cases in the system. The DoR advised of these, eight were still with the LSS as they were HCF and the other two were at Eligibility stage and matters were progressing in relation to these two cases.
- 7.6 The Chair thanked the CEO and DoR for their explanation to the papers presented.

8. Appeals Update

- 8.1 Members noted the paper presented and advised they found it helpful to have the information on learning points included in the paper.
- 8.2 The CEO advised they still await the decision on the Judicial Review case.
- 8.3 Members thanked the CEO and DoR for their update on current Appeals.

11.35am DoR left the meeting, following a comfort break, resumed at 11.40am with DoBP joining the meeting

9. Financial Management Report to 31 December 2019

- 9.1 The DoBP spoke to the papers presented.
- 9.2 Members noted the variance summary to date. Income is currently £228,335 ahead of budget and Expenditure is overspent by £24,751. This is due to recoverable Complaints Levy income having increased year to date, of this £23,500 has been classed as Bad Debt.
- 9.3 The DoBP advised the early budgeted out-turn for 2019-20 predicts an over spend on Expenditure of £103,385 and an increased Income of £219,700. This improves out-turn from a £406 deficit to a £115,909 surplus.
- 9.4 It was noted that Reserves are anticipated to be in the region of £509,365 by 30 June 2020, which represent approximately just over 1.5months of average expenditure. This is below our current policy of holding 2months of operating costs as Reserves.
- 9.5 The AC Chair reported that the AC had requested further explanation to the Bad Debt provision which is now included in the Balance Sheet explanations.
- 9.6 The DoBP advised that the last member of LRPF has now left the SLCC in November 2019 and we have now been advised that the pension liability. They have advised this would be £177k and that these costs would be phased over 5-10 years. The EA would be carrying out a review of our pension liability for this scheme. This is in relation to the LRPF cost assumptions and as this work is over and above our normal audit plan, it will also incur an additional cost from Audit Scotland. It was noted this work will be carried out by a pension specialist within EA and will also be reviewed by an independent pension specialist. It was noted the DoBP hopes to have this information available for the March Board Meeting.
- 9.7 Members noted the delay in the installation of the new IT kit and also sought clarification on depreciation timescales. The DoBP advised they were: 4yrs for laptops; and 5yrs for software.
- 9.8 AC Members also advised that they had requested 'off' balance sheet items, such as equipment leases be shown separately in operating leases, this was agreed by the DoBP.
- 9.9 Members noted secondment income would also be shown separately.
- 9.10 The Chair thanked the DoBP for the update and explanation to the figures presented.

10. Risk Register Summary

- 10.1 The DoBP spoke to the paper presented and advised that one immediate change to the Risk Register was the removal of Risk 10, as the timescale relating to this risk has now expired.
- 10.2 Following discussion, the DoBP reported an update to the following Risks:
 - 10.2.1 Risk 1 has been increased, in light of the forthcoming budget consultation.
 - 10.2.2 Risk 7 has also been temporarily increased for a short period due to the rolling out of new IT (servers and software). It was noted that this project also has a separate project risk register.
- 10.3 The AC Chair advised that a full review of the Risk Register will take place following conclusion of the new Strategy and Operational Plan.
- 10.4 Members noted the paper presented.

11. Q2 2019/20 HR Update

- 11.1 The DoBP advised that the new HR Advisor was now in post, having started on 6 January 2020. Members noted the current staffing was 7.03FTE under budget and that this was due to leavers, secondments and not immediately replacing vacant key roles. Recruitment was underway for an admin role, and a number (yet to be decided) of CI roles.
- 11.2 The DoBP advised that one of the most popular Training sessions attended by staff, was the Age Scotland – Planning for your Future Workshop, staff found this very informative and it was hoped to run this session again later in the year.
- 11.3 Members noted the Staff Survey Results and the DoBP advised these have also been discussed with the RC. It was agreed that Focus Groups would be run in conjunction with Staff Reps and the new HR Advisor leading the sessions. The Focus Groups will concentrate on 4 key themes, relating to specific questions which highlighted the greatest variance from last year. The output from these sessions will be shared with SMT and RC for discussion, and then circulated to all staff for information. Members agreed the Staff Survey results were good overall, though they were surprised that the results to Q11 were so low. It was thought that there was a feeling of team spirit in small individual teams but not overall in the office, it was hoped the refurbished kitchen sitting area will improve this, alongside a variety of planned social and training events.

12. Update from Remuneration Committee

- 12.1 Members noted the update paper presented and also requested that the RC minutes are circulated to the Board for information.
- 12.2 Members also noted the planned future schedule of activities for RC, in particular, that they would be reviewing Members Expenses, which will be brought to the Board for discussion in due course.
- 12.3 The Chair thanked RC Members and DoBP for their update.

13. Update from Audit Committee

- 13.1 Members noted the update paper presented, in particular, that the EA Report was being carried over to be discussed at the next meeting, as the EA had to cancel attending on the morning of the AC meeting.
- 13.2 The AC Chair gave a short update on the two IA Memos presented to the AC: 1) the Strategy Process – which had a good overall audit, making recommendations that SMT have agreed with and have already started to address; and 2) the Hardware Refresh – this highlighted a delay in the project, looked at the reasoning for value for money of the project, and again making recommendations which SMT have taken on board. The AC agreed it was a beneficial exercise to take this approach.
- 13.3 Members noted that QA process would be brought back to the AC meeting in April, to be shared at the May Board Meeting. Members were keen this process was progressing. AC Members confirmed it was.
- 13.4 The AC Chair also advised that the annual private session with the Auditors had been carried over to the next meeting. Following discussion it was agreed the CEO would clarify good practice guidelines for meetings with Auditors and share this with the AC.
- 13.5 The Chair thanked the AC Chair and DoBP for their update.

Action	Owner	Due Date
CEO to review good practice guidelines for meeting with Auditors and share with Members for information.	CEO	By 31 January 2020

12.10pm DoBP left the meeting

14. Board Actions Register

- 14.1 Members noted the ongoing Actions and the CEO advised an update would be provided on Action 340 at the March Board Meeting and Acton 346 at the May Board Meeting.
- 14.2 The Chair agreed all other completed actions should be removed from the register.

15. Minutes of Previous Meeting from 3 December 2019

15.1 The Minute of the Board Meeting from 3 December 2019 was approved as read.

16. Chair's Report

16.1 The Chair reported that there had been no external meetings taken place in January or any planned to date for February.

12.15pm DoPP joined the meeting

17. Q2 2019/20 Operational Plan Updates

- 17.1 The DoPP spoke to the paper presented and advised that of the 20 current projects, one project target, relating to C3: Insight to inform practice and reform, they are seeking for the timescale to be reviewed and approved by Board. The DoPP explained this objective was intended to support Consumer Panel activity this year, which includes engagement event work with consumers. However, the Consumer Panel has had to make significant space in its work plan to contribute to the ongoing reform discussions (including a meeting with SGvt Officials, and the Chair of the Consumer Panel now sits on the Working Group). This was seen as a positive move by Members.
- 17.2 Members noted the changes in the Consumer Panel Chair and membership, along with SLCC staff supporting this Panel, had resulted in reducing the Panels capacity in the early part of this year business year.
- 17.3 Members agreed with the DoPP proposal to adjust the focus of this objective and were also pleased to note the Consumer Panel was now back up to strength in membership and that its Chair was involved in the SGvt Working Party.
- 17.4 Members noted that the Consumer Panel were also responding to the consultation on the Consumer Scotland Bill, with MSPs mentioning key concerns raised in their responses during the debate on the Bill in Scottish Parliament. This resulted in good media coverage following the debate.
- 17.5 Members sought clarification on objective B and the AC Chair assured Members that QA processes were currently in place. It was acknowledged that further work was being done to review current processes which as explained earlier will be brought to the May Board Meeting for discussion and approval.

18. Communications and Stakeholder Engagement Strategy

- 18.1 The DoPP gave a short overview of the strategy, which was to build on current relationships with RPOs and key stakeholders whilst engaging them on the core work planned in the 2020-24 strategy. To do this by making the best use of available communication channels and driving a productive approach, in order to achieve our organisational aims and objectives.
- 18.2 Members noted the activities planned utilising existing resources in the engaging in the process, however, they did note there was not a direct link to internal staff who would be delivering this strategy and suggest that this is made clearer. The DoPP agrees and will include these points.
- 18.3 Members sought clarification on how Oversight will satisfy, to a level of comfort that they are complying with this strategy. The DoPP agrees this is a very good point and confirmed that SMT/IMT would be discussing the day-to-day interaction of how to engage staff in this process at their weekly operational meetings.
- 18.4 Members noted that the stakeholder analysis was of relative importance, targeting different audiences/resource bases, which is more about evaluation of strategy relating to QA Framework.
- 18.5 Members found the document very informative and helpful and noted that future updates would be provided in the Board Key Issues briefing paper.

Action	Owner	Due Date
DoPP to incorporate Members suggested changes into the Comms & Stakeholder Engagement Strategy.	DoPP	By 31 January 2020

12.30pm DoBP left the meeting

19. Date of Next Meetings

- 19.1 Members noted the dates of the next meetings as:
- Board Development Session will commence at **10am** on **Tuesday 24 March 2020**, with the Board Meeting following thereafter at **2pm**, with lunch being provided.

20. AOCB

- 20.1 Public Bodies Unit carrying out a review of the current Model Code of Conduct for Board Members – the Chair canvassed a volunteer from Members to represent the SLCC in this review process. Members were asked to advise the Secretariat if they were interested.
Post Meeting Note: Member, Morag Sheppard volunteered to attend to represent the SLCC on this review process.

21. Chief Executive's Report

- 21.1 The Board noted the paper presented and the CEO gave a brief overview of the recent meetings.

12.35pm CEO and Secretariat left the meeting

Private Member only session, after which the Chair advised the Secretariat on item 22.

22. Chief Executive's Six Month Review

- 22.1 The Chair confirmed that Members noted and agreed with Chair's presented paper on the proposed 6-monthly Appraisal for the CEO during their private session.

23. Review of the Meeting

- 23.1 With no other business the meeting concluded.

12.45pm Board Meeting ends