

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS  
COMMISSION: 10.00AM ON MONDAY 24<sup>th</sup> AUGUST 2009**  
**Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG**

**PRESENT:**

**LAY:**

Jane Irvine (Chairing Member)  
Douglas Watson  
George Irving  
Linda Pollock  
Ian Gordon

**LAWYER:**

Margaret Scanlan  
Alan Paterson  
David Chaplin  
David Smith

**In attendance:**

Eileen Masterman (CEO)  
Doreen Graham (HOC) (part of the meeting)  
Rosemary Agnew (HOI) (part of the meeting)  
Allison Leitch (HR Manager) (part of the meeting)  
Sheena Robson (Minutes)  
Samantha Hudson (Minutes)

**Abbreviations used:**

LSS Law Society of Scotland  
FoA Faculty of Advocates  
SGvt Scottish Government  
SRA Solicitors Regulatory Authority

**1. APOLOGIES**

None

**2. DECLARATION OF CONFLICT OF INTERESTS**

None

**3. MINUTES & MATTERS ARISING OF 20.07.09**

3.1 Minutes approved as accurate with a minor typographical change relating to 5.1.

3.2 Matters Arising

3.2.1 Following a brief discussion on method of Actions updates it was agreed that the Management Team would continue to include action updates within individual reports to the Board.

ACTION: CEO
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**4. CHAIR REPORT**

4.1 The Chair reported on her tabled paper (08.12.4.1) and advised that Audit Scotland would be carrying out a survey on the Role of Boards. She confirmed copy questionnaires would be sent to Board Members for them to complete anonymously.

- 4.2 ISIS – The Chair had circulated the response that had been received from SGvt regarding the ISIS MOU. It was agreed that the Chair and CEO would request a meeting with SGvt to move this issue forward.

ACTION: Chair

## 5. CEO REPORT

- 5.1 The CEO reported on her tabled paper (08.12.5.1) and advised that she had received a verbal draft audit report on the SLCC's handling of Freedom of Information requests, but has yet to receive a hard copy.

- 5.2 Internal Audit – The CEO also advised that the draft report should be presented to A&RAC prior to the next Board Meeting.

- 5.3 Draft Management Statement – The CEO stated that this document was currently with SGvt for approval.

- 5.4 Security/Building Update – The CEO advised that the SLCC had received notification from the landlords for a proposal of a Gym to be installed in Level 1. Concerns have been raised with the landlord regarding security access to our office during the Gym opening times. The CEO will continue to update the Board on this issue.

ACTION: CEO

- 5.5 The CEO advised that the LSS have approached SGvt to a request a change to the date that the SLCC deal with Service Complaints, ie for the date to be brought forward. It was agreed that this topic would be discussed at the next Board Meeting and therefore would be an Agenda item and that the CEO would advise SGvt that a formal response would not be received until after this date.

ACTION: CEO

*George Irving joined 10.25 am*

*Sam Hudson joined 11.10am*

*HOC joined 11.25 am*

## 6. COMMUNICATIONS/WEBSITE UPDATE

- 6.1 The HOC reported on the tabled paper (08.12.6.1) and advised that the next website update would be presented at the October board meeting.

ACTION: HOC

- 6.2 Guidance Notes – The HOC advised these had not yet been progressed with the CEO. They would be progressed within the next week.

ACTION CEO/CHAIR

- 6.3 Talks/Events – The HOC advised Members of the upcoming programme of SLCC talks.

- 6.4 Information Flyers – The HOC advised that these had still to be drafted, however it was agreed this would be completed by the end of the month. The HOC circulated two draft templates of postcard flyers and after discussion Members agreed on the postcard flyer with the umbrella detail.

ACTION: HOC/CEO

- 6.5 Members enquired whether the HOC had any indication as to how well known the SLCC was to the professional bodies and it was suggested that in order to raise awareness of our services to practitioners, information leaflets could be sent to all Client Relations Partners as a separate mailing from the Guidance Notes.

ACTION: HOC

*HOC left and HR Manager joined 11.55am*

## 7. STAFF GOVERNANCE UPDATE

- 7.1 The HR Manager provided a verbal update to Members and CEO on the hand over from SGvt and the set up requirements for the SLCC to work within the Pay Policy process for pay set up and review and also provided a verbal update on the Harmonisation process. During the update, Members asked questions to ensure understanding and confirmed they found the verbal update on set up and pay policy to be informative and agreed with rationale and approach presented by the HR Manager. The HR Manager will present the SLCC remit to SGvt based on the approach discussed and agreed during the meeting. The HR Manager explained that since Members have now agreed with the approach being presented then she will finalise the details based on the approach ready to present to SGvt and then to staff to progress the harmonisation process.

ACTION: HR Manager

*Lunch 1.30pm and reconvened 2 pm*

## 8. AUDIT AND REMUNERATION ADVISORY COMMITTEE UPDATE

- 8.1 Minutes from meeting that took place 09.07.09 were approved.
- 8.1.1 The Board also approved the format of the Financial Management Report recommended by ARAC and approved it together with reporting sequence being monthly to ARAC and quarterly to the Board.
- 8.1.2 The Board agreed that the SLCC Financial Year should remain as 1<sup>st</sup> July to 30<sup>th</sup> June.

## 9. FINANCIAL MANAGEMENT REPORT

- 9.1 The CEO advised that as per the agreement from the last Board Meeting the Treasury Fund Deposits Accounts had been invested for longer periods with the three Scottish clearing banks.

*2.15 pm HOI joined*

## 10. COMPLAINTS UPDATE

- 10.1 The HOI tabled additional examples of report format papers and gave an overview of the monthly statistics to date. Members confirmed they were happy with the format of these reports and it was agreed that they would be provided quarterly.
- 10.2 Following discussion it was agreed that the HOI would provide figures to Members on: open cases admitted; how many cases have re-entered the system after they have first been deemed premature and statistics on third party complaints.

ACTION: HOI

- 10.3 Members agreed that Vexatious, Frivolous, Totally Without Merit letters would be written in the third person.

ACTION: Members

- 10.4 Discussion took place as to how Members could feedback decisions to members of staff and HOI advised that this is dealt with at monthly meetings.

- 10.5 PRAG Discussion: It was agreed that the note of this discussion would be circulated for the next Board Meeting.

ACTION: Member (DS)

- 10.6 Policy Development – Research to support the development of policy in relation to settlements is ongoing.

10.6.1 Members agreed that legal advice already received should be used to inform the policy development and drafting in relation to demanding information.

- 10.7 Rules Consultation – the HOI stated that a response had been received from the FoA however the LSS have requested an extension to the deadline to respond as had the Lord President and the Scottish Government. Extensions of time had been granted.

## 11. CONDUCT OVERSIGHT

- 11.1 The HOI advised that work was continuing on collating statistics.

*HOC re-joined meeting again 3.25 pm*

## 12. STRATEGIC PLANNING FRAMEWORK

- 12.1 The HOI presented on the SGvt Strategic Planning Framework and tabled accompanying papers.

*HOI and Sam Hudson left meeting 3.55 pm*

## 13. GOVERNANCE

- 13.1 The current Governance Arrangements were discussed and the following amendments were agreed:

- 13.2 Section 2, 2 – Definitions, at end of second paragraph add ‘for policy and administration purposes only’.

- 13.3 Section 5, 17 – Delegation of Functions, 17.6, 2<sup>nd</sup> para, replace ‘review and approve’ with ‘make’.

- 13.4 Section 7, 29 – The Commission’s budget, 4<sup>th</sup> para, delete ‘re’ from ‘recover’, and delete ‘in the form of complaint levies in the preceding financial year’ from the last sentence.

- 13.5 Section 7, 31 – Scheme of Delegation, 2<sup>nd</sup> para, replace ‘Finance’ with ‘Remuneration’.

- 13.6 Section 8, 42 – Agenda, replace all standing agenda items with the following:
- Chair’s Report
  - Chief Executive Officer’s Report
  - Staff Governance
  - Finance and Audit
  - Communications
  - Complaints
  - Policy and Procedural Matters
  - Conduct Oversight
  - Master Policy/Guarantee Fund Oversight
- 13.7 Section 10, 62 – Whistle-Blowing Arrangements, replace ‘Audit and Remuneration Advisory Committee’ with ‘Board’.
- 13.8 Section 11, 63 – Duties, 63.6, add ‘the’ before ‘Board’.
- 13.9 Remove signature page at end of document.

#### **14. DATE OF NEXT MEETING**

The next Board Meeting will be held on Monday 19<sup>th</sup> October 2009, 10 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.