

DRAFT Minutes

Consumer Panel Meeting

Tuesday 7 March 2023 (via Teams)

Present: Gillian Fyfe (GF), Citizens Advice Scotland (Chair)
Douglas White (DW), Consumer Scotland
Tracey Reilly (TR), Consumer Scotland
Chris Gill (CG), University of Glasgow
Tim Mouncer (TM), Which
Carol-Anne Frame (C-AF) Competition and Markets Authority
Louise Johnson (LJ), Scottish Womens Aid
Kirsten Urquhart (KU), YoungScot

Vicky Crichton (VC), Director of Public Policy, SLCC
[REDACTED] Best Practice Advisor, SLCC
[REDACTED] Service Excellence Team, SLCC
[REDACTED] SLCC Board member (observing)

Introduction

1. Welcome and apologies

The Chair welcomed June Andrews, member of the SLCC board, as observer.

Apologies were noted from Craig McClue (Competition and Markets Authority).

2. Declarations of Interest

No declarations of interest were necessary. The Chair reminded all new members to return their Declaration of Interest forms

3. Approval of Minutes 29 November 2022

The Minutes of 29 November 2022 were approved.

Discussion

4. SLCC Feedback

VC tabled the Q2 customer feedback report. She noted that the SLCC had addressed two issues arising from the Panel's discussion on the last report. At present, different staff members handled different stages of the complaints process, but following the comments of consumers and the Panel, the Service Experience Team (SET) was reviewing its options and considering whether its communication around that could be improved. Secondly, the Panel had asked if quarterly data could be aggregated annually, and in June the current year's data would be compiled as the starting-point for comparison in future years.

CG asked if any themes had emerged from service delivery complaints. VC confirmed that there were very few of these complaints and they related to a wide range of topics, so it would only be possible to assess this annually. LJ wondered if the greater dissatisfaction at outcomes expressed by consumers reflected unrealistic expectations, and wondered if more could be done to support consumers as cases progressed. VC explained that cases closing earlier in the process would have been resolved, but the longer the complaints remained in the process, often the more views become entrenched. Cases reached determination not necessarily through complexity but because the parties had been unable to resolve, despite what parties had been told about the likely outcomes. Although it was not possible to correlate all views expressed to outcomes, the free text comments that were negative often reflected where the complaints outcome had not favoured that party. The SLCC's feedback forms already asked several specific questions about different aspects of the SLCC process but it might be possible to use different methods to get more nuanced comment. C-AF pointed out that positive feedback about clear explanations seemed to contradict the remarks about any handover between investigators. VC responded that positive results had been achieved from the greater focus on clearer explanations, but the SLCC accepted that some people may still find the process confusing.

5. Service Experience Team (SET)

AR reported that changes were now being implemented to the process for complaints about the SLCC's service delivery. In line with complainers firstly being asked to make their complaint to firms, and to empower staff, dissatisfied service users would be asked to make their service delivery complaint to the investigator dealing with their case unless there is a good reason for it to proceed straight to a manager. Although no particular trends had emerged, any issues upheld would be addressed with the individual, and any useful suggestions would be incorporated in training. Guidance had been given to staff members, and to management, on the aims and process, details of the new process were on the website and it would be reviewed after the testing period finished in May. A new interactive tool for service users that would automatically direct a complaint to the relevant individual would also be available shortly on the website.

SET had also given input into a project on solicitors at risk of harm, which was rooted in a recent study about the impact of being complained about, and that now included guidance posted on the website to help solicitors deal more objectively with complaints. SET was also working on making communications and information more accessible at

every stage, including commitments to the service people could expect.

6. Demographic Data - who makes complaints?

VC tabled the final draft of a report, and reminded members that this was a follow-up to a previous publication by the Panel based on some of the demographic data it had collected. She summarised the recommendations, highlighting, in particular, those aimed at reducing barriers to complaining that are potentially faced by people with disabilities, people from ethnic minority communities and young people. LJ asked if organisations working with or representing ethnic minority communities or people with disabilities could be asked for best practice they used already to improve accessibility and information-gathering both internally and amongst those they supported. CG added that it was important to raise awareness about the existence of and remit of the SLCC to groups who may not be involved in mainstream consultations. C-AF offered to give more information that CMA had gained from a recent project with third-sector organisations.

The Panel authorised VC and GF to finalise the report, incorporating the latest recommendations, for publication.

SLCC / GF to finalise

7. Regulatory reform

GF reported that since Scottish Government published their analysis, various organisations had been invited for discussions on the new Bill, which should hopefully be tabled before the summer recess.

VC added that SLCC had been asked to speak to specific technical issues around the current process. SLCC had pressed for wide-ranging reform, and still believed this was the optimal solution, but in the current circumstances would need now to focus on achieving the best and most workable solutions from drafts presented. TR agreed that no details had been published as yet, but it was unlikely that radical changes would be made. Consumer Scotland might seek to hold more detailed discussion on bringing consumer principles more to the fore. GF agreed that different bodies would take different approaches, and the Panel would need to discuss, in due course, how they might engage. She suggested, and Members agreed, that the Panel invite the drafters to present to a future meeting.

Panel Chair invitation

8. Updated SLCC Rules

VC reported that the updated Rules would commence on 1 April 2023. Amongst others, they spoke to the powers under the Approved Regulator scheme, and more support, where needed, to help people make complaints. The SLCC had already highlighted the changes to the profession, but would now communicate them to consumers and third sector organisations. Panel members offered to send the information to their networks and partner organisations.

SLCC/Panel

9. SLCC budget and operating plan consultation

GF noted that every year the SLCC consulted on its budget and operating plan and the Panel was a statutory consultee. Members had received a draft highlighting key issues and reflecting previous discussions. TR appreciated the particular focus around barriers that vulnerable consumers faced in making complaints, and asked if the Panel had previously commented on complaints levies where firms were effectively raising costs by frustrating quick investigation and resolution of complaints. LJ suggested that the Panel might recommend that the SLCC take a more robust approach to non-compliance, recognising the impact this had on the wider legal profession.

VC explained the current approach and pointed out that the only option currently available where practitioners did not submit their files was to bring a court application. The SLCC will continue its focus on communicating its expectations and hoped that peer-pressure, court judgments, and the recently introduced Law Society Rule B1.17 would encourage greater compliance - although court action was still necessary in order to enforce that rule. Complainers and/or the Law Society of Scotland could raise additional issues of complaint around non-compliance, but the SLCC had no power to do so itself. Although there was no certainty whether Scottish Government would agree, the SLCC might propose other options for the new Bill, such as raising referrals, fining powers or the power to make adverse findings.

Panel members authorised GF and VC to finalise and sign-off their response.

GF/VC

10. Administration and AOB

- 10.1 VC flagged an article recently published in Scottish Legal News, noting that the Legal Profession Conduct Commissioner of South Australia charged a potentially-refundable fee for making complaints.
- 10.2 Panel members were asked to share the SLCC's advertisement for the recruitment of the Board Chair.
- 10.3 VC reported that, as an important part of its oversight, the SLCC report and recommendations on the Law Society of Scotland conduct investigation timescales would be published this week. She would circulate the previous response and final report for information.
- 10.3 The next meeting (via MS Teams) would be held on Tuesday 6 June 2023; 14:30

The proposed dates for the 2023-4 year, to be held from 14:30 on Teams are Tuesday 5 September 2023; Tuesday 5 December 2023; Tuesday 5 March 2024; Tuesday 4 June 2024.