

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10.00 AM MONDAY 5TH DECEMBER 2011
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG**

PRESENT:

LAY:

Jane Irvine (Chair)
Linda Pollock
Ian Gordon
Siraj Khan (part of meeting)
Iain McGrory
Fiona Smith

LAWYER:

Margaret Scanlan
Maurice O'Carroll
Alan Paterson
David Smith

APOLOGIES:

David Chaplin
Douglas Watson

In attendance:

Rosemary Agnew (CEO)
(minutes)

Abbreviations used:

LSS – Law Society of Scotland
SGvt – Scottish Government
RPBs – Relevant Professional Bodies
OCPAS – Office of the Commissioner for Public Appointments in Scotland
SMT – Senior Management Team
FVTWM – Frivolous, vexatious, totally without merit
IM – Investigations Manager
GWTM – Gateway Team Manager
F&CSM – Finance and Corporate Services Manager

1. WELCOME, APOLOGIES & DECLARATION OF CONFLICT OF INTERESTS

- 1.1 Apologies – David Chaplin and Douglas Watson
1.2 All Members declared a conflict of interests for the agenda item – Member Expenses Policy.

2. APPROVAL OF PREVIOUS MEETINGS MINUTES

- 2.1 The Board requested changes to items 4.1, 8.5 and 8.6 of the draft SLCC Board minutes of 14th November 2011 and approved them subject to those changes being made.

3. MATTERS ARISING FROM LAST MINUTES

- 3.1 The Chair and CEO ran through the Board action points from the previous minutes which were not agenda items at the meeting and provided an update. The following actions were cleared: both at 4.1, 4.3 update given but not cleared, 4.7, 5.2, 8.4, 8.6,

10.6 cleared and replaced with new action point. Action 5.3 is outstanding. Action 9.1 has been cleared but letter was not sent.

- 3.2 With reference to the CEO's action point to send the Oversight Team's findings on trend analysis to the LSS, the CEO stated that this had been done but the SLCC had not yet had a formal response. The Board asked the CEO to report back on the progress in January which would form part of the usual quarterly oversight update.

Action	target	actual	Comment / update
ACTION: CEO to chase the LSS for a response and report back in January	Jan 2012		

- 3.3 There followed a discussion around what the SLCC might do in the circumstances of providing findings to the LSS, other than advising the profession. There was a general feeling that the SLCC could explore at some point what other action could be taken.
- 3.4 The Chair reported to the Board that OCPAS were carrying out their own investigation into why the needs of the SLCC Board were not met in terms of the time taken to recruit new Board Members.
- 3.5 The Board requested that the findings of the Royal Bank of Scotland Health and Safety Audit be presented at the Board meeting in January so they can decide going forward how often an H&S report should come to the Board.

Action	target	actual	Comment / update
ACTION: F&CSM to provide the RBS Health and Safety report at the next Board,	Jan 2012		

- 3.6 Following discussion it was agreed that internal feedback from Members on individual cases, whether Gateway or investigated cases or Members' more general observations on process, say arising from Appeals should be collated by the SMT into one single paper allowing a single paper to capture internal discussions regarding ideas to improve service.

Action	target	actual	Comment / update
ACTION: SMT to use one single feedback document for the Board going forward	asap		

11.30 am Siraj Khan left the meeting

4. BUDGET AND OPERATIONAL PLAN

- 4.1 The Chair invited comments on the draft proposed expenditure budget and operational plan which incorporated an overall reduction of 2% as directed by the Board.
- 4.2 There was discussion over the figure against Member Salaries and NIC. The CEO stated that this budget line was based on how many Members there will be and how many days per month they are contracted for. Following discussion around the actual

time that Members felt they required to carry out their duties it was agreed the budget be amended to reflect Member time of 8 days per month.

- 4.3 The CEO explained that the increase in legal costs compared to last year was reflective of actual costs last year and what has been coming through so far this financial year.
- 4.4 Subject to the change to Member Salaries and NIC the draft expenditure budget was approved.
- 4.5 With regard to the accompanying Operational Plan, the Board asked for it to be more 'solution-focused'. The CEO explained that there is an action register that sits below the Operational Plan which details the actions that fall from the plan and this is where the 'ownership' and work being carried out is detailed. The CEO further stated that the action register will be used to report back to the Board to demonstrate where work is being carried out and the progression.
- 4.6 There followed a discussion on the Members' need for a database of information required to ensure consistency in decision-making. The CEO explained that the functions they are looking for are available from Work-pro and this could be developed further for Members' needs. The Members requested that for each Determination Committee and FVTWM case they require a full list of comparable cases with a briefing note attached detailing previous precedents, links between cases and a list of disposals for previous similar cases. The CEO informed the Board that this work would be carried out by the Information Officer as part of her role, in conjunction with the case management system providers too.

Action	target	actual	Comment / update
ACTION: CEO to arrange for development of WorkPro to allow Members to be briefed before Determination Committee meet.	TBC dependent on WorkPro, update in Jan 2012		

5. MEMBER EXPENSES

- 5.1 The value of the benchmarking exercise was acknowledged. It was agreed the proposed new policy would be adopted save that:
- A working day would remain at 7 hrs excluding a lunch break;
 - Members would continue to account in days and half days;
 - Travel time would be an item for discussion by the new board;
 - A 14p per mile bike allowance was to be included;
 - The policy did not require SG approval.

Action	target	actual	Comment / update
ACTION: F&CSM to make requested changes to the policy and bring back to the next Board meeting for further discussion on travel expenses.	January 2012		

6. COMMUNICATIONS

- 6.1 The Board, particularly the newer Members said they found the communications paper helpful in terms of understanding the background to work previously carried out in this area. The Members and CEO debated the benefits of outsourcing communications work as the Board felt that the SLCC was a small organisation and that there would be value to using communications professionals to assist with matters such as the SLCC Communication strategy and the annual report etc.
- 6.2 Following the discussion it was agreed that the CEO should work with an external consultant and provide an update on communication work being done, and a new strategy.

Action	target	actual	Comment / update
ACTION: CEO to arrange for external communications consultant to work on the strategy and communications work and to provide update and new strategy at the Board.	March 2012		

- 6.3 The Board asked whether there was enough flexibility in the budget to provide for outsourcing work and the CEO and F&CSM confirmed there was.

7. ANY OTHER BUSINESS

- 7.1 **Feedback from DC Chairs:** The Board approved the recommendations from the feedback and it was agreed that an oral hearing procedure would be drafted. The procedure would require to set out the circumstances in which an oral hearing is appropriate and how they should be conducted. This should be dealt with before we are faced with holding such a hearing. The details of the levy would be provided to the practitioner by letter and would not be referred to in the determination report. Determination Committee minutes should encompass the discussion which leads to the decision, not simply the decision.

Action	target	actual	Comment / update
ACTION: CEO and M O'Carroll to draft procedures for Oral Hearings.			

- 7.2 **Thanks from Chair:** The Chair recorded thanks for the founding Board Members for their work over their 4 year term at the SLCC.

8. DATE OF NEXT BOARD MEETING

- 8.1 The next Board Meeting due to be held on Monday 24th January 2012, 10 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

Board Meeting ends 12.20pm