

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS
COMMISSION: 10AM TUESDAY 17th MAY 2022 in the SLCC Boardroom**

PRESENT:

LAY:

Jim Martin (Chair)
June Andrews
Jean Grier
Niki Maclean
John Stevenson

LAWYER:

Richard McMeeken

Apologies:

Morag Sheppard and Vicky Crichton (DoPP)

In attendance:

Neil Stevenson (CEO) [REDACTED] (Secretariat – minutes)
Louise Burnett (DoBP) Caroline Robertson (DoR)
Jane Williams, Chair of SLCC Consumer Panel (observing)

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	IA – Internal Auditor
RC – Remuneration Committee	EA – External Auditor
WFH – work from home	BCP – Business Continuity Plan

1. Welcome and Apologies

- 1.1 The Chair welcomed everyone to the Board meeting and thanked everyone for their input to yesterday's Board Development Session.
- 1.2 The Chair extended a warm welcome to Jane Williams, Chair of SLCCs Consumer Panel, who was observing.
- 1.3 The Chair noted apologies from Morag Sheppard and Vicky Crichton, DoPP for today's meeting.
- 1.4 Members noted the continued impact of coronavirus and lockdown on staff, members of the profession and clients, and the various pressures this was creating.

2. Declaration of Interests

- 2.1 The Chair noted the standard declarations of interest declared by Richard McMeeken in relation to any pecuniary interest with regards to budgetary discussions and the reform consultation 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 **Lease Review Timetable** – Members noted the updated timetable on the lease review project.
- 3.3 **Board Member Appointments** – The CEO confirmed the names of the two new Legal Member appointments are going to the Minister and it was hoped that they would be able

- to confirm their details. The Chair confirmed the Sponsor Team have asked him to be involved in the forthcoming recruitment panel for the Chair and Lay Member process.
- 3.4 **Joint work with LSS on Interim Improvements to the Complaints System** – The Chair sought assurance that the delay in accessing the legal drafting would not impact on the statutory instrument and was keen to ensure all other stakeholders agreed. The CEO advised they will still be waiting on notification from SGvt on confirmation of all stakeholders’ views on the drafting. The CEO advised SGvt were appointing external resource on the Long-Term Reform, and it is hoped this will be published after the summer recess. The CEO also advised SGvt have suggested arranging a further meeting the SLCC executive.
- 3.5 **ABS** – The CEO advised a meeting was arranged with the Executive Director of Regulation at the LSS to discuss. Members noted the LSS have not issued any licences and it was not anticipated they would until later this year or early next year. However, the CEO assured Members the SLCC would be ready when required to do so.
- 3.6 **Oversight** – The Chair noted the Oversight Team has now received data from the LSS on their conduct complaints caseload and timescales, along with the LSS action plan in addressing their delays in closing conduct complaints. The Chair enquired if the same request had been made to the FoA and sought clarification on timescales on two recently issued FoA decisions. During a free and frank discussion, the DoR provided relevant timeline information on these cases. Members noted, one took approximately 18months and the other approximately 4months for the FoA to investigate and issue their decision. The CEO confirmed the same powers applied under s36 to carry out an audit of FoA conduct complaints, similar to that done with the LSS. Members sought clarification on at what stage of the FoA complaints process are parties advised of their ability to make a Handling Complaint to ourselves. The CEO intimated it was unclear and explained the current FoA process. Members raised concern there appeared to be no clear set process and that cases may be dealt with in an ad hoc basis. Members were also concerned that parties might not be advised of their ability to raise a Handling Complaint with the FoA. Following discussion, it was agreed SMT would consider conducting an Audit of FoA cases similar to that of the LSS.
- 3.7 **LSS Insurance/Master Policy** – Members sought clarification on the outstanding funds due to parties. The DoBP confirmed this was £16,950 which will not be covered by the Mater Policy Insurers and will be considered in bad debt provision.
- 3.8 **Complaint Levy Review** – Members agreed this would be carried over till September Workshop to allow for new Legal Members input.
- 3.9 **Cyber Update** – The DoBP advised clarification was being explored with NVT vulnerability and timescales for IT servers to come back online.
- 3.10 **Digital and AI** – The CEO confirmed they have appointed a summer AI Intern to review the data science project with SGvt and DataLab.
- 3.11 **Model Code of Conduct** – Members noted and approved the draft Internal Guidance.
- 3.12 **S17 Work Update** – For the benefit of the observer, the CEO gave a brief overview of S17 powers and requesting practitioner files. The Chair advised correspondence had been received from the LSS, the Lord President and SGvt. The CEO expanded on the powers of S17 on stakeholders. Following a free and frank discussion, on the disparity of data presented by the LSS, it was agreed the SMT would conduct a review of the data set as a matter of urgency. Members agreed with the SMT proposal on this matter, which had been tabled at the meeting following the workshop discussion yesterday.

Action	Owner	Due Date
SMT to consider options for conducting an audit of FoA cases, similar to that being conducted with the LSS.	SMT	By 25 July 2022
SMT to conduct a review of the data set being challenged by LSS and provide Board with an update ASAP.	SMT	By 25 July 2022

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

4. Q3 2021/22 Long Term Trends and Management Information to end April 2022

- 4.1 The DoR spoke to the paper presented and advised whilst incoming numbers had plateaued, they were up on last quarter and overall 13.9% ahead YTD on last year. The DoR advised two new CIs started this week, with two others starting the end of this month and the remaining CI, starting January 2023. There was a slight backlog at Investigation stage, but it was anticipated this would reduce with the continued use of the Reporter Panel. Members sought clarification on the decrease in output for April. The DoR advised this was due to reduced resources, along with the impact of staff on LTS and PIPs.
- 4.2 Members sought clarification on the approximate number of backlog cases at Investigation stage. The DoR advised there were 27 cases waiting to be allocated, approximately 6wks. Members also sought clarification reasons for staff being placed on PIPs. The DoR explained and assured Members there was no cause for concern.
- 4.3 The Chair sought clarification on the timescale for a case being allocated at Eligibility stage. The CEO noted that the Board KPI was set for the Eligibility stage, as this had been an issue in the past. Cases are to be allocated in less than two weeks, and this target was being easily met. The DoR then explained that at Investigation stage a case would not be allocated for Investigation until we receive the file from the firm (as no work can be started until that point). This can take approximately 6wks to be received. The DoR explained the timescale and various stages of the process. The CEO reiterated the overall JT figures presented, includes a case moving through the various stages of the process. The DoR advised in some cases it could take approximately 3months from a case being received to it being accepted as eligible and then being passed to Investigation. There was then a wait for the practitioner file to be received and the CI commencing their Investigation on the case.
- 4.4 Members sought clarification on KPIs. The CEO explained and following discussion, it was agreed these KPIs could be reset at the July Board meeting, as was normal practice for the start of the business year.

5. Q3 2021/22 Appeals Update

- 5.1 The DoR spoke to the paper presented. Members sought assurance that they would be informed if a case they had determined at Eligibility stage had been subject to an appeal, and would any lessons learned from an appeal be shared with Members. The DoR confirmed they would be informed individually, and any lessons learned could be included in future Appeal Update paper, if appropriate.
- 5.2 Members sought clarification on a recent unsuccessful appeal and what steps would be taken to review the processes. The CEO confirmed all templates were being revised and updated. The DoR also confirmed the office address has now been included in all letters to explicitly advise firms of where to send their files to the SLCC. Members discussed the feasibility of having two different versions of correspondence, ie plain English for the complainer and a more legalistic one for the stakeholders. However, it was agreed this would not be feasible and would be a step back in making our correspondence accessible for all.
- 5.3 Members sought clarification on how the potential costs of appeals were tracked. The DoBP advised they are tracked and could be included separately in the FMR paper.

Action	Owner	Due Date
DoBP to include a budget line in the FMR paper to show potential costs of appeal v actual costs of appeal.	DoBP	Q4 reporting

6. Updated Quality Framework

- 6.1 The CEO spoke to the paper presented and advised SMT/IMT were now reviewing the process to increase the 'dip' sampling.
- 6.2 Members noted the paper presented.

7. Finance Report to 30 April 2022

- 7.1 The DoBP spoke to the papers presented and reported Income was £137,295 ahead of Budget, with Expenditure showing a saving of £248,130.
- 7.2 The DoBP reported there was a current overspend on staff training, this is due to extra training to support staff in hybrid working and legal costs, this is due to ongoing/new appeals and S17 cases.
- 7.3 The DoBP reported the last instalment has now been paid to Lothian Pension Fund on the cessation valuation. The DoBP reminded Board the underspend on staff salary costs will be reduced as the new CIs and CIM come onboard.
- 7.4 The Chair sought clarification to ensure the reserves being held was within the reserves policy. The DoBP and CEO confirmed it was.
- 7.5 Members noted the other figures presented by the DoBP.

8. Q3 2021/22 Customer Feedback Report

- 8.1 The DoBP spoke to the paper presented and gave an update on Q3 response rate which was higher than predicted at 45%, with more positive feedback at Investigation stage.
- 8.2 The DoBP advised Members that one of the free text comments at Determination stage has allowed SET to start a project on enabling staff to signpost consumers to other organisations who might need some additional support.
- 8.3 Members enquired whether there was a process map available. The CEO confirmed there were, and it was agreed these would be shared with Members after the meeting. The DoR also explained a review of the process map was a future project for SET.
- 8.4 Members discussed whether the final outcome of a case decision, influences whether or not a Customer Feedback Survey is submitted and wondered if we captured if a case was upheld/part upheld/not upheld in the survey. The DoBP advised this specific question was not captured in the current Customer Feedback Survey. Following discussion, it was agreed this question would be added for those surveys issued from 1 July 2022 on.
- 8.5 Members also enquired if the data gathered at pre-decision making stage of the process, i.e. Mediation, included take up rates etc. and who declined the offer of a mediation meeting. The CEO advised it was not captured in this information but could be provided. Members agreed they would like this information included in the Key Issues update paper.

Action	Owner	Due Date
CEO to share a copy of the current process maps with Members for information.	CEO	By 20 May 2022
DoBP to include an additional question on whether a complaint was upheld/part upheld/not upheld to the Customer Feedback Surveys issued from 1 July 2022.	DoBP	By 30 June 2022
SMT to include the take up rates for Mediation, along with the percentage closed at Mediation in the Key Issues paper.	SMT	Q4 reporting

9. Risk Register Summary

- 9.1 The DoBP spoke to the paper presented and advised Risk 12 – Transition to new Board composition and Chair, was along with Risks 2 and 9, remained high, as they were all linked.
- 9.2 It was noted Members would be conducting a ‘de novo’ review of the Risk Register, which would include a review the format and layout.
- 9.3 Members sought clarification on the Reporter Panel. The DoBP and DoR explained.
- 9.4 Members suggested the numbering on the summary page of Risk 6 be amended to reflect the scoring on the detailed sheet. The DoBP apologised for this oversight.
- 9.5 Members noted the paper presented.

10. Q3 2021/22 HR Update

- 10.1 The DoBP spoke to the paper presented and gave an overview of the recent recruitment process, which resulted in the successful appointment of a CIM and five CIs.

- 10.2 Members noted the sickness absence figures for the quarter and wondered if Covid was still impacting on the short-term absence figures. The DoBP explained the figures attributed to one suffering with long-Covid, all others were short-term Covid cases.
- 10.3 Members also noted employee turnover had increased YoY.
- 10.4 Members suggested the Training Plan analysis be reviewed for future presentation of data. The DoBP agreed this could be done for Q4 reporting.

Action	Owner	Due Date
DoBP to review the presentation layout of the Training Plan data for future reporting to Board.	DoBP	Q4 reporting

11. 2022-23 Cost of Living Pay Increase

- 11.1 The CEO advised all staff present noted their conflict of interest on discussions relating to this Agenda item.
- 11.2 Members noted and discussed the paper presented by the DoBP. In particular, the SGvt Pay Policy for 2022-23 cost of living increase for April 2022 to March 2023 was to:
- provide a guaranteed cash underpin of £775 for those earning a full-time equivalent salary of £25,000 or less.
 - provide a basic pay increase of up to £700 for those with a full-time equivalent salary of more than £25,000 and up to £40,000.
 - provide a basic pay increase of up to £501 for those with a full-time equivalent salary of more than £40,000.
- 11.3 The DoBP advised the policy also provides the flexibility for employers to use up to 0.5% of 2022-23 baseline salaries to address any clearly evidenced equality or pay coherence issues. The policy introduces the requirement for employers to have discussions with staff on the Right to Disconnect. The policy also introduces the option of public service reform and a multi-year approach to pay.
- 11.4 The DoBP reiterated there would be no interim award as in previous years, as the interim award was specifically for Covid-19, and there was a requirement to engage with the Trade Unions to ensure a swift progress on the pay deal.
- 11.5 Members sought clarification on cost implications of a multi-year deal and the affordability of a reduction in the working week and whether moving to a shorter working week would impact on output on production KPIs etc. The CEO advised staff already work a 35hr working week, this is shorter than SGvt and staff are also trialling a hybrid way of working this quarter. Members sought clarification on how many staff already work a condensed 35hr working week. The DoBP advised.
- 11.6 Members noted the information on the PCS National and Local Pay Claim and that a meeting was scheduled between PCS and SMT later this week.
- 11.7 Following a free and frank discussion, it was agreed SMT would review the cost implications of a multi-year pay deal and provide an update to both the Chair of Board and RC after the meeting with PCS.

Action	Owner	Due Date
SMT to update the Chair of both Board and RC on the outcome of discussions with PCS and provide a cost analysis of a multi-year pay deal.	SMT	By 25 July 2022

12. Update from the Remuneration Committee

- 12.1 Members noted the paper presented.
- 12.2 The DoBP reminded Members if they wished to attend any future identified training, this should be raised with the Chair in the first instance, and it can be organised for them, via the Secretariat.

13. Update from the Audit Committee

- 13.1 Members noted the paper presented.

13.2 The Chair, on behalf of the AC Chair, asked the DoBP to ensure insurance options are being explored for compensation, in particular, in case we have to pay data subjects after a data breach. The DoBP confirmed this was in hand.

14. Q3 2021/22 Operational Plan Update

14.1 In the absence of the DoPP, the CEO spoke to the paper presented. Members noted the RAG rating for all projects in the current operating plan. The CEO advised that of the 34 projects, 31 are currently in line with targets (Green). The quarter end position is that 91% of priority objectives are currently on track and 9% were not fully on track.

14.2 Members agreed with the two projects being paused and decommissioned at present.

14.3 Members noted the paper presented.

15. Board Actions Register

15.1 Members noted the ongoing Actions and agreed all other completed actions should be removed from the register.

16. Minutes of Previous Meeting from 22 March 2022

16.1 The Minute of the Board Meeting was noted and approved as read.

17. Chair's Report

17.1 The Chair advised he, the CEO and DoPP had a good positive meeting with the SGvt Sponsor Team.

17.2 The Chair confirmed the interviews for the two new Legal Members had concluded, with two appointments being confirmed by SGvt to the Lord Presidents Office. The Chair advised the early planning and recruitment process has commenced for both his and the Lay Member replacement.

18. Date of Next Meetings

18.1 The Chair advised that there would be a switch to the Board Meeting and Development Session dates in July.

18.2 Members noted the dates of the next meetings as:

- **Board Meeting will take place at 2pm on Monday 25 July 2022.**
- **Board Development Session will commence at 10am on Tuesday 26 July 2022.**

19. AOCB

19.1 none.

20. Chief Executive's Report

20.1 The CEO gave a brief overview of meetings to date.

20.2 The CEO also gave a brief summary of the meeting with a specific legal firm, which related to a professional misconduct ruling on an SSDT case.

20.3 Members noted the CEO met with the new Chair of the LSS Regulatory Committee, Mr David Gordon.

20.4 Members suggested Mr Gordon be invited to attend a future Board meeting.

20.5 The Board noted the paper presented.

21. Review of the Meeting

21.1 With no other business the meeting concluded.

12.30pm Board Meeting ends