

THE SCOTTISH LEGAL COMPLAINTS COMMISSION

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL
COMPLAINTS COMMISSION HELD AT 10AM ON MONDAY 27TH OCTOBER 2008
AT THE STAMP OFFICE, 10 – 14 WATERLOO PLACE, EH1 3EG**

PRESENT:

LAY:

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

LAWYER:

David Chaplin
Alan Paterson
Margaret Scanlan
David Smith

APOLOGIES: None

In attendance: Eileen Masterman (Chief Executive Officer)
Rosemary Agnew (Head of Investigations)
Doreen Graham (Head of Communications)
Allison Leitch (HR Manager)
Sam Hudson (Minutes)

Abbreviations used:

LSS Law Society of Scotland
FoA Faculty of Advocates
SG Scottish Government

1. APOLOGIES

Jl welcomed all Members and senior staff present.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

**3. MINUTES AND MATTERS ARISING FROM MINUTES OF 22.09.08 and
29.09.08**

3.1 Minutes of 22.09.09

Small changes for made to the minutes.

3.1.1 Action Points from the Last Minutes:

3.1 All finalised policies are now on the web.

3.1.2 Still no paper received from JM on TUPE/COSOP issues.

3.3.1.5 LSS letter has been circulated, and once in receipt of advice, this will be circulated too. There was some discussion on the amount of levy and how it will be collected at the next budget.

6. The SLCC now has PI insurance. The total cost of the two policies is in the order of £25,000.

3.2 Minutes of 29.09.08

Minor grammatical change made.

4. COMPLAINTS UPDATE

The HOI provided the Board with a verbal update and the key points to note were:

- 4.1 Since the SLCC opened on the 1st October, there have been 430 enquiries, one of which was an eligible case for the SLCC to deal with, but it is a conduct case that will be passed to the LSS.
- 4.2 There are 184 open enquiries - people who enquired as to what the timeframe for making a complaint to the SLCC is.
- 4.3 Only 22 Equal Opportunity forms have been passed back to the SLCC.
- 4.4 Phase II of WorkPro is having the performance and management functions implemented this week. Until that is complete there is no indication of numbers of completed complaint forms.
- 4.5 We have had one FOI request.
- 4.6 The Respond process has been slightly realigned and the Gateway now undertake any work up until the complaint is passed to the Investigation Teams as eligible.
- 4.7 The new Gateway Team pilot will run from the 1st November to specifically reassess the roles within the Gateway Team. The pilot will be reviewed after 6 months.
- 4.8 The HOI invited Members to view the electronic version of the 'Complaints Process Overview' after the Board Meeting if they wished, and tabled a paper copy of the guidance she has been working on for staff which will be a group owned document. The HOI indicated that that the guidance will be finished in draft by the end of November.
- 4.9 The HOI acknowledged to Members how helpful and efficient the Gateway staff are.
- 4.10 There was some discussion on setting a process for Member decisions on screening frivolous or vexatious complaints, and this would be done once Members have seen the completed process guidance.

GI arrived – 10.30 am

5. MISCONDUCT OVERSIGHT PAPER

There was a discussion on the paper and the key points which arose were:

- 5.1 The SLCC has an obligation to carry out the oversight role.
- 5.2 However the LSS & FoA are operating new policies and as yet there is no data to show how effective these are. Thus in the first year the SLCC needs to build a knowledge bank and assess adherence to process and statistics, numbers of cases, time taken etc. Thereafter effectiveness of process can be assessed year on year.
- 5.4 The HOI remains focused on establishing the basic complaints handling process, but is also developing the practical oversight process and will have a clearer paper on how information will be gathered from the professional bodies or the Board Meeting on the 24th November.
- 5.3 Members concurred they were all happy with the approach.

6. CEO UPDATE REPORT

The CEO confirmed she has been working with the management staff who will be providing updates in their individual reports.

6.1 Outcome Based Approach for Scottish Public Bodies

The CEO informed the Board she had sent a holding letter to [information withheld under the terms of FOISA and/or DPA] acknowledging his letter and the documents appended. The CEO asked the Members for guidance on action. There was a discussion regarding the papers and it was agreed that certain indicators would fit in with the SLCC's corporate plan. The discussion resulted in the following actions:

- 6.1.1 The Framework Agreement (which is now called the Management Statement) would be looked at again and brought back to the Board for discussion at the next meeting.

ACTION: JI, DC, EM

- 6.1.2 A further meeting to be organised with the Scottish Government to discuss the Management Statement.

ACTION: EM

7. CEO REPORT ON INSURANCE OVERSIGHT ARRANGEMENTS

The CEO's paper was discussed the main points to note were:

- 7.1 The CEO and HOI are meeting with [information withheld under the terms of FOISA and/or DPA] at Marsh to gain an overview of what the policy should look like an – a fact-finding discussion.

- 7.2 Members to give Secretariat a copy of Insurance Oversight Arrangements paper and presentation information from meeting with LSS and RSA.

ACTION: LP

- 7.3 The CEO is still in process of identifying a suitable expert to research effectiveness of the policies.

ACTION: EM

- 7.4 After a discussion it was agreed that the fact that the SLCC are looking into the function of the Master Policy should be published on the website and the public and legal profession invited to comment. This will be a useful way of gathering information on the perception of the Master Policy.

ACTION: DG

8. AUDIT & FINANCE ADVISORY COMMITTEE UPDATE

- 8.1 The Board received the report from the Advisory Committee Chair and the following matters were agreed:

8.1.1 SLAB will be appointed as internal auditors for Year One of operation subject to checking their fee.

8.1.2 The Royal Bank of Scotland's proposal regarding funds management was accepted.

8.1.3 The proposed draft budget will be presented to the Board on 8th December 2008.

9. STAFF GOVERNANCE & REMUNERATION ADVISORY COMMITTEE

The Chair noted thanks to LP for the work undertaken on start-up recruitment issues prior to the Advisory Committee being set up.

- 9.1 The following recommendations were agreed:

9.1.1 IG will chair the new Advisory Committee.

9.1.2 Committee ownership for topics of joint interest to both SGAR and AFAC was agreed – the lead for pensions would sit with SGAR and fed back to the AFAC to discuss and agree the financial implications. Similarly as regards remuneration changes when these commenced.

9.1.3 As a mechanism for senior manager to be aware of decisions made by Members during the set up phase it was agreed that Secretariat would start an Actions Register and a Decisions Register.

ACTION: SH

9.1.4 It was agreed that the SGAR would have an oversight on performance management.

9.2 The recommendation made that a staff-elected staff member of the SLCC would be invited to attend the meetings will be reviewed in 3 month's time.

10. HR UPDATE

Members discussed the HR Manager's paper and the following key points were noted:

10.1 It was agreed that the pension benefit will be available from 1st October.

10.2 There was further discussion around whether staff employed prior to 1st October should qualify for pension benefit prior to the 1st October and whether this would be provided by the Scottish Government. The HR Manager will investigate this further.

ACTION: AL

10.3 Members clarified that there would be no added increase in SLCC pension contributions for senior staff.

10.4 It was agreed that further HR updates will go to SGAR in future.

11. COMMUNICATIONS UPDATE

There was some discussion around the HoC's update and the following key points were noted:

11.1 The HoC confirmed that she was focusing on improving the website and the Scottish Government would be contributing £3,000 towards the cost of overhauling the SLCC website.

11.2 Members raised the issue of the SLCC communicating with the profession and public with the suggestion of outside talks, roadshows, public meetings etc. The HoC confirmed she would be contacting groups such as the WRI, Rotary Clubs, Red Cross, Faith Groups etc. and was looking at a program of presentations to the professions and would report a program to the Board.

ACTION: DG

11.3 Members raised the issue of SLCC coverage in some smaller legal publications which are not in circulation around all Members, and asked that these articles be monitored, and a notification sent to Members if an article appears. Members also asked that these publications might be subscribed to and kept within the SLCC staff library for information. Again the HoC would report her planned program to the Board.

ACTION: DG

- 11.4 Members requested that a standard 'presentation pack' be made available for their use when public speaking. Members will also inform the HoC and CEO when they are attending an event to speak.

ACTION: DG

- 11.5 Members raised the issue of the Outreach function and asked whether the HoC had arranged for the SLCC details and information to be included within Consumer Direct's and CAB's information packs. The HoC will check this and action if not yet been done.

ACTION: DG

- 11.6 Members asked that they be provided with an information booklet containing Member contact information, including Member's partner's names, and staff contact information with work mobiles where applicable.

ACTION: DG

12. VISIT FROM OFFICE OF IMMIGRATION SERVICES COMMISSION

Suzanne McCarthy, Commissioner at the OISC and Steven Seymour, their Head of Operations attended the Board meeting in the afternoon to outline their general role, plus their remit within Scotland. The main points to note were:

- 12.1 They investigate complaints of immigration advisors.
- 12.2 When they receive a complaint regarding an advocate or solicitor it is currently passed on to the relevant regulatory body and they will oversee what happens with those particular complaints. They do not have an oversight role over the SLCC.
- 12.3 There are few complaints received relating to practitioners in Scotland as most immigration advisors are based in England. They pass approximately 10 -20 cases to the LSS per year and they have passed 1 complaint to the FoA within the last few years.
- 12.4 The OISC Head of Operations and the SLCC HoI hope to work together to set up an MOU for both organisations to clarify a process for dealing efficiently with complaints about immigration advice.

12. NEXT MEETING

The next Board Meeting will be held on Monday, 10th November, The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG