

**MINUTE OF A BOARD CONFERENCE CALL OF THE MEMBERS OF THE SCOTTISH
LEGAL COMPLAINTS COMMISSION: 10am on MONDAY 24 MARCH 2025 on MS
Teams**

PRESENT:

LAY:

Jane Malcolm, Chair
Niki Maclean, Vice Chair
Anne Gibson
Jean Grier
Thane Lawrie
John Stevenson

LAWYER:

Lynne Collingham
Richard McMeeken

Apologies:

None received in advance of the meeting, but they were later received from Dale Hughes.

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
MP – Master Policy

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

1. Welcome and Apologies

- 1.1 The Chair welcomed everyone to the Conference Call, especially our new Member, Thane Lawrie, to his first Board meeting, and noted no apologies had been received from Dale Hughes.
- 1.2 The Chair explained the purpose of this meeting was to receive an update from SMT on current Key Issues, to fully discuss the responses received to the Budget Consultation, which closed at 12noon on 13 March 2025, and to formally approve the Budget and Operating Plan for 2025/26.

2. Declaration of Interests

- 2.1 The Chair noted the standard declarations of interest declared by Lynne Collingham 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 provided an update on the following specific matters.
- 3.2 **Issues Arising from DC** – the CEO clarified points raised from discussions at determination, which related to a case involving the former firm of W W & J McClure Ltd. This was about the refund of fees and the position of them being paid by Master Policy (MP). The CEO explained there had been some changes within MP which meant there were instances where MP did not pay out for the refund of fees awarded, as they had been doing previously. The CEO advised this had been reviewed following communications with both the LSS and Lockton (the MP broker), and the position changed again, and it was now confirmed that MP would indeed cover refund of fees if awarded by the SLCC. The CEO also confirmed that a review of recently closed cases, ensured that no parties had been disadvantaged as a result of this change in approach by MP. The DoPP reported all templates have been reviewed to ensure they accurately

reflect this approach, and CIs have also been briefed. Members thanked the CEO for this clarification and update.

- 3.3 The CEO also reminded Board that any notes/feedback made in relation to cases are discoverable, so please be mindful about GDPR when wording your points on case feedback.
- 3.4 **Eligibility Sprints** – the DoR provided an update on the current sprints being considered at Eligibility stage. She advised that Members have considered 32 cases so far, with an estimate of a further 20 cases still requiring Member decisions. Thanks were extended to Members for considering these extra cases so efficiently. The DoR also reported on two cases which have advanced on through the system, one was resolved, and the other is progressing through to full Investigation.
- 3.5 Members noted the ongoing communication with the LSS on this matter and sought an update on progress. The Chair also enquired if this had been discussed by the LSS at their Council meeting. The DoR advised whilst they have not been notified on the outcome of the LSS discussions, the LSS have now asked for cases to go to liaison, which they are progressing. The DoR reported early indications are showing this sprint might be a timesaving process. The CEO reiterated that SMT were mindful of Board's compliance risk, but they were keen to ensure all options are tested and explored before any extra costs are incurred.
- 3.6 **Employment Tribunal – case raised in the Supreme Court** – Members noted the update provided, with the CEO advising they hope the request will be dealt with administratively by the Supreme Court.
- 3.7 The Chair thanked SMT for their updates to the paper presented.

4. Draft Budget and Operating Plan Consultation document for 2025/26

- 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 14 January 2025 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 The DoPP reported that two responses had been received by the statutory deadline, these were from:
 - Consumer Scotland
 - The SLCC Consumer Panel
- 4.5 The DoPP advised that one response was received late, on 17 March 2025, from the LSS. Subsequent apologies were received from the CEO of the LSS for this oversight and the delay in the submitting their comments. Board noted the LSS response was received two days after the consultation deadline closed. Board had a free and frank discussion on whether this submission should be considered late, as it was received after the statutory consultation deadline. Board considered the implications of the statutory deadline and whether there was any reference in statute to submissions being considered late. Following discussion, Board agreed they would consider the late submission.
- 4.6 The Chair reported that she and the CEO recently held a constructive and positive meeting with representatives from the SGvt Sponsor Team. However, no formal response

- from SGvt or the Minister had been submitted for the Board to consider. The Chair gave a brief synopsis of this meeting.
- 4.7 The DoPP advised an informal discussion took place with the LSS earlier this month between the DoBP and the LSS Executive Director of Finance & Operations, as did a meeting between the CEO and the LSS Director of Regulation. Both meetings were positive and constructive.
- 4.8 The Chair checked that all Members had fully considered the written submissions received during the consultation process. Board confirmed they had considered them all. Following which, it was agreed the DoPP would give a brief overview and summary of all the main points raised in the responses received to the consultation.
- 4.9 Board noted and discussed each paper in turn, considering the summaries and issues highlighted in the paper presented by SMT, and subsequently having a free and frank discussion on the points raised in each of the responses.
- 4.10 Members specially noted the point raised by the LSS, stating “*the levy will have risen by almost 45% over the course of five years*”. The DoBP subsequently queried how the LSS had calculated this increase of 45%, which was referred to in their consultation response. Following discussion, it was agreed the DoBP, as a matter of urgency, would seek to clarify this point with the LSS, by asking how they achieved this figure. During the Board meeting, the LSS responded to the DoBP, advising this was a typographical error, and the line should have read “*by almost 30%*”. The LSS stated they achieved this figure by using the 2022/23 General Levy of £444, against the current 2025/26 consultation levy proposal of £572. The LSS also requested they be allowed to amend the document ahead of publication. Following further discussion by Board, it was agreed the LSS would be allowed to resubmit their response document with the amendment, but Board stressed the LSS should be reminded that the revised document was required by 26 March, to allow us to meet our statutory deadlines.
- 4.11 Members noted the LSS have sought clarification on the basis of the ‘*systematic and widespread*’ description within the draft Op Plan where the profession fail to provide information to the SLCC under S17 of the 2007 Act, as the LSS feel this does not accord with the number of cases being referred to their Complaints and Oversight Sub Committee under agreed protocol. The DoR explained that all instances of S17 non-compliance by practitioners are recorded by the SLCC, but the LSS are only notified of the cases where we have to instruct our Solicitors for non-compliance. So, in effect the LSS are not informed of every instance of non-compliance under S17. Members discussed the feasibility of categorising all instances of non-compliance under S17, and following this discussion it was agreed further clarification would be given to the LSS on this point.
- 4.12 Members also noted the LSS have again raised the question of the proposal to charge the approved regulator fee of £10,000. The DoPP explained that whilst the LSS are an approved regulator, they have not yet delivered on the scheme, so they have not gathered any fees or income to charge against this scheme. The DoPP reminded Members that whilst the scheme has not yet been implemented by the LSS, the SLCC have had to consistently review our Rules and processes to ensure that we would be able to deliver this work when it was up and running by the LSS. Board acknowledges this scheme might not be implemented before Reform, it might or could be implemented quite quickly after it. The DoPP reminded Board that our reserves are funded by the profession, so it was agreed by Board that it would not be appropriate to fund any additional work on this from the reserves’ funds. The Chair sought clarification on when the LSS recorded in their Op Plan that they would have this ready for implementation. The DoPP reported it was included in the current LSS Op Plan for November 2024-2025 that they were working towards delivering this, as it has been in past years. Members all agreed that if it was included in the current LSS Op Plan for delivery, then the approved regulator levy should be applied for 2025/26 to the LSS.
- 4.13 Board was in full agreement to the current reserves being utilised to fund any costs for future Reform work to the extent described in the consultation document. The DoBP agreed this was a prudent decision by Board.

- 4.14 The CEO reiterated that the Op Plan will continue to be reviewed in readiness for the start of the new operating/financial year.
- 4.15 Members suggested broadening duties in the Op Plan in relation to the UNCRC point raised by the LSS. The DoPP explained SMT have already started to work with the Consumer Panel on this, along with having discussions with Together Scotland, who are also joining the Consumer Panel, but it was agreed they will explain further with the LSS.
- 4.16 A member also suggested ensuring that our work on trauma informed practice was visible within the Op Plan.
- 4.17 The CEO also reminded Members that the DoR would be reviewing the annual training plan, which will also be built into the Op Plan.
- 4.18 Following Board discussions, it was agreed SMT would respond directly to specific points raised by individual stakeholders.
- 4.19 The Chair suggested the Consumer Duty Impact Assessment also be included in the final budget documents, once SMT have considered fully the points raised by Board.
- 4.20 After full consideration, Board formally confirmed and approved, the draft Budget and Operating Plan for 2025/26, and noted the following would apply:
General Levy would be set at £572
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
- 4.21 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)	572
Private Practice Solicitors +3 Years (Employed)	464
Conveyancing or Executry Practitioner 3+ years	464
Solicitors in first 3 years of practice	196
Practising out with Scotland	139
In-house Conveyancing or Executry Practitioner	139
In-house Lawyers	139
Advocates +3 Years	219
Advocates in first 3 years of practice	184
Association of Commercial Attorneys	147

- 4.22 The Board also approved the overall deficit budget in Appendix 1 of the paper. This includes a total budgeted income of £4,955,732 and expenditure of £5,064,574, which will utilise reserves for Reform costs (£108,850).
- 4.23 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.
- 4.24 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.
- 4.25 The Chair reiterated Board's earlier agreement that SMT respond directly to specific points raised by individual stakeholders. The CEO and DoPP confirmed SMT would consider all points when drafting responses.
- 4.26 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 Chair prior to publication.

Action	Owner	Due Date
CEO/DoPP to draft an appropriate communication to be shared with the Chair, and to ensure that all responses	CEO/SMT/Chair	By 31 March 2025

are published on the website in line with the Budget Consultation process.		
CEO/SMT to finalise the paper which will be laid in Scottish Parliament, along with our Budget and Operating Plan and Consumer Duty Impact Assessment, in line with our statutory timescales.	CEO/SMT	By 30 April 2025

4.27 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 28 April 2025**, 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 thanked everyone for their time and input on to the Conference Call.

7.2 With no other business the meeting concluded.

Private Member only session, where SMT and Secretariat left the meeting at 11.25am

Call ended 11.30am