



RESPONSE TO SLCC BUDGET CONSULTATION 2019-20

13 March 2019

The Consumer Panel welcomes the opportunity to comment on the Scottish Legal Complaints Commission's proposed budget and operating plan for 2019 to 2020.

The Panel responds to the questions posed in the consultation documents as follows:

Tackling rising complaints

As we noted last year, it is clear to the Panel that complaints are on the rise across many sectors and it comes as no surprise that this continues to be the case again this year for complaints against solicitors in Scotland. This may, in part, be due to increased awareness of consumers' rights to redress, and of course we have welcomed the steps which the SLCC has taken to increase its own profile through its awareness raising strategy over the past three years.

Clearly, one of the main benefits to be derived from any complaints process is feeding outcomes and learning back into the profession to prevent recurrence and improve overall service levels for consumers. The Panel therefore endorses the SLCC's ongoing work in educating the profession in best practice through its guidance documents and outreach activities. Early resolution at first tier, or avoiding the issue in the first place, appears to be the most effective means to reduce complaints and the costs of those to both the

profession and the firms involved. This work is essential to drive service improvements for the benefit of consumers.

Proposed complaints levy

Last year we commented on the fact that it was inevitable, in the face of rising complaint numbers, that the costs for adequately meeting this demand necessarily required an increase in the annual levy. Both complainers and those complained about deserve a process which deals effectively and efficiently with complaints and which provides speedy resolution and redress. Under the SLCC's existing funding model, this can only be achieved through increased resources and, by extension, an increase in the annual levy.

We understand that the SLCC's funding was based on the "polluter pays" principle. Whilst we know that this currently applies at the point where complaints are upheld – in terms of individual complaints levies – we believe that, where practical, that principle should extend to the annual levy where that can be apportioned to sectors which generate proportionally more of the SLCC's work.

Operating Plan

We are aware that concerns about delay in dealing with complaints continues to be a feature in the feedback received from the SLCC's stakeholders. We are also aware of the restrictions which the current legislative framework imposes on making radical improvements to the complaint handling process. We welcome the proposals for continuing to improve the current system within the legislative restrictions and particularly welcome any changes which result in improving the consumer experience.

As noted above, we consider that addressing the root causes of complaints is critical for service improvement and we therefore endorse the proposed projects including under heading "B".

Similarly, we welcome steps to make the SLCC's processes more accessible, specifically in relation to those at risk of vulnerability, and hope that the SLCC will find the Panel's recent publication on this subject of use.

Finally, and again as acknowledged above, the Panel agrees that the current legislative framework results in a complaint process which is not fit for purpose. The Panel has consistently made this view clear to various stakeholders and will continue to support the call for radical reform.