

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS  
COMMISSION: 10.00 AM TUESDAY 25<sup>th</sup> September 2012  
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG**

**PRESENT:**

**LAY:**

Jane Irvine (Chair)  
Iain McGrory  
Ian Gibson  
Sam Jones

**LAWYER:**

George Clark  
Ian Leitch

**APOLOGIES:**

Maurice O'Carroll  
Siraj Khan  
Fiona Smith

**In attendance:**

Matthew Vickers (CEO)  
[redacted] (OI) (for part of meeting)  
[redacted] (OA) (for part of meeting)  
[redacted] (F&CSM) (for part of meeting)  
[redacted] (IO) (for part of meeting)  
[redacted] (minutes)

**Abbreviations used:**

LSS – Law Society of Scotland  
SGvnt – Scottish Government  
RPOs – Relevant Professional Organisations  
SMT – Senior Management Team  
FVTWM – Frivolous, vexatious, totally without merit  
CIM – Case Investigations Manager  
GWTM – Gateway Team Manager  
F&CSM – Finance and Corporate Services Manager  
DC – Determination Committee  
IO – Information Officer  
OI – Oversight Investigator  
OA – Oversight Auditor

**PRE MEETING:**

The Chair tabled draft Objectives for the CEO which were approved by the Board.

The Board agreed that to facilitate transition to the new Chair an extra meeting of Members would be a scheduled for the end of December, but prior to Christmas. It was hoped the new Chair could be present.

Action	Owner	Due Date
Schedule and confirm extra Member day in December for new Chair to attend.	Secretariat	asap

**1. WELCOME, APOLOGIES AND DECLARATION OF INTERESTS**

- 1.1 Apologies were noted from Maurice O'Carroll, Siraj Khan and Fiona Smith.
- 1.2 The Board agreed they will meet in October, but not for a formal Board meeting.
- 1.3 There was a discussion around Member recruitment. The Board noted again that the Chair position had yet to be advertised, and with sadness that Siraj Khan was departing. The Chair opened up the debate as the reduction in member capability with her and Siraj's departure affect other Member workloads. The Members discussed appropriate numbers for the Board and operational purposes going forward, given the risks inherent in an operational group of nine. The Board agreed that nine was ample for Board purposes. The CEO outlined likely workloads and timing as regards operational work and Members confirmed there was capacity within a Board of nine to handle the work. It was noted again that the requirements for Board Membership do not match those for operational work and that the 2007 Act would require amendment to allow the roles to be divided or Members to delegate their operational work.

Action	Owner	Due Date
Confirm to SG that Member recruitment would continue to be to provide a Board of nine given the limitations of the 2007 Act which does not easily allow Members to be recruited only for an operational role.	Chair	asap

- 1.4 There was a brief discussion about the Determination Committees and the CEO stated staff had expressed some concern about the proportionality in terms of cases being referred back to staff to make amendments etc. The Chair stated she was concerned to ensure an open debate where there were concerns about Members' operational performance. Accordingly she asked the CEO to provide examples of where cases had been referred back for further investigations prior to a determination being made which had given rise to such concerns; so they could be discussed at the October discussion day.

Action	Owner	Due Date
Provide examples of cases that have been referred back for reinvestigation during a determination committee prior to the committee concluding.	CEO	Member day - October

- 1.5 No conflicts of interest were declared.

**2. MINUTES, MATTERS ARISING AND BOARD ACTIONS UPDATE**

- 2.1 **Minutes:** The minutes of July 24<sup>th</sup> 2012 were approved subject to minor typographical amendments.
- 2.2 **Board Actions Update:** The Chair and CEO ran through the Board actions register and no new actions were noted. It was agreed completed Actions since the last meeting would be shown as shaded on the Actions register, with those completed prior to that deleted from the register.



- 2.3 It was noted that 23<sup>rd</sup> October 2012 would be used to set up the first meeting with Clerks and the Chairs of the Determination Committees. It was agreed that such operational meetings should also always have lay membership. As the full Board can attend this first operational meeting; a decision can then be made on future membership.

*12.35 pm minute-taker left the meeting and returned at 1.10 pm*

### **3. OPERATIONAL UPDATE**

- 3.1 The CEO Update and the Update on the Reorganisation and Consultation was discussed whilst the minute-taker was absent. The Board noted the reports and the CEO comments on productivity over the reorganisation period.
- 3.2 The CEO confirmed he had met with the SG and that the discussion which had taken place covered: changes to the 2007 Act; implications of the Legal Services (Scotland) Act 2010 and the impact on the SLCC; and the political influence of the SLCC. It was acknowledged that the SLCC had not had active relationships with Ministers or the Parliament to date. The Board asked the CEO to provide a paper detailing the SLCC's strategy for political influence. The CEO said this would be part of the wider communications strategy.

*Lunch – 1.20 pm until 1.50 pm*

- 3.3 **Financial Management Report:** The F&CSM provided a summary of the management accounts for the twelve months FMR to June 2012 which showed the expected outturn against budget. The report reflects the figures in place following the completion of the external audit fieldwork.

### **4. HR STRATEGY**

- 4.1 The Board noted and approved the Recruitment Strategy paper.
- 4.2 The Board noted and approved the Learning and Development Strategy paper.
- 4.3 The Board noted and approved the revised Employee Handbook.

*Oversight Investigator and Oversight Auditor attended*

### **5. OVERSIGHT**

- 5.1 The Board thought the paper was very useful, however it seemed very ambitious.
- 5.2 The Board also requested assurance on how the Board fits into the strategy in terms of being kept abreast of issues and receiving feedback. They stated they would like assurance that the Board are able to raise issues and any 'themes' they may have recognised from cases at Determination Committees. The CEO reminded the Board that someone from Oversight will always be available to attend a Det Com where needed.
- 5.2 There followed a discussion around what happens when Members raise issues they want Oversight to investigate and how they ensure this is being done, and consequently receive the feedback from Oversight on the findings. It was recognised and agreed that a mechanism was needed to be in place to look at whether the

issues raised require to be looked into further, and if so, how the method and findings for these would be updated to the Board and the whole organisation. The Chair & Board reiterated the need for some form of appropriate internal communication strategy, whether by Bulletin Board or more sophisticated software. It was suggested that a monthly internal newsletter highlighting the issues would be an effective way of doing this. In the meantime, the Board agreed they would like to receive feedback quarterly at the Board meetings. Until the internal communication strategy is in place, feedback to the Board should be throughpapers at Board meetings or Discussion Days by the CEO or OI. The Board approved the strategy paper subject to including detail on the reporting mechanism and timescales discussed and agreed.

Action	Owner	Due Date
Amend paper to include reporting and feedback mechanism and circulate to Members.	OI & OA	asap

- 5.3 There was also a discussion around the draft LSS timescales audit and the Chair raised the issue of live appeals and asked when the Board would be getting a further update on the activity and progress in this area. The OI reminded the Board that the Act only allows the SLCC to monitor trends in respect of conduct complaints remitted to the LSS, not about how the LSS make their own complaints. The Act does not allow the SLCC to request information where there is no current remitted conduct complaint. The CEO stated that the Oversight Team would be taking a broader approach in this area with the LSS in that it was not just about regulation, but that it was part of Client Care also.

*OI and OA left the meeting  
IO attends the meeting*

## 6. COMMUNICATION

- 6.1 The IO tabled an Annual Report timescales paper confirming that the final draft of the Annual Report would be completed by 12<sup>th</sup> October. The report would go to the publishers on 15<sup>th</sup> October and would be published and laid before Parliament by the end of November.
- 6.2 The IO also tabled a mock-up of the annual report which showed the format and style of the report. The CEO confirmed that the report would focus on original values, early resolution and proportionality.
- 6.3 There was some discussion over whether embargoed copies of the report should go to the media with a press release in advance to allow preparation time for media coverage. The IO confirmed this was all in hand.
- 6.4 The Chair reiterated that she needed suitable time to draft a foreword after reading the draft and stated she had seen nothing to date. She asked to see the contents of the Annual Report to enable her to write her Chair's Report. The IO confirmed she would provide this, along with a draft Chair's Report for the Chair to work on.

Action	Owner	Due Date
Provide draft contents of Annual Report and draft Chair report to the Chair	IO	asap



## 7. ANY OTHER BUSINESS

- 7.1 **Strategic Risk Register:** The Board noted that the Strategic Risk Register had not yet been amended following the agreed changes at the last Audit Committee, and asked that this be done.
- 7.2 **Appeals Update:** The Board noted the Appeals Update paper and recorded their thanks to the GWTM & IL.
- 7.3 **Clerking Update – Levy setting:** There was discussion on the paper about whether the Clerk's team should take over the setting of the levy following the Det Coms, instead of the Determination Committee Members. There were mixed views around the table with some Members thinking that it takes up relatively little of their time, and others thinking any delegation to a single staff member would assist efficiency. The issue was parked to allow the CEO time to think about the way forward when setting the budget proposal.
- 7.4 The Chair noted the Board meeting had extended into the afternoon, commenting that Board meetings should be capable of being accommodated within a morning. Members were agreed that a meeting of Members to take place in October because of the range of live issues needing discussion, and because Members required to get together to discuss operational issues.

Action	Owner	Due Date
Confirm extra Member day in October and arrange agenda with Chair.	Secretariat	asap

## 8. DATE OF NEXT BOARD MEETING

- 8.1 The next Board Meeting due to be held on Tuesday 20<sup>th</sup> November 2012 at 10.10 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

*Board Meeting ends 3.10 pm*

