

MINUTE Meeting of the SLCC Consumer Panel



Thursday 4 February 2016

Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG

Present: Carol Brennan (CB) [Chair], Queen Margaret University Consumer Insight Centre
Shaben Begum (SB1), Scottish Independent Advocacy Alliance
Steven Bunch (SB2), Competition & Markets Authority (in place of SS)
Julia Clarke (JC), Consumer Affairs Consultant
Keith Dryburgh (KD), Citizens Advice Scotland
Lynn Welsh (LW), Equality & Human Rights Commission

David Buchanan-Cook, Head of Oversight (HoO), SLCC

In Attendance: Denise Swanson (DS), Scottish Government (items 1-6)
[REDACTED], Communications & Information Officer (CIO), SLCC (item 7)

Apologies: Sheila Scobie (SS), Competition & Markets Authority

1. Welcome

The Chair welcomed all present to the meeting of the Panel, especially Denise Swanson from Scottish Government and Steve Bunch, who was representing the Competition & Markets Authority in place of Sheila Scobie.

2. Apologies

Apologies were noted from Sheila Scobie.

3. Declarations of interest

No notes of interest or conflict were declared.

The HoO noted that, with the exception of the still-to-be-appointed permanent representative from Citizens Advice Scotland, all declarations of interest from Panel members had been received and were now published on the SLCC website.

4. Approval of previous Minutes

The Minutes from the Panel meeting of 3 September 2015 and the special meeting of 13 November 2016 were approved as being accurate records of those meetings.

5. Actions

It was noted that the vast majority of actions arising from previous meetings had now been cleared.

In relation to action 6, the HoO noted that a new Manager of the Legal Consumer Panel in England & Wales was now in place and suggested that the invitation to attend a future meeting should now be extended to them. The Panel agreed this suggestion.

6. Update from Scottish Government on ABS and the 2010 Act

DS confirmed that Scottish Government was now in the process of reviewing the “adequacy” of the regulatory scheme which had been submitted to them by the Law Society of Scotland. A benchmarking exercise was being undertaken to assess the balance between meeting the requirements of the Act and consumer protection on the one hand against avoiding a scheme which was over-burdensome on the other.

In terms of timescales, it was hoped that a six-week consultation of interested parties would commence within the next few weeks with the aim of signing off the scheme in April. DS confirmed that the SLCC and the Consumer Panel would be included in the list of consultees.

The Panel asked whether a workshop had been envisaged as part of the consultation process as these had proved valuable in past consultation exercises. DS confirmed that this could be part of the process if consultees considered that it would be helpful. SB2 suggested that there could be value in the attendance of his colleagues from England & Wales who would, at that time, be in the process of undertaking the CMA’s legal services research. It was agreed that this would be helpful.

7. SLCC demographics analysis

The CIO introduced his paper which drew on information obtained from the SLCC’s anonymised equal opportunities data, specifically looking at areas which had previously been suggested by the Panel.

The Panel noted that the analysis related to data from those who had made complaints and discussed what information might be available on those legal consumers who, although dissatisfied with service, did not make a complaint. The HoO highlighted the fact that there were difficulties in identifying consumers of legal services and that, even at first tier resolution level, there was no current access to the records maintained by solicitor firms. SB1 thought that her organisation might have some useful information on that, and agreed to investigate and produce a short paper for the next meeting.

Looking at the other analysis, the Panel agreed that it would be useful to compare the statistics with those relating to the number of users of legal services, although it was acknowledged that this data was difficult to source. LW suggested that the current gender breakdown categories could be updated and agreed to send a list of those currently in wide use; SB1 noted that the Joseph Rowntree Foundation carried out studies in deprivation and ethnicity in Scotland which would be useful and undertook to send a link to that research.

In terms of further work, the Panel considered that it would be useful to see statistics broken down into different parts of the complaint journey to identify any differences in trends between complaints received, deemed eligible, settled at various stages, etc. The CIO agreed that this would be possible. The Chair thanked him for the work undertaken to date and looked forward to his further update.

8. Formal response to SLCC strategy & operational plan

The Panel was pleased to note that a number of the suggestions arising from the November meeting had been included in this version of the proposed SLCC Strategy. The group discussed a number of features within the document including the aspirational 6-month journey time for complaints and the reference to “complaint reduction” which they agreed reflected a desire to reduce root cause of complaints but could be perceived as being a barrier to complaints. Members also questioned to what extent the document addressed the problem of “silent sufferers”.

It was agreed that panel members would consider these and other matters further and forward any comments to the HoO by close of business on Friday 12 February. The HoO would then

liaise with the Chair to prepare a formal Panel response to the SLCC's proposed strategy based on the comments received.

9. Update on CMA legal services project

SB2 provided a brief overview of the CMA's project into legal services in England and Wales which had been launched on 13 January. He explained that this was described as a "market study" and, as such, a wide brush exercise which might lead to further more in-depth work in due course. The project was due to cover three main areas: consumer ability to drive competition; consumer redress; and the regulatory framework.

He further explained that the project had been restricted to England and Wales to the exclusion of Scotland due to differences in jurisdictions and, in particular, the position regarding ABS. He believed however that there would be learnings from the project which would be applicable to Scotland.

In terms of timing, an interim report was targeted for July with the final report due in December.

10. Consumer principles – options

The Chair suggested that there were a number of ways in which this project could be taken forward:

- Canvass views from SLCC staff meetings;
- Explore individual principles in turn over forthcoming Panel meetings;
- Hold a special Panel meeting to look solely at the principles; and/or
- Host a special stakeholder event to inform the Panel's views

After a brief discussion, the Panel agreed that it would be worth reminding members what the existing standards were as a starting point. It was agreed that the HoO would circulate some slides with information relating to the detail which was contained under each of the existing 4 service standards.

11. Update on 2007 Act steering group

The HoO provided a brief update on the 2007 Act Steering Group which had reconvened in December. Rather than consider the detail of preferred changes to the existing legislation, the Group had decided to take a wider look at the principles or themes of legal regulation and these were to be considered over the course of the next few months.

In terms of Panel involvement in the Steering Group discussions, it was agreed that the HoO would circulate a note of the topics to be covered at each of the next three Steering Group meetings and members could request to attend any meetings in which they had a particular interest or arrange for their comments to be tabled at those meetings.

12. AOB

The HoO advised the Panel that the SLCC was resuming consideration of the proposed amendments to the SLCC's time limits for accepting complaints and that this would probably be subject to a short consultation exercise.

Under agenda item 8, the Panel had noted the aspirational 6-month turn-around time for complaints and recalled that there had been previous discussion on having access to operational performance information. The HoO noted that this sat within the Panel's remit and agreed that quarterly performance stats would be provided to the Panel going forward.

13. Date of next meeting

The Chair noted that the next meeting will be held at 10:15 on Tuesday 3 May 2016. There being no further business, she thanked the Panel for their input.