



Consultation Response: Complaints against Approved Regulators (Scotland) Regulations 2018 and Administrative Guidance

9 August 2018

We welcome the opportunity to comment on the Scottish Government's draft *Complaints Against Approved Regulators (Scotland) Regulations 2018* and the associated guidance notes. We would make the following comments:

1. We are pleased to see that progress is being made with ABS on the basis that this will put Scottish legal consumers on the same footing as those in England and Wales.
2. The legal complaint landscape is already very complicated for consumers, so we would welcome a process for Approved Regulator complaints which is as straightforward and easy to follow as possible. As a more general point, we feel that if/ when ABS is introduced, an extensive education programme will be needed.
3. With Point 2 in mind, we also would like to see clear language in both the Regulations and the guidance. We would query whether all the language used is appropriate for consumers – examples include 'timeously' and 'vexatious'. We would prefer to see a modern and accessible approach to language.
4. Until the first Approved Regulator complaint is received, it is hard to predict what the challenges might be in dealing with these. We would, therefore, welcome sufficient flexibility in the Regulations to allow for sensible process changes where these would lead to a better service for complainers.
5. There appears to be no mechanism for early resolution of these types of complaints in the Regulations. Early resolution (for example, mediation) can be very helpful for complainers to avoid the need for long, drawn out investigations or determinations (and the associated costs). A mechanism to allow for early resolution in ABS approved regulator complaints is something we would support.