



Which?
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Response by: Which?

Consultation response

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About Which?

Which? is the largest independent consumer organisation in the UK with more than 1.3 million members and supporters. Which?'s purpose is to tackle consumer harm and help individuals to be as powerful as the organisations they deal with in their daily lives. Which? empowers consumers to make informed decisions and campaigns to make people's lives fairer, simpler and safer.

Introduction

The Scottish Legal Complaints Commission has an important role in protecting the consumers who use regulated legal services in Scotland. We welcome the opportunity to respond to SLCC's draft strategy for 2020-2024.

Which? has been active in Scottish legal services policy for over 10 years. Structural reform is needed to improve consumer outcomes and reduce barriers to entry. Any reform should ensure that consumers have access to effective independent redress. We look forward to working with the SLCC and others in developing those proposals.

We welcome the four strategic aims of the SLCC. The future strategy should include ambitious targets:

- for reducing the causes of complaints; and
- reducing the time it takes to resolve cases, focusing on cases where consumers are in most of need of swift redress.

Reducing time taken to resolve complaints

We welcome the progress that the SLCC has made in reducing the average time taken to resolve complaints from 14.7 months in 2016/17 to 8.2 months in 2018/19. We support the SLCC's aim in continuing to tackle the length of time it takes to resolve complaints. We urge the SLCC to prioritise cases where consumers are in most need of swift redress.

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We are concerned that 44% of solicitors have not engaged in a timely manner when contacted by the SLCC about a consumer complaint. We agree that robust measures need to be taken to address this unacceptable behaviour.

This indicates a wider systemic issue that needs to be addressed by the Law Society as a regulator. The legal profession needs to create a culture where non-engagement with regulatory and redress bodies is not tolerated.

Now is a good time for the legal profession to develop a pro-active and positive culture to complaint handling. One option worth considering is the New South Wales approach where senior members of legal providers are required to consider their customer service and complaints handling process. The Scottish Government working group papers highlight that complaints fell by two thirds as a result.¹

Improving the process for consumers

We welcome the SLCC proposals to improve accessibility, communication and the complaints process for consumers.

The SLCC should consider the whole consumer complaint journey, the barriers and how it can be improved. The complaint process starts when consumers raise a complaint with the solicitor or advocate not when they first engage with the SLCC.

The SLCC should consider whether consumers are receiving information about their rights to redress when they raise a complaint with a solicitor or advocate.

Consumer awareness of the SLCC is low. We found that in 2017, 24% of Scottish consumers had heard of the Scottish Legal Complaints Commission. In comparison, 70% of consumers had heard of the Financial Services Ombudsman.² It is important consumers are made aware of the role of the SLCC if they are considering making a complaint. Our research found that external factors promoted consumers to take their complaint to an ombudsman including receiving and noticing a leaflet and or deadlock letter from the company. In addition, consumers are more likely to use ADR when they have received information about it two or three times during their complaints process. As such, consumers should be signposted to ADR at more than one point in their journey.³

For more information contact:

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¹ Scottish Government, Regulation of legal services working group 19th December papers

² Which? ADR consumer research, March 2017, unpublished

³ Commissioned by Which? Behavioural Architects, Alternative Dispute resolution for consumers, October 2015, unpublished