

Minutes

Consumer Panel Meeting

Monday 4 July 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
Kirsten Urquhart (KU), YoungScot

Vicky Crichton (VC), Director of Public Policy, SLCC
Susan Williams (SW), Best Practice Advisor, SLCC
Neil Burn, HR Advisor, SLCC
Halle Turner, Case Investigator, SLCC
Hayley Norton, Administrator, SLCC

1. Welcome and apologies

Apologies were noted from Miriam Simpson.

2. Declarations of Interest

Jane Williams declared a potential interest in relation to the Consumer Scotland discussions.

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

Gillian Fyfe noted that she serves on the Scottish Civil Justice Council's Access to Justice Committee

3. Approval of Minutes 8 March 2022

The Minutes of 8 March 2022 were approved, subject to a correction of Point 3 to add the words "Access to Justice Committee".

4. Chair's feedback on attendance at SLCC Board

JW reported that she had observed the May 2022 meeting of the SLCC Board, where she had been impressed by the Board's in-depth scrutiny of feedback, accounts and performance. She commented on the high costs of enforcement proceedings against firms who, despite the Act's requirements, did not comply with requests for files. The high costs of appeals had been raised in the reform proposals but continued to concern the Board. Members felt that it would be useful for the Panel to comment on this, from a consumer perspective.

5. SLCC Feedback

VC updated the Panel on the latest quarterly customer feedback, commenting that although some trends remained stable, the response rate in the last quarter had improved. The full year's figures would be shared at the next meeting. Members thought it would be useful to request those completing the survey to confirm how they had initially contacted the SLCC, and also for those withdrawing complaints to be asked for their reasons. VC confirmed that demographic information was collected separately and could not be linked automatically to the surveys.

6. Service Experience Team

NB reported that the Service Experience Team, having collated different queries from both complainers and members, had developed resources to help staff signpost sources of assistance for any vulnerable customers. Members offered to speak separately to NB about the support their own organisations offered and the helplines available.

A second project involved a benchmarking exercise, considering how the SLCC might be able to incorporate positive customer service accreditation indicators into its own framework. This could include actions from the competency framework recently launched by the Ombud Association. Members agreed that external comparisons and benchmarking were useful indicators both to boost public confidence, and to help develop a wide range of skills and best practice in the SLCC's investigators.

NB outlined the Service Delivery Complaint process, explaining that this was not an appeal of the decision made. The SLCC tried to make the process clear for consumers, and was currently aiming for completion of any Service Delivery investigations within 25 days, in line with the SPSO process. Members commented that this compared favourably with other ombud processes, and emphasised the need to clarify, upfront, that a Service Delivery investigation could not alter the decision on the initial complaint investigation. They suggested that it might be useful to consider the involvement of an external reviewer in addition to a senior manager, and NB confirmed that he would take these suggestions back.

7. Consumer Panel project

VC tabled some options for a specific Consumer Panel project which would champion and emphasise the work of the Panel. She reminded members of the Panel's previous work and publication on vulnerable consumers. Members felt it would be useful for the SLCC to focus on those groups who were not using the complaints process, since a better understanding of the reasons for exclusion might highlight where more work was needed on consumer guides. They were anticipating more focus on advocacy for children and young people as a result of the 2020 Children (Scotland) Act, particularly in relation to child welfare reporters. They felt it would be useful to use different channels to re-promote the Panel's previous work on vulnerability, emphasising the need for a more empathetic and transparent approach by practitioners. LJ particularly highlighted the work on trauma-informed practice.

Members were keen to understand if there is a gap between those using legal services and those complaining. Whilst it would be difficult for the SLCC to assess who was

consulting lawyers, it would be possible to draw some assumptions from the demographics of who was lodging complaints. Members felt the current consumer guides were helpful, but needed to be promoted to other support organisations. VC mentioned that the new Rules would clarify that supportive organisations could also bring complaints and play a more active role in supporting complainers, and this might be a useful springboard to foster more engagement.

8. Regulatory reform

VC reported that Scottish Government had not yet produced its analysis of the consultation responses, which was likely to be released after the summer recess. It was expected this would show there was still wide divergence of opinion, and that there was no indication of the next steps forward. Meantime, discussions were also ongoing about effecting changes to the SLCC powers by statutory instrument. The Panel noted that Stephen Mayson had re-emphasised his views on independent regulation in England and Wales, and New Zealand was also conducting a similar independent review.

9. Consumer Scotland

The Panel noted the appointment of the new CEO of Consumer Scotland, who had experience across different consumer groups. Consumer Scotland was now recruiting for senior staff, and had published its interim strategic plan which set out a broad approach, but no specific mention of legal services. The Panel approved the wording of its draft letter to the newly appointed CEO, expressing its hope that the Panel and the new body would find opportunities to interact.

10. Chair and vice-chair positions

JW reminded the Panel that although she was happy to continue to act as Chair for the moment, the Panel would need to revisit this appointment, and ideally also have a Vice-Chair to deputise if needed. Members agreed to re-discuss once there was more clarity on Panel membership for the forthcoming year.

11. Administration and AOB

a) The Scottish Independent Advocacy Alliance had advised that it was shifting its focus away from a number of policy meetings to focus on membership engagement. However, it had offered assistance on any particular independent advocacy work and wished the Panel well in its work

b) VC reported on the responses from other organisations who had been approached to join the Panel, and also suggested some potential individuals working in consumer-focused roles or as consultants, who might also be approached. She asked the Panel to forward any organisation or individual names for discussion at the next meeting.

c) VC asked members to share the forthcoming SLCC adverts for board members to help with recruitment.

d) The SLCC had completed its consultation on the Rules, and had input from the Panel and Scottish Women's Aid. The Board had agreed some updates. However, further technical changes were needed when the implementation of the Alternative Business Structures was announced, and a short technical consultation would be needed before the Rules could be implemented. Panel members noted that their organisations may choose to respond.

Dates for 2022-23 meetings

The dates of the next meetings were confirmed as:

- Tuesday 6 September 2022
- Tuesday 29 November 2022
- Tuesday 7 March 2023
- Tuesday 6 June 2023

The meetings would be via Microsoft Teams