



RESPONSE TO SLCC BUDGET, STRATEGY AND OPERATING PLAN CONSULTATION 2020

20 March 2020

The Consumer Panel welcomes the opportunity to comment on the Scottish Legal Complaints Commission's proposed budget and operating plan for 2020-21, and draft strategy 2020-24.

The Panel responds to the questions posed in the consultation documents as outlined below.

Strategic aims, internal priorities and values, and success indicators (section 2)

The Panel welcomes the strategic aims and internal priorities outlined in the consultation document. The Panel would raise the following specific points:

- The Panel welcomes the commitment to delivering an “approachable” service, viewing this as going beyond providing an ‘accessible’ service, to one which felt open and user friendly for consumers.
- However the Panel feels that the reference to delivering a ‘fast’ service might be better expressed. Consumers do not want unnecessary delays, but the Panel also understands that people don’t necessarily just want ‘fast’ service; they also want

to know that their complaint is being handled appropriately. We have seen other regulators use terms like 'timely' or 'prompt' to better reflect that the time required to deal with an issue properly depends on the nature of the complaint.

- The Panel very much welcomes the commitment to prevention as a strategic aim. While recognising that complaints will always occur and need handled appropriately, the Panel is clear that many of the circumstances in which complaints commonly arise could be avoided.
- The Panel is very pleased to see that good customer experience will be a key focus for the organisation. The Panel plays a key role in considering the SLCC's customer feedback and making recommendations for how learning from that feedback could drive improvements, and we look forward to feeding into this work as it develops.
- While recognising the importance of digital as an internal priority for the SLCC, the Panel highlights the need for the organisation to be certain this is not exclusionary, and that sufficient safeguards are put in place to ensure access for all.

Themes of work anticipated over the four years, and the specific delivery and projects planned for year one (section 3)

The Panel would raise the following points in relation to specific commitments:

- Accessible English: we welcome the commitment to further action to improve the accessibility of the SLCC's reports and decisions. The Panel is aware that consumers often struggle with the way in which decisions are expressed and that feedback suggest opportunities for improvement. Panel members would be happy to share further thinking on this work as it develops.
- Customer service: as stated above, the Panel strongly welcomes the specific focus on customer service in the strategy, and the commitment to create a new approach to customer feedback in order to better understand customers' needs and preferences at every part of the complaints journey and to measure the impact of activity to improve the SLCC's service. The Panel looks forward to being involved in this work, and will wish to reflect this in its own workplan.

- Engagement with consumer organisations: the Panel has consistently welcomed action taken by the SLCC to increase its own profile in order to ensure that consumers who may have legal complaints are aware of where and how they can raise them. We therefore welcome the commitment to more effective engagement with diverse consumers and consumer groups to understand changing expectations, and to ensure people who may have legal complaints are directed to the SLCC. We believe targeted work with key groups, particularly those who might work directly with consumers at risk of vulnerability, is a good use of the SLCC's resources and could provide better signposting and reassurance to those complainers who might otherwise be unaware of or unwilling to engage in the complaints process.
- Early resolution and consensual outcomes: the Panel strongly supports the SLCC's commitment to seeking early resolution and consensual outcomes to complaints where these are possible and appropriate. The Panel is aware of evidence that suggests these outcomes, when facilitated well, are likely to result in higher consumer satisfaction and in swifter exit from the complaints process. This is of benefit to those individual consumers (and practitioners), but also allows greater resource to be targeted on more complex or challenging complaints when early resolution or consensual outcomes are less likely. This is therefore of benefit to the whole system in reducing customer journey times. The Panel also notes the explicit link made here to exploring digital options for improvement, but would also highlight evidence that speaking to parties by phone rather than just in writing can help to aid engagement and resolution, and should also be a key tool.^{1,2}
- Oversight review: the Panel welcomes the action to review the SLCC's approach to discharging its oversight functions. The Panel is aware that some consumers continue to face issues relating to the procedures for dealing with conduct complaints, and in provision for ensuring consumers receive the redress they have

¹ GILL, C., CREUTZFELDT, N., WILLIAMS, J., O'NEIL S., VIVIAN, N. 2017. Confusion, gaps and overlaps: A consumer perspective on the UK's alternative dispute resolutions (ADR) landscape. Available online from <https://www.citizensadvice.org.uk/Global/CitizensAdvice/Consumer%20publications/Confusiongapsandoverlaps-Original1.docx.pdf>

² SLATER K. and HIGGINSON, G. 2016. Understand Consumer Experiences of Complaint Handling. [online] Available from: [https://www.citizensadvice.org.uk/Global/CitizensAdvice/Consumer%20publications/Understanding%20consumer%20experiences%20of%20complaint%20handling_DJS%20report%20final_June2016%20\(2\)%20\(1\).pdf](https://www.citizensadvice.org.uk/Global/CitizensAdvice/Consumer%20publications/Understanding%20consumer%20experiences%20of%20complaint%20handling_DJS%20report%20final_June2016%20(2)%20(1).pdf)

been awarded. The Panel looks forward to considering the SLCC's proposed approach and priorities when it consults.

- Preventing the common causes of complaint: the Panel believes that one of the main benefits to be derived from any complaints process is feeding outcomes and learning back into the profession to prevent recurrence and improve overall service levels for consumers. The Panel therefore endorses the SLCC's ongoing work to support the profession to prevent issues arising in the first place, and to develop effective systems for early resolution at first tier, as the most effective means to reduce complaints and the costs of those to both the profession and the firms involved. This work is essential to drive service improvements for the benefit of consumers.
- 'Reimagine Regulation': the Panel welcomes the SLCC's continued work to make the case for reform, and commits to working with the SLCC, and other stakeholders, to ensure any reform is informed by the voice of consumers.
- Preventing digital exclusion: the Panel has highlighted above its concern that any drive to digital should not be exclusionary, so we welcome this specific commitment to put sufficient safeguards in place to ensure access for all.
- Consumer Panel priorities: the Panel commits to working with the SLCC, and other relevant stakeholders, to achieve the priorities set out in section 3:30.

Ideas on further efficiencies, or ways to improve our service (section 5)

We are aware that concerns about delay in dealing with complaints continues to be a feature in the feedback received from the SLCC's stakeholders. We are also aware of the restrictions which the current legislative framework imposes on making radical improvements to the complaint handling process. We welcome the proposals for continuing to improve the current system within the legislative restrictions and particularly welcome any changes which result in improving the consumer experience. The Panel will continue to monitor the impact of this work on customer experience, through the customer feedback received by the SLCC. We will also continue to highlight new research or work by other organisations that may demonstrate best practice or new approaches to improve the SLCC's customer service.

The general levy, and any ongoing view how it is apportioned among different professional groups (section 6)

The Panel notes, as it has in previous years, that it is inevitable, in the face of rising complaint numbers, that the costs for adequately meeting this demand necessarily require an increase in the annual levy. Both complainers and those complained about deserve a process which deals effectively and efficiently with complaints and which provides prompt resolution and redress.

In principle, the Panel agrees with the SLCC's 'polluter pays' approach to both individual complaint levies, and to the annual levy where that can be apportioned to those areas of legal practice which generate proportionally more of the SLCC's work (for example, private practice).

Views on how a consensus might be built around the Fit for the Future recommendations to unlock the benefits of the more efficient and effective system it proposes

The Panel agrees that the current legislative framework results in a complaint process which is not fit for purpose. The Panel has consistently made this view clear and will continue to support the call for radical reform to deliver a more efficient and effective system.

The Panel has welcomed the opportunity to discuss reform proposals further with Scottish Government. The Panel's starting point is protecting and promoting the interests of consumers of legal services. The Panel believes that legal services regulation should aim to embed and achieve the Consumer Principles as set out in our Consumer Principles publication.

The Panel has raised a specific concern about the need for the reform debate, and ongoing regulation of legal services, to be informed by a deep understanding of consumer needs, including meaningful consultation with consumers themselves. There is a significant lack of information and evidence on how consumers experience the legal services market in Scotland, and there has been limited consultation or engagement with consumers and consumer groups to date.

Achieving consensus means understanding the needs and views of all stakeholders in order to find common ground. Without a stronger understanding of consumer needs and views, and considering how those might be compatible or conflict with the needs and views of other stakeholders, it will be impossible for true consensus to be achieved. The Panel commits to play its part in bringing those views to the debate, and in encouraging other consumer and public voices to take part, but believes Scottish Government must also commit to meaningful engagement with consumers and consumer groups as part of the consultation process.