

**MINUTE OF A BOARD CONFERENCE CALL OF THE MEMBERS OF THE SCOTTISH
LEGAL COMPLAINTS COMMISSION: 10am on MONDAY 12 June 2023 on MS
Teams**

PRESENT:

LAY:

Niki Maclean (Interim Chair)
John Stevenson
June Andrews
Anne Gibson

LAWYER:

Lynne Collingham
Richard McMeeken

Apologies:

Dale Hughes
Jean Grier

In attendance:

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

Louise Burnett (DoBP)
Caroline Robertson (DoR)

Abbreviations used:

SGvt – Scottish Government
DoPP – Director of Public Policy
LSS – Law Society of Scotland
RPO – Relevant Professional Organisation
LPP – Legal Professional Privilege

DoBP – Director of Business Performance
DoR – Director of Resolution
FoA – Faculty of Advocates
CoS – Court of Session

1. Welcome and Apologies

- 1.1 The Chair welcomed everyone to the Conference Call and noted apologies had been received from Members, Jean Grier and Dale Hughes.
- 1.2 The Chair confirmed there was no requirement to hold a private member only session and explained this meeting was also to receive an update from SMT on the Reform Bill Agenda.

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 discussions and the reform consultation process/response by the SLCC.

3. Update on Reform

- 3.1 The CEO gave a presentation on SMT's initial indicative roadmap to 2027 timetable to the Scottish Legal Services Commission (SLSC). The CEO stressed these key points will change, as conversations are developed and progressed on the Reform Bill.
- 3.2 The CEO reiterated that whilst SMT planning was well underway, it will be reviewed and revised, with a mix of forward planning and agile response as it progresses.
- 3.3 Board acknowledged that the future new SLSC will be a very different organisation, and agreed SMT must plan for this, whilst also continuing with the current functions as an existing complaint body.
- 3.4 Board also noted the parliamentary timetable, has three crucial stages.
 - Stage 1, General principles – deadline for written evidence is 9 August 2023, with oral evidence sessions commencing September 2023, with the Stage 1 debates taking place early 2024.
 - Stage 2, Changes to detail – early 2024.
 - Stage 3, Final amendments and vote – late spring/early autumn 2024 (summer recess in July and August).

- 3.5 The DoPP advised as part of Stage 1 Consultation process, the SLCC must respond to nine detailed questions. The DoPP and CEO spoke to these questions. Following a free and frank discussion, Board agreed the DoPP would arrange a Board ‘input’ session, which would allow them to consider the nine questions in detail, which in turn will aid SMT in drafting the SLCCs response.

Action	Owner	Due Date
The DoPP to arrange a MS Teams call, to take place prior to the Board Development Session in July, with a view to Board inputting to the Stage 1, nine questions.	DoPP	By 30 June 2023

- 3.6 The CEO reported that SMT have identified 22 projects so far, and for each one, they have scoped, costed and considered staffing resources. Project planning Gantt timelines have also been developed, with SMT having also considered all Risks in these projects.
- 3.7 The Chair thanked SMT for their presentation. Board agreed SMT have developed a robust plan, with risk management being well thought through.
- 3.8 Board were keen to ensure that staff are fully engaged and briefed as the Reform Bill develops. The CEO confirmed that staff receive updates from SMT at the weekly staff meetings. The DoR also advised IMT will also be attending a Change Management Course, to help with the staff journey.
- 3.9 The DoR advised the primary focus of engagement would be with SGvt Officials who support the Minister, along with, engaging with other bodies who carryout similar functions, and communications will be issued at key points during the process.
- 3.10 Board thanked SMT for their comprehensive presentation, and as previously agreed, they all looked forward to participating in a ‘input’ session on the nine questions in Stage 1 Consultation process. The DoPP and CEO confirmed this would be arranged for end June/early July.

4. Key Issues

- 4.1 The CEO spoke to the paper presented and agreed all items would be taken as read, with additional updates provided on specific matters.
- 4.2 **Board Member Appointments** – The CEO confirmed the new Chair appointment process had concluded. The Chair reported they had a successful response to the Chair Recruitment Event, that was hosted and facilitated by Changing the Chemistry (CtC). Following the interviews, one recommendation has been put forward to the Minister and Lord President for appointment. It was hoped the new Chair would be in position by 1 July, but this had still to be confirmed.
- 4.3 **Consideration of the use of interview to encourage compliance with S17 files** – Board discussed in detail the feasibility of the three proposed options by SMT. Following the free and frank discussion, Board agreed SMT would continue with current process and explore further within the Reform Bill.
- 4.4 **ABS** – Members noted the current position.
- 4.5 **Communication and Stakeholder Engagement** – Members noted the recent communication engagement.
- 4.6 **Oversight** – Board noted the DoPP has now received an initial response from the Law Society on the statutory recommendations for improvement in our published report on the LSS conduct complaint timescales. Members noted their disappointment that the LSS have not provided definitive timescales for implementation, and that the LSS have suggested that their planned work might need adjusted for work on the Bill. The Chair enquired if timescales had been set and included for the LSS to implement the statutory recommendations within the report. The DoPP advised that no implementation timescales were set. The Chair suggested there was value in rethinking this and adding timescales to any future reports. The DoPP agreed this and will seek an update from the LSS.
- 4.7 Board noted oversight have now commenced the analysis of the FoA complaint handling over the past few years. Whilst timescales will be included, they will specifically review the process, as the FoA process is relatively more complex. Oversight will also look at the FoA decision making, and it is expected this report will be published next year. The DoPP confirmed this has already been discussed with the FoA.

- 4.8 Members noted the oversight team delivered their first ever in-person Practice Management complaints handling course, along with the LSS Professional Practice team. This will be co-delivered three times a year, which had previously been online. Members wondered if they were able to attend these sessions. The DoPP explained they were part of the mandatory CPD training sessions for new Partners in law firms.
- 4.9 The Chair reiterated timescales should be included in all future reports where statutory recommendations are made. The CEO and DoPP noted this and agreed.

Action	Owner	Due Date
Future reports with statutory recommendations included must be timebound and include appropriate timescales for implementation and response.	CEO/DoPP	Ongoing

- 4.10 **Cyber Update** – Members noted the current cybersecurity issues.
- 4.11 **Digital and AI** – The CEO advised that the planned Board development session on AI would be scheduled for later this year, once the new Chair was in place.
- 4.12 **S17 Work Update** – Members noted the current situation on S17 complaints.
- 4.13 **Property Project Update** – The CEO confirmed the wording of the lease, and all supporting documentations has now been agreed. This means we have entered into a contract for the lease. The fit-out and confirmed works start date has also been agreed, which will be carried out to our specifications but undertaken by the landlord. The fit-out works are due commence on 26 June, with an estimate of 8-weeks for completion. The DoBP hopes we should be able to start the move from the stamp office on or around 21 August.
- 4.14 Board noted the planned visual design layouts shared by the DoBP.
- 4.15 The Chair acknowledged the huge amount of work that has gone into this project so far to date, in particular keeping it on track, and passed on their thanks to the DoBP, CEO and SMT.
- 4.16 **Learning Review – Handling of Appeal Case** – Board noted that in light of the learnings from a recent case, it was suggested the internal policy CH033 - Process for Dealing with Appeals Against Decision of the SLCC be reviewed. Following a free and frank discussion, Board agreed the current process would be reviewed, and suggested a note be added to the policy, to remind the executive that if any input is required from a DC, that consideration be given to the briefing and support needed by members. It was also agreed, after a further free and frank discussion, that the revised policy needs to be clear and explicit as to role that the Legal Chair or Chair are being asked to do within the Appeals process. The Chair also agreed this should be brought back to a future meeting for further discussion.

Action	Owner	Due Date
CEO to bring back further amendments on appeals policy to the next Board meeting.	CEO	By 24 July 2023

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

5. Yearend Budget Forecast Outturn for 2022-23

- 5.1 The DoBP spoke to the paper and gave an overview of the figures presented. The DoBP reminded Board, that due to the audit timetable of our new External Auditors, Audit Scotland, it will be 5 months before Board see the draft annual accounts.
- 5.2 The DoBP reported they were currently forecasting an improved position of a £13,449 deficit, compared with the prediction approved by Board at their meeting in January 2022 of £133,881 for yearend. This variance of £120,431 is predominantly more income than was originally budgeted.
- 5.3 The DoBP also advised that whilst they have received the SGvt Public Sector Pay Strategy for 2023/24, SMT have not received or begun negotiations of the 2023/24 pay claim with PCS.
- 5.4 The Chair thanked the DoBP for an informative, comprehensive paper and Board were pleased to see good progress on the forecast outturn for 2022-23.

6. Planning Timetable of Budget and Operating Plan for 2024/25

- 6.1 The CEO proposed this paper would be represented to the July Board development session to allow this to be discussed in detail. Board agreed with this proposal.

Action	Owner	Due Date
SMT to represent the Planning Timetable paper to the July Board development session to allow for a full discussion.	SMT	24 July 2023

7. Dates for 2024 Board and Committee Meetings

- 7.1 The CEO advised the 2024 schedule of meetings presented, had been drafted and aligned with those conducted in 2023. Board agreed with the dates. It was also agreed the Secretariat would send out diary invites to both SMT and Board.

Action	Owner	Due Date
Secretariat to schedule diary invites for all 2024 Board and Committee meetings.	Secretariat	By 23 June 2023

8. AOCB

- 8.1 none.

9. Date of Next Meetings

- 9.1 Members noted the next full Board Meeting and Development Session will take place in person, in the Boardroom on **Monday 24 July 2023**, with lunch being provided.
- **Board Development Session will commence at 10am**
 - **Board meeting will start thereafter, with a short lunchbreak in between.**

10. Review of the Meeting

- 10.1 The Chair thanked everyone for their time and input on the Conference Call.
10.2 With no other business the meeting concluded.

Call ended 12.14pm