

Scottish Legal Complaints Commission  
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Sheila Scobie – Head of Devolved Nations  
Competition and Markets Authority  
45 Melville Street  
Edinburgh  
EH3 7HW

**Wednesday 30 March**

Dear Sheila,

### **Responding to your consultation submission**

Thank you for your letter in response to our consultation on strategy, budget and operating plan of 14 March 2016.

We believe four key themes dominated the overall responses received from stakeholders, and many of these linked to points you specifically raised.

**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.

In particular, we welcomed your specific comments on the importance of consumer redress within a market, and your observation that learning from complaints helps 'shine a light' on provider practice more generally, something we agree strongly with. We also note your comments about our 'customer journey' approach to analysing issues, and this will continue to guide our work.

**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.

One specific area you commented on was around the introduction of ABS. We value your comments about reviewing our approach over time, and would plan to do this, and your reminder that we must take care around the impact of fees on smaller providers and new entrants.

**Finally, there was much discussion about some of the consumer focus and language, and whether projects went beyond our role.** Your response was helpful in raising consumer issues, as overall there was a disappointing lack of comment in this area in the consultation responses. 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 also see issues around consumer redress, clarity around fees and learning from complaints (seeing the same issues happen time and again to clients and solicitors and costing them both in terms of our process does not seem wise where there may be a simple fix). 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>

We look forward to engaging on our work, and other issues. In particular we welcome your suggestion of a roundtable to consider the findings of your work in England and Wales, and what might be relevant to the Scottish market.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Stevenson', is positioned below the text 'Yours sincerely,'.

**Neil Stevenson**  
**Chief Executive**