

Neil Stevenson
Chief Executive
Scottish Legal Complaints Commission

By Email only

13 March 2024

Dear Neil,

SLCC 2024-25 draft Budget and Operating Plan Consultation

I am writing to share the SLCC Consumer Panel's response to your consultation on the SLCC's 2024-25 draft Budget and Operating Plan. We welcome the opportunity to share our views. We have only responded on those aspects where we have specific comments to make.

One-year extension of strategic aims and unprecedented uncertainty

The Panel agrees with the proposed approach from the SLCC in terms of a transitional one-year extension of the existing main strategic aims in a 'cut down' strategy. The Panel feels this is a sensible and needed approach given the uncertainty surrounding timescales for legislation which will reform the functions of the SLCC. The Panel looks forward to further engagement on the development of a further strategy once the position is clearer.

The Panel also appreciates the consideration given within the operational plan of the potential scenarios in terms of the Regulation of Legal Services (Scotland) Bill's passage through the Scottish Parliament and how this may impact upon timescales for implementation and associated budgets. We feel this is a measured approach planning for various scenarios at this stage given the ongoing uncertainty.

The Panel would also highlight the need for the SLCC, via engagement with Scottish Government, to ensure much emphasis is placed on the need for developing and costing a transition plan, particularly given issues surrounding new 'business as usual' costs which will not be covered by transition funding and an element of dual running of the complaints system (old & new) depending on the transition arrangements. Clarity on these issues and associated budget will be crucial going forward for the SLCC and the Consumer Panel.

Proposed rise in the general levy

The Panel recognises the factors set out by the SLCC in relation to why a 13% rise in the general levy is required particularly around inflation and costs associated with failure of a section of the profession to respond to regulatory requests, alongside the need to plan for uncertainty in the year ahead. As the Panel highlighted in its

response to the budget and operating plan last year, we remain concerned about the impact of delays in securing files to investigate complaints and the time and cost attached to pursuing this. This is not in the interests of consumers looking for swift resolution of their complaint. We believe ensuring a robust non-compliance response is also in the profession's best interests as this promotes public confidence, protects the reputation of the profession, and alleviates the cost burden on the wider profession.

The Panel recognises there is likely to be disapproval from the profession about the proposed rise in the general levy. However, the Panel would also highlight the proposed extension of the Panel's powers and remit within the Regulation of Legal Services (Scotland) Bill and questions remaining about how this would be resourced in practice, with a proposal being to replicate the requirements in the Bill for the Law Society to adequately fund its Regulatory Committee and apply this model to the SLCC funding of the Consumer Panel. This would clearly require an increase in the levy and the Panel would welcome clarity that the SLCC's Budget must reflect the need for the Panel's work to be adequately funded.

Consumer Panel role and remit and reference within operating plan

The extension of the Panel's remit and scope within the Regulation of Legal Services (Scotland) Bill is significant and will see a change in the breadth, number, and frequency of issues the Panel will have to consider and comment on going forward. Therefore, the Panel would reiterate the point above in terms of clarity in resourcing for the Panel going forward and therefore also clarity for the SLCC in terms of funding for the Panel within its budget. The Panel would also urge that the SLCC continues to emphasise the need for clarity on this point in terms of funding associated with the Regulation of Legal Services (Scotland) Bill for itself and the Panel's activities.

The Panel welcomes the recognition within the draft operating plan that it will continue to contribute to the reform debate, ensuring a consumer voice influences the SLCC's policy development and the parliamentary debate on reform. Alongside this the Panel will provide a vital consultation and challenge role as the organisation moves to transition planning and implementation.

Consumer Duty

The Panel welcomes in the draft operating plan that the SLCC will ensure compliance with the new statutory consumer duty coming from the Consumer Scotland Act 2020.

I hope this is helpful, and we look forward to working together over the coming year.

Yours sincerely,

Gillian Fyfe

Chair

SLCC Consumer Panel

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<https://www.scottishlegalcomplaints.org.uk/about-us/consumer-panel/>