

MINUTE OF A BOARD CONFERENCE CALL OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS COMMISSION: 10am on Monday 18 December 2023 on MS Teams

PRESENT:

LAY:

Jane Malcolm, Chair
June Andrews
Anne Gibson
Jean Grier
Niki Maclean, Vice Chair
John Stevenson

LAWYER:

Lynne Collingham
Dale Hughes (*joined at 10.17am*)
Richard McMeeken

Apologies: none

In attendance:

Neil Stevenson (CEO)
Vicky Crichton (DoPP)
[REDACTED] (Secretariat – minutes)

Louise Burnett (DoBP)
Caroline Robertson (DoR)

Abbreviations used:

SGvt – Scottish Government	DoBP – Director of Business Performance
DoPP – Director of Public Policy	DoR – Director of Resolution
LSS – Law Society of Scotland	FoA – Faculty of Advocates
RPO – Relevant Professional Organisation	CoS – Court of Session
LPP – Legal Professional Privilege	SP – Scottish Parliament
SGvt – Scottish Government	

Private Member only session, after which the Meeting Chair invited SMT and Secretariat to join the meeting at 10.10am

1. Welcome and Apologies

1.1 The Chair welcomed everyone to the Conference Call and noted that Member, Dale Hughes would be joining slightly later due to a prior work commitment.

2. Declaration of Interests

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

3. Key Issues

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

3.2 **Reform** – The DoPP advised the stage 1 evidence sessions have now concluded, and it is anticipated the Report to this stage will be due end January 2024. This Report will usually include any recommendations to Scottish Parliament (SP) on whether the Bill should be pass or not at stage 1. The DoPP advised they are continuing to liaise with SGvt Advisers and SMT will continue to prioritise this work as matters evolve. The DoPP reported the Consumer Panel also raised concern during their latest meeting relating to the lack of consumer focus within the Bill. Members noted the Consumer Panel Chair intends write to the Minister and the SP Committee on this matter.

3.3 Members discussed in detail the SP evidence sessions, in particular, the one where Lady Dorrian and Lord Ericht gave evidence and commented on appeals. This included citing statistics on the number and outcomes of those which had gone to a full hearing. As this related to partial information being given to the SP Committee, a letter was issued to the SP Equalities, Human Rights and Civil Justice (EHRCJ) Committee to clarify points.

10.17am Member, D Hughes joined the meeting

3.4 Members had a free and frank discussion on the evidence sessions and on the conclusion of the stage 1 evidence gathering process. Members noted the Chair had written to the Bill lead on the issue of member composition and quorum covered in the draft Bill.

Action	Owner	Due Date
SMT to provide output of the stage 1 Report from the SP Committee evidence sessions to Board, as soon as available.	SMT	ASAP

- 3.5 **ABS** – The CEO noted that we have been advised that the LSS have now received the necessary approvals to the revised Regulatory Scheme. However, they have decided to pause any further work briefly to work on the Bill, and some internal matters by their Member Registration team. The LSS have advised that once this has concluded they anticipate accepting applications in April or May 2024. The Chair noted the LSS were anticipating four or five registrations in the first year and wondered what data they were basing these figures on. The CEO advised our understanding from LSS was that this was based on previous enquiries received. However, Members noted until the full details of the process are shared and the implementation date agreed, SMT will continue to plan on this basis.
- 3.6 **Communication and Stakeholder Engagement** – Members noted the recent communication and engagement work. The DoPP provided an update on the recent meeting with MSP, Stuart McMillan in relation to a ceased law firm, who were based in his constituency. Whilst no individual case information was provided during this meeting, it was agreed the Oversight Team would attend an information event in his constituency early next year. Members noted this issue was also raised at a recent First Minister’s Question session, with the Minister highlighting entity regulation as a key safeguard for the future.
- 3.7 **Oversight** – Members noted the recent work of the Oversight team.
- 3.8 **Cyber Update** – Members noted the recent cyberattack reported related to a software provider to the legal profession. The majority of their clients are based in England. However, the CEO reported we have been contacted by the first Scottish firm, who have advised they are unable to provide their firms’ files to the SLCC due to the previously reported ransom attack on the Conveyancing Software firm. This will be continually reviewed and will not be treated the same as failures under S17, as the firm are trying to comply. The Chair sought clarification on the LSS protocols for Scottish firms in such instances. The CEO advised the LSS do provide guidance and raise awareness with firms on the risks of cyberattacks, and for the benefit of new Members gave an overview of a previous instance that affected a Scottish firm.
- 3.9 **Digital and AI Update** – Members noted work was planned to undertake a data maturity audit in January and looked forward to the output being reported to Board in due course.
- 3.10 **S17 Work Update** – Members noted the current situation on S17 complaints.
- 3.11 **Complainers contacting Board** – The CEO reported there have been a couple of instances where complainers have tried to contact Board Members directly via their professional work platforms. The CEO reminded Members of the process to follow in such instances. Thanks, were also given to those Members who raised this with the Executive immediately.

- 3.12 Members had a free and frank discussion on the impact that this exposure lends themselves to as individuals. Members understand they are part of the decision-making process; however, Members also have a right to personal privacy. The CEO reiterated that all decisions are issued and defended as a decision made by the SLCC, as a corporate body, and not as an individual Member.
- 3.13 Legal Members shared remedies which can be actioned under S39 of the Criminal Justice and Licencing (Scotland) Act 2010 legislation on stalking, and an individual's rights to report instances of harassment to Police Scotland. Following this discussion, it was agreed, this topic would be discussed in further detail at a future Board Development Session.

Action	Owner	Due Date
SMT to add Members rights to privacy and how to deal with instances of harassment to a future Board Development Session.	SMT	Q3/Q4

- 3.14 **Reform – Setting and Enforcing Standards** – The CEO noted that additional information was presented to Board following the last helpful discussion about the new Bill, and the proposed new powers on standard setting and enforcement. The CEO spoke to the paper presented.
- 3.15 The Chair advised this point had also been discussed by Members at their Private Session and a few Members have noted their interest in being included in any future Board workshop or working party to assist with these projects. The CEO agreed this was a sensible approach.

Action	Owner	Due Date
SMT to add Members into the circulation list for being included in future Board workshop or working party on Reform projects.	SMT	Q3/Q4

- 3.16 **Board Adjudication Case Study Session** – The CEO thanked Members for their feedback on availability, topics, and suggestions for the programme. The CEO confirmed a date had been set for Thursday 1 February in the Boardroom from 12.30-4.45pm. The CEO advised for those unable to attend, slides and notes from the day will be shared afterwards.
- 3.17 The Chair thanked SMT for their input to the paper presented.

4. **Draft Strategy, Op Plan and Budget 2024/25**

- 4.1 The CEO reported Members were being asked to discuss the draft Budget presented, along with the draft Operating Plan. They were then either requested to formally agree and approve it, or to give sufficient feedback to the SMT that a finalised budget could be brought to the January Board, the last possible date to approve a budget in line with the Act. The CEO also reminded Members that the draft Operating Plan would formally come back to the March Board for formal approval. However, the CEO reiterated that if Members required further discussion on the draft Budget, this could be done at the January Board, but there would be a tight turnaround to issue the documents within the timescales for the consultation period.
- 4.2 The Chair reiterated the draft Budget would be finally presented to the January Board meeting if Members felt further information or discussion was required.
- 4.3 The Chair thanked the DoBP for providing the different draft General Levy options for Board to consider. The Chair suggested Members consider these different options individually, and in particular, the rationale and impact these would have on the draft Budget and the professions as a whole.
- 4.4 The DoBP and CEO spoke to the options presented, and reminded Members that these figures were based on discussions at both the October Board and November Workshop.
- 4.5 The DoBP advised these figures were based on fixed costs (rent, staffing) but that they also built in any rises for inflation, SGvt pay policy and estimating in areas for legal fees, for example.
- 4.6 Board had a free and frank discussion on each of the options presented by SMT.

- 4.7 The Chair reminded Members of the financial pressures on SGvt Justice budgets, the professions as a whole, and the impact this might have on the draft SLCC Budget.
- 4.8 It was agreed that further information and options would be explored by SMT, and for these to be shared in advance of the January Board Meeting. This will allow Members to fully consider the information prior to discussing at the January Board Meeting. Thus, allowing them to formally discuss and agree, the draft General Levy and Budget to be issued for consultation within the statutory timescale.

Action	Owner	Due Date
CEO and SMT to provide final updated draft documents in advance of the January Board meeting, allowing Members time to consider the additional information to be discussed at the meeting.	CEO/SMT	By 10 January 2023

- 4.9 The CEO reminded Members of the timescales and process. In that, the budget must be out for consultation by the end of January 2024. With any responses received, being published by end of March 2024, and the final budget must be laid before SP in April 2024.
- 4.10 The Chair noted key messages would also be included, and that these would be reviewed following Board's final decision on the draft General Levy and Budget. The DoPP reminded Board to forward on any additional points that have not been captured by SMT.
- 4.11 The Chair thanked both Board and SMT for their helpful input on this discussion today. The Chair also noted that further information would be circulated by SMT prior to the January Board meeting, allowing Members time to fully consider the revised options to be discussed at the January meeting.

12.03pm Member, R McMeeken left the meeting

5. AOCB

- 5.1 none.

6. Chief Executives Report

- 6.1 Members noted the paper presented.

7. Date of Next Meetings

- 7.1 Members noted 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**
- 7.2 Members noted the **Board Adjudication Case Study Session** will take place in person, in the Forth Boardroom on **Thursday 1 February 2024 from 12.30-4.45pm**.

8. Review of the Meeting

- 8.1 The Chair thanked everyone for their time and input on to the Conference Call.
- 8.2 With no other business the meeting concluded.

12.05pm SMT and Secretariat left the meeting

Further Private Member only session

Call ended 12.20pm