

MINUTE OF A BOARD CONFERENCE CALL OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS COMMISSION: 10am on MONDAY 23 September 2024 on MS Teams

PRESENT:

LAY:

Jane Malcolm, Chair
Anne Gibson
Jean Grier
John Stevenson

LAWYER:

Lynne Collingham
Dale Hughes
Richard McMeeken

Apologies:

Niki Maclean, Vice Chair

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
SPSO – Scottish Public Services Ombudsman

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 apologies had been received from Niki Maclean.

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 and the reform discussion process/response by the SLCC.
- 2.2 The Chair reported she has recently accepted a new appointment as chair of the Board of the Scottish Public Pensions Agency (SPPA) and confirmed she will update her profile and Register of Interests information for the website.

Action	Owner	Due Date
The Chair to update her bio profile and Register of Interest information on the SLCC website	Chair	23 September 2024

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 overview of the current situation, advising they were still working towards the 1 November timetable. It was noted the Committee are expecting an excess of approximately 800 amendments to the Bill. The DoPP advised it is likely these will take some time to be fully considered and could result in significant changes being made to the Bill. Members considered the information provided by the DoPP and noted a further update would be provided at the October Board meeting.
- 3.3 Members thanked the DoPP and CEO for the updates and for ensuring the continued engagement with the SGvt Sponsor Team.
- 3.4 **ABS** – the CEO advised there has been no further update since the last meeting but are assuming this is delayed by the LSS.

- 3.5 **Communication and Stakeholder engagement** – Members noted the update provided by the DoPP.
- 3.6 **Oversight** – Members noted there had been positive engagement from the Faculty at the recent quarterly meeting, which also included meeting their new CEO. The Chair noted the publication of our first short podcast and encouraged Members to listen to it.
- 3.7 **Cyber Update** – Members noted the update provide by the DoBP, and enquired when they would receive their new laptops. The DoBP confirmed these would be issued at the October Board Development Session. The Chair reminded Members on the importance of keeping their laptops updated and encouraged them to be switched on at least once a week.
- 3.8 **S17 Work Update** –The DoR gave an update on the two Court Hearings. Members noted there was a new case against the same practitioner, which has progressed through our process, with a subsequent petition served on 10 September 2024. The DoR advised they have since been informed the practitioner’s representatives have withdrawn from acting. Members considered whether it had been identified that there was a bigger issue within the firm and wondered if the LSS should be contacted regarding these issues. The DoR confirmed they have raised this with the LSS and will continue to do so. The CEO confirmed they have corresponded with the LSS on this matter. Members had a free and frank discussion on the wider public protection implications of this issue, in that, is the practitioner/firm requiring additional support, and how is this given before matters escalate. The CEO gave an overview of the current process and agreed with Members there was a ‘gap’ which needs explored further with the LSS. It was noted that it was planned to write to others in the regulatory system in the autumn to suggest a meeting to discuss if there was any more coordinated way to tackle S17 compliance or new ideas to try.
- 3.9 The DoR gave a brief overview of the current sprint, which is trialling cases going straight for a member decision instead of using S17 route for files. The DoR confirmed Members will be advised when cases are due to be considered by them.
- 3.10 **Letter from Cabinet Secretary for Justice and Home Affairs** - the CEO shared details of recent correspondence received from SGvt. The Chair and CEO acknowledged, that whilst this does not apply in quite the same way as it does for other public bodies, we are part of the ‘Justice Family’ and need to reflect on the general public sector position on financial challenges. Members noted the paper presented.
- 3.11 **Former Firm (W W & J McClure Ltd)** – the CEO reported the number of enquiries were continuing to reduce, thus reducing the overall risk levels. The CEO advised they would be commencing a lesson learned process project next quarter, which would include Board engagement at the appropriate time. The Chair agreed the timing was right to conduct this sooner rather than later. Members were pleased to note that Master Policy (MP)/Lockton have been continuing to pay out on the cases where monetary awards have been made.
- 3.12 **Ethical Standards Complaint** – Members noted the update provided by the CEO and Chair. The Chair enquired if such matters were noted to our Auditors and suggested that it should be in this instance. The DoBP advised this was not done as a matter of course. The CEO confirmed they did not and agreed this could be done at the next AC meeting in October for information. Members enquired about the notification process from the Ethical Standards Commission (ESC). The CEO explained it varied and gave a brief overview of the process. Sometimes the ESC corresponds directly with those subject to the complaint, occasionally we receive the notification that they have received a complaint, and other times we receive their decisions once everything has concluded. The Chair confirmed that the ESC uses the Board Secretariat email address for corresponding with the SLCC.

Action	Owner	Due Date
CEO/DoBP to advise Auditors about ESC matter at the next meeting of AC.	CEO/DoBP	14 October 2024

- 3.13 **Equality and Governance Projects** – Members noted the update provided by the CEO.
- 3.14 **Delegation Issue with Appeals** – Members noted the update provided and that an initial procedural hearing was scheduled for 2 October, where they will decide timescales for the full hearing. The CEO confirmed Members would receive an update in due course.
- 3.15 **Finance Session for Board** – the DoBP confirmed this would form part of the October Board Development Session.

- 3.16 **UNCRC** – the DoPP gave an overview of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, which incorporates the UNCRC into Scots law and requires public authorities to act compatibly with it. The DoPP explained some of the key rights relevant to the work of the SLCC to Members. Members enquired whether we were exploring the development of child/young people policies on how to make a complaint etc. The DoPP explained the SPSO had recently received funding to develop such processes, and the SPSO have been helpful in sharing their learning on this. The DoPP confirmed there were also due to meet with the SPSO to discuss this further. The DoPP advised the SLCC Consumer Panel also considered this at their last meeting. Members were pleased to note there was a representative from Young Scot on the SLCC Consumer Panel.
- 3.17 The Chair thanked SMT for their updates to the paper presented.

4. Themes for Annual Report 2023/24

- 4.1 The DoPP spoke to the paper presented, noting that initial drafts might need reviewed in terms of the Reform legislation as it progresses through Parliament before the Annual Report is finalised.
- 4.2 Members noted the key messages to be included and the DoPP asked that any additional points which have not been captured by SMT to be forwarded to the DoPP.
- 4.3 Following a free and frank discussion, Members suggested SMT might wish to include how we explain the increase in complaint numbers due to the McClure situation and how this links to performance, which was maintained despite the rise in complaint numbers. SMT might also wish to include reference to the change to timescales of the Reform legislation, and how we have demonstrated our resilience in being able to adapt to these changes. Members also suggested that we may wish to include a reference to what projects that were put on hold or were unable to complete due to ensuring all these cases were processed. Members suggested they might want to include a reference on the Board’s focus on good governance.
- 4.4 Members were content with the draft report outline presented.
- 4.5 The DoPP and CEO thanked Board for their input and advised it was hoped a draft would be presented to the October Board meeting.

5. AOCB

- 5.1 New Board Member Recruitment – the Chair advised this was now live and suggested that a link should also be included on the SLCC website. Following discussion, it was agreed the DoBP would do so. The Chair also suggested that if anyone was interested in recording a short video about being a Board member at the SLCC to be shared on our social media channels/website/LinkedIn etc. please contact the Chair or DoPP directly.

Action	Owner	Due Date
DoBP to share information about the Board Member recruitment on the SLCC website	DoBP	23 September 2024

6. Chief Executive’s 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 Boardroom on **Monday 28 October 2024**, with lunch being provided.
- **Board Development Session will commence at 10am**
 - **Board meeting will start thereafter, with a short lunchbreak in between.**

8. Review of the Meeting

- 8.1 With no other business the meeting concluded.

Call ended 10.55am