

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS  
COMMISSION: 1.20pm on MONDAY 22 April 2024 held in the SLCC Boardroom**

**PRESENT:**

**LAY:**

Jane Malcolm, Chair  
June Andrews  
Anne Gibson  
Niki Maclean, Vice Chair

**LAWYER:**

Lynne Collingham  
Dale Hughes  
Richard McMeeken

**Apologies:**

Jean Grier  
John Stevenson

**In attendance:**

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

Louise Burnett (DoBP)  
Caroline Robertson (DoR)

**Abbreviations used:**

WIP – Work in Progress	DC – Determination Committee
FMR – Financial Management Report	LSS – Law Society of Scotland
AC – Audit Committee	FoA – Faculty of Advocates
CI – Case Investigator	CIM – Case Investigations Manager
RPO – Relevant Professional Organisation	SGvt – Scottish Government
IMT – Investigations Management Team	CoS – Court of Session
JT – Journey Time	WT – Working Time
DoR – Director of Resolution	DoPP – Director of Public Policy
DoBP – Director of Business Performance	SP – Scottish Parliament

***Private Member only session, after which the Meeting Chair invited SMT and Secretariat to join the meeting at 1.30pm***

**1. Welcome and Apologies**

- 1.1 The Chair welcomed everyone to the meeting and gave a vote of thanks on behalf of the Board to Member, June Andrews, acknowledging this was her last Board Meeting with the SLCC.
- 1.2 The Chair also thanked everyone for their input into a very productive and informative morning Development Session, advising the Secretariat to capture the following four points from the earlier session, which were:
  1. The Board noted the discussion on efficiency, and agreed the model to develop further was based on the Scottish Government Best Value principles. It was noted this had been formally considered at the April Audit meeting, and that it should be taken to Audit Committee for further formal discussion in July.
  2. The Board thanked the executive for the presentation on the Consumer Duty, and for leading discussion on our new responsibilities and requested they were kept updated.
  3. The Board asked that their thanks be passed to Donal Galligan of the Ombudsman Association for his helpful overview of the OA's work and the sector in general.
  4. Finally, the Board agreed the suggested approach with future equalities work (data and issue mapping) and noted the opportunity to start this early if budget allowed.
- 1.3 Apologies were noted from the Members, Jean Grier, and John Stevenson.

**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 22 January 2024 and Conference Call on 18 March 2024**

3.1 The Minute of the Board Meeting was noted and approved as read, along with the Conference call notes, after noting that Member, John Stevenson was in attendance on 18 March. The Secretariat apologised for this oversight.

**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 Chair noted a date had still to be confirmed (planning for the 24/25 training plan was underway but would not be finalised until year end – 30 June).

4.1.2 Action 548 – the CEO confirmed 2024/25 Budget and Operating Plan will be laid in SP at the end of this week (26 April), which is within the Statutory timescales.

**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** – the DoPP advised we remain in discussions with SGvt on the detail and are pleased with their level of engagement and understanding.

5.3 The DoPP advised the deadline for Stage 2, the scrutiny by lead Committee completion, is 31 May 2024. Members noted the planned Committee session dates (14, 21 and 28 May), with any amendments being posted one week before debate. The DoPP reported the updated Bill documents, or any further reports might now be issued early June. Meaning the Bill timetable will be later than predicted, as Stage 3 might not conclude before summer recess.

5.4 The DoPP reported they have continued to meet with the Minister and officials, along with the Deputy Convener to discuss Stage 2 amendments.

5.5 The CEO reported they were continuing to apply appropriate mitigations to all risks, particularly in relation to the implementation and transition phase of funding, which SGvt have advised it is still too early to commit to. Another meeting is planned with SGvt late June to discuss this, with an update paper being brought to Board at the June meeting.

5.6 The CEO advised SMT have now started to consider staffing on the recruitment of the two roles planned within the 2025-26 Budget.

5.7 The DoPP apprised Board on points raised by the Consumer Panel at their Ministerial meeting, noting they were also due to meet with the Committee clerk later this month.

5.8 Board noted an update paper will be provided at the June Conference Call, and if there were any significant updates, SMT would share these with Board.

Action	Owner	Due Date
DoPP to share any significant updates on Reform with Board, if applicable.	DoPP/CEO	ASAP

5.9 **ABS** – the CEO advised Members the LSS have intimated this has been delayed and it is not anticipated it will launch this financial year.

5.10 **Communication and Stakeholder engagement** – the DoPP reported a new mediation video had been launched on the website, with positive feedback being received from parties who have viewed the video, and then deciding to participate in the mediation process. Members were pleased to hear this and enquired if this has resulted in an increase in the take up rate in mediations. The DoR reported unfortunately it had not. The

DoR reminded the Board that the success rate is partly because those who participated in mediation want to do so, and that the Act requires the consent of parties. It was noted the volume of complaints from the firm that had collapsed will be affecting the take up rate as mediation is not possible in these cases. The DoR advised they were following up with individuals who do not wish to participate in the mediation process, to find out if there are any specific reasons why they do not wish to do so. Members enquired if the new Bill would make mediation compulsory. The DoPP confirmed it would not. Members noted mediation was now a normal part of court proceedings. The CEO explained reasons why this would not be appropriate for some of the cases which are considered by the SLCC (for example, where the case also had serious conduct issues where it may not be appropriate for the complainer to be in a room with the lawyer).

- 5.11 **Oversight** – Members noted the update provided by the DoPP.
- 5.12 **Cyber update** – The DoBP advised Members a meeting has been arranged with Cyber and Fraud Centre Scotland on 2 May, with a view to them conducting a penetration testing exercise. The Chair echoed her thanks to Members for all now completing the Cyber Security training. Without this the Cyber Essentials accreditation would not be possible, so members played a key personal role in meeting this business objective.
- 5.13 **Digital and AI update** – Members noted the update provided by the CEO.
- 5.14 **S17 Work Update** – Members noted the current situation on S17 complaints. The DoR reported on the two Contempt of Court Hearings that took place. In one case, the court reflected their displeasure and awarded a more comprehensive level of expenses in the favour of the SLCC. Of the other S17 case, against the solicitor who had already been subject to a Contempt of Court Hearing, the court went to Avizandum, indicating they will issue a written decision in due course. The DoR advised this can take approx. 3 months from the hearing. Members noted the new sprint being trialled by CIs in dealing with S17 cases at Investigation stage. The DoR explained the process to Board.
- 5.15 **Consumer Duty** – Members noted the update provided by the DoPP.
- 5.16 **McClure Solicitors, former firm** – Members noted the update provided by the CEO, who reported after the initial flurry of enquiries these had settled, however SMT were continuing to monitor complaint numbers. The DoPP advised a further question was being raised at First Ministers Question time later this week and feedback will be provided to Board. The DoPP reported they have also met with the LSS and the Master Policy Insurance Broker, Lockton, to ensure everyone works together to try and resolve the issues of awards of compensation, actual and measurable loss to parties and the complaint levy payments.
- 5.17 Members sought assurance that CIs are consistent when considering cases relating to this former firm. The DoR confirmed it was the same CIM and CIs who were considering these cases to ensure consistency. Members noted the DoPP reports any emerging issues on other firms with the LSS.
- 5.18 The CEO provided an update on the meeting with Police Scotland, explaining this related to the potential issues of fraud that have been raised by individuals. The DoPP noted that the SLCC are unable to provide any advice, legal or otherwise, to individuals. The Oversight Team have worked with Consumer Scotland and Citizens Advice Scotland, so that they may be able to offer and provide additional support to consumers who approach them for advice. The CEO stressed that we cannot acknowledge or comment if complaints are made to the SLCC and have not done so but have only given general advice on how to make a complaint to the SLCC. The Chair agreed with SMTs approach and noted the input into the Parliamentary debate on this area for all concerned.
- 5.19 The Chair suggested that SMT might wish to include RAG ratings to the risks and mitigations identified by SMT. The CEO agreed these could be added.

Action	Owner	Due Date
SMT to include RAG ratings to the risks and mitigations identified in relation to former firm.	DoR	By 31 May 2024

5.20 **Scottish Government Pay Policy (pay claim 2024-25)** – the DoBP advised that the SGvt have yet to issue the pay policy matrix to allow us to enter into discussions or negotiations with PCS. Members noted PCS have submitted a pay claim for 2024-25. It was agreed the DoBP will email Board when this information is received from SGvt.

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

**6. Management Information for Q3**

6.1 The DoR spoke to the paper presented and advised incoming numbers increased during Q3, production was progressing well, having met targets in both Eligibility and Investigation.

6.2 The DoR advised that CIs were continuing to be flexible and moving between Eligibility and Investigation. Members noted JT was only just on target (7.9 months). The DoR explained the reason for this was due to the recent policy change where we had HCF cases at the LSS which have now returned to be simultaneously investigated. If we discount the six oldest cases that have been returned by the LSS the average JT would be 6.9 months. The DoR reported that SMT/IMT will be reviewing KPI targets for 2024/25, taking into consideration the agility of staff moving between both stages of Eligibility and Investigation. Members agreed the ability of staff to cover different areas was a positive move.

6.3 The Chair reminded Members of their contribution in reducing JT at both the Eligibility and Determination stages of the process, where their decision-making has an impact on the process timescales. Responding within the agreed timescales is appreciated, thus ensuring decisions are issued in a timely manner to all parties involved.

6.4 Members sought clarification on reasons for not meeting QA target in Q3. The DoR explained this was due to ongoing training of new staff and maternity leave returners, plus CIs being on Performance Improvement Plans (PIPs). Members discussed the feasibility of new staff reaching targets during their training and suggested separating figures out to show CIs on training and those who are fully trained. The CEO reminded Board a KPI paper will be brought to the June Board for discussion.

6.5 Members noted the other figures presented.

**7. Appeals Update for Q3**

7.1 The DoR spoke to the paper presented and advised there had been eight new appeals in Q3, five on eligibility decisions and three on determination decisions.

7.2 Members sought clarification on whether the volume of appeals had increased YoY, and if so, were they in relation to any one subject area. The DoR advised the number of appeals had increased, with the appeal reasons being outwith our control, and there was no explanation for the percentage rate being higher at determination stage.

7.3 Members wondered whether the learning points are considered for cases which are not successful for the SLCC in the CoS. The DoR explained all appeal outcomes are analysed by the CIM Appeal lead, and SMT were now having quarterly meetings with members of the legal panel providers. This included sharing the Board Appeal paper, which they are finding helpful to formulate discussions with the legal panel. Board members were reminded that in the past we'd twice previously commissioned external reviews of all decisions, to identify any learning. Members acknowledged it was difficult to glean themes from appeals as the circumstances were often very specific. Members noted that under the current system the process is being followed but in a number of cases where a party litigant is the appellant, they are often allowed to appeal late etc. Members asked if the success/ unsuccessful figures would be included in the update paper for Q4 reporting. The DoR agreed this could be included, but reminded Members this information might be delayed due to the timing of appeal outcomes coming from the CoS.

Action	Owner	Due Date
Appeal paper to include success/unsuccessful outcomes in future reporting paper.	DoR	Q4

## **8. Op Plan Update for Q3**

- 8.1 The DoBP spoke to the paper presented and advised Members that two projects which are linked might not conclude in Q4, but it is hoped they will do so early in Q1. One other project, relating to People (1.1) is at risk of not being completed this year, due to resource.
- 8.2 Members noted the paper presented.

## **9. Strategic Risk Register Summary**

- 9.1 The DoBP spoke to the paper presented and advised Members this was discussed fully at the AC meeting last week. The AC were recommending to Board that Risk 10 – New business practice/hybrid, now be removed from the Risk Register as this project had now concluded. This was agreed by Board.
- 9.2 The AC Chair noted that AC had also considered whether the risk level of Risk 3 – Statutory Duties (Complaints) should be increased due to the fluctuation in case numbers relating to the former firm, however after discussion, the AC agreed the risk scores should remain to be reviewed by SMT, as required.
- 9.3 The DoBP confirmed a date has now been set for the penetration testing exercise to be conducted next month. The AC Chair advised, the AC Members considered and agreed the mitigations on this risk (Risk 1) would remain as is until this exercise had concluded.
- 9.4 Members were content with the information provided and noted the paper as read.

## **10. Finance Management Report for Q3**

- 10.1 The DoBP spoke to the papers presented and reported on the FMR spend to end March 2024.
- 10.2 The DoBP advised interest rates continue to rise, meaning we are now £65k ahead of budget.
- 10.3 The DoBP reported the overall income was up £102,347 on year to date, with expenditure showing a saving of £35,750.
- 10.4 The DoBP advised appeal costs continue to increase, with a current overspend of £67k, and are forecasting an overspend of £75k. The DoBP also reminded Members the provision on appeal costs had been increased in the 2024/25 budget.
- 10.5 Members were pleased to note the invoice query relating to insurance costs at the stamp office premises has now been resolved, having received the refund of £6.5k.
- 10.6 Members thanked the DoBP for the update to the paper presented.

## **11. Customer Feedback for Q3**

- 11.1 The DoBP spoke to the paper presented and gave an update on Q3 response rates. The DoBP also reported that following Board feedback on the number of SDCs categories, IMT have carried out a review, the process has been changed and will be presented differently for Q4 reporting.
- 11.2 Members sought clarification on a point (2.25) raised under the free text comments, where a firm make a 'reasonable and fair offer' with regards to the complaint levy. The CEO and DoBP advised they clarified this point, directing them to information on SGVt website on the changes in legislation relating to this matter.
- 11.3 The Chair thanked SMT for their explanation to the paper presented.

## **12. Chair's Report**

- 12.1 The Chair advised they were moving forward with the recruitment of a replacement Member. It was noted they have still to agree a date for the next meeting with the LSS executive. The Chair also appraised Board of a matter from the Ethical Standards Commission.

## **13. AOB**

- 13.1 None noted for discussion.

**14. Final update and closure of projects**

- 14.1 Members noted the papers presented on:  
 14.1.1 Review of Working Party recommendations,  
 14.1.2 Office Move Project Review,  
 14.1.3 IT Project Review.

**15. Update from the Remuneration Committee of 9 April 2024**

- 15.1 Paper was noted as read.

**16. Update note from the Audit Committee of 15 April 2024**

- 16.1 Paper was noted as read. The DoBP advised AC were recommending to Board they should increase the insurance cover ensuring cyber assurance. Board noted these costs were based on an estimate of SEPA costs. Board was in agreement with AC recommendation for additional cover to be obtained.

Action	Owner	Due Date
DoBP to obtain additional insurance cover to ensure cyber assurance for Board.	DoBP	ASAP

**17. Minute from Consumer Panel of 5 December 2023 and 15 February 2024**

- 17.1 Members noted the paper presented.

**18. Chief Executive's Report**

- 18.1 Members noted the paper presented

**19. Date of Next Meetings**

- 19.1 Members noted the date of the next meeting would be a Board Conference Call on **Monday 10 June 2024 at 10am** to discuss the budget consultation responses.

**20. Review of the Meeting**

- 20.1 With no other business the meeting concluded.

*3.00pm the SMT and Secretariat left the meeting*

**Private Member only session**

*3.10pm Board Meeting ends*