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Convener  
Equalities, Human Rights & Civil Justice Committee  
The Scottish Parliament  
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Dear Convener

### **Research on the experience of using Legal Services in Scotland**

Consumer Scotland was pleased to give evidence to the Committee in relation to the *Regulation of Legal Services (Scotland) Bill*. When giving evidence we highlighted the need for an evidence led approach in assessing the effectiveness of regulatory frameworks. We also noted that Consumer Scotland was commissioning research to begin to address the evidence gap in relation to consumer experience in this market.

Our research fieldwork is now complete and we are in the process of reviewing findings. Although this process is still ongoing, we recognise that the research will be of interest to the Committee and to other stakeholders. As a result we have decided to share the preliminary, high-level findings from this research in order to inform the debate around the development of the current legislative proposals. A fuller report, providing full data analysis will follow later this year.

Around half of respondents told us they had experienced something in the last two years that indicated they may have needed legal support, although not all these people went on to access legal services. The most common reported experiences were buying, selling or re-mortgaging a property (known as conveyancing), and dealing with wills, power of attorney, and estates of people who have died, followed by an issue or dispute to do with employment, welfare, or benefits.

Almost a third of adults based in Scotland told us they had used legal services in the last two years, most commonly in connection with conveyancing (11%), powers of attorney or wills (both 7%).

Over a third (37%) of adults in Scotland have low levels of legal confidence, meaning they are not confident they can achieve good outcomes across a range of common legal scenarios. In addition, 24% of adults perceive the justice system in Scotland as being not very accessible.

Given these levels of confidence, it is important that when people do seek help, they are able to receive the information they need to make effective decisions about how best to resolve their issues.

When choosing a provider, less than a quarter of legal services users told us they had shopped around or compared providers. Despite most users not shopping around, more than two-thirds said that they had at least a fair amount of choice when deciding which legal service provider to use while a quarter felt they did not have much or any choice, and 6% said that they did not have any choice at all. When choosing providers, consumers relied heavily on recommendations and referrals from friends, family or other professionals. This suggests both that there may be room for the market to diversify, in terms of how services are provided, and that consumers may benefit from the development of new ways in which they can shop around or access and compare information about potential providers.

Users of legal services in Scotland generally have a high regard for legal services providers, viewing them as professional figures, more trustworthy than the average person. However, providers were also associated with being expensive and were not seen as being particularly empathetic or consumer-focussed.

A majority of people were happy with the level of service they received, especially in relation to quality and outcomes. However, our findings suggest that there is room for improvement on how information is provided in relation to governance and regulatory issues. Specifically there is room to improve understanding around what service users can do if they are unhappy with the service received, as many were not aware of, or failed to identify correctly, how any dissatisfaction or complaint could be raised. Notably, given the proposals contained in the current Bill, a majority of consumers said it was unacceptable for a professional body to hold both regulatory and representative roles, suggesting that a system which maintains a dual role for professional bodies may struggle to command public support. This emphasises the need for strong checks and balances to safeguard consumer interests.

We hope that this briefing will be of interest to the Committee, other MSPs and stakeholders within the sector. We would be happy to provide the Committee with any further information and will provide a copy of the full report to the Committee Clerks and to SPICe in due course.

Yours sincerely

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