

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

**PRESENT:**

**LAY:**

Jane Malcolm, Chair  
Anne Gibson  
Niki Maclean, Vice Chair  
John Stevenson

**LAWYER:**

Dale Hughes  
Richard McMeeken

**Apologies:**

Lynne Collingham  
Jean Grier

**In attendance:**

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

[REDACTED] (Secretariat – minutes)  
Vicky Crichton (DoPP)

**Abbreviations used:**

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

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 Lynne Collingham and Jean Grier.
- 1.2 The Chair noted that Dale Hughes might need to dip off the call to take a business call.

**2. Declaration of Interests**

- 2.1 The Chair noted the standard declarations of interest declared by Dale Hughes and Richard McMeeken 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 gave an update to the current situation, advising there was no significant public progress on the Bill, mainly due to administrative changes to Stage 2, resulting in a revised deadline of November for Stage 2, and possibly the end of the year or early next for the Bill overall. The DoPP explained this was due to the change in First Minister, entering of the General Election campaign, followed by MSPs having their Summer Recess thereafter. Members acknowledged and recognised all the hard work of those involved in this project and looked forward to any future updates being provided by SMT.
- 3.3 Members enquired if there were still plans to recruit a support role for implementation work. The DoBP clarified this was still on hold at present until we know more about implementation timescales etc. Members considered the implementation costs implications in future budget models. The DoBP reminded Members a provision has been considered and would be included within reserve figures.

- 3.4 Members noted that 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 continued positive engagement with the SGvt Sponsor Team.
- 3.5 **ABS** – Board noted the current update from LSS advising they were continuing to delay the launch of ABS. Members agreed for the CEO to follow this up with the LSS.

Action	Owner	Due Date
CEO to liaise with LSS CEO seeking an update on proposed implementation date of ABS.	CEO/DoPP	ASAP

- 3.6 **Communication and Stakeholder engagement** – Members noted the update provided by the DoPP.
- 3.7 **Oversight** – the DoPP reported they were finalising the report on the Faculty’s Conduct Complaint Process and have now received their response to our handling report, which made 3 significant recommendations for improvement. The Faculty have agreed to progress all these recommendations and have set out an outline plan to achieve them. The DoPP confirmed we will reiterate those recommendations, noting the Faculty’s plans to meet them in our published report. This is due to be issued next week. The DoPP confirmed there has been good positive engagement from the Faculty Executive on this. Members were pleased to note this.
- 3.8 **Cyber Update** – the DoBP was pleased to report we have achieved the Cyber Essentials Accreditation. This means we now comply with all the requirements of the Cyber Essentials Scheme. The DoBP confirmed they were now starting to work on the Cyber Essentials Plus Accreditation. The Chair thanked Members for completing the recent cyber IT training, as this was fundamental in achieving this accreditation. Members congratulated the FacO and DoBP on this award.
- 3.9 **S17 Work Update** – Members noted the current situation on S17 complaints. The DoR gave an update on the recent two Contempt of Court Hearings. Members also noted the written decision on one case, where the court went to Avizandum. The DoR explained whilst the solicitor was not to be found in contempt this time, the court were critical of the lawyers’ behaviour and awarded expenses to the SLCC at the maximum rate. Members discussed the implications of the court considering the other one of the cases as quasi criminal. The DoR advised we have appointed a KC to represent us in the next hearing on this complaint (which has some novel issues of process), which should be considered next month. The DoR agreed to keep Members updated.
- 3.10 **Law Society of Scotland Annual Conference** - The CEO confirmed this was taking place on 28-30 October with morning online sessions, and an all-day conference on 31 October. The Chair reminded Members to note their interest in attending via the link shared.
- 3.11 **Former Firm (W W & J McClure Ltd)** – Members noted the update provided by the CEO, who reported the number of enquiries were reducing, as were the risk levels to the SLCC since the start of the year. Members enquired if parties are receiving their awards of compensation if a complaint has been upheld with monetary awards. The CEO and DoPP confirmed Master Policy (MP)/Lockton have been paying out on some of the cases where monetary awards have been made. Though it was acknowledged there have been some delays within the MP processes in doing so, and that there are concerns about other cases where payment has not yet been made. Members enquired, as the primary regulator, were the LSS monitoring any emerging trends from any other companies so that a situation, similar to that of McClure does not happen again. The DoPP advised as part of the Eligibility and Determination process, all final decisions issued to parties are shared with the LSS, and as part of quarterly reporting with the LSS, the Oversight team also share this information. The DoPP reminded Members there were now using Power Bi Reports to generate and share information with the LSS, which aids in identifying trends etc.
- 3.12 **Scottish Government Pay Policy (pay claim 2024-25)** – the DoBP advised that the SGvt have now issued the pay policy matrix to allow us to enter into discussions/ negotiations with PCS. The Pay Policy recommends a Pay Metric set at 3%, which is

- made of 2% on April and a further 1% from January. The DoBP confirmed staff have been advised this has now been received and that negotiations would now commence the first week in July, due to both the PCS Rep and the DoBP being on annual leave.
- 3.13 **Operating Plan and Budget 2024 to 2025** – the CEO reported they were anticipating, as a minimum, for the next 6 months it will be ‘business as usual’, with an extended period of engagement on the draft Bill, Reform, Implementation etc. This is due to the Stage 2 debate has been delayed till 1 November, meaning we may not have a final Bill until December or January. Board noted there will be a need to be more flexible in how the Operating plan is prioritised and delivered. This along with financial reporting, which will carry greater uncertainty/variance based on Reform spending (or not spending).
- 3.14 **Chill Factors** – these refer to various barriers, concerns or fears that may discourage a service user from making a complaint or voicing their grievances or concerns. These factors can be both internal and external. The DoR reported on the output of the Service Experience Team (SET – Customer Service). Members enquired how we raise public awareness and how we interface with 3<sup>rd</sup> sector organisations. The DoPP reported good links were established with 3<sup>rd</sup> sector organisations through Citizens Advice etc and via the Consumer Panel. For example, the Citizens Advice Bureau have information about the services of the SLCC on their website and are particularly good at referring enquiries onward. The DoPP also advised we are now listed on the Consumer Scotland Network website, along with other websites. The DoPP explained unfortunately there was not a large budget to do general awareness work, but we do make sure the SLCC website is searchable.
- 3.15 **IMT Changes in Staffing** – Members noted the update provided by the CEO, who advised there had been a good response to the advert for a Case Investigation Manager (CIM), with interviews taking place later in the week.
- 3.16 **Determination Committee Support on Levy Decisions** – the CEO thanked Members for raising this point and confirmed a more streamlined process would be used going forward.
- 3.17 **Governance Seeking Volunteer Members** – the CEO explained this was in relation to an operating plan objective to review our governance arrangements. Advising whilst some initial scoping work has been carried out by the Chair and CEO, they would now value Board Member input to help shape this project further. Thus, finalising the project specifications to allow for the next tender stage for this work. The Chair reiterated it was good practice for this exercise to be carried out periodically and asked any Members interested in this project to email the Chair directly.
- 3.18 **Delegation Issue within Appeals** – Members noted the update provided by the CEO regarding a current appeal. This appeal has one issue within it, which has a potentially wider impact on the processes and procedures of the SLCC. Members had a free and frank discussion on the implications that the decision of the CoS will have. Members also discussed and considered any potential changes to SLCC process. Members noted their concern that any potential changes could add to extra cost and delays for all involved in making a complaint. The Chair noted Board would be updated as soon as the decision/opinion is received.
- 3.19 The Chair thanked SMT for their updates to the paper presented.

#### 4. **Yearend Budget Figures**

- 4.1 The DoBP advised the May FMR was in the process of being finalised and would be fully reported to the July Board Meeting. The DoBP reported they were showing income £156k; expenditure £199k; and an overall deficit £42k, with no concerns on reserves.
- 4.2 The DoBP also advised that there had been £231k spent on Appeal costs to date. Members noted these costs have been increased within the 2024/25 budget, and agreed that whilst there was a clear overspend, they were within range on Budget predictions.
- 4.3 The Chair thanked the DoBP for this update.

## **5. Planning Timetable for Budget and Operating Plan 2025/26**

- 5.1 The CEO spoke to the paper presented. Members noted and agreed with the proposed timetable. The Chair noted due to the uncertainty of the Reform Bill, the executive was proposing to carryover the strategy for another year. Board was in agreement.
- 5.2 The Chair suggested within the draft Planning Assumptions for 2025/26 on Dilapidations, there is an increase to this provision, to be to nearer the worst-case position. Board agreed with this proposal.

## **6. Reform Implementation Planning Update**

- 6.1 The CEO and DoPP spoke to the paper presented. With the CEO noting that some of the projections are looking ahead to budget plan and assumptions and indicating these are high level assumptions that would structure the work order.
- 6.2 Members found this paper helpful and informative, agreeing it sets out a sensible approach on assumptions. The Chair reiterated ongoing engagement with the Consumer Panel was particularly important, as it would appear there might have been a deficit of consumer input throughout the reform process. Members were also keen to ensure there is engagement with the public. The CEO agreed with this; however, it is unclear how this will be funded by SGvt. We will be able to put forward transition funding proposals, but ultimately SGvt will decide what is funded, and anything else would have to be prioritised by Board alongside others call on the levy.
- 6.3 Members discussed including an overview sheet on Board papers, to include any financial implications/ risks etc. The CEO agreed additional information could be added to include financial implications etc. SMT will also consider impact assessments and priorities as this project progresses. The Chair reiterated that certain information was required from SGvt before this is done. The CEO agreed and confirmed additional information would be provided at future meetings.

## **7. Draft KPIs for 2024/25**

- 7.1 The DoR spoke to the paper presented, advising that these KPIs are cascaded through the CEO and staffs' annual appraisals. As in previous years, if there is any delay in the system the aim is for a single waiting time at eligibility stage which is carefully tracked and reported on. The DoR explained this better reflects the overall customer experience and to allow for this, staff have been flexible in moving between eligibility and investigation stages. This also ensures staff are skilled in both stages of the process creating greater flexibility when there are fluctuations on incoming cases.
- 7.2 Members sought clarification on how the quality side of quantitative data was reviewed to ensure an equal and fair service was provided, and on the rigor of IRs and the feedback provided by Members. The DoR gave an overview of the operational process for QA work. This included a CIM lead being assigned as a quality lead for each stage of the process. There are bi-annual audits in each of the areas, with the QA process being fed into the Quality Report. The DoR advised feedback from Members, S17 and Appeal cases all form part of staff training, whilst this is complex, it is an active area and not just about numerical targets.
- 7.3 Members enquired how we ensured that everyone could easily access our services, ie from areas of social deprivation. The DoPP reported that ethnicity, disability, and gender data are specifically asked for, but we do not have questions on deprivation. We do collect the first half of post codes on our diversity monitoring forms, and these can be used for some social/demographic data analysis. It was acknowledged that anything more than this would be a big piece of work, and which would need to be commissioned out for research. The Oversight team have been considering looking at accessibility in general, specifically with regards to making reasonable adjustments for service users. The DoPP advised that staff awareness on making reasonable adjustments is periodically mentioned at staff meetings and trainings.
- 7.4 Members agreed the splitting of the business and CEOs KPIs has been extremely helpful. Members had a free and frank discussion on the targets for each stage of the process. Also noting the proposal to complete 2 improvement sprints per quarter, and Members

suggested this be reviewed. With Board approving the KIPs for 2024/25, the Chair thanked SMT for their updates to the paper presented.

## 8. Review of Member Expenses

- 8.1 Due to time constraints, it was agreed this paper would be carried over to the July Board meeting for full discussion.

Action	Owner	Due Date
Secretariat to ensure Review of Member Expenses was added to the July Board meeting agenda.	Secretariat	By 14 June 2024

## 9. Sub Committee Memberships

- 9.1 The Chair advised due to Member, June Andrews departing from the Board last month, this also created a gap for a Remuneration Committee (RC) Chair. Following consideration, it was agreed Member, Anne Gibson would assume the position of RC Chair, and Member, Lynne Collingham joining the committee.
- 9.2 The Chair reported that during their meeting with Denise Swanson at SGvt, they have offered that both our RC and AC committees could be used for development aspirations for future potential Board Member development.

## 10. AOCB

- 10.1 none.

## 11. Chief Executive's Report

- 11.1 Members noted the paper presented.

## 12. Date of Next Meetings

- 12.1 Members noted the next full Board Meeting and Development Session will take place in person, in the Boardroom on **Monday 22 July 2024**, with lunch being provided.
- **Board Development Session will commence at 10am**
  - **Board meeting will start thereafter, with a short lunchbreak in between.**

## 13. Review of the Meeting

- 13.1 With no other business the meeting concluded.

Call ended 11.59am