

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 1pm on MONDAY 30 October 2023 in the SLCC Boardroom**

PRESENT:

LAY:

Jane Malcolm, Chair
June Andrews
Anne Gibson (*online*)
Jean Grier
Niki Maclean, Vice Chair
John Stevenson

LAWYER:

Lynne Collingham
Dale Hughes (*online*)
Richard McMeeken

Apologies:

Caroline Robertson (DoR)

In attendance:

Neil Stevenson (CEO)
Vicky Crichton (DoPP) (*online*)

Louise Burnett (DoBP)
[REDACTED] (Secretariat - minutes)

Abbreviations used:

WIP – Work in Progress
FMR – Financial Management Report
AC – Audit Committee
CI – Case Investigator
RPO – Relevant Professional Organisation
IMT – Investigations Management Team
JT – Journey Time
DoR – Director of Resolution
DoBP – Director of Business Performance

DC – Determination Committee
LSS – Law Society of Scotland
FoA – Faculty of Advocates
CIM – Case Investigations Manager
SGvt – Scottish Government
CoS – Court of Session
WT – Working Time
DoPP – Director of Public Policy
SP – Scottish Parliament

1. Welcome and Apologies

- 1.1 The Chair welcomed everyone to this her first full Board meeting.
- 1.2 Apologies were noted from the DoR, Caroline Robertson.
- 1.3 The Chair extended their warm thanks to Member, Niki Maclean for providing chairing cover during the Board Member recruitment process and ensuring the SLCC was provided with good governance during this transition period.

2. Declaration of Interests

- 2.1 The Chair noted the standard declarations of interest declared by Members, Lynne Collingham, Dale Hughes, and Richard McMeeken in relation to any pecuniary interest with regards to budgetary discussions and the Reform Bill process/responses by the SLCC.

**3. Minutes and Matters Arising from Board Meeting on 24 July 2023 and
Conference Call on 11 September 2023**

- 3.1 The Minute of the Board Meeting was noted and approved as read, along with the Conference call notes, subject to a small typographical change being made to the Board Minutes.

4. Board Actions Register

- 4.1 Members noted the ongoing Actions and agreed all other completed actions be removed from the register. Updates were provided on the following:
 - 4.1.1 Action 515 – the CEO advised a date was confirmed for the staff training. Members sought clarification on whether they could attend this training. The DoBP

explained this first session was for staff only, however an additional session was planned, with Members being invited to attend when the date has been set.

4.1.2 Action 531 – the CEO confirmed a one-year strategy will be brought to the December Board Conference Call for discussion and approval.

4.1.3 Action 532 – the CEO advised this information would be completed for the December Board Conference Call.

5. Key Issues

5.1 The CEO spoke to the paper presented and Members agreed all items would be taken as read, with additional updates provided on specific matters.

5.2 **Reform** – Members noted this had been discussed in detail at the morning Development Session, and agreed future updates will be provided. Members also noted the deadline for completion of Stage 1 (general principles) submission has been extended to 23 February 2024. Members agreed SMT would continue to bring a structured update on Reform to Board, covering progress, issues identified and risks, etc. The CEO advised they would be giving their evidence at the session focussed on complaints at SP on 14 November. The Chair wished them well and asked that the link be shared with Board to allow them to observe the live SP session online. The DoPP agreed this would be done.

Action	Owner	Due Date
DoPP to share the SP link with Board to allow them to observe the live online evidence session on 14 November.	DoPP/CEO	By 3 November 2023

5.3 **ABS** – Members noted the update provided by the DoPP.

5.4 **Communication and Stakeholder engagement** – The DoPP reported the final draft of the Annual Report would be circulated by email early next week for Board's consideration. The DoPP asked if Members could respond with any comments by close on Thursday 16 November, as this will allow the finalising of the document for the Board Workshop discussion on Monday 27 November.

5.5 **Oversight** – The DoPP reported the Oversight team have now held three practitioner roundtables to discuss: first tier complaint handling; our complaint process; and Reform proposals. Members noted the Oversight team have also taken part in a session on complaints reform at the LSS conference, this was alongside the LSS professional conduct team, their regulatory committee representatives, and academics. The DoPP acknowledged this was a great opportunity to talk to 160+ LSS members. Members noted the later than expected start by the EA to commence the planned external audit. Members were also pleased to note the DoBP would be meeting weekly with the EA to ensure that all timescales would be met during this process.

5.6 **Cyber update** – Members noted the update provided by the DoBP.

5.7 **Digital and AI update** – Members noted the update provided by the CEO and agreed this item should remain a standing item at present.

5.8 **S17 Work Update** – Members noted the update provided by the CEO in the absence of the DoR. Members had a free and frank discussion on the appointment of an independent commissioner in reviewing a S17 LPP files. This included the time taken to appoint an independent commissioner, the reviewing of the file by the independent commissioner, the cost of this process and the additional stress imposed on parties involved in this process etc. Members noted an update would be provided at the next meeting.

5.9 **Records Management Progress update** – Members noted the update provided by the DoBP and CEO.

5.10 Members suggested SMT continue to provide an update on the ongoing IT broadband issue in the Key Issues paper, until this matter is resolved. The DoBP and CEO agreed.

5.11 Members acknowledged the RC had moved to 6 monthly meetings and sought assurance that any emerging issues or risks would be raised accordingly. The DoBP confirmed they would be raised in the first instance with the RC Chair, and if deemed necessary, an additional meeting(s) would be convened of the RC to discuss matters. The Chair advised a meeting has been planned with the CEO to discuss future board reporting, including papers etc.

5.12 The Chair thanked SMT for their updates to the paper presented.

6. Management Information for Q1

- 6.1 In the absence of the DoR, the CEO spoke to the paper presented and advised the information presented for Q1 shows the ongoing challenge with unacceptably high waiting time at eligibility stage. The CEO confirmed two newly appointed CIs would be starting later this week, on 1 November. Of the 5 CIs that were on maternity leave, 3 have now returned, with one unfortunately delaying their return due to illness. The remaining one CI on maternity leave, is due to return early next year.
- 6.2 Members noted the allocation time at eligibility had now at 10wks (average for quarter of 9.4, down from 9.6 the previous quarter) and sought clarification and reasons for this. The CEO explained, an average of 10wks would be the date from when a case has been received. either electronically or by post. All cases are reviewed for the prematurity test, they are also triaged by a manager for vulnerability etc, and where appropriate expedited if required. The clock effectively starts the minute a complaint form is submitted via the website. For example, if a complaint form is submitted at 11pm on a Friday night, which is when the clock starts, even though no action would be taken till the Monday morning. Members were keen to ensure that SMT were focussed on these KPI targets. The CEO confirmed they were. Members were also pleased to note that SMT were continually monitoring this issue.
- 6.3 Members sought clarification on the uptake rates at mediation. The CEO gave an overview of the current mediation project, this involves contacting those who do not accept the offer of mediation to see if they are willing to share their reasons why they do not wish to engage in this process. The results of this project will be shared with the SET. Members shared their experience of observing a mediation and suggested others might wish to request doing so, as it was a very interesting part of the process. The CEO advised that the Scottish Mediation Network have also highlighted our mediation process, as a good example.
- 6.4 Members noted productivity per person was good and on track.

7. Op Plan Update for Q1

- 7.1 The DoPP spoke to the paper presented and advised that whilst all projects were in their initial stages, they are projecting they will be completed by the end of the year, with no significant concerns to report at present.
- 7.2 The Chair noted that whilst it was good all projects were reporting as 'green', some projects had not actually started, and suggested these be colour coded 'blue' to differentiate. With recognition that some components might be colour green/blue as projects progress. The DoPP agreed this could be changed for future reporting.

Action	Owner	Due Date
DoPP to review colour coding of projects for reporting at next Board meeting to include 'blue' for those projects that have not yet started.	DoPP	For Q2 reporting,

8. Appeals Update for Q4

- 8.1 In the absence of the DoR, the CEO spoke to the paper presented. The Chair noted they found this paper very informative.
- 8.2 Members had a free and frank discussion on the learning points shared on a recent case, and the CEO appraised Members of SMTs reflections on the lessons learned. Members shared their recent case discussions, which other Members found helpful.

9. Strategic Risk Register

- 9.1 The DoBP spoke to the paper presented and advised Members Risk 3 had been increased following discussions at the recent AC meeting.

- 9.2 The DoBP advised the Risk relating to the Property move had also been removed, as this was now complete. Members noted that a 'lessons learned' exercise was being carried out in late November.
- 9.3 The DoBP reported the AC agreed that Risk 11 – Reform, should be split and reclassified into two separate Risks. With Risk 11 becoming Reform – legislation, and Risk 12 becoming Reform – implementation. Members agreed with ACs rationale.
- 9.4 The AC Chair gave a brief overview of the AC discussions and confirmed the AC discussed the RR in detail.
- 9.5 The Chair noted the risk appetite had been reviewed by Board approx. 18 months ago and sought assurance SMT would plan to repeat this exercise in due course. The CEO confirmed this would be done once more is known about the Reform Bill implementation.
- 9.6 Members were content with the information provided and noted the paper as read.

10. Finance Management Report for Q1

- 10.1 The DoBP spoke to the papers presented and reported on the FMR spend to end September 2023, and advised the Balance Sheet may be adjusted as the reserves figure has not been confirmed by the EA.
- 10.2 The DoBP reported at present, based on actual income against budget, the income was up £64,987, with an expenditure overspend of £22,519. The Levy income is £24,891 ahead of budget, this is due to slight increase in numbers from that predicted.
- 10.3 Members noted that property costs were slightly overspent by £8,744 to end September. The DoBP advised that the IFRS 16 will require some adjustments once the EA has concluded but these should be minimal.
- 10.4 The DoBP advised the EA commenced later than expected, on 20 October 2023 and AC have agreed to an additional AC meeting on Monday 20 November approve the final accounts for yearend.
- 10.5 The Chair sought assurance that the figures were as expected for this point in the financial year. The DoBP confirmed they were.
- 10.6 Members thanked the DoBP for their update to the paper presented.

11. Customer Feedback for Q1

- 11.1 The DoBP spoke to the paper presented and gave an update on Q1 response rates. Members noted there had been no changes to the questions asked from the 2022/23 survey and SET were currently reviewing how we collate feedback.
- 11.2 The DoBP reported the response rates fell this quarter to 13%, though this was comparative with the response rate for Q1 last year. Members sought clarification on what percentage of the response rate was on the number of cases closed. The DoBP agreed to clarify this figure and report back to Board. The CEO advised this would be included in the Annual Report. The Chair thought it would also be helpful to know of the 13%, how many were from individuals as opposed to firms/practitioners.

Action	Owner	Due Date
DoBP to clarify response rates with the number of cases closed and provide an update to Board.	DoBP	For Q2 reporting,

- 11.3 Members discussed the feasibility of conducting research on feedback which can be carried out by research organisations on behalf of the SLCC, but agreed this can be expensive. The CEO reminded Members there is a section within the Annual Report this year, on 'You said, we did' on customer service, which had been added following member feedback in a previous Board meeting. Plus, the SET team have also been liaising with the Consumer Panel to explore best practice with other/similar organisations. It was acknowledged, for example, that Legal Ombudsman (LeO) have a full team dedicated to this type of research/feedback.
- 11.4 The Chair thanked the team for pulling this information together for Board.

12. Chairs Report

- 12.1 The Chair thanked SMT and Members for the excellent induction process over their initial few months. All staff have been very informative and supportive whilst settling in. Informal meetings had been taking place with a first set of key stakeholders, and plans were in place to meet with all key stakeholders, the SGvt Sponsor team, the Minister, and Director of Justice.
- 12.2 The Chair gave a short overview of the recent outreach regulatory event, which was attended by the Chair, CEO and DoPP, which was very interesting and informative. With the CEO and DoPP leading a workshop session on the customer experience and was well received by all who attended. The CEO confirmed they will follow-up on jurisdiction links that were established from the event.
- 12.3 The Chair noted the International Bar Conference was also taking place in Paris at the moment, with changes in regulation taking place all around the world.
- 12.4 The Chair and CEO gave a brief overview of recent initial meetings that have taken place with key stakeholders.

13. AOB

- 13.1 None noted for discussion.

14. Update note from the Audit Committee of 16 October 2023

- 14.1 Paper was noted as read, with the DoBP confirming the EA timetable has now been addressed, as per earlier discussions.

15. Update from the Remuneration Committee

- 15.1 Paper was noted as read, with the DoBP confirming the pay offer agreed with PCS on 9 October, was accepted and processed for payment to all staff in their 27 October pay. This was backdated to 1 April 2023. The Chair enquired if this had been well received by staff. The DoBP confirmed it had been.

16. Minute from Consumer Panel of 6 June 2023

- 16.1 Members noted the paper presented, with the DoPP noting the Consumer Panel also agreed with the earlier views shared by Members, in relation to Customer Feedback, as there been such a small sample of responses being received.

17. Chief Executive's Report

- 17.1 Members noted the paper presented, and the CEO explained that a number of his appointments overlapped with that of the Chair's.
- 17.2 Members commended the CEO for the variety of meetings attended and noted there was a talk at Women's Aid and sought a brief overview of what this entails. The CEO gave an overview and explained, this along with trauma, male domestic violence, as well as female domestic violence, was being incorporated into the Witness Protection Bill. Following discussion, it was agreed there would be Board Development Session on Trauma Awareness, to be planned for Members in 2024.

18. Date of Next Meetings

- 18.1 Members noted the date of the next meeting would be a Board Workshop Conference Call on **Monday 27 November 2023 at 10am** to discuss board priorities and budget models, as well as formally approving the final draft of the Annual Accounts and ISA 260 Report.
- 18.2 There would also be a Board Conference Call on **Monday 18 December 2023 at 10am** to finalise budgetary planning.
- 18.3 The next full Board Meeting and Development Session will take place in person, in the Forth Boardroom on **Monday 22 January 2024**, with lunch being provided.
- **Board Development Session will commence at 10am**
 - **Board meeting will start thereafter at 1pm**

19. Review of the Meeting

19.1 With no other business the meeting concluded.

2.32pm Board Meeting ends