

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 11.10 AM TUESDAY 29 SEPTEMBER 2015**

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

PRESENT:

LAY:

Bill Brackenridge (Chair)
Iain McGrory (Vice Chair)
Kevin Dunion
Ian Gibson
Sam Jones (via Skype)
Fiona Smith

LAWYER:

George Clark
Ian Leitch
Maurice O'Carroll

In attendance:

Neil Stevenson (CEO)

[REDACTED] (HRM)/ Minutes – items 1-15
[REDACTED] (HO) – items 1-15
[REDACTED] (HI) – items 1-15

[REDACTED] (F&CSM) – items 1-15
[REDACTED] (CM) – items 1-15

Abbreviations used:

LSS – Law Society of Scotland

SGvt – Scottish Government

HO – Head of Oversight

HI – Head of Investigations

WIP – Work in Progress

SMT – Senior Management Team

FoA – Faculty of Advocates

ADR – Alternative Dispute Resolution

RPOs – Relevant Professional Organisations

AC – Audit Committee

F&CSM – Finance and Corporate Services Manager

CM – Clerking Manager

DC – Determination Committee

FMR – Financial Management Report

CIM – Case Investigations Manager

SCI – Senior Case Investigator

1. Welcome

1.1 The Chair opened and welcomed everyone to the meeting.

2. Apologies

2.1 All attendees present.

3. Declaration of Interests

3.1 No declaration of interests.

4. Management Information & KPIs

4.1 Enquiry & Eligibility

The HI spoke to the paper and reported that the number of eligibility cases not being allocated has increased again, currently approximately 115 unallocated. Within the next 1-5 months 4 trained CI with previous experience, should be returned to operations. In addition, SMT are discussing additional resources. It is anticipated that a recruitment campaign will commence soon for approximately 3x CI on fixed term contracts, with this being manageable within current budget and tolerances for the year. Members expressed support that proper resourcing was in place to address the backlog.

HI advised that user's expectations are being carefully managed throughout the process.

Members expressed their concern regarding the increased backlog and requested an understanding of how cases are evaluated to ensure that serious cases are not overlooked. HI assured the Board that all cases are reviewed upon receipt and a flagging system is in operation throughout the process. Members took comfort from this approach.

Members requested that a modelling approach is introduced to predict workflow v resources over the next 6, 9 and 12 months. HI advised that SLCC has commenced this work, with support from external resource, which should enable predicative modelling in the future. HI advised that this would come on line in 2016 – see point 4.7. Following discussions it was agreed that HI would prepare an interim prediction for the next performance call. The data of which should be as at the date of the call.

Chairman requested that an additional table be included in the report which provides a total of journey and working time for enquiries and eligibility, investigations and determination including historical information.

The Chairman asked that at the next Board Meeting – a Performance Board – the HI provide a verbal update on the current position.

Action	Owner	Due Date
HI to provide 'best guess' predictive model which shows current and future case management v resourcing ahead of next performance call	HI	27 Oct 2015
HI to provide summary table as requested	HI	27 Oct 2015
HI to provide a verbal update on the up-to-date position at the next meeting.	HI	27 Oct 2015

- 4.2 Mediation - The HI advised that there are 19 current cases with approximately 8 mediations schedules over the next 2 months. HO advised that the commissioned research by Queen Margaret College will be presented to the Board in due course.

Members acknowledge that following a recent visit from the Case Commissioner and a delegation from South America feedback received showed that our approach is leading the field. It was also noted that ICAS wishes to visit SLCC and learn about our mediation process and experience.

Action	Owner	Due Date
CEO to ensure mediation is promoted at every opportunity	CEO	ongoing

- 4.3 Investigations - HI advised that there is no backlog with the allocation of investigation cases.

Members questioned the resources in operations generally and were content with the response, noting that the reporters issues would be looked at as part of the modelling exercise (see 4.7 below).

- 4.4 **Determination** – CM reported that during September and October it is anticipated that 7-10 cases will be issued for each month. DCs have been rescheduled in the autumn and December which will speed up the issue of determinations for new cases. Clerking are seeking to complete determination of older continued cases by December.
- 4.5 **WIP** –HI presented stats. Members asked that targets should be set against each line for monitoring. Agreed that the combination of the predictive modelling work (see 4.7 below, to provide the data to allow realistic targets to be set) and the new four year plan would address this issue.
- 4.6 **Explanation of Terms** – Members and the Audit Committee applauded the commissioning of this initiative and look forward to updates on progress.

The Board asked for a review of the meaning of journey time v working time seeking a distinction between the total of cases being worked upon and the total of cases which are out-with our control.

Action	Owner	Due Date
HI to review the definition of journey times v working time consulting with Chair and members as required. Report of findings to November Board.	HI	24 Nov 2015

4.7 Management Information Reporting – The Future

CEO spoke to this paper and referenced previous discussions (4.1). The Board applauded this initiative and await updates on progress. Member sought both recording and predicative elements in the statistics provided. The Chair noted that although two days had been contracted this was priority work, and he was open to further investment in outside help to get this developed.

Action	Owner	Due Date
CEO to provide regular updates to Board as on progress.	CEO/HI	Ongoing

5. Appeals Update

CM spoke to the paper. Following discussion it was acknowledged that SLCC's performance in appeals is well above other comparators and a credit to Determination Committees' work.

Following discussions the amendment to the Appeals Process and Scheme of Delegation were approved.

In relation to presentation of stats members requested the inclusion of historical data for comparison purposes.

Members requested notification of when appeals hearings are being held in order that they may attend if they wish.

Members requested that "lessons learnt" from appeals should be captured and included in future member's development session.

Action	Owner	Due Date
CM/CIM to include historical data in Appeals statistics	CM	24 Nov 2015
CM/CIM to advise members of appeal dates	CM	24 Nov 2015
CM/CIM to capture "lessons learnt" for Appeal Process document	CM	24 Nov 2015

6. Finance Report

F&CM spoke to the paper drawing attention to a £15K below budget spend on staffing. It is anticipated that due to staff returning from maternity and long term sick that we will track against budget in the near future.

7. Update on Lothian - Pension Scheme Liability

F&CM spoke to the paper advising that 3 members of staff were in the fund.

It was noted that the paper has also be presented to the Audit Committee.

Following discussions members requested an outline options report, looking at options and what further professional advice might be needed to consider them.

Action	Owner	Due Date
F&CM/HR to provide an outline options report at next Board Meeting	F&CM/HR	24 Nov 2015

8. Health & Safety Policy

Members noted that this policy had previously been presented to the Audit Committee.

Chairman advised that he and two members met quarterly as a Health and Safety Committee.

Following discussion the policy was approved.

9. Conference Call Facilities

Members noted the assurance of the CEO and F&CM and approved the recommendation on that basis.

Following discussions on data security it was noted that all staff have recently received training on this topic.

Discussion ensued regarding receipt of and transmission of sensitive data. It was concluded that the CEO would review our approach and report back to members.

Action	Owner	Due Date
CEO to provide report on two issues – 1) should the organisation accept/receive/hold highly sensitive (for example, a police report) information once deemed not relevant to a case , 2) if held, do members need access and if so through what secure route (and is appropriate for a staff decision on relevance to limit access by a Det Com	CEO	24 Nov 2015

10. Consistent Decision Making

CM presented the paper. Members discussed how to reduce risk in eligibility decisions. HI advised that this area has been considerably strengthened with Case Investigation Managers undertaking quality assurance and strengthening their relationship with members. A particular example was sighted and [REDACTED]'s approach was recognised by a member.

The topic of continuous development by members was raised yet again.

The Board noted many actions were completed and the CM was to be commended, but that there was a concern this was 'tick box' and not culture change, and that the involvement of members was critical.

Action	Owner	Due Date
CM and CEO to set up a meeting with KD and FS	CM / CEO	ASAP

Members discussed decision templates. It was suggested that the current process was more a guidance than a DC minute- template. One member suggested templates need to start at investigation not at DC. There should also be an example of a typical complaint – legal syllogism, in that the template should include the following:-

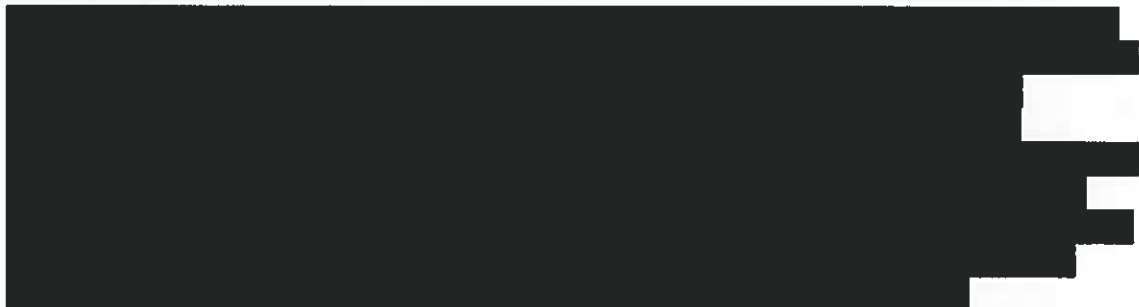
- Statement of facts
- Statement of application in law and policy
- Comparing facts with the law and policy
- Therefore arriving at conclusion

Action	Owner	Due Date
CM to provide current template to FS, KD and MOC and seek guidance, then making recommendations for change to HI	CM	24 Nov 2015

11. Outcomes of the August Board Planning Day

The CEO spoke to the paper and sought members views and options in relation to language and content. The Board recognised the work undertaken by the SMT within timescale.

A number of suggestions were made by members. The CEO thanked the members and will take account of the suggestions in future iterations of the strategic plan



12 Communications & Oversight

HO presented paper. The Board noted the success of the on-line form.

The Board sought reassurance that those making a complaint online still had access to support, and this was confirmed.

Consumer Panel Minutes – the Board noted the resignation of the Chair and thanked her for her contributions. It was noted that a nomination for a new Chair will be presented to the Board for approval.

Board asked in future the Consumer Panel is presented as a separate item on the agenda.

Action	Owner	Due Date
HO to present paper nominating new Chair for Consumer Panel.	HO	27 Oct 2015
HO future Consumer Panel minutes placed as separate item on Board agenda	HO	27 Oct 2015

13 ADR

[REDACTED]

The Board agreed to the recommendation of a “holding” position to enable to enable consultation in our normal planning process in January and discussion with government if new legislation is being considered.

Action	Owner	Due Date
CEO to table topic at a future date.	CEO	

14 Annual Accounts and Annual Audit Report

The Board noted and approved the final accounts for year ended 30 June 2015 which were introduced by the Chair of the Audit Committee.

The F&CM detailed the process which had been undertaken to finalise the accounts, outline the discussions from the Audit Committee the previous day, and outlined discussions with the external auditors. It was noted some small administrative changes needed to be made on the version seen by the Board, and the F&CM was authorised to make these.

The Board noted the Auditors report and commended the F&CM and his team for their good work.

15. Risk Management – Policy and Updated Register

Following discussions the Board approved the updated risk management policy. It was noted that this had previously been presented to the Audit Committee.

Strategic Risk Register – the updated register was noted and approved.

SMT left the meeting

16 Minutes of Previous Meetings

The Board approved and agreed the minutes of Board meeting held on 28 July 2015 and Performance Call minutes held on 25 August 2015.

17 Board Action Register

The Board noted the updated register and approved those actions marked as "complete" be removed.

Action	Owner	Due Date
Board Secretariat to update register removing completed actions.	Secretariat	Ongoing

18 Matters Arising

No matters were raised.

19 Chair's Report

The Chair updated Board on activities with the key focus being on the recruitment of new commissioners.

20 Chief Executive Report

The CEO reported on various meetings held with key stakeholders. The Board noted the content.

CEO performance – the Chair and Board reviewed the 30 days objectives and noted they had all been achieved. The Board expressed their support and confidence in the CEO and requested that future objectives are expressed in as outcomes.

Action	Owner	Due Date
CEO to express future objectives (for the second half of induction) as outcomes.	CEO/Chair	24 Nov 2015

21 Date of Next Meeting

Board Meeting ends 1.30 pm

