

Scottish Legal Complaints Commission
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Carol Brennan – Chair
Scottish Legal Complaints Commission Consumer Panel

Wednesday 30 March

Dear Carol,

Responding to your consultation submission

Thank you for your response to our consultation on strategy, budget and operating plan, and for all the work you contributed to earlier drafts of the documents leading up to the public consultation.

We believe four key themes dominated the overall responses received from stakeholders, and many of these linked to specific issues you touched on.

Firstly, with hindsight, we did not focus enough on communicating our aims for the complaints process itself and our performance there. We referenced our recent Annual Report in the consultation document - this had significant detail on our work in that area, but you strongly reminded us that if this focus was not duplicated in the strategy it could look as if our work was skewed – I think we can rectify that immediately, as there is a firm commitment to improvement we laid out on the first page which we can easily add detail and context to. That commitment extends to trying to achieve legislative change to make the process more efficient. We will be submitting ideas for change to government in a formal paper in the late spring or early summer, and agree that focussing on reducing journey time is a key issue (with even six months potentially seeming a long time to some). We also note your comment on reducing the needs to, or causes of, complaints being a better way to phrase our aspiration in this area, and will make these changes.

We welcome your comments on the need for consumers to know they can make a complaint, and that we seek ways to reduce barriers to legitimate complaints being made. These are important aspects of our work which will continue to feature in our plans.

A second strand of comments was how much project work we undertake. Our operating plan had a similar number of projects and similar funding and staffing to the last two years, but in the context of the strategy it perhaps looked more substantive. We now have a great chance to add clarity in two ways – better describing the small scale of many projects and their value for solicitors and clients, and giving more overtly the link to the relevant statutory powers (something we removed in the final draft for the sake of plain English).

There are also some specific projects which received feedback and we are now going to reduce in scale, or remove entirely, from the 16/17 plan based on the helpful feedback. It may be we abandon these altogether, or if not it will at least mean they can be better discussed and evolved with stakeholders for a future plan. I'm still pleased we consulted on these, as in some of the areas we have been asked why we're not undertaking

work and we can now show we have considered it but there was consensus this was not a priority. We hope that reducing the total number of projects also shows we are listening to the respondents who raised this and that we agree that our complaints function remains our core focus.

Our Board felt one of the most surprising suggestions made was that it was not our job to contribute to debate on what standards and regulation should be. We have a bank of over 8,000 complaints, which lawyers, and consumers in their fees, have paid for and it says much about current approaches to regulation that this is not seen as a valuable resource to be mined for information to help future consumers. Some projects, like this work, will stay firmly on the agenda despite robust feedback from some.

We note your support on 'key facts' being available to consumers. We know from the complaints we handle there is often lack of clarity on fees and levels of service for the consumer – information may be provided, but is it clear, accessible, and easily understandable? Not everyone agreed this was a priority. No decision has yet been made, but even if we do not take this forward we would hope the sector sought to address this issue. The idea of understanding 'first tier' complaints was also debated – could it help improve customer experience and reduce the cause of complaints by better understanding trends and targeting through regulation? Or is it outwith our role? Our Board will consider this issue.

Finally, there was much discussion about some of the consumer focus and language, and whether projects went beyond our role. While our decisions on cases must be independent and impartial, those with less knowledge of the sector and legal process may need additional support to engage in the process. We were surprised at the lack of recognition that the new Consumer Panel, set up through government regulations to amend our Act, would have an impact on our approach and work. We see issues around consumer redress, clarity around fees and learning from complaints we believe need addressed. Making progress on these will save the sector and consumers money in the future. Even though not all the stakeholder responses in this area were positive, these are likely to remain strong themes of our work.

We are very pleased to confirm that the overall feedback, and your specific contribution, has made the SLCC reflect again, and we are now working on what we hope will be a significantly improved further draft which we would then like to discuss with you, giving you another chance to input before finalisation.

We are required by our statute to publish responses to our consultation by the end of the March. Our website will be updated on 31 March with the outcomes.

<https://www.scottishlegalcomplaints.org.uk/consultation>

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Stevenson', is positioned above the printed name.

Neil Stevenson
Chief Executive