

Minutes

Consumer Panel Meeting

Tuesday 4 March 2025 (via Teams)

Present

Gillian Fyfe (GF), Citizens Advice Scotland (Chair)
Tracey Reilly (TR), Consumer Scotland
Brendan McGinty (BM), Competition and Markets Authority
Louise Johnson (LJ), Scottish Women's Aid
Jamie Wilhelm (JW), Scottish Government (item 4)

Vicky Crichton (VC), Director of Public Policy, SLCC
[Redacted name] Best Practice Adviser, SLCC
[Redacted name] SLCC SET representative – item 6
[Two observers from SLCC]

Introduction

1. Welcome and apologies

The Chair noted apologies from Chris Gill.

2. Declarations of Interest

No declarations of interest were necessary.

3. Approval of Minutes of 3 December 2024

The minutes of the meeting on 3 December 2024 were approved.

Discussion

4. Regulatory reform

Jamie Wilhelm (JW) was invited to address the Panel on the latest developments with the Legal Services (Scotland) Bill that would directly impact the Panel. GF said that the Panel was conscious of the much-increased remit contemplated by the Bill and was concerned about how these would be resourced.

JW said that SG was reflecting on all the points raised at Stage 2. Stage 3 would be the final opportunity for refinement. It was likely to take place between mid-April and the summer. SG was already working with opposition to refine the amendments they had proposed, which would impact the Panel. The SG would appreciate hearing again from the Panel on any further amendments it wanted to suggest.

LJ asked if there would be further public consultation about the practical effects of the

legislation. She wondered if the ministers should have a duty to consult publicly. She noted proposals made that the Lord President's office have a stronger public-facing role, and that the Panel be able to request that his office take action. BM thought it necessary to carefully consider what resourcing and capacity would be needed by that office to deal with consumer issues.

JW responded that the currently-named statutory consultees were a minimum requirement, so wider public consultation would be possible. The stage 2 proposals from SG sought to build in further transparency, including publishing responses and recommendations to reviews.

GF said there were still questions around the practicalities of how any extended remit for the Panel, which would require significant time and expertise, could be handled by its present volunteer membership. The correspondence with the Minister had been helpful, but nothing had yet been said about the levy.

JW confirmed, in answer to queries from members, that he would be happy to have a longer meeting in the next few weeks to discuss these issues.

JW left the meeting at this point.

Panel members expressed the view that it was likely the SG proposals would be accepted at stage 3. However, they were also aware that at stage 3 numerous extra amendments were often proposed, with quick turnaround times, so the Panel may need to lobby. Some MSPs had already indicated they were willing to engage further on their proposals. The Lord President's office had already written to the parliamentary committee setting out its budget and requirements.

Members thought there were likely to be relatively few further amendments and many were more technical in nature, rather than having direct impact on the consumer interest. They thought the most pressing issues for the moment were: more clarity on what is to be in the guidance, and its effect and the potential for strengthening the review function. It would be useful to discuss any broadening of access to justice, more generally, through ministerial or parliamentary reports.

The Panel asked that a list be compiled of potential suggestions for further consideration, additions and amendments. These priorities would form the basis of further discussions with SG, and could be incorporated into any stage 3 briefing.

SLCC – email to members

5. SLCC Feedback

A Service Experience Team (SET) representative updated the Panel on the refreshed customer feedback process, and tabled the Q2 customer feedback report. They reported that currently, complainers and CRMs were asked to give feedback around 12 weeks after submission of complaints, and again when the complaint was closed. The headers to the emails had been changed, to address some confusion that had been identified. The SLCC

was seeing increased engagement on Trustpilot and SET members responded to reviews, but were careful not to engage in protracted correspondence on this public site.

Members were pleased to hear about a recent comment from a consumer about how a positive interaction with a case investigator had dissuaded the consumer from self-harm, even though that had not been mentioned in the conversation. This highlighted the importance of the approach taken by investigators.

The Q2 feedback summarised the information provided in the forms, Trustpilot and the website into five key themes. The Panel commented that these were very helpful.

LJ was interested in the number of comments from practitioners suggesting that third party complaints should not be accepted. Her own organisation felt they were particularly helpful in highlighting unhelpful practices around court appointments that affected vulnerable consumers, and maintaining high standards. The proposed Child Welfare Reporter Working Group, intended to consider issues around the roles and functions carried out by court-appointed practitioners, had never had sufficient financial support to make it effective.

LJ commented that some women who had suffered domestic violence felt further traumatised by being involved in mediation. She wondered how appropriate it was for the SLCC to offer it at all. VC said mediation was entirely voluntary; parties had the option to refuse, and sometimes the SLCC felt it was not appropriate to offer it. Mediators did explain the process in advance, including the option to halt the process.

TR highlighted the number of concerns expressed about the Court of Session appeal process. She was also interested to note the wide disparity between those complainers who commented that the decision was well explained, depending whether this comment was made before or after they had been notified of the outcome. VC responded that SET was aware that some complainers equated “I understand the outcome” with “I agree with the outcome”, but could be asked to consider whether other wording might be clearer.

GF asked why some complainers had said that they were asked for irrelevant information. The SET member responded that she would check whether further detail was available but sometimes complainers differed in their interpretation of what was needed.

LJ asked if there was any reason why Trustpilot reviews seemed to be either five star or one star. SET thought that unhappiness about the outcome or time taken played a major part in the negative ratings. The SLCC tried to maintain its stated timeframes but there were obviously cases where information was requested but not provided. The parties were always kept informed of any delays, and the reasons for them. SET could look into perhaps updating the FAQs to set this out more clearly.

SET – consider suggestions at future meeting

6. Service Experience Team

A member of the SET] SM gave a brief update on the work ongoing at SET. Complainers are not always aware that their solicitor can – and sometimes must - withdraw from acting, so

SET was considering how this could be made clearer to complainers. It was also considering whether it would be useful to publish reminders to practitioners on when withdrawals were and were not appropriate, as well.

GF and LJ offered to share some notifications of particularly useful training with SET.

GJ, LJ: send links

7. Demographic data – who makes complaints

VC tabled the updated report on who made complaints to the SLCC, which now included comparative data from a similar exercise a few years ago, as well as some helpful data recently received from Consumer Scotland.

Members approved the publication of this report.

SLCC: publication

8. SLCC Budget consultation

GF reminded members that the Panel is a statutory consultee on the budget. She commented that budget had articulated very well the difficulties of planning while the Bill was not yet finalised. TR added that she was pleased to see that budget contain a specific reference to the Panel's resourcing, exact remit, and need to review how it worked, in light of the anticipated changes. GF said that she would like to add in one sentence stressing that the Panel was part of the planning. Members agreed and the consultation response was approved.

Administration & AOB

9. Updates

The following updates were reported:

- VC asked Members if they would find it useful to have a secure, SLCC-based MS Teams channel for exchange of papers and discussions. Members agreed in principle.
- VC highlighted her recent interesting discussion about the developments at the Victorian Legal Services Board Consumer Panel.
- VC also reported that the Solicitors' Regulation Authority had published the results of their study into whether it was possible to measure consumer vulnerability. The conclusion had been that a preferable approach would be to aim for wider accessibility as standard.
- VC and GF were holding ongoing discussions about future membership of the Panel. They mentioned some of the organisations who had been approached, particularly in the child and youth sectors. None of those working in the disability field had sufficient capacity to be able to assist the Panel. Other suggestions made at the meeting would be followed up, and a further report made at the next meeting.

10. Date of future meetings

All by MS Teams, at 2pm:

- Tuesday 3 June 2025
- Tuesday 2 September 2025