

# Minutes

## Consumer Panel Meeting

Tuesday 5 March 2024 (via Teams)

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**Present:** Gillian Fyfe (GF), Citizens Advice Scotland (Chair)  
Tracey Reilly (Consumer Scotland)  
Carol-Anne Frame (Competition and Markets Authority)  
Louise Johnson (Scottish Women's Aid)

Jamie Wilhelm (Scottish Government)  
Karen Auchincloss (Scottish Government)

Vicky Crichton (VC), Director of Public Policy, SLCC  
[REDACTED] Best Practice Advisor, SLCC  
[REDACTED] (Service Experience Team, SLCC)  
[REDACTED] (SLCC Observer)  
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### Introduction

#### 1. Welcome and apologies

The Chair welcomed members. Apologies were noted from Chris Gill (University of Glasgow), Kirsten Urquhart (YoungScot) and Tim Mouncer (Which).

#### 2. Declarations of Interest

No declarations of interest were necessary.

#### 3. Approval of Minutes 5 December 2023 and extraordinary meeting 15 February 2024

The minutes of the meeting on 5 December were approved subject to a correction to the attendees list. It was noted that the action for the Chair to draft a letter to the Committee had been overtaken by events so had not been actioned. An extraordinary meeting of the Panel was held on 15 February to discuss the Stage 1 report and agree actions. The minutes of that meeting were approved without change.

### Discussion

#### 4. Regulatory Reform

GF welcomed Jamie Wilhelm and Karen Auchincloss from Scottish Government to the meeting to discuss the Regulation of Legal Services (Scotland) Bill. She asked them to start by updating the Panel on the progress of the Bill, how it will progress as it moves

into Stage 2 and any developments on the proposals relating to the Panel's role and remit. Officials noted that the Bill had been challenging and the government is reflecting on the views expressed at Stage 1. There has been significant engagement with the profession and judiciary to address some key issues in the Bill, and government is still keen to engage with consumer groups as the Bill progresses. The Panel noted its view that it feels the consumer voice is being lost in the debate and raised concerns that all of the engagement and compromise is in one direction.

The issue of the Panel's extended remit was discussed, including the need to resource that role. Members raised concerns that the significantly expanded workload could not be delivered without funding to support the Panel's role and greater secretariat resources. It was noted that many members are representing third sector organisations meaning those organisations are effectively subsidising the Panel's work and the wider regulatory system. It was also noted that this has implications for the recruitment and retention of members where relevant organisations have said they are unable to contribute due to capacity issues. GF stated that clarity on the provision of adequate funding to support the Panel's work is a key ask and asked how government envisaged this would be resourced.

Officials noted that the Panel's work is supported by the SLCC, who also act as secretariat to the Panel and that this would continue, meaning that funding from the Panel's work comes from the SLCC budget and, ultimately, the SLCC levy. It was envisaged that improvement to the SLCC's processes as proposed in the Bill would deliver efficiency savings which could then be used to fund the Panel's work. It was noted that the SLCC budget is subject to annual public consultation and that costs for the Panel's work are currently included, but not disaggregated, within that budget.

Members raised concerns about the potential for intended efficiency savings to be eroded by amendments at Stage 2 and asked what would happen if those were not achieved. It was also noted that realising savings could be delayed by implementation timescales. Officials agreed that in this situation, the implications would be an increased levy for the profession to fund the Panel's work. Panel members raised concerns about potential push back from the profession on this.

It is proposed that a requirement for the Panel to be adequately resourced might be added to the face of the Bill, mirroring provision for the Category 1 regulators to adequately fund their regulatory committees. Members agreed this was a helpful proposal.

Officials proposed to arrange a meeting for the Panel with the Minister to discuss the Bill. It was agreed this would be helpful. GF also asked officials to share proposals for amendments/ drafting if possible.

#### **SLCC: work with SG to arrange meeting with the Minister**

The proposals for consumer organisations to be able to request a review of a regulator were discussed and members noted that it is still unclear which organisations are responsible for which functions, how they will operate and where the evidence base to

support those requests will come from. The Panel noted this is being described as a key consumer protection in the regulatory landscape but members are concerned that it is discretionary, unclear and could therefore be limited. Members also highlighted the discussion in the committee evidence sessions on the extent to which the Lord President and his office are equipped to take on the extended, public-facing role being proposed. They asked how consumers and their representatives might understand this role and be able to approach the Lord President's office.

It was also noted that the Bill makes provision for the Panel to make recommendations to the professional bodies on any regulatory functions. However, the Panel questioned how those recommendations could be enforced and what would happen if they were simply ignored.

GF shared the Panel's views on the need for a focus on transparency and the consumer journey. She noted concerns about how consumers might be aware of and understand the reformed regulatory landscape and asked if consumer awareness would be resourced as part of the Bill's implementation. Officials agreed this could be considered. The Panel is concerned that the complaints process, even as reformed, will be no less complex to understand or navigate than it is currently. It was noted that the recent research from Consumer Scotland has highlighted the fact that consumers currently do not understand the complaints process and have concerns about the involvement of representative bodies in complaints handling.

Questions were also raised about the rationale for the two categories of regulator. There were specific concerns that Faculty's regulatory activities will not be subject to the same level of independence, transparency and accountability, despite the important, public facing work carried out by its members when working in areas of significant public interest and often dealing with very vulnerable members of the public.

Finally, members reiterated their view that regulation should be independent of those it regulates. The Panel feels that the feedback from the current system is that it isn't working and people want a better and less complicated process. They asked government to reflect on how the Bill will support and protect the most vulnerable consumers.

GF thanked officials for attending the meeting and welcomed the opportunity to discuss the Bill at this stage but asked that discussions continue as the Bill progresses. She noted that the proposals in the Bill will directly affect the Panel's work and the regulatory system it sits within and so the Panel should be involved in those discussions as they develop.

Once officials left the meeting the Panel agreed to follow up in writing to summarise the points raised and share the Panel's Stage 1 briefing as this would provide helpful context for the proposed meeting with the Minister. Members also noted concerns that it is not enough for the Panel to be able to make recommendations to regulators, but the system should also require regulators to act in the public and consumer interest, and to be held to account for that.

The Panel agreed to revisit the proposals for its expanded remit in advance of the meeting with the Minister.

**SLCC: circulate note on proposals for extended remit**

**5. Consumer Scotland research on legal services**

TR outlined the key findings from Consumer Scotland's recent research: [Using Legal Services in Scotland](#). She noted the majority of legal services used by respondents were those requiring a solicitor, such as conveyancing or wills, and that findings might be different from service users in other areas of law. TR highlighted the findings regarding trust and confidence in providers and that while legal professionals were seen as professional and knowledgeable, they were also thought to be expensive and difficult to understand. Few respondents described legal professionals as empathetic or consumer focussed.

The research also found that over a third of adults in Scotland have low levels of legal confidence, meaning they are not confident they can achieve good outcomes across a range of common legal scenarios, and almost a quarter perceive the justice system in Scotland as being not very accessible.

The research explored how people accessed legal services, highlighting the reliance on personal recommendations from friends and family. It found that a majority of people thought the service they received was good value for money and over 80% were happy with the professionalism of their provider, the quality of advice and the explanations provided to help them understand.

However, less than half were confident that they knew how to make a complaint and a third of those who were confident gave answers suggesting an incorrect understanding of the correct route for first tier complaints. Only a third remembered being told when a complaint could be referred to the SLCC and almost three quarters of legal service users said it was unacceptable for the same organisation to regulate and represent the profession, with only a fifth saying this was acceptable.

TR noted that the full technical report will be published shortly and there will be further analysis of subgroups.

Members welcomed the research and noted it would be a strong resource for the reform debate. Reference to its findings should be included in future briefings/ correspondence with government and MSPs.

**SLCC: Share slides**

**6. Membership and meetings**

The Chair led a discussion on the need for greater resilience in the Panel's membership overall and for cover for the Chair in case of absence or capacity issues. This is particularly needed at present as the Panel needs to respond to issues relating to the Bill. As no member put themselves forward for the permanent Vice Chair role it was agreed that a rolling 6-month Vice Chair rota would be set up. It was noted that some organisations may face restrictions in acting in the Chair role and that would have to be managed.

**GF & VC: set up rolling 6-month Vice Chair rota**

Members also discussed options for increasing Panel membership overall. A number of organisations were suggested to approach. It was also noted that the Panel's increased remit arising from the Bill would be a good opportunity to advertise for new members.

**7. Service Experience Team**

LS updated on SET's work over the past quarter. SET has expanded to include new members from across the business, bringing new ideas to the group. Ongoing work includes those previously discussed with the Panel including chill factors for making complaints, service delivery complaints and customer feedback. SET is currently concluding work on those projects and project planning for the year to come. Ideas under consideration include further training for staff on dealing with service delivery complaints and improvements to the complaint form.

**8. SLCC feedback**

The Panel discussed the Q3 SLCC customer feedback report. GF noted that the number of negative complaints from consumers seemed higher than in previous quarters and included some very unhappy remarks.

**9. SLCC budget and operating plan consultation**

The Panel discussed its key points for inclusion in a response to the SLCC's budget and operating plan consultation, including noting the uncertainty of the year to come, supporting the continuation of the current strategy, noting the increase in the levy linked to uncertainty and reform, highlighting the proposed extended role for the Panel and noting the potential impact of increased complaints arising from the failure of McClure Solicitors, as highlighted in the recent Parliamentary debate. It was agreed the final version would be agreed by email.

**GF: draft response to budget consultation**

**Administration & AOB**

**10. Dates of future meetings:**

- Tues 4 June 2024, 2pm, MS Teams
- Tues 3 September 2024, 2pm, MS Teams
- Tues 3 December 2024, 2pm, MS Teams
- Tues 4 March 2025, 2pm, MS Teams
- Tues 3 June 2025, 2pm, MS Teams