

Minutes Consumer Panel Meeting

Tuesday 3 September 2019

Present: Shaben Begum (SB), Scottish Independent Advocacy Alliance
 Jane Williams (JW), QMU
 Gillian Fyfe (GF), Citizens Advice Scotland
 Louise Johnson (LJ), Scottish Women's Aid
 Louise Macdonald (LM), YoungScot
 [REDACTED], Interim Director, Public Policy, SLCC
 Vicky Crichton, Director of Public Policy, SLCC
 [REDACTED], Oversight Manager, SLCC (for item 6)
 [REDACTED], Best Practice Advisor, SLCC

Presenters from Competition and Markets Authority (present for items 4 and 7):
 Sheila Scobie and San Sau Fung

Apologies: Miriam Simpson (MS), Competition & Markets Authority

1	<p>Welcome</p> <p>SB welcomed those present, who introduced themselves.</p>	
2	<p>Apologies were noted from Miriam Simpson.</p>	
3	<p>Declaration of interest</p> <p>None declared</p>	
4	<p>Competition and Markets Authority (CMA) update: Robertson Review</p> <p>Sheila Scobie and San Sau Fung gave a presentation. The Competition and Market Authority (CMA) had previously been involved in market studies in England and Wales and had a round table to consider the implications of those findings for Scotland. The CMA had responded to the Robertson Review on 25 June 2019. A working group that included the SLCC would be meeting to look at the current framework. CMA had been influencing thought on how the market could be opened up to alternative business structures (ABS), and had been consulted on aspects of legal services such as the impact of the Competition Act on changes to the rules.</p> <p>Currently the CMA was involved in three areas:</p>	<p>MP to circulate slides</p>

	<p>a) Robertson Review: considering whether independence of regulators creates a conflict or whether it impacts on redress;</p> <p>b) Regulatory barriers: to what extent current restrictions prevent other business models competing with solicitors (ABS);</p> <p>c) Providers' communication: examining whether consumers are given sufficient information to make a properly informed choice, particularly on price. A similar survey in UK and Wales, in areas of conveyancing, wills and family law showed wide variation of prices for the same services. Points considered included whether consumers were likely to do price comparisons, whether price transparency was an issue, how Legal Aid affects choice, how consumers assessed quality, whether trust was an issue, accessibility, information gaps and inclusion of the not-for-profit sector.</p> <p>The CMA would be continuing discussions with stakeholders up to Spring 2020. They would welcome contact from any individual.</p> <p>The following issues were highlighted during the discussion:</p> <ul style="list-style-type: none"> - providers may need to take additional actions in order to increase access to those with sensory barriers, or for issues around children, mental health and other vulnerable groups. - few practitioners understood the issues around domestic abuse - affordability, competence and full understanding by providers - providers potentially may need to address sensory barriers, & the particular needs around children, mental health - issues around regulations, accreditation and training of Child Welfare reporters and whether they had skills to communicate effectively with children - Although there were known difficulties with the system, there was a limited scope for SLCC because the appointments were made by the court, not by a client. - Incorporation of UNCRC into the Children's Rights Bill would give children additional rights and impact any engagement with children and young people - Gender sensitivity and a more inter-sectional approach - whether survey by providers would not result in disaggregated data - Access to Legal Aid had not yet been limited - a system of accreditation applies to those giving immigration advice; on the one hand the choice is limited but on the other there would be better advice - the SLCC is generally unable to comment on fees charged, but can accept complaints about the communication on prices - General lack of information available to the consumer; and perceptions of resistance to change and "closed shop" heightened by firms agreeing, for instance, not to compete by offering after hours services - A conversation with the Children's Commissioner, Bruce Adamson, could be useful 	
7	<p>Consumer Scotland Bill</p> <p>Draft responses had been circulated.</p>	MP

	Changes to the wording were noted during the discussions, to be incorporated into the final draft which MP will submit on 11 September 2019.	
5	<p>Public Polling Outcomes</p> <p>MP stressed that this was still confidential but gave a brief summary of the poll conducted to find out the public views on regulation. The data would be circulated when appropriate.</p> <p>The Consumer Panel input to the SLCC's 2020 – 2024 strategy would be requested. This would be added to the next meeting agenda for consideration.</p> <p>The SLCC had advised the Working Group (set up to consider the Robertson Review recommendations) that the SLCC would be discussing issues with the Consumer Panel. Members are disappointed that there is no representation for consumers on the Working Group, given the stated aim of a consumer-focus, but there would hopefully be constructive dialogue during which consumer representative bodies would be able to give further responses.</p>	MP
6	<p>Review of LSS Standards</p> <p>Alison Marron presented her paper on the LSS Service Standards. The SLCC has a statutory function to assess whether the service standards for solicitors and advocates are “fit for purpose”. The Solicitors’ Service Standards were set by the LSS in 2008 and were revised in 2010. The LSS Regulatory Committee has indicated that it may be willing to consider revising them, if suggestions are made by the SLCC, and a meeting would be held on that. It is difficult to identify potential future users of legal services.</p> <p>Points raised in the discussion included:</p> <ul style="list-style-type: none"> - accountability of advocates to clients - whether consumers understand the distinction between service and conduct - the need for better information at the point of first contact such as at police stations and prisons - the difficulty of getting feedback from those who have used legal services after getting advice from CABs - Further consideration to be given to collective advocacy groups. - Standards were likely to be very different if written by consumers. It may be useful to organise a workshop (similar to “Our Hearings, Our Voices”) to engage with consumers and policy makers 	SLCC to follow up with LSS
8	<p>Dates of next meetings</p> <p>Confirmed: Tuesday 10 December 2019, Tuesday 10 March 2020, Tuesday 9 June 2020</p>	SUW to invite
9	<p>AOB:</p> <ul style="list-style-type: none"> - Noted that the Consumer Panel input to the Legal Aid Reform consultation would be circulated; closing date for the consultation is 19 September 2019 - Consultation on the Judicial Factors had been published: closing 	SUW All

	<p>date of 20 November 2019. Main issues: consideration of the procedure for the estates of missing persons, and the safeguarding of children's property, a procedure for the Accountant of Court to report failings to the Court, and jurisdiction.</p> <ul style="list-style-type: none">– Consideration of inclusion of Children's Commissioner (even if on ad hoc basis) on Consumer Panel	
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