

**MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS  
COMMISSION: 1pm on MONDAY 20 January 2025 in the SLCC Boardroom**

**PRESENT:**

**LAY:**

Jane Malcolm, Chair  
Anne Gibson (*online*)  
Jean Grier  
Niki Maclean, Vice Chair  
John Stevenson

**LAWYER:**

Lynne Collingham  
Dale Hughes (*online*)

**Apologies:** Richard McMeeken

**In attendance:**

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

Louise Burnett (DoBP)  
Caroline Robertson (DoR)

Governance Consultant, Andrew Harvey, observing the meeting

**Abbreviations used:**

WIP – Work in Progress  
FMR – Financial Management Report  
AC – Audit Committee  
CI – Case Investigator  
RPO – Relevant Professional Organisation  
IMT – Investigations Management Team  
JT – Journey Time  
DoR – Director of Resolution  
DoBP – Director of Business Performance  
RC – Remuneration Committee

DC – Determination Committee  
LSS – Law Society of Scotland  
FoA – Faculty of Advocates  
CIM – Case Investigations Manager  
SGvt – Scottish Government  
CoS – Court of Session  
WT – Working Time  
DoPP – Director of Public Policy  
SP – Scottish Parliament

**1. Welcome and Apologies**

- 1.1 The Chair welcomed everyone to the meeting and thanked everyone for their input into to a productive and informative Development Session, noting apologies had been received from Richard McMeeken. It was also noted that Members, Anne Gibson, and Dale Hughes were joining online.
- 1.2 The Chair also gave a warm welcome to Consultant, Andrew Harvey, who was observing and conducting the Governance Project on behalf of the Board and the executive.

**2. Declaration of Interests**

- 2.1 The Chair noted the standard declarations of interest declared by Members, Lynne Collingham, and Dale Hughes in relation to any pecuniary interest with regards to any budgetary discussions and the Reform Bill process/responses by the SLCC.

**3. Minutes and Matters Arising from Board Meeting on 28 October 2024 and Conference Call on 16 December 2024**

- 3.1 The Minute of the Board Meeting was noted and approved as read, along with the Conference call notes.

**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 was pleased to note this action was now clear.

4.1.2 Actions 575, 576 and 578 are all connected – the CEO advised we are still waiting on SGvts response.

## 5. Outcome of the Wilson Appeal / Member Decisions

5.1 Board noted the paper provided by the executive.

5.2 Following a free and frank discussion during which a number of points were discussed:

- The detail of the decision on the Wilson case – including the requirement for members to make decisions on issues if issues were being closed, and the court's decision to admit issues of complaint in this case that the SLCC had felt were FVTWM in light of the LSS guidance / previous experience of LSS view of complaints on this issue, and the discussions of the bench during the hearing.
- The implications of the court's ongoing position on a 'low bar' at eligibility.
- The wider legal advice on the 'low bar' for eligibility and the impacts of the decision.
- Board members noted their experience of seeing some cases at eligibility where we may have strayed into 'investigation' rather than a simple sift decision.
- The need to ensure a compliant approach to complaint handling, and the policy options which may deliver this, as set out as Solution A and B in the paper.
- The need to communicate with key stakeholders on any selected option.
- The need to explain to parties with a complaint any changes to our process.
- The need to ensure the system works for complainers and lawyers.
- The potentially significant impact on member time and costs.
- The challenge in managing potential conflicts, given that legal members are required to chair DCs, which the Act precludes them from doing if they took the eligibility decision.
- The pros and cons of piloting Solutions A or B were discussed. It was noted that Solution B may not provide a solution for all cases, but looking for a proportionate model overall was important before defaulting to the most expensive and time-consuming approach. It could offer a full or partial solution, or help us to understand and explain the additional cost to the profession and time to both parties implicit in Solution A.

5.3 Board made the decision that Solution B was the preferred pilot model, noting that the executive must ensure an approach which was compliant with the Wilson decision.

5.4 Board requested an update on progress at each future Board meeting, until a finalised process was decided on.

Action	Owner	Due Date
DoR to provide an update to Board on how the pilot model is progressing for the next meeting.	DoR	24 March 2025

5.5 Board further noted that there was a need to clear 'part worked' cases from the system, as to rework these had a cost impact for the SLCC and a time impact on both parties. This would mean Members deciding cases where some issues were being deemed FVTWM etc. It was currently estimated there were around 30 cases.

5.6 Cases where all issues were out would continue to come to Members as normal.

5.7 It was noted the Risk Register had been adjusted to increase the mitigated risk of our delivery of the core complaints process while we developed solutions. It was further noted that at the right time we would need to consider impacts on KPIs and case flow both for ourselves, and to understand the impact on the RPOs.

## 6. Key Issues

6.1 The CEO spoke to the paper presented and Members agreed all items would be taken as read, with additional updates provided on specific matters.

6.2 **Reform** – The DoPP advised Board the 4-5 days of scrutiny was starting tomorrow (21 January) where the Parliamentary Committee will consider approximately 641 amendments. It was noted we understood that this was the largest number of amendments to any Bill previously considered by SP. Board acknowledged this would now become very fast moving as matters progress.

- 6.3 The DoPP confirmed they would be in SP listening to the debate at committee and will provide an update to Board.
- 6.4 The Chair, on behalf of Board, thanked the SMT for all the work they have done behind the scenes, and in keeping Board informed as matters progress, acknowledging it has been very helpful.
- 6.5 The CEO confirmed they will listen to all the deliberations on the debates during the 4-5 days of scrutiny discussions.

Action	Owner	Due Date
CEO/DoPP to provide an update on the SP Committee debate to Board, following the 4-5 days of scrutiny.	CEO/DoPP	ASAP

- 6.6 **ABS** – Members noted there was no further update to report.
- 6.7 **Communication and Stakeholder engagement** – Members noted the update provided by the DoPP. The DoPP reported the Scottish Law Agents Society (SLAS) have just published their recent survey results in today's Scottish Legal News, following discussion it was agreed these would be shared with Board.

Action	Owner	Due Date
DoPP to circulate a copy of the SLAS published survey results to Board.	DoPP	ASAP

- 6.8 **Oversight** – Members noted the breakdown of handling complaints received at both the midway and end points of the conduct complaint handling process, were now included in the paper presented for information. The DoPP advised they were pleased to have received an update report from the FoA on the actions they are taking to address the S36 recommendations from our report last year about their conduct complaint handling processes.
- 6.9 **Cyber update** – The DoBP advised Members they will be asked to complete mandatory cyber-security training during cyber week next month.
- 6.10 **Digital and AI update** – The DoBP reminded Members their new app went live on 9 January and asked that this is used for submitting all their decisions and expenses from 1 January onwards. The DoBP also asked Members to contact the Digital Specialist if there were any issues or suggested changes during their initial use of the app. Members were very complimentary of the assistance that they received from the Digital Specialist in setting up the app on their laptops etc. The DoBP thanked Members and confirmed this would be passed on. Members noted the other projects currently being undertaken by the Digital Specialist.
- 6.11 **S17 Work Update** – The DoR reported there were no live cases with the CoS.
- 6.12 **Employment Tribunal (and linked Appeal)** – The CEO advised there had been no progress since the last meeting on the ET. The last hearing was postponed at the request of the solicitor who raised the action. The new hearing date is now 26 February.
- 6.13 **Governance** – The CEO advised this was progressing well, with all one-to-one interviews now planned or having taken place.
- 6.14 **Appointment of new Board Members** – The Chair confirmed they were still awaiting on official confirmation from SGvt, once this is received, Board will be updated. The CEO thanked Members for their feedback on their induction, which will be included in the induction plan for the new Member.
- 6.15 **'Framework' Agreement** – The CEO advised they have asked SGvt for an update on progress and have been told by our Sponsor Team that they are waiting on the SGvt Legal Team commenting on the draft agreement. This was raised at the AC meeting and Audit Scotland are aware, also the DoBP has raised this with the EA Audit Manager.
- 6.16 **SGvt Pay Policy 2025-26** – The DoBP advised as part of the SGvt Budget announcement in December, SGvt also announced the pay policy for 2025-26, but this did not include the technical guidance details.
- 6.17 The Chair thanked SMT for their updates to the paper presented.

*1.40pm the DoPP left the meeting*



## 7. Reasonable Adjustment – dip sample

- 7.1 The CEO spoke to the paper presented, giving an overview of the process conducted in the dip sample, advising this covers incoming cases in the 2023-24 business year, a total of 1,385 cases. The CEO advised of these 40 cases had an overall reasonable adjustment noted on them applying to the whole process. This was around 2.8% of the total (1,385). In then sampling case files for an adjustment made at a particular stage (recorded in correspondence) it was found around 15% of cases had such a reasonable adjustment. Members noted the range of reasonable adjustments given to complainers. The CEO also advised the same applied to solicitors, of these, two examples were found of health crises and reasonable adjustments had been provided.
- 7.2 Members noted that it was an interesting and informative report, and the inclusion of case study samples was very helpful.
- 7.3 Members noted the IMT lead responsible for reasonable adjustments would be running an all-staff training session, which should take place this quarter. There would also be a review of our initial allocation letters as part of our process improvements, looking at specifically asking parties to advise of any specific adjustments they require to enable them to access our services. This includes translation, whilst not a reasonable adjustment in the legal sense, it is part of the wider definition that we use internally and does have a cost for the business. The CEO explained this would also be included in the training.
- 7.4 Board agreed this report gave an assurance that a range of reasonable adjustments are given to all service users, that staff are trained and there is a lead manager in place at IMT, with all requests for reasonable adjustments being documented.

## 8. Management Information for Q2

- 8.1 The DoR spoke to the paper presented, reminding Members the increase in incoming complaints has moved on from Eligibility onto Investigation stage. This is impacting JT/WIP and whilst noting production is good, the allocation time is in excess of KPIs at both stages. The DoR reported the CI resources that were moved around to accommodate these KPIs, are now starting to make inroads into these figures, resulting in the allocation times starting to reduce.
- 8.2 The Chair thanked the DoR for their explanation of the out of KPI performance figures and enquired if AC had also considered the position. The AC Chair confirmed they had discussed the figures in detail, in particular, the Investigation allocation time, where we were now seeing the impact of the pause due to the Wilson Appeal. Now we have an agreed way forward in light of the decision on the case, matters can progress through the system.
- 8.3 Members discussed whether it was appropriate to review the existing KPIs, along with the Risk Register, however it was agreed that further information would be included to explain how the outcome of the Wilson Appeal will have on KPIs, along with an action plan for the next meeting.
- 8.4 The DoBP advised the RR had been updated following the last AC meeting. The CEO reiterated they would continue to monitor each stage of the process and agreed an update paper would be presented to March Board.

Action	Owner	Due Date
DoR to include further information on the allocation KPIs, along with the action planning behind this, for the next meeting.	DoR	24 March 2025

## 9. Op Plan Update for Q2

- 9.1 Members noted the paper presented, with the CEO explaining the majority of projects were on track for completion, with only two projects on hold at present. It was noted that two projects were behind schedule, and it is anticipated they will not deliver by the end of the year. The CEO explained these two projects are not on schedule due to issues outwith our control: A4 (ABS) and B5 (Approved regulator complaints). The CEO advised an update would be provided at the next quarterly meeting.

## 10. Appeals Update for Q2

- 10.1 Members noted the paper presented and noted they found the new format very clear and easy to read.
- 10.2 Following discussion, Members agreed that action 577 should remain open, and that costs to be included in the detail. The DoR to clarify the possible differences between the initial legal advice given, and an appeal progresses.
- 10.3 It was noted that the Audit Committee had reviewed a detailed paper on appeal costings, which has been considered very useful. It was agreed that if court appeals were going to continue, we would bring a version of that paper to a future Board. However, if Stage 3 of the Bill completes with the proposed changes to the current system intact, our focus would move from managing appeals to the courts to working to implement the new internal appellate function.

Action	Owner	Due Date
Review if the proposed changes to the current system form part of the new Act. If not, then bring an updated version of the paper that AC had received to Board.	SMT	28 April 2025

## 11. Strategic Risk Register

- 11.1 The DoBP spoke to the paper presented, advising Members that two risks had increased following discussions at the recent AC meeting. Members noted these were Risks 3 and 8. The DoBP advised Risk 2 had been updated, as the Theft & Fraud Policy had been reviewed as part of the IA process and was discussed in detail at AC, as were the other updated Risks 6, 7 and 10.
- 11.2 The AC Chair gave a brief overview of the AC discussions, in particular on Risks 3 and 8, which Members found very helpful. The AC Chair confirmed the RR was discussed in detail. AC Members also recorded that the recent IA Report on Theft, was very commendable, noting strong processes were in place. Board Members welcomed the revised Risk Register.

## 12. Finance Management Report for Q2

- 12.1 The DoBP spoke to the paper presented reporting on the FMR spend to end December 2024.
- 12.2 The DoBP reported, based on actual income against budget, the income was up £143,074, with an expenditure underspend of £17,788.
- 12.3 The DoBP confirmed the 2024/25 pay deal was now finalised, with all staff receiving their back pay in their December salaries. They have received early indications of the 2025/26 pay deal but are awaiting the final details from SGvt Pay Policy, which they hope to receive soon. The DoBP will now carry out a reforecast on salary costs, as we will need to include the new NI rates that come into effect April 2025. Members sought approximate costs of the increase in NI rates. The DoBP anticipates this rough calculation estimate to be around £18.5k.
- 12.4 The DoBP noted that the current forecast surplus was £200,091, explaining this was because of increased income from general levy, interest, a saving in reform and offsetting overspends in staffing and IT costs. Members noted these increased reserves to £1,473,597, which includes the finances levied for 2025/26 for the reform work.
- 12.5 The Chair thanked the DoBP for their explanation to the paper presented.

*2.20pm the DoPP rejoined the meeting*

## 13. Customer Service Experience Report for Q2

- 13.1 The DoR spoke to the paper presented, advising this was the new format that was partly drafted by SET.
- 13.2 The DoR explained SET had discussed the feedback in detail, also advising this paper was shared with the Consumer Panel, who like Board, now see all the raw data.

- 13.3 Members agreed they liked the infographic, as they found this provided a good snapshot of feedback analysis, which they found clear and helpful. However, they did struggle in relating this to the presented raw data. The DoR and DoBP agree, both advising they are considering how this information could be presented using Power Bi, as this should provide clearer reporting. The DoBP also explained the free text data relates to the end of the process.
- 13.4 Members noted there were perceptions this was an unfair process and there was a bias in the process in favour of legal providers, as identified in one of the top 5 themes.
- 13.5 Members noted the increase in the number of Service Delivery Complaints (SDCs). The DoR explained they have adjusted the process to allow CIs to engage with parties earlier, to try and resolve these complaints before they are moved onto a CIM.
- 13.6 Members also noted that there was an impetus to improve standards within the profession, particularly in receiving an apology. The DoPP gave an overview of some of the guidance proposals they have previously recommended, with the CEO explaining that a system has been tested where firms with upheld complaints were encouraged to reflect on these with a tool issued by the SLCC, but there had been virtually no engagement in this.
- 13.7 Members suggested the DoR might wish to consider reviewing the wording of the standard issuing of Investigation letter, as this would link to managing the expectations of parties at the different stages of the process.
- 13.8 Members enquired if all feedback was anonymous. The DoBP confirmed they do ask for case reference numbers, but this is not a mandatory field the feedback form, so often not provided. The DoR and DoBP reiterated all points are considered to try and improve the process.
- 13.9 Following discussion, Members agreed this new format would be used going forward.
- 13.10 The Chair thanked the team for this information.

*2.45pm Member, J Grier left the meeting*

#### **14. Chairs Report**

- 14.1 The Chair reported they were just awaiting final confirmation from SGvt on the new Member appointment and as soon as this is confirmed it will be shared with Members.
- 14.2 The Chair gave a brief overview of the meetings attended with the DoPP last quarter, with the LSS President and Executive and the Minister, both of which were productive.

#### **15. AOB**

- 15.1 None noted for discussion.

#### **16. Minute from Consumer Panel of 3 September 2024**

- 16.1 Members noted the paper presented.

#### **17. Chief Executive's Report**

- 17.1 Members noted the meetings attended by the CEO.

#### **18. Date of Next Meetings**

- 18.1 Members noted the date of the next meeting would be a Board Conference Call on **Monday 24 March 2025 at 10am** to discuss the response to our Budget and Business Plan consultation.

#### **19. Review of the Meeting**

- 19.1 With no other business the meeting concluded.

*2.50pm the SMT and Secretariat left the meeting*

**Private Member only session, after which the Chair confirmed with the Secretariat the Board Discussion on item 20.**

**20. Chief Executive's Six-Month Performance Review**

20.1 The Chair confirmed that Members noted and agreed with the Chair's presented paper in relation to the mid-year 6-monthly appraisal for the CEO. Board formally agreed.

*3pm Board Meeting ends*