

Minutes

Consumer Panel Meeting

Tuesday 7 September 2021 (by Zoom conference)

Present: Jane Williams (JW), Queen Margaret University (Acting Chair)
Miriam Simpson (MS), Competition & Markets Authority
Louise Johnson (LJ), Scottish Women's Aid
Gillian Fyfe (GF), Citizens Advice Scotland
Rhona Willder (RW), Scottish Independent Advocacy Alliance

Vicky Crichton (VC), Director of Public Policy, SLCC

██████████ Best Practice Advisor, SLCC

Caroline Robertson (CR), Director of Resolution, SLCC (Items 1)

██████████ Specialist Case Investigator, SLCC (Item1)

██████████ Communications Officer, SLCC (Items1 6)

1. Welcome and apologies

Apologies were noted from Shaben Begum (SIAA) and Kirsten Urquhart (KU), YoungScot.

2. Declarations of Interest

Louise Johnson noted that she was a lay member of the LSS Access to Justice Committee.

GF noted that she serves on the Civil Council Access to Justice Committee.

3. Approval of Minutes 8 June 2021

The Minutes of 8 June 2021 were approved.

4. SLCC Feedback

The last quarterly summary of feedback received from SLCC's consumers and practitioners, about the handling of their complaints, was tabled. CR confirmed that the SLCC took all feedback seriously, and would especially investigate and take learning from any negative feedback where a reference had been provided. Even if it was not

possible to trace comments to a specific file, they still helped to create awareness or highlight trends, so the SLCC might update processes, change its messaging or initiate training to answer these concerns.

CR added that the SLCC's process is long and complex and it was hard to strike a balance between providing comprehensive information to increase understanding, and an overload of information for those whose complaint might not go through all stages. The SLCC was trying to be more inclusive and make more use of video, FAQs and direct explanations. Members highlighted the generally positive feedback on mediation, and VC confirmed that the SLCC was reviewing all the materials explaining that process, partially because the majority of mediations were now in virtual settings, and also because more clarity on the process might increase the uptake.

Members suggested that because the numbers were small it might be useful to compile an annual summary and cross-reference to any action taken. They also felt that being able to publicly report on this (e.g. in a 'you said, we did' format) might help encourage people to provide feedback and to see it was being taken into account in improving the SLCC's service.

5. Service Experience Team

CR reported on the new SLCC Service Experience Team, established by staff from different departments with a genuine interest and enthusiasm in customer service. The Delivering Clarity project was still feeding into communications and would now be coupled with this new Team's work to build a strong awareness of the customer focus into all projects. The Team, for instance, would in future decide how to cascade any learning from Service Delivery Complaints through the whole organisation. Following a suggestion from the Consumer Panel, staff were already spending more time speaking on the phone, requesting customer feedback. The SLCC was aware that there were likely still dissatisfied people who were not lodging complaints, but that was a wider project to be tackled in a different way. The current project was purposely focused on those already engaging, and on building more channels of communication (and training) to drive continuous improvement in the customer service sphere.

6. Consumer Voice Project

VC said that one of the Panel's objectives is to help achieve "a greater voice for consumers in reform, legal services and regulation". The Robertson Review process had highlighted how little attention the consumer experience had traditionally received. MS explained that the SLCC already had a wealth of data that could be used strategically to gain more insight into consumer needs and barriers. The complaint form firstly asked consumers to identify, in their own words, what they saw as the problem. Secondly, consumers were asked to describe the direct personal impact of the problem and their desired outcome from raising a complaint. That provided rich information on consumer perceptions. The SLCC planned to take a random selection of complaint forms and use different approaches to analyse the text to show trends, then link that into a report and data visualisation that could enable a Panel narrative to bring the consumer voice to life. This could link to other ongoing conversations because it would be useful to discover if consumers identified themselves as vulnerable. The initial research would be in-house but might over time develop into

future work needing more primary research.

It was explained that complainers were already notified that information in their forms could be used for research purposes, but no report findings would be easily identifiable, with the focus on commonly-expressed sentiments. The SLCC was already very careful to avoid using identifiable information in its case studies, particularly on specialist areas of work, or those under media scrutiny. The point was made that consumers were less likely to be concerned at recognising their input if this resulted in accountability and change.

Members suggested purposive, rather than completely random sampling, in order to draw information from diverse groups of complainers accessing the range of legal services. Members asked if any research had been done as to why some groups who sought third sector help were not using the opportunity to complain. VC clarified that the SLCC was separately thinking whether any of its demographic data (held separately from the complaints data) could identify any gaps. Vulnerability in its broadest sense would be considered. Members commented that complainers might identify their own vulnerability yet not be prepared to say so on a diversity monitoring form, or have great difficulty in engaging at all, or not understand that vulnerability also arose from a power imbalance, and could be transient. VC agreed that all these dynamics could be considered. JW offered to circulate research on sentiment analysis.

VC summarised that the completed analysis would be presented to the Panel to discuss the most useful final format to present the findings.

7. Reform Update

VC updated the Panel on the latest developments around regulatory reform and interim changes. A public consultation on the three options presented was likely to commence in late September / October 2021, via digital engagement and virtual consultation events. The need for consumer engagement was still on the agenda.

VC said the SLCC would issue a statement welcoming that consultation, and would circulate it to the Panel for sharing with their own stakeholders. Members said their own organisations were likely to respond but agreed that it would be useful for the Panel to issue its own statement, based on consumer principles, to encourage engagement from other third sector organisations. VC agreed to circulate a draft response to the Panel when a formal notification was received.

Secretariat to draft Panel statement and response

In relation to the smaller interim changes to the 2007 Act, the analysis of responses to the consultation, including the responses of the Panel, had been published on 14 July 2021. The SLCC understood that Scottish Government was intending to table the necessary amendments to subordinate legislation before Parliament by the end of 2021.

8. Potential new Panel members

The Panel, which currently had representatives from six organisations, discussed the potential to increase its representation. VC confirmed that the SLCC was aware of some organisations' involvement in referring cases, but there were also some areas where people were more likely to have accessed legal services yet relatively few complaints were lodged, which she would try to share. Members agreed that it was really useful to have representation from organisations engaging at the grass roots, who were likely to be able to assist consumers to bring their own complaints. Members discussed some options and agreed that the SLCC would circulate a short list of suggestions for agreement.

Secretariat to send shortlist

9. AOB

Consumer Scotland

VC reported that the Consumer Scotland Board had been appointed, and the Chair of the SLCC Board had written to the new Chair of Consumer Scotland passing on information about the SLCC, and also referenced the Panel's role. Members agreed that the Panel would write separately to Consumer Scotland at an appropriate time, once their CEO had been appointed.

Watching brief: Secretariat

Public Consultations

VC reported that, linked to Consumer Scotland, the Scottish Government consultation on public bodies subject to the new Consumer Duty had been published, and SLCC, as a named body, would be responding. The Panel had commented on the proposals, but the current consultation was technical and unlikely to need a Panel response.

SLCC revised Rules

VC reported that the SLCC was currently running a consultation on the latest proposed revisions of its Rules. The revisions aimed to clarify and simplify as well as keep pace with the digitisation of SLCC processes. The Panel was one of the statutory consultees and so would consider responding, where relevant.

Secretariat to circulate draft response

10. Future meetings

Members, after discussion, agreed that the December meeting would be held online and that it would consider future meeting options again at that meeting.