

Minutes

Consumer Panel Meeting

Tuesday 29 November 2022 (via Teams)

Present: Jane Williams (JW), Consumer Scotland (Chair)
Gillian Fyfe (GF), Citizens Advice Scotland
Douglas White (DW), Consumer Scotland
Tracey Reilly (TR), Consumer Scotland
Chris Gill (CG), University of Glasgow
Craig McClue (CM), Competition and Markets Authority
Tim Mouncer (TM), Which

Vicky Crichton (VC), Director of Public Policy, SLCC
Susan Williams (SW), Best Practice Advisor, SLCC
Jamie Archibald (JA), Service Excellence Team, SLCC

Introduction

1. Welcome and apologies

JW welcomed members and confirmed that she would be stepping down from the Panel after this meeting. VC, on behalf of both the SLCC and other members, thanked JW for her substantial contribution both as member, and as Chair.

Apologies were noted from Louise Johnson (Scottish Women's Aid), Steven McGregor (Competition and Markets Authority), and Kirsten Urquhart (YoungScot).

2. Declarations of Interest

No declarations of interest were necessary.

3. Approval of Minutes 6 September 2022

The Minutes of 6 September 2022 were approved, subject to:

- correction of a minor typographical error
- inserting a reference, under item 6, to the presentation of annual statistics at the following meeting in November 2022.

Discussion

4. Consumer Scotland

Douglas White, Director of Policy and Advocacy, and Tracey Reilly, Head of Policy and Markets, presented a report on Consumer Scotland. The new body vested on 1 April 2022 and is currently in the process of onboarding new staff, scoping its new functions and considering its workplan, on which it would consult early in 2023.

They described that CS is accountable to Parliament, with a broad remit around consumer advocacy and protection. This would include investigations, the power to issue guidance to public bodies and responsibilities in respect of specific regulators. Given its broad remit, its work for the next four years would be structured around cross-cutting themes which would include consumer protection, both more generally and for vulnerable groups, the cost of living, affordability and environmental concerns. It would explore how best to link contributions from other organisations whose powers and functions overlapped with its own, to achieve the best outcomes for consumers.

VC reminded the Panel that SLCC was expecting to be included in the list of organisations subject to the consumer duty. The responses submitted to CS by the SLCC and the Panel had highlighted issues specific to legal services and reform discussions. Any contributions to the debate on these points from CS would be welcomed.

TR confirmed that Scottish Government had not yet responded to the consultation on the final list of organisations. DW added that his team was busy discussing engagement, the scope of work and prioritisation of legal reform issues. He expressed appreciation for the input of both the CMA and the SLCC in relation to Scottish markets.

5. SLCC customer feedback

VC presented updated reports, both for the last quarter, and a summary of the year, on the SLCC's customer feedback. The Panel's input on this data would inform both the operational plan of the SLCC for 2023-24 and the work of its Service Excellence Team, as well as the work on the longer four-year strategy starting in 2024.

Members preferred the format of the monthly presentation although an annual report based on the same headings, might present a more comprehensive picture. They also asked for the sample size to be included. Members agreed that the low numbers of surveys submitted made it difficult to draw firm conclusions. It seemed to be individual perceptions rather than a factual basis that gave rise to comments about bias or impartiality. CG queried comments raised by both solicitors and complainers about different investigators at different stages, asked if it was possible to compare comments and outcomes, and wondered whether any other "themes" had emerged.

VC confirmed that separate reports compiled the outcomes data. The anonymity of the customer survey meant it was difficult in most cases to track the correlation between outcomes and perceptions. Other ombuds found that outcomes did sway impressions of service, so the SLCC was already considering the timing of the survey to assess whether more accurate impressions based only on service provided prior to outcome

notification could be obtained. The SLCC was already comparing other regulators' survey questions and responses. wording and responses across various other regulators. Members highlighted comments on handovers, which they had seen in previous reports, and VC confirmed that currently different investigators were assigned at different points of the process, but the SLCC might consider how it could better manage and explain this. VC also confirmed that the SLCC undertakes qualitative analysis of service delivery complaints.

Complainer responses tended to be more negative than those of solicitors, although the SLCC could and did address negative perceptions from solicitors during outreach. JW noted that practitioner responses were significantly more negative than those seen in other sectors. The SLCC was already doing whatever it could to adjust its explanations, use plainer language and explain the SLCC's position as an impartial body. The SLCC had already highlighted systemic difficulties in the process to Scottish Government.

SLCC to feed into customer feedback work

6. Service Experience Team report

JA updated the Panel on the proposed changes to the SLCC's process for dealing with service delivery complaints, focusing on facilitating discussion and resolution between the individuals. This mirrored the SLCC's focus on encouraging first-tier resolution by firms, but also included an option to refer issues to the Director of Resolution where that was felt appropriate or at the complainer's request.

Most service delivery complaints arose from dissatisfaction about the outcome or the way decisions were explained. The SLCC already clearly explained that the only way to change the outcome was by appeal. A new online form will automatically direct the form to the appropriate staff member for response, although it was noted that concerns could be raised in other ways to avoid digital exclusion.

JA further reported that the SLCC was now testing a new app to automate the booking process for mediations. Email, post or phone options were available for those who preferred not to use the automated process.

7. Demographic data - who makes complaints?

VC presented comparative demographic data drawn from national datasets, from information compiled by SLAB relating to numbers accessing legal aid in Scotland, and from (optional) demographic information provided to the SLCC when complaints are made. A recent Crime & Justice survey had suggested that people with disabilities might experience more civil law problems, but this information was not disaggregated, and there was no comprehensive information available to confirm who was accessing legal services. No socio-economic information was gathered by the SLCC.

Anecdotal evidence indicated that people with disabilities, younger users and those using immigration services were less likely to report complaints about their user experience to the SLCC.

The comparative study had highlighted where the SLCC might make improvements both in the questions and the way the information was collected, to achieve better comparison with the data gathered by various public organisations.

JW observed that criminal legal aid reports indicated a high percentage of applicants reporting a disability, and wondered if legal aid applicants were under the misapprehension that they could not complain about publicly-funded services. Members felt that specific input from YoungScot and disability advocacy organisations would be particularly valuable and wondered if it was possible to cross reference more data from other sources. They also made some suggestions to change the wording of the SLCC forms. They suggested benchmarking against SPSO and Legal Ombudsman data reports, as well as making reference to the Children's Legal Aid Network report that had recently been circulated.

The Panel agreed that despite the limitations of the data, it would be useful to produce and publish an updated report, which might include explanatory notes, and the SLCC's own questionnaire.

SLCC - updated draft

8. Regulatory reform

VC reported that the expected Ministerial statement on the next steps in the reform process had not yet been published. There was no clear indication of the way that Scottish Government would proceed. A further update would be given at the next meeting.

SLCC - update

9. Consumer Panel Chair

JW confirmed that a new Chair was needed, as she was stepping down. GF was appointed as the new Chair.

Administration and AOB

- 10.** The next meetings (via MS Teams) were confirmed as:
Tuesday 7 March 2023; 14:30
Tuesday 6 June 2023; 14:30