

A triple challenge:

- Rising complaints and complexity
- Improving our performance
- Maintaining user satisfaction

Our operating plan for July 2019 to June 2020

Complaints handling which is:

Independent | Fair | Impartial

Accessible | Efficient | Effective

Introduction

- 1.1 This document sets out the Scottish Legal Complaints Commission operating plan for July 2019 to June 2020.
- 1.2 The plan was consulted on between January and March 2019, and is accompanied by a budget which was laid before the Scottish Parliament in April 2019. The budget is available on our website.
- 1.3 The consultation document set out the reasoning behind the operating plan – including an external review of our work, an ongoing context of increasing complaints, and a focus on operational performance.
- 1.4 Our plan this year has five overlapping and interconnected themes to deliver improved performance:
 - A. Improving the customer complaints journey
 - B. Reducing common causes of complaints
 - C. Understanding and delivering high-quality customer service
 - D. Continuing to make the case for reform (to complaints and regulation)
 - E. Business-improvement enablers, statutory obligations, and delivering change

Operating Plan

A. Improving the customer complaints journey – faster outcomes, proportionate processes, fair decisions

We are committed to improving our performance year on year.

We are excited that the independent review of legal regulation published late last year may lead to fundamental reform, but that will take time and the recommendations need to be considered. Meanwhile, we must balance our ambition to deliver the most effective system possible within current constraints, against the need to ensure that any resource expended on changes is not wasted if and when wider reform comes. However, where appropriate, we will draw on learning from the review to inform our decisions, where this is consistent with other indicators of what a high performing system should deliver.

We will continue the successful programme of work from 18/19 using Agile project management and a series of rapid ‘sprints’ to scope, test, and deploy improvements, guided by best practice and innovation from other jurisdictions and sectors. We are proud that our staff have embraced new process innovations, and that they are key drivers of improvements. Since the beginning of the Agile project-management initiative, over 50 sprint suggestions were submitted, of which 32 have been tested so far.

This year we will:

1. Process improvement and behavioural insight:

Examine every stage, and test every element, of the process with ideas for improvement generated by internal and external user research and data insights.

Adopt a holistic view of the complaints process by incorporating insights from behavioural science on users’ preferences regarding services, both in the profession and among consumers.

Deliver the programme of ‘sprints’ to test any viable idea for improving efficiency while maintaining quality.

Update the process manual and public information on our website with more details of our ‘tool box’ approach to complaint handling as work evolves.

2. **Medium term statutory change agenda:** Continue our liaison with the LSS on changes which may be possible in statutory instruments prior to wider reform.
3. **External scrutiny and best practice:** Hold an Innovation in Regulation and Complaints roundtable and a ‘challenge session’ with experts from other jurisdictions and sectors, as well as consumers and practitioners. This will draw on expertise on operational performance and delivery, provide constructive critique and generate ideas for improvement.
4. **World class mediation:** Review our mediation panel arrangements (recruitment, contracting, and remuneration model) to ensure we continue to be recognised as a leader in mediation
5. **First tier complaints arrangements :** Re-assess statutory powers for prematurity and first-tier complaints to identify opportunities for the earlier resolution of complaints.
6. **ABS:** Finalise public information on ABSs and our outline process and, if the first complaints are received under these new arrangements, process these and then base the next iteration of our approach in part on what we have learned.

Outcome: reduced total ‘work in progress’ in the organisation, reduced journey time, and stable or improved levels of satisfaction among users of our services.

B. Reducing common causes of complaints – tackling unnecessary costs, focussing resources on the right issues

In our submissions to the independent review (July 2016, May 2017, and May 2018), we argued strongly that Scotland’s legal regulation and complaints system must move from being reactive about minimum acceptable practice to basing itself on the principles of learning and continual improvement – a cultural shift that many regulatory sectors have made over the last two decades.

We will continue to focus our statutory oversight duties and other functions on trying to reduce the common causes of complaints, and thus costs within the system, and we are pleased that the need for this approach has now been externally validated by the outcomes of the review.

This year we will:

1. **Oversight of complaints and professional organisations:** Review all our oversight functions to assess how work can be reframed and coordinated to maximise the impact of improving quality on the profession and on users of legal services.
2. **Learning and quality improvement:** Improve our learning offering to professionals, client relations, partners and others managing complaints at various stages to encourage and deliver training in the sector, exploring innovative opportunities such as a learning portal and services and other means to foster improvements such as process tools and advice on policies and procedures related to complaints).
3. **Assessing trends, and targeting regulation:** Use trend data from complaints to issue practice standards on a high-complaint practice area (e.g. conveyancing, family, wills or executries, litigation and criminal), which drives regulatory, complaints, and indemnity costs in the sector. This will then form the basis for adjudicative decisions.
4. **Making complaints data more transparent:** Improve the performance data we share on complaints (such as an anonymised benchmarking table following best practice from England and Wales) to offer a more nuanced understanding of complaints across the Scottish legal sector and to recognise the high quality of services provided by the vast majority of the profession.
5. **Complaints reduction:** Consider the role of Determination Committees in helping reduce future consumer risk, drawing on the legal powers and levers we have available. This may include focussing firms on service improvements or offering education/support to try to reduce future complaints.

Outcome: our engagement, training, insight and support will support lawyers, thus helping them to avoid common pitfalls, engage with client feedback, and resolve more complaints at source. We will thus started the journey towards creating a regulatory culture of learning and continual improvement.

C. Understanding and delivering high-quality customer service to a diverse customer base

The independent review sets the agenda for a regulatory and complaints system focussed on the needs of the sector, of clients, and of the public rather than on institutional or historic roles. We had recommended this approach, and hope to see it reflected in whatever steps the Scottish Government take next.

The customer-journey approach was first introduced to the debate by the SLCC, and our visualisation of current journeys helped demonstrate the complexities and challenges in the current maze of complaints. This longstanding approach has the potential to improve our current work as well as to shape future reform.

This year we will:

1. **Improving access:** Consider creative and innovative ways of making our services and processes more accessible, especially to consumers facing vulnerability. This includes improving the ways we communicate, interact and form relationships.
2. **Review of communication approaches:** We will undertake a year-long project to improve the way we as SLCC communicate, following three inter-related elements:
 - Improving the clarity of our communication to consumers and lawyers, embedding this in our quality assurance process and share learning to assist our colleagues in the sector. This will be a major theme of our year.
 - Creating and curating a set of ‘making your complaint’ tools, with easy-to-read content and visual support, drawing on our own experience and insights as well as on independent sources, with the aim of supporting consumers in making complaints at the first-tier level and to the SLCC, and informing the profession and RPOs about best first-tier practice.
 - Refreshing our approach to equality and diversity by updating our equality statement, auditing our accessibility to different audiences, publishing information on how we can assist people to access our service, and plan further actions as required.

Working with our independent Consumer Panel

The independent review flagged a deeply concerning lack of evidence of consumer perspectives around legal services.

The Consumer Panel was active in lobbying for powers to undertake consumer research and has already led the way in areas such as consumer vulnerability and the application of consumer principles to legal regulation and complaints.

3. **Insight to inform practice and reform:** We will explore creative options for co-production and consumer engagement (such as holding ‘conversation cafés’ with consumers) to gain insights into their perceptions of what a good customer journey, with appropriate information and support, looks like. We will use these insights in process-improvement work and to shape longer-term reform. We will actively reach out to members of harder-to-reach groups to ensure we understand their experience, in leverage the strength of Scotland’s civil-society sector in the process.
4. **Reviewing the service standards for lawyers and decision making guidelines:** We will undertake research to assess what service standards are required to respond to the needs of users of legal services, particularly vulnerable consumers. We will review how this informs our decision making on individual cases and what further guidance may be required. We will liaise with the professional bodies on how changes to the standards, and/or decision guidelines, may improve clarity to the sector and outcomes for consumers.

Outcome: we will have embarked on co-producing our service design, with community and consumer engagement at its heart, thus resulting in a visibly more accessible service without unnecessary barriers to using our services. The consumer voice will be significantly strengthened, and will thus complement the valuable dialogue we maintain with professional groups, which will start to have a demonstrable impact on regulation and complaints.

D. Continuing to make the case for reforming a regulatory and complaints system now widely recognised as statutorily inefficient and overly complex

We are delighted that the independent review accepted the majority of the SLCC's recommendations for change and are encouraging the Scottish Government to move rapidly to consult further and formalise their view. To this end, we will continue to be a trusted partner by providing high-quality insights on the complaints process from the perspective of consumers and the profession.

We will continue to lead the debate on reform, and aim to be at the heart of delivering both a new fit-for-purpose and simplified regulatory and complaints system based on the consumer principles and the Scottish Government's Better Regulation agenda.

This year we will:

1. **Engage with policy makers:** Widen and deepen our engagement with policy- and decision-makers across government and the sector, providing impartial advice and high-quality insights into the complaints process.
2. **Engage with consumer groups:** Widen and deepen our engagement with consumer groups and the civil-society sector.
3. **Behavioural insight:** Harness insights from behavioural research on the users of our services to enable future reform of the complaints process as well as of our current work.
4. **Engage direct with the profession:** Build on our existing successful engagement with the legal profession to obtain nuanced insights into the experience that lawyers have of the complaints process (including consideration of a lawyers panel in inform our work). This will include a practitioner forum meeting to explore both immediate issues and to inform what longer term engagement may look like.
5. **Continue to make the case for wider statutory reform:** Formulate proposals and responses in relation to the 'Fit for the Future' recommendations and adapt our research and insights accordingly.

Outcome: our leadership will have played a vital role in delivering the information and insights and required to build a new fit-for-purpose system for Scotland.

E. Business improvement enablers, statutory obligations, and delivering change

To deliver our ongoing work and specific projects, we need the right people and the right tools. Good governance will help maximise our impact and help us take advantage of opportunities, and our culture will continue to embrace the value of statutory requirements from data protection to environmental reporting rather than treating these as compliance issues.

The year we will:

1. **Case management lead:** Create a case-management system lead role so that we have an internal champion for our key digital business enabler.
2. **Records and data:** Consolidate our work on the separate statutory regimes for record management, data protection (DP) and freedom of information (FOI) into an integrated information-management system which meets all statutory requirements.
3. **Office and facilities:** Create a modern, flexible, pleasant office environment which promotes innovation, productivity and staff wellbeing.
4. **IT review:** Review our IT Hardware and Infrastructure to make the organisation more resilient and ensure all licences and systems meet the latest requirements.
5. **Attract and retain:** Design an 'SLCC Rewards' Package that will attract and retain staff.
6. **Board pack:** Review our Board 'pack' and reporting to ensure
7. **Learning and development:** Reform our arrangements for staff learning and development, based on previous feedback, to increase its impact on business performance.