

# Minutes Consumer Panel Meeting

**Tuesday 3 September 2024 (via Teams)**

## **Present**

Gillian Fyfe (GF), Citizens Advice Scotland (Chair)  
Tracey Reilly (TR), (Consumer Scotland)  
Chris Gill (CG), (University of Glasgow)  
Brendan McGinty (BM), (Competition and Markets Authority)  
Kirsten Urquhart (KU), (YoungScot)  
Louise Johnson (LJ), (Scottish Women's Aid)  
Jamie Wilhelm (JW), (Scottish Government - item 4 only)

Vicky Crichton (VC), (Director of Public Policy, SLCC)  
[Redacted name](Best Practice Advisor, SLCC)  
[Redacted name](SET representative, SLCC)

## **Introduction**

### **1. Welcome and apologies**

The Chair welcomed Mr Wilhelm and noted that all panel members were present.

### **2. Declarations of Interest**

No declarations of interest were necessary.

### **3. Approval of Minutes of 4 June 2024**

These were approved, subject to the correction of a typographical error in the list of attendees.

## **Discussion**

### **4. Regulatory reform**

Jamie Wilhelm (SG) gave an update on the Regulation of Legal Services (Scotland) Bill. He said that SG continued to engage with various stakeholders on potential amendments to the Bill around the complaint handling functions of the SLCC, the role of the Law Society and the title of "lawyer". SG had taken note of the Panel's concerns about its proposed expanded remit and future resourcing and was currently drafting amendments aimed at creating more certainty around its operations and funding. He did not have exact timelines, but anticipated that Stage 2 might commence within the next month.

GF asked JW to give more detail on the potential amendments and asked if the Panel would have sight of the SG proposals before they were tabled to the parliamentary committee. TR

added that since the overall structures also impacted on the Panel, it would be useful to see other amendments too, and stressed the importance of sufficient time to consider them properly. JW agreed that there were numerous amendments and he understood that the parliamentary committee was likely to be allocated more time than usual to deal with them. As soon as he knew the timeframes he would be happy to share them.

He briefly outlined SG's approach, which had assumed that savings achieved in other areas could be applied to the Panel's work. However, GF felt that was insufficient if there was no guarantee that these savings would materialise. She, and other members, highlighted that many of the current members worked in third-sector organisations, who were themselves stretched for resources and unlikely to be able to release their staff for a wider remit of the Panel. She also pointed out that the anticipated research obligations required proper funding. Also, the profession would need to understand and appreciate the impact of the expanded remit on the levy they paid to fund the SLCC. Members agreed that they appreciated the efforts of SG but remained concerned that the amendments now described would still not address the resourcing difficulties. TR pointed out that the closest comparative body, the Legal Services Board Consumer Panel, had a defined budget (later confirmed at around £125k) and guaranteed funding.

Members also asked for an update on how SG intended to deal with the future role of the Lord President's office, pointing out that the public would expect it to have accessible and transparent processes, which were not currently in place. JW replied that SG was mindful of the points raised in the public hearings and the need to strike a balance on the constitutional points, and the intention was that approaching this office would be only as a last resort. SG was looking into other mechanisms to promote accountability and transparency at earlier stages, including the ability for other bodies to request that suspected deficiencies be addressed, and obligatory annual reporting to parliament. Members thought the annual reports were unlikely to highlight failings. They pointed out that if the Panel were expected to make recommendations for reviews, this was another substantial task that also required to be resourced.

JW noted that SG had engaged also on the concerns around McClures, and asked if the Panel had seen any impact on the consumer experience or complaints. GF noted that the Panel only sees anonymised and aggregated figures from the SLCC due to confidentiality constraints. JW said that SG was considering whether amendments were needed to remove some of the restrictions on publication by regulators, where this would be in the public interest.

JW reiterated SG's willingness to engage with individual organisations. He also confirmed, as requested by the Panel, that he would feed back the points and concerns discussed at this meeting to the Minister. He then left the meeting.

The Panel agreed to write to the Minister and parliamentary committee, to reiterate their call for proper resourcing for the Panel's work, and to stress that whilst a proposed amendment placed an obligation on the SLCC to adequately resource the Panel, the profession might not be aware that this would currently have to come from their general levy. Even if there was any suggestion of ringfencing funds for the Panel, this would depend on what other resources were available for other SLCC functions. They also wanted to stress the need for

the Panel to run regular research programmes to address the shortage of reliable information that informed wider legal services.

#### **SLCC: Letter to Minister and Committee**

## **5. Child Friendly Complaints**

GF reminded members that SPSO had issued guidance on child-friendly complaint processes. The Panel was aware that the numbers of young people making complaints to the SLCC was low, but young people do access legal services, which indicated that they were potentially unaware of the existence and services of the SLCC. In a previous meeting, some members had suggested approaching the different agencies who were in direct contact with this sector, and GF wanted to hear from other members who had not been party to those discussions. The SLCC had also identified other potential areas where it needed to ensure its process for dealing with complaints from children were appropriate, including ensuring that due weight was given to their views and best interest, obtaining informed consent if adults were representing them, and support and advocacy involvement. GF noted thought these suggestions could equally be extended to complaints lodged by vulnerable adults.

KU welcomed the SPSO guidance, which aligned well with the UNCRC. This guidance was an excellent resource for practitioners, but she felt that the language used was still too complex for young people. She agreed that there was a need to raise their awareness of their own rights and processes to enforce them, as this would be a positive obligation in the future. She would be interested to see whether the publication of this guidance had an impact on the numbers of young people coming forward to the SLCC and other bodies with complaints. LJ said that it was also important to recognise the practical difficulties of making complaints about third parties, or in situations where this might impact on willingness of practitioners to continue giving their assistance to young people.

CG pointed out that the SPSO approach was focused on the process once complaints had been received and he wondered whether there had been engagement with the Children's Commissioner, who did have a more specific focus on ensuring access. KU said that YoungScot would be meeting soon with the Children's Commissioner and offered to make a connection, and some other organisations to approach were suggested.

Members made other suggestions and agreed that dissemination of information via these networks and social platforms would be beneficial. They agreed to wait for feedback before identifying whether the Panel wanted to make any specific recommendations to the SLCC on its approach.

#### **SLCC: Source feedback from other orgs to finalise approach**

## **6. Membership and meetings**

GF reminded members that the Panel needed to consider options for its future composition, given that both current members and other organisations who had been approached to make a contribution had difficulties with the level of commitment required, in view of their

own circumstances. GF also asked whether any members could take on the role of Vice-Chair, to ensure that the work of the Panel would not be held up if she had other commitments.

Members discussed possible organisations who might be approached and noted that the broad wording of the current Act potentially allowed for inclusion of academics, practitioners or other experts in the consumer field or access to justice space. They noted that there was no suggestion in the Bill that members would need to go through a public appointment process. They were unsure whether the membership of the Panel could be impacted if the power to call for reviews were to be included.

It was agreed that the Chair and VC would agree on wording to promote the Panel's work and approach those suggested.

CG agreed to take on the role of Vice-Chair. LJ offered support wherever possible.

### **SLCC: Approach likely candidates**

## **7. Service Experience Team**

[A member of the Service Experience Team (SET)] provided a verbal update. She had previously spoken to the Panel about "chill factors" affecting willingness to pursue complaints. SET was currently looking into situations where the lodging of a complaint had resulted in the solicitor withdrawing from acting. There were various reasons that might be seen as justifying or necessitating this approach. SET's initial thoughts were that, on the one hand, complainers should be notified that withdrawal might be the result of a complaint, but on the other hand the SLCC could provide more information and guidance, particularly to the smaller firms, on the circumstances where withdrawal was appropriate, and those where it was not necessary. The SLCC was limited in how far it could influence practitioners, but it would be interesting to see what impact the increased engagement on this point would have.

LJ said that the way people framed their complaints could have an impact too. If complainers could specify what they would have preferred to happen, this could result in more focus on the solutions, than on the way the complaint was initially framed. It was also important to bear in mind that poor communication was often linked to accessibility issues, and that the balance of power was generally skewed to the practitioner, who was likely to have a very different view on the seriousness of the complaint made. She thought it important to gauge from the public whether the SLCC could do more to assist this process as the project developed.

## **8. SLCC Feedback**

VC tabled the Q4 SLCC customer feedback report. GF noted an increase in the number of free-text comments in this quarter, and CG suggested that it could be useful to try to group these thematically under headings. He asked what the rationale was for reducing the scale of responses from 5 to 3 indicators. VC said that this contributed to making the surveys quicker, easier to complete and more focused, but she could enquire and report back on

whether there were other considerations applied. She noted that the SLCC had now included a request for ad hoc feedback on the website, which was attracting some responses.

## **9. Scottish Solicitors' Discipline Tribunal Consultation**

VC noted that the SSDT were consulting on the potential change to their standard of proof. Members approved the draft of the response from the Panel.

**SLCC: send final response**

## **Administration & AOB**

### **10. Updates**

- VC noted that TR and Jane Williams had published a blog post [Consumer experiences of legal services in Scotland](#) with links to the full YouGov report and data tables from their recent research with legal services consumers.
- The SLCC's consumer guides and information are now live on the '[For consumers](#)' section of the SLCC website.

### **11. Date of next meeting**

Tuesday 3 December 2024, 2pm, MS Teams