

Minutes

Consumer Panel Meeting

Tuesday 6 September 2022 (via Teams)

Present: Jane Williams (JW), Queen Margaret University (Acting Chair)
Louise Johnson (LJ), Scottish Women's Aid
Gillian Fyfe (GF), Citizens Advice Scotland
Steven McGregor (SM), Competition and Markets Authority

Josh Barnham (JB), Scottish Public Services Ombudsman (up to item 5)

Vicky Crichton (VC), Director of Public Policy, SLCC
Susan Williams (SW), Best Practice Advisor, SLCC
Juliet Smith, Case Investigator, SLCC
Halle Turner, Case Investigator, SLCC
Jamie Archibald, Case Investigator & Digital Specialist, SLCC

1. Welcome and apologies

Apologies were noted from Tim Mouncer (Which) and Kirsten Urquhart (YoungScot).

The Panel expressed its appreciation to former Panel member, Miriam Simpson.

2. Declarations of Interest

JW declared an interest in Consumer Scotland, where she would shortly be taking up a post.

LJ Johnson noted that she was a lay member of the LSS Access to Justice Committee.

GF noted that she serves on the Scottish Civil Justice Council's Access to Justice Committee.

3. Approval of Minutes 4 July 2022

The Minutes of 4 July 2022 were approved.

4. Child Friendly complaints

Josh Barnham, Scottish Public Services Ombudsman (SPSO), briefly explained the role of the SPSO and described its current project on child-friendly complaints. SPSO is working with other stakeholders, particularly drawing on the experiences of the model of the Irish Ombudsman for Children. SPSO took a service design approach and was

assessing the current complaints process, with a view to making it more accessible in line with children's rights and needs. SPSO was currently holding workshops and the consultations, which would be child-friendly, and would take place from October to December. Children had so far expressed their views that the process was too formal and bureaucratic, too long, and they were wary of using social media rather than face-to-face conversations.

SPSO has the power to publish model complaints procedures, and public bodies would be expected to have processes in place by April 2023. It was aiming to create a model that could be used by others. It would also create e-learning for all staff in public bodies to support this work. Investigators would be drawn from a wide range of disciplines engaging with children. He pointed out that the Irish Ombudsman for Children received only about 1% of complaints directly from a child; most were lodged by parents and carers.

Josh Barnham noted that public services had to uphold all articles of the UN Convention on the Rights of the Child (any person under 18), so that children would need to be able to express their opinion in any complaints by parents that impacted them, including those about housing or schooling. Children needed to be protected from punishment or discrimination arising from expressing their belief, appropriate weight must be given to their views, and they had a right to receive advocacy or representation. It was known that this could challenge current resources.

It was noted that a particular area of complaint could be with Child Reporters. The Children (Scotland) Act 2020 removed the presumption that children over 12 had capacity. JB confirmed that the SPSO was more concerned in ensuring appropriate weight is given to children's views and emphasising that trust was at the heart of the process.

It was thought that this project might produce more information about other vulnerable groups and JB agreed that SPSO would be considering whether there was learning in other areas. JW said her research into parent complaints indicated that the need to change culture in schools and possibly alert higher learning institutions to how this could affect them too.

5. Demographic data - who makes complaints?

VC presented a paper on what data was collected by the SLCC, the limited information it was able to gather on users of legal services, and comparison of population demographic information for comparison. The fact that SLCC holds its basic demographic data separately from complaints meant it was not possible to indicate the types of complaints made by certain groups.

SLCC knew that there was a high level of under-reporting, with responses skipped, and so SLCC would in future use a "prefer not to say" option to get a better sense of whether responders simply skipped questions.

Very few complaints were made by those under 25, and this is also reflected in types of legal services complained about (e.g. conveyancing). It was not known whether people

chose to report disabilities or long-term health conditions, but the SLCC data gaps are broadly consistent with those seen by other bodies.

Statistics were available from the Crime and Justice surveys, both for civil and criminal proceedings, and from SLAB. Although these suggested there were high numbers of young people and people with disabilities applying for legal aid, this was not reflected in the demographics the SLCC was able to gather from its complaints.

GJ agreed that capturing demographics was really difficult; CAS was able to count those who had difficulty accessing services, but not whether they were eventually able to access a lawyer. JW pointed to the Theory of Change guidance available from the Observatory of Children's Human Rights Scotland.

VC said that, even though it was clear that there were a number of uncertainties around the data, the Panel may wish to work with the SLCC on publishing a report. She suggested that the Panel discuss a draft at its next meeting. As a follow on, it could also consider what might be drawn from the SPSO initiative, specifically in relation to legal complaints.

SLCC: draft for next meeting

6. SLCC Feedback

VC presented papers on Quarter 4 feedback and a cover-paper drawing this out on an annual basis.

Members commented that the difficulty with the quarterly reports on feedback were that because both were based on small numbers (the majority choosing not to complete the survey) it was difficult to identify any particular trends. They agreed that it would be useful to see a report based on the annual trends, in addition to the quarterly update, at the next meeting.

7. Service Experience Team

HT gave an update on the signposting project. The Service Experience Team had now rolled out a resource for all staff to signpost service users to other sources of support, where appropriate. Further work by the Team included a refresh of the internal and external guidance on Service Delivery Complaints.

8. Promoting the Consumer Panel's resources

VC reported that the SLCC had started to look at the possibility of re-promoting some of the Panel's previous work, the "Consumers at Risk of Vulnerability" guidance and its work on consumer principles, through wider social media channels.

9. Regulatory reform

VC reported that the Scottish Government programme had been published, with a commitment for reform legislation to be considered by the summer of 2023, although no detail on what that might be. Scottish Government had been meeting with stakeholders, but nothing was yet confirmed. Panel members commented that it would be important for organisations to continue, as far as possible, to emphasise the need for the

consumer voice to be reflected, to ensure that any model would give better access to justice and an improved experience.

10. Administration and AOB

a) The Panel noted that the Chief Executive and Director of Policy of Consumer Scotland would attend the next meeting on 29 November 2022.

b) The 2022/23 meetings (on MS Teams) were confirmed for the following dates:-

Tuesday 29 November 2022

Tuesday 7 March 2023

Tuesday 6 June 2023