

MINUTE SLCC Consumer Panel



Thursday 03 September 2015
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG

Present: Lauren Bruce [Chair], Citizens Advice Scotland
Carol Brennan (CB), Queen Margaret University Consumer Insight Centre
Julia Clarke (JC), consumer affairs consultant
Sheila Scobie (SS), Competition & Markets Authority
Nicola Manison in place of Lynn Welsh (LW), Equality & Human Rights Commission

[REDACTED], SLCC in place of [REDACTED], Head of Oversight (HoO),

Apologies: Shaben Begum (SB), Scottish Independent Advocacy Alliance

1. Welcome

The Chair welcomed all present to the meeting of the Panel, in particular Nicola Manison who was attending on behalf of the Equality & Human Rights Commission.

The Chair announced that she was leaving her post at CAS and, as a consequence, required to stand down as Chair of the Panel. The Chair asked that if anyone wanted to put themselves forward as Chair that they contact the HoO.

2. Apologies

Apologies were recorded from Shaben Begum.

3. Declarations of interest

No notes of interest or conflict were declared.

4. Minute of previous meeting

The Chair asked if the Panel members approved the Minute of the July meeting as an accurate record of that meeting and approved the Minute as an accurate record of that meeting.

5. Actions

The Chair advised that the action points from the previous Minute fed into today's discussion points, deciding on which project(s) to take forward.

Discussion

6. ABS

Following the action point from the previous meeting, JC provided background information in relation to Alternative Business Structures (ABS) in Scottish legal services. Stemming from the Clementi Review, it had been considered that there was a lack of competition in legal services in Scotland. This had resulted in the creation of the Legal Services (Scotland) Act 2010.

The Panel discussed various individual conversations which had taken place with Scottish Government, including an issue which had arisen in Glasgow where the CAS Bureau had set up their own law firm in order to employ solicitors to give advice.

The Panel considered that, as interested stakeholders in the scheme, it would be helpful to have a better understanding of the timeframes envisaged for enacting ABS. It was suggested that it would be helpful to invite Denise Swanson from Scottish Government to the next Panel meeting to provide an update.

7. Proposed work stream projects

At the July meeting, the Chair had asked that papers on three proposed work stream projects be prepared. She reminded members that the main purpose of today's meeting was to discuss these further and agree on which to take forward.

7.1 Consumer Principles and Professional Standards in legal services

CB introduced this project proposal, highlighting the differences between LSS principles and consumer principles. She noted that the legal standards in England and Wales were less transparent than those of the LSS.

There followed a discussion about how consumer principles provide a tool for analysis, which can enable critical thinking, including consideration of risk factors. It was agreed that it would be useful for the Panel to critique the standards of service and consider their effectiveness in meeting the consumer interest. It was also agreed that the issue of whether the consumer principles were the right principles for comparison should also be explored, and that, in such an exercise, other principles may be useful to include – for example, Ombudsman Association principles.

The Panel considered that this would be a very useful piece of work to take forward, but was also potentially a very large and costly exercise. It was agreed that CB would prepare a project plan to allow better consideration of costs before requesting that the HoO take this forward with the SLCC. The Panel requested that the HoO advise on how best to approach the project in relation to the SLCC SMT/ Board and who might assist in that.

There followed a more general discussion about how the RPOs (Relevant Professional Organisations) apply the principles and if legal consumers had an understanding of this. It was agreed that having a focus group within the SLCC which included staff of every level, including a Board member, would be a good idea. Representatives of the RPO bodies would also be included to ensure a broader focus.

The Chair asked all Panel members to prepare a note on "if you were going to do it, how would you do it?" and that this was to be added to the next meeting's agenda.

7.2 SLCC Statistics

The Chair provided the Panel with an update following her meeting with the HoO and the SLCC's Communications and Information Officer about the further analysis of the demographics of complainants to the SLCC. The outcome of the meeting was that it was possible to interrogate the 13/14 stats to drill down more detail from the stats, e.g. by business area, age groups, trends in gender, ethnicity, disability etc.

It was agreed that the SLCC's Oversight area go ahead with this and the Chair suggested that some graphs/raw data be prepared for the next meeting.

7.3 European ADR Directive

The Chair advised that the HoO had provided her with an update on ADR, namely that LEO had now decided to consult on the general principles of ADR compliance, as well as the specific changes which would be required, and that the SLCC Board had taken the view to delay this decision until the landscape became more clear.

It was noted that the Panel had previously considered providing a statement in support of the SLCC's position and it was agreed that, in light of the above, there was no requirement to make such a statement at this time.

8. SLCC Operational Plan 2015-16

Copies of the SLCC's current Operational Plan were tabled with apologies that these had not been circulated with the other papers in advance of the meeting. The Chair suggested that any specific questions arising from the Plan be directed to the HoO.

9. Dates of the next meetings

The Chair suggested that the HoO canvass dates for the next three meetings.

10. AOB

The Chair reminded all Panel members of the requirement to complete the Declarations of Interest form. It was agreed that the HoO would email all the members a further copy of the form to complete.

The Panel asked about the SLCC's mediation project and indicated their willingness to support this piece of research publicly.

The Panel took the opportunity to thank the Chair for all her work to date, and there being no further business, the Chair thanked everyone for their attendance.