

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.10 AM TUESDAY 19th JUNE 2012
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG**

PRESENT:

LAY:

Jane Irvine (Chair)
Iain McGrory
Fiona Smith
Sam Jones

LAWYER:

George Clark
Ian Leitch

Apologies:

Ian Gibson
Maurice O'Carroll
Siraj Khan

In attendance:

Matthew Vickers (CEO)
GTM (GTM)
IO (OI) (for part of meeting)
IO (IO) (for part of meeting)
(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

1. WELCOME, APOLOGIES AND DECLARATION OF INTERESTS

- 1.1 Apologies were noted from Ian Gibson, Maurice O'Carroll and Siraj Khan.
- 1.2 The Chair asked the Board to email their apologies in advance to her and copy the Secretariat in when they submit their apologies.
- 1.3 No conflicts of interest were declared.

2. MINUTES, MATTERS ARISING AND BOARD ACTIONS UPDATE

- 2.1 The minutes of 22nd May 2012 were approved subject to one amendment at 7.1 to reflect that the Board approved the Communications Strategy.

- 2.2 The Chair ran through the Board Actions Register Update paper. All updates will be recorded on the register, as will changes where actions not completed by the Acting CEO now transfer to the CEO.
- 2.3 The Chair highlighted the need for greater support to be given to Members and her concern about the risk to the SLCC whilst this was lacking. The CEO confirmed he was looking at the operational team make up and would be improving support for Members and that he would report back to the July meeting advising what was to be implemented.
- 2.4 The following new actions and matters arising were noted:
- 2.5 It was agreed that a Remuneration Committee required to be convened around the time of the July Board meeting.

Action	Owner	Due Date	Comment / update
Agree the agenda with the RC Chair and provide a written summary of all additional (i.e. Acting up, explicit task or overtime payments over the past year) plus recommendations to allow decisions to be made on Acting up payments.	CEO	Asap	

- 2.6 There was a brief discussion about the re-drafting of the Rules and the Chair confirmed that the CEO would be carrying out a consultation in due course on these. In addition to the main Rules, it will also include Rules on handling complaints and Rules for oral hearings. The Chair asked the CEO to provide a regular update on the progress of the draft Rules and the format and timetable for the consultation.

Action	Owner	Due Date	Comment / update
Provide format and timetable for the Rules consultation and ensure Board receives regular updates.	CEO	July	

3. COMPLAINTS HANDLING

- 3.1 **Section 17 powers in relation to 3rd party complaints:** The Board considered what action, if any, should be taken in relation to the non use of Section 17 powers in obtaining files where the complaint is by a third party.

Action	Owner	Due Date	Comment / update
Section 17 monitoring information to be provided to the Board in Oversight Update	OI/CEO	September Board	

12.50 Lunch, meeting resumed at 13.20

4. OVERSIGHT

4.1 The Board stated they had found the Oversight update paper informative in terms of work which had been done to date, and the work which is current. The Chair stated the Board had clear ideas on focus areas for oversight, but would prefer the Oversight Team to consider where they thought priorities lay bearing in mind statistical evidence from cases. The Board confirmed they were content with the direction of work which was outlined in the update paper. The Chair stated it was important for the Oversight Team to have the correct support and management to allow the work to be taken forward, which tied back to implementation of the Clerking Proposal and a need to hear the CEO's thinking at the July Board meeting if this was not to be implemented.

4.2 The CEO confirmed that he was working with the Oversight Team in creating a strong plan for Oversight, and that this would link into the Communication function to start pulling insights together and communicating information externally. There was some discussion between the Board over what relationship they should have with the Oversight work and what information they required to have sight of or 'sign off', and how often they require updates on the work. The Chair asked the CEO and OI to consider this and provide a proposal to the Board for consideration.

Action	Owner	Due Date	Comment / update
Provide a proposal for management and format of Oversight Update report and timetable for updates to the Board	CEO/OI	September Board	

4.3 There was a short discussion over the Oversight issues which are regularly raised during Determination Committees by Members and how these should be brought to the OI's attention. It was agreed that this information should be provided by the Clerking Team to the OI immediately after each Det Com so the OI can take these forward.

Action	Owner	Due Date	Comment / update
Clerk and OI to implement information/feedback coming from Det Coms to the Oversight Team.	Clerk/OI	asap	

4.4 There was a discussion on the systems that require to be put in place to capture information and insight across the SLCC. The CEO stated he was working on looking at the current human and IT systems within the organisation, particularly the development of the case management system to enable the capture of information, and how internal communications capture trends.

Action	Owner	Due Date	Comment / update
Update on how internal communications captures trends as part of the Oversight work being undertaken for September.	CEO/OI	September Board	

4.5 **Guarantee Fund Audit:** The Board approved the CEO proposal to give equal publicity to this Audit as the past research and would be published on the website and included in the Annual Report. There was some discussion over the audit conclusions and the LSS's request for the rating applied to the overall conclusion to be changed. It was agreed that the rating applied was correct, however the CEO suggested it might be helpful for the OA to provide details to them on what the LSS could do to reach the next level of rating.

4.5 The Board asked that they are made aware of any exceptional issues that may arise from the audit work carried out by the SLCC on the RPOs, particularly in relation to possible reputational issues. The CEO assured the Board that these types of issues would directly link in to the Communication function in terms of what key messages the Board agrees to communicate.

5. IT UPDATE

5.1 The Board noted that the new IT implementation had slipped from its original timetable for end of June to mid-July, but acknowledged the work which had gone into the project.

6. COMMUNICATION UPDATE

6.1 The IO provided a verbal update on the work in progress - the IO and F&CSM have been looking at the provision of PR services to assist with increasing general awareness of the SLCC. The IO stated that initially, this work would include issuing leaflets and speaking with key contacts.

6.2 There was a brief discussion over a potential route to flag up issues with the Act to the Justice Committee at Parliament. It was agreed that a list of current issues had been kept by the previous CEO and these would be updated, adding the section 17 issue.

Action	Owner	Due Date	Comment / update
Keep running list of issues with the Act, including adding the S17 issue.	CEO	ongoing	

6.3 In addition a letter would be drafted to be signed by the Chair to the Justice Committee setting out the SLCC's concerns about the 2007 Act and what changes the SLCC is looking for. It was recognised that by writing a letter to the Justice Committee that the SLCC's concerns would become a public issue and the Board agreed they were fully committed to these. The letter would be drafted by a sub group and copied to the rest of the Board,

Action	Owner	Due Date	Comment / update
Draft letter to Justice Committee and copy to the full Board.	Chair/CEO/SJ/NG	asap	

- 6.4 There was a short discussion on issuing guidance on complaints handling under Section 40. In particular whether this should be issued as discreet pieces of guidance or as one consolidated document. The IO confirmed she would consider Guidance issued by other bodies, particularly the SPSO, and that the issuing of guidance would tie into a Calendar of Events she is creating to be reported back to the Board.

Action	Owner	Due Date	Comment / update
Report Communication Timetable of Events to the Board	IO	July	

- 6.6 Discussion was held about preparation and launch of the Annual Report, which the IO has in hand. The IO is to investigate possibility of a launch within the Parliament with IL seeking the backing of an MSP.

Action	Owner	Due Date	Comment / update
Secure one MSP's backing to allow launch of the AR within the Parliament.	IL	asap	

7. COMPLAINTS UPDATE contd.

- 7.1 **Appeals Update:** The Board discussed the current status of Appeals, and Appeals outcomes generally since the opening of the SLCC. The Board are keen to look at appeals from a more strategic angle and how this should be managed. The need to ensure appropriate support for Members was raised again. It was agreed that training on the reasoning of decisions had been delayed by the absence of the Acting CEO. It was agreed this should be organised with all staff as a matter of urgency.

- 7.2 The Board also agreed that there needed to be a discussion day dedicated to Conduct considering actions of practitioners in a personal capacity, and that time should be diaried to allow a discussion with Board and selected staff members following a Board meeting.

Action	Owner	Due Date	Comment / update
Arrange for Discussion Day following Board meeting to discuss Conduct actions of practitioners in a personal capacity.	CEO/GWTM	asap	

- 7.3 It was also agreed that as a Team Building day a Board and staff development day looking at case studies would be helpful similar to the one previously organised.

Action	Owner	Due Date	Comment / update
Consider a team building day looking at case studies	CEO/GWTM	asap	

- 7.2 The Chair suggested that for the Board to take a strategic view of Appeals it would be helpful to know how appeals were arising, particularly whether they were down to procedural or administrative issues or a different view on the merits of the case. The

Board agreed and asked the GTWM if she could supply them with a paper on this information to inform them in their strategic overview of appeals.

Action	Owner	Due Date	Comment / update
Provide a note on which appeals were down to procedural and administrative issues and a brief summary of the circumstances.	CEO/GWTM	July meeting	

The ongoing management of appeals and Board involvement was briefly discussed and it was agreed, as before, that appeals are temporarily being handled by the GWTM, but this position required to be regularised. Further, that the CEO and IL would take a look at Board involvement in Appeal handling and agree a practical way forward.

Action	Owner	Due Date	Comment / update
Consider Appeal management and how this links to the Board and report update	CEO	July meeting	

8. ANY OTHER BUSINESS

8.1 **Risk Register:** The AC Chair sought clarification as to whether he or the CEO should be updating the Strategic Risk Register. The Board confirmed it should be the CEO who is responsible for updating the Strategic Risk Register. The AC chair confirmed that risk no.16 which was previously to come out in relation to the IT switchover should now stay. The Board asked for the Chair appointment to be added to the risk register as due to timescales it was now a potential risk to the SLCC. However, the AC Chair confirmed that there was a meeting next week to look at the Strategic Risk Register going forward and the changes would be made by the CEO thereafter.

8.2 **Chair Appointment:** The Chair confirmed she had not received any responses from the SG about timescales or progress regarding the appointment of a new Chair to be in place at the end of 2012 save that it was in hands of the Public Appointment Unit. She confirmed that current Members could not be appointed as Chair under the terms of the Act, as it would be viewed as a reappointment, and a Member is not eligible for reappointment before a period of 3 years has elapsed since leaving the Board. Further the lack of a Chair affected governance of the Board as the 2007 Act required a lay majority. The Board agreed that the Chair should write a more formal letter to the sponsor department at the SGvnt enquiring as to the progress/status of the public appointment process for the appointment of a new Chair.

Action	Owner	Due Date	Comment / update
Write to the SGvnt regarding the status of the public appointment process for a new Chair	Chair	asap	

9. BOARD ACTIONS REGISTER

9.1 The Chair resumed the run-through of the Board Actions register where the following matter and action point arose:

9.1.1 The Chair confirmed to the CEO that the Mediation Manager had been requested to provide a paper on mediation for the Board. It was agreed this should be presented at the July meeting to include current statistics about how many mediations are agreed/not agreed, timelines for the process and the MM's view on these and the current mediation service.

Action	Owner	Due Date	Comment / update
Provide a report about the mediation service and statistics with timelines.	CEO/MM	July meeting	

10. DATE OF NEXT BOARD MEETING

10.1 The next Board Meeting due to be held on Tuesday 24th July 2012 at 10.10 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

