

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS  
COMMISSION: 11.00 AM TUESDAY 21<sup>ST</sup> FEBRUARY 2012  
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG**

**PRESENT:**

**LAY:**

Jane Irvine (Chair)  
Siraj Khan  
Iain McGrory  
Ian Gibson  
Samantha Jones  
Fiona Smith

**LAWYER:**

George Clark  
Ian Leitch

**APOLOGIES:**

Maurice O'Carroll

**In attendance:**

Rosemary Agnew (CEO) (part of meeting)  
[REDACTED] (Finance and Corporate Services Manager)  
[REDACTED] (Gateway Team Manager) (part of meeting)  
[REDACTED] (Case Investigations Manager)  
[REDACTED] (MA) (minutes)

**Abbreviations used:**

LSS – Law Society of Scotland  
SGvt – Scottish Government  
RPBs – Relevant Professional Bodies  
SMT – Senior Management Team  
FVTWM – Frivolous, vexatious, totally without merit  
IM – Investigations Manager  
GWTM – Gateway Team Manager  
F&CSM – Finance and Corporate Services Manager  
DC – Determination Committee  
FMR – Financial Management Report

**1. DELEGATION OF TASKS**

- 1.1 The CEO presented on the various duties she carried out in her role as CEO and as Accountable Officer, with a view to how these should be handled in the interim period from when she leaves the SLCC until there is a new CEO appointed.

Action	target	actual	Comment / update
ACTION: CEO to circulate a copy of her presentation to all Board Members	asap		

**2. SENIOR MANAGEMENT TEAM PRESENTATION**

- 2.1 The Senior Management Team (F&CSM, GWTM and CIM) presented on the roles and responsibilities of the team and their individual career experience and achievements to assist the Board in deciding what interim arrangements are to be made. The CIM proposed that he could cover the role of interim CEO with support from the rest of the SMT.

- 2.2 Following the presentation it was agreed that the SMT attend all Board meetings for the next 3 months.
- 2.3 The Board asked for assurance from the CIM that the proposal would cause no slip to current performance and the CIM confirmed there would not be any, however resourcing elsewhere would need to be looked at. The Board agreed that the proposal was sound, no external Interim CEO would be sought.
- 2.4 The issue of Clerk resources was discussed and there was agreement that there required to be a 'lead person' or 'senior clerk'. It was recognised that that the current job-share/part-time arrangements may not allow for leadership capacity. The Board agreed there was a capacity, process and leadership issue. It was agreed that the CEO would be asked to commence recruitment for a senior clerk.
- 2.5 There was a brief discussion regarding the decision-making process to accept 3<sup>rd</sup> party complaints and whether this decision could be made by the Gateway Team. The Board asked the GWTM to provide a paper on this for the next Board meeting.

Action	target	actual	Comment / update
ACTION: GTM to provide a paper on accepting 3 <sup>rd</sup> -party complaints and who the decision-making should sit with.	March Board		

*Break – CEO returned to meeting*

- 2.6 The Chair welcomed the CEO back to the meeting, thanked the SMT for their presentation and concluded the presentation and discussion by confirming that Members were satisfied there was no need to look externally for interim arrangements and that they agreed the SMT would provide interim cover until a new CEO was appointed and in place.
- 2.7 The Chair raised the issue of Clerk capacity to the CEO and the CEO stated she was already in the process of making arrangements for temporary Clerk cover. However the Board reiterated their requirement for a lead Clerk with the capability to drive process who would be part of the SMT. The CEO advised that the position would need a full job description which would require to be evaluated before the recruitment process could begin. It was agreed that the Senior Clerk post would be a 3 year FTC.
- 2.8 The Board agreed that the Remuneration Committee would require to look at the SMT acting up posts for the interim arrangements and the Senior Clerk role. The Board asked the CEO to consider timescales for providing the proposals and let F Smith know to allow time to convene a Remuneration Committee.

Action	target	actual	Comment / update
ACTION: CEO to provide paper setting out proposals for acting up arrangements for the Remuneration Committee to consider and let Remuneration Committee know timescales.	For Remuneration Committee		

Action	target	actual	Comment / update
ACTION: CIM to provide paper setting out proposals for Senior Clerk role for the Remuneration Committee to consider and let Remuneration Committee know timescales.	For Remuneration Committee		

### 3. WELCOME, APOLOGIES & DECLARATION OF CONFLICT OF INTERESTS

- 3.1 Apologies –Maurice O’Carroll.  
3.2 There were no conflicts of interest noted.

### 4. MINUTES, MATTERS ARISING AND ACTION POINT UPDATE

- 4.1 The minutes were approved subject to minor typographical amendments.  
4.2 The CEO and Chair provided further actions updates on the minutes from the previous meeting and the actions register, and the following was noted:  
4.3 Following the arrangements for the off-site meeting, it was agreed the Chair would set and issue the agenda for this meeting following suggestions and submissions from the Members.

Action	target	actual	Comment / update
ACTION: Members to suggest agenda items to Chair for off-site meeting and Chair to set and issue the agenda in advance.	asap		

- 4.4 There was a brief discussion around the action to draft a process for oral hearings, and that this outstanding action required to be completed soon. The CEO agreed she would work with M O’Carroll on this as soon as could be arranged.  
4.5 It was agreed that Board meetings would start at 10.10 am going forward.

### 5. QUARTERLY COMPLAINTS UPDATE

- 5.1 It was agreed that the presentation on case costs would be deferred to the March Board meeting.  
5.2 **Analysis of Settlement Figures:** There was a discussion regarding comparative settlement proposals made at Investigation and Determination stages and it was agreed that in general terms, the decisions made at Determination, including the majority of compensation amounts are consistent with the recommendations made at Investigation. The CEO further explained that the SLCC were only now starting to have enough data collected from the last almost 4 years to start identifying trends and going forward it was agreed that a similar exercise be carried out in around 12 to 18 months’ time.

## 6. OVERSIGHT

- 6.1 **Trends Analysis Update:** There was a lengthy discussion regarding the Act and under what sections the SLCC can publish their findings in terms of trends and specific issues which have been identified regarding complaints and legal firms. It was agreed that the CEO will seek legal advice and draft a letter to the LSS to come from the Chair enquiring as to what the LSS will do with findings presented to them from the SLCC.

Action	target	actual	Comment / update
ACTION: CEO to draft letter to LSS and seek legal advice and let Members know the outcome via email.	7 <sup>th</sup> March 2012		

- 6.2 There was a brief discussion around the parameters of Section 13 of the Act and the Board asked the CIM to produce a paper outlining what type of complaint information can be published and under what sections of the Act, the different types of complaint information can be published.

Action	target	actual	Comment / update
ACTION: CIM to write paper on publishing complaints information under the relevant sections of the Act	May Board Meeting		

### *Lunch*

- 6.3 **Research into complaint numbers and complaints handling by practitioners:** The Members approved the project plan but suggested that the timescales may be too tight and agreed to extend the end date to the end of May.
- 6.4 There was some debate over the research methodology in the draft tender document in relation to each RPO, however the Board concurred that the same questionnaire should be sent to all RPOs. There was some discussion about the importance that the RPOs 'buy in' to the questionnaire and the research to ensure a good response rate and the Board asked the CIM to liaise with the RPOs on endorsing the questionnaire which will be at a high level. The Board agreed it was an important piece of work as would give some indication of not only the effectiveness of complaints handling practice, but also of learning mechanisms.
- 6.5 The Board requested that the definitions within the tender are expanded in relation to oral follow-up, minimum responses and more research work to be included in addition to only questionnaires, so the tender should detail that there are two pieces of research work.

Action	target	actual	Comment / update
ACTION: CIM to ensure agreed changes to research tender document are made prior to issuing.	asap		

6.6 **Guarantee Fund LSS Audit:** The Members had looked again at the earlier report presented to the Board in January and felt that as yet, given the audit report had not yet been completed or finalised, a way forward would be agreed at the next Board meeting when they will have received the final draft report.

**7. AUDIT COMMITTEE**

7.1 The AC Chair presented the latest minutes to the Board and provided an update on the actions and together the Board agreed the following recommendations to the Board made in the minutes:

7.1.1 The SLCC Chair writes to the SGvnt to make sure the Chair recruitment is progressed timely to ensure a smooth handover.

7.1.2 The Board addresses the need to create a clear contingency action plan to deal with critical issues in the absence of the CEO – it was agreed that this was in fact addressed following the approval from the Board of the presentation given by the CIM at the start of the meeting.

7.1.3 The Board agreed to the revision of the risk register which separates out risk 13 into 3 clear risks on their own. It was agreed that the implementation of the new ICT system would carry its own risk register which would be monitored and updated by the CEO and SMT.

Action	target	actual	Comment / update
ACTION: FCSM to ask IT consultants to produce IT project risk register.	asap		

7.1.4 The recommendation of the Board to discuss its own ongoing effectiveness and how this should be monitored was deferred until July/August time when a way forward will be agreed.

7.2 **Audit Committee Terms of Reference:** The Board approved the change to the terms which now state there are 3 Members of the Audit Committee instead of 4.

7.3 **Strategic Risk Register:** It was reported that the red risks had increased, due to the pending change in CEO, the approaching change to the SLCC Chair and the implementation of the new IT system. Further to the agreed changes made from the AC minutes, it was also agreed that a new risk be added to the register in relation to the Clerk resources and that stand alone risk in relation to the change in CEO be added which should be managed and updated by the Chair.

Action	target	actual	Comment / update
ACTION: CEO to make agreed changes to the strategic risk register in relation to the change of CEO and Clerk resources.	asap		

7.4 **Financial Management Report:** The F&CSM reported on the FMR which was for the half year to December 2011 – this had previously been presented to and discussed at the Audit Committee. The two areas where there is overspend are direct case costs (legal costs) and staff costs. The F&CSM stated that the SLCC was

in a good position at present and the increase in staff costs was mostly due to overtime prior to Christmas and recruitment costs.

## 8. CEO UPDATE

- 8.1 The Board noted the update and specifically agreed that Member expenses would be published quarterly going forward following the review and approval of the Members expense policy.

## 9. GOVERNANCE

- 9.1 **Member Expense Policy:** There was a discussion regarding the Members expense policy and how best to fairly address the issue of Member travel, specifically with reference to those Members travelling long distances bearing in mind the Government desire to have representation from across Scotland.
- 9.2 It was agreed that the F&CSM and Ian Leitch would meet to discuss and draft a new draft policy for the next Board meeting.

Action	target	actual	Comment / update
ACTION: F&CSM and IL to produce new draft Member expenses policy for next Board meeting	March meeting		

## 10. DATE OF NEXT BOARD MEETING

- 10.1 The next Board Meeting due to be held on Tuesday 20 March 2012 at 10.10 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

*Board Meeting ends 2.30 pm*