

**MINUTE OF A BOARD CONFERENCE CALL OF THE MEMBERS OF THE SCOTTISH  
LEGAL COMPLAINTS COMMISSION: 10am on MONDAY 18 MARCH 2024 on MS  
Teams**

**PRESENT:**

**LAY:**

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

**LAWYER:**

Lynne Collingham  
Dale Hughes (*joined at 10.50am*)

**Apologies:**

Richard McMeeken

**In attendance:**

Neil Stevenson (CEO)  
Louise Burnett (DoBP)  
Caroline Robertson (DoR)

[REDACTED] (Secretariat – minutes)  
Vicky Crichton (DoPP)  
[REDACTED] (CIM) (*for item 3*)

**Abbreviations used:**

SGvt – Scottish Government  
DoPP – Director of Public Policy  
LSS – Law Society of Scotland

DoBP – Director of Business Performance  
DoR – Director of Resolution  
FoA – Faculty of Advocates

***Private Member only session, after which the Meeting Chair invited SMT and Secretariat to join the meeting at 10.15am***

**1. Welcome and Apologies**

- 1.1 The Chair welcomed everyone to the Conference Call and noted apologies had been received from Richard McMeeken.
- 1.2 The Chair also explained this meeting was to receive an update from SMT on the current Key Issues and to discuss the responses received to the Budget Consultation, which closed at 12noon on 14 March 2024.

**2. Declaration of Interests**

- 2.1 The Chair noted the standard declarations of interest declared by Lynne Collingham and Dale Hughes in relation to any pecuniary interest with regards to budgetary and the reform discussion 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 spoke the paper presented, giving an overview and update to the current stage of the process. Members sought clarification on whether there had been any indications as to what any of the amendments or compromise options that might need to be considered as the Bill progresses through to Stage 2 or the process. The DoPP gave a synopsis of these points. Members also considered the impact of any drafting amendments which might specifically affect the SLCC. Members noted the engagement and timescales regarding the Stage 2 process being very tight, and that SMT were continuing to liaise with relevant stakeholder bodies and departments. SMT will continue to update Board on key points as Stage 2 of the process progresses. The Chair thanked the DoPP and CEO for ensuring there was positive engagement with the SGvt Sponsor Team, and Board acknowledged the timeline and challenges for the SLCC on this matter.

- 3.3 **Former Firm (W W & J McClure Ltd)** – the Chair thanked the operational team for this update paper and noted that thanks had also been extended by MSPs during the recent First Minister Question time in Scottish Parliament at the MSP debate on this matter. Both the Chair and CEO reminded Board of the confidentiality of this matter. Members noted the paper presented. The CEO gave a brief update on the two recent public events organised by the local MSP in Greenock. The CEO was very clear at both these events they (the SLCC) were unable to speak publicly about any individual complaints, as this would be a criminal offence, resulting in prosecution. However, they were able to explain and give an overview of a ‘typical’ SLCC complaint process to those present at the MSP event. The CEO and Chair acknowledged the challenges for all those involved in dealing with this matter. Members discussed and considered the statutory powers available to the SLCC in such situations and acknowledged all was being done within these parameters at present.
- 3.4 Board had a free and frank discussion on the current specific case numbers of complaints in relation to this matter. Members also noted these were being closely monitored by SMT and specifically considered by a dedicated team of CIs.

*10.50am Member, D Hughes joined the meeting, apologising for lateness.*

- 3.5 It was noted we don’t have the power to raise a complaint in our own name, but that we had asked LSS to raise a general complaint looking at the business model. The DoPP reminded Board the LSS are the primary regulator, and reiterated the SLCC’s statutory powers were limited on this matter. We can engage with the LSS, in doing joint work and sharing learnings, but we can’t compel the LSS to investigate. Following discussion, it was agreed, as this was a fast developing matter, a further update would be given at the April Board Meeting. This would include the major risks identified by SMT and key mitigations, and update on developments since this meeting.

Action	Owner	Due Date
SMT to provide an update on the continuing matter of the collapsed former firm W W & J McClure at the April Board Meeting, to include the major risks identified by SMT and Board.	CEO/SMT	By 12 April 2024

- 3.5 The Chair thanked SMT and CIM for their updates to the paper presented.

*11.05am CIM left the meeting*

#### **4. Draft Budget and Operating Plan Consultation document for 2024/25**

- 4.1 The Chair advised this paper would be discussed in detail, giving consideration to all the consultation responses, and after discussion, Members would be asked to formally approve the final draft Budget.
- 4.2 The DoPP confirmed the consultation was launched on 29 January 2024 and formal letters were sent to all key stakeholders:
- The Law Society of Scotland
  - The Regulatory Committee of the Law Society of Scotland
  - The Faculty of Advocates
  - The Association of Commercial Attorneys
  - The Scottish Government
  - The SLCC Consumer Panel
  - The Competition and Markets Authority
  - Consumer Scotland.
- 4.3 The DoPP reminded Board the consultation was also published on our website and released in a press statement. The DoPP advised no comments were issued to the press by anyone responding to the consultation.

- 4.4 Board noted responses had been received from:
- The Faculty of Advocates
  - Consumer Scotland
  - The SLCC Consumer Panel
  - The Law Society of Scotland.
- 4.5 The CEO confirmed the Chair, DoPP and CEO met with representatives from the SGvt Sponsor Team. The DoPP advised the meeting was constructive. It was noted that no formal response from SGvt or the Minister had been submitted for the Board to consider.
- 4.6 Board confirmed they had considered all the submissions received to the consultation. Board discussed each paper in turn, noting the summaries and issues highlighted in the paper presented by SMT. Members had a free and frank discussion on the points raised in each of the responses, moving through them each issue by issue and discussing each point raised. Following discussion, it was agreed SMT would publish a public response and respond directly to specific points raised by individual stakeholders.
- 4.7 The Chair confirmed that all Members had fully considered the written submissions received during the consultation process. The Chair advised there had been an email acceptance from Member, Richard McMeeken in advance of the meeting. Board confirmed they had read all correspondence.
- 4.8 Members noted the LSS have sought clarification on the basis of the forecasting of the additional work relating to the collapse of the former firm of W W & J McClure. They point to publicly available information from Jones Whyte on the number of transferred case files but provide no further information. The CEO noted the liquidators quoted 100,000 files, the number of Trusts will be less, however there could be problems with Wills and PoA. This also does not take into account any 3<sup>rd</sup> party complaints by family beneficiaries of someone who has passed. Following discussion, Board recognised the challenges of forecasting and given the restrictions of the data and constraints, it was agreed SMT would liaise with the LSS on this matter.
- 4.9 After consideration, the Board formally confirmed and approved, the draft Budget and Operating Plan and noted the following would apply:
- General Levy would be set at £547  
 Complaint Levy would be set at £7,000  
 Approved Regulator (AR) Fee set at £10,000  
 AR Complaint Levy would be set at £8,000  
 Licensed Provider (LP) Fee set at £1,000  
 Licensed Provider Complaint Levy would be set at £7,000
- 4.10 Board confirmed their approval of the listed suggested discounts from the General Levy for different practitioner groups, as detailed below:

Actual General Levy Set	£
Private Practice Solicitors +3 Years (Principals/Managers)	547
Private Practice Solicitors +3 Years (Employed)	444
Conveyancing or Executry Practitioner 3+ years	444
Solicitors in first 3 years of practice	188
Practising out with Scotland	133
In-house Conveyancing or Executry Practitioner	133
In-house Lawyers	133
Advocates +3 Years	210
Advocates in first 3 years of practice	176
Association of Commercial Attorneys	141

- 4.11 The Board also approved the overall budget in Appendix 1 of the paper, including a total budgeted income of £4,652,800 and expenditure of £4,642,499.
- 4.12 The Chair confirmed Board agreed to delegate authority to SMT to finalise the narrative accompanying the Budget, as per Board feedback, and the Operating Plan, for it to be published by the timescales set.



- 4.13 The CEO confirmed all responses received to the Budget consultation would be published in line with the consultation process before the end of March, and that the Budget would be laid in Scottish Parliament by the end of April.
- 4.14 Board reiterated their earlier agreement that SMT would publish a public response and respond directly to specific points raised by individual stakeholders. The CEO and DoPP confirmed SMT would consider all points when drafting responses.
- 4.15 The Chair requested that SMT draft an appropriate communication as agreed by Board. The CEO and DoPP confirmed this would be drafted and shared with the Board prior to publication.

Action	Owner	Due Date
CEO/DoPP to draft an appropriate communication and to ensure that all responses are published on the website in line with the Budget Consultation process.	CEO/SMT	By 31 March 2024
CEO/SMT to finalise the paper which will be laid in Scottish Parliament, along with our Budget and Operating Plan, in line with our statutory timescales.	CEO/SMT	By 30 April 2024

- 4.16 Members thanked the CEO and SMT for their explanation to the papers presented.

## 5. AOCB

- 5.1 none.

## 6. Date of Next Meetings

- 6.1 Members noted the next full Board Meeting and Development Session will take place in person, in the Boardroom on **Monday 22 April 2024**, with lunch being provided.

- **Board Development Session will commence at 10am**
- **Board meeting will start thereafter, with a short lunchbreak in between.**

## 7. Review of the Meeting

- 7.1 The Chair reminded everyone that this was Member, June Andrew's penultimate Board meeting and would look forward to seeing her, and everyone else, in person for June's last full Board meeting next month. The Chair advised they were continuing to work with SGvt to move forward on a replacement and hopes to provide an update at the April meeting.
- 7.2 The Chair thanked everyone for their time and input on to the Conference Call, especially SMT for their extra work on providing updates on the Reform Bill and the ongoing situation with the former firm W W & J McClure.
- 7.3 With no other business the meeting concluded.

Call ended 11.45am