

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS  
COMMISSION: 10.20 AM THURSDAY 11<sup>th</sup> APRIL 2013**

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

**PRESENT:**

**LAY:**

Bill Brackenridge (Chair)  
Iain McGrory (Vice Chair)  
Ian Gibson  
Sam Jones  
Fiona Smith

**LAWYER:**

George Clark  
Ian Leitch  
Maurice O'Carroll

**In attendance:**

Matthew Vickers (CEO)  
[REDACTED] (Interim F&CSM) (for part of meeting)  
[REDACTED] (HI) (for part of meeting)  
[REDACTED] (FO) (for part of meeting)  
[REDACTED] (HI) (for part of meeting)

[REDACTED] (OD)  
[REDACTED] (Secretariat, minutes)  
[REDACTED] (OM) (for part of meeting)  
[REDACTED] (SCI) (for part of meeting)

**Abbreviations used:**

LSS – Law Society of Scotland	RPOs – Relevant Professional Organisations
SGvt – Scottish Government	
AC – Audit Committee	RC – Remuneration Committee
OD – Operations Director	F&CSM – Finance and Corporate Services Manager
HO – Head of Oversight	OM – Oversight Manager
HI – Head of Investigations	CIM – Communication & Information Manager

**1. WELCOME, APOLOGIES AND DECLARATION OF INTERESTS**

- 1.1 The Chair opened the meeting and welcomed everyone and asked the CEO if there was an update to the recruitment of the new Board Member. The CEO advised unfortunately we were still waiting on the official announcement from SGvnt. It was agreed that the Chair would raise this with SGvnt as a matter of urgency.
- 1.2 It was noted the standard Declarations of interest was declared by George Clark, Ian Leitch and Maurice O'Carroll in relation to any pecuniary interest in relation to budget discussions.

*10.25am OM left the meeting*

**2. CEO UPDATE**

- 2.1 The CEO paper was tabled. Members sought clarification from the CEO as to the SGvt approving the pay remit, with the exception of requiring additional work on the journey times and spine points. Members discussed the implications of this on the SLCC and the merits of the SLCC still maintaining their NDPB status. Members agreed that carrying out a review of their NDPB status was not a topic to be discussed today and required further discussion. Members agreed with the Chair of the RC that it would review previous decisions and provide a paper for the next Board meeting. It was also agreed that Pay Remit would be a separate Agenda item going forward.

Action	Owner	Due Date
RC to provide a review of the pay remit to the Board.	FS	

- 2.2 The CEO advised that he had met with the SGvt Legal Services representative to discuss the SLCCs preparations for the 2010 Legal Services Act, and was currently waiting on more detailed information on the impact this will have on the SLCC. It was also agreed that 2010 Legal Services Act would be a separate Agenda item going forward.
- 2.3 Members noted the update from the CEO regarding the 2007 Act improvements and the CEO to ensure the Chair is included in future discussions with the Steering Group. It was also agreed that 2007 Act Improvements would be a separate Agenda item going forward.
- 2.4 Members noted the paper submitted regarding the draft Survey Monkey Initial Feedback and acknowledged that this was a sample of initial feedback collated. The CEO advised that customer responsiveness would be gathered for the next quarter with full results being presented later in the year. Members thought the content and quality of the paper was clear and well laid out and therefore asked that thanks be passed to the member of staff who collated and presented this information.
- 2.5 Following a discussion on the Rules Timetable, the Chair agreed that Members would be involved in the Rules Working Group, and this issue would be moved forward as a matter of urgency so that the SLCC were not exposed. It was also agreed that further facilitated discussion would take place on Policies with Members and Senior Management Team.

Action	Owner	Due Date
Members to be included in the Rules Working Group (SJ, IL and MO'C).	CEO	Date TBC

- 2.6 Members advised the CEO that they were content that the Equalities update however, they would also like to see the CEO add Equality Impact Assessment as a topic to be reviewed. It was also acknowledged that the self-assessment would be a prompted self-assessment that will highlight gaps and works for future topics to be addressed.

*11.35am OM joined the meeting*

- 2.8 In the absence of the HO, the OM presented the paper tabled to Members regarding the Update on S40 Guidance and TNS Research. Discussion took place on the suggested wording by the HO and it was agreed that the OM would advise the HO on the suggested re-wording by Members. Members agreed that the Oversight Team would be responsible for the drafting of the S40 Guidance.

Action	Owner	Due Date
OM to appraise HO on the revised wording on the S40 guidance.	OM	28 May 2013

- 2.9 Members again discussed the issue of providing guidance leaflets on ‘how individuals engage a solicitor’ and ‘what to expect from a solicitor at the initial engagement stage’. Members felt it was good practice for practitioners to advise complainers that the service provided had ended and the date that this service had ended at all stages of their process.
- 2.10 Members agreed that the TNS Research would be carried over in the absence of the HO and discussed at the next meeting.

*12.05pm OM left the meeting*

- 2.11 Operations Update - The OD’s paper was tabled. Members sought further clarification surrounding the review of policies and procedures. Members confirmed that they wished to see a full process map including the high-level detail of when the full review would be carried out on all policies and procedures and the timescales involved in completing this process. The OD acknowledged that the analysis of these policies would take time but that they would be helpful to the Board. It was agreed that the OD expand on his paper for the next meeting.

Action	Owner	Due Date
OD to provide a fuller more detailed report to the next Board.	OD	28 May 2013

- 2.12 Members discussed the current issue of morale within the organisation and in particular within the Clerking Team and that the Assistant Clerk role is only being advertised as a 9mth fixed term contract and the impact that this will have on the Clerking Team. The OD and CEO confirmed that they would anticipate that this particular team’s structure should be settled by the end of April, they were waiting on staff returning from holiday, and also they would have a clearer picture on the case numbers flowing through the process from investigation to determination stages within the 9mth timeframe.
- 2.13 The CEO also advised Members of the resignation this week of the Mediation Manager, who would be leaving on 6 May. It was noted that there will not be a straight replacement for this role and the OD and CEO will take the opportunity to review this along with the review of the current contracts for Mediators.
- 2.14 Members noted the rest of the Operations update paper.

*12.55pm break for lunch*

*1.30pm resume after lunch where HI and SCI joined the meeting*

### **3. REPORTERS**

- 3.1 Members noted the paper tabled by the OD and HI. During discussion Members sought further clarification from the HI regarding: data security and the costs of the pilot project. The HI explained that the Reporters would enter into contracts which cover data security and they are using encrypted data-sticks which will not allow the documents to be saved anywhere other than on the encrypted data-stick. A Member noted his dissent during the discussions with this proposal. However, the Chair confirmed, that following assurances, the pilot project would go ahead, as long as the OD and HI confirmed all safe guards were in place, if not it does not proceed. It was

also agreed that the OD and HI would give a full report to the next Board on how the pilot was progressing.

Action	Owner	Due Date
OD and HI to provide a full report on the pilot of the use of Reporters.	OD and HI	28 May 2013

*2.05pm HI and SCI left the meeting and Interim F&CSM and FO joined the meeting*

#### 4. BUDGET

- 4.1 **Financial Management Report to January 2013:** The Chair welcomed the Interim F&CSM to his first meeting and thanked both the IF&CSM and FO for preparing the FMR. The FMR paper was tabled. Members sought clarification on the increase in legal and IT costs. The CEO expanded on the reasons for these. Members noted the position for the year to date and the projected out-turn for the full year.
- 4.2 **Budget Responses from RPOs:** Members noted the responses tabled, it was agreed that they would be published on the SLCC website as per the terms of the Budget consultation process and the CEO would revert to the RPOs direct regarding the comments raised.

Action	Owner	Due Date
CEO to revert to RPOs and publish the responses on the SLCC website.	CEO	ASAP

*2.25pm Interim F&CSM and FO left the meeting*

#### 5. PREVIOUS MINUTES, MATTERS ARISING AND BOARD ACTIONS REGISTER

- 5.1 **Minutes from 19.02.13 Meeting:** Minutes approved subject to a typographical change on page 2 at point 2.3 and page 3 at point 7.1. Members also requested that draft Minutes be circulated in a more timely manner going forward. The Chair confirmed that he would be reviewing the whole process and timetable of board papers.
- 5.2 **Board Strategic Actions Register:** The CEO provided Members on an update on the actions register and advised that the KPI/Management Information and TNS Research would be reviewed at the next Board meeting in May.

*Strategic Board Meeting ends 2.35pm*

*Operational Meeting resumed at 2.35pm where HI joined the meeting*

#### 6. OPERATIONAL/TACTICAL PRIORITIES

- 6.1 **Eligibility:** Members noted the paper tabled by the OD. The CEO requested that the change in this process be deferred until the final review has been made to the Clerking team and the appointment of an Assistant Clerk.
- 6.2 **Rules – Time Limits:** The HI updated Members on revised wording on the Rule relating to Time Limits and it was agreed that this would be circulated by email and Members to confirm by 12noon by Monday 15 April, it was noted that no response from Members would mean that they were happy with the wording.

Action	Owner	Due Date
HI to circulate the revised wording of this 'Rule' and Members to confirm by 12 noon on 15 April.	HI	11 April 2013

- 6.3 **Appeals Update:** The HI gave Members an update of the current appeals. The HI advised that she was currently working on the revised presentation/layout of Appeal information in a different format which would capture the output on each Appeal. However, it was acknowledged this was a bigger piece of work than was at first anticipated so was taking longer than agreed at the last Board meeting.

Action	Owner	Due Date
HI to provide a revised format on the Appeals output and include key learnings.	HI	

- 6.4 **Board Operations Actions Register:** The OD provided Members on an update on the actions register and Members confirmed that going forward the Actions Registers would only show current live actions.

## 7. ANY OTHER BUSINESS

- 7.1 The CEO asked Members to consider giving interim Banking arrangements to the Interim F&CSM. Members agreed to this once all relevant disclosure checks had been carried out meantime Members were happy to continue to act as main signatories to the Bank accounts.

## 8. DATE OF NEXT BOARD MEETING

- 8.1 The next Board Meeting due to be held on Tuesday 28<sup>th</sup> May 2013 at 10.10 am at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.

*Operational Board Meeting ends 3.05pm*