

Scottish Legal Complaints Commission Consumer Panel

Terms of Reference

1. Purpose

The SLCC Consumer Panel (“the Panel”) was established by section 11A of The Legal Profession and Legal Aid (Scotland) Act 2007 (“the Act”) which came into force with effect from 1 January 2015.

The Panel has an advisory role and does not have decision-making responsibilities.

The key activities of the Panel, as set out in the Act, are to:

- Make recommendations to the Commission for improvements to the Commission’s policies and procedures;
- Make suggestions to the Commission of topics for research connected to consumers;
- Express views on such matters relevant to the Commission’s functions as the Commission directs.

The Panel will assist the Commission to understand fully, and take account of, the interests of consumers in its policy and process developments and decisions and will provide the SLCC with feedback, from a consumer perspective, on the effectiveness of the Commission’s policies and practices.

The Panel will also respond to relevant consultations as appropriate, including those in relation to the SLCC’s Rules.

2. Membership

The Panel’s membership will be decided by the SLCC and will be comprised of members who represent experience of the wide range of consumers of legal services and/or best practice in complaint handling.

In terms of the Act, the membership of the Panel shall include:

- At least two members who represent an organisation which appears to the Commission to promote the interests of consumers;
- At least one member who represents an organisation which appears to the Commission to promote equality; and
- Such other members as the Commission considers appropriate.

The membership of the Panel will not normally exceed 8 members, although additional members may be co-opted, on the agreement of the SLCC, for specific projects should their expertise be considered of value.

Recommendations for the inclusion or removal of Panel members will be made by the SLCC Senior Management Team for approval by the Board. The membership of the Panel will be reviewed by the Board on an annual basis.

The Panel will prioritise its work around those consumers whom it considers are less able to give voice to their own interests. The Panel will have particular regard to the interests of consumers who may be in a position of vulnerability when using legal services and who may experience specific challenges in raising complaints about those services.

3. Procedure

The members of the Panel will be appointed by the SLCC in accordance with the principles set out in the Act.

The Panel shall publish the agenda and minutes of its meetings on the SLCC website.

While the Panel would not normally be expected to issue public statements, it will provide an annual update on its work which will be reflected within the SLCC's Annual Report.

On an annual basis, the Panel will review its Terms of Reference and any recommendations for changes shall be referred to the SLCC's Board for consideration and approval.

4. Attendance and meetings

The Panel shall meet at least twice a year at the premises of the SLCC.

The Panel shall appoint its own Chair.

Where a named representative is unable to attend a meeting, an alternative representative from that organisation shall be substituted.

Secretariat resource for the Panel will be provided by the SLCC's Oversight staff.

The Panel Chair will be responsible for liaising with the SLCC's Oversight staff in relation to setting agenda, preparing minutes and circulating papers.

5. Interaction with the SLCC

The Panel shall:

- Consider all requests for advice from the Commission and provide such advice, based on best available evidence, in a timely manner that enables the Commission to take account of the Panel's advice during its policy making processes;
- Have regard to proportionality in any information requests made to the Commission which may be made to assist the Panel in carrying out its functions;
- Respect the confidentiality of any information provided to it by the Commission;
- Ensure that arrangements are in place to allow the Commission's CEO or Chair access to the Panel's Chair, including attendance by invitation to Panel meetings to speak to relevant matters; and
- Liaise with the Commission's Head of Oversight in the efficient running of the Panel's activities.

The SLCC shall:

- Identify areas of existing and emerging policy and practice that have or may have an impact on consumers of legal services, specifically around their ability to complain about those services, seeking the Panel's advice in such a way that enables timely and evidence-based input;
- Consider all advice and representations made by the Panel and, where the Commission disagrees with these, provide its reasons to the Panel;
- Ensure that arrangements are in place to allow the Chair of the Panel access to the Commission's CEO and, where appropriate, Board, including attendance by invitation to Board meetings to speak to relevant matters;
- Share with the Panel such information as the Panel may require to carry out its functions, and engage, where appropriate, in the shared undertaking of research;
- Where reasonable, give the Panel sufficient prior notice of statements of relevance to consumers which the Commission is putting in the public domain, including press releases and other media activity, including public documents;
- Ensure that there is sufficient capacity to support the Panel (within resource constraints) by providing secretariat staffed by the Commission's Oversight staff; and
- Ensure that a member of the Commission's Senior Management Team, namely the Head of Oversight, takes responsibility for the relationship between the Commission and the Panel.