

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.00 AM MONDAY 18TH APRIL 2011**

Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG

PRESENT:

LAY:

Jane Irvine (Chairing Member)
Linda Pollock
Douglas Watson
Ian Gordon
Siraj Khan
Iain McGrory

LAWYER:

David Smith
Alan Paterson (part of meeting)
Margaret Scanlan
David Chaplin
Maurice O'Carroll

APOLOGIES:

Fiona Smith and **Withheld under FOISA Section 38(1)(b)** (MA) (minutes)

In attendance:

Rosemary Agnew (CEO)
Withheld under FOISA Section 38(1)(b) (Secretariat) (minutes)

Abbreviations used:

LSS – Law Society of Scotland
SGvt – Scottish Government

1. WELCOME, APOLOGIES & DECLARATION OF CONFLICT OF INTERESTS

1.1 Apologies – Fiona Smith and **Withheld under FOISA Section 38(1)(b)**

1.2 It was noted that George Irving's term of office was demitted.

1.3 Members confirmed there were no conflicts of interest.

2. APPROVAL OF PREVIOUS MEETINGS MINUTES

2.1 The draft SLCC minutes of 14th March were approved subject to minor typographical amendments.

3. MATTERS ARISING FROM LAST MINUTES/AOB (not on agenda)

3.1 There were no items to discuss as they were being addressed on the Agenda.

4. ANNUALLY RECURRING MATTERS

4.1 **Budget:** The CEO presented the final budget and it was noted that minor changes had been made to the wording of this document to ease the reading of it. The CEO advised that this would be final version that would be laid before Parliament. The CEO also explained that as the Scottish Parliament is presently in recess the professional bodies had been notified of the indicative levies being set and applied at present.

4.2 Members stated that they were very happy with the budget process that had taken place this financial year.

4.3 The CEO advised that the profession were also in agreement with the process in relation to the laying of the budget this year.

5. COMPLAINTS UPDATE

5.1 **KPIs Working Group Findings:** The CEO presented the complaints KPI's and statistics from 1 October 2010 – 31 December 2010. Discussion took place regarding the statistics presented. The CEO explained the timescales within the Determination process to the new Members. Following this Members were asked to approve the proposed Determination KPI's and the necessary amendments to Workpro which would enable the statistics to be captured.

87	ACTION: The Board adopted the new Determination KPI's and the CEO to arrange for Workpro to be amended to capture this information.	DUE: June Board meeting
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5.2 Discussion took place regarding the number of complaints received in relation to different business areas, in particular criminal cases and whether the same proportion of types of case was reaching determination.

88	ACTION: The CEO to analyse the proportion of cases per business area reaching determination compared with the overall figures.	DUE: May Board meeting
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5.3 **Appeals Update:** The CEO provided a general verbal update on the current situation with appeals. Members discussed the current appeals and the costs involved in these. In particular the Board discussed the concept of IPS in relation to old complaints. Following discussion it was agreed that the CEO would review existing policy and draft policy in light of the discussion.

89	ACTION: CEO to review and draft policy IRO IPS on old complaints.	DUE: June Board meeting
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6. OVERSIGHT

6.1 **Master Policy & Guarantee Fund Research:** The CEO gave a verbal update on this to the Board.

6.2 **Guarantee Fund Research:** The CEO gave a verbal update on this to the Board.

6.3 **Statement of Aims and Approach in Relation to the Monitoring of the effectiveness of the Master Policy:** Following the Board's previous discussions the CEO presented the amended paper 7.3 to the Board for information and noting.

6.4 **Conduct Complaints Oversight:** The Board noted the position and confirmed that in light of recent oversight activity there was no requirement for the CEO to write to the LSS in relation to the number of conduct complaints being prosecuted.

6.5 The Board also agreed that reporting on Conduct Complaint Oversight should be quarterly in line with the complaints update.

7. CEO REPORT

8.1 The CEO's update was noted.

8.2 Members noted that the LSS' Regulatory Committee had requested a meeting with SLCC's Board. The Chair explained the role of the LSS Regulatory Committee to the Board. It was agreed that Members would forward any points they wanted raised to the CEO.

90	ACTION: Members to forward points to CEO.	DUE: ASAP
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8.3 The CEO advised the Board that consideration was being given to revising the complaint form, which would allow the SLCC to capture whether a complainer has made their complaint to another professional body and whether Legal Aid had or was going to be applied for.

9. CHAIR REPORT

9.1 No report considered.

10. CONSULTATIONS

10.1 Members approved paper 9.1 for the SLCC to participate in the SGvt consultation on the proposals on Financial Contributions in Criminal Legal Aid.

11. DATE OF NEXT BOARD MEETING

The next Board Meeting will be held on Monday 16th May 2011, 10 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends 12.30pm